

CURRENT AWARENESS BULLETIN

June – August 2007



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INTRODUCTION

This publication is designed to inform users of acquisitions by the library within the stated period, and will appear quarterly until further notice.

Under **TREATISES, DIGESTS, ETC.**, the classification number for the location of the publication on the shelves, is included to the right of the listing.

Under **LEGISLATION**, the abbreviation “G.S.” means - Jamaica Gazette Supplement Bills and Acts.

Judgments are arranged by country, then listed alphabetically by names of parties, followed by the court and date of decision. Abbreviations for the courts are as follows:

- P.C. Privy Council
- C.A. Court of Appeal
- S.C. Supreme Court
- R.C. Revenue Court
- F.C. Full Court

Jamaican judgments have been broadly classified to facilitate the user. Headings are indicated in bold letters appearing after the date of decision for each judgment.

Publications of other Caribbean territories are included as and when received.

Comments: As we begin to adapt to the new normal, John Gould asks whether it's time to adopt a new approach to ethics

Specialist: Employment Ian Smith takes a gender at short, precise, but nonetheless important aspects of both common & statutory

Procedure and Practice: Standard of Proof **Adrian Keane** considers jurors should be given a fuller & more accurate direction before returning their verdict.

Inside Court: Law Digest

Profession: Expert Witness- Expert witnesses at a conference with counsel- a practical guide-compiled by Mark Solon.

conversion in the digital age

JUDGMENTS

Bahamas

ANDERSON, BERKLEY and Lil Bert Electric v OPAC Bahamas Ltd.

BSSC.22.03.2007

CONTRACT - Preparation of drawings as contained in a proposal – Contract not breached – Defendant to pay plaintiff for the drawings

ATTORNEY GENERAL v Steve Ferguson, Ishwar Galbaransing Raul Gutterrez et al.

BSSC. 0504.2007

EXTRADITION - Attorney General's authority to proceed — Validity — No bias or oppressive behaviour on part of Attorney General — Claimants had no right to be tried exclusively in Trinidad and Tobago — Authority to proceed valid — Issue of forum would rightly be decided after committal proceedings were determined.

CURRY, Chadwin v The Attorney General

BSSC. 23.02.2007

JUDICIAL REVIEW - Committal warrant — Warrant not specific as to how sentences would run consecutively — Delay by applicant in bringing application for judicial review adequately explained — Magistrate did not observe proper sentencing practices — Applicant released.

D v D

BSSC.24.05.2007

DARLING, Clifford Anton v Bahamas Gas Ltd.

BSSC. 04.04.07

NEGLIGENCE - Liability – Whether defendant who was owner of equipment was liable for injury by fire sustained by plaintiff on job by failing to provide him with a safe system of work – Whether hose leading to gas tank was faulty – Finding that the employer was negligent in allowing an untrained person to join the hose which was the direct cause of the accident – Defendant liable for plaintiff's injuries – Damages to be assessed by Registrar.

FINANCE CORPORATION of Bahamas Ltd. v Peggy E. Miller

BSSC. 04.04.07

REAL PROPERTY - Possession – Application by plaintiff for possession of property mortgage payments of which were in arrears – Declaration for plaintiff.

FREEPORT CONCRETE Company Ltd. v The Crown, The Comptroller of H.M. Customs and The Attorney General

BSSC.18.05.07

JUDICIAL REVIEW - Certiorari — Prohibition — Mandamus — Legitimate expectation not arising as it would be in derogation of statute — Unreasonable decision by authority to impose pre-conditions on applicant — Reliefs granted.

GOODMAN, Chad v Attorney General of The Commonwealth of The Bahamas

BSSC. 21.05.07

Jamaica

ADEITE, ADEBOWALE (Father and administrator of the estate of Adebayo Adeite) and Sofia Adeite (Mother and administrator of the estate of Adebayo Adeite) v The Attorney General of Jamaica

JMSC. 18.06.2007

CIVIL PROCEDURE AND PRACTICE– Application to enter judgment in default – Application for permission to file defence out of time

ATTORNEY GENERAL of Jamaica and The Ministry of National Security v Paul Facey

JMCA. 31.07.2007

NEGLIGENCE - Motor vehicle collision

BECKFORD, Arlean v The General Legal Council

JMCA. 31.07.2007

LEGAL PROFESSION – Professional misconduct – Breach of Canon IV(s) and Canon I(b)

BROWN, Lanzie v Det. Corp. Wayne Clarke and The Attorney General of Jamaica

JMSC. 27.02.2007

NEGLIGENCE – Vicarious liability – Whether employer of police officer negligent

CAN-CARA Development Ltd. v New Era Homes

JMSC. 24.08.2007

CIVIL PROCEDURE AND PRACTICE– Application for injunction - Application that defendant be restrained until arbitration hearing or trial

DOUGLAS, Joy and Marlene Douglas and Jacklyn Douglas and Ivan Douglas v Barclays Bank PLC and National Commercial Bank Jamaica Limited

JMSC. 26.07.2007

CIVIL PROCEDURE AND PRACTICE– Trust – Management application to reverse refusal of application of search order to inspect books of 1st Defendant- Trustee Act, s. 25 – Trustees, Attorneys and Executors (Accounts and General) Act, s. 9

ELLIOTT, Richard v Sharon Brown Elliott

JMSC. 17.07.2007

FAMILY LAW- Division of matrimonial property – Property (Right of spouses) Act 2004

Global Trust Limited and Donald Glanville v Jamaica Re-Development Foundation Inc. and Dennis Joslin Jamaica, Inc.

JMCA 27.07.2007

CONTRACT – Guarantee – Mortgage – Whether mortgage debt discharged

MORTGAGES - Debt - Whether discharged - Application for injunction to restrain sale of property

GRACE THRILLERS Outreach Ministry Ltd. v Shirley Willis and Marcia Archer and Dian Barnett-Stewart and Sandra Brooks and Leroy Smith

JMSC. 30.07.2007

CIVIL PROCEDURE AND PRACTICE– Application for interlocutory injunction –Tort of passing off

HADDAD, Peter v Donald Silvera

JMCA. 31.07.2007

CIVIL PROCEDURE AND PRACTICE– Delay in filing – Application for extension of time to file - Non-compliance with provision of court rules – Court of Appeal Rules - Rule 2.7(3)(1)

HARRIS, Henry v Mario Fyffe and Marie Lopez-Gordon
JMISC. 30.07.2007

CIVIL PROCEDURE AND PRACTICE– Application to set aside judgment in default of defence and for judgment on admission to be entered instead – Whether Rule 13.3 , Civil Procedure Rules allows such an application

KINGSTON AND SAINT ANDREW Corporation v Diana Cooke and Deborah Ezzo and Colin Cooke and C.C. L. Limited
JMISC. 31.01.2007

CIVIL PROCEDURE AND PRACTICE– Application for injunction against development – Removal of dividing fence – Unauthorized change of user

KIRKWOOD MANUFACTURING Company Limited (in liquidation) v In the matter of the Companies Act
JMISC. 19.06.2007

COMPANY LAW – Winding up – Application for dissolution -No statement of arrangements or preliminary report filed – Companies Act, s. 269

