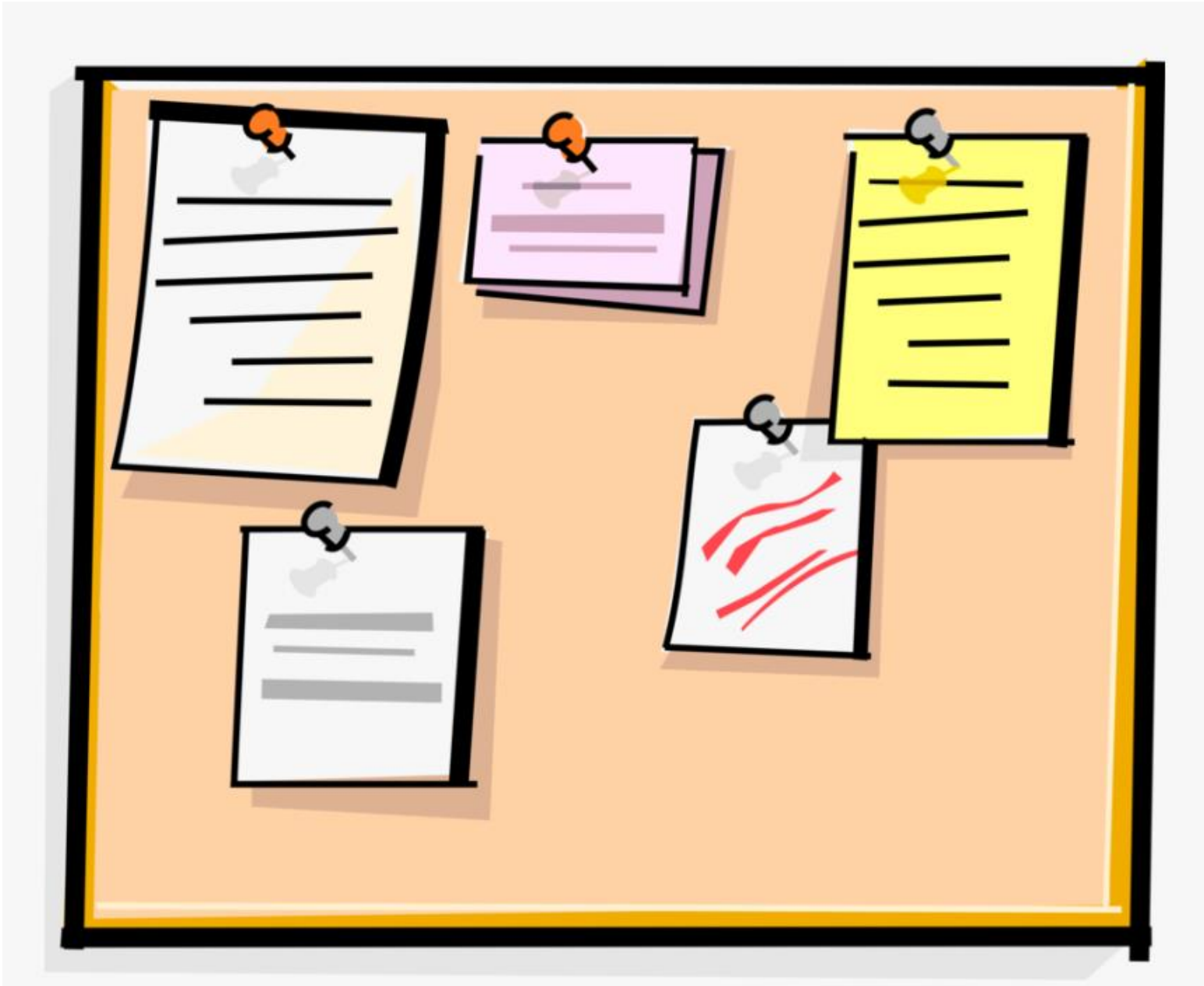


CURRENT AWARENESS BULLETIN

July– September 2011



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MANLEY LAW SCHOOL LIBRARY

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

Inside Court: Law Digest

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

conversion in the digital age

July – September 2011

JUDGMENTS

ADMINISTRATOR GENERAL (Administrator of Estate Rohan Wiggins o/c Rohan Wiggins, deceased) v
Jermaine Williams
JMSC. 19.05.2011

**CIVIL PROCEDURE AND PRACTICE– Application to extend period for service of claim – Fatal
Accidents Act**

ANDERSON, Mario v Quality Chemicals Limited and Andrew Frankson and Doreen Frankson and Alston
Stewart

JMCA. 29.07.2011

COMPANY LAW – Shareholders dispute – Application for relief under Companies Act s. 213A

APPLETON HALL Limited v T. Geddes Grant Distributors Limited

JMCA. 29.07.2011

TORT – Negligent misstatement

BAUGH-PELLINEN, Melody v R

JMCA. 08.07.2011

**CRIMINAL LAW – Application for leave to appeal conviction and sentence for murder –
Circumstantial evidence**

BLAKE, ZEPHANIAH and Inez Blake v Almando Hunt and Hazel Clair Hunt and Thornia Eleanor Hunt
and Cashel Roselyn Hunt

JMSC. 18.07.2011

LAND LAW – Boundary dispute – Dispute as to length of time boundary fence in place

BROWN, Sarah v Alfred Chambers

JMCA. 29.07.2011

LAND LAW – Application for extension of order to quit and deliver up possession of property

CHIN LYN, Eugenie and Sylvia Chin and Kevin Dehaney v Ludlow Reynolds

JMCA. 29.07.2011

**LAND LAW – Negotiations for sale of property – Whether binding agreement for sale of property
concluded**

COKE, Michael Christopher v The Attorney General of Jamaica

JMSC. 19.08.2011

**CONSTITUTIONAL LAW – Interception of communications – Interception of Communication Act
ss. 3, 4, 5, 14, and 17 – Constitution of Jamaica s. 16(6)**

CROSS, Andrew v R

JMCA. 13.06.2011

**CRIMINAL LAW – Application for leave to conviction for illegal possession of firearm and
wounding with intent – Evidence – Credibility of witnesses**

DIV DEEP Limited and Mahesh Mahtani and Haresh Mahtani v Tewani Limited

JMCA. 28.07.2011

REAL PROPERTY – Dispute as to ownership – Exercise of mortgagee's power of sale

EDWARDS, Garnett v R

JMCA. 30.06.2011

CRIMINAL LAW – Murder – Unfair trial – Whether judge failed to instruct jury on identification – Whether judge failed to adequately put manslaughter to jury

GLOBAL DEVELOPMENT Corporation Ltd. v Beverly Mcnaughton and Keith Lumsden and Louis Douet and Construction Developers Associates Ltd.

