

CURRENT AWARENESS BULLETIN

April – June 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

APRIL – JUNE 2017

JUDGMENTS

ADJUDAH, Silvera v Cherietha Lalor
JMCA 21.11.2016

CIVIL PRACTICE AND PROCEDURE-Breach of Court order- Proceedings for contempt by Disobedience of an Order- Offence of a criminal nature- Proof of service- Application for attachment

ALLEN, Linton C. v His Excellency The Right Hon. Sir Patrick Allen and The Police Service Commission
JMCA 17.02.2017

JUDICIAL REVIEW – Certiorari – Error of Law – Unreasonableness – Breach of natural justice – Failure to provide reasons – Procedural impropriety – Appropriateness of penalty – Jamaica (Constitution) Order in Council 1962 – Constabulary Force Act – Police Service Regulations

ATKINSON, Dennis v Development Bank of Jamaica Limited and Azzuro Coast Limited and Cash Plus Development Limited Interested Party
JMCC 16.12.2016

CIVIL PRACTICE AND PROCEDURE – Application to strike out claim – Principles to be applied – Whether there is a reasonable ground for seeking a declaration that Mortgagee was negligent

AZZURO COAST Limited v Dennis Atkinson and Ocean Sands Resorts Limited and Brandon Atkinson and The Occupants 14 James Avenue, Ocho Rios, Saint Ann

INJUNCTION – Principles to be applied – balance of convenience – Applicant registered legal owner – person – against whom injunction is sought is a second mortgagee with no current right to possession or occupation

BRL Limited v The Attorney General of Jamaica and Village Resorts Limited
JMCC 17.02.2017

SPECIFIC DISCLOSURE- REQUEST FOR INFORMATION — Civil Procedure Rules 34.1 and 28.6(5) – Whether disclosure of company minutes would erode free and candid discussions – Whether material sought too voluminous – Security for costs – Civil Procedure Rules 24.2(1) – Claimant resident outside jurisdiction – Ancillary Claim resident in Jamaica – Claimant asset less – Whether security for costs order appropriate

BACCHAS, Mike and Marcia Bacchas v Barbara Wilkins and Lloyd Oswald Kirven
JMCA 18.11.2016

LEASE AGREEMENT FOR FIXED TERM – Expiry of fixed term – Dependents wishing to repossess lease premises for business purposes – Sections 25 and 26 of the Rent Restriction Act – Relationship between sections 25 and 26 of Rent Restriction Act

BARNETT, Carl and Wendy Barnett v Donovan Pearce
JMCA 28.11.2016

COST-Damages-Dogs entered on his goat farm, situated on the White Hall lands in the parish of Westmoreland, and killed eight goats belonging to him

BARRON, Delroy v R
JMCA 09.12.2016

CRIMINAL LAW-Murder

BARROWS, Carl v Jacqueline Barrows and Registrar of Titles
JMSC 04.11.2016

INTERLOCUTORY INJUNCTION – Registration of Titles Act – Notice to Caveator expired- Whether injunction to be granted barring registration of transfer – Whether damages an adequate remedy

BELLANTYNE, Beswick & Company (A Firm) v Jamaica Public Service Company
JMSC 27.01.2017

CIVIL PRACTICE AND PROCEDURE -APPLICATION TO STRIKE OUT CLAIM – Delay – Exercise of discretion

BLAKE, Paul v Donald Williamson and Frank Dunkley
JMCA 25.11.2016

TORT-Trespass-Property

BOBAN, Winfield v Medical Technologies (Meditech) Ltd. and Donovan St. L. Williams
JMCC 18.11.2016

INTERLOCUTORY APPLICATION – Breach of confidence – Right to protection of privacy of communication – Quia timet injunction to restrain disclosure of identity

BROWN, Bancroft v Daveton Williams and Dean Williams and Luke Williams and Debbie Williams and Andy Williams

JMSC 04.11.2016

RECOVERY OF POSSESSION – Sections 68, 70, 71 Registration of Titles Act – Fraud – Purchases for value without notice – Beneficiaries under will – Letters of Administration – Legal and equitable interest

BROWN, Lawrence v R

JMCA 20.12.2016

CRIMINAL LAW- illegal possession of firearm contrary to section 20(1)(b) of the Firearms Act- robbery with aggravation

BUPA INSURANCE Limited (trading as BUPA GLOBAL) v Roger Hunter

JMCA 13.02.2017

CIVIL PRACTICE AND PROCEDURE -Procedural Appeal (Considered on paper pursuant to rule 2.4(3) of the Court of Appeal Rules 2002)-Pre-Hearing-Replying to Claim- Relevant rule for an order for service outside the jurisdiction- Applicability of the principle of waiver of an irregularity-Acknowledgment of service-Claim form

