

CURRENT AWARENESS BULLETIN

January – March 2016



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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

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JUDGMENTS

ATL GROUP Pension Trustees Nominee Limited v The Industrial Disputes Tribunal and Catherine Barber
JMSC 10.11.2015

JUDICIAL REVIEW - Application for leave for judicial review - Whether Industrial Disputes Tribunal had evidence on which to base conclusions - Whether member of Tribunal disqualified on grounds of bias - Whether award was irrational

ANDERSON, THOMAS Lazarus v Gaian Ludoff Thompson
JMCA 09.10.2015

FORFEITURE - Proceeds of crime - Claim for Customer Information Order - Whether the person specified for a CIO Order must be proven to have connection with criminal property before a CIO Order can be made - Proceeds of Crime Act, sections 119-125

<THE> ASSETS RECOVERY Agency v Michael Brown AKA Erdley Barnes and Patrick Pswald Prince and Valrie Yee (Nee Weatherly) and Anthony Clarke and Tyrone Grant and Conroy Rowe and David Brown and Courtney Meredith and Udell Elvira Doyley and Minette Smith and Tevaughn and Kerry Anny Watson
JMSC 15.12.2015

PROCEEDS OF CRIME — Sections 2, 32, 33, 92, 94 OF Proceeds of Crime Act — Restraint Order — Without-Notice Application

ATKINSON, Dennis v Development Bank of Jamaica Limited
JMCA 20.10.2015

MORTGAGE – Whether subsequent mortgagee is a mortgagee in possession – Whether the proposed exercise of a prior mortgagee’s power of sale must take into account the interests of the second mortgagee – Whether the prior mortgagee is a trustee for the subsequent mortgagee.

<THE> ATTORNEY GENERAL of Jamaica v Gary Hemans
JMCA 18.12.2015

TORT – Trespass to the Person – Assault False Imprisonment and Malicious Prosecution – Whether reasonable cause to stop and request search – Whether excessive force – Damages.

AUSTIN, Sale v The Public Service Commission and The Attorney General of Jamaica
JMCA 04.12.2015

JUDICIAL REVIEW - Engagement and dismissal of crown servants - Public Service Commission - Public Service Regulations - Staff Orders

BARNES, Laura v Commissioner of Customs
JMCA 06.11.2015

FORFEITURE - Proceeds of crime - Whether the monies were derived from unlawful conduct and therefore liable to being seized - Proceeds of Crime Act, s. 55

BARRETT, Leon v R
JMCA13.11.2015

CRIMINAL LAW - Illegal possession of firearm - Assault - Indecent assault -Leave to appeal - Whether trial unfair - Whether sentence excessive

BETTER BEE SUPPLIES and Services Ltd. v Lascell Lloyd Smith
JMCA 18.12.2015

APPLICATION FOR INTERLOCUTORY INJUNCTION - Company shares equally owned - Claim by Company against one of the two shareholders - Whether action properly constituted - Balance of convenience

BOWEN, NORMAN Washington Manley v Shahine Robinson
JMCA 06.11.2015

CIVIL PROCEDURE AND PRACTICE - Costs - Whether the sum claimed as costs unreasonable - Civil Procedure Rules 2002, Part 64.6 - Election Petitions Act, s. 28

BROWN, Omar v R
JMCA 03.12.2015

CRIMINAL LAW- Illegal Possession of Firearm-Shooting with Intent

BROWN, PAUL and Jeffrey Litwin v R
JMCA 27.11.2015

CRIMINAL LAW-Breaches of the Customs Act

<THE> CONTRACTOR-GENERAL of Jamaica v Cenitech Engineering Solutions Limited
JMCA 18.12.2015

CIVIL PROCEDURE AND PRACTICE - Judgment - Application for permission to appeal - Whether learned trial judge had jurisdiction to grant stay where judge granting leave to pursue judicial review did not so order - Whether learned trial judge had power to grant injunction not applied for - Whether stay of proceedings necessary - Criteria for grant of leave to appeal - Civil Procedure Rules 2002, Rules 26.1(e), 56.4 and Parts 25-27

