

# CURRENT AWARENESS BULLETIN

October- December 2017



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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

## OCTOBER – DECEMBER, 2017

### JUDGMENTS

ADMINISTRATOR GENERAL for Jamaica (Administrator – Estate of David Benloss, deceased) v People's Favourite Baking Company Limited and Romaine Henry and Lyncent Smith v Romaine Henry and People's Favourite Baking Company Limited  
JMISC 27.01.2017

**WRONGFUL DEATH AND INJURY – Multiplier/multiplicand – Loss of expectation of life – Pain and Suffering – Funeral and Testamentary expenses – The Fatal Accidents Act – The Law Reform (Miscellaneous Provisions) Act – Driver acting as servant or agent – onus of rebutting presumption of agency**

ALI, Nazir v Petroleum Company of Trinidad and Tobago  
UKPC 13.02.2017

**EMPLOYMENT LAW-Redundancy- Dismissal for Repudiatory breach. Termination of the contract of employment. Made redundant. Petroleum company**

<THE> ASSETS Recovery Agency v Robert Sylvester Dunbar and Christina Rosetti Dunbar  
JMISC 31.03.2017

**FORFEITURE OF ASSETS – Application for Interim Order – Claim filed twicw with same number – Whether service of second filed Claim valid – Affidavit pre-dates claim and application which were served – Whether valid – Delay in making application – Application inter partes – Whether honest belief reasonably held that Defendants likely to dissipate assets – Whether evidence in support of application sufficient – Whether Act has retroactive effect**

BANDOO, Peter v Detective Sergeant Ralph Grant and The Attorney General for Jamaica  
JMISC 26.04.2017

**ASSESSMENT OF DAMAGES – malicious prosecution – False imprisonment – Principles guiding award – Aggravated damages – Exemplary damages – Loss of earnings – Whether psychological/psychiatric condition due to criminal proceedings – What awards are applicable**

BARNETT, Keino v Roland Byfield and Tyrone Clarke  
JMISC 31.03.2017

**NEGLIGENCE – Motor vehicle collision – Light controlled intersection – Defendant making right turn across highway – Amber light – Meaning – Road traffic Regulations – Evidence – Admissibility of result of a criminal trial – Contributory negligence – Damages – Fractured legs – Re-fracture – whether second injury remote – Domestic help paid for by another – Whether recoverable by Claimant – Mitigation – Whether defendant to plead – Ancillary claim – Whether injuries to be particularized**

BAUMGARTNER-MARIK (Executrix of the estate of Joscelyn Seymour Elliott, deceased, testate) v Agnes Merinda Elliott (b.n.f. Eric Symons)  
JMISC 05.05.2017

**REGISTERED PROPERTY – Joint tenants – Extinction – Limitation of Actions act- Property taxes. Joint tenants. Intention to possess. Certificate of title. Requisite intention**

BOODEN, Phillip v Atlas Armoured Services Limited and Reginald Rowtham and Atlas Armoured Services Ltd. v Reginald Rowtham  
JMISC31.03.2017

**NEGLIGENCE – Motor vehicle collision – liability of parties – Damages – Assessment**

BRIDGETON MANAGEMENT Services Limited v Mayberry Investments Limited  
JMCC 07.04.2017

**ARBITRATION – Margin agreements – Arbitration clause – Application to appoint arbitrator – Whether claim statute barred – Whether issue for court and not arbitrator to determine – Whether jurisdictional issue – Arbitration Act**

BROWN, Jason and Ricardo Lawrence v R  
JMCA 17.05.2017

**CRIMINAL LAW-Murder**

CLARKE, Fitzgerald v The Attorney General for Jamaica and The Commissioner of Police and Cecil Robinson

JMSC 04.05.2017

**ASSESSMENT OF DAMAGES – Malicious prosecution – false imprisonment – Aggravated and exemplary damages – Considerations when deciding whether liability to attach**

CAREIF LIMITED and Anthony Tharpe v Jamaica Observer Limited

JMSC 09.05.2017

**INTERLOCUTORY APPLICATION – Specific disclosure – Request for information – Unless order – Whether there has been compliance – Whether claimants' statement of case is struck out – Rules 28 & 34 of the Civil Procedure Rules 2002**

CRICHTON AUTOMOTIVE Limited v The Fair Trading Commission

JMCA 24.02.2017

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

DAVIS, Errol Anthony and Edward Everton Davis and Donna Marie Davis-Hickey and Dwight St. Aubyn Davis v Naomi Evadney Barrett-Davis

