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Letter from the Dean: The whole world and Oxford

A brilliant law school is a brilliant part of a community. What is Oxford's community? It seems to be the whole world. 47 of our 93 full-time academics have overseas university degrees. Next year, 15% of our undergraduates and more than 80% of our graduate students will come to us from more than 60 overseas countries. And our students go overseas: for example, more than 120 Oxford graduates are teaching law in more than 70 universities around the world.

But isn't our community England and Wales? Yes. Of 27 courses for our BA, each is a course in English law except Roman Law, Jurisprudence, and International Law. Of our 28 graduate courses, 18 are in English law. In the 20th century, the college system gave us a massive core strength in English public law and private law. You should know that with all the flux in law, commerce, and education, we are not diluting that strength. We are building it.

So why do people come from all over the world to a law school that is deeply integrated with the community in this particular jurisdiction? English law has been a terrific export success. And the legal profession is changing, so that the large London solicitors' firms are now worldwide organizations. But the more basic reason has to do with our people, and the way we teach. A lawyer in any jurisdiction needs to master the material in short order, to make an argument, and to face hard questions. Tutorials develop the gifts for that work. Our BA offers the most intensive legal training in the world. The BCL and MJur are the only graduate law degrees in the world that are taught through tutorials as well as seminars and lectures. And our DPhil is the largest doctoral programme in Law in the English-speaking world. These things turn out to be valuable to lawyers everywhere. And to their communities.

The Law News will show you some of the ways in which this English Law Faculty is becoming a law school for the whole world.

Timothy Endicott

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Oxford Law appoints its first Dean



This is an exciting time for Law at Oxford. The Law Faculty retains its core commitment to the colleges of the University: these colleges provide an important and supportive multi-disciplinary environment for both students and academics, and are crucial to delivering what we believe to be the most intensive and demanding legal training in the world. In addition, however, the Law Faculty has developed into a

coordinated organisation, able to

plan for the strategic development of Oxford Law as a whole. We are a 'law school' and far more than a loose association of college tutors and their students. The Faculty is federal in the best sense: committed to the collegiate focus of Law at Oxford, and able to see that focus as part of a wider whole.

To signal the development of this increased coordination of our activities, the Law Faculty agreed to create the position of 'Dean'. Together with the various officers of the Faculty and its Board, the Dean will be responsible for leading the work of the Faculty internally, and representing the Faculty to its many external communities. The Deanship formalises a role that has been emerging for some time in the office of the 'Chair of the Law Board'. But it also signals a new and exciting mood in the Faculty; a real desire to work as a coherent whole across the University and to be seen to be doing so by the outside world.

The first appointment to the Deanship of the Faculty of Law is Professor Timothy Endicott, Professor of Legal Philosophy and Fellow of Balliol College. A Canadian who graduated from Harvard University with the AB in Classics and English, summa cum laude, Professor Endicott came to Oxford as a Rhodes Scholar, and completed the MPhil in Comparative Philology. After studying law at the University of Toronto, he practised litigation at Osler, Hoskin & Harcourt in Toronto for three years, before returning to Oxford for the DPhil in legal philosophy. Professor Endicott has taught in Oxford since 1994. He has led tutorials at Jesus College, St Anne's College, and St Catherine's College, and has been the Senior Law Fellow at Balliol College since 1999. He became Professor of Legal Philosophy in 2006. Professor Endicott has served the Faculty of Law as Chair of the Law Board (2006-7) and as Director of Graduate Studies (2004-6).

Commenting on his appointment as the first Dean of Oxford Law, Professor Endicott said: 'This role will be a huge challenge and a tremendous opportunity. The new Deanship represents a new path for the Faculty and it reflects the dynamic attitude of my colleagues and the University. In providing the finest possible legal training we are committed to serving our students, their communities, and this country. We expect the very best of our colleges and our University, and we mean to build on the unique strengths of Oxford Law.'

Dr Michael Spence
Head of the Social Sciences Division

Dr Goold appointed as House of Lords Select Committee Advisor

Dr Benjamin Goold (Somerville) has been appointed as an advisor to the House of Lords Select Committee on the Constitution's Inquiry into 'The Impact of Surveillance and Data Collection'. The Inquiry, which commenced its work in April 2007, is tasked with considering whether the expansion in the range and quantity of surveillance and data collection by public and private organisations has changed the balance between the citizen and the state in recent years, and whether there is a need for any additional regulation

of surveillance and data collection technologies. Having spent much of the summer preparing a briefing paper summarising and assessing existing surveillance and data collection laws for the Committee, Dr Goold appeared before the Inquiry to present his recommendations in mid-November 2007. He has since been re-appointed as an ad hoc specialist advisor to the Committee for the duration of the Inquiry, and will continue to work with the House of Lords over the coming months.

Coup for the University of Sydney



Dr Michael Spence, the Head of the University of Oxford's Social Sciences Division, will become Vice-Chancellor of the University of Sydney in 2008. A Fellow of St Catherine's College since 1992, Michael served as Chair of the Law Board from 2002-4, before becoming Head of Division. In that role he has been a member

of the Council of the University, and has been responsible for oversight of strategy, funding and administration in the Law Faculty and twelve departments (including Politics, Economics, and the Business School). Michael has continued to teach on the BCL Intellectual Property Rights course, and has recently completed his book in the Clarendon Law Series, *Intellectual Property* (OUP 2007).

Oxford appoints first Lovells Professor of Law and Finance

John Armour has been appointed as the first holder of an innovative Chair in Law and Finance, following a generous donation from international law firm Lovells. Prior to taking up his appointment as Lovells Professor of Law and Finance (with a fellowship at Oriel College) in July 2007, Professor Armour was a University Senior Lecturer in Law and Fellow of Trinity Hall at the University of Cambridge.

Professor Armour studied law (MA, BCL) at the University of Oxford before completing his LLM at Yale Law School. His first academic post was at the University of Nottingham, and he has held visiting posts at various institutions including Pennsylvania Law School, the University of Bologna and Columbia Law School. He has published widely in the fields of company law, corporate finance and corporate insolvency. His main research interest lies in the integration of legal and economic analysis, with particular emphasis on the impact of changes in insolvency and company law on the economy. He has been



involved in policy-related projects commissioned by the (then) Department of Trade and Industry, the Financial Services Authority and the Insolvency Service.

Financial law is already a very popular area for Oxford research students and those undertaking the BCL and MJur. One of the responsibilities of the new Chair is to lead the Law Faculty in a venture with the Saïd Business School to create a new MSc in

Law and Finance (see page 9). Professor Armour also contributes to the Faculty's courses in company law, corporate finance and insolvency.

Speaking on his new appointment, Professor Armour said: 'Interdisciplinary scholarship focusing on theories and evidence about how the law actually functions in relation to finance is of the utmost importance. Globalisation makes it more important than ever to be able to assess critically legal techniques for governing financial transactions drawn from many different legal systems. The Lovells Professorship, which is the first such appointment by a UK law school, signals Oxford's commitment to remaining at the forefront internationally in research and teaching in corporate and financial law.'

Mr David Hudd, head of Lovells finance practice, said: 'There is a natural link between our work at Lovells and the creation of this new Chair and course. A significant number of trainees each year join Lovells from Oxford University, and we recognise the importance of supporting institutions like Oxford to ensure high-quality candidates continue to come through. This is an exciting venture for Lovells and Oxford.'

Professor Timothy Endicott, Dean of the Law Faculty, said: 'We are delighted with this election. We aim to make Oxford a leading centre for teaching and research in twenty-first century corporate, financial and commercial law. Professor Armour's arrival is a vital step in a wide-ranging enhancement of the University's strength in these areas. Lovells has been far-sighted in taking a leading role in that development by funding the creation of this exciting new Chair. We look forward to working with Professor Armour to bring new intellectual energy to his vital field of work.'

Mr John Cartwright appointed to the Chair of Anglo-American Private Law in Leiden

Mr John Cartwright has been appointed to the Chair of Anglo-American Private Law at Leiden University for five years from 1 September 2007. This is a part-time appointment, which he will hold alongside his Oxford appointment as Reader in the Law of Contract and Tutor at Christ Church. The Chair was previously held by the late Professor Peter Birks and, before him, Professor Sir Basil Markesinis. The Leiden appointment opens up further possibilities for research collaboration between the Oxford Law Faculty and the Faculty at Leiden. Mr Cartwright will be teaching courses in Leiden on English private law, which fits perfectly with his experience in teaching the common law to civil lawyers. He has recently published a new book: *Contract Law: An Introduction to the English Law of Contract for the Civil Lawyer* (Hart 2007).



Herbert Smith funds the Professor of English Law

Herbert Smith has long had an association with Ewan McKendrick, Professor of English Private Law. Known within the firm for his lucid and informed lectures on the law of obligations, he has been a distinguished feature of their in-house training programme for over ten years. Herbert Smith has agreed to fund his Chair for five years from 1 May 2007, enabling the firm to cement and extend its association with Professor McKendrick and the Law Faculty.

As regular readers of the Oxford Law News will know, Professor McKendrick was appointed Pro-Vice-Chancellor for Research, Academic Services and University Collections in mid-2006, following a two-year term as Chair of the Law Board. He is now responsible for the oversight of the University's research activities, in particular the preparation of the University's return to the 2008 Research Assessment Exercise. He is also responsible for the oversight of the University libraries, museums and computing services. While fulfilling his duties as Pro-Vice-Chancellor, Professor McKendrick continues to find time to teach for the Law Faculty, giving lectures on recent developments in contract and tort, and supervising research students.



News from the KPMG Professor of Taxation Law

Professor Judith Freedman, KPMG Professor of Taxation Law, has given a number of external lectures in the past year. The topical issue of small business taxation was the subject of both her 2006 Hardman Lecture at the Tax Faculty of the Institute of Chartered Accountants of England and Wales, and her inaugural lecture as Anton Philips Visiting Professor at Tilburg University in April 2007 (pictured here). In addition, she presented on this topic at the Cambridge Conference of the Institute for Fiscal Studies (with an economist colleague), and a revised version of this paper will contribute to the Mirrlees Review on *Reforming the Tax System for the 21st Century* (www.ifs.org.uk/mirrleesreview/). She also delivered papers in Munich and Helsinki on the relationship between taxable profits and commercial profits, as well as chairing a panel on this topic at the International Fiscal Association Congress in Amsterdam.



In Oxford, as Director of Legal Research at the Oxford University Centre for Business Taxation, she helped to direct the Centre's summer conference, entitled 'Corporation Tax: Battling with the Boundaries'. A number of leading academic and practitioner experts delivered papers on issues of tax avoidance, tax risk and tax and corporate responsibility to an international group of around 100 attendees. The papers included a report on a pilot survey on '*Tax Risk and the Relationship between Large Business and HMRC*', written by Professor Freedman, Geoffrey Loomer (a doctoral student in the Law Faculty) and Dr John Vella (the Faculty's Norton Rose Career Development Fellow in Company Law).

A link to this report can be found at:
www.sbs.ox.ac.uk/tax/publications/reports/reports

Professor Schauer comes to Oxford as the George Eastman Visiting Professor 2007-8

In October the Law Faculty welcomed distinguished visitor Frederick Schauer, Frank Stanton Professor of the First Amendment at Harvard University and a former Dean of Harvard's Kennedy School of Government. Professor Schauer is spending the academic year 2007-8 in Oxford as George Eastman Visiting Professor and Fellow of Balliol College.

Professor Schauer works in the philosophy of law and constitutional theory. His books include *Free Speech: A Philosophical Enquiry* (1982); *Playing by the Rules: A Philosophical Examination of Rule-Based Decision-Making in Law and in Life* (1991); and *Profiles, Probabilities, and Stereotypes* (2003). His more than 150 published essays and articles cover a vast array of theoretical and comparative topics. He has been honoured in numerous ways, not least with a Fellowship of the American Academy of Arts and Sciences. While in Oxford he is thinking and writing about legal reasoning in the common law tradition, and participating in the teaching of a number of courses with Oxford colleagues.

The Eastman Chair was endowed in 1929 by George Eastman, founder of the Eastman Kodak Company. Established to allow 'American scholars of the highest distinction' to teach for a year in Oxford, it is one of the University's most prestigious visiting positions. The previous 65 Eastman professors include 13 Nobel Prize winners, including economist Robert Solow and chemist Linus Pauling. Professor Schauer is the third lawyer to hold the chair. Those before him were former U.S. Supreme Court Justice Felix Frankfurter (1933-4) and Eugene Rostow, former Dean of Yale Law School (1970-1).



Baker & McKenzie reception in Sydney

In August 2007, Baker & McKenzie hosted the Oxford Law Alumni event in Australia, against the stunning backdrop of the Sydney skyline. Oxford Professors, Fellows and former Fellows gathered at Baker & McKenzie's offices in Sydney for a reception which preceded the Restitution in Commercial Law Conference at the University of New South Wales (see p.20). Scores of Oxford alumni gathered to meet up with past lecturers and Oxford notables such as Lord Rodger (New College), Professor Andrew Burrows (St Hugh's), Professor Adrian Briggs (St Edmund Hall), Professor Lionel Smith (formerly of St Hugh's), Dr James Edelman (Keble) and Mr Robert Stevens (then Lady Margaret Hall, now Professor of Commercial Law at UCL). Many other Oxford alumni were in attendance, including Justice Ken Hayne, Justice Keith Mason, Professor Michael Bryan, Professor Peter Cane, Professor Robert Chambers, Professor Kit Barker, Professor Simone Degeling and Professor Ron McCallum. Professor Burrows addressed the gathering with updates on Oxford Law.



Baker & McKenzie hosted the Oxford Law Alumni Reception in Sydney on 2 August 2007

Professor Ian Brownlie CBE QC re-elected to the International Law Commission

Professor Ian Brownlie CBE QC, Emeritus Chichele Professor of Public International Law at Oxford and barrister at Blackstone Chambers, has been re-elected by the General Assembly of the United Nations as the British member of the International Law Commission. This is Professor Brownlie's third five-year term at the Commission: he has been the British member since 1997. He was nominated for re-election by the UK, Canada, India and

New Zealand, and received the highest vote in the relevant group of states (156).

Subsequently at the beginning of the 2007 session, Professor Brownlie was elected chairman of the session.



Professor Cane elected to the British Academy

In recognition of his international standing as an exceptional legal scholar, Professor Peter Cane was recently elected a Corresponding Fellow of the British Academy. Professor Cane was for many years a Fellow of Corpus Christi College, and subsequently became Professor of Law at the University. He returned to Australia some 10 years ago, and is currently Professor of Law in the Australian National University. Given the relatively small number of Corresponding Fellows chosen each year across

all disciplines, this election is a great tribute to Professor Cane's outstanding scholarship. He is particularly highly regarded in the field of tort law, in which his many publications include two seminal texts: *Tort Law and Economic Interests (Second Edition, Clarendon Press 1996)* and *The Anatomy of Tort Law (Hart 1997)*. Professor Cane is also eminent in the field of administrative law, where his textbook is now in its fourth edition (*Administrative Law, OUP 2004*).

