RESEARCH ROUND UP

ISSUE TEN. OCTOBER 2018 SCHOOL OF LAW

This newsletter celebrates some of the research activity taking place in the School of Law, Northumbria University, focussing on published outputs, conference papers and other outward facing activities. This tenth issue captures outputs from 1 July 2018 to end of October 2018

Publications

Gary Edmond, Sophie Carr & Emma Piasecki
Article: 'Science Friction: Streamlined Forensic Reporting, Reliability and Justice'
(2018) *Oxford Journal of Legal Studies* 1-29
Abstract: Streamlined forensic reporting (SFR), introduced as part of the United Kingdom Ministry of Justice's drive to deliver swift and sure justice, is credited with generating both time and cost efficiencies. Through the provision of radically abbreviated forensic reports at an early stage in criminal proceedings, SFR is said to avoid the cost of long form reports, facilitate agreement between the parties, secure more guilty pleas and reduce the number of defence challenges to forensic science evidence. This article questions these claims and the value of SFR as conceived. It suggests that the limited empirical evidence is mixed, and that SFR is incompatible with emerging trends and the best advice on the presentation of forensic science evidence. SFR directs little attention to the quality—that is, the validity and scientific reliability—of forensic science evidence. In overlooking quality, SFR introduces new risks of misrepresentation, misunderstanding and mistakes, and is unlikely to align with long-standing and fundamental criminal justice values (such as transparency, rationality, rectitude, equality of arms and fairness), and so is unlikely to fulfil the fundamental goal of dealing with cases justly.

Alistair Rieu-Clarke
Report: United Nations Economic Commission for Europe, *Progress on Transboundary Water Coooperation under the Water Convention*, September 2018, UN Doc. ECE/MP.WAT/51, https://www.unece.org/index.php?id=49805 (Lead Author). Other contributors Shira Babow, Eva Barrenberg, Francesca Bernardini, Chantal Demilecamps, Yelysaveta Demydenko, Tatiana Guimaraes Ferreira, Sonja Koeppel, Annukka Lipponen, and Sarah Tiefenauer-Linardon.
Abstract: In 2015 Parties to the Water Convention decided to introduce a reporting mechanism by which to monitor and assess progress in the implementation of the Convention. A pilot reporting exercise took place in 2017 and 2018, the results of which are presented in this synthesis report. The report closely mirrors the structure of the reporting template. The introduction provides the context to the reporting process and its results, after which the report summarizes the responses to the main parts of the reporting template, namely: on transboundary water management at the national level; transboundary agreements and arrangements for transboundary waters; joint bodies for transboundary waters; and activities related to the implementation of transboundary water cooperation. In addition, a summary of responses to the questions related to the general challenges and achievements in implementing the Water Convention and transboundary water cooperation is provided.

Alan Reed and Dr Matthew Gibson (University of Liverpool),
Book Chapter: 'Reforming English Homicide Law:Fair Labelling Questions and Comparative Answers' in *Homicide in Criminal Law: A Research Companion*, Routledge Publishing,Taylor and Francis(2018) 37-61.
Abstract: The chapter focuses on the principle of fair labelling, which has become common currency in debates about homicide law reform.In particular,it is regularly invoked to support normative claims about how best to define murder and involuntary manslaughter-the offences which form the focus of this chapter. Accordingly,fair labelling represents the starting point in reviewing the existing crimes of murder and involuntary manslaughter in English law,along with potential reform options.The chapter begins by analysing how far current domestic murder and involuntary manslaughter provisions cohere with fair labelling.Next, it assesses the Law Commission's proposed homicide ladder to determine the extent this would improve fair labelling of these offences .Subsequently,the authors undertake a comparative analysis of murder and involuntary manslaughter in South Africa, the United States, Australia and Canada.Finally,based on these findings,they conclude by offering some suggested future reform options for these crimes in England and Wales.

Russell Hewitson
Book: *Conveyancing Handbook* 25th edition edited by: Frances Silverman Consultant Editors: Russell Hewitson And Anne Rodell (The Law Society, 2018)
Summary: The Law Society's *Conveyancing Handbook* presents the latest guidance on good practice in residential conveyancing and is a crucial resource for answering queries arising from day-to-day transactions. It is revised annually by a team of experts, directed by an editorial board and edited by Frances Silverman.

Sue Turner and Jonathan Bainbridge
Article: An Anti-Money Laundering Timeline and the Relentless Regulatory Response' (2018) 82(3) *Journal of Criminal Law* 215-231
Abstract: The Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017 ("MLR 2017") came into force on 26th June 2017, further increasing anti-money laundering compliance obligations imposed upon financial institutions and others in the UK.
Against this backdrop, this paper will: identify a growing trend of anti-money laundering policy-making affecting the private sector; explore the correlation of legislative and regulatory measures taken in the UK with those in Europe and globally; and ask whether the measures represent a proportionate and effective response to the perceived threat of money laundering and terrorist financing to national security.

Alistair Rieu-Clarke
Report: United Nations Economic Commission for Europe and United Nations Educational, Scientific and Cultural Organisation, *Progress on Transboundary Water Cooperation - global baseline for SDG indicator 6.5.2*, August 2018, UN Doc. ECE/MP/WAT/57, https://www.unece.org/index.php?id=49605 (Lead Author). Other contributors Francesca Bernardini, Sarah Tiefenauer-Linardon, Gabin Archambault, Alice Aureli, Aurélien Dumont, Jac van der Gun, Johannes C. Nonner, Marcello Serrao.
Abstract: This publication presents the results of the initial reporting exercise on indicator 6.5.2 carried out in 2017-2018. It offers valuable insights into the progress achieved in establishing operational arrangements for transboundary waters, and the gaps that remain; and highlights that an acceleration in strengthening transboundary water cooperation is urgently needed to be able to face growing water challenges and prevent conflicts on water use.

Elaine Campbell
Article: 'Reconstructing my identity: An autoethnographic exploration of depression and anxiety in academia' (2018) 7(3) *Journal of Organizational Ethnography* 235-246.
Abstract: This study adopts an evocative autoethnographic approach, utilising diary entries collected during the author's three-month absence from her university due to depression and

anxiety. A contemporary methodology, autoethnography seeks to use personal experience to provide a deeper understanding of culture. In this personal story, the author explores her decline in mental health and subsequent re-construction of her academic identity in order to enhance understanding of the organisational culture of higher education.

The paper illustrates how, rather than being an achievement, academic identity is an ongoing process of construction. Although mental health illness can contribute to a sense of loss of self, identity can be re-constructed during and after recovery. Autoethnographic explorations of depression and anxiety in higher education provide a deeper understanding of an often stigmatized issue, but researchers should be alive to the political and ethical pitfalls associated with deeply reflexive research.

Chris Newman and Taylor, A.
Article: 'Law, Ethics and Space: Space Exploration and Environmental Values'
(2018) 56 *Etyka* (Ethics) available online at https://etyka.uw.edu.pl/en/tag/etyka-562018_en/
Abstract: This paper offered an analysis of the ethical values that have accompanied human exploration of space so far, and emphasized the need to infuse human space activity with new ethical values by means of new national legislation and the use of soft law instruments to shape normative behaviour in an international context. The discussion examined values that the space-active community deem particularly important in the creation of a new approach towards space exploration. It proposed that, a fundamental value currently missing from space policy discussions is that of care for the natural environment, including the space environment. The paper advocated the need for greater emphasis on the delicate space environment within national space legislation in order to embed sustainable approaches to space activity as a core mission objective.

