

October – December 2011

## JUDGMENT

Bowes, Junior v R  
C.A. 23.09.2011

Brisco, Dwayne v Jermaine Litchmore  
C.A. 29.11.2011

Brown, Farren Lloyd and Victoria v Mandolin Investment Group LLC and Metro Funding Corp.  
S.C. 20.09.2011

Brown, Westob v R  
C.A. 25.11.2011

Campbell, Noel v R  
C.A. 30.09.2011

Christopher, Wilbert v Anna Gracie and Rattray Patterson Rattray  
C.A. 18.11.2011

Christopher, Wilbert v Helene Coley Nicholson  
C.A. 18.11.2011

City of Kingston Co-operative Credit Union Limited v Registrar of Co-operative and Friendly Societies and Yvette Reid  
S.C. 08.11.2011

Dobson, Lloyd (The administrator Ad Litem of the Estate of Abuna Yesehaq) v Ethiopian Orthodox Church in Jamaica  
C.A. 11.11.2011

F and B  
S.C. 16.09.2011

Green, Calvin v Wynlee Trading Ltd.  
C.A. 25.11.2011

Grieves, Omar and others v The Queen  
P.C. 20.10.2011

Hall, Gain v R  
C.A. 07.10.2011

Insurance Company of the West Indies Ltd. v Shelton Allen (Administrator of the Estate of Harland Allen) and Mervis Nash and Delan Watson and Nichon Laing  
C.A. 11.10.2011

Lawes, Courtney v R

C.A. 10.11.2011  
Lowthan, Quillo v Courtney Haynes (Executor of Estate Josiah Lowthan)  
C.A. 2911.2011  
McCalla, Steve v R  
C.A. 28.10.2011

McGibbon, Anthea v Ambrose Burke  
C.A. 07.10.2011

Momah, Shadrach v R  
C.A. 28.10.2011

National Transport Co-operative Society Ltd. v The Attorney General of Jamaica  
C.A. 30.09.2011

Riverwalk Limited and Bike Mountain Waterfalls Tours Ltd. v Jamaica Tourist Board and Tourism Product Development Company Limited and The Attorney General  
S.C. 29.07.2011

Rose, Calvin v R  
C.A. 11.11.2011

Thomas, Christopher v R  
C.A.30.09.2011

Wilson, Girlena v Delroy Campbell and David Giscombe and Al Cheung Lee and Siv Wan Kin Albert  
S.C. 23.09.2011

Wilson, Sonia v Muffler Specialist Limited  
C.A. 28.10.2011

## LEGISLATION

### Bahamas

#### Acts

24/2011	Animal Protection and Control (Amendment) Act
18/2011	Appropriation (Capital Development) (2011/2012) Act
17/2011	Appropriation (Revenue Account Expenses) (2011/2012) Act
23/2011	Atlantic Caribbean Union of Seventh-Day Adventists Incorporation (Amendment) Act
20/2011	Excise (Amendment) Act
25/2011	Financial Administration and Audit Act
26/2011	Parliamentary Elections (Amendment) Act
22/2011	Passenger Tax (Amendment) Act
16/2011	Supplementary Appropriation (2010/2011) (Capital Development Account Expenses) Act
21/2011	Stamp (Amendment) Act
15/2011	Supplementary Appropriation (2010/2011) (Recurrent Account Expenses) Act
19/2011	Tariff (Amendment) Act

### Commonwealth of Dominica

#### Acts

7/2011	Financial Intelligence Unit Act
10/2011	Financial Services Unit (Amendment) Act
6/2011	Firearms (Amendment) Act
8/2011	Money Laundering (Prevention) Act
5/2011	Supplementary Appropriation (2010/2011) (No. 3) Act
9/2011	Suppression of the Financing of Terrorism (Amendment) Act

## **Jamaica**

### **Acts**

22/2011	Attestation of Instruments (Facilities) (Amendment) Act
19/2011	Financial Administration and Audit
21/2011	Interception of Communications (Amendment) Act
20/2011	Public Bodies Management and Accountability (Amendment) Act
23/2011	Representation of the People (Amendment) Act
18/2011	Travel Agencies Regulation (Amendment) Act

## **Saint Christopher and Nevis**

### **Acts**

24/2011	Gang (Prohibition and Prevention) Act
20/2011	Island Enhancement Fund (Amendment) (No. 2) Act
19/2011	Public Service Act
22/2011	Saint Christopher Air and Sea Ports Authority (Amendment) (No. 2) Act
23/2011	Solid Waste Management (Amendment) Act
21/2011	Value Added Tax (Amendment) (No. 2) Act

