

Centre for Business Law and Practice
School of Law
University of Leeds

ANNUAL REPORT
2011 – 2012

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1. ABOUT THE CENTRE FOR BUSINESS LAW AND PRACTICE, THE UNIVERSITY AND THE CITY OF LEEDS

1.1 THE CENTRE

The Centre for Business Law and Practice is located in the School of Law at the University of Leeds (which is part of the Faculty of Social Sciences, Education and Law). The School of Law is situated next to the Business School, in the brand new purpose built Liberty building, which is equipped with two Postgraduate Common Rooms—one for taught postgraduate students and one for research degree students, a Moot Court Room, and modern well equipped seminar rooms.

The aim of the Centre is to promote the study of all areas of Business Law and Practice, understood as the legal rules which regulate any form of business activity. It seeks to promote all forms of research, including doctrinal, theoretical (including socio-legal) and empirical research and to develop contacts with other parts of the academic world, as well as the worlds of business and legal practice in order to enhance mutual understanding and awareness. The results of its work are disseminated as widely as possible by publishing monographs, articles, reports and pamphlets as well as by holding seminars and conferences with both in-house and outside speakers.

Staff members have acted as consultants to law firms, accounting bodies and international bodies such as the International Monetary Fund. Research has been undertaken in many areas of business law including banking and financial services, business confidentiality, corporate (general core company law as well as corporate governance and corporate finance), credit and security, contract, consumer, employment, financial institutions, foreign investment, insolvency, intellectual property, international trade, the regulation of corporate lawyers, and corporate and economic crime (including money laundering and the financing of terrorism).

A major function of the Centre is to oversee the research undertaken at postgraduate level and to manage postgraduate taught several International Business Law programmes.

The number of postgraduate students recruited, for both doctoral research and taught Masters programmes, indicates the popularity and strength of the Centre's programmes and is testimony to the standing of the Centre's staff.

1.2 TAUGHT POSTGRADUATE PROGRAMMES

These include:

LLM International Banking and Finance Law
LLM International Business Law
LLM International Corporate Law
LLM European and International Business Law
LLM International Insolvency Law
LLM International Trade Law

All postgraduate programmes are available on a full-time and part-time basis.

Postgraduate Diplomas are also available. These do not require the completion of a dissertation.

In all the programmes, the modules are taught by seminars, and there are two 11 week semesters in each academic year. Assessments are by written work.

We have a large postgraduate student cohort with a high proportion coming from outside the United Kingdom. One of the strengths of our programmes is that students come to study at Leeds from a wide range of countries and bring a broad range of experience and diverse perspectives.

The LL.M. programmes involve the completion of taught modules totalling 120 credits that are taken in Semesters 1 and 2. Some modules are compulsory (this varies between programmes) and the others are optional modules chosen from a long list of available subjects. The final stage of the programme is a dissertation (worth 60 credits) being completed in the Summer, following Semester 2. The programme consists of 180 credits in total.

The compulsory modules consist of modules which are believed to form a critical base for the study of business law, nationally and internationally. Students have a broad choice when it comes to the optional modules, and this reflects the breadth of expertise in the Centre.

The dissertation, constituting 60 credits, is compulsory and forms a major part of the programmes, and reflects one of the aims of the programme, namely to foster research capabilities. The dissertation requirement permits students to engage in some detailed research of a particular issue that warrants investigation. Research for, and the writing of, the dissertation is undertaken in conjunction with a supervisor, who is a member of the law staff. The members of the law staff have a wide range of research interests and are able to supervise a broad spectrum of topics in different areas of the law.

The overall objective of this programme is to provide students with a firm grounding in many of the basic principles and rules regulating business activity in the UK Europe and around the world. The programme also aims to enable students to develop the following: analytical legal skills, ability to work independently, writing skills, and ability to undertake research.

1.3 UNDERGRADUATE TEACHING

While the Centre does not directly run any undergraduate programmes, it makes a very important contribution to teaching of the Bachelor of Laws (LLB) degree, in particular. The Centre has developed modules that are taught to both law and non-law undergraduates. These modules have been very popular with students, and have attracted good enrolments. The modules that are taught in the Bachelor of Laws programme (although students from other programmes with the necessary prerequisites can enrol for them) are Commercial Law, Company Law, Banking and Financial Services Law, Intellectual Property Law, Corporate Finance and Insolvency. Members of the Centre also either act as leaders, or contribute to the teaching, of the following modules: Law of Contract, International Law, Equity and Trusts, and Constitutional Law, Medical Law. Offerings to non-law students include Introduction to Company Law and Introduction to Obligations.

1.4 RESEARCH POSTGRADUATES

The Centre for Business Law and Practice has a diverse range of students enrolled for research degrees in a number of areas, including corporate law, banking and finance, insolvency and international trade law. Each postgraduate student receives high quality supervision from two academics who are trained and experienced supervisors as well as being experts in the particular field of research. In addition students are provided with formal research methods training.

