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Contents -

ISSUE 41 MARCH 2012

Whitney Houston dies: now follow the money

Direct access to a barrister

Interim injunction stops deposit-taker

- Chief Editor: Sally Ramage, Member of the Chartered Institute of Journalists; Society of Editors and Society of Legal Scholars, UK.
- Consultant Editors: Anand Doobay, Partner, Peters & Peters Solicitors, London, UK.
Leonard Jason-Lloyd, Visiting Fellow, Midlands Centre for Criminology & Criminal Justice, UK.
Roderick Ramage, Consultant, Mace & Jones Solicitors, Liverpool, UK.
David Selfe, Deputy Director, Law School, Liverpool John Moores University, UK.
Edward S. A. Wheeler, IT Manager, Medway Council, UK.
- Design: David. E. Tonkinson, Designer and Online Editor, Poole, UK.

Whitney Houston dies: now follow the money

Sally Ramage

Gifted with a voice as glorious as Whitney Houston's, few musical artists have treated their talent with the frustrating indifference she did toward the end of her life. She sold more records and received more awards than almost any other female pop star of the 20th century, but spent most of her last years mired in a drug addiction that sapped her will to sing and left her in shambles. Houston was gospel-trained. Her voice sounded good with R&B, pop and ballads, and she was adept at each style. It was a ballad that provided her biggest hit, a 1992 cover version of Dolly Parton's song *I will always love you*. Her melodramatic rendition illustrated her most powerful vocals and her rendition of the song sold a total of 12 million copies, making it one of the biggest singles of all time. Whitney Houston died on 11 February 2011, allegedly destitute, after earning hundreds of millions of dollars during the past 25 years.

1986-2012: records sold – 170 million

Her total record sales topped 170m, putting her in an elite group of female superstars that included Mariah Carey and Celine Dion, both of whom were heavily influenced by Whitney Houston's emotional, vibrato-laden style.

1993- marriage and a baby to care for during the next decade to 2003

Houston often gravitated to dramatic songs with lyrics about triumphing over the odds, and has been credited with inventing the pop diva genre that has inspired singers to this day. She was being truthful. She was the first black woman to break through the colour bar at the all-important MTV, which hitherto had played white artists almost exclusively. Houston's success made her rich, and it is alleged, that her wealth enabled her to maintain a cocaine habit that kept her from making records for years at a time in the years 1993-2003 (after marrying Bobby Brown). In 2010, her daughter was 16 years of age and so Houston embarked on a world musical tour. The newspapers were unrelenting in their criticism and it appeared that the tour was not a great success.

1991- Houston denies pregnancy

Whitney said to reporters in 1991 that she was neither pregnant nor engaged, as newspapers had printed and she emphasised to them that marriage and children are important to her. Later, her double-platinum album, titled, *I'm your baby tonight*, presented a harder-edged, streetwise sound.

1999- 2008: criminal defence litigation against charge of possession of marijuana

On 22 May 2008, eight years after being charged in Hawaii with possession of marijuana, the misdemeanour criminal charges for marijuana possession against Whitney Houston have been dropped. In the year 2000, Houston was caught with a bag of less than a half-ounce of pot and three partially smoked joints at an airport in Hawaii while trying to board a flight. She was not arrested at the airport and was allowed to board the plane with then-husband Bobby Brown after leaving the weed behind. How much did this cost financially??

We might think that movie stars, musicians, business moguls, political figures and professional athletes are somehow larger than life, but real life catches up with them just like it does the rest of us. A variety of celebrity arrests happen almost every day, some of them more high profile than others-and the consequences may go beyond a simple arrest in some cases. Negative publicity like that surrounding Mel Gibson's 2006 DUI arrest and his behaviour at the scene can impact a career, and professional athletes have been benched, even released, after their criminal defence attorneys have rested their cases. The fact that some states in the United States have made the ingestion of cannabis legal must not be omitted here. In November 2009, the state of Denver voted by a majority of 3 to 1 for the legalisation of the drug.¹ Also, see the history of cannabis in the United States in the following books: Deitch, Robert (2003), *Hemp: American history revisited: the plant with a divided history*,

¹ Alan Gathright, 'Breckenridge 'pot' legalisation creates buzz: measure passes by 3 to 1 margin', *7 News*, 3 November 2009. The town of Breckenridge, Colorado created a national stir after citizens voted to legalise the adult possession of marijuana. Breckenridge voters passed Measure 2F, which removes criminal penalties from the town code for the private possession of up to one ounce of marijuana by adults aged 21 and older. The ordinance also removes criminal penalties for the possession of bongs, pipes and other drug paraphernalia. This decriminalisation vote did not change laws prohibiting smoking in public, use by minors or driving under the influence of the drug.

