



## Workshop

### Opening the Black Box of Precedent and Case-Based Reasoning

January 18<sup>th</sup> – 19<sup>th</sup> 2019

*Juridicum, Schottenbastei 10-16 1010 Vienna, Top Floor*

**Friday, January 18<sup>th</sup>**

9:00 Registration and Coffee

9:30 Opening Remarks by the Dean *Paul Oberhammer* and the Organisers

First session: **Theoretical Frameworks of Precedent**

*Discussant: Emily Hancox*

10:00-10:20 The status of judge-made law in legal theory  
*Clemens Jabloner, University of Vienna*

10:20-10:40 Between a formalist and a realist jurisprudence in the EU  
*Nika Bačić Selanec, University of Zagreb*

Coffee Break

10:55-11:15 Precedent: from abstract theorizing to concrete application  
*Henrik Palmer Olsen, University of Copenhagen*

11:15-12:00 Discussion

Lunch

Second Session: **Reasoning with Previous Cases in Common and Civil Law**

*Discussant: Anna Wallerman*

13:15-13:35 Three models of reasoning with previous decision: how cases get connected  
*Jan Komarek, University of Copenhagen*

13:35-13:55 Precedents in Private Law – A Civil Law perspective  
*Georg Kodek, Supreme Court and Vienna University of Economics and Business*

13:55-14:15 Systematising 'Sound Bites'. On Databased Precedents  
*Julius Schumann, University of Vienna*

14:15-15:00 Discussion

Coffee Break

**Third Session: Reasoning with Previous Cases in International Tribunals***Discussant: Matthew Saul*

15:15-15:35	The Life Cycles of International Tribunals <i>Krzysztof J. Pelc, McGill University</i>
15:35-15:55	The role of precedents in ICC case law <i>Raphaëlle Nollez-Goldbach, École Normale Supérieure de Paris</i>
15:55-16:15	Looking forward! The European Court of Human Right's case based-reasoning <i>Amalie Frese, University of Vienna and University of Copenhagen</i>
16:15-17:00	Discussion

18:00 Dinner at 3 Hacken Magazin (1010 Vienna, Riemergasse 14)  
*Panelists and Discussants only*

**Saturday, January 19<sup>th</sup>****Fourth Session: CJEU's Reasoning with Previous Cases***Discussant: Vincent Reveillere*

9:00-9:20	Settled Case Law <i>Urska Sadl, EUI</i>
9:20-9:40	The Institutional and Linguistic Constraints of Reasoning at the Court of Justice of the European Union <i>Elna Paunio, CJEU and University of Helsinki</i>
09:40-10:25	Discussion

Coffee Break

**Fifth Session: Constructing Authority of Precedent***Discussant: Ulrich Wagrandl*

10:40-11:00	Precedent and the 'science of law' <i>Alexander Somek, University of Vienna</i>
11:00-11:20	The Sociology of International Precedent <i>Harlan Grant Cohen, University of Georgia</i>
11:20-11:40	Reconstructing Scholarly Authority in International Law <i>William Hamilton Bryne, University of Copenhagen</i>
11:40-12.25	Discussion

Closing Remarks and Lunch

To register for the conference please send an email to [julius.schumann@univie.ac.at](mailto:julius.schumann@univie.ac.at).