

April – June 2015 No. 2

JUDGMENTS

Anderson, Eduardo v National Water Commission
JMCA 27.03.2015

Bailey, Michael Junior v Jennifer Rena Roxane Bailey
JMCA 27.03.2015

Banton, Clive and Sadie Banton v Jamaica Redevelopment Foundation Inc.
JMSC 20.03.2015

Barnes, Yoensy v Maikel Bizet
JMSC 09.04.2015

Bennett, Phyllis v Wayne Gray and Nadine Jones
JMSC 25.03.2015

Bromfield, Eutetra v Vincent Bromfield (Jamaica)
UKPC 27.04.2015

Brown, Ervine o/c Marlon Robinson v R
JMCA 20.03.2015

Brown, Reginald (Father and near relation of Demory Brown, deceased) and Alberta Tugman (Mother and near relation of Demory v Balford Douglas and Andre Douglas and Deborah Douglas
JMCA 13.03.2014

Cameron, Lowell and Errol Dennis v Robert Pike and Hopeton Pike
JMSC 12.03.2015

Campbell, Douglas v The Strata Appeals Tribunal and PSP No 73 (Carib Ocho Rios)
JMSC 18.03.2015

<The> Caribbean Examinations Council v The Industrial Disputes Tribunal and Gerard Phillip
JMSC 17.03.2015

Clarke, Moranda v Dion Marie Godson and Donald Ranger
JMSC 20.03.2015

Dawes, Daniel v Transport Authority and The Ministry of Labour and Social Security and The Attorney General of Jamaica
JMSC 06.03.2015

Director of State Proceedings and Attorney General and Detective Constable Tyrone Findlay and Constable Leonard Lindsay v Administrator General of Jamaica (Person entitled to a Grant of Administration in the estate of Tony Richie Richards)
JMCA 13.03.2015

Edwards, Blossom v Rhonda Bedward
JMJC 21.04.2015

Flickinger, Elita v David Preble (T/as Xtabi Resort Club & Cottages) and Xtabi Resort Limited
JMCA 27.03.2015

Gasoline Retailers of Jamaica Limited v Jamaica Gasoline Retailers Association
JMCA 27.03.2015

Gibbs-Denis, Sonia Veronica Executrix for the estate of Leslie Alexander Denis, deceased v Leslie Alex
Denis and Giselle James
JMJC 05.03.2015

<The> Gleaner Company Limited v Vivian Bennett
JMCA 17.04.2015

Graham, Billard v Jeremy Wright
JMJC 23.04.2015

Guyah, Omar v Commissioner of Customs and Attorney General of Jamaica and Audrey E. Carter
JMCA 13.03.2015

Hamilton, Herbert A. v Ministry of National Security and Attorney-General of Jamaica
JMJC 10.03.2015

Henry, Ava v The Commissioner General Tax Administration Jamaica (Filed against Commissioner of
Taxpayer Appeals)
JMRC 20.04.2015

Hines-Brissett, Norma v Lennox Roxroy Brissett
JMJC 03.03.2015

Holness, Andrew v Arthur Williams
JMCA 25.03.2015

Humphrey, Dwayne v Luther Lewis and Marksman Company Ltd. and Carib Cement Company Ltd.
JMJC 26.03.2015

JMMB Merchant Bank Limited (Formerly Capital and Credit merchant Bank Limited) v The Real Estate
Board (Jamaica)
UKPC 20.04.2015

Jamaica Edible Oils & Fats Company Ltd. v MSA Tire (Jamaica) Limited and Jeanne Lavan
JMJC 27.03.2015

Jamaica Public Service Company Limited v The All Island Electricity Appeal Tribunal and Paul Harrison
and Derrick McKoy and Derek Jones and Office of Utilities Regulation
JMCA 13.03.2015

Ken's Sales & Marketing Limited v Cash Plus Development Limited (In provisional liquidation)
JMCA 13.03.2015

Lauder, Nicola and Lydia Jones v Everett Brady
JMJC 17.04.2015

Lopez, Annie v Dawkins Brown and Glen Brown
JMCA 17.04.2015

Messado, Jennifer and Lanza Turner Bowen v Keith Recas and Nerisha Nathan
JMCA 20.03.2015

