

CONFERENCES AND REPORTS

The second year of a doctoral private law conference called Civilistické pábení, this year on Representation, Prague, 19th June 2020

The Faculty of Law, Charles University, Prague, hosted a doctoral conference called Civilistické pábení for a second year on 19th June 2020 that has been commenced in 2019, of **conferences for doctoral students with specialization in private law**, concentrating on issues of civil law, including civil procedure and intellectual property, commercial law, private international law, European law, non-fiscal financial law, labour law and related fields. The conference is to become a platform for doctoral students to share their research with their peers as well as with their teachers. The research aspect, as vital as it is, is only a part of the scope and aim of the conference, the other aspect of the conference is networking. The conference is to help to connect professionally in this stage of the career of young aspiring researchers as well as it is to enable the attendees to form possibly some friendly relations between them. To help this happen, the conference has been planned with several less formal parts. The conference has been organised by the Department of Civil Law as the primary and general venue of private law of the Faculty of Law, Charles University, Prague.

The title of the conference Civilistické pábení is to resemble one of the noted literary figures, Bohumil Hrabal, who is the graduate of the Faculty of Law, Charles University, Prague, and is said to be the author of the term “**pábení**”. In the context of private law, the notion of “pábení” relates to the narration of private law, to a free-flowing speech on the ordinary and mundane aspects of individuals and their lives, that the private law in general regulates. The result of such narration can be extraordinary, shedding light on a precise analysis of the object of the regulation and the law as well and providing enlivening synthesis. Therefore, the vital part of this format of the conference is not only the presentation of the research in front of the auditorium but also the questioning and debating the issues afterwards in a rather relaxed free and open discussion.

This year the efforts to organise the conference for a second year were somewhat disrupted by the **COVID-19 crises** that had led to changing the initial date of the conference as the conference was intended to become an April conference. As a result, the conference became the first one after the COVID-19 crises to take place at the Faculty of Law, Charles University, Prague, in person. Despite the circumstances, the conference brought the attention of nearly 30 doctoral students from the faculties of law in the Czech Republic (Prague, Pilsen, Olomouc) as well as from Slovak faculties of law (Bratislava, Trnava).

The conference centred its focus on the overarching theme of **Representation**. As the first year of the conference was aimed on the legal action both in civil law and civil procedure, the representation seemed like an indirect continuation. Representation itself has multiple facets when viewed from different angles: from the person being represented or the person that is representing, from the view of the content of the representation or from the point of issues related to the power of attorney and its usage in civil procedure. As for the research, it is a great theoretical topic, as the conference has shown, and a very practical one as well.

Concerning the agenda of the 19th June 2020 in general, the conference was divided into three parts, two mornings and one afternoon section, where each section had a unifying motif. In the morning, the conference revolved around a **power of attorney** (mainly questions of independence of attorney, substitution, the ambiguity of power of attorney and artificial intelligence) and **particularities of the representation of natural persons** (e.g. during an induced abortion or in case of disabled persons). In the afternoon, the theme of **particular aspects of**

representation of various persons such as an administrator of insolvency or representation of insurance company was discussed.

The conference was solemnly opened by **Professor Jan Kuklík**, the Dean, **Professor Jan Dvořák**, the Head of the Department of Civil Law, and by **Associate Professor Alena Macková**, Department of Civil Law, all from the Faculty of Law, Charles University, Prague. Professor Jan Kuklík appreciated that the conference aimed on doctoral students and stated that such an opportunity to meet and discuss the research provides a venue for doctoral students that is always desirable. Professor Jan Dvořák has wished to the conference all the best and has discussed the issue of representation as one of the utmost topical issues of civil law and concentrated on the fiduciary aspects of representation and issues of trust. Associate Professor Alena Macková concluded the opening ceremony by stressing that to preserve traditions is even harder than starting them. Then she discussed the issue of revocation of a power of attorney.

After those initial words of welcome and wishes to the participants, the first contribution to the discussion was presented by **Assistant Professor Miroslav Sedláček** who gave a speech on *Deliberation on the mandatory representation of a party in civil procedure*. In his presentation, the author dealt with the essence of the mandatory representation of participants in civil proceedings, the current legislation, as well as presented variants of a possible changes de lege ferenda. He concluded that the subject of the mandatory representation is a legally complex issue, but very topical and debatable.

Subsequently, **Tomáš Střeleček** presented his research on the topic of *Substitution in civil procedure*. He has stated that the substitution has not been carefully analysed yet and that the question of permissibility of substitution (substitution of the representative *in substitutio*) is not argued either way. In his contribution, he advocated that the substitution is permissible in private law in general and in case of attorneys in particular due to the special legislation granting any attorney (also *in substitutio*) the right of substitution.

Contribution by **Assistant Professor Petr Navrátil** was delivered on *the Judgement of the Court of Justice of the European Union in case C-515/17 P Uniwersytet Wrocławski: what level of independence is required from an attorney in law?* He discussed different levels of independence of attorneys in various member states of the European union as the degree of institutional closeness of the attorneys to the courts varies. As attorneys have common aim, therefore their independence, not necessarily absolute, is crucial.

Subsequently, **Jan Hořeňovský** delivered a paper on *Artificial Intelligence as a substantial and procedural subject in civil law with respect to representation*. In this report, artificial intelligence and possible reactions of the law were discussed concerning the topic of representation.

To mention other contributions from the conference, **Jan Hájek** gave a speech on *Ambiguity of power of attorney as an impediment of filing*, **Dominika Novotná** presented her research on *Statutory representation in case of induced abortion*, **Ondřej Šmat** delivered a speech on *Representation of legal person by a curator on the basis of a court decision* and **Jan Langmeier** had a contribution on *Representation of administrator of insolvency during exercise of this duties*. Also **Zuzana Durajová** presented her research on *Supported decision making of persons according to Art. 12 of Convention on rights of persons with a medical disability and its impact on legislation on representation of persons with a mental health disorder*, **Tereza Mališová** spoke on the topic of *Application of § 1112 of the Civil Code on acquiring the pledge on res aliena in case of representation* and finally, **Alexander Kult** delivered his paper on *Actions of insurance agent representing the insurance company and the client*.

The conference was concluded with the award of a **prize called Civilistický pabítek** for the best presentation of research at the conference. The winner of the prize was **Adam Jareš** from the Department of Civil Law, Faculty of Law, the University of West Bohemia in Pilsen. His contribution was delivered on the topic of *Authorized electronic signature on a power of attorney*. In his speech, he has analysed distinguishing features of such electronic legal action from non-electronic one, stressing especially the trust vested into such legal actions.

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