

THE UNIVERSITY OF WARWICK LAW SOCIETY

obiter dicta

Spring 2007

Volume 7 Number 2



incorporating *the purple pages*

Two Centuries of Abortion Law

Not enough?

Company Law Reform

What are the implications?

Extraterrestrial Law

The legal implications of Alien co-existence.

Defending the Best

A glimpse of life at the Bar

A Dynamic Working Environment

A legal career at the MOD



Clarity and Cohesion through Law Reform

"Change is the law of life. And those who look only to the past or present are certain to miss the future." - John F. Kennedy

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THE UNIVERSITY OF
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welcome from the editor



The landscape of the law is changing as frequently as the landscape of our major cities. With development occurring in every legal sphere it seemed fitting for us to focus on this for the Spring edition of *Obiter Dicta*. Considering not only current reforms but also questioning their validity and potential implications.

Through the diverse range of articles featured we hope to provide you with a breadth of legal opinion. With a focus on social values, 'Two Centuries of Abortion Law - Not Enough' demonstrates the controversies that can occur through the reformation of law in such a contested area particularly when medical advances are constantly forcing us to question our moral standpoints. Philip Hujo considers the need for reform on a more general level in order to facilitate co-operation between European member states and following the recent annual lecture of The College of Law, we provide you with a consideration of the role of the Attorney General, demonstrating the current prevalence of constitutional reform. Also the boundaries of potential reform are contemplated to extraordinary lengths in 'Extraterrestrial Law' which questions whether existing legal provisions could be applicable in rather more unusual situations.

The staff focus in this edition is an interview with Victor Tadros. This provides an interesting perspective on the proposed reforms to the law in relation to corporate manslaughter.

Careers season is upon us and this edition's Purple Pages is full to the brim with exciting career options. With an initial focus on the Bar we have two articles offering help and advice for those wishing to embark on a career in this area. Alternatively, both Belinda Brown and Elizabeth Coton discuss other options available, highlighting the huge range of potential careers for law graduates. Finally, a section devoted to those of you who wish to become solicitors, offering support and tips at a time when interview fever is setting in.

The law society section is there to keep you informed of society activities over the last term. Full coverage of the huge success that was the Law Ball will follow in the Summer Edition.

Once again, Mariam and I would like to thank our sub-committee for all their help and support in the production of the magazine. It is hoped that this edition will prove thought provoking and interesting.

Finally, I would like to wish everyone a happy holiday. A well deserved rest is required all round before the chaos of exam time sets in.

Zoë Brocket
Co-Editor

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Two Centuries of Abortion Law

- Still not enough?

In 2001, two doctors in the West Midlands agreed to undertake the termination of a foetus beyond the legal time limit of twenty-four weeks gestation. Their justification, enshrined in law, was that there was "significant risk" that the child would be "born with serious physical... abnormalities as to be severely handicapped". The foetus had been diagnosed with a cleft lip and palate - an essentially cosmetic disorder often remediable at an early age by surgery. Although these doctors were ultimately not prosecuted for their decision, English law once again stands at a moral crossroads over the issue of abortion. This article considers the recent demands for law reform, particularly those relating to late terminations, in the context of the historical development of English abortion legislation.

A Brief History of English Abortion Law

In English common law, abortion was considered unlawful after 'quickening'; an event that described the feeling by the mother of movement in the womb, which was understood to indicate that a soul had entered the child. In terms of statutory law, Lord Ellenborough's 1803 Act made a capital crime of intending "to procure miscarriage or abortion where the woman may not be quick with child at the time, or it may not be proved that she was quick with child". Lesser penalties such as transportation or whipping were prescribed for persons inducing abortion before 'quickening'. Contemporary abortion legislation is based on two sections of the Offences Against The Person Act 1861. This Act defined abortion as "procuring miscarriage" and prohibited any person, including the woman herself, from unlawfully administering poison or using an instrument with the intention of prematurely terminating a pregnancy. The punishment for any person found guilty of this crime was "penal servitude for life". Similarly, anyone supplying the aforementioned poison or instrument with knowledge of unlawful intent also faced imprisonment. In prohibiting all abortions, this Act abandoned the earlier 'quickening' distinction and so denied legal recognition to the

concept of foetuses becoming 'more human' as gestation progresses.

The Infant Life Preservation Act 1929 first decriminalised abortion by confirming that termination may be lawful if doctors believed, in good faith, that continuation of the pregnancy would lead to maternal death. This Act, however, forbade the abortion of a viable foetus by stating that "any person who, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has an existence independent of its mother" commits an offence. Offences under this Act constituted "child destruction" punishable by "imprisonment for life with or without hard labour". The foetus was declared to be viable at twenty-eight weeks gestation.

Established in 1936, the Abortion Law Reform Association (ALRA) sought to clarify the law prohibiting abortion under the 1861 Act while declaring it permissible under exceptional circumstances through the Act of 1929. Clarification was eventually forthcoming in the form of *R v Bourne* [1939]. In the summer of the year preceding this case, a fourteen year-old girl had been gang raped by a group of soldiers. Applying the ALRA, the girl's case was recommended to Mr Aleck Bourne, a consultant obstetrician at St Mary's Hospital who, after determining that the girl did not exhibit the "cold indifference of the prostitute", agreed to the termination. Having himself notified the authorities of his intention, Mr Bourne was charged with child destruction. Mr Bourne was ultimately acquitted. In summing up the case, Mr Justice Macnaghten stretched the provisions of the Infant Life Preservation Act by extending the intention of saving maternal life to that of protecting the mother's physical health in general. "Life depends on health", he told the jury, "and it may be that if health is gravely impaired, death results". In *R v Bergmann & Ferguson* [1948], Mr Justice Morris instructed the jury that their role was not to determine whether the doctors were justified in carrying out the abortion but that they should consider only whether it was "done honestly believing that it was the right thing to do". In *R v Newton & Stungo* [1958], Mr Justice Ashworth

reasserted that the definition of maternal health included both the physical and mental health of the mother. Despite these landmark judgements, the 1929 Act continued to prohibit all terminations after twenty-eight weeks gestation.

The Law Today

Following a number of unsuccessful bills, the Medical Termination of Pregnancy Bill received Royal Assent on 27th October 1967. Aimed at "stamp[ing] out the scourge of criminal abortions", the new Abortion Act 1967 decriminalized termination of pregnancies earlier than twenty-eight weeks, which met one of two conditions. The first of these was "that the continuance of the pregnancy would involve serious risk to the life of the pregnant woman, or of injury to the physical or mental health of the pregnant woman or any existing children of her family, greater than if the pregnancy were terminated". The second was "that there is substantial risk that if the child were born it would suffer from such physical or mental abnormalities as to be seriously handicapped". The last major amendment to abortion legislation came about in the Human Fertilization and Embryology Act 1990. This reduced the legal time limit on abortion to twenty-four weeks except where termination proves necessary to save the life of the woman, where there is a grave risk of physical or mental injury to the woman, or where there is evidence of foetal abnormalities likely to result in a seriously handicapped child.

Contemporary Calls for Reform

Of the 184,000 lawful terminations occurring annually within the United Kingdom, some 2500 take place between twenty and twenty-four weeks gestation. Calls to reduce the legal time limit on abortion have emanated both from religious groups and from within the medical profession. Furthermore, the architect of the Abortion Act 1967, Sir David Steel, has called for terminations to be limited to between twelve and eighteen weeks. Other European states

abortions" only up until the twelfth and tenth week respectively. One argument for reducing the legal time limit is that advances in medical technology have resulted in babies being born alive as early as twenty-two weeks gestation. Indeed, babies born at twenty-four weeks are now rated as having a one in four chance of survival. The growing survival rate of premature babies has come alongside a number of publicised 'botched' abortions. A recent investigation by the Confidential Enquiry into Maternal and Child Health, for example, suggested that up to fifty foetuses are born alive during NHS abortions every year. Indeed, the Royal College of Obstetricians and Gynaecologists have issued guidelines stating that any foetus over twenty-one weeks and six days should be injected with potassium chloride to stop the heart before termination commences. This precautionary measure has been hailed by pro-life reformers as evidence that the legal time limit of twenty-four weeks is no longer appropriate.

For example, Prof. Stuart Campbell, whose vivid real-time ultrasound images appear to show twelve week old foetuses walking, yawning and rubbing their eyes in the womb, has called this "sub-standard medicine". Pro-choice campaigners have, however, rejected calls to reduce the legal time limit on abortion. They argue that many women do not learn of their pregnancy until too late, that many relationships break down after the twenty-fourth week and that women require adequate time to make fully informed and considered choices. Furthermore, some foetal abnormalities cannot be detected until relatively late in development.

A further source of controversy surrounds the issue of disability rights. The Disability Rights Commission have claimed that "to permit terminations at any point during a pregnancy on the ground of risk of disability, while time limits apply to other grounds set out in the Abortion Act, is incompatible with valuing disability and non-disability equality". Indeed, more than nine in ten pregnancies diagnosed with Down syndrome by pre-natal screening are terminated. In many ways, this reflects the political atmosphere in which the Abortion Act was born. As one book published by ALRA leaders in 1971 claimed: "those poor women who produced monsters or defectives at best used up their love and energy nurturing a child that society had no place for; at the worst, they had to look after an unwanted, helpless child whose continued life brought them agony and shame".

Opponents have complained that this view

condones termination in order to accommodate contemporary societal prejudices. As one author has written, "most of us would be horrified if a scientist offered to develop a test to diagnose skin colour prenatally so as to enable racially mixed people... to have light-skinned children... we would counter that it is irresponsible to use scientific means to reinforce racial prejudices... yet we see nothing wrong, and indeed hail as progress, tests that enable us to try to avoid having children who have disabilities". Pro-choice advocates have responded to this view by arguing that termination of seriously disabled foetuses may benefit both unborn child and parents. The first of these arguments rests on the difficult assumption that disability may confer a negative value on life. Some chromosomal disorders, for example, guarantee an unpleasant death within days of birth. In these cases, it is difficult to balance the intrinsic value of life against the pain and discomfort associated with serious disease. The argument that the mother may benefit from a termination lies more squarely within the spirit of current abortion legislation, which emphasises the mother's capacity to rear the child while sparing her own physical and mental health. This argument deserves re-examination however, as some mothers may choose termination due to perceived societal pressures (i.e. discrimination against their child) or lack of social support to families with special needs.

Conclusion

Abortion legislation has undergone constant reform over the last two centuries in order to accommodate cultural change and shifting political sensibilities. Only last year, a pro-life bill aspiring to reduce the legal time limit to twenty-one weeks was defeated in the House of Commons. Contemporary medical advances allowing us both to save premature babies and to diagnose disability in utero have, however, raised further challenges for existing abortion legislation. Although recent demands for reform are likely to herald further changes to abortion legislation, medical advances appear unable to provide solid answers and, indeed, may only succeed in raising more difficult questions.



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The Attorney General

- the validity of his role.

We were recently invited to attend the College of Law Annual Lecture, which took place on the 29th November 2006 at the College of Law in Birmingham. This proved to be a very successful event and we would like to thank the College of Law and their sponsors, Pinsent Masons, for their help and support.

The lecture was given by the current Attorney General, Lord Goldsmith, and was titled 'The Role of the Attorney General in Changed Constitutional Circumstances.' In this article we want to provide you with a commentary of the lecture, given its relevance to the theme of this edition. We also hope to highlight particular areas of debate that we foresee as becoming increasingly important as constitutional reforms continue.

The lecture began with the Attorney General drawing our attention to Section 1 of the Constitutional Reform Act 2005, which states that the Act "does not adversely affect...the constitutional principle of the Rule of Law." He highlighted that the term 'the Rule of Law' often goes without definition and professed that this demonstrates the significance placed upon it by Parliament. The Rule of Law became a key theme of the lecture.

A brief history of the role of the Attorney General placed the role of Lord Goldsmith in context. The first Attorney General was Lawrence del Brok in 1243. It was however with the appointment of John Herbert in 1461 that the moniker of 'Attorney General' came about and his time in office was thought to be the first time an Attorney was summoned to give advice to Parliament. This could be seen to mark the beginning of debate that so often surrounds the office of the Attorney General today, that of the dualist nature of his role in providing advice to Parliament and acting in a judicial capacity.

Consent from the Attorney General is required by Parliament before certain offences, for example offences under the Official Secrets Act [1989] can be brought. This requirement of the Attorney General under the law was used by Lord Goldsmith to justify his position with regard to the investigations into party funding and his refusal to step down. This exemplifies the struggle between the political and legal aspects of his role.

Lord Goldsmith went on to discuss the objective stance that he must take in deciding what exactly is in the public role and how he must be free from political influence. He made reference to what is often referred to as the Campbell

case. In 1924, the then Attorney General, Sir Patrick Hastings decided to bring proceedings against Mr Campbell (acting editor of the *Workers Weekly*) on the basis that an article written by him could be seen to constitute incitement to mutiny. This decision was later reversed. There were then allegations that the accusations were dropped due to political influence from the Cabinet of the day. The subsequent fall of the then Government clearly emphasises the importance of independence of the Attorney General.

The Constitutional Reform Act 2005 marked significant changes within the constitutional framework; the Attorney General focused on aspects of this throughout the rest of his speech. Particular attention was drawn to the change in the role of the Lord Chancellor. Lord Goldsmith discussed that the changes made had an indirect effect upon his role, hence justifying the lack of consideration for his role within the Act.

