About the Institute of Advanced Legal Studies

The Institute of Advanced Legal Studies (IALS) supports and promotes legal research in its broadest sense, both nationally and internationally, provides services to the law schools of the University of London, and brings together the academic and the practising legal professions for the benefit of the legal system as a whole.

Founded in 1947, it houses specialist research centres and innovative partnerships and is home to an active community of researchers, fellows, and postgraduate students. It promotes new research agendas in specialist and interdisciplinary areas of law that directly affect policy and practice. It provides research training and online resources, a meeting place for organisations and legal scholars from around the world, one of the UK’s great legal research libraries, and a busy programme of seminars and public events. It is one of nine member institutes of the School of Advanced Study at the University of London.

The Institute of Advanced Legal Studies is a major national and international meeting place for academic legal researchers. It provides a diverse and engaging programme of academic events along with dedicated research space, meeting rooms, lecture halls, and other social spaces that facilitate collaboration, networking, and knowledge exchange. Its internationally renowned library provides a shared resource for legal researchers and attracts more than 6,000 scholars each year from the UK and abroad. The Institute’s iconic building on Russell Square is a ‘home from home’ for legal scholars and students, who enrich the intellectual life of the Institute and University.

Learn more about the Institute of Advanced Legal Studies:
ials.sas.ac.uk

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Contents

About the Institute of Advanced Legal Studies

From the Director ................................................................. 2

News Review
The transformation of the IALS building: meeting the needs of our users ................................................................. 4
IALS Library continues to serve its national membership throughout the pandemic ...................................................... 6
Information Law & Policy Centre News and Events ........................................................................................................... 10
Zahrah Latief receives the Schwarzenberger Prize ............................................................................................................. 11
Professor Carl Stynchin hosts online series: Law & Humanities in a Pandemic ................................................................. 12
The Institute of Advanced Legal Studies hosts a series of ‘judicial conversations’ ......................................................... 13
CHULS-IALS Academic Career Development Series ......................................................................................................... 14
Eleanor Sharpston QC presents the 2020 Hamlyn Lecture Series .................................................................................. 15

People
Sandy Dutzcak joins IALS as Digital Projects and Publications Manager ................................................................. 16
Charlene Desporte appointed as IALS Space and Facilities Officer .................................................................................. 16
Visiting Professor of Practice, Barnaby Hone ...................................................................................................................... 17
Justice Anthony Besanko joins IALS as 2020 Inns of Court Fellow .................................................................................. 17
A tribute to Professor Derek Roebuck and Jonny Veeder QC .......................................................................................... 18

Features
New Centre for Financial Law, Regulation & Compliance (FinReg) .................................................................................. 19
Sir William Dale Centre for Legislative Studies and Westminster Foundation ................................................................. 20
for Democracy: What is it about strategic partnerships?
IALS, IALS Digital and BAILII ........................................................................................................................................... 21
Dr Faith Gordon & Hannah Close: Technology, Citizen Journalism ................................................................................ 22
and Police Accountability: Recording Violent Interactions
Stephen Mason: Electronic evidence: the law needs to urgently move into the twenty-first century ................................................. 25

PhD Awards 2019-20 ......................................................................................................................................................... 27

Selected Staff Publications .................................................................................................................................................... 27

Financial Summary ............................................................................................................................................................... 28

Key Statistics .......................................................................................................................................................................... 29
As Director of the Institute of Advanced Legal Studies, I am very proud to introduce our 2020 Annual Review. Quite simply, it has been a year unlike any other in the Institute’s history. The first phase of the multi-million pound refurbishment of Charles Clore House was completed on time and on budget in March. The success of the project was immediately evident to anyone visiting the Institute, and is explained in more detail in this Review. Ironically, later in March, the Institute was forced to close its doors as the United Kingdom, like other countries around the world, entered a period of ‘lockdown’ which would last until the summer.

However, due to the enormous efforts of our staff, the Institute continued to provide services remotely throughout the year, demonstrating the value which we add to the legal landscape nationally and internationally. Those achievements were evident in terms of Library services, training opportunities, open access publications, and online conferences and events. In this way, the reach and impact of the Institute expanded significantly in order to meet the needs of our communities who were experiencing the severe challenges which the pandemic wrought. Highlights of the period included the Information Law and Policy Centre Annual Conference on ‘AI and the Rule of Law’ in November, and the Sir William Dale Centre UN Habitat Urban Law Day which was held online in July.

We were also pleased to launch a new research centre at the Institute, the Centre for Financial Law, Regulation & Compliance (FinReg), under the Directorship of our colleague, Dr Colin King. The Centre will provide a unique hub for the promotion and facilitation of research and engagement with practitioners in the field. The launch of the Centre was held remotely with a series of events focusing on different aspects of the Bribery Act.

As circumstances allowed, limited onsite services were restored during 2020. Our priority was the reopening of the Library, which launched a ‘click, collect and return’ book service in July; a scanning service in August; and the limited reopening of the reading rooms in September. The Library remained open during restricted hours for the remainder of the year. I am enormously grateful to our library staff for their dedication in enabling us to resume onsite services, which I know were much appreciated by our users.

As 2020 drew to a close, the Institute was able to embark upon the second - and final - stage of the Transformation Project of Charles Clore House. These works will focus upon the lower floors of the building. We are enormously grateful to the Clore Duffield Foundation, and in particular to the Chair of the Foundation, Dame Vivien Duffield, for the generous gift which enabled this phase of the Project.

Sadly, the Institute lost two of our long-time friends during the past year, Derek Roebuck and Johnny Veeder QC. Their contribution to the Institute’s research on arbitration is included in this Report. Working with the University’s Development Office, we have launched a fundraising campaign in order to ensure that the research which they championed, is completed.

In closing, I would like to pay tribute to our students, researchers and staff. This has been an enormously difficult year for both. As Director, I am enormously proud of how both staff and students rose to the challenge of the pandemic through a combination of professionalism and mutual support. More than ever, I am deeply honoured and humbled to lead this unique organisation. My colleagues and I look forward with hope and optimism to the future, and I have every confidence that the Institute will continue to be an invaluable resource, whatever circumstances we face.
The iconic IALS building at 17 Russell Square has been truly transformed by the successful University of London building project to meet the current and future needs of our users. The major phase of the two-year £11.5 million project was completed on time and on budget in mid-March 2020 and has significantly re-designed and refurbished the IALS academic and research areas on the 5th floor and the IALS Library floors below to make much better use of the space.

The work to re-design and refurbish the IALS academic and research areas on the 5th floor has created new and inspiring spaces for the Director, research staff, academic centres, Fellows and the supporting professional staff. Welcoming and stimulating spaces have also been created for our cohort of IALS PhD, MPhil and LLM students. Furthermore, new larger automated front doors and a new external lift have been installed at the main entrance to ensure complete accessibility to the building.
The University’s transformation project has also re-designed the IALS Library space and allowed us to introduce new library services to help us to meet the current and future needs of our library users. There is now a spacious and welcoming library entrance on the 2nd floor with natural light, uninterrupted views looking out over Russell Square and an exhibition space for displaying our rare books and archive collection. The entrance and exit gate systems have been replaced with up-to-date RFID technology-based library security equipment. New facilities and services for users such as a large group training room with increased capacity, two bookable “group study” rooms, a reference advice room for one-to-one training, an IT room with appropriate equipment and software for users with special needs, and a free self-issue “laptop for loans” service have all been created. Library research carrels for senior researchers and visiting fellows have been re-designed and increased to a total of 38. Secondary glazing to reduce the impact of outside traffic noise and new Wi-Fi access points have been installed around the building on all library floors. Across the library space there are 50 additional study desk spaces and more casual seating areas which have significantly increased seating capacity, and new modern desks and adjustable chairs have replaced the old furniture throughout the library. Finally, a new sophisticated cooling and heating system has been installed on the roof of the building which will give us more control over the temperatures in the library reading rooms.

For the remaining minor phase of works an additional £300,000 funding has been raised by the University of London’s Development Office from private donations. These donations will now be used to complete the refurbishment of the ground floor, the archive room, and the lower library floors. It is hoped that this remaining work will be undertaken whilst the building is mainly closed because of the Coronavirus pandemic.

On behalf of our current and future users and staff, IALS is very grateful to the University and to the private donors for their generous investment. We also applaud the sensitive and innovative redesign plans of Burwell Architects and their successful realisation by the University’s Capital Projects team and Overbury PLC. Finally, we wish to thank our staff, students and other library users for their continuing forbearance and good humour during our two-year transformation project. The firm consensus of all who have seen and used the new building and its new services and facilities is that they will serve us very well in meeting the needs of our users in the years to come.

