



Letter from the Dean: Connecting

THE OXFORD LAW SCHOOL grew as a project of thirty colleges and the University. To make the project flourish in the twenty-first century, the Faculty of Law has learned to act as an organized community. Here is one of the results, which you will notice in the pages of the Law News today: the Faculty is a partner not only with the Oxford colleges that teach law, but with the professions, with the judiciary, with law schools around the world, with other departments of the University, and with our alumni.

Our graduate students work with practitioners in the Pro Bono programme, and we are working on developing clinical partnerships for our undergraduates. The Faculty has built mootings more deeply into our work, initiating Cuppers Mooting – an intercollegiate championship – this year, and building relationships around the world as hosts or participants in five international moot programmes. We are developing a Masters degree in Law and Finance with the Business School, with whom we are already partners in the Centre for Business Taxation. The Law and Finance programme will bring senior practitioners into our graduate training. We collaborate with Oxford's new Smith School of Enterprise and the Environment, with the Philosophy Faculty, and with the departments of Refugee Studies and of Continuing Education. We teach Competition Law to judges from across Europe, and International Law to British military lawyers. Last term we developed our alumni lectures into practitioner lectures, as one way of starting to develop Oxford professional legal education. Another way is the Oxford Diploma in Intellectual Property Law and Practice, which began this year – a partnership with senior practitioners in teaching virtually the entire cohort of young lawyers entering the discipline of IP in London firms. We have exchange partnerships in various forms with Leiden, Paris, Bonn, Konstanz, Munich, Regensburg, Siena, Barcelona, New York, Yale, Texas, Melbourne, Sydney, and the China University of Politics and Law, and others are afoot. We started last term to build relationships in India with the law schools, the profession, and our alumni.

Don't think that we are departing from the model that made Oxford such a good place for law. We are making these connections with a deeply conservative impulse to enter into only those partnerships that build on what we already have, and make something good of it. The connection we love best is the connection between scholar and student, in Oxford. The Oxford Law School is the largest and most powerful centre for research in law in the United Kingdom, with the closest contact between scholar and student of any law school in the world. That means that we have a great deal to offer, and to gain from others around the world. We will not be globalizing willy-nilly, or signing MOUs for the sake of it. But we will be making the most of the remarkable opportunities we have to work with lawyers around our city and around the world. In these pages, perhaps you will find an opportunity to be involved.

Timothy Endicott

Tony Honoré's jubilee

On 9 May 2008 a symposium and dinner were held at All Souls College to celebrate Tony Honoré's record-breaking sixty years of teaching for the Law Faculty. *Full story on page 3.*

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Magdalen College 550th Anniversary Moot



(l-r) Mr Jonathan Sumption OBE QC, the Hon Michael Beloff QC, Benjamin Spagnolo, Mr Andrew Lodder, Justice Breyer



(l-r) Mr Benjamin Spagnolo, Mr Jonathan Sumption OBE QC, Justice David Souter, the Rt Hon the Lord Browne-Wilkinson PC, Justice Stephen Breyer, the Hon Michael Beloff QC, Mr Andrew Lodder

Photos: Mrs Heather Clay

MAGDALEN COLLEGE hosted a moot in October 2008 judged by the Rt Hon the Lord Browne-Wilkinson PC, Justice David Souter, and Justice Stephen Breyer, all Oxford law graduates. Lord Browne-Wilkinson was previously the senior Law Lord, and Justice Souter and Justice Breyer are Justices of the United States Supreme Court.

The facts

The moot concerned the tort of defamation. Mark, an Oxford student working for the student newspaper *Toast*, discovered videos of football hooliganism on the Internet. One of the hooligans resembled Professor Egg, the newly elected President of St Matilda's College. Mark telephoned Professor Egg to ask him to explain the videos but dialled the wrong number. On the basis of the videos, *Toast* published a story alleging that Professor Egg had been a football hooligan. It also alleged that the College was aware of Professor Egg's criminal history when it elected him, and had done so 'to cement its reputation as a hothouse for eccentricity and perversity'. The imputations concerning St Matilda's College were included at the behest of Henry, the editor of *Toast*, despite Mark's advice that there was no evidence to support them. It transpired that the hooligan was Professor Egg's estranged twin brother.

The decisional history

Professor Egg and St Matilda's College sued *Toast* for damages. *Toast* conceded the allegations in Professor Egg's statement of case but relied on the defence of responsible journalism. *Toast* argued that St Matilda's was unable to maintain its action as the College was akin to a 'governmental body' and governmental bodies are precluded from bringing proceedings in defamation by the decision in *Derbyshire CC v Times Newspapers* [1993] AC 534. For the purposes of the moot, the panel constituted the Appellate Committee of the House of Lords. There were two issues:

- (i) whether it should remain the law that a defendant can be liable for publishing a potentially important story about a public figure if that defendant fails to meet the standards of 'responsible journalism', but is not malicious; and
- (ii) whether it should remain the law that a 'governmental body' cannot bring a defamation claim even against a defendant which has maliciously published a false story.

The argument

Mr Jonathan Sumption OBE QC and Mr Andrew Lodder appeared for the appellants. The Hon Michael Beloff QC and Mr Benjamin Spagnolo appeared on behalf of the respondents. Mr Sumption and Mr Beloff studied at Magdalen while Mr Lodder and Mr Spagnolo are current Magdalen students. On the first issue, Mr Sumption argued that the defence of responsible journalism gave too much protection to reputation. He submitted that media defendants should only be held liable for publishing defamatory statements if they do so in bad faith. Mr Sumption adopted James Madison's remark that '[s]ome degree of abuse is inseparable from the proper use of every thing, and in no instance is this more true than in that of the press.' Mr Beloff submitted that it was unnecessary to offer further protection to media defendants. He invoked Iago's statement to Othello that '[w]ho steals my purse steals trash ... But he that filches from me my good name Robs me of that which not enriches him And makes me poor indeed.' On the second issue, Mr Lodder submitted that the decision in *Derbyshire* should be reconsidered and that the House should instead grant 'governmental bodies' a qualified privilege. Mr Spagnolo invited the House to affirm *Derbyshire*.

The decision

The House declared that the defence of responsible journalism was open to serious criticism and that consideration should be given to adopting a more robust defence. On the second issue, their Lordships approved the rule established in *Derbyshire*.

James Goudkamp

Pro-Vice-Chancellor for Education

Ewan McKendrick, the Herbert Smith Professor of English Private Law, has been appointed as the University's Pro-Vice-Chancellor for Education. Having served as the Law Faculty's Director of Undergraduate Studies and as Chair of the Law Board, Ewan will now oversee policy and planning for all degree programmes across the University. It is Ewan's second Pro-Vice-Chancellorship, as he is moving across from the University's Research portfolio.

IP Diploma

IN 2008 THE FACULTY introduced a new postgraduate programme – the Diploma in Intellectual Property Law and Practice – with an initial cohort of 56 students.

The Diploma is the first part-time, vocational programme ever to be offered by Oxford Law, and represents a new collaboration between the Law Faculty

and the Intellectual Property Lawyers' Association, the peak professional organization for Intellectual Property lawyers in the UK. It also represents an exciting opportunity for the Law Faculty to strengthen its expertise in IP and its relationship with private practice. The core objective is to provide a high-level vocational course in IP for newly and recently qualified practitioners. Critical to

the realization of that objective is its reliance on senior practitioners in the design and delivery of its academic programme.

The IP Diploma is a *novum* in the history of Oxford Law. It is also a source of opportunity and challenge for the Faculty, which we look forward to exploring and meeting further in the years to come.

Justine Pila

The city of the future: five of the Times' top-ten Future Stars of the City 2008 are Oxford lawyers

<http://business.timesonline.co.uk/tol/business/law/article5313984.ece>

Smith School of Enterprise and the Environment



ON 9 OCTOBER 2008 the new Smith School of Enterprise and the Environment was officially opened by the Vice Chancellor. This important new School has been made possible by the generous benefaction of Martin and Elise Smith. Its first director is Professor Sir David King who was the UK Government's Chief Scientific Adviser and Head of the Government Office of Science from October 2000 to December 2007.

The School is aimed at understanding and pioneering ways for private enterprise, government, and academia to work toward solutions to the environmental challenges of the twenty-first century. It will provide a multidisciplinary research and teaching centre for leading academics, working with business and government leaders, in the fields of environmental economics, finance, international development, law, politics, and all areas relevant to the response of the private and public sectors to environmental challenges.

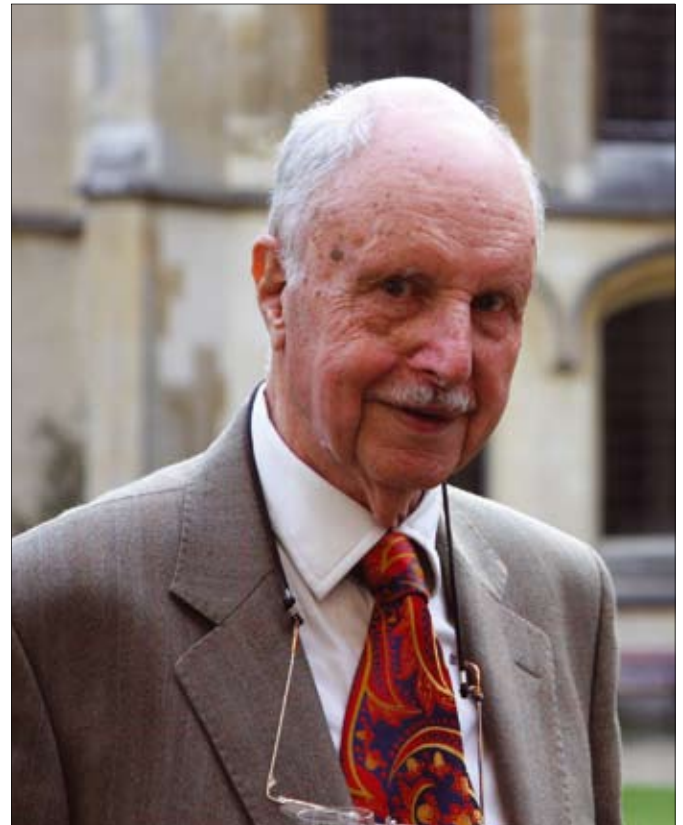
This is an exciting university initiative in which the Law Faculty is delighted to be involved. Dr Liz Fisher and Eloise Scotford are associates of the School and look forward to working with it. In Hilary Term 2009 the Environmental Law Discussion Group will be co-run with the Smith School, which will provide an exciting opportunity for cross-disciplinary discussion. The School is also hosting a number of Visiting Fellows in Environmental Law including Professor Dan Bodansky from the University of Georgia. In the future it is also hoped that an environmental law post can be funded at the School.

For more details on the Smith School of Enterprise and the Environment see www.smithschool.ox.ac.uk

Ben Goold & NICS

Benjamin Goold is currently organizing and chairing a consultation by the British Government on the data-sharing provisions of the National Identity Card Scheme for the Identity and Passport Service. In addition, he has also been asked to provide a briefing for the European Parliament on the 'Development of the Organized Crime Threat Assessment (OCTA) and Internal Security Architecture' in the EU.

Tony Honoré's jubilee



Christopher Leese

ON 9 MAY 2008 a symposium and dinner were held at All Souls College to celebrate Tony Honoré's record-breaking sixty years of teaching for the Law Faculty. Severely wounded at El Alamein in 1942, Tony came to New College in 1946 to read for an abbreviated ex-serviceman's BA in Jurisprudence, and continued on to the BCL, winning the Vinerian Scholarship.

In 1948 he became Law Fellow at Queen's, then Reader in Roman-Dutch Law a decade later, and then in 1971 Regius Professor of Civil Law. In 1951 it was he, along with Queen's philosophy tutor A. D. Woozley, who convened the first recorded interdisciplinary seminars in philosophy and law, attended by H. L. A. Hart. Tony's subsequent collaboration with Hart, *Causation in the Law*, spawned a famous seminar series for the BCL. This is one of several seminar series that Tony continued to teach even after his retirement from the Regius Chair in 1988, and indeed continues to teach into this, his eighty-seventh year. At the May 2008 symposium, tributes were paid by Timothy Endicott, Dean of the Law Faculty, by John Gardner, Tony's co-teacher from 1988 onwards, and by Boudewijn Sirks, current holder of the Regius Chair. Tony was also presented with a volume edited by Sirks, containing essays celebrating Tony's contributions to Roman legal history accompanied by a more personal memoir by Gardner. The souvenir programme from the symposium, Gardner's memoir, and an interview with Tony by Timothy Endicott and John Gardner can all be accessed from www.law.ox.ac.uk/honore

New Bar Standards Board Chair and Vice-Chair Announced

THE BAR COUNCIL has appointed Baroness Ruth Deech as the new Chair of the Bar Standards Board after an open competition run by an Appointments Panel. Sir Geoffrey Nice QC will be the Vice-Chairman. They took up their posts on 1 January 2009 in succession to Ruth Evans and George Leggatt QC.



Ruth Deech lectured in law at Oxford University for many years before being elected Principal of St Anne's College 1991-2004. She has extensive experience of regulatory bodies, having served as Chairman of the Human Fertilisation and Embryology Authority (1994-2002), a Governor of the BBC (2002-2006), and as the first Independent Adjudicator for Higher Education (2004-2008). She is an independent member of the House of Lords.

Baroness Deech said: 'The Bar has a very good track record of regulation, not only in respect of the low level of complaints against barristers but also in the way they have been handled by specialists. The Legal Services Act, however, has brought in new standards and levels of expectation in relation to the supervision of the legal profession, which the Bar Standards Board has every confidence it will meet. An excellent start was made under the chairmanship of Ruth Evans, dealing with important issues in the education and training of barristers, and I plan to continue her work in facing new issues, including complaints handling and the provision of legal services.'

Sir Geoffrey Nice QC is a senior silk with a broad practice in Common Law work. He is internationally known for his work at the War Crimes Tribunal in the Hague where he led the prosecution against Slobodan Milosevic. He sits as a Recorder, is a Bencher of Inner Temple, and a former Head of Chambers at 1, Temple Gardens. He has been active in the

development of advocacy teaching, and has lectured widely. Sir Geoffrey said:

'I am honoured to become the Vice-Chair of the Bar Standards Board, an honour that will be a privilege for me and all Board Members given the appointment of Baroness Deech as the Chair. She brings to the Board very wide experience and learning, together with personal humanity. The work of the Board she will lead will ensure that the Bar is viewed with confidence by the public it serves, and that the Bar will have trust in the Board that now regulates many of its affairs.'

Commenting on the Appointment Ruth Evans said:

'I am delighted that Baroness Deech and Sir Geoffrey Nice have been appointed as the new Chair and Vice-Chair of the Bar Standards Board. I am sure that they, together with the superb Board already in place, will ensure that the consumer and public interests are robustly defended under the new legislation. I wish them very well as they take up their new positions.'

In welcoming the appointments the Chairman of the Bar Council, Timothy Dutton QC said:

'The Bar Council warmly welcomes the appointment of Baroness Deech as Chair of the BSB and Sir Geoffrey Nice as Vice-Chair. Baroness Deech is a person who is equally distinguished in her academic life as she is in her public life, and she will bring to the BSB the benefit of enormous experience and great intellectual distinction. Sir Geoffrey Nice will bring a depth of knowledge of the practice of law and of the legal profession here and abroad to his work for the BSB. They will inspire confidence in the BSB both from the public and the profession. We look forward to working with the BSB under their leadership as the BSB charts a regulatory course for the public and the profession in what will be interesting times as the profession and its regulator look to a future under the Legal Services Act.'



