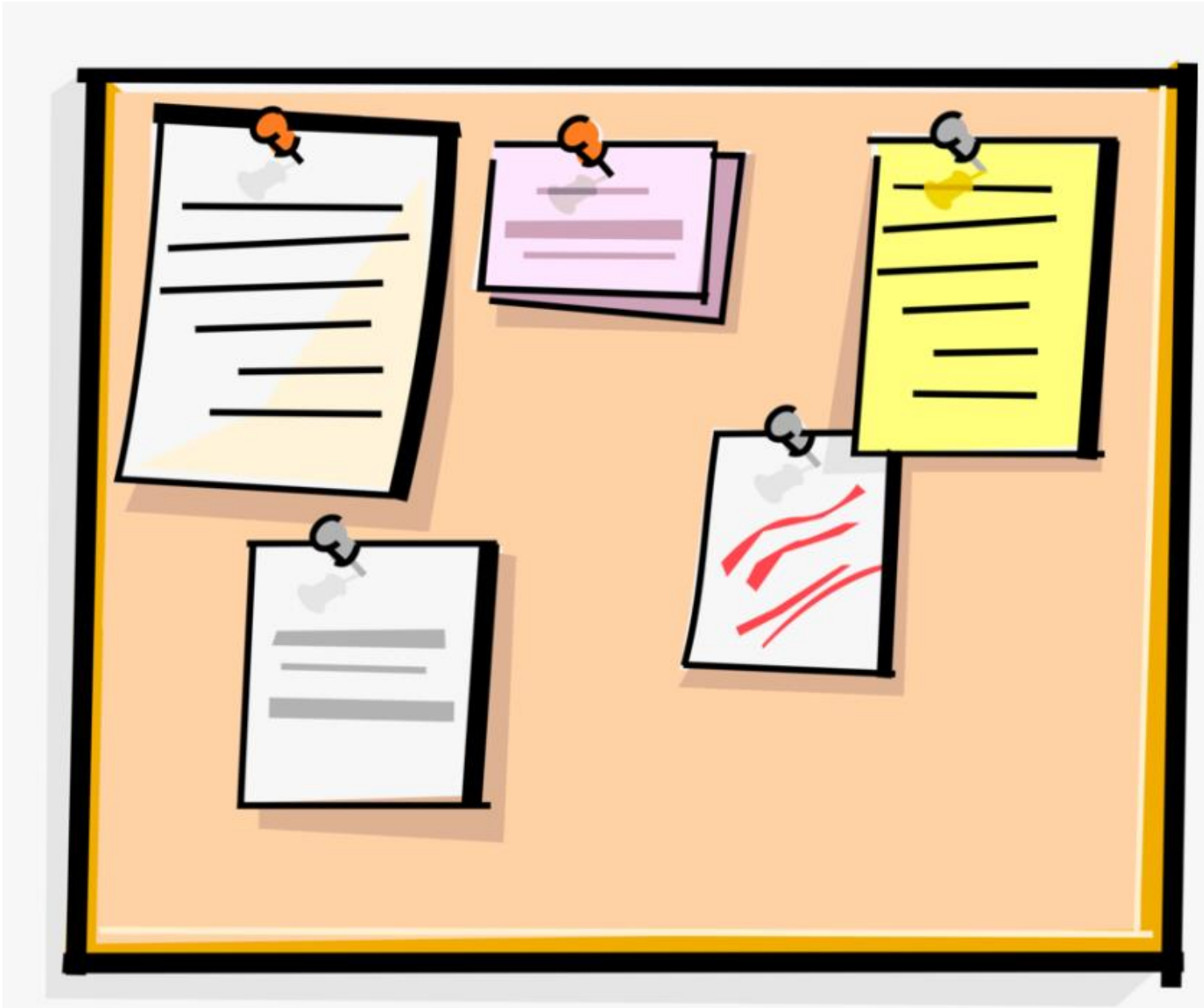


CURRENT AWARENESS BULLETIN

July-September 2008



**COUNCIL OF LEGAL EDUCATION NORMAN
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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

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conversion in the digital age

FOREWORD

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Diversity managers: crafting opportunities to transform law firms

Here's how a new brand of professionals is helping look more like client organizations and the talent pool – and the larger world
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Achieving sustainable diversity: Colorado's approach to the diversity dilemma

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Look in the mirror: Is your diversity program really making a difference?

