

# 1st Michele Taruffo Girona Evidence Week

**Title:** Evidence Matters for Access to Justice

**Language:** English, Spanish

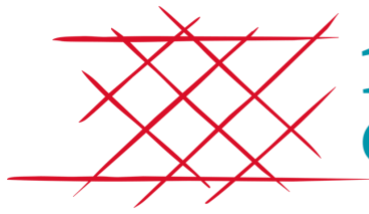
**Organizers:** Edgar Aguilera (UDG), Carlo Vittorio Giabardo (UDG), Marco Segatti (UDG)

**Topic:** The workshop intends to discuss the relevance of evidentiary matters for access to justice, underscoring the value to the access to justice scholar of focusing on how evidence is adduced, exchanged and evaluated within and beyond formal proceedings at law.

Conversely, the perspective of access to justice shall contribute to evidence scholarship as well, by showing the relevance of evidence law well beyond formal proceedings at law.

As such, the workshop lies at the intersection of, and welcomes contributions from, several disciplines and areas of law – including legal and political philosophy, epistemic justice, criminal and civil law, the application of precautionary measures and injunctive relief in both criminal and civil proceedings, collective redress in civil proceedings, and ADR.

**Relevance:** Ever since the pioneering contributions of its founding fathers, the rationalist conception of evidence has always expressed concern and shown interest in access to justice, and the value of protecting substantive, as opposed to merely formal, equality in both civil and criminal trials. Indeed, the value of truth as the preferential aim of legal evidence (arguably a key tenet of both Beccaria and Bentham's theorizations, and of the rationalist tradition as a whole) has often appeared in larger political arguments, which purportedly establish connections between the epistemic quality of legal proceedings (i.e., their ability to produce factually accurate decisions) and the protection and enhancement of the rule of law, of democratic deliberation as a whole and even equal respect and concern for all in social and political practices.



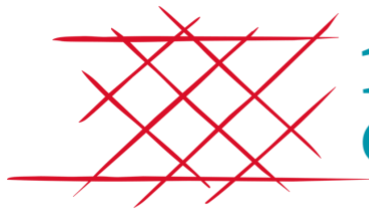
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This workshop intends to critically discuss and explicitly identify these connections, by looking at areas, which have been traditionally thought to be at the frontier of evidence scholarship.

A list of possible topics include, for example, the use of precautionary measures in either criminal or civil proceedings; the effect of collective redress on evidentiary practices; the probative value and use of recidivism in criminal proceedings; the use of evidentiary techniques (like pre-trial discovery) as incentives to settlement, and within ADR more generally.

## **Call for Papers:**

Anyone who is interested in participating to the workshop should send an email to [segattimr@gmail.com](mailto:segattimr@gmail.com), along with an abstract and a short bio, before the 1<sup>st</sup> of February 2022. All proponents shall be notified shortly thereafter. We shall accept proposals in anyone of the official languages of the Congress (English and Spanish).



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## **Name of participants**

**Organizers:** Edgar Aguilera, Carlovittorio Giabardo, Marco Segatti

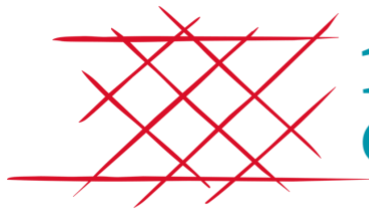
**Speakers:** Dr. Edgar Aguilera, Dr. Carlovittorio Giabardo, Dr. Marco Segatti, Dr. Eduardo Oteiza, Dr. Luca Passanante, Dr. Carmen Vazquez.

## **Biographies**

Dr. Edgar Aguilera is currently a post-doc researcher at the University of Girona (where he was a visiting professor for 3 years). He is a member of the editorial board of *Quaestio Facti*, international journal on evidential legal reasoning, co-coordinator of the on-line course *The basis of evidentiary legal reasoning* offered by the University of Girona, and part of the teaching staff of the master's program on evidential legal reasoning offered by the Universities of Girona and Genoa. He holds a PhD in legal philosophy from the National Autonomous University of Mexico, and has written extensively on legal epistemology and evidential legal reasoning.

Dr. Carlo Vittorio Giabardo is currently a Postdoctoral Researcher in the area of Legal Philosophy at the University of Girona Law School, where he has previously been a "Juan de la Cierva" Fellow (2019 - 2021). He also held a Visiting Professor position at the School of Law of the Pontifical Catholic University of Lima, Perú. He obtained a PhD in Law from the University of Turin (Italy). His research interests encompass civil justice, comparative law and dispute resolution mechanisms at large.

