Oxford judges

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

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

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

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

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

Timothy Endicott
Law across the University

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

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

Public policy
The University’s new Blavatnik School of Government was launched in September 2010, and plans to admit students for the Master’s in Public Policy from Michaelmas 2012.

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

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

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

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

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

Tony Honoré’s Colloquium
In 2008, MANY of us came together at All Souls College to celebrate another Honoré milestone, namely Tony’s 90th birthday. It is a pleasure to report that Tony remains as active in the life of Oxford Law now as in 2008, and indeed as in 1988. He returned to teach two BCL courses a year, and yet another book (Justine’s Digest: Character and Compilation) was recently published by OUP. At his 90th birthday celebration, convened by current Regius Professor Boudewijn Sinks, three of Tony’s closest academic friends gave talks to his honour. Nicola Lacey, Senior Research Fellow at All Souls and Tony’s part-time Lecturer in the History of Oxford legal theory, especially in the intellectually revolutionary era of the 1950s and 60s, and picked out three favourite Honoré papers for particular appreciation. John Gardner, Professor of Jurisprudence, reprised themes from the Hart and Honoré book Caution in the Law and argued that the main claims of the book stood the test of time in spite of changes in philosophical fashion. Detlef Leibs, who made a special trip for the occasion from the University of Freiburg, explained the distinctiveness and the durability of Tony’s contribution to Roman legal history, and in particular the challenge that he offered to several philosophical legacies. After the history drink afterwards, Tony raised some typically restrained doubts and queries about what had been said, showing his characteristic brilliance to be undimmed by its 95 years of intensive use.
The Law and Finance programme is a unique accomplishment. In the 21st-century world of financial transactions and financial regulation, the intellectual challenges are exciting and difficult both for transactional lawyers, and for the lawyers, economists, and politicians who must develop and implement good public policy. Our new programme brings together the very people who need to talk to each other – lawyers and financial economists, practitioners and academics and public servants – and involves our students in the resulting conversation. I am particularly pleased that the programme is bringing together English and American lawyers. And the students are just very impressive. We are already thinking about how to develop this programme further. In the first year of the new degree programme, the students have developed a camaraderie that will make them part of the future of Law and Finance in Oxford.'

Professor Timothy Endicott, Dean of the Law Faculty

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

The first cohort of thirty-four students for the new MSc in Law and Finance (MLF) arrived in Oxford in September 2010. Drawn from nineteen different countries around the world, they were selected from almost 400 candidates. The MLF is a full-time, nine-month degree, run jointly with the Saïd Business School. It offers outstanding practitioner involvement. The programme also saw the introduction of a new BCL/MJur/MLF option on Principles of Financial Regulation.

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

In conjunction with the launch of the MLF, Oxford instigated a strategic alliance with Columbia Law School in the Market Failure programme, which involves a student and faculty exchange. We were delighted to welcome Morton J. Schiff (Michael T. Fass Professor of Law) to the Faculty in May, in exchange for a visit to Columbia by Oxford’s Jennifer Payne, Reader in Corporate Finance Law.

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

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

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

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

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

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

Professor John Armour of Oxford University gave a paper on the rise of pre-packaged administrations (commented on by Professor Sandra Friesby of Nottingham University and Jennifer Marshall of Allen & Overy) and Professor David Skeel gave a paper on the consistent treatment of transactions in insolvency in the US (commented on by Professor Oren Susman of the Said Business School, Oxford, and Antony Zacaroli QC of 3–4 South Square). There was also a panel discussion on topics ranging from the anti-deprivation principle to cross-border insolvency. Members of the panel were Robin Dicker QC (3–4 South Square), Professor Horst Eidenmüller (University of Munich), Stephen Leenster (Eins & Young), Ralph Miller (Weil, Gotshal & Manges), Nick Segal (Freshfields Bruckhaus Deringer), Stephen Taylor (AlixPartners) and Professor Jay Westbrook (University of Texas at Austin). We are grateful to Travers Smith for supporting this event financially.

Leverhume Lectures 2010

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

Oxford Jurisprudence – a year of new developments and of anniversaries

John Finnis’s Collected Essays

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

The Collected Essays cover philosophy, bioethics, theology, history, law and other fields, and include almost two dozen previously unpublished texts. The range of scholarship represented in the 100 essays, drawn from a wide variety of sources, may surprise readers who know Finnis only through his jurisprudential writing and his acquaintance with his wider work. He studies personal identity in Shakespeare and conscience in New Zealand, and also takes up questions in military and political ethics from nuclear deterrence to artificial reproduction, and engages many of the most significant thinkers of his day and ages past. The reach of the volumes, each with a newly written introduction elaborating its theme, is indicated by the individual titles: Reason in Action, Intention and Identity, Human Rights and Common Good, Philosophy of Law; and Religion and Public Reason.

Published first in 1980, Natural Law and Natural Rights revived and developed the classical natural law tradition, and helped shape the study of jurisprudence in Oxford and beyond. The new edition preserves the original text, adding a 64-page postscript on points where Finnis sees need for amendment or supplementation. The cover art of the new publications depicts scenes of colonial Australia taken from a gallery in Finnis’s native Adelaide, which is fitting because the volumes both record the remarkable scholarly journeys of the philosopher and critic who emigrated to New Zealand in 1962 to study in Oxford under HLA Hart, and sketch the vista that lies ahead.

John Gardner
Invited to Speak at International Law Schools

JOHN GARDNER, Professor of Jurisprudence and Co-ordinator of Research, has lately been flying the flag for Oxford law schools around the world. He was Legal Research Foundation Visitor at the University of Shefﬁeld in April 2010, giving four lectures to diverse audiences (on reasonable force in criminal law, the ideal of the rule of law, distributive justice in tort law, and links between law and politics). While in New Zealand he also addressed the senior judiciary, and was a guest on Radio New Zealand. In October 2010, a rescheduling owed to April’s volcanic ash – he was Frisco Lecturer at the University of Guanajuato, where he talked about corrective justice and about written constitutions. Over the past year he also gave talks at Stockholms Universitet, Uppsala, Boston Massachusetts, Stirling, Aachen, Tallahasse Florida, Cork, London Oxford and Utrecht, and even sometimes in Oxford. Most recently, a conference on his book Law and the Measure of Property opened to offer classes in Jurisprudence for the Oxford Faculty of Law.

Law and Philosophy: Brian Leiter

BRIAN LEITER has been made a Visiting Professor in the Faculty of Philosophy for the academic year 2011-2012. Professor Leiter will visit Oxford in Michaelmas Term 2011 and Trinity Term 2012, during which time he will co-teach research seminars with Peter Rail (University Lecturer in Early Modern Philosophy) and participate in conferences and workshops on the philosophy of Friedrich Nietzsche. Brian Leiter is John P Wilson Professor of Law at the University of Chicago and Director of the Center for Law, Philosophy, and Human Values. His teaching and research interests are in general jurisprudence, moral and political philosophy, and the law of evidence. Before taking up his post at Chicago, he taught for more than twelve years at the University of Texas at Austin, where he was the youngest chairholder in the history of the law school, and served as professor of philosophy and founder and director of the University of Texas Law and Philosophy Research Group. As well as collaborating with graduate students and members of the Philosophy Faculty, Professor Leiter has been delighted to offer classes in Jurisprudence for the Oxford Faculty of Law.

Dworkin conference

A COLLOQUIUM on Ronald Dworkin’s Law’s Empire, on the occasion of the 25th anniversary of its publication, was held in Trinity Term 2011. Participants were Oxford legal philosophers, including some emeriti, such as Tony Honore, Joseph Raz, and John Finnis. Law’s Empire is one of the major works in legal philosophy. Its claims have been, and continue to be, the subject of a very large volume of the Faculty’s research output (it is a major part of the very substantial output that the book has prompted around the world). Most of the colloquium’s participants have written about the book, whether to develop or criticize its claims, to refine and defend alternatives against the book’s claims, and many continue regularly to produce work that engages with the book. The colloquium’s immediate purpose was to discuss the state of play regarding the book’s claims, 25 years after its publication, and to set the agenda for future work. It gave Oxford legal philosophers a chance to get together and discuss topics that are central to their research interests.

