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**Stirling Law School’s Bulletin 1/2020**

This bimonthly bulletin is for sharing Stirling Law School’s achievements in research, teaching, and engagement. In these difficult times, it’s crucial to celebrate, strengthen our sense of community, and create opportunities for cross-Faculty and cross-University collaborations. We hope you’ll enjoy this wee snippet of Stirling Law School’s recent successes.

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# **Highlight of this issue**

**Stirling Law School is in the Top 20 of the best law schools in the UK** and **5th in Scotland** (The Complete University Guide 2020). See the [ranking](https://www.thecompleteuniversityguide.co.uk/league-tables/rankings/law) here.

# **Impact**

Professor Paul Beaumont's work was cited by the [**US Supreme Court**](https://privateinternationallaw.stir.ac.uk/news/). In its recent *Monasky* *v Taglieri* decision, the US Supreme Court referred to Professor Beaumont’s research to establish a uniform Interpretation of ‘habitual residence’ in the Hague Child Abduction Convention.

Professor Gavin McLeod Little’s evidence to the **Scottish Parliament’s Economy, Energy and Fair Work Committee** is cited in its recent energy inquiry findings. He is a member of the Royal Society of Edinburgh’s (RSE) **Energy Inquiry** and co-author of its report on Scotland’s Energy Futures. The EEFWC used the RSE report as a springboard for its inquiry and took oral evidence last year from Prof McLeod Little and others at the RSE. It has also written to the Scottish and UK Governments endorsing key RSE recommendations, including the possible establishment of a statutory advisory commission on energy. You may read here the [Scottish Parliament Economy, Energy and Fair Work Committee report](https://www.parliament.scot/S5_EconomyJobsFairWork/Inquiries/Energy_inquiry_findings_final.pdf).

On 3 July, Dr Annalisa Savaresi gave evidence on ‘[**The effects of climate change on human rights and the role of environmental defenders**](https://multimedia.europarl.europa.eu/en/droi-committee-meeting_20200703-0900-COMMITTEE-DROI-LIBE_vd)**’** to the European Parliament’s Human Rights, and Civil Liberties, Justice and Home Affairs Committees. A recording of the session may be viewed at

Assoc Prof Guido Noto La Diega gave evidence to the World Intellectual Property Organisation in the context of their inquiry ‘[**Intellectual Property and Artificial Intelligence**](https://www.wipo.int/export/sites/www/about-ip/en/artificial_intelligence/call_for_comments/pdf/ind_noto_la_diega.pdf)’ (WIPO/IP/AI/2/GE/20/1)

# **Publications**

Katie Boyle*,* [***Economic and Social Rights Law: Incorporation, Justiciability and Principles of Adjudication***](https://www.routledge.com/Economic-and-Social-Rights-Law-Incorporation-Justiciability-and-Principles/Boyle/p/book/9781138298880) (Routledge 2020). This monograph by Assoc Prof Katie Boyle develops principles of adjudication to facilitate accountability for violations of Economic and Social Rights. Taking the UK as a case study, the book draws on international experience and comparative practice, including progressive reform at the devolved subnational level, that demonstrate the potential reach of Economic and Social Rights when the rights are given legal standing in domestic settings according to their status in international law. The work looks at different models of incorporation of rights into domestic law and sets out existing justiciability mechanisms for their enforcement as well as future models open to development. In so doing the book develops principles of adjudication drawn from deliberative democracy theory that help address some of the critiques of social rights adjudication.

Dr Annalisa Savaresi published a chapter on ['**Community energy and a just energy transition: what we know, and what we still need to find out**'](https://global.oup.com/academic/product/energy-justice-and-energy-law-9780198860754?cc=gb&lang=en&), in a new OUP volume 'Energy Justice and Energy Law' edited by Iñigo del Guayo, Lee Godden, Donald D. Zillman, Milton Fernando Montoya, and José Juan González. The book addresses the vital question of how to achieve energy justice for all, as the world faces the urgent challenges of climate change.

Michelle Donnelly, [**Scottish Youth Justice and the Legacy of Kilbrandon: a provocation paper**](https://medium.com/reframing-childhood-past-and-present/scottish-youth-justice-and-the-legacy-of-kilbrandon-2dd27d7f2a62) (The British Academy, 2020). Although consolidated under the same political union, the four nations of the UK take different legal approaches in response to youth offending. Scotland has, since the 1970s, followed a distinctly welfare-based approach through its unique tribunal system of children’s hearings: where decisions are made in the best interests of children who commit criminal offences. The children’s hearings system was established on the basis of the Kilbrandon Report, which remains influential to its current operation. The Report determined that all children in need of compulsory state intervention, for whatever reason, should be subject to the same system and treated on the same welfare basis, in light of common adversities, circumstances and (unmet) needs. The wisdom of Kilbrandon in this regard has since been vindicated by a wealth of empirical evidence on the lived experience of children subject to state intervention, which confirms the links between adversity, vulnerability, and offending behaviour. Although the Kilbrandon Report has a lasting legacy in Scots law and policy, not all children enjoy similar treatment in practice. There are contradictions in approach towards some children, particularly those who offend. This provocation paper explores the uniquely Scottish approach to youth justice by reflecting on the legacy of Kilbrandon and highlighting inconsistencies towards the treatment of some children who come into contact with the Scottish youth justice system. It recommends to raise the age of criminal responsibility to the cusp of adulthood.

