

CURRENT AWARENESS BULLETIN

January – March 2010



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

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

conversion in the digital age

JUDGMENTS

ADMINISTRATOR GENERAL OF JAMAICA (Administratrix of the estate of Japheth Reid, deceased) and Paulette Meikle (Sues as near relative and next of kin of Japheth Reid, deceased) and Dione Reid (Sues as near relative and next of kin of Japheth Reid, deceased) Victor Reid (sues as near relative and next of kin of Japheth Reid, deceased) v Metropolitan Parks and Markets Ltd. and Clifton Hoilet and Carlton Mais
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CONTRACT – Arbitration clause in contract

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JAMAICA REDEVELOPMENT Foundation Inc. v Capital Solutions Limited

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Current Law Yearbook	2009	Vols. 1 & 2 (bound volume)
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Atkin's Court Forms. 2 nd ed. 2010		
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Blackstone's Criminal Law 2009 ed.		
Oxford: Oxford Press, 2008		KM570.B75
Civil Procedure White Book Service. Vols. 1 & 2		KN360.G74
Criminal Practice and Procedure in the Magistrates Court/ George Belnavis		
Jamaica: Caribbean Law Pub. Co., 2010		KN574.B46
Digest, The 3 rd Reissue 2010		
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Is it too easy being green? A behavioural economics approach to determining whether to regulate environmental marketing claims	<i>Jeffrey J. Minneti</i>
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Exiting litigation	<i>Jay Tidmarsh</i>
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Judicial transparency, judicial ethics, and a judicial solution:
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Judicial Independence and accountability in an age of
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New Law Journal **Vol.159 No. 7396** **December 4, 2009**

Comment

Tom Morrison on the information commission's power to issue fines

Employment: *Ian Smith* plays by the rules... & ends the year with a twist

Family: Is *Hildebrand* a good defence? Asks *Hayley Trim*

Personal injury: Pleural plaques – where now? Asks *Richard Scorer*

Property: When does a surveyor become a Civil Procedure Rule expert? Asks *Andrew Chesser*

Public/ community care: New equality legislation has strengthened the hand of challengers to community care charging decisions, says *Ed Mitchell*

Regulatory: Part one: *Roger Birch* examines the increasing determination for certain recreational drugs to be advertised as legal

New Law Journal **Vol. 159 No. 7397** **December 11, 2009**

Comment

The banks have been let off the hook in the OFT case – for now says *Andrew Head*

Employment: *Rad Kohanzad* examines the dent in the *Norton Tool* principle

Family: Children should have a say in their future provision, says *Geraldine Morris*

Personal injury: *Rehana Azib* explains why 2009 has been a bad year for asbestos defendants

Property/ Landlord & tenant: *Philip Sissons* examines the effect of the decision in *Newham v Van Staden*

Public/ Human rights: *David Lock* examines Human Rights Act claims & the doctrine of precedent

Wills & probate: *Michael Tringham* investigates a \$57m intestacy

Commercial: The latest Supreme Court ruling on bank charges is unlikely to be the end of the matter, says *Freya Law*

New Law Journal **Vol. 160 No. 7389** **January 1 & 8, 2010**

Comment

David Greene considers some of the unintended consequences of the Jackson review into civil costs

Family: *Geraldine Morris* debunks some mediation myth & says it's time for some creative thinking

Personal injury: *Rehana Azib* explains why 2009 was a bad year for defendants

Property: Leases & the costs of proceedings investigated by *James Davies*

Public: Local government accountability beats commercial confidentiality, says *Paul Dacam & Jamie Potter*

Regulatory: *Roger Birch* on the misperception of defining medical products

New Law Journal Vol. No. 7400 January 15, 2010

Comment

Craig Rose on how discrimination law became discriminatory

Family: *Rebecca Dziobon* delves into retention of jurisdiction in cases extending overseas

Personal injury: *Mark Bowman* suggests when to see beyond an Act of God

Property: *Eleanor Morgan & Jonathan Pratt* explore the doctrine of benefit & burden

Public/ Human rights: *Professor Susan Nash* provides an update on recent human rights cases

