

CONFERENCES AND REPORTS

Report from the memorial of Professor František Zoulík

On Thursday, 23rd March 2023, the Department of Civil Law of the Faculty of Law of Charles University organized the *František Zoulík Memorial – Civil Law Procedure Symposium* on the occasion of the significant double anniversary of the eminent Czech proceduralist, civil lawyer, legislator and attorney **Professor František Zoulík**. More than 30 participants of all legal professions have attended the event. In addition to prominent academic speakers representing the universities, the Supreme Court judges, attorneys and bailiffs also participated in a very interesting discussion. The whole conference was hosted by **Assoc. Professor Petr Smolík**, and **Dr. Bohumil Dvořák**.

The introductory speech was held by **Professor Alena Winterová**, who introduced Professor František Zoulík, whom she met during his time at the Department of Civil Law of the Faculty of Law of the Charles University, with whom she was not only colleagues but also friends. **Assoc. Professor David Elischer**, Head of the Department of Civil Law of the Faculty of Law of Charles University, followed up on her speech and reminded the participator of Prof. Zoulík's reflections on private law recodification and his so-called "legislative dreams" and therefore reflected on the missed opportunities in this context.

In the first block of the memorial, concentrating on the basic questions of civil discourse, contributions were made by **Dr. Bohumil Dvořák**, who spoke about the essence and position of procedural law, focusing on the concept of procedural law prof. Zoulík and then on the relation between procedural and public law and its practical consequences. This was followed by the speech of **Dr. Renáta Šínová**, who focused on the question of whether there is still a distinguishing criterion between disputed and non-disputed proceedings today? The entire block was then concluded by the contribution of **Dr. Zdeněk Pulkrábek** of the Civil law department of Faculty of Law of Masaryk University, who spoke about the so-called hidden constitutive decisions. He came up with the idea that the constituting should be explicitly stated in the sentence, but in judicial practice, not only Czech, but also German or Austrian ones, a person can encounter a phenomenon that can be characterized as "hidden" or "implicit" constitutive judgments. **Assoc. Professor Petr Lavický**, who is the head of the of Civil procedural law department of Faculty of Law of Masaryk University, has raised the question of whether the plaintiff has a right to choose how the court should legally assess his claim. He concluded his contribution with the opinion that the answer to this question depends on the conception of the subject of the dispute.

Another important issue of civil law was addressed by **Dr. Tomáš Pohl**, who spoke on the subject of Limits of the protection of the obligee in execution and execution proceedings, thereby trying to raise a discussion about whether there is a degree of increasing of the limit for the protection of the obligee? He criticized the fact that the boundaries of the obligee are increasing at the cost of the beneficiary, who hopes in good faith that his enforcement title will help him to recover what is rightfully awarded to him, that is, he believes in the principles of the rule of law.

At the end of the symposium, **Assoc. Professor Petr Smolík**, who presented his opinion on the subject of Bankruptcy Law of the 21st century - with or without creditors, who focused in particular on the idea of whether the creditor is really a mandatory subject of insolvency proceedings nowadays. In this context, the contribution also focused on changes in the Insolvency Act and a comparison of these debt extension and changes to the advantage of the creditor. This concluding speech was followed by a rich discussion on the ideas presented.

Simona Úlehlová*

* JUDr. Simona Úlehlová, Department of Civil Law, Faculty of Law, Charles University in Prague, Prague, Czech Republic. The present report was created under the Cooperatio research project of Charles University in Prague, research area Law.