

CURRENT AWARENESS BULLETIN

January – March 2017



COUNCIL OF LEGAL EDUCATION NORMAN
MANLEY LAW SCHOOL LIBRARY

INTRODUCTION

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

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

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

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

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

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

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

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

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

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

Inside Court: Law Digest

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

conversion in the digital age

JANUARY – MARCH 2017

JUDGMENTS

ADMINISTRATOR GENERAL for Jamaica v Glen Muir
JMCA 14.10.2016

**CIVIL PRACTICE AND PROCEDURE-Property-Intestacy-Letters of Administration- General orders.
Civil Procedure Rule- Proceedings against the estate of a deceased.**

ALEXANDER HOUSE Limited v Reliance Group of Companies
JMCC 02.08.2016

**INTERLOCUTORY INJUNCTION – Mortgage – Power of sale – Whether contract illegal – Whether
condition for payment into court ought to be imposed**

ALGIX Jamaica Limited v J Wray & Nephew Limited
JMCC 20.07.2016

**CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Application to appoint expert – Application
for order of specific disclosure**

ANSA COATINGS Jamaica Limited v Asaph Promotion & Distribution Company Limited and Christopher
Bowen and Kenaz Properties & Development Company Limited
JMCC 28.10.2016

**INTERLOCUTORY INJUNCTION – Mareva – Mandatory – Trademark – Sub-franchise agreement –
Whether sufficient evidence of likely dissipation of assets – Justice of the case**

AUSTIN, Dale v The Jamaica Public Service Commission and The Attorney General of Jamaica
JMCA 07.10.2016

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

IN THE MATTER of an Application by **B** and **C** and In the Matter of an appointment of guardianship in
respect of the infant child “**A**” And In the Matter of the Children (Guardianship and Custody) Act
B and C and The Children’s Advocate
JMCA 28.10.2016

GUARDIANSHIP-Child Custody

BARRETT, DENNIS and Sophial Geddes v Dorcelyn Ebanks (Representative Estate Errol Ebanks)
JMSC 14.10.2016

**APPLICATION TO STRIKE OUT CLAIM – Previous claim on same subject matter ended with
Constant Order – Unilateral mistake – Whether Constant Order should be set aside**

BLAKE, Jervis v Attorney General of Jamaica [Consolidated with] Simon Black v Attorney General of
Jamaica
JMSC 21.09.2016

**TORT-Assessment of Damages – False imprisonment – Malicious prosecution, aggravated
damages – Exemplary damages – Claimants detained in lock up and not charged applicable
principles**

BROWN, BARTHOLOMEW and Bridgette Brown v Jamaica National Building Society
JMCA 29.07.2016

**DAMAGES FOR BREACH OF CONTRACT- Negligent Misstatement-Breach of Trust-Economic
Intimidation-Negligence-Loss of employment and Income-Pain and suffering- Aggravated**

Damages- Exemplary Damages-Costs- and Interest. (Considered on paper pursuant to orders nos. 2 & 3 in judgment delivered 18 March 2016 and Rule 1.7(2) (i) of the Court of Appeal Rules, 2002)

BROWN, Richard v R

JMCA 14.10.2016

CRIMINAL LAW - Evidence

CAMPBELL, Carol v The Transport Authority of Jamaica

JMSC 15.09.2016

WRONGFUL INTERFERENCE WITH CHATTELS/GOODS – Trespass to property – Detinue – Conversion – The Transport Authority Act – The Road Traffic Act – Burden of proof where an affirmative defence is raised

CAMPBELL, Seaton v Donna Rose Brown and Carlton Brown

JMSC 15.07.2016

CLAIM FOR DECLARATION OF TITLE BASED ON ADVERSE POSSESSION – Ancillary claim filed by defendants against claimant and seeking recovery of possession of property and damages for trespass – Application for entry of summary judgment and for recovery of possession – Claimant in actual occupation of property – Defendants are registered title holders of said property – Defendants purchased said property without actual notice of claimant then having been in actual occupation of said property – Constructive notice of claimant’s occupation of said property – Whether defendants obtained registered title to said property subject to the claimant’s occupancy of same – Effect of claimant’s registered title in relation to claimant’s occupancy of said property – Whether defendants ought to be awarded summary judgment

CAUSWELL, Janice v The General Legal Council (ex parte Elizabeth Hartley)

JMCA 15.07.2016

DISCIPLINARY PROCEEDINGS- Disciplinary Committee-Negligence

CHANG, RONALD and Natasha Chang v Frances Rookwood and Nevado Listz

JMSC 01.07.2016

APPLICATION FOR COSTS AND INTERESTS – Whether Court to order payment of costs litigation at first instance, on appeal and oral application for costs and interest by Respondent Principles – S5, 8 and 18(1) of the Motor Vehicle Third Party Risks) Act

CLARKE, Arden v Security Innovations Limited and Master C. McNamee

JMSC 30.08.2016

VICARIOUS LIABILITY – Appropriate test – Whether employee acting within the scope of his employment or on a frolic of his own when committed intentional tort

CLEMENT, Meisha v R

JMCA 22.07.2016

Renewed application for leave to appeal against conviction and sentence for the offence of possession of access devices, contrary to section 8(2) of the Law Reform (Fraudulent Transactions) (Special Provisions) Act (the Act). The application was initially considered on paper, and refused, by a single judge of the court (the single judge) on 7 September 2015. The applicant, as she is entitled to do, has now renewed the application before the court itself.

