



The first year of the new Master's in Law and Finance was celebrated at the end-of-year dinner in July. See page 4. Photos © Rob Judges

Oxford judges

THE TRADITION of Oxford alumni on the bench is remarkable, and it has a future. Judges who studied in Oxford serve today on the South African Constitutional Court, the Bundesgerichtshof, and the European Court of Justice. The Oxford judge on the European Court of Human Rights, Sir Nicolas Bratza, has just been appointed President of the Court. There are two Oxford judges each on the Australian High Court and the United States Supreme Court. There is one on the Canadian Supreme Court, and there are two on the Ontario Court of Appeal.

The tradition includes Matthew Hale and Lord Mansfield and William Blackstone and Lord Eldon. Many of the great judges of the twentieth century are in the group: Atkin, Radcliffe, Greene, Evershed, Denning, Diplock, Scarman and Bingham. In the modern era of English judging since the 1873 Judicature Act, there have been four Lord Chief Justices from Oxford, five Masters of the Rolls, and 13 of those politician-judges, the Lord Chancellors. In Scotland, six of the 35 Senators of the College of Justice studied in Oxford.

Not all of these judges studied law in Oxford. There was no teaching in English Law before Blackstone in the 1750s, nor any degree in the subject until the 1860s. Even then, the law degrees attracted few of the best students before the 1940s. That has changed, and more go to the bench today with the benefit of an Oxford Law degree. Of the 34 Lords Justices of Appeal in the Court of Appeal for England and Wales today, 15 studied at Oxford; one studied classics and one studied history, and all the others studied law, as undergraduates or graduates or both. But still today, very many Oxford alumni go into law after reading another subject.

The tradition is partly due to the role of Oxford in public affairs in Britain over centuries, and internationally over recent decades. It is also due to the Oxford way of teaching. Tutorials give sound training in advocacy, whether the subject is history or law or mathematics. And the common law systems have tended to seek well-equipped advocates for the bench.

To judge from our students in 2011, the tradition will live on in the years to come. It will increasingly be tied to the teaching of law, which has become a strength of the University. The judicial tradition will diversify from its white, male antecedents. But one thing will not change. The key technique – asking students to explain their own judgment – is part of our future.

Timothy Endicott

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Law across the University

THE LAW Faculty today is increasingly engaged in connections between legal scholarship and other disciplines, and that means working in new ways with other parts of the University.

Finance and taxation

The Master's in Law and Finance programme is a unique collaboration between the Law Faculty and the University's Saïd Business School (see p4-5). We are also partners in research with the Business School through the Centre for Business Taxation.

Public policy

The University's new Blavatnik School of Government was launched in September 2010, and plans to admit students for the Master's in Public Policy from Michaelmas 2012. The Law Faculty is working with the School, to ensure that students in the new Master's programme will gain a useful understanding of the distinctive legal opportunities and challenges that arise in the making and implementation of public policy. We believe that legal studies in Oxford can gain from collaboration with scholars of public policy. The Dean of the Law Faculty serves on the new School's Management Committee, and Anne Davies is working with the School of Government on the development of its academic programme.

Human rights

In 2010, the Law Faculty and the Department for Continuing Education agreed that the Faculty would co-operate in provision of the Department's two-year part-time Master's in International Human Rights Law. Students from all over the world take the course, and many go on to work in international organizations.

International human rights law is also a central component in the University's highly-respected Master's in Refugee and Forced Migration Studies. The Law Faculty works with the Refugee Studies Centre, the Director of which is a member of the Faculty. We are currently working with the Centre on fundraising to endow a permanent post in the field.

International relations

Very important links also exist between International Law in Oxford and international relations, a perennial strength in the University.

Philosophy

Our link with the Philosophy Faculty is long-standing and deep: four of the Law Faculty's legal philosophers are members of the Philosophy Faculty, and lawyers work with philosophers and political scientists in the Oxford Institute for Ethics, Law and Armed Conflict. The Oxford Centre for Ethics and Philosophy of Law is a collaboration between the Law and Politics Faculties, in association with Merton, University, and Corpus Christi Colleges.

All Souls

Professor John Gardner
University College,
Quondam Fellow of All Souls
writes,

CONGRATULATIONS TO Andrew Burrows and Nicola Lacey, who took up Senior Research Fellowships at All Souls College in September 2010. These positions make All Souls a research centre for academic leaders. Four of the fifteen Senior Research Fellows are lawyers; Andrew and Nicola join the legal historian Paul Brand, and Professor Guy Goodwin-Gill, a leading scholar in refugee law.

Andrew moves to All Souls from the Norton Rose Professorship of Commercial Law in the University, and continues to play a central role in the University's outstanding community of private lawyers. For Nicola, the Senior Research Fellowship is a return to Oxford from the London School of Economics, where she was Professor of Criminal Law and Legal Theory; Nicola was a Fellow and Tutor in Law at New College, Oxford from 1984 to 1995.

ALL SOULS is a major centre for the law. Archbishop Chichele, a lawyer, founded the college in 1438, and lends his name to the five Chichele Professorships, including the Chair in International Law (held by Vaughan Lowe), and the Chair in Social and Political Theory (held by the legal philosopher Jeremy Waldron). William Blackstone was the first Professor in any university to teach the common law, as Vinerian Professor of English Law (his successor today is Andrew Ashworth). The College is also home to the Professor of Criminology (Ian Loader), and the Regius Professor of Civil Law (Boudewijn Sirks). The Anson Room in the beautiful Codrington Library has a substantial collection of law reports and monographs, and particular strength in legal works on the civil and common law of the sixteenth to eighteenth centuries.

At present the All Souls lawyers include one Examination Fellow (Fraser Campbell of Clifford Chance LLP), one Visiting Fellow (Professor Campbell McLachlan of Victoria University, Wellington), one Fifty-pound Fellow (James Walmsley of Wilberforce Chambers), and several Quondam Fellows, including Dr Anne Davies, Fellow of Brasenose, and Dr Sarah Wilkinson, of Blackstone Chambers. The College's Distinguished Fellows include Hon Sir Launcelot Henderson, Judge of the High Court, Sir Jeremy Lever of Monckton Chambers, and Lord Pannick, of Blackstone Chambers. Stephen Cretney, Roger Hood, and Sir Gunter Treitel are Emeritus Fellows, and Tony Honoré and Patrick Neill are Honorary Fellows. The ensemble is a unique legal community that unites the generations, and unites legal practice with the frontiers of academic legal research.

Tony Honoré's Colloquium

IN 2008, MANY of us came together at All Souls College to celebrate Tony Honoré's record-breaking 60 years as a front-line member of the Law Faculty, including 20 extra years of teaching and writing after his official retirement as Regius Professor of Civil Law.



Just three years later, in May 2011, we were back at All Souls to celebrate another Honoré milestone, namely Tony's 90th birthday. It is a pleasure to report that Tony remains as active in the life of Oxford Law now as in 2008, and indeed as in 1988. He continues to teach two BCL courses a year, and yet another book (*Justinian's Digest: Character and Compilation*) was recently published by OUP.

At his 90th birthday celebration, convened by current Regius Professor Boudewijn Sirks, three of Tony's closest academic friends gave talks in his honour. Nicola Lacey, Senior Research Fellow at All Souls, spoke of Tony's part in the history of Oxford legal theory, especially in the intellectually revolutionary era of the 1950s and 60s, and picked out three favourite Honoré papers for particular appreciation. John Gardner, Professor of Jurisprudence, reprised themes from the Hart and Honoré book *Causation in the Law* and argued that the main claims of the book stood the test of time in spite of changes in philosophical fashion. Detlef Liebs, who made a special trip for the occasion from the University of Freiburg, explained the distinctiveness and the durability of Tony's contribution to Roman legal history, and in particular the challenge that he offered to several historical orthodoxies. Over a celebratory drink afterwards, Tony raised some typically restrained doubts and queries about what had been said, showing his characteristic brilliance to be undimmed by its 90 years of intensive use.

Being at All Souls



Andrew Burrows
Professor of the Law of
England

The Senior Research Fellowship at All Souls has given me the welcome opportunity to devote extended periods of time to research projects. My main initial project is to produce a Restatement of the English Law on Restitution of Unjust Enrichment. Although Restatements are common in the United States, the idea is novel in this jurisdiction. The Restatement will comprise a statement of principles along with a succinct commentary. It is proving to be an exciting and intellectually very demanding task and I am grateful for the invaluable assistance of an Advisory Group comprising academics, judges and practitioners. All Souls, with its unique devotion to research and its wide variety of Fellows, not least the many visiting academics, provides a wonderful working environment.'



Nicola Lacey
Professor of Criminal Law
and Legal Theory

It has been a wonderful privilege to take up a Senior Research Fellowship at All Souls this year and to rediscover the intellectual excitement of Oxford. I am currently working on a cross-disciplinary study of the development of ideas of responsibility for crime since the eighteenth century; and on the comparative political economy of criminalisation and punishment. It has been marvellous to have the opportunity to attend seminars and consult colleagues across all these fields of study. But it has also been a special pleasure to join such a strong group of lawyers at All Souls, and to find the Faculty flourishing. I can hardly believe the number of events as compared to what I remember as the norm when I left New College in 1995! I have also enjoyed co-supervising doctoral students and developing a series of seminars on 'Legal Concepts in the Perspective of History, Literature and Philosophy' which I hope to run again next year.'

Law and Finance

THE LAW and Finance programme is a unique accomplishment. In the 21st-century world of finance transactions and financial regulation, the intellectual challenges are exciting and difficult both for transactional lawyers, and for the lawyers, economists, and politicians who must develop and implement good public policy. Our new programme brings together the very people who need to talk to each other – lawyers and financial economists, practitioners and academics and public servants – and involves our students in the resulting conversation. I am particularly pleased that the programme is bringing together English and American lawyers. And the students are just very impressive. We are already thinking about how to develop this programme further. In the first year of the new degree programme, the students have developed a camaraderie that will make them part of the future of Law and Finance in Oxford.

*Professor Timothy Endicott,
Dean of the Law Faculty*

First Year of the New Master's in Law and Finance

THE FIRST cohort of thirty-four students for the new MSc in Law and Finance ('MLF') arrived in Oxford in September 2010. Drawn from nineteen different countries around the world, they were selected from almost 400 candidates.

The MLF is a full-time, nine-month degree, run jointly with the Saïd Business School. It offers outstanding students with a prior law background the opportunity to combine advanced legal study in areas related to financial transactions, with core courses in economics and finance. It also includes a specialist interdisciplinary course, which features several case studies drawn from real transactions that students analyse before hearing directly from the practitioners involved. The programme also saw the introduction of a new BCL/MJur/MLF option on Principles of Financial Regulation.

John Armour, Hogan Lovells Professor of Law and Finance, is the Academic Director of the new programme. He sees the MLF as providing benefits both to its students, who it is anticipated will accelerate their career trajectories in law or finance, and to the public more generally, by building expertise in a sector of crucial significance.

In conjunction with the launch of the MLF, Oxford initiated a strategic alliance with Columbia Law School in the field of Law and Finance, which involves a student and faculty exchange. We were delighted to welcome Merritt Fox, Michael E Patterson Professor of Law at Columbia, to the Faculty in May, in exchange for a visit to Columbia by Oxford's Jennifer Payne, Reader in Corporate Finance Law.

For more information about the MLF programme, please see our MLF brochure at www.law.ox.ac.uk/mlf or email mlf@law.ox.ac.uk.



Insolvency Seminar in New York: Dealing with Financial Institution Failure – the Legacy of Lehman

IN APRIL 2010, Oxford Law held a seminar for Oxford alumni at Freshfields Bruckhaus Deringer to discuss the causes of the Lehman failure, the effect of the consequent bankruptcy proceedings in both the US and the UK, and possible reforms of the substantive and procedural law as a result of the lessons learnt. The seminar was chaired by Professor Roy Goode, Emeritus Professor of Law in Oxford, and had a stellar line-up of participants.

The session opened with a talk by Gary Lynch, Chief Legal Officer and Vice-Chairman of Morgan Stanley, about his experiences in the run-up to the Lehman failure. This was followed by two presentations. One was by Harvey Miller, Lehman's lead US bankruptcy lawyer, covering in particular the suitability of the US bankruptcy procedure for insolvencies of institutions such as Lehman, and his views on the need for international cooperation. The second was by Nick Segal, partner at Freshfields Bruckhaus Deringer, who used not only the Lehman insolvency, but also the financial problems of Northern Rock and the Icelandic banks to illustrate the difficulties of investment bank insolvency, and to discuss the possible reform solutions. The seminar ended with a panel session chaired by Professor Goode, involving (in addition to those who gave presentations) Judge Peck, the US bankruptcy judge in charge of the Lehman liquidation, John Ettinger, Managing Partner, Davis Polk, Richard Salter QC of 3 Verulam Buildings, and Louise Gullifer, Fellow of Harris Manchester College, Oxford. Those present also took part in a wide-ranging discussion focusing on the 'Too Big to Fail' question, and on the possible ways forward for both national law and international cooperation in relation to financial institutions failure.



Leverhulme Lectures 2010

FROM 9–11 November 2010, Professor Steven L Schwarcz, Stanley A Star Professor of Law and Business at Duke University, who was also a Leverhulme Visiting Professor in Law at Oxford for Michaelmas Term, delivered a series of three lectures about the recent financial crisis, entitled "The Global Financial Crisis and Systemic Risk", "Regulating Complexity in Financial Markets", and "The Future of Securitization". The lectures are available on the Faculty website as podcasts.



Professor Schwarcz addressed the causes and consequences of the global financial crisis, arguing that it was triggered by market failures, not by financial institution failures, and that any regulatory framework for managing systemic risk must address markets as well as institutions. The second lecture traced the distinctive market failures in the crisis to complexity in financial markets, which caused information uncertainty, misalignment of interests and incentives among market participants, and non-linear feedback and tight coupling that resulted in sudden unexpected market changes. In the final lecture, Professor Schwarcz argued that the securitization of subprime mortgage loans – abuse of which is widely viewed as a root cause of the financial crisis – can be made viable again as an important financing tool.

Judging Corporate Law Roundtable

OXFORD'S LAW Faculty hosted a Law and Finance roundtable on the subject 'Judging Corporate Law' at St Hilda's College on 10 June 2011. Organized jointly with the University of Pennsylvania Law School, the roundtable considered, and compared, the treatment of core company law issues in the Delaware and English courts.

Among other contributors were five judges from the Delaware and English benches, who were asked to consider significant cases that had been decided by each other's courts, with an English judge asked to focus on a Delaware case and a Delaware judge asked to focus on an English case, in the areas of directors' duties of care, directors' duties of loyalty, and takeover issues. Each time, the judges were asked to answer the question "if the case had been litigated in their home jurisdiction, how would it have been argued and decided?". Participants were therefore able to identify the specific rules of law and procedure that would likely govern the treatment of similar facts in their home jurisdiction, and to consider the extent to which differences between the jurisdictions were in practice likely to produce different results.

Thanks are owed to all of the contributors at the roundtable, particularly the judicial participants: Lord Justice Mummery (Court of Appeal), Chief Justice Steele (Delaware Supreme Court), the Hon Mr Justice Lewison (Chancery Division, High Court), Justice Jacobs (Delaware Supreme Court), Mr Justice Briggs (Chancery Division, High Court), Chancellor Chandler (Delaware Court of Chancery), Vice Chancellor Laster (Delaware Court of Chancery), Mr Justice Sales (Chancery Division, High Court), Mr Justice David Richards (Chancery Division, High Court; Vice-Chancellor of the County Palatine), and Stephen Lamb (former Vice Chancellor of the Delaware Court of Chancery), and to Charles Crawshay (Deputy Director General, Takeover Panel).



Insolvency Conference 2011

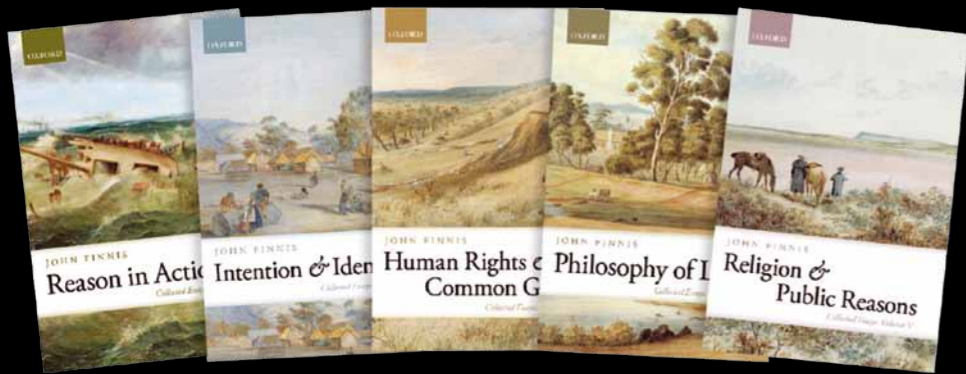
A MOST successful conference on various aspects of insolvency law was held on 14 January 2011 at Harris Manchester College involving many eminent academic and practising lawyers.

Professor John Armour of Oxford University gave a paper on the rise of pre-packaged administrations (commented on by Professor Sandra Frisby of Nottingham University and Jennifer Marshall of Allen & Overy) and Professor David Skeel gave a paper on the consistent treatment of transactions in insolvency in the US (commented on by Professor Oren Sussman of the Saïd

Business School, Oxford, and Antony Zacaroli QC of 3–4 South Square). There was also a panel discussion on topics ranging from the anti-deprivation principle to cross-border insolvency. Members of the panel were Robin Dicker QC (3–4 South Square), Professor Horst Eidenmüller (University of Munich), Stephen Leinster (Ernst & Young), Ralph Miller (Weil, Gotshal & Manges), Nick Segal (Freshfields Bruckhaus Deringer), Stephen Taylor (AlixPartners) and Professor Jay Westbrook (University of Texas at Austin). We are grateful to Travers Smith for supporting this event financially.

Jurisprudence

Oxford Jurisprudence – a year of new developments and of anniversaries



John Finnis's Collected Essays

Though officially retired from his former Oxford posts, John Finnis continues to give seminars and to supervise research students in the Faculty as an Emeritus Professor. And in his writing, a new milestone was marked this spring as Oxford University Press published *The Collected Essays of John Finnis: Volumes I–V*, as well as a second edition of *Natural Law and Natural Rights*.

The *Collected Essays* cover philosophy, bioethics, theology, history, law and other fields, and include almost two dozen previously unpublished works. The range of scholarship represented in the 106 essays, drawn from a wide variety of sources, may surprise readers who know Finnis only through his jurisprudential writings and even those acquainted with his wider work. He studies personal identity in Shakespeare and conscience in Newman, contends with Peter Singer on brain death and Nietzsche on punishment, addresses moral and political issues from nuclear deterrence to artificial

reproduction, and engages many of the most significant thinkers of his day and ages past. The reach of the volumes, each with a newly written introduction elaborating its theme, is indicated by the individual titles: *Reason in Action*; *Intention and Identity*; *Human Rights and Common Good*; *Philosophy of Law*; and *Religion and Public Reasons*.

Published first in 1980, *Natural Law and Natural Rights* revived and developed the classical natural law tradition, and helped shape the study of jurisprudence in Oxford and beyond. The new edition preserves the original text, adding a 65-page postscript on points where Finnis sees need for amendment or supplementation.

The cover art of the new publications depicts scenes of colonial Australia taken from a gallery in Finnis's native Adelaide, which is fitting because the volumes both record the remarkable scholarly journey that began when Finnis embarked in 1962 to study in Oxford under HLA Hart, and sketch the vista that lies ahead.

John Gardner Invited to Speak at International Law Schools



JOHN GARDNER, Professor of Jurisprudence and Co-ordinator of Research, has lately been flying the flag for Oxford Law at prominent law schools around the world. He was Legal Research Foundation Visitor at the University of Auckland in March–April 2010, giving four lectures to diverse audiences (on reasonableness in criminal law, the ideal of the rule of law, distributive justice in tort law, and killings by the police).

While in New Zealand he also addressed the senior judiciary, and was a guest on Radio New Zealand. In October 2010 – a rescheduling owed to April's volcanic ash – he was Fresco Lecturer at the

Law and Philosophy: Brian Leiter

BRIAN LEITER has been made a Visiting Professor in the Faculty of Philosophy for the academic year 2011–2012. Professor Leiter will visit Oxford in Michaelmas Term 2011 and Trinity Term 2012, during which time he will co-teach research seminars with Peter Kail (University Lecturer in Early Modern Philosophy) and participate in conferences and workshops on the philosophy of Friedrich Nietzsche.

Brian Leiter is John P. Wilson Professor of Law at the University of Chicago, and Director of the Center for Law, Philosophy, and Human Values. His teaching and research interests are in general jurisprudence, moral and political philosophy, and the law of evidence. Before taking up his post at Chicago, he taught for more than twelve years at the University of Texas at Austin, where he was the youngest chairholder in the history of the law school, and also served as professor of philosophy and founder and director of the University of Texas Law and Philosophy Program.

As well as collaborating with graduate students and members of the Philosophy Faculty, Professor Leiter has been invited to offer classes in Jurisprudence for the Oxford Faculty of Law.

University of Genoa, where he talked about corrective justice and about written constitutions. Over the past year or so he also gave talks in Stockholm, Uppsala, Boston Massachusetts, Stirling, Aachen, Tallahassee Florida, Cork, London Ontario, Chester, and even sometimes in Oxford. Most recently, a conference on his book *Offences and Defences* took him to Jerusalem in April 2011. Ashamed of his carbon footprint, Professor Gardner has now pledged not to leave the UK for the whole of 2011–2012, devoting the time he would have spent in airports to his daughter Audra (aged 2), while also polishing off his new book, *Law as a Leap of Faith*.

Dworkin conference



Ronald Dworkin

A COLLOQUIUM on Ronald Dworkin's *Law's Empire*, on the occasion of the 25th anniversary of its publication, was held on 7 June 2011. Participants were Oxford legal philosophers, including some emeriti, such as Tony Honoré, Joseph Raz, and John Finnis.

Law's Empire is one of the major works in legal philosophy. Its claims have been, and continue to be, the subject of a very large volume of the Faculty's research output (itself a major part of the very substantial output that the book has prompted around the world). Most of the colloquium's participants have written about the book, whether to develop or criticize its claims, or to refine and defend alternatives against the book's claims, and many continue regularly to produce work that engages with the book. The colloquium's immediate purpose was to discuss the state of play regarding the book's claims 25 years after its publication, and to set the agenda for future work. It gave Oxford legal philosophers a chance to get together and discuss topics that are central to their research interests.

The colloquium was designed to be intimate and informal, with a roundtable format, to allow for extended, in-depth discussion. There were four sessions. Timothy Endicott, John Finnis, John Gardner, and Jeremy Waldron each introduced a topic for the relevant session, followed by a response by Ronald Dworkin and general discussion. A reception at All Souls then followed.

This conference was generously supported by Hart Publishing.

HLA Hart celebration

IN THE first four weeks of Trinity Term, the Oxford Jurisprudence Discussion Group organized a series of panel discussions celebrating the 50th anniversary of the publication of HLA Hart's *The Concept of Law*.

Hart's landmark contribution to legal philosophy remains at the heart of the subject today, and the JDG invited thirteen of today's leading philosophers of law, from Oxford and elsewhere, to engage afresh with its arguments. The series adopted a unique format, with each speaker addressing a chapter of the book that made jurisprudence a part of twentieth-century philosophy. In the final panel discussion the speakers discussed the methodology that Hart set out in Chapter I. The full programme can be found online at www.oxford-jdg.net, and videos of the sessions are now available for download at www.law.ox.ac.uk/newsitem=342.



Jeremy Waldron returns to Oxford



IN THE academic year 2010–2011, Jeremy Waldron has become the Chichele Professor of Social and Political Theory, as successor to Gerald Cohen, Charles Taylor, and Isaiah Berlin.

At the beginning of May, Jeremy delivered the 2011 Hamlyn Lectures, perhaps the most prestigious series of law lectures open to the public in the UK. The topic of the series was "The Rule of Law and the Measure of Property", and the lectures were delivered at Oxford, at the University of Warwick, and in London. The lectures will be published shortly as a book by Cambridge University Press. The Hamlyn Lectures followed immediately upon his delivery of the annual Sir David Williams Law Lecture at Cambridge on the topic "How Law Promotes Dignity". Professor Waldron was also awarded the American Philosophical Society's Henry M. Phillips Prize in Jurisprudence for 2011. The prize recognizes outstanding lifetime contributions to the field of jurisprudence.

Legal Science and Legal Theory Conference

Among the several jurisprudential anniversaries we celebrated in 2010–2011 was the 50th year since the appearance, in English, of Hans Kelsen's *Pure Theory of Law* in its definitive second edition.

Although Kelsen's work was not of Oxonian origin, the anniversary gave us an excellent pretext to invite to Oxford a stellar cast of philosophers of law from many countries, including Sweden, Italy, Mexico, Argentina, Germany, Spain, France, the United States, and of course Kelsen's native Austria. So, in September 2010, in collaboration with the Austrian Science Fund Project 'Bibliographical Research on Hans Kelsen' at the University of Vienna (www.hanskelsen.eu), the Oxford Law Faculty hosted an international conference on "Legal Science and Legal Theory" in celebration of Kelsen's vast contribution to our discipline and our understanding of law. A collection of essays, tentatively titled *The Pure Theory of Law Revisited*, is in preparation, edited by Luis Duarte D'Almeida, John Gardner, and Leslie Green.