David Gee, IALS Librarian
January 2021
Expanded IALS Library Collections and Services used significantly by UK researchers between mid-March and December 2020

Since the start of the coronavirus pandemic in mid-March 2020 and the imposition of the UK government’s strict lockdown restrictions and the initial closure of the IALS building, IALS Library has focused on serving its national membership of PhD students, researchers and academics, the LLM students registered at UCL, LSE, KCL, QM and SOAS and our own School of Advanced Study (SAS) postgraduate students and academics. This has been achieved by, firstly, providing remote access to our expanded subscription e-resources, expanded online library services (such as our new “live” webchat service and virtual Reference Desk), our expanded online research training programmes, our expanded online research guides and podcasts and our in-house digital legal research tools. Remote usage has been very high throughout the Coronavirus pandemic with many individual emails of thanks received from researchers. Secondly it has been achieved by gradually reopening our onsite library collections and services as far as the government’s health and safety restrictions allowed. Onsite usage has grown throughout the pandemic period but has been necessarily restricted by periodic lockdowns with the government’s “stay at home” health and safety messaging and travel restrictions.

1 Significant usage of IALS Library virtual collections and services

a) Expanded subscription e-resources:
   Between mid-March and December 2020 remote access to an expanded number of commercial subscription e-resources has been achieved.
   Total page views of **725,942** with remote usage of legal eBooks a key highlight.

b) Expanded online library services:
   A new “live” webchat service, virtual Reference Desk (for more detailed specialist enquiries) and a new virtual Library Admissions Desk, have been staffed by specialist law librarians and continuously offered to researchers from 9.00am to 5.00pm, Monday to Friday.
   The total number of reference enquiries answered by library staff (including those for the LibChat service) was **948** enquiries.
   The number of new and returning readers admitted to full library membership has been **1,059**.
   This includes 222 PhD students, 606 LLM, MA and MRes students and 231 academics.

c) Expanded online research training ([libguides.ials.sas.ac.uk/training](http://libguides.ials.sas.ac.uk/training)):
   As well as reference support services provided by the “live” webchat service and virtual Reference Desk, our popular one-to-one reference advice training sessions were offered virtually via Microsoft Teams. Topics covered were conducting literature reviews, searching specific legal databases, creating a bibliography.
   Our group training workshops on topics such as an Introduction to the Lexis and Westlaw databases were also switched and offered to researchers online throughout the Autumn term via Microsoft Teams.
   The extensive programme is to be repeated in Spring 2021.
   Library staff visited the law faculties of the universities of East Anglia, Cardiff, Aberdeen, Reading and Liverpool virtually in the autumn 2020 and more virtual “roadshows” are planned in 2021.
   The total number of researchers who attended our online library training sessions was **949** attendees.

IALS Librarians have created seven self-paced online research training tutorials and published them on the SAS PORT platform and via the IALS Law PORT webpage: [port.sas.ac.uk/course/view.php?id=120](http://port.sas.ac.uk/course/view.php?id=120) and [ials.sas.ac.uk/library/library-services/ials-online-training](https://ials.sas.ac.uk/library/library-services/ials-online-training).
   The total usage of the IALS tutorials on Law PORT was **1,013** views.
IALS is also offering UK PhD students its “How to get a PhD in Law” programme of three national training days virtually in 2021 using a mix of academics and law librarians as speakers:

**Day 1 “The PhD journey: Supervision, research ethics and preparing yourself for upgrade and vivas” is on 18th March:**
- Becoming a legal researcher: what is a PhD in law?
- The PhD journey: The staging posts of your PhD and support for research students
- The PhD journey: The staging posts of your PhD and support for research students
- Preparing for upgrade viva and the PhD viva
- The foreign, international and comparative law research collections at IALS Library
- Panel of research students who discussed how they approached researching their theses and the PhD journey

**Day 2 “The PhD in Law and research methods” is on 30th April:**
- Handling the supervision relationship
- Literature reviews
- Comparative legal research
- Qualitative and quantitative research for PhDs
- Tips on keeping up-to-date with your topic after completion

**Day 3 “Researching, disseminating and publishing in the digital world” on 22nd May:**
- The PhD in law in the digital world
- Legal writing
- Disseminating your legal research
- What books are law publishers looking to publish?
- Getting your research published in journals
- IALS Library: successful researching using our electronic resources

**d) Expanded number of online research guides, blogs, videos and podcasts:**
To assist legal researchers working remotely, since mid-March 2020 library staff created a useful guide to free open access legal resources: [libguides.ials.sas.ac.uk/openfreeresources/oa](http://libguides.ials.sas.ac.uk/openfreeresources/oa) and expanded our set of library jurisdictional and subject guides: [libguides.ials.sas.ac.uk/guides/jurisdictions](http://libguides.ials.sas.ac.uk/guides/jurisdictions). Staff also produced blogs and a podcast on online resources from IALS Library, while the IALS Digital team produced a guide on recording a podcast for researchers.

The total number of page views for our online research guides was **149,578** page views.
Total number of page views of IALS Blogs was **13,872**.
Total number of views of the IALS videos and podcasts was **5,218**.

**e) Expanded IALS website and IALS created digital legal research tools and social media promotion:**
Usage of the IALS website and IALS created digital legal research tools (such as BAILII: [bailii.org](http://bailii.org), the Eagle-I Portal for Law: [ials.sas.ac.uk/digital/ials-digital-resources/eagle-i-internet-portal-law](http://ials.sas.ac.uk/digital/ials-digital-resources/eagle-i-internet-portal-law), the Foreign Law Guide: [ials.sas.ac.uk/digital/ials-digital-resources/eagle-i-internet-portal-law](http://ials.sas.ac.uk/digital/ials-digital-resources/eagle-i-internet-portal-law) and the Current Legal Research Topics database: [ials.sas.ac.uk/clrt-current-legal-research-topics-database](http://ials.sas.ac.uk/clrt-current-legal-research-topics-database)) was also significant since mid-March 2020:

Total number of page views **337,375** (as at 12.30 pm on 12 Jan 21) | Total number of visitors **101,332**
BAILII page views: **61,285,472** | BAILII downloads: **4,860,882**

All of these expanded online resources and services were explained and promoted via regular information emails to all library readers, online newsletters, virtual inductions and our social media accounts. Indeed, our social media accounts saw high usage since March:

Total number of IALS Facebook “lifetimes likes” = **4,990** | Total number of IALS Twitter Followers = **3,247**
f) Expanded IALS Open Publishing initiatives:
Usage of the free IALS open access books and open access e-journals was high during the pandemic:
IALS Open Book Service = 15,840 (downloads)
IALS Open Journals = Main page views = 13,332 & downloads = 48,019
SAS-Space (IALS Section) = 52,833 page views

2 Usage of IALS Library onsite collections and services

a) Book loans:
Once the University gave us permission to re-open the IALS building and the strict University health and safety protocols were fully implemented, from July 2020 readers were be able to borrow and return loanable IALS Library books onsite at 17 Russell Square using our new “Click, Collect & Return” book loan service:  
ials.sas.ac.uk/library/new-click-collect-return-service. This service increased borrowing privileges markedly to 10 books over 4 weeks for both main collection and short loan collection books for all library academic members. IALS also sourced and purchased as many eBook alternatives to printed short loan books as possible.
Total number of books borrowed or renewed since mid-March 2020 was 2,535 books

b) Scanning services:
From early August 2020 we then resumed limited access to our commercial IALS Document Supply Service and offered our own SAS students a new book and journal Scanning service: ials.sas.ac.uk/scanning-service-find-out-how-it-works.

c) Bookable study desk service:
From September 2020 readers were able to make an online booking for a “socially distanced” study desk on the 3rd floor or 4th floor within the IALS Library at 17 Russell Square. Once inside the Library, readers were also able to browse our extensive national law collections on the 3rd floor and 4th floor and/or request books and non-borrowing materials to be fetched by library staff from the library floor L2 and library floor L3 to consult at their booked study desk. In line with the other SAS libraries and SHL, we started by opening 3 days a week, but soon were able to open 5 days a week. Self-service copiers were also made available for readers. The IALS archives also reopen for consultation.
Total number of booked study desks in IALS reading rooms is 592

3 Feedback from researchers during the pandemic period:

LibChat
“You have been so helpful as always!” PhD student, QMUL
“Very helpful with helping me find something niche in the catalogue” PhD student, Cambridge
“Best service ever” MA student, QMUL

Reference Desk emails
“Thank you so much for your help last week with finding the articles. You were immensely helpful.”
LLM student, QMUL
“Thank you so much for your reply-I think this web chat and email service is so useful so please keep it going even after this pandemic ends.” PhD student, QMUL
“Thank you very much for your instruction! I can now access the IBFD database! You saved my day!”
LLM student, KCL

