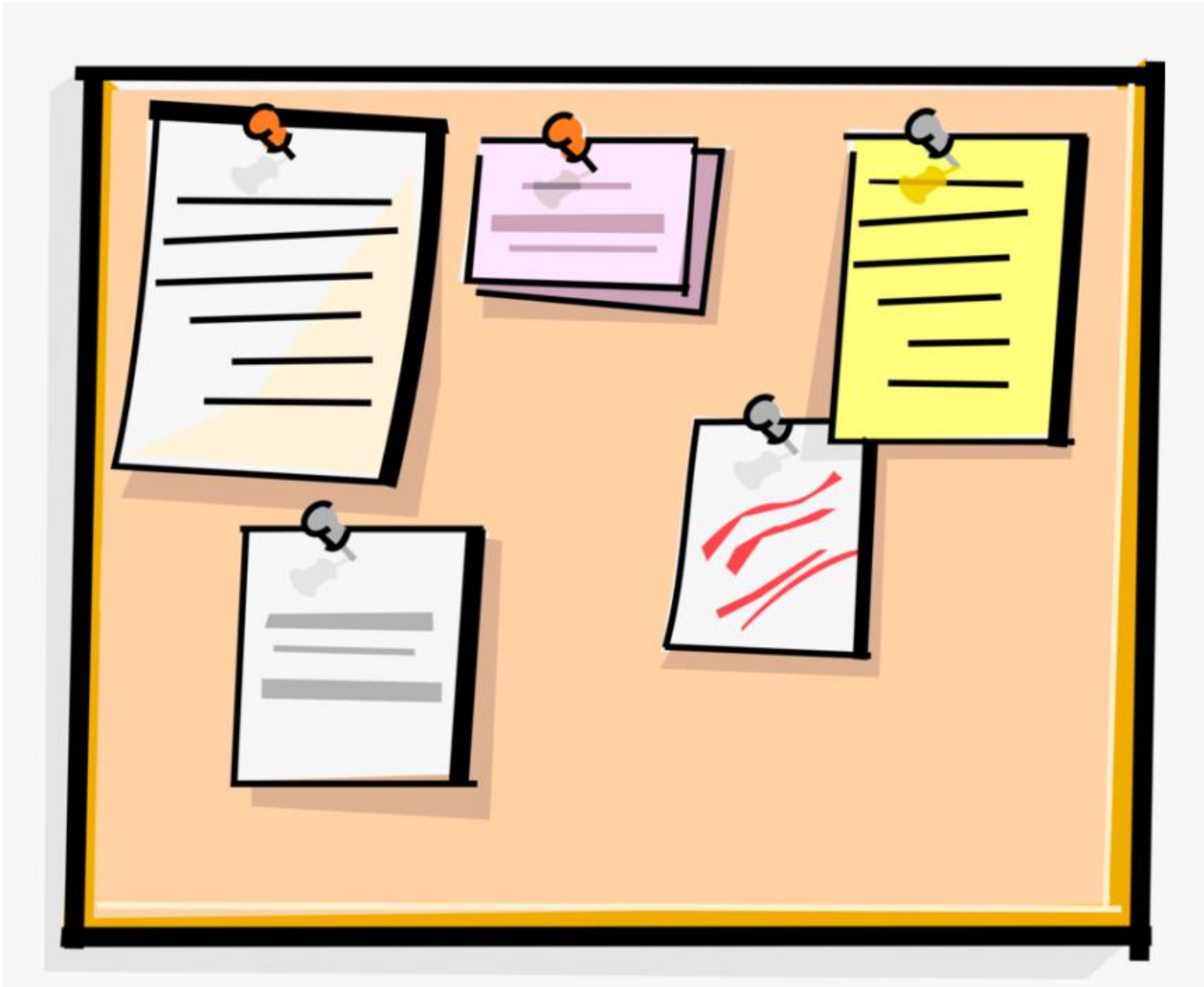


# CURRENT AWARENESS BULLETIN

July- September 2015



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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 for Jamaica (On behalf of the Near Relations and Dependants as Representative Claimant for the estate of Mark Henry, Deceased) v Lloyd Lewis and Urlene Lewis (also known and referred to as Erlene Lewis)

JMSC 17.06, 2015

**APPLICATION FOR INTERIM PAYMENT — Rule 17.6 (1) & (2) of the Civil Procedure Rules — Principles Governing Such a Grant — Defence of “Agony of the Moment” or “Inevitable Accident”— Affidavit of Information and Belief — Whether Requirements for Such an Affidavit Met — Rule 30.3 (1) & (2), CPR**

BENIAN, Merna v Karl Evans Brown [consolidated with] Iola Brown v Karl Evans Brown and Merna Benain

JMSC 27.03.2015

**DIVISION OF PROPERTY-Property acquired while man married to one party and in relationship with Other-Husband and wife had separated – Whether wife entitled to interest and share – The Property (Rights of Spouses) Act Sections. 11 and 13 – Whether other woman entitled to interest and share – Constructive trust**

BLAKE, Sherine v LDCosta Loans and Financial Management Limited and Lincoln Brown

JMSC 20.04.2015

**APPLICATION FOR RELIEF FROM SANCTIONS - Unless Order - Attorneys to blame - Whether administrative inefficiency a good explanation - Late compliance - Whether relief to be granted.**

BROWN, Latoya v The Attorney General for Jamaica

JMSC 12.05.2015

**NEGLIGENCE – claimant shot during operations by the security forces – claimant blind in both eyes – Assessment of damages – Loss of marriage prospects – Award of interest – Exercise of the court’s discretion under the Law Reform (Miscellaneous Provisions) Act.**

CAPITAL ONE N A v Business Ventures and Solutions Incorporated and Anthony D. Tharpe (discontinued on 26<sup>th</sup> Nov. 2012) and Jacqueline Buchanan (discontinued on 26<sup>th</sup> Nov. 2012)