The Douglas Prize

The prize recognizes outstanding lifetime contributions to legal philosophy. The Douglas Prize was last given in 2010 to Ronald Dworkin for Law’s Empire. Jeremy Waldron has become the third person to win the Douglas Prize.

Legal Science and Legal Theory Conference

Among the several jurisprudential anniversaries we celebrated in 2010-2011 was the 50th year since the appearance, in English, of Hans Kelsen’s Pure Theory of Law published by Oxford in 1962. This occasion provided a perfect opportunity to engage afresh with its methodology that Hart set out in Chapter 1. The full programme can be found online at www.oxford-jdg.net, and videos of the sessions are available for download at www.law.ox.ac.uk/newsitem=342.

Jeremy Waldron returns to Oxford

IN THE first four weeks of Trinity Term, the Oxford Jurisprudence Discussion Group organized a series of panel discussions celebrating the 50th anniversary of the publication of HLA Hart’s The Concept of Law. Hart’s landmark contribution to legal philosophy remains at the heart of the subject today, and the JGDC invited thirteen of today’s leading philosophers of law, from Oxford and elsewhere, to engage afresh with its arguments. The series adopted a unique format, with each speaker addressing a chapter of the book that made jurisprudence a part of twentieth-century philosophy. In the final panel discussion the speakers discussed the methodology that Hart set out in Chapter 1. The full programme can be found online at www.oxford-jdg.net, and videos of the sessions are available for download at www.law.ox.ac.uk/newsitem=342.

HLA Hart conference

IN THE academic year 2010-2011, Jeremy Waldron has become the Chadkiss Professor of Social and Political Theory, as successor to Gerald Cohen, Charles Taylor, and Isaiah Berlin. At the beginning of May, Jeremy delivered the 2011 Hamlyn Lectures, perhaps the most prestigious series of law lectures open to the public in the UK. The topic of the series was ‘The Rule of Law and the Measure of Property’, and the lectures were delivered at Oxford, the University of Warwick, and in London. The lectures will be published shortly, as a book by Cambridge University Press. The Hamlyn Lectures followed immediately upon his delivery of the annual Sir David Williams Law Lecture at Cambridge on the topic ‘How Law Promotes Dignity’. Professor Waldron was also awarded the American Philosophical Society’s Henry M Pillofiz Prize in jurisprudence for 2011. The prize recognizes outstanding lifetime contributions to the field of jurisprudence.
**Oxford Law News**

**Oxford and India**

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

**Oxford-India Media Law Moot**

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

The competition was held at the National Law University, Delhi in collaboration with the National University of Juridical Sciences, Kolkata. Twenty-two of India’s top law schools participated with the National University of Juridical Sciences (NUJS), Kolkata emerging as the winners and the National Law School of India University (NLSIU), Bangalore as the runners-up. A workshop on media regulation in India was held in conjunction with the moot. The events were sponsored by Google India, Star TV and AZB & Partners. It is expected that the moot court will be held annually.

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

OXFORD’S ARGHYA Sengupta, a DPhil candidate who previously completed the BCL, is one of a group of lawyers who have established the Pre-Legislative Briefing Service (PLBS) in India, to act as an independent think-tank to enhance legislative design and drafting in India. PLBS aims to engage with the Parliament of India and legislatures in states, as well as various government departments, to encourage central and state government to enact laws that are more coherent, and to encourage and enable citizen participation in the law-making process.

**Competition Law Links**

ARIEL EZRACHI, Slaughter and May Lecturer in Competition Law, and Director of the Centre for Competition Law and Policy in Oxford, presented papers on Cartels and on Transfer of Wealth in November 2010 at the LAW ASIA Conference, at a Global Competition Law closed conference and at UCL’s Global Competition Law Public Conference on Cartels & Criminalisation. In between the three events he met academics and members of the Indian Competition Commission and established links for future collaboration with the Oxford Centre.

**Herbert Smith and Oxford join forces to deliver lectures in India**

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

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

**NUJS-Herbert Smith National Corporate Law Moot Competition 2010**

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

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

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

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

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

The series of lectures coincided with the second annual NUJS Herbert Smith National Corporate Law Moot Court Competition, won by the National Law Institute University, Bhopal. This year Timothy Endicott served as a judge alongside Chris Parsons, Hardeep Nahal, a partner at Herbert Smith, and eminent members of the Indian bar and bench. Timothy and Chris gave a similar dual series of lectures at the National Law School of India University, Bangalore, in February 2010. This programme has become an annual event, and will be offered at another National Law School in India in February 2012.
New grant for research into the law on storage of human tissue

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

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

Also involved in the project are Ben McFarlane (Oxford Law) and Miranda Stewart from Melbourne Law School, the day after they received the grant from the Melbourne Research Partnership.

Obligations V: Rights and Private Law

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

The conference featured presentations by more than 50 private law scholars from across the common law world addressing issues in private law theory, tort law, contract law, trusts and unjust enrichment. The theme of the conference, ‘Rights and Private Law’, focused attention on an increasingly important strand of thinking in private law scholarship which seeks to develop an understanding of private law obligations driven, primarily or exclusively, by the recognition of the rights we have against each other, rather than by other influences on private law, such as the pursuit of community welfare goals. A combination of plenary and parallel sessions were the scene of much lively debate among the 195 delegates, and the social programme included a drinks reception in the Divinity School and a formal dinner in Exeter College.

Sham Symposium

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

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

Edwin Simpson

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

Donal Nolan
Worcester College

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

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

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

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

Endnote files and instructions are available for OSCOLA via the Faculty website. The fourth edition of OSCOLA was edited by Sandra Meredith and Colin Nolan, with assistance from the OSCOLA Editorial Advisory Board. As always, the editors welcome feedback on OSCOLA, at oscola@law.ox.ac.uk.

Distinguished Friends of Oxford

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

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

Herbert Smith renews funding of the Chair in English Private Law

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

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

Litigation funding study results

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

Litigation funders are companies large and small who agree to pick up costs for a third party to fund another’s litigation, provided they do not dictate another party’s litigation, it is not illegal for a third party to interfere with or control another party’s litigation, but it is illegal for a third party to fund another’s litigation, provided they do not dictate strategy. Interviews conducted for the study with funders and consumer groups indicate that both groups would welcome more government regulation in this area.

New Electronic Journal for graduate students

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

As with our existing Faculty RPS, the benefits include distribution to subscribers by means of an email containing an abstract of each work. The Faculty’s RPS is produced at least ten times a year (17 times in 2010), and currently has 3,613 subscribers. With more than 100,000 downloads of our papers, Oxford Law ranks first among non-US Law Schools on the SSRN. Thanks to Justine Pila, Chris McCrudden, and Sandra Meredith for this new initiative.

You can subscribe to the Faculty RPS and receive abstracts of the latest legal writing from Oxford by going to www.law.ox.ac.uk/ LTN15sum

LITIGATION FUNDS PROGRAM

Ewan McKenzie

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

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New Electronic Journal for graduate students

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

As with our existing Faculty RPS, the benefits include distribution to subscribers by means of an email containing an abstract of each work. The Faculty’s RPS is produced at least ten times a year (17 times in 2010), and currently has 3,613 subscribers. With more than 100,000 downloads of our papers, Oxford Law ranks first among non-US Law Schools on the SSRN. Thanks to Justine Pila, Chris McCrudden, and Sandra Meredith for this new initiative.

You can subscribe to the Faculty RPS and receive abstracts of the latest legal writing from Oxford by going to www.law.ox.ac.uk/ LTN15sum

LITIGATION FUNDS PROGRAM

Ewan McKenzie

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

Litigation funders are companies large and small who agree to pick up costs for a third party to fund another’s litigation, provided they do not dictate another party’s litigation, it is not illegal for a third party to interfere with or control another party’s litigation, but it is illegal for a third party to fund another’s litigation, provided they do not dictate strategy. Interviews conducted for the study with funders and consumer groups indicate that both groups would welcome more government regulation in this area.
Oxford’s involvement with the National Admissions Test for Law

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

The LNAT Consortium Ltd, founded in 2001 to develop and run the LNAT, moved its administrative office from Bristol University to the Law Faculty in Oxford in October 2010. The Faculty therefore now supplies administrative services to LNAT and has employed Christopher Boule as the new LNAT Administrator. Liora Lazarus of St Anne’s College is the current chair of the LNAT Consortium and will be succeeded at the beginning of December by Dr Leslie Turana Taylor, King’s College London.

