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Issue 7

Published Monthly

July/Aug 2017

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To our best knowledge, all particulars are correct at the time of going to press. However, we regret that we cannot accept responsibility for any errors, and wish to advise readers that price and date of publication may be subject to change by the publishers concerned

Cover: Capitol Building in Austin, Texas. Austin was the venue for the annual AALL conference this year. Texas is known as the lone star state. Photo by Anneli Sarkanen.

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Pictures this month include our visits to Austin Texas for the AALL conference and to the Cayman Islands for the CARALL conference. Also we have pictures from the launch of our title *Saggerson on Travel Law and Litigation*, now in its sixth edition.

The teams had great times in both Austin and the Cayman Islands. They were very pleased to see old and new customers and to receive such a warm welcome at both conferences.

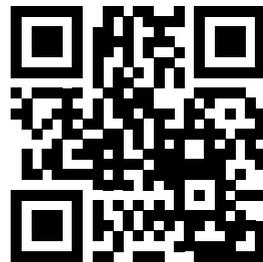
The next trips will be in September and October (see page 5 for our schedule).

Our latest book *Judicial Precedent and Arbitration* has been published (see page 30 for further details).

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Launch of Saggerson on Travel Law



The authors: Alan Saggerson, Jack Harding, Sarah Prager and Matthew Chapman



AALL Conference in Austin Texas

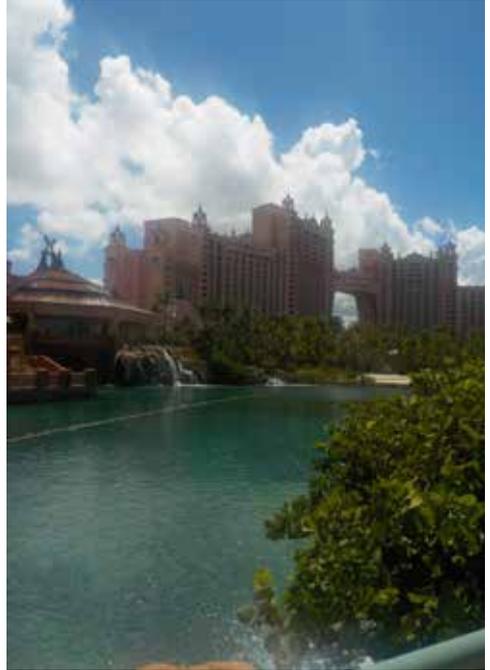


Above: John Eaton with a visitor to our stand

Below: Representative Chamber of State of Texas in Austin (photo by Dean Mason)



CARALL Annual Conference in the Cayman Islands



Above left: John Pethick with Carl W Bethel, Attorney General of the Cayman Islands
Above right and below: Carall delegates on Wildy sponsored tour of Paradise Island complex



Higgs & Johnson attorneys discuss attorney-client privilege in new book



Higgs & Johnson Partner Vann P. Gaitor (second from left) led a team of five attorneys, including two of the firm's associates LaShay Thompson (second from right) and Felix Beneby (right), in the preparation of the Bahamas chapter of "Attorney-Client Privilege in the Americas: Professional Secrecy of Lawyers". Pictured (left) is John Pethick, overseas sales manager at Wildy & Sons Ltd., one of the world's leading booksellers of texts for the legal profession.

From the *Nassau Guardian*

WILDY'S PLANNED TRIPS AROUND THE WORLD IN 2017

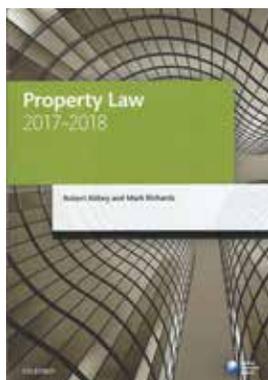
A chance to meet our representatives at conferences and other venues

15-17 Sept, John Pethick and Jason Crimp will be attending the OECS Bar conference in the Commonwealth of Dominica

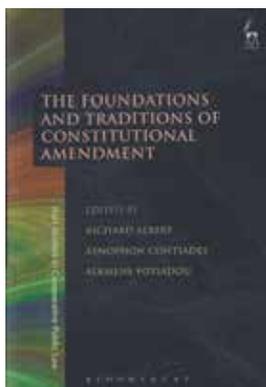
22-25 Oct, John Eaton will be attending the IALL conference in Atlanta, Georgia