JMSC 29.05.2015

**STRIKING OUT COUNTERCLAIM – Striking out claim**

CARIBBEAN PIRATES Theme Park Limited v Irish Rover Limited

JMSC 29.05.2015

**APPLICATION TO STRIKE OUT – Named Claimant non-existent- Application to amend- whether name of party can be changed - Whether claim a nullity**

COLUMBUS COMMUNICATIONS Jamaica Limited v Sean Latty and Digicel Jamaica Limited

JMCC 22.05.2015

**INJUNCTION – Interlocutory - Restraint of trade - Covenant by employee not to be involved in any business that is of the same nature as that of the employer for 6 months from end of employment - Employee resigning and employer seeking to enforce covenant - Whether covenant is unreasonable**

DASWANI, Haresh v Monique Daswani and Surf Classic Company Limited and Sun Kissed Jamaica Limited  
JMSC 05.06.2015

**NOTICE OF APPLICATION – Consent Order-Whether Defendant in breach of Order-Whether Consent Order is to be varied – Interpretation of Consent Order – Whether a party to be joined for purposes of Discovery Orders.**

DAVIS, Ernest v The General Legal Council  
JMCA 12.06.2015

**CIVIL PROCEDURE AND PRACTICE - Costs - Taxation - Discontent with Registrar's taxation - Discontent appealed - Whether decision wrongly exercised - Appeal dismissed - Court of Appeal Rules 2002, Rule 1.18(3) - Civil Procedure Rules 2002, Rules 65.26-65-29.**

DAVY, Shawn v The Attorney General of Jamaica and Kingston Public Hospital (substituted by South East Regional Health Authority)  
JMSC 26.06.2015

**NEGLIGENCE – Professional Negligence – Claimant undergoing surgery after injury to left side of eye – Subsequent illness of claimant - Whether any nexus between surgery and subsequent illness – Whether surgery negligently performed**

DIGICEL (JAMAICA) (Mossell) Ltd. T/A Digicel v Thomas Hamilton & Associates Ltd.  
JMCA 08.05.2015

**CIVIL PROCEDURE AND PRACTICE- Appeal - Application to strike out - Whether the respondent was tardy in prosecuting its appeal - Court of Appeal Rules, Rule 2.2(6) and 2.5**

<THE> FAIR TRADING Commission v Crichton Automotive Limited  
JMMC 22.05.2015

**FAIR COMPETITION - False or misleading representation - Fair Trading Act section 37.**

FULLWOOD, Winnifred v Paulette Curchar  
JMCA 19.06.2015

**ADVERSE POSSESSION - Property - Right of co-owner of property to obtain an Order for recovery of possession held exclusively by a co-owner and a third party for 24 years continuously - Limitation of Actions Act, s. 3 - Whether the claimant was dispossessed by the defendant after not having had contact or exercised any rights of ownership over the property for in excess of 12 years**

GILROY, Sharlton v Fernando Hudson  
JMSC 16.06.2015

**ENTRY OF DEFAULT JUDGMENT FOR FAILURE BY DEFENDANT/APPLICANT TO ATTEND A HEARING - Rule 27.8(5) & (6) of the Civil Procedure Rules – Application to Set Aside Such a Judgment – Rule 39.6 of the CPR - Whether Requirements Satisfied – Application to Set Aside Judgment ex debito justitiae - Inherent Jurisdiction of the Court – Whether Claim One for a Specified Sum of Money – Rule 12.8 of the CPR – Whether Assessment of Damages Necessary.**

GORDON, Goreth v Elvis Gordon  
JMMC 23.04.2015

**WHETHER HUSBAND'S BUSINESS AND OTHER ASSETS PURCHASED THEREFROM ARE MATRIMONIAL PROPERTY – Application by Wife who worked in business for division of matrimonial property – The Property (Right of Spouses) Act, Section (14) – Whether wife entitled to a share of matrimonial property**

GRAY, Natalie v Donald Pryce and Noel Newsome and Donald Pryce v Noel Newsome  
JMSC 18.06.2015

**NEGLIGENCE – Motor vehicle collision – One vehicle turned across path of other – Other vehicle collided with while in its proper lane – apportionment of liability – Contributory negligence – Assessment of damages**

GRIZZLE, Cornel v R  
JMCA 29.05.2015

**CRIMINAL LAW - Illegal possession of firearm - Assault at common law - Credibility of witness - Whether the sentence imposed was manifestly excessive**

HEMANS, Winston v Andrew Anderson (Special Constable) and The Attorney General of Jamaica  
JMSC 22.05.2015

**MALICIOUS PROSECUTION – Claimant charged with failing to leave the airport – Information withdrawn - False imprisonment – claimant in custody for five and a half hours – Assault – Whether accosting amounts to an assault – Loss of earnings – Unlawful user**

HENRIQUES, RONALD Nigel Adrian v Hon. Shirley Tyndall, OJ and Patrick Hylton and Omar Davies and Jamaica Redevelopment Foundation Inc and Hon. Justice Boyd Carey (Retired) and Charles Ross and Worrick Bogle and The Attorney General of Jamaica  
JMCA 12.06.2015

**CIVIL PROCEDURE AND PRACTICE- Costs - Application to strike out Order for costs - Counter-appeals filed - Counter-appeals dismissed - Judicature (Appellate Jurisdiction) Act, s.11(e) - Court of Appeal Rules 2002, Rules 1.18(1), 2.15(b) and (f) - Civil Procedure Rules 2002, Rule 64**

HINES, Lennox v Electoral Commission of Jamaica and Minister of Local Government & Community Development and Attorney General of Jamaica  
JMSC 13.05.2015

