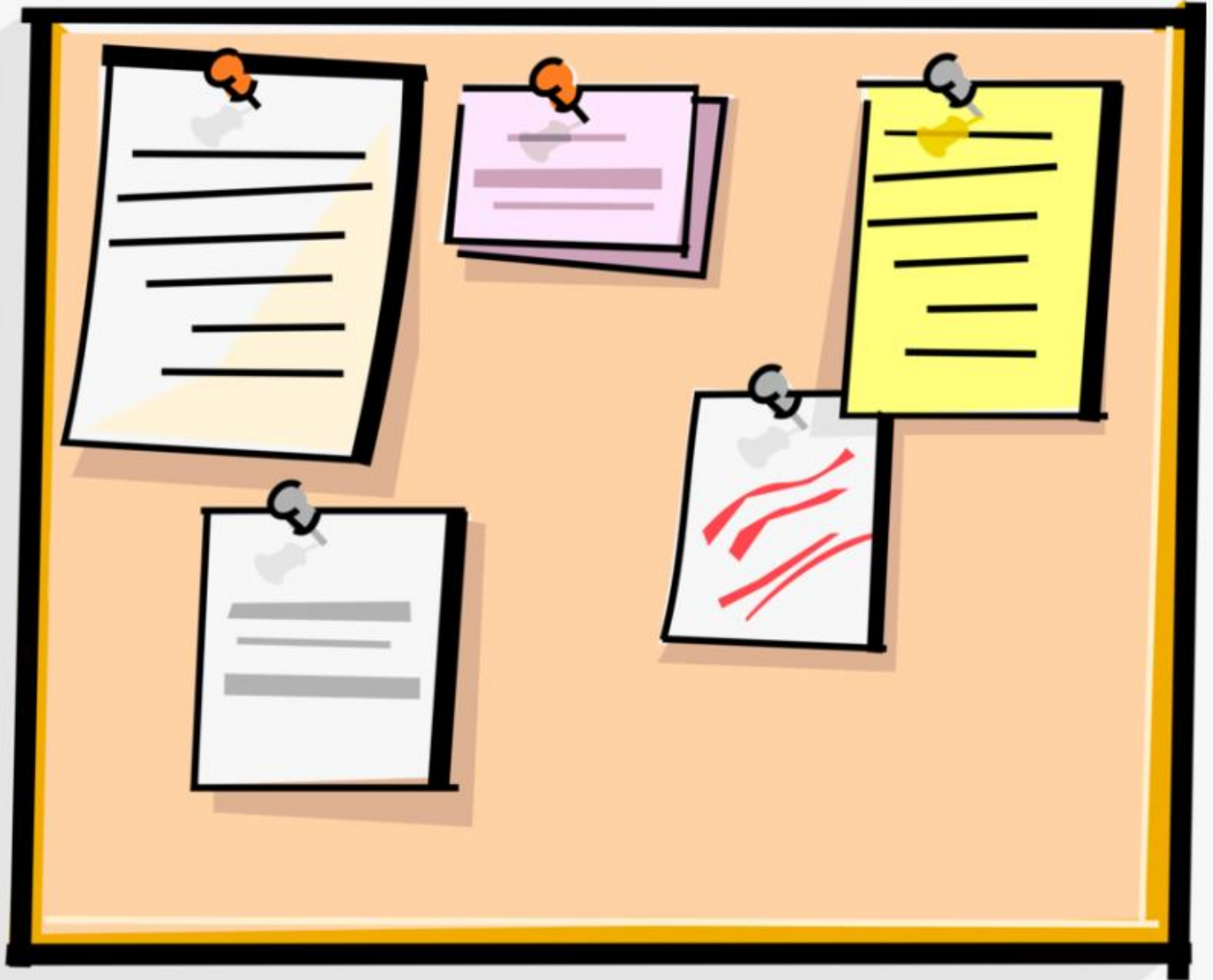


CURRENT AWARENESS BULLETIN

January – March 2009



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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

Jan. – March 2009

JUDGMENTS

Jamaica

ANDERSON, Phyllis v Windell Rankine
JMSC 10.12.2008

CIVIL PROCEDURE AND PRACTICE – Interim payment – Circumstances in which such a payment is to be made

BANK OF NOVA SCOTIA Jamaica Limited v Patrick Rose green and Sheila Rose green and Kenneth Grant

JMSC 10.11.2008

BANKING - Debt

BOOTHE, Errol v Cheketa Boothe

JMSC 27.11.2008

FAMILY LAW – Divorce – Application to set aside Decree Absolute for irregularity

BROWN, HERBERT and Mario McCallum v R

JMCA. 21.11.2008

CRIMINAL LAW – Application for leave to appeal convictions

CAMERON, Audley v R

JMCA 12.11.2008

CRIMINAL LAW – Application for leave to appeal convictions and sentences

CLARKE, Nkomo v R

JMCA 20.12.2008

CRIMINAL LAW – Appeal against convictions and sentences

DIXON-HALL, Hall v Jamaica Grande Limited

JMCA 21.11.2008

DAMAGES - Assessment

FISHER, Roderick v R

JMCA 21.11.2008

CRIMINAL LAW – Appeal against sentence

GLENCORE ALUMINA Jamaica Limited v The Commissioner of Mines and The Attorney General of Jamaica

JMSC 21.11.2008

STATUTORY INTERPRETATION – S. 65 Mining Act

GOBLIN HILL Hotels Limited v John Thompson and Janet Thompson

JMCA 19.12.2008

COMPANY LAW – Construction of the Articles of Association

Green, Sylvia Lovina v William Joseph Green

JMCA 19.12.2008

FAMILY LAW – Division of Matrimonial Property

HARRIS, DAVE and Michael Robinson and Jermaine Clarke and Devon Rose v R
JMCA 21.11.2008

CRIMINAL LAW – Application for leave to appeal against convictions and sentences

HOUSEN, Lisa v Leon Shackelford

JMSC 03.12.2008

DAMAGES - Negligence

ISA TECHNOLOGIES Inc. v Lascelles Limited

JMCA 06.06.2008

CONTRACT –Sale and purchase of equipment

JAMAICA HYDROPONICS Limited v Alumina Partners of Jamaica

JMSC 11.12.2008

ARBITRATION – Power to remit matter to the Arbitrator

JONES, ANNA Nicole v Dennis Elroy Jones

JMSC 16.12.2008

FAMILY LAW - Maintenance

KEN SALES & MARKETING Limited v Earl Levy and Trident Villas & Hotel & Pelican Securities Limited and Michael Lee Chin and Castlewood Corporation