LLOYD DIXON & Company Ltd. v Y.P. Seaton & Associates Company Limited
JMISC. 26.07.2007

CIVIL PROCEDURE AND PRACTICE– Judgment debt –Application of stay of execution of judgment debt pending determination of appeal

MCCALLA, Grace v Eric McCalla and Jenice McCalla and Jeffrey McCalla
JMISC. 03.08.2007

FAMILY LAW – Division of matrimonial property – Declaration of beneficial interest in property – Express, resulting and constructive trusts – Proprietary estoppel – ss. 7, 8 Statute of Frauds

MCKNIGHT (BY NEXT FRIEND Conrad McKnight v N.E.M. Insurance Co. (JA.) Ltd. and N.E.M. Insurance Co. (JA.) v Webster Buchanan
JMISC. 13.07.2007

INSURANCE LAW – Interpretation of s. 18(1) Motor Vehicle Insurance (Third Party Risks) Act

MCLEISH, Elkanah v Det. Sgt. Lincoln Castle and Sugar Industry Authority and The Attorney General
JMCA.04.07.2007

DAMAGES – False imprisonment

MOORE, Sandra v Patrick Cawley
JMISC. 20.07.2007

CIVIL PROCEDURE AND PRACTICE– Application to set aside judgment – Meaning of affidavit and jurat within Part 30, Civil Procedure Rules

MORRISON, Glenton v Steadman Henry and Nigel Fairclough
JMISC. 13.06.2007

NEGLIGENCE – Damages – Motor vehicle collision

MYRIE, Kellecian v Beverly Mitchell and Cordel Wilson
JMISC. 22.05.2007

DAMAGES – Assessment – Motor vehicle collision

NUNES-ASIEDU, Trefina Veronica v Administrator General
JMISC. 17.09.2009

CONVEYANCING – Failure to meet terms of sale agreement

PARIO SOLUTIONS Limited (Formerly the Lewis Group) v Gotel Communications Ltd.
JMSC. 02.05.2007

CIVIL PROCEDURE AND PRACTICE– Application to set aside judgment in default of defence

PATRICK, Cecil v Basil Samms and Edna Robinson
JMSC. 27.07.2007

WILL – Application for declaration that will is invalid and declaration of entitlement to life interest

PHJ Limited (in liquidation) v National Commercial Bank Jamaica Limited and Jamaica Redevelopment Limited and Scotia Bank Jamaica Trust and Merchant Bank Ltd. and ADM Milling Co. Ltd.

JMCA. 27.07.2007

COMPANY LAW – Sale of stock units – whether equitable assignment of proceeds of sale of stock

ROBINSON, LACKSTON v Daisy Coke and Michael Fennel and Edwin Jones and Pauline Findlay and George Phillip (All members of the Public Service Commission)

JMSC. 31.07.2007

ADMINISTRATIVE LAW – Judicial review - Whether improper exercise of power under Ministry of Justice Staff Order 5.23 – Whether breach of Public Service Regulations

S & T DISTRIBUTORS Limited and S & T Limited v CIBC Jamaica Limited and Royal & Sun Alliance

JMCA. 31.07.2007

CIVIL PROCEDURE AND PRACTICE– Appeal – Claim for breach of contract and negligence

SPENCE, BARBARA (Suing by daughter and next friend Shree-Ann Simon v Karl Spencer and Elsie Taylor (Executrix of estate Edgar Milton Spence) and Horace Anthony Shirley)

JMCA. 27.07.2007

REAL PROPERTY - Application of entitlement to beneficial interest – Whether presumption of advancement applies – Whether will rebuts presumption of advancement

STERLING, EDITH Christiana v Eric Sylvester Sterling

JMSC. 15.06.2007

REAL PROPERTY – Joint tenancy –Wife’s voluntary departure from matrimonial home because of physical abuse – Whether entitlement still valid after 13 years

SURDEEN, Sharon v John Surdeen

JMSC. 30.04.2007

FAMILY LAW – Maintenance of children

TEXACO CARIBBEAN Inc. and Esso Standard Oil S.A. Limited and Shell Company West Indies Limited and Total Jamaica Limited v The Ministry of Commerce Science and Technology and Bureau of Standards

JMSC 21.06.2007

JUDICIAL REVIEW - Certiorari — Prohibition — Validity of regulations under Weights and Measures Act — Ultra vires — Excess of ministerial authority — Procedural irregularity — Regulations not published in draft — Restraint from implementation of regulations — Judgment in favour of claimants.

TRUSTEES OF THE Pension Plan for the Employees of Citizens Bank Limited now RBTT Bank Jamaica Limited v FINSAC Limited
JMSC. 19.04.2007

TRUST – Superannuation fund – Disposition of surplus of pension scheme – Construction of pension scheme rules – Implied term – Constructive trust

WESTERN PUBLISHERS Ltd. v Cecelia Grant
JMCA. 17.04.2007

CIVIL PROCEDURE – Application to extend time within which to hear motion and to set aside default judgment

WILLOWOOD Lakes Limited v The Board of Trustees of The Kingston Port Workers Superannuation Fund
JMSC. 07.08.2007

ARBITRATION - Application to strike out claimant's statement of case – Claim seeking to challenge award by arbitrator – Rule 26.3 (1)(c) Civil Procedure Rules 2002

WILSON, Derrick v The Board of Management Maldon High School and The Ministry of Education
JMSC. 31.07.2007

ADMINISTRATIVE LAW – Judicial review – Application for orders of mandamus and certiorari – Allegation that defendants acted contrary to law in termination of claimant's provisional appointment

LEGISLATION

Bahamas

Acts

34/2007	Appropriation (Capital Development) (2007-2008) Act
33/2007	Appropriation (Revenue Account) Expenses) (2007-2008) Act
32/2007	Defence (Amendment) Act
24/2007	Domestic Violence (Protection Orders) Act
29/2007	Economic Development Enterprises Act
31/2007	Foundations (Amendment) Act
28/2007	National Heroes Act
27/2007	National Honours Act
26/2007	Police Service Act
37/2007	Prime Minister's Pension Act
30/2007	Purpose Trusts (Amendment) Act
25/2007	Road Traffic (Amendment) Act
36/2007	Stamp (Amendment) Act
35/2007	Tariff (Amendment) Act

Barbados

Acts

25/2007	Airports (Amendment) Act
32/2007	Defence (Amendment) Act
26/2007	International Business (Miscellaneous Provisions) (No.2) Act
29/2007	Local Loans (Amendment) Act
30/2007	Offshore Petroleum Act
31/2007	Offshore Petroleum (Taxation) Act
23/2007	Property Transfer Tax (Amendment) Act
27/2007	Road Traffic (Amendment) (No. 2) Act
28/2007	Transport Authority Act

24/2007 University of the West Indies (Guarantee of Loans) Act

Commonwealth of Dominica

Acts

12/2007 2007/2008 Appropriation Act

Jamaica

Acts

12/2007 Kingston and St. Andrew Corporation Act

10/2007 Ministerial and Parliamentary Functions (Phyllis Mae Mitchell) (Validation and Indemnity) Act

13/2007 Parish Councils (Amendment) Act

11/2007 Representation of the people (Amendment) Act

LAW REPORTS

All England Law Reports	2007	Vol. 1
Dominion Law Reports 4 th series	2007	Vols. 271 & 272
Estates Gazette Law Reports	2006	Vol. 2
International Law Reports	2006	Vol. 128
Lloyds Law Report	2006	Vol. 2
Property Planning and Compensation Reports	2005	Vol. 2

TREATISES, DIGESTS ETC.