JMSC 24.03.2017

**PROBATE – Will – Validity – Whether testator possessed testamentary capacity at the time of execution of will – Whether signature on will was that of the testator – Whether testator was acting under duress when he executed last will and testament - Whether grant of probate to be revoked**

DEVELOPMENT BANK of Jamaica Limited v Citrus Development Company Limited

JMCC 22.02.2017

**CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Application to set aside default judgment regularly obtained – Principles to be applied**

DYSTANT, Monica v Proprietors Strata Plan #788

JMSC 02.05.2017

**APPLICATION FOR RELIEF FROM SANCTIONS – Distinction between application to set aside default judgment and application for relief from sanctions – Whether judge of concurrent jurisdiction can set aside judgment of another – Whether slip rule applies to error made by judge**

ELVEY, Dean v R

JMCA 05.04.2017

**CRIMINAL LAW-Illegal Possession of Ganja**

EPSILON Global Equities Limited v Paul Hoo and Ivan Levy and Janette Stewart and Supreme Ventures Limited and Martyn Viera

JMCA 30.05.2017

**REPUDIATORY BREACH OF CONTRACT, Notice of appeal, Option agreement, Founding shareholders, Acquisition date, inter alia**

FLOWERS, George v The Ministry of Justice (Delroy Chuck) and The Director of Public Prosecutions for and on behalf of the Government of Canada and The Commissioner of Correctional Services and The Attorney General of Jamaica

**APPLICATION FOR LEAVE TO APPLY FOR JUDICIAL REVIEW - Res judicata - Extradition Act – Section 13(1) (b)**

FOSTER, Jerry v The Attorney General of Jamaica and Deputy Superintendent Harris Beckford  
JMJC 21.04.2017

**TRESPASS TO THE PERSON – Assault – Alleged shooting by the Police – Negligence – False imprisonment – General damages – Exemplary – damages – Special damages**

GAYLE, Lennox v R  
JMJC 23.02.2017

**CRIMINAL LAW – Constabulary force Act – Assault – Resisting arrest – Whether arrest lawful – Whether duty to give name – Noise Abatement Act – Whether reasonable cause to suspect**

GORSTEW Limited v Her Hon. Mrs. Lorna Shelly-Williams (Sitting in the Corporate Area Resident Magistrate's Court (Criminal) Holden at Half-Way-Tree) and Patrick Lynch and Jeffery Pyne and Catherine Barber  
JMCA 04.05.2017

**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, Nicholas v G. Anthony Levy  
JMJC 04.05.2017

**SECURITY FOR COSTS – Whether claimant ordinarily resident outside of the jurisdiction – Whether address stated in claim is incorrect – Rule 24 of the Civil Procedure Rules 2002**

GRANT, Odean v The Commissioner of Police and The Attorney General of Jamaica  
JMJC 04.05.2017

**CIVIL PRACTICE AND PROCEDURE -APPLICATION FOR EXTENSION OF TIME TO APPLY FOR LEAVE FOR JUDICIAL REVIEW – Delay – Whether good reason shown**

GREGORY, Donald v R  
JMCA 04.04.2017

**CRIMINAL LAW- abduction and robbery with aggravation**

HOLLIS, Jade v The Disciplinary Committee of the General Legal Council  
JMCA 05.05.2017

**CIVIL PRACTICE AND PROCEDURE -FRAUD-Disciplinary Hearing- General Legal Council**

IN THE MATTER of the INTESTATES' Estate and Property Charges Act and In the matter of a claim by Sharon Allen to be declared the lawful common law spouse of Ranford Patterson, deceased, intestate  
JMCA 09.03.2017

**CIVIL PRACTICE AND PROCEDURE -Seeks permission to appeal against an order- Set aside a default Judgment-Notice of application- Hearing of the Appeal-Order made**

JMMB MERCHANT Bank Limited (Formerly, Capital & Credit Merchant Bank Limited) v Bruce James and Edna James  
JMCC 06.04.2017

**CIVIL PRACTICE AND PROCEDURE -Applications to set aside Default Judgments and Judgments and Judgments on admission – Defendant unrepresented when admission filed – Guarantee – Whether set off possible of a pending claim – Whether notice to guarantor served – Whether interest clause a penalty – Whether defence has real prospect of success**

JACKSON, Corey v Annmarie Phillips (Executrix in the estate of Barrington Gaynor, deceased, testate) and Priscilla Fisher (Executrix in the estate of Barrington Gaynor, deceased, testate)  
JMSC 24.02.2017

