

# CURRENT AWARENESS BULLETIN

July – September 2014



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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

July – September 2014

## JUDGMENTS

AH v JH

JMSC 07.05.2014

**APPLICATION FOR CUSTODY — Governing principle: the welfare of the child is the first and paramount consideration — Impact of allegations of sexual molestation, substance abuse and physical violence on the determination of the best interests of the child — Application for Maintenance — Validity of post-nuptial Agreements — Whether proceeds from Trust in respect of which defendant is not the settlor, but is one of a number of beneficiaries, should be included in defendant's means for the purpose of determining his capacity to pay maintenance**

AMERICAN JEWELLERY Company Limited and Indru Khemlani and Roshan Khemlani and Sham Khemlani and Raj Khemlani v Commercial Corporation Jamaica Limited and Tewani Limited and Gordon Tewani and Jennifer Messado

JMCA 20.06.2014

**CIVIL PRACTICE AND PROCEDURE - Judgment - Application for correction of judgment delivered by the Court - Civil Procedure Rules 2002, Rule 42.10(1) - Court may correct clerical mistake in a judgment**

ANDREW HAMILTON Construction Limited v The Assets Recovery Agency

JMCA 27.06.2014

**CIVIL PRACTICE AND PROCEDURE - Extension of time - Application for extension of time to file leave for appeal - Application for timetable to be set for the filing of relevant documents pursuant to the appeal - Judicature (Appellate Jurisdiction) Act, section 11.1(f) - Court of Appeal Rules, Rule 1.8**

BANTON, CLIVE and Sadie Banton v Jamaica Redevelopment Foundation Incorporated

JMSC 04.07.2014

**CONTRACT — Sale of Land — Time of the Essence — Whether Special Conditions require notice of breach and of intention to terminate — Whether vendor in breach of contract.**

BECKFORD, Arlean v Disciplinary Committee of the General Legal Council

JMCA 19.08.2014

**CIVIL PRACTICE AND PROCEDURE - Stay of execution - Whether there ought to be a stay of decision of the General Legal Council to suspend the applicant from practice for two (2) years**

BLACK, Kevon v R

31.07.2014

**CRIMINAL LAW - Dangerous drugs - Cocaine - Possession and unlawful dealing in cocaine - Dangerous Drugs Act - Whether the learned judge erred in fact and law - Whether verdict is unreasonable - Whether the conviction was unsafe - No case submission**

BLAIR, Dave v Hugh C. Hyman & Company and Hugh C. Hyman

JMSC 24.06.2014

**DAMAGES - Personal Injury — Claimant suffered mild scarring to buttocks, lower limbs, hypo pigmentation of both shins, and disfigurement of the shins during course of employment — liability — Assessment of damages — Interest on special damages — Quantum.**

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

JMCA 20.06.2014

**REAL PROPERTY - Encroachment - Claim for injunction and damages for trespass - Limitation of action - Adverse possession**

CABLE AND WIRELESS (Jamaica) Limited (Trading as Lime) v Traille Caribbean Limited  
JMCA 21.08.2014

**INJUNCTIONS - Mandatory injunction - Order mandating LIME to turn on a switch allowing the defendant to terminate international calls on LIME's network - Order for stay of execution - Application for further stay - Court of Appeal Rules, Rule 2.10(3)**

CAC 2000 Ltd. v X-Ray & Diagnostic Ultrasound Consultants Ltd.  
JMCA 04.07.2014

**CONTRACT - Breach of contract - Contract to provide equipment maintenance service of air conditioning unit - Whether the appellant failed to adequately maintain air conditioning unit - Negligence - Application to have expert provide oral evidence - Application refused - Civil Procedure Rules 2002, Part 32 - Leave to appeal - Order for a new trial**

CHANG, EGERTON and Margaret Chang v Supreme Ventures Limited  
JMCA 31.07.2014

**CIVIL PRACTICE AND PROCEDURE -- Extension of time to appeal - Unless Orders - Stay of execution of Unless Orders - Court of Appeal Rules, Rule 1.8**

<THE>DIRECTOR of Public Prosecutions v Kevin Adams  
JMCA 31.07.2014

**CRIMINAL LAW - Bail appeal - Allegation of murder - Right of appeal granted to the prosecution - Bail Act, s. 10(2)**

DIRECTOR OF STATE Proceedings v The Industrial Disputes Tribunal Ex Parte Juici Beef  
JMCA 18.07.2014

**JUDICIAL REVIEW — Labour Relations & Industrial Disputes Act — Decision of Industrial Disputes Tribunal — Whether Dismissal Justifiable — Whether Fair Hearing Required if Gross Misconduct Established — Relevance of Industrial Relations Code where there is gross misconduct.**

