IV. Contributions from former staff members

In the CJEU Judges Trust: A New Approach in the Judicial Construction of Europe[1]

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Abstract

This article aims to highlight the relevance of judicial trust in international courts, focusing on national judges' trust in the Court of Justice of the European Union (CJEU). EU Scholars have put a great deal of effort into explaining how legal and political factors affect the use of preliminary references by national courts. However, there is still a gap in the literature on the development of trust as a functional principle encouraging cooperation between national and international courts. This article explores the nature, causes, and potentials of judicial trust for the EU judicial system. A theory is offered in the article, which links national judges' trust in the CJEU to their corporatist identification and profile, to their attitudes towards EU, and, to their beliefs about the CJEU's ability to provide decisions that: 1) offer a clear guidance on European Union law, and, 2) will not undermine Member States' legal order.

Over the last decade, international courts (ICs) have increasingly become a main actor in transforming the interface of law, politics and society, both nationally and internationally, thus attracting the interest of policy-makers and scholars. This interest has been pushed by the impact of international adjudicatory bodies in the configuration of international and

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domestic politics, legal and social affairs. However, the map of ICs offers a mixed picture, full of variation in the effectiveness across ICs. To solve this puzzle, scholars started to theorize and develop indicators by which the effectiveness of ICs can be empirically assessed (Helfer, 2013; Shany, 2014). Among other mechanisms, academics have identified cooperation between national and ICs as a crucial element for reinforcing the effectiveness of the latter, which allowed national courts to deal with violations of international law in the domestic landscape.

The Court of Justice of the European Union (hereinafter: 'CJEU' or 'the Court') represents the most successful example of the so-called 'embedded effectiveness' (Helfer, 2013, p. 474). The secret of this success was the capacity of the Court to make alliances with domestic courts, which allowed the Court to effectively increase its power. On the one hand, the CJEU has established, through its rulings, the main principles that regulate the relationship between European and national legal orders. The CJEU empowered the position of European Union law through the acceptance of supremacy and direct effect at national level. On the other hand, national courts in EU Member States using the preliminary references system[2] opened the door to these doctrines, fostering the integration of EU regulations into national legal systems.

This issue is crucial for the scholarly and policy debate if we take into account that national courts are the key decentralized enforcers of the European Union (EU) law as they are responsible for ensuring the effectiveness of the preliminary references system by cooperating with the CJEU. Scholars of EU studies have put a great deal of effort into explaining how the mechanism of preliminary references (PRs) boosted the cooperation between national courts and the CJEU. These studies, discussed in more details in the next section, have pointed to the relevance of institutional incentives and their legal duty to refer in explaining why national courts cooperate (or not) with the CJEU. Nevertheless, there is still an absence of ideas on the existence and development of trust as a functional principle that may encourage national courts to send PRs.

By focusing on national judges' trust in the CJEU, this article is a first attempt to stress the presence of judicial trust in ICs and its formation, by defining it as *national judges' belief about whether the CJEU will follow*

2 According to article 267 TFEU (Treaty on the functioning of the European Union), national judges might request the CJEU to give preliminary rulings concerning: (a) the interpretation of the Treaties; (b) the validity and interpretation of acts of the institutions, bodies, offices or agencies of the Union.

an expected course of action under conditions of uncertainty. Using original evidence collected through surveys and interviews in Germany, the Netherlands, Spain and Poland (Nowak, Amtenbrink, Hertogh, and Wissink, 2011; Mayoral 2015, see appendix for more details), the main purpose of this article is to disentangle the nature, causes, and potential of trust for the functioning of supranational judicial systems. In reference to the latter, the CJEU will have higher degrees of effectiveness in terms of cooperation receiving more PRs, and this is the assumption of the paper, if they enjoy a high degree of trust among national judges.

For that purpose, an original theory is presented that calls for a revision of our current understanding of the legal and judicial construction of Europe. The theory elaborates first a distinction between trust and other motives for sending PRs or 'cooperate' stressed in the interdisciplinary literature. In the following sections, a notion of judicial trust is discussed that explicitly links the trust of the national judges in the CJEU to their corporatist identification and profile, to their attitudes towards EU and to their beliefs about the ability of the CJEU to make decisions that: 1) provide a clear guidance on EU law, and, 2) will not undermine their national legal order. The revision of these sources of trust will help to uncover how national judges assess the most basic and important role of the CJEU as an adjudicatory body and the boundaries of this role, which has been constantly under discussion among scholars and relevant judicial actors.

This is done by considering judicial trust as one of the key elements of the European legal system as it creates, in conjunction with other factors, a deep connection between national and supranational judges. In the account that follows, it is also presented judicial trust in ICs as a distinct theoretical construct worthy of study in its own right. The study emphasizes these particular characteristics of judicial trust in ICs by differentiating it from citizens' trust in judicial institutions, and from national judges' trust in their own national judicial authorities. Finally, the article will conclude indicating further developments in this agenda that may encourage scholars to add a new layer to the theoretical understanding of the judicial construction of Europe.

Trust as an alternative for cooperating with the CJEU

At the outset, it is necessary to clarify how it differentiates and relates from other mechanisms already studied in the literature and identify why trust is important for national judges to cooperate with the CJEU though PRs. Until now contributions on EU studies implicitly suggest that the EU

legal order and the PRs system can function well in the absence of trust in the CJEU. First, legal scholars have argued that judges' cooperation with the CJEU is determined by their duty to obey the rules that govern the application of EU law (Dworkin, 1977; Posner, 2012). The CJEU established the criteria under which national courts should ask for a preliminary ruling in *CILFIT*[3] case. The judgment gives freedom to lower courts to refer while last instance courts are obliged to do it when there is any doubt about the application or validity of EU law[4]. However, the ruling gives a broad margin to last instance courts to appreciate whether EU law is clear enough or not.

Secondly, based on this legal discretion, the literature has underscored the importance of considering different institutional explanations for judicial cooperation. On one hand, judicial empowerment accounts point out that national courts got engaged in the PR system as it offered a mechanism for reviewing the acts of the executive and the legislative branch (Weiler, 1994; Mattli and Slaughter, 1998; Mayoral, 2015). In the same vein, the inter-judiciary competition theory assumes that national lower courts cooperate with the CJEU to increase their judicial review power vis-à-vis higher courts by playing the higher courts and the CJEU off, in order to influence legal development in the direction they prefer (Alter, 2001). On the other hand, legal scholarship (Micklitz, 2005), law & economics (Ramos, 2002) and legal neo-functionalism (Stone Sweet and Brunell, 1998) developed accounts where judges will refer to the CJEU when they face complex cases in their dockets due to their position in the judicial hierarchy (e.g. higher courts) or to an increasing transnational economic exchange in their jurisdiction. Other contextual incentives have also been considered as relevant as, for example, litigation rate (Broberg and Fenger, 2013), the respect shown by the CJEU towards the national constitutional structures of the Member States (Martinico, 2009), the configuration of the national legal order or the influence of public opinion on judges (Carrubba and Murrah, 2005), or the political culture of judges (Wind, Martinsen and Rotger, 2009).