JMCA. 29.07.2011

REAL PROPERTY – Agreement to purchase property – Specific defects to property – Whether respondent gave written notice of defects – Whether breach of contract

HOILETT, Bernard v Herbert Phillips and Candace Miron

JMCA. 29.07.2011

REAL PROPERTY – Right of appellant to build boundary wall – Whether respondents have right of way to access foreshore

JACKSON, JAMES (Trading as Negril Tree House Resort) v Curtis Arthurs

JMCA. 19.08.2011

CIVIL PROCEDURE AND PRACTICE– Judgment debt – Damages for personal injuries – Application for stay by applicant until hearing of appeal

JAMAICA REDEVELOPMENT Foundation Inc. v Premium Investments Limited

JMCA. 08.07.2011

CIVIL PROCEDURE AND PRACTICE– Affidavit evidence – Application for substitute to give evidence

JOHNSON-LAMIE v The Administrator general for Jamaica (Administrator of estate Neville Donald Lamie otherwise known as Neville Lamie deceased)

JMCA. 29.07.2011

REAL PROPERTY – Whether common intention that appellant would have beneficial interest – Proprietary estoppels

LYNCH, Lawrence v R

JMCA. 08.02.2011

CRIMINAL LAW – Carnal abuse – Identification – Failure of judge to give sufficient direction to jury

MASSOP, Joscelyn v Tamar Morrison (By his mother and next friend Audrey White)

JMCA. 24.06.2011

DAMAGES – Personal injuries and loss

MCKENZIE, Kevin v R

JMCA. 29.07.2011

CRIMINAL LAW – Application for leave to appeal conviction and sentence for illegal possession of firearm and wounding with intent – Identification evidence – Credibility

MORRIS, John v R

JMCA. 24.05.2011

CRIMINAL LAW –Application for leave to appeal conviction and sentences for illegal possession of firearm and shooting with intent

MUTHRA, Ruel v R

JMCA 31.05.2011

CRIMINAL LAW – Application for leave to appeal conviction and sentence for illegal possession of firearm and illegal possession of ammunition

NATION, Adrian v The Director of Public Prosecutions and The Attorney General of Jamaica
JMSC. 15.07.2011

CONSTITUTIONAL LAW – Entitlement to bail – Amendments to Bail Act removing entitlement to bail for certain offences – Whether amendments denial of constitutional rights

OLINT TCI Corporation Limited (In compulsory Liquidation) v David Smith and Tracey-Ann Smith and Gilbert Wayne Smith

JMSC. 15.06.2011

CIVIL PROCEDURE AND PRACTICE– Service out of the jurisdiction – Civil Procedure Rules, rule 9.6

RADLEIN, Germaine v Victor Williams

JMCA. 29.06.2011

LAND LAW – Appeal against order for recovery of possession of land and for mesne

REID, Michael v R

JMCA. 30.06.2011

CRIMINAL LAW – Appeal against conviction and sentence for rape – Issue of honest belief

ROCHLANI, RAJ Kamar v RJCA Development Limited and Jamaica Mortgage Bank Limited

JMCA. 29.07.2011

INJUNCTION – Appeal – Whether serious issue to be tried

RODRIQUES MORALES Pino, Ruth Irma v Reinaldo Pino Bestard

JMSC. 01.07.2011

FAMILY LAW – Division of matrimonial property

ROSE, Bentley v City of Kingston Co-operative Credit Union Limited

JMCA. 29.07.2011

CIVIL PROCEDURE AND PRACTICE– Application for extension of time – Application for permission to file appeal against order striking out applicant's statement of case – Dismissal of application for summary judgment

<THE> SHELL COMPANY (WI) Ltd. v Fun Snax Ltd and Midel Distributors Ltd.

JMCA. 29.03.2011

CIVIL PROCEDURE AND PRACTICE– Application for appellants to pay security for costs – Rule 2.12 Court of Appeal Rules

SMITH, James v R

JMCA. 29.06.2011

CRIMINAL LAW – Application for leave to appeal conviction and sentence for buggery and indecent assault

STEWART, HON. Gordon v Senator Noel Sloley Sr. and Noel Sloley Jr. and Gordon Brown and Deborah Lee Shung and Jamaica Tours Limited

JMCA. 29.07.2011

CIVIL PROCEDURE AND PRACTICE – Whether application for orders for alleged contempt of court property made – Application not served with order endorsed with penal notice – Whether deficient

STREET-FORREST, Marlene and Keena Street v Francine Phillips

JMCA. 30.06.2011

CIVIL PROCEDURE AND PRACTICE -APPEAL – Application to adduce fresh evidence – Discharge of interim injunction granted without notice

TEWANI Limited v Indru Khemlani
JMCA. 29.07.2011

CIVIL PROCEDURE AND PRACTICE– Whether issue estoppels – Whether claim abuse of process

THOMPSON, DEAN and Leighton Gordon and Kimar Brooks and Shellion Stewart v Patrick Thompson and Everton Eucal Smith

JMCA. 19.07.2011

CIVIL PROCEDURE AND PRACTICE – Application for security for costs

THORPE, Selvin v R

JMCA. 31.05.2011

CRIMINAL LAW – Application for leave to appeal conviction and sentence for illegal possession of firearm and assault at common law

TOPAZ JEWELLERS and Raju Khemlani v National Commercial Bank Jamaica Limited

JMCA. 30.06.2011

PROCEDURE – Trial about to commence – Application by respondent for amendment to claim

WEIR, Dalfel v Beverley Tree (also known as Beverly Weir)

JMCA. 19.08.2011

CIVIL PROCEDURE AND PRACTICE– Application for stay – Application for injunction – Claim for beneficial interest in property

