



IRISH ASSOCIATION  
*of*  
LAW TEACHERS

# **ANNUAL CONFERENCE 2022**

## **Programme**

**Law's Capacity for Shaping the World:  
Inclusion, Exclusion and Omission**



**Matheson**

**November 11-12, 2022**

**Queen's University Belfast**

**#IALT22**

## **Welcome to the IALT Annual Conference 2022**

The Council of the Irish Association of Law Teachers is delighted to welcome you to Belfast for our Annual Conference 2022, which is sponsored by Matheson. The conference showcases the research of over 90 speakers from all over the island of Ireland as well as delegates from overseas. We look forward to hosting you at the conference and hope you will enjoy both the academic and social aspects of the weekend.

The academic aspect of the conference and the buffet dinner on the Friday evening will be hosted at the beautiful Queen's University Belfast campus which can be found on University Road. The School of Law building which will be central to the events is at the heart of the campus to the left of the historic Lanyon frontage of the university. The law building is officially named the Main Site Tower, with an image of the building below:



For those attending the Gala Dinner on the Saturday evening this will be in the Europa Hotel on Great Victoria Street.

We look forward to welcoming you to Belfast!



## **The Irish Association of Law Teachers**

The Irish Association of Law Teachers (IALT) was established in 1979 as an all-island association with the aim of promoting excellence in legal education and scholarship. The annual conference is the focal point of the association's year. The conference venue changes annually to reflect the broad geographical spread of our members. In recent years the conference has been held in Dunboyne (2017), Limerick (2019) and Cork (2021).

The Association has organised various workshops and seminars over the years. In spring 2022, the IALT held its annual Spring Discourse at King's Inns in Dublin on the theme of 'Judicial Dialogue Across the Islands'. We were joined by the Chief Justice of Ireland Donal O'Donnell and the Lady Chief Justice of Northern Ireland Dame Siobhan Keegan in conversation with Professor Aoife O'Donoghue, Queen's University Belfast. This was featured in the Irish Times.

There have been several publications of the Association. In 1984 the IALT published an *Index to Irish Superior Court Written Judgments 1976-1982*, edited by Jennifer Aston and Maeve Doyle, followed in 1990 by an *Index to Cases Decided in the Supreme Court, Court of Criminal Appeal and High Court, 1966-1975*. Papers delivered at the 1999 Conference were later published in a collection of essays edited by Eoin O'Dell, *Leading Cases of the Twentieth Century* (Round Hall 2000). In 2011 a collection of essays edited by Jennifer Schweppe and Thomas Mohr, *30 Years of Legal Scholarship* (Round Hall 2011) was published, marking the development of legal scholarship in Ireland, and charting the history of the Irish Association of Law Teachers.

From its inception, the Association has welcomed members from all institutions involved in the provision of legal education across the island of Ireland, whether in universities, Institutes of Technology, private colleges, or professional institutions.

# **Council of the Irish Association of Law Teachers**

2021-2022

**President:** Kevin Brown, Queen's University Belfast

**Treasurer:** Rónán Condon, Dublin City University

**Secretary:** Mary Dobbs, Maynooth University

**Membership Secretary:** Deirdre McGowan, Technological University Dublin

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Council Members:

Lydia Bracken, University of Limerick

Eimear Brown, King's Inns

Stephen Coutts, University College Cork

James Gallen, Dublin City University

Marcus Gatto, Technological University Dublin

Conor Hanly, National University of Ireland, Galway

Bronagh Heverin, Letterkenny Institute of Technology

Maebh Harding, University College Dublin

Eimear Long, Dublin Business School

Neil Maddox, Maynooth University

Rory O'Boyle, Law Society of Ireland

Edana Richardson, Maynooth University

Elaine Walsh, Athlone Institute of Technology

Shauna Page, Ulster University

# Programme

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## Friday 11 November

4 p.m.