## **LAW REPORTS**

Estates Gazette Law Reports 2011 Vols. 1 & 2  
West Indian Reports Vol. 76

## **TREATISES, DIGESTS ETS.**

Calculation of compensation and damages in international investment law/ Irmgard Marboe Oxford: Oxford University Press, 2009	KC227.M37
Club law manual/ Kerry Barker and Henry Stevens. – 2 <sup>nd</sup> ed. London: Wildy, Simmonds & Hill Publishing, 2011	KN162.B37
<A> common law theory of judicial review: the living tree/ W.J. Waluchow Cambridge: Cambridge University Press, 2007	KM36.W36
<The> law of investment treaties/ Jeswald W. Salacuse Oxford: Oxford University Press, 2010	KC227.S26
<The> modern judiciary: challenges, stresses and strains/ Sir Fred Phillips London: Wildy, Simmonds & Hill Publishing, 2010	KL240.P55
Murphy on evidence/ Peter Murphy & Richard Glover. – 12 <sup>th</sup> ed. Oxford: Oxford University, 2011	KN390.M37
<The> OECD convention on bribery: A commentary/ edited by Mark Pieth et al. Cambridge: Cambridge University Press, 2007	KM563.6.O33

Parry and Grant Encyclopaedia Dictionary of international law/ edited by  
John P. Grant and Craig Barker. – 2<sup>nd</sup> ed  
New York: Oceana Publications, 2004

KC73.P37

Policing the Caribbean: Transnational security corporation in practice/ Ben Bowling  
Oxford: Oxford University Press, 2010

KM615.B68

## SERIALS

**ABA Journal Vol. 97 September 2011**

### **President's message**

Together we can protect our courts, enhance diversity and  
contribute to our communities

*WM.T. (Bill) Robinson III*

### **Opening statements**

A new 24-hour legal dispatch service promises access to a top-notch  
attorney in 15 minutes

*Virginia Groark*

Suit may force reconsideration of pit bull bans in two Colorado cities,  
as plaintiffs claim bans violate the Americans with Disabilities Act

*Arin Greenwood*

The legal sites of Music City

### **Supreme Court Report**

Civil *Gideon* movement plays the blues for the right of counsel

*Mark Walsh*

This term, the high court is no longer the 'court of correction.'

*Steven Seidenberg*

In protecting controversial speech, the court shows a libertarian bent

*David L. Hudson Jr.*

After prison case, many still weigh the effects of releasing inmates

*John Gibeaut*

### **Litigation**

There is a right way to make objections – and you know it

*Jim McElhaney*

### **Business of Law**

Major firms stake their claims in the Lone Star State

*Mark Curriden*

New group aims to harmonize technology standards for law firms  
making the transition to the digital age

*Richard Acello*

Proliferation of mobile apps poses a host of security issues –  
particularly for attorneys

*Richard Acello*

### **Your ABA Annual Meeting Report**

Highlights from the 2011 ABA Annual Meeting in Toronto

*James Podgers*

**ABA Journal Vol. 97 October 2011**

### **President's message**

Pro bono work benefits lawyers, as well as the communities they serve *Wm.T. (Bill) Robinson III*

### **Opening statements**

Chutzpah in the high court *Richard Brust*

ADR offered as means of resolving the court backlog in Pakistan *Ed Finkel*

San Francisco ballot initiative doesn't make the cut *Leslie A. Gordon*

### **The National Pulse**

Service of process on Facebook? Some say it's time *Stephanie Francis Ward*

Regulators eye Chinese companies using reverse mergers to enter U.S. *Leslie A. Gordon*

### **Supreme Court Report**

Court term kicks off with a look at legal representation *Mark Walsh*

### **Litigation**

When a standard designed to protect defendants actually can hurt them *Jim McElhaney*

### **Ethics**

Stress-reduction advocates ask why malpractice insurers don't take note *G.M. Filisko*

### **Business of Law**

Predictive coding promises to take the drudgery out of doc review *Joe Dysart*

What drudgery? Shifts in e-discovery prompt new career considerations *Arin Greenwood*

Cisco looks to share best practices *Rachel M. Zahorsky*

Indiana attorneys use business acumen to help startups take off *Deborah L. Cohen*

Meet "Mr. Small claims." *Stephanie Francis Ward*

Public Wi-Fi is not worry-free *Dennis Kennedy*

Interactive press releases help get the word out *Joe Dysart*

### **Your ABA**

Treasury and the ABA agree on money-laundering compliance *Michael A. Lindenberger*

Former ABA President Jerome Shestack is dead at the age of 88 *Molly McDonough*

The ABA takes a hands-off stance toward lawyer-ranking services *James Podgers*

Yearlong TIPS initiative focuses on disaster preparedness, response *James Podgers*

Association asks Congress to bolster legal services for seniors *Rhonda McMillion*

**ABA Journal Vol. 97 November 2011**

**President's message**

ABA pledges to assist military vets in overcoming legal obstacles *Wm T. (Bill) Robinson III*

**Opening statement**

Newark rekindles hope with new community court *Barbara Rose*

Triple-X factor coming online soon *Ed Finkel*

Hacking groups pose nettlesome legal issues *Stephanie Francis Ward*

The legal sites of Sin City

Northwestern debate team gets point across in *Fast Talk* *Anna Stolley Persky*

University of Florida law school honors Stephen N. Zack

**The National Pulse**

Retired players sue, claim NFL hid brain damage info *John Gibeaut*

States can't agree on legal status of same-sex couples *G.M. Filisko*

**Supreme Court Report**

With GPS probing, the zone of privacy is getting even smaller *Mark Walsh*

**Litigation**

Failing the giggle test might leave you crying over the outcome of your case *Jim McElhaney*

