



CELEBRATING 40 YEARS OF
IRISH ASSOCIATION
— *of* —
LAW TEACHERS

Programme

November 22-24, 2019

Limerick Strand Hotel, Ennis Road,

Limerick.



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 Athlone (2018), 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 a Spring Discourse at the Sutherland School of Law, University College Dublin taking the format of an interview with Chief Justice Clarke conducted by Miriam O'Callaghan. In 2019, the Honorable Society of King's Inns hosted the Spring Discourse at which Judge Catherine McGuinness discussed her life and career with Miriam O'Callaghan in the company of more than 40 legal scholars.

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.

This year's conference is kindly sponsored by Matheson Solicitors.

Welcome to Limerick Strand Hotel and to the IALT Annual Conference 2019

The Council of the Irish Association of Law Teachers is delighted to welcome you to Limerick for the 2019 Annual Conference, which is sponsored by Matheson. The conference showcases the research of over 80 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.

This conference marks the 40th anniversary of the association. The annual conference was last held in Limerick 10 years ago, when the venue was also the Strand Hotel. That conference marked the association's 30th anniversary and its re-launch under the presidency of Jennifer Schweppe. Members of staff at the University of Limerick and Limerick Institute of Technology have been very active in the IALT over the past four decades. Limerick thus holds an important place in the story of the association.

Limerick offers plenty of interest to the visitor. St Mary's Cathedral was founded in 1168 and remains in use today as a place of worship. Limerick is also home to the 13th century St John's Castle, which is the westernmost Norman castle in Europe. The city can also lay claim to the largest Georgian quarter outside Dublin. The 1938 guidebook *Ireland for Everyman* informed its readers: "[Limerick] is an animated town, with a trade in bacon, butter, and condensed milk, tobacco factories, etc., and is noted for its lace (fine guipure lace made at the Convent of the Good Shepherd)." When President Kennedy visited Ireland in 1963 he was presented with a christening robe of Limerick lace produced at the convent, which was a Magdalen Laundry. The institution closed in 1990 and its buildings now house the Limerick School of Art and Design. Famous names associated with Limerick include the writer Frank McCourt, broadcaster Terry Wogan, singer Dolores O'Riordan and actor Richard Harris.

Council of the Irish Association of Law Teachers

2018-2019

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Louise Kennefick, Maynooth University

Kevin Brown, Queen's University Belfast

Rónán Condon, Dublin City University

Val Corbett, Lawschool.ie

Mark Coen, University College Dublin

Eimear Brown, King's Inn

Friday 22 November

- 5 p.m.** **Registration opens**
Lobby, Limerick Strand Hotel
- 7.30 p.m.** **Buffet Dinner**
Terrace Café

Saturday 23 November

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

A. Private Law Theory and Practice

Chair: Steve Headley

- David Capper, Queen's University Belfast – "Carrying on the Deep Breathing in Relation to Litigation Funding"
- John Quinn, Dublin City University – "The constitutional right of access to the courts and the company"
- Frank Mc Manus, University of Sterling – "*Fearn v Board of Trustees of Tate Gallery*"
- John McArdle, Salem State University – "Intellectual Property, Sovereign Immunity, and Constitutional Conflicts"

Venue: Wogan Suite

B. Family Law

Chair: Fergus Ryan

- Aonghus Cheevers – “Court-connected mediation in the family Mediation Service different approaches for a common use”
- Connie Healy, National University of Ireland Galway – “Family Court Reform: Taking the best of what other systems have to offer”
- Ronagh McQuigg, Queen’s University Belfast – “Domestic Violence and the European Court of Human Rights: *Volodina v. Russia*”
- Rebecca Murphy, Maynooth University – “In whose best interest? The extent to which alternative dispute resolutions could aid child welfare and safety in Ireland”