Dr Guy Goodwin-Gill appointed as a Grand Officer of the Order of Al Istiqlal

Dr Guy S. Goodwin-Gill was made a Grand Officer of the Order of Al Istiqlal by the King of Jordan in January 2007. This honour was conferred on him in recognition of his work in representing Jordan before the International Court of Justice (ICJ) in the dispute concerning the 'Separation Wall' constructed by Israel

in the Occupied Palestinian Territories. In July 2004, the ICJ delivered an advisory opinion that indicated the construction of this wall was contrary to international law. In conferring the appointment, the King of Jordan recognized the 'high attributes' of Dr Goodwin-Gill, and described his efforts as 'relentless'.

Teaching Excellence Awards

On 13 November 2007, five members of the Oxford Law Faculty were presented with Teaching Excellence Awards, in recognition of their 'outstanding teaching and commitment to teaching'. The Teaching Awards Scheme, organised by the Oxford University Learning Institute, recognises excellence in College and University teaching, through the celebration of teaching excellence in the

past and the support of teaching excellence in the future, for example through projects to develop courses. Professor Elizabeth Fallaize, Pro-Vice-Chancellor (Education), presented the awards at a reception in Rhodes House. In the Law Faculty, awards were given to: Professor John Finnis, Professor Stephen Weatherill, Dr James Edelman, Mr Simon Gardner, and Dr Jonathan Herring.

Peter Birks Memorial Fund

Thanks to the generosity of those listed below, £125,000 has been raised for the Peter Birks Memorial Fund. As a result, the Law Faculty has established an endowed graduate scholarship for BCL/MJur/DPhil students in Peter Birks' name. The Peter Birks Graduate Scholarship will be advertised for the first time for the academic year 2008-9. We are extremely grateful to the following for ensuring that the name of Professor Birks lives on in this way.



Neil Andrews
Andrew Bell
Jack Beatson
Joanna Bird
John Blackie
Joost Blom
Frederick Bolding
British American Tobacco
Richard Buckley
Andrew Burrows
David Capper
Richard Card
Chloe Carpenter
Heather Caswell
Cho Wing Chan
Bernard Clutton
Kathleen Coleman
Hugh Collins
Tim Cox
Stephen Cretney
John W Davies
Cecily Engle
David Feldman
Michael Firth
James Flynn
Michael Fordham
Russell Franks
James Fryer-Spedding
Alexandros Gavrieldes
Steven Gee
Gestingthorpe Trust

Nigel Giffin
James Glistler
Roy Goode
Paul Gott
Olav Haazen
Jeffrey Hackney
William Hancock
Richard Hawtin
Quentin Hay
Siobán Healy
Nicholas Hodgson
Phillipa Hopkins
Michael Humphreys
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Sean Jones
Roger Kerridge
Ashrafa Khanbhai
Pey Woan Lee
Wenyong Li
Christopher Lewis
Niels Lierow
Julia Lock
Felicity Maher
Ali Malek
Alexandra Marks
Harvey McGregor
Mitchell McInnes
Ewan McKendrick
Martin McKenna
Gerard McMeel
Jennifer Mellerick
Ernest Metzger
Jonathon Moore
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Lionel Smith
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Richard Southwell
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Mary Stokes
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Michael Tugendhat
Janet Ulph
Graham Vinter
Miles Walton
Antony Ward
Revd Thomas Watkin
Jonathan Watt-Pringle
Peter Watts
Alistair Webster
David Westcott
Joanne Wicks
Neil Withington
Kien Keong Wong
Tiong Min Yeo
Rafal Zakrzewski
David Zeffman

News from the Bodleian Law Library

It has been another busy and productive year in the Bodleian Law Library.

We continue to provide traditional book-based services, alongside an ever broader collection of electronic resources related to the teaching and research of law at Oxford. The range of legal research classes offered to all our students has grown, and the legal research skills programme has become more hands-on and interactive.

Our service improvement efforts this past year included an extension in opening hours, enabling students to have more time in the library in the weeks leading up to their exams. On a lighter note, we introduced a gift of a library-branded USB key for each of our new students, holding files containing useful notes, hints and presentations about legal research. We also held several research-related quizzes and contests throughout the year, which attracted many enthusiastic entrants (see p.9). The overhead lighting on the main and gallery floors has been replaced with modern bright lighting, lifting the overall appearance of the library. We also refurbished many of the chairs that had worn out with heavy usage over 40 years.

Our fundraising for the year saw one major new donor added to our wonderful group of supporters. The Association Sorbonne-Oxford donated funds for the development of the French law collection, including books written by French scholars on a wide range of legal issues. This has enabled us to establish possibly the best French law collection in the United Kingdom. We also received many smaller donations during the year that have enabled us to continue to build up several other foreign law and subject specific collections, such as tax law.

We welcome visits from alumni at any time, either in person, or to our website, where there are extensive links and guides available to everyone (www.ouls.ox.ac.uk/law/).

Mrs Ruth Bird
Bodleian Law Librarian

Professor Vaughan Lowe appointed to hear landmark case

Professor Vaughan Lowe, Chichele Professor of Public International Law at Oxford University and a Fellow of All Souls College, has been appointed as President of an arbitral tribunal that is set to hear a landmark case concerning South African Black Empowerment policies. The tribunal, constituted by the International Centre for Settlement of Investment Disputes (ICSID), will hear a claim brought by European investors against the Republic of South

Africa, alleging that actions of the South African Government in pursuit of its Black Economic Empowerment policies violate the terms of certain investment protection treaties.

Professor Lowe is also sitting on tribunals in other investment arbitrations, as is Professor Sir Frank Berman, who has been appointed to seven ICSID tribunals in recent years (see p.17).

Oxford Pro Bono Publico

Oxford Pro Bono Publico (OPBP), a group of graduate students and Law Faculty members dedicated to the practice of public interest law on a pro bono basis, achieved considerable success in 2007. In April, OPBP won the Attorney General's Pro Bono Award 2007 in the 'Team of Students' category. The award celebrates 'the best pro bono legal activities undertaken by students and law schools, and the positive impact that the activities have had on those helped'. Dr Liora Lazarus, a Law Faculty member on OPBP's Executive Committee, said: 'The award is a testimony to the hard work of the students over the years, as well as that of the academics in the Law Faculty who have given up their time to support the work of the OPBP group as well as to supervise its projects.' OPBP's continued involvement in important pro bono research is a tribute to the commitment of its student volunteers and Faculty members. In 2006-7, OPBP was involved in legal research surrounding the detention of individuals at Guantanamo Bay, Cuba, and worked on two cases (out of only three in total)



Past and present members of OPBP's Executive Committee win the Attorney General's Pro Bono Award 2007

heard before the new US Military Commissions established by the Military Commissions Act (2006). In one such case, OPBP provided assistance to Major Michael D. Mori, the military lawyer representing David Hicks, who was the first Guantanamo Bay detainee to be charged before the Military Commissions. OPBP prepared three memos dealing with: (i) the indispensable judicial guarantees referred to in Common Article 3 of the Geneva Conventions of 1949; (ii) the extent to which the European Convention on Human Rights may be relied on in challenging the revocation of Hicks' UK Nationality; and (iii) a US Court of Appeals decision (*Boumediene v Bush*) holding that the Military Commissions Act stripped federal courts of jurisdiction over habeas corpus and other claims brought by Guantanamo detainees. The students who worked on the case, under the supervision of Mr Dapo Akande, a Faculty member on OPBP's Executive Committee, were Lydia-Maria Bolani, Jaime Hall, Michel Paradis, Elizabeth Prochaska, Alicia Triche and Thomas Voisin. OPBP has also assisted Lieutenant Commander William Kuebler with research for the defence of Omar Khadr, a Canadian national who was captured in Afghanistan in 2002. OPBP has helped with numerous aspects of Khadr's defence in proceedings before the US Supreme Court.

The students who worked on the case, again under the supervision of Mr Dapo Akande, were Jonathan Bonnitcho, Patrick Delaney, Jennifer Robinson, Aruna Sathanapally, Hannah Tonkin and James Upcher.

In 2007, the Centre on Housing Rights and Evictions (COHRE) and Zimbabwe Lawyers for Human Rights launched a campaign against the series of mass evictions carried out by the Zimbabwean Government in 2005. In 2005-6, OPBP assisted barrister Mr Martin Westgate of Doughty Street Chambers in preparing a legal opinion for COHRE and Zimbabwe Lawyers for Human Rights, considering whether the mass evictions amounted to a crime against humanity.

For more information see the Oxford Intellectual Pro Bono Publico website at www.law.ox.ac.uk/opbp/

The Oxford University Commonwealth Law Journal

The Oxford University Commonwealth Law Journal (OUCLJ), the flagship journal of the postgraduate law community, is entering its eighth year. The OUCLJ endeavours to foster international academic debate and exchange of ideas on a wide range of legal topics of interest throughout the Commonwealth. The emphasis is on black-letter law rather than legal theory. The journal includes articles specific to a single jurisdiction, and articles undertaking a comparative analysis of several jurisdictions.

The OUCLJ welcomes contributions from academic lawyers, practitioners and policy-makers, wherever situated. For submission information, go to www.law.ox.ac.uk/ouclj/

For subscription information, contact Ms Barbara Darling, Hart Publishing, 16c Worcester Place, Oxford OX1 4LB, UK, barbara@hartpub.co.uk.

Oxford Student wins International Essay Competition

In April 2007, Evgeniya Rubinina, a Balliol College student studying for the MPhil in Law, won an international essay competition for law students and recent graduates organised by Interleges, an international association of independent law firms (interleges.com). She was presented with the Stephen Rayner Award, which included a prize of US\$4,000 and a trip to Mexico to attend the 2007 Interleges Annual General Meeting. The topic of the essay was 'Lis pendens in international commercial arbitration: freedom of parties v. monopoly of state courts in dispute resolution'. In her essay, Ms Rubinina looked at the relationship between the right of arbitral tribunals to determine their own jurisdiction and the power of state courts to adjudicate upon the validity of arbitration clauses, and argued that arbitral tribunals should be given priority in establishing their own jurisdiction. The second and third prizes were won by entrants from Hungary and Germany, respectively.



Bodleian Law Library Competition

The Bodleian Law Library ran a competition this year marking the 50th anniversary of the signing of the Treaty of Rome at the start of the European Union (then the European Economic Community). The competition was held a little early, because the exact date of the anniversary (25 March 2007) fell in the vacation.

To win the competition, entrants were required to cite correctly the well-known European Court of Justice cases associated with a number of different products, which were displayed in a hamper. Benjamin Spagnolo, a BCL student at Magdalen, won the hamper, which included such goodies as Cassis de Dijon, gingerbread, popcorn, and potatoes.



Graduate Admissions

From the 225 offers made for our graduate taught courses, 148 students (90 BCL and 58 MJur) arrived in Oxford at the start of Michaelmas 2007, gratifyingly close to our target of 150. In addition, we have 24 students for the MSc in Criminology, 25 new Probationary Research Students (inclusive of Socio-Legal Studies), 13 students for the MPhil, and 4 students for the MSt. We have also admitted 19 students for the DPhil, following completion of the MPhil or MSt (with another handful of applicants still awaiting the outcome of the MPhil or MSt examinations).

Linklaters Scholarship

As the result of an extremely generous benefaction by Linklaters LLP, the Faculty of Law has been able to create the Linklaters Scholarship – a studentship for those taking the BCL or MJur. With an annual value of £15,000, this is the largest single award under the Faculty's stewardship and makes a major contribution to our efforts to provide meaningful levels of funding for graduate students. The studentship is open to all BCL and MJur students, regardless of nationality, and is awarded on the basis of academic merit. It was awarded for the first time in 2007; the first recipient being Patrick Hayden of Magdalen College, who started on the BCL in October 2007.

Sutton Trust 2007



The Sutton Trust Law Week took place between 1 and 6 July 2007. Twenty-five exceptional students, who hope to be the first in their families to attend university, stayed in Pembroke College to experience life as an Oxford law student. For many, this was an amazing opportunity and was their first time away from home. The Trust arranges afternoon and evening activities, while the Law Faculty arranges the daytime programme of lectures, tutorials, moots and visits. Enormous help was given by Faculty members, undergraduate mentors and graduate assistants. A generous invitation from Allen & Overy allowed the students to visit the firm's new Bishops Square offices, where they toured the building, met trainees over lunch and heard about the firm's range and scope of business, here in the UK and worldwide. It was a wonderful opportunity for the students to see where a law degree might lead.

Students from the Sutton Trust pose for the camera

Oxford Law Open Days



Open Day student organisers

The Law Faculty held three Open Days in March 2007. We were very pleased to welcome 250 students on each of these days, representing a total of 460 schools. The (then) Chair of the Law Board, Professor Timothy Endicott, welcomed the students, and the (then) Director of Undergraduate Studies, Ms Mindy Chen-Wishart, gave a presentation on our undergraduate courses. There were presentations on 'A Career in Law' by solicitors from Linklaters; taster lectures on assault and battery, and freedom of speech; and a question-and-answer session with our current undergraduates. There was also a presentation on admissions and a mock interview, intended to de-mystify the Oxford admissions process. The day ended with tea and coffee, which gave the students an opportunity to speak to Faculty members. The students received a free lunch (provided by five different colleges) and some were given free overnight accommodation. The Law Faculty is most grateful to Linklaters for their generous support for this event.

Graduate law students visit the higher courts

On 14 March 2007, a group of Oxford graduate law students visited Westminster to observe the Law Lords in action. The trip was organised by Woo-Jung Jon, a research student from Korea, and the group was accompanied by two Korean judges. The House of Lords personnel kindly organised for the group to hear the reading of a judgment in the House, followed by a question and answer session. The students then attended a hearing of the Appellate Committee, led by Lord Hoffmann.

The following week, graduate and undergraduate law students travelled to The Hague to visit two of the most prominent international courts in the world: the International Criminal Court (ICC) and the International Criminal Tribunal for the former Yugoslavia (ICTY). The ICC was established in 2002 to try individuals accused of the most serious crimes of international concern. The visit consisted of a tour of the court and a number of insightful presentations by members of the Office of the Prosecutor and the Judicial Divisions. The presentations provided an overview of the ICC and details of the three issues that have been considered since its creation: crimes committed in Uganda, the Congo and Darfur. The visit concluded with a question and answer session with Judge Sang-Hyun Song of the Appeals Chamber.

The group proceeded to the ICTY, the Tribunal formed by the UN to address the serious violations of international humanitarian law committed in the former Yugoslavia. Students benefitted from an invaluable opportunity to speak to Judge O-Gon Kwon about the controversial cases before the court, including the trial of Slobodan Milosevic for alleged war crimes and crimes against humanity during the Balkans War. The group were also fortunate enough to observe some of the proceedings in the trial of Ramush Haradinaj, the former Prime Minister of Kosovo.