JMSC 03.12.2008

CIVIL PROCEDURE AND PRACTICE – Whether orders made may be set aside

KHEMLANI, Suresh v Raju Khemlani and Topaz Investments Limited

JMSC 4.11.2008

CIVIL PROCEDURE AND PRACTICE – Application to amend Statement of Case after Case Management Conference

MADDEN, Yvette v Metro Car Rentals Limited and Christine Tomlinson

JMSC 13.05.2008

NEGLIGENCE - Motor vehicle accident - Assessment of damages

MAXFIELD, Hugh v Skyline Apartment Hotel Limited

JMSC 12.12.2008

CONTRACT – Agreement for sale of property

MCGANN, O'Neil v R

JMCA 21.11.2008

CRIMINAL LAW – Application for leave to appeal against a conviction for rape

MURRAY, Orville v R

JMCA 19.12.2008

CRIMINAL LAW – Murder

NATIONAL COMMERCIAL BANK Jamaica Limited and Jamaica Redevelopment Foundation, Inc. v Scotia Bank Jamaica Trust and Merchant Bank Ltd.

JMCA 19.12.2008

CIVIL PROCEDURE AND PRACTICE– Appeal from order refusing application by appellants to amend particulars of claim

NATIONAL TRANSPORT Co-operative Society and Everton McGlashan v The Transport Authority

JMCA 19.12.2008

DAMAGES – Liability

OLINT CORP Limited v National Commercial Bank Jamaica Limited
JMJC 22.12.2008

CIVIL PROCEDURE AND PRACTICE – Application to discontinue claim

PROPERTIES STRATA Plan No. 461 v International Hotels (Jamaica) Limited
JMJC 04.12.2009

LAND - Boundary Fence in incorrect position - Whether possessory title acquired thereby - Whether fence location acquiesced to by Claimant - Sections 3 and 45 of the Limitations of Actions Act

RBTT BANK Jamaica Limited v YP Seaton and Earthcrane Haulage Limited and YP Seaton & Associates Company Limited
JMCA 19.12.2008

CIVIL PROCEDURE AND PRACTICE – Application for variation of order for appellant to file witness summary instead of witness statement

REID, Dalton v R
JMCA 21.11.08

CRIMINAL EVIDENCE – Issue of identification

SANS SOUCI Limited v VRL Services Limited
JMCA 12.12.2008

CIVIL PROCEDURE AND PRACTICE- Award - Arbitrator's award - Application to set aside - Termination of management agreement - Force majeure clause**CONTRACT**

SMITH-THOMAS Hillary v Insurance Company of the West Indies
JMJC 24.11.2008

INSURANCE LAW – Motor vehicle insurance policy

THWAITES, Mark v The Director of Public Prosecutions and The Attorney General
JMJC 18.12.2008

FINANCIAL SERVICES COMMISSION ACT – Authority to regulate insurance industry

VAUGHN, Sadie v National Water Commission
JMJC 14.11.2008

CIVIL PFOCEDURE AND PRACTICE – Application to strike out statement of case

WALKER, Maxine v Hiran Walker
JMJC 19.11.2008

CIVIL PROCEDURE AND PRACTICE– Application to set aside Order

WERB, Alan v Eric Rodney and Patricia Philpotts (Representative of the Estate of Lascelles Philpotts, deceased)
JMJC 05.11.2008

TORT – Negligence

LEGISLATION

Bahamas

Acts

| | |
|---------|---|
| 33/2008 | Airports (Customs Duties and Excise Tax Exemption) Act |
| 31/2008 | Criminal Procedure Code (Amendment) Act |
| 32/2008 | Criminal Procedure (Plea Discussion and Plea Agreement) Act |
| 35/2008 | Financial and Corporate Service Providers (Amendment) Act |
| 37/2008 | Financial Intelligence Unit (Amendment) Act |
| 36/2008 | Financial Transactions Reporting (Amendment) Act |
| 39/2008 | International Business Companies (Amendment) Act |
| 34/2008 | Law Reform and Revision Miscellaneous (Amendments) Act |
| 30/2008 | Mental Health (Amendment) Act |
| 28/2008 | Penal Code (Amendment) Act |
| 38/2008 | Securities Industry (Amendment) Act |
| 29/2008 | Sexual Offences and Domestic Violence (Amendment) Act |
| 27/2008 | Trafficking in Persons (Prevention and Suppression) Act |

Acts of the Commonwealth of Bahamas for the years 1990, 1995 and 1997.

Commonwealth of Dominica

Acts

| | |
|--------|---|
| 2/2009 | Fresh Produce Export Quality Control Act |
| 5/2009 | National Metrology Act |
| 4/2009 | Payment System Act |
| 3/2009 | Repatriation of Prisoners Act |
| 1/2009 | Supplementary Appropriation (2008/2009) (No. 2) Act |

Jamaica

Acts

| | |
|--------|---|
| 3/3009 | Carriage by Air (Montreal Convention) Act |
| 5/2009 | Constitution (Constituencies) (Amendment) Act |
| 2/2009 | Coroners (Amendment) Act |
| 4/2009 | Jamaica Dairy Development Board Act |
| 1/2009 | Jury (Amendment) Act |

Montserrat Ordinances and Statutory Rules and Orders 2006

LAW REPORTS

| | | | |
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| All England Law Reports | Vol. 4 | 2008 | |
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| Estates Gazette Law Reports | Vol. 3 | 2008 | |
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- <A> practical approach to conveyancing / Richard Abbey. – 10th ed.
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ABA Journal Vol. 20 December 2008

President's message

ABA books provide legal insight into popular aspects of our culture

H. Thomas Wells Jr.

Opening statements

Transfers of top-ranked students bolster elite law schools

Ropes & Gray rolls out flexible schedules

The remote-controlled lawyer has arrived

Solos embrace the double life to make ends meet

Leslie A. Gordon

The national pulse

In South America caper, one spy turns in another and claims a \$5 million bounty

Witness intimidation is gaining even as the murder rate declines.

