
Comparative Criminal Procedure A Casebook Approach

Carolina Academic Press Comparative Law Series

American Law in a Global Context

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Refugee Law and Policy

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Theoretical, Comparative, and Social Science Perspectives

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LACI JANELLE

American Law in a Global Context

Cambridge University Press

The trans-jurisdictional discourse on criminal justice is often hampered by mutual misunderstandings. The translation of legal concepts from English into other

languages and vice versa is subject to ambiguity and potential error: the same term may assume different meanings in different legal contexts. More importantly, legal systems may choose differing theoretical or policy approaches to resolving the same issues, which sometimes – but not always – lead to similar outcomes. This book is the second volume of a series in which eminent scholars from German-speaking and Anglo-American jurisdictions work together

on comparative essays that explore foundational concepts of criminal law and procedure. Each topic is illuminated from German and Anglo-American perspectives, and differences and similarities are analysed.

Criminal Procedures Comparative Criminal ProcedureA Casebook ApproachComparative Criminal ProcedureGermany

This comparative constitutional law casebook offers a comprehensive and

paradigmatic approach to the subject: it examines how the vast increase in international movements of people, capital, goods, ideas, and information affect politics in and beyond nation-states and how this influx affects the rule of law, separation of powers, and fundamental rights. Indeed, this casebook stands apart as it represents an international collaboration of legal scholars and allows for diversity of perspectives. Utilizing case excerpts from at least 40 countries across every continent, students will examine the assumptions, choices and trade-offs, strategies, and effects from decisions by constitutional courts and human rights tribunals throughout various legal systems and political contexts. Moreover, this book examines the different theories of constitutionalism and analyzes how constitutional democracies address similar issues in different institutional settings. This third edition includes new material that speaks to current issues of pressing importance: citizenship, transnational constitutionalism, authoritarian and illiberal constitutions, collective rights and minorities, Internet censorship, religion in the public space, mass surveillance, and

targeted killings. Both teachers and students will appreciate the complete coverage of complex topics within a manageable size and format. A comprehensive teacher's manual accompanies the casebook.

Islamic Property Law Cambridge University Press

Around the world, legal information managers, law librarians and other legal information specialists work in many settings: law schools, private law firms, courts, government, and public law libraries of various types. They are characterized by their expertise in working with legal information in its many forms, and by their work supporting legal professionals, scholars, or students training to become lawyers. In an ever-shrinking world and a time of unprecedented technological change, the work of legal information managers is challenging and exciting, calling on specialized knowledge and skills, regardless of where in the world they practice their profession. Their role within legal systems contributes substantially to the administration of justice and the rule of law. This International Handbook

addresses the policy and strategic issues with which legal information managers and law librarians need to engage in the context of the diverse legal environments in which they work. It provides resources, analysis, and considered studies on an international basis for seasoned professionals, those about to enter the field, and anyone interested in the evolution of legal information in the twenty-first century.

The Cambridge Companion to Comparative Law LexisNexis

The Oxford Handbook of Criminal Law reflects the continued transformation of criminal law into a global discipline, providing scholars with a comprehensive international resource, a common point of entry into cutting edge contemporary research and a snapshot of the state and scope of the field. To this end, the Handbook takes a broad approach to its subject matter, disciplinarily, geographically, and systematically. Its contributors include current and future research leaders representing a variety of legal systems, methodologies, areas of expertise, and research agendas. The Handbook is divided into four parts:

Approaches & Methods (I), Systems & Methods (II), Aspects & Issues (III), and Contexts & Comparisons (IV). Part I includes essays exploring various methodological approaches to criminal law (such as criminology, feminist studies, and history). Part II provides an overview of systems or models of criminal law, laying the foundation for further inquiry into specific conceptions of criminal law as well as for comparative analysis (such as Islamic, Marxist, and military law). Part III covers the three aspects of the penal process: the definition of norms and principles of liability (substantive criminal law), along with a less detailed treatment of the imposition of norms (criminal procedure) and the infliction of sanctions (prison or corrections law). Contributors consider the basic topics traditionally addressed in scholarship on the general and special parts of the substantive criminal law (such as jurisdiction, mens rea, justifications, and excuses). Part IV places criminal law in context, both domestically and transnationally, by exploring the contrasts between criminal law and other species of law and state power and by investigating criminal law's

place in the projects of comparative law, transnational, and international law. The Oxford Handbook of Criminal Law Foundation Press
With an Introduction by Justice Alito, this Comparative Constitutional Law casebook stands apart from other casebooks. It focuses on the 15 constitutional democracies in the G-20 Nations: 1) the United States, 2) the United Kingdom, 3) France, 4) Germany, 5) Japan, 6) Italy, 7) India, 8) Canada, 9) Australia, 10) Brazil, 11) South Korea, 12) South Africa, 13) Indonesia, 14) Mexico, and 15) the European Union. The G-20 Nations together comprise 85% of the world's GDP and two-thirds of the world's population. Thus, this casebook maintains a better sense of relevance than similar books, which often focus heavily on esoteric jurisdictions. It is also less Euro-centric than competing books; most chapters include cases from Brazil, Mexico, and India. Substantively, this casebook compares the constitutional law of the selected countries with respect to fourteen topics: 1) constitutionalism - constitutional history, constitution-making, amendment, and secession rules; 2) the emergence and

nature of judicial review; 3) the separation of powers, bicameralism, and comparative administrative law; 4) federalism; 5) bills of rights, birthright freedom and equality, and human dignity; 6) equal protection of the laws; 7) freedom of expression; 8) freedom of religion; 9) civil, criminal, and appellate procedure; 10) protection of economic liberties; 11) positive social entitlements and state action; and, finally, 12) constitutional guarantees of democracy. It concludes with ideas that are of particular relevance to U.S. constitutional law. Pedagogically, this casebook contains more cases and fewer law review articles than competing books, making it teacher-friendly. It can be taught in a three-day weekly format, in a two-day weekly format, or in a once-a-week seminar format. It is accompanied by a comprehensive teacher's manual and suggested syllabi. *Cases and Materials* West Academic Publishing
Criminal Procedures: Cases, Statutes, and Executive Materials, Sixth Edition is noted for its comprehensive coverage and excellent selection and editing of cases and materials. The book is known for its

special focus on a rich selection of materials from multiple institutions, including primary materials from U.S. Supreme Court cases, state high court cases, state and federal statutes, rules of procedure, and police and prosecutorial policies, along with materials from social science studies. The new Sixth Edition retains the casebook's engaging writing style and division of materials into "teachable chunks." Updated cases are chosen for their contemporary accuracy and feel to complement essential cases of historical value. Taken together, the principal materials highlight procedural variety, focus on real process topics, provide the political context, and consider the impact of procedures on the various parties involved. The scholarly expertise and experience of the authors is especially reflected in the Criminal Procedure II materials, which includes coverage of prosecutorial charging, plea bargaining, and sentencing. Their frequent use of Problems gives instructors options for applying concepts and doctrines in realistic practice settings. New to the Sixth Edition: Two new authors join the editorial team: Jenia Iontcheva Turner of SMU

Dedman School of Law and Kay L. Levine of Emory University School of Law. With her doctoral training in Socio-Legal Studies and her balanced experience as a prosecutor and a defense attorney in state court, Professor Levine sharpens the focus of the book on the real-world operation of courtroom actors in high-volume state systems. With her background in international criminal tribunals and comparative criminal procedure, Professor Turner strengthens the comparisons between court systems in the U.S. and those around the world. As experienced and celebrated classroom teachers, both Professors Turner and Levine bring closer attention to student learning needs in every chapter of the book. More examples and discussion demonstrate the effects of new technologies on criminal procedure. A revamped Chapter 1 offers a deeper exploration of competing models of policing and useful background about policing organizations. Reorganized Chapters 2 and 7 introduce students to the shifting analytical frameworks that the U.S. Supreme Court now employs to evaluate searches in the context of technological devices that store and