Professor Roger Hood, Doctor of Laws

IN JULY LAST year, the University of Birmingham conferred the Honorary Degree of Doctorate of Laws on Professor Roger Hood. Formerly the Director of the Centre for Criminological Research, Professor Hood is now Emeritus Professor of Criminology, University of Oxford.

He was consultant to the United Nations on the death penalty on several occasions since 1986 and is a member of the Foreign Secretary's Death Penalty Panel. His groundbreaking research, *Race and Sentencing: A Study in the Crown Court* (1992), was carried out in Birmingham and the West Midlands, as was part of his work with Professor Stephen Shute of the University of Birmingham, published as *A Fair Hearing: Ethnic Minorities in the Criminal Courts* (2005).



Civil Procedure Conference at the British Academy

IN DECEMBER 2008, the Law Faculty hosted a major conference in London to mark the tenth anniversary of the Civil Procedure Rules in England and Wales. The event was organized by Dr Déirdre Dwyer, the Faculty's first British Academy Postdoctoral Fellow. The conference brought together over 130 judges, academics, barristers, and solicitors to discuss the effectiveness of Lord Woolf's reforms.

The CPR was 'a new procedural code with the overriding objective of enabling the court to deal with cases justly'. It fundamentally changed the conduct of litigation in England and Wales, with more active judicial case management, and an ethos of party co-operation. The CPR has also been viewed as a possible model for reform elsewhere. It is the basis, for example, of the Civil Justice Reform in Hong Kong in 2009.

There had, however, been no real public debate about the effectiveness of the CPR. Ten years on from the 'Woolf Reforms', the Oxford Law Faculty therefore took the lead in facilitating this important discussion between academics and practitioners from England and overseas. The delegate list included attendees from Brazil, China, Germany, Greece, Italy, Portugal, and the Netherlands.

Speakers at the conference included Sir Anthony Clark (Master of the Rolls), Sir Henry Brooke (former Vice-President of the Civil Division of the Court of Appeal), Lord Justice Jacob, Dr Daan Asser (Judge of the Netherlands Supreme Court), Master Peter Hurst (Senior Costs Judge), Professor Robert Turner (former Senior Master of the Supreme Court), Professor Anthony Jolowicz (Cambridge), Professor Michael Zander (LSE) and Professor Adrian Zuckerman (Oxford). Lord Woolf, who was in Hong Kong at the time, contributed a foreword for the delegates' conference packs. A full list of speakers, with the abstracts for their papers, is available on the conference website (www.law.ox.ac.uk/cpr10)

The conference provided an opportunity for Oxford to showcase its world-class expertise in civil procedure, with papers from current Faculty staff (Déirdre Dwyer, Katharine Grevling, Magdalena Tulibacka, Adrian Zuckerman) and from several recent Oxford DPhil graduates (Carla Crifò, Rachael Mulheron, Shirley Shipman). Many of our current BCL students were able to meet with senior members of the Bar and the solicitors' profession at the event.

The conference was sponsored by Herbert Smith LLP. Tim Parkes, a Dispute Resolution Partner at Herbert Smith, and an Oxford graduate, co-ordinated the sponsorship, and delivered a paper on the practitioner's perspective on the CPR. The conference proceedings will be published in 2009.

Images from the Civil Procedure Conference



Steve Allen



Barry Roberts

Law Alumni Reception at the Mansion House

ON THE EVENING of 20 October 2008, by kind invitation of David Lewis (the Lord Mayor of London and an Oxford Law Alumnus), the Faculty welcomed over 500 law alumni to a drinks reception in the splendid surroundings of the Egyptian Hall of the Mansion House.

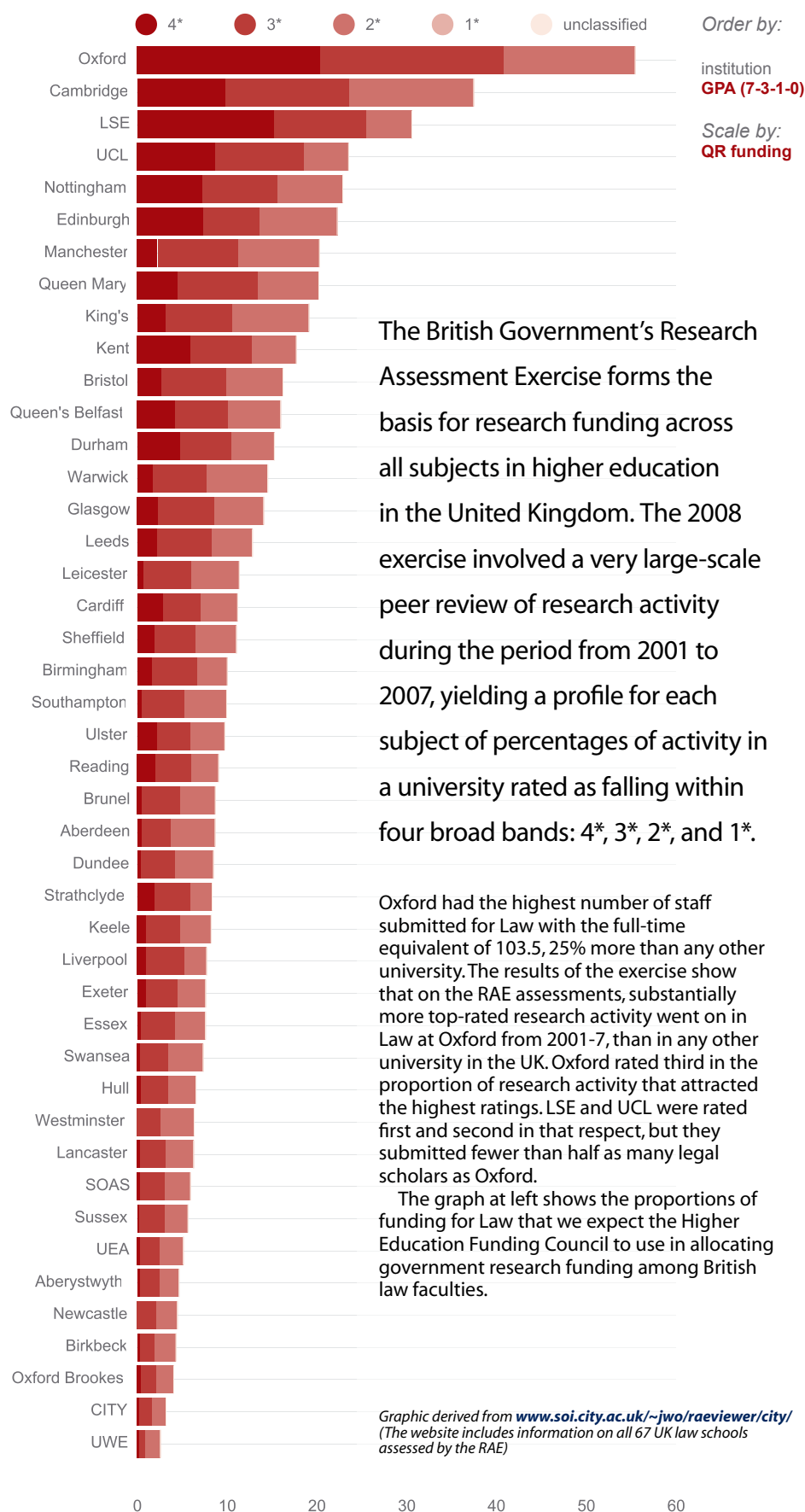
After words from the Lord Mayor and from Professor Endicott, Dean of the Law Faculty, the main speaker of the evening was Lord Bingham of Cornhill. In characteristic style, he articulated four propositions about the University and the Faculty leading to the sure conclusion that there are good reasons for alumni to support Oxford Law. Quoting from the Reverend Sydney Smith that 'Man is certainly a benevolent animal ... A never sees B in distress without thinking C ought to relieve him directly,' Lord Bingham concluded with the hope that 'the lawyers of Oxford will prove the Reverend gentleman's first point to be right and the second completely wrong.'

A wonderful evening was had by all. The Faculty's thanks go to David Lewis and to Lord Bingham; and to Freshfields Bruckhaus Deringer LLP, Herbert Smith LLP, and Slaughter and May for their generous support for this event.

Andrew Ashworth has been named in the Times list, 'Law 100: the UK's most powerful lawyers'. A further 28 of those featured are Oxford alumni. Of 12 Lords of Appeal in Ordinary in 2008, eight studied in Oxford (Lords Bingham, Hoffmann, Saville, Rodger, Carswell, Brown, Mance, Neuberger).

<http://business.timesonline.co.uk/tol/business/law/article3785478.ece>

Research Assessment Exercise 2008



Global Oxford Law Donor Scheme (GOLD's)

THE GOLD SCHEME aims to replace haphazard approaches with an organized outreach to firms that wish to work with us. We will back it with creative thinking about forms of support and opportunities for interaction, and with the good communication that it takes to build a relationship. And we hope to see firms take an increasingly focused, organized approach to their support for legal training and scholarship. In this Scheme we offer an initial step for some firms in developing a partnership with Oxford Law, and a new opportunity for existing supporters.

The GOLD Scheme involves a donation of £10,000 per year with a recommended three-year commitment. A donation to the GOLD Scheme is an investment in the future of Oxford Law. Newest members include Pinsent Masons LLP and Ince and Co. For more information, contact our Development Officer, Chris Leese (christopher.leese@law.ox.ac.uk) or telephone him on 01865 271045 to discuss the Scheme.

New High Steward

IN SEPTEMBER 2008, the Chancellor appointed Lord Rodger of Earlsferry as High Steward of the University, after the retirement of Lord Bingham of Cornhill.

Lord Rodger was a Junior Research Fellow at Balliol, and a Tutorial Fellow at New College, before becoming an advocate in Scotland. He became Lord President of the Court of Session and Lord Justice General in 1996, and was appointed a Lord of Appeal in Ordinary in 2001. A Fellow of the British Academy, Lord Rodger is the Visitor of St Hugh's College and an Honorary Fellow of Balliol, New, and Nuffield Colleges. Lord Rodger serves on the Faculty's External Advisory Board, and has occasionally taught Roman Law in Oxford while serving in the House of Lords.

Law Open Days

THE LAW FACULTY held its annual Open Days between 12–14 March 2008. This event was made possible by a generous donation from Linklaters.

We were very pleased to welcome 250 participants on each of these days, representing 435 schools all around the United Kingdom. The participants were welcomed by the Dean of the Law Faculty, Professor Timothy Endicott, and our student representatives, Angela Higson and Benjamin Johnson. Professor Sue Bright then gave an overview of our undergraduate Law programme and Professor John Cartwright continued with a presentation on our four-year Law with Law Studies in Europe programme. On Wednesday, this was followed by a lecture on assault and battery by Ms Michelle Madden Dempsey, and on Thursday and Friday it was a lecture on the doctrine of precedent in English Law by Mr Ben McFarlane. The participants were then introduced to the world of a solicitor by representatives from Linklaters. For lunch, the participants were split up into five groups and were taken to lunch by our student volunteers in five Oxford colleges. After lunch, the participants were treated to an admissions presentation and mock interview given by Dr Ben Goold and Dr Anne Davies respectively, demystifying the Oxford admissions process. The day ended with a Q & A session with our student volunteers where participants found out more about life as an Oxford student.



Oxford University on iTunesU

More than 150 hours of free audio and video podcasts from the University of Oxford are now available on a new site on iTunes U.

Highlights include lectures by, and interviews with, world-leading academics and researchers; and a film with Michael Palin that was produced for the University's campaign 'Oxford Thinking' – the largest fundraising campaign in European university history.

Potential applicants will be able to access free podcasts about how to apply to the University, including choosing a college and a course, and preparing for interview. They will also be able to see what an Oxford tutorial is like.

These free podcasts can be listened to, or viewed, online or downloaded to an mp3 player or mobile phone.

The University of Oxford will be adding new podcasts to its iTunes U site regularly. Soon the Law Faculty will contribute to the collection with key lectures, and excerpts from seminars, conferences, and events.

There are currently more than 700,000 page requests per week on the University's website, making it the most visited university website in the UK. This website features podcasts and a blog to assist applicants, and many of the University's departmental and college websites feature audio and video, but the University's iTunes U site will place all this material in one easily searchable place. Why not explore the site by visiting:

<http://itunes.ox.ac.uk/>

Oxford Thinking

The Campaign for the University of Oxford

OXFORD THINKING, the Campaign for the University of Oxford, officially launched on 28 May 2008 in the British Academy in London. Celebrations were held in Oxford later in the evening for distinguished guests and donors. The Vice-Chancellor, Dr John Hood, said, 'We have launched the Campaign for the University of Oxford: the most sustained, co-ordinated fundraising effort ever undertaken by a European university.'

As part of the Campaign, the online giving website was launched and has since raised generous gifts to the Colleges and the University from hundreds of donors. Shona Nicholson, Head of the Annual Fund, says: 'The level of giving has exceeded our expectations, and validates the simplicity of both giving online and directing a gift to your preferred area.'

The first online gift to the Faculty of Law came from Clifford Chance Associate, Rebecca Bland, and the Dean of Law asked her to tea to thank her personally. To give to Law directly, please visit www.giving.ox.ac.uk/academic_departments/social_sciences/faculty_of_law.html

New Masters in Law and Finance



THE FACULTY IS PLEASED to announce that from October 2010, it will be admitting students for an exciting new course, the MSc in Law and Finance (MLF), which the Faculty will be running in conjunction with the Saïd Business School. The course will provide a rigorous engagement with the area of intersection between law, finance, and economics sought by financial institutions, law firms, and regulators. In doing so, it will meet a demand that has arisen from commercial conditions which few, if any, other courses in the world currently cater for.

Recent decades have seen exponential growth in the size and complexity of the financial services sector and those aspects of the legal services sector concerned with the structuring of financial transactions and regulatory oversight. Understanding corporate finance is vital to the success of legal activity in this field, whilst regulating such transactions appropriately requires a knowledge both of legal infrastructure and the macro-structure of the financial markets. The financial crisis of 2008 illustrates vividly the importance of getting the right answers to these questions.

The MLF will be the first course of its kind in the world, offering students with a prior background in law the chance to develop an advanced interdisciplinary understanding of the economic and financial context within which regulatory frameworks – both public law and private contract – seek to operate. It will combine a highly analytic academic core with tailor-made practical applications derived from continuing collaboration with professional and regulatory organisations. In doing so, it will draw on the established strengths of existing courses – the BCL, and the Saïd Business School's MBA and MSc in Financial Economics – to which will be added the key integrative aspect of the programme: a new core course on the law and economics of corporate transactions. Graduates emerging from the course will be ideally equipped for careers as practitioners, regulators, or academics, respectively working in, regulating, or studying this important field.

Oxford Law Practitioner Lectures



ON THE EVENING of 4 December 2008, the Law Faculty ran the first of its Practitioner Lectures at Norton Rose LLP. These lectures (previously known as the Oxford Alumni Lectures) were originally restricted to Oxford alumni. The December lectures were the first to be open to anyone wishing to attend.

