



IRISH ASSOCIATION  
*of*  
LAW TEACHERS

# **ANNUAL CONFERENCE**

## **2018**



Matheson

**November 23-25, 2018**

**Sheraton Hotel, Athlone, Co. Westmeath**

# **Programme**

## Welcome to Athlone and to the IALT Annual Conference 2018



The Council of the Irish Association of Law Teachers is delighted to welcome you to Athlone for our Annual Conference 2018, which is sponsored by Matheson. The conference showcases the research of over 60 speakers from all over the island of Ireland 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.

Chosen by the Council for its central and convenient location and good transport connections, Athlone is also a historic place. Prominent structures include its Norman castle and Custume Barracks, which includes buildings from the eighteenth century. Athlone was described in *A Topographical Dictionary of Ireland* (1837) as “a borough, market and post-town, and an important military station.” A guidebook from 1912 observed: “The Woollen Mills give employment to several hundred hands, and the tweeds take a high place in home and American markets.” In the early 1930s the installation of a powerful radio transmitter on the outskirts of the town enabled the fledgling national broadcaster (briefly called Radio Athlone) to transmit across the country and to England. Famous names associated with Athlone include the tenor John McCormack, the writer John Broderick (his first book, *The Pilgrimage*, was banned by the Censorship Board), and, more recently, former politician Mary O’Rourke. Members of staff at Athlone Institute of Technology have been active in the IALT for many years.

**The conference hashtag, devised by a grassroots movement on Twitter in October, is #IALT18**



## **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 scholarship. The annual conference is the focal point of the association's year. The conference venue changes annually to reflect the broad geographical spread of our members. In recent years the conference has been held in Dunboyne (2017), Waterford (2016) and Galway (2015).

The Association has organised various workshops and seminars over the years. In April 2018, the tradition of holding an event in the early part of the year was revived with the holding of a Spring Discourse at the Sutherland School of Law, University College Dublin. The event was attended by over 40 members and took the format of an interview with Chief Justice Clarke conducted by Miriam O'Callaghan (acting pro bono).

There have been several publications of the Association. In 1984 the IALT 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 Eoin O'Dell, *Leading Cases of the Twentieth Century* (Round Hall 2000). In 2011 a collection of essays edited by Jennifer Schweppe and Thomas Mohr, *30 Years of Legal Scholarship* (Round Hall 2011) was published, marking the development of legal scholarship in Ireland, and charting the history of the Irish Association of Law Teachers.

From its inception, the Association has welcomed members from all institutions involved in the provision of legal education across the island of Ireland, whether in universities, Institutes of Technology, private colleges, or professional institutions.

# **Council of the Irish Association of Law Teachers**

2017-2018

## **President:**

Mark Coen, University College Dublin

## **Treasurer:**

Noel McGrath, University College Dublin

## **Secretary:**

Deirdre McGowan, Dublin Institute of Technology

## **Membership Secretary:**

Catherine O'Sullivan, University College Cork

## **Council Members:**

Patricia Brazil, Trinity College Dublin

Stephen Brittain, Griffith College Dublin

Stephen Coutts, University College Cork

Hope Davidson, University of Limerick

Claire Hamilton, Maynooth University

Conor Hanly, National University of Ireland Galway

Jennifer Kavanagh, Waterford Institute of Technology

Louise Kennefick, Maynooth University

John Lombard, University of Limerick

Esther McGuinness, Ulster University

Lynn Ramsey, Letterkenny Institute of Technology

John Stannard, Queen's University Belfast

Elaine Walsh, Athlone Institute of Technology

# Programme

## Friday 23 November

5 p.m.

**Registration opens**

[Venue: Siege Suite, Sheraton Hotel Athlone]

7.30 p.m.

**Buffet Dinner**

[Venue: Siege Suite]



# **Saturday 24 November**

**PANEL SESSIONS 1 SATURDAY 9.30 a.m. - 11 a.m.**

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## **A. Criminal Law and Criminal Justice**

**Chairperson: Claire Hamilton, Maynooth University**

- Gráinne Jennings, University of Limerick – “The re-conceptualisation of initial police education and training in An Garda Síochána”
- Niall Neligan, Dublin Institute of Technology – “Changing perceptions to change the law - a 21st century approach to regulating cannabis for medical and adult use”
- Emer Shannon, Maynooth University – “Self Regulation vs Governmental Regulation: What is Ireland's Response to Image-Based Sexual Abuse Following the Dispatches Revelations?”
- John Stannard, Queen’s University Belfast – “The Epistemology of Therapeutic Jurisprudence”

**Venue: Burke Suite 1**

## **B. International Law**

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

- Thamil Venthan Ananthavinayagan, Griffith College Dublin – “Taming the beast – what is the role of international law to encounter the worldwide eruption of nationalism, xenophobia and racism?”
- Caroline Sweeney, National University of Ireland Galway – “An examination of the lawfulness of the actual and threatened use of force against Syria in response to the use of chemical weapons in Syria”
- Amina Adanan, Maynooth University – “How effective is universal criminal jurisdiction in prosecuting atrocity crimes committed in Syria?”