Morton, Patrick v Ojay Coolers Limited
JMCA 03.03.2015

Paymaster Jamaica Limited v Grace Kennedy Remittance Services Limited and Paul Lowe
JMCA 27.03.2015

Sagicor Bank Jamaica Limited (Formerly known as RBTT Bank Jamaica Limited v YP Seaton and Earthcrane Haulage Limited and YP Seaton & Associates Company Limited
JMCA 24.04.2015

Sharma, Kemar v R
JMCA 06.03.2015

Sherriah, O. Augustus v DYC Fishing Limited and The Owners of M/V Devin and M/V and Seafood & Ting International Limited
JMCA 02.03.2015

Stewart-Earle, Janet v Jamaica Urban Transit Company Ltd.
JMCA 27.03.2015

Thomas, Sunshine Dorothy and Winsome Blossom Thompson (Executrices of the estate of Leonard Adolphus Brown, deceased) and Owen Brown v Beverly Davis
JMCA 27.03.2015

Tri-Star Engineering Ltd. v Alu-Plastics Ltd and Pamela Josephs and Judith Josephs
JMCA 27.03.2015

Vincent, Leeman v Fitzroy Bailey
JMCA 18.03.2015

LEGISLATION

Commonwealth of Dominica

Acts

2/2015	Carib Reserve (Amendment) Act
1/2015	National Parks and Protected Areas (Amendment) Act

Jamaica

Acts

6/2015	Appropriation Act
5/2015	Dangerous Drugs (Amendment) Act
1/2015	Disaster Risk Management Act
4/2015	Financial Administration and Audit (Amendment) Act
3/2015	Public Bodies and Management and Accountability (Amendment) Act
2/2015	Urban Renewal (Tax Relief) (Amendment) Act

LAW REPORTS

Law Reports – Appeal Cases	2014
Law Reports – Chancery Division	2014
Law Reports – Family Division	2012, 2014
Law Reports – Queens Bench	2014
Law Reports of the Commonwealth	2015 Vols. 2 & 3
New Zealand Law Reports	2015 Vol. 2

TREATISES, DIGESTS ETC.

Atkin's Court Forms. 2 nd ed. 2015 issue	
Vol. 19(1)	Enforcement of Judgments and Orders (Part 1)
Vol. 19(2)	Enforcement of Judgments and Orders (Part 2)
Vol. 29(1)	Partnerships and LLPs Patents and Inventions
Vol. 29(2)	Part 20 to Payment into and out of Court
Vol. 37(1)	Specific Performance, Town & Country Planning
	KN351.A88
<The> Digest. 4 th Reissue	
Vols. 8(3, 4&5)	Children and young persons
Vol. 32(1)	Licensing and gambling
	KF85.E6

SERIALS

ABA Journal Vol. 101 No. 4 April 2015

President's message

ABA Day provides a chance for bar leaders to lobby policymakers on critical legal issues

William C. Hubbard

Opening statements

Lawsuits mount as Cubs fans denied a view cry foul over renovation plans for Wrigley Field

Judy Sutton Taylor

Golden State attorney puts a gag gift to good use on YouTube, draws coverage, clients – and a few critics

Margaret Littman

10 questions for the D.C. lawyer who coordinated an extensive pro bono effort on behalf of Holocaust victims

Jenny B. Davis

Wearable devices offer a treasure trove of information for evidence in the courtroom

M.L.