The main issue however, is whether these greater responsibilities would be better exercised by someone outside Government. In defence of the current position of the Attorney General, Lord Goldsmith raised a number of points. Firstly, he submitted that making the Attorney General an appointed official would "remove a layer of accountability" and that being answerable to Parliament ensures the role of the Attorney General is not biased. Similarly, Lord Goldsmith highlighted that being within Government places him in the best position to influence internal dialogue on criminal justice, therefore reinforcing his supervisory role with regard to bodies like the Crown Prosecution Service. Lord Goldsmith went on to say that making an Attorney General an appointed official would be an "unwise departure from the conventions of the past." This emphasises the impetus placed upon history and convention that has shaped the constitution, as we know it.

By way of a solution to the debate surrounding the role of the Attorney General, Lord Goldsmith called for changes in its perception rather than changes to the role itself and cited initiatives such as the Annual Review of the Law Officers as mechanisms for providing greater transparency and accountability.

The lecture certainly raises many of the controversial points that surround the current role of the Attorney General. It also demonstrates, through the discussion relating to the Constitutional Reform Act 2005, that often law reform is only the starting point, with change and development occurring subsequently and

merely a reaction to change in other areas. We have begun to see this happen with the changes to the role of the Lord Chancellor having a knock on effect on the role of the Attorney General. Times such as these, with political scandal running high in relation to party funding, bring legal and political matters together and provide the opportunity for the current systems to be scrutinised and assessed, hopefully resulting in greater clarity.

Zoë Brocket, 2nd year, Law LLB, University of Warwick.

College of Law and Pinsent Masons

The lecture by the Attorney General was held by the College of Law, sponsored by Pinsent Masons.

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provides careers advice, specialised training and career development programmes for trainees and qualified lawyers. The College of Law has just awarded the top law society grading in all areas at all centres. For more information on the College of Law, go to: www.college-of-law.co.uk

Mariam Akanbi, 3rd year, Law and Sociology, University of Warwick.

editorial



The subject of law reform is obviously a topical area for law students, this edition however tries to delve deeper by exploring the issue of 'Clarity and Cohesion through Law Reform'. This edition we hoped would incite writers to explore the parameters of law reform and how it affects not just our understanding of law but also the society it is set to govern.

The Companies Act, which finally gained assent in November of 2006, began implementation at the beginning of this year. The act was formed in order to deregulate this extensive area of law within the UK, an area believed by many to be quite advanced and a reason for the choice of law in many international company contracts being English. However, the resulting Act has faced much criticism even before full implementation. The Act will inevitably mean that legal scholars and practitioners will have to become accustomed to a new legal code, it will also affect companies of the UK as whole, some fearing the burden of execution on smaller companies being far to great. Whether this Act, which took eight years of debate, before finally being approved, will achieve its aim is yet to be seen. The Act should be fully in force by 2008, case law and debate during this time and after will show whether Parliaments aim has really been achieved.

The Legal Services Bill has also come to the fore in the past months. The Bill is to 'create independent legal regulators for the legal profession and greater competition in the legal services market'. The Bill has amongst its aims; the creation of a new 'Legal Services Board' (LSB), which will have authority in regulating the legal profession as a whole, a new office for Legal Complaints and also the creation of new business structures, which would allow different legal professions and non-legal professions to 'work on an equal-footing'. This proposed legal reform has also been subject of debate, especially with regards to the potential of multi-disciplinary partnership law firms and too much power being given to Government over regulation of the profession.

A topic of greater emphasis in the media at the moment is the issue of climate change and its general effects. Pressure from environmental groups and public concern has forced the Government to consider a 'Climate Change Bill'. The Bill is set to put the Governments long-term goal to cut carbon emissions into statute as well as creating an independent body for this area. The consideration of this Bill can be seen as alternative view of clarity and cohesion through law reform, the eventual enactment will clarify the Government's position in this topical arena and hopefully incite cohesion in the devolution of powers regarding carbon emission.

These examples are just the tip of the iceberg of current legal reform. This issue hopes to show that even though the very nature of law requires constant legal reform, the extent of 'clarity and cohesion' of these reforms is often an issue of debate.

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An Overview of the Company Act 2006 - Reform in Company Law

A brief introduction to the aims and reasons behind the Companies Act 2006, as well as an interview with a Company Law associate solicitor from Herbert Smith.

Introduction

The Companies Act 2006 is an extensive piece of legislation set in place after years of debate. The result is one of the longest Acts to enter the British statute books, created as a 'deregulatory measure' in order to replace the old Companies Act of 1985 and in order to simplify and modernise the Company law legal framework. This reform in such an extensive area is obviously a lengthy process and requires various methods of implementation. Discussion of such an Act is apt when looking at the issue of 'Clarity and Cohesion through Law Reform'.

Time of Implementation

Due to the nature and length of the Act as well as outside forces (for example compliance with EU regulation), the Act has not come into force in one major swoop. The Act has caused major media coverage due to the problem of companies having to effectively implement the provision. Implementation is thus occurring stage-by-stage, with a complete implementation date set for October 2008. The Government has announced three key dates for 'staggered' implementation of the Act, October 2007, April 2008 and October 2008. A significant amount of secondary legislation is also to be created in order to assist execution and provide "detail for the provisions of the act".

Various parts of the Act have come into force ahead of full implementation. Namely the EU Transparency Directive, which came into force as of January 20th and the EU Takeovers Directive which was regulated through interim measures in May 2006, now to be placed on a primary legislation footing under the new Act. Other provisions, which have early effect, include the introduction of a statutory liability regime in respect of disclosures required under the Transparency Directive, and also the provision for greater use of electronic communication.

Directors Duties under the Act

The Companies Act 2006 has codified the obligations on company directors. The Act has set out seven main duties for directors. Namely: a duty to act within powers conferred by the company's constitution; a duty to promote the success of the company; a duty to exercise independent judgement; a duty to exercise independent care; skill and diligence; a duty to avoid conflicts of interests; a duty not to accept benefits from third parties and a duty to declare any interest in proposed transaction or arrangement with the company. These 'duties' have mainly codified existing common law and are further explained within the act, however two duties have been distinguished as controversial.

The duty to promote the success of a company can be seen to play a heavy burden on directors of companies, although enforcing common law, there is also an

extension, "directors must [now] have regard to the principle of "enlightened shareholder value". This replaces the current duty imposed on directors to act in good faith in the best interests of the company". This addition has been named a "radical" change to the way of business; a probable consequence (and likely disadvantage) however is a rise in bureaucracy in decision-making. Higher considerations for shareholders may also result in a greater emphasis on documentation for board decisions. These concerns have been addressed by Parliament who states that they will publish non-statutory guidance on the matter to show that the new provisions are not intended to change current practice.

The regulation of a director's conflict of interest has also been cited as a controversial element to the Bill. This codification was initially supposed to relax the law in this particular area, however some have stated that what has occurred is the creation of a more 'onerous' set of rules, it is believed that the new act will make conflicts more difficult to deal with than in the common law. For example, 'the obligation to avoid a situation that "possibly may conflict" with the interests of the company is problematic, particularly for directors who hold more than one directorship and therefore owe duties to more than one company'. The Act states that if an action is authorised by a director then the duty will not be infringed. However, this means that public companies (which haven't already done so) will have to amend their articles to allow directors authorisation powers.

Various other factors regarding directors of a company have been affected by the Act. The Act has imposed a minimum age requirement of sixteen for directors, whilst doing away with the upper age limit of seventy. This change can be seen to be in line with the Acts 'modernisation' aim. The requirement of a director's interest in shares has been taken away by except for in listed companies.

The Companies Act effect on director's obligations has been said to have made the position of directorship less desirable. How this will affect companies in the future will not be known until full implementation.

Statutory Derivative Actions

Another controversial aspect is the creation of 'Statutory Derivatives actions'; a shareholder will now be able to bring proceedings against a director on behalf of a company for 'negligence, default, breach of duty or breach of trust'. This new aspect will make it easier to bring an action against a director. However, Parliament has made provisions in order not to make this action too easy. Shareholders will have to gain court permission to continue with the proceedings. Legal costs of an action will also fall on the claimant. There has been reservation about this new aspect, which was created in order to "promote shareholder engagements". It is believed that

there will be an increase in claims in this area, "One concern is that the new statutory duty to consider the stakeholder factors will be a route for pressure groups or minority shareholders to challenge board decisions". Others have stated that it may open the floodgates for lawsuits from any one who can get on the share register.

The effect of this new provision will depend on the outcome of the initial cases brought to court on the matter. What is obvious is that this new provision will require safeguards and guidelines, and subsequent case law will be needed in order to clarify the legal position of parties here. Once again, this area has been criticised as a negative effect on the employment of new directors.

The Acts effect on Companies

The weight of the Act means that there will inevitably be an effect on existing companies, especially in terms of regulation and implementation. The government seems to have considered this due to the staggered implementation method, and guidance notes that were created in 2006. Since then consultation, papers regarding implementation have also been published, as well as leaflets to help existing companies. The Act will also have differing effects on Public and Private Companies.

The new Act has an aim to create a simpler regime for private companies as well as easing their "administrative burden". Amongst the changes, there is a reduction in formalities necessary for corporate decision-making. The compulsory element of company secretaries will also be removed for private companies, however if such companies continue to have a company secretary the existing rules regarding capacity, for example executing documents on behalf of the company, and regulation will continue to apply. Private companies are also no longer required to hold AGM's (annual general meetings). Shareholders however will still be entitled to see accounts; this would have previously been provided before an AGM.

The changes aimed at public companies were set in order to increase the transparency of such companies. This is with special regard to "company information and proceedings as well as with regards to accountability". Quoted companies will also have to make extra disclosures in their annual director reports; this is in aid of the aim of an 'enhanced business review'. A change to regulation in public companies is also due to an aim to have greater emphasis on shareholders and shareholder input (a consequence being the statutory derivative action). Additionally quoted companies are now required to give information on "parties with whom the company has arrangements that are essential to the business". This specific provision has come under great criticism due to the fact that companies may now have to provide information about suppliers that competitors could have access to.

Conclusion

The above summary seeks to provide an insight into some aspects of the Company Law Act. The Act not only seeks to modernise and deregulate, it has also tried to bring together the statutory provision of 1985 and the common law that has developed since under one umbrella. This task would obviously have its controversies as seen in the extensive duties placed on directors. It has been stated, "In some respects, the government has tried to do the impossible with the Companies Act, treading a delicate path between the demands of business, for less red tape and government interference, and trade unions and trade justice campaigners for more corporate responsibility". With an aim to overhaul, a complete system the Act has in some respects been successful, implementation and subsequent case law will have to deal with factors deemed less satisfactory.

Lindsay Robertson, an associate from Herbert Smith provides us with a professional opinion of the Act:

1. The Companies Act 2006 was said to be created in order to deregulate the current Company law system, however the resulting act is actually twice as long. In your opinion, does this result in effective deregulation?

The objectives of the Companies Act were to enhance shareholder engagement and long-term investment culture, to ensure better regulation and a "think small first" approach, to make it easier to set up and run a company and to provide flexibility for the future. The DTI launched its long-term review of company law in March 1998, so the new Companies Act has been a long time in coming.

The new Act does appear daunting in terms of length, but it incorporates areas, which previously weren't covered by statute (for example, codification of directors' duties). However, the idea behind the Act is that it will make things easier in practice, and if this means the statute is lengthier, then so be it. I think it will be difficult to fully assess the benefit until the Act is fully in force, which will not be until October 2008. This means the next 18 months or so will be difficult for lawyers in practice and companies as they get to grips with the new legislation.

However, most firms and companies have already been working hard behind the scenes getting up to speed with the proposed changes, although it was harder to plan ahead until the announcement on 28 February regarding which sections of the Act would come into force when.

2. The most controversial part of the act seems to be the new duties imposed on Directors. In your opinion, how far would you say that a statutory provision here has helped the regulation of director actions? Do you think it was necessary in order to clear up previous case law and statute?

The new Act has sought to codify directors' duties for the first time, and there has been plenty of comment and debate surrounding this. The general concern (expressed by a number of bodies, including the GC 100 (General Counsel 100, which brings together the senior legal officers of over 70 FTSE 100 companies) and the City of London Law Society, is that the Act could have the effect of increasing bureaucracy, making the decision process more cumbersome and potentially increasing the liability of directors. In particular, the principle of enlightened shareholder value and the apparently mandatory list of factors to which directors should have regard are of concern, and whether this will create additional bureaucracy for the board (in showing they have given due consideration to all factors on the list) and in exposing directors to greater liability.

The government's intention was to simply codify the existing duties, but other changes have been made. Introducing statutory provisions will hopefully simplify matters, but it is worth noting that the new Act still does not contain all the detail on directors' duties, as it does specifically make reference that regard is to be had to corresponding common law rules and equitable principles in applying the general duties (section 170 of the Act).

Whether the new Act will help regulate the actions of directors going forward remains to be seen; it will be interesting to see how this develops in practice over time. For example, there is no guidance in the Act as to how to weigh up the various factors to which directors should have regard, or how to deal with conflicts between these factors.

3. Despite the Companies Act being one of the longest acts to be enacted secondary legislation is still needed to ensure the proper implementation, subsequent case law to deal with factors not resolved will also be inevitable. Does this legislation then seem to be an attractive enactment?

In my view, it was always going to be impossible to produce a "perfect" piece of legislation, as it is impossible to legislate for every situation and eventuality. The 2006 Act does (hopefully) update, revise and add to the Companies Act 1985, but going forward there will always

be additional legislation, as the law is constantly changing and evolving. For example, when the 1985 Act was drafted, electronic communications simply weren't an issue; we didn't have email and the Internet. Today, it is impossible to think how anyone lived without them! So, the provisions in the new Act dealing with electronic communications with shareholders are an example of how the law has had to adapt to deal with changes in times.