The two lectures examined a central area of private international law, namely 'Drafting, Defending and Deploying Agreements on Jurisdiction and Choice of Law'. They were given by Professor Adrian Briggs and Edwin Peel. Adrian is Professor of Private International Law, a Fellow of St Edmund Hall, and a barrister specializing in the private international law of jurisdiction at Blackstone Chambers. Ed is a Fellow of Keble College and a Consultant to Clifford Chance LLP. The lectures described how to, and how not to, draft contractual terms dealing with jurisdiction and choice of law. They also dealt with the enforcement of such clauses and, in particular, with the problematic and fascinating question of whether there can be an award of damages for the breach of a choice of law clause. The issues were at the cutting edge of legal developments and the evening, including the question and answer session, proved hugely successful and enjoyable. Nearly 100 barristers or solicitors registered (and paid £100) using the new faculty online booking system. The lectures were worth two CPD points.

The Faculty thanks Norton Rose for hosting the evening and providing the drinks and nibbles. The profits from the evening will go to support the work of the Faculty.



from top: Andrew Burrows, Adrian Briggs, and Edwin Peel

Lord Bingham, Visiting Professor



LORD BINGHAM OF CORNHILL, KG, PC, has joined the Faculty of Law as a Visiting Professor, from January 2009. Acknowledged to be one of the greatest judges of modern times, he successively held the positions of Master of the Rolls, Lord Chief Justice, and Senior Law Lord. His many judgments, across many fields, are characterized by their principled common sense and succinct clarity. In the House of Lords, he led the judiciary in developing their approach to their new responsibilities under the Human Rights Act 1998. Throughout his distinguished judicial career, he showed unsurpassed acumen, a historian's alertness to the ways in which the law has arrived at the state it is in, and candour in facing up to the judges' role in applying it fairly and making it better. He is the Chair of the Oxford Law Foundation, and has served as the Visitor of five Oxford colleges including his own college, Balliol (which elects its own Visitor). He was High Steward of the University from 2002 until his retirement in 2008. The University conferred the title of Visiting Professor on Lord Bingham in October 2008.

Lord Bingham is giving a series of five seminars this term on 'Human Rights in the House of Lords' for the Final Honours School course in European Human Rights Law. He delivered the 2002 Romanes Lecture in Oxford, just as the courts began to come to grips with new problems in the control of the executive in Britain and abroad. In a characteristically shrewd and sensitive analysis of executive detention by the United States and Great Britain in World War II, he reminded the audience that the twenty-first-century problems of executive detention are deeply related to problems that have faced the courts before. He said, 'As a serving judge it would be inappropriate for me to comment extra-judicially on any current exercise of power to restrict personal liberty, whether here, or in the United States, or elsewhere.' This term our students will be discussing the law with him, as Lord Bingham experiences the liberty of being a Professor.

Denise Réaume

THE UNIVERSITY has appointed Professor Denise Réaume as a Visiting Professor with effect from October 2008.

A graduate of the BCL and a full professor at the University of Toronto, Faculty of Law, since 1996, Professor Réaume has written in journals in Canada, Britain, the United States, Australia, Germany, and Israel. Her writing addresses constitutional rights, the theory of equality, feminist legal theory, general jurisprudence, and the law of torts. Her research has particularly focused on human dignity and the debate over whether rights are necessarily individualistic, or can protect interests in collective goods. These themes emerge in Professor Réaume's lectures in Oxford, on vicarious liability in the law of torts.



Oxford and Melbourne

THE CLOSE CONNECTION between Melbourne Law School and Oxford is growing stronger. Allan Myers AO, QC, an alumnus of both universities, has provided major sponsorship for a programme that includes graduate scholarships to bring Melbourne Law School graduates to Oxford, library funding for English materials in Melbourne and Australian materials in Oxford, and a programme of faculty exchanges.

Over the past two years, Michael Bryan, David Brennan, Cheryl Saunders, and Camille Cameron have visited Oxford from the Melbourne Law School, and Katja Ziegler, Donal Nolan, and Adrian Zuckerman have gone to Melbourne from Oxford. Alison Young will go to Melbourne in Michaelmas 2009. Each aspect of our collaboration has grown with a substantial increase in the Myers fund, and there are at present three Melbourne graduate students in Oxford on Myers Scholarships. The two law schools are discussing collaborations in research projects, and co-operation in holding major conferences. Both Sydney and Melbourne now award scholarships for their students to come to the BCL. The Melbourne exchange programme in particular is building our longstanding role as an elite Australian graduate school in Law.

Oxford has ranked first in the UK for Law in the Guardian University Guide 2009. The Guardian's ratings focus on teaching strength, using government statistics on student satisfaction, spending per student, staff-student ratio, job prospects, and a comparison of students' degree results with their entry qualifications.
<http://education.guardian.co.uk/universityguide2009>

Taxation Law at Oxford University

Barry Roberts



Andrew Dilnot, James Bullock, Glen Loutzenhiser, Judith Freedman, Jason Collins, and Peter Cashmore at the St Hugh's College drinks reception

Developing Tax Law Studies in Oxford McGrigors University Lecturership

IN OCTOBER 2008, the Partners of McGrigors LLP hosted a drinks reception at St Hugh's College to celebrate the creation of the McGrigors University Lecturership in Tax Law – a new post in the Faculty, in association with a Fellowship at St Hugh's College. Sponsorship by McGrigors of this post, building on the success of the Career Development Fellowship in Tax Law which they sponsored previously, together with continuing sponsorship of the Chair in Tax Law by KPMG, ensures that the Faculty can continue its development of undergraduate and graduate tax law options as well as participating in the Oxford University Centre for Business Taxation based at the Saïd Business School.

The drinks party was well attended by members of the tax profession, students and staff of the Faculty, and a number of alumni of the tax courses. The Principal of St Hugh's, Andrew Dilnot, made a welcoming speech. McGrigors partner, James Bullock, gave enthusiastic support to the venture and to the appointment of Glen Loutzenhiser as the first holder of the post. The generosity of McGrigors LLP, which has the largest dedicated tax litigation practice in the UK, was gratefully acknowledged by Judith Freedman on behalf of the Faculty.

The new University Lecturer in Tax Law, Glen Loutzenhiser, has dual qualifications in law and accounting and has worked in the corporate tax department of the Toronto law firm Osler, Hoskin & Harcourt LLP, and as an accountant in public practice and industry. His research interests include taxation of employment, small businesses, National Insurance, and international tax. His work has been published by the *British Tax Review* and the Institute for Fiscal Studies, and he is assistant editor on the latest edition of *Tiley's Revenue Law*.

The party also provided an opportunity to thank John Adams on the occasion of his retirement from teaching on the BCL/MJur, for his important contribution to tax teaching in Oxford over many years. Roger Smith recalled the role John has played in keeping tax law teaching alive in Oxford and instilling a fascination with tax law into many students, some of whom are now leading tax practitioners.

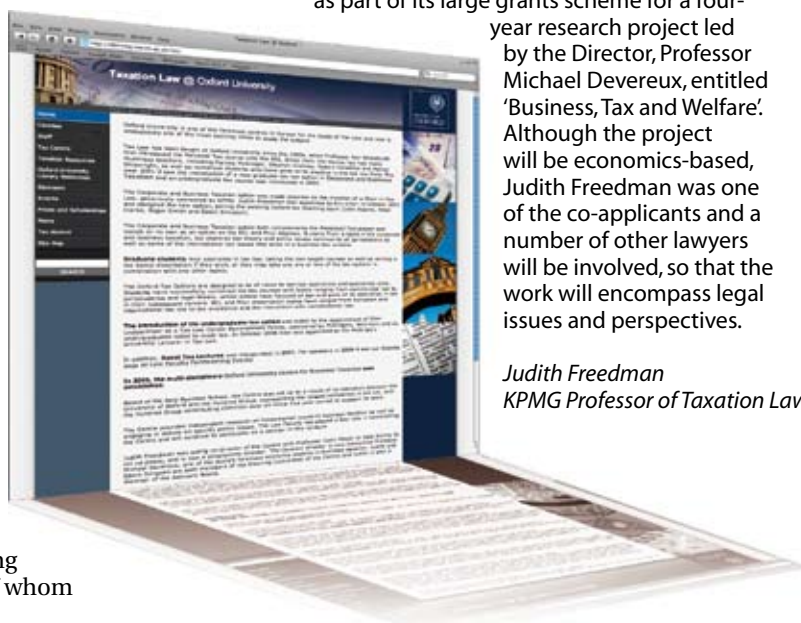
THE TAX LAW GROUP now has a revamped website – thanks to Steve Allen and Jane O'Hare. The website contains information about guest lectures in tax law. The site also gives access to prizes and scholarships, sponsorship and news, and Oxford University library resources in tax law, which have expanded, thanks to the efforts of the library staff and financial support from the Oxford University Centre for Business Taxation. We are currently developing an alumni page to feature details of alumni working in tax law as well as those who have studied tax law in Oxford and are using their tax knowledge indirectly. We have received details of alumni teaching tax law in universities, employed by revenue authorities, based in the tax departments of many law and accountancy firms in the UK and abroad, and working in the leading tax law chambers in London. If you would like to add your details to the page please contact judith.freedman@law.ox.ac.uk. The website is at: www.law.ox.ac.uk/tax/

The website of the Centre for Business Tax, based at the Saïd Business School, features further information about tax events and developments at Oxford University: www.sbs.ox.ac.uk/Tax/about/About+the+Centre+for+Business+Taxation.htm

The Law Faculty works in close partnership with the Centre, where Judith Freedman, KPMG Professor of Tax Law in the Law Faculty, is Director of Legal Research. In October 2008 the Centre and the Oxford Institute of European and Comparative Law held a joint symposium entitled 'Prohibition of abuse of law: a new general principle of EU law?' organized by Professor Stefan Vogenauer and Dr Rita de la Feria, which brought together leading European lawyers working in many areas including tax law, and will result in a joint book to be published by Hart Publishing later this year.

In 2008 the Centre for Business Tax was awarded a grant of £2.5 million by the ESRC as part of its large grants scheme for a four-year research project led by the Director, Professor Michael Devereux, entitled 'Business, Tax and Welfare'. Although the project will be economics-based, Judith Freedman was one of the co-applicants and a number of other lawyers will be involved, so that the work will encompass legal issues and perspectives.

Judith Freedman
KPMG Professor of Taxation Law



News from the Centre

Centre for Socio-Legal Studies

THE DIVERSITY OF the research undertaken at the Centre continues to be strengthened by new appointments. Dr Christina Parau, a British Academy Post-doctoral Research Fellow, was attracted to join the Centre in 2008, and her work on the development of the judiciary in Eastern Europe will complement that carried out by Dr Marina Kurkchiyan on legal culture in transitional regimes.

Soon after his appointment to a Research Fellowship in Courts and Public Policy (funded by the Foundation for Law, Justice and Society), Dr Phil Clark set up the Oxford Transitional Justice Research programme, which draws together the interests of researchers throughout the University and attracts a stream of prominent speakers to its seminar series. The OTJR is planning a conference on Transitional Justice in 2009.

The Programme on Comparative Media Law and Policy, generously funded by Shell International, received a major boost with the recent appointment of Dr Nicole Stremlau, who researches media law and policy in war and post-war contexts, particularly in the Horn of Africa. Dr Stremlau joins Dr Yik Chan Chin, who works on the regulation of free speech in China. Together, they will develop what is sure to be an exciting new programme of research and activities within PCMLP.

The year 2008 saw the launch of a new programme of research into the social foundations of public law, under the leadership of Professor Denis Galligan, made possible by the continuing and very generous support of John Adams, through the Foundation for Law, Justice and Society. During 2008 the Foundation, together with the Centre, completed a set of cutting-edge publications on the Rule of Law in China. In 2009 it will continue its

stimulating lectures and workshops on the Social Contract and on Courts and the Making of Public Policy.

The Research Programme in European and Comparative Civil Justice Systems, led by Dr Christopher Hodges, has been put onto a new footing thanks to generous funding by solicitors CMS and the European Justice Forum. Together with Dr Magdalena Tulibacka, Dr Hodges is embarking on a series of related projects concerning procedural and funding issues within civil justice systems, including alternative dispute-resolution procedures and class actions.

Not to be outdone by more recent arrivals at the Centre, the existing researchers continue to publish and pursue innovative new research programmes, notable among which have been Dr Lange's new book on *Implementing EU Pollution Control* (2008), Dr Pirie's edited volume on *Order and Disorder* (2008), Dr Kurkchiyan's research project on 'Legal Culture in Europe', a new project by Dr Michelle Cowley on 'The Role of Intent in Legal Contexts', funded by the ESRC, and a programme of research into 'Human Investigation and Privacy in a Regulatory Age', launched by Dr David Erdos with the Centre's Hilary Term seminar series, which follows a conference on Charter 88.

A group of first-class researchers is, thus, set to diversify its projects through 2009, while also developing avenues for collaboration. Assisted by an able support staff, stimulated by a large student body and supported by generous benefactors, the Centre will continue to make new and exciting contributions to the scholarship on law in society.

Dr Fernnanda Pirie
Director

New Director for CSLS

DR FERNANDA PIRIE became the new Director of the Centre for Socio-Legal Studies on 1 October 2008, taking over from Professor Denis Galligan who had served as director since 1993, and who will continue as Professor of Socio-Legal Studies. Dr Pirie, a Fellow of St Cross College, conducts research among Tibetan populations in India and China. She is an anthropologist by training, after an earlier career at the Bar which, itself, followed studies in French and Philosophy at the University of Oxford.



The object of her research is conflict resolution in these communities, which in turn leads to issues of peace and order, and the significance of concepts of community, relations between communities and the state, and the links between law and religion. Her recent book, *Peace and Conflict in Ladakh: The Construction of a Fragile Web of Order*, provides an account of these issues. Her research on the Tibetan population of Ladakh is complemented by a study of the Tibetan pastoralists in China, which examines questions of feuding and mediation, power and authority, and relations between the minority population and the Chinese state.

Dr Pirie's appointment as Director reaffirms the multidisciplinary character of the Centre in its study of law in society. With a background in the practice of law, and doctoral training in anthropology, Dr Pirie has the perfect qualifications to lead the CSLS into the next stage of its history. Since its foundation in 1972, the CSLS has maintained its role as a research centre dedicated to the study of law in society from the perspective of the social sciences. Current research staff, which number a dozen, reflect that commitment, with its members drawn from law, anthropology, political science, sociology, and psychology. With a vibrant body of research students, numbering just short of thirty, the CSLS is experiencing a golden period of original and imaginative research, innovative training and supervision of research students, and lively discussion and debate of contemporary issues in law and society. In the hands of the new Director, the Centre will continue to thrive and prosper.

Denis Galligan
Professor of Socio-Legal Studies

Benefactors

The Centre would like to take this opportunity to thank its major benefactors:

Paul Dodyk
John Adams for the Foundation for Law, Justice and Society
CMS Cameron McKenna LLP and the European Justice Forum
Shell International BV

News from the Centre for Criminology

Steve Allen

OVER THE LAST YEAR the Centre has continued along the path we embarked upon following my arrival as Director in 2005 – in terms of both our research programme and our ambition to build a thriving graduate school in criminology.

