

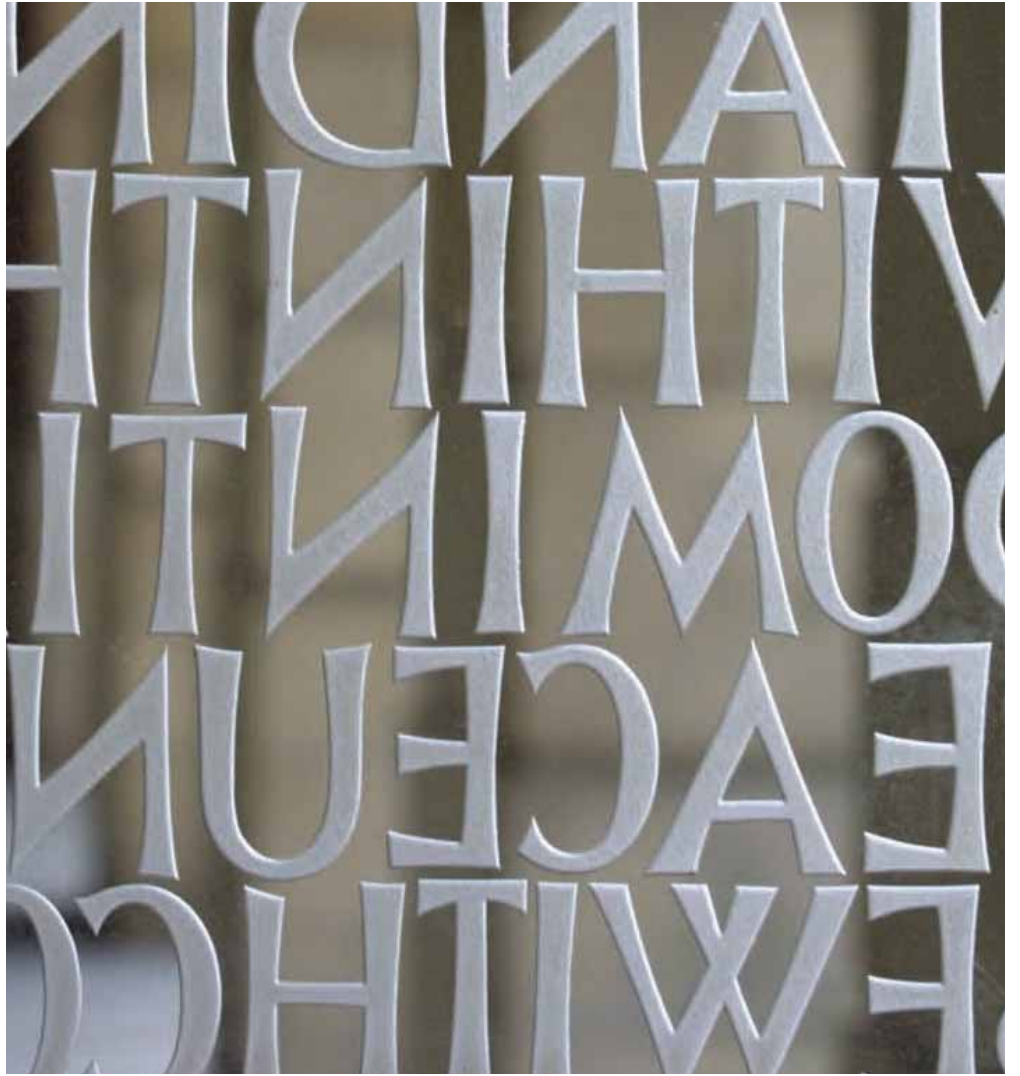


UNIVERSITY OF
BIRMINGHAM

CELEBRATING
80
YEARS
OF TEACHING
AND RESEARCH
IN THE LAW

Birmingham Law School

MY LAW DEGREE,
FROM SUCH A
WELL-RESPECTED
UNIVERSITY, IS
GOING TO BE A
FORMIDABLE TOOL
IN THE WORKING
WORLD.





FOREWORD



In 2008, Birmingham Law School celebrates its 80th anniversary. That milestone provides an opportunity for celebration, reminiscence and optimism about the future. Known for most of its life as the Faculty of Law, we became the School of Law in 2000 following a University restructure. The School adopted its present name in 2007 to underline more clearly and concisely its disciplinary and institutional links. In 2008 Birmingham Law School became part of the new College of Arts and Law.