It will also be impossible to avoid subsequent case law, but that is a feature of the common law system. The Act sets down the framework, but there will inevitably be case law whilst companies and lawyers are adjusting to the changes it brings, and loopholes will no doubt be spotted as time goes by. But again, the same would happen with any new piece of legislation.

4. As a corporate lawyer, what parts of the Act cause major concern for you? Also what parts of the Act would you say are welcome in order to assist you in your work?

Going forward, I would hope the provisions on communications with shareholders will make things simpler for companies, for example the ability to publish lengthy documents on the company website, rather than, for example, having to post a hefty copy of the annual report and accounts to every shareholder. Although in the short term, there is more work to do, as companies will need to consider amending their articles of association in order to be able to use these provisions going forward.

I also welcome the changes to the prohibition on financial assistance (generally, private companies will not be prohibited from giving financial assistance for the acquisition of their own shares). Financial assistance is a complex area and one that we constantly have to keep an eye open for, so hopefully the amendments in this area will make things easier in practice.

5. What concerns and opinions would you say are most prominent regarding the act at the moment? Why do you think this is so?

I think the main concern recently has been the timing for implementation, as there is a lot to bring in and it was unclear whether the remainder of the Act would be brought in piecemeal or in one large chunk. It has been very difficult to plan for the new Act whilst not knowing the planned programme for implementation. The government has now confirmed there will be three key dates, October 2007, April 2008 and October 2008.

There will be a lot of work to do over the next 18 months, as lawyers and companies will need to be looking at both Acts in tandem, even though part of the new Act may not yet be in force, their implication will still need to be

considered. It is also going to be hard to do any real cost benefit analysis as to whether the Act has achieved its goals (in money terms, and in whether it has, for example, made things easier for small companies) until it is fully in force.

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*With thanks to,
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A Review and Appraisal of the Europeanization of Private Law

- comparative approach.

Introduction

It is now widely accepted that the law of the European member states should be harmonized to make Europe's economy more competitive. Business needs to operate across borders efficiently to stimulate a more competitive supply of goods and services. A plurality of separate solutions for the same issue is a risk that the uncertainty and complexity of the legal environment will undermine rather than enable legitimate economic activity. Therefore, we need to create an economic environment underpinned by legal certainty and security. This article on European Private Law discusses the progress of Europeanization in the field of Contract Law. It will, in doing so, especially focus on legal education and its contribution to achieve unification and harmonisation of European Union law. It is my goal to provide English law students who are interested in comparative law topics with a guide to useful literature for their studies, especially with regards to German Law. I hope that this article can demonstrate that comparative law may no longer be a "subject in search of an audience", as Markesinis called it, and to persuade English students of the benefits of comparative law studies.

Different attempts to create European Private Law

As seen above, differences of legal mentality can present problems and obstacles for projects of harmonisation of private law within the EU. There has been a whole series of different approaches made which have influenced the legal culture in Europe, the most influential one being the state-imposed law of the European Community. Other attempts comprise the discretion of the judiciary to use comparative law arguments, or the role of universities and legal education in general. The creation of the Commission on European Contract Law, better known as the Lando Commission, at the beginning of the 1980's and the Drafting of a European Civil Code as it was proposed by the European Parliament are probably the most obvious landmarks in the European development in this field of the last 40 years. Then, there is the International Institute for the Unification of Private Law, called UNIDROIT. Like the Lando Commission, UNIDROIT is an independent intergovernmental organisation with the purpose to study needs and methods for modernising, harmonising and co-ordinating private and, in particular, commercial law as

between States and groups of States. All these initiatives have convinced the European Commission to take this topic seriously. The Commission is now working ambitiously on the realization of this project.

Since May 2005 a Joint Network on European Private Law is working on proposals for the so-called "Common Principles of European Contract Law" (CoPECL). These "principles" will include definitions, general concepts and legal rules drawn from a number of legal traditions. These actions form part of the idea to produce a "Common Frame of Reference for a more coherent contract law in Europe" (CFR). Such a Common Frame of Reference shall then serve as a legislator's guide or "tool box". The CFR will also include what the authors think are the "best solutions found in Member States' legal orders". It is described both in the Commission's Action Plan and its follow-up; the Commission's Communication on 'European Contract Law and the Revision of the Acquis: The Way Forward' of 11 October 2004. These steps followed the first consultation document issued by the European Commission in July 2001, a Communication on European Contract Law. The aforementioned Communication already envisaged a more fundamental discussion about the way in which problems resulting from divergences between contract laws in the EU should be dealt with at European level. A first draft of the CoPECL will be presented at the end of 2007. The end of 2008 expects the final draft. The German Presidency programme does explicitly name the goal of a CFR and is planning to organize a conference on European contract law. The outcome has to be evaluated as to the economic impact and how the principles can be applied to cases from the different countries.

In this context we have to keep in mind that harmonisation through imposition by the European Community can still only be achieved within the narrow limits of its competences, i.e. the establishment and the functioning of the single market. The creation of a single codification based on the competences of the EC is therefore more than doubtful. Nevertheless, opinions have been voiced that a European Civil Code could be based on Arts. 100A, sqq. EEC-Treaty, like Jürgen Basedow. Areas of law that are not considered to be necessary for the functioning of the European market would have to be excluded, such as family law, the law of inheritance and property law. On the other hand, EC directives have so significantly changed the codifications in the member states. To name a few of the areas: doorstep selling, consumer credit contracts, and unfair terms in consumer contracts or product

liability, in the field of tort law. The contribution of the European judiciary and its Europe-friendly interpretation (the so called "effet utile") of statutes should not be neglected in this context. One can distinguish another method or concept to achieve harmonisation based on legal science and legal education. The supporters of this approach believe that imposition of law cannot be the right way to overcome the differences between the national legal systems and will probably not find the recognition and justification that is required. To some of them the European codification idea seems an illusory enterprise or a failure. However, there is the idea that students could be legally educated in Europe similar to the times of "ius commune" during the 17th and 18th century. Whether this historically meaningful event can be implemented in exactly the same way is less important; at least it can serve as a purpose.

A European private law through Legal Science and Legal Education

There have been many scholarly efforts in this field. The academic concepts diverge in detail, but the majority accepts that the study of the common roots of the legal systems of Europe is crucial. This includes the reception of Roman law, natural law, the *ius gentium*, and important codifications as the French Civil Code "Code Napoleon" or the German Civil Code "Bürgerliches Gesetzbuch" as well as the study of common law systems and the common law heritage. Those areas of law harmonised by EC directive, e.g. Company law, Competition law, general treaty law and human rights do already form part of the national legal education. But the study of private law areas on a comparative basis, with a view to harmonisation, as it is treated here, is not in the centre of all academic work in Europe. Some academics seem to intentionally disregard political ambitions or do not explicitly declare their work as a contribution to harmonisation work, although they recognize its desirability. Most scholars want to advance cultural arguments; they put the diversity of legal traditions and national mentalities at the forefront of their studies. They agree that only a "learned jurist" is best qualified to produce the "new" law, not a legislator or a judge. Other academics emphasise the development of further harmonisation, especially with regard to the codification project, as an "optional Europeanization model", or an exemplary model. Last but not least there are scholars who support the non-convergence thesis.

I think that the created CFR could at least serve

as a set of contract rules that the parties could choose to govern their contracts, instead of national law.

How do scholars succeed in transmitting their findings? Their educational approaches may differ a lot but their common goal is to try to disregard national boundaries and to find common structures in law. As we said before, according to scholars, a European private law can solely be created on a voluntary basis and the main concern of Legal Science is to draw ideas from the legal systems of other countries enabling an analysis of the country's own legal system. To achieve this, scholars can make use of lectures and publications, in order to address students and legal practitioners. It is interesting to note that the format of the "case-book" as found in England (E. Mc Kendrick: Contract Law or R. Kidner: Casebook on Torts) or in the United States seems to be the most appropriate one to address law students. B. Markesinis, W. van Gerven and F. Ranieri have chosen this model, which balances text, cases and materials. Markesinis stresses the value of this "case-law approach" especially for an unfamiliar audience compared to an "exegesis of codal provisions".

Contrary to Walter van Gerven, who exclusively uses material translated into English, F. Ranieri has chosen to leave judgments in the original language as he thinks that a translation might distort the peculiarities of the respective judicial style. This means that students are expected to have the language capability to address the material in the original. Only texts in languages that are not as commonly used, like Dutch, Swedish or Italian will be translated. This didactical concept is without doubt the most desirable one, but it demands significant language capability. The ability to survey legal documents and works in the original language is probably necessary to make advanced comparative study possible. Basil Markesinis recognizes this barrier towards the adoption of comparative methodology in the monolingual education of most English jurists. His two books on German Law in English are the attempt to make German legal decisions and academic writings accessible to the English-speaking world. The enormous number of translated decisions and statutes are rewarding for British law students. The two companion works "German Law of Contract" and "German Law of Torts", provide a total of some 2,000 pages and are probably the fullest account of the German Law available in the English language.

Conclusions

As we could see there are several sources from which the body of the new *ius commune* is evolving. In addition to the state-imposed law, the academic work in universities has become increasingly important. Academics, like B. Markesinis, are pleading for a broader legal education, which satisfies the need of a comparative view. Europe should use the potential and make productive use of its diversity.

We have to make sure that the new common European law evolving is at least of the same value as the national laws it replaces. The best results can only be achieved if we have an understanding of other legal systems with which we can compare and blend our own legal system. But we have to ask ourselves whether a European Civil Code can be realized in the foreseeable future. Markesinis thinks that closer European co-operation should be pursued, but he accepts that Codification will take time. Small parts have been unified in private attempts and recently through the initiative of the Commission. According to him it is important that these parts are now interconnected. Harmonisation of tort, for instance, has to go "hand in hand" with the elaboration of social security rules. To him, the above mentioned directives and conventions seem to be the appropriate means to gradually achieve a greater degree of harmonisation. As we have seen before, the "parallel practise" of the highest European courts and the EU assistance concerning more student and teacher mobility are equally important, at least more important than a quick codification; According to him, this idea still belongs to the "Paradise of Legal ideas".



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Extraterrestrial Law: The Legal Implications of Alien Co-Existence.

"I think what we feared were the possibilities, the truth we both know" (Fox Mulder, X-Files).

Extraterrestrial intelligence has fascinated human populations from ancient Greece to modern times. Beginning with Democritus and later supported by Copernican ideology, the concept of potential contact with alien life is certainly not a novel idea. Historical interest has manifested itself through modern mediums such as conspiracy propaganda, science fiction literature, television programming, and Hollywood movies. From Star Wars to my personal favourite the X-Files (my co-author is shockingly a Star Trek enthusiast) there is no escaping the reality that the possibility of extraterrestrial contact has shaped our modern psyche. The truth is certainly out there, and until discovered, precautionary principles dictate that the best way forward is to presume in the interim that alien life does exist and that contact will eventually be made. This article proceeds on the basis that extraterrestrial contact will be made, and that alien life will be accommodating to co-existence with human life. If harmonious co-existence is to ever be achieved, surely legal instruments will have to be used to regulate extraterrestrial affairs. Can existing legal principles be modified to meet the needs of extraterrestrial law?

Property Law and Aliens - Space Easements, Universal Adverse Possession, and Intergalactic Nuisance:

The easement holds great promise as a legal tool to regulate rights of way in space. Convenient transportation routes take on a new meaning in space, where detours may take on a light years dimension. Black holes would no doubt represent a formidable transportation advantage to those who controlled them, allowing space ships to move quickly to distant galaxies. Assuming that express easements or easements of necessity will not be common because of obvious language differences and the vastness of space, and that the requirements of *Re Ellenborough Park* [1956] would remain applicable, what form would easements arising by prescription take on? What will constitute long use and acquiescence in space? Perhaps our earthly notion of years will have to be magnified to take into account the time delay in space travel. For example, instead of 12 years of continuous use being sufficient to satisfy a prescriptive easement, easements regulating humans and aliens will require the introduction of a new quantum of light years. Acquiescence requirements will also have to be modified. Space ships and planetary radar technology will surely be able to detect users across wide distances. It may be that acquiescence will be presumed on the basis that the user was not destroyed in space by the ballistic capabilities of the servient owner.

Adverse possession will certainly take on a new dimension in space. Since space represents such a vast area, there will be a strong utilitarian policy impetus to allow for legal regulation that seeks to maximize the use of property in space. If the principles of adverse possession will ever have a legal role to play in regulating alien and human behaviour in space, then the limitation period will have to be adjusted to reflect any necessary temporal enlargement. Twelve years will certainly not be enough time to allow for space travel. The implications of the Land Registration Act 2002 will also have to be considered. Although at this time unclear, different languages surely must exist among alien populations, and accordingly the Land Register will have to be multi-lingual in order to accommodate the affected parties. With this said, if alien populations are as advanced as I personally know them to be, then they will presumably be able to speak many languages, including ones spoken on earth. However, we primitive humans will find great difficulty in understanding alien dialect, and translations will have to be provided so that we can effectively

assess our positions. A wider consideration is the potential scope of adverse possession. Can aliens and humans gain legal interests in planets or only parts of planets? This may not be very important if there is a proprietary dispute over useless Pluto, but may take on greater significance in more exciting planets, especially if they prove to be resource-rich.

