

FACULTY OF LAW



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Mona

Year ending July 31, 2014



DERRICK MCKOY, JP

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

Dean

– *Dean’s Overview* –

ACADEMIC ACHIEVEMENTS

The Faculty of Law continues to provide quality service to students and other stakeholders. This includes offering public lectures, seminars, forums and a summer programme for students and persons in the legal profession. The Faculty of Law at Mona recognizes that it has a vital role to play in the advancement of the profession and operates in accordance with fulfilling this mandate. Continuous collaboration between the three Faculties of Law at UWI ensures that the high standard is maintained by using a common curriculum in the delivery of the LLB degree.

The 2013/2014 Academic Year marked the completion of the third cohort of students in the three-year LLB programme at Mona. The Faculty declared 123 LLB degrees, 13 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 with a view to being called to the Bar in 2016.

During the year, the Faculty enrolled 245 new students to the full-fee paying three year Mona Law programme and had an additional 277 students returning to Parts II and III of the programme. Of the number of new students, 15 completed year one at the Western Jamaica Campus

(WJC), benefiting from the same course material and instructors as the students at the Mona Campus but using mixed mode delivery. The LLB students at WJC made official trips to Kingston to attend events such as Research Day, 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.

For 2013/2014 the Faculty successfully implemented a pilot project using the UWI Single Virtual University Space. With this project, the Faculty was able to deliver a Level III course – European Union Law – from Mona to students at the St Augustine Campus. This project was a success and will be utilized for the 2014/2015 academic year with the possibility of expanding to include the delivery of an additional Level III course – Oil and Gas Law – which will be taught at St Augustine and will be available to students at Mona.

The Mona Law Professional Internship Programme (MLPIP), having successfully completed the pilot project in summer 2013, was officially launched on May 22, 2014. The launch formally recognized the students and partner institutions that participated in the pilot. The programme was introduced at Mona Law by Mrs. Natalie Corthésy, Lecturer in the Faculty of Law, with the aim to:

- expose students to a wide cross section of job opportunities in law;
- offer students an incentive for high academic achievement and raise the profile of the Mona Law graduate;
- create and encourage partnerships with our stakeholders in the legal profession and;
- foster an environment of mentorship for students pursuing admission into the legal profession.

During Semester II of the 2013/2014 academic year the Faculty hosted Professor of Law at Howard University School of Law in Washington, D.C., Professor Harold McDougall, as a Visiting Professor. Professor McDougall specializes in the areas of urban, social and economic development; civil rights; and the workings of state, local, and federal government. Professor McDougall has written numerous articles, and

authored two books: “*Black Baltimore: A New Theory of Community*” and, “*African Civil Rights in the Age of Obama: A History and a Handbook.*”

On June 9, 2014, The Faculty of Law at the Mona Campus, in partnership with the World Intellectual Property Organization (WIPO) and the Jamaica Intellectual Property Office (JIPO) launched the WIPO - Jamaica Summer School on Intellectual Property. The Summer School lasted for two weeks, ending on June 20, 2014 and made history, as the first of its kind in the region. The activities of the Summer School were not limited to the classroom, but the presentations and simulation exercises were packaged with additional activities such as field trips, and cultural tours.

NEW STAFF MEMBERS

The Faculty welcomed two new lecturers in 2013/2014: Drs. Ramona Biholar and Mark Gillis.

Dr Ramona Biholar is a Romanian national. She obtained her first Law Degree from the Romanian Faculty of Law of the Babeş-Bolyai University in Cluj-Napoca. She spent her fourth year of law studies in Spain, at the Faculty of Law of the University of Zaragoza, where she additionally enrolled in and graduated the courses of the Jean Monnet Cathedra in European Law and Institutions, and in European Commercial Law. Dr. Biholar received her LL.M Degree in International and European Law from the Faculty of Law of Utrecht University in the Netherlands. From 2008 to 2012 she joined the Netherlands Institute of Human Rights (SIM) of Utrecht University Law School as a PhD researcher granted by the Netherlands Organisation for Scientific Research (NWO) the MaGW award to pursue her PhD research in the field of women’s human rights in Jamaica.