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- Comment:** *David Burrows* bangs the drum for solicitor advocates
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- Commercial/Northern Rock:** How will compensation for Northern Rock shareholders be assessed? *Peter Ashford* investigates
- Dispute resolution:** ADR: should we be more alternative? *Steven Friel* investigates
- Property:** *David Hookins* and *Maria Guida* consider the impact of energy performance certificates

Employment: *Kate Edwards* discusses how employee rights can be enhanced after a TUPE transfer

Criminal/procedure: *Robert Wade* investigates the use (and abuse) of s 123

New Law Journal **Vol. 158 No. 7320** **May 9, 2008**

Comment: Data protection is at long last moving up the political (and legal) agenda, says *Tom Morrison*

Employment: *Chris Bryden* and *Michael Salter* look at the different ways compensation can be obtained in harassment cases

Employment/discrimination: Practitioners need to be alert to far-reaching changes made to the sex discrimination legislation, says *David Malamatenios*

Property: Are tolerated trespassers about to get back their homes? *Francis Davey* reports

Construction: Contractors need to beware of employers giving early withholding notices, say *Alexander Hickey* and *Elspeth Owens*

Human rights: Is the bar too low for Human Rights Act cases against NHS trusts? *Matthew McGrath* and *Mark Ashley*

Criminal: *Michael Hillman* asks whether the regime for imprisoning dangerous offenders for public protection is being correctly interpreted

New Law Journal **Vol. 158 No. 7321** **May 16, 2008**

Comment: The Burden sisters could not have won their inheritance tax case without unraveling some of the fundamentals of the tax system, says *Julian Washington*

Dispute resolution: Mediation: protection by privilege and confidentiality? By *Tony Allen*

Competition: Will third-party funding level the litigation playing field? Ask *Charles Ciumei* and *Paul Bury*

EU: *Timothy Millett* reviews the EU's high-speed reference procedure

Contract/consumer: Why is the number of vehicles diminution claims rising? And how are they assessed? *Anthony Johnson* reports

Family/children: *Noel Arnold* reports on the rise and rise of the s 20 Children Act 1989 agreement

New Law Journal **Vol. 158 No. 7322** **May 23, 2008**

Comment: The elevation of associate prosecutors is not the end of the world, says *Andrew Keogh*

Employment/litigation: *Chris Bryden* and *Michael Salter* warn against tampering with the "without prejudice" rule

Employment/discrimination: Employers must be proactive in stopping third-party sexual harassment to employees, or risk discrimination claims. *Richard Nicolle* explains

Criminal: *Martin Rackstraw* weighs up jury eligibility issues and the arguments for the removal of potential bias in juries

Property: Practitioners should prepare carefully before making LTA 1985 dispensation applications, say *Adam Colenso* and *Desmond Kilcoyne*

Insurance: *Julian Miller* and *Parminder Badhan* emphasise the importance of complying with notification provisions in insurance policies

New Law Journal Vol. 158 No. 7323 May 30, 2008

Comment: *Charles Foster* reflects on the disappointing nature of the debate on the Human Fertilisation and Embryology Bill

Negligence/wills: Do solicitors who give negligent IHT advice owe a duty of care to an intended beneficiary? *Andrew Blair* and *Tim Shepherd* report

Tort: *Gregory Mitchell QC* examines the ambit of the tort of conspiracy following a recent House of Lords' case

Human rights: *Seamus Burns* discusses the separation of powers' doctrine between the judiciary and the executive in the UK

New Law Journal Vol. 158 No. 7324 June 6, 2008

Comment: The government needs to practise what it preaches on torture, says *Geoffrey Bindman*

Professional negligence: *John Whittaker* and *John Machell* explain how LLP members can best protect themselves from personal negligence

Professional indemnity: Paying less for your professional indemnity insurance is within your grasp, says *David Ingall*

Employment: Employers may need to ensure that workers who are off sick do not miss out on their holiday entitlement, says *Charles Pigott*

Procedure: Refusing to mediate can be a dangerous and expensive option, says *Duncan Henderson*

Criminal: Must the police identify criminal activity in summary cash forfeiture proceedings? *Francesca Whitelaw* and *Elliot Gold* report