The Centre for Business Law and Practice welcomes applications from students wishing to pursue research into any aspect of business and commercial law. The Centre has particular expertise in the following areas: contract law; corporate law – especially corporate governance, the role and duties of company directors, corporate insolvency law, corporate rescue, corporate finance; all aspects of insolvency law; insider dealing; banking and financial services law; economic crime including anti money-laundering and terrorist financing; Islamic banking law; credit; law relating to security; intellectual property; international economic law; consumer law including consumer credit; the role and duties of corporate lawyers and environmental law.

All relevant proposals within the broad remit of business law will be considered and even if the proposed research topic is not listed above it may be worth contacting the Director to discuss whether research supervision would be available.

The degree schemes on offer by research and thesis only are as follows:

- Master of Laws (LL.M) – one year full-time or two years part-time
- Master of Philosophy (M.Phil) – two years full-time or four years part-time
- Doctor of Philosophy (Ph.D) – three years full-time or five years part-time
- Integrated Ph.D – four years full-time (not available part-time). This new degree combines taught classes and the traditional research thesis, with an exit award of LL.M Legal Research the students complete the first two years.

The entrance requirements for all schemes are that applicants must normally possess an upper second class honours degree or equivalent. Applicants with professional qualifications or substantial professional experience are also encouraged to apply. In addition, MPhil and Ph.D applicants are usually required to hold a Masters level qualification.

Informal enquiries from applicants are welcome. Please contact Karin Houkes, Postgraduate Admissions Tutor, lawpgadm@leeds.ac.uk or Tel: 0113 3435009.

1.5 THE UNIVERSITY

The University of Leeds is among the United Kingdom's top universities, located close to the centre of one of the most progressive, cosmopolitan and student-friendly cities in the United Kingdom. One of the largest single site universities, Leeds is a hugely popular choice for students. With over 30,000 students living in the city, it regularly tops the national polls as a favourite destination for students.

Established in 1904, the University is a member of the Russell Group, which was formed by nineteen of the country's most prestigious universities. With a world class reputation for quality in research and teaching, a degree from the University of Leeds, both undergraduate and postgraduate, is highly regarded by employers and universities worldwide.

The University has over many years invested heavily in its infrastructure to provide students with first-class learning, development, support and leisure facilities, including modern well-equipped lecture theatres and seminar rooms, an internationally acclaimed University library, an enterprising careers service, a wide range of sporting amenities and one of the biggest and most active Students' Unions in the country.

The University is one of the main centres for postgraduate teaching in the country, with around 5,000 postgraduate students drawn from all over the UK and another 100 countries world-wide. The new Law School Building (opening January 2011) is a state of the art building situated next to the University of Leeds Business School has dedicated postgraduate facilities and, as a University of Leeds postgraduate research student, you will have access to the full range of university services including our major academic research library and excellent computing facilities.

1.6 THE CITY OF LEEDS

Only a short walk from the bustling shops, boutiques, art galleries, cinemas, bars, restaurants and cafes of the city centre, the University campus is a vibrant place in which to live and study. Leeds is one of the fastest growing cities in the United Kingdom. As a law, finance, business and media centre, the city offers great employment potential. This is complemented by an exciting mix of culture, commerce and style, making Leeds the primary social hub of the North of England. Rich in history with a growing economy and cosmopolitan atmosphere, Leeds remains an affordable student-friendly city and the centre of a region of great cultural diversity. It is very well connected transport wise to the rest of the UK being 2 ½ hours from London (train) and around an hour from Manchester.

Leeds is a '24 hour city' that is famous for the diversity and popularity of its nightlife. The city prides itself on the vitality of its 'independent' bar scene, whilst its nightclubs offer a sophisticated and relaxed clubbing experience with a wide range of music and ambiances to suit all tastes. It is home to a wide variety of theatre, music, film and music venues including the legendary University Refectory. The annual Leeds Film Festival is also one of the leading cinema events in the country.

2. INTRODUCTION

This report covers the activities of the Centre for Business Law and Practice (“the Centre”) during the period from 1st October 2011 to 30th September 2012. Yet again this has been a very productive year for the Centre in terms of activity of staff, research, research outcomes and growth of its postgraduate student community. Dr Sarah Brown has provided support through-out the year to the Centre’s activities in her role as deputy Director of the Centre.

This year we were delighted to welcome a new member of the Centre, Dr. Sophia Tang, whose research interests are in private international law and cross-border dispute resolution in civil and commercial matters.

