

APRIL – JUNE 2012

**JUDGMENTS**

Badchkam, Dwayne v R  
JMCA 16.03.2012

Cablemax Limited and J.T. Cable Network Ltd. v Stony Hill Cable Services Ltd. and Logic One Ltd.  
JMCA 30.03.2012

Balfour, Kevin v R  
JMCA 16.05.2012

Caribbean Settl Company Ltd. v Price Waterhouse (A Firm)  
JMCA 10.04.2012

Caribic Vacations Limited v Debbie Powell and Bulk Liquid Carriers Limited and Osmond Pugh  
JMCA 16.03.2012

COK Sodality Co-operative Credit Union Limited v Intertrade Financial Corporation Limited (in temporary management)  
LMSC 08.05.2012

Cole's Farm Store Ltd. v China Motors Ltd.  
JMCA 02.05.2012

Comrie, Patrick and Orandy Brown and Michael Wallace v R  
JMCA 04.05.2021

Crawford, Richard v R  
JMCA 30.03.2012

Crossings Construction Limited v R.A. Murray International Limited  
JMCA 21.03.2012

Director of Public Prosecutions v Senior Resident Magistrate for the Corporate Area  
JMCA 26.03.2012

**JUDICIAL REVIEW – Whether subpoena for DPP to testify should be set aside – Whether motive for subpoena improper – Whether DPP can give relevant evidence – Effect of section 94 (6) of Constitution**

Edgehill, Lafette and Dwight Reid and Donnette Spence v Greg Christie (Contractor-General of Jamaica)  
JMCA 30.03.2012

Elegero Company Limited v Anthony Perkins  
JMCA 30.03.2012

Fair Trading Commission v Cable and Wireless Ja. Ltd. (Lime) v Digicel Jamaica Ltd. and Oceanic Digital Jamaica Ltd.  
JMCA 15.05.2012

**Whether the Fair Competition Act applies to generally to the telecommunications industry and specifically to mergers and acquisitions – Whether the Fair Trading Commission has jurisdiction in relation to the agreement for the acquisition of Claro by Digicel or transactions effected by the agreement**

Forbes, Wilfred Emmanuel and Cowell Anthony Forbes v Miller's Liquour Store (Dist.) Limited  
JMCA 21.03.2012

Gardner, Margaret v Rivington Gardner  
JMCA 07.05.2012

**MATRIMONIAL PROPERTY – Parties separated – Division of matrimonial property – Family home – Variation of Equal Share Rule – Sections 6, 7, 13, 14 and 15 of the Property Rights of Spouses Act**

Gaynair, Vincent and Charles Ross and Neville Henry v Negril Beach Club Ltd. and Negril Interval Ownership Club and Raz Ofer and Ofer Helfman and Margaret Carswell and Michael Causwell and Julian Edwards  
JMCA 15.06.2012

Giguere, Martin v Government of The United States of America and Commissioner of Correctional Services

JMSC 13.04.2012

**EXTRADITION – Proceedings before Magistrate – Duty of Magistrate – Test for Committal – Whether Magistrate obliged to conduct meaningful judicial proceedings – Need for proceedings to be conducted fairly - Whether arrest in good faith**

Gordon, Ian v R  
JMCA 16.03.2012

Hart-Chung, Diedre Ann v Leslie Chang  
JMCA 11.05.2011

**DISCLOSURE – Property (Right of Spouses) Act – meaning of “property” – property outside of the jurisdiction – property acquires after separation**

Herben, Rohan and Robin Butler v R  
JMCA 25.05.2012

Index Communication Network Limited v Capital Solutions Ltd. and Kenneth Tomlinson and Spectrum Management Authority and Registrar of Companies and Claro Jamaica Limited  
JMCC 03.05.2012

**PRACTICE AND PROCEDURE – Application to strike out claim as disclosing no reasonable cause of action – Application to amend particulars of claim in the face of striking out application**

Jamaica Money Market Brokers Limited and JMMB International Limited v Pradeep Vaswani and Santoshi Limited

JMCC 15.05.2012

**EVIDENCE – Admissibility of documents – Rule 28.19 of the CPR – Meaning of authenticity – Whether documents admissible without more when recipient of disclosed document does not serve notice to prove document – Whether objection on grounds of hearsay can still be taken**

Jamaica Redevelopment Foundation, Inc. v Max Eugene Lambie (As Administrator of the Estate of Elaine Vivienne Tully, deceased)

Johnson, Tafari v R  
JMCA 18.05.2012

Khouri, Raul v R  
JMCA 21.05.2012

Lascelles, de Mercado & Company Limited v Financial Services Commission and Black Sand Acquisition Inc.

