

CURRENT AWARENESS BULLETIN

July– September 2016



COUNCIL OF LEGAL EDUCATION NORMAN
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INTRODUCTION

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

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

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

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

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

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

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

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

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

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

Inside Court: Law Digest

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

conversion in the digital age

JULY – SEPTEMBER 2016

JUDGMENTS

BLAIR, Fitzroy v Donovan Smith and The Jamaica Public Service Company Limited and Kaydon & Sons Company Limited
JMJC 29.03.2016

NEGLIGENCE – Employer’s liability – Whether lineman an independent contractor or an employee – Safe system of work – JPS utility pole uprooting while the lineman was working on it – Utility pole rotten below the surface, whether JPS discharged its statutory duty to secure the public against personal injury. Assessment of damages – Principles in quantifying general and special damages

BLAKE, Mercedes v Andrew Blake
JMJC 15.04.2016

MATRIMONIAL PROPERTY – Occupation rent – Principles upon which award is made – No ouster – Defendant undertaking not to occupy jointly owned property – Whether occupant in receipt of rent – Impact of delayed sale

BROWN, MARIAN and Anna Kay Knowles and Lynford Kerr and Leydon Kidd v Gavin Harry and Dennis Patterson and Denver Blair and Ian Douglas
JMJC 11.03.2016

NEGLIGENCE – Motor vehicle collision – Claimants passenger in a bus owned and driven by 1st and 2nd Defendants – Bus collided with rear of truck owned and driven by 3rd and 4th Defendants – Blind corner – agony of the moment – Whether all Defendants or any of them liable - Damages

BROWN, Omar v R
JMCA 27.04.2016

CRIMINAL LAW-Murder- Evidence of voice identification. Witness for the prosecution. Jury of the special need. Learned trial.

BUCHANAN, ROY and Erica Buchanan Trust and Kevin Buchanan v Jean Hall (Executrix of the Estate of Ulysses Jabez Buchanan, Deceased.)
JMJC 28.04.2016

ADMINISTRATION OF ESTATE – Probate law – Interpretation of a will – Intention of Testator – Expressed of Implied Intention – Read Will as a whole – Ordinary meaning of words/phrases – Words/phrases used in a different sense – Court not to rewrite Will or improve upon – No speculation – Presumption against Intestacy – Residuary clause – Partial Intestacy – Intestates’ Estate and property Charges Act.

<THE> COMMISSIONER of Lands v Homeway Foods Limited and Stephanie Muir
JMCA 29.04.2016

CIVIL PRACTICE AND PROCEDURE-Hearing of the appeal. Variation of the case management Order-Interests of the administration of justice as a material Consideration-Extension of time

COMMUNICATIONS CONSULTANTS Limited v Software Distributors Limited and Leicester Levy
JMJC 14.01.2016

APPLICATION TO SET ASIDE DEFAULT JUDGMENT

CLARKE, Oscar v Attorney General of Jamaica

JMSC 18.02.2016

CLAIM FOR DAMAGES FOR NEGLIGENCE/EMPLOYER'S LIABILITY – Attack on armed Police Officer at a police station by members of the public who was a visitor to the police station compound – Duty of care owed by occupier of police station compound to person working within that compound – duty of care owed by Government to persons working on and visiting that compound – *Res IPSA LOQUITUR* – Failure of defendant to do anything other than put claimant to proof of his case – Failure of defendant to lead any evidence or to challenge the claimant's case in any significant way during cross – examination of the Claimant – Prima Facie case not equivalent to proof of case on a balance of probabilities – whether defendant in breach of duty of care owed to claimant

DALEY-EDWARDS and Lloyd Edwards v Resident Magistrate for parish of St. Catherine her Hon Mrs. S. Wolfe-Reece and The Attorney General of Jamaica and Mercella Pearson interested party

JMSC 28.04.2016

ADMINISTRATIVE LAW – Judicial Review – Application for leave to apply for Judicial Review – Order of Certiorari to remove to Supreme Court and to quash the Formal Order of the Learned Magistrate – Order of Possession – Eviction from premises – Warrant of Possession – Order of Mandamus to restore Possession – Declaration that Formal Order was obtained by frauds and/ or illegally – Injunction – Damages

DAVIS, Homer v Laurence Granger and Derrick Kellier

JMSC 12.03.2016

APPLICATION FOR INJUNCTION – Magisterial recount – Whether Judicial Review appropriate – Whether court has jurisdiction – Whether alternate remedy – Costs

DEPASS Kellyman, Julia v Xavier Kellyman and Nathan Kellyman interested party

JMSC 07.04.2016

CIVIL PRACTICE AND PROCEDURE– Application to strike out or stay proceedings – Private international law – Parties living overseas and land located in Jamaica – Parties divorcing in foreign state and make agreement to dispose of land in Jamaica – Whether agreement involves dispute over title to land or just personal obligation

DOWNER-SPENCE, Pansy Ionie (also known as Panzie Ionie Spence v Donald Hurbert Spence

JMSC 23.02.2016

MATRIMONIAL PROPERTY – claim for 50% share in dwelling house – Parties separated – whether property in question is the family home – The Property (Rights of Spouses) Act, Sections 2, 6, 7, 13 and 14(1)

