



IRISH ASSOCIATION
of
LAW TEACHERS



**Maynooth
University**
National University
of Ireland Maynooth

ANNUAL CONFERENCE

2017

November 24-26, 2017

**Dunboyne Castle Hotel, Dunboyne, Co.
Meath**

Programme

Welcome to Dunboyne and to the IALT Annual Conference 2017



The Council of the Irish Association of Law Teachers is delighted to welcome you to Dunboyne for our Annual Conference 2017. 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 Dunboyne Castle Hotel. Originally home to The Butlers of Dunboyne, the original Castle on the Dunboyne Estate was destroyed during the Cromwellian invasion of Ireland as a result of the family's refusal to convert to Protestantism. The Georgian house that we see today was completed in 1764 by Drogheda architect George Darley. Some of the finest works from the Lafranchini Brother's ornamental stucco plasterwork is on display. The ceiling over the staircase depicts the four elements to life at this time: War, Music, Education & Love.

The last of the Butlers to reside in the Castle was the 22nd Baron of Dunboyne John Butler, Catholic Bishop of Cork. Since then the Castle has passed through many families - the Butler-O'Briens, Sadlier, Morrrough-Ryans and the Watchmans. In 1955, it became home to the Good Shepherd Sisters who remained here until 1991 when it was bought by the Keating family, before the present owners bought it in 1999. It was in need of much repair and was lovingly restored to its original state and opened as Dunboyne Castle Hotel & Spa in 2006.



The Irish Association of Law Teachers

The Irish Association of Law Teachers was established in 1979, and has always been conceived as an all-island association. In the years since its foundation, the Association has witnessed significant changes in the legal landscape of Ireland, north and south, and of the wider world. The Association has always been committed to furthering excellence in legal education and research, and this has always been reflected in the activities of the Association and its members.

Traditionally the Association has held an Annual Conference, the venue for which changes from year to year to reflect the broad geographical spread of the Association's members. The Association has hosted conferences in (amongst other places) Athlone, Belfast, Derry, Dublin, Galway, Kilkenny, Killarney, and Limerick. In addition, the Association has hosted various workshops and seminars from time to time, and has been involved in a number of publications. In 1984 the Association published an Index to Irish Superior Court Written Judgments 1976-1982, edited by Jennifer Aston and Maeve Doyle, and this was followed in 1990 by an Index to cases decided in the Supreme Court, Court of Criminal Appeal and High Court, in which unreported judgments were available for circulation, 1966-1975. Revised versions of some of the 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 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 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

Friday 24th November

- 5 p.m.** Registration opens
[Venue: Dunboyne Castle Hotel]
- 6 p.m.** **Transport to Pugin Hall, Maynooth University**
- 6.30 p.m.** **Wine reception and announcement of the winners of the Kevin Boyle Book Prize by Ms. Justice Úna Ní Raifertaigh of the Irish High Court**
[Venue: Pugin Hall, South Campus, Maynooth University]
- 7.30 p.m.** **Buffet Dinner**
[Venue: Pugin Hall, South Campus, Maynooth University]



Saturday 25th November

9 – 9.30 a.m. Tea/Coffee and pastries

Venue: The Terrace Lounge

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

A. The Law of Torts

Chairperson: **Francis McManus, Stirling University**

- Ursula Connolly, NUI Galway - “*Ruffley v Board of Management of St Anne’s School* [2017] IESC 33: the role of Codes of Practice in shaping Tort Law”
- Steve Hedley, University College Cork - “Private Law Theory in the 21st century”
- Eoin Quill, University of Limerick - “Putting the Brakes on the Vicarious Liability Juggernaut? *Hickey v McGowan* [2017] IESC 6”

Venue: Francini Suite

B Interdisciplinary Approaches (NB: until 11.15am)