CONSTRUCTION DEVELOPERS Associates Limited v Urban Development Corporation

JMCA 23.09.2016

CIVIL PRACTICE AND PROCEDURE -Civil Procedure - Default Costs Certificate - Rule 65.22 of the Civil Procedure Rules-Application to set aside - Whether paying party entitled to set aside Default Costs Certificate - Both parties in technical breach of the rules - Good Reason - Points of Dispute.

CORNWALL AGENCIES Limited v The bank of Nova Scotia Jamaica Limited and Amalgamated (Distributors) Limited
JMCA 28.10.2016

PROPERTY-Mortgage- Interest on general damages- Power of sale- Reasons for judgment of the learned judges of appeal- Market value

CROSSFIELD, John v The Attorney General of Jamaica and Corporal Ethel Halliman
JMCA 08.07.2016

FALSE IMPRISONMENT-malicious prosecution-aggravated and exemplary damages-interests and costs

DANIELS, Karin and Wayne Daniels
JMCA 31.10.2016

MARRIAGE- Maintenance Order

FIRST GLOBAL Bank Limited v Rohan Rose
JMCC 29.07.2016

CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Enforcement of money judgment – Application for provisional attachment of debt order and provisional charging order to be made final – Application to discharge or vary provisional charging order

FORRESTER, Roger v R
JMCA 22.07.2016

CORRUPTION-Breach of section 14(1)(a) of the Corruption Prevention Act

FRITZ, Darnel v John Collins
JMCC 30.09.2016

MORTGAGE – Whether fraud or undue influence – Limitation of Actions Act – Whether applicable to Statutory Power of Sale – Whether duty of Mortgagee to satisfy self of mental competence of the person executing the mortgage

GORSTEW Limited v Her Hon. Lorna Shelly-Williams and Patrick Lynch and Jeffrey Pyne and Catherine Barber
JMCA 19.10.2016

COSTS – Leave to apply for judicial review – Indemnity basis – Multiple parties with same interest – Two counsel for one party

GRAHAM, Hyacinth v National Works Agency and The Attorney General of Jamaica
JMCA 31.08.2016

NEGLIGENCE- Injury sustained on roadway – Non-feasance

GRANT, Owen v Silbourn Hunter and Withbourn Hunter
JMCA 14.10.2016

APPLICATION TO ADJOURN TRIAL – Application to Strike out the claimant’s case – Rule 26.3(1) of the CPR

GREEN, Worrel v Julia Green
JMCA 22.09.2016

SALE OF LAND – Breach of contract – Remedies – Specific performance

GREENWOOD, Janece v Zepheniah Aarons and Milton Grey and The Attorney General of Jamaica
JMCA 14.09.2016

MALICIOUS PROSECUTION – Whether complainant to be considered prosecutor – Whether officer to be considered prosecutor in circumstances – Whether prosecutor had reasonable of probable cause – Damages – Aggravated Damages – Exemplary damages – Vindictory damages

GRIFFITHS, Gifton George v Pauline Amylin Graham Griffiths
JMSC 26.10.2016

DISSOLUTION OF MARRIAGE – Division of property – Maintenance – Contempt proceedings – Interpretation of Court Orders

HDX 9000 Inc. v Price Waterhouse (A Firm)
JMCA 26.09.2016

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

HDX 9000 Inc. v Price Waterhouse (a Firm)
JMCC 20.10.2016

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

HARRIOTT-SIMMS, Denise v Lenroy Simms
JMSC 15.07.2016

APPLICATION FOR DECLARATION OF ENTIRE INTEREST IN FAMILY HOME - Section 6 and 7 of PROSA - Statutory equal share rule - Variation of statutory equal share rule - Section 7 factors - Monetary contribution not a section 7 factor - Whether maintenance of children can be a section 7 factor - duration of marriage - Undefended claim - Burden of proof regarding displacement of presumption that parties are entitled to equal share of the family home - Post - Separation financial contributions.

HARRIS, EVEROY and Marcia Harris v Jamaica International Insurance Company Ltd.
JMSC 10.07.2016

CLAIM FOR BREACH OF CONTRACT -Motor vehicle insurance – failure of insurance company to indemnify motor vehicle owners

HAWTHORNE, Shawna v Fiona Ross
JMCA 28.10.2016

LIABILITY-Damages

HENRY, Fabian v The Director of Public Prosecutions
JMSC 06.07.2016

BAIL APPLICATION- the Charter of Rights of the Constitution-The Bail Act- constitutional rights, to personal liberty, the right to freedom of movement, due process and the right to bail.

HIGGINS, Devon v Uriah Campbell and Winston Campbell and Orville Senion
JMSC 24.08.2016

ASSESSMENT OF DAMAGES- Motor vehicle collision – duty of drivers – Liability of parties

<THE> JAMAICAN BAR Association v The Attorney general and The General Legal Council
JMCA 01.07.2016

THE CHARTER OF FUNDAMENTAL RIGHTS AND FREEDOMS (CONSTITUTIONAL AMENDMENT) ACT, 2011– Whether the Regime infringes sections 13(3)(a),(c), (j) and (r), 14(2)(d), 16(1), (2) and (6)(c) of the Charter – The Proceeds of Crime Act, 2007, as Amended – Whether the reporting obligations imposed on attorneys by sections 94 and 95 breaches attorney/client privilege, legal professional privilege, the principle of confidentiality between attorney and client and creates a conflict of interest without any safeguards that may be justified in a free and democratic society-whether the provisions are unclear, uncertain and unambiguous and therefore incapable of application – Whether the reporting obligations creates a situation of divided loyalty and loses sight of the fiduciary role and capacity of attorneys in regards to their clients – Whether the tipping off provisions as contained in section 97 mandates attorneys to engage in an act of disloyalty and has thereby transformed them into agents against their clients – Whether