The Centre continues to expand the scope of its activities, and this has been very much in evidence during the past year. In particular the Centre has continued to develop its research profile particularly in those areas where it already has considerable expertise:

- Corporate law - with special emphasis on corporate governance, corporate finance and corporate insolvency law.
- International financial law – banking and financial services and anti-money laundering.
- Credit and security law
- Contract law
- Consumer law.
- Private International Law
- The regulation of corporate lawyers and law firms

The Centre enjoys links with the Leeds University Business School and is part of the HEIF Professional Services Hub, led by the Business School, which links research centres across the university. The Centre’s international partners include the School of Economic Law, Vrije Universiteit of Brussels (VUB) and the Centre for Law, Markets and Regulation, University of New South Wales, Australia.

Full details of the Centre’s activities can be found at www.law.leeds.ac.uk/leedslaw

Professor Joan Loughrey
Director of the Centre for Business Law and Practice

2 PUBLIC SEMINAR PROGRAMME AND MASTERCLASS

The Centre's seminar series enjoyed another successful year with speakers talking on a wide range of issues from corporate insolvency to taxation. The series was well attended with audiences consisting of staff, practitioners and students, both undergraduate and postgraduate. The highlight of this year's series was the Second Century Lecture given by **Professor Justin O'Brien**, Visiting Second Century fellow from the University of New South Wales. His lecture was entitled "The Battle of Ideas in Global Capital Markets: Integrating the Technical and the Normative Dimensions of Regulatory Policy", and was well received.

Generally, there was both an international and practitioner theme this year, with **Jason Harris** joining us from the University of Technology, Sydney, to talk about the role of creditor's committees in corporate insolvency, **Andrew Todd** from solicitor's firm DWF, who covered property aspects of business law and **Dominic Adams** who spoke on tax mitigation and tax avoidance. We also had our own **Professors David Campbell** and **Roger Halson** hold an interesting session on the proposed European contract code.

As a separate event the Centre also organised a Master Class, run by **Robin Johnson**, M & A partner at the law firm Eversheds. The Masterclass was on the law and practice of cross-border merger and acquisitions and attendance was by invitation only, the student participants being selected on the basis of achievement. Robin and his colleagues (including Leeds alumni) took the audience through a dummy deal drawing on the law and practical aspects of a transaction and the session was both informative and enjoyable.

Many thanks as always not only to all our speakers but also to Centre colleagues who participated, whether by giving a lecture, suggesting speakers, helping with hospitality or attending the lectures.

Dr Sarah Brown
Deputy Director of the Centre for Business Law and Practice

4. CONFERENCE ACTIVITIES

4.1 Research Student Conference, September 2012

This year we hosted our annual PhD conference on 17th September 2012 in the Law School. Thanks go to Mrs Judith Dahlgreen, Marjan Parkinson, and Shuang Liang both research students with the Centre, for organising this. It was attended by students and staff with papers grouped into common areas of interest such as corporate law and financial law. The presentations were around 20 minutes in length and were followed by questioning and an exchange of views. The students valued the opportunity to present and defend an academic paper in an informal setting and welcomed the chance to strengthen the academic community with staff and fellow students.

4.2 Second Century Conference: The Future of Relational Contract after Ian Macneil

29th -30th March 2012

Professor Ian Macneil was a leading proponent of relational contract theory which views contracts as being based on trust and as comprising implicit terms and understandings. Professor David Campbell of the Centre for Business Law and Practice at the University of Leeds, who is internationally known for his contributions in the field took the lead in organising the conference.

The speakers included **Professor Hugh Beale**, Commercial Law and Common Law Commissioner at the Law Commission, **Professors Hugh Collins and Linda Mulcahy** of the LSE, **Professor Roger Brownsword** of Kings College London, **Mr John Wightman**, (Kent Law School), **Dr Jonathan Morgan** (Oxford University) as well as **Professors David Campbell, Roger Halson and Peter Vincent-Jones** from the Centre. The key note speech was given by **Professor Ethan Leib**, Fordham University who spoke on 'What is the Relational Theory of the Consumer Form Contract?'. **Ms Joan Loughrey** and **Dr Paul Wragg** of the Centre chaired two of the sessions and **Mr Richard Austen-Baker** (Lancaster) and **Dr George Zhou** (Sheffield) were also Chairs. Turnout was excellent and delegates came from as far afield as South America and Saudi Arabia.

4. 3 Post-crisis Trajectories of European Corporate Governance: Dealing with the Present and Building the Future

20th -21st September 2012

Michael Galanis (the Centre) and **Alan Dignam** (Queen Mary, University of London) organised the workshop kindly sponsored by the Journal of Law and Society seminar fund (£7,000)

The workshop was divided into four sessions:

Session 1 sought to explore the political economy aspects of EU corporate governance as an exercise of finding its appropriate place in the European economic model of the future and an attempt to define the economic goals that institutional design should serve.

- Speakers: **Professor David Campbell** (Leeds) and **Professor Matthias Klaes** (Keele); **Dr Michael Galanis** (Leeds).

