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Judicial Remedies in Public Law Principles of the Australian Law of Remedies Reconstructing American Legal Realism & Rethinking Private Law Theory Remedies for Breach of Contract Remedies in Equity Legal Remedies in European Tax Law Remedies Remedies in International Human Rights Law Sourcebook on Obligations and Legal Remedies Remedies for Breach of Contract A Treatise on the Legal Remedies of Mandamus and Prohibition, Habeas Corpus, Certiorari and Quo Warranto The Law of Remedies Judicial Remedies in International Law A Treatise on Extraordinary Legal Remedies Law of Obligations & Legal Remedies Research Handbook on Remedies in Private Law The Law of Extraordinary Legal Remedies Remedies for Torts and Breach of Contract Remedies for Human Rights Violations Intellectual Property Law Punishment, Compensation, and Law Personal Wrongs and Legal Remedies Remedies in Australian Private Law Cases on Extraordinary Legal Remedies The War and Suspension of Legal Remedies The Business of Judging Everybody's Law Book Civil Remedies in New Zealand Beyond Disagreement Law of Obligations and Legal Remedies Civil Remedies for the Harms of Pornography A Treatise on Torts The War and Suspension of Legal Remedies ; By Henry Hanna Justifying Private Law Remedies Remedies in EU Competition Law Remedies for Torts, Breach of Contract, and Equitable Wrongs Climate Change and Indigenous Peoples Institutional Abuse of Children Patent Remedies and Complex Products Law of Remedies

Tom Bingham (1933-2010) was the 'greatest judge of our time' (The Guardian), a towering figure in modern British public life who championed the rule of law and human rights inside and outside the courtroom. The Business of Judging collects Bingham's most important writings during his period in judicial office before the House of Lords. The papers collected here offer Bingham's views on a wide range of issues, ranging from the ethics of judging to the role of law in a diverse society. They include his reflections on the main contours of English public and criminal law, and his early work on the incorporation of the European Convention on Human Rights and reforming the constitution. Written in the accessible style that made The Rule of Law (2010) a popular success, the book will be essential reading for all those working in law, and an engaging inroad to understanding the role of the law and courts in public life for the general reader. This book is the first comprehensive study of the meaning and measure of enforceability. While we have long debated what restraints should govern the conduct of our social life, we have paid relatively little attention to the question of what it means to make a restraint enforceable. Focusing on the enforceability of legal rights but also addressing the enforceability of moral rights and social conventions, Mark Reiff explains how we use punishment and compensation to make restraints operative in the world. After describing the various means by which restraints may be enforced, Reiff explains how the sufficiency of enforcement can be measured, and he presents a unified theory of deterrence, retribution, and compensation that shows how these aspects of enforceability are interconnected. Reiff then applies his theory of enforceability to illuminate a variety of real-world problem situations. This book demonstrates how legal realism offers important and unique jurisprudential insights that are not just a part of legal history, but are also relevant and useful for a contemporary understanding of legal theory. This book examines the notion of a law of obligations as a conceptual category in itself; and, in doing this, it presents the foundational material in a context that draws on some comparative and theoretical ideas while, at the same time, emphasising the special characteristics of the common law. The book is specifically designed to act as an introduction to the legal research skills of reasoning and method. It also looks at the foundations of civil liability in a way that emphasises the interrelationship of source materials, problem solving and conceptual analysis and justification. This sourcebook provides a selection of primary source materials on contract, tort and restitution to offer an introduction to the law of obligations. The book also sets out to act as an introductory primary sourcebook on the law of remedies, with sections devoted to debt, damages, account, injunctions and rescission. The book is intended to be comprehensive on problem-solving and legal reasoning in the context of the law of obligations. It is designed to be a collection of materials and commentary for students interested not only in the techniques of positive law problem-solving but also in bridging the gap with more theoretical subjects such as comparative law and jurisprudence. This book addresses two crucial concerns of intellectual property owners--how to recover monetary compensation when an infringement has occurred and how to prevent further infringement. Studies in the Contract Laws of Asia provides an authoritative account of the contract law regimes of selected Asian jurisdictions, including the major centres of commerce where until now, limited critical commentaries have been available in the English language. In this new six part series of scholarly essays from leading scholars and commentators, each volume will offer an insider's perspective