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Dean's Welcome



The School of Law occupies a position of unique importance and significance within Irish legal education: it is the largest and most richly diversified law school in the State and its graduates occupy some of the most distinguished positions in Irish law, business and politics.

UCD School of Law is justly proud of the high calibre of its student body and the enormous contribution its graduates have made and are making both nationally and internationally. Our research and postgraduate degrees form a key part of the School's activities. They enrich our scholarly standing both nationally and internationally and make a major contribution to the advancement of our legal knowledge and our understanding the role of law in society.

At UCD School of Law we are committed to achieving excellence in both teaching and research and to providing a rich, vibrant and friendly environment for our student body. We are committed to broadening our overall academic mission and to enhancing the educational opportunities for our student body. Our PhD programme and candidates are an important part of that mission.

We are rightly proud of the achievements of our PhD community and the contribution that they make to the life of the School and to the advancement of legal knowledge. A perusal of this newsletter should reveal the rich experiences of our doctoral students and convey a sense of the dynamism and excitement they bring to the School. We look forward to their continued development as individual scholars and to the development of our innovative and engaging PhD programmes and community.

Professor John Jackson

Dean
UCD School of Law

Our Programmes

At UCD School of Law we offer two innovative programmes of doctoral studies: the PhD in Law and the PhD in European Law and Governance. Both programmes are structured, meaning that candidates both complete a major research thesis of approximately 100,000 words and take a number of courses from across the university to aid them in reaching their research goals.

For more on both of these programmes, and on how to apply, visit www.ucd.ie/law or see PhD staff contact details on the back-page of this newsletter.

A Welcome Message from the Director of Doctoral Studies

I am very happy to write the introduction to what is the 2nd PhD newsletter. These are exciting times to pursue a PhD in the School of Law in University College Dublin; Ireland's leading law school. At present over forty students from all over the world are pursuing a PhD in our School. No less than thirteen new students began their studies this year, which constitutes a record number of new entrants. In 2009 we had ten new entrants. Among them we were particularly pleased to welcome students supported by the Chinese Scholarship Council and by School of Law doctoral scholarships. Like all of our PhD students these new students will benefit from our dedicated PhD space comprising offices and a common room, and the structured nature of our PhD, on which there is more information in the newsletter and on our website (www.ucd.ie/law)

This past year has been an exciting one for the UCD Law School research community. Our annual PhD conference was a major success, students undertook a mission to China and participated in syllabus design workshops as well as publishing, presenting their work at conferences, and spending periods of time visiting international institutions. One of our students, Dan Hayden, won a highly-coveted IRCHSS scholarship. The future also looks bright; recently, the sod was turned on the multi-million euro Sutherland Law School, which will include a dedicated PhD area.

I am happy to be able to say that several of our PhD students were conferred with their doctorates in 2009-2010: Dr. John Byrne, Dr. Noel McGrath, Dr. Cormac Behan, Dr. Maura Kelly and Dr. Claire Hamilton. To them we extend our heartiest congratulations.



To you, the reader, we extend an invitation to consider the possibility of crowning your academic qualifications by undertaking the arduous but rewarding possibility of studying for a PhD in the School of Law, University College Dublin under internationally recognised academic experts. Our PhD team consisting of myself, the Assistant Director of Doctoral Studies, Dr. Fiona de Londras, and our Graduate Programme Manager, Ms. Niamh McCabe, stand always ready to offer what help and support we can.

With every good wish

Dr. Gavin Barrett

Director of Doctoral Studies, School of Law, University College Dublin.

Becoming a High-Level Researcher

As with any other PhD programme, one of the main aims of the UCD PhD is to prepare candidates for life as a professional researcher, whether as a high level expert in business, law or policy or as an academic. In the School of Law we embrace this mission completely and work with the PhD community to ensure the highest possible level of preparedness for life after doctoral studies. In this respect we encourage candidates to publish their work in leading international outlets, present at and attend conferences (as well as organising them), and think about ways of translating research into teaching in the future. In the 2009/2010 academic year this took the form of five main activities: training in advanced research in law, training in the transition from PhD candidate to researcher, publishing work, preparing syllabi for courses in candidates' research areas, and organising a conference.