DYER, Glenford v Mechanical Services Company Limited

JMSC 29.03.2016

EMPLOYER'S LIABILITY – Claimant injured by grinder's blade – Defendant's duty to provide a reasonably safe grinder – Whether *res ipsa loquitur* applied – Contributory negligence considered – Assessment of damages

GOULBOURNE, Alicia v Cable & Wireless (Jamaica) Limited (Trading as Lime) and The Portmore Municipal Council and The Parish Council for the Parish of St. Catherine and Props and More and Scheed International Limited and Cable & Wireless (Jamaica) Limited (Trading as lime) v Props and more and Scheed International Limited

JMSC 27.01.2016

NEGLIGENCE – Whether 4th and 5th defendants are independent contractors or servants and agents of 1st defendant – Occupiers' Liability Act – Whether the defendants or any of them were occupiers of the premises in question – Damages – Assessment

GRAHAM, Norman v Jermaine Bailey and Knutsford Express Limited
JMJC 19.04.2016
NEGLIGENCE - Liability

HYMAN, Garfield Lishburn v Jacqueline Carlette Hyman
JMJC 06.04.2016
MAINTENANCE – Application to vary consent order for maintenance of child by mother – Mother and child migrated since the consent order – Maintenance Act sections 8, 9 and 14 – Application by father to vary visitation and access – Children (Guardianship and Custody) Act

<THE> MINISTER OF Housing v New Falmouth Resorts Ltd.
JMCA 29.04.2016
PROPERTY- Occupants application for injunctive Relief-Public purpose for the general interest of the Community-Land acquisition. Housing act.

INSURANCE COMPANY of the West Indies v Omar Gushman
JMJC 26.02.2016
INSURANCE CONTRACT – Non-disclosure in proposal form – whether declaration constitutes a warranty – liability of insurers.

LEWIS, Maureen (Estate Fredrick Lewis) v Marcia Hall-Walker and Desmond Walker and Godfrey Powell
JMJC 28.04.2016
CIVIL PRACTICE AND PROCEDURE-Civil law – Negligence – Motor Vehicle Accident – fatal Accident – Letters of Administration – Application to strike out Claim – No Real Prospect of Success – Matter Statute Barred – Limitation Period Expired – Mandatory Leave needed

IN THE MATTER OF **Robert Charles Morrison**, deceased late of 9 Hopkins Avenue, Kingston 20 in the parish of St. Andrew and In the Matter of the Intestates' and Property Charges Act
JMJC 12.02.2016
INTESTATES' ESTATE AND PROPERTY CHARGES ACT – Definition of Spouse – Meaning of Cohabitation in law as if husband and wife – The relevant factors used to test cohabitation – Validity of copy will – Part 11.18 of the Civil Procedure Rules – Application to set aside Orders – Delay and Prejudice

N.F. v C.B.
JMJC 28.01.2016
APPLICATION TO VARY ORDER FOR JOINT CUSTODY OF RELEVANT CHILD – Whether to vary order for maintenance, travel, extra-curricular activities and medical expenses – Whether school fees for L is “reasonable” pursuant to judge’s order – Whether parties can relitigate findings of fact of trial judge without there being an appeal of the trial judge – Whether there is a change in the individual circumstance of each litigant to warrant a variation of the Judge’s orders – whether businesses operated by Defendant a “sham” – Consequences of failure by Defendant to obey order of Court to disclose details of companies/his assets.

NATIONAL HOUSING Trust v Ron Foreman & Associates Limited and Lawrence Ronald Foreman
JMCC 01.04.2014
CIVIL PRACTICE AND PROCEDURE – Application to set aside made in absence of defendants – Whether order should be set aside under Rule 11.8 or under Rule 39.5, 39.6

NATIONAL WATER Commission v VRL Operators Limited and the Attorney general of Jamaica and The national Works Agency and Stanley Consultants Inc. and Frederick Rodrigues & Associates Limited
JMCA 22.04.2016

CIVIL PRACTICE AND PROCEDURE- Hearsay Evidence-General principle of statutory Interpretation-Public document. Witness statement- Personal knowledge- Law exception

OFFICE OF UTILITIES Regulation v Contractor General
JMSC 26.02.2016

APPLICATION FOR LEAVE FOR JUDICIAL REVIEW – Amenability of Contractor General Report to judicial review – Reputational damage

OUTAR, John and Jacqueline Outar v Jamaica Public Service Company Limited
JMSC 18.03.2016

BREACH OF CONTRACT – Negligence – Duty of care – Breach of duty of care – Sufficient relationship of proximity or neighbourhood – Burden of proof – Balance of probabilities – Experts' evidence

PESSOA-SINCLAIR, Keisha v Commissioner of Police
JMSC 22.04.2016

JUDICIAL REVIEW – Application for Re-enlistment denied – Applicant granted hearing – Short notice – Whether Applicant waived right to legal representation – Order for re-hearing – Whether court has jurisdiction to order remuneration

PITTERSON, Kamaal v The Attorney General of Jamaica
JMSC 07.04.2016

DAMAGES – Assessment – Gunshot wound to leg necessitating amputation – Loss two fingers on dominant right hand – pain and suffering and Loss of amenities – Post Traumatic Stress Disorder – applicability of multiplier/multiplicand approach to replacement cost of prosthesis and for loss of earning capacity

