

# Current Criminal Law

online

SALLY RAMAGE®

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## **Courts are updating themselves across the pond**

### ***American Dental Assn. v Cigna Corp and MetLife Inc.***

**Sally Ramage**

A federal appeals court has disallowed a multibillion-dollar RICO class action launched by the American Dental Association and its members against major insurance companies for their alleged failure to pay providers. The 11th U.S. Circuit Court of Appeals threw out the case, finding that the complaint did not meet the pleading standards as required under two recent U.S. Supreme Court decisions. The court upheld the suit's dismissal in favour of Cigna Corp. and MetLife Inc. and their subsidiaries. Circuit Chief Judge Joel Dubina stated that the Racketeer Influenced and Corrupt Organizations Act case could not survive the pleading standards under the U.S. Supreme Court's *Twombly* and *Iqbal* decisions....

**(Article can be purchased from Westlaw)**

## **'Hatred' in the United Kingdom and the United States**

**Sally Ramage**

### **Stirring up sexual hatred**

The subject of sexual hatred is still misunderstood by professionals and the public alike. In the United Kingdom, the Criminal Justice and Immigration Act 2008, section 74 and Schedule 16, make the stirring up hatred on the grounds of sexual orientation, a criminal offence only since 30 March 2010. Yet in the "Police Review", magazine published by IHT Jane's, a two-page article on 21 April 2010, titled "Hate Crime", written by one whose topic of study is social policy, carried information about the Crime and Disorder Act 1998 and the Criminal Justice ACT 2003, but blissfully void of any mention of the statutes that expressly address hate crime: the Public Order Act 1986; the Racial and Religious Hatred Act 2006 and the Criminal Justice and Immigration Act 2008! The newspapers fare no better as one article, "Survey revealed extent of homophobic crime in Brighton", dated 27 February 2008, that "*that 73% of lesbian, bisexual, trans or gay residents have been the victim of a hate crime*", when in fact there was no such offence until 30 March 2010....

**(Article can be purchased from Westlaw)**

## **Unaccompanied minors sent to Europe - Directives 2008/115/EC, 2001/55/EC and 2004/81/EC**

**Sally Ramage**

### **Reasons for the directives**

An increasing number of refugees are children and this has an impact on all EU Member States. In 2008, the European Migration Network published the number applications for asylum lodged by unaccompanied minors in the 22 Member States to total 11,932 persons, this number rising from 8,030 in 2007, most from Afghanistan, Iraq and some African States. These children are either escaping from wars and conflicts, from poverty, from natural catastrophes, from discrimination or

from persecution. Some seek free medical attention; some are simply economic migrants. The Stockholm Programme, endorsed by the European Council on 10-11 December 2009 .....

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## **Enforcement of Intellectual Property Rights**

**Sally Ramage**

The protection and enforcement of IP rights on a global basis requires a knowledge of the currently diverse laws, practices and procedures in individual countries or regions. AIPLA, through its committees, provides information and educational materials with regard to recent and future developments in various countries or regions, including committees focused on IP in Europe, IP in the Far East (primarily south east Asia), Intellectual Property Practice in Japan, and IP Practice in Latin America. The committee is responsible for Trademark Treaties and International Law. The committee serves as the umbrella committee for the several geographically focused committees, and offers a broader global perspective to developments world wide, including the international treaties that may affect IP rights. There is a committee specifically concerned with...

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## **Millions of British people use illicit drugs every year**

**Sally Ramage**

The British Crime Survey 2009 reported that an estimated three million people in the UK used illicit drugs in 2009. About 2.4 million people reported using cannabis and about one million people reported using Class A drugs, such as heroin and cocaine. The illicit drug market in the UK is estimated to be £4-6 billion. The use of Class A drugs such as heroin and 'crack cocaine' creates some £15 billion in crime and health costs each year....

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## **Fraud and bribery and greenhouse gas emissions**

**Sally Ramage**

Investigators in Europe have begun a bribery inquiry concerning Yulia Tymoshenko, former PM of the Ukraine, suspended in 2005 when she became Prime Minister. Bribery was alleged when in 1999, the PM was CEO of a gas company....

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