New York, Algora Publishing and also Holland, Julie M.D. (2010), *The pot book: a complete guide to cannabis: its role in medicine, politics, science, and culture*, ME: Park Street Press.

2008 to 2012- civil litigation by stepmother reaches Federal Court

When Whitney's father, John, died in 2003, Whitney allegedly received one million dollars as the beneficiary of a life insurance policy. Whitney Houston foreclosed on her stepmother's home in lieu of payment of legal costs. She recently won her case against her step-mother who claimed that Houston had recalled loans she made to her father, the step-mother counteracting that his one insurance policy held when alive, was in order to pay the mortgage on her father's house. He died in 2003. When John Houston died, his new second wife, Barbara, inherited their marital house. Because of the loan to Whitney Houston's father, used to buy his new home with his second wife, Whitney owned the mortgage on her father's house. Barbara claimed that the life insurance money was meant to repay Whitney for that mortgage. When Whitney refused to credit the life insurance money against the mortgage, Barbara sued. Whitney Houston counter-sued, pointing out in a public court record that Barbara met her father while she was his 'maid'. Barbara was 40 years younger than Whitney Houston's father and had starting dating him whilst he was still married to Whitney's mother. Whitney also brought up the fact that John and Barbara were married shortly after he divorced Whitney's mother. As part of this lawsuit, Whitney also sought a judgment for the mortgage to be repaid, with interest, which totalled about \$1.6 million to date. Barbara's lawyers argued that there was evidence, which suggested that the insurance policy was meant to repay the mortgage. The problem was that there never was a written agreement between Whitney Houston and her father. In defence, Whitney Houston argued that the life insurance policy was meant to repay her the many amounts of money she had lent her father over the years. The court agreed with Whitney and dismissed the lawsuit, without holding a trial, in late 2010. Barbara then filed an appeal. In the fourth week of January 2012, the Federal Court of Appeals dismissed Barbara's appeal and upheld Whitney's victory. Before Whitney could complete the foreclosure for the disposal of her late father's house, she died. As to the gossip that Houston was penniless, her staff have denied this as mere rumour. They argued that Houston has just completed the making of a new movie, a remake of the 1976 movie called *Sparkle*, with Jordin Sparks, and it is due to be released in August 2012.

2012, February 11- Whitney Houston 's death

Whitney Houston was found underwater in the bathtub of a Beverly Hills hotel suite; authorities said as they continued to investigate her death, including examining prescription drugs found in her room. Authorities have collected several bottles of drugs from Houston's suite at the Beverly Hilton Hotel, law enforcement sources told *The Times*. But the sources stressed that the amount of drugs did not seem unusually large, and it remained unclear whether the drugs had anything to do with her death. Investigators are expected to speak to Houston's medical team as they try to learn of any underlying medical conditions she might have had. Beverly Hills police have officially announced that they have no plans to launch a criminal investigation, nor do they consider that her death was a homicide. Both the Beverly Hills Police Department and the Los Angeles County coroner's office continued to interview friends and family and collect evidence as they investigate the cause of the pop star's death. Detectives will piece together the last hours of Houston's life and are awaiting toxicology results, according to the law enforcement sources.

2012, 21 February: Houston's chattels auctioned

On the day after Whitney Houston was buried in New Jersey, her clothes and chattel were being auctioned. With regard to her estate, which will go to her daughter, it has been reported that Houston has no money left to her daughter as expenses including massive legal fees have ravaged her estate. Fifteen of her dresses and some of her jewellery are to be included in the auction. These include the jewellery and dresses from the famous movie *Bodyguard*. The auctioneer from *Julien's Auctions*, of Beverly Hills, California. Julien's Auctions expect that her possessions will be sold on March 31 and April 1 for 30 times their cost.