Wills & probate: *Michael Tringham* uncovers a world of revocation, rectification & an opt-out

Commercial: Cross-border litigation in the EU examined by *Philippa Charles & Daniel Hart*

New Law Journal Vol. 160 No. 7401 January 22, 2010

Employment: *Ian Smith* examines religious & philosophical conundrums & provides some light relief

Family: Without prejudice: when is the privilege overridden? *David Burrows* report

Personal injury: *Keith Patten* on the trails of discretion

Property: Are possession orders or injunctions the answer to threatened trespass? Asks *Malcolm Dowden*

Public/ Human rights: The measurement tail is now wagging the dog, say *Keith Soothill & Brian Francis*

Commercial: *Michael Anderson & Alison Last* report on the complexities of the *Thin Cap* legislation

New Law Journal Vol. 160 No. 7402 January 29, 2010

Comment

Jackson LJ's new costs world will depend on co-operation & funding, say *Michael Todd QC*

Employment: Consulting on redundancy & TUPE transfers: *John McMullen*

Family: *Tanya Roberts & Sarah Jane Boon* ask whether the media's gain will be at the expense of the privacy of the individuals?

Personal injury/ Medical negligence: *David Regan* considers the malleability of the language of causation

Property/ Landlord & tenant: When should administrators pay the rent? By *Willie Manners & Eleanor Morgan*

Public/Housing: When you "notify" do you also "inform" asks *Nicholas Dobson*

New Law Journal Vol. 160 No. 7403 February 5, 2010

Comment

David Greene believes civil justice will always struggle to find a place on the political agenda

Employment: *David Tyme* explores the territorial scope of unfair dismissals

Family: *Amy Purvis* considers the significance of parentage in residence cases

Personal injury/ Mediation: *Deborah David* compares & contrasts US & UK mediation styles

Public/Local authority powers: *Colin Crawford* suggests how to meet the growing demand for a power of general competence

Environment: Has climatic change litigation become more different? Asks *Malcolm Dowden*

Commercial: *Hector Robinson* examines the sharp end of non-compliance

New Law Journal Vol. 160 No. 7404 February 12, 2010

Comment

Lord Justice Jackson's vision for fast track is deliverable & urgently needed, says *Andrew Parker*

Employment: *Michael Salter & Chris Bryden* review alternative means of address for workplace harassment

Family: *David Burrows* uncovers some anomalies of committal proceedings

Personal injury: *Lucy Wyles* revisits the fundamental principles of the law of negligence

Property: *James Naylor* warns against succumbing to advances to delay proceedings

Public/ Discrimination: Complying with DDA 1995 duties means more than ticking the right boxes, says *Nicholas Dobson*

Professional negligence: *Harriet Stevens & Anna Gee* relay the effects & dangers of sham partnerships

New Law Journal Vol. 160 No. 7405 February 19, 2010

Comment

Dominic Regan dispels some Jackson myths

Employment: *Ian Smith* explains why the New Year has started with a bang

Family: *David Lock* provides an update on confidentiality in care proceedings

Property: Does a landowner have the right to a view? *Benjamin Faulkner* reports

Wills & probate

Michael Tringham explains how intestacies are hitting the widows of second marriages

Sandra Walsh reports on the rising tide of missing beneficiaries

Paul Hewitt & Paola Fudakowska reports on codicils & statutory legacies

Janina Porter outlines when a Jersey will is recommended

New Law Journal Vol. 160 No. 7406 February 26, 2010

Comment

Should the SFO be content to be a deal maker? *David Corker*

Employment/ Discrimination: *David Tyme* reports on a clash of personal belief & official duty

Family/ Ancillary relief: *Jonathan Herring* claims that it's a divorce lawyer's world

Family/ Expert witness: *Catherine Rawlin* examines the links between business valuation & divorce

Personal injury: *Steven Lynch* traces trends in personal injury disposal hearings

Property/ Landlord & tenant: *Lesley Hughes* confirms why the courts won't sanction the invention of a special purchaser

Commercial: *Anna FitzHerbert* examines a freezing effect on disclosure

New Law Journal Vol. 160 No. 7407 March 5, 2010

Comment

Chilcot, Don't we already know enough? *Geoffrey Bindman*

Employment: *Keith Patten* questions the move towards criminalising workplace harassment

