Doctrine Of Judicial Precedent Peter Jepson

"Presents the results of a questionnaire-based survey circulated to the main players in the petroleum sector, revealing actual existing contractual risk management techniques and showing a true picture of the political risk situation in the petroleum sector"--P. [4] of cover.

This work has been selected by scholars as being culturally important, and is part of the knowledge base of civilization as we know it. This work was reproduced from the original artifact, and remains as true to the original work as possible. Therefore, you will see the original copyright references, library stamps (as most of these works have been housed in our most important libraries around the world), and other notations in the work. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. As a reproduction of a historical artifact, this work may contain missing or blurred pages, poor pictures, errant marks, etc. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant.

Does the green movement remain a transformative force in American life? In Environment in the Balance Jonathan Cannon interprets a wide range of U.S. Supreme Court decisions over four decades and explores the current ferment among activists, to gauge the practical and cultural impact of environmentalism and its future prospects.

Leading Works in Law and Religion brings together leading and emerging scholars in the field from the United Kingdom and Ireland. Each contributor has been invited to select and analyse a ‘leading work’, which has for them shed light on the way that Law and Religion are intertwined. The chapters are both autobiographical, reflecting upon the works that have proved significant to contributors, and also critical analyses of the current state of the field, exploring in particular the interdisciplinary potential of the study of Law and Religion. The book also includes a specially written introduction and conclusion, which critically comment upon the development of Law and Religion over the last 25 years and likely future developments in light of the reflections by contributors on their chosen leading works.

The Internationalisation of Law

The Law of Judicial Precedent

Parchment, Paper, Pixels

Stability Through Contractual Clauses

English Legal System

The Life of the Law

How is the English legal system structured and who takes part in it? Does the system ever get it wrong? This new textbook provides a clear and accessible guide to the workings of the English legal system. Features such as 'thinking points', 'key debates', and 'talking points' help you toengage with the key areas of debate and controversy, giving you an excellent grounding for the rest of your studies.Online Resource Centre:An Online Resource Centre provides:- 150 multiple choice questions with answers and feedback- Regular updates- Practical examples of essay questions and answers

Challenging traditional accounts of the development of American private law, Peter Karsten offers an important new perspective on the making of the rules of common law and equity in nineteenth-century courts. The central story of that era, he finds, was a

Peter Goodrich presents a unique introduction to the concept of jurisliterature. Highlighting how lawyers have been extraordinarily productive of literary, artistic and political works, Goodrich explores the diversity and imagination of the law and literature tradition. Jurisliterature, he argues, is the source of legal invention and the sign of novelty in judgments.

Technological revolutions have had an unquestionable, if still debatable, impact on culture and society—perhaps none more so than the written word. In the legal realm, the rise of literacy and print culture made possible the governing of large empires, the memorializing of private legal transactions, and the broad distribution of judicial precedents and legislation. Yet each of these technologies has its shadow side: written or printed texts easily become static and the textual practices of the legal profession can frustrate ordinary citizens, who may be bound by documents whose implications they scarcely understand. Parchment, Paper, Pixels offers an engaging exploration of the impact of three technological revolutions on the law. Beginning with the invention of writing, continuing with the mass production of identical copies of legal texts brought about by the printing press, and ending with a discussion of computers and the Internet, Peter M. Tiersma traces the journey of contracts, wills, statutes, judicial opinions, and other legal texts through the past and into the future. Though the ultimate effects of modern technologies on our

legal system remain to be seen, Parchment, Paper, Pixels offers readers an insightful guide as to how our shifting forms of technological literacy have shaped and continue to shape the practice of law today.

The American Revolution and Crisis in the Legal Profession

Heart Versus Head

Environment in the Balance

The Sources of Hong Kong Law

The Oxford Handbook of International Investment Law

Judge-Made Law in Nineteenth-Century America

The Oxford Handbooks series is a major new initiative in academic publishing. Each volume offers an authoritative and state-of-the-art survey of current thinking and research in a particular subject area. Specially commissioned essays from leading international figures in the discipline give critical examinations of the progress and direction of debates. Oxford Handbooks provide scholars and graduate students with compelling new perspectives upon a wide range of subjects in the humanities and social sciences. The Oxford Handbook of International Investment Law aims to provide the first truly exhaustive account of the current state and future development of this important and topical field of international law. The Handbook is divided into three main parts. Part One deals with fundamental conceptual issues, Part Two deals with the main substantive areas of law, and Part Three deals with the major procedural issues arising out of the settlement of international investment disputes. The book has a policy-oriented introduction, setting the more technical chapters that follow in their policy environment within which contemporary norms for international foreign investment law are evolving. The Handbook concludes with a chapter written by the editors to highlight the major conclusions of the collection, to identify trends in the existing law, and to look forward to the future development of this field.

