

The CLC 2019 Programme

Monday 8 April 2019

14:30 – 19:30	Registration Opens
19:30 – 21:30	Welcome Reception

Tuesday 9 April 2019

07:00	Registration Opens			
9:00 – 11:00	Opening Ceremony and Keynote Address			
11:00 - 11:30	Tea / Coffee Break			
	Stream A	Stream B	Stream C	Stream D
	Corporate & Commercial	Constitutionalism, Human Rights & the Rule of Law	The Legal Profession and the Judiciary	Contemporary Legal Issues
11:30 – 13:00	<p style="text-align: center;">A1</p> <p style="text-align: center;">Bribery versus compliance – how to change the culture</p> <p>Surveys show that 40% of lawyers globally have never heard of important international measures against bribery and corruption (eg. the UN Convention against corruption or the OECD Anti-bribery Convention). Are lawyers part of the reason corruption is thriving? What are lawyers' responsibilities? A lively look at means and ends.</p>	<p style="text-align: center;">B1</p> <p style="text-align: center;">Constitutionalism and the Rule of Law – Obstacles to African development</p> <p>Democracy appears to be on the retreat in many parts of Africa and other parts of the world. Is there a place for the "benevolent dictator" and what does constitutionalism and the rule of law do for African development?</p>	<p style="text-align: center;">C1</p> <p style="text-align: center;">The anatomy of a trial – from opening to closing statements</p> <p>A comprehensive analysis of the modern trial in common law jurisdictions, with suggestions for improvement and innovation. What are the risks to access to justice of efficiency measures such as the abolition of jury trials and the use of written submissions rather than oral argument. Is judicial case management necessary?</p>	<p style="text-align: center;">D1</p> <p style="text-align: center;">Commonwealth responses to indigenous rights and aspirations</p> <p>Most Commonwealth jurisdictions have legal issues common to indigenous people – ranging from land rights, to over-representation in prisons. The session will examine the legal profession's responses and responsibilities.</p>
13:00 – 14:00	Lunch Break			
14:00-15:30	<p style="text-align: center;">A2</p> <p style="text-align: center;">Good faith in contractual negotiations</p> <p>In modern contract law, is there a duty of good faith, or is this a mere hobby horse of academics? What are the dangers in advising clients of the rules about good faith – in negotiating contracts?</p>	<p style="text-align: center;">B2</p> <p style="text-align: center;">Ruggie – the UN Guiding principles and the modern law of employment</p> <p>There is increasing recognition of the need to protect human rights in the work place. How do we awaken the corporate conscience, and why is this necessary? What is the role of governments and unions and what is responsibility of the legal profession?</p>	<p style="text-align: center;">C2</p> <p style="text-align: center;">Legal education – professional uber specialisation and the role of post-graduate qualifications</p> <p>Practical legal training for graduates in law – does the demise of readerships, pupillage and articles of clerkship mean the specialisation comes much earlier to new lawyers? Is the legal education sector's response adequate?</p>	<p style="text-align: center;">D2</p> <p style="text-align: center;">Slavery Reparations – the case for and against</p> <p>Slavery and human trafficking in their historical and modern versions, are universal crimes and an affront to the rule of law. As perpetrators and beneficiaries of the trans-Atlantic trade in slaves received reparations, should victims and affected persons be able to be compensated, and if so, how?</p>