Guido Nota La Diega
Article: 'Can the law fix the problems of fashion? An empirical study on social norms and power imbalance in the fashion industry' (2018) *Journal of Intellectual Property Law & Practice,* jpy097, https://doi.org/10.1093/jiplp/jpy097

Abstract: The fashion industry is affected by an imbalance of power that goes beyond the outsourcing of part of the manufacture to developing countries. Said imbalance characterizes the whole supply chain and hinders freedom of expression, freedom to conduct business and, hence, creativity and innovation. In order to understand fashion, IP lawyers and lawmakers need to take into account that the law is not the main device for regulating the relevant relationships. Indeed, fashion is a closed community, a family where complaining is rather frowned upon and where contracts do not reflect the actual relationships between the parties. In order to rebalance power, this article explores the possibility of treating good faith and inequality of bargaining power as unifying principles of contract law. However, in light of the evidence collected during a number of in-depth interviews with fashion stakeholders, it seems clear that social norms are the main source of regulation of relationships and, therefore, intervening at the level of the contracts may not be helpful. Competition law, in turn, may be of more help in rebalancing power; however, cases such as *Coty v Parfümerie Akzente* do not augur well. Moreover, competition law is useful when the relationship is over, but it is in all the stakeholders' interest to keep the relationship alive while fixing its imbalance. This study confirms recent findings that social norms do not just have a positive impact on fields with low IP-equilibrium and sheds light on the broader consequences of the reliance on social norms and on its relationship to power imbalance. This work makes a twofold recommendation. First, IP lawyers should engage more with the unfamiliar field of social norms. Second, advocates of a reform of IP aimed at transforming the industry into an IP-intensive one should be mindful that the effort may prove useless, in light of the role of social norms, especially if power is not distributed.

Alistair Rieu-Clarke
Contributing author to Report: *UN-Water, Sustainable Development Goal 6 - Synthesis Report on Water and Sanitation 2018*, July 2018, https://www.unece.org/index.php?id=49609
Abstract:The Sustainable Development Goal 6 Synthesis Report 2018 on Water and Sanitation builds on the latest data available for the 11 SDG 6 global indicators. Representing a joint position

from the United Nations family, the report offers guidance to understanding global progress on SDG 6 and its interdependencies with other goals and targets. It also provides insight into how countries can plan and act to ensure that no one is left behind when implementing the 2030 Agenda for Sustainable Development.

Russell Hewitson and Frances Silverman (eds)

Book: *Conveyancing Checklists* 3rd edition, published by the Law Society 2018
Summary: Designed to take the stress out of conveyancing, this handy guide has been thoroughly updated to help save solicitors and their practice time and money. The step-by-step checklists provide valuable tools for solicitors and their conveyancing teams to complete their daily work and help to reduce errors. Covering all stages of transactions of residential freehold and leasehold property, the comprehensive checklists provide a reliable method of ensuring that all the necessary steps in a transaction have been successfully fulfilled, in order, and to deadline. All of the checklists are reproduced on an accompanying CD-ROM so they can be adapted to suit practice and case management systems.

Alistair Rieu-Clarke
Was also a contributing author to Report: UN Environment, *Progress on Integrated Water Resources Management - Global Baseline for SDG 6 Indicator 6.5.1*, August 2018, http://www.unwater.org/publications/progress-on-integrated-water-resources-management-651/
Abstracts: This status report provides the SDG baseline for indicator 6.5.1 "Degree of integrated water resources management implementation". It represents the work of 172 countries. Decisions about how to allocate and use water are fundamental to sustainable development. They are also complex. Successful managing of water resources requires the interaction of governments, organizations and the private sector at all levels. Target 6.5 of the Sustainable Development Goals is to, "by 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate". Integrated water resources management helps to balance and support the economic, social and environmental dimensions of sustainable development. 80 per cent of countries have laid the foundations for integrated water resources management. Accelerating implementation must now be the focus. By looking into different aspects of water resources management, this report identifies areas of progress and those which need urgent attention. It explains how countries, and the international community, can build on multistakeholder reporting process to prioritize actions to work towards the 2030 target.

Birju Kotecha
Article: 'The Art of Rhetoric: Perceptions of the International Criminal Court and Legalism' (2018) 31(4) *Leiden Journal of International Law* 1-24 URL: https://doi.org/10.1017/S0922156518000419
Abstract: Perceptions of the International Criminal Court have undergone a deep malaise, particularly on the African continent. The frequent target of these perceptions is the Court's Office of the Prosecutor; its prosecutorial selections have generated the most trenchant criticism of bias. These perceptions, often amplified by political elites and hostile media coverage, risk damaging the Court's perceived legitimacy among its most essential audience: affected communities. These communities are crucial to the achievement of the Court's goals, and are those within which justice must be seen to be done. In this light, this article conducts an analysis of the Office's rhetoric and its ability to persuade affected communities that the Court is politically independent. The article outlines how the Office's public communications express a key message of legalism; a belief in technical rule-compliance and in law's superiority to politics. Using a classic Aristotelian framework, I argue that legalism lacks persuasiveness; it makes a weak appeal to the Prosecutor's reputation, has a limited appeal in eliciting emotional support, and, is not a sufficiently logical explanation of the Court's independence. In summary, legalism is a weak tactic of legitimation and a well-worn progress narrative. The article's analysis has implications for other international institutions and the rhetoric they adopt to legitimate their independence. More specifically, the article concludes with recommendations that can help the Office reflect on its rhetoric and thus, develop a meaningful dialogue to those communities that are the Court's raison d'être.

Lennon G., C. King & **Carole McCartney** (eds)
Book: *Counter-terrorism, Constitutionalism and Miscarriages of Justice* (Hart Publishing, 2019).
The purpose of this book is to honour the influential and wide-ranging work of Professor Clive Walker. It explores Professor Walker's influence from three perspectives. Firstly, it provides a historical reflection upon the development of the law and policy in relation to counter-terrorism and miscarriages of justice since the 1970s. This historical perspective, which is often overlooked, is particularly timely 17 years after 9/11 as trends become clearer and historical perspective even more valuable. So too with miscarriages of justice: while there was considerable public and political scrutiny following high-profile miscarriages such as the Birmingham Six, Guildford Four, and others, in the early 1990s, today there is much less scrutiny, despite significant concern relating to issues such as legal aid and access to justice increasing the potential (if not likelihood) for miscarriages to occur. By including a critical historical perspective, this book enables us to learn lessons from the past and to minimise contemporary risks of miscarriages of justice. Secondly, this book provides a critical analysis of the law and policy as it stands today, and its future trajectory. Applying Walker's theoretical and analytical contributions to the field, the authors focus on pressing contemporary concerns, identifying lacunae where relevant, as well as the possible, probable and preferable future trends. Finally, the book celebrates and recognises the significant contributions by Walker, with each chapter built around one or more of Walker's key works.

Carole McCartney also had a
Book Chapter: 'The Forensic Science Paradox' in the above, 227 -248.
Abstract: This chapter seeks to further Clive Walker's scholarship, seeking to understand how forensic science has become indelibly linked with miscarriages of justice. It questions whether forensic science is 'iatrogenic', suggesting that reforms to date have provided only 'sticking plaster' solutions to problems. It concludes, however, that indiscriminate cynicism may be unjustified and that different approaches may yet succeed in ameliorating risks attendant upon forensic science utilisation.

Victoria Roper, Elaine Campbell, Ben-David, Assaf; Greenbaum, Dov; and Askin, Jonathan
Article: 'Understanding the Scope of Business Law Clinics: Perspectives from the United Kingdom, Israel and the United States' (2018) 5(1) *Journal of International and Comparative Law* 217-257.
Abstract: The impetus for the emergence of business law clinics across jurisdictions is remarkably similar: commercially orientated education and development of students combined with a reconceptualised social justice agenda which embraces entrepreneurial activity in all forms. Business law clinics face the challenge of balancing the interests of students and clients, of service provision versus learning environment, within a distinctly entrepreneurial environment. To achieve this, we must enter into a dialogue and embrace a common mission. This article addresses the gap in the literature with a comparative analysis of the Business and Commercial Law Clinic at Northumbria Law School, England; The Interdisciplinary Center Herzliya Legal Clinic for Start-Ups at Radzyner Law School, Israel; and Brooklyn Law Incubator & Policy Clinic at Brooklyn Law School, United States. We posit that business law clinics should be valued for their rich educational experience, the important assistance they provide and the wider benefits they bestow on teaching institutions.