Session 2 sought to assess the desired role and form of specific structural aspects of corporate governance, such as the regulation of financial and labour markets, the market for corporate control and the governance role of shareholders, executive pay, and governance issues arising in corporate restructurings.

- Speakers: **Professor Emilius Avgouleas** (Edinburgh) and James Cullen (Liverpool John Moores); **Professor Blanaid Clarke** (Trinity College Dublin); **Professor Alan Dignam** (QMUL); **Professor David Milman** (Lancaster); **Dr Jonathan Mukwiri** and **Professor Mathias Siems** (Durham); **Professor Charlotte Villiers** (Bristol).

Session 3 investigated the capabilities of various regulatory/co-ordination mechanisms and agents available that could or should drive corporate governance structural reform.

- Speakers: **Andrew Johnston** (Queensland); **Professor Veronique Magnier** (Paris Sud).

Session 4 looked at the broader picture and explored potential interactions of EU corporate governance with cross-regional competition from the US and East Asia.

- Speakers: **Professors Joe McCahery & Erik Vermeulen** (Tilburg); **Professor Roman Tomasic** (University of South Australia).

5. GENERAL CENTRE ACTIVITY AND NEWS

There have been some notable achievements by members of the Centre in the past year, and not always reflected in a published piece, that are worthy of mention. What follows is a selection of some of the activities of the Centre and its members and it is not intended to be exhaustive.

Andrew Campbell acted as external examiner for four PhD theses at the University of Copenhagen, University of Manchester, Brunel University and De Montford University. He continues to be a member of the Advisory Panel of the International Association of Deposit Insurers and Consulting Counsel to the International Monetary Fund. This year he also introduced a new LLM module *Islamic Banking & Finance Law* which is the first of its kind outside of London. As a leading expert on central bank policies on ‘lender of last resort’ he has been interviewed by BBC Radio Scotland by the leading Scottish Sunday newspapers and Bloomberg for his views on the Scottish independence debate in relation to matters of finance.

Michael Galanis and Professor Alan Dignam successfully bid competitively to be guest editors of a special edition of the *Journal of Law and Society* forthcoming 2013 which will feature articles based on contributions at the *Post-crisis Trajectories of European Corporate Governance: Dealing with the Present and Building the Future* workshop

Andrew Keay work was cited in following cases :*Coperatieve Centrale Raiffeisen-Boerenleenbank BA (trading as Rabobank International, Singapore Branch) v Jurong Technologies Industrial Corp Ltd (under judicial management)* - [2011] SGCA 48 at para 47. (Singapore Court of Appeal); *Westpac Banking Corporation v The Bell Group Ltd (in liq) (No3)* [2012] WASCA 157 at [772] and [793]. (Western Australia Court of Appeal); *Petterson v Gothard no.3* [2012] NZHC 666 at [52] (High Court of New Zealand); *In the matter of Free Wesleyan Church of Tonga in Australia Inc (administrators appointed) Phoenix Lacquers & Paints Pty Limited v Free Wesleyan Church of Tonga in Australia Inc (administrators appointed) & Ors* [2012] NSWSC 214 at [18] (New South Wales Supreme Court); *Campbell Street Theatre Pty Ltd (receiver and manager appointed) (in liquidation) & Ors v Commercial Mortgage Trade Pty Ltd & Anor* [2012] NSWSC 669 at [16] (New South Wales Supreme Court); *Dwyer and Davies v Chicago Boot Co Pty Ltd* [2011] SASC 27 at [14] (Supreme Court of South Australia). **Keay** has also been appointed as a member of the International Advisory Board of the National Law University, Jodhpur, India

Joan Loughrey has been invited onto the Steering Committee of the HEIF Professional Services Hub which tasked with driving forward the impact agenda of research into the broad area of established, new and newly emerging professional services. The lead faculty is LUBS but the HUB has cross Faculty membership.

Gerard McCormack’s research outputs have been referred to by the Scottish Law Commission in its Discussion Paper on the reform of the law relating to security interests in movable property and he participated in a colloquium organised by the Commission in Edinburgh (November 2011) that centred on this issue. **McCormack** has also corresponded with UK government officials from BIS and elsewhere and also

Irish government officials principally on the reform of the law relating to corporate security interests and generally on the scope of European and International harmonisation projects **McCormack's** work in the field of international insolvency law has been cited by Lord Neuberger and Lady Justice Arden and by Vos J in *Ibrahim v Barclays Bank* [2011] EWHC 1897; [2012] 1 BCLC 33 and by the Court of Appeal in the same case at para 58; by Lord Neuberger in *Sinclair Investments (UK) Ltd v Versailles Trade Finance Ltd* [2011] EWCA Civ 347; [2011] 3 W.L.R. 1153 and by the New South Wales Court of Appeal in *Owners of Strata Plan 5290 v CGS & Co Pty Ltd* [2011] NSWCA 168. **McCormack** also secured an 'ATAX' Fellowship from the Australian Business School at the University of New South Wales which enabled me to spend a month in Sydney in July/August 2012 working on international insolvency law.