PORT KAISER Oil Terminal S.A. v Rusal Alpart Jamaica (A partnership)
JMCC 07.04.2016

INJUNCTION – Mareva – Ex Parte Application – Whether full disclosure – Inter Partes Hearing – Undertaking as to damages – Whether evidence of urgency and imminent dissipation satisfactory – Whether Notice of Application ought to have been served – Costs – Whether Full Indemnity basis appropriate

PRICE WATERHOUSE (A Firm) v HDX 9000 Inc.
JMCA 08.04.2016

CIVIL PRACTICE AND PROCEDURE – Application for relief from sanctions – Whether application for relief from sanctions the correct application

REWACHAND FREE Zone N.Y. t/a Rewa's Enterprise v Beverley Rhoden
JMSC 08.03.2016

DEBT – Evidence of – Admissibility of recording – Weight to be attached to preclaim admission – Whether the court can award interest at commercial rate where contractual interest was waived by the claimant

ROYAL CARIBBEAN Cruises Limited and Falmouth Jamaica Land Company Limited v Access to Information Appeal Tribunal and Port Authority of Jamaica 1st interested party and Jamaica Environment Trust 2nd interested party
JMSC 14.03.2016

JUDICIAL REVIEW – Whether conditions of permission have been adhere to – jurisdiction – whether failure to adhere to conditions fatal – CPR Rules 2.2, 3.2(3), 9.6, 26.3(1)(a), 56.4(12), 56.9(2), (4)&(5)

SCOTT, Ester and Gladstone Scott and Dennis Scott and Paulette Phillips (Under power of attorney of Lois Scott Robinson) Allison Elizabeth Scott
JMSC 19.02.2016

LIMITATION OF ACTIONS – Joint Tenancy – One Joint Owner in possession – Surviving Joint owner living overseas when property purchased and never in possession – Whether title of surviving joint owner ‘automatically’ extinguished after 12 years – Whether children of joint owner in possession have a cause of action – Whether trial ought to be in chambers or in open court

SINCLAIR SENIOR, Beverley v The Commissioner of Customs & Excise and The Attorney General of Jamaica
JMSC 08.03.2016

CUSTOMS – Whether Commissioner of Customs can alter assessment – section 19 of the Customs Act

STEWART, Gordon v Noel Sloley Snr. And Noel Sloley Jnr. And Gordon Brown and Deborah Lee Sheung and Jamaica Tours Limited
JMSC 11.04.2016

CIVIL PRACTICE AND PROCEDURE – Application to set aside provisional charging order – Parts 11, 17, 48 and 65 of the Civil Procedure Rules – Whether there was material non-disclosure on the without notice application for the provisional charging order – Sections 28D, 28E and 47 of the Judicature (Supreme Court) Act – Whether judge of equal jurisdiction can set aside order of other judge

THOMAS HAMILTON & Associates Limited v Digicel (Jamaica) (Moscell) Limited (T/A Digicel)
29.04.2016

CONTRACT- Plead estoppel- Second -Contract Period-Legitimate expectation- Private Law-Public Law

THOMPSON, Delroy v The Attorney General of Jamaica and Detective Douglas Taylor
JMSC 18.03.2016

FALSE IMPRISONMENT – Malicious Prosecution – Whether claim against crown must be pursued against Attorney General only – Defendant entitled to damages for false imprisonment only for the period of time held in custody before having been arraigned/brought before a court – Elements required to be proven in claim for damages for false imprisonment

TRAILLE CARIBBEAN Limited v Cable & Wireless (Jamaica) Limited (Trading as Lime)
JMCC 15.04.2016

ASSESSMENT OF DAMAGES - Enforcement of undertaking as to damages – Whether loss arising from Court ordered mandatory injunction - Whether loss suffered by Defendant ought to be calculated at the contractual or commercial interest rate

TROWERS, Errol v Noranda Jamaica Bauxite Partners Limited
JMSC 07.04.2016

NUISANCE – Mining operations – Dust and Noise – Whether substantial or trifling Negligence – Duty of Care – Whether Statutory Duty breached Damages – Quantum

TULLOCH, Dwayne v R
JMCA 19.02.2016

CRIMINAL LAW-Murder

UNITED MANAGEMENT Services Limited v The Industrial Disputes Tribunal and The Minister of Labour and Social Security
JMSC 29.04.2016

ADMINISTRATIVE LAW – Judicial Review – Application for Leave to apply for Judicial Review – Orders of Certiorari and Prohibition – Non-Unionised Workers – Apparent Bias – Minister’s Power

to refer matter to Tribunal – Whether Applicant has an Arguable case with a Real Prospect of Success

WALLACE, Matthew v Mark Anthony Kettle

JMSC March 2, 2016

NEGLIGENCE – Motor vehicle collision – Claimant switching lanes when unsafe to do so – Defendant failing to brake – Contributory negligence – Assessment of damages General damages for whiplash injury

WITTER, Kristophe (b.n.f.) Joan Samuels v Sheldon James and Attorney General of Jamaica

JMSC 29.01.2016

PERSONAL INJURIES AND TREATMENT – Infant- One of Twins – Head injury – Concussion – Bleeding from mouth and nose – Unconsciousness – Local Seizures – Hospitalized after urgent air evacuation – Outpatient treatment – Psychological impairment – Marked personality and educational difference from twin.