First published in 1998. Routledge is an imprint of Taylor & Francis, an informa company.

Expert analysis of the impact of international and national courts on the development of international law applying to armed conflicts.

Hong Kong has a curious mixture of laws old and new, written and unwritten, home-grown and imported. Made by various bodies in various ways with various results, these laws constitute a reasonably coherent body of rules, principles, practices, procedures, assumptions, and attitudes. How are these differing sources of law best described and explained? How are they mobilized and employed? How do they achieve the coherence they seem to display, and can that coherence be maintained? Such are the questions which this book seeks to illuminate. They are vital questions for a legal system undergoing significant change at a crucial time in the political development of Hong Kong.

Judicial Fortitude

Precedent in Law

The Doctrine of Salvation in the First Letter of Peter

Selected Issues and Opportunities for State Initiatives

Selected Theories of Constitutional Interpretation

The Communication of Precedent Among State Supreme Courts

As Hong Kong enters its third year under Chinese rule, the prognosis for the common law remains uncertain. Can the improbable doctrine of 'one country, two systems' be made to work? Will the political controversies that continue to bedevil the territory undermine the rule of law and the integrity of the legal order? The 21 essays in this important new collection consider these, and many other, questions. The first part examines several problems that lie at the heart of the Basic Law's promise of legal continuity. Hong Kong's economic order and its legal buttresses are analysed in Part 2, while the essays in Part 3 trace the shifts in social values as reflected both in Chinese and Hong Kong law. Though they embrace a wide area, the contributions to this volume suggest that, while many problems lie ahead, Hong Kong's law and legal system seem adequately entrenched to endure well into the future.

The Clamor of Lawyers explores a series of extended public pronouncements that British North American colonial lawyers crafted between 1761 and 1776. Most, though not all, were composed outside of the courtroom and detached from on-going litigation. While they have been studied as political theory, these writings and speeches are rarely viewed as the work of active lawyers, despite the fact that key protagonists in the story of American independence were members of the bar with extensive practices. The American Revolution was, in fact, a lawyers' revolution. Peter Charles Hoffer and Williamjames Hull Hoffer broaden our understanding of the role that lawyers played in framing and resolving the British imperial crisis. The revolutionary lawyers, including John Adams's idol James Otis, Jr., Pennsylvania's John Dickinson, and Virginians Thomas Jefferson and Patrick Henry, along with Adams and others, deployed the skills of their profession to further the public welfare in challenging times. They were the framers of the American Revolution and the governments that followed. Loyalist lawyers and lawyers for the crown also participated in this public discourse, but because they lost out in the end, their arguments are often slighted or ignored in popular accounts. This division within the colonial legal profession is central to understanding the American Republic that resulted from the Revolution.

The enormous economic power of the People's Republic of China makes it one of the most important actors in the international system. Since China's accession to the World

Trade Organization in 2001, all fields of international economic law have been impacted by greater Chinese participation. Now, just over one decade later, the question remains as to whether China's unique characteristics make its engagement fundamentally different from that of other players. In this volume, well-known scholars from outside China consider the country's approach to international economic law. In addition to the usual foci of trade and investment, the authors also consider monetary law, finance, competition law, and intellectual property. What emerges is a rare portrait of China's strategy across the full spectrum of international economic activity.

The prevalence of salvation language in the first letter of Peter has often been acknowledged though rarely investigated in depth. In this book Martin Williams presents an account exploring the concept of salvation in this theologically rich letter. He brings together the disciplines of hermeneutics, New Testament studies, and systematic and historical theology in order to explore the language of salvation which resonates within the text. The book also elaborates on a methodological level the segregation which has arisen between biblical studies and theological studies. In doing this, Williams identifies a basis for how there can be interaction between these two different viewpoints. This book will be a valuable resource for students and scholars interested in the exegesis and theology of 1 Peter, the doctrine of salvation and biblical interpretation.

