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Reforming The Civil Justice System

Hiram E. Chodosh



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Reforming Civil Procedure Dominic De Saulles, 2019-05-16 Drawing on political social and economic theory Reforming Civil Procedure focuses on the English civil justice system by looking at its history and its processes The book considers the objectives of civil procedure and how it operates for and against particular societal groups and what ideas and behaviours impact upon it The reform of civil procedure has been beset with difficulties Some are caused by questions of culture and mind sets resistant to the changes some by a confusion and conflict of values some by overambitious reform efforts some by a failure to follow through on purpose clauses and some by swinging from laxity to rigidity with insufficient analysis This book makes a strong contribution to the field by synthesising the work of English writers with different views extending the work in England on the role of philosophy values process and culture in litigation and engaging extensively with American writers who have not previously been the subject of much attention in English civil procedural studies

English Civil Justice after the Woolf and Jackson Reforms John Sorabji, 2014-06-26 John Sorabji examines the theoretical underpinnings of the Woolf and Jackson reforms to the English and Welsh civil justice system He discusses how the Woolf reforms attempted and failed to effect a revolutionary change to the theory of justice that informed how the system operated It elucidates the nature of those reforms which through introducing proportionality via an explicit overriding objective into the Civil Procedure Rules downgraded the court's historic commitment to achieving substantive justice or justice on the merits In doing so Woolf's new theory is compared with one developed by Bentham while also exploring why a similarly fundamental reform carried out in the 1870s succeeded where Woolf's failed It finally proposes an approach that could be taken by the courts following implementation of the Jackson reforms to ensure that they succeed in their aim of reducing litigation cost through properly implementing Woolf's new theory of justice

Advancing Civil Justice Reform and Conflict Resolution in Africa and Asia: Comparative Analyses and Case Studies Yin, Elijah Tukwariba, Kofie, Nelson F., 2021-06-18 The civil justice system is characterized by a distinct dispute resolution and law enforcement functions although these functions are not always explicit and their relationship can be vague People normally turn to this legal system to address an unjust situation they encounter This makes civil justice both socially and economically important as it may be driven by efficiency or access to justice concerns The literature suggests that law reform has an uninspiring record in this field This is because it has largely not been considered with a detailed

empirically informed evaluation of proposed solutions This legal system is complex and research in this field is correspondingly challenging interesting and important Advancing Civil Justice Reform and Conflict Resolution in Africa and Asia Comparative Analyses and Case Studies provides significant empirical research findings as well as theoretical reviews and frameworks on a wide array of issues within civil justice and the legal system This includes topic areas such as access to justice and legal representation the challenges to developing civil justice courts and procedures and civil justice reform This book is valuable for lawyers human rights lawyers court officials psychologists social workers sociologists consultants professionals academicians students and researchers working in the field of law socio legal studies sociology anthropology political science social work social policy economics and criminal justice along with anyone seeking updated information on the current reforms and challenges within the civil justice and legal systems

Report of the Civil Justice Reform Act Advisory Group United States. District Court (Washington : Eastern District),1993 Global Justice Reform Hiram E. Chodosh,2005-01-01 Global Justice Reform critiques and rethinks two neglected subjects the nature of comparison in the field of comparative law and the struggles of national judicial systems to meet global rule of law objectives Hiram Chodosh offers a candid look at the surprisingly underdeveloped methodology of comparative legal studies and provides a creative conceptual framework for defining and understanding the whys whats and hows of comparison Additionally Chodosh demonstrates how theories of comparative law translate into practice using contemporary global justice reform initiatives as a case study with a particular focus on Indonesia and India Chodosh highlights the gap between the critical role of judicial institutions and their poor performance for example political interference corruption backlog and delay discussing why reform is so elusive and demonstrating the unavoidable and essential role of comparison in reform proposals Throughout the book Chodosh identifies several sources of comparative misunderstanding that impede successful reforms and identifies the many predicaments reformers face detailing a wide variety of designs methods and social dilemmas In response to these seemingly insurmountable challenges Chodosh advances some novel conceptual strategies first by drawing on a body of non legal scholarship on self regulating emergent systems and then by identifying a series of anti dilemma strategies that draw upon insights about the nature of comparison

Foundations of Civil Justice Fabien G  linas,Cl  ment Camion,Karine Bates,Siena Anstis,Catherine Pich  ,Mariko Khan,Emily Grant,2015-06-26 This book reviews the knowledge corpus about access to civil justice across disciplines and legal traditions and proposes a new research framework for civil justice reform This framework is intended to foster further critical analysis of the justice system in a systematic and organized way In particular the framework underlines the tensions between different values considered as central to the civil justice system and in doing so potentially allows for conscious reflected and enlightened choices about the values that are to be prioritized in the reform of justice systems

Legal Reforms in China and Vietnam John Gillespie,Albert Chen,2010-09-13 This book provides a comprehensive comparative assessment of legal developments in China and Vietnam examining similarities and

differences and highlighting the factors likely to promote change or resist the spread of the Chinese model **Reforming civil litigation funding and costs in England and Wales** Great Britain: Ministry of Justice,2011-03-29 Government response to the Consultation paper Cm 7947 9780101804127 seeking views on proposals for implementing Sir Rupert Jackson s recommendations in the Review of civil litigation costs final report 2010 ISBN 9780117064041 Dated March 2011

Chinese Justice Margaret Y. K. Woo,Mary E. Gallagher,2011-04-25 This volume analyzes whether China s thirty years of legal reform have taken root in Chinese society by examining how ordinary citizens are using the legal system in contemporary China It is an interdisciplinary look at law in action and at legal institutions from the bottom up that is beginning with those at the ground level that are using and working in the legal system It explores the emergent Chinese conception of justice one that seeks to balance Chinese tradition socialist legacies and the needs of the global market Given the political dimension of dispute resolution in creating settling and changing social norms this volume contributes to a greater understanding of political and social change in China today and of the process of legal reform generally

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