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Universiteit van Amsterdam

Amsterdam Centre on the Legal Professions and Access to Justice



Newsletter | October- December 2021 | aclpa.uva.nl

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Dear ACLPA colleagues,

Below you will find the newsletter for the period October-December with a number of interesting activities, publications and developments – perhaps incomplete!

We hope you find this new format for the newsletter as successful as we do.

This will be the last ACLPA newsletter for this year. We wish you a Merry Christmas and a healthy and prosperous 2022 and hope to surprise you soon with a little something for the Christmas season.

Kind regards, also on behalf of the core team,

Lindsay and Mika

Upcoming Events



Broodje Toga (Internal): The role of the baliff | Friday 28 Jan| 15.30-16.30
Internal Broodje Toga meeting with Kasper Krzeminski & Nadja Jungmann speaking about their views on the role of the bailiff. You should have already received an Outlook invite. Further information will follow.

Broodje Toga (External): Disciplinary law for civil servants | N.t.b
External Broodje Toga meeting in response to the plea for disciplinary law for officials of Ybo Buruma and Frans Sijbers (Wladimiroff Advocaten). Further information will follow.

Confidentiality and the attorney-client privilege in corporate lawyering | Spring 2022 (N.t.b)
Conference in the spring on (the limits of) the right of nondisclosure in the corporate legal profession. Further information will follow.

Click here **to see all upcoming events**

New Employees

The ACLPA has recently welcomed a number of new members!

Kasper Krzeminski was appointed professor by special appointment in September, Linde Bryk is director of the Amsterdam Law Clinics, and Eva van der Graaf and Ljubiša Metikoš recently started as PhD students in the field of Digital Justice.

Please see their introductions below. Welcome everyone!



My name is Kasper Krzeminski. On 1 September I started as a professor by special appointment of Enforcement and Attachment Law, with a special focus on the position of the bailiff. In my research and teaching I focus on, among other things, fundamental legal protection in enforcement law, not only for the creditor who wants to enforce his rights, but also for the debtor against whom enforcement measures, such as attachment, are used. It is precisely the tension between the interests involved that makes enforcement law so interesting. After all, enforcement law revolves around the actual realization of law and the enforcement of judicial decisions. It is the final piece of civil justice and is essential for the proper functioning of the rule of law. The bailiff has a central role in enforcement and attachment law. That is why this position is central to my teaching assignment. At the same time, the field also affects the legal professions of judges and lawyers. I look forward to bringing these different (professional) perspectives on enforcement and attachment law together within ACLPA.



My name is Linde Bryk, since February 2020 I have been working at the UvA as program director Amsterdam Law Clinics. Before joining the faculty, I worked at a human rights organization in Berlin, at the European Rule of Law Mission in Kosovo and as a lawyer in the Netherlands. In our clinics, students work on real cases for real clients for a semester. This makes professional ethics of lawyers directly relevant. In the seminar that our clinic students attend, we therefore devote a lecture to Legal Ethics & Cause Lawyering. In the clinics we only accept matters that serve the public interest. This contributes to a holistic view of the law by our students: who serves this law, is the policy that follows inclusive, how can I use the law in a fair way? So, there are many similarities with ACLPA and I hope to work together a lot in the future. For example, on December 3, the Amsterdam Law Practice, together with ACLPA, organized a film screening of *The Mauritanian*, followed by a panel discussion about legal ethics, to be continued!

