Welcome from Head of School

I hope you enjoy this first issue of our new Law School Newsletter, Dlíscéala, detailing the School’s activities in the past year. In May I commenced a four-year term as Head of School having recently been appointed to an Established Professorship in Law. It is a great honour to hold such an office. Inside this newsletter I set out some of my thoughts on legal education at a time of significant change for the legal professions (pages 12-13). The School of Law at NUI Galway is a community of scholars, students and graduates – diverse in composition, pluralist in thinking, engaged with the world and impactful. In the pages that follow I hope you will see what I mean by that!

Professor Donncha O’Connell,
Head of School

Major Success for School in IRC Scholarship Scheme

Seven doctoral and post-doctoral students in the School of Law have been awarded Irish Research Council scholarships. This is an enormous success for the School and has helped in a significant way to bolster the overall excellent performance of the University in a highly competitive process (see inside page 14).
Student Activities

Connie Healy

Connie Healy, PhD candidate and BCL scholar at the School of Law (supervisor Marie McGonagle), was recently awarded one of twelve scholarships open to all Family Law researchers across the EU to attend and present a paper at the Commission on European Family Law’s Annual Conference entitled Family Law and Culture in Europe which was held at the University of Bonn from 29th-31st August 2013. Connie’s paper is entitled ‘Collaborative Practice: An Interdisciplinary Approach to the Resolution of Conflict in Family Law Matters’.

Charles O’Sullivan

Charles O’Sullivan has been selected as the recipient of the LL.M in Public Law Summer Internship Bursary 2013. The bursary is awarded annually to a current student on the LL.M in Public Law to take up an internship with an international NGO working in the area of Public Law. Charles spent six weeks over the summer working for the London-based NGO, JUSTICE, an all-party law reform and human rights organization that promotes improvements to the British legal system through research, education, lobbying and interventions in the courts. Internships with JUSTICE are very prestigious, providing successful applicants with the opportunity to develop research skills and experience of working on important areas of law and policy.

Interns at the Superior Courts

Denise Halloran and Seán Altavico, two interns of the Superior Courts, with Mrs Justice Susan Denham, Chief Justice of Ireland. This was the first year this judicial internship scheme was run and both students were immensely positive about their experiences.

Law School to welcome another Mitchell Scholar

The prestigious Mitchell Scholarship Programme offers competitive scholarships sponsored by the US-Ireland Alliance that facilitate up to twelve Mitchell Scholars aged between 18 and 30 to undertake a year of postgraduate study. This second annual in these three years to a student choosing the LL.M in Public Law is a great achievement for the School of Law. The incoming scholars, Robin Topps is a member of the Quapaw Tribe. He studied for a degree in sociology-criminology at the University of Oklahoma. His goal is to be a tribal attorney, and he hopes one day to be chairman of his tribe.

Joseph Gouani, a graduate of the Georgetown Law School, undertook the LL.M in Public Law as a Mitchell Scholar in 2010/2011. The Irish Centre for Human Rights has also hosted two other Mitchell Scholars, Michael Soli and Rohabah Emmanuel.

Student Papers

A number of current students on the LL.M in Public Law presented papers at the 5th Annual Conference of the Irish Society of Comparative Law in May 2013. Denise Halloran was awarded the Prize for Best Masters Student Paper. She is pictured receiving the prize from Professor Stephan Hesley, President of the Irish Society of Comparative Law. Other students on the LL.M in Public Law who presented papers that were highly commended were Sandra Murphy and Niall McMonagle.

Lá na nGradam 2013

The Michael McNamara Scholarship sponsored by REI Glyn Solicitors (2012-13) for Master of Laws (Law, Technology and Governance) students was this year awarded to Emmet Coughlan (centre).

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University Scholar for Year 2 Bachelor of Civil Law, Maggie Mac Aonghusa with her grandmother, Mrs. Justice Maggie Mac Aonghusa with An tOllamh Dr. Jim Browne and her grandmother, Mrs. Justice Marie Denham in one of A&L Goodbody’s offices in Dublin, London or New York and a cash prize of €3,000. More details are available here: www.algoodbody.ie/boludiaaward

Caitriona de Paor

Caitriona de Paor has been selected as a judicial research assistant for Judge Matty Toomey of the Court of Appeal in Seychelles. Judge Toomey is a graduate of the LL.M in Public Law and is a PhD candidate at the School of Law (co-supervised by Marie McGonagle and Dr. Seán Donlan of UL). Caitriona travelled to the Seychelles in August to observe the proceedings of the Court of Appeal and engage in legal research. She previously worked as the Communications Officer for the Public Interest Law Alliance (PILA), a project of FLAC.

Video-casting Seminal Legal Cases

A project by a team of students supervised by Dr. Joe McGrath and Darragh Griffin piloted a new learning model based on the case method approach in the past year. Undergraduate students taught each other about their favourite seminal cases using the latest technology. After participating in interactive workshops with staff, the students used video cameras and an iPad to record short pithy case notes. The videos were showcased at a successful launch event and are now available on a contact sheet for other students.

In the first two weeks, the videos received a total of 750 views. This project ran under the EXPLORER Innovation Initiative, with assistance from CELT/Audiovisual Services. The lectures involved in this project, Dr. Joe McGrath and Darragh Griffin, were also shortlisted for the President’s Team Award in Teaching Excellence.

The videos can be viewed at www.youtube.com/NUIGSchoolsLaw

Arthur Cox

Arthur Cox is committed to encouraging students to real ful of the opportunities that university offers and to be innovative and catalysts for change; consistently to stretch themselves and increase their potential; and to reach out to the wider society and dynamic economy. Arthur Cox is proud to sponsor a 2012-13 Bursary to an excellent student who has contributed greatly while at NUIG. Students ranked within the top 10% of students are considered for the bursary on the basis of 2012-2013 second year exams will be eligible to apply for this award. Eligible candidates should apply by sending in a 1-2 page submission outlining a significant contribution to or impact on university life, be it through sporting activities; student societies; or initiatives to improve the college community or the relationship between college and the wider society. The focus of the prize is on actual achievements rather than on participation alone and on contributions which are less commercial, organisational or legimate element. Supporting documentation may be attached if appropriate.

