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| Marko Novak | **A senior member of the Advisory board and teaching staff.** An associate professor of legal theory and constitutional law. He teaches several courses at the European Faculty of Law, i.e. Introduction to Jurisprudence, Philosophy of Law and Legal Theory, Comparative Law and Legal History. All these courses involve some basic knowledge of EU law from the relevant aspects for these courses. He is also quite active in research activities, publishes internationally (e.g. Ratio Juris journal), and regularly attends all important international conferences in the area/SQAA of legal theory and legal argumentation (e.g. IVR, ISSA, Trento Days of Rhetoric, LegArg). He will contribute to overall Module activities, including management, with the experiences of Jean Monnet Module implementation, as he is currently in the final stage of the Jean Monnet Module on the European Faculty of Law. In particularly, he will enrich research (R1) and teaching activities (T1 and T2) with a knowledge on legal aspects of sustainability issues, and he will review all the materials (for the R1 and all the deliverables) |

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| **KEY STAFF MEMBER (member of the advisory board and teaching staff)** | | | | | | | | |
| **Title** | Dr. | | **First name** | | Marko | | | |
| **Surname** | Novak | | | | | | *Mandatory* x Male 🞏 Female | |
| **Department** | Legal Theory and Legal History of the European Faculty of Law | | | | | | | |
| **Position/Grade/Category** | Dean – Associate Professor of Legal Theory and Constitutional Law | | | | | | | |
| **PhD Title** | ⌧ Yes  🞏 No | | **Accredited to supervise doctoral theses?** | | | ⌧ Yes  🞏 No | | |
| **Address** | Delpinova 18 b | | | | | | | |
| **Postcode** | 5000 | **City** | Nova Gorica | | | | | |
| **Country** | Slovenia | | | | | | | |
| **Telephone 1** | ++ 386 /53384400 | | | **Telephone 2** | | | | ++ 386/31820930 |
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| **Email** | [marko.novak@evro-pf.si](mailto:marko.novak@evro-pf.si) | | | | | | | |

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| **Model of publication list**  Please add a new table for each member of staff mentioned in the table above (if appropriate). | | |
| **Name:** | Dr. Marko Novak | |
| **Role:** | 🞏 Chair holder  🞏 Academic coordinator | 🞏 Module leader  ⌧ Member of the teaching staff |
| **Title of publication 1:** | **A typological reading of prevailing legal theories**. *Ratio juris*, ISSN 0952-1917. Print ed., no. 2, vol. 27, pp. 218-235 | |
| **Year:**  **Abstract** (Limit: 5 lines): | 2014  The article analyses main legal theories as appeared in history through the aspect of Jungian psychological typology. As other judges, also CJEU judges stem in their reasoning in unclear cases from their value backgrounds, which is reflected in their use of specific legal arguments. | |
| **Title of publication 2:** | **The argument from psychological typology for a mild separation between the context of discovery and the context of justification.** V: DAHLMAN, Christian (ur.). *Legal argumentation theory : cross - disciplinary perspectives*, (Law and philosophy library, Vol. 102. Dordrecht: Springer, cop. 2013, pp. 145-162. | |
| **Year:**  **Abstract:** | 2013  This article deals with the problem of separation between the context of discovery and the context of justification as two stages in legal argumentation process, and based on the findings of psychological typology claims that this separation cannot be strict. That aspect even more applies to the legal argumentation of the CJEU, being a kind of constitutional court. | |
| **Title of publication 3:** | Idealni tipi prava v luči psihološke tipologije = **Ideal types of law from the perspective of psychological typology.** *Revus*, no. 19, pp. 179-206, 242-243. | |
| **Year:**  **Abstract:** | 2013  Psychological typology gives a ground for constituting various ideal types of  law as have appeared throughout history. European law (including EU law) is a type of rational (logical) type of law, which is typical of the modern era. What are gradually converging in it are elements of the civil law and common law legal families. | |