Public/ property: *Nicholas Dobson* puts planning permission, deception & enforcement under the spotlight

Public/ Community care: *Frances Patterson QC* outlines proposals for creating modern & effective community care law

Health & safety: *Jennette Newman* discusses the new corporate manslaughter guidelines

Commercial: *Gemma Crawford* explains how the meaning of “subsidiary” could affect joint ventures

New Law Journal **Vol. 160 No. 7408** **March 12, 2010**

Comment

Public, not vested, interests lie at the heart of Jackson LJ’s final report, says *Andrew Parker*

Employment: *Ian Smith* reports on over-regulation, heresy, and grade one Olympians

Family: Should children be asked to give evidence in family proceedings? *David Burrows* investigates

Property/ Landlord & tenant: *Tamsin Cox* weighs up the success & failures of the tenancy deposit scheme three years on

Public: *Eddie Craven & Rowan Pennington-Benton* examine the judicial pecking order

Wills & probate: *Michael Tringham* traces the expensive consequences of avoiding a bill

Commercial: *Jonathan Cohen* considers the risks of using improperly obtained evidence

New Law Journal **Vol. 160 No. 7409** **March 19, 2010**

Comment

Kerry Underwood berates employers’ eagerness to embrace & exploit the unpaid intern

Property: Are village greens the new weapon of choice against property developers? *Malcolm Dowden* investigates

Employment/ Public: When can employees expect to benefit from legal representation? *Adam Chapman & Andreas White* report

Professional risks: *Patrick Hill & Richard Booth* consider the scope of contributory negligence

Commercial: *BSkyB* ruling rings alarm bells for IT suppliers. *Andrew Dodd & Louisa Albertini* explain why

New Law Journal **Vol. 160 No. 7410** **March 26, 2010**

Comment

Jackson – we need a debate, says *Patrick Allen*

Personal injury: Where has Rome II taken us in personal injury claims? Asks *Meghann McTague*

Family: *Gary Yan* considers Agbaje’s influence on the judicial race

Employment: *Michael Salter & Chris Bryden* provide an update on workplace stress

Property/ Insolvency: *Graham Waller* believes 2010 will be a busy year for bespoke insurance

Commercial: Tax challenges: why so taxing? Ask *Charles Brasted & Jamie Potter*

Oklahoma Law Review Vol. 62 No. 1 Fall 2009

- Strict liability and tax penalties *William A. Drennan*
- Toward a theory of persuasive authority *Chad Flanders*
- Statutory standing and the tyranny of labels *Radha A. Pathak*

Oklahoma Law Review Vol. 62 No. 2 Winter 2010

- Blackstone's Ninth Amendment: a historical common law baseline for the interpretation of unenumerated rights *Jeffery D. Jackson*
- Human capital and transfer taxation *Kerry A. Ryan*

Oxford Journal of Legal Studies Vol. 30 No. 1 Spring 2010

- Responsibility and the negligence standard *Joseph Raz*
- Controlling the executive in times of terrorism: competing perspectives on effective oversight mechanisms *Fiona De Londras*
- How different are Waldron's and Fallon's core cases for and against judicial review? *Mark Tushnet*
- Legal enigmas – Antonio de Nebrija, *The Da Vinci Code* and the Emendation of Law *Peter Goodrich*
- Piloting PTWI – A socio-legal window on prosecutors' assessments of evidence and witness credibility *Paul Roberts*
- Retribution but no recompense: a critique of the torturer's immunity from Civil Suit *Jane Wright*
- Political authority, moral powers and the intrinsic value of obedience *William A. Edmundson*

Public Law January 2010

- What went wrong on Bloody Sunday: a critique of the Saville Inquiry *Sir Louis Blom-Cooper*
- Parliamentary deliberation and the National Security Executive: The case of control orders *Joo-Cheong Tham*
- The Human Rights Act and Anti-terrorism in the United Kingdom: one great leap forward by Parliament, but are the courts able to show the steady retreat that has followed? *David McKeever*
- Human rights and civil wrongs: tort law under the spotlight *The Rt. Hon. Lady Justice Arden DBE*
- Justiciability and the "political question" doctrine *Paul Daly*