Over the course of its long history, Birmingham Law School has made a major contribution to legal education and scholarship. It is proud to be a part of Birmingham's thriving legal community and looks forward to consolidating its position as one of the top law schools in the country. This booklet, the work of many hands, conveys something of the School's past, its present and its aspirations for the future. I hope you will enjoy reading it.

A handwritten signature in black ink that reads "Anthony Arnall". The signature is written in a cursive style with a long, sweeping underline.

Anthony Arnall
Barber Professor of Jurisprudence
Head, Birmingham Law School



OUR HISTORY

The teaching of law at the University of Birmingham began in 1904, with the appointment of F W Tillyard as Lecturer in Commercial Law in the Faculty of Commerce. Tillyard was promoted to Professor in 1914 and campaigned for many years to improve housing conditions in Birmingham, receiving a knighthood in 1945. Following changes to the arrangements for the legal education of aspiring solicitors in the early 1920s, a Department of Legal Studies was established in the University in 1923. That Department became the Faculty of Law in 1928.

In its early years, the Faculty was located in Mason College (right) in Edmund Street in Birmingham city centre. It was only in 1960 that the Faculty moved to the University's large and leafy campus in Edgbaston. We now occupy a listed redbrick building adjacent to the Chamberlain clock-tower, a famous local landmark. A large piece of carved stonework dating back to 1880, salvaged from the façade of Mason College when it was demolished in 1964, is built into the fabric of the Law building and is all that remains of our original home.

Left: a collection of 101 screen prints, entitled Moonstripe Empire News, made in 1967 by one of the University's Honorary Graduates, Sir Eduardo Paolozzi RA, which is displayed in the School.





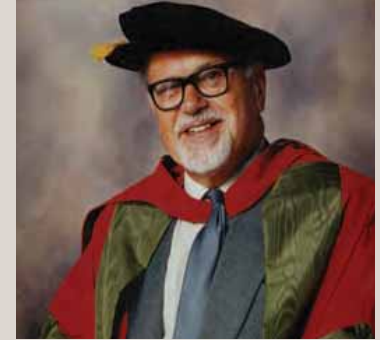
THOSE CONNECTED WITH
BIRMINGHAM LAW SCHOOL
— STAFF, STUDENTS AND
ALUMNI ALIKE — FEEL A
GENUINE SENSE OF PRIDE IN
HAVING SHARED IN ALL THAT
THE SCHOOL HAS ACHIEVED
OVER THE PAST 80 YEARS.

MOVERS AND SHAKERS

The Law Faculty's first Dean was Professor Charles Smalley-Baker, a charismatic figure whose fund-raising on behalf of the Law Faculty is legendary. Smalley-Baker possessed many of the qualities of a 21st century University fund-raiser and was adept at encouraging generosity on the part of his friends and acquaintances for the benefit of the Faculty. Its most generous benefactor was Sir Henry Barber (above right), a local solicitor and property developer, who funded two Barber Chairs of Law. One of them was originally filled by Smalley-Baker himself and is now occupied by the current Head of School, Professor Anthony Arnall.



Smalley-Baker's resignation in 1949 led to the appointment as Dean of Professor Owen Hood-Phillips (below right), who served in this capacity until 1968. Although physically slight, Hood-Phillips was an intellectual giant. His classic text book, *Constitutional and Administrative Law*, has been kept up to date by successive editors and is still in print. Hood-Phillips was Dean at a time of rapid growth for universities, and his tenure saw a remarkable six-fold rise in student numbers. John Bosworth, the author of a booklet on the Faculty published to mark its 60th anniversary, observed that the new environment demanded a new type of leader, whose qualities 'were more those of the University politician, the good committee man, and less those of the buccaneer capable of charming funds out of rich widows.'



The dominant influence in the development of the Law Faculty in the early 1970s was Professor L Neville Brown (above left), who had been appointed as a lecturer in the Faculty in 1955. A towering figure in the development of comparative law, Neville Brown introduced this country's first – and still thriving – degree programme in Law with French and had the prescience to make the study of European Community law compulsory long before the professional bodies followed suit.

