

Reform of Civil Procedure

Essays on 'Access to Justice'

Edited by
A. A. S. Zuckerman & Ross Cranston

Reform Of Civil Procedure Essays On Access To Justice

A. A. S. Zuckerman, Ross Cranston



Reform Of Civil Procedure Essays On Access To Justice:

Reform of Civil Procedure A. A. S. Zuckerman, Ross Cranston, 1995 *European Traditions in Civil Procedure* C. H. van Rhee, 2005 European co operation has resulted in many new and challenging opportunities for legal scholars who since the so called codification period have become used to operating in a purely national context This applies also to scholars in the field of civil procedure who for a considerable period of time have resisted leaving the purely national domain These scholars have devoted a great deal of attention to the question whether or not harmonisation of civil procedural law is a feasible option and if so in what manner harmonisation should be achieved The contributors to this book seek to further the harmonisation debate by exploring some of the main trends in the development of civil procedural law during the last two centuries in several European countries Germany Austria Switzerland France England and Wales The Netherlands and Belgium Two of the central issues that are addressed by the contributors are the extent to which the various procedural models have influenced each other and the extent to which common traditions in civil procedural law may be distinguished in Europe Each general chapter in this book is supplemented by three chapters devoted to specific procedural topics Conciliation Party Interrogation as Evidence and the Role of the Judge In addition extensive bibliographical references are included **Access to Justice** J. Peysner, 2014-09-29 This book addresses an experiment in funding money damage claims in England from 2000 to 2013 The model recoverable conditional fees was unique and has remained so It covers the development amendment and effective abolition of the model as well as the process of policy development and the motivation and objectives of the policy makers **Rendre Et Gérer la Justice Au 21e Siècle** Marco Fabri, P. M. Langbroek, 2000 Comprises 21 papers grouped under five headings Management and efficiency versus judicial values Policy development in the justice systems Changing positions of courts in society Governance and change of courts and public prosecutors offices and Courts public prosecutors offices and ICT *The Class Action in Common Law Legal Systems* Rachael Mulheron, 2004-11-15 Multi party litigation is a world wide legal process and the class action device is one of its best known manifestations As a means of providing access to justice and achieving judicial economies the class action is gaining increasing endorsement particularly given the prevalence of mass consumerism of goods and services and the extent to which the activities and decisions of corporations and government bodies can affect large numbers of people The primary purpose of this book is to compare and contrast the class action models that apply under the federal regimes of Australia and the United States and the provincial regimes of Ontario and British Columbia in Canada While the United States model is the most longstanding there have now been sufficient judicial determinations under each of the studied jurisdictions to provide a constructive basis for comparison In the context of the drafting and application of a workable class action framework it is apparent that similar problems have been confronted across these jurisdictions which in turn promotes a search for assistance in the experience and legal analysis of others The book is presented in three Parts The first Part deals with the class action concept and its alternatives and also

discusses and critiques the stance of England where the introduction of the opt out class action model has been opposed The second Part focuses upon the various criteria and factors governing commencement of a class action encompassing matters such as commonality superiority suitability and the class representative Part 3 examines matters pertaining to conduct of the action itself such as becoming a class member notice requirements settlement judgments and costs and fees The book is written to have practical utility for a wide range of legal practitioners and professionals such as academics and students of comparative civil procedure and multi party litigation litigation lawyers who may use the reference materials cited to the benefit of their own class action clients and those charged with law reform who look to adopt the most workable and avoid the unworkable features in class action models elsewhere

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

The Three Paths of Justice Neil Andrews, 2011-09-28 This book presents a concise account of the English system of civil litigation covering court proceedings in England and Wales It is an original and important study of a system which is the historical root of the US litigation system The volume offers a comprehensive and properly balanced account of the entire range of dispute resolution techniques As the first book on this subject to be published in the USA it enables American lawyers to gain an overview of the main institutions of English Civil Procedure including mediation and arbitration It will render the English system of civil justice accessible to law students in the US practitioners of law professors judges and policy makers

Justice In The 21st Century Russell Fox, 2012-10-02 Hon Russell Fox argues that the existing common law procedural system is not equal to the demands of the coming century Beginning with a thoroughly researched analysis of the large scale dissatisfaction with and disaffection from the present day courts this book proposes means for approaching Justice in the Twenty First Century This book is essential reading for all lawyers judges politicians and citizens interested in the question of remedying the significant problems plaguing the current system for the provision of justice in Australia England and the United States Foreword provided by the Rt Hon Lord Irvine of Lairg the Lord Chancellor of Great Britain

Research Handbook on Remedies in Private Law Roger Halson, David Campbell, 2019 p p1 margin 0 0px 0 0px 0 0px font 10 0px Arial This Research Handbook comprehensively and authoritatively reviews the contemporary challenges in

research regarding remedies in private law The Research Handbook on Remedies in Private Law focuses on the most important issues throughout contract equity restitution and tort law as they have arisen in the major common law jurisdictions touching upon those of other jurisdictions where pertinent

Restorative Justice & Responsive Regulation

John Braithwaite, 2002 Braithwaite's argument against punitive justice systems and for restorative justice systems establishes that there are good theoretical and empirical grounds for anticipating that well designed restorative justice processes will restore victims offenders and communities better than existing criminal justice practices Counterintuitively he also shows that a restorative justice system may deter incapacitate and rehabilitate more effectively than a punitive system This is particularly true when the restorative justice system is embedded in a responsive regulatory framework that opts for deterrence only after restoration repeatedly fails and incapacitation only after escalated deterrence fails Braithwaite's empirical research demonstrates that active deterrence under the dynamic regulatory pyramid that is a hallmark of the restorative justice system he supports is far more effective than the passive deterrence that is notable in the stricter sentencing grid of current criminal justice systems

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