

APRIL - JUNE 2014

JUDGMENTS

ARC Systems Ltd. v Atradius Credit Insurance NV
JMCA 27.03.2014

<The> Attorney General for Jamaica v Kenya Tulloch
JMCA 28.03.2014

Blake, Denjah v R
JMCA 29.04.2014

Bowen, Charmaine v Island Victoria Bank Limited and Union Bank Limited and RBTT Bank Jamaica Limited and FINSAC Limited and Jamaica Redevelopment Foundation and Dennis Joslin Ja. Inc.
JMCA 27.03.2014

British Caribbean Insurance Company Limited v David Barrett and Ivor Leigh Ruddock and Jason Evans
JMCA 11.02.2014

Brooks, Norick v R
JMCA 10.04.2014

Brown, Juliet and Orville Oniel Black v Henry Moncrieffe
JMCA 06.06.2014

Brown, Patrick and Richard McLean v R
JMCA 02.05.2014

Bruce, Basil v R
JMCA 18.02.2014

Cable & Wireless Jamaica Limited v Mossell (Jamaica) Limited (T/A Digicel) and Oceanis Digital Jamaica Limited
JMCA 11.04.2014

Clarke, William v Gwenetta Clarke
JMCA 11.04.2014

Chung, Deandra v Future Services International Limited and Yaneek Page
JMCA 13.06.2014

Davis, Ernest v The General Legal Council
JMCA 02.05.2014

Deer, Joel v R
JMCA 20.02.2014

Campbell, Orville v R
JMCA 21.03.2014

Dennison, Alvin v R
JMCA 17.02.2014

Dennis, Sylvester v Lana Dennis
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Fearon, Neville, v R
JMCA 02.05.2014
Forbes, Seian and Tamoy Meggie v R
JMCA 16.05.2014

Jamaica Observer Limited and Paget deFreitas v Gladstone Wright
JMCA 30.05.2014

James, Oswald v R
JMCA 05.09.2014

Key Mortors Limited and Executive Motors Limited v First Trade International Bank & Trust Limited (in liquidation)
JMCA 28.03.2014

Lawrence, Jason v The Queen
UKPC 11.02.2014

Lawrence, Maurice v R
JMCA 28.03.2014

Lawson, Nash v R
JMCA 13.06.2014

Lee, Separue v R
JMCA 21.03.2014

Levy, Nicholas v R
JMCA 28.03.2014

Lynton, Everton Lloyd v R
JMCA 11.04.2014

<The> Minister of Finance and Planning & Public Service and The Financial Secretary and The Public Service Commission and The Attorney general of Jamaica v Viralee Bailey-Latibeaudiere
JMCA 09.06.2014

Murray, Oneil v R
JMCA 09.05.2014

National Commercial Bank Jamaica Ltd. and Owen Campbell v Toushane Green
JMCA 30.05.2014

Nesbeth, Roberto v R
JMCA 02.05.2014

Noel, Ivan v R
JMCA 12.05.2014

Palmer, Ryan and Richardo Dewar
JMCA 13.06.2014

Rastafari Nation Pinnacle Foundation 1st Order of Nyah Bingie Theocracy and L.P. Howell Foundation
and Catherine M. Howell v Saint Jago Hills Development Company Limited
JMCA 28.03.2014

Richards, Cavern v R
JMCA 11.04.2014

Robinson, Desmond and The Attorney general of Jamaica v Brenton Henry and Sarah (Butt) Henry
JMCA 16.05.2014

Sanderson, Windella v R
JMCA 07.02.2014

Shtern, Adele v Monica Cummings
UKPC 10.06.2014

Tri-Star Engineering Company Limited v ALU Plastics Limited and Pamela Josephs and Judith Josephs
JMCA 11.04.2014