LEGISLATION

Bahamas

Acts

7/2016	Animal Health and Production Act
8/2016	Bail (Amendment) Act
4/2016	Bahamas Agricultural Health and Food Safety Authority Act
25/2016	Cancer (Registration) Act
5/2016	Food Safety and Quality Act
8/2016	Hawksbill Creek Grand Bahama (Deep Water Harbour and Industrial Area) (Extension of Tax Exemption Period) (Amendment) Act
6/2016	Plant Protection Act
24/2016	University of the Bahamas Act

LAW REPORTS

<The> Cayman Islands Law Reports	2015	Vol. 2
Law Reports – Appeal Cases	2015	
Law Reports – Chancery Division	2015	
Law Reports – Family Division	2015	
Law Reports – Queen’s Bench Division	2015	
New Zealand Law Reports	2016	Vol. 2
Weekly Law Reports	2015	Vols. 1-3
<The> West Indian Reports		Vol. 87

TREATISES, DIGESTS ETC.

- Administrative law / H.W.R. Wade & C.F.Forsyth – 11th ed.
Oxford: Oxford University Press, 2014 KM300.W34
- Civil litigation 2016-2017 / Susan Cunningham-Hill & Karen Elder. – 9th ed.
Oxford: Oxford University, 2016 KN350.C86
- Costs & funding following the civil justice reforms: Questions & answers /
Peter Hurst & Simon Middleton. – 2nd ed.
London: Sweet & Maxwell, 2016 KN350.H87
- Court & Bowled: Tales of cricket and the law / James Wilson
London: Wildy, Simmonds & Hill Publishing, 2014 KN186.6.W55
- Criminal litigation / Martin Hannibal & Lisa Mountford. 2016-2017
Oxford: Oxford University, 2016 KM570.H35
- Knight's forensic pathology / Professor Bernard Knight.- 4th ed.
London: CRC Press, 2016 KM607.K55
- Law, Libraries and Technology / Mark Van Hoorebeek
Oxford: Chandos Publishing, 2005 K80.H66
- Parry & Kerriage the law of succession. / David Parry – 13th ed.
London: Sweet & Maxwell, 2016 KN120.P37
- Legal research: A practitioner's handbook / Peter Clinch. – 2nd ed.
Wildy, Simmonds & Hill Publishing, 2013 KL155.C55
- <The> modern law of evidence / Adrian Keane and Paul McKeown
Oxford: Oxford University Press KN390.K43
- More binding than marriage / Philip V. Nicholls
Barbados: Caribbean Chapters Publishing, 2016 KL1.N53
- <A> practical approach to criminal procedure / John Sprack.- 15th ed.
Oxford: Oxford University, 2015 KM570.S67
- Practical copyright for library and information professionals / Paul Pedley
London: Facet Publishing, 2015 KN112.P43
- Using a law library: A student's guide to legal research skills / Peter Clinch. 2nd ed.
Oxford: Oxford University Press, 2001 K80.C55
- Commonwealth Caribbean civil procedure / Gilbert Kodilinye and
Vanessa Kodilinye. – 4th ed.
London: Routledge, 2017 KN350.K64

SERIALS

ABA Journal Vol. 102 No. 5 May 2016

President's Message

The 50th anniversary of the landmark *Miranda* decision prompts the question of whether it's now mere words

Paulette Brown

Opening Statements

The Oregon legislature gives residents a chance to expunge marijuana-growing convictions

Lorelei Laird

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

Seattle attorney shares the surprise of getting rapper Sir Mix-a-Lot's old cell number

Leslie A. Gordon

Loyola University Chicago moves its evening JD programme to the weekend.

Mark Hansen

Ten questions for the country's first openly transgender judge, a Houston lawyer and 40-year advocate.

Jenny B. Davis

Docket

NATIONAL PULSE: States seek to prevent people from posting photos online showing how they voted

David L. Hudson

NATIONAL PULSE: "Shift-and-certain" approach to community supervision gains national support.

Jason Tashea

SUPREME COURT REPORT: Stakes are high, though not without Precedent, as Senate leaders butt heads over whether to hold hearing on the president's nominee.

Mark Walsh

Practice

ETHICS: Opinion provides guidance on how to respond to requests for information relating to client representation

David L. Hudson

WORDS: Heed these helpful tips on how to incorporate big data into your everyday toolkit

Bryan Garner

STORYTELLING: Lawyers can draw from detective mysteries and uncover what "lurks in murky shadows."