Damian Etone, ‘**Nigeria's Engagement with the Human Rights Council's Universal Periodic Review: Potential for Acculturation or Risk of Regression?**’ (2020) 28(2) African Journal of International and Comparative Law 267-297. This article examines the effectiveness of Nigeria's engagement with the Human Rights Council's Universal Periodic Review Mechanism (UPR). Now into the third cycle of the UPR, questions on the impact of the UPR process on the ground are gaining increasing attention and there is now a growing focus on state implementation of UPR recommendations. This article analyses the extent of Nigeria's engagement with the UPR mechanism with a focus on UPR I and II. It considers the potential for acculturation and the extent to which the government's fight against terrorism has affected its engagement with the UPR mechanism

Léo Pascault, Bernd Justin Jütte, Guido Noto La Diega, and Giulia Priora, ‘[**Copyright and Remote Teaching in the Time of Coronavirus: A Study of Contractual Terms and Conditions of Selected Online Services**](https://wordpress.com/block-editor/post/guidonotoladiega.wordpress.com/327)’ (2020) European Intellectual Property Review. The spread of the SARS-CoV-2 virus forced educational institutions to transition to online education. This contribution analyses, through the lens of copyright law, the terms and conditions of some selected online services used to deliver remote teaching. The study highlights the most problematic terms and their detrimental effects on remote teaching by focusing on copyright ownership, liability, and content moderation.

Based on this research, **two blog posts** were published on Kluwer Copyright Blog, a leading voice in the field: one with a focus on [copyright](http://copyrightblog.kluweriplaw.com/2020/05/27/emergency-remote-teaching-a-study-of-copyright-and-data-protection-terms-of-popular-online-services-part-i/?doing_wp_cron=1590588419.4697189331054687500000), one with a focus on [privacy and data protection](http://copyrightblog.kluweriplaw.com/2020/06/04/emergency-remote-teaching-a-study-of-copyright-and-data-protection-policies-of-popular-online-services-part-ii/?doing_wp_cron=1591278166.7819480895996093750000). They have also been [translated into Italian](http://www.medialaws.eu/didattica-di-emergenza-o-emergency-remote-teaching-unanalisi-empirica-in-tema-di-privacy-e-diritto-dautore-dei-termini-e-condizioni-dei-servizi-online-piu-diffusi-law-and-media-wps-no-22/) and published on MediaLaws.

**Bids**

L.A. Barnes-MacFarlane & M. Donnelly, ‘**Bridging the Gaps in Children's Experiences of Justice: developing consistent, children's rights-based practices across civil and criminal processes’** Response to Scottish Government, Justice and Analytical Services, Call for Research Proposals 2020. Along with Dr Lesley-Anne Barnes-MacFarlane of Edinburgh Napier University, our very Dr Michelle Donnelly developed a funding bid in response to a Scottish Government, Justice and Analytical Services, call for proposals. The proposed research seeks to explore children's experiences of justice, with a view to developing consistent, children's-rights based practices across civil and criminal processes. The bid was submitted in March and an outcome decision expected in summer.

Dr David McArdle completed two papers on legal responses to **youth concussion**, based on research generously funded by the **Royal Society of Edinburgh**. The first paper analyses interview data on youth coaches' awareness of and responses to a Scottish government-backed information campaign, 'If in Doubt, Sit Them Out'. The second compares that essentially voluntary Scottish approach to Florida - which like every other US state has a statutory regime which purports to insulate coaches from liability in the event of a concussive injury. Again it uses interview data, together with a legal consciousness framework, to explore attitudes and responses among youth soccer coaches.

# **Teaching excellence**

Dr Kim Barker won the SU Women Staff Member Award in the **Inspiration Women Awards 2020**

Dr Michelle Donnelly received a **RATE award nomination** for excellence in teaching in the Faculty of Arts and Humanities

Sam Abboud received two **RATE award nomination** for excellence in teaching in the Faculty of Arts and Humanities and best personal tutor

Dr Carole Dalgleish was **nominated for a RATE award** for Excellence in teaching in the Faculty of Arts & Humanities, Excellence in teaching in Stirling Management School, Best Tutor Award, and Outstanding Support Award

# **Employability News**

We are pleased to announce that as part of our **MSc Programme in Human Rights and Diplomacy**, several of our students have secured a 2-3 months **professional placement** **with outstanding local and international human rights organisations.** This is great news for the first year of this course and a testament of our ability to partner with local and international organisations in delivering our course and to connect our curriculum to industry. Many thanks to all the members of staff who worked hard to facilitate these placements. A huge congratulations to the following students who are looking forward to undertaking a placement/internship in the autumn with organisations who are each doing very impactful work in the area of human rights:

1. Abbie Warrington – Providing Support with the **UN Special Rapporteur for the Human Rights Situation in Cambodia**, Professor Rhona Smith
2. Felicia Szloboda – Placement with **Howard League Scotland**
3. Karolina Dubauskas – with the **Central Scotland Regional Equality Council**
4. Katie Wright –with **Nourish Scotland**
5. Megan Lindsay – with **Positive Action in Housing**
6. Kehinde Amiolemen – with the **Revive Campaign**
7. Mirela MacInnes – **Forth Valley Welcome Foundation**
8. Rebecca Tivendale – **Stirling Council**
9. Scott Hutcheon – **Scottish PEN**

Stirling Law undergraduate students have secured places on the **Bright Network's Virtual Internship Programme** this summer which provide an insight into corporate law: we look forward to hearing how they get on.

Stirling law undergraduate students have also been successful in completing their SISA Level 1 certificates through the **Scottish Institute for Enterprise** - SIE delivers a workshop to our 2nd years every year and students can follow this up with SIE to get their certificate.

The Law School has been working with Ashurst LLP - a major global firm - for some time and their HR Manager, National Early Career Programs recently recommended that our students sign up to **Rare Vantage**. This is an online portal that connects students with some of the top commercial law firms in the country and we hope to develop that networking opportunity further.

# **Esteem and network**

Sam Abboud was appointed as a **lay member** to the **Law Society of Scotland’s Education & Training (Standard-Setting) and (Policy) sub-committees**, effective June 2020 for 3 years.

Assoc Prof Guido Noto La Diega’s research on the regulation of the blockchain was recognised by the **University College London Centre for Blockchain Technologies**, which have welcomed Noto La Diega as their latest **Research Associate**. The Centre is the nucleus for distributed ledger technologies (DLT) and blockchain research and engagement across eight different departments at UCL and for its Research and Industry Associate network. Its Research and Industry Associate community consists of over 180 researchers and practitioners from UCL, other academic institutions and companies utilising DLT. More information on this [UCL page](http://blockchain.cs.ucl.ac.uk/user/gnotoladiega/).

Noto La Diega was appointed **Trustee** of the **Society of Legal Scholars**, the oldest and largest learned society in the field of law in the United Kingdom and the Republic of Ireland. The role will cease on 30 September 2021, when Noto La Diega’s term on the executive committee ceases.

# **Events attended**

Assoc Prof Guido Noto La Diega was invited to talk about ‘**Copyright and Emergency Remote Teaching**’ at the Strathclyde Centre for Internet Law & Policy Webinar Series, 3 July 2020

Noto La Diega also presented ‘**AI-generated inventions’** to the master’s students of the *MSc in AI: Law and Ethics of Emerging Technologies*, Rome European University, 26 June 2020

# **Events organised**

On Wednesday 30 September at 1pm, in the context of Assoc Prof Guido Noto La Diega’s Intellectual Property Law module, Professor Ann Bartow (Director of the Franklin Pierce Center for Intellectual Property, University of New Hampshire) will deliver a guest lecture on ‘***Feminism and copyright’*** - [Join Microsoft Teams Meeting](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWNhY2RlOTYtOGQ1ZS00NzVlLWI5YWItZTRkZTYzMDhlYzlh%40thread.v2/0?context=%7b%22Tid%22%3a%224e8d09f7-cc79-4ccb-9149-a4238dd17422%22%2c%22Oid%22%3a%22bdf9e1e3-6e40-4115-80d6-1adc5e07b969%22%7d)

On Wednesday 18 November 2020 at 6pm, in the context of the Intellectual Property Law module, Professor Mira T. Sundara Rajan (Stanford Law School) will deliver a guest lecture on ***'Decolonising Intellectual Property'*** - [Join Microsoft Teams Meeting](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NzdmNzNkMzUtZDEyMC00NzU5LThmMTUtMzI1NjdlYmEyYmY5%40thread.v2/0?context=%7b%22Tid%22%3a%224e8d09f7-cc79-4ccb-9149-a4238dd17422%22%2c%22Oid%22%3a%22bdf9e1e3-6e40-4115-80d6-1adc5e07b969%22%7d)

# **Other positive news**

The **Private International Law Research Cluster** (Prof Paul Beaumont, Dr Jayne Holliday, Dr Pontian Okoli) have launched their website: <https://privateinternationallaw.stir.ac.uk/home/>

Dr Jayne Holliday, Professor Gavin McLeod Little, and Professor Paul Beaumont set up the **Stirling Law School Working Paper Series** and welcome submissions. Any paper is internally reviewed by two people and authors would get feedback and a chance to make any improvements if necessary. It's also a useful way to get your research up and out in the public domain quickly. More information can be found [here](https://www.stir.ac.uk/about/faculties/arts-humanities/law-and-philosophy/law-research/law-working-papers/).

# **Get in touch**

If you would like to contribute or suggest anything for future bulletins, please get in touch with Guido Noto La Diega <gn12@stir.ac.uk>.