Trust might also be another important element motivating the use of PRs. There is indeed a very significant body of social sciences literature on the notion of trust and its implications for cooperation. Sociologists have theorized trust as a process to reduce transaction or monitoring costs that may boost cooperation among individuals (Gambetta, 2000), while in eco-

3 C-283/81 *CILFIT v. Ministero della Sanità* [1982].
4 C-314/85 *Foto-Frost v Hauptzollamt Lübeck-Ost* [1987].

nomics, trust bases cooperation on risk analysis (Fukuyama, 1995; Williamson, 1993). In political science, citizens' trust has been agreed as a key element for political systems in order to function in a satisfactory (Coleman, 1994; Levi and Stoker, 2000), while in international relations trust is conceived as an essential condition for cooperation between States (Kydd, 2005). All these accounts emphasize trust as a striking feature for any type of cooperation. Accordingly, and this is a primary assumption of this research, we could expect judicial trust to similarly affect cooperation of national judges with the CJEU by increasing the use of PRs.

How do these mechanisms differ from each other? Judicial deference relates to the internalization of legal duties which automatically make judges to follow rules and cooperate when they have a doubt about the application of EU law. It assumes the acceptance of others' decisions as a duty based on a kind of normative, moral, or ethical feelings of obligation and responsibility to obey rules in judicial authorities (Sunshine and Tyler, 2003).

While this account gives no discretion to the will of the judges, incentives and trust accounts stress the relevance of discretion and willingness in the decision-making of the judges, though for different reasons. Rational choice institutional perspectives focus on self-interest, instrumentality, and cost-benefit considerations where those benefits from cooperation are not conditional to any risk. In contrast, trust refers to the non-instrumental character of action (Rompf, 2014), which excludes strict self-interested utility considerations. This is done by adding a willingness to be vulnerable or take risks in the relationship based on uncertainty of the actions of the trustee that a self-centred actor will hardly accept as they will have based their actions on an expected benefit based on a rational cost-benefit calculus (Mayer, Davis and Schoorman, 1995).[5] However, we need to be cautious when dealing with exclusive categorization of institutional incentives and trust explanations, as current elaborations advocate for an integrative approach (see Rompf, 2014).

In the light of such developments, trust is considered a complement to the mechanisms listed above, not a substitute for them. This is done by suggesting that trust cohabits with other factors fostering cooperation with the CJEU with several consequences. On one hand, for example, institutional incentives can affect cooperation irrespective of a given level

5 Rational choice has included the notion of risk aversion as a discount factor that affect the expected utility of rational actors. A rational actor would prefer a present benefit to any risky prospect.

of trust, and when successful can serve to reinforce trust itself (Gambetta, 2000). On the other hand, trust may be a functional principle that may encourage cooperation in absence of other incentives, or, when they work against cooperation with the CJEU (Keck and Karelaia, 2012).

When has trust become relevant for cooperation then? In abstract terms, institutional rationalist approaches (Axelrod, 2006), which are close to neo-functionalism, would suggest that trust would be a *result* rather than a *precondition for judicial cooperation*. Trust would emerge in the European legal order as a by-product of national judges' ability to send PRs, and would consist in nothing more than trust in the success of previous cooperative interactions. Therefore, judicial cooperation could be triggered not by trust, but simply by the legal duty to refer or a set of legal practices incentivized by legal or political reasons. And that trust will follow rather than precede judicial cooperation between national judges and the CJEU.

However, some scholars on trust argued that when the cooperation has no iteration history, it might still be influenced by at least a *predisposition to trust*. In that sense, initial PRs may be based on *conditional trust* (Gambetta, 2000, p. 228): "Cooperation is conditional on the belief that the other party is not a sucker, but also on the belief that he/she will be well disposed towards us if we make the right move", that is, provided that certain preconditions are met. In the early days of the creation of the EU legal order[6], the conditions for trust may have emerged, for instance, as a result of the presence of interactive mechanisms that may precondition judges' attitudes towards the PRs system by national judges (e.g. judicial review). These conditions create an initial predisposition of judges to trust in the Court before cooperation has started. A different question is whether judicial trust was generalized enough or at least present among national courts. It seems that where some contexts where trust may have encouraged cooperation among small group of national judges in the initial stages of the Union. In that direction, sociology and history stress out the relevance of networks and associations (Alter, 2009; Davies, 2012; Vauchez, 2010), which are considered as an indicator of the density of trust and also relevant for trust-building (Claes and De Visser, 2013; Provan and Kenis, 2008). However, the current evidence does not allow adopting a firmed position on the emergence of judicial trust and its impact on PRs in the early stages of the Union. For that reason, the article will explore the cur-

6 The Community legal order was declared in C-26/62 Van Gend en Loos v. Nederlandse Administratie der Belastingen [1963].

rent validity of trust by national judges in the CJEU for further research on the topic.

A Theory of Judicial Trust in the CJEU

While some research exists on the trust of ordinary citizens in courts (e.g. Gibson, Caldeira and Baird, 1998; Gibson, Jackson et al., 2011; Tyler and Huo, 2002) and some on citizens' perceptions of the CJEU (e.g. Voeten, 2013; Grosskopf, 2005; Arnold, Sapir, and Zapryanova, 2012; Gibson and Caldeira, 1998; Caldeira and Gibson, 1995), no attention has been paid to trust between judges and its implications. We still know very little about why and how national judges learn to trust the CJEU. The consideration of trust between judges introduces an important socio-psychological element, which affects the way national judges assimilate and perform their role as de-centralized EU judges and use PRs, beyond the scope of their formal duties to comply with EU law. Although trust is a contested definition, a minimum consensus about the definition might be achieved.