Philip N. Meyer

Business of Law

PROFILE: pharmacist overcomes disease, amputations and other obstacles to carve out his niche in an emerging field of health law

Terry Carter

ABA TECHSHOW: Cybersecurity issues and panelists take center stage at this year's event

Victor Li

LEGAL SERVICES: Do fixed-cost services violate fee-sharing ethics rules? *Robert J. Ambrogi*

MARKETING: Canadian firm branches out into big-box territory with the aim of reaching more clients by offering more affordable rates *Julie Sobowale*

Your ABA

Midyear meeting attendees get a firsthand look at immigration issues and life along the Mexican border *Lorelei Laird*

The association announces this year's slate of nominees for four top leadership positions and 13 seats on the Board of Governors. *James Podgers*

The ABA Standing Committee on the Federal Judiciary is prepared to meet its vetting mandate *Rhonda McMillion*

Precedents

After a deadly 71-day occupation of the South Dakota town of Wounded Knee, followers of the American Indian Movement surrender to federal marshals *Allen Pusey*

ABA Journal Vol. 102 No. 6 June 2016

President's Message

The rule of law also applies to the poor *Paulette Brown*

Opening statements

No small sacrifice: California lawyer pledges to fund college for an entire kindergarten class *Lorelei Laird*

Ten questions for a web developer-turned-lawyer who devised a tool to streamline the delivery of social services *Jenny B. Davis*

The movement to do away with sales taxes on feminine hygiene products gains momentum, as some legislators rake aim at "gender-based injustice" *Arin greenwood*

Docket

NATIONAL PULSE: Police routinely read juveniles their rights, but do kids understand them? *Lorelei Laird*

NATIONAL PULSE: Are private education programs for shoplifters a second chance – or extortion? *Lorelei Laird*

SUPREME COURT REPORT: High court says criminal defendants should be allowed to pay lawyers with "untainted" funds *Mark Walsh*

Practice

ETHICS: Character-and-fitness screening plays a significant role in bar admission – and honesty is the best policy *David L. Hudson Jr.*

WORDS: Where to draw the line between familiar and formal in writing salutations and signature blocks *Bryan A. Garner*

STORYTELLING: What Adele and Taylor Swift can teach you about finding justice

Philip N. Meyer

Business of Law

DIVERSITY: Howard University grads have made steady inroads into the ranks of Biglaw

Liane Jackson

LAW PRACTICE: Canadian firms McCarty Tétrault turns to an outsider to guide the firms redesign

Julie Sobowale

SOLOS/SMALL FIRMS: Replicas and animations can help lawyers present a winning case

Marc Davis

Your ABA

The Veterans Village of San Diego provides a host of legal and other services to help the homeless regain a footing in the workaday world

Lorelei laird

Proposals to amend accrediting standards would require law schools to place more emphasis on graduates' bar passage rates

Mark Hansen

The association applauds the reauthorization of the Older Americans Act of 1965, and backs it with advocacy and policy initiatives

Rhonda McMillion

Precedents

James Earl Ray is captured in London

Allen Pusey

ABA Journal Vol. 102 No. 7 July 2016

President's message

New voting laws can infringe on a critical constitutional right

Paulette Brown

Opening Statements

As more students request emotional support animals on campus, colleges face an array of legal challenges

Judy Sutton Taylor

George Washington University law School may have the first multiuse, all-gender restroom

Anna Stolley Persky

The Gen Why Lawyer podcast explores unconventional career paths for young attorneys

Lorelei Laird

Ten questions for the Florida assistant state's attorney who passed the bar at the age of 20 and landed her dream job

Jenny B. Davis

Docket

NATIONAL PULSE: Business owners grapple with serving armed customers

Stephanie Francis Ward

NATIONAL PULSE: Police face constitutional challenges for using cellphone-tracking devices to locate suspects

Jason Tashea

SUPREME COURT REPORT: Oyez website finds sponsors to take over its high court audio archives

Mark Walsh

Practice

ETHICS: Sharing fees with a lawyer outside the firm passes ethics muster as long as certain rules are followed

David L. Hudson Jr.

WORDS: The sadistic editor – and the lawyer who survived his wrath

Bryan A. Garner

Business of Law

NICHE PRACTICE: Ohio defends attorney forms a new practice group to tackle the scourge of heroin addiction

Richard Acello

LITIGATION FUNDING: Third-party financing is booming – and lawyers have gotten in in on the trend

Jason Krause

TECH: Legal aid agencies are using webchat to field queries from far-flung places

Jason Tashea

SOLOS/SMALL FIRMS: Optical character recognition technology is helping streamline document scanning

Marc Davis

Your ABA

Surmounting new challenges has defined a career in law and music for Paula Boggs

Lorelei Laird

One law school experiments with accepting the GRE for admissions instead of the LSAT

David L. Hudson Jr.

A record number of bar leaders took part in this year's ABA Day lobbying event

Rhonda McMillion

Precedents

The 14th Amendment is ratified

Allen Pusey

California Western International Law Journal Spring 2016 Vol. 46 No. 2

Chasing tails: establishing the right to truth, mourning and compensation

Danushka S. Medawatte

Hack and be hacked: A framework for the United States to respond to non-state actors in cyberspace

Jessica R. Gross

<The> Cambridge Law Journal Vol. 75 Pt. 1 March 2016

Law, democracy and constitutionalism

Trevor Allan

Rectification versus interpretation

Paul S. Davies

Rights and fundamental rights in English Law

Philip Sales

Risk control clauses in insurance law

Baris Soyer

Negligence liability for omissions and the police

Stelios Tofaris & Sandy Steel

<The> Cambridge Law Journal Vol. 75 Pt. 2 July 2016

- Balancing domestic and international exigencies *Eirik Bjorge*
- Limits on the power of amendment and national constituent power *Maria Cahill*
- Enhanced consumer measures and the retreat from punishment in the Consumer Rights Act *Peter Cartwright*
- Misleading appearances in the Tort of Deceit *John Murphy*
- R v Bolton* and Judicial Review for error of law *Philip Murray*
- Principle and policy in private law reasoning *James Plunkett*
- The role of publicity in regulating political donations *Jacob Rowbottom*

