



IRISH ASSOCIATION  
*of*  
LAW TEACHERS



# **ANNUAL CONFERENCE**

## **2016**

**November 18th-20th, 2016**  
**The Tower Hotel, Waterford**

# **Programme #ialt2016**

# Welcome to Waterford and to the IALT Annual Conference 2016



The Council of the Irish Association of Law Teachers is delighted to welcome you to Waterford for our Annual Conference 2016. The conference brings together over 60 academics and guests from all over the island of Ireland, north and south, as well as delegates from overseas. We look forward to hosting you at the conference and hope you will enjoy both the academic and social aspects of the weekend.

The conference takes place in the Tower Hotel, in the heart of Waterford city's historic quarter. Waterford is a city rich with heritage and culture. Dating back to a Viking settlement in the mid-800s AD, Waterford was the site of Richard de Clare's (Strongbow's) invasion in 1170, part of the first foothold of Norman rule in Ireland. In 1848, the future Irish Republic's tricolour of green, white, and orange first flew from 33, The Mall. It was raised by Waterford-born Thomas Francis Meagher, of the Young Ireland movement, later a Brigadier General of the US Army, and Governor of Montana.

The city boasts many significant historic locations, including Reginald's Tower, the Waterford Mediaeval Treasures, the Bishop's Palace, two Cathedrals, and the Theatre Royal. It is home to the world-famous Waterford Crystal brand and to the Waterford Institute of Technology, a leading provider of education in the south-east region.

We welcome you to the conference, and wish you an enlightening and convivial weekend.

*Dr Fergus Ryan, Treasurer, IALT*

**Our hashtag for the conference is #ialt2016**

**Follow us on Twitter @law\_IALT**



## The Irish Association of Law Teachers

The Irish Association of Law Teachers was established in 1979 as an all-island association with the aim of promoting excellence in legal education and research. The IALT's main function is to host an Annual Conference, the venue for which changes from year to year to reflect the broad geographical spread of our members. The Association has hosted conferences in (amongst other places) Athlone, Belfast, Cork, Derry, Dublin, Galway, Kilkenny, Killarney, and Limerick. In addition, the IALT has hosted various workshops and seminars from time to time.

In 1984 the Association published an *Index to Irish Superior Court Written Judgments 1976-1982*, edited by Jennifer Aston and Maeve Doyle, followed in 1990 by an *Index to Cases Decided in the Supreme Court, Court of Criminal Appeal and High Court, 1966-1975*. Papers delivered at the 1999 Conference were later published in a collection of essays edited by Dr Eoin O'Dell, *Leading Cases of the Twentieth Century* (Round Hall 2000). 2011 saw the publication of a further collection of essays edited by Dr Jennifer Schweppe and Dr Thomas Mohr, *30 Years of Legal Scholarship* (Round Hall 2011), marking the development of legal scholarship in Ireland, and charting the history of the Irish Association of Law Teachers.

Although membership was at one stage limited to those teaching in University law faculties, this has been expanded to encompass all of those involved in the provision of legal education in Ireland, whether in Universities, Institutes of Technology, private colleges, or professional institutions. This broader reach is reflected in the composition of the Council of the Association, and highlights how the nature of legal education has changed over the past three decades.

*(History compiled by Dr Niamh Howlin, UCD with additional material from Dr Fergus Ryan, Maynooth University)*

## **Programme (Short version)**

### **Friday 18<sup>th</sup> November**

<b>6 p.m.</b>	<b>Registration open</b>	[Venue: Foyer]
<b>7 p.m.</b>	<b>Buffet Dinner</b>	[Venue: Bistro Restaurant]
<b>8.30 p.m.</b>	<b>Official Conference Launch</b>	[Venue: Choristers' Hall, Mediaeval Museum of Waterford]

### **Saturday 19<sup>th</sup> November**

<b>9 – 9.30 a.m.</b>	<b>Tea/Coffee and pastries</b>	[Venue: Ardmore Lounge]
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#### **PANEL SESSIONS 1 SATURDAY 9.30 a.m. – 11 a.m.**

A. Labour Law: The Right to Strike	[Lismore Room]
B. Families and Society	[Dunmore Room]
C. Panel Discussion: New Directions in Torts	[Glenmore Room]
D. Public Law: Criminal Law and Punishment	[Ardmore B]

<b>11–11.30 a.m.</b>	<b>Tea/Coffee and biscuits</b>	[Venue: Ardmore Lounge]
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#### **PANEL SESSIONS 2 SATURDAY 11.30 a.m. – 1 p.m.**

E. Humans, Animals, Plants, and the Law	[Glenmore Room]
F. Panel Discussion: Pedagogy Workshop	[Ardmore B]
G. Private Law and Litigation	[Dunmore Room]