The law of nuisance will probably take on a most exciting role in extraterrestrial law. Will the paradigmatic authority of *Bernstein v Skyviews* (1978) any longer hold any weight, or will we have to revert back to a strict interpretation of the *cuius est solum maxim* which holds that he who owns land owns everything reaching up to the very heavens and down to the depths of the Earth. Alien surveillance technology will no doubt be much more invasive, and there are legitimate concerns that surveillance from even long distances may infringe an owner's right to private and home life. Extraterrestrial law may have to extend existing protections in the light of alien technology. Perhaps of greater significance will be whether the law of nuisance will be able to accommodate situations where aliens and humans live together as neighbours. The encroachment of alien life will likely bring new nuisances such as 'green slime' residue, foul smells, and unimaginable noise disturbances. Further, what we describe as normal may have to be modified in the light of complaints brought by alien populations.

From International Law to Intergalactic Legal Principles:

We are limited, not by our abilities, but by our vision. Vision is, indeed, the art of seeing what is invisible to others. Our legal system tends to provide specific and limited responses to particular problems. Moreover, the law tends to be excessively anthropocentric. The product of these inevitabilities is two-fold. First, our legal vision is limited by our human experiences on earth. Second, and contrary to what natural lawyers may contend, the law is a creation of the human imagination, and is therefore utilised to govern the machinery of our very own civilization.

This article invites the reader to contemplate beyond our foundations on Earth. Ask yourself this: what would happen if a human came into personal contact with an extraterrestrial being? One can only speculate the various answers to this question. However, in the US, The Extraterrestrial Expose Law 1969 makes it illegal for somebody to have contact with an extraterrestrial being. The Federal Statute

states that "anyone guilty of such a contact automatically becomes a wanted criminal to be jailed for one year and fined \$5,000. The N.A.S.A administrator is empowered to determine with or without a hearing that a person or object has been extra terrestrially exposed, and impose an indeterminate quarantine under armed guard, which could not be broken even by a court order". Surely, this sounds odd. Is it in the best interest of humanity to confirm, or disconfirm, the existence of extraterrestrial life? Perhaps for the US, aliens will be the next personification of terrorism. However, remember that this article deals with friendly aliens. What will their rights be? Will we owe duties to them? How will contact with extraterrestrial life affect international/universal law?

The Universal Declaration of Human Rights (UDHR) emphasises that the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace of the world." By undertaking a rather straightforward literal construction, it is clear that aliens are left out of the human rights equation. Will we detain them and conduct cruel experiments on their frail little green bodies? Surely Article V, which prohibits torture, cruel, inhuman or degrading treatment, will not be of any use to the little green creature. Article IV of the UDHR provides that 'no one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.' Extraterrestrial beings, however, are not privileged enough to benefit from this provision: under international law, it is arguable that an alien would be considered 'less than human.' We all know that this form of overt discrimination, or even hierarchical categorisation, has been the cause of many catastrophes in the past. Just think about the potential for future conflict that such treatment may cause. We abuse their innocence and generosity, benefit from scientific experiments, unjustly appropriate their futuristic space ships (would that count as theft?), only to later find out that those species are part of a wider civilization which has the ability to destroy planets and even galaxies. Thus, we ought to grant them rights - 'Alien Rights' - so that human beings and aliens can co-exist peacefully. This may, however, cause judicial difficulties. If an alien decides to bring an 'Alien Rights' claim before a human court, we ought to have a judicial bench composed of a mixed panel: human and alien judges sitting alongside each other.

Once extraterrestrial contact becomes frequent, the creation of an 'Intergalactic Court' may prove to be the only judicial mechanism to

govern disputes between civilizations in different galaxies. The court will be empowered to interpret future sources of law such as the Prevention on Inter-Galactic Genocide, The Treaty on the Protection of Space Minorities, and the Universal Intellectual Property Treaty. The formulation of such intergalactic laws will certainly pose drafting difficulties. Aliens may have a different interpretation of justice, or perhaps they don't even strive for such a concept. An ultramodern legal profession could emerge, with intergalactic lawyers holding LLBTs (Legum Baccalaureus Terra). Legal education will be transformed. Warwick may even have a campus on Mars.

The use of force provisions in Art 2 (4) of the UN Charter may have to be extended and modified to encompass the 'territorial integrity or political independence of any Space State.' Jus Cogens principles will have to adapt to the universal values of the day. Our understanding of self-defence in international law, and particularly the concept of pre-emptive strike, will have to reflect the respective technologies of the time.

How could trusts law become relevant in our relationships with aliens? Hopefully, the basic tenets of trusts law will change so that human beings will be able to hold planets on trust for the benefit of aliens, and vice versa. Furthermore, the inhabitants of a planet will be able to hold the planet on trust for the benefit of future generations. Most of the tidal effects seen on the Earth are caused by the Moon's gravitational pull. Before somebody sells the Moon to an evil alien who plans to deprive us from our lunar benefits, there should be a general principle of international trusts law providing that our generation ought to hold the Moon on trust for the benefit of future generations.

Blaise Pascal once wrote "through space the universe encompasses and swallows me up like an atom; through thought I comprehend the world". Although this article may seem, and quite rightly, a work of fiction, it nonetheless challenges our limited, anthropocentric vision of law. We ought to initiate a journey, beyond our planetary frontiers, to consider the extraterrestrial application and justiciability of our laws before it becomes too late.

Conclusions:

The inspiration for this article came from a paper published by our own Gary Watt, Law Professor at the University of Warwick, entitled "The Soul of Legal Education", which called for

greater imagination within the fabric of legal matriculation. From the student perspective, imagination can provide not only a useful tool to complement our legal studies, but can also serve to breed some much needed life into law, which may help us to overcome the banality of revising legislation and memorising key decisions. In this sense, the article is intended to attempt to move in the direction intimated by Gary Watt, and to demonstrate that the scope for imagination in law, although latent, can be potentially wide reaching. Although our ideas were meant to be lightly received, there are some important material considerations resulting from our fictional analysis. It is clear that it will be extremely difficult to import existing legal principles to govern relationships in new jurisdictions between parties who share little in common. The better way forward may focus instead on Rawlsian first principles and mutual negotiation from an original position. In this way, prejudice can be removed from legal principle, and affected parties can instead work from a clean slate, so that 'everyone can leave the party with an equal slice of cake'. Although this may always remain a pipe dream at the global level, the future prospects within Europe may be more promising. With enlargement into new areas with vastly different cultures and legal traditions, perhaps lessons can be learned from a fictional exercise which seeks to simulate the inherent difficulties of legal harmonisation across cultures, States and even space.



Lucas Bento, 3rd year, Law LLB, University of Warwick.



Jay Jagasia, 3rd year, Law LLB, University of Warwick.

staff focus

Victor Tadros

interviewed by
Suvi Chi

Law reform is a requisite element to ensure dynamism within the law, an otherwise static field. Ideally, law reform advances the quality of law and removes outdated debris, however, law reform is never an uncontested matter. Victor Tadros, Professor of Criminal Law and Legal Theory at Warwick University, was asked to comment on the recent proposals relating to homicide offences in a corporate context, under The Corporate Manslaughter and Corporate Homicide Bill.

1) Would the recent proposals under The Corporate Manslaughter and Corporate Homicide Bill promote clarity and cohesion in law? Alternatively, would the proposals if enacted unduly complicate the law?

There are two kinds of clarity that should be aimed at: clarity to those trying to read and understand the law from the outside and clarity at the point of application. Complicated legislation can be difficult to understand from the outside, but can be relatively easy to apply in the courts. This Bill, I think, is not very clear in the first respect. For example, in understanding the scope of the offence the scope of the duty of care from the law of negligence will be relevant, which most people don't know. But that may make the Bill relatively clear in its use in the courts.

2)a) If the proposals were enacted would existing laws be primarily augmented, or would the current law be substantially replaced?

It would presumably still be open to charge a company with ordinary manslaughter under the current law using the identification doctrine. But it is highly unlikely that this would happen.

b) To add to cohesion and clarity, in this area of law, should certain elements be added or removed from the Bill for the proposals to be successful? (As an example, critics have pointed out that the Bill does not permit the negligence of several individuals to be aggregated to evince that a corporation has been grossly negligent, rather it is necessary to identify a "controlling mind".)

It isn't quite true that a 'controlling mind' has to be identified. Rather there must be a management failure which involves senior management. The Bill isn't as clear as it might be in identifying what kind of contribution a senior management failure must make to the deaths caused. It just says that the failure of senior management must be a 'substantial element' in the breach, I would have liked to see that tidied up a bit. I have real doubts about the intellectual credibility of the aggregation idea. This Bill is better than that I think. At least it requires that the breach can be attributed to the corporation as such, through its management structure, rather than to the individuals who it employs.

3) Is there a need for the proposals?

I have to say that I have my doubts. The homicide solution to deaths at work is, I think, unlikely to make a big contribution to improving health and safety standards. If this is intended to result in convictions of large corporations for deaths at work, I think that it is unlikely to have a great deal of success. The convictions are more likely to be towards smaller corporations. But in those cases we may have concerns about the disproportionate effects of convictions on innocent workers and shareholders who were not individually responsible for the breach. Of course, criminal convictions often have negative impacts on innocent family members, for example. But those impacts are not as direct as the impacts resulting from the imposition of corporate liability. It is hard not to see the proposals as encouraging a culture of blame where the target of that blame is unfocussed and unclear. When deaths on a large scale occur as a result of a workplace disaster, there is an understandable reluctance to attribute fault to the individuals whose failings resulted in the tragedy. The worry that those individuals' responsibility rests on a large dose of bad luck bites pretty hard in this context. That may lead us to look for someone else to blame. Corporations make an attractive target: we hold something responsible without identifying any individual or individuals who must feel responsible for the deaths. But that seems like a morally compromised position to me. Perhaps we should just live with the fact that public attributions of responsibility through the criminal law are not always the appropriate response when large scale disasters occur.

4) Among the underlying reasons for the proposals has been a sense of injustice felt by the general public that larger corporations have been able to shirk responsibility in light of the recent accidents in the transport sector and the workplace. Is there reason to believe that this Bill, if enacted, would increase the likelihood of successful prosecutions against corporations?

As I suggested earlier, I have my doubts about whether we will see many convictions of larger corporations. Their legal teams will be pretty good at setting up structures to protect them from liability and fighting prosecutions. I doubt that the incidental effects of that will be an improvement in health and safety standards either. It is smaller corporations that are more likely to be hit, I think.

5)a) In relation to promoting the importance of this bill has there been one party more influential than the rest, or has there been a consensus of the necessity and the content of the bill?

(For example, between: industry, unions, interested pressure groups, the general public, academics, the government)

b) Have the potentially conflicting interests created inconsistencies in the proposals that could detract from overall clarity and cohesion?

It's undoubtedly taken a long time to get the Bill going after a range of earlier consultations and proposals. And the Bill certainly feels as though earlier more expansive proposals have been rejected through the influence of the business community. But I can't say that I'm incredibly unhappy with the consequences of that.

Suvi Chi, 1st Year, LLB, University of Warwick.

Welcome to *the purple pages* for Spring 2007.

The purple pages aim to provide advice from various sources regarding careers.

We try and cater for as many people as possible but we can't fit everything into every issue. Please let us know if you have any specific careers requirements and we will do our best to help you.

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Defending the Best - a glimpse of life at the Bar

Interviews with Booth QC, Lord Hoffman, Vos QC, Wood QC, Phelps and Jackson.

'It was so cold last week that I saw several lawyers with their hands in their own pockets'. Leaving financial exploitation aside, there is a heteroclite point worth making about lawyers, particularly barristers, and their hands. Traditionally, Barristers did not shake hands with one another. Generally, the purpose of shaking hands was to demonstrate that people had no concealed weapons. It was and is unthinkable to even consider that a fellow barrister might greet another with a weapon, and offensive to suggest that such precautions were necessary as between colleagues at the Bar. Indeed, Barristers were expected to know one another, thus introduction or shaking of hands was supposed to be unnecessary. This presupposed intimacy and courtesy is reflected, for instance, in the exclusive manner they refer to each other in court i.e. 'My Learned Friend'.

Assumptions

The Bar is perceived, perhaps quite rightly, as a privileged coterie - a clique. The question is, is entry to the bar biased towards the affluent? Some think of it as a patriarchal exclusive club, dominated by public school and Oxbridge students - a place where women have no part to play. All this leads most of us to paint a most tainted, and partially distorted, picture of what life at the Bar is really like. I have interviewed a group of judges and barristers to ascertain their experiences of the profession.

The panel includes: Lord Hoffmann (Lord of Appeal in Ordinary), Geoffrey Vos QC (Chairman of the Bar), Cherie Booth QC (founding member of Matrix Chambers), James Wood QC (Doughty Street Chambers - Warwick Alumni), Rosalind Phelps (Fountain Court Chambers), Emma Jackson (3 Stone Buildings - Warwick Alumni).

The Bar is changing: but is it getting better?

The Bar had been organised as an association of the members of the Inns of Court by the 14th century. As Baker notes:

"The western suburbs of London were filled, by the 14th century, with the town houses or inns (hospicia) of the statesmen, civil servants and lawyers whose work brought them to London when parliament and the courts were in session...by the middle of the 14th century some of the inns had taken over the responsibility for educating lawyers."

The law students of that time followed an educational regime, with oral pleadings exercises (moots) and exercises based on writs. The 15th century inns of court and chancery together formed a law school referred to as 'the Third University of England'. After his elementary grounding, a student would seek admission to one of the Inns of Court as a student. He would spend seven years or so attending courts, performing in more advanced moots, attending lectures, and keeping commons with his fellows. After this, he might expect to be called to the Bar.