WILLIAMS, Ernie v R

JMCA. 10.06.2011

CRIMINAL LAW – Application for leave to appeal conviction and sentence for wounding with intent – Whether applicant acted in self defence – Credibility

WILLIAMS, Ivan v Yvonne Thompson

JMSC. 15.07.2011

FAMILY LAW – Determination of beneficial interest in property – Whether visiting or common law relationship – Whether tenancy-at-will

WONG KEN, Bruce v David Fullwood and Karl Graham and Fullgram Solutions

JMSC. 06.04.2011

COMPANY LAW – Application for interim relief by claimant – Whether claimant has *locus standi* to request relief – Companies Act s. 213A

LEGISLATION

Bahamas

Acts

8/2011	Atlantic Caribbean Union of Seven-Day Adventists Incorporation Act
11/2011	Banks and Trust Companies Regulation (Amendment) Act
12/2011	Business Licence (Amendment) Act
5/2011	Communications (Amendment) Act
7/2011	Finance (Supplementation and Variation of Appropriation) (Capital Development) (2010) Act
6/2011	Finance (Supplementation and Variation of Appropriation) (Revenue Account Expenses) (2010) Act
13/2011	Insurance (Amendment) Act
9/2011	Law Reform and Revision (Miscellaneous Amendments) Act
14/2011	Local Government (Amendment) Act

3/2011	Privatisation of The Bahamas Telecommunications Company Limited Act
10/2011	Securities Industry Act
4/2011	Utilities Regulation and Competition Authority (Amendment) Act

Belize

List of Acts published in 2010 (Bound volume)

Acts

2/2011	Customs and Excise Duties (Amendment) Act
1/2011	General Revenue Appropriation (2011/2012) Act
3/2011	Labour (Amendment) Act

Commonwealth of Dominica

Acts

4/2011	2011/2012 Appropriation Act
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Jamaica

Acts

17/2011	Custos Rotulorum Act
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St. Christopher and Nevis

Acts

18/2011	Liquor Licences (Amendment) Act
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LAW REPORTS

All England Law Reports	Vol. 2 2011
Criminal Appeal Reports	Vol. 2 2011
Criminal Appeal Reports (Sentencing)	Vols. 1 & 2 2004
Family Law Reports	2010
International Law Reports	Vol. 140 2011
Law Reports of the Commonwealth	Vol. 3 2011
Law Reports – Appeal Cases	Vols. 1 & 2
Law Reports - Chancery Division	2010
Law Reports – Queens Bench Division	2010
West Indian Law Reports	Vol. 77

TREATISES, DIGESTS, ETC.

Anatomy of a murder/ Robert Traver St.Martin's Publisher, 1958	KZ808.83.T73
Atkin's Court Forms. 2 nd ed. 2011	
Vol. 16 Stock exchange	
Vol. 19(3) Environment and Public Health	
Vol. 25(2) Land registration, Licensing	KN351.1.E51
<The> Caribbean Civil Court Practice 2011 London: LexisNexis, 2011	KN360.C37

Comparative law: Cases, text materials/ Rudolf B. Schlesinger. 6 th ed. Foundation Press, 1998	KB101.S33
Cross and Tapper on evidence/ Colin Tapper. 12 th ed. Oxford: Oxford University, 2010	KN390.C77
<The> Digest. 3 rd Series 2011 Reissue	
Vol. 46(1) Stock exchange, Telecommunications and broadcasting	
Vol. 46(2) Tort	KF85.E6
Encyclopaedia of Forms and Precedents. 5 th ed. 2011	
Vol. 4(2) Business – set-up, sale and purchase	
Vol. 8(1) Commonhold	
Vol. 13(1) Covenants relating to land	
Vol. 16(1) Fences, boundaries and party walls	
Vol. 40(3) Trusts and settlements	KN74.1.E51
Gower and Davies' principles of modern company law/ Paul L. Davies.- 8 th ed. London: Sweet & Maxwell, 2008	KN261.G68
Money laundering control in the Caribbean/ Shazeeda A. Ali London: Kluwer Law International, 2003	KM540.6.A45
Opinion writing & case preparation. 2010 ed. Oxford: Oxford University, 2011	K101.C58
<A> Practical approach to conveyancing/ Robert Abbey and Mark Richards. 13 th ed. Oxford: Oxford University. 2011	KN74.A22
<A> Practical approach to criminal procedure/ John Sprack. 13 th ed. Oxford: Oxford University, 2011	KM570.S56

SREIALS

ABA Journal Vol. 97 June 2011

President's message

Military Pro Bono Project offers civil legal assistance to service members

Stephen N. Zack

Opening statements

New zoning laws allow for new neighbors – meet the goats next door

Jill Schachner Chanen

Arizona State law school breaks grounds with sustainability program

Ed Finkel

More than merely a quirky name, Shpoonkle aims to get legal reverse-auction model right

Laala Al Jaber

QR codes catch on as useful links in marketing, recruiting campaigns

Ian Monroe

Spotlight on the three states that maintain all-male high courts

N.C.S.C.

The National Pulse

Caffeine intoxication now serves as evidence for an insanity plea *Wendy N. Davis*

Supreme Court Report

Denial of jury award marks disappointing postscript to death row release

Mark Walsh

Employee retaliation claims play big before the high court

David L. Hudson Jr.

Litigation

Twelve paths to a really bad brief

Jim McElhane

Ethics

Law schools explore benefits of teaching ethics in a clinical setting

Richard Acello

Business of Law

ABA Techshow celebrates silver anniversary with keynote address from Larry Lessig: mobile; mobile technology and cloud computing top the agenda

Rachel M. Zahorsky & Mark Hansen

Ag law practitioner puts down roots in the Big Apple

Barbara Rose

Savings alone won't do – disability insurance is a necessary part of any financial backup plan

Susan A. Benson

Your ABA

Ethics 20/20 Commission hers pitch to create separate conduct rules for large firms

James Podgers

Grassroots Advocates Awards recognize support of ABA lobbying efforts on the Hill

Rhonda McMillion

ABA Journal Vol. 97 July 2011**President's message**

Four different ABA entries share the goal of safeguarding constitutional democracy

Stephen N. Zack

Opening statements

San Francisco courts care for kids whose parents have court business

Leslie A. Gordon

Depravity scale may help judges and juries during sentencing

Mark Hansen

Truffle kerfuffle in the Tar Heel State turns litigious

Sarah Klein

Legislative efforts requiring judges to hold JD meet with mixed results

Brendan L. Smith

The National Pulse

Do parents need lawyers for school disciplinary hearings?