Chairperson: **Claire Hamilton, Maynooth University**

- D. Amram, Scuola Superiore Sant’Anna (Pisa, Italy) - “Litigation & Forensic Science & Biomechanics: New Skills & Competence for Lawyers”
- Parziale, Scuola Superiore Sant’Anna (Pisa, Italy) - “Rethinking Full Compensation: Cognitive Sciences Insights on Personal Injury Damages”
- G. Schneider, Bocconi University (Milan, Italy) - “European Data Protection and Intellectual Property in the Algorithmic Era: A Role Reversal (?)”
- Bartolini and G. Lenzini, Interdisciplinary Centre for Security, Reliability and Trust, Université du Luxembourg (Luxembourg, LU) - “Law and software development life cycle”
- G. Schneider and M. Bartalesi, Bocconi University (Milan, Italy) - “The technical feasibility of the Right to be Forgotten in search engines: a Law & Informatics analysis of art. 17 GDPR”

Venue: Cedar Suite

C Disability, Capacity and the Law

Chairperson: Hilary Sommerlad, Leeds University

- Finola Colgan Carey, Athlone Institute of Technology, “One can clearly distinguish between midnight and morn but when does dusk fall?”
- Hope Davidson, University of Limerick – “The New Irish Capacity Legislation – What will it do?”
- Charles O’Mahony, NUI Galway – “A Disability and Human Rights Perspective on the use of Behavioural Genetics in the Criminal Justice System”

Venue: Drawing Room

D EU Law

Chairperson: Eoin O’Dell, Trinity College Dublin

- William Phelan, Trinity College Dublin – “Understanding "*Van Gend en Loos*" (1963) through "*International Fruit*" (1972): The Meaning of the Court of Justice's doctrine of Direct Effect”
- Sonja Heppner, Trinity College Dublin – “A Critical Appraisal of the Investment Court System Proposed by the European Commission”
- John Lombard, University of Limerick – “The Advent of Plain-Packaging for Tobacco Products: Defining the Limits of Public Health Law in Ireland”
- Caterina Gardner, NUI Galway – “Hyperlinks, Scroll-boxes and Hidden Terms: The Transparency Principle of the Unfair Terms in Consumer Contracts Directive and Online Consumer Contracts”

Venue: Darley Suite

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

Venue: The Terrace Lounge

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

E. Family Law – Adult relationships

Chairperson: Fergus Ryan, Maynooth University

- Louise Crowley, University College Cork – “20 years of Divorce in Ireland - Time to dismantle and rebuild the governing framework”
- Deirdre McGowan, Dublin Institute of Technology – “Reframing the mediation debate in Irish all-issues divorce disputes: from mediation v litigation to mediation & litigation”
- Ronagh McQuigg, Queen’s University Belfast – “The Istanbul Convention and Domestic Violence”
- Caitlin Moyne, University of Limerick – “Non-Matrimonial Property in England and Wales: Lessons for Ireland”

Venue: Francini Suite

F Crime and Victims

Chairperson: Catherine O’Sullivan, University College Cork

- Alan Cusack, University of Limerick - “Vulnerable Crime Victims and the Irish Criminal Justice System: Adversarial Procedure on Trial”
- Catherine Friend, Waterford Institute of Technology – “An investigation into the Irish legal approach and reactions to emerging cybercrime regulation and related technology use”
- Stephen Strauss Walsh, University of Limerick – “The Re-emergence of the Gendered Victim of Crime in Ireland’
- John Stannard, Queen’s University Belfast- “The mens rea of repudiatory breach”

Venue: Cedar Suite

G Private Law

Chairperson: Steve Hedley, University College Cork

- Francis McManus, Stirling University - 'The defence of fair comment in the law of defamation, with special reference to Scots law'
- John Mee, University College Cork - "'And How Should I Presume?': Absence of Consideration, Advancement, and the Presumption of Resulting Trust"
- Eoin O'Dell, Trinity College Dublin - "Modesty is a Virtue: Money Remedies for Invasion of Privacy"
- Niamh Connolly, University College London - "The requirement of a direct transfer in unjust enrichment law: challenges and appropriate limits"

Venue: Drawing Room

H Inclusivity and Rights

Chairperson: Claire Hamilton, Maynooth University

- Jane Mulcahy, University College Cork - "'Humanising Human Rights': a radio project about Ireland's second periodic review before the UN Committee Against Torture"
- John O'Dowd, University College Dublin - "Human Dignity in Law and Teaching"
- Stephanie O'Flynn, NUI Galway - "Diversifying our legal system: Toward the inclusion of rights for animals"
- Chris Shepherd and Risham Chohan, London South Bank University - "Inclusivity and Diversity in Legal Education"

Venue: Darley Suite

1-2 p.m.

