

An Teachta Abhaile

# BELFAST INTERNATIONAL HOMECOMING 2018

28 - 30 NOVEMBER

## Legal Symposium 2018 Programme

\*CPD Eligible (3 points)

TITLE SPONSOR

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**The Inn of Court, Royal Courts of Justice, Belfast**  
Thursday, 29th November 2018 • 10:00am - 3:10pm



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## Programme:

10am **Registration. Tea and Coffee**

10.25am **Welcome:** Niall Murphy, Partner, KRW Law

10.30am **Opening Address:** Sarah Ramsey, Chair of the Bar Council of Northern Ireland

10.40am **Transatlantic Data Security**

**(1) GDPR for American Business**

Peter Girvan BL

In his presentation, Peter Girvan will address the General Data Protection Regulation under the topic heading The General Data Protection Regulation: The nature and scope of the “third generation” data protection right, EU/US Data Transfers and the enforcement of data rights by Class Action”

**(2) The Investigatory Powers Act 2016 – American Data Security post Brexit**

Dr Karen McCullagh University of East Anglia

The EU-US Privacy Shield is one of the legal mechanisms enabling the transfer of personal data outside the European Economic Area to US companies that have self-certified to a number of privacy principles (which correspond to data protection requirements in the EU General Data Protection Regulation (GDPR)). EU regulators have repeatedly expressed concerns about deficiencies in the Privacy Shield and indicated that they may call for its suspension or invalidation unless US authorities ensure full compliance with the terms of the agreement in coming months. When the UK leaves the EU and becomes a third country for data protection purposes it too will need an adequacy agreement to facilitate EU-UK personal data transfers, (and to enter into an agreement with the US that is substantially similar to the EU-US Privacy Shield to facilitate onward transfers of personal data). One might expect the UK to easily obtain an EU-UK adequacy decision given that its data protection law closely mirrors the GDPR. However, an immigration exemption in the Data Protection Act 2018 and provisions in national surveillance law inter alia, mean it is not a certainty.

After highlighting the problems with, and recommending changes to US and UK laws, this talk will conclude by outlining practical steps US and UK companies could take to ensure continued personal data flows should the EU-US Privacy Shield be suspended and/or an EU-UK and US-UK adequacy agreement not be in place when the UK leaves the EU.

11.30am **BREXIT**

**(1) Sharing the Island: Brexit and Constitutional Change**

Professor Colin Harvey

Professor Harvey will provide an opinion on role that Brexit has played as more people look to all possible scenarios as to the constitutional settlement. Brexit fundamentally alters the nature of the question and raises opportunities or constitutional imagination and the right of self-determination

**(2) The Human Rights and Equality implications for Northern Ireland**

Prof Rory O’Connell, Ulster University

12.30pm **LUNCH**

1.15pm **The Evolution of the Northern Ireland Legal Services Sector**

Moira Loughran - Client & Sector Manager (Financial, Professional & Legal Services), Invest Northern Ireland

# Programme:

1.30pm

## Sport, Law and Society

### (1) **Basketball Hall of Fame Belfast Classic 2018 – A Legal Perspective**

International overview of legal issues faced and overcome in delivering an 8 team Division 1 National Collegiate Athletic Association basketball event in Belfast, Northern Ireland.

Rich Ensor, Commissioner, Metro Atlantic Athletic Conference, USA

John Turley, LL.B, Partner, Macauley Wray Solicitors

**Sports Lawyers Association.**

<https://www.sportslaw.org/membership/index.cfm>



### (2) **The Dangers of Social Media during a Criminal Trial**

Brendan Kelly QC

Brendan Kelly QC acted as Senior Counsel for the first named defendant in this year's high profile Belfast Rape trial. Whilst social media played its own part in the presentation of the Crown case it was arguably the impact of social media outside the court room that would be the cause of much controversy and concern, which has led to the ongoing review headed up by Sir John Gillen. Brendan will deconstruct from a first-hand trial lawyer perspective, the risks and pitfalls associated with the emerging phenomenon of social media on the modern trial process, and how trials are reported.