MAJOR NEW TITLES THIS MONTH

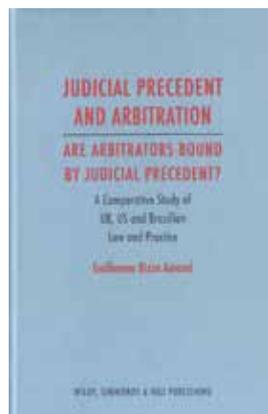
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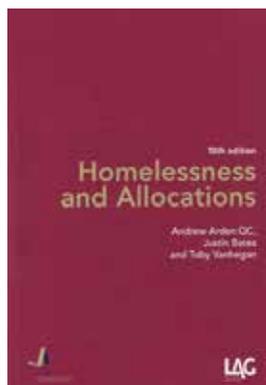
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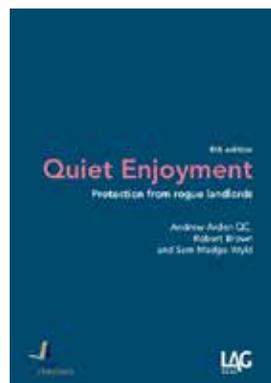
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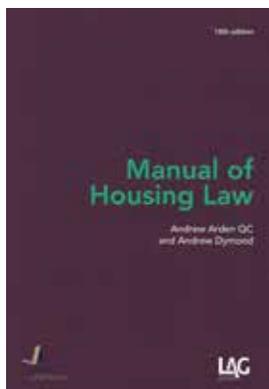
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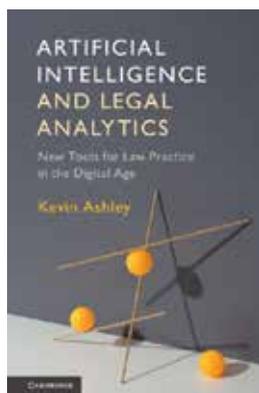
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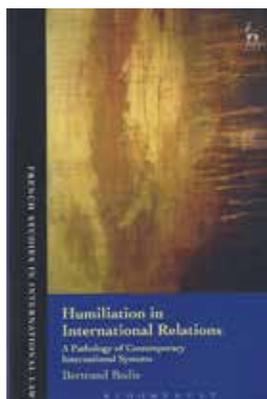
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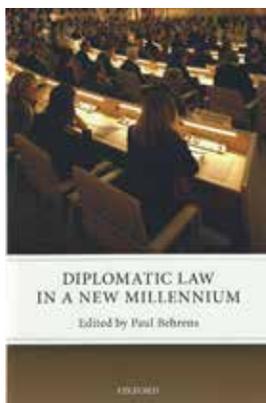
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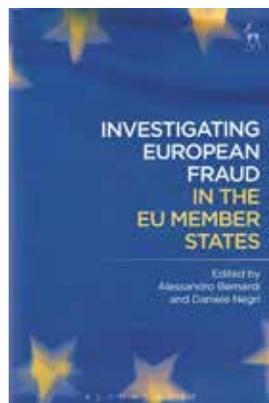
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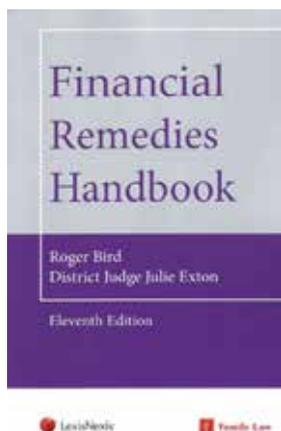
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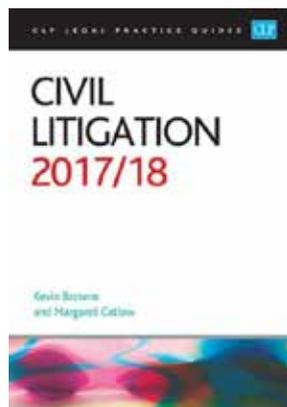
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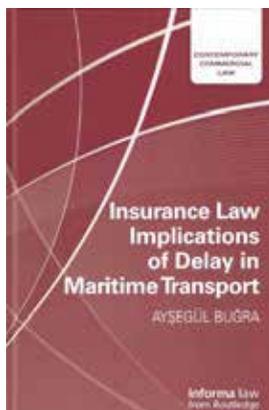
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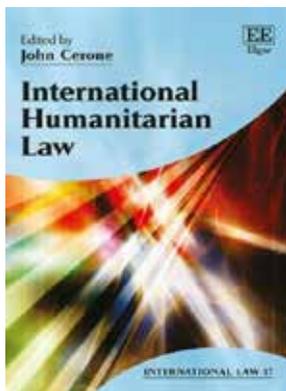
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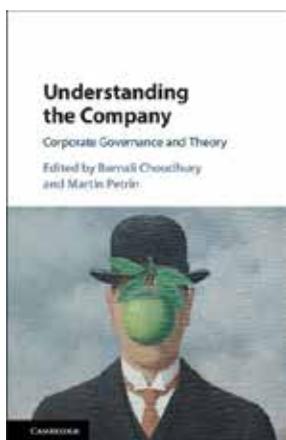
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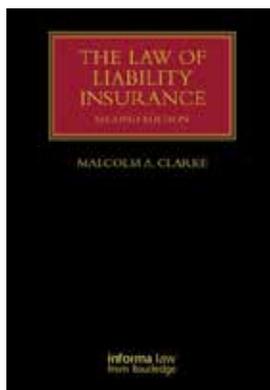
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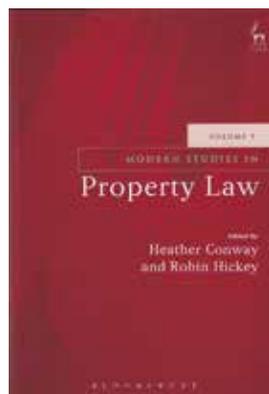
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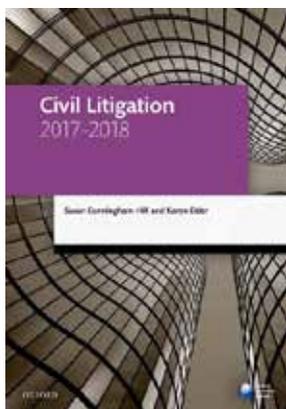
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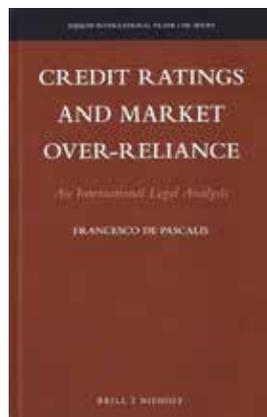
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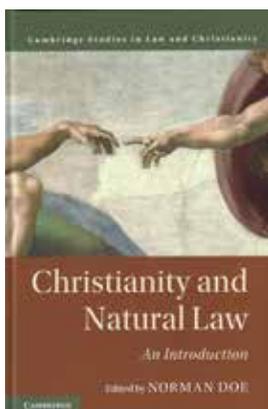