“Thank you very much for your kind and prompt reply to my inquiry, and for having provided me with further instructions on how to become a member. I have now completed the application form. I very much look forward to consulting the wonderful legal resources provided by the IALS.”
LLM student, KCL

“Thank you very much for your help. I really appreciate it and it helps a lot indeed.”
LLM student, UCL

“This is really great. Thank you so much for this.” PhD student, LSE,

“Thank you so much for your help with this matter. I really appreciate that!” PhD student, LSE

“I cannot thank you enough for your kind response, and for helping me to find a copy of the article I so desperately needed.” IALS PhD student

“You’re amazing So helpful thank you!!!” LLM student, IALS

“Thank you very much for taking the time to compile this list of resources. This will make the research much more easier.” Academic, Leeds Beckett

“Thank you so much for your amazingly speedy and helpful reply!” Academic, Keele University

Comments taken from autumn training feedback forms

“Thank you very much for such an informative event.” PhD student, University of Reading

“I found the presenter very knowledgeable and competent in covering what is essential”
Research Fellow, IALS

“It was excellent, very clear and helpful!” LLM student, UCL

“Very clear, very appreciated.” LLM student, QMUL

“It was a very good session and precise and concise.” PhD student, University of Aberdeen

“It was absolutely excellent. Comprehensive, informative and clear. Thank you!” PhD student, KCL

“I thought it was excellent. It was a shame we couldn’t applaud at the end - it must be hard to deliver without getting any response from people, but Laura did brilliantly. The admin was done seamlessly too, thank you all.” PhD student, KCL

“Excellent, with particularly good pace. Thank you.” PhD student, Birmingham City University

“Great insight into what is available & how to search thoroughly” PhD student, KCL

“It was great to see how to get started- including the tip about Halsbury’s Laws. Thank you!” PhD student, KCL

“It will be very helpful for my research” LLM student, KCL

“Really helpful, did not use any of the presented techniques before” LLM student, QMUL

“First, fears are allayed; I will now be able to fix in my sources properly” MPhil student, Middlesex University

David Gee, IALS Librarian
15th January 2021
The ILPC enjoyed another successful year as a national and international hub in its research, promotion, and facilitation of information law & policy thanks to its thriving academic community and external networks. Our flagship events, the ILPC Annual Conference 2020 and ILPC Annual Lecture 2020, enjoyed their fourth successful year, with over 300 registered delegates, and speakers from across the United Kingdom and worldwide. As always, expertise and policy insights discussed and debated encompassed a broad and diverse range of voices from law and the humanities, STEM, industry, government, regulators, and civil society. As a result of the COVID-19 pandemic, this was the ILPC’s first two-day annual conference that took place fully online. This major change in format was made possible thanks to the excellent work of Daly Sarcos our former Head of Events at IALS and our former IALS Social Media Officer Dein Harry.

The theme of the 2020 ILPC Annual Conference was: AI and the Rule of Law: Regulation and Ethics. Lord Clement-Jones CBE delivered the 2020 ILPC Annual Lecture: AI. Time to Regulate? In his lecture Lord Clement Jones discussed the great opportunities presented by AI in various sectors (healthcare, Education, Financial Services, Marketing, Retail, Agriculture, Energy Conservation, smart or connected cities) where the predictive, analytical and problem-solving nature of AI can make a huge difference in improving performance, productivity and customer experience. But he highlighted that there are also risks (disinformation, deepfakes, a lack of explainability in algorithmic decision-making) particularly as there are strongly polarized narratives around AI, ‘the worst or best thing for humanity’ according to late Professor Stephen Hawking and a general lack of clarity surrounding the use of the term ‘AI’ itself.

Another high-risk AI technology which needs to be added to the candidates for regulation, Lord Clement-Jones further noted, is the use of AI applications for recruitment processes as well as in situations impacting employees’ rights to privacy. There is also a range of decision making in financial services which may in the future be considered high risk and candidates for regulation such as credit scoring or determining insurance premiums by AI. In his concluding remarks, Lord Clement-Jones stressed that the debate over hard and soft law in the governance of AI is by no means concluded within the UK, Europe, US, or beyond. He observed that whether in the public or private sector, ‘the cardinal principle must be that AI needs to be our servant not our master’. In addition, policymakers and regulators need, in achieving that aim, to recognize they have a duty to ensure that whatever solution they adopt they recognize ascending degrees of risk and the policies and solutions are calibrated accordingly.

This insightful, comprehensive, and provocative ILPC Annual Lecture launched the two-day ILPC Annual Conference proceedings with a keynote panel of presentations and discussion by leading experts in this field. This interdisciplinary and multi-stakeholder panel comprised representatives from academia (Dr Joanna Bryson, Professor of Ethics); regulation (Ellis Parry, ICO) industry and STEM (Professor of Engineering Hamed Haddadi); and civil society (Carly Simon, Ada Lovelace Institute). The keynote panel was chaired by the ILPC Director, Dr Nóra Ni Loideain. Key themes and issues addressed in this fascinating discussion included a debate on the key points raised by Lord Clement-Jones in his paper regarding the role of ethics and regulation in governing the use, deployment, and evaluation of AI and assessing the risks of particular algorithmic systems. Further discussion explored the history of the interplay between AI ethics and regulation to date, the need for independent oversight and the future role of the government’s Centre for Data, Ethics, and Innovation in this space.
In addition, 2020 saw the ILPC hosting, with its Director Dr Nóra Ni Loideain as chair, several themed events and workshops as part of the ILPC Academic Seminar Series. These seminars addressed timely and fascinating issues and developments within the area of information law & policy and included the book launch of ILPC Associate Research Fellow Dr Rachel Adams’ monograph – *Transparency: New Trajectories in Law* (Routledge 2020). Speakers who shared their recent work and insights as part of the ILPC Seminar Series included legal academic experts from across the United Kingdom, Europe, South Africa, Australia, and North America. These topics included: *Digital Justice: Convenience at What Cost?*; ‘Dark design’ in social media, Autonomy and Freedom of Expression; *International data transfers between EU & Non-EU States: Trade negotiations and the reform of the Australian Privacy Act; The viability of a ‘ministry of truth’ for political advertising*. Again, huge thanks are due to Daly Sarcos (former Head of Events at IALS) and Dein Harry (former IALS Social Media Officer) for making all of these online events possible.

Finally, the ILPC is delighted to share in research, promotion, and facilitation news that work and academic research by the ILPC in the area of information law & policy was cited and published in 2020 by various national and international organisations. These include: the Ada Lovelace Institute, ‘Societal impacts of introducing a public health identity system’ (July 2020); UK Parliament Joint Committee on Human Rights, ‘The Government’s response to COVID-19: human rights implications’ (May 2020); and the United Nations (August 2020). Scholarship by ILPC Associate Research Fellow Dr Rachel Adams and ILPC Director Dr Nóra Ni Loideain on international law, gender equality, and AI Digital Assistants was cited and endorsed in the UN Women Discussion Paper, *The Digital Revolution: Implications for gender equality and women’s rights 25 years after Beijing*. The publication states that by ‘challenging and exposing the potential for VPAs to exacerbate existing gender stereotypes, feminist scholars have raised awareness of this issue within the tech industry and it is now beginning to be addressed.’ For the full article, please see ‘Addressing Indirect Discrimination and Gender Stereotypes in AI Virtual Personal Assistants: The Role of International Human Rights Law’ (2019) 8(2) *Cambridge International Law Journal* 241.

**City Law School Graduate Zahrah Latief Receives Georg Schwarzenberger Prize in International Law**

The Georg Schwarzenberger Prize in International Law was endowed by friends and former students of the late Professor Georg Schwarzenberger, a distinguished academic who taught international law at the University of London from 1938 to 1975. It is awarded to a student in one of the law schools of the University of London on the basis of outstanding performance in Public International Law.

This year’s winner, Zahrah Latief, obtained her LLM in International Human Rights from City, University of London, graduating at the top of her class. In 2018, she graduated from City with an LLB, achieving first-class honours. Over the course of her LLB and LLM programmes, she has written research papers on a broad range of subjects in international law, including military drone usage and the jus in bello; terrorism and human rights; peasant rights in international law; and selectivity in the International Criminal Court. Most recently, her Masters dissertation explored the impacts of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) on the economic advancement of Pakistan’s rural women, and the extent to which fragile enforcement machinery has obstructed CEDAW’s domestication in the municipal legal order. Two of her papers – on the ICC and US drone warfare, respectively – have also been published in Volumes I and II of the peer-reviewed City Law Review. Moving forward, she is eager to pursue a PhD and contribute to international human rights scholarship, eventually entering a lifelong career in academia and human rights advocacy. She is particularly passionate about developing her research on peasants and rural women, and examining the wider human rights implications of weak climate change governance at the international level. When she is not writing papers, she can be found reading a Stephen King novel, cycling, or watercolour painting.
Law and Humanities in a Pandemic

October saw the launch of a new series of monthly remote workshops hosted by the Director, Professor Carl Stychin, entitled ‘Law and Humanities in a Pandemic’. The series, which runs throughout the 2020-21 academic year, seeks to ‘make sense’ of the wide ranging relationship between law and the pandemic through the insights of the humanities, broadly understood as the set of cultural influences which are shaping the use of law and the responses to it. The response to the ‘call for papers’ for the series was overwhelming, and it features academics and policy makers from around the world. The intention is to publish the papers following the completion of the series.