**Ethics**

New opinions describe obligations to ensure email confidentiality *James Podgers*

**Business of Law**

Cloud service risks call for care and coverage *Susan A. Berson*

Public-supplied info gains traction in court *Rachel M. Zahorsky*

Hacking scandals point out PIN security risks *Dennis Kennedy*

Practice-based apps taking a hit *Joe Dysart*

Deals aplenty on office space for solos and small firms *Deborah L. Cohen*

Law student carves niche in judgment trade *Rachel M. Zahorsky*

**Your ABA**

Symposium finds consensus on need to restore funding for the courts *James Podgers*

Section to pose new questions about law grad employment *Debra Cassens Weiss*

Ethics 20/20 Commission hones proposals for House of Delegates

*James Podgers*

Government acts on longtime ABA effort to whittle immigration cases

*Rhonda McMillion*

**California Western International Law Journal Vol. 41 No. 2 Spring 2011**

The contingencies of piracy

*Dino Kritsiotis*

Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the treatment of terrorist combatants (Protocol IV) – A Proposal

*Erin Creegan*

Should the law governing maritime areas in the Arctic adapt to changing climatic circumstances?

*Erik Franckx*

**<The> Cambridge Law Journal Vol. 70 Pt. 3 November 2011**

Autonomy, liberty, and medical decision-making

*John Coggon and José Miola*

The extent of Fiduciary accounting and the importance of authorization mechanisms

*Matthew Conaglen*

To sell or not to sell: that is the question

*Martin Dixon*

Implied terms – the journey of the man on the Clapham Omnibus

*John McCaughran*

The concept of coupleddom in succession law

*Brian Sloan*

Poverty: an essential element in charity after all?

*Mary Synge*

**Columbia Journal of Law and Social Problems Vol. 45 No. 1 Fall 2011**

Pure economic loss claims under the Oil Pollution Act: combining policy and congressional intent

*Andrew B. Davis*

Balancing blight: using the rules versus standards debate to construct a workable definition of blight

*Matthew J. Kokot*

Frankenfish...It's what for dinner: the FDA, genetically engineered salmon, and the flawed regulation of biotechnology

*Michael Bennett Homer*

Triggering a closer review: direct acquisition of cell site location tracking information and the argument for consistency across statutory regimes

*William Curtiss*

**<The> International Journal of Evidence & Proof Vol. 15 No. 1**

Accommodating legal pluralism in Pacific courts: problems of proof of customary law

*Jennifer Corrin*

A new theoretical framework regarding the application and reliability of photographic evidence

*Glwenn Porter*

**<The> International Journal of Evidence & Proof**

Confrontation: the defiance of the English courts *William E. O'Brian Jr.*

The epistemology of statistical evidence *Amit Pundik*

The technical aspects of technicality: a slightly whimsical inquiry into what makes a rule of evidence or procedure 'technical' *Peter Murphy*

**<The> Journal of World Investment & Trade Vol. 12 No. 5 October 2011**

Addressing the global climate change problem in GATT/WTO Law: the vision of a new international climate law based on international distributive justice  
*Ahmad S.A.S. Al-Tayer and A.F.M. Maniruzzaman*

The expansion of jurisdiction by ICSID Tribunals: approaches, reason and damages *Chen Huiping*

*RSM and Millicom*: Two African cases illustrate the continued vitality of contractual arbitration clauses within ICSID *Timothy G. Nelson*

Political strategies of TNCs for corporate interest in Indonesian public interest litigation: lessons for developing countries hosting FDIS *M. Rafiqul Islam & Iman Prihandono*

The promotion of transfer-of-funds liberalization across international law *Claus D. Zimmermann*

Globalisation and competition asymmetry in international trade and development – challenges and opportunity *Neeti Shikha*

When an investment is not an investment: Anderson et al and The Republic of Costa Rica *C. Chatterjee and Anna Lefcovitch*

**Loyola Law Review Vol. 57 No. 1 Spring 2011**

The dangerous trend blurring the distinction between a reasonable expectation of confidentiality in privilege law and a reasonable expectation of privacy in fourth *Edward J. Imwinkelried*

Politico-international law *Robert Bejesky*

Revisiting *Palermo*: The twentieth anniversary of Louisiana's landmark land use rights and zoning decision and its legacy for planning in Louisiana *Anna Livia Brand & Stephen D. Villavaso*

Vico, Llewellyn, and the Task of Legal Education *Francis J. Mootz, III*

**Loyola University Chicago Law Journal Vol. 43 No. 1 Fall 2011**

Derivatives: A twenty-first century understanding *Timothy E. Lynch*

Community collateral damage: a question of priorities *Andrea J. Boyack*

Bankruptcy, relocation, and the debtor's dilemma: preserving your homestead exemption versus accepting the new job of State *Timothy R. Tarvin*

Burying our heads in the sand: lack of knowledge, knowledge avoidance, and the persistent problem of campus peer sexual violence