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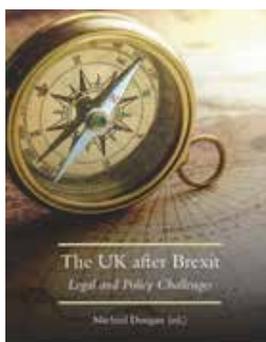
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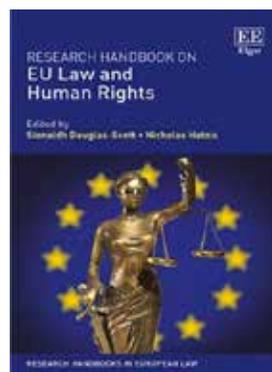
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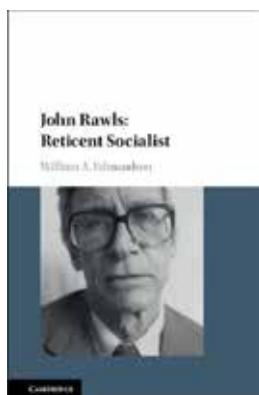
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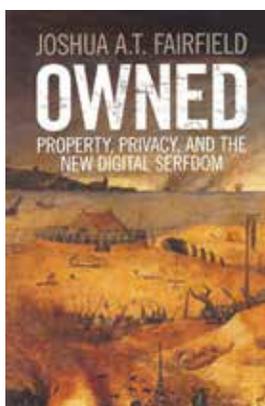
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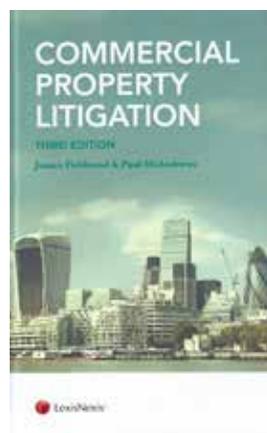
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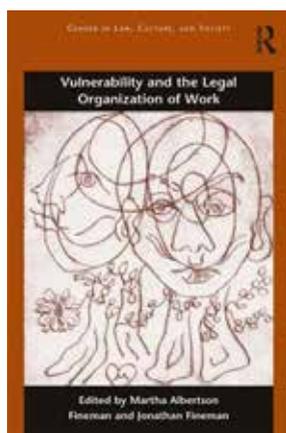
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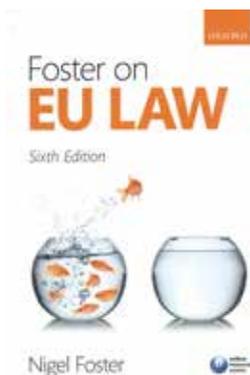
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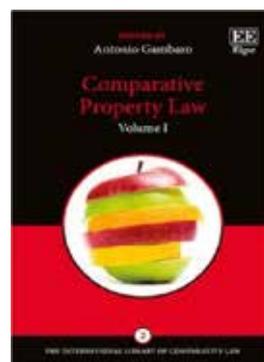
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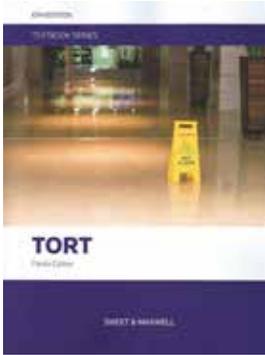
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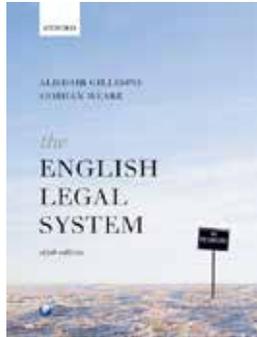
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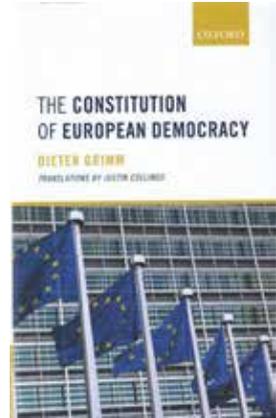
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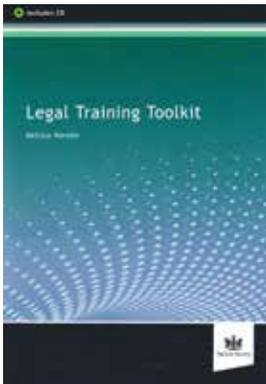
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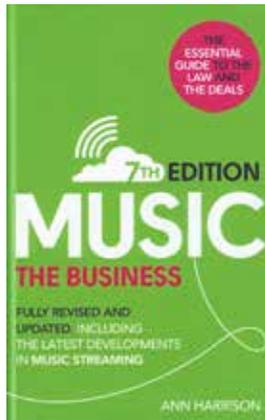
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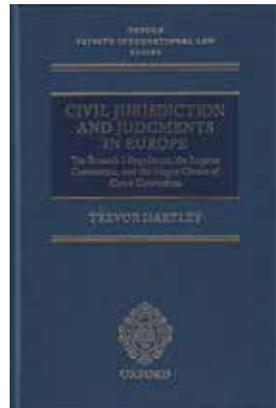
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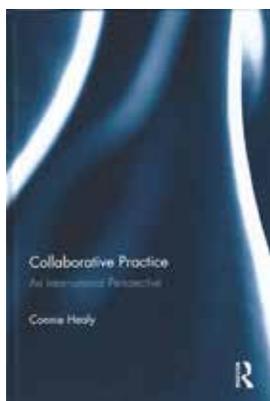
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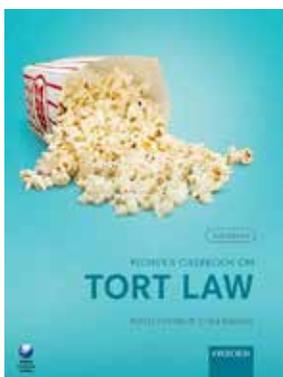
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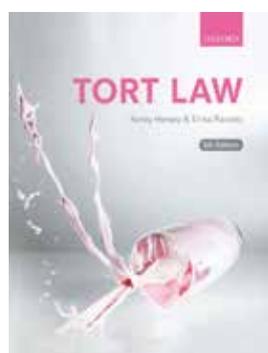
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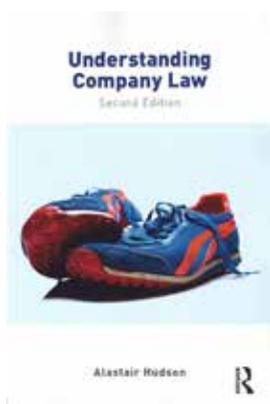
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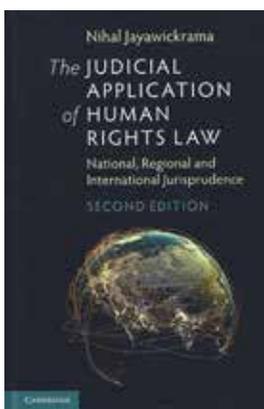
