

2020

Legal Year in Review

A Message from our Managing Partner, Nicole Ferreira-Aaron

They say hindsight is 2020 but surely they could not have meant that in reference to the year 2020, because no one's eyesight could be quite so good.

That a microscopic virus would take the whole world on the wild ride that 2020 has turned out to be would have been well beyond anyone's imagination.

This year has seen major disruption in every single business sector both locally and internationally in what experts describe as the largest economic shock the world has experienced in decades. Governments, the world over, have had to divert extraordinary amounts of cash to fund both the primary healthcare crisis and to provide fiscal support, incurring substantial debt in the process. Emerging markets and developing countries face significant challenges. Key amongst them are fragile health care systems, loss of trade and tourism and diminished remittances. While the OECD has said that the fallout anticipated from the pandemic this year will not be as

drastic as initially expected, the outlook for economic recovery remains quite uncertain.

But it has not been all bad news. Covid has dramatically revealed that traditional workplaces are not always essential to business success. In a few short weeks persons were working from virtually anywhere and delivering effective results, while balancing work and home demands. Robust infrastructure enabled remote collaboration and teamwork. E-commerce and the digital customer experience have been transformed and touchless commerce seems likely to be a permanent part of the future. Companies have been driven to enhance customer experience by utilizing augmented and virtual reality tools. Estee Lauder rolled out a virtual makeover widget and it is predicted that similar technology will be used to sell clothing, offer after sales service

and to test drive and sell cars. Informed by the technological advances businesses have been incentivized to diversify. Last week Dyson announced that it would invest an additional £2.75bn as an appliance brand pushing deeper into areas such as artificial intelligence, robotics and energy storage. The weaknesses in supply chains exposed by the pandemic will force improvements. In the future, companies will rely more on big data and predictive analytics to build contingency plans that are more agile, flexible and robust.

Trimming waste has also been a significant by-product of the crisis. Scalable services such as the cloud, increased automation and self-help are on the rise. Increased use of artificial intelligence is likely to feature heavily moving forward. On-line



banking, payment systems and electronic financial services in general have received a huge shot in the arm. With disruptions in food supplies, agro-manufacturing is a key area of opportunity and one can only hope that we can finally realise the long held (and long overdue) objective of feeding ourselves. Medical equipment and pharmaceuticals are also quite obvious opportunities and the prospects for the medical marijuana industry remain very much alive.

In all of this we have been reminded that the most valuable assets to any business are its people. Businesses that survived and thrived through this pandemic have done so on the shoulders of their valued employees and business partners. Operating constraints forced greater engagement with employees and

transparency around business objectives. If this trend continues beyond the pandemic, there is every chance of even greater success as businesses frame their future around resilience and their employees. Countries that managed this crisis well did so through the discipline and responsibility of its citizens and the care shown to their fellowmen. With all the human losses, we have all been reminded of the things that truly last.

Like our clients, 2020 has also been a year of challenge and change for us at Hamel-Smith. We have had to explore new ways of maintaining contact with you, our valued clients and staying responsive to your needs and questions in this very dynamic and evolving environment. To that end, we launched a [COVID-19 resource](#)

[page](#), held two webinars and also sought to address topical concerns in our bi-weekly column in the Business Guardian. We are pleased to curate and share some of those [articles](#) with you below.

In the history of mankind, one hallmark has been the indefatigable human spirit and its capacity to rise above adversity, emerging stronger and better than before. The Covid-19 crisis will be no different and will likely provide us with some of the greatest lessons and opportunities for positive change. We are keen to take the learnings of this year, embrace the opportunities for technological advancements and hone our skills in new areas. Our hope is to remain agile and nimble to respond to your changing legal requirements as together we emerge and rebuild. Let us not let a good crisis go to waste!