Archbold: Pleading, evidence and practice 2007/ John Frederick Archbold London: Sweet & Maxwell, 2007		KM570.A72
Atkin's Court Forms. 2 nd ed. 2007 Vol. 8(3) Court System and Claims Procedure		KN351.A88
Blackstone's criminal practice 2007 Oxford: Oxford University Press, 2007		KM570.C75
Cross and Tapper on evidence. 11 th ed. / Rupert Cross Oxford: Oxford University Press, 2007		KN390.C77
Digest, The 3 rd Reissue 2007 Vol. 4(3) Bankruptcy and Individual Insolvency Vol. 5(1) Bankruptcy and Individual Insolvency Vol. 5(2) Bankruptcy and Individual Insolvency		KF85.E6
Encyclopaedia of Forms and Precedents. 5 th ed. 2007 Vol. 26(3) Mines, Minerals and Landfill Vol. 38(3) Sale of Land (Commercial Property)		KN74.1.E51
Injunctions 9 th ed. /David Bean London: Sweet & Maxwell, 2007		KN232.B43
Kelly's draftsman. 19 th ed. /William Kelly Oxford: Oxford University Press, 2007		KL34.K44
Law of evidence. 3 rd ed. /Prof. Ian Dennis London: Sweet & Maxwell, 2007		KN390.D36

Pleading without tears. 7 th ed. /William Rose Oxford: Oxford University Press, 2007	KL34.2.R64
Practical approach to conveyancing, A . 8 th ed. / Robert M. Abbey Oxford: Oxford University Press, 2006	KN74.A22
Practical approach to criminal procedure, A. 11 th ed. /John Sprack Oxford: Oxford University Press, 2006	KM570.S67
Tristram and Coote's probate practice.-13 th ed. /Thomas H. Tristram London: Butterworths, 2006	KN127.T75

SERIALS

ABA Journal June 2007

Helping Congress pass good legislation	<i>Karen J. Mathis</i>
The High Court's Danish Prince	<i>Davis G. Savage</i>
An outside shot at securities fraud	<i>John Gibeaut</i>
Expressing their interest: rise in rates swells IOLTA, and legal services gain	<i>Terry Carter</i>
Putting the case together: focus on the elements necessary to tell a convincing story to the jury	<i>James W. McElhaney</i>
Three lawyers team up with three professional coaches to take their practices to the next level in just one month	<i>Jenny B. Davis</i>

ABA Journal July 2007

We serve a diverse profession: 20 years of ABA initiatives promote full and equal participation in the law	<i>Karen J. Mathis</i>
The body in question: coroners eye Ohio suit demanding they tell families about removal of body parts	<i>Mark Hanson</i>
The too much information age: authorities seek clarity on unsolicited information from prospective clients	<i>Kathryn A. Thompson</i>
Legal writing that's work: persuasive briefs are the product of tough choices about substance, style	<i>James W. McElhaney</i>
Her homework: law practice After a busy day in the classroom, this teacher gets her solo practice going	<i>Margaret Graham Tebo</i>
Who needs Harvard? Grads from lower-ranked law schools can get to the big firms, too	<i>Stephanie Francis Ward</i>
Selling law on an open market: the world's first publicly traded law firm ignites debate	<i>Jason Krause</i>

ABA Journal August 2007

Scary parts of ghostwriting: while hailed by many lawyers, the practice can come back to haunt them
Margaret Graham Tebo

When honesty is not best politics: courts struggle with honest-services charges in bribery cases
Stephanie Francis Ward

Reagan arising: at last, the court that conservatives hoped for since the 1980s arrives
David G. Savage

Virtual office in real space: many solos opt for companies that offer all the trimmings
Margaret Graham Tebo

Discovery is the trial: use depositions as if they're the only chance you'll have to try the case
James W. McElhane

The toughest call: lawyer's life changed when he decided to keep a client's confession confidential
Mark Hanson

British Tax Review No. 3 2007

The history of the United Kingdom's first comprehensive double taxation agreement
John F. Avery Jones

The rise and fall of progressive income taxation in the Netherlands (1795-2001)
Henk Vording & Onno Ydema

Tax reform in early Twentieth Century France: The politics and techniques of redistribution
Nicholas Delalande

The rule in *Gilbertson v Fergusson* – 140 years of relief for underlying tax
J.D.B. Oliver
Death and taxes
John Tiley

We of the "never ever": the history of the introduction of a Goods and Services Tax in Australia
Kathryn James

Cambridge Law Journal Vol. 66 Part 2 July 2007

Showing the fly the way out of the flybottle: the value of formalism and conceptual reasoning in administrative law
Christopher Forsyth

A director's duty to confess: a matter of good faith
Lusina Ho & Pey-Woan Lee

Where do English and Welsh judges come from?
Penny Darbyshire

Law booksellers and printers as agents of unchange
Tariq A. Baloch

Takeover regulation: historical and theoretical perspectives on the city code
Andrew Johnston

Columbia Journal of Law and Social Problems Vol. 40 No. 4 Summer 2007

Parental rights in child welfare cases in New York City Family Courts
Martin Guggenheim

Do you see what I see? Reflections on how bias infiltrates the New York City Family Courts – the case of the court ordered investigation
Leah A. Hill

A paradigm of youth client satisfaction: heightening professional responsibility for children's advocates
Theresa Hughes

Family court and the unique needs of children and families who lack immigration status
Theo Liebmann

Columbia Law Review Vol. 107 No. 5 June 2007

Good (Native) governance
Angela R. Riley

Criminal Law Review July 2007

The commercial context of criminal justice: prison privatisation and the perversion of purpose
Elaine Genders & Elaine Player

A continued upturn in unfitness to plead – more disability in relation to the trial under the 1991 Act
R.D. Mackay

Reckless children?
Heather Keating

Criminal Law Review August 2007

Identification from CCTV: risk of injustice
Ruth Costigan

Pircairn Island: sexual offending, cultural difference and ignorance of the law
Helen Power

Access to Holmes: an essential aspect of defence case preparation?
Philip Plowden

Environmental Law Review Vol. 9 Issue 2 2007

Non-trade concerns and agriculture in a Post-Doha environment: thinking outside the green box
Fiona Smith

Computer waste: a forgotten and hidden side to the Global Information Society
Alan Mckenna

Commons Act 2006: developing common land and protecting village greens
Richard Honey

Industrial Law Journal Vol. 36 No. 2 June 2007

The Commission for equality and human rights: a new institution for new and uncertain times
Colm O'Conneide

Regulating supply chains to improve health and safety
Phil James et al.