CURTELLO, Suzette v University of the West Indies (Board of Graduate Studies and Research)
JMCA 11.11.2015

JUDICIAL REVIEW — Royal Charter Establishing University — Whether Court has Jurisdiction over matters within province of the University visitor

D & LH SERVICES LIMITED and Isadra International Limited and Daley Walker & Lee Hing (Firm by the Estate, Clifton Daley Represented by Executors Louise Daley and Clifton George Eustace Daley) and The Clifton Daley (Represented by the Executors Louise Daley and Clifton George Daley) v The Attorney General and The Commissioner of the Jamaica Fire Brigade
JMCA 18.12.2015

NEGLIGENCE - Fire - Whether members of the Jamaica Fire Brigade acted negligently when they failed to extinguish fire in a timely manner - Whether learned trial judge properly assessed evidence - Whether there was failure to pay sufficient regard to evidence of witnesses - Cross examination - Failure to have regard for inconsistencies/discrepancies questionable feature in evidence of respondents' witnesses - Facts not supported by evidence - Errors in assessing evidence

DAGOR Limited v MSB Limited and National Commercial Bank Jamaica Limited
JMCA 04.12.2015

MORTGAGEE'S POWER OF SALE—Whether Limitation of Actions Act a bar- Whether Liability acknowledged

DAVIS, Carlene v Gwenseta Murray
JMCA 16.12.2015

DAMAGES - Dog-bite on leg - Quantum of damages - Whether award for general damages and costs unreasonable - Unfair and unjust - Nominal damages awarded

DAWKINS, Kenrick v R

JMCA 09.10.2015

CRIMINAL LAW - Illegal possession of firearm - Wounding with intent - Defence of alibi

EVANS, Michael v R

JMCA 18.12.2015

CRIMINAL LAW- Illegal Possession of Firearm- Robbery with Aggravation- Manifestly Excessive- Totality Principle- Concurrent Sentences

F1 INVESTMENTS INC and Steve Palmer and Christopher Kelly and Patrice Palmer v Peter Krygger and Garrie Don and Bradley Johns

JMCA 09.10.2015

CIVIL PROCEDURE AND PRACTICE - Appeal - Application for reinstatement of - Application for extension of time to file skeleton submissions

FINZI, WINSTON and Mahoe Bay Company Limited v JMMB Merchant Bank Limited

JMCA 07.10.2015

CIVIL PROCEDURE AND PRACTICE - Costs - Application for injunction pending appeal - Sale of properties - Application for recusal - Application for cost and special costs - Judicature (Appellate Jurisdiction) Act. S. 30(3) - Court of Appeal Rules 2002, Rule 1.18 - Civil Procedure Rules 2002, Parts 64 and 65

FINZI, WINSTON and Mahoe Bay Company Limited v JMMB Merchant Bank Limited

JMCA 29.10.2015

CIVIL PROCEDURE AND PRACTICE - Costs - Application for costs not earlier brought to attention of judge - Whether functus officio - Whether applicant should pay cost - Civil Procedure Rules 2002, Rules 64.6(1), 64.6(3) and (4), 64.7

FLETCHER, Hubert v R

JMCA 16.10.2015

CRIMINAL LAW - Rape - Unfair trial - Lack of evidence - Mis-identity by witness - Miscarriage of justice

GORDON, Henry v Attorney General of Jamaica

JMSC 03.12.2015

CIVIL PROCEDURE AND PRACTICE — Application to enter default judgment — Application to Strike out Claim—Application for extension of time to file Defence — Whether Amendment to the statements of case affects the prescribed time for filing Acknowledgment and Defence — CPR Rule 20.3 — Striking out of Statement of Case-CPR Rule 26.3(1)(c) — Wrongful conviction — Whether judge is crown servant — Immunity of judicial officers — The Crown Proceedings Act.