the Regime engages the liberty interests of attorneys and clients in a manner that infringes section 13(3)(a) – Whether the application of POCA, as amended, to attorneys is inconsistent with the integral and essential role of attorneys in the proper administration of justice and the maintenance of the rule and infringes on the independence of the bar – Whether the powers of the second defendant to examine and take copies of information or documents in the possession of attorneys infringes s. 13(3)(j) – Whether the entry of the second defendant onto attorneys premises is warrantless and without lawful authority – Whether the entry of the second defendant onto attorneys’ premises and the mandatory compliance of the attorney, who is faced with the threat of imprisonment, constitutes prima facie infringements of sections 13(3)(a) and (j) of the Charter – Whether the obligation to keep records pursuant to the regulations breaches the duty of confidentiality, creates a conflict of interest and fundamentally breaches the attorney’s duty of fidelity owed to the client – Whether any infringement is demonstrably justified in a free and democratic society

HOLNESS, The Most Hon Andrew v Radio Jamaica Limited and Television Jamaica Limited and Zahra Burton and Zahar Burton (trading as Global Reporters of the Caribbean)
JMSC 14.10.2016

APPLICATION FOR PERMISSION TO DISCONTINUE CLAIM AGAINST 1ST DEFENDANT – Whether costs to be ordered – Discretion – Group of Companies

JAMAICA LEGEND Ltd. and Percival Hussey v Port Kaiser Oil terminal S.A. and Rusal Alpart Jamaica (A Partnership)
JMCC14.10.2016

APPLICATION FOR INTERIM PAYMENT – Application for Summary Judgment – Whether Doctrine of privity of contract abolished – Whether a non-party beneficiary can enforce an agreement – lease terminated by mutual consent of Lessor and Lessee – Whether a third party can claim damages – Whether assignor of the lease has locus standi to make a claim

KENNEDY, Rudolph v Wheels & Wheels Auto Brokers Limited and Kenardo Robinson (incorrectly referred to as Leonardo Robinson)
JMSC 14.10.2016

NEGLIGENCE – Motor vehicle collision – Liability of parties – Contributory negligence – Assessment of damages

KITSON, MARK and Olga Kitson v Alcovia Development Company Limited
JMSC 29.07.2016

SALE OF APARTMENT FACILITATED BY CLAIMANTS’ RELATIVE – No express terms regarding capacity in which relative acted – Defendant challenges validity of sale agreement executed by claimants – defendant and claimants’ relative enter separate agreement with different terms from agreement executed by claimants – repossession by Defendant for breach of agreement with relative – Whether relative acted as agent for claimants – Whether defendant liable in trespass and breach of contract – Parole evidence

L.D.T. Services Limited and Leon Forte v Twin Acres Development Company Limited and Horace Manderson and Garth Williams and Michael Gyles
JMCC 29.07.2016

CONTRACT – Partnership – Company formed – Claim by one partner for work done and money owed – Breach of fiduciary duty and/ good faith – Claim for return of sums wrongly requested – Misrepresentation – Fraud – Conversion

LEWIS, Sylburn v R
JMCA 28.10.2016

CRIMINAL LAW-Wounding with Intent

MATHESON, Joan v Donovan Lennox and Marlene Lennox
JMJC 28.10.2016

PROPERTY LAW – Sale of Property – Authenticity of Vendor’s Signature on Agreement of Sale – Whether Fraud committed – Whether Defendant’s or their Attorney negligent on failing to seek independent legal advice.

MCFARLANE, Clifford v Technology Plus Company Limited and Enos Ferguson
JMJC 16.09.2016

NEGLIGENCE – Motor vehicle collision – Liability of parties – Contributory Negligence – Assessment of Damages

MECHANICAL SERVICES Company Limited v Clinton Ellis
JMCA 08.07.2016

CIVIL PRACTICE AND PROCEDURE - Application for permission to appeal — Delay — Whether applicant had realistic chance of success on appeal — Application granted.

Mitchell, Glenroy v R
JMCA 22.07.2016

CRIMINAL LAW-Murder

MUIRHEAD, Daniel v Constable W. Powell and The Attorney General of Jamaica
JMJC 19.10.2016

TORT – Negligence – Motor Vehicle Accident – Personal Injury Claim – Liability – Quantum of Damages – “Res Ipsa Loquitur

MURRAY, KARIN and George Murray v Sam Petros
JMCA 15.07.2016

APPLICATIONS TO STRIKE OUT AND FOR SUMMARY JUDGMENT — Whether no reasonable prospect of success — Whether offer to purchase conditional — Whether jointly appointed agent an arbiter authorised to accept offer — whether matter to proceed to trial

MUSSON (Jamaica) Limited v Claude Clarke
JMCA 23.09.2016

UNJUST ENRICHMENT - Preliminary note - Guarantee - Subrogation.

