

## JANUARY – MARCH 2014

### JUDGMENTS

Advantage General Insurance Company Limited v The Commissioner of Taxpayer Appeals  
JMCA 07.02.2014

Alcron Development Limited v Port Authority of Jamaica  
JMCA17.02.2014

Bennett, Hugh and Jacqueline Bennett v Michael Williams  
JMCA 22.11.2013

Berbick, Harold and Kenton Gordon v R  
JMCA 07.03.2014

Blair, Dalton v Attorney General  
JMCA 01.11.2013

Brown, Bartholomew and Bridgette Brown v Jamaica National Building Society  
JMCA 04.02.2014

Cain, Delsie v Ronald Cain  
JMCA 30.01.2014

Cohen, Primrose v Rollington Sterling and Linval Sterling  
JMCA 07.03.2014

Disciplinary Committee of the General Legal Council v Oswald James  
JMCA 07.02.2014

Douglas, Oswald v Lynford Douglas and Desmond Douglas and Sybil Samuels and Keith Senior (as Executor of the Estate of Thelma Rose Baxter Blake) and Jamaica National Fund Managers Limited  
JMCA 07.02.2014

Exclusive Holiday of Elegance Limited v ASE Metals NV  
JMCA 24.01.2014

Hanson, Gaynair v R  
JMCA 24.01.2014

Hoo, Paul v Epsilon Equities Limited  
JMCA 27.10.2014

Jade Overseas Holiday Limited v Palmyra Properties Limited (In Receivership) and Sanctuary Systems Limited (In Receivership) and Kenneth Tomlinson  
JMCA 14.02.2014

Jamaica Edible Oils & Fats Co. Ltd. v M.S.A. Tire (Jamaica) Co. Ltd.  
JMSC 15.10.2013

Ledgister, John and Trevor Legister and Karlene Ledgister and Selena Ledgister and Hugh Ledgister and Sunnycrest Enterprises Limited v Bank of Nova Scotia Jamaica Limited  
JMCA 13.01.2014

Moss-Weir, Valomia Montrose v Noel Weir  
JMSC 06.12.2013

Morrison, Cedric v Reginald white and Guardman Group Ltd.  
JMSC 04.12.2014

Nembrard, Wilfred v Superlube Ltd.  
JMCA19.12.2013

Paymaster Jamaica Ltd. v Postal Corporation of Jamaica  
JMSC 14.11.2013

Pearce, Richard v R  
JMCA 11.11.2013

Petrojam Ltd. v Sea Ventures Shipping Ltd., Worldwide Green tankers, The owners and / or persons interested in the M/T Great news and Everol Bailey  
JMSC 01.11.2013

Powell, Patsy v Courtney Powell  
JMCA 21.02.2014

Sanmerna Paper Products Ltd. v Sean Stennett (T/a Neas Distributors)  
JMSC 03.12.2013

Segree, Garfield v Jamaica Wells and Services Limited and National Irrigation Commission  
JMSC18.10.2013

Smith, Dayne v William Hylton and Annmarie Hylton  
JMSC 19.11.2013

Smith, Leroy v Commissioner of Customs  
JMCA 21.02.2014

Taylor, Elsie v General Legal Council  
JMCA 11.11.2013

Thompson, Jordan v R  
JMCA 19.12.2013

Thompson, Patrick and Everton Eucal Smith v Dean Thompson, Leighton Gordon, Kimar Brooks and Shellion Stewart  
JMCA 11.11.2013

Tomlinson, Maurice Arnold v Television Jamaica Ltd. , CVM Television Ltd. and the Public Broadcasting Corporation of Jamaica  
F.C.15.11.2013

Trade Board Ltd. and Attorney General of Jamaica v Daniel Robinson  
JMCA 06.12.2013

Trade Board Ltd. v Grains Jamaica, Peppersource Ltd. and CRG Lee Corporation  
JMCA 01.11.2013