GREEN, Lovell v Special Corporal Owen Porter and Hon. Attorney General of Jamaica

JMSC 10.11.2015

ASSESSMENT OF DAMAGES — Seizure and detention on motor vehicle — Vehicle never returned — Loss of earnings as a result of detention and conversion — Certainty of damages — Mitigation of damages — Exercise of discretion where no documentary evidence available

HALL, Erlin v The Commissioner of Corrections and The Attorney-General of Jamaica

JMCA 18.12.2015

EMPLOYMENT LAW - Termination of employment - Interpretation and review of Full Court decision - Whether decision of lower court reviewable by this court - Whether appellant was reinstated following Full Court decision and ought to be paid for entire period of his employment - Whether it was fair to have reduced appellant's pension to fifty percent or at all

HARGITAY, Peter v Ricco Gartmann
JMCA 18.12.2015

CIVIL PROCEDURE AND PRACTICE - Court Orders - Application to discharge Order of lower court - Whether judgment was irregular and should be set aside ex debito justitiae - Whether cases statute-barred - Application for stay of execution - Whether there was sufficient basis to discharge Order by lower court - Whether there are triable issues - Application for extension of time - Principles governing application for stay of execution

HOLLIS, Jade v The Disciplinary Committee of The General Legal Council
JMCA 14.10.2015

CIVIL PROCEDURE AND PRACTICE - Stay of proceedings - Application for Stay of Order of General Legal Council pending the outcome of criminal proceedings on the same facts - Applicant to be charged with fraudulent conversion - Application for Stay refused on the basis that the applicant's financial constraints and physical stress could not be relied on in law as a good reason to order a stay of proceedings

HOLLIS, Jade v The Disciplinary Committee of the General Legal Council
JMCA 18.12.2015

CIVIL PROCEDURE AND PRACTICE -Conveyancing transactions- disciplinary proceedings- criminal proceedings- stay of proceedings- Legal Profession Act

HUNTER, Roger v Alma Grace Leahy and Bupa Insurance Limited (T/A "Bupa Global")
JMCC 07.10.2015

CIVIL PROCEDURE AND PRACTICE — Application to set aside order permitting service out of jurisdiction —Application to set aside service of statement of case — Application to strike out claimant's statement of case — rules 7.3, 7.5 (5), 7.7, 8.16, 9.1, 9.2, 9.3, 9.6, 11.15, 11.16 (3), 26.9 of the Civil Procedure Rules

JN GENERAL Insurance v Debbie-Ann Fairweather
JMCA 10.12.2015

INSURANCE — Whether material non-disclosure — Whether insurer can avoid policy — Clause stated to be the basis of the Contract

JAMIESON, Paul v Janice Smith
JMCA 10.12.2015

CIVIL PROCEDURE AND PRACTICE - Extension of time - Application for extension of time to file Notice of Appeal - Whether there was a bias - Question of facts - No error in law

JOHNSON, Ian v R
JMCA 09.10.2015

CRIMINAL LAW - Murder - Whether sentence excessive - Matter remitted to Supreme Court for re-sentencing - Comprehensive psychiatric evaluation ordered

JOHNSON, Merlene v Ainsworth Campbell
JMCA 07.10.2015

CIVIL PROCEDURE AND PRACTICE— Application to set aside default judgment — Application for Extension of Time within which to file defence — Tests to be applied—Application of rule 13.2 — Application of rule 13.3 — Allegation of defect in service — Whether setting aside is as of right or discretion should be exercised — Whether reasonable prospect of successfully defending the claim — Rule 1.1 the overriding objective

LAWRENCE, Michael v R
JMCA 16.10.2015

CRIMINAL LAW - Murder - Whether appellant denied a fair trial by having his character impugned by giving an unsworn statement - No character evidence given of the appellant at his trial

LEE, Michael v Senior's Woodwork & Construction Limited
JMCS 06.11.2015

BREACH OF CONTRACT – Building contract – Contract varied before construction – Payments made in advance to builder whether deposit should be refunded.