The Faculty of Law in Oxford has this year negotiated a new deadline with the LNAT Consortium, to allow admissions staff enough time to consider the applications carefully, given the increasing number of applications. Applicants are now required to register and book a test slot by 3 October 2011 and to sit the LNAT by 20 October 2011, i.e. 10 days earlier than was previously the case.

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

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

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

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

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

Sandra Fredman elected to the Rhodes Chair

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

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

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

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

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

Oxford Silks 2011

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

Michael Ashcroft QC
Richard Atkins QC
Daniel Beard QC
Richard Boulton QC
Nicholas Caddick QC
Sara Cockerill QC
Adam Connable QC
Tim Cook QC
Katharine Davidson QC
Glen Davis QC
Judith Farley QC
Michael Gibbon QC
Eleanor Grey QC
Samuel Grodzinski QC
Javan Herberg QC
Patricia Hinchcock QC
Simon Hughes QC
Martin Hutchings QC
Barry Isaacs QC
Jeremy Johnson QC
Gregory Jones QC
Daniel Jowell QC
Karim Khan QC
Gwynthneth Knowles QC
Stewart Leech QC
Paul McGrath QC
Andrew Mitchell QC
Tim Morshad QC
Simon Salisbury QC
Oliver Segal QC
Nicholas Stallworthy QC
Keith Stewart QC
Timothy Taylor QC
Robert Thomas QC
Sonja Tolany QC
Felicity Toube QC
Andrew Twigge QC
John Whitning QC

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

**THE LAW** faculty welcomes the increased support of graduate scholarship through leading sets of Barristers’ Chambers. Four new £10,000 scholarships have recently been made available by 3 Verulam Buildings and Essex Court Chambers, starting from 2010-2011, and by Pump Court Tax Chambers and 3-4 South Square from 2011–2012. These sets hand offered the lead of Fountain Court, which created a similar scholarship three years ago.

**New Paul Hastings Law Scholarship**

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

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

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


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

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

**The High Sheriff’s Law Lecture 2010**

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

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

**New Official Papers Reading Room in the Bodleian Law Library**

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

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

**Faculty Members Comment on International Situations**

**BOTH STEFAN TALMON and Dapo Akande have been involved in commencing on recent international situations.**

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

**‘Drop Cover and Hold’: How to Spend an Earthshaking Sabbatical**

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

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

Having been evacuated to the North Island, to make university accommodation available for rescue crews and for essential staff whose homes had been demolished, we returned to England briefly, before heading back to Christchurch to help the Law Faculty get back on its feet. Law courses are now being delivered online, in marquees in the university’s playing fields, and in any room that can be scrounged, including a motel restaurant.

Lecturers’ responsibilities include deciding when to evacuate students should one of the recurrent strong after-shocks occur. The students have been remarkably resilient, forming volunteer armies to shovel the tonnes of liquefied silt which have leaked through cracks in the ground, creating sinkholes big enough to cause vehicles to vanish. Everyone here is grateful to the Oxford colleges which have taken in students from Christchurch for Trinity Term, in the best tradition of the global academic community.

Laura Hoyano, Wadham College
Michael Kirby Visits Oxford

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

In a scholarly and wide-ranging discussion, Professor Talmont examined rival accounts of the moral and legal foundations of international law since its modern birth in the 17th century. He showed that the rivalry between international law conceived as a system of treaty-driven bargains between nation-states, and the alternative theory of a natural law basis. His ‘third way’, which straddled the rival positivist and natural law theories, invoked the Historical School of Friedrich Carl von Savigny, proposing that jurists uncover the norms of international law through expert analysis of the evolving needs and customs of the various national and international law communities. A lively debate broke out after the lecture which continued into the evening.

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

IN COOPERATION with the Rochesterer American Institute, Liora Lazarus organised a conference at the end of April 2010 on ‘US Constitutionalism in Decline: An International Perspective’. This event brought together constitutional law theorists and practitioners as well as political theorists, selected from a number of jurisdictions, to look closely at competing judicial approaches to the relationship between rights and security, the development of socio-economic rights, the jurisprudence of religious freedom and freedom of speech, and the approach to the balancing of rights and public goals (e.g. through doctrines of proportionality). More information about the conference can be found at www.law.ox.ac.uk/LN15ral.

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

ON A STUNNING summer day on 3 June 2010, honours of graduates turned away from the rare sight of sun silhouetting the side of the Oxford Law Faculty delivered the Youard Lecture to a well-filled Gulbenkian Theatre. His topic was “How public international law has been made, found and proven from the 17th to the 21st century”.

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Andrew Bridges’ Valedictory Lecture

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

The lecture was attended by academics, probation practitioners and managers, officials from the Ministry of Justice and National Offender Management Service, and heads of youth offending teams. Andrew Bridges paid tribute to all those who have done excellent work with offenders and done a difficult job well. Against a backdrop of an often polarised and two-dimensional debate on criminal justice, Mr Bridges highlighted the work of the many practitioners who had influenced and engaged someone under supervision and made them less likely to reoffend. A recording of the talk is available for download from the Faculty website at www.law.ox.ac.uk/bridges.

The Second and Third Intellectual Property Conversazioni

SINCE ITS inauguration in 2009, the Intellectual Property Conversazione has become a fixture on the Oxford calendar. The 2010 IP Conversazione brought together five speakers to address the question “Is Copyright Good for Music?” in a panel chaired by Oxford’s Professor of Intellectual Property and Information Technology Law, Graeme Dinwoodie. The panel, which consisted of Lord Gill (Lord Justice Clerk of Scotland), Daniel Alexander QC, Dr Andreas Rahmatian, Jens Hills and David Fischer (former CEO of MySpace Europe), examined the effect of recording industry practice on musical creativity, the proposition that copyright might be good for music but not always for musicians, and how legal change and new business models might address problems in the music industry.

In the 2011 Conversazione, a panel of three speakers, again chaired by Graeme Dinwoodie, tackled the question “What’s in a Name?” Professor Alan Durham (Professor of Communication at Middlesex University Business School) discussed the multivariate ways in which humans give names to themselves and objects they observe and create. The renowned brand expert Wally Olins CBE spoke from his many years of experience advising multinational companies on the naming of their products and services. Geoffrey Hobbs QC then considered the practical difficulties caused by the ever-expanding list of ways in which a registered trade mark can be infringed (according to the Court of Justice of the European Union). The Hon Mr Justice Arnold and His Honour Judge Colin Birss provided provocative and insightful commentary. As at previous Conversazioni, following the panel presentation, the participants retired to the St Catherine’s JCR for a reception, before vigorous discussion continued over dinner in Hall. The OIPRC is grateful to Barbara Lauriat who organized both Conversazioni, and to Dr Justine Pila, who created the Conversazione programme.

Graduate Legal Research Conference

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

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

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Teaching Procedure Project Workshop

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

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

The Workshop was held at a castle in Sussex owned by Queen’s University in Kingston, Ontario, and it was jointly supported by the Leverhulme Trust and by Queen’s University Faculty of Law, Osgoode Hall Law School, and Oxford’s Faculty of Law. Participants compared the teaching of procedure across common law systems and examined its impact on legal education, on the academic community, on the legal profession and on civil justice reform. Their papers will be submitted for a special issue of the Osgoode Hall Law Journal and for an edited collection of essays to Hart Publications.
Roger Hood lectures 2010 and 2011

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

The 2011 Lecture was delivered by Professor Frances Heidensohn of the Department of Sociology at the London School of Economics. Professor Heidensohn’s lecture was entitled “The Question of Feminism.” The lecture addressed the range of assumptions about persons, property and community, and gave authority, variously, to lawyers, jurists, bureaucrats and religious leaders to define the ambit of legal rules.

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

Nazila Ghanea invited to speak on Human Rights

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

The lecture addressed the range of forces that shape the impact of criminological research using feminist perspectives in criminology as a case study. Audio-recordings of the 2010 and 2011 lectures are available on the Criminology website.

