Columbia-IALS Research Centre holds first workshop

Funding of political parties was the theme of the first research workshop organised within the programme of the Columbia-IALS Research Centre, which took place at the Institute in London on 5-6 July 2002.

The aim of the Centre is to facilitate comparative exploration, by legal scholars from both sides of the Atlantic, of legal issues with topical importance in both the United States and Europe. Workshops are jointly directed by Columbia and University of London staff, and will give rise to a regular series of publications with Oxford University Press.

The funding of political parties is a live issue both in the United States and in the United Kingdom. In the United States, Congress has just passed the Bipartisan Campaign Reform Act, designed to limit the influence of so-called ‘soft money’ on the Federal elections process, and to substitute funds under closer regulatory control. In the United Kingdom, the recently created Electoral Commission is turning its attention to questions of campaign funding and is looking carefully at practice elsewhere.

Against this background, two specialists in the field, Keith Ewing from King’s College London and Sam Issacharoff from Columbia University Law School, served as Academic Directors of the workshop and put together a rich programme of contributions. In addition to analysing the recent US and UK reforms, with papers from Keith Ewing (KCL) and Justin Fisher (Brunel) (UK) and Richard Briffault (Columbia) and Nathaniel Persily (University of Pennsylvania) (US), the programme presented a wide range of other national experiences, and incorporated a group of papers setting the US reforms against a broader constitutional background.

In the first of these categories participants heard two sets of papers, the first analysing Commonwealth experience, with contributions from Graeme Orr (Australia), Andrew Geddis (New Zealand), Janet Hiebert and Colin Feasby (Canada) and Louis Massicotte (Quebec). In the second, the focus switched to Europe, with papers on national experiences from Martin Mohrlok (Germany) and Arnauld Miguet (France), and on the development of the elections law of the European Union from Jo Shaw and Stephen Day (Manchester).

In the second category scholars from Columbia and other US Law Schools presented papers on the role of the Supreme Court in developing and applying the constitutional jurisprudence of democratic elections in the United States, a topic extending beyond party funding to include such matters as gerrymandering of constituency boundaries and the conduct of voting – the subject matter of the Court’s much discussed decision in *Bush v Gore*. Pamela Karlen (Stanford) discussed the strategies used by the Court to exit from ‘judicially ungovernable’ situations in which earlier decisions had enmeshed it; Sam Issacharoff reviewed the Court’s record in the area of constituency boundary determination; Michael Dorf (Columbia) discussed the current significance of the American Founders’ condemnation of ‘faction’; and Richard Pildes (NYU) identified a tendency in the Court to give constitutional status to particular configurations of democratic politics – notably the two-party system.

This last group of papers raised a number of interesting and troubling questions for UK observers who had noted the possibility of increasing judicialisation of election processes following the enactment of the Human Rights Act 1998. The range of experience recounted from other jurisdictions, however, warned against facile transatlantic transpositions of experience. Some courts had played an active role despite the absence of constitutional guarantees of rights; others had exercised competences not dissimilar to those of the Supreme Court in a much more restrained way. In addition, constitutional guarantees of rights were able to coexist with a very wide variety of regulatory schemes and institutions encountered for the control of elections and the funding of election campaigns in the jurisdictions examined – expenditure caps, contribution caps, channelling of funds, rules on media use, independent regulatory agencies and other devices. This broad range of national experience reviewed at the workshop, and the evidence of effectiveness adduced, may also suggest alternative scenarios for US reform, as proponents and opponents of the Bipartisan Campaign Reform Act continue to debate both its likely effectiveness and its constitutionality.

Papers are presently in course of revision for publication in book form in early 2003. The next workshop in the series is scheduled for July 2003, on the theme of recent developments in the law of the workplace. Enquiries should be made to Professor Terence Daintith, Research Director, Columbia-IALS Research Centre, Institute of Advanced Legal Studies, 17 Russell Square, London WC1B 5DR (tel: 020 7862 5844/5839; email: t.daintith@sas.ac.uk).

Professor Terence Daintith
IALS Lectures

The Company Lawyer lectures

Monday, 24 February 2003
GARY SCANLAN
Senior Lecturer in Law, City University
Section 127 Insolvency Act: practical problems and applications

Monday, 10 March 2003
PROFESSOR ROBERT PENNINGTON
Emeritus Professor of Commercial Law, University of Birmingham
Recent developments in the law and practice relating to the creation of securities for company indebtedness

Wednesday, 7 May 2003
IAN SNAITH
Senior Lecturer and Nelsons Fellow in Law, University of Leicester; consultant, Cobbetts, Manchester
Legal structure for mutuality and altruism: new directions?