**APPLICATION FOR INTERLOCUTORY INJUNCTION – Interim Declarations in lieu of Injunction – Section 16 of Crown Proceedings Act – Judicial Review – Locus Standi for Declaratory relief for public law issues – Legal Interest – Special injury above general public – Minister of Foreign Affairs, Trade and Industry v Vehicles and Supplies Ltd. – Part 56 of CPR – Sufficient interest – Whether the Defendants have the power under section 3 of the Municipalities Act to extend and/or adjust the boundaries of Portmore Municipality – No injunction against the Crown and/or its servants or agents – Injunction/Interim declarations refused**

HOGAN, JAMES and Renee Lattibudaire v Al-Tec Inc Limited  
JMSC 22.05.2015

**CLAIMANT'S APPLICATION FOR SALE OF LAND – Defendants application for judgment to be set aside – Whether judgment irregularly entered – Service of documents – Civil Procedure Rules – Rules 5.11(2), 8.16(1), 12.4, 13.3, 39.6 – Whether different order would have been made had Defendant attended assessment hearing**

HOWARD, Wilbert v Conroy Forte Snr.  
JMSC 24.04.2015

**INVESTMENT AGREEMENT – Defendant member of investment club – claimant investing in club through defendant – allegation of breach of contract or claim for damages for negligence and restitution for unjust enrichment**

<THE> INDEPENDENT Commission of Investigations v Digicel (Jamaica) Limited  
JMCA 29.05.2015

**EVIDENCE - Telecommunications - Whether INDECOM may compel a telecommunication service provider to supply it with information - Whether criminal offence committed by disclosing telephone subscriber and call data - Power of INDECOM - Whether Digicel has discretion to provide or withhold information - Telecommunications Act, s. 47(1) - Independent Commission of Investigations Act, s. 21 - Interception of Communications Act, s. 16 - Contractor General Act, s.**

**18(4) - Financial Investigations Division Act, s. 17(4) - Office of Utilities Regulation Act, sections. 4(1)(e) and 5**

JAMAICA TEACHERS' Association v Marlon Francis and Margaret Angela Creary and Althea Marie Ennis and City Light Imports Limited  
JMJC 24.05.2015

**CIVIL PROCEDURE AND PRACTICE – Freezing Order – Contested hearing – Whether Freezing order should be discharged – Summary judgment application**

JOHNSON, RAYMOND Lincoln Oliver v Angela Eunice Johnson  
JMJC 15.06.2015

**CIVIL PROCEDURE AND PRACTICE- Dispossession of property - Partition Act SS. 2 and 3 - Limitation of Actions Act SS. 3,4 and 14 - Property (Rights of Spouses) Act SS. 2 and 13**

KANEKORE, Lijyasu v COK Sodality Co. Credit Union and Deidre Doley and Donovan Ward  
JMJC 17.04.2015

**DEFENDANTS' APPLICATION FOR SUMMARY JUDGMENT - Whether claim has a real prospect of success - Whether the execution of a bill of sale results in the transfer of title to the grantee of the bill of sale - Whether application could be heard while application for default judgment was pending**

KHEMLANI, Raju v Public Supermarket Limited and Topaz Investments Limited and Kay Mart Limited and Lord & Lady Limited  
JMJC 01.05.2015

**INJUNCTION – Application for an injunction to restrain a Law Firm from representing the Khemlani group of companies – Breach of Article 86 of the Articles of Association – Conflict of interest – Whether in the circumstances the injunction should be granted – Application for injunction refused**

LYNCH, Anthony v The Attorney General of Jamaica  
JMCA 12.05.2015

**CIVIL PROCEDURE AND PRACTICE- Procedural appeal - Appellant removed from aircraft and detained - Damages for wrongful arrest, assault and battery and false imprisonment sought - Procedural appeal against Order of Master-in-Chambers - Whether learned Master failed to apply the overriding objective in interpreting Civil Procedure Rules 2002, Part 59 - Application to proceed to assessment of damages - Civil Procedure Rules 2002, Parts 9, 34 and 59**

MAVIS BANK Coffee Factory Limited v Donovan Rookwood  
JMJC 22.05.2015

**APPLICATION FOR SUMMARY JUDGMENT - Whether Defence and Counterclaim have real prospect of success- Agency agreement-Whether acknowledgment of a liability an unconditional admission**

MECHANICAL SERVICES Company Limited v Clinton Ellis  
JMCA 15.05.2015

**CIVIL PROCEDURE AND PRACTICE- Turks and Caicos Islands- personal injury- default judgment- application to set aside judgment- extension of time**

MERRITT, KIMOLA (Suing by her mother and next friend Charm Jackson) and Now continuing as 1<sup>st</sup> Plaintiff upon the death of the 1<sup>st</sup> Plaintiff by order of the Court made on the 20<sup>th</sup> day of January 1997 The said Charm Jackson v Dr. Ian Rodriguez and The Attorney General  
JMCA 29.05.2015

**MEDICAL NEGLIGENCE - Grounds of appeal - Application to amend, to add an alternative ground of appeal - Negligence - Malpractice - Whether matter statute-barred - Res judicata - Issue of fraud - Whether issue decided and embodied in judicial decision was final - Effect of failure of appellant**

**to plead concealed fraud in statement of case - Issue of concealed fraud emerged as triable issue on pleadings - Whether there was prejudice - Appeal dismissed**

MUNROE, Derrick v Gordon Robertson

JMCA 26.06.2015

**NEGLIGENCE - Motor vehicle accident - Back injuries - Award of \$300,000.00 for general damages - Leave to appeal quantum - Whether the award of general damages unreasonable and inconsistent with awards for similar types of injuries - Whether the appellant's back injuries were attributable to the accident - No medical evidence to support this -Award found to be reasonable - Appeal dismissed**

NATIONAL COMMERCIAL Bank Jamaica Limited v The Industrial Disputes Tribunal and Peter Jennings