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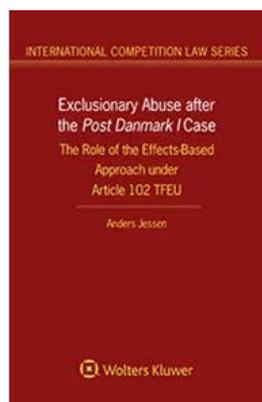
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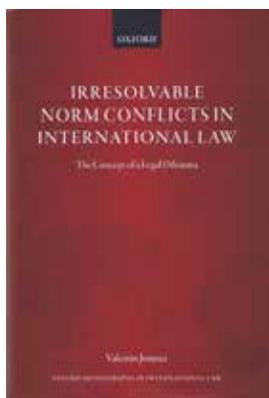
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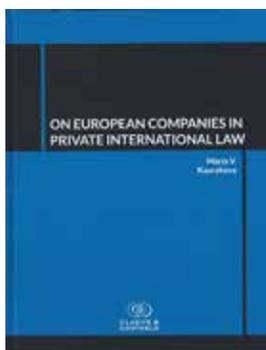
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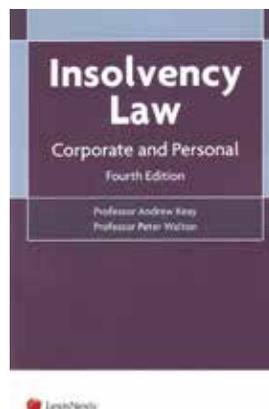
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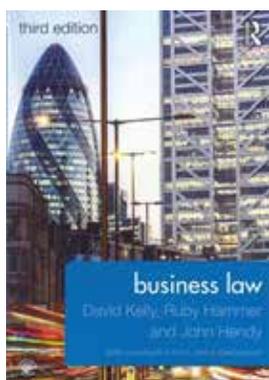
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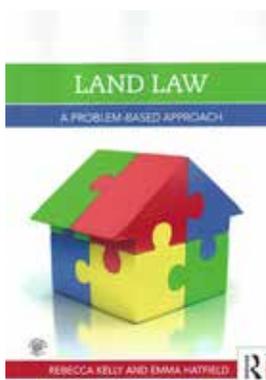
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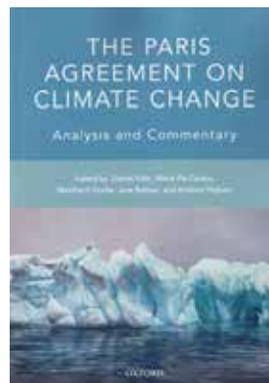
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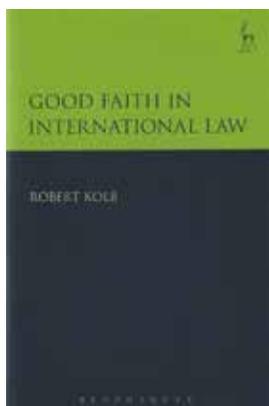
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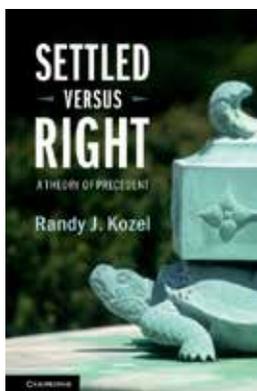
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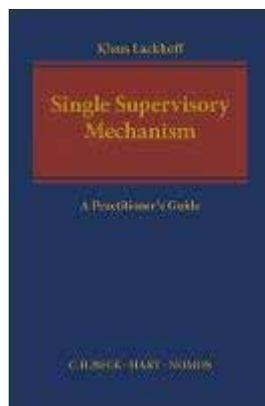
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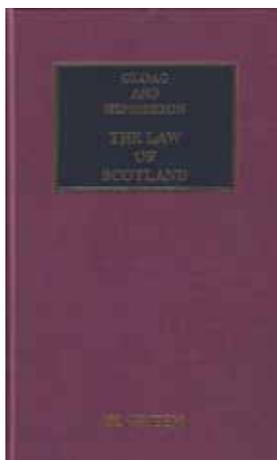
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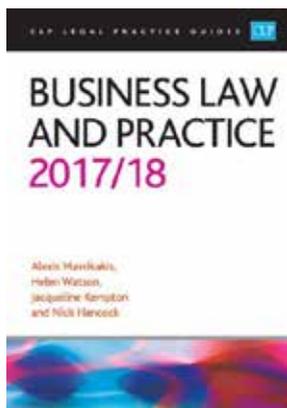
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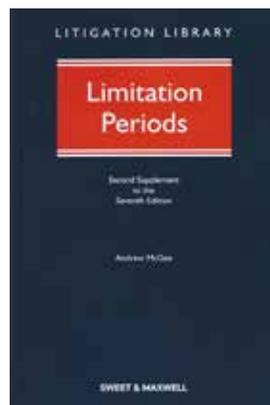
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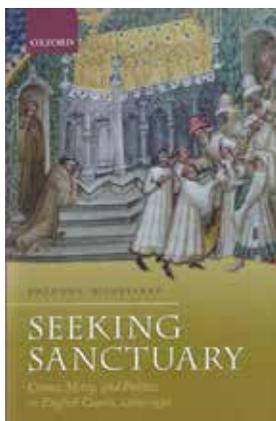
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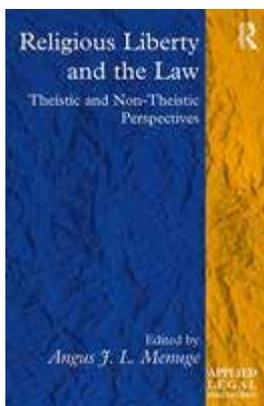
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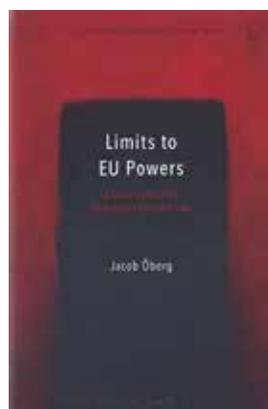
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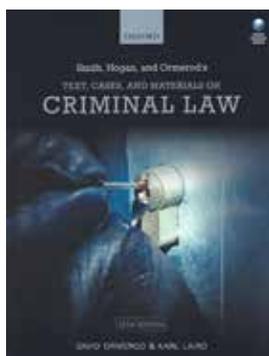
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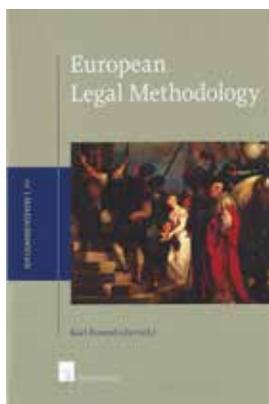