Arthur Cox and NUIG reserve the right not to award the prize in any given year should no candidate meet the eligibility requirements. In the view of the Prize Committee made up of representatives of the School of Law, NUIG and Arthur Cox.
New Professorial Appointments

Professor Ronán Long

Ronán Long was appointed to a Personal Professorship in April. He has a PhD from the University of Dublin, Trinity College. He teaches EU Law, Planning and Environmental Law, Law of the Sea, and European Fisheries Law. Ronan has also lectured at the Rhodes Academy Ocean Law and Policy and is a supervisor of advanced academic research under the United Nations. The Nippon Foundation of Japan Fellowship Programme. In this capacity he has worked with mid-career legal professionals from Bangladesh, Myanmar, Mozambique, Sierra Leone and Guatemala. He was the first recipient of the Mahalan Fellowship and has written and co-edited five books, and contributes to leading peer review journals as well as international workshops/conferences on the law of the sea, ocean management, and the law and policy of the marine environment. His work has received critical acclaim in the academic literature and has been cited by the European Commission, the United Nations Secretary General in his annual report to the General Assembly on oceans and the law of the sea, and in legal proceedings in the superior courts in Ireland and the European Court of Justice. He is a member of the editorial boards of the International Journal of Marine and Coastal Law and Ocean Development and International Law. Prior to his academic career, he was a permanent staff member at the European Commission (1993-2008) and undertook over 40 missions on behalf of the European institutions to the Member States of the European Union, the United States of America, Canada, Central America as well as African countries. His responsibilities included representing the European Commission at European Council working groups and at several international fora as well as drafting EC regulations governing new satellite technologies for sound monitoring systems. He contributed to the negotiation and monitoring of the bilateral fishery trade agreements with Morocco and Mauritania.

Professor Donnacha O’Connell

Professor Donnacha O’Connell took up office as Head of the School of Law in May having recently been appointed to an Established Chair in Law. He is also a part-time Commissioner of the Law Reform Commission, the statutory body charged with advising the government on law reform proposals, and a member of the Legal Aid Board.

Donnacha, who comes originally from Swinford, Co. Mayo, graduated from UCG with a BA (in Legal Science and Sociology & Politics) in 1988 and an LLB in 1990 after which he was called to the Irish Bar. Immediately after that he went to the University of Edinburgh for a year graduating with a Masters in Law in 1993. Upon returning from Edinburgh Donnacha was appointed to a lectureship at the School of Law, NUI Galway and taught Constitutional Law, Labour Law and European Human Rights there until taking unpaid leave of absence in 1999. In 1999 he was appointed as the first full-time Director of the Irish Council for Civil Liberties (ICCL), an NGO founded in 1976 by the late Kader Asmal and Mary Robinson. In 2002 Donnacha was appointed as a Director of the ICCL and returned to the Law School at NUI Galway. In the same year he was appointed as the Irish member of the EU Network of Independent Experts on Fundamental Rights established by the European Commission on lookout for a recommendation by the European Parliament LIBE Committee.

In 2007 Donnacha was appointed as the Irish member of the EU Network of Independent Experts on Fundamental Rights established by the European Commission on lookout for a recommendation by the European Parliament LIBE Committee.

In 2005 Donnacha O’Connell was elected Dean of Law at NUI Galway and served a full term until 2008. During that time he worked through the Council of Deans to bring about the establishment of the new College of Business, Public Policy & Law, NUI Galway, made up of the former faculties of Commerce and Law as well as the Shannon College of Hotel Management & Catering. While serving as Dean of Law Donnacha continued to teach Constitutional Law and European Human Rights to undergraduate students while pioneering new courses, such as Equality Law: Principles & Thematic Application and Procedures of Law Reform, offered to post-graduate students on the Law School’s LL.M in Public Law.

In 2007, he tendered successfully with an international consortium that formed FRALEX, the legal expert group that advises the EU Agency for Fundamental Rights based in Vienna and consulted to work as the Senior Irish Expert until 2011.

He edited the Irish Human Rights Law Review, published biannually by Claren Press. He was a member of the Board of Directors of the London-based NGO, INTERIGHTS from 2009-2012. Donnacha joined the Board of INTERIGHTS while spending a sabbatical year (2009-2010) as a Visiting Senior Fellow at the Centre for the Study of Human Rights at the University of London (LSE).

He has been a member of the National Council of the Free Legal Advice Centres (FLAC) Ltd., the National Executive Committee of Amnesty International of Ireland and the Advisory Board of the Public Interest Law Alliance (PILA), a project of FLAC.

Since 2006 Donnacha has played an active part on the Board of Directors of the internationally acclaimed Druids Theatre Company. He is also a trustee of Counterpoint Arts based in Dublin and London.

Professor Michael O’Flaherty

The renowned UN human rights expert, Professor Michael O’Flaherty FRSA, has been appointed as Established Professor of Human Rights Law in the past year. He will also serve as Director of the Irish Centre for Human Rights. Professor O’Flaherty is combining his new role at NUI with his current commitment as Chief Commissioner of the Northern Ireland Human Rights Commission. During this period the Centre for Human Rights will be co-directed by Professor Ray Murphy.

Professor O’Flaherty was appointed Chief Commissioner of the NHRo in October 2011 but he recently tendered his resignation and will take up duties at the Irish Centre for Human Rights on a full-time basis in November 2013. The Commission advises the government and is responsible for protecting and promoting human rights throughout Northern Ireland. It is also empowered to help people whose rights may have been denied and can carry out its own investigations.

Professor O’Flaherty worked the UK university sector from 2003 as Professor of Applied Human Rights and Co-Director of the Human Rights Law Centre at the School of Law in University of Nottingham. A native of Galway, Professor O’Flaherty has a distinguished reputation in the human rights arena. Since 2004, he has been an elected member of the United Nations Human Rights Committee and is currently a Vice-Chairperson. He is also a member of the UN Expert Group on Human Rights Indicators, serves on a number of human rights advisory bodies of the UK government and is a Fellow of the Royal Society of the Arts.

Professor O’Flaherty sits on committees of the European Roma Rights Centre, the Diploma Training Programmes, the UN UK Association, the World Reporting on Torture, the Human Rights Education and Development Fund and a number of other groups worldwide.

