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Private Ombudsmen And Public Law Sociolegal Studies

Great Britain: Law Commission



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The New Regulatory Framework for Consumer Dispute Resolution Pablo Cortés, 2016-12-01 Consumer out of court redress in the European Union is experiencing a significant transformation indeed the current changes are the most important that have occurred in the history of the EU This is due to the recent implementation of the Alternative Dispute Resolution ADR Directive 2013 11 EU and the Online Dispute Resolution ODR Regulation EU 2013 524 The Directive ensures the availability of quality ADR schemes and sets information obligations on businesses and the Regulation enables the resolution of consumer disputes through a pan European ODR platform The New Regulatory Framework for Consumer Dispute Resolution examines the impact of the new EU law in the field of consumer redress Part I of the volume examines the new European legal framework and the main methods of consumer redress including mediation arbitration and ombudsman schemes Part II analyses the implementation of the ADR Directive in nine Member States with very different legal cultures in consumer redress namely Belgium Ireland Italy Germany France Portugal Spain the Netherlands and the UK as well as the distinct approach taken in the US Part III evaluates new trends in consumer ADR CDR by identifying best practices and looking at future trends in the field In particular it offers a vision of the future of CDR which is more than a mere dispute resolution tool it poses a model on dispute system design for CDR it examines the challenges of cross border disputes it proposes a strategy to promote mediation and it identifies good practices of CDR and collective redress The book concludes by calling for the mandatory participation of traders in CDR

Theory and Method in Socio-Legal Research Reza Banakar, Max Travers, 2005-12-19 Socio legal researchers increasingly recognise the need to employ a wide variety of methods in studying law and legal phenomena and the need to be informed by an understanding of debates about theory and method in mainstream social science The papers in this volume illustrate how a range of topics including EU law ombudsmen judges lawyers Shariah Councils and the quality assurance industry can be researched from a socio legal perspective The objective of the collection is to show how different methods can be used in researching law and legal phenomena how methodological issues and debates in sociology are relevant to the study of law and the importance of the debate between structural and action traditions in researching law It also approaches the methodological problem of how sociology of law can address the content of legal practice from a variety of perspectives and discusses the relationship between pure and applied research The editors provide a critical introduction to each of the six sections and a general introduction on law sociology and method The collection will provide an invaluable resource for socio legal researchers law school researchers and postgraduates

Private Ombudsmen and Public Law Rhoda James, 1997 Ombudsman schemes are an increasingly important redress mechanism for people with complaints against those large financial and other organisations which have a pervasive influence on the lives of most of us This book describes and evaluates in detail six of these key ombudsman schemes those which cover insurance banking building societies corporate estate agents and the pensions and personal

investment sectors and which between them represent the different structural features inherent in the UK private ombudsman system. The author argues that these schemes properly come within the scope of public law since they perform an important constitutional role as alternatives to the courts and provide redress for individuals in circumstances where there is an imbalance of power between the parties. In evaluating their operation the author considers the institutional structures and the issue of the regulation of ombudsmen and proposes some reforms to strengthen their perceived independence and accountability.

Righting Wrongs Roy Gregory, Philip James Giddings, 2000 6 Ombudsman in Australia Dennis Pearce Public services ombudsmen Great Britain: Law Commission, 2011-07-13 The public services ombudsmen provide a vital redress mechanism for aggrieved citizens they are free for complainants confidential and swift. This report deals with the five public services ombudsmen operating in England and Wales: 1 The Parliamentary Commissioner 2 The Local Government Ombudsman 3 The Health Service Ombudsman 4 The Public Services Ombudsman for Wales and 5 The Housing Ombudsman. The overarching aim is to recommend modernisation of the statutes for these ombudsmen clarifying them where required reforming them where the Commission thinks this would facilitate the work of the ombudsmen increasing transparency and accountability where necessary. The Commission could not consider fundamental institutional design and did not look at the creation of new ombudsmen or the amalgamation of the existing ombudsmen. The subject matter of the ombudsmen's work or the definition of maladministration was also not considered. The report is divided into 5 parts including the recommendation to commission a general review of the role of the public services ombudsmen and their relationship with other institutions for administrative justice such as judicial review or tribunals access to the ombudsmen the ombudsmen process resolution report and independence accountability.

