

TLA NEWSLETTER – NOVEMBER 2019

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REPORT: TLA DINNER 2019

Around 100 alumni, students and Fellows came together in College for the 2019 biennial dinner on 16 March 2019. Preceded by a well-received talk from Professor Catherine Barnard (with a lively set of accompanying audience questions), dinner in Hall was the highlight of the event. We are grateful to Fiona Clark (1978) for delivering the after-dinner talk, marking the 40th anniversary of the arrival of the first cohort of women undergraduates in 1978 and the 100th anniversary of women's entry to the legal professions.



TLA Dinner 2019

SAVE THE DATE: TLA DINNER 2021, 6 MARCH 2021!

Our next biennial dinner will take place in college on Saturday, 6 March 2021 – keep your diaries clear!

In addition to our usual evening event comprising of the pre-dinner talk, wonderful meal, and after-dinner speech, we are hoping that we may be able to offer an additional afternoon programme with the Trinity College Law Society. Further details to follow in the second half of 2020.

TLA COMMITTEE NEWS

Former TLA Chair Hardeep Nahal (1987) stepped down from the Committee at the end of 2018. Mark Hough (1999) and Amy Ludlow (2005) also came to the end of their terms. The TLA would like to extend our thanks to all three for their efforts during their time on the Committee.

Andrew Walker QC (1987) assumed the Chair, with Jamshed Bilimoria (2010) and Carrie Gothard (2014) joining the Committee, at the start of 2019. Paul Brumpton (1999) and Tarika Jayaratne (2008) were co-opted onto the Committee in October 2019 to fill two vacant Committee spaces that became available during the year. Details of the next Committee elections will be circulated to TLA members in due course.

The Committee has been approached by the Trinity Medics' Association and the Trinity Business and City Association (separately) with regards to possible future collaborations on themed speaker

events. The Committee welcomes any suggestions from TLA Members over what topics these events might cover, and indeed any ideas for future TLA events by email to alumni@trin.cam.ac.uk

TLA MENTORING SCHEME

Since 2007 the mentoring scheme has paired hundreds of students and former students with experienced lawyers working in a huge range of different practice areas with the intention that the wiser and more experienced mentors will guide their mentees through the early stages of their legal careers. We are extremely fortunate that our alumni can be found in almost every area of the legal profession that one could think of and that in turn provides us with a large and varied database of mentors who are keen to pass on their experience of working in the law.

The scheme is open both to individuals who have read law at Trinity and those who have pursued a legal career later and it continues to be incredibly popular amongst both undergraduates and postgraduates alike. While we have a large number of very committed mentors who we are extremely grateful to for giving up their time and passing on their experience to current and former students year after year, the popularity of the scheme means that we need more mentors to add to our database.

What does being a mentor involve? Mentors volunteer to take a personal interest in the progress of a mentee. They are not intended to act as tutors, welfare officers or offer jobs but simply agree to be consulted when mentees need advice. Once initial contact has been made by the mentee, it is up to the mentor and the mentee to agree the nature of the arrangement. All that we ask is that a mentor is prepared to have a conversation of up to half an hour with the mentee; where it goes from there is up to the mentor and the mentee. Mentors and mentees are “paired” at the start of each academic year with factors such as areas of legal specialism and preferred career path taken into account when “pairing” individuals. This means that even if an individual is listed as a mentor on the mentoring scheme database they may not be allocated a mentee each year or indeed may not be allocated a mentee for a number of years.

In order for the scheme to continue to thrive we are looking for mentors specialising in all areas of law. In addition to those working in either branch of the legal profession we would be delighted to hear from those who have taken a less obvious and less travelled path following completion of their legal training. If you would be willing to act as a mentor or simply wish to know more about what this involves please contact Rachel Avery (coordinator of the mentoring scheme) at avery@devchambers.co.uk who would be delighted to hear from you.

THE UNIVERSITY OF CAMBRIDGE ALUMNI ARBITRATION LAW ASSOCIATION (CamARB)

The University of Cambridge Alumni Arbitration Law Association (CamARB) is, as its name suggests, aimed at any alumni who have an interest in arbitration. Its main goal is to help alumni in that field to build and strengthen relationships with each other. It is run by and for alumni and, of course, on a not-for-profit basis. It is registered with CUDAR. It has its own website at: www.camarb.org

CAMBRIDGE WOMEN IN LAW (CWIL): #girlyswots, #ruleoflaw

The Faculty hosted a wonderful event on 27 September 2019 marking the 100th anniversary of women’s admission to the legal professions.

The day involved two panel sessions – one reflecting on the experiences of senior women in both branches and their more or less circuitous routes to their current positions, the other those with less conventional law-related careers. Panellists in both sessions offered really personal reflections on

the various challenges that they and other women have faced in developing their careers, and commentary on the initiatives now in place – and that need to be in place – to enable *everyone* better to balance life and work.

The event culminated with an “in conversation” involving Lady Hale and Lady Arden, who were fresh from the Supreme Court decision in *Cherry/Miller (no 2)* delivered only earlier that week. Needless to say, that decision got one or two mentions over the course of the event, and one of the biggest cheers went up when Prof Eilís Ferran, in introducing the two Justices, designated them as founding co-Presidents of the Girly Swots Club!

You can catch up on what you missed – or re-live the event – at <https://www.law.cam.ac.uk/press/news/2019/10/faculty-launches-cambridge-women-law-cwil-celebration-event>

To join the CWIL network and its mailing list, sign up here: <https://www.law.cam.ac.uk/alumni-development/cambridge-women-law-cwil/cwil-mailing-list>

CONGRATULATIONS TO SUE CARR (1983)

We were delighted to see Sue Carr (1983) promoted from the High Court to the Court of Appeal bench in the recent round of judicial promotions. Sue will take up her new position in April 2020. A select gathering of Trinity Legal Ladies met to raise a glass to her achievement early in the autumn – with thanks to Fiona Clark (1978) for hosting so magnificently!