Carole McCartney and **Emmanuel Amoako** (Phd Student)
Article: 'The UK Forensic Science Regulator: A Model for Forensic Science Regulation?' (2018) 34 (4) *Georgia State University Law Review* https://readingroom.law.gsu.edu/gsulr/vol34/iss4/3/
Abstract: The utilization of an array of scientific techniques and technologies is now considered customary within criminal justice, with technological developments and scientific advancements regularly added to the crime investigator's arsenal. However, the scientific basis, reliability, and fallibility of the application of such "forensic science" (and the resulting scientific evidence) continues to come under intense scrutiny. In response to apparently irremediable problems with the quality of scientific evidence in the UK, the government created the role of "Forensic Science

Regulator" in 2007. The introduction of a Regulator was intended to establish quality standards for all forensic science providers in the UK, create a level playing field in the forensic services market, and grant assurances that all providers were producing reliable and robust scientific evidence. A decade on, there remain questions over the effectiveness of this model of forensic regulation. While there has been significant progress with initial aims and objectives and broad stakeholder engagement, the Regulator still lacks meaningful powers, and significant gaps in regulation remain. Accreditation is not only inconsistent but may be superficial. The Regulator faces serious resource restrictions with debilitating limitations on the Regulator's capacities, while wider austerity measures throughout the criminal justice system hamper efforts to raise standards in forensic science. This Article will detail the first ten years of the Forensic Science Regulator, outlining successes and ongoing challenges. It will demonstrate that the UK model of forensic regulation has proven only partially effective at minimizing the risks associated with forensic science, while ensuring that the criminal justice system can continue to secure high quality forensic scientific evidence that is robust, reliable, and sustainable.

Aaron Amankwaa (Phd Student) and **Carole McCartney**
Article: 'The UK National DNA Database: Implementation of the Protection of Freedoms Act 2012' (2018) 284, *Forensic Science International* 117-128.
Abstract: In 2008, The European Court of Human Rights, in S and Marper v the United Kingdom, ruled that a retention regime that permits the indefinite retention of DNA records of both convicted and nonconvicted ("innocent") individuals is disproportionate. The court noted that there was inadequate evidence to justify the retention of DNA records of the innocent. Since the Marper ruling, the laws governing the taking, use, and retention of forensic DNA in England and Wales have changed with the enactment of the Protection of Freedoms Act 2012 (PoFA). This Act, put briefly, permits the indefinite retention of DNA profiles of most convicted individuals and temporal retention for some first-time convicted minors and innocent individuals on the National DNA Database (NDNAD). The PoFA regime was implemented in October 2013. This paper examines ten post-implementation reports of the NDNAD Strategy Board (3), the NDNAD Ethics Group (3) and the Office of the Biometrics Commissioner (OBC) (4). Overall, the reports highlight a considerable improvement in the performance of the database, with a current match rate of 63.3%. Further, the new regime has strengthened the genetic privacy protection of UK citizens. The OBC reports detail implementation challenges ranging from technical, legal and procedural issues to sufficient understanding of the requirements of PoFA by police forces. Risks highlighted in these reports include the deletion of some "retainable" profiles, which could potentially lead to future crimes going undetected. A further risk is the illegal retention of some profiles from innocent individuals, which may lead to privacy issues and legal challenges. In conclusion, the PoFA regime appears to be working well, however, critical research is still needed to evaluate its overall efficacy compared to other retention regimes.

Gita Gill
Article: 'Mapping the Power Struggle within the National Green Tribunal of India: The Rise and Fall?' (2018) *Asian Journal of Law and Society* (Open Access)- https://doi.org/10.1017/als.2018.28
Abstract- This article documents the life-cycle of the National Green Tribunal of India (NGT). The NGT is officially described as a "specialised body equipped with necessary expertise to handle environmental disputes involving multi-disciplinary issues"-a forum offering greater plurality for environmental justice. Its international and national recognition promotes it as an exemplar for developing nations. The change management theory underpinning the paper is drawn from the work of Kurt Lewin and Edgar Schein, thereby allowing the analysis of competing internal and external forces affecting the NGT. There is a transmigration of theory and its application from one discipline to another social science: business psychology and management to law. The article identifies and addresses the crisis, and analyses the reasons and actions of the principal actors or forces interested in supporting the NGT and, on the other hand, those who are concerned, challenged, and affected by its growth, activities, and popularity.

Carole McCartney and Graham, R.
Book Chapter: 'All We Need to Know?' Questioning Transnational Scientific Evidence, in Roberts and Stockdale (eds) *Forensic Science Evidence & Expert Witness Testimony*. (Edward Elgar, 2018). (Chapter 13).
Abstract: This chapter considers what additional challenges are posed by 'foreign' scientific evidence, above and beyond those presented by all scientific evidence. It assesses whether there are sufficient national and international safeguards in place to ensure the reliability of scientific evidence generated extraterritorially. Subsisting regulatory frameworks and quality assurance mechanisms are described with a view to assessing whether a 'country by country' approach offers 'all we need to know'; or alternatively, whether international evidence exchange demands more comprehensive institutional solutions to guarantee reliability and trustworthiness, before police accept scientific evidence generated overseas, domestic courts admit such evidence and factfinders rely on it in criminal adjudication.

Rachel Dunn, Victoria Roper and **Vinny Kennedy**
Article: 'Clinical Legal Education as Qualifying Work Experience'
(2018) *The Law Teacher* published online 22 October 2018 - Available at https://www.tandfonline.com/doi/full/10.1080/03069400.2018.1526480
Abstract The Solicitors Regulation Authority (SRA) is proposing radical changes to solicitor education and training. The Solicitors Qualification Examination (SQE) has been extensively debated, but less attention has been paid to the proposed changes relating to qualifying work experience (QWE). In future, a much broader range of work experience, including that gained through clinical legal education, will potentially be able to count as QWE. This article addresses the key questions arising from the proposals, as yet unchartered in any depth in journals and scholarly writing. The background and detail of the SRA's plans are analysed, before consideration is given to the arguments both for and against clinical legal education counting as QWE. The practical challenges are then deconstructed. Who will be able to supervise and sign off clinical legal education as QWE? What type of clinical legal education could count? How much time should students be credited for? What policies will law schools need to put in place? Practical advice is offered based on the authors' experience and knowledge. The discussion is intended to stimulate further debate and the development of consensus on best practice.

Victoria Roper
'Round Up of the 2nd Commercial Law Clinics Round Table – 9th March 2018' (2018) 25:2 *International Journal of Clinical Legal Education*, 46
Abstract: The second annual Commercial Law Clinics Roundtable took place at the University of Sheffield on 9th March. The event was well attended by a range of clinicians and clinic students as well as start-up and enterprise advisers. This article summarises the key themes arising from the conference.

Natalie Wortley
Case Notes: *Randall v DPP: Comment.* Criminal Law Week, CLW/18/19/1
Comment on the use of s.114(1)(d) to admit as hearsay the witness statement of a complainant who had attended court and was available to give evidence.

R v Welland: Comment. Criminal Law Week, CLW 18/39/3
Comment on the trial judge's decision to direct the jury not to draw adverse inferences from a defendant's failure to testify, rather than adjourning to obtain medical evidence, where the defendant had experienced seizures in court and therefore could not be called to give evidence.