Journal of Planning & Environment Law June 2007

- The widening gap in cover for environmental liabilities in public liability policies
Valerie Fogleman
- Using EC law in environmental judicial review
Richard Gordon Q.C.
- Turning the tide? PPS25: development and flood risks
Martha Grekos
- Planning for a new generation of power stations
Keith Lindblom

Journal of Planning & Environment Law July 2007

- Greenpeace and the law of consultations
Justine Thornton
- Planning policies and development plans in Wales – change and coexistence
Huw Williams
- Planning and climate change: recent government initiatives
Brian Hurwitz

Journal of Planning & Environment Law August 2007

- Compulsory purchase for economic development: an international perspective
Stephen Crow
- Promoting local labour in section 106 agreements
Alec Samuels

Journal of Social Welfare & Family Law Vol. 29 No. 1 March 2007

- The development of family mediation services in Hong Kong: Review of an evaluation study
Yuk-Chung Chan
- Social justice implications of domestic violence court processes
Diane L. Scott
- Predictors of adjustment to divorce of Palestinian Israelis: Shari'a court procedure and outcomes
Orna Cohen

Law Quarterly Review Vol. 123 July 2007

- Judicial dissent – common law and civil law traditions
The Hon. Justice Michael Kirby
- The court of cassation: looking into the future
Guy Canivet
- Nationality, alienage and constitutional principle
Prof. John Finnis
- A very good reason for buying a slave woman?
The Rt. Hon. Lord Rodger of Earlsferry
- Tolerated trespass: a very peculiar legal creature
Prof. Ian Loveland

Law Society Gazette June 7, 2007

- Making amends*
Government pledges to reverse the major Lords' amendments to the Legal Services Bill
- Too costly*
Plans to sack lawyers who cause unnecessary delays in very high-cost cases revised

Get Carter

Carter reforms will force many criminal law firms in London to quit legal aid work, poll reveals

LLPs warning

Legislation governing LLP in danger of falling behind general company law

All bar none

Limiting student numbers on BVC will not improve quality or diversity among barristers, BSB warns

Double indemnity

Many firms say indemnity insurance more expensive since moving to open market, survey discovers

Law Society Gazette June 14, 2007*Inflexible friend*

Firms say flexible working is key to their future success – but few lawyers practise that way

All dressed up

Court dress inequality between bar and solicitor-advocates could end as overdue report published

Defence breached

EC proposals to ensure basic defence rights for suspects across the EU are blocked

Code breaking

Bar Standards Board launches review of bar's code of conduct ahead of legal services reforms

Duty bound

Criminal law solicitors demand compensation from LSC after duty rota plans are withdrawn

Wise counsel

Bar Council to review non-advocate solicitors adopting 'of counsel' title amid concern

Law Society Gazette June 28, 2007*Press statement*

Two top defamation firms reach agreements with big media defendants on costs of cases

Higher calling

Solicitors Regulation Authority to ease access of solicitors to higher courts with voluntary scheme

Bench pressed

Judicial Appointments Commission 'fails to improve solicitors' chances' of senior roles

Getting a life

City associates call on firms to 'actively implement' flexible working policies

Pension warning

Lawyers warned to get Pensions Regulator clearance over final-salary schemes

Will power

Law Society and STEP call on government to take action over EU wills harmonization push

Law Society Gazette July 5, 2007*Registry setback*

Completion of Land Registry's e-conveyancing project is pushed back to 2014 – 15

LSC review

Legal Services Commission to look at its investigations processes following suicide of solicitor

Tesco makes move

Supermarket giant enters the UK property market and links up with e-conveyancing specialist

Fee fury grows

Litigators condemn proposals for full-cost recovery and other changes to civil court fees

Miners ruling

Welsh lawyer fined £15K after admitting five conduct breaches over handling of miners' claims

Oh no, not again

Zurich study reveals claims woe because of firms' failure to learn from past mistakes

Law Society Gazette July 12, 2007*Peer pressure*

Peer review panel members warn of impact of fee structures on quality of representation

Under scrutiny

Review of Attorney-General role and Lord Chancellor's veto on judicial appointments

Getting in a fit

Fixes fees in social welfare law will discriminate against ethnic minorities, say advice groups

Pole position

Polish plans for a cap on legal fees could result in mass exodus of international law firms

A private matter

Retirement of experienced lawyers could affect profession's ability to handle private client work

Taking note

European Commission takes member states to court over restrictions on practising as a notary

Law Society Gazette July 19, 2007*Small claims plan*

Courts Service to put in-house mediator in every court area in England and Wales from April 2008

On the case

Law Society and Bar Council attack plan to give non-legally qualified CPS case-workers wider role

Taking care

Proper remuneration essential if new scheme for care proceedings is to work, senior judge warns

Tackling risk

Chancery Lane to launch revised Lexcel standard in October, with greater emphasis on risk

Shared concerns

Corporate lawyers warn European Commission to tread carefully on 'one share, one vote' policy

Profitable times

UK firms trail Germany on fees per fee-earner, but boast – along with Italy – highest profits in Europe

Law Society Gazette July 26, 2007*JR action ends*

Black Solicitors Network and Society of Asian Lawyers halt judicial review over legal aid

Just days to HIPs

Home information packs to be launched next week, despite peers voting for scheme to be axed

Flood crisis

Law firms, county courts and Legal Complaints Service are among those to be affected

FA blows whistle

Solicitors advising on football transfers could have to register with the Football Association

Polish hope

Signs that government will not enact plans to introduce fee cap, after visit by UK delegation

Council DCW fury

Law Society Council opposes CPS plans to extend designated caseworkers' role

Law Teacher Vol. 41 No. 2 2007

- Freedom of expression and privacy *Roger Toulson*
- Anglo-American conceptions of professional responsibility and the reform of Japanese legal education: creating a virtuous circle *Kim Economides*
- Looking back: analyzing experiences of legal education and training *Andrew Boon*
- First year law students, legal research skills & electronic resources *Sandra Meredith*
- From Baghdad to Sunderland: weblogs and reflective learning *Chris Ashford*

Loyola Law Review Vol. 53 No. 1 Spring 2007

- Katrina juries, fair cross-section claims, and the legacy of *Griggs v Duke Power Co.* *Robin E. Schulberg*
- After Katrina: Is the emergency exception to public bidding all washed up? *Jean Boylan*
- Will a decision that has the potential to do so much good for the people of Louisiana set a harmful precedent?
State of Louisiana v All Property and Casualty Insurance Carriers Authorized to do Business in the State of Louisiana *Mary Garvey Algero*

Loyola Law Review Vol. 53 No. 2 Summer 2007

- Exploring the role of religion *Roger W. Bowen*
- Linking professional academic freedom, free speech, and racial and gender equality *Rias L. Lieberwitz*
- Academic freedom as private ordering: politics and professionalism in the 21st century *Deborah Waire Post*

Loyola University Chicago Law Journal Vol. 38 No. 3 Spring 2007

- Behavioral economists at the gate: antitrust in the twenty-first century *Maurice E. Stucke*
- Antitrust governance: the new wave of antitrust *Yane Svetiev*

Loyola University Chicago Law Journal Vol. 38 No. 4 Summer 2007

- In prosecutors we trust: UK lessons for Illinois disclosure *Susan S. Kuo*
- Grandparents raising grandchildren in Illinois – establishing the right to a continuing relationship through visitation, custody, and guardianship in 2007: where we've been, where we are, and where we need to go *Rebecca J. O'Neill*

Medicine, Science and the Law Vol. 47 No. 3 July 2007

- Recognition by French courts of compensation for post-vaccination multiple sclerosis: the consequences with regard to expert practice *C.I. Rouge'-Maillart et al.*
- Insomnia in places of detention: a review of the most recent research findings *B.S. Elger*

Rib fractures in infancy: establishing the mechanisms of cause from the injuries – a literature review
M.J. Worn and M.D. Jones

Characteristics of mentally disordered offenders referred for low secure forensic rehabilitation
D. Neillie et al

Attitudes of psychiatrists towards forensic psychiatry: a survey
S.A. Hill et al.

