

FACULTY OF LAW

MONA

Year ending July 31, 2012



**Derrick McKoy, JP, LLB *UWI*, LLM *Lond*, MBA *Barry*,
DBA *NSU*, PhD *Leic* – Dean**

Overview

Highlights

Academic Achievements

The 2011/12 Academic Year was an historic one for the Faculty of Law at UWI. On July 31, 2012, after 42 years of its existence, the Faculty of Law was disestablished and replaced by three Faculties of Law, one on each of the main Campuses of the University of the West Indies. In keeping with the best practices observed over the years, the new Faculties of Law have agreed to retain a common curriculum and harmonized regulations. In the case of the LLM programme offered at Cave Hill, lecturers at the Mona Campus will continue to teach on these programmes. Mona will offer its LLM programme in the coming academic year.

The Faculty of Law Building at Mona was officially opened on 3 November 2011 by the Honorable Delroy Chuck, then Minister of Justice of Jamaica, who also served as guest speaker at the Opening Ceremony. On 6 March 2012, His Royal Highness, Prince Henry of Wales toured the newly established Faculty of Law and unveiled a plaque at the entrance to the building to mark the occasion of the Diamond Jubilee of Her Majesty, The Queen. In the course of the ceremony the Vice Chancellor, Professor Nigel Harris, conferred on Prince Harry the title of Honorary Fellow and awarded him a silver medal to mark the occasion of his visit to the UWI, Mona.

The 2011/2012 Academic Year marked the completion of the first three-year cohort of students in the Mona Law programme. This will be the first time that the Mona Campus will have a distinct graduating class in law. The Faculty declared 71 LLB degrees, seven of which were with First Class Honours. The majority of these graduates have moved on to the Norman Manley Law School to pursue the Certificate of Legal Education and be called to the Bar.

In the same academic year, the Faculty enrolled 252 new students; two-thirds of those went into the full-fee paying programme. There were an additional 200 students returning to Parts II and III of the programme.

Extensive work is being done by members of the academic staff in the Faculty which will be widely cited and used as texts.

Staff Achievements

Natalie Corthésy, Lecturer in the Faculty of Law with specialization in Intellectual Property Law, hosted a series of seminars in collaboration with the Jamaica Anti-Piracy Alliance (JAPA). These seminars spanned April 2011 to April 2012. The seminars were designed to strengthen the legal framework to combat piracy and were well supported by Resident Magistrates from across the island.

Tracy Robinson began her four year term as a Commissioner on the Inter-American Commission on Human Rights in January 2012. In March she was elected as First Vice President of the Commission. She serves as the Rapporteur for the Rights of Women of the Commission.

Derrick McKoy, Dean of the Faculty, published a book entitled *Corruption: Law, Governance and Ethics in the Commonwealth Caribbean*. The launch was held in the Faculty on 14 March 2012 with Professor Trevor Monroe serving as Master of Ceremonies. This book was cited in a Book Review article in *The Sunday Gleaner* of January 1, 2012 as being “nuanced towards policy formulation and could become the first in a series of academic as well as more practitioner-oriented publications dealing with corruption in the Commonwealth Caribbean”. It is expected to be widely used as a reference text for a number of core law courses.

Gilbert Kodilinye, Professor in Law, is the leading Trusts lawyer in the Commonwealth Caribbean. During the 2011/2012 Academic Year, he published a new edition of the book *Commonwealth Caribbean: Law of Trusts 3rd edition*. This was released in September 2012 and awaits official launch. This new edition, like previous editions, is expected to be the primary text for Trust Law courses in the Caribbean.