Surya Subedi was appointed a Visiting Professor of International Law by the American University Washington College of Law, Washington, DC, January to June 2012. He was also designated to serve on the Panels of Arbitrators and of Conciliators of the International Centre for Settlement of Investment Disputes (ICSID), an intergovernmental body, in April 2012.

Sophia Tang qualified as barrister in England and Wales (called in June 2012) and as an accredited civil and commercial mediator. Tang also joined the expert team of Transparency International UK. She is an associate to the Research Centre of Private International Law, University of Aberdeen

Paul Wragg was shortlisted for the SLS best paper prize and has been made an academic fellow of the Inner Temple. **Wragg** has also commissioned to write an article for *Communications Law* on the Leveson Inquiry and has been on television speaking on media law.

EXTERNAL FUNDING

Galanis and Alan Dignam (Queen Mary, University of London) were awarded (£7,000) from the Journal of Law and Society seminar fund to host the *Post-crisis Trajectories of European Corporate Governance: Dealing with the Present and Building the Future* workshop (September 2012)

Halson was awarded a £10,000 grant under the British Academy – International Partnerships and Mobility scheme to support a research project with Professor Diego Bunge from the Faculty of Law, University of Buenos Aires pithily entitled 'A Comparative Study of the Law Relating to the Remoteness of Loss in Argentina and England and Wales with Particular Reference to Proposed Reforms in Argentina'. The project will involve two presentations (one interim and one final) in the UK and Argentina including a presentation in Leeds under the aegis of the Centre for Business Law and Practice. A separate themed workshop for PhD students at Leeds will also be delivered.

6. PUBLICATIONS

(a) Books

Halson: *Contract Law* 2nd ed 2012 (first ed 2001) Longman 535pp described on its cover by Professor Paula Gilliker, University of Bristol, for its ‘...original structure and accessible writing style..’

Keay: *The Enlightened Shareholder Value Principle and Corporate Governance*, Routledge, 2012 (303pp)

Keay: *Insolvency Law : Corporate and Personal* 3rd edition, Jordan Publishing, 2012 (730pp) (co-author - Dr Peter Walton)

Subedi: *-International Investment Law: Reconciling Policy and Principle* (Hart Publishing, Oxford, 2nd edition, 2012).

Subedi: *Textbook: International Trade and Business Law* (Hanoi Law University), the People’s Public Security Publishing House, Hanoi, Vietnam, 2012, edited as part of an EU-Vietnam Multilateral Trade Assistance Project (MUTRAP) III.

(b) Chapters in Books and Other Contributions to Books

Brown: ‘European Regulation of Consumer Credit: enhancing consumer confidence and protection from a UK perspective’ in *Consumer Credit Debt and Investment in Europe* in J. Devenney and M. Kenny (Cambridge University Press, July 2012)

Campbell A: ‘Designing a Framework for Protecting Bank Depositors’ in J. Devenney and M. Kenny (Eds) *Consumer Credit, Debt and Investment in Europe* (Cambridge University Press, July, 2012)

Cardwell: “Rural development in the United Kingdom: continuity and change”, in Muñiz Espada, E. (ed.), *Un Marco Jurídico para un Medio Rural Sostenible* (Ministerio de Medio Ambiente y Medio Rural y Marino, Madrid, 2011) 119-135

Cardwell: “Stretching the boundaries of multifunctionality? An evolving Common Agricultural Policy within the world trade legal order”, in McMahon, J.A. and Desta, M.G. (eds.), *Research Handbook on the WTO Agriculture Agreement: New and Emerging Issues in International Agricultural Trade Law* (Edward Elgar, Cheltenham, 2012) 272-299

McCormack: “Conflicts and Avoidance in International Insolvency” in 2012 Gore-Browne Special release 92-101.

McCormack: "National Report for England" in D Faber, N Vermunt, J Kilborn and T Richter eds *Commencement of Insolvency Proceedings* (Oxford, OUP, 2012) at pp 234-283.

McCormack: "Fairness and efficiency in the law of guarantees" in J Devenney and M Kenny eds *Consumer Credit, Debt and Investment in Europe* (Cambridge, CUP, 2012) pp 182-211

McCormack: "Convergence, path-dependency and credit securities; the case against Europe-wide harmonization" in M Andenas and C Baasch Andersen eds *Theory and Practice of Harmonisation* (Edward Elgar Publishing, Cheltenham, 2011) at pp 352-392.

Keay: "The Director's Duty of Care : a Chill Wind Blowing Up from Down Under?" in *Gore-Browne on Companies : Special Release* (Jordans, 2012) 80-91.

