



PHD NEWS



Dean and Head of School
Prof. John Jackson

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

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MESSAGE FROM THE DIRECTOR OF DOCTORAL STUDIES, PROF. IMELDA MAHER



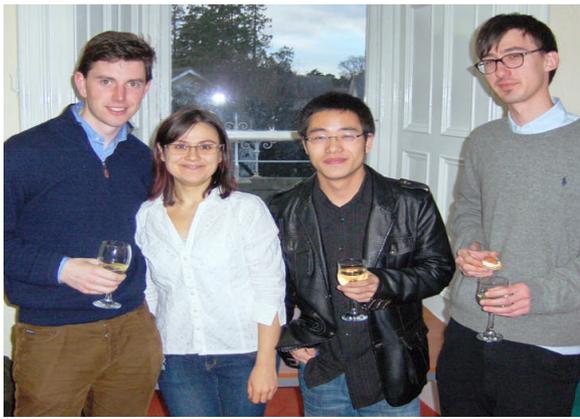
UCD School of Law regards its doctoral programmes as the culmination of the educational experience it offers to students. Our PhD students leave the programme with the skills required to pursue careers in the academy, legal practice or policy. As a vibrant community of researchers within the School of Law, our doctoral students make a vital contribution to the scholarly atmosphere of the School through their engagement with their supervisors and supervisory panels and with the entire academic and student body of the School. Our doctoral students also represent the School at conferences, courses, summer schools and seminars in Ireland and elsewhere. The challenge for the student is to make the most of the opportunities available to them throughout their doctoral studies; the challenge for the School of Law is to assist them in realising their academic ambitions.

We offer two PhD programmes in the School: a PhD in Law and a thematic PhD in European Law and Governance, which is run jointly with the School of Politics and International Relations. Both programmes are structured in that students undertake 30 credits of modules over the course of their studies. These modules are a mix of skills based modules, relating to how to undertake different kinds of research for example, or are substantive modules directly related to the topic of their research. Students are assigned a primary supervisor who, along with two other academics, constitutes their supervisory panel. Each student is assessed formally at the end of their first year and then allowed to proceed once it is clear that they have met the requisite standards. The structured nature of the UCD PhD enables students to maintain a research and professional development plan that is key to ensuring they get the most out of their experience of doctoral studies in UCD.

In the School of Law we attract students of the highest calibre from Ireland and overseas for our doctoral programmes, with an increasing number of new candidates registering every year. We are proud of the outstanding contribution that our students make to legal scholarship in general and to Irish legal scholarship in particular, both throughout their PhD studies in UCD and in their subsequent careers. We look forward to welcoming the new cohort of PhD students this autumn and we are always pleased to hear from people interested in exploring the possibility of undertaking doctoral research in UCD. You can find information on the doctoral studies team, including contact information, at the end of this newsletter.

Prof. Imelda Maher

Sutherland Professor of Law and Director of Doctoral Studies



CURRENT PHD STUDENTS

Above: PhD Students James Lawless, Oana Ștefanas, Chuanman You and Anatole Abaquesne

- **Anatole Abaquesne:** "Article 95 EC and the Division of Competences between the EU and its Member States"
Supervisor: Dr. Gavin Barrett
- **Aysel Allahverdiyeva:** "The Rights of Victims of Trafficking: A European Union Perspective"
Supervisor: Dr. Fiona de Londras
- **Ursula Atueyi:** "The Impact of Legal Development Issues from Contemporary International Measures in Technology Transfer: Africa in Perspective"
Supervisor: Prof. Joe McMahon
- **Cormac Behan:** "Social Capital, Civic Engagement and Re-Integration in the Irish Penal System"
Supervisor: Prof. Ian O'Donnell
- **Donal Casey:** "Private Food Safety Regulation"
Supervisor: Prof. Colin Scott
- **Chuanman You:** "Regulating the Anti-Takeover Measures: A Comparative Study between EU and China"
Supervisor: Prof. Blanaid Clarke
- **Donal Coffey:** "Irish Constitutional History 1935-1955"
Supervisor: Dr. Kevin Costello
- **Mary Dobbs:** "The Role and Regulation of the Precautionary Principle in Environmental Law"
Supervisor: Prof. Colin Scott
- **Kanstantsin Dzehtsiarou:** "The Concept of 'European Consensus' in the Case Law of the European Court of Human Rights"
Supervisor: Dr. Marie-Luce Paris-Dobozy
- **Brian Flanagan:** "'Bound' Judicial Law-Making"
Supervisor: John O'Dowd
- **Diarmuid Griffin:** "Risk, Dangerousness and Decision-Making in the Criminal Justice System"
Supervisor: Prof. Ian O'Donnell