Anna Stolley Persky

The First Amendment may protect lying about military awards

David L. Hudson Jr.

Supreme Court Report

For these former justices, retirement is no day at the beach *Mark Walsh*

Litigation

Experts will tell you a lot in depositions if you ask the right question
Jim McElhane

Ethics

Withdrawing from a controversial case was awkward for
King & Spalding, but that's about all *John Gibeaut*

Business of Law

Is social media leveling the playing field for female attorneys? *G.M. Filisko*

Some U.S. firms are turning to a new brand of lawyer – the PSL *Richard Acello*

Vegas attorney is all in with half-price bet *Deborah L. Cohen*

Reining in perfectionist streak can help one strike a better balance
Becky Beaupre Gillespie

Making the most of podcasts *Dennis Kennedy*

Your ABA

ABA Home Front website helps service members address legal matters
Stephanie Francis Ward

New documentary on foreclosure crisis has a surprise ending *Eriq Gardner*

Coalition strives to give solos and small-firm lawyers a voice on policy
Richard Acello

Nation's lawyers population continues to grow – barely *James Podgers*

ABA urges cooperation between branches to fill federal judicial spots
Rhonda McMillon

ABA Journal Vol. 97 August 2011**President's message**

It's a lawyer's job to do right and deter wrong – all in a civil voice *Stephen N. Zack*

Opening statements

New addition to Yale's Goldman Law Library – therapy dog Monty
J.S.C.

Microbrewers forsake litigation, opt for collaborative blend *Sarah Klein*

Urban homestead service mark spurs trademark scuffle *Arin Greenwood*

Michigan Prof. explores intersection of love and heartache
in Japanese culture *J.S.C.*

The National Pulse

Federal Circuit makes it easier to enforce injunctions in patent
cases *Steven Seidenberg*

Friendlier state legislatures lead to a rise in anti-abortion legislation
L.J. Jackson

Supreme Court Report

Justices open the door for states to control immigration status and enforcement

John Gibeaut

Litigation

Evasive witnesses are doing you a favor if you know to take advantage

Jim McElhane

Ethics

Fee arrangements may be modified, but only for good reasons, and only if the client agrees

Eileen Libby

Business of Law

There are 24 lawyers at Montage. But please don't call it a firm

G.M. Filisko

Eve Newman built a practice by doing what other lawyers can't

Deborah L. Cohen

Lawyers at a California firm share a hobby by the glass

Becky Gillespie

New software can help rein in unpredictable e-discovery costs

Joe Dysart

Keyboard shortcuts save time and effort, if you bother to master them

Dennis Kennedy

Your ABA

An Alabama lawyer has a rare encounter with the author of *To Kill a Mockingbird*

James Podgers

New ABA President Wm. T. (Bill) Robinson III pledges to help state courts address their fiscal woes

James Podgers

ABA commission focuses on Hispanic rights and responsibilities

Ed Finkel

Cambridge Law Journal Vol. 70 Part 2 July 2011

Trusts in the draft common frame of reference

Alexandra Braun

Accessory liability for assisting torts

Paul Davies

Four functions of mens rea

Winnie Chan & Andrew Simester

The cost of libel actions: a special note

David Howarth

Why do Dutch and UK judges cite foreign law?

Elaine Mak

More grief on uncertain causation in tort

Sandy Steel & David Ibbetson

Columbia Journal of Law and Social Problems Vol. 44 No. 4 Summer 2011

Injured undocumented workers and their workplace rights: Advocating for a retaliation *Per Se* Rule

Roxana Mondragón

Prosecutorial investigations using Grand Jury Reports: Due process and political accountability concerns

Gregory D. Morrill

Tailoring the Taylor Law: Restoring a balance of power to bargaining
Kate Montgomery Swarengen

Child obesity and state intervention: An examination of the health
risks of pediatric obesity and when they justify state involvement *Melissa Mitgang*

It's not who hires you but who can fire you: The case against
retention elections *Kenneth J. Aulet*

Commonwealth Judicial Journal Vol. 19 No. 1 June 2011

The Malaysian Legal System: a tale of two courts *Yvonne Tew*

Child trafficking: a Scottish perspective *Rebecca Wallace & Karen Wylie*

Torture and death in custody: legalising torture in the age of terrorism
T.R. Andhyarujina
Windows' right are human rights *Karen Brewer*

Interights Bulletin Vol. 16 No. 3 Summer 2011

Developments in international law and domestic violence *Bonita Meyersfeld*

Developing the Common Law to protect women from sexual
violence in South Africa *Sibongile Ndashe*

Recent developments in European Convention on Human
Rights standards on the prevention of domestic violence *Pádraig Hughes*

The approach of the Inter-American Court to state responsibility
and due diligence in investigating violence against women *Alejandra Vicente*

Accountability for violations of women's rights in situation of
armed conflicts *Wendy Isaack*

Gender stereotyping in cases of rape and violence against women:
developments in Human Rights Jurisprudence *Lisa Gormley*

Trafficking and international law *Klara Skrivankova*

Migrant domestic workers and international legal protection *Pádraig Hughes*

International Review of the Red Cross Vol. 92 No. 880 December 2010

Afghanistan: an historical and geographical appraisal *William Maley*

Dynamic interplay between religion and armed conflict in
Afghanistan *Ken Guest*

Transnational Islamic networks *Imtiaz Gul*

Impunity and insurgency: a deadly combination in Afghanistan *Norah Niland*

The right to counsel as a safeguard of justice in Afghanistan:
the contribution of the International Legal Foundation *Jennifer Smith et al.*

State-building in Afghanistan: a case showing the limits *Lucy Morgan Edwards*

The future of Afghanistan: an Afghan responsibility *Taiba Rahim*

International Review of the Red Cross Vol. 92 881 March 2011

Has the armed conflict in Afghanistan affected the rules on the conduct of hostilities? *Robin Geiss & Michael Siegrist*

International law and armed non-state actors in Afghanistan *Annyssa Bellal et al.*