JMSC 27.05.2015

**JUDICIAL REVIEW - Application for leave - Whether dismissal unjustified - Role of Industrial Disputes Tribunal - Role of Court in judicial review - Difference between an appeal and judicial review**

NOOKS, George v First Caribbean International Bank (Jamaica) Limited

JMSC 12.06.2015

**CIVIL PROCEDURE AND PRACTICE— Application to Strike Out Defence — Vicarious Liability**

OKUONGHAE, Alexander v Sandra McPherson-James

JMCA 05.05.2015

**PROPERTY-Tenancy- failure to establish the landlord/tenant relationship**

OKUONGHAE, Alexander v University of Technology, Jamaica

JMCA 29.05.2015

**CIVIL PROCEDURE AND PRACTICE— Appeal - Application for permission to appeal - Whether proper application before this court - Whether judgment by lower court was interlocutory or final - Judicature (Appellate Jurisdiction) Act, S. 11(1)(f) - Court of Appeal Rules 2002, R.1.8(1), 1.11(1)**

PASSLEY, MICHAEL (b.n.f. Mark Passley v South East Regional Health Authority and The Attorney General

JMSC 17.06.2015

**ASSESSMENT OF DAMAGES — minor aged 18 months at date of incident — right femoral artery injury resulting from injection — subsequent amputation of 2nd to 5th toes — Quantum of damages**

PERSHADSINGH, CELIA Diane v Dr. Jephthah Ford

JMSC 23.04.2015

**APPLICATION TO SET ASIDE DEFAULT JUDGMENT – Defendant appearing in person - Whether Defence has real prospect of success - Trespass-Whether extent of trespass a matter of liability or damages - Whether there is good reason for failure to enter acknowledgement or Defence in time**

<THE> PROPRIETORS STRATA Plan No. 305 v Greater Works International Fellowship and Anthony Renaldo Young and Lorens Joy Young

JMCC 22.05.2015

**REAL PROPERTY — strata title — by — laws restricting user to office or shops — whether church operation in the mall has resulted in unreasonable interference with use and enjoyment of common areas by other proprietors — complaints that church causing noise and other nuisance — continuing breach of covenant using shops as a church — continuing disputes over parking spaces and noise — strata run by corporation — whether there was acquiescence to the breaches by the executive management committee — whether there was undue delay in filing claim — whether claimant now deprived of right to enforce the by — laws — whether injunctive relief unjust in the circumstances — registration (strata titles) act ss.9 and 18.**

PRYCE, Kavin v Raphael Binns and Michael Jackson  
JMJC 22.05.2015  
**ASSESSMENT OF DAMAGES - Personal injury**

RAYMOND, RANDEAN Roy v The Principal Ruel Reid and The Board of Management of Jamaica College  
JMJC 27.04.2015  
**JUDICIAL REVIEW - Application for extension of time within which to apply for judicial review - Civil Procedure Rules part 56**

REID, Gerald v Alexton Gyles and United Estates Limited  
JMJC 22.04.2015  
**MOTOR VEHICLE ACCIDENT – Liability – Driver of 2nd Defendant’s vehicle not attending trial - Credibility – Damages - Quantum.**

ROWE, CALVIN and Everton Bailey v Attorney General of Jamaica and Sheldon James  
JMJC 27.03.2015  
**ASSESSMENT OF DAMAGES- dislocation of right hip- callus fracture of left distal Radius- right sciatic nerve palsy- fracture of right superior ramus-fracture of right iliac crest fracture of acetabulum with sciatic nerve damage**

SILVEST, CASILDA and Leon Whitfield Samuels v Rupert Ellis and Devon Thomas  
JMJC 15.04.2015  
**BREACH OF CONTRACT – Claimants seek damages and interest – Whether interest should be awarded at the prevailing bank rate – Discretionary and Realistic award of interest – Judge should be provided with evidence to assess and ascertain an appropriate rate – Statistics from reputable agencies – Claim for an award of interest at the prevailing bank rate granted**

SKYERS, Kevin v The Attorney General for Jamaica and Richard Robinson and Shawn Brown  
JMJC 14.05.2015  
**TRESPASS TO THE PERSON AND/OR ASSAULT- malicious prosecution and false imprisonment – Civilian shot by police**

SMITH, Marcia v Dwayne McLeary and Marlon Morgan  
JMJC 26.05.2015  
**ASSESSMENT OF DAMAGES - Personal injuries - Pre-existing condition - Loss of earnings**

SPENCER, Clynice v Her Hon Mrs. Sonya Wint-Blair  
JMJC 07.05.2015  
**JUDICIAL REVIEW – Application for certiorari and mandamus – Issue of bias – Actual bias – Real likelihood of bias – Presumptive bias – Waiver of bias – Whether magistrate obliged to preside over case in circumstance where bias waived by disputing litigants – Basis upon which exercise of judicial discretion can be successfully challenged in judicial review proceedings**

TAYLOR, Lenoria v Hojapi Limited  
JMJC 17.06.2015  
**CIVIL PROCEDURE AND PRACTICE— Application to strike out statement of case - Whether application can be treated as summary judgment application**

UNIVERSAL CHURCH of the Kingdom of God v Tewani Limited  
JMJC 26.06.2015  
**CLAIM FOR BREACH OF LEASE AGREEMENT FOR FAILURE TO REFUND SECURITY DEPOSIT – Counter claim for entitlement to deduct costs of repairs – Whether claimant in breach of covenants to repair - Whether security deposit should be refunded**



UNIVERSITY OF TECHNOLOGY Jamaica v Colin Davis and Sharon Hall  
JMCA 29.05.2015

**CONTRACT - Bond agreement - Whether employee had breached bond agreement - Whether course of duty completed in reasonable time - Whether obligations fulfilled**