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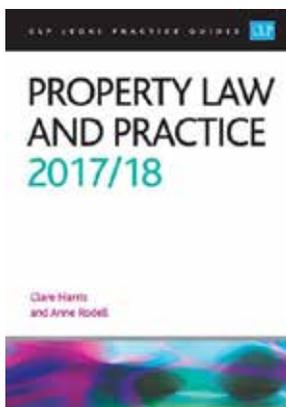
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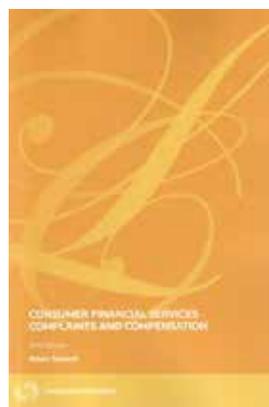
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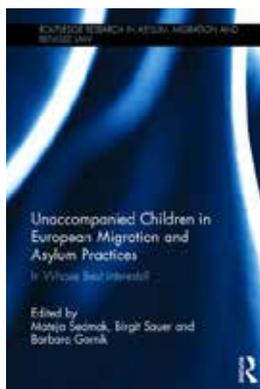
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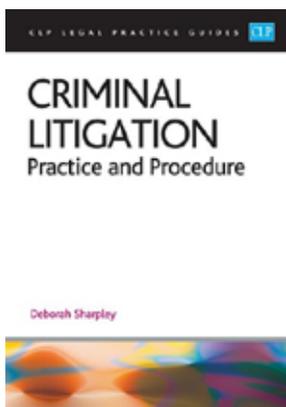
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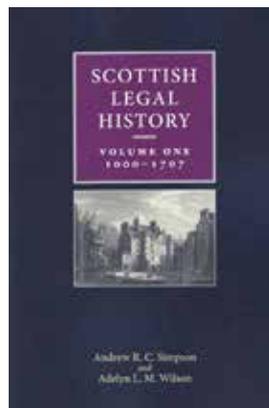
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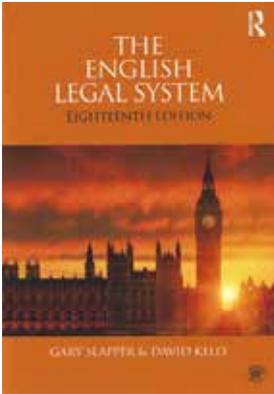
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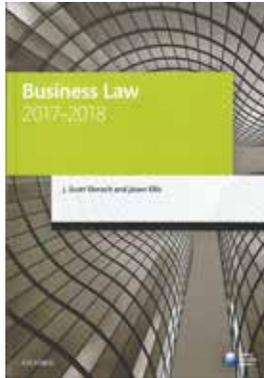
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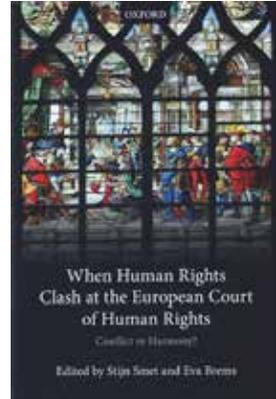
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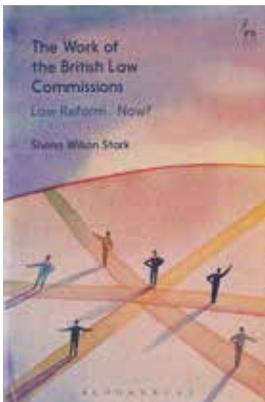
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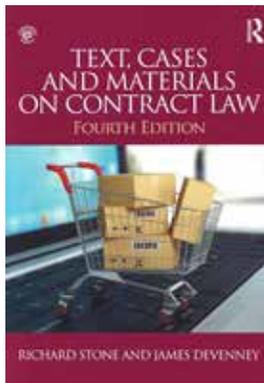
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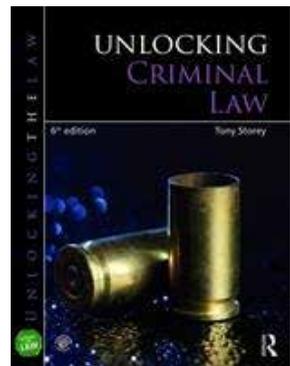
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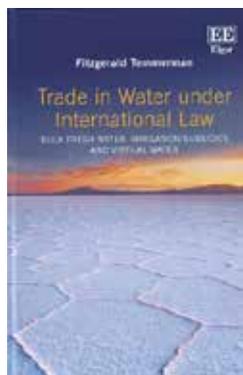
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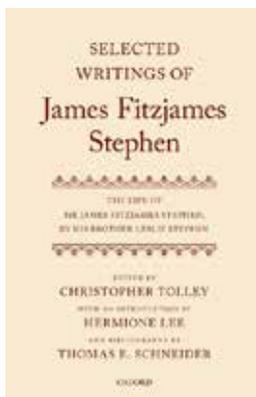
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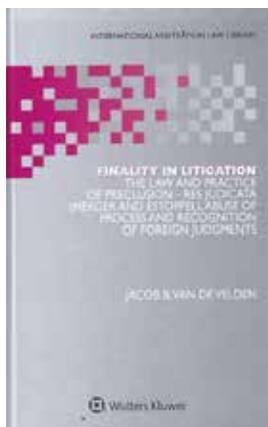
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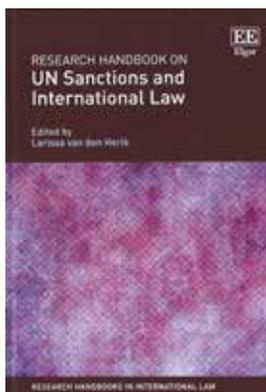
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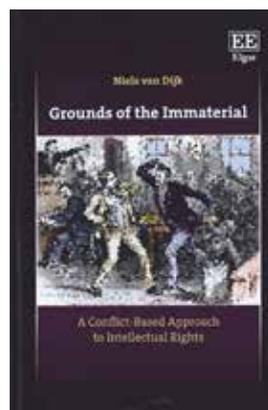
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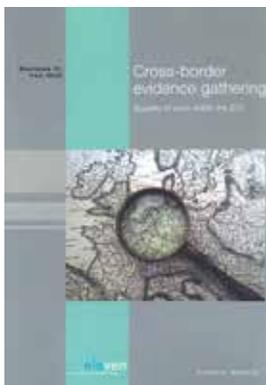
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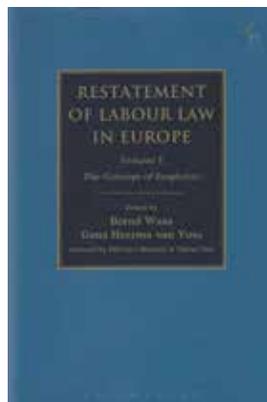