Prior to taking up his post at the University of Nottingham, he served in a number of senior positions with the United Nations. He established the UN human rights field missions in Bosnia and Herzegovina (1996) and Sierra Leone (1998) and subsequently guided UN headquarters support to its human rights programmes across the Asia-Pacific region.

New appointments in ICHR

The Centre is very pleased to welcome three new lecturers, Dr. Ekaterina Yahyaoui Krivenko, Dr. Noelle Higgins and Dr. Karen da Costa.

Dr. Krivenko, previously on the Law Faculty at McGill University, Montreal, also holds the position of Associate Professor at the Han and Tanya Oppenheimer Chair in International Law at McGill University. At the University of Hamburg she held the Monnet Chair of EU Public Law at NUI Galway 2010 under the supervision of Professor Gerard Ph.D. (“Liberty as Non-Domination and Ethical Autonomy”), taking up positions in DCU and Middlesex in 2010 with responsibility for the annual publication of the European Yearbook of Disability Law.

Dr. Krivenko’s research is centred in various aspects of international law and was MA programme director in the School of Law and Government, Dublin City University. She teaches Human Rights on the BA Context programme and on the LLM programme, and also lectures on Minority Rights and Procedure in the International Criminal Court.

Dr. Karen da Costa, originally from Brazil, is an expert on the extra-territorial application of human rights treaties and is concurrently a Honorary Research Fellow at the Department of Social Sciences of the University of Sao Paulo with responsibility for the annual publication (1993-2000) and undertook over 40 missions to its human rights programmes across the Asia-Pacific region.

Dr. Higgins has previously lectured in various departments, state agencies, foreign governments, legal professionals from Bangladesh, Myanmar, Mozambique, Sierra Leone and Guatemala.

New appointments in CDLP

• Charlotte May-Simura, Research Assistant with responsibility for the annual publication of the European Yearbook of Disability Law and concurrently an EU-funded consultant on Disability experts (ANED).

• Dr Lucy Surani, Research Associate, focusing on legal capacity reform.

• Joanna Ferde, EU DG-Enlargement “PERSON” project coordinator.

Staff Departures

The School of Law sends its best wishes to Dr Tom Hickey and Professor Laurent Pech, who are taking up positions in DCU and Middlesex respectively. Tom joined the Law School in September 2011 after completing his BCL (“Liberty in a Democratically Tolerant Society”) in August 2011 and the Certificate in General Council Qaeda. Laurent was appointed as the Jean Monnet Chair of EU Public Law at NUI Galway in 2001 and joins Mediterranean as Professor of EU Law and Head of the Law Department.
External Appointments for Law School Staff

Professor Ray Murphy, Co-Director of the Irish Centre for Human Rights, was appointed by the Government as a Commissioner of the Human Rights and Equality Commission, pending the establishment of the latter. The Irish Human Rights and Equality Commission will replace the Irish Human Rights Commission and the Equality Authority which are to be merged. The Minister for Justice, Mr. Alan Shatter, T.D., stated: “The objective of this body will be to champion human rights, including the right to equality.” Professor Murphy will sit on the Commission for a period of 1.5 years.

Two NUI Galway academics appointed to Law Reform Commission

In July 2012, NUI Galway law lecturer Tom O’Malley was appointed by the Government to the Law Reform Commission. Professor Donnacha O’Connell was also reappointed to the Commission having been initially appointed to replace Mr. Justice Denis O’Donnell earlier in 2012. The other members of the Commission are: Mr. Justice John Quirke (President), Ms. Fiona Flanagan (full-time) and Ms. Maria Baker, S.C. (part-time).

Tom O’Malley is a Senior Lecturer in Law and a practicing barrister specialising in judicial review. He holds three first-class honours degrees from NUI Galway as well as the LLM degree from Yale University. He was a graduate fellow at Yale Law School in 1986-1987 and since then has taught at NUI Galway. He was a Visiting Fellow at the University of Oxford Centre for Criminology in 1992-1993 and, last year, was Visiting Professor of Criminology at the University of Leiden in the Netherlands.

His main research interests are in the area of criminal law and criminal justice and he is the author of leading Irish treatises on sex offences, sentencing and criminal procedure. Tom has served on several committees and working groups at national and international level and is a present member of the Steering Committee for the Irish Sentencing Information System. The Commission held a public consultation on its Fourth Programme of Law Reform in NUI Galway in February of this year.

Appointments to the Irish Disabilities Studies Association

The Irish Disabilities Studies Association has elected Elaine Kane and Dr. Edel Nóirín Flynn, both of the Centre for Disability Law and Policy, to the positions of secretary and Ordinary Member (renewable), respectively. The IDSA was formed in 2013 to provide a forum in Ireland, north and south, for analysis, discussion, exchange of ideas and scholarship on disability.

Mrs Justice Catherine McGuinness Appointed Chair of NUI Galway Governing Authority

Mrs. Justice Catherine McGuinness is a law graduate, was elected from the Graduate Panel, and succeeds Noel Dorr as chair of Údarás na hOllscoile. Conor Fottrell, a law graduate, was elected to Údarás na hOllscoile. Conor Fottrell, a law graduate, was elected from the Graduate Panel.

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Lecturer elected chair of Vegetarian Society

Congratulations to our colleagues, Anna-Louise Hinch, on her appointment as Co-Editor of the Irish Journal of European Law. Published in print since 1992, the journal will make its first appearance as an e-journal in early 2014, with one volume to be published annually. The journal is double peer-reviewed under its new editorial direction with greater flexibility in style and content of submissions, and an editorial board of both practitioners and academics.

Professor Ray Murphy nominated to new human rights body

Professor Ray Murphy, Co-Director of the Irish Centre for Human Rights, was appointed by the Government as a Commissioner of the Human Rights and Equality Commission, pending the establishment of the latter. The Irish Human Rights and Equality Commission will replace the Irish Human Rights Commission and the Equality Authority which are to be merged. The Minister for Justice, Mr. Alan Shatter, T.D., stated: “The objective of this body will be to champion human rights, including the right to equality.” Professor Murphy will sit on the Commission for a period of 1.5 years.