JMSC 20.04.2012

**Whether Section 51 of Securities Act creates a statutory tort – Whether Commercial and Civil C Court should exercise its discretion to make a declaration where the statutory provision creates a criminal offence**

Lawrence, Ketey v R

JMCA 20.04.2012

Masters, Raphael v R

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McPherson, Humphery Lee v Jamaica Public Service Co. Ltd.

JMCA 08.06.2012

Minott, Frederick and Kirk Gardner v R

JMCA15.06.2012

Moran, Dian and Enid Moran v Attorney General of Jamaica

JMCA 24.05.2012

Murray, Christopher v R

JMCA 18.05.2012

Ofer, Raziell v George C. Thomas and George C. Thomas & Co. (A firm) Cecil Anthony Bird and Ron Staneckey and David Leibovitz and John B. Chuck and The Villas-Negril Limited and Frolic Resort Limited

JMCA 12.06.2012

Pasley, Donna v Jamaica redevelopment Foundation, Inc. and Registrar of Titles

JMSC 17.05.2012

**APPLICATION FOR INJUNCTION - Rights of a spouse under section 6 (2) of the property (Rights of Spouses) Act – Exercise of Mortgagee's power of sale – Limitation of Actions Act**

Perry, Jeffrey v R

JMCA 30.03.2012

Pfizer Limited v Midimpex Jamaica Limited and NMF Pharmaceuticals Limited and Lasco Distributors Limited

JMCA 31.05.2012

Richards, Velma v Georgette Burnett [Consolidated with] Karl McDermott v Georgette Burnett

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**ROAD TRAFFIC – Motor vehicle colliding with stationary taxi – Negligence – Onus of Proof – Damages**

Rowe, David v Constable Jermaine Thompson and The Attorney General of Jamaica

JMCA 04.05.2012

Shtern, Adele v Villa Mora Cottages Ltd. and Monica Cummings

JMCA 16.04.2012

Walker, Danville v The Contractor-General of Jamaica

JMSC 26.03.2012

**JUDICIAL REVIEW – Reluctance of court to review decision to prosecute even greater when challenge to decision indirect – Alternative remedy as a bar to grant leave – Disciplinary nature of judicial review – Desirability to avoid multiplicity of proceedings – Court will not act in vain**

Williams, Gerville and Orrett Williamson and Francis Rennals and Devon Noble and David Hutchinson and Petro Greene and Marcel Dixon and Kenneth Daley v The Commissioner of The Independent Commission of Investigations and The Attorney General and The Director of Public Prosecutions  
JMFC25.05.2012

**CONSTITUTIONALITY OF LEGISLATION – Whether Section 21 of Independent Commission of Investigation Act breaches Constitution – Test for unconstitutionality – New chapter of rights and freedoms – Whether new test needed – Right against self incrimination – Right to silence**

Williams, Negarth v R  
JMCA 08.06.2012

Wong Ken, David and Jack Koonce and David Wong Ken (Representative of the estate of Shirley Shakespeare) and Western Cement Company Limited v National Investment Bank Jamaica Limited and Clarendon Lime Company Limited and Limestone Corporation of Jamaica Limited and Dr. Vincent Lawrence and Kirby Clarke (Representative of the Estate of Horace Clarke) and Cezley Sampson and Vinroy Gordon  
JMCA 16.03.2012

## LEGISLATION

### Bahamas

#### Acts

2/2012	Bail (Amendment) Act
5/2012	Bankruptcy (Amendment) Act
6/2012	Bills of Exchange (Amendment) Act
1/2012	College of the Bahamas (Amendment) Act
8/2012	Companies (Amendment) Act
10/2012	Freedom of Information Act
3/2012	Judges' Remuneration and Pensions (Amendment) Act
9/2012	Modification of Provisions (Mayaguana Island Developers Limited) Act
4/2012	Parliamentary Elections (Amendment) Act
7/2012	Payment Systems Act

### Jamaica

#### Acts

2/2012	Processed Food (Amendment) Act
1/2012	Road Traffic (Temporary Ticket Amnesty) Act
3/2012	Standards (Amendment) Act
4/2012	Telecommunications (Amendment) Act

### St. Christopher and Nevis

#### Acts

8/2012	Agricultural Produce and Livestock (Registration of Vendors) Act
7/2012	Animals (National and International Movement and Prescribed Diseases Prevention Act
38/2011	Anti-Terrorism (Amendment) Act
3/2012	Anti-Terrorism (Amendment) Act
5/2012	Attorney General's Reference (Constitutional Questions) Act
4/2012	Banking (Amendment) Act