The *Layha for the Mujahideen*: an analysis of the code of conduct for the Taliban fighters under Islamic law *Muhammad Munir*

Annex: The Islamic Emirate of Afghanistan. The Layha [Code of Conduct] for Mujahids

Combatants, not bandits: the status of rebels in Islamic law *Sadia Tabassum*

Journal of Commonwealth Criminal Law Issue 1 May 2011

Public duties and criminal omissions: some unresolved questions *Andrew Ashworth*
The sodomy offence: England's least lovely criminal law export *The Hon. Michael Kirby*

Twenty years of restorative justice in New Zealand- reflections of a judicial participant *Judge F.W.M. McElrea*

"Non-conviction" DNA databases and criminal justice: a comparative analysis *Liz Campbell*

Preventive sentences and orders: the challenges of due process *Kris Gledhill*

A "just" outcome: losing sight of the purpose of criminal procedure *James Richardson*
Jurisdiction spotlight: Australia *Saskia Hufnagel*

<The> Journal of World Investment & Trade Vol. 12 No. 3 June 2011

"Enforcement/execution" of ICSID Awards against reluctant states *J. Martin Hunter & Javier Garcia Olmedo*

Looking for legitimate claims: scope of NAFTA Chapter 11 and limitation of responsibility of host state *Charles-Emmanuel Côté*

Japan's foreign direct investment in services in ASEAN – The implications of services and investment agreements *Shintaro Hamanaka*

The interaction of trade and competition policy in the globalization process – A survey of "consumer interest" in Chinese context *Bi Ying*

What to do with the dilemma facing the state of necessity defense under the investment treaties and how to interpret the NPM clause? *Youngjin Jung & Sangwook Daniel Han*

The 15th Geneva Global Arbitration Forum:
Another way to settle disputes – can the success story of Dispute Boards be extended beyond construction to other fields? *Pierre Genton et al.*

Preventing a backlash against investment arbitration: could the WTO be the solution

Petros C. Mavroidis et al.

<The> Journal of World Investment & Trade Vol. 12 No. 4 August 2011

The fragmentation of international trade law:
Is now the time for variable geometry?

Rafael Leal-Arcas

Some jurisprudential thoughts upon WTO's law-governing,
law-making, law-enforcing, law-abiding and law-reforming

An Chen

Applying the full protection and security standard of
international investment law to digital assets

David Collins

The notion of ICSID investment: ongoing 'confusion' or
'emerging synthesis'?

Pierre-Emmanuel Dupont

Forecasting the number of future ICSID cases

Leonardo Giacchino & Eleanor Blalock

Attribution and state entities: diverging approaches in investment
arbitration

Luca Schicho

Arbitral Chronicle vii

The Arbitrator as Master of time

Jacques Werner

New Law Journal Vol. 161 No. 7470 June 17, 2011

Comment

Dominic Regan salutes the welcome return of Part 36

Employment: *David Renton* examines how the Working Time Regulations apply to mobile workers

Family: Are Kate & William out of step with the majority of today's couples? *Charlotte Posnansky* reports

Personal injury: *Kenneth Warner* examines causation & industrial disease

Property: *Christopher Warenius* ponders the nature of expert determinations

Conveyancing: *Phillip Oldcorn* explains how innovation can help reduce risk

Public: *Nicholas Dobson* examines the Supreme Court's decision in the *Beesley* barn saga

Insurance: *Peter Tyldesley* is optimistic about proposals to reform the insurance market

New Law Journal Vol. 161 No. 7471 June 24, 2011

Comment

Jon Robins focuses on enterprising entrants to the legal services market

Employment: Do employers owe a duty of care to ex-employees, ask *Michael Salter & Chris Bryden*

Family / FPR: *Geraldine Morris* considers whether the options for financial relief in family proceedings are on the right track

Personal injury: *Robert O'Leary* outlines the impact of *Baker v Quantum Clothing Group*

Human rights: *Susan Nash* navigates the latest human rights twists and turns

Expert witness: Expert evidence must distinguish fact from opinion, says *David Smith*

Commercial: *Ekaterina Sjostrand* analyses the main principles of the jurisdiction of English courts in Russia/CIS related disputes

New Law Journal **Vol. 161 No. 7472** **July 1, 2011**

Comment

Dominic Regal dissects a turgid Bill to discover the essence of Jackson

Employment: *Emma Williamson* considers the impact of *Wardle* on the award of career-long loss compensation

Family / FPR: *David Burrows* investigates the gap procedures under the new FPR

Personal injury: *Robert Dickason* examines exaggerated injuries & insurer misrepresentation claims

Property: *Lesley Hughes & Rachael Reynolds* report on restrictive covenants & the power of the lands tribunal

Public/ Human rights: How does a state protect the right to life, asks *Sarah Lowe*

Judicial review: Time waits for no man... but might make an exception for bugs observe *John Doherty & Stephen Hackett*

Wills & probate: *Michael Tringham* reviews some unusual probate tussles

New Law Journal **Vol. 161 No. 7474** **July 15, 2011**

Comment

Jon Robins sets the scene for a series of articles on life after legal aid

Employment/ Public: *Anna Thomas* analyses the key issues in Sharon Shoemith's claim for judicial review

Family: *Elizabeth Carson* ponders the division of family assets in light of *K v L*

Personal injury: *Patrick Limb QC* surveys the case of *Zurich v Hayward*

Administrative: *Michael L. Nash* revisits the *Sultan* case to investigate issues of sovereignty & immunity

Sport Law: *Miles Harris* examines *Araci v Fallon* & the enforcement of negative covenants

New Law Journal **Vol. 161 No. 7475** **July 22, 2011**

Comment

Dominic Regan examines Jackson implementation (and beyond)

Employment: *John McMullen* considers if TUPE is alive and well

Family: Does *MK v CK* mark a new start for child relocation, asks *Jonathan Herring*

Personal injury/ Insurance: *Anthony Sullivan* reviews the duties of motorists to pedestrians

Property/ Landlord & tenant: Are pre-packs in the property industry a friend or foe, asks *Siobhan Jones*

Public/ Charities: *Mark Johnson* examines the impact of the controversial Health & Social Care Bill on charities & social enterprises

New Law Journal **Vol. 161 No. 7476** **July 29, 2011**

Comment

Stephen Hockman QC returns to the controversy of privacy, parliament & the courts