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Larry Donnelly elected first President of the Irish Clinical Legal Education Association (ICLEA)

Larry Donnelly, Lecturer and Director of Clinical Legal Education in the School of Law, was elected the first President of the Irish Clinical Legal Education Association (ICLEA). ICLEA will work in the coming years to ensure a set of shared objectives are met. These objectives include: establishing a vibrant forum for reflecting and sharing experiences; fostering collaboration where appropriate; lobbying law schools, and the broader institutions of which they are usually a part, for badly needed resources; seeking funding internationally; hosting regular conferences and facilitating smaller events; supporting scholarship internationally; hosting regular conferences and facilitating smaller events; supporting scholarship on legal education; ensuring that time-consuming and labour-intensive clinical work is valued and recognised; and engaging at the highest level with those involved in clinical legal education in other jurisdictions.

Lecturer elected chair of Veterinary Society

Congratulations to our colleagues, Anna-Louise Hinch, on her appointment as Co-Editor of the Irish Journal of European Law. Published in print since 1992, the journal will make its first appearance as an e-journal in early 2014, with one volume to be published annually. The journal is double peer-reviewed under its new editorial direction with greater flexibility in style and content of submissions, and an editorial board of both practitioners and academics.

Professor Gerard Quinn, Director of the Centre for Disability Law and Policy in the School of Law, has been appointed to the Scientific Committee of the EU Agency for Fundamental Rights (FRA) in Vienna. FRA is one of the EU’s specialised agencies set up to provide expert advice to the institutions of the EU and the Member States to ensure that the fundamental rights of people living in the EU are protected.

Dr. Ciara Smyth defending her thesis
On February 1st, 2013, the Irish Centre for Human Rights and the Irish Council for Civil Liberties (ICCL) hosted a one-day seminar at NUI Galway that explored the challenges and opportunities presented by Ireland’s recent election to the United Nations Human Rights Council. The event brought together a range of human rights experts and produced a list of recommendations to inform Ireland’s term of office on the Council. Questions regarding Ireland’s pre-election pledges, how Ireland can best contribute to the agenda of the Council, and the leadership role Ireland can adopt in the promotion of human rights, were considered and addressed. The large conference turnout demonstrated the huge interest there is in the promotion of human rights, in multilateral monitoring through the United Nations and Ireland’s performance at the UN Human Rights Council.

The Centre was also host to the following Visiting Fellows who worked with the team during their extended visits to Galway: Dr. Dolika Ferri, Honorary Research Fellow at the University of Vienna (Summer 2012), Professor Beatriz Rodriguez Saez de Galdeano, Universidad Publica de Navarra, Spain (March 2013), Professor Ignacio Campoy, King Carlos, Spain, May-July 2013, Professor Peter Blanck, Burton Blatt Institute, Syracuse University, USA (July 2013).

New Funding Awards for CDLP

The Centre for Disability Law and Policy and its international partners have been successful in five new EU funding awards for projects totalling nearly €5.5m. €400,000 of this EU funding will be directly awarded to the CDLP with the projects mostly beginning early in 2013. The Centre has also enjoyed another €250,000 in recent funding wins from other non-EU sources, including the SOROS-Os Open Society Foundations.

Public Seminars

The CDLP regularly hosts public seminars and has been privileged to have welcomed nine expert speakers in the last 14 months. Amongst them were: Charlotte McClain-Nhlapo, Coordinated Office for Disability and Inclusive Development, USAID (the US Agency for International Development); Louise Olivier, Law Programme Manager with the Open Society Initiative for Southern Africa (OSISA); and Nicole Fritz, Executive Director of the Southern African Litigation Centre (SALC); Cici Nicholas, Office of the Public Advocate, South Australia; and Axel Leboeuf President and Executive Director of the Gilot initiative (the Global Initiatives for Indigent Information and Communication Technologies).

Other Major CDLP Events


April 2013: “Supported Decision Making in Theory & Practice: Ireland’s Capacity-Building Initiative exploring how to practically implement capacity legislation that is compliant with the UNCRPD” – a conference co-hosted with the Disability Federation of Ireland (DFI) and the National Council for the Blind of Ireland.

This year the Centre produced many articles and books chapters, including a Special Issue of the International Journal of Law in the Built Environment – entitled ‘Contemporary housing issues in a changing world.’ In June, Dr. Kenna delivered a keynote address to the Annual Conference of the European Network of Housing Researchers at Tarragona, Spain. This event was attended by 480 researchers from many European countries. The Centre jointly co-ordinates the Legal Aspects of Housing, Land and Planning stream at this European Network.

The Centre now has established international links with universities and agencies, national and international NGOs and government departments. For instance, Dervis Gulati, from Vilnius, Lithuania, a final year PhD law student on the right to adequate housing, has been researching at the Centre under the ERASMUS training programme for the summer 2013 period.

Dr. Kenna has also been appointed to the Advisory Body of the EU 7th Framework-funded TENS-Law Project, coordinated by the University of Bonn, which sets out to provide the first large scale comparative and European law survey of tenancy law. In collaboration with University of Utrecht and Dublin Institute of Technology, the Centre is developing the first all-Ireland Masters in Housing. This will offer a high-level qualification to leading housing practitioners and others, and will be accredited by a number of professional bodies.

For more information see CHLRP website: http://www.nuigalway.ie/chlrp/ or contact padraic.kenna@nuigalicore.ie

What follows is a selection of major publications by colleagues from the School of Law and its Centre published during the past year. It evidences a consistently high-quality of academic research and writing but, also, of engaged scholarship and impact both nationally and internationally.

Dr Padraic Kenna, Associate Head for Research

Books:

• Tom O’Malley, Settlements: Towards a Coherent System (Round Hall 2012)
• Kathleen Conranagh & Joshua Castellano ‘Minority Rights in the Middle East: A Comparative Legal Analysis’ (Oxford University Press 2013)
• Karen De Coire, ‘The Extraterritorial Application of Selected Human Rights Treaties’ (Brill/Martias Nijhoff Publishers 2013)
• Gerard Quinn, Eileen Flynn, Lina Waddington, European Yearbook of Disability Law: Volume 3 (Intersentia 2012)

Chapters:

• Tom Hickey, Civic Virtues, Autonomy and Religious Schools: What Would Machiavelli Do?’ in Fintan O’Toole (ed.) Up the Republic! Towards a New Curriculum for Education (Faber and Faber 2012)
• Anemka Bullo, ‘Regulating the arms trade from a human rights perspective’ in Weapons under International Human Rights Law (Cambridge University Press 2013)