The topic arises out of the need to explore the insights which can be drawn from the humanities for understanding the impact of the pandemic. COVID-19 already has had a vast array of legal implications which have dramatically altered daily life. While liberal, universal rights such as liberty and privacy are being curtailed in the name of public health, legal responses impact upon populations in radically unequal ways. These dimensions include - but certainly are not limited to - race, gender, disability, vulnerability and social class. Legal interventions are consistently justified on the basis of science, which is assumed to be unequivocal and beyond debate. At the same time, resistance to legal action is also apparent, as rumours and conspiracy theories - like the virus itself - multiply around the globe. At the same time as public policy measures are introduced, systems of legal regulation and compliance (which were often themselves justified on the basis of public protection) are modified or suspended in the name of necessity, with no indication as to when or how they will be restored. Moreover, the relationship between law and discretion has been reshaped, and this in turn has impacted upon individuals and communities. These issues and more form the basis of a wide range of presentations.

The autumn’s workshops featured Dimitrios Kivotidis (University of East London) and David Seymour (City, University of London) on ‘Capitalism, Commodification and Coronavirus’; Hui Yun Chan (University of Huddersfield), Sabrina Germain (City, University of London), and Marc Trabsky (La Trobe University) on ‘Life, Death and Health During the Pandemic’; and Harison Citrawan and Sabrina Nadilla (Indonesian Ministry of Law and Human Rights), David Gurnham (University of Southampton), and Marco Wan (University of Hong Kong) on ‘Movement, Security and Lockdown’. The series continues through to May 2021.
The Judiciary in Conversation

The Institute of Advanced Legal Studies has been privileged to host a series of judicial conversations’ during 2020. With talk of judicial reform making headlines and leaping up the political agenda, a new and very timely initiative was launched by IALS in March: ‘Judicial Conversations,’ devised and curated by Senior Associate Research Fellow and Emeritus Professor Leslie Moran. The first very well-attended event with the Rt. Hon. Lord Dyson, Master of the Rolls 2012 – 2016, focused on his recent memoir, A Judge’s Journey (Hart, 2019). A three-way conversation between Lord Dyson, Professor Moran, and Dr Ruth Herz, a German judge whose career was spent in the youth court in Cologne, provided an opportunity to explore some of the content of this revealing and wide-ranging memoir in more depth. The conversation touched on many aspects of the book, including Lord Dyson’s response to the challenges of writing a memoir, and the impact of his family background on his professional life in general and judicial career in particular; both sides of his family arrived in the UK fleeing anti-Semitic persecution.

In the ‘Acknowledgements’ to the book, Lord Dyson explains that the book gives ‘a full account’ of his life. Asked about this phrase, he recognised the impossibility of such a project, recognising that selection is inevitable. For Professor Moran, this did not diminish the role that judicial memoirs, all too rare as they are, have to play in calling judges to account. A question from the audience touched upon recent calls for judicial reform and increased judicial accountability. While stressing the importance of an independent judiciary in rule of law democracies, Lord Dyson’s cautious response highlighted the necessity of clarifying the terms of any review. It was clear, however, that he would not shy away from contributing to future reform debates if he thought he could better inform those debates.

Lockdown did not prevent further Judicial Conversations during the year. A series of podcasts was produced which featured members of the judiciary from a diverse range of jurisdictions. Entitled ‘Judicial Ways of Working,’ the series focused upon the particular challenges which the pandemic has created for the judicial system. The judiciary has relied to a large extent on doing its business in a live forum, to ensure both fairness to the parties and access of the public. The series explored the ways in which judges are working during the pandemic, including the use of electronic documents, remote hearings, and the use of technology more generally. The discussions provided an opportunity for judges not only to discuss the emergency changes which had been made, but also to speculate on the possible long term implications of the new ways of working. The series was hosted by the Director, Professor Carl Stychin. The guests of the series were: the Honourable Richard Humphreys, High Court of Ireland; the Honourable Lorne Sossin, Ontario Superior Court of Justice, Canada (who has been since promoted to the Ontario Court of Appeal); the Honourable Kristine Eidsvik and the Honourable Charlene Anderson, Alberta Court of Queen’s Bench, Canada; the Honourable Mark E Hood, Superior Court Judge, Monterey County California, USA; and Upper Tribunal Judge Elizabeth Cooke, Upper Tribunal (Lands Chamber), Royal Court of Justice. The series culminated with a discussion with Lord Lloyd-Jones, of the UK Supreme Court, who explained the impact of the pandemic on the work of the UK’s highest court.
November saw the launch of a series of three remote workshops on Academic Career Development, sponsored by the Committee of Heads of UK Law Schools (CHULS) in association with the Institute. These well attended events were aimed at academics in law schools at all career stages.

The first webinar was entitled ‘The View from Senior Management’, and featured three university senior managers who come from an academic law background. Duncan French (University of Lincoln), Fiona Beveridge (University of Liverpool), and Matthew Weait (University of Hertfordshire) gave advice and described their experiences in university management. The discussion was hosted by Deveral Capps, Dean of Leeds Beckett University Law School.

In the second of the series, the focus turned ‘To Headship and Back (or Beyond?)’. It featured three legal academics with broad experience of running a variety of university law schools: Andrew Sanders (University of Warwick), Linda Mulcahy (Oxford Socio-Legal Centre), and Andrew Francis (Manchester Metropolitan University). Hosting the event was Warren Barr, Head of the Law Department at the University of Liverpool. The conversation featured personal reflections on the experience of headship and lessons learned.

Finally, the third webinar, entitled ‘Finding Your Own Path’, explored a range of issues related to academic career development, from the perspective of three current and former law professors whose career paths to Professorships could be perceived to be out of the ordinary, unusual, yet successful. The speakers were Rosemary Auchmuty (University of Reading), Caroline Hunter (University of York), and Kevin Bampton (CEO of the British Occupational Hygiene Society and formerly of De Montfort University). They shared their experiences, including the challenges and the benefits of taking an unusual career route. The webinar was hosted by Penny Carey, Dean of the Hertfordshire Law School and Vice-Chair of CHULS.

The series underscored the commitment of the Institute to the development needs of legal academics. It is hoped that there will be future opportunities for collaboration with CHULS in supporting the needs of this community.
This year’s Lecturer Eleanor Sharpston QC was Advocate General at the CJEU 2006 - 2020. Coinciding with the final days before Brexit, her title was “The Great Experiment: constructing a European Union under the rule of law from a group of diverse sovereign states”. Ostensibly lectures were delivered from Edinburgh (29 October), Belfast (2 November) and the Middle Temple, London (23 November). However, complying with Covid 19, they were delivered over the internet (socialsciences.exeter.ac.uk/law/hamlyn/lectures/). They provide a coherent, intelligible and at times passionate explanation of what the ‘European project’ entails, from the perspective of a lawyer within.

The first lecture traced the Europe of the nation states and their patchwork quilt of different legal systems. The influence of any particular system has, over time, waxed and waned with the power exerted by its sponsor. As Europe moved into the 20th century, contention for economic dominance operating in parallel with pressures for independence and self-determination readily morphed into open conflict. The Great War, for all its carnage, failed to be ‘the war to end wars’. It was followed by severe economic depression that spawned more nationalism and isolation. Civilised nations with developed legal systems proved vulnerable to toxic populism and totalitarianism and could not check gross violations of most basic rights. World War Two left Europe in ruins. Rebuilding called for a new vision of running economies and bringing together legal systems to promote prosperity and safeguard fundamental rights. Thus the ‘great experiment’ of an entirely new legal system began.

The second lecture looked at what a new start, a new model, a unique challenge entailed. The founding fathers of the new Europe were idealistic pragmatists. They put coal and steel – the sinews of war – under joint control (making future conflict more difficult) and concentrated on an economic common market with support for agriculture. Seminal legal choices were made about the nature, role and authority of the new shared legal system – that had somehow to ‘dock’ with individual, disparate national legal systems of Member States. Evolving from the European Economic Community (EEC) to the European Community (EC) and then the European Union (EU), it grew in membership, diversity and scope, posing an immense technical and intellectual challenge for the project’s legal system. This lecture looks at the components of the system and the inherent difficulties to be addressed.

