

**January – March 2012**

**JUDGMENTS**

Administrator General Jamaica (Administratrix of Estate Charles Patrick Tate, deceased) and Congita Bennett (near relative and next of kin of estate Charles Patrick Tate deceased) v Jatlin Construction and Associates Limited and Dwight Powell  
JM.S.C. 28.02.2012

Advantage General Insurance Co. Limited v Shawn Myrie  
JM.S.C. 17.02.2012

The Attorney General of Jamaica and Benjamin Lewin v Shane Paharsingh  
JM.C.A. 17.02.2012

Bennett, Sharon and Charlene Thomas v Vivian Donaldson and Vivian Donaldson  
JM.S.C. 15.06.2012

Blake, Adrian v Mark Robinson and R&B Autozone Ltd.  
JM.S.C.13.02.2012

Bolton, Adassa v Maizie Henry and Dwayne Henry and Rohan Clarke and Christopher Wilson  
JM.S.C. 01.03.2012

Brooks, Chris v R  
JM.C.A. 02.03.2012

Capital and Credit Merchant Bank Ltd. v Isaac Gordon  
JM.C.A. 02.12.2011

Chisholm and Company Developments Limited and James Chisholm v Kemtek Development Construction Company Limited and Sylvester Tulloch  
JM.S.C. 05.06.2012

Christopher, Wilbert v Debayo Adedipe  
JM.C.A. 09.12.2011

Clarke, William v The Bank of Nova Scotia Limited  
JM.C.A. 13.06.2012

Clarke, William v Gwenetta Clarke  
JM.C.A. 27.01.2012

Columbus Communications Jamaica Limited (formerly Merit Communications Limited) v mars Cable Vision Limited  
JM.S.C. 28.02.2012

Communtel Broadband Limited and Starcom Cablevision Limited v Alfred McKay  
JM.S.C. 03.02.2012

Dayes, Verma v The Ritz Carlton Hotel Company of Jamaica Limited (Trading in Jamaica as The Ritz Carlton Golf and Spa Resort Rose Hall Jamaica)  
JM.S.C. 13.12.2011

Director of Public Prosecutions v Senior Resident Magistrate  
JM.S.C. 01.03.2012

Ellis, Rohan v vR  
JM.C.A. 09.03.2012  
Flickenger, Elita (Widow of the deceased Robert Flickenger) v David Preble (t/a Xtabi Resort Club & Cottage Ltd.) and Xtabi Resort Club & Cottages Ltd.  
JM.C.A. 17.02.2012

Frater, Dwayne v R  
JM.C.A. 09.12.2011

Green, v Sgt. Cochrane and The Attorney General  
JM.S.C. 01.03.2012

JAMALCO v The Owners and persons interested in the ship M/V. Asphalt Leader of the Port of Piraeus Greece and Her cargo  
JM.C.A. 20.12.2011

Kelley, Ilene and Errol Milford (Executors of Estate of Evelyn Francis, dec'd) v The Registrar of Titles  
JM.C.A. 02.12.2011

Palmer, Sheldon v R.  
JM.C.A. 02.12.2011

Reid, Massander v Bentley Rose and Cynthia Rose  
JM.C.A. 20.12.2011

Reid, Omar v R  
JM.C.A. 09.12.2011

Soares, Chandra v Francine Duncan  
JM.C.A. 09.12.2011

Wayne Ann Holdings Limited (T/A Superplus Food Stores) v Sandra Morgan  
JM.C.A. 02.04.2011

## LEGISLATION

### Bahamas

#### Acts

37/2011	Bail (Amendment) Act
41/2011	Court of Appeal Amendment) Act
40/2011	Criminal Evidence (Witness Anonymity) Act
35/2011	Criminal Procedure Code (Amendment) Act
30/2011	Customs Management Act
43/2011	Customs Management (Amendment) Act
39/2011	Dangerous Drugs (Amendment) Act

36/2011	Evidence (Amendment) Act
38/2011	Firearms (Amendment) Act
33/2011	Interpretation and General Clauses (Amendment) Act
27/2011	Maritime Marriage Act
32/2011	Modification of Provisions (Ginn-LA West End Grand Bahama) (Amendment) Act
34/2011	Penal Code (Amendment) Act
44/2011	Road Traffic (Amendment) Act
42/2011	Sexual Offences (Amendment) Act
28/2011	Sports Act
29/2011	Sports Authority Act
31/2011	Straw Market Authority Act

#### **Commonwealth of Dominica**

##### **Acts**

4/2012	Insurance Act
5/2012	Marriage (Amendment) Act
2/2012	Social Security (Amendment) Act
1/2012	Supplementary Appropriation (2011/2012) Act

#### **Island of Nevis**

##### **Acts**

12/2011	Amenities for Tourists (Amendment) Ordinance
14/2011	Nevis Appropriation (2012) Ordinance
13/2011	Nevis Physical Planning and Development Control (Amendment) Ordinance

#### **Saint Christopher and Nevis**

##### **Acts**

27/2011	Condominium (Amendment) Act
31/2011	Co-operative Society Act
32/2011	Dogs (Licencing and Control) (Amendment) Act
26/2011	Duty Free Shops (Licensing and Taxation) (Amendment) (No. 2) Act
30/2011	Evidence Act
29/2011	St. Kitts (Planned Community) (Amendment) Act
28/2011	Saint Christopher and Nevis Vacation Plan and Time-Share (Amendment) Act
25/2011	Stamps (Amendment) Act

## **LAW REPORT**

All England Law Reports Annual Review	2011
Estates Gazette Law Reports	2011 Vol. 3
New Zealand Law Reports	2011 Vol. 2