NEW FALMOUTH Resorts Ltd. v Demetri Jobson and Administrator General For Jamaica (Administrator of the Estate of Gilbert Baron Jobson
JMCA 29.07.2016

CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Application to set aside order - Fraud

OFFICER, Delroy v Corbeck White (in her capacity as representative of the estate of Berthram White, deceased)

JMCA 30.09.2016

CIVIL PRACTICE AND PROCEDURE- Order for sale of land against a judgment debtor in Respect- Permission to appeal. Locus standi. Capacity as representative of the estate-PROCEDURAL APPEAL(Considered on paper pursuant to rule 2.4(3) of the Court of Appeal Rules 2002)

PATRICK-GARDENER, Deborah v Jacqueline Mendez and The Public Services Commission
JMJC 08.07.2016

JUDICIAL REVIEW – Application for leave – Abolition of post – whether natural justice applicable

Prince, Kimaley v Gibson Trading & Automotive Limited (GTA)
JMJC 15.09.2016

CIVIL PRACTICE AND PROCEDURE -Civil Procedure Rules 2002 – Part 13 – Rule 13.3 (as amended 2006) – Rule 13.4 – Failure to file acknowledgement of service – Application to set aside

default judgment – Procedure – Affidavit of Merit – Alternative application to strike out the claim for failure to include the certificate of value

Psaras, Natalia v Marie Lue and The Minister of National Security and The Attorney General
JMCA 07.10.2016

APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW – threshold test – Whether leave to operate as stay of proceedings – civil procedure rules part 56 – aliens act whether actions of immigration officer justiciable – natural justice

Pusey, Sheldon v R
JMCA 30.09.2016

CRIMINAL LAW-Murder

RBC Royal Bank (Jamaica) Limited and RBC Royal Bank (Trinidad and Tobago) Limited and Royal bank of Canada and Samuel Billard and Raymond Chang and Greg Smith v Ocean Chimo Limited
JMCA 15.07.2016

CIVIL PROCEDURE AND PRACTICE-application for summary judgement-whether application notice complies with the rules-whether failure to comply with the requirements of the rules in the notice fatal to the application-whether a claim with disputed facts and voluminous pleadings is amenable to summary judgement-whether issues narrow regardless of volume of documents— part 15, rule 15. 4 and 15.2 of civil procedure rules; agency-claim against bank employees and agents for negligence, conspiracy, fraud and breach of fiduciary duty-whether such a claim against employees and agents is sustainable; banking-claim by guarantor against the bank-guarantor claiming loss as a result of alleged actions of bank employees and agents taken against the borrower-no payment made by guarantor and no personal loss suffered by him-guarantor the chairman and chief executive officer of the borrower-whether borrower's loss is guarantor's loss-whether claim by guarantor against the parent bank of the lenders, its employees and agents is sustainable.

Recreational Holdings 1 (Jamaica) Ltd. v Lazarus (Jamaica)
UKPC 27.07.2016

SUMMARY JUDGMENT APPLICATIONS – General principles to be applied by Court in respect of Summary Judgment Applications - Adverse possession – What constitutes adverse possession - Trespass to property – Common mistake of parties as to title to property – Both parties holding title – Adverse possession and lawful title – Acquiescence – Relationship between acquiescence and knowledge – Affidavit evidence – Need to state source of information and belief – Opinion evidence deposed to in Affidavit.

Rhooms, Conway v Mai Zhang and Lance Scott
JMCA 23.07.2016

ASSESSMENT OF DAMAGES – whiplash injury – lumbrosacral back strain – no permanent disability

Richards, Paulette v Orville Appleby
JMCA 01.07.2016

DAMAGES- Notice and grounds of appeal against the decision of a parish Judge-Costs

Russell Holdings Limited v L&W Enterprises Inc. and ADS Global Limited
JMCA 01.07.2016

CIVIL PRACTICE AND PROCEDURE-Set aside a default Judgment-Post Hearing-Evidence

Senior, Basil v Jamaica International Insurance Company Limited
JMCA 21.10.2016

PERSONAL INJURIES- personal injuries to his left hand and left leg- passenger liability coverage,

Smellie, Michelle v National Commercial Bank Jamaica Limited
JMCC 11.10.2016

APPLICATION FOR SUMMARY JUDGMENT – Spouse of mortgagor alleging undue influence – Certificate of advice from Attorney-at-law – Whether Royal Bank v Etridge (No. 2) states applicable duty

Smith, Ivan (Administrator of estate Kathleen Elferda Chambers Smith) v Scaffolding & Building Equipment Ltd. and Owen Chambers and Andre Johnson
JMCC 19.09.2016

COMPANY LAW – Majority shareholder deceases – minority shareholder vote to increase shares – Locus standi of legal personal representative – Irregularities in accounts – Whether notice of meeting called to increase shares and /or offer of new shares should be served on legal personal representative – Section 213A Companies Act- Section 212 Companies Act – Rectification of Register of shares – Whether damages applicable

Smith, Judith v Advantage General Insurance Company Limited
JMSC 14.10.2016

MOTOR VEHICLE ACCIDENT – Motor vehicle insurance – Judgment in default entered in favour of Claimant against owner of motor vehicle as well as driver – Court’s refusal of insurer’s application for declaration to avoid policy of insurance – Whether insured should be allowed to employ same defence as used in the application for declaration – Whether issue estoppel or res judicata arises – Whether insurer should be held liable to indemnify Claimant in respect of judgment debt – Motor Vehicles Insurance (Third Party Risks) Act, Section 18(1)

Smith, Michael and Southern Finance Industrial and Provident Society v JN Small Business
JMSC 30.09.2016

APPLICATION TO STRIKE OUT CLAIM – Failure of 2nd claimant to attend mediation – Importance of setting out grounds of application in written applications for court orders – Failure to set out any or any sufficient particulars of claim in statement of case – Striking out of a party’s statement of case only to be used by court as a means of last resort

Smith, Shawn Marie v Winston Pinnock
JMCA 01.07.2016

CIVIL PRACTICE AND PROCEDURE –Post Hearing-Courts-Refused to make an order to transfer the counterclaim-trespass-damages

Stanigar-Reid, Sonia v Robert Lloyd Yee and Gary Lloyd Yee and Crystal Bakery Ltd. and Gary Lloyd Tee T/A Crystal Hardware
JMSC 28.10.2016