Siobhan Morrissey

Supreme Court Report

N.Y. detainee says attorney general, FBI director to blame for prison beatings

Anna Stolley Persky

Litigation

Plan a good story, and start telling it to the jury in your opening statement

Jim McElhane

Ethics

Starting out with multiple clients may leave a lawyer with no clients in the case

Eileen Libby

Business of law

Wall Street turmoil gets CLE programs bullish on bankruptcy

How to handle inquiries from friends and family

SEC disclosure changes cause headaches for clients

G.M. Filisko

Margaret Littman

David Gialanella

Your ABA

Task force to monitor legal implications of financial bailout efforts

ABA initiatives help to bolster pro bono efforts around the world

The association scored key lobbying successes, but there's plenty left to do when

Congress reconvenes

James Podgers

ABA Journal Vol. 95 January 2009

President's message

Extraordinary times require extraordinary efforts from lawyers

H. Thomas Wells Jr.

Opening statements

School program introduces Latino teens to the legal profession.

Good news for employment discrimination lawyers.

Reaping the benefits of the Lehman Brothers bankruptcy.

Sue magazine debuts for female litigators

Jill Schachner Chanen

The national pulse

Proposed accounting changes alarm corporate counsel

Courts say part of a controversial bankruptcy law violates the

First Amendment

Deborah L. Cohen

David L. Hudson Jr.

Supreme Court Report

Left and right may differ on the decisions, but each side has its own list of the court's worst opinions.

David G. Savage

Litigation

The less you sound like a lawyer, the better off you'll be

Jim McElhaney

Precedents

Illinois Gov. George Ryan commutes the sentences of the state's death row inmates

George Hodak

ABA Journal Vol. 95 February 2009**President's message**

Abraham Lincoln's legal background imbued his presidency with a sense of justice

H. Thomas Wells Jr.

Opening statements

Expansion of internet addresses brings biz-branding possibilities
 Outrageous questions readers have been asked in job interviews
 In legal academia, regression analysis is all the range

Harris Meyer

The national pulse

The real estate industry braces for green-inspired litigation
 Recent decisions show growing acceptance of transgender rights

Wendy N. Davis

Anna Stolley Persky

Supreme Court Report

Torts suits prove inadequate to challenge anti-terror policies

David G. Savage

Litigation

A witness who speaks simply and directly looks pretty good to a jury

Jim McElhaney

Ethics

An ABA opinion tells in-house ethics counsel how to play by the rules

Eileen Libby

Business of Law

A new generation defines "the office"

Hollee Schwartz

Your ABA

ABA helps convince FDIC to extend banking protections to IOLTAs

Richard Acello

Precedents

Chief Justice John Marshall uses *Marbury v. Madison* to assert the high court's power of judicial review

George Hodak

ABA Journal Vol. 95 March 2009**President's message**

Promoting fair and impartial courts: budget cut and other challenges undermine an independent judiciary

Opening statements

The American Constitution Society for Law and Policy is well represented in the Obama administration

Leslie A. Gordon

National pulse

U.S. contractors in Iraq who are accused in killings say the courts can't touch them
John Gibeaut

Business of law

Selling the firm – and making rain – client by client
Rachel M. Zahorsky

A new tool in the battle against pesky “patent trolls.”
Richard Acello

Your ABA

Economic slide dominates midyear meeting:
ABA leaders urge lawyers to aid the distressed
James Podgers

British Tax Review No. 1 2009

Corporate Tax risk and tax avoidance: new approaches
Judith Freedman et al.

The background to the introduction to income tax on employee share options
David Stopforth

Confusion worse confounded: What *Boake Allen* teaches us about the (Non-)
incorporation and interpretation of double taxation treaties in the United
Kingdom
Ronald Kalungi

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The Barbados Electronic Transactions Act: a comparison with the
United States Model Statute
Stephen E. Blythe

Professional standards in conveyancing searches
S.A.A. Cooper

Encoding similar facts – has it been worth the effort? An Australian experience
Frank Bates

The prosecution's right to appeal in Trinidad and Tobago:
The State V Boyce
Derrick McKoy

The Privy Council: the mandatory death penalty is inhumane
and degrading treatment
Elina Steinerte

Columbia Journal of Law and Social Problems Vol. 42 No. 2 Winter 2008

Let's try this again: reassessing the Right to bail in cases of
international extradition
Joshus J. Fougere

Market share liability & Punitive damages: the case for evolution in tort law
Andrew B. Nick

When procedure equals justice: facing the pressing constitutional
needs of a criminalized immigration system
Yafang Deng

Columbia Law Review Vol. 109 No. 1 January 2009

The federal common law of nations
Anthony J. Bellia Jr. & Bradford R. Clark

Discerning discrimination in state treatment of American Indians
going beyond reservation boundaries
Shira Kieval

More bitter than sweet: a procedural due process critique of certification periods

Amy McCamphill

Common Law World Review Vol. 37 No. 3 2008

Stop and search, terrorism and the Human Rights deficit

Richard A. Edwards

Understanding public interest litigation in Hong Kong

Po Jen Yap

Taking renting seriously; reflections on the Law Commission's Housing Reform Programme

Martin Partington

Conveyancer and Property Lawyer Issue 1 2009

The continued relevance of the "poor relations" and the "poor employees" cases under the Charities Act 2006

Andreas Rahmatian

Apartment ownership – the Irish Reform Package

P.F. Smith

The construction of sub-section 6(5) of the Trusts of Land and Appointment of Trustees Act 1996: When is a "right" not a "right"?

Graham Ferris & Graham Battersby

Case notes

Fitzkriston LLP v Panayi

Best rents, parol leases and Law of Property Act 1925 Section 54(2)

Dr. James Brown

Haycocks v Neville

More on boundary agreements

John West

Saleeba v Wilke

Joint tenancies, negotiations and consensual severance

Dr. Heather Conway

Criminal Law Review Issue 1 2009

Intoxication is never a defence

A. P. Simester

The standards of review for mistake of fact in the Court of Appeal, Criminal Division

Rosemary Pattenden

A sledgehammer to crack a nut? Should there be a bar of triviality in European arrest warrant cases?