Family: The government needs to address imbalances in the family law system, says *Geraldine Morris*

Technology: How has new technology improved the running of our courtrooms? *Lorraine Medcraft* reports

New Law Journal Vol. 158 No. 7325 June 13, 2008

Comment: The Law Society and its members have been punished unfairly, says *Des Hudson*

Procedure: A cross undertaking in damages can prove costly, says *Jonathan Pratt*

Local government/insurance: *Jolyon Patten* explains why local authorities cannot act as insurers

Property: What do courts have to consider when deciding whether or not to return a buyer's deposit? Asks *Kate Chambers*

Personal injury: *Arnup* has clarified how courts approach fatal accident claims, says *Robert Weir*

Employment/discrimination: Are employers discriminating against disabled working minds? *Neil Allen* reports

New Law Journal Vol. 158 No. 7326 June 20, 2008

Comment: *Michael Zander* QC reflects on the negative response to Lord Carter's sentencing proposals

Employment law: *Katherine Apps* considers the practical effect *Impact v Maff* could have on employment cases

Professional negligence: Should courts take into account events which take place after the notional date of trial in a claim for damages for professional negligence? *James Counsell* reports

Fraud: *Dr. Nicholas Ryder* and *Dr. Clare Chambers* discuss how to best tackle mortgage fraud

Human rights: Has the government struck the right balance between the freedom of smokers and the welfare of non-smokers? *Neil Allen* reports

Medico-legal: The recent failure to reform the creaking Abortion Act should worry both pro- and anti-abortion lawyers, says *Charles Foster*

New Law Journal Vol. 158 No. 7327 June 27, 2008

Comment: *Julian Broadhead* dismisses tabloid rants about the cushiness of life behind bars

Law in the headlines: The government should think twice about creating a database state, says *Timothy Pitt-Payne*

Cover story: Fraudulent trading: a forensic accountant's perspective by *George Sim*

Forensic: The forensic analysis of a mobile phone can make or break an investigation, says *Rob Trevelyn*

Procedure: When is a formal settlement offer "beaten" for the purposes of CPR, Pt.36? *John Trotter* and *Giles Hutt* report

Procedure: When are “negotiations” without prejudice? *Hamish Lal* reports

Evidence: *Seamus Burns* reports on the ramifications of *R v Sean Hoey*

Criminal: *Professor Michael Zander* assesses the main responses to the Gage working group’s consultation paper on sentencing

New Law Journal Vol. 158 No. 7328 July 4, 2008

Comment: The government should avoid introducing knee-jerk legislation to allow witnesses to give evidence anonymously, warns *John Cooper*

Cover story: *Roger Harris* reviews recent decisions relating to the Animal Act

Law in the headlines: Terminally ill patients should have the right to choose when to die... and who should help them, says *Richard Scorer*

Constitutional: *Khawar Qureshi QC* considers the changing role of the attorney general

Family: *Augur Pearce* discusses the meaning of civil partnership

ADR: Political and judicial support for mediation is increasing, says *Steven Friel*

Employment: Employers should be wary of varying employees’ terms and conditions to ward off the effects of the credit crunch, says *Jeremy Nixon*

New Law Journal Vol. 158 No. 7329 July 11, 2008

Comment: With major changes ahead the Law Society cannot afford to be complacent in its approach to complaints handling, says *Zahida Manzoor*

Cover story: Forensic accountancy techniques could be put to good use in assessing the validity of MPs’ expenses, says *Rakesh Kapila*

Privacy: *Susan Knox* outlines the advantages of electronic disclosure in EU litigation

Employment: Those who intimidate witnesses at employment tribunal proceedings could face serious consequences. *Sarah Fitzpatrick* and *Elisabeth Griffiths* report

ADR: Will new guidelines improve the international arbitration process? *Roger Hopkins* investigates

Profession: The absence of forensic skills in the legal profession needs to be addressed, says *Carole McCartney*

Property: A recent Court of Appeal decision on sole agency agreements will come as a blow to estate agents, says *Michael Wilkinson*

New Law Journal Vol. 158 No. 7330 July 18, 2008

Comment: The profession – not the government – should be shaping the future of legal aid, says *Tim Dutton QC*

Cover story: Is FIFA’s proposal to introduce a quota on foreign nationals in club football legal? *Richard Williams* and *Alex Haffner* reports

