

FACULTY OF LAW

Mona

Year ending July 31, 2013



DERRICK MCKOY, JP

LLB UWI, LLM Lond., MBA Barry, DBA NSU, PhD Leic

Dean

– *Dean’s Overview* –

ACADEMIC ACHIEVEMENTS

In the 2012/2013 Academic Year, the Faculty of Law continued to provide quality service molding the minds of aspiring lawyers in the Commonwealth Caribbean. The Faculties of Law, across the three Campuses, boast a common curriculum and open consultations which have been the practice for the last forty three (43) years.

The 2012/2013 Academic Year marked the completion of the second three-year cohort of students in the Mona Law programme. The Faculty declared ninety two (92) LLB degrees, three (3) of which were 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 224 students to the full-fee paying three year Mona Law programme. There were an additional 252 students returning to Parts II and III of the programme.

The Faculty also re-introduced offering the first year of the LLB programme at the Western Jamaica Campus (WJC) in September 2013, having first offered the programme in 2009/2010 academic year. The enrolment for the 2012/2013 academic year was sixteen (16) students,

hailing from various parts of Jamaica, and also one from Trinidad and Tobago. Each semester the students made a number of official trips to Kingston to attend events such as research day and other special lectures, the hearing of the CCJ/ Shanique Myrie case, sitting of the Senate at Gordon House and also to join the Mona students for lectures and activities.

The Faculty of Law at The University of the West Indies, Mona, launched the Mona Law Series (MLS) on Thursday, November 29, 2012. The Series consists of seminars led by the UWI Mona Law faculty on issues of interest to the wider University community, the judiciary and the legal profession. In attendance at the Series was Senator the Hon. Mark Golding, Minister of Justice.

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

NEW STAFF MEMBERS

The Faculty welcomed two new members of staff to the Mona Law team: Drs Shazeeda Ali and Celia Brown-Blake. Dr. Shazeeda Ali is the Caribbean's leading researcher on corporate misconduct, which straddles both public and private law. She joined Mona Law in September 2012 as a senior lecturer, having spent six years as a Technical Advisor/ Assistant Attorney General at the Attorney General's Chambers and then a Tutor in Ethics, Rights & Obligations of the Legal Profession at the Norman Manley Law School. Dr. Ali earned her LL.B at The University of the West Indies, an LL.M at the University of Cambridge and a PhD at the University of London.

Dr. Celia Brown-Blake joined the Faculty as a senior lecturer, having spent many years lecturing in the Mona School of Business and Management. Dr Blake's area of research is multidisciplinary as she is a regional expert on Language and the Law. Her current research in this area examines the role of law in expanding the use of non-dominant Caribbean languages in public domains such as the court system and in

the wider public sector. She earned an LL.B and a BA at The University of the West Indies, an LL.M at the London School of Economics (LSE), and also holds an MA and PhD from The University of the West Indies.

STAFF ACHIEVEMENTS

Gilbert Kodilinye, Professor of Property Law, is the leading Trusts lawyer in the Commonwealth Caribbean. In September 2012 Prof. Kodilinye published the 3rd edition of the book *Commonwealth Caribbean: Law of Trusts*. This new edition, like previous editions, now serves as the primary text for Trust Law courses in the Caribbean.

Tracy Robinson, Senior Lecturer, is in her second year of a four year term as a member of the Inter-American Commission on Human Rights (IACHR). In March she was re-elected First Vice President of the Commission. She was also appointed the Commissioner in charge of the LGBTI Unit and she continues to serve as Rapporteur for the Rights of Women.

CONFERENCES, SEMINARS AND GUEST LECTURES

Ms. Michelle Walker, Head of the Legal Unit at the Ministry of Foreign Affairs and Foreign Trade in Jamaica, presented on the topic “Law Relating to Treaties” to the Public International Law I students in October 2012.

Mr. Jeremy Taylor, Deputy Director of Public Prosecutions at the Attorney General’s Office in Jamaica, presented on the topic “Accomplices” to the Criminal Law I students in November 2012.

On January 21, 2013, Professor Kevin Davis, Vice Dean at the New York University School of Law, gave a public lecture at the Faculty of Law, UWI, Mona, His lecture entitled, “Jamaica’s Business Climate by Numbers: The Role of the Legal System” considered the external assessments of countries’ business climates in the form of quantitative indicators, which often focus heavily on the performance of legal

institutions. He also looked at indicators and governance and how this development plays out in the Jamaican context.