Rosemary Davidson

Criminal Law Review Issue 2 2009

The expectation of incorrect acquittals and the "new and compelling evidence" exception to double jeopardy

David C. Gardner

Righting the wrong? – some observations on the second limb of the M'Naghten Rules

R. D. Mackay

Closing loopholes to take the cash out of crime: practical changes in legislation to improve confiscation order enforcement

David C. Gardner

Criminal Law Review Issue 3 2009

- Character and credibility *Peter Mirfield*
- Appeals, referrals and substantial injustice *Simon Cooper*
- Parole and early release: the Criminal Justice and Immigration Act 2008 changes in context *Nicola Padfield*

Journal of Business Law Issue 1 2009

- Damages under string contracts for sale of goods *Nathan Tamblyn*
- Reforming pre-contractual information duties in business insurance contracts: one reform too many? *Dr. B. Soyer*
- Some thoughts on the Draft Arbitration (Scotland) Bill *Fraser Davidson*
- Insider dealing: getting under the skin of Fyffes Plc v DCC Plc *Prof. Blanaid Clarke*

Journal of Business Law Issue 2 2009

- Liability of directors as joint tortfeasors *Stefan H.C. Lo*
- Involuntary creditors and the case for accounting-based distribution regulation *David Kershaw*
- Walford v Miles in Japan: lock-in and lock-out agreements in Sumitomo v UFJ *Koji Takahashi*

Journal of Business law Issue 3 2009

- Zero + Zero + Zero = Zero *Brenda Barrett*
- Mental distress and punitive damages for breach of contract in the Supreme Court of Canada: here's the remedy, but where's the right? *M.H. Ogilvie*
- Reflections on the New German Insurance Contract Law *Dr. Kyriaki Noussia*

Journal of Planning & Environment Law Issue 1 2009

- Contaminated land: the latest developments *Justine Thornton*
- Is the better regulation agenda producing better regulation? *Peter Kellett*

Case Law Reports

The claimants appearing on the register of the Corby Group Litigation v Corby BC R. (on the application of Haring LBC) v(1) The Secretary of State for Communities and Local Government (2) O.A.. Kwateng (Ebenezer Community Learning Centre)

Journal of Planning & Environment Law Issue 2 2009

- The Green Belt: aspects of development control *Michael Aves*
- New planning units, new chapters in planning history and inconsistent permission *Satnam Choongh*
- Consultation and the authorization of major infrastructure projects

Paul Thompson

Case Law Reports

Wychavon D.C.v (1) Secretary of State for communities & Local Government and (2) Kathleen Butler and (3) Leonard Butler R. (on the application of Guiney) v Greenwich LBC
R. (on the application of Cathco Property Holdings Ltd.) v Cygnor Gwynedd Council and Finneys Ltd.

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Who may be liable for an offence contrary to Section 85 of the Water Resources Act 1991

Case Law Reports

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Hart DC v Secretary of State for Communities and Local Government
R. (on the application of Lewis) v Redcar and Cleveland BC

Law Practice Vol. 34 No. 8 December 2008

Your mission, should you choose to accept it: first steps for the new managing partner

You are about to have the most interesting, frustrating, energizing, challenge, rewarding and creative period of your life

Merrilyn Astin Tarlton

Six styles of leadership

Are you a visionary leader or a pacesetter leader? Affiliative or commanding? Here's a primer on which style work best, and worst, for leading a law firm.

Larry Richard & Mark Sirkin

Want to be a great speaker? Then keep your mouth shut

To really reach an audience, you must figure out what people are thinking and speak directly to *their* priorities. You do that by listening

Karen Lisko

Best practices for setting managing partner pay

Law firms generally don't get that they have to pay for management – or they have a hard time figuring out how to do it right. Here's a rundown of the ways many managing partners are paid – and a methodology that actually works.

Peter A. Guiliant

Law Practice Vol. 35 No. 1 January/February 2009

Branding yourself online

There has been an explosion of ways lawyers can use the internet to build a personal brand. Here are tips for spinning your story with blogs and other social media.

Jayne Navarre

Web sites as branding tools

What do potential clients want from your site? Here are four essential things they expect.

Anne Bothwell

Directories and sites ranking lawyers are now a multimillion-dollar cottage industry - but their proliferation raises many questions.

Micah Buchdah

Riding the net's second wave

Blogging, linking in, twittering – and much more. From gaming law to China law, here's a look at how three lawyers and one chief knowledge officer are using today's Web to expand their reach and own their niche markets

Steven T. Taylor

Law Quarterly Review Vol. 125 January 2009

How the common law gets made: *Hedley Byrne* and other cautionary tales
Rt. Hon Sir Richard Buxton

The proof rules of pre-verdict judicial fact-finding in criminal trials by jury
Prof. Rosemary Pattenden

Fiduciary regulation of conflicts between duties
Matthew Conaglen

What shape to euthanasia after *Bland*? Historical, contemporary and futuristic paradigms
Prof. David Price

Law Society Gazette December 18, 2008

Sole practitioners condemn fee rise
Jonathan Rayner

Legal aid advocates to face quality assurance test
Catherine Baksi

'Commonsense' declarations victory for insurance scheme
Neil Rose

SDT to hear more coal health cases
James Dean

Bar paves the way for joint practices
Catherine Baksi

Law Society Gazette January 8, 2009

Firms a step closer to setting up in India
Paul Rogerson

Cost-capping order appeal
Neil Rose

Dire warning for conveyancers
Catherine Baksi

Culture shift needed to ease bench route
Catherine Baksi

Family lawyers braced for surge in divorce cases
Jonathan Rayner

Law Society Gazette January 15, 2009

Internet 'first' for solicitor searches
Rupert White & Deven Pamben

Overwhelming demand for family advice leads to helpline expansion
Catherine Baksi