Guido Noto La Diega
'Should Grindr users worry about what China will do with their data?' *The Conversation*, 31 August 2018 <https://theconversation.com/should-grindr-users-worry-about-what-china-will-do-with-their-data-95972> (this article was republished on 8 platforms including The Independent and PinkNews, and a Youtube Video was made out of it <https://www.youtube.com/watch?v=gXPJV6cc6LQ>)

In April 2018, the Norwegian Consumer Council filed a complaint against Grindr, the most popular gay dating app in the world, in light of its decision to share its users' personal data – including HIV status and sexual preferences – with third parties. But the complaint and the outraged reaction overlooked another turn of events: in January 2018, Grindr was acquired by the Chinese corporate group Beijing Kunlun Tech for US$205m. At the time, this prompted speculation as to whether Chinese authorities could access the data of the app's 27m users in Europe and overseas. Grindr responded that the privacy of its users remained paramount, and that the government of China could not access data because "Beijing Kunlun is not owned by the Chinese government". But there are obviously questions about whether that confidence is justified. To make this judgement, it has to be established whether or not Grindr users' personal data are in fact being transferred to China. Grindr's privacy policy says that this data may be shared with a parent company – and that if Grindr is acquired, said owner "will possess the personal data". Coupled with the Chinese trend towards data localisation requirements, which dictate that data should be processed within China itself, this provision means it may be possible for Grindr users' personal data to be transferred to China.

Conferences

Sophie Carr, Emma Piasecki, Gillian Tully, Angela Gallop (paper presented by Sophie Carr & Emma Piasecki)
'Demonstrating Reliability and Directing Scrutiny: a framework to assist scientists and lawyers',
At the European Academy of Science Conference, Lyon 30 August 2018.
Abstract: In recent decades, forensic science evidence has come to play an increasingly significant role in criminal proceedings. However, the attention paid within criminal justice systems to the validity and reliability of the evidence has not maintained pace, despite international scrutiny from scientists, statisticians, governments and those involved in law reform. It is evident that the parameters of a) some case specific interpretations and b) those relating to different forensic disciplines remain elusive to some legal practitioners. These are not issues restricted to individual jurisdictions; they are universal - as evidenced by the Scottish Fingerprint Inquiry and the US President's Council of Advisors on Science and Technology (PCAST). It is therefore essential that within the context of national, and increasingly international, criminal investigations, forensic practices and scientists convey the evidential value of the scientific findings in a manner that is understandable and useable to all. Forensic experts must be alert to the fact that those in the legal profession, who have no scientific training, may be ill-equipped to deal effectively with scientific evidence and are at risk of making uninformed assumptions of reliability. There is a need for a clear and transparent framework capable of illustrating the validity of an expert's opinion, satisfying legal jurisdictional needs and reducing the potential for miscarriages of justice. In to assist both experts and legal professionals, the authors conceptualise the reliability of evidence as a continuum rather than a binary process, with contested 'liminal' zones marking areas of transition where heightened scrutiny may be required to demonstrate the validity of an expert's opinion. This paper will signal where, and how, additional scrutiny and information should be conveyed to ensure (i) experts can and do demonstrate that their case specific opinion is reliable and (ii) the legal professions are alert to the scientific validity underpinning the opinion of the forensic expert. To facilitate this we offer a structured, tripartite conception of scientific validity. Extending PCAST's dual for scientific rigour, exemplified through foundational and applied validity, we propose a third criterion of evaluative validity. Focusing on concluding opinions, evaluative validity considers the underpinning disciplinary knowledge directly informing the expert's inferential reasoning and interpretation of evidential strength in the instant case. This proposed tripartite framework thereby constitutes a powerful methodology, drawing attention to subjective factors and potential pressure points, which require greater critique as the evidence enters the 'liminal zone' for reliability. All three elements of this validity framework should be sufficiently visible to lawyers and judges to inform and warrant an attitude of 'critical trust' on their behalf in respect of the expert's evidence.

Helen Rutherford
'"To each case, great and small, he devoted all his care, his knowledge and his intelligence": A developing study of the life and work of John Theodore Hoyle, the Coroner of the town and borough of Newcastle upon Tyne (1857-1885)'
At the British Crime Historians Symposium, Edge Hill University, 31st August – 1st September 2018
Abstract: John Theodore Hoyle, solicitor, was elected as coroner of the Town and Borough of Newcastle upon Tyne in 1857- beating his rivals by one vote. He held the office until his death in 1885. Despite the efforts of Thomas Wakley in Middlesex, the coroner in the mid-nineteenth century was widely viewed as an irrelevance- at best as an expensive functionary and at worst a corrupt pocket-filling appointee. And yet as the only judge to whom the local community had day to day access, the coroner fulfilled a unique role in the criminal justice system (by identifying suspicious or unexplained deaths and investigating to dismiss speculation and gossip). Newcastle upon Tyne was one of the fastest growing industrial conurbations in the country, with one of the highest mortality rates per capita. Despite increased medical knowledge and pressure to find medical causes of death, Hoyle anchored the Newcastle coronership firmly in the legal sphere. This paper presented the preliminary conclusions of my doctoral research, which takes a biographical approach to the life and work of J T Hoyle, to analyse whether he could be described as "the People's Judge" (a term coined by Wakley) and to discuss his role in the emerging industrial society.

Neil Harrison
'Boat/ship ownership, trade and employment along the lower River Tyne and the Port of Tyne in the late eighteenth and nineteenth centuries'
At the Centre for Ports and Maritime History Annual Conference
Liverpool University, Thursday 13th September 2018, Conference Theme: Labour and the Sea
Abstract: In this paper I examined changes in boat/ship ownership, trade and employment on the lower River Tyne and the Port of Tyne between the late eighteenth and nineteenth centuries. This included an examination of the hostmen, merchants, shipwrights and water tradesmen amongst others. I also examined how the various boats on the Tyne (including colliers, keels, coal boats, chalder boats and wherries) were owned, managed and operated; the interactions between such boats/ships, including for the purposes of trade; and, where relevant, any disputes between the boat/ship owners and others employed to operate their boats/ships.

Victoria Roper and **Rachel Dunn**
'Regulatory Reform in England and Wales – An Opportunity to Embed CLE further into the Law Curriculum?,
At the European Network of Clinical Legal Education Conference 2018, Turin, 20-21 September
Abstract: The SRA is proposing allow work experience undertaken outside of a traditional training contract, including in a student law clinic, to count towards the period of qualifying work experience (QWE) required to qualify as a solicitor in the future. It has been suggested that the reforms will lead to clinical legal education (CLE) being more integrated into law degrees and that law schools that have already embraced CLE appear best placed to adapt. There appears to be two ways law clinics could be used to adapt to these changes. Firstly, universities may decide that existing or expanded CLE provision should count towards the formal period of QWE. Secondly, law schools are likely to be considering how such clinical programmes might also help students to develop the competencies required to pass the proposed Solicitors Qualifying Exam (SQE) stage 2 practical skills exams. Based on the presenters' research and experiences in a live client legal clinic, the opportunities and potential limitations of these options were explored.