2.30pm

## The 25th Amendment to the United States Constitution

Professor John Feerick – Dean of Fordham School of Law (Invited)

Professor Feerick was primarily responsible for the composition of the 25th Amendment to the United States Constitution. This amendment specifies how a president can remove himself from office temporarily or be removed from office by a majority of his cabinet, and the process that follows for the President to attempt to regain power before Congress, if he so chooses, and then how the President's Cabinet, once again, can remove him from power. This scenario would most likely be used in the event that the President were mentally incapacitated, either voluntarily, through anesthesia in a medical procedure or involuntarily in the case of a mental illness. Professor Feerick will close the symposium with his thoughts on the relevance of the amendment in the current constitutional climate, and will further reflect on his close association with the City of Belfast through the Fordham QUB relationship which he has pioneered for nearly a quarter of a century.

3pm

## Closing Remarks

Sir Declan Morgan, Lord Chief Justice of Northern Ireland

3:10pm

**CLOSE**

## Speakers:



### **Niall Murphy**

Niall is a partner at KRW Law LLP, a leading human rights practice, based in Belfast. The practice is instructed by a significant number of clients engaged in legacy litigation relating to conflict related deaths and injuries, appearing for those bereaved as a result of atrocities such as Loughinisland, Claudy, Clonoe, Kingsmill, the Dublin-Monaghan and McGurks Bar Bombings, the Glenanne Gang series of killings, Ormeau Road Bookmakers, the 1974 Birmingham Pub Bombing amongst others. Niall is instructed on behalf of several families to act at the reopening of the 'John Stalker / Shoot to Kill' Inquests, relating to the murders of 6 unarmed men in 1982 by the RUC.

Niall is a Director of Belfast based NGO, Relatives for Justice and has made representations at the European Parliament in Brussels, to the EU Human Rights Commissioner in Strasbourg and also to the UN Human Rights Committee in Geneva as well as having presented lectures to Universities in Washington, Pittsburgh, Jersey City, Fordham University New York and Harvard, Massachusetts .



### **Peter Girvan**

After reading Law at University of Oxford (Hertford College), Peter was called to the Bar of England and Wales at Gray's Inn in 2004, the Bar of Northern Ireland in 2005 and the Bar of the Republic of Ireland in 2011. Peter has developed a varied practice in media, privacy and data protection law, human rights law as well as retaining a broad commercial practice. Regularly instructed in some of the most contentious and high profile privacy cases, Peter has been at the forefront of the development of the privacy and data protection law in Northern Ireland. Peter has applied his tactical expertise in privacy law and deep understanding of data protection principles to cases involving social media and has routinely and successfully obtained injunctions against social media giants including Facebook, Google and Twitter. A landmark case in this field was *CG v Facebook Ireland Ltd.* [2015] NIQB 11 and [2016] NICA 54, in which Peter again acted as sole Counsel for the Plaintiff, and successfully obtained damages of £20,000 against Facebook for failing to take down violent and irresponsible postings in relation to the Plaintiff. This was the first case in Northern Ireland to find Facebook liable as an 'information society service' within the meaning of EU Directive 2000/31/EC. In the Court of Appeal, whilst damages were reduced, the Court upheld the plaintiff's cross-appeal which asserted liability on the part of Facebook under the Data Protection Act 1998. In *AY v Facebook Ireland Ltd.* [2016] NIQB 76 in which Peter acted for a Plaintiff who, as a minor, was coerced into providing sexually explicit images which were then posted to a "revenge" site on Facebook. Faced with the difficult question of whether the suggested use of software to target indecent images amounted to permitted 'blocking' or illegal monitoring of Facebook, the Court sided with the Plaintiff's arguments and refused to strike out the claim. Peter is in regular demand from high profile clients, having recently settled a much-reported claim on behalf of George Galloway against Google Inc., in respect of manifestly defamatory videos published on YouTube- *Galloway v Google Inc.* [2016] NIQB 7.