collect large amounts of data. Chapter 6 relies on current newsworthy debates about police use of force to explore the alternatives and supplements to the exclusionary rule remedy. A revamped Chapter 12 surveys the major changes in the use of money bail and risk assessment algorithms, previewing the prospects for further system reforms. Chapter 13 covers newsworthy recent changes in the charging policies and diversion practices of prosecutors' offices, especially those in urban areas such as Philadelphia. Chapter 17 expands its coverage of the tensions between fair trials and public trials, including new materials on public access to court files and statistics. A refocused Chapter 19 provides a more detailed and vivid portrait of sentencing hearings and the use of risk assessment instruments. Professors and students will benefit from: Materials that support class discussion, including criminal court actors beyond the Justices of the U.S. Supreme Court: the vision is "street level federalism" Materials that portray for students the range of current practices in criminal justice rather than a rushed historical narrative about doctrinal trends A supporting website that

offers exemplar documents from legal practice, recent news with relevance for criminal procedure, and brief video lectures to introduce each major unit. Emphasis on high-volume practical issues in criminal procedure instead of intricate but rarely-encountered questions. Intuitive organization—tracking the typical sequence of events in criminal investigations and in the criminal courts—that makes it easy to see connections among different areas of the law.

Refugee Law and Policy Wolters Kluwer

This casebook presents up-to-date materials on the complex reality of modern American criminal law. It includes edited cases and statutes, substantial chapter introductions, and highlights on pedagogical approaches (e.g., rules v. standards). Organized with cross-references to highlight connections, clear conceptual structure, and consideration of Model Penal Code throughout. Cases on recent developments include sentencing guidelines, internet crime, white collar crime, drug offenses, possession offenses, hate crimes, victims' rights, state v. federal power, executive v. legislative

criminal lawmaking, and the "war on terror." Also includes materials on common crimes such as shoplifting, traffic offenses, and collateral effects of drug convictions.

Core Concepts in Criminal Law and Criminal Justice Edward Elgar Publishing

Criminal Procedures: Cases, Statutes, and Executive Materials is noted for its comprehensive coverage and excellent selection and editing of cases and materials. The book is known for its special focus on a rich selection of materials from multiple institutions, including primary materials from U.S. Supreme Court cases, state high court cases, state and federal statutes, rules of procedure, and police and prosecutorial policies, along with materials from social science studies. The new edition retains the casebook's engaging writing style and division of materials into "teachable chunks." Updated cases are chosen for their contemporary accuracy and feel, to complement essential cases of historical value. Taken together, the principal materials highlight procedural variety, focus on real process topics, provide the political context, and consider the impact

of procedures on the various parties involved. The scholarly expertise and experience of the authors is especially reflected in the Criminal Procedure II materials, which includes coverage of prosecutorial charging, plea bargaining, and sentencing. Their frequent use of Problems gives instructors options for applying concepts and doctrines in realistic practice settings.

Criminal Appellate Procedure Wolters Kluwer

This book aims to honour the work of Professor Mirjan Damaška, Sterling Professor of Law at Yale Law School and a prominent authority for many years in the fields of comparative law, procedural law, evidence, international criminal law and Continental legal history. Professor Damaška's work is renowned for providing new frameworks for understanding different legal traditions. To celebrate the depth and richness of his work and discuss its implications for the future, the editors have brought together an impressive range of leading scholars from different jurisdictions in the fields of comparative and international law, evidence and criminal law and procedure. Using

Professor Damaška's work as a backdrop, the essays make a substantial contribution to the development of comparative law, procedure and evidence. After an introduction by the editors and a tribute by Harold Koh, Dean of Yale Law School, the book is divided into four parts. The first part considers contemporary trends in national criminal procedure, examining cross-fertilisation and the extent to which these trends are resulting in converging practices across national jurisdictions. The second part explores the epistemological environment of rules of evidence and procedure. The third part analyses human rights standards and the phenomenon of hybridisation in transnational and international criminal law. The final part of the book assesses Professor Damaška's contribution to comparative law and the challenges faced by comparative law in the twenty first century.