John Gardner

Oxford and India

The University's deep links with India include a long tradition of training Indian lawyers. The tradition includes Cornelia Sorabji, India's first woman barrister, and the first woman to take the BCL in Oxford in 1892. This year, there are eighteen Indian students in the BCL. This year's editor of the Oxford University Commonwealth Law Journal, Aparna Rao, is an Indian MPhil student who completed the BCL last year. The Oxford Pro Bono Publico group also completed two India-related research projects this year (for more details see page 39).



Aparna Rao, editor of the OUCJL



Oxford lawyers in Delhi for the first-ever Oxford moot in India

Oxford-India Media Law Moot

THE PROGRAMME in Comparative Media Law and Policy, at the Centre for Socio-Legal Studies, recently organized the first media law moot court competition in India as its first step in expanding the Price Moot Competition.

The competition was held at the National Law University, Delhi in collaboration with the National University of Juridical Sciences, Kolkata. Twenty-two of India's top law schools participated with the National University of Juridical Sciences (NUJS), Kolkata emerging as the winners and the National Law School of India University (NLSIU), Bangalore as the runners-up.

A workshop on media regulation in India was held in conjunction with the moot. The events were sponsored by Google India, Star TV and AZB & Partners. It is expected that the moot court will be held annually.

OXFORD LAWYERS and Indian lawyers are now moving in both directions. The Faculty is making contact with Indian alumni, and is taking a more organised approach to recruitment of students. Oxford academics are also increasingly spending time teaching in India, and the law of India has become a focus of legal research in Oxford. Mooting is thriving in India; Oxford lawyers judge moots in India, and teams come to Oxford for our International Intellectual Property Law Moot and the Monroe Price International Media Law Moot.



Niranjan V, the 2011 winner of the Vinerian Scholarship for the best results in the BCL

'The BCL has been a simply exhilarating intellectual experience. To me, what set it apart are the intense commitment it requires for nine months, and the sheer depth of learning. I cannot imagine a better place in the world for courses like Conflict of Laws and Restitution, and more generally, the common law. It is especially valuable for Indian students because of the importance of English law in India.'

Oxford student involved in new Pre-Legislative Briefing Service in India

OXFORD'S ARGHYA Sengupta, a DPhil candidate who previously completed the BCL, is one of a group of lawyers who have established the Pre-Legislative Briefing Service (PLBS) in India, to act as an independent think-tank to enhance legislative design and drafting in India.

PLBS aims to engage with the Parliament of India and legislatures in states, as well as various government departments, to encourage central and state governments to enact laws that are more coherent, and to encourage and enable citizen participation in the law-making process.

Competition Law Links

ARIEL EZRACHI, Slaughter and May Lecturer in Competition Law, and Director of the Centre for Competition Law and Policy in Oxford, presented papers on Cartels and on Transfer of Wealth in November 2010 at the LAW ASIA Conference, at a Global Competition Law closed conference and at UCL's Global Competition Law Public Conference on Cartels & Criminalisation.

In between the three events he met academics and members of the Indian Competition Commission and established links for future collaboration with the Oxford Centre.

NUJS-Herbert Smith National Corporate Law Moot Competition 2010

FROM 19-21 February 2010, teams from all across India competed in the national final of the NUJS-Herbert Smith National Corporate Law Moot Competition, and considered a complex problem involving a conflict of laws. The competition was sponsored and funded through the generosity of Herbert Smith.

After producing very detailed written memorials and several days of intense mooting two teams emerged in the Grand Final. The final was judged by Hardeep Nahal and Chris Parsons (partners at Herbert Smith), James Edelman (Oxford's Faculty Mooting Officer), and Mr Justice Mukherjee (High Court of Kolkata). The questioning of the teams was intense, with several of the four mooters being allowed almost double their allotted time in order to answer a barrage of questions. The standard was extremely high and the performance of the mooters was a testament to the strength and quality of corporate law in Indian Universities. In a very close result, the team from National Academy of Legal Studies and Research in Hyderabad prevailed.

Herbert Smith and Oxford join forces to deliver lectures in India

PROFESSOR TIMOTHY Endicott, Dean of the Oxford Law Faculty, and Chris Parsons, chairman of the India group at Herbert Smith LLP, each delivered a series of lectures at the National University of Juridical Sciences in Kolkata, in February 2011.

The five days of lectures were interactive, and involved Mr Parsons lecturing on cross border mergers and acquisitions, and Timothy Endicott speaking on "English common law, English public law". Around 45-50 students attended each lecture. The week also included a dinner for Oxford law alumni in Kolkata.

The series of lectures coincided with this year's third annual NUJS Herbert Smith National Corporate Law Moot Court Competition, won by the National Law Institute University, Bhopal. This year Timothy Endicott served as a judge alongside Chris Parsons, Hardeep Nahal, a partner at Herbert Smith, and eminent members of the Indian bar and bench.

Timothy and Chris gave a similar dual series of lectures at the National Law School of India University, Bangalore, in February 2010. This programme has become an annual event, and will be offered at another National Law School in India in February 2012.



Background: Kites at Dilli Haat, Paharganj, New Delhi. Photo by Peter Davis from www.flickr.com/photos/peddiddle/327856025/in/photostream/

Oxford–Melbourne

Oxford's connections with Melbourne Law School have deepened thanks to Allan Myers AO, QC. An alumnus of Melbourne Law School and Christ Church, Allan provides support for scholarships, Faculty exchanges, library materials, and collaborative research. There are four Melbourne Law students in Oxford on Allan Myers Scholarships in 2010–2011. They are part of our future as a leading Australian law school.



Allan Myers and Maria

The Myers Scholars



Michael Crawford



Ed Batrouney



Frances Gordon



Nick Elias



New grant for research into the law on storage of human tissue



IMOGEN GOOLD and Jonathan Herring (Oxford) together with Loane Skene (Melbourne) have been successful in an Oxford-Melbourne Law School Research Partnerships Application for research into the legal principles underlying the law on storage of human tissue for 2011–2012.

The project will be looking at the legal treatment of separated body parts. Some commentators have argued that the law should recognize a right of 'ownership' or ongoing control in relation to excised human tissue. However, that view has not been accepted as a general legal principle. Until recently, the legal position was that people do not have any proprietary interests in their excised tissue. Recently, however, a limited exception was recognized in the English case of *Jonathan Yearworth and others v North Bristol NHS Trust* [2009] EWCA Civ 37 and the Australian decision of *Bazley v Wesley Monash IVF* [2010] QSC 11. Taken together, Yearworth and Bazley evidence a shift towards a new approach to the status of human tissue, but given their limited application and highly specific fact situations, there is considerable scope for further analysis. In particular, the implications of expanding this approach to tissue more broadly require examination as there are many potential problems that might arise with doing so. This collaboration will involve an investigation of how the law in this area might develop and the longer-term consequences of adopting a particular conceptual model.

Also involved in the project are Ben McFarlane (Oxford Law) Jane Kaye (Oxford - HeLEX) and Chris Dent and Julian Savulescu (Oxford Philosophy).

The Oxford Law Faculty is very pleased to be extending its collaboration with Melbourne Law School in this way.

Sham Symposium

A SYMPOSIUM was held at Christ Church on 8 July 2011 concerning the common law doctrine of sham transactions. Jointly organised by Edwin Simpson of the Oxford Faculty and Miranda Stewart from Melbourne Law School, the day was funded by Allan Myers QC via a grant from the Oxford Melbourne Research Partnership.

The symposium brought together ten members of the Oxford Faculty with a similar number of academics and practitioners from further afield (as far afield in fact as Australia, Canada, New Zealand and even Cambridge) to address a diverse range of topics from the earliest origins of sham terminology (thanks to Mike Macnair for establishing its first use as racecourse slang for a wily city prostitute masquerading as an innocent country girl) to its modern operation in combatting tax avoidance schemes, or devices designed to make tenancies look like licences, or to dress employment relationships as those of self-employment. It is intended that the papers will be published together as a book in due course.

Edwin Simpson

Obligations V: Rights and Private Law

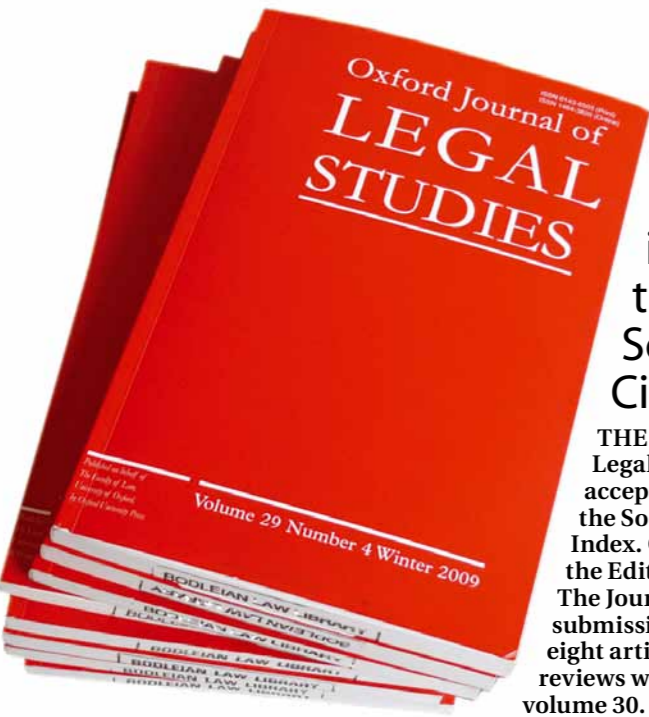
THE FIFTH Biennial Conference on the Law of Obligations (Obligations V) was held at St Anne's College, Oxford from 14–16 July 2010 and was co-hosted by the University of Oxford Faculty of Law and Melbourne Law School.

The conference featured presentations by more than 50 private law scholars from across the common law world addressing issues in private law theory, tort law, contract law, trusts and unjust enrichment. The theme of the conference, 'Rights and Private Law', focused attention on an increasingly important strand of thinking in private law scholarship which seeks to develop an understanding of private law obligations driven, primarily or exclusively, by the recognition of the rights we have against each other, rather than by other influences on private law, such as the pursuit of community welfare goals. A combination of plenary and parallel sessions were the scene of much lively debate among the 150 delegates, and the social programme included a drinks reception in the Divinity School and a formal dinner in Exeter College.



The conference was co-convened by Professor Andrew Robertson of Melbourne Law School and myself, and we are grateful to all those who helped to make the conference such a success, including sponsors, Cambridge University Press, Hart Publishing, Freshfields Bruckhaus Deringer, and Allan J Myers AO, QC, who provided generous financial support. An edited volume containing a selection of papers from the conference will shortly be published by Hart under the title *Rights and Private Law*.

Donal Nolan
Worcester College



OJLS included in the Social Sciences Citation Index

THE OXFORD Journal of Legal Studies has been accepted for inclusion in the Social Sciences Citation Index. Congratulations to the Editor, Anne Davies. The Journal received 185 submissions in 2010. Twenty-eight articles and six book reviews were published in volume 30.

Fourth edition of the Oxford Standard for the Citation of Legal Authorities (OSCOLA)

THE FACULTY of Law has recently published the fourth edition of the *Oxford Standard for the Citation of Legal Authorities* (OSCOLA), which is now available at www.law.ox.ac.uk/oscola. A printed version will soon be available.

OSCOLA was first devised by Professor Peter Birks in 2000, in consultation with law students and Faculty at Oxford University, with Oxford University Press and with Hart Publishing, as a means of facilitating the accurate and uniform citation of UK legal authorities. Subsequent editions of OSCOLA were produced in 2002 (by Professor Birks) and in 2004 and 2006 (by Professor Timothy Endicott and Sandra Meredith). Although originally designed for use within the University of Oxford, OSCOLA is now used by many law schools in the UK and overseas, and by a number of legal journals and publishers. OSCOLA Ireland is currently in development.

The fourth edition provides more detailed coverage of domestic legal sources; in particular, the treatment of Welsh, Scottish and Northern Irish sources has been considerably expanded. Other changes include a new section on bibliographies, expanded coverage of legal historical sources, a guide to neutral citations and a quick reference guide.

Endnote files and instructions are available for OSCOLA via the Faculty website.

The fourth edition of OSCOLA was edited by Sandra Meredith and Donal Nolan, with assistance from the OSCOLA Editorial Advisory Board. As always, the editors welcome feedback on OSCOLA, at oscola@law.ox.ac.uk.

OSCOLA
Oxford Standard for the Citation of Legal Authorities

Fourth Edition

Faculty of Law, University of Oxford
www.law.ox.ac.uk/oscola

Distinguished Friends of Oxford

DISTINGUISHED FRIENDS of Oxford is the name of the University's award to people who have given extraordinary help to the University's development efforts.

This year the award has been conferred on Professor Sir Roy Goode and Graham White. As many of you know, Roy is not only a pre-eminent authority on commercial law (he is an Emeritus Professor in Oxford), but also played a groundbreaking role in fundraising for Law in Oxford. Graham White, Executive Partner in Slaughter & May and an alumnus of St Catherine's, has served the University for years as Chairman of the Oxford Law Development Council. He was appointed Chair of the Trustees of the Oxford Law Foundation in June 2011, and will step down as Chair of the Oxford Law Development Council, to be succeeded by Tim Parkes, an alumnus of Wadham College and a partner at Herbert Smith.



Sir Roy Goode

New Electronic Journal for graduate students

THE FACULTY'S Law Board has approved the establishment of a **Research Paper Series (RPS) on the Social Sciences Research Network (SSRN) for Oxford Law graduate students.**

As with our existing Faculty RPS, the benefits include distribution to subscribers by means of an email containing an abstract of each work. The Faculty's RPS is produced at least ten times a year (17 times in 2010), and currently has 5,613 subscribers. With more than 100,000 downloads of our papers, Oxford Law ranks first among non-US Law Schools on the SSRN. Thanks to Justine Pila, Chris McCrudden, and Sandra Meredith for this new initiative.

You can subscribe to the Faculty RPS and receive abstracts of the latest legal writing from Oxford by going to www.law.ox.ac.uk/LN15ssrn

Herbert Smith renews funding of the Chair in English Private Law



Ewan McKendrick

The leading international law firm **Herbert Smith LLP**, a major benefactor of the Law Faculty for many years, has recently renewed its funding of the **Chair in English Private Law.**

Having previously funded the University Lectureship in International Economic Law, the firm then became the sponsor of the Professorship of English Private Law, which was held by Professor Ewan McKendrick until he was appointed as the University's Registrar in January. This renewal of funding affirms Herbert Smith's unique position in the Law Faculty, with the professorship covering the core fields of law (contract and tort) that form the basis of every law student's education and the foundation of commercial law.

Herbert Smith

Litigation funding study results



Christopher Hodges

DR CHRISTOPHER Hodges was the principal investigator in a research team that looked at the emergence of third party litigation funding in Britain for civil cases, to consider whether third party litigation could give people with limited means greater access to the justice system.

Litigation funders are companies capable of raising vast sums of money to allow claimants in civil litigation cases to cover the legal expenses involved in pursuing justice through the courts or arbitration. In return, funders retain a share of any damages awarded, and they therefore tend to seek out larger, more complex civil cases with the potential for large sums of damages.

The project, which revealed its findings at an International Conference on Litigation Funding held at Oxford in June 2010, concluded that, although litigation funding has increased access to justice for larger companies, individuals and small companies have not benefited due to the funding models that are currently available.

Although in British law it is illegal for a third party to interfere with or control another party's litigation, it is not illegal for a third party to fund another's litigation, provided they do not dictate legal strategy. Interviews conducted for the study with funders and consumer groups indicate that both groups would welcome more government regulation in this area.

Oxford Ranked Top for Law in Two Recent Surveys

THE TIMES Good University Guide recently placed Oxford top within the UK for the teaching of Law, for the second year running, with the University as a whole also ranked top. *The Times* consider criteria such as staff-student ratios, graduate employment and bursaries in ranking higher education institutions in the UK. The University has now been at the top of *The Times'* league table for ten years.

Oxford's Law Faculty has also been ranked as 'excellent' by more of its students than at any other university in the UK, in Legal Week's annual student survey. 78% of students surveyed awarded the highest available rating, 'excellent', which compares to an average of just 32% for other universities, and 69.5% for Cambridge, which was placed second in the survey's results.

Commenting on the reasons for Oxford's results in this survey, Timothy Endicott, Dean of Oxford's Law Faculty, cited the high ratio of academics to students in the Law Faculty (approximately ten undergraduates per academic), and spoke of the importance of tutorial teaching. Tutorials, generally for two students at a time, give students a direct response to their own work from leading legal scholars, and equip the students to develop their thinking on a subject.

This intensive teaching is carried out in 30 individual law schools, in the colleges of the University. At the same time, however, Oxford Law has improved the aspects of legal education that can best be offered centrally, for example by introducing compulsory moot and by establishing the Oxford Legal Assistance programme (see p.38).

In the 2011 QS World University Rankings, the five top-rated law schools are Harvard, Oxford, Cambridge, Yale, and Stanford.

www.law.ox.ac.uk/LN15qs

UNIQ

SUMMER SCHOOLS AT THE
UNIVERSITY OF OXFORD

LAST SUMMER was the first year of the University's new access summer school, UNIQ, which gives Year 12 students from British state schools the opportunity to experience life as an undergraduate at Oxford.

Two consecutive groups of thirty UNIQ students attended a week long programme at the Faculty of Law. Law tutors gave talks on a variety of subjects, including contract, tort, legal philosophy, the sentencing of criminal offenders, competition law and dispute resolution. Students joined in enthusiastically, responding to problems, and defending their point of view.

During the programme, the students were split into teams to research and prepare for a moot, which they then argued against opposing teams at the end of the week. They also attended the Magistrates Court and Crown Court to sit in on hearings and learn about the court system.

Each group of students also visited a law firm in London for the day, one group hosted by Allen & Overy LLP, and the other by Hogan Lovells LLP. As well as finding out about the host firm and careers as a solicitor, some students received training in basic negotiation skills, negotiating a mock deal as part of the exercise, and others took part in a corporate skills workshop.

Of the sixty students who attended the Law programme, forty-nine applied to Oxford to study from 2011, and thirteen received offers. The Faculty looks forward to hosting another two UNIQ groups in July 2011.

To find out more about what the UNIQ 2010 Law students got up to at Oxford, and how they found the experience, please go to our website www.law.ox.ac.uk/undergraduate/uniq.php

Information on applying for a place on a UNIQ summer school in 2012 will be available on the University's website: www.ox.ac.uk/uniq



UNIQ students visiting Allen & Overy's offices in London in 2010

New scholarships for African human rights advocates studying the MSt in International Human Rights Law

THE UNIVERSITY recently announced that five scholarships will be available for candidates from African Commonwealth countries to study for the part-time Master's in International Human Rights Law, starting in September 2012.

The Master's in International Human Rights degree is offered jointly by the Faculty of Law and the Department for Continuing Education, and aims to train and support future leaders in the field of international human rights. Offered jointly by the Commonwealth Scholarship Commission and the Foreign and Commonwealth Office's Chevening Fund, the scholarships are intended for human rights advocates from African Commonwealth countries who would be unable to take up their place on the course otherwise.

More information about the degree and the scholarships can be found at www.law.ox.ac.uk/LN15mst

Ben Spagnolo receives two University awards for his support of Oxford's mooting programme

BEN SPAGNOLO has received two University awards for the work he has done to support the Faculty's new compulsory mooting skills programme, an OxTALENT Award and a University Teaching Award. As part of the new skills programme, students are organised into nearly 60 courts, each with four counsel and a judge, to learn and practise mooting skills. Ben helped to coach the students and set up a site on the University's Virtual Learning Environment, WebLearn, to support the programme.

The Oxford University Teaching Awards recognize work done to engage students and help them learn, from creating new courses to innovative use of audio and video podcasts and the delivery of exceptional lectures and demonstrations. The OxTALENT scheme recognises innovative use of IT in teaching and learning in the University, and was awarded to Ben for his use of the University's Virtual Learning Environment, WebLearn. Ben was particularly commended for using WebLearn to enable submission of court documents that could be viewed only by those in the relevant courts.

Sandra Fredman elected to the Rhodes Chair



SANDRA FREDMAN, FBA (BA Witwatersrand, BA BCL Oxf), Professor of Law, CUF Lecturer and Fellow in Law, Exeter College, University of Oxford, Honorary Professor, Faculty of Laws, University of Cape Town, South Africa and Fellow of Gray's Inn and Barrister, Old Square Chambers, London has been appointed to the Rhodes Professorship of the Laws of the British Commonwealth and the United States in the Faculty of Law with effect from 1 September 2011. Professor Fredman will be a fellow of Pembroke College.

Oxford's involvement with the National Admissions Test for Law

OXFORD IS one of seven universities in the UK to use the National Admissions test for Law (LNAT), which provides it with more information about each applicant and their aptitude for studying law, to help the university make fairer choices about whom to admit to its undergraduate degree programme.

The LNAT Consortium Ltd, founded in 2001 to develop and run the LNAT, moved its administrative office from Bristol University to the Law Faculty in Oxford in October 2010. The Faculty therefore now supplies administrative services to LNAT and has employed Christopher Boule as the new LNAT Administrator. Liora Lazarus

of St Anne's College is the current chair of the LNAT Consortium and will be succeeded at the beginning of December by Dr Leslie Turano Taylor, King's College London.

The Faculty of Law in Oxford has this year negotiated a new deadline with the LNAT Consortium, to allow admissions staff enough time to consider the applications carefully, given the increasing number of applications. Applicants are now required to register and book a test slot by 5 October 2011 and to sit the LNAT by 20 October 2011, i.e. 10 days earlier than was previously the case.

For more information about the LNAT, visit www.lnat.ac.uk



Oxford Silks 2011

CONGRATULATIONS to our alumni who were made up to silk in 2011. This is a great accomplishment, and reflects well on their talent and hard work, and on Oxford.

Michael Ashcroft QC
Richard Atkins QC
Daniel Beard QC
Richard Boulton QC
Nicholas Caddick QC
Sara Cockerill QC
Adam Constable QC
Tina Cook QC
Katharine Davidson QC
Glen Davis QC
Judith Farbey QC
Michael Gibbon QC
Eleanor Grey QC
Samuel Grodzinski QC
Javan Herberg QC
Patricia Hitchcock QC
Simon Hughes QC
Martin Hutchings QC
Barry Isaacs QC
Jeremy Johnson QC
Gregory Jones QC
Daniel Jowell QC
Karim Khan QC
Gwynneth Knowles QC
Stewart Leech QC
Paul McGrath QC
Andrew Mitchell QC
Tim Morshead QC
Simon Salzedo QC
Oliver Segal QC
Nicholas Stallworthy QC
Keith Stewart QC
Timothy Taylor QC
Robert Thomas QC
Sonia Tolaney QC
Felicity Toube QC
Andrew Twigger QC
John Whitting QC

Of 120 lawyers (118 barristers and two solicitors) appointed as Queen's Counsel in March 2011, 37 studied in Oxford (including one of the solicitors).

New Graduate Scholarships

THE LAW Faculty welcomes the increased support of Graduate Scholarship through leading sets of Barristers' Chambers.

Four new £10,000 scholarships have recently been made available by 3 Verulam Buildings and Essex Court Chambers, starting from 2010-2011, and by Pump Court Tax Chambers and 3-4 South Square from 2011-2012. These sets have followed the lead of Fountain Court, which created a similar scholarship three years ago.

New Paul Hastings Law Scholarship

LAW FIRM Paul, Hastings, Janofsky & Walker LLP has established a new £10,000 scholarship to support an Oxford graduate law student with an outstanding record of academic achievement, to help reduce their financial burden.

The firm intends this scholarship to support students who may not otherwise be able to pursue postgraduate studies, and is particularly keen on assisting students from diverse and underrepresented backgrounds in law.

For more information about Oxford graduate scholarships see www.law.ox.ac.uk/postgraduate/scholarships.php

The High Sheriff's Law Lecture 2010

MARIE-JANE BARNETT, the High Sheriff of Oxfordshire 2010-2011, presided over the High Sheriff's Law Lecture on 12 October 2010. The Lecture, entitled "Are Juries a Good Thing? The Jury is Out" was given by Lord Brown of Eaton-under-Heywood in the University Examination Schools, and was followed by The Court Sermon in the presence of The Hon Mrs Justice Pauffley, DBE, at Christ Church Cathedral.