Oxford student wins best speaker at the World University Debating Championships

Over her Christmas holidays last year, University College law student Jessica Prince competed at the World University Debating Championships. Held at the University of British Columbia in Vancouver, Canada, between 28 December 2006 and 3 January 2007, the tournament consisted of nine initial rounds of debate and four knock-out rounds. Representing the University of Oxford, Ms Prince achieved the top speaker place and was an octo-finalist in the competition, in which over 700 individuals from around the world participated. Ms Prince is currently in the second and final year of her second degree (BA in Law (Senior Status)) and hopes to attend the same competition this winter in Thailand.

Unidroit Scholarship

The UK Foundation for International Uniform Law was set up to promote international uniform law and comparative law, and to encourage education and research in these fields. To this end, it has established two scholarships, each worth £5,000 per annum, to be held by a doctoral student (with suitable research interests) at each of Oxford and Cambridge Universities. The student is encouraged to spend a period of study at the International Institute for the Unification of Private Law (UNIDROIT) in Rome, or at some comparable research institute abroad.

The inaugural scholarship at Oxford was awarded to Tarunabh Khaitan of Exeter College. His research is concerned with legal controls on unfair discrimination:

'Rooted in the catastrophic events of the Second World War, legal measures to curb unfair discrimination have come a long way in most liberal democracies. Increasingly sophisticated anti-discriminatory measures are being adopted to prohibit discrimination on an expanding number of grounds, in more and more jurisdictions. The moral consensus on the wrong of discrimination, at least on certain grounds like race and sex,

is phenomenal (given, especially, how different it was until very recently). But as we move beyond these typical categories to more controversial grounds like age, disability, sexual orientation, religion, even genetic endowments and physical appearance, the consensus begins to fade away. The only commonality in this area is that almost identical demands for protection on these grounds are being made in most liberal democracies.

This research seeks answers to the dilemma that lawmakers (judges and legislators) are facing across the globe: on what grounds should discrimination be prohibited? The research tools available include the tentative answers that lawmakers have provided in five comparable jurisdictions – Canada, India, South Africa, the United States and the United Kingdom (and through it, the European Union and the Council of Europe). These jurisdictions were chosen because of their common language and common law based legal systems, factors which make comparison easier. They remain culturally diverse jurisdictions, yet each is faced with the same basic question regarding prohibited grounds of discrimination. This research aims to suggest an answer to this crucial question.'

The Lord Mayor's Show

This year, the Law Faculty participated in the Lord Mayor's Show on 10 November 2007 in London. An event nearly as old as Oxford's tradition of excellence in teaching and researching law, the Lord Mayor has been making this journey around London every year for 783 years, surviving plague, fire and countless wars.

Over 6000 people took part in the 2007 Lord Mayor's Show. Norton Rose Professor of Commercial Law, Andrew Burrows, was joined by Mr Roderick Bagshaw (Magdalen), Ms Laura Hoyano (Wadham) and 40 Oxford Law students all dressed in sub fusc to march in the majestic procession (see cover picture).

Oxford Law's participation was in honour of the newly appointed Lord Mayor, David Lewis, who read law at Oxford and is an Honorary Fellow of Jesus College. A great supporter of Oxford Law over many years, David has been the Chair of the Oxford Law Development Council, a trustee of the Oxford Law Foundation and represented Norton Rose on the Chancellor's Court of Benefactors.



Alderman David Lewis waves from the State Coach

Jessup Public International Law Moot Court Competition

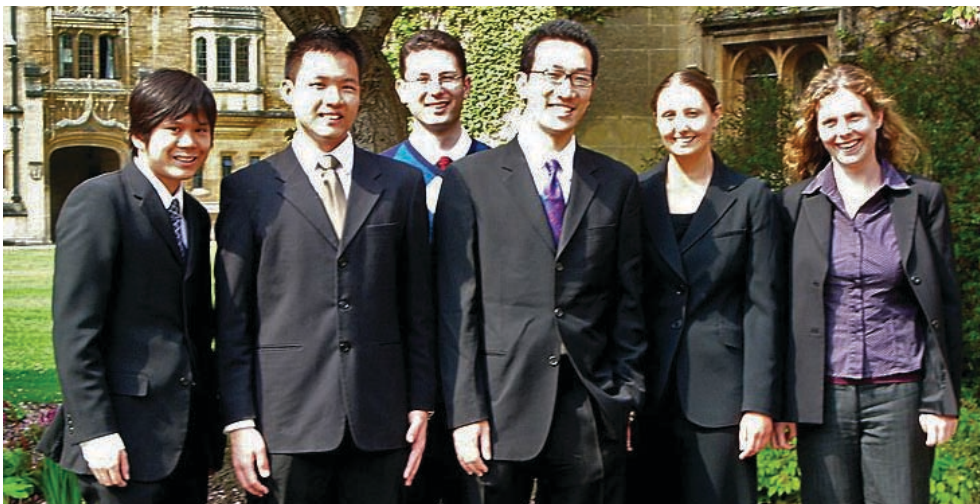
The Jessup Public International Law Moot Court Competition is the largest moot court competition in the world. In 2007, more than 500 universities took part on a national level and approximately 400 participants (representing around 95 universities) reached the international rounds in Washington DC. Having achieved five wins in the UK National Rounds (held in London in February 2007) against the University of Leicester, Oxford Brookes University, Nottingham Trent University, Queen Mary (University of London) and Durham University, the University of Oxford was one of the three universities that represented the United Kingdom in the Washington DC rounds in March.

The 2007 competition concerned the denial of membership of a regional international organisation, called Rotian Union, to the Republic of Adaria on the basis of latter's lack of respect for minority rights. In reaction to this denial, Adaria violated the Delegation of the Rotian Union, seizing the Ambassador and his records, and enacted anti-capital flight legislation. Each team was required to submit written pleadings (memorials) and argue the case on both sides before the International Court of Justice.

The entry and supervision of the Oxford team this year was arranged by Dr James Edelman (Keble). The team was comprised of three oralists: Elizabeth Kelsey (Harris Manchester), Zhuang-Hui Wu (St Edmund Hall) and Nathan Lee (Magdalen). They were greatly assisted by two researchers, who were also responsible for the co-ordination of the memorials (which were placed 14th in the World rounds): Wing Law (University College) and Victoria Flowers (Jesus College). The team was coached by Julie Taylor (Magdalen) and Paschalis Paschalidis (Harris Manchester).

The team started working on the case in October 2006. Thanks to the commitment of all involved and a large amount of hard work, including the production of 25,000 word memorials, many practice moots and countless sleepless nights, the Oxford team made its way to the International Rounds in Washington DC. In the preliminary rounds, the team argued as Applicant against Belarus and Malaysia and as Respondent against Namibia and Hong Kong, achieving four wins and taking the eighth position in the overall ranking of the preliminary rounds. All the oralists performed excellently, and were ranked in the top 100 oralists of the preliminary rounds. Elizabeth Kelsey (Harris Manchester) ranked 40th, Zhuang-Hui Wu (St Edmund Hall) ranked 65th and Nathan Lee (Magdalen) ranked 90th.

Having ranked among the first eight, the team was exempt from arguing in the first run-off rounds and consequently competed as Applicant against the Lewis & Clarke University from Oregon, USA in the quarter-finals. It was a tough and highly competitive round in which both sides put a great deal of effort and skill. Even the judges, in finding in favour of Lewis & Clarke, admitted that it was a close round that they found difficult to decide. Despite the disappointment, the team felt honoured by the presence of Professor Vaughan Lowe (Chichele Professor of Public International Law and Fellow of All Souls) in the audience, and enjoyed the high standards set by the bench.



World 8th placed Jessup team (L-R): Wing (Paddy) Law (University College), Zhuang-Hui Wu (St Edmund Hall), Paschalis Paschalidis (co-coach, Harris Manchester), Nathan Lee (Magdalen), Lizzie Kelsey (Harris Manchester), Julie Taylor (co-coach, Magdalen). Absent Victoria Flowers (Jesus) and James Edelman (Faculty Advisor, Keble)

Oxford University victorious at the OUP and BPP National Mooting Competition 2007

James Chapman and Andrew Hilland (both from Magdalen College) were selected to represent Oxford at the prestigious OUP and BPP National Mooting Competition, and progressed through five rounds to win the final in London on 5 July 2007. More than 50 teams from universities across the country entered, but in the final round, Oxford's team scored a decisive victory over Birmingham University.

The subjects mooted over the course of the competition were drawn from areas of criminal, contract, tort and administrative law, the last round involving the right to manifest one's religion under the Human Rights Act. The quality of advocacy, according to Judge Gratwicke who presided over the final, was far higher than he usually encountered in court: a very encouraging message about the standard of Oxford mooting today.

For more information about the OUP and BPP National Mooting Competition, see the OUP website at: www.oup.co.uk/oxfordtextbooks/law/mooting/moot2007/

Fifth Annual International Intellectual Property Moot

The Fifth Annual International Intellectual Property Moot, hosted jointly by the Oxford Intellectual Property Research Centre and the Intellectual Property Institute, took place at Worcester College between 23 and 25 March. The moot, now in its fifth year, goes from strength to strength and is truly international. This year, teams from as far afield as Australia, Hong Kong, Sri Lanka, Canada, the United States and France, as well as a significant UK and Irish contingent, honed their advocacy skills before panels made up of practitioners and professionals from all spheres of IP practice and academia.

The dispute on trade mark infringement in slogans and logos proved highly topical. The rounds were tightly fought right from the start. The University of Cambridge, the National University of Singapore, the George Mason School of Law, the Queensland University of Technology, the University of Central Lancashire, l'Université de Nantes, the University of Hong Kong and the University of British Columbia, all

Shearman and Sterling Moot

On a day in which avian 'flu hit the headlines in Australia, two Australian graduate students from Magdalen faced two Finalists from Brasenose in a moot involving pure economic loss arising from diseased chickens. After the elimination of 38 other teams following written submissions and preliminary moots, Benjamin Spagnolo and Andrew Lodder (Magdalen) met Natalie Brown and Isabel McArdle (Brasenose) in a final described by Lord Justice Toulson as involving a high standard by all mooters.

Ms Brown and Ms McArdle argued that no duty of care was owed by an inexperienced chicken farmer whose diseased chickens caused a serious loss of sales to a nearby free range farmer, although no injury was caused to the neighbouring chickens. They also argued that even if a duty of care was owed, the inexperienced farmer had not breached it, because he had done everything that could conceivably have been done by him given his level of experience. Counsel for the Respondents, Mr Spagnolo and Mr Lodder, argued that English law should pay heed to a closely related Australian decision in which the majority had recognised a duty of care in a similar context. After a light moment, when Counsel for the Appellants had tried to distinguish the Australian authority on the basis of jurisdiction, but had been reminded of the deep respect that the English courts had for Australian judges, 'many of whom were educated here', Lord Justice Toulson held that as a matter of English law no duty of care was owed. His Lordship considered that the circumstances in which pure economic loss is recoverable in tort law should be heavily circumscribed. In a complex society where many things we do have adverse economic consequences for others, it would be a greater evil to permit the uncertainty, loss of autonomy and litigation industry that would arise from recognising a duty of care than to let losses lie where they fall. His Lordship also considered that the farmer had not breached any duty of care, had one been owed. Despite the result of the case, Mr Spagnolo and Mr Lodder's valiant efforts earned them the Shearman and Sterling trophy for 2007. Sincere thanks go to Shearman and Sterling LLP, one of the Law Faculty's major sponsors, and to Lord Justice Toulson for judging the final.

Dr James Edelman
Master of Moots



Andrew Lodder (BCL, Magdalen), Isabel McArdle (Finalist, Brasenose), Natalie Brown (Finalist, Brasenose), Benjamin Spagnolo (BCL, Magdalen), Lord Justice Toulson, Dr James Edelman (Keble, Master of Moots), Mr Michael McGowan (Partner, Shearman & Stirling LLP), Mr Roderick Bagshaw (Magdalen, Vice Chair of the Law Board)

**For more information on
the Annual International Intellectual Property Moot, please see the website of the
Oxford Intellectual Property Research Centre at
www.oiprc.ox.ac.uk/moot.html.**

progressed from the first two rounds to the quarter-finals.

Sunday morning witnessed George Mason emerge victorious over Nantes, and Queensland University of Technology over the University of Hong Kong. For the first time in the moot's history, a UK team did not progress to the final.

Lords Justices Mummery and Jacob and Mr Justice Pumfrey sat to judge the final in the splendid surroundings of the Linbury Room at Worcester College. Susan Hedge and Justen Bersin of Queensland University of Technology and Robert Spendlove and Jeremy Kidd of George Mason School of Law presented what the panel later said was the highest standard of advocacy that the competition had ever seen. In the end, Queensland managed to pip George Mason at the post, and emerge as overall winners.

The prize for best written submission went to Ramesh Kumar and Mohamed Nawaz Kamil of the National University of Singapore, while the prize for the best individual mooter went to Sylvain Chatry of

Nantes. Special prizes for advocacy were awarded to Elaine Mok (University of Hong Kong), Harry Bacon (Cambridge), Stanilas Wellhof (Nantes), Mark Stiggelbout (Oxford) and Ramesh Kumar (Singapore). The Organising Committee's prize for the team best embodying the spirit of the moot went to the University of Central Lancashire (Aaron Pulford and Mohammad Sajjad Khan).

As in previous years, the mooters resided in College over the weekend and took the opportunity to meet like-minded students from across the world. A pub quiz on the Saturday night and the Gala Awards Dinner on the Sunday let students, practitioners and academics interact in a relaxed atmosphere, and gave students an insight into the opportunities to engage in IP law at the Bar, in a law firm or in academia.

This year's moot was the most successful to date. The event could not have taken place without the support of sponsors, who gave generously in both money and

also in the time and effort they spent judging rounds over the two days. The large group of students who acted as clerks throughout the weekend are also owed a word of thanks. The Organising Committee of Nicola Pierce, Laura Feldman, Simon Pritchard, Alison Slade, Maxine Vaver, Sophie Palmer and Karen Clayton put in endless hours to ensure the event ran without a hitch and, just as importantly, that a good time was had by all. Long may this enjoyable event continue!

Sophie Palmer
Chair of the Organising Committee
Keble College

**We deeply regret the news of
Lord Justice Pumfrey's untimely
death in December 2007**

News from the Centre for Socio-Legal Studies



Photo: Gareth Edwards

The academic year began for the Centre for Socio-Legal Studies (CSLS) with the appointment of six new members of academic staff, following a selection process that had commenced earlier in 2007 (see p.28). Members of the various selection committees engaged in the process were impressed with the calibre of the applicants and the excellence of the appointees. Our new members of staff have a range of backgrounds and research interests as diverse and international as one has come to expect in Oxford. In bringing the number of full-time research staff at the CSLS to 12, the appointments will greatly enhance its capacity to continue its work in studying the character and role of law in society, and in attracting research students from around the world.

It is hard nowadays to think of law without the concept of *regulation* immediately coming to mind. Some regard law and regulation as synonymous, although in academic circles, regulation has the narrower meaning of a legal structure imposed on an area of private activity, the object being to require that the activity be conducted in accordance with particular social values. The study of regulation in this sense has been at the centre of the CSLS's research since its foundation more than 35 years ago.