## **TREATISES, DIGESTS ETC.**

Atkin's Court Forms. 2<sup>nd</sup> ed. 2012 Issue

Vol. 20(1)	Family: Relationships and their breakdown (Part 1)
Vol. 20(2)	Family: Relationships and their breakdown (Part 2)
Vol. 20(3)	Family: Financial remedies

Cases and materials on international law. – 5<sup>th</sup> ed. /David Harris  
London: Sweet & Maxwell, 2010

Cavendish guide to mootings/ John Snape and Gary Watt  
London: Cavendish Publishing, 1997

Digest, The 2012 3<sup>rd</sup>. reissue  
Vol. 37(2 & 3) Practice and procedure

Encyclopaedia of Forms and Precedents. - 5<sup>th</sup> ed. 2012 Reissue  
Vol. 38(1) Sale of Land (Commercial Property)

Governmental illegitimacy in international law/ Brad R. Roth  
Oxford: Oxford University, 2000

International law and the use of force. – 3<sup>rd</sup>. ed. / Christine Gray  
Oxford: Oxford University, 2008

MLA handbook for writers of research papers. – 7<sup>th</sup> ed. / MLA  
New York: The Modern Language Association of America, 2009

Recognition of governments in international law: with particular reference to governments in exile/  
Stefan Talmon  
Oxford: Oxford University, 1998

Smith & Thomas: A casebook on contract. – 7<sup>th</sup> ed. /Prof. Roger Brownsword  
London: Sweet & Maxwell, 2009

## SERIALS

**ABA Journal Vol. 97 December 2011**

### **President's message**

ABA members should resolve to better promote the rule of law in 22012

### **Opening statements**

Lawyer crusading for justice is awarded MacArthur "genius grant" *Deborah L. Cohen*

Venture capitalist pushes pledge for big software firms to ease  
up on lawsuits against smaller competitors

*Ed Finkel*

### **The National pulse**

Tougher laws seek to nail bogus nonprofits

*Wendy N. Davis*

After years of setbacks, patent reform finally makes it through

*Steven Seidenberg*

### **Supreme Court Report**

Personalized medicine is at the heart of high court case

*Mark Walsh*

### **Litigation**

Angus makes his first appearance, focusing on the  
cross-examination

*Jim McElhaney*

### **Business of Law**

Documentary filmmakers call on fair-use guru when  
cease-and-desist letters arrive

*Richard Acello*

Solid-state drives can bring a sense of magic to your computer

*Dennis Kennedy*

PI lawyer uses informational videos to put potential clients at ease

*Deborah L. Cohen*

In brand-name vs. generic drug war, law firms must choose	<i>Richard M. Zahorsky</i>
Cash-strapped cities stretch budgets by asking law firms to handle municipal matters for free	<i>Janan Hanna</i>
Audits can be taxing, but keeping your cool can avoid deeper scrutiny	<i>Susan A. Berson</i>
<b>Your ABA</b>	
ABA expresses concern about changing a rule for attorneys in the labor law field	<i>Richard Acello</i>
Allen Pusey in named editor and publisher of the <i>ABA Journal</i>	<i>Molly McDonough</i>
New initiative is designed to showcase innovative approaches to teaching	<i>Mark Hansen</i>
Ethics 20/20 white paper focuses on alternative litigation financing	<i>James Podges</i>
ABA supports comprehensive study of the criminal justice system	<i>Rhonda McMillion</i>

**ABA Journal Vol. 98 January 2012**

**President's message**

Barriers must be removed so female attorneys can equally participate in the practice of law

**Opening statements**

Dubai security officials nearly force cancellation of IBA annual meeting  
*Angela Shah*

FCC's revamped website comes up short on communication  
*Leslie A. Gordon*

New corporate structure helps nonprofits deliver benefits  
*Lorelei Laird*

Public Counsel Law Center's new app connects lawyers with clients  
*Virginia Groark*

**The National Pulse**

Local businesses, states and the Senate take aim at online retailers  
*Deborah L. Cohen*

Courts split over DNA testing for those merely charged with a crime  
*Anna Stolley Persky*

**Supreme Court Report**

Justices get a new look at the old problem of dirty words  
*Mark Walsh*

**Litigation**

What it really means to talk like a lawyer  
*Jim McElhaney*

**Ethics**

Changes mulled regarding ABA opinion on client communication  
*James Podgers*

### **Business of Law**

- Women strive to promote their own in Silicon Valley IP law *G.M. Filisko*
- Advances in search technology alter lawyers' role in review process *Jason Krause*
- How to put your 2012 tech priorities in order *Dennis Kennedy*
- Future Conference surveys trends in the pricing of legal services *Rachel M. Zahorsky*
- Sabbaticals can help lawyers reassess, redirect their careers *Hollee Schwartz Temple*
- Three insiders unpacked the unwritten rules of career advancement for women in the profession *Susan A. Berson*

### **Your ABA**

- Ethics 20/20 looks at limited nonlawyer ownership of law firms *James Podgers*
- Legal education section drafting tougher reporting requirements for law *Mark Hanson*
- LSC reps look to the ABA for help in exploring new strategies to meet legal needs for the poor *Rachel M. Zahoesky*
- Once again, the ABA urges reauthorization of the Violence Against Women Act *Rhonda McMillion*

## **ABA Journal Vol. 98 February 2012**

### **President's message**

ABA rolls out more for members with new program offering free CLE

### **Opening statements**

New documentary, *The Loving Story*, looks at the people behind the seminal civil rights decision *Jill Schachner Chanen*

29-year-old lawyer in Luzerne County, Pa. unseats long-term DA *Wendy N. Davis*

Readers' top Blawg 100 picks *Molly McDonough*

Law-mageddon nears: Comedians-at-Law comedy troupe hits the road *Stephanie Francis Ward*

### **The National pulse**

Torture suits against Donald Rumsfeld may revive 40-year-old liability case *Leslie A. Gordon*