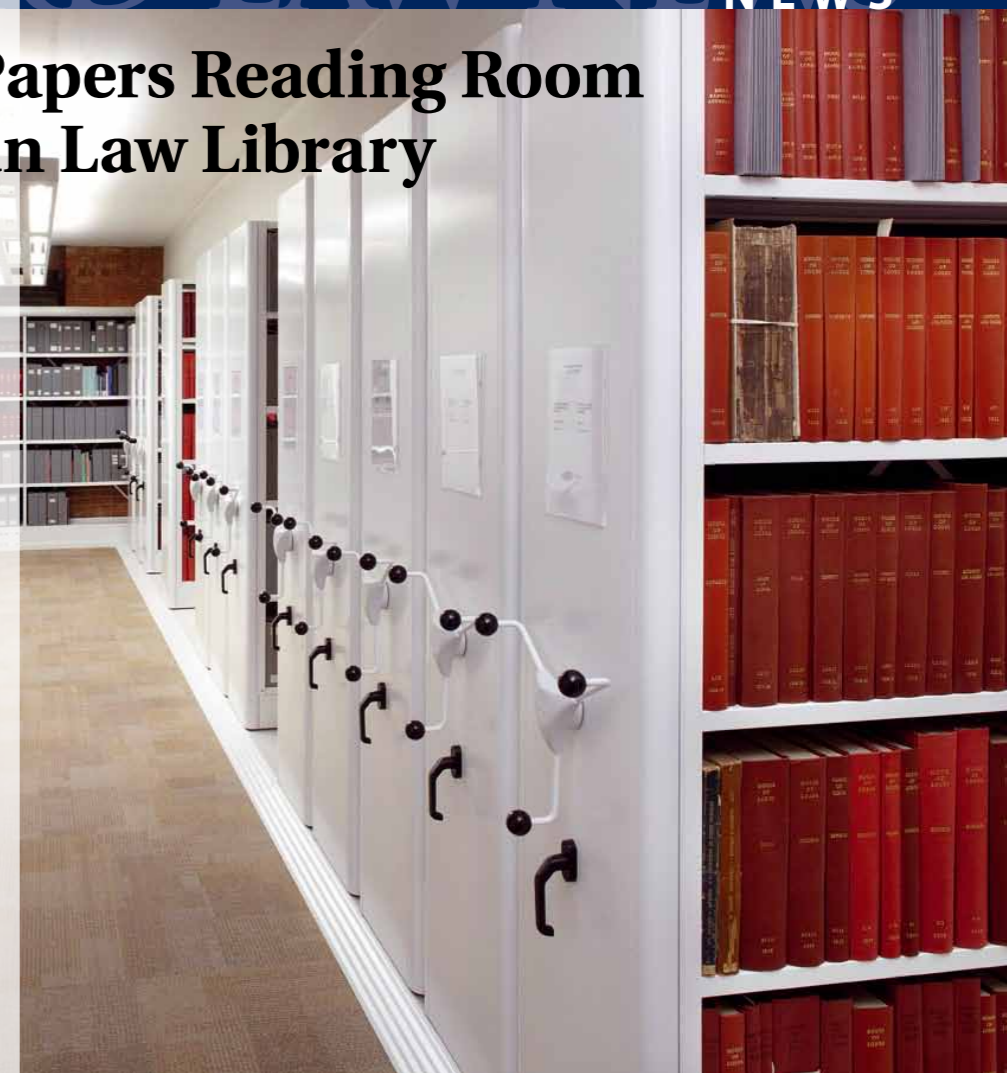
As in previous years, secondary and sixth-form school pupils attended and were invited to submit essays related to the talk. Two winners were chosen, Charlotte Bainbridge of St Helen's and St Katherine's, Abingdon, who wrote an essay entitled "Can Science Ever Fully Replace a Jury?", and Zoe Wilson of Cherwell Secondary School, who submitted an essay entitled "Judge or Jury? Is it Time for a Change?". As winners they were given a private tour of the Supreme Court in London.



New Official Papers Reading Room in the Bodleian Law Library

THE GROUND floor of the Bodleian Law Library has been redeveloped. The non-law materials that had been warehoused there for generations were moved to Swindon in autumn 2010 so that now, for the first time since its construction in 1964, the whole library is a law library. With financial support from the Law Faculty, the Library Service installed rolling stacks to accommodate the Bodleian's large and important collection of Official Papers.

The Official Papers Reading Room in the Bodleian Law Library was formally opened by Sarah Thomas, Bodley's Librarian, and Professor Timothy Endicott, Dean of the Faculty of Law in November 2010. The new reading room houses a comprehensive set of British parliamentary papers from 1801 to the present day, as well as earlier records of proceedings of parliament and non-parliamentary papers, including publications of international organisations such as the United Nations, GAAT, WTO, OAS, ILKC ICAO, and the Council of Europe. Ruth Bird, Bodleian Law Librarian, commented that this innovation means the Bodleian Law Library 'now holds a collection that is similar in its breadth to the great law libraries of the world, where government papers have always been seen as part of their law collections'.



Oxford Lawyers Publish Human Rights Report for the European Parliament

A GROUP of Oxford Faculty members and graduate students have completed a major report on the Evolution of Human Rights Charters for the European Parliament. The report surveys the evolution of the United Nations, Council of Europe and European Union human rights systems. It makes a series of recommendations on how to advance the EU human rights system.

The report was commissioned by the European Parliament's Committee on Constitutional Affairs. The report has been published by the European Parliament and can be found at www.law.ox.ac.uk/LN15eu

Faculty Members Comment on International Situations

BOTH STEFAN Talmon and Dapo Akande have been involved in commenting on recent international situations.

Dapo was asked to analyse the legality of the decision to invade Iraq, as part of the Iraq war inquiry (see www.law.ox.ac.uk/LN15iraq). He was also interviewed by the media about the developing situation in Libya, and both he and Stefan have contributed on the issue by posting articles on the European Journal of International Law's EJIL:Talk! blog about the legal ramifications of the crisis and the controversy about what military action the coalition was permitted to take in Libya.



Stefan Talmon [top] and Dapo Akande

'Drop Cover and Hold': How to Spend an Earthshaking Sabbatical

IT STARTED as a distant rumble which from my vantage point on the top floor of the Law Building at the University of Canterbury in Christchurch New Zealand seemed to run directly towards me like a lit fuse.

As the building began to lurch to and fro on its rubber foundations (I was later told that the library had swayed 4 metres in either direction) I remembered the instructions posted everywhere to 'drop cover and hold', and scrambled under my desk just in time to avoid my computer crashing down, and reflected that this was turning out to be a rather more exciting sabbatical than I had bargained for.

Having been evacuated to the North Island, to make university accommodation available for rescue crews and for essential staff whose homes had been demolished, we returned to England

briefly, before heading back to Christchurch to help the Law Faculty get back on its feet. Law courses are now being delivered online, in marquees in the university's playing fields, and in any room that can be scrounged, including a motel restaurant. Lecturers' responsibilities include deciding when to evacuate students should one of the recurrent strong after-shocks occur. The students have been remarkably resilient, forming volunteer armies to shovel the tonnes of liquefied silt which have leaked through cracks in the ground, creating sinkholes big enough to cause vehicles to vanish. Everyone here is grateful to the Oxford colleges which have taken in students from Christchurch for Trinity Term, in the best tradition of the global academic community.

Laura Hoyano, Wadham College

Visit from Justice Paul Mitchell

JUSTICE PAUL Mitchell of the Federal Court of Australia visited Oxford in May to talk about the issues of failure of consideration in Australia. His paper can be found at www.law.ox.ac.uk/LN15mitchell

Charles Clarke and Lord Justice Jacob Debate The Role of Courts in a Democracy



Charles Clarke

ON 11 FEBRUARY 2011 the Foundation for Law, Justice and Society, in association with the Centre for Socio-Legal Studies, brought together leading figures from the worlds of politics, law, and academia to debate 'The Role of Courts in a Democracy' before a large audience at Magdalen College, Oxford.

The debate sought to assess the growing trend towards the judicialization of politics, in which judges are increasingly implicated in settling policy disputes. The prominent legal commentator Joshua Rozenberg chaired a panel comprising the former Home Secretary Charles Clarke, Lord Justice Jacob of the Court of Appeal, and Professor Richard Bellamy of UCL. A cross-examining panel, led by the Hon Mr Justice Philip Sales and consisting of Professor Daniel Kelemen (Rutgers University) and former MP and Professor Tony Wright (UCL), were then invited to interrogate the opening position statements. A report of the debate and workshop is now available to download from www.fljs.org/RoleofCourts, and video of the debate is available at www.fljs.org/debatevideo

Conference on Anti-Social Behaviour and the Courts



Jane Donoghue

DR JANE Donoghue, Centre for Criminology, ran a half-day conference on Anti-Social Behaviour and the Courts in England and Wales at New College on 22 March 2011.

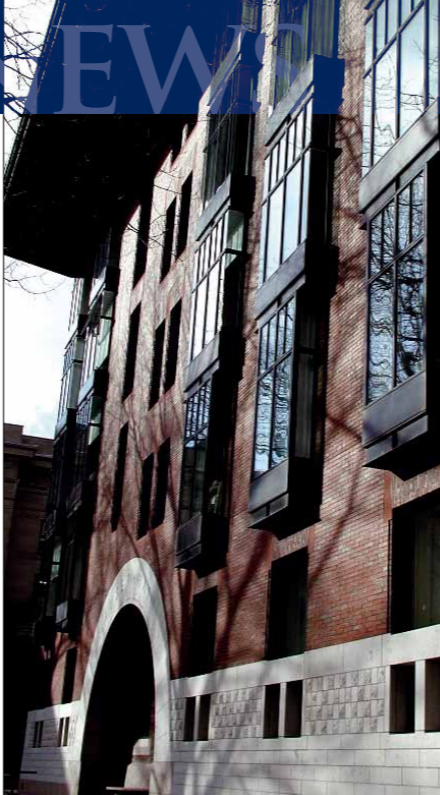
This conference disseminated the findings of her Economic and Social Research Council (ESRC) funded study of Anti-Social Behaviour and the Courts in England and Wales. The project involved the study of anti-social behaviour cases in magistrates' and county courts, as well as interviews with practitioners in seventeen anti-social behaviour units across England and Wales. The conference was attended by 80 delegates including practitioners, policy makers, academics, representatives from victim charities and members of the lay magistracy. The project findings were presented and a lively and interesting discussion about their implications followed. A report of findings was provided for all delegates and a range of other publications on the findings are forthcoming.

European Society of Criminology Working Group Symposium



Julian Roberts

ON 15 APRIL 2011 Professor Julian Roberts from the Centre for Criminology at Oxford and Dr Cyrus Tata from the Centre for Sentencing Research at Strathclyde University co-organized a symposium for the European Society of Criminology's Working Group on Sentencing & Penal Decision-Making. The theme of the symposium was "Researching the Judicial Role in European Sentencing: Interactions & Dynamics". The meeting, which was held at the Manor Road Building in Oxford, was attended by 25 scholars from across Europe who are working in the area of sentencing and penal decision-making.



Harvard Law School's Hauser Hall

Oxford:Harvard videoconference on Obligations

ON 15 FEBRUARY 2011, the Obligations Discussion Group, which is concerned with all aspects of private law, and is run and attended by academics and graduate students at Oxford, held a videoconference with a counterpart group at Harvard Law School.

The videoconference comprised a dialogue between Professor Andrew Kull, the Reporter of the American Law Institute's Third Restatement on Unjust Enrichment and Restitution and a Professor at Boston University, and Professor Andrew Burrows of the Oxford Law Faculty. The videoconference, which was the first of its kind at Oxford, discussed the evolution of the Third Restatement, the history of the law of unjust enrichment, and tracing into commingled funds. Specific attention was given to the problem of Ponzi schemes and how the law might best protect the rights of victims of such schemes. The videoconference was well attended by both Oxford and Harvard. Its success ensures that the Obligations Discussion Group, and doubtless other discussion groups at Oxford, will run similar links in the future.

The 2011 Youard Lecture in Legal History



Stefan Talmon

ON 24 MAY 2011 Professor Stefan Talmon of the Oxford Law Faculty delivered the Youard Lecture to a well-filled Gulbenkian Theatre. His topic was "How public international law has been made, found and proven from the 17th to the 21st century".

In a scholarly and wide-ranging discussion, Professor Talmon examined rival accounts of the moral and legal foundations of international law since its modern birth in the 17th century. He showed the rivalry between international law conceived as a system of treaty-driven bargains between nation-states, and the alternative theory of a natural law basis. His 'third way', which straddled the rival positivist and natural law theories, invoked the Historical School of Friedrich Carl von Savigny, proposing that jurists uncover the norms of international law through expert analysis of the evolving needs and customs of the various national and international law communities. A lively debate broke out after the lecture which continued into the evening. Professor Talmon's contribution exactly fitted the bill for this annual lecture series, founded by Magdalen alumnus Mr Richard Youard some years ago in order to show how legal historical analysis can be an essential aid in understanding the major subjects of the law curriculum.

Stefan leaves Oxford this summer to take up the Chair of Public International and European Law and the Directorship of the Institute of Public International Law at the University of Bonn. Stefan has made a great contribution to public international law in Oxford, and his swansong Youard lecture gave Oxford a final masterclass of his thoughtful scholarship.

US Constitutionalism in Decline?

IN COOPERATION with the Rothermere American Institute, Liora Lazarus organised a conference at the end of April 2010 on "US Constitutionalism in Decline?: An International Perspective".

This event brought together constitutional law theorists and practitioners as well as political theorists, selected from a number of jurisdictions, to look closely at competing judicial approaches to the relationship between rights and security, the development of socio-economic rights, the jurisprudence of religious freedom and freedom of speech, and the approach to the balancing of rights and public goals (e.g. through doctrines of proportionality). More information about the conference can be found at www.law.ox.ac.uk/LN15rai

A publication following on from the success of the colloquium, *Adjudicating Human Rights Diversely*, is currently in production. Edited by the colloquium organisers, it will be a collection of contributions that draw on the colloquium theme, and aims to explore the question: how is it that notionally universal norms are reasoned by courts in such dramatically different ways? The book will engage an explicit comparative method as each contributor reflects on his or her own jurisdiction, by looking at it through the lens of other jurisdictions – exploring the 'strange in the familiar' in the adjudication of key human rights issues.

Michael Kirby Visits Oxford



ON A STUNNING summer day on 3 June 2010, hordes of graduates turned away from the rare sight of sun to sit inside for two hours' debate on the question of the judicial appointment process with the Hon Michael Kirby AC CMG.

In between several conferences and speeches, crammed into a short visit to the UK, Michael came to Oxford to debate and discuss judicial appointments with graduate students and law and religion with undergraduates. The lunchtime session, jointly hosted by the Public Law Discussion Group and the Law Faculty, saw a presentation by Michael about the importance of personal background and values to a judge's judicial philosophy. He illustrated this by reference to the background of Sir Isaac Isaacs whose philosophy of textualism fundamentally changed the Federal compact in the Engineers Case, a legacy which remains with Australia despite an abandonment of pure textualism. Given this premise, Michael argued that ultimate Courts of

Appeal ought to be as diverse as possible and, hence, the mechanism for the appointment of judges to these courts should encourage such diversity. Judges should not select judges, he argued, because they will just choose others in their image and the UK and India have the balance wrong in their selection processes. Much debate ensued. Is judging really just about values or is there 'science' involved? Which is the dominant factor? If the latter, who is the best to assess the skill and techniques of a practitioner of legal science? If judging should be democratic and representative, then should judges be elected? Michael's highly engaged personality and vivacious presentation made for two hours of great enjoyment before he was ushered away to speak to Oxford undergraduates about the 'problems of the texts' in religion: the scriptural literalism which drives anti-semitism, homophobia and apostasy.

James Edelman



Andrew Bridges' Valedictory Lecture

ON 16 MAY 2011, the Centre for Criminology hosted Andrew Bridges' valedictory lecture on the occasion of his retirement as Chief Inspector of Probation. Mr Bridges, a Research Fellow at the Centre for Criminology (then called Centre for Criminological Research) in 1996, was introduced by Professor Roger Hood, the then Director of the Centre, who also led the Q&A session.

The lecture was attended by academics, probation practitioners and managers, officials from the Ministry of Justice and National Offender Management Service, and heads of youth offending teams.

Andrew Bridges paid tribute to all those who have done excellent work with offenders and done a difficult job well. Against a backdrop of an often polarised and two-dimensional debate on criminal justice, Mr Bridges highlighted the work of the many practitioners who had influenced and engaged someone under supervision and made them less likely to reoffend.

A recording of the talk is available for download from the Faculty website at www.law.ox.ac.uk/LN15bridges

Chris Hodges on Accessing Justice



CHRIS HODGES gave the Keynote Address at a conference at the University of Windsor, Canada, entitled "Accessing Justice: Appraising Class Actions Ten Years After Dutton, Hollick & Rumley", on 29 March 2011.

This paper will be published in the Canadian Supreme Court Review.

The Second and Third Intellectual Property Conversazioni



SINCE ITS inauguration in 2009, the Intellectual Property Conversazione has become a fixture on the Oxford calendar.

The 2010 IP Conversazione brought together five speakers to address the question "Is Copyright Good for Music?" in a panel chaired by Oxford's Professor of Intellectual Property and Information Technology Law, Graeme Dinwoodie. The panel, which consisted of Lord Gill (Lord Justice Clerk of Scotland), Daniel Alexander QC, Dr Andreas Rahmatian, Jens Hills and David Fischer (former CEO of MySpace

Europe), examined the effect of recording industry practice on musical creativity, the proposition that copyright might be good for music but not always for musicians, and how legal change and new business models might address problems in the music industry.

In the 2011 Conversazione, a panel of three speakers, again chaired by Graeme Dinwoodie, tackled the question "What's in a Name?" Professor Alan Durant (Professor of Communication at Middlesex University Business School) discussed the



multivariate ways in which humans give names to themselves and objects they observe and create. The renowned brand expert Wally Olins CBE spoke from his many years of experience advising multinational businesses on the naming of their products and services. Geoffrey Hobbs QC then considered the practical difficulties caused by the ever-expanding list of ways in which a registered trade mark can be infringed (according to the Court of Justice of the European Union). The Hon Mr Justice Arnold and His Honour Judge Colin Birss provided

provocative and insightful commentary. As at previous Conversazioni, following the panel presentation, the participants retired to the St Catherine's JCR for a reception, before vigorous discussion continued over dinner in Hall. The OIPRC is grateful to Barbara Lauriat who organized both Conversazioni, and to Dr Justine Pila, who created the Conversazione programme.

Teaching Procedure Project Workshop

ON 25-27 JUNE 2010, a workshop was held at Herstmonceux Castle, as part of the Project on Teaching Procedure, a project initiated by Professor Janet Walker of Osgoode Hall Law School in Toronto, whose visit to Oxford as Leverhulme Professor was hosted by Professor Adrian Zuckerman.

The Project is a collaboration of common law proceduralists interested in fostering teaching and research in civil procedure and related subjects. It currently has members from England, Canada, the United States, Australia and Israel.

The Workshop was held at a castle in Sussex owned by Queen's University in Kingston, Ontario, and it was jointly supported by the Leverhulme Trust and by Queen's University Faculty of Law, Osgoode Hall Law School, and Oxford's Faculty of Law. Participants compared the teaching of procedure across common law systems and examined its impact on legal education, on the academic community, on the legal profession and on civil justice reform. Their papers will be submitted for a special issue of the Osgoode Hall Law Journal and for an edited collection of essays to Hart Publications.

Graduate Legal Research Conference

THE OXFORD Law Faculty is home to the largest group of postgraduate law research students in the common law world. On 2 and 3 May 2011 over 40 first-year law research students presented papers about their research at the Fifth Annual Graduate Legal Research Conference at Corpus Christi College. This two-day event is an important and exciting part of the Oxford legal research students' calendar and is a vibrant forum for focusing on the methodologies of legal scholarship.

The conference was opened by the Dean, Professor Timothy Endicott, and closed with a keynote lecture by Professor Jane Stapleton (University of Texas and Australian National University) on "Defining and Refining Yourself as a Legal Scholar". The student papers, by Master of Philosophy, Master of Studies and Doctor of Philosophy candidates, grappled with issues in legal research methodology in legal philosophy, corporate law, international law, human rights law, legal history, private law, and public law. The sessions were predominantly chaired by DPhil students in their second and third years, and the discussion was lively. Challenges of comparative legal research were raised by many of the participants, whose backgrounds and interests are global. Panels of academics led a series of wonderful sessions at the conference on academic careers, submitting to journals, and 'to teach or not to teach?'. Richard Hart (Managing Director, Hart Publishing) gave a superb presentation on "Getting Your Book Published: 10 Things Every Graduate Student Should Know". The lunches, coffee breaks, and conference dinner also provided great opportunities for students to further discuss their work.

Liz Fisher [at front right] organised the conference, which is the conclusion of the Course in Legal Research Methods

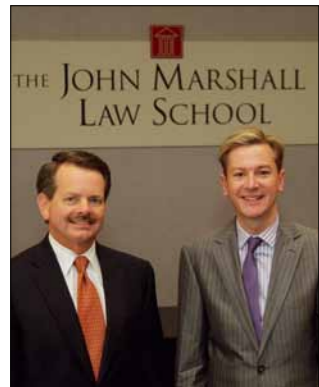


Graeme Dinwoodie gives Beverly W Pattishall Lecture on Trademark Law

GRAEME Dinwoodie, Professor of Intellectual Property and Information Technology Law, delivered the Beverly W Pattishall Distinguished Lecture on Trademark Law at the John Marshall Law School, Chicago, on 3 November 2010. The title of the lecture was "The Role of the Courts in the Development of US Trademark Law".

Professor Dinwoodie spoke about the character of the US trademark statute (the Lanham Act) as a 'delegating statute', under which the courts are empowered actively to develop the contours of the law in partnership with Congress. He grounded this characterisation of the Lanham Act in the historical development of trademark law, and suggested that even in an era of rising textualism this vision of trademark lawmaking continued appropriately to command the general support of the courts and Congress.

Beverly W Pattishall, in whose memory the Lecture was established, was one of the most prominent US trademark practitioners of the twentieth century. Prior Pattishall Lecturers have included Justice John Paul Stevens of the United States Supreme Court and Alexander von Muhlendahl, the first Vice President of OHIM (the Trade Mark Office of the European Union).



Foundations of Law: Legalism in the ancient world, Europe and Asia

WHEN AND how does law emerge? What distinguishes it from custom, or from the commands of a ruler? When do people appeal to explicit rules and generalizing categories, and why do they employ such terms to debate the disagreements of ordinary life?

Asking such questions about the earliest legal traditions, including those of Rome, India and England, and comparing them with examples from Burma, medieval France, contemporary Yemen and North Africa, the speakers at the Foundations of Law conference, held in June 2011, discussed the ways in which the different legal systems embodied fundamentally different notions of justice and assumptions about persons, property and community, and gave authority, variously, to lawyers, jurists, bureaucrats and religious leaders to define the ambit of legal rules.

A stimulating keynote paper by classicist and legal scholar Bruce Frier asked "What Good did Roman Law do the Romans?", while participants from history, anthropology, classics, law and religion were brought together in this project, jointly sponsored by the Centre for Socio-Legal Studies, the Foundation for Law, Justice and Society, and St John's College.



Bruce Frier (in pale blue shirt) talking with Don Davis and other participants outside St Giles House

Roger Hood lectures 2010 and 2011

IN MAY 2010 Nils Christie of the Institute of Criminology at the University of Oslo presented the 5th Roger Hood Annual Public Lecture entitled, "Scandinavian Exceptionalism: Five Dangers Ahead" to a sizeable audience in the Gulbenkian Lecture Theatre at the St Cross Building.

The 2011 Lecture was delivered by Professor Frances Heidensohn of the Department of Sociology at the London School of Economics. Professor Heidensohn's lecture was entitled "Impact and Influence in Contemporary Criminology: The Question of Feminism". The lecture addressed the range of forces that shape the impact of criminological research using feminist perspectives in criminology as a case study.

Audio-recordings of the 2010 and 2011 lectures are available on the Criminology website.



(l-r) Professor Ian Loader, Professor Frances Heidensohn and Professor Roger Hood

Nazila Ghanea invited to speak on Human Rights

THE OFFICE of the UN High Commissioner for Human Rights invited Nazila Ghanea to speak at and submit a paper for an expert workshop in February 2011 on incitement to national, racial or religious hatred.

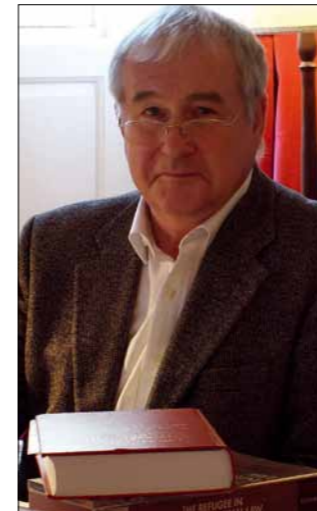
See Nazila's paper at www.law.ox.ac.uk/LN15ghanea

Guy S Goodwin-Gill on The Right to Seek Asylum

AS THE current holder of the Ganshof van der Meersch Chair at the Université Libre de Bruxelles, Guy S Goodwin-Gill, Senior Research Fellow at All Souls College, gave the inaugural lecture on the highly topical subject of "The Right to Seek Asylum: Interceptions at Sea and the Principle of Non-Refoulement". The lecture was the first in a series of seven lectures on refugee law.

The right to seek asylum is continuously challenged by the fight against irregular migration. In particular, the European Union and its Member States take measures to intercept boats on the sea in order to prevent irregular migration: these measures include patrols at sea, treaties with countries of origin or transit to readmit the concerned persons, and agreements regarding the place of disembarkation. The problem comes from the fact that asylum seekers are travelling together with undocumented migrants, in what are called 'mixed flows'. Even if the applicability of the principle of non-refoulement is often reaffirmed, the way to implement it represents a real difficulty in such a context.

The Wiener-Anspach Foundation promotes links between the Université Libre de Bruxelles and Oxford University.



Bettina Lange involved in Socializing Economic Relationships workshop

DR BETTINA Lange organized a workshop in June 2010 at the Onati International Institute for the Sociology of Law, Spain entitled "Socializing Economic Relationships: New Perspectives and Methods for Analysing Transnational Risk Regulation".

The workshop brought regulation scholars from the UK and Australia together, and an edited collection arising from the workshop, entitled *Regulatory Transformations*, will be published.



Dan Sarooshi on Collective Security and the Use of Force by States

PROFESSOR DAN Sarooshi delivered a paper entitled "Collective Security and the Use of Force by States" at the 104th Annual Conference of the American Society of International Law (ASIL), on 26 March 2010.

