



Five vacancies for researchers Vici project Affordable Access to Justice

Erasmus University Rotterdam

Erasmus University Rotterdam (EUR) is an internationally oriented university with a pronounced social orientation in its education and research. Our scientists and students work to solve global and social challenges, inspired by the dynamic and cosmopolitan city of Rotterdam. Our academic education is intensive, active, and applied. Our research is increasingly taking place in multidisciplinary teams, which are highly intertwined with international networks. With our research impact and study quality, Erasmus University Rotterdam is highly ranked and can compete with leading European universities. Important values for Erasmus University Rotterdam are being daring, curious, socially involved, deliberate and aspiring to success.

Erasmus School of Law

[Erasmus School of Law](#) employs 490 members of staff and is attended by around 5000 students. Erasmus School of Law offers bachelor programmes in Law, Tax Law and Criminology, with a focus on active academic learning. Students can subsequently choose from a wide variety of master programmes. Erasmus School of Law also collaborates in Double Degree programmes combining law and (business) economics or law and business administration and is one of the founders of the European Master's in law & Economics. Once students have completed their master's degree, they may choose from several postgraduate tracks provided by Erasmus School of Law (in collaboration with Erasmus Academy and others).

The fundamental premise underlying academic research conducted at Erasmus School of Law is that law cannot be considered in splendid isolation or as an end in itself. It is embedded in an economic and social context that shapes law. At the same time, law itself shapes society and defines economic relationships. In line with this vision, our mission is to conduct innovative research on the function of law in its economic and social context. This research has a strong social and business-driven orientation. Erasmus School of Law is committed to promoting international and interdisciplinary research.

Erasmus School of Law has 5 vacancies (2 PhD-positions, 2 Postdoc-positions and 1 part-time associate professor) for subprojects of the recently acquired NWO Vici project: 'Affordable access to justice: towards sustainable cost and funding mechanisms for civil litigation in Europe'

The Vici project 'Affordable access to justice'

Access to justice is a fundamental human right guaranteed by the European Human Rights Convention and the EU Charter of Fundamental Rights. It is crucial for sustainable economic growth, but it is also the right that is most often violated. At the heart of effective access to civil justice lies litigation funding and cost management. Access to civil justice has been under pressure due to retrenching governments, high costs, and procedural inefficiency.

The Vici project will assess new pathways to civil justice funding and cost schemes, with a view to developing a balanced financing system, thereby securing access to justice in Europe. Combining legal-normative, comparative law, and empirical research, the project will (1) analyse the development of private funding and cost mechanisms in selected European jurisdictions (where three key jurisdictions are the United Kingdom (England and Wales), Germany and the Netherlands, while Scandinavian countries are also of interest); (2) scrutinise these against the background of securing access to justice as a fundamental right; and (3) devise a framework for funding and cost rules, contributing to a sustainable European civil justice system.

For this project, Erasmus School of Law is looking for five researchers that have a passion for research, enjoy an international and multidisciplinary approach and environment, are independent thinkers and team players. The project is fully financed by the [‘Nederlandse Organisatie voor Wetenschappelijk Onderzoek’](#) (*Netherlands Organisation for Scientific Research, NWO*) under its Vici scheme for senior researchers. While the awarded project proposal is leading, the researchers will have the freedom to further develop their research project. The project is led by Prof. dr. Xandra Kramer (PI).

This project builds on the ERC consolidator project [‘Building EU civil justice’](#). Information on the new Vici project will also be made available on this website.

Brief description subprojects

Research in the area of costs and funding of civil justice (part-time associate/endowed professor)

The part-time (0.2 fte) associate/endowed professor will conduct research in the area of costs and funding of civil justice and his or her role will consist of supporting the PI in steering the research project and supervising the staff.

Subproject 1a: From public to private funding (1 postdoc position)

This subproject will provide the broad framework investigating the shift from public to private funding. Starting from the access to justice legal-normative framework, it will investigate developments in state-subsidised legal aid, map these more in depth for selected jurisdictions, and study emerging private funding mechanisms, as well as the relation between these. It consists of legal theory, normative-comparative research and empirical field research through exploratory and semi-structured interviews with legal practitioners and funders. On the basis of this research, certain types of private funding will be studied in-depth. Conclusions will be drawn as to their contribution to access to justice in Europe, and recommendations will be made on how to regulate private funding.