LYNCH, Hyacinth Veronica v Derrick Blackwood
JMCS 08.10.2015

JOINT TENANCY – Extinguishment – Limitation of Actions Act

MARSHALL, Annessia v North East Regional Health Authority Saint Ann's Bay Hospital and The Attorney General

JMCA 06.11.2015

NEGLIGENCE - Medical malpractice - Claim for damages for medical malpractice - No case submission - Appellant not establishing case on a balance of probabilities

MCFARLANE, Earle Shaw v Odinga John Golding

JMCA 10.12.2015

CIVIL PROCEDURE AND PRACTICE— Resident Magistrate's Court, Extension of Time- Written Notice of Appeal-Judgment, False Imprisonment

MILLS, JUNIOR and Norval Thompson (As representative Claimants) v Stainton Knott and Benjamin O. Beale Jnr. And Llewellyn Christian and Lascelles A. Wisdom and Derrick A. Spence and Clifton Grant and Alcoa Minerals of Jamaica LLC

JMCA 16.10.2015

PENSIONS - Validity of amendments - Whether certain amendments to the Rules of the pension scheme validly made - Whether the trustees of the pension fund acted fairly in their distribution of the surplus in the fund when the scheme was wound up

MILLS, JUNIOR and Norval Thompson (As representative claimants) v Stainton Knott and Benjamin O. Beale Jnr. And Llewellyn Christian and Lascelles A. Wisdom and Derrick A. Spence and Clifton Grant and Alcoa Minerals of Jamaica LLC

JMCA 18.12.2015

CIVIL PROCEDURE AND PRACTICE— Court Ruling-Pension Scheme- Interpretation of rules- Payment of costs-Trustees

MINISTER OF NATIONAL Security and Attorney General v Herbert Hamilton

JMCA 29.10.2015

CIVIL PROCEDURE AND PRACTICE - Claim - Order sought to strike out claim - Whether the claim is one seeking to enforce a public law right - Whether the judge ought to have proceeded by way of judicial review - Civil Procedure Rules 2002, Part 56 - Whether the claim is one seeking to merely enforce a private law remedy for payment of unpaid portion of contract - Court ruled that merely private law remedy being sought as such claim properly instituted - Appeal to strike our claim dismissed

MORRISON-GREEN, Melrose v Derique Spencer

JMCA 17.12.2015

CIVIL PROCEDURE AND PRACTICE - Appeal - Application to strike out - Failure to comply with Orders of the Court

<THE> NATIONAL HOUSING Trust v YP Seaton & Associates Company Limited (Jamaica)

UKPC 19.10.2015

LOANS - Loan agreement - Termination of agreement to provide loan for the construction of 259 housing solutions in housing development project in East Prospect - Claim for interest - Question of interest remitted to arbitrator under Arbitration Act, S. 11(1) - Whether arbitrator acted in excess

of his jurisdiction in awarding compound interest on contractor's profit - Whether arbitrator misdirected himself - Whether arbitrator had jurisdiction to award compound interest - Law Reform (Miscellaneous Provisions) Act, S. 3(b)

NIKA MANAGEMENT Company Limited v Global Accountancy College Limited
JMCC 01.10.2015

GENERAL CONSUMPTION TAX — WHETHER Unregistered Person can collect general Consumption Tax

NORTH EAST Regional Health Authority v Ryan Anslip
JMCA 27.11.2015

CIVIL PROCEDURE AND PRACTICE - Claim - Striking out - Failure to obey Unless Order - Civil Procedure Rules 2002, Rule 28.12

Okuonghae, Alexander v University of Technology Jamaica
JMCA 05.10.2015

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)

POMMELLS, LLOYD and Toni Ann Pommells v Donald Kerr and Christopher Kerr
JMCC 20.12.2015