University of the West Indies v Anthony R. Boufoy-Bastick  
JMCA 04.10.2013

Valley Slurry Seal Co. and Valley Slurry Seal (Caribbean) v Earle Lewis and Carol Lewis  
JMCA 27.12.2013

Wedderburn, Tyler Horatio (Personal representative of Amanie Duncan Wedderburn v Attorney general  
and Police Constable Vernon Ellis  
JMCA 25.10.2013

White, Kevin v Astley Mesquita  
JMCA 04.10.2013

Williams, Annetta v M & M Jamaica Ltd., Lorenzo Daley, Kevin DeSouza and the personal representative  
of the estate of Andrea Henry, deceased  
JMCA 04.10.2013

Williams, Aurthur v Andrew Holness  
JMCA 25.11.2013

Williams, Derita (Executrix in the Estate of Lucille Nolan, deceased) v Doreen Evadney Nolan  
(Administratrix of the estate of Clifford Nolan  
Nolan, Doreen Evadney (Administratrix of the estate of Clifford Nolan v Delrita Williams and Winsome  
King [Consolidated]  
JMCA 16.12.2013

Williams, Kirk v R  
JMCA 22.10.2013

Wylie, James, Lorna Wylie and Richard Wint v David West, Christopher West, Douglas West, Marshaleen  
Forsythe (nee Henriques) Jerome Smith and Richard Smith  
JMCA 19.12.2013

## LEGISLATION

### Commonwealth of Dominica

#### Acts

20/2013	Electronic Filing Act
17/2013	Electronic Funds Transfer Act
19/2013	Electronic Transactions Act
24/2013	Immigration and Passport (Amendment) Act
21/2013	Marriage (Amendment) Act
18/2013	Public and Police Services Commissions (Remuneration, Privileges and Offences) (Amendment) Act
16/2013	Retiring Allowances (Legislative Service) (Amendment) Act
22/2013	Revised Treaty of Basseterre Establishing the Organisation of Eastern

15/2013 Caribbean States Economic Union Act  
 23/2013 Supplementary Appropriation (2012/2013) (No. 2) Act  
 Vehicles and Road Traffic (Amendment) Act

**Island of Nevis**

**Acts**

3/2013 Nevis Appropriation (2014) Ordinance, 2013

**Jamaica**

**Acts**

32/2013 Charities Act  
 40/2013 Companies (Amendment) Act  
 37/2013 Conch (Export Levy) (2013 Conch Season) (Special Provisions) Act  
 35/2013 Fiscal Incentives (Miscellaneous Provisions) Act  
 36/2013 Income Tax Relief (Large-scale Projects and Pioneer Industries) Act  
 33/2013 Pensions (Superannuation Funds and Retirement Schemes) (Validation and Amendment) Act  
 34/2013 Registration (Strata Titles) (Amendment) Act  
 39/2013 Securities (Amendment) Act  
 38/2013 Security Interests in Personal Property Act

**St. Christopher and Nevis**

**Acts**

18/2013 Integrity in Public Life Act  
 23/2013 Status of Children (Amendment) Act

**LAW REPORTS**

<The> Cayman Islands Law Reports 2012 Vol. 2  
 Law Reports of the Commonwealth 2014 Vol. 1  
 New Zealand Law Reports 2013 Vol. 3

**TREATISES, DIGESTS ETC.**

Atkin's Court Forms. 2<sup>nd</sup> ed. 3013 ed.  
 Vol. 12(1) Compromise and Settlement  
 Vol. 18(2) Employment  
 Vol. 25(1) Legal Profession  
 Vol. 36(2) Societies and Clubs KN351.A88

Bingham and Berrymans' Personal Injury and Motor Claim Cases / Leonard Bingham  
 United Kingdom: LexisNexis, 2010 KN294.B55

Caribbean Integration Law / David s. Berry.  
 United Kingdom: Oxford Press, 2014 KC330.B47

<The> Digest 2013 4<sup>th</sup> reissue  
 Vol. 3(1) Arbitration  
 Vol. 3(2) Arbitration, Auction KF85.E6