Subproject 1b: Funding and who decides? (1 PhD position)

This subproject will view third-party financing (TPF) from a law and economics perspective, complementing the other subprojects. A key issue is the principal agent problem. With TPF, the claimant – the principal – is not the actor who decides whether a claim will be submitted, or the proceeding will be continued in view of settlement offers. Those decisions are taken by the agent (attorney, litigation funder, insurer), and his interests may not be aligned with those of the principal. These agency problems have to be traded off against the problems with access to justice, which exist without these funding mechanisms. In addition to these agency issues, the behaviour of the parties themselves – e.g. bringing a claim and accepting settlement offers – is affected by funding mechanisms. This subproject will apply models in selected European jurisdictions, resulting in more concrete predictions on outcomes and behaviour or in strengthening the institutional embeddedness of the models. It consists of classical law and economics methodology, normative law and economics and a component of behavioural law and economics, using surveys to test assumptions used in theoretic models or a simple lab experiment with scenarios.

Subproject 1c: Crowdfunding civil justice (1 PhD position)

This postdoc project studies the potential of fundraising to initiate legal action. Crowd litigation funding (CLF) is an emerging way to finance litigation through platforms such as Funded Justice (US), Crowd Justice (UK), and Rechtspraak.nu (the Netherlands). Examples of where crowdfunding is used include the well-known Volkswagen case and the environmental cases *Milieudefensie v. Shell* and *Urgenda v. The Netherlands*. Unlike commercial TPF, CLF offers opportunities not only for idealistically driven cases but also for middle-market litigants. However, CLF can also result in vexatious claims being

funded. This project will investigate the CLF market, the legal framing, its use and the potential for civil litigation and provide a framework. It will do this by interviews, and in particular exploratory interviews (with platforms, and other stakeholders involved in crowdfunding) and case studies (also involving interviews and web scraping) to gain an insight into the crowdfunding market. Semi-structured interviews with legal practitioners to obtain information on how crowdfunding is perceived, and surveys among (potential) crowd funders (which includes the general public) will also be useful.

Subproject 2: Cost mechanisms (1 postdoc position)

This subproject will first identify in more detail the most important costs in civil litigation and evaluate how these affect access to justice. This will also aid the first strand of the project. It will then map the various reforms and techniques aimed at reducing and allocating the costs and will analyse and compare their effects. One of the focal points will be the increase in case management in relation to proportionality requirements and costs-related sanctions. A major part of this subproject will consist of legal-normative and comparative research. The functioning of certain mechanisms and experiences with cost rules will be investigated further through interviews with and surveys among legal practitioners. In collaboration with subproject 1b, this project can also engage in empirically testing assumptions on behaviour. By using these methods, the subprojects will provide a normative and empirical underpinning for the various cost rules and give recommendations on the mix of measures to keep justice affordable.

Required qualifications for each of the positions

Part-time associate/endowed/full professor (0.2 fte), 4 years

- international leadership in the area of civil justice
- research excellence as evidenced by publications and other experiences
- international research and teaching experience
- ability to acquire research funding
- entrepreneurial
- supervision and management qualities as well as a relevant professional network
- excellent writing and oral skills in English
- working proficiency in at least one other language relevant for the project is preferable

1 Postdoc, 4 years – Subproject 1a *From public to private funding*

- hold a PhD, or obtain this before appointment, in (European) civil procedure on a topic relevant for the project
- relevant international publications
- international research and teaching experience
- experience with comparative law research
- preferably experience with or qualifications in empirical legal research
- human and managerial skills as well as a relevant professional network
- excellent writing and oral skills in English
- working proficiency in at least two of the other languages relevant for the project or the willingness to obtain this within a short period of time

1 PhD candidate, 4 years (with probation period of 14 months) – Subproject 1b *Funding and who decides?*

- hold a master's degree in law or in economics with an affinity to law, or obtain this before appointment
- obtained above average study results during master's degree
- background in law and economics and/or behavioural sciences
- affinity with civil procedure and comparative law
- proven research qualities; in particular analytical skills, creativity, perseverance, and the ability to work independently
- team player with broad interest in research matters
- familiar with or a particular interest in conducting empirical research (including surveys and data analysis)
- excellent writing and oral skills in English
- working proficiency in at least two of the other languages relevant for the project or the willingness to obtain this within a short period of time

1 PhD, 4 years (with probation period of 14 months) – Subproject 1c *Crowdfunding civil justice*

- hold a master's degree in law or obtain this before appointment
- obtained above average study results during master's degree
- expertise in civil procedure or comparative law
- proven research qualities; in particular analytical skills, creativity, perseverance, and the ability to work independently
- team player with broad interest in research matters
- familiar with or a particular interest in conducting empirical research (including interviews and data analysis)
- excellent writing and oral skills in English
- working proficiency in at least two of the other languages relevant for the project or the willingness to obtain this within a short period of time

1 Postdoc, 4 years – Subproject 2 *Cost mechanisms*

- hold a PhD, or obtain this before appointment, in (European) civil procedure on a topic relevant for the project
- relevant international publications
- international research and teaching experience
- experience with comparative law research
- preferably experience with or qualifications in empirical legal research
- human and managerial skills as well as a relevant professional network
- excellent writing and oral skills in English
- working proficiency in at least two of the other languages relevant for the project or the willingness to obtain this within a short period of time

Start date

The intended start date of the project will be October/November 2020.

