

AALS EUROPEAN LAW SECTION

Forging Transatlantic Relations
December 2020, Issue 8



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Summary

Greetings! In 2020 the community of Europeanists in US legal academia has been grappling with yet another crisis that has tested with unprecedented harshness the resilience of legal and political structures of European countries and of the EU. The pandemic dimension of Covid-19 has made the world feel smaller, in turn rendering transatlantic relations ever more salient on both sides of the pond. The enormous reliance on digital communications made necessary by the shift to virtual learning has only deepened, if possible, scholars' interest in the legal structures of internet communication and in their shortcomings. Accordingly, thanks to the leadership of Kristen Barnes, this year the AALS Sections on European Law has joined forces with the Defamation and Privacy Law Section to develop a comparative program on **Data Protection Structures**. We look forward to a most interesting panel on January 5 at 1:15 pm (ET). In addition, on January 6 at 4:15 pm (ET) we are hosting a **Works-in-Progress Panel**, which as always allows emerging European law scholars to raise a variety of timely and crucial questions through their work (this year, EU mixed agreements after Brexit; gender aspects of refugee law; and the neoliberal architecture of gender equality in Europe). We are pleased to report that the 2019 AALS EU Law Section Panel on "Judicial Diversity in Transnational Courts," chaired by Mathilde Cohen, was published as a symposium issue in Volume 34 of the *Connecticut Journal of International Law* (2020), and we look forward to the research streams and publications resulting from our January 2021 Program.

AALS 2021 Annual Meeting: Joint Program of the Sections on European Law and Defamation and Privacy Law: Comparing Data Protection Structures in the European Union and the United States

The AALS Annual Meeting will be held in a virtual format on January 5 – 9, 2021. The joint program is scheduled to take place on January 5, 2021 at 1:15 – 2:30 pm (ET).

Panel Description

Data privacy, consumer rights, and the integrity of various political, financial, and health systems are pressing contemporary issues. With the explosion of social media, data breaches, surveillance, and unauthorized sharing of information between devices occur on a daily basis and raise troubling questions about the security of consumer information and legal protections. This session explores data protection structures in different jurisdictions. The panelists will offer comparative perspectives on approaches adopted in Europe and the United States concerning data collection and privacy. It has been two years since the EU implemented the General Data Protection Regulation. The time is appropriate to reflect on the GDPR, its goals, accomplishments, and limitations. In contrast to the EU, the U.S. follows a sectoral approach, deploying a variety of laws and regulatory bodies, at the federal and state levels, to address consumer privacy and data security. The Federal Privacy Act of 1974, the Federal Trade Commission, and the California Consumer Privacy Act of 2018 (CCPA) are examples of U.S. institutions and laws designed to deal with these issues.

The panel will explore questions including, but not limited to: Do these regulatory regimes function effectively to protect the personal data and privacy of individuals? Has the absence of a general consumer data privacy law at the federal level in the U.S. hindered its ability to adequately protect consumers? How is consent treated under the EU and U.S. regimes? What constitutional and other legal issues are present in data privacy debates? Are human rights addressed adequately? How has COVID-19 impacted data privacy matters?

Panelists

Stacy-Ann Elvy (University of California, Davis School of Law)
Margot Kaminski (University of Colorado Law School)
Oreste Pollicino (Bocconi University School of Law)
Neil Richards (Washington University in St. Louis School of Law)

Co-Moderators

Kristen Barnes (Syracuse University College of Law)
Randolph A. Robinson II (UIC John Marshall Law School)

At the end of this meeting, the European Law Section will welcome Paolo Saguato as incoming Chair, Vlad Perju as incoming Chair Elect, and Tracy Kaye as incoming Section Secretary.

AALS SECTION ON EUROPEAN LAW Works-in-Progress (WIP) Panel

EU Mixed Agreements under Brexit, Refugee Women, and Gender Equality in European Law

AALS Virtual Meeting, January 6, 2021, 4:15-5:30PM (ET)

Description: In this panel, scholars will present and receive feedback on work-in-progress papers pertaining to European Law covering a variety of topics. The legal impact of Brexit on the United Kingdom's participation in EU mixed agreements will be examined from EU and International Law perspectives. Gender disparities and gaps in the Common European Asylum System and the EU Qualification Directive will be analyzed. Finally, neoliberal influences on EU work-life balance measures and potential economic class effects will be critically evaluated.