On the research front, a number of new projects have started this year. Federico Varese was awarded a grant from the European Commission as part of a consortium working on the 'economics of security'. Mary Bosworth and Carolyn Hoyle commenced a new project on trafficked women, supported by the Hulme Fund. The fund also enabled Dr Bosworth to run a successful conference on 'globalization, ethnicity and racism', which subsequently appeared as a special issue of *Theoretical Criminology*. Three members of the Centre have completed books which are due to be published in 2009. These are *Explaining US Imprisonment* by Mary Bosworth (Sage), *Mob and Mobility* by Federico Varese (Princeton), and *Security* by Lucia Zedner (Routledge). Mary Bosworth and Ros Burnett were both awarded the title of Reader in Criminology in the 2008 Recognition of Distinction exercise. Congratulations to them both.

The Centre also welcomed two new postdoctoral research fellows this year. Bethan Loftus was appointed to a Centre fellowship to work on a book entitled *Police Culture in a Changing World*, which is to be published by Oxford University Press next year. Conor O'Reilly was awarded an Economic and Social Research Council postdoctoral fellowship to continue and extend his work on the transnational security industry. His book *Policing Global Risks* is to be published by Hart Publishing in 2009. Both Bethan and Conor are applying for research funding to commence new projects in the Centre.

This October we were pleased to welcome 24 new students to study for the MSc Criminology and Criminal Justice. The degree is now in its eighth year, is attracting top students from around the world, and has become more and more pivotal to the intellectual life of the Centre. We also welcomed six new DPhil students. In October 2009 we are launching a

dedicated DPhil in Criminology for the first time, and are confident that our ambition of producing and sustaining a world-class graduate school in criminology is well on the way to being realized.

It is also worth taking this opportunity to highlight the contribution that Centre members make to public life and deliberation on criminal justice and penal policy in the wider world. These contributions currently include the following:

Carolyn Hoyle and Ian Loader are members of the Commission on English Prisons Today set up by the Howard League and presided over by Cherie Booth QC. The Commission is due to report in May 2009. Ian Loader has written columns in, among other places, *The Guardian*, in connection with this work.

Benjamin Goold has acted as Independent Legal Adviser to the UK Identity and Passport Service on Identity Card regulation and as Specialist Legal Adviser to the House of Lords Constitution Committee Inquiry into the Impact of Surveillance and Data Collection.

The Centre is, for the second year, running a successful series of advanced criminology seminars for senior officers in Thames Valley Police.

Ian Loader continues, in collaboration with the Police Foundation, to run the Oxford Policing Policy Forum at All Souls College. Two Forum events were held last year, one on police powers, the other on surveillance. More details can be found at: www.police-foundation.org.uk/site/policy-foundation/latest/events/oxford-policing-policy-forum?LanguageId=0

Andrew Ashworth continues to act as Chair of the Sentencing Advisory Panel and as a member of the Sentencing Guidelines Council.

Julian Roberts served as a member of the 'Sentencing Commission Working Group' set up following the Carter Report on the future of prisons, and chaired by Sir Igor Judge.

Those wishing to keep abreast of the Centre's activities, or support our research and teaching programmes, can find out more by visiting: www.crim.ox.ac.uk

Professor Ian Loader
Director



Ian Loader

IP Centre News

IN OCTOBER 2008 the Oxford Intellectual Property Research Centre (OIPRC) became a Centre of the Oxford Law Faculty, taking its place alongside an increasing number of multidisciplinary centres.

The OIPRC was established in 1990 at St Peter's College by Faculty member Peter Hayward, with an £85,000 gift from the Hitachi Foundation. In its first six years it was essentially a library, and then in 1995/6 it developed a visitors' programme and multidisciplinary (law and economics) research agenda.

In 1998 Peter Hayward retired, and Professor Vaver was appointed to a Professorial Fellowship at St Peter's and made Director of the Centre. The Centre's website, seminar series, and electronic journal were established in the same year, followed in 2002/3 by its Mock Trial and International IP Moot. These events have grown in the years since, with the

Another productive year for the Bodleian Law Library

WE WERE VERY pleased to start some new projects this year to improve the spread of information and service to all our readers. As the electronic coverage of legal materials increases, we find a small decrease in numbers coming into the library, but this is more than matched by the increased usage of all the legal databases provided by the library. Thanks to the continuing generosity of several key city firms (Freshfields, Lovells, Baker & McKenzie, Slaughter and May, and Weil, Gotshal & Manges), the library is able to purchase new e-resources relevant to our teaching and research, as well as maintaining our key first-year Legal Research Skills programme, and our extended weekend opening.

In order to maximize the extent of online help we can provide, we undertook an exercise to renew the look and feel of our website – www.ouls.ox.ac.uk/law. We also improved communication with Faculty and students with the introduction of a weekly newsletter full of our latest activities. A blog site was launched, named the Law Bod Blog – <http://lawbod.wordpress.com/> – with

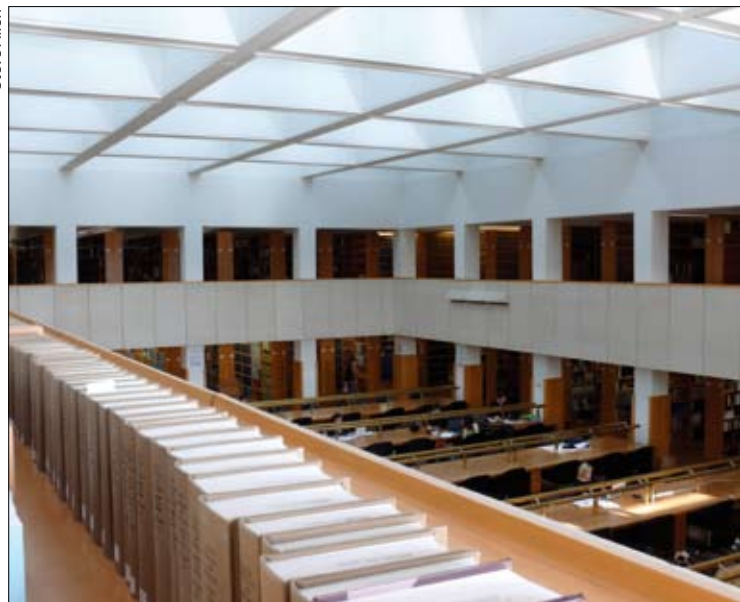
extended information about new resources. We also introduced free scanning as an alternative to the photocopier, which has proven to be a popular option.

We have a wonderfully exciting project underway to update and renew the text book collection for many foreign law sections in the Law Library. By concentrating on buying the latest editions of key texts, we hope to bring the library up to the standard that researchers had come to expect of us in the past.

Improvements to the building included the installation of a new interactive white board provided by City Solicitors' Education Trust, used for teaching in our extensive range of legal research courses. Our porter, Bill Hudson, retired mid year, and because he was irreplaceable, we have installed a swipe-card entrance gate instead. It does not smile to welcome entrants to the library, but it does provide excellent information on use of the library. The overhead lighting improvement project also continues, and makes the library a brighter, friendlier place for our users.

As in every year, we experienced several staff changes; our first year with

Steve Allen



two graduate trainees working in the library was so successful that we will continue the project for the foreseeable future. Several staff attended conferences beyond the UK, in Brussels, Dublin, Puerto Rico, and the US, and we again provided library induction and training for numerous US university law schools, as well as a Chinese university law school, over the summer.

The Law Library could not provide the support we give without the generosity of law firms and Oxford alumni, and we are grateful for the ongoing support for one of the best law collections in Great Britain.

Ruth Bird

Moot in particular earning a well-deserved place on the international IP scene.

The Centre's move to the Faculty represents a wonderful opportunity for consolidation and growth, both for the Centre itself and IP at Oxford more generally. The precise nature and direction of that growth will emerge once Professor Vaver's successor, Professor Graeme Dinwoodie of Chicago-Kent College of Law, takes up the Chair in Intellectual Property Law (and Directorship of the Centre) in June 2009. Until then my hope as Interim Director of the Centre is that its most treasured assets and activities – its library, seminar series, and International Moot – flourish as assets and activities of Oxford Law.

The Moot particularly is a real source of excitement, and promises to be a highlight of the Faculty's 2008/9 academic calendar. It will take place on Friday 20 March and Saturday 21 March 2009, marking a change from the weekend schedule of previous years. It will also have a new venue, St Catherine's College, which is the youngest and largest of the Oxford colleges, and which (not coincidentally) is my own College. St Catz has beautiful buildings and gardens, the design

of which marked a bold move away from the more traditional designs usually associated with Oxford colleges. It is considered to be one of the finest examples of the work of the Danish architect Arne Jacobson, and is imbued with an open, welcoming, and democratic spirit that makes it a perfect venue for an event such as the Moot.

The problem to be mooted also marks a change from past years. Written by Associate Professor David Brennan of the University of Melbourne, it is the first problem to have a patents focus. For this among many other things we have the Moot's Organising Committee Chairman and Oxford DPhil Candidate in Physical Chemistry to thank: Stuart Baran. My hope is that having a patents problem will dispel the myth that one needs a background in science in order to be a patent lawyer.

Or is it a myth? This is one of the questions that will be considered at the inaugural Oxford IP *Conversazione*, to be held at the Moot on the evening of Friday 20 March. Organized with assistance from Barbara Lauriat, the University's Career Development Fellow in Intellectual Property Law, the

Conversazione will follow the tradition of past *Conversazioni* in seeking to address contemporary issues in a cross-disciplinary manner and with participants from inside and outside academe.

The timing, the venue, the problem, and the *Conversazione* mark small changes to the Moot from past years. All however will be in fulfilment of its original objective of providing a socially enjoyable and intellectually rigorous event for those of us interested in IP law and advocacy. In the light of that objective particularly I am delighted to say that the final round will be judged again this year by Lord Justice Mummery, Lord Justice Jacob, and Mr Justice Floyd; and that we will again end the event with a black-tie dinner, this year in St Catz's beautiful hall.

All in all it promises to be a wonderful event. I do hope that those Faculty alumni with IP interests will be able to join us for it, and will find ways, more generally, to become involved with the OIPRC in its future life as a multidisciplinary Centre of the Faculty of Law.

Dr Justine Pila

News from the Institute of European and Comparative Law



Top: Professor Stefan Vogenauer
Bottom (l-r): Mummery LJ, Arden LJ, Lord Bingham, Professors Andenas (Oslo), Graver (Oslo), Vogenauer (Oxford), Alpa (Rome), Dr Murkens (LSE), Dr Munday (Cambridge), Carnwath LJ, Judge Tommaso Basile (Corte di Cassazione, Rome), Professor Philippe Sands QC (UCL), Lord Mance, Dr Duncan Fairgrieve (Paris), Dyson LJ, Professor Marc Loth (Amsterdam) at the seminar, 'A Matter of Style? The Form of Judgments in the United Kingdom and Abroad'

THIS HAS BEEN another busy year for the Oxford Institute of European and Comparative Law (IECL). Our main event was a conference on 'Civil Justice Systems in Europe: Implications for Choice of Forum and Choice of Contract Law'. It was organized jointly with the Oxford Centre for Socio-Legal Studies and our principal supporters, Clifford Chance LLP. Academics, practitioners, and policy-makers from all over Europe attended. The conference focused on the extent to which perceptions of differences between national civil justice systems affect businesses engaging in cross-border transactions when they choose the forum and the governing contract law. It presented

the results of a major survey of European businesses on these issues.

A one-day seminar entitled 'A Matter of Style? The Form of Judgments in the United Kingdom and Abroad' was held in honour of Lord Bingham of Cornhill shortly before his retirement from his offices of Senior Lord of Appeal in Ordinary and High Steward of the University of Oxford. It brought together senior UK judges and academics from various jurisdictions, comparing the merits of different styles of writing judicial opinions in the light of recent developments in the House of Lords and the Court of Appeal. Together with Mrs Louise Gullifer of Harris Manchester College, the Institute's Deputy Directors, Dr Wolf-Georg Ringe and

Professor Philippe Théry organized a conference on 'Current Issues in European Finance and Insolvency Law: Perspectives from France and the UK'. The event brought together a group of mainly French and English insolvency and company lawyers to discuss recent developments and reforms in their respective jurisdictions, as well as current developments on the European level.

A joint symposium with the Oxford Centre for Business Taxation concerned the question whether the 'prohibition of abuse of law' constitutes a new general principle of EU law. A packed two-day programme saw 26 speakers from all over Europe engage in a minute discussion of the case law of the European Court of Justice in various areas of Community law. The event was chaired by Advocate-General Miguel Poiares-Maduro and addressed by the Director-General of the European Commission's DG 'Justice, Freedom and Security', Jonathan Faull.

The proceedings of these four conferences will be published by Hart Publishing in the Institute's series, 'Studies of the Oxford Institute of European and Comparative Law' from March 2009 onwards. The series, established in 2007, has been a resounding success and will see the launch of its tenth volume in January 2009.

A number of events benefited from the generous support of the Oxford/Stockholm Wallenberg Venture, headed by Professor Ulf Bernitz. In May, more than 75 lawyers and political scientists, academics, policy-makers, and students from Oxford and beyond attended a conference entitled 'The Lisbon Treaty and Beyond: Hype, Hopes and Fairytales'. It was organised by Professors Kalypso Nicolaidis (European Studies Centre) and Stephen Weatherill (IECL and Law Faculty) under the joint venture 'EU@OX'. The aim was to reflect on the nature and purpose of the Lisbon Treaty and to consider how the EU has arrived at this choice after a turbulent few years planning more-or-less ambitious versions of Treaty revision. In May, the fourth symposium in the series

'Trends in Retail Competition: Private Labels, Brands and Competition Policy' focused on the role of private labels in competition between retailers and suppliers and the issue of strong buying power. And in June, a colloquium on 'Human Rights and Tort Law: Privacy and Remedies against Public Bodies – Comparative Perspectives on Recent Developments' brought together academics from Sweden and Oxford.

The Institute continues to administer the highly successful 'Law with Law Studies in Europe' degree on behalf of the Faculty. Students reading for this degree spend their third year in one of our European partner universities and receive training in the law and language of their host country during their second year at Oxford. In March 2008, this programme was enriched by a new element: following an initiative of Dr Eric Descheemaeker, the first Oxford French Law Moot was held. It re-opened the famous *Perruche* case on 'wrongful birth'. The two teams were given four weeks to acquaint themselves with the facts of the problem and research the law. Each team spoke in French, first for thirty minutes to make their submissions and then for ten minutes to make their rebuttal points.

One of the judges of the moot, Professor Philippe Théry, left the Institute after the summer (no causal link!). He returned to his post at the University of Paris Panthéon-Assas after his two-year secondment to the Institute. We welcomed the arrival of his successor, Professor François-Xavier Lucas from the University of Paris Panthéon-Sorbonne, who will be the Institute's French Deputy Director for the next two years. We also welcomed Mr Martin Flohr as the second Max Planck Fellow under the exchange agreement of the Oxford Law Faculty and the Hamburg Max Planck Institute for Comparative and International Private Law.

Information on these and other Institute events and activities can be found at: www.iecl.ox.ac.uk/

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

Oxford/Leiden Faculty Conference 26–27 September 2008

FROM TIME TO TIME members of the Oxford and Leiden Law Faculties hold a conference at which members of the two faculties give papers on related topics – a very valuable staff exchange, conducted in a relatively informal setting but allowing members to work together and therefore to cement further the long-established link between our two Faculties.