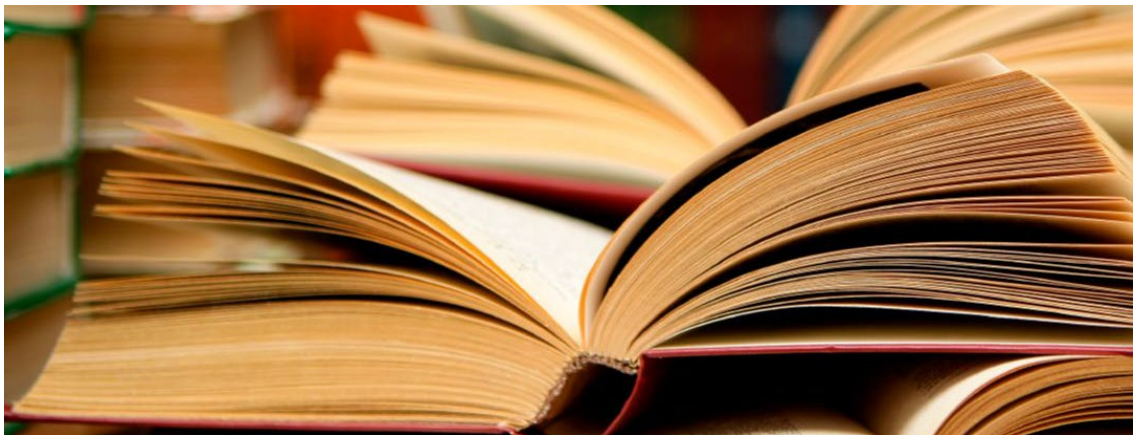


My name is Eva van der Graaf. In December, I started my PhD research in the field of Digital Justice. My research is about digitization and automation in the administration of justice. In doing so, I want to focus more specifically on the impact of automation on judicial decision-making, and analyze it from a (continental) philosophical perspective. My research will be supervised by Iris van Domselaar (ARL, ACLPA) and Joris van Hoboken (IViR).



Hello everyone, I'm Ljubiša, the new PhD student at the Department of General Jurisprudence and the IViR. I will start my research in the field of artificial intelligence and philosophy of law from January. In this research I focus on the phenomenon of the 'robot judge'. I will investigate how the automation of legal practice can influence the ethical side of legal decision-making. I use the work of legal philosophers such as Hart, Dworkin and Scholten. My promoters are Iris van Domselaar and Natali Helberger. I am very much looking forward to meeting you!

Educational Updates



Togaminor Final Conference

On 21 October, the 'final conference' was held for students of the Jurists in the Rule of Law course (part of the Togaminor), coordinated by Nienke Doornbos. The day started with a guest lecture by Mr. Christel Poelmans, Public Prosecutor of the Public Prosecution Service Den Bosch, on the theme 'Punishment with care'. Following the lecture, the students presented the findings of their observational research into the interpretation of legal principles in daily legal practice during various workshops.

Professional Ethics and Integrity for Lawyers

At the beginning of November, we started the course Professional Ethics and Integrity for Lawyers (Togaminor), coordinated by Iris van Domselaar. In this course, we pay attention to the importance of the constitutional and professional ethical frameworks of traditional legal roles (judge, lawyer and public prosecutor) and the social-psychological context in which core values should be given shape. Many thanks also to the ACLPA professors Miranda de Meijer, Diana de Wolff, Ruth de Bock for your wonderful work this year and thanks also go to Ruth de Bock and Sham Ahmed for their tutorial teaching.

As in previous years, the program has also included the 'Dilemma's of...' series, in which various 'toga wearers' talk about the (ethical) dilemmas they encounter in their profession. We are proud of the fine line-up of guest speakers who presented this year: Folkert Jensma (about what he sees as the most important task of lawyers); Judge Nathalie van Waterschoot ('Dilemmas of...'); Lawyers Eva González Pérex & Ellen Pasman ('Dilemmas of...'); Public Prosecutor Willem Nijkerk ('Dilemmas of...') Bart Jan van Ettekoven (Legal Tech); Martine

Neijerman & Soeradj Ramsanjhal (Diversity in legal practice).

In the week of December 13, the course will end with a film screening of *De Veroordeling* (Kriterion) for the students.

Legal Tech Lab

The Legal Tech Lab Course, coordinated by Rachel Rietveld, was runner-up for the Golden Hourglass for Innovative Education. Legal tech is a fast-growing development that stands for innovative, technological changes in the application and approach to law. Both the practical and ethical side of the digitization of law are central to the profession. Congratulations Rachel!