Conferences, Seminars and Guest Lectures

A Roundtable Discussion on “The Caribbean Court of Justice, its Judicial Protection of Human Rights and Access to Justice” was hosted by the Faculty on November 15, 2011. Roundtable Discussants were: Dr. Nadia Bernaz, Senior Lecturer and Programme Leader, MA Human Rights and Business at Middlesex University; Ms. Nancy Anderson, Tutor, Norman Manley Law School; Mr. David Batts, QC, Partner at Livingston, Alexander and Levy; Mrs. Arlene Harrison-Henry, Attorney-at-law, Chair, Independent Jamaican Council for Human Rights and; Dr. Leighton Jackson, Senior Lecturer, Mona Law, UWI. Remarks were provided by Dr. Lloyd Barnett, OJ, Member of the Regional Judicial and Legal Services Commission, Caribbean Court of Justice.

The Faculty hosted a Mona Law Development Seminar entitled “A Career as an International Human Rights Lawyer” on January 31, 2012. The guest speaker at the seminar was Mr. Hilaire Sobers, Staff Attorney at the Inter-American Commission on Human Rights. All students of the Faculty of Law had the opportunity to benefit from his wealth of knowledge and got first-hand information on additional training that is desirable in such a field as well as the sort of job opportunities that are available to lawyers.

A Special Human Rights Lecture was delivered in the Faculty on February 7, 2012 by Mr. Rick Lines, Executive Director of Harm Reduction International and Co-founder of the International Centre on Human Rights and Drug Policy. The Lecture was on the topic “Concerned with the Health and Welfare of Mankind? : Drugs, Human Rights and Bridging “Parallel Universes””.

The Faculty Environmental Law Society hosted a Climate Change Symposium entitled “Climate Change: Advocating a Lost Cause” on April 4, 2012. This was spearheaded by Mrs. Laeta Davis-Mattis, part-time lecturer in the Faculty and Academic Advisor to the Society.

On February 15, 2012 a public lecture was arranged by the Mona Law Society as a part of their Annual Law Week. The Lecture was conducted by attorney-at-law, Mrs. Jacqueline Samuels-Brown.

Other Special Events

Dr. Nicholas Liverpool, President of the Commonwealth of Dominica visited the Faculty on November 25, 2011.

On December 20, 2011 the Faculty of Law Building was host to the National Leadership Debates in preparation for the 2011 General Elections.

The Jamaica Defence Force in collaboration with the University of the West Indies and the Faculty of Law hosted *Views from the Top: a Conversation with the JDF Chiefs*, on February 16, 2012. This was done in honour of the seven (7) living Chiefs of Staff of the Jamaica Defence Force which spans the period 1973 to 2012. The Faculty was presented with a sketch of the Chiefs and a duplicate copy kept by the JDF.

As a part of the Diamond Jubilee Celebrations, Prince Henry of Wales represented his Grandmother, Queen Elizabeth II, in visiting islands in the Caribbean. Among the sites visited in Jamaica was the Faculty of Law at Mona on March 6, 2012. The Prince was given a short tour of the Building by Rhodes Scholar and Faculty of Law Tutor, Ms Kamille Adair. He also observed a Mooting Session which was in progress in the Faculty and unveiled a plaque at the front of the Building in commemoration of his visit.

On March 12, 2012 two (2) copies of the Rules of Procedure governing the hearing of cases by CARICOM’s Competition Commission under Chapter 8 of the Revised Treaty of Chaguaramas were donated to the Faculty of Law. The presentation was made by Ambassador A. B. Stewart Stephenson of the Norman Manley Law School Legal Aid Clinic. The

documents were presented to the Dean of the Faculty and the Law Librarian.

The Right Honourable Sir Charles Michael Dennis Byron, President of the Caribbean Court of Justice, was hosted by the Faculty for tea on April 11, 2012. Sir Dennis was on official visit to Jamaica and agreed to meet with staff and student representatives in the Faculty.

Student Enrichment

State of the art technology is provided in the Faculty to enhance the teaching and learning experience of both staff and students. Wireless Internet has been made accessible throughout the building and also in the gazebos on the periphery. Sound proof reading rooms are provided in the Law Library to facilitate group deliberations.

The Staff/Students lounge in the Faculty is equipped with furniture and appliance to promote relaxation in our effort to produce well-rounded students.