Many congratulations to Sue, our most senior Trinity Legal Lady to date.



Mrs Justice Carr (1983)

Sue’s official biography on the judiciary.uk website relates as follows:

Mrs Justice Carr grew up in Surrey, attending Wycombe Abbey School, Buckinghamshire, before reading law [at Trinity College Cambridge – we would add!]. She was called to the Bar in 1987 and then practised as a barrister, specialising in general commercial law with an emphasis on professional liability and insurance. She was appointed Queen’s Counsel in 2003. She became chair of the Professional Negligence Bar Association in 2007, chair of the Bar Standards Board Conduct Committee in 2008 and was appointed Complaints Commissioner to the International

Criminal Court in The Hague in 2011 before becoming head of chambers at Four New Square.

Appointed to the High Court Bench, Queen's Bench Division in June 2013, Mrs Justice Carr became a nominated Judge of the Commercial Court and the Technology and Construction Court in 2014. She was a member of the Investigatory Powers Tribunal from 2014 to 2016 when she was appointed a Presider of the Midland Circuit.

Mrs Justice Carr is married and has three children. She is fluent in French and German. She was formerly a keen actress with the Bar Theatrical Society and now sings with the Bar Choral Society which she enjoys alongside her hobbies of walking, tennis and skiing.

QUEEN'S COUNSEL 2019 APPOINTMENTS

Aloke Ray (1994): White & Case LLP

William Upton (1985): 6 Pump Court

Victoria Wakefield (1997): Brick Court Chambers

OBITUARIES AND IN MEMORIAM

Professor Anthony Dicks QC (1956) (1936 – 2018)

Mr Gordon Pollock QC (1961) (1943 – 2019) - [view obituary](#)

FELLOWS' NEWS

CATHERINE BARNARD (e1996)



My academic and personal life continues to be dominated by Brexit; thinking about it, talking about it, and working out how to teach a compulsory course on a subject that might not exist in its current form in the course of the academic year. I produced a new edition of my book on the [Four Freedoms](#) – the last while the UK is a Member State – and have written a variety of reports for and with UK in a Changing Europe on Brexit, including on the effects of leaving with [no deal](#) and explaining what [trading on WTO terms](#) means. Although we repeatedly hear that the public is bored of Brexit and keen just to get it done, in my experience media interest in the subject is insatiable. I appeared as an 'expert' on BBC One's *Question Time*, one of the most daunting experiences of my academic life, and also on Radio 4's *Any Questions*. My funding from the ESRC has been renewed and I'm embarking on a three-year project, working alongside [GYROS](#), a community support organisation helping migrants in East Anglia, looking at the sorts of legal issues currently affecting EU migrants.

JOANNA MILES (e1999)



Another year, another new edition of my family law textbook co-authored with Rob George for OUP. Bad luck for this year's family law students who won't find any second-hand copies available! Otherwise, I was kept more than fully occupied in the last academic

year by the first of my two-year tour of duty as the Faculty's Director of the LLM programme. This year happened to coincide with the need for a major programme review to be conducted, culminating in the publication of a report to the Faculty outlining various recommendations for enhancement of the LLM programme. It was a great pleasure to get to know LLM students from across the cohort during my year and to understand better what they are looking for from their year in Cambridge, and I'm now gearing up to welcome the new cohort! I managed to squeeze in a bit of academic research, as co-convenor of a recent workshop on the Divorce Reform Act 1969, whose fiftieth anniversary obviously fell this year. We rather imagined that this might also serve as a valedictory for that law, thanks to the Divorce (Reform) Bill 2019. But non-prorogation and other shenanigans make the fate of that Bill unclear... Anyway, the research for my own paper (on the development of the behaviour fact) was rather fun. I spent a happy afternoon in the University Library perusing back issues of various women's magazines from 1980-1 in search of coverage of a particular case – I encountered a lot of very dodgy knitting patterns and suspect recipes along the way... But hit the jackpot when I turned my attention to the tabloids. Three cheers for the Sun newspaper, and its front cover story on Dec 6 1980: "SEX ONCE A WEEK IS ENOUGH: Three judges cancel divorce". I'm not sure what the far more serious-minded UL readers around me that afternoon thought about this... Academic research?? Surely not?!

LOUISE MERRETT (e2003)



Louise Merrett's most recent area of research relates to the enforcement of jurisdiction agreements. She was the English reporter for The Hague conference on Non-Exclusive Jurisdiction Agreements and her report on the English approach has recently been published. She has also had two articles published: Jurisdiction agreements 'Interpreting Non-Exclusive Jurisdiction Agreements' [2018] *Journal of Private International Law* 38 and 'The Future Enforcement of Asymmetric Jurisdiction Agreements' [2018] *International and Comparative Law Quarterly* 37.

Louise continues to be engaged in the response to the potential implications of Brexit most recently taking part in a joint seminar with LMU in Munich and she was commissioned to write for the *Revue de Critique* on the enforcement of judgments.

Louise has recently agreed to write a second edition of her book on International Employment law. Her work in this area continues to be regularly cited including most recently by the Court of Appeal in *Seahorse Maritime v Nautilus International* [2018] EWCA Civ 2789 (as providing an "illuminating" analysis) and with approval by Advocate General Saugmandsgaard in *Bosworth v Arcadia Petroleum Ltd* Case C-603/17.

Louise has worked on new supplements for *Chitty on Contracts* and *Benjamin Sale of Goods*, gave a key note address at the conflict of laws section at the recent SLS conference and chaired a panel at bi-annual conference for the Journal of Private International Law in Munich.

