

Elaine MAK

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ACADEMIC EXPERIENCE

- Sept 2009-present** Associate Professor of Jurisprudence, Erasmus School of Law, Rotterdam
Subjects taught: Introduction to Dutch Law, Legal Methodology, Legal Ethics, Constitutional Law, Advanced Public International Law II, Ph.D. course Introduction to Methods of Legal Research
Management tasks: Dean of Ph.D. candidates at Erasmus School of Law, Director of subprogramme III of the ESL research programme Rethinking the Rule of Law: Rethinking the Judicial Guarantee of the Rule of Law in a Globalising and (De)juridifying Legal Context
- Feb 2008-Aug 2009** Assistant Professor of Jurisprudence, Erasmus School of Law, Rotterdam
- Feb 2004-Jan 2008** Ph.D. candidate, Erasmus School of Law, Rotterdam

HIGHER EDUCATION

- 2004-2008** Ph.D. in Law, Erasmus University Rotterdam, thesis defended on 24 January 2008 (cum laude (the highest *judicium* in the Dutch system))
Title: De rechtspraak in balans. Een onderzoek naar de rol van klassiek-rechtsstatelijke beginselen en 'new public management'-beginselen in het kader van de rechterlijke organisatie in Nederland, Frankrijk en Duitsland (A Balanced Judiciary. The role of checks and balances and of new public management principles with regard to the judicial organisation in the Netherlands, France and Germany)
Supervisor: Prof. Marc Loth (Erasmus School of Law)
Other members of the thesis committee: Prof. Otto Pfersmann (Université de Paris 1 Panthéon-Sorbonne), Prof. Wilhelmina Thomassen (Erasmus School of Law), Prof. Roel de Lange (Erasmus School of Law)
Research Prize 2008, Erasmus University Rotterdam
Thesis Prize 2009, European Group of Public Law
- 2002-2003** D.E.A. de Droit Public Comparé des États Européens, Université de Paris 1 Panthéon-Sorbonne (mention assez bien)
- 2001-2002** LL.M. de Droit Français et de Droit Européen, Université de Paris 1 Panthéon-Sorbonne (mention assez bien)
- 1997-2001** LL.M. Dutch law, Erasmus University Rotterdam, main courses in the fields of private law and international law (cum laude)

RESEARCH

- Sept 2008-Sept 2011** Post-doctoral research funded with a three-year VENI grant for talented young researchers, awarded by the Netherlands Organisation for Scientific Research (NWO)
Project title: 'Re-inventing the Scales of Justice. Comparative constitutional law aspects regarding the role of western supreme courts and constitutional courts in a globalised context'
- 2004-2012** Visiting Scholar at the DFG Graduiertenkolleg 'Verfassung jenseits des Staates', Humboldt-Universität zu Berlin (Nov 2006-Aug 2007), the Centre for European Legal Studies, University of Cambridge (May-June 2009), Georgetown University Law Center, Washington DC (March-May 2011), and the European University Institute, Florence (May-June 2012)
Research visits to Heidelberg (Aug 2004) and Paris (Jan-Feb 2005)

SELECTED PUBLICATIONS

Articles

- 'Understanding Legal Evolution through Constitutional Theory: The Concept of Constitutional (In-)flexibility' [2011] *Erasmus Law Review* 4(4)
- 'Why Do Dutch and UK Judges Cite Foreign Law?' [2011] *Cambridge Law Journal* 70(2), p. 420-450
- 'Un double équilibre pour l'organisation juridictionnelle: les rôles de la Constitution et de la CEDH dans le cadre de la concrétisation des principes relatifs à l'organisation juridictionnelle aux Pays-Bas, en France et en Allemagne' [2010] *European Review of Public Law* 22(3) p. 643-679
- 'The European Judicial Organisation in a New Paradigm: The Influence of Principles of "New Public Management" on the Organisation of the European Courts' [2008] *European Law Journal* 14(6) p. 718-734
- (with Marc Loth) 'The Judicial Domain in View: Figures, Trends and Perspectives' [2007] *Utrecht Law Review* 3(1) p. 75-100

Books and book contributions

- *De rechtspraak in balans. Een onderzoek naar de rol van klassiek-rechtsstatelijke beginselen en 'new public management'-beginselen in het kader van de rechterlijke organisatie in Nederland, Frankrijk en Duitsland* (Wolf Legal Publishers, 2007)
- 'Report on the Netherlands and Luxembourg', in G. Martinico and O. Pollicino (eds), *The National Judicial Treatment of the ECHR and EU Laws: A Constitutional Comparative Perspective* (Europa Law Publishing, 2010)
- 'Justice at a New Scale: Introducing a Conceptual Framework for the Analysis of Highest Courts' Role in a Globalised Context', in S. Muller and S. Richards (eds), *Highest Courts and Globalisation* (Hague Academic Press, 2010)
- 'Le droit au juge naturel et la répartition des compétences judiciaires aux Pays-Bas, en France et en Allemagne', in D. Capitain et K.-P. Sommermann (eds), Y. Vilain (coord), *Actualité du droit public comparé en France et en Allemagne. Actes des séminaires franco-allemands de droit public comparé (2006-2007)* (Société de Législation Comparée, 2009)
- 'Another Turn of the Screw: An Evaluation of Lasser's Judicial Deliberations in the Light of the Practices of Constitutional Review in France, Germany and the United States', in N. Huls, M. Adams and J. Bomhoff (eds), *The Legitimacy of Highest Courts' Rulings. "Judicial Deliberations" and Beyond* (TMC Asser Press, 2009)

PROFESSIONAL MEMBERSHIPS AND COOPERATION

Nov 2011-present	Member of the Committee on Professional Ethics of the Dutch Association of Judges and Public Prosecutors (NVvR)
May-Sept 2010	Commissioned research for the Dutch Association of Judges and Public Prosecutors (NVvR) concerning judicial codes of conduct (resulting in a report and a published article)
Dec 2009-present	Member of the Advisory Group of the <i>Stichting Juridische Samenwerking aan de Maas</i> , a cooperation between the Erasmus School of Law, the District Court of Rotterdam and the Public Prosecutor's Service in Rotterdam
May 2004-Oct 2006	Board member of the Erasmus Ph.D. Association Rotterdam, including Secretary (Sept 2005-Feb 2006) and President (March-Sept 2006)

LANGUAGES

Dutch	native speaker	German	advanced
English	fluent	Italian	elementary
French	fluent		