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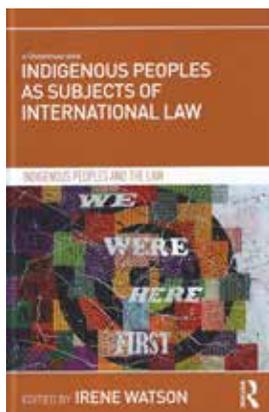
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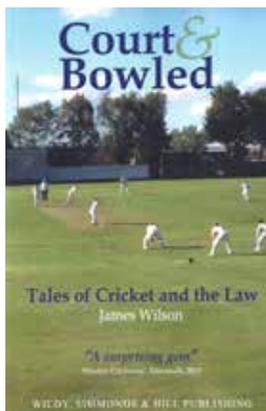
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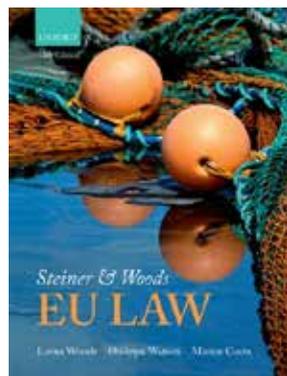
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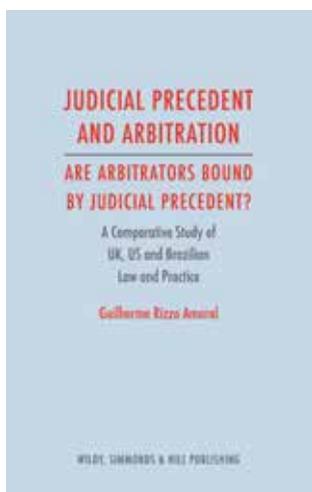
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A Comparative Study of UK, US and Brazilian
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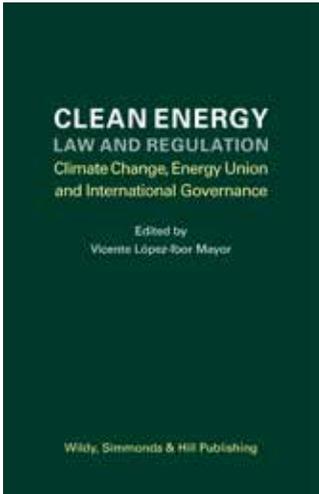
Guilherme Rizzo Amaral