**Registration opens**

[Venue: School of Law Foyer, Main Site Tower, QUB Campus]

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**PANEL SESSIONS 1 FRIDAY 5.15 p.m. – 6:45 p.m.**

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<b>Session A: International Law Panel 1 (Chair Aoife O'Donoghue)</b>	
VENUE Moot Court, 2 <sup>nd</sup> Floor, School of Law	
The Legal Architecture of the International Military Tribunals and the Creation of a System of Exclusionary Justice	Parisa Zangeneh, University of Galway
Apologies, Transitional Justice and Addressing Past Human Rights Violations	Anna Bryson and Kieran McEvoy, Queen's University Belfast
Cultivating a Common Identity: Regionalism	Ruhi Anand, University of Limerick
"Is the UK's new 'subsidy control' regime rational? A theoretical perspective"	Dylan J Wilkinson, Queen's University Belfast

**Session B: Supporting Students (Chair Martin Regan)**VENUE 02.002 Edgar Graham Room, 2<sup>nd</sup> Floor, School of Law

The autonomic nervous system and the purpose and practice of legal education	Mary O'Rawe, Ulster University
"What a good place to be!" - supporting online students with virtual Happy Hours	Thorsten Lauterbach, Robert Gordon University
Building Community in the Law School – Pandemic and Beyond	Oisín Suttle, Maynooth University

**Session C: Criminal Law and Justice 1 (Chair Colin Murray)**VENUE 02.003 Stephen Livingstone Room, 2<sup>nd</sup> Floor, School of Law

Cross-Border Policing and Justice Co-operation on the Island of Ireland Post-Brexit	Colin Murray, Newcastle University
Outside Seeking In? Medically-Supervised Injecting Facilities: Inclusive Possibilities and Community Responses for People who Inject Drugs	Marcus Gatto, Griffith College Dublin and Sarah Bryan O'Sullivan, Open University
Decision-making at the Criminal Injuries Compensation Tribunal: Measuring Consistency, Certainty and Fairness for Victims of Violent Crime	Liam O'Driscoll, DCU
Named, Shamed, and Stigmatised: Defendant Anonymity for Persons Accused of Sexual Offences in Northern Ireland	Chloe Hanna, Queen's University Belfast

**Session D: Children and the Law (Chair Clayton O'Neill)**VENUE PFC 02/011 via 2<sup>nd</sup> Floor, School of Law Building

Children, Human Rights and Vaccination in the pursuit of the highest attainable standard of health

Clayton O'Neill, Queen's University Belfast

Determining the capacity of a minor and their subsequent participation in the medical decision-making process.

Karen Sutton, Griffith College Dublin

Surrogacy in Ukraine and the Provision of Irish Citizenship and Travel Documents to Resultant Children

Shauna Colgan, Griffith College Dublin

**Session E: Judges, Judging and Rights (Chair Eimear Spain)**VENUE PFC 02/026, via 2<sup>nd</sup> Floor, School of Law

Judicial activism in Irish constitutional jurisprudence: A vehicle for safeguarding the vulnerable?

Saoirse Enright, University of Limerick

Deprivation of Liberty Safeguards in Ireland: where to from here?

Eimear Spain, University of Limerick

Online Safety, Electoral Reform, and Harmful Content: Applying a European Human Rights Perspective to Irish Legislative Reforms

Ethan Shattock, Maynooth University

A survey of Irish judges on technology in Irish courts

Brian Barry, TU Dublin

**Session F: Environmental Law (Chair Mary Dobbs)**VENUE PFC 02/010, via 2<sup>nd</sup> Floor, School of Law Building

Developing engaged citizens within (environmental) syllabi – challenges, opportunities and rewards	Mary Dobbs, Maynooth University
Ownership and the problem of food waste	Robin Hickey, Queen’s University Belfast
Spill of Heavy Fuel Oil in the Fragile Arctic: The Arctic Governance Framework and its Capacity to Preserve Pristine Ecosystems	Alessandra Guida, Queen’s University Belfast
Constitutionalising a right to a healthy environment in Ireland: a transformative discourse or time-wasting distraction in a climate crisis?	Orla Kelleher, Maynooth University

**7.00 p.m.****Buffet Dinner**

[Venue: Great Hall, Queen’s University Belfast]



## Saturday 12 November

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### PANEL SESSIONS 2 SATURDAY 9.30 a.m. – 11 a.m.

