

CURRENT AWARENESS BULLETIN

April- June 2008



COUNCIL OF LEGAL EDUCATION NORMAN
MANLEY LAW SCHOOL LIBRARY

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

FOREWORD

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EMPLOYMENT LAW – Wrongful dismissal

CHONG, Dennis P. v The Jamaica Observer Ltd.

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TORT- Libel Action

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DUNN, Walter v Glencore Alumina Jamaica Limited (t/a West Indies Alumina Company (Winalco)

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TORT – Negligence – Employer’s liability

EAGLE MERCHANT Bank of Jamaica v Lets Ltd.

Lets Ltd. v RBTT Bank Jamaica Ltd. and National Commercial Bank Jamaica Ltd.

JMC.A 22.02.2008

COMMERCIAL LAW – Banking – Apparent authority

FINDLAY, Selwyn v Ingrid Findlay

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FAMILY LAW – Division of Property

GRAHAM, Donna-Marie v Hugh Anthony Graham

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GUY’S TRUCKING Co. Ltd. and Evan Watson v Rupert Barnes

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CIVIL PROCEDURE AND PRACTICE– Distinction between striking out and judgment in default

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PAUL, Cabot v Victoria Mutual Building Society
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JMSC. 20.02.2008

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3/2008	Supplementary Appropriation (2007/2008) (Capital Development Account Expenses) Act
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5/2008	Firearm (Validation and Amendment) Act
6/2008	Fire Brigade (Amendment) Act
1/2008	Income Tax (Amendment) Act
2/2008	Pensions (Prime Minister) (Amendment) Act
3/2008	Property Tax (Amendment) Act

LAW REPORTS

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TREATISES, DIGESTS, ETC.

- Atkin's Court Forms. 2nd ed 2008
- Vol. 2 Administration of estates
 - Vol. 6(2) Alternative dispute resolution and arbitration
 - Vol. 14 Declaratory judgments to distress
 - Vol. 28 Mortgages to ombudsmen
 - Vol. 30(2) Parties to claims to pensions KN351.A88
- Digest, The 3rd reissue 2007
- Vol. 39(2) Royal armed forces
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- Digest, The 3rd reissue 2008
- Vol. 15(2&3) Criminal law, evidence and procedure KF85.E6
- Encyclopaedia of Forms and Precedents. 5th ed. Reissue 2007
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- Encyclopaedia of Forms and Precedents. 5th ed. Reissue 2008
- Vol. 2(3) Allotments, smallholdings and gardens
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 - Vol. 42(3) Wills and administration KN74.1.E51
- Electronic evidence: disclosure, discovery and admissibility. Edited by Stephen Mason
London: LexisNexis, 2007 KN394.E43
- International Human Rights in context: Law, politics, morals. 3rd ed. /Henry J. Steiner et al.
Oxford: Oxford University Press, 2008 KC200.S74

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President's message

At home and abroad, the ABA strives to provide justice and access to legal aid
William H. Neukom

Opening statements

Where law and neuroscience intersect, rights for mail-order brides, the
bankruptcy law boom and more
Jenny B. Davis

The national pulse

As states eye workplace bullying bills, employment lawyers see a flood of lawsuits.
Wendy N. Davis

Supreme Court Report

When law students gain experience from high court litigation clinics, law firms get the work and the recruits.
Deborah L. Cohen

Litigation

Ask for too much, and the jury may decide that nothing is the right amount
Jim McElhaney

Ethics

There are times when a lawyer may engage in a bit of deception – but not many
Eileen Libby

Corner office

Three firms take different approaches to changing by-the-hour billing.
David Gialanella

Tech audit

Teach your sensitive electronic data safe with encryption
David Kennedy

Your ABA

The U.S. Senate is in no rush to vote on ratification of the Law of the Sea Convention
James Podgers

Obiter dicta

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Courts are tossing out foreclosure cases, citing lawyers for lacking the right papers.
Wendy N. Davis

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Clash over habeas corpus rights moves from Guantanamo to Baghdad.
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It's time to stop handling cases as if you're in law school
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Solo network

How one man built thriving new practice on a website and a hunch
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Tech audit

Competitive intelligence keeps you on top of info your clients need.

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Special reports from the ABA Midyear Meeting in Los Angeles.

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Precedents

After 29 years playing host to public enemies such as Al Capone, George "Machine Gun" Kelly and Robert "Birdman" Stroud, Alcatraz closes.