SARAH WORTHINGTON (e2011)



One of the great pleasures of academic life is its variety. This year's usual mix of teaching, research and administration included my first visit to the University of McGill in Montreal to present a paper in their Civil Law Workshop Series on Influences in Private Law, another visit to the University of Melbourne, this time to present a paper in a Colloquium on

Misleading Silences, and, in London, the thrill of conducting an extended interview of Lady Hale at the British Academy's Annual Summer Showcase (open to the public, and always worth a visit).

I continue as Director of the Cambridge Private Law Centre (with Louise Merrett as one of its active Associate Directors). As the new academic year starts, we are in the midst of organising the year's programme, including a seminar (later to be a book) on Lord Sumption's contributions on the Supreme Court.

Another first for this year is that I was invited to be one of a number of Deputy Vice Chancellors, standing in for the Vice Chancellor on a small number of formal occasions. By good fortune, that meant I had the enormous privilege of awarding postgraduate degrees to some of our own wonderful Trinity LLM and doctoral graduates. Having witnessed all their hard work and dedication while they were here, it was a real pleasure to have a formal role at the final step.

FELLOWS' OUTREACH ACTIVITIES

Ben Spagnolo (e:2016): reporting on Roman Law in Trinity—MMXIX

The College has a distinguished tradition of teaching and learning in Roman law; alumni will recall supervisions with Trinity Fellows including Patrick Duff (Vice-Master and Regius Professor of Civil Law) and Tony Weir. For all that it ceased to be a mandatory subject for the Bar in the late 1960s—and for all that it still refers students to introductory lectures delivered in North Africa c. 160/161 CE—Roman law remains an active and evolving subject in Cambridge. The compulsory Civil Law I paper continues to puzzle and entertain first-year students, while introducing them to fundamental legal concepts and modes of reasoning, inviting them to unpick rules and background assumptions, develop critical standards, and better appreciate relationships between law and society, law and culture, and law and language. The optional Civil Law II paper attracts 20–25 students each year, keen to immerse themselves in the Digest, Code and Collatio to explore delictual and quasi-delictual liability, not just as doctrine developing over time but as a means of interrogating philosophical fundamentals about causation, personality, instigation, compensation and punishment—thinking analytically about private law, unbound by the constraints of a single, national legal system.

In 2019, the College hosted three Roman law-focused events. At the end of March, the Twelfth [International Roman Law Moot Court Competition](#) brought together students and academics from the Universities of Oxford, Cambridge, Naples, Vienna, Tübingen, Liège, Trier and Athens to argue a *libellus* set in the reign of the Emperor Justinian I. The facts required teams to examine one partner's contentious withdrawal from a *societas* founded, by the so-called *pactum Romanum*, to undertake certain economic activities formerly the preserve of provincial administrations. The claims featured a potentially ineffective and purportedly revoked notification of withdrawal, a rejected arbitral decision, and a dispute about valuing the partnership's banking activities for the purposes of calculating the withdrawal payment. A video of the semi-final moot held in Trinity between the Université de Liège and the Universität Wien is available to [view online](#).



The competitors and organisers of the Twelfth International Roman Law Moot Court Competition

Roman law mooting returned to Trinity in June for the thirteenth annual Oxford v Cambridge Roman Law Moot Court Competition. This contest is designed and scheduled with first-year students in mind, and this year focused on an *actio furti manifesti* for civil theft and an *actio ad exemplum legis Aquiliae* for damage to property—but, because this was a Roman law fact-pattern, it involved buried treasure, a feeble-minded and boil-blighted slave, a statute concealed in a toga, and tripping over vestibule tiles after a few bottles of wine. This is the second time in recent years that the Varsity Roman Law Moot, judged by the two Universities' Regius Professors of Civil Law and generous sponsor Dr Frederick Mostert, has been held in Trinity, and it was therefore a particular pleasure that first-year student Ilsu Ari was selected as a member of the Cambridge team.

Deep in the long vacation, the College's Marjorie Hollond Fund and Conference Fund supported a two-day workshop on 'Principle and Pragmatism in Roman Juristic Argument', attended by a dozen civil law academics from England, Scotland, Germany and the Netherlands. The papers, which are intended to be published as an edited collection in 2020, traversed the spectrum of private law topics—sources, procedure, inheritance, property, contract and delict—probing the explanatory power of practical, real-world problem-solving and of more general theoretical narratives, be they sourced externally in philosophy or rhetoric, or internally in conceptions developed with more or less abstraction by particular jurists or emperors. Lively discussion ensued not just on matters of technicality and juristic argumentative technique but on the broader questions of what 'principle' and 'pragmatism' might signify in relevant contexts. The editors—Trinity Law Fellow Dr Benjamin Spagnolo (e2016) and Trinity graduate turned Oxford don A/Prof. Joe Sampson (2008)—look forward to the challenge of writing the introductory chapter to the collection.

FROM OUR FOREIGN CORRESPONDENTS

FROM HILLARY RAY (1990), OUR CORRESPONDENT IN SYDNEY, AUSTRALIA

As a regulatory lawyer, 2019 has been dominated by the continuing repercussions of the *Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry*. The correlating report was released in February 2019 and since then we have been peppered with legislative and sector-wide changes similar to those the UK went through several years ago. The financial services landscape has become dynamic and as an ASIC and APRA (our regulatory authorities) specialist I have been very busy with both advice work and also presenting at industry events. Everyone is seeking the latest updates and with experience working closely with both authorities I have found myself, and my team, in demand. It is an interesting time to be a regulatory

lawyer in Australia due to the pace and scale of change. Diversity initiatives are also gaining in momentum, as are the prominence of ESG guidelines for investment.