BURNETT, Michael v R

JMCA 10.02.2017

CRIMINAL LAW - offence of illegal possession of firearm; the second count charged him with illegal possession of ammunition; and the third count, with the offence of robbery with aggravation

CAMPBELI, Louis v Ambiance Resort Properties Inc. and Jemara Resort NV and Jemara Resort Properties Companies Limited and Alex Ostenbrink

JMCC 02.12.2016

CONTRACT – Breach of Contract – Agency – Apparent authority – Ostensible authority

CAMPBELL, Seaton v Donna Rose-Brown and Carlton Brown

JMCA 10.11.2016

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

CAMPBELL, Tanesha v Atlas Armoured Service Ltd. and Goyan Johnson
JMJC 24.02.2017

NEGLIGENCE – Motor vehicle accident – Credibility of witness – Liability of parties – Damages – Assessment

CARR, JOAN and Marjorie Levy v Kevin Bennett and Roy Williams
JMJC 04.11.2016

NEGLIGENCE – Motor vehicle accident – Liability of parties – Apportionment of liability damages – Assessment – Handicap on the Labour Market – Loss of earnings

CHAMBERS, Icilda Elizabeth v Harry Seymour Chambers
JMJC 27.01.2017

MATRIMONIAL PROPERTY – Division of the Family home – Variation of the equal share rule – Section 7 factors

IN THE MATTER OF THE **Children (Guardianship and Custody) Act** and In the matter of an application by ‘S’ for an appointment of guardianship for a minor ‘F’
JMJC 04.11.2016

APPLICATION FOR GUARDIANSHIP – The Children (Guardianship and Custody) Act – Whether parens patriae jurisdiction is to be exercised where adoption process has been initiated – Both parents alive

CLARKE, Melvin v Lenive Mullings-Clarke
JMCA 20.12.2016

LAND LAW-RECOVERY OF POSSESSION-Costs-Divorce-Property- Property (Rights of Spouses) Act ("PROSA")

DEANS, Trudy v Howard Murray
JMJC 12.01.2017

NEGLIGENCE – Motor vehicle collision – Vicarious liability – Agency

DENNIS, Sylvester v Lana Dennis
JMCA 29.11.2016

CIVIL PRACTICE AND PROCEDURE -CIVIL PROCEDURE - Appeal - Extension of time to file notice and grounds of appeal - Whether there was an arguable case for appeal from summary judgment - Civil Procedure Rules 2002, Rule 15 - Overriding objective of the court

DIGIORDER Jamaica Limited v Dennis Atkinson
JMCA 27.01.2017

PROPERTY- inter alia- mortgage financing

Edwards, Cordella v Derrick Edwards
JMJC 07.11.2016

MATRIMONIAL PROPERTY – Parties separated – Division of Family Home – Section 6, 7, 12, 13, 14 of the Property (Rights of Spouses) Act – Variation of equal share rule – Pre-separation and Post – Separation mortgage payments by one party – Financial provision – Section 4, 5, 8, 14 of the Maintenance Act – Child maintenance – Spousal maintenance

FRANCIS, CHARLES Vernon v Columbus Communications Jamaica Limited (trading as FLOW) and Jamaica Public Service Company Limited
JMJC 06.12.2016

APPLICATION FOR EXTENSION OF TIME AND RELIEF FROM SANCTION – failure to comply with case management conference order to file and exchange witness statements – Judicial notice considered

GENTLES, ROWE and Jason Mills and Michael Patterson and Paul Gayle v R
JMCA 20.01.2017

CRIMINAL LAW-Robbery -Manslaughter

Gonzales, Miguel and Suzette Saunders v Leroy Edwards
JMCA 20.02.2017

CIVIL PRACTICE AND PROCEDURE-Civil Appeal - Motor vehicle accident — Negligence — Whether the judge correctly found that the motor vehicle accident report form was relevant to the determination of liability in the proceedings — Disclosure — Relevant documents — Criteria for ordering specific disclosure

GORDON, Albert v Valerie English and The Attorney General of Jamaica
JMJC 11.11.2016

TRESPASS TO LAND – Irregularly issued warrant – Whether person on whose behalf a warrant of possession was issued or bailiff can be liable in trespass

NEGLIGENCE – Whether Clerk of Court can be liable in negligence or otherwise for irregularly issue warrant – Whether the Attorney General can be liable for the action of a Clerk of Court in issuing an irregular warrant – Whether breach of a constant order without more is a cause of action

GORSTEW Limited v Her Hon. Mrs. Lorna Shelly-Williams sitting as Corporate Area Resident Magistrate's Court (Criminal) Holden at Half Way Tree and Patrick Lynch and Jeffrey Pyne and Catherine Barber