### **Dr Karen Mc Cullagh**

Karen Mc Cullagh a Lecturer in Law and Course Director for the LLM i Media Law, Policy & Practice at the University of East Anglia. She is a non practising Solicitor, having qualified and practised Law in Northern Ireland before entering academia. Her research specialism is information rights, encompassing privacy, data protection, and freedom of information. One strand of her recent and on-going research focuses on the data protection implications of Brexit, in respect of which she has provided advice to Governments, Universities, Research Funding bodies, Businesses, and representative bodies e.g. the National Association of Data Protection Officers.

## Speakers:



### **Professor Colin Harvey**

Colin Harvey is Professor of Human Rights Law in the School of Law, Queen's University Belfast and a Fellow of the Senator George J Mitchell Institute for Global Peace, Security and Justice. He has served as Head of the Law School, a member of Senate, a Director of the Human Rights Centre, and as a Director of Research. Before returning to Queen's in 2005 he was Professor of Constitutional and Human Rights Law at the University of Leeds. He has held visiting positions at the University of Michigan, Fordham University, and the London School of Economics and Political Science. He has taught on the George Washington University – Oxford University Summer School in International Human Rights Law, and on the international human rights programme at the University of Oxford. He is a member of the Academic Panel at Doughty Street Chambers, and a Senior Research Associate, Refugee Law Initiative, School of Advanced Study, University of London. Professor Harvey was a member of the REF2014 Law sub-panel and a member of the REF2014 Equality and Diversity Advisory Panel. He has served as a Commissioner on the Northern Ireland Human Rights Commission, and as a member of the Northern Ireland Higher Education Council. He is the Editor of the Series Human Rights Law in Perspective (Hart-Bloomsbury) and is on the editorial boards of Human Rights Law Review, Northern Ireland Legal Quarterly and European Human Rights Law Review. He has written and taught extensively on human rights law and policy and is currently leading an ESRC funded project on the consequences of Brexit for Northern Ireland ([www.brexitlawni.org](http://www.brexitlawni.org)).



### **Professor Rory O'Connell**

Rory O'Connell joined the Transitional Justice Institute (TJI) and School of Law in 2013 as Professor of Human Rights and Constitutional Law. He was appointed TJI Director in 2014. Rory's research and teaching interests are in the areas of Human Rights and Equality, Constitutional Law and Legal Theory. He is a member of the project team on the ESRC project 'Brexit and Northern Ireland: The Constitutional, Conflict Transformation, Human Rights and Equality Consequences' #BrexitLawNI. Rory is on the Executive of the Committee on the Administration of Justice and is the former editor of the RightsNI Blog. He tweets @rjjoconnell.



### **Moira Loughran - Client & Sector Manager (Financial, Professional & Legal Services), Invest Northern Ireland**

Moira is a Client & Sector Development Manager for Financial & Professional Services in Invest NI's Technology & Services Division, with a particular focus on legal services. She manages a team of executives, works with a portfolio of major existing investors and has responsibility for the development and implementation of Invest NI's legal sector development strategy. Her key strategic priorities for the NI legal sector are increased internationalisation and the growth of a more expansive cluster in the region. A business & languages graduate from Ulster University with a post graduate diploma in Human Resource Management, Moira has worked in economic development for over 15 years. Before moving to her current role in client, team and sector management in 2018, Moira worked as Regional Manager in Invest NI, leading a team to help develop the economy by assisting new export focused companies and existing SME's to grow in new markets.

## Speakers:



### **Richard J. Ensor**

A proven leader in intercollegiate sports, event management and law for over three decades, Richard J. Ensor was named the third Commissioner of the Metro Atlantic Athletic Conference in August 1988. Ensor has provided leadership in a period of transition and growth in intercollegiate athletics and the MAAC. During his tenure the MAAC has secured a stable membership base, expanded the number of championships conducted and developed an extensive marketing program cemented with broadcast agreements with ESPN, a web page hosted by SIDEARM Sports and secured championship venues such as the Times Union Center (Albany, NY), Naismith Memorial Basketball Hall of Fame, and Disney Sports Attractions. During a time of tumultuous realignment and ethical challenges within NCAA Division I conferences the MAAC remains a homogenous association of private institutions of similar size and funding, which are committed to student-athlete excellence both on the playing fields and in the classroom. (Read more online)