**CIVIL PRACTICE AND PROCEDURE -Application for relief from sanctions – Effect of unless order where non-compliance – Sufficiency of explanation**

KNIGHT, Marjorie v Lancelot Hume  
JMSC 07.04.2017

**PROPERTY LAW – Contract – Breach of contract – Contract for the sale of undeveloped land – Purchaser put in possession – Land improved – Specific performance – Whether claim statute-barred – Limitation of Actions Act ss.3, 25, 27, 28 & 30 – Local Improvements Act ss. 5 & 13**

LAWRENCE, Michael v Leon Bell and Vaughn Smith and James Clarke  
JMSC 07.04.2017

**NEGLIGENCE – Motor vehicular accident – Disabled vehicle – Collision with the back of a stationary truck – Claimant injured while being a passenger in the bus – Whether the driver of the bus or the owner of the truck breached their duty of care owed to the claimant – The Road Traffic Act – Island Traffic Authority Road Code 1987 – Assessment of damages**

LIGUANEA Club v Sunshine Pump and Amusement Company Limited  
JMCC 05.04.2017

**CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Application for summary judgment – principles to be applied – Leases – Defence of frustration – Whether applicable to leases Arbitration – Construction of arbitration clause – effect of failure to file application to stay proceedings – effect of party seeking to invoke arbitration clause filing defence**

MANNING, Shernett v Twin Acres Development Company Limited and Twin Acres Development Company Limited v Horace Manderson and Michael Gyles  
JMSC 21.04.2017

**CIVIL PRACTICE AND PROCEDURE – Application to strike out defence – Application for summary judgment – Estoppel – Equitable mortgage – Whether Court should order sale of property – CPR, rules 15.2, 26.3, 55.2 and Part 66**

MCKENZIE, Neilson v R  
JMCA 05.05.2017

**CRIMINAL LAW- offence of malicious consumption of electricity**

MOSS, Dion v Superintendent Reginald Grant and The Attorney General of Jamaica  
JMCA 30.05.2017

**ASSESSMENT OF DAMAGES – Detinue – Valuation of Aircraft – Claim for Damages – Claim for Exemplary Damages – Discretion in the Award of Interest**

PEART, ROXANNE (By her mother and next friend Venice Peart) v Shameer Thomas (By his mother and next friend Angella Thomas) and Brenda O'Connor (For and on behalf of the Snowden All-Age School) and Angella Thomas (For and on behalf of the Snowden All-Age School) and The Board and Management of the Snowden All-Age School and The Ministry of Education and The Attorney General of Jamaica

JMSC 28.04.2017

**NEGLIGENCE – Claimant stabbed in eye with pencil – Loss of vision in the left eye – Cause of action pleaded in negligence – Whether statement of case discloses negligence or assault against one defendant – Section 48 of the Judicature (Supreme Court Act) – Rule 8 of the Civil Procedure Rules-Damages – Post traumatic stress disorder – Quantum of damages**

PLUNKETT, Gloria (Executrix – Estate of Lewis Nelson) v Huntley Reid

JMSC 28.04.2017

**LAND LAW – Adverse possession – Limitation of Actions Act – Bona fide purchaser for value without notice**

RICKETS, Imebet and Samuel Dixon and Condollin Dixon v Lesgar Miller (By Power of Attorney for Mark S. Steinberg and Richard H. Steinberg)

JMCA 23.03.2017

**RECOVERY OF POSSESSION-Register Book of Titles- Limitation of Actions Act**

ROSH DEVELOPMENT Limited v Cayjam Development Limited and Proline Development Corp.

JMCC 08.02.2017

**INJUNCTION – Whether an equitable mortgage is created where a legal mortgage is registered subject to a caveat – Registration of Titles Act – Foreclosure – Effect on proprietary rights**

SAMUELS, Nerece v R

JMCA 05.04.2017

**CRIMINAL LAW- Unlawful wounding**

SOLOMAN, Sylvester v Daphne Smith

JMCA 15.03.2017

**LAND LAW-Recovery of possession of Lands-Adverse Possession**

SURREY HOTEL Management Limited v National Commercial Bank Jamaica Limited

JMSC 25.01.2017

**CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Rule 20.1 of the Civil Procedure Rules – originating statement of case not served before amendment – Whether amended statement of case served after contractual limitation period – Whether Consumer Protection Act, 2005 applicable**

TYNDALE, Clayton v Corporal Orville Clarke and The Attorney General of Jamaica

JMSC 24.03.2017

**ASSESSMENT OF DAMAGES – Defence limited to quantum – False imprisonment – Aggravated damages – Exemplary damages – Loss of earnings**