Everyone who enrolls in the doctoral studies programme in UCD School of Law undertakes a module on Advanced Research in Law, lead by Prof. Colin Scott. As candidates near the end of their time here, they enrol in a further module entitled Advanced Issues in Doctoral Studies, led by Prof. Imelda Maher, where they peer assess one another's work and prepare for their oral examinations, among other things. In 2009/2010 PhD candidates took part in a syllabus workshop led by Prof. Peer Zumbansen, where they designed and discussed one another's proposed syllabi for modules based on their doctoral research. Last year candidates in the programme also published work in leading A* international peer reviews such as the *Oxford Journal of Legal Studies* (Brian Flanagan) and *European Law Journal* (Donal Casey), as well as organising a conference on food regulation from which a major international network of early career researchers has developed (James Lawless and Donal Casey).

The Research Environment in UCD School of Law

Being a PhD candidate in the UCD School of Law opens one up not only to membership of a large, diverse and innovative academic community in the form of the academics within the School but also to an equally diverse and innovative community of fellow doctoral researchers.

PhD candidates within the School at present are researching theses across a broad range of subjects such as food regulation, counter-terrorism, travellers' rights, banking and finance law, and criminology. These candidates have the opportunity to both interact with their UCD colleagues within the School and the broader university *and* with the many visitors to the School from other universities and institutions.

These visitors give seminar papers at our research seminars organised by:

- the School,
- the Institute of Criminology,
- the Centre for Regulation and Governance,
- the Human Rights Network,
- the Constitutional Studies Group.

They also present at conferences and events organised outside of those research groupings. PhD students are encouraged to attend these events, where they have extensive access to this broad range of speakers with whom they can discuss their work and build up their own academic networks.

Reading for a PhD in UCD School of Law therefore offers you the opportunity to engage not only with leading researchers based here but also with global leaders in diverse fields. In the 2009/2010 academic year the School and its research networks and centres welcomed external speakers such as:

- Prof. Martha Fineman (Emory University: feminist legal theory),
- Prof. Peer Zumbansen (Osgoode Hall: regulation and comparative law),
- Dr. Jean Allain (QUB: the law of slavery),
- Michael McDowell SC (former Attorney General and Minister for Justice of Ireland: the ECHR Act 2003),
- Attorney General Paul Gallagher (comparative constitutional law),
- Professor Maurice Manning (President of the Irish Human Rights Commission), and
- Dr. Layla Skinns (University of Cambridge: plural policing).

In addition, the School hosted major international conferences including the Annual Conference of the Regulatory Governance section of the European Consortium on Political Research, entitled *Regulation in the Age of Crisis*, at which over one hundred academic papers were presented by international leaders in the field from the academy and practice.

UCD PhD Candidates: Beyond UCD

Reading for a PhD in the School of Law does not entail remaining on the beautiful Belfield campus for the entire four years of your programme. Our PhD candidates have extensive experience of travelling to conferences and research events worldwide and of taking up prestigious internships and research positions in other world-leading institutions. In the 2009/2010 academic year a number of PhD candidates within the School spent time working on their doctoral research and creating international networks abroad; these pages offer just a taster of the opportunities that can arise as a PhD candidate in the School.

Dan Hayden, Chuanman You, Marek Martyniszyn and Aysel Allahverdiyeva organised a PhD Commission to China UCD Law PhD Mission to China

From the 16th to the 25th of March 2010 four doctoral candidates from the UCD School of Law travelled to China with the generous support of the UCD Confucius Institute and the UCD International Office. The group included Chuanman You, Marek Martyniszyn, Aysel Allahverdiyeva and Dan Hayden, representing China, Poland, Azerbaijan and Ireland respectively. All of the participants are doctoral candidates at the UCD School of Law. Our 9 day visit to China was marked by a packed programme of events. Our primary goal was to build links with Chinese Universities and Legal Institutions. We visited Shangdong University, Beijing Technical & Business University and Renmin University China during the trip, delivering seminars to PhD students about the subjects of our own research. We were surprised by the level of knowledge the students had about certain aspects of EU law in particular and enjoyed fruitful engagement with them about our research. The facilities in Renmin in particular were extremely impressive and the prestige of this University was very clear to us particularly in our visits to other legal Institutions. We had a formal meeting with Senior Judge Zhang, head of research at the Chinese Supreme Court where we discussed judicial appointments and differences between European and Chinese legal systems.



Later the same day we visited the Supreme Procuratorate, meeting with the heads of the research division and the public prosecutors division. It was striking during our time to meet many young lawyers our own age who were already heading down prosecutorial or judicial tracks, at odds with the system in this country. On our final day, we visited the Irish Embassy in China and met with Mr Seán O Regan, the Deputy Head of Mission. Here, we discussed issues of Irish- Chinese Relations and the role of the Education sector in particular. He delivered some useful insights which we reported back to the University in the form of a report to UCD President, Dr. Hugh Brady.