Dr. Mark Gillis who is from San Francisco in the United States of America, earned a BA in History from Stanford University (1985) and then a Juris Doctor (J.D.) from UC Berkeley (1988). He worked in a private law firm in New York for some years before relocating to Prague, the Czech Republic, where he was awarded the Doctor of Laws degree

from Charles University in Prague (1999) after defending his thesis on the Czech Constitutional Court's jurisprudence. He advised both the Czech Constitutional Court and the Czech Supreme Court on various matters, including the transition to European Union Law. He has taught law at several universities, including the Masaryk University Faculty of Law, Charles University Faculty of Law, the American University of Armenia, and the American University in Bosnia and Herzegovina. His areas of specialization in teaching and research include constitutional law, international law and European Union law.

STAFF ACHIEVEMENTS

Professor Gilbert Kodilinye published two new books during the period: *Commonwealth Caribbean Contract Law* 1st edition (published jointly with Maria Kodilinye) and *Commonwealth Caribbean Tort Law*, 5th edition.

Mrs Natalie Corthésy, Lecturer in the Faculty and Mrs Carla-Anne Harris-Roper, Director of the Legal Services Division, Ministry of Labour and Social Security in Jamaica, published the book *Commonwealth Caribbean Employment and Labour Law* in July 2014. This text is expected to be an essential resource for students reading Employment, Industrial Relations and Dismissal Law courses and an invaluable reference guide for human resource, industrial relations and legal practitioners in the Caribbean.

Tracy Robinson, Senior Lecturer in the Faculty was appointed Chair of the Inter-American Commission on Human Rights (IACHR). For two consecutive years prior, Ms Robinson served on the Commission as Rapporteur for Honduras, United States and Uruguay.

CONFERENCES, SEMINARS, GUEST LECTURES AND OTHER SPECIAL EVENTS HOSTED BY THE FACULTY

On August 26, 2013, the Faculty hosted Justice Hilary Phillips, Court of Appeal Judge, who served as guest speaker at the annual Orientation exercise for new law students.

On October 10, 2013, Professor Dinah Shelton, then Commissioner of the Inter-American Commission on Human Rights, participated in a discussion on, “Human Rights and the Work of the Inter-American Commission on Human Rights”.

On October 17, 2013, the Faculty of Law hosted a public forum on “The CCJ’s Ruling in the *Shanique Myrie v The State of Barbados*”. The session which was chaired by Tracy Robinson, Senior Lecturer in the Faculty of Law, included a panel of experts, namely: Ms. Michelle Brown, Counsel for Shanique Myrie; Pre-eminent international law expert and Deputy Solicitor General, Dr. Kathy-Ann Brown; Crown Counsel in the Attorney General’s Department, Mr. O’Neil Francis who stood as representative for the Government of Jamaica in the litigation; Judge Patrick Robinson, International Criminal Court for the Former Yugoslavia; Prof. Patsy Lewis, Senior Fellow, Sir Arthur Lewis Institute of Social and Economic Research.

Professor Jeremy de Beer, WIPO Consultant and Associate Professor at the Faculty of Law, University of Ottawa, visited Mona Law on October 28 and 29, 2013. His visit was to discuss with the Faculty a proposal for a joint WIPO-LLM in the Creative and Cultural Industries.

Mrs. Judith Cooper-Batchelor, Senior Partner at the law firm Chambers, Bunny & Steer, gave a guest lecture to students enrolled in the course Family Law I (Husband & Wife) on October 30, 2013.

Mrs. Julie Thompson-James delivered a lecture, on February 2, 2014 to students in the Corporate Management class. Mrs. Thompson-James is Vice President, Senior Legal Counsel and Company Secretary of Scotia Group Jamaica Limited and its subsidiaries.