JMJC 04.11.2016

JUDICIAL REVIEW – Renewal of application for leave to apply for judicial review – Whether there is an arguable ground for judicial review with a realistic prospect of success – Whether Resident Magistrate erred in upholding no case submission – Whether decision of Resident Magistrate unreasonable in a Wednesbury sense – Whether order of Certiorari should be granted quashing decision of Resident Magistrate – Whether alternative remedy exists – Whether declaration amounts to adequate alternative remedy – Whether declaration sought would have same effect as order for certiorari – Costs

GRANT, Steven v R
JMCA 10.11.2016

CRIMINAL LAW-Murder

GREAVES, SEAN and Sean Greaves (Administrator with all Annexed of the estate of Janneth Chung, deceased) v Calvin Chung

JMJC 06.02.2017

CIVIL PRACTICE AND PROCEDURE -Whether the transfer document marked 'A' for identification ought to be admitted into evidence

HALL, Valerie v David Pitter (In the capacity as Referee of Titles) and The Registrar of Titles
JMJC 18.11.2016

LAND LAW-Registration of Titles Act-Mortgage-Equity in Possession

HAMILTON, Lena v Ryan Miller and Marlon Turner and Marie German
JMCA 20.12.2016

DAMAGES-Negligence-Costs

HARPER, Cedric Lanyon v David Lee
JMCC 24.02.2017

CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Effect of failure to file application to pay by instalment form (form 6) with claim form in accordance with CPR 8.16 (1)(e) – Whether this is a defect which may be cured – Whether re-shelving claim form with application to pay by instalment is a method by which defect may be cured – Whether such re-service of claim form must be within 12 months life of the claim form – Whether an extension of time which to serve claim form may be made more than 12 months after the claim form was issued

HENRY, Rupert v Bargain Rent-A-Car and Andrea Allison
JMJC 12.01.2017

NEGLIGENCE – Vicarious liability – Agency – Motor vehicle collision – Summary judgment

INSURANCE COMPANY of the West Indies Limited v Edward Marshall
JMJC 29.11.2016

INSURANCE LAW – Whether failure to disclose previous accident amounts to misrepresentation and /or non-disclosure of material facts – Breach of warranty of contract – Avoidance of policy by Insurer – Whether insurance broker is the agent of the insurance company

JAMAICAN PELICAN Resorts Ltd. v Seanic Investments (Cayman) Ltd. and Garth 'Gary' Scott
JMJC 18.11.2016

APPLICATION FOR MANDATORY INJUNCTION - Interests of justice - Whether damages an adequate remedy - Failure to give undertaking and failure to give cross - Undertaking Application for mandatory injunction – Interests of justice – Whether damages an adequate remedy – Failure to give undertaking and failure to give cross - Undertaking

JAMAICA PUBLIC Service Company Limited v Charles Vernon Francis and Columbus Communications Jamaica Limited (trading as FLOW)
JMCA 10.02.2017

CIVIL PRACTICE AND PROCEDURE -CASE MANAGEMENT ORDERS – Failure to file Witness Statements on time – Relief from Sanctions – Whether a good explanation given for failure – CPR 29.11 & 26.8

JOHNSON, ANTHONY and Arlene Johnson v Jamaica National Building Society Limited
JMJC 24.02.2017

DUTY OF MORTGAGEE IN EXERCISING POWER OF SALE – Whether mortgagee liable for selling property below market value

JOHNSON, Michael v Frederica Crooks and Michelle Crooks and Harold Crooks
JMJC 15.11.2016

CIVIL PRACTICE AND PROCEDURE -APPLICATION TO SET ASIDE DEFAULT COST – Certificate – Whether application to set aside can be made to a judge as Registrar – APR 65.20, 65.22

KERR, LLOYD (T/A Empire Supermarket) and Chrisryon Limited v Christene Myers
JMCA 25.11.2016

COSTS-Loss and Damages

KNIGHT, Dwayne v R
JMCA 20.01.2017

CRIMINAL LAW- Illegal possession of firearm and counts two and three charged him with shooting with intent

LEVERMORE, Carvell v Maqueda Clerke-Levermore
JMSC 19.12.2016

MAINTENANCE – Matrimonial Causes Act – Maintenance Act – Whether the applicant can practicably meet the whole/part of her reasonable needs

MAYNE, Gregory v Julie Atherton and Richard Atherton (Intervener)
JMSC 24.11.2016

ENFORCEMENT OF MONEY JUDGMENT – Application for sale of land – land jointly owned by judgment debtor and another – Whether the legislative framework provides for severance Enforcement of money judgment – application for judgment summons – means of judgment debtor

MCGAW, Dwayne v Jamaica Infrastructure Operator Limited and United Management Services Limited
JMSC 13.02.2017