Six Internship positions were secured through the Tourism Enhancement Fund and the Academic Advisor of the Faculty of Law Environmental Society. Students from the Faculty of Law were placed at various institutions in the corporate area as a part of the TEF Summer Internship Programme.

Students have ready access to library databases which enrich their learning experience. WestLaw and LexisNexis are two (2) of the main databases which are subscribed to by the Faculty. They provide information on common law cases and news updates on happenings in different jurisdictions.

Throughout the 2011/2012 Academic Year the Mona Law Society contributed to the Faculty and student enrichment extensively. Some of the activities included conducting guided tours of the building during Research Day and other special functions; arranging a Med /Law Lyme

which was geared towards providing an opportunity for students from the Faculties of Law and Medicine to interact in a more relaxed environment.

The Law Society observed its Annual Law Society Week February 13-17, 2012 under the theme “Mona Law Society: Breaking the Mold”. The Week was filled with student-centred activities such as Valentine’s Day Breakfast in the Courtyard; an Arts Night Concert, Sports Day as well as a Miss Law Pageant competition which allowed the students to showcase their varied talents.

PAPERS PRESENTED

Corthésy, Natalie

- “Life Plus 50 Striking a Balance Between the Term of Copyright Protection and Jamaica’s Public Domain”, SALISES 50/50 Conference Law and Justice in the Commonwealth Caribbean: The Post-Independence Experience, The Jamaica Pegasus Hotel, February 3, 2012.

Ffolkes-Goldson, Suzanne

- “Corporate Governance since Independence”, SALISES 50/50 Conference Law and Justice in the Commonwealth Caribbean: The Post-Independence Experience, The Jamaica Pegasus Hotel, February 3, 2012.
- “The Case for a New Insolvency Regime”, Jamaica Bankers Association and CaPRI seminar, September 7, 2012.

Matthews, Janeille

- “Proscribing Buggery in Antigua and Barbuda: Section 12 of the Sexual Offenses Act of 1995 and the Way Forward”, Violence, Discrimination and Sexual orientation in the Caribbean: the role of legal education, Havana, Cuba (5/11-12/2012) organized by the University of Havana law School, American University Center of Latin America and Latino Studies, Centro Nacional de

Educación Sexual (CENESEX) and the Red Latinoamérica de Académico/as del Derecho (ALAS Network).

Derrick McKoy

- “Deception, insecurity, and poetry in Jamaica’s Westminster Constitution: Making sense of the reform process”, Continuing Legal Education Seminar, Jamaican Bar Association, in association with the General Legal Council and The University of the West Indies, Mona Visitors’ Lodge, Kingston, Jamaica, May 5, 2012. 7 pages.
- “I can see clearly now: The Commonwealth Caribbean anticorruption project over the last fifty years” – SALISES 50/50 Conference on Law and Justice in the Commonwealth Caribbean: The Post-Independence Experience, Kingston, Jamaica, February 3, 2012, 30 pages.
- “Management and Responsibility: Redefining Accountability for the Contemporary Commonwealth Caribbean Corporation”, Public Lecture, UWI Open Campus/St Kitts-Nevis-Anguilla National Bank, Basseterre, St Kitts, July 11, 2011. 11 pages.
- “Common Sense and Sensibility: Seeking New Values for the Innovative Corporation”, Keynote Lecture, St Kitts-Nevis-Anguilla National Bank Annual Compliance Conference, Basseterre, St Kitts, July 9, 2011. 10 pages. Available at SSRN: <http://ssrn.com/abstract=2028780>.

Robinson, Tracy

- “Reading our Imperfect Constitutions as Poetry.” 50|50 Conference: Law & Justice In The Post-Independence Era – Reflecting on the first fifty years, projecting beyond, February 2-3, 2012, Kingston, Jamaica
- “Sexual Harassment in the Workplace: Let the Conversation Begin”, Jamaica Bar Association in Association with the General

Legal Council, Continuing Legal Education Week-End Seminar, November 20, 2011, Jamaica.