In 2008 it was Leiden's turn to host the conference, which took place on 26 and 27 September on the theme 'Interpretation of National Law in the Context of Transnational Law'. For Oxford, Stefan Vogenauer chaired one of the sessions and presented a paper on 'Interpretation of the UNIDROIT Principles of International Commercial Contracts by National Courts'; John Cartwright gave a paper on 'Interpretation of English Law in Light of the Common Frame of Reference'; and Deirdre Dwyer on 'The Interpretation of the English Civil Procedure Rules in the Context of Article 6 ECHR'. Leiden colleagues presented a range of papers both on private law topics and on fundamental rights. The hospitality of the Leiden Faculty was, as always, outstanding. A volume containing the papers from the conference is to be published during 2009.

News from the Foundation for Law, Justice and Society

THE FOUNDATION FOR LAW, JUSTICE AND SOCIETY, affiliated with the Centre for Socio-Legal Studies, enjoyed a rich programme of events in 2008, attended by prominent figures from government, business, academia, law, and the media.

In June, the Foundation was privileged to welcome the Chief Justice of South Africa to Oxford, to deliver a lecture on the constitutionalization of socio-economic rights in South Africa since Apartheid. He argued that the Constitution is best understood as a manifesto for positive transformation towards an equal society, and that in order to achieve this equality, 'judges should approach human rights adjudication so as to uplift the underprivileged'.

A large audience was attracted to the Foundation's lecture on Detention without Trial at the Aspen Institute, Colorado in July. The lecture and following workshop, which coincided with the Aspen Ideas Festival, served to strengthen the close links the Foundation enjoys with the Aspen Institute, and was covered by Joshua Rozenberg in *The Daily Telegraph*.

The House of Lords played host to the concluding symposium of our three-year 'Rule of Law in China' programme in October. The event was attended by a select group of fifty prominent figures in the field, including Lord Geoffrey Howe, former Chancellor of the Exchequer and President of the Great Britain China Centre, who remarked that the programme's policy briefs and reports showed a 'sophistication of analysis that is immensely impressive'.

The Foundation's lectures are available as podcasts which can be downloaded from the Foundation's recently relaunched website at: www.fljs.org/podcasts

Last year's annual lecture by Cass Sunstein was one of the top 100 global downloads from the new Oxford University page of iTunes U, to which the Foundation has been contributing this year.

The year 2009 looks set to be equally successful, beginning with our conference on International Courts on 28 January, when Professor Antonio Cassese will deliver a lecture on International Criminal Law and Victim-Centred Justice.

Housing issues in the twenty-first century

WITH THE SUPPORT of the John Fell Fund and Devonshires solicitors, the Faculty is running a series of interdisciplinary housing seminars on a number of current hot topics in housing.

The series has been organized by Sue Bright, together with Professor John Meullbauer (Economics), and Professor Peter Kemp (social policy). Topics discussed in Michaelmas Term were: house prices, housing supply, and the future of social housing. In Hilary and Trinity terms we are looking at the future of private renting, the changing legal landscape, homelessness, household formation, and climate change and housing. For further information, contact events@socres.ox.ac.uk

Law and Finance Roundtable

ON 6 JUNE 2008, the Law Faculty and the Saïd Business School held a Law and Finance Roundtable, on Private Equity, Hedge Funds, and Corporate Governance. The idea was to bring together academics, practitioners, and industry participants to discuss topics of mutual interest and to foster a productive dialogue. The roundtable was organized jointly with the Institute for Law & Economics at the University of Pennsylvania (a joint venture of the U Penn Law School and the Wharton Business School), and many of the discussions focused on transatlantic differences. The day's events were kindly sponsored by Travers Smith.

In the morning, two academic papers were presented. The first, by Marco Becht, Julian Franks, and Jeremy Grant, presented empirical findings on the impact of Hedge Fund Activism on the stock performance of European listed companies. The second, by Marcel Kahan and Ed Rock, analysed the increasingly active role played by hedge funds in the enforcement of debt covenants in the US. Each paper was followed by comments from both an academic and a practitioner, then a lively open discussion.

The afternoon session was a discussion on Private Equity: 'Doing Deals When the Sky is Falling', led by a panel comprising David Blitzer (Blackstone), Charles Crawshaw (Assistant Director General, The Takeover Panel), Todd Fisher (Kohlberg Kravis Roberts), Simon Walker (Chief Executive, British Venture Capital Association), Chris Hale (Head of Private Equity, Travers Smith), Stephanie Keen (Lovells), and Tim Jenkinson (Saïd Business School).

The day's discussions, held under the Chatham House Rule, yielded a frank and constructive dialogue. There is clearly much to be gained from engagement between law and business, and between practitioners and academics. We hope to make events of this type a regular occurrence in Oxford.



Keep up with the latest Oxford legal research

You can subscribe to the free **University of Oxford Legal Research Paper Series (RPS)**. Professor Christopher McCrudden and Dr Justine Pila edit the RPS, which is distributed by e-mail approximately six times a year. To subscribe, go to the dedicated RPS web page at www.ssrn.com/link/oxford-legal-studies.html, or write to sandra.meredith@law.ox.ac.uk

Class Actions – Global Experience

A GLOBAL PROJECT on class actions is being run by Dr Christopher Hodges, Head of the CMS Research Programme on Civil Justice Systems at the Centre for Socio-Legal Studies, and Professor Deborah Hensler of Stanford Law School. Collective redress mechanisms have been appearing in many jurisdictions around the world, and an overview was needed on why, what, and how. The conference in December 2007 attracted 180 judges, scholars, practitioners, and legislators from all continents, and the proceedings were published in early 2009 by the American Academy of Political and Social Sciences.

The project has produced national reports on class and representative actions from thirty jurisdictions, and rising, which are available together with updates at: www.globalclassactions.stanford.edu/

A global network of academics working in the field has been established, 35 of whom met again in Oxford in December 2008. In addition to providing analysis of how differing mechanisms work, important issues that have emerged relate to the inter-relation between public and private enforcement of law, and the difficult balancing of access to justice with controls on conflicts and abuses so as to enhance but not harm economies. Oxford University Press is to publish a book by Hensler and Hodges on the global overview and policy considerations in 2010.

Meanwhile, Dr Hodges' book *The Reform of Class and Representative Actions in European Legal Systems: A New Approach to Collective Redress in Europe* was published by Hart Publishing in September 2008 and launched in the European Parliament, where its conclusions were adopted in revisions to the Economic Committee's Report on the Commission's White Paper on competition damages, and also appeared in the Commission's Green Paper on consumer collective redress.

The CMS Research Programme, established during 2008 with funding from the CMS group of law firms and European Justice Forum, is also focusing on civil justice systems generally, especially issues of alignment within Europe. Dr Magdalena Tulibacka's analysis of 'harmonization of European civil procedure by stealth' through various unco-ordinated European measures will appear in 2009. The Programme is looking in depth at litigation funding and costs as well as procedural issues. A project is also being undertaken with the UK consumers' association *Which?* to map and then evaluate the large number of 'alternative' dispute-resolution mechanisms in England and Wales, including ombudsmen, tribunals, codes of conduct, special schemes, and so on.

Other themes are the inter-relation between substantive and procedural law, such as the European Common Frame of Reference on contract law. Dr Tulibacka's book *Product Liability in Transition – Central European Perspectives*, was published by Ashgate in January 2009 and examines the reform of civil justice systems from communism to market capitalist approaches.

Oxford Graduate Legal Research Conference

THE SECOND ANNUAL Oxford Graduate Legal Research Conference was held on 21 and 22 April 2008 at Corpus Christi College, Oxford. This is an exciting Faculty initiative which gives all first-year research students the opportunity to present and discuss their research methodology to those in the Faculty.

The Oxford Law Faculty has the largest community of graduate research students in the common law world, and they work on a very diverse range of legal topics. This conference is a showcase for the really impressive talent in our research graduate community, and the two days were full of energy and intellectual buzz. Sessions were chaired by research students further along in their research and there was a discussant for each paper. There were also sessions at the conference on academic career planning and getting your thesis published – the latter given by Richard Hart, Managing Director of Hart Publishing. The finale of the conference was a superb keynote lecture from Professor Frederick Schauer who was at the time the Frank Stanton Professor of the First Amendment at the John F. Kennedy School of Government, Harvard University and George Eastman Visiting Professor, Balliol College, Oxford. His topic was 'No, It's Not What The Judge Had For Breakfast: Legal Realism without Caricature'.



Steve Allen

Professor Christopher McCrudden elected to the British Academy



IN RECOGNITION of his work in human rights law, equality and discrimination, international and regional economic law and domestic social policy, comparative constitutional and public law, and Northern Ireland constitutional developments, Professor Christopher McCrudden, Professor of Human Rights Law, University of Oxford and Fellow of Lincoln College was elected to the British Academy in 2008.

Professor Vaughan Lowe QC honoured with Japanese Order of Rising Sun



Vaughan Lowe, his wife, Sally and some of their children, and HE Ambassador Shin Ebihara and Mrs Ebihara

VAUGHAN LOWE, Chichele Professor of Public International Law (All Souls), has received the Japanese Order of Rising Sun, Gold rays with neckband. His Excellency Shin Ebihara, the Japanese Ambassador in London, made the award at a dinner held at the Ambassador's residence on 28 November. The award was made in recognition of Vaughan Lowe's promotion of relations between British and Japanese international lawyers, and his work advising the Japanese Government on international law matters, and as counsel for Japan in cases in international courts. Expressing his gratitude for the honour and his admiration for Japanese legal scholarship, Lowe speculated on the links between the legal traditions in the two countries, both small islands sitting off large continents. Earlier in the year Lowe became a QC, and was elected a Bencher of Gray's Inn.

www.uk.emb-japan.go.jp/en/japanUK/decoration/081212lowe.html

Three Visiting Professors appointed at UNSW

LUCIA ZEDNER, Joshua Getzler, and James Edelman have been appointed as Conjoint Professors (i.e Visiting Professors) in the Faculty of Law, University of New South Wales (UNSW). The appointments consolidate the excellent academic relations between the Oxford Law Faculty and UNSW, and deepen the bond between law in Australia and law in Oxford.

James Edelman has been involved with UNSW since 2004 as a member of their Private Law Policy and Research Group. In 2004, together with Associate Professor Simone Degeling from UNSW, he organized a conference, hosted by UNSW, entitled 'Equity in Commercial Law'. In 2007, a second conference was organized entitled 'Unjust Enrichment in Commercial Law'. Both these conferences gave rise to books of essays, and a number of these have now been cited by courts in common law jurisdictions. Many members of the Law Faculty and Oxford University alumni were present at the 2007 conference, with some delivering papers. In December 2010, Simone and James are looking to organize the third conference in the series entitled 'Torts and Wrongdoing in Commercial Law', which will again be hosted by UNSW.

Lucia Zedner is now supervising her first DPhil student from UNSW, James Ogg, a student she first met when visiting, and who is now at Oxford writing a thesis on the Serious Crime Act 2007.

Joshua Getzler taught a class in trusts and presented research on the history of company law to the faculty at UNSW in 2007, as well as participating in the 2007 conference organized by James and Simone. Joshua and Lucia will be spending time at UNSW again in 2009, and Simone will be researching in Oxford for part of 2009.

Excellence in Teaching Awards

THE LAW FACULTY is delighted to report that four Faculty members have been selected to receive Excellence in Teaching awards.

The scheme recognizes outstanding teaching, commitment to teaching, teaching development, and innovations in teaching practice.

Our congratulations go to: **Julie Dickson, Louise Gullifer, Jeffrey Hackney, and Peter Mirfield.**

Professor Sarooshi elected to ASIL



PROFESSOR DAN SAROOSHI was elected to membership of the Executive Council of the American Society of International Law (ASIL) for a three-year term at the 2008 ASIL Annual Conference. Sarooshi is Professor of Public International Law in the Law Faculty and a Fellow of The Queen's College, and his books have been awarded the ASIL Certificate of Merit book prize in 1999 and again in 2006.

Titles of Distinction

OXFORD LAW FACULTY is pleased to announce four new professorships and nine new readerships. Congratulations to those Faculty members who have been awarded titles in the University's biannual Recognition of Distinction exercise:

- John **Cartwright**, Professor of the Law of Contract
- Sionaidh **Douglas-Scott**, Professor of European and Human Rights Law
- James **Edelman**, Professor of the Law of Obligations
- Stefan **Talmon**, Professor of Public International Law
- Mary **Bosworth**, Reader in Criminology
- Ros **Burnett**, Reader in Criminology
- Liz **Fisher**, Reader in Environmental Law
- Louise **Gullifer**, Reader in Commercial Law
- Dori **Kimel**, Reader in Legal Theory
- Ben **McFarlane**, Reader in Property Law
- Jenny **Payne**, Reader in Company Law
- Bill **Swadling**, Reader in Property Law
- Katja **Ziegler**, Reader in European and Comparative Law

Barbara Lauriat



IT WAS A COUP for the Faculty to create a Career Development Fellowship in IP, and a further coup to appoint Barbara Lauriat as its first postholder.

Barbara has a BA in Classical Civilizations and History, and a JD from the United States, and is currently reading for the DPhil at Balliol College. Her area of research is nineteenth-century copyright history in general, and the history of the 1878 Royal Commission on Copyright in particular, reflecting her combined interests in Copyright, History, and the individual members of the Commission itself (read: Anthony Trollope). Before coming to Oxford in 2006 she held various law-related posts, including clerking for the New Hampshire Superior Court and researching copyright history as a Visiting Scholar at the University of British Columbia. At Oxford she has held the post of General Editor of the OJCLJ, and in 2007/8 was our Graduate Teaching Assistant in IP. This year she is teaching on the FHS Copyright & Trade Marks option and co-convening with me the IP Centre's invited speaker seminar series. She will also play a central role in the Centre's 2009 Moot, by organizing the inaugural Oxford IP Conversation; a role for which she is perfectly suited on account of her prior involvement in the Boston-Melbourne-Oxford-Vancouver Conversation on Culture and Society.

As Barbara's DPhil supervisor, I was particularly pleased to see her appointed to the CDF. I have also greatly enjoyed having her as a member of the Senior Common Room at my own college, St Catherine's, where I have admired (among other things) the ease with which she is able to work nineteenth-century literature into any lunchtime conversation, as well as many other personal talents of which I was not previously aware, such as her great facility with composing limericks.

Justine Pila

Elizabeth Ogden



ELIZABETH OGDEN became the Faculty's Head of Administration in October 2008. Elizabeth came to Oxford from the Open University, where she had overseen the merger of the very large departments of mathematics and computing. As the Law Faculty has developed its role in this decade as a focus for Law in Oxford, the role of Head of Administration has evolved. Today, Elizabeth leads a team of more than twenty administrative, clerical, IT, and financial staff, providing services that integrate teaching and research in the colleges and the University. These services include the co-ordination of undergraduate admissions by the thirty law colleges, the website, finance and personnel, examinations, IT and research skills training for students, support for conferences, and support for research by Faculty members.

Also new to the Faculty Admin Team recently are...

- Steve **Allen**
Web Designer/Developer
- Emma **Gascoigne**
Personnel Officer
- Jackie **Hall**
Finance Assistant
- Chris **Leese**
Development Officer
- Michelle **Robb**
Executive Assistant to the Dean

And we bid farewell to...

- Emma **Rampton**, the former Head of Administration in the Faculty, who has been appointed to a key role at the heart of the University's central administration, as Head of the Council Secretariat.

Nicole Stremlau

DR NICOLE STREMLAU has been appointed as Coordinator of the Programme in Comparative Media Law and Policy and Research Fellow at the Centre for Socio-Legal Studies. She completed her doctoral work at the London School of Economics after extensive fieldwork in the Horn of Africa. Her research interests are in media law and policy in war/post-war and transition situations. She is currently engaged in a research project on media policy and flows of information in Somaliland, and is co-authoring a book of oral histories of guerrilla fighters who later became journalists in Eastern Africa.