Hamel-Smith's 2020 Articles and Webinars

Click on links to view Articles

Agriculture

- ◆ [Guava Season - Challenges and Opportunities in the Agriculture Industry](#)

Aviation

- ◆ [The Airline Industry Post Covid-19](#)

Banking

- ◆ [Bankers Beware - The Duty to Protect Customers From Fraud](#)

Capital Markets

- ◆ [The Path to Becoming Listed](#)

Commercial

- ◆ [Understanding MOUs](#)
- ◆ [Breaking Promises - Challenging a Promissory Note](#)
- ◆ [Hush Yuh Mouth! A Primer on NDAs](#)

Companies

- ◆ [A Company Medical - How Healthy Is Your Company?](#)
- ◆ [Directors' Duties](#)
- ◆ [Beneficial Owners - The Companies Amendment Act 2019](#)

Contracts

- ◆ [Covid-19 and Your Contract](#)
- ◆ [Understanding Force Majeure - The Legal Term All Businesses Should Know](#)
- ◆ [Messy Contracts](#)

Data

- ◆ [Data is Risky Business](#)
- ◆ [Covid-19, Privacy and Data Protection](#)
- ◆ [Managing your Digital Footprint](#)

Debt Collection

- ◆ [When the Deal Goes Bad – Commercial Considerations in Debt Recovery](#)
- ◆ [Debt Collection and the New Normal](#)

Digitization

& Fintech

- ◆ [Bitcoin and Other Cryptocurrencies](#)
- ◆ [Blockchain - The Death of A Middleman](#)
- ◆ [Covid-19 and the Use of Electronic Signatures](#)

(Continued below)

Employment

- ◆ On the Breadline - Payments Due to Employees Upon the Termination of Employment
- ◆ Covid-19 and the Temporary Lay Off of Employees
- ◆ #Cancelled - Social Media and Employee Discipline
- ◆ Working From Home After Covid-19 - What Employers Need To Know

Fair Trading & Competition

- ◆ Fair Trade and Fair Competition is Finally Here
- ◆ Covid-19 and Price Gouging
- ◆ Privatisation of Gas Stations – The Potential Impact on Prices at the Pump

Intellectual Property

- ◆ What's In A Name? Fenty v Fenty
- ◆ Hear That Tiger Roar - Protecting Your Brand

Maritime

- ◆ Ship Ahoy! Maritime Claims and What it Means to Arrest A Ship

Probate

- ◆ To Prepare or Not to Prepare – Should you Make a Will?

Property & Conveyancing

- ◆ The Essence of Time In Contracts for the Sale of Land
- ◆ Covid-19 and Commercial Leases

Tax

- ◆ Covid-19 and the Tax Residency Implications of Running a Business Remotely
- ◆ VAT Refunds - What to Expect

Technology & New Media

- ◆ Can You Own a Meme?
- ◆ Defamation On Social Media
- ◆ Can You Sue Over A Bad Review?

Webinars

- ◆ COVID-19: Impact and other Legal Considerations
- ◆ Getting Back to Business



IN OTHER NEWS...



Tree Planting Ceremony Marks M. Hamel-Smith's One Hundred and Ten Years in Practice! 1909-2019

In 2019, M. Hamel-Smith & Co. commemorated its 110th Anniversary by the planting of eleven (11) trees around the iconic Queens' Park Savannah, Port-of-Spain. The tree-planting event was attended by officials of the Horticultural Services Division of the Ministry Agriculture, Land and Fisheries who facilitated the environmental initiative.

The longevity trees, King of Flowers and Mahogany, were dedicated to the staff and clients of the firm whose lives have been intricately interwoven with the firm over the past one hundred and ten (110) years.



M. Hamel-Smith & Co. Appellate Mooting Competition

The M. Hamel-Smith & Co. Appellate Mooting competition commenced in 2004.

It is sponsored by the firm and cooperatively coordinated by the Hugh Wooding Law School. The mooting competition is dedicated to the memory of the firm's founder, Mr. Michael Hamel-Smith, whose interest in legal education was well known.

The attorneys of the firm appreciate the importance of legal education and steadfastly believe the Mooting competition offers law students a supervised, rigorous and disciplined opportunity to learn practical legal skills. The competition is based on a case problem addressing an issue or issues of some public importance and interest in the region.

The objectives of the competition are to:

- Stimulate interest in good and effective appellate advocacy;
- Develop students' skills in both oral and written appellate advocacy;
- Develop teamwork among students;
- Promote healthy rivalry and competition among students of the Law School; and
- Foster the co-operation of the Law School and its students with members of the legal profession.

Pictured below are the Winners and Runners Up of the 2020 HWLS Appellate Mooting Competition with our Managing Partner, Mrs. Nicole Ferreira-Aaron