The Judicial Development of International Humanitarian Law

Legislating, Decision Making, Practice and Education

Nine New Opinions

China in the International Economic Order

New Directions and Changing Paradigms

The Origin of Modern American Legal Education

Legal scholars and authorities generally agree that the law should be obeyed and should apply equally to all those subject to it, without favour or discrimination. Yet it is possible to see that in any legal system there will be situations when strict application of the law will produce undesirable results, such as injustice or other consequences not intended by the law as framed. In such circumstances the law may be changed but there may be broad policy reasons not to do so. The allied concepts of dispensation and economy grew up in the western and eastern traditions of the Christian church as mechanisms whereby an individual or a class of people could, by authority, be excused from obligations under a particular law in particular circumstances without that law being changed. This book uncovers and explores this neglected area of church life and law. Will Adam argues that dispensing power and authority exist in various guises in the systems of different churches. Codified and understood in Roman Catholic and Orthodox canon law, this arouses suspicion in the Church of England and in English law in general. The book demonstrates that legal flexibility can be found in English law and is integral to the law of the Church, to enable the Church today better to fulfil its mission in the world.

Modern Legal Drafting provides a comprehensive, authoritative guide to drafting legal documents in effective, plain English. Peter Butt, a leading expert in the field, has fully revised and updated the text for this new edition. It combines a practical focus with the legal principles that underpin the use of plain language in law. This dual practical and academic approach distinguishes it from other books in the field. It includes expanded material on the techniques for achieving a style that is both clear and legally sound. It also includes new material on the challenges and merits of drafting in plain language, and provides many before-and-after examples to help both practising lawyers and students develop their skills. It takes an international approach, drawing upon case law and statutes from England, Australia, New Zealand, the United States, Canada, Ireland, India, Malaysia, Singapore and Hong Kong.

In this timely book, Randy J. Kozel develops a theory of precedent designed to enhance the stability and impersonality of constitutional law. Kozel contends that the prevailing approach to precedent in American law is undermined by principled disagreements among judges over the proper means and ends of constitutional interpretation. The structure and composition of the doctrine all but guarantee that conclusions about the durability of precedent will track individual views about whether decisions are right or wrong, and whether mistakes are harmful or benign. This is a serious challenge, but it also reveals a path toward maintaining legal continuity even as judges come and go. Kozel's account of precedent should be read by anyone interested in the nature of the judicial role and the trajectory of constitutional law.

Offers an accessible overview of Hong Kong's legal system and guides first-year law students in legal research and methods.

Arbitrators as Lawmakers

Judge-made Law in Nineteenth-century America

Canada's Courts

A Theory of Precedent

Modern Legal Drafting

China's Nestorian Monument and Its Reception in the West, 1625-1916

For many Americans, the word "constitution" means just one thing: the national Constitution. According to a recent survey, almost half do not know that individual states also have constitutions. Schola have also paid little attention to state constitutions, favoring the apparently more dynamic and significant federal scene. G. Alan Tarr seeks to change that in this landmark book. A leading authority on state legal issues, he combines history, law, and political science to present a thorough and long-needed account of the distinct and important role of state constitutions in American life. Tarr shows tha state constitutional politics are dominated by three crucial issues with little salience at the national level: the distribution of power among groups and regions within states, the scope of state and local governmental authority, and the relation of the state to economic activity. He explains how state constitutions differ from the national Constitution in treating not only matters of high principle but also such mundane subjects as ski trails and motor vehicle revenues. He also explores why state constitutions, unlike their federal counterpart, have been so frequently amended and replaced. Tarr conclu that the United States not only has a system of dual constitutionalism but also has dual constitutional cultures. Powerfully argued and meticulously researched, the book fills an important gap in politica

and legal studies and finally gives state constitutions the scholarly attention they richly deserve.
What is the justification for following precedents? Are judicial pronouncements on precedent rules, or just conventions? Contributors to this book address these and other intriguing questions vital to the understanding and interpretation of precedent and the workings of law.
Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of the law of contracts in Singapore covers every aspect of the subject – definition and classificatio contracts, contractual liability, relation to the law of property, good faith, burden of proof, defects, penalty clauses, arbitration clauses, remedies in case of non-performance, damages, power of attorney and much more. Lawyers who handle transnational contracts will appreciate the explanation of fundamental differences in terminology, application, and procedure from one legal system to another, as as the international aspects of contract law. Throughout the book, the treatment emphasizes drafting considerations. An introduction in which contracts are defined and contrasted to torts, quasi-contra and property is followed by a discussion of the concepts of ‘consideration’ or ‘cause’ and other underlying principles of the formation of contract. Subsequent chapters cover the doctrines of ‘relative effect’, termination of contract, and remedies for non-performance. The second part of the book, recognizing the need to categorize an agreement as a specific contract in order to determine the rules w apply to it, describes the nature of agency, sale, lease, building contracts, and other types of contract. Facts are presented in such a way that readers who are unfamiliar with specific terms and concep varying contexts will fully grasp their meaning and significance. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for business and legal professionals alike. Lawyers representing parties with interests in Singapore will welcome this very useful guide, and academics and researchers will appreciate its value in the st of comparative contract law.
This volume contains the lectures and discussions of the first colloquium of the Peter HÃ?Â¤berle Foundation, founded in 2004, at the University of St. Gallen. The Foundation aims to present regular scientific events on matters related to "State and Constitutional Doctrine as a Cultural Science," which, in view of the broad scope of the subject, should have the appropriate interdisciplinary and comparative legal structure. Questions concerning the linguistic requirements for the holding of high court precedent judgements formed the central focus of the first colloquium on the subject "Precede and Language." The articles contained in this volume are dedicated to the fundamental relationship "Law - Judgement - Language" and "Language and Judgement Proficiency of High Courts," as well as the comparative country-specific legal conditions of "Precedents and Language."
Law and the Technologies of Communication
A Guide to Using Clearer Language
Precedence and its language
Dispensation and Economy in Ecclesiastical Law
Judges, Law and War
Leading Works in Law and Religion