TRUSTS – Constructive Trusts – Creation of trust – Whether an alleged declaration made by the deceased created a beneficial interest by the Claimant acting to her detriment. Evidence – Whether alleged declaration by the deceased is an admissible as an exception to the hearsay rule as being a declaration against pecuniary interest

Taylor, Kurt v R
JMCA 01.07.2016

CRIMINAL LAW- Law Reform (Fraudulent Transactions) (Special Provisions) Act, 2013

Taylor-Wright, Marvalyn v Sagicor Bank Jamaica Limited (Formerly known as RBC Royal Bank (Jamaica) Limited, formerly known as RBTT Bank Jamaica Limited)
JMCA 01.07.2016

CIVIL PROCEDURE AND PRACTICE -Civil Procedure - Application to discharge or vary final charging order -whether Intervener is an interested person within the meaning of CPR 48.6(2)(a) - whether charging order properly attaches to property not specifically identified in the application or order

Tomlinson, Maurice Arnold v The Attorney General of Jamaica
JMSC 06.07.2016

ADMINISTRATIVE LAW – Application to be heard – factors to be considered – Whether applicants having sufficient interest – Effect of possible prejudice to Claimant – Extend of participating to be permitted – Whether intervention of Public Defender’s supported by statutory remit.

TYNDALE, Georgette v R
JMCA 15.07.2016

CRIMINAL LAW- Simple Larceny

WATSON, Christopher v Tankweld Limited
JMSC JMSC 07.10.2016

NEGLIGENCE – Causation – Defence as to quantum – Assessment of damages – Claimant survives an aeroplane accident – Injuries to his face, arms legs and back – Post traumatic stress disorder – Permanent pain – Whether pain attributable to physical injury or psychogenic

WATSON, Christopher v Tankweld Limited
JMSC 20.10.2016

NEGLIGENCE - Causation - Defence as to quantum- Assessment of damages – Claimant survives an aeroplane accident – Injuries to his face, arms, legs and back – Post traumatic stress disorder – Permanent pain – Whether pain attributable to physical injury or psychogenic

WILLIAMS, Ellen v Strata Appeals Tribunal and Commission for Strata Corporation and Josina Jackson
JMSC 27.10.2016

JUDICIAL REVIEW – Application for leave to apply for Judicial Review – Whether the Strata Appeals Tribunal’s conclusion was sound – Whether criteria under CPR 56 has been met – Whether there is an arguably case for judicial review

WILLIAMS, D’Oyen and Tracy-Ann Williams v First Global Bank Limited
JMCC 22.09.2016

APPLICATION FOR SECURITY FOR COSTS– Co-Claimants – One claimant resident in Jamaica – Whether the court should order the foreign claimant to pay security for costs

LEGISLATION

Jamaica

Acts

02/2017

Children (Guardianship and Custody) (Amendment) Act

LAW REPORTS

<The> Cayman Islands Law Reports 2016 Vol. 1
Law Reports – Appeal Cases 2015
Law Reports of the Commonwealth 2016 Vols.4 & 5

TREATISES, DIGESTS ETC.

Atkin’s Court Forms. 2nd ed. 2016 Issue
Vol. 20(1&2) Family: Relationships and their breakdown

| | |
|---|---|
| Vol. 23(1) | Injunctions, Insurance, Interim Remedies |
| <The> Digest 2016 | 4 th Issue |
| Vol. 33(7) | Matrimonial and Civil Partnership Law |
| <The> Encyclopaedia of Forms and Precedents. 5 th ed. 2016 Reissue | |
| Vol. 14(1)A | Employment – Recruitment contracts |
| Vol. 14(1)C | Employment – Policies and Procedure, Termination |
| Vol. 22(2)A | Landlord and Tenant (Business Tenancies) Whole Leases |
| Vol. 31(1) | Pension Schemes |
| Vol. 32 | Research and Development, Registered Societies |
| Vol. 42(3) | Wills and Administration - Specialist topics |

SERIALS

ABA Journal Vol. 102 No. 11 November 2016

President's Message

Veterans Day offers lawyers the opportunity to aid those who protect our rights and freedom

Linda Klein

Opening Statements

A firm rolls out wellness coaching and classes to help employees attain "emotional fitness."

Leslie Gordon

An attorney creates a museum enshrining articles of failed relationships and broken hearts

Cristin Wilson

New book releases explore the polarization of politics and the judiciary

Liane Jackson

For lawyers married to military personnel, a new partnership aims to make practicing easier

Arim Greenwood

Ten questions for the Boston attorney who negotiated a \$100 million settlement against Uber

Jenny B. Davis

Docket

NATIONAL PULSE: Law suits aim to put iconic folk songs back in the public domain

Robert Loerzel

NATIONAL PULSE: The North Carolina Supreme Court invalidates cyberbullying law on First Amendment grounds

David L. Hudson

SUPREME COURT REPORT: Can Miami sue banks for loss of income under the Fair Housing Act?