Vulnerable Consumers and the Law Christine Riefa, Severine Saintier, 2020-10-27 This book charts the difficulties encountered by vulnerable consumers in their access to justice through the contributions of prominent authors academic practitioners and consultants in the field of consumer law and access to justice. It demonstrates that despite the development of ADR access to justice is still severely lacking for the vulnerable consumer. The book highlights that a broad understanding of access to justice which encompasses good regulation and its public enforcement is an essential ingredient alongside access to the mechanisms of traditional private justice courts and ADR to protect the vulnerable consumer. Indeed many of the difficulties are linked to normative obstacles and lack of access to justice is primarily a vulnerability in itself that can exacerbate existing ones. In addition because it may contribute to pushing already vulnerable consumers into social exclusion it is not simply about economic justice but also about social justice. The book shows that lack of access to justice is not irreversible nor is it necessarily linked to consumer apathy. New technologies could provide solutions. The book concludes with a plea for developing inclusive justice systems with more emphasis on public enforcement alongside effective courts systems to offer the vulnerable with adequate means to defend themselves. This book will be suitable for both students and practitioners and all those with an interest in

the justice system **The International Ombudsman Yearbook** ,2001 A Research Agenda for Administrative Law
Carol Harlow,2023-02-14 With the aim of expanding legal scholarly imagination this Research Agenda takes a tripolar approach to administrative law It opens the boundaries of administrative law scholarship to new subject areas exemplifies and opens for consideration several different attitudes to research and illustrates a multiplicity of different ways of writing about the subject Current Publications in Legal and Related Fields ,1998 *Research Handbook on the Ombudsman*
Marc Hertogh,Richard Kirkham,2018-11-30 The public sector ombudsman has become one of the most important administrative justice institutions in many countries around the world This international and interdisciplinary Research Handbook brings together leading scholars and practitioners to discuss the state of the art of ombudsman research It uses new empirical studies and competing theoretical explanations to critically examine important aspects of the ombudsman s work This comprehensive Handbook is of value to academics designing future ombudsman studies and practitioners and policymakers in understanding the future challenges of the ombudsman Public and Private Enforcement of Securities Laws Michael Legg,2022-02-10 This book undertakes unique case studies including interviews with participants as well as empirical analysis of public and private enforcement of Australian securities laws addressing continuous disclosure Enforcement of laws is crucial to effective regulation Historically enforcement was the province of a government regulator with significant discretion public enforcement However more and more citizens are being expected to take action themselves private enforcement Consistent with regulatory pluralism public and private enforcement exist in parallel with the capacity to both help and hinder each other and the achievement of the goals of enforcement in a range of areas of regulation The rise of the shareholder class action in Australia backed by litigation funding or lawyers has given rise to enforcement overlapping with that of the government regulator the Australian Securities and Investments Commission The ramifications of overlapping enforcement are explained based on detailed analysis The analysis is further bolstered by the regulator s approach to enforcement changing from a compliance orientation to a Why not litigate approach The analysis and ramifications of the Australian case studies involve matters of regulatory theory and practice that apply across jurisdictions The book will appeal to practitioners regulators and academics interested in regulatory policy and enforcement and the operation of regulators and class actions including their interaction **Exploring the 'Legal' in Socio-Legal Studies**
David Cowan,Daniel Wincott,2019-03-01 Socio legal studies have had an ambivalent relationship with the legal one of its defining aspects but at the same time one that the discipline has sought to transcend or even leave behind While socio legal studies benefit hugely from the insights methods and theories of other social science and humanity disciplines the contributions to Exploring the Legal in Socio Legal Studies illustrate the value of a focus on the legal The chapters in this book combine traditional legal materials and analyses with other ways of engaging empirically with the legal They illustrate the rich potential of the legal as a site both for theoretical and methodological reflection and for case study analysis Taken as