• Eilis O’Moynihan, ‘Interlocution and Access to Justice’ in Gerard Quinn and Charles O’Malley (eds), The UN convention on the Rights of Persons with Disabilities: Comparative, Regional and Thematic Perspectives (Intersentia Publishers 2013)
• Tom O’Malley, ‘Living without Guidelines’ in Professor Andrew Ashworth and Professor Julian Roberts (eds), Strip-teasing Guidelines: Exploring the English Model (Oxford University Press 2013)

Peer-reviewed articles:


Reports:

• Marie McGonagle and Ingrid Cunningham, Research Project: Representation of people with disabilities in Irish broadcast media A Review of Other Jurisdictions’ Report for the Broadcasting Authority of Ireland and the National Disability Authority 2013

• Gerard Quinn and Inese Dvure, ‘Getting a Life - Living Independently and Being Included in the Community’ Legal study commissioned by the Department of the High Commissioner for Human Rights 2013.
Tradition & Change... 

In this article the newly-appointed Head of the School of Law, Professor Donncha O’Connell, reflects on legal education and related matters.

The Law School at NUI Galway is a community of scholars, students and graduates – diverse in composition, pluralist in thinking, engaged with the world and impactful. This is my real sense of where we have come from my own formative legal education and in which I have taught since 1993. When I was a student in UCG in the late-1980s I didn’t fully appreciate the commitment and dedication of teachers like Liam O’Malley, Marie McGonagle, Denny Driscoll, Nuala Jackson, and dedication of teachers like Liam O’Malley, Marie McGonagle, Denny Driscoll, Nuala Jackson, Tom O’Malley, Kevin Costello and others. It was that Galway did not do then were more than adequately balanced by the things that it did brilliantly, not least of which was its genuinely student-centred approach on truly innovative and distinctive teaching programmes like ‘Law through Arts’ and the LL.B.

In driving change it is vitally important to respect and protect the best of tradition and legacy. As a beneficiary of the best traditions of the Law School at NUI Galway I am acutely aware of this and see it as part of my duty to consolidate and build upon the achievements of others.

I am mindful of the vision and charismatic leadership of predecessors like the late Professor Kevin Boyle whose ability to foster and inspire talent endures in the battalions of committed optimists that he influenced, and in other academic institutions, to work for the promotion of human rights throughout the world. I am hugely conscious of the transformative growth – in programmes, student numbers and staffing – that took place in the School under the diligent and skilled leadership of Professor Liam O’Malley. I remember, with great warmth, the tireless efforts of Denny Driscoll to raise our sights as students and his opening up of the (literal) world of law with distinguished visiting speakers, exotic placement opportunities and an indomitable drive for improvement.

The ‘thread’ in all of this was our long-standing Administrator, Des McSharry, who is retiring at the end of 2013. Des has been the head, heart and soul of the School for as long as I have had an association with it and his departure will be a cause of real sadness for staff and students alike. I wish Des a long and happy retirement.

Like all institutions within institutions we face many challenges. The challenges faced by Irish university law schools have not reached the levels faced by our counterparts in the US where a burgeoning literature now exists on the existential crisis faced by Law Schools. Although we are increasingly and properly accountable for our research output we do not work under the same strictures as our counterparts in the UK and Northern Ireland who are subject to the RAE. This will probably change.

The current challenges faced by Irish university Law Schools are largely to do with a decline in interest in law as a career among second-level students reflected in a decline in CAO points for law undergraduate courses. This is, in all likelihood, just a reflection of a low point in the economic cycle and there are already signs of slow recovery. Those students just entering third level are likely to be graduating at a better time than those graduating now. Of course, many of our graduates do not go on to pursue careers in the traditional legal professions but clearly see law as a useful academic foundation for other options.

In any event, there will be significant change in the ways in which the legal professions operate in Ireland as a result of changes being introduced in the Legal Services (Regulation) Bill. The Bar, in particular, is likely to undergo the most significant change. The fears expressed by the legal professions in relation to the regulatory regime for legal services to be provided for under the Bill may well be overstated. It is laudable, at least, that the Bill aims to address, in a serious way, the rights of users of legal services and to create a more competitive and less restrictive context for the delivery of those services. Of course, it remains to be seen if the Bill, when passed, will deliver on those ambitions.

The creation of a Legal Services Regulatory Authority under the Bill, is likely to have real implications for university Law Schools and, indeed, other public and private actors in the area of legal education. Balancing the demands of external accreditation and other processes of such an Authority against the increasingly rigorous processes of academic institutions will not be straightforward, especially if such processes pull in different directions or collide.

It is not for university Law Schools to see themselves as allies of vested interests. We are academic units within larger academic institutions that should strive for as much intellectual autonomy as is required to realise the full value of academic freedom. By that I do not mean the right to be left alone, or the right to be like self-employed sole traders with all of the benefits of the public sector. I am talking about something much more important than that.

In a university context, Law is a particularly valuable discipline. It speaks to tradition in obvious ways but it remains of enduring and, arguably, increasing value in societies where the rule of law is, perhaps regrettably, evidenced by hyper-regulation. As universities become more concerned about impact as a performance indicator for research, Law is indisputably impactful as a translational tool of public policy.

Therefore, there are reasons to be cheerful about the future of legal education in Irish universities. Our own School has always been – consciously or otherwise – mindful of impact. This is simply demonstrated by the international reach of our Centre – the Irish Centre for Human Rights, the Centre for Disability Law & Policy, the Maritime Law & Ocean Policy Centre and, more recently, the Centre for Housing Law, Rights & Policy. It is also evidenced by the prominence of staff such as Tom O’Malley, Dr. Mary Keys, Larry Donnelly, Professor Gerard Quinn, Professor Ray Murphy and others in the public sphere, whether as media contributors, activists or members of statutory bodies.

But the School of Law is not all about us, the staff. It is, as I said at the outset, a community of scholars, students and graduates: a community not fixed in one place at one time but one bonded by energy and enthusiasm, to engaging with each part of that community and to developing those values.

“In driving change it is vitally important to respect and protect the best of tradition and legacy.”

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“We are not enablers of passive or even efficient learning by ‘customers’ who are just nominally students”

In driving change it is vitally important to respect and protect the best of tradition and legacy. As a beneficiary of the best traditions of the Law School at NUI Galway I am acutely aware of this and see it as part of my duty to consolidate and build upon the achievements of others.