Helen Rutherford with Clare Sandford-Couch (Newcastle University)
'Archibald Bolam and the Savings Bank Murder, 1838'
At the SLS Annual Conference 4-7 September 2018, Queen Mary University of London

Abstract: Regina v Bolam (1839) 2 Moody and Robinson 192; 174 E.R. 259, established as precedent that it is a good ground for putting off a trial, that the panel of jurors had been taken from a neighbourhood where such excitement had been raised against the prisoner as was likely to prevent a fair trial. Behind this legal principle, our research has uncovered a most extraordinary case, which reads at times as high Victorian crime fiction.
On 7th December 1838, in the early hours of the morning, a fire was discovered in the Savings Bank in Newcastle upon Tyne. Once the fire was brought under control, firemen entering the building were horrified to discover the dead body of a man so disfigured as to render him unrecognizable (later identified as Joseph Millie, a clerk at the bank). In the same room lay Archibald Bolam, the bank's actuary, alive but with his throat cut. Bolam claimed a man with a blackened face had attacked him; yet, oddly, the room showed no evidence of a struggle. This was not the only thing to arouse suspicion. Bolam faced trial for Wilful Murder in Newcastle on 4th March 1839 - and again on 30th July 1839.
Bolam's arrest and trial inspired an extraordinary chain of events: not least wild speculation and unreliable reporting in the press. The case was included in *Archbold* and journals addressing issues surrounding circumstantial evidence, the use of expert medical evidence and the highly unusual circumstances in which a trial may be postponed. Our paper draws on contemporary newspaper reports and pamphlets, and legal analysis, to explore this fascinating, if peculiar, case.

Gita Gill
'Indian Judiciary and the Polluter Pays Principle: Reviewing the Contours of Environmental Liability'
At the European Environmental Law Forum 2018, Como Italy (12-14 September 2018)
Abstract: The Indian judiciary has interpreted the polluter pays principle by stating that the 'remediation of the damaged environment is a part of the process of sustainable development and as such the polluter is liable to pay the cost to the individual sufferers as well as the cost of reversing the damaged ecology.' The National Green Tribunal (NGT), a specialised environmental tribunal, is obliged by statute to apply and adhere to the polluter pays principle for dispensation of environmental justice. The NGT produces a coherent, effective and multi-disciplinary institutional mechanism to apply the principle in a uniform and consistent manner whilst simultaneously reshaping the approach to solve the environmental problem at its source rather than being limited to pre-determined remedies. In the Indian context, the polluter-pays principle includes environmental costs, as well as direct costs to people or property.
However, the polluter-pays principle on occasions has been used controversially, especially when powerful interests and politically influential parties are involved. The 'Polluter pays' principle is inverted into the 'Pay and Pollute' principle. Issues concerning identifying polluters, apportioning responsibility and methods of payments make the application of the principle difficult and complex. Moreover, payment is, in the end, financial and sometimes monetary compensation cannot truly compensate for ecological loss or loss of resources and, therefore, the polluter is not paying the real cost of the pollution, even if restitution is possible.
The paper demonstrates how the Indian judiciary seek to apply the polluter pays principle and the consequences and challenges of such decisions. This initiative has wider international purchase as it is a case study of a growing judicial trend.

Tony Ward and Mohammed Al-Darwish (University of Hull)
'Nietzsche, Abolitionism and Technologies of Power: Reflections on Sophie Treadwell's *Machinal'*
At the European Group for the Study of Deviance and Social Control, Ljubljana, July 2018
Abstract: This paper used Treadwell's 1928 play about a murder trial, recently revived in London, to illustrate Nietzsche's influence on American literature and the ambiguities of a Nietzschean Politics of crime.

Adam Ramshaw
Cracks in the Mirror: Reclaiming the Human Rights Narrative from Strasbourg'.
At the SLS Conference (Queen Mary University 4 – 7 September) in the Civil Liberties Stream.
Abstract: The judgments of the European Count of Human Rights are often met with dissatisfaction from British politicians and press. This is perhaps most visible in Hirst v United Kingdom, the

prisoner voting case, and the resultant case law and comments. With this backdrop it is noteworthy to see an apparent change of course from the Supreme Court regarding human rights protections in the UK and its dialogue with the Strasbourg court.

Since R (Ullah) v Special Adjudicator the frequently adopted position of the Supreme Court is has been that the domestic courts ought to mirror the interpretation given to Convention rights by the Strasbourg court, thereby keeping pace 'with the Strasbourg jurisprudence as it evolves over time: no more, but certainly no less'. In subsequent cases this has been termed the 'mirror principle'. However, in recent years there has been a re-emergence of common law fundamental rights and a recognition that the Supreme Court has some latitude to develop independent domestic fundamental rights.

This change of approach is a subtle but important aspect of the enormous changes facing the UK constitution. Whilst Brexit and political uncertainty occupy the minds of legislators and to some extent the courts. The future of the Human Rights Act 1998 is still unclear and largely dependent upon party politics. The apparent weakening of the mirror principle has direct consequences for any reforms of the Human Rights Act 1998 and even ramifications if the current framework is to be retained.

In light of the above, this paper will explore the origins of the mirror principle and the consequences of domestic courts taking a more active and independent role in determining the content of human rights.

Sue Farran
'Who are you if you lose your island?'
At the Commission for Legal Pluralism and Unoffical Law Conference, Ottawa, August 2018
Abstract: While there is talk of 'climate change refugees' there is rather less clarity about the legal status of those whose homelands disappear under the waves. Unlike persons displaced by war or political upheaval, as experienced after the Second World War, such persons do not fall within the usual understandings of 'refugee'. The erosion of the foundations of their identity has, in some cases, been gradual and incremental, but without territory can we talk of sovereignty or citizenship? Is the latter place bound or does citizenship mean more than just affiliation to a particular place? Does nationality depend on a nation and if so what is it that makes a nation? These questions are pertinent to those whose homelands may disappear as a result of natural disasters or rising sea levels. They are particularly, but not only, relevant to people in the Pacific living on low lying atolls such as in Tuvalu, Kiribati and parts of the Solomon Islands. In the Pacific, exchanges among strangers start with the question 'where are you from?' Can a person be a Pacific islander if he or she has no island? This paper considers how that will be answered by those who are from lands under the seas, and what changes may have to be made to the legal frameworks that determine identity in these circumstances.

Tony Ward and Shahrzad Fouldvand (University of Sussex)
'State Crime, Vulnerability and Human Trafficking'
At the European Group for the Study of Deviance and Social Control, Ljubljana, July, 2018
Abstract: This paper (an early version of an article for J. Crim. L.) considered the concept of vulnerability in relation to human trafficking, and the extent to which vulnerability is created by the state, particularly in highly corrupt states such as Albania where there is a significant degree of collusion between government officials and organized crime.

Anqi Shen
'Women Who Participate In Illegal Pyramid Selling: Voices from female offenders in China'
At the UNODC International Academic Conference on Organized Crime and Gender, European University Institute, Florence, Italy, 11-13 July 2018 (Invited and fully funded by the UNODC).
Abstract: This paper, through a case study, examined Chinese migrant women's involvement in one form of organised crime – illegal pyramid selling – which is increasingly prevalent among women offenders in recent years in China. Following the introduction, it discussed the socioeconomic context to situate the empirical findings. Next, it outlined the research methods and data. Then, it detailed the case study, specifically, first, the nature of pyramid schemes and Chinese law concerning the illicit business; second, migrant women's entry into illegal pyramid

selling and their motives; and third, the role that women played in the criminal operation. In addition, migrant women's gains and losses as a result of participation in the crime was explored. Finally, it concluded the article by highlighting the evidence presented and offered several implications for policy and practice.

Tim Wilson
Invited speaker: 'Brexit and the prospect (or not) of continued UK participation in EU scientific and technological data sharing, research and criminal justice casework'
At the 8th European Academy of Science Conference (EAFS 2018), Lyon Convention Centre, 27th-31st August 2018
Abstract: It is possible to discern many of the potential challenges and implications of Brexit (in whatever form, whenever and if) for UK criminal justice and forensic science. The presentation begins with a brief analysis of the achievements of the EU model for criminal justice cooperation and the short-term consequences of Brexit in terms of the UK's increased exposure to risk from crime. It focuses, however, on the medium-term implications of Brexit, using this as a lens to assess the key drivers for future change within UK forensic science arising from (i) financial and organisational problems and (ii), something with much wider geographical significance, the increasing significance of artificial intelligence or machine learning within criminal justice. The conclusions are pessimistic and sceptical of the wisdom of Brexit, but they did not ignore how the Brexit process in combination in with global scientific and technological changes might also create some new opportunities for the UK forensic science community.