*Nancy Chi Cantalupo*

**New Law Journal**      **Vol. 161 No. 7479**      **September 2, 2011**

**Comment**

*Dominic Regan* congratulates the victors in the Jackson reform lottery

**Employment:** *Ian Smith* surveys the latest developments in the employment law pipeline

**Family:** *Ed Heaton* examines a timely reminder to all about the dangers of waiving privilege

**Personal injury:** *Andrew Arentsen* calls for consistency in the application of Pt 36

**Property:** How long do a landlord's obligations & liabilities last under the tenancy deposit scheme, ask *Greville Healey & Jamie Sutherland*

**New Law Journal**      **Vol. 161 No. 7480**      **September 9, 2011**

**Comment**

*Jon Robins* anticipates the impact of legal aid reforms on family law

**Employment:** *John McMullen* examines fairness in redundancy selection cases

**Personal injury:** Justice should dictate the fate of nuclear test victims, says *Richard Scooner*

**Property/ Landlord & tenant:** *Andrew Chesser* explores the thorny issue of obtaining landlord's consent

**Public:** *Angus Nurse* welcomes proposals to reform the public services ombudsmen

**Wills & probate:** *Michael Tringham* reports on a successful challenge

**Liability:** What tactics are available to defendants to challenge ATE premiums in legacy claims, asks *Tina Campbell*

**New Law Journal**      **Vol. 161 No 7481**      **September 16, 2011**

**Comment**

*Dominic Regan* welcomes the government's u-turn on referral fees

**Employment:** *Spencer Keen* reports on *Autoclenz* & the unique status of employment contracts

**Family:** English courts have clarified the habitual residence rule for divorce petitions, observes *Holly Sautelle-Smith*

**Property/ Landlord & tenant:** How are the interests of insolvent tenants balanced with those of their landlords, asks *Christopher Warenius*

**Commercial:** *Peter Vaines* on the inevitable failure of HMRC's revised litigation strategy

**New Law Journal**      **Vol. 161 No. 7482**      **September 23, 2011**

**Comment**

*David Greene* raises research issues with placing cameras in court

**Employment:** Statutory disciplinary proceedings within the regulated professions can create a headache for tribunals, say *Victoria von Wachter & Alex Ustych*

**Personal injury:** *Nina Unthank* provides an update on the root & branch issues of liability at home & abroad

**Landlord & tenant / Human rights:** *Nicholas Roberts* queries the existence of a human right to a satellite TV dish

**Public:** *Nicholas Dobson* rides the rollercoaster of public authority fairness

**Advertising:** *Jen Hawkins & Malcolm Dowden* advise when consent is required for a roadside advertisement

**New Law Journal**      **Vol.161 No. 7483**      **September 30, 2011**

**Comment**

*Roger Smith* reports on torture & subsidiary

**Employment:** *Ian Smith* observes the plight of those seeking justice in employment tribunals

**Personal injury:** *Brent McDonald* investigates a defendant's liability for injuries sustained by a claimant in a subsequent incident

**Family:** *Clare Renton* reports on a sea change in international relocation cases

**Construction/ Harassment:** *Peter Lampitt* considers if building works can constitute harassment

**Public:** *Tim Suter* traces the origins & achievements of public inquiries

**Negligence:** *Alison Padfield* explains why legal clarity & coherence trumped fairness in *Scullion*

**New Law Journal**      **Vol. 161 No. 7484**      **October 7, 2011**

**Comment**

What will ABSs mean for legal aid firms? *Jon Robins* collects the views of those who are for & against deregulation

**Employment:** *Sinclair Cramsie & Clare Harrington* unravel the complexities of relocating TUPE transferees

**Family:** *Caroline Lonsdale* tackles the thorny issues of contact & the difficult parent

**Personal injury:** Skimping on compensation will fuel an increase in litigation & costs says *Richard Scorer*

**Property:** *Andrew Francis* examines the reasonableness of standard conditions in property contracts

**Nuisance:** *Rob Biddlecombe* sniffs out recent nuisance development

**New Law Journal**      **Vol. 161 No. 7485**      **October 14, 2011**

**Comment**

*David Greene* predicts how the profession will respond to law's "Big Bang"

**Employment:** Enhanced equality for agency workers provides a headache for employers, warns *Sarah Johnson*

**Family:** *David Burrows* explains why legal professional privilege is a "substantive absolute right"

**Personal injury:** *Keith Patten* voices concerns over limitation periods

**Property/ Landlord & tenant:** *James Naylor* reports on why jurisdiction trumps good intentions in Leasehold Valuation Tribunals

**Public/ Constitutional:** *Neil Parpworth* examines the application of the principle of "exclusive cognizance"

**Wills & probate supplement**

*Araba Taylor* considers inheritance claims by adult children

*Michael Tringham* records more explosive family disputes

*Daniel Curran* explains how to recognize a professional probate genealogist

**New Law Journal**      **Vol. 161 No. 7486**      **October 21, 2011**

**Comment**

*Geoffrey Bindman* QC examines the furore behind "catgate"

**Employment:** *Charles Pigott* reports on soaring retirement ages

**Family:** *Laura Bednall* tells a cautionary tale of international surrogacy

**Property/ Enfranchisement:** *Nathaniel Duckworth & Daniel Robinson* on how to sidestep potential pitfalls in enfranchisement claims