The third lecture offered a personal ‘stock-taking’ of success and, thus far, failure. The financial crisis, rise of new competing economic powers, major concerns with security and terrorism, challenges from climate change to refugee crisis, to technological restructuring, the UK’s painful, time-consuming withdrawal, resurgent populism, Covid-19: all have exposed vulnerabilities. It is urgent to address improving citizens’ understanding of (and identification with) the European project and by taking very seriously the need to entrench the rule of law, remembering Santayana - ‘Those who cannot remember the past are condemned to repeat it’.
People

Sandy Dutczak joins IALS as Digital Projects and Publications Manager

Sandy Dutczak joined IALS in October 2020 as the Digital Projects and Publications Manager. Sandy studied Law and French at De Monfort University and then gained postgraduate diplomas in EU Law, EU Social Policy, International Law and Competition Law from Bristol University. She previously worked for a leading legal publisher (LexisNexis) where she was part of the team that designed and brought to market one of the first online EU databases, EU Direct. After working at a City law firm as the Legal Resources Manager she joined a barristers’ Chambers as their Knowledge and Research Manager.

Sandy is based in the Library and responsible for the Open Access series of Law Books, OBServing Law, which is part of the SAS Humanities Digital Library. She will also help to foster our long-term links with BAILII and oversee our future digitization projects. As a member of the IALS Digital team she will assist with the development of the library online systems (including the Sierra Library Management System), the IALS website and IT support for IALS staff, fellows, and students. More generally she will participate in the library onsite Reference Desk and Enquiry Desk rotas.

Charlene Desporte joins IALS as Space and Facilities Officer

Charlene Desporte joined IALS in August 2019 as Space and Facilities Officer. Based on the 5th floor Administration Office, Charle looks after the day to day running on the building, health and safety and facilities, as well as booking events for the public in the building’s meeting/lecture spaces.

After studying Fashion and 3D Art/ Ice Sculpture Charle took a career turn and found herself in the construction, events and serviced office industry. Over the past 12 years Charle has worked within hard and soft facilities management at places such as the Leadenhall Building, Birkbeck University and Great Ormond Street Hospital.
Visiting Professor of Practice, Barnaby Hone

The inaugural Visiting Professor of Practice, Barnaby Hone, took up his role at IALS on 1 October 2020. Barnaby has a wealth of experience in international asset recovery, white collar crime, and financial regulation – key areas of research for FinReg. He is recognised in these areas in the Legal500 and Chambers and Partners. His practice has encompassed work throughout Europe, Africa, the Caribbean, the Americas, and Asia, including providing advice to countries such as Kosovo and BVI on developing or improving their asset recovery legislation. He is a contributor to the leading practitioner guide on asset recovery: Millington and Sutherland Williams on the Proceeds of Crime Act (Oxford University Press, 5th ed, 2018). He also sits as a Fee Paid Tribunal Judge, presiding over Immigration and Asylum matters.

Appointment to the position of Visiting Professor of Practice is made on the basis of professional standing, contribution to IALS, and demonstrated interest in promoting the importance of links between academic scholarship and legal practice and policymaking.

Since taking up his position in October 2020, Barnaby has: participated in a webinar panel on reforming the Proceeds of Crime Act (in response to a Law Commission Report); chaired a webinar on the Bribery Act; and delivered a lecture to the LLM module Money Laundering and Financial Regulation. In March 2021, he will deliver a public lecture entitled ‘Developments in Civil Recovery’.

IALS Inns of Court Fellow 2019-20

Justice Anthony Besanko joined IALS from January to March 2020 as the Inns of Court Fellow. During his tenure at the institute, Justice Besanko undertook a comparative analysis of the convergence and divergence between Australian and UK law concerning the doctrine of unreasonableness in judicial review proceedings. His research focused on developments in both jurisdictions over the last two decades, and possible directions in the future.

Justice Anthony Besanko is a senior member of the judiciary in Australia, having been appointed to the Supreme Court of South Australia in 2001 before his appointment to the Federal Court of Australia in 2006. Judicial review is a large part of the work of the Federal Court. Justice Besanko has served as a judge of the Supreme Court of the Australian Capital Territory, and Chief Justice of the Supreme Court of Norfolk Island.
Professor Derek Roebuck

The Institute of Advanced Legal Studies was grieved to hear of the death of Professor Derek Roebuck on Monday 27th April 2020. He had been a friend and adviser to IALS for a great many years, a Senior Associate Research Fellow, and a contributor both the Institute's journal *Amicus Curiae* and to the ‘Legal Records at Risk’ project.

Derek Roebuck started his professional life as a solicitor in Stalybridge and Manchester in the 1960s, but soon accepted a teaching post at the University of Wellington, New Zealand. In 1968, he moved to the University of Tasmania, where he was professor of law for 10 years, and also dean. He then moved to Papua New Guinea for five years where he was professor and dean of the UPNG Law School and also practised as a criminal defence barrister. In 1987 he was appointed to set up a new law school at the City Polytechnic in Hong Kong, later City University. He remained there for 10 years as professor and sometimes dean, also practising as duty lawyer in the magistrates courts. In Hong Kong, arbitration entered his life, and he set up a department to teach it.

Already the author of 40 legal titles, his 10-volume history of arbitration and mediation, starting with Ancient Greek Arbitration, was to dominate the last 22 years of his life in Oxford, for 10 years of which he also edited the journal of the Chartered Institute of Arbitrators. The Institute was honoured to assist with and host part of Derek’s landmark study on the history of arbitration through the centuries, which culminated in the publication of *English Arbitration and Mediation in the Long Eighteenth Century*, co-authored by Dr Francis Calvert Boorman and Dr Rhiannon Markless, in November 2019.

The University of London Development Office is engaged in a fundraising project to enable this historical study to be continued, with a focus on the nineteenth century (1815-1889), providing a natural point of closure for the series. It is intended that the resulting and final monograph in the History of Arbitration will be published in joint memory of Derek Roebuck and Johnny Veeder, to create a lasting legacy to commemorate these two pillars of the arbitral world.

Johnny Veeder QC

Johnny Veeder, Barrister, Essex Court Chambers and Visiting Professor, Kings College London died on 8th March, 2020. He is recognised worldwide as one of the most brilliant, visionary and respected counsel, arbitrators, scholars and teachers in the field of international dispute resolution and international law. Johnny had been an active participant in the life of the Institute for some years. He was Professor Derek Roebuck’s interlocutor at the 2017 event, ‘In Conversation with Derek Roebuck’, and was instrumental to the success of the History of Arbitration research project. *English Arbitration and Mediation in the Long Eighteenth Century*, could not have been published without his help.
The Centre for Financial Law, Regulation & Compliance (FinReg)

**New Research Centre - FinReg**
The Centre for Financial Law, Regulation & Compliance (FinReg) was formally approved by the IALS Management Committee in March and commenced activities on April 1, 2020. This Centre is primarily focused on legal aspects of financial law/regulation/compliance, but is also a multi- and inter-disciplinary centre engaging with experts from other disciplines such as sociology, criminology, psychology, business, politics, and international development.

The purpose of the Centre is to promote knowledge and understanding of financial law/regulation/compliance, broadly construed. For example, the Centre embraces the study of traditional aspects of financial law, regulation theory and processes, economic/financial crime, development of white-collar crime, compliance and procedural justice, the psychology of regulation, and financial sanctions. The Centre acts as a national and international hub for promotion and facilitation of research in these areas.

IALS has a long history and reputation for excellence in financial law-related research. That research reputation is reflected in the array of current and previous doctoral researchers in this area: recent graduates have successfully completed PhD theses on, for example, financial compliance; tax avoidance; financial market regulation; executive remuneration; international anti-money laundering regimes; anti-corruption in the private sector; alternative dispute resolution; securities regulation; and banking law, to name but a few examples.

The ultimate objective of FinReg is to develop a reputation for research excellence across financial law, regulation and compliance, as well as acting as a hub for the promotion and facilitation of research – both nationally and internationally – across these areas.

**FinReg events**
Initial plans to host a one-day launch event and other research activities were hampered by the ongoing pandemic.

The Centre quickly shifted many of its activities online, though. For example, supervision of PGR students continued as normal, albeit virtually. We have hosted various webinars, notable examples include:

- Crime and CoViD-19: The impact of the pandemic on organised, financial and corruption crimes;

The launch event of FinReg was revamped as a series of five webinars on distinct aspects of the Bribery Act:

- The Bribery Act: Ten Years On;
- Reforming Bribery Legislation – looking back, looking forward;
- Bribery and Procurement;
- Deferred Prosecution Agreements;
- International and Comparative Perspectives of Anti-Bribery.

