

SCHOOL OF LAW

2011/12 Bulletin

For friends
& alumni



OÉ Gaillimh
NUI Galway



STUDENT ACCOMPLISHMENTS

2011/12 has been a tremendously successful year for law students in NUI Galway

Trevor Glavey (Bachelor of Corporate Law 2011) was presented with a gold medal by the then President of Ireland, Mary McAleese (pictured above), following his success in the Undergraduate Awards of Ireland and Northern Ireland for his essay on 'The Enforcement of EU Competition Law and Respect for Human Rights' in October 2011. Dr. Laurent Pech was also acknowledged as the lecturer of the winning student in the Law category and received a certificate in recognition of the achievement. **Conor Keane**, another Law School student whose essay on 'The Maxims of Equity' was supervised by Dr. Lucy-Ann Buckley, also made it through to the Awards shortlist.

The Law School is pleased to announce that **Ciara Staunton**, a PhD student in the School of Law, has been appointed a Director of the Irish Stem Cell Foundation in her capacity as legal advisor to the foundation, which is a member of the International Consortium of Stem Cell Networks. Its mission is to educate the public on stem cell therapies as well as to lobby for the introduction of regulations for stem cell research in Ireland. Its other directors include Prof Orla Hardiman, Dr Stephen Sullivan and patient advocate Martin Codyre. Ciara is a IRCHSS Government of Ireland Postgraduate Scholar. Her thesis, 'The Regulation of Stem Cell Research in Ireland', is being supervised by Dr. Mary Keys and Dr. Cliona Kelly.

Congratulations to 3rd year BCL student **Donnacha O'Sullivan**, whose Family Law essay 'A Critical Analysis of the Protection of Families under the Irish Constitution of 1937' was accepted for publication for the 11th ed. of the Cork Online Law Review. He has also been awarded the best overall submission for this edition and received a medal and €300. Congratulations also to his essay supervisor, Dr. Anne Egan.



STUDENT ACCOMPLISHMENTS

Congratulations also to **Jessica Cardill** (LLB 2011), whose Alternative Dispute Resolution essay 'Facilitating Justice - Mediation: Timely affordable access to justice' was accepted for publication for the forthcoming *Arbitration and ADR Review*. Congratulations also to her essay supervisor, Lughaidh Kerin.

On the funding front, one of our PhD students, **Damien McCallig** (Supervisor: Marie McGonagle), was successful in obtaining IRCHSS funding in 2011 and his research on the law of digital remains has been selected for showcasing on the IRCHSS website.

The School is pleased to have been represented by so many talented students in a number of moot court competitions including 'The Advocate' - McCann Fitzgerald's All-Ireland Business Law Challenge - and the NUI Maynooth Intervarsity Moot. The School of Law is also delighted to announce that Mooting will be an official discrete module in the forthcoming academic year. The School of Law also held the inaugural NUIG Internal Moot Court Competition in 2011 in conjunction with the NUI Galway Student Law Society. **Barry Connelly** and **Sana Farooq Khan** (LLM in Law & Technology 2011) were the winning pair with Niall Moran (B. Corp. Law 2011) and Simon Matthews (LLB 2011), the runners-up. The Moot Court was presided over by Circuit Court judge, Her Honour Judge Petria McDonnell, Prof. Liam O'Malley and Tom O'Malley (*pictured above*). Many thanks to the judging panel and to the Court Service for permitting us to hold the final in the Courthouse in Galway, and in particular to His Honour Judge Raymond Groarke, Judge of the Circuit Court. Many thanks also to the co-moot conveners Lughaidh Kerin and Conor Harris (B. Corp. Law 2011).

Matti Twomey (LL.M. in Public law 2010-11) was appointed to the Court of Appeal in the Seychelles. She has become the first female judge in the history of Seychelles.