British Tax Review No. 2 2008

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Tax avoidance, treaty shopping and the economic substance doctrine in the United States

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The administration of the revenue: the growth of bureaucracy 1939 – 66

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The legacy of UK tax concepts in Canadian income tax law

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The legacy of UK tax law in Hong Kong

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The legacy of UK tax law in South Africa

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One step forward, two steps back? The *Viking* and *Lavel* cases in the ECJ

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Privatisation of wrongful dismissal in comparative perspective

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- 'Marriage-like relationships' and social security in Australia *Malcolm Voyce*
- Guidance, policy and practice and the health needs of young people leaving care *Jim Goddard & Sam Barrett*

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Tips and tools for working remotely. *Brett Burney & Dominic Jaar*
- How to get more out of voice recognition software**
A quick tip sheet with commands that will help you get the most out of Dragon NaturallySpeaking. *Britt Lorish Knuttgen*
- Judges' technology tips: how to impress (not annoy) the Court**
Here's how you can make the most of the brave new world of courtroom technology – and make sure the technology you want to use works as it should. *Hon. Herbert B. Dixon*
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Google has developed several excellent offerings that are free and can be put to good use in the practice of law *Douglas Jasinski*
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No matter how many hours you work, it's the ones that are billed to clients that serve as the productivity measure in law firms. *Paul Burton*
- Hot web sites for lawyers**
From EDD updates to a personal travel agent, here are some newer sites that you should definitely check out. *Tom Mighell*
- How to create and use competitive intelligence: 45 tips for law firms**
Many law firms are still struggling to understand what CI is, and how it can benefit them. This primer explains how to reap the strategic benefits of CI. *Lee Gibson*

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- Royal marriages: some legal and constitutional issues *Dr. S.M. Cretney*
- Foreign precedents and judicial reasoning: the American debate and British practice *The Rt. Hon. Lord Reed*
- The [fiduciary] duty of fidelity *Prof. Robert Flannigan*

The beneficiary's bank in documentary credit transactions

Prof. E.P. Ellinger

Ho Chi Minh and the Privy Council

The Hon. K.R. Handley

Law Society Gazette March 13, 2008

Low pay claim

Paralegals are paid 'peanuts' by law firms, with some working for no pay, research reveals

Fundraisers

Solicitors likely to be charged a £300 contribution to compensation fund

Private matter

Law firms warned about preserving their own identity when taking on private equity investments

Cyber terror

Cyber risks could trigger surge in litigation against law firms, insurance broker warns

CPS revolt

Crown Prosecution Service faces internal revolt over extension of powers given to designated caseworkers

Divorce division

Research finds divorce lawyers and clients in the north more litigious than southern counterparts

Law Society Gazette March 20, 2008

Decisions online

Solicitors Regulation Authority begins publishing misconduct decisions on its website

Good behaviour

Personal injury lawyers sign deal with insurers for joint 'code of behaviour'

Woman's work

Association of Women Solicitors to set up scheme to help women refer work to one another

Call for change

Radical shake-up in the funding of litigation needed, a former High Court judge says

Seller's market

Aggressive hiring by US firms has forced big City firms to raise their game in the battle for talent

Privileged advice

No professional privilege protection for Attorney General war counsel, says former Lord Chancellor

Law Society Gazette March 28, 2008

LSC cash bid fails

Court of Appeal rules LSC efforts to recover money from revoked legal aid certificate are statute-barred

Junior fears

Junior bar under threat from the rise in solicitor-advocates and the use of in-house counsel by CPS

Merit badge

Criminal Law Solicitors Association claims plans to automate the merits test risk injustice

Strike three

High Court overturns the striking-off of a solicitor for the third time in three months

In-house battles

European general counsel dealing with more disputes, research by a City firm reveals

Governance gold

External advisers set to profit from imminent demise of company secretaries

Law Society Gazette April 3, 2008

High street woes

High street firms facing tough times with some forced to lay off staff and close offices

Policy binned

Cardiff firm revises waste policy after confidential documents are founded by a local newspaper

Struck off

Solicitor who took money from estates for work he had not done is struck off by the SDT

Fund for thought

LSC announces funding for its specialist support service and community legal service grants

Client danger

Firms to face prosecution if they fail to protect their staff from sexual harassment by clients

FSA powers

Solicitors claim FSA must adopt a braver stance on prosecuting market abuse cases