More states are looking at formulas to regulate spousal support *L.J. Jackson*

### **Supreme Court Report**

Election-year health care debate conjures images of New Deal era *Mark Walsh*

**Litigation**

Past events seem more real when they're described as if they're happening in the present

*Jim McElhaney*

**Ethics**

One lawyer's wrongdoing can affect liability coverage for others in a firm

*Ian T. Matyjewicz & David A. Grossbaum*

**Business of law**

Dave nee Foundation helps law students deal with depression

*Hollee Schwartz Temple*

Firms leave lawyers to their own devices as smartphones go viral

*Richard Acello*

Seyfarth Shaw collaborates with nonprofit for children facing immigration issues alone

*Maria Kantzavelos*

Tech tools and strategies for when disaster strikes

*Dennis Kennedy*

Seattle-based sister-brother team plays to each other's strengths

*Deborah L. Cohen*

**Your ABA**

Fighting widespread sexual violence in the Democratic Republic of the Congo

*Anna Stolley Persky*

The ABA prepares to hold its first major business meeting in New Orleans since Hurricane Katrina

*James Podgers*

Association gets ready to move its D.C. operations into leased space after selling historic office building

*James Podgers*

**California Western International Law Journal Vol. 42 No. 1 Fall 2011**

Transitional justice in Kenya? An assessment of the accountability process in light of domestic politics and security concerns

*Thomas Obel Hansen*

What will happen to Hong Kong after 2047?

*Danny Gittings*

The law of the family in Vietnam: assessing the marriage and family law of Vietnam

*Thomas J. Walsh*

**Commonwealth Judicial Journal Vol. 19 No. 2 December 2011**

Why can't we be friends? Should judges be on Facebook?

*John Z. Vertes*

The Commonwealth's contribution to the development of international family law

*Matthew Thorpe*

Legal pluralism: the Ugandan experience

*Benjamin J. Odoki*

The implementation of the Latimer House

*Philip Bailhache*

Current threats to judicial independence

*M. L. Lehohla*

Restorative justice for children: the New Zealand experience

*L. J. Ryan*

**Competition Matters Vol. XVI January 2012**

- Stimulating competition in the post-secondary education services market *Lyndel McDonald*
- Competition – the recession proof environment for economic development *Kevin Harriott*
- Competition policy *versus* industrial policy as an engine for economic growth *Peter-John Gordon*
- The prospects for sustainable growth within the tourism sector *Ministry of Tourism*
- Competition and economic growth: is there a link *Densil Williams*
- Reviving the bauxite and alumina industry *Philip S. Baker*
- Emerging from the global economic downturn: promoting through trade & investment *Nakeeta Nembhard*
- A tale of competition – recession and recovery *Wendy M. Duncan*
- Public choice theory and legislative amendment: the case of the Fair Competition Act, 1993 *Delroy Beckford*
- Crisis cartels: the approach of competition agencies *Sashawah D. Newby*
- Petro jam Limited's product pricing policy *Petrojam Limited*

**<The> International Journal of Evidence & Proof Vol.15 No. 3**

- Threats to the presumption of innocence in Irish Criminal law: an assessment *Claire Hamilton*
- Blind expertise and the problem of scientific evidence *John Danaher*
- The need for caution in the use of DNA evidence to avoid convicting the innocent *Michael Naughton & Gabe Tan*

**<The> International Journal of Evidence & Proof Vol. 15 No. 4**

- Non-conviction DNA databases in the United States and England: historical differences, current convergences? *Liz Campbell*
- Reforming the rules of evidence in cases of sexual offending: thoughts from Aotearoa/ New Zealand *Elisabeth McDonald & Yvette Tinsley*
- Disclosure of foreign intelligence material: CPIA, *Norwich Pharmacal* and the war on terror *Chris Taylor*

**International Review of the Red Cross Vol. 93 No. 882 June 2011**

- Armed groups and intra-state conflicts: the dawn of a new era? *Arnaud Blin*
- Armed groups' organization structure and their strategic options *Abdulkader H. Sinno*



Economic dimensions of armed groups: profiling the financing, costs, and agendas and their implications for mediated engagements *Achim Wennmann*

Reasons why armed groups choose to respect international humanitarian law or not *Olivier Bangerter*

International law: armed groups in a state-centric system *Zakaria Dabone*

Debate: should the obligations of states and armed groups under international humanitarian law really be equal? *Marco Sassoli & Yuval Shany*

The move to substantive equality in international humanitarian law: a rejoinder to Marco Sassoli and Yuval Shany *René Provost*

The applicability of international humanitarian law to organized armed groups *Jann K. Kleffner*

Lessons for the law of armed conflict from commitments of armed groups: Identification of legitimate targets and prisoners of war *Sandesh Sivakumaran*

**Loyola Law Review Vol. 57 No. 2 Summer 2011**

2010 Revision of the law of Usufruct *Max Nathan, Jr.*

Grading the graders and reforming the reform: an analysis of the state of public education ten years after – *No child left behind*  
*Jonathan C. Augustine and Craig M. Freeman*

A defining resource: Louisiana's Place in the emerging water economy *Mark Davis and James Wilkins*

**New Law Journal Vol. 161 No. 7492 December 2, 2011**

**Comment**

Listen & learn, says *Roger Smith*, the judges are speaking

**Employment:** *Simon Cheetham* wonders why tribunal recommendations are such a rare beast

**Family:** *Amy Taylor* predicts the effect of the EC Maintenance Regulation on courts & families in England and Wales

**Property/ Family:** Proceed with care, *Siobhan Jones* distils the lessons practitioners can take from *Kernott v Jones*