As the 1970s drew to a close, the office of Dean was occupied by Professor Bob Pennington (below left), a leading member of the generation of scholars who turned company law into a mainstream academic subject. He remains the only law professor known to have thwarted a bank robbery. Finding a gun pointed at his head while calling in at his local branch, he peered down the barrel and announced in his characteristic stentorian tones that the gun was a fake. The robber fled and Pennington left the scene in haste to deliver a commercial law lecture. Only afterwards did he find the time to be interviewed by the police. Bob Pennington died in February 2008, thereby ending an association with the School which began in the war years when he was a student here.

Others to occupy the office of Dean or Head of School were Professor Gordon Borrie (now Lord Borrie), Professor Ben Beinart, Professor Brian Harvey, Professor Ian Scott, Professor John Miller, Professor David Feldman, Professor Evelyn Ellis, Professor John Baldwin and the present Head of School, Professor Anthony Arnull. Their vision, leadership and academic stature have helped Birmingham Law School to attain the enviable status it enjoys today.



THE HOLDSWORTH CLUB

The Holdsworth Club, a society organised by law students themselves, also celebrates its 80th anniversary in 2008. Established by Charles Smalley-Baker, the Club's purpose was to 'embody our corporate life, provide a forum for discussions and debates and afford an opportunity for intercourse between past and present students.' It was named after its first patron, Sir William Holdsworth, Vinerian Professor of English Law at Oxford.

The Holdsworth Club Ball has for many years been one of the highlights in the Law School's year. So too has the annual Holdsworth Presidential Address, which has been delivered every year since 1928. The list of past Holdsworth Club Presidents reads like a Who's Who of the most prominent lawyers of the past 80 years. Early Presidents included Lord Atkin and Lord Macmillan, as well as Sir Frederick Pollock and Roscoe Pound. Lord Denning served as President on three separate occasions between 1949 and 1978.



In recent years, the office has been held by:

- Judge Rosalyn Higgins
- Lady Justice Arden
- Lord Justice Otton
(the first of our alumni to occupy the office)
- Lord Steyn
- Lord Phillips of Worth Matravers,
- Sir Michael Davies (another alumnus)
- Lord Justice Carnwath
- Lord Justice Sedley
- Lord Mance
- Sir Francis Jacobs (above right, with Jason Drucker, Chair of the Holdsworth Club, 2007–08)

The President in our 80th anniversary year is Lord Walker of Gestingthorpe.



Inauguration of the Faculty of Law, Degree Ceremony, June 30, 1928

Back row: Hugh Morton, Treasurer of the University. Sir Gilbert Barling, Pro-Chancellor of the University. Professor Smalley-Baker, Dean of the Faculty of Law. Professor W S Holdsworth, LL.D. Sir Charles G Robertson, Vice-Chancellor of the University.

Front row: R A Pinsent, LL.D. Rt. Hon. Lord Atkin, LL.D. Rt. Hon. Lord Hailsham, LL.D, Lord Chancellor of Great Britain. Rt. Hon. Lord Cecil of Chelwood, Chancellor of the University. Rt. Hon. Lord Hewart, LL.D, Lord Chief Justice of England. Alderman A H James, Lord Mayor of Birmingham. The Hon. Mr Justice McCardie, LL.D.

THE WORK WE DO

For 80 years, we have aspired to be among the élite law schools in this country and all members of the academic staff are expected to secure national and international reputations through their writing and research. In the modern world, the acid test of the quality of a university department's research output is the official Research Assessment Exercise, or RAE, in which academic publications are graded by a panel of distinguished scholars. The RAE has taken on a profound significance in the lives of all who work in universities in this country.

The School's most recent RAE submission emphasised the broad range of academic perspectives embraced by our research, from the doctrinal and theoretical to the empirical and interdisciplinary. Particular strengths were identified in the areas of commercial law, criminal law and criminal justice,