The creation of a University Lectureship in Law and Regulation, and the appointment to the position of Dr Bettina Lange, whose reputation as one of the rising researchers in this area is well-established, will enable us to build on existing research and develop

it further. The appointment also provides us with the opportunity to collaborate with different areas of regulation, including Professor Doreen McBarnet's work on the financial sector, Mr Danilo Leonardi and Dr Yik Chan Chin's work in media regulation, and the work of Mrs Cinnamon Carlarne on the environment. Dr Fernanda Pirie, who was appointed to a second University Lectureship, is about to commence a major study of regulation of the English Bar, while Dr Christopher Hodges and Dr Magdalena Sengayen continue their study of the regulation of products and ensuing issues of liability. If human rights as the basis for regulation is added, and the notion that administrative law constitutes regulation of government, then the potential for future research in regulation, both theoretical and empirical, is considerable.

For some years, the CSLS has funded a research fellowship in honour of Mr Nicholas Katzenbach, who has been a leading figure in public life in the United States in the second half of the twentieth century. This year, two appointments were made. Dr David Erdos, who read PPE at Merton followed by a doctorate at Princeton, works in the constitutional and public law area, while Dr Michelle Cowley, who trained at Trinity College Dublin, brings a psychologist's scrutiny to bear on legal decision-making. It is especially pleasing once again to have psychology among the disciplines at the CSLS.

The study of law in transition societies has been a significant part of the CSLS's research since the end of the communist era in Europe. Dr Marina Kurkchian will soon bring to fruition her work in the field with a book on legal culture in the countries of the former Soviet Union. She and a group of European colleagues have recently been awarded a research grant of £1.3 million by the Norwegian government in order to extend and develop her research into legal cultures in other parts of Europe. Parallel research on law in transition societies is being carried out by Dr Pirie, who recently returned from a research trip to Western China, where she studied the inter-relationship between local and state law. Dr Chin, who recently joined the CSLS as the Shell Research Fellow in Media Law and Policy, was brought up in the People's

Republic of China (PRC), and is interested in its current regulation of free speech. The common themes between Eastern Europe and the PRC should provide ample opportunity for future collaboration and comparison. Indeed the benefits of comparative work of this kind can already be seen in Dr Kurkchian's recent study of Russia and China, entitled 'Russia and China: a Comparative Perspective on the Post-Communist Transition' (Foundation for Law, Justice and Society, Rule of Law in China: Chinese Law and Business Series, available at: www.fljs.org/images/Kurkchian_Working_Paper.pdf).

A new dimension will be added to the study of legal cultures when Dr Phil Clark joins the CSLS later in the academic year. Dr Clark, a former Rhodes Scholar from South Australia, has been appointed to a Research Fellowship in Courts and Public Policy. The object of this new position (generously funded by the Foundation for Law, Justice and Society) is to develop a programme of study at the CSLS concerned with courts as social institutions, a matter long overdue in the British research agenda. Not only will Dr Clark place courts firmly on the research agenda, he will also bring to the Centre a deep knowledge and understanding of Africa and its many legal cultures, having conducted empirical research into a variety of courts in West Africa.

These are just some of the highlights of the research and related activities being carried out by an energetic and capable research staff at the CSLS. The staff are joined by a vibrant community of research students, of whom there are now more than 20. Given such staff and students, and considering the range of different but connected interests being explored, the CSLS enters the new academic year in full sail. It should be noted, finally, that much of this activity is made possible by the continuing financial support of several benefactors, including in particular Mr John Adams and Mr Paul Dodyk.

Denis Galligan
Director of the Centre for
Socio-Legal Studies
Professor of Socio-Legal Studies

News from the Institute of European and Comparative Law

The Oxford Institute of European and Comparative Law (IECL) looks back on another exciting year, and has a packed agenda for 2008.

The beginning of the academic year 2007-8 saw the arrival of Dr Wolf-Georg Ringe as the new Oxford DAAD Lecturer in Law, a post funded by the German Academic Exchange Service. Dr Ringe teaches German law to those undergraduates who read for the Oxford 'English Law with German Law' degree and prepares them for their year at one of our German partner faculties. An alumnus of Christ Church, Dr Ringe also teaches courses in EU law, European business regulation and company law.

His predecessor Dr Katja Ziegler, who held the Oxford DAAD Lecturership between 2002 and 2007, moved on to the recently re-established Erich Brost University Lecturership in German and European Community Law. The five-year post is associated with a Tutorial Fellowship at St Hilda's College. It was endowed by the late Dr Erich Schumann, Managing Partner of the WAZ Media Group, who sadly died on 21 January 2007. Dr Schumann worked steadfastly towards securing this post within the Faculty and his continued support was very much appreciated.

Among the many conferences and seminars organised during the academic year, a two-day colloquium in March 2007 was especially well received. It brought together leading private lawyers from England and France who discussed the merits of the *Avant-projet de réforme du droit des obligations et de la prescription* (the 'Avant-projet Catala'), the most comprehensive proposals for a reform of the French Civil Code since its coming into force in 1804. The proceedings of the colloquium will be published in 2008. The event was funded by the Association Sorbonne-Oxford, which was founded by the IECL, the University of Paris I (Panthéon-Sorbonne) and Clifford Chance (the principal financial supporter of the Association). Sadly, Mr Michael Elland-Goldsmith, one of the leading partners of the Paris Office of Clifford Chance and long-standing General Secretary of the Association Sorbonne-Oxford, died suddenly on 25 June 2007. Mr Elland-Goldsmith, who was also a member of the Institute's Advisory Council, was a great supporter of the Institute's activities and his encouragement will be greatly missed.

Members of the IECL organised and took part in many other events during this academic year. Professor Ulf Bernitz convened a symposium on 'Trends in Retail Competition: Private Labels, Brands and Competition Policy', funded by the Wallenberg Foundation and London law firm Bristows. Professor Stefan Vogenauer, Professor of Comparative Law and Director of the Institute, convened a two-day workshop on the UNIDROIT Principles of International Commercial Contracts at Brasenose College, bringing together a dozen experts from some 10 jurisdictions who are contributing to a commentary on the Principles. Professor Gerhard Dannemann, a former member of the IECL and now Professor at the Berlin Humboldt University and a Research Fellow at the Institute, organised a meeting of the Redaction Committee of the Research Group on Existing EC Private Law ('Acquis Group').

The Institute was also involved in a celebration of 50 years of European Studies at Oxford, held at St Anthony's College. In addition, the IECL took part in a major conference on 'Democracy and Social Justice in European Contract Law', held at the Cour de cassation in Paris. Furthermore, the Institute and its Centre for Competition Law and Policy ran the highly successful four-day training programme for national judges in European competition law, which is dealt with in more detail on (see p.22) of this issue

of the Oxford Law News.

The Comparative Law Discussion Group and the EC Law Discussion Group stimulated debate between Faculty members, students and visitors from all over the globe. Speakers at the Discussion Groups came from Austria, the Czech Republic, Estonia, Germany, Italy, South Africa, Spain and the USA. The high profile Guest Lecture Programme of the Centre for Competition Law and Policy continued to bring leading practitioners and EU officials to Oxford.

The Institute continues to administer the Oxford Law Faculty's student exchange programmes with universities in France, Germany, Italy and the Netherlands. In February 2007, it concluded a further exchange agreement with the University Pompeu Fabra in Barcelona. This was the result of a long and careful selection process. The Oxford students going to Barcelona will find themselves in the most highly regarded Law Faculty in Spain, boasting excellent facilities and with the additional attraction of being within five minutes walking distance from the beach. The first students for the new 'Law with Spanish Law' degree will be admitted in due course, and we hope that the degree will be as successful as our existing exchanges.

The forthcoming academic year will see a number of high profile events. A major conference with Clifford Chance on 'Civil Justice Systems and the Harmonisation of European Contract Law' and a colloquium on 'Issues in Financial and Insolvency Law: Perspectives from France and the UK' will be held in March 2008. June will see a small symposium on 'The Form of Judgments in a Comparative Perspective', and in October 2008 the Institute and the new Oxford University Centre for Business Taxation are planning a two-day conference exploring whether there is a new general principle of EU law: the 'prohibition of abuse of law'.

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



News from the Centre for Criminology

This has been my second year as Director of the Centre for Criminology, with the result that I am no longer described, or describe myself, as 'new'. It is also the year that I gave my inaugural lecture, an occasion I greatly enjoyed, and a report of which can be found elsewhere in the Oxford Law News (see p.20). It has, I think, been a year in which we have taken some important steps along the path that the Centre set itself when I arrived.

On the research front, members of the Centre were awarded two major grants from The Leverhulme Trust. Professor Federico Varese was awarded a grant of £25,691 for a study of organized crime in Italy. The project commenced in March 2007 and is to run for nine months. The study consists of an analysis of documents produced by the Italian police for an investigation into a group of individuals who tried to set up a criminal gang in an Italian city in the 1990s. Dr Benjamin Goold and Professor Ian Loader were awarded a grant of £83,669 for a study entitled 'Shopping for Security? The Meanings and Effects of Security Consumption'. This project commenced in April 2007. These successes meant that we were able to welcome two new Research Officers to the Centre: Mr Paolo Campana from Italy and Dr Angelica Thumala from Chile (via a doctorate in Sociology at the University of Cambridge). This year has also seen Professor Julian Roberts complete his book on *Punishing Persistent Offenders* and Professor Roger Hood and Dr Carolyn Hoyle finish a fourth edition of *The Death Penalty*. Both will be published by Oxford University Press in 2008.

We also continue to build the Centre into a thriving and renowned graduate school of criminology, thanks in important measure to the great job that is being done by our Graduate Studies Administrator, Ms Cathy Byford. This October we welcomed 24 students onto the MSc Criminology and Criminal Justice (the highest intake on the course to date), the cohort including students from Australia, Bulgaria, China, Japan, St Lucia and Sri Lanka. We also enjoyed a large rise in applications from students wishing to study for doctorates in the Centre, and welcomed 10 new doctoral students this October, boosting our total doctoral student body to 18. With a view to building on this success, we are currently planning to introduce a distinct DPhil Programme in Criminology, which should take its first students in October 2009. Alisa Stevens, one of our current DPhil students, was awarded the Sara A. Burstall Centenary Scholarship by the British Federation of Women Graduates for her DPhil study: 'Towards the Decency Agenda: Experiences of Democratic Therapeutic Community Penal Regimes'.

This year saw the retirement from the Centre of Dr Colin Roberts. Dr Roberts was a University Lecturer in the Department of Social Policy before joining the Centre for Criminological Research (as it was then known) in 2002. He was a former head of the Probation Studies Unit. Two of the Centre's Research Officers also departed this year: Ms Sarah Jones to a senior research post with 'Revolving Door', and Mr Alex Sutherland to study for his DPhil in the Department of Sociology. I would like to thank them all for their contribution to the work of the Centre and wish them well for the future.

Other highlights of the year for the Centre and its members have included:

Publication of a collection of essays edited by Dr Goold and Dr Liora Lazarus, entitled *Security and Human Rights* (Hart 2007); and *Civilizing Security* by Professor Loader and Professor Neil

Walker (Professor of European Law at the European University Institute) (CUP 2007) (see p.30).

Professor Loader delivered the Eighteenth Eve Saville Memorial Lecture at the Centre for Crime and Justice Studies, King's College London. The lecture, entitled 'Has Liberal Criminology "Lost"?' can be downloaded at www.crimeandjustice.org.uk/opus252/Haslibcrimlost2007.pdf.

Three members of the Centre have been appointed to the 'Commission on English Prisons Today' established by the Howard League for Penal Reform. Dr Hoyle and Professor Loader are to serve as Commissioners, whilst Dr Mary Bosworth is to act as its Academic Consultant. The Commission, which is to be presided over by Ms Cherie Booth QC, will report in 2009. Further details can be found at www.prisoncommission.org.uk.

Dr David Green, a Junior Research Fellow at Christ Church, and Research Associate of the Centre, was co-winner of the European Society of Criminology's 'Young Criminologist Award' for his work on public deliberation on crime.

Professor John Braithwaite of the Australian National University delivered the 2007 Roger Hood Annual Public Lecture on the topic 'Intelligent Alternatives to Criminal Law'. The lecture and follow-up seminar were well-attended and stimulating events and have helped to embed this event as a significant part of the Centre's annual calendar. The 2008 lecture is to be delivered by Professor Frank Zimring of the University of California, Berkeley, with the title: 'The Great American Crime Decline: Two Lessons for Criminology and Crime Policy'. The lecture will take place on 22 May 2008 and will be used as an occasion for inviting the Centre's alumni back to Oxford for the day.

Those who wish to find out more, or keep abreast of the Centre's research and teaching activities, can do so by visiting www.crim.ox.ac.uk.

Ian Loader
Director of the Centre for Criminology
Professor of Criminology



Photo: Nasir Hamid

Austrian State Honour for Sir Frank Berman QC



On 14 June 2007, the Republic of Austria conferred on Sir Frank Berman QC, Visiting Professor in International Law, the 'Grand Decoration of Honour in Gold with Star for Services to the Republic of Austria' (Großes Goldenes Ehrenzeichen mit dem Stern für Verdienste um die Republik Österreich). This great honour was awarded in recognition of Sir Frank's work on the General Settlement Fund for Compensation of Victims of Nazi Persecution.

When the Fund was created in 2001, Sir Frank was appointed as Chairman of its Claims Committee (Antragskomitee) by the Austrian and US governments. The Committee is an independent organ which has the task of determining claims for loss or damage in certain defined categories that have not previously been dealt with – or dealt with adequately – in prior compensation or restitution schemes.

The Fund is open to all persons or groups who were the subject of persecution within the territory of the present-day Austria or who left the country to escape persecution, and their heirs and successors. In all, over 20,000 claims were received by the closing date, and the Claims Committee is now in the final stages of determining them and considering applications for review.

The decoration was conferred by the State Secretary in a ceremony at the Foreign Ministry in Vienna. Professor Timothy Endicott, Dean of the Law Faculty, said, 'I am delighted that Austria has recognised its debt to Sir Frank in this way, and I would like to congratulate Sir Frank on behalf of the Law Faculty.'

Australian Honour for Oxford Law benefactor and his wife

Our warmest congratulations go to Mr Allan Myers QC and his wife Maria who were made Officers of the Order of Australia in the Queen's Birthday Honours 2007. It is believed to be the first time in the history of the Australian honours system that such an honour has been conferred on husband and wife at the same time. Both were recognised for their services as philanthropists supporting and endowing a range of charitable, indigenous, heritage and art organisations, and Mr Myers was also commended for his services to the law and to business. Medical institutes, art galleries, musical groups, aborigine culture and law schools have all benefited from the Myers' philanthropy. The Oxford Law Faculty continues to receive generous support from Mr Myers, a BCL graduate and one-time law lecturer. This support is used to promote exchanges with Melbourne Law School, to which Mr Myers is devoted (see p.27) for this year's exchanges); to expand the collection of Australian legal materials in the Bodleian Law Library; and to provide scholarship funding for BCL students.