Mark Walsh

Practice

STORY TELLING: How lawyers can break free from the clock to deliver persuasive arguments

Philip N. Meyer

ETHICS: A Texas opinion says lawyers may use a competitor's name to gain an when advertising online *David L. Hudson Jr.*

WORDS: Probing the use and overuse of parentheses and brackets *Bryan A. Garner*

Business of Law

LAW SCRIBBER: AT TBD Law, a group of attorneys brainstorm about the law practices of the future *Reginald F. Davis*

LAW PRACTICE: Brexit offers lawyers in the U.K. an opportunity to help clients navigate uncharted waters *M.A. Stapleton*

INSURANCE: Cybersecurity coverage offers law firms critical protection *Karen M. Kroll*

SOLOS AND SMALL FIRMS: Needs a reputable expert witness? It will cost you *Marc Davis*

Your ABA

Fred Kray protects the rights of pit bulls and other facing death sentences under "dangerous dog" ordinances *James Podgers*

An LA attorney combines two fields she's passionate about: art and the law *James Podgers*

The Center for Innovation will drive efforts to develop new methods of dwelling legal services *Victor Li*

Federal legislators put greater emphasis on meeting the needs of students who are homeless or in foster care *Rhonda McMillion*

Precedents

Twenty-two million TV viewers watch an assisted suicide by a man who made a career provoking both the law and the ethics of the medical profession *Allen Pusey*

ABA Journal Vol. 103 No. 1 January 2017

President's Message

Learn how the ABA works, how policy positions are formulated and when the association acts *Linda A. Klein*

Opening Statements

Can nonprofit firms bridge the access gap? *Stephanie Francis Ward*

The hashtag # BlackLawyersMatter inspires a movement to increase representation in law *Cristin Wilson*

Law firms provide innovative programs to target moms *Anna Stolley Persky*

Georgia bar exam mistake takes a toll on 90 law students *Karen Schwartz*

Ten questions for Omaha, Nebraska, lawyer Clete Blakeman, who spends Sundays as an NFL official *Jenny B. Davis*

Docket

NATIONAL PULSE: Law students provide free legal services to help transgender people navigate the complexities of updating their ID documents

Julianne Hill

NATIONAL PULSE: How lawmakers are strengthening animal cruelty measures across the country

Arin Greenwood

SUPREME COURT REPORT: How will the next president shape the Supreme Court?

Mark Walsh

Practice

STORYTELLING: Effective lawyers know how to use the concept of subtext in guiding jurors to recognize what a trial really is all about

Philip N. Meyer

ETHICS: Lawyers who advise clients on marijuana business issues might run afoul of ethics rules even in states where the drug is legal

David L. Hudson

WORDS: Read any good book reviews lately? Probably not. Find out why that can be a bad thing

Bryan A. Garner

Business of Law: Special Edition

BUILDING THE 21ST – CENTURY LAW FIRM

Our yearlong series asks leaders of change in law practice what will work in a new firm

Reginald F. Davis

Use tech, yes. But your law firm must be client-centric

Susan Cartier Liebel

Eight strategies for constructing your new law firm

Sam Glover

Your ABA

Under fire from the legislature, the State Bar of California faces the possibility of being divided into two separate entities

Lorelei Laird

Legal education section and law deans voice different views on a proposal to link accreditation to bar passage results

Stephanie Francis Ward

Visible difference panelists aim to remove barriers to advancement for women at large law firms

Liane Jackson

ABA Techshow in Chicago gets revamped to cater to new and seasoned attendees.

Victor Li

The ABA and bar executives publish a guide to help state and local bars carry out effective lobbying campaigns

Rhonda McMillion

Precedents

Joyce Patricia Brown wins her right to be homeless after being forcibly hospitalized for mental illness

Allen Pusey

Executive Director's Report

Embracing Innovation: Adapting to change is essential for the legal profession

Jack L. Rives

President's Message

We must heed the lessons of the past and lead efforts to promote civil discourse

Linda A. Klein

Opening Statements

One lawyer's dogged search yields the historic mug shots of civil rights icon and congressman John Lewis

Liana Jackson

A former slave's garment connects two attorneys to their ancestry and is featured in a national museum exhibit

Cristin Wilson

Does slow-motion video bias jurors?

Julianne Hill

Ten questions for Julie Lawson Timmer, an in-house counsel and best-selling novelist

Jenny B. Davis

Docket

NATIONAL PULSE: Lawsuit over the length of Subway sandwiches raises questions about class action litigation

Robert Loerzel

NATIONAL PULSE: Officials can't evade public records laws through personal email accounts

David L. Hudson Jr.

SUPREME COURT REPORT: The court will decide whether constitutional protections apply to a Mexican boy killed by a U.S. Border patrol guard

Mark Walsh

Practice

ADVOCACY: The opening statement is a good place to set yourself up to win the case – or lose it

Allison Leotta

ETHICS: Florida becomes the first state to require lawyers to include technology training in CLE courses

Victor Li

WORDS: How to improve your litigation scores by heeding the advice of golf instructor Harvey Penick

Bryan A. Garner

Business of Law: Special Edition

BUILDING THE 21ST-CENTURY LAW FIRM

Top firms will provide effortless experience and key in on performance data

Jack Newton

LAW SCRIBBLER: Software helps assemble social media posts from a specific event

Victor Li

NICHE PRACTICE: Combat sports stoke lawyers' interest – and offer engaging work

Julie Sobowale

Your ABA

Activists from the bay Area team up with the ABA to provide funding for African women attending law school

Martha Middleton

An ABA project reflects concerns about the effectiveness of medical informed consent

Martha Middleton

Timely issues will keep things warm in Miami when the ABA convenes for its 2017 midyear meeting

Terry Carter

The Governmental Affairs Office eyes the Trump administration's impact on immigration, criminal justice and tort reform

Rhonda McMillion

Precedents

After heartland America absorbs a post-war tide of European immigrants, the U.S. Supreme hears a challenge to "English-only" laws