Cartoon of the month: Check out last month's contest winner and try crafting a caption for the current cartoon

Megan Lasswell

Docket

National pulse: Kentucky tests new assessment tool to determine whether to keep defendants behind bars

Jason Tashea

National pulse: State copyright law gives musicians performance rights, puts broadcasters on notice *Steven Seidenberg*

Supreme Court Report: High court to review cases addressing same-sex marriage from four states *Mark Walsh*

Practice

Ethics: Cyber liability insurance is an increasingly popular and almost necessary choice for law firms *David L. Hudson Jr.*

Words: Legalistic labels: Are they a bad habit or a sometimes necessary approach? *Bryan A. Garner*

Business of law

Incubators: Brooklyn Law School prof. helps Europe's startup community with a network of law school clinics *Kevin Davis*

Law scribbler: When law firms offer free services, it generates business too *Victor Li*

Techshow: Keynote speaker warns of the threat posed by automation – without human input *Victor Li*

Legal services: Offenders monitoring comes to your local smartphone *Joe Dysart*

Kennedy on tech: Making legal services a product can make sense *Dennis Kennedy*

Your ABA/ Midyear meeting report

The ABA House takes on domestic violence, executions *Lorelei Laird*

'Stand your ground' laws draw opposition *L.L.*

Leadership slate displays diversity in action *James Podgers*

Pact aims to bolster the rule of law in Sri Lanka *J.P.*

Panel debates how to weigh threatening online posts *L.L.*

Experts explore the line between spanking and abuse *L.L.*

A human rights storm could hit the extractives sector *J.P.*

Members' involvement is key when lobbying legislators *Thomas M. Susman*

Obiter Dicta

Wine collectors broke laws, paid price; will bottles be 'decanted' down the drain? *Brian Sullivan*

ABA Journal Vol. 101 No. 5 May 2015

President's message

Law Day and other activities will celebrate the Magna Carta's 800th anniversary *William C. Hubbard*

Opening statements

- Texas craft brewers are suing the state over a law restricting their distribution rights *Mark Curriden*
- Denver school offers a marijuana law class *Lorelei Laird*
- Meet the legal force behind some of the biggest brands in the American fashion industry *Jenny B. Davis*
- Law School Transparency offers podcasts on various legal jobs *L.L.*
- Legal Hackers bring the tech-based problem-solving movement to the justice system *Margaret Littman*

The Docket

National pulse: A South Dakota class action highlights violations of the Indian Child Welfare Act *Lorelei Laird*

National pulse: Cheerleaders throw a flag at the NFL, contending violations of wage and hour laws *L.J. Jackson*

Supreme Court Report: State bars gnash their teeth as dental board ruling could expose them greater antitrust liability *Mark Walsh*

Practice

Ethics: Law firms have become more wary about liability issues surrounding lateral hires *David L. Hudson*

Words: Good brief writing enhances a lawyer's persuasive power with a judge *Bryan A. Garner*

Advocacy: It's up to you to do something about it when other lawyers, judges or clients don't afford your respect *Janet S. Kole*

Business of Law

Technology: A federal clerk tired of endless paper work builds an electronic payment system that improves the lives of lawyers for low-income federal defendants *Joe Dysart*

Ambrogi on tech: Clearspire's law firm is dead, but its virtual workplace and collaboration tool, Coral, lives on *Robert J. Ambrogi*

Law school: Hybrid program allows far-away students to earn a law degree *G.M. Fillisko*

International practice: U.S. firms' actions in the China market underline its economically challenging nature *Anthony Lin*

Your ABA

Cincinnati lawyer works to ensure equal rights, treatment for American Muslims *Martha Middleton*

The association announces its slate of nominees for leader positions *James Podgers*

Law schools would have to break down attrition data if proposed changes get green light *Mark Hansen*

The ABA's 2015 advocacy priorities span 10 categories *Rhonda McMillion*

Commonwealth Judicial Journal Vol. 21 No. 2 June 3, 2014

A regional Final Court of Appeal for the South Pacific? *David Doyle*

The selection of judges in the United States of America *David Roberts*

Judges and journalists – uncomfortable bedfellows *Michael Beloff*

Courts and ADR: Many ways, one destination and an imperative to work together *Ambeng Kandakasi*

Commonwealth Judicial Journal Vol. 21 No. 4 December 2014

Judicial independence and the role of the Chief Justice – powers, limitations and challenges *John Z. Vertes*

Discussing strategies for judicial leadership in addressing violence against women *Fiona Mwale*

The application of English Law in Southern Africa *Mahapela Lehohla*

Reference Re: Supreme Court Act, SS.5 and 6, 2014 SCC21: A case comment *Frank A.V. Falzon*