I am mindful of the vision and charismatic leadership of predecessors like the late Professor Kevin Boyle whose ability to foster and inspire talent endures in the battalions of committed optimists that he influenced, and in other academic institutions, to work for the promotion of human rights throughout the world. I am hugely conscious of the transformative growth – in programmes, student numbers and staffing – that took place in the School under the diligent and skilled leadership of Professor Liam O’Malley. I remember, with great warmth, the tireless efforts of Denny Driscoll to raise our sights as students and his opening up of the (literal) world of law with distinguished visiting speakers, exotic placement opportunities and an indomitable drive for improvement.

The ‘thread’ in all of this was our long-standing Administrator, Des McSharry, who is retiring at the end of 2013. Des has been the head, heart and soul of the School for as long as I have had an association with it and his departure will be a cause of real sadness for staff and students alike. I wish Des a long and happy retirement.

Like all institutions within institutions we face many challenges. The challenges faced by Irish university law schools have not reached the levels faced by our counterparts in the US where a burgeoning literature now exists on the existential crisis faced by Law Schools. Although we are increasingly and properly accountable for our research output we do not work under the same strictures as our counterparts in the UK and Northern Ireland who are subject to the RAE. This will probably change.

The current challenges faced by Irish university Law Schools are largely to do with a decline in interest in law as a career among second-level students reflected in a decline in CAO points for law undergraduate courses. This is, in all likelihood, just a reflection of a low point in the economic cycle and there are already signs of slow recovery. Those students just entering third level are likely to be graduating at a better time than those graduating now. Of course, many of our graduates do not go on to pursue careers in the traditional legal professions but clearly see law as a useful academic foundation for other options.

In any event, there will be significant change in the ways in which the legal professions operate in Ireland as a result of changes being introduced in the Legal Services (Regulation) Bill. The Bar, in particular, is likely to undergo the most significant change. The fears expressed by the legal professions in relation to the regulatory regime for legal services to be provided for under the Bill may well be overstated. It is laudable, at least, that the Bill aims to address, in a serious way, the rights of users of legal services and to create a more competitive and less restrictive context for the delivery of those services. Of course, it remains to be seen if the Bill, when passed, will deliver on those ambitions.

The creation of a Legal Services Regulatory Authority under the Bill, is likely to have real implications for university Law Schools and, indeed, other public and private actors in the area of legal education. Balancing the demands of external accreditation and other processes of such an Authority against the increasingly rigorous processes of academic institutions will not be straightforward, especially if such processes pull in different directions or collide.

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Doctoral Programme

MAJOR SUCCESS FOR SCHOOL IN LATEST ROUND OF IRC SCHOLARSHIPS

Seven postgraduate students in the School of Law and its Centres have been offered very prestigious Irish Research Council (IRC) doctoral and post-doctoral scholarships in the latest round of offers from the Council. This success places the School of Law in the top three Schools in NUI Galway in this round of offers and has helped in a major way to bolster the overall performance of the University in a highly competitive applications process. Congratulations to the seven successful students and their supervisors:

- Deirdre Halloran (Supervisor – Dr Pádraic Kenna)
- Dr. Róisín Burke (Supervisor – Professor Ray Murphy, ICHR)
- Dr. Annabel Brody (Supervisor – Dr. Mary Keys)
- Dr. Bernadette Gannon, a graduate of the first LL.M in Public Law class, was awarded a Ph.D on China Engagement and Human Rights: The Case of EU Policy in China on 26 June 2013. Dr. Gannon’s research was supervised by Dr. Mary Keys entitled ‘The Rights of Older People in Residential Care’.
- Dr. Annabel Egan with daughter Molly. Annabel graduated with pride in June 2013. Her PhD thesis was entitled ‘Constructive Engagement and Human Rights: The Case of EU Policy in China’.
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APPOINTMENT OF DOCTORAL PROGRAMME DIRECTOR

Dr. Ciara Smyth is the newly-appointed Doctoral Programme Director for the School of Law. In this role she is responsible for the development and co-ordination of the doctoral programme in the School of Law and its Centres. Ciara is also a member of the School Research Committees and is the School’s representative on SARFal, (the Strategic Alliance of Research Faculties of Law). SARFal is a group of research-intensive law faculties/schools committed to facilitating and enhancing international research co-operation. This includes joint research projects by senior researchers and Ph.D candidates, participation in joint conferences, cross-border reviews of written material, research visits abroad by senior researchers and Ph.D candidates, and exchange of research-oriented and talented students. At present, SARFal, consists of the Universities of Aarhus, Barcelona, Bologna, Galway, Genova, Leiden, Laurens, Oslo, Oxford, Poznan, Prague and Vienna.

Some Recent Doctoral Graduates

The Law School has for many years offered its students the opportunity to study law in partner institutions around Europe and the United States. To develop similar opportunities in Asia, the Law School’s newly-appointed Director of Internationalisation, Dr. Conor Hanly, participated in a recent NUI Galway delegation to a select number of universities in the People’s Republic of China. Dr. Hanly met with counterparts at Guangdong University of Technology and Shantou University, both in Guangdong Province, south-eastern China, and at Beihang University and China University of Political Science and Law, both in Beijing.

The Law School is working with these institutions initially to institute bilateral exchange programmes that will allow both Chinese and Galway law students to gain part of their legal education in the partner institution. These exchanges will offer these Galway students and staff who travel to China an unrivalled learning and cultural experience, while the presence of Chinese students and staff in NUI Galway will bring a different perspective into our classrooms. The School hopes that these exchange programmes will be in place for September 2014.

The School is also participating in a wider university initiative to develop full joint degree programmes with these partner institutions in China. These programmes will require participating students to spend an extended period of study in both Galway and China. Successful completion of the programme will result in students obtaining law qualifications from both universities. These programmes will start coming on-stream from September 2015.

The Law School in China

- Director of Internationalisation, Dr. Conor Hanly

- Shantou University, both in Guangdong Province, south-eastern China, and at Beihang University and China University of Political Science and Law, both in Beijing.