<THE> UNIVERSITY OF Technology Jamaica v Grace Turner and Andrea Williamson

JMSC 17.03.2017

**CIVIL PRACTICE AND PROCEDURE -Civil Procedure – Application to set aside default judgment – Civil Procedure Rules – Rules 13.3 and 13.4 – Sufficiency of evidence**

WEBSTER, Faith v The Public Service Commission

JMSC 12.05.2017

**JUDICIAL REVIEW – Natural justice – Legitimate expectation – Whether hearing required prior to interdiction of public officer – Whether withholding of half of the claimant's salary while claimant is on interdiction constitutes a penalty – Whether claim has been filed against the appropriate**

**party as defendant – presumption of regularity – Breach of constitutional rights to fair hearing and enjoyment of property – Abuse of process**

WESTMORELAND PARISH Council and Charles Beharie and Opal Beharie v Errol Bacchas  
JMCA 05.05.2017

**CIVIL PRACTICE AND PROCEDURE -Civil Procedure - Application for Leave to Appeal an Order for Costs – application to Extend Time to appeal – Whether Judge has Power to Set Aside an Order made by another Judge of Equal Jurisdiction- Whether Appeal has a Real Prospect of Success - Whether costs at Case Management must always be costs in the claim,**

WOOLCOCK, Patrick and The Bungalow Hotel v David Geoffrey Sykes and Audrey Louise Sykes  
JMCA 07.04.2017

**CIVIL PRACTICE AND PROCEDURE -Civil Appeal - Trespass — Variation of Cost order — Whether the court had jurisdiction to vary order — Rule 1.7(7) of the Court of Appeal Rules — CPR 64.6 — *Digiorder Jamaica Ltd v. Atkinson* [2015] JMCA Civ 40 — *Hatton v. Harris* [1892] AC 547 — *American Jewellery Company Ltd and others v. Commercial Corporation Jamaica Ltd and others* [2014] JMCA App 16**

## LEGISLATION

### Bahamas

#### Acts

8/2017	Appropriation (Revenue Account Expenses) (2017/2018) Act
9/2017	Appropriation (Capital Development) (2017/2018) Act
14/2017	Business Licence (Amendment) Act
16/2017	Constituency Capital Grant Act
15/2017	Customs Management (Amendment) Act
13/2017	Excise Amendment) Act
11/2017	Stamp (Amendment) Act
12/2017	Stamp (Surcharge Amnesty) Act
10/2017	Tariff (Amendment) Act

### Commonwealth of Dominica

#### Acts

2/2017	2017/2018 Appropriation Act
1/2017	Supplementary Appropriation (2016/2017) Act

## LAW REPORTS

<The> Cayman Islands Law Report 2016 Vol. 2  
<The> West Indian Reports Vol. 90



## TREATISES, DIGESTS ETC.

- Atkin's Court Forms. 2<sup>nd</sup> ed. 2017 Issue  
Vol. 5(1) Appeals  
Vol. 30(1) Partnership and Firms – Insolvency  
Vol. 41 Trusts and Settlements KN351.A88
- Blackstone's civil practice 2017/ Sir Maurice Kay  
Oxford: Oxford University, 2017 KN360.B52
- Cases & materials on constitutional & administrative law/ Brian Thompson and Michael Gordon. 12<sup>th</sup> ed.  
Oxford: Oxford University Press, 2017 KM31.T56
- Civil litigation 2017-2018/ Susan Cunningham-Hill and Karen Elder  
Oxford: Oxford University, 2017 KN350.C86
- Civil Procedure: White Book 2017. Vols. 1 & 2  
London: Sweet & Maxwell, 2017 KN360.G74
- Clarity for lawyers: Effective legal language/ Mark Adler and Daphne Perry  
London: The Law Society, 2017 K101.A46
- <The> constitutional systems of the Commonwealth Caribbean/ Derek O'Brien  
London: Hart Publishing, 2014 KM31.O27
- <The> Digest. 4<sup>th</sup> Reissue  
Vol. 31(4) Landlord and tenant  
Vol. 31(5) Landlord and Tenant  
Vol. 36(1) Notaries, Nuisance, Open space and ancient monuments  
Vol. 36(2) Partnership KF85.E6
- Evidence/ The City Law School. – 18<sup>th</sup> ed.  
Oxford: Oxford University, 2016 KN390.C58
- Family law in Australia/ Lisa Young. – 9<sup>th</sup> ed.  
Australia: LexisNexis, 2016 KN170.Y68
- Lawyers' skills/ Julian Webb. – 21<sup>st</sup> ed.  
Oxford: Oxford University Press, 2017 KL90.L39
- Lindley & Banks on partnership/ Roderick l'Anson Banks  
London: Sweet & Maxwell, 2017 KN267.L56
- Murphy on evidence/ Peter Murphy and Richard Glover. – 15<sup>th</sup> ed.  
Oxford: Oxford University, 2017 KN390.M37
- Opinion writing and case preparation/ The City Law School. – 4<sup>th</sup> ed.  
Oxford: Oxford University Press, 2016 K101.C58
- <A> practical approach to civil procedure/ Stuart Sime. – 20<sup>th</sup> ed.  
Oxford: Oxford University, 2017 KN350.S560
- Professional ethics/ Nigel Duncan and Oliver Hanmer.- 17<sup>th</sup> ed.  
Oxford: Oxford University Press, 2016 KL82.C58