The group benefited personally by learning a huge amount about China through immersion in an altogether different but always fascinating culture. Each member of the group played an important role in making the trip a success, as, too, did a number of key individuals in UCD School of Law and in the UCD Confucius Institute. We would like to once again extend our thanks for their generous support.



Oana Stefan spent time as a Visiting Research Fellow at the Copenhagen Business School – International Centre for Business and Politics (CBP)

In November 2009 I was a visiting scholar at the International Centre for Business and Politics (CBP) of the Copenhagen Business School. CBP is a research centre part of the Copenhagen Business School and was founded in 2004. My visit was organised with the financial support of the UCD School of Law and of the CBP. During my stay I presented two papers. The first one titled 'A Hard Look at the European Competition and State Aid Case Law: Does Soft Law Really Matter?' was presented during a Work-in-Progress (WIP) seminar, a weekly event attended by staff of the Centre. The second paper entitled 'The Geometry of Competition and State Aid Soft Law' was presented during the annual conference of the Centre, a forum where staff and visitors were supposed to present and discuss their research.

It was both challenging and rewarding to present my research to an interdisciplinary audience, and this helped me to test and improve my methods, hypotheses and the theoretical underpinnings of my PhD. I acted also as discussant for several papers and attended an international seminar on the Lisbon Strategy. The experience was very valuable at both professional and personal levels. From the first day, I was completely integrated in the academic and social life of the Centre, working together with colleagues in the refurbished offices of an old porcelain factory, situated in the wonderful Frederiksberg Have. I concluded my stay with a taste of Danish winter traditions, as my hosts invited me to the Christmas party held yearly at the Centre!

Kanstantsin Dzehtsiarou spent almost three months as a trainee in the Task Force Division of the European Court of Human Rights.



From 18 of April till 9 of July 2010 I worked as a trainee in the Task Force Division of the European Court of Human Rights. During this time I communicated cases to the respondent Governments, drafted committee decisions, drafted reports, attended the hearings and deliberations and fully participated in life of the Court. In UCD I am reading for a PhD thesis titled "European consensus in the case-law of the European Court of Human Rights", therefore working in the Court was a priceless opportunity to see the Court in action and to make sure that the findings of my thesis do actually make sense from the internal point of view. While in Strasbourg I managed to conduct more than fifteen interviews with the judges of the Court including vice-president of the Court Judge Rozakis, Section President Judge Tulkens, Judges Kovler, Spielmann, Jaeger, Birsan, Deputy Registrar of the Court Michael O'Boyle and many others. My time in the Court was three months of constant intellectual challenge and an opportunity to use the environment full of people passionate about the same things as me, namely law and human rights.

Doing a PhD

Undertaking doctoral research is an exciting occupation; it allows you to take a question that you are interested in and engaged by and to explore it over a number of years to develop an original and substantive piece of work. For most people, especially those who end up being academics, it is the only time that one has a number of years over which to devote oneself entirely to a single research project. Of course, it is also usually the first time that a candidate has engaged in as large, demanding and protracted a research project as this. In order to offer as happy and fruitful a Doctoral experience as possible, the PhD in Law and PhD in European Law and Governance in UCD School of Law offer both multi-party supervision and a modular structure.



Although the relationship between the candidate and her supervisor remains the primary source of guidance in doctoral work, all candidates in the School of Law have a Doctoral Studies Panel (DSP) made up of at least three academics. All of these academics are involved, to different degrees, in the process of helping you through your research. The advantages of this system over the traditional 'sole supervisor' system of research include the benefits of diverse perspectives on one's work, exposure to multiple networks of experts and different theoretical and practical perspectives, and (where appropriate) exposure to supervision from outside of the School of Law. Thus, students in the School have DSP members from other Schools such as Philosophy, Politics and International Relations, Agricultural Science and so on. Indeed, School of Law staff act on DSPs for other doctoral candidates throughout the University as well.



Added to the DSP is the structured nature of the UCD PhD, where candidates take 30 credits by means of modules. This structure ensures that candidates get to acquire knowledge and skills that can be used not only in the completion of their doctoral work, but also in future work as an independent and innovative researcher. Making the entire suite of graduate (and, depending on the circumstances, undergraduate) modules offered across the University available to doctoral researchers in the School of Law ensures that one benefits not only from being a member of the

School, but also from being a member of the country's largest— and one of the world's leading— universities.