DYC FISHING Limited v Perla Del Caribe Inc  
JMCA 24.06.2014

**JUDGMENTS - Enforcement of foreign judgment - Joint venture agreement - Breach of contract - Jurisdiction - Whether Jamaica was the natural forum for the hearing**

DYCHE, Garth v Juliet Richards and Michael Banbury  
JMCA 06.06.2014

**ALLEGATIONS OF MISCONDUCT AND BREACHES OF DUTY- Last Will and Testament-Gross Negligence-Corruption-Misfeasance-Malfeasance-Nonfeasance-GrossMisconduct-Maladministration-Fraud**

EARLE, Aedan v National Water Commission  
JMCA 02.05.2014

**CIVIL PRACTICE AND PROCEDURE — Summary judgment – rules 15, 25 and 26 of the Civil Procedure Rules — interpretation of contract**

EVANS, Petro v R  
JMCA 31.07.2014

**CRIMINAL LAW - Simple larceny - Whether judge erred in failing to uphold no-case submission - Whether the identification of the accused was poor - Whether the ingredients of the offence of simple larceny were proved**

FDEDA, DAVID Elie and Anthony Paul Alberga (under and by virtue of power of attorney from 1<sup>st</sup> Claimant dated 1<sup>st</sup> day of November, 2011 and recorded at Liber New Series 559 Folio 353) V James M. Klein and Susan M. Klein-Lord  
JMJC 31.07.2014

**LIMITATION OF ACTIONS ACT — Visit to locus in quo — Whether Defendants in possession for 12 years — whether crops and goats reared on property — whether Defendants had fenced property — Whether registered proprietor entitled to an Order for possession.**

GORDON, LEAFORD and Damon Robinson v Director of Public Prosecutions  
JMJC 04.07.2014

**APPLICATIONS FOR BAIL — whether Attorneys entitled to swear Affidavits — whether INDECOM Fiat lawful — Bail Act — Whether substantial grounds to refuse bail.**

GREEN, Ehoan v The Captain's Bakery Ltd.  
JMJC 18.07.2014

**CLAIM FOR BREACH OF STATUTORY DUTY AND/OR NEGLIGENCE — Duty to securely fence any dangerous part of any machinery in a factory — duty to securely fence is not dependent on whether machine can be used as intended with secure fencing of same in place — definition of “dangerous part”— whether protection afforded to those who unauthorizedly interact with dangerous parts of machinery in a factory**

HAMILTON, Cladius v Kevin Marshall and Geovaughnie Holness  
JMJC 20.05.2014

**DAMAGES - Assessment of damages - Personal injury**

HARPER, Keith v R  
JMCA 11.07.2014

**CRIMINAL LAW - Motor cycle - Using without insurance - Whether sentence was unlawful - Whether a policy of insurance is in effect for motor cycle users - Motor Vehicle (Third Party Risks) Act, s. 4 - Miscarriage of justice**

HOLNESS, DUKE and Susanna Holness v Palmyra Resort & Spa Ltd. (In receivership) and Palmyra Properties Ltd. (In receivership)  
JMJC 04.08.2014

**COMPANY LAW – Receivership - Whether directors need leave to apply to set aside default judgment – Derivative action - Whether directors should indemnify company and on what terms.**

JACKSON, Alwayne v R  
JMCA 31.07.2014

**CRIMINAL LAW - Fraudulent conversion - No case submission - Whether verdict unreasonable**

JAMAICA OBSERVER Limited and Paget deFreitas v Gladstone Wright  
JMCA 31.07.2014

**CIVIL PRACTICE AND PROCEDURE - Costs - Civil Procedure Rules 2002, Rule 64.6(1) - Who should be liable to pay costs - Court of Appeal Rules, Rule 1.18(1)**

JAMAICA TEACHERS Association v Georgia Waugh Richards  
JMCA 20.08.2014

**CIVILPRACTICE AND PROCEDURE - Order for disclosure - Costs**

JAMAICAN REDEVELOPMENT Foundation Inc. (Applicant) v The Real Estate Board (Respondent)  
UKPC 03.09.2014

**CONTRACTS- Contract Law-Formation of Contract-Entering Contract**

## **BANKING AND FINANCE-Financial Instruments-Loans**

JAMALCO (CLARENDON Alumina Works) v Lunette Dennie  
JMCA 11.07.2014

**DAMAGES - Breach of contract - Stay of execution - Application to dismiss stay - Claim for damages for breach of contract - Specific performance of contract - Claim for interest at rate of 27% - Costs**