Issues in commercial law

Monday, 27 January 2003
PROFESSOR CHRISTOPHER BOVIS
Professor of Law and Jean Monet Chair in European and Business Law, Lancashire Law School, University of Lancashire
The future of EU public procurement regulation: an analysis of trends and patterns in jurisprudence and law making

Monday, 27 January 2003
ANDREW CAMPBELL
University of Wales, Aberystwyth; consulting counsel to the International Monetary Fund, Washington DC, USA
The insolvency of banks; the legal framework

Monday, 3 March 2003
PROFESSOR HARRY ARTHURS
Professor of Law, Osgoode Hall Law School, York University, and Professor Emeritus, York University, Canada; IALS Visiting Fellow
How globalisation does (or doesn't) shape law; the case of labour law

Monday, 31 March 2003
DR INDIRA CARR
Reader in International and Commercial Law, University of Kent; Visiting professor, University of Hertfordshire
To regulate or not to regulate the e-commerce environment

Issues in international justice

Wednesday, 12 February 2003
Professor Fiona Macmillan
Professor Law, Birkbeck College, University of London
Bridging the dialogic gap: WTO and the environment

Monday, 17 March 2003
PROFESSOR GEOFFREY GILBERT
Professor of Law and Head of Department of Law, University of Essex
Obtaining jurisdiction over CEOs of trans-national corporations where 'crimes' occur away from the country of incorporation

Issues in financial regulation

Monday, 13 January 2003
SIMON GLEESON
Partner, Allen & Overy
When is a fund not a fund? Form and substance in financial regulation

Thursday, 30 January 2003
PETER ALDRIDGE
Reader in Law, Cardiff Law School
Tax evasion and the Proceeds of Crime Act 2002

Thursday, 13 March 2003
HELEN PARRY
Reader in Law, London Metropolitan University
Aliens, presidents and smoking dogs: distinguishing fact from fiction in high yield investment fraud

Lectures held from 6-7pm at the Institute of Advanced Legal Studies, 17 Russell Square, London WC1. Admission free—all welcome. For further information please contact Belinda Crothers (tel: 020 7862 5841; fax: 020 7862 5850).
SALS Events

Lectures

Thursday, 20 February, 6pm

PROFESSOR JOHN HARRIS
Sir David Alliance Professor of Bioethics, Manchester School of Law, University of Manchester

Gene therapy
(precise title to be announced)

Thursday, 27 March, 6pm

MORAG ELLIS
2-3 Gray’s Inn Square; Member, SALS Planning and Environment Law Reform Working Group.

New town and village greens: proposals for reform*

Thursday, 8 May, 6pm

STEPHEN MASON
Pario Communications Ltd; Barrister

A comparison of the risks between the use of manuscript and electronic signatures
(Date to be determined)

Lecture on financial services, followed by a reception sponsored by TRAVERS SMITH BRAITHWAITE
(further details to be announced)

* A SALS report on this issue will be available in January 2003.

Seminars

Friday, 10 January, 4.15-6.30pm

Afternoon seminar in Newcastle in association with WATSON BURTON, solicitors. Newcastle upon Tyne

Causation and concurrent events in the light of Henry Boot v Malmaison

Speakers: PAUL DARLING QC, ROBERT LANGLEY, Watson Burton

Chairman: HIS HONOUR JUDGE LANGAN

Location: Gosforth Park Marriott Hotel, Newcastle upon Tyne

For booking and further information please contact Michael Shuker (email: Michael.shuker@watsonburton.co.uk; tel: 0191 244 4353). Tickets cost £23.50 (including VAT, seminar materials and refreshments). CPD points available.

Thursday, 6 February 2003, 1.45-6pm

Half day workshop sponsored by MAYER BROWN ROWE & MAW

Achieving justice through international arbitration

This seminar will analyse four highly topical and fast moving issues wherein much of the effectiveness of the arbitral process and the expectations of the parties reside.

Speakers will include: DOMINIC SPENSER UNDERHILL, partner Mayer Brown Row & Maw, London

Do the state courts have a significant role in the promotion of justice in arbitration?

DOMENICO DI PIETRO, solicitor-avocato, Mayer Brown Rowe and Maw, London

Are the objectives of the New York Convention 1958 realised consistently?

DR LOUKAS MISTELIS, Clive Schmitthoff Senior Lecturer in International Commercial Law, Centre for Commercial Law Studies, Queen Mary, University of London

Does human rights legislation play a meaningful role in international commercial arbitration

Chairman: SIR ROGER TOULSON

Location: Senate Room, Senate House, University of London, Malet Street, London WC1

Cost of seminar: £100 (£50 for SALS members, £20 for SALS student members).

Other events

Wednesday 11 June 2003

Annual general meeting and annual lecture

Wednesday, 12 November

SALS Annual Dinner

Middle Temple Hall

- A SALS lecture is planned in Cambridge during the first half of next year, and it is also intended to hold seminars on the Planning and Compulsory Purchase Bill and proposed reforms to company law. Further details will be given as soon as possible.

Booking is requested for all events, which take place at the Institute of Advanced Legal Studies, 17 Russell Square, London WC1, unless otherwise stated. Please contact the SALS office (tel: 020 7862 5865; email: sals@sas.ac.uk) for further information.