Phil Clark

DR PHIL CLARK has been appointed Foundation Research Fellow in Courts and Public Policy at the Centre for Socio-Legal Studies. He has a DPhil in Politics from Balliol College and his doctoral research, based on extensive fieldwork, explored issues of post-genocide justice and reconciliation in Rwanda, focusing on the *gacaca* community courts. He is author of a forthcoming book on the International Criminal Court and national and community-level institutions in the Democratic Republic of Congo and Uganda, and he is co-editor of *After Genocide: Transitional Justice, Post-Conflict Reconstruction and Reconciliation in Rwanda and Beyond*, New York: Columbia University Press, 2009.



Cristina Parau

DR CRISTINA PARAU has joined the Centre for Socio-Legal Studies as a British Academy Post-Doctoral Research Fellow. She is investigating, over time and across Eastern European countries, the development of those institutions, formal and informal, that are supposed to insulate the judiciary from political interference by the Executive. She is author of numerous articles on Europeanization, the empowerment of civil society, and EU accession.



Andrew Higgins

ANDREW HIGGINS is a graduate of the University of Melbourne (BA/LLB) and completed the BCL in 2005. He worked as a solicitor in Melbourne for five years, specializing in tort litigation. He is currently completing a DPhil on 'Legal Professional Privilege'. His main research interests are civil procedure and tort.



Jeff King

MR JEFF KING has been appointed to a four-year CUF Fellowship in Law at Balliol College. A philosophy graduate of the University of Ottawa, Jeff took the BCL and LLB at McGill, and the MSt in Oxford. He has worked in Montreal, New York, and Geneva in legal practice and social rights advocacy, and is completing a DPhil on 'The Role of Courts in Welfare Adjudication'.

Very new arrivals



pics by proud parents

from top:
Iris, Tatiana, and
George

- **Pavlos and Rachel Eleftheriadis** welcomed their second child, Iris Nora Despoina in May.
- **James Edelman** and **Sarah Percy** announced the welcome addition, Tatiana Elsie Percy Edelman, born 9 March.
- A little earlier than expected, **Glen Loutzenhiser** and **Eleanor Norton** were delighted to announce the arrival of Toby James Norton Loutzenhiser on the 24 November, weighing in at a bumper 11lbs 2oz.
- **Chris and Elizabeth Leese** welcomed George Henry just five days after Chris began as our new Development Officer at the Law Faculty last January.
- **Ariel Ezrachi** and wife on birth of their second child, Guy.

Hats Off to You, Professor Vaver!

PROFESSOR DAVID VAVER retired from his teaching career at Oxford in December 2007, after almost four decades as an academic lawyer (1968, 1972–78: University of Auckland; 1978–85: University of British Columbia; 1985–98: Osgoode Hall Law School; 1998–2007: University of Oxford; with various visiting professorships including at Monash University, University of Sydney, and the National University of Singapore, to name a few).

He came to Oxford in 1998 to assume the Reuters Chair as Professor of Intellectual Property and Information Technology Law, and continues as Oxford Emeritus Professor, active in the worldwide IP community.

It was an enormous privilege to have been his student. An understatement indeed. For Professor Vaver not only taught law at Oxford, he imparted a passion for learning the law, challenging it, building on it, and imparting the passion for it in turn. He also demonstrated his passion for it all by example, through his own work.

As the Director at the Oxford Intellectual Property Research Centre, he nurtured an IP community within Oxford and well beyond. The Centre, which hosted an excellent weekly seminar series and housed an extensive IP library including Prof Vaver's private collection, was an engaging hub that attracted scholars from around the world. His annual IP Symposium and International IP Moot, co-hosted until 2008 with the IP Institute, and his Mock Trials, became fixtures on the calendars of academics, practitioners, and judges alike.

The passion he inspires for IP continues. Beyond bricks and mortar, the IP community he has built continues to thrive through contributions to a Festschrift (to be published by Hart Publishing) which will honour his work, through his involvement back at Osgoode Hall Law School in its newly established electronic IPigram, and through the passionate dialogue on IP continued among and initiated by all those he has inspired, as evident in the works of his four decades of students worldwide, and their students.

Our profound thanks to you, Professor Vaver.

Dr Catherine W. Ng



Ann Kennedy

ON SATURDAY 19 January 2008, a lunch was held in Lady Margaret Hall to mark the retirement of Ann Kennedy as Fellow and Tutor in Law at the college. Ann has been at LMH as Law Tutor for 33 years, and her ex-students and colleagues flocked back to pay their tributes to her.



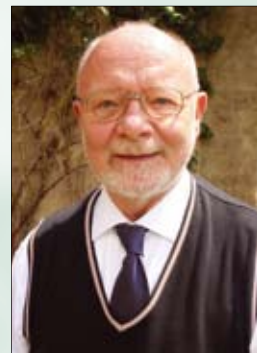
Courtesy of Lady Margaret Hall

The main speaker, Andrew Burrows, spoke of her legendary status among LMH lawyers and of her unswerving loyalty and devotion to her students. He also recounted several of the more amusing incidents from when they had been college colleagues together in the late 1980s and early 1990s. Ann, with some reluctance, spoke in reply and received rapturous applause.

LMH has been privileged to have had Ann Kennedy as its main law tutor over these years and the Faculty and the University have also benefited hugely from her teaching and administrative skills. Most recently, she has been the Faculty's Director of Examinations, and has created an entirely new assessment system for the new Oxford Diploma in Intellectual Property Law and Practice, which the Faculty is providing in co-operation with the IP Lawyers' Association.

The Faculty joins with LMH in wishing her every happiness and contentment in her well-earned retirement.

Dan Prentice



Courtesy of Pembroke College

AT THE END OF September 2008 Dan Prentice retired from his tenure as the inaugural Allen & Overy Professor of Corporate Law. He has been a Fellow of Pembroke College and a member of the Law Faculty (as a Lecturer, Reader, and then Professor) since 1973.

As a Fellow of Pembroke he taught undergraduates (not only Company law but also Contract, Trusts and Land law) and postgraduates, and made a significant contribution to the running of the college, including undertaking a number of important college roles, such as that of Dean. He also had a long-standing role looking after the interests of postgraduate students which earned him both the gratitude and affection of his students. As a Faculty member he has taught Company law, Corporate Finance and Corporate Insolvency, and has supervised countless corporate law dissertations. As a qualified barrister with an active practice at Erskine Chambers, Dan has been able to offer students an invaluable insight into both the academic and practical aspects of corporate law.

During his time at Oxford Dan has made a huge contribution to scholarship in Company law. He has written several books and many influential articles. He is the consulting editor of *Buckley on the Companies Acts*, a major practitioner text which is regularly used by the courts, and he has been the editor of Butterworths Company Law Cases since they were first published in 1983. His thinking has also been influential in legislative developments (in particular the abolition of the ultra vires rule in company law, on which he produced a highly influential report for the DTI in 1986). Dan has acted as a consultant to the Law Commission of England and Wales, and as a consultant to the European Commission on corporate law issues. He has also served as a member of the Law Society's Company Law Committee and its Insolvency Law Committee for many years. In addition to his own writing, Dan has also been for some years an assistant editor on the *Law Quarterly Review*.

Since his retirement Dan has continued to be very active in corporate law, including teaching, both at Oxford and UCL, and continuing with his practice at the Bar. The Faculty would like to wish Dan a happy (if busy) retirement.

Student funding

The Faculty is enormously grateful to donors who have enabled us to extend the range and value of our graduate scholarships. In addition to considering enhancing the funding for our open competitions, I also hope that firms and chambers might begin to think about the funding of the BCL or MJur as part of their graduate recruitment, in much the same way that they provide funding to trainees or pupils to complete the BVC, the LPC, or a law conversion course. If anybody would like to discuss the possibility of funding BCL or MJur places in this way, please do get in touch.

Edwin Peel

Director of Graduate Studies
(Taught Courses)

The Fountain Court Chambers Graduate Law Scholarship

WE ARE DELIGHTED to announce that Fountain Court Chambers in London has generously funded an annual graduate law scholarship at Oxford.

The scholarship, worth £10,000 annually, will be given for a student to undertake either the BCL/MJur one-year taught course or a year of a DPhil. As far as we are aware, this is the first scholarship in the UK supporting a postgraduate degree funded by a set of barristers' chambers. It reflects Oxford Law's desire to maintain its reputation for offering world-class postgraduate legal programmes in the face of increasing competition from North American universities. It is hoped that other sets of chambers may be encouraged to follow the imaginative lead given by Fountain Court. The Fountain Court Chambers Graduate Law Scholarship was advertised for the first time for the academic year 2008–2009, with Joseph Harrington as the first recipient.

Oxford's Weidenfeld Scholarships support tomorrow's leaders

CHILD POVERTY, climate change, and organized crime are some of the issues concerning this year's cohort of Weidenfeld Scholars at Oxford University. Named in honour of Lord Weidenfeld, who has been responsible for some of the University's most important benefactions, the Weidenfeld Scholarships were officially launched in March 2007 to provide financial support to outstanding graduates pursuing postgraduate studies at Oxford. The Scholars are also selected for their proven commitment to promoting social, economic, and political development in their own countries, and for their potential as future leaders in their chosen careers.

In April 2008, 11 male and 17 female Scholars were selected for the 2008–2009 cohort, joining five Scholars from 2007–2008 who are continuing their studies at Oxford. These outstanding new Scholars range in age from 22 to 30 and hail from 17 countries including Jordan, Russia, Slovenia, Tajikistan, and Ukraine. Five Scholars from the United States have also been selected in order to promote transatlantic networking amongst these future young leaders.

The Weidenfeld Scholarships and Leadership Programme is an initiative of Lord Weidenfeld's London-based think tank, the Institute for Strategic Dialogue, which works with leaders in

business, politics, and the media to bridge international and inter-communal divides.

Lord Weidenfeld said: 'With the recent selection by a distinguished international panel of the second cohort of Weidenfeld Scholars, an experiment has become reality. It has truly been a moving experience for me – and the fulfilment of a lifelong dream – to help form a cadre of future leaders from parts of the world where educational and leadership opportunities have not always been abundant. Getting to know the impressive qualifications and outstanding characters of these talented young people has convinced me that the Institute for Strategic Dialogue and Oxford University are every bit as fortunate as the Scholars themselves to be part of this special relationship.'

The Weidenfeld Scholarships are designed to complement the University's existing range of scholarships, including the famous Rhodes Scholarships. The Scholars receive financial support to cover all University tuition fees and living costs – amounting to approximately £25,000 per annum for each student. The scheme also provides the Scholars with an array of extra-curricular leadership-level activities.

For more information about the

Weidenfeld Scholarships, see:

www.admin.ox.ac.uk/io/funding/weidenfeld.shtml

Graduate Scholarships

FOR THE ACADEMIC year 2008–2009, through the generosity of its many benefactors, the Faculty was able to award 13 graduate scholarships, as well as making a further 11 awards through the graduate assistance fund. In total a sum of £136,300 was awarded to taught and research students.

Welcome additions to the Faculty's array of scholarships for 2008–2009 were the Fountain Court Scholarship, and studentships made available through the Allan Myers fund for graduates of Melbourne University School of Law admitted to taught and research courses in law here in Oxford.

These complemented a number of existing sources of graduate funding, to which law firms are notable contributors: Freshfields, Brookhaus and Deringer offers five studentships of £5,000 each, available to Home/EU students taking the BCL/MJur or a one-year research degree; the UNIDROIT Scholarship offers £5,000 to be held by an existing doctoral student, who is encouraged to spend a period of study at the International Institute for the Unification of Private Law (UNIDROIT) in Rome; and Linklaters offers a single studentship worth £15,000, available to Home/EU or overseas students taking the BCL degree.

This impressive and growing range of scholarships still does not meet the demand. For every scholarship holder, there were five unsuccessful applications, and had the resources been available, the graduate scholarships committee could comfortably have doubled the number of awards made with no significant diminution in the quality of the award holders. Oxford is competing for the best graduate students with American law schools that offer financial aid to all graduates who need it. Consequently, the securing of more graduate funding is a strategic priority for the Faculty and its development team.

‘The Rhodes Scholarships facilitate the exchange of ideas among individuals who are not only committed to scholarship, but also committed to using their talents to impact the world around them. My experience at Oxford is helping to mould my plans to contribute to the protection of women’s rights in Jamaica.’

Se-shauna Wheatle

‘Becoming a barrister is a financially onerous undertaking and spending a year in postgraduate education is not cheap. The Fountain Court award, therefore, may well be of immense benefit to those wishing to proceed with both an Oxford masters and professional training: it can certainly transform a trying and bothersome fork in the road into a straighter and smoother path.’

Joseph Harrington

Oxford represent United Kingdom in 2008 Shearman & Sterling International Jessup Finals

UK 2008 White & Case Jessup National Rounds



COMING ON THE back of ranking third in the National Rounds in 2007 and making the Octo-Finals in Washington DC, Oxford achieved even greater success in Jessup mooting in 2008 by winning the UK Jessup Championship. The Jessup moot is the world’s largest mooting competition and involves almost 600 universities worldwide. As a representative of the UK, Oxford progressed to Washington DC for the 2008 Jessup World Mooting Championship where the team ultimately ranked 19th in the world, and the team’s memorials (written submissions) placed sixth overall. In addition to the team’s international accolades, in the UK competition Oxford won the Best Memorials Award for their 25,000 word memorials, Colin Liew won the Best Speaker’s Award in the final round, and Lijing Tham ranked eighth in the Overall Individual Results.

The 2008 case concerned hot issues in public international law: illegal apprehensions and renditions of suspects of terrorist activities; the extra-territorial effect of human rights conventions; torture and cruel, inhuman, and degrading treatment as means of extracting information to combat international terrorism; and the immunity of former Heads of State and other State officials for acts of torture. Under the outstanding coaching and stewardship of Paschalis Paschalidis (Harris Manchester) and Andrew Lodder (Madgalen), who have previously represented Greece and Australia respectively in Washington for Jessup Mooting, our two oralists, Colin Liew (St Peter’s) and Lijing Tham (Madgalen), and three researchers, Michael Firth (Exeter), Alexander Mehra (Exeter), and Panagiotis Georgilis (Lincoln), beat UCL in the grand final of the UK National Rounds, which took place in Gray’s Inn, London, on

Sunday 24 February 2008.

As the top two teams in the United Kingdom, Oxford and UCL progressed to Washington DC, where both universities performed extremely well. Oxford and UCL both placed within the top 24 teams which progressed to the advanced rounds of the competition. In the run-off rounds, Oxford was eliminated by Cornell University in a finely balanced moot in which the two teams were separated by only two points. The competition was ultimately won by Case Western Law School, which defeated the University of New South Wales (Australia) in the World Championship Round.

There were two particularly strong marks of this year’s achievement. The first was that in a tough semi-final in the domestic rounds, the Oxford team defeated King’s College London who were the world runners-up in Washington last year. The second major achievement involved overcoming administrative adversity. Over the Michaelmas vacation, the team had been divided into two oralists and three researchers. The oralists had undergone dozens of practice moots in preparation to argue either the applicant or respondent side, depending on the outcome of the draw. The researchers were primarily responsible for preparing Oxford’s 25,000 word memorials and assisting the oralists in developing their arguments. Only three days before the competition the team discovered that in one of the preliminary rounds Oxford were required to moot both applicant and respondent at the same time in different rooms. This meant that, without any mooting preparation at all, two of the researchers, Michael Firth and Alexander Mehra, were required to moot. Fortunately, although they had not been on their feet, they knew the law backwards. They won.