Nowadays training is very different. The growth of the legal market and globalization in the 20th century have revolutionized the legal profession. Lord Hoffmann exemplified this when asked for advice about joining the Bar. He responded:

"...my experience at the Bar lies too far in the past to be of much value to anyone thinking of joining today".

Asking Lord Hoffmann is tantamount to using an obsolete precedent in modern litigation. This is because the Bar has changed. "The Bar is getting better", in terms of providing access so as to make it more diverse says, Geoffrey Vos QC, present Chairman of the Bar of England & Wales.

Diversity: but does it really matter?

There are approximately 15,000 barristers in England and Wales. 32% of practising barristers were female but the figure does not reflect contemporary society. Indeed, 48.9% of students called to the Bar in 2005 were female hence suggesting that the number is increasing. I asked Cherie Booth QC about female representation at the Bar. Contrasting the statistics aforementioned with the position at the time she joined the profession. She recalled,

"I have no doubt that in 1976 when I was called being female was an undoubted disadvantage. For a start there were very few practicing barristers who were women. 1976 was the first year that the number of women called to the Bar got into double figures from 9% the year before to 16%. Many chambers still had a one female only policy. I can still remember one of my first cases outside of London when I went into the all male robing room only to find the whole room fall silent as I walked in which was pretty off putting for a 22 year old beginner. Luckily, things are very different today with women accounting for

nearly 40% of the people called to the Bar."

While this may be so, many people assume - with reason - that women are still being discriminated against at the Bar. Once again, I turned to Cherie Booth QC, and asked her what particular advice she would give female students aspiring to join the profession. She replied:

"the same as I would give the male students. You need to have a passion for a career at the Bar and you need to get as good a degree as possible and demonstrate a practical commitment to advocacy whether by way of drama, public speaking or mootng."

Exclusivity

Reforming the Bar isn't just about increasing diversity and equal opportunities. The Bar's recruitment process has been criticised for being secretive, exclusive and based on family contacts. Is this true? Or more importantly, is this still the case today? I probed Cherie Booth QC about this by asking her, 'is the Bar an exclusive club?'

"No I think I am a good example of a girl who was a first generation university entrant, with no private income or legal connections who still made it at the Bar. Nevertheless I am concerned that the costs of qualifying for the Bar, together with the uncertainty of a placement, is deterring some good candidates from applying, which is why I welcome the work of the Sutton Trust and the Bar Council to encourage diversity at the Bar."

In similar fashion, Rosalind Phelps opined:

"No. It is to some extent "exclusive" in the sense that many more people want to do the job than are able to. But it is certainly not a "club" if by that it is meant that the people in the profession only want to recruit people in their own image, or are inward looking. These days the Bar recruits on merit only: it would not survive if it did otherwise."

Statistical data helps us understand the mechanics of recent changes. The Bar is, however, dominated by the Oxbridge produce. This leads me to inquire: Is there a silent policy at the Bar that suggests preferential treatment is given to Oxbridge graduates? Rosalind Phelps, despite being an Oxbridge graduate herself, answered this in the negative. Therefore, there is arguably a recognition that as long as you are good, you will make it, regardless of where you graduate.

Many Warwick graduates have made it to the Bar. James Wood QC graduated from Warwick in the 1970's and now practices at Doughty Street Chambers, one of the leading Criminal and Human Rights sets in the country. He believes the Bar is no longer an exclusive club,

"it is an open profession, where selection is on merit, and connections will not help you get in. But also, yes, in the sense that we are a referral profession, only getting our

work from solicitors, and therefore without access to the high street and to the public. The concept of an "exclusive club" contains much of what I disliked of the Bar. The pomposity, and self opinionated character of (now very few) practitioners, with which the Bar has traditionally been associated, is now (thankfully) very much a thing of the past"

Education & Pupillage

Do you really need a First? What happens after University? How difficult is it to get pupillage?

Emma Jackson, barrister at 3 Stone Buildings and a Warwick graduate, points out that:

"It is definitely very competitive and if you want to go into areas such as commercial, chancery, tax and the like a first class degree is a definite advantage. This is particularly because as non-Oxbridge (or Bristol) graduates you will be part of a minority at the Bar that has to go a little further in order to prove yourself. That said, Warwick is certainly not unheard of amongst chambers, and I, and friends of mine, found that Warwick often formed a talking point in interviews, as interviewers are interested to hear about the sociological approach that Warwick takes to teaching law. The Bar is increasingly recognising the need to diversify so as to better reflect society, and taking applicants from a range of universities is part of this process.

It goes without saying, but getting involved in things such as mooting, debating etc and doing some mini-pupillages also helps with applications and interviews. I also attended a university dinner at Lincoln's Inn, whilst at Warwick, which was a very useful way of meeting people and getting a better idea of what life at the Bar was really like.

When it comes to choosing chambers to apply to, do your research thoroughly (and do a good range of mini-pupillages). Although it can be difficult, try to focus your application on a particular area or areas of law so that you come across as committed and genuinely interested in that particular chambers."

James Wood QC, a more senior practitioner, advised:

"Ensure you get a minimum of a 2:1. Do other things (jobs, voluntary work, work placements etc), which might cause you to stand out from the crowd. It is an advantage at the Bar to have some other experience of the outside world. Think carefully about whether you really want to go to the Bar, or whether you would be better off as a solicitor. It is very tough getting in nowadays. My normal advice to people is to become a solicitor, you have the idea of a career at the Bar coursing through your veins. Building a career at the Bar is very difficult now. Most junior advocacy is done by solicitor advocates in the Magistrate's courts. Solicitor advocates have higher rights of audience, and now frequently act as my juniors in

Crown Court trials. Moving from being a solicitor to being a barrister is easy, going the other way involves taking exams. Getting into the Bar is a nightmare. We have over 600 applicants in chambers for 6 pupillages, and one guaranteed tenancy each year. Only do it, if you are absolutely convinced it is what you want to do. It is a perfectly safe option to become a solicitor, and try out advocacy, and see whether you really want to specialise in it. When you are sure you have the necessary skills and the inclination, move to the Bar. Your experience as a solicitor will stand you in good stead at the Bar."

Mr Vos QC, Chairman of the Bar, gave me a few hints on what chambers look for in candidates. He stressed the importance of good advocacy skills, intelligence, incisiveness, personal and presentational skills and, above all, single mindedness. As he put it, "the object is to find clever people, irrespective of their social background." Despite the many scholarships offered by the Inns of Court, he recognised that there is indeed a lack of funding for intelligent students who are unable to cover the costs of training. Amongst many initiatives that he will be leading this year, he has recommended a scheme whereby funding would be provided by banks, thus supplementing the work done by the Inns.

Tradition

In 1614, the legal Scholar Davies pointed out that "the common law of England is tradition and learned by tradition as well as books." What is tradition's role at the Bar?

Mr Vos QC, points out that,

"The role of tradition in the law is based on precedent i.e. the written tradition of binding precedents and the doctrine of stare decisis, where the historical applies to the present. Modern developments have, however, ruled out tradition in many aspects of the way we practice. The introduction of the Legal Services Bill is a case in point. It will develop new professional structures that we are currently unfamiliar with."

Indeed, the Bar does arguably possess more traditional features than that of modern City firms. The wigs, the drama, the gown, the court room, the etiquette are among many other features which make the profession seem "traditional". However, this is all changing. As Mr Vos QC put it, "we're moving ahead, but not without careful consideration."

Barristers at the 'Bar': life/work balance

A solicitor working in a Magic Circle law firm has recently died following an alleged suicide because he couldn't cope with the working hours. A work/life balance is important so, what's the social life at the Bar like? The Bar is an extremely challenging profession - it requires, inter alia, exceptional intelligence, profound determination, resilience, and an ability to work independently.

Rosalind Phelps, a relatively new practitioner, gave a little insight on what the social life as a barrister can be like:

"There are two focuses for social life as a barrister: one is your individual set of chambers, and the other is the Inns of Court. As for the latter, you will be involved with this as a student barrister as you have to complete a certain number of dinners there before being called to the Bar. All four Inns also have informal bars which can act as a focus for socialising, as well as organising various events throughout the year; the extent to which you carry on socialising within your Inn after being called to the Bar is very much a matter of personal choice but the options are there. Individual chambers vary as to their atmosphere and cohesion. My own chambers is a very friendly place and we have frequent social events (chambers drinks at least once a month), as well as the inevitable client events."

James Wood QC adds to this, that

"There is a good spirit of camaraderie and friendship in the job. The work can be isolating, and discussing work in chambers and "down the pub" is much the same as for any other profession."

The Future of the Bar

Will the Bar survive? The answer is, quite simply, a positive one, despite what the Clementi Report may have suggested. "The Bar is positioned favourably in the context of Clementi" says Mr Vos QC, "the Bar has been growing. Before we inquire into whether the Bar will survive, one must first consider what is the role of the Bar in the legal market: What is the Bar? It's a profession of specialist advocates and advisers." Mr Vos QC, continues, "The Bar operates to a very high standard. But we need to retreat from the idea that it is a social elite and we need to widen access." Indeed, he rightly points out that the Bar as a profession will survive but it needs to readjust its accessibility to the values of contemporary society.

I asked Rosalind Phelps whether the Bar will still be around in ten year's time. She responded,

"The Bar will still be here ten years from now. Solicitor advocates have been around since the Courts and Legal Service Act 1990 but are even now very few and far between. The vast majority of High Court advocacy is still done by barristers and I do not think that is likely to change. One effect of Woolf reforms (as well as the stable state of the economy over the past few years) has been that there is less civil litigation than there was ten years ago. The likelihood is that this will continue in the future, and that commercial barristers will find themselves doing less court work and increasing amounts of other work such as alternative dispute resolution, arbitrations and tribunal work. But there will in my view remain a place for the Bar as specialists in advocacy and litigation/dispute

resolution for the foreseeable future."

This goes hand in hand with Mr Vos QC's description of the bar as a specialist profession doing a special kind of job.

James Wood QC echoed the defence of the profession, emphasizing the expertise of barristers:

"I have lived with the suggestion that reforms were going to see "the death of the Bar" since the start of my career in 1975. In fact the profession has adapted and modified well. My fundamental conviction is that an elite advocacy profession will always survive, and there will always be a need for a significant body of its work to remain publicly funded. We should not be afraid of reform, but should embrace it, and constantly work to modify the profession. The Bar is now a profession where racism and sexism are largely of the past and where intellectual excellence is rewarded in an intensely competitive market place for our services."

Learn from the Best

Those considering a career at the Bar should not be put off. Emma Jackson, barrister at 3 Stone Buildings, a top commercial set in London, graduated from Warwick with a First Class degree. She applied to 12 chambers and only got one interview. So do not panic! Even Mr Vos QC, the Chairman of the Bar, voted Barrister of the Year in 2003, a judge of the Court of Appeal of Guernsey and Jersey, found it difficult to secure tenancy when he was our age. As we were coming to an end of the interview, he said:

"The most salutary experience of any barrister's career is to be rejected..."

Truly inspiring words. Even if you don't make it as a barrister, don't torment yourself. A.V. Dicey, the constitutional theorist, was a failed barrister who then went to academia to become Vinerian Professor of English Law at Oxford and leading constitutional scholar of his day.

The Bar is evolving - it is no longer a patriarchal and exclusive institution. Traditions are accumulated over centuries and eroded by contemporaneity. Our very own precedential system suggests a tendency to look at and rely on the past. The examination undertaken in this article has demonstrated that the Bar is an extraordinary career, extremely rewarding, adaptable and welcoming to intelligent and determined individuals.



Lucas Bento, 3rd year, Law LLB, University of Warwick.

Advice on mini- pupillages

If you are thinking about a career at the bar, or are simply still contemplating life as a lawyer, a mini-pupillage is the ideal place to start. A mini-pupillage often consists of just one or two weeks work shadowing a barrister, spending time in chambers and in court. It is basically an unpaid insight into, in my opinion, one of the most fascinating and rewarding legal careers.

To secure a mini-pupillage isn't too difficult, especially if you apply locally. Often chambers offer a certain amount of mini-pupillages a year, particularly during the holidays, and a simple covering letter and a CV detailing your interest specifically in their chambers is often all that is needed. Unless you are applying to one of the big London chambers, an interview will often not be requested, so make sure that you really explain why in particular you want to experience life as a barrister and why at this particular chambers and in this particular part of the country in your letter. From my experience, chambers often look to take on students with a particular link to the area, and although not essential, this does help when applying to some of the smaller firms. I live in the North-East, and so far I have completed 3 mini-pupillages based in Newcastle, Middlesbrough and Durham. If you are looking towards a career at the bar it is also wise to try and experience spending time working in the different sectors of law, whether it be criminal, family or commercial, and details of the practice areas of different chambers can often be ascertained through web-sites or publications.

In my time with the barristers I have had experience in Criminal, Family, Personal Injury Law, and Dispute Resolution. My time was spent mainly in Newcastle and Middlesbrough Crown courts, but I also spent time in magistrates courts in Darlington and Northallerton. From this work experience I picked up tips on how to be an effective and impressive advocate, and also how to communicate with the client on simple, understandable yet professional terms. It is essential that a practitioner be aware on the exact tone required for each specific situation. I also discovered how much organisation and preparation is necessary to prepare for each case, especially when faced with numerous cases in the same day.