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#### **Session G: Inclusive Legal Education (Chair Martin Regan)**

VENUE Moot Court, 2<sup>nd</sup> Floor, School of Law

On being a mother and a law student at Queen's University Belfast: How do childcare responsibilities impact upon student mothers' learning experience and sense of belonging in the School of Law?	Louise Rhodes, Queen's University Belfast
Virtual Public Legal Education- support for the LGBTIQ+ Community	Bronagh Heverin, ATU Donegal and Siobhan Cullen, OU Ireland
No room for class?	Judy Walsh, UCD
Multiculturalism, Interculturalism and Cultural Diversity: Some Implications for the Delivery of Law Programmes in Higher Education in Ireland	John Eardly, Griffith College Dublin

#### **Session H: Family Law 1 (Chair Fergus Ryan )**

VENUE 02.002 Edgar Graham Room, 2<sup>nd</sup> Floor, School of Law

Is there a future for Judicial Separation?	Fergus Ryan, Maynooth University
An examination of how the law includes, excludes, and omits the Irish female farmer	Mary Curtin, University of Limerick
Protecting 'the little woman': undue influence and bank guarantees	Una Woods, University of Limerick

**Session I: International Law Panel 2 (Chair Aoife O'Donoghue)**VENUE 02.003 Stephen Livingstone Room, 2<sup>nd</sup> Floor, School of Law

Critiquing State Parties Obligations to Protect Victims of Trafficking under the Palermo Protocol

Sharon Etokhana, UCD

Internally Displaced Persons and International Refugee Law

Bríd Ní Ghráinne

Arbitration and psychology: The role of psychology in the equal access to arbitration field

Yagmur Hortoglu, Maynooth University

Constitutional judges and EU legal integration: Lessons of a comparative analysis of the French Conseil Constitutionnel and the Irish Supreme Court

Audrey M. Plan, TCD

**Session J: Criminal Law and Justice 2 (Chair Ade Olayode)**VENUE PFC02/018 via 2<sup>nd</sup> Floor, School of Law Building

Encouraging Reflection on Criminal Justice Narrative Scholarship

Lauren O'Connell, Griffith College Dublin and Deirdre Healy, UCD

Dealing with Delays in the Processing of Rape Cases

Conor Hanley, NUI Galway

The Phantom of Disgust in Criminal Processes: Disgust's Influence from Criminalisation to Sentencing Using a Case Study of Pornography Trials in Northern Ireland

Eamonn Philip Rea, Queen's University Belfast

Inviolable Dwellings? Experiences of Home Searches in the Irish Travellers Access to Justice Project

Jennifer Schweppe, Amanda Haynes and Sindy Joyce, University of Limerick

**Session K: Tort/Delict (Chair Rónán Condon)**VENUE PFC 02/005 via 2<sup>nd</sup> floor Law School Building

The defence of illegality in delict-a time for change?	Francis McManus, University of Sterling
Tort in Private Law Theory: Where Are We Now?	Steve Hedley, UCC
Private law's inherent function of controlling public power	Niamh Connolly, UCL
Recent Developments in Occupiers' Liability	Jessica Leahy, UCC

**Session L: Exclusion, Inclusion and the State (Chair Deirdre McGowan)**VENUE PFC 02/008 via 2<sup>nd</sup> floor Law School Building

Penitentiary, Asylum, Home: Representations of Donnybrook Magdalene Laundry, 1837-1992	Mark Coen, UCD
Equality in minority language rights – inclusion, exclusion, and 'autochthonous' privilege	Sylva Řezníková, Technological University Dublin
Who safeguards our democracies? Tensions between courts and journalists over journalistic privilege.	Cian Ó Concubhair, Maynooth University

**Session M: Employment Law 1 (Chair Desmond Ryan)**

VENUE PFC 02/026 via 2<sup>nd</sup> Floor, School of Law

Mapping the contours of 100 years of employment law on the island of Ireland

Esther McGuinness, Ulster University

Employment law North and South, and the role of constitutions and individual rights

Rory O'Connell, Ulster University

Common law protections for employees: developments in Ireland and Northern Ireland

Desmond Ryan, Trinity College Dublin

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**11-11.30 a.m.**      Tea and coffee

**[Venue: School of Law Foyer and Café Area]**

**PANEL SESSIONS 3 SATURDAY 11.30 a.m. - 1 p.m.**

<b>Session N: International Law (Chair Kathryn MacNeilly)</b>	
VENUE 02.002 Edgar Graham Room, 2 <sup>nd</sup> Floor, School of Law	
Compensation During War: Legitimising Violence from Colonialism to the Forever Wars	Luke Moffett, Queen's University Belfast
Permanent Neutrality and International Law in Historic Perspective	Pearce Clancy, University of Galway
State crimes and the Arab Spring	Nada Ahmed, Ulster University
Divesting Religion from Rights	Sahar Ahmed, UCD