The keynote lecture was delivered by Miranda Ching of the Serious Fraud Office. The webinars were sponsored by the Society of Legal Scholars (SLS). Videos of these webinars are available on the FinReg webpage: [ials.sas.ac.uk/research/research-centres/centre-financial-law-regulation-compliance-finreg/videos](ials.sas.ac.uk/research/research-centres/centre-financial-law-regulation-compliance-finreg/videos)

In October 2020, Barnaby Hone (Drystone Chambers) took up a role as Visiting Professor of Practice at FinReg, which will strengthen the connection between IALS and legal practice.

A visiting lecturer at FinReg (Dr Martin Navias) delivered a 10-week course on ‘Finance, Law and Security’, as part of a collaboration between IALS and Mountcrest University College, Ghana.
Sir William Dale Centre for Legislative Studies and Westminster Foundation for Democracy: What is it about strategic partnerships?

So, together:

i. we develop flexible programmes in law;

ii. we offer professional development opportunities, creating short professionally-accredited courses, on-demand and online;

iii. we extend opportunity across the globe by providing professional training to individuals and governments who need it the most.

The Westminster Foundation for Democracy too has an important remit. Operating directly in more than 40 countries, the WFD works with national and regional Parliaments, with political parties and, of course, with civil society groups to make countries’ political systems fairer, more inclusive, accountable and transparent. With the Sir William Dale Centre for Legislative Studies the WFD is able to train people across the world using traditional and newer, online means. Our current course in Bangsamoro (Philippines), for example, could not possible be run if it wasn’t for the involvement of the WFD – in personnel and resources – and the IALS as a provider of a certified professional course from one of the best Universities in the world.

Clearly strategic must mean mutually beneficial. But there’s more to it. No matter how well intended the two parties might be there has to be a relationship of trust and mutual respect because without it very little will go right. We are delighted that we have the WFD as a strategic partner and we hope to continue to cooperate in the future.
IALS, IALS Digital and BAILII

The British and Irish Legal Information Institute (BAILII, bailii.org), the charity dedicated to making primary legal information freely available on the web, was formed in December 2000. Early meetings of interested parties had been held at IALS and were followed by a crowded public event, ‘Free the Law’, in November 1999 at Chatham House chaired by the late Sir Henry Brooke, who became its first Chair. The meeting was sponsored by, among others, IALS which has been represented on the Board of Trustees since early 2001. IALS has been the home of BAILII since it first established its offices in London in 2002.

‘BAILII: How and Why It All Started’ by Sir Henry explains both the early history and the motivation: “We believe passionately in the need to create a level playing field for access to all, free of charge, to our case law and statutes and other publicly available legal materials”, sirhenrybrooke.me/2015/10/26/bailii-how-and-why-it-all-started/. The history of BAILII and its collaboration with IALS is chronicled at bailii.org/bailii/timeline/.

IALS was considered a natural home not only because of the support and involvement of IALS but also because of the IALS commitment to public engagement and to making its legal information expertise publicly available on the internet via services which became IALS Digital (ials.sas.ac.uk/digital). BAILII itself, although a separate charity, self-funding thanks to an enthusiastic community of donors, became de facto a major part of the IALS Digital initiative. The BAILII website was transferred from Australia to IALS and its university servers and ‘fat pipe’ internet connections in 2002 by the Australasian Legal Information Institute (AustLII), which originally built it. BAILII staff (currently the equivalent of fewer than 4 full timers) are employed by the University of London at IALS within a supportive environment of legal information professionals.

IALS and BAILII are both members of the international Free Access to Law Movement (FALM, fatlm.org) which comprises over 60 members from Abyssinia Law to the Zimbabwe Legal Information Institute. The FALM members agreed originally in 2002 on a Declaration of Free Access to the Law (worldlii.org/worldlii/declaration) which includes the proposition that “public legal information from all countries and international institutions is part of the common heritage of humanity”. BAILII uploads materials to the Commonwealth Legal Information Institute (commonlii.org) and the World Legal Information Institute (worldlii.org). In this it mirrors the international scope and focus on comparative research of IALS which has a thriving international calendar of virtual events and projects and, in normal times, attracts researchers from all over the world to its research facilities in London.

Usage of BAILII has continued to grow and in the 9 months from 1st April 2020, during the period of various restrictions arising from the pandemic, recorded over 10 million visits and 61 million page views, with an average of over 37,000 hits every day. Surveys have emphasised the importance of the service to members of the public, other charities and non-profit legal advice organisations, as well as members of the legal profession and the judiciary, and it is widely used by law students and teachers. The fixed links to individual judgments and sections within judgments are particularly useful for reading lists and references within scholarly comment.

BAILII is contracted by the Ministry of Justice, which contributes about a quarter of BAILII’s running costs, to provide a free public service to make judgments available. It is currently being consulted by the Ministry on policy developments regarding the publication of judgments. BAILII has championed the free public availability of legal information and supported initiatives to investigate and streamline processes to improve access such as the adoption of neutral citations and the implications of data protection regimes. In this it aligns its interests with research carried out by the Information Law and Policy Centre at the IALS whose annual conference is highly regarded.

Although not possible over the past year, BAILII has regularly joined IALS in its outreach ‘roadshows’ to demonstrate and discuss the Institute’s digital services at law schools around the UK.
BAILII, like IALS, is involved in research projects. A BAILII project, OpenLaw, was funded by the former Higher Education Funding Council via its Joint Information Systems Committee in 2006-08 to make available, in consultation with law teachers, a selection of historic judgments for major areas of the study of law ([bailii.org/openlaw](http://bailii.org/openlaw)). Work has recently begun to update this collection of leading cases.

BAILII’s acquisition of a large collection of Privy Council decisions dating back to the early nineteenth century ([bailii.org/uk/cases/UKPC](http://bailii.org/uk/cases/UKPC)) has been enriched by a collaboration with the IALS which digitised many of the core bundles of case papers for cases brought to the Privy Council in the second half of the twentieth century ([ials.sas.ac.uk/digital/digitisation-projects/judicial-committee-privy-council-case-papers](http://ials.sas.ac.uk/digital/digitisation-projects/judicial-committee-privy-council-case-papers)). This initiative led in turn to several papers and an IALS symposium in 2016 introduced by Lord Carnwath of Notting Hill, at the time Justice of the Supreme Court and Chair of the IALS Advisory Council. IALS together with BAILII is actively investigating further digitisation of Privy Council case papers.

BAILII is now collaborating in a pilot with an Oxford University research project team which is investigating the implications of AI for law, ([law.ox.ac.uk/unlocking-potential-artificial-intelligence-english-law](http://law.ox.ac.uk/unlocking-potential-artificial-intelligence-english-law)). It is expected that the findings of the research will assist both MoJ/HMCTS and BAILII build future robust data governance structures and inform future decisions on how much data, if any, might be shared for AI applications and under what conditions.

BAILII, from its office at IALS and servers at the University of London, continues to provide reliable free information resources for private individuals, organisations serving civil society, those in legal education and training, and those involved in and serving the legal system. The service is low cost, good quality, easy to use, free at point of use and does not use cookies or require registration or login. BAILII is immensely grateful to IALS and its Director, Professor Carl Stychin, for their support and to all the donors ([bailii.org/bailii/donors.html](http://bailii.org/bailii/donors.html)) who support it and continue to make it possible.

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Technology, Citizen Journalism and Police Accountability: Recording Violent Interactions

by ILPC Associate Research Fellow: Dr Faith Gordon (co-authored with Hannah Klose)

Over-regulation and Surveillance of Young People

Contemporary advances in technology have provided citizens with the portable equipment, usually smart phones or other recording devices, to film and photograph police officers. People who film and post incidents of police violence are commonly known as citizen journalists. Citizen journalism can be broadly defined as an ordinary person engaged in the recording, generating and dissemination of incidents or events, typically using smart-phones, which then allows issues of social injustice to be exposed to a larger audience. It is typically coupled with calls for greater police accountability and justice for victims.

While recording of the police has increased with recent technological advances, it is evident that the limited empirical research existing has yet to examine its long-term impact on policing, police-community relations and accountability, particularly in relation to the policing of young people and other vulnerable social groups.
Recording Violent Interactions: George Floyd’s death in the US

Citizen journalism continues to shine a clear light on endemic discrimination and violence, as evidenced recently in the death of George Floyd in the US. On 25 May, Minneapolis police officers arrested George Floyd, a 46-year-old black man, after a convenience store called 911. Some seventeen minutes from arrival of the police, Mr. Floyd was pinned beneath three police officers and unconscious.