1/2012	Immigration (Amendment) Act
39/2011	OECS (Revised Treaty of Basseterre Establishing the Organisation of Eastern Caribbean States Economic Union) Act
6/2012	Offences Against the Person (Amendment) Act
2/0212	Passport and Travel Documents (Amendment) Act
40/2011	Vehicles and Road Traffic (Amendment) Act

## LAW REPORTS

Appeal Cases	2011	Vols.1 & 2
Cayman Islands Law Reports	2011	Vol. 1
Estate Gazette Law Reports	2012	Vol. 1
Law Reports – Chancery Division	2011	
Law Reports – Family Division	2011	
Law Reports – Queen’s Bench Division	2011	
West Indian Reports	Vol. 79	

## TREATISES, DIGESTS, ETC.

Atkin’s Court Forms. 2 <sup>nd</sup> ed.	2012	
Vol. 19(4)	Elections, Evidence	
Vol. 29(2)	Counterclaims and other additional claims	
Vol. 33(2)	Restrictive Covenants, Revenue	KN351.A88
Encyclopaedia of Forms and Precedents. 5 <sup>th</sup> ed.	2012 Reissue	
Vol. 3(3)	Bankruptcy and Insolvency (Corporate Insolvency)	
Vol. 7	Choses in Action, Civil Aviation	
Vol. 8(2)	Compulsory acquisition	
Halsbury’s Statutory Instruments	2007 Issue	
Vol. 14(1)	National Health Service	
Vol. 14(2)	Open Spaces to Pensions	

## SERIALS

### ABA Journal Vol. 98 March 2012

#### President’s message

Uniform Law Commission helps by maintaining a balance of state and federal regulation *Wm.T. (Bill) Robinson*

#### Opening statements

California Supreme Court to review the character test put to former fabulist Stephen Glass *Leslie A. Gordon*

“Crowdfunding” supporters look to Congress to lighten regulatory load *Deborah L. Cohen*

Chicago attorney unearths new evidence in book, seven years in the making, on the Sacco-Vanzetti affair *Ed. Finkel*

A test of characters; first-ever Twitter moot court competition *L.J. Jackson*

State legislators trot out proposals for mandatory drug testing of judges  
and other state officials *Deborah Graham*

### **National Pulse**

As cellphone recording increases, officers find the limelight uneasy  
*David L. Hudson Jr.*

New York and Delaware may lose their grip on bankruptcy cases *Mark Curriden*

### **Supreme Court Report**

Health care case again raises the controversy of justices' recusal *John Gibeaut*

### **Litigation**

Fear is the biggest obstacle to organizing your case *Jim McElhaney*

### **Ethics**

Immigration law raises a unique mix of ethics issues for lawyers *G.M. Filisko*

### **Business of Law**

Some law firms are finding that jerk-free policies promote better  
work environments *Reginald F. Davis*

Useful suggestions for getting a handle on information overload *Deborah L. Cohen*

Collaborative workspaces offer the benefits of a firm without the  
economic hassles *Deborah L. Cohen*

A look at the new challenges associates face in making partner *Rachel M. Zahorsky*

The hidden dangers of roll-your own software *Joe Dysart*

Attorney puts hiatus to use, creates 'pace runner' for billable goals  
*Joe Dysart*

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

### **President's message**

2012 Law Day theme will resonate with lawmakers and the public  
in support of court funding *Wm. T (Bill) Robinson*

### **Opening statements**

New documents, *Unraveled*, looks at fast life of convicted  
fraudster Marc Dreier *Jill Schachner Chanen*

Law firm marketer makes the most of eye-map technology *J.S.C.*

New York City attorney's business method patent helps mitigate  
the risk of investing in satellite technology *Deborah L. Cohen*

Interrogation phase: a sampling of oddball job interview questions  
*J.S.C.*

### **The National Pulse**

If they can't live, inmates say then donate organs – but  
state disagrees *Anna Stolley Persky*

Cancer images are lighting up a First Amendment blaze *David L. Hudson Jr.*

**Supreme Court Report**

Arizona set to tell its tale of how to stop illegal immigrants *Mark Walsh*

**Litigation**

Present your case so that it fits with what the jury wants to believe  
*Jim McElhane*

**Ethics**

More statutes are treating incivility as a possible ethics violation *G.M. Filisko*

**Business of Law**

Administrators weigh criticisms, offer benefits of LLM degree *Kathryn Kennedy*

Paradigm shift series hits a nerve *Rachel M. Zahorsky*

ABA launches new website, resource center for solos, small firms  
*Deborah L. Cohen*

Off the charts; a comparison of manual and tech-assisted  
doc review *Maura R. Grossman et al.*

