



THE CONSTITUTION IN TRIAL COURTS: LAW, HIERARCHY, AND DEMOCRACY

January 3-5, 2017

Bar-Ilan Law Faculty Building 306, Room 200 (2d floor)

PROGRAM

Tuesday, January 3, 2017

14:15 – Get-together, registration, refreshments

14:30 – Greetings and introduction

15:00-16:15 – Session 1: *Ideological Influences on Governance and Regulation: The Comparative Case of Supreme Courts*

Keren Weinshall-Mergel, Hebrew University Faculty of Law

Comment: **Joshua Fischman**, University of Virginia Faculty of Law

16:15-16:30 – break

16:30-17:45 – Session 2: *Intercircuit Splits on the Courts of Appeals*

Deborah Beim, Yale University Department of Political Science

Comment: **Keren Weinshall-Mergel**, Hebrew University Faculty of Law

17:45-18:00 – break



18:00-19:45 – *Book*

Club: Amalia D. Kessler, *Inventing American Exceptionalism: The Origins of American Adversarial Legal Culture, 1800-1877* (YUP, forthcoming 2017)

Chair: **Michal Alberstein**, Bar-Ilan University Faculty of Law

Author: **Amalia Kessler**, Stanford Law School

Discussants: **Eli Cook**, Haifa University Department of History

David Schorr, Tel Aviv University Faculty of Law

20:15-22:00 – Dinner in Tel Aviv (for participants) - *details TBA*

Wednesday, January 4, 2017

9:30-10:00 – Get-together, refreshments

10:00-11:15 – Session 3: *How to Interpret the Law in Conformity with the Constitution*

Matthias Klatt, University of Graz Faculty of Law

Comment: **Amnon Reichman**, Haifa University Faculty of Law

11:15-11:30 – Break

11:30-12:45 – Session 4: *The Canon of Rational Basis Review*

Katie Eyer, Rutgers Law School

Comment: **Adam Shinar**, IDC Herzliya School of Law

12:45-14:00 – Lunch

14:00-15:15 – Session 5: *Title TBA*

Joshua Fischman, University of Virginia Faculty of Law

Comment: **Deborah Beim**, Yale University Department of Political Science

15:15-15:30 – Break



הקרן הלאומית למדע
ISRAEL SCIENCE FOUNDATION

Research Workshop of the Israel Science Foundation



Bar-Ilan
University

15:30-16:45 – Session 6: *Trial Courts, Constitutionalism and EU Security Regulation*

Ester Herlin Karnell, VU Amsterdam Faculty of Law

Comment: **Iris Canor**, The College of Management School of Law

16:45-17:00 – Break

17:00-18:30 – Methodology Round-Table: How to Write a Trial Court Opinion?

Moderator: **Paul R. Gugliuzza**, Boston University Law School

Participants: **Ester Herlin Karnell**, VU Amsterdam Faculty of Law

Hon. **Itai Hermelin**, Tel Aviv Magistrate Court

Hon. **Dori Spivak**, Tel Aviv Regional Labor Court

18:15-19:00 – Light dinner

19:00-21:30 – Movie Night: Gett: The Trial of Viviane Amsalem (2014)

Screening and conversation with director **Shlomi Elkabetz**

Thursday, January 5, 2017

9:30-10:00 – Get-together, refreshments

10:00-11:15 – Session 7: *The Platonic Conception of the Constitution: Israeli Constitutionalism as a Test Case*

Iddo Porat, College of Law & Business School of Law

Comment: **Doni Gewirtzman**, New York Law School

11:15-11:30 – Break



Session 8: *Reclaiming Federal Regionalism*

Yishai Blank & Issi Rosen-Zvi, Tel Aviv University Faculty of Law

Comment: **Paul R. Gugliuzza**, Boston University Law School

12:45-14:00 – Lunch

14:00-15:30 – Session 9: *The Trial Courts' Constitution: Evidence from Israel*

Ori Aronson, Bar-Ilan University Faculty of Law

Comment: **Alon Harel**, Hebrew University of Jerusalem

15:30-16:00 – Break

16:00-17:30 – *Methodology Round-Table: How to Read a Trial Court Opinion?*

Moderator: **Shiri Regev-Messalem**, Bar-Ilan University Faculty of Law

Participants: Hon. **Daphne Barak-Erez**, Supreme Court of Israel

Doni Gewirtzman, New York Law School

Shahar Lifshitz, Bar-Ilan University Faculty of Law

17:30-18:00 – *Conclusion*

* * *

Conference organizer: Ori Aronson, ori.aronson@biu.ac.il