CIVIL PRACTICE AND PROCEDURE -Civil Procedure Rules (CPR), R. 27.8 (4) – Interpretation – Need for compliance with Case Management timetables – Importance of attendance of party at Case Management Conference – Exercise of Court's discretion. Security for cost

MCFARLANE, Glenton v Hopeton Ferguson
JMSC 10.02.2017

SALE OF LAND BY VENDOR TO TWO PERSONS – Deed of Conveyance – Failure to record deed – Bona fide purchaser for value without notice – Sections 66 and 74 of the Conveyancing Act – Sections 2, 6, & 7 of the Records Deeds, Will Letters Patents Act – Valid sale – Rescission of contract – Late recording

MCLEOD, Leslie v The Queen
UKPC 30.01.2017

CRIMINAL LAW-Criminal Appeal - Murder — Application for leave to appeal to Privy Council — Appeal remitted to Court of Appeal — Resolution of factual issues — Whether the appellant was deprived the opportunity of stating his defence — Counsel's failure to confer with the appellant — R v. Carr-Briant [1943] 2 All ER 156 — R v. Reid (1978) 27 WIR 254 — Lawrence v R [2015] JMCA Crim 24.

MEEKS, Victoria Marie v Jeffrey William Meeks
JMSC 05.12.2016

Property (Right of Spouses)-Preliminary point – Sections 20, 22 of the Matrimonial Causes Act – Section 3 of the Maintenance Act – Jurisdiction – Application commenced by Fixed Date Claim Form – Whether an application under the Matrimonial Causes Act can be brought by way of a Fixed Date Claim Form – Application for interim maintenance order – Power of the Court to make an order for child maintenance under the Matrimonial Causes Act under the Property (Right of Spouses) Act

MIRAGE ENTERTAINMENT Limited v Financial Sector Adjustment Company Limited and Financial Services Limited and Refine Trust Limited and Jamaica Redevelopment Foundation
JMCA 25.11.2016

CIVIL PRACTICE AND PROCEDURE - Dismiss the appeal- Notice of application- Delay in the prosecution- Extension of time-the application is made pursuant to Rule 2.15 (a) of the Court of Appeal Rules. 6- That the failure to comply with the Court of Appeal's rules was not intentional. 7. That the failure to comply with the said rules can be remedied within a reasonable time. 8-That the principals have been before the this Honourable Court in two other (2) [sic] Appeals involving Homeletrix Limited which were both dismissed out on a technical point. 9. That the previous and

unfortunate experience in the courts have also led to the hesitancy of this Appellant in prosecuting this appeal. 10- That restoring the appeal would not be prejudicial to the Respondents and would further the overriding objective. 11- That the Appellant at all material times remains committed to prosecuting this Appeal.”

MORGAN, Gary v Natalie Williamson-Morgan
JMCA 21.11.2016

CIVIL PRACTICE AND PROCEDURE - “Maintenance Order-Right to a fair Hearing-Application for variation. Evidence on oath. 1. The appeal is allowed. 2. The order of the learned judge of the Family Court for the parishes of Kingston and Saint Andrew made on 8 April 2014 is set aside. 3. The matter is remitted to the Family Court for hearing before a different judge of the court. 4. The matter is to be listed for mention at the Family Court on 19 October 2016 at 10:00 am. 5. Any order for variation of the maintenance order made previously on 24 July 2013 shall take effect as of the date of the order appealed against, that is, 8 April 2014. 6. There is no order for costs of the appeal”

MORRIS, John v Radio Jamaica Limited and Latoya Johnson
JMCA 07.11.2016

EVIDENCE – Video link – Civil proceedings – Evidence Special Measures Act 2012, Section 2, 3, 5, 6 – Civil Procedure Rules 29.2(1), 29.3

NATIONAL COMMERCIAL Bank Jamaica Limited v The Industrial Disputes Tribunal and Peter Jennings
JMCA 11.11.2016

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

NATIONAL TRANSPORT Co-operative Society Limited v Bailey Terrelonge Allen (A firm)
JMCA 10.11.2016

RECOVERY OF ATTORNEY’S COSTS – Contingency Agreement - Application for an Interim Declaration – Application for a Charging Order - Solicitors Act – Part 48 of Civil Procedure Rules – Section 28D of the Judicature (Supreme Court) Act - Whether Charging Order and/or Interim Declaration can be granted in the circumstances – Abridgement of time to hear application – Does the circumstances warrant an abridgement of time – Application for Interim Declaration granted – Application for a Charging Order refused – Application for Abridgement of time refused

NATIONAL WATER Commission v Richard Vernon
JMCA 17.02.2017

APPLICATIONS FOR SUMMARY JUDGMENT — land acquired for public purpose — Land Acquisition Act and National Water Commission Act. Action for Injunction and or Trespass to land — Defence — adverse possession — under Limitation of Actions Act — Prescription Act — Damages