Guy S Goodwin-Gill on The Right to Seek Asylum

Bettina Lange involved in Socializing Economic Relationships workshop

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

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

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

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

Professor Sarooshi was elected to the ASIL Executive Council in 2011. The UK was chaired by His Ladyship Dame Rosalyn Higgins QC, DCL, former President of the International Court of Justice.

Graeme Dinwoodie at Chicago IP Colloquium

PROFESSOR DINWOODIE recently returned to Chicago and spoke at the Chicago IP Colloquium, which helped to found a decade ago. His topic was “International Trademark Protection: Territoriality in a Post-National Age.”
The Institute has also welcomed four postdoctoral fellows under the generous support of Gide Loyrette Nouel, the University of Pompeu Fabra and the Deutscher Akademischer Austauschdienst. The Institute continues to be involved in a host of research initiatives, most of which involve some form of collaboration with international partners. We welcomed two postdoctoral researchers under the Anglo-German ‘State of the State Fellowship’ scheme supported by the Volkswagen Foundation, to study the transformation of the modern state with a focus on Western European state building during decolonisation. This project integrates, be it in political science, law, history, economics or sociology, a new scheme under the generous support of the Italian Bar Association, the Consiglio Nazionale Forense, also brought in four junior scholars from Italy. They each spend two months at the Institute in order to pursue a research project in comparative and/or European law.

The major research project on “The Common Frame of Reference of European Contact Law in the Context of English and German Law” (CFR in Context), funded by a joint research grant from the Arts and Humanities Research Council and the Deutsche Forschungsgemeinschaft, has entered its second year, jointly organised by Professors Gerhard Dannemann of the Humboldt University and Professor Stefan Vogenaer from Oxford and brings together some 40 legal scholars from the two countries. Caroline Harvey joined the Institute in September 2010 as a Research Officer to work with Stefan on this project. Caroline has just completed her degree in Law and German from Keele and an LLM in International Law and International Relations from Lancaster, and before starting at Oxford she practised at Freshfields Bruckhaus Deringer LLP in Frankfurt am Main.

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

As usual, the Institute hosted the Comparative Law and the EU Law Discussion Groups and many special conferences, workshops and symposia. Topics ranged from “Corporate Insolvency in France and the UK” to “Comparison Law in the Pharmaceutical Industry” and “The Protection of Fundamental Rights in the EU after Lisbon”. Forthcoming events will deal, inter alia, with the notion of in sui in the Scots law and South African law, the involvement of EU law in private law relations and, perhaps somewhat ambitiously, “European legal culture”. The proceedings of some of our events are published by Hart Publishing in the “Studies of the Oxford Institute of European and Comparative Law” series. The most recent addition is the high profile volume on the question of whether the prohibition of abuse of law is a new general principle of EU law. Our activities would not be sustainable without the generous support of our external sponsors, and we are extremely grateful to the Deutscher Akademischer Austauschdienst, the Wallenberg Foundation and, first and foremost, Clifford Chance LLP for their continuing support.

Stefan Vogenaer
Professor of Comparative Law and Director of the Institute

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Stefan Vogenaer
Professor of Comparative Law and Director of the Institute
Centre for Criminology

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

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

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

We were also pleased to welcome several new staff to the Centre. Jane Donoghue arrived as a departmental lecturer in criminology and is conducting an ESRC funded study of specialist anti-social behaviour courts. Mai Sato took up post as the first Howard League Development Fellow in Criminology, and we are delighted to have appointed Dr Ben Bradford, currently a postdoctoral researcher at All Souls College, has also become a member of the Centre. In addition, we are pleased to welcome three new research officers to the Centre, Bienna Kellici, Caroline Miles, and Patrick Tomlin, and three new Research Fellows, Jacqui Kam, Rebecca Mer, and Peter Neyroud. The Centre was also delighted to welcome several visiting academics this year: Leonidas Cheliotis, Dr Lanying Li, Dr Marie Segrave, Professor Stewart, Dr Yarian Shi, Dr Gwen van Eijk, and Sarah Van Praet.

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

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

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

IntellecTual Property Research Centre

On 4 December 2010, the Centre hosted an event on “Comparative Perspectives on Protecting Products by Patents”, at St Catherine’s College.

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

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

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

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

The 2011 International Intellectual Property Moot

S-L Connors Barnes, Professor Graeme Dinwoodie, Mr Justice Floyd, Lord Justice Mannering, Lord Justice Jacob, Adam Burd (LSB), Ling Yeh Wong (LSB), Dr Tonassini (LSB), Carmen Chung (WISS), Jacqueline Law (WISS)
THE BODLEIAN Law Library has had a bumper year of change and renewal. We had a major refurbishment, as well as ongoing improvements to the lighting in the building. Our staff won several awards, and we completed our first year of the revised Legal Research and Meeting Skills course.

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

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

The efforts of our staff to improve services to our researchers, students and academics were recognised in the ILA Awards, given by the Bodleian Libraries. Our webteam were recognised for their initiatives with Facebook, Twitter, our LawBod blog, and our website. We have a programme of digitising articles on reading lists when they are not available elsewhere, and this was recognised, as was the document delivery service we provide to law firms, chambers and individuals. And finally our Faculty visits, mentioned in our update last year, were also seen as innovative. Ruth Bird received an Allan Myer's Exchange to the University of Melbourne in 2011, for a five-week study tour, and a chance to share ideas and best practice with colleagues.

We started a great project of transferring our Library Guides to the collections from paper to interactive online guides, available to the world at http://ox.libguides.com/cat.php?cid=23853 - a great starting point for anyone researching the topics covered, because many links are to free materials on the web, as well as our own collections.

We have seen an increase in numbers coming to the library, much to our delight – up more than ten percent on last year already. Nowadays readers come armed with laptops and smart phones as they sit at desks with books propped up next to the latest technology, and they multi-task away. Our expenditure on books and electronic resources was once again greater than our allocation. The donations provided by our supporters ensured we did not have to undertake any drastic cancellations which may have adversely affected the teaching and research efforts of the Faculty. We are indebted to the continuing support we receive from Freshfields Bruckhaus Deringer, Baker & McKenzie, Hogan Lovells, Slaughter & May, and Weil Gotshal Manges. We also receive lesser, but very welcome, donations provided by our supporters greater than our allocation. The donations provided by our supporters ensured we did not have to undertake any drastic cancellations which may have adversely affected the teaching and research efforts of the Faculty. We are indebted to the continuing support we receive from Freshfields Bruckhaus Deringer, Baker & McKenzie, Hogan Lovells, Slaughter & May, and Weil Gotshal Manges. We also receive lesser, but very welcome, donations provided by our supporters.

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The Leverhulme Trust

The Leverhulme Trust, established in 1925, operates across all academic disciplines, funding research projects, fellowships, studentships, bursaries and prizes. With annual funding of approximately £3 million, the Trust is among the largest all-subject providers of research funding in the UK. Oxford University received £3.3 million in grants in 2009–2010, and 46 new projects were set up that year. Sandra Fredman and Mark Freeland in the Law Faculty have both previously held Leverhulme Major Research Fellowships. The Trust has also recently funded two visiting professors in the Faculty, Steven Schwarz and Janet Walker.

Privacy and Open Society Project Launched

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

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

Ben McFarlane awarded Philip Leverhulme Prize

Ben McFARLANE, Reader in Property Law and a Fellow of Trinity College, has been awarded a prestigious Philip Leverhulme Prize by the Leverhulme Trust. Each year the Trust awards five such prizes in each of five selected disciplines to ‘outstanding scholars who have made a substantial and recognised contribution to their particular field of study, recognised at an international level, and where the expectation is that their greatest achievement is yet to come’. The prize, of £70,000, will be used by Ben to develop his research in both property law and in private law more generally. Speaking about the award, Ben commented: ‘The Philip Leverhulme Prize is unusual and extremely generous, as the funding it provides is not tied to any specific project, its aim is rather to assist the holder in furthering his or her research goals. As a result, I will be able to use the funding to develop my research into the nature of property law, and the boundary between property law and obligations, possibly taking that research in unexpected directions. There are three principal areas on which I am currently focussing. First, the definitions and development of my views as to the nature of property rights, set out in my book, The Structure of Property Law. The relationship of such rights has come sharply into focus with the recent and controversial Court of Appeal in Shell UK v Total UK, and the conceptual natural right of the nature has been discussed by academics responding to the analysis set out in my book and developed in an article by Professor Robert Stevens (formerly of Lady Margaret Hall) and myself. Second, the comparative law of trusts and other equitable property rights, a topic which is of increasing relevance in the UK now in the light of the many cases are increasingly common, very much as a number of non common-law jurisdictions have recently adopted, or plan to adopt, trust-like devices. Third, the law of proprietary estoppel: an area where the law of obligations and property overlap, and on which I am writing a book, aimed at practitioners. The Philip Leverhulme Prize will provide me with the teaching and research support that will allow me to work on these areas over the next three years.’