into specific areas of contract law, including: remedies, formation, parties, contents, vitiating factors, change of circumstances, illegality, and public policy, and will explore how these diverse jurisdictions address common problems encountered in contractual disputes. Concluding each volume will be a closing discussion of the convergences and divergences throughout eachacross the jurisdictions, and comparisons with European jurisdictions from which Asians well as an overview of the common themes found throughout each jurisdiction .contract law derive. Volume I of this series examines the remedies for breach of contract in the laws of China, India, Japan, Korea, Taiwan, Singapore, Malaysia, Hong Kong, Korea, and Thailand. Specifically, it addresses the readiness of each legal system in their action to insist that parties perform their obligations; the methods of enforcing the parties' agreed remedies for breach; and the ways in which monetary compensation are awarded. Each jurisdiction is discussed over two chapters; the first chapter will examine the performance remedies and agreed remedies, while the second explores the monetary remedies. A concluding chapter offers a comparative overview. Remedies in Australian Private Law offers a clear, logical and complete treatment of remedies in common law, equity and statute. Designed in response to the rapid expansion of interest in this field of law, this book provides readers with a theoretical and practical framework for understanding the principles of private law remedies and how they are applied. Clearly structured with a strong black-letter law focus, this book includes detailed coverage of remedies for tort, breach of contract, the Australian Consumer Law and equitable obligations. It also includes discussion of theoretical perspectives on issues such as the fusion of common law and equity, the nature of reasonable fee awards and the concept of unjust enrichment. The systematic and accessible approach set out in this book will enable students, practitioners and others to develop an overarching conception of remedial law, and thereby enhance their capacity to analyse legal problems and find the best solutions. This work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it. This work is in the public domain in the United States of America, and possibly other nations. Within the United States, you may freely copy and distribute this work, as no entity (individual or corporate) has a copyright on the body of the work. Scholars believe, and we concur, that this work is important enough to be preserved, reproduced, and made generally available to the public. To ensure a quality reading experience, this work has been proofread and republished using a format that seamlessly blends the original graphical elements with text in an easy-to-read typeface. We appreciate your support of the preservation process, and thank you for being an important part of keeping this knowledge alive and relevant. Presenting a comprehensive and timely examination of remedies for breach of contract, this text analyses and challenges fundamental features of English contract law. Until now the topic of legal remedies in European direct tax law has been significantly underexposed within the academic tax community. This book aims at filling this gap by providing the typical approaches to European tax law with a general vision on European law, and puts together theory and practice, but also includes contributions on selected relevant issues arising in the protection of taxpayers' rights. The question of the consequences of breaches of international law is only now beginning to attract the attention it deserves. This book deals with one aspect of that wider question: it is the first comprehensive study of judicial remedies in international law. Now in its third edition this popular text has been comprehensively rewritten to take account of all new developments in the law, as well as Law Commission reports and academic writings. The book has also been restructured and divided into parts which correspond to the primary functions of the remedies for torts and breach of contract, namely compensation, restitution and punishment, compelling performance or preventing (or compelling the undoing of) a wrong, and declaring rights. Reflecting their increased importance in practice, and the considerable recent academic attention devoted to them, there is also a new chapter on remedies for equitable wrongs such as breach of fiduciary duty and reach of confidence. By their nature, remedies are central to competition law enforcement and represent the yardstick against which the efficiency of the overall system can be measured. Yet very rarely have remedies been treated in a horizontal and comprehensive manner from the combined perspectives of substance, process and policy. The present volume, developed in partnership with the College of Europe’s Global Competition Law Centre (GCLC), provides coherent, practical, and authoritative commentaries by leading experts from the GCLC’s incomparable network. The contributions – originally presented at the 2019 GCLC annual conference – examine remedies to assess the overall effectiveness of competition law enforcement in merger, antitrust and State aid matters. The overall topic is presented under five headings: objectives and limitations of remedies; types of remedies in competition law enforcement; implementation and