NUGENT, Machel v Sgt. Paul gammon and Cons. Glenford Henry and Sgt. Paul Robinson and Det/Cpl. Richard Davidson and Cons. Christopher Green and Cons. Demerte Sooman and The Attorney General of Jamaica

JMSC 04.11.2016

ASSAULT AND BATTERY – Gunshot injury causing paralysis – Whether reasonable or probable cause shown – Claim for aggravated and Exemplary Damages

DAMAGES – Assessment – Pain and suffering and loss of amenities – Loss of earnings – Costs for household help

RICHARDS, Jason v R
JMCA 27.01.2017

MISIDENTIFY BY THE WITNESS- that the prosecution witness wrongfully identified me as the person or among any persons who committed the alleged crime

UNFAIR TRIAL- That the evidence upon which the learned Trial Judge relied on for the purpose to convict me lack facts and credibility thus rendering [sic] the verdict unsafe in the circumstances

LACK OF EVIDENCE- That during the trial the prosecution failed to put forward any material, Scientific, or forensic evidence, to Justified [sic], and substantiate the alleged Charge against me if [sic] which I was subsequently convicted there for

MISCARRIAGE OF JUSTICE - That the prosecution failed to recognized [sic] the fact that I had nothing to do with the alleged crime for which I was wrongfully convicted of

RICHARDS, Nico v Roy Spencer (Jamaica International Insurance Company Limited Intervening)
JMCA 20.12.2016

CIVIL PRACTICE AND PROCEDURE -PROCEDURAL APPEAL- (Considered on paper pursuant to rule 2.4 of the Court of Appeal Rules 2002)

ROBINSON, Russell v R
JMCA 20.12.2016

CRIMINAL LAW-Illegal Possession of firearm- Illegal possession of ammunition

RUDDOCK, Shirley v R
JMCA 03.02.2017

CRIMINAL LAW-Murder

SAGICOR BANK Jamaica Limited (Formerly known as RBC Royal Bank (Jamaica) Ltd. formerly known as RBTT Bank Jamaica Ltd.) v Marvalyn Taylor-Wright
JMCA 20.12.2016

CIVIL PRACTICE AND PROCEDURE- 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

SAMUELS, Leighton v Leroy Hugh Daley
JMCA 12.01.2017

Negligence – Motor vehicle collision – Overtaking line of traffic – Claimant jumped queue – Liability – Road Traffic Act

SENTRY SERVICES Security Company Limited v The University of Technology Jamaica
JMCC 10.11.2016

INJUNCTION – Principles for Grant

CONTRACTS – Whether ‘month to month’ contract terminate by one month’s notice

SMITH, Clayton v R
JMCA 23.02.2017

CRIMINAL LAW-Larceny- Housebreaking and Larceny

SMITH, Hubert v The Board of Management of the Queen’s School
JMCA 17.11.2016

EMPLOYMENT LAW-Dismissal- Teachers’ Appeal Tribunal

STEWART, Gordon v Goblin Hill Hotels Limited and Mies Investment Limited and Marvin Goodman and Rosalee Goodman
JMCC 19.12.2016

CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Application for summary judgment – court contributing to delay – Absence of reasons for judgment – litigants contributing to the delay – effect of previous judgment on documents to be interpreted in the present case

STEWART, Sylvester v R
JMCA 27.01.2017

CRIMINAL LAW-Assault

SURF, Gretel and Clive Foster v Shelly Ann Russell
JMCA 20.12.2016

CONTRACT-Restitution/damages for breach of contract

SWABY, George and Andy Gray
JMJC 13.02.2017

ASSESSMENT OF DAMAGES-Negligence-damages for negligence arising out of an accident in which unsecured goods fell onto his shoulder

TELEVISION JAMAICA Limited v CVM Television Limited
JMJC 09.01.2017

COPYRIGHT INFRINGEMENT – Damages – Measure of Damages – Whether measure is cost of licence that ought to have been obtained – Factors that go into costs of licence – Whether additional damages should be awarded under Section 32(2) of the Copyright Act – Exploration of the Copyright – Costs – Basis of award of costs

THOMAS, Dwayne v R
JMCA 20.01.2017

CRIMINAL LAW-Murder

THOMAS, Kenneth Guy v Irene Victoria Thomas
JMCA 29.11.2016

CIVIL PRACTICE AND PROCEDURE -Property- Register Book of Titles- Undue influence- Equal share rule. Interest in the property- Certificate of title. Construction of the house

URBAN DEVELOPMENT Corporation v Jacitar (Ja.)
JMCA 27.01.2017

CIVIL PRACTICE AND PROCEDURE -Civil practice and procedure - Judgment — Stay of execution ending appeal — Approach to grant of stays of execution — Applicant to pay part of damages awarded into an escrow account pending hearing of appeal