O'Hare and Browne civil litigation/ John O'Hare and Kevin Browne. – 18<sup>th</sup> ed.  
London: Sweet & Maxwell, 2017

KN350.O42

## SERIALS

**ABA Journal Vol. 103 No. 9**

**September 2017**

### **President's message**

Halarie Bass of Miami takes reins as ABA president and pursues an ambitious agenda

*Hilarie Bass*

### **Opening statements**

Law firm under writes new Theatre of Law and hosts an ancient Greek tragedy in a Manhattan conference room

*Caroline Rotherstein*

Boies Schiller Flexner lawyer James Grippando wins the seventh annual Harper Lee Prize for Legal Fiction

*Lee Rawles*

MAKING IT WORK: Family law attorney Kathy Mickleson embraces multitasking and ditches self-criticism

*Kathy Mickelson*

Ten questions for Dallas litigator Rachel Lindsay, who used her legal skills to find love on *The Bachelorette*

*Jenny B Davis*

### **Docket**

NATIONAL PULSE: The Trump administration reverses federal plans to phase out the use of private prisons

*Lorelei Laird*

NATIONAL PULSE: The government invokes a doctrine to silent expression it doesn't like

*David L. Hudson*

SUPREME COURT REPORT: The court rules that states have to list both same-sex parents on their children's birth certificates

*Mark Walsh*

### **Practice**

ADVOCACY: Improve your questioning by learning to move from witnesses who won't budge on responses

*Edna Selan Epstein*

ETHICS: Some states now require all attorneys to report wrongful convictions

*David Hudson*

WORDS: Consider how to enhance audience experience and make your points stick as part of your speech prep

*Bryan A. Garner*

### **Business of Law: Special Edition**

BUILDING THE 21<sup>ST</sup> – CENTURY LAW FIRM

Ask Daliah: Three ways to record, bill and save the time you spend working

*Daliah Saper*

LAW PRACTICE: Lawprof A. Benjamin Spencer takes over part of *Federal Practice and Procedure* with the blessing of its co-author, his teacher Arthur Miller

*Ed Finkel*

LEGAL AID: The Legal Aid Services Corp. and Microsoft plan voice-response portals for legal advice

*Richard Acello*

### **Your ABA**

New ABA president's goal focus on homeless youths, the future of legal education and women leaving the law

*Lee Rawles*

MEMBERS WHO INSPIRE: A Chicago associate protects the rights of at-risk travelers in the president's ban

*Jill Werner*

The ABA opposes legislation that would endanger unaccompanied immigrant children

*Rhonda McMillion*

### **Precedents**

The Tylenol murders spark the Federal Anti-Tampering Act and a new era of corporate responsibility

*Allen Pusey*

**ABA Journal Vol. 103 No. 10 October 2017**

### **President's message**

Providing legal solutions for homeless youths can lift up everyone

*Hilarie Bass*

### **Opening statements**

Attorney Todd Kooperman launches a GoFundMe campaign to fight unfair parking tickets in Chicago

*Kate Silver*

Daniel Lukasik helps other legal professionals cope with depression through coaching and a support group

*Marc Davis*

Emojis are popping up in the courtroom, causing challenges about how they should be interpret

*Mark Walsh*

Ten questions for space law specialist James Dunstan, who helps clients reach for the moon

*Jenny B. Davis*

MAKING IT WORK: Litigator Tracy High shares 10 tips to balance the challenges of a career and a personal life

*Tracy Richelle High*

### **Docket**

NATIONAL PULSE: Facial recognition technology can help catch criminals, but it also raises privacy concerns

*Wendy N. Davis*

NATIONAL PULSE: Attorney Donald Specter wants to improve U.S. prisons by incorporating European practices, such as better treatment of inmates