Photo: Alan Crawley

Professor Andrew Burrows becomes a Fellow of the British Academy

Congratulations to Professor Andrew Burrows on his election to a Fellowship of the British Academy in July 2007. Professor Burrows has been the Norton Rose Professor of Commercial Law since 1999, and his association with Oxford goes back to the late 1970s, when he completed his undergraduate studies and the BCL at Brasenose. After five years as a lecturer at the University of Manchester, Professor Burrows returned to Oxford as a Fellow of Lady Margaret Hall in 1986. He was appointed as a Law Commissioner in 1994, taking charge of a number of 'common law' projects on matters such as privity, damages, limitation, and illegal transactions. Since his return to Oxford in 1999 as the Norton Rose Professor and a Fellow of St Hugh's, he has played a leading part in the teaching of commercial law subjects, and is prominent in fostering links between the Faculty and the professions in his role as Honorary Director of the University of Oxford Law Foundation.

Professor Burrows has published widely in the fields of restitution, contract and remedies. Among his best-known works are *Remedies for Torts and Breach of Contract* (Third Edition, OUP 2004) and *The Law of Restitution* (Second Edition, Butterworths 2002). He has contributed chapters to authoritative texts such as *Chitty on Contracts* (Sweet & Maxwell), *Clerk and Lindsell on Torts* (Sweet & Maxwell), and *Scrutton on Charterparties* (Sweet & Maxwell). He co-edited (with Lord Rodger) the volume of essays in memory of Professor Peter Birks, *Mapping the Law* (OUP 2006), and has taken over the editorship of *English Private Law* for its forthcoming second edition (OUP 2007). He recently completed *A Casebook on Contract* (Hart, 2007).

Eighteenth British Legal History Conference held in Oxford

The biennial British Legal History Conference is the most important meeting in its field, attracting delegates from Europe, North America and Australasia as well as scholars from the United Kingdom and Ireland. The Eighteenth British Legal History Conference was held between 2 and 5 July 2007 at St Catherine's College, Oxford, returning to the venue of the successful tenth conference led by the late Professor Peter Birks. This year's conference was organised by three legal historians at the Oxford Law Faculty: Dr Paul Brand (All Souls College), Dr Joshua Getzler and Dr Michael Macnair (both of St Hugh's College). Around 200 people from countries around the globe participated in four days of scholarly talks, discussions and exchanges.

The theme of the conference was 'Judges and Judging'. There were three plenary sessions on aspects of the general theme, addressed by Dr Paul Brand ('Judges and Judging in England, 1176-1307'), Professor John Langbein of Yale Law School ('Bifurcation and the Bench: The Influence of the Jury on English Conceptions of the Role of the Judge') and Professor Michael Lobban of Queen Mary (University of London) School of Law ('The Politics of English Law in the Nineteenth Century'). A plenary round-table session was also conducted, considering the topic 'Why Chancery?', and 26 panel sessions were held at which a total of 71 papers were delivered. Professor Timothy Endicott gave a rousing welcome to the delegates and emphasized the long-standing importance of legal history teaching and research

in Oxford. In addition, Oxford University Press sponsored a reception at All Souls College, where the life and career of Sir William Blackstone was celebrated with a fine exhibition of memorabilia drawn from the library of the college. Professor Wilfrid Prest (Blackstone's modern biographer) and Professor Emily Kadens (a specialist in European Legal History at the University of Texas) (see p.25) also spoke at the reception of Blackstone's career as a jurist in Oxford.

Many of the papers can now be read online (in draft form) at www.law.harvard.edu/programs/ames_foundation/BLHC07/Index.html. The organisers also anticipate publishing a book of selected papers.

We are especially grateful to several donors, notably the Journal of Legal History, Mr Nick Segal and Mr Richard Youard. Their financial assistance made it possible for many doctoral students to attend. The conference generated enormous enthusiasm among the participants, and attracted many Oxford lawyers and historians who joined the visitors for a successful and stimulating event.



Michael Lobban (Queen Mary London), John Langbein (Yale), Paul Brand (All Souls) and Law Faculty, Oxford); and then to the right of Paul, Wilfrid Prest, Blackstone's biographer (Adelaide) and John Louth (OUP)

Dr Paul Brand, Dr Joshua Getzler and Dr Mike Macnair

Mr Justice Thakker visits Oxford Law

The Law Faculty recently had the honour of hosting Mr Justice Thakker of the Indian Supreme Court. At a lunch event organized by the Dean of the Law Faculty, Professor Timothy Endicott, Mr Justice Thakker addressed a packed audience of law students from a variety of jurisdictions. Mr Justice Thakker's speech covered several interesting issues about the Indian judicial system, particularly the creative role played by the Indian Supreme Court in the development of Public Interest Litigation in India. He also responded to several questions from the audience, regarding the scope of the powers of the Indian Supreme Court, his views on the constitutional role of the judiciary vis-à-vis the executive, and the vital issue of access to justice and legal aid in Indian courts. Mr Justice Thakker's visit provided a forum for a fascinating comparative perspective towards learning and debate about the law. Many of the 60 participants were themselves Indian law students, who were very familiar with the work of the Court. But the event was also much appreciated by students unfamiliar with and interested in learning more about the traditions of the Indian legal system.



From Principles to Practice: Implementing Genetic Database Governance

Last year, the Oxford Law News reported on a seminar series entitled 'Governing Genetic Databases', convened by Dr Sue Gibbons and Dr Jane Kaye at the Ethox Centre, as part of an ongoing socio-legal project (www.ggd.org.uk). As well as enhancing links between the Oxford Law Faculty and specialist researchers working across the University, the series brought to Oxford eminent legal scholars from the UK and abroad to discuss pressing issues concerning the governance of biomedical and forensic biobanks. In July 2007, the seminar papers were published as the inaugural special issue of the *King's Law Journal* (vol 18(2)), which Dr Gibbons and Dr Kaye co-edited.

Following this success, 2007 witnessed an expanded follow-up seminar series designed with a broader socio-legal orientation, which again served to deepen and enrich the Law Faculty's engagement with interdisciplinary research and socio-legal scholarship. Across seven seminars, a distinguished international panel comprising lawyers, sociologists, bioethicists, genetic epidemiologists and regulators addressed key challenges and issues around implementing genetic database governance norms and principles in practice. Speakers included the Human Tissue Authority's Chief Executive Mr Adrian Mc Neil; Icelandic data protection compliance specialist Mr Hörður Helgi Helgason (LM Attorneys, Reykjavik); UK Biobank's Chief Executive Professor Rory Collins (University of Oxford); Professor David Vaver and Dr Kaye (Oxford Law Faculty); and sociologists Professor Sarah Cunningham-Burley (University of Edinburgh) and Professor Mary Dixon-Woods (University of Leicester).

Additionally, in conjunction with the Economic and Social Research Council's Genomics Policy and Research Forum (Edinburgh), Professor Alexander Capron (University of Southern California) presented a special extended seminar event on 'Ethical Norms and the International Governance of Genomics'. Professor Capron is a former WHO Director of Ethics, Trade, Human Rights and Health Law, as well as the President of the International Association of Bioethics, and an internationally-renowned expert in healthcare law, policy and ethics.

Four of this year's seminar papers, together with an introductory article, are due to be published in early 2008 as a special collection in *Medical Law International*. Once again, Dr Gibbons and Dr Kaye are overseeing their production.



The Governing Genetic Databases Project team (L-R): Professor Mike Parker, Dr Cate Heeney, Dr Sue Gibbons, Dr Jane Kaye, Dr Andy Smart

Dr Sue Gibbons
Researcher in Law
Ethox Centre

Foundation for Law, Justice and Society Annual Lecture

The 2007 Annual Lecture of the Foundation for Law, Justice and Society, entitled 'If the Public would be Outraged by their Rulings, Should Judges Care?', was given by Professor Cass R. Sunstein (Karl N. Llewellyn Distinguished Service Professor, University of Chicago) at Rhodes House in May. Professor Sunstein argued that although a deliberate anticipation of the public's reaction would seem contrary to the principle of judicial independence, there might be situations when judges should be sensitive to the outrage which they believe their rulings may provoke. Drawing on the findings of his recent book, *Infotopia* (OUP 2006), he invoked the tremendous potential of the group mind to reach accurate judgements, in order to assert that public outrage may well be a sign that the judge has made the wrong decision.

The lecture was followed by a one-day workshop which brought together participants from a range of different backgrounds, including academics from Law, Philosophy and Politics Departments and senior members of the judiciary from several countries, in order to address the provocative questions which Professor Sunstein's lecture raised. The event was part of the Foundation's ongoing programme on 'Courts and the Making of Public Policy'.

A full report will be
available on the Foundation's website



Restitution in Commercial Law

Between 3 and 5 August 2007, the University of New South Wales hosted a second international conference on private law, following the 2004 'Fusion' conference on the interaction of common law and equity in commercial law. The 2007 conference was convened by Oxford alumna Professor Simone Degeling and Dr James Edelman, Fellow of Keble College, and was sponsored by the Australian Financial Review and Australia's leading law firms (Allens Arthur Robinson, Mallesons Stephen Jaques, and Freehills). It was entitled 'Restitution in Commercial Law' and involved a large contingent of Oxford Law Faculty and alumni speakers. This contingent included sitting judges such as Justice Ken Hayne (High Court of Australia and Exeter), Justice Carmel McLure (Court of Appeal of Western Australia and Wadham) and Lord Rodger (House of Lords and New College); practitioners such as Mr John McGhee QC (Maitland Chambers and University College); and academics such as Professor Adrian Briggs (St Edmund Hall), Professor Andrew Burrows (St Hugh's) and Mr William Swadling (Brasenose). The conference was attended by over 200 participants and saw vigorous debate and discussion of the future of the law of unjust enrichment. Only nine days after the conference concluded, Justice Kirby of the High Court of Australia obliquely referred to it during oral argument in the course of granting special leave in an unjust enrichment case. He remarked that '(w)hole conferences are devoted to this area of the law ... in some countries it is a growth industry and in this country it might be interred stillborn, but can it be denied that it is an important question? [This case] does seem to be an appropriate vehicle to present interesting and important questions of legal principle.' (*Lumbers & Anor v W Cook Builders Pty Ltd (in liquidation)* [2007] HCATrans 420.)



Insecurity, Politics and Excess

'What has the prospect of endless ice-cream topped with sweets got to do with the spiralling levels of incarceration that have recently swept the Western world?' That was the intriguing starter question put to the audience at the inaugural lecture of the Professor of Criminology, Ian Loader, on 26 April 2007.

Professor Loader adopted ice-cream as a symbol of what he described as the 'practices of excess' in contemporary Western society. He talked about how excessive consumer behaviour has led to penal developments like zero-tolerance, the decline of rehabilitation, an unprecedented spate of law and order legislation, crackdowns on sex offenders and 'exceptional' measures against terrorists. Features of modern life like affordable air travel, childhood obesity, the easy availability of credit, and the worship of celebrity, have encouraged people to think that the world is on their doorstep and at their command. A criminal act perpetrated on 'a world that pays homage to self-regarding self-fulfilment' results in that world feeling an 'amplified' sense of damage or injustice. Contemporary society's responses to crime echo the practices of excess: society demands speed, urgency, and here-and-now gratification, and displays impatience with caution, doubt and moderation. How else, he asked, can we explain the staggering fact that we have had more Acts of Parliament dealing with crime and punishment in the 10 years since 1997 (53) than in the 100 years leading up to it (42)?



Professor Loader described the current climate as being one 'in which excessive security and the excess means called upon to realise it seem compelling', but he believes that such an idea of security cannot plausibly be delivered and produces illiberal practices. Our society, he argued, has clambered upon a self-perpetuating treadmill of cosmetic and frenetic security-seeking that it finds it difficult to get off. He asked whether governments should treat security demands like other consumer cravings and issue 'health warnings' about the dangers of over-consumption.

Dr Paul Brand addresses the American Society for Legal History



Dr Paul Brand, Senior Research Fellow at All Souls College, recently travelled to Arizona to speak at the 2007 Conference of the American Society for Legal History, held between 25 and 27 October. The conference was attended by nearly 300 scholars and students of legal history from around the world.

Dr Brand gave the plenary address of the conference in the Sandra Day O'Connor College of Law at Arizona State University. His lecture was preceded by an introduction from the school's namesake, retired US Supreme Court Justice Sandra Day O'Connor, who spoke of her love of history and her place in it. Dr Brand presented his paper: 'Thirteenth Century English Royal Justices: What We Know and Do Not Know about What They Did'. This work is the result of decades of research, and provides an invaluable insight into the early history of the English legal profession.

Online Legal Research Skills Course held in Malaysia

In December 2006, Ms Sandy Meredith, the Law Faculty's Teaching and Learning Officer, taught a week-long course in online legal research skills in Kuala Lumpur at the request of the Malaysian Attorney General's Department. The 25 participants came from all over Malaysia, and included experienced magistrates, lawyers, civil servants and young researchers. During the course, there was discussion about the structure and updating of the key primary and secondary legal resources in England, Australia and New Zealand, Malaysia and Singapore, India, Canada, and, in outline, the USA. The emphasis, however, was on hands-on learning of skills for finding the law using Lexis, Westlaw and the internet (especially Worldlii and its national websites such as Austlii, Bailii, Canlii and the Cornell LII in the US). The course was held in the picturesque and peaceful surroundings of the Judicial and Legal Training Institute (ILKAP) in Kuala Lumpur, in a computing training room excellently equipped for this hands-on work. Participants investigated approaches in the different jurisdictions to subject areas relevant to their work. The issues researched were diverse: no-fault liability, the role of doctors in coroners' courts, same-sex marriage, trade treaties, Aboriginal land rights, Islamic law, human trafficking, murder, parole and community service orders. The hosts were very hospitable, and the participants approached the challenges of learning about advanced online searching and diverse legal sources with enthusiasm, perseverance and good humour.

Ms Sandy Meredith
Teaching and Learning Officer



Training Programme for European National Judges

This year the University of Oxford Centre for Competition Law and Policy (part of the Institute of European and Comparative Law (see p.15)) hosted its second training programme for European national judges. The programme, endorsed and subsidised by the European Commission, took place over five days and consisted of lecture sessions, workshops and case studies. In particular, close attention was paid to the enforcement of competition laws by national courts and the co-operation between the European Commission and national courts. Thirty-five national judges took part in the programme this year. In their feedback, this year as last year, 100% of participants indicated that they will recommend to others to attend the programme in the future. The merits of the programme are well illustrated by some of the letters received from delegates:

'The training programme in European competition law for national judges has been by far the most profitable training programme I have so far attended. After a very interesting introduction to EU law and economics, followed the outstanding main part held by the director of the [Centre for Competition Law and Policy] Dr Ezrachi, who was able to thrill the listeners even after short summer nights. The quality of the programme makes it suitable for "beginners" as well as for "experts", because even for [experts] it will give an overall view that you cannot get in the daily casework. In addition to this, you get working materials that enable you to refresh your knowledge as well as deepen it if necessary. Last but not least, the programme profits from being located in a beautiful town with good accommodation.'