I am looking forward to presenting at a function for global investment firm Dimensional on regulatory and investment trends in response to climate change, and have recently updated our national broadcaster, the ABC, on regulatory developments. On the home front, it was wonderful to take my teenage daughter around Trinity College last year, and I look forward to doing the same with my youngest. Institutions like Trinity College have an even more important part to play in terms of leadership in the current social and political environment. I am looking forward to an equally fulfilling 2020 and hearing from my fellow Trinity College lawyers.

FROM ANNA KHALFAOUI (2014), OUR CORRESPONDENT IN THE DEMOCRATIC REPUBLIC OF THE CONGO

I moved to Goma, in the Democratic Republic of the Congo (DRC), in January. As a fellow with the American Bar Association Rule of Law Initiative (ABA ROLI), I have been working on the trial of two former armed group commanders for war crimes and crimes against humanity. It has been a fascinating, and often challenging, experience. As I was invited to, I share here some reflections about my time in the DRC.

The trial's scope is immense. Between 2010 and 2014, rebels from two armed groups, Nduma Defence of Congo (NDC) and the Democratic Forces for the Liberation of Rwanda (FDLR), murdered, raped and looted hundreds of civilians in the provinces of Walikale and Masisi in Eastern DRC. They enrolled scores of children into their movement. In November 2018, the trial of NDC's founder, Ntabo Ntaberi, better known by his war name "Sheka", opened before the Operational Military Court of North Kivu in Goma. Sheka is being prosecuted for war crimes and crimes against humanity alongside Séraphin Nzitonda, "Lionceau", who headed the FDLR. Among the crimes being examined is the largest documented mass rape in the DRC in the last fifty years. At least 387 women and girls were raped by a coalition of NDC and FDLR combatants in the town of Luvungi over just four days in 2010 – according to the [UN Joint Human Rights Office](#).

Over 300 victims have been heard ahead of the trial. According to Congolese civil law procedures, they can constitute themselves as civil parties and join the proceedings. Over 3,000 pages of evidence have been collected and analysed. ABA ROLI is part of the organisations supporting the lawyers for the victims. Concretely, my work can mean anything from conducting legal research; coaching the lawyers on international criminal law; preparing interviews with the victims and examination documents ahead of their appearance in court; drafting legal submissions; liaising with partner organisations, particularly the MONUSCO, the UN Peacekeeping Forces in the DRC, etc.

Such cases are very challenging. First, securing victim participation is difficult as Sheka continues to be supported in Walikale. He is seen by some, and presents himself throughout the trial, as the saviour and liberator of Walikale for having led NDC's fight against the FDLR. NDC is still active in the region under the new leadership of Guidon, a former officer of the Congolese armed forces, who is also subject to an arrest warrant. As a result, victims may be under considerable pressure not to participate in the trial. Some victims come to Goma to testify knowing that they may never be able to go back to their hometowns and will have to be relocated permanently elsewhere with their families.

Second, there is a critical lack of funding. The Congolese military judicial system depends on funding from the MONUSCO and a small number of organisations to organise the investigations and gather the evidence during the pre-trial stage and throughout the trial itself. External donors provide the

money required to have the victims and witnesses come to Goma; be housed, fed, protected while they wait to give their testimonies; and potentially relocated post-trial. After close to a year of trial, there is growing exasperation among donors about the slow pace of proceedings. Financial support is waning, to the point that securing the funding to pay for the victims' catering becomes an issue.

Third, there is a lot of competing pressure and interests from different actors in the trial. ABA ROLI's work on this trial is done within the framework of the *Cadre de Concertation* – an informal network of NGOs and the MONUSCO which supports the work of Congolese military jurisdictions. There may be different priorities and disagreements between the victims' lawyers and the organisations, which provide legal and technical support, as to the right legal strategy. The MONUSCO itself, which has built, just for this case, the very courthouse in which the hearings take place, is under pressure. The UN mission's tracked record after 20 years in the DRC has often been criticised (e.g. [here](#), [here](#) or [here](#)). As it begins to plan its [exit strategy](#) from the DRC, the MONUSCO is eager for success stories and securing the conviction of Sheka and Lionceau would be such a win.

However difficult, the cases do sometimes end in important decisions. In February, Marcel Habarugira Rangira, lieutenant colonel of the Congolese armed forces who deserted and created his own armed group in the East, was convicted of war crimes by the same military court. An illustration of the progressive strengthening and appropriation of international criminal law in the DRC, it was the first time that a Congolese court convicted an individual for the war crime of conscripting and using child soldiers. Even when these cases succeed, there are considerable issues with securing reparations for the victims in the DRC. Victims must pay a proportion of the compensation allocated to them by the judge to initiate the procedure required to execute a judgment. For vulnerable individuals, that is often impossible. I described the *Habarugira* decision, along with its challenges, further [here](#).

On a lighter and more personal note, my time in the DRC has been a crash course into the DRC civil law procedures. There were a host of unexpected challenges, among which learning to work in French. French is my mother tongue and I did not think that switching my brain back from English to French would take long. Yet, on writing my first memo, I found myself having to make sure that yes, indeed, "prosecutor" translates to "*procureur*". The DRC has also turned out to be one of the most phenomenal and beautiful countries I have ever visited. Google "Masisi" and you will probably read about attacks and refugees. But, have a look at pictures, or come visit, and you will see endless rolling hills and lush green meadows with happy black and white cows that reminded me of Switzerland.



A former child soldier testifies in disguise (centre in green) against former warlord Ntabo Ntaberi Sheka (right in blue) before the Operational Military Court of North Kivu in Goma



Visions of Green, Masisi Province in the Eastern DRC

HOLLOND FUND BENEFICIARIES

WAHDANA BILAL (2015), HARVARD LAW SCHOOL, USA

When I first arrived at Harvard Law School, I was immediately struck by how much *older* everyone was. As a 21 year-old, fresh out of my undergraduate degree, I was the youngest member of the LLM class of 2019. Many of my peers had already established successful careers as lawyers, judges or academics. However, any initial sense of intimidation I experienced soon faded away as I began to get to know my classmates. Although they were a very diverse group in terms of their ages and nationalities, in their shared enthusiasm for the law and legal issues they were not dissimilar to the friends I made during my time at Cambridge. I also gained a newfound appreciation for how the rigours of my undergraduate degree had equipped with sufficiently strong writing and analytical skills to allow me to feel at ease in a law school in a different jurisdiction, surrounded by people with much more academic and practical legal experience.