CURRENT PHD STUDENTS

- **Claire Hamilton:** "Reconceptualising penalty: An exploration of the 'new punitiveness' in Ireland, Scotland and New Zealand"
Supervisor: Prof. Ian O'Donnell
- **Nataliya Hitsevich:** "IP Rights and Questions of Jurisdiction and Applicable Law with Particular Reference to the Internet and eCommerce"
Supervisor: Dr. Máire Ní Shuilleabháin
- **Paul Hughes:** "Structuring Sentences in Ireland"
Supervisor: Prof. John Jackson
- **Nicola Hughes:** "Recidivism in Ireland"
Supervisor: Prof. Ian O'Donnell
- **Eddie Keane:** "Legal Regulation and the Atypical Worker"
Supervisor: Dr. Gavin Barrett
- **James Lawless:** "European Standards in the International Trade in Beef: Legitimate Objectives or Protectionist Smoke Screen?"
Supervisor: Prof. Joe McMahon
- **Marek Martyniszyn:** "The Problem of Export Cartels from the Perspective of Developing Countries"
Supervisor: Prof. Imelda Maher
- **Noel McGrath:** "Perfection of Secure Transactions"
Supervisor: Brian Hutchinson
- **Niamh Mulholland:** "The Case for Reform of Irish Insider Dealing Law and Policy in Light of Recent Domestic and International Developments"
Supervisor: Prof. Blanaid Clarke
- **Paul Murphy:** "Does Socialist Law Exist?"
Supervisor: Prof Imelda Maher & Tom Cooney
- **Andrea Ryan:** "The European Evidence Warrant: Towards a New Model of Proof?"
Supervisor: Prof. John Jackson
- **Sagee Sasikumar:** "Corporate Responsibility of Directors for International Human Rights Violations"
Supervisor: Prof. Blanaid Clarke
- **Oana-Andrea Stefan:** "Competition Law in the European Courts: Solving the Soft Law Puzzle"
Supervisor: Prof. Imelda Maher
- **Stephanie Switzer:** "Issues in Global Governance"
Supervisor: Prof. Joe McMahon

STUDENT FOCUS



- **Marek Martyniszyn**, an Ad Astra scholar, whose thesis is supervised by Prof. Imelda Maher, has presented his work at conferences in the University of East Anglia (June 2009) and UCD (December 2008) as well as attending conferences in Dublin, Copenhagen and Norwich. He is heavily engaged with relevant international and national associations on law and development including the Academic Society for Competition Law, the International Law Association (Irish and Polish branches), and the Society of Legal Scholars.



- **Donal Casey** is the current elected PhD Representative and an Ad Astra scholar. He is conducting research into private food safety regulation under the supervision of Prof. Colin Scott and has published his research in the *European Law Journal* and the *University College Dublin Law Review*. Donal has also presented papers from his research in Lisbon and Utrecht and attended a further conference in Leuven. Donal was involved in organising the UCD Legal Research Conference and is a board member of the Irish Society of International Law.



- **Oana Ștefan** is conducting research under Prof. Imelda Maher as an Ad Astra scholar and student editor of the PhD newsletter. Her research has appeared in the *European Law Journal* and been presented at conferences in Dublin, Pittsburgh, Edinburgh and Riga. Oana will spend some time as a visitor in the Copenhagen Business School and has worked as a specialist advisor for European Integration of the Romanian Minister of Justice and as an academic assistant at the College of Europe. Oana's research can be accessed on her [SSRN page](#).



- **Anatole Abaquesne de Parfouru's** doctoral research is supervised by Dr. Gavin Barrett and supported by a UCD School of Law European Law Doctoral Scholarship. Anatole is involved in the delivery of courses through French within the School of Law and has published his research in the *Maastricht Journal of European and Comparative Law*.



- **Mary Dobbs**, a UCD graduate and an Ad Astra scholar is engaged in research under the supervision of Prof. Colin Scott. She has presented her work at conferences in Cork, Barcelona and the London School of Economics. In addition, she was a member of the review panel on "Assessing Access to Information, Participation and Justice in Environmental Decision-Making" in the Centre for Sustainable Development (Sligo IT) and works with the UCD Institute of Food and Health regarding food regulation. Mary also remains involved in broader university activities and is an active member of the UCD Law and L&H societies.