process; ex post assessment of remedies and policy lessons; and national and international approaches. The high-profile and wide-ranging group of authors includes the Director-General of the European Commission’s competition department, lawyers from major international firms, and well-known economists and academics specialising in competition law. With a sharp focus on how to make competition rules work well in today’s digital environment, this systematic and coherent analysis illuminates an issue that we need to fully grasp and understand in order to make sense of competition policy, law and enforcement in the years and decades to come. The term 'law of obligations' is being used with increasing frequency in England to describe the law of contract, tort and restitution and as a term of convenience it presents few problems. However, as a term of art (or perhaps one should say science) its fundamental connection to the civil law tradition gives rise to a number of problems for anyone who might want to employ it as an analytical tool within the common law tradition. For, in civilian (continental) legal thought, the idea of a law of obligations goes well beyond a mere category. It represents a central part of a coherent system of legal thought which actually makes rational sense only when related to all the other parts of the system. Accordingly, unless the system as a whole is understood in all its implications, some of the subtleties of the continental notion of a law of obligations can easily be missed. Justifies a two-track approach that includes individual and systemic remedies in both domestic and international human rights law. 'Climate Change and Indigenous Peoples offers the most comprehensive resource for advancing our understanding of one of the least coherently developed of climate change policy realms – legal protection of vulnerable indigenous populations. The first part of the book provides a tremendously useful background on the cultural, policy, and legal context of indigenous peoples, with special emphasis on developing general principles for climate change

mitigation and adaptation solutions. The remainder of the volume then carefully and thoroughly works through how those general principles play out for different regional indigenous populations around the globe. All of the contributions to the volume are by leading experts who bring their insights and innovative thinking to bear on a truly complex subject. Whether as a novice's starting point or expert's desktop reference, I cannot think of a more useful resource for anyone interested in climate policy for indigenous peoples.' – J.B. Ruhl, Vanderbilt University Law School, US 'In Climate Change and Indigenous Peoples, editors Randy Abate and Elizabeth Kronk have assembled a truly comprehensive and informative look at the special issues that indigenous peoples face as a result of climate impacts and an overview of the law – international and domestic, climate change and human rights, substantive and procedural – that applies to those issues. One of the great strengths of the book is that no group of indigenous people is made to stand proxy for all the others; instead, after exploring the general issues facing all indigenous peoples and the general legal strategies they use, the book focuses most of its attention on the specific climate change issues that confront particular groups – South American indigenous peoples; the various tribes of Native Americans in the US; the indigenous peoples of the Arctic, collectively as well as in respect to particular Arctic countries; Pacific Islanders; indigenous peoples in Asia; the various groups of Aborigines and Torres Islanders in Australia; the Maori on New Zealand; and several tribes in Kenya, Africa. For people interested in climate change and climate change adaptation, this book provides a unique overview of the special vulnerabilities and plights of indigenous peoples, issues that must be considered as the world works to formulate effective and protective climate change adaptation policies. For people interested in indigenous peoples and international human rights, this book paints a grim picture of the various ways in which climate change threatens this very diverse group of cultural entities and the deep knowledge of place that they usually possess, while at the same time offering hope that the law can find ways to keep them from disappearing – and, indeed, that indigenous peoples might just help the rest of us to survive, as well.' – Robin Kundis Craig, University of Utah S.J. Quinney College of Law, US 'It is one of the world's cruelest ironies that some of the earliest effects of climate change are being felt by indigenous populations around the world, even though they contributed no more than trivial amounts of the greenhouse gases that are at the root of much of the problem, and they are so politically and economically powerless that they played no role in the decisions that have led to their plight. At the same time, many of these populations are victimized by certain actions designed to reduce emissions, such as land clearing for biofuels cultivation, and restrictions on forest use. Professors Abate and Kronk have assembled a formidable collection of experts from around the world who demonstrate the diversity of challenges facing these indigenous peoples, and the opportunities and challenges in using various international and domestic legal