

Australian Society of Legal Philosophy: Annual Conference

Theme: "The Common Law"

International Society for Legal Ethics

Theme: "Professional Ethics and Personal Integrity"

23-25 June 2006
University of Auckland

Combined Programme

Friday 23rd June

1-2.30: Registration and Lunch (Law Common Room)

2.30-3.45: Plenary Session of the ASLP Conference

Professor Michael Lobban (Professor of Legal History,
Queen Mary University of London)

*Common Law Reasoning and the Foundations of Modern
Private Law*

Chair: Tom Campbell

Room: Stone Lecture Theatre, 3rd Floor, Bldg 803 Law

3.45-4.15: Afternoon Tea (Law Common Room)

4.15-5.45: Parallel Sessions

ASLP

A **Nicole Roughan** (VUW)

Conceptions of Custom and the Common Law

Shannaugh Dorsett (VUW)

*The 'Habits and Logics in Whose Shadow We Live': Common
Law Jurisdiction and Native Title*

Chair:

Room:

B **Jonathan Crowe** (UQ)

Positive and Negative Freedom Revisited

Nicholas Smith (Massey)

Equality's Law

Chair:

Room:

Legal Ethics

Tom Campbell (CAPPE, Melbourne, ANU, Charles Sturt)

The Ethics of Interpretation

Christine Swanton (University of Auckland)

Can Virtue Ethics Provide a Legal Ethics?

Chair:

Room:

6.00-7.15: Plenary Session of Legal Ethics Conference and Public Lecture

Professor William Simon (Arthur Levitt Professor of Law, Columbia University)

Personal Virtue and Social Role in Lawyering

Chair:

Room: Old Government House, Lecture Theatre

8.00: Recommended Restaurant: *China Restaurant*, 2 Beach Rd – see details & map in folder (booking for 8.00pm)

Saturday 24 June

9.30-10.30: Plenary Session ASLP Conference: 2006 Prize Essay

Mark Bennett (VUW)

The Rule of Law Means Literally what it Says: The Rule of the Law:

Fuller and Raz on Formal Legality and the Concept of Law

Chair: Jim Evans

Room:

Legal Ethics: Parallel Sessions

X **Paula Baron** (VUW)

The Ethics of the Limit

Julian Webb (University of Westminster)

Personal Integrity in a Levinasian Ethic of Responsibility

Chair:

Room:

Y **Maksymilian Del Mar** (Macrossans, Brisbane)

A Moral Commonwealth of Lawyers: Legal Ethics and Evidence-Based Institutional Design

Adrian Evans (Monash)

Towards A Compliance-Based Approach to Legal Professionalism: Practitioner Reactions to the Concept of Testing for Ethical Consciousness

Chair:

Room:

10.30-11.00: Morning Tea (Law Common Room)

11.00-12.15: Plenary Session of the ASLP Conference

Professor William Lucy (Professor of Law, Cardiff Law School)

The Dying of the Light: Philosophies of Private Law in Decline

Chair: Peter Cane

Room:

12.15-1.45: Lunch (Law Common Room)

Participants are welcome to attend a lunchtime presentation:

Grant Morris (VUW)

Law on Screen in Aotearoa: The Use of Law in New Zealand Film and Television

Chair:

Room:

1.45-3.30: Parallel Sessions

ASLP:

A **Russell Hinchy** (UQ)

Legal Reasoning and Advocates' Immunity

Nigel Jamieson (Otago)

Custodians of the Common Law

Margaret Kelly (Macquarie)

Common Law Constitutionalism: A Different View

Chair:

Room:

B: **Nicole Vincent** (U of Adelaide)

A Critique of Responsibility-Tracking Egalitarianism

David Wood (Melbourne University)

An Egalitarian Theory of Transactional Justice

Chair:

Room:

- C **Steven Tudor** (La Trobe)
Why Should Remorse Be a Mitigating Factor in Sentencing ?
Michael Robertson (Otago)
In Defence of Inconsistency, Gutlessness and Hypocrisy in the Law
Michael Stokes (Law, University of Tasmania)
Are Originalism and Precedent Inconsistent? An Argument for a Constructivist Approach to Constitutional and Statutory Interpretation
Chair:
Room:

Legal Ethics

- X **Gregg Cooper** (Washington and Lee University)
To be announced
Bradley Wendel (Cornell Law School)
Integrity and Normativity in Professional Ethics
Sarah M. R. Cravens (University of Akron)
Balancing Personal and Professional Integrity in Judicial Decisionmaking
Chair:
Room:
- Y **Martin Sethu**, (University of Malaysia)
Some Ethical Issues around the Malaysian Disciplinary Procedures
Selene Mize: University of Otago
What's Loyalty Got to Do with It? What's Loyalty, but a Second-Hand Emotion?
Jonathan Barrett (Nelson Marlborough Institute of Technology)
Does Neoliberal Contractualism in Tertiary Education Compromise Professional Ethics & Personal Integrity?
Chair:
Room:

3.30-4.00: **Afternoon Tea (Law Common Room)**

4-00-5.45: **Parallel Sessions**

ASLP

- A **Badariah Sahamid** (U of Malaya)
The Common Law and Legal Pluralism: A Malaysian Experience
Gabrielle Appleby (Brisbane)
A Postcard from Papua: A 30-Year Check-Up on PNG Democracy

Anand Nukala (Kakinada, Andhra Pradesh, India)

Legalese and Legal Ease

Chair:

Room:

B Christopher Birch

Why Compensate?

Julia Davis (U of Tasmania)

Rethinking Feinberg's Harm Principle

Francine Rochford (Latrobe)

The Risk Society and the Calculus of Negligence

Chair:

Room:

C Eric Ghosh (UNE)

Deliberative Democracy, the Common Law and the Counter-Majoritarian Difficulty

Jonathan Barrett (NMIT)

Under the Aspect of Eternity: The Common Law and Human Rights Protection in New Zealand

Amy Zhang (Harbin University, China, Visitor: U of Auckland)

Nozick's Proviso to the Right to Acquire Property

Chair:

Room:

Legal Ethics

X Tim Dare (Auckland)

Professional Ethics and Personal Integrity

Justin Oakley (Monash)

Professional Detachment, Virtue Ethics and Professional Roles

Steven Tudor (La Trobe) *Why Should there be Lawyers?*

Chair:

Room:

Y Christine Parker (University of Melbourne)

Business Ethics for Legal Ethics Students: An Agenda for Teaching

Danny A. Wilcox (Capella University)

An Effective and Ethical Leadership Paradigm: From Executive Intelligence to Personal Integrity and Beyond

Michael W. Small (Curtin Business)

Early Developments in Moral Wisdom in Management, Administration and Business

Chair:

Room:

5.45-7.00: Drinks (Law Common Room)

Launch of the Annual Publication of the Australian Legal Philosophy Students Association (ALPSA) (Max Del Mar)
Annual General Meeting, Australian Society of Legal Philosophy
Special General Meeting, New Zealand Society for Legal and Social Philosophy

7.30 Conference Dinner (Held in Old Government House on the University of Auckland Grounds)

Sunday 25 June

9.15-11.00: Plenary Session ASLP Conference: Book Symposium

Rick Bigwood: *Exploitative Contracts* (OUP, 2003)

Commentators:

Alan Cameron (VUW)

Tim Dare (Auckland)

David Wood (Melbourne University)

Chair: Justice Ted Thomas

Room:

Legal Ethics: Parallel Sessions

X **Matt Harvey** (Monash University, Melbourne)
Counsellor

Duncan Webb (University of Canterbury, □New Zealand)

Why I am a Hired Gun and a Paternalist

Barbara Mescher (University of Sydney)

Law: A Profession in Crisis

Chair:

Room:

Y **Linda Haller** (Melbourne)

The Battle to Extend the Protective Nature of Professional Discipline

Ho, Hock Lai (Singapore)

What does legal professional privilege protect?

Michael Robertson & Kieran Tranter (Griffith Law School)

A curriculum approach emphasising discretion and choice in the lawyer's role

Chair:

Room:

11.00-1130: Morning Tea

11.30-1245 ASLP Conference: Plenary Session

Jim Evans (Professor Emeritus, Auckland University)
What Are Reasons for Action?

Chair:

Room:

Legal Ethics: Parallel Session

Zoë Prebble and John Prebble (New Zealand Law
Commission & Victoria University of Wellington)
*Why the Legal Difference between Tax Avoidance and Tax
Evasion is Insufficient to Ground a Moral Distinction*

Chair:

Room