

## Call for papers:

Workshop and Special Issue on 'Trust in and between courts in the changing world of the 21st century'

17 November 2023

Erasmus University Rotterdam

### BACKGROUND

In a society governed by the rule of law, courts play an essential role. Yet, as the judiciary does not have an independent enforcing power to secure compliance, courts rely on (voluntary) public acceptance of and support for their role. For this to happen, society expects citizens to make a "leap of faith", that is to trust the judiciary. Citizens' trust in courts not only increases their willingness to turn to courts but also their level of compliance with courts' decisions.

Trust between courts follows a similar logic. Trust between national and intra/supranational courts is an indispensable factor for cooperation and compliance with the law. An example is the preliminary ruling procedure under EU law or requests for an advisory opinion under Protocol 16 of the European Convention on Human Rights. Turning to the CJEU or the ECtHR requires a certain level of trust in the supranational body.

Recent debates on the role of courts in the COVID-19 crisis, migration crisis, the rule of law crisis, abortion and other societal questions have put the topic of trust in courts in the spotlight. The courts task of building trust has become more difficult, making research on trust in, between and within courts more important than ever.

Furthermore, recent developments in the use of AI in judicial systems – e.g., the use of digital technologies in courtrooms and the switch to virtual courtrooms in the post-covid era, providing investigative assistance in the criminal field, automating and facilitating the decision-making, predicting the outcome of judicial decisions – have reignited discussions on the role of trust in courts. Trust, however, is a two-way street. Specifically, the questions raised are how the use of AI in courts will affect, on the one hand, public trust in "robot judges" and, on the other hand, judge's trust and acceptance of this new technology.

### OBJECTIVE

Against this background, this workshop aims to stimulate a dialogue on the role of trust in, between and within courts in the changing world of the 21st century. Examining different sides of trust would generate knowledge on the role of trust in generating support,

acceptance, compliance, and legitimacy. Furthermore, this workshop would address an important question of how to increase trust in automated decision-making, both of public but also of legal practice and judges themselves and what does this mean for courts and judicial systems in the 21<sup>st</sup> century.

## TOPICS OF INTEREST

This call invites papers addressing the role of trust in, between or within courts from either legal, political-, social-, computer-science perspective as well as from the perspective of data ethics and AI governance. Papers may address topics such as:

- The drivers and effects of citizens' trust in courts;
- The role of trust in courts during crises (covid-19, migration, the rule of law crises);
- The role of trust on judicial cooperation, more specifically, on courts' participation in the preliminary ruling procedure or the Protocol's 16 advisory opinion system;
- The role of trust in digital transformation of the court systems;
- Citizens', judges' and practitioners' trust in the use of AI technology in courts;
- The relationship between trust and court legitimacy;
- Exploring the mutual trust doctrine as developed by the ECtHR and the CJEU from the perspective of trust literature;
- Proposing practical solutions to increase trust in, between and within courts.
- Other topics on trust in courts are welcome.

## SUBMISSION GUIDELINES

If you are interested in contributing to the workshop and the Special Issue, please send a **short abstract** with an indication of the structure of your paper (max. 300 words), together with a **short biography** to [elr@law.eur.nl](mailto:elr@law.eur.nl) by **1 October 2023**. We will make a selection from the submitted abstracts to be presented at the workshop in November.

## TIMELINE

**1 October 2023: Abstract submission**

8 October 2023: Communicating the decision on selection

15 November 2023: Deadline to submit a draft paper (3,000 – 4,000 words)

**17 November 2023: Workshop** (date/time to be further specified depending on the number of participants)

31 January 2024: Submission of final papers for the Special Issue of Erasmus Law Review (8,000 words)

31 March Revisions/final papers are due for the Special Issue of Erasmus Law Review

April 2024: Expected publication of the Special Issue in Erasmus Law Review.



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## WORKSHOP

Workshop will be held on **Friday 17 November** at the Erasmus School of Law, Erasmus University Rotterdam. Participation is open to all researchers irrespective of the stage of their career. Submissions from practitioners or policymakers are also welcomed.

## COSTS

Accommodation costs will be covered for speakers up to 2 nights.

Travel costs will be reimbursed for the speakers up to 200 euros per participant.

There will be a group dinner organised for participants on Friday evening after the workshop.

## PUBLICATION OPPORTUNITY IN SPECIAL ISSUE OF ERASMUS LAW REVIEW

We perceive this workshop as the first step towards a joint publication, a Special Issue in Erasmus Law Review (ELR) Journal. ELR is an open-access journal that draws its Editorial Board from a range of departments of the Erasmus School of Law. Special Issues of ELR are particularly well-cited.

Based on the feedback received during the workshop, participants will be invited to resubmit their papers as contributions for the Special Issue on 'Trust in courts in the changing world of the 21st century'. The publication is planned in April 2024. The deadline for submitting a final paper to the Erasmus Law Review is 31 January 2024.

Law & Markets Department  
Erasmus Law Review  
Erasmus School of Law  
Erasmus University Rotterdam

Contact person:

Monika Glavina

[glavina@law.eur.nl](mailto:glavina@law.eur.nl)

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