

## INTRODUCTION

The Denning Law Journal Team is very pleased to bring you the 2020 edition. In a year of unprecedented challenges and changes, we would especially like to extend our thanks to our contributors who have provided an outstanding collection of articles, comments and book reviews. We also note the passing of a distinguished jurist, Ruth Bader Ginsburg, who was an Associate Justice on the United States Supreme Court. She was the second woman to serve on the United States Supreme Court and is noted as a proponent of civil liberties. This edition of *the Denning Law Journal* is dedicated to Ruth Bader Ginsburg and the legacy of her work in safeguarding and promoting civil liberties.

In this edition, we continue the dialogue that began with our ‘Conversations’ feature in the Comment section in 2020. The aim of our ‘Conversations’ within our comment section is to promote dialogue and debate on issues of importance. Stephen Pitt-Walker continues the consideration of the value of government apologies to Indigenous peoples, examining the situation in Australia.

Jocelyne Scutt has provided an insightful review of three books which focus on the issues which have been raised by the criminal charges brought against Harvey Weinstein, a noted Hollywood filmmaker. The review deftly explores the themes of power and predation which feature across all three books.

Our articles also delve into the many diverse and pressing legal issues and developments of our time.

Frances Burton writes of the changes brought about in the family law through the influence of the UK Supreme Court decision in *Owens v Owens*, [2018] UKSC 41. This decision, as explored in the article, demonstrates the ability of the Supreme Court to bring pressure to bear on Parliament for statutory change. The Divorce, Dissolution and Separation Act 2020 will usher in sweeping changes to the way in which marriage and civil partnership are brought to a legal end through divorce and dissolution.

Carrie de Silva writes about issues of vicarious liability, in the wake of two UK Supreme Court decisions issued in 2020, *WM Morrison Supermarkets plc v Various Claimants* [2020] UKSC 12 and *Barclays Bank plc v Various Claimants* [2020] UKSC 13. Her article focuses on the relevance of these decisions to the equestrian industry and individuals who are not treated by the business as an employee. Vicarious liability, as a doctrine of judicial precedent rather than of statutory origins, can be changed directly by a Supreme Court ruling, in contrast to the situation that was put forward through the *Owens v Owens* decision.

Issues of liability are also addressed in the article by Affifa Farrukh. This also examines a critical issue of today, which is one of disparities which might be

## INTRODUCTION

caused by implicit bias in the health care system. This article explores the ways in which possible occurrences can be most effectively addressed and resolved within the National Health Care System.

Andra le Roux-Kemp examines the purpose of legal education, sited in the contemporary Hong Kong context. Using a narrative methodology, the article asks questions about the relevance of legal education and the influence that cultural values have in the experiences of students studying law, and issues a challenge to legal educators to reconsider the ways in which legal education is delivered.

Mark Pawlowski and James Brown co-author an article comparing the English and Australian use of constructive trust doctrines to determine beneficial interests in family homes. Their discussion demonstrates the far reach of the courts to craft effective solutions using trust canons when there is no statutory remedy available. They suggest that the English approach would benefit from a move to the Australian model to create a less-complicated way to determine beneficial interest in the family home.

Last, but by no means least, we would like to thank all of those on the *Denning Law Journal* Team who contributed to bringing this issue together, and whose dedicated work over a challenging year has been instrumental in bringing this issue to fruition:

Jo Samanta, Editorial Board Member  
Jocelyne Scutt, Book Review and Comments Editor  
Erin Ferguson, Editor in Charge of Production  
Meghan Hillis, Student Editor  
Mayowa Olagunju, Student Editor

And a special note of thanks to Sandra Clarke, Dean of Law, for her support and recognition of the valuable work of our journal.

Sarah Sargent, Chief Editor and James Slater, Production Editor  
December 2020