

# How To Learn Memorize Legal Terminology Using A Memory Palace Specifically Designed For Memorizing The Law Its Precedents Magnetic Memory Series

Precedent in Law Precedents, Statutes, and Analysis of Legal Concepts Common Precedents Philosophical Foundations of Precedent The London (city) tithes act, 1879, and the other tithe acts effecting the commutation ... of tithes in ... London, with notes by H. B. Burnell The Legal Systems of the World Precedent in English Law The Central Law Journal The Practice in Lunacy Under Commissions and Inquisitions, with Notes of Cases and Recent Decisions Precedent in English Law The Solicitors' Journal and Reporter Harvard Law Review Virginia Law Journal The American Lawyer Analysis and Digest of the Decisions of Sir George Jessel, Late Master of the Rolls The Law Magazine and Review Hints on Advocacy The Legal Reasoning of the Court of Justice of the EU Proceedings of the ... Annual Convention Constitutional Review under the UK Human Rights Act Laurence Goldstein Scott Brewer Ayelet Ben-Yishai Timothy Endicott Henry Blomfield Burnell Rupert Cross Joseph Elmer Sir Rupert Cross Great Britain. Court of Chancery Richard Harris Gunnar Beck Tennessee Bar Association Aileen Kavanagh

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it has been said that precedent is the life blood of legal systems certainly an understanding of precedent is vital to an understanding of the workings of law the principle that decisions should follow those of past similar cases seems simple enough yet it turns out to be beset with difficulties what is the justification for following precedents do we want absolute unswerving following of past decisions or a weaker implementation that allows for limited departures what social and theoretical forces wrought changes in the doctrine are judicial pronouncements on precedent rules or just conventions how do we identify the ratio decidendi of a case what are the means by which a general projectable conclusion may be elicited from a particular judgment these are some of the problems addressed by contributors to this volume

at least since plato and aristotle thinkers have pondered the relationship between philosophical arguments and the sophistical arguments offered by the sophists who were the first professional lawyers judges wield substantial political power and the justifications they offer for their decisions are a vital means by which citizens can assess the legitimacy of how that power is exercised however to evaluate judicial justifications requires close attention to the method of reasoning behind decisions this new collection illuminates and explains the political and moral importance in justifying the exercise of judicial power

reading major novels by george eliot anthony trollope and wilkie collins common precedents shows that precedential reasoning enjoyed widespread cultural significance in the nineteenth century as a means of preserving a sense of common history values and interests in the face of a new heterogeneous society enabling the recognition of the new and its assimilation as part of a continuous past ayelet ben yishai argues that the binding force of precedent also functions as the binding element of an always shifting commonality pulling it together in the face of rupture and dispersion by appearing to bring the past seamlessly into the present the form of legal precedent became vital to the preservation of a sense of commonality and continuity crucial to the common law and victorian legal culture but the impact of precedent extended beyond legal practices and institutions to the culture at large and especially to its fiction ben yishai argues that understanding the structure of precedent also explains fictional form how fictionality works its epistemology and the ways in which its commonalities are socially constructed maintained and reified

philosophical foundations of precedent offers a broad deep and diverse range of philosophical investigations of the role of precedent in law adjudication and morality the forty chapters present the work of a large and inclusive group of authors which comprises of well established leaders in the discipline and new voices in legal philosophy the magnitude of the resulting project is extraordinary presenting a diverse array of innovative and creative philosophical investigations of the practice of adhering to past decisions in law and allied fields of practical reasoning and by the same token the contributions elucidate the reasons that courts and other decision makers may have for

departing from what has been done before the phenomena under investigation include the law and practice of common law and civil jurisdictions around the world in addition to its fundamental relevance to common law jurisdictions this work will be of broad and significant interest to theoretically minded audiences in continental europe latin america and asia because it involves an extensive study of practices of precedent in civil law systems as well as common law systems

this fourth edition of precedent in english law presents a basic guide to the current doctrine of precedent in england set in the wider context of the jurisprudential problems which any treatment of this topic involves such problems include the nature of ratio decidendi of a precedent and of its binding force the significance of precedents alongside other sources of law their role in legal reasoning and the account which must be taken of them by any general theory of law considerable re writing has been undertaken to update case law and take account of the possible implications for the doctrine of precedent of the impact of european community law making it an indispensable work of reference for readers interested in the past history present state and future developments of english rules of precedent

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the court of justice has often been characterised both as a motor of integration and a judicial law maker this book examines the court s jurisprudence over more than half a century and assesses the extent to which this is a fair description

under the human rights act british courts are for the first time empowered to review primary legislation for compliance with a codified set of fundamental rights in this book aileen kavanagh argues that the hra gives judges strong powers of constitutional review similar to those exercised by the courts under an entrenched bill of rights the aim of the book is to subject the leading case law under the hra to critical scrutiny whilst remaining sensitive to the deeper constitutional political and theoretical questions which

underpin it such questions include the idea of judicial deference the constitutional status of the hra the principle of parliamentary sovereignty and the constitutional division of labour between parliament and the courts the book closes with a sustained defence of the legitimacy of constitutional review in a democracy thus providing a powerful rejoinder to those who are sceptical about judicial power under the hra

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