Left wide open

Further rules intended to promote greater transparency in the workings of the family courts may be detrimental to the administration of justice, argues *David Lister*

No quick fix

Fixed success fees bare no relation to practitioners' assessments of the overall risks in asbestos disease claims and should be removed, says *Andrew Morgan*

Mark my words

Practitioners must ensure they use clear wording when drafting clauses which alter the rights of parties, says *Matthew Morrison*

Power of the pen

Parts of the press are calling for a clampdown on libel claims; but is a wholesale change in the law required, or is it just about better housekeeping? *Solicitors Journal* brings together the various sides of the argument

View from the bench

The guidance given on interim payments must be carefully applied in line with the particular facts of a case, says *David Oldham*

Regional focus

Jean-Yves Gilg reports on mixed practices that have kept private client work, once seen as unfashionable, at the core of their strategy

Update: pensions

Alan Fowler reviews recent cases involving missing beneficiaries, pension loss and the distribution of lump sum death benefits

Update: planning

Gregory Jones and *Ned Westaway* discuss cases on conservation areas, listed buildings and environmental impact assessment

Glass half full?

Will the Legal Services Act improve access to justice, asks *James Sandbach*

Clear the way

What constitutes 'multiple agreements' under the Consumer Credit Act is unclear, says *Richard Mawrey*

In a fix

Practitioners should ensure it is clear whether or not an item is included in the sale of land, says *Natasha Dunn*

Each to their own

By proposing that barristers could set up partnerships, the BSB has opened the door to fundamental changes to the way in which the Bar operates, but should chambers rush to embrace the model, asks *Richard Chapman*

House rules

Judges have been given more to take into account when considering the definition of a house, says *Natasha Rees*

Blue sky thinking

Solicitors Journal gazes into the crystal ball and picks out the areas likely to experience significant change in 2010

Plan and protect

A lot is happening in the world of pensions; *Peter Nellist* considers the key issues

Civil conduct

Unless you can prove that non-compliance has increased costs, it is unlikely that a costs order will be made, warns *Francesca Kaye*

Update: costs

Simon Gibbs reviews the latest amendments to the Civil Procedure Rules

Update: welfare and benefits

Gareth Mitchell looks at charging for homecare services and defective benefit claims

Solicitors Journal Vol. 154 No. 1 January 12, 2010**Fix or twist?**

Is the fixed success fee system appropriate for asbestos claims or should there be a return to court assessment of success fees? *Simon Gibbs* provides a defendant perspective

Firing the last shot

The courts are unlikely to displace the traditional approach to contract formation unless there is proof that both parties intended for certain terms to prevail, says *Masood Ahmed*

'Til death do us part

Keith Wilding and *John Marston* examine the difficulties involved in establishing a surviving spouse or cohabitant's entitlement to benefits

Funding the future

The recession is changing how pensions are managed in the UK and has created several new challenges for both trustees and employers, says *Kate Richards*

Are you sitting comfortably

The position of many claimants in actions against the police remains far from comfortable as they face several uncertainties when pursuing their cases, say *Stephen Chippeck* and *Nicholas Turner*

More blue sky thinking

Solicitors Journal picks out what practitioners should look out for in crime, local authority, private client and charity law this year

Update: charities

James Aspden considers recent developments concerning the protection of gifts to charities including mental capacity, laches and disputes over costs in probate claims

Update: family (children)

Noel Arnold reviews cases on the threshold test and evidential issues in interim orders, fact-finding costs in private law cases, directions for residential assessment, and the two-stage approach in private law proceedings

Solicitors Journal **Vol.154 No. 2** **January 19, 2010**

Quixotic endeavours

Forcing a jury to provide reasons for its decision questions the right, embedded in the Magna Carta, to trial by jury, warns *David Rhodes*

On the wrong track

Jacqueline Laing argues that the DPP's interim policy on assisted suicide adopted last September is unconstitutional, discriminatory and illegal