Professor Sarooshi was elected to the ASIL Executive Council in 2006, and his talk was chaired by H E Dame Rosalyn Higgins QC, DCL, former President of the International Court of Justice.



(l-r) H.E. Theodor Meron, President of the UN Criminal Tribunal for the former Yugoslavia & ASIL Honorary President; H.E. Hisashi Owada, President of the International Court of Justice; H.E. Thomas Buergenthal, Member of the International Court of Justice; James Carter, former ASIL President and Partner, Sullivan & Cromwell LLP; H.E. Dame Rosalyn Higgins, former President of the International Court of Justice; H.E. Stephen M. Schwab, former President of the International Court of Justice; Professor Dan Sarooshi, Professor of Public International Law, University of Oxford; and Prof José Alvarez, former ASIL President, Columbia Law School, New York.

Graeme Dinwoodie at Chicago IP Colloquium

PROFESSOR Dinwoodie recently returned to Chicago and spoke at the Chicago IP Colloquium, which he helped to found a decade ago.

His topic was "International Trademark Protection: Territoriality in a Post-National Age".



Photo: EdLee

Fourth Oxford French Law Moot – 2011

(l-r): Professor Guillaume Leyte (Oxford), Mrs Carole Malinvaud (judge), Gary Smadja (KCL), Mr Alain Lacabarats (judge), Fanny Fumery (KCL), Professor François-Xavier Lucas (judge), Conor McLaughlin (Oxford), Juliette Roquette (Oxford), Rosanna Thomson (Oxford), Professor Stefan Vogenauer (IECL) and Dr Eva Steiner (KCL).



Institute of European and Comparative Law

THE INSTITUTE of European and Comparative Law (IECL) enhances the teaching of foreign laws at Oxford, co-ordinating the Oxford Law with Law Studies in Europe degree and the corresponding undergraduate exchange programmes with our partner Faculties in France, Germany, Italy, Spain and The Netherlands, which recently added an exchange with the University of Pompeu Fabra in Barcelona. Under the skilful coordination of Dr Eric Descheemaeker and with the generous support of Gide Loyrette Nouel, the Oxford French Law Moot has also grown from a small internal student initiative to a Europe-wide competition (see p 49).

The Institute continues to be involved in a host of research initiatives, most of which involve some form of collaboration with international partners. We welcomed two postdoctoral researchers under the new Anglo-German 'State of the State Fellowship' scheme

supported by the Volkswagen Foundation, to study the transformation of the modern state with a focus on Western Europe and/or European integration, be it in political science, law, history, economics or sociology. A new scheme sponsored by the Italian Bar Association, the Consiglio Nazionale Forense, also brought in four junior scholars from Italy. They each spend two months at the Institute in order to pursue a research project in comparative and/or European law.

The major research project on "The Common Frame of Reference of European Contract Law in the Context of English and German Law" ("CFR in Context"), funded by a large joint research grant from the Arts and Humanities Research Council and the Deutsche Forschungsgemeinschaft, has entered its second year. It is jointly organised by Professors Gerhard Dannemann of the Berlin Humboldt University and Professor Stefan Vogenauer from Oxford and brings together some 40 legal scholars from the two countries. Caroline

Harvey joined the Institute in September 2010 as a Research Officer to work with Stefan on this project. Caroline has a degree in Law and German from Keele and an LLM in International Law and International Relations from Lancaster, and before starting at Oxford she practised at Freshfields Bruckhaus Deringer LLP in Frankfurt am Main.

Genevieve Helleringer joined the Institute from the University of Paris Panthéon-Sorbonne in March 2010. Genevieve is a Marie Curie Fellow and will spend two years at the Institute where she will work on comparative contract law and European legal culture.

As usual, the Institute hosted the Comparative Law and the EU Law Discussion Groups and many special conferences, workshops and symposia. Topics ranged from "Corporate Insolvency in France and the UK" to "Competition Law in the Pharmaceutical Industry" and "The Protection of Fundamental Rights in the EU after Lisbon". Forthcoming events will deal, inter alia, with the notion of iniuria in the

Scots law and South African law, the involvement of EU law in private law relations and, perhaps somewhat ambitiously, "European legal culture". The proceedings of some of our events are published by Hart Publishing in the "Studies of the Oxford Institute of European and Comparative Law" series. The most recent addition is the high profile volume on the question of whether the prohibition of abuse of law is a new general principle of EU law.

Our activities would not be sustainable without the generous support of our external sponsors, and we are extremely grateful to the Deutscher Akademischer Austauschdienst, the Wallenberg Foundation and, first and foremost, Clifford Chance LLP for their continuing support.

Stefan Vogenauer, Professor of Comparative Law and Director of the Institute

LAW IS A parochial affair (as Leslie Green recently declared in an essay on jurisprudence). Our own common law is markedly different from Scots law, let alone the civil systems of central Europe or the shari'a-based codes of northern Africa. If we go back in history we find ancient legal codes in Rome and China, and Anglo Saxon precursors to the English law, in forms that differ so markedly that we begin to wonder whether they are even law. But the world and its people have always been connected through ties of trade, diplomacy, religion, culture and technological influences. Researchers on law in society have to address the implications for law and legal practices of these intersecting connections and cross-cutting boundaries. The interests of standardization, uniformity and international collaborations may well conflict with the requirements for rule-based clarity and jurisdictional boundaries.

Two projects at the Centre particularly engage with these issues: the difficulties of standardization, the problems of cross-jurisdictional discrepancies and also the benefits of diversity, as one jurisdiction can learn from developments in another.

The programme on Civil Justice, headed by Chris Hodges, uses comparative methods to examine critically the mechanics and contexts of collective redress mechanisms, the costs and funding of litigation, and alternative forms of dispute resolution (ADR). The major comparative study of funding, which covered 36 countries, was relied upon heavily by Lord Justice Jackson in his recent recommendations on reforms to the English and Welsh costs regime. A study of class actions is investigating the tensions between the interests of access to justice and the need to create safeguards against abuse, and will go on to examine the extension in the use of strict liability provisions, and their consequences.

Looking further afield, the Programme on Comparative Media Law and Policy has recently launched a new project on protection of the media through law, as a route to greater freedom of expression in China. Working as a partner with Peking University, Renmin University and the Great Britain China Centre, the programme will take the lead in designing and delivering comparative research on Chinese and EU media laws. This will enable Chinese scholars to undertake research trips to the EU and develop policy networks in China linked to international partners, as well as resulting in joint academic publications.

It is hard, indeed, to find a single research project at the Centre that does not have an international or comparative angle. Marina Kurkchyan and Cristina Parau are both doing comparative work on Eastern Europe, on court use and judicial independence respectively; Doreen McBarnet and Bettina Lange are investigating, respectively, the role of lawyers in the banking crisis and the regulation of environmental issues: in each a comparative angle is important. Denis Galligan's work on the origins of constitutional law ranges over a number of historical examples.

Three researchers with political science backgrounds are also studying new legal developments within their political contexts: David Erdos is examining the complex and often contradictory new developments in the laws on data protection and freedom of information; Lisa Vanhala is analysing the use made of courts by non-governmental organisations; Janina Dill, our new Wolfson research fellow, is working on international humanitarian and criminal law, and in particular the issue of law and morality in combat operations.

As part of an ambitious comparative project, the legalism group, in which Fernanda Pirie is engaged, has been organising seminars on the foundations of law, using carefully chosen examples from the ancient world, Asia, Africa and Europe to illustrate and investigate commonalities and differences in the emergence of law throughout the world.

The Centre has also welcomed four visiting academics recently: Professor Ursula Cheer from the University of Canterbury, Dr Sandrasegaram Paramalingam, Dr Cristian Vaccari from the University of Bologna, and Associate Professor Yao Huanqing, from Renmin University of China.

Law, by its very nature, promotes standardization and systematization, while people and their communities are individualistic and diverse. So, why is it that law is so appealing across cultures and history, in modern contexts as much as ancient? Why, conversely, do some communities eschew almost all forms of legalistic thinking? These questions are worth engaging with, although they hardly admit of a single, or simple, answer. Meanwhile, the study of law in society remains challenging and diverse for all the excellent scholars based at the Centre for Socio-Legal Studies.

Fernanda Pirie

Centre for Socio-Legal Studies

Centre for Criminology

THIS HAS been another busy and successful year for the Centre for Criminology in terms of research and teaching. The MSc in Criminology and Criminal Justice programme continues to thrive, attracting high quality students from around the world. Over the last few years we have also built up an active graduate research community which currently comprises 23 students.

On the research front, several members of the Centre published books this year. Ian Loader published *Public Criminology?*, and a co-edited book *Emotions, Crime and Justice*, and Mary Bosworth and Carolyn Hoyle had their edited volume *What is Criminology?* published by Oxford University Press.

Centre members have also had a successful year of securing major research grants. Rachel Condry commenced her research on Adolescent to Parent Violence funded by the Economic and Social Research Council (ESRC), and received a small grant for a study of parenting and youth justice from the British Academy. Mary Bosworth's study of immigration detention received funding from the Fell Fund and a British Academy Research Development Award. Ian Loader received a grant from the Police Foundation for a collaborative doctoral studentship on elected Police Commissioners.

We were also pleased to welcome several new staff to the Centre. Jane Donoghue arrived as a departmental lecturer in criminology and is conducting an ESRC-funded study of specialist anti-social behaviour courts. Mai Sato took up post as the first Howard League Postdoctoral Fellow. Mai works on the death penalty and the use of deliberative polling to study public responses to punishment. Professor David Nelken has been appointed Visiting Professor of Criminology in the Centre for the next three years. Professor Nicola Lacey, recently elected a Senior Research Fellow at All Souls College, has also become a member of the Centre. In addition, we are pleased to welcome three new research officers to the Centre, Blerina Kellezi, Caroline Miles, and Patrick Tomlin, and three new Research Fellows, Jacqui Karn, Rebecca Mer, and Peter Neyroud. The Centre was also delighted to welcome several visiting academics this year: Leonidas Cheliotis, Dr Lanying Li, Dr Marie Segrave, Professor Stewart, Dr Yan'an Shi, Dr Gwen van Eijk, and Sarah Van Praet.

This year the Centre said goodbye to Ros Burnett, Reader in Criminology, who retired after a long career in the Centre. We owe a debt of thanks for all that Ros contributed to the Centre over many years – and we hope she will continue to do so as one of our Research Associates. Ros is to be replaced by a Career Development Fellow in Criminology, and we are delighted to have appointed Dr Ben Bradford, currently at the Methodology Institute in the London School of Economics, to this post. He will be joining the Centre in September.

Finally, the Centre has acquired a new, exciting website. Those who wish to find out more, or keep abreast of the Centre's research and teaching activities, can do so at www.crim.ox.ac.uk

Ian Loader
Professor of Criminology and Director of the Centre for Criminology



Oxford Intellectual Property Research Centre

The Oxford Intellectual Property Research Centre (OIPRC), which in 2008 moved from St Peter's College to the Faculty of Law, draws its membership from across the departments and faculties at the University. In addition to the Law Faculty, it has members in the Department of Economics, Saïd Business School, the Oxford Internet Institute and the Department of Politics. Graeme Dinwoodie, Professor of Intellectual Property and Information Technology Law since 2009, is the Director of the OIPRC.

INTELLECTUAL PROPERTY Law at Oxford is taught through two optional courses at the undergraduate level, and one graduate course on the BCL/MJur/MLF. In collaboration with the Intellectual Property Lawyers' Association, the Faculty also trains some of the brightest newly qualified IP solicitors through the postgraduate Diploma in Intellectual Property Law and Practice.

Despite its new home in the Law Faculty, the OIPRC remains inter-disciplinary in nature. The Centre holds a regular Intellectual Property seminar series with speakers from a variety of disciplines. This year's series was kicked off with a presentation by Lord Justice Jacob on 19 October.

Likewise, leading international academics visit the Centre to conduct research. This year, the Centre hosted Professor Rochelle Dreyfuss of New York University Law School, who is currently writing a book on international patent law with Graeme Dinwoodie. Professor Dreyfuss, who is the Christensen Fellow at St Catherine's College for Michaelmas 2010, is a Research Fellow of the OIPRC.

ON 4 DECEMBER 2010, the Centre hosted an event on "Comparative Perspectives on Protecting Products by Patents", at St Catherine's College.

This was the first in a series of events planned around the theme "The Common Law of Intellectual Property in an Era of Europeanisation". Daniel Alexander QC, Professor Rochelle Dreyfuss and the Hon Mr Justice Floyd were the panel speakers for the day. The next event in this series will be a conference at St Catherine's College entitled "European Methods and Interactions in the Field of Intellectual Property Law" in January 2012.

The Centre's focus is also consciously international, and on 18–19 March 2011 we once again hosted the prestigious International Intellectual Property Moot competition, featuring teams from universities from around the world.

OIPRC RECENTLY launched its new website, www.oiprc.ox.ac.uk

The site contains links to, and information about, publications by Centre members who research in a variety of fields, including most recently *The Requirement for an Invention in Patent Law* by Dr Justine Pila, *Trade Dress and Design Law* co-authored by Professor Graeme Dinwoodie, *Innovation, Intellectual Property, and Economic Growth* by Professor Christine Greenhalgh and Dr Mark Rogers, *Delete: the Virtue of Forgetting in the Digital Age* by Professor Viktor Mayer-Schönberger and *The Implementation Game: The TRIPS Agreement and the Global Politics of Intellectual Property Reform in Developing Countries* by Dr Carolyn Deere-Birkbeck.



Lord Justice Jacob, who presented the first of the 2010–2011 seminars in October



The 2011 International Intellectual Property Moot (l-r): Stuart Baran, Professor Graeme Dinwoodie, Mr Justice Floyd, Lord Justice Mummery, Lord Justice Jacob, Adam Burk (LSE), Ling Yah Wong (LSE), To Tarantola (LSE), Carmen Chung (HKU), Jacqueline Law (HKU)

Bodleian Law Library



THE BODLEIAN Law Library has had a bumper year of change and renewal. We had a major refurbishment, as well as ongoing improvements to the lighting in the building. Our staff won several awards, and we completed our first year of the revised Legal Research and Mooting Skills course.

The long neglected ground floor of the St Cross Building was transformed to accommodate the Bodleian Libraries Official Papers collection, which moved to St Cross from the Radcliffe Camera. It is one of the best collections of British Parliamentary papers, United Nations documents (including UNICEF & UNESCO), papers from the Council of Europe, the IMF, the ILO, WTO and the ICAO. Materials are catalogued and accessible on open shelves. The collection complements the European Documentation Centre collection already held in the Law Library. The old, temporary shelving (in place since the mid-1980s) was removed and brand new, gleaming compact shelving installed. With carpet, new lighting and several desks for readers, this new reading room has added another 1,000 sq metres of accessible space to the Law Library. We also have the knowledgeable Official Papers staff as part of our team, on hand to give expert advice to readers. Usage of this collection has already increased in the six months since the opening of this great new facility.

The lighting in the Law Library used to be fairly dim in places, and over the past few years there has been a rolling programme of renewal of the lights. Systems incorporating automatic sensors for dimming light have been installed on most floors and new lighting has been incorporated into all the carrels. This long term project should see the roof lights in the main reading room replaced over the summer, so the long evenings of winter hunched over the desks under a weak pool of light will also be a thing of the past.

The efforts of our staff to improve services to our researchers, students and academics were recognised in the i3 Awards, given by the Bodleian Libraries. Our webteam were recognised for their initiatives with Facebook, Twitter, our LawBod blog, and our website. We have a programme of digitizing articles on reading lists when they are not available elsewhere, and this was recognised, as was the document delivery service we provide to law firms, chambers and individuals. And finally our Faculty visits, mentioned in

our update last year, were also seen as innovative. Ruth Bird received an Allan Myers Exchange to the University of Melbourne in 2010, for a five-week study tour, and a chance to share ideas and best practice with colleagues.

We started a great project of transferring our Library Guides to the collections from paper to interactive online guides, available to the world at <http://ox.libguides.com/cat.php?cid=23893> – a great starting point for anyone researching the topics covered, because many links are to free materials on the web, as well as our own collections.

We have seen an increase in numbers coming to the library, much to our delight – up more than ten percent on last year already. Nowadays readers come armed with laptops and smart phones as they sit at desks with books propped up next to the latest technology, and they multi-task away.

Our expenditure on books and electronic resources was once again greater than our allocation. The donations provided by our supporters ensured we did not have to undertake any drastic cancellations which may have adversely affected the teaching and research efforts of the Faculty. We are indebted to the continuing support we receive from Freshfields Bruckhaus Deringer, Baker & McKenzie, Hogan Lovells, Slaughter & May, and Weil Gotshal Manges. We also receive lesser, but very welcome, donations from several donors of prizes to our students.

When you next visit Oxford, please come and have a look at the law library and see some of the changes that are taking place!

*Ruth Bird
Bodleian Law Librarian*



permission from Laura Hilly

Spring brought an unexpected visitor to the Library, in the shape of 'Dewey Duck'

Oxford University Centre for Business Taxation

THE TAX law options at the Faculty continue to attract excellent students and a number of them regularly go on to the top tax chambers. This was recognized by the members of Pump Court Tax Chambers who have generously donated an annual scholarship of £10,000 per year for BCL/MJur students with an interest in tax law. A reception was held at the Law Faculty in January 2011 to mark this important new addition to the Faculty's scholarships and several members of this leading tax chambers attended to meet the students and discuss a career at the tax bar. The scholarship has been awarded for the year commencing 2011 and applications are welcome for 2012. Full details are available at www.law.ox.ac.uk/postgraduate/scholarships.php

The Oxford University Centre for Business Taxation (OUCBT) runs a full programme of events and research (see www.sbs.ox.ac.uk/centres/tax/). The annual summer symposium and conference are well established events in the calendar for tax specialists world-wide and were as well attended as ever in 2010, with a keynote conference speech from David Gauke MP, the Exchequer Secretary to HM Treasury, titled "Business taxes for a new government". David Gauke returned in July 2011 for the conference "Taxing corporations: competitiveness, transparency and responsibility". The academic symposium was supplemented in 2011 by a conference on the highly topical and contentious issue of the allocation of the international corporate tax base, co-hosted with the International Network for Tax Research and featuring papers by Mary Bennett and Caroline Silberstein of the OECD and by Professors Reuven Avi-Yonah (Michigan), Wolfgang Schön (Max Planck, Munich), Richard Vann (Sydney) and Michael Devereux from the Centre.

OUCBT also organized a workshop with the Taxation Law and Policy Research Institute at Monash University and Atax, University of New South Wales, on revenue authority discretion and the rule of law, bringing together issues of revenue law and public law. Papers from fourteen countries, including China, South Africa, the USA, France, Australia and the UK, will be published in the resulting book, *The Delicate Balance – Tax, Discretion and the Rule of Law* to be published by the International Bureau for Fiscal Documentation.

British Academy research grants

The British Academy (BA) is the UK's national body for the humanities and social sciences and is one of the core funders for these areas of research in UK universities. The British Academy is supported mainly by government grants and it works with the Arts and Humanities Research Council (AHRC) and the Economic and Social Research Council (ESRC) to provide a range of fellowship and project funding for academic research. The BA's small grant schemes have recently closed, but their new mid-career fellowship will be of interest to some members of Faculty and the post-doctoral fellowship scheme is ongoing, so we hope to be able to continue to secure BA funding for the Faculty in the future.



Mary Bosworth Receives Grant for Understanding Immigration Detention Project

MARY BOSWORTH, Reader in Criminology and Fellow of St Cross College, has been awarded a 24-month British Academy Research Development Award (BARDA) of £119,147 for her project "Understanding Immigration Detention". Her research, which is also funded by the University's John Fell Fund and the Nuffield Foundation, is the first national study of life in UK immigration removal centres. Previously a prisons scholar, for the past few years Mary has been studying the growing convergence between immigration control and the criminal justice system. Since November 2009, Mary has been conducting fieldwork in various detention centres, interviewing staff and detainees about their experiences. In July 2010 she was joined in her project by a research officer, Blerina Kellezi, whose one-year post is funded by the Fell Fund. The project aims to contribute empirical material and a deeper understanding of the complex nature of these institutions to the burgeoning interdisciplinary field of studies that has sprung up around border control.

Robert George awarded a British Academy Post-Doctoral Fellowship

ROBERT GEORGE has been awarded a three-year British Academy Post-Doctoral Fellowship, to start in Michaelmas Term 2011. His project, entitled "The realities of relocation: analysing disputes over post-separation family migration in the English trial courts", will focus on the legal disputes that arise between separated parents when one proposes moving to a new location with their child. Although these cases are increasingly common, very little is known about their everyday reality in England. Robert's project will examine the transcripts of judgments from a sample of trial courts and will interview litigants involved in relocation disputes to look at trends in the decisions of the trial courts and to obtain some detailed data.

Dorota Leczykiewicz and Stephen Weatherill have been awarded a British Academy conference grant of £7,399 for a conference on "The involvement of EU law in private law relationships", to be held in September 2011.

Lisa Vanhala has obtained a British Academy award to support her research project "Beyond just Law and Politics: A Socio-Legal Analysis of European Legal Mobilization by the Environmental Movement".

Cristina Parau has been awarded a British Academy grant for work on "The Europeanization of Legal Mentalities in Post-Communist Eastern Europe".

Rachel Condry received a British Academy Small Research Grant for her project "Parenting Work and Parenting Expertise in Youth Justice".

Bettina Lange in the Centre for Socio-Legal Studies has been awarded a small research grant of £7,460 by the British Academy for a comparative pilot study "Reconceptualizing farmers' water rights through stewardship".



The Leverhulme Trust

The Leverhulme Trust, established in 1925, operates across all academic disciplines, funding research projects, fellowships, studentships, bursaries and prizes. With annual funding of approximately £50 million, the Trust is among the largest all-subject providers of research funding in the UK. Oxford University received £3.3 million in grants in 2009–2010, and 46 new projects were set up that year. Sandra Fredman and Mark Freedland in the Law Faculty have both previously held Leverhulme Major Research Fellowships. The Trust has also recently funded two visiting professors in the Faculty, Steven Schwarcz and Janet Walker.

Privacy and Open Society Project Launched

IN MAY 2010 a three-year project on Data Protection and the Open Society (DPOS) launched in the Faculty of Law's Centre for Socio-Legal Studies.

Funded by a Leverhulme Trust Early Career Research Fellowship, it is led by David Erdos, a researcher based at CCLS and Balliol College. This project explores the origins and functioning of Data Protection (DP) law and practices from an Open Society perspective. It focuses on examining, and hopefully partially resolving, the tensions between DP and other important societal values including, most especially, freedom of information and expression. The three-year time frame of the project allows for a really deep analysis, to lead to a better framework for accounting for the various values at stake, and feed into the revision of the European Data Protection Directive that is currently under way.

Ben McFarlane awarded Philip Leverhulme Prize

BEN MCFARLANE, Reader in Property Law and a Fellow of Trinity College, has been awarded a prestigious Philip Leverhulme Prize by the Leverhulme Trust. Each year, the Trust awards five such prizes in each of five selected disciplines to 'outstanding scholars who have made a substantial and recognised contribution to their particular field of study, recognised at an international level, and where the expectation is that their greatest achievement is yet to come'. The prize, of £70,000, will be used by Ben to develop his research in both property law and in private law more generally.

Asked about the award, Ben commented: 'The Philip Leverhulme Prize is unusual, and extremely generous, as the funding it provides is not tied to any specific project; its aim is rather to assist the holder in furthering his or her research plans. As a result, I will be able to use the funding

to develop my research into the nature of property law, and the boundary between property and obligations, possibly taking that research in unexpected directions. There are three principal areas on which I am currently focussing. First, the defence and development of my views as to the nature of equitable property rights, set out in my book, *The Structure of Property Law*. The practical operation of such rights has come sharply into focus with the recent and controversial decision of the Court of Appeal in *Shell UK v Total UK*; and the conceptual nature of the rights has been discussed by academics responding to the analysis set out in my book and developed in an article by Professor Robert Stevens (formerly of Lady Margaret Hall) and myself. Second, the comparative law of trusts and other equitable property rights, a topic which is of real practical relevance as a number of non common-law jurisdictions have recently adopted, or plan to adopt, trust-like devices. Third, the law of proprietary estoppel: an area where the law of obligations and property overlap, and on which I am writing a book, aimed at practitioners. The Philip Leverhulme Prize will provide me with the teaching and research support that will allow me to work on these areas over the next three years.'

Major Research Fellowship awarded to Julian Roberts

THE LEVERHULME Trust has awarded Professor Julian Roberts a Major Research Fellowship, which started in September 2010.

The purpose of the fellowship is to enable Professor Roberts to study the sentencing guidelines in England and Wales. This jurisdiction is the only one outside the US that has adopted formal, numerical sentencing guidelines, yet there has been an almost total absence of scholarship on the guidelines. During the course of the two-year leave, Julian will be collecting original data relating to the nature and effects of the sentencing guidelines which are issued by the Sentencing Council of

England and Wales.

The first scholarly outcome from the fellowship is a recently published article in the *British Journal of Criminology*, "Sentencing Guidelines and Judicial Discretion: Evolution of the Duty of Courts to Comply in England and Wales". The article explores the evolution of the duty of courts to comply with the English sentencing guidelines, and notes that the language of the duty of a court provision has become more robust. For example, courts now 'must follow' definitive guidelines rather than merely 'have regard to' them. At the same time, the government significantly increased the range of sentence within which courts must sentence. The essay provides some international context, drawing upon experiences in the jurisdiction in which guidelines have been longest in existence, and explores the limited compliance statistics collected in England and Wales to date. The consequences of the latest changes for sentencing in England and Wales are also discussed.