Venue: O’Brien Suite

C. Crime and its Victims

Chair: Mark Coen

- Shane Kilcommins, University of Limerick – “Victims, the public interest and the criminal process”
- Alan Cusack, University of Limerick – “Special measures and vulnerable victims of crime in Ireland: A survey of recent statutory developments”
- Kevin Brown, Queen’s University Belfast – “Improving the treatment of older victims of crime: Challenging conceptions of vulnerability”
- Jenifer Schweppe, University of Limerick - "The principle of certainty and hate crime legislation"

Venue: Henihan Suite

D. Finance

Chair: Stephen Coutts

- Edana Richardson, Maynooth University – “Responsible Islamic Finance – An opportunity for collaboration between market sectors”
- Lorraine Murphy, Institute of Technology Sligo – “Personal Guarantees: Ten Commandments for Guarantors”
- Jack Larkin, Trinity College Dublin – “Sundering the (Tax) Wonderland: The Apple Case and the Failures of EU Collaboration”
- Emma McEvoy and Michael Doherty, Maynooth University – “Incorporating employment clauses in public contracts; Borrowing practices from Northern Ireland in Irish public works contracts”

Venue: City View Suite

E. Encouraging Independent Thinking

Chair: Rory O’Boyle

- Patrick O’Callaghan, University College Cork – “Encouraging reflection on the value of independent thinking”
- Maria Cahill, University College Cork – “Cultivating independent thinking in the advanced legal reasoning module at UCC”
- Rónán Kennedy, National University of Ireland Galway – “Integrating innovation into a law school curriculum: The Galway experience”
- Rónán Condon, Dublin City University – “‘Life is not an argument’: Critically thinking about critical thinking in law”

Venue: Harris Suite

F. Legal Histories and Futures

Chair: Lydia Bracken

- James Gallen, Dublin City University – “Reconciliation and historical State and religious abuses”
- Sinead Ring, Maynooth University – “Child abuse inquiries: Records and the creation of public history”
- Stephen Strauss Walsh, University of Limerick – “The past and present impact of Irish feminism upon women that are the victims of crime”

Venue: De Lacy Suite

11–11.30 a.m. Tea and coffee

Level 6, Breakout Area

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

G. Private Law

Chair: David Capper

- Niamh Connolly, University College London – “Contractual Incapacities: Rethinking Invalidity and Remedies”
- Steve Hedley, University College Cork – “Private Law Theory: An Emerging Field”
- Rónán Condon, Dublin City University – “After *Law Society v MIBI*: Conceptions and categories of contextualism in Irish contract law”
- Una Woods, University of Limerick – “The long and winding road of prescriptive easements and the registration requirement”

Venue: Harris Suite

H. Law and Emotion

Chair: Neil Maddox

- Martin Regan, Queen's University Belfast – “The role of psychological processes within law and legal systems”
- Benedict Douglas, Durham University – “What's love got to do with it?”
- John Stannard, Queen's University Belfast – “Keeping the public happy: Sentencing, therapeutic jurisprudence and the demands of legitimacy”
- Zoe Given Wilson, Royal Holloway University of London – “Taking care: Vicarious trauma and burnout from working in law”

Venue: O'Brien Suite

I. Exploring Criminal Behaviour

Chair: Kevin Brown

- Conor Hanly, National University of Ireland Galway – “Coercive control: An initial view”
- Noreen O'Meara, University of Surrey – “The joint enterprise appeals project: A crucible for student empowerment and activism”
- Beth Duane, University of Limerick – “Prison violence: examining the extent, effects and responses in the Irish criminal justice system”
- Anne Marie McAllinden, Queen's University Belfast – “Harmful sexual behaviour by children and young People: Cultural and regulatory challenges”

Venue: Henihan Suite

J. International Law

Chair: Richard Collins

- Dug Cubie, University College Cork – “General principles of International Disaster Law: Coherence or confusion”
- Gene Carolan, Technological University Dublin – “Towards a law of the peacemakers: Pillars of a distinct doctrine”
- Danielle Crowley, Maynooth University – “The protection of Cultural Heritage in transition from war to peace through the *jus post bellum*”

