

July – September 2011

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LAW REPORTS

All England Law Reports	Vol. 2 2011
Criminal Appeal Reports	Vol. 2 2011
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Law Reports of the Commonwealth	Vol. 3 2011
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Vol. 16 Stock exchange	
Vol. 19(3) Environment and Public Health	
Vol. 25(2) Land registration, Licensing	KN351.1.E51
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and broadcasting

Vol. 46(2) Tort KF85.E6

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Vol. 8(1) Commonhold

Vol. 13(1) Covenants relating to land

Vol. 16(1) Fences, boundaries and party walls

Vol. 40(3) Trusts and settlements KN74.1.E51

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Oxford: Oxford University, 2011 K101.C58

<A> Practical approach to conveyancing/ Robert Abbey and Mark Richards. 13th ed.
Oxford: Oxford University. 2011 KN74.A22

<A> Practical approach to criminal procedure/ John Sprack. 13th ed.
Oxford: Oxford University, 2011 KM570.S56

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Another way to settle disputes – can the success story of Dispute Boards be extended beyond construction to other fields? *Pierre Genton et al.*

Preventing a backlash against investment arbitration: could the WTO be the solution *Petros C. Mavroidis et al.*

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Neil Jamieson and Tom White look at how to dodge the dangers of an entire agreement clause

Double entry

Has Jackson really been too kind to insurers? *Simon Gibbs* does the sums

Keep it green

Damian Blackburn looks at how the WEEE directive can help to keep your carbon footprint down while saving a few bob along the way

Solicitors Journal **Vol. 155 No. 22** **June 7, 2011**

Behind bars

Have the new sentencing guidelines lost sight of culpability? *Jeannie Mackie* investigates

Workshop: private client

The reluctant executor: *Lloyd Junor* explains what to do if your executor goes AWOL

Update: employment

Sue Ashtiany provides a whistlestop tour of the coalition's latest forays into employment law

Crunch time

The sound off for Justice campaign has failed, writes *Adam Makepeace*

More harm than good?

When *Russell Conway* asked what the point of Chancery Lane's shiny new National Pro Bono Centre was, he hit a nerve. Can the centre's chief executive, *Rebecca Hilsenrat*, talk him round?

You say, we pay?

With the LSB failing to make an emphatic decision on referral fees, the debate is sure to drone on. But short of government intervention, what can be done? *Lawyers on the frontline* state their case

Worked up

When is an employee not an employee? *Snigdha Nag* looks ahead to the Supreme Court's chance to resolve employment law's enduring head scratcher

Pound stretchers

Rani Mina and *Tom Duncan* investigate a new costs management pilot scheme

Lawyers' got talent

Stuart Bushell asks: it is possible to preserve the impression of quality in a mass marketing age?

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Family business

Considering applying for a job at *Marilyn Stowe's* firm? For goodness' sake use a fountain pen

Life in crime

A quashed murder convict could be the first step towards a much-needed overhaul of the fingerprint system, says *Lucy Corrin*

Workshop: property

Boundary issues: *John Coulter* considers how to handle new builds

Update: construction

Anna Stillman considers corporate manslaughter and drafting 'entire agreement' clauses

Update: TRA

Roger B. Cooper reviews cases that demonstrate the high standard of care expected of motorists

Game over

Jane Hickman explains why she is backing Release's campaign for the decriminalisation of drugs

Free range

Not found in the nine-to-five world? *Sue Boyall* gives a first-hand account of adapting to life at a virtual law firm

Doing time

Don't lose faith in Ken Clarke's sentencing reforms, says *Frances Crook*

Play the part

Several cases have spelt out the dangers of failing to comply with the rules of part 36 offers, says *David Thomas*

Forbidden fruit

Sophia Purkis and *Nikki Edwards* examine accessory liability

Let the good times roll

Be honest. When's the last time you actually did work you got a kick out of? *Julian Summerhayes* ponders how to refloat your boat

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European briefing

Wondering who's been turning the European wheels of justice recently? Hamsters, mainly. *Paul Stanley QC* reports

Workshop: public

Community care: *Richard Humphreys QC* and *Ned Westaway* tackle the cuts

Update: licensing

Roy Light reviews the Police Reform and Social Responsibility Bill and the latest books

Update: residential property

Janet Armstrong-Fox discusses cases on landlords' repairing obligations and boundary disputes

Folk law

Andrew Lugg examines the lack of women's rights in Victorian times

Guiding light

The new sentencing guidelines give equal weight to both harm and culpability, argues *Rosalind Champion* as she rebuffs *Jeannie Mackie's* criticism

Breaker's dozen

Want to solve the problem of the apathetic juror? It's simple – just rearrange their chairs, write *Bridget Waller* and *Lorraine Hope*

Measuring up

As French practitioners brace themselves for legal aid reform, *Geraldine George* considers how their system compares with ours

That'll learn yer

The last time the SRA reviewed its CPD rules, *Back to the Future* was topping the box office. High time for a change? *Alan Nelson* reckons so