CIVIL PROCEDURE AND PRACTICE - Application under section 11.18 of the civil procedure code to set aside order made in absence of claimant — Whether summary judgment can be entered when amended statement of case filed and served and time for filing defence has not passed

QUANT, SHURENDY Adelson v The Minister of National Security and The Attorney General of Jamaica
JMCA 09.10.2015

SECURITY FOR COSTS - Deportation - Whether the appellant's deportation from the island was unlawful - Whether the deportation amounted to a contempt of court in light of court's previous Order to stay deportation - Whether it was just to make an Order for security for costs against the appellant

RAYMOND, Randeau v The Principal Ruel Reid and The Board of Management Jamaica College
JMCA 13.11.2015

CIVIL PROCEDURE AND PRACTICE - Procedural appeal - Application for extension of time for leave to apply for judicial review - Refusal by judge - Question of public interest, hardship or prejudice

RICHARDS, Constable Ernesto v Clive McDonald and Island Traffic Authority and Inland Revenue Department

JMSC 11.12.2015

JUDICIAL REVIEW — Renewed Application for leave — Preliminary objection — Preliminary objection upheld — Rule 56 of the Civil Procedure (Amendment) Rules

ROWE, Taffaine v R

JMCA 02.12.2015

CRIMINAL LAW- Taffaine Rowe- Conviction Appeal-Possession of Ganja- dealing in ganja- Identification error

SAMUELS, Nerece v R

JMCA 30.12.2015

CRIMINAL LAW - Unlawful wounding - Application for bail pending hearing of appeal - No previous convictions - No testimony - No social enquiry report - Bail Act s. 13(1)

SMITH, Carlton v Lascelles Taylor and Commissioner of Police and The Attorney General of Jamaica
JMCA 06.11.2015

CIVIL PRACTICE AND PROCEDURE - Appeal — Termination — Judicial Review — Declaration — Whether trial judge erred in striking out claim — Whether trial judge erred in finding that judicial review was only remedy available — Whether alternative remedies available — Appeal allowed

SQUIRE, Rohan v R
JMCA 23.10.15

CRIMINAL LAW - Rape and abduction - Whether the issues of recent complaint in sexual offences cases were essential - Whether verdict unreasonable

TAIT, Billy v Wesley Salmon
JMCA 05.11.2015

NEGLIGENCE — Motor vehicle accident — Both vehicles being driven on same side of dual carriageway — Claimant's vehicle stuck at the rear — Assessment of damages

THOMAS, Sydney v Elaine Brown-Thomas
JMCA 16.10.2015

PROPERTY (RIGHTS OF SPOUSES) ACT — Matrimonial home acquired prior to marriage by one spouse — whether husband entitled to 50% — Delay in making application — separation but no dissolution of marriage — Whether time is to be extended.

TYRELL, Andre v Cordel Burrell and Downsound Records Limited
JMCA 02.12.2015

CIVIL PRACTICE AND PROCEDURE- Application to set aside judgment — Whether permission to file witness statements in support of defence should be granted — Whether defendants should be permitted to participate in assessment of Damages

VRL OPERATORS Limited v National Water Commission and The Attorney General of Jamaica and The National Works Agency and Stanley Consultants Inc and Frederick Rodrigues & Associates Limited
JMCA 18.12.2015

CIVIL PRACTICE AND PROCEDURE- Procedural appeal - Whether appellant precluded from appealing finding of misconduct in appeal against order for costs - Whether learned judge correctly applied relevant principles of law in finding that respondents were successful in application - Whether junior counsel guilty of misconduct - Whether Order for disqualification of expert witness real and central order requested in notice of application - Late filing of witness statement by respondents - Immediate taxation - Time of taxation

WILKINS, Ricardo v Powtronics Electrical Integrated Technology Limited and Donald Farquharson and Jamaica Public Service Co. Limited
JMCA 01.10.2015