VENUS INVESTMENTS Limited v Wayne Ann Holdings Limited  
JMCC 02.06.2015

**CIVIL PROCEDURE AND PRACTICE—Injunction - Granted without notice - Whether there was material non-disclosure - Whether injunction should be discharged and not re-granted**

VENUS INVESTMENTS Limited v Wayne Ann Holdings Limited  
JMCA 18.06.2015

**INJUNCTIONS - Strata lot - Order restraining respondents from transferring Strata Lot No 15 - Whether the respondent seeking to defeat the appellant's equitable mortgage and interest by seeking to transfer the property - Registration of Titles Act, s. 140**

WALLEN, TAHJE (B.N.F. Tracey-Ann Wedderburn) v Marcia Johnson and Ainsley Johnson and Lincoln Williams

JMSC 14.05.2015

**ASSESSMENT OF DAMAGES — Student, aged 13, injured in motor vehicle accident on November 30, 2010 along Waltham park road, St. Andrew (judgment against 1 St and 2 and defendants only)**

WARREN, Leonard v R

JMCA 15.05.2015

**CRIMINAL LAW- Indecent Assault-Assault**

WATSON, LOUISA Rebecca v Ernie Parchment

JMCA 08.05.2015

**CIVIL PROCEDURE AND PRACTICE—Will - Probate - Whether judge erred in striking out defence - Allegations of fraud - Refusal of leave to amend defence and file witness statement - Civil Procedure Rules 2002, Rules 53.1(1), 26.1(2)(q) and (v)**

Williamson, Willard v R

JMCA 01.05.2015

**CRIMINAL LAW - Corruption - Appeal against conviction and sentence - Solicitation - Audio evidence heard at trial - Whether verdict unreasonable and can be supported by evidence - Whether trial judge erred in failing to warn herself as to the caution needed in relying on voice recognition evidence - Whether there was a miscarriage of justice as a result of non-disclosure - Public interest immunity - Credibility - Evidence Act, s. 31D**

WILLIS, Mecheck v Global Insurance Company of Jamaica Limited

JMCA 19.06.2015

**INSURANCE LAW - Motor vehicle accident - Unlicensed driver - Uninsured driver - Whether appellant had statutory entitlement to recover from insurance company - Whether a third party entitled to recover from the insurer a judgment obtained against the insured in situations where circumstances contravene terms of insurance policy - Whether respondent liable to indemnify third party - Can respondent rely on contractual defence to escape liability arising under policy - Motor Vehicle Insurance (Third-Party Risks) Act, s. 18(1)**

YOUNG, Kevin v R

JMCA 15.05.2015

**CRIMINAL LAW - Murder - Late confession by way of social enquiry report - Applicant's age - Good character - Whether these factors should be considered - Whether sentence manifestly excessive - Appeal against sentence allowed**

## LEGISLATION

### Bahamas

#### Acts

9/2015	<The> Bahamas Co-operative Credit Unions Act
6/2015	Banks and Trust Companies Regulation (Amendment) Act
7/2015	Business Licence (Amendment) Act
4/2015	Central Bank of the Bahamas (Amendment) Act
8/2015	Co-operative Societies (Amendment) Act
5/2015	Financial Transactions Reporting (Amendment) Act
3/2015	Immigration (Amendment) Act
10/2015	Juries (Amendment) Act

### Jamaica

#### Acts

11/2015	Administrator-General's (Amendment) Act
9/2015	Baptist Mid-Missions in Jamaica (Incorporated) Change of Name and Amendment) Act
15/2015	Conch (Export Levy) (Special Provisions) Act
14/2015	Constitution (Amendment) (Local Government) Act
13/2015	Copyright (Amendment) Act
18/2015	Electricity Act
16/2015	Evidence (Amendment) Act
12/2015	Income Tax (Amendment) Act
7/2015	Minimum Business Tax Act
17/2015	Nuclear Safety and Radiation Protection Act
8/2015	Quarries Control (Amendment) Act
19/2015	Revenue Administration (Amendment) Act
10/2015	Revenue Appeals Division Act

## LAW REPORTS

<The> Cayman Islands Law Reports 2014 Vol. 2

## TREATISES, DIGESTS ETC.

Archbold, Criminal Pleading, Evidence and Practice 2016 London: Sweet & Maxwell, 2016	KM570.A72
Blackstone's Criminal Practice 2016 Oxford: Oxford University Press, 2015	KM570.B75
Bromley's Family Law/ Peter Bromley. 11 <sup>th</sup> ed. Oxford: Oxford University Press, 2015	KN170.B87
Charlesworth's Company Law/ Judge Charlesworth. 18 <sup>th</sup> ed London: Sweet & Maxwell, 2010	KN261.C53

Civil Litigation/ John O'Hare and Kevin Browne. 17 <sup>th</sup> ed. London: Sweet & Maxwell, 2015	KN350.O42
Civil litigation manual 2015-2016/ Susan Cunningham & Karen Elder Oxford: Oxford University Press, 2015	KN350.C86
Civil Procedure White Book 2015/ Rupert Jackson London: Sweet & Maxwell, 2015	KN350.G74
Costs & Funding following the Civil Justice Reforms: Questions & Answers/ Peter Hurst	
<The> Ethical Lawyer: A Caribbean Perspective/ Shazeeda A. Ali. London: Sweet & Maxwell, 2015	KL82.A44
Law of obligations/ Geoffrey Samuel. United Kingdom: Edward Elgar, 2014	KN5.S36
Murphy on Evidence/ Peter Murphy. 14 <sup>th</sup> ed. Oxford: Oxford University Press, 2015	KN390.M37

## SERIALS

### ABA Journal Vol. 101 No. 7 July 2015

#### President's message

The ABA's voice is strengthened by members' efforts *William C. Hubbard*

#### Opening statements

"The cop" wins jurors in a copyright dispute about the songwriter  
of the Village People *Leslie A. Gordon*