Major Research Fellowship awarded to Julian Roberts

THE LEVERHULME Trust has awarded Professor Julian Roberts a Major Research Fellowship, which started in September 2010. The purpose of the fellowship is to enable Professor Roberts to study the sentencing guidelines in England and Wales. This was the only application from outside the US that had been approved, and the US guidelines are a major influence in the development of similar laws outside the US. Professor Roberts will focus on the development of sentencing guidelines in England and Wales. This is a topic of great interest to the legal and policy communities, and the Trust’s aim was to enable the creation of a project in the area that would be of international significance. The fellowship will run for three years and will enable Professor Roberts to focus on the sentencing guidelines in England and Wales. The fellowship will be administered by the Faculty of Law and will be a key part of the overall research activities of the department.

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Civil Justice Research

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

The team’s study on the emergence of third-party litigation funding in Britain for civil cases, with Lincoln University, which revealed its findings at an International Conference on Litigation Funding held at Oxford in June 2010, concluded that although litigation funding has increased access to justice for larger companies, individuals and small companies have not benefited due to the funding models that are currently available. Regulation will be necessary to protect consumers before long. The 2009 comparative project on litigation costs led by Chris Hodges, Professor Stefan Voguenauer and Dr Magdalena Tullbacka was relied on in the Jackson Costs Review, which is now being implemented by the government.

A major comparative project, involving Dr Iris Benöhr and Dr Naomi Creutzfeldt-Banda with Dr Chris Decker, is revealing the existence of a largely unknown universe of alternative dispute resolution (ADR) systems for consumer claims, mainly involving ombudsmen and Codes of Practice in regulated sectors. These schemes, which differ in the way mediation mechanisms for court claims, present real opportunities for reform. Chris has been advising the European Commission on the findings, on which legislative proposals are planned for late 2011.

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

Research awards

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

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

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

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

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

Sonia Macleod has been awarded £75,730 from the Economic and Social Research Council for a year-long project entitled “Is Juries’ reasoning ‘beyond reasonable doubt’? Examining jurors’ decision making about DNA evidence”.

Imogen Gold is a co-investigator on a new award from the Netherlands Organisation for Scientific Research (NWO) for a project called “Enhancing responsibility: the effects of cognitive enhancement instruments in moral and legal responsibility”.

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

Stefan Voguenauer has been awarded £15,000 by the Nuffield Foundation for his project entitled “The use of optional instruments in European contract law: an empirical analysis”. The project started in June 2011 and will run for one year.
Beyond 2020: a harmonised policy for renewable electricity in Europe

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

In collaboration with 11 legal, economic and technical research partners across Europe, led by the Energy Economics Group at Vienna University of Technology, Angus will coordinate the legal analysis of current systems of AES promotion in the EU and in Member States, as well as the development of proposals for legal rules as part of the possible future policy framework derived from the project. The assessment will focus on the period beyond 2020, although it is a transitional phase before 2020 will also be analysed. A key element of the project will be the frequent interaction between the economic, technical and legal analyses, ensuring that constraints and opportunities identified at early stages in the research, in order to lead to more robust policy proposals at the conclusion.

The new initiative is a project within the Faculty to assess the effectiveness of legislation promoting the human rights of citizens in the UK, and has received a grant from the Arts and Humanities Research Council (AHRC) to fund the project. The project, which will also be conducted by two part-time researchers in the Faculty, Hayley Hooper and Paul Powell (see page 31), will focus on the work of the Parliamentary Joint Committee on Human Rights (JCHR) over the course of the 2005–2006 and 2006–2007 Parliamentary sessions, and is likely to generate a database of approximately 1,000–1,500 entries. This will be a valuable research resource which could be made available on a project website, and will include, for example, hypertext links to relevant Hansard materials. It will also enable some authoritative empirical findings to be made, about matters such as the frequency of reference to JCHR reports during the Parliament, the pattern in terms of which members raise human rights issues, and the range of conceptions of human rights held by parliamentarians. Some interesting themes are already beginning to emerge about the nature and quality of debate in Parliament about human rights, as well as its frequency, which challenge some of the assumptions in the literature. It is hoped that this evaluation will enable the team to assess the impact of the JCHR on the quality of human rights debate in Parliament, and whether any trends are observable.

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

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

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

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

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

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

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

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

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

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

**Sir Frank Berman QC appointed to Permanent Court of Arbitration**

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

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

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Alan Bogg awarded the Peter Birk's Prize for Outstanding Legal Scholarship 2010

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

The Democratic Aspects of Trade Union Recognition examines the influence of political theories on the changing legal relationships between trade unions, employers, and the State. Alan maps out the development of UK political ideology and the changes in attitude of the Labour Party to British Labour law, moving from a pre-Thatcher preference for pluralism and ‘collective laissez-faire’, to the ‘Third Way’ model of collective labour law, combining legal support with control through increased industrial regulation. Alan uses political philosophy to underpin his analysis of these historical approaches and the nature of the ‘Third Way’ in relation to statutory union recognition. Defining a civic republican philosophy, which values democratic participation, as opposed to rights-based individualism and State neutrality, Alan demonstrates that New Labour’s experiment in union recognition was an emphatic reassertion of liberalism in the sphere of workers’ collective rights, despite the party’s promise of civic community in the ‘Third Way’ rhetoric. This is the first monograph to offer a sustained critical analysis of legal approaches to trade union recognition, and was published by Hart Publishing in September 2009 (see www.law.ox.ac.uk/LN15bogg for more information).

Christopher Hodges appointed as Erasmus Professor at Rotterdam

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

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

Ruth Bird was made an Honorary Bencher of the Middle Temple in 2010. Ruth has been the Bodleian Law Librarian at the University of Oxford since 2004, having started her career in teaching before studying and working as a teacher librarian, and then moving into law librarianship in two Australian law firms. Ruth is a Council member of the British & Irish Association of Law Librarians and a Board member of the International Association of Law Libraries, and also writes for professional journals and blogs.

**John Armour elected to American Law Institute**

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

**Graeme Dinwoodie appointed George P Smith Distinguished Visiting Professor**

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

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

**Two Honours for Roger Hood**

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

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

Joshua Getzler has been invited to the University of Pennsylvania Law School in Philadelphia, to serve as a Bok Visiting International Professor during the 2011-2012 academic year. He will teach a course on universal potential arbitrators, and serve for an initial term of six years. Along with other UK Members of the Court, Frank will be part of the UK ‘national group’ that is entitled to nominate candidates for election to the International Court of Justice, and for the Nobel Peace Prize.

**Oxford Law News**
Oxford’s Bar Society

Oxford’s first clinical legal programme

In 2009, the Oxford Legal Assistance (OLA) programme was launched – the first pro bono project at Oxford that involves both undergraduate and postgraduate student volunteers in practical legal work to benefit local clients. At the end of its first year, the OLA programme was warmly endorsed by the Faculty’s Law Board, which gave it the go-ahead for a further five years. The first year saw students attend weekly clinics at local law firm Turpin & Miller LLP to help with some of their fixed-fee legal aid cases. During these clinics Oxford law students assisted the firm’s solicitors with their immigration cases by conducting preliminary interviews with clients and taking statements, to allow solicitors to spend their time on aspects that require legal expertise. The students have contributed substantially in an area of law which is seriously under-resourced and have gained a great deal through the process as well.

In its second year, the programme saw a dramatic increase in interest both from the wider community and from students themselves. The applicant rate doubled again, students from approximately 50 in the first year to over 100 this year. As well as the increase in willing volunteers, OLA has taken significant steps forward in developing its programme. In the current year Turpin & Miller has allowed students to assist in the area of debt, as well as immigration, and to be involved in project research and document management, as well as working directly with clients.