tools to seek redress. This book will be an invaluable resource for all those examining the legal remedies that may be available, either now or as the law develops in the years to come.' – Michael B. Gerrard, Columbia Law School, US This timely volume explores the ways in which indigenous peoples across the world are challenged by climate change impacts, and discusses the legal resources available to confront those challenges. Indigenous peoples occupy a unique niche within the climate justice movement, as many indigenous communities live subsistence lifestyles that are severely disrupted by the effects of climate change. Additionally, in many parts of the world, domestic law is applied differently to indigenous peoples than it is to their non-indigenous peers, further complicating the quest for legal remedies. The contributors to this book bring a range of expert legal perspectives to this complex discussion, offering both a comprehensive explanation of climate change-related problems faced by indigenous communities and a breakdown of various real world attempts to devise workable legal solutions. Regions covered include North and South America (Brazil, Canada, the US and the Arctic), the Pacific Islands (Fiji, Tuvalu and the Federated States of Micronesia), Australia and New Zealand, Asia (China and Nepal) and Africa (Kenya). This comprehensive volume will appeal to professors and students of environmental law, indigenous law and international law, as well as practitioners and policymakers with an interest in indigenous legal issues and environmental justice. In August 2006 the third Australian Obligations Conference was hosted in Brisbane by the TC Beirne School of Law. The theme of the Conference was “Justifying Private Law Remedies”. This book contains a number of the papers delivered at that Conference, presented under several categories but all dealing with the fundamental issue of justification: General Concepts; Performance; Compensation; Punishment; and Restitution and Disgorgement. The authors are largely drawn from the legal academy, and include Canadian, Australian, British and New Zealand scholars. The collection will be of interest to all those concerned with the role, nature and place of remedies in the private law of the common law world. This text is covers the principles of Remedies, including Damages at Common Law, Equitable Remedies and Remedies similar to Traditional Remedies. It is a textbook aimed teachers and students who do not want to teach from a casebook. Examining the role of 'open remedies' in human rights adjudication, this book provides a new perspective informing comparative constitutional debates on how to structure institutional relationships over fundamental rights and freedoms. Open remedies declare a human rights violation but invite the other branches of government to decide what corrective action should be taken. Open remedies are premised on the need to engage institutions beyond courts in the process of thinking about and acting on human rights problems. This book considers examples across the United States, South Africa, Canada, and internationally, emphasising their similarities and differences in design and the diverse ways they could operate in practice. he book investigates these possibilities through the first systematic legal and empirical study of the declaration of incompatibility model under the United Kingdom Human Rights Act. This new model provides a non-binding declaration that the law has infringed human rights standards, for the legislature's consideration. By design, it has the potential to support democratic deliberation on what human rights require of the laws and policies of the State, however, it also carries uncertainties and risks. Providing a lucid account of existing debates on the relative roles of courts and legislatures to determine the requirements of fundamental rights commitments, the book argues that we need to look beyond the theoretical focus on rights disagreements, to how these remedies have operated in practice across the courts and the political branches of government. Importantly, we should pay attention to the nature and scope of legislative engagement in deliberation on the human rights matters raised by declarations of incompatibility. Adopting this approach, this book presents a carefully argued view of how courts have exercised this power, as well as how the UK executive and Parliament have responded to its use. Through a collaboration among twenty legal scholars from North America, Europe and Asia, this book presents an international consensus on the use of patent remedies for complex products such as smartphones, computer networks, and the Internet of Things. This title is also available as Open Access on Cambridge Core. The fourth edition of Andrew Burrows' seminal work Remedies for Torts, Breach of Contract, and Equitable Wrongs (previously Remedies for Torts and Breach of Contract), updates and extends coverage of judicial remedies for civil wrongs in English law. Since the release of the previous edition in 2004, the scope of discussion in the book has developed to include many contemporary case studies. Examples of these include Morris-Garner v One Step Ltd on negotiating damages, Milner v Carnival on quantum of mental distress damages, Forsyth Grant v Allen on restitution for torts, to name but a few, as well as crucial Supreme Court decisions on penalty clauses (Cavendish