ASSESSMENT OF DAMAGES — Award of Costs — Application of Part 64 CPR rule 64.6 — Principles on which costs may be apportioned — Factors which influence discretion to depart from the general rule that the unsuccessful party should pay the costs of the successful party

WILLIAMS, Ilene v Wesley Williams
JMCA 17.12.2015

CIVIL PRACTICE AND PROCEDURE- Costs - Application for stay of execution of taxation hearing pending of appeal - Whether award of costs to successful party is mandatory -Civil Procedure Rules 2002, Part 64.6(1)

WILLIAMS, Jennifer v Registrar General's Department and The Attorney General of Jamaica
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DAMAGES — Assessment — Personal injury

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46/2015	Rehabilitation of Offenders (Amendment) Act
39/2015	Trade Marks Acts
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19/2015	Supplementary Appropriation (2014/2015) (No. 2) Act

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31/2015	Cybercrimes Act
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34/2015	Transport Authority (Amendment) Act
11/2016	DNA Evidence Act
2/2016	Firearm (Amendment) Act
1/2016	Insurance (Amendment) Act
6/2016	Judicature (Resident Magistrates) (Amendment and Change of Name) Act
9/2016	Judicature (Supreme Court) (Amendment) Act
8/2016	Local Governance Act
4/2016	Local Government (Financing and Financial Management) Act
5/2016	Local Government (Unified Service and Employment) Act
10/2016	Representation of the People (Amendment) Act
7/2016	Special Economic Zones Act

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4/2015	Shiloh Baptist Church Nevis Incorporation Act
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LAW REPORTS

<The> Cayman Islands Law Report 2015 Vol. 1
Law Reports of the Commonwealth 2016 Vol. 1
New Zealand Law Reports 2015 Vol. 1

TREATISES, DIGESTS ETC.

<The> Digest 4th Reissue 2015
Vol. 8(2) Charities

<The> Encyclopaedis of Forms and Precedents. 5th ed. 2015 Reissue
Vol. 2(2) Agriculture

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ABA Journal December 2015

President's Message

The ABA everyday program thanks members with free, daily content

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Opening Statements

Anti-puppy mill legislation across the country is dogging pet stores

Judy Sutton Taylor

Concerns over federal law are leaving dead air when it comes to marijuana advertising

Jenny B. Davis

New York City litigator starts a new business that collects debts for independent workers

Lorelei Laird

10 questions for the lawyer who uses her love for *Star Wars* to expand the galaxy of geeks – especially women and girls

J.B.D.

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

James H. Schnare

Docket

NATIONAL PULSE: High court ruling on segregated housing could spark more unintentional-discrimination

Stephanie Francis Ward

NATIONAL PULSE: Patent holders allege financial companies are misusing post-grant review process for profit

Lorelei Laird

SUPREME COURT REPORT: A redistricting case brings federalism, partisan politics, immigration and demography before the justices

Mark Walsh

Practice

ETHICS: Two courts agree that lawyers doing debt collection may be regulated by a New York City ordinance

David L. Hudson Jr.

WORDS: Take a quiz to test your pronunciation skills against other educated speakers of American English

Bryan A. Garner

ADVOCACY: How to appear confident and self-assured, even when you don't feel that way

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HUMAN RIGHTS PRACTICE: Innocence projects are arising in China to aid the wrongfully conceived

Anthony Lin

PROFILE: California lawyer who turned the tide against trans fats wants to put the brakes on distracted driving

Richard Acello

CRIMINAL LAW: Release of New Orleans police data draws suspicion, but it helps some defenders

Jason R. Tashea

JOBS: When the legal job market tanked, a law student changed it by building a network for alternative opportunities

Jason Krause

AMBROGI ON TECH: The pros and cons of Cheetah, a new legal research product

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Your ABA

Substance abuse and mental health issues are growing problems for members of the legal profession

Martha Middleton

The Litigation Section is going on the road to explain changes in the rules of procedure relating to e-discovery

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Bipartisan collaboration in the Senate increases changes for a major criminal justice reform act