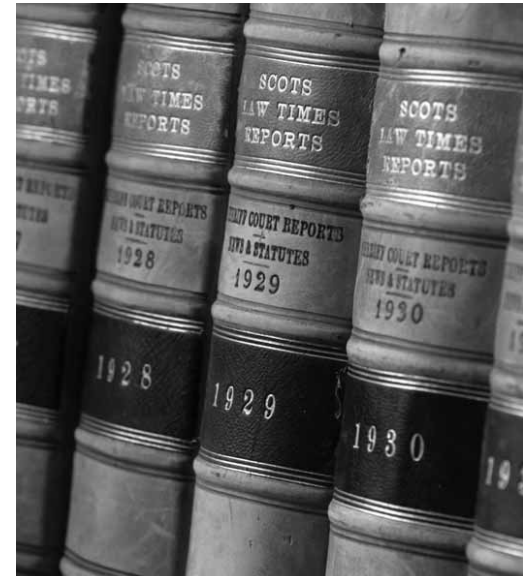
European law, international and human rights law, judicial administration, legal theory and private international law. We also made clear our resolve to nurture emerging areas of strength, such as international criminal law and intellectual property.

Three research institutes foster academic excellence within the School. **The Institute of Medical Law** was set up in 2004 to foster interdisciplinary research collaboration between members of the Law School and the Medical School. **The Institute of European Law** celebrates its 20th anniversary in 2009 and is a leading player in empirical and doctrinal research in European law. Its members contribute regularly to the academic literature on Europe and work closely with colleagues interested in European issues elsewhere in the University.

The Institute of Judicial Administration is the oldest of our three institutes and is itself celebrating its 40th anniversary in 2008. It is concerned with all aspects of the administration of justice in England and Wales, both civil and criminal, and whether administered in the ordinary courts or otherwise. The Institute's research is empirical in character, concerned with the 'law in action' as opposed to the 'law in books'.

The work of the Institute has occasionally proved controversial. In its early years, empirical scrutiny of legal processes was not welcomed in some quarters and members of the Institute sometimes found themselves in deep and dangerous waters. One monograph in particular became a cause célèbre within the academic community when it was published in 1977. *Negotiated Justice*, by John Baldwin and Michael McConville, dealt with the controversial subject of plea bargaining in the criminal courts. A concerted effort was made to suppress its publication and this led to a media frenzy, culminating in statements in the House by the Home Secretary of the day, an attempt publicly to discredit the research, prolonged correspondence in the columns of *The Times*, and an internal enquiry conducted by the University's Vice-Chancellor, Lord Hunter. Although the authors were eventually vindicated, Lord Bingham was exaggerating only slightly when he said that they were at the time 'the legal equivalent of Salman Rushdie.'

The present Director of the Institute of Judicial Administration, Professor Stephen Shute (above right), organises an annual series of lectures on Issues in Criminal Justice. This series is now firmly established in the School calendar as a significant occasion for staff and students across the University and for criminal justice professionals and alumni working in the Birmingham region and elsewhere. Past speakers have included Ms Shami Chakrabarti, Director of Liberty; Mr Charles Clarke MP, the then Home Secretary; Lord Falconer, the then Secretary of State for Constitutional Affairs and Lord Chancellor; Baroness Helena Kennedy QC; Sir Ken Macdonald QC, Director of Public Prosecutions; the then Lord Chief Justice, Lord Phillips of Worth Matravers; Baroness Scotland QC, the Attorney General; and her predecessor, Lord Goldsmith.



OUR STUDENTS



The expansion in student numbers throughout the post-war period has been much greater than could possibly have been envisaged when the Faculty of Law was established in 1928. While there were only about 50 students in the Faculty until the 1950s, there are now over a thousand undergraduate and postgraduate students in the Law School. We have about 650 LLB students; a further 140 mixed degree students (Law with Business; Law with French and Law with German); 70 students on the LLB for Graduates programme (which enables graduates in disciplines other than law to gain an LLB in two years); 60 LLM students; 40 CPE students and 50 PhD students. The rise in student numbers has been accompanied by dramatic changes in the composition of the student body. Women students were rare even in the early 1950s whereas they are now in a slight majority. Overseas students, almost unknown in those early days, have also become much more numerous in recent years.

Postgraduate students have become an integral part of the School's research culture. We offer a large number of scholarships annually to attract the finest applicants. Fifteen PhD students are employed in the School as Teaching Assistants and they make a significant contribution to undergraduate teaching. Several of our best postgraduates have in recent years secured lectureships in the School and at other leading universities.

BIRMINGHAM GAVE ME MY START IN LAW AND A KEENNESS FOR IT, WHICH WAS THE MOST IMPORTANT THING.

