



**LAW REFORM**  
COMMISSION/COIMISIÚN UM  
ATHCHÓIRIÚ AN DLÍ

ANNUAL CONFERENCE 2012

**FOURTH PROGRAMME OF LAW  
REFORM**

TUESDAY 11 DECEMBER 2012  
9:00 – 13:00

RADISSON BLU  
GOLDEN LANE, DUBLIN 8

## PROGRAMME

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8.15-9.00	Registration
9.00-9.15	<b>The Honourable Mr Justice John Quirke</b> President of the Law Reform Commission Chairman's Address
9.15-9.45	<b>The Honourable Mr Justice Donal O'Donnell</b> Judge of the Supreme Court Former member of the Law Reform Commission Keynote address <i>Law Reform: Trying to Change the System from Within</i>
9.45-10.20	<b>The Honourable Mr Justice Gerard Hogan</b> Judge of the High Court <i>100 years of the Swiss Civil Code - Some Lessons for Contemporary Ireland?</i>  <i>Questions and Answers</i>
10.20-11.00	<i>Law reform: The Current Economic and Fiscal Crisis</i>  <b>Professor Frances Ruane</b> Director, The Economic and Social Research Institute  <b>Professor Blanaid Clarke</b> McCann FitzGerald Chair of Corporate Law, Trinity College
11.00-11.15	Coffee
11.15-11.50	<b>Paul Appleby</b> Former Director of Corporate Enforcement  <i>Questions and Answers</i>
11.50-12.50	<b>Professor David Ormerod</b> Law Commissioner, Law Commission of England and Wales <i>Contempt of Court in criminal proceedings: Proposals from the Law Commission of England and Wales</i>  <b>Desmond M. Clarke</b> Emeritus Professor of Philosophy, University College Cork <i>Ethical Disagreement and Democratic Legislation</i>  <i>Questions and Answers</i>
12.50-13.00	Concluding Remarks by the Chairman

## BIOGRAPHIES

### **The Honourable Mr Justice John Quirke**

Mr Justice John Quirke is President of the Law Reform Commission (appointed in July 2012) and a former Judge of the High Court. He was a member of the Board of the Judicial Studies Institute between 1999 and 2009. He was a member of the Board of the Courts Service between 2003 and 2009 and of the Committee for Court Practice and Procedure between 2002 and 2012. He chaired the Public Service Benchmarking Body which reported in 2002 and the Peatland's Forum which reported in 2012. As a Judge of the High Court, he managed the Judicial Review list between 2003 and 2007 and the Personal Injuries list between 2007 and 2012. He chaired the Working Group on Medical Negligence which published its first report (on Periodic Payments for catastrophically injured litigants) in November 2010. He retired as a Judge of the High Court in February 2012.

### **The Honourable Mr Justice Donal O'Donnell**

Mr Justice Donal O'Donnell was born in Belfast and was educated at St Mary's CBGS, University College Dublin, King's Inns and the University of Virginia. He was called to the Bar in 1982, commenced practice in 1983, became a Senior Counsel in 1995 and was appointed to the Supreme Court in January 2010. He was a member of the Law Reform Commission from 2005 until 2012. His father, Lord Justice Turlough O' Donnell was a Commissioner of the Law Reform Commission from 1997 to 1999.

### **Professor Frances Ruane**

Professor Frances Ruane has been Director of the ESRI since December 2006. She is also a Research Associate of the Institute of International Integration Studies and an Honorary Professor at the Department of Economics at Trinity College. She previously held positions in the Industrial Development Authority, the Central Bank of Ireland and Queen's University, Ontario. She is currently a member of the Council of the Royal Irish Academy, the Council of the Statistical and Social Inquiry Society of Ireland, and the Commission of the National Pensions Reserve Fund. Since 2010 she has served as a member of the Economic Advisory Group in Northern Ireland and in 2011, she was reappointed to the Council of Economic Advisors in Scotland. Her previous experience on national boards includes the IDA, Forfás, and BGE, and she has been involved on expert groups in health, higher education, tax and welfare and research.

### **Professor Blanaid Clarke BCL, MBS (Banking & Finance), BL, PhD**

Professor Blanaid Clarke holds the McCann Fitzgerald Chair in Corporate Law at Trinity College Dublin. Her research interests include corporate governance, financial services law, securities law and takeover law and she has published extensively in these areas. She was recently a member of the

European Commission's Reflection Group on the Future of EU Company Law. Professor Clarke is a member of the European Model Company Act Group and a member of the University of Oslo's Sustainable Companies project. She works with the Irish Takeover Panel and is a member of the European Securities and Markets Authority Takeover Bids Network. In October 2010, she was appointed to the board of the Irish Central Bank Commission.