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Clinical Legal Education

A group of legal academics from universities, institutes of technology, private colleges and professional law schools gathered recently at a conference in NUI Galway to consider the development of clinical legal education in Ireland. The conference was co-hosted by the Public Interest Law Alliance (PILA) and the School of Law, PILA, a project of the Free Legal Advice Centres Ltd. (FLAC), and the School of Law have a strong relationship and will be working strategically in a variety of ways to expand the use of law in the public interest.

Clinical legal education is a term employed to encapsulate a broad range of activities that focus on “learning by doing” and is widely recognized as the most significant innovation in the pedagogy of law teaching in the past century. It is a global phenomenon and clinical programmes are well-established throughout the common law world. Clinical legal education, at its best, simultaneously equips students with practical know-how and with an understanding that the law and the legal system can be powerful tools for protecting human rights and promoting the interests of those on the margins. The School of Law has long recognized the value of clinical legal education and has provided some of its students with opportunities to work in a variety of “real world” settings. For instance, this past academic year, students worked on the inquest into the death of Sorina Halauspavonu, on the Meath Thornton murder trial and on a Supreme Court appeal in relation to their draft submissions.

ICLEA will be led initially by Larry Donnelly, Lecturer and Director of Clinical Legal Education in the School of Law and former PILA Manager. Donnelly has used its services. Attendees were also heartened to hear that clinical training is now very much a part of the curriculum in the professional law schools. And Kevin Kerrigan devoted much of his keynote to outlining how Irish law schools can further enhance and expand their clinical offerings in those strained times.

Buoyed by the energy and enthusiasm at the conference, attendees agreed to establish the Irish Clinical Legal Education Association (ICLEA) to work toward a set of shared objectives. These objectives include: establishing a vibrant forum for reflecting and sharing experiences; fostering collaboration wherever appropriate; lobbying law schools, and the broader institutions of which they are usually a part, for badly needed resources; seeking funding internationally; hosting regular conferences and facilitating smaller events; supporting scholarship on legal education; ensuring that time-consuming and labour-intensive clinical work is valued and recognized; and engaging at the highest level with those involved in clinical legal education in other jurisdictions.

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School of Law hosts 5th Annual Conference of Irish Society for Comparative Law

Deirdre Callanan, from the School of Law, who delivered an interesting address from Ursula Connolly from ‘Comparative Public Law’. Top topics explored at the conference on the overarching theme of ‘Comparative Public Law’ included topics ranging from children in rainbow families to equality in healthcare, cyberbullying, money laundering and the question of constitutional rights for human-animal hybrids and chimerae. Professor Brian Dickens from Queen’s University Belfast presented a keynote paper entitled ‘The Irish Supreme Court in Comparative Perspective’, to which former Supreme Court judge and Adjunct Professor at the School of Law, Ms Justice Catherine McGuinness, responded with insightful observations on her experience of the workings of the Supreme Court. The other keynote speaker was Professor Steen Farnan of the University of Northumbria who presented a paper entitled ‘The Age of Empire Again: Critical Thoughts on Legal Imperialism’. The keynote papers can be viewed on the LL.M in Public Law YouTube channel: www.youtube.com/user/LLMNUIG

Conference on Mediation in Cases of International Family Conflict and Child Abduction

The LL.M in Public Law programme at the School of Law hosted the 5th Annual Conference of the Irish Society of Comparative Law on Friday 24th and Saturday 25th of May 2013. Over 50 legal academics and practitioners from Ireland, other European countries, the US, Canada, Uganda, Japan and China presented papers at the conference on the overarching theme of ‘Comparative Public Law’. Topics explored issues ranging from children in rainbow families to equality in healthcare, cyberbullying, money laundering and the question of constitutional rights for human-animal hybrids and chimerae. Professor Brian Dickens from Queen’s University Belfast presented a keynote paper entitled ‘The Irish Supreme Court in Comparative Perspective’, to which former Supreme Court judge and Adjunct Professor at the School of Law, Ms Justice Catherine McGuinness, responded with insightful observations on her experience of the workings of the Supreme Court. The other keynote speaker was Professor Steen Farnan of the University of Northumbria who presented a paper entitled ‘The Age of Empire Again: Critical Thoughts on Legal Imperialism’. The keynote papers can be viewed on the LL.M in Public Law YouTube channel: www.youtube.com/user/LLMNUIG

Conference on the Children’s Constitutional Referendum

The LL.M in Public Law programme hosted a conference on the children’s constitutional referendum on 24th September 2012 at the Barrister College of Art, Ballyvaughan, Co. Clare. This was the second annual conference of the LL.M in Public Law. The conference was timely as it coincided with the beginning of the referendum campaign for the constitutional amendment, which was adopted in November 2012. The conference critically considered the Children’s Constitutional Referendum and its implications on the rights of the child. Mrs Justice Catherine McGuinness chaired the conference. NUI Galway graduate, Dr. Geoffrey Murray, Special Rapporteur on Child Protection and leading expert on child law, delivered the keynote address. Other speakers at the conference included Dr. Anne Hogan, Fergal Landy, Child and Family Research Centre, NUI Galway; and Connie Healy, solicitor and child law expert and Irish Research Council scholar at the School of Law NUI Galway.

Minister for Children and Youth Affairs gives keynote address at Law School Discussion on Children’s Rights

On Monday 22 October 2012 the School of Law and the UNESCO Child and Family Research Centre held a public discussion on the proposed changes to the constitution proposed by the Children’s Rights Amendment Bill. Frances Fitzgerald TD, Minister for Children and Youth Affairs delivered the keynote address. The seminar provided a stimulating dialogue about the implications of a YES vote in the Children’s Referendum, ahead of the 10 November 2012 vote. The session also featured an expert panel consisting of Fergal Landy from the UNESCO Child and Family Research Centre and Dr. Ciara Smyth from the School of Law. The panel discussion offered members of the public an opportunity to hear a youth perspective on the proposed constitutional amendments and there was lively and active participation from the audience. The afternoon session continued the discussion that followed the conference.
The workshop, ‘Information and Communications Technology for Environmental Regulatation: Developing a Research Agenda’, attracted over fifty international experts from Europe, the United States of America and Australia. The delegates were experts in law, the physical and social sciences, information systems and web science. The lively discussions addressed topics such as real-time monitoring of air pollution through sensors; large-scale databases of geographical information on the health of rivers, lakes and beaches; satellite-based monitoring of firming patterns; and the provision of information on industrial pollution to the public through government websites. Speakers included academics, staff from non-governmental agencies and personnel from regulatory agencies.