Law Society Gazette April 10, 2008

Cheap bargain

Government plans to save costs through plea bargaining for fraudsters are a 'political shortcut'

Panel blow

Legal Services Commission launches very high cost cases panel short of 2,000 advocates

Green court call

Former Bar Council chairman Stephen Hockman calls for a new world environment court

EC opt-out ruling

European Commission rejects opt-out class actions as a vehicle for competition law claims

Domestic drive

Women's advice groups call on government to give more protection to domestic violence victims

If the cap fits

Lawyers urge auditors and their clients to open 'sensible dialogue' on liability caps

Law Society Gazette April 17, 2008

LSC on the map

The Legal Services Commission publishes five-year route map for civil legal aid

FSA scents fox

The Financial Services Authority plans appeal over fine levied on Leeds firm *Fox Hayes*

Will power

Accountants to be authorised to do wills and probate work in 'huge threat' to solicitors

Pre-nup surge

Demand for pre-nuptial agreement has soared over the past year, according to research

Geared up

Law firms are employing more fee-earners per partner to keep up income – but face higher costs

Firms wary

City firms take a 'cautious approach' to the year ahead in partnership promotion rounds

Law Society Gazette April 24, 2008

Setting up

Civil litigation parties may be required to consider mediation from the very outset of their claims

Brand on the run

Law Society launches £450,000 national ad campaign to promote the brand of solicitors

Judges dread

Judiciary raises concerns over plans to increase cost of care proceedings to local authorities

Custody cut-off

Police stations around the country ban solicitors from using phones and laptops in custody areas

Keeping mum

TDA survey reveals legal profession to be UK's least 'mum-friendly' sector

Indian sign

Liberalisation of the legal market would greatly benefit the Indian economy, report claims

Law Society Gazette May 1, 2008

Clan blow

Plans to set up the first Community Legal Advice Network in Cornwall have been derailed

New broom

Legal Services Board chairman David Edmonds tells solicitors to expect evidence-based regulation

French invasion

London firm Sykes Anderson wins right to conduct a property transfer in France

Fees scrutiny

Former Whitehall claims management watchdog questions how solicitors can afford referral fees

Model muddle

Leading academic warns of confusion over lack of definition of a 'business model' for firms

Shared brief

Ethnic minority solicitors asked to share experiences of dealing with professional watchdog

Law Society Gazette May 8, 2008

Time to share

Solicitors Regulation Authority under fire for taking too long to conduct investigations

Regulation move

Ministry of Justice asked to take on regulation of third-party funders of litigation

Advice desert

Legal aid funding changes leave up to 2m without proper employment rights advice

Panel poster

Lords' practice of sitting in panels could be affecting outcome of decisions, warns Baroness Hale

Growing regions

London lawyers bear brunt of recruitment slowdown as regions prosper

Hard on graft

Corporate clients in UK and Europe call for tougher laws to prevent bribery and corruption

Law Society Gazette May 22, 2008

Silk cut

The number of applications for Queen's Counsel drops by more than a third in latest round

Success fees

Court of Appeal rejects major challenges to predictable costs scheme for road traffic cases

LCS on target

The Legal Complaints Service achieves year-on-year improvement in all of its target areas

Legal aid plea

Bar Council calls on the government to rethink its legal aid reforms to ensure access to justice

Going solo

Sole practitioners must plan for when they stop practicing or risk 'losing everything'

Deal doldrums

City firms report increased mid-market competition as economic downturn impacts on big M&A deals

Law Society Gazette May 29, 2008

Fee fall

Solicitors to pay £150 towards compensation fund following vote against £300 charge

Free market

Law Society of Scotland to open the country's legal services market to competition

Terror proposal

Government should consider charging terror suspects with minor offences, says peer

Fraud fight

Personal injury lawyers welcome judiciary's hardening attitude to insurance fraud

CCBE assembly

First Europe-wide foundation dedicated to protecting rule of law set to be established

Cost cutting

Outsourcing takes precedence as clients curb their legal spend amid credit crunch

Law Society Gazette June 6, 2008

Talent spotting

Leading wealth management company plans to buy law firm post-Legal Services Act

Malaysia eyed

City law firms size up Malaysian legal sector amid signs it will open up markets

CLAC flak

Advice Services Alliance fires conflict of interest warning over new local centres

Insult to injury

Lawyers condemn government delay over reforming personal injury claims process

Data warning

Solicitors not registered under Data Protection Act will be presumed to be in breach