Commentators for the lecture were Dr. Damien King, Head of the Department of Economics, UWI (Mona) and Co-Executive Director of the Caribbean Policy Research Institute (CaPRI) and Ms. Eleanor Brown an Associate Professor of Law and George Washington Institute of Public Policy (GWIPP) Fellow at George Washington University.

On March 4, 2013, The Faculty of Law invited Dr. Chantal Ononaiwu to present in a Talk and Discussion session titled “CARICOM Law and the Caribbean Court of Justice”. Chantal Ononaiwu is the Trade Policy & Legal Specialist in the Office of Trade Negotiation (OTN) of the CARICOM Secretariat.

Mrs. Karen Chin Quee Akin, Corporate Counsel and Corporate Secretary for The Bank of Nova Scotia Jamaica Limited, Life of Jamaica Limited and now Grace Kennedy Ltd, presented a short lecture on the topic “Regulatory Framework for Public Listed Companies, Insider Trading and the Duties and Responsibilities of Directors and Officers” on March 12, 2013.

On April 19, 2013, Dr. Efrén Rivera Ramos of the University of Puerto Rico, Faculty of Law, presented on, “Colonialism and the Constitution”, where he shared some thoughts on the relationship between colonialism and the constitution, arguing that this relationship is fraught with tensions and contradictions. His presentation was followed by a lively question and answer session from the audience as well as observations by academic commentators.

OTHER SPECIAL EVENTS

On August 27, 2012, the Faculty hosted Ms. Paula Llewellyn, Director of Public Prosecutions, who served as guest speaker at the annual Orientation exercise for new law students.

The President of the Caribbean Court of Justice (CCJ), Sir Dennis

Byron, paid a visit to the Faculty of Law on February 26, 2013 to have discussions with students and meet with academic staff. Following Sir Dennis' visit, the Faculty also received a visit from Honourable Justices Adrian Saunders and Jacob Wit, both judges of the CCJ, on March 7, 2013.

Students from the Mona Campus and Western Jamaica Campus attended the hearing of the *Shanique Myrie v the State of Barbados* case held at the Jamaica Conference Centre on March 7, 2013.

Howard University School of Law students visited the Faculty March 11–15, 2013. The students sat in on classes, observed our campus organizations, networked with law students, and learned about post Law School opportunities at the Faculty of Law and in Jamaica.

Mrs. Carlotta Graffigna (Executive Director and Advisor) and Mrs. Martha Chikowore (Consultant), from the World Intellectual Property Organization Academy, visited the Faculty March 20–22, 2013 on a fact finding mission pursuant to the MOU between UWI and WIPO.

STUDENT ENRICHMENT

In October 2012, the Faculty of Law at The University of the West Indies, Mona Campus, registered its first team in an international moot court competition, the Price Media Law Moot Court Competition – which is based on international human rights law. The four member team of Mr. Rushaine Cunningham, Ms. Kacey-Ann Nelson, Mr. Peter Marshall and Ms. Orene Plummer was coached by Mr. Andre Coore, with Dr. Leighton Jackson as academic coordinator.

Teams were judged on two main areas: Written and Oral Advocacy. The Team's written memorials scored well with a combined average of approximately 80%. The Mona team was dominant in their first match, scoring a comprehensive 8 to 1 victory over the University of Miami. The team however failed to advance to the final rounds as they lost to the

eventual third place finishers, Southwestern University, in a hard fought match. The UWI advocates competed valiantly with each achieving at least a score of 90%. Mr. Rushaine Cunningham, one of the team members and also the President of the Mona Law Society, was awarded the Excellence in Advocacy prize for obtaining a perfect score.

The Faculty of Law also had a team entering the annual Caribbean Court of Justice (CCJ) Moot Court Competition in Trinidad and Tobago, March 14 and 15, 2013 at the CCJ Headquarters. The CCJ's Annual International Law Moot Court Competition was inaugurated in March 2009, in an effort to encourage aspiring attorneys to become familiar with the Revised Treaty of Chaguaramas, and other areas of International Law.

The Mona team comprised of Mr. Adrian Cotterell, Mr. Jahmar Clarke and Ms. Natalia Casado, with Ms. Caprice MacFarlane as coach and Dr. Leighton Jackson as Academic Coordinator. The Hugh Wooding Law School of Trinidad and Tobago placed first in the competition and the Mona Law team second. As second place winner to a law school, the Faculty of Law at UWI, Mona was named the top performing academic institution in the region, defeating Law faculties from other Universities in Guyana, Suriname, Barbados, Trinidad and Tobago and Jamaica and law schools.