- <The> Encyclopaedia of Forms and Precedents. 5<sup>th</sup> rd 2013 Reissue  
 Vol. 6(2) Charities and Charitable Giving  
 Vol. 12(3) Confidentiality, Deeds, Agreements and Declarations  
 Vol. 25(3)A Leasehold Flat Schemes (Long Lease) Guidance, Checklist  
 Vol. 25(3)B Leasehold Flat Schemes (Long Lease) Letting Schemes (Part1)  
 Vol. 28(2) Mortgages KN74.1.E51
- Human Trafficking Handbook: Recognising Trafficking and Modern-Day  
 Slavery in the UK / edited by Parosha Chandran  
 United Kingdom: LexisNexis, 2011 KM208.58.H86

## SERIALS

### ABA Journal Vol. 99 No. 12 December 2013

#### President's message

Immigrants face numerous hurdles as they struggle to navigate the legal process *James R. Sikkenat*

#### Opening statements

On the lookout for Bigfoot: Organizing a contest that passes legal muster *Judy Sutton Taylor*

Law grad creates an opera based on Justices Ginsburg and Scalia and wins an invitation from his inspiration *L. Jay Jackson*

NBA star Steve Nash's divorce takes an unexpected First Amendment turn *David L. Hudson Jr.*

Penn Law boot camp helps attorneys get up to speed on neuroscience *Kevin Davis*

#### The Docket

NATIONAL PULSE: California begins to release prisoners after reforming its three-strikes law *Lorelei Laird*

SUPREME COURT: Residents say New Jersey town showed disparate-impact bias in taking over their buildings *Mark Walsh*

NATIONAL PULSE: "Reference rot" is degrading legal research and case citations *L. Jay Jackson*

#### Practice

ETHICS: An ABA opinion sparks renewed debate over nonlawyer ownership of law firms *James Podgers*

WORDS: Footnotes from David Foster Wallace on arguing persuasively *Bryan A. Gartner*

#### Business of Law

LAW PRACTICE: The demise of DOMA is bringing new challenges for lawyers advising LGBT clients *Pamela A. MacLean*

TECH REVIEWS: Product picks for lawyers

LAW BY THE NUMBERS: Reports predict flat growth in legal spending combined with a doubling of litigation

*ABA*

ALTERNATIVES: Law students put their degrees to work, pursue new career angles in business.

*Hollee Schwartz Temple*

KENNEDY ON TECH: What you need to know about the new LinkedIn endorsements feature

*Dennis Kennedy*

SOLOS AND SMALL FIRMS: The fine art of encouraging and securing client referrals

*Kevin Davis*

LAW PRACTICE: Structured negotiations offer better means to resolve disputes, settle claims

*Deborah L. Cohen*

### **Your ABA**

New approach is tougher on human trafficking and more supportive of victims

*Steven Seidenberg*

ABA Center for Professional Responsibility initiates effort to make materials available on mobile devices

*James Podgers*

ABA warns Congress that funding cuts threaten federal courts' ability to do their job

*Rhonda McMillion*

## **ABA Journal Vol. 100 No. 1 January 2014**

### **President's message**

The ABA fosters discussion on reasonable, enforceable gun laws and safe streets

*James R. Silkenat*

### **Opening statements**

Under cover of copyright law, tattoo artists stake their claims

*Lauren Etter*

Online yoga provider's patent application causes a stir in an otherwise tranquil crowd

*Leslie A. Gordon*

### **Docket**

NATIONAL PULSE: Internet car companies offer convenience, but lawyers see caution signs

*Stephanie Francis Ward*

SUPREME COURT REPORT: The court ponders whether the president can make appointments while Congress is out

*Mark Walsh*

NATIONAL PULSE: The First Amendment is at issue in California ban on gay-conversion therapy for minors

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### **Practice**

ETHICS: Committee calls for caution as more lawyers use group-coupon or prepaid marketing

*David L. Hudson Jr.*

WORDS: Four vignettes add up to one moral about better briefs

*Bryan A. Garner*

## **Business of Law**

LAW PRACTICE: Two California solos tell their tales of taking down “porn troll” Prenda Law *Richard Acello*

