

## Judicial Precedent Donoghue V Stevenson 193

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**Business Continuity Management Andrew Hiles 2014-09-30** At this critical point in your Business Continuity Management studies and research, you need one definitive, comprehensive professional textbook that will take you to the next step. In his 4th edition of *Business Continuity Management: Global Best Practices*, Andrew Hiles gives you a wealth of real-world analysis and advice – based on international standards and grounded in best practices -- a textbook for today, a reference for your entire career. With so much to learn in this changing profession, you don't want to risk missing out on something you'll need later. Does one of these describe you? Preparing for a Business Continuity Management career, needing step-by-step guidelines, Working in BCM, looking to deepen knowledge and stay current -- and create, update, or test a Business Continuity Plan. Managing in BCM, finance, facilities, emergency preparedness or other field, seeking to know as much as possible to make the decisions to keep the company going in the face of a business interruption. Hiles has designed the book for readers on three distinct levels: Initiate, Foundation, and Practitioner. Each chapter ends with an Action Plan, pinpointing the primary message of the chapter and a Business Continuity Road Map, outlining the actions for the reader at that level. **NEW in the 4th Edition:** Supply chain risk -- extensive chapter with valuable advice on contracting. Standards -- timely information and analysis of global/country-specific standards, with detailed appendices on ISO 22301/22313 and NFPA 1600. New technologies and their impact – mobile computing, cloud computing, bring your own device, Internet of things, and more. Case studies – vivid examples of crises and disruptions and responses to them. Horizon scanning of new risks – and a hint of the future of BCM. Professional certification and training – explores issues so important to your career. Proven techniques to win consensus on BC strategy and planning. BCP testing – advice and suggestions on conducting a successful exercise or test of your plan To assist with learning -- chapter learning objectives, case studies, real-life examples, self-examination and discussion questions, forms, checklists, charts and graphs, glossary, and index. Downloadable resources and tools – hundreds of pages, including project plans, risk analysis forms, BIA spreadsheets, BC plan formats, and more. Instructional Materials -- valuable classroom tools, including Instructor's Manual, Test Bank, and slides -- available for use by approved adopters in college courses and professional development training.

**The Judicial Process E. W. Thomas 2005-09-15** In the absence of a sound conception of the judicial role, judges at present can be said to be 'muddling along'. They disown the declaratory theory of law but continue to behave and think as if it had not been discredited. Much judicial reasoning still exhibits an unquestioning acceptance of positivism and a 'rulish' predisposition. Formalistic thinking continues to exert a perverse influence on the legal process. This 2005 book dismantles these outdated theories and seeks to bridge the gap between legal theory and judicial practice. The author propounds a coherent and comprehensive judicial methodology for modern times. Founded on the truism that the law exists to serve society, and adopting the twin criteria of justice and contemporaneity with the times, a judicial methodology is developed which is realistic and pragmatic and which embraces a revised conception of practical reasoning, including in that conception a critical role for legal principles.

**Vicarious Liability Anthony Gray 2018-09-20** The scope of vicarious liability has significantly expanded since its original conception. Today employers are being found liable for actions of employees that they did not authorise, and never would have authorised if asked. They are being held liable for an employee's criminal activity. In the related strict liability field of non-delegable duties, they are being held liable for wrongdoing of independent contractors. Notions of strict liability have grown increasingly isolated in the law of tort, given the exponential growth in the tort of negligence. They require intellectual justification. Such a justification has proven to be elusive and largely unsatisfactory in relation to vicarious liability and to concepts of non-delegable duty. The law of three jurisdictions studied has now apparently embraced the 'enterprise risk' theory to rationalise the imposition of vicarious liability. This book subjects this theory to strong critique by arguing that it has many weaknesses, which the courts should acknowledge. It suggests that a rationalisation of the liability of an employer for the actions of an employee lies in more traditional legal doctrine which would serve to narrow the circumstances in which an employer is legally liable for a wrong committed by an employee.

**Philosophical Foundations of Tort Law David G. Owen 1995** This exceptional collection of nineteen original essays on the philosophical fundamentals of tort law assembles many of the world's leading commentators on this particularly fascinating conjunction of law and philosophy. The contributions range broadly, from inquiries into how tort law derives from Aristotle, Aquinas, and Kant to the latest rights-based and economic theories of legal responsibility. One group of essays examines how intent and blameworthiness bear on responsibility for harm, while another explores how causation interconnects responsibility and harm. Some essays probe philosophically into the great divides separating the law of torts from the law of contracts and the law of crimes, a number inquire into the types of harm properly redressable in tort, and one examines the role of a victim's fault in responsibility theory. This collection surely will be of interest to lawyers around the world, particularly those interested in the philosophical groundwork of tort law. A provocative closing essay by one of the world's leading moral philosophers illuminates how tort law enables philosophers to observe the abstract theories of their discipline put to the concrete test in the legal resolution of real-world controversies based on principles of right and wrong.