Court funding cuts portend shrinking judicial job prospects *G.M. Filisko*

LinkedIn is more than social media for lawyers *Dennis Kennedy*

**Your ABA**

Association looks to add those with disabilities to increasingly  
diverse mix of nominees to the federal bench *Mark Hansen*

**California Western International Law Journal Vol. 42 No. 2 Spring 2012**

Where has theory gone? Some questions about global justice *José Maria Monzón*

LatCrit and Twail *Anthony Anghie*

*Pax Arabic?*: Provisional sovereignty and intervention in the Arab  
Uprisings *Asli Bali and Aziz Rana*

Torture in Chile (1973-1990): analysis of one hundred survivors'  
testimonies *Hugo Rojas Corral*

**Caribbean Rights Vol. 2 Issue 1 January 2012**

The Caribbean Court of Justice and access to justice *Nancy Anderson*

Reflections on my Caribbean experience *Daniel Suter*

About the death penalty project *Daniel Suter*

**Columbia Journal of Law and Social Problems Vol. 45 No. 3 Spring 2012**

Off the walls: Abandonment and the first sale doctrine *Dan Karmel*

Advertising for life: CPC Posting Laws and the case of Baltimore  
City ordinance 09-252 *Daniel J. Faria*

Procreating without pregnancy: Surrogacy and the need for a comprehensive regulatory scheme

*Leora I. Gabry*

**Commonwealth Judicial Journal      Vol. 20 No. 1      June 2012**

Ethics and the rule of law

*Michael Todd*

Constitutional interpretation

*Amos Adeoye Idowu*

Vita Sackville-West: poet, Novelist and Magistrate

*Thomas S. Woods*

The role of the Chief Justice in promoting and protecting the independence of the Judiciary

*Benjamin J. Odoki*

**<The> International Journal of Evidence & Proof      Vol. 16 No. 1**

Likelihood-ratio framework and forensic evidence in court: a response to *R v T*

*Geoffrey Stewart Morrison*

Is reliability sufficient? The Law Commission and expert evidence in international and interdisciplinary perspective (Part 1)

*Gary Edmond*

Due process and the admission of expert evidence on recovered memory in historic child sexual abuse cases: lessons from America

*Sinéad Ring*

**<The> International Journal of Evidence & Proof      Vol. 16 No. 2**

Reforming defence rights in French police custody: a coming together in Europe

*Aude Dorange & Stewart Field*

Cross-examination of vulnerable witnesses – toward a blueprint for re-professionalisation

*Adrian Keane*

**Journal of Commonwealth Criminal Law      Issue 1 May 2012**

In pursuit of criminal justice: Recent trends in Commonwealth case-law

*James S. Read*

Macaulay's Indian Penal Code and Codification in the nineteenth Century British Empire

*Barry Wright*

Macaulay's IPC – A success at home, overlooked abroad

*Greg Taylor*

Mutual assistance in criminal matters: the challenges of the common law tradition

*Shannon Cuthbertson*

The fallacy that is incapacitation: and argument for limiting imprisonment only to sex and violent offenders

*Mirko Bagaric & Theo Alexander*

Jurisdiction spotlight: South Africa

*Jonathan Burchell et al.*



**<The> Journal of World Investment & Trade Vol. 13 No. 1 2012**

On the source, essence of Yellow Peril” doctrine and its latest Hegemony “Variant” – the “China threat” Doctrine: From the perspective of historical mainstream of Sino-Foreign Economic interactions and their inherent jurisprudential principles *An Chen*

Force Majeure in tumultuous times: impracticability as the new impossibility it’s not as easy to prove as you might believe *Mark Augenblick & Alison B. Rousseau*

Globalization and world dairy trade: an assessment *Ramphul*

Is SAFTA a myth or reality? *Badar Alam Iqbal*

Mapping anti-dumping disputes from 1995 to 2011: the changing pattern *Ling Ling He & Razeen Sappideen*

The regime of international investments within the association agreements: towards a new comprehensive regulation? *Jacopo Tavassi*

**<The>Journal of world Investment & Trade Vol. 13 No. 2 2012**

Services and investment in the EU – South Korea Free-Trade Area: Implications of a new approach for GATS v Agreements and for bilateral investments treaties *James Mathis*

The use of paragraph 6 of the Doha Declaration on the TRIPS Agreement and Public Health (2001): A review of implementation experiences in the developing countries *Alexandra Bhattacharya*

Equity-based decision-making and the fair and equitable treatment standard: Lessons from the Argentine investment disputes – Part 1 *Srilal M. Perera*

Determinants of FDI in South Asia: Role of infrastructure, trade openness and reforms *Pravakar Sahoo*

Compensation under international law in cases of treaty breach resulting in impairment of business performance *Christer Söderlund*