**Public/ Administration:** *Alec Samuels* examines the law surrounding the length of parliamentary terms

**Regulatory:** *Stewart Duffy* examines the standard of proof before regulators of the healthcare professions

**Commercial:** Do exclusion or limitation of liability clauses apply to cases of deliberate repudiatory breach, ask *Ceri Morgan & Melanie Shefford*

**New Law Journal**      **Vol. 161 No. 7487**      **October 28, 2011**

**Comment**

*Roger Smith* rounds up some recent reviews & awards in the legal world

**Employment:** *Ian Smith* checks out the latest disputes in world of employment law

**Family:** Parties must nail their evidential colours to the mast, observes *David Burrows*

**Human rights:** *Suisan Nash* rounds up the latest human rights developments

**Regulatory:** *Lista Cannon & Ian Pegram* note the lessons to emerge from *Willis*

**Immigration:** *Laura Devine* navigates UK business immigration changes

**Commercial/ EU:** *Trevor Tayleur* reports on the case law surrounding the direct effect of EU Directives

**New Law Journal**      **Vol. 161 No. 7488**      **November 4, 2011**

**Comment**

*Dominic Regan* returns to the consequences of the referral fee chop

**Employment:** *Ming-Yee Shiu* considers the circumstances in which fiduciary duties may be imposed upon employees

**Family:** *James Harrison* examines the impact of bankruptcy on marriage

**Environment:** *Malcolm Dowden* examines the impact of devolution on the UK's waste law

**Personal injury:** *Lucy Wyles* dives headfirst into the latest personal injury developments

**New Law Journal**      **Vol. 161 No. 7489**      **November 11, 2011**

**Comment**

*Jon Robins* reflects on the controversial Legal Aid Bill as it makes its way to the House of Lords

**Employment:** *Chris Bryden & Michael Salter* examine the attempts to control the use of social media in the workplace

**Family:** *Dorothea Gartland* examines recent developments surrounding public law for children

**Personal injury:** *Gerard McDermott QC* revisits *Rome II*, considering *Homawoo* & the opinion of Advocate General Mengozzi

**Property:** *James Naylor* digs deeper into the events surrounding the Dale Farm eviction

**Public:** The case of *Steven Neary* demonstrates that public bodies must know their place, says *Tim Spencer-Lane*

**New Law Journal**      **Vol. 161 No. 7490**      **November 18, 2011**

**Comment**

The decision in *Jones v Kernott* has turned a complex area of law into a minefield, says *Jonathan West*

**Employment/ Discrimination** *Malcolm Keen* considers apportionment in discrimination claims

**Family:** *Jonathan Herring* tackles paternity testing & capacity

**Property/ Planning:** *Keith Davies* reports on store wars in Wolverhampton

**Public:** *Andrew Parsons* deliberates over the court's approach to the withdrawal of life-sustaining treatment

**Data protection/ FOI:** *Tom Morrison* returns with his quarterly review of the world of information law

**Commercial:** Is the common European sales law a Trojan horse, asks *Stephen Balthasar*

**New Law Journal**      **Vol. 161 No. 7491**      **November 25, 2011**

**Comment**

*Mark Solon* appraises Lord Justice Jackson's views on focusing expert evidence & controlling costs

**Employment:** *Ian Smith* explores some recent cases that reaffirm existing employment law

**Family:** Where are we with capital settlements, asks *Marc Saunderson*

**Personal injury:** *Richard Scorer* examines the legal principles behind the child abuse scandal in the Catholic Church

**Property:** *David Savage & Kate Knox* provide an update on the latest construction contract changes

**Public:** *Nicholas Dobson* follows the story of the Brent library closures

**Commercial:** *Peter Vaines* breaks down the *Gaines-Cooper* case & provides an update on other taxing matters

**Solicitors Journal**

**Vol. 155 No. 33**

**September 6, 2011**

**Unleashed**

Forget catching sharks, how do we reel in more clients? *Russell Conway* shares his idea

**Workshop: commercial**

*Jonathan Silverman* and *John Abbott* discuss how to advise prospective company directors

**Technology**

Setting up your own practice? *Damian Blackburn* has your IT needs covered

**Update: pensions**

The future is looking bleak for pensions, says *Jennie Kreser* as she considers how the D'Arcys and Bennetts of today will cope

**Update: professional negligence**

*Victoria Brackett* and *Katie Papworth* consider a ruling on the of valuers, and when you can counsel's advice

**Zero tolerance**

Several councils promised to evict those involved in the riots, but do they have the power to do so? Asks *Tilly Rubens*

**Harvest festival**

Now that there is guidance on how the *Good Harvest* decision should be applied, the position for parties entering into leases is clear, says *Siobhan Jones*

**Drafted in**

Document automation is a quicker method of drafting wills, says *Grahame Cohen*

**Gold blend**

Many firms are considering merging to gain a competitive edge. *Charles Fuchter* and *Jacqueline Shiclana* take the plunge

**Work in progress**

*Suzanne McKie and Laura Bell* Consider how employers can currently justify a compulsory retirement age, and what guidance is needed