Delaware leads the way in adopting legislation on executors'  
digital access to deceased's accounts *L.A.G.*

Ten questions for the lawyer working to usher Colorado's  
all-cash cannabis industry into the federal banking system *Jenny B. Davis*

Hall and Oates sue a food company over Haulin' Oats granola. *Margaret Littman*

NYC lawyer continues quest to lure readers to case law with  
the help of zombies, werewolves and more *Rich Acello*

Cartoon of the month: Check out last month's contest winner  
and try crafting a caption for the current cartoon *Michael Foster*

#### Docket

NATIONAL PULSE: Courts are reconsidering residency  
restrictions for sex offenders *Lorelei Laird*

NATIONAL PULSE: Lawyers quarrel over tort liability after the  
measles outbreak *Susan Kostal*

SUPREME COURT REPORT: Judges may not seek campaign cash, but they may express their gratitude  
*Mark Walsh*

**Practice**

ETHICS: D.C. prosecutors to follow a broader standard for disclosing information to the defence in criminal cases  
*David L. Hudson*

WORDS: Lawmakers should work toward adopting strong, standardized language in criminal statutes  
*Bryan A. Garner*

ADVOCACY: How to balance the need to make money against the warning buzzers some clients set off  
*Janet S. Kole*

**Business of Law**

TECH: The ABA Techshow tackled ethics and the skills gap as well as the latest gadgets  
*Victor Li*

NICHE PRACTICE: Sea Shepherd Legal promises a less controversial approach than its TV counterpart  
*G. M. Filisko*

LAW SCRIBBLER: A new smartphone app helps attorneys find pinch hitters for court dated  
*Victor Li*

SOLOS/SMALL FIRMS: Lawyers weigh independence, resources in deciding on merger proposals  
*Kevin Davis*

AMBROGI ON TECH: Lawyer-referral firm emphasizes compatibility of needs and location  
*Robert J. Ambrogi*

**Your ABA**

The latest numbers on employment for 2014 law school graduates don't add up to a clear trend  
*Mark Hanson*

This year's ABA Day lobbying event focused on LSC funding, juvenile justice and sentencing reform  
*Rhonda McMillion*

The ABA is fine-tuning its new annual meeting format to make attendance a better experience for members  
*James Podgers*

**Precedents**

In 1932, the U.S. Army disperses the protesters of the Bonus Expeditionary Force  
*Allen Pusey*

**ABA Journal Vol. 101 No. 8 August 2015**

**President's Message**

The ABA has advanced its work on innovation in legal services and other areas  
*William C. Hubbard*

**Opening statements**

Judge hosts monthly movie nights, opening the 9<sup>th</sup> Circuit's courthouse doors to the public  
*Lorelei Laird*

New York City lawyer keeps an eye on strip clubs for compliance with state and federal labor laws  
*William C. Smith*

Ten questions for the solo practitioner and part-time judge also known as Bongo Lady	<i>Jenny B. Davis</i>
Documentary plans to probe the shortcomings of the public defender system	<i>L. L.</i>
<b>Docket</b> NATIONAL PULSE: Courts are giving reduced terms to many child-porn defendants	<i>Stephanie Francis Ward</i>
NATIONAL PULSE: Fans of popular media are churning out artworks, while wary companies are cracking down	<i>Anna Stolley Persky</i>
SUPREME COURT REPORT: Ruling regard attire and religious discrimination marks a setback for businesses	<i>Mark Walsh</i>
<b>Practice</b> ETHICS: Panel back judges' letters asking lawyers to consider community service	<i>David L. Hudson Jr.</i>
WORDS: The publication of <i>The Bluebook's</i> 20 <sup>th</sup> edition prompts Bryan Garner to muse over its history	<i>Bryan A. Garner</i>
STORYTELLING: How trials are more like plot-driven movies than character-driven novels – and why this matters on appeal	<i>Philip N. Meyer</i>
<b>Business of Law</b> PERSONAL SECURITY: Travelling to dangerous areas can leave lawyers vulnerable	<i>Anthony Lin</i>
AMBROGI TECH: Three new products released to help with client intake differ in functionality	<i>Robert J. Ambrogi</i>
LAW SCRIBBLER: ABA summit discusses new parts for providing legal services	<i>Victor Li</i>
NICHE PRACTICE: Two Chicago attorneys get top legal billing for annual festival gigs	<i>G. M. Filisko</i>
CYBERSECURITY: A few legal organizations are banding together to get ahead of law firms' security issues	<i>Jason Krause</i>
<b>Your ABA</b> New ABA program adds a leisure element to increase networking opportunities for members	<i>Ed Finkel</i>
SPECIAL ABA LONDON SESSIONS REPORT: Royalty joins the ABA in marking the 800 <sup>th</sup> birthday of its legal ideas	<i>Victor Li</i>
Political powers blunt good law, human rights lawyer says	<i>V.L.</i>
Speakers consider the grand sweep of the Great Charter	<i>V.L.</i>
U.K. trade envoy to Iraq shares her perspective	<i>Maureen Stapleton</i>

What U.S. and U.K. lawyers can learn from each other *M. S.*

Panel discusses insider trading and the law *M. S.*

A look at global corporations' interest in the rule of law *V.L.*

**Precedents**

President Ronald Regan fires thousands of striking air traffic controllers who refused to return to work *Allen Pusey*

**<The> Cambridge Law Journal Vol. 74 Part 2 July 2015**

Protecting inferences of fact in defamation law *Jason Bosland et al.*

The modern functions of the economic torts *Hazel Carty*

Process and substance as aspects of the public law form *David Dyzenhaus*

Infidelity and provocation *Jeremy Horder & Kate Fitz-Gibbon*

Public interest in private nuisance *Maria Lee*

**Columbia Journal of Law and Social Problems Vol. 48 No. 2 Winter 2015**

Do we have a quorum?: Anticipating agency vacancies and the prospect for judicial remedy *Ryan J. Levan*