<b>Session O: European Law (Chair Stephen Coutts)</b>	
VENUE 02.003 Stephen Livingstone Room, 2 <sup>nd</sup> Floor, School of Law	
All roads lead to Strasbourg (if Luxembourg agrees) or: will EU accession to the ECHR live up to its promises?	Tobias Lock, Maynooth University
The Sovereign State, the Sovereign Citizen and the Ordinary European Life	Stephen Coutts, UCC
Regulating Corporate Lobbying in the EU: A Case Study of the Alcohol Industry	Ollie Bartlett, Maynooth University
The Myth Of Associative Discrimination And The Court Of Justice's Great Vanishing Act	Michael Connolly, University of Portsmouth

**Session P: The Digital World and the Law 1 (Chair Eugene Lim)**VENUE PFC 02/005 via 2<sup>nd</sup> floor Law School Building

Inclusion, Exclusion and Omission in Copyright Law: Reshaping the Concept of the 'Intellectual Work' in the Post-Brexit Era	Eugene C Lim, Queen's University Belfast
Conceptualising the Law of Crypto Assets: Is Private Law Fit for Purpose in an Era of Technological Advancement?	Cormac Kilkenny, DCU
Digital Copyright in the EU Following the recent Landmark CJEU Judgment in Case C-401/19, Republic of Poland v European Parliament and Council of the EU	Mark Hyland, TU Dublin

**Session Q: Employment Law 2 (Chair David Nagle)**VENUE PFC 02/026 via 2<sup>nd</sup> Floor, School of Law

American University Athletes: Students or Employees for Collective Bargaining Purposes?	Carol Rasnic, Virginia Commonwealth University (USA)
Temporary Restraining Orders of breaches of contracts-not-to-compete in the UK Employment Setting	David Capper, Queen's University Belfast
Viewing Irish employment law from a tort rather than contract perspective: a new algorithm	Eddie Keane, University of Limerick
A Critical Comment on the Application of the Hatton threshold test for Foreseeability to Workplace Bullying Cases	Silvanus Tanifon, TU Dublin

<b>Session R: Issues in Corporate Law (Chair Ciarán O'Kelly)</b>	
VENUE PFC02/018 via 2 <sup>nd</sup> Floor, School of Law Building	
Regulating the Choice of Corporate Purpose	Philip Gavin, TU Dublin
Corporate Code-Shifting in Business and Human Rights	Ciarán O'Kelly, Samantha Hopkins & Ciara Hackett, Queen's University Belfast
Theorising Irish Company Law: Locating Irish Company Law within Entity Theory	Michael James Boland, UCC
The theory of the firm and Ireland's company law restriction regime	Aoife McPartland, UCD
EU Suitability and the New Company Law	John Quinn, DCU

<b>Session S: Legal Practice in Ireland (Chair Eimear Spain)</b>	
VENUE PFC 02/008 via 2 <sup>nd</sup> floor Law School Building	
The Institutionalisation of Mediation in the Republic of Ireland	Treasa Kenny, Maynooth University
A Competency Framework for Solicitors in Ireland	Rory O'Boyle, Law Society of Ireland & Rachael Hession, Law Society of Ireland
Why the 'Trickle-Up Effect' May Not Work in Practice: A Survey of Irish Legal Professionals and Professional Law Students	Caoimhe Kiernan, TU Dublin

<b>Session T: Roundtable - 'Covid Keepers' – Practical innovations inside and outside our classrooms</b>	
VENUE Moot Court, 2 <sup>nd</sup> Floor, School of Law	
Catherine Shephard, Manchester Metropolitan University (Chair)	
With Norah Burns, Andrew Godden, Martin Regan, Michael Vincent and Paulina Wilson, Queen's University Belfast	

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**1-2 p.m.**

**Saturday Lunch**

**[Venue: School of Law Foyer and Café Area]**

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**SPECIAL SESSION SATURDAY 2 p.m.- 3 p.m.**

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2p.m.