| **Title of publication 4:** | **Three Models of Balancing (in Constitutional Review**). V: *Ratio juris*,. Print ed., 2010, vol. 23, no. 1, pp. 101-112. | |
| **Year:**  **Abstract:** | 2010  Balancing as an important method for resolving mostly constitutional cases appears in the framework of different categories each of them bringing up specific problems. Balancing is indispensable when it comes to resolving conflicts between principles and values, which is very important for the CJEU too. | |
| **Title of publication 5:** | **The Promising Gift of Precedents: Changes in Culture and Techniques of Judicial Decision-Making in Slovenia**. In: PRIBAN, J., ROBERTS, P., YOUNG, J., ed. (2003): The System of Justice in Transition: Central European Experiences since 1989. London: Ashgate, pp. 94-108. | |
| **Year:**  **Abstract:** | 2003  The legal environment of European continental legal systems has faced a gradual increase in the importance of courts and case law. That is due to the importance of constitutional courts and European courts (mostly ECtHR and CJEU) in the last decades. | |
| **Title of publication 6:** | **Limiting courts: towards greater consistency of adjudcation in the civil law system.** In: Joseph Aguilo-Regla (ued.), Logic, Argumentation and Interpretation, Proceedings of the 22nd IVR World Congress Granada 2005, Nomos, Franz Steiner Verlag, p. 206. | |
| **Year:**  **Abstract:** | 2007  The new tendency of highest courts becoming more important political actors in European continental legal systems brings a certain risk of their unrestrained powers since their case law is often not limited in the same manner as in the event of common law courts. This is a very important issue concerning the CJEU as it grows in power very much. | |

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| **Model of teaching experiences**  Please add a new table for each member of the staff mentioned in the table above (if appropriate). | | |
| **Name:** | Dr. Marko Novak | |
| **Role:** | 🞏 Chair holder  🞏 Academic coordinator | 🞏 Module leader  ⌧ Member of the teaching staff |
| **Title of the teaching course:**  **Year:** | **Comparative Law and World Legal Families**  2013-2016 | |
| **Summary of content:** | A course in comparative law at the European Faculty of Law in which the main legal families and their subcategories are studied with all their similarities and differences. What is also presented are different approaches from civil law and common law within the EU including different styles of court reasoning which to some extent are met (and conflict) in EU legal institutions. In this aspect, the approaches to legal reasoning by the CJEU and the ECtHR are compared with all their strengths and weaknesses. | |
| **Title of the teaching course:**  **Year:** | **Philosophy of Law and Legal Theory**  2008-2016 | |
| **Summary of content:** | An advance course for graduate (Master) at the European Faculty of Law students focusing on selected chapters such as: precedent, judicial activism, morality of law, balancing, separation of powers, legal argumentation etc. In the framework of such the legal argumentation as practiced by the CJEU is outlined. | |
| **Title of the teaching course:**  **Year** | **Theory of Law**  2008-2016 | |
| **Summary of content:** | A course dedicated to Ph.D. students at the European Faculty of Law with an emphasis on legal epistemology (methods of legal sciences) and legal argumentation including the legal argumentation of the CJEU. In his context, specific judgments of the CJEU are analysed with respect to particular legal arguments used by the Court. | |

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| **PERSON RESPONSIBLE FOR THE MANAGEMENT OF THE APPLICATION (academic coordinator and member of teaching staff)** | | | | | | | |
| **Title** | Dr. | | **First name** | | Marko | | |
| **Surname** | Novak | | | | | | *Mandatory* x Male 🞏 Female |