Turner, Grace v University of Technology
JMCA 13.06.2014

Weir, Dalfel v Beverley Tree
JMCA 17.03.2014

Williams, Gerville and Orrette Williamson and Francis Rennals and Devon Noble and David Hutchinson
and Petro Greene and Marcel Dixon and Kenneth Daley v The Commissioner of Independent
Commission of Investigations and The Attorney General of Jamaica and The Director of public
Prosecutions
JMCA 17.03.2014

Williams, Kevin v R
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LEGISLATION

Commonwealth of Dominica

Acts

3/2014	Criminal Law and Procedure (Amendment) Act
2/2014	Proceeds of Crime (Amendment) Act
1/2014	Supplementary Appropriation (2013/2014) Act

Jamaica

Acts

4/2014	Appropriation Act
3/2014	Criminal Justice (Suppression of Criminal Organizations) Act
2/2014	Financial Administration and Audit (Amendment) Act
1/2014	Public Bodies Management and Accountability (Amendment) Act

LAW REPORTS

Law Report (Appeal Cases)	2013	Vols. 1 & 2
Law Reports (Chancery Division)	2013	
Law Reports (Family Division)	2013	
Law Reports (Queen's Bench Division)	2013	
Law Reports of the Commonwealth	2014	Vols. 2 & 3
New Zealand Law Reports	2014	Vol. 2
Weekly Law Reports	2013	Vols. 1- 3
<The> West Indian Reports		Vol. 83

TREATISES, DIGESTS ETC.

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Bristol: Jordan Publishing Limited, 2011
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Vol.13(2) Costs management, case management and applications
Vol. 19(5) Financial services
Vols. 24(1-3) Landlord and Tenant
Vol. 25(3) Land charges to markets and fairs
Vol. 31(2&3) Personal injury (Pts. 2&3) KN351.A88
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New York: Routledge, 2015
KN30.K64
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Vols. 12(3&4) Contract
Vol. 49(2) Water
Vol. 39(2) Royal Armed Forces KN85.E6
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London: Oxford University Press, 2014
KL34.C58
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Vol. 12(1)B Contracts for services
Vol. 16(4) Franchising agency and distribution
Vol.17(2) Gifts
Vol.19(2) Joint ventures
Vol. 25(3)C Leasehold flat schemes (Long Leases) KN74.1.E51
- <The> law of damages / edited by Andrew Grubb. – 2nd ed.
London: LexisNexis, 2010
KN37.1.L39
- <The> modern law of evidence / Adrian Keane and Paul McKeown. – 10th ed.
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Non-contentious probate practice in the English speaking Caribbean/ Karen Nunez-Tesheira. – 2 nd ed. Kingston, Jamaica: Caribbean Law Publishing, 2004	KN127.N86
Partnership and LLP law / Elspeth Berry. London: Wildy, Simmonds and Hill, 2010	KN267.4.B47
<A> practical approach to civil procedure / Stuart Sime. – 17 th ed . Oxford: Oxford University Press, 2014	KN350.S56
<A>practical approach to conveyancing / Robert Abbey & Mark Richards. – 17 th ed. Oxford: Oxford University Press, 2014	KN74.A22
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Smith and Thomas: a casebook on contract/ Roger Brownsword. – 12 th ed London: Sweet & Maxwell, 2009	KN11.S65
<The> theory and practice of statutory interpretation/ Frank B. Cross California: Stanford University press, 2009	KL35.C76
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SERIALS

ABA Journal Vol. 100 No. 4 April 2014

President's message

On ABA Day, lawyers lobby Capitol Hill for support on important legal issues

James R. Silkenat

Opening Statements

Accompanying a spike in service animals on planes, in stores and elsewhere are a host of legal concerns

Lauren Etter

Alt-rocker's anti-piracy crusade targets lyrics websites that don't compensate songwriters

Leslie A. Gordon

Two Crowell & Moring partners rediscover their drag racing passion.