Solicitors Journal **Vol. 155 No. 25** **June 28, 2011**

Unleashed

The Sound Off for Justice campaign failed – let's hope it comes back bigger and louder, says *Russel Conway*

Workshop: commercial

IP rights in fashion: *Jonathan Silverman* and *Tristan Sherliker* reveal what steps designers can take to protect their work

Update: wealth management

With yet more major developments coming from HMRC, *David Bird* provides a round up of the latest measures to counter tax avoidance

Update: company

Debbie King considers directors' breach of duty and the banks' tough approach to lending

By the way

Catherine Burtinshaw considers the difficulties facing expert witnesses

Juggling act

The work-based learning pilot scheme is delivering for the profession and the individuals involved, says *Jane Ching*

Taking liberties

The *Neary* case is a warning to local authorities not to misuse the DOLs, says *Claire Bentley*

Once more unto the breach

Bigger is not better, writes *Sundeep Bhatia* in his open letter to the legal aid bosses

Vacant position

It's only taken 65 years, but at last we have a real idea of what vacant possession actually means. *John de Waal* reports

Blending in

Online automation systems can enable firms to combine quality work with a more accessible and convenient service, says *Grahame Cohen*

Gathering clouds

As the first wave of firms join the cloud computing craze, *Damian Blackburn* looks at IT investment

Solicitors Journal **Vol. 155 No. 26** **July 5, 2011**

Behind bars

Cross-examination techniques should be adapted to protect victims – but we must not impose too many limits, argues *Jeannie Mackie*

View from the bench

DJ Nigel Law explains how to prepare your family court bundle without angering the judge

Update: crime

Ian Harris and *David Birrell* consider the new sentencing guidelines for assault, the criminal lifestyle provisions, hearsay in confiscation hearings and the admissibility of text messages

Update: insolvency

Denise Fawcett reviews recent cases involving out-of-court appointment of administrators in breach of company procedures and pensions contributions by an insolvent company

Caught in the net

Can posting a casual comment on the internet really land you in court? *Stuart Sime* investigates

System failure

The Supreme Court's restrictions on the availability of judicial review in tribunal cases are wholly consistent with the rationale behind the legislation, says *Alec Samuels*

Solicitors, but not as we know them

With the SRA suggesting one solicitor partner may be enough to call your practice a 'solicitor' firm, the jostling for position is already starting on Britain's high streets, says *Stuart Bushell*

Workshop: private client

Protecting assets: *Sarah Phillips* tackles spouse exemption from inheritance tax

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Family business

The high street is about to reach breaking point, warns *Marilyn Stowe*

Civil conduct

The Bribery Act will give businesses outbid by competitors a new weapon to challenge the outcome of tenders in the civil courts, says *James Maton*

Update: children

Noel Arnold reviews waiving privilege in care proceedings, wrongful removal of a child from the primary carer and placement options for children

From bad to worse

Serious case reviews have proven inadequate at protecting children from abuse, says *Finola Moss* as she argues for responsibility to be handed back to professional social workers

Needs must

Clear identification of your client's requirements and budget is the safest way of preventing the risk of negligence claims, says *Graham Cunningham*

Balanced approach

How should you handle a discrimination claim from a partner? *Esther Martin* and *Clare Murray* explore the options

Class conflict

Could the Supreme Court's decision to refuse a teacher legal representation at his disciplinary hearing be at odds with the government's proposed education reforms? *Thom Dyke* reports

Search results

Can jurors safely conduct internet research? *Benjamin Newton* investigates

Workshop: property

Reporting to the client: *John Coulter* explains why a report should be an essential part of your conveyancing procedure

Solicitors Journal **Vol. 155 No. 28** **July 19, 2011**

Update: commercial contracts

Mark Lucas reviews recent cases which illustrate the difference between fiduciary duties and good faith obligations

Update: sport

Adam Leadercramer and *Leo Avery* review the steps involved in the bidding process for large sporting events and consider the first match-fixing charge in tennis

Folk law

Andrew Luggier investigates Victorian witchcraft cases and delves into how the offence has evolved through the ages

Natural selection

Aptitude tests for law school applicants could give all would-be lawyers equal access to legal education regardless of background, so why do so few universities have them? *Jon Parker* finds out

Lights out

The Law Commission's proposals to place easement laws on a statutory footing are a welcome clarification, but do they go far enough? *George Mastrominas* investigates

Turfed out

It is not enough for member states to simply say their actions are 'justified' – the ECJ will scrutinise their reasoning, says *Paul Stanley QC*

Fair play

The SRA should treat solicitors being investigated with greater fairness, says *Susanna Heley*

Workshop: public

Making or resisting FOI requests? *Robert McCracken QC* and *Cain Ormondroyd* explain how they would get started

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Update: clinical negligence

Jock Mackenzie dissects the issue of causation in the case of successive tortfeasors

Update: environment

Adrienne Copithorne considers environmental impact assessment screening opinions, an odour nuisance case involving a landfill site, promptness in judicial review and planning fraud

Case closed

Closed proceedings raise such important concerns under human rights law that only parliament may determine when they can be used *Tariq Sadiq* reports