STAFFING: New job titles reflect economic challenges, changing career expectations for lawyers *G.M. Filisko*

AMBROGI TECH: Two new websites provide a platform for crowdsourced legal research *Robert Ambrogi*

LAW BY THE NUMBERS: While face holds steady for client communication, digital interactions are gaining favor *ABA*

KENNEDY ON TECH: Recommendations for how to make good on New Year’s tech resolutions *Dennis Kennedy*

TECH REVIEWS: More product picks for lawyers *ABA*

SOLOS & SMALL FIRMS: Keep clients covered by preparing a backup plan for what you least expect *Kevin Davis*

## **Your ABA**

Organized crime leaders and terrorists cross paths in cyberspace *Terry Carter*

ABA backs bipartisan bills supporting permanent families for foster children *Rhonda McMillion*

## **ABA Journal Vol. 100 No. 2 February 2014**

### **President’s message**

The ABA offers leadership, advocacy on important issues of policy and law practice *James R. Silkenat*

### **Opening statements**

Former child actor parlays connection into a law practice that caters to the entertainment industry *Leslie A. Gordon*

Law prof teaches lawyers to let go of stress and sharpen their skills through mediation *L.A.G.*

### **Docket**

NATIONAL PULSE: Court rulings are bitter medicine for patients filing tort suit over genetic drug labeling *Lorelei Laird*

SUPREME COURT REPORT: Justices to consider whether the EPA exerted too much authority in regulating greenhouse gases *Mark Walsh*

NATIONAL PULSE: Some governors ignore judicial nominating commissions to select like-minded nominees *L. Jay Jackson*

### **Practice**

ETHICS: Law prof calls for conversation about regulation of attorneys assuming ‘quasi-legal’ roles *David L. Hudson Jr.*

WORDS: How to put an end to numerical pollution in your legal writing: All hail the footnote! *Bryan A. Garner*

**Business of Law**

BENEFITS: Law firms of varying sizes gear up to implement changes required under the Affordable Care Act *Ed Finkel*

AMBROGI ON TECH: Two handy gadgets provide on-the-go functionality for road warriors *Robert Ambrogi*

RETIREMENT: In our continuing series, learn about the 'triage approach' to retirement: Budget, manage debt and save *Susan A. Berson*

FIRM MANAGEMENT: New ways for law firms to adopt "green" sustainability and become more Earth-friendly *Joe Dysart*

KENNEDY ON TECH: Learn to strike a balance between the assets and liability of social media *Dennis Kennedy*

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Lawsuits seek to ease restrictions on reciprocal admission for experience lawyers *Victor Li*

Bipartisan push on for Congress to enact legislation calling for smarter sentencing procedure *Rhonda McMillion*

**Columbia Journal of Law and Social Problems Vol. 47 No. 2 Winter 2013**

Reviving essential facilities to prevent REMS abuses *Christopher Megaw*

Regulating relationships: a challenge to the Constitutional Authority of the FDA Regulation of private sperm donation *Leigh-Anne St. Charles*

Whither *Central Hudson*? Commercial speech in the wake of *Sorrell v IMS Health* *Hunter B. Thomson*

Unforeseen consequences: The constitutionality of unilateral executive R2P deployments and the need for congressional and judicial involvement *Matthew E. Vigent*

**Commonwealth Judicial Journal Vol. 21 No. 2 December 2013**

Providing objectively independent courts in small jurisdiction *David Doyle*

AU and UN Human Rights Systems: "Do REC courts have a role?" *Charles Mkandawire*

Church Courts: A niche jurisdiction *David McClean*

Is your Latimer House in order? The role of the Latimer House working group *Peter Slinn*



**<The> International Journal of Evidence & Proof Vol. 18 No. 1**

The corroboration requirement in Scottish criminal trials: should it be retained for some forms of problematic evidence?