Allen Pusey

<The> Cambridge Law Journal Vol. 75 Part 3 November 2016

Property in human biomaterials: A new methodology

Simon Douglas & Imogen Goold

Best interests: Multifaceted but not unbounded

Rosemary Teele Langford

Reanalysing institutional and remedial constructive trusts

Ying Khan Liew

The demise of parasitic accessorial liability

Findlay Stark

Two interpretations of "living together"

Ilias Trispiotis

Good faith in contracts: Is there an implied promise to act honestly

J.W. Carter & Wayne Courtney

Commonwealth Judicial Journal Vol. 22 No. 4 December 2016

Austerity Justice

Nicola Padfiels

The limits of expert evidence

Clive Plaskett

Climate change and refugee law

Bernard McCloskey

Reflections on 400 years of continuous courts in Bermuda: the enduring value of the judicial oath

Ian R.C. Kawaley

The Judiciary as Guarantors of the Rule of Law

Anthony T.A. Camona

Providing sufficient resources for the Courts and Judiciary as a fundamental constitutional obligation

Peter Gross

<The> Law Society Gazette January 9, 2017

CEO resigns but society to press on with reform

Paul Rogerson

Advisory council on legal aid is 'still in business'

Monidipa Fouzder

| | |
|---|--|
| Honours for wide range of achievements | <i>Gazette newsdesk</i> |
| 'Unreasonable conduct' leads to costs penalty | <i>John Hyde</i> |
| Family: Sharing foreign pensions on divorce | <i>Andrew Newbury</i> |
| Career development: If I'd known then what I know now | <i>Jeremy Holt</i> |
| <The> Law Society Gazette January 16, 2017 | |
| Six of the best: New solicitor QC record | <i>Gazette reporter</i> |
| SRA plans for 'super-exam' facing further opposition | <i>Max Walters</i> |
| Technology: A gap in our intelligence Artificial intelligence trailblazers in law firms must look to other industries for ideas | <i>Joanna Goodman</i> |
| Local Government: Cuts to library provision | <i>Nicholas Dobson</i> |
| Regulation: Duplication of enforcement | <i>Julie Norris & Sian Jones</i> |
| <The> Law Society Gazette January 23, 2017 | |
| Firms count cost as PI outfit folds owing £3M | <i>John Hyde</i> |
| Society: don't place consumers at risk | <i>John Hyde</i> |
| Society lists priorities for Brexit terms | <i>Max Walters & Michael Cross</i> |
| Solicitor cleared of misconduct over surveillance | <i>John Hyde</i> |
| Financial regulation: Four years on, the financial services watchdog has yet to convince lawyers representing victims of alleged wrong doing that it is living up to its rhetoric | <i>Elle McDonald</i> |
| Data protection: Ensuring compliance with the GDPR | <i>Ibrahim Hasan</i> |
| <The> Law Society Gazette February 13, 2017 | |
| 'Justice by algorithm' fear over web pilot | <i>Michael Cross</i> |
| MoJ backs down on judicial fixed terms | <i>Monidipa Fouzder</i> |
| Appeal court seeks to ease LiPs burden | <i>Monidipa Fouzder</i> |
| Ministry of Justice raised JAC chair salary by 44% | <i>John Hyde</i> |
| Struck off after failing to repay 'excessive' fees | <i>John Hyde</i> |
| 'Blockbuster' living up to hype? The Serious Fraud Office has again gone cap-in-hand to ministers for cash | <i>Max Walters</i> |
| 'The law is above you'. In <i>Belhaj</i> the judiciary once again weighed in to hold the executive to account | <i>Roger Smith</i> |

Held to ransom: As fears of cybercrime and data theft proliferate, how can law firms protect themselves against the scammers? *Joanna Goodman*

<The> Law Society Gazette February 20, 2017

| | |
|--|----------------------------|
| Shortage of judges hits immigration tribunals | <i>Monidipa Fouzder</i> |
| S & G shares tumble after UK warning | <i>Michael Cross</i> |
| Plans to ban MoD claims condemned | <i>Monidipa Fouzder</i> |
| Solicitors speak out over plight of jailed 71-year-old | <i>Monidipa Fouzder</i> |
| Leigh Day: MoD leaned on SRA over Iraq claims | <i>John Hyde</i> |
| E-conveyancing: 15 years on | <i>Michael Cross</i> |
| Science friction: Experts and their evidence are under hostile scrutiny amid fears over a decline in standards | <i>Grania Langdon-Down</i> |
| White collar crime: Rolls-Royce – a watershed moment? | <i>Lloyd Firth</i> |
| Child sexual abuse: Snubbing the secular | <i>Kathleen Hallisey</i> |

<The> Law Teacher 2016 Vol. 50 No. 3

| | |
|---|--|
| Prospects for integrating an environmental sustainability perspective within the university law curriculum in England | <i>David Mohan Ong</i> |
| Education for sustainable development and the professional curriculum | <i>Colin T. Reid</i> |
| Embedding sustainability literacy in the legal curriculum: reflections on the Plymouth model | <i>Jason Lowther & Joann Sellick</i> |
| The use of scenarios in legal education to develop futures thinking and sustainability competencies | <i>Michelle Lim & Andrew Allan</i> |
| Head, hand and heart: immersive learning for a demanding new climate at Queen's University Belfast's School of law | <i>Peter Doran</i> |
| Beyond criminal justice: connecting justice and sustainability | <i>K.M. Hallenberg & C. Haddow</i> |

New Law Journal Vol. 166 No. 7725 December 2, 2016

Comment

The Government must act soon to protect London as a litigation hub, says *Ed Cross*

Discrimination: *David Locke* examines gender identity & discrimination in healthcare

Brexit: Will the English courts still be top choice post-Brexit, asks *Jonathan Harris QC*