a whole this volume demonstrates that methodological discussion is most helpful when rooted in empirical cases and that the best case studies also help us to develop our methodologies Bringing methodology and empirical analysis together offers an opportunity to reflect on socio legal studies and develop the discipline in productive new directions *The British National Bibliography* Arthur James Wells,1998 **The Oxford Handbook of Empirical Legal Research** Peter Cane,Herbert Kritzer,2012-05-17 The empirical study of law legal systems and legal institutions is widely viewed as one of the most exciting and important intellectual developments in the modern history of legal research Motivated by a conviction that legal phenomena can and should be understood not only in normative terms but also as social practices of political economic and ethical significance empirical legal researchers have used quantitative and qualitative methods to illuminate many aspects of law s meaning operation and impact In the 43 chapters of *The Oxford Handbook of Empirical Legal Research* leading scholars provide accessible and original discussions of the history aims and methods of empirical research about law as well as its achievements and potential The Handbook has three parts The first deals with the development and institutional context of empirical legal research The second and largest part consists of critical accounts of empirical research on many aspects of the legal world on criminal law civil law public law regulatory law and international law on lawyers judicial institutions legal procedures and evidence and on legal pluralism and the public understanding of law The third part introduces readers to the methods of empirical research and its place in the law school curriculum *American Book Publishing Record* ,1997 *Comparative Dispute Resolution* Maria F. Moscati,Michael Palmer,Marian Roberts,2020-12-25 *Comparative Dispute Resolution* offers an original wide ranging and invaluable corpus of chapters on dispute resolution Enriched by a broad comparative vision and a focus on the processes used to handle disputes this study adds significantly to the discourse around comparative legal studies Chapters present new understandings of theoretical comparative and transnational dimensions of the manner in which societies and their legal systems respond to difficulties in social relations

The Unitary Patent Package & Unified Patent Court Luc Desaunettes-Barbero,Fernand de Visscher,Alain Strowel,Vincent Cassiers,2023-06-09 As of 1st of June 2023 after years of negotiations setbacks and postponements the Unitary Patent Package UPP enters into force the European patent with unitary effect EPUE becomes a reality and the Unified Patent Court UPC starts its activities Regrettably the patent regime put in place is not a genuine EU system Adopted through an enhanced cooperation procedure it firstly does not include all EU Member States Secondly the conditions and the procedure for granting EPUE is in the hands of the European Patent Office an international organization to which EU is not a party Lastly the substantive provisions and the litigation proceedings are defined by an international treaty the UPC Agreement to which EU is not a member and by national laws for the remaining aspects Such system carves patent law out of the EU legal and judicial orders and reduces the roles of the EU Parliament and Court of Justice Challenges are numerous in terms of complexity harmonization objectives legality business advantages and wider societal economic and legal concerns to

name a few With twenty eight contributions from academics and practitioners this book starts with putting the new system into historical comparative and institutional contexts Part I before highlighting some issues under EU law and the perspective of EU integration Part II The institutional jurisdictional and procedural questions raised by the UPC are then addressed Part III as well as the innovation and markets issues Part IV The last contributions discuss possible improvements and alternatives to the Unitary Patent Package Part V *Recent Acquisitions* Ohio State University. College of Law. Library,1998 **Resolving Civil Disputes** Tamara Goriely,1997 **Comparative Law and Society** David Scott Clark,2012-01-01 Comparative Law and Society part of the Research Handbooks in Comparative Law series is a pioneering volume that comprises 19 original essays written by expert authors from across the world This innovative handbook offers both a history of the field of comparative law and society and a thorough exploration of its methods disciplines and major issues presenting the most comprehensive look into this contemporary field to date In Part I Methods and Disciplines contributors approach critical issues in comparative law and society from a variety of academic fields including sociology criminology anthropology economics political science and psychology This multidisciplinary approach highlights the importance of addressing the variance of perspectives inherent to the field In Part II Core Issues chapters offer an exploration of major legal institutions processes professionals and cultures associated with particular legal subjects Since authors utilize the perspective of at least two different legal systems this book offers a truly thorough and wide ranging focus the general reader as well as students and scholars will find this handbook useful in their continuing explorations into the interaction between law and society Practitioners such as lawyers and judges with an interest in global perspectives of law will also find much to admire in this innovative volume

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