Law in the headlines: *Emma Kaye* reports on how uncertain market conditions are intensifying pressure on law firms

Financial: *Richard Burger* reports on the FSA's efforts to stop the leak of inside information from the unregulated sector

Mediation: Mediation can help solve the tangles left behind after a death, say *Beverly-Ann Rogers, Katherine McQuail* and *Tracey Angus*

Damages: Should adults who are injured after deliberately putting themselves at risk expect to be compensated? *Kris Lines* and *Heshka* report

EU: *Seamus Burns* considers whether or not the Irish "no vote" means the Lisbon Treaty is confirmed dead

New Law Journal **Vol. 158 No. 7331** **July 25, 2008**

Comment: *Colin Ettinger* doubts that new sentencing guidelines will reduce carnage on the roads

Cover story: Separated couples should expect the courts to take a robust approach in quantifying shares in the family home in future. *Sarah Greer explains why*

Law in the headlines: *Bill Davies* reflects on enlightened shareholder value on Oxford Street

Public law: *Penny Cooper* considers the implications of the Public Law Outline

Limitation: When is it equitable to allow a time-barred claim to proceed, asks *Malcolm Keen*

Criminal: Section 18 of PACE and the interpretation of "occupied or controlled", by *Neil Parpworth*

Discrimination: Should the intellectually disabled be readmitted to the Paralympics, ask *Christina Lyons* and *Craig Carr*

Human rights/Mental health: *Laura Davidson* considers the covert medication of patients detained under the Mental Health Act 1983

New Law Journal **Vol. 158 no. 7332** **August 1, 2008**

Comment: The decision in *Hoare* represents a common sense approach to achieving justice, says *Seamus Burns*

Cover story: Does the use of anonymous evidence weaken the principle of open justice? *Seamus Burns* reports

Law in the headlines: *Robert Griffiths QC* and *Stephen Whale* question the ICC's decision to change a win to a draw

Speakers' corner: The future for criminal legal aid lies with the factory firms of solicitors, says *Anthony Burton*

EU: *Catherine Barnard* examines the seemingly nebulous role of the advocates general

Personal injury/criminal: Is it time to revisit the illegality rule, asks *Richard Scorer*

Professional indemnity: Take your broker's advice and deal with risk management issues now, says *David Ingall*

Health and safety: The Court of Appeal has refined the test of the meaning of risk, say *Patrick Harrington QC* and *Gerard Forlin*

Evidence: *David Mason* revisits the civil standard of proof

New Law Journal Vol. 158 No. 7333 August 8, 2008

Comment: Chaos will follow if police forces are allowed to rip up the rule book, says *Professor Michael Zander QC*

Law in the headlines: *Niran de Silva* on *Dwain Chambers'* failure to overturn a byelaw making him ineligible for the Beijing Olympics

Speakers' corner; The law lords' move to Middlesex Guildhall cannot happen soon enough, says *David Pope*

Financial: *Emma King* and *Richard Burger* assess the FSA's attempts to tackle boiler rooms

Employment: *Stephen Robinson* offers some tips on how employers can tackle the summertime blues...

Courts: How do litigants in person impact on court business? *Edward Millward* explains

New Law Journal Vol. 158 No. 7334 August 15, 2008

Comment: The law lords' BAE System decision was predictable ...but was it inevitable? asks *Michael Zander*

Employment: What hope for equal pay? *Ian Smith* highlights the complexities of three unusual employment claims

Family: *David Barrows* discusses recent cases involving reasonable provision and disclosure

Personal injury: Auguring the future. *Nicholas Bevan* concludes his analysis of *Thompstone*

Property: *Malcolm Dowden* explains equitable remedies are not always a convenient alternative to contractual protection

Public: Post *Redcar*, councillors have a broader remit to behave politically, says *Nicholas Dobson*

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Symbolic speech: A message from mind to mind *James M. McGoldrick, Jr.*

Mutual fund advisory fees: new evidence and a fair fiduciary *John P. Freeman et al.*

Exploring the limits of executive civil rights policymaking

Stephen Plass

Public Law Autumn 2008

Relations between executive, judiciary and parliament: an evolving saga?

A.W. Bradley

Bishops in the House of Lords: a critical analysis

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When putting things right goes wrong: Enforcing the recommendations of the ombudsman

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Judging the administration in France: changes ahead?