WATKINS, Jheanell and The Asset Recovery Agency v Opal Smith and The Attorney General
JMJC 04.11.2016

PROCEEDS OF CRIME ACT – Application for continued detention of cash- Procedure in the Parish Court

WHYTE, Osbourne v Clement Powell and Donald Beam
JMJC 08.02.2017

NEGLIGENCE – Motor Vehicle Collision – Liability of parties – Apportionment of liability Damages – Assessment

WILLIAMS, Carlton v Veda Miller

JMCA 20.12.2016

BREACH OF CONTRACT - Oral agreement - Equitable mortgage - Registered title deposited - Money advanced - Used to purchase business - Parties directors and shareholders - Intimate relationship - Whether loan or gift

WILLIAMS, Christopher v Kaydeon Francis-Williams

JMSC 25.11.2016

FAMILY LAW – Sections 7, &18 of the Children (Custody and Guardianship) Act – Joint Custody – Residential access – Welfare of the children

WILLIS, Dorrett Gayle v Attorney General of Jamaica and Washington Williams

JMSC 09.02.2017

NEGLIGENCE – Pedestrian – whether contributory – Evidence – Notice of objection not filed – admissibility – knee and ankle injuries – damages – delay – whether interest on damages – delay – whether interest on damages to be awarded

WRIGHT, Barbara v The University of the West Indies

JMSC 07.12.2016

ASSESSMENT OF DAMAGES – Wrong blood transfusion – General damages – Pain and suffering – Physical injury – Psychological injury – Post traumatic stress disorder – Aggravated damages – Failure medical expenses

LEGISLATION

Bahamas

Acts

31/2016	Advance Passage Information System Act
37/2016	Automatic Exchange of Financial Account Information Act
26/2016	Buildings Regulation (Amendment) Act
39/2016	Construction Contractors Act
30/2016	Grand Bahama (Port Area) Investment Incentives Act
33/2016	Grand Bahama Port Area) Investment Incentives (Amendment) Act
38/2016	Insurance (Amendment) Act
32/2016	Legal Profession (Amendment) Act
29/2016	National Health Insurance Act
27/2016	Pensions (Amendment) Act
28/2016	Public Service (Amendment) Act
34/2016	Securities Industry (Amendment) Act
36/2016	Trustee (Amendment) Act
35/2016	Trusts (Choice of Governing Law) (Amendment) Act

Commonwealth of Dominica

Acts

10/2016	Companies (Amendment) Act
12/2016	Geothermal Resources Development Act
8/2016	International Business Companies (Amendment) Act
6/2016	International Exempt Trust (Amendment) Act
9/2016	Sexual Offences (Amendment) Act
5/2016	Supplementary Appropriation (2015/2016) Act

11/2016	Tax Information Exchange (Amendment) Act
13/2016	Tourism (Regulation and Standards) (Amendment) Act
7/2016	Value Added Tax (Amendment) Act

Jamaica

Acts

5/2017	Appropriation Act
1/2017	Jamaica Agricultural Commodities Regulatory Authority Act
3/2017	Partnership (General) Act
4/2017	Partnership (Limited) Act

St. Christopher & Nevis

Acts

15/2016	Appropriation (2017) Act
13/2016	Common Reporting Standard (Automatic Exchange of Financial Account Information) Act
11/2016	Companies (Amendment) Act
12/2016	National Savings Scheme (Amendment) Act
14/2016	Savings Bank (Amendment) Act

LAW REPORTS

Law Reports of the Commonwealth	2017	Vols. 1 & 2
New Zealand Law Reports	2016	Vol. 1

TREATISES, DIGESTS ETC.

Atkin's Court Forms. 2 nd ed. 2017 Issue		
Vol. 22	Immigration	
Vol. 40(2)	Tribunals and Inquiries	KN351.A88
Digest, The		
2017 4 th Reissue		
Vol. 1(1&2)	Administrative Law	
Vol. 8(1)	Capital Gains Taxation	
Vol. 20 (4&5)	European Union Law	
Vol. 21(1)	European Union Law	
Vol. 33(3,4&5)	Matrimonial and Civil Partnership Law	KF85.E6
Encyclopaedia of Forms and Precedents. 5 th ed. 2017 Reissue		
Vol. 22(2)B	Landlord and Tenant (Business Tenancies)	KN74.1.E51