**Venue: Burke Suite 2**

### **C. Doctoral Studies in Law: Reflections from the Coalface**

**Chairperson: Michael Doherty, Maynooth University**

- Charles O'Mahony, National University of Ireland Galway – “A Critical Consideration of the Growth of PhD Studies in Law in Ireland”
- Jennifer Schweppe, University of Limerick – “Research Methods and Training for Doctoral Law Students”
- Ciarán O'Kelly, Queen's University Belfast – “The Challenges for Structured Doctoral Programmes”
- Patrick O'Callaghan, University College Cork – “Publish or Perish? Reflections on the Pressure to Publish among PhD Students in Law”

**Venue: Grace Suite 1**

### **D. Human Rights**

**Chairperson: Patricia Brazil, Trinity College Dublin**

- Ronagh McQuigg, Queen's University Belfast – “Monitoring Implementation of the Istanbul Convention: Initial Steps”
- Liam Thornton, University College Dublin – “The Most Limited of Impact? Ireland's National Human Rights Institution & Legislation 2002-2017”
- Donna Lyons, Trinity College Dublin – “Refugee Protection in International Human Rights Law”
- David Langwallner – “Freedom of Speech”

**Venue: Grace Suite 2**

## **E. Commercial Law**

**Chairperson: Stephen Brittain, Griffith College Dublin**

- Noel McGrath, University College Dublin – “A Muddy Affair - *Re: Lance Homes* and the Multi-Unit Development Act”
- Ronan Feehily, University of Canterbury, New Zealand – “Commercial Mediation and the Costs Conundrum, A Roadmap for the Irish Judiciary”
- Niamh Connolly, University College London – “Providing for eventualities: contractual terms and restitution of unjust enrichment”
- Ronan Condon, Dublin City University – “Good Faith in Contract or Good Faith and Contract? Closing the ‘Space between Understanding and Agreement’ in Irish Law”

**Venue: Fitzgerald Suite**

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

**Venue: Siege Suite**



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

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### **F. Employment Law**

**Chairperson: Mark Bell, Trinity College Dublin**

- Lucy-Ann Buckley, National University of Ireland Galway – “Current Issues for Gender and Parenting in Irish Labour Law”
- Clíodhna Murphy, Maynooth University, and Desmond Ryan, Trinity College Dublin – “Work, Dignity and Non-Citizens in the Irish Constitutional Order: A Critical Analysis of the Supreme Court’s Decision in *NVH*”
- Michael Doherty, Maynooth University – “The Rise of ‘Gig Work’, the Scope of Employment Protection, and the Role of Trade Unions”
- Carol Daugherty Rasnic, Regent University School of Law (Virginia, USA) – “The 2018 British university faculty strikes: how would this have played out in the United States?”
- **Venue: Burke Suite 2**

### **G. Abortion Law Roundtable: Repealing the 8<sup>th</sup>: Legal, Activist and Political Reflections**

Participants: Ivana Bacik, Trinity College Dublin

Sandra Duffy, National University of Ireland Galway

Jennifer Schweppe, University of Limerick

**Venue: Fitzgerald Suite**

## **H. Legal History**

**Chairperson: Niamh Howlin, University College Dublin**

- Karen Brennan, University of Essex – “Mad Men? Gender constructions and the criminal justice response to men who killed family members in Ireland, 1930-44”
- Kevin Costello, University College Dublin – “Where did judicial review of administrative action come from? Researching the origins of judicial review, 1600-1850”
- Conor Hanly, National University of Ireland Galway – “The Conditions of Jury Service in Nineteenth-Century Britain”
- Tom Mohr, University College Dublin – “External Perspectives on Human Rights in the Irish Free State”

**Venue: Grace Suite 1**

## **I. Pedagogy and Innovation**

**Chairperson: John Stannard, Queen’s University Belfast**

- David Capper, Queen’s University Belfast – “Teaching Contract Law Through Cases”
- Gene Carolan, Dublin Institute of Technology – “‘Referencing’ Pop Culture: A Legal Skills Bibliography for the 21st Century Student”
- Liz Heffernan, Trinity College Dublin – “Legal Education: Threshold Concepts and Access to Justice”
- Ursula Kilkelly, University College Cork – “Innovating with Clinical Legal Strategies to Advance Children’s Rights”

**Venue: Grace Suite 2**

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**1-2 p.m.**

**Saturday Lunch**

**[Venue: La Provence Restaurant]**

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## **PLENARY SESSION SATURDAY 2 p.m.**

2p.m. Plenary Lecture: Prof Fiona Cownie, Keele University –  
“Legal Education for the Twenty-First Century: Graduate  
Attributes and Skills”

**Venue:** Burke Suite 1

2.45p.m. Roundtable: The Future of Legal Education in Ireland

**Venue:** Fitzgerald Suite

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4 p.m. **Tour of Custume Barracks, Athlone** (for those who wish to  
participate, meet at the front door of the hotel at 4p.m.)