Venue: City View Suite

K. Professional Lives

Chair: Eimear Brown

- Carol Rasnic – “From professionally respectable to tacky: the First Amendment and the Evolution of American Lawyers’ Advertising (and a brief comparison with the Irish legal system)”
- David Cowan, Maynooth University – “Nurturing the Communicating Lawyer”
- Eddie Keane, University of Limerick – “Academic Tenure: More about where you are than what you are”

Venue: De Lacy Suite

L Teaching and Learning the First year experience

Chair: Mark Coen

- Eimear Long, Dublin Business School – “Using flipped learning in the legal skills classroom – making space for learning through collaboration and collegiality in the first year experience”
- Larry Donnelly and Nicola Murphy, National University of Ireland Galway - “Understanding the law: Overhauling the teaching of legal system and skills”
- Patrick O’Callaghan, University College Cork – “Reflections on the changing nature of the first-year student experience”
- Norah Burns, University of Limerick – “The use of video and social media as tools to support the incoming first year students”

Venue: Wogan Suite

1-2 p.m.

Saturday Lunch

River Restaurant

PLENARY SESSION SATURDAY 2 p.m.

City View and Harris Suites

- 2p.m.** **Beyond Borders: Collegiality and Collaboration in Law**
Professor Aoife O'Donoghue, Durham University; Professor Tobias Lock, Maynooth University; Dr Catherine O'Rourke, University of Ulster.
Chair: Deirdre McGowan
- 3.30pm** **A Reflection on 40 years of the IALT** – Dr Mark Coen, University College Dublin
- 4 p.m.** **Walking Tour of Limerick - Meet in the Lobby**
- 6.15 p.m.** **IALT Annual General Meeting**
Venue: Henihan Suite
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GALA DINNER SATURDAY 7.30 pm

- 7.30 p.m.** **Drinks Reception (Sponsored by Clarus Press)**
6th Floor Breakout Area
- 8 p.m.** **40th Anniversary Gala Dinner**
City View and Harris Suite
Presentation of Prizes and Honorary Membership
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Sunday 24 November

PANEL SESSIONS 3 SUNDAY 9.30 a.m. – 11.00 a.m.

M. Teaching and Learning

Chair: Rónán Condon

- Katie Power, University College Cork – “Use of the moot court room in the legal training of social work students. Reducing the fear factor and bolstering a confident approach in facing the court system in practice”
- Martin Regan, Queen’s University Belfast– “Learning by doing: from ‘what’ to ‘how’ through group work and reflection”
- Ollie Bartlett, Maynooth University – “Teaching legal skills in Ireland”
- Catriona Moloney, National University of Ireland, Galway – “Teaching across borders: Facilitating learner engagement behaviour”

Venue: O’Brien Suite

M. Medical Law

Chair: Eimear Long

- Mary Tumelty, University College Cork, – “Exploring the emotional burdens of medical negligence litigation: insights from Ireland”
- Hope Davidson, University of Limerick, – “The vexed question of the voluntary patient”
- Clayton O’Neill, Queen’s University Belfast – “Dementia and patient safety”
- Aisling McMahon, Maynooth University – “Healthcare and patient licensing for ‘ethical’ use: A proposal for regulatory intervention”

Venue: Henihan Suite

O. Human Rights and Constitutional Change

Chair: Imelda Maher

- Tobias Lock, Maynooth University – “Consolidation or further fragmentation: is EU accession to the ECHR (still) worth it?”
- William Phelan, Trinity College Dublin – “The ‘Founding Myth’ of European Human Rights Law? A Response to *Delledonne* and *Fabbrini*”
- Liam Sunner, Maynooth University – “The Impact of TRIPS-Plus Provisions in the EU Agreements: Enhanced Protection of Intellectual Property or Restriction of Human Rights”
- Alex Layden, Trinity College Dublin – “Informal Constitutional Change in Ireland: Theoretical Perspectives from Abroad”