The Faculty launched a pilot of the Mona Law Professional Internships Programme in June 2013 under the leadership of Mrs. Natalie Corthésy. This new venture was aimed at providing students with an opportunity to experience, first-hand, working in the legal profession. The pilot included a workshop conducted by Ms. Beverley Phillips and Mrs. Rodina Reid, for all eligible applicants and was specifically intended to further advance the professional skills of the prospective interns. Some of the areas emphasized were resume and cover letter writing and business etiquette as is required in the legal profession. The Faculty placed approximately thirty (30) students in internship positions in Law firms, private and public sector offices. The Faculty expects to do a full launch in the next academic year.

PAPERS PRESENTED

Ali, Shazeeda

- “Dirty Money v. Clean Lawyers” General Legal Council Continuing Legal Professional Development training series July 2013.
- “To Cheat or Not to Cheat?” Jamaican Bar Association Continuing Legal Professional Development Seminar, Ocho Rios, Jamaica, June 15, 2013 (27 pages).
- “The Civil Law: a Potent Crime-fighting Device” Mona Law Series, Faculty of Law, UWI, Mona, JAMAICA, April 11, 2013 (16 pages)
- “Reversing Enrichment” NIA’s 2nd Annual Prosecutors Anti-Corruption” Training Seminar, Runaway Bay, Jamaica, March 16, 2013 (18 pages).
- “Recovering the Spoils of Corruption” National Integrity Action’s (“NIA”) Financial Investigators” Training Seminar, Kingston, Jamaica, October 21, 2012 (19 pages).
- “When Good Guys Meet Bad Money” 30th Cambridge International Symposium on Economic Crime, Cambridge, United Kingdom, September 5, 2012 (12 pages).

Brown-Blake, Celia

- “Judicial response to financial regulatory action in the Commonwealth Caribbean”, Mona Law Series, Faculty of Law, UWI, Mona, Jamaica, April 11, 2013.
- “Language Rights and the Jamaican Constitution” at Bible Society of the West Indies/Jamaican Language Unit public forum, Kingston, August 30, 2012.

Ffolkes-Goldson, Suzanne

- “The Use and Misuse of the Corporate Oppression Remedy in the Commonwealth Caribbean”, Mona Law Series, Faculty of Law, University of the West Indies, Mona Campus, February 2013.

- “Balancing the Interests of Creditors and Debtors on an Insolvency”, Jamaica Bar Association Conference, Jamaica, November 2012.
- “Insolvency Law: Balancing the Interests of Creditors and Debtors” presentation for the Jamaica Bar Association Conference, November 2012.
- “The Case for a New Insolvency Regime”, ‘Booms Need Busts: Reforming Insolvency Legislation’, Jamaica Bankers Association and Caribbean and Caribbean Policy Research Institute Seminar, Kingston, Jamaica, September 2012.

Matthews, Janeille

- “Man Down: Distinguishing Murder From Manslaughter.” Public Lecture delivered at the University of the West Indies Mona Campus Research Day 7 February 2013 in Kingston, Jamaica.

McKoy, Derrick

- “Blowing in the wind: Whistleblower legislation and the anticorruption project in the Commonwealth Caribbean,” MLS-1-13, presented at the Mona Law Series, Faculty of Law, UWI, Mona, 7 February 2013.
- “Whistle Blowing and the Law” presented at 3rd Caribbean Public Procurement (*Law & Practice*) Conference 2012, Port of Spain, Trinidad & Tobago, 18–19 October 2012. 11 Pages; 52 slides. Available <http://ssrn.com/abstract=2176330>.
- “Corruption: Law, Governance & Ethics in the Commonwealth Caribbean” presented at 3rd Caribbean Public Procurement (*Law & Practice*) Conference 2012, Port of Spain, Trinidad & Tobago, 18–19 October 2012. 53 slides.

Robinson, Tracy

- “Gender-based Violence and the Rule of Law in the Context of the Caribbean: An Overview of the Legal Context and Access to Justice”. Keynote Presentation at the Secretary’s Office of Global Women’s Issues & the Bureau of Western Hemisphere Affairs, United States

Department of State, Caribbean Dialogue on Rule of Law and Gender-based Violence, 11–13 December 2012, 12 December 2012, Miami USA.

- “Access to Justice for Women Victims of Sexual Violence in Mesoamerica”, Event to launch the Access to Justice for Women Victims of Sexual Violence Report, sponsored by the United Nations Population Fund, La Defensoria de los Habitantes, IACHR, 7 September 2012, Costa Rica.
- “The Inter-American Human Rights System and its role in ending Impunity for Crimes against Women”, Panel Discussion “A challenge for Justice in the XXI century: The end of impunity for crimes against women” at The International Congress: Accessibility, Justice and Peace organized by the Supreme Court of Costa Rica, and an activity of United Nations Secretary-General’s Campaign to end violence against Women (UNiTE), September 6, 2012, Costa Rica.