Birmingham Law School today

Those connected with Birmingham Law School – staff, students and alumni alike – feel a genuine sense of pride in having shared in all that the School has achieved over the past 80 years. The School's reputation for teaching and research remains high. The many hundreds of books and journal articles written by our academic staff are frequently cited in the national and international literature and from time to time in the courts.

Birmingham Law School has always consisted of an eclectic mix of scholars and no political ideology or theoretical stance has become predominant. The School is widely recognised as a 'big tent' and sees this as having played a crucial part in its success.

In the past five years, members of the School have secured over three-quarters of a million pounds from external sources to fund major research projects, with substantial research grants having been awarded by the Ministry of Justice for major empirical projects on juries, small claims, civil enforcement, lay magistrates and the satellite tracking of criminal offenders.

Our aspirations for the future

Where would we like to be when we celebrate our centenary in 20 years time? We aspire to be able to claim strength and depth in all areas of the mainstream legal curriculum and to be able to say that, in each of those areas, a range of research perspectives is represented. We want to offer the teaching, learning and research facilities which are necessary to attract the best students and staff. We aim to meet student demand for innovative new courses and to contribute fully to the policy making process and our understanding of the modern world.

As we celebrate our 80th anniversary, we are confident that, with the support of our alumni and other friends, Birmingham Law School will be able to fulfil its aspirations for the future.

OWEN WATKINS



In summer 2008, second year Law student Owen Watkins travelled to Sri Lanka to help rewrite the country's mental health legislation. Adopted in 1873, the existing law was dramatically out of date, with individuals suffering from minor conditions still being removed from their families and taken into state care. Overseen by the World Health Organisation, Owen worked with the Sri Lankan College of Psychiatrists to draft a new Act. Owen was not new to the world of global aid development, having volunteered for UNICEF, Médecins Sans Frontières and Oxfam in his gap year.

Of Birmingham, Owen says: 'My expectations of both the university and city have been exceeded by miles. The challenging work and equally challenging social side have led to a fantastic first year for me and I would recommend it to anybody!' Where would Owen like to be in five years time? 'Either working for an NGO and living wherever I am needed, or working as a human rights lawyer in chambers. I'm also really interested in the work done by the human rights organisation Liberty.' He adds: 'My law degree, from such a well-respected University, is going to be a formidable tool in the working world.'

MICHELLE ARANA



Michelle Arana graduated from the University of Birmingham with an LLM in Commercial Law in 2004. In January 2006, she was appointed the first female Justice of the Supreme Court of Belize. The following summer, the University named her Alumna of the Year.

Justice Arana chose to attend the University because of its 'reputation as an outstanding institution of tertiary learning.' Her late father was also a Birmingham alumnus, and he had shared his many positive experiences of the University with her when she was a child.

Justice Arana says 'I truly enjoyed my time at Birmingham'. She particularly remembers 'going to the Barber Institute on campus on Sundays to look at its Turner, Raphael and Boticelli paintings.' She is in no doubt that studying at Birmingham has helped her career, describing her Birmingham degree as 'instrumental' in preparing her for elevation to the Supreme Court bench.

GEOFFREY MA TAO-LI



Geoffrey Ma Tao-Li graduated from the University of Birmingham with an LLB in 1977. He is now Chief Judge of the High Court of Hong Kong, the second most senior judge in the land. He was made an Honorary Bencher of Gray's Inn in 2004.

Although born in Hong Kong, Mr Justice Ma received much of his schooling in England. The idea of studying law came from his brother and he received advice about where to do so from his school careers department: 'Oxbridge and London were mentioned, but other top law schools were thought to be Birmingham, Manchester, and Liverpool. Of these, Birmingham had the best reputation.'

Lots of things from his days at Birmingham are still fresh in his mind, 'not least the sheer quality of the teachers. They made the study and discipline of law interesting, and instilled in me a keenness that has never left.' From his first year, he particularly remembers 'Gordon Borrie, the then Dean of the Faculty (1974-76), who lectured in Tort (and later went on to become the Director General of Fair Trading), and Ian Scott, who taught English Legal System. Two clearer lecturers there could not have been.' In his second year, Bryn Perrins 'stood out for his lectures on Equity. Bob Pennington of course taught Company Law; he was very clear and generated a real interest in his subject. He also knew a thing or two about advocacy: he assisted greatly in the University moot against Cambridge at Gray's Inn (which we won).' Overall, he says, 'Birmingham gave me my start in law and a keenness for it, which was the most important thing.'