Bill seekers

In-house counsel to consider different billing options for panel solicitors

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Matter of honour

Paul Newdick and Roger Smith among those receiving awards in the Queen's birthday honours

Jobs cut

Law Society shed equivalent of 51 full-time posts last year, annual report reveals

Time bomb

Immigration lawyer warns the 'clock is ticking' for firms to register overseas staff

No boundaries

Fears over commercial arbitration across national borders proved groundless

Email alert

Birmingham solicitors take the lead in closing a widespread information security weak point

Expectation gap

Lawyers criticise 'unfair' decision not to force overseas LLPs to publish their accounts in UK

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An accessible legal profession working in the public interest: dream or reality

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Comment: Image could be the difference between success and failure for smaller law firms, says *Paul Marsh*

Evidence: Complex electronic evidence can be crucial in court and ignorance can be costly, says *Greg Wildisen*

Procedure: *Francesca Richmond* explains why the High Court has reversed the default position regarding access to documents in judicial review proceedings

Criminal: How will a new code of practice affect the rights of money laundering suspects? Asks *William Chapman*

Property: *Daniel Dovar* and *Michael Walsh* give their verdict on the tenancy deposit scheme, one year on

Criminal/family: *David Jones* offers practical guidance on making timely interventions in suspected child abduction cases

Wills and probate: *John Clinch* offers a cautious welcome to the increasing number of online resources for probate research

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Constitutional: *Edwina Millward* is optimistic that the Ministry of Justice can benefit both the prison service and the courts

Property: *Anthony Judge* offers some practical advice to negotiating the minefield of insolvency purchasing

Limitation/insurance: Is it time to update insurance law in the light of the Gambling Act 2005? Asks *Shantanu Majumdar*

Intellectual property: *Alex Craig* examines how the case of *Peter Pan* might impact on the future of copy protection

Family: Assisted reproduction is leading the law on parentage into confusion, says *Sheena Parry*

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Comment: The government is wrong to delay cohabitation reforms, says *David Allison*

Criminal/procedure: The importance of implementing the letter of the law should not be underestimated, say *Peter Wilcock* and *Joel Bennathan*

Professional: Practitioners need to prepare for a new legal landscape, says *Simon Young*

Housing/public: *Maloba* has given valuable clarification on the definition of "homeless" says *Clive Thomas*

Discrimination: *Elaine Banton* puts sexual orientation discrimination under the spotlight

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International/commercial: When can individuals be extradited for pre-2003 cartel offences? *Francesca Richmond* reports

Human rights: Should the government have the right to retain the DNA of all those arrested? Ask *Azeem Suterwalla* and *Sarah Hemingway*

Consumer: *Paul Beevers* explains why lawyers acting for clients with logbook loans need to act fast

Insurance: current UK insurance law out of step with the market? *Kenneth McKenzie* and *Graham Ludlam* consider possible areas of reform

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Professional negligence: Three recent judgments have focused on the abuse of process arguments in solicitors' negligence cases. *Dan Stacey* and *Alice Nash* investigate

Consumer: Increased consumer protection means a new era of uncertainty for traders, says *James Ross*

Criminal: Will proposals regarding inquests in the Counter-Terrorism Bill breach human rights laws? *Cathryn McGahey* and *Bilal Rawat* investigate

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Employment: A recent House of Lords ruling explores issues of liability on the suicide of an employee. *Caroline Doran* and *Victoria Lee* report

Public law: *Nicholas Dobson* examines the court's approach to rationality and public authority decision making

Property: *Glyn Crews* continues his analysis of the effect a recent Court of Appeal ruling has had on residential leases and freeholders

Technology: How feasible is it for internet service providers to police the internet? *John Linneker* and *Huw Morris* investigate

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Still working

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Women solicitors still need their own voice in the professions, says *Elizabeth Cruickshank*

Life in crime

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The case of Lotfi Raissi is a grim story of complicity and abuse by the state authorities, says *David Rhodes*

RDR aim for consistency

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The Retail Distribution Review raises key areas ripe for reform. *Peter Nellist* report

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Solicitors should be more aware of the risks hidden in audit letters, says *Peter Ashford*

The ASBO’s new cousin?