Ed Finkel

Drexel University's law school puts its name on the line, seeks firmer financial foundation

Anna Stolley Persky

Short takes and fast facts on the law

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NATIONAL PULSE: A likely high-tech trend, Google Glass is already causing legal experts to see problems

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NATIONAL PULSE; Website raises legal questions about homeowners and tenants hosting traveler	<i>Kevin Davis</i>
SUPREME COURT REPORT: Low-tech high court to weigh police search of smartphones	<i>Mark Walsh</i>
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ETHICS: Clients' termination letters to attorney are protected from defamation suit	<i>David L. Hudson Jr.</i>
WORD: Certain words should be banned from your legal vocabulary	<i>Bryan A. Garner</i>
Business of Law	
REINVENT LAW: February conference draws 800 attendees, inspires frank exchange of ideas on the need for innovation in the legal industry	<i>Renee Newman Knake</i>
LAW PRACTICE: Post-mortems on Martindale-Hubbell may prove premature	<i>G.M. Filisko</i>
LEGAL TECH New YORK 2014: Judges urge lawyers to get up to speed on latest tech trends	<i>Joe Dysart</i>
LAW BY THE NUMBERS: The financial status of the profession for 2013 turned out worse than expected	<i>ABA</i>
LEGAL TECH NEW YORK 2014: Cloud-based e-discovery can provide big savings	<i>Joe Dysart</i>
RETIREMENT: Retirement planning involves caring for yourself, taking into account long-term care needs	<i>Susan A. Berson</i>
Your ABA/Midyear Meeting Report	
House action includes a dues increase, president's heartfelt plea for gun control	<i>Debora Cassens Weiss</i>
ABA's Legal Access Job Corps Task Force gets a progress report	<i>Victor Li</i>
Paulette Brown is tapped to be the first woman of color to lead the association	<i>Molly Mc Donough</i>
<i>After the JD</i> reveals many recent grads leave law practice	<i>Debra Cassens Weiss</i>
Changes in bar pass standards are put on hold	<i>Mark Hansen</i>
Proposed elimination of tenure requirement in accreditation standards draws fire at public hearings	<i>Terrt Smith</i>
Racial imbalance feeds school-to-prison pipeline	<i>Stephanie Francis Ward</i>
New books commemorate the 800 th anniversary of the Magna Carta	<i>James Podgers</i>

President's message

Law Day 2014 emphasizes the importance of the right to vote

James R. Silkenat

Opening statements

Law firms add coaches to their staff to help with work-life balance and career advancement

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Former DEA agent switches from enforcement to compliance in the legal marijuana industry

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A new legal social network vets applicants, stresses privacy

J.S.C.

MoFo starts a Twitter feed to promote the firm's female lawyers

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Docket

NATIONAL PULSE: Cases challenging tax-exempt status are causing an almighty fuss in religious communities

Lorelei Laird

NATIONAL PULSE: Courts are giving patent trolls First Amendment protection, despite unseemly methods

Steven Seidenberg

SUPREME COURT REPORT: Experts sound off on Justice Thomas' long silence on the bench

Mark Walsh

Practice

WORD: The backstory on the 10th edition of *Black's Law Dictionary*

Bryan A. Garner

Business of Law

FIRM MANAGEMENT: Equity partners face higher demands for contributions, longer waits for payouts after departure

Richard Acello

AMBROGI ON TECH: Two new products provide peeks into billing rates charged by major law firms, all allowing benchmarking of their financial performance

Richard J. Ambrogi

TECHNOLOGY: Responsive websites can reconfigure text and graphics to fit the screen of any device

Joe Dysart

LAW BY THE NUMBERS: NALP study shows drop in lateral hiring for the second consecutive year

ABA

RETIREMENT: Post-practice is a time to refocus priorities, but plan carefully to make sure there are plenty of options

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Your ABA

Search goes on for policies that pass Second Amendment muster and help prevent gun violence

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House of Delegates announces nominees for leadership positions *James Podgers*

As more Americans qualify for free civil services, the ABA steps up calls for increased LSC funding *Rhonda McMillion*

Columbia Journal of Law and Social Problems Vol. 47 No. 2 Spring 2014

Addressing structural racism in juvenile justice through experimentalism *David Kusnetz*