Employment conditions

These positions come with good employment conditions, compliant with the Collective Labour Agreement of Dutch Universities (CAO NU).

The position of the three PhD-candidates begins with a temporary employment contract for 12 months in which the candidate's suitability is evaluated. This probationary period consists of a full educational programme and individual research. In the remaining 36-month period PhD researchers focus on their research and the completion of their thesis. In both phases structured guidance is provided by the thesis supervisors and a doctorate committee composed of senior researchers and one of the PhD coordinators of Erasmus Graduate School of Law.

We offer an attractive position with good terms of employment in accordance with the Collective Labour Agreement of Dutch Universities (CAO NU). The monthly salary is € 2,395 gross for a fulltime position of 38 hours a week during the first year (CAO NU scale doctoral candidate), which will increase annually up to € 3,061 gross per month in the fourth year.

The attractive benefits package includes an end of year bonus of 8.3%, holiday allowance of 8%, extensive leave facilities for a healthy work/life balance, a good pension fund and an excellent collective insurance package. Staff are also entitled to use various facilities, such as sport facilities and library.

Since April 2018, Erasmus University Rotterdam has offered a Dual Career Programme to partners and spouses of new international employees. This programme is executed in close cooperation with Leiden University and TU Delft and aims to help partners and spouses find a job on the Dutch labour market. See www.eur.nl/en/working/international-staff-eur/family/work-partners.

The position of the two postdocs starts also with a temporary employment contract, i.e. for 12 months. The salary of the postdocs is in accordance with the postdoc scale of the CAO NU. For a full-time appointment, the salary of the postdocs is scaled according to the CAO of Dutch Universities Scale 11 CAO NU, with a minimum of € 3,746 gross per month on a 38 hour per week contract. If you have not obtained a PHD yet, the salary will correspond to scale 10 CAO NU at the beginning.

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Information and application

More information about Erasmus University and Erasmus School of Law can be found on <http://www.eur.nl/> and <http://www.esl.eur.nl/>. Information about the educational programme of EGSL can be found on https://www.esl.eur.nl/egsl/doctoral_programme/educational_programme/. See also the PhD Guide on https://www.esl.eur.nl/fileadmin/ASSETS/frg/ESL_Research/EGSL/EGSL_PhD_Guide.PDF

For more information about the project, please contact Prof. dr. X.E. (Xandra) Kramer at kramer@law.eur.nl

For more information about the selection procedure and provisions for applicants, please contact Dr. Henk Bolk, projectmanager Human Resources, at bolk@law.eur.nl or +31104081603

Your application must be written in English and should be accompanied by the following documents:

- Letter of motivation, including information on your present situation (max. 2 pages)
- CV, including in particular information on
 - Education + diplomas
 - Grades, grants, prizes
 - Publications, where possible with links to online open access sources
 - Names and contact information of at least two referees
 - Experience abroad
- Proof of your degree, including grade transcript of your Master study (PhD-candidates) or doctorate (postdocs)
- Sample of your own work (e.g. thesis, paper, published article)
- For the *postdoc* positions: a draft research outline and agenda of maximum 1000 words on the subproject you prefer to take up.
- It is possible to apply for more than one project, but please clearly indicate in your letter if you do so.

You may apply for this position **until Monday 27th July 2020**, by sending your application to:

Erasmus University Rotterdam
Erasmus School of Law
To the attention of: Dr. H. Bolk, project manager HR
E-mail: application@law.eur.nl

If you apply for one or more of these positions, please explicitly mention the vacancy number. The vacancy numbers are:

Part-time associate/endowed professor	AT-/2020.06/UHD
Postdoc subproject 1a From public to private funding:	AT-/2020.06A/Postdoc
PhD subproject 1b Funding and who decides?:	AT-/2020.06B/PHD
PhD subproject 1c Crowdfunding civil justice:	AT-/2020.06C/PHD
Postdoc subproject 2 Cost mechanisms:	AT-/2020.062/Postdoc

The application button at Academic Transfer is available [here](#).