Scots unveil proposals to revamp £1.2bn legal market
Paul Rogerson

Starmer wades into TV trials debate
Catherine Baksi

LCS 'takes too long' on coal health compensation case
Deven Pamben

Lord Hunt consults on regulation
James Dean & Deven Pamben

| | |
|--|---|
| QC process seen as biased | <i>Catherine Baksi</i> |
| Law Society Gazette | January 22, 2009 |
| Firms to pay price of trainee sacking | <i>Jonathan Rayner</i> |
| SDT rejects bid to drop miners case | <i>Deven Pamben</i> |
| Brooke demands court action | <i>Neil Rose</i> |
| Firms 'lose out' in fighting crime | <i>James Dean</i> |
| Legislation mooted on client bank accounts | <i>James Dean</i> |
| Law Society Gazette | January 29, 2009 |
| Don't panic, troubled conveyancers told | <i>Catherine Baksi</i> |
| Massive rise in civil court fees slammed | <i>Catherine Baksi & Deven Pamben</i> |
| Firm offers staff a four-day week as recession deepens | <i>Jonathan Rayner</i> |
| Legal aid procurement shake-up dubbed 'ill-formed and illogical' | <i>Catherine Baksi</i> |
| In-house lawyers may pay less for PC | <i>James Dean</i> |
| Square mile job cuts multiply | <i>James Dean</i> |
| Law Society Gazette | February 5, 2009 |
| SRA faces in-house sanctions challenge | <i>James Dean</i> |
| Warning on agency doctors | <i>Catherine Baksi</i> |
| Stress burden increases | <i>Deven Pamben</i> |
| Three solicitors appointed to new complaints body | <i>Catherine Baksi</i> |
| Crown Court 'cap' may hit defendants | <i>Catherine Baksi</i> |
| Council chief plan faces opposition | <i>Deven Pamben</i> |
| Top firms eye South Korea | <i>Paul Rogerson</i> |
| Law Society Gazette | February 12, 2009 |
| Firms lukewarm as LDPs loom | <i>James Dean & Catherine Baksi</i> |
| Solicitors unveil quality brand | <i>Catherine Baksi</i> |
| General counsel chief warns of City 'knowledge gap' | <i>James Dean</i> |
| Solicitors reject cost rise blame | <i>Jonathan Rayner</i> |
| Arbitration ruling threatens Commercial Court role | <i>Catherine Baksi</i> |

| | |
|--|--------------------------------------|
| Asylum laws putting women at risk | <i>Jonathan Rayner</i> |
| Pushing novice advocates into court 'harming justice' | <i>Catherine Baksi</i> |
| Law Society Gazette | February 19, 2009 |
| Alliance takes fight to competition | <i>Catherine Baksi</i> |
| Miners' solicitors suspended | <i>Deven Pamben</i> |
| Helpline pioneer attacks 'arrogant' commission | <i>Paul Rogerson</i> |
| Society to help develop conveyancing websites | <i>Catherine Baksi</i> |
| Terrorism measures 'undermined' rights | <i>Catherine Baksi</i> |
| Trainee work permit threat to firms | <i>Neil Rose</i> |
| Fresh lobbying scrutiny | <i>James Dean</i> |
| Law Society Gazette | February 26, 2009 |
| In-house legal privilege setback | <i>Neil Rose</i> |
| BME groups slam co-option proposal | <i>Deven Pamben</i> |
| High street network and which? Link up | <i>Catherine Baksi</i> |
| More will go for QC status, new solicitor silk predicts | <i>Catherine Baksi</i> |
| Society sceptical on libel cap proposal | <i>Paul Rogerson & Neil Rose</i> |
| Fresh guidance unveiled on lasting powers of attorney | <i>Jonathan Rayner</i> |
| Collaborative law plea | <i>Catherine Baksi</i> |
| Law Society Gazette | March 5, 2009 |
| Research confirms bar salary divide | <i>Catherine Baksi</i> |
| Chancery Lane unveils new client care package | <i>Paul Rogerson</i> |
| Accreditation rethink mooted | <i>Deven Pamben</i> |
| Employment ruling tackles ageism | <i>Jonathan Rayner</i> |
| Deaf student launches discrimination action | <i>Jonathan Rayner</i> |
| Firms to write off more debt | <i>James Dean</i> |
| Pro bono work plea to firms | <i>James Dean</i> |
| Beyond the horizon: the legal landscape will look very different once this recession comes to an end | <i>Paul Marsh</i> |

| | |
|--|----------------------------|
| Risk costs you money | <i>Mike Gorick</i> |
| Law Society Gazette March 12, 2009 | |
| Straw's pay warning to legal aid lawyers | <i>Neil Rose</i> |
| LawNet forms alliance with accountants | <i>Catherine Baksi</i> |
| Anti-money laundering clash | <i>James Dean</i> |
| Law centres taken off the critical list | <i>Deven Pamben</i> |
| Local authorities unite | <i>James Dean</i> |
| Barristers threaten legal aid exodus | <i>Catherine Baksi</i> |
| Delivering your vote: The government is set to transform Britain's electoral registration system | <i>Joshua Rozenberg</i> |
| Law Society Gazette March 19, 2009 | |
| Fears over TUPE claim 'landslide' | <i>Jonathan Rayner</i> |
| Childcare court fees may be scrapped | <i>Deven Pamben</i> |
| Retail banks' repricing pledge | <i>Paul Rogerson</i> |
| England and Wales top European life table | <i>Jonathan Rayner</i> |
| LCJ: work in judiciary pro bono | <i>Catherine Baksi</i> |
| MoJ hits back at watchdog over attack on obsolete IT | <i>Deven Pamben</i> |
| Law Society Gazette March 26, 2009 | |
| Smedley: dedicated regulator needed for corporate firms | <i>Paul Rogerson</i> |
| Abbey strikes thousands from conveyancing panel | <i>Deven Pamben et al.</i> |
| Town halls feel squeeze | <i>Philip Hoult</i> |
| Tories ponder legal aid 'crisis' options | <i>Catherine Baks</i> |
| Stockmarket first for law firms | <i>Paul Rogerson</i> |
| Legal Studies Vol. 29 No. 1 March 2009 | |
| Complicity, legal scholarship and the law of unintended consequences | <i>Richard Taylor</i> |
| Narrativising contract law | <i>Catherine Mitchell</i> |
| Suppressing human rights? A rights-based approach to the use of pharmacotherapy with sex offenders | <i>Karen Harrison</i> |
| The credit crunch – the right time for credit unions to strike? | <i>Dr. Nicholas Ryder</i> |

Anti-terrorism control orders: liberty and security still in the balance

Ed Bates

Consequences of a flawed presidential election

Edwin Odhiambo Abuya

Loyola Law Review Vol. 54 No. 4 Winter 2008

Generation X and Y in law school: practical strategies for teaching the
"MTV/Google" generation

Joan Catherine Bohl

Homeland security challenges of global climate change

Patrick E. Tolan, Jr.