Applying visible hyperspectral (chemical) imaging to estimate the age of bruises
G. Payne et al.

Gender differences amongst adult arsonists at psychiatric assessment
G. Dickens et al.

A study of wound fatalities in the north of Jordan
A.M. Shotar and S. Jaradat

Elderly suicide rates: cross-national comparisons and association with sex and elderly age-bands
A. Shah et al.

Mentally disordered offenders in Zimbabwe and in England and Wales: a socio-demographic study
S.B. Menezes et al.

New Law Journal Vol. 157 No 7275 June 1, 2007

Comment: *Julian Samiloff* considers whether Irish abortion law breaches human rights
Intellectual property: *Anna Caddick* considers two recent decisions on the question of substantiality in copyright infringement

Professional negligence: The risks for professionals advertising clients in litigation are becoming harder to anticipate, say *Mike Wills* and *Naomi Park*

Human rights: Can refusal to grant a sex shop licence breach the applicant's human rights? *Nicholas Dobson* investigates

Public law: *Adam Clemens* looks at the courts' approach to balancing a person's right to demonstrate with the powers of the police to stop them

Discrimination: Can local authorities correct misinformation issued by extreme parties during an election? *Declan O'Dempsey* reports

Tax: An impending House of Lords' case should provide guidance about the way husband and wife businesses may be taxed, says *Richard Anderson*

Immigration: *Chrisoulla Pawlowska* considers the rights of free movement and residence for the partner of an EU citizen

Criminal: *Tom Epps* reflects on how new powers in the Serious Organised Crime and Police Act are likely to impact on investigations

New Law Journal Vol. 157 No. 7276 June 8, 2007

Comment: If you believe the newspapers, probation officers are the root cause of prison overcrowding, says *Julian Broadhead*

Commercial/ procedure: *Andreas Gledhill* explains the pitfalls of using protective claims

Commercial: Should employers expect to recoup the management costs of resolving a tort? *Natalie Johnston* investigates

Commercial: *Helen Hart* considers the impact of the Unfair Commercial Practices Directive

Profession: Will the new complaint rules make solicitors more accountable? Asks *Adam Samuels*

Employment: Recent EAT decisions have accelerated changes to the legal status of agency workers, says *David Malamatenios*

Employment: Should employers be allowed to spy on their staff? *Judy Stone* Investigates

Media/ privacy: Where does *Douglas v Hello!* leave the law of confidence? *Anna Caddick* investigates

International: The Extradition Act has not succeeded in eliminating delay and uncertainty, say *Nicholas Yeo* and *Samantha Davies*

Speakers' corner: *Nigel Adams* advocates a change of culture in pre-action personal injury protocol

New Law Journal Vol. 157 No. 7277 June 15, 2007

Comment: The Bush-Blair "war on terror" has left us with a raft of bad laws, says *Jago Russell*

Employment: How can employers avoid accusations of victimisation? *Elliott Gold* investigates

Medico-legal: In the first of two articles, *Rachel Fenton* and *Fiona Dabell* explain why the Human Fertilisation and Embryology Act needs urgent review

Environment/ property: Eco-friendly townies need to ensure their wind turbines have access to an unrestricted air flow, says *Jean Howell*

Speakers' corner: Is the EU ready to adopt US-style class actions? *David Greene* thinks not

New Law Journal Vol. 157 No. 7278 June 22, 2007

Comment: *Stephen Baker* considers the implications of BAE's decision to appoint Lord Woolf to head up its Ethics Committee

Profession: Too rushed and too risky? In a two-part article, *Professor Michael Zander* QC reports on why the Carter reforms were savaged by the Constitutional Affairs Committee

Medico-legal: A practitioner's guide to DNA testing for paternity, by *Charles Foster*

Criminal/tax: The ever-changing HMRC landscape requires increase vigilance from financial professionals, say *Gary Summers*, *Mark Howard* and *Susan Bradshaw*

Evidence: Post *Cleary*, defendants are in a stronger position to challenge anonymous hearsay evidence. *Chris Cuddihee* explains why

Family: Does *Charman v Charman* mean farewell to the yardstick of equality? Asks *Nicholas Starks*

Charities/ advertising: *Colin Munro* explains why the ban on political advertising in broadcasting faces challenges

Speakers' corner: The Child Maintenance and Other Payments Bill will increase child support troubles, predicts *David Burrows*

New Law Journal Vol. 157 No. 7279 June 29, 2007

Comment: The LSC has shown a willingness to listen in key areas affecting legal aid provision, says *Richard Miller*

Criminal: The UK should brace itself for aggressive US anti-corruption tactics, says *Gary Summers* and *Sue Thackeray*

Profession: Survival of the fittest? *Professor Michael Zander QC* continues his analysis of why the Carter reforms were savaged by the Constitutional Affairs Committee

Crime/ licensing: New criminal provisions relating to under age alcohol sales could be ruinous for unwary licence holders, says *Mark Conway* and *Natalie Ledgard*

Insurance: Contact your broker early if you are considering a merger this year, say *Nick Pointon* and *Mark Langley-Sowter*

Tort: OBG ensures economic tort will say well within its boundaries, says *Gregory Mitchell QC*

Family: Has *Stack v Dowden* helped cohabiting couples whose relationships have broken down? *Elizabeth Hicks* and *Sital Amin* report

Crime/tort: *Alec Samuels* questions whether the new offence of death by careless driving will improve safety and justice on the roads

Employment: *Suzanne Palmer* discusses the clash between breach of contract claims and statutory grievance procedures

Wills and probate: Practitioners need to avoid subjectivity when evaluating the merits of disputed will claims, says *Ian Johnson*

Family: What role should *ex parte* applications play in domestic violence cases? *Byron James* reports

New Law Journal Vol. 157 No. 7280 July 6, 2007

Comment: The government should act now to counter concerns about the Legal Services Bill's threat to independence, says *Desmond Browne QC*

Employment: How will the new non-smoking legislation affect the workplace? *Jeremy Nixon* investigates

Criminal: Does the long-awaited corporate manslaughter legislation represent a lost opportunity? Asks *Bilal Rawat*

Tort: Should the tort of conversion apply to intangible property? *Gregory Mitchell QC* investigates

Employment: To what extent can employers be held liable for harassment caused to their employees by third parties? *Michael Salter* and *Chris Bryden* report