A broken clock: fixing New York's speedy trial statute *Daniel Hamburg*

Drone regulations and Fourth Amendment rights: The interaction of state drone statutes and the reasonable expectation of privacy *Taly Matiteyahu*

Sunlight is the best disinfectant: Public disclosure of electoral advocacy in union member communications *Sophie Mancall-Bitel*

**Commonwealth Judicial Journal Vol. 22 No. 1 June 2015**

Magna Carta to commonwealth Charter exhibition to mark 800<sup>th</sup> Anniversary of the Great Charter 2015

Some thoughts on Magna Carta *Igor Judge*

Magna Carta and the New Zealand Constitution *David Baragwanath*

The influence of Magna Carta in Kenya *Scholastic Omondi*

Magna Carta and the United States of America: A brief sketch *Benjamin D'Alessio*

**Commonwealth Law Bulletin Vol. 41 No. 2 June 2015**

- Strengthening humanitarian law: what role for Commonwealth countries *Amrith Rohan Perera*
- Strengthening humanitarian Law: Commonwealth countries and the Arms Trade Treaty *Eden Treaty*
- An insight into piracy prosecutions in the Republic of Seychelles  
*Anthony Francis Tissa Fernando*
- Rumble in Paradise: The Caribbean Court of Justice creating waves in international law after *British Caribbean Bank v Belize* *P. Sean Morris*
- The establishment of the Judicial Appointments Commission in Malaysia to improve the constitutional method of appointing the judges of the superior courts: a critical study *M. Ershadul Bari et al.*
- The impact of the African Charter on Human and Peoples' Rights on domestic law: A case study of Nigeria *Eghosa Osa Ekhaton*
- Compensation of personal injury resulting from road traffic accidents in Cameroon: a critical analysis *Comfort Fuah Kwanga*
- What additional authority does the civil court need to uphold the objectives of temporary injunctions? – A case study of Bangladesh *Md. Sekander Zulker Nayeem*

**International Review of the Red Cross Vol. 96 No. 893 Spring 2014**

- Extraterritorial targeting by means of armed drones: Some legal implications *Jelena Pejic*
- A brief overview of legal interoperability challenges for NATO arising from the interrelationship between IHL and IHRL in light of the European Convention on Human Rights *Colonel Kirby Abbott*
- The beginning of application of international humanitarian law: A discussion of a few challenges *Julia Grignon*
- The end of application of international humanitarian law *Marko Milanovic*
- Rewired warfare: Rethinking the law of cyber attack *Michael N. Schmitt*

**<The> Law Teacher Vol. 49 No. 2 2015**

- A dangerous method? Defending the rise of business law clinics in the UK *Elaine Campbell*
- Oh the irony! A reflective report on the assessment of reflective reports on an LLB programme *Jenny Gibbons*
- Scale-up! Classroom design and use can facilitate learning *Debra D. Burke*

Innovative methods of assessment in law: the value of open-book exams as a catalyst for improving teaching and learning in the law school

*Amanda Cahill-Ripley*

Are we ethically bound to use student engagement technologies for teaching law?

*Elizabeth Anne Kirley*

Measuring competence in legal education: a view from the bridge

*Cath Sylvester*

**New Law Journal**      **Vol. 165 No. 7659**      **July 3, 2015**

**Comment**

*Roger Smith* admires the legal aid system north of the border

**Property:** *Thomas Braitwaite* follows the use of personal claims in support of proprietary rights

**Discriminatory:** *Charles Pigott* explains how Christian bakers came unstuck over a “gay cake”

**Public:** *Julia Marlow & Telha Arshad* address proportionality as a standalone ground for judicial review at common law

**NLJ Exclusive:** The Halsbury Legal Awards 2015 Finalists Shortlist

**Negligence:** Cost pressures & solicitors’ negligence are no excuse for cutting corners, says *Helen Pugh*

**Commercial:** *Peter Vaines* explores the ins and outs of non-residents capital gains tax

**New Law Journal**      **Vol. 165 No. 7660**      **July 10, 2015**

**Comment**

*Patrick Allen* explains how austerity economics has destroyed our civil legal aid system

**Property/ Contract:** A bilateral gamble or commercial nonsense? *Andrew Butler* reflects on *Arnold v Britton and others*

**Mental health:** *Nicholas Dobson* explains how Munby LJ’s streamlining bid was thwarted in the Court of Appeal

**NLJ Exclusive:** The Halsbury Legal Awards 2015 Finalists shortlist

**Personal injury:** Do health professionals owe a duty to people who are not their patients? *Elizabeth Milbourn* reports

**Sale of land/ Trustees:** *Andrew Willetts* recommends reading *Cotton* – a masterclass in estate administration

**New Law Journal**      **Vol. 165 No. 7661**      **July 17, 2015**

**Comment**

Can a one nation civil justice system become a reality? *David Greene* has his doubts

**Employment:** *Ian Smith* recommends some light holiday reading



**Personal injury:** *Ruth Hewitt* provides an update on the plight of secondary victims

**Private client:** *Phillipa Bruce-Kerr* looks at the cross over between wills & probate and private client arena

**Wills & probate:** *Aidan Briggs* explains why DMC is an exception to nearly every rule

**Human rights:** *Michael Zander* addresses one of the main Tory objections to the Human Rights Act

**New Law Journal**      **Vol. 165 No. 7662**      **July 24, 2015**

**Comment**

*Michael Zander* considers some classic instances of lies told about human rights

**Family:** What is the family court for, asks *hazel Wright*

**Employment:** What would the abolition of the Human Rights Act mean for employment lawyers? *Ben Collins & Nicole Newbegin* share their thoughts

