



2012 ANNUAL CONFERENCE PROGRAMME
**“Legal Scholarship and Judicial Reasoning:
A Mutual Interaction”**

16-18 November 2012
Fitzpatrick Castle Hotel,
Killiney Co. Dublin

Friday 18 November 2012

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| 5.30pm | Registration opens
Venue: The Library Bar |
| 6.30pm | Welcome Reception & Awarding of the
<i>IALT Kevin Boyle Book Prize for Outstanding Legal
Scholarship</i>

Venue: The Library Bar |
| 19.30pm | Buffet Dinner
Venue: The George Bernard Shaw Suite |

Saturday 19 November 2012

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| 9.00am | Registration opens

Venue: The Wintergarden |
| 9.30-11.00am: | Parallel Sessions I* |
| | Session A – Perspectives in the Role of Scholarship and Judicial Reasoning |
| | Session B – Meeting the Challenges of Transitional Justice |
| | Session C – Relationships and the Modern Family |

* Details and locations of Parallel Session below.

11.00-11.30am: **Coffee**
Venue: **The Wintergarden**

11.30-1.00pm: **Parallel Sessions II***

Session D – Postgraduate Research Showcase

Session E – The Irish Constitution in Review: Critical Developmental Perspectives

Session F – New Directions in Corporate and Commercial Law

1.00-1.45pm: **Lunch**
Sponsored by



Venue: **The George Bernard Shaw Suite**

1.45-3.50pm: **Conference Plenary Session**
Venue: **The Jonathan Swift Suite**

Chair: Dr Deirdre Ahern, President, IALT 2011-2012

Plenary Speakers:

Professor Steve Hedley, University College Cork, "Managerialism in Irish Universities, Revisited"

Larry Donnelly, NUI Galway, "Taking the Next Steps in the Development of Irish Clinical Legal Education"

Professor Brice Dickson, Queen's University Belfast, "'Legal Scholarship and Judicial Reasoning: A Scholar's Perspective"

The Hon. Ms Justice Mary Laffoy, High Court, "Legal Scholarship and Judicial Reasoning: A Judicial Perspective"

4.00pm: *Social Outing to James Joyce Tower & Museum, Sandycove (book in for this on registration)*
Congregate in Lobby at **4pm sharp**
Transport provided.

* Details and locations of Parallel Sessions below,

7.30pm: Conference pre-dinner reception and Gala Dinner
Venue: **The Wintergarden**

Conference Dinner sponsored by



Awarding of Honorary Membership of IALT to Professor Robert Clarke

Announcement of Conference Postgraduate Scholarship Winners

Sunday 20 November 2012

10.00-11.30am **Parallel Sessions III***

Session G – Innovation in Teaching and Learning

Session H – Financial Crime: Meeting the Regulatory and Enforcement Challenge

Session I – Current Issues in Employment Law Pedagogy and Practice: A Comparative Perspective

11.30-11.45am: **Coffee**
Venue: **The Wintergarden**

11.45.-1.00pm: **Parallel Sessions IV***

Session J – Historical and Contemporary Perspectives on Criminal Law and Criminal Trials

Session K – Private Law Remedies Explored

Session L – Contemporary Perspectives on Education and Religion

Session M – Contemporary Medico-Legal Controversies

* Details and locations of Parallel Session below.

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1.15-2.00pm: Lunch
Venue: **The George Bernard Shaw Room**

2.00-3.00pm: *Annual General Meeting of the IALT*
Venue: **The James Joyce Suite**

Report on activities of the IALT in 2011, approval of accounts and election of Council members for the coming year.

3pm **Conference Close.**

PARALLEL SESSIONS

Saturday 9.30-11.00: Parallel Session I

SESSION A - PERSPECTIVES ON THE ROLE OF SCHOLARSHIP AND JUDICIAL REASONING

Venue: Oscar Wilde Suite

Chair: Dr Thomas Mohr, University College Dublin

1. Brian O'Beirne, Trinity College Dublin, **"The Interaction between Legal Scholarship and Judicial Reasoning: A Morally and Fiscally Suspect Status Quo"**
2. David Prendergast, Trinity College Dublin, **"Democracy, Judicial Review, and Legal Scholarship"**
3. Dr Diarmuid Rossa Phelan, Trinity College Dublin, **"Misunderstandings about Focus of Judicial Reasoning"**