*Fraser P. Davidson and Pamela R. Ferguson*

Credibility contests: the elephant in the room

*Michael Green*

The corroboration warning in sexual offence trials: final vestige of the historic suspicion of sexual offence complainants or a necessary protection for defendants?

*Susan Leahy*

**International Review of the Red Cross Vol. 94 No. 888 Winter 2012**

An institution standing the test of time? A review of 150 years of the history of the international Committee of the Red Cross

*Daniel Palmieri*

Birth of an idea: the founding of the International Committee of the Red Cross and Red Crescent Movement: from Solferino to the original Geneva Convention (1858-1864)

*Francois Bugnion*

1863: the creation of the first National Society at the beginning of the Movement's history

*Stefanie Haumer*

Looking back over 150 years of humanitarian action: the photographic archives of the ICRC

*Valerie Gorin*

The ICRC and the detainees in Nazi concentration camps (1942-1945)

*Sebastien Farre*

'Organising the unpredictable': the Nigeria-Biafra war and its impact on the ICRC

*Marie-Luce Desgrandchamps*

Complementarity between the ICRC and the United Nations and international humanitarian law and international human rights law, 1948-1968

*Katharine Fortin*

New technologies and new policies: the ICRC's evolving approach to working with separated families

*Olivier Dubois*

A new challenge or a new role? The ICRC in Northern Ireland

*Geoff Loane*

Challenges to international humanitarian law: Israel's occupation policy

*Peter Murphy*

International humanitarian law, ICRC: and Israel's status in the Territories

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**Jambar Journal Vol. 26 No. 3 2013**

A summary of the Evidence (Special Measures) Act 2012

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The jury: guilty or not guilty

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Why establishing and maintaining a better justice system matters	<i>Mathieu Beckford</i>
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Criminal case management: The solution to all the problems in the Criminal Justice System	<i>Althea D. McBean</i>
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**<The> Law Teacher    Vol. 47 No. 3 December 2013**

“Ruby’s Musical Festival”: developing problem-solving skills using online scenarios and creating opportunities to feed forward	<i>Michelle Backstrom and Donna Cooper</i>
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Assessing student group work: is there a right way to do it?	<i>Sandra Clarke &amp; Michael Blissenden</i>
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Embedding employability in assessment: searching for the balance between academic learning and skills development in law: a case study

*David Rigg*

**New Law Journal      Vol. 163 No. 7587      December 6, 2013**

**Comment**

*Jeremy Ford* comments on the seminal decision in *Mitchell v News Group Newspapers Limited*

**Employment:** *Charles Pigott* reports on cross-border jurisdiction

**Family:** Confidentiality, privacy & disclosure: *David Burrows* revisits *Tchenguiz*

**Personal injury:** *Catherine Leech* reports on new criteria for a non-delegable duty

**Property:** *John de Waal QC* provides an update on the validity of contractual notices

**New Law Journal      Vol. 163 No. 7588      December 13, 2013**

**Comment**

*Roger Smith* follows the stories making the news

**Employment:** *Chris Bryden & Michael Salter* discuss key developments in 2013 & share a few predictions

**Family:** *Amy Fox* welcomes clarity on the power to stay divorce proceedings

**Property:** *Andrew Bruce* reflects on lessons learnt from the Battle of Ireby Fell

**Public/ Human rights:** *Charles Foster* reopens on a case that seeks to clarify best interest

**Intellectual property:** *Jessica Stretch* provides guidance on protecting colour & shape trade marks

**New Law Journal      Vol. 164 No. 7589      January 3 & 10, 2014**

**Comment**

What does 2014 hold for the Jackson reforms, asks *Dominic Regan*

**Employment:** *John McMullen* surveys cases on service provision change, transfer of employment rights, & objection to transfer

**Family:** Confidentiality, privacy & disclosure: *David Burrows* examines the duty of disclosure under common law

**Property:** *Siobhan Jones* discusses the benefits & burdens of covenants

**Public/ Local authority:** Bring judicial review claims promptly, warns *Nicholas Dobson*

**New Law Journal      Vol. 164 No. 7590      January 17, 2014**

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*Jon Robins* assesses the fallout from the recent legal aid protests