The abuse of incumbency on trials: Limits on legalizing politics *Patrick T. Roath*

Tentative rulings in California Trial Courts: A natural experience *Alexander J. Konik*

“As cats are drawn to cream”: expanding debt settlement regulation to traditionally-exempt entities *Matthew Brock*

Commonwealth Law Bulletin Vol. 38 No. 3 September 2012

Defining the limits: the clash between a doctor’s duty to preserve life and enforcement of a patient’s religious belief *Chinedum I. Umeche & Pontian E. Okoli*

Globalisation of the judicial education discourse *Geeta Oberoi*

A more modern crown: changing the rules of succession in the Commonwealth Realms *Josh Hunter*

International practice of Public Legal Education: a missing element in the justice system of Bangladesh *Taslina Yasmin*

Unification, simplification, amplification? An analysis of aspects of the British Equity Act 2010 *James Hand & Bernard Davis*

Commonwealth Law Bulletin Vol. 38 No. 4 December 2012

Law as a counterweight to politicisation in democratic public management *Gregory Tardi*

The avoidance of *Non liquet* by the International Court of Justice, the completeness of the sources of international law in Article 38(1) of the Statute of the Court and the role of judicial decisions in Article 38(1)(d) *Amos O. Enabulele*

What is worth rewording is worth rewording well: an analysis of the implementation of the Hague Convention on Civil Aspects of International Child Abduction in New Zealand *Dara Lenetha Ayanna Modeste*

Law, credit risk management and bank lending to SMEs in Nigeria *Olusesan Oliyide*

Burying *Smith v Selwyn* [1914] 3 KB deep in the grave: the case for the abolition of the rule demanding prosecution of felony as a precondition to pursuit of civil action in Ghana *Ernest Owusu-Dapaa*

<The> International Journal of Evidence & Proof Vol. 18 No. 2 2014

- The prosecution of organized crime: removing the jury *Liz Capbell*
- The privilege against self-incrimination from early origins to Judges' Rules: challenging the 'orthodox view' *Pat McInerney*
- Judging, fast and slow: using decision-making theory to explore judicial fact determination *Emma Cunliffe*

Jambar Journal Vol. 27 No. 1 January – March, 2014

- Reparations: FAQs *Dorbrene E. O'Marde*
- Game changer? Creation of security interests in Deposit Accounts under SIPP *Julie Thompson-James*
- Protection for denied citizens *Nancy Anderson*
- Interview with Pamela Benka Coker, QC *Shawn Wilkinson*
- Hop on the omnibus for 2014! *Danielle Stiebel*
- Case notes from the Court of Appeal *Hilary Phillips JA et al*
- Beyond Bob Marley: Jamaica's 'rights of personality for non-celebrities' *Analisa Chapman*

<The> Law Teacher Vol. 48 No. 1 March 2014

- The Legal Education and Training Review: regulating socio-legal and liberal legal education? *Jessica Guth and Chris Ashford*
- Values ethics and legal ethics: the QLD and LETR Recommendations 6,7,10, and 11 *Graham Ferris*
- Professionalism in higher education: important not only for lawyers *Egle Dagilyte & Petr Coe*
- The gap between law student career aspirations and employment opportunities *Penny Childs & Nigel Firth*
- To prescribe or not to prescribe? That is the question *Melissa Hardee*
- Back from the future: did the LETR really prepare us for the future? *Patricia Leighton*

New Law Journal Vol. 164 No. 7597 March 7, 2014

Comment

Clifford Darton provides a guide to the rising tide of flooding claims

Family: How do the courts treat post-separation earnings? *Robert Micklem & Lucy Marks*

Personal injury: *Richard Score & Lizanne Gumbel QC* discuss the liability of local authorities for foster carers

Property: A recent Court of Appeal ruling provides important clarification on the validity of s 21 notices, as *Mathew McDermott* reports