Venue: Harris Suite

O. Employment law

Chair: Michael Doherty

- Charles O’Mahony, National University of Ireland, Galway – “The Supreme Court judgment in *Nano Nagle School v Marie*”
- Desmond Ryan, Trinity College Dublin – “Conscientious objection in healthcare: An employment law framework”
- Silvanus Tanifon, Technological University Dublin - “Hatton or Barber? A critical analysis of the legal test for determining the employer’s liability in negligence for Stress-Induced Psychiatric Disorder”
- Louise Murphy, Cork Institute of Technology & UCC – “The ever-expanding reach of vicarious liability of employers – is it fair and just?”

Venue: Wogan Suite

Q. International Environments

Chair: Deirdre McGowan

- Orla Kelleher, University College Dublin – “Climate Justice and its influence on judicial interpretation in systemic climate litigation”
- Donna Lyons, Trinity College Dublin – “Identity construction and the law in the context of child refugees”
- Mary Dobbs, Queen’s University Belfast – “Environmental governance on the island of Ireland”
- Jennifer Gant, Irene Lynch-Fannon and Aoife Finnerty, University College Cork – “Diverse approaches to preventive restructuring encountered by the JCOERE Project[1]: An Irish Sun Trap, British Gloom, and Temperate Europe”

Venue: City View Suite

11.00a.m.-11.30 a.m. Tea and coffee

Level 6 Breakout Area

PANEL SESSIONS 4 SUNDAY 11.30 a.m. – 1.00 p.m.

R. Experiential Legal Education

Chair: Marian Jennings

- Lydia Bracken, University of Limerick – “Street Law at UL”
- Norah Burns, University of Limerick – “UL Engage in the Law School”
- Brónagh Heverin, Letterkenny Institute of Technology - “A capstone undergraduate clinical legal education module”
- Brónagh Heverin, Siobhan Cullen and Lydia Bracken – “Using collaboration to facilitate experiential learning in law”

Venue: O’Brien Suite

S. International Law

Chair: Gene Carolan

- Richard Collins, University College Dublin – “Navigating choppy waters: UNCLOS dispute settlement coming of age”
- Caroline Sweeney, University of Limerick – “Justice for Syria: Is the International Criminal Court now a feasible option?”
- Leonard Taylor, Institute of Technology Sligo – “TWAIL and religion in a post-secular modern time – fully out of the shadow of the 20th century?”
- Thamil Venthan Ananthavinayagan, Griffith College Dublin– “Taming the Beast - the counter-hegemonic approach of TWAIL to encounter nationalisms in international law”

Venue: Henihan Suite

T. Legal Education Practice

Chair: Hope Davidson

- Alison Hough and Elaine Walsh, Athlone Institute of Technology- “Technological disruptions in legal practice - How should educators respond?”
- Ronan McCrea, University College London – “The view from everywhere”
- Rory O’Boyle and Antoinette Moriarty, Law Society of Ireland- “Love will tear us apart: The Law School and the psychology of belonging”

Venue: Harris Suite

U. Law and Personal Life

Chair: Charles O’Mahoney

- Fergus Ryan, Maynooth University – “Article 41.2 and the homosexual household: Some reflections”
- Lorraine Lally, Law Library of Ireland – “The legal challenges of family reunification for non-EEA nationals residing in the United Kingdom after Brexit”
- Neil Maddox, Maynooth University – “Proposals to regulate posthumous conception in Ireland pursuant the Assisted Human Reproduction Bill 2019: The critique”
- Lucy Davis, University of Limerick – “Regulating Do Not Attempt Resuscitation (DNAR) Orders in Ireland – Lessons from policy makers and practitioners in England and Wales”

Venue: Wogan Suite

1.00 p.m.

Sunday Lunch

Terrace Cafe

Notes and observations

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With very special thanks to our sponsors, Matheson Solicitors

The logo consists of the word "Matheson" in a white, serif font, centered within a solid red rectangular background. The text is underlined with a thin white line.

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