Mona Law in partnership with the Jamaica Environment Trust (JET) hosted an “Environmental Justice Seminar: Public Participation and Judicial Discretion” on February 6, 2014. Presentations were made by a panel of experts including: the Hon. Mr. Hugh Small QC, Jamaican Attorney-at-Law who has extensive experience in environmental law cases; Mrs. Carol Excell, Jamaican Attorney now an Associate at the World Resources Institute (WRI) in Washington DC; Mr. Ritwick

Dutta, an Attorney with extensive practice before the Supreme Court of India in matters relating to access to environmental justice, and the Hon. Mr. Justice Bryan Sykes who has been pivotal in the development of environmental jurisprudence in Jamaica, and whose landmark decision in the Pear Tree Bottom case, has set the tone for development of environmental jurisprudence not only in Jamaica, but in the Caribbean. The discussion was organised and chaired by Mrs Laleta Davis-Mattis, adjunct lecturer at Mona Law.

On February 10, 2014, the Faculty hosted Prof. Robert Wintemute who gave a public lecture on the topic: “Lesbian and Gay Human Rights in the Caribbean: Would Decriminalisation Restrict Religious Freedom?” Robert Wintemute is a Professor of Human Rights Law at King’s College London.

The Faculty hosted Ambassador Rudy Insanally, former Minister of Foreign Affairs of Guyana and Guyana’s permanent representative to the United Nations, who gave a lecture entitled, “The Role of Small States in the International Community’ on February 18, 2014.

On March 3, 2014 Prof. Nigel Eastman delivered a guest lecture to the Constitutional Law Class. Prof. Eastman is an Emeritus Professor of Law and Ethics in Psychiatry at the University of London and an Honorary Consultant Forensic Psychiatrist in the National Health Service.

Judge Michael Hopmeier gave a lecture on “The Importance of Asset Recovery in the Fight Against Crime – The Need for International Cooperation” to Mona Law students on March 10, 2014. His Honour Judge Michael Hopmeier, a Circuit Judge, Kingston-on-Thames, England, is a Visiting Professor at City University, and author of the book *Proceeds of Crime*.

The Faculty of Law hosted its Mona Law Series Seminar for 2013/2014 entitled: “The Vernacularization of Environmental Rights and Women's Human Rights” on Thursday March 13, 2014. Presentations were made by Dr. Ramona Biholar and Visiting Professor Harold McDougall from the School of Law at Howard University. The Mona Law Series is hosted annually by the Faculty and comprises of seminars led by the UWI

Mona Law faculty on issues of interest to the wider University community, the judiciary and the legal profession.

On April 4, 2014, Ms. Jasmine Rand, a Professor of Law and the Civil Rights Attorney who represented the family of black teen Trayvon Martin, gave a presentation entitled, “The Trayvon Case: The Race Relations, Gun Violence and Human Rights in the United States, and the Impact of the International Community on the Trayvon Martin Movement”.

The Faculty of Law at the Mona Campus in collaboration with the Jamaican Copyright Licensing Agency (JAMCOPY), the Jamaica Anti-Piracy Alliance (JAPA), and endorsed by the Jamaica Intellectual Property Office (JIPO) hosted its inaugural Mona Law Intellectual Property Forum on February 25 and 26, 2014, under the broad topic: “Challenges Facing Copy-right Based Industries in Jamaica”. The Forum was endorsed by the Ministry of Tourism and Entertainment as an official Reggae Month activity and was included on their calendar of events for Reggae Month 2014. The Forum was spearheaded by Mrs. Natalie Corthésy, Lecturer and Head of the IP Unit at Mona Law.