New Law Journal **Vol. 164 No. 7598** **March 14, 2014**

Comment

Why unelected judges get the vote of *Peter Thompson QC*

Family: Marriage – lite or a new set of rights? *Claire Clarke* examines the legal options open for cohabitants

Personal injury: *Anastasia Karseras* illustrates the recent crackdown on fraudulent activity

Property: Are property sales and letting agents under scrutiny, ask *Susanne Rab & Andrew Francis*

Commercial: When will EU businesses be regarded as having “directed” their business activities to consumers in another member state, ask *John Doherty & Charlotte Eccles*

New Law Journal **Vol. 164 No.7599** **March 21, 2014**

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Marc Weller reports on the legality of events in Crimea

Employment: *Ian Smith* investigates some rare sightings of dismissal law controversy

Property: Commercial rent arrears recovery: *John Sharples* asks are you ready?

Data privacy: *Tom Morrison* returns with his quarterly review of the world of information law

Insolvency: *Nigel Jackson* outlines the far-reaching consequences of *Reithatha v Williamson*

New Law Journal **Vol. 164 No. 7600** **March 28, 2014**

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Roger Smith celebrates some seasonal highlights

Employment: *Michael Salter & Chris Bryden* re-examine the without prejudice rule

Family: *Kirstie Gibson* considers the approach taken by the court to determine the habitual residence of a child

Wills & probate special

Adrian Jack tracks the latest developments in EU succession law

Paola Fudakowska & Henrietta Mason provides will & probate round-up

Administering an estate in the republic of Ireland? *Karl Dowling* provides guidance

Commercial

Simon Duncan continues to explore who has the right to sue former directors under s 15(1) of the Company Directors Disqualification Act 1986

New Law Journal **Vol. 164 No. 7601** **April 4, 2014**

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On year on, *David Greene* assesses the impact of Jackson

Family: *Jonathan Herring* explores a clear case of compassion from the courts

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Litigation: FOS awards cannot be used as a springboard for litigation, says *Adam Edwards*

New Law Journal **Vol. 164 No. 7602** **April 11, 2014**

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David Corker considers the implications of ditching dishonesty from the criminal cartel offence

Property: Administrators of insolvent tenants are under a duty to pay rent owned to landlords, says *Siobhan Jones*

Employment: *Charles Pigott* highlights some of the hidden complexities of early conciliation

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EU: It's Grounding Day for HMRC as the ECJ again makes its presence felt, says *Adam Craggs*

New Law Journal **Vol. 164 No. 7603** **April 18 & 25, 2014**

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Tom Walker & Richard Marshall explain why standard six-month restrictions may have run their course

Employment: does the *Johnson* exclusion zone apply to restrictive covenants? *Anna Macey* reports

Personal injury: Who bears the risk for a working prisoner's negligence? *Robert O'Leary*

Property: *Alexander Bastin* reports on the *Benson* paradigm

Mental health: *Sophy Miles & Beverley Taylor* put the spotlight on the Mental Capacity Act

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Insurance: Do you have the right to inspect a defendant's liability insurance, ask *Rawdon Crizier & Anthony Eskander*

Tax: *Peter Vaines* makes a plea for increased taxpayer security & some common sense

New Law Journal **Vol. 164 No. 7604** **May 2, 2014**

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Roger Smith: looks at three issues that expose inconsistencies by the Lord Chancellor

Family: Is it impossible to apply the principle of compensation in financial remedy proceedings, asks *Ed Heaton*

Personal injury: *Sarah Crowther* examines practical guidance for assessing PI damages under a foreign law

Property: The decision in *Coventry v Lawrence* cannot be ignored, says *Andrew Francis*

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Litigation: The Court of Appeal has provided important authority on the scope of litigation privilege, says *Leonie Parkin*

New Law Journal Vol. 164 No. 7605 May 9, 2014

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Jon Robins tackles the Justice Gap

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

Family: When can a court order made in financial proceedings upon divorce be invalidated, asks *Sarah Hughes*