SESSION B - MEETING THE CHALLENGES OF TRANSITIONAL JUSTICE

Venue: Samuel Beckett Suite

Convened by: Professor Colm Campbell, University of Ulster

1. Amaia Alvarez Berastegi, University of Ulster, **"Challenges of Intra-democratic Transitions: The Basque Country and the North of Ireland"**
2. Katie Boyle, University of Limerick, "The Interaction between Legal Scholarship and Judicial Reasoning and the Teleological Journey to Justiciable Economic, Social and Cultural Rights in Northern Ireland and Beyond"
3. Dr Siobhán Wills, University College Cork, "Moving Beyond the *Secretary-General's Bulletin on Observance by United Nations forces of humanitarian law*: Setting and Enforcing Standards of Accountability for Peacekeepers"
4. Professor Colm Campbell, University of Ulster, **"Beyond the Third Dimension Towards a Typology of Transition, Justice and the Democratic State"**

SESSION C – RELATIONSHIPS AND THE MODERN FAMILY

Venue: J.M. Synge Suite

Chair: Dr Fergus Ryan, Dublin Institute of Technology

1. Brian Tobin, Trinity College Dublin, **“The Efficacy of Ireland’s Cohabitation Regime”**
2. Dr Maebh Harding, University of Portsmouth, **“The Legitimacy Presumptions: an Unsatisfactory Surrogate for Proper Regulation of Modern Parenthood in Ireland”**
3. Dr Lucy-Ann Buckley, NUI Galway, **“Judicial Approaches to Marital Financial Autonomy in Ireland and Canada: A Relational Perspective?”**
4. Dr Ronagh McQuigg, Queen’s University, **“The Inter-American Commission on Human Rights and the Issue of Domestic Violence”**

Saturday 11.30-1.00: Parallel Session II

SESSION D - IALT POSTGRADUATE RESEARCH SHOWCASE

Venue: Oscar Wilde Suite

Chair: Dr Noelle Higgins, NUI Galway

1. Meredith Raley, NUIG, **“The Changing Connection between National and International Law: NHRIs and Article 33”**
2. Amina Adanan, NUI Galway, **“Universal Jurisdiction over Slavery before World War II”**
3. Eva Barrett, Trinity College Dublin, **“Ireland’s On-Shore Wind Policy: ‘Caught Between A Rock And A Hard Place’”**
Awarded IALT 2012 Annual Conference Postgraduate Scholarship
4. Magdalena Duggan, University of Limerick, **“Creating a Legal Framework for Preimplantation Genetic Diagnosis in Ireland – regulation, recommendations and some potential tort law scenarios”**
Awarded IALT 2012 Annual Conference Postgraduate Scholarship

SESSION E – THE IRISH CONSTITUTION IN REVIEW: CRITICAL DEVELOPMENTAL PERSPECTIVES

Venue: Samuel Beckett Suite

Chair: Professor Gerry Whyte, Trinity College Dublin

1. David Kenny, Trinity College Dublin, **“The ‘Person’ of the Citizen, and the Resurrection of Article 40.3”**

2. John O'Dowd, University College Dublin, **"Recalibration of the 'scales of justice'? - Some thoughts about 'fine-tuning' by constitutional amendment"**
3. Dr Oran Doyle, Trinity College Dublin, **"Constitutional Review of Administrative Action"**

SESSION F – NEW DIRECTIONS IN CORPORATE AND COMMERCIAL LAW

Venue: J.M. Synge Suite

Chair: Dr Deirdre Ahern, Trinity College Dublin

1. John Quinn, Dublin City University, **"Enlightened Shareholder Value after the OFR"**
2. Edmund Shanahan, Trinity College Dublin, **"On Mountains and Molehills: Theoretical Innovation and Resistance to Change in Corporate Rescue Law"**
3. Caterina Gardiner, NUI Galway, **"The Proposed Common European Sales Law: A New Direction for European Contract Law?"**

Sunday 10-11.30: Parallel Session III

SESSION G – INNOVATION IN TEACHING AND LEARNING

Venue: Oscar Wilde Suite

Chair: Dr Yvonne Daly, Dublin City University

1. Dr Brenda Daly, Dublin City University, **"Legal Education in a Digital Age: Can Web 2.0 Technology Enhance the Student Learning Experience and Increase Student Engagement?"**
2. Dr Chris Taylor, Bradford University, **"Supporting Student Engagement in Empirical Socio-legal Research within LLB Skills Development"**
3. Dr Maria Cahill, University College Cork, **"Encouraging Students to Critically Evaluate Judicial Reasoning: UCC's Advanced Legal Reasoning Module"**