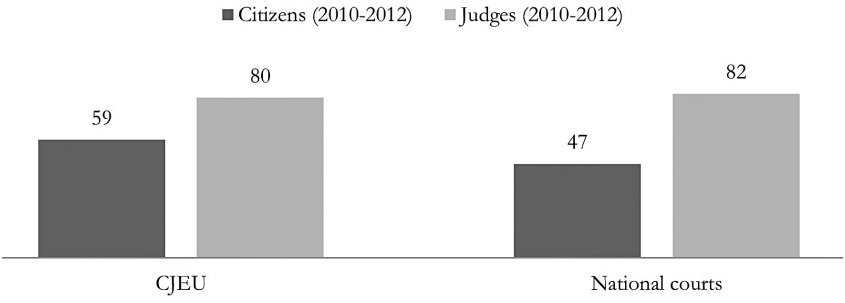
Firstly, trust is a *subjective belief*, that is, an individual assessment (Rompf, 2014). Secondly, trust is *relational*, meaning that an individual (a judge) is influenced by another actor or institution, like the CJEU, that has the capacity to betray his/her trust. Thirdly, it is *conditional*, i.e. it is given to specific institutions over specific domains (Levi and Stoker, 2000). That is, the belief that the person or institutions will perform its role in a manner consistent with the socially, politically or legally defined normative expectation associated with that role. In the case of the Court, this (legal) domain is framed by the functions and competences delimited by the Member States in the treaties. However, this aspect that defines its role as interpreter of EU law has been subject to several revisions due to the reform of the treaties or the own efforts of the Court to increase its power (Alter, 2001). On the contrary, national highest courts reacted by also shaping this domain by establishing specific boundaries to CJEU's power[7]. Fourthly, trust is particularly relevant in conditions of *uncertainty*, which links with the idea of risk, with respect to future actions which

7 Among the countries of interest, we found the following judgements limiting the power of the CJEU: **German Constitutional Court** *Solange I* [37, 271 (29.05.1974)], *Solange II* [73, 339, 2 BvR 197/83 (22.10.1986)], *Brunner case* in Maastricht [89 (12.10.1993)], *Lisbon Treaty* [2 BvE 2/08 (30.6.2009)] and *Honeywell* [2 BvR 2661/06 (06.07. 2010)]; **Spanish Constitutional Court** in Maastricht [Decision nº 1236 (01.07.1992)], Constitutional Treaty [Declaration No. 1/2004]. **Polish**

condition trustor's present decisions (Gambetta, 2000). The presence of uncertainty in this regard has been already pointed as the CJEU makes decisions that do not meet the expectations of national courts (Nyikos, 2003).

Finally, to fully cover the notion of judicial trust we need to talk about its *corporatist* nature and connection to *broader EU attitudes*. Studies on public administration have shown how corporatism directly promotes trust within and between the organizations (Öberg, 2002; Yamagishi and Kiyonari, 2000). In the same vein, we argue that judicial corporatism, identified as the membership to the judicial branch or common knowledge and expertise on EU law, also promotes trust within the national judiciary and between national and European judges. A quick look to the data in figure 1 shows higher density of trust in judicial institutions by judges compared to citizens, which evidences the presence of group-based trust in the four countries of interest (Germany, the Netherlands, Spain and Poland). Additionally, we claim that judicial trust might be also influenced by attitudes towards the EU common to all European citizens (Inglehart, 1970).

Figure 1: Trust in the CJEU and National courts by citizens and judges (%)



Notes: Citizens data from Eurobarometers 77.3 – 2012 (CJEU) and 74.2 – 2010 (National judicial systems). The values where 1: 'tend to trust', and, 2: 'tend not to trust the CJEU'. In the case of judges, the data refers to their trust in their domestic highest courts: The German, Polish and Spanish Constitutional Courts and the Dutch Supreme Court. The variable measures the intensity of trust in the both courts, using a five-point scale variable: 0: do not trust, 1: hardly trust, 2: neither trust nor distrust, 3: trust, 4: trust very much. Trust is represented by taken values from 3 and 4.

Constitutional Tribunal on the *Polish Accession Treaty* [Case K 18/4 (11.05.2005) and on the *European Arrest Warrant* [Case P 1/05 (27.04.2005)].

Based on these elements, 'judicial trust' in the CJEU is defined as *the subjective belief that national judges have about whether the CJEU will follow an expected course of action under conditions of uncertainty*. When this belief is strong enough, the judge will consider the CJEU trustworthy. The *trustworthiness* of the Court is defined by its competence to fulfil the role ascribed by the EU treaties clearly defined in articles like the 267 TFEU. In other words, trustworthiness refers to the attributes that the CJEU as a trustee might possess when interpreting EU law, that is, the commitment of the Court to exercise its competence in the domain of EU law. Consequently, high density of individual trust might be interpreted as a signal of trustworthiness of the Court's behaviour with its mandates.

However, the belief that the CJEU will engage in such action will not be the same in all circumstances. This belief might depend on the individual predispositions or attitudes of judges (e.g. knowledge and expertise on EU law, beliefs about the functioning of the CJEU and the EU legal order and attitudes towards the EU) and their institutional-legal context. In relation to the first factors, close to the concept of epistemic community (Haas, 1992), judges share similar educational backgrounds, career histories, and legal experiences. Therefore, the question is whether there are any sources, such as beliefs, predispositions, attitudes or characteristics specific to judges that justify a new conceptualization.

By stressing the key importance of some specific elements, which are present for the assessment of the CJEU but do not feature in the national judicial institutions such as Constitutional or Supreme courts, some distinctive mechanisms of trust in ICs will be unveiled. This article does not claim that the factors mentioned next provide the sole explanation for how national judges make their opinion and shape their beliefs about the CJEU or any other IC. These features influencing the formation of judicial trust in the CJEU are: first, the competence of the Court to give a clear guidance on the application of EU law(a); and second, the legal framework on which the CJEU bases its decisions(b). The revision of these two sources of trust will help to uncover how national judges assess the most basic and important role of the CJEU as an adjudicatory body and the boundaries of this role, which has been constantly under discussion among scholars and relevant judicial actors. Secondly, to explore the distinctive corporatist nature of judicial trust, as compared to citizens' trust argued above, we consider whether knowledge of EU law and expertise(c), group-identity(d) and attitudes towards the EU(e) may enhance judges' trust in the CJEU.

a) The CJEU as a guidance provider

This source of judicial trust departs from the basic assumption that national courts look at the CJEU for guidance as a specialized court in EU law issues. This concern links directly with the main rationale behind the PRs mechanisms, i.e., the "desire to reach a resolution of disputes" (Micklitz, 2005, p. 443). This rationale is based on the necessity of national judges to reduce the norm's ambiguity or vagueness in order to make correct interpretations on EU law.

