

## Legal Method Palgrave Macmillan Law Masters

The emergence of international human rights law and the end of the White Australia immigration policy were events of great historical moment. Yet, they were not harbingers of a new dawn in migration law. This book argues that this is because migration law in Australia is best understood as part of a longer jurisprudential tradition in which certain political-economic interests have shaped the relationship between the foreigner and the sovereign. Eve Lester explores how this relationship has been wrought by a political-economic desire to regulate race and labour; a desire that has produced the claim that there exists an absolute sovereign right to exclude or condition the entry and stay of foreigners. Lester calls this putative right a discourse of 'absolute sovereignty'. She argues that 'absolute sovereignty' talk continues to be a driver of migration lawmaking, shaping the foreigner-sovereign relation and making thinkable some of the world's harshest asylum policies.

Language skills, study skills, argument skills and legal knowledge are vital to every law student, professional lawyer and academic. *Legal Method, Skills and Reasoning* suggests a range of 'how-to' techniques for perfecting these academic and practical skills. It explains how to work with legal texts; how to read and write about the law; how to acquire effective disciplined study techniques; and how to construct legal arguments. Packed full of practical examples and diagrams across the range of legal skills from language and research skills to mooted and negotiation, this edition will be invaluable to law students seeking to acquire a deeper understanding of how to apply each discreet legal skill effectively. This restructured third edition is now additionally supported by a Companion Website offering a wealth of additional resources for individual and group work for both students and lecturers. For students, the Companion Website offers: workbooks for each part, containing guided practical and reflective tasks a series of 'how-to' exercises, which help to provide real-life legal skills examples and practice guidance on answering legal problem and essay-style questions self-test quizzes to consolidate learning for each individual legal skill. For lecturers, the Companion Website hosts: a set of PowerPoint slides of the diagrams in the text specimen seminar plans, with supplementary notes to provide support and inspiration for teaching legal skills sample legal skills assessment, and accompanying answers.

The best-selling legal skills textbook in the market, *Legal Skills* is the essential guide for law students, encompassing all the academic and practical skills in one manageable volume. There is an urgent need to better understand the legal issues pertaining to alternative dispute resolution (ADR), particularly in relation to mediation clauses. Despite the promotion of mediation by dispute resolution providers, policy makers, and judges, use of mediation remains low. In particular, problems arise when parties lack certainty regarding the legal effect of a mediation clause, and the potential uncertainty regarding the binding nature of agreements to pursue mediation is problematic and threatens the growth of ADR. This book closely examines the importance and complexity of mediation clauses in commercial contracts to remedy this persistent uncertainty. Using comparative law methods and detailed empirical research, it explores the creation of a comprehensive framework for the mediation clause. Providing valuable insight into the process of ADR and mediation, this book will be of interest to academics, law makers, law students, in-house council, lawyers, as well as parties interesting in drafting enforceable mediation clauses.

This Palgrave Pivot is the first book in the field of Law & Economics looking at the relationship between economics and law in legal reasoning. The book constitutes a reference point for the economic analysis of legal institutions, as legal reasoning remains the dimension of legal systems least explored by economists. Despite their differences, economics and legal reasoning interact in many interesting ways. This book offers a fast track to these interactions. Both supporters and critics of Law & Economics will be exposed to a yet-to-be developed area

of interaction between the disciplines. This book will be of interest to economists, legal scholars, and Law and Economics specialists, and can be used as teaching material in courses on Law & Economics and legal reasoning as well.

With contributions from world-class specialists this first book-length work looks at translation issues in forensic linguistics, where accuracy and cultural understandings play a prominent part in the legal process.

Nobody's Law shows how people – who are disappointed, disenchanted, and outraged about the justice system – gradually move away from law. Using detailed case studies and combining different theoretical perspectives, this book explores the legal consciousness of ordinary people, businessmen, and street-level bureaucrats in the Netherlands. The empirical research in this study tells an original and alternative narrative about the role of law in everyday life. While previous studies emphasize the law's hegemony and argue that it's 'all over', Hertogh shows that legal proliferation makes it harder for people to know, and subsequently identify with, the law. As a result, official law has become increasingly remote and irrelevant to many people. The central finding presented in this highly topical text is that these developments signal a process of 'legal alienation'— a gradual and mundane process with potentially serious consequences for the legitimacy of law. A timely and original study, this book will be of particular interest to scholars in the fields of law and society, socio-legal studies and legal theory.