The Irish Legal System Raymond Byrne 1989 The second edition of this foundation text, designed for the teaching of Introduction to Law courses, contains a more detailed account of the cardinal features and institutions of the Irish legal system. New features include detailed discussion of the legal profession, court procedure (including sample pleadings) and the impact of the European Community in Ireland. The authors have also added much new material on the doctrine of precedent and the changing approaches in the interpretation of legislation.

Precedents, Statutes, and Analysis of Legal Concepts Scott Brewer 2013-06-17 At least since Plato and Aristotle, thinkers have pondered the relationship between philosophical arguments and the "sophistical" arguments offered by the Sophists -- who were the first professional lawyers. Judges wield substantial political power, and the justifications they offer for their decisions are a vital means by which citizens can assess the legitimacy of how that power is exercised. However, to evaluate judicial justifications requires close attention to the method of reasoning behind decisions. This new collection illuminates and explains the political and moral importance in justifying the exercise of judicial power.

Introduction to Law Jaap Hage 2017-08-07 This book is exceptional in the sense that it provides an introduction to law in general rather than the law of one specific jurisdiction, and it presents a unique way of looking at legal education. It is crucial for lawyers to be aware of the different ways in which societal problems can be solved and to be able to discuss the advantages and disadvantages of different legal solutions. In this respect, being a lawyer involves being able to reason like a lawyer, even more than having detailed knowledge of particular sets of rules. Introduction to Law reflects this view by focusing on the functions of rules and on ways of arguing the relative qualities of alternative legal solutions. Where [positive] law is discussed, the emphasis is on the legal questions that must be addressed by a field of law and on the different solutions which have been adopted by, for instance, the common law and civil law tradition. The law of specific jurisdictions is discussed to illustrate possible answers to questions such as when the existence of a valid contract is assumed.

Karl Llewellyn and the Realist Movement William Twining 1973

European Tort Law Cees van Dam 2013-03-21 This textbook provides insight into the differences commonalities and mutual influence of the tort law systems of various European jurisdictions, bringing together national tort law, comparative law, EU law, and human rights law.

A Life of H.L.A. Hart Nicola Lacey 2006 Shortlisted for the 2005 British Academy Book prize, Nicola Lacey's entrancing biography recounts the life of H.L.A. Hart, the pre-eminent legal philosopher of the twentieth century. Following Hart's life from modest origins as the son of Jewish tailor parents in Yorkshire to worldwide fame as the most influential English-speaking legal theorist of the post-War era, the book traces his successive metamorphoses; from Yorkshire schoolboy to Oxford scholar, from government intelligence officer to Professor of Jurisprudence, from awkward bachelor to family figurehead. In the tradition of Ray Monk's biography of Wittgenstein, Nicola Lacey paints an absorbing picture of intellectual and psychological development, of a mind struggling to cope with intellectual self-doubt, uncertain sexuality, a difficult marriage and an anti-semitic society. In depicting the evolution of Hart's life and mind, Lacey provides a vivid recreation of both the intellectual and social climate of Oxford in the post-War era.

Law for Nurses and Midwives Patricia J. Staunton 2016-08-06 Law for Nurses and Midwives is the most highly respected health law text for nursing and midwifery students studying law as part of their degree. Now in its 8th edition, this fundamental text outlines legal issues and responsibilities specific to both nursing and midwifery practice and features the legislation relevant to the provision of safe, quality healthcare in Australia. Authored by Patricia Staunton and Mary Chiarella, this fully revised edition includes updates to case law and the latest information on nursing and midwifery governance and the professional regulation of nurses and midwives. Revised Registration Standards and Standards for Practice established by the Nursing and Midwifery Board of Australia (NMBA), effective 2016 Learning Objectives that highlight what students will attain from each chapter The law in context through Case Examples, Clinical Examples and Case Studies Review Questions to consolidate learning Break down of legislation by state and territory Updated state and territory statutes"

Understanding the Law Geoffrey Rivlin 2012-04-26 This is an introduction to law, and is ideal reading for anyone who is considering a career in law, preparing for university, or embarking on a law course at school or college. Geoffrey Rivlin provides a wealth of detail about the legal system and those who operate it.