There were also many things at Harvard that were very different from my experience at Cambridge. For one, the classes were significantly larger. Most classes consisted of over 30 students, and many classes even crossed the 100 mark. This was worlds apart from the small group teaching that I had become accustomed to at Cambridge, and I had to learn to make greater use of lecture notes and reading notes, without the benefit of a supervisor to guide me through the process.

Other differences were the range and types of courses that were on offer. At Cambridge, the majority of my courses were foundational, compulsory modules such as Criminal Law and Contract law, with the ability to choose a few more specialized courses as my optional modules. At Harvard, I was at liberty to choose from nearly 200 options, and most courses were highly specialized in nature. I was able to study subjects as varied as Analytical Methods for Lawyers (covering the basics of, among other things, finance, accounting and statistical analysis), Counterterrorism and International Law, and Islamic Law: Human Rights Advocacy in the Muslim World. Through my courses, I was also exposed to different philosophical and theoretical approaches to law and legal issues, such as the critical legal studies movement and American legal realism. The semester system meant that I was able to take new courses each semester, and therefore a greater number of courses overall, although the necessary trade-off was that, due to time constraints, the depth of inquiry into each subject was much more limited when compared with my experiences at Cambridge.

There was also plenty to do outside the classroom. I volunteered at one of HLS' many student practice organizations, the Harvard Prison Legal Assistance Project, providing legal assistance to people incarcerated in Massachusetts prisons. I also worked as part of a team on a project for Harvard Advocates for Human Rights, in conjunction with Human Rights Watch, where we monitored and analysed the trial of Laurent Gbagbo in the International Criminal Court. The Graduate Program at HLS also arranged a packed social calendar for me and my classmates, the highlight of which was the International Party, where all of the LLMs set up stalls to represent the cultures and cuisines of their respective countries.

In summary, my year at Harvard, just like my years at Cambridge, proved to be a deeply enriching experience, both academically and personally, and I am very grateful to Trinity, its Law Fellows and the trustees of the Hollond Fund for providing me with this opportunity.



The Harvard Law LLM class of 2019

[JOSHUA FUNG \(2015\): ONE NOTE SEVEN WAYS \(LIVE FROM NEW YORK, A REPORT TO THE MANAGERS\)](#)

There is a lazy genealogy of the United States of America ("America") that places it at the end of a series of developments loosely termed 'Western civilisation'. According to Eric R. Wolf, this is the narrative that "ancient Greece begat Rome, Rome begat Christian Europe, Christian Europe begat the Renaissance, the Renaissance the Enlightenment, the Enlightenment political democracy and the industrial revolution. Industry, crossed with democracy, in turn yielded the United States, embodying the rights to life, liberty, and the pursuit of happiness." A riveting story.

Evidence of belief in this story can be found everywhere in America. Look closely at the interior of the dome encompassing the Library of Congress's reading room, and one finds a mural collar titled *The Evolution of Civilization* by E.H. Blashfield. The mural presents 12 figures, beginning with Egypt, passing over Greece, Rome, England, and culminating with America – the heir to this vast fortune of human achievement. A course in Moral and Political Philosophy at New York University begins with two Englishmen, Hobbes and Locke, and ends with two Americans, Rawls and Nagel. Everything in

America is new and improved: York – *New* York, England – *New* England, football – {American} football (?!), constitution scattered across different texts – constitution *codified* in one text.

I have found my year of study at NYU and residence in New York City fruitful. I am grateful for the opportunity. Where law is mostly doctrinal, learnt and taught from a predominantly internal point of view at Cambridge; in America, there is no method of analysis that will not be thrown at legal rules so as to shed light on their nature, operation, and effect. This is an outcome of the singular legal path that American jurists have chartered, from Holmes to Llewellyn. It is also the product of a “New World” mentality, from which an entire nation and its institutions have emerged, meticulously engineered. This is less evidence of *American* exceptionalism than it is the exceptional circumstances of living in a body politic whose origins are not shrouded in mist or myth. Hence, most of my courses this past two semesters have sought to subject ‘law’ to the rigours of a variety of disciplines, each of them laying a persuasive claim to it.

In my first semester, I took courses in jurisprudence and constitutional law, audited (to attend a class, but not for credit) a seminar in classical liberalism, and participated in a colloquium in legal, political and social philosophy (founded by Ronald Dworkin). The colloquium was most engaging. Every week, our small class of 12 students would meet with the two colloquium conveners, professors from the legal theory and philosophy department, to discuss a paper to be presented by a guest lecturer later that week. Topics discussed ranged from political gaslighting and animal rights, to more abstract issues related to moral reality, moral progress, and the genealogical analyses of all epistemological claims.

Constitutional law was taught with ostensible focus on the Constitution and the seminal judgments of the Supreme Court. All this material was structured in narrative fashion, the narrative being one of gradual political and social inclusion, juxtaposed with forces in opposition to this trend. This was the only course I took covering American law and consequently, was better attended by JD, and not LLM, candidates. The dynamics of the classroom were very different from the lecture halls I had grown accustomed to. In the place of pre-uploaded lecture notes to be completed in daily tests of speed and concentration, I often found myself drifting through classes led by student discussion, with any substantive content to be assimilated already covered in the set readings. Debates in class could, on occasion, prove insightful; more often, I was intrigued by the unwavering conviction of my classmates on issues that were far from settled in my own mind. The class was a window into the heated and fractious nature of political discourse in a very combative society. I was left to consider whether the younger nations of this world, the so-called New New World, might adopt a similar approach to their politics under the banner of participatory democracy.

