

Forwarderlaw E-news: January 2009

Happy New Year from Forwarderlaw

On the occasion of our first e-news of 2009, and our first e-news in the new year of the Ox, a happy and prosperous new year to all our readers. Although this year seems to bring more challenges than opportunities, the mighty ox will power through. The wise rat will stand on his head and reach the other side dry and victorious!

Calculation of Damages under the Hague-Visby Rules

Editor Emeritus Peter Jones provides this first part of a three part series on calculating damages under the provisions of the most common international conventions. While the conventions were intended to bring certainty and simplicity, significant questions still arise as to the applicability of convention limits, interpretation of those limits, and the applicability of limits to various heads of damage. To read part 1 click here:

http://www.forwarderlaw.com/library/view.php?article_id=543

Lost at Sea: Punitive and Aggravated Damages under the Athens Convention

In a recent Canadian case the courts considered the implication of the phrase ‘losses resulting from’ in the context of a wrongful death lawsuit under the Athens Convention. Similar phrases are commonly used in other international conventions, and the Court concluded that the phrase did not permit recovery of exemplary or punitive damages. General Editor Gavin Magrath comments:

http://www.forwarderlaw.com/library/view.php?article_id=540

Proving Cargo Damage: The Use and Misuse of Institutional Records

Many domestic legal systems allow for the use of institutional records or business documents that might otherwise be considered hearsay. First time contributor Gill Nadel reviews a recent case from the Magistrate’s Court of Tel Aviv in which the difficulties associated with proving business records prevented recovery in spite of a finding of liability. Click here for this cautionary tale:

http://www.forwarderlaw.com/library/view.php?article_id=541

The Scope of Federal Jurisdiction

The Supreme Court of Canada has agreed to hear the appeal of the Alberta Court of Appeal’s decision in *International Teamsters v Consolidated Fastfrate*. Although this is a case about union certification, the underlying issue is the division of responsibility between Ottawa and the Provinces: a clear statement from the Court could provide certainty as to the constitutional status of freight forwarders. Brief yourself with Gavin Magrath’s review on the history of the case and the issue:

http://www.forwarderlaw.com/library/view.php?article_id=542

General

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Thank-you for reading!

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