Mr Volkhard Werhahn, Judge, Civil Court, Leipzig, Germany

'The training course for national judges in European competition law offered by the Oxford Centre for Competition Law and Policy is an excellent opportunity for all national judges, whether previously involved in European competition law practice or not, to get a glimpse of how fascinating this subject can be, both from a legal as well as from an economic point of view. The very able lecturers, headed by Dr Ariel Ezrachi, provide an excellent and very thorough overview of Articles 81 and 82 EC and their enforcement, the applicable regulations and guidelines as well as the relevant case-law and the economics involved. The case study concluding the course gives the participants a chance for lively discussions of the subjects studied in multi-national groups. Even though there is a lot of material to be studied in one week, the course leaves ample time for the participants to get to know each other and Oxford, and share not only their views on different legal matters but also a beer in the pub.'

Dr Christiane Schmaltz, LLM (University of Virginia), Judge, Lübeck, Germany

Oxford Law Alumni Lectures

On 13 March 2007, Herbert Smith LLP hosted the Alumni Law Lectures, which featured Professor Vaughan Lowe and Professor Dan Sarooshi speaking on public international law.

Professor Vaughan Lowe is the Chichele Professor of Public International Law and a Fellow of All Souls College. He is also currently the presiding arbitrator in a number of World Bank international investment tribunals (see p.6). Professor Lowe presented a lecture entitled 'How treaties protect foreign investors'. This lecture examined the remedies available to foreign investors, should problems arise concerning their investment. The possibilities are not limited to the terms of the specific investment agreement, but include remedies under bilateral investment treaties (BITs) and other treaties. International tribunals continue to make landmark decisions under such treaties, determining the respective rights of investors and host States.

Professor Dan Sarooshi is Professor of Public International Law at Oxford, a Fellow of the Queen's College, and a member of the List of Panellists for the World Trade Organisation (WTO) Dispute Settlement System. He gave his lecture on 'Telecommunications and regulation: How the World Trade Organisation can add value to telecoms companies'. Professor Sarooshi explained how the WTO General Agreement of Trade in Services (GATS) binds WTO Member States to particular obligations in relation to the trade and regulation of certain sectors, including the telecommunications sector. He gave examples of how the WTO system has been used by telecoms operators to compete effectively against an incumbent, to gain market access and to maximise their tax position.

These interesting lectures were very well-received and, as with all Oxford Law Alumni Lectures, provided an opportunity to meet fellow alumni and like-minded professionals, share ideas and discuss topical issues. We would like to thank Herbert Smith LLP for their generous support for this event.



KPMG Professor of Taxation, Judith Freedman, introduces Professor Vaughan Lowe and Professor Dan Sarooshi at the Herbert Smith Alumni Lectures

New Academic Exchange with the Max Planck Institute in Hamburg

The Institute of European and Comparative Law (see p.15) has recently concluded an agreement setting up an academic exchange with the Max Planck Institute for Comparative and International Private Law in Hamburg. The exchange is open to Faculty members and graduate research students of the Oxford Law Faculty who wish to pursue research at the Max Planck Institute. Oxford may send to Hamburg either one eligible person for a six-month period or a number of eligible persons for shorter periods totalling six months. In exchange, one PhD student or academic member of the Hamburg Institute may pursue research at the Oxford Law Faculty for a period of one year.

The exchange was officially launched on 6 November 2007 at St Catherine's College, where the Visiting Fellow will have a college affiliation. Professor Reinhard Zimmermann, Director of the Max Planck Institute, gave a brief overview of the research conducted at the Institute and of the practical arrangements for the exchange, while Professor Vogenauer introduced the first Max Planck Fellow in Oxford, Dr Walter Doralt. Dr Doralt, a comparative private and company lawyer, will stay with us until July 2008.

The Hamburg Institute, founded in 1926, is one of more than eighty Institutes of the Max Planck Society, which perform research in the natural sciences, life sciences, social sciences and the humanities. It is one of the world's leading institutions in its fields of research.



For more information on the Max Planck Institute for Comparative and International Private Law, please see the Institute's website at www.mpipriv.de/ww/en/pub/home.cfm.

Oxford - Texas Exchange Programme

The Oxford-Texas Exchange programme forged ahead in 2007, with three members of the University of Texas (UT) School of Law visiting Oxford in Trinity Term. Their visit follows on from that of Oxford colleagues Ms Catherine Appleton, Mr Nicholas Bamforth, Ms Mindy Chen-Wishart, Dr Wanjiru Njoya, Ms Sandy Meredith and Dr Katja Ziegler to Texas in April 2006, as reported in the previous issue of the Oxford Law News.

Professor Jane Stapleton, now Ernest E. Smith Professor at Texas, provided expert stewardship for the Texas visits. Many of you no doubt know Professor Stapleton from her time as Fellow and Tutor in Law at Balliol College (1987-1997), before she moved to the Australian National University. Indeed, she remains a Fellow of Balliol and a Visiting Professor at this University. Professor Stapleton acted as the main liaison between the two Faculties, ensuring that each visit was individually tailored.

The first visitor was Professor Jordan Steiker, co-director of the UT Law School Capital Punishment Center. On 27 April 2007, he gave a lecture entitled 'Federal Constitutional Regulation of the American Death Penalty: Past, Present, and Prospects for Judicial Abolition'. Dr Carolyn Hoyle reports that the audience, who filled the Lecture Theatre of the Manor Road Building, heard a fascinating historical and contemporary account of the use of the death penalty in America since its reinstatement in 1976, which focused on the role of the US Supreme Court. Using no notes, but holding the audience's attention throughout, Professor Steiker drew on the vast academic literature, the rapidly developing death penalty jurisprudence and his own experiences going head-to-head with US Supreme Court judges. (With his colleagues and students in the Capital Punishment Clinic, Professor Steiker has taken a number of cases to the US Supreme Court and has won five consecutive victories over the past three years.)

The next week saw the visit of Professor Mark P. Gergen, one of the most eminent private law specialists in the United States, who has written extensively across the entire spectrum of the law of obligations: contracts, torts and restitution. Professor Stapleton arranged a meeting between Oxford scholars interested in the law

of obligations and Professor Gergen to discuss the then current draft of the Restatement Third, Torts: Economic Torts and Related Wrongs, for which he is the American Law Institute's reporter. The meeting was held in the Old Common Room in Balliol College on 30 April 2007. Discussion concentrated on inadvertent economic loss, factual causation, scope of liability and promissory estoppel.

The final visitor was Professor Emily Kadens, a specialist in European legal history whose current research focuses on Sir William Blackstone and on the history of bankruptcy in pre-modern England and France. Dr Joshua Getzler reports that she gave a fascinating talk to the Oxford Legal History Forum on 1 May 2007, entitled 'Blackstone as a Comparativist'. She traced the influence of both classical Roman and modern *ius commune* and natural law sources on Blackstone as he wrote his famous Commentaries on the Laws of England. Professor Kadens, who is a trained philologist and Medieval Latin scholar, as well as a commercial lawyer and legal historian, used examples from eighteenth century contract law to illustrate her thesis that Blackstone used civilian sources to refract his modernizing vision of the common law. In the ensuing debate, the Oxford legal historians pressed Professor Kadens to ask why Blackstone did not use the Roman law of contract, such as stipulation, even more aggressively in the Commentaries. Joined by Professor Stapleton, Professor Kadens continued the debate with the Oxford legal historians over a very pleasant lunch later in the week, and in July, Professor Kadens returned to Oxford to speak eloquently about Blackstone at the Eighteenth British Legal History Conference. (see p.18)

The visits were an enriching intellectual and social experience for the both the visitors and their local hosts. The Law Faculty thanks all the visitors for their contributions, Professor Stapleton for her wonderful liaison and the new Dean of the Texas Law School, Professor Lawrence Sager, for his commitment to the programme.

Ms Cathryn Costello
Worcester College

Exchange with the University of Melbourne Law School, Michaelmas 2006

As the first member of the Faculty of Law to go on the new exchange programme with Melbourne Law School, I found my expectations exceeded in every respect, except one, of which more on later.

I had assumed that the main benefits of such exchanges were to be found in general areas: meeting new people, making contacts, receiving new input, finding time to let the mind wander and develop ideas in a new environment, and being removed from the day-to-day demands of normal work. All this turned out to be true, and very useful it was, with the qualification that e-mail and the internet are mixed blessings (the arrival of the proofs of a book on privacy that I was editing did not respect the privacy of a sabbatical).

What I had not expected was that the exchange would result in a significant, tangible contribution to one of my research projects. I had set out on the exchange with the idea of expanding my knowledge in comparative human rights and legal systems, and looking into debates about the pros and cons of codifying human rights. This has been part of my research in the context of EC and English law, and I wanted to enrich it by getting a better idea of human rights protection in a non-codified system, such as that of Australia.

Little did I know that just a few months before my arrival, the state of Victoria had adopted a codification which provided an excellent case-study for my research. Moreover – twice lucky! – the people at the Centre for Comparative Constitutional Studies at Melbourne Law School, to which I was associated during my stay, had been heavily involved in the consultation process, so it was exactly the right place for me to be in Australia. Since my only formal obligation was to give a paper in the Faculty staff research seminar series, I indulged in the luxury of focusing entirely on research. Better still – three-times lucky! – Professors Simon and Carolyn Evans from the Centre for Comparative Constitutional Studies looked after me very well, made me feel at home and became my friends.

Although the staff of the Centre for Comparative Constitutional Studies were my first and major port of call, I received a very warm welcome in the Faculty generally. The Dean, Professor Michael Crommelin, and Ms Mardi Richardson (the

Advancement Manager) were among the many people within and outside my fields of research who showed an interest and invited me for lunches, coffees and Aussie BBQs. Other centres also co-adopted me during my stay, including the Asia-Pacific Centre for Military Law, with Professor Tim McCormack and Mr Bruce Oswald, known as ‘Oz’, who whisked me off within days of my arrival to participate in a training course in humanitarian law for operational and legal military officers from the Asia-Pacific region. This gave me my first and very special impression of Sydney Harbour from the prime vantage point of an Australian naval base. It made me very aware of Australia’s role and importance in the region, and of its different angle on world politics. The Institute for International Law and the Humanities, directed by Professor Anne Orford, and Associate Professors Megan Richardson and Andrew Kenyon from the Centre for Media and Communications Law, also adopted me on a day-to-day basis as my office neighbours on the ninth floor of the brand new Law School building. This has grandiose views over the city, when not obscured by bushfires, which hit the state severely during my stay.

I even found someone with whom to have my habitual mid-morning coffee, as I often do with Ms Jenny Dix, our administrator in the Institute of European and Comparative Law. Ms Jean Molloy, administrator of the Intellectual Property Research Institute on the ninth floor, was my good companion and advisor in all mundane matters, such as sporting facilities and where to buy gaiters to protect me from all the evil creatures (especially snakes) when going on a bush walk. As it turned out, I did not see a single one, neither snakes nor poisonous spiders, but that may have been the result of my ignorance or failure to spot them.

Beyond the Law School I found a second haunt and home in Trinity College, where I was made to feel very welcome. It was particularly fascinating to discover the different role of colleges in the university, and the flexible Australian adaptations to the college system and traditions, to suit not only a hotter climate, but also the proverbial more relaxed attitude (allowing, for example, children at High Table).

This was my first visit to Australia and I am not just an academic geek, so I took the opportunity to look around. Melbourne itself has so much to offer – food from all parts of the world, museums and galleries, markets, the ‘suburb’ (or borough) of St Kilda, the Botanical Gardens with ‘flying foxes’ (fruit bats), the Bay, with the famously picturesque bathing boxes, and, of course, cricket. Even though a lot of the ‘barmy army’ were less enthusiastic than the Aussies on that third and last day of the fourth Ashes Test at the MCG, it was great to see Shane Warne play in his home ground a couple of days after his 700th Test wicket during the traditional Boxing Day Test. There was good sportsmanship in the crowd, if not on the oval.

I was again particularly lucky – I have now lost count of the number of times I was lucky! – to get a very special introduction to Australian art. I was taken around the Victoria National Gallery by that wanderer between the two worlds of Oxford and Melbourne, and my partner in the exchange, Professor Michael Bryan, when he returned from Oxford around Christmas.

The reader who has been curious enough to read this far to find out about the one thing that did not meet my expectations may be disappointed by an anticlimax: instead of the usual hot Christmas on the beach in the Antipodean summer, there was a rather wet and cold ‘English’ Christmas in Melbourne. Amazingly, there was even a white Christmas in the surrounding hills. Australia is full of surprises!

Dr Katja Ziegler
Erich Brost University Lecturer in German
and European Community Law
St Hilda’s College



Dr Katja Ziegler and Professor Michael Bryan

Oxford-Melbourne Exchange: the Oxford Experience

As the first visitor to Oxford under the recently signed Oxford and Melbourne Law exchange agreement I returned to the university where I had studied for my undergraduate and BCL degrees. I felt at times like Rip Van Winkle returning to an institution which, while retaining all the fundamentals of a liberal legal educational establishment, had nonetheless undergone significant changes.

My research project was to write a text for students on equity and trusts in Australia. Fortunately, that project has developed well, and the book will be completed in 2008.

I may have been a research visitor, but the opportunity to rediscover the justly admired teaching methods of the Oxford Law Faculty was too good to miss. In 1972, I participated in the BCL Restitution class taught by Professor Peter Birks and Mr Derek Davies. Without the signposts provided by Professor Birks' later books, we spent many happy hours identifying the essential ideas, and then finding the language with which to express them. In Michaelmas 2006, the subject was taught by Dr James Edelman and Mr Robert Stevens (now Professor of Commercial Law at UCL). With the benefit of Professor Birks' masterly books we again spent many happy hours identifying the essential ideas and finding the language with which to express them! The ideas and language have changed, but the spirit of passionate inquiry is constant.

Many people contributed to making the visit enjoyable. The hospitality of Keble College was much appreciated, and Dr Edelman and Mr Ed Peel were perfect hosts. Mrs Ruth Bird, who was head of the Legal Resource Centre at the University of Melbourne before coming to Oxford, made me welcome in the Bodleian Law Library. Finally, Ms Emma Rampton, the Law Faculty Head of Administration, made the practical arrangements which helped to make the visit such a success.

Professor Michael Bryan
Melbourne Law School

Oxford-Munich Exchange in Berlin

Our most recent exchange with the LMU Munich Law Faculty took place between 19 and 22 April 2007. Previous exchanges have taken the form of either a long-term exchange of a Faculty member for research purposes, or a joint conference of Faculty members. The latter format was adopted in 2005, and the resulting work,

Human Rights and Private Law (ed. Katja S. Ziegler), has recently been published as Volume 5 of the *Studies of the Oxford Institute of European and Comparative Law* (Hart 2007) (see p.15).

