

Anja Seibert-Fohr (ed.)

# Judicial Independence in Transition

## Table of Contents

Introduction: The Challenge of Transition .....	1
<i>Anja Seibert-Fohr</i>	
<b>I. Judicial Independence in Comparative Analysis</b>	
Judicial Independence: Structure, Context, Attitude .....	19
<i>Vicki C. Jackson</i>	
Judicial Accountability and Conduct: An Overview .....	87
<i>Giuseppe Di Federico</i>	
<b>II. New Challenges in Established Democracies</b>	
The Persistent Politics of Judicial Selection:	
A Comparative Analysis .....	121
<i>Graham Gee</i>	
Judicial Independence in England and Wales .....	147
<i>Sophie Turenne</i>	
Judicial Independence in Sweden .....	185
<i>Joakim Nergelius and Dominik Zimmermann</i>	
Judicial Independence in The Netherlands .....	231
<i>Roel de Lange</i>	
Judicial Independence in France .....	273
<i>Antoine Garapon and Harold Epinouse</i>	
Judicial Independence in Belgium .....	307
<i>Benoît Allemeersch, André Alen and Benjamin Dalle</i>	

Judicial Independence in Italy .....	357
<i>Giuseppe Di Federico</i>	
Judicial Independence in Switzerland .....	403
<i>Regina Kiener</i>	
Judicial Independence in Germany .....	447
<i>Anja Seibert-Fohr</i>	
Judicial Independence in the United States of America .....	521
<i>Russell Wheeler</i>	
Judicial Independence in Canada: A Critical Overview .....	567
<i>Fabien Gélinas</i>	
<b>III. Transitional Processes in New Member States of the EU</b>	
Judicial Administration Reforms in Central-Eastern Europe: Lessons to be Learned .....	603
<i>Zdeněk Kühn</i>	
The Drive for Judicial Supremacy .....	619
<i>Cristina E. Parau</i>	
Judicial Independence in Poland .....	667
<i>Adam Bodnar and Łukasz Bojarski</i>	
Judicial Independence in Estonia .....	739
<i>Timo Ligi</i>	
Judicial Independence in Hungary .....	793
<i>Zoltán Fleck</i>	
Judicial Independence in Romania .....	835
<i>Ramona Coman and Cristina Dallara</i>	
<b>IV. Obstacles for Transition in Post-Soviet States</b>	
Judicial Reforms in Post-Soviet Countries – Good Intentions with Flawed Results?.....	885
<i>Angelika Nußberger</i>	

The Accountability of Judges in Post Communist States: From Bureaucratic to Professional Accountability .....	90
<i>Peter H. Solomon, Jr.</i>	
Judicial Administration in Transitional Eastern Countries .....	93
<i>Lydia F. Müller</i>	
Judicial Independence in the Russian Federation .....	97
<i>Olga Schwartz and Elga Sykiainen</i>	
Judicial Independence in the Republic of Belarus .....	106
<i>Alexander Vashkevich</i>	
Judicial Independence in Moldova .....	111
<i>Nadejda Hriptievski and Sorin Hangariu</i>	
Independence of the Judiciary in Armenia .....	119
<i>Grigor Mouradian</i>	
Judicial Independence in Kyrgyzstan and Kazakhstan: A Legislative Overview .....	125
<i>Maksat Kachkeev</i>	
<b>V. Conclusion: Judicial Independence in Transition</b>	
Judicial Independence – The Normativity of an Evolving Transnational Principle .....	127
<i>Anja Seibert-Fohr</i>	
<b>Appendix</b>	
Kyiv Recommendations on Judicial Independence in Eastern Europe, South Caucasus and Central Asia .....	136
List of Contributors .....	137