### **Paul Appleby**

Paul Appleby retired from the post of Director of Corporate Enforcement in August 2012 having led the Office of the Director of Corporate Enforcement (ODCE) since its formal establishment in November 2001. During that time, the ODCE promoted compliance with the requirements of the Companies Acts and undertook a number of major company law investigations and enforcement actions. He also actively contributed to policy deliberations in fields related to his company law remit. During his time as Director, he was a member of the Company Law Review Group, a director of the Irish Auditing and Accounting Supervisory Authority and an Executive Committee member of the International Association of Insolvency Regulators. Prior to acting as Director of Corporate Enforcement, Paul Appleby served in various Government Departments, chiefly in areas dealing with economic development and regulation.

### **Professor David Ormerod**

Professor David Ormerod is Law Commissioner for England and Wales responsible for Criminal Law, Evidence and Procedure. He is a Barrister and Bencher of Middle Temple and was, until appointment at the Commission, Professor of Criminal Justice at Queen Mary University of London. He is the author of numerous articles and books including *Smith and Hogan's Criminal Law* and is the Editor in Chief of *Blackstone's Criminal Practice*, the *Criminal Law Review* and *Halsbury's Law of England* (on Criminal Evidence and Procedure).

### **The Honourable Mr Justice Gerard Hogan**

Mr Justice Gerard Hogan is a judge of the High Court.

### **Desmond M. Clarke**

Desmond M. Clarke is Emeritus Professor of Philosophy at University College Cork and a member of the Royal Irish Academy. He edited the Thomas Davis lectures, *Morality and the Law* (1982) and published *Church & State* (1984). He has written extensively on Irish constitutional law, theories of natural law, and relations between religious beliefs and moral convictions. Recent contributions include "Unenumerated Rights in Irish Constitutional Law" (2011) *DULJ* 101 and "Judicial Reasoning: Logic, authority, and the rule of law in Irish Courts" (2011) *Irish Jurist* 152.

## ABOUT THE CONFERENCE

“Fourth Programme of Law Reform” is the 9th Annual Conference of the Law Reform Commission. The Law Reform Commission is preparing a new Programme of Law Reform under the *Law Reform Commission Act 1975*. The new Programme will, over the coming years, form the principal basis on which the Commission carries out its statutory mandate to keep the law under review with a view to its reform and modernisation.

At the Conference, the keynote address will consider the general role and function of the Commission. Following this, a panel of speakers will discuss possible areas of the law to be considered for inclusion in the new Programme of Law Reform in the context of the current economic and fiscal crisis. There will also be sessions on reform of the criminal law and civil law, in addition to a consideration of law reform and ethical, moral and philosophical dilemmas.

The Conference is part of the public consultation process on the *Fourth Programme of Law Reform* which aims to provide the widest opportunity for all interested parties to engage in the law reform process and suggest areas of law which require reform, modernisation and renewal. In addition to consulting with the general public, the Commission is also consulting with the Legal Profession and Government Departments.

## SUBMISSIONS

The Commission invites all interested parties to make submissions on possible areas of the law to be considered for inclusion in the new Programme of Law Reform. Submissions need not be in any particular format and they can be sent by email to [fourthprogramme@lawreform.ie](mailto:fourthprogramme@lawreform.ie) or by letter to: Law Reform Commission, Fourth Programme of Law Reform, 35-39 Shelbourne Road, Ballsbridge, Dublin 4. The Commission requests that submissions be made by 31 January 2013

## PRESENTATIONS

Presentations and papers delivered at the Conference will be made available on our website [www.lawreform.ie](http://www.lawreform.ie), following the Conference.

## CPD

Attendance at the Conference may be used to attain CPD points. Certificates of attendance for CPD purposes will be provided.

## UNAVOIDABLE CHANGES

It may be necessary to make changes to the content and timing of the Conference Programme or to substitute speakers.

## VENUE AND TIME

Radisson Blu, Golden Lane, Dublin 8  
9:00 – 13:00

## CAR PARKING

Parking is available at the Radisson Blu Hotel (enter via Ship Street Great).

Further information is also available on our website [www.lawreform.ie](http://www.lawreform.ie).