<The> International Journal of Evidence & Proof Vol. 19 No. 2

Bigger fish to fry: Should the reform of cross-examination be expanded beyond vulnerable witnesses? *Emily Henderson*

The collateral evidence rule: A sad forensic fable involving a circus, its sideshow, confusion, vanishing tricks and alchemy *Adrian Keane*

<The> Law Society Gazette March 30, 2015

Outrage at 'back door' criminal fees *John Hyde*

CA decision: 'Hundreds' of firms will go under *Monidipa Fouzder*

Town hall ABS pioneers eye closer working *Monidipa Fouzder*

We reject two-thirds of calls, says claims handler *John Hyde*

Record fine for 'appalling' Oxford solicitor *John Hyde*

<The> Law Society Gazette April 13, 2015

Shake-out looming as firms draft tender bids *Monidipa Fouzder*

City firms reveal high trains retention rates *Mondidipa Fouzder*

Co-op in profit after 'year of two halves' *Michael Cross*

Town halls set to cash in on services – thinktank	<i>Monidipa Fouzder</i>
Insurer fails in bid to set aside dishonest claim	<i>John Hyde</i>
<The> Law Society Gazette April 20, 2015	
SRA set for third-party overhaul of client money	<i>John Hyde</i>
Society warns treasury on non-dom tax plans	<i>John Hyde</i>
Paralegal first to qualify via flexible route	<i>John Hyde</i>
'Major breach' feared as ICO monitors data	<i>Monidipa Fouzder</i>
Listen to the judiciary	<i>Joshua Rosenberg</i>
<The> Law Society Gazette April 27, 2015	
Concerns over judge replacement pilot	<i>John Hyde</i>
Lord Dyson calls for simpler rules	<i>Monidipa Fouzder</i>
Justice report proposes new model for disputes	<i>Chloe Smith</i>
'No trial' ruling on Lord Janner splits opinion	<i>Chloe Smith</i>
Legal fees lag as estate agent costs hit the roof	<i>John Hyde</i>
Councils 'need to be clear' on ABS plans	<i>Monidipa Fouzder</i>
Global bar chief challenged over free trade treaty	<i>Michael Cross</i>
Culture clash	<i>Grania Langdon-Down</i>
<The> Law Society Gazette May 4, 2015	
Solicitor opts for bar over SRA in search of 'stability'	<i>Chloe Smith</i>
Sex shop fees ruling is good news for SRA	<i>John Hyde</i>
Council brings more legal work in-house	<i>Monidipa Fouzder</i>
Court rejects sanctions relief after email mistake	<i>John Hyde</i>
'Commoditised advice to miner 'negligent' – CoA	<i>John Hyde</i>
Pushing the boundary	<i>Grania Langdon-Down</i>
<The> Law Society Gazette May 18, 2015	
Jackson: costs management here to stay	<i>John Hyde</i>
Shake on deal, then go to legal – survey	<i>Monidipa Fouzder</i>
New team takes helm at the MoJ	<i>Chloe Smith</i>

Contract chaos fear as France rewrites civil law	<i>Michael Cross</i>
New rules herald US-style class actions	<i>Chloe Smith</i>
SRA intervention vindicated in High Court ruling	<i>John Hyde</i>
Junk science threat to justice: Diluting the quality of forensic evidence will have grievous results	<i>Alastair Logan</i>
Gay couple win surrogacy care case	<i>Jonathan Rayner</i>

New Law Journal Vol. 165 No. 7644 March 13, 2015

Comment

Roger Smith follows some figures of speech

Employment: *Ian Smith* reflects upon the impact of recent employment law developments

Family: *Kate Molan & Lucy Cummin* warn against increasing transparency in the family courts

Property: Thou shalt not trespass: *Stephen Boyd* tells a cautionary tale

Public: *Nicholas Griffin QC* considers the future of the Goddard Inquiry into child sexual abuse