16:00 – 17:30	<p style="text-align: center;">A3</p> <p style="text-align: center;">Managing bias in our roles as Lawyers, mediators and arbitrators</p> <p>Given the daunting research as to our unconscious biases and how our own biases of others; -How can lawyers, mediators and arbitrators manage these unconscious biases? How can lawyers, mediators and arbitrators conduct a fairly, objective mediation and leave their biases behind? How can lawyers, mediators and arbitrators create a neutral playing field for claimants or litigants?</p>	<p style="text-align: center;">B3</p> <p style="text-align: center;">Latimer House Principles – Two Decades On</p> <p>The Latimer House principles set out the consensus arrived at by representatives of the three branches of government in the Commonwealth on how each of their national institutions should interrelate in the exercise of their institutional responsibility. A report on the acceptance or ignorance of the celebrated manifesto, and how to increase the profile.</p>	<p style="text-align: center;">C3</p> <p style="text-align: center;">Innovation as a tool for development – are we killing legal employment?</p> <p>What is the place of technology in the legal profession, and are our regulatory and ethical structures equipped to cope with advances in artificial intelligence? What do these advances mean for the career paths of twenty-first century lawyers?</p>	<p style="text-align: center;">D3</p> <p style="text-align: center;">Law Reform: Law in progress, not in retreat.</p> <p>Law reform is necessary for the modern world. It needs to be of high quality, independently researched, and attuned to current needs and values, as shown by a project on victims of crime. The experience of victims of crime varies - of the bereaved of homicide victims, of victims of sexual assault, of victims of financial fraud. But the experience of the court process for victims of crime reveals a commonality - that it often is traumatising and demeaning and sometimes abusive. This session will consider why that is so, and what reforms should be made to remedy this.</p>
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Wednesday 10 April 2019				
07:00	Registration Opens			
9:00 – 10:00	Keynote Address			
10:00 - 10:30	Tea / Coffee Break			
	Stream A	Stream B	Stream C	Stream D
	Corporate & Commercial	Constitutionalism, Human Rights & the Rule of Law	The Legal Profession and the Judiciary	Contemporary Legal Issues
10:30 – 11:45	<p style="text-align: center;">A4</p> <p style="text-align: center;">Challenges for protecting client data</p> <p>Lawyers have an increased duty to protect client data, and not just from cyber hackers and in office technology systems. What of virtual and digital suitcases and border crossings?</p>	<p style="text-align: center;">B4</p> <p style="text-align: center;">Sexual Harassment and the #Metoo Revolution</p> <p>The #Metoo movement gathered momentum in 2017 highlighting the prevalence of sexual assault and sexual harassment in the world. Does this represent a turning point for women's rights, and what does this have to do with the legal profession?</p>	<p style="text-align: center;">C4</p> <p style="text-align: center;">Judicial appointments – developments in process and transparency</p> <p>An examination of the processes for judicial appointment across the Commonwealth. Can a best practice template be designed and promoted to governments by Commonwealth lawyers? What would that look like?</p>	<p style="text-align: center;">D4</p> <p style="text-align: center;">Social media and the modern law firm</p> <p>How much is too much in terms of informing and communicating with clients, and what are the implications for firms of its lawyers being on social media constantly?</p>