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The UK arms export regime: progress and challenges *Zeray Yihdego & A. Savage*

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SJ training survey analysis

CPD: miscellaneous

Solicitors Journal latest survey shows most lawyers still prefer face-to-face courses

A decade on reform

CPD: litigation

The changes to the civil procedure rules following the Woolf report were implemented ten years ago, but have they delivered the intended fairer results at lower costs and speedier justice, asks *David Greene*

REACH and personal injury

CPD: litigation

New European chemicals legislation will have major implications for health and safety lawyers, says *Victoria Handley*

Inferring discrimination from a failure to comply

CPD: commercial

Tribunals should not automatically infer that an employer's failure to respond to a questionnaire indicates guilt. *David Massarella* reports

Regional focus: East Anglia

'Tesco law'? Solicitors in Norfolk have seen it all before and are more concerned with issues such as the commoditization of personal injury work. *Jean-Yves Gilg* reports

Life in crime

CPD: crime

Lucy Corrin warns that poor advice on appeals could result in court orders that time served in custody will not count

Solicitors Journal Vol. 152 No. 24 June 17, 2008

Repossession claims against third party

CPD: property

Lenders seeking to repossess a property on grounds of arrears may soon no longer be able to stop third party occupiers claiming beneficial rights, says *Robin Powell*

An active regulator

CPD: miscellaneous

The SRA's tough new approach to regulation is too intrusive, says *David Mayhew*

Join at the HIP

CPD: property

Imran Khan explains how one firm of solicitors took the introduction of Home Information Packs as a commercial opportunity by setting up its own HIP company

A more straightforward approach to confiscation

CPD: crime

Paul Tain welcomes the Lords' approach to construing proceeds of crime legislation

View from the bench

CPD: commercial

Claims for interest on late payment are straightforward and judges will not look favourably on parties who do not play by the rules, says District Judge *Paul Mildred*

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Are legal costs another form of stealth tax?

CPD: miscellaneous

To understand the disputes over claimants' costs in PI cases, you need to appreciate where the true cost will fall, argues *Andrew Parker*

Seek personal protection

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How can firms best safeguard their balance sheets from claimants in today's perilous financial environment, asks *Steve Holland*

Charity begins at the Tribunal

CPD: miscellaneous

Jean-Yves Gilg speaks to *Alison McKenna*, the first president of the newly formed Charity Tribunal

Civil litigation brief

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Gordon Exall looks at guidance to litigants when the court is asked to grant relief from sanctions imposed under the CPR

Update: professional negligence

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Spike Charlwood reviews cases on the test of dishonesty in civil proceedings

Update: company and insolvency

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Michael Twomey and *Eamonn McNamara* analyse the decision in *McGrath v Riddell*

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No room at the inn

Some local authorities are avoiding their responsibilities to the homeless, say *Jim Shepherd* and *Nik Antoniadis*

Regulators with powers

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The regulatory Enforcement Bill will give regulators more powers and force lawyers to rethink regulatory work, says *James Neil*

Part 36 offers following *Carver*

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The ruling in *Carver* is a mandate to defendants to undersettle claims but there are ways around it, says *John Coughlan*

Genetic discrimination

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The government should use the Single Equality Bill to pre-empting the possibility of genetic discrimination, says *Andrew Thompson*

European briefing

CPDL litigation

Recent rulings show a worrying lack of clarity by the ECJ, says *Paul Stanley*

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Gregory Jones examines the appeals procedure

Update: tax

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Richard Bunker on recent tax changes

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Back to basics on confiscation

CPD: litigation

House of Lords' decisions have reminded prosecutors to focus on factual evidence rather than statutory assumptions, says *David Winch*

Share and share alike

CPD: property

Buying property 'together' with no discussion of joint intentions may not reflect the legal position upon breaking up, says *Dirk van Heck*

Assessment is not the end

CPD: private client

Vocational rehabilitation is a vital part of a claimant's care package but timing is everything, says *Suzanne Guest*

Watching the watchdog

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After a temporary victory in the bank charges case, is the Office of Fair Trading really the people's champion, asks *Jenny Howe*

Regional focus: Kent

Clouds gather over the 'Garden of England', says *Jean-Yves Gilg*

Life in crime

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David Rhodes discusses the fallibility of ear-print evidence as shown in *R v Kemper*

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Sara Partington reviews contract law, commercial agents and limitation clauses

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Debate: the costs war

CPD: litigation

Contrary to the view taken by defendant lawyers, there are clear guidelines to keep costs under control, says *John McQuater*

An explosive decision

CPD: litigation

Small shops that fail to comply with regulations on the storage of fireworks must prepare for a 'hefty' fine, says *Jonathan Austin-Jones*

As the flood water recedes who pays for the damage?