**Solicitors Journal**      **Vol. 155 No. 34**      **September 13, 2011**

**Family business**

The LPC leaves young lawyers with poor family law skills, says *Marilyn Stowe*

**View from the bench**

With the Court Funds Rules 2011 about to come into force, *DJ Richard Chapman* mulls over interest rates

**Update: immigration**

*Jane Coker* considers cases on students appealing points based system decisions, and takes a look at rights of appeal

**Update: IP/IT**

*Susan Singleton* reviews cases on what is protected by copyright and liability of internet service providers

**Nothing but the truth**

Solicitors ought to take particular care in how they record their advice to clients to avoid contempt of court, says *Clare Arthurs*

**Protective fortress**

The ruling in *Solodchenko* highlights the importance of solicitor/ client confidentiality, says *Mike Wills*

**Pregnant pause**

What rights do pregnant partners have under discrimination law? *Charis Damiano* and *Clare Murray* report

**Name this firm**

Would naming and shaming solicitors with poor service records achieve the desired effect? *Solicitors Journal* asks three stakeholders

**Brighton rock**

The FSA's new tack on independent financial advisers raises challenging questions for the legal profession, says *Stuart Bushell*

**Solicitors Journal**      **Vol. 155 No. 35**      **September 20, 2011**

**Behind bars**

Judicial wisdom in the riot cases seem to have gone out the window, says *Jeannie Mackie*

**Civil conduct**

Litigants agreeing on part 36 offers before starting proceedings often include terms about their respective costs pre-litigation – but it's not always that simple, says *Francesca Kaye*

**Update: agriculture**

*Michael Aubrey* and *Simon Blackburn* consider road damage caused by farm vehicles and the duties of landowners to ensure the safety of the public

**Update: health and safety**

*Zahra Nanji* explores several cases on employers' duties

**Passport to freedom**

*John Outram* weighs up the potential pros and cons of the Conveyancing Quality Scheme

**Red letter day**

Practitioners must be ready to advise on online copyright infringement notification letters, says *Elaine Campbell*

**Taking credit**

The courts remain prepared to take a supportive approach in consumer credit claims, says *Bryan Nott*

**Truths and Untruths**

Make sure you have evidence supporting your witness' statement before you get involved in litigation, says *Emily Swithenbank*

**Piece of the action**

Get out and make the most of department meetings, client events and lunches, says *Julian Summerhayes*

**Workshop: property**

What are the buyer's liabilities if he pulls out of a sale after the exchange of contracts? *John Coulter* considers the options

**Solicitors Journal**      **Vol. 155 No. 36**      **September 27, 2011**

**European briefing**

Victims of crime have the right to express an opinion during proceedings, but the ECJ was right to rule against allowing them to have a decisive voice, says *Paul Stanley*

**Update: education**

As university fees go up, students are turning into 'consumers' of education services. *Salima Mawji* and *Anita Chopra* consider the consequences

**Update: PACE**

*Caroline Day* and *Jill Lorimer* review a high court decision on detention periods and subsequent emergency legislation

**Quashing the beast**

With an imperfect legal framework to combat trolling, website publishers should take greater responsibility to prevent the offence, says *Rod Dadak*

**What a relief**

When will relief be granted from a court order? *Clare Arthurs* investigates

**Peace process**

With protests becoming increasingly common, police should take note of the court's definition of the concept of 'breach of the peace', says *David Rhodes*

**High definition**

Let's hope the LSB/s consultation on the scope of reserved activities brings greater clarity to this confused area, says *Susanna Heley*

**Solicitors Journal**      **Vol. 155 No. 37**      **October 4, 2011**

**Unleashed**

*Russell Conway* admires the Rolls building – up to a point

**Workshop: commercial**

*Jonathan Silverman* shares his experience of advising company directors making a dignified exit

**Playing the part**

*Simon Gibbs* heaves a sigh of relief at the Court of Appeal's latest ruling on part 36 offers

**The way the land lines**

Who uses faxes these days, asks *Damian Blackburn*

**Update: licensing**

*Roy Light* reviews the Police Reform and Social Responsibility Act

**Update: road traffic accidents**

*Roger Cooper* reports on the growing concerns over the costs of motor insurance

**In the pocket**

*David Ellis* responds to the latest attacks on claimant personal injury lawyers

**Increase your brand width**

Law firms should get better at defining and exploring their brand, says *Michael Gough*

**Reason for prison**

However reluctantly, judges will impose prison sentences for contempt, says *Michael Babington*

**Solicitors Journal**

**Vol. 155 No. 38**

**October 11, 2011**

**Workshop: private client**

Aren't personal injury trusts out of reach of the local authority? *Stewart Stretton-Hill* reports

**View from the bench**

No matter how small a 'more advantageous' part 36 offer is, judges will now have to regard it as such when considering cost awards, says *DJ Goodwin*

**Update: local government**

*Peter Hill* considers developments in the localism bill and complications with academy conversions

**Fire away**

Doubling the qualifying period for the right to claim unfair dismissal will only make it easier for employers to sack people, says *Anya Palmer*

**History lessons**

Advocates and judges dealing with bail applications for rioters should take note of Byron's wise words says *Jeffrey Gordon*