Foreign direct investment in India’s service sector: A case of education sector *Bhawana Rawast*

A comparative analysis of the patterns of Japanese and Korean foreign direct investment in China *Jai S. Mah & Sunyoung Noh*

**Law Teacher Vol. 46 No.1 March 2012**

The Annual Lord Upjohn Lecture 11 November 2011 widening participation in a changing landscape *Wes Streeting*

Acquiring skills for a global world through a peer mentoring scheme: a UK law school experience *Shamini K. Ragavan*

Assessment of the use of English in undergraduate law degrees:  
are law schools complying with the QAA subject benchmark? *Peter Breakey*

Defining pedagogical standards and benchmarks for teaching  
performance in law schools: contrasting models in New Zealand  
and the United Kingdom *Peter Devonshire & Ian Brailsford*

Are we using technology for technology's sake? An evaluation  
of a simulated employment exercise at undergraduate level  
*Amy Musgrave & Vicky Thirlaway*

**Loyola Law Review Vol. 56 No. 2 Summer 2010**

What makes a great legal negotiator? *Charles B. Craver*

Using performative, distributive, integrative, and transformative  
principles in negotiation *James R. Holbrook*

**Loyola Law Review Vol. 57 No. 3 Fall 2011**

From John Marshall to Thurgood Marshall: A tale of innovation  
and evolution in Federal Indian Law Jurisdiction *Richard L. Barnes*

Food sovereignty for poor countries in the global trading system *James Thuo Gathii*

The grand bargain: Pro-borrower responses to the housing crisis  
and implications for future lending and homeownership *Dustin A. Zacks*

**Loyola University Chicago Law Journal Vol. 43 No. 2 Winter**

Hate speech, genocide, and revisiting the "marketplace of ideas"  
in the Digital Age *Karen Eltis*

Formulating a new atrocity speech offence: incitement to commit  
war crimes *Gregory S. Gordon*

Fulfilling the U.S. obligation to prevent exterminationism:  
a comprehensive approach to regulating hate speech and  
dismantling systems of genocide *Sarah E. Ryan*

Accusation in a mirror *Kenneth L. Marcus*

**Loyola University Chicago Law Journal Vol.43 No. 3 Spring 2012**

Managing summary judgment *Steven S. Gensler & Lee H. Roseenthal*

The 25<sup>th</sup> anniversary of the Summary judgment Trilogy: much  
ado about very little *Linda S. Mullenix*

Summary pre-judgment: The Supreme Court's profound, pervasive,  
and problematic presumption about human behavior *Michael J. Kaufman*

Taking cognitive illiberalism seriously: judicial humility,  
aggregate efficiency, and acceptable justice *Jeffrey W. Stempel*

**New Law Journal Vol. 162 No. 7503 March 2, 2012**

**Comment**

*Deborah Evans* warns against too much change, too soon

**Employment:** *Chris Bryden & Michael Salter* advise how employees can make a successful claim for injury to feelings

**Family:** When is a marriage not a marriage, asks *Jonathan Herring*

**Personal injury:** *Theo Hackle QC* studies the calculation of further loss of earnings under *Ogden 6*

**Inquests:** *Martin Smith* explains why reforming archaic inquest laws is essential

**Property:** *Jonathan Upton* considers how the court distinguishes a sham agreement

**Human rights:** When is kettling justified, asks *Richard Scorer*

**New Law Journal**      **Vol. 162 No. 7506**      **March 23, 2012**

**Comment**

Should customers be king in the post-LSA legal landscape, asks *Ron Robins*

**Employment:** *John McMullen* tackles TUPE's "gold-plated" SPC rules

**Personal injury:** *Karen O'Sullivan* considers limitation & the impact of delay

**Family/ Property:** *David Burrows* notes the complexities that surround the severance of joint tenancy

**Property/ landlord & tenant:** *Edward Peters & Tamsin Cox* lay out the issues surrounding the resurrection of a landlord & tenant riddle

**Regulatory/ Health & safety:** The heat is on for organization & individuals who do not pay heed to fire safety precautions, notes *Gerard Forlin QC*

**Commercial:** *David Hertzell & Colin Moore* examine the potential benefits & pitfalls of the Common European Sales Law

**New Law Journal**      **Vol. 162 No. 7507**      **March 30, 2012**

**Comment**

The government has failed in its attempt to promote fairer, quicker & cheaper justice says *Toby Craig*

**Employment:** *Chris Bryden & Michael Salter* provide an update on vicarious liability

**Family:** *Geraldine Morris* examines where the fault lies for wasted costs

**Personal injury:** *Gill Edwards* considers why *Rabone* is a landmark human rights decision

**Bar focus:** The bar should be proud of its contribution to the impartial administration of justice, says *Stephen Hockman QC*