The connection of this rationale with national judge's main functions encourages national judges to ask for preliminary rulings in order to provide interpretation on EU provisions or to declare the validity of an EU act. Survey data shows how judges certainly look at the CJEU jurisprudence in 73 % for guidance on the application of EU law (Mayoral, 2015, p. 195). National judges will trust more the Court when they believe that they will receive a response that they can easily implement at the national level to solve any legal disputes on EU law. Likewise, the judges would be reluctant to trust in the Court, i.e., if judges expect that the Court's decisions will create difficulties or will not lead to a solution. Hence:

h_1: National judges trust more in the CJEU when they believe that the rulings made by the CJEU offer a clear guidance on the interpretation of EU law.

b) The CJEU as a mediator in multilevel legal orders

In theorizing about judicial trust it is important to identify the attitudes about the functioning of the legal order and the role of the CJEU that judges share as a legal epistemic community. These include a shared set of normative legal principles and a set of beliefs about the legal and political conditions under which those principles are best preserved, interpreted or implemented by the Court. In this regard, literature on European legal cultures has remarked the pre-existence of some common European legal (or constitutional) principles or values that conform a European legal identity, culture or community, whose constitutive elements depend on the author (e.g. Wieacker, 1990; Häberle, 2006; among others). While these principles might have shaped the EU legal system, the EU itself has also developed its own legal system of principles, which cohabits with the Member States' legal systems. It is a set of fundamental principles, such as direct effect, supremacy, mutual recognition, fundamental rights, market-based orientation, among others, that turned the EU legal system in an autonomous legal order (Semmelmann, 2012).

In this regard, the diversity and compatibility of principles among the EU and Member States' legal orders play a particularly important role in structuring judges' opinions, e.g. judges' attitudes about whether international legal regimes are compatible with their national legal orders. Judges might organize their opinions towards ICs around the complexity of the legal regimes they are embedded in. The CJEU continuously takes decisions within the EU legal framework, considered as a forum where different normative views and legal traditions meet and compete. In this context, national courts will assess whether the CJEU's "argumentation include a certain reflexivity that takes into account the differing legal cultures and traditions that underlie the pluralistic EU legal order" (Paunio, 2010, p. 14–15).

Hence, national judges will trust the CJEU when they feel that its decisions are based on a supranational legal framework compatible with the principles and values of their national legal orders. Especially, the judiciary will rely more on EU supranational judicial institutions when they believe that the CJEU's rulings do not undermine the national legal foundations of their legal system. Therefore,

h_2: National judges trust less in the CJEU when they perceive EU legal principles are alien to their legal system.

We should remark the relevance of historical-contextual aspects present since the early days of the EU, which increased the complexity, understanding and criticism of the EU legal system. We refer to the gradual incorporation of Member States from diverse political-legal traditions (e.g. monist vs. dualist system, common law vs. civil law, former communist law countries), supported by higher national courts that pushed for the dominance of their legal principles (e.g. national sovereignty, democracy, rule of law, human rights). Similarly, we had situations where the legitimacy and the political-legal foundations of the EU have been fading away, like in the Maastricht Treaty, Constitutional Treaty and Euro crisis.

As a result, we should expect some national legal idiosyncrasies and critical events to create better predispositions towards the EU legal system and the Court's power for several reasons. First, dualist orders treat national and international law (even European) as two separate sources of law, while monist systems integrate international legal orders into the national normative system with binding force (Ott, 2008). As a result, while monist legal orders, like the Netherlands, integrate the EU legal system as part of the national norms, implying the unconditional acknowledgment of EU law primacy; states with a dualist system, like Germany, Poland and Spain, emphasize the difference between national and international law and do

not automatically accept European legal supremacy.[8] Secondly, national Constitutional courts in Germany, Poland and Spain have established reservations to CJEU decisions enforcing the EU legal system to preserve the autonomy of their national constitutional legal orders[9]. Therefore:

h_3: National judges in countries with dualist legal systems and where higher courts established limits to the CJEU's powers are less likely to trust the Court.

c) Knowledge and experience with EU law

Typically, knowledge and expertise in EU legislation and jurisprudence may create some familiarity with the decisions of the Court (Mayoral, Jaremba and Nowak, 2014). According to 'cognitive mobilization' theories (Inglehart, Rabier and Reif, 1987; Inglehart, 1970), judges who are more knowledgeable and expert on EU law are more likely to understand the complexity of the institutional legal order and come closer to the position of the CJEU, thereby promoting trust.

h_4: National judges trust more in the CJEU when they have a higher knowledge on EU law.

In the same vein, we should expect that national judges serving in legal areas more affected by EU law, like administrative law, to be more experience with the functioning Court. Consequently, they should trust the CJEU more than those judges working in least Europeanized areas like criminal law.

h_5: National judges serving in legal areas other than criminal law are more likely to trust in the CJEU.

d) Trust in domestic judicial institutions

It is important to test the effect of group-based trust between judges that reinforces the corporatist aspect. According to the sociology of organizations (Öberg, 2002; Yamagishi and Kiyonari, 2000), it can be argued that trust within domestic judiciaries promotes trust between national and European judges too, by merely transferring trust from national judicial institutions to the CJEU.

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8 Nevertheless, this dichotomy is becoming less significant in EU law because of the principle of direct effect.

9 See reference to these cases in supra note 6.

h_6: National judges who trust their national judicial institutions, like Constitutional or Supreme Courts, are more likely to also trust the CJEU.

e) Support for the EU

Finally, judicial trust in the CJEU might be connected to general attitudes to the EU shared with European citizens. Current studies have remarked to what extent support for the EU positively affects trust in the EU institutions like the CJEU (Arnold, Sapir, and Zapryanova, 2012).

h_7: National judges who support the EU are more likely to trust the CJEU.

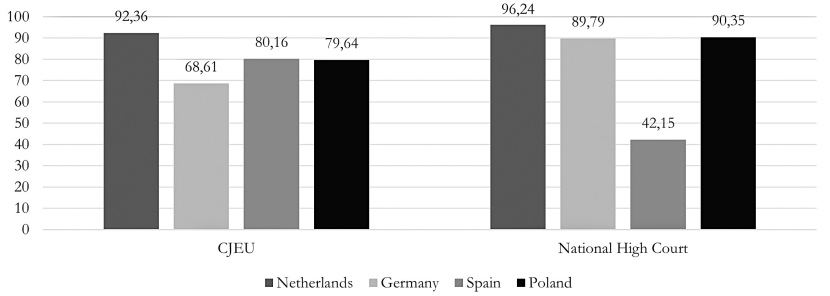
In the CJEU national judges trust: An empirical assessment

In this section, the main aim is to test the factors that influence the trust in the CJEU in order to disentangle the potential mechanisms leading national judges to send PRs. The dataset built for the study of national judges and EU law contributes to the empirical understanding of trust in countries such as Germany (131 judges), the Netherlands (127), Spain (112) and Poland (111). These four countries became EU member states in different stages[10] and reflect different institutional-legal frameworks, as we will see later. For the analysis of the dependent variable, probit regression models are estimated, since they tend to work better with ordinal variables. Some categories in variables where merged so as to avoid low observations count. The appendix provides a full description of the survey; variables and the statistical results (see tables 1A-5A). For better interpretation of the results, the effects of the explanatory variables on the highest value of the variable of interest ('trust very much') are reported generating predicted probabilities.