Losing the will

Solicitors Journal asks those working in the will-writing sector how far they think the regulation shake-up should go

Premises, premises

Jim Shepherd and *Robert Latham* consider how the new premises provisions dovetail with other anti-discrimination rules

Left to your own devices

Damian Blackburn explores the advantages of bringing your own computer to the workplace

Workshop: commercial

Caught on the web – *Jonathan Silverman* unpicks a few contractual issues for clients thinking of launching a new website

Thinking cap

Jackson LJ's proposed cap on success fees could see claimants losing a lot more than 25 per cent of their damages, warns *Simon Gibbs*

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View from the bench

The ever-increasing use of injunctions is not the best way to deal with social problems – we need a new system, argues *D.J. Paul Mildred*

Workshop: private client

Ensuring that your client's old wills are destroyed used to be common sense, but this is no longer necessarily the case, says *Ashton Davies*

Update: property

Tessa Shepperson reports on sub-standard properties in the private rented sector

Update: welfare

Gareth Mitchell considers cases on the definition of a 'looked after' child, and inter-authority disputes on responsibility for providing adult social care

What the electrician heard

Andrew Willetts offers a few pointers about providing the terms of a lost will sufficiently to admit it to probate

Making light work

The Supreme Court's ruling on the lawfulness of a religious criterion for arbitrators makes much more sense of previous decisions on the issue, says *Rachel Crasnow*

Meaningful relationships

The justice committee's report could shape the future of the family courts system, but what do the experts think about its proposals? *Solicitors Journal* finds out

Modest proposal

Not all buy-to-let purchasers are experienced property tycoons – many are 'modest' buyers and deserve protection from negligent valuations, says *Chrisoulla Pawlowska*

Hitting the brakes

The delay of ABS day is not only disappointing to those businesses keen to get started, it is at odds with government objectives – so why has it happened? *Stuart Bushell* reports

Family business

The government wouldn't like us to start pulling our own teeth, so why encourage more litigants in person, asks *Marily Stowe*

Workshop: property

Safeguarding the interests of property purchase funders. *John Coulter* explains

Update: planning

The new national planning policy framework is one of the most dramatic changes to planning laws in decades, say *Julian Boswall* and *Craig Whelton*

Update: divorce

Malta, one of the last countries not to have divorce laws. *Austin Chessell* reports

Tales from practice

Richard Barr on tapping, hacking and bent coppers in Greater Snoring

Peaceful atmosphere

The recognition that diminution in the value of property can constitute "interference" widens the scope for compensation in cases such as airport expansion, say *Robert Weir QC* and *Christopher Stone*

Off the wall

The Court of Appeal has provided a clear answer on the extent of repair liabilities, say *Peter Barrett* and *Julian Sidoli del Ceno*

Equality enabled

The changing scope of reasonable adjustments is considered by *Jim Shepherd* and *Robert Latham*

Form over substance

Much has been made about substantive changes in the draft defamation bill but procedural changes are likely to have greater impact, say *Colin Gibson* and *Rhys Griffiths*

Silver service

You think service is excellent? So how do you reconcile this with the need to grow your profits, asks *Julian Summerhayes*

European briefing

After six years of battling over a disclosure case, the ECJ has failed to make any significant progress over the issue of access to official documents, argues *Paul Stanley QC*

Update: charity

Sarah Clune reviews the Attorney General's second reference on public benefit and Full fact's appeal against the commission's decision not to register it as a charity

Folk law

With the advent of electric lighting in Victorian times came the first electricity supply laws. Legal historian *Andrew Lugg* looks back

Singled out

The detention of children should always be the last resort – the courts should not treat young protesters differently, argues *Sophie Khan*

Rocky road

A recent ruling in favour of an injured cyclist should prompt highways authorities to review and amend their system for inspecting and repairing road surfaces, says *Nigel Poole*

PII focus: mood change

As the countdown to professional indemnity insurance renewal begins, *Solicitors Journal* canvasses the views and impressions of those on the frontline

Resisting temptation

Do not be tempted to dismiss the LSB's charges to outcomes-focused regulation as unimportant, warns *Susann Heley*

Workshop: public

Parties to judicial review proceedings should take heed of recent decisions on the importance of the pre-action protocol or face the consequences, says *Richard Honey*

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“The Moral Duty of Care” – Norman Manley Law School Distinguished Lecture
Sir Patrick Allen

Achieving “the admittedly desirable result”: difficulties in constructing
bridges to the unincorporated treaty *Patrick Robinson*

The legal profession in changing times *C. Dennis Morrison*

The common intention constructive trust, unjust enrichment and
women of the Commonwealth Caribbean *Bryan Sykes*

The Neville Lewis decision – Looking back over a decade later *Geoff Madden*

Doping in sports: athletes and privacy rights considered *Hazelle Jones*

Genetically modified foods: some legal aspects *Nancy Anderson*

PRACTICE NOTE: The use of medical reports at trial –
a Jamaican perspective *Tania Mott*

Report of the Commission of Enquiry into the extradition request
for Christopher Coke *Hon. Emil George, D. Sharschmidt & Anthony Irons*