v Makdessi) and injunctions (LauritzenCool, Araci v Fallon and Coventry v Lawrence). In addition to comprehensive updating to take account of new developments in the law, this book includes two new chapters. Unique to the fourth edition, the first explores damages under the Human Rights Act of 1998; the second examines negotiating damages. Remedies for Torts, Breach of Contract, and Equitable Wrongs by leading scholar Andrew Burrows is a popular work amongst students and practitioners due to its broad coverage, factual detail, insightful application of academic context and enduring subject matter. This volume of essays is the end product of the Second International Symposium on the Law of Remedies, a joint undertaking of the Faculties of Law at the Universities of Windsor, Canada, and Auckland (Research Centre for Business Law), New Zealand. The symposium brought together scholars drawn from four continents, representing the major Commonwealth common law jurisdictions, as well as the United States and Ireland. Collectively, the essays illustrate the breadth and depth of attention that is now accorded to the study of remedies throughout the common law world. The collection also demonstrates the value of fruitful exchanges across common law jurisdictions that have much to gain from learning of one another's experiences, thereby enriching the body of knowledge for a system that is inherently built upon discrete and incremental case law. Remedies in Equity - The Laws of Australia is a comprehensive reference for practitioners and students regarding the power of courts to award equitable relief in Australia. This up-to-date text provides a clear and simple overview of key remedies in equity, grouped into the following topics: Declarations; Specific performance; Rescission; Injunctions; Compensation and damages; Tracing; Taking accounts; and Delivery up, cancellation and rectification. Extensive case examples and factual discussion complement a thorough examination of established principles. This includes coverage of the latest judicial decisions and any statutory modification of the remedies in equity. This work also identifies the critical matters which can affect the exercise of a court's discretion and when remedies in equity may or may not be available. Authors David Wright, Senior Lecturer of the School of Law of the University of Adelaide, and Dr Samantha Hepburn, Associate Professor of Deakin University, have compiled a readable and authoritative analysis of the practical issues that arise in seeking remedies in equity. This material is also published as part of Title 15 "Equity" of The Laws of Australia legal encyclopaedia. Institutional abuse of children: Legal remedies and redress in Australia examines the recently amended 'common law' framework. These reforms include removal of limitation periods, reversal of the onus of proof, extending vicarious liability to persons akin to employees, requiring institutions to identify a proper defendant when necessary, and permitting some earlier settlements and judgements to be revisited. The unique fixed term National Redress Scheme for historic child sexual abuse in institutional settings is also examined, in the context of the underlying policy to offer an alternate redress pathway which aims to be more flexible, less formal, faster, cheaper, and involving less trauma and conflict for survivors. As the first detailed analysis of the new legal framework relating to compensation and redress for child sexual abuse in Australia, this book makes an original contribution to knowledge and understanding of the law in this complex area, which continues to develop at a rapid pace as additional legislation is enacted across Australia and as the courts begin to construe these new legislative provisions. Features ¿ Analyses the new legal framework governing claims for compensation and redress arising out of sexual abuse of children in institutional settings in Australia ¿ Examines the relationship between the National Redress Scheme and civil claims ¿ Provides a practical understanding of how to work through the intersecting laws and redress systems to best advise clients Dinah Shelton provides a comprehensive treatment of remedies for human rights violations reviews the jurisprudence of international tribunals on these violations. The text provides a theoretical framework and a practical guide for lawyers, judges, and academics interested in human rights law. Provides coverage of the situations in which judicial review is available, the range of measures that can be challenged, the ambit of remedies in public law cases and the machinery for making an application Rev. ed. of : Handbook on the law of remedies. 1973. Remedies: Commentary and Materials, 6th Edition provides comprehensive treatment of both judicial and non-judicial remedies in Australian private law. Fully updated to reflect recent developments, this casebook provides extensive coverage of common law damages for breach of contract and tort, of equitable remedies and of statutory remedies under the Australian Consumer Law. The book combines carefully selected extracts from leading cases with expert commentary. Taken together, these materials elucidate the principles relating to the assessment of all forms of damages under common law and statu. p.p1 {margin: 0.0px 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.

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