Carole McCartney
Invited Plenary: 'Striking a Fair Balance? The UK DNA Database Ten Years after S & Marper'.
At the Genetic Identities & Identification Workshop, Paris, 11th October 2018
Abstract: It is ten years since the European Court of Human Rights unanimously ruled against the UK government in S & Marper v UK [2008], when 'struck by the blanket and indiscriminate nature' of the power to retain DNA in the UK. The Court stated the UK government had failed to strike a 'fair balance' between competing public and private interests. However, the Court left unsaid where this balance lay, leaving calibrations to domestic legislators. The Court in Marper also did not consider limitations on the uses of retained DNA yet this question continues to feature in public discourse, with scientific and technological advances attracting the attention of ethicists and sociologists. Meanwhile, the governance and legal regimes of DNA databases garner far less critical attention. This paper examines whether, in the ensuing decade, a 'fair balance' has indeed been struck with respect to DNA retention, considering what values are being balanced and whether a 'balance' originally struck may be destabilised by efforts to maximise the use of forensic DNA, meaning that legal regimes are now in need of re-calibration.

Elizabeth Tiarks
'The cost of Consistency'
At The European Forum for Restorative Justice conference in Tirana, Albania 14th–16th June
Abstract: This paper argues that there is currently too much emphasis on proportionality and consistency, to the detriment of Restorative Justice and what it can offer in a criminal justice setting.

Proportionality and consistency are widely held to be important principles of sentencing. It is therefore unsurprising that Restorative Justice proponents have become more and more engaged with these issues, as Restorative Justice has grown in popularity in the field of Criminal Justice. The result has been an increasing focus on proportionality and consistency of outcome, particularly noticeable in relation to Restorative Justice conferencing.

The pursuit of consistency and proportionality, however, comes at a cost. As these principles become increasingly prioritised, more restrictions are placed on the decision-making power of lay participants in the process, undermining the extent to which they can regain control of their conflict. This is problematic, because empowerment of stakeholders is one of the key strengths of Restorative Justice. A further issue is that the principles of consistency and proportionality can be problematic and have been criticised in the wider sentencing and philosophy of punishment literature. These debates are often overlooked in Restorative Justice scholarship.

Christos Boukalas
'More Liberal, Less Democratic: the UK Investigatory Powers Act and its Implications for Liberal Democracy'
At: *IZEW* (International Centre for Ethics in Sciences and Humanities)*, Universität Tübingen*, 15-17 July 2018. Christos was also the discussant for Johen Kleinschmidt's paper 'Differentiation Theory in the Drone Zone'.
Abstract: In December 2016, the UK passed the Investigatory Powers Act (IPA), which establishes the most advanced surveillance powers anywhere in the Western world. This paper briefly outlines the surveillance powers that IPA grants to the UK intelligence agencies. On this basis, the paper advances two interconnected claims regarding, (a) the empowerment of intelligence within the political system; and (b) its implications for the rule of law and liberal democracy. Specifically, it claims that IPA is the legalisation of the dominant operational mode of intelligence, in the face of strong social resistance and legal challenges. This indicates a political empowerment of intelligence, and the paper proceeds to assess its juridico-political implications. It notes the incompatibility of the the operational logic of intelligence with the rule of law; and claims that the empowerment of intelligence constitutes a strengthening of the *liberal* elements inherent in liberal democracy to the expense of the *democratic* ones.

Christos Boukalas
'Counter-extremism, Hegemony, and Pastoral Power: a Study on the design of *Prevent*'
At: *EISA* (European International Studies Association) Annual Conference, Prague, 12-15 September.
Abstract: For the last seven years, counter-extremism has been the moving frontier of UK counterterrorism policy. It is its most dynamic part, and it expands the boundaries of where security can apply and what it can achieve. This paper examines the design of Prevent, the flagship counter-extremism programme. It outlines its rationale, function, and institutional architecture. Drawing from state the- ory and theory of power, the article critically evaluates Prevent as a project that: (a) promotes the institutional unity of the state by aligning welfare institutions to the logic and objectives of the secu- rity mechanism; (b) promotes a 'pastoral' type of power, forged on relations of care; and (c) pro- motes the unity of (parts of) society with the state, and re-organises citizenship on the basis of secu- rity and adherence to liberal values. The paper concludes by highlighting a core paradox in the de- sign of Prevent: in promoting and defending liberal/British values, it violates them.

Vinny Kennedy
'Creating a Pro Bono Butterfly, Pro Bono opportunities post qualification in England and Wales'.
At the European Network for Clinical Legal Education (ENCLE), 2018 – 6th Annual Conference (Stream: Pro Bono and CLE). 20-21 September, Turin, Italy.
Abstract: There is no single purpose to a student legal clinic. It provides a student with an added value to their education by enabling them to apply the legal theories learnt into practice; it can build upon employability skills relevant to a career in law or otherwise; and it can empower students to value their participation in facilitating access to justice.

Given the reduction in legal aid in England and Wales from 2012, many student law clinics saw an opportunity to provide assistance to those who could no longer easily access legal recourse. Such initiatives enable the student to develop their understanding of local community needs and assists in creating ethical behaviours that contribute to a socially responsible lawyer. It is suggested that pro bono activities can successfully develop 'future pro-bono minded graduates equipped with the skills, knowledge … [and] strong sense of ethical obligation needed to achieve greater access to justice'. It is not in dispute that being active in pro bono activities as a student can develop such traits. However, in England and Wales the opportunity to continue to contribute to pro bono activities as a graduate is limited depending on the organisation within which they work, or in the alternative, it is less transparent.

The Law Society in England and Wales created a Pro Bono Charter, which acknowledges an organisation's dedication and commitment to pro bono. Signatories to the Charter appear, in the

main, to be dominated by the larger firms. This is perhaps reflective of the resources available to encourage fee earners to contribute time within a working day to pro bono activities. This is not always the case for small-medium sized firms who place greater emphasis on fee earning work. Therefore, despite students developing the skills, knowledge and sense of ethical obligations to increase access to justice, they do not have the opportunity to metamorphose from caterpillars into butterflies.

In light of the above, this paper will explore the motivations of students to undertake pro bono activities using existing data and consider the extent to which such motivations are aligned to the development of their ethical compass. It will also explore the opportunity that exists for graduates to continue to be involved with pro bono activities and will question, once again, whether there is a need for mandatory pro bono activities in England and Wales for graduates/post-qualified solicitors.

Mohamed Badar
'Unfit for Purpose! Prosecuting Hate Propagandists before International Criminal Courts and Tribunals and the Element of Causality Saga'.
At the Salzburg Law School, Twentieth Anniversary Symposium: The Sound of International Criminal Law, 18-20 October 2018, Salzburg, Austria
Abstract: The paper discusses the reasons why international criminal tribunals have struggled to approach hate propaganda in terms of its true nature and effects and the attribution of guilt to hate propagandists who incited others to commit mass atrocities. The paper concludes that international criminal law as it stands is unfit to deal with war propagandist and suggested the inclusion of an inchoate crime namely direct and public incitement to commit crimes against humanity within the International Law Commission's dart articles on crimes against humanity. This would strengthen international criminal courts and tribunals' preventive function as the offence of direct and public incitement to commit crimes against humanity could be prosecuted without having to wait for the execution of the atrocity crimes to commence or materialised. Prof. Badar will submit his comments on the International Law Commission Draft Articles on crimes against humanity, in a form of a letter addressed to the UN Legal Counsel and the Director of the UN Codification Division.