Although simply watching a barrister at work is insightful, a mini-pupillage also offers the opportunity to be involved with the practical side of life at the bar. I was assigned case bundles to work through by myself, to try and develop possible arguments for counsel. This required an ability to sift through a lot of information for key points, and use research through legal mediums to help underline the basis of my argument. It was surprising but also pleasing to find that a lot of the research and analytical skills that I have developed at Warwick, both through my degree and my involvement in mootings, came in useful when undertaking this type of work.

A mini-pupillage can often be challenging not only on an intellectual level, but also on an emotional one. I have witnessed first hand a rape trial of a teenage boy, who we were acting for. It was both interesting yet disturbing to notice just how much such a case can really examine the defendants personal life outside of the claim, particularly now that evidence can be submitted which can include in depth analysis of previous sexual history. Unfortunately I was unable to see the conclusion of the trial, as at the last minute new evidence was put forward by the prosecuting side, which had the effect of postponing the case. This was also an example of the unpredictable nature of life as a barrister; the expected glamour of the job is often compromised by frequent changes of schedule, meaning that one day you are turning down cases just to find out that your two week long trial has been moved. However this can be a positive aspect of the job, as no working day involved the same tasks, and something new and exciting (at least to me) seemed to be happening all the time.

So whether you are set on a career at a bar, or just want to broaden your horizons, a mini-pupillage offers the ideal way to experience first-hand life as an advocate, and might just persuade you to take the road less travelled.

*Anna Stubleby, 2nd Year, LLB
Law (with year abroad),
University of Warwick.*



A dynamic working environment

Life is never dull for Government Legal Service (GLS) lawyers. No-one could exemplify this more clearly than Martin Hemming, currently the top lawyer (known as the Legal Adviser) at the Ministry of Defence.



Interview with Martin Hemming by Belinda Brown

Since Martin joined the MOD (Ministry of Defence), which is part of the GLS, in January 1998, the UK has seen its most intensive period of military activity since the Second World War. It has also seen four Defence Secretaries - George Robertson, Geoff Hoon, John Reid and, most recently, Des Browne. Needless to say, Martin has needed to maintain close contact with each one.

Fortunately, he thrives on new challenges and change.

"Just after I arrived at the MOD, one of the first things to happen was the Government's decision to hold the Bloody Sunday Inquiry," he says. "At that time, the events under scrutiny were 26 years in the past - and now, nine years on, we await the Inquiry's report."

Military operations

Soon after that, Iraq came to the fore - dominating much of Martin's work thereafter - shortly followed by Kosovo in 1999, the military action in Afghanistan in 2001 after 9/11, and then the conflict in 2003.

In the middle of the 1999 Balkans conflict, Martin found himself attending a hearing before the International Court of Justice in the Hague. "It was, in effect, an unsuccessful attempt by Milosevic to get an injunction against the major NATO states to stop a war", he explains.

Unprecedented international litigation continued at a rapid pace. The relatives of people killed by an attack on a TV studio in Belgrade took the then 17 European NATO members to the European Court of Human Rights (the Bankovic case), alleging that the attack was a breach of Article 2, for which they were collectively responsible.

The Bankovic case

"Bankovic is a landmark case - the Grand Chamber said some important things about the nature of European Convention of Human Rights (ECHR) extra-territorial jurisdiction," says Martin. "The Applicants failed because the Court declined to find that they or their deceased relatives were within the jurisdiction of the Respondent states."

After Kosovo, the pace of events did not slacken for Martin. The legislation needed for the UK to be one of the first states to ratify the International Criminal Court (ICC) Statute was going through Parliament - a controversial step in some quarters. There was continuing UK military involvement in places like Bosnia and Kosovo, and Sierra Leone and East Timor. The UK was doing all it could to help the work of the International Criminal Tribunal for the former Yugoslavia, established in 1993 by the UN Security Council. "We knew that all the armed forces involved in NATO's 1999 campaign would be subject to ICTY's criminal jurisdiction, and only too aware of the importance of the right legal advice being given to UK forces involved in the action," says Martin.

More intensive activity

Then, in 2001, there was 9/11, followed by the military action to deal with AQ in Afghanistan that began 7 October. "After the Taliban fell, a lot of hard work was done by MOD lawyers over the Christmas period to settle the arrangements for the International Security Assistance Force (ISAF) - the military force drawn from many countries to give security support to the new Afghan government. Initially very much a UK initiative, it continues today doing a difficult and dangerous job under NATO auspices.

"Later in 2002, of course, began the sequence of events that ended with the war in Iraq in March 2003," says Martin.

All this called for legal advice from Martin and the other MOD lawyers, military and civilian, involved in operations. As we know, the military overthrow of Saddam was very quick. Then, in July 2003, Martin returned from leave on the day after the announcement of the Hutton inquiry into the death of the MOD scientist Dr David Kelly.

"The work connected with that inquiry seemed to completely dominate my life for the best part of three months," he says. "The actions of a number of people in the MOD were in the public spotlight, and it was important that the Department had the best legal support we could give."

Exciting and varied work

In spite of the constant upheaval, Martin greatly enjoys life at the MOD.

"The variety suits me down to the ground," he says. "We have really appreciative clients, and the work can be exciting and unpredictable in almost any area we deal with. We have five legal teams, one of which is in Bristol, and they are all seen as integral to the MOD's work. We cover a very wide range of legal subjects, from pensions to international work and major procurement contracts. I have been very lucky - in my time here I have always had high quality lawyers who have been unstinting in their commitment and dedication."

The complexity of a multinational

The MOD has people and property all over the UK and abroad, and employs some 90,000 civilian and 180,000 armed forces members. "It has the size, complexity and legal problems of large multinational," says Martin. "Pensions and employment related issues keep a large team very busy; being in the Services is very different from ordinary civilian employment. We've a large legal team too advising on all aspects of commercial procurement, as you would expect with an organisation that place contracts worth £18bn each year."

"We've just finished taking a 386 clause Bill through Parliament (now the Armed Forces Act 2006), which will create a single system of military justice - the first time this has happened in history." (There is presently a separate Act of Parliament for each military service - the Army, the Navy and the Air Force - each with its own courts-martial and prosecuting authority.)

"Now the huge task of bringing the Act into force by the end of 2008 is underway, ranging from drafting a large number of Statutory Instruments (SIs) to rewriting the Queen's Regulations and the manuals for the people who will have to operate the system," says Martin.

Before Government Legal Service (GLS)...

The world of the military is a far cry from Martin's early practice at the bar on the Midland and Oxford Circuit. "I had a mixed common law practice, mostly criminal, in chambers in Birmingham for eight years before joining the GLS in 1982," he says. "I was ready for something different and had always been interested in the political process. My slight regret now is that I didn't join the GLS earlier. It would have pitched me into really fascinating work at an earlier stage.

"Having said that, I know that my years at the Bar were an extremely useful experience. Having a background in criminal law and an advocate's understanding of how courts work has been of benefit in a number of posts I have held within the GLS."

...and before the MOD

Martin's first port of call as a GLS lawyer was the Treasury Solicitor's Department (TSol), where he took on a litigation post covering competition law. Three years later, in 1985, he made his first move to the MOD.

"I took over a novel contracting-out project, where the management of the two Royal Dockyards was being turned over to the private sector," he recalls. "The legislation required was very interesting and controversial - 75 hours in committee for a four clause Bill is unusual. The contract raised interesting issues. Several thousand industrial civil servants were being moved from the Civil Service to the employment of a company that was to be owned by a contractor for the duration of the contract."

Lord Denning, who vigorously opposed the transfer to the private sector (one brother was an Admiral, and another a General), intervened in the House of Lords to condemn the MOD plan. He defended the workers who, he said, were being treated like 'industrial helots'. "After Second Reading he sent a paper to the MOD ominously entitled 'The Lawyers Get It Wrong'," says Martin. "There followed several meetings with Lord Denning to talk about the law, but we stuck with the plan, withstood a legal challenge, and the contract went ahead on schedule.

The next steps

In 1988, Martin was promoted to what was then known as Central Advisory, where he initially looked after Central Civil Service management, along with clients like galleries and museums. "Single market business was on the agenda and with it the establishment of mechanisms to facilitate the return of illegally exported works of art - a subject of understandably deep interest to the London Art Market," he recalls.

After the 1992 election, Martin took up a post advising the Treasury in relation to banking supervision.

The world of banking

"In short, I covered anything to do with the Bank of England, which then had a supervisory role," he says. "I also covered EU law relating to credit institutions (aka banks) and was involved in changes in the Maastricht Treaty relating to EU finance.

"The major piece of work for me at that time was the implementation of the single market in banking. It was a huge exercise by Government lawyers and a new departure for banking. It meant that banks were able to operate in other member states on the basis of their authorisation by the supervisory authorities of their home state. It all sounds a little technical, but since the principal regulator of the Bank of Credit and Commerce International (BCCI) when it collapsed had been in Luxembourg, the subject had a degree of political and popular interest."

In February 1995, Barings Bank collapsed too, thanks to Nick Leeson - a financial scandal that rocked confidence. Another inquiry followed, along with some tricky legal questions over the publication of the report. Then, in 1995/6, Martin spent a lot of time commuting to Brussels with the Treasury to negotiate the two core single currency regulations on the practical introduction of the Euro. "Even though the UK was not participating in the Euro, the Government and the City of London had strong views and a great interest in the way it was all going to work," he says.

Finally, after the 1997 election - and before taking on his current role at the MOD - Martin worked on preparing the legislation which gave the Bank of England monetary policy independence, and created the Financial Services Authority (FSA). "The ground breaking legislation meant that politicians were no longer able to set interest rates," he says. "It also made some major reforms to the Bank of England's governance and established the Monetary Policy Committee."

The Bill was going into Committee as Martin left Treasury Advisory to return to the MOD as its Legal Adviser in January 1998. The rest, as they say, is history.

Training Contract deadlines

(for contracts commencing in 2009)

Allen & Overy LLP	31 August 2007
Ashurst	31 July 2007
Baker & McKenzie	31 July 2007
Berwin Leighton Paisner	31 July 2007
Bird & Bird	31 July 2007
Burges Salmon	31 July 2007
Clifford Chance	31 July 2007
CMS Cameron McKenna	31 July 2007
DLA Piper UK LLP	31 July 2007
Herbert Smith	31 July 2007
Jones Day	31 August 2007
Linklaters	31 August 2007
Lovells	31 July 2007
Nabarro Nathanson	31 July 2007
Norton Rose	31 July 2007
Olswang	31 July 2007
Reed Smith Richards Butler	31 July 2007
Simmons & Simmons	31 July 2007
SJ Berwin	31 July 2007
Slaughter & May	31 July 2007
Wragge & Co. LLP	31 July 2007

Life after law degrees - an alternative career in law.



Charles Hume read law at Oxford University, after which he became involved in the world of P&I insurance, and is now the Chief Executive of Ship owners' P&I Club in London. The club offers protection and indemnity to shipping vessels on a global scale. Mr Hume gives a personal account of an alternative career after a law degree.

It's probably true of many degrees but Law in particular I think trains your mind to absorb detail, to analyse and to distinguish facts, ideas and arguments, and those are skills which are probably relevant in lots of jobs but certainly in P&I insurance, which is basic third party liability insurance for ship owners.

It is a very specialised niche in the insurance market as a whole. One of the interesting features of insurance generally is that it must employ a very large number of people in the UK and the world as a whole, and in this country it has virtually no profile at all in schools and university careers offices or job websites. Most people, me included, seem to end up in insurance by accident but having said that I can't really speak for the whole insurance market but only our very little narrow bit of it.

Having come into it by the suggestion of my law tutor 31 years ago, what I can say is that it seems to me to offer a base for a law graduate to use their legal knowledge and learning in dealing with legal liability scenarios but also to have the opportunity of taking an overview of them rather

than getting too bogged down in paperwork, detail and procedure. I sometimes say that I know enough law to keep the lawyers that we use on their toes but not so much that I can't call in lawyers if the case demands it, usually once legal proceedings are underway. Most of the insurance claims that we deal with are handled by us without recourse to lawyers and as we are the paymasters, we decide which way they are going to be handled. This is another distinction from being a lawyer - we give instructions; lawyers have to receive them.

Another good reason for coming into P&I is the international dimension. It is at the heart of international trade and commerce (a good option to be doing as part of a law degree if it is available) and offers a really good way of both getting to know other cultures and also understanding how the world works. There are loads of opportunities for travel, or overseas postings, as well as meeting people coming through London which is a major commercial centre. The shipping dimension to P&I insurance is also very satisfying, even to a non-sailor like me, because you are not just dealing with high finance but with real people at sea in real ships which still face all sorts of hazards. There is a very important human element to the insurance that we provide and, on the whole, people who own ships and people who go to sea are wonderful people in being extremely self-motivated but also very balanced and reasonable.

Having never qualified as a lawyer myself, beyond my law degree, I would not now actually recommend that a graduate doesn't qualify. I have been lucky to go through a career when it hasn't been necessary, but the world is changing and I think that, having put in the hard graft, it is worth doing the extra couple of years to get the qualification. It is always then available as a long stop. We are actually putting someone here through solicitors exams at the moment, him having joined five years ago with just a law degree, so it is certainly possible (albeit hard work) to do them concurrently with a job but it is certainly worth doing them at some time, and sooner rather than later, I think.

For more information on P&I Clubs or on Charles Hume refer to www.shipownersclub.com

Interviewed by Elizabeth Coton, 2nd Year, LLB, University of Warwick.

Magic Circle etiquette

A look at vacation schemes with Magic Circle firms.

1. For those who are soon to have interviews, what advice would you give with regards to etiquette in magic circle firms?