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The Serious Crime Act 2007 has some major implications, *Robert Buckland* reports

Pre-nuptial agreements

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Despite *Crossley* pre-nuptial agreements will still have limited effect, says *Mark Pawlowski*

Dishonest solicitors

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Are solicitors being held to a set of contradictory rules on honesty, asks *Luke Hibbert*

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Niche firms have started changing the rules of the game. *Jean-Yves Gilg* reports

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Police needs encouragement to investigate domestic violence, says *Peter Glover*

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Are we all guilty? Asks *Jeannie Mackie*

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The first woman president of the Association of District Judges nearly never became a lawyer. She talks to *Jean-Yves Gilg*

Funding commercial litigation

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Stuart Evans welcomes the extension of third party funding to commercial litigation

Incitement no more

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The Serious Crime Act 2007 does away with the unsatisfactory offence of incitement. *Robert Buckland* reports

Floating charges

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New rules will make liquidators worse off, says *Alan Cockerill*

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A golden opportunity

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HIPs are great opportunity to turn the tables on estate agents, says *Peter Morgan*

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Dan Dyson explains limited liability to partners or a partnership convicted of a crime

The right to decide

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Adults can now plan ahead for when they may lose the mental capacity to make decisions about medical treatments. *Laura Davidson* reports

Taxing times for non-doms

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Stuart Skeffington and *Julie Ferguson* look at how the Budget will affect non-doms' finances

Developers must think big on leases

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John Stephenson says that *Majorstake* has wide implications for leasehold extensions

Civil litigation brief

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Gordon Exall looks at the duty to disclose a document which is mentioned in a witness statement

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Rod Dadak reviews *Reynolds* public interest cases and recent developments

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Liability for suicide

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The House of Lords has ruled that the widow of a man injured at work can claim damages for his suicide six years later. *Jamie Clarke* investigates

Once bitten, twice shy

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Recent judgments have clarified whether claimants who have lost in a dispute are entitled to have a second bite of the cherry by suing professional advisers, says *Andrew Blair*

Darwin was right

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The smart firms will survive the predictions of death of the high street, says *Edward Foster*

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Nathan Holden reviews legislation and cases likely to affect local government practice

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Protected designations of origin rules have produced a raft of litigation, says *Paul Stanley*

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Felix says our justice system is being sold off

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Class actions made simple

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David Shapiro outlines the principles behind class actions and adds his recommendations to those of the Office of Fair Trading

All must have prizes

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From May 2008, changes to consumer protection regulations means supermarkets may no longer be able to tell their customers to "Bogof" , says *Richard Lawson*

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In the first of a series of four articles *Gordon Exall* looks in detail at the law and practice relating to the regulation of claims management companies

Regional focus: Lincolnshire

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Lawyers in Lincolnshire have been spared the commoditization frenzy. They agree that it will come one day and will be fully prepared, says *Jean-Yves Gilg*

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By halting reforms to the criminal appeals system, the government has preserved fairness in criminal justice, says *Francis FitzGibbon*

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Lenders beware

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The case of *National Westminster Bank v Ashe* will act as a reminder that lenders failing to enforce their right can lose it altogether, says *Tim Foley* and *Simon Pulleyn*

Independent referrals

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Gordon Exall completes his review of the new rules governing claims management companies and their effect on solicitors' conduct rules

Update: trusts wills and probate

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Catherine Sanders examines the proposed changes to the tax status of non-UK domiciles, while *Catherine McAleavy* explores two high-profile cases concerning the validity of wills

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District Judge *David Oldham* welcomes the outcome of *Thompstone* ensuring that periodical payments for personal injury claimants are indexed on earnings

Sentencing shop theft

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Proposals for shoplifting sentencing would fit the crime more closely, says *Paul Tain*

Behind bars

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Jeannie Mackie flies her flag for a free Tibet

Securing tenant rights on lease renewal

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John Martin asks what easements a tenant can insist on being granted lease renewal under the Landlord and tenant Act 1954

Be Cautious on costs

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Solicitors should exercise greater caution when preparing early costs estimates for clients, says *Sarah Conroy* as the High Court has recently retreated from its earlier position

Solicitors conduct on claims management

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In his series on the new claims management regulations *Gordon Exall* considers their effect on business expenses and the guidance given by the Solicitors Regulatory Authority

Practice trends: personal injury

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Recent judgments have only embittered the costs war between personal injury claimant lawyers and insurers, says *Patrick Allen*

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Jonathan Black reviews the latest case on drink-driving offences and speeding

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Tales from practice

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Richard Barr broods on the credit crunch

Caught between to Acts

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Local authorities must consider their obligations under the Children Act 1989 more carefully, says *Clive Lewis* and *Joanne Clement*

Business leads

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The ability to generate and convert leads into business is an essential skill, says *Yuri Rapoport*

Who wins at forfeits?