Tim Wilson
Invited speaker. 'Finding the heart of darkness: some fundamental rights contradictions and complexities in policing anonymous communication networks'
At 'Social innovativeness in Europe and Asia', a conference organized by the Institute of Philosophy and Sociology of the Polish Academy of Sciences (IFiS PAN), 11th – 12th October 2018, Staszic Palace, Nowy Świat, Warsaw
Abstract: This presentation considers four meanings of the word 'darkness' to illustrate (a) the range of issues relevant to the study of TOR (the Onion Router Network) as an ACN (Anonymity Communication Network) and (b) some of the fundamental rights contradictions and complexities in the policing of ACNs. It challenges popular conceptions of ACNs as the 'Dark Web'. It concludes by indicating how developments in science and technology may require us to question existing notions of ethics in policing, legal doctrine and some of law's underlying assumptions (e.g. physical jurisdiction), and the universal application of narrow or self-interested paradigms of national science policy.Finding the heart of darkness: some fundamental rights contradictions and complexities in policing anonymous communication networks
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Mohamed Badar
'Key Issues for EuroMed Cooperation on Extradition, Transfer of Criminal Proceedings and Transfer of Sentenced Persons'. at l'Training of Trainers' on Judicial Cooperation in Criminal Matters, 16-18 October 2018, Malta , Keynote presentation
Abstract: This presentation was based on his recent work with the EUROMED Justice Project IV on International Cooperation in Criminal Matters. *Training of Trainers* on judicial cooperation in criminal matters is considered to be the second phase of a project funded by the European Union to contribute to the development of effective Euro-Mediterranean judicial and law enforcement cooperation in criminal matters in the European Neighbourhood South Partner Countries (ENSPC). This project relates to the European Neighbourhood South Partner Countries (ENSPC), namely, Algeria, Egypt, Israel, Jordan, Lebanon, Libya, Morocco, Palestine and Tunisia. Its objective is to establish a system of cooperation based on three levels: a) National platforms for coordination; b) Regional platforms (South-South or Mediterranean); and c) EuroMed Justice platforms (North-South or Euro-Mediterranean).

Charlotte Ellis
'Approaches to Contract Law in Scholarship and Practice'
At the WRoCAH conference at the University of York on 18th Oct, based on her PhD research. (WRoCAH stands for White Rose College of the Arts and Humanities which is a regional doctoral training partnership)
Abstract: English law existed as a practice long before it became an object of university study. The scholarship now pursued in English university law schools exhibits a diverse range of aims, methods, and assumptions about its object of study. But until very recently, little attention was paid to these differences, particularly in the field of contract law. Debates on doctrinal issues took place between scholars whose true disagreement was about what a good theory of contract law looks like or even what 'contract law' is.

In the emerging methodological debate in contract scholarship no comprehensive 'map' of the different approaches yet exists. My thesis aims to fill this gap, but also to address a question which is currently overlooked, namely: how do these different methodological approaches treat the understandings of the lawyers and judges ('legal actors') who develop the substantive law of contract? To what extent and in what ways is the perspective of legal actors reflected, downplayed or even excluded by different types of contract law scholarship? This paper will focus on the first part of my proposed map, *Conceptual Approaches*.

Other

Carole McCartney
Workshop: Maximising Forensic DNA Utility: Legal, Social, and Ethical Challenges
At the University of Minho, Doctoral Summer School – 25-28th June
Abstract: Since the emergence of forensic DNA profiling and the corollary creation of DNA databases, efforts to maximise the efficiency and utility of DNA technology have intensified. Developments on a local, regional and global scale may challenge 'accepted' use of DNA, yet such efforts are expedient given the imperative that expenditure on DNA should be cost-effective and the benefits demonstrable. To this end, regimes governing forensic DNA have often been adjusted to better target those from whom DNA will prove most 'profitable', and to expand the uses of retained DNA. Yet the European Court of Human Rights in 2008 clearly articulated the need for a 'balance' between police powers to retain the DNA of citizens, and privacy concerns, human rights and public interest. The Court left unsaid what this balance should be, leaving such calibrations to domestic legislators. The Court was likewise silent on whether there ought to be limitations on the uses of retained DNA. In delivering a unanimous but terse ruling, the Court left States wide discretion, and while scientific and technological advances continue to attract the eye of ethicists

and sociologists, (particularly around developments such as phenotyping and familial searching), the governance and legal regimes of DNA databases garner far less critical attention. In some instances, a 'balance' originally struck may have been destabilised by subsequent legal reforms, or changes in practice, and regimes are in need of re-calibration. Thus forensic DNA databases continue to raise questions of legitimacy and acceptability, particularly when accounting for ongoing efforts to maximise DNA efficiency and utility. This workshop will critically examine some of the recent trends in domestic, regional and international efforts to maximise the utility of DNA databases. This includes expanding DNA databases and increasing manipulation and uses of DNA data, as well as wider sharing and access to databases.

Gita Gill gave a public lecture on the topic of: Environmental Adjudication in India: The National Green Tribunal' as part of the Hot Topic Summer Public Lecture Series, Vermont Law School, USA (24th July 2018).
Abstract- The Indian Parliament established the National Green Tribunal (NGT) in 2010 as a specialised environmental tribunal. Recognising the importance of promoting international environmental obligations and articulating the commitment of being a 'good international citizen' the NGT implements Principle X of the Rio Declaration. The ' locus standi' has been reformulated liberally in terms of an 'aggrieved person' who has the right to approach the NGT under its jurisdiction. There is a right of every person to approach the Tribunal regardless of whether he or she is directly affected by a developmental project or whether a resident of affected area or not or whether an Indian citizen or not. Further, the ability both to fast track and to decide cases within six months of application or appeal, and the initial filing fee for application or appeal is £10, provides access to justice for all potential aggrieved parties.

Gita also took part in a Panel Discussion on 'The Role of Judiciary in Environmental Governance in the Developing World- Panel Discussion US-Asia Partnership Centre, Vermont Law School, USA (27th July 2018), where she was a Visiting Professor during Summer 2018 at the Environmental Law Centre and the US- Asia Partnerships for Environmental Law Programme.

Tim Wilson, (corresponding author), **Michael W Stockdale, Adam Jackson, Sophie Carr, Gemma Davies and Emma Piasecki** representing the Northumbria University Centre for Evidence and Criminal Justice Studies (NCECJS) made respresentations to the House of Lords Science and Technology Select Committee Forensic Science inquiry.
Summary: Despite global standard-setting achievements in recent years (e.g. the introduction of independent accreditation and the quality assurance regulation, and casework on the use of chemical weapons) and irrespective of ownership (i.e. provision via the market or public sector laboratories such as the Defence Science and Technology Laboratory (Dstl)), there are major concerns about the sustainability of high quality forensic science and technology. The underlying cause, however, is organisational fragmentation: narrowly focused public service priorities and responsibilities with little or no space for independent scientific and legal influence over resource allocation and policy making, or even a balanced consideration of the bigger picture.
Responsibility for the present unsatisfactory state of affairs is shared by most (if not all) key stakeholders in the Criminal Justice System (CJS) .For example, there has been a general failure (not just in England and Wales or its criminal jurisdiction) to reform the Law of Evidence, either by adequate common law evolution or statutory reform. Law Commission recommendations were not enacted by Parliament and compromise solutions in the form of changes to the Criminal Procedure Rules and the creation of new Practice Directions may not have removed the problems that the Law Commission had identified.
Published on the Parliamentary website on 23rd October 2018 at https://www.parliament.uk/business/committees/committees-a-z/lords-select/science-and-technology-committee/inquiries/parliament-2017/forensic-science/forensic-science-publications/

Mohamed Badar was invited to Join the Editorial Board of the International University of Sarajevo Law Journal.
The *IUS Law Journal* is an English-language, peer-review publication, one of a kind in this region, published twice a year in Fall and Spring. A scholarly legal publication of the Faculty of Law at the

International University of Sarajevo (IUS), the journal is designed to explore issues relating to Bosnian public and private laws along with lessons for other constitutional systems, irrespective of legal tradition (civil or common law) or democratic status (young or established), in a contemporary world marked by migration of constitutional ideas. Established on August 9, 2018, via a decision of the Faculty Council, the journal is working to produce its maiden edition due out about February of 2019. As a member of the Editorial Board, Mohamed will work together with the Editor-in-Chief and to advise him on topics that should be addressed by the journal as well as the overall scope and focus of the journal. Prof. Badar's appointment 'reflects the assessment of the Law Council that his background will contribute significantly to the healthy development and growth of this new journal.'