MATALON, JOSEPH M. and Honourable Mayer Matalon OJ v Jamaica Observer Limited  
JMCA 15.08.2014

**DEFAMATION — Libel — fair comment — qualified privilege — Reynolds privilege — responsible journalism**

MCKAY, Ian v R  
JMCA 20.06.2014

**CRIMINAL LAW - Murder - Whether appellant denied a fair chance of an acquittal - Whether sentence excessive - Whether trial judge erred in good character direction**

MESSADO, Jennifer v The General Legal Council  
JMCA 11.07.2014

**LEGAL PROFESSION - Disciplinary proceedings - Application for extension of time to file notice of appeal - Permission to appeal decision of Disciplinary Committee - Stay of hearing of complaint - Whether stay could be properly granted in circumstances where the General Legal Council has right to hear complaints from persons against attorneys - Legal Profession Act, s. 12**

MOSSEL (Jamaica) Limited v Cable & Wireless Jamaica Limited  
JMCC 21.07.2014

**STATUTORY INTERPRETATION — SECTIONS 29, 31, 32 AND 34 OF Telecommunications Act — Interpretation OF Contract**

MURRAY, GEORGE and Karin Murray v Sam Petros  
JMCC30.07.2014

**APPLICATION TO STRIKE OUT — Whether claim frivolous, vexatious and an abuse of the process of the court-whether any reasonable grounds for bringing the claim — parties in previous litigation — claim compromised and agreement attached in schedule to tomlin order filed in court — terms varied by the parties — court refused to exercise summary jurisdiction to enforce tomlin order — whether current claim an attempt to enforce original agreement — whether claim sustainable to prosecute new agreement as varied.**

**SUMMARY JUDGMENT — Whether reasonable prospect of success on agreement as varied — whether there was a breach of contract — whether court should grant summary judgment on the claim.**

**CIVIL PRACTICE AND PROCEDURE — Proper procedure to bring claim under section 213a of Companies Act — whether claim must commence by fixed date claim form — whether claim form an irregularity.**

**CONTRACT — Formation — agency — agent for both vendor and purchaser — offer and acceptance — bidding process — issue arising as to what were the terms of**

**THE AGREEMENT — Whether agent acting for both parties or one party — whether one principal liable to the other for agent's breach.**

OCEAN CHIMO Ltd. v Royal Bank (Jamaica) Ltd. (RBC) and Royal Bank (T&T) Ltd. (RBC) and Royal Bank of Canada and Samuel Billard and Raymond Chung and Greg Smith  
JMCA 31.07.2014

**COMPANY — Claim brought by company directors against debenture holders — company later placed in receivership — appointment of receiver by debenture holders — directors continuing claim without consent of receiver — debenture holders applying to have claim struck out for failing to secure receiver's consent — concurrent power in receiver and directors to bring action in the name of the company — whether consent of receiver required — whether indemnity necessary if no consent is given — whether claim should be struck out if no security for costs is provided — applicability of section 388 of Companies Act.**

O'CONNOR Reid, Pansy v Evan Reid  
JMCA 17.07.2014

**MATRIMONIAL PROPERTY-Dissolution of Marriage-Property (Rights of Spouses) Act-2004 whether residence a 'family home'— whether Claimant entitled to sixty percent share — whether contribution is enough to displace the equal share rule — whether shop appurtenant to family home and used wholly or mainly for purposes of household — Declaration as to share in other property.**

PFIZER LIMITED (Appellant) v Medimpex Jamaica Limited and another (Respondents)  
UKPC 02.07.2014

**PHARMACEUTICAL PATENT- true and first inventor- attorney- patent invalidity- Patent Act 1857- Does the expiration of a patent for the same invention in another country prior to the grant of a patent in Jamaica render the Jamaican patent invalid**

QUANT, Shurendy Adelson v The Minister of National Security and The Attorney General of Jamaica  
JMCA 29.07.2014

**CIVIL PRACTICE AND PROCEDURE - Order for security for costs - Application for extension of time to file and serve written submissions - Court of Appeal Rules, Rule 2.4**

RAINFORD, Robert v His Excellency The Most Honourable Sir Patrick Allen and The Public Service Commission and The Chief Personnel Officer  
JMCA 06.06.2014

**JUDICIAL REVIEW – Whether Committee of Investigation ultra vires constitution – Whether recommendation to dismiss and dismissal lawful – Whether claimant's right to a hearing before Governor General's Privy Council abrogated.**