Professional Identity Learning Track

The kick-off meeting of the professional identity learning track in the context of educational innovation took place on 11 November. This learning track focuses on knowledge and awareness of the role and responsibility of a lawyer associated with different legal professions, the ability to recognize moral and ethical dilemmas based on these roles and responsibilities that legal questions may entail, and the ability to reflect.

During the meeting, Professor Julian Webb (University of Melbourne) delivered a guest lecture entitled 'Legal Ethics Education – Lessons from Abroad', in which he shared his views on education in legal professional ethics from his experience in Australia. If you are interested in his PowerPoint presentation, do not hesitate to email us.

Activities & Publications



ACLPA Blog

Soon, we will kick off a new blog series! Recently, an editorial team has been formed under the leadership of Rolf Ortlep, consisting of Rolf Ortlep, Fleur Brockhus, Mika Hermans and Lindsay Morehouse. More details will follow, but if you are already interested in writing a blog for us, you can contact Lindsay or Mika.

The first blog will be online soon – stay tuned!

Follow the ACLPA blog here!

Doubble-hatting Conference

The 'Double- hatting' conference (which took place last September) received a lot of media attention! We have placed an article on our website, in which we bundle various opinion pieces and look back on a great conference on interesting topics.

New works by Benjamin van Rooij

Benjamin van Rooij and Adam Fine wrote an opinion piece in the *LA Times* about the growth in murder rates in the US.

They also wrote a contribution in *The Progressie Magazine* about 'preventative justice', in response to their new book--*The Behavioral Code: The Hidden Ways the Law Makes Us Better or Worse*-- in which they discuss how law affects human behavior. The book provides insights into the various mechanisms by which legal rules counter harmful and illegal behaviour.

Benjamin also gave an interview about this in The Human Risk Podcast.

Finally, Benjamin and Adam have written several contributions to *Psychology Today*, a popular US journal on psychology, such as 'Behavioral Lessons From COVID-19 – What the pandemic teaches us about how to solve social challenges' and 'Why the Law Fails to Keep Us Safe – Science reveals how the law can shape human behavior'.

Liber Amicorum for Leonard Besselink

When Leonard Besselink left as professor of Constitutional Law, he was offered a *liber amicorum* as a token of appreciation. Rolf Ortlep made a contribution to this-- together with Jacobine van den Brink and Veerle van Waarde-- entitled 'Childcare allowance affair: the importance of connecting constitutional and administrative law first!'. Click here for the *liber amicorum*.

Blog post in *Review of European Administrative Law*

Rolf Ortlep, together with Melanie van Zanten, wrote a blog in the *Review of European Administrative Law* about conflicting ECJ judgments on the enforcement of final national decisions, in which they contrast the principle of primacy with the principle of national procedural autonomy.

The Person Behind the File

At the beginning of October, the research report into “problem-solving justice”, entitled “The person behind the file” by Nienke Doornbos and Romy Hanoeman, was published. This is an evaluation of the first pilot aimed at problem-solving criminal justice: the Eindhoven District Court. The evaluation shows that the person-oriented approach, which is aimed at people with problems in several areas of life, is effective. The cooperation with judicial chain partners and organizations from the social domain is also going well. However, focusing on a neighborhood turned out to be more difficult than previously thought and requires further thought. The report also offers theoretical insights and a reflection on the role of the judge. The Eindhoven District Court pilot has been extended partly as a result of the results of the investigation. The research report can be read here.

The report appeared in the media, see Mr. and ED. As a result of their research, Nienke and Romy have also written an article in the NJB.

Finally, a meeting on the subject of problem-solving district justice was held on 16 November in the academic-cultural center Spui 25. Nienke and Romy gave a presentation about their research findings; then there was a panel discussion consisting of an academic, two judges and a prosecutor. The meeting was led by Benjamin van Rooij and can be viewed online here.



Broodje Toga
A hybrid Broodje Toga meeting was held on 15 October, in which Marc de Werd discussed the theme 'Judging in Times of Crises'. A number of employees took part, and enjoyed a sandwich, at the faculty, while a number of employees also attended the meeting from home.