Moderator: Kristen Barnes, Professor of Law, Syracuse University College of Law

Panelist: Yuliya Kaspiarovich, Visiting Scholar at New York University School of Law

Paper Title: *EU Mixed Agreements under the Stress of Brexit*

Discussant: Takis Tridimas, Pennsylvania State University School of Law – University Park

Panelist: Alexia Tizzano, Visiting Scholar, Boston University School of Law, and Fellow, Carr Center for Human Rights Policy, Harvard Kennedy School

Paper Title: *Why doesn't she seek international protection in the European Union?*

Discussant: Kristen Boon, Seton Hall University School of Law

Panelist: Ivana Isailovic, Assistant Professor, Amsterdam Law School

Paper Title: *Gender Equality as Investment: EU work-life balance measures and the neoliberal shift*

Discussant: Frank Emmert, Indiana University Robert H. McKinney School of Law

News

David Oppenheimer (University of California – Berkeley School of Law) is pleased to announce that the Stanford EdX webcourse that he teaches with Richard Ford (Stanford Law School) will be available for free after January 4, 2021.

Selected Section Members' Publications

Kristen Barnes (Syracuse University School of Law), *The Pieces of Housing Integration*, 70 CASE W. RES. L. REV. 717 (2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3659882

Kristen Barnes (Syracuse), *Reframing Housing: Incorporating Public Law Principles into Private Law*, 31 DUKE J. COMP. & INT'L L. __ (Forthcoming 2020)

Ashley Binetti Armstrong (New York University School of Law), *You Shall Not Pass! How the Dublin System Fueled Fortress Europe*, 20 CHI. J. INT'L L. 2 (2020)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3443667

Anu Bradford (Columbia Law School), *The Brussels Effect: How the European Union Rules the World* (2020)

Anu Bradford (Columbia Law School) et al., *Do Legal Origins Predict Legal Substance?*, J. L. & Econ. (forthcoming in 2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3521492

Anu Bradford & Adam Chilton, *Regulating Antitrust through Trade Agreements*, Antitrust L.J. (forthcoming in 2020)

Anu Bradford et al., *The Chicago School's Limited Influence on International Antitrust*, 87.2 U. Chi. L. Rev. 297 (2020), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3435097

Anu Bradford et al., *The Global Dominance of European Competition Law Over American Antitrust Law*, 16 J. Empirical Legal Stud. 731 (2019)

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3339626

Mathilde Cohen (University of Connecticut School of Law), *Judicial Colonialism Today: The French Overseas Courts*, 8 J. Law & Courts 247 (2020)

Mathilde Cohen, *Symposium Introduction: What Can We Learn from Transnational Courts About Judicial Diversity?*, 34 Conn. J. Int'l L. 278 (2020)

Paul Linden-Retek (University at Buffalo School of Law), *The Refugees We Are: Solidarity, Asylum, and Critique in the European Constitutional Imagination*, Ger. L. J. (forthcoming 2021),

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3349797

Paul Linden-Retek (Buffalo), *History, System, Principle, Analogy: Four Paradigms of Legitimacy in European Law*, 26 Colum. J. Eur. L. (2020),

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3608360

Ann Noel and David Oppenheimer (Berkeley) eds., *The Global #MeToo Movement*, 2020 Full Court Press.

David B. Oppenheimer, Sheila R. Foster (Georgetown), **Sora Y. Han** (Irvine) and **Richard T. Ford** (Stanford), *Comparative Equality & Anti-Discrimination Law*, 3rd Ed. (2020 Edward Elgar Publishing UK)

Paolo Saguato, (George Mason) *Financial Market Infrastructure: Law and Regulation* (Jens-Hinrich Binder & Paolo Saguato eds., forthcoming 2021)

Paolo Saguato, *Financial Regulation, Corporate Governance, and the Hidden Costs of Clearinghouses*, 82 Ohio ST. L.J. (forthcoming 2021)

Paolo Saguato, *The Unfinished Business of Regulating Clearinghouses*, 2 Colum. Bus. L. Rev. 449 (2020)