Moving from first to final draft: offering autonomy-supportive choices
to motivate students of internalize the writing process

Carol L. Wallinger

Toward a cumulative effects doctrine in first amendment jurisprudence

Kimberly Breedon

Loyola University Chicago Law Journal Vol. 40 No. 2 Winter 2009

Taxation of carried interests: the reform that did not happen

Howard E. Abrams

The ideology of tax avoidance

William B. Baker

Cognitive theory and the delivery of welfare benefits

Marjorie E. Kornhauser

Tax policy, rational actors, and other myths

Leo P. Martinez

"Render unto Caesar..." religion/ethics, expertise, and the historical
underpinnings of the modern American tax system

Ajay K. Mehrotra

The conscientious legislator and public opinion on taxes

Lawrence Zelenak

New Law Journal Vol. 159 No. 7350/7351 January 2 & 9, 2009

Comment

Gregory Mitchell QC suggests who should be held to account for excess remuneration in the credit crunch

Employment: *Ian Smith* contemplates some murky borderlines

Family: *Gary Yan* reports on the exceptional use of s 91(14) prohibition

Personal injury: How far should doctors go to inform patients about alternative procedures? *Elizabeth Wale* reports

Property: *Oliver Radley-Gardner & Mark Sefton* consider the complexities involved in administrations

Property: *Tom Poole* examines the wide-ranging implications of *Horsham Properties*

Public: *Ulele Burnham* examines how courts interpret positive equality obligations in public law

New Law Journal Vol. 159 No. 7352 January 16, 2009

Comment

Roger Smith assesses civil justice reform at home and abroad

Employment: Was 2008 a significant year for equal pay? asks *Charles Pigott*

Family: The child support system is needlessly cumbersome, says *David Burrows*

Personal injury: *Deborah Edwards* on how to avoid the pitfalls of Part 36 offers

Property: *Mark Leonard* on how landlords should deal with struggling tenants

Public/Human rights: *Seamus Burns* discusses the grey areas of law and ethics surrounding donor consent

Wills & probate: *Michael Tringham* explains why probate is hitting the headlines

New Law Journal Vol. 159 No. 7353 January 23, 2009

Comment/ Cover story:

Anna Worwood predicts family lawyers will feel the crunch in 2009

Employment: *Ian Smith* predicts statutory procedures ruling from the grave

Family: Should a lack of mutual trust invalidate a marriage? *Mary Welstead* reports

Personal injury/ Insurance: *Andrew Burns* unravels the strands of the asbestos “trigger” trial

Property: *James Naylor & Claire Southway* explain why *Risegold* is good news for developers

Public/ Human rights: Unpopular but not unlawful. *Nicholas Dobson* gives the courts’ verdict on the hike in child care court fees.

Regulatory: An update on regulation, risk management & liability by *Simon Love & Richard Burger*

New Law Journal Vol. 159 No. 7354 January 30, 2009

Comment

The government should act to restore iniquities at the heart of the inquest system, says *Jon Robins*

Employment: *Jeremy Nixon* looks at employee protection when employers go bust

Employment: Trainee solicitors and the cost of redundancy, by *Daniel Barnett & Sian Reeves*

Family: best laid plans...the divorce settlement roulette, by *Georgina Vallance-Webb*

Personal injury part two: *Andrew Burns* unravels the strands of the asbestos “trigger” trial

Property: House-buyers may struggle to pocket non-returnable deposits, says *Rowena Meager*

Public: *Jamie Burton* outlines the route of appeal for dissatisfied council tenants

New Law Journal **Vol. 159 No. 7355** **February 6, 2009**

Comment/ Cover story:

An economy in decline means increased fraud detection ask *Andrew Mitchell QC & Simon Taylor*

Employment: How relevant are benefits payments to employment tribunal cases? *Michael Salter & Chris Bryden* report

Family: Is now the time to turn your pre-nup into a post-nup? Asks *Mark Irving*

Personal injury/Human rights: Should survivors of torture overseas be able to sue for damages in the UK courts? Asks *Richard Scorer*

Property: *William Byrne* sheds some light on uncertainties in adverse possession

Public: Europe has struck a blow against the UK's plans for DNA retention. *Adam Jackson* reports

Commercial: *Christopher Coffin & Sarah Quilliam* look for guarantees in commercial contracts

New Law Journal **Vol. 159 No. 7356** **February 13, 2009**

Comment/Cover story

Protectionist measures will turn the recession into a depression, says *Daniel Wise*

Employment: *Ian Smith* reflects on the unstoppable tide of EC law on health, happiness & TUPE

Family: *David Burrows* laments the ruinous costs' toll of family proceedings

Personal injury/ Human rights: *Robert Weir* reports on the complex world of nuisance and HRA damages

Property: *Tom Bailey & Greg Williams* consider the effectiveness of the new mortgage possession pre-action protocol

Public: Part one – *Khawar Qureshi QC* charts the growth of public international law before the English courts

Commercial

Contractual clauses won't always offer protection if you delay in reacting. *Sara Partington* reports

New Law Journal Vol. 159 No. 7358 February 27, 2009

Comment/ Cover story

Experimentation is vital in the review of civil justice costs, says *Adrian Jack*

Employment: *Victoria von Wachter* analyses the complex principles of discrimination

Family: *Anna Worwood & Edward Floyd* consider the tactical use of shared residence orders

Personal injury: Personal injury victims deserve a guarantee that their compensation needs will be met, says *Richard Scorer*

Property: *Malcolm Dowden* analyses the implications of *Harvey* on tenancy deposit schemes

Public: Should public bodies make known the reasons behind their decisions? Asks *Neil Parpworth*

Commercial

Post *Intel*, how well protected are well-known trade marks? *Hamish Porter & Louisa Albertini* report

New Law Journal Vol. 159 No. 7359 March 6, 2009

Cover story

Jeremy Roberts unravels some of the strands of the Buncefield litigation

Employment: Has *Matuszowicz* reset the clock for employers dealing with DDA 1995 claims? *Tom Poole* reports

Family: *David Burrows* questions why magistrates' courts are reluctant to scrutinize liability orders

Personal Injury: *Martin Porter* QC comments on a ruling which will send shivers down the spines of cyclists

Property: Seeking possession under grounds 8, 10 & 11 for rent arrears. *Michael Walsh* reports

Public: *Kay* is a welcome boost for small but priceless freedoms. *Seamus Burns* explains why

Commercial: *Mark Hoyle & Cecily Crampin* discuss multinational enforcement of new judgments on old debts

New Law Journal Vol. 159 No. 7360 March 13, 2009

Comment:

The single regulatory framework is out of step with today's marketplace. *John Randall* explains why

Employment: *Ian Smith* provides an update on three major employment law developments

Family:

Geraldine Morris on the isolation of children in family proceedings
Lorraine Jones unravels the complexities of paternity testing
 Revoking adoptions, by *Jonathan Herring*

PI: *Paula Jefferson* provides an update on limitation

Property: *Edward Peters* reports on mortgage and adverse possession

Public/ Human rights: *Susan Nash* on human rights and wrongs

Wills & Probate

Inheritance disputes are spreading to the world of trusts. *Michael Tringham* reports