CPD: litigation

Camilla Lamont considers the potential for claims and analyses the impact of the recent floods on insurance liability cover for homeowners in high-risk areas

Update: trusts, wills and probate

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Catherine Sanders and *Catherine McAleavey*

View from the bench

CPD: property

The Rent Pre-Action protocol may have limited scope but its application contains valuable lessons for all involved in possession proceedings, says *DJ Robert Jordan*

Joined-up sentencing

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The rush to set up the proposed Sentencing Commission risks sweeping away all the good work done, says *Paul Tain*

Behind bars

Jeannie Mackie welcomes a new angle in tackling drugs in prison

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Rise and fall of group actions

CPD: litigation

The cost-benefit approach taken to the granting of group litigation orders has undermined the purpose of the rules, says *Andrew Prynne*

A bond salesman's word

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The provision of professional advice gives rise to a duty of care. *Tim Strong* and *Ivan Wilkinson* review professional investors' liability

Communication breakdown

CPD: miscellaneous

Keeping clients informed is not just a professional requirement, it also makes good business sense, says *Andrew Goodall*

Outsourcing TUPE

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Ruling on the outsourcing aspects of TUPE regulations have reintroduced the uncertainty the revised rules intended to avoid, says *Helena Davies*

Civil litigation brief

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Gordon Exall examines two decisions on date of knowledge and limitation

Update: PI and clinical negligence

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Vijay Ganapathy discusses asbestos exposure while *Jock MacKenzie* reviews cauda equina syndrome

Update: local government

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Christopher Baker reviews a series of decisions on the liability of local councils

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Band of brothers

CPD: miscellaneous

Laura Empson analyses what makes partnership a unique business organization and considers how its special qualities can survive under the Legal Services Act

Time for the employers liability pack

CPD: litigation

An employers liability pack would assist claimants in determining prospects of success, says *Victoria Handley*

Anonymous witnesses

CPD: crime

Jonathan Black reviews the Lords' decision in *R v Davis*

Disability discrimination

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Ann Bevington examines the *Malcolm* ruling

Practice makes perfect

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Practical law courses are best, says *Philip Roberts*

Update: competition law

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Marjorie Holmes reviews the latest developments in competition law

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Opening up the options for leaseholders

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Natasha Rees explains how the law lords have widened the scope of enfranchisement

Regional focus: Sussex and Surrey

Sussex and Surrey firms are seeking new opportunities, such as attracting non-lawyers, says *Jean-Yves Gilg*

The devil is in the detail

CPD: litigation

After the MoJ announcement on reforms to personal injury procedure, solicitors for defendants and claimants have their say

Mortgage fraud on the rise

CPD: property

Neil Swift explains the types of mortgage fraud that solicitors are likely to discover and how the regulators are attempting to tackle it

Disability discrimination weakened

CPD: commercial

The House of Lords has narrowed the scope of disability-related discrimination in the workplace, explains *Michael Connolly*

Life in crime

CPD: crime

Benjamin Newton discusses the inadequacy of the law on sexual activity in adolescence

Update: intellectual property

Susan Singleton reviews new consumer laws, comparative advertising, the Trade Mark Rules 2008 and illegal file sharing

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The UK justice system has been weakened by the government decision not to restrict the Attorney General's powers to intervene in prosecutions, says *Anna Mazzola*

Managing change in difficult times

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To remain profitable in the credit crunch law firms must take some hard decisions, becoming proactive rather than reactive, says *Peter Morgan*

Sharing the learning

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New coroners rules should help stop further errors, says *Claire Bentley* and *Joanna Lloyd*

Lambs to the slaughter

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Escalating professional indemnity cover is not inevitable, says *Rionne Preuveneers*