Early Career Fellowship awarded to Dorota Leczykiewicz

DOROTA LECZYKIEWICZ has been awarded a three-year Leverhulme Trust Early Career Fellowship, to start in Michaelmas Term 2011, entitled "Applying EU norms against individuals".

The project investigates the concepts and principles which govern the applicability of EU norms against individuals, to identify the inherent limits of this applicability, such as those stemming from the established doctrines of EU law, the limited legitimacy of the EU legal order, general principles of law and relevant political considerations.

Ian Loader and Marina Marouda (research officer) secured a £46,000 research project grant from the Leverhulme Trust for their project "Culture in Transition? An Observational Study of Private Police at Work".

Background: Carlton House Terrace, London, near the home of the British Academy. Photo by Yersinia Pestis from www.flickr.com/photos/yersinia/46444797/in/photostream/

ESRC China-Africa workshop



THE PROGRAMME in Comparative Media Law and Policy (PCMLP) has embarked on a new research project to examine China's increasing role in the media sector in Africa and its impact on shifting ideas of freedom of expression, development and state security.

Supported by a grant from the Economic and Social Research Council (ESRC), PCMLP gathered scholars from China, Africa, and Europe, for workshops and research in Oxford and Ghana. The aim was to develop a nuanced understanding of the approach China is adopting, from its enhanced involvement in the telecommunication sector to the expansion of its international broadcasters and its promotion of a less-open model of the Internet. Future research will consider the impact of these approaches on shifting norms of freedom of expression in democratic and authoritarian countries in Africa.

Chinese flag background photo by Philip Jägenstedt on Flickr. Composition with Africa outline by Steve Allen

Civil Justice Research

THE CMS Research Programme on Civil Justice Systems, led by Professor Christopher Hodges, is working on a series of projects aimed at devising a new dispute resolution system for European jurisdictions. The Programme is funded by the European Justice Forum and CMS Cameron McKenna LLP. Combining findings on dispute resolution and regulation, Chris gave the Keynote Address at a conference at the University of Windsor, Canada, entitled "Accessing Justice: Appraising Class Actions Ten Years After Dutton, Hollick & Rumley", on 29 March 2011. This paper will be published in the Canadian Supreme Court Review.

The team's study on the emergence of third party litigation funding in Britain for civil cases, with Lincoln University, which revealed its findings at an **International Conference on**

◀ **Litigation Funding** held at Oxford in June 2010, concluded that although litigation funding has increased access to justice for larger companies, individuals and small companies have not benefited due to the funding models that are currently available. Regulation will be necessary to protect consumers before long. The 2009 comparative project on litigation costs led

by Chris Hodges, Professor Stefan Vogenauer and Dr Magdalena Tulibacka was relied on in the Jackson Costs Review, which is now being implemented by the government.

A major comparative project, involving Dr Iris Benöhr and Dr Naomi Creutzfeldt-Banda with Dr Chris Decker, is revealing the existence of a largely unknown universe of alternative dispute resolution (ADR) systems for consumer claims, mainly involving ombudsmen and Codes of Practice in regulated sectors. These schemes, which differ from more familiar mediation mechanisms for court claims, present real opportunities for increasing access to justice outside courts, and also for improving compliance and raising business standards. Chris Hodges has been advising the European Commission on the findings, on which legislative proposals are planned for late 2011.

Dr Sweta Chakraborty is looking at whether safety issues with pharmaceutical products during the past 40 years in Europe were identified by regulatory or liability systems. Dr Rebecca Money-Kyrle is analysing the class action regimes in around 40 jurisdictions, and the safeguards that they use.

Analysis of The Lord Eldon Papers

TEN YEARS ago Lord Eldon's books and papers migrated from the Inns of Court in London to the Georgetown Law Center in Washington DC, where they reside in a Rare Books Collection just a stone's throw from the Capitol.

The Collection contains Eldon's personal papers, from his early days as a school boy, through his years as a famed counsel and Solicitor-General, to his long periods of office as Lord Chancellor. The collection also houses many earlier treasures of English legal and constitutional history that ended up in Eldon's hands, from Bracton and Coke through to the constitutional conflicts of the Stuart period and on to the age of Lord Hardwicke in the mid-eighteenth century. Joshua Getzler, Reader in Legal History at Oxford, has received funding from the John Fell Fund, to assist him in studying these papers. To kick off this project he has already written on Lord Eldon's famous contribution to trusts law in *Morice v Bishop of Durham* (1805). In this case Eldon's notebooks, read together with the well-preserved pleadings in the National Archive, reveal a fascinating background of high Anglican church politics, where leading clergy were striving to fund the campaign for abolition of the slave trade and to rebuild the welfare system in the wake of the Napoleonic wars, both projects led by William Wilberforce with his good friend the Bishop of Durham. Further work will encompass the trusts decisions of Lord Hardwicke in the 1740s, Eldon's work as counsel in various financial scandals of the 1790s, and from an earlier age records of constitutional conflict in the reign of Charles I. As well as working on the Georgetown papers, Joshua will spend a period in 2011-2012 as Bok Visiting International Professor at the University of Pennsylvania Law School, where he will explore the legal records of Pennsylvania, a colony and state which made its own distinctive contributions to the history of law and equity in America.

Research awards



◀ **Susan Bright** has received a John Fell Fund grant of £12,000 for her pilot study "Evaluating the impact of social factors in possession proceedings", to test methodology for the empirical side of a study that will explore how decision-making works in claims for the recovery of possession of both owner-occupied and rented homes.



Roy Goode and **Louise Gullifer** have received \$150,000 from the Aviation Working Group for a three-year project entitled "The Cape Town Convention Academic Project", which started in July 2011. Louise and Roy will work with the University of Washington Law School to analyse the Cape Town Convention with a view to enhancing the understanding and effective implementation of the treaty and its advancing aims.



Louise Gullifer has been awarded £10,000 by the Asset Based Finance Association, for her project "Ban on Assignment", which looks at the legal position in the UK and other jurisdictions to examine the effects of clauses banning assignment and the possible effects of their prohibition.

Sandra Fredman is co-chair of the Equality and Diversity Forum Research Network, which has been awarded a grant by the Government Equality Office to assist in developing their evaluation framework for the new Equality Act 2010.



Sandra also received £3,096 from the Socio-Legal Studies Association in its annual seminar competition.

Sonia Macleod has been awarded £75,730 from the Economic and Social Research Council for a year-long project entitled "Is Jurors' reasoning 'beyond reasonable doubt'? Examining juror decision making about DNA evidence".



◀ **Imogen Goold** is a co-investigator on a new award from the Netherlands Organisation for Scientific Research (NWO) for a project called "Enhancing responsibility: the effects of cognitive enhancement on moral and legal responsibility".

Irini Papanicolopulu has received a two-year Marie Curie Fellowship, which started in July 2010, for her project "Integrating the human element into the law of the sea: the quest for a comprehensive legal regime and adequate implementation tools at the international and EC level".



◀ **Stefan Vogenauer** has been awarded £15,000 by the Nuffield Foundation for his project titled "The use of optional instruments in European contract law: an empirical analysis". The project started in June 2011 and will run for one year.

Parliament and Human Rights project led by Oxford

MURRAY HUNT, Visiting Professor at Oxford, is leading a new project within the Faculty to assess the effectiveness of legislation in protecting the human rights of citizens in the UK, and has received a grant from the Arts and Humanities Research Council (AHRC) to fund the project.

The project, which will also be conducted by two part-time researchers in the Faculty, Hayley Hooper and Paul Yowell (see page 51), will focus on the work of the Parliamentary Joint Committee on Human Rights (JCHR) over the course of the 2005–2006 and 2006–2007 Parliamentary sessions, and is likely to generate a database of approximately 1,000–1,500 entries. This will be a valuable research resource which could be made available on a project website, and will include, for example, hypertext links to relevant Hansard materials. It will also enable some authoritative empirical findings to be made, about matters such as the frequency of reference to JCHR reports during the Parliament, the pattern in terms of which members raise human rights issues, and the range of conceptions of human rights held by parliamentarians. Some interesting themes are already beginning to emerge about the nature and quality of debate in Parliament about human rights, as well as its frequency, which challenge some of the assumptions in the literature. It is hoped that this evaluation will enable the team to assess the impact of the JCHR on the quality of human rights debate in Parliament, and whether any trends are observable.

The AHRC intend to produce a policy briefing based on the project reports, and a two-day, international seminar is planned at the end of the project, on 12 and 13 April 2012, to disseminate the outcomes of the research.



Shell International BV renews funding

IN OCTOBER 2010, Shell International BV extended their support of the Programme in Comparative Media Law and Policy at the Centre for Socio-Legal Studies (PCMLP), for a further two years. The Shell Fund supports PCMLP's projects on freedom of expression and the rule of law in Africa, Asia and the Middle East. This significant donation reaffirms Shell's recognition that freedom of expression is essential to sound societal development and ensures the continued work of PCMLP in this field.

Centres obtain ESRC funding for graduate research

THE CENTRES for Socio-Legal Studies and Criminology participate in the Social Science Division Doctoral Training Centre, a hub for the co-ordination of training and related activities for graduate social science researchers in Oxford.

In spring 2011, the UK Economic and Social Science Research Council (ESRC) announced the outcome of its new round of recognition for doctoral training in the social sciences and Oxford's bid was successful. This included a new application for the Law and Society programme at the Centre for Socio-Legal Studies, which has now regained its ESRC recognition, and continuation of recognition for the Centre for Criminology's graduate research programme. Being ESRC recognised, the Centres obtain studentships from the ESRC, for Law and Society graduate research at the Centre for Socio-Legal Studies and for criminological research at the Centre for Criminology.

Dr Mary Bosworth has been appointed to a Concurrent Professorship in Criminology at Monash University in Melbourne for the next two years. During her visits to Melbourne she will continue her work on immigration detention, liaising with colleagues in Australia working in similar areas. In the second year, Mary will be based for three weeks in the Monash University Prato Campus in Italy where she will organize a seminar on gender and border control.

Liz Fisher was shortlisted for the Law Teacher of the Year 2011 award, a prestigious national award, which recognises and rewards the vital role that law teachers play in educating future lawyers.

Imogen Goold has been invited to be an Associate Editor of the Journal of Medical Ethics, a leading international journal that reflects the whole field of medical ethics, and has an Editorial Advisory Board made up of members from all over the world.

Dr Alan Milner was honoured in the Queen's Birthday Honours 2009 (at the same time as Professor Brownlie and Professor Ashworth). Alan, a member of the Law Faculty and an Emeritus Fellow of Trinity College, legal editor and publisher, was awarded an OBE for services to good governance in Africa, the Overseas Territories and Crown Dependencies.

Professor Julian Roberts has been appointed to a new national body set up to ensure a consistent approach to sentencing. Professor Roberts has become one of 14 members of the new Sentencing Council (<http://sentencingcouncil.judiciary.gov.uk/>).

Simon Whittaker and Hugh Beale have been appointed to the European Commission's Expert Group on a Common Frame of Reference in European contract law.

Dapo Akande invited to review the ICC Model Law on war crimes and genocide

Dapo Akande has been appointed by the Commonwealth to an Expert Group that will review legislation implementing the Rome Statute of the International Criminal Court. The Commonwealth created a Model Law to Implement the Rome Statute, which assists countries in enacting legislation to recognize the crimes of genocide, crimes against humanity and war crimes, and on which several national laws in the Commonwealth are now based. The Commonwealth has appointed the Expert Group to review this Model in light of the experience of the last seven years, since its creation. The Expert Group is composed of State representatives and members of civil society; Dapo is the only academic appointed to the Group.

Andrew Ashworth as President of the Association of Commonwealth Criminal Lawyers

Professor Andrew Ashworth has become the first President of the Association of Commonwealth Criminal Lawyers. Formed in 2010, the Association aims to enable lawyers to understand each other's criminal law, and to keep up with new developments, so that traditional principles of common law criminal justice – including the rule of law, an adversarial process, and the right to a fair trial by an independent and impartial tribunal – are maintained and developed across the Commonwealth. The Association will publish a journal, the Journal of Commonwealth Criminal Law. Further details about its activities can be found on the website at www.acclawyers.org

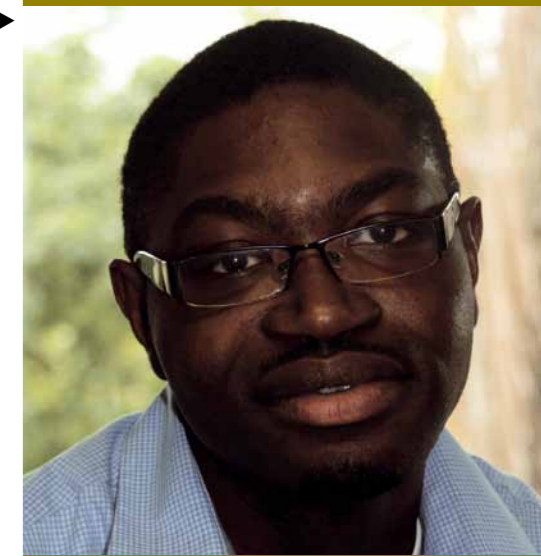
Judith Freedman Appointed to a Government Tax Law Panel

On behalf of the government, David Gaulke, Exchequer Secretary to the Treasury and Oxford law alumnus, has invited Professor Judith Freedman to be a member of a group of tax experts set up to explore the case for introducing a general anti-avoidance provision into UK tax law. Headed by Graham Aaronson QC, the committee also includes three judges, one of whom, Lord Hoffmann, is a Visiting Professor in the Faculty.

Judith commented, 'This is very exciting for me personally since it was the topic of my inaugural lecture ten years ago and I have been pushing for it to be taken seriously ever since.'

The group is due to report its conclusions to the Exchequer Secretary by 31 October 2011. HM Treasury posted a full press release about the committee in January, which is available at www.law.ox.ac.uk/LN15tax

Judith was also appointed Adjunct Professor in the new Australian School of Taxation and Business Law, part of the Australian School of Business in Sydney, and was invited to give a lecture to inaugurate the new School.



Beyond 2020: a harmonised policy for renewable electricity in Europe

THE EUROPEAN Union has laid the foundation for its renewable energies policy until 2020, in Directive 2009/28/EC. In a new collaborative research project, under the "Intelligent Energy Europe" call from the European Commission, Angus Johnston aims to look at policy beyond 2020. The project hopes to design and evaluate feasible pathways for a harmonised European policy framework for supporting renewable electricity in particular, and renewable energy sources (RES) in general.

In collaboration with 11 legal, economic and technical research partners across Europe, led by the Energy Economics Group at Vienna University of Technology, Angus will co-ordinate the legal analysis of current systems of RES promotion in the EU and its Member States. This will form the basis for developing proposals for legal rules as part of the possible future policy frameworks identified by the project.

The assessment will focus on the period beyond 2020, although the transitional phase before 2020 will also be analysed. A key element of the project will be the frequent interactions between the economic, technical and legal analyses, ensuring that constraints and opportunities in these areas are identified at early stages in the research, in order to lead to more robust policy proposals at the conclusion.

Professor Ewan McKendrick appointed Registrar of the University



PROFESSOR EWAN McKendrick, Herbert Smith Professor of English Private Law, Fellow of Lady Margaret Hall, and former Chair of the Law Board, has been appointed Registrar of the University of Oxford.

Ewan, who had previously served the University as Pro-Vice-Chancellor for Education, took up the post on 1 January 2011. He succeeds Dr Julie Maxton, who has been appointed Executive Director of the Royal Society.

Professor McKendrick holds law degrees from the University of Edinburgh and the University of Oxford. He has been Lecturer in Law at Lancashire Polytechnic (now the University of Central Lancashire), the University of Essex, the London School of Economics and Political Science (LSE) and the University of Oxford. He was Professor of English Law at University College London from 1995 to 2000, when he returned to Oxford to take up the Herbert Smith Chair of English Private Law. He served as Chair of the Board of the Law Faculty from 2004 to 2006 and was Oxford's Pro-Vice-Chancellor for Research from 2006 to 2008, and Pro-Vice-Chancellor for Education from 2008 to 2010.

Timothy Endicott, Dean of the Law Faculty, said: **'The Registrar has responsibility for such a broad range of the University's affairs; Professor McKendrick will carry out those responsibilities with his remarkable expertise and with a sensitive understanding of the purposes of a University. We are extremely fortunate to have one of the country's leading lawyers serving Oxford in this role.'**

Sir Frank Berman QC appointed to Permanent Court of Arbitration

THE FACULTY of Law's Sir Frank Berman QC has been appointed by the British Government to be a Member of the Permanent Court of Arbitration (the PCA) in The Hague.

Established at the First Hague Convention in 1899, the PCA now has over one hundred member states, and provides services for the resolution of disputes involving states, state entities, intergovernmental organisations, and private parties. The PCA is also a centre for scholarship and publication, and a forum for legal discourse. To find out more about the PCA, refer to its website: www.pca-cpa.org

Each Member State to the Hague Convention can nominate up to four 'Members of the Court' who form a panel of potential arbitrators, and serve for an initial term of six years. Along with other UK Members of the Court, Frank will be part of the UK 'national group' that is entitled to nominate candidates for election to the International Court of Justice, and for the Nobel Peace Prize.

Alan Bogg awarded the Peter Birks Prize for Outstanding Legal Scholarship 2010

DR ALAN Bogg, Fellow and Tutor in Law of Hertford College, won the Peter Birks Prize for Outstanding Legal Scholarship 2010, for his book *The Democratic Aspects of Trade Union Recognition*. The prize is awarded by the Society of Legal Scholars for outstanding books published by scholars in their early careers. Two prizes are available each year, and Alan was presented with the first prize at the Society's Annual Conference dinner.

The Democratic Aspects of Trade Union Recognition examines the influence of political theories on the changing legal relationships between trade unions, employers, and the State. Alan maps out the development of UK political ideology and the resultant change in attitude of the Labour Party to British Labour law, moving from a pre-Thatcher preference for pluralism and 'collective laissez-faire', to the 'Third Way' model of collective Labour law, combining legal support with control through increased industrial regulation. Alan uses political philosophy to elucidate the character of these historical approaches and the nature of the 'Third Way' in relation to statutory union recognition. Defending a civic republican philosophy, which values democratic participation, as

opposed to rights-based individualism and State neutrality, Alan demonstrates that New Labour's experiment in union recognition was an emphatic reassertion of liberalism in the sphere of workers' collective rights, despite the party's promise of civic community in the 'Third Way' rhetoric. This is the first monograph to offer a sustained critical analysis of legal approaches to trade union recognition, and was published by Hart Publishing in September 2009 (see www.law.ox.ac.uk/LN15bogg for more information).

Christopher Hodges appointed as Erasmus Professor at Rotterdam

CHRIS HODGES was appointed Erasmus Professor of the Fundamentals of Private Law at Erasmus University, Rotterdam as of January 2011, remaining Head of the CMS Research Programme in Oxford.

Chris was also recently invited by the European Commission to act as the rapporteur at a session on Alternative Dispute Resolution at the European Consumer Summit on 11 and 12 April. The European Consumer Summit is an annual event run by the European Commission, organized close to World Consumer Rights Day (15 March). The Alternative Dispute Resolution session examined ways of improving ADR, and was one of six workshops offered at the summit.

Ruth Bird was made an Honorary Bencher of the Middle Temple in 2010.

Ruth has been the Bodleian Law Librarian at the University of Oxford since 2004, having started her career in teaching before studying and working as a teacher librarian, and then moving into law librarianship in two Australian law firms. Ruth is a Council member of the British & Irish Association of Law Librarians and a Board member of the International Association of Law Libraries, and also writes for professional journals and blogs.

Professor John Cartwright, who holds a Visiting Professorship in the University of Leiden, has won a teaching award in the Leiden Law Faculty for the "beste werkgroepdocent 2009-2010" – i.e., the best seminar teacher last year.

Professor Vaughan Lowe was inducted into the Most Distinguished Order of Paduka Seri Laila Jasa and received the title of Dato Seri Laila Jasa from HM the Sultan of Brunei at a ceremony in Brunei on his birthday, 15 July 2010.

Cristina Parau was awarded the Vincent Wright Memorial Prize by West European Politics for her 2009 article 'Impaling Dracula: How EU Accession Empowered Civil Society in Romania'. The prize recognizes significant contributions to the study of comparative European politics.

Professor Stefan Vogenauer has been appointed as Professor Extraordinary in the Department of Private Law at the University of Stellenbosch, for three years from January 2011.

John Armour elected to American Law Institute

Professor John Armour was elected in September 2010 to the American Law Institute. He joins our colleagues Paul Brand, Roy Goode, William Swadling, Jane Stapleton, Simon Whittaker, and Adrian Zuckerman.

Graeme Dinwoodie appointed George P Smith Distinguished Visiting Professor

Professor Graeme Dinwoodie has been appointed the 2011 George P Smith Distinguished Visiting Professor at the Maurer School of Law, Indiana University-Bloomington in the United States. Graeme spent two weeks in residence in Bloomington in early April, during which time he delivered the George P Smith Distinguished Visiting Chair Lecture on "Global Marks in Local Markets: Territoriality in EU and US Trademark Law".

The lecture developed a distinction that Graeme has previously made between trademark law's intrinsic territoriality and its political territoriality. He suggested that recognition of this distinction would help reconcile the conflicting pressures created by trans-border trade and local cultures and institutions, and he highlighted developments in both EU and US trademark law that appeared to recognize the distinction and offer a way of reconfiguring the territoriality of trademark law. The Smith Visiting Chair was inaugurated in 1999 by Justice Michael Kirby of the High Court of Australia, and other British holders have included the late Sir David Williams, the former Vice-Chancellor and Rouse Ball Professor of English Law at Cambridge University. The full lecture can be viewed at www.law.ox.ac.uk/LN15din

Two Honours for Roger Hood

Roger Hood received an Honorary LLD from Edinburgh Napier University on 14 June 2011, and was presented with the Cesare Beccaria Medal of the International Society for Social Defence and Humane Criminal Policy, on 27 June, in Salamanca.

Joshua Getzler appointed Bok Visiting International Professor 2011-2012 at Philadelphia

Joshua Getzler has been invited to the University of Pennsylvania Law School in Philadelphia, to serve as a Bok Visiting International Professor during the 2011-2012 academic year. He will teach a course to upper-year students and will lecture in the faculty, while pursuing his research into nineteenth-century trusts and property law in England and America. Joshua has also been awarded a grant from the John Fell Fund of the University of Oxford to pursue his legal historical research in 2011-2012. On the English side, he will be examining manuscript sources from the Civil War period through to Lord Hardwicke and Lord Eldon, looking at transitions in the nature of property and law in the early modern period. On the American side, he will be examining the rise of treatise traditions and the changes to property and trust law and to the dual law-equity system wrought by the transfer of feudal institutions and doctrines into a new republican setting.



Oxford's Bar Society

OXFORD UNIVERSITY at last has its own Bar Society. The path to a career at the Bar is arduous and competitive. This does not, however, mean that it is an unobtainable career choice.

Each year there is a substantial number of law students who are deeply committed to a career at the Bar. The aim of the Oxford Bar Society is to help open the doors to the Bar for those aspiring barristers as well as promoting the profession and its notable practitioners to all in the university. With a great range of career-centred events mixed with talks and presentations by prolific members of the Bar such as Cherie Booth QC, Clive Anderson, and Michael Mansfield, the society's first termcard is already looking substantial. Events will also help promote the Bar in its progressive efforts to overcome gender and ethnic minority inequality and will provide advice on how to fund the Bar. The society is still in its infancy, but hopes to make a significant impact in Oxford come Michaelmas Term 2011 in promoting the profession and its benefits to students from all disciplines. For more information, please see www.oxfordbarsoc.com



Joe Jones, first President of the Oxford Bar Society

Oxford's first clinical legal programme

IN 2009, the Oxford Legal Assistance (OLA) programme was launched – the first pro bono project at Oxford that involves both undergraduate and postgraduate student volunteers in practical legal work that benefits local clients. At the end of its first year, the OLA programme was warmly endorsed by the Faculty's Law Board, which gave it the go-ahead for a further five years.

The first year saw students attend weekly clinics at local law firm Turpin & Miller LLP to help with some of their fixed-fee legal aid cases. During these clinics Oxford law students assisted the firm's solicitors with their immigration cases by conducting preliminary interviews with clients and taking statements, to allow solicitors to spend their time on aspects that require legal expertise. The students have contributed substantially in an area of law which is seriously under-resourced and have gained a great deal through the process as well.

In its second year, the programme saw a dramatic increase in interest both from the wider community and from students themselves. The applicant rate doubled among students, from approximately 55 in the first year to over 100 this year. As well as the increase in willing volunteers, OLA has taken significant steps forward in developing its programme. In the current year Turpin & Miller has allowed students to assist in the area of debt, as well as immigration, and to be involved in project research and document management, as well as working directly with clients.

New Citizens Advice Bureau project

OLA is also proud to have recently established a scheme with Oxford's Citizens Advice Bureau (CAB), in which Oxford law students assist at weekly CAB clinics in various areas of law. The project started as a pilot scheme this year, involving ten students, who were trained to become qualified 'gateway assessors', which meant they were able to deal with the wide range of problems that CAB clients might need help with, either by providing self-help information, making an appointment in the Bureau or referring clients to a qualified solicitor or suitable partner advice organisation. The feedback on this pilot project has been positive. Next year the scheme is likely to focus on the development of the Bureau's social policy and campaigning work.