Precedent and Law Julius Stone 1985

The Duty of Care in Negligence James Plunkett 2018-02-08 This book aims to provide a detailed analysis and overview of the duty of care enquiry, drawing on both academic analyses and judicial experience in leading common law systems. A new structure through which duty problems can be analysed is also proposed. It is hoped that the book provides some fresh insights and clarity of the concept to the reader.

The Legal and Regulatory Aspects of Islamic Banking Abdul Karim Aldohni 2012-05-23 During the last ten years the Islamic banking sector has grown rapidly, at an international level, as well as in individual jurisdictions including the UK. Islamic finance differs quite substantially from conventional banking, using very different mechanisms, and operating according to a different theory as it is based on Islamic law. Yet at the same time it is always subject to the law of the particular financial market in which it operates. This book takes a much-needed and comprehensive look at the legal and regulatory aspects which affect Islamic finance law, and examines the current UK and international banking regulatory frameworks which impact on this sector. The book examines the historical genesis of Islamic banking, looking at how it has developed in Muslim countries before going on to consider the development of Islamic banking in the UK and the legal position of Islamic banks within English law. The book explores company, contract, and some elements of tax law and traces the impact it has had on the development of Islamic banking in the UK, before going on to argue that the current legal and regulatory framework which affects the Islamic banking sector has on certain occasions had an unintended adverse impact on Islamic banking in the UK. The book also provides an overview of the Malaysian experience in relation to some of the main legal and regulatory challenges in the context of Islamic banking and finance.

Explaining Tort and Crime Matthew Dyson 2022-07-21 Tracing almost 200 years of history, Explaining Tort and Crime explains the development of tort law and criminal law in England compared with other legal systems. Referencing legal systems from around the globe, it uses innovative comparative and historical methods to identify patterns of legal development, to investigate the English law of fault doctrine across tort and crime, and to chart and explain three procedural interfaces: criminal powers to compensate, timing rules to control parallel actions, and convictions as evidence in later civil cases. Matthew Dyson draws on decades of research to offer an analysis of the

field, examining patterns of legal development, visible as motifs in the law of many legal systems.

An Introduction to Law Phil Harris 2015-10-26 An extensively updated introduction to law through a 'law in context' perspective.

The Law of Torts John G. Fleming 1987 This textbook still stands as one of the leading works of scholarship on Australian tort law. Fleming's coverage draws on authorities in Australia & other common law jurisdictions, providing a thorough analysis for student & practitioner alike. A clear, precise & comprehensive statement of modern tort law, it is founded on a strong philosophical examination of this central area of the law.

Learning Legal Rules James Holland 2010-05-13 Learning Legal Rules introduces students to the techniques of legal analysis and argument in a readily accessible style. It includes chapters on finding and reading the law, the doctrine of precedent, how to interpret statutes, and the influence of human rights and EC law on the English legal system.

A Treatise of Legal Philosophy and General Jurisprudence Enrico Pattaro 2007-10-08 This paperback edition of the first of the twelve volumes of A Treatises of Legal Philosophy and General Jurisprudence, serves as an introduction to the first-ever multivolume treatment of all important issues in legal philosophy and general jurisprudence, consisting of a five-volume theoretical part and a six-volume historical part. The theoretical part covers the main topics of contemporary debate. The historical volumes trace the development of legal thought from ancient Greek times through the twentieth century. All volumes are edited by the renowned theorist Enrico Pattaro.

Mr Justice McCardie (1869-1933) Antony Lentin 2017-03-07 According to the Law Journal in 1932, "No present-day figure on the Bench is of greater interest than Mr Justice McCardie". A High Court Judge from 1916 to 1933, no twentieth-century judge was more conspicuous or controversial. To his critics, he was a "rogue judge" whose headline-hitting pronouncements often angered his fellow judges, called down the ire of the Churches, provoked calls in Parliament for his removal and earned a public rebuke from the Prime Minister. To his admirers, he was "a Crusader on the Bench", a pioneer who denounced outdated laws, strove to make the law meet the needs of modern society and boldly championed women's causes, birth control and abortion. The Law Quarterly Review described him as "one of the most interesting men in the history of the English Bench".

A History of Australian Tort Law 1901-1945 Mark Lunney 2018-01-11 Little attention has been paid to the development of Australian private law throughout the first half of the twentieth century. Using the law of tort as an example, Mark Lunney argues that Australian contributions to common law development need to be viewed in the context of the British race patriotism that characterised the intellectual and cultural milieu of Australian legal practitioners. Using not only primary legal materials but also newspapers and other secondary sources, he traces Australian developments to what Australian lawyers viewed as British common law. The interaction between formal legal doctrine and the wider Australian contexts in which that doctrine applied provided considerable opportunities for nuanced innovation in both the legal rules themselves and in their application. This book will be of interest to both lawyers and historians keen to see how notions of Australian identity have contributed to the development of an Australian law.