There was less doctrinal law in my second semester. Besides courses in moral and political philosophy, and social theory, I participated in a seminar on global tech law and a colloquium on contract theory. The contract theory course was the best class I took at NYU. With a class of just four students, it felt like a weekly two-hour supervision with the professor. But its real value stemmed from the wealth and diversity of readings covered, *inter alia*, on law and economics, legal and social contracts, constitutions, behavioural patterns, as well as sealed and unsealed canonical texts in religion and literature. As a colloquium, several speakers were invited on the last Thursday of every month to conduct debates on the importance of writing to contracts (broadly conceived). I also enjoyed the global tech law course, which brought me up to date on the technical aspects of digital innovations such as distributed ledger technologies (for example, Bitcoin) and cloud computing. This was another wide-ranging class that prompted thought on the different legal approaches to regulating digital technologies on a national and international scale. It was instructive to consider the revolutionary impact that the digital age has had on society, and still portends.

It is an interesting time to be a law student. My year in New York has given me a glimpse into how many things a lawyer can get up to, and how useful the study of law might be outside lawyering. It has given me concrete ways to express the interdependence of law with almost every other human endeavour. Perhaps most importantly, it has taught me the central role that law plays in the narrative of a country's past and its future – core constituents of a nation's identity. But if all this sounds like waffle, I assure you that I have not forgotten Trinity Law's three cardinal rules of writing: be concise, precise and relevant! If I have strayed from these rules on this occasion, it is not for failure of recollection, but in indulgent remembrance.

DANIELLE CARRINGTON (2015)



Having graduated from Trinity at the end of June 2018, I found myself, just over a month later, on a plane to New York City. I had never been to New York before and, when I initially applied to NYU School of Law, I could not envisage myself studying and living there. I am very grateful for the Henry Arthur Hollond Travelling Studentship for enabling me to step into the unknown and to embrace all the amazing opportunities that unfolded during my time there.

After introductory classes finished, my first class was Conflict of Laws, one of my favourite subjects at Cambridge and one of my most enjoyable classes at NYU. I found it bizarre (and still do!) that every state in the US has its own conflict of law rules. It was particularly surprising because member states of the EU have managed to find a uniform approach to many areas of conflict of laws! This was only one of the numerous differences that I discovered between the US legal system and our own. The main difference, of course, was the constitutional analysis that underpinned every class. In Conflict of Laws, Civil Procedure, International Litigation, Civil Rights and Complex Litigation, constant questions arose about compatibility with the constitution. In my Civil Rights class, we produced a research memorandum on the right to political participation; we shaped our research to support lawyers working on a current case in Indiana concerning the right to vote of pre-trial detainees and individuals convicted of misdemeanour offences. Since the US courts have been unclear as to the nature of the right to vote and the degree of protection it should be afforded, we had to draw on every scrap of textual and precedential support to illustrate why the rights of these individuals should be protected.

I was also able to gain valuable experience outside of NYU. In January 2019, I arrived back to New York early after the Christmas break to begin an intensive pro bono research project at UN Women, examining sexual and gender-based violence in the conflict in South Sudan. Although my academic focus is on private law subjects, I am passionate about the right of women to live free from fear, abuse and violence. Working with UN Women was a unique opportunity to shift my focus from the domestic sphere to the global arena, combining my passion for survivors of SGBV with my interest in Public International Law.





Living in Greenwich Village was something of a dream. This bubble of artistic expression became my home; popping into the Whitney Museum to see a phenomenal collection of Andy Warhol's work, taking acting classes in the West Village and listening to the hubbub of music and people that fills the streets in the evenings. Of course, even in this idyll, there were still constant reminders of the turbulent political climate. Badges for the resistance were sold in Washington Square Park; these may be popular in this liberal area, but they

also prompted heated arguments with passers-by on more than one occasion. On the night of the midterms, a dejected room of students watched on the big screen as the Republicans gained seats in the Senate, despite losing seats in the House. And, of course, the testimony of Christine Blasey Ford was not enough, despite countless signs and badges expressing support for her around the city.

It has been a year filled with new friends and so many memories; seeing Broadway shows, walking the High Line, ice-skating at Rockefeller Centre, seeing the views from the deck of the Empire State Building and taking ballet classes at the Joffrey Ballet School. It has been an opportunity of a lifetime and one I will be forever grateful to have experienced. Thank you, once again, to the Hollond Fund for such generous support.



SHEYNA CRUZ (2016): INTERNATIONAL IP TRANSACTIONS OVER SUMMER COURSE

Some Cambridge law graduates are ready to leave their days of legal studies behind as soon as they receive their degrees. Not so for me, apparently: just one and a half weeks after graduating from Trinity with my BA Hons in Law in June, I arrived in Hamburg ready to spend the next three weeks learning about Intellectual IP Transactions at Bucerius Law School. Prior to this, I had completed an internship in the IP & Technology division of a law firm, and had also taken Intellectual Property as one of my Tripos Part II options. These experiences helped to cultivate my interest in this area of law, so much so that I decided to apply to this program to further my understanding of IP law from a more commercial viewpoint.

I had high expectations going into my experience at Bucerius, and I'm happy to say that they were met in many ways. For starters, I appreciated that the syllabus had a strong practical flavour that complemented the academic nature of my previous studies. Having spent the past year studying the law on copyright, trademarks and patents in the UK and EU, I had a good grounding in the key concepts and some of the thorny areas of substantive law that had formed the focus of my undergraduate paper. In contrast, the program at Bucerius placed more emphasis on the application of IP law in commercial settings. Whilst some of our early lectures covered general topics in the 'big three' IPRs (which was a helpful refresher indeed), others delved into sector-specific issues related to licensing of different products such as cloud services and pharmaceuticals. We also had a series of skills-oriented classes on negotiation and legal drafting.