**Family:** Is FPR 2010 an Alsatian mongrel of dubious legality, asks *David Burrows*

**Personal injury:** *Keith Patten* welcomes guidance about the role of foreseeability in determining breach of duty care

**Property:** Is it now easier for landlords to obtain possession from assured shorthold tenants? *Nathaniel Duckworth & Daniel Robinson* report

**Public:** *Keith Davies* reviews the court's approach to the right to protest on public land

**Wills & Probate**

*David Finnerty* provides advice on avoiding a professional negligence claim in a contested probate case

Is mediation key to solving MCA 2005 "best interest" disputes, asks *Russell Caller*

**New Law Journal**      **Vol. 164 No. 7591**      **January 24, 2014**

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*Geoffrey Bindman* QC reports on attempts to banish modern slavery

**Employment:** *Ian Smith* considers the latest employment law developments

**Family:** *Geraldine Morris* looks at the changes ahead for family law & predicts some new developments

**Personal injury:** *Stephanie Cope* scrutinises a recent ruling on the liability of tour operators for accidents abroad

**New Law Journal**      **Vol. 164 No. 7592**      **January 31, 2014**

**Comment**

*Roger Smith* takes legal lessons from the US

**Employment:** *Lehna Hewitt & Camilla Fusco* outline the legal implications of step-family relationships

**Property:** What does the year have in store for property law, asks *Martin Dray*

**Commercial:** Incompatible judgments on the same day have led to confusion over the scope of standard wording, says *David Sandy*

**New Law Journal**      **Vol. 164 No. 7593**      **February 7, 2014**

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*Stephen Boyd* advises debtors on the best course of action when faced with a camera crew

**Personal injury:** *Meghann Mctague* asks, when is an accident really an accident

**Property:** there is no satisfactory solution for the determination of costs under s 138(2) of CCA 1984, says *Winston Jacob*

**Regulatory:** *Simon Love* provides a warning to firms facing financial difficulty

**New Law Journal      Vol. 164 No. 7594      February 14, 2014**

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*Ian Gascoigne & Hena Ninan* discuss the outlook for commercial claims in 2014

**Employment:** *Ian Smith* tackles a tricky employment law conundrum

**Wills & probate:** Is grief enough to invalidate to invalidate a will, asks *Kate Harris*

**Insolvency:** What is the liability of a director who pays debts while his company is insolvent?  
*Helen Mulcahy & Davina Bentley* report

**New Law Journal      Vol. 164 No.7595      February 21, 2014**

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*Nichola Evans* reports on the inconsistent application of the "new rules" in the county courts

**Personal injury:** *Theo Huckle QC & Catherine Grubb* examine pre-action disclosure & the application of CPR 31.16

**Employment:** *Philip Thornton* discusses the new wording & uncertainties of TUPE

**Property:** *James Driscoll* summarises the key developments in the law relating to residential long leases in the past year

**Commercial:** *Peter Vaines* reports on a double dose of residency tests, the tax consequences of void transactions, penalties & costs

**New Law Journal      Vol. 164 No. 7596      February 28, 2014**

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"Business support" may be the banks' next headache, says *Aidan Briggs*

**Family:** *David Burrows* puts the "single" family court under scrutiny & assesses its ability to deliver justice

**Regulatory:** What impact will the new European medical Device Regulations have on UK medicine, asks *Sarah Moore*

**Consumer:** Will proposed legislation improve consumer rights? *Karen Clubb* reports

**Commercial:** *Alison Padfield* considers the limits on the freedom to choose a lawyer

**Oklahoma Law Review      Vol. 65 No. 4      Summer 2013**

Walking the executive speech tightrope: from starbucks to chick-fil-A

*Loren F. Selznick*

The myth of the "Full Ride": Cheating our collegiate athletes and the need for additional NCAA Scholarship-limit reform

*Christopher Davis Jr.*

Access to government information is a foundation of American Democracy – but the courts don't get it

*Frederick A. Schwarz, Jr.*

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