Shifting patterns

Lord Justice Jackson's proposals on costs have turned the principle of full recovery on its head. *Fraser Whitehead, Raj Patel, Saqib Khan, Richard Barr* and *Rod Dadak* share their views on the recommendations

Land of the living

Landowners are constantly looking to improve their businesses and are making the most of the opportunities available, but they are also facing difficulties. *Jenny Ramage* reports

Civil conduct

The ruling in *Carver* encourages claimants to settle their claims before unacceptably high costs are incurred, so why did Jackson LJ resist calls not to reverse it, asks *Richard Langley*

View from the bench

Pre-action disclosure is a helpful tool but only if it is properly deployed, says *DJ Julie Exton*

Update: licensing

Roy Light reviews the role and powers of licensing sub-committees and the rights of interested parties and responsible authorities

Update: IT/IP

Susan Singleton considers new laws on 'cookies', new regulation of online content, and unfair commercial practices

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Paying the price

Andrew Parker examines funding options for parties involved in civil litigation

Stubborn residue

David Hewitt examines the inconsistencies in cases concerning residual liberty

In safe hands

Employers should ensure they adhere to health and safety regulations, says *Jeremy Brooke*

Bag a lawyer

The LSA could offer fresh opportunities for the publicly funded sector, says *Jon Robins*

Chain reaction

Jeremy Child welcomes much needed clarification of the 'benefit and burden' doctrine

Dress to impress

Dianne Bown-Wilson discusses how law firms can improve their image and build confidence

The killing effect

Libel laws are harming medical research and should be changed, argues *Mark Lewis*

Comply or die

New technology can help firms with compliance, say *Lawrence Milner* and *Don Hughes*

Regional focus: Thames Valley

Jean-Yves Gilg reports on how Thames Valley firms are gearing up for Tesco law

European briefing

Paul Stanley considers a case on time-barred claimants who brought proceedings against the wrong defendant by mistake

Update: wills and probate

Helen Bryant discusses proprietary estoppel

Update: employment

Sue Ashtiany reviews age discrimination

Solicitors Journal Vol. 154 No. 4 February 2, 2010**A wake-up call**

All businesses and their legal advisers must get to grips with their obligations under the new Bribery Bill, warns *Neil Swift*

Becoming a legend

Implementing an outstanding client service programme can help firms differentiate themselves from the crowd and get clients talking, says *Dominic Beeton*

Uncertain future

Continuing our coverage of the Jackson report, *Victoria Yeomans* and *Robert Webb* explore the impact on personal injury practitioners

Silent witness

Claimants in conveyancing negligence cases should be permitted to use legal experts where the judge has little understanding or experience of property law, argues *Jonathan Ferris*

Skin deep

With the number of claims against negligent cosmetic surgeons on the rise, practitioners should be aware of the unique features of this kind of litigation, says *Nigel Poole*

Trends: local government

Local authorities are continuing to strengthen and share their in-house legal teams. *Jenny Ramage* reports

Life in crime

Ignoring evidence revealed after a trial of bias or prejudice within a jury leads to injustice, says *Lucy Corrin*

Update: corporate tax

Paul Christian discusses costs incurred on the sale of shares and legal professional privilege

Update: insolvency

David Archer considers administrators' duty to creditors and TUPE and bankruptcy

Solicitors Journal Vol. 154 No. 5 February 9, 2010

Older and wiser

Would-be mothers should be assessed for IVF treatment individually and according to merit, not age, argues *Seamus Burns*

A site for sore eyes

With increasing numbers of clients buying legal services over the internet, having an outstanding online presence is vital, says *Mark Weston*

Survival skills

Mediation can be a tricky course to navigate; so solicitors and their clients must be aware of what can go wrong. *Victoria Brackett* reports

No pain, no gain

TV directors must carefully consider the design of shows involving pain infliction to avoid potential criminal liability, say *Kate Oldfield* and *Kai Graf von Pahlen*

A clearer direction

The DPP's interim guidelines on assisted suicide bring some clarity to this previously unclear area of law, but what does the policy mean in practice, asks *Nick Cartwright*

Unleashed

Russell Conway reflects on some of life's more tiresome traditions

View from the bench

The first Supreme Court family judgments demonstrate its ability to deal objectively with complex family cases, says *DJ Michael Buckley*

Update: company

Simon Graham examines several frauds which shed light on the responsibilities of non-executive directors, auditors and solicitors

Update: agriculture

Michael Aubrey and *Simon Blackburn* consider possession orders against travelers

Solicitors Journal Vol. 154 No. 6 February 16, 2010

Who holds the keys?