*Rebecca Beyer*

SUPREME COURT REPORT: Thigh court gets ready to roll out requirements for electronic filing of briefs

*Mark Walsh*

### **Practice**

STORYTELLING: What Alfred Hitchcock can teach lawyers about villains and villainy

*Philip N. Meyer*

WORDS: What's the difference between a glaring error and one you should leave in a colleague's work? Test your skills with a 10-second quiz

*Bryan a Garner*

ETHICS: State supreme courts are split on adopting ABA Model Rule 8.4(g), which limits harassing or discriminatory conduct *David L. Hudson*

**Business of Law: Special Edition**

BUILDING THE 21<sup>ST</sup> CENTURY LAW FIRM  
Practical cybersecurity: How to batten down the hatches *Sharon D. Nelson et al.*

DIVERSITY: Law firms borrow from the NFL to address the makeup of their leadership ranks *Stephanie Francis Ward*

TECHNOLOGY: How lawyers utilize algorithms to guide their pricing, advertising and advising *Jason Tashea*

**Your ABA/ Annual Meeting Report**

President Hilarie bass starts her term by recognizing lawyers' role in protecting democracy *Debra Cassens Weiss*

MEMBERS WHO INSPIRE: A Thurgood Marshall trial comes into focus through lawyer Michael Koskoff's screenplay *Jill Werner*

ABA Medal winner John Feerick touts the importance of volunteering and support for the Legal Services Corp. *D.C.W.*

What President Donald Trump can – and can't – do to clamp down on the press *Lee Rawles*

How Biloxi, Mississippi, reformed bail and the court fees policy *D.C.W.*

Will the Supreme Court advance or weaken civil rights and social justice? *D.C.W.*

How general counsels can influence diversity in the legal field *L.R.*

The House of Delegates supports bail reform and other criminal law measures *Lee Rawles*

**Precedents**

A federal jury rules against the Ku Klux Klan in the aftermath of the FBI operation dubbed "Mississippi Burning." *Allen Pusey*

**<The> Law Society Gazette June 26, 2017**

Day – check you are covered against SRA *John Hyde*

Use of electronic bill of costs delayed until 2018 *John Hyde*

'Don't waste money' on Brexit advice *Monidipa Fouzder*

Online court: no repeat of Dutch model failure *Michael Cross*

City associate struck off for fudging errors *John Hyde*

Slave to the algorithm: Thought leadership in legal technology *Joanna Goodman*

Civil procedure: Claims against unnamed defendants *Masood Ahmed*

**<The> Law Society Gazette July 3, 2017**

Solicitors Regulatory Authority (SRA) to trial mandatory price disclosure	<i>John Hyde</i>
Whitehall lawyers could be overwhelmed by Brexit	<i>Monidipa Fouzder</i>
S + G supremo steps down after 17 years	<i>John Hyde</i>
May under attack from UN human rights chief	<i>Michael Cross</i>
Veterans quits roll over 1978 shared file	<i>John Hyde</i>
Are you cyber-secure? Law firms are seen as soft targets by criminals so prepare for the worst	<i>Joanna Goodman</i>
In-house in order? The Modern Slavery Act, Brexit and measuring performance were among key themes at this year's conference of the Law Society's In-house Division	<i>Eduardo Reyes</i>

**<The> Law Society Gazette July 10, 2017**

Pound slide masks mixes results for global elite	<i>Max Walters</i>
Government to push English jurisdiction	<i>John Hyde</i>
Costs ruling to level playing field for injured claimants	<i>John Hyde</i>
Local justice for first-time offenders	<i>Mondipa Fouzder</i>
Curb holiday sickness claims, Lidington urged	<i>John Hyde</i>
Neuberger: legal aid took a wrong turn	<i>Monidipa Fouzder</i>
SQE's steep learning curve: Techonology must be embraced if the one-time 'superexam' is to be fit for purpose	<i>Roger Smith</i>
Off the busses: Bus conductor, itinerant waiter, traveler, solicitor. New Law Society president Joe Egan has seen a lot	<i>Paul Rogerson</i>
Local Government: Scope of power to prosecute	<i>Nicholas Dobson</i>

**<The> Law Society Gazette July 17, 2017**

Great repeal Bill does not answer ECJ conundrum	<i>Michael Cross</i>
Wills reform 'fraught with problems'	<i>Max Walters</i>
Judge warns lawyers over 'cross-courting'	<i>John Hyde</i>
Dadds' £19m deal leads to AIM listing	<i>John Hyde</i>
Chatbot prodigy eyes UK with product expansion	<i>Joanna Goodman</i>
Tribunal fees need reform – report to PM	<i>Max Walters</i>

Endangered species: Is criminal defence practice becoming unsustainable?