Contract: The compensatory principle is paramount in assessing damages, says *Betul Milliner*

Medico-legal: The power of interest groups to force change is apparent in proposals leading up to the Human Tissue and Embryos (Draft) Bill, say *Rachel Fenton* and *Fiona Dabell*

Family: Does the state owe a duty of care to parents or children? Asks *David Burrows*

Family: *James Pirrie* and *Bradley Williams* reflect on the Court of Appeal's findings in *Charman v Charman*

Speakers' corner: It's time to stop the hyperbolic reporting of terrorist cases, says *Tanveer Qureshi*

New Law Journal Vol. 157 No. 7281 July 13, 2007

Comment: Computers shouldn't replace common sense in child protection procedures, says *Richard Scorer*

Employment: *Victoria von Wachter* explores how courts will go to avoid lifting the corporate veil

Profession: *Professor Michael Zander QC* reports on the government's dusty response to the Constitutional Affairs Committee report on the Carter reforms

Constitutional: Good decision-making depends on transparency and proper reasoning, says *Nicholas Dobson*

IT/privacy: How can IT litigators fight back against anonymous e-commerce wrongdoers? *Andrew Horrocks* and *Jack Cundy* investigates

Commercial: Hiring companies should recognize the benefit of early recovery of a chattel if the hirer defaults, says *Sara Partington*

Employment: Flaws in statutory grievance and disciplinary procedures mean cases may have to be reheard, say *Alistair Hodge* and *Elliot Gold*

Human right: Public authorities should have a duty of care to parents as well as children in suspected child abuse cases, says *Seamus Burns*

New Law Journal Vol.157 No. 7282 July 20, 2007

Comment: Strasbourg is likely to play a major role in the development of global human rights law, says *Julian Samiloff*

Commercial: Can directors mitigate the increased risks of claims under CA 2006? Asks *Patrick Beale*

Criminal: Carousel fraud is expanding into the antiques trade. *Steven Gallagher* explains how

Dispute resolution/construction: An arbitration agreement is a contract just like any other, argues *James Levy*

Public law/human rights: *Stephen Allen* considers the government's responsibilities to the Chagossian people

Speakers' corner: The government's latest criminal justice reforms could be a recipe for disaster, says *Andrew Keogh*

New Law Journal Vol. 157 No. 7283 July 27, 2007

What future for justice? This special issue of NLJ takes an unflinching look at the damaging and misguided approach Tony Blair's government adopted towards the legal profession over the last decade and asks whether Gordon Brown can stop the rot

Days of yore: Incitement to racial hatred has no place in a civilized society, says *Geoffrey Bindman*

Criminal: Is this the end for disruptive residential premises? *Kuljit Bhogal* reports

Commercial: Disclosure of confidential banking data based on suspicion of fraud will have a detrimental effect on the finance industry, says *Sam Nafissi*

New Law Journal Vol. 157 No. 7284 August 3, 2007

Comment: Gordon Brown has shown he is willing to duck convention, but his legislative programme contains few surprises so far, says *John Ludlow*

Administrative: Hostility and animosity. *Louis Flannery* looks at a shocking case of judicial bias

Public: The House of Lords has clarified the meaning of public functions. *Nicholas Dobson* explains

Constitutional: The government's mismanagement of the new Ministry of Justice shows it has learnt little from earlier mistakes, says *Professor Michael Zander QC*

Regulatory: *Richard Burger* and *William Dodsworth* report on the Horseracing Regulatory Authority's report into inside information

Family/crime: Unusual family circumstances require flexible enforcement policies, says *Danielle Messenger*

Mediation: When will courts waiver the without prejudice rule for mediation? *Chloe Carswell* reports

Commercial: *Post-Lonsdale*, instructing experts to value agencies will be the norm in compensation cases says *Stephen Schneider*

Commercial: Can a CVA work to release guarantor obligations? Asks *Joseph Ollech* and *Helen Bourne*

Wills and probate: What happens when there is not enough money to satisfy legacies and devise? *C I Howells* reports

Profession: Excellence, not exclusivity, should be equated with the Bar, says *Duncan Matthews QC*

Speakers' corner: The presumption of innocence is being eroded by the press and politicians, says *Paul Firth*

New Law Journal **Vol. 157 No. 7285** **August 10 2007**

Comment: Sentences of imprisonment for public protection are under-funded and ineffective, says *Julian Broadhead*

Legislation/constitutional: Gordon Brown is right to attempt to re-engage Parliament and the general public in the legislative process, says *Neil Parpworth*

Procedure: *Jane Foulser McFarlane* discusses the increasing threat to interim injunctions

Limitation: *Shantanu Majumdar* considers the uneasy relationship between common law and equity

Consumer: Legislation is needed to encourage the growth of credit unions, says *Dr. Nicholas Ryder*

Commercial/procedure: Two recent cases clarify when communications are properly without prejudice, says *Joanna Ludlam*

Personal injury: So far as is reasonably practicable: are employers about to face a tougher test? *Brent McDonald* reports

Speakers' corner: The government should reconsider plans to criminalise the possession of adult pornography, say *Professor Clare McGlynn* and *Dr Erika Racle*

New Law Journal **Vol. 157 No. 7286** **August 17, 2007**

Comment: Ten years of wrangling have failed to settle the corporate manslaughter debate, says *Gerland Forlin*

Civil procedure: Applications for relief are best avoided, argue *Yvonne Simons* and *Alan Simons*

Property: Doing nothing about HIPs is not an option, says *Peter Ambrose*

Right of reply: Communities blighted by serious anti-social behaviour have a right to the respite offered by hearsay evidence, says *Robin Denford*

Speakers' corner: Sir Stephen Richards's prosecution was a tragic failure and produced a series of innocent victims, say *Jason Hadden* and *Craig Barlow*

New Law Journal Vol. 157 No. 7287 September 7, 2007

Comment: Victims of crime are heard but not always heeded. *Julian Broadhead* explains

Constitutional: The requirement to give advance notice of mass cycle rides is a worrying incursion on civil liberties, says *Seamus Burns*

Criminal: How can the Home Office make the most of the consultation process for PACE reform? *Michael Zander QC* reports

Employment: Do government proposals to expand the use of public procurement do enough to promote equality of opportunity? Asks *Christopher McCrudden*

Commercial: The legal protection offered to commercial agents continues to be contentious, says *Beverley Flynn* and *Navdeep Gill*

Regulation: Is the UK/ EU approach to corporation regulation too heavy-handed? *Khawar Qureshi QC* reports

Corporate/ financial: What can be done to clean up the UK's money markets? *Richard Burger* reports

Family: The government's commitment's to maintaining the status quo in family courts is a disappointing policy reversal, says *Sarah Palin*

Family: Government proposals to allow increased media access to family courts provoked consternation, and rightly so, says *Eleanor Harris*

Criminal: The defence of *doli incapax* still awaits resurrection, says *Dr. Thomas Crofts*

Public Law Autumn 2007

Judicial review of contracting decisions *S.H. Bailey*

Protection of journalists' sources *Ruth Costigan*

Is nothing sacred? Clashing symbols in a secular world *Mark Hill & Russell Sandberg*