Precedent in English Law Rupert Cross 1991-06-13 This fourth edition of Precedent in English Law presents a basic guide to the current doctrine of precedent in England, set in the wider context of the jurisprudential problems which any treatment of this topic involves. Such problems include the nature of 'ratio decidendi' of a precedent and of its binding force, the significance of precedents alongside other sources of law, their role in legal reasoning, and the account which must be taken of them by any general theory of law. Considerable re-writing has been undertaken to update case-law and take account of the possible implications for the doctrine of precedent of the impact of European Community law, making it an indispensable work of reference for readers interested in the past history, present state, and future developments of English rules of precedent.

Charting the Divide Between Common and Civil Law Thomas Lundmark 2012-08-15 What does it mean when civil lawyers and common lawyers think differently? In Charting the Divide between Common and Civil Law, Thomas Lundmark provides a comprehensive introduction to the uses, purposes, and approaches to studying civil and common law in a comparative legal framework. Superbly organized and exhaustively written, this volume covers the jurisdictions of Germany, Sweden, England and Wales, and the United States, and includes a discussion of each country's legal issues, structure, and their general rules. Professor Lundmark also explores the discipline of comparative legal studies, rectifying many of the misconceptions and prejudices that cloud our understanding of the divide between the common law and civil law traditions. Students of international law, comparative law, social philosophy, and legal theory will find this volume a valuable introduction to common and civil law. Lawyers, judges, political scientists, historians, and philosophers will also find this book valuable as a source of reference. Charting the Divide between Common and Civil Law equips readers with the background and tools to think critically about different legal systems and evaluate their future direction.

A Bibliography of Jurisprudence Reginald Walter Michael Dias 1964

Legal Method Ian McLeod 2020-04-16 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.

AS Law for OCR Jimmy O'Riordan 2002 Written specifically for the OCR exam this book's refreshing design and accessible language will appeal to your students. It has all the essential information your students need for the exam. There are study tips, mind maps and self-testing exercises throughout. There's advice on revision and exam techniques so students can be fully prepared.

Rethinking Evidence William Twining 1994 Evidence, proof and probabilities, rationality, skepticism and narrative in legal discourse, and the reform of criminal evidence have all been the subject of lively debates in recent years. This book brings together seminal and new essays from a leading contributor to this new evidence scholarship. Rethinking Evidence contains a series of linked essays which consider historical, theoretical, and applied themes from a broad interdisciplinary perspective. It brings together well-known papers and also

includes substantial new essays on the nature and scope of the law of evidence, lawyers' stories, and the case of Edith Thompson. These readable and provocative essays represent a major contribution not only to legal theory but also to the general study of discourse about evidence in many disciplines.

**The Snail and the Ginger Beer** Matthew Chapman 2010 On an August evening in 1928 May Donoghue entered a cafe in Paisley. The circumstances of her visit made legal history. A ginger beer was ordered for Mrs Donoghue who famously complained that, to her surprise and shock, a decomposed snail had tumbled from the bottle into her glass. Mrs Donoghue sued for the nervous shock she claimed to have suffered as a result. The question whether she had a case in law against the manufacturer of the ginger beer was argued as far as the House of Lords. It is hard to overstate the importance of the decision in *Donoghue v Stevenson*. It represents, perhaps, the greatest contribution made by English and Scottish lawyers to the development of the common law. This case made it clear that, even without a contract between the parties, a duty of care is owed by 'A' to take reasonable care to avoid acts or omissions which could reasonably be foreseen as likely to cause injury to his neighbour: 'B'. This concept, developed by the great jurist Lord Atkin, has become known by the universal shorthand, 'the neighbour principle'. Who, Lord Atkin asked rhetorically, is 'in law' my neighbour? This case provides the answer. This book tells the full story and provides vivid biographical sketches of the protagonists and of the great lawyers who were involved in the case. It sets the case in its historical context and re-evaluates the evidence. The constitutional importance of the case is also dealt with; the blow it struck for a moral approach to the law which departed from a rigid doctrine of precedent. Finally, the book investigates the influence of *Donoghue v Stevenson* across the common law world: from the USA to the countries of what is now the Commonwealth.