The Manitoba Law Journal is a peer-reviewed journal founded in 1961. The MLJ's current mission is to provide lively, independent and high caliber commentary on legal events in Manitoba or events of special interest to our community. This issue has articles from a variety of contributing authors including: Alvin Esau, Bryan P. Schwartz, Catherine Bell, Darcy L. MacPherson, Darren O'Toole, David Ireland, Joan Brockman, Joshua David Michael Shaw, Marc Zanoni, Michelle Gallant, Paul Seaman, Peter McCormick, Richard Devlin, and Thomas R. Berger.

This book analyses how arbitrators make rules that guide, constrain, and define the process and substance of international arbitration. Providing a thorough and multidisciplinary analysis of the actors, process, and outcome of arbitral lawmaking, the study shows how arbitrators create principles of law through consistent arbitral decision-making and through interacting with other members of the arbitral community. This book investigates and responds to the following questions: - What is the relationship between international arbitration and the law and courts of the seat? - What is the role of international tribunals in assisting and controlling investment arbitration? - What is the scope of arbitrators’ freedom in decision-making? - What constraints limit arbitrators’ decision-making and contribute to consistency? - Is international arbitration capable of paying deference to past arbitral decisions? - Which rules have arbitrators created in procedural and substantive matters? - What is the role and status of consistent arbitral decisions? - Is there an arbitral legal system? The answers to these questions are drawn from actual arbitral decisions made available to the public, clarifying important issues about jurisdiction, procedure, applicable law, interpretation of substantive rules and instruments, and remedies. This is the first overarching study of whether and to what extent international commercial, and investment arbitrators create norms and even generate a legal system. As such, it will be of immeasurable and lasting value to arbitrators, practitioners, scholars, arbitral institutions, and international organizations worldwide, for all of whom it will not only clarify our understanding of arbitral decision-making and arbitrator-made rules, but also foster transparency and accountability in arbitral decision-making

This book explores the development of both the civil law conception of the Legal State and the common law conception of the Rule of Law. It examines the philosophical and historical background of both concepts, as well as the problem of the interrelation between the two doctrines. The book brings together twenty-five leading scholars from around the world and provides both general and specific jurisdictional perspectives of the issue in both contemporary and historical settings. The Rule of Law is a legal doctrine the meaning of which can only be fully appreciated in the context of both the common law and the European civil law tradition of the Legal State (Rechtsstaat). The Rule of Law and the Legal State are fundamental safeguards of human dignity and of the legitimacy of the state and the authority of state prescriptions.

In this book, Peter J. Wallison argues that the administrative agencies of the executive branch have gradually taken over the legislative role of

Congress, resulting in what many call the administrative state. The judiciary bears the major responsibility for this development because it has failed to carry out its primary constitutional responsibility: to enforce the constitutional separation of powers by ensuring that the elected branches of government—the legislative and the executive—remain independent and separate from one another. Since 1937, and especially with the Chevron deference adopted by the Supreme Court in 1984, the judiciary has abandoned this role. It has allowed Congress to delegate lawmaking authorities to the administrative agencies of the executive branch and given these agencies great latitude in interpreting their statutory authorities. Unelected officials of the administrative state have thus been enabled to make decisions for the American people that, in a democracy, should only be made by Congress. The consequences have been grave: unnecessary regulation has imposed major costs on the U.S. economy, the constitutional separation of powers has been compromised, and unabated agency rulemaking has created a significant threat that Americans will one day question the legitimacy of their own government. To address these concerns, Wallison argues that the courts must return to the role the Framers expected them to fulfill.