Paul Hewitt, Paola Fudakowska & Adam Cloherty on the intricacies of will interpretation

Regulatory: How has *Chargot* affected future prosecution practice? By *Tim Horlock QC & Matthew Snarr*

Commercial:

Peter Vaines tackles residency, domicile and Polish plumbers' suits

New Law Journal **Vol. 159 No. 7361** **March 20, 2009**

Comment:

Will the government blow the whistle on forced retirement? *Charles Pigott* reports

Employment: Should a criminal yardstick be used to judge civil harassment claims?
Spencer Keen reports

Family: *David Burrows* reports on the spurious approach to committal application

Personal injury: Will employers pay the price for passive smoking in the workplace?
Andrew Buchan reports

Property: Is it safe to complete on the basis of an undertaking? Ask *Malcolm Dowden & Elinor Clark*

Public: Assurances are an effective and lawful tool in terrorism deportation cases. *Dr. Jennifer Tooze* explains why

Commercial:

Mark Parkhouse & Kerry Scott on the criticism of pre-package administrations

New Law Journal **Vol. 159 No. 7362** **March 27, 2009**

Comment:

Michael Nash is heartened by the proposed cross-fertilisation of Anglo-French legal system

Employment/ Human rights: *Stephen Levinson* discusses law affecting care workers after *Allen*

Family: *Edward Floyd* considers the pros & cons of a more transparent family justice system

Tort: *Ian Gascoigne* considers the effect of economic conditions in measuring loss

Property: *James Driscoll* explores when it's reasonable to call a building a house

Human rights: *Seamus Burns* welcomes an attempt to prevent the wrongful diagnosis of death

Freedom of information: *Dr. Russell Richardson* considers when knowledge is in the public interest

Commercial: *Jonathan Cohen* reviews two cases which emphasise the duty to share knowledge and compensation

Public Law January 2009

Tribunal justice – a new start

Sir Robert Carnwath

Administrative redress: the Law Commission's Consultation Paper

Tom Cornford

Balancing freedom of political expression against equality of political opportunity: the Courts and the UK Broadcasting ban on political advertising

Tom Lewis and Peter Cumper

Interpretations, declarations and dialogue: rights protection under the Human Rights Act and Victorian Charter of Human Rights and responsibility

Roger Masterman

Solicitors Journal Vol. 153 No. 2 January 20, 2009

An age-old problem

CPD: employment

Discrimination against older employees is a redundancy pitfall, says *Declan O' Dempsey*

Feathering the nest

CPD: pensions

Employers will soon have to make compulsory pension provision, says *Alan Fowler*

A Redundant system?

It should be easier to make staff redundant, says *Patricia Wheatley Burt*

The new low-carbon diet

CPD: environment

Sue Boyall rounds up the latest government legislation on carbon reduction

Breaking the circle

CPD: adjudication

Adjudicators can make binding rulings on their own jurisdiction, says *James Bowling*

Too high a price

CPD: property

How solicitors can become embroiled in mortgage fraud, by *Stanley Booton*

Life in crime

CPD: *Lucy Corrin* discusses the recent ECtHR ruling against retaining DNA samples

Update: IT and IP

Susan Singleton reviews co-operation agreements, abuse of market power, and new guidance on freedom of information

Update: charities

Wilson's covers the latest developments in Charity Commission inquiries, plus cases on social housing and will fraud

Solicitors Journal **Vol. 153 No. 27** **January 27, 2009**

Skeletons in the closet

CPD: litigation

Special care should be taken before publication of so-called 'misery memoirs', to ensure that the dangers of a libel action are minimized, says *Rod Dadak*

Down in the valley

Regional focus

Firms in the Thames Valley are optimistic they'll survive but will have to row harder to make sure they don't capsize in the current economic climate, writes *Jean-Yves Gilg*

The right to know

CPD: miscellaneous

Big increases in requests for information about public sector employees mean they can no longer expect total confidentiality, says *Ibrahim Hasan*

Dignity for all?

CPD: commercial

Two cases raised the question of where to draw the boundaries in sexual orientation and religious discrimination claims, says *David Massarella*

View from the bench

CPD: property

Lenders must comply with the new pre-action protocol for possession claims, while landlords face sanctions for non-compliance on tenants' deposits, says *David Oldham*

Update: licensing

Roy Light discusses recent cases, including challenges to local authority guidance on the gambling and licensing acts, conditions on licenses, and public nuisance

Update: corporate tax

David Anderson sheds light on the courts' treatment of VAT claims for pension funds in the light of *Claverhouse*, including recent debate on the effectiveness of the three-year cap

Solicitors Journal **Vol. 153 No. 4** **February 3, 2009**

Opinion

Susan Singleton discovered firsthand the intricacies of powers of attorney and the Public Guardian when her father developed dementia

Road to recovery

CPD: commercial

Claiming against insolvent companies is a convoluted process, but there are sensible steps that practitioners can take, says *David Regan*

Under a watchful eye

CPD: miscellaneous

The new unified tribunal structure should be welcomed, with its various chambers now taking a more forensic approach to evidence, says *Carine Patry Hoskins*

Permission to appeal?

CPD: litigation

Patrick Wheeler tries to reconcile the divergence between the notes to the Civil procedure Rules and case law on extension for appeals

Digging with the right tools

Effective e-discovery is dependent on using search tools functionalities tailored for its unique requirements, says *Johannes Scholtes*

Trends: local government

CPD: miscellaneous

Should private practitioners advising the public sector fear the shift towards centralized legal services within local government, asks *Jenny Ramage*

Update: company law

CPD: commercial

Simon Graham reviews the latest developments under the Companies Act 2006

Update: employment

CPD: commercial

Sue Ashtiany reviews the latest round of discrimination cases and comments on the controversial ECJ ruling that staff on long-term sick leave can accrue annual leave

Solicitors Journal Vol. 153 No. 5 February 10, 2009

A meeting of minds

Consortium working can be done affectively, says *Russell Conway*

How certain is certain

Making reference to a period of extension in a tenancy agreement can have a less than desirable effect for landlords wishing to contract out, says *John Martin*

Conditional discharge: a new order?