**Public:** *Charles Brasted & Julia Marlow* count the costs of environmental judicial review

**New Law Journal Vol. 161 No. 7493 December 9, 2011**

**Comment**

*Jon Robins* signs off his series on life without legal aid

**Employment/ Discrimination:** *David Renton* examines how disputes over immigration status affect unlawful deduction of wages claims

**Personal injury:** *Keith Patten* reviews the implications of *Dawkins* upon liability in negligence

**Public:** Do the government's proposals on justice & security challenge the principle of open justice, asks *Tim Suter*

**Wills & Probate:** *Michael Tringham* reports on the dangers of cutting & pasting

**New Law Journal**      **Vol. 161 No. 7494**      **December 16, 2011**

**Comment**

Does the government's revised schedule for legal aid reform provide hope or just delay? *Carol Storer* reports

**Employment:** *Ian Smith* pays homage to the Law of Sod

**Family:** *Kim Beatson & Lehna Hewitt* review the court's approach to asset sharing & brief encounters

**Personal injury:** Injured claimants should not be subsidizing the insurance industry, says *Karl Tonks*

**Property:** *John Summers & Elizabeth Fitzgerald* examine two recent judgments that challenge long-established property law rules

**Public:** Justice v security: has the government got the balance right? *Victoria Oakes & Alex Odell* review the evidence

**New Law Journal**      **Vol. 162 No. 7495**      **January 6, 2012**

**Comment**

*Roger Smith* gets the juice on lemon law, landmark & lectures

**Family:** *David Burrows* examines the approach of the court to enforcement of ante- & post-nuptial agreements

**Employment:** *Charles Pigott* reopens on sick workers, holidays & the small print

**Human rights/ Discrimination:** Caste discrimination has shed its cloak of invisibility, says *Annapurna Waughray*

**Extradition:** realpolitik, not injustice, will determine UK extradition policy, says *Andrew Smith*

**Property:** *George Hobson & Malcolm Dowden* report on solar vulnerability

**New Law Journal**      **Vol. 162 No. 7496**      **January 13, 2012**

**Comment**

*Dominic Regan* predicts good times ahead for UK litigators

**Employment:** *John McMullen* reviews recent case law on TUPE in the UK & Europe

**Family:** Are we edging towards a single, universally applicable, "test" of habitual residence? *Simon Blain* reports

**Personal injury:** Will natural sympathy for asbestos sufferers trump policy concerns, asks *Elizabeth Carley*

**Wills & probate special**

*Michael Tringham* examines the law relating to inheritance by children

Proposed reforms to intestacy law reflect the reality of modern families, says *Joel Wolchover*

*Daniel Curran* highlights the problems caused by incomplete heir research

**New Law Journal**      **Vol. 162 No. 7497**      **January 20, 2012**

**Comment**

*Dominic Regan* studies signs of Jackson slippage & notes some worrying trends

**Employment:** Post *Edwards*, *Stewart Duffy* & *Alex Leslie* address the tensions between breach of contract & unfair dismissal

**Family:** To set aside or not to set aside? *David Burrows* reviews *Livock*

**Personal injury:** Drivers should exercise extreme caution when turning right, warns *Jack Harris*

**Property:** *James Driscoll* unravels the principles & practicalities of the Localism Act 201

**Education & Training Special**

*Robert Brown* provides a lesson on multi-lingual e-Discovery

*Jane Ching* & *Natalie Byrom* grapple with the present & future demands of legal services education

*Peter Nussey* explains how to help bridge the gap between training & work

**New Law Journal**      **Vol. 162 No. 7498**      **January 27, 2012**

**Comment**

*David Hertzell* & *Colin Moore* assess the legal challenges facing the providers of PIP breast implant

**Employment:** *Chris Bryden* & *Michael Salter* predict a year of transformation

**Employment:** *Ian Smith* pays tribute to some end of term judicial desk clearance

**Family:** *Kim Beaton* investigates the struggle to establish jurisdiction in pre-nuptial cases

**Personal injury:** *Susan Brown* highlights the potential conflicts of interest surrounding ABSs, insurers & motor claims

**Planning:** *Keith Davis* turns the spotlight onto a Thameside Tudor tiff

**Commercial:** *Timothy Trotman* examines the development of the scope of duty test after *The Arcilleas*

**New Law Journal**      **Vol. 162 No. 7499**      **February 3, 2012**

**Comment**

What does the future hold for shareholder democracy, asks *David Greene*

**Employment:** *Melanie Lane*, *Catherine Taylor*, *Anna Chaddick* & *Libby Payne* tackle the pitfalls of social media in the workplace

**Family:** Family lawyers must adapt to survive in the year ahead, says *Geraldine Morris*

**Professional discipline:** When does public interest trump patient consent, asks *James Penry-Davey*

**Property/ Planning:** Should the community infrastructure levy fund superfast broadband, ask *Malcolm Dowden & Jen Hawkins*

**Public:** Is the fairytale over for Brent Libraries, asks *Nicholas Dobson*

**Commercial:** Dealing with a director's subrogated claim is not straightforward, says *Simon Duncan*

**New Law Journal      Vol. 162 No.7500      February 10, 2012**

**Comment**

*Jon Robins* looks behind the scenes of Slater & Gordon's recent buy-out

**Employment:** When should junior court proceedings be stayed in favour of the High Court, asks *Felicia Epstein*

**Family/ Arbitration:** *Tony Marks & Jonathan Tecks* introduce a new family member

**Personal injury:** *Siobhan Jones* recounts the rise (& fall) of the "protester squatter"

**Public/ Human rights:** *Susan Nash* considers the latest human rights developments

**Commercial:** *Nick Young & Richard Holden* picture a post-euro debt landscape

**New Law Journal      Vol. 162 No. 7501      February 17, 2012**

**Comment**

*David Greene* counts the cost of reforming the court system

**Employment:** A divided Supreme Court has upheld & extended the *Johnson* exclusion zone, reports *Anna Macey*

**Family:** *Sarah Whitten* endorses government proposals to encourage parental responsibility

**Personal injury:** When is a travel agent not an agent, asks *Katherine Deal*

**Public:** *Barbara Hewson* examines the relationship between guardians & resistive patients

**Wills & probate special**

Will government proposals under the Finance Bill increase gifts to charity, asks *Emma Satterly*