**Property/ Housing:** *James Driscoll* follows the battle to make service chargers more accountable

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

**New Law Journal**      **Vol. 162 No. 7508 &7509**      **April 6 & 13, 2012**

**Comment**

*Dominic Regan* hears the latest from Sir Rupert Jackson

**Employment:** *Charlotte Stern* reports on the latest TUPE developments

**Family:** *Duncan Ranton & Jane Keir* assess the value of pre-conception agreements

**Personal injury:** *Sally Cowen & Yvette Genn* contemplate the RTA portal

**Property supplement**

The UK may be in deep water as flood insurance ends, says *Richard Hinton*

*Martin Burns* looks at the impact of removing immunity from property expert witnesses

*Kevin Dick* follows the fight against conveyancing fraud

**Commercial:** *Peter Vaines* rounds up the latest developments in the world of tax

**New Law Journal**      **Vol. 162 No. 7510**      **April 20, 2012**

**Comment**

*Roger Smith* rounds up the latest human rights developments

**Employment:** The use of springboard injunctions by employers is soaring, says *Richard Owen-Thomas*

**Personal injury:** Successive governments have failed to protect RTA victims. It's time to act, says *Nicholas Bevan*

**Property:** Will reform resolve the legal minefield of easements by prescription, asks *Christopher Warenius*

**Regulatory:** *Tim Spencer-Lane* breaks down the consultation on health care regulation

**Family:** A trust should express, not obstruct, a court's will says *Jenny Duggan*

**Public:** *Ed Mitchell* provides an update on community care law

**Commercial:** *Paul Lowenstein QC & Teniola Onabanjo* detail why London has become a centre for international litigation

**New Law Journal**      **Vol. 162 No. 7511**      **April 27, 2012**

**Comment**

*David Greene* reveals the gaps in the LASPO Bill

**Employment:** *Charles Pigott* explains how & why age can be a case apart

**Family/ Child law:** What do children cases decide, asks *Simon Johnson*

**Property:** Sale & rent back is no answer to a mortgage, says *Daniel Gatty*

**Personal injury:** *Patrick Allen* sums up the current approach to the discount or enhancement of damages

**Public/ Human rights:** *Susan Nash* investigates the latest battles in the world of human rights

**Wills & probate:** *Paola Fudakowska & Henrietta Mason* sum up recent wills & probate developments

**Commercial:** *Clive Sheldon* QC debates the pros & cons of retrospective tax legislation

**New Law Journal**      **Vol. 162 No. 7512**      **May 4, 2012**

**Comment**

*Dominic Regan* is alarmed by the undoing of the Jackson proposals

**Employment:** *Eugene Wojciechowski & Clare Arthurs* predict how an Olympian summer could affect the workplace

**Family:** *Philip Waller* traces the changing face of family law

**Personal injury:** *Roger Harris* follows the plight of personal injury claimants

**Property/ Landlord & tenant:** Are future rents payable as an expense in administration, ask *Adam Rosenthal & Joseph Ollech*

**Public:** *Jamie Potter* questions the “absolute” exemptions to disclosure under FIA 2000

**Commercial:** *Tom Deegan, Eric Lin & Bree Miechel* highlight the legal considerations surrounding the growing investment in shale gas

**New Law Journal**      **Vol. 162 No. 7513**      **May 11, 2012**

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*Tim Lawson-Cruttenden* suggests an Olympian counter-anarchy strategy

**Employment:** *Chris Bryden & Michael Salter* suggest tactics for the recovery of costs in employment cases

**Family:** Ancillary relief v confiscation proceedings: what takes priority, asks *Sarah Wood*

**Personal injury:** Eighty years on, *Keith Patten* traces the legacy of *Donoghue v Stephenson*

**Property:** It is impossible to draw a line under boundary disputes, discovers *Jonathan Fowles*

**New Law Journal**      **Vol. 162 No. 7514**      **May 18, 2012**

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Late changes will not be enough to soften the blow of pending change for vulnerable clients, says *Jon Robin*

**Employment:** *Ian Smith* provides a round-up of the latest employment law decisions

**Family:** *Kim Beatson* provides a helpful reminder of family law principles

**Personal injury:** *Katherine Deal* assesses the current stance on discount rates

**Property/ Professional indemnity:** *Adrian Kwintner* puts the art of property valuation under the spotlight

**Public:** *Nicholas Dobson* examines the fight against predetermination in local government

**Insolvency:** *Clare Arthurs* tackles insolvency practitioners & personal liability

**Commercial:** *Adam Craggs* analyses HMRC's latest defeat in the First-tier Tribunal

**New Law Journal      Vol. 162 No. 7515      May 25, 2012**

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*Roger Smith* rounds up recent human rights developments