2012- posthumous chart rise

Her death at the age of 48 may send her albums back into the charts, and introduce her music to a generation who hardly knew her. Houston was lauded by other vocalists for her impeccable technique and polish, qualities that elevated her above almost every other star of her era.

The UK's anti-piracy laws will help Houston's estate

The Copyright and Related Rights Regulations 1996 created extensive rights for performers by way of amendment to the Copyright, Designs and Patents Act 1988. Performers have performer's non-property rights and recording rights. A performer's consent is required to exploit his or her performances. The Copyright, Designs and Patents Act 1988 defines 'performance' as a dramatic or musical performance, a reading or recitation of a literary work, or a performance of a variety act or any similar presentation which is or so far as it is, a live performance given by one or more individuals. (Section 180 (1)). Therefore, Whitney Houston's funeral; service on Saturday 18 February in Newark Baptist Church qualifies as a performance. Section 180(2) states that:

'A person having contractual recording rights in relation to a performance may take action in respect of any unauthorised recording of such performance'.

The 1886 Berne Convention for the Protection of Literary and Artistic Works created a set of rules with a validity extending beyond notional borders. It gives a broad definition of 'literary and artistic works' that applies to every production in the literary, scientific and artistic domain using a variety of expressions. (Article 2.1). Her funeral service in New Jersey, United States, qualifies for protection. A qualifying country includes any country that is party to the Rome Convention for the Protection of Phonograms.....

Direct access to a barrister

Sally Ramage

Barristers in private practise can now be instructed by anyone in any area of law without using a solicitor (if the barrister is registered with the Bar Council for public access). The barrister's role remains essentially the same as when they are approached by a solicitor or another intermediary. Barristers can advise you on your legal status or rights. Barristers can draft and send documents for you and can represent you in court, tribunals or mediations. Barristers can also negotiate on your behalf and can attend employment or investigative interviews and hearings where appropriate. There are some restrictions on the type of work that can be undertaken this way. In particular barristers cannot conduct litigation, which in general terms this means that they can provide all the legal input required but cannot issue proceedings, serve documents, instruct expert witnesses or hold client's money on account. How this might affect your case will be made clear at the start of any consultation and would be kept under review...

Abuse of Process: *Kaur* [2011]

Sally Ramage

Mrs Kaur was a student member of ILEX. She and a number of other students were charged with a variety of disciplinary offences relating to cheating in exams. The Disciplinary Tribunal, which heard Mrs Kaur's case, comprised two lay members and a serving ILEX Council member. The Appeal Tribunal was similarly constituted, the Chair this time being the Council's vice-president.² Mrs Kaur appealed³ on the basis that the presence of a Council member and a director of ILEX on the Disciplinary Tribunal and the vice-president on the Appeal Tribunal was in breach of the doctrines that no one may be a judge in his own cause and/or of apparent bias.⁴

Whilst there was no suggestion that either the council member of the Disciplinary Tribunal or the vice-president sitting on the Appeal Tribunal were actively involved in the prosecution of Mrs Kaur, they were, nevertheless, actively involved in the total governance of ILEX, and being responsible for its regulatory policies, their membership of either of those tribunals offended against both doctrines...

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² ILEX's regulatory responsibilities are dealt with by a subsidiary company, ILEX Professional Standards Limited (IPSL). The intention was to place the investigatory and prosecutorial arms of regulation in a separate body from ILEX itself. ILEX was, however, its sole shareholder.

³ *R (on the application of Darsho Kaur) v Institute of Legal Executives Appeal Tribunal and Institute of Legal Executives* [2011] EWCA Civ 1168.

⁴ See the case of *Re P (A Barrister)* [2005] 1 WLR 3019 in which the issue was whether the lay member of the *Visitors to the Inns of Court*, Ms Sara Nathan, could participate as a member of the tribunal when she was a member, albeit as a lay representative of the Professional Conduct and Complaints Committee (PCCC) which was the body responsible for making the decision as to whether to prosecute a member of the Bar against whom a complaint had been made. It was held in that case that she would be a judge in her own cause and should have recused herself, even though she had had no prior involvement in the case in her capacity as a member of the PCCC.