Presenters at the Forum included three international IP scholars, namely: Professor Christophe Geiger, Director General and Director of the Research Department of the Centre for International Intellectual Property Studies (CEIPI) at the University of Strasbourg; Mr. Brian O’Donnell, Director of Business and International Development, and Vice Chairman of the International Federation of Reproduction Rights Organization (IFRRO) Committee for Latin America and Caribbean, Access Copyright Canada; and, Professor Uma Suthersanen, Professor in International Intellectual Property Law at the Centre for Commercial Law Studies at Queen Mary, University of London and a Director at the Queen Mary Intellectual Property Research Institute. The local presenters were Ms Dianne Daley, Managing Partner at Foga Daley, and Mrs Natalie Corthésy.

On May 1, 2014, Professor Devon Carbado, Professor of Law at the UCLA School of Law, gave a lecture on the topic, “Acting White? Rethinking Race in ‘Post-Racial’ America”.

Mona Law in partnership with the Caribbean Policy Research Institute (CaPRI) and the Private Sector Organisation of Jamaica (PSOJ) hosted a Public Forum on the Insolvency and Bankruptcy Bill on Thursday April 24, 2014 in the Executive Seminar, Faculty of Law building.

STUDENT ENRICHMENT

As part of the UWI Research Days 2014 calendar of activities, Mona Law held its Inaugural UWI Research Days Moot Competition on February 21, 2014 on the topic of Human Rights Law. Students were invited to participate in a moot that explored some of the human rights law issues that were raised in the recent Shanique Myrie case. After a well fought debate between the teams, the Team comprising of Makene Brown and Lenroy Stewart emerged the winners, with Lenroy Stewart being awarded the Best Oralist. They were presented with plaques in recognition of their outstanding performance.

The Faculty of Law also had two teams participating in regional and international mooting competitions during the academic year. Mona participated in the sixth annual Caribbean Court of Justice International Law Moot Competition in Trinidad and Tobago held on March 13 and 14, 2014 at the CCJ's headquarters in Trinidad and Tobago. The Mona team comprised of Mr. Francois McKnight, Ms. Jameila Simpson and Mr. Sean Osbourne and coached by Ms. Caprice MacFarlane.

The other team comprising of Mr. Litrow Hickson, Ms. Rowana-Kay Campbell, and Ms. Lanasia Nicholas and coached by Ms. Gabrielle Elliott-Williams, Lecturer in the Faculty, participated in the Price Media Law Moot Court Competition. Based on the team's performance at the Americas Regional Round held at the Benjamin N. Cardozo School of Law in New York, USA, in January 2014, they advanced to the International Round which was held at the University of Oxford, in the United Kingdom (UK) from April 1–5, 2014.

Both teams represented the Faculty well.

The Faculty continued the Mona Law Professional Internship Programme under the leadership of Mrs. Natalie Corthésy. This venture was aimed

at providing students with an opportunity to experience, first-hand, working in the legal profession. Preparation included a workshop conducted by Ms. Beverley Phillips and Mrs. Barbara Miller, for all Level III students and was specifically aimed at advancing the professional skills of the prospective interns. Some of the areas emphasized were résumé and cover letter writing and business etiquette as is required in the legal profession. For the 2013/2014 year, the Faculty successfully placed twenty eight of the Faculty's top-performing students in established law firms, government agencies and private organizations throughout Kingston and St Andrew.

PAPERS PRESENTED AT MAJOR CONFERENCES

- **Robinson, Tracy**, Keynote Presentation, 'The Inter American Commission on Human Rights: A Forum for the Vindication of the Rights of LGBTI Persons', University of Puerto Rico Law School, Puerto Rico, September 11, 2013.
- **Biholar, Ramona**, "Gender Policies Field Research in Dominica. Preliminary Findings and Thoughts", Institute for Gender and Development Studies Workshop, St. Augustine, Trinidad & Tobago, September 19, 2013.
- **Ffolkes-Goldson, Suzanne**, "Corporate Governance as a Mechanism for the Deterrence of Economic Crimes", Cambridge International Symposium on Economic Crime, September 2013.
- **Robinson, Tracy**, 'Sexual Orientation and Gender Identity in International Human Rights Law', Parliamentary Seminar on Protecting Human Rights, Combatting Discrimination of and Addressing HIV/AIDS in Persons with Diverse Sexual Orientation and Gender Identities, hosted by Chamber of Deputies of Dominican Republic in association with Parliamentarians for Global Action, October 10, 2013.
- **Ali, Shazeeda**, "Virtual Money: a 'Bit' of a Problem", Jamaica Institute for Financial Services 2nd Annual AML/CFT Seminar, Kingston, Jamaica, October 29, 2013 (23 pages).