James Edelman

6th Annual International Intellectual Property Moot at Worcester College Oxford 15–16 March 2008

THE DELIGHTS OF the English weather failed to dampen the spirit of the 23 teams who attended the 6th International Intellectual Property Moot this year at Worcester College in the University of Oxford.

This annual event, the biggest ever in the history of the competition, was a great success. Teams came from across the world to compete in what is a recognised highlight of the IP calendar.

The initial rounds, judged by experienced IP practitioners and academics, were strongly contested, with the Queensland University of Technology, University of Edinburgh, National University of Singapore, University of British Columbia, University of Hong Kong, University College Dublin, University of Aberdeen, and University College London progressing to the quarter finals.

The semi-finals were even more closely fought. The Canadian team from the University of British Columbia managed to pip Edinburgh at the post, while the Singaporeans also narrowly triumphed over the team from Hong Kong.

Lord Justice Mummery, Lord Justice Jacob, and Mr Justice Floyd sat as the Supreme Court of Erehwon to judge the final between the University of British Columbia and the National University of Singapore to a standing-room-only house in the splendid surroundings of the Linbury Room at Worcester College. After hearing each mooter,

the Court gave its unanimous judgment, with the three judges each giving the court's reasons on different aspects of the case. All remarked on the high standard of mooting and congratulated both finalist teams on their stellar performance. The award for best mooting team was given to the National University of Singapore, represented by the all-women team of Liu Zeming and Nuraisah Ruslan. Matthew Canzer and Sarah Ng from the University of British Columbia were runners-up. Both teams were then privileged to a private wide-ranging seminar on law and advocacy with the three judges.

The prize for best written submission went to Niall O'Huiginn and Garry Wynne from University College Dublin. The Sir Nicholas Pumfrey Memorial Prize for Best Individual Mooter was presented to Ben Fraser of the Queensland University of Technology. Special prizes for advocacy were awarded to Alvin Yu Hin Cheung (University of Hong Kong), Emmanuelle Lanfray and Marjorie Teisseire (Université de Nantes), Mohamed Shamir Zavahir and Viran Fernando (Sri Lanka Law College), Niall O'Huiginn and Garry Wynne (University College Dublin), and Simon Bradshaw (University of Edinburgh). The Organizing Committee's prize for the team that best embodied the spirit of the moot went to Steven Fletcher and Ross Cronie (Liverpool John Moores University).

All the mooters stayed in College for the duration of the moot. They were thus able to mingle and make new friends, helped by an entertaining pub quiz on the Saturday night, expertly run by Simon Pritchard and Simon Sellars, two previous mooters and OC members who continue supporting the event now that they have gone into practice.

The Gala Awards Dinner brought the weekend to a fitting climax on the Sunday evening with 110 people feasting within the stately hall of Worcester College.

The Moot Competition has increased in size and stature each year, thanks largely to the support of sponsors, who give generously in money and in the time and effort they put into judging the written submissions and the oral arguments over the two-day event. The large group of students and lawyers who acted as clerks throughout the weekend is also owed a special vote of thanks. The Organizing Committee of Laura MacPhee, Stephanie Cummings, Shawn Carrington, Alison Slade, Maxine Vaver, Sophie Palmer, and Karen Clayton also put in endless hours to ensure the event ran without a hitch and, as importantly, that a good time was had by all. The feedback from mooters and judges alike shows that something is being done right!

*Sophie Palmer
Chair of the Organizing
Committee
Keble College*

Undergraduate Inter-Collegiate (Cuppers) Mooting Competition

THE YEAR 2008 saw the introduction of inter-college mooting 'cuppers' for undergraduates. Many colleges have their own mooting competitions and the mooting cuppers is a 'best of the best' competition between colleges.

The first two rounds of the competition are in Michaelmas Term, followed by quarter-finals, semi-finals, and a grand final in Hilary Term to be judged by Lord Mance.

A key aim of the cuppers competition is participation. The first-round problem focuses on criminal law to encourage freshers to moot, and the timing of the elimination rounds in Hilary Term enables finalists to take part. Seventeen colleges have entered the inaugural contest, and the undergraduates have embraced the competition with great enthusiasm.

Within Oxford, law students now generally experience or watch mooting every term. As a University-wide competition, mooting cuppers complements the Shearman and Sterling LLP University of Oxford Moot Competition, which brings together undergraduates and graduates and is judged by Faculty, senior partners of Shearman & Sterling LLP, and senior members of the judiciary.

The mooting cuppers competition will hopefully feed the success that Oxford has had in external mooting competitions. Oxford has represented the UK for the last two years in Washington DC in the Jessup International Law Mooting Competition. We have also fared very well in the Roman Law Moot, the WLR Mooting Competition, the Essex Court Moot, and the OUP & BPP Mooting Competition (winning the latter in 2006). The appointment of two experienced graduate students as Faculty Mooting Co-ordinators, Benjamin Spagnolo and Paschalis Paschalidis, will help to ensure the continued success of the intense regime of mooting at Oxford.

UKELA Student Mooting Competition

FOR THE SECOND year running Oxford undergraduate law students have won the UK Environmental Law Association Student Mooting Competition.

Mark Stiggelbout (Corpus Christi) and **Ruth Hudson** (Trinity) were the successful mooters before **Justice Carnwath**. They represented the Newt Protection Agency in a judicial review challenge to a decision of the Agency designating an area as a site of special scientific interest by reason of a population of great crested newts living on it. This is a particularly exciting win as this is only the second year that Environmental Law has been offered as an undergraduate option in the Law Faculty.



Courtesy of www.ukela.org

1st International Roman Law Moot Court Competition & Conference

In memoriam Professor P. Zepos



THE 1st International Roman Law Moot Court Competition & Conference took place in Kavala and Philippi, Greece, 18–22 April 2008. Oxford, Cambridge, Trier, and Liège competed against each other over an imaginary case involving complex issues of Roman private law. Oxford and Cambridge were the two teams to reach the final, which was conducted in the ruins of the Roman forum of the archaeological site of Philippi. The bench consisted of our Regius Professor Boudewijn Sirks, Professor Gerken, and Professor Rüter, and was chaired by Professor Willem Zwolve from the University of Leiden.

Oxford won the final, and a silver replica of a Byzantine cup was awarded to the team. The winning team was composed of Daniel Baker (Harris Manchester), Nimneh Hyde (Brasenose), Katie Johnston (Corpus Christi), and Mark Stadnyk (University), and was coached by Dr Helen Scott (St Catherine's) and David Kaestle (Trinity). The

students also had the chance to attend a conference by academics offered in the memory of Professor Zepos. Several contributions were made on the topic of the legal status of women in marriage.

Apart from the academic aspect of the moot and conference, everyone very much enjoyed visiting Kavala and Philippi, and in particular the beautiful and evocative Imaret. This event has surely done much to promote the study of Roman law within Europe by creating and strengthening links between universities that teach the subject at undergraduate level. Thanks to the Institute Mohamed Ali for the Research of the Eastern Tradition, Michael Lychounas, Imaret Hotel (www.imaret.gr), Mrs Anna Missirian, Paschalis Paschalidis, Zepos & Yannopoulos Athens Law Firm (www.zeya.com), the Ministry of Mercantile Marine of Greece, the Port Authority of Kavala, the Municipality of Kavala, the Municipality of Philippi, and the Foundation Gregoriades.

International Media Law Moot

FOLLOWING A VERY successful inaugural 2008 edition of the Price International Media Law Moot Court Competition, the Second Price Moot Competition is scheduled to take place in Oxford in March 2009. The competition is organized by the Programme in Comparative Media Law and Policy at the Centre for Socio-Legal Studies.

In the 2008 competition, students from Africa, Asia, and Europe had their arguments challenged and tested by leading media law experts during the oral finals in Oxford. One participating student from Sierra Leone said, 'The competition was a defining moment in my life'.

At the 2009 competition many internationally recognized media law experts will be acting as judges, including: Judge Dean Spielmann and Judge Andras Sajo from the European Court of Human Rights, Ms Gugu Moyo from the International Bar Association, Mr Mark Stephens from Finers Stephens Innocent, and Sir Louis Blom-Cooper QC.

Teams from Malaysia, India, China, Jordan, and across Europe will be competing. The purpose of the Price Moot Court Competition is to expand and stimulate an interest in media law and policy among students from law and other disciplines.

For more information about the Price Moot Court, see: <http://pricemootcourt.socleg.ox.ac.uk/>

The Second Annual Clifford Chance LLP Oxford and Cambridge Roman Law Moot Competition

ON SATURDAY 14 JUNE, a determined band of Roman lawyers collected in a quiet corner of Cambridge, at Corpus Christi College's Leckhampton House. The occasion was the second Roman Law Moot between Oxford and Cambridge. At both universities, the subject is compulsory for first-year law students.

Oxford was represented by Philip Ahlquist, Emer Morrison, Anahita Patwardhan, and Sarah Tulip, while the Cambridge team comprised Emily Wilsdon, James Lawson, Lukas Lim, and Philip Murray.

The problem they had been posed was a dispute between Procopius, the famous sixth-century historian, and Nicetas, a local entrepreneur who counted amongst his many businesses the biggest *fullonica* (dry-cleaner's shop) in Constantinople. Owing to his hectic lifestyle, Nicetas appointed a

slave, Theodora, to run the business. Four legal actions were brought. Procopius instituted the *actio institoria* as well as the *actio de in rem verso* against Nicetas, on the basis of the doings of Theodora; Nicetas brought the *actio mandati contraria* and the *actio iniuriarum* against Procopius, in connection with a suretyship and a rude graffito respectively.

The two teams got the opportunity to argue both sides. Despite the rather difficult nature of the proceedings, the strong little audience of about thirty people (comprising students and teachers from both faculties) stayed until the last, at times gripped by the inventive quality of the arguments, and at other times, amused by the humour and drama of the teams' delivery.

The Regius Professors of Civil Law from the two Universities, Boudewijn Sirks from Oxford, and David Ibbetson from

Cambridge, served as judges. In the closing stages of the splendid dinner attended by about thirty people, it was announced that the best speaker prize was to be shared by Anahita Patwardhan from Oxford and James Lawson from Cambridge. The judges noted the very high standard of both teams, but decided that, for the second time in a row, Cambridge had emerged the victors.

The *communis opinio* was that this event was hugely educative and enjoyable. The organizers' warmest thanks go to Clifford Chance for the support of this rather special event on the Oxford–Cambridge law calendar.

Jean Meiring
Director of Studies and Fellow in Law
Murray Edwards College
University of Cambridge

Shearman and Sterling University of Oxford Mooting Final 2008

IN JANUARY 2008 a fictitious paddler fell from his kayak after being struck by a mighty wave from an awesome Keble College rowing eight. The kayaker was a weak swimmer but despite his desperate calls for help, bystanders did not even throw him a lifebuoy. One fictitious bystander took photos on a mobile phone. The kayak paddler suffered serious injury which, the hypothetical trial judge found, he had a 40% chance of being spared if the lifebuoy had been thrown.

On 1 February 2008, 12 teams gathered for the fifth Shearman and Sterling Oxford mooting competition to argue the appeal for the kayak paddler who sought to hold the bystander liable. The 2008 competition saw sixty entries (a total of 120 students) compete for these 12 places. Over the course of the day the 12 teams were reduced to a Grand Final of two. The moot courtroom was packed with over 100 spectators, and the final was filmed for future training. The judge presiding was Justice Ross Cranston, a former Oxford alumnus now sitting on the High Court of Justice who returned to Oxford to judge the Final. Mr Jan Libicek (Harris Manchester) and Mr Kubo Macak (Somerville) arguing for the kayaker, met Mr David Hughes (Brasenose) and Mr Oliver Jones (University) for the bystander. The moot was punctuated by some amusing moments, including argument about the conflict in English law over whether to follow the French approach which recognizes liability for omissions or the Australian approach which recognizes liability for omissions. Perhaps succumbing to a greater desire to follow an Australian lead than to oppose a French one, in an amusing and satirical mock judgment the Australian-born Justice Cranston found for the Appellants and held the bystander liable. The Shearman trophy for the best team was awarded to the Respondents.



(l-r) James Edelman (Fellow, Keble), Jo Rickard (S&S), Michael McGowan (S&S), David Hughes (Brasenose), Oliver Jones (University), Mr Justice Cranston, Professor Timothy Endicott (Dean of Law), Jan Libicek (Harris Manchester), Kubo Macak (Somerville), Judy Mackenzie (S&S), Donal Nolan (Vice-Chair, Law Board).

Clifford Chance host event for Course II Students in Paris



At the Clifford Chance offices

ON 15 MAY 2008, Clifford Chance hosted an evening for students studying in Paris on Course II, our undergraduate exchange programme. The evening, at the elegant Clifford Chance offices at Place Vendôme, was aimed at providing information about opportunities for English solicitors to work in Paris, either on secondment from England or as an English or dual qualified solicitor in Paris. It also provided students with the chance to find out more about Clifford Chance.

The evening consisted of a tour of the offices, followed by a presentation by a senior partner and then informal drinks with Clifford Chance solicitors, both English and French.

Clifford Chance has had links with this Course in particular for a while and they donate a generous grant to students in order to fund their studies abroad. The evening gave both sides a chance to meet in person for the first time in Paris, and students on Course II now have a point of contact should they ever wish to return to Paris to practise law in future.

It is hoped that this successful link between the Law Faculty and Clifford Chance will continue in future and prove to be an invaluable source of information for Oxford students in Paris.

Minesh Tanna

Oxford students:

Mary Jones
Uxshely Chotai
Emma Fenn
Bethan Prince
Hannah White
Nia Parry-Jones

Adrian Forster
Natasha Harrington
James Tanner
Minesh Tanna
Lindsey Wright

Oxford graduate wins Human Rights award

THE LAW SOCIETY has presented awards to the winners of this year's Graham Turnbull essay competition.

The competition, open to all law students, trainee solicitors, pupil barristers, and newly qualified solicitors and barristers in England and Wales, is run by the International Human Rights Committee of the Law Society and the Junior Lawyers Division. Its namesake was a British solicitor killed while working for the UN in Rwanda eight years ago. Ian Clarke, a University of Oxford graduate originally from Lancashire, won the top prize. He was called to the Bar in 2005 and is currently working as in-house counsel at Berrymans Lace Mawer Solicitors.

Andrew Holroyd, president of the Law Society, said the standard of entries was very high. He added, 'Lawyers have a proud tradition of fighting for human rights across the world, improving access to justice and alleviating the suffering of people less fortunate than them. This competition is a very a fitting legacy to Graham Turnbull's commitment to human rights work'.

This year's essay title was: 'Is human rights law relevant in combating poverty and social injustice?'

Student visits

IT IS ALWAYS a very happy and unforgettable time exploring historical and meaningful sites with classmates. So far this year we have visited the House of Lords, the Privy Council and the Royal Courts of Justice in London, the ICJ, the ICC, and the ICTY in The Hague, the Netherlands. We are more than welcomed everywhere we visit. We received briefings from the officers on the function and history of the organizations and attended various hearings. We also had opportunities to meet judges in person and have discussions with them. At the ICJ, we happened to meet a research student from Oxford, who was doing an internship there. We had a wonderful experience and I think it was one of the most enjoyable events I have encountered since coming to Oxford.