Etiquette in the magic circle is no different from that required in any professional commercial setting. You are expected to behave, as a future trainee so your supervisor, graduate recruitment and anyone else you may come across will expect you to behave in a manner that is appropriate. Small things like ensuring you open doors for others, drinking from a glass not the bottle, enunciating clearly and appearing (if not being) comfortable are more obvious but still important.

It largely depends on your personality; you should do whatever you find comfortable, so you do not have to ask questions at every presentation, or laugh hardest and loudest at every joke, so long as you are able to make your presence felt.

2. How did you prepare for your interviews, what preparation would you say is most important for any law firm interview?

Other than keeping up to date with commercial

events via the FT, the Economist, I was also a frequent browser of a number of websites, 'Legalweek', 'The lawyer', even 'RollonFriday'. Of course, I found it useful looking at the websites of the firms and keeping abreast of their latest deals and developments. But of most use was reading what was written about the firm from third parties, market analysts, the IFR (International Finance Review). The most important piece of preparation I would say is knowing exactly why you are applying to that firm, what sets it apart in the market, how it connects to your strengths and interests. Speaking to trainees and associates at firms is invaluable as you can judge a lot about a firm based on its employees, especially its trainees. So, it is important to attend campus presentations, not just for the free wine and chicken, but to get those invaluable business cards and to make a lasting impression. Rehearsing your presentation and preparing good questions should not be undervalued.

3. You took part in 3 vacations schemes at magic circle firms, what feature(s) would you say was common to all (with regards to firm culture)?

A common culture would have to be a shared strive for excellence and a drive to satisfy the client, this, however, is true of most commercial entities. What I found most intriguing, were the differences between the firms. Each firm has its own personality, and its employees and culture reflect this, I learnt early on that stereotypes and rumours about particular firms usually ended up being unfounded. The most important thing is to find a firm that reflects your personality, and an environment you find stimulating and challenging because the likelihood is that you will be spending a considerable amount of time there, provided you are made an offer.

4. How demanding did you find the vacation schemes? Were there variations in what was expected of you?

A vacation scheme is an incredibly subjective

experience and people will on the whole have differing challenges and opportunities. The vacation scheme depends on numerous variables, which are out of your control; who your supervisor is, the state of the market etc. What you can control is how you behave when opportunities come your way. I found my vacation schemes to be very challenging, because I was able to connect with my supervisors and trainee 'buddies'. As a result of this I was given, a wide range of tasks, such as sitting in on conference calls and attending client meetings. An enthusiastic attitude, competency in terms of taking instructions and knowing how and when to ask questions are all that is required.

The majority of work you will do on a vacation scheme does depend on how confident your supervisor is in you, work may consist of reviewing documents, making amendments and conducting research. Most law firms will also have individual projects for their vacation scheme students to complete. You are then given feedback on your project at the end of the scheme.

5. What was most interesting about the vacation schemes? Did you have any unusual tasks assigned to you?

The most interesting experience for me was going to Madrid and working in the Corporate and Competition department of a firm during my vacation scheme. It was a huge learning experience for me, both as an insight into a new culture but also adapting to the demands of a more intimate but very busy branch of a magic circle law firm. Far more responsibility is handed to trainees in such offices. I was able to work directly with the managing partner and found it to be an incredible learning exercise; watching how he operated, dealt with problems, spoke with clients and most importantly his work ethic!

During the summer, I was asked to prepare research documents for client pitches and departmental presentations. I had to give an individual presentation to my department on the work I had conducted that week on another

occasion, I was also able to draft my own legal opinion on an area of commercial law.

6. Many say that vacation schemes are in a sense 'two week long interviews', did you feel a certain amount of pressure at any of your law firms, and how did you deal with this?

There was no real pressure placed on me by the firms. There was a healthy competitive environment amongst the students in the first couple of days, but as we got to know each other there was a genuinely friendly attitude. The vacation scheme is an opportunity to impress or not. I found the best way to deal with pressure was to be enthusiastic about my tasks, speak to as many people in my department as possible and try to enjoy the experience and make my mark. Law firms I would argue want people who are not awed or cowed by their surroundings, the ideal candidate is someone who has a quick grasp of matters, is enthusiastic to learn more, sociable in the sense that they have an informed opinion on matters and can hold and generate a conversation.

7. Finally, any additional advice on 'magic circle etiquette'?

Getting a vacation scheme is a brilliant achievement in itself, however if you do not get an offer or an interview after do not panic, the experience itself is invaluable and will give you more opportunities. Being enthusiastic and confident are probably the most important attributes to succeed as a vacation scheme student. Oh yes, and always have your notepad and pen at hand, the worst thing is to have to ask the person to repeat themselves. And also, it helps you to summarise your experiences.



Deji Adegoke, 3rd Year, LLB, University of Warwick.

Successful job interviews made easy

Practice makes perfect. There are no shortcuts to making a professional impression in a job interview, and the skills required can be attained through other means rather than making the mistakes yourself. Here are some useful tips to avoid any mistakes.

Preparation:

Nichola Crilly, Trainee Solicitor Recruitment Officer at Taylor Wessing LLP advises you "to do a breadth and wide range of research, so read about firms in publications, journals, websites, speak to people at law fairs, sponsorship events etc - so you get a rounded view of the firm and then are able to justify why you have applied."

A second piece of advice before the actual job interview is to sit in front of a mirror and rehearse talking about your CV and possible questions in a relaxed and confident way. Even if you have experienced everything that you have stated in your CV, there might be parts which you do not remember in detail, and the interviewer will expect you to know everything down to the last detail.

Unique selling points:

Find your so-called Unique Selling Points (USPs). To make it easier for you, all the people who have been asked to attend an interview fulfill the formal requirements, so forget about telling the interviewer that you have a law degree. Every person is unique, and despite that fact that most companies have similar requirement profiles, it is a very good idea to look at a firm's individual profile and try to match it with your USPs. I am from Sweden. My nationality is not an asset for the company, but my understanding of the cultural differences between the UK and Sweden is an asset for the company, and one of my USPs. In practice I have a handful of USPs which make me invaluable to the company.

Nichola Crilly continues to advise us "have lots of evidence and examples to explain the competences that are required for the jobs which will be communication, leadership, responsibility, team work etc."

Techniques:

Keep it short and simple - the KISS role

Interviews are there to get a picture of you, so give them a quality answer, just as you answer a question in your assignments, but with fewer words. A tip is to use specialist terms when answering the question, but the examples you are giving must be simple, because you know more about the background to the particular situation, something the interviewer will be unfamiliar with. My strategy is to give them a concise answer in one or two sentences, and then add a personal example.

Concentrate and dominate

Concentrate and dominate means that you will act in a confident way and proudly tell them about the choices you

the purple pages

have made in life and why, not making excuses for the experience that you do not have. Companies want confident employees who are proud of the work that they are carrying out. If someone would ask me why I did not choose to study history, I would simply say that I found greater interest in legal studies and tell them about the logical reasoning skills I have gained, or draw some references to some legal philosophers. The trick is to see yourself as a salesman where you are going to focus on the good things, but the customer will always argue that the price is too high.

If you are going to be interviewed by a number of people, write their names on a sheet of paper in front of you. In that way you can use their names when you talk to them - people enjoy hearing their name.

Be yourself

We are all human, and there are interviewers who explicitly look for failures in your past. One of the reasons for doing this is to make sure that you can admit when things have gone wrong. The best thing is to give them a straightforward answer, as well as what you have learned from this particular experience.

Typical questions:

Describe your personal qualities?

This is a very common question to start the interview, mainly because the interviewer assumes the interviewee to be familiar with the topic. A tip is to not state the dates of your experiences, the interviewer wants to know what you have been doing so he or she can ask you follow up questions where your experiences are of interest for the company. The interviewer will also be able to analyse how you present yourself with regards to your background considering your confidence, communication skills, and how you choose to describe your characteristics.

What have learnt from your past professional / extracurricular experiences?

The interviewer wants to know what professional skills you can bring to the company and to the position for which you are applying.

A tip is to try to convey a picture of eagerness to continuously achieve more. This will tell the interviewer that you will increase your competence in your field. It is a total sin in this situation to give a picture that you already know everything you need for this position. That will basically just tell the interviewer that you do not have a realistic picture of what is expected of you.

Why have you applied to us, what do you know about the company?

This question is asked to find out if the interviewee has selectively or coincidentally applied for the position'. Katy Edge, Trainee Solicitor Recruitment Manager at Burges Salmon LLP told me in a written interview that the successful interviewee "really understands what a career as a commercial solicitor involves - a thorough understanding of the job is vital and you would be surprised by how many candidates don't really understand the role".

Moreover, they will also be able to analyse your expectations and how you think you will be an asset for that company or position. You need to do your homework in your preparations. The job advert will tell you some, but also the general presentation materials will tell you what the company is aiming for.

Katy Edge continued to advise, "Definitely make sure you have done your research on the firm. This is so important and not too difficult - look at 'thelawyer.com and lawcareers.net' for the most recent news and deals."

What was your biggest success/failure?

You need to consider which examples you can use for this purpose. The interviewer wants to know how you deal with failure and success, as well as self-criticism. Therefore, do expect follow-up questions. Many people are afraid of giving a bad picture when they are describing something they conceive as a mistake done in the past, but even a failure will tell the interviewer that you have learned and gained knowledge about things.

What are your biggest strengths/weaknesses?

This question is very common in job interviews, because they want to know what kind of picture you have of yourself. You should adapt your answers to the position. A common answer for lawyers is that they take interest in helping other people, and the example could be that you easily get along with new people, which you have learned from your studies in a new city or country. When discussing your weaknesses, be sure to emphasize the measures you are taking to remedy the problem.

Why should we hire you?

This is often the last question, and the interviewer wants to know about your capacity, confidence, and aims in your life. This is a very open-ended question which requires you to analyze how well your profile fits the position. For a training contract demonstrate your commitment to a legal career and formulate arguments about the future. The interviewer is at this point aware of your background and wants to see how this will benefit the company in the future.

Katy Edge at Burges Salmon finishes off by advising that

you must have made sure that "you have thought carefully about your reasons for pursuing a career in law. If you aren't sure about being a solicitor you will find it very hard to persuade the interviewer!"

Questions to the interviewer:

At the end of the interview the opportunity to ask questions is another chance to demonstrate your interest in and commitment to the firm. Avoid asking questions to which the answers could be found on the firm's website

How will you (professionally) support me the first months at work?

This question will show that you are aware that you need to learn many new things in your first period of training.

What do you expect from me in regard to the position I am applying for?

Even if you have created a picture for yourself from the job advertisement and other sources, this is the moment they will clarify their expectations. The earlier you can ask this question, the easier it is for you to adapt your answers to the position.

What is the work life / balance like at this firm?

Even if you are fully aware of the normal working hours in the business, this shows that you are a person that takes an interest in their situation and may show a willingness to adapt.

Staffan Westman is a 3rd year student, currently at the University of Giessen in Germany, on the European law program. He holds a degree in Business Administration from studies at Universities in Sweden, Germany, and the USA.

obiter dicta

Summer 2007

Get your work published!

The theme for the next edition is:

*'Justice - an
unattainable
ideal?'*

Articles on other subjects are welcome.
We welcome regular news, views, features and reports
on Law Society activities.

Send in your contributions to:

OD@warwicklawsociety.com

Deadline for Submissions:
End of week 6 Term 3.

Law Society
WARWICK

Socials:



This term has seen an amazing array of socials with the wonderful participation of our Law Society members.

The Law Society pub quiz, sponsored by Nottingham Law School, was an excellent way to bring the month of January to a close. A huge turnout at Kelsey's Bar in Leamington Spa ensured a night of fun and pub quiz games, dancing, drinking, and mingling with friends. Those who came were able to take advantage of the £1,000 put behind the bar for drinks, and take part in the competition for the prize of £100 of Waterstones' vouchers generously offered by Nottingham Law School.



Nottingham Law School has made certain that their best quality professional LPC or BVC will not involve a boring year's worth of study. They have been the only law school to offer an LPC consistently voted 'Excellent' by the Law Society in every one of its quality audits, and their BVC is acknowledged within the Bar as a market leader. With an excellent reputation, very high professional standards are both expected and taught, but nonetheless, students have maintained that every year staff and students form a strong sense of community that regularly take part in sports, social, and students events.



For anyone looking further South, it might be helpful to know that Nottingham Law School has recently partnered with Kaplan Inc in London, and will be opening LPC and GDL courses in September 2007, and the BVC the year after. This means that those London-focused students should not shy away and feel neglected!



All in all, the prestigious Nottingham Law School provided a great night out in Leamington for us law students. A huge thank you goes out to everyone who came, participated in the quiz, and helped us consume the gargantuan amount of alcohol behind the bar.

And if an astounding pub quiz wasn't enough, Week 5 brought 'If I wasn't going to be a lawyer, I would be...' - a pre-Law Ball fancy dress social sponsored by Olswang. Olswang are a full service firm with strong roots in media, communications, technology and real estate sectors, the Chambers & Partner Directory 2005 even commented, "The firm's media client roster reads like a who's who of famous players." Whereas the law social roster read more like a 'you're meant to be who?' than a 'who's who', an incredible effort was made by all and for one night only the Chicago Rock Café in Coventry was home to a star-studded cast of lawyers dressed as film characters!

The event was an exciting mix of Hollywood and Bollywood with a scattering of cocktail dresses providing a splash of class to what can only be described as a truly surreal evening. The night ended with many of the 'stars' taking celebrity treatment to a new level by dining in one of Coventry's most reputable Indian restaurants...one can only hope that fame and fortune had also made their way to their bank accounts the following morning.