Columbia Journal of Law and Social Problems Vol. 49 No. 3 Spring 2016

- Let the rookies up to bat: Re-evaluating Legislation and agency practices in the in the procurement of private prison management services *Terence Kim*
- In defense of cultural “insanity” using insanity as a proxy for culture in Criminal Cases *Alexa L. Davis*
- Dismantling disparities: An analysis of potential solutions to racial disparities in New York City’s Specialized High Schools Admissions process *Nicole Tortoriello*
- Valuable nepotism?: The FCPA and hiring risks in China *Kevin Y. Wang*

Commonwealth Judicial Journal Vol. 22 No. 3 June 2016

- Closing borders, current development in refugee and asylum law *Patrick Kiage*
- Judicial independence in a changing constitutional landscape *John Thomas*
- Keeping the Ghanaian Judge from becoming Judex In Causa Sua: 21st century challenges *Maame Abena S. Mensa-Bonsu*
- ‘What’s it all about, then’: From Magna Carta to the ‘notwithstanding clause’ *Martin R. Taylor*
- Justice for children in Bangladesh: diversion *M Imman Ali*

International Review of the Red Cross Vol. 97 No. 899 Autumn 2015

- THE HUMAN COST OF NUCLEAR WEAPONS**
Editorial: A price too high: Rethinking nuclear weapons in light of their human cost *Vincent Bernard*
- Voices and perspectives: Hiroshima and Nagasaki After the atomic bomb: *Hibakusha* tell their stories *Masao Tomonaga*

The view from under the mushroom cloud: The *Chugoku Shimbun* newspaper and the Hiroshima peace media center *Tomomitsu Miyazaki*

Photo gallery: Ground zero Nagasaki *Akitoshi Nakamura*

Discussion: Seventy years after Hiroshima and Nagasaki: Reflections on the consequences of nuclear detonation *Peter Maurer*

Nuclear weapons under International Law *Gro Nystuen et al.*

Chemical control: Regulation of incapacitating chemical agent, weapons, riot control agents and their means of delivery *Michael Crowley*

Human rights in armed conflict: Law, practice, policy *Ezequiel Heffes*

New publications in humanitarian action and the law

This selection is based on the new acquisitions of the ICRC Library and Public Archives

<The> Law Society Gazette May 9, 2016

Solicitors dig in for battle on PI reforms *John Hyde*

Conveyancers watchdog eyes SRA-regulated firms *Monidipa Fouzder*

Manchester lawyers plan advice hub *Monidipa Fouzder*

Legal aid firm reveals national expansion plans *Monidipa Fouzder*

Justice delayed, but not denied *Marcia Willis Stewart*

Project pro bono *Jonathan Rayner*

'Lifers' versus impact executives *Joanna Goodman*

Preparing for transparency *Daniel Sutherland*

<The> Law Society Gazette May 16, 2016

Dozens suspended for MedCo breach *John Hyde*

Corporate criminal law set for 'massive shift' *Chloe Smith*

Programme to widen access to legal careers *Momidipa Fouzder*

Solicitor 'negligent' over will drafting, says judge *Chloe Smith*

Transferred CFA validly assigned, appeal judge rules *Rachel Rothwell*

False economy on custody: The welfare of those detained by police at risk after home secretary's 'bizarre' U-turn *Joshua Rosenberg*

<The> Law Society Gazette May 23, 2016

New lease of life for specialist court idea	<i>Monidipa Fouzder</i>
High Court backs use of predictive coding	<i>Chloe Smith</i>
Bar chief hails public access 'opportunity'	<i>Chloe Smith</i>
Rights bill returns to political agenda	<i>Michael Cross</i>
High Court judge will sit out cases amid 'bias' row	<i>Chloe Smith</i>
Playing the percentages: A fundamental change in insurance legislation will give policyholders more power and place risks under renewed scrutiny	<i>Eduardo Reyes</i>

<The> Law Society Gazette June 6, 2016

SRA unveils slimline handbook and codes	<i>Monidipa Fouzder</i>
LSB calls for clarity over PC fee allocation	<i>Monidipa Fouzder</i>
Land Registry sale could be a security threat	<i>Michael Cross</i>
Dyson: extending fixed fees is the way forward	<i>Monidipa Fouzder</i>
Court rejects 'legally hopeless' barrister claims	<i>Chloe Smith</i>
Commercial property: End of leases	<i>Suzanne Gill</i>
Alternative dispute resolution: Arbitration and the common law	<i>Zachary Segal</i>

<The> Law Society Gazette June 20, 2016

Pay curbs hinder Whitehall hires	<i>Monidipa Fouzder</i>
Jack Straw castigates 'dysfunctional' PI sector	<i>John Hyde</i>
Why we should leave: David Cameron has failed to get the fundamental EU reform which was the basis of the remain campaign	<i>Clive Thorne</i>
Why we should remain: Remain is the outcome that will best ensure the prosperity of our families, our country and our legal profession	<i>Martin Coleman</i>