This incident was captured by several citizen journalists. One such witness was Darnella Frazier, a teenager from Minneapolis who recorded the incident and posted her video online. This allowed the entire world to see with their own eyes what had occurred. Darnella Frazier’s lawyer has commented that:

“If it wasn’t for her bravery, presence of mind, and steady hand, and her willingness to post the video on Facebook and share her trauma with the world, all four of those police officers would still be on the streets, possibly terrorizing other members of the community.”

Aboriginal families in Australia who have been bereaved by the deaths in custody of family members, state that the death of George Floyd should act as a poignant reminder of the systemic issues in Australia.

Captured on Camera in Australia

Drawing on Australia as a case study, it is evident that the relationship and trust levels between police officers and young people are often strained linked to the legacies of ‘over-policing’ in certain communities. Typically, the first formal interaction that young people have with the criminal justice system is contact with the police. There is a wealth of critical criminological research in Australia, which demonstrates that these interactions have not been positive for many groups of young people.

The over-regulation of particular groups of young people in public spaces by the police, such as young people from Indigenous communities, from culturally and linguistically diverse backgrounds and young people experiencing homelessness continues to this day. Findings from previous research highlights that the lack of trust in the police and fear of retaliation can often hinder people’s willingness to cooperate, which can therefore escalate into violence in some instances.

As part of a larger project analysing citizen journalism, accountability and young people’s experience of police, we can identify several examples of the violent interactions of police with both adults and young people. These have been made publicly accessible usually by citizen journalists, via digital media platforms, including Facebook, Instagram and YouTube and reported on by various online media outlets, such as The Guardian, The Daily Mail and Sydney Morning Herald.

The most significant recent example involves the arrest of a teenager which occurred in the inner Sydney suburb of Surry Hills. On Monday 1 June, a Sydney police officer threw a 16-year-old Indigenous boy to the ground by kicking his feet from beneath him, causing him to slam face-first into the ground; all evidence of this was captured via mobile phone footage and posted on social media.

In the video of the incident, the young person can be heard saying, “I'll crack ya across the jaw, bro”, before the officer walked over to him to “restrain” him. After the video was released into the public domain, New South Wales’ Police Commissioner, Mick Fuller made a public statement stating that in his opinion this police officer simply “had a bad day”, which served to almost defend and rationalise this type of behaviour within the police force.

Reflecting on this incident, Redfern Legal Centre solicitor, Samantha Lee stated that, “Aboriginal young people in particular are disproportionately policed not only in New South Wales, but across Australia.” When evaluating the presence of police misconduct in Australia, Ms. Lee asserted that young Indigenous people “are a very vulnerable crowd and it’s time that this particular type of police practice is put to an end.”

The recording of violent interactions such as these examples, can ultimately have an impact on police legitimacy in the eyes of the public and brings to light what would have otherwise been hidden violence against young people. Despite this, New South Wales’ Police Central Metropolitan Region Commander Mick Willing stated that he was wary of the current environment and global anti-police protests and said he was also: “concerned about others who may use this footage to inflame it and turn it into something that it’s not.”
Lack of transparency
It is not only citizens who record police interactions with members of the public, the rise in the use of technologies by the police and other agencies to surveille young people has clearly played a role in eroding the boundaries between private and public. Police body-worn cameras are one such contemporary example.

Allegations of police officers deactivating body-worn cameras as and when they decide to do so, editing footage prior to court and placing limits on access to imagery when requests are made by those making complaints or advocates on their behalf, highlight concerns surrounding transparency. Yet, the Police Minister in Victoria continues to defend the use body-worn cameras by police asserting that: “We know the roll-out of body-worn cameras is already improving police and public interactions and leading to fewer complaints.”

The use of body-worn cameras and other recording devices, also extend to other branches of the criminal justice system, such as youth detention centres and prisons. Victoria’s Commissioner for Children and Young People is reported as facing challenges in examining alleged violence perpetrated by prison guards against young people in the Grevillea Youth Justice Unit because: “body-worn cameras were not operative during the time”.

Need for independent complaints system
While citizen journalists and some media outlets do act as ‘watchdogs’ by exposing injustices, the lack of independent complaints systems and the lack of apparatus to enable systems and individuals to be held to account, is a huge under-addressed issue in Australia.

Traditionally in Australia, police complaints have been dealt with internally either by senior police officers or by specific departments within the police, therefore they have not been investigated by an independent office. A further issue raised by academic research is that access to justice following a police assault or misconduct, continues to represent an “unmet legal need”.

While the judgment in Horvath v Australia clearly asserted that Australia is under an obligation to ensure that perpetrators of human rights violations, and specifically actions by police authorities, must be investigated and held to account through independent, effective and impartial investigations, little appears to have changed.

Alarmingly, citizen journalists continue to expose further cases – with the incident in New South Wales occurring some six days after the recording of George Floyd’s death made global headlines. Citizen journalists, investigative journalists and activists are crucial in ensuring that these realities of police perpetrated violence are exposed. Yet, the advances in communications technologies to mobilise civic action are but one part of a much larger push for much-needed change to systems and practices which perpetuate discrimination and deny transparency, accountability and justice, to those most affected.

Authors
Dr Faith Gordon is a socio-legal scholar and the Director of the Interdisciplinary International Youth Justice Network. She is an Associate Research Fellow at the Information Law & Policy Centre, Institute of Advanced Legal Studies, London and a Senior Visiting Research Fellow at the Centre for the Study of Democracy, University of Westminster. Her work focuses on access to justice, criminal law, children’s rights, youth justice and AI and digital technologies and her research has been referred to by the UN Committee on the Rights of the Child, the Northern Ireland High Court and the UK Court of Appeal.

Hannah Klose is a Graduate Teaching Associate at the Faculty of Arts (Criminology) at Monash University in Victoria, Australia and has previously worked as a Research Assistant for the International Youth Justice Network. In 2019, Hannah graduated with First Class Honours in Criminology from Monash University in 2019, where her international comparative study was entitled, ‘The Effectiveness of a Public Health Approach to Respond to Youth Violence in Australia and the United Kingdom’. She has future plans to pursue her doctoral research in the area of youth justice, the digital space and children’s rights.
As I explained in the preface to the fourth edition of *Electronic Evidence*, the idea for the book came from Helen Vaux (as she then was), the commissioning editor for Butterworths, who sent me an e-mail on 28 January 2004 at 14:27, asking if there was scope for a text covering the discovery, production and admission of electronic information as evidence. (Incidentally, I no longer have this e-mail in electronic form. I only have a version printed on paper with my manuscript notes added on the paper print-out). I thought a book of this nature would be a good idea. The request was for a book of at least 100,000 words.

I was not sure that the topic would be sufficient for the length requested (how wrong I was), which is why I suggested that we include individual chapters from a number of common law jurisdictions. Including other jurisdictions was also relevant in my view, because evidence in electronic form knows no physical boundaries. This is how the book developed.

As can be appreciated, from the first edition on, I have encouraged the reader to offer comments respecting the usefulness or otherwise of the text, so when future editions are planned, consideration can be given to suggestions from readers. Unfortunately, we have never had any response to the text – or how it can be improved. As a result, we have collectively reshaped the text through the editions as a result of our own experiences.

One development that occurred for the second edition (and carried on in later editions) concerned the common law presumption in the law of England and Wales, formulated by the Law Commission in 1997,¹ that ‘In the absence of evidence to the contrary, the courts will presume that mechanical instruments were in order at the material time’. I discussed presumptions in the first edition, over pages 201 and 211. The discussion was, in retrospect, a high level gloss of what transpired to be an important topic. I became aware of the importance of this presumption when I represented Mr Alain Job in 2009 (I was instructed by the Bar Pro Bono Unit) at a trial in Nottingham County Court before His Honour Judge Inglis.² Mr Job alleged that money withdrawn from his bank account via an ATM was the result of theft. Aside from the various procedural and legal issues, I was aware that counsel for the bank would argue that the presumption applied. Knowing it was highly unlikely that the judge nor counsel for the bank will have ever heard of *Electronic Evidence*, nor have read it, I took photocopies of the two pages in case I needed them – and indeed, I was right, I did need to argue this point. The judge commented on this issue in the judgment.

After the trial I realised that this presumption was a significant hurdle to overcome, so I then spent months researching the technical side of information technology in order to more fully explain why the presumption was not appropriate.