Testamentary promises

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Thorner v Curtis takes an unnecessarily rigid approach, says *Mark Pawlowski*

View from the bench

CPD: crime

David Oldham welcomes the Court of Appeal's recent reminders that not all accidents are caused by somebody's negligence

Update: employment and discrimination law

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Sue Ashtiany reviews cases on equal pay, age and religious discrimination, and compensation for failure to take up employment

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Regional focus: South West

CPD: miscellaneous

As the credit crunch tightens its grip lawyers in the South West respond with a realistic but upbeat approach to the challenge. *Jean-Yves Gilg* reports

Supervision revisited

CPD: litigation

The Court of Appeal in *Harris* has redefined the boundaries and rightly so, says *Kris Lines*

Valuing agency

CPD: commercial

Compensation for termination of agency should be calculated by reference to the resale value – but how should that value be set, asks *Stephen Sidkin*

Mirror of marriage

CPD: private client

Courts are unlikely to follow blindly the precedents set by traditional marriages when establishing principles applicable to the break up of civil partnerships, says *Gerald Wilson*

Update: planning and environment

CPD: property

Gregory Jones examines recent developments including time scales for filing evidence, core strategy challenges and strategic environmental assessments

Unleashed

Russell Conway argues web-based referral services are mostly a waste of time and money

European briefing

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The ECJ has reminded EU institutions to protect fundamental rights fully, says *Paul Stanley*

Life in crime

If a whole life sentence has no prospect of release then does this ultimately amount to inhumane treatment, asks *David Rhodes*

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The floodgates remain shut

CPD: litigation

The ruling in *Hoare* will not make it easier to bring claim in historical abuse cases, says *Peter Garsden*

Recovering service charge

CPD: property

Failure to follow lease terms will almost inevitably prevent service charge recovery, says *Mark Warwick*

Across the fence

CPD: litigation

As neighbour disputes are clogging up the courts more judges are finding ways of encouraging parties to go to mediation. *Amanda Morris* reports

Work equipment?

CPD: litigation

The Lords' ruling in *Spencer-Franks* has re-opened the laws of injuries caused by work equipment, says *Jamie Clarke*

Time on remand

CPD: crime

What should courts do when an offender has spent as much time on remand as the maximum he can be sentenced to, asks *Philip Rule*

Starting again

CPD: litigation

New rules have brought confusion to non-service principles, says *Elizabeth Morrison*

View from the bench

CPD: litigation

There is no excuse not to use technology for lodging claims, says *Edwina Millward*

Update: family client

CPD: private client

Setting aside an order for ancillary relief on the basis of non-disclosure is rare but not unseen. *Rebecca Cockcroft* reports

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Will the proposal to publish solicitors' complaints records really enable consumers to make more informed choices, ask *Michelle Garlick* and *Catherine Burtinshaw*

Close to the wind

CPD: property

The benefits of wind farms must be balanced with planning concerns, says *Marco Mauro*

Still tough for women

CPD: miscellaneous

Although women in legal practice are aware of their employment rights many firms continue to just pay lip service to the rules. *Ayesha Nayyar* investigates

Civil litigation

CPD: litigation

The new Civil Procedure Rules on service have introduced important changes including methods of delivery, says *Gordon Exall*

Trends: property

CPD: property

Some forward-thinking conveyancing practices are seeing the current property market downturn not as a disaster, but as opportunity. *Jenny Ramage* reports

Update: agricultural law

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The courts continue to be reluctant to allow modification or discharge of restrictive covenants attached to agricultural land unnecessarily, says *Michael Aubrey*

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Laying the foundations

CPD: property

The new bodies created by the Housing and Regeneration Act 2008 will need to be the best of friends, says *Keith Jenkins*

The unkindest cut

CPD: private client

Courts are now more willing to carve up family businesses on divorce, warn *Graeme Fraser* and *Rakesh Kapila*

Games without frontiers

CPD: litigation

Solicitors and clients must adapt to fight disputes on unfamiliar territory and across multiple jurisdictions, say *Lawson Caisley* and *Yacine Francis*

Not such a good bargain

CPD: property

The House of Lords has rejected the idea that bad faith is decisive in cases of proprietary estoppel, says *David Schmitz*

Too young to decide

CPD: miscellaneous

New guidance on the medical treatment of children may be harmful, says *David Hewitt*