Figure 2 offers a picture of the cross-country variation on judicial trust in the CJEU within the sample collected.

10 (Western) Germany and the Netherlands in 1957, Spain in 1986 and Poland in 2004.

Figure 2: Judicial trust in the CJEU and National highest courts by country (%)



Notes: The variable measures the intensity of trust in the both courts, using a five-point scale variable: 0: do not trust, 1: hardly trust, 2: neither trust nor distrust, 3: trust, 4: trust very much. Trust is represented by taken values from 3 and 4.

The figure offers first evidence on how, at an aggregate level, national judges generally trust their higher courts more than the CJEU, with the exception of Spain, where the Constitutional Court has fewer support due to the negative evaluation of its independence by its judicial peers (Mayoral, Ordóñez and Berberoff, 2013). It seems that Spanish judges trust the CJEU more when they think their constitutional court is not performing. Then the CJEU serves as an authoritative institution to challenge a distrusted domestic court. In the other situations, we see that national legal idiosyncrasies create better predispositions to the CJEU. This is the case of the Netherlands due to the openness of the Dutch legal system to other legal regimes, and, secondly, to the lack of reservations to CJEU decisions coming from the Dutch Supreme court (Claes, 2006). Germany scores lowest in terms of trust in the CJEU compared to the other countries in the sample, influenced by the critical attitude towards the CJEU's power by its German Constitutional Court asserting its authority in cases where domestic principles are at stake (Davies, 2012). In terms of CJEU's trust, the Polish judges find themselves in between those two contexts by being involved in some constitutional controversies on the accommodation of EU law due to the dualist nature of its system, but less contentious and continuous than the German case. These effects formulated in hypothesis 3 are also confirmed in the statistical analysis (see table 1A). We find a negative impact of contexts in Poland and Germany, reducing the probability of "trusting very much" by 0.16 and 0.20 respectively compared to the Netherlands. In Spain this expected effect is not found due to the reduced support for the Constitutional Court.

In the previous section, it was asserted that national judges will trust in CJEU rulings when they consider that its takes into account the differing national legal principles that underlie the pluralistic EU legal order. To confirm this statement, the *'EU principles are alien to the national legal order'* variable was added to the study with the aim of testing if national judges trust more the CJEU when they appreciate that its decisions may be founded on a supranational legal order that respect their national legal traditions. In table 1A, we see how at the 0.01 level of significance, judges that believe that the EU principles are alien to the national legal order are less prone to trust the CJEU. In other words, they trust the CJEU more because they think that the compatibility between the EU and national legal principles will prevent the CJEU from undermining the most basic national legal foundations of their national legal system with its decisions (see predicted probabilities in table 2A). On the contrary, national judges will be afraid about the possibility that the CJEU operates according to different principles that might affect the national legal system. To moderate national judges' fears "the legitimacy of the EU legal order requires the CJEU to pay due respect to the common national legal traditions" (Maduro, 2007, p. 6).

Accordingly, a judge during an interview underscored the relevance of the CJEU's consideration of the national constitutional principles. The reservations established by the highest national authority would take absolute primacy over the European treaties and CJEU rulings when the national constitutional principles are at stake:

> *"The Court of Justice will deliver better and more solid opinions if they take into account and consider the different types of legislations. For an international court and the great variety of national legislation that it makes, of course, it is very important that they know, not only what the case is about, but also the consequences and the practices in the Member States. This is part of the dialogue between the different judicial systems. (…) If one day, the Conseil Constitutionnel were to be in a position to say that the EU law violates the constitutional identity of France. We would of course not apply the European law. EU law is not my constitutional rule. We are French judges, we cannot violate our constitution."* (Interview March 2012)

This finding highlights the idea developed by *Constitutional Pluralist theories* that the CJEU must respect the main principles or constitutional identity of the national legal orders (Maduro, 2003; Walker, 2002). National judges require systemic compatibility between EU and diverse national systems, judging the recognition and adjustment of the EU legal order to the plurality of equally legitimated claims of authority made by other legal

orders (Maduro, 2003). This assessment is contingent on national judges' impression of sharing the same hermeneutic framework than the CJEU. We should note how national judges' acknowledgement of the problem in the coexistence of the supranational and domestic spheres does not play any role when assessing trust in national highest court according to the statistical analysis (model 1 in table 1A) and the predicted probabilities (see table 2A). In the same vein, a strong effect of *support for the EU* is found when evaluating judges' trust in the CJEU but not when evaluating the national highest courts (see table 3A). The role of this affective heuristic is interpreted as an indicator of the hope of judges to co-operate on a joint European project with the CJEU, which has traditionally been considered as the basis on which the EU and European judiciary is built. Both elements qualify as distinctive elements for the evaluation of the CJEU as IC compared to their domestic counterparts.

Secondly, the variable *'CJEU rulings are clear'* introduced in Model 2 and 3 shows that national judges trust more in the CJEU when they believe its rulings are clear (see predicted probabilities in table 2A). This finding highlights the competence of the Court to give clear guidance for the resolution of disputes on the application of EU law. This competence belief gets its fundament on the Court's role as maximum interpreter of EU law that is established by the treaties. The implications from these variables underscore the basic role of the Court in providing solutions to the national courts for the correct application of EU law. Both aspects: 1) their belief about the usefulness of the Courts' rulings and 2) their expectations about receiving a decision that contradicts national legal principles, refer to the characteristics which have been defined in considering the extent to which national courts find the CJEU trustworthy. That is, a competent court able to interpret EU law in a way that is not damaging for the national courts when complying with it.

Finally, the models and predicted effects (table 1A, A4 and A5) provide evidence of the influence of corporatist factors on trust. In this regard, we observe *group-based* effects supported by the transfer of trust from national judicial institutions to the supranational ones (table 4A), and also how trust seems to be a by-product of judges' *knowledge of the EU law* (table 5A) and *expertise from serving in administrative legal field/jurisdiction* (increasing in 0.29 the probability to trust the CJEU compared to criminal jurisdiction).