Employment: *Ian Smith* enters into the tussle between employment law & human rights

Family: *Mariko Wilson & Kim Beatson* examine financial relief after marital breakdown in an overseas jurisdiction

Personal injury: *Rehana Azib* reviews recent developments in personal injury claims

Property/ Landlord & tenant: *Elizabeth Cooke & Colin Oakley* shed some light on the Law Commission's project on appurtenant rights

Public: When does the First-tier Tribunal have a supervisory jurisdiction, ask *Charles Brasted & Jamie Potter*

Commercial: *Peter Vaines* explains why it's all about residence

New Law Journal **Vol. 161 No. 7477** **August 5, 2011**

Comment

Jon Robins investigates the latest challenges to hit clinical negligence lawyers

Employment: *Charles Pigott* takes out to revisit statutory holiday entitlement

Family: *Graham Coy* sings the praises of collaborative law

Personal injury/ Travel: Liability & legionnaires' disease, by *Matthew Chapman & Paul McClorry*

Property/ Landlord & tenant: How can a tenant's guarantor guarantee an assignee's liability, ask *Joanna Bhatia & Malcolm Dowden*

Public/ Discrimination: *Sarah Watson* assesses the lawfulness of a school's ban on cornrows

Regulatory: *Alex Leslie & Stewart Duffy* examine developments around the right to a fair disciplinary process

Comment

Dominic Regan sifts through the Jackson winner & losers

Employment: *Chris Bryden & Michael Salter* examine the award of uplifts in employment tribunals

Family: *Graham Sievers* analyses parental alcohol use

Property/ Employment: Could a presumption in favour of sustainability have the opposite effect, ask *Malcolm Dowden & Jen Hawkins*

Public/ Human rights: *Susan Nash* provides an end of term report on human rights developments

Wills & probate: *Michael Tringham* considers the consequences of failure

Data production/ FOI: *Tom Morrison* returns with his quarterly reviews of the world law of information law

Oklahoma law Review Vol. 63 No. 3 Spring 2011

The constitutional and contractual controversy of suspicionless drug testing of public school teachers *Amanda Harmon Cooley et al.*

Big brother is watching: the reality show you didn't audition for *J. Amy Dillard*

The admissibility of eyewitness-identification expert testimony in Oklahoma *Sean S. Hunt*

Oxford Journal of Legal Studies Vol. 31 No. 2 Summer 2011

The normativity of private law *Stephen A. Smith*

The 25th Anniversary of the Pure Theory of Law *Alf Ross*
(*Translated by Henrik Palmer Olsen*)

Comparing the Incommensurable: constitutional principles, balancing and rational decision *Virgilio Afonso Da Silva*

Some arguments against discriminatory gifts and trusts *Matthew Harding*

Vicious spirals in corporate governance: mandatory rules for systemic (Re) balancing? *Micheal Galanis*

Depersonalization of business in Ancient Rome *Barbara Abatino*

Financing as governance *Fleur Johns*

A dynamic reconstruction of the presumption of innocence *David Hamer*

Oxford Journal of Legal Studies Vol. 31 No. 3 Autumn 2011

Rights, laws and language	<i>Amartya Sen</i>
The break-up of the Financial Services Authority	<i>Ellis Ferran</i>
Assessing law's claim to authority	<i>Bas Van Der Vossen</i>
Patriotism or integrity? Constitutional community in divided societies	<i>Alex Schwartz</i>
The public management of liability risks	<i>Simon Halliday et al.</i>
Through thick and thin: the place of corrective justice in unjust enrichment	<i>Zoe Sinel</i>
Francisco de Vitoria and Alberico Gentili on the legal character of the global Commonwealth	<i>Andreas Wagner</i>

Solicitors Journal Vol. 155 No. 21 May 31, 2011

Unleashed

I supposed it's almost time to mingle, mutters *Russell Conway*

Workshop: commercial

Advising restaurateurs: *Jonathan Silverman* and *Maria Guida* explain how to prepare for HMRC's crackdown on tax evasion in the restaurant trade

Update: health and safety

Zahra Nanji considers how the Young report and its offshoots have been affecting case law

Update: housing

Giles Peaker considers *Pinnock*, the sequel, and a trio of revealing decisions on homelessness

Slash and burn

Is local governments continue to rush through cuts without due regard for their public duty, they will wind up back at square one with an additional legal bill on their hands, says, *Sam Karim*

Fresco law

Has all this talk of the professional big bang got you covering in a corner? *Mike Scutt's* news of an exciting innovation in ABSs may be just the solution you've been looking for

Retiring gracefully

Clare Murray and *Charis Damiano* consider how to ease an elder from the fold

Battle AXA

Neil Jamieson and *Tom White* look at how to dodge the dangers of an entire agreement clause

Double entry

Has Jackson really been too kind to insurers? *Simon Gibbs* does the sums

Keep it green

Damian Blackburn looks at how the WEEE directive can help to keep your carbon footprint down while saving a few bob along the way

Behind bars

Have the new sentencing guidelines lost sight of culpability? *Jeannie Mackie* investigates

Workshop: private client

The reluctant executor: *Lloyd Junor* explains what to do if your executor goes AWOL

Update: employment

Sue Ashtiani provides a whistlestop tour of the coalition's latest forays into employment law

Crunch time

The sound off for Justice campaign has failed, writes *Adam Makepeace*

More harm than good?

When *Russell Conway* asked what the point of Chancery Lane's shiny new National Pro Bono Centre was, he hit a nerve. Can the centre's chief executive, *Rebecca Hilsenrat*, talk him round?

You say, we pay?

With the LSB failing to make an emphatic decision on referral fees, the debate is sure to drone on. But short of government intervention, what can be done? *Lawyers on the frontline* state their case

Worked up

When is an employee not an employee? *Snigdha Nag* looks ahead to the Supreme Court's chance to resolve employment law's enduring head scratcher

Pound stretchers

Rani Mina and *Tom Duncan* investigate a new costs management pilot scheme

Lawyers' got talent

Stuart Bushell asks: it is possible to preserve the impression of quality in a mass marketing age?