*Grania Langdon-Down*

**<The> Law Society Gazette July 24, 2017**

Solicitors left 'high and dry' on tenders

*Monidipa Fouzder*

Uncertainty over late night court pilot

*John Hyde*

Whitehall shrugs of patent court delay

*Max Walters*

Bogus holiday sickness on Claims Management Regulation (CMR)'s radar

*John Hyde*

HMCTS reveals £102m civil justice fee 'surplus'

*John Hyde*

Agency ordered to pay £10k to expert witness

*Monidipa Fouzder*

A little more conversation: Thought leadership in legal technology

*Joann Goodman*

Personal injury: Untraced drivers and rights

*Malcolm Johnson*

Pre-action disclosure: Not worth the candle?

*Richard Clegg*

Mental capacity: Business lasting powers of attorney

*Craig Ward*

**<The> Law Society Gazette July 31, 2017**

Fees ruling could lead to further challenges

*Max Walters*

Litigation can thrive in Brexit Britain – LCJ

*Monidipa Fouzder*

Six courts to test value of late sittings

*John Hyde*

Data protection: General Data Protection Regulation (GDPR) and employee surveillance

*Ibrahim Hasan*

Employment: Blowing the whistle

*Kate Shute*

**<The> Law Society Gazette September 4, 2017**

Courts for flexible pilot often empty now

*John Hyde*

Whitehall snaps up top firms for panel advice

*Max Walters*

'Barrister' who conned dying woman jailed

*Max Walters*

Questions over post-Brexit dispute forum

*Michael Cross*

Immigration: Negotiating the rights of EU/UK nationals

*Laura Devine*

Arbitration: 'Non-existent' respondents

*MasoodAhmed*

Charity: Changing legal lives

*Max Walters*

**<The> Law Teacher 2017 Vol. 51 No. 3**

- Animation and multiple-choice questions as a formative feedback tool for legal education *Stephen Colbran et al.*
- Meeting the challenges of globalization in legal education *Anil Balan*
- Global standards and outcomes of a legal education: how rubrics can help to deliver objectivity, transparency, verification and consistency *Myra E.J.B. Williamson*
- Writing Workshops for First Year Law: my contribution as an applied linguist *Gina Curro*
- Socrates behind bars: a report on an experimental course on justice and philosophy *Sira Abenoza & Cesar Arjona*
- Use of “reading quizzes” to foster learning: evidence from teaching company law in business programmes *Félix E. Mezzanotte*

**New Law Journal Vol. 167 No. 7753 July 7, 2017**

**Comment & Speakers' Corner**

*Jon Robins* reflects on lessons from Hillsborough

No other public service has suffered the same level of cuts as civil legal aid. Enough is enough says *Steve Hynes*

**Devotion/ Health & safety:** Grenfall Tower: *Theo Huckle QC* shares a different perspective

**Tort:** *James Goudkamp* offers a practical perspective on the tort of malicious proceedings

**Profession/ Expert witness**

*Chris Pamplin* reflects on the use of previous judgments in disciplinary proceedings

*George Sim* explains the vital role forensic accountants can play in litigation

*Martin Hurst* distils the facts about the world of construction products & water

**New Law Journal Vol. 167 No. 7754 July 14, 2017**

**Comment**

*Dominic Regan* shares his thoughts on fixed costs

**Environment:** HPC & state aid. *Tim Malloch* returns with a post election update

**Employment:** Before putting his feet up for the summer, *Ian Smith* goes above & beyond the call of duty

**Family:** *Jonathan Herring* puts the case for reforming cross examination in the family justice system

**Judicial review:** Should councilors have standing to challenge a procurement decision of their authority? *Nicholas Dobson* traces the arguments on both sides

**Regulatory:** The criminal & civil courts can draw ‘adverse inferences’. *Alexandra Felix & Tom Orpin-Massey* ask might more regulatory & disciplinary panels do the same?