Public/ Brexit: *Michael Zander QC* reviews the written cases of the government & the lead claimants in next week's Supreme Court hearing

Commercial

Tax *Peter Vaines* reports on the latest news from the world of tax

New Law Journal **Vol. 166 No. 7726** **December 9, 2016**

Comment

Jon Robins examines the interim report of the Bach Commission on Access to Justice

Media: *Athelstane Aamodt* examines the new CPS guidance on cases involving communications sent via social media

Charities

Conversion to CIO: *Roderick Ramage* Highlights some legal & practical questions

Giselle Davies & Bethan Walsh outline what to expect from the Law Commission's recent consultation on charity law

Employment: *John McMullen* discusses TUPE & service provision change disputes

Regulatory: *Jon Holland & Catherine Robert* forecast the implications of Brexit for financial crime regulation

Commercial

Jonathan Pickworth & Jonah Anderson examine the proposed unexplained wealth order regime

New Law Journal **Vol. 166 No. 7727** **December 16, 2016**

Comment

Peter Thompson QC contends that setting aside a default judgment should be a free service

Employment: *Ian Smith* finds clarity in recent employment cases

Charles Pigott reports on an airline's refusal to accommodate breastfeeding cabin crew being discriminatory

Brexit/Commercial: After Breix: is international commercial litigation in London doomed? *Pippa Rogerson* examines the evidence

Brexit/Public: What did we learn from the Supreme Court's hearing of the Brexit case? *Michael Zander QC* on whether the outcome can be predicted

New Law Journal **Vol. 167 No. 7728** **January 6, 2017**

Comment

Steve Hynes shares the damning results of the latest report on the impact of legal aid cuts

Family: The variety of application of the laws of contempt are explained by *David Burrows*

Public: Confidential information held by public bodies for public purposes should be treated with the utmost care, warns *Nicholas Dobson*

Commercial

Graham McPhie reports on resolving the tension between bankruptcy & pension rights

Does a bank performing an interest rate hedging product review owe the claimant a duty of care, asks *Simon Duncan*

New Law Journal **Vol.167 No. 7729** **January 13, 2017**

Comment

Judicial recruitment is in crisis, says *Adrian Jack*

Employment: Recent case law provides a good illustration of established rules in the law on unfair dismissal, says *Ian Smith*

Family: *David Burrows* discusses anonymity for children & others involved in family proceedings

Insurance: *Nicholas Bevan* calls into question a ruling on the liability of a motor insurer to compensate a third party victim of an unauthorized driver

Commercial

Davina Bentley & Helen Mulcahy examine divided payments to the detriment of creditors

New Law Journal **Vol. 167 No. 7730** **January 20, 2017**

Comment

Andrew Langdon QC sets out his aims & aspirations for his tenure as Chairman of the Bar

Employment: *Chris Syder & Eva Camus-Smith* follow the fight against Modern Slavery

Family: There is no general principle that a child should be summarily returned where on parent moves them from their home to another place in England & Wales, says *Claire Sanders*

Competition: *Caroline Shea QC* examines the implications of the Pubs Code 2016

Media: *Athelstane Aamodt* provides a media law update

Commercial

Daniel Lightman QC highlights how versatile CA 2006 can be for minority shareholders presenting an unfair prejudice petition

New Law Journal **Vol. 167 No. 7731** **January 27, 2017**

Comment

Michael Zander QC reviews the Supreme Court's Art 50 decision & its implications

Housing: The bedroom tax is discriminatory, but only in part, notes *Adam Habteslasie*

Insurance: *Nicholas Bevan* on the government's consultation on third party motor insurance

Commercial

The form of alleged fraud in a "mis-selling" claim must be carefully considered, says *Simon Duncan*

New Law Journal **Vol. 167 No. 7732** **February 3, 2017**

Comment

Fresh from the *Miller & Dos Santos* case, *David Greene* provides an update on Brexit

Family: *Henry Hood* discusses further developments in the interaction between bankruptcy & divorce cases

Family: Is the sharing of overseas pensions now at an end, asks *Kerry Fretwell*

Property: Some of the underpinnings of English property law should not be taken too literally, says *Thomas Braithwaite*

Privacy: *Nicholas Griffin QC* considers the CJEU Watson decision on UK surveillance law

Public: *Michael Zander QC* picks out crucial passages from the Supreme Court judgment on the triggering of Art 50

New Law Journal **Vol. 167 No. 7733** **February 10, 2017**

Comment

Jon Robins reports on the latest crisis to hit Chancery Lane

Employment: *Ian Smith* provides a round-up of the latest notable employment law developments

Immigration: Those who have chosen to make the UK their home deserve greater transparency about their position, as *Katie Newbury* explains

Family

Will the Court of appeal provide some helpful guidance on the doctrine of “special contribution” in *Work v Gray*, asks *Elizabeth Carson*

Where now for domestic violence in family proceedings, asks *David Burrows*

Wills & probate: *Roderick Ramage* discusses the challenges of will drafting in a paperless world

Public: *Michael Zander QC* picks out crucial passages from the dissenting Supreme Court justices on the triggering of Art 50

University of Pittsburgh Law Review **Vol. 77 Issue 4 Summer 2016**

Seeking an angle of repose in U.S. business organization law:
Fiduciary duty themes and observances

J William Callison

Irresponsible corporate-responsibility rules

Lide E. Paterno

University of Pittsburgh Law Review **Vol. 78 Issue 1 Fall 2016**

Machiavellian Intellectual Property

Brian L. Frye

Evolving conceptions of Copyright subject matter

Pamela Samuelson