- “No ‘Poor Thing’: The Right of Victims of Crime to the Protection of the Law”, Caribbean Association of Judicial Officers 2nd Annual Conference, “Bringing the law closer to the people”, October 7, 2011, The Bahamas.
- “The Inter-American Jurisprudence on Violence Against Women”. MESECVI, OAS, IACHR Seminar, “Human Rights, Violence Against Women and Access to Justice”, Washington DC, September 27, 2011.
- “Measurable Justice: The Contribution of the Caribbean Death Penalty Jurisprudence”, IACHR UWI “The Inter-American System and the Caribbean: A Symposium”, October 12, 2011, Barbados.
- “A Teach-In on the Sexual Offences Act 2009”, seminar presentation with Tenesha Myrie organized by Friedrich Ebert Stiftung Jamaica and the Eastern Caribbean, November 24, 2011.
- “An Anatomy of Judging on Gender Equality and Gender Justice in the Caribbean”, The Judicial Education Institute Eastern Caribbean Supreme Court, UN Women Colloquium on Gender the Law, November 17, 2011, St. Lucia
- “Principles of Gender Equality”, Judicial Retreat of the Barbados Judiciary, Barbados, December 15, 2011.
- “Justice in the Gendered Society”, Colloquium on The Courts, Gender Equality and Domestic Violence for Magistrates, July 6-7, 2012, Georgetown Guyana
- “Violence and Discrimination Against LGBTI Persons” Expert Meeting on Discrimination, Violence and Impunity against Lesbians, Gays and Trans, Bisexual and Intersex Persons”, IACHR, February 23-24, 2012, Washington DC.

- “Guaranteeing Women’s and Girls’ Right to Health: The International Obligations of States with Regards to Maternal Mortality and Sexual Violence”, International Day of Action for Women’s Health “Challenges in Guaranteeing Women and Girls’ Right to Health”, May 29, 2012, Nicaragua.
- “Access to Justice for Women Victims of Sexual Violence” - Workshop to launch the Access to Justice for Women Victims of Sexual Violence report, Inter-American Commission on Human Rights and the United Nations Population Fund, May 31, 2012 Guatemala.

PUBLICATIONS

Corthésy, Natalie

- * “Challenges to Combatting Piracy and Counterfeiting in Jamaica” – proceeding from The World Intellectual Property Organisation’s Colloquium for Teachers of Intellectual Property, Geneva, Switzerland, June 2011. 18 Pages

Matthews, Janeille

- * Caribbean Human Development Report 2012 – United Nations Development Programme

Book

Derrick McKoy

- * Corruption, Law, Governance and Ethics in the Commonwealth Caribbean, 2012 (Hansib Publications, Hertford, UK, 2012). 288 pages
- * “Known Knowns: Corruption in the Commonwealth Caribbean” (2012) 61 (1) *Social and Economic Studies*, 1-22.
- * “Leaving the Matrix: Moving from the Perception of Corruption to Transparency in Commonwealth Caribbean Public Procurement” (2011) 20, Issue 5 *Public Procurement Law Review* 137-156.

PUBLIC SERVICE

Corthésy, Natalie

- Member, Board of the Jamaica Intellectual Property Office
- Member, Jamaica Bar Association
- Member, Board of the Alliance Francaise de la Jamaïque
- Special Advisor, Intellectual Property Law, Jamaica Anti-Piracy Alliance

Fflokcs-Goldson, Suzanne

- Director, Environmental Foundation of Jamaica
- Director, HOPE Worldwide Jamaica
- Member, PSOJ Corporate Governance Committee
- Facilitator, Sagicor/Pan Caribbean - Corporate Governance Training for Directors
- Member, Jamaica Bar Association

Derrick McKoy

- Chairman, Fair Trading Commission
- Trustee, Youth Business Trust in Jamaica
- Trustee, Duke of Edinburgh's Awards Scheme in Jamaica
- Member, Caribbean Procurement Institute
- Member, Electricity Appeals Tribunal