| **Department** | Legal Theory and Legal History of the European Faculty of Law | | | | | | |
| **Position/Grade/Category** | Dean – associate professor | | | | | | |
| **PhD Title** | x Yes  🞏 No | | **Accredited to supervise doctoral theses?** | | | x Yes  🞏 No | |
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| **EDUCATIONAL BACKGROUND:** | | | | | | | |
| Please detail all relevant studies   * Bachelor of Law (University of Ljubljana Law Faculty – 1992); * Master of Common Law Studies (Georgetown University Law Center – 1994); * Doctor of Legal Studies (University of Ljubljana Law Faculty – 2001). | | | | | | | |
| **WORK EXPERIENCE:** | | | | | | | |
| Please include all recent positions which have a direct bearing on European Union studies   * Legal advisor to the Constitutional Court of the Republic of Slovenia (1996-2008); * Professor of legal theory and constitutional law at the European Faculty of Law (since 2008): 2009-2012 Vice-Dean; 2015 on Dean. | | | | | | | |
| **PUBLICATIONS:** | | | | | | | |
| Please detail all relevant publications  **NOVAK, M.** (1997): Access to Constitutional Courts – the Slovenian Example. Journal of Constitutional Law in Eastern and Central Europe, vol. 4, no. 1, ISSN 0928-964X, pp. 53-74  **NOVAK, M.** (1998): Denationalization in Slovenia: Passing Constitutional Muster. In: The Parker School Journal of East European Law, Parker School of Foreign and Comparative Law, Columbia University, vol. 5, no. 3, pp. 293-310  **NOVAK, M.** (2001): Ústavní soud mezi právem a politikou. V: Právnik, Ročník CXL, Číslo 5, ISSN 0231-6625, pp. 421-439  **NOVAK, M**. (2003), The Promising Gift of Precedents: Changes in Culture and Techniques of Judicial Decision-Making in Slovenia. In: PRIBAN, J., ROBERTS, P., YOUNG, J., ed. (2003): The System of Justice in Transition: Central European Experiences since 1989. London: Ashgate, pp. 94-108, ISBN 0 7546 23173  **NOVAK, M.** (2007): Limiting courts: towards greater consistency of adjudcation in the civil law system. In: Joseph Aguilo-Regla (ed.), Logic, Argumentation and Interpretation, Proceedings of the 22nd IVR World Congress Granada 2005, Nomos, Franz Steiner Verlag, p. 206, ISBN: 978-3-515-08914-2.  **NOVAK, M.** (2010): Three Models of Balancing (in Constitutional Review). In: *Ratio juris*, ISSN 0952-1917. Print ed., 2010, vol. 23, no. 1, pp. 101-112.  **NOVAK, M.** (2010). The (ir)rationality of judicial decision-making: the typological argument against a rigid separation between the context of discovery and the context of justification of legal decision. *Dignitas*, ISSN 1408-9653, [no.] 45/46, pp. 307-328.  **NOVAK, M.** (2011). Legal thinking: a psychological type perspective. *Dignitas*, ISSN 1408-9653, [no.] 49/50, pp. 140-177, 315-317,.  **NOVAK, M.** (2013). Idealni tipi prava v luči psihološke tipologije = Ideal types of law from the perspective of psychological typology. *Revus*, ISSN 1581-7652, no. 19, pp. 179-206, 242-243. <http://revus.revues.org/2443>  **NOVAK, M**. (2013). The argument from psychological typology for a mild separation between the context of discovery and the context of justification. In: DAHLMAN, Christian (ur.). *Legal argumentation theory : cross - disciplinary perspectives*, (Law and philosophy library, ISSN 1572-4395, Vol. 102). Dordrecht: Springer, cop. 2013, pp. 145-162  **NOVAK,** M. (2014). A typological reading of prevailing legal theories. *Ratio juris*, ISSN 0952-1917. Print ed., no. 2, vol. 27, pp. 218-235. | | | | | | | |
| **ADDITIONAL INFORMATION:** | | | | | | | |
| Please include any other relevant information including awards, titles, honorary positions etc.   * Dean of the European Faculty of Law (2015 on); * Vice-President of the Council for the Judiciary of the Republic of Slovenia (2015 on); * Member of the Council for the Judiciary of the Republic of Slovenia (2012 on); * Member of the Council of the Quality Assurance in Higher Education Agency of Slovenia (2010-2013); * Member of the committee for the national highest scientific awards (2008-2012); * Court interpreter for the English language (since 1999). | | | | | | | |