*Michael Tringham* untangles the latest family spats

Will-makers should put their affairs in order early, says *Paul Grimwood*

**New Law Journal      Vol. 162 No. 7502      February 24, 2012**

**Comment**

*Roger Smith* reflects on three recent cases, two abroad & one at home

**Employment:** *Ian Smith* combines an element of sanity with the esoteric & the notorious

**Property/ Conveyancing:** *Adam Harmer* studies the changing face of conveyancing post HSBC

**Property:** A contract for the sale of land must incorporate all agreed terms, warns *James Naylor*

**Family:** *Andrew Moore* reflects upon the trials & tribulations of adverse inferences

**Personal injury:** *Keith Patten* applauds a holistic approach to negligence liability

**Public:** *Richard Lang* follows the winding path of the *Yukos v Russia* case

**New Law Journal**      **Vol. 162 No. 7504**      **March 9, 2012**

**Comment**

No turning back: *Dominic Regan* reports from the Jackson front line

**Employment:** *Mark Whitcombe* unravels the rights of fixed share partners

**Family:** Family law reform should be handled with care advises *David Burrows*

**Property/ Contract:** The test governing the construction of documents in objective, note *Joanna Bhatia & Malcolm Dowden*

**Personal injury/ Costs:** *Julian Chamberlayne* describes how retrospective & discounted CFAs are treated by the court

**Public international law:** *Khawar Qureshi QC* reports on recent leading cases involving public international law & the English courts

**Wills & probate special**

*Michael Tringham* reports on invalid, void & forged wills

*Mark Warwick* studies the requirements of a legitimate will

**Lawyer liability:** *Katherine Rees* looks at three recent cases in which parties have sought "mercy" from the court

**New Law Journal**      **Vol. 162 No. 7505**      **March 16, 2012**

**Comment**

*Roger Smith* keeps tabs on the government's equivocal approach to human rights

**Employment:** *Ian Smith* sweeps through a month of change, disputed rest breaks & contract setbacks

**Property/ Landlord & tenant:** Could sale & rentback fix the mortgage arrears hole? *David Cowan* investigates

**Family/ Divorce:** *Rebecca Carlyon* notes the intricacies of beneficial interest relating to a foreign divorce

**Personal injury:** *Lucy Wyles* provides an update on foreseeability & trial by ambush

**Oklahoma Law Review Vol. 63 No. 2 Winter 2011**

- Geopolitics, Oil law reform, and commodity market expectations *Robert Bejesky*
- The amended Attorney-Client privilege in Oklahoma: a misstep in the right direction *Robert A. Brown*
- Sex-cells*: Evaluating punishments for teen "sexting" in Oklahoma and beyond *John M. Krattiger*

**Oklahoma Law Review Vol. 63 No. 4 Summer 2011**

- Transcript: globalization of the Hague Children's Conventions with emphasis on the Child Abduction Convention *William Duncan*
- Memorandum: accommodating the UCCJEA and the 1996 Hague Convention *Robert G. Spector*
- The meaning of "Habitual Residence" under the Hague Convention on the civil aspects of international Child abduction and the Hague Convention on the protection of children *Jeff Atkinson*
- "Please let me stay" hearing the voice of the child in Hague abduction cases *Linda D. Elrod*
- Global child welfare: the challenges for family law *Ann Laquer Estin*
- Undermining *Kulko* at home and abroad *John J. Sampson*
- The Hague Convention on child abduction and unilateral relocations by custodial parents: a perspective from the United States and Europe – *Abbott, Neulinger, Zarraga* *Linda J. Silberman*
- Exit costs – a new paradigm for the treatment of international conflicts over matrimonial property regimes? *David S. Rosettenstein*

**Oxford Journal of legal Studies Vol. 31 No. 4 Winter 2011**

- Contract formation and mistake in European contract law: a genetic comparison of Transnational Model Rules *Nils Jansen & Reinhard Zimmermann*
- The demarcation problem in jurisprudence: a new case for skepticism *Brian Leiter*
- Prelude to the International Tax Treaty Network: 1815 – 1914 Early Tax Treaties and the conditions for action *Suniat Jogarajan*
- A matter of style: on reading the Oscar Wilde Trials as Literature *Marco Wan*
- Insanity as a tort defence *James Goudkamp*
- Corporate criminal responsibility as team member responsibility *Ian B. Lee*
- The legal status of body parts: a framework *Jessie Wall*
- A peculiar sociology of punishment *Tom Daems*

**Solicitors Journal Vol. 155 No. 46 December 6, 2011**

**Behind bars**

*Jeannie Mackie* looks forward to what the government has in store for the legal profession

**Private client workshop**

*Ana Wisdell* considers an HMRC investigation of a UK resident with a Swiss bank account

**View from the bench**

*DJ Julie Exton* examines some common mistakes in the use of statutory demands in debt collection and advises how to get it right

**Commercial contracts update**

*Mark Lucas* considers several cases dealing with success fees and commissions

**Pensions update**

*Jennie Kreser* shares her thoughts on what employers can do to ensure they comply with the new rules on workplace pension provision

**Who's to decide on client's interest?**

The new code of conduct will create confusion over client interest and departing partners, says *Andrew Cromby*

**Murder by degrees**

Is the new definition of diminished responsibility a way of bringing in second degree murder? *William herbage QC* and *Felicity Gerry* report