**Africa and the West** Isaac James Mowoe 1986 This volume, written by leading African and Western specialists, is among the first to provide a broad interdisciplinary view of African culture that allows contemporary Africa to be understood on its own terms--freed from Western ethnocentric preconceptions and values. The book begins with an overview of current African scholarship, followed by Philip Curtin's historical essay on Africa's 400-year relationship with European culture, with special emphasis on the mass migrations brought about by the slave trade. Discussions of indigenous cultural symbols and religious belief systems reveal a rich and continuing heritage and deepen our understanding of modern African society. Several chapters are devoted to the intellectual and cultural life of Francophone Africa--its major writers and scholars and the deep cultural conflict experienced by French-speaking African elites. A chapter by Leopold Senghor, former president of Senegal and a leading cultural figure in Francophone Africa, offers an eloquent statement of the post-colonial African world view. A new form of imperialism--the control of the mass media by powerful industrial nations--and the dangers it poses to African identity and autonomy are examined. Other topics covered are the evolution of African legal and judicial systems and recent developments in African musicology.

**A Theory of Precedent** Raimo Siltala 2000-11-30 Analytical jurisprudence has been mostly silent on the role of precedent in legal adjudication. What is the content of a judge's precedent ideology, or the rule of precedent-recognition, by means of which the ratio of a case is to be distinguished from mere dicta? In this study, the author identifies six types of judicial precedent-ideology, among them judicial legislation, systemic construction of the underlying reasons of law in the Dworkinian sense, and a radical re-evaluation of the merits of a prior case in later adjudication, as envisioned by the American Realists. These competing models are tested against judicial experiences in the UK, US, France, Italy, Germany and Finland. By this means Lon Fuller's famous 'internal morality of law' is shown to function rather poorly in the context of precedents, and the author therefore suggests a redefinition of the rule which makes it work for precedent. This, in turn leads the author to confront fundamental questions about the normative nature of law. Is Kelsen's *grundnorm* or Hart's ultimate rule of recognition a valid rule, in the image of legal rules proper, or is it merely a social fact, observable only in the practices and behaviour of judges and other officials? The author claims that Hart is caught between Kelsen and J.L. Borges, the late Argentinian fabulist, in so far as the ontology and epistemology of the rule of recognition are concerned. This leads the author to the conclusion that the two predicaments affecting analytical positivism, namely the threat of endless self-referentiality, or infinite regress, can only be accounted for by means of recourse to the philosophy of deconstruction as posited by Jacques Derrida.

**"The Paisley Snail"** Chuck Garrows 1996 A look at the 1932 *Donoghue vs. Stevenson* landmark ruling and the ramifications it has played in legal systems around the world.

**Great Debates in Tort Law** Jonathan Morgan 2022-11-17 Exploring the key discussions and arguments in tort law, this book enables students to get a deeper and more rounded understanding of the subject. Part of the Great Debates series, it is an engaging introduction to the more advanced legal concepts, such as negligent breach of duty and vicarious liability. Each chapter is structured around questions and debates that provoke deeper thought. It features summaries of the views of notable experts on key topics and each chapter ends with a list of further reading. This book is ideal for use by ambitious students alongside a main course textbook, encouraging them to think critically, analyse the topic and gain new insights. The development of these skills and the discursive nature of the series, with an emphasis on contentious topics, means the book is also useful for students when preparing their dissertations. Suitable for use on courses at all levels, this book helps students to excel in coursework and exams.

**First Steps in the Law** Geoffrey Rivlin 2015 *First Steps in the Law* is an entertaining and insightful overview of the legal system. Geoffrey Rivlin, who boasts a wealth of experience as a former senior resident judge, barrister, and QC, leads the reader through the quirks of English law, offering fascinating details. Readers are regaled with lively descriptions of the workings of the legal system and vivid tales of the law in times gone by. Real life cases bring the book to life, enabling the reader to see the law in action, while descriptions of the participants in the legal system (including judges, lawyers, and police officers) root the book in the everyday reality of the legal profession. This is an essential read for anyone who is preparing for a law course or requires an understanding of the law in their working life.

**Business Law, 5th Edition** Nickolas James 2020-01-21 *Business Law, 5th Edition* (James et al.) is written for business students to provide a clear and accessible introduction to the legal system. Business law courses are the first exposure to law for many business students and the first time they are obliged to think deeply about the discipline. This updated edition presents business law in a practical context rather than the doctrinal context that many major legal publishers use. The *Business Law* interactive e-text features a range of instructional media content designed to provide students with an engaging learning experience. This includes practitioner videos from Herbert Smith Freehills,

animated work problems and questions with immediate feedback. This new edition is a unique resource that can form the basis of a blended learning solution for lecturers.

Salmond's Law of Torts Sir John William Salmond 1945

The Judicial House of Lords Louis Jacques Blom-Cooper 2009-08-13 "This paperback edition includes a new preface discussing the final year of the Judicial House of Lords."

New Essays on the