The uncertainties over which social housing organisations are considered 'public bodies' provide an opportunity for tenants to call them to account. *Giles Peaker* reports

When time doesn't count

The exclusive of time spent on remand for pre-tariff review purposes can lead to unfair outcomes, says *Philip Rule*

Packed away

Failure to comply with home information pack regulation could leave conveyancers exposed to the risk of professional negligence action, warns *David Pratt*

A good sport

Uren emphasizes the courts' determination to protect the freedom to choose whether to participate in sports with an acceptable level of risk, say *Kris Lines* and *Jon Heshka*

Look who's talking

Building a productive business communications strategy will enhance your reputation and ultimately realize increased fee income, says *John Rogers Prosser*

Civil conduct

Not all documents issued by lawyers will benefit from the protection of privilege. *Anna Pertoldi* examines the latest trends

Regulatory watch

Firms at risk of intervention must cooperate fully with the regulator to avoid potentially disastrous consequences, warns *Tony Guise*

Update: family

Lynne Passmore reviews disclosure, invalid marriage and periodical payments

Update: education

Anita Chopra and *Salima Mawji* discuss the Lamb enquiry and school admissions policies

Solicitors Journal Vol. 154 No. 7 February 23, 2010**By the book**

It is time the lender-conveyancer relationship was rebalanced, says *Jonathan Smithers*

Watch carefully

Ibrahim Hasan reports on the new covert surveillance rules for local authorities

Weighed down

Increasingly complex regulation is ineffective, say *Jonathan Brinsden* and *Nicola Evans*

A fine line

Atiyah Malik reviews the sentencing guidelines on corporate manslaughter

The right route

Why is mediation so often overlooked by local authorities? *Gerard Khoshnaw* reports

Reach for the sky

BSkyB illustrates the difficulty of proving fraud, say *Matthew Lawson* and *Piers Elliott*

Safe as houses

Julian Sidoli del Ceno considers the first High Court ruling on tenancy deposit schemes

Fair game

Richard Lawson reviews the directive on unfair commercial practices

High hurdles

The bringing of judicial review proceedings over the SFO's decision not to prosecute in the BAE Systems' case is likely to be treated by the courts with the greatest caution, says *Adam Chapman*

Plain speaking

Holiday insurance providers should ensure they give customers clear information about their policies to avoid regulatory sanctions, says *Laura Clarke*

Off the scale

The courts have regarded the difference between a restriction on and deprivation of liberty as a matter of degree, but the real question is whether liberty is an absolute concept, says *David Hewitt*

Pick and mix

The Law Commission's proposals for reforming adult social care will combine current and future policies, resulting in a cleaner and simpler legal system. *Frances Patterson Q.C.* reports

Life in crime

Allowing too much time to pass before a child's evidence is challenged risks traumatizing them further, says *Benjamin Newton*

Update: crime

Ian Harris and *Christopher Gutteridge* discuss the Safeguarding Vulnerable Groups Act and sentencing for firearms offences

Update: construction

Anna Stillman reviews the application of the 'slip rule' by an adjudicator and the rules on the use of a single joint expert

Update: professional negligence

Victoria Brackett considers cases on imposing absolute obligations, apportioning liability, limitation and scope of retainer

Setting a new course

Parties to divorce proceedings can rely on an increasing number of remedies to secure their rights say *Amy Radnor* and *Grant Howell*

Out of focus

The DPP's final policy on assisted-suicide prosecutions wrongly exposes those with much-needed medical expertise to the risk of prosecution, says *Penny Lewis*

Perfect pitch

Dreading the next invitation to a beauty parade, pitch or tender? *Dominic Beeton* reveals how to succeed