<b>1-2 p.m.</b>	<b>Saturday Lunch</b>	[Venue: Restaurant]
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**PLENARY SATURDAY 2 p.m.**

	“The Role of Values in Legal Education”	[Venue: Ardmore B]
<b>3.45p.m.</b>	<b>Walking Tour of Waterford</b>	[Front door of the hotel]
<b>6.15 p.m.</b>	<b>Annual General Meeting</b>	[Venue: Lismore Room]
<b>7 p.m.</b>	<b>Drinks Reception</b>	[Venue: Adelphi Bar]
<b>7.30 p.m.</b>	<b>Annual Gala Dinner</b>	[Venue: Dunmore Suite]

**Sunday 20<sup>th</sup> November**

<b>9.30 a.m.-10 a.m.</b>	<b>Tea/Coffee and pastries</b>	[Venue: Ardmore Lounge]
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**PANEL SESSIONS 3 SUNDAY 10 a.m. – 11.30 a.m.**

H. Employment Law	[Glenmore Room]
I. Constitutional Law and Human Rights	[Dunmore Room]
J. Private Law: Restitution	[Lismore Room]

<b>11.30-11.45 a.m.</b>	<b>Tea/Coffee and biscuits</b>	[Venue: Ardmore Lounge]
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**PANEL SESSIONS 4 SUNDAY 11.45 a.m. – 1.15 p.m.**

K. Commerce, Trade and Intellectual Property	[Glenmore Room]
L. Medical Law	[Dunmore Room]
M. The Academy: Pedagogy and Legal Scholarship	[Lismore Room]

<b>1.15 p.m.</b>	<b>Sunday Lunch</b>	[Venue: Restaurant]
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**Go raibh maith agaibh**

**Thank you**

**The Council of the IALT offers sincere thanks to the following for their assistance and support in respect of the conference organisation and events:**

Councillor Adam Wyse, Mayor of Waterford City and County

Our plenary speakers, Professor Roger Burrige and Dr Claire Hamilton

Dr Jennifer Kavanagh (Waterford Institute of Technology)

Maynooth University Department of Law

The Staff of the Tower Hotel Waterford, particularly Ms Áine Comerford and Ms Deirdre Byrne (Events Managers)

The Staff of Waterford City and County Council, particularly Ms Lauren Traynor

Ms Gina Wilson, Maynooth University Department of Law

Mr David Rogers of Waterford Treasures

Ms Nancy O'Shea of Bishop's Palace Café

Mr Jack Burtchaell

Inkjetworld Maynooth

The law students of WIT who helped with registration

All our delegates, guests and speakers

# Programme

## Friday 18<sup>th</sup> November

**6 p.m.**                      **Registration open**  
**Venue: Hotel Foyer**

**7 p.m.**                      **Buffet Dinner**  
**Venue: Bistro Restaurant**



**8.30 p.m.**                      **Official Conference Launch** by the Mayor of Waterford City and County, Councillor Adam Wyse

**Venue: Choristers' Hall, Mediaeval Museum of Waterford**  
(Congregate at the hotel door at 8.15 p.m. and we can walk together. Otherwise, turn left when leaving the hotel and walk a short distance. The museum is across the road from the House of Waterford Crystal).



## **Saturday 19<sup>th</sup> November**

**9 – 9.30 a.m.            Tea/Coffee and pastries**  
**Venue: Ardmore Lounge**

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### **PANEL SESSIONS 1 SATURDAY 9.30 a.m. – 11 a.m.**

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#### **A. Labour Law: The Right to Strike under U.S., European Domestic, and E.U. Law [Lismore Room] (NB This panel starts at 9.30 a.m. and runs until 11.15 a.m.)**

**Panel Moderators: Professor Carol Daugherty Rasnic and Professor David Nagle**

1. Professor Carol Daugherty Rasnic, Regent University School of Law, Virginia Beach, Virginia (USA)
2. Ms Margaret Downie, Robert Gordon University, Aberdeen, Scotland
3. Mr Eddie Keane, University of Limerick
4. Professor David Nagle, Esquire, Jackson Lewis, Richmond, Virginia and Adjunct Professor of Labor Law, University of Virginia (USA)
5. Dr Christian Welz, Eurofound, Dublin

#### **B. Families and Society [Dunmore Room]**

**Chairperson: Dr Deirdre McGowan, Dublin Institute of Technology**

1. Dr Sinéad Conneely, Waterford Institute of Technology, and Dr Róisín O'Shea, W.I.T. Family Mediation Project and Partner in Arc Mediation, "The Family Mediation Project; the Next Iteration, Globally Sourced".
2. Dr Susan Leahy and Dr Kathryn O'Sullivan, University of Limerick, "The Civil Registration Act 2004 - Implications for Muslim Marriages".
3. Dr Ronagh McQuigg, Queen's University Belfast, "Is it Time for a UN Treaty on Violence against Women?"
4. Dr Brian Tobin, NUI Galway, "Pre-birth Approval of Surrogacy Arrangements: A Statutory Model for Ireland?"