Aysel Allahverdiyeva is an Ad Astra scholar who is conducting research under the supervision of Dr. Fiona de Londras. Her research has been published in *The Causus & Globalizatoin Journal of Social, Political and Economic Studies* and she has presented her research in the Australian National University, Canberra. Aysel has also attended a winter course in Madrid since beginning her PhD in September 2008. She is a member of the Irish Branch of the International Law Association.



Kanstantsin Dzehtsiarou is an Ad Astra scholar conducting his research under the supervision of Dr. Marie-Luce Paris-Dobozy. His research has appeared in *European Law and Practice*, *Russian Human Rights Bulletin* and *International Law and its Application in Courts in Belarus* (2008). In addition, Kanstantsin has presented his research at conferences in Dublin, Cork and Limerick and attended summer schools in the EUI Florence, CEU Budapest, and The Hague Academy. Kanstantsin has helped to organise the Séan Lester Lecture (ISIL) and the UCD legal research conference and been invited by Amnesty International to present a series of lectures on ECHR law to Moldovan lawyers. Kanstantsin is a board member of the Irish Society of International Law and an ordinary member of the Society of Legal Scholars and the International Law Association (Irish Branch).



James Lawless, an IRCHSS scholar, is carrying out research under the supervision of Prof. Joe McMahon. James has presented his research at the Legal Research Conference in Dublin and also attended the ProSafeBeef Conference organised by TEAGASC in 2009.



Chuanman You is a UCD-CSC (Chinese Scholarship Council) Scholar and student editor of the PhD newsletter. Chuanman is conducting research on the Anti-takeover Measures under the supervision of Prof. Blanaid Clarke. He has presented a paper at the Third Legal Education Symposium in UCD and attended conferences in DIT (Dublin) and the EUI (Florence). In addition, Chuanman has keen interests in legal culture and comparative law. He is a member of the Association for Chinese Studies in Ireland and the [Association of Young Legal Historians](#)



Sagee Sasikumar, an Ad Astra scholar, is conducting research on corporate global responsibility under the supervision of Prof. Blanaid Clarke. Since joining UCD as an Ad Astra scholar Sagee has published research in Nayar & Mony (eds), *Human Rights: A Reader* (2007), held a CLPI Research Fellowship at Osgoode Hall Law School, presented her research in UCD and attended conferences in London, Toronto, New York and Bristol. Sagee has also been invited by the Mediators' Council of India to speak on human rights violations by multi-national corporations and the OECD's dispute resolution mechanism.

THE PHD COMMUNITY IN UCD

LEGAL RESEARCH CONFERENCE KANSTANTIN DZEHTSIAROU AND DONAL CASEY

UCD School of Law hosted the third annual UCD Postgraduate Legal Research Conference from the 5th – 6th of December 2008. This year's

Conference revolved around the theme of 'Legal Processes beyond the State' and attracted papers from a very international group of postgraduate students with 20 of the 23 speakers coming from outside of Ireland incl. the UK, Italy, Spain, Hungary, Canada and the United States. The UCD Postgraduate Legal Research Conference has grown from strength to strength since its inception and the success of this year's Conference is a testament to the ambition and hard work of the UCD School of Law's PhD Community.



Dr. Oonagh Breen, UCD School of Law with attendees of the 2008 conference.

PhD Facilities in UCD

Students undertaking doctoral studies in the School of Law are provided with dedicated office space where they have desks, networked printing and a space where they can meet with one another and discuss their research. They are also provided with kitchen and common area facilities. PhD candidates receive a research fund of €500 annually from the School of Law and are entitled to compete for the competitive research funds awarded by the School (up to a maximum award of €10,000) and for Seed Funding Competitions run at the central university level. PhD students in the School of Law continue to be successful in the highly-competitive Seed Funding competitions, particularly for the purposes of participation in high-level international conferences.

Research Seminars

The UCD School of Law holds research seminars on a regular basis at which members of academic staff and visitors present works in progress for discussion.



All PhD students are welcome to attend these sessions, reflecting their full integration into the vibrant research community within the school.