LAW SCHOOL APPOINTMENTS



The School of Law offers its congratulations to **Prof. Gerard Quinn**, Director of the Centre for Disability Law and Policy and **Mrs Justice Catherine McGuinness** (pictured top left), adjunct Professor of Law, NUI Galway, who were appointed in January 2012 by President Michael D. Higgins to sit on the Council of State. Other appointees include Professor Gearóid Ó Tuathaigh, Professor Emeritus in History, Mr Michael Farrell, Professor Deirdre Heenan, Mr Ruairí McKiernan and Ms Sally Mulready.



In February 2012, **Donncha O'Connell** (pictured left), lecturer in law, was appointed by the Government, on the nomination of Attorney General, Máire Whelan, SC, to the Law Reform Commission to replace Mr. Justice Donal O'Donnell of the Supreme Court. He will serve as a part-time Commissioner.

In addition, Donncha was also appointed by the Minister for Justice and Equality, Alan Shatter, TD, to the new Legal Aid Board in December 2011. The Board is responsible for the provision of legal aid and advice in civil matters (incl. the Refugee Legal Service) and will soon assume responsibility for criminal legal aid. It also oversees the Family Mediation Service and the Refugee Documentation Centre.



Law School lecturer **Dr Mary Keys** (pictured bottom left) was reappointed in April 2012 as the public interest representative to the Mental Health Commission by Kathleen Lynch T.D., Minister for Disability, Equality, Mental Health and Older People. The Mental Health Commission is an independent statutory body established under the Mental Health Act, 2001. The other members of the Commission include representatives of the medical, nursing, other health and legal professionals, voluntary bodies, mental health service users and the general public.

STAFF AWARDS & PRIZES

In other news, our School's faculty and alumni have been highly successful on the awards front. The Attorney General, **Ms. Máire Whelan SC** (pictured right) was among the recipients of the 2012 NUI Galway Alumni Awards, receiving the Bank of Ireland Award for Business, Public Policy and Law. The awards recognise individual excellence and achievements among the University's more than 80,000 graduates worldwide.



The Minister for Education and Skills, Ruairi Quinn, T.D., also presented the Royal Irish Academy (RIA) Gold Medal to the international human rights scholar **Professor William Schabas**, (pictured right), former Director of the Irish Centre for Human Rights (ICHR) at NUI Galway, who is now Professor of International Law at Middlesex University, in recognition of his outstanding contributions to the Social Sciences.



Dr. Laurent Pech, Jean Monnet Lecturer in EU Public Law (pictured right), was also awarded a European prize for outstanding scholarship on the EU's Lisbon Treaty. The award ceremony took place in Brussels last June. This is the first ever research prize awarded by LISBOAN, a European academic network dedicated to European integration studies which regroups 67 institutions of higher education and research from 32 countries.



Dr. Shane Darcy (pictured right), a lecturer at the ICHR, has also been awarded The Journal of International Criminal Justice Prize 2010. This prize is awarded annually for the best article by a promising scholar in this leading international journal. Dr. Darcy's article was entitled 'Prosecuting the War Crime of Collective Punishment: Is It Time to Amend the Rome Statute?'



Finally, **Dr. Vinodh Jaichand**, the former Deputy Director of the ICHR, who is now a Professor at the University of Witwatersrand, South Africa, received the President's Award for Teaching Excellence 2010-11.

PUBLICATIONS

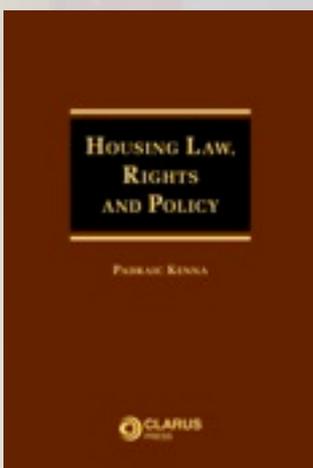
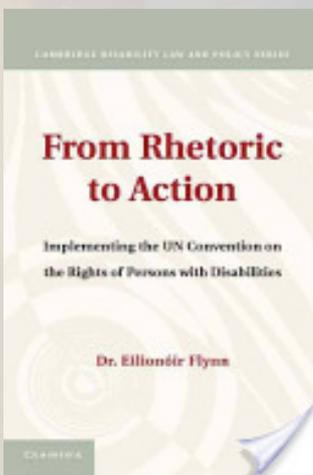
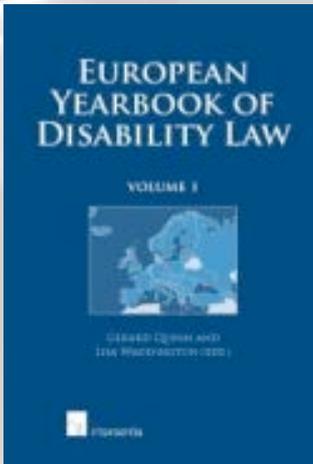
Books and book chapters recently published by School members include:

Books

- **Eilionóir Flynn**, *From Rhetoric to Action: Implementing the UN Convention on the Rights of Persons with Disabilities* (Cambridge University Press)
 - **Padraic Kenna**, *Housing Law, Rights and Policy* (Clarus Press)
 - **Rónán Kennedy, Larry Donnelly, Jennifer Schweppe, Elaine Fahey** *How to Think, Write and Cite: Key Skills for Irish Students* (Round Hall)
 - **Ray Murphy** (ed.), *Post Conflict Peacebuilding and International Law* (Ashgate)
 - **Tom O'Malley**, *Sentencing: Towards a Coherent System* (Thomson Reuters)
 - **Gerard Quinn** (with Lisa Waddington), *European Yearbook on Disability Law* (Vol. 2, Intersentia)
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Book Chapters

- **Shane Darcy**, 'Truth Commissions, the European Union and Reparations from Business' in F. Medjoubia (ed.), *Building Peace in Post-conflict Situations* (British Institute of International and Comparative Law, 2011), pp. 43-60.
- **Donncha O'Connell**, "Within and Beyond these Walls: University Academics as Public Intellectuals", in Corcoran and Lalor (eds), *Reflections on Crisis: The Role of the Public Intellectual* (Royal Irish Academy, 2012).
- **Laurent Pech**, 'The Institutional Development of the EU: A Case of Plus Ça Change...?' in N. Countouris et al. (eds), *The EU after the Treaty of Lisbon* (Cambridge: Cambridge University Press, 2012), pp. 1-46.



PUBLICATIONS

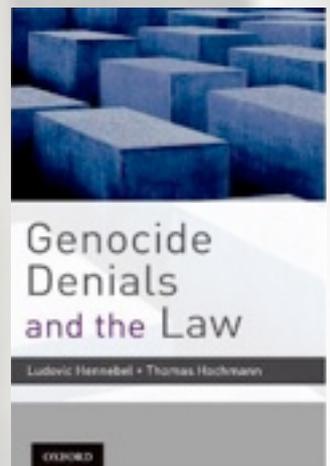
Significant scholarly papers recently published by School members include:

Journal Articles

- **Lucy-Ann Buckley**, 'Ante-nuptial Agreements and "Proper Provision": an Irish Response to Radmacher v Granatino' (2011) 14(1) *Irish Journal of Family Law* 3.
- **Anne Egan**, 'Access and the Non-Custodial Parent in the Republic of Ireland' (2011) 62 *Northern Ireland Legal Quarterly* (2011) 199.
- **Diarmuid Griffin** (with Ian O'Donnell, UCD), 'The Life Sentence and Parole' (2012) 52(3) *British Journal of Criminology* 611-629.
- **Tom Hickey** (with Eoin Daly, DCU), 'Religious Freedom and the 'Right to Discriminate' in the School Admissions Context: A Neo-Republican Critique' (2011) 31 *Legal Studies* 615.
- **Rónán Kennedy**, 'Was It Author's Rights All The Time?: Copyright as a Constitutional Right in Ireland' (2011) 33 *Dublin University Law Journal* 253
- **Joe McGrath**, 'Sentencing White-Collar Criminals: Making the Punishment fit the White-collar Crime' (2012) *Irish Criminal Law Journal*.
- **Shivaun Quinlivan**, 'The United Nations Convention on the Rights of Persons with Disabilities: An Introduction' (2012) 13(1) *ERA-Forum*.
- **Gerard Quinn and Eilionóir Flynn**, 'Transatlantic borrowings: The past and future of EU non-discrimination law and policy on the grounds of disability' (2012) 60 *American Journal of Comparative Law* 23.
- **Sinead Ring**, 'Due Process and the Admission of Expert Evidence on Recovered Memory in Historic Child Sexual Abuse Cases: Lessons From America' (2012) 16 *International Journal of Evidence and Proof* 66.