The empirical analysis has manifested a series of factors that affect trust. In this regard, these sources of judicial trust might present diverse combinations that may enhance the cooperation of national judges with the CJEU. For example, even if the CJEU makes decisions that do not provide

a clear guidance or undermine the national legal principles, corporatist factors or support for the EU might still create confidence in the CJEU and then encourage national courts to send PRs. In addition, the analysis offers evidence to support a theory of judicial trust, which is then considered complementary to other explanations behind the use of PRs. First, trust might be a functional principle that encourages cooperation when judges do not feel the legal duty to refer or when no competitive dimension is present. In this regard, a new explanation is offered which also stress the importance of socio-institutional and identity factors still not explored by other accounts. More importantly, it explains why national judges would still send PRs under conditions of high uncertainty about the behaviour of the CJEU, a fact barely addressed by judicial empowerment accounts. Second, despite its differences, we should not forget how the theory of judicial trust might be articulated with other explanations. In this regard, judicial trust might also emerge or being reinforced by previous interactions with the CJEU encouraged either by the legal duty to refer a question to solve a EU legal dispute, or, by the necessity of national courts to empower their judgements with a CJEU ruling. Further research should explore how these mechanisms could be interlinked.

Moreover, the idea of judicial trust also offers new mechanisms that might account for the creation and functioning of judicial networks. It could be argued that judges participating in networks are those who already developed a high level of trust in the CJEU (e.g. after referring several times to the CJEU). The current evidence is not conclusive, but we could still speculate how judicial networks might emerge in context of high density of judicial trust produced by previous judicial cooperation. Additionally, the findings might be also relevant to identify the trust-building mechanism that networks can implement in training and education programmes to create and reinforce links between national judges and the CJEU. In this direction, networks might be understood as a useful instrument that might help national judges to clarify the guidance and to accommodate the rulings provided by the CJEU, creating a positive attitude towards the Court.

Conclusions

This article aims at providing a new approach to judicial cooperation distinct from the current accounts based on legal deference and institutional incentives by establishing that the role of national judges' trust in CJEU needs to be further examined. Even if the evidence is still limited, this arti-

cle suggests that there is an existence of trust between national judges and the CJEU. More importantly, the evidence gives an empirical background from which we can theorize judicial trust in the CJEU, a construct that is distinct from citizens' trust in judicial institutions due to its corporatist element (based on group-identity, legal knowledge and expertise), and distinct from national judges' trust in their own national judiciary where the conflict between multi-level legal systems and support to co-operate on a joint European project are absent. Then the article predicts that national judges might be more likely to cooperate with the CJEU when they trust that the Courts' decisions offer a clear guidance for the correct application of EU law and will not create any conflict with their national legal order. In turn, the article underscores the CJEU's capability to create and promote trust through its decisions, facilitating the application and assimilation of a common legal framework shared by national judges.

This research brings new ideas to be theoretically and empirically addressed in future contributions about how trust might increase our understanding of the role ICs play in creating, sustaining and developing its effectiveness and legitimacy. First, despite the well-known evidence from other fields of the relevance of trust for cooperation, further analysis is needed to study the real impact of judicial trust in the cooperation with the CJEU and its legitimacy. In this regard, sociological studies suggest that trust might help to cope with conflict produced by competition. In this sense, it should be asked whether trust might be adequate for the resolution of situations where judicial clashes occur. Here, it refers to situations where national judges face opposing decisions coming from the CJEU and its national high court about the interpretation of EU law. The existence of trust may reduce the harmful consequences of competition between judicial authorities, by making national judges to solve conflicts on the application on EU law in favour of the CJEU based on trust.

Moreover, new data will help to explore the influence of other mechanisms which can be relevant for the trust of national judges in the CJEU: selection of judges, the political neutrality of the CJEU in the decisions, judicial proceedings, the discretion given to national courts by ICs rulings, their identity of national judges as EU citizens, their level of generalized trust, the role of judicial networks or trust in political institutions. In the latter regard, we can still ask if, for instance, trust in national governments and parliaments might affect negatively trust in ICs and why. In the same vein, it would be interesting to explore trust in CJEU from very different legal cultures like the common law and Nordic law. While UK courts had a pragmatic and non-doctrinaire mode of adjudication that predisposes

them to the CJEU rulings, the Nordic judges depart from a more reluctant attitude towards International law.

Finally, zooming out, the theory and features might be considered for the analysis of national judges' trust in other ICs. However, we must consider that judicial trust in ICs might still operate differently depending on the institutional context where international courts are embedded and how they interact with national courts. First, referring to other ICs with preliminary reference systems, we can speculate about whether and why these systems might perform similarly or not as regards the creation and development of judicial trust considering that the number of references is lower, like in the Andean Court of Justice, or almost non-existent like in the East African Court of Justice compared to the EU. Second, by comparing with other systems where there is not a straightforward judicial cooperation system, like the European Court of Human Rights (ECtHR) or the International Criminal Court. In these sense, the empirical evidence from surveys in Spain and Poland shows that trust in the ECtHR is lower than in the CJEU (Mayoral, 2015). It might be easily explained by the absence of a PRs system. This would make national judges to focus on more procedural or domestic aspects to trust in these specific courts, such as fair trial, the qualifications of international judges, or the position of governments as regards human rights, the level of human rights protection at the domestic level, judicial independence, etc.

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Interviews:

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APPENDIX:

Survey procedure

The data set built for the study of national judges' attitudes towards EU legal order and institutions contributes to the empirical understanding of trust in countries such as Germany (131 judges), the Netherlands (127), Spain (112) and Poland (111). The data was collected between 2009 and 2012 from different projects. In the Netherlands and Germany (Nowak, Amtenbrink, Hertogh, and Wissink, 2011) and in Poland and Spain (Mayoral, 2015) the data was gathered among judges from district and regional courts working in different jurisdiction in cooperation with national authorities and institutions: the Dutch Judicial Council, the Ministry of Justice of North Rhine-Westphalia association of judges, the Spanish Judicial Council and the Spanish Network of European Law, the European Centre of Natolin and the Polish Ministry of Justice.

Survey studies can be affected by potential problem of endogeneity bias. After trying to run tests which could address the endogeneity problem and taking into consideration the nature of our data, it was concluded that there is no good statistical instrument that could deal with this dilemma. Consequently, this research acknowledges the burden of endogeneity and avoids strong statements for causality based on the results. With regards to the representativeness of survey design, the task of carrying out a random probability sampling was extremely difficult to execute due to the constraints in access to national judges and the conditions imposed by the judiciaries to cooperate. However, the authors of this data used different strategies during its collection that allowed for reducing representativeness bias, non-response and self-selection errors. The tables below confirmed how difficult was to obtain representative samples under these constraints. The tables compare the sample with country-level information on judges' characteristics to assess whether despite the difficulties it was still possible to secure a representative sample.