EXPERT REPORTS

Robinson, Tracy

- Robinson “Gender Equality and Judging in the OECS and wider Commonwealth Caribbean” (UN Women).

Matthews, Janeille

- “Caribbean Human Development Report 2012: Human Development and the Shift to Better Citizen Security” (United Nations Development Programme 2012) 227 pages (National Country Author for Antigua and Barbuda).

PUBLICATIONS

Ali, Shazeeda

- “Student Instruction Manual for Ethics, Rights & Obligations of the Legal Profession”, *NMLS* (155 pages) 2013.
- “A Conflict of Interest” *West Indian Law Journal*, Vol. 37 No. 2, October 2012, 139–150).

Brown-Blake, Celia

- “Planning for Language Rights in the Caribbean: The Birth of the Charter on Language Policy and Language Rights in the Creole-speaking Caribbean”. *Sargasso: Language Rights and Language Policy in the Caribbean*, 2012.
- “Judicial oversight of financial regulatory action in the Commonwealth Caribbean”, *Common Law World Review* 41: 354–359 (2012).
- *Social and Economic Studies* 61(2) Special issue on “Law & Justice in the Commonwealth Caribbean” (Co-edited with Morrison, D.) (2012).
- *Sargasso: Language Rights and Language Policy in the Caribbean* (Co-edited with Walicek, D.) (2012).

Corthésy, Natalie

- “The Horse has Gone through the Gate” article published by *West Indian Law Journal* (Vol. 37(1&2) May and October 2012, 185–199)
- “Life Plus 50 Striking a Balance Between the Term of Copyright Protection and Jamaica's Public Domain”, peer reviewed article published in the *Queen Mary Journal of Intellectual Property* in the October 2012 issue.

Ffolkes-Goldson, Suzanne

- “Corporate Governance: A One Size Fits All?” in Berry & Robinson (eds.), *Transitions in Caribbean Law: Lawmaking, Constitutionalism*

and the Confluence of International and Domestic Law (2013) pp. 33–50.

- “Corporate Governance in Jamaica: A Combination of Legislation and Moral Suasion” *Jamaica Bar Association Journal*, Vol. 26 No. 2, 2013.
- “Balancing the Interests of Creditors and Debtors in the Reform of Corporate Insolvency in Jamaica” *West Indian Law Journal*, Vol. 37 No. 2, October 2012 pp. 171–184.
- “The Transformation of Corporate Social Responsibility into Legal Responsibility” *West Indian Law Journal*, Vol. 37 No.1, May 2012 pp. 83–3.
- “The Jamaican Financial Meltdown and Insolvency Law”: “Booms Needs Busts: Improving the Legal Framework for Insolvency” www.capricaribbean.org, 2012. (with Greenaway, E.)

Kodilinye, Gilbert

- *Commonwealth Caribbean Trusts Law*, 3rd edition, published September 2012, Routledge-Cavendish. (with Carmichael, T.)

Matthews, Janeille

- *Caribbean Human Development Report 2012*, United Nations Development Programme.

McKoy, Derrick

- *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*, pp. 1–22.
- “Whistleblower legislation in the Commonwealth Caribbean: Anticorruption or employee protection?” (2012) 37 (2) *West Indian Law Journal* pp. 151–170.

Robinson, Tracy

- *Transitions in Caribbean Law: Lawmaking Constitutionalism and the Confluence of National and International Law* (Ian Randle 2013). (Co-edited with Berry, D.).
- “The Properties of Citizens: A Caribbean Grammar of Conjugal Categories”, (2013) 10(2) *Dubois Review: Social Science Research on Race*.
- “The Presumption of Constitutionality” (2012) 37 *West Indian Law Journal* pp. 1–24.

PUBLIC SERVICE

Ali, Shazeeda

- Member of the Proceeds of Crime Act (“POCA”) Sub-Committee of the General Legal Council, Jamaica.
- Presenter/Trainer for the General Legal Council Continuing Legal Professional Development (“CLPD”) Course on the “Proceeds of Crime Act and Attorneys’ Obligations” (July 2013).

Corthésy, Natalie

- Member, Board of the Jamaica Intellectual Property Office;
- Member, Jamaica Bar Association;
- Member, Board of the Alliance Francaise de la Jamaïque.

Ffolkes-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

Matthews, Janeille

- Member, Examination Irregularities Committee

McKoy, Derrick

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