New Law Journal Vol. 165 No. 7645 March 20, 2015

Comment

David Burrows unravels the technicalities in *Wyatt v Vince*

Employment: *Chris Bryden & Michael Salter* explains why common sense trumps policy in cases involving online misconduct

Property: *Mathew McDermott* asks whether ignorance really is bliss

Public: State immunity: states & litigants beware, says *Khawar Qureshi QC*

Personal injury: Not everything foreseeable is likely... as *Mark Lee* explains

New Law Journal Vol. 165 No. 7646 March 27, 2015

Comment

Jon Robins laments the foreseeable consequences of the MoJ's aid vanishing act

Employment: Embassies' employment immunities are in breach of the European Conventions on Human Rights, says *Charles Pigott*

Family: Spousal maintenance in a time of change outlined by *Hazel Wright*

Wills & Probate

Henrietta Mason & Paola Fudakowska provide a wills & probate update

Edward Rowntree explains why deathbed gifts are under the Appeal Court spotlight

James Ward takes issue with the chancellor's unjustified attack on deeds of variation

Commercial

Tax: *Peter Vaines and George Osborne* get serious about tax evasion

New Law Journal **Vol. 165 No. 7647** **April 3 & 10, 2015**

Comment

Dominic Regan expresses dismay over the MoJ's understanding of the Jackson Report

Negligence: *Montgomery* is the belated obituary, not the death-knell, of paternalism, says *Charles Foster*

Employment: *Chapman v Simon* is alive and kicking after 20 years, says *Ryan Clement*

Property: *Andrew Francis* considers how to prevent the acquisition of a right of light

New Law Journal **Vol. 165 No. 7648** **April 17, 2015**

Comment

Nicholas Bevan explains why *Delaney* is a game changer

Employment: *Ian Smith* reviews the employment law landscape in the run-up to the election

Family: The latest developments in property cohabitation cases: where are we now, asks *Frances Ratcliffe*

Administration: *Dr. Anton van Dellen, Martin Khoshdel & Sara Wyeth* report on another unfair bone in the ossuary

New Law Journal **Vol. 165 No. 7649** **April 24, 2015**

Comment

Steve Hynes examines the policies political parties are offering on access to justice

Family: *David Burrows* provides a master class in contractual retainers & legal advice privilege

Personal injury: *Warren Collins* explores the legal implications of medical deterioration in brain injury cases

Property: *Laura Tweedy* examines the changing scope of private sector licensing

New Law Journal **Vol. 165 No. 7650** **May 1, 2015**

Comment

Dominic Vincent & James Whittaker discuss the delay to the introduction of the LASPO provisions for insolvency cases

Personal injury: *Catherine Leech* reflects on the impact of *Woodland*

Public: Are all authority officers necessarily employees, asks *Nicholas Dobson*

Competition: *Leigh Mallon, James Kitching & Tobias Caspary* explore opt-out "class-actions"

New Law Journal **Vol. 165 No. 7651** **May 8, 2015**

Comment

Dominic Regan shares his concern that proportionality, a major plank of the Jackson reforms, is so often sidelined

Employment: *Tom Walker & Richard Marshall* consider the length of restrictive covenants

Family: When should maintenance payments stop, asks *Sarah Hughes*

Personal injury: *Karen O'Sullivan* examines the level of anonymity afforded to a child or protected party

Regulatory: *Alexander Hill-Smith* reviews the new regime for high-cost short-term lending

Product liability: *Thomas Jervis* salutes the landmark product liability ruling in *Boston Scientific*

New Law Journal **Vol. 165 No. 7652** **May 15, 2015**

Comment

What impact will the new Lord Chancellor have the UK justice system, asks *Jon Robins*

Employment: *Charles Pigott* observes a divide in the Supreme Court over reasonableness of a contractual decision

Family: *Christopher Butler & Harriet Errington* examine the court's discretion to exclude media representatives from family proceedings

Property: The law surrounding illegal conduct & trusts is in a muddle, says *Steve Evans*

Negligence: *Daniel Goodkin* examines the pitfalls surrounding valuers' negligence