On this occasion, the interchange experimented with a new format: a seminar for doctoral students in a subject area, in this instance, public international law. Two members from the Oxford Faculty of Law (Mr Dapo Akande and Dr Katja Ziegler) and six DPhil students (Veronika Fikfak, Gleider Hernandez, Markos Karavias, Keren Michaeli, Martins Paparinskis and Antonios Tzanakopoulos), travelled to Berlin to present and discuss ideas related to their theses (all current themes of public international law) with their German colleagues. They were met by a delegation of nine doctoral students from Munich, led by Munich Faculty member Professor Georg Nolte.



Kick-off fittingly took place in Germany's Foreign Ministry (Auswärtiges Amt), where the participants engaged in a lively discussion on two very topical themes: attempts to define the crime of aggression in international criminal law, and legal issues in the fight against terrorism. The main part of the seminar was dedicated to the students' presentations, and discussions continued over a few glasses of German beer.

This new format for the Oxford-Munich exchange was a great success. Aside from the intellectual benefits, members and students from both Faculties had the opportunity to make new contacts and even fit in some sightseeing in Berlin, a city replete with links to historical events relevant to modern-day international law.

For more information about this exchange, please visit the Public International Law at Oxford website on <http://denning.law.ox.ac.uk/pil/>.

Oxford Canterbury Erskine Exchange

Ms Mindy Chen-Wishart, Reader in Contract Law at Merton College, was the Erskine Oxford Fellow at the University of Canterbury during August and September 2007. She delivered seven lectures on aspects of the New Zealand Contractual Remedies Act to a class of 230 students. She also used her time to finish work on the second edition of her book, *Contract Law* (OUP 2007), and to prepare papers for conferences she will be speaking at next year.

The University of Canterbury Erskine exchange programme allows members of Canterbury and Oxford Universities (three from each) to visit each other's institutions. Dr Stefan Talmon, Reader in Public International Law, took part in the exchange in 2006. Visitors from Canterbury to the Oxford Law Faculty include Dr Chris Gallavin in 2006 and Professor Philip Joseph in 2007.



Environmental Law

Environmental law at Oxford is undergoing a sea change! In October 2006, the first full undergraduate Environmental Law option was introduced, and October 2007 saw the start of the new BCL/MJur option in European Community Environmental Law. Both these subjects, in keeping with the ethos of the Law Faculty, are concerned with studying environmental law in considerable legal depth and with analytical rigour. These two new courses require students to engage with the growing legal, doctrinal and regulatory complexity of the subject as it is now practised and debated by practitioners and scholars. The undergraduate course builds on the solid legal basis that students have developed in their study of core subjects and requires students to reflect on how mainstream legal concepts apply to environmental problems. The BCL/MJur subject focuses on the cutting edge of EC environmental law: how it is practiced and studied in the contemporary context. Both courses are taught through a mixture of seminars and tutorials in which students are active participants. There are also a number of graduate research students working on environmental law topics, including emissions trading schemes, environmental principles and sustainable development.

A number of students in the environmental law area achieved considerable success in 2006-7. Louise Corfield and Nik Alatorsev, two undergraduate environmental law students, won the UK Environmental Law Association (UKELA) Student Prize Moot. Eloise Scotford, who at the time was a graduate student, also received second prize in the UKELA essay writing competition.

The Law Faculty has also seen an expansion in the number of those involved in environmental law teaching and research. Dr Liz Fisher (the convenor of the subject group) and Professor Stephen Weatherill were joined in 2006 by Mrs Cinnamon Carlarne (Junior Research Fellow in Environmental Law at Wadham College and the Centre for Socio-Legal Studies) and Professor Geert van Calster (Visiting Lecturer from the Faculty of Law, University of Leuven). In 2007, Dr Bettina Lange, a leading scholar in socio-legal approaches to environmental law, was appointed to the University Lectureship in Law and Regulation and Ms Eloise Scotford was appointed to the three-year Career Development Fellowship in Environmental Law (see p.30). The end result is that the Oxford Law Faculty now has a dynamic group of scholars lecturing and researching environmental law from a range of different disciplinary perspectives and who are committed to environmental law scholarship of the highest quality. Our scholars participate in national, European and international legal and policy debates concerning environmental law.

In the last year, members of the Faculty have produced some superb publications on environmental law. The topics covered range from tackling problems to do with the definition of waste (Scotford, *'Trash or Treasure: Policy Tensions in EC Waste Regulation'*, *Journal of Environmental Law* (2007) 19(3) 367); to structures of international environmental governance (Carlarne, *'Climate Change – The New "Superwhale" in the Room'*, *Southern California Law Review* (2007) 80 753); the role of public administration in risk regulation standard-setting (Fisher, *Risk Regulation and Administrative Constitutionalism*, Hart 2007); and the contribution of EU pollution control law to integration in the EU (Lange, *Implementing EU Pollution Control: Law and Integration*, CUP, available March 2008).

Dr Liz Fisher
Corpus Christi College

Intellectual Property Law

Intellectual property is an area of great strategic importance for Oxford Law. A central objective for the Faculty in 2008 will be to fill the Chair in Intellectual Property and Information Technology which fell vacant at the end of December 2007 with the retirement of Professor David Vaver. The Chair was generously funded in its early years by the Reuters Foundation, and the Faculty is currently looking for a new benefactor to support the post and be part of the Faculty's wider vision for intellectual property (IP) at Oxford.

Three things are central to that vision. The first is the continued development of the IP Subject Group's undergraduate and graduate teaching programmes. The second is the strengthening of the Faculty's links with the Oxford IP Research Centre, and the Saïd Business School; the latter through the IP component of the MSc in Law and Finance (see p.24). And the third is the consolidation and extension of the Faculty's relationship with the wider IP community.

The IP Group's teaching programmes

In 2006-7 a new undergraduate subject was introduced, Copyright and Trade Marks, the numbers for which have doubled in the subject's first year. This year Patents will also be taught at undergraduate level in Oxford for the first time, while the graduate course in Intellectual Property Rights will continue as a central part of the BCL/MJur programme.

The Oxford Intellectual Property Research Centre

The Oxford IP Research Centre is a multidisciplinary research institute that was established by former Law Faculty member Mr Peter Hayward in 1990 with a gift from the Hitachi Foundation. In its first six years it was a library housed in a single set of rooms at St Peter's College. In 1995 it was allocated an additional room for visitors, and its life as a research institute with visitors and grants took off. Since the appointment of Professor Vaver to its Directorship in 1998, it has developed further, setting up and overseeing a range of activities including a weekly Seminar Series, an e-journal, a Mock Trial/Symposium, and the increasingly well-known International IP Moot. In July 2007 Dr Justine Pila took over as Interim Director, pending the appointment of a successor to Professor Vaver.

The highlights of the Centre's 2006-7 calendar were its IP Moot and Symposium. The IP Moot was a great success, with 19 entrants and a stunning grand final won by Susan Hedge and Justen Bersin of Queensland University of Technology. Judged by Lord Justices Jacob and Mummery, and Mr (later Lord) Justice Pumfrey, the finalists delighted the audience with the strength of their arguments, the poise of their delivery, and the deadpan humour with which they met the anecdotal excursions of the Bench. It was an excellent final which contestants in 2008 will be hard pressed to beat. Lord Justice Pumfrey will be sincerely missed from the Bench at future Moots. (For an account of the Moot by one of its participants see p.12). For further information about the 2008 moot follow the links from the Centre's website at www.oiprc.ox.ac.uk)

The Symposium was similarly successful. The focus was an infringement claim and validity counter-claim involving a patent for a lettuce spinner tried according to the law and procedure of the UK, the US and Canada. The result was astounding: in the

US the patent was found valid but not infringed, in Canada invalid and not infringed, and in the UK infringed but invalid. The reason was not any great difference in the law, but substantial differences in the relevant procedure. The advocacy was excellent, and a panel discussion at the end gave the presiding Judges – Mr Justice Rothstein from the Canadian Supreme Court, Chief Judge Holderman from the US District Court for the Northern District of Illinois Chicago, and Judge Fysh QC from the UK Patents County Court – the opportunity to talk generally about their experiences of IP litigation.

The future

While IP Law at Oxford is a small subject group by some University standards, it is part of a growing network across the University. Exploring and exploiting the possibilities created by that network

is central to the Faculty's vision for the Subject Group. So too are developing the Group's links to the wider, non-academic community, and creating further Faculty posts in IP Law itself. The last of these will become particularly important after the departure of Dr Michael Spence in Hilary Term 2008 (see p.2).

Before Dr Spence's departure, the Faculty looks forward to hosting David Brennan, Associate Professor at the University of Melbourne, under the recently established Oxford-Melbourne exchange (see p.27). While in Oxford Dr Brennan will teach on the FHS and BCL courses in IP and pursue collaborative research with Dr Pila.

Dr Justine Pila

University Lecturer in Intellectual Property Law
Tutorial Fellow, St Catherine's College

Law and Finance

My tenure as the first Lovells Professor of Law and Finance began on 1 July 2007 (see p.3) I spent much of the summer involved in discussions with colleagues in the Saïd Business School over proposals for new courses. If all goes according to plan, we anticipate that from Autumn 2010 we will offer a new interdisciplinary MSc course in Law and Finance. In doing this, our goal is to provide a rigorous academic grounding in subjects that have very practical applications, in a way that integrates different disciplinary perspectives.

Businesses operate in markets, and legal regulation in turn frames the way in which both firms and markets operate. In understanding the design and application of financial or competition regulation, it is increasingly important to understand the operation of the markets in question. Similarly, it is equally crucial to understand the economic and strategic objectives of businesses when structuring transactions involving mergers or financing. The course's goal will be to give students an analytic toolkit for developing solutions to new problems from first principles. We anticipate that it will be of interest both to those working, or planning to work, in financial and regulatory organisations, as well as to lawyers who interact with or advise them. The course will also be an ideal foundation for a subsequent interdisciplinary D.Phil.

We have completed an initial round of market research, which generated an extremely positive response. Over the next few months, we will be testing out ideas with professionals and regulators, building collaborative alliances with organisations over the design of various case studies, and inaugurating a Steering Committee for the new course. In future issues of the Law News, I hope to report how the course design takes shape.

In the meantime, I have also been busy with a number of interdisciplinary research-related activities. The seminar series in Law and Finance, co-convened by the Law Faculty and the Saïd Business School, is now well established. Speakers this academic year have included Professor Edward Morrison from Columbia Law School and Professor Eric Rasmusen from Indiana University. The Financial Law Discussion Group in the Law Faculty is also extremely active. Its graduate members, led by Woo-Jung Jon, one of our D.Phil students, have invited numerous distinguished academic and practitioner visitors to the Law Faculty in the past year. Furthermore, from January 2008, we will be inaugurating a Reading Group specifically focused on providing research students and colleagues with a forum in which to discuss ideas and gain feedback on work in progress.

In June 2008, we are planning a roundtable event on 'Transatlantic Perspectives in Private Equity and Hedge Funds', which will bring together academics, regulators and professionals working in this field. This will be organised jointly with the Institute for Law and Economics at the University of Pennsylvania.

Taken together, the planned MSc, the various research projects and the numerous events evince a real and timely strengthening in the Law Faculty's interdisciplinary, cross-departmental capabilities.

John Armour
Lovells Professor of Law and Finance



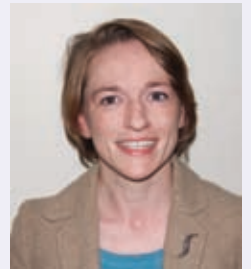
New Starters in the Faculty

Professor Hugh Beale has been appointed as a Visiting Professor for 2007-8 to contribute to the teaching of commercial law. Professor Beale has been the Commercial Law and Common Law Commissioner at the Law Commission since 2000. In his time there, Law Commission reports in his area of responsibility have included Limitation of Actions, Unfair Terms in Contracts and Company Security Interests. He is also a Professor of Law at the University of Warwick, where he has taught since 1987.



Professor Leslie Green has been appointed to the Professorship in the Philosophy of Law, with a fellowship at Balliol College. Professor Green comes to Oxford from the Osgoode Hall Law School at York University, Toronto. He has been a Regular Visiting Professor at the University of Texas, a Visiting Fellow at Columbia University's Center for Law and Philosophy and a Hauser Global Faculty member at New York University School of Law.

Ms Lucinda Ferguson has been appointed to the University Lecturership in Family Law, in association with Oriel. Ms Ferguson completed her undergraduate law studies (Law with Law Studies in Europe) and BCL at Magdalen College, Oxford. She previously held the position of Assistant Professor at the University of Alberta. Ms Ferguson's research interests concentrate on children's law; family law; equality theory and practice; social norms, rights and obligations; legal theory and the philosophy of law.



Dr Bettina Lange has been appointed to the post of University Lecturer with a non-tutorial fellowship in Law and Regulation, in association with Wolfson College. Dr Lange completed her doctorate at Warwick University in 1997. She joins the Law Faculty from the University of Keele, where she has worked as a Lecturer in Law since 2002. She has substantial experience as a teacher in environmental law, EU law, public law and socio-legal research methods. Her research focuses on environmental law and EU law and regulation, and she has recently completed a monograph entitled *EU Pollution Control: Law and Integration* (CUP 2007). Dr Lange will also be a member of the Centre for Socio-Legal Studies (see p.14).

Dr Shlomit Wallerstein has been appointed as a CUF lecturer, in association with St Peter's College. Dr Wallerstein was previously a stipendiary lecturer at St Peter's, having obtained her doctorate here in 2005. Her research and teaching interests include EC law, jurisprudence, national security law, criminal law and criminal penology.



Dr Katja Ziegler has been appointed to the Erich Brost University Lecturership in German and European Community Law, in association with St Hilda's. Dr Ziegler was the Faculty's DAAD Lecturer in German Law and the Institute of European and Comparative Law's Deputy Director since 2002. Before that, she obtained her doctorate from the University of Bielefeld. Dr Ziegler has experience teaching in a number of areas (for example, EC law, EC competition law, European human rights law, German law and public international law). Dr Ziegler has published widely, recent publications including *The Princess and the Press: Privacy after Caroline von Hannover v. Germany* in Katja S. Ziegler (ed) *Human Rights and Private Law: Privacy as Autonomy* (Hart 2007); and *Executive Powers in Foreign Policy: The Decision to Dispatch the Military* in K Ziegler, D Baranger and AW Bradley (ed), *Constitutionalism and the Role of Parliaments* (Hart 2007).



Dr Wanjiru Njoya took up the post of CUF lecturer on 1 September 2007, in association with Wadham College. Dr Njoya was previously a Supernumerary Fellow at St John's, providing teaching for the College and the Faculty whilst Professor Freedland was on Leverhulme Research Leave. Prior to her appointment at St John's in 2005, Dr Njoya was a lecturer at the University of Kent and received a doctorate from the University of Cambridge, where she was the Rhodes Scholar for Kenya. Dr Njoya's main research interest is employee participation in corporate governance, and she has recently completed a book on the subject: *Property in Work: The Employment Relationship in the Anglo-American Firm* (Ashgate 2007). Dr Njoya has teaching experience in a variety of subjects, including land law, labour law, company law and European employment and equality law.