The Oxford Handbook of Comparative Law Oxford University Press, USA
Resource added for the Paralegal program 101101.

Cases, Text, Materials Springer Nature

The book provides an overview of the right to counsel and the attorney-client privilege

in the following 12 jurisdictions: China, Germany, Greece, Italy, Japan, the Netherlands, Portugal, Spain, Switzerland, Turkey, UK and USA. The right to counsel is a fundamental right providing the accused access to justice in criminal proceedings. Lawyers can only practice their profession properly if clients have complete trust in their lawyer's discretion. This trust is safeguarded by the attorney-client privilege, which is an indispensable part of every constitutional state and one of the most important professional duties of a lawyer. It is of particular importance in criminal proceedings regarding the protection of the confidentiality of lawyer-client communications in the different procedural stages, coercive measures as well as the various duties and interests in play. However, the communications protected by attorney-client privilege vary greatly from country to country. With regard to criminal investigations in an increasingly globalised world, where sophisticated tools enable broad digital investigations, there is an urgent need to clarify how this fundamental right is protected at both the national and supranational level. Each chapter explores

the regulations, practices and recent developments in each jurisdiction and was written by highly qualified experts in the legal field – from academia and practice alike. It identifies possible solutions and best practices, providing valuable insights for practitioners and law-making bodies alike regarding the actual protection (or lack thereof) of lawyer-client confidentiality in the pretrial and trial stage of criminal proceedings.

A Comparative View Cognella Academic Publishing

Discussing how various countries around the world have organized their police, courts, and corrections agencies, this insightful text provides the rationale for studying cross-national issues in criminal justice by giving students a knowledge base for understanding and appreciating the different ways justice is conceived and achieved around the world.

Germany OUP Oxford

This casebook fills a niche for in-depth teaching materials on appellate procedure in federal and state criminal cases. It uses edited opinions together with constitutional provisions and statutes to provide a substantial platform for

enhancing case-reading skills and analytical ability while exploring basic appellate procedure doctrine. Notes and questions tie appeals to trial processes and offer broadened historical, comparative, and terminology insights. It covers purposes of appeal, limitations and conditions on appeal rights (e.g., plea limitations, final decision, harmless error, forfeiture principles, standards of review, and abatement), and the ancillary rights afforded defendants (e.g., the right to counsel, transcripts, bail). There is an in-depth chapter on prosecution appeals and double jeopardy which provides particular insights into the relation of appellate procedure to trial court procedure. This book may be used in an advanced capstone elective course focusing on doctrine; or, it can be used for a basic course for beginning law students to build more basic skills.

The Basics Academic Press

Provides a comprehensive, readable overview of how criminal justice actually works in the United States, and what makes US procedures distinctive and important.

Family Law Wolters Kluwer

This handbook explores criminal law systems from around the world, with the express aim of stimulating comparison and discussion. General principles of criminal liability receive prominent coverage in each essay—including discussions of rationales for punishment, the role and design of criminal codes, the general structure of criminal liability, accounts of mens rea, and the rights that criminal law is designed to protect—before the authors turn to more specific offenses like homicide, theft, sexual offenses, victimless crimes, and terrorism. This key reference covers all of the world's major legal systems—common, civil, Asian, and Islamic law traditions—with essays on sixteen countries on six different continents. The introduction places each country within traditional distinctions among legal systems and explores noteworthy similarities and differences among the countries covered, providing an ideal entry into the fascinating range of criminal law systems in use the world over.