**Off duty**

*Kris Lines* and *Jon Heshka* review the latest decision on occupiers' liability

**Status symbol**

*Anna Britwistle* and *Clare Murray* examine how to assess a partner's true status

**Dead letter days**

Is the right to institute private prosecutions under threat? *Richard Easton* investigates

**Poles apart**

What can employers do to reduce workplace bullying claims, asks *Snigdha Nag*

**Feel the force**

*Stuart Bushell* takes a closer look at the SRA's enforcement strategy for conveyancing

**Solicitors Journal**      **Vol. 155 No. 39**      **October 18, 2011**

**Family business**

It's a new dawn and *Marilyn Stowe* is feeling good about a future where digital files will replace bundles in court

**Life in crime**

There's a fine line between appropriate and inappropriate judicial conduct, warns *Lucy Corrin*

**Civil conduct**

The new costs management order is here to stay, and those firms that master the art of costs budgeting early on will have an advantage, says *Richard Langley*

**Update: company**

*Debbie King* reviews recent cases on removing company directors and misrepresentation and changes to the takeover code

**Update: personal injury**

*Vijay Ganapathy* considers an industrial disease claim and a decision to allow damages to be split

**Rocky relations**

The latest Court of Appeal payment protection insurance ruling is a blow for claims management companies but not necessarily for consumers, says *Fred Philpott*

**Hitting a wall**

Councils trying to evict tenants for rioting and looting will come up against many hurdles, says *Alex Samuels*

**Separate ways**

*Lawrence Jacobson* challenges Lord Millett's analysis of the contractual doctrine and its role in the dissolution of a partnership

**Adjusting your compass**

Identifying your firm's unique selling points goes to the substance of what you do and everybody in the firm needs to embrace it says Julian *Summerhayes*

**Workshop: property**

Resist temptation to accept instructions when you sense money laundering rules are not compiled with, even when the amount is small, says *John Coulter*

**Solicitors Journal**      **Vol. 155 No. 40**      **October 25, 2011**

**European briefing**

The decision in the Premier League case is a reminder that the EU will continue to oppose attempts to subdivide the single market, says *Paul Stanley QC*

**Residential property update**

Residential conveyancers should handle the arrival of ABS's and Tesco law in a positive and proactive way, says *Clare Martin*

**Employment update**

*Sue Ashtiany* considers the default retirement age and the new regulations for agency workers

**United state of mind**

The importance of preserving life is likely to be the decisive factor when considering the withdrawal of treatment from those in a minimally conscious state. *Anna Burnside*

**Close inspection**

Guarantors should thoroughly investigate a debtor and follow up any suspicions themselves, says *Alex Samuels*

**Plugging the gaps**

Employers are investigating in intellectual property to tackle pension scheme deficits, says *Justin McGilloway*

**Coming of age**

Look out for the outcome of *Seldon* – it should bring further clarity to age discrimination legislation, says *Anthony Philpott*

**The end of the beginning**

With firms already crying out for guidance, the SRA must start to be more supportive if it is to make OFR a success, says *Susanna Heley*

**Workshop: public**

Public authorities must comply with their obligations under the new equality duty despite the budget cuts, says *Sarah Sackman*

**Solicitors Journal**

**Vol. 155 No. 41**

**November 1, 2011**

**Unleashed**

Renewing your practicing certificate online is worse than a session at the dentist, says *Russell Conway*

**Workshop: commercial**

*Jonathan Silverman* explains how to avoid problems when advising a director who proposes to use company assets to benefit himself but not the shareholders

**Wealth management update**

*David Bird* considers the Swiss/UK tax agreement, beneficial interest in property and changes to HMRC's inheritance tax guidance

**Environment update**

*Adrienne Copithorne* discusses nuisance claims and the meaning of the word 'deposit' under the Environmental Protection Act

**Passing the test**

The Upper Tribunal ruling on the interpretation of the 'public benefit' test vindicates the Charity Commission's careful approach to the letter of the law, says *Alice Holt*

**Automatic Lawyer**

Can lawyers fight back and start educating consumers about the value of legal services, or are online providers taking over? *Solicitors Journal* joins the debate

**Family ties**

Do those without a legal interest in the homes they live in have a right to bring a private nuisance claim? *Gregory Jones QC* and *Rebecca Clutton* report

### **Revvng up the engine**

Google is bound to develop legal software before long, but would any of its services be of use to law firms? *Damian Blackburn* investigates

### **Turning the clocks back**

The decision in *Trafigura* takes us back to a time before the CPR when costs were assessed according to the 'winner takes it all' principle, says *Simon Gibbs*

**Solicitors Journal**      **Vol. 155 No. 42**      **November 8, 2011**

### **Behind bars**

Ken Clarke wants to improve prison rehabilitation and introduce longer sentences, but how can he do both? Wonders *Jeannie Mackie*

### **Sport update**

*Shenal Shah* and *Sophie Thompson* discuss pay-TV appeals, cracking down on ticket touting and the ruling in the foreign decoder card case

### **Commercial property update**

*Magnus Hassett*, *James Noble* and *Amy France* consider break clauses and vacant possession and superior landlord's consent