(c) Journal Articles

Brown: 'Protection of the small business as a credit consumer: paying lip service to protection of the vulnerable or providing a real service to the struggling entrepreneur?' *CLWR* 2012 41(1) 59-96

Brown: 'Handbook of Research on International Consumer Law ' (Publication Review) *Journal of Business Law* 2012 7, 642-644

Campbell A: 'The Courts of the Dubai International Financial Centre' in (2012) 27 *Journal of International Banking Law and Regulation* 13 (with E. Campbell)

Campbell A : 'Emerging Changes to the UK's Financial Sector Safety Net Following the Banking Crisis of 2007-2008' in (2011) 30 *Banking and Financial Services Policy Report* 10 (with P. Moffat)

Campbell D: 'Welfare Economics for Capitalists: The Economic Consequences of Judge Posner' (2012) 33 *Cardozo Law Review* 2233-74

Campbell D: 'How Sensible is the Left-wing Criticism of Money, Exchange and Contract' (2011) 20 *Social and Legal Studies* 528-3

Campbell D: 'A Relational Critique of the Restatement (Third) of Restitution § 39' (2011) 68 *Washington and Lee Law Review* 1063-131

Campbell D: 'Copenhagen, Cancun and the Limits of Global Welfare Economics' (2011) 31(2) *Economic Affairs* 10-16 (with M Klaes)

Campbell D: 'Dicey in the Age of Globalisation (Review of D Nicol, *The Constitutional Protection of Capitalism*)' (2011) 17 *European Public Law* 571-98

Campbell D: 'The Province of Jurisprudence Demolished (Review of AC Hutchinson, *The Province of Jurisprudence Democratized*)' (2011) 20 *Social and Legal Studies* 253-62

Cardwell : With Bodiguel, L., “Les juridictions pénales Britanniques et Françaises face aux anti-OGM: au-delà des différences, un communauté d’esprit”, (2011) *Revue Juridique de l’Environnement* 267-279

Cardwell : “European Union agricultural policy and practice: the new challenge of climate change”, (2011) 13 *Environmental Law Review* 271-295

Key: “The Authorising of Directors’ Conflicts of Interests : Getting a Balance?” (2012) 12 *Journal of Corporate Law Studies* 129-162.

Key: “Shareholder Value and UK Companies : A Positivist Inquiry” (2012) 13 *European Business Organization Law Review* 1-29 (with Ms. Rodoula Adamopoulou).

Key: “Risk, Shareholder Pressure and Short-termism in Financial Institutions. Does Enlightened Shareholder Value Offer a Panacea?” (2011) 5 (6) *Law and Financial Markets Review* 435-448

Key: “An Analysis of Enlightened Shareholder Value in Light of Ex Post Opportunism and Incomplete Law” (2011) 8 *European Company and Financial Law Review* 445-475 (with Dr Hao Zhang)

McCormack: “Universalism in Insolvency Proceedings and the Common Law” (2012) 32 *Oxford Journal of Legal Studies* 325-347 “Comi and Comity in UK and US Insolvency Law” (2012) 118 *Law Quarterly Review* 140-159

McCormack: “Football creditors – a game of two halves?” [2012] *Insolvency Intelligence* 105-108

Loughrey: ‘Large Law Firms, Sophisticated Clients and the Regulation of Conflicts of Interest in England and Wales’ Invited paper in Special Edition of *Legal Ethics on Conflicts of Interest in the Legal Profession*’ (2012) *Legal Ethics* .

Subedi: ‘Commission on Sustainable Development’, in Rudiger Wolfrum (ed.) *The Max Planck Encyclopaedia of Public International Law* (Oxford University Press, Oxford, 2012), Vol. II, pp.418-422.

Subedi: ‘Ganges River’, in Rudiger Wolfrum (ed.), *The Max Planck Encyclopaedia of Public International Law* (Oxford University Press, Oxford, 2012), Vol. IV, pp.288-292.

Subedi: ‘Indus River’, in Rudiger Wolfrum (ed.), *The Max Planck Encyclopaedia of Public International Law* (Oxford University Press, Oxford, 2012), Vol. V, pp.157-160.