<The> Law Society Gazette June 27, 2016

Galloway libel foe hits out at lawyers	<i>John Hyde</i>
In-house to hear soon on accountability to FCA	<i>Monidipa Fouzder</i>
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After 1000 years, a woman is Lord Chancellor	<i>Gazette Newsdesk</i>
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Insurers reel from Supreme Court dishonesty ruling	<i>John Hyde</i>
Shutting up shop: Few solicitors and judges bearing the brunt of court closure reckon technology is any kind of panacea	<i>Grania Langdon-Down</i>
Personal injury: Criminal injuries compensation	<i>Malcolm Johnson</i>

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Unbundle to make online court pay, says Briggs	<i>John Hyde</i>
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Doing things differently: Law firms are investing in cutting-edge technology, spurred by cloud computing and the rapid proliferation of tech start-ups	<i>Joanna Goodman</i>
Local Government: Duty to give reason	<i>Nicholas Dobson</i>
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“A part to play” the value of role-play simulation in undergraduate legal education *Ben Waters*

Working with law students to develop legal literacy materials *Dawn Watkins & Maribel Canto-Lopez*

“I believe that it will be an amazing experience”: pre-departure impressions of students on an Erasmus exchange programme *Eric Jeanpirre & Graeme Broadbent*

Uncle Jack, Jaycee and the equitable doctrine of estoppels: using *Second Life* to support the development of advanced oral communication skills in law students *Natalie Skead*

Screencasting ethics and values: teaching contemporary level issues and collective legal values through live screencasting *C.J. Newbery-Jones*

New Law Journal **Vol. 166 No. 7696** **April 29, 2016**

Comment

Amber Melville-Brown navigates a strange new world for media lawyers

Employment: Are we moving closer to a social model of disability, ask *Charles Pigott*

Public: Hinkley Point C: *Tim Malloch* reports on a French letter & corporate chaos

Professional negligence: What test of damages should apply in a case involving concurrent causes of action, asks *Helen Mulcahy*

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

Health & safety: *David Branson* reports on the end of a century old overlap between civil and criminal liability in health and safety

New Law Journal **Vol. 166 No. 7697** **May 6, 2016**

Comment

Patrick Roche examines the lessons to be learnt from Hillsborough

Family: *David Burrows* shares his reflections on legal advice privilege & the Panama Papers

Insurance: Jane Austen has found her way into court to aid with interpretation, observes *John de Waal QC*

Public: *Michael Zander QC* on the Home Secretary's attempt to justify withdrawal from the ECHR while remaining in the EU

Immigration: How will UK-based EU citizens fare in the event of a full Brexit? *Kate Beaumont* gets an expert opinion from *Tim Eicke QC*

New Law Journal **Vol. 166 No. 7698** **May 13, 2016**

Employment: *Athelstane Aamodt & Michael Paulin* consider the question of informative & uninformative whistleblowing allegations

Property: *Greville Healey & Jamie Sutherland* discuss EU competition law & retail leases

Public: A failure in public trust undermines the foundations of local authority democracy, says *Nicholas Dobson*

Insurance: *Sarah Wilkinson* examines vicarious liability

Banking litigation: *Stephen Critchley* considers which alleged competition law abuses by the banks are likely to lead damages actions

New Law Journal **Vol. 166 No. 7699** **May 20, 2016**

Comment

Jon Robins reports on the long struggle for justice of the victims & survivors of Hillsborough

Employment: *Ian Smith* reports on cases concerning important points of very basic common law

Public: *Nicholas Dobson* looks to the future of riot damage compensation

Patent: The Supreme Court rules on European design law for first time, *Alastair Shaw & Emily McClure* reports

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

New Law Journal **Vol. 166 No. 7700** **May 27, 2016**

Comment

Do the government proposals for future-proofing the BBC lack vision? *Athelstance Aamodt* reviews the evidence

Property special

The controversial judgment in *Purrunsing* deserves an airing in the Court of Appeal, says *Steven O'Sullivan*

Beth Holden reports on *Purrunsing* & the extent of a seller's solicitor's duty to the buyer in a property transaction

At the boundaries of permissible & impermissible boundary determinations. *Toby Bonacey* reports

Human rights: The House of Lords have questioned the constitutional implications of a British Bill of Rights, notes *Michael Zander QC*

Insurance: In the first of two articles, *Nicholas Bevan* explains why he believes the MIB is liable for defects in the Road Traffic Act

Liability: *Stephanie Pywell* ponders some of the liability dilemmas facing UK law-makers at the dawn of the age of driverless cars

New Law Journal **Vol. 166 No. 7701** **June 3, 2016**

Comment

Roger Smith reports on the ongoing legal digital revolution

Family: *Jonathan Herring* investigates what behaviour amounts to harassment

Personal injury: *Linda Monaci & Flora Wood* examine the approach to malingering in cases involving head injury

Property: *Colm Nugent* considers when an unsafe structure does not trigger the landlord's duty to repair

Insurance: *Nicholas Bevan* explains why he believes the MIB is liable for defects in the Road Traffic Act

New Law Journal **Vol. 166 No. 7702** **June 10, 2016**

Comment

Lords Justice Briggs & Jackson progress their quests to rescue civil justice, reports *David Greene*

Family: *Henry Hood* discusses the impact of bankruptcy issues on divorce cases

Insurance: *Catherine Grubb* examines the impact of the coming into force of the Third Parties (Rights Against Insurers) Act 2010

Fraud: *Kathryn Garbett & Robin Preston-Jones* discuss confidentiality clubs

Insolvency: Finally, a level playing field in insolvency, says *Gurvin Birang*

New Law Journal **Vol. 166 No. 7703** **June 17, 2016**

Comment

Look to data protection principles to solve hacking & trolling complaints, says *Peter Thompson QC*

Employment: *Spencer Keen & Karen Jackson* consider discrimination arising in consequence of disability

Family: *David Burrows* asks, when does the common law listen to the child?