Overall OLA has been exactly what the students, the Faculty, and its partners had hoped for, and has proved that Oxford's law students have a place in pro bono work and are fully capable of using their theoretical skills to bring a substantial benefit to the local community.

Jack Bradley-Seddon and Victoria Usova
Student co-chairs of OLA 2010-2011

OPBP and OLA Social Event

A STRONG turnout from enthusiastic and committed student volunteers, and encouraging words from Timothy Endicott, the Dean of the Law Faculty, Hon Justice Kate O'Regan and Professor Sandra Fredman, marked the Annual Social Event jointly held by Oxford Pro Bono Publico (OPBP) and Oxford Legal Assistance (OLA) on 18 May 2011, at Exeter College.

Professor Timothy Endicott congratulated OPBP and OLA for their work, noting that it contributed to the growth of Oxford's Law Faculty by allowing it to engage both with different sections of society and different parts of the world. Adding to this, Professor Sandra Fredman spoke in particular about the work of OLA and how it simultaneously enabled the Faculty to reach out to the local community and gave students a valuable opportunity to be involved in practical, client-based work. Thanking Turpin & Miller, the law firm that partners with OLA, she also keenly anticipated the next phase of the programme where students would accompany barristers to court.

Justice Kate O'Regan's words on the importance of pro bono work in public interest litigation also made an impact on the audience. While warmly acknowledging the utility of research such as that conducted by OPBP when she was a judge on South Africa's Constitutional Court, she reminded law students to remain alive and sensitive to context when engaging in comparative law work.

Interested students also had the opportunity to go through the most recent project reports prepared by OPBP and volunteer for its upcoming project on the Right to Food for the UN Special Rapporteur.

All in all, this celebratory evening of great food, drink and music was the perfect way to thank all the dedicated faculty members and students that drive OPBP and OLA.

Oxford Pro Bono Publico

OXFORD PRO Bono Publico (OPBP) has had a busy year, involved in several research projects and setting up a new Internship Programme.

In 2010-2011, OPBP completed two India-related research projects. The first consisted of recommendations to a standing committee of the Indian Parliament on the Protection of Women against Sexual Harassment at Workplace Bill, 2010, which suggested changes to the definition of sexual harassment and the mechanism of remedies provided in the bill. The second was a comparative survey of pre-legislative and legislative participatory processes in democratic jurisdictions for the National Campaign for People's Right to Information, with the aim of paving the way towards fair, effective and transparent forms of public participation in similar processes in India. More details about these projects and the complete versions of the project reports are available at www.law.ox.ac.uk/themes/opbp/projects.php

OPBP IS currently finalizing a comparative legal analysis of the manner in which constitutional democracies within the Council of Europe reconcile the relationships of their superior courts with the European Court of Human Rights.

Over the summer, OPBP will be working on two further projects. The first is a background issues paper for the Joint Committee for Human Rights on the use of secret evidence, while the second is a report on marketing and advertising policies in the European Union in relation to nutrition for the UN Special Rapporteur on the Right to Food.

THE RECENTLY launched OPBP Internship Programme provides financial assistance to graduate students seeking non-paid or poorly-paid internships at public interest organisations. The programme, which has been generously supported by Mr Kofi Adjepong-Boateng, the Magdalen College Trust and the Law Faculty, has given five graduate students Internship Awards for 2011:



James Peters: a two-month internship at Reprivie, USA.

Peter Morcos: two-to-three-month internship at the AIRE Centre in London.

Mimi Zou: two-month internship at the Netherlands School of Human Rights Research.

Chris McConnachie: two-month internship at the Legal Resources Centre in Grahamstown, South Africa.

Guruparan Kumaravadivel: two-month internship at the Centre for Policy Alternatives in Sri Lanka.

More details about the recipients of this year's awards are available online at www.law.ox.ac.uk/themes/opbp/internships2011



Top: OPBP Executive Committee with Justice Kate O'Regan
Bottom: Justice Kate O'Regan speaking



Law Open Days at Oxford 2011



ALMOST 600 sixth-form students were welcomed to the Law Faculty over three days, between 16 and 18 March, to learn about studying law at Oxford. Two invitations were issued to each sixth-form provider in the UK, resulting in approximately 350 different institutions sending students along to this year's open days.

The students were welcomed by Professor Timothy Endicott, Dean of the Faculty, and by second-year undergraduate student representatives, who helped to organize and manage the open days. Jonathan Herring talked about the three-year undergraduate law programme, and John Cartwright spoke about the four-year Law with Law Studies in Europe programme, with other faculty members delivering taster lectures, talking through the admissions process and simulating an admissions interview.

The Faculty were delighted to welcome associates from Clifford Chance, and barristers from Essex Court, 3 Verulam Buildings, and Pump Court Tax Chambers to talk about careers in law as part of the day. The sixth-form students were also taken to lunch at an Oxford college, giving them a chance to talk to the student volunteers and to see some of Oxford.

Since the open days have proved so popular, and fill up so quickly, the Faculty is in the process of creating a virtual open day using film footage from this year's open days, which will hopefully be released on the Faculty website in early 2012, so that more prospective undergraduates will be able to access some of the information and presentations that feature in the open days.

The open days were made possible this year by a generous donation from Clifford Chance.

The Eldon Law Scholarship 2011

The Faculty of Law is pleased to announce that the Eldon Law Scholarship 2011 has been awarded to Alistair Mills of Trinity College.

The Eldon Law Scholarship is a two-year scholarship awarded annually to members of the University undertaking the Bar Vocational Course prior to entering pupillage in preparation for a career at the Bar. Established in 1829, the law scholarship paid tribute to the first Lord Eldon, John Scot, who himself studied at Oxford in 1766 and went on to the Bar, before ultimately becoming the Lord Chancellor.

Vinerian Prize winner 2009–2010

The Vinerian Prize is awarded to the BCL/MJur student who has achieved the highest grades in their examinations each year. The 2009–2010 prize went to Frederick Wilmot-Smith (Balliol). The Vinerian Scholarship *proxime accessit* was received by Catherine Fleming (University).

UKCLE Student Essay Competition



Liz Williams wins 2010 Competition

OXFORD STUDENT Liz Williams was joint winner of the UK Centre for Legal Education's Student Essay Competition 2010, sharing first place with Sitanta Ni Mathghamhna, of Birkbeck College, University of London.

Liz, who at the time of winning was a finalist, studying Law with Law Studies in Europe at Christ Church, answered the question "How might a legal education enable students to contribute to the improvement of society?". In her essay, "Learning to live", Liz argues that although society needs advisors and advocates, the greater need is actually for 'thoughtfulness' in developing and using the law. This thoughtfulness is necessary for creating the social structures that will protect the ideals of justice and dignity, and for regulating the impact of individual and group behaviour. Liz concludes her essay by stating that legal education has an important role to play in meeting the challenges of 21st century society, and that her own contribution to society will be shaped by the qualities she has developed during her legal studies.

You can read Liz's winning essay on UKCLE's competition pages at www.law.ox.ac.uk/LN15ukcle, and view a film clip of Liz in our BA in Jurisprudence ebrochure at www.law.ox.ac.uk/undergraduate



Matthew McGhee highly commended in 2011

THIS YEAR'S UKCLE Student Essay Competition invited entrants to consider whether the law degree was fit for purpose. Matthew McGhee, a second-year undergraduate studying at Magdalen College, was highly commended by the judges for his entry. In his essay, Matthew looks at what the purpose of a law degree might be, considering the different approaches taken by different universities in delivering their law degrees, and whether the training for legal practice that is provided by a law degree is key to its purpose.

He concludes, 'The purpose of the law degree is not simply to manufacture lawyers. The proper purpose of a law degree is to allow its students to develop a sophistication of thought.'

You can read Matthew's essay on UKCLE's competition pages at www.law.ox.ac.uk/LN15ukcle2011



The Dean with members of the 2010 Oxford Jessup team (l-r): Kyle Le Croy, Valentin Jeutner, Moeiz Farhan and Ryan Goss (coach)

Oxford's 2010 Jessup team 6th in the world

THE UNIVERSITY of Oxford's team had unprecedented success in the international rounds of the Philip C Jessup International Law Moot Court Competition 2009-2010. The Jessup competition is a public international law moot court competition in which more than 500 universities participate world-wide. 127 teams from 76 countries qualified for the 2009-2010 White & Case International Rounds, which were held in Washington, DC.

Having been ranked second in the UK at the national rounds, the Oxford team was one of three British representatives at the international rounds, to consider a problem that involved questions of sovereignty and self-determination, and questions related to the interpretation of bilateral investment treaties.

After the preliminary rounds in Washington, the Oxford team was ranked 6th in the world, and went on to the octo-final round before being knocked out in an extremely close moot against the National Academy for Legal Studies and Research, Hyderabad (India). The competition was ultimately won by the Australian National University in Canberra.

Oxford's team was made up of five second-year undergraduate law students: Lauren Adams (Regents Park), Kyle Le Croy (Worcester), Moeiz Farhan (Oriell), Valentin Jeutner (Pembroke) and Di Yu (Brasenose). The team's coaches, Ryan Goss (Lincoln), Benjamin Spagnolo (Magdalen) and Travers McLeod (Balliol), paid tribute to the team's dedication and thanked all those who judged practice moots and assisted with the team's preparation over the last six months. The team's accomplishment was the culmination of six months of hard work by the students, and recognizes not only their oral advocacy skills but also their ability to formulate sophisticated and thoroughly-researched written briefs.

In the 2010-2011 competition, which addressed the legality of the use of unmanned drones and international anti-corruption law, Oxford's team (Charlotte Gilmartin (Worcester), Natasha Hausdorff (Lincoln), Jonathan Cockfield (Oriell) and Ervin Tan (St Hilda's)) won three of their moots by a clear margin and narrowly lost one. Unfortunately, the four top-seeded teams were placed in the same section of the draw and each lost one round, so none of them qualified for the semi-finals, or, therefore, a place at the international rounds. Thanks must go to Caitlin Goss, Nick Friedman, and Jamie Edelman, our Mooting Co-ordinator, who coached the team.



The IP Moot finalists from the University of Hong Kong (top) and LSE (bottom), and both teams with the judges (centre)

The Annual International Intellectual Property Moot

THE ANNUAL International Intellectual Property Moot Court competition, hosted by the Oxford Intellectual Property Law Centre (OIPRC), is a major IP event both in the United Kingdom and beyond.

The 2010 problem concerned issues of copyright subsistence and infringement relating to a cellist's compositions and performances. A 'scurrilous' article in response provoked arguments before their Lordships about the boundaries of fair use and the composer's moral rights. Lord Justice Mummery, Mr Justice Floyd, and Mr Michael Hicks judged an exciting and well-attended grand final, in which Boston University triumphed in a close competition against Queensland University of Technology.

The 2011 competition drew a record number of written submissions and, out of these, 22 teams from Australia, Hong Kong, Singapore, India, France, Canada, the USA and the United Kingdom were shortlisted to attend the moot in Oxford. The problem tackled a number of issues, including trade mark infringement, passing off, unfair competition and breach of confidential information. After a day and a half of intense competition, the University of Hong Kong and London School of Economics progressed to the grand final, which was judged by Lord Justice Jacob, Lord Justice Mummery and Mr Justice Floyd and won, narrowly, by the London School of Economics.

The International Intellectual Property Moot has become an annual pilgrimage for the many friends and supporters of the OIPRC. A team of the UK's most experienced academics and practitioners in the IP field judge the rounds leading up to Saturday's grand final, many of whom have participated in the Moot since its inception. The growing roster of competing teams from around the world also attests to the global standing of the competition. The OIPRC is grateful not only to the judges and coaches, but to Dr Stuart Baran as Moot Chair, to Lorna Brazell, a partner at Bird & Bird LLP, who led the short-listing panel, and to Stikeman Elliot (2010), Linklaters (2010, 2011) and 8 New Square (2010, 2011), for making the Moot possible through generous financial support. The next International Intellectual Property Moot will be held on 16 and 17 March 2012. More information will be available on the Intellectual Property Moot website, www.oiprc.ox.ac.uk/moot



Scenes from the 2010 Clifford Chance Moot



Oxford v Cambridge Clifford Chance LLP Roman Law Moot 2010

THE FOURTH annual Oxford v Cambridge Clifford Chance LLP Roman Law Moot 2010 took place on 16 June.

The Regius Professors of Civil Law at Oxford and Cambridge (Professor Boudewijn Sirks and Professor David Ibbetson, respectively) judged the moot and authorised themselves to declare a draw for the first time in the competition's history, and awarded the *Præmium Optimi Oratoris* (Best Oralist Prize) to Oxford's Ervin Tan (St Hilda's). The Oxford team, Michael Harper (Somerville), Natasha Hausdorff (Lincoln), Anish Patel (Somerville) and Ervin Tan, was coached by Ben Spagnolo.

In the 2011 Moot competition, Hollie Higgins (Worcester), Anthony Kennedy (St Edmund Hall), Kalika Sunger (Trinity) and Scott Tan (Queen's), made up the Oxford team, and, accompanied by their coach Benjamin Spagnolo, attended the moot in Cambridge. For the second consecutive year, the judges found themselves unable to differentiate the teams' scores and, applying the maxim *aequitas est quasi equalitas*, awarded a draw. Hollie Higgins and her Cantabrigian counterpart, Joseph Steadman, were jointly awarded the Best Oralist Prize.



Shearman and Sterling Mooting Competitions, 2010 and 2011

THE EIGHTH annual Shearman and Sterling University of Oxford Mooting Competition took place on 29 January 2011, and concerned an investment opportunity that had been offered to a senior employee and his company, which the employee had taken but the company had refused, and the position concerning the employee's subsequent profits.

In the grand final, Pia Dutton (Keble) and Jonathan Worboys (St Edmund Hall) argued the case for the company while Di Yu (Brasenose) and Richard Hoyle (Brasenose) represented the employee. Mr Justice David Steel, who came up from London to judge the final on a day off from the Commercial Court, remarked on the very high standard of the advocacy and the difficult decision to make concerning the winning team, before awarding the moot to Di and Richard. The legal issue, however, was resolved in favour of the company: the employee had placed himself in a position of conflict and was required to hold his consequential profits on trust for the company.

A light hearted problem involving Western Australian marsupials and Formula One racing was the subject of vigorous argument at the 2010 Competition, the Grand Final of which was held on 6 February in the UK's Supreme Court. Philip Ahlquist (Magdalen) and Simon Kerry (Merton), faced Hannah Glover (Merton) and Laura Fraser (Merton), in what was an extremely close grand final. Lord Justice Rix kindly took time out from his duties at the Court of Appeal to judge the final and produced a careful, witty and detailed decision, awarding the moot to Philip Ahlquist and Simon Kerry.

Top: A presentation at the 2010 competition Bottom: Jamie Edelman (at left) with the 2011 finalists and Mr Justice David Steel (third from right).

International Roman Law Moot



THE THIRD International Roman Law Moot Court Competition took place on 25-28 March 2010 in Kavala, with eight university teams participating. Oxford lost in the semi-finals, by a narrow margin, to Vienna, but beat Tübingen in the Small Final and finished in third place overall. Prizes were distributed at the Clifford Chance European Private Law Dinner, with Oxford's Scott Coleman given the Third Best Oralist Prize. Coached by Ben Spagnolo, the Oxford team, comprising Scott Coleman (Brasenose), Stephen Du (Trinity), Emily Hancox (Worcester) and Hannah Ilett (Jesus), performed admirably against the very strong opposition teams.

In the 2011 Moot, Oxford's Michael Harper (Somerville), Mateusz Krauze (HMC), Eva Leung (HMC) and Anish Patel (Somerville) performed impressively, securing a comprehensive victory over Athens, the competition's 2010 winners, and ensured that Oxford was placed first in its group in the four preliminary rounds. The Oxford and Cambridge teams ranked equally on points in the Grand Final, so the tie had to be resolved by resort to individual speaker scores, which meant that Oxford was awarded second place by a mere two marks out of 200. Mateusz Krauze was awarded the Clifford Chance LLP Best Oralist Award, and Michael Harper the prize for the Second Best Oralist, for their exceptional performances throughout the competition.

The Faculty's mooting programme receives a University Teaching Excellence Award

IN WEEK seven of Trinity Term each year, the St Cross Building is busy with first-year students presenting submissions in more than 60 moot courts, as part of the Law Faculty's Legal Research and Mooting Skills Programme.

The mooting programme became compulsory for all law first-year students in 2010, requiring them to learn how to research for a moot, prepare skeleton arguments and appear in the moot court to argue their case. Thanks to the efforts of Sandra Meredith in running the mooting project, with Jamie Edelman as the Faculty Mooting Co-ordinator, the University awarded the Faculty an Oxford Teaching Excellence Award in October 2010, for the way in which mooting has been developed and delivered as a new compulsory part of the law degree at Oxford. The programme has also benefited greatly from the assistance of Kate Jackson, the Bodleian Law Library's Legal Research Librarian, and the annually appointed Graduate Mooting Officer, and is supported financially by Freshfields Bruckhaus Deringer LLP.

Top: Daniel Khoo and Joshua Folkard (back row, at right) at the 2010 OUP and BPP Moot



Participants at the Monroe E Price Moots, 2009 (at right) and 2011 (below)



Oxford wins OUP and BPP Crown

DANIEL KHOO (University) and Joshua Folkard (University) won the 2010 OUP and BPP National Mooting Competition in July, having beaten off the Universities of Birmingham and Chester and Sheffield Hallam University.

More than 60 teams from across the United Kingdom now compete in the OUP and BPP moot each year. Joshua and Daniel appeared as respondents in the first of a series of moots in the four-way Grand Final, before His Honour Judge Gratwicke of the Chelmsford Crown Court. The problem for the moot required teams to engage with the somewhat obscure tort of intentionally causing emotional harm (see *Wilkinson v Downton* [1897] 2 QB 57) and the difficult conceptual issues involved in the award of damages in tort for the loss of opportunity following *Greg v Scott* [2005] 2 AC 176.

Joshua and Daniel were chosen to represent the University in this competition on the basis of their outstanding record of academic performance and mooting skills. Joshua was a Finalist in the Freshers' Mooting Programme and a member of the victorious Oxford team in the Oxford v Cambridge Clifford Chance LLP Roman Law Moot Court Competition in 2009. Daniel represented the University in the 2009 International Roman Law Moot Court Competition held in Kavala and Philippi, and was also a judge and co-author of the problem for this year's instalment of that contest.

Monroe E Price International Media Law Moot 2011

THE FOURTH Monroe E Price International Media Law Moot Court Competition was held in Oxford from 30 March to 2 April.

Organized by the Programme in Comparative Media Law and Policy at the Centre for Socio-Legal Studies, the moot started with a preliminary round in India in December. Twenty-eight teams came to Oxford from twenty countries for the finals, and the competition was ultimately won by The University of Belgrade, Serbia, who beat the Cardozo School of Law, US. Over fifty leading judges, lawyers and academics came to Oxford to judge the rounds making it a leading event in the media law field. This year's moot was generously supported by Shell International BV, Google India and AZB and Partners, Delhi.



Top left: Robert Bellin (Balliol) addressing the Court at the 2010 Grand Final
Top right: Greig Lamont (I) and Robert Bellin (r) (Balliol) receive the 2010 trophy from Mr Mark Cunningham QC
Bottom: 2011 winners Imran Tehal & Andrew Foo (St John's College)

Maitland Inter-Collegiate Moot 2010

THE GRAND Final of the 2010 Maitland Chambers and University of Oxford Undergraduate Inter-Collegiate (Cuppers) Mooting Competition was held on 18 August in Magdalen College.

The moot was presided over by the Honourable Mr Justice Sales (Chancery Division, High Court), and members of Maitland Chambers, and was attended by a large audience of students. The two finalist teams, from St John's College (Imran Tehal & Andrew Foo) and St Hugh's College (Victor Greenstreet & Senthilkumaran Sabapathy), presented submissions on a case about the award of gains-based damages for breach of contract, an issue with which Justice Sales was very familiar, following his decision in *Vercoe v Rutland* – a case both sides sought to rely on to their advantage. The team from St John's College was ultimately declared Cuppers Mooting Champion for 2010. The moots could not have succeeded without the support of Maitland Chambers, members of the Law Faculty, and the many postgraduate law students who regularly volunteered to judge.



Hannah Noyce (Wadham) and Emily MacKenzie (Lincoln) holding the Silver Mace outside Essex Court Chambers

Oxford French Law Moot 2011

THE FOURTH Oxford French Law Moot 2011, sponsored by French law firm Gide Loyrette Nouel, was held in Oxford on 14 March, and had its largest turnout yet, with sixteen teams from all over Europe competing.

Initially the moot had been established for Oxford students on the Law with Law Studies in France course, before it opened to other UK universities. This year, for the first time, competitors from outside the UK participated, including Cologne, Florence and Madrid. The moot's success and growth is thanks to M Eric Descheemaeker, the moot's convenor, who was delighted to have such extensive participation this year.

The moot concerned the issue of an individual's right to a private life and a newspaper's freedom of expression, a problem that involved both French and European law. The judges were impressed by the students' level of legal analysis and depth of research, and after beating off King's College London in the final, declared Oxford's Conor McLaughlin (Balliol College) and Rosanna Thompson (St Hilda's) to be this year's winners.

Oxford wins the Silver Mace in ESU-Essex Court Chambers National Mooting Competition

EMILY MACKENZIE (Lincoln) and Hannah Noyce (Wadham) represented Oxford in the ESU-Essex Court Chambers National Mooting Competition and won, bringing Oxford the coveted Silver Mace for the first time in the history of this prestigious mooting contest. The moot is the largest and oldest of its kind in the UK, having been founded in 1972 as the Observer Moot.

In the Grand Final, Emily and Hannah appeared against BPP Law School in the President's Court at the Royal Courts of Justice in London, before a bench consisting of Hon Justice Garry Downes AM of the Federal Court of Australia and Mr David Mildon QC and Mr Tim Eicke, both of Essex Court Chambers. The problem, framed as an appeal and cross-appeal to the House of Lords, involved issues of dishonest assistance in a breach of fiduciary duty and liability to an account of profits. The judges were unanimous in awarding the moot to Oxford.

The team's achievement is all the more noteworthy because Emily and Hannah sat their final exams only days before written submissions were due. The pair were selected to represent the University in the moot because they were the winners of the internal Shearman & Sterling LLP University of Oxford Mooting Competition in 2009. Hannah was also a participant in the inaugural Oxford French Law Moot in 2008.

Kerry Baker, Gill Kelly and Bernadette Wilkinson, *Assessment in Youth Justice* (The Policy Press, 2011)



Nicholas Barber, *The Constitutional State* (OUP, 2010)
Hugh Beale, Bénédicte Fauvarque-Cosson, Jacobien Rutgers and **Stefan Vogenauer**, *Ius Commune Casebooks on the Common Law of Europe: Cases, Materials and Text on Contract Law* (Hart Publishing 2010)

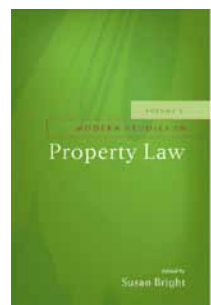


Ulf Bernitz and **Wolf-Georg Ringe** (eds.), *Company Law and Economic Protectionism* (OUP 2010)

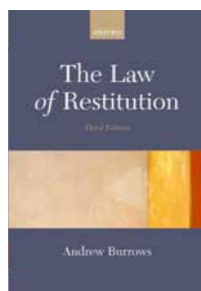
Mary Bosworth and **Carolyn Hoyle**, *What is Criminology?* (OUP, 2011)

[See item opposite about the book launch]

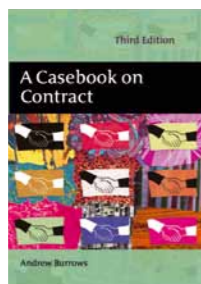
Jack Beatson, **Andrew Burrows** and **John Cartwright** (eds.), *Anson on Contract* (29th ed, OUP, 2010)



Susan Bright (ed.), *Modern Studies in Property Law* (Vol 6, Hart Publishing, 2011)



Andrew Burrows, *The Law of Restitution* (3rd ed, OUP, 2011)



A Casebook on Contract (3rd ed, Hart, 2011)

John Cartwright, **Stefan Vogenauer** and **Simon Whittaker** (eds.), *Regards comparatistes sur l'avant-projet de réforme du droit des obligations et de la prescription* (Société de législation compare, 2010)

Mindy Chen-Wishart, *Contract and Reciprocity: The Hochelaga Annual Lectures of the Hong Kong University Law Faculty* (Hochelaga, 2011)

Contract Law (3rd ed, OUP, 2010)

Paul Craig and Grainne de Burca (eds.), *The Evolution of EU Law* (2nd ed, OUP, 2011)

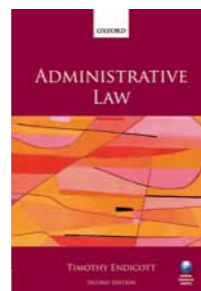
Paul Craig, *The Lisbon Treaty, Law Politics and Treaty Reform* (OUP, 2010). This title was given an honourable mention in the awards of the European Union Studies Association.