SERIALS

ABA Journal Vol. 103 No. 3 March 2017

President's Message

A look at ABA Day and the need to lobby for funding of the Legal Services Corp

Linda A. Klein

Opening Statements

Mystery and thriller writers tell the stories of the wrongly convicted

Kevin Davis

A Florida lawyer dedicates her firm to helping marine mammals	<i>Cristin Wilson</i>
Public defender co-worker discover they're siblings who've led parallel lives only a few miles away	<i>Kate Rockwood</i>
Ten questions for Brittany Heyd, general counsel for a business incubator supporting social innovation	<i>Jenny B. Davis</i>
Years of litigation and financial forensics finally result in first payments to victims of Iran-sponsored terrorism	<i>Susan Kostal</i>
Docket	
NATIONAL PULSE Advocates for Detroit schoolchildren say there is a constitutional right to literacy	<i>Lorelei Laird</i>
NATIONAL PULSE California district attorney launches a special unit to crack down on perjury	<i>Wendy N. Davis</i>
SUPREME COURT REPORT: Can Trump triumph in the high court? Law pros note a decline in presidents' rates of winning cases	<i>Mark Walsh</i>
Practice	
ADVOCACY: Leading trial lawyers share inside tips on presenting a compelling open statement	<i>Allison Leotta</i>
ETHICS: How a fee share between lawyers from different firms should be disbursed	<i>David L. Hudson Jr.</i>
WORD: The secret to effective pleadings is a clear and succinct statement of the issues	<i>Bryan A. Garner</i>
Business of Law: Special Edition	
BUILDING THE 21 ST – CENTURY LAW FIRM The nuts and bolts of adding a virtual practice and the need for access, efficiency and upkeep	<i>Richard S. Granat</i>
ACCESS TO JUSTICE: Illinois Legal Aid Online's redesign earns praise of being the best website in the country	<i>Richard Acello</i>
AMBROGI TECH: Most solos and small firms consider their practices successful despite their juggling act	<i>Robert J. Ambrogi</i>
Your ABA	
A tribute to the late Janet Reno, who worked closely with the ABA on justice issues during her years as U.S. attorney general	<i>Martha Middleton</i>
While closing its office in China, the association measures the impact of a new restructuring NGO activities	<i>Terry Carter</i>
The ABA scored victories last year to protect lawyer-client confidentiality and the independence of the profession	<i>Rhonda McMillion</i>

Precedents

The Supreme Court confirms the conviction of Wisconsin abolitionist Sherman Booth, verifying the power of the supremacy clause of the Constitution

Allen Pusey

Columbia Journal of Law and Social Problems

Vol. 50 No. 2 Winter 2017

The privacy case for body cameras: The need for a Privacy-centric approach to body camera policymaking

Ethan Thomas

An uncertain privilege: Reexamining the scope and protections of the speech or debate clause

Philip Mayer

The internet of things and potential remedies in privacy tort law

Alexander H. Tran

When Anti-discrimination law discriminates: A right to transgender dignity in disability law

Katie Aber

<The> Law Society Gazette March 6, 2017

'Support' to replace aid in lawyer-light resolutions

Monidipa Fouzder

Unified patent court set for early sign-off

Max Walters

Minster looks to reinvent its claims model

John Hyde

Judge goes ahead without jury in 'cash for crash' case

John Hyde

High Court ruling casts doubt on civil fixed fees

John Hyde

Band aid for hard-up courts

Max Walters

<The> Law Society Gazette March 20, 2017

Referral fee probate over claims for holiday bugs

John Hyde

Metamorph acquires south coast business

John Hyde

Law on wills deficient – SC justice

Max Walters

Senior solicitors deterred by interviews for judiciary

Monidipa Fouzder

Abuse of process claim fails to halt SRA prosecution

John Hyde

Evidence-free policymaking

Michael Cross

Criminal evidence: DNA – an unstoppable march?

David Bentley QC

Mental capacity: Liberty: winners and losers

Sheree Green

<The> Law Society Gazette March 27, 2017

'Cautionary tale' on free advice from solicitors

John Hyde

Claimant cancels offer for new PI discount rate

John Hyde

Junior lawyer alarm over pay curb reports

Max Walters

Brexit: 'cross-border legal practice rights a priority'

Michael Cross

Wills and Probate: Testamentary freedom

Lesley King

<The> Law Society Gazette April 3, 2017

Solicitor anger over late night court pilot

Max Walters

In-house lawyers braced for a Byzantine Brexit

Monidipa Fouzder

SRA claims public backing on enforcement

John Hyde

Supremes back CFAs made before Jackson shakeup

Rachel Rothwell

Loose circuit in judicial drive

Monidipa Fouzder

Don't leave ethics to compliance officers, leading risk expert warns

Paul Rogerson

Brexit 'plan B' vital, Blacklaws tells firms

Paul Rogerson

Family law: Privacy and financial remedy proceedings

Andrew Newbury

<Law> Society Gazette April 10, 2017

'Five weekends in a row we had a bank rescue going on'

Paul Rigerson

Free setback adds to lord chancellor's woes

Max Walters

Solicitor 'breached confidence rules'

Max Walters

Co-op merges legal services with funerals

Paul Rogerson

EJEU case law still on the radar for post-Brexit UK

Michael Cross

Judiciary urges caution on use of 'hot-tubbing'

John Hyde

Councils in need of counseling

Monidipa Fouzder

Property litigation: Taking account of dishonesty

Stephen Boyd

<The> Law Teacher 2017 Vol. 51 No. 1

Preparing law graduates for a globalised world

Joan Squelch & Duncan Bentley

The importance of ethics in the law curriculum:
essential or incidental?