Rule of Law in Europe Conference

On December 9, Marc de Werd gave a presentation at the 'Rule of Law in Europe' conference in Lisbon. The core problem discussed is the (un)workability of the case law of the CJEU that it has created in response to the rule of law crisis in Poland. A good idea seems to turn out badly, he fears,

and leaves a number of important new tasks for national judges. His presentation can be viewed here.

ACLPA x Amsterdam Law Hub Podcast

In the latest podcast series from the Amsterdam Law Hub, Rachel Rietveld, Rolf Ortlep and Iris van Domselaar talk about the Dutch Childcare Benefits Affair. They deal with this theme from different disciplines: from the role of technology in this affair to that of courts, the legal professional ethics involved and how we as a law faculty should respond to this. The podcast can be listened to on Spotify (Amsterdam Law Hub Podcast), see here.

More about the *Toeslagenaffaire*

We have also posted an article on our website, since the report on the Allowances affair, 'Unprecedented injustice', is still resonating. In the article you can read some contributions from ACLPA employees to the discussion about the Benefits Affair.

Tamara Butter in the *NJB*

An article by Tamara Butter was published in the *NJB*, in which she analyzes the decision-making of asylum lawyers with regard to the practice of 'stretching' in so-called 'hopeless cases', which is controversial in immigration law. Using an analytical framework consisting of four approaches, Tamara wants to show that there are different ideas about the role of the asylum lawyer. Her contribution can be read here.

Contributions in *Ars Aequi*

The December issue of Ars Aequi pays special attention to two contributions from ACLPA employees:

Diana de Wolff discusses the rules, supervision and the right of nondisclosure with regard to trust accounts. Some abuses are also mentioned and she makes suggestions for better regulations.

Nienke Doornbos and Romy Hanoeman talk about their research and specifically discuss the consequences that problem-solving district level justice

has for the social legal profession.

Plenty to read during the holiday break!

New article in *Disciplinary Law Magazine*

Gerrit Jan Pulles recently published an article in the *Disciplinary Law Magazine* entitled 'The proper administration of justice, core objective or concrete standard of conduct?'

Iris van Domselaar in Rechtspraak.nl

A contribution by Iris van Domselaar appeared on Rechtspraak.nl, in which she talks about three challenges that she sees, from her field of expertise, for individual civil servants who are confronted with dilemmas related to work ethics and integrity. What prevents officials in each of the state powers from "pressing a red button" when the relationship between the vulnerable citizen and the law threatens to come under pressure?

Access to Digital Justice: In search of an effective remedy for unlawful content online

Anna van Duin and Naomi Appelman have written a paper entitled 'Access to Digital Justice: In Search of an Effective Remedy for Unlawful Online Content', which will be published shortly and was discussed during the faculty seminar on December 2 at 12:00 hours. In this paper, they address the issue of access to justice for people who are personally confronted with harmful content on platforms and websites.

On December 8, Anna and Naomi presented their paper during the Digital Legal Talks 2021.

Judicial Character in Hard Times

On December 2, Iris van Domselaar (online) gave a keynote address on Judicial Bravery in Gdańsk as part of a lecture series on “Judicial Character in Hard Times” organized by Tomasz Widlak. Iris is deeply impressed by the courage of many Polish judges and believes that the Polish judges deserve all the support

from Europe.

The Employment Lawyer, An Octopus

On November 10, Diana de Wolff was a keynote speaker at the conference 'The employment lawyer, an octopus', a meeting devoted to the professional ethical challenges of the employment lawyer. The meeting was organized by the Association of Employment Lawyers in the Netherlands (VAAN), and was attended by 200 members of the association.



The Mauritanian

On December 3, the ALP and ACLPA organized a screening of the film *The Mauritanian* at Kriterion. The film was followed by a Q&A with Linde Bryk & Iris van Domselaar on the legal ethical issues surrounding the Torture Memos and around assisting terrorist suspects.

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