An examination of the work of the grand chamber of the European Court of Human Rights *Alastair Mowbray*

Challenging the report of an independent inquiry under the Human Rights Act *Helen Quane*

Mapping the use of judicial review to challenge local authorities in England and Wales *Maurice Sunkin*

Solicitors Journal Vol. 151 No. 20 May 25, 2007

Comment:
Damage is being done to basic legal principles and logic in the quest for 'justice', say *David Liebeck* and *Alan Langleben*

IT training

Training must be treated seriously if law firms are to take full advantage of their IT Investment, says *Jilly Curteis*

Children and Adoption Act 2006

CPD: family

The Children and Adoption Act 2006 has the potential to be a ground-breaking piece of legislation, says *Pamela Collis*

Employee surveillance CPD: miscellaneous

Ibrahim Hasan reviews recent developments in the field of employee surveillance affecting both the public and private sector

Stack v Dowden CPD: property

James Freeman looks at cohabitants' property rights after *Stack v Dowden*

Civil litigation brief CPD: civil litigation

Gordon Exall looks at guidance on photographs and sketches at trial and the test to be applied when an appeal is made against a finding of fact

Update: housing

CPD: property

Jim Shephard and *Dominic Preston* consider the latest developments in housing law, including tolerated trespass and homelessness

Solicitors Journal**Vol. 151 No. 21****June 1, 2007****Comment**

Mediation must not be used to prevent people from going to court, says *Kerry Underwood*

English divorce: the golden goose?

CPD: private client

There is no better system than the English model for resolving matrimonial finance disputes, argues *Miles Geffin*

Solicitors' liability CPD: miscellaneous

Peter Jennings considers whether solicitors can be liable for defamatory correspondence written on their clients' behalf

Hi-tech crime CPD: crime

The evidence from digital crime scenes will become more crucial to future investigations, says *David Titheridge*

Book review

The *SIFA Handbook of Trustee Investment*, reviewed by *Peter Nellist*

Landlord and tenant after Powerhouse

CPD: property

Company Voluntary Arrangements have come under the spotlight following the *Powerhouse* ruling, says *Julian Cridge*

European reporter CPD: miscellaneous

Paul Stanley on developments on freedom of information, leniency and anti-trust violations and the European Arrest Warrant

Powerhouse client meetings

CPD: miscellaneous

Kate Fleming provides some practical insights into getting the most out of client meetings

Solicitors Journal Vol. 151 No.22 June 8, 2007

Regional focus: East Anglia

East Anglia provides a City service at country prices, but post-Clementi, local firms are under pressure to shake up their culture, says *Anna Donovan*

Playing the blame game CPD: civil litigation

The recent regulation of claims management services will bring an end to unethical claims farmers. *Andrew Davies* welcomes the move

Health Act 2006: part 2

CPD: commercial

In the second of two articles *Michael Salter* and *Chris Bryden* consider the Health Act 2006

Life in crime CPD: crime

Delays in Parole Board hearings might breach Article 5 ECHR and result in compensation claims, says *David Rhodes*

Royal wills CPD: wills & probate

Should all Royal Family members, however minor, be able to rely on the practice of sealing wills, says *Anne Stanyer*

Property code CPD: property

A new voluntary Code aims to foster co-operation between commercial landlords and their tenants, writes *Nick Darby*

Update: Professional negligence CPD: civil litigation

Spike Charlwood and *Catherine Ewins* highlight the most recent professional negligence cases, including loss of a chance, limitation and dishonesty

Solicitors Journal Vol. 151 No. 23 June 15, 2007

Comment:

View from the bench

Michael Tennant considers legal aid, new Civil Procedure Rules and how to approach family disputes

Countdown to change CPD: property

It is essential for conveyancing firms to respond to new challenges by taking action, says *Fiona Gregory*

Losing privacy CPD: miscellaneous

The Court of Appeal decision in *Johnson v MDU* provides an updated definition of data processing, writes *Helen Hart*

Developing a planned future CPD: property

There is doubt as to whether government proposals to change the planning laws will make it on to the Statute Book, says *Philip Petchey*

Braking the chains CPD: company

For a fundamental breach of a commercial contract, a party will always have a remedy regardless of the exclusive clause. *Richard Lawson* explains

Short on time CPD: crime

The latest advice from the Sentencing Advisory Panel does not deal with the short sentence problem, explains *Paul Tain*

Update: licensing

CPD: commercial

Roy Light discusses the revised guidance under the Licensing Act 2003 and recent case law

Now hear this CPD: commercial

The Noise at Work Regulations 2005 could see an increased level of claims if employers fail to act, says *Victoria Hanley*

Behind bars

Jeannie Mackie digests the idea that quality, nutritious food significantly alters the behaviour of prison inmates

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Higher standards CPD: miscellaneous

Many of the rules in the new code of conduct for solicitors are based on well-known principles says *David Barton*, but they take a more direct approach

Renewing insurance CPD: miscellaneous

In anticipation of the renewal later this summer of solicitors' professional indemnity insurance, *Michael J. Wilson* reviews the main issues

Claims and compensation CPD: litigation

Joe McManus explains proposals for reforming the compensation process

Civil litigation brief CPD: civil litigation

Gordon Exall considers the law relating to 'unless' orders in civil proceedings

Update: libel and privacy CPD: civil litigation

Rod Dadak reviews the latest cases on libel, responsible journalism and internet defamation

Tales from practice

On the eve of the introduction of the smoking ban across the whole of Britain, *Richard Barr* wants a special enforcement force

Ordeal by fire and water CPD: property

Rylands v Fletcher, which extended the law of nuisance, remains very much alive in cases of fire on premises, says *Stephen Bickford-Smith*

Unjust enrichment: strict liability for trust property

CPD: private client

Recent cases in the English and Commonwealth courts herald a radical change to the conditions for liability, says *Henry Webb*

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Property searches CPD: property

Changes to the searches' market have made it much more competitive, explains *Janet Baker*

Holy grail or a hornets' nest? CPD: miscellaneous

Charities have much to gain from securing public service delivery, suggests *Robert Poster*

The gloss on painting CPD: civil litigation

Part 36 offers are the key tool in civil litigation, says *Lianne Naughton*

Border trouble CPD: civil litigation

Giving prior agreements supremacy would avoid jurisdictional conflicts, says *Ian Gascoigne*

The politics of HIPs CPD: property

Nigel Ewert Evans considers the importance of the new prime minister to the future of HIPs

International tax planning CPD: miscellaneous

Simon Airey assesses the latest threats to offshore confidentiality

Changing a guilty plea CPD: crime

Revitt v DPP confirms that a guilty plea is an appropriate process in English law and that the ECHR in no way affects this, says *Anthony Ostrin*

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Care homes CPD: miscellaneous

Applying the Human Rights Act to private care homes does not afford the most effective protection of the residents' rights, says *David Carter*

CPD: miscellaneous

The House of Lords in *Hello! v OK!* has stretched the rules on breach of confidence, say *Dan Trench* and *Ashley Hurst*

Legal services market CPD: miscellaneous

The Carter reforms will not necessarily lead to the supersizing of the legal aid firms, argues *Penny Owston*