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The long arm of the law has been picking up kids raised by proponents of "free-range parenting"

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President's Message

Understanding implicit bias is key to ensuring an inclusive profession and society

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The Florida Supreme Court lays down the law on judicial attire

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California aligns itself, for the most part, with federal labeling standards

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If your email is hacked, you have recourse – if you act fast

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Ten questions for lesbian attorney whose arguments helped overturn the Defence of Marriage Act

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NATIONAL PULSE: The tug-of-war over patent law interpretations continues between the Supreme Court and the Federal Circuit

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SUPREME COURT REPORT: Nonunion teachers seek relief from paying fees for collective bargaining

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Practice

ETHICS: Indiana ethics opinion says lawyers are not always obligated to report cases of child abuse involving clients

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MINDFULNESS: A life's worth of experiences combine with cognitive science to deepen the case for bringing mindfulness into law practice

Rhonda V. Magee

STORYTELLING: A behavioral economist's work offers lessons for legal storytellers about judgment and decision-making

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E-DISCOVERY: Courts turn to special masters and mediation services to solve issues with electronically stored information

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LAW SCRIBBLER: Hackathon winners' app helps migrant farmworkers locate aid – and themselves

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AMBROGI ON TECH: New top-level posts grow out of firms' desire to display their technical expertise

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STARTUP PRACTICE: New York leaders, law clinics collaborate to help tech startups sort out regulatory issues

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Your ABA

The ABA's Ankerwycke publishing imprint produces books that tell the "flesh and blood" side of law

James Podgers

The association applauds the new FCC rule seeking to hold down phone rates charged to prisoners

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Some plaintiffs argue that insulting words can't hurt them

Brian Sullivan

Columbia Journal of Law and Social Problems

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Changing the means to justify the : Recommendations for the New York Palliative Care Information Act

Abigail M. Lowin

Methods for managing risk and prompting resident-centered care in nursing homes *Jacob F. Grubman*

Sovereign immunity and *Jus Cogens*: Is there a Terrorism exception for conduct-based immunity? *Sofie G. Syed*

Combating climate change through a duty to divest *Surbhi Sarang*

Commonwealth Judicial Journal Vol. No. 2 December 2015

The role of the Court in the development of society *David Hope*

The rule of law and the separation of powers *David Doyle*

Model form for judicial appointments in the 21st century Commonwealth – the need for independent functioning appointments systems *Karen Brewer*

Supervising the administration of justice in Empire: The Judicial Privy Council and the disciplining of Colonial Judges *John McLaren*

Magna Carta and the Judicial Code of Conduct *Zia Akhtar*

<The> Law Society Gazette October 12, 2015

Court estate consolidation plans based on flawed data *John Hyde*

'Unacceptable' delays to immigration appeals *John Hyde*

Part-time judge loses pension rights appeal *Chloe Smith*

Fixed costs looming in commercial *Rachel Rothwell*

'Bombshell' on data retention *Michael Cross*

Let's reform 'enormous' legal costs, says Faulks *John Hyde*

Moves to open South Korean market founder *Michael Cross*

Unified court a 'mugger's charter'? *Michael Cross*

<The> Law Society Gazette November 2, 2015

LAA accused of 'divide and rule' tactics on contracts *Monidipa Fouzder*

New York may relax foreign lawyer rules *Monidipa Fouzder*

City funding talks set to continue *Chloe Smith*

Former ombudsman threatens legal action *John Hyde*

Hausfeld vows to appeal airline price-fix ruling *John Hyde*

Local Government: Localism bill does not rule out bias *Nicholas Dobson*

Freedom of information: Openness threatened by 'decluttering'	<i>Ibrahim Hasan</i>
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<The> Law Society Gazette November 16, 2015	
Fresh 'consensus' on Indian market reform	<i>Chloe Smith</i>
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Profits up but firms warned on drawings	<i>Paul Rogerson</i>
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