REID, Dalton v R  
JMCA 31.07.2014

**CRIMINAL LAW - Murder - Whether the jury was adequately warned on the effect of a dying declaration - Whether jury properly directed on the issue of identification where the sole source was contained in a dying declaration**

TRANSPORT Authority v Alromeo Brown  
JMCA 20.06.2014

**CIVIL PRACTICE AND PROCEDURE - Extension of time - Application for extension of time to file notice of appeal - Damages for detinue and conversion - Whether appeal has real prospect of success**

WARREN-SMITH, Paulette v The General Legal Council  
JMCA 16.07.2014

**LEGAL PROFESSION - Disciplinary proceedings - Application for stay of execution - Whether the panel of the GLC improperly proceeded to hear the complaint in the absence of the complainants and entered judgment on the basis of a sworn affidavit supporting the complaint**

WILLIAMS-PHILLIPS, Dr. Sandra v University Hospital Board of Management  
JMSC 26.05.2014

**APPLICATION FOR CONSOLIDATION OF CLAIMS — Distinction between consolidation of claims and trying of two claims at the same time — what court should consider in deciding on whether claims should be consolidated**

WRIGHT, Joyce v Curtis Bernard  
JMSC 14.05.2014

**PROPERTY – Common law union – Dispute as to property ownership – Whether union recognised under PROSA – Whether spouses under 5.2(1) of PROSA - Constructive trust**

YEE, ROBERT LLOYD and Gary Lloyd Yee and Crystal Bakery Ltd. and Gary Lloyd Yee T/A Crystal Hardware v Sonia Stanigar-Reid  
JMCA 27.06.2014

**INJUNCTION - Order refusing injunction - Application to strike out appeal - Non-compliance with Court of Appeal Rules 2002, Rule 2.4(1) - Application to file cross appeal**

## LEGISLATION

### Bahamas

#### Acts

4/2014	Airport Authority (Amendment) Act
1/2014	Anti-Terrorism (Amendment) Act
18/2014	Appropriation (Capital Development) (2014/2015) Act
17/2014	Appropriation (Revenue Account Expenses) (2014/2015) Act
28/2014	Bahamas Protected Areas Fund Act
8/2014	Bahamas Spatial Data Infrastructure Act 2014
25/2014	Banks and Trust Companies Regulation (Amendment) Act
26/2014	Bridge Authority (Amendment) Act
24/2014	Business Licence (Amendment) Act
8/2014	Correctional Services Act
30/2014	Derelict Motor Vehicles (Disposal) (Amendment) Act
5/2014	Early Childhood Care (Amendment) Act
14/2014	Excise (Amendment) Act
21/2014	Excise (Amendment) (No. 2) Act
22/2014	Excise Stamp (Tobacco Products) Control (Amendment) Act
27/2014	Financial Transactions Reporting Act
6/2014	Forestry (Amendment) Act
16/2014	Industrial (Validation of Trade Unions) Act
2/2014	Justice Protection (Amendment) Act
29/2014	Medical Act
15/2014	Penal Code (Amendment) Act
3/2014	Prevention of Bribery (Amendment) Act
7/2014	Sexual Offences (Amendment) Act
23/2014	Spirits and Beer Manufacture (Amendment) Act
20/2014	Stamp (Amendment) Act
13/2014	Tariff (Amendment) Act
19/2014	Tariff (Amendment) (No. 2) Act



## Commonwealth of Dominica

### Acts

4/2014 Constitution of Dominica (Amendment) Act  
5/2014 2014/2015 Appropriation Act

## Jamaica

### Acts

6/2014 Banking Services Act  
5/2014 Betting, Gaming and Lotteries (Amendment) Act  
7/2014 Municipalities (Validation and Amendment) Act

## LAW REPORTS

<The> Cayman Islands Law Reports 2013 Vol. 1  
Law Reports of the Commonwealth 2014 Vol. 4

## TREATISES, DIGESTS ETC.

### **Atkin's Court Forms. 2<sup>nd</sup> ed. 2014 issue**

Vol. 11(1) Confidence, privacy and data protection  
Vol. 21(3) Housing, Human rights

### **<The> Digest 2014 4<sup>th</sup> reissue**

Vol. 12(2&4) Contract  
Vol. 39(2) Royal Armed Forces  
Vol. 39(3) Sale of Goods and Supply of Services  
Vol. 49(2) Water

### **<The> Encyclopaedia of Forms and Precedents 5<sup>th</sup> ed. 2014 Reissue**

Vol. 28(3) Mortgages – discharge, enforcement, specialist topics and miscellaneous forms  
Vol. 36 Sale of Land