Personal injuries: Can claimants injured abroad sue insurers directly under the Motor Insurance Directives? *Nicholas Bevan* reports

Property: Has the whole purpose of introductory tenancies been defeated, asks *Nicholas Dobson*

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A constructive trust establishes beneficial interests in property, as *Rupert Butler & Thomas Horton* reports

New Law Journal Vol. 164 No. 7606 May 16, 2014

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Will the issue of e-cigarettes & plain packaging re-ignite tobacco litigation, asks *Sarah Moore*

Employment: Should all workers be extended the same floor of rights, asks *Charles Pigott*

Family: *David Burrows* addresses the issue of set aside orders

Personal injury: Cathy Kelly is a living, breathing case for structured settlements, says *Richard Fraser*

Commercial: *Jim Sharkey & Helen Mulcahy* analyse a raft of recent fraud cases

New Law Journal Vol. 164 No. 7607 May 23, 2014

Comment

The Jackson reforms will impact international litigants' view of the English court system, says *Nicholas Heaton*

Family: *Kirstie Gibson* considers allegations of misbehavior in the family courts

Property: *Kirstiy Varley* reports on changes to anti-social behavior & tenancy enforcement

Wills & probate

Henrietta Mason & Paola Fudakowska provide a wills & probate update

Jonathan Steinert & Paris Aboro examine the Supreme Court's approach to the rectification of a will

Education: Special educational needs provision is facing its most significant change for 30 years, says *Richard Freeth*

New Law Journal **Vol. 164 No. 7608** **May 30, 2014**

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Shariah & state law are linked in food law in complex ways, as *John Pointing* explains

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

Personal injury: Duty of care & causation have been under consideration again, notes *Karen O'Sullivan*

Property special

Alex Samuels provides some points of reference for trouble-free conveyancing

Is the NPFF undermining confidence in the planning system, asks *Perran Moon*

Failure to follow conveyancing rules has never been more risky, says *Jonathan Smithers*

Commercial: *Penny Bygrave & Michael Twomey* examine instances of potential liability

New Law Journal **Vol. 164 No. 7609** **June 6, 2014**

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David Greene ponders the benefits of adopting a more international approach to litigation

Employment: *Chris Bryden & Michael Salter* discuss presidential guidance

Family: *Natasha Phillips* underlines the importance of mortgage capacity assessments in divorce proceedings

Public: How far does parliamentary privilege extend, asks *Neil Parpworth*

Commercial: *Ian Gascoigne & Nicola Daniels* consider international dimensions to the service conundrum

New Law Journal **Vol. 164 No. 7610** **June 13, 2014**

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It's not all doom & gloom for legal aid & human rights lawyers, says *Roger Smith*

Employment: Employees & cosmetic surgery: *Sarah Johnson* reports

Family: *David Burrows* questions if the exceptional cases legal aid legislation is being properly applied

Personal injury: *David Short* examines the possibility of the relatives of mesothelioma victims making claims north of the border

Property: Sham transactions are easy to spot but difficult to prove, says *John de Waal QC*

EU: *Michael Nash* examines the legal conundrum of an independent Scotland's application to the EU

Oxford Journal of Legal Studies Vol. 34 No. 1 Spring 2014

Which came first, the procedure or the substance? Justification
priority and the substance – procedure distinction

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A legal right to do legal wrong

Ori J. Herstein

Conceptualizing ‘hostility’ for hate crime law: Minding ‘the minutiae’
when interpreting Section 28 (1) (a) of the Crime and Disorder Act 1998

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Chronic temptation, reasonable firmness and the criminal law

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Cross-border insolvency law: a comparative institutional analysis

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Union responsibility to migrant workers: a global justice approach

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Lawyering in place: topographies of practice and pleading in
Pittsburgh, 1775 – 1895

Bernard J. Hibbitts

The dawning of a new era? Law, lawyers and legal education

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Early Pittsburgh lawyers and the frontiers of argument and
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Capital, labor and lawyers: The changing roles and rising
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Ron Schuler