The final week culminated with a two-day negotiation workshop where we were split into teams of three each representing a fictional company and provided with a set of secret facts for our respective clients. Based on this information and our newly-gained knowledge of IP law, we were

tasked with negotiating term sheets for licensing deals that would meet our clients' commercial needs. I found it to be an intense yet rewarding way to put into practice what I had learned over the preceding weeks.

I also loved the international nature of the student body and faculty on my summer program. The course was designed to cater to an audience with a variety of different legal backgrounds coming from jurisdictions the world over: indeed, the twenty-three other students on my course ranged from current law students to practitioners with over ten years of post-qualification experience. My lecturers, too, were a combination of academics as well as current and former IP lawyers working in various sectors. It was inspiring to learn from such a diverse group of individuals, and I hope to stay in touch with many of them going forward.



As part of the program, we even had the opportunity to visit the local offices of Google and Airbus, where we learned about some of the key IP issues facing their respective legal teams. Airbus was even kind enough to give us a site tour of some of their facilities for aircraft assembly and testing, which was absolutely thrilling to see!

Of course, my time in Germany was not all work and no play. Classes were scheduled between the hours of 10am to

5pm, which left me with evenings and weekends free to explore Hamburg. I took advantage of the long daylight hours to tour the city's attractions. My personal favourites included the picturesque canals and heritage buildings of the Speicherstadt ('warehouse city'), the lovely botanic gardens and parks, and a unique attraction known as 'Miniatur Wunderland' which consists of 15,000 kilometres of model railway housed in a former warehouse – a true marvel of German engineering that deserves its 4.8-star rating on Google Reviews.

In sum, my time at Bucerius Law School was unforgettable. I am indebted to the Hollond Fund for enabling me to take advantage of this incredible opportunity to study abroad and to better understand how the law provides scaffolding for the commercialisation of intellectual property. I now look forward to continuing my studies by pursuing an LLM in IP and Information Law at King's College London.

[JOAO FELIPE ARANHA LACERDA \(2018\), COMPETITION LAW AT LSE](#)

In the summer of 2019, a Hollond Fund grant gave me the valuable opportunity to attend a course on competition law and policy at the London School of Economics (LSE). The course lasted three weeks and included 4h 30min of classes per day from Monday to Thursday. The course also required extensive readings from renowned competition law textbooks and recent articles. The assessment was made through one essay (problem question) and one final examination. We also had the possibility of submitting a formative essay by the end of the first week to receive feedback.

The course was of immense value to me. I have always been interested in competition law and policy. Before my LLM in Cambridge, I worked at the Brazilian Competition Authority and this field became my passion. I have also been studying the interface between competition law and other fields I like, such as intellectual property and data protection. Moreover, the course was a great

opportunity to network with people from various countries. The class was incredibly diverse and I learned a lot from the questions and comments from my colleagues.

The course covered the main areas of European competition law in considerable depth. First, we learned about anticompetitive agreements. For instance, we studied cases in which large pharmaceutical companies included clauses in the contracts with distributors that hindered the export of medicines from countries that had a lower price (such as Spain) to countries with higher prices (such as the United Kingdom). According to the Court of Justice, these agreements are prohibited by EU law and harmed UK customers, such as the NHS.

The second part of the course was focused on abuse of dominant position. In other words, we examined the types of unilateral conduct by dominant companies that are prohibited by EU competition law. A famous case we studied in this part was the Google Shopping case. In 2017, the European Commission imposed a fine of EUR 2.4 billion on Google for abusing its market power as a search engine by giving preference to its own shopping services in search results. In short, Google placed its own shopping comparisons service (Google Shopping) on the top of the search result page and displaced competitors to the bottom of the page. The case is very controversial and appeal is still pending before the General Court.

The third part of the course was focused on merger control. We studied the merger control procedure in the EU and the main substantive issues that arise in merger review. A merger control case that was relevant to the UK was the blocking by the European Commission in 2016 of the merger between O2 and Three, two major mobile network operators in the country. The investigation of the Commission concluded that the merger would result in higher prices for consumers and less innovation in the UK.

Furthermore, in the last day we were introduced to topics which are likely to be extensively explored in the coming years, such as the interface between competition law and data protection and the impact of data-driven platforms on competition policy. For instance, we examined a recent decision of the German Competition Authority against Facebook, finding that the social network infringed competition law by using its dominant position to collect personal data in ways that violated data protection rules. This decision is also very controversial because it ultimately means that competition authorities have the power to enforce data protection rules through competition law.

In conclusion, the course was extremely interesting and it will be very helpful to my career. I recently started working in a law firm in Brussels with European law. This course gave me the necessary knowledge to focus on my main area of interest within European law, which is competition. Therefore, this opportunity granted by the Hollond Fund will have a significant positive impact on my career.

SAMUEL GERRARD (2018), HARVARD SUMMER SCHOOL



This year, I received £1,500 from the Hollond Fund to help fund my three-week summer school at Harvard University.

Having just completed the first year of my Law degree, I wanted to experience studying the subject in a different jurisdiction. I wanted to explore an area of law that I am unlikely to cover in the Tripos, which is why I opted to study Law for Sustainability at Harvard. Moreover, as I

am interested in studying for a Masters in Law, I wanted to experience studying at a university outside of the UK. A summer school at Harvard would help me decide whether to consider applying abroad for this qualification.