IRIS - Institutional Research Information System

NUI Galway has recently launched a new Institutional Research Information System (IRIS) - <http://iris.nuigalway.ie>. One of the main features of the new system is a publications database. Each School of Law academic staff member has a profile which lists their publications, which is also integrated into the new School website.



NEWS FROM THE CENTRE FOR DISABILITY LAW & POLICY

The CDLP is engaged in many international and European research networks including the Marie Curie Initial Training Network DREAM and it partners with a range of national research bodies on disability in Ireland. Within the university, it collaborates actively with the Centre for Child and Family Support and the Centre for Social Gerontology in order to advance a coherent lifecycle approaches to policy development in the **new Lifecourse Institute**.

The CDLP has been quite busy on the policy front and has made a number of **legislative submissions** in the past year. These include submissions to the Department of Health Value for Money and Disability Policy Review on the Future of Disability Policy (November 2011); Submission on the Proposed Merger of the Irish Human Rights Commission and Equality Authority (October 2011) and Submission to the Oireachtas Joint Committee on Justice, Defence and Equality, on the Mental Capacity Bill (August 2011).

Furthermore, the Centre regularly publishes short **policy briefings** including the Policy Briefing on the Impact of the UN Convention on the Rights of Persons with Disabilities on the proposed UN Convention on the Rights of Older Persons (August 2011).

The **Disability Legal Information Clinic** was also launched this year by the Attorney General Máire Whelan SC. It is a free, confidential, accessible drop-in legal information service on issues related to disability. This initiative is a partnership between the University's student-run Free Legal Advice Centre (FLAC) and the CDLP.

DREAM RESEARCHERS

The EU DREAM Framework PhD 7 is an example of funded research secured by the Centre for Disability Law & Policy. The project, which links 5 European academic institutions, is led by the CDLP in Galway.

Pictured (L-R): President of NUI Galway, Dr James Browne, with new DREAM researchers Magdolna BIRTHA, Abigail REKAS, Anna ARSTEIN-KERSLAKE



NEWS FROM THE IRISH CENTRE FOR HUMAN RIGHTS



Convention on the Rights of the Child; and an honorarium for Professor Kevin Boyle and his work.

Projects: The ICHR also leads the coordination of the EU-China Human Rights Network. Other major projects focus on Human Rights and Drug Policy, and EU-China dialogue on the issue of the death penalty.



Recommendations' (April 2012). A submission was also made recently to the Irish Department of Foreign Affairs in regard to the current White Paper on Irish Aid (April 2012).

Pictured: Professor Vinodh Jaichand (centre) presenting ICHR report to the Committee on the Elimination of Racial Discrimination, Geneva, February 2011

Doctoral Students: 2011 also saw the graduation of thirteen PhD students from the ICHR Doctoral Programme, indicating that the Centre is firmly established among the foremost human rights research institutions worldwide.

CONFERENCES

A number of conferences were held in the School of Law this year

The **LLM in Law, Technology and Governance research conference** took place on 28 May 2012, at which this year's class presented their dissertation for discussion and feedback. The keynote speaker was Professor James Devenney of the University of Exeter. Issues dealt with included electronic commerce, Internet piracy, data retention, financial regulation and corporate governance.



comprehensive resource for housing policy, housing law and housing rights information.