2012 Population	Judges	Male	Female	Lower	Intermediate/ Higher
Germany	19832	59,8 %	40,2 %	74,9 %	25,1 %
Netherlands	2410	45,7 %	54,3 %	77 %	23 %
Spain	5155	49,2 %	50,8 %	70,7 %	29,3 %
Poland	10114	36,1 %	63,9 %	93,3 %	6,6 %

Source: CEPEJ European judicial systems – Edition 2014 (2012 data): efficiency and quality of justice. Council of Europe. UNECE statistics: http://w3.unece.org/PXWeb/en

2012 Sample	Judges	Male	Female	Lower	Intermediate/ Higher
Germany	131	40 %	60 %	87,8 %	12,2 %
Netherlands	127	46,7 %	53,3 %	68,5 %	31,5 %
Spain	112	48,1 %	51,9 %	27,6 %	72,3 %
Poland	111	56,6 %	43,4 %	71,2 %	28,8 %

As expected, with few exceptions, the data is not representative of the whole population of judges. However, the sample still serves the purpose of randomizing and increase the variation of some characteristics in EU law knowledge, gender and career levels (see above), avoiding the overrepresentation of certain profiles, like judges only knowledgeable about EU law and/or working exclusively in lower courts.

EU law knowledge	%
Bad	14.97
Moderate	37.42
Reasonable	37.21
Good/Very Good	10.4
Total	481

The questionnaires in Dutch, German, Polish and Spanish prepared by the researchers were originally distributed online among judges by the national judiciaries involved. Reminders were sent to encourage the participation in the surveys (see Nowak, Amtenbrink, Hertogh, and Wissink, 2011). All these projects rely on the cooperation of the judiciary to distribute via email and encourage the participation of the judges. The selection of online survey was selected due to the high number of judges available in the country. This method made it possible to reach the vast majority of them at a very low cost. The method has it risks as some judges did not trust the online methods survey or where not familiar with them. However, this collection technique was complemented with the distribution by the researchers of paper questionnaires among judges (from all jurisdictions and legal specializations) by attending judicial training courses, mailing the questionnaires or visiting the courts to handle the questionnaires with the permission of the presidents. This complementarity helped to reduce or avoid the overrepresentation of judges more knowledgeable with EU law and the underrepresentation of judges not interested in EU law, reaching judges from several jurisdictions (civil, labour, administrative, and criminal), profiles and position within the judicial hierarchy (see above). Moreover, to encourage the participation of national judges, those were informed about the main objectives of the project and several channels of response were provided to ensure confidentiality.

Variables

- *Trust in the Court of Justice of the European Union (CJEU):* The variable measures the intensity of trust in the CJEU, using a five-point scale variable: 0: do not trust, 1: hardly trust, 2: neither trust nor distrust, 3: trust, 4: trust very much. Values 0 and 1 were collapsed.
- *Trust in the highest national court:* The variable measures the intensity of trust in the German, Spanish and Polish Constitutional Tribunal and the Supreme Court in the Netherlands, using a five-point scale variable: 0: do not trust, 1: hardly trust, 2: neither trust nor distrust, 3: trust, 4: trust very much.
- *CJEU rulings are clear:* Five-point scale that measures to what extent agrees or disagrees with the following statement: "In general, I believe that the rulings made by the CJEU are clear". 0: strongly disagree, 1: disagree, 2: neither agree nor disagree, 3: agree, 4: strongly agree.
- *EU legal principles are alien to the domestic legal orders:* Five-point scale that measures whether judges agree or disagree with the following statement: "I think that European legal principles are alien to my national legal system". 0: strongly disagree, 1: disagree, 2: neither agree nor disagree, 3: agree, 4: strongly agree. Values 3 and 4 were merged.
- *Type of Court or Judge's position within the national judicial hierarchy:* The variable adopts the value of 0 when the judge belongs to a district court or similar, 1 if he/she belongs to a regional or appeal court, or works on a Supreme Court (only for Poland and Spain).
- *Knowledge of EU law:* These variables codes whether the judges think their knowledge of EU law is sufficient to judge the possible EU law content of the cases. This is measured by a 5-point scale that assesses their subjective evaluation of their knowledge of European law. The variable ranges from 'Bad'(0) to 'Very good'(4) knowledge of European law. Values 3 and 4 were merged.
- *Knowledge of national law*: A 5-point scale measuring their subjective evaluation of their knowledge of national law. The variable ranges from 'Bad'(0) to 'Very good'(4) knowledge of national law. Values 0 and 1 were merged.
- *Support for EU:* This variable codes whether the judge in general terms thinks his/her country's membership to the European Union is 'Bad'(0), 'Neither good nor bad'(1) or 'Good'(2). Values 0 and 1 were merged.
- Legal area: Classifies the legal area/jurisdiction in which the judge serves: 'Civil and commercial' (0), 'Criminal' (1), 'Labour and Social law' (2) and 'Administrative' (3).
- *Country:* This variable identifies national judges' country: 0: The Netherlands, 1: Germany; 2: Poland; and 3: Spain. Generally, the Netherlands will be treated as the category of reference to compare all these countries.
- Socialization in EU law: Number of legal peers (e.g. CJEU judges, national judges specialized in EU law, lawyers, etc.) available to consult on the issue of the application of EU law. It ranges from '0' to '4 or more'. This variable was added in model 3 as control variable.

- Judicial training in EU law: coded 1 when the judge has attended any training course on EU law, and 0 if otherwise. This variable was added in model 3 as control variable.

Statistical results:

Table 1A: Ordered probit regression of the intensity of trust in NHC and the CJEU

	Trust NHC	**Trust CJEU**	**Trust CJEU**
	Model 1	Model 2	Model 3
Trust in the CJEU	0.643*** [0.072]		
Trust in the Supreme / Constitutional Court		0.458*** [0.68]	0.462*** [0.68]
Knowledge of national law	0.242** [0.104]	-0.119 [0.112]	-0.114 [0.113]
Knowledge of EU law	-0.020 [0.065]	0.150** [0.71]	0.143** [0.72]
Type of court	0.095 [0.126]	0.120 [0.138]	0.108 [0.138]
EU principles are alien to the national legal order	-0.028 [0.061]	-0.235*** [0.065]	-0.235*** [0.065]
Support for the EU	0.234 [0.235]	0.719*** [0.255]	0.695*** [0.264]
CJEU rulings are clear		0.154*** [0.58]	0.154*** [0.586]
Country: The Netherlands (category of reference)			
Country: Germany	0.015 [0.160]	-0.804*** [0.183]	-0.778*** [0.205]
Country: Spain	-1.715*** [0.184]	0.098 [0.226]	0.074 [0.247]
Country: Poland	-0.505** [0.202]	-0.658*** [0.233]	-0.687*** [0.243]
Legal area: Criminal law (category of reference)			
Legal area: Civil and Commercial law	-0.252 [0.170]	0.076 [0.176]	0.037 [0.18]
Legal area: Social and Labour law	-0.069 [0.301]	0.393 [0.314]	0.378 [0.319]
Legal area: Administrative law	-0.993*** [0.288]	0.830*** [0.32]	0.780** [0.323]
Socialization in EU law			0.034 [0.68]
Judicial training in EU law			0.044 [0.139]
τ1	-0.353	0.114	0.145