### **C. Panel Discussion: New Directions in Torts [Glenmore Room]**

**Chairperson: Ms Dorothea Dowling, University of Westminster, Founding Chairperson, Personal Injuries Assessment Board**

1. Dr Christine Beuermann, Newcastle University (UK), “The decision of the High Court of Australia in *Prince Alfred College Inc v ADC*: Applying the brakes to vicarious liability?”
2. Dr Ursula Connolly, NUI, Galway, “Voluntary assumption of risk in employment: re-emergence of the defence in psychological injury cases?”
3. Professor Steve Hedley, University College, Cork, “Tort’s justification as part of the modern legal system”.
4. Dr Eoin Quill, University of Limerick, “Reforming Quantum of Damages”.

### **D. Public Law: Criminal Law and Punishment [Ardmore B]**

**Chairperson: Dr Claire Hamilton, Maynooth University**

1. Ms Jane Mulcahy, University College Cork, ““That feeling of redemption don’t do much for me’: reintegrating prisoners and the role of the community in sustaining positive change”
2. Mr Charles O’Sullivan, Maynooth University, “The Growth of ‘Benefit Sanctions’ in the Irish Welfare System”
3. Dr John Stannard, Queen’s University Belfast, “Scary Clowns and the Criminal Law”
4. Mr Stephen Strauss-Walsh, University of Limerick “Why Context Matters - How Different Backgrounds Engender Different Victim Outcomes”

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**11–11.30 a.m.      Tea/Coffee and biscuits**

**Venue: Ardmore Lounge**

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**PANEL SESSIONS 2 SATURDAY 11.30 a.m. – 1 p.m.**

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**E. Humans, Animals, Plants, and the Law [Glenmore Room]**

**Chairperson: Professor Pablo Lerner, College of Law and Business, Ramat Gan (Israel)**

1. Professor Richard Cupp, Pepperdine University, California (USA), “Cognitively Impaired Humans, Intelligent Animals, and Legal Personhood”.
2. Dr Mary Dobbs, Queen’s University Belfast, “Legitimising EU GM authorisations? Opt-outs as an effective gambit by the Commission?”
3. Dr Neil Maddox, Maynooth University, “Human Reproductive Materials and the Law of Succession”.

**F. Panel Discussion: Pedagogy Workshop [Ardmore B]**

**Chairperson: Professor Kris Gledhill, Auckland University of Technology**

**Panel discussion with contributions from:**

1. Mr Larry Donnelly, NUI Galway
2. Professor Kris Gledhill, Auckland University of Technology (New Zealand)
3. Professor Shane Kilcommins, University of Limerick
4. Dr Susan Leahy, University of Limerick
5. Dr Ben Livings, University of New England, NSW (Australia)
6. Dr John Stannard, Queen’s University Belfast

**G. Private Law and Litigation [Dunmore Room]**

**Chairperson: Professor Imelda Maher, University College Dublin**

1. Professor Jack Anderson, Queen’s University Belfast, “The Legality of Contact Sports: Concussion, Sport and the Law”.
2. Dr David Capper, Queen’s University Belfast, “Third Party Litigation Funding in Ireland – Time for Change”.

**[PTO...]**

3. Professor Francis McManus, University of Stirling, Scotland, “Vicarious liability of employers for the performance of extra-hazardous activities by independent contractors in Scots Law”.
4. Professor John Mee, University College Cork, “Presumptions in Equity”.

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**1-2 p.m.                      Saturday Lunch**  
**Venue: Restaurant**

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**PLENARY SATURDAY 2 p.m.**  
**“The Role of Values in Legal Education”**  
**Venue: Ardmore B**

Professor Roger Burridge, Professor (Emeritus), University of Warwick  
Dr Claire Hamilton, Senior Lecturer, Maynooth University

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**3.45p.m.                      Walking Tour of Waterford with Jack Burtchaell Walking**  
**Tours** (for those interested, meet at the front door of the hotel)

**6.15 p.m.                      Annual General Meeting**  
**Venue: Lismore Room**

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## **Gala Dinner**

**7 p.m.                          Drinks Reception at the Adelphi Bar**  
**7.30 p.m.                      Annual Gala Dinner in the Dunmore Suite**

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## **Sunday 20<sup>th</sup> November**

**9.30 a.m.-10 a.m.                      Tea/Coffee and pastries**  
**Venue: Ardmore Lounge**

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### **PANEL SESSIONS 3 SUNDAY 10 a.m. – 11.30 a.m.**