## SERIALS

### **ABA Journal Vol. 100 No. 6 June 2014**

#### **President's message**

The Magna Carta's 800<sup>th</sup> anniversary will be heralded with celebrations of the rule of law

*James R. Silkenat*

#### **Opening statements**

Sherlock Holmes lawsuit investigates whether literary characters are 'flat or 'round' for copyright purposes

*Lorelei Laird*

Mew book chronicles notable cases and personalities from the federal court of New York City

*L.L.*

Silicon Valley lawyer makes a splash with his father-daughter video lectures. *Judy Sutton Taylor*

Bankers face a slew of lawsuits filed by disabled plaintiffs who are unable to use ATMs *Leslie A. Gordon*

### **The Docket**

NATIONAL PULSE: States cry foul over California's ban on eggs produced by chickens kept in standard cages *Lorelei Laird*

NATIONAL PULSE: State bars are allowed to question applicants' behavior, but not their mental health status *Anna Stolley Persky*

SUPREME COURT REPORT: Michigan ruling enlivens debate about the overall fairness of race-based affirmative action *Mark Walsh*

### **Practice**

ETHICS: Lawyers wonder whether ethics rules allow them to advise clients on new laws legalizing marijuana *Lorelei Laird*

WORDS: A tale of two associates: How polish and attention to detail can win the motion *Bryan A. Garner*

### **Business of Law/ ABA Techshow 2014**

Watergate figure John Dean appears at the Techshow, tells how the scandal brought ethical reform to the legal profession *John Dean*

Tips on gadgets and best practices lawyers can use to protect sensitive client data *V.L.*

Rapid-fire presentation delivers list of 60 useful, informative and sometimes funny websites in 60 minutes *V.L.*

Fifth annual LexThink. 1 event stresses collaboration and adapting to change to avoid becoming irrelevant *V.L.*

Two presenters give tips to avoid the growing problem of insider threats to workplace security *Mark Hansen*

Google Ventures exec offers insight into what legal professionals need to do to stay ahead of the curve *V.L.*

### **Your ABA**

Section of Legal Education and Administrations to the Bar passes on changing tenure provision for law schools *Mark Hansen*

Legal ed section releases 2013 law grad employment data, showing marginal uptick *ABA*

Former ABA President Lawrence Walsh dies at 102, was independent counsel during Iran-Contra scandal *Martha Middleton*

Bar leaders take their annual springtime lobbying trek to Capitol Hill *Rhonda McMillion*

**Obiter Dicta**

Despite contractual obligations to clam up, some folks can't can the chatter

*Brian Sullivan*

**ABA Journal Vol. 100 No. 7 July 2014****President's message**

The ABA's internationally focused entities provide education and professional connections

*James R. Silkenat*

**Opening statements**

Passed over for a bonus, Marvel Comics' She-Hulk puts BigLaw behind her and opts for solo adventures

*Barry Malone*

Blood sport or hunting custom? Recently signed law will ban Virginia tradition of fox penning

*Anna Stolley Persky*

New app translates rules of golf into plain English

*Robert Ambrogi*

Prison ban on guitars in Britain stirs concerted campaign by leading rock musicians

*Lauren Etter*

Short takes and fast facts on the law

**Docket**

NATIONAL PULSE: In a defamation case, the 9<sup>th</sup> Circuit turns a blogger into a journalist

*David L. Hudson Jr.*

NATIONAL PULSE: Federal panels are taking a harder look at nondisparagement clauses

*William C. Smith*

SUPREME COURT REPORT: Federal Circuit gets reined in over patent fees in infringement suits

*Steven Seidenberg*

**Practice**

ETHICS: Lawyers may look at what jurors post online, but only if it's available to the public

*Terry Carter*

**Business of Law**

PROFILE: New Jersey newspaper's general counsel and reporters seek to set the record straight on the George Washington Bridge scandal

*Victor Li*

SOLOS AND SMALL FIRMS: It sometimes pays to cut your losses and let a bill go unpaid

*Kevin Davis*

CONFERENCES: Lawyernomics 2014 puts the Vegas spotlight on branding, marketing and client service

*Victor Li*

SECURITY: Law firms are valuable to a range of cyberthreats , including renegade employees

*Ed Finkel*

KENNEDY ON TECH: Keep an eye out for the "internet of things" - it's sure to keep an eye on you

*Dennis Kennedy*

AMBROGI ON TECH: New PDF software provides an affordable Acrobat alternative

*Robert Ambrogi*

### **Your ABA**

ABA principles provide starting point for businesses to eliminate forced and child labor from their production and supply chains