### **Northern lights**

*Kevin Poulter* gets steamed up about legal education

### **Norgrove could have gone further**

The Norgrove review of family law has made some worthwhile recommendations but has missed an opportunity for a more radical overhaul, says *Jon Armstrong*

### **Saving grace**

Employers must be ready to meet their new obligations under the pensions reforms, says *James Gulliford*

### **Signing away**

With the judicial starting to recognise electronic contracts, practitioners must ensure their clients take extra care before hitting the 'send' button, says *Deborah Cadwell*

### **Escape route**

What action should exiting partners take? *Anna Birtwistle* and *Clare Murray* explain

### **Out of site**

How can law firms protect themselves from malicious comments on the internet? *Nathan Baker* reports

### **Auto pilot**

Firms must start to embrace automation to ensure they can compete with the 2012 entrants, says *Stuart Bushell*

**Solicitors Journal**      **Vol. 155 No. 43**      **November 15, 2011**

### **Family business**

*Marilyn Stowe*'s practice has come a long way in 30 years – but it hasn't always been an easy ride, she explains

### **Civil conduct**

The court is beginning to take a more relaxed approach to making an order for security for costs, says *Max Robinson*

#### **Workshop: property**

*John Coulter* examines what happens when a claimant attempts to enforce their right to extract minerals from beneath a property

#### **Insolvency update**

*Denise Fawcett* considers the Paymex repayments guidance and invalid administration appointments

#### **Estate planning update**

*Helen Bryant* welcomes HMRC's new 'inheritance tax toolkit' and looks at the execution and rectification of wills

#### **Pricing should properly reflect risk**

Simply offering cheap services will not pay off in the long run, says *Jonathan Smithers*

#### **LeO's new policy needs clarification**

The naming and sharing plan means firms must take complaints handling more seriously, says *Kim Hobbs*

#### **Nobody is interested in ABSs**

Is the SRA'S delay in getting ready for ABSs a clumsy oversight or a clever move accurately judging the mood of the public? Asks *Kerry Underwood*

#### **Domino effect**

The credit crunch has triggered a cascade of claims, but we have only seen the beginning of it, say *Andrew Shaw* and *Sean Upson*

#### **Setting the table**

The new edition of the Ogden tables is a good indicator of what's in store for the near future, says *David Regan*

#### **Present and correct**

*Julian Summerhayes* explores the real meaning of 'showing up', and why it is the key to success

**Solicitors Journal      Vol. 155 No. 44      November 22, 2011**

#### **European briefing**

The latest ECJ decision on selective distribution agreements demonstrates a lack of understanding of consumer values, says *Paul Stanley QC*

#### **Construction update**

*Anna Stillman* considers settlement discussions adjudicators' entitlement to fees and the new Construction Act

#### **Clinical negligence update**

*Dr. Jock Mackenzie* explores a recent case involving a claimant practitioner's reliance on *res ipsa loquitur*

#### **Let's be a lot clear on costs**

Cases often have their own lives but that's no excuse not to have proper case management and realistic budgeting in place, says *Mark Solon*

#### **Shaky ground**

Introducing a new mandatory ground for possession not an effective way of dealing with anti-social behaviour, say *Mark Orme* and *Sarah Salmon*

#### **Vocation, vocation, vocation**

With the combination of rising university fees and the advent of ABSs, will there be a place for the law degree, or will the market be better served by on-the-job training

#### **False promise**

The proposed ban on referral fees is unlikely to bring about the positive changes promised by the government, argues *Susanna Heley*

#### **Workshop: public**

Should public authorities reconsider a matter if it has already been determined by another authority? *Ned Westaway* and *Isabella Tafur* investigate

**Solicitors Journal**      **Vol. 155 No. 45**      **November 29, 2011**

#### **Unleashed**

Is Twitter set to become as popular with lawyers as Yellow Pages was in the '80s, or will it just fade away in a few years' time? Ponders *Russell Conway*

#### **Commercial workshop**

*Jonathan Silverman* and *Paul Collins* explain how to ensure corporate clients are considering the company's public image before accepting inflated pay

#### **Crime update**

*Ian Harris* and *David Birell* consider criminal property and the House of Lords' strong opposition to the proposals in the legal aid bill

#### **Landlord and tenant update**

The criminalisation of squatting has been welcome by some, but do we need a new law or is it enough to ensure the existing one is properly enforced? *Tessa Shepperson* reports

#### **Avoid encouraging hopeless proceedings**

County courts should look at the nature and enforceability of an undertaking to make a payment before giving effect to it in a financial order, says *DJ John Doel*

#### **Legal wonderland**

The decision to use an ancient rule to get a fair outcome in *Mexfield* has important implications for all types of tenants, says *Ben Chataway*

#### **Keeping pace**

With PI litigation about to undergo drastic upheaval, barristers must act now to avoid being left behind, says *Simon Edwards*

#### **Home remedies**

*Alex Samuels* examines the options available to owners of new homes who discover serious defects after their builder's contract has expired

#### **Cloud nine**

*Damian Blackburn* considers how cloud computing could help law firms fight off the competition