BHARAT MALKANI



Bharat Malkani joined Birmingham Law School in September 2008 as a lecturer. His interests lie in human rights law and criminal law.

Bharat wrote his doctoral thesis on the role that international human rights law and comparative constitutional rights law can play in domestic judicial proceedings. His interest in this subject developed while he was working against the death penalty for juvenile offenders in the United States of America in 2002-2003. In addition to campaigning and raising awareness about the juvenile death penalty, Bharat authored an amicus curiae brief that was submitted to the US Supreme Court, urging the Court to take into account standards of international human rights law when ruling on the constitutionality of the juvenile death penalty. The Court cited this brief when ruling the punishment unconstitutional in *Roper v Simmons* in 2005.

Bharat aims to continue researching the potential impact that international human rights law can have in domestic courts and, as Pro Bono Coordinator at Birmingham Law School, he hopes to encourage students who also wish to put their academic studies to practical use.

Bharat says that he is thrilled with the opportunity to teach and to carry out research at a Law School that has been held in such high esteem for so many years.

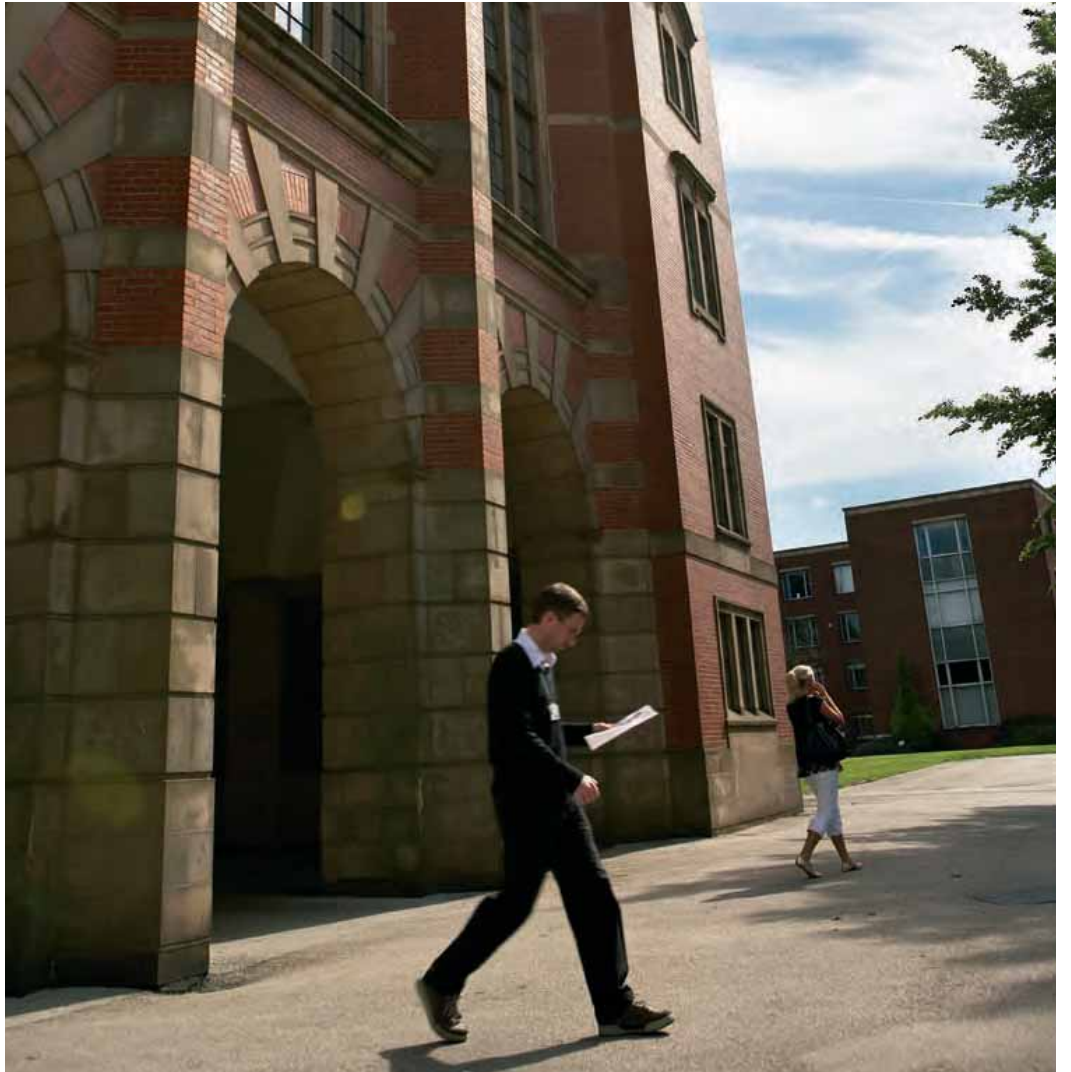
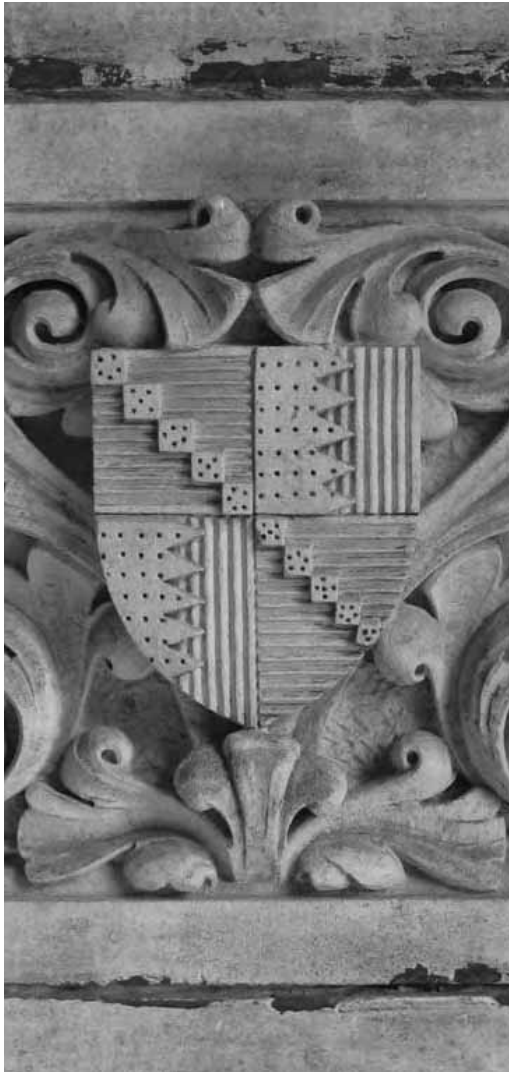
CELINE TAN