Price: £65.00
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Binding: hardback

One of the cornerstones of arbitration is the finality of arbitral awards. Saving rare exceptions, arbitral awards cannot be subject to challenges based on the arbitrator's errors of law. Furthermore, there is no hierarchy between arbitral tribunals and judicial courts, nor are arbitrators part of any judicial system. Thus, if arbitrators are not part of any hierarchical scheme and if there is no challenge or appeal available against their errors of law, how could one say that arbitrators have a duty to follow judicial precedents? Besides, when individuals agree to solve their disputes outside the judicial arena, should they expect a private arbitrator to abide by the same standards of a system they have just avoided? Is the choice for arbitration not a choice for an entirely different legal system, unbound by the so-called judge-made law?

This book attempts to answer those questions by presenting a comprehensive guide to the relation between judicial precedents and arbitration in the United States, the United Kingdom and in Brazil, as well as in international arbitration as a whole.

Guilherme Rizzo Amaral holds a Master's degree from the Pontificia Universidade Católica do Rio Grande do Sul (Brazil), a Doctor's degree from the Universidade Federal do Rio Grande do Sul (Brazil) and was a Visiting Scholar at Queen Mary, University of London (Centre for Commercial Law Studies – CCLS). He has authored books and various legal articles on procedural law and has taught Civil Procedural Law at the Universidade Federal do Rio Grande do Sul (UFRGS) and at Fundação Escola Superior do Ministério Público (FMP), among other institutions. He was a member of a committee that assisted the Brazilian House of Representatives in the drafting of the bill of the new Brazilian Code of Civil Procedure (which entered into force in 2016). He is one of the founding partners of Souto Correa Cesa Lummertz & Amaral Advogados (Brazil), where he heads the Dispute Resolution practice. He also participated of the Scholar-In-Residence program at Wilmer Cutler Pickering Hale and Dorr (WilmerHale) in London (2017).



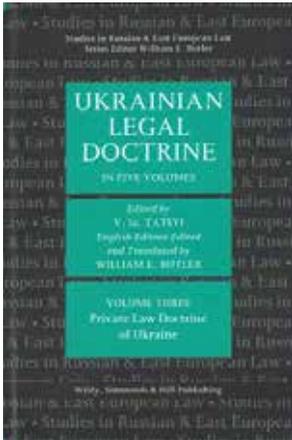
**CLEAN ENERGY
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Climate Change, Energy Union and International Governance

edited by
Vicente López-Ibor Mayor

Price: £65.00
ISBN: 9780854902262
Extent: 306pp
Binding: hardback

The energy industry has an unstoppable momentum but also a value to society in terms of economic development and environmental protection through the development of “clean energies”. This is helping to build the foundations of an energy law regime, which is currently undergoing necessary development and consolidation. The contributors to this book examine the essential legal and regulatory factors contributing to energy law from different viewpoints and backgrounds.

Dr. Vicente López-Ibor Mayor is President of Estudio Jurídico Internacional, Spain and Chairman of Lightsource Renewable Energy, United Kingdom



UKRAINIAN LEGAL DOCTRINE
in five volumes
Volume 3: Private Law Doctrine of Ukraine

Edited by N. S. Kuznetsova

English Edition Edited and Translated
by William E. Butler

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In this volume the authors address for the first time in a single volume the development of ‘schools’ civil law doctrine in Ukraine: Kharkiv, Kyiv, Odessa, Lviv, and others, the general theoretical foundations of civil-law doctrine, the subjects of civil law, doctrines on ownership, contract, delict, intellectual property, personal non-property rights, inheritance, corporate law, securities, family, labor, and housing law, and international private law. The volume concludes with a consideration of the law of civil procedure and alternative dispute resolution.

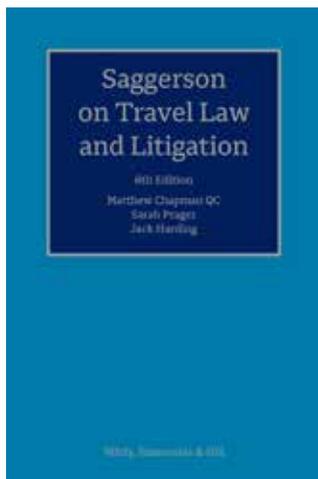
THE EDITORS

William E. Butler is The John Edward Fowler Distinguished Professor of Law, Pennsylvania State University; Emeritus Professor of Comparative Law in the University of London (University College London); Foreign Member, National Academy of Sciences of Ukraine and National Academy of Legal Sciences of Ukraine; Associate, International Academy of Comparative Law.

V. [Ia.Tatsyi](#) is Academician, National Academy of Sciences of Ukraine; Honorary President and Academician, National Academy of Legal Sciences of Ukraine, doctor of legal sciences, and professor.

SAGGERSON ON TRAVEL LAW AND LITIGATION *6th ed*

Matthew Chapman QC
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Written by leading practitioners at the London travel law set, 1 Chancery Lane, the sixth edition of Saggerson on Travel Law and Litigation comprehensively revises and updates the previous edition. It continues to provide detailed commentary on all topics of relevance to the travel lawyer and also considers the following new developments:

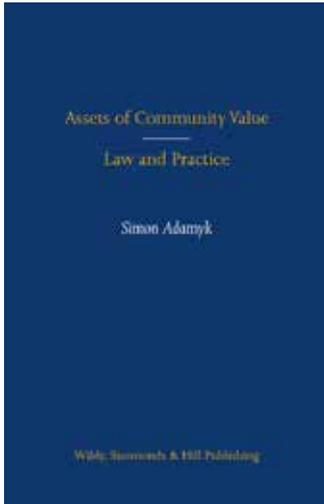
- Package travel liability and the limits of the same;
- Latest developments in the local safety standards defence;
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This authoritative text will be of interest to all those who deal with claims that have a cross-border elements and will prove an essential addition to the library of all barristers, solicitors and legal executives who practise in the rapidly expanding field of travel law.

Matthew Chapman, Sarah Prager and Jack Harding are Barristers at 1 Chancery Lane, London where they handle the full range of travel-related litigation. They serve on the Committee of the Travel & Tourism Lawyers' Association. They have been involved in many of the most high profile travel law cases of the past decade.