New Law Journal **Vol. 165 No. 7653** **May 22, 2015**

Comment

Human rights are the talk of the town, says *Roger Smith*

Employment: *Ian Smith* considers the common law on undiscovered misconduct & follows the developing law on early conciliation

Family: *Jonathan Herring* questions the family courts' treatment of willful children

Wills & probate: Blood is not necessarily thicker than water where will validity is concerned, observes *Emma Myers*

Commercial: *Thomas Spencer* suggests an elegant but overlooked approach for lifting the corporate veil

New Law Journal **Vol. 165 No. 7654** **May 29, 2015**

Comment

Fighting cuts is not enough. *Geoffrey Bindman QC* sets a challenge for the new Lord Chancellor

Family: Does lack of clarity in the legal aid scheme prevent access to justice, asks *David Burrows*

Personal injury: Members of the armed forces should have recourse to the courts, argues *Richard Scorer*

Property

How has *Lawrence v Fen Tiger Ltd.* been treated by the courts at first instance, asks *Andrew Francis*

Advertorial: Why cracking up isn't a laughing matter

New Law Journal **Vol.165 No. 7655** **June 5, 2015**

Comment

Who will be guiding Mr. Gove regarding a British Bill of Rights asks *Michael Zander QC*

Employment: When it comes to collective redundancies the "establishment" wins, says *John McMullen*

Family: *Geraldine Morris* looks at the newly elected government's plans & the potential impact on the family law

Property: It's never too late to ensure that statutory procedures have been followed, says *Andrew Skelly*

New Law Journal **Vol. 165 No. 7656** **June 12, 2015**

Comment

There is much in the coming parliamentary programme to trouble civil liberties-minded lawyers, says *Jon Robins*

Employment: *Hester Jewitt* considers the impact of the election on employment law

Property: Could conservation wishes change property law, asks *Brie Stevens-Hoare*

Human rights: *Michael Zander QC* on the Report of the Commission on a UK Bill of Rights

Constitutional: Can the UK force its modern-day "colonies" to introduce registers of beneficial ownership, asks *James Brockhurst*

Commercial

The so-called "illegality defence" will not protect rogue directors, explains *Richard Highley*

Joshua Munro introduces a first for English law: the equitable right of an insurer to compensation from its own insured in respect of the claim on the policy

New Law Journal **Vol. 165 No. 7657** **June 19, 2015**

Comment

Jon Robins monitors the rise & rise of non-lawyers in the courtroom

Family: has our approach to maintenance changed forever, asks *Charlotte Doherty*

Human rights: *Michael Zander QC* considers whether the UK Bill of Rights will ever happen

Charities: *Daniel Robinson* puts charity law under the spotlight

Wills & probate: *Henrietta Mason* considers recent procedural developments in contentious succession

New Law Journal **Vol. 165 No. 7658** **June 26, 2015**

Comment

Tom Cross & John Ford review the new Education & Adoption Bill

Employment: It's all in a day's work for *Ian Smith* as he reviews the latest employment decisions

Family: *Edward Heaton* considers a surprising case that illustrates how difficult it is to run a successful add-back argument

Oklahoma Law Review Vol. 67 No. 2 Winter 2015

A failure of substance and a failure of process: The circular odyssey of Oklahoma's Corporate Law Amendments in 2010, 2012, and 2013

Steven J. Cleveland

Letting one fly over the cuckoo's nest: Why automatic reversal is the only effective remedy for denial of Counsel at a mental competency hearing

Jenny Fehring

Oxford Journal of Legal Studies Vol. 35 No. 1 Spring 2015

From only the 'Bottom-up'? Legitimate forms of judicial reasoning in private law

Carmine Conte

Relative title and deemed ownership in English personal property law

Luke Rostill

Confronting the competence conundrum: Democratising the European Union through an expansion of its legislative powers

Sacha Garben

Information concepts in law: Generic dreams and definitional daylight

Lee A. Bygrave

Taming the biased black box? On the potential role of behavioural realism in anti-discrimination policy

Ana Carolina Alfinito Vieira

The political division of regulatory labour: A legal theory of agency selection

Donald Feaver & Benedict Sheehy