11:45 – 13:00	<p style="text-align: center;">A5</p> <p style="text-align: center;">The need for less competition law across Africa</p> <p>A case against competition law in Africa from the perspective of investment in Africa. According to the World Economic Forum, the conversation about Africa is shifting from one of “deficits” and “gaps” to one about opportunities, prospects, ventures and creativity. There is an increasing flow of direct foreign investments into the Commonwealth African economy.</p>	<p style="text-align: center;">B5</p> <p style="text-align: center;">R (Miller and Santos) v Secretary of State – Lessons in Constitutionalism</p> <p>The United Kingdom’s Supreme Court ruled that the United Kingdom government did not have the power to trigger Article 50 of the European Treaty allowing the UK to exit the European Union without parliamentary approval. What lessons on constitutionalism can the Commonwealth learn from this case?</p>	<p style="text-align: center;">C5</p> <p style="text-align: center;">Judicial accountability – the rise of the watchdog</p> <p>Various jurisdictions have established judicial watchdogs. Are they at best a home for spleen-venting by disgruntled litigants, and at worst a threat to judicial independence? What of government misuse of the power to remove judges?</p>	<p style="text-align: center;">D5</p> <p style="text-align: center;">Bail, mandatory sentencing and the liberty of the citizen charged</p> <p>Have “law and order” politicians effectively destroyed the presumption of innocence and judicial discretion in Commonwealth countries? An accused person’s right to be presumed innocent is one of the cornerstones of the right to a fair trial as is the right to be sentenced according to both subjective and objective criteria.</p>
13:00 – 14:00	Lunch Break			
14:00-15:30	<p style="text-align: center;">A6</p> <p style="text-align: center;">Developing transactional lawyering skills</p> <p>How do we do it, where do we do it? Who benefits from the upskilling of the profession? What is the competition doing?</p>	<p style="text-align: center;">B6</p> <p style="text-align: center;">Child Brides, Arranged Marriages & ‘Legal’ Exploitation of Women</p> <p>According to a 2012 UNFPA report approximately 14 million girls under the age of 18 years old are married every year. Across the globe many countries continue to keep laws on their books that legally exploit or discriminate against women. This has huge implications for international development agendas. The CLA will present a report on a project they have undertaken to curb the problem of child marriages and will highlight the need to repeal laws that undermine and disadvantage women.</p>	<p style="text-align: center;">C6</p> <p style="text-align: center;">Pro bono publico ethic across the Commonwealth – implications</p> <p>The shift in some jurisdictions to entrenching pro bono obligations by young lawyers, courts, governments and large clients has seen firms struggle to look at their business model. Is it here to stay? A session of hypotheticals.</p>	<p style="text-align: center;">D6</p> <p style="text-align: center;">“The International Criminal Court: Selective Justice?”</p> <p>Nine of the ten cases pursued by the ICC since its launch involve former African leaders, even though there have been atrocities perpetrated in many other parts of the world. This has prompted criticism, especially from the African continent, that the ICC is biased against Africans. Supporters of the ICC deny this and point out that in all but one of these cases, the referrals came from African Governments themselves or by their citizens. Is the ICC losing legitimacy?”</p>
16:00 – 17:30	<p style="text-align: center;">A7</p> <p style="text-align: center;">Representing clients in international arbitration fora</p> <p>Cross border commercial transactions in various areas of the law and how disputes are solved.</p>	<p style="text-align: center;">B7</p> <p style="text-align: center;">Democracy Politics and the Law – the Judiciary as the last line of defence</p> <p>As a protector of constitutionalism and the rule of law, the judiciary is often the last line of defence in a democracy. With parliamentary democracy under threat globally and judicial independence in a precarious state in some parts of the Commonwealth, will the rule of law survive, and what is the role of the profession?</p>	<p style="text-align: center;">C7</p> <p style="text-align: center;">Legal expense insurance and funding – the new frontier for access to justice?</p> <p>An examination of why legal expense insurance has thrived in some jurisdictions but been non-existent in some others. How to promote it for the benefit of the forgotten “middleclass”. Whither maintenance and champerty?</p>	<p style="text-align: center;">D7</p> <p style="text-align: center;">Freedom of Expression -v- fake news</p> <p>An examination of the regulation of social media, and assessment of how cyber space could or might be policed. Is legal regulation of the internet a lawyer’s pipedream, or the only way to ensure integrity in the dissemination of information? The session looks at the how, not the why!</p>

Thursday 11 April 2018

7:00	Registration Opens			
9:00 – 10:00	Keynote Address			
10:00 - 10:30	Tea / Coffee Break			
	Stream A	Stream B	Stream C	Stream D
	Corporate & Commercial	Constitutionalism, Human Rights & the Rule of Law	The Legal Profession and the Judiciary	Contemporary Legal Issues
10:30 – 11:45	<p style="text-align: center;">A8</p> <p style="text-align: center;">Cryptocurrency and its place in commerce and crime</p> <p>All jurisdictions are struggling to deal with the cryptocurrency revolution. What do lawyers advise clients and governments about the regulation of this elusive treasure?</p>	<p style="text-align: center;">B8</p> <p style="text-align: center;">Criminalisation of homosexuality -v- the legalisation of gay marriage</p> <p>Since the Commonwealth Law Conference was first held in Africa in 1980, nation states of the Commonwealth have taken diverging roads in the treatment of homosexuals and other sexual minorities. We look at the latest developments in the Commonwealth with regards to the criminalisation of homosexuality and the legalisation of gay marriages.</p>	<p style="text-align: center;">C8</p> <p style="text-align: center;">Essential components to building a successful law practice</p> <p>The role of the business development and management professionals in shaping law firms for the next half century. What place has practice management training in the professional development of young lawyers?</p>	<p style="text-align: center;">D8</p> <p style="text-align: center;">The death penalty in the Commonwealth</p> <p>How have policies and legislation developed over the past twenty-five years across the Commonwealth? Prognosis for the future... How have countries in the commonwealth passed legislations to address this decline in the resort to death penalty? Is there any likelihood that death penalty will eventually be abandoned in the Commonwealth?</p>
11:45 – 13:00	<p style="text-align: center;">A9</p> <p style="text-align: center;">Developments in appellate advocacy</p> <p>Redefining the use of and developments in, legal reasoning and written advocacy – the end of the silver tongue?</p>	<p style="text-align: center;">B9</p> <p style="text-align: center;">Religious freedom -v- minority rights</p> <p>Recent developments in the liberalisation of views about homosexuality have in some cases created religious conflict. This session aims to examine state religions, theocracies, ecclesiastical courts, and the development of the common law in resolving such conflicts.</p>	<p style="text-align: center;">C9</p> <p style="text-align: center;">Lawyers and the fourth estate</p> <p>How is a balance to be struck between press freedom and the protection of judges from improper abuse? In the age of social media what hope is there for the judiciary to control proceedings, and what use are suppression orders if they are ignored?</p>	<p style="text-align: center;">D9</p> <p style="text-align: center;">From trial by ordeal to conciliation</p> <p>Current topics in alternative dispute resolution across the Commonwealth, including emerging best practices in mediation.</p>
13:00 – 14:00	Lunch Break			

