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A Modern Approach to Evidence

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Sixth Edition

Richard O. Lempert, Samuel R. Gross, James S. Liebman, John H. Blume, Keir M. Weyble, Stephan Landsman & Fredric I. Lederer

Modern Approach To Evidence

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has been revised and updated to address the radical changes brought about by the Criminal Justice Act 2003 particularly in relation to hearsay character evidence and opinion evidence and to expand coverage of the Human Rights Act 1998 Particular attention is given to changes made by the revised Codes of Practice and to the growing body of case law on topics such as reverse burden of proof the cross examination of rape victims evidence obtained by entrapment and silence in the face of police questioning Now including enhanced pedagogical support such as chapter summaries further reading advice and boxed examples this leading textbook can be used on both undergraduate and professional courses Adrift Mirjan R. Damaska, 1997-01-01 In this important book a distinguished legal scholar examines how the legal culture and institutions in Anglo American countries affect the way in which evidence is gathered sifted and presented to the courts Mirjan Damaska focuses on the significance of the divided tribunal between judge and jury the concentrated character of trials day in court justice and the prominent role of the parties in adjudication the adversary system Throughout he contrasts the Anglo American system with Continental or civil law justice where lay fact finders sit with professional judges in unified tribunals proceedings are episodic rather than concentrated and the parties have fewer responsibilities than in the common law tradition Damaska describes the impact of the traditional institutional environment on the gathering and handling of evidence in common law jurisdictions and then explores recent transformations of this environment trial by jury has dramatically declined pretrial proceedings have greatly proliferated the adversary system shows signs of weakening in some types of cases As a result many rules and practices supporting the treatment of evidentiary material are in danger of becoming extinct In addition says Damaska the increasing use of scientific methods of inquiry could place further strains on the use of traditional common law evidence In the future we should expect greater variety in decisionmaking activity with factual inquiries tailored to the specific type of proceeding and common law evidence restricted to a narrow sphere

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