Comment

Greater transparency under the new Code of Conduct will help to restore standards, suggests *Kerry Underwood*

European briefing CPD: miscellaneous

Paul Stanley considers the forecoming treaty

Update: taxation

CPD: miscellaneous

Richard Bunker discusses the so-called offshore disclosure 'amnesty' and the Finance Bill 2007

Face to face

Aika Stephens on helping young offenders

Still unsettled CPD: civil litigation

The old Part 36 rule dealing with the circumstances in which disclosure can be made needs to be reinstated and extended, argues *Thomas Braithwaite*

Liability as an opportunity CPD: commercial

Management liability means that solicitors need to be more aware of the insurance options available to their clients, says *Dave Riley*

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Picking up the pollution bill CPD: commercial

Jean-Yves Gilg reports on the polluter-pays principle in the aftermath of *Transco*

Unprotected sex CPD: miscellaneous

The Protection from Harassment Act 1997 has been extended to cover the workplace, so why not adulterers, asks *Elish McKee*

Your right, my way CPD: Property

Godmanchester is a clear reminder that communicating unambiguous intention is key to denying right of way, writes *J.J. Pearlman*

Regional focus: Kent

Mid-sized firms reinvent themselves to secure growth on the back of Europe's largest regeneration project. *Jean-Yves Gilg* reports

Update: landlord and tenant

CPD: property

Milton McIntosh examines services changes, repairs, assignment, break options and business tenancies

Car rental agreements CPD: commercial

Mark Pawlowski considers a recent ruling on the distinction between penalties and liquidated damages in the context of a car hire agreement

A shock to the system CPD: civil litigation

Victoria Handley discusses the implications of acoustic shock: what is the legal position and what steps can be taken to protect workers?

Disclosure now CPD: litigation

Battles over disclosure are inevitable but they can prove expensive and potentially damaging, say *Stephen Chessher* and *Nick Gilies*

Solicitors Journal **Vol. 151 No. 28** **July 20, 2007**

Compensation magic CPD: commercial

Finally the House of Lords has addressed the question of the calculation of compensation for terminating an agency agreement, says *Stephen Sidkin*

Mind the justice gap CPD: litigation

Adrian Oliver considers the conflicting approach of the Law Lords when a litigant faces the prospect of being denied access to the judicial system

Comment

County courts offer a good training ground for younger advocates, says *Peter Glover*

Life in crime CPD: crime
Francis FitzGibbon laments the IPP regime

Update: local government
CPD: miscellaneous
Christopher Baker on the new code of conduct

Tales from practice
Richard Barr tries out an alternative career

Carrying the cost CPD: civil litigation
 Litigants should be able to claim all their own preparation costs, argues *James Ross*

Simply the best CPD: commercial
 Is legal recruitment a form of Russian roulette? *Geoff Wild* explains how to find the best staff

Not in full agreement CPD: commercial
 Entire agreements clauses will only be effective if the wording is sufficiently clear, says *Eamonn Mcnamara* and *Michael Twomey*

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Seeing red
CPD: commercial
 Will the first case in favour of banks stem the flow of complaints against penalty charges, asks *Stephen Sidkin*

Look before you sign
CPD: commercial
 Be particularly cautious when authorizing payments on behalf of your business, advises *Spencer Simmons*

Practice trends: charity law
CPD: miscellaneous
 The voluntary sector is beginning to grapple with a new set of challenges. *Jean-Yves Gilg* reports

Civil litigation brief CPD: civil litigation
 This month *Gordon Exall* takes a detailed look at the rules relating to amending parties after the expiry of the limitation period

Update: wills, probate and trusts
CPD: private client
 By *Catherine McAleavey* and *Catherine Sanders*

Topping up the piggy
CPD: private client
 Unless we can predict our death, corporate pensions are our best option, says *Robin Ellison*

On top form CPD: civil litigation
Jack Henriques explains why some defendants might be pleading guilty to benefit fraud allegations brought by local authorities unnecessarily

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Reality television CPD: civil litigation

Group litigation is the acceptable face of class action, say *Justin Michaelson* and *Adam Pollack*

Risky business CPD: commercial

Simply relying on the new regulations is insufficient to ensure that the legal profession treats risk management seriously, argues *Miles Geffin*

A very limited privilege CPD: crime

The privilege against self-incrimination is no longer an absolute right, says *Seamus Burn*

Comment

CPD: miscellaneous

The 1275 Statute of Westminster is the daddy of all Acts of Parliament, says *Kerry Underwood*

European reporter CPD: miscellaneous

Paul Stanley on company tax and compensation

Update: clinical negligence and PI

CPD: civil litigation

By *Dr. Jock Mackenzie* and *Vijay Ganapathy* review cases on causation, success fees and untraced drivers

Looking ahead

CPD: miscellaneous

In the final Legal Group Practice feature, *Nick Kehoe* suggests that firms can secure their futures by careful planning and rationalisation

Finders, keepers

CPD: miscellaneous

Michael Salter and *Chris Bryden* outline the legal position of persons who discover by chance something of value either on the beach or cost

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Sempra metals

CPD: civil litigation

The Lords' decision in *Sempra Metals* sets the record straight for restitution claims under English and EU law, says *Simon Whitehead*

Employment: Sir Patrick Elias

CPD: commercial

The president of the Employment Appeal Tribunal talks to *Jean-Yves Gilg* about the shift in the type of cases coming before tribunals

Employment: trends

CPD: commercial

Conciliating workplace disputes has been Acas's traditional role, but managing conflict is becoming equally important, explains *Rita Donaghy*

Regional focus: Sussex

CPD: miscellaneous

The Sussex Law Society president remains optimistic that legal aid lawyers will make it through the Carter reforms. *Jean-Yves Gilg* reports

Update: employment

CPD: commercial

Sue Ashtiany considers the scope of employment contracts, victimisation and the first case on information and consultation at the EAT

Ownership v possession

CPD: Property

Robert Leonard considers the problems of correcting a land register while not changing the situation on the ground

Music to their ears

CPD: miscellaneous

Victoria Handley explains what the new noise regulations mean for the entertainment industry and how best to address hearing loss

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Comment

CPD: miscellaneous

The set of reforms promised by Lord Woolf have not materialised satisfactorily, says *District Judge Jordan*

Update: immigration

CPD: miscellaneous

Jane Coker reviews the latest immigration rule changes and cases on country guidance, as well as asylum and human rights

Landlord and tenant CPD: commercial

The reach of the new commercial lease code will be limited by the ability of landlords to opt out selectively, says *John Martin*

Life in crime CPD: crime

Under the criminal procedure rules disclosure of witness details remains limited, explains *Jeannie Mackie*

***Sempra Metals* (2)**

CPD: civil litigation

Could *Sempra Metals* revive the under-used principle of unjust enrichment, asks *Catherine Otton-Goulder*

Taking limited control

CPD: civil litigation

The Tribunals, Courts & Enforcement Act has failed to create a single enforcement body as it was originally intended, says *John Kruse*

Taxing transfers

CPD: miscellaneous

Tax rules on transfers made by a transferor who dies before the seven-year cut-off point should be relaxed, argues *Helen Hobhouse*