*Steven Seidenberg*

Association opposes limiting how much student loan debt may be discharged under federal program

*Rhonda McMillion*

Stephen Zack plunges the ABA's role in the rule of law during a stint as a U.N. delegate

*James Podgers*

### **Obiter Dicta**

The privileged walk away from trouble so easily, there's even a name for it

*Brian Sullivan*

## **ABA Journal Vol. 100 No. 8 August 2014**

### **President's message**

This past year, ABA initiatives made a difference from communities to Capitol Hill

*James R. Silkenat*

### **Opening statements**

Animal welfare advocates put bite into measures that make it illegal for pet stores to buy from puppy mills

*Lauren Etter*

New documentary examines how media saturation influence the 1991 Pamela Smart murder trial

*Barry Malone*

The Forum on Law, Culture and Society moves to a new home at NYU School of Law

*Lorelei Laird*

Activists hope to sound the death knell for some regulations in the funeral industry.

*L.L.*

### **Docket**

NATIONAL PULSE: Lawyers pursue secular solutions to the Orthodox Jewish divorce problem

*Lorelei Laird*

NATIONAL PULSE: Gun owners are looking to join prepaid legal defence plans

*Lauren Etter*

SUPREME COURT REPORT: Justices regularly seek to change the errors of their written ways

*Mark Walsh*

### **Practice**

ETHICS: As California reviews its lawyer discipline standards, other jurisdictions watch closely

*David L. Hudson*

WORDS: A good opener that engages the reader and gets to the point is the most crucial

*Bryan A. Garner*

CRAFTING STORIES: Think of your trials as a screenplay, with the judge and jury watching the drama unfold

*Philip N. Meyer*

**Business of Law**

LAW PRACTICE: Legal victories leave LegalZoom poised to expand the range of services it offers consumers and small businesses *Robert Ambrogi*

TECHNOLOGY: Automatic updates are the latest from providers of customer relationship management software *Joe Dysart*

LAE SCRIBBLER: Firm scuttlers tradition by eliminating practice groups, organizing into industry groups instead *Victor Li*

LAW BY THE NUMBERS: Most law firms are keeping tight reins on use of personal mobile devices to access their networks *ABA*

SOLOS 7 SMALL FIRMS: Solo practitioners sometimes need help when they need to hire help *Kevin Davis*

**Your ABA**

Growing numbers of U.S. lawyers are doing pro bono work in other countries *Martha Middleton*

The ABA Annual Meeting in Boston features a new format to reduce scheduling conflicts, inspire a sense of community *James Podgers*

Legal ed section presents its review of accreditation standards to the House this month *Mark Hansen*

Examining the impact of sex trafficking on foster youths *Rhonda McMillion*

**Obiter Dicta**

Cops can't be everywhere, so citizens make arrests too *Brian Sullivan*

**Precedents**

Swiss banks settle claims from Holocaust victims *Allen Pusey*

**<The> Cambridge Law Journal Vol. 73 Part 1 March 2014**

Contract doctrine, predictability and the nebulous exception *Rex Ahdar*

The coherence of the doctrine of legitimate expectations *Farrah Ahmed & Adam Perry*

Presumed resulting trusts, intention and declaration *John Mee*

Express termination clauses in contracts *John Randall*

*Emmanuel College v Evans* (1626) and the history of mortgages *D.P.Waddilove*

**Commonwealth Judicial Journal Vol. 21 No.3 June 2014**

A regional final Court of Appeal for the South Pacific? *David Doyle*

The selection of judges in the United States of America *David Roberts*

Judges and journalists – uncomfortable bedfellows *Michael Beloff*

Courts and ADR: many ways, one destination and an imperative to work together *Ambeng Kandakasi*

**<The> International Journal of Evidence & Proof Vol. 18 No. 3**

The power and persistence of contextual priming: more risks in using police transcripts to aid jurors' perception of poor quality covert recordings *Helen Fraser & Bruce Stephenson*

A comparison and critique of closed court hearings *Anthony Gray*

**Jambar Journal Vol. 27 No. 2 April – June 2014**

Money laundering *Dr. Shazeeda Ali*

From Paradise to Negril Beach *Dennis Richards*

Acts of Jamaica, 2014

POCA and attorneys *Donavan Jackson*

Confidentiality, privilege and POCA *C. Dennis Morrison*

Police death squads and the Rule of Law *Susan Goffe*

Interview with Rt. Hon. Sir Dennis Byron *Deanna McFarlane & Donovan Walker*

Navigating the avalanche of new tax legislation *Debbie-Ann N. Gordon*

Case notes from the Court of Appeal *Hilary Phillips Ja., et al*

The Jamaican child and the United Nations Convention on the right of the child *Diahann Gordon Harrison*