The Palgrave Macmillan Law Masters series is a long-running and successful list of titles offering clear, concise and authoritative guides to the main subject areas, written by experienced and respected authors. The seventh edition of Criminal Law provides a comprehensive introduction to the basic principles of criminal liability and to the main criminal offences, together with insights into the controversies and debates that surround the subject. The text is written in a clear and engaging style, making the fundamental concepts easy to grasp. This is an ideal companion for both law undergraduate and GDL/CPE students. This new edition has been thoroughly updated to reflect recent case law and statutory developments. The enhanced layout includes Hot Topic sections analysing the controversial cases of recent years, plus end of chapter summaries and suggestions for further reading.

Legal Method Macmillan International Higher Education

This self-contained study and foundation book for legal training deals with how the course of law (both English and European Community) resolves the uncertainties that arise within the law, the basis of legal reasoning, and the nature of law itself.

Law in Northern Ireland is the essential textbook for all students of Northern Ireland's legal system. Changes to this new edition – some of them substantial – have been made to every section, taking full account of five years of developments. The book explores the evolution of law-making in Northern Ireland before going on to explain the relevant constitutional arrangements, how to identify and interpret applicable sources of law, and what are the fundamental rules and principles of public law, criminal law and private law, highlighting where appropriate what may be unusual about them. It contextualises the myriad of legal institutions operating in the jurisdiction, sets out how criminal and civil proceedings work in practice and provides useful information on how people become lawyers, what lawyers actually do once they become qualified and how the legal system is funded. The appendices set out some sample sources of law so that readers can familiarise themselves with what is involved in handling legal documents. The language throughout is accessible and there are Tables of Cases and Legislation, as well as a comprehensive index.

This textbook provides a comprehensive overview of the ways in which the law has impacted on how sport is played, administered and consumed. The author writes in a clear and engaging manner, tracing the origins and sources of this rapidly evolving subject and drawing examples from a wide range of professional and amateur sports to illustrate the important current

debates and topics of interest. The book covers a wide-range of topics from participant and non-participant liability, fighting sports and their legality, and liability for stadium safety and disasters. The final section of the book takes in the very latest developments in mass-event sport and the growing but fundamental area of sports commercialisation. New to this Edition: - Fully updated and includes analyses of the Pechstein and Sharapova decisions - Includes details on the state aid rulings on financial support for Spanish and Dutch football clubs - The author includes a review of the Rio 2016 Olympics

This book introduces and explores the concept of multilingual law. Providing an overview as to what is 'multilingual law', the study establishes a new discourse based on this concept, which has hitherto lacked recognition for reasons of complexity and multidisciplinary. The need for such a discourse now exists and is becoming urgent in view of the progress being made towards European integration and the legal and factual foundation for it in multilingualism and multilingual legislation. Covering different types of multilingual legal orders and their distinguishing features, as well as the basic structure of legal systems, the author studies policy formation, drafting, translation, revision, terminology and computer tools in connection with the legislative and judicial processes. Bringing together a range of diverse legal and linguistic ideas under one roof, this book is of importance to legal-linguists, drafters and translators, as well as students and scholars of legal linguistics, legal translation and revision. Most young people considering studying law, or pursuing a legal career, have very little idea of what learning law involves and how universities teach law to their students. The new edition of this book, which proved very popular when first published in 2007, provides a 'taster' for the study of law; a short, accessible presentation of law as an academic subject, designed to help 17- and 18-year old students and others decide whether law is the right choice for them as a university subject, or, if they have already made the choice, what to expect when they start their law degree. It helps answer the question 'what should I study at university?' and counters the perception that law is a dry, dull subject. What About Law? shows how the study of law can be fun, intellectually stimulating, challenging and of direct relevance to students. Using a case study approach, the book introduces prospective law students to the legal system, as well as to legal reasoning, critical thinking and argument. This is a book that should be in the library of every school with a sixth form, every college and every university, and it is one that any student about to embark on the study of law should read before they commence their legal studies. All of the authors have long experience in teaching law at Cambridge and elsewhere and all have also been involved, at various times, in advising prospective law students at open days and admissions conferences. Listed as one of the 'Six of the best law books' that a future law student should read by the Guardian Law Online, 8th August 2012.