Jon, Woo-jung



Sutton Trust Summer School

IN JULY 2008, we doubled the programme for able students from disadvantaged backgrounds.

With the support of the Sutton Trust, we provided two one-week programmes of tuition and exciting events rather than one, with sixty students rather than 25. The students had lectures, seminars, and talks on University life from 12 Faculty members, with support from five student mentors, who took them to visit the courts in Oxford and London. It was 'a brilliant week which is essential for students who have stereotypical views of Oxford', according to one of this year's students.



Law student in Musician of the Year finals

ANKE BATTY WAS in her first year at Oxford University studying Law with Law Studies in Europe when she reached the finals of the BBC's Young Musician of the Year competition 2008. Clarinet is only one of Anke's many talents; she has also achieved Grade 8 distinction in Singing, Piano, and Saxophone, while at King Edward VI School in Southampton.

A member of the National Youth Orchestra for seven years, she was co-principal clarinetist during the 2006–2007 season and is currently Principal Clarinet of the Oxford University Orchestra. When she can find the time, Anke enjoys tennis, swimming, and scuba diving, and she owns an African Grey Parrot who likes Messiaen and Poulenc and will copy Anke's scales, particularly minor arpeggios!

Thomas Cromwell, Judge of the Supreme Court of Canada

In December 2008, the Prime Minister of Canada appointed Exeter BCL alumnus Thomas Cromwell to the Supreme Court of Canada. The Court had been lacking Oxford alumni since Gerard Laforest retired in 1997. At present, two of seven Australian High Court Justices are Oxford alumni, as well as two of nine United States Supreme Court Justices, and seven of twelve Law Lords in the United Kingdom.

www.scc-csc.gc.ca/court-cour/ju/cromwell/index-eng.asp

‘Lawyers have a proud tradition of fighting for human rights across the world’

Winners of the first Inner Temple Book Prize

At the Awards Ceremony on 2 December 2008 at the Inner Temple, The Rt. Hon. Lord Justice Rix announced the winners of the Inn's new prizes for outstanding legal authorship.

A DISTINGUISHED PANEL of judges, chaired by The Rt. Hon. The Lord Woolf of Barnes, had sifted and considered 79 entries in total for the two prizes. The judging panel was looking for works which make 'an outstanding scholarly contribution to the understanding of the law', as administered in England and Wales. Presentations were made to the winning authors by the Treasurer, The

Rt. Hon. Sir Anthony May. The £10,000 prize went to *Child Abuse: Law and Policy across the Boundaries* (2007) by Laura Hoyano and Caroline Keenan (Oxford University Press). The Rt. Hon. Lord Justice Rix said of the winning book:

'Judges have described this as a "masterly book on a hugely important subject", "an inspiring achievement", and "an invaluable source of ideas and law, theory and



(l-r) The Rt. Hon. Sir Anthony May, Laura Hoyano, Carolyn Keenan, The Rt. Hon. Lord Justice Rix

practice", not only for practitioner and academic but for policy-makers and indeed for all concerned with reform and administration of the law. The panel of judges believes that the book will indeed make an outstanding contribution to the formation and understanding of legal policy and thus to the administration of law in this country. They unanimously agree that, of all the fine entries, this book most clearly satisfies the criteria laid down for the award of the prize.'

SLS Book Prize



DR LIZ FISHER has won the Society of Legal Scholars' 2008 Peter Birks Prize for Outstanding Legal Scholarship for her book *Risk Regulation and Administrative Constitutionalism* (Hart Publishing, 2007). The Society is the learned society for those who teach law in a university or similar institution or who are otherwise engaged in legal scholarship, and has over 2,900 members. A number of other Faculty members have won this book prize in the past including Joshua Getzler (2005), Jamie Edelman (2003), and Lucia Zedner and Andy Burrows (1993).

Fisher's book is an interdisciplinary analysis of technological risk disputes. She argues for a radical reinterpretation of such disputes so that law and understandings of public administration are understood to be important. In reviews the book has been described as 'clearly advance[ing] our understanding of risk regulation and administrative law' and opening 'the way to even more textured accounts of the relevant legal cultures' (Tushnet, *European Law Journal*). Its 'challenging tone and analytical richness' is a source of inspiration for anyone embarking on 'research involving the wider themes of institutional dynamics and legitimating discourses that shape regulation' (Meuwese, *Journal of Law and Society*).

Legal History Prize for Professor Stefan Vogenauer



The award ceremony. Professor Vogenauer (third from right) together with the members of the Standing Committee of the Deutscher Rechtshistorikertag, the organizers of the 2008 conference, and representatives of legal publishers CH Beck, Böhlau, and Vittorio Klostermann.

STEFAN VOGENAUER, Professor of Comparative Law, received the 'Preis des Deutschen Rechtshistorikertages' at the University of Passau on 7 September 2008. The 'Deutscher Rechtshistorikertag' is the biannual legal history conference for German-

speaking countries. It has been convened since 1927.

The newly established prize is awarded for the most outstanding scholarly work in the field of legal history published in the past decade. The prize sum is provided by three leading legal publishers from

Germany and Austria, CH Beck, Böhlau, and Vittorio Klostermann.

Professor Vogenauer received the prize for his 2001 book *Die Auslegung von Gesetzen in England und auf dem Kontinent: Eine vergleichende Untersuchung der Rechtsprechung und ihrer historischen Grundlagen*, a two-volume study comparing the current approaches to statutory interpretation as well as their historical origins in English, French, German, and EU law.

At the award ceremony, Professor Jan Schröder of the University of Tübingen, speaking on behalf of the Standing Committee of the Rechtshistorikertag, praised the book as a 'pioneering achievement': 'Vogenauer's book is pathbreaking in many regards. It greatly expands our insights into the history of statutory interpretation, it refutes the prejudicial view of an unbridgeable gap between the legal cultures of England and the European continent, and it aptly shows the value of legal history for comparative studies. The discipline of legal history has to be grateful for this book which provides it with a brilliant example of how to resolve seeming contradictions if the issues in question are simply put in their proper historical context.'

Christopher McCrudden,
Buying Social Justice
 (Oxford University Press, 2007)



Chris McCrudden receiving the American Society of International Law's book award

Courtesy of ASIL

The appropriate relationship between human rights and international economic regulation is becoming ever more pressing as an issue of legal policy and practice. How should the tensions between these two sets of important goals be addressed?

Governments spend huge amounts of money buying goods and services from the private sector, and procurement is frequently used to advance social and human rights goals. In a recent assessment of the relationship between the international trade and human rights regimes, the United Nations Office of the High Commissioner for Human Rights drew attention to the tensions between the social and economic uses of procurement as a key example of an important tension between human rights and economic liberalization more generally, and pleaded for more considered attention to be given to the difficult legal problems that these tensions generate.

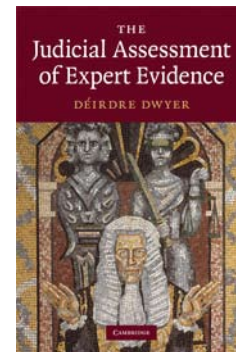
The use of procurement to advance social and human rights is often condemned

by economists, on the grounds of the inefficiency of the mechanism, and the increased possibilities of corruption, and also by lawyers, on the grounds of possible breach of international and European economic law.

Buying Social Justice is the first book-length study to consider how far governments' public procurement power can be used to advance such goals, legally. It analyses how governments in developed and developing countries use their contracting power in order to advance social equality and reduce discrimination. The book looks at the different experiences of a range of countries, including the United Kingdom, the United States, Malaysia, Canada, and South Africa. It argues that the use of procurement in this way, though not unproblematic, can be a legitimate, effective, and legal means of achieving social justice.

In a wide-ranging and rich discussion, the book sets the legal issues in the context of the history of such uses of procurement in the past, their domestic legal development, and the growing extent to which policy is regulated at the national, European, or international levels. The book considers the differing roles of EC and WTO law in mediating the tensions between the economic and social functions of procurement, and analyses the outcomes of domestic, EU, and international legal controversies concerning the legitimacy of the integration of social values into procurement. In a controversial argument, McCrudden argues that European legal regulation in particular has become an important means of accentuating the positive and eliminating the negative in both the social and economic uses of procurement.

Déirdre Dwyer,
The Judicial Assessment of Expert Evidence
 (Cambridge University Press, 2008) hardback



Justice systems increasingly rely on expert evidence. We are therefore obliged to justify the courts' ability to assess this evidence, particularly when the courts must resolve disagreements between experts, or address possible bias on the part of an expert.

This book addresses two key questions in modern civil litigation: first, 'how can the court, which lacks specialist knowledge, assess the evidence of experts, particularly when they disagree?' (a question which seems to be posed more by theorists); secondly, 'how should we best arrange our use of experts to assist the court in addressing issues requiring specialist knowledge?' (a question which seems to be posed more by practitioners). Addressing these questions requires investigation into the philosophy of law, epistemology, legal history, and comparative civil procedure.

By reintegrating contemporary evidence theory with applied philosophy, Déirdre Dwyer analyses the epistemological basis for the judicial assessment of expert evidence. Reintegrating evidence with procedure, she also examines how we might arrange our legal processes in order to support our epistemological and non-epistemological expectations.

Including analysis of the judicial assessment of expert evidence in civil litigation (comparing practice in England and Wales with that in the United States, France, Germany, and Italy), the book also provides the first detailed account of the historical development of English civil expert evidence since the sixteenth century, and the first analysis of the use of party experts, single joint experts, and assessors under the Civil Procedure Rules 1998.

Ben McFarlane,
The Structure of Property Law
 (Hart, 2008)



Who is entitled to use property, and how are they entitled to use it? Those questions are impossibly difficult to answer; but a legal system has to give it a go. This book examines English law's efforts. Its central claim is that English law has done pretty well: it has developed an ordered and logical system, which is reasonably successful in its main aim – to take the

sting out of fierce disputes about who is entitled to use things, and how they are entitled to use them. The book presents that system by identifying a basic structure and showing how that structure applies, both in general and in the special field of land law. This treatment is based in large part on the author's teaching, to Oxford students, of land law, trusts, and personal property. One distinctive (but controversial) feature of the book is its treatment of equitable property rights: according to the author, such rights are best seen neither as property rights nor as personal rights, but as a third form of right, uniquely well-developed in English law. Weighing in at 998 pages (1000 seemed excessive), it is very reasonably priced and accompanied by a smart website:

www.hartpub.co.uk/companion/propertylaw/spl.html

Wanjiru Njoya's book, *Property in Work* (2007), was one of three books shortlisted for the Hart-SLSA 2008 Early Career Prize, which is a prize for the best book emerging from PhD research. Wanjiru is a Fellow and Tutor in Law at Wadham College.

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North American Reunion Law Reception

ON FRIDAY 4 APRIL 2008, The University of Oxford Law Faculty, in partnership with the Saïd Business School, invited law and business alumni to a drinks reception in New York City.

In the run-up to the bi-annual North American Alumni reunion, Clifford Chance LLP hosted this reunion where over 100 alumni came to meet up with one another and to listen to the Dean of Law, Professor Timothy Endicott, speak about the newest developments within the Law Faculty.



Toronto Alumni Reception



Timothy Endicott in conversation with Pembroke graduate, Angela Swann at the University Club, Toronto

THE LAW FACULTY held its first-ever Toronto alumni reunion in April 2008. The Dean and Professor Leslie Green, both of whom have lived and worked in Toronto, spoke at a gathering of 42 Toronto lawyers, which included four judges, six professors, one former Prime Minister of Canada, and leaders in every branch of the Ontario legal community.

Oxford Law Professionals Get Linked



THE FACULTY HAS created the Oxford University Lawyers Group on LinkedIn.

LinkedIn is a free online network of more than 30 million professionals from around the world, representing 150 industries.

The Oxford University Lawyers Group on LinkedIn will enable an international network of Oxford alumni to communicate with each other, and to keep updated on the news and events offered through the Law Faculty. When you join LinkedIn, you create a profile that summarizes



your professional accomplishments. Your profile helps you find – and be found by – colleagues, clients, and partners. You can add more connections by inviting contacts to join LinkedIn and connect to you.

Before joining the Oxford University Lawyers Group, you first need to log in to www.linkedin.com and create a profile. Once you have a profile, join the Oxford University Lawyers Group on LinkedIn by going to: www.linkedin.com/groups?viewMembers=&gid=918207&sik=1231923974965

New Delhi alumni meet Professor Endicott and Paul Burns during Diwali

India

FOR MANY YEARS, outstanding law students have been coming to Oxford for the BA, the BCL, and research degrees. Several Faculty members have visited Indian law schools, on sabbatical or in response to invitations from Indian law schools. One way in which the Faculty of Law has become more organized in the twenty-first century is that we are starting to build our vital connections with India into a two-way relationship. In November 2008 the Dean, Timothy Endicott, visited India with Maureen O'Neill, our Development Director, and Paul Burns, our Academic Administrator. As a prelude to developing co-operation in the future, they held alumni gatherings in Delhi, Bangalore, and Mumbai, and spoke to leading practitioners, academics, and the Minister of Law and Justice about the development of legal education and of the professions in India. In Bangalore the Dean gave a lecture on *habeas corpus* and the respects in which the common law is recognizably the same in diverse jurisdictions. Professor Endicott and Paul Burns spoke to students about graduate studies in Law in Oxford. Our Indian lawyers, whose involvement in alumni events has chiefly been through the Oxford and Cambridge Society, responded enthusiastically to the prospect of Oxford Law events in India. We are working on ways in which we can bring Oxford Faculty together with Indian lawyers; our aim will be to build on our enduring success in attracting Indian students to Oxford.



Forthcoming events

For forthcoming events linked to Oxford Law please check out our website: www.law.ox.ac.uk/events/

9 March 2009

Conference on Intellectual Property and Competition Law: Contemporary Issues

This half-day event will take place at the Centre for Competition Law and Policy, Faculty of Law. For further details and registration, see:

www.law.ox.ac.uk/competition/events/2192

16–20 March 2009

Training Programme for National Judges in EC Competition Law

The training programme will focus on European competition law and policy and its application at community and national levels. For further details and registration see:

www.law.ox.ac.uk/competition/events/1032

20 March 2009

Interests in Securities

For further details, see: www.law.ox.ac.uk/events/2354

20–21 March 2009

IP Moot

St Catherine's College, Oxford

For further details, see: www.oiprc.ox.ac.uk/moot.html

18–19 September

Norton Rose-Oxford Colloquium

St Hugh's College, Oxford

25–27 September 2009

Oxford University Reunion

(with a Law Reception on the afternoon of the 25th).

For further details, see:

www.alumniweekend.ox.ac.uk/2009_signup/

various dates from 29 April 2009

Oxford Thinking Campaign Events

Events for all alumni hosted by the Chancellor

Wednesday 29 April 2009, Boston, MA

Friday 1 May 2009, New York, NY

Saturday 2 May 2009, Washington, DC

Sunday 3 May 2009, Houston, TX

Monday 4 May 2009, Dallas, TX

Tuesday 9 June 2009, Chicago, IL

Wednesday 10 June 2009, Los Angeles, CA

Thursday 11 June 2009, San Francisco, CA

Thursday 12 November 2009, Los Angeles, CA

For further details, see: www.campaign.ox.ac.uk/news/events/

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

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