Dr. Marco Segatti is a post-doc researcher at the University of Girona, where he teaches courses in legal and political philosophy, and in conflict resolution. He holds doctorates in law from the University of Bologna and the University of Chicago, and an LLM degree from Harvard Law School. He has published papers in English, Spanish, Italian on access to justice, civil procedure as well as in legal and political philosophy and is currently working on a monograph on the value of equality in access to justice.

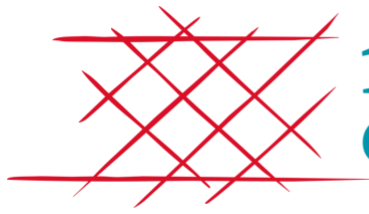


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Dr. Eduardo Oteiza is Full professor and director of the master's program at the National University of La Plata (Argentina). He was a Jean Monnet Fellow at the European University Institute and visiting researcher at the Universities of Bologna, Catania, Medellín, Yale, York, Pompeu Fabra, Genova, Turin and Lima, among others. He was president of the Ibero-American Institute of Procedural Law (2014-2018) and of the Argentine Association of Procedural Law (2012-2014). He is president of the International Association of Procedural Law (2019). In 2016 he received the Year Award from the "Enrico Redenti" Foundation. He is co-director (with Michele Taruffo, Jordi Nieva Fenoll and Daniel Mitidiero) of the collection "Proceso y Derecho", of the editorial Marcial Pons. He is the author of books and collections.

Dr. Luca Passanante is Full professor of civil procedure at the Università di Brescia, where he teaches Civil Procedure, Comparative Civil Justice and ADR. PhD at the University of Bologna, he was visiting scholar in Edinburgh, Cambridge and Oxford. He is lecturer at the Higher School of the Judiciary and has been speaker at various seminars and congresses in Italy and abroad. He's a member of the Associazione Italiana tra gli Studiosi del Processo Civile, of the International Association of Procedural Law, of the Instituto Brasileiro de Direito Processual and of the Italian British Law Association. He wrote three books and several articles on civil procedure and evidence. Among others: *Dell'assunzione dei mezzi di prova in generale*, in Taruffo (a cura di), *Istruzione probatoria*, Zanichelli, Bologna, 2014; *La prova illecita nel processo civile*, Giappichelli, Torino, 2017; *Illegally obtained evidence in civil procedure: a comparative perspective*, in *Evidence in the process*, Atelier, Salamanca, 2018; *Per la difesa dell'onere della prova*, in Saccoccio-Cacace (a cura di), *Europa e America Latina. Due continenti, un solo diritto*, Giappichelli–Editorial Tirant Lo Blanch, Torino–Valencia, 2020.

Dr. Carmen Vazquez is Professor of philosophy of law at the University of Girona and researcher at the Chair of Legal Culture at the same university. She has



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conducted research stays at the Instituto de Investigaciones Filosóficas (UNAM), the University of Miami, Northwestern University and the University of Nottingham. She has participated in different research projects in Spain and in multiple academic events in Europe and Latin America. Her publications include “De la prueba científica a la prueba pericial” (2015), “Less probabilism and more about explanationism” (The International Journal of Evidence and Proof); “Técnica Legislativa del feminicidio y sus problemas probatorios” (DOXA, 2019); “La prueba pericial en la experiencia estadounidense. El caso Daubert” (Jueces para la democracia, 2016); “El perito de confianza de los jueces” (Análisi e Diritto, 2016); “La admisibilidad de las pruebas periciales y la racionalidad de las decisiones judiciales” (DOXA, 2015), amongst others. She has edited “Estándares de prueba y prueba científica” (2013) and co-edited “Debatiendo con Taruffo” (2016) “Del derecho al razonamiento probatorio” (Marcial Pons, 2020) and “El razonamiento probatorio en el proceso judicial. Un encuentro entre diferentes tradiciones” (Marcial Pons, in press). She is co-translator of “Verdad, error y proceso penal” (2013) by Larry Laudan and translator of “Perspectivas pragmatistas” (2020) by Susan Haack. She is a member of the “Quaestio Facti. International Journal on Evidential Legal Reasoning” editorial team.