Why do some rules have the status of law while others do not? Is law simply a matter of rules anyway? What is justice? Legal Theory asks questions such as these and explains some of the answers that legal theorists have given over the ages, from Ancient Greece to the present day.

Given the vast amount of legal information available, it is sometimes very difficult - and certainly very time consuming - to know where to start looking for the specific information you require. This book, covering the most up-to-date information sources (printed and electronic), helps guide the reader towards the information they need. It is an accessible and easy-to-use directory of legal information sources for librarians, lawyers, students and anyone needing legal information. The book covers mainly British and European Union law and includes general material and the main subject areas, including online and internet sources. It also lists reference material, such as legal dictionaries and directories. The book is essentially a directory of information sources, with publishing details (including ISBN), and short comments where useful. Electronic sources are mentioned where relevant, with details of scope and any limitations of coverage. Comprehensive and up-to-date (covering electronic sources and

important legal developments, including civil procedure and human rights) Covers the massive expansion of information on the web and online services Based on the author's considerable experience – thus, he has gained a detailed and wide ranging understanding and appreciation of users' needs and areas of interest

This study explores the use of precedents in the case law of the Court of Justice of the European Union (CJEU). It argues that a strategic use of precedent-based discourses aids the Court in developing its jurisprudence autonomously; that is, independent of the political preferences of EU member states. The study is based on a long-term assessment of CJEU case law in the politically sensitive area of immigration law. It traces the Court's rulings in this area from the 1970s up until the most recent period. The study identifies a series of consistent discursive patterns that slowly, but surely, moved EU immigration law beyond what member states had intended. The work takes an interdisciplinary approach, engaging with both political science and legal discussions on the Court of Justice and its role in processes of European integration.

Public Law: Text, Cases, and Materials offers a fresh approach to the study of constitutional and administrative law by exploring how the law works in practice. The inclusion of extracts from key cases, government reports and academic articles demonstrates the law in action and the incisive commentary that accompanies them explains the significance of each. The expert authors have distilled their knowledge of the institutions and legal principles into concise, focused prose, and they encourage reflection through regular questions and hypothetical examples. This leading text provides students with a thorough and wide-ranging knowledge of public law, together will a full understanding of the theoretical and political debates in this fascinating and dynamic area of law. Online Resource Centre This book is accompanied by an Online Resource Centre which provides a link to the authors' Twitter feed, web links to useful sites and, for lecturers, a test bank of multiple choice questions with answers and feedback.

\* This book offers a multidisciplinary approach to the study of the concept of sovereignty. \* This book outlines the origins, context and evolution of the concept of sovereignty as an essential attribute of the modern territorial State since the Peace of Westphalia in 1648. \* The book identifies two competing traditions of the concept of sovereignty; the tradition inaugurated by Jean Bodin in 1576 in his work "The Six Books of the Commonwealth" and another that started with Johannes Althusius in 1603, considered the 'father' of federal theory, in his less known work "Politica". \* In order to understand the concept of sovereignty, it is necessary to understand the 'constitutional rules' of each international system and the fact that the States are the primary polities in the international arena. \* The rise of International Organizations and the increasing 'institutionalization' of the international system challenges this state-centric world, considering their exercise of sovereign powers. \* Following authors such as Daniel Elazar, the book discusses the importance of federalism as political theory, which offers a different understanding of the concept of sovereignty. \* The book discusses the European Union as a paradigmatic case of a 'postmodern confederation', which challenges the notion of sovereignty as an absolute and exclusive statehood attribute. \* Furthermore, the reconceptualization of sovereignty in International Law should consider the rise of regional and functional legal orders, the different understandings of sovereignty offered by the federalist tradition and the processes of 'deterritorialization'

and disaggregation of authority. \* The book concludes with the idea that concept of sovereignty in International Law should be seen as a flexible concept which is not an exclusive attribute of the modern territorial state. This book is required reading for all interested in the history and the evolution of the concept of sovereignty.