**Enforcing partner restrictive covenants**

*Susanne Foster* and *Clare Murray* discuss post-retirement restrictive covenants in partnership agreements

**Not worth the wick**

The courts have taken a pragmatic approach in abuse of process claims, but it will be to a party's detriment if they don't put all their cards on the table, says *Nathalie Burn*

**Nothing ventured**

With MDPs failing to gain traction, the relaxation of the profession's border controls may best lend itself to joint ventures between solicitors and accountants, says *Stuart Bushell*

**Solicitors Journal Vol. 155 No. 47 December 13, 2011**

**Family business**

Direct access is pitting solicitors and barristers against each other when instead we should be working together, says *Marilyn Stowe*

**Civil conduct**

The third-party funding code is a step in the right direction, but will we need more formal regulation in the future? *Gavin Foggo* and *Caroline Benham* report

**Planning update**

*Julian Boswall* and *Laura Fuller* review the Localism Act, another twist in the Cala Homes saga and environmental permitting

**Divorce update**

*Austin Chessell* considers resolving Christmas holiday contract through mediation, and the first prenup case after *Radmacher*

**The Met must heed warnings on teasers**

They should be restricted to life-threatening circumstances, says *Sophie Khan*

**Too much information**

The mandatory obligation to disclose the level of ATE cover is damaging across to justice, argues *Matthew Amey*

**Number game**

How widely does a defamatory remark need to be circulated to be actionable libel? *Chris Hoyer Millar* investigates

**In high regard**

The public sector equality duty is becoming a potent factor to strengthen the position of protected groups, says *Gareth Mitchell*

**The strongest link**

Think you can ignore LinkedIn? You will be missing out, says *Julian Summerhayes*

**Property workshop**

*John Coulter* examines the problems that can arise from the North Tyneside lease

**Solicitors Journal      Vol. 155 No. 48 December 20, 2011****Felix**

We may not be able to strike, but we can still fight for the Bar's survival. Says *felix*

**European briefing**

The ECJ's ruling on the applicability of the Rome II Regulation has sensibly given more weight to the purpose of the provisions rather than the language used, says *Paul Stanley QC*

**Charity update**

*Sarah Clune* considers the decision on how the public benefit should apply to independent schools and the Attorney General's reference on benevolent funds

**Children update**

Are we experiencing expert overload or are they worth it? *Noel Arnold* joins the debate

**British legal education needs updating**

The UK legal profession must radically adapt its system, argues *John Flood*

**Getting in shape**

*James Holder* considers what ABS investors can expect from the fit and proper tests

**Battle lines**

Mediation can be powerful tool in rebuilding neighbor relationships, says *Chris Makin*

**To report a fault, please hold**

Firms should devise a policy on making reports, says *Susanna Heley*

**Public workshop**

*Juan Lopez* considers the Equality Act in a planning context



**Behind bars**

*Jeannie Mackie* looks forward to the arrival of the new Criminal Procedure Rules

Partners in an LLP that has no written agreement are in a dangerous position, warn *Susanne Foster* and *Clare Murray*

**Private client workshop**

What happens to the trust of a surviving spouse who then remarries? *Charlotte Reed* explains

**ABS countdown**

Has the Legal Services Board done enough to avoid the chop? *Stuart Bushell* asks

**View from the bench**

*DJ Michael Buckley* assesses the upcoming challenges in the family justice system

**Immigration update**

*Jane Coker* considers several cases highlighting the tensions between domestic and European immigration laws

**IP/IT updated**

*Susan Singleton* reviews database rights, illegal downloading and a European case on internet selling bans

**A never-ending story**

As another boundaries hits the courts, *Mark Conway* and *James Goose* explain how such expensive and painful disputes can be avoided

**Public property**

The Wedgewood Museum case illustrates the challenges facing trustees seeking to protect their charities' assets. *Vicki Bowles* reports

**Route masters**

Couples going through separation or divorce must make difficult decisions at a stressful time. *Therese Nichols* explores the options available and how you can help find the best route for them

**Lend a hand**

Do not underestimate the importance of complying with mortgage lenders' requirements, warns *Richard Twyford*

**In the driving seat**

*Chris Makin* reveals how creative mediation worked wonders in several motor car cases

**Direct delivery**

The VAT exemption for cost sharing groups will improve the delivery of services by not-for-profit organizations, says *Shivaji Shiva* but there are still obstacles to

**Time to break down**

The so-called law of anarchy is an unjustified exception to the principle of liability, argues *Tim Lawson-Cruttenden*

**A tough Act to follow**

The Attorney General's poverty reference should clarify the Charities Act, says *Kenneth Dibble*

**Family business**

Focusing on short-term gain is a dangerous game, says *Marilyn Stowe*

**Business development**

*Julian Summerhayes* explains why you should make excellence your top priority

**Civil conduct**

Abolishing experts' immunity won't change anything, argues *Seamus Smyth*

**Property workshop**

The Energy Act: how will the government's 'green deal' affect conveyancers and their clients?  
*John Coulter* reports

**Agriculture update**

*Simon Blackburn* considers wine growing and rights of way

**Estate planning update**

*Susi Dunn* reviews inheritance tax, testamentary capacity and changes to the forfeiture rules

**Solicitors Journal Vol. 156 No. 4 January 31, 2012****Treating the root cause**

The latest guidelines on sentences for drug mules take a fairer approach but the government needs to address the root of the problem, says *Andrew Church-Taylor*

**Safety net**

With the cohabitant population set to grow further and no change in the law sight, *Therese Nichols* reviews the advice lawyers should give to unmarried couples

**Approach with caution**

*Simon Edwards* explains why applying common law principles to part 36 could trip you up