The workshop was funded by the NUI Galway’s Ryan Institute for Environmental, Marine and Energy Research, the Whitaker Institute for Innovation and Societal Change, and the Irish Research Council.

Legal Aid Board Family Law Conference 2013 in NUI Galway

The Legal Aid Board held its Annual Family Law Conference 2013 in NUI Galway. The event was attended by over 150 delegates. Prior to the conference the Board held a formal meeting in NUIG. Pictured delivering the opening address to the conference is Legal Aid Board Chairperson, Muriel Walls (flanking), along with the staff, students of the Centre for Disability Law and Policy and Professor Bradley C. Karkkainen, University of Minnesota School of Law and keynote speaker. (L to R) Professor Ciaran O’Neill, Dean of the College of Business Public Policy and Law, Rónán Kennedy, workshop convenor, Muriel Walls, Chairperson of the Legal Aid Board, Attorney General Máire Whelan, SC, presents a delighted Professor Gerard Quinn, Minister Kathleen Lynch, TD and certificates were presented to participants by the Attorney General, Ms. Máire Whelan, S.C. Participants included Mr. Justice John McMenamin of the Supreme Court, Minister Kathleen Lynch, TD and Senator Katherine Zappone.

The conference "Community Living for All" was co-directed by Professor Gerard Quinn and Senator Katherine Zappone.

The conference brought together a broad range of European actors including the European Disability Forum, Age Platform Europe, the European Association of Service Providers, the Office of the United Nations High Commissioner for Human Rights, the European Group of National Human Rights Institutions, the Open Society Institute and the European Foundation Centre. The European Commission was also in attendance. It was addressed by two Ministers of State - Kathleen Lynch T.D. and Brian Hayes T.D., the Executive Director of the new US Federal Administration for Community Living, and EU Commissioner Máire Geoghegan-Quinn, who spoke on the importance of using research to provide clear blueprints for positive change.

Graduate student conference on Law, Technology and Governance

Graduate students in the Law School at NUI Galway hold a conference on the theme of “Law, Technology and Governance” on 27 May where this year’s L.L.M. in Law, Technology and Governance class presented their theses for discussion and feedback. Amongst the topics discussed were electronic commerce, Internet privacy, privacy online, Internet gambling and stem-cell research.
Dr. Tarlach McGonagle, who graduated in 1998 with a BA (International) in Law and French, is a Senior Researcher at the Institute for Information Law (IViR), Faculty of Law, University of Amsterdam, the Netherlands, where he is also the coordinator of the specialised (Dutch-language) Information Law LL.M. Programmes.

In Spring 2013, he was a Visiting Scholar, Centre for Global Communication Studies (GCSC), Annenberg School for Communication, University of Pennsylvania and a Visiting Fellow, Centre for Information Policy and Law (RUL), Rutgers School of Law-Camden, New Jersey.

Tarlach’s research spans a broad range of issues relating to international and European law and policy in these fields: the media, information and human rights. Recurrent themes include freedom of expression, the rights of persons belonging to minorities and cultural and linguistic rights.

Tarlach regularly writes expert reports for various branches of the Council of Europe, OSCE and other IGOs and NGOs. He was an invited expert speaker at the Thematic Discussion on “Racist Hate Speech” organised by the United Nations Committee on the Elimination of Racial Discrimination in 2012. In July of this year he gave a keynote presentation to the staff of the Office of the OSCE Representative on Freedom of the Media in OSCE member states.

Dr. Tarlach McGonagle

The legal education obtained by David O’Leary at NUI has been put to iridescent use by him in his career, but in a slightly different way. The Westfalen- man graduated in 2007 with a BA in Logic Science and French before completing the LLB in 2009, during which time he also served as the Auditor of the Law Society.

A keen amateur performer during secondary school and university, David trained in operatic performance with some of the world’s finest voice coaches both in London and New York.

In 2009, after a year of teaching French in his alma matter, David moved to New York to pursue a career as a tenor. Since then, he has performed in some of the country’s most prestigious venues and for audiences that included President Obama, President Clinton, Vice-President Biden, Speaker Boehner, US Chief Justice John Roberts, the New York Giants and the New York Mets.

David credits much of his success to NUI and support received from the Galway University Foundation and US-based graduates when he moved there. His first important performance was at the NUI US Foundation Gala Dinner at the Metropolitan Club, a performance that he auditioned for over the phone.

No stranger to big events at home, David’s most recent major performance was at Croke Park for the All-Ireland Football Semi-Final on September 1st.

David O’Leary

Dr. Deirdre Fottrell

She has appeared in all levels of court in the UK including the Supreme Court and she has represented clients in applications before the European Court of Human Rights.

She regularly acts in cases in which there is complex medical evidence or allegations of sexual abuse. In addition she has particular expertise on the intersection between the (UK) Human Rights Act 1998 and family law and has appeared in numerous reported cases in which these issues have been considered.

Deirdre has a particular interest in international child law having taught and published in this area for many years, this includes international adoption, international surrogacy and the application of Brussels IIR on public and private law cases.

She advises and acts on matters of judicial review. She is a member of the law department of the University of Essex and of the Human Rights Centre. Since 2002 she has been a visiting Professor at the Human Rights Centre at Columbia University, New York where she teaches on the summer school. She has advised many NGOs on human rights and children’s rights issues including AIRE Centre, INTERIGHTS, UNIFEM and Amnesty International. Since 2000 she has been a Council of Europe expert on the RCC and has conducted training of lawyers and judges on the application of the Convention.
Forthcoming Event

Brehon Law Society - U.S./Ireland Legal Symposium 2013


The Symposium is designed to bring together internationally-minded in-house attorneys, private legal practitioners and business executives looking to invest in key sectors in Ireland, the U.S. and Europe.

Academics, politicians, government officials and law students are also invited to take part.

The U.S./Ireland Legal Symposium has three core objectives:

- To harness the experience and expertise of top legal professionals across the globe;
- To highlight the exceptional legal, financial and other professional services in the U.S., Ireland and Europe;
- To promote Ireland, the U.S. and Europe as destinations for foreign direct investment.

For further information: http://www.brehonlawsociety.org/2013-symposium/

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