State Constitutions in the Federal System

The Legal Doctrines of the Rule of Law and the Legal State (Rechtsstaat)

Heart versus Head

International Energy Investment Law

The Hong Kong Legal System

Logic and Experience

This insightful book explores the acute challenges presented by the .internationalisation. of law, a trend that has been accelerated by the growing requirement for academics and practitioners to work and research across countries and regions with differing legal traditions. The authors have all confronted these challenges of internationalisation throughtheir extensive knowledge and experience in civil law, common law and mixed jurisdictions around the globe. Their analysis of the implications for researchers and teachers, as well as practitioners, law-makers and reformers is original andtheir different proposals for dealing with the challenges are both practical and at times, radical.

A unique discussion of the judicial system in Canada, this is the first book on the court system to be written from a social science, rather than a legal, perspective. McCormick analyzes which courts and judges are most often cited, and discusses party-capability theory in a Canadian context. He offers new data on the courts, including statistics on the Supreme Court caseload, the success rates on appeals from provincial courts of appeal to the Supreme Court, and success rates, by litigant category, in provincial and appeal court decisions. Written in accessible language and offering data that have never before been published, Canada's Courts will be of particular interest to legal professionals and those in related fields of the social sciences.

Challenging traditional accounts of the development of American private law, Peter Karsten offers an important new perspective on the making of the rules of common law and equity in nineteenth-century courts. The central story of that era, he finds, was a struggle between a jurisprudence of the head, which adhered strongly to English precedent, and a jurisprudence of the heart, a humane concern for the rights of parties rendered weak by inequitable rules and a willingness to create exceptions or altogether new rules on their behalf. Karsten first documents the tendency of jurists, particularly those in the Northeast, to resist arguments to alter rules of property, contract, and tort law. He then contrasts this tendency with a number of judicial innovations--among them the sanctioning of 'deep pocket' jury awards and the creation of the attractive-nuisance rule--designed to protect society's weaker members. In tracing the emergence of a pro-plaintiff, humanitarian jurisprudence of the heart, Karsten necessarily addresses the shortcomings of the reigning, economic-oriented paradigm regarding judicial rulemaking in nineteenth-century America. Originally published in 1997. A UNC Press Enduring Edition -- UNC Press Enduring Editions use the latest in digital technology to make available again books from our distinguished backlist that were previously out of print. These editions are published unaltered from the original, and are presented in affordable paperback formats, bringing readers both historical and cultural value.

The nineteenth century saw dramatic changes in the legal education system in the United States. Before the Civil War, lawyers learned their trade primarily through apprenticeship and self-directed study. By the end of the nineteenth century the modern legal education system, developed primarily by Dean Christopher Langdell at Harvard University, was in place: a bachelor's degree was required for admission to the new model law school, and a law degree was promoted as the best preparation for admission to the bar. In Logic and Experience: The Origin of Modern American Legal Education, William LaPiana provides an in-depth study of the

intellectual and institutional history of the transformation of American legal education during this period. He thoughtfully details the evolution and adoption of the modern method - the case method - of legal pedagogy that was developed at Harvard and that supplanted the earlier commitment to the memorization of legal principles which was most practiced at Yale. LaPiana links the spread of the Harvard style to changing ideas about the social role of the legal profession. He reveals that practitioners in the American Bar Association, often assumed to be friends of the new style education, were deeply opposed to it. Through this history of American legal education, LaPiana offers a revisionist portrait of Langdell, Dean of Harvard Law School from 1870 to 1895, and the earliest proponent for the modern method of legal education. Placing Langdell and his colleagues into a broader intellectual and cultural context, LaPiana demonstrates that the usual portrayal of Langdell and his colleagues as formalists is faulty. Logic and Experience offers a provocativeanalysis of the development of the American law school and a powerful discussion of the controversy that surrounded these developments both at the time and today. It will provide insightful and informative reading for lawyers, students and scholars of legal, American, and intellectual history, as well as the general reader.

Manitoba Law Journal: A Review of the Current Legal Landscape 2015 Volume 38(1)

Settled Versus Right

The New Legal Order in Hong Kong

Developments in Soviet Politics

The Dred Scott Case

The Case of the Speluncean Explorers

Clear, complete, and contextualized; this guide to the English legal system provides the strongest foundation for students at the start of their studies. Straightforward explanations of key topics are paired with learning features showcasing the law in its everyday context to give students a firm grasp on the fundamentals of the legal system.

Proceedings of the Tenth British Legal History Conference, Oxford, 1991

Legal Flexibility and the Mission of the Church

The Singapore Legal System

The Last Chance to Rein In the Administrative State

The Clamor of Lawyers

Understanding State Constitutions