The course was led by environmental attorney Rick Reibstein. As a noncredit student, I still had to attend all classes, sit midterm exams and submit most - but not all - assignments. The primary reading was the main practitioners' book, *Environmental Law Handbook*, by Bell et al. The first week of the course was designed to ensure that we understood the groundwork of the US legal system, in particular the key areas of the US Constitution relevant to general environmental law and policy and their implications, such as the 'Takings Clause', 'Commerce Clause' and the Ninth Amendment) to general environmental law and policy. We also considered the federal system, the separation of powers in the US and the common law. We then took an in-depth look at the Clean Air Act — one of the most influential environmental laws in the US. Then following the topic of enforcement, in which we considered how the Environmental Protection Agency enforces legislation like the CAA, as well as the standards to which polluters are held (NAAQS, NSPS and NESHAPs). Our final week considered the Clean Water Act; the Comprehensive Environmental Response, Compensation, and Liability Act (the 'Superfund'); the Emergency Planning and Community Right-to-Know Act; the Resource Conservation and Recovery Act, and the Toxic Substances Control Act. What I found most interesting was the historical development of environmental law in the US, and how modern technologies like nanomaterials have created a legal 'black hole' due to scientific uncertainty surrounding their properties.

I was accommodated in Kirkland House in a room on the staircase neighbouring H33, the dorm from which Mark Zuckerberg launched Facebook.

Fortunately, Independence Day fell within the three weeks that I was at Harvard. That evening, my roommates and I watched the 'Boston Pops Firework Spectacular' from the riverbank next to the Massachusetts Institute of Technology. This was certainly the largest firework display I have ever seen, but the choreography of Trinity May Ball's was far superior!



I would like to say a huge thank you to the Hollond Fund for financially supporting me on this summer school. The Fund made the course much more affordable and, without this backing, the experience would not have been possible.

[ERICA SAN \(2017\): REPRIEVE](#)

Reprieve is a legal charity working for the most disenfranchised people in society. It works to defend those facing the death penalty and those who have had their rights violated in the name of the War on Terror. Reprieve has directly helped over 500 people all over the world to avoid execution. Thousands of others are helped indirectly through the organisation's strategic interventions that limit the application of the death penalty. The charity has had particular success in securing the release of over 80 men detained without charge or trial in Guantanamo Bay.

During my time at Reprieve, I worked on a range of issues in South East Asia with a focus on the application of the death penalty for drug related offences. My primary role was to assist the caseworkers on the team by writing memos, briefs and updates on cases, preparing reports relating to various human rights issues in the application of the death penalty and writing a draft written submission for the upcoming Universal Periodic Review ("UPR").

A highlight of my summer was writing a briefing relating to the interpretation of 'most serious crimes' under Article 6(2) ICCPR under International law and comparing this with a country in South East Asia's interpretation of the term. This briefing was to help the international community when building on the recommendations to this country to restrict their use of the death penalty.

I also prepared a research piece about countries which carried out resentencing following the abolition of the death penalty or the mandatory death penalty, and the process or framework that was followed, to inform countries who are currently considering abolishing the mandatory death penalty or the death penalty. We hoped to encourage such states to implement resentencing programmes that considers mitigating factors where the defendant was sentenced under the mandatory death penalty.

I also had the privilege of attending a talk by Professor Jim Silk at the Minority Rights Group (MRG) offices. Professor Silk spoke about international human rights, clinical legal education and working with law clinics on international human rights issues. MRG works to secure rights for ethnic, religious and linguistic minorities and indigenous people around the world.

My time at Reprieve was immensely valuable and informative. Not only was I given the opportunity to meet some incredible people who are passionate about human rights issues, I was exposed to a huge variety of work through our weekly casework meetings, where each team discusses highlights and important developments in their work.

I'd like to thank the Hollond Fund for making this incredibly valuable opportunity possible, and hope that many students in the future make use of the Hollond Fund to do extraordinary things in the law!

DONOGHUE AND STEVENSON FUND BENEFICIARY ALESSANDRO ANGELICO (2018), HAGUE ACADEMY

I used a small grant from the new Donoghue and Stevenson Fund to attend the 2019 Hague Academy of International Law's course in Private International Law. The Academy, where most ICJ judges and most distinguished international law scholars have studied or taught, puts together, every summer, a course in private international law by inviting eight distinguished law professors to deliver lectures on the topics they prefer. This year, among others, I attended courses on child welfare in private international law, the powers of international arbitrators, ethical consideration in international contract law and forum shopping. Each lecture series is complemented by a seminar, in a smaller group, in which the professors engage more freely with the students.



In addition to the fantastic opportunity of attending these lectures, the Academy organises a good range of social activities to make use of the extensive presence of international institutions in the tiny but powerful Dutch city. I attended court hearings at the International Criminal Court and visited Eurojust, the International Court of Justice and the Italian Embassy to the Netherlands.

I am very grateful for the opportunity that the Fund gave me, not just because of the outstanding scholars I discoursed with but also because of the numerous law students I could meet, which

certainly deepened my comparative legal knowledge and allowed me to think of the law from the perspective of different countries and not just from the English one I am used to in Cambridge.

NEW ALUMNI MEMBERS



Fran Kahr (2016): I will do the LPC immediately after university and start my training at Freshfields in summer 2020.



Tianyu Wang (2016): I will be starting the LPC in January and joining Linklaters in London afterwards.



Sheyna Cruz (2016): I'm heading to King's College London next year to study an LLM which will likely involve intellectual property.

Jarvis Go (2016): I am currently on the LPC and in London, and I am very much missing the intellectual engagement and cleaner air of Cambridge!



Elizabeth Huang (2016): is off to the other place to study for the BCL at Magdalen College.

...and Louise Marzano, Isaac Heather, Isabella Nubari, Helen Williams, Alekhya Kanteti (all 2016), Olivia Anderson (2015), Matilda Gillis and João Lacerda (both 2018).