**Felix**

2012 will be a challenge for the justice – but the outcome of the Stephen Lawrence case is a good start to the year, says *Felix*

**Regulatory watch**

Whether or not you are guilty, being accused of money laundering can have brutal consequences, warns *Susanna Heley*

**European briefing**

Can governments extend the scope of the strict liability regime in the defective product directive?  
Asks *Paul Stanley QC*

**Public workshop**

*Gerald Gouriet QC* considers how long interim steps taken by a licensing authority should remain in force

**Health and safety update**

The government should be promoting the protection health and safety legislation affords all parties – not eroding its reputation, argues *Zahra Nanji*

**Wealth management update**

*David Bird* reflects on the *Gaines-Cooper* ruling and capital gains tax relief for the disposal of a main residence

**Two should become one**

Fusing solicitors and counsel into a single profession will lead to a more promising future for all, argues *Julian Young*

**Off target**

The adoption system needs vast improvements – but imposing stringent time limits is illogical and unhelpful, argues *Graham Pegg*

**Left open**

Failing to obtain an independent survey and valuation leaves potential buyers in a vulnerable position, warns *Alex Samuels*

**Knowing right from wrong**

*Susanna Fitzgerald* tackles the extent to which magistrates' courts can overturn decisions by licensing authorities at appeal

**Crunching numbers**

What is your firm worth? *Nick Jarrett-Kerr* Does the sums

**Unleashed**

So, The Co-op is taking on matrimonial work? They're in for a shock, says *Russell Conway* as he looks back at his time in the department

**Technology**

As cloud computing becomes a more prominent tool in the legal IT kit, *Damian Blackburn* highlights the importance of investing wisely

**Costs**

Encouraging stricter case management could provide welcome relief for overburdened country courts, explains *Simon Gibbs*

**Commercial workshop**

Recent cases and legislation have made advising photographers more complicated. *Jonathan Silverman* explores the key issues

**Education update**

*Jennifer Agyekum* reviews the right to legal representation at internal disciplinary hearing and disability discrimination

**Construction update**

*Anna Stillman* considers when one can imply a term into a contract, adjudicator bias and the proposed health and safety reforms

**Shared parenting boosts children's rights**

The reforms implemented in Australia proved successful in the majority of cases, and the UK can learn from this, argues *Duncan Ranton*

**Mixed blessing**

The decision in *Tiffin* could have more damaging consequences for partners than first thought, warns *Peter Garry*

**Partner or employee?**

Firms may be relieved by the ruling in *Tiffin*, but not all partnership disputes will go their way, say *Charis Damiano* and *Clare Murray*

**Uncertain terms**

*Mark Pawlowski* explores the possibility that a contractual licence could be granted instead of an equitable lease

**Behind bars**

*Jeannie Mackie* debates the value of character disclosure

**ABS countdown**

*Stuart Bushell* questions how solicitors will fare under the new business structures

**View from the bench**

Puzzled by the new divorce forms? You're not the only one, says *DJ Paul Mildred* as he explores changes introduced by the FPR

**Private client workshop**

Will-writing pitfalls: what steps can you take to protect yourself from negligence claims? *Ashton Davies* explains

**Residential property update**

*Janet Armstrong-Fox* discusses the risks involved in providing free advice, the duty to update replies to enquiries and email contracts

*Roy Light* considers the procedure for appeals from licensing authorities to the magistrates' court and reforms to the licensing regime

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**Beyond Duke Street**

Are external investors poised to make their move into legal services? *Paul Harding* believes it's a long game

**A world without consequences?**

Has the belief that LLPs are safe from unlimited personal liability had a negative impact on the health of legal businesses? *Andrew Cromby* reports

**Preconceived ideas**

Preconception agreements in the context of non-traditional families are a checkpoint for parties to assess the long-term sustainability of their shared parenting, says *Helen Waite*

**Shifting ground**

The government's costs-shifting proposals are still to be fully worked out but it is clear that the new rules will have to be unequivocal, say *Alistair Kinley* and *Malcolm Keen*

**Power to pay**

Can an organisation pay interest on share capital and retain its charity status? *Stephen Roberts* explains

**Family business**

The government should stop trying to keep divorcing couples out of the courts and start focusing on making the justice system quicker and easier for clients, argues *Marilyn Stowe*

### **Business development**

Law firms websites are abysmal, but yours can be different, says *Julian Summerhayes* as he shares his tips for online perfection

### **Civil conduct**

Is the absence of an enforceable right to obtain documents a barrier to forcing disclosure from related companies? *James Maton* investigates

### **Property workshop**

*John Coulter* highlights the potential conflicts of interest when acting on behalf of both lender and borrower

### **Company update**

*Debbie King* considers transferring shares, oral contracts and termination provisions, and the first sentence under the Bribery Act

### **Employment update**

*Sue Ashtiany* reviews the modern workplaces consultation, contract claims and dismissal, and a discrimination case

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### **Signed and sealed**

Even a simple administrative mistake in a will could lead to severe consequences, says *Matthew Duncan*

### **Well appointed?**

The courts have attempted to take a balanced approach to appointing administrators since *Minmar*, but more guidance is needed, says *Rodric Williams*

### **Come fly with me**

Failure to allow disable air passengers compensation for injury to feelings is a breach of their rights in English and European law, says *Mark Stone*

### **Tool of the trade**

Project management techniques can improve cost control and enhance client relationships, says *Damian Blackburn*

### **World service**

In what circumstances is alternative service overseas permitted? *Andrew Butler* reports

### **Powering up**

The Financial Services Bill is a step closer to a new UK regulatory architecture, say *Michael McKee* and *Gavin Punia*

### **Felix**

If potential criminals could see the devastating effect a prison sentence has on the families of those behind bars perhaps they would think twice, says *Felix*