Anglo-German Dialogues Cambridge University Press

Written by leading scholars and experts

with extensive practice and teaching experience in the field, Comparative and Global Environmental Law and Policy offers a student-friendly approach to the study of a rapidly evolving and important area of law. Its multi-jurisdictional selection of judicial opinions and legal materials introduces students to the worldwide reach of environmental law. Through its substance, the book familiarizes students not only with governing and emerging legal principles but also demonstrates how legal norms are applied to specific issues and contexts, illustrating how law-on-the-books becomes law-in-action. Student understanding is reinforced by problem exercises and discussion questions. Professors and students will benefit from: A multi-jurisdictional selection of environmental law cases and regulatory materials from across the world, with many cases from the developing world and emerging economies. Separate chapters on rapidly evolving and critical topics such as rights of nature, sustainability, corporations and private environmental governance, human rights and the environment, and climate change. Presentation of basic background

principles of environmental law, institutions, and governance and their operation in international, national and subnational systems, including indigenous governance systems. Emphasis across the book on issues of institutions and governance as well as enforcement and effectiveness. Judicial opinions providing an authoritative articulation of how legal principles are applied in various systems. Numerous problem exercises and discussion questions to introduce topics and reinforce concepts and materials. Integrated perspective on the relationship of international and transnational environmental law, national environmental law, environmental norms and principles in other settings such as in private environmental governance, and governance institutions.

The U.s. Constitution and Comparative Constitutional Law Springer Science & Business Media

The Oxford Handbook of Criminal Process surveys the topics and issues in the field of criminal process, including the laws, institutions, and practices of the criminal justice administration. The process begins with arrests or with crime investigation

such as searches for evidence. It continues through trial or some alternative form of adjudication such as plea bargaining that may lead to conviction and punishment, and it includes post-conviction events such as appeals and various procedures for addressing miscarriages of justice. Across more than 40 chapters, this Handbook provides a descriptive overview of the subject sufficient to serve as a durable reference source, and more importantly to offer contemporary critical or analytical perspectives on those subjects by leading scholars in the field. Topics covered include history, procedure, investigation, prosecution, evidence, adjudication, and appeal.

The Right to Counsel and the Protection of Attorney-Client Privilege in Criminal Proceedings

Stanford University Press

"A systematic and comprehensive comparative analysis, of criminal law, focused on two major jurisdictions: the United States and Germany."--Jacket.

Essays in Honour of Professor Mirjan Damaska Bloomsbury Publishing

Contemporary law and economics has greatly expanded its scope of inquiry as

well as its sphere of influence. By focussing specifically on a comparative approach, this Handbook offers new insights for developing current law and economics research. It also provides stimuli for further research, exploring the idea that the comparative method offers a valuable way to enrich law and economics scholarship. With contributions from leading scholars from around the world, the Handbook sets the context by examining the past, present and future of comparative law and economics before addressing this approach to specific issues within the fields of intellectual property, competition, contracts, torts, judicial behaviour, tax, property law, energy markets, regulation and environmental agreements. This topical Handbook will be of great interest and value to scholars and postgraduate students of law and economics, looking for new directions in their research. It will also be a useful reference to policymakers and those working at an institutional level.

Cases, Studies, and Executive Materials Aspen Publishers

This fully revised and updated second edition of The Oxford Handbook of

Comparative Law provides a wide-ranging and diverse critical survey of comparative law at the beginning of the twenty-first century. It summarizes and evaluates a discipline that is time-honoured but not easily understood in all its dimensions. In the current era of globalization, this discipline is more relevant than ever, both on the academic and on the practical level. The Handbook is divided into three main sections. Section I surveys how comparative law has developed and where

it stands today in various parts of the world. This includes not only traditional model jurisdictions, such as France, Germany, and the United States, but also other regions like Eastern Europe, East Asia, and Latin America. Section II then discusses the major approaches to comparative law - its methods, goals, and its relationship with other fields, such as legal history, economics, and linguistics. Finally, section III deals with the status of comparative studies in over a dozen

subject matter areas, including the major categories of private, economic, public, and criminal law. The Handbook contains forty-eight chapters written by experts from around the world. The aim of each chapter is to provide an accessible, original, and critical account of the current state of comparative law in its respective area which will help to shape the agenda in the years to come. Each chapter also includes a short bibliography referencing the definitive works in the field.

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