New Students

- ❖ Chen Chen
Development and Defects of Chinese Defense Lawyers' Rights from the Perspective of Human Rights Law
Supervisor: Professor John Jackson
China Development Council Scholarship
- ❖ Jocelyn Delatre
Collective Private Enforcement of EC Competition Law: A study of the deterrent effect of Aggregate Litigation on Breaches of European Antitrust Laws
Supervisor: Professor Imelda Maher
- ❖ Mohammad Hossein Erfanmanesh
"Legal Protection of Traditional Knowledge"
Supervisors: Dr. Máire Ní Shuilleabháin & Professor Joseph McMahon
- ❖ Alan Greene
Terrorism and Counter-Terrorism: Extended periods of emergencies
Supervisor: Dr. Fiona de Londras
School of Law PhD Scholarship
- ❖ Dan Hayden
"Revealed Preference" for Process: What NSMD Regulators are doing right and State Regulators are doing wrong
Supervisor: Professor Colin Scott
IRCHSS PhD Scholarship
- ❖ Patrick Ibekwe
International Arbitration and Anti Suit Injunctions: A critical appraisal of EU Regulation 44/2001 in relation to third states
Supervisor: Mr. Brian Hutchinson
- ❖ Gang Mei
The protection of traditional knowledge and intellectual property rights
Supervisor: Dr. Máire Ní Shuilleabháin
- ❖ Kamil Piszczek
Linking the EU Emission Trading Scheme to Kyoto's flexible mechanisms and to other emission trading schemes: A legal analysis
Supervisor: Dr. Suzanne Kingston
- ❖ Yichen Yang
'The Definition of Intellectual Property Misuse in Chinese Antitrust Law from a Comparative Perspective'
Supervisor: Professor Imelda Maher
China Development Council Scholarship
- ❖ Joanne O'Toole Byrne
Therapeutic Jurisprudence – an increasingly diverse and more prevalent application in and beyond the courtroom.
Supervisor: Professor Ian O'Donnell
UCD School of Law PhD Scholarship
- ❖ Gerard Murphy
The practical effectiveness of Council Regulation (EC) No. 1346/2000: has the Regulation achieved its objectives?
Supervisor: Mr. Brian Hutchinson

New Students contd...

- ❖ Romyana Grozdanova **Extraordinary Rendition**
Supervisor: Dr. Fiona de Londras

- ❖ Xiuyan Fei **National Law Interpretation in EU, WTO and NAFTA**
Supervisor: Professor Joseph McMahon
China Development Council Scholarship

- ❖ Anna-Louise Hinds **The European Commission's Competition Enforcement Procedure: Good Administration and Procedural Integrity?**
Supervisor: Professor Imelda Maher

- ❖ Justine Quinn **Legal Recognition of Family Relationships - Same-Sex Parented Families and the European Union**
Supervisor: Professor Imelda Maher

- ❖ Yanxuedan Zhang **A study of Implementation of Precautionary Principle in International Environmental Law**
Supervisor: Dr. Suzanne Kingston
China Development Council Scholarship

- ❖ Elaine Buckley **Advising Guarantors of Commercial Loans: The Responsibility of Lenders, Guarantees, and the Wider Community.**
Supervisor: Mr. Brian Hutchinson

- ❖ Aoife Foley **The Treatment of Travellers: An Irish Apartheid?**
Supervisors: Dr. Eoin Carolan & Dr. Suzanne Egan

- ❖ Etain Quigley **ADHD & Criminology**
Supervisor: Dr. Deirdre Healy

- ❖ Helen Whelan **Corporate Governance and Gender Diversity**
Supervisor: Professor Blanaid Clarke

- ❖ Yuan Chufeng **Equal Protection of the Constitutional Rights for Farmers and the Development of Economy and Society in the Countryside**
Supervisors: Mr. John O'Dowd & Dr. Suzanne Egan
China Development Council Scholarship

- ❖ Karim Moukhtar **The rule of Law in European Foreign Policy: the case for the Common Foreign and Security Policy (CFSP) under the Treaty of Lisbon.**
Supervisor: Dr. Suzanne Kingston & Dr. Ben Tonra

SUPERVISOR PROFILE

Professor Ian O'Donnell
Director of the UCD Institute of Criminology

Last spring was a busy time for me on the PhD front. One of my students, Cormac Behan, successfully defended his thesis on prisoners and citizenship and another, Claire Hamilton, submitted her thesis on comparative criminal justice policy. Since the UCD Institute of Criminology came into existence almost ten years ago it has attracted a steady stream of doctoral students addressing a wide range of areas. Dissertations have been written on restorative justice, computer hacking and the psychology of desistance from crime. Work currently underway includes studies of the parole process, gang culture and youth justice.