Written by a former dean, this book offers a unique understanding of challenges facing legal education, research, publishing and governance.

Assuming no prior knowledge of philosophy, Legal Theory examines the relationship between law and morality, and places particular emphasis on matters of contemporary debate, such as assisted suicide and animal rights. --Book Jacket.

What's the difference between a solicitor and barrister? What law course should you choose? Where do you find a training contract? If you're thinking of studying a law degree, the new and updated edition of Getting into Law provides you with all the information that you need to get onto the course of your choice and start a successful law career. From application and interview to funding and your future, this comprehensive guide takes you through every stage of applying for a law degree.

Written with contributions from admission tutors from the UK's leading law schools and top solicitors and barristers.

A major new Australian adaptation of the best-selling introduction to contract law, providing an authoritative but accessible examination of the foundational principles of this complex area.

A lively and accessible introduction to this highly complex and technical subject that covers the world of copyright, designs, patents and trade mark law. The authors combine backgrounds in academic teaching and top level private practice to produce an intellectually stimulating yet practical concise introduction to the subject.

The aim of this book is to explain in clear terms some of the main methodological approaches in legal research. This is an edited collection, with each chapter written by specialists in their field, researching in a variety of jurisdictions. Each contributor addresses the topic of "lay decision makers in the legal system" from one particular methodological perspective, explaining how they would approach the issue and discussing why their particular method might, or might not, be suited to this topic. In asking all contributors to focus on the same topic, the editors have sought to provide a common link throughout the text, thereby providing the reader with an opportunity to draw comparisons between methods with relative ease. In light of the broad geographical range of its contributors, the book is aimed at an international readership. This book will be of particular interest to PhD students in law, but it will also be of use to undergraduate dissertation students in law, LL.M Research students as well as prospective PhD students and early year researchers.

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.

An inter-disciplinary, international collection that examines the mutual influences between law and culture through a series of sophisticated case studies showing how cultural phenomena are brought under legal regulation, how laws are resisted through cultural practices, and how those practices shape the way in which law is understood and applied.

How do the judges of the International Court of Justice, the most authoritative court in international law, use teachings when deciding cases? This book is the first book-length examination of how teachings are used in an important international institution. It uses three different methodologies: a traditional legal analysis, an empirical analysis where citations of teachings are counted and interviews with judges and staff. Three main patterns are identified: teachings have generally low weight, but this weight varies between different works and between different judges. The book suggests explanations for the patterns it identifies, in order to contribute to understanding not only when and how teachings are used, but also why, and compares the Court's practice with that of other international courts and tribunals. This study fills a gap in the international legal literature and will be essential reading for scholars and practicing international lawyers.

In recent years there has been a widely-recognized and serious lack of rational and civil public discussion about current issues. In *The American Legal System and Civic Engagement*, Manaster asserts that ordinary citizens can form their opinions on public issues more intelligently, confidently, and responsibly if they have some guidance on how to do it. Drawing from the tools and traditions of the American legal system, he offers guidance to aid citizens in understanding public issues and participating in the type of responsible public debate these challenging issues deserve. From analyzing the influence of the media in informing the public, to examining the role of the citizen as a juror, *The American Legal System and Civic Engagement* is a practical and informative guide to how Americans can better perform the civic duty that modern democracy requires.

This is an easy to use guide on how to complete the various types of assessment normally encountered in undergraduate law programmes. Encouraging students to apply the skills they have learnt, it covers a wide range of tasks including essay writing, giving presentations and moots, taking exams and completing dissertations.

*Studying Law* introduces students to the fundamental legal skills that they will need to successfully study the subject, such as case analysis, legislative interpretation, problem solving and essay writing, and to the core Law subjects themselves and the distinctions between them.

The Palgrave Macmillan Law Masters series is a long-running and successful list of titles offering clear, concise and authoritative guides to the main subject areas, written by experienced and respected authors. This ninth edition of *Legal Method* provides a lively introduction to the nature of the English legal system and its sources, and to the techniques which lawyers use when handling those sources. The text assumes no prior knowledge and makes its content accessible by clarity of expression rather than by dilution of content. In addition to more conventional sources, writers as varied as Jonathan Swift, Alexander Pope and T. S. Eliot are cited. This is an ideal course companion for both law undergraduate and GDL/CPE students. Includes end of chapter summaries and self-test exercises.