Saturday Lunch

[Venue: Ivy Restaurant]

PLENARY SATURDAY 2 p.m.

“Diversity, Merit and Professionalism: Some Reflections on the Legal Profession and Legal Education in Ireland Today”

Professor Hillary Sommerlad, Leeds University

Venue: Darley Suite

3.30p.m. **Bus departs for guided walking tour of Carton House and Castletown House** (for those interested, meet at front door of hotel)

6.15 p.m. **Annual General Meeting [Francini Suite]**

Gala Dinner

7 p.m. **Drinks Reception (Sponsored by Clarus Press)**
Venue: The Terrace Lounge

7.30 p.m. **Annual Gala Dinner -**
Venue: Drawing Room

Sunday 26th November

9.30 a.m.-10 a.m. Tea/Coffee and pastries

Venue: The Terrace Lounge

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

I. Company Law, Trade and Regulation (NB: until 11.45am)

Chairperson: John Lombard, University of Limerick

- Osayomwanbor Bob Enofe, University College Dublin – “Of Inclusivity And Diversity: The Case of Cartel Criminalisation in Nigeria”
- Xuedan (Shelly) Xiong, University College Dublin – “The Legal Test on the Necessity of Capital Maintenance as Creditor Protection Mechanism”
- John McArdle, Salem State University – “Trade Disputes and Troubled Entrepreneurs: A comparison of Brexit and NAFTA effects on Irish Dairy and Canadian Softwood markets”
- Liam Sunner, Maynooth University – “Forum shifting and TRIPS-Plus dissatisfaction: Lessons learned?”
- Raymond Friel and Úna Woods, University of Limerick – “Rent Pressure Zones: Constitutional Difficulties and Economic Repercussions”

Venue: Francini Suite

J. Historical Perspectives

Chairperson: Mark Coen, University College Dublin

- Stephen Brittain, Trinity College Dublin – “To Ignore or to Exclude? A History of Unlawfully Obtained Evidence from the Jacobites to *J.C.*”
- Niamh Howlin, University College Dublin - “Land Valuations, Market Practices, Pregnancy, Insanity: There’s a Jury for That”
- Thomas Mohr, University College Dublin - “Early Textbooks and Scholarship on Irish Constitutional Law”

Venue: Drawing Room

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

Venue: The Terrace Lounge

PANEL SESSIONS 4 SUNDAY 11.45 a.m. - 1.15 p.m.

K Sexuality, Parenting, Children and the Law

Chairperson: Deirdre McGowan, Dublin Institute of Technology

- Magdalena Duggan, University of Limerick – “Death is Not the End: Succession Rights of Children Born Thanks to Assisted Conception Post Mortem. Models of Regulation and Potential Proposals for Ireland”
- Catherine O’Sullivan, University College Cork “Ignorance of the Law is No Defence? The Age of Consent and Failings in Sex Education”
- Fergus Ryan, Maynooth University – “*UF v JC* Revisited: Sexual Orientation and Nullity of Marriage after the Marriage Referendum”

Venue: Francini Suite

L Employment Law

Chairperson: Michael Doherty, Maynooth University

- Michael Doherty, Maynooth University– “Trade Unions and the Gig Economy”
- Anthony Kerr, University College Dublin – “Jurisdiction and Choice of Law Issues in Transnational Employment Rights Disputes”
- Eddie Keane, University of Limerick – “Minding your Own Business: employer monitoring versus employee privacy”

Venue: Drawing Room

M The Courts System

Chairperson: Hope Davidson, University of Limerick

- Brian Barry, Dublin Institute of Technology - "The Irish courts system in a state of flux: how solicitors' expertise can inform the agenda towards better justice"
- Mark Coen, University College Dublin - "Worlds Apart: The Legal Landscape of Jury Misconduct in Ireland and England Compared"
- Seth Tillman, Maynooth University - "The Court of Appeal Backlog"

Venue: Cedar Suite

1.15 p.m.

Sunday Lunch

[Venue: Ivy Restaurant]