Maxine Evers & Lesley Townsley

Research-informed teaching: a clinical approach

Alex Nicholson

One size fits all? Multiple intelligences and legal education

Emma Jones

The impact of student-generated digital flashcards on students
learning of constitutional law

Steven Colbran et al

New Law Journal **Vol. 167 No. 7734** **February 17, 2017**

Comment

Roger Smith explores the ramifications of innovation & technology on the legal sector

Family: How can the court protect a child's welfare when faced with clashing world views, asks *Jon Herring*

Discrimination: Beware the length of the judge's foot in cases involving reasonable adjustments to services, warns *Spencer Keen*

Public: Politics & the law were kept well apart in the Supreme Court's erudite judgment in *Miller*, as *Richard Wilson QC* explains

Commercial

The bar for establishing claims of undue influence & unconscionable bargain remains high, says *Nicholas Fielder & Emily Tearle*

New Law Journal **Vol. 167 No. 7735** **February 24, 2017**

Comment

David Greene doubts the validity of a gallant attempt to veto Brexit

Insurance: The Court of Appeal has provided welcome clarity on determining which laws should apply in cross-border cases, says *Kelvin Farmaner*

Personal injury: *Jill Paterson & Thomas Jervis* consider the High Court's latest limitation decision

Product liability: The new approach adopted in *Wilkes* constitutes a practical & welcome way forward, says *Alison McAdams*

Privilege: Is legal professional privilege at risk of losing its status as a certain & absolute right? *John Gould* reports

New Law Journal **Vol. 167 No. 7736** **March 3, 2017**

Comment

The new Untraced Drivers Agreement fails to ensure conformity with the protection required under European Law, as *Nicholas Bevan* explains

Employment: *Stephen Levinson* lays bare the flaws & imperfections of the Gender Pay Gap Regulations

Family: *David Burrows* explores the complex law which confronts cohabiting couples who separate

White collar crime: *Jonathan Fisher QC* discusses unexplained wealth orders

Public: *Nicholas Dobson* reports on the public sector equality duty in relation to homelessness

Commercial

When is an exclusive jurisdiction clause not an exclusive jurisdiction clause, asks *James Watthey*

New Law Journal **Vol. 167 No. 7737** **March 10, 2017**

Comment

Roll on the LASPO review; but adjust your expectations accordingly, says *Jon Robins*

Employment: *Ian Smith* tackles *Pimlico Plumbers*, the gig economy & the horror of a claim too far

Family: *Iqbal Iqbal* provides a salutary example of the consequences that can occur in the absence of legal representation, as *Shlomit Glaser & Tim Jones* report

Landlord & tenant: The Possession Online Claims system is in urgent need of a digital makeover, as *Tracy Bird* explains

Public international law: *Khawar Qureshi QC* review the headline-catching public international law cases before the English Courts in 2016

New Law Journal **Vol. 167 No. 7738** **March 17, 2017**

Comment

Is it possible to achieve diversity on the bench, asks *Ed Crosse*

Family: Does the legal aid statutory charge apply to damages recovered by children & their parents under the Human Rights Act 1998, asks *David Burrows*

Travel: *Andrew Young* considers how gastric illness claims have been impacted by *Woods v Tui UK Ltd.*

Commercial

When does a person exercise significant influence or control over the activities of a trust, asks *Ben Simpson*

New Law Journal **Vol. 167 No. 7739** **March 24, 2017**

Comment

Roger Smith reviews last month's most important developments in law & technology

Employment: *Pimlico Plumbers* has been put in its place over employment status, says *Spencer Keen*

Banking litigation: *Andy McGregor & Chris Whitehouse* report post-PAG

Charities: Charities must ensure that data is handled correctly, says *Bethan Walsh*

Family: Unmarried couples should clarify their pension rights, says *Caroline East*

Oklahoma Law Review **Vol. 68 No. 4** **Summer 2016**

Blackhawk down or Blackhorse down? The Lanham Act's prohibition of trademarks that "may disparage" & the First Amendment

Russ VerSteeg

Essay: The Inter Vivos Branch of the worthier title doctrine

Joseph W. Morris

Response: Worthier for whom?

Katheleen Guzman