OLSWANG

Our thanks goes out to the firm that allowed us to adopt this ethos and take imagination and creativity to a new unforeseen level in the way that only law students, alcohol and fancy dress can. As well as sponsorship, Olswang provided posters and tickets created and printed in-house. Further information about Olswang can be found at their website www.olswang.com.

Thanks to those who came and we look forward to providing you with more social events next term, and with events ranging from comedy nights to day trips there's no reason to miss out!

Mooting - Anna Stublely and Sapna Modi

This term mooting has continued to thrive full steam ahead with the successful commencement of the first round of the Herbert Smith Internal Mooting Competition. With an astounding 37 teams competing, all mooters deserve astute credit for their excellent performances. The moots were kindly judged by the Herbert Smith team and the Warwick Law Society would like to extend its thanks to the solicitors for their expertise and generosity in bringing the competition to a fantastic start. With a lovely social held afterwards, we hope that all mooters and judges alike enjoyed the day. We would like to wish all mooters every success in the following Internal Competition rounds to come and hope that the first rounds victories has left everyone energised and ready to go!



Furthermore, in regards to external competitions, the Warwick team is pleased to announce that it has reached the fourth round of the Midlands Universities Mooting Competition, and we wish the mooters every success in their moot being held in the upcoming month.

Last but by no means least, clerking has been a roaring success this term. Every successful moot requires a vigilant clerk. The importance of introducing the judge, keeping each mooter to their respective time limits and ensuring the overall smooth running of the moot cannot be underestimated. Clerking requires a keen eye for detail and we hope that all clerks have enjoyed their experiences so far. The establishment of a concrete reliable team of clerks is extremely beneficial to us all and we hope that this area of mooting will continue to flourish.



To end, we would like to again advise everyone from mooters to the simply curious to look at the mooting guide in place on the Warwick Law Society website. A moot is a fun but structured activity, and we urge you all to ensure that you stick to the formalities required. Should you have any questions at all, please do not hesitate to contact us, or approach us at any mooting event!

We wish everyone good luck in the upcoming second round moots and once again, from your Warwick Mooting Officers, happy mooting!

Sports Officer - Mike Reed

This term has proved fairly frustrating for the Law Society sports teams, with three tournaments all cancelled for different reasons, the latest in Leicester due to the heavy snow in early February. However, with only one game of the season remaining, the Law Society Football Team look set to finish 2nd in the KPMG league and advance to the knockout stages.



I myself have been carrying out the preliminary planning for the Burges Salmon Sports Tournament to be held in Warwick on October 27th, which we are all looking forward to.

Watch out for more sporting opportunities in Term 3 and don't forget to come and support your Law Society teams, those of you not taking part!



Publicity - Ailidh Kirby

It has been a busy term for the Publicity Committee in terms of bringing the information about the amazing Law Ball to the general populace. The whole of the Law Society Exec and the Publicity Sub Committee became deeply involved in spreading the word about the Ball. We all became immersed in handing out flyers, hanging posters, attending student nights (especially TopB!) and just generally working hard to reach the ears of all the students and beyond! This term witnessed a greater input from the Sub Committee members as they became requested for specific publicity commitments and did not fail to produce excellent results! Next term the Law Society has many more exciting events planned for all of its members and the Publicity Committee will not fail in delivering the important information to the members, so keep your eyes and ears peeled!

First Year Representative - Natasha Jain



As first year law representative, it is hard to believe that this term is nearly over, but with the rapid progression of events, so much has been achieved. For the first years, the term started off with two essays due in, which despite being very tough, were handled exceptionally well, and consequently people achieved some great results. I think this was when most of us found the mentoring scheme most useful, because we were thrown into the deep end and expected to write an essay based on topics we hadn't previously studied, or without having written a law essay before. I think most of us will agree that our mentors advice and experience made the work load much easier to handle. In addition to this, we had to pick our module choices for next year, which baffled a lot of us, as we had never heard of a lot of the subjects offered to us. However, thanks to the Law Society, a module choice day was held which allowed the first years to talk to older law students about specific subjects, gaining a better understanding of what to expect in the module, and also a more personal view about the work load and the benefits of the subject for the future.

Also, this term, the law society organised a social at a bar in Leamington, with £1000 behind the bar, which obviously went down extremely well with us first years! It was a really good event and loads of people turned up which added to the atmosphere! I think it was really encouraging for the first years because it showed that even so far into the second term, you can still always make new friends! Speaking of successful events, the Law ball 2007 was absolutely fantastic! Everything was perfect, there has been so much positive feedback, which shows that the exec's hard work, and the fluorescent pink t-shirts, really did pay off.

Overall being on the exec, this year has made university so much more interesting, and I have made some really good friends. It is nice to be involved in the organisation of such big events, and to see what happens behind the scenes. Watching the rest of the exec work as hard and have as much determination as they do it is truly inspirational and a reason for all of us to feel motivated. I feel so lucky to have been elected and I advise all of you to try out for the elections held for the next year's executive. I hope that this term, and your general university experience has been as progressive and as fun as you have wanted it to be and that it will continue to be for the rest of the year.

obiter dicta

Calling future editors!

We have thoroughly enjoyed being editors of the magazine this year and can truly say it has been a worthwhile experience. The magazine, can involve a lot of time and dedication but with a supportive law exec and sub-committee this is all made a lot easier.

Being Obiter Dicta editor provides an opportunity for law students to engage in their creative sides whilst creating a publication that is a voice for students and welcomed newsreel on the goings on of the Society. Of course being an editor also comes with its perks as well!

We are very keen to make sure that the magazine is passed on to capable and enthusiastic hands, therefore if you feel you have what it takes to be one of the next editors then, please, do not hesitate to contact us OD@warwicklawsociety.com. We can arrange a meeting to bring you up to speed on all that is involved and help with manifestos.

Good luck!

Internal Affairs and Welfare - Sarah Rogers



My work this term has mainly focused on module choices. After some very productive communication with the Law School, we have managed to make some significant changes to the module choice handbook, making the course descriptions more accurate, including statistical data from previous student feedback. I hope that this makes the difficult choice of deciding what modules to choose a little easier as students will have a clearer idea of the strengths and weaknesses of a particular module. Furthermore, this demonstrates that the feedback we all give at the end of each module is not useless or thrown in the bin! In the handbook, tutors directly refer to the results of the feedback and explain the measures they have taken to address any criticisms.

To compliment this new handbook Internal Affairs and Welfare, with the support and kind cooperation of the Law School, ran a module choice day. It enabled students to come and informally chat to students to gain a better idea about the content and teaching structure of specific modules. The day was a huge success thanks to the goodwill of the students that helped and the Law School are currently discussing adding it as a permanent event!

The mentoring scheme was particularly useful for students panicking about module choices. We are currently planning another social for the mentoring pairs, sponsored by Addleshaw Goddard, but in the meantime please try and contact each other at this busy and somewhat daunting time in the academic year.

I hope everyone that attended the Law Ball had a great time and didn't feel too sick after gorging on the chocolate fountain. If you have any feedback about what you loved or hated on the night please email me. The Law Society is ultimately here for its members!

And I end on a plea: PLEASE fill in the student feedback forms honestly and constructively. Your feedback is invaluable in conveying student opinion to the Law School and providing an image of the course to future students.

Pro-Bono - Jane Randell

This term has been just as busy as the last for the Pro Bono Department. New projects have started and existing ones have been extended.



The biggest change has been the arrival of Rebecca Boke, the new Pro Bono Coordinator for Warwick Volunteers. She is currently working three days a week, researching into pro bono opportunities for students in the local area as well as creating training sessions to help those involved gain the skills required. I, along with many of the project leaders, have been working closely with Rebecca this term to ensure that both students and those in the local community can benefit from these projects. Much of the ground work is being done at the moment and we hope that many of these projects will get started either next term or at the beginning of the next academic year.

Street Law has been a great success this year. Most of the groups have already been into the schools to give their presentations, with the topics ranging from homicide to terrorism. This term the Street Law project has extended its remit, and now includes the Jigsaw Project - a youth group at the Coventry Refugee Centre. The project leaders have been gaining feedback and it has been overwhelmingly positive. We hope to maintain good links with all the organisations involved to be able to build on the project for the coming years.

After stiff competition for spaces, the Justice Project has got underway this term. The students involved are currently undergoing training and are eagerly looking forward to dealing with case work.

Several of our students - under the watchful eyes of Graham Moffat - have been assisting a Warwick graduate create a charitable trust to help young people get into the arts. It is an exciting new initiative and the legal advice the students are giving is helping it get off to a great start.

As you can see, the Pro Bono Department is constantly expanding. However if any of you have any ideas about new projects that you would like to see implemented (especially in the Leamington Spa area) then please let me know. Any new suggestions would be great!

Keep up to date with the Law Society through our website:

www.warwicklawsociety.com

elections:

Make sure YOU get involved.

It will soon be time for the 2006/07 Law Society exec to hand over to a new team of enthusiastic law students ready to take the society to the next level. If you have a drive and commitment to seeing this happen then make sure that you gain a position on the Law Society Exec for 2007/08.



Being on the Law society executive committee is a great opportunity. As well as the chance to make new friends, you can add to the whole university experience. If you feel that you can add more to the amazing ball that took place this year, want to be more involved in your fellow students welfare, have a natural aptitude for IT, love sports or just want to make sure that everyone knows about our amazing society then make sure that you sign up in term 3 and get your manifestos ready!!

The positions available for 2007/08:

President	(1 Post)
Treasurer	(1 Post)
General Secretary	(1 Post)
Mooting Officers	(2 Posts)
Co-Editors of Obiter Dicta	(2 Posts)
Pro Bono Officer	(1 Posts)
External Affairs Officer	(1 Posts)
Internal Affairs and Welfare Officer	(1 Post)
Social Secretaries	(2 Posts)
Publicity Officer	(1 Post)
IT Officer	(1 Post)
Sports Officer	(1 Post)

These positions require time and dedication, however being on the Law Society exec can be extremely rewarding and a great position, even if you decide not to run for a position make sure you attend the elections to support your friends, and after all this is your society, you should have a say as to who runs it!

The Elections will be held in May, keep an eye on the Law Society notice board and Web site for more information. The position outlines will be available nearer the time.

Voting

The University of Warwick uses the Single Transferable Vote (STV) system. Instead of just voting for one candidate, you list your preferences for each post in order e.g. 1,2,3 etc. This method will be explained on the day.

Good luck!

Law Society
WARWICK

the *presidential* address



The ability to concentrate and to use your time well is everything if you want to succeed in business--or almost anywhere else for that matter. -Lee Iacocca

This has been another successful term for the Law Society. We have been busy

across all programme areas providing academic support, volunteering opportunities and, of course, the chance to have a great time away from campus. Mariam and Zoe have worked hard to put together this edition of the *Obiter Dicta*, which focuses on the issue of Law Reform and provides the opportunity for students to explore the continuing development of the legal field.

Sarah Rogers, the Internal Affairs officer, organised the first-ever Module Choice day at the Law School, giving students the opportunity to explore their academic options more thoroughly than ever before. The day was extremely successful and the Law School is considering making it an annual event. I think all students will be thankful for Sarah's efforts to ensure we can make informed choices about our elective subjects.

This term we also saw two popular socials organised by Maria Wall and Joelle Dudelzak. The first, sponsored by the Nottingham Law School was held at Kelsey's in Leamington and the second, sponsored by the law firm Olswang, was held in Coventry. Both were well attended and provided a much-needed opportunity for everyone to have some fun.

The Herbert Smith Internal Mooting competition continues and the final round will be held in May. Be sure to attend the final to see high level mooting between the two best teams. Anna Stublely and Sapna Modi have done very well to coordinate the busy schedules of students and judges alike.

The Law Society football and netball teams, ably guided by Sports Officer Mike Reed continue to practice and play in their leagues. The External Affairs Officer, Matt Butter, organised applications, interview skills sessions with some law firms, and continues to make sure that students

know about relevant career development opportunities available to them. Natasha Jain, our First Year Representative, provided much needed support to all the programme areas of the Law Society and has ensured that we incorporate the first year perspective into the Law Society's work. Ailidh Kirby, the Publicity Officer, and Nick Prussakov, the IT Officer, both continued to work tirelessly through the term to provide support to all areas of the executive.

Last, but certainly not least, this term we held the Law Ball at the Hilton Birmingham Metropole. Organised in collaboration with the Banking and Finance Society, the Ball was an unprecedented success with all attendees appreciating the beautiful atmosphere, the delicious food and, of course, the great entertainment. If you missed out this year, don't forget that this is an annual event! Our thanks go to the Union, especially Gerard Henry and Nikki Smith, and to Rachael Smith and Leena Chatwani of the Banking and Finance Society. I would like to extend my personal gratitude to Caylie Maybour, Shahana Chatterji and the entire Law Society executive and the sub-committee members for their efforts and enduring support in making the Law Ball such a success.

Now to the future. It will soon be time for this year's Executive Committee to end its tenure and to hand over responsibility to a new team. If you believe that the work of the Law Society is relevant and important to the student experience here at Warwick and would like to contribute to its work, please do run for a post. It is essential that individuals who are willing to commit their time and energy to the Law Society's work get involved and continue the fantastic work the Executive has accomplished this year. Elections for the Executive will be held in May and we will distribute more information as it becomes available.

Good luck with all your assessments and with exam preparation. Sunny, warm days are just around the corner, so make sure you have time for some fun as well!

- Devika Sahdev