New Citizens Advice Bureau project

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

OPBP and OLA Social Event

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

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

Justice Kate O’Regan’s words on the importance of pro bono work in public interest litigation also made an impact on the audience. While warmly acknowledging the utility of research such as that conducted by OPBP when she was a judge on South Africa’s Constitutional Court, she reminded law students to remain alive and sensitive to context when engaging in comparative law work. Interested students also had the opportunity to go through the most recent project reports prepared by OPBP and volunteer for its upcoming project on the Right to Food for the UN Special Rapporteur.

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

Oxford Pro Bono Publico

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

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

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

James Peters: a two-month internship at Reprieve, USA.
Peter Morcos: two-to-three-month internship at the AIRE Centre in London.
Mimi Zou: two-month internship at the Netherlands School of Human Rights Research.
Chris McConnachie: two-month internship at the Legal Resources Centre in Grahamstown, South Africa.

More details about the recipients of this year’s awards are available online at www.law.ox.ac.uk/themes/opbp/internships2011
Law Open Days at Oxford 2011

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

The students were welcomed by Professor Timothy Endicott, Dean of the Faculty, and by second-year undergraduate student representatives, who helped to organize and manage the open days. Jonathan Herring talked about the three-year undergraduate law programme, and John Cartwright spoke about the four-year Law with Law Studies in Europe programme, with other faculty members delivering taster lectures, talking through the admissions process and simulating an admissions interview. The Faculty were delighted to welcome associates from Clifford Chance, and barristers from Essex Court, 3 Verulam Buildings, and Pump Court Tax Chambers to talk about careers in law as part of the day. The sixth-form students were also taken to lunch at an Oxford college, giving them a chance to talk to the student volunteers and to see some of Oxford. Since the open days have proved so popular, and fill up so quickly, the Faculty is in the process of creating a virtual open day using film footage from this year’s open days, which will hopefully be released on the Faculty website in early 2012, so that more prospective undergraduates will be able to access some of the information and presentations that feature in the open days.

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

The Eldon Law Scholarship 2011

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

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

Liz Williams wins 2010 Competition

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

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

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

Matthew McGhee highly commended in 2011

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

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

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Vinerian Prize winner 2009–2010

The Vinerian Prize is awarded to the BCL/MJur student who has achieved the highest grades in their examinations each year. The 2009–2010 prize went to Frederick Wilmot-Smith (Balliol). The Vinerian Scholarship proxime accessit was received by Catherine Fleming (University).
Oxford’s 2010 Jessup team 6th in the world

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

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

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

Oxford’s team was made up of five second-year undergraduate law students: Lauren Adams (Regents Park), Kyle Le Croy (Worcester), Moeiz Farhan (Oriel), Valentijn Jeutner (Pembroke) and Di Yu (Brasenose). The team’s coaches, Ryan Goss (Lincoln), Benjamin Spagnolo (Wadham) and Travers McLeod (Balliol), paid tribute to the team’s dedication and thanked all those who judged practice moots and assisted with the team’s preparation over the last six months.

The team’s accomplishment was the culmination of six months of hard work by the students, and recognizes not only their oral advocacy skills but also their ability to formulate sophisticated and thoroughly researched written briefs.

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

The Annual International Intellectual Property Moot

The ANNUAL International Intellectual Property Moot Court competition, hosted by the Oxford Intellectual Property Research Centre (OIPRC), is an annual major IP event both in the United Kingdom and beyond.

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

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

The Oxford team, comprising Scott Coleman (Lincoln), Anish Patel (Somerville) and Ervin Tan (St Hilda’s), has become an annual pilgrimage for the many friends and supporters of the OIPRC and the London School of Economics, many of whom have participated in the Moot since its inception. The growing number of competing teams from around the world also attests to the global standing of the competition. The OIPRC is grateful, not only to the judges and coaches, but to Dr Stuart Baran as Moot Chair, to Lorna Bazeley, a partner at Bird & Bird LLP, who led the short-listing panel, and to Stikeman Elliot (2010), Linklaters (2010), 8 New Square (2010, 2011), for making the Moot possible through generous financial support.

The Annual International Intellectual Property Moot will be held on 16 June. The Regius Professor of Civil Law at Oxford and Cambridge (Professor Boudewijn Sirks and Professor David Rothenberg, respectively) judged the moot and authorised themselves to declare a draw for the first time in the competition’s history, and awarded the Premium Omoni On同志 (Best Oralist Prize) to Oxford’s Ervin Tan (St Hilda’s). The Oxford team, Michael Harper (Somerville), Natasha Hasdorf (Lincoln), Anish Patel (Somerville) and Ervin Tan, was coached by Ben Spagnolo.

In the 2011 moot competition, Hollie Higgins (Worcester), Anthony Kennedy (St Edmund Hall), Xia Li Sung (Lincoln) and Scott Tan (Queen’s), made up the Oxford team, and, accompanied by their coach Benjamin Spagnolo, attended the moot in Cambridge. For the second consecutive year, the judges found themselves unable to differentiate the teams’ scores and, applying the maxim ex aequo ex iudice, the winning team, before awarding the Præmium Optimi, was declared to be Somerville College, who were awarded the Best Moot Prize.

The 2012 competition, which was held on 16 June 2012, was judged by Lord Justice Jacob, Lord Justice Mummery and Mr Justice Floyd. It was held in the UK’s Supreme Court, and was attended by Lord Justice Jacob, Lord Justice Mummery and Mr Justice Floyd. The winning team, before awarding the Præmium Optimi, was declared to be Somerville College, who were awarded the Best Moot Prize.

International Roman Law Moot

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

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

IN WEEK seven of Trinity Term each year, the St Cross Building is busy with first-year students presenting submissions in more than 60 moot courts, as part of the Law Faculty’s Legal Research and Mooting Skills Programme. The mooting programme became compulsory for all law first-year students in 2010, requiring them to learn how to research for a moot, prepare skeleton arguments and appear in the moot court to argue their case. Thanks to the efforts of Sandra Meredith in running the mooting project, with Jamie Edelman as the Faculty Mooting Co-ordinator, the University awarded the Faculty an Oxford Teaching Excellence Award in October 2010, for the way in which mooting has been developed and delivered as a new compulsory part of the law degree at Oxford. The programme has also benefited greatly from the assistance of Kate Jackson, the Bodleian Law Library’s Legal Research Librarian, and the annually appointed Graduate Mooting Officer, and is supported financially by Freshfields Bruckhaus Deringer LLP.

Oxford wins OUP and BPP Crown

DANIEL KHOO (University) and Joshua Fokkard (University) won the 2010 OUP and BPP National Mooting Competition in July, having beaten off the Universities of Birmingham and Chester and Sheffield Hallam University. More than 60 teams from across the United Kingdom now compete in the OUP and BPP moot each year. Joshua and Daniel appeared as respondents in the first of a series of moots in the four-way Grand Final, before His Honour Judge Gratwicke of the Chelmsford Crown Court. The problem for the most required teams to engage with the somewhat obscure tort of intentionally causing emotional harm (see Professor Sabapathy), presented submissions on a case about the award of damages in tort for the loss of opportunity following Greg v Scott (2001) 2 AC 171. Joshua and Daniel were chosen to represent the University in this competition on the basis of their outstanding record of academic performance and mooting skills. Joshua was a Finalist in the Freshers’ Mooting Programme and a member of the victorious Oxford team in the Oxford v Cambridge Clifford Chance LLP Roman Law Moot Court Competition in 2009. Daniel represented the University in the 2009 International Roman Law Moot Court Competition. Committed in Essex and Philippi, and was also a judge and co-author of the problem for this year’s instalment of that contest.

Monroe E Price International Media Law Moot 2011

THE FOURTH Monroe E Price International Media Law Moot Court Competition was held in Oxford from 30 March to 2 April. Organized by the Programme in Comparative Media Law and Policy at the Centre for Socio-Legal Studies, the moot started with a preliminary round in India in December. Twenty-eight teams came to Oxford from twenty countries for the finals, and the competition was ultimately won by The University of Belgrade, Serbia, who beat the Cardozo School of Law, US. Over fifty leading judges, lawyers and academics came to Oxford to judge the rounds making it a leading event in the media law field. This year’s moot was generously supported by Shell International BV, Google India and A2B and Partners, Delhi.