Tang ‘Effectiveness of Exclusive Jurisdiction Clauses in the Chinese Courts’, (2012) 61 *ICLQ* 459-484

d) Reports/Other

Loughrey: 'Standard Chartered Bank and the Ethics of Corporate Lawyers' *Lawyers and the Legal Profession* Blogpost, August 2012

Loughrey J: 'The Oxford Project: A Corporate Law Ethicist Responds', the Centre for Law Markets and Regulation Web Portal May 2012

Wragg: Celebrity Privacy Blog (USA) 'Time to Hold the Media to Account' <http://www.professorbarnes.com/celebrityprivacy/?p=127>

5. CONFERENCE PRESENTATIONS AND PUBLIC LECTURES

Brown: 'Convenient credit or dangerous credit? Questions of cost and the law's approach to consumer protection' : Paper at Convenient Credit and Consumer Protection Symposium Wed 28th March 2012 University of West of England

Brown: 'The Consumer Credit Act 1974: recent developments in challenging contracts and creditor behaviour', Guest speaker for Research Seminar Series, Bristol Law, School University of the West of England 31st Jan 2012

Campbell A: gave papers at four conferences: a conference jointly organised by University of Warwick and OECD which was held at the OECD in Paris in October 2011; a conference at the London School of Economics in November 2011; a conference at the INSOL Europe conference held at Nottingham Trent University in June 2012 (with P.Moffat); at the joint conference of the Financial Stability Institute and International Association of Deposit Insurers held at the Bank for International Settlements in Basel, Switzerland in August 2012.

Campbell D: 'Welfare Economics for Capitalists: The Economic Consequences of Judge Posner', paper presented to a Conference on *Fantasy and Markets*, Cardozo Law School New York, October 2011, published as 'Welfare Economics for Capitalists: The Economic Consequences of Judge Posner' (2012) 33 *Cardozo Law Review* 2233-74

Campbell D: 'What Do We Mean By the Non-use of Contract?' paper presented to a conference on *Empirical and Lyrical: Revisiting the Contracts Scholarship of Stewart Macaulay* commemorating the retirement of Stewart Macaulay, University of Wisconsin School of Law, Madison, Wisconsin, October 2011; in J Braucher *et al*, eds, *Revisiting the Contracts Scholarship of Stewart Macaulay: On the Empirical and the Lyrical*, Oxford, Hart, forthcoming 2013

Campbell D: 'The Irrelevance of the Performance Interest: Keep Open Covenants in Scotland', paper presented to the School of Law, University of Edinburgh, February 2012; to the Department of Legal and Administrative Services, City of Edinburgh Council, March 2012 and to the Annual Conference of the Society of Legal Scholars, University of Bristol, September 2012; in L DiMatteo *et al*, eds, *Commercial Contract Law: Transatlantic Perspectives*, Cambridge, Cambridge University Press, forthcoming 2013 (with R Halson)

Campbell D: 'Arcos v Ronaasen as a Relational Contract', paper presented to a conference on *The Future of Relational Contract*, School of Law, University of Leeds,

March 2012; in D Campbell, L Mulcahy and S Wheeler, eds, *The Future of Relational Contract: Essays in Honour of Ian Macneil*, Basingstoke, Palgrave Macmillan, forthcoming 2013

Campbell D: ‘The Law of *Force Majeure* and the Planning of Long-term Contracts’, paper presented to a conference on *Commercial and Legal Issues under Long-term Contracts*, University of Western Australia, Perth, Australia, May 2012; in K Dharmananga and L Firios, eds, *Long-term Contracts*, Annandale, Australia, Federation Press, forthcoming 2013

Halson: ‘Neglected Insights into Agreed Remedies’ at the Future of Relational Contract After Iain MacNeill conference at University of Leeds, 30th March 2012 to be published as a chapter in ‘The Future of Relational Contract Law’ to be published by Palgrave Macmillan in Sept 2013, Dave Campbell, Linda Mulcahy and Sally Wheeler (eds).

Keay: “Comply or Explain : In Need of Regulatory Oversight?” presented as the 4th Cambridge International Regulation and Governance Conference, *More Regulation or Better Stewardship? Optimising the Means and Ends of Good Governance*, held at Queens College, University of Cambridge, on 6 September 2012.

Keay: “Accountability and the Corporate Governance Framework : From Cadbury to the UK Corporate Governance Code” presented at the *Corporate Governance 20 years After Cadbury Conference* at the University of Sheffield on 4 July 2012 (invited speaker).

Keay: “Directors’ Duties to Creditors and Financially Distressed Companies” presented to the Midland Chancery and Commercial Bar Association at St Philips Chambers, Birmingham on 9 May 2012 (invited speaker).

Keay: “Directors’ Duties to Creditors and Financially Distressed Companies” presented at the Insolvency Lawyers’ Association Academic Colloquium held on 23 March 2012 at Luton Hoo (invited speaker).

Keay: “Enlightened Shareholder Value : Moving, Shifting or Inching the UK Towards Stakeholderism” presented at the School of Law, Durham University on 6 February 2012 (invited speaker).

Keay: “The Global Financial Crisis : Risk, Shareholder Pressure and Short-Termism in Financial Institutions. Does Enlightened Shareholder Value Offer a Panacea? (a more developed paper than that presented at Durham), presented in the Business School at the University of Huddersfield on 2 November 2011 (invited speaker).