Celine Tan joined Birmingham Law School in September 2008 as a lecturer, having previously worked with a range of non-governmental organisations in Europe, Africa and Asia on social and economic development and human rights

Celine's academic studies grew out of her desire to understand the intersections between the theory and practice of her policy and advocacy work. Her research interests centre upon international economic regulation, with a focus on international development financing law, policy and governance. She has published on sovereign debt, the role of international financial institutions and human rights and is currently co-editing a book entitled *International Law, Economic Globalization and Developing Countries*. She is also on the editorial board of *Law, Social Justice and Global Development*, a free-to-access multi-disciplinary law journal.

Celine is keen to foster greater collaboration between the legal academy and practitioners, policymakers and campaigners in the field of law and development. She is looking forward to her career at Birmingham and says: 'colleagues have been extremely supportive of my research and teaching interests and it is exciting to be contributing to such a vibrant and encouraging research environment'.



IT IS EXCITING TO
BE CONTRIBUTING
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If you would like to comment on any aspect
of the content of this booklet, please contact:

Mrs Emer McKernan
Birmingham Law School
College of Arts and Law
University of Birmingham
Edgbaston
Birmingham B15 2TT
United Kingdom

E: law-alumni@contacts.bham.ac.uk

T: +44 (0)121 414 6285

F: +44 (0)121 414 3585

More information about the Birmingham Law School
is available at www.law.bham.ac.uk

UNIVERSITY OF
BIRMINGHAM

Edgbaston, Birmingham,
B15 2TT, United Kingdom

www.bham.ac.uk



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