ASSETS OF COMMUNITY VALUE *Law and Practice*

Simon Adamyk

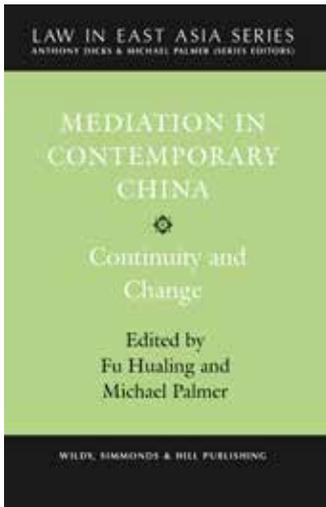


Price: £75.00
ISBN: 9780854902071
Extent: 486pp
Binding: hardback

This book provides guidance on the interpretation and application of the provisions relating to assets of community value under the Localism Act 2011. It aims to provide both legal and practical guidance, drawing together in one place the relevant principles from the Act, the accompanying Regulations, other primary and secondary legislation, Government guidance, the case law and elsewhere. It will provide assistance to a number of different groups: to those who wish to nominate a building or other land for listing as an asset of community value, to landowners who may wish to resist the listing of their property, to local authorities who have to determine the nomination and resolve any disputes (and maybe defend their decision on review and on appeal), and to the professionals who advise them.

The assets of community value provisions of the Localism Act 2011 are being extensively used and the impact of the provisions is not to be underestimated. Thousands of assets have been listed since the legislation came into force, and the provisions can have a significant impact on the landowner's rights in relation to his land, both while the land is still in his ownership and also if he wishes to dispose of the land. The impact of the provisions has increased significantly since they were first introduced, as a result of changes to planning legislation in 2015.

Simon Adamyk is a practising barrister at New Square Chambers, Lincoln's Inn. He read law at Downing College, Cambridge, and was awarded the highest mark in the University in each of the three years of his law degree and also a starred first in his first year. He also holds a Master's degree in law from Harvard Law School. He specialises in chancery/commercial law.



MEDIATION IN CONTEMPORARY CHINA

Continuity and Change

edited by
Fu Hualing and Michael Palmer

Price: £65.00
[ISBN:](#) 9780854902248
Extent: 420pp
Binding: hardback

This collection of essays is the result of a collaborative project between Professors Fu Hualing and Michael Palmer, along with scholars in both Hong Kong and mainland China, on the nature and place of mediation in the justice system of the People's Republic of China. The project explores key aspects of the continuing central importance of mediation as a dispute resolution process, the various efforts at the refurbishment of mediation that have been made over the past decade or so, and the reforms that would best enhance the practice, theory and teaching of mediation.

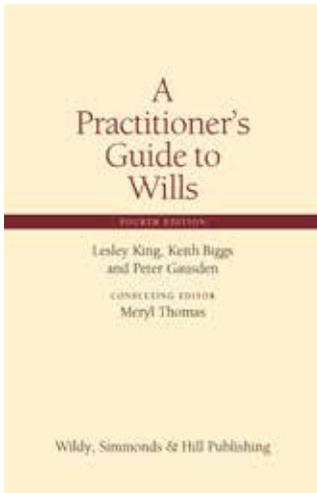
Mediation is used In China today for handling disputes in a variety of institutional contexts: 'people's mediation', which is primarily a form of local community dispute resolution, judicial mediation carried out by judges in and around the court, administrative mediation as conducted by officials and often focused on specific areas of governmental responsibility (as, for example, is the case with environment disputes), mediation in arbitral proceedings, and private mediation carried out without specific institutional support. Over the past fifteen years or so, in response to the rapid economic and social changes taking place in mainland China (including, inter alia, a declining importance of the local community) there have been attempts to institutionalize mediation, to resource it better, and to give it more legitimacy and legal force. In handling cases that come before the courts, judicial mediation continues to be seen as a particularly useful process, offering flexibility and effectiveness in dispute resolution (and even in handling serious criminal cases).

But at the same time, the widespread reliance on mediation can also mean that dispute negotiations do not take place in the 'shadow of the court' but, rather, in the 'shadow of mediation'. Under the current Xi Jinping government, the Chinese Communist Party's concern with political stability and social harmony has intensified. Even more so now than in the past, China's judges, people's mediators, arbitrators and others have to consider the social and political impact of their dispute resolution work, and to see mediation as a part of a larger scheme of dispute containment.

A PRACTITIONER'S GUIDE TO WILLS

Fourth Edition

Lesley King, Keith Biggs and Peter Gausden



Price: £69.00
[ISBN:](#) 9780854902040
Extent: 534pp + CD
Binding: hardback

The fourth edition of this popular title provides a practical and comprehensive reference for all those concerned in drafting and interpreting wills, and in giving effect to their provisions. The commentary is supported throughout by an extensive range of specimen clauses and model wills are provided in a separate appendix. All precedent material is included on the accompanying CD-Rom, enabling practitioners to adapt precedents for their own use.

Fully updated, *A Practitioner's Guide to Wills* now covers the Estates of Deceased Persons (Forfeiture Rule and Law of Succession Act) 2011, Marriage (Same Sex Couples) Act 2013, Trusts (Capital and Income) Act 2013 and the Inheritance and Trustees Powers Act 2014, the latter making major changes to the intestacy rules, family provision legislation and trustees' statutory powers of maintenance and advancement. It examines the impact of these legislative changes as well developments in taxation affecting wills, notably the new relevant property trust regime and its impact on pilot settlements, the new residence nil rate band, the reduced rate of IHT for gifts to charity and the new rules on trusts for disabled beneficiaries. The impact of the new residence nil rate band on planning and drafting is considered, together with the role that nil rate band gifts and discretionary trusts might still have to play in financial planning. The chapter on construction of wills has been rewritten following the Supreme Court's decision in *Marley v Rawlings* and subsequent cases including *Reading v Reading* are considered. The chapter on testamentary capacity has been revised in the light of developments since the Mental Capacity Act 2005 including *Simon v Byford* which considered the extent to which dementia affects testamentary capacity. Other recent cases discussed include the Court of Appeal decisions in *Ilott v Mitson* and its implications for testators who wish to exclude close family members from benefit.

Lesley King is a solicitor, and a principal lecturer at the College of Law. Keith Biggs is now a Probate Consultant but was formerly the District Probate Registrar at Winchester. Peter Gausden was formerly a principal lecturer at the College of Law. He is now a consultant solicitor at Rowlinsons.

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