Special session dedicated to the work of Dr Vicky Conway

Yvonne Daly, Dublin City University

Josephine Feehily, Technological University of the Shannon & former  
Chair of the Policing Authority of Ireland

Aoife O'Donoghue, Queen's University Belfast

Sinéad Ring, Maynooth University

VENUE PFC 02/026, 2<sup>nd</sup> Floor, School of Law

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**3-3.30 p.m.**

Tea and coffee

**[Venue: School of Law Foyer and Café Area]**



**PANEL SESSIONS 4 SATURDAY 3:30 p.m. – 5.00 p.m.**

**Session U: Legal Skills and Pedagogy(Chair Edana Richardson)**

VENUE Moot Court, 2<sup>nd</sup> Floor, School of Law

Launch of the All-Ireland Research Network on Legal Skills and Pedagogy, plus Teaching legal research and writing on an extracurricular basis	Edana Richardson and Ollie Bartlett, Maynooth University
How to Build a Commercial Law Clinic from Scratch?	Michael Vincent, Queen’s University Belfast
Online Peer Mentoring in Law: Enablers and Blockers	Siobhan Cullen, OU Ireland and Bronagh Heverin, ATU Donegal
The virtual Mock Trial experience in developing legal skills	Richard Roe, ATU Donegal, Daireen Laverty, ATU Donegal and Siobhan Cullen, OU Ireland

**Session V: The North South Legal Mapping Project (Chair Oran Doyle)**

VENUE 02.002 Edgar Graham Room, 2<sup>nd</sup> Floor, School of Law

Overview of NSLMap	Oran Doyle, TCD
Human Rights Law	Kathryn MacNeilly and Aoife O’Donoghue, Queen’s University Belfast
Land Law	Robin Hickey, Queen’s University Belfast
The Public Policy Relevance of NSLMap	Christopher McCrudden, Queen’s University Belfast

**Session W: The Digital World and the Law 2 (Chair Ciarán O'Kelly)**VENUE 02.003 Stephen Livingstone Room, 2<sup>nd</sup> Floor, School of Law

Scoping Legal Technologies in Northern Ireland	Ciarán O'Kelly and John Morison, Queen's University Belfast
When Law's Nonchalance is Dangerous	Sejal Chandak, Queen's University Belfast
Walter Benjamin - Social Transformation and the Metaversian Observer	Anthony O'Dwyer, Queen's University Belfast

**Session X: Employment Law 3 (Chair – Carol Rasnic)**VENUE PFC 02/026 via 2<sup>nd</sup> Floor, School of Law

Is Labour Law in Ireland in a State of Crisis or Paralysis?	Anthony Kerr, UCD
Are Protected Categories in UK Employment Law too 'Politically Correct'?	Margaret Downie, Robert Gordon University
What do the November, 2022 midterm elections portend for employment law in the USA?	David Nagle, Jackson Lewis (U.S. employment law firm)

**Session Y: Issues in Constitutional and Fundamental Rights ( Chair Colin Murray)**VENUE PFC 02/005 via 2<sup>nd</sup> floor Law School Building

The President of Ireland in the 21st Century	Donal Coffey, Maynooth University
The Voluntary Variation of Constitutional Rights: Constitutional Rights as Titles to Include and Tools for Shaping the Normative World	Daniel Gilligan, Trinity College Dublin
The Northern Ireland Executive: politics, law and a rethink of judicial intervention	Anurag Deb, Queen's University Belfast
Unpacking the Moral Dimensions of Law: An Empirical Perspective	Brian Flanagan, Maynooth University

**Session Z: Family Law 2 (Chair Maebh Harding)**VENUE Room PFC 02/008, 2<sup>nd</sup> floor Law School Building

A Quantitative Investigation into the Operation of the Irish Legal Aid Board Family Dispute Resolution Services	Gordon Rumley, UCC
Mediation and International Parental Child Abduction Cases	Emily B Dunn, Maynooth University
Ireland's Child Maintenance Mess	Maebh Harding, UCD
Enhancing the teaching in family mediation training programmes	Amel Ketani, BPP University

**5.15 p.m.****Annual General Meeting****Venue: Moot Court, School of Law**

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**Gala Dinner****7 p.m.****Drinks Reception (Sponsored by Clarus Press)****Venue:** Penthouse Suite, Europa Hotel, Great Victoria Street**8 p.m.****Annual Gala Dinner****Venue:** Penthouse Suite, Europa Hotel, Great Victoria Street

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**Sunday 13 November**

11 a.m. Belfast walking tour leaving from the front of the Europa Hotel