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The seller should no longer expect rescission on the buyer's part will automatically lead to a windfall forfeiture, says *Nitej Davda*

Not a temporary fix

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Tom Poole welcomes the new authoritative guidance on temporary workers given by the Court of Appeal in *James v LB of Greenwich*

Environmental waste

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Justine Thornton argues that waste disposal contracts for local authorities may have to include the impact of environmental damage

Lawbrief

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The latest judgments from the House of Lords and other essential case reports

Book review

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Roy Light reviews the latest editions of key titles on entertainment and alcohol licensing

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Another 48 hours?

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Elliott Gold explains police powers to seize and hold criminal cash

'Big money' divorce cases

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Patricia Hollings and *Nisha Aggarwal* look at the impact on 'big money' divorces following a short marriage

Hold it right there

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David Farrer explains how 'well intentioned' breaches of freezing orders by banks may put them in contempt of court

Enforcing the enforcers

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The Security Industry Authority is the only suitable body for the regulation of the private bailiff industry, says *John Kruse*

Claims management recap

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Gordon Exall looks at the implications of the Claims Management Regulations and how the system is working in practice

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Jean-Yves Gilg reports on a fragmented market in need of consolidation

Stopping the clock

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Recent cases on the liability of professional advisers have refined the circumstances where the court will dismiss limitation arguments, say *Fergal Cathie* and *Simon Schooling*

A fatal misconception

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Classifying adults as dependents until they reach 18 or leave higher education may not be as straightforward in fatal accident cases as *Williams* illustrates, says *Michael Imperato*

Independent decisions

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John Kendall says expert determinations are increasingly favoured by lawyers keen on resolving dispute away from the courts

Challenging combat immunity

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Claims the armed services injured on active service abroad maybe more likely to succeed under human rights, says *Dijen Basu*

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Capacity to marry

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The High Court's inherent jurisdiction in cases involving the vulnerable remains a powerful tool to protect those lacking mental capacity, say *Yogi Amin* and *Alex Rook*

Offshore trusts

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The Finance Bill 2008 is only one of the developments which should make investors review their position in relation to offshore trusts, say *Randall Krebs* and *Annika Jones*

Update: sentencing

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Barbara Barnes reviews the latest cases on dangerousness, young offenders, concurrent or consecutive sentences, young offenders and child pornography

State your offence rank

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Rigidity on offences and sentencing may lead to unwanted results, says *Paul Tain*

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Benjamin Newton discusses whether the defence of *doli incapax* is still available to defendants age from 10 to 14 years

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Clearer view on rights of light

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A recent appeal court decision should lighten fears by developers that construction stands no chance if there are light obstruction issues, say *Tim Foley* and *Simon Pulley*

Energy performance certificates

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EPCs are likely to change the commercial property market. But the main worry now is how to fund them, says *Sean Gallagher*

Pays to be reasonable

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Simply agreeing to mediation is no guarantee of protection against costs. Parties must ensure they do not make unrealistic claims, says *Tom Collins*

Threat of legal extinction

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Radical reforms to social welfare law may shrink the community legal services just when many need access to civil justice, says *Steve Hynes*

Civil litigation brief

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Gordon Exall looks at the procedure and guidelines governing the transfer of actions from the county court to the Technology and Construction Court

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Sue Ashtiany reviews the latest cases on discrimination in the workplace

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Parentage identification

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Parentage identification is required in an increasing number of cases, in particular those brought under the Children Act 1989 says *Noel Arnold*

Beneficial ownership and detriment

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What constitutes detriment for the purpose of supporting a common intention constructive trust, asks Professor *Mark Pawlowski*

Entrepreneurs' relief

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Lobbying by businesses has resulted in a more restricted relief on gains on business assets being announced by the chancellor, says *Nigel Landsman*

A low-key anniversary

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As the Council Tax reaches its 15 year *Alan Murdie* reports on the latest changes

Unleashed

Do you treat your firm's website like a second-rate flyer, says *Russell Conway*

European briefing

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The new mediation directive is an example of how the EU's sphere of competence has gradually extended into the classic areas of private law and procedure, says *Paul Stanley*