Trespass: Has the High Court clarified the law of cattle trespass, ask *Aidan Briggs*

Charities: Is it goodbye to freedom of testamentary disposition, ask *Giselle Davis & Bethan Walsh*

New Law Journal **Vol. 166 No. 7704** **June 24, 2016**

Comment

If Chilcot finds the Iraq invasion violated the UN Charter, what are the consequences, ask *Geoffrey Bindman QC*

Employment: *Charles Pigott* comments on heels, headscarves & other dress code conundrums

Family: *Kirstie Gibson* considers the court's approach to cases where foreign national parents relinquish their babies at birth for adoption

Property: The *Pallant v Morgan* equity is a generator of uncertainty, says *Jonathan Fowles*

New Law Journal **Vol. 166 No. 7705** **July 1, 2016**

Comment

Voting out gives lawyers short term bonanza but will push law reform to the backburner, says *David Greene*

Employment: *Ian Smith* examines cases from a smorgasbord of employment areas

Family: *Gill O'Connor* reports on the impact of restriction of single joint expert reports in the family courts

Public: *Nicholas Dobson* examines the Supreme Court's approach to the police stop and search power in 60 of the Criminal Justice and public Order Act 1994

Personal injury: *Chris Deacon & Dr. Linda Monaci* provide a legal & medico-legal perspective of expert evidence in foreign applicable law cases

New Law Journal **Vol. 166 No. 7706** **July 8, 2016**

Comment

Parliament should have the final say on Brexit, says *Sir Geoffrey Bindman QC*

Employment: *Chris Syder* discusses the Modern Slavery Act

Health litigation: *David Locke* reviews the matter of informed consent post *Montgomery*

Property: *Amy Proferes* provides an update on dispensing powers in building schemes

New Law Journal **Vol. 166 No. 7707** **July 15, 2016**

Comment

If Brexit withdrawal cannot be reversed the UK is at risk of a seriously bad outcome, explains *Michael Zander QC*

Employment: Constructive dismissal upholds the law of contract, but with a human touch, says *Tom Walker*

NLJ Exclusive: The Halsbury Legal Awards 2016 Finalists Shortlist

Consumer protection: *Sarah Moore* highlights what politicians & toothpaste do not have in common

Wills & probate: *Paola Fudakowska & Henrietta Mason* examine recent wills & probate decisions

Media: *Athelstane Aamodt* reviews interesting developments for the world of media law

Commercial

Peter Vaines delves into some most interesting tax issues

New Law Journal **Vol. 166 No. 7708** **July 22, 2016**

Comment

Is our Constitution fit for purpose following Brexit, asks *Roger Smith*

Employment: *Joanne Owers & Paul McFarlane* on the spectre of a single employment court

Insurance: *Matthew Channon & Lucy McCormick* consider the challenges that driverless cars are posing for the insurance industry

New Law Journal Vol. 166 No. 7709 July 29, 2016

Comment

What is London litigation's place in the post-Brexit world, asks *Ed Crosse*

Employment: The employment law gods give with one hand take back with the other, says *Ian Smith*

Personal injury: *James Goudkamp & Donal Nolan* study contributory negligence in practice

Travel litigation: The implications of Brexit for international travel claims are considered by *Andrew Young & Katherine Deal*

Oklahoma Law Review Vol. 68 no. 3 Spring 2016

What are constitutional rights for? The case of the Second Amendment *Christopher J. Peters*

Belief states in criminal law *James A. Macleod*

"Big data" and the risk of employment discrimination *Allan G. King & Marko J. Mronich*

Oxford Journal of Legal Studies Vol. 36 No. 2 Summer 2016

Responsibility without consciousness *Nicola Iacey*

Reconceptualizing the regulation of Global finance *Ross P. Buckley*

Honour in UK Copyright Law is not 'a trim reckoning' – Its impact on the integrity right and the destruction of works of art *Tania Chen-Davies*

The exercise of judicial discretion in relation to applications to enforce arbitral awards under the New York Convention 1958 *Jonathan Hill*

The decriminalisation of abortion: an argument for modernisation *Sally Sheldon*

Antitrust and the making of European tort law *Niamh Dunne*

Against privatisation as such *Avihay Dorfman & Alon Harel*

Adult social care and property rights *Brian Sloan*

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Courts, constituencies, and the enforcement of fiduciary duties in the nonprofit sector *Joseph Mead & Michael Pullack*

Defining "State" for the purpose of the International Criminal Court: the problem ahead after the Palestine decision *Hyeyoung Lee*