Maitland Inter-Collegiate Moot 2010

THE GRAND Final of the 2010 Maitland Chambers and University of Oxford Undergraduate Inter-Collegiate (Cuppers) Mooting Competition was held on 18 August in Magdalen College. The moot was presided over by the Honourable Mr Justice Sales (Chancery Division, High Court) and members of Maitland Chambers, and was attended by a large audience of students. The two finalist teams, from St John’s College (Imran Tehel & Andrew Foo) and St Hugh’s College (Victor Greenstreet & Senthilkumaran Sabapathy), presented submissions on a case about the award of gains-based damages for breach of contract, an issue with which Justice Sales was very familiar, following his decision in Vero v Rutland – a case both sides sought to rely on to their advantage. The team from St John’s College was ultimately declared Cuppers Mooting Champion for 2010. The moots could not have succeeded without the support of Maitland Chambers, members of the Law Faculty, and the many postgraduate law students who regularly volunteered to judge.

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

EMILY MACKENZIE (Lincoln) and Hannah Noyce (Wadham) represented Oxford in the ESU-Essex Court Chambers National Mooting Competition and won, bringing Oxford the coveted Silver Mace for the first time in the history of this prestigious mooting contest. The moot is the largest and oldest of its kind in the UK, having been founded in 1972 as the Observer Moot. In the Grand Final, Emily and Hannah appeared against BPP Law School in the President’s Court at the Royal Courts of Justice in London, before a bench consisting of Hon Justice Garry Downes AM of the Federal Court of Australia and Mr David Milden QC and Mr Tim Dicks, both of Essex Court Chambers. The problem, framed as an appeal and cross-appeal to the House of Lords, involved issues of dishonest assistance in a breach of fiduciary duty and liability to an account of profits. The judges were unanimous in awarding the moot to Oxford. The team’s achievement is all the more noteworthy because Emily and Hannah sat their final exams only days before written submissions were due. The pair were selected to represent the University in the moot because they were the winners of the internal Shearman & Sterling LLP University of Oxford Mooting Competition in 2009. Hannah was also a participant in the inaugural Oxford French Law Moot in 2008.
Oxford Institute of European and Comparative Law, at the Faculty of Law. Its 36 contributions, written by leading academics and practitioners trace the case law of the European Court of Justice from leading academics and practitioners trace the case law of the European Court of Justice from the 1970s to the present day. This book is the fruit of a high-powered joint symposium of the Oxford Centre for Business Taxation, at the Said Business School, and the Oxford Institute of European and Comparative Law, at the Faculty of Law. Its 36 contributions from leading academics and practitioners trace the case law of the European Court of Justice on the so-called ‘prohibition of abuse of law’ in many different areas of EU law from the 1970s to the present day.


This book provides a discussion of the most interesting theoretical and policy issues in corporate finance law. It covers both the equity and debt sides of corporate finance law and seeks, where possible, to compare the two. The topics covered include: an overview of financing options available to companies, the relationship between equity and debt, legal capital, contractual protection for creditors, proprietary protection for creditors, single and multiple lenders, transferred debt, public offers of shares, the ongoing regulation of the capital market, the regulation of debt, takeovers, schemes of arrangement and private equity. Each chapter analyses the issues so as to enable the reader to understand the difficulties, risk and tensions inherent in this area of law, and the various attempts made to deal with these issues.

New Oxford Collaborative Publication on the Abuse of Law

RITA DE LA Feria and Stefan Vogenaer (eds.), Prohibition of Abuse of Law: A New General Principle of EU Law? (Hart Publishing, 2011). This book is the fruit of a high-powered joint symposium of the Oxford Centre for Business Taxation, at the Said Business School, and the Oxford Institute of European and Comparative Law, at the Faculty of Law. Its 36 contributions from leading academics and practitioners trace the case law of the European Court of Justice on the so-called ‘prohibition of abuse of law’ in many different areas of EU law from the 1970s to the present day.
The Clarendon Teaching Fund

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

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

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

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

Daniel Slifkin Scholarship at St John’s College

THE DANIEL Slifkin Scholarship was established by St John’s College in 2010 as a result of the endowment made to the College by Mr Daniel Slifkin, who took the BA in Jurisprudence and the Bachelors of Civil Law at the College. The purpose of the scholarship is to enable a student to read for the degree of Bachelor of Civil Law or Magister Juris. Daniel is a partner in the litigation department of Slaughter and May and a member of the law faculty of Oxford University’s Law Advisory Council.

Jesus College Fellowships in Law

JESUS COLLEGE is delighted to name one of the two Fellowships in Law as the Sir David Lewis Fellowship in Law, after a generous donation by Sir David Lewis DL to endow the post. Sir David studied Jurisprudence at Jesus between 1965 and 1969 and was a Visiting Honorary Fellow of Jesus College.

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

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

‘The need in the current economic climate is to make student to come up on merit alone whatever their financial circumstances and to benefit from the tuition system. It is this why graduates like me who have been very fortunate to have a duty to help the College we love and to whom we owe so much.

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

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

Lord Macdonald selected as next Warden of Wadham College

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

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

For further information please contact Duncan Macintyre @keble.ox.ac.uk or call 01865 282506.

Duncan.Macintyre@keble.ox.ac.uk

C O L L E G E  N E W S

Harris Society Triennial Law Dinner

Keble College’s Harris Society Triennial dinner takes place this year on Saturday 24 September, so the next one is in 2014; accommodation is available in College. The Society is open to all OLL members who either have or have subsequently practised law. Please contact: Jonny Snicker|sjc.ox.ac.uk

Harris Society Triennial Law Dinner

The Law Fund at St John’s College

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

In this initiative the College is seeking to work with the recently established Oxford Teaching Fund, which would offer the possibility of matched funding on a 60-40 basis. If you, or your firm, would like to make a contribution to the Law Fund, you may make a gift online: www.law. ox.ac.uk/LNF5johns

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

Wadham’s Hackney Fellowship in Law

WADHAM COLLEGE are delighted to report the success of their Hackney Fellowship in Law campaign. The project to create a Fellowship in recognition of Jeffrey Hackney’s contribution to Wadham was initiated some years ago by Stephen Stow, who was instrumentally assisted by John McCall MacBain and his wife Marcy. When Jeffrey retired in 2009 some years ago by Stephen Stow, who was instrumentally assisted by John McCall MacBain and his wife Marcy. When Jeffrey retired in 2009

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

Magdalen College dinner at Gray’s Inn Hall

Oxford Law News
Dan Awrey

Daniel Awrey was appointed as a University Lecturer in Law and Finance at the University of Limerick in April 2010. Dan holds degrees from Queen’s University (BA, LLB) and the University of Toronto (LLM) and is currently completing a law DPhil at Oxford. Before entering academia, Dan served as legal counsel to a global asset management firm and, prior to that, as an associate practising corporate finance and securities law with a major Canadian law firm. Dan’s teaching and research interests include financial regulation and the micro-economics of corporate transactions. Dan teaches MSc in Law and Finance students, in particular on corporate transactions. Dan teaches a course on “Intergenerational Transfer of Wealth.” His teaching interests include Comparative Private Law and Legal History as well as some core areas of private law such as Trusts Law, Succession Law and Contract Law. Currenty, she is teaching in courses in A Roman Introduction to Private Law, Trusts Law and Land Law to first- and second-year undergraduates. Sarah's main research interests lie in the field of Comparative Law, European Private Law and Legal History, as well as areas of private law such as Contract Law, Succession Law and the Law of Trusts.