*Professor Ian O'Donnell
Director, UCD Institute of
Criminology*

Thinking back on my own time as a PhD student in London twenty years ago, I am struck by how fundamentally some aspects of the process have changed. I followed the master-apprentice model, serving out my time working closely with the head of department on a project that was close to his heart (and became close to mine!). There were few formal structures, no modules to be taken, no review committees, and little in the way of form-filling. But there was a strong emphasis on producing work of publishable quality and attempting to place it in the appropriate outlets. I collaborated with my supervisor, and others, on a number of projects and was encouraged to develop a body of publications that could be drawn upon in support of the work being carried out for the dissertation. This was invaluable training in scholarly writing and collaborative working.

One aspect of the process has remained constant. This is the emphasis placed on the *viva voce* examination and the capacity of this event to unnerve even the most capable and serene individual. Having participated as candidate, supervisor and examiner I think it is fair to say that this ritual concentrates the mind wonderfully. Students are invariably apprehensive but when they realise that they have an opportunity to showcase their intellectual wares to an appreciative audience they rise to the task. The reality is that anyone who gets this far will have displayed considerable merit and should be well-equipped to complete the journey. The reward is the opportunity, if an academic career is chosen, of more of the same; that is, a lifetime of subjecting one's ideas to the mercy of one's peers.

Professor Ian O'Donnell
Director, UCD Institute of Criminology



About UCD School of Law

UCD School of Law is almost one hundred years old and is the largest university law school in Ireland. Located within one of the world's leading universities, and with alumni who continue to occupy leading positions in Irish law, politics, business, journalism, policy and beyond the School has made an immense contribution to Irish life. Joining UCD School of Law as a doctoral researcher gives you the opportunity to become a part of the School's legacy and, indeed, to spread our legacy of excellence, public service and innovation beyond Ireland.

As well as being home to thirty academic members of staff, the School is home to a large community of graduate students undertaking PhDs, Master's degrees and graduate diplomas. These graduate students come from all over the world, recognising the School's expertise and international reputation. Our undergraduate community of almost 800 students also includes students who join us for their entire undergraduate education from abroad as well as those who join us for a shorter period of time from their home institutions.

As the intellectual home to this diverse community of students and scholars, and the location for the production of internationally recognised research and scholarship, UCD School of Law is a truly international centre for education.

If you are interested in finding out more about PhD study in UCD School of Law please:

- visit our website (www.ucd.ie/law) or make contact with:
- Director of Doctoral Studies (Dr Gavin Barrett, gavin.barrett@ucd.ie)
- Assistant Director of Doctoral Studies (Dr Fiona de Londras, fiona.delondras@ucd.ie)
- Graduate Manager (Niamh McCabe, niamh.mccabe@ucd.ie)



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Aisling Samh Tuis Eile, Nollán Póitse Ceannóir

The New UCD Sutherland School of Law

The ground-breaking ceremony for the new [UCD Sutherland School of Law](#) was held on September 24th this year in anticipation of the School moving into the new building in early 2012. The building, named for the lead donor, [Dr. Peter Sutherland](#) and funded by government, UCD, law firms, barristers and alumni will provide the Law School with a state-of-the-art facility that reflects the latest thinking on the relationship between learning, space and scholarship.

Doctoral students will benefit from the location of two large bright, doctoral studies rooms with work stations for 40 PhD students as well as a fully equipped kitchen that they will share with Law School staff. In addition, there are four research rooms that can each accommodate four post-docs, essential for a School that has long outgrown its capacity to house post-doc and other researchers in the beautiful and historic Roebuck Castle. The principle of community that underpins the design of the building ensures the doctoral students were widely consulted on the design and their needs have been incorporated into the building. In particular, the need for proximity to academic staff to encourage serendipitous encounters to encourage academic exchange has been fully embraced.



THE PHD TEAM AT UCD

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Our Programmes:

The UCD PhD Programme in Law

The PhD in Law is a structured PhD programme in which each candidate benefits from a three-person supervisory panel, sophisticated skills training, research bursaries, and dedicated office and common room space. PhD students in the School present and publish their work nationally and internationally and organise a successful annual conference, leaving them with theses of publishable quality. On completion, our doctoral graduates have gone on to secure academic posts in Irish and international institutions.

The UCD PhD Programme in European Law and Governance

Candidates in this programme develop multidisciplinary expertise on the law and politics of European governance, with substantive and research skills training through the School of Law and the School of Politics and International Relations. Candidates have a supervisory panel of three staff with a minimum of one from each School, and register to the School where their primary supervisor is located. They also become Fellows of the internationally renowned Dublin European Institute, Ireland's leading research centre on European integration and governance.

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