14:00 - 15:30	<p>A10 Africa – the rise of the next great superpower bloc?</p> <p>What are the potential development scenarios for the African continent, given its population and resources (many newly found or exploited), and what is the role of the legal profession in fostering that development?</p>	<p>B10 Emergency powers in emerging democracies</p> <p>Recent examples of the use of “emergency powers” as exceptions to the rule of law is a means for new and even more experienced governments to subvert human rights and even the democratic process. What is the profession’s response?</p>	<p>C10 Self-represented litigants – the real cost to parties and the community</p> <p>Courts report increasing proportions of litigants representing themselves. This has significantly pressured courts and those parties who are represented by reason of self-represented parties’ incompetence. What are the solutions?</p>	<p>D10 BREXIT and its implications</p> <p>Does anyone outside the United Kingdom care, and if so, why should the legal profession across the Commonwealth be interested? How do we plan ahead for the legal, economic and political impact on the Commonwealth? What of the development of the common law in a UK severed from European jurisprudential influence?</p>
16:00 – 17:30	<p>A11 International trade law</p> <p>Developments in the pillars of the trading system and looking at the threats and opportunities throughout the Commonwealth.</p>	<p>B11 The global environment in jeopardy</p> <p>Recent moves by certain countries to withdraw from the landmark 2015 Paris Agreement have put it in jeopardy. In light of next generation governments having second thoughts, can the agreement be salvaged and how does the consequent exacerbation of climate change impact on human rights. To have in mind also the special vulnerability of Small Island Developing States (SIDS) to the adverse impacts of climate change.</p>	<p>C11 Judicial case management – efficiency or interference</p> <p>Modern judicial case management has developed to see judicial officers as managers of litigation, rather than mere umpires – what are the implications for the adversarial system, and are activist judges just a nuisance to litigants?</p>	<p>D11 Best practices in regulations, entry and exit procedures to the Bar</p> <p>What is the role of legal education and law practice culture – are we admitting the right people to practise law in the first place? Best practices in regulating entry and exit procedures in the profession.</p>

Friday 12 April 2019

	Stream A	Stream B	Stream C	Stream D
	Corporate & Commercial	Constitutionalism, Human Rights & the Rule of Law	The Legal Profession and the Judiciary	
09:00 – 10:30	<p>A12 Intellectual property law</p> <p>Understanding developments in the law of copyright, trademarks and patents in the digital age.</p>	<p>B12 Defending the human rights defenders – resilience building</p> <p>Human rights defenders have long had difficulty maintaining their resilience, by reason of government harassment, funding struggles, judicial indifference, and lack of support from professional colleagues. What role can the legal profession play in supporting the work of human rights defenders?</p>	<p>C12</p> <p>CLEA Commonwealth Moot Final</p>	<p>D12 Walking the tightrope – stress management for healthy lawyering</p> <p>How can the busy lawyer avoid working themselves to death by living a healthy lifestyle? Research has shown that lawyers tend to rank higher for rates of anxiety, depression, substance abuse and other health concerns than any other professionals.</p>
11:00 – 12:45	Keynote Address and Closing Ceremony			