*Great Debates in Law* is an evolving series offering engaging and thoughtful introductions to the more advanced concepts, written by authors who are amongst the foremost thinkers in their field. They are designed to provide a cutting edge for students who are looking to gain additional insights with which to excel. The series looks to go beyond what is covered in the main textbooks, presenting the key tensions and questions underlying a subject, setting legal developments in their philosophical and cultural context and exploring the issues as matters of current debate. The text draws

upon the work of leading figures to elucidate the concepts addressed, illustrating how a subject has developed in the way that it has, and why.

All the cases you need, together with the tools to understand them. This contract casebook presents all the leading cases, supplemented by succinct author commentary and thought-provoking questions to deepen your understanding. Now updated by Professor Robert Merkin and Dr Severine Saintier, Poole's Casebook on Contract Law takes a uniquely supportive approach, to give you the confidence to engage with and analyse judgments. Online resources: The study of contract law continues via the online resources, keeping you up to date and helping to consolidate your learning. - Exercises and guidance on reading cases - Updates on new legislation, cases, and other legal developments

Jurisprudence: Themes and Concepts offers an original introduction to, and critical analysis of, the central themes studied in jurisprudence courses. The book is presented in three parts: the first two contain general themes with corresponding tutorial questions, and the third contains advanced topics. Every chapter in the book gives guidance on further reading. Accessible, interdisciplinary and socially informed, this book has been revised to take into account the latest developments in jurisprudential scholarship.

This is an account of the modern law of contract by a leading authority in the field. Through this fresh approach to the subject students should obtain a firm understanding of the central doctrines and the controversies associated with them.

This anthology illustrates how law and economics is developing in Europe and what opportunities and problems – both in general and specific legal fields – are associated with this approach within the legal traditions of European countries. The first part illuminates the differences in the development and reception of the economic analysis of law in the American Common Law system and in the continental European Civil Law system. The second part focuses on the different ways of thinking of lawyers and economists, which clash in economic analysis of law. The third part is devoted to legal transplants, which often accompany the reception of law and economics from the United States. Finally, the fourth part focuses on the role economic analysis plays in the law of the European Union. This anthology with its 14 essays from young European legal scholars is an important milestone in establishing a European law and economics culture and tradition.

Among the many new skills law students have to acquire, using legal materials and solving legal problems are possibly the most important. It was with this in mind that the authors wrote this book which could be used to support a course of study in legal method, or be used as a self-teaching guide to the subject.

Written for sixth form and college students, AS Law covers the content of AS Law for AQA and OCR students in a lively and reader-friendly style. Topics are broken down into manageable parts, with clear headings and are illustrated throughout with photographs, diagrams, boxes and illustrations. Each chapter includes: an introduction outlining learning objectives relating to the subject specifications 'developing the subject' sections explaining a particularly important or difficult point in more detail, designed to challenge more able students a list of useful websites enabling students to access primary law materials intended to support chapter-by-chapter reading 'it's a fact!' sections highlighting interesting and contemporary applications of the legal principle

under discussion dedicated sections providing detailed examination of key cases, within the context of the chapter discussion hints and tips for revision topics and strategies helping students to prepare for the types of questions that are most likely to come up in exams. The book contains a wealth of opportunities to test and apply knowledge, with revision quizzes, quick tests and sample questions and answers within each chapter and there are additional opportunities for self-testing and revision available via the Companion Website. This third edition has been revised and updated to take into account the new 2008 AQA specifications and contains a new chapter on contract liabilities, as well as expanded material on sentencing and court procedures. It also addresses recent legal developments such as the establishment of the Ministry of Justice, changes in the legal profession and the constitution, and the reform of the House of Lords. AS Law provides a stimulating and exciting approach to the subject, profiling famous legal figures and examining law in films, fiction, non-fiction and on the internet whilst offering comprehensive coverage of the AQA and OCR subject specifications fulfilling all syllabus requirements.

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