6.15 p.m. **Annual General Meeting**  
**Venue:** Fitzgerald Suite

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## **Gala Dinner**

7.30 p.m. **Drinks Reception (Sponsored by Clarus Press)**  
**Venue:** Hoey Lounge

8 p.m. **Annual Gala Dinner**  
**Venue:** Hoey Suite

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# **Sunday 25 November**

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

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## **J. Teaching and Learning**

**Chairperson: Mary Corrigan, Athlone Institute of Technology**

- Louise Murphy, Cork Institute of Technology – “The transformative effect of dialogue, connectedness and collaboration among lecturers and students on law teaching”
- Norah Burns, University of Limerick and Dublin Institute of Technology – “Investigating the Role of the Academic Immigrant in Higher Education”
- Catriona Moloney, National University of Ireland Galway – “Teaching Law to Non-Law Students: Facilitating Learner Engagement Behaviour”
- John McArdle, Salem State University – “*O’Connor, O’Higgins, and oblique drafting: Why grammar matters in legal education*”

**Venue: Fitzgerald Suite**

## **K. Medical Law and Mental Health Law**

**Chairperson: John Lombard, University of Limerick**

- Andrea Mulligan, Trinity College Dublin – “Disclosing Confidential Patient Information to Protect Third Parties: The Far-Reaching Consequences of *CFA v AA*”
- Mary Tumelty, University College Cork – “Understanding plaintiffs aims: time to re-imagine the paradigm of medical negligence litigation?”
- Hope Davidson, University of Limerick – “Benefit and best interests: Comparing the Assisted Decision-Making Capacity Act 2015 and the Mental Capacity Act 2005 in terms of healthcare decision-making”
- Claire Murray, University College Cork – “Asking the woman question”: Re-engaging feminist theory and contemporary Irish mental health and capacity law”

**Venue: Burke Suite 2**

## **L. EU LAW**

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

- Stephen Coutts, University College Cork – “Joined Cases C-316/16 and C-424/16 B & Vomero and Case C-184/16 Petrea: When Citizens become foreigners”
- Patricia Brazil, Trinity College Dublin – “‘A Matter for the Minister?’ A critical analysis of the decisions of the Irish courts in judicial review of removal and exclusion orders”
- William Phelan, Trinity College Dublin – “*Van Duyn*, Interstate Retaliation and Robert Lecourt”
- Sose Mayilyan, Dublin City University – “Free Movement of Persons, Social Benefits and Equality in the EU: What is the Impact of Brexit?”

**Venue: Grace Suite 1**

## **M. Constitutional Law**

**Chairperson: Catherine O’Sullivan, University College Cork**

- Alan Greene, University of Birmingham – “Parliamentary Sovereignty and the Locus of Constituent Power in the United Kingdom”
- Oran Doyle, Trinity College Dublin – “Constitutional Change and Inter-generational Disagreement”
- Conor Casey, Trinity College Dublin – “The Constitution outside the Courts – The Case for Parliamentary Involvement in Constitutional Review”
- Brian Barry, Dublin Institute of Technology – “Judicial selection in different political contexts: a bell-weather for the separation of powers”

**Venue: Grace Suite 2**

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**11.30a.m.-11.45 a.m.**      Tea/Coffee and biscuits

**Venue: Siege Suite**

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

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**N. Gender Identities, Families and Children**

**Chairperson: Conor Hanly, National University of Ireland Galway**

- Neil Maddox, Maynooth University – “Children of the Dead: Posthumous Conception and the Limits of Consent”
- Lydia Bracken, University of Limerick – “Non-Clinical DAHR under the Children and Family Relationships Act 2015: Omission or Oversight?”
- Fergus Ryan, Maynooth University – “Disrupting the Binary: Is there space for non-binary gender identities in Irish law?”
- Catherine O’Sullivan, University College Cork – “The Roscommon Incest Case”

**Venue: Burke Suite 2**

**O. Graduate Attributes and Skills**

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

- Oran Doyle, Mary Rogan and Andrea Mulligan, Trinity College Dublin – “Graduate Attributes, Curriculum Reform, and Pedagogical Innovation”
- Ollie Bartlett, Maynooth University – “Teaching supranational policy advocacy skills”
- Brónagh Heverin and Siobhan Cullen, Letterkenny Institute of Technology – “Measuring the development of transferable skills in a Street Law module”
- John Lunney, Law Society of Ireland – “The value of Street Law in developing effective solicitors – perspectives from practice”

**Venue: Grace Suite 1**

## **P. Tort Law**

**Chairperson: Francis McManus, University of Stirling**

- Steve Hedley, University College Cork – “‘The Long Good-Bye?’ Tort in the past and in the future”
- Des Ryan, Trinity College Dublin – “Vicarious Liability for Non-Employees: An Analysis of *Armes* and *Barclays Bank*”
- Ursula Connolly, National University of Ireland Galway – “The role of fundamental rights in the shaping of Tort Law – a comparative perspective”
- Catriona Lilley, Queen’s University Belfast – “The role of tort law in dealing with the harm caused by rape”

**Venue: Grace Suite 2**

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**1.15 p.m.**

**Sunday Lunch**

**[Venue: La Provence Restaurant]**

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