Dr Wolf-Georg Ringe has been appointed to the DAAD Lecturership in German Law (see p.15). Dr Ringe was a MJur student here in 2003-4. He obtained a doctorate (on the European Company Statute) from the University of Bonn in 2006, and has had wide experience as a research assistant. Prior to his appointment in Oxford, he worked as a lawyer based in Hamburg. His research interests include European law, company and economic law, conflict of laws and English, French and Arabic law.

Mr Michael Ashdown took up the post of CSET Career Development Fellow in Land Law and Trusts, in association with Somerville College, on 1 October 2007. After obtaining first class results as an undergraduate at Cambridge, Mr Ashdown worked for a year as a research assistant at the Law Commission, before coming to Oxford to complete the BCL. Mr Ashdown is keen to develop his research into trust law, in particular examining the role of fault in attaching liability to trustees and third parties. He is also involved in the teaching of land law and trusts.



Ms Eloise Scotford has been appointed to the Career Development Fellowship in Environmental Law, in association with Corpus Christi College. Ms Scotford obtained the University Medal in Law in her first degree (at the University of Sydney), after which she spent a period as an associate to the Chief Justice of Australia, before becoming a lecturer in Sydney and Melbourne. She came to Oxford for the BCL, in which she obtained a distinction, and is currently undertaking an MPhil. Ms Scotford's current research concerns environmental principles and how they are applied by the EC courts.

Dr Rita de la Feria has recently joined the Oxford University Centre for Business Taxation, based at the Saïd Business School, as a Research Fellow. Dr de la Feria is working on taxation law with a particular interest in EU tax developments.

Dr de la Feria received her law degree from the University of Lisbon, having specialised in tax law and economic law. She then began her professional career as a tax consultant with Arthur Andersen, working in both their Lisbon and Dublin offices. In 2001, she was awarded a grant by the Portuguese Government's Fundação para a Ciência e a Tecnologia to pursue her doctoral studies at University of Dublin, Trinity College, which she completed in 2006.

Births

Dr Ben Gould and his wife Lisa had a baby boy, Theo, on 16 August 2007.

Ms Jenny Payne and Mr Nick Wenban-Smith celebrated the birth of Oliver Edward on 20 March 2007.

Dr Grant Lamond's wife Clare gave birth to a baby girl, Helena, on 30 April 2007. Helena arrived early; she must have been trying to keep to family tradition, because her brother and sister were both born in noughth week of Trinity Term.

Mrs Catherine Donaldson and husband, Stuart, celebrated the safe arrival of Elinor on 1 December 2006. At five weeks early, it was clear Elinor was determined not to miss out on Christmas!

Ms Michelle Madden Dempsey and Liam welcomed Charles Edward to their family on 27 July 2007.



Dr Pavlos Eleftheriadis and his wife Rachel welcomed Leonidas Richard Odysseas to the family on 20 November 2006.



Professor Stefan Vogenauer and his wife were pleased to announce the safe arrival of Veronika Elisabeth on the 29 March 2007.

Child Abuse Law and Policy Across Boundaries

Laura Hoyano and Caroline Keenan
(OUP 2007)

Whilst there may be universal agreement that ‘something must be done’ about child abuse, there is much less clarity about what qualifies as child abuse and what should be done about it. Policy makers often invoke the law at times of crisis which are seen to demand a societal response. The presence of legislation on the statute book or the creation of rules and protocols which professionals must follow is one socially acceptable sign that the problem has been recognised and that an effective response has been implemented.

In the last two decades of the twentieth century, the numerous controversies about the response of public agencies and the courts to allegations of child abuse, as well as campaigns to reform the treatment of child witnesses in adversarial trial systems, provided the impetus for legal reform in both criminal and civil proceedings in England and Wales. These legal initiatives were ad hoc responses to specific problems, and not part of a coherent and integrated programme of reform across the criminal and civil systems. Legislators and the courts in family, criminal,



and tort proceedings have constructed different liability and evidential rules in parallel rather than in tandem with the other courts adjudicating the same issues, and often regarding the same child. Similarly, reforms in other common law jurisdictions have often been only partially understood by lawmakers in England and Wales.

This book looks across the legal and geographical boundaries within which the legal discussion of child abuse is usually confined. It considers the themes and policy considerations driving each form of legal response to the problem of child abuse. It also provides a detailed discussion of the law governing the trial of allegations of child abuse in the key areas of family, criminal and tort law in English law, and compares this with the approaches in other common law jurisdictions using the adversarial mode of trial, in particular in Canada, the United States, New Zealand and Australia. In its breadth and depth, *Child Abuse Law and Policy Across Boundaries* marks a significant contribution to the rapidly evolving field of child protection law.

The Law and Practice of International Finance 2007 Series

Phillip R Wood
(Sweet & Maxwell 2007)

International finance is a topic of paramount importance in today's world. Financial flows are several dozen times larger than trade flows: the annual flow through some financial markets is a substantial multiple of world GDP. The amounts, and the risks, involved are staggering.

This series of seven practitioner works provides the broadest available coverage of international financial law and regulation. Drawing on his experience as head of the banking department at Allen & Overy for 10 years, the author offers a set of independent but interrelated expositions of the key topics and themes of

international finance law.

As well as examining the legal principles, policies and practice, these volumes deal with all 320 jurisdictions in the world, providing a comparative, multi-jurisdictional approach to international finance. The series is geared towards current practice, with special emphasis on insolvency and regulation, and offers practical guidance and recommended approaches. The Law and Practice of International Finance 2007 Series constitutes the most comprehensive and up-to-date treatment of financial law available.



Treitel on the Law of Contract

Edwin Peel
(Sweet & Maxwell 2007)

Treitel on the Law of Contract was first written in 1962 by Professor Sir Guenter Treitel, formerly Vinerian Professor of English Law at All Souls. This is the first edition not to have been written by him. While some changes have been made, it is the current author's hope that the book remains unmistakably ‘Treitel’ and that it continues to provide a thorough and discerning treatment of contract law.



The twelfth edition incorporates more than 300 new cases and covers all the key legislative developments since the last edition, including those resulting from the Companies Act 2006, the Mental Capacity Act 2005 and the Consumer Credit Act 2006.

Civilizing Security

Ian Loader and Neil Walker
(CUP 2007)

Security has become a defining feature of contemporary public discourse, permeating the so-called ‘war on terror’, problems of everyday crime and disorder, the reconstruction of ‘weak’ or ‘failed’ states, and the dramatic renaissance of the private security industry. Security is the subject of fierce debate between those state and non-state actors who promote or promise it as an unqualified good, and critics who pinpoint its liberty and democracy-threatening effects and contend that security must be tightly constrained or even transcended.

But what does it mean, and take, for individuals to be secure? And what is the relationship between security and the practices of the modern state? In this timely book, Ian Loader and Neil Walker outline and defend the view that security remains a valuable public good, a platform for and education in political

society, and argue that the democratic state has a necessary and virtuous role to play in its realization. While the state may no longer be suited to or capable of sustaining the monopoly position suggested by the classic Westphalian understanding of national and international society, it remains indispensable to the task of fostering liveable political communities in the contemporary world – pivotal to the project of civilizing security and releasing security's civilizing potential.

This book will be of interest to students of social and political theory, sociology, criminology, public law and regulatory studies, political science and international security studies, as well as to anyone who wishes to deepen their understanding of one of the most significant and pressing issues of our times. (See: <http://www.cambridge.org/uk/catalogue/catalogue.asp?isbn=9780521691598>)

The New Corporate Accountability: Corporate Responsibility and the Law

Edited by Doreen Mc Barnet, Aurora Voiculescu and Tom Campbell

(CUP 2007)

This book is about corporate social responsibility (CSR) and the law, a pairing which at first sight might seem like a contradiction in terms. The adoption by companies of CSR policies is, after all, routinely characterised as self-governance; business voluntarily going the extra mile beyond what the law requires. If this is voluntary action, however, it is voluntary action in response to a firm push from external forces; both social and market pressures and, increasingly, law.

What kind of law is being used, how, and by whom, are all interesting questions. Little of the new law is conventional state regulation. Law is being brought into play in subtle and indirect ways; private law is being used in an innovative fashion; and the initiative for the new rules lies as much with private organisations as with the state. At the same time, governments are using not only traditional legal instruments, but also social and market forces to foster CSR. Indeed, one message of the book is the two-way interplay between CSR and the law: wider ethical standards and social and market forces, such as those currently encompassed in the CSR movement, may be necessary if legal regulation is to be effective. In CSR, we can see an example of the new governance; a complex interaction between government, business, civil society, private law, state regulation and self-regulation, at national and international levels, with social, legal, ethical and market pressures all being brought to bear in ways

that cut across traditional pigeonholes, and which interrelate with each other and foster a new multi-faceted approach to corporate accountability.

The book includes contributions from around the world. It is multidisciplinary, with some chapters based on empirical research, some analysing new developments in law, politics or the market, and some speculating on how the law might develop, or how it should. It covers developments in a wide range of areas of law, encompassing company law, securities, tort, contract, criminal law, international law, human rights, tax law, environmental law and trade law. The topics discussed include developments in civil society and the market, supply chains, codes of conduct, human rights, government procurement strategies, the World Trade Organisation, corporate reporting, the role of the Board, the role of employees, shareholder activism, European Union strategies, business and international law, issues in attributing responsibility to corporate bodies, and the environment, all with a single clear focus on the emerging relationship between CSR and the law, and all raising issues not just for law and business, but for the wider social agenda. (See: <http://www.cambridge.org/uk/catalogue/catalogue.asp?isbn=9780521868181>)



Risk Regulation and Administrative Constitutionalism

Elizabeth Fisher

(Hart 2007)

Over the last decade, the regulatory evaluation of environmental and public health risks has been one of the most legally controversial areas of contemporary government activity. Much of that debate has been understood as a conflict between those promoting 'scientific' approaches to risk evaluation and those promoting 'democratic' approaches. This characterisation of disputes has ignored the central roles of public administration and law in technological risk evaluation. This is problematic because legal disputes over risk evaluation are disputes over administrative constitutionalism, in that they are disputes over what role the law

should play in constituting and limiting the power of administrative risk regulators. The book demonstrates this by examining five case studies taken from five different legal cultures: an analysis of the bifurcated role of the Southwood Working Party in the UK BSE crisis; the development of doctrines in relation to judicial review of risk evaluation in the US in the 1970s; the interpretation of the precautionary principle by environmental courts and generalist tribunals carrying out merits review in Australia; the interpretation of the World Trade Organisation (WTO) Sanitary and Phytosanitary Agreement as part of the WTO dispute settlement process; and the interpretation of the precautionary principle in the EU context. A strong argument is thus made for re-orienting the focus of scholarship in this area.

English Private Law, Second Edition

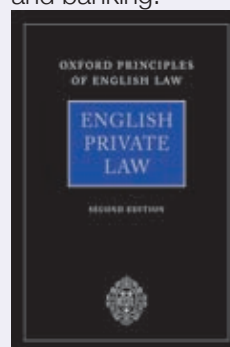
Edited by Andrew Burrows

(OUP 2006)

The aim of this book is to provide a high-quality overview of the rules and principles that constitute English Private Law (including, for example, family law, company law, property law, contract, tort, unjust enrichment, insolvency, private international law and civil procedure). Along with its companion volume, *English Public Law*, it presents a unique picture of English law that will appeal to practitioners, academics and students alike. Moreover, with the increasing emphasis on globalisation in legal services, it is anticipated that foreign lawyers will find these two volumes of invaluable help in understanding English law, which may otherwise appear to be unstructured and lacking in principle.

Of the 21 contributors, 11 are from the Oxford Law Faculty, namely John Armour, Adrian Briggs, Stephen Cretney, John Davies, James Edelman, Mark Freedland, Ewan McKendrick, Francis Reynolds, William Swadling, Sir Guenter Treitel, and Andrew Burrows. The other contributors are Neil Andrews, John Bell, Michael Bridge, Malcolm Clarke, William Cornish, Richard Hooley, Roger Kerridge, Charles Mitchell, Norman Palmer, and Lionel Smith.

The second edition, which is now published as a single volume, has been thoroughly revised and updated to reflect all the new developments in case-law and legislation (including, for example, the Land Registration Act 2002, the Brussels I Regulation, the Courts Act 2003 ss 100-101, the Civil Partnership Act 2004, and the Companies Act 2006). The chapter on torts has been significantly extended to include equitable wrongs, and there are new chapters on insurance, carriage of goods by land and air, and banking.



The book was the brainchild of the late Professor Peter Birks, to whom this second edition is dedicated. Inspired by the example of *Gloag and Henderson: The Law of Scotland* (W. Green), and with the particular encouragement of Lord Rodger of Earlsferry, Professor Birks's goal was for this and *English Public Law* to be on every English lawyer's desk as at least a first point of reference.

FORTHCOMING EVENTS

For forthcoming events linked to Oxford Law, please see our website:

<http://denning.law.ox.ac.uk/news/events.php>.

The Oxford India Business Forum 2008 **14 March 2008 Mumbai, India**

The theme of this event is 'Corporate Governance and Capital Markets'. The speakers include: Mr Paul Sarbanes, Former US Senator and co-author of the Sarbanes-Oxley Act; Mr Michael Oxley, Vice-Chairman of NASDAQ and co-author of the Sarbanes-Oxley Act; Mr James Turley, Chairman and CEO of Ernst & Young; Dr Antonio Borges, Chairman of the ECGL; Mr Jasjit Bhattal, CEO of Lehman Brothers Asia; and Dr John Hood, Vice Chancellor of the University of Oxford.

For more information about this event, please visit:

www.sbs.oxford.edu/india.

Oxford Law Alumni Reception **4 April 2008 New York City, USA**

Oxford Law alumni living, working and visiting North America at this time are invited to attend a reception, which is part of the University's North American Reunion. Even if you read a different subject at Oxford but now practice law, you are most welcome. Please contact Ms Maureen O'Neill for more information.

North American Reunion **4 - 5 April 2008 Waldorf Astoria, New York, USA**

Oxford's North American alumni are invited to gather and celebrate their Oxford experience at a reunion weekend held every other year. The 2008 North American Reunion will be held on Friday 4 April and Saturday 5 April at the Waldorf Astoria. The weekend includes drinks parties, academic sessions featuring prominent Oxford academics and alumni and, of course, college gatherings.

Information about this event can be found at

www.northamerica.ox.ac.uk/events_2008april4.htm.

Oxford University Reunion **Meeting Minds: Global Oxford** **19 - 21 September 2008**

The emphasis for the 2008 Oxford Alumni Weekend will be on Oxford from a global perspective. The programme will include sessions on a range of global issues, from economics to climate change.

Our Law Reception will take place on the afternoon of 19 September.

Contact Maureen O'Neill (maureen.oneill@law.ox.ac.uk) for further information.

For updates visit: <http://www.law.ox.ac.uk>

The Law Faculty would like to take this opportunity to thank all its major benefactors:

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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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