**Employment:** European Directives strike again *Spencer Keen & Monica Sobiecki* investigate

**Family:** *Jon Herring* examines the approach to the dissolution of gay marriage

**Lawyers' liability:** *Simon Love* assesses the proposed new role for the SRA Compensation Fund

**Property:** *Paul Denholm* questions the application of LA 2011 to planning breaches

**Property/ Environment:** *Hayley Tam* puts into perspective the contaminated land regime amendments

**New Law Journal      Vol. 162 No. 7517      June 8, 2012**

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*David Greene* warns of the danger of focusing on the cost of legal services

**Employment:** *Rob Weir QC & Vijay Ganapathy* examine a parent company's liability to an employee of its subsidiary

**Family:** *Geraldine Morris* advises a cautious approach to clean-break orders

**Person injury:** *David Regan* takes the reins of the debate surrounding liability for horse-related injuries

**Oklahoma Law Review Vol.64 No. 2      Winter 2012**

Too narrow of a holding? How – and perhaps why –  
Chief Justice John Roberts turned *Snyder v Phelps* into an easy case  
*Clay Calvert*

Gas marketing by the operator under a JOA – unrecognized  
regulatory risks and practical solutions  
*William F. Demarest,*

Essay: Oklahoma's save our state amendment: two issues for  
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**Oxford Journal of Legal Studies      Vol. 32 No.1      Spring 2012**

Dignity as an expressive norm: neither vacuous nor a panacea  
*Tarunabh Khaitan*

Dacey on writing the <i>Law of the Constitution</i>	<i>Mark D. Walters</i>
Misfeasance in a public office: A tort law misfit?	<i>John Murphy</i>
Rewriting the requirement for a 'recognized psychiatric injury' in negligence claims	<i>Rachael Mulheron</i>
'Though it shocks one very much ': formalism and pragmatism in the <i>Zong</i> and <i>Bancourt</i>	<i>TT Arvind</i>
Conceptualizing declarations of independence in international law	<i>Jure Vidmar</i>
Imprisoned by a doctrine: The modern defence of Parliamentary Sovereignty	<i>Vernon Bogdanor</i>

**Oxford Journal of Legal Studies      Vol. 32 No. 2      Summer 2012**

At the origins of constitutional review: Siey�s' constitutional jury and the taming of constituent power	<i>Marco Goldoni</i>
Rightless enemies: Schmitt and Lauterpacht on political piracy	<i>Walter Rech</i>
'Sewing the fly buttons on the Statute': employee inventions and the employment context	<i>Justine Pila</i>
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Judicial legitimacy and the role of courts: explaining the transitional context of the German Border Guard cases	<i>Adrian K�nzler</i>

**Solicitors Journal      Vol. 156 No. 12      March 27, 2012**

**Kettling will not always be lawful**

Recent cases reinforce the proposition that police containment must only be used in exceptional circumstances, says *Sophie Khan*

**The end of 'supermarket' banking**

The clampdown on PPI mis-selling confirms that the banks owe a high standard of care to their customers, says *Laura Jenkins* and *Paul de Villiers*

**Defective product legislation offers a faster alternative to negligence claims**

A fire caused by a defective product at *Richard Barr's* cottage made a closer look at the Consumer Protection Act

**Assessing PSLA damages for mesothelioma victims**

The JSB guidelines place too much emphasis on the duration of pain – numerous factors must be considered, says *Alan Mckenna*

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**Conditional break rights: rent traps for tenants**

*Deborah Cadwell* explains how to successfully exercise a break right

**'We should be given inquisitorial powers**

*DJ Richard Chapman* talks to *Jean-Yves Gilg* about why the role of district judges must radically change and procedures be overhauled if county courts are to effectively tackle upcoming challenges

**Can pursuing a doomed case justify indemnity costs?**

*Ian McConkey* and *Stephen Gorman* examine how the courts determine unreasonable conduct

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**Applying for ABS status**

*Bernadette Summers*, new non-lawyer managing partner of one of the first SRA-licensed ABSs gives her account of the process

**Mesothelioma ruling opens doors to future claims**

The Supreme Court 'trigger' litigation ruling provides clarity for all , says *Alan McKenna*

**The HSBC saga continues**

The lenders's decision to cut down its conveyancing panel is bad for clients, says *Jonathan Smithers*

**Establishing old rights of way**

Time is running out for interested parties to establish public rights of way, says *Alec Samuels*

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**The public is being misled about pre-signed abortion certificates**

The attack on doctors pre-signing abortion certificates is wrong in law and ignores the realities of medical life, says *Barbara Hewson*