Pictured above are Ms Jan O Sullivan, Minister of State with Special Responsibility for Housing and Planning, Dr Padraic Kenna, conference organiser and Professor Stefan Gerlach, Deputy Governor, Central Bank of Ireland.

The first international housing research conference, '**Contemporary Housing Issues in a Changing Europe**,' was held on 20-21 April 2012 at NUI Galway. Hosted by Dr Padraic Kenna and the Centre for Housing Law, Rights and Policy, the event attracted over 130 participants from Europe, the US and Israel, with some 35 research papers presented. The Centre is currently developing a website providing an extensive and



Level Legal Response'. The Seminar was hosted by Marian Harkin, MEP, and Phil Prendergast, MEP. The purpose of this event was to bring together key stakeholders in the area to examine and further highlight the case for a European level legal and policy response to protect the privacy of genetic information and to prevent the discriminatory use of genetic information.

On 6 March 2012 the CDLP organised a seminar in the European Parliament, Brussels in conjunction with the European Disability Forum on '**Genetic Discrimination - Transatlantic Perspectives on the Case for a European**

CONFERENCES

The School of Law (Dr. Ciara Hackett) and the Irish Centre for Human Rights (Dr. Shane Darcy) organized a one-day conference on **'Ireland and the UN Framework for Human Rights'** on 24 March 2012. The conference explored and analysed issues of law and policy for Ireland arising from the 2011 adoption by the United Nations of Professor John Ruggie's framework for business and human rights.

The School of Law, in association with Employment Law Association of Ireland, held a conference on **'Employment Law and Mental Health'** on 12 November 2011. The conference was organised by Lughaidh Kerin with the assistance of the CDLP, as well as the School of Law's Clinical Legal Education programme. The conference was chaired by Dr. Mary Keys. Speakers included legal practitioners, academics - including Law School members Ursula Connolly and Deirdre Callanan - and a consultant psychiatrist, and each speaker addressed the core topic from their disciplinary perspective.



Pictured above right are Dr. Ann Jeffers, consultant psychiatrist, Ms. Shivaun Quinlivan, NUI Galway and Dr. Mary Keys, conference chair.

The CDLP has hosted many conferences in the past calendar year. Amongst these was a conference on **'Active Citizenship & Disability: Toward a 21st Century Model of Supports for Persons with Disabilities'** on 4 November 2011. The purpose of this conference was to bring together key thinkers and actors to reflect on the sharp break needed between traditional welfare-oriented supports for persons with disabilities and a newer model that aims to underpin independence, choice and active citizenship.

In June 2011, the Law School and the Irish Centre for Social Gerontology organised a one-day inter-disciplinary seminar, **'Equality through the ages: an exploration of key gender equality issues affecting individuals through stages of the life cycle'**. Dr. Lucy-Ann Buckley was the lead convenor, along with Dr Patricia Conlan of UL. The seminar was chaired by Ms Justice Catherine McGuinness and the keynote speaker was Sylvia Meehan, founding CEO and later Chair of the Employment Equality Agency.

The School of Law, in association with Mason Hayes+Curran, hosted a half-day conference to celebrate the 5th anniversary of the LL.M. in Public Law in March 2011. Titled **'Executive Accountability and Parliamentary Democracy'**, the keynote speaker was Emily O'Reilly, Ombudsman and Information Commissioner.

UPCOMING EVENTS

Conferences and summer schools to add to your calendar

The **Summer School on the International Criminal Court** will take place this year from 18-22 June 2012. It is widely acknowledged to be the premier programme of its kind and this year's course promises to be the most exciting yet! During the five days of intensive lectures, delivered by leading specialists in the field, students are provided with a detailed working knowledge of the establishment of the Court, its applicable law, its structures and its operations.



The **4rd International Disability Summer School** will take place from 18 to 23 June 2012, and will be opened by President Michael D. Higgins. This is jointly branded with the Harvard Project on Disability (Harvard Law School) with whom the CDLP collaborate actively on many projects.