**Legal professional privilege:** *David Burrows* reflects on the limits of privilege

**New Law Journal**      **Vol. 167 No. 7755**      **July 21, 2017**

**Comment**

*David Greene* finds little solace for remainers as Brexit negotiations start to gain momentum

**Brexit:** *Jonathan Kingham* explores the UK's 'offer' on residency for EU citizens

**Harassment:** Social media companies are facing mounting criticism for failing to police their content say *Chris Bryden & Michael Salter*

**Medical:** What constitute 'basic requirements' in respect of history & clinical examination?  
*Dr. David Levy* considers the evidence

**Media:** *Athelstane Aamodt* warns against the rash & ill-considered use of Twitter

**Wills & probate:** *Kathryn Purkis* analyses the limitation periods applicable to claims brought by personal representatives

**New Law Journal**      **Vol. 167 7756**      **July 28, 2017**

**Comment**

For London to maintain its litigation crown, we cannot rest on past achievements or be complacent, says *Ed Crosse*

**Extradition:** The dawn of a new era in extradition law? *George Hepbourne Scott* provides an update on European Arrest Warrants

**Family:** *David Burrows* considers the question of a child's view & understanding in children proceedings

**Public:** Are the contents of a minister's diary disclosable under the Freedom of information Act?  
*Nicholas Dobson* reports

**Employment:** Could gig economy workers have a right to claim backdated holiday pay, asks *Charles Pigott*

**New Law Journal**      **Vol. 167 No. 7757**      **August 4, 2017**

**Comment**

Jackson: the final chapter, by *Dominic Regan*

**Family:** It's high time to modernize our divorce & dissolution laws, says *Sarah Hughes*

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

**Employment:** *Chris Bryden & Michael Salter* salute a masterpiece of judicial analysis

**Brexit:** The long farewell: leaving the EU (pt 2). An update by *Penningtons Manches LLP*

**Commercial:** *Manus Egan* reviews the equitable doctrine of laches



**New Law Journal**      **Vol. 167 No. 7758**      **August 11, 2017**

**Comment**

*Roger Smith* reports on haste, waste & the Rechtwijzer

**Employment:** *Ian Smith* returns to share some tales of whistleblowing, compensation & loss

**Employment:** *Stephen Levinson* puts the Taylor Review under the spotlight

**Product liability:** Is it time to introduce a new legal personality, ask *David Kidman & Stephen Truner*

**Brexit:** *Trevor Taylor* discusses some significant exclusions from the scope of retained EU Law post-Brexit

**New Law Journal**      **Vol. 167 No. 7763**      **September 29, 2017**

**Comment**

*Jon Robins* applauds Lord Bach's proposal to put legal advice on a par with the right to free healthcare & education

**Personal injury/ Damages:** With a further shift expected to the discount rate, *Julian Chamberlayne* questions how much under compensation is considered full compensation?

**Employment:** Should a week's pay be calculated to include employer's pension contributions, asks *Charles Pigott*

**Property/ Landlord & tenant**

*Rupert Reed QC* puts the security of the landlord's right under the spotlight

Blameless landlords & a legislative booby trap, by *Martin Mears*

*Nicholas Roberts* explores the practicalities of assigning responsibility for fire safety in long leasehold flats

**New Law Journal**      **Vol. 167 No. 7764**      **October 6, 2017**

**Comment**

At the start of the new legal year, *David Greene* reflects on the challenges & opportunities ahead

**Family:** *Kate Molan* discusses how best to address implacable hostility & the increase in parental alienation

**Public/Local government:** When nursing care is provided in a social care context, who foots the bill? *Nicholas Dobson*

**Mental health:** *Keith Wilding* explains why he believes there is much to recommend an expansion of the tribunal adjudication system

**Comment**

If the Legal Aid Agency is to have a future it should be focused on enabling access to justice, says *Jon Robins*

**Personal injury:** *Julian Chamberlayne* discusses the factors that need to be considered when setting the new discount rate

**Employment:** *Ian Smith* explains why, whatever diplomatic wrangles lie ahead, our European obligations will continue

**Brexit/Family:** *Eleanor Moodey* addresses the practical issue of future dilemmas for international families

**Oxford Journal of Legal Studies Vol. 36 No. 4 Winter 2016**

Rethinking corporate bankruptcy theory in the Twenty-first century      *Sarah Paterson*

Penal impact: Towards a more intersubjective measurement of penal severity      *David J. Hayes*

Albert Venn Dicey and the Constitutional Theory of Empire      *Dylan Lino*

Of ceilings and flaws: An analytical approach to the Minimum Performance Rule in contract damages      *David Pearce*

Bubbles, taxes, and interests: Another history of insurance law, 1720-1825      *Philip Rawlings*

Proportionality, fundamental rights and the duties of directors      *David Bilchitz*

The value of financial market insolvency safe harbours      *Philipp Peach*

Rousseau, theorist of constituent power      *Joel I. Colón-Ríos*