Hospital managers should tread carefully before making orders for conditional discharge following the latest Mental Health Act's Code of Practice, says *Andrew Parsons*

Like for like

With comparison websites becoming a growing trend in the legal services sector, law firms should consider whether they should factor them into their marketing plans, says *Jo Summers*

Having a bad influence

Undue influence is a difficult area to navigate, but such claims are likely to become more prevalent in the recession, says *Joshua Munro*

Where credit's due**Regulatory watch**

Misunderstanding the rules on transferring fee payments from a client's account to the firm's account could have disastrous consequences on your practice, says *Tony Guise*

European briefing

Paul Stanley considers how a seemingly undistinguished case raises issues of general principle that could make appellants' positions worse in future litigation

Update: family

Lynne Passmore reviews the latest cases on costs in ancillary relief proceedings, the validity of pre-and post-nuptial agreements, and the use of documents by solicitors in divorce cases

Solicitors Journal Vol. 153 No. 6 February 17, 2009

To whom do you refer?

Ineffective regulation discourages solicitors from entering into legitimate referral agreements while largely ignoring consumers' interests, says *Craig Jones*

Duty bound

Trustees need to make important changes in response to provisions set out in the Companies Act 2006 relating to directors' duties, or face serious consequences. Says *David Mears*

Private duty, public interest

Richard Harrison and *Andrew Scott* examine the duty to report fraud to the SFO

Whose liberty?

The House of Lords' ruling in *Austin* is likely to restrict the circumstances where patients can challenge confinement, says *David Hewitt*

Keeping the options open

Special conditions inconsistent with general terms of a lease will not be upheld by the court if not expressly set out, says *Laura Pope*

Life in crime

Lawyers shouldn't be afraid of challenging court decisions where their clients' rights are concerned, says *Benjamin Newton*

Update: road traffic

Robert Sprotson and *Anjali Krishnan* review the latest developments, including dangerous driving and use of mobile phones

Update: insolvency

David Archer reviews the latest cases and developments, including the growth of 'pre-pack' administration sales

Solicitors Journal Vol. 153 No. 7 February 24, 2009

Access granted

The House of Lords has rightly tipped the balance back in favour of applicants making 'freedom of information' requests, says *Libby Attwood*

Coming up trumps

Fraud litigation is changing and will keep litigation lawyers busy negotiating with the authorities, says *Andrew Mitchell QC*

Cracking down on disruption

Premises closure orders are a powerful new weapon for local authorities in the battle against anti-social behaviour, say *Kelvin Rutledge* and *Kuljit Bhogalavid*

'Tis folly

Ryan Clement warns solicitors who fail to make adequate enquiries before committing themselves to an understanding

Keeping the options open

Faced with tenants who cannot pay, it may be wiser to reach an agreement rather than seek possession, says *Richard Hayes*

Civil conduct

Contingency fees have the potential to deliver new business opportunities, says *Fraser Whitehead*

View from the bench

The new generic pre-action practice direction will focus attention on compliance while reducing the need for further protocols, says *D.J. Robert Jordan*

Update: tax and trusts

David Bird considers recent cases on business property tax relief and the changes to HMRC interest rates

Update: residential property

Janet Armstrong-Fox and *Lara Nyman* review cases on service charge, restrictive covenants and time limitation on changing orders

Solicitors Journal

Vol. 153 No. 8

March 3, 2009

A people's court

Will the new tribunals system put appellants and respondents on an equal footing, or will it simply make the process more intimidating for all involved, asks *Keith Wilding*

Rage against the machine

Ferguson v British Gas will force large corporations to take responsibility for their action, says *Tom Collins*

All's fair

Landlords and tenants are more likely to challenge rent review arbitration awards in the downturn, warns *Stephen Bickford-Smith*

You can take it with you

The new breed of overseas pension schemes has many advantages, but care and caution are needed when advising clients moving abroad, says *Alan Fowler*

Getting a full discount

Criminal courts are no longer able to refuse full credit for time spent on remand in custody unless the judge regards it 'just' to decide otherwise, says *Philip Rule*

All roads lead to Rome

Firms are still seeing a healthy stream of holiday claims, but recent cases and legislation bring uncertainty. *Jenny Ramage* reports

Update: crime

Ian Harris and *Christopher Gutteridge* discuss problems with accepting cautions too readily, hearsay evidence, and dangerousness

Update: construction

Mark Hessel considers how 'right to light' case law and how a turbulent economy, coupled with reduced commercial property revenues, will translate in construction disputes

Solicitors Journal Vol. 153 No. 9 March 10, 2009

A fertile topic

The *Yearworth* case has resolved a narrow point on the ownership of sperm but it also re-opens a whole range of questions on the status of live body parts, says *James Lawford Davies*

Flushing out prosecutions

The High Court's more restrictive definition of 'hunting' has helped to clarify some of the previously murky provisions of the Hunting Act, say *Kris Lines* and *Pippa Wilding*

Local government

Local government legal departments have gone full circle in the past few decades. *Suzanne Bond* and *John Emms* report

Saving faces

With a little creativity, companies placed in receivership during criminal investigations can negotiate a solution that preserves both their ability to continue trading and their reputation, say *Andrew Picken* and *Tim Peun*

Unleashed

Russell Conway has spent a lot of time on regulatory compliance lately, so when will he find time to do some real work?

Regulatory watch

Be upfront with clients about expenses and you will be more likely to survive scrutiny by the SRA, says *Tony Guise*

European briefing

Paul Stanley reviews the long-awaited ruling on the permissibility of anti-suit injunctions

Solicitors Journal Vol.153 No. 10 March 17, 2009

The Empire strikes back

Setting an upper limit on defamation costs will amount to defendants getting special privileges over claimants, says *Gideon Benaim*

Out with the old

The legislation on age discrimination sits uncomfortably alongside today's economic troubles, while the legitimacy of forced retirement remains a vexed question for employers and employees alike, says *Schona Jolly*

More useful than you'd think

Landlords can arm themselves with a range of possible circumstances in which the court may uphold a challenge to a business tenancy renewal, says *John Martin*

On yer bike

Our constitutional rights are slowly being eroded by an increasingly managerial approach to criminal cases, says *David Rhodes*

Regional focus: North East

Law firms in the North East may be on average smaller than their counterparts in other parts of Britain but equally apt at tackling the downturn. *Jean-Yves Gilg* report

Update: personal injury

Vijay Ganapathy reviews the latest cases on CFAs and assessing the risk of success, when the “but for” test can be departed from, and appealing first instance decisions

Update: costs

Simon Gibbs considers the ongoing challenges to CFAs and whether a recent High Court judgment may offer a potential solution