The School of Law and the CDLP are hosting a one day **International Mental Health Law Reform conference** on 23 June 2012. Speakers include Prof. Bernadette McSharry, Prof. Phil Fennell and Dr. Mary Donnelly. The conference is aimed at service users, legal practitioners, mental health professionals, advocates, academics, policy makers, politicians, NGOs and any person or organisation interested in mental health law and policy.

The University of Missouri-Kansas City and Southern Illinois University hold their annual **Ireland Programme Summer School** in Galway, Dingle, Dublin & Bangor between 13 May and 10 June 2012. Shivaun Quinlivan is an Associate Director of this programme.

The School of Law is co-organising and co-sponsoring a marine law conference on '**The Regulation of Continental Shelf Development: Present Status and Future Directions**' which will take place from 20 to 22 June 2012 in Halifax, Nova Scotia. The Conference is the 36th Annual Conference of the Center of Oceans Law and Policy at UVa and is co-organized with leading specialist research institutes at the University of Virginia, Dalhousie University, the National University of Singapore, the Korean Maritime Institute, and McInnes Cooper Halifax. More information is available at: <http://www.continentalshelfconference.ca/> or from Dr. Ronán Long.

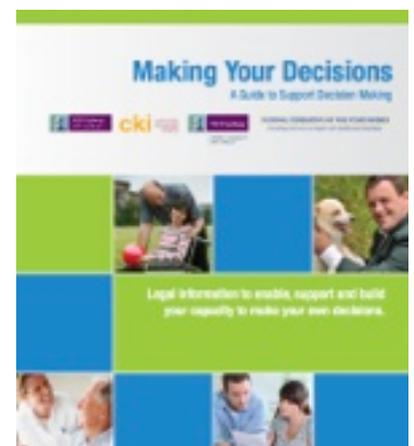


NEWS IN BRIEF

The School of Law launched a new **LL.M. programme in International and Comparative Disability Law and Policy** in September 2011, the first of its kind in the world. The new, one-year programme draws on the expertise of the law school's Centre for Disability Law and Policy (CDLP). This area of law is experiencing significant growth, with the introduction of the UN Convention on the Rights of Persons with Disabilities, which in turn has resulted in the development of disability strategies at international, regional and national level. **Shivaun Quinlivan** is the programme director.

Rónán Kennedy and **Larry Donnelly**, together with Jennifer Schweppe (UL) and Dr Elaine Fahey (DIT), published an adaptation of the widely-accepted Oxford Standard for Citation of Legal Authorities (OSCOLA), entitled **OSCOLA Ireland**, which is tailored to fit the nuances of Irish Legal material. More information is available at legalcitation.ie.

Making Your Decisions is a guide to support decision making for people with intellectual disability which originated in a partnership between the National Federation of Voluntary Bodies, the Disability Law Reform module students from the LL.M. in Public Law, self advocates, and the parents' group, ACT. The aim was to facilitate a real learning experience for students and to translate law into real life application. The Project Team are Edel Tierney (formerly NFVP), project leader, **Dr. Mary Keys** and **Shivaun Quinlivan** academic leaders, and Public Law LL.M. graduates Conor Newman, Aoife O'Brien and Elaine Keane, supported by CKI.



CONNECT & SHARE

Reach us via social media

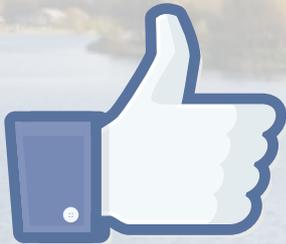
Web: <http://www.nuigalway.ie/law>

Email: law@nuigalway.ie

Facebook: <http://facebook.com/SchoolofLaw>

Twitter: <http://twitter.com/NUIGLaw>

LinkedIn Alumni Group: <http://linkedin.com/groups?home=&gid=2818662>



Our new website went live in April 2012 at www.nuigalway.ie/law following an extensive review. We're dedicated to delivering news and information about our programmes, students and staff to a wide audience through a variety of social media tools.

Any thoughts or suggestions? Contact us via the channels above.

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