τ2	0.228	0.783	0.803
τ3	0.857*	2.599***	2.622***
τ4	2.579***		
Observations	481	397	395
Pseudo-R²	0.21	0.14	0.14
Standard errors in brackets *** p<0.01, ** p<0.05, * p<0.1			

Table 1.1A: Descriptive statistics

Variable	Obs.	Mean	Std. Dev.	Min	Max
Trust in the Constitutional/Supreme Court	481	3.043	1.024	0	4
Trust in the CJEU	481	2.997	0.842	0	4
Knowledge of National law	481	2.902	0.588	0	4
Knowledge of EU law	481	1.43	0.868	0	3
Type of Court	481	0.351	0.477	0	1
EU principles are alien to the national legal order	481	1.029	0.898	0	3
CJEU rulings are clear	397	2.078	1.025	0	4
Country: The Netherlands	481	0.264	0.441	0	1
Country: Germany	481	0.272	0.445	0	1
Country: Spain	481	0.231	0.421	0	1
Country: Poland	481	0.232	0.423	0	1
Legal area: Civil and Commercial law	481	0.752	0.431	0	1
Legal area: Criminal law	481	0.168	0.374	0	1
Legal area: Social and Labour law	481	0.035	0.184	0	1
Legal area: Administrative law	481	0.043	0.204	0	1
Support for the EU	481	0.948	0.222	0	1
Socialization in EU law	478	1.184	0.996	0	4
Judicial training in EU law	478	0.669	0.471	0	1

Table 2A: Predicted probabilities of main explanatory variables on "trust very much" (model 2)

	EU principles are alien to the national legal order[11]	CJEU rulings are clear
Strongly disagree	0.27	0.12
Disagree	0.20	0.15
Neither agree nor disagree	0.14	0.19
Agree	0.09	0.24

11 'Strongly agree' values where added to 'agree' category for this variable to avoid small observations.

Strongly agree	-	0.29

Table 3A: Predicted probabilities of 'support for EU' on "trust very much" (model 2)

	Trust in NHCs
Bad thing/neither good nor bad	0.06
Good thing	0.21

Table 4A: Predicted probabilities of 'trust in NHCs' on "trust very much" (model 2)

	Trust in NHCs
Do not trust	0.01
Hardly trust	0.04
Neither trust nor distrust	0.10
Trust	0.21
Trust very much	0.36

Table 5A: Predicted probabilities of 'knowledge of EU law' on "trust very much" (model 2)

	Trust in NHCs
Bad	0.14
Moderate	0.18
Reasonable	0.22
Good/Very Good	0.27

My iCourts experience

My time in iCourts was one of the most rewarding professional and personal experiences in life. I owe a great deal of my academic success and everyday joy to the Centre and my colleagues there.

Everything started when I was finishing my PhD in Political Science at the European University Institute (EUI). In 2013, Marlene Wind mentioned iCourts at one of the events organized there. That was the first time I heard of iCourts. At that moment, I did not know Marlene, so I approached her after her presentation. What attracted my attention was that the presentation centered on the Politics of EU law. I shared my interest in this topic with Marlene, and, after noticing my enthusiasm, she mentioned that a new Centre was being created in Copenhagen, where she was part of the team studying international courts and law. She encouraged me to apply to the upcoming postdoc positions. And since that conversation I kept my eye on iCourts and later applied for a postdoc position. In the meanwhile, I visited iCourts just to be sure that iCourts was as good as it was promised (it was).

In January 2014, I landed in Copenhagen after my defense and, ever since my arrival, iCourts went beyond any expectations I had. It turned out the Centre was (and still is) led by a scholar in law and sociology, Mikael Rask Madsen. While I have to admit I never heard about him before, he appeared to be an avid Real Madrid fan, who had strong attachment to Spain due to his previous master studies at the International Institute for the Sociology of Law in Oñati. This relationship, of course, was destined to become a dear friendship. Moreover, the Centre, which was already airborne for one or two years at the most, recruited many new members: Urška Šadl, Mikkel Jarle Christensen, Salvatore Caserta, Henrik Palmer Olsen, Güneş Ünüvar, Zuzanna Godzimirska, Yannis Panagis, Jakob v. H. Holtermann, Anne Lise Kjær, among others, all of them having research interests in the intersection between law, society, and politics. The Centre was (and is) also supported by great administrative staff, Henrik Stampe Lund and Lilli Streymnes. All this made iCourts a perfect place for developing interdisciplinary research. The day of my interview, I made it clear that I would not see myself in any other place than iCourts. My motivation at that moment was to find an academic context that will advance my interest in study of EU Law & Politics and iCourts provided unique environment for that.

Then, in summer 2014 I started my position as Postdoctoral research fellow at iCourts, where I continued learning from my colleagues and growing as a scholar, sharing this enriching experience with several generations of postdocs and friends: Pola Cebulak, Jed Odermatt, Marina Aksenova, Kerstin Carlson, Nora Stappert, among others, until spring 2021 when I took leave as Jean Monnet Associate Professor to continue as Ramón y Cajal researcher in Spain. I have always experienced iCourts as a privileged place for the genuine exchange of ideas that also gave me access to the most renowned institutions and scholars in the field of Judicial Politics such as Karen Alter, Laurence Helfer, Antoine Vauchez, Ron Levi, Erik Voeten, etc. This powerful network was constantly nurtured with new permanent incorporations and visiting researchers who left a great imprint in the institution.

The iCourts experience developed in me a great sense of belonging based on a healthy, critical, and respectful academic culture that made research a joyful task. I also benefited from great mentorship and advice from my colleagues making me a better researcher. The feeling as iCourtian was strengthened by the fact that everyone was encouraged to take an active role in the Centre by contributing to its development and construction with new ideas that might benefit the collective.

After seven years, I have so many great memories of iCourts, all of them shared with my colleagues who became loyal friends. Moreover, my stay in iCourts has been intertwined with important personal events that made understand how privileged I was of being in such a great Centre and the Faculty of Law. For that reason, I keep good memories of the celebration of my appointment as assistant professor in iCourts: it was one of these moments, when following the Danish academic tradition of drinks and discourses, my colleagues made me understand how iCourts without Juan would be less iCourts, and vice versa, and that we would miss each other so much if I ever leave.

Position and affiliation before joining iCourts: *PhD researcher at the European University Institute.*

Period in iCourts: *January 2014 – April 2021.*

Current position and institutional affiliation*: Ramón y Cajal Research Fellow at Carlos III University of Madrid.*