The Jamaican anti-money laundering and financing of terrorism reforms *Robin Sykes*

The Companies (Amendment) Act 2013: Things to note

**<The> Law Society Gazette July 14, 2014**

Former Cobbetts partner speaks out *Paul Rogerson*

Groups welcome further support over aid reform *Catherine Baksi*

Cobbetts clear-up bill exceeds £1m *John Hyde*

In-house lawyers warned over 'misleading' letters *John Hyde*

Reform of legal regulation still on the agenda *Catherine Baksi*

**<The> Law Society Gazette July 21, 2014**

Nationwide warns firms tempted by lower cover *John Hyde*

MoJ facing claims for judicial fees	<i>Catherine Baksi</i>
Lawyers hail 'unlawful' residence test decision	<i>Catherine Baksi</i>
'Sham' law firm letters investigated	<i>John Hyde</i>
Stayed fraud trial silk banks over double legal aid rates	<i>Catherine Baksi</i>
Minimum salary plea from junior lawyers	<i>Kathleen Hall</i>
Government could still privatise Land Registry	<i>Michael Cross</i>
Criminal bar in court to fight Quality Assurance scheme for Advocates (QASA)	<i>Catherine Baksi</i>

**<The> Law Society Gazette      July 28, 2014**

Paralegals granted new short cut	<i>Kathleen Hall</i>
'Don't put legal aid into retirement'	<i>Catherine Baksi</i>
One-third of litigators are not <i>Mitchell</i> - proof	<i>John Hyde</i>
Barrister rapped for 'arrogance'	<i>Catherine Baksi</i>
'No change to PI access since 1999'	<i>John Hyde</i>
Court reforms are urgent	<i>Stephen Whitehead</i>

**<The> Law Society Gazette      August 4, 2014**

Red tape cut opens way to private equity	<i>Eduardo Reyes</i>
Fees plummet as full impact of legal aid cuts starts to bite	<i>Catherine Baksi</i>
Society opposes HMRC tax recovery proposal	<i>John Hyde</i>
Ratings website moves into law	<i>John Hyde</i>
MoJ faces mesothelioma test In-house appointments surge	<i>John Hyde</i> <i>Michael Cross</i>
Supreme Court concern over costs regime	<i>Catherine Baksi</i>

**<The> Law Society Gazette      September 8, 2014**

'We grew too quickly', new co-op boss admits	<i>John Hyde</i>
Society launches campaign	<i>Gazette Newsdesk</i>
MoJ 'some way off' a viable criminal contract scheme	<i>Catherine Baksi</i>
Whiplash checks on claimants	<i>John Hyde</i>
Land Registry wants solicitor involvement	<i>Michael Cross</i>

Cornwall warns of job losses after slashing its legal budget *John Hyde*

**New Law Journal**      **Vol. 164 No. 7611**      **June 20, 2014**

**Comment**

*Jon Robins* laments Grayling's latest failing

**Employment:** Ian Smith considers the latest employment law developments

**Family/ Inheritance:** Can inherited wealth be claimed by a non-inheriting spouse when a couple split up? *Margaret Hatwood* investigates

**Property:** Does the current housing possession process provide effective access to justice? *Susan Bright & Lisa Whitehouse* report

**Data protection:** *Dan Tench* assesses the implications of the right to be forgotten ruling in *Google Spain*

**New Law Journal**      **Vol. 164 No. 7612**      **June 27, 2014**

**Comment**

Simplifying procedures not lowering GHRs is the best way to contain litigation costs, says *Richard Langley*

**Family:** *Stuart Webber* explains the state of pension sharing orders

**Personal injury:** The court must protect protected parties, says *Richard Scorer*

**Commercial:** PPI victories for consumers may have a wider significance for financial mis-selling claims say *Jonathan Butters & Kevin Durkin*

**New Law Journal**      **Vol. 164.No. 7613**      **July 4, 2014**

**Comment**

Advance decisions for incapacitous patients haven't been let in through the back door, says *Charles Foster*

**Employment:** *Tim Leaver & Nick Wright* report on clarification from the Supreme Court that LLP members are workers

**NLJ EXCLUSIVE:** The Halsbury Legal Awards 2014 Finalists Shortlist

**Public:** *Ben Gaston*: analyses the constitutional implications of the Supreme Court's ruling on HS2

**Procedure & Practice**

Should damages be available for judicial review? *Tim Malloch* investigates

**New Law Journal**      **Vol. 164 No. 7614**      **July 11, 2014**

**Comment**

Will the *Dawson* ruling ultimately be seen as a victory or a loss for the consumer, asks *Rob Williams*