Family business

Considering applying for a job at *Marilyn Stowe's* firm? For goodness' sake use a fountain pen

Life in crime

A quashed murder convict could be the first step towards a much-needed overhaul of the fingerprint system, says *Lucy Corrin*

Workshop: property

Boundary issues: *John Coulter* considers how to handle new builds

Update: construction

Anna Stillman considers corporate manslaughter and drafting 'entire agreement' clauses

Update: TRA

Roger B. Cooper reviews cases that demonstrate the high standard of care expected of motorists

Game over

Jane Hickman explains why she is backing Release's campaign for the decriminalisation of drugs

Free range

Not found in the nine-to-five world? *Sue Boyall* gives a first-hand account of adapting to life at a virtual law firm

Doing time

Don't lose faith in Ken Clarke's sentencing reforms, says *Frances Crook*

Play the part

Several cases have spelt out the dangers of failing to comply with the rules of part 36 offers, says *David Thomas*

Forbidden fruit

Sophia Purkis and *Nikki Edwards* examine accessory liability

Let the good times roll

Be honest. When's the last time you actually did work you got a kick out of? *Julian Summerhayes* ponders how to refloat your boat

Solicitors Journal **Vol. 155 No. 24** **June 21, 2011**

European briefing

Wondering who's been turning the European wheels of justice recently? Hamsters, mainly. *Paul Stanley QC* reports

Workshop: public

Community care: *Richard Humphreys QC* and *Ned Westaway* tackle the cuts

Update: licensing

Roy Light reviews the Police Reform and Social Responsibility Bill and the latest books

Update: residential property

Janet Armstrong-Fox discusses cases on landlords' repairing obligations and boundary disputes

Folk law

Andrew Lugg examines the lack of women's rights in Victorian times

Guiding light

The new sentencing guidelines give equal weight to both harm and culpability, argues *Rosalind Champion* as she rebuffs *Jeannie Mackie's* criticism

Breaker's dozen

Want to solve the problem of the apathetic juror? It's simple – just rearrange their chairs, write *Bridget Waller* and *Lorraine Hope*

Measuring up

As French practitioners brace themselves for legal aid reform, *Geraldine George* considers how their system compares with ours

That'll learn yer

The last time the SRA reviewed its CPD rules, *Back to the Future* was topping the box office. High time for a change? *Alan Nelson* reckons so

Unleashed

The Sound Off for Justice campaign failed – let's hope it comes back bigger and louder, says *Russel Conway*

Workshop: commercial

IP rights in fashion: *Jonathan Silverman* and *Tristan Sherliker* reveal what steps designers can take to protect their work

Update: wealth management

With yet more major developments coming from HMRC, *David Bird* provides a round up of the latest measures to counter tax avoidance

Update: company

Debbie King considers directors' breach of duty and the banks' tough approach to lending

By the way

Catherine Burtinshaw considers the difficulties facing expert witnesses

Juggling act

The work-based learning pilot scheme is delivering for the profession and the individuals involved, says *Jane Ching*

Taking liberties

The *Neary* case is a warning to local authorities not to misuse the DOLs, says *Claire Bentley*

Once more unto the breach

Bigger is not better, writes *Sundeep Bhatia* in his open letter to the legal aid bosses

Vacant position

It's only taken 65 years, but at last we have a real idea of what vacant possession actually means. *John de Waal* reports

Blending in

Online automation systems can enable firms to combine quality work with a more accessible and convenient service, says *Grahame Cohen*

Gathering clouds

As the first wave of firms join the cloud computing craze, *Damian Blackburn* looks at IT investment

Behind bars

Cross-examination techniques should be adapted to protect victims – but we must not impose too many limits, argues *Jeannie Mackie*

View from the bench

DJ Nigel Law explains how to prepare your family court bundle without angering the judge

Update: crime

Ian Harris and *David Birrell* consider the new sentencing guidelines for assault, the criminal lifestyle provisions, hearsay in confiscation hearings and the admissibility of text messages

Update: insolvency

Denise Fawcett reviews recent cases involving out-of-court appointment of administrators in breach of company procedures and pensions contributions by an insolvent company

Caught in the net

Can posting a casual comment on the internet really land you in court? *Stuart Sime* investigates

System failure

The Supreme Court's restrictions on the availability of judicial review in tribunal cases are wholly consistent with the rationale behind the legislation, says *Alec Samuels*

Solicitors, but not as we know them

With the SRA suggesting one solicitor partner may be enough to call your practice a 'solicitor' firm, the jostling for position is already starting on Britain's high streets, says *Stuart Bushell*

Workshop: private client

Protecting assets: *Sarah Phillips* tackles spouse exemption from inheritance tax

Solicitors Journal **Vol. 155 No. 27** **July 12, 2011**

Family business

The high street is about to reach breaking point, warns *Marilyn Stowe*

Civil conduct

The Bribery Act will give businesses outbid by competitors a new weapon to challenge the outcome of tenders in the civil courts, says *James Maton*

Update: children

Noel Arnold reviews waiving privilege in care proceedings, wrongful removal of a child from the primary carer and placement options for children

From bad to worse

Serious case reviews have proven inadequate at protecting children from abuse, says *Finola Moss* as she argues for responsibility to be handed back to professional social workers

Needs must

Clear identification of your client's requirements and budget is the safest way of preventing the risk of negligence claims, says *Graham Cunningham*

Balanced approach

How should you handle a discrimination claim from a partner? *Esther Martin* and *Clare Murray* explore the options

Class conflict

Could the Supreme Court's decision to refuse a teacher legal representation at his disciplinary hearing be at odds with the government's proposed education reforms? *Thom Dyke* reports

Search results

Can jurors safely conduct internet research? *Benjamin Newton* investigates

Workshop: property

Reporting to the client: *John Coulter* explains why a report should be an essential part of your conveyancing procedure

Update: commercial contracts

Mark Lucas reviews recent cases which illustrate the difference between fiduciary duties and good faith obligations

Update: sport

Adam Leadercramer and *Leo Avery* review the steps involved in the bidding process for large sporting events and consider the first match-fixing charge in tennis

Folk law

Andrew Luggier investigates Victorian witchcraft cases and delves into how the offence has evolved through the ages

Natural selection

Aptitude tests for law school applicants could give all would-be lawyers equal access to legal education regardless of background, so why do so few universities have them? *Jon Parker* finds out