- **Biholar, Ramona** “Social and cultural transformation or the implementation of women’s human rights in Jamaica”, 20th Anniversary Conference on Gender Transformation in the Caribbean, UWI Institute for Gender and Development Studies, St. Augustine, Trinidad & Tobago, November 6–8, 2013.
- **Robinson, Tracy** ‘The Rights of LGBTI persons: International Standards’, Instituto Colombiana de Derechos Humanos, Primer Curso Internacional Especializado En Derechos Humanos: Acceso A Los Sistemas Internacionales De Proteccion De Derechos Humanos Homenaje A Elias Carranza, Cartagena, Columbia, November 29, 2013.
- **Biholar, Ramona** “Gender–A Space of Cultural Negotiation and Socio-Cultural Transformation. Insights from Jamaica”, 4th Global Conference ‘Femininities and Masculinities’, 4th, Lisbon, Portugal, May 2–5, 2014.
- **Robinson, Tracy** ‘Common law kinships: The politics of law, sexuality and postcoloniality’, 2014 Berkshire Conference on the History of Women, Toronto, May 23 2014.
- **Robinson, Tracy** ‘Why Diversity Matters’, Presentation on Panel, “Contributions to the Selection Process of Members of the Commission and the Inter-American Court Of Human Rights”. Organised by the Center for Justice and International Law and the International Coalition of Human Rights Organizations in the Americas, Asuncion, Paraguay, June 2, 2014.
- **Biholar, Ramona** “Challenging the Barriers to Real Equality: Transformative Equality”, Parliamentarians for the Americas (ParlAmericas) Annual Gathering of the Group of Women Parliamentarians, Mexico City, Mexico <http://www.parlamericas.org/uploads/documents/article-ramona-biholar-en.pdf> June 24–25, 2014.
- **Robinson, Tracy** “Advancing LGBTI Rights in the Americas”, feature presentation at ‘The Work of the IACHR in Advancing the Rights of LGBTI Persons in the Americas: A Conversation with Commissioner Tracy Robinson, Rapporteur on the Rights of LGBTI

Persons and Chair of the IACHR', organized by Global Rights, Washington DC, July 23, 2014.

PUBLICATIONS

Books & Monographs

- **Kodilinye, Gilbert and Maria Kodilinye**, *Commonwealth Caribbean Contract Law*, 1st edn, Routledge, 2013.
- **Kodilinye, Gilbert**, *Commonwealth Caribbean Tort Law*, 5th edn, Routledge, 2014.
- **Corthésy, Natalie and Carla-Anne Harris-Roper**, *Commonwealth Caribbean Employment and Labour Law* Routledge, 2014.

Refereed Journal Articles

- **Brown-Blake, Celia**, 'Expanding the use of non-dominant Caribbean languages: Can the law help?' *International Journal of Speech, Language and the Law* vol 21:1 (2014): 51–82.
- **Robinson, Tracy**, 'The Properties of Citizens: A Caribbean Grammar of Conjugal Categories', *Dubois Review: Social Science Research on Race* 10(2) (2013): 425–446.
- **Ffolkes Goldson, Suzanne**, 'The Use and Misuse of the Corporate Oppression Remedy in the Commonwealth Caribbean' *The Company Lawyer*, Volume 35, Issue 7 (May 2014): 195–204.

Non-Refereed Articles

- **Elliott-Williams, Gabrielle**, 'Reflections on the Jamaica Independence Act' *Norman Manley Law School 40th Anniversary Magazine*, 2014.