### **European briefing**

Would Greece's unilateral withdrawal from the euro be legal under EU law? *Paul Stanley* investigates

### **Public law workshop**

*Pavlos Eleftheriadis* examines the paradoxes that arise when determining the rights of European Union citizens

### **Personal injury update**

Have the latest asbestos cases tipped the balance in favour of defendants? *Vijay Ganapathy* reports

### **Crime update**

*Miranda Ching* examines recent developments in criminal procedure and sentencing guidelines for burglary and drugs offences

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### **New arbitration scheme is no alternative to litigation**

The sound rationale behind the new family dispute arbitration scheme doesn't mean it is a credible alternative to either mediation or litigation, says *Miles Geffin*

### **Faulty breast implant removal: does your client have a claim?**

*Hugh Koch* and *Karen Addy* review the psychological diagnosis process for women considering a compensation claim following the removal of faulty breast implant

### **Animal Welfare Act: five successful years?**

The Act was hailed as a revolutionary step forward in animal welfare law and, for once, parliament appears to have got it right, says *Tim Ryan*

### **Unleashed**

High street firms will survive the onslaught of the big brands because we can provide what clients really want, says *Russell Conway*

### **Life in crime**

The dialogue between the British and the Strasbourg courts works well, says *Ben Newton*

### **Regulatory watch**

There are still too many unknowns in the way the various regulators will police the provision of legal advice in the age of ABSs, warns *Susanna Heley*

### **Litigation: costs**

Is it possible to recover retrospective success fees? *Simon Gibbs* finds out

### **Commercial workshop**

*Jonathan Silverman* reviews key steps to protect clients interested in being involved in alternative investment schemes

### **Local government update**

*Simon Chappel* and *Peter Hill* consider education reform and the proposed changes to public procurement

### **Consumer update**

Recent cases have revealed the complexity of the unfair relationship test, says *Rryan Nott*

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### **Cuts are forcing law centres to rethink their operation**

Under financial pressure from funding cuts and the forthcoming legal aid bill, not-for-profit organisations must consider options

**How valuable is expert evidence when assessing a patient in a vegetative state?**

*Richard Scorer and Gemma Hall* discuss experts' roles in cases involving the possible withdrawal of life-sustaining treatment and in compensation claims

**Are we doing enough to remedy miscarriages of justice?**

As we launch *Wrongly accused*, the latest title in the series jointly produced with the Justice Gap, *Jon Robins* reviews the progress of and flaws in our miscarriages of justice system

**Behind bars**

Prisons are no place for the majority of women offenders but still this is where they are sent, says *Jeannie Mackie*

**Partnerships**

*Clare Murray and Ester Martin* explore the rights and options of partners forced to retire

**ABS countdown**

The SRA's actions have prompted firms keen to continue offering financial services to seek out alternatives to ABSs, says *Stuart Bushell*

**View from the bench**

*DJ Harold Godwin* explains the County Court Money Claims Centre will carry out its work

**Private client workshop**

Calling an attorney to account: *Ashton Davies* explains how executors can recover assets successfully and cost-effectively

**Commercial property update**

*Magnus Hassett, Laura Williamson and Katherine Ekers* consider the implications of the dilapidations protocol and break clauses

**Sport update**

*Chris Walsh* reviews the latest developments in the spot-fixing scandal and the impact of match postponement

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**Is this the end of constructive trusts in commercial cases?**

*Clare Stewart* reviews the impact of the changes to the law on constructive trusts in the commercial world

**Vicarious liability is now more about value judgment than law**

Widening the circumstances in which an employer can be found liable has brought worrying ambiguity, says *Chrisoulla Pawlowska*

**The government's mediation plans haven't been thought out**

In its haste to channel disputes through mediation and control the process centrally the government is killing off successful local schemes, says *Jeremy Ferguson*

**Charitable purpose**

An organisation's purpose is still the starting point in determining whether it is eligible for charitable status, says *James Kilby*

**Family business**

Family lawyers must embrace arbitration – it is a fairer, more flexible and potentially cheaper option, says *Marilyn Stowe*

**Business development**

Don't underestimate the power of listening – it could mean the difference between success and failure, says *Julian Summerhayes*

#### **Civil conduct**

The threat of restricted legal advice privilege hasn't gone away, warns *Julian Copeman*

#### **Property workshop**

*John Coulter* explains the steps to take if you are faced with a delayed completion, and the effects of serving a notice to complete

#### **Environment update**

The court's tough stance on nuisance places a burden on those considering buying a new home, says *Adrienne Copithorne*

#### **Clinical negligence update**

*Jock Mackenzie* examines cases considering the rules on the determination of causation

### **University of Pittsburgh Law Review Vol. 72 Summer 2011 Issue 4**

What a short, strange trip it's been: moving forward after five years of Marcellus shale development *Ross H. Pifer*

Recent decisions affecting the development of the Marcellus Shale in Pennsylvania *Kevin C. Abbott and Nicolle R. Snyder Bagnell*

Developing a common law hydraulic fracturing *David E. Pierce*

Legal and commercial models for pore-space access and use of Geologic Co2 sequestration *R. Lee Gresham & Owen L. Anderson*

### **West Indian Law Journal Vol. 36 No. 2 October 2011**

The emergence and evolution of organized crime in Jamaica *Anthony Harriott*

Trouble in paradise? Combating the scourge of financial crime *Shazeeda A. Ali*

Defusing criminal explosives *Sharma Taylor*

Prosecuting financial crime in Jamaica *Caroline P. Hay and Christine A. Chambers*

Corruption, organized crime and governance *Trevor Munroe*

Lotteries and lottery scams *Amina Maknoon*

The Financial Investigations Division Act 2010: a critique *Norman Davis*

Overtaking the Bull: the race to the final frontier *Ingrid Pusey*