The reader, if they care to, will observe the development of the chapter on the presumption through the various editions that followed the first edition in 2007.³ It became obvious that the presumption had not only led to incorrect decisions being made, but there was no rational explanation for the presumption, even in 1997.⁴ What became clear

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⁴ For an example of how a judge approached the presumption, see *Post Office Ltd v Castleton* [2007] EWHC 5 (QB), [2007] 1 WLUK 381. For a comprehensive assessment of this judgment, illustrating failure of the judge to accept that Mr Castleton was challenging the presumption that computers are reliable, see Paul Marshall, ‘The harm that judges do – misunderstanding computer evidence: Mr Castleton’s story’, *17 Digital Evidence and Electronic Signature Law Review* (2020), 25-48.
was that when a problem occurred, people always assumed the software worked, and the software would not be investigated until no other explanation could be found – and once the software code was investigated, it transpired that the software was invariably at fault, and was directly responsible for death and injury.

In England & Wales, the presumption was finally exposed in the Post Office Horizon scandal and associated litigation. Two issues arose that are relevant to electronic evidence. The first was the failure of the Post Office to provide appropriate and timely disclosure. The judge, Sir Peter Fraser, had to take a very strong position with the Post Office regarding disclosure, and it was only during the course of the second trial that the Post Office eventually delivered up the evidence that was ordered before the trial started. The evidence that was eventually disclosed went to show the position of the Post Office was untenable – not only unjustifiable regarding the claims made during the civil proceedings tried by Sir Peter Fraser, but also in respect of the hundreds of prosecutions initiated by the Post Office between 2000 and 2015.

The second issue related to the presumption that the Law Commission recommended in 1997. The presumption that computers were reliable underpinned the approach taken by the Post Office in prosecuting sub-postmasters and sub-postmistresses, and in the proceedings before Sir Peter Fraser. Although the presumption is evidential in nature, judges have construed it as being a legal presumption. The hurdle to overcome this presumption was such that nobody to whom the presumption was applied (explicitly or by inference) could possibly offer a realistic challenge to computer evidence that they had no control over.

I tried, as I developed the text as each edition was published, to find a practical solution to this apparently intractable problem. It was not until the end of the Post Office Horizon litigation that a suitable opportunity arose to attempt to deal with this effectively. Fortunately, a number of concerned professors with the right qualifications tackled this issue. The response came in two waves. First, the presumption was analysed in technical terms, leading to the presumption finally being exposed as false.5

Secondly (and importantly for the legal profession and the reputation of the law), in August 2000, Alex Chalk MP, Parliamentary Under Secretary of State at the Ministry of Justice, invited Paul Marshall, Barrister, to submit a paper to the Ministry on suggestions for improving the existing approach to proof of computer-derived evidence in legal proceedings.6 Mr Chalk has since passed the paper to the Chair of the Civil Rules Committee. Given this topic covers both civil and criminal proceedings, I have asked Mr Chalk why it has not also been passed on to the Chair of the Criminal Procedure Rules Committee. It is to be sincerely hoped that this will occur. This paper offers a practical two-stage process for disclosure that should, if used correctly, rectify the problems faced by judges hitherto.

My previous attempts to persuade the Solicitors Regulation Authority and Bar Standards Board to require the topic of electronic evidence to be taught has met with apparent indifference. Perhaps the Post Office Horizon scandal will cause a change in policy.7

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PhD Awards 2019–20

Sijuola Atanda-Lawal
The Correlation Between Bilateral investment Treaties and Private Foreign Investment

Ejike Ekwueme,
Convergence of Dirty Money and Private-to-Private Corruption: Fact or Fiction? How efficient are the Tools to contain this? A Discourse from Anglo-American and Less Developed Countries’ Perspectives

Dominic Gibbs
The Laws of King Aethelberht

Calvin Jackson
Promoting Highest Professional Standards in UK Remuneration Committee Advisory Services

Elohor Onoge
Legislative Drafting and Effectiveness in the Nigerian Legal System

Lotenna Osanakpo
Dilemmas in the Modalities of Corporate Governance in the Nigerian National Petroleum Corporation, the Imperative of Addressing them, and the Agency Issue of Engendering Efficiency and Public Interest Utilising Comparative Law.

Michael Sukubo
Petroleum Contracts, Environmental Regulation and Rights of Indigenous Communities in Developing Countries

Selected Staff Publications in 2020

Colin King


“Justice for Whom? The need for a principled approach to Deferred Prosecution Agreements in England and Wales” (with Dr Susan Hawley and Dr Nicholas Lord) in Tina Soreide and Abiola Makinwa (eds), Negotiated Settlements in Bribery Cases: A Principled Approach (Edward Elgar, 2020) pp.307-344.

Nóra Ni Loideain
Sample chapter from forthcoming monograph EU Data Privacy Law & Serious Crime (Oxford University Press), ‘The Approach of the European Court of Human Rights to the Interception of Communications’: Free to access on SSRN.


‘Regulating health research and respecting data protection: a global dialogue (2020) 10(2) International Data Privacy Law 115 Special Symposium Issue on Health Research and Data Protection in Africa (Issue Editor and author)


Home Office Biometrics and Forensics Ethics Group (BFEG) Report, Should we be making use of genetic genealogy to assist in solving crime? (September 2020) (contributing author)

## Financial Summary

<table>
<thead>
<tr>
<th>Income</th>
<th>Institute 2018–19 £</th>
<th>Library 2018–19 £</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funding Body Grants (Research England)</td>
<td>439,254</td>
<td>1,117,327</td>
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<tr>
<td>Other Grants and Sponsorship</td>
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<tr>
<td>Tuition Fees and Training</td>
<td>457,019</td>
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<tr>
<td>Research and Network Grants and Contracts</td>
<td>169,900</td>
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<tr>
<td>Subscriptions from Colleges</td>
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<td>Commercial Income</td>
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<td>Other Income</td>
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<td>Donations</td>
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<td>Finance &amp; Endowment Income</td>
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<td>3,500</td>
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<td>Internal Income</td>
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<td>328,005</td>
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<td><strong>Total Income</strong></td>
<td><strong>1,810,175</strong></td>
<td><strong>2,602,978</strong></td>
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<table>
<thead>
<tr>
<th>Expenditure</th>
<th>Institute 2018–19 £</th>
<th>Library 2018–19 £</th>
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<tbody>
<tr>
<td>Staff Costs</td>
<td>991,118</td>
<td>931,231</td>
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<td>Professional Fees</td>
<td>31,120</td>
<td>8,340</td>
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<td>Estates Expenditure</td>
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<td>Academic Expenditure</td>
<td>31,938</td>
<td>878,726</td>
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<td>Information Technology</td>
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<td>Admin Expenditure</td>
<td>29,276</td>
<td>16,866</td>
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<tr>
<td>Finance Expenditure</td>
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<td>-</td>
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<tr>
<td>Other Operating Expenses</td>
<td>117,201</td>
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<tr>
<td>Internal Charges &amp; Recharges</td>
<td>512,685</td>
<td>906,379</td>
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<tr>
<td><strong>Total Expenditure</strong></td>
<td><strong>1,725,490</strong></td>
<td><strong>2,761,012</strong></td>
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| Surplus/(Deficit)                           | 84,685              | (158,034)         |
**Key Statistics 2019–2020**

**Library**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Members of the Library:</td>
<td>5,343</td>
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<tr>
<td>Volumes in the library:</td>
<td>315,977</td>
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<td>Visits to the Library:</td>
<td>52,299</td>
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<tr>
<td>Digital Views:</td>
<td>84,453,518</td>
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**Conferences, seminars, and workshops**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of events</td>
<td>37</td>
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<tr>
<td>Number of participants from across the UK</td>
<td>772</td>
</tr>
<tr>
<td>Number of participants from the rest of the world</td>
<td>269</td>
</tr>
<tr>
<td><strong>Total number of participants in events</strong></td>
<td><strong>1,041</strong></td>
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</table>

**Research training provided**

<table>
<thead>
<tr>
<th>Metric</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of research training events</td>
<td>76</td>
</tr>
<tr>
<td>Number of participants from across the UK</td>
<td>2,864</td>
</tr>
<tr>
<td>Number of participants from the rest of the world</td>
<td>56</td>
</tr>
<tr>
<td><strong>Total number of participants in research training events</strong></td>
<td><strong>2,920</strong></td>
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**Staff and fellows**

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<th>Role</th>
<th>Count</th>
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<td>IALS Staff</td>
<td>40</td>
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<tr>
<td>Visiting Fellows</td>
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</tr>
<tr>
<td>Associate Research Fellows</td>
<td>57</td>
</tr>
</tbody>
</table>

**Students**

<table>
<thead>
<tr>
<th>Course</th>
<th>Count</th>
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</thead>
<tbody>
<tr>
<td>Postgraduate taught</td>
<td>21</td>
</tr>
<tr>
<td>Postgraduate research</td>
<td>43</td>
</tr>
</tbody>
</table>
This guide is available in alternative formats upon request. Please contact ials@sas.ac.uk