Sue Farran wrote a piece for *The Conversation* 8 October 2018, entitled 'Protecting Marine Areas seem a good idea - but they may have insidious political effects' which seems to have provoked some debate. See http://theconversation.com/protecting-marine-areas-seem-a-good-idea-but-they-may-have-insidious-political-effects-104201. A version of this was subsequently translated into French and posted on peche-dev.org.

James Gray gave a presentation at *All by Our Selves: Personae, Alter Egos and Other Selves Across Disciplines.* A one-day interdisciplinary symposium on Friday, October 5, at Northumbria. The purpose of the symposium was to explore the concept of personae across different professional disciplines. Through legal fiction I considered whether lawyers share a common persona – in other words, do non-lawyers and lawyers carry in their heads a (unconsidered) model of what a lawyer is? The discussion involved aspects of my D Law, for example, the concept of the *natural attitude* - the name given by phenomenologists to the unreflective everyday lived experience we all share and which may contribute to the uncritical adoption of persona.

Carole McCartney had a Commentary: 'Disclosure in the criminal justice system', published in the (2018) 58 *Journal of Forensic and Legal Medicine* 72-73. This related to the recent public and government concerns over non-disclosure in the criminal justice system

Ann Ferguson and **Tony Ward** spoke at the first Business and Property Court Forum in Newcastle, on the subject of concurrent expert evidence/'hot-tubbing'. The event was chaired by his Honour Judge Kramer. Also speaking were His Honour Judge Freedman, Designated Civil Judge for Newcastle and Bart Kavanagh a Chartered Architect and expert witness.

'Hot-tubbing' is a departure from the traditional method of giving expert evidence and involves the experts giving evidence and being questioned together, often with such questioning being led by the Judge and allowing scope for discussion between the experts. Tony and Ann gave their views on this new development drawing on their article (written with Gary Edmond) on the topic: 'Assessing concurrent expert evidence' published in the Civil Justice Quarterly, issue 37 (3).

Sue Farran was an invited, funded discussant at an international workshop hosted by the University of St Gallen, Switzerland, looking at 'The International Court of Justice and Chagos' 19-20 October. Her paper, circulated prior to the event, was on 'The ICJ and the Marine Protected Area around BIOT'. Papers from the workshop will appear in the peer reviewed journal Questions of International Law prior to the ICJ giving its opinion next year.

Frances Hamilton, Dr Guido Noto La Diega and Laura Graham representing the Gender, Sexuality and the Law Research Interest Group, organised and hosted a conference at Northumbria University on the theme: 'Same-Sex Relationships, A New Revolutionary Era and the Influence of Legal and Social Change' on 10th September 2018. The event was funded by the Society of Legal Scholars' Small Projects and Events Fund.

The conference, was aimed at a national and international audience and was attended by 45 people from both the UK, Italy, Republic of Ireland, Cyprus and the Netherlands. The conference provided a forum for a rigorous analysis and exploration of the necessity for both legal and social

change and the inter-relationship between the two, to ensure the long-term success and acceptance of same-sex marriage. It also provided room for discussion of the status of and acceptance of civil partnership following recent case law.

Tim Wilson was a Panellist at an invitation only meeting for the JUEST Network Launch: *Towards a Comprehensive UK-EU Security Treaty*, 22nd October 2018, The Royal United Services Institution (RUSI), 61 Whitehall, London, SW1A 2ET. The panel included Lord Jay of Ewelme, Chair of the House of Lords EU Home Affairs Sub-Committee, and Alex Ellis, Director General, Department for Exiting the European Union (DExEU). The panel session was chaired by Professor Malcolm Chalmers, Deputy Director-General, RUSI and was the inaugural event of a network founded by researchers from RUSI's Strategic Hub for Organised Crime Research, the Centre for Evidence and Criminal Justice Studies (NCEJS), including **Adam Jackson**, and the Aston Centre for Europe (ACE) at Aston University.

Tim Wilson, Chrisje Brants, Adam Jackson and Dr Derek Johnson (Northumbria University, Geography Department) participated in the 5th NPCC Internet Intelligence and Investigations Conference 2018, Hinckley, Leicestershire, 23rd – 25th October 2018.
As part of NCECJS's international research councils funded PDTOR project, the Northumbria multi-disciplinary team were invited by the NPPC (National Police Chiefs' Council) Internet Intelligence and Investigations Specialist Capabilities Programme to run three workshops. These were intended to explain the purpose and planed outcomes of the research project, its international collaborative nature and how police officers and staff from government crime, fiscal and security agencies can participate in our research.

Debbie Rook was a member of a panel speaking at an event at London Zoo on 9th October, 'Evidence to Action: research to address Illegal Wildlife Trade'. Professor Tanya Wyatt (NU) chaired the panel and invited me to speak on it. I spoke about animal welfare and the concept of legal personhood for great apes. All those speaking at the event were then invited to attend the British Government's Heads of State conference on the Illegal Wildlife Trade later that week. A number of prominent figures presented at the Heads of State conference including Prince William, cabinet ministers and a number of presidents from African countries.

Sue Turner, Jackie Harvey, Peter Sproat, Jonathan Bainbridge and Christopher Mitford provided a Law Commission Consultation Response, October 2018, Consultation Paper 236: Anti-Money Laundering: the SARs Regime on behalf of the cross faculty Financial Crime Compliance research interest group

Guido Noto La Diega, Claire Bessant, Ann Thanaraj, Cameron Giles, Hanna Kreitem, and

Rachel Allsopp made a submission of evidence to the House of Lords on 'The Internet: To Regulate or Not Regulate? Submission to the House of Lords Communications Committee (*Northumbria Legal Studies Working Paper No. 2018/04*, 3 July 2018) <ssrn.com/abstract=3207654>
This submission was prepared in response to a call for evidence launched on 29 March 2 by the House of Lords Select Committee on Communications entitled "The Internet: To Regulate or Not to Regulate?". The broad inquiry sought evidence to explore how the regulation of the internet should be improved, and to consider whether online platforms which mediate individuals' use of the internet have sufficient accountability and transparency, and whether they use fair and effective processes to moderate content. This collaborative response, prepared on behalf of NINSO (The Northumbria Internet & Society Research Interest Group), provides recommendations in relation to the wide range of issues raised by the Committee. The key themes that are highlighted by NINSO to be addressed by any reform are effective user education and the power imbalance between the platform and user. NINSO recommends that an empirical, holistic, evidence-based approach should be applied which is tailored appropriately to the size and resources of the platform as well as the context of the situation

Guido Nota La Diega was the organiser and discussant of Arye Schreiber, 'Holocaust and the GDPR' (*NINSO Seminar*, Newcastle upon Tyne, 8 October 2018). Professor Tom Lawson and Guido discussed Schreiber's paper on Holocaust research and privacy. Schreiber argued that the EU new data protection regulation (GDPR) and its Right to be Forgotten pose challenges to Holocaust research and that data protection law must not be allowed to prevent justice in human-rights abuses, nor to prevent proper research and victims' healing.