Easy as ABS

Firms considering adopting the ABS model should take into account several regulatory issues before making a final decision, says *Tony Guise*

Unleashed

Russell Conway wonders why some newly-qualified solicitors are taking home a much larger pay cheque than legal aid lawyers

View from the bench

Practitioners should consider a few elementary practicalities before rushing to complete an application to enforce, says *DJ Tim Jenkins*

Update: police

Caroline Day and *Jill Lorimer* consider DNA retention, stop and search, the validity of search warrants and police powers of entry

Update: personal tax and trusts

David Bird reviews cases on double tax agreements, establishing non-resident status and HMRC guidance on employee shares

Solicitors Journal Vol. 154 No.10 March 16, 2010**Calling the experts**

Expert witness immunity could soon be removed, but are there any public policy reasons for retaining it? *Andrew Wigston* and *Rebecca Mandal* report

Beyond belief

Several recent cases have brought workplace discrimination into the spotlight, but how can employers reduce the risk of a claim being brought against them? *Philip Henson* report

Dubious privilege

Challenges to the 'without prejudice' rule continue to come thick and fast. *Andrew Butler* considers where three recent authorities have left the principle

New horizons

Rules harmonizing cross-border claims have been in place for decades, but there are still uncertainties about their scope and application. *Jenny Ramage* reports

Civil conduct

Three recent developments have highlighted the difficulty the courts have when dealing with collective actions, says *Anthony Maton*

Update: personal in jury

Vijay Ganapathy discusses pleural plaques compensation, causation and intervening acts, occupiers' liability and low-level asbestos exposure

Update: costs

Simon Gibbs considers the extent of a costs judge's discretion to go beyond a strict interpretation of the final costs order, and the 51st update to the Civil Procedure Rules

Solicitors Journal Vol. 154 No.11 March 23, 2010**Showing mercy**

The DPP's guidelines on assisted suicide appear to have offered some clarity, but we urgently need Parliament to review the law on end-of-line decisions, says *Seamus Burns*

Culture clash

The number of cases of international child abduction is rising, but what rights does each parent have? *Henry Brookman* reports

Team effort

A carefully-managed relationship between solicitors and expert witness is crucial to structure a successful case, says *Jeremy Brooke*

Selective disclosure

The courts have shed further light on when waiver of privilege may require further disclosure of documents. *James Preece* and *Liz Vannelli* reports

The legal aid time bomb

The decision to make the LSC an executive agency will further compound the legal aid problem, says *Steve Hynes*

Cracking the code

Housebuilders should be aware of several changes to their duties introduced by the new consumer code, says *Dominic Beeton*

European briefing

How much control do members states really have in decisions concerning citizenship, asks *Paul Stanley Q.C.*

Update: commercial contracts

Mark Lucas considers recent cases illustrating the impact of *Chartbrook* in relation to the interpretation of contracts

Update: housing

Giles Peaker reviews the latest cases involving registered social landlords, possession proceedings and housing eligibility

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Not easy being green

The Supreme Court has ruled the rights of landowners and of the public in relation to village green registration can co-exist, say *William Webster* and *Paul Wilmshurst*

Fair share

The first Court of Appeal decision on tenancy deposit protection has also produced guidance on unfair contract terms, says *David Smith*

Pillar of strength

Mediation will only reach its full potential if it is used properly, says *Peter Brewer*

New thinking

Jon Robins reports on *Closing the Justice Gap's* contribution to the access to justice debate

Back to the future

DJ Richard Chapman has written up the first case reports of 2020, ten years after Lord Justice Jackson's recommendations to control the spiraling costs of civil litigation

Know the score

Mark Pawlowski examines accessory and knowing receipt liability in light of a recent High Court ruling

Perfect partners

Referrals between solicitors and financial advisers need not be a one-way street, says *Ian Muirhead*

Regional focus

Jean-Yves Gilg reports on charities and their legal advisers in the North East

Update: family (children)

Noel Arnold considers cases on children giving evidence, interim care plans and revoking an adoption placement order

Update: local government

Peter Hill and *Tarmina Dent* review cases on collective agreements and limitation periods in procurement challenges