SESSION H – FINANCIAL CRIME: MEETING THE REGULATORY AND ENFORCEMENT CHALLENGE

Venue: Samuel Beckett Suite

Chair: Dr Noel McGrath, University College Dublin

1. Lauren Kierans, American University Bulgaria, **"An Analysis of the Current Sectoral Approach and the Proposed Generic Approach to Whistleblowing Law in Ireland"**

2. Shaun Elder, University of Limerick, **“Financial Regulatory Reform: Discretionary decision-making within a new Enforcement Policy”**
3. Marian O’Neill, Waterford Institute of Technology, **“Fitness and Probity Due Diligence Framework under the Central Bank Reform Act 2010 (No. 1)”**

SESSION I - CURRENT ISSUES IN EMPLOYMENT LAW PEDAGOGY AND PRACTICE: A COMPARATIVE PERSPECTIVE

Venue: J.M. Synge Suite

Convenor: Dr Michael Doherty, Dublin City University

1. Debra Burke, Western Carolina University, **“The Pedagogical and Ethical Implications of Unpaid Work Placement”**
2. David Nagle and Professor Carol Daugherty Rasnic, Virginia Commonwealth University **“Employment Discrimination Law in the USA: A Comparative Perspective”**
3. Anthony Kerr, University College Dublin, **“From Labour Law to Employment Law”**
4. Dr Desmond Ryan, Trinity College Dublin, **“The Employment Law Curriculum”**

Sunday 11.45-1.00: Parallel Session IV

SESSION J - HISTORICAL AND CONTEMPORARY PERSPECTIVES ON CRIMINAL LAW AND CRIMINAL TRIALS

Venue: Sean O’Casey Suite

Chair: Seán Ó Conaill, University College Cork

1. Mark Coen, Dublin City University, **“No Real Roots in this Country”: Historical Reflections on the Inclusion of Jury Trial in the Constitution”**
2. Dr Yvonne Daly, Dublin City University, **“Fade and Fairness: Modern Media and Criminal Trials”**

SESSION K - PRIVATE LAW REMEDIES EXPLORED

Venue: Oscar Wilde Suite

Chair: Professor Steve Hedley, University College Cork

1. Dr Denise Amram, Scola Superiore Sant’Anna Pisa, **“The Interaction between Legal Formants in Italy: Few Considerations about a Civil Law System”**

2. Dr. Sara Drake, Cardiff University, **"The Quest for Effective Remedies in the Field of EU Competition Law: From Procedural Autonomy to "Soft" Codification"**
3. Dr Niamh Connolly, Trinity College Dublin, **"The Transformation of Restitution Law: which came first, the chicken or the egg?"**

SESSION L - CONTEMPORARY PERSPECTIVES ON EDUCATION AND RELIGION

Venue: J.M. Synge Suite

Chair: Dr John Stannard, Queen's University Belfast

1. Sarah Arduin, Trinity College Dublin, **"Can Special Education and Equal Opportunity Be Reconciled In Ireland? Reflections From A Small Nordic Country"**
2. Professor Carol Daugherty Rasnic, Virginia Commonwealth University, **"A House Divided: Which Factions Owns Church Property after a Doctrinal Split?"**
3. Dr Fergus Ryan, Dublin Institute of Technology, **"Education, Religion, and Sexual Orientation: Is there a happy medium?"**

SESSION M – CONTEMPORARY MEDICO-LEGAL CONTROVERSIES

Venue: Samuel Beckett Suite

Chair: Val Corbett, Independent Colleges Dublin

1. Andrea Mulligan, Trinity College Dublin, **"Crafting a Legal Framework for Assisted Reproduction: Values, Rules and Judicial Incrementalism"**
2. Fiona Broughton, University College Cork, **"Judicial Reasoning and Compulsory Prophylactic Treatment for HIV: the Role of Legal Scholarship in Clarifying the Law on the Pre-natal Child's Right to Health Care"**
3. Caroline Somers, University College Cork, **"Judicial Reasoning and Legal Scholarship: Breaking the Silence Surrounding End-of-Life Decision-Making for Newborns"**
4. Sarah Fulham-McQuillan, Trinity College Dublin, **"Medical Negligence Litigation: A Risky Game of Chance?"**