Alan Dashwood, Michael Dougan, Barry Rodger, Eleanor Spaventa, and **Derrick Wyatt**, *Wyatt and Dashwood's European Union Law* (6th ed, Hart Publishing, 2011)

Graeme Dinwoodie and **Mark Janis**, *Trademarks and Unfair Competition: Law and Policy* (3rd ed, Aspen Law Publishing, 2010)

Graeme Dinwoodie and **Mark Janis**, *Trade Dress and Design Law* (Aspen Law Publishing, 2010)

Jane Donoghue, *Anti-Social Behaviour Orders: A Culture of Control?* (Palgrave Macmillan, 2010)

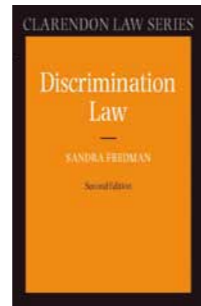


Timothy Endicott, *Administrative Law* (2nd ed, OUP, 2011)

David Erdos, *Delegating Rights Protection* (OUP, 2010)

Rita de la Feria and **Stefan Vogenauer** (eds.), *Prohibition of Abuse of Law: A New General Principle of EU Law?* (Hart Publishing, 2011)

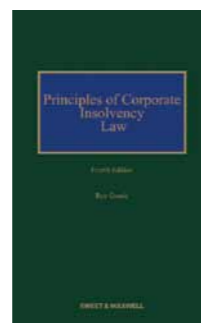
[See item opposite about the publication as an Oxford collaborative project]



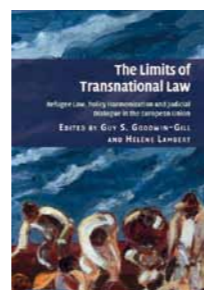
Sandra Fredman, *Discrimination Law* (2nd ed, Clarendon Law Series, 2011)

Christine Greenhalgh and **Mark Rogers**, *Innovation, Intellectual Property and Economic Growth* (Princeton University Press, 2010)

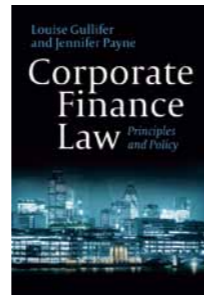
Roy Goode, and George Affaki, *Guide to ICC Uniform Rules for Demand Guarantees: URDG 758* (International Chamber of Commerce, 2011)



Roy Goode, *Principles of Corporate Insolvency Law* (4th ed, Sweet & Maxwell, 2011); the student edition will be published at the end of August.



Guy Goodwin-Gill, *The Limits of Transnational Law: Refugee Law, Policy Harmonization and Judicial Dialogue in the European Union* (CUP, 2010)



Jennifer Payne and **Louise Gullifer**, *Corporate Finance Law: Principles and Policy* (Hart Publishing, 2011)

[see item about book launch opposite]

Jonathan Herring, *Criminal Law* (7th ed, Palgrave Macmillan, 2011)

Family Law (5th ed, Longman, 2011)

Medical Law and Ethics (3rd ed, OUP, 2010)

Family Law: Law Express (3rd ed, Pearson, 2010)

Criminal Law (4th ed, Oxford University Press, 2010)

How to argue (Pearson, 2010)

Medical Law: Questions and Answers (Routledge, 2011)

Chris Hodges, **Stefan Vogenauer** and Magdalena Tulibacka (eds.), *The Costs and Funding of Civil Litigation: A Comparative Perspective* (Hart Publishing, 2010)

Carolyn Hoyle and Chris Cunneen, *Debating Restorative Justice* (Hart Publishing, 2010)

Ian Loader and Richard Sparks, *Public Criminology?* (Routledge, 2010)

Ian Loader, Susanne Karstedt, and Heather Strang (eds.), *Emotions, Crime and Justice* (Hart Publications, 2010)

Julian Roberts and Andrew Von Hirsch (eds.), *Previous Convictions at Sentencing* (Hart Publications, 2010)

Rebecca Williams, *Unjust Enrichment and Public Law: A Comparative Study of England, France and the EU* (Hart Publishing, 2010)



Book Launch of *What is Criminology?*

ON 3 FEBRUARY 2011, the Centre for Criminology held a book launch for Mary Bosworth and Carolyn Hoyle Eds., *What is Criminology?* (OUP, 2011), in the Old Library at All Souls College. The book critically assesses the state, future and purpose of criminology in 36 chapters written by leading international criminologists, including other members of the Law Faculty at Oxford (Professor Andrew Ashworth, Professor Lucia Zedner and Professor Ian Loader). This was the first occasion where criminologists had come together to debate the nature of the discipline, and the book has already received considerable attention from within the field. Guest speakers Dr Richard Jones (University of Edinburgh) and Professor Nicola Lacey (All Souls) presented the book to a packed audience of students, academics and criminal justice professionals.

New Oxford Collaborative Publication on the Abuse of Law

RITA DE LA FERIA and Stefan Vogenauer (eds.), *Prohibition of Abuse of Law: A New General Principle of EU Law?* (Hart Publishing, 2011).

This book is the fruit of a high-powered joint symposium of the Oxford Centre for Business Taxation, at the Saïd Business School, and the Oxford Institute of European and Comparative Law, at the Faculty of Law. Its 36 contributions from leading academics and practitioners trace the case law of the European Court of Justice on the so-called 'prohibition of abuse of law' in many different areas of EU law from the 1970s to the present day.

Book Launch of *Corporate Finance Law*

LOUISE GULLIFER and Jennifer Payne celebrated the publication of their new book, *Corporate Finance Law: Principles and Policy* (Hart Publishing, 2011) at a launch organised by Hart Publishing on 16 March. Professor Paul Davies introduced the book and short presentations were given by Louise Gullifer, Jennifer Payne, Professor John Armour and Professor Sir Roy Goode.

This book provides a discussion of the most interesting theoretical and policy issues in corporate finance law. It covers both the equity and debt sides of corporate finance law and seeks, where possible, to

compare the two. The topics covered include: an overview of financing options available to companies, the relationship between equity and debt, legal capital, contractual protection for creditors, proprietary protection for creditors, single and multiple lenders, transferred debt, public offers of shares, the ongoing regulation of the capital market, the regulation of debt, takeovers, schemes of arrangement and private equity. Each chapter analyses the issues so as to enable the reader to understand the difficulties, risk and tensions inherent in this area of law, and the various attempts made to deal with these issues.



Harris Society Triennial Law Dinner

Keble College's Harris Society Triennial dinner takes place this year on Saturday 24 September, so the next one is in 2014; accommodation is available in College. The Society is open to all Old Members who either read law or have subsequently practised law. Please contact: Duncan.Macintyre@keble.ox.ac.uk or call 01865 282506.

The Law Fund at St John's College

THE FORTHCOMING retirement in 2012 of Professor Mark Freedland, a distinguished and long-serving Tutorial Fellow at St John's College, has been the impetus behind the college's recent move to create its Law Fund. The Fund will enable St John's to establish a Fellowship in Law to ensure continuous quality of teaching for our students and to protect against the impact of some of the less desirable effects of the overhaul of the higher education system in the UK.

In this initiative the College is seeking to work with the recently established Oxford Teaching Fund, which would offer the possibility of matched funding on a 60:40 basis.

If you, or your firm, would like to make a contribution to the Law Fund, you may make a gift online: www.law.ox.ac.uk/LN15johns

For more information on the Law Fund or the OTF please contact Dr Jonathan Snicker, Fellow for Development at St John's College (jonathan.snicker@sjc.ox.ac.uk).

Wadham's Hackney Fellowship in Law

WADHAM COLLEGE are delighted to report the success of their Hackney Fellowship in Law campaign. The project to create a Fellowship in recognition of Jeffrey Hackney's contribution to Wadham was initiated some years ago by Stephen Stow, who was instrumentally assisted by John McCall MacBain and his wife Marcy. When Jeffrey retired in 2009 the fundraising began in earnest, and the £1.4 million fundraising campaign has now generated support from 140 alumni.

When asked about the response to the campaign, Jeffrey commented 'My first reaction is one of great pleasure and gratitude, not only for the gifts which have flowed from quite the widest range of former Wadham students, but also to those who, though not presently in a position to give financially, have encouraged us with their kind words.'

The Clarendon Teaching Fund

THE FACULTY of Law shares a crucial common interest with all colleges offering law. College Law Fellows are at the centre of the Faculty's strategy for teaching in the University.

With support from Oxford University Press (hence the name 'Clarendon'), the University has created a Teaching Fund, to match fundraising by Colleges for tutorial posts. Subject to approval by the Teaching Fund Board, the University would provide matching funding of £800,000, provided the College can raise by direct gift or pledge (over five years) the sum of £1,200,000 by September 2013. This will create an endowed joint post at the College and in the University.

Every college has been considering which subjects to support through the Clarendon Teaching Fund. The colleges seeking support for a post in Law are Exeter, Keble, St Anne's, St Edmund's Hall, St Hilda's, St John's, Somerville, Trinity and University College. A gift to these colleges towards the Teaching Fund will benefit Law in the University, as well as in the College. And it will support the future of the legal profession.

Our mutual need is pressing. We compete with law schools in England and abroad that have a less intensive, and therefore less expensive teaching model. Tutorials these days may seem to be at risk in a volatile funding environment. In this context, it is almost incredible that we are still providing tutorials to undergraduates, and also to graduate students in the BCL, MJur, and the new Master's in Law and Finance. We are simply determined to sustain tutorial teaching. We will need your support.

Daniel Slifkin Scholarship at St John's College

THE DANIEL Slifkin Scholarship was established by St John's College in 2010 as a result of a generous endowment by Mr Daniel Slifkin, who took the BA in Jurisprudence and the Bachelor of Civil Law at the College.

The purpose of the scholarship is to enable a student to read for the degrees of Bachelor of Civil Law or Magister Juris. Daniel is a partner in the litigation department at Cravath, Swaine & Moore and is a member of the University of Oxford US Law Advisory Council.

Jesus College Fellowships in Law

JESUS COLLEGE is delighted to name one of the two Fellowships in Law as the Sir David Lewis Fellowship in Law, after a generous donation from Sir David Lewis DL to endow the post. Sir David studied Jurisprudence at Jesus between 1966 and 1969 and is an Honorary Fellow of Jesus College.



Sir David Lewis

'My father, TPM Lewis (1922-1926), was brought up on a poor tenant sheepfarm in Carmarthenshire. He was only able to afford to come up to Jesus to read history because he had won a Meyricke Exhibition. When I came up in 1966, I was surprised and delighted that I had been offered a place to read law. I had the benefit of a good grant from my local authority in Wales and even increased it once by coming back early in the vacation to work in my last year. I was very fortunate to leave without any debt at all.

'Most of us undergraduates worked reasonably hard and enjoyed ourselves on the sports field and in the bar. It is only with maturity, however, that I have realised quite what an enormous privilege I was given by the College and how the tutorial system changed my life and way of thinking.

'The need in the current economic climate to enable students to come up on merit alone whatever their financial circumstances and to benefit from the tutorial system is paramount; our nation's future skills base depends on it. This is why graduates like me who have been very fortunate in life have a duty to help the College we love and to whom we owe so much.'

The Sir David Lewis Fellowship is currently held by Peter Mirfield.

For further information, please contact Philippa Roberts at Jesus College philippa.roberts@jesus.ox.ac.uk

Lord Macdonald selected as next Warden of Wadham College

THE FELLOWS of Wadham College recently announced their intention to elect Lord Macdonald, one of the country's top criminal lawyers and a former Director of Public Prosecutions, as their next Warden. The election, which is subject to formal ratification by the College, will take effect from 1 September 2012, following the retirement of Sir Neil Chalmers.

Ken Macdonald QC has had a distinguished career as a criminal lawyer. One of the founders of Matrix Chambers, he was Director of Public Prosecutions from 2003 to 2008, and was knighted for services to the law in 2007. In July 2010, Ken Macdonald became a Liberal Democrat Peer and a member of the House of Lords, with the title Lord Macdonald of River Glaven QC. In January 2011, he became Chair of Reprieve, the human rights charity, in succession to the late Lord Bingham of Cornhill.

Baroness Helena Kennedy QC elected Principal of Mansfield College

IN JULY 2010, Mansfield College announced the election of Baroness Helena Kennedy as the new head of the College. Baroness Kennedy will take her post as Principal of the College in Autumn 2011 following the retirement of Dr Diana Walford CBE.

Helena is a member of the House of Lords, Chair of Justice, the British arm of the International Commission of Jurists, a member of Doughty Street Chambers in London, and a bencher of Gray's Inn. In her career as a barrister, Helena has acted in many prominent matters including the Brighton Bombing case, the Michael Bettany espionage trial, the Guildford Four appeal, and the Bombing of the Israeli embassy case.

Helena was on the National Commission for Education in the early 1990s, and chaired the Further Education Commission into Widening Participation. As a result of her work in this area, the sector created a trust in her name, the Helena Kennedy Foundation, which provides bursaries to help seriously disadvantaged students enter Higher Education.

Magdalen College dinner at Gray's Inn Hall

OVER 160 Magdalen lawyers gathered for dinner at Gray's Inn Hall on the evening of 6 July 2011 to help bolster the College's Law Fellowship fundraising campaign. Speeches were delivered by The Attorney General (one of five current Magdalen Cabinet Ministers), and The Hon Michael Beloff QC. Alumni travelled from Australia, Hong Kong and the US to attend the dinner, which was the single largest gathering of Magdalen lawyers in living memory.



(inset, l-r:) Hon Michael Beloff QC, Prof David Clary (President of Magdalen College), The Attorney General Dominic Grieve, Mr Jonathan Sumption QC, The Hon Justice Peter Gray (Australia)



Dan Awrey

Daniel Awrey was appointed as a University Lecturer in Law and Finance and Fellow of Linacre College in April 2010. Dan holds degrees from Queen's University (BA, LLB) and the University of Toronto (LLM) and is currently completing a law DPhil at Oxford. Before entering academia, Dan served as legal counsel to a global asset management firm and, prior to that, as an associate practising corporate finance and securities law with a major Canadian law firm. Dan's teaching and research interests include financial regulation and the micro-economics of corporate transactions. Dan teaches MSc in Law and Finance students, in particular on the new interdisciplinary course, the Law and Economics of Corporate Transactions.



Alexandra Braun

Alexandra Braun started in her position of Fellow and Tutor in Law at Lady Margaret Hall in September 2010. Prior to that she was a Supernumerary Teaching Fellow and a Junior Research Fellow in Law at St John's College. She received her BA and LLM degree from the University of Genoa and holds a PhD in Comparative Private Law from the University of Trento. Since 2009, she is also a Visiting Associate Professor at the IUC of Turin where she teaches a course on "Intergenerational Transfer of Wealth". Her teaching interests include Comparative Private Law and Legal History as well as some core areas of private law such as Trusts Law, Succession Law and Contract Law. Currently, she is teaching courses in A Roman Introduction to Private Law, Trusts Law and Land Law to first- and second-year undergraduates. Her main research interests lie in the field of Comparative Law, European Private Law and Legal History, as well as areas of private law such as Contract Law, Succession Law and the Law of Trusts.

Angus Johnston



Angus Johnston is a Fellow in Law at University College, where he arrived in September 2010. He read for Oxford's BA in Jurisprudence (Law with Law Studies in Europe) and the BCL at Brasenose College and was elected to the Vinerian Scholarship in 1999. He then studied an LLM in European Union Law, and was also Lecturer at the Institute for Anglo-American Law at the University of Leiden in the Netherlands from 1997-1998.

He was a Fellow and Director of Studies in Law at Trinity Hall, Cambridge from 1999, University Lecturer from 2004, and then Senior Lecturer at Cambridge University from 2008 until his appointment to Oxford. He has been a visitor to Harvard Law School and the Max Planck Institute for Comparative and International Private Law in Hamburg; he is also an affiliated lecturer at Cambridge University and at the Jacobs University, Bremen.



Sarah Green

The Faculty welcomed Sarah Green as a Fellow in Law at St Hilda's College, from September 2010. Sarah graduated from Balliol with a first class degree in Jurisprudence before going on to gain an MSc degree from the Saïd Business School the following year. She then worked for Accenture as an IT and Management Consultant in London and Dublin before returning to academic life, and working at the University of Birmingham for a number of years.

Sarah's research currently focuses on the interface between tort and property, with a particular emphasis on the actions dealing with wrongful interference with assets, and on the law's treatment of intangibles. She has also worked on the tort of negligence and, more specifically, the causal element of the negligence inquiry and her work in this area has been cited by both the High Court and the House of Lords. Sarah has recently published *The Tort of Conversion* (Hart Publishing, 2009) with John Randall QC, the first major work on the subject in English law. She has published various articles on aspects of tort and sale of goods in a wide range of journals, including the *Conveyancer and Property Lawyer*, *Journal of Business Law*, *Law Quarterly Review*, *Lloyds Maritime and Commercial Law Quarterly*, *Medical Law Review* and *Modern Law Review*.

In terms of teaching, Sarah's principal interests lie in Torts, Property, Contract, Domestic and International Sale of Goods and Advanced Obligations, reflecting her research interests in the fields of private law and commercial law.



Irini Papanicolopulu

Irini Papanicolopulu started at the Faculty in July 2010 as a Marie Curie Fellow, working with Vaughan Lowe on a research project called "Humans at Sea". The project integrates the human element into the law of the sea aiming to highlight legal gaps in law of the sea instruments relating to the treatment of individuals and groups of people who are at sea (either voluntarily or not), to explore mechanisms for adapting the existing instruments to a more human-oriented approach, and to consider how law of the sea rules could be used to provide stronger protection for individuals at sea.

Irini is on leave from her position as a Senior Researcher in International Law at the University of Milan-Bicocca, where she has been teaching international law of natural resources, international law of armed conflicts and international law cases. She holds a degree in Law from the same university and a Doctorate in International Law from the University of Milan. Her research interests include public international law, the law of the sea, environmental law and international humanitarian law. She has published a volume on maritime delimitation (in Italian) and several articles, book chapters and conference papers, and has acted as legal expert for the Italian Ministry of Foreign Affairs, the Italian Ministry of the Environment and the Secretariat of ACCOBAMS.

Other New Arrivals

Paul Yowell and Hayley Hooper were appointed to the position of faculty post-doctoral fellow in December 2010 to work on the AHRC funded project "Parliament and Human Rights", with Murray Hunt (see page 52).

Paul Yowell

Paul is a Lecturer in Law at New College, where he teaches Constitutional, Administrative, and EU Law. He completed his DPhil in Law at University College in 2010, and before then the MPhil and BCL in European and Comparative Law at Balliol College. He researches and publishes in public law, constitutional theory, and philosophy of law.

Hayley Hooper

Hayley studied at the University of Glasgow (LLB) before joining Balliol College for the degrees of BCL and MPhil. While at Balliol, Hayley held an AHRC studentship and the Snell studentship in consecutive years. Hayley's scholarly interests include constitutional and administrative law, with a particular focus on human rights law and national security law.

New faculty support staff



Alison Broadby

In August 2010, Alison Broadby started as the Administrator for the Centre for Socio-Legal Studies. Alison has worked at the University since 2007 having previously completed an MSc in Management at the University of Southampton. As Administrator, Alison is responsible for the non-academic administration of the Centre including financial and personnel management, research administration and general operational management.



Katie Orme

Katie joined the Centre for Socio-Legal Studies in June 2010 as the new Administration Officer. She completed a BA in Film and Literature at the University of Essex before joining Oxford as an Administration Assistant at Begbroke Science Park, a position she held for two and a half years. As Administration Officer for CSLS, Katie maintains the day-to-day running of the Centre and assists Alison, the Centre Administrator.



Anne Currie

Anne Currie joined the Faculty as administrative assistant to the Law and Finance group in June 2010. Anne is a graduate of Queens' College, Cambridge and spent nine years as a corporate solicitor in the City. Anne organises Law and Finance events and is also careers advisor to the Master's in Law and Finance students.



Christopher Boule

Christopher Boule joined the Faculty in October 2010 as Administrator of the LNAT (National Admissions Test for Law), when the LNAT Consortium Ltd moved its administrative office from Bristol to Oxford. He is responsible for promoting the LNAT, and especially for widening participation by identifying candidates who might not otherwise have been admitted to a law course. Chris speaks fluent French, Dutch and German (as well as passable Spanish and Italian), and also teaches English to professionals.



Karen Eveleigh

In September 2010, Karen Eveleigh joined the Faculty Office as the Research Facilitator. Karen has a degree in Chemical Engineering and an MBA, and has worked at Oxford University for ten years, in administrative roles in departments across the Medical Sciences and Social Sciences Divisions. The post of Research Facilitator is new, and supports Faculty members in securing external research funding, including raising awareness of funding opportunities and helping with applications. Karen also administers the Faculty's Research Support Fund, will support preparation of the 2014 Research Excellence Framework (REF) assessment, and is investigating funding opportunities from Trusts and Foundations with Maureen O'Neill.

Visiting professors

Justice Robert Sharpe



Robert Sharpe is a judge of the Court of Appeal for Ontario in Toronto and now a Visiting Professor at Oxford, teaching Civil Procedure on the BCL. After graduating with a BA from the University of Western Ontario and an LLB from University of Toronto, he studied for a DPhil in law at Oxford. Robert was then called to the Bar of Ontario and practised with MacKinnon McTaggart (later McTaggart Potts) in the area of civil litigation. He taught at the Faculty of Law in the University of Toronto from 1976 to 1988 and served as Executive Legal Officer at the Supreme Court of Canada from 1988 to 1990. Robert was appointed Dean of the Faculty of Law, University of Toronto in 1990 and served in that capacity until his appointment as member of the Ontario Court of Justice (now the Superior Court of Justice) in 1995. He was elected a Fellow of the Royal Society of Canada in 1991, awarded the Ontario Bar Association Distinguished Service Award in 2005, elected a Senior Fellow of Massey College in 2006, and received the Mundell Medal for Distinguished Contribution to Law and Letters in 2008.

Murray Hunt



Murray Hunt is a Visiting Professor at Oxford from January 2011, working on the AHRC funded research project on "Parliament and Human Rights". He is currently Legal Advisor to the UK Parliament's Joint Committee on Human Rights. Murray was a key founding member of Matrix Chambers, London and has specialised in human rights law and public law. His 1997 book, *Using Human Rights Law in English Courts* was widely acclaimed for its perceptive appreciation of the status of human rights at common law, and accurately foretold the shift in legal reasoning which came about as a result of the enactment of the Human Rights Act.

Carol Sanger



Professor Carol Sanger is currently Barbara Aronstein Black Professor of Law at Columbia Law School, having held that position since 1995. She is a Visiting Professor at Oxford, teaching medical law and ethics, and family law. Carol completed her JD at the University of Michigan before practising in commercial law in San Francisco, and then teaching at the University of Oregon and at Santa Clara University Law School. She was a Visiting Scholar and then Visiting Professor at Stanford Law School, and then at Columbia Law School, which she later joined as a member of the Faculty. Carol has also been a Fellow at Princeton and at St Anne's College in Oxford. Her recent scholarship focuses on the regulation of maternal conduct, abortion, surrogacy and law's relation to culture.

Visiting fellows and lecturers

Ed Leahy

Ed Leahy has lectured regularly at Oxford since 1998 and joined the Law Faculty in 2011 as a Visiting Lecturer. He has taught in the areas of securities law, cyberlaw, the law of international telecommunications, conflicts of laws and US litigation and international dispute resolution. Ed has been a partner in major New York and Washington law firms and was the co-founder and Managing Partner of the investment bank, AEG Capital LLC. He is a former law clerk to Justice William J. Brennan of the United States Supreme Court. From 1996-1998, he was the Distinguished Scholar from Practice and Visiting Professor at Boston College Law School, where he received the Most Outstanding Faculty Member Award. He is a former Sir Maurice Shock Visiting Fellow at University College (2003). His particular research interest is the future of the practice of law.

Tom Scott

Tom Scott is a Visiting Lecturer in Law, giving taxation tutorials to MSc in Law and Finance students. He is qualified as a Solicitor in England and Wales and was formerly a Visiting Lecturer in Law at Lincoln College. Tom was a tax partner at the international law firm Linklaters, where he worked for 23 years, and subsequently at KPMG LLP. He is currently Chairman of the UK branch of the International Fiscal Association and a member of the Tax Advisory Board at *PLC* magazine. He has written articles on tax for *The Times*, *International Tax Review*, *PLC* magazine and *Accountancy*, and contributed to books such as *Tolley's Tax Planning* and *Tolley's Company Acquisitions Handbook*.

David Nelken

Professor David Nelken from the University of Macerata, has been appointed Visiting Fellow for three years at the Centre for Criminology from September 2010. In this capacity he will be co-teaching the Comparative Criminal Justice course on the Centre's MSc in Criminology and Criminal Justice programmes. Previously David joined the Centre as a Visiting Fellow in Trinity Term 2010, during which time he ran a graduate seminar on Comparative Criminal Justice.

And congratulations to...

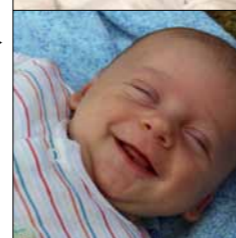
Dan Sarooshi and his wife **Mary** on the birth of their second son, Leo Maxwell Sarooshi, born on 5 July 2010.



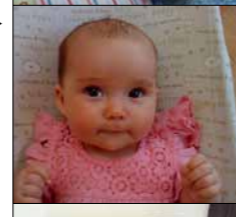
Dapo Akande and his wife **Busi**, and their children Jonathan and Sarah, on the birth of Joanna Motunrayo Akande on 13 December.



Pavlos Eleftheriadis and **Rachel**, and their children Leonidas and Iris, on the birth of Pericles Donald Ioannis Eleftheriadis on 26 April 2011.