### **John Turley**

John is a Partner with Macaulay Wray LLP. His background and experience is primarily on the corporate and commercial end of the law, some of which has crossed into the sporting arena. John represents a number of sports bodies, sports clubs and sports people and has most recently been advising Sport Changes Life and Belfast Invitational Limited on the legal aspects of the delivery of the Basketball Hall of Fame Belfast Classic 2018. A finalist at the Insider's Dealmaker Awards in the category of Young Dealmaker of the Year in 2016, John's clients have described him as 'being 'commercially minded and practical' (Legal 500) and he has been praised by clients for his 'timeliness of delivery and attention to detail' (Chambers & Partners).



### **Brendan Kelly QC**

Brendan Kelly QC is described by the leading industry directory as having "a phenomenal court presence". Brendan's practice focuses on the provision of advice and advocacy in cases of fraud, serious crime, and regulatory law. As well as representing individuals, he is also sought out by regulated professionals for cases arising in the workplace. He also regularly advises and represents corporate clients, as well as their individual directors and officers (both in the UK and abroad), in all aspects of business crime. As well as being ranked as a 'Leading Silk' in Crime and Financial Crime in Legal 500 and a 'Leading Silk' for Crime in Chambers UK, Brendan is ranked in Band 1 for Financial Crime in this year's Chambers UK Guide where he is described as "A very measured advocate who commands considerable respect. He is a popular choice for individuals facing charges of fraud, money laundering and bribery. Of late, his focus has been on high-value tax fraud."



### **Sarah Ramsey**

Sarah Ramsey is the Chair of the Bar Council of Northern Ireland. As an elected body of 20 practising barristers, the Bar Council is responsible for the governance, regulation and representation of the profession which comprises more than 650 self-employed barristers, operating from the Bar Library in Belfast. Sarah took up the position in September 2018 having previously served as Vice-Chair from September 2016. Sarah was called to the Bar in 1993 and has a practice which includes specialisms in Children Order cases ( Public and Private Law), Non Accidental Injuries, Adoption, Divorce, Ancillary Relief, Judicial Review, Personal Injury and Public Inquiries.

## Speakers:



### **Professor John Feerick**

Oldest child of immigrants from County Mayo. Educated at Fordham University and practiced law at Skadden for 21 years and then served as Dean at Fordham Law for 21 years. Occupies the Sidney Norris Chair in Public Service at Fordham and serves as founder of the School's Center for Social Justice. Peace and reconciliation activities in Ireland was part of his agenda as dean, leading to the founding of a summer law program by Fordham in Ireland linking Queens in Belfast and University College Dublin. Accompanied President Clinton to Belfast in 1995 and has hosted visitors from Belfast to Fordham and brought many Fordham students and alumni to Belfast. In 2017, he received the American Bar Association Medal, its highest award, which noted his numerous appointments and services of others and his integrity and compassion. Honored by the organized bar, universities, the Catholic Church, and citizen groups, including the Flax Trust. He served as President of the NY City Bar Association and Citizens Union Foundation and helped craft the 25th Amendment to the United States Constitution. The author of books and articles, he is married to Emalie Platt and they are the parents of 6 children and 11 grandchildren.



### **Sir Declan Morgan, Lord Chief Justice of Northern Ireland**

Sir Declan Morgan was educated at Peterhouse, Cambridge. He was called to the Bar in 1976 and took Silk in 1993. He was Senior Crown Counsel for Northern Ireland from 2002 until his appointment as a High Court Judge in May 2004. He was appointed to the Family Division in January 2007 and in September 2008 became one of two judges with responsibility for judicial review. Sir Declan was appointed Chairman of the Law Reform Advisory Committee for Northern Ireland in 2004. He was Chairman of the Northern Ireland Law Commission from April 2007 until his appointment at Lord Chief Justice of Northern Ireland in July 2009. Sir Declan is also Chairman of the Northern Ireland Judicial Appointments Commission. He was made an Honorary Bencher of Middle Temple.