**Personal injury:** How do you translate personal loss into a financial figure? *Suzanne Trask* highlights some inconsistencies

**Discrimination:** *Spencer Keen* reports on the correct approach to tainted information cases

**Commercial**

*Andrew Stephenson* provides an update on the effective service of proceedings in Anglo-Russian litigation

**New Law Journal**      **Vol. 165 No. 7663**      **July 31, 2015**

**Comment**

Relief post-*Coventry* is tempted by injustice on other fronts, says *David Greene*

**Employment:** The issues of information & consultation on collective redundancies have been revised, observes *John McMullen*

**Family:** Surrogacy law is a fertile breeding ground for uncertainty says *Dickon Ceadel*

**Property:** *Mark Tempest* provides a refresher course on the tenancy deposit scheme for some light holiday cramming

**New Law Journal**      **Vol. 165 No. 7664**      **August 7, 2015**

**Comment**

*Jon Robins* reviews the new Lord Chancellor's debut justice committee session

**Family:** Marry in haste (sign a post-nup) & repent at leisure, says *Margaret Hatwood*

**Public:** *Nicholas Griffin QC* explores the scope & approach of the Pitchford Inquiry into undercover policing

**Wills & probate:** *Samantha Ewing* considers the benefits of mediation in will disputes

**Wills & probate:** *Henrietta Mason & Paola Fudakowska* return with a wills & probate update

**EU:** *Tim Mallich* considers the implications of Hinkley Point C decision

**Commercial**

What is the impact of the good faith doctrine on commercial contracts, asks *Dov Ohrenstein*

**New Law Journal**      **Vol. 165 No. 7665**      **August 14, 2015**

**Comment**

*Nichola Evans* raises questions over the court fee increase consultation

**Personal injury:** *Richard Green* examines the implications of low-level asbestos exposure cases

**Property:** How can developers override private rights of light under s 237 of TCPA 1990, ask *Andrew Francis & Dilpreet K Dhanoa*

**Public:** *Mark Mullins* reviews the approach taken to the definition of “ordinary residence”

**Commercial**

*Benjamin Pilling QC* observes the return of a more traditional approach to contract construction

*Simon Duncan* issues a warning to parties involved in financial transactions following the *Napier Park* ruling

**New Law Journal**      **Vol. 165 No. 7666**      **September 4, 2015**

**Comment**

*Stephen Lewis, Laura Burgoyne & Conor McLaughlin* on proposals for greater consumer protection on retailer insolvency

**Employment:** *Ian Smith* observes interesting events at the Employment Appeal Tribunal

**Family:** *AC v SC* provides an important reminder of the weight to be attached to FDR agreements says *Jonathan Herring*

**Personal injury:** The decision in *South West Strategic Health Authority v bay Island Voyage* clarifies the liability of sea carrier & gives certainty to practitioners, says *Angela Williams*

**Legal professional privilege:** Going it alone? *Neil Swift & Nicholas Querée* highlight a further common law decision criticising *Three Rivers (No. 5)* in the context of regulatory investigations

**New Law Journal**      **Vol. 165 No. 7667**      **September 11, 2015**

**Comment**

Can Michael Gove save our legal system? *Geoffrey Bindman QC* shares his thoughts & hopes

**Employment:** *Stephen Levinson* analyses the results of enquiries into the impact of the fees in employment tribunal

**Wills & probate:** *Brie Stevens-Hoare QC* considers adult children, charities & state benefits in the wake of the *Ilott* decision

**Tort:** The tort of internationally causing harm: will the Supreme Court’s pruning result in new growth, asks *Catriona Stirling*

**Health & safety:** Post Deepwater, *Richard Lissack QC & Fiona Horlick* review the implications of the Offshore Installations (Offshore Safety Directive) (Safety Case) Regulations 2015

**New Law Journal**      **Vol. 165 No. 7668**      **September 18, 2015**

**Comment**

*Roger Smith* surveys legal news on the other side of the Atlantic

**Employment:** One person's flexibility is another person's insecurity: *Rebecca Mason & Janet Barlow* examine the reforms surrounding zero hour contracts

**Family:** Mr. Justice Collins & IS: good legal aid news for family litigants & protected parties says *David Burrows*

**Property:** *Alexander Bastin* provides advice on how to avoid the service charge minefield

**Public:** How local must local housing be, asks *Nicholas Dobson*

**Oklahoma Law Review**      **Vol. 67 No. 3**      **Spring 2015**

The obese and the elite: using law to reclaim school sports      *Dionne L. Koller*

Fair use, girl talk, and digital sampling: An empirical study of music sampling's effect on the market for copyrighted works      *W. Michael Schuster*

**Oxford Journal of Legal Studies**      **Vol. 35 No. 2 Summer 2015**

Distributive justice, the basic structure and the place of private law      *Samuel Scheffler*

The moral justification for the right to make full answer and defence      *Dense Meyerson*

Freedom of association: It's not what you think      *Kimberley Brownlee*

The internal aspect of social rules      *Adam Perry*

In search of a rationale for the EU Citizenship Jurisprudence      *Alexander Hoogenboom*

On the rule of law and economic emergency: The degradation of basic legal values in Europe's bailouts      *Claire Kilpatrick*

Victims' mitigating views in sentencing decisions: A comparative analysis      *Annette Van Der Merwe & Ann Skelton*

Concepts the currency of social understanding of law: A review essay on the later work of William Twining      *DJ Galligan*

False convictions and true conscience      *Candice Delmas*

**University of Pittsburgh Law Review Vol.76 Issue 3 Spring 2015**

The taxing power of the Federal Government and the general welfare: What are the limits in the wake of *NFIB v Sebelius*? *Mark Klock*

Means and ends in *City of Arlington v FCC*: Ignoring the lawyer's craft to reshape the scope of *Chevron* defence *Michael P. Healy*