Sarah Green

The Faculty welcomed Sarah Green as a Fellow in 2010 at St Hilda’s College, from September 2010. Sarah graduated from Balloil with a first class degree in Jurisprudence before going on to gain an MSc degree from the Said Business School the following year. She then worked for Accenture as an IT and Management Consultant in London and Dublin before returning to academic life, and working at the University of Birmingham for a number of years. Sarah’s research currently focuses on the interface between tort and property, with a particular emphasis on the actions dealing with wrongful interference with assets, and on the law's treatment of intangibles. She has also worked on the tort of negligence and, more specifically, the causal element of the negligence inquiry and her work in this area has been cited by both the High Court and the House of Lords. Sarah has recently published The Tort of Conversion (Hart Publishing, 2009) with John Randall QC, the first major work on the subject in English law. She has published various articles on aspects of tort and sale of goods in a wide range of journals, including the Conveyancer and Property Lawyer, Journal of Business Law, Law Quarterly Review, Lloyds Maritime and Commercial Law Quarterly, Medical Law Review and Modern Law Review. In terms of teaching, Sarah's principal interests lie in Trusts, Property, Contract, Domestic and International Sale of Goods and Advanced Obligations, reflecting her research interests in the fields of private law and commercial law.

Irini Papanicolooplu

Irini Papanicolooplu started at the Faculty in July 2010 as a Marie Curie Fellow, working with Vaughan Lowe on a research project called “Humans at Sea.” The project integrates the human element into the law of the sea aiming to highlight legal gaps in law of the sea instruments relating to the treatment of individuals and groups of people who are at sea (either voluntarily or not), to explore mechanisms for adapting the existing instruments to a more human-oriented approach, and to consider how law of the sea rules could be used to provide stronger protection for individuals at sea. Irini is on leave from her position as a Senior Researcher in International Law at the University of Milan-Bicocca, where she has been teaching international law of natural resources, international law of armed conflicts and international law cases. She holds a degree in Law from the same university and a Doctorate in International Law from the University of Milan. Her research interests include public international law, the law of the sea, environmental law and international humanitarian law. She has published a number of book chapters and conference papers, and has acted as legal expert for the Italian Ministry of Foreign Affairs, the Italian Ministry of the Environment and the Secretariat of ACCOBAMS.

Paul Yowell

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

Hayley Hooper

Hayley studied at the University of Glasgow (LLB) before joining Balliol College for the degrees of BCL and MPhil. Hayley holds an AHRC studentship and is completing her PhD on a comparison of studentship in comparative years. Hayley’s scholarly interests include constitutional and administrative law, with a particular focus on human rights law and national security law.

Karen Eveleigh

In September 2010, Karen Eveleigh joined the Faculty as a Senior Research Fellow. Karen has a degree in Chemical Engineering and an MSc, and has worked at Oxford University for ten years, in administrative roles in departments across the Medical Sciences and Social Sciences Divisions. The post of Research Facilitator is new, and supports Faculty members in securing external research funding, including raising awareness of funding opportunities and helping with the application process. Karen is the Centre’s Research Impact Officer (RIE) assessment, and is investigating funding opportunities from Trusts and Foundations with Maureen O’Neill.
Professor Carol Sanger is currently Barbara B. Mann Distinguished Service Professor of Law in San Francisco, and then teaching at the University of Michigan before practising in commercial law in San Francisco, and then teaching at the University of Oregon and at Santa Clara University School of Law. She was a Visiting Scholar and then Visiting Professor at Oxford in 2006, and received the Mundell Medal for Distinguished Contribution to Law and Letters in 2008.

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

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

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

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Martin Matthews

Martin was appointed to a Fellowship in University College in 1973. He arrived with a vast encyclopaedic knowledge of public law and of torts, which he was only too happy to share with his students. They soon discovered that it was a bad idea to turn up to a tutorial without having prepared a good proportion of the lengthy reading list, although the tutorials were focused on the core aspects and students came away confident of the detail and the overall picture. Martin felt that his colleagues, Finnis and Zuckerman, were insufficiently punctilious in organizing the undergraduate teaching, and for years kept a close eye on their performance in this regard. He similarly took an interest in the running of the College and served as Domestic Bursar from 1984 to 1996.

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

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

Stefan Talmon

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

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

Wanjiru Njoya

Wanjiru Njoya has been appointed to a Lectureship at the London School of Economics, to start in September 2011. As a Teaching Fellow at St John’s from 2005 to 2007, and College and University Fellow in Law at Wadhams since 2007, Wanjiru has become an important part of two different thriving groups in Oxford – Labour Law and Company Law. She has developed a valuable contribution to our teaching in both fields in the FHS and the BCL. LSE, like Oxford, is an exciting centre for those subjects, and it is good that there will be a link between these two excellent law schools in the future.

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

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

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

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

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

Other leavers

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

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


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

Lord Bingham of Cornhill 13 October 1933–11 September 2010

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

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

That is Lord Bingham’s teaching in Oxford. The University made him a Visiting Professor on his retirement from the House of Lords, and he joined the Faculty of Law – on the condition that we would give him undergraduates to teach, and in numbers manageable enough that he could converse with them. The result was a brilliant set of classes on human rights cases in the House of Lords in his accounts for 2009 and 2010. There were professors and lecturers who slipped in each time, but Tom’s purpose was to talk to our finalists about the decisions since his time at the Bar, to mention them is to outline the new discussions that other creative judges in the House of Lords generated on the subject of torture; he was the first to be Master of the Rolls, Lord Chief Justice, and Senior Law Lord. It is interesting to contrast his gifts for such feats with the gifts of that other creative judge, Lord Denning. Denning did new things through a sort of jurisprudential contraction, had a freedom to innovate because he was so patently careful. His work had balance. Let me cite one example, from before he was a judge. His accomplishments on the bench, and his history of experience, led him to the belief that the Rule of Law (Penguin 2010) – were foreshadowed by this argument, as an already famous barrister, in 1999. They were the owners of a Labour minister of education to direct a Conservative local education authority. The judges of England. I don’t know if any of them could have taught as well as Tom (although Lord Mansfield would have been good). Tom was able to do dramatic things as a judge. His leadership gave impetus to the creation of the new Supreme Court, he abolished the use of evidence gained from torture, he was the first to be Master of the Rolls, Lord Chief Justice, and Senior Law Lord. It is interesting to contrast his gifts for such feats with the gifts of that other creative judge, Lord Denning. Denning did new things through a sort of jurisprudential contraction, had a freedom to innovate because he was so patently careful. His work had balance. Let me cite one example, from before he was a judge. His accomplishments on the bench, and his history of experience, led him to the belief that the Rule of Law (Penguin 2010) – were foreshadowed by this argument, as an already famous barrister, in 1999. They were the owners of a Labour minister of education to direct a Conservative local education authority. The judges of England. I don’t know if any of them could have taught as well as Tom (although Lord Mansfield would have been good). Tom was able to do dramatic things as a judge. His leadership gave impetus to the creation of the new Supreme Court, he abolished the use of evidence gained from torture, he was the first to be Master of the Rolls, Lord Chief Justice, and Senior Law Lord. It is interesting to contrast
Lord Rodger of Earlsferry
18 September 1944–26 June 2011

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

Whatever the legal issue or problem that one was thinking about, Alan would have illuminating insights and, as one talked with him, one always had the feeling that he had already thought about the issues that one was now confronting. I first met Alan in the 1990s when I was a Law Commissioner and he was Lord Advocate in Scotland. He shared the same scepticism about statutory codifications of private law. Later, when I was the privilege of working closely with him on the book of essays in memory of his close friend, Peter Birks, was not. But he never

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On a warm summer’s evening in December, overlooking the Coat Hanger Bridge and the Sydney Opera House, Baker & McKenzie hosted a reception for Oxford Law alumni. The reception was planned to coincide with the run up to the Torts in Commercial Law Conference, and allowed faculty, students and alumni to meet up over a drink and some appetisers. Dr. Joshua Getzler gave an overview of Oxford today but also spoke of the strong heritage of Roman Law and Legal Philosophy in Oxford. He also gave an update on Oxford’s new Master’s in Law and Finance degree and answered questions from the group.

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

Keep in touch

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

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

Also available is a LinkedIn.com Oxford Law group, which currently has 375 members. To sign up please go to www.law.ox.ac.uk/UNILinkedin

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

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

Professor John Cartwright, Professor of the Law of Contract in Oxford as well as Professor of Anglo-American Private Law at the University of Leiden and professeur invite at the University of Paris II (Panthéon-Assas), spoke to those gathered on the European ties within Oxford Law and our interests in developing more activities with and for our alumni.
In the five years from 2006, scholarship funding available to graduate students in the Faculty has increased by 97%, thanks to our donors, and to increased investment by the University.

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