**Purpose alone can no longer determine if there is a deprivation of liberty**

Earlier findings that safeguards do not apply because deprivation of liberty has a benevolent purpose are no longer supported, says *David Hewitt*

**Modernising archaic easement laws**

Proposals to reform the old laws on easements would put an end to unnecessarily complex and uncertain rules, says *Mangala Murali*

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**Personal injury trust vs deputyship**

How does the Court of Protection decide between authorizing a trust or appointing a deputy? *Ruth Hughes* reports

**Securing redress for sex crime victims**

Victims of sexual offences are still being let down by the justice system despite attempts at improving effectiveness, writes *Nogah Ofer*

**Paying the price for leasehold disputes**

The widened scope of a common costs clause means such clauses must be clearly drafted to avoid expensive and protracted litigation, says *David Sawtell*

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**The legal aid bill is a disaster for both clients and providers**



The government will come to regret such deep cuts to vital service, warns *Carol Storer*

#### **How to defend chronic pain cases**

*Duncan Wright* outlines the key points to consider when defending claims in this challenging area

#### **The new stalking Act is merely a rehash of current legislation**

New laws will not help victims until the police and CPS start taking this crime seriously, says *Andrew Church-Taylor*

#### **Charitable incorporated organisations: time for action**

The Charity Commission has recognized the advantages of CIOs, so why is government still dragging its feet? *David Lang* reports

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#### **New personal injury small claims limit would restrict claimants' rights**

The latest consultation on the increase of the small claims limit reflects the government and insurance lobby's determination to limit claimants' rights to redress, says *David Ellis*

#### **When a parent company may be liable in negligence for the acts of its subsidiary**

*Alan McKenna* reviews the court's reasoning in *Chandler* while *Robert Weir QC* and *Vijay Ganapathy* assess the circumstances and extent to which liability may attach as a result

#### **Kettling is only lawful in exceptional circumstances**

A Court of Appeal decision demonstrates the balancing exercise the courts must carry out between upholding the right to protest and maintaining public order, says *Seamus Burns*

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#### **Let's not fight over quality assessment**

Accreditation is a positive step towards ensuring quality representation, argues *Felicity Gerry*

#### **Deprivation of liberty can never be 'normal'**

Defining normality by comparing a disabled person with someone in a similar situation is a questionable approach, says *David Hewitt*

#### **Animals Act consultation is necessary**

Defra wants to ensure owners are sufficiently protected, but recent cases reveal they already are, say *Michael McNally* and *Giles Mooney*

#### **The redaction of records in children cases**

Local authorities should take a different approach to disclosing third-party information in child abuse cases, says *Peter Garsden*

#### **Tackling pointless FOI requests**

Organisations are now in a stronger position to deal with those abusing the right to information, says *Vicki Bowles*

#### **How to reduce the risk of claims against you**

*Dominic Dennis-Browne* explores the common errors that can lead to claims and what you can do to avoid making them

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#### **It's time to confine referral fees to the past**

The LSB must act now to stamp out this unacceptable practice, or we will all suffer, says *Maura McGowan QC*

### **Reviewing the approach to contractual interpretation**

The courts have clarified the principles to be applied when constructing commercial contracts, say *Conrad Walker* and *Helen Rowlands*

### **What is a debt relief order?**

*Alec Samuels* explains who qualifies for the order, the process of applying for one and how creditors are protected from unscrupulous behavior

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### **Can we tackle drug-driving through new legislation?**

There are numerous issues to resolve before a law can be brought into force, says *Andrew Church-Taylor*

### **Changes to bailiff enforcement: assessing the impact**

Will amending the law achieve the correct balance between the rights of creditors and those of debtors? *Tom Bailey* and *Denise Cushine* investigate

### **Restricting the role of privilege against self-incrimination**

*Emily Swithenbank* and *Laura Nation* explore the impact of a phone hacking case

### **Avoiding unequivocal election**

A recent case has prompted the Privy Council to provide updated guidance on how to apply the principles of election, says *Andrew Head*

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### **Breakfast in bed, chocolate on the pillow and a divorce**

How will the divorce hotel work and will it be a success? Asks *Jonathan West*

### **When can you safely terminate a retainer?**

*Bernard Livesey QC* and *Joshua Munro* consider whether the 'entire contract' doctrine is fit for purpose in the 21<sup>st</sup> century

### **Charities: pursuing litigation**

*Alice Holt* examines the court's approach to a charity's application to engage in legal proceedings relation to an internal dispute

### **Look after your existing clients and reap the benefits**

Investing in a meaningful client relationship system is the key to fighting off the competition, says *Julian Summerhayes*