

Call for Papers

Workshop on

EVIDENTIARY CONTRACTS AND AGREEMENTS: PARTY AUTONOMY DETERMINING THE RULES OF EVIDENCE

as part of the 2nd Michele Taruffo Girona Evidence Week 2025 (2–6 June)¹

Scope and format

The workshop intends to provide space for the discussion about the benefits, challenges and limits of the worldwide movement towards the contractualisation of litigation. We wish to debate, from theoretical and practical perspectives, on the admissibility of evidentiary contracts, their conditions of validity, the extent in which party autonomy could shape evidence, the role of judges *vis-à-vis* these stipulations, and the several types of agreements that can be entered into by the parties in order to determine the rules of evidence to be applied in a certain court litigation procedure.

This workshop will feature presentations by invited speakers and participants selected through a call for papers.

Languages

Languages of the workshop will be English and Spanish.

Themes and topics of interest

We welcome submissions from evidence law, procedural law and private law scholars, as well as legal practitioners. Themes should relate to the following questions and topics:

¹ The exact date and time will be determined by the organisers of the 2nd Michele Taruffo Girona Evidence Week.

- Party autonomy to shape the rules of evidence applicable in a court procedure
- The role of judges and their powers to control/approve/ratify agreements about evidence
- Economic analysis of civil litigation and procedural agreements about evidence
- Agreements about presumptions
- Contractual limits of judicial and arbitral interpretation/cognition of facts and norms
- Contractual design of forensic evidence and its methodology; Joint experts
- Contractual language and standards of proof
- Agreements over the burden of proof
- Contracts and agreements to create discovery-like proceedings
- Contracts to exclude certain means of evidence; Parol evidence rule
- Contractual stipulations over application of technological evidence in litigation

Submission guidelines

Contributions should have no more than 10.000 words, including an abstract, the name and affiliation of the author and should be submitted to the following e-mails: antoniocabral@uerj.br and antoniocabral@uol.com.br.

The deadline for submissions is 30 September, 2024.

Please note that for organisational reasons, each participant of the 2nd MTGEW Conference may be a presenter in a maximum of two workshops.

Collective publication

We envisage the publication of the articles and papers resulting of the workshop in a collective book or together in a special issue of a law review.

Short biography of the coordinator

Prof. Dr. Antonio Cabral is Professor of Law at the University of Rio de Janeiro, where he is the Co-Director of the Center for German and Comparative Law Studies. He has a Habilitation at the University of São Paulo, Ph.D. from the University of Rio de Janeiro, in cooperation with the University of Munich, Germany (*Ludwig-Maximilians-Universität*). Master of Laws at the University of Rio de Janeiro. Post-doctorate studies at the University of Paris 1 (*Panthéon-Sorbonne*). He is currently Vice-President of the International Association of Procedural Law. Former Visiting Professor at the Universities of Passau and Kiel (Germany), Ritsumeikan University (Kyoto, Japan) and *Pontificia Universidad Católica* (Lima, Peru). Former Senior Lecturer at the Peking University (China). Author of the book "Procedural Agreements" (5th edition, in Portuguese) and Co-Editor of the books "Contractualisation of Civil Litigation" (Intersentia, 2023) and "Shaping Civil Litigation Using Procedural Agreements" (Eleven, 2024), among many other articles on the subject.

Contact information

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