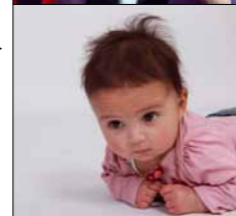
Aileen Kavanagh and her husband **Matthew Robinson** on the birth of Una Margaret Robinson, on 17 December 2010.



Tom Krebs and his wife **Beatrice** on the birth of their first child, Victoria, in December 2010.



Ben McFarlane and **Sarah** on the birth of Iris Margaret McFarlane, on 28 April 2011.



Aidan Robertson and his wife **Beverley** on the birth of their daughter Alice on 17 November 2010.



Imogen Goold and her husband **Mark** on the birth of Oliver in December 2010.



Katja Ziegler and **Garry** on the birth of Ella (Eleanor Sophia Ziegler-Tan) on 1 May 2011.

Jamie Edelman and his wife **Sarah** on the birth of their second child, Jonah Howard Percy Edelman, on 7 April 2010.

Jeremy Horder



After more than twenty years as Lecturer and Tutorial Fellow in Law at Worcester College, Jeremy Horder has left to take up the Edmund-Davies Chair in Criminal Law at King's College, London. In doing so, Jeremy follows in the footsteps of his

predecessor, Andrew Ashworth, who left Worcester to take up the same chair in 1988, before returning to Oxford as the Vinerian Professor of English Law.

Jeremy had been on leave since 2005, when he was appointed as the Law Commissioner heading up the criminal law and evidence team (the first academic lawyer to hold this position). While at the Law Commission, Jeremy was responsible among others for the Commission's reports on Murder, Manslaughter and Infanticide (2006) and Reforming Bribery (2009), which led to legislative reform of the law in, respectively, the Coroners and Justice Act 2009 and the Bribery Act 2010.

As a tutor, Jeremy was effective and popular. His lectures on the criminal law were well received by generations of Oxford undergraduates, and his co-taught BCL classes on the philosophical foundations of

the criminal law epitomised what the BCL is all about, combining philosophical analysis with detailed attention to the substance of the criminal law.

Jeremy's gifts as a tutor were matched by scholarly distinction of the highest order. Jeremy wrote two monographs while at Oxford, his first being a study of the doctrine of provocation, which blended theoretical insights with a profound historical understanding of the development of provocation as a defence in criminal cases, and his second, *Excusing Crime*, being a masterly examination of the theoretical foundations of excuses. The title of Reader was conferred on Jeremy in 1999, who then went on to become Professor of Criminal Law. All those who encountered Jeremy at Oxford, whether as colleagues or as students, will have been enriched by the experience.

Christopher McCrudden



Chris McCrudden is leaving the Law Faculty at the end of this academic year to take up a chair at Queen's University Belfast, his alma mater. Chris joined the Faculty and became a Fellow of Lincoln College in 1980, after completing his DPhil in Oxford, and has had a long and distinguished career here.

Chris's expertise is in the field of equality and human rights. Much of Chris's work has a strong practical focus on how to achieve real-world compliance with the law in these areas. His prize-winning book

Buying Social Justice (OUP, 2007) is a wide-ranging comparative study and breaks new ground in the analysis of the use of public procurement to achieve social goals. Chris has also written extensively on topics such as 'mainstreaming' human rights in government policy, and affirmative action. But Chris is equally at home with more theoretical questions and has made a substantial contribution to the debate about dignity as the basis for human rights.

Chris is at the cutting edge of the developing case-law on religious discrimination, both as an academic and as a practitioner. Since 2009, he has been a member of Blackstone Chambers, and appeared (with David Pannick QC and Ben Jaffey) in *R (E) v JFS*, an important case on racial and religious discrimination and one of the first cases to be argued before the Supreme Court. His appearance in that case (though perhaps not from the most flattering angle) has been preserved for posterity on YouTube.

Chris has made a considerable contribution to the wider academic world

and to public life. He has served on several governmental committees, including the Northern Ireland Standing Advisory Commission on Human Rights and the European Commission's expert network on equality law. He is a member of several editorial boards, including those of the Oxford Journal of Legal Studies, and the well-known *Law in Context* book series.

Chris will be remembered very fondly by generations of students at all levels - from nervous freshers tackling Constitutional Law for the first time, to graduates drawn to Oxford from all corners of the globe just to attend his famous seminars in Comparative Human Rights. Those who survived these frankly terrifying experiences will never forget his ability to take a half-formed thought from the dark recesses of the student brain, and to hammer it, through questions and discussion, into something interesting and worthwhile.

We wish him every success in the future.

Anne Davies
Simon Gardner

James Edelman

From Fellow & Tutor in Law (albeit one with the fully deserved title of Professor of the Law of Obligations) to the youngest ever appointee to the Supreme Court in Western Australia may strike some as a big jump, but it will have come as no surprise to many in the Faculty and it was certainly no surprise to me, as Jamie Edelman's colleague of six years' standing at Keble College.

Perhaps the greatest tribute I can pay to Jamie is to say that the influence of his supervisor, the late Peter Birks, is very evident in his approach to life and the law. The same apparently unbounded energy, enthusiasm and rigour is evident in all that he

does, whether in research, in teaching, or in organising countless other activities; most notably mootings which has developed enormously in his brief time here. The only downside of all of this is that half an hour in Jamie's company leaves one exhausted and doubting every one of the quite certain propositions you had understood to exist in any branch of the law. It is an enormous pity that we have not been able to hold on to him for a little longer, but we shall all relish the chance to analyse his forthcoming judgments.

Edwin Peel

Jeff King

Jeff King has been appointed to a Senior Lecturership at University College London, to start in September 2011.

Jeff served as a Research Fellow at Keble, and has been a Fellow and Lecturer at Balliol and in the Law Faculty over the past three years, while also completing the DPhil in Oxford. We congratulate him on being appointed to a Senior Lecturership at

University College London. Jeff has very swiftly become a highly respected and prolific contributor to English public law scholarship, and a sought-after speaker. He has been a terrific part of the Balliol law school, and he has also taught Administrative Law and Comparative Human Rights for the Faculty.

Timothy Endicott





Martin Matthews

Martin was appointed to a Fellowship in University College in 1973. He arrived with a vast encyclopaedic knowledge of public law and of torts, which he was only too happy to share with his students. They soon discovered that it was a bad idea to turn up to a tutorial without having prepared a good proportion of the lengthy reading list, although the tutorials were focused on the core aspects and students came away confident of the detail and the overall picture. Martin felt that his colleagues, Finnis and Zuckerman, were insufficiently punctilious in organizing the undergraduate teaching, and for years kept a close eye on their performance in this regard. He similarly took an interest in the running of the College and served as Domestic Bursar from 1984 to 1986.

Martin was an assiduous member of the Law Board, and was therefore fully prepared when he took over as Chair of the Board in 1998, although he unfortunately had to give up after a few terms due to ill health. By 1999, Martin had served for over a decade as the University Representative on the Football Association Council; a task he hugely enjoyed, not least on account of the access to the Directors' Box at Wembley, a privilege which he generously shared with his colleagues. But the benefit was not one-sided; the FA greatly profited from his mastery of detail and from his legal skills in addressing some serious problems.

During the same period Martin served as Senior Treasurer of OUAFC, where he promoted men's and women's football, attracted sponsorship, arranged for prestigious venues for the Varsity Match (notably Craven Cottage on the same day as the Boat Race, which he negotiated with the owner, Mohammed Fayed, a non-trivial task). He was an effective member of the University Sports Strategy Committee. His involvement in football was both national and local. As soon as he arrived in Oxford he became an active supporter of Oxford United and was for a period a non-executive director of the club.

Adrian Zuckerman



Stefan Talmon

Professor Stefan Talmon's appointment to the prestigious Chair of Public International and European Law and the Directorship of the Institute of Public International Law at the University of Bonn is a cause for both celebration and sadness. Apart from being a richly deserved recognition of his outstanding scholarship, it will strengthen the links between Oxford and one of Europe's premier centres for international law. Sadly, the price is that Oxford will lose a distinguished lawyer who has been at the heart of the international law team since 2003, when he returned to Oxford having taken his doctorate here in 1995. The care and concern that Stefan and his wife Bettina have shown for his students have been a great contribution to the vitality and collegiality of the group of Oxford international lawyers.

Stefan's exemplary scholarship, characterised by his meticulous collection and analysis of improbably large amounts of primary materials, will be well supported in Bonn, and we look forward to further additions to his already formidable output. Stefan and Bettina go with our very best wishes and sincere thanks for all that they have done in Oxford.

Other leavers

The Faculty also wishes all the best to the following leavers:

Eloise Scotford, Career Development Fellow in Environmental Law, who left in September 2010.

Barbara Lauriat, Career Development Fellow in Intellectual Property Law, who left in December 2010.

Lyn Hambridge, part-time secretary to the Norton Rose Professor of Commercial Law, who left in September 2010.



Wanjiru Njoya

Wanjiru Njoya has been appointed to a Lecturership at the London School of Economics, to start in September 2011.

As a Teaching Fellow at St John's from 2005 to 2007, and College and University Fellow in Law at Wadham since 2007, Wanjiru has become an important part of two different thriving groups in Oxford – Labour Law and Company Law. She has made a valuable contribution to our teaching in both fields in the FHS and the BCL. LSE, like Oxford, is an exciting centre for those subjects, and it is good that there will be a link between these two excellent law schools in the future.

Mark Freedland adds, 'As, I believe, the only member of the Faculty to have shared with Wanjiru both a college tutorial role (at St John's) and a faculty teaching role (graduate teaching and supervision in the area of International and European Employment Law), I feel especially well placed to identify and celebrate the outstanding contribution which she has made in both those capacities. LSE's gain is certainly Oxford's loss, and I am sure that I speak for many in expressing the hope that Wanjiru will continue to feel strongly associated with our endeavours in the Oxford Law Faculty.'

Penny Lane, Administrator of the Centre for Socio-Legal Studies, who left in July 2010.

Chris Leese, Development Officer, who left in May 2010.

Ray Morris, Finance Officer, who left in May 2010.

Sadie Slater, Faculty Accountant, who leaves in September 2011.

Lord Bingham of Cornhill
13 October 1933–11 September 2010

Since the death of Lord Bingham of Cornhill on 11 September 2010, there have been many tributes to him, a leading judge in his generation. On 25 May 2011 Westminster Abbey was packed for a memorial service at which his son Kit and Lord Mackay of Clashfern gave tributes. There will be a memorial service in the University Church of St Mary the Virgin in Oxford at 2.30pm on Saturday 1 October 2011. The following note addresses his teaching in Oxford.

If it were possible to make a complete list of Tom Bingham's contributions to Oxford, it would feature in particular his speech to the Younger Society (the Balliol lawyers' association) at the splendid annual dinner in December 2009. Knowing his audience, he spoke directly to the undergraduates in a way that meant just as much to the many senior lawyers and judges in the room. He did the historian's work of recounting and explaining great crises and adventures and disasters in the long annals of lawyering in England. He did it with precise detail, and with appreciation for great causes in which lawyers had triumphed or failed. But it was done as the backdrop for the message, strongly felt, which he wanted our students to hear: that there has never been a more exciting time to work as a lawyer in this country or anywhere in the world.

That excitement animated Tom's teaching in Oxford. The University made him a Visiting Professor on his retirement from the House of Lords, and he joined the Faculty of Law – on the condition that we would give him undergraduates to teach, and in numbers manageable enough that he could actually converse with them. The result was a brilliant set of classes on human rights cases in the House of Lords in Hilary Term of 2009 and 2010. There were professors and lecturers who slipped in each time, but Tom's purpose was to talk to our finalists about the decisions since 2000, in which he had led the judges in developing the law of the Human Rights Act.

The list of the cases is phenomenal. To mention them is to outline the new challenges that the English judges have faced in this century. The landmark decision that indefinite detention of terrorism suspects was contrary to the European Convention on Human Rights; the first cases on anti-terrorism control orders; claims by advocacy groups that the Iraq war was unlawful and that Iraqi civilians had suffered violations of their human rights; novel anti-discrimination cases in which, for example, the House of Lords held that British immigration officers at Prague Airport discriminated against the Roma on racial grounds; cases using the right to respect for private life to challenge evictions from council housing.

Tom did not simply tell the students about his reasons for decisions in these



difficult cases. He asked what they thought, and what they would have done, and why. The result was a slightly scary, highly distilled instance of what we hope for from teaching in Oxford. We hope that students will face the predicament of having to defend their own points of view, in a discussion with a teacher who can push them further.

What a teacher. As a judge, Tom belongs in the company of Mansfield and Eldon, Wilberforce and Denning – the great judges of England. I don't know if any of them could have taught as well as Tom (although Lord Mansfield would have been good). Tom was able to do dramatic things as a judge. His leadership gave impetus to the creation of the new Supreme Court; he abolished the use of evidence gained from torture; he was the first to be Master of the Rolls, Lord Chief Justice, and Senior Law Lord. It is interesting to contrast his gifts for such feats with the gifts of that other creative judge, Lord Denning. Denning did new things through a sort of juristic bravura; Bingham, by contrast, had a freedom to innovate because he was so patently careful. His work had balance. Let me cite one example, from before he was a judge. His accomplishments on the bench – and his wonderful book *The Rule of Law* (Penguin 2010) – were foreshadowed by this argument, as an already-famous barrister, in a 1976 case on the powers of a Labour minister of education to direct a Conservative local education authority:

"While the court should be astute to restrain a minister from acting in excess of his powers – that is recognised as a function of the rule of law – the converse applies too: the minister should be free to exercise his executive authority within its field." (*Secretary of State for Education and Science Appellant v Tameside Metropolitan Borough Council* [1977] AC 1014, 1036)

His own care and balance enabled Tom Bingham to be fearless in keeping ministers within the field of their authority. From Balliol historians like Tom, we expect the same combination of acuity and sensitivity that is to be hoped for from the senior judges. I cannot think of anyone who has combined the two better than Tom Bingham.

Timothy Endicott
Balliol College, Dean of the Faculty of Law

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Lord Rodger of Earlsferry 18 September 1944–26 June 2011



We were grieved to learn of the death of Lord Rodger of Earlsferry, Justice of the Supreme Court of the United Kingdom, on 26 June 2011. Alan Rodger was a DPhil student at New College, Oxford, a Junior Research Fellow at Balliol, and a Fellow of New College from 1970 to 1972. More recently he had served as High Steward of the University, and as Visitor of Balliol, St Hugh's, and Wolfson Colleges. He taught Roman Law in recent years in Oxford, and served on the Faculty's external advisory council. The following are comments from four of his colleagues in Oxford.

‘Lord Rodger was a friend to many within the Oxford Law Faculty. While his abiding passion was Roman Law, there was no-one with a greater breadth and depth of legal understanding than Alan.

Whatever the legal issue or problem that one was thinking about, Alan would have illuminating insights and, as one talked with him, one always had the feeling that he had already thought about the issues that one was now confronting. I first met Alan in the 1990s when I was a Law Commissioner and he was Lord Advocate in Scotland. We shared the same scepticism about statutory codifications of private law. Later, I had the privilege of working closely with him on the book of essays in memory of his great friend, Peter Birks. Peter was fond of saying that ‘the Lord Rodger’ was the cleverest lawyer he had ever encountered. He was also one of the most modest. When made Visitor of St Hugh's College in 2003, Lord Rodger's only request was that, when attending dinners at college, he should be seated with the students and not on High Table. With his quiet voice and lilting Scottish accent, his laughter and his sense of fun, he was a wonderfully entertaining companion, who was more interested in other people, especially young people, than in himself. As a member of the Advisory Group helping me on the Restatement of the English Law of Restitution, his brilliance and wisdom will be sorely missed. He had many plans for writing after retirement from the Supreme Court in a few years' time and it is the nation's misfortune that that work, much of which he alone could have produced, is lost forever. For all the sadness, Alan's intellect and integrity and inspiration shine through and, for those of us who were lucky enough to have known and worked with him, there is so much to be grateful for.’

Andrew Burrows

‘The first time I met Alan Rodger was at a conference for legal scholars held from 9 to 11 September 2001. He was scheduled to give a lecture on judicial reasoning. It was the highlight of the conference. Despite the shock of the terrorism happening in the United States at the same time, I would wager that many could still remember Alan's paper.

I learned a great deal from him in the following years. More often than not I would see Alan when I attended (as a Fellow) the Roman law seminars that he led. He had an encyclopaedic knowledge of Roman law and could speak for two hours on palingenesia without a redundant word, or repetition, or contradiction. He had an endearing humanity, treating every question, however wrong footed, with respect.

In 2007 I asked Alan to speak at a conference that I was convening in Australia. At the end of his speech, he returned to the theme on which I had first heard him speak. His remarks were in the context of commenting on the brilliant ability of his close friend, Peter Birks, to change the way people think. Alan said that Peter was impatient for change but that the common law matures slowly. He remarked that for a judge to rush the development of the common law would only spoil the vintage. Alan had a mind like a steel trap. But he thought more about adjudication, and its relation with academic discourse, than any other judge or academic I know. As a judge he knew he was constrained in a way that his close friend, Peter Birks, was not. But he never regretted that. It took me a decade to understand his insight. *Vale, magister!*

James Edelman

‘The first time I met Alan I criticized the Court of Appeal's decision in *Wilson v First County Trust*. He stopped me with a twinkle in his eye and said: ‘I should tell you I am on the appeal committee’. I began to apologize. Alan said, ‘No, go on’, saving me from embarrassment as we moved to new matters.

His sophisticated analysis in that case shaped the way the Human Rights Act operated in private law, but this was only one example of how his scholarly reasoning in the courtroom shifted and deepened lawyers' perspectives. It was marvellous how Justinian contributed to his reasoning in *Fairchild v Glenhaven*, and how he deployed Cicero and tales of mafia violence to kick off his speech in *R v Davis*. Alan's monograph, *Owners and Neighbours in Roman Law* sat on my desk as a model of how to do it when I was a graduate student. I heard him expound the *Lex Aquilia* in Oxford many years later; the insight and precision of his learning and the humility of his delivery awed us and inspired us. Alan gave a charming talk to my students once on accidents in legal history; he noted how it was the barest of chances that secured the transmission of the Digest to medieval Europe through the survival of the single Pavia manuscript. Then turning to recent history he told how Lord Wilberforce was called away to a Privy Council committee deciding obscure colonial constitutional issues, and a different panel without him heard *Junior Books v Veitchi*, in which Alan represented the appellants. Alan was convinced that he would have won, and the Wilberforce theory of tort in *Anns v Merton* would early have been refined into a scope-of-duty model and so survived the tests of time, had that Privy Council case not so intervened. I wonder if he was right on that. In future leading cases, I will be asking, what might have been had Lord Rodger sat?’

Joshua Getzler

‘Lord Rodger found time to write, alongside his professional engagements, studies on Roman law, adding to his PhD thesis *Owners and Neighbours in Roman Law* (1972) a series of articles.

He was much attached to Lenel's palingenetic method, which he had learned through his teacher David Daube, himself a pupil of Lenel. Lord Rodger applied this with consummate skill, increasing our understanding of the Digest. His work earned him great respect in the international community of Romanists. He also taught Roman law in Oxford, through seminars every year in the Delicts course. It was on the palingenesis of D. 9.2, the title on the *Lex Aquilia*, a subject which caught his great interest on account of the sophisticated problems its subject, wrongful damages, poses. It was always a delight to hear him explain the palingenetic method and apply it, carefully and precisely, to D. 9.2, interwoven with humour and understatement, putting his audience into a tradition reaching back to Lenel and beyond. He showed the transitions from one subject to another and submitted his latest findings to his audience. He enjoyed very much doing this and meeting and talking with the students, whom he would invite afterwards to hold a seminar meeting at the Supreme Court, and to dinner. For all involved in these meetings, his generosity and his warm human interest will remain much cherished memories and his teaching a continuing inspiration. Alan Rodger was a great *antecessor!*

Boudewijn Sirks

A W Brian Simpson 17 August 1931–10 January 2011

BRIAN SIMPSON, long a member of the Oxford Law Faculty, died on 10 January at his home in Kent aged 79. Brian studied law as an undergraduate at the Queen's College under Tony Honoré, achieving a top first, and later went on to teach at Lincoln College from 1955–1973.

Brian was a leading historian of the common law. His early work focused on the history of land, trusts and contract law (and included some major discoveries in the archives), and his historical writing was marked by an analytical lucidity drawn from his close relationship with HLA Hart and the Oxford jurisprudence school as it emerged in the late 1950s. Brian himself made some important contributions to jurisprudence, notably his essay ‘The Common Law and Legal Theory’, which argued the case for English law at least as a customary set of norms generated by the community of lawyers.

Brian's second burst of scholarship developed the original idea that the ‘leading cases’ of the common law deserved the fullest possible study in their historical context, going beyond the black-letter rules expressed in the judges' words. We now call this technique ‘Doing a Simpson’. His first foray was a study of *R v Dudley and Stephens* with the baroque title *Cannibalism and the Common Law: The Story of the Tragic Last Voyage of the Mignonette and the Strange Legal Proceedings to Which It Gave Rise*. A flow of gem-like studies followed, marked by a sharp but kindly wit as well as an in-depth knowledge of the social and political history of the law. Only Brian could have discovered that the plaintiff in *Carill v Carbollic Smoke Ball* ended up dying of influenza at age 96. His work on *Rylands v Fletcher* and other key cases in land and torts led him into a celebrated controversy over the proper use of economics in the analysis of law with his old Chicago colleague Ronald Coase. He also took the Harvard historian Morton Horwitz to task for pressing the history of eighteenth and nineteenth century contract into anachronistic categories driven by late twentieth century politics. Atiyah, Anson and Treitel were subjected to somewhat more gentle treatment in his Oxford Journal of Legal Studies article ‘Contract: The Twitching Corpse’.

Brian turned to public and international law in his later years, and ultimately to human rights law, which culminated in a 1,200-page book entitled *Human Rights and the End of Empire: Britain and the Genesis of the European Convention*, a detailed history of the emergence of human rights law after the Second World War. His surprising thesis was that human rights were crafted by British lawyers during the retreat from empire in order to govern the emerging post-colonial world, and were not primarily conceived as a response to the atrocities of the Second World War.

Brian was the best company on earth. Much can be learnt about his fascinating character as well as his scholarship in the festschrift made for him in 2000, entitled *Human Rights and Legal History*. To be with Brian was a guarantee of uproarious laughter, bizarre storytelling and serious intellectual pleasure. His last message to me came after Ann Smart's death, when he remembered the vivid personalities of 1950s Oxford Law, almost as if saying goodbye. He was an inspiring and beloved figure. Farewell to a master.

Joshua Getzler

Oxford Law Alumni Reception in Sydney

ON A warm summer's evening in December, overlooking the Coat Hanger Bridge and the Sydney Opera House, Baker & McKenzie hosted a reception for Oxford Law alumni. The reception was planned to coincide with the run up to the Torts in Commercial Law Conference, and allowed faculty, students and alumni to meet up over a drink and some appetisers.

Dr Joshua Getzler gave an overview of Oxford today but also spoke of the strong heritage of Roman Law and Legal Philosophy in Oxford. He also gave an update on Oxford's new Master's in Law and Finance degree and answered questions from the group.



If you would like to have a reception in your area of the world, or were not included in the electronic outreach for this event but would like to be in the future, please contact Maureen O'Neill (maureen.oneill@law.ox.ac.uk).

Alumni Reunion in Paris

WITH Paris as an ideal spring location, Oxford European Law Alumni and current Oxford Law students recently met as guests of Clifford Chance at Place Vendôme. The champagne reception on 6 May 2011 began a weekend of activities in exclusive Paris venues, including La Sorbonne's Grand Salon, Les Invalides, and the École Militaire, to celebrate Oxford's link with our European alumni.

Professor John Cartwright, Professor of the Law of Contract in Oxford as well as Professor of Anglo-American Private Law at the University of Leiden and professeur invité at the University of Paris II (Panthéon-Assas), spoke to those gathered on the European ties within Oxford Law and our interests in developing more activities with and for our alumni.



Keep in touch

THE LAW Faculty regard all Oxford alumni who have either read law or have subsequently entered the legal profession as part of our community. We welcome you to take advantage of the networking opportunities, international alumni events, seminars, conferences, and overall outreach that are on offer.

In a greater effort to keep in touch, the Law Faculty now produces the Law Bulletin, a short email news bulletin, at the end of each term, as well as the annual Oxford Law News magazine. Starting with this issue, we are publishing the Law News over the summer after the end of the academic year.

Also available is a [LinkedIn.com](https://www.linkedin.com/groups/11511511) Oxford Law group, which currently has 375 members. To sign up please go to www.law.ox.ac.uk/LN15linkedin

How would you like the Faculty to keep in touch with you? Contact Maureen O'Neill (maureen.oneill@law.ox.ac.uk) with your suggestions, updates and details of other alumni who would like to receive our news.



In the five years from 2006, scholarship funding available to graduate students in the Faculty has increased by 97%, thanks to our donors, and to increased investment by the University.



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Luke Rostill (Wadham), BCL



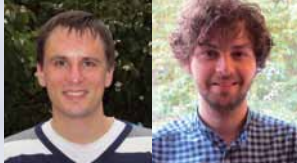
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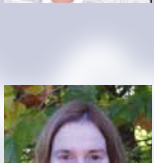
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Oxford Law alumni who would like to be invited to future events or would like to make a donation or further donation or who have any suggestions for other events should contact the Law Faculty's Director of Development, Ms Maureen O'Neill, at:

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