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#### **H. Employment Law [Glenmore Room]**

1. Dr Mark Coen, University College Dublin, “An Irish Solution to an Irish Problem: Reform of the Religious Ethos Exemption in Employment Equality Law”.
2. Dr John McArdle, Salem State University, “Teaching Melville’s *Bartleby the Scrivener* in order to surface issues of employment law and explore the nature of the employment contract”.
3. Dr Sam Middlemiss, Robert Gordon University, Aberdeen, Scotland, “‘Another nice mess you’ve gotten me into’: Employers’ Liability for Workplace Banter”.
4. Professor Carol Daugherty Rasnic, Regent University School of Law, Virginia Beach, Virginia, “How will the U.S. Supreme Court’s 2013/2015 Same-Sex Marriage Decisions Affect Employment Law (if at all)?”

#### **I. Constitutional Law and Human Rights [Dunmore Room]**

1. Dr Fiona Broughton, Griffith College Dublin, “An Analysis of the Human Rights Committee’s Recommendation to Ireland in June 2016 to amend its Laws on the Voluntary Termination of Pregnancy”.
2. Dr Jennifer Kavanagh, Waterford Institute of Technology, “Parties, the Constitution, and Natural Justice”.
3. Dean David Langwallner, Griffith College Dublin, “The White Ribbon”.
4. Mr John Tully, Carlow Institute of Technology, “The Charter, the Patients’ Rights Directive, and patient mobility within the EU”.

## **J. Private Law: Restitution [Lismore Room]**

**Chairperson: Dr Eoin O'Dell, Trinity College Dublin**

1. Ms Caroline Bergin-Cross, University College Dublin - "Payment-over - When is a Payment Regarded as Paid-Over under the Common Law?"
  2. Dr Niamh Connolly, University College London, "The distinctiveness of Irish restitution law: what does the future hold?"
  3. Ms Dorothea Dowling, University of Westminster, Founding Chairperson, Personal Injuries Assessment Board, "Does 100% Compensation result in unjust enrichment for injured plaintiffs?"
  4. Ms Deirdre Ní Fhloinn, Trinity College Dublin, "Unjust enrichment and rectification of building defects outside contract".
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**11.30-11.45 a.m.**

**Tea/Coffee and biscuits**

**Venue: Ardmore Lounge**

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**PANEL SESSIONS 4 SUNDAY 11.45 a.m. – 1.15 p.m.**

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## **K. Commerce, Trade and Intellectual Property [Glenmore Room]**

1. Dr Thomas Burns, University of Aberdeen, "Factoring and SME finance: risks and benefits of the current legal framework".
2. Dr Assaduzzaman Khan, Taylor's University, "Investor-State Dispute Settlement under Trans-Pacific Partnership Agreement: Impact on Malaysia".
3. Dr Eoin O'Dell, Trinity College Dublin, "A National Anthem Bill 2016?"
4. Mr Liam Sunner, Maynooth University, "Who owns the news? Copyrighting news content in a digital era".

#### **L. Medical Law [Dunmore Room]**

1. Ms Hope Davidson, University of Limerick, "Capacity - losing it and gaining it. Issues for minors and elders".
2. Ms Aoife Finnerty, University of Limerick, "A pregnant woman's right to refuse treatment".
3. Ms Mary Tumelty, University of Limerick, "Medical Negligence Mediation and the Irish Legal Profession: An Investigation into Attitudes and Experiences".

#### **M. The Academy: Pedagogy and Legal Scholarship [Lismore Room]**

**Chairperson: Dr Mark Coen, University College Dublin**

1. Ms Norah Burns, University of Limerick, "Integrating Critical Thinking and Active Learning in Written Assessments: A Case Study of an Undergraduate Child Law module".
2. Professor Pablo Lerner, College of Law and Business, Ramat Gan (Israel) "American influences in Israeli legal scholarship".
3. Dr Fergus Ryan, Maynooth University, "Internships on US International Study Abroad Programmes: Personal Reflections".
4. Mr Seth Barrett Tillman, Maynooth University, "The Court of Appeal: The Academy and the Organisation of the Irish Judicial System".

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**1.15 p.m.**

**Sunday Lunch**

**Venue: Restaurant**

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*Do you have you some time after the conference or on your way home?*

*Here are some suggestions for things to do:*

- Visit the Waterford Treasures, Bishop's Palace, Reginald's Tower, Christ Church Cathedral Waterford;
  - See the House of Waterford Crystal;
  - Take a trip to Dunmore East or Tramore;
- Take the Passage East Ferry over to Wexford and Hook Head;
  - Visit Kilkenny City and Jerpoint Abbey.



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**For details of our next conference and other events,  
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