Left: Karen Kenny JD of the World Bank presenting a research seminar at the School of Law

THE PHD COMMUNITY IN UCD



Prof. Imelda Maher with Donal Casey, James Lawless and Kanstantsin Dzehtsiarou

REPRESENTATION WITHIN THE ACADEMIC COMMUNITY (DONAL CASEY)

Undertaking a PhD at UCD School of Law provides a complete apprenticeship in, and the skills necessary for academic life and which are intrinsically transferable to other areas. While research is given priority, PhD students are fully integrated into the functioning of the School of Law in two significant ways. Firstly, PhD students are given the opportunity to undertake teaching tasks in the School through tutoring and lecturing. This opportunity allows students to gain important teaching skill and experience. Secondly, where students undertake the task of PhD representatives they take part in the administration of certain aspects of the School of Law and the College of Business and Law. This is through participation in both the School of Law's Research Committee and the College of Business and Law's Research Board (Research Degrees). While this affords PhD student representatives the opportunity to take part in the running of the School of Law and to expand their relevant experience and skills, it also plays a much more important role. That is, it provides the PhD community with a voice and effective participation in decisions which concern them.



Prof. William Binchy, Dr. Maeve Harding and Paul Ward, Lecturer in UCD School of Law following her successful *viva* examination.

RECENT PHD GRADUATES

Dr. Maebh Harding completed her PhD in the School of Law in early 2009. Her thesis was entitled "The Definition of Marriage in Irish Law in the 21st Century: A Comparative Analysis of Common Law and Civil Law" and was completed under the supervision of Paul Ward. During her doctoral studies Maebh was the holder of the prestigious NUI EJ Phelan Fellowship in International Law, awarded biannually to a graduate researcher considering any area of international and comparative law. Maebh is now working as a Senior Lecturer in the University of Portsmouth, lecturing in Family and Child Law.



RECENT PHD GRADUATES

- **Dr. Fiona Marshall** graduated in April 2008 with her PhD entitled “Competition Regulation and Policy at the WTO” and took up a position as lecturer in law at Queen’s University of Belfast in September of that year. At present, she is finalising a monograph based on her PhD which will be published later in 2009 and is working on a number of other WTO-related pieces of research.
- **Dr Niamh Howlin** completed a thesis entitled “The nineteenth-century Irish jury: a study in depth” under the supervision of Prof. Nial Osborough in 2007. Very shortly after completion, Niamh undertook a permanent lecturing position at Queen's University Belfast, where she currently teaches evidence, torts and criminal law. Niamh’s research interests are still primarily focused on the Irish petty jury in the nineteenth century, and she has published a number of pieces on this topic - the most recent has been accepted by the *Journal of Legal History*.
- **Dr Thomas Mohr** completed his doctoral studies in late 2007. He currently teaches Evidence and Jurisprudence at the School of Law, University College Dublin where he is a lecturer in law. He is a member of the council of the Irish Legal History Society and is assisting in the creation of an archive dedicated to the preservation of material of legal historical interest. He is currently converting his doctoral thesis into a book.
- **Dr Cliona Kelly** completed her thesis entitled “Beyond Termination: Reform of the Effect of Frustration of Contract” in 2007. After completing her PhD, she worked as a legal researcher in the Irish Law Reform Commission and lectured part-time in Trinity College Dublin. She is currently a lecturer in School of Law in the National University of Ireland, Galway where she has worked since September 2007.
- **Dr Neil Maddox** completed a doctoral thesis entitled “The Party Processions Acts: An Account of Parading during the Nineteenth Century” in 2005. He is a practising barrister and Lecturer in Law in the newly established Department of Business and Law in NUI Maynooth of which he is a founding member. He maintains a general civil law practice at the bar specialising in commercial and property litigation and has recently published a book *Mortgage: Law and Practice* (Round Hall, 2007), the only modern Irish work to deal with the subject .

THE PHD TEAM AT UCD

- DIRECTOR:** Prof. Imelda Maher
Email: imelda.maher@ucd.ie
Tel: (01) 716 8745
- ASSISTANT DIRECTOR:** Dr. Fiona de Londras
Email fiona.delondras@ucd.ie
Tel: (01) 716 8760
- MANAGER:** Niamh McCabe
Email: niamh.mccabe@ucd.ie
Tel: (01) 716 8769

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.

PRODUCTION:

Gina Molloy

EDITORIAL BOARD: Dr. Fiona de Londras

Oana Ștefanas

Chuanaman You