Lights out

The Law Commission's proposals to place easement laws on a statutory footing are a welcome clarification, but do they go far enough? *George Mastrominas* investigates

Turfed out

It is not enough for member states to simply say their actions are 'justified' – the ECJ will scrutinise their reasoning, says *Paul Stanley QC*

Fair play

The SRA should treat solicitors being investigated with greater fairness, says *Susanna Heley*

Workshop: public

Making or resisting FOI requests? *Robert McCracken QC* and *Cain Ormondroyd* explain how they would get started

Update: clinical negligence

Jock Mackenzie dissects the issue of causation in the case of successive tortfeasors

Update: environment

Adrienne Copithorne considers environmental impact assessment screening opinions, an odour nuisance case involving a landfill site, promptness in judicial review and planning fraud

Case closed

Closed proceedings raise such important concerns under human rights law that only parliament may determine when they can be used *Tariq Sadiq* reports

Losing the will

Solicitors Journal asks those working in the will-writing sector how far they think the regulation shake-up should go

Premises, premises

Jim Shepherd and *Robert Latham* consider how the new premises provisions dovetail with other anti-discrimination rules

Left to your own devices

Damian Blackburn explores the advantages of bringing your own computer to the workplace

Workshop: commercial

Caught on the web – *Jonathan Silverman* unpicks a few contractual issues for clients thinking of launching a new website

Thinking cap

Jackson LJ's proposed cap on success fees could see claimants losing a lot more than 25 per cent of their damages, warns *Simon Gibbs*

Solicitors Journal **Vol. 155 No. 30** **August 2, 2011**

View from the bench

The ever-increasing use of injunctions is not the best way to deal with social problems – we need a new system, argues *D.J. Paul Mildred*

Workshop: private client

Ensuring that your client's old wills are destroyed used to be common sense, but this is no longer necessarily the case, says *Ashton Davies*

Update: property

Tessa Shepperson reports on sub-standard properties in the private rented sector

Update: welfare

Gareth Mitchell considers cases on the definition of a 'looked after' child, and inter-authority disputes on responsibility for providing adult social care

What the electrician heard

Andrew Willetts offers a few pointers about providing the terms of a lost will sufficiently to admit it to probate

Making light work

The Supreme Court's ruling on the lawfulness of a religious criterion for arbitrators makes much more sense of previous decisions on the issue, says *Rachel Crasnow*

Meaningful relationships

The justice committee's report could shape the future of the family courts system, but what do the experts think about its proposals? *Solicitors Journal* finds out

Modest proposal

Not all buy-to-let purchasers are experienced property tycoons – many are 'modest' buyers and deserve protection from negligent valuations, says *Chrisoulla Pawlowska*

Hitting the brakes

The delay of ABS day is not only disappointing to those businesses keen to get started, it is at odds with government objectives – so why has it happened? *Stuart Bushell* reports

Solicitors Journal **Vol. 155 No. 31** **August 9, 2011**

Family business

The government wouldn't like us to start pulling our own teeth, so why encourage more litigants in person, asks *Marilyn Stowe*

Workshop: property

Safeguarding the interests of property purchase funders. *John Coulter* explains

Update: planning

The new national planning policy framework is one of the most dramatic changes to planning laws in decades, say *Julian Boswall* and *Craig Whelton*

Update: divorce

Malta, one of the last countries not to have divorce laws. *Austin Chessell* reports

Tales from practice

Richard Barr on tapping, hacking and bent coppers in Greater Snoring

Peaceful atmosphere

The recognition that diminution in the value of property can constitute “interference” widens the scope for compensation in cases such as airport expansion, say *Robert Weir QC* and *Christopher Stone*

Off the wall

The Court of Appeal has provided a clear answer on the extent of repair liabilities, say *Peter Barrett* and *Julian Sidoli del Ceno*

Equality enabled

The changing scope of reasonable adjustments is considered by *Jim Shepherd* and *Robert Latham*

Form over substance

Much has been made about substantive changes in the draft defamation bill but procedural changes are likely to have greater impact, say *Colin Gibson* and *Rhys Griffiths*

Silver service

You think service is excellent? So how do you reconcile this with the need to grow your profits, asks *Julian Summerhayes*

Solicitors Journal

Vol. 155 No. 32

August 16, 2011

European briefing

After six years of battling over a disclosure case, the ECJ has failed to make any significant progress over the issue of access to official documents, argues *Paul Stanley QC*

Update: charity

Sarah Clune reviews the Attorney General’s second reference on public benefit and Full fact’s appeal against the commission’s decision not to register it as a charity

Folk law

With the advent of electric lighting in Victorian times came the first electricity supply laws. Legal historian *Andrew Lugg* looks back

Singled out

The detention of children should always be the last resort – the courts should not treat young protesters differently, argues *Sophie Khan*

Rocky road

A recent ruling in favour of an injured cyclist should prompt highways authorities to review and amend their system for inspecting and repairing road surfaces, says *Nigel Poole*

Pll focus: mood change

As the countdown to professional indemnity insurance renewal begins, *Solicitors Journal* canvasses the views and impressions of those on the frontline

Resisting temptation

Do not be tempted to dismiss the LSB's charges to outcomes-focused regulation as unimportant, warns *Susann Heley*

Workshop: public

Parties to judicial review proceedings should take heed of recent decisions on the importance of the pre-action protocol or face the consequences, says *Richard Honey*

West Indian Law Journal Vol. 36 No. 1 May 2011

"The Moral Duty of Care" – Norman Manley Law School Distinguished Lecture

Sir Patrick Allen

Achieving "the admittedly desirable result": difficulties in constructing bridges to the unincorporated treaty

Patrick Robinson

The legal profession in changing times

C. Dennis Morrison

The common intention constructive trust, unjust enrichment and women of the Commonwealth Caribbean

Bryan Sykes

The Neville Lewis decision – Looking back over a decade later

Geoff Madden

Doping in sports: athletes and privacy rights considered

Hazelle Jones

Genetically modified foods: some legal aspects

Nancy Anderson

PRACTICE NOTE: The use of medical reports at trial – a Jamaican perspective

Tania Mott

Report of the Commission of Enquiry into the extradition request for Christopher Coke

Hon. Emil George, D. Sharschmidt & Anthony Irons