**Employment:** The ECJ has opened the way to higher holiday pay for workers on commission, says *Charles Pigott*



**Family:** Practitioners should bear in mind the availability or risk of a Hadkinson order, says *Kate Molan*

**Property:** A recent decision has had a surprising effect on provisions for rectifying the land register: *Nicholas Asprey* reports

**Public:** A recent Court of Appeal ruling on residence is a significant one for local authorities, as *Jennifer Kotilaine* explains

**Commercial**

**Insolvency:** *Simon Duncan* concludes his series of articles on the right to sue former directors

**New Law Journal**      **Vol. 164 No. 7615**      **July 18, 2014**

**Comment**

*David Greene* reflects on the impact & importance of the Mitchell 3

**Personal injury:** *Henry Morton Jack* discusses fatal accidents abroad

**Public:** Employers do not owe a duty to make reasonable adjustments for persons who are not disabled, says *Spencer Keen*

**Wills & probate:** *Henrietta Mason & Paola Fudakowska* provide a disputed probate update

**Wills & probate:** What price simplicity? *Julie Man* remains unconvinced by HMRC's latest strategy

**Commercial:** *Richard Adkinson* welcomes judicial guidance on the quantum of damages for breach of contract

**New Law Journal**      **Vol. 164 No. 7616**      **July 25, 2014**

**Comment**

*Andrea Leadsom MP* welcomes the consensus to update insurance contract law

**Employment:** *Ian Smith* reports from the coalface of employment law

**Family:** *Lehna Hewitt* discusses financial provision after an overseas divorce

**Personal injury:** *Nick Pargeter & Malcolm Keen* welcome guidance on limitation & disease

**Property:** Tenants' lawyers should think carefully about ownership of fixtures says *Deborah Cadwell*

**Data privacy:** *Tom Morrison & David White* review the world of information law

**Commercial:** Swaps mis-selling litigation is not over yet, says *David Pope*

**New Law Journal**      **Vol. 164 No. 7617**      **August 1, 2014**

**Comment**

Three recent stories underline the meaning of the rule of law in today's society, says *Roger Smith*

**Employment:** The elements of harassment have been re-emphasised, observes *Mark Whitcombe*

**Family:** A recent case sends a warning to any parent who suspects the other of sexual abuse, as *Jonathan Herring* reports

**Human rights:** The Assisted Dying Bill as currently drafted is in need of significant amendments, says *Khawar Qureshi QC & Catriona Nicol*

**New Law Journal**      **Vol. 164 No. 7618**      **August 8, 2014**

**Comment**

GHRs underpin the business of litigation & often commercial survival itself, says *David Greene*

**Employment:** *Hester Hewitt* examines plans to crack down on the abuse of zero hours contracts

**Property:** *Tamsin Cox* provides an update on the vexed issue of serving effective break notices

**Public:** *Simon Hills & Tom Metcalfe* report on the implications of the new public procurement regime when setting up a mutual

**Wills & probate:** *Professor Cooke & Luke Campbell* review the report on the forthcoming Law Commission project on the law of wills

**Commercial**

**Tax:** *Peter Vaines* on strict liability criminal offences from Mars, punitive penalties & disguised salaries

**New Law Journal**      **Vol. 164 No. 7620**      **September 5, 2014**

**Comment**

*Geoffrey Bindman QC* tells the story of the Magna Carta & urges the government to learn its lessons

**Employment:** *John McMullen* provides a round-up of recent TUPE case law

**Property:** *Alastair Redpath-Stevens* considers the consequences of *Coventry v Lawrence*, Pt 2

**Civil litigation:** *Helen Bell* provides an analysis of the impact of *Denton v TH White Limited*

**Public:** *Keith Davies* examines the development of the principle of judicial review in English courts

**New Law Journal**      **Vol. 164 No. 7621**      **September 12, 2014**

**Comment**

*Roger Smith* looks to the future

**Personal injury:** *Elizabeth Milbourn* examines the courts' approach to liability to injured bus passengers

**Property:** Is *McDonald* the last word on Art 8 & private landlords, asks *Philip Sissons*

**Charities:** *James Maloney* considers the pros & cons of charitable incorporated organizations

**Wills & probate:** *Roderick Ramage* discusses the property characteristics of "e-material" & shares a new precedent

**Negligence:** *Matthew Harpin* examines the meaning of a s 58 defence under the Highways Act 1980

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The Jerry Sandusky effect: child abuse reporting laws should  
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