McCormack : paper at the European Academic Forum of INSOL (International Association of Insolvency Practitioners (Venice September 2011, Brussels October 2012)

McCormack: paper at the International Academic Forum of INSOL (Miami, May 2012).

Loughrey : ‘Accountability and the Regulation of the Large Law Firm Lawyer’ Round Table on the Regulation of the Legal Profession, International Legal Ethics Conference, Banff, Canada, July 2012.

Loughrey : Moderator ‘When Things Go Wrong’ , International Conference of Legal Regulators, Solicitors’ Regulatory Authority, 29th September 2012.

Subedi: ‘Obligations to provide international assistance and duty to cooperate to deal with the situation after a natural disaster’ at a conference on ‘Human Rights in Asia’ organised in London by the Human Rights Centre of the University of Essex on 31 May 2012.

Subedi ‘The Status of Dalit (untouchable) Women in Law and Practice in Nepal’, a presentation to solicitors at Linklaters in their London offices on their pro-bono project on 19 July 2012.

Subedi ‘Cambodia Today: The State of Human Rights and the Rule of Law’, presented at an event organized by the East-West Centre, Hawaii Institute of Human Rights, and the University of Hawaii, Honolulu, Hawaii, 1st May 2012.

Subedi ‘The UN Human Rights Council and the Protection and Promotion of Human Rights through the Mechanism of Special Rapporteurs’, presented at the American University Washington College of Law, Washington DC, on 24 April 2012.

Subedi ‘The role of the UN Special Rapporteur for human rights in Cambodia’, presented at the Loyola University Chicago Law School, Chicago, U.S.A., on 9 April 2012.

Subedi ‘The Problems and Prospects for a Global Comprehensive Treaty on the Regulation of Foreign Investment’ at the Yale University Law School, New Haven, Connecticut, on 5 April 2012.

Subedi: ‘The Freedom of expression and the experience of the UN Special Rapporteur for human rights in Cambodia’, at Freedom House, Washington DC, on 4 April 2012.

Subedi: ‘The legal regime concerning the utilisation of the water resources of the river Ganges basin’ , at the Georgetown University Law Centre, Washington, DC, on 3 April 2012.

Subedi: Chaired a meeting of the Asian Interest Group on ‘International Law in Asia’, at the 106th Annual Conference of the American Society of International Law, Washington, DC, on 30 March 2012.

Subedi: ‘Protecting human rights through the mechanism of UN Special Rapporteurs’, presented at the Harvard University Law School, Cambridge, Massachusetts, U.S.A., on 22 March 2012.

Subedi: ‘Reassessing and readdressing the concept of economic sovereignty of States in international law’, presented at the George Washington University Law School, Washington, DC, on 19 March 2012.

Subedi: ‘Human rights in Cambodia and the role of the UN’, presented at a special seminar organised at the American Society of International Law, Washington DC, on 1 March 2012.

Subedi: ‘Protecting human rights through the mechanism of UN Special Rapporteurs’, presented at Johns Hopkins University, Washington DC, on 6 February 2012.

Subedi: ‘The 20th Anniversary of the Paris Peace Agreements: Human Rights in Cambodia Today’, presented at a symposium on ‘Cambodia: Twenty Years after Peace’ at the University of California at Berkeley on 19 November 2011.

Subedi: Chaired a panel on ‘Liberty in International Law’ at a conference on the ‘Notion of Liberty’ organized to open the new law building, the Liberty Building, at the University of Leeds on 7 October 2011.

Tang: International Treaties in Chinese Private International Law’, Private International Law Forum, Beijing, Oct 2011;

Tang: ‘English Contract Law’ and ‘Alternative Commercial Dispute Resolution’ for China Petrochemical Co, China, March 2012, Public Lecture

Wragg: ‘The Benefits of Privacy-Invasive Expression’ Society of Legal Scholars Annual Conference, Bristol, UK, September 2012 (Media Law Section)

Wragg: "Privacy, Freedom of Expression and the Media: Recent Developments" Scottish Public Law Group, Autumn Event, Glasgow, UK in November 2011 (invited paper); other participants were Hugh Tomlinson QC and Rosalind McInnes, principal solicitor for BBC Scotland.

6. EDITORIAL WORK

Campbell D: Co-ordinating Editor, *Social and Legal Studies*

Campbell D: Member of Advisory Board, *Journal of Law and Society*

Keay: Commonwealth Editor for *Gore-Browne on Companies* and a member of the editorial board.

Keay: Member of the Editorial Board for the *Insolvency Law Journal*

Keay: Member of the Editorial Board for *International Insolvency Review*.

Keay: Member of the Advisory Board for *Insolvency Intelligence*

Keay: Member of the Advisory Board for the *QUT Law and Justice Journal*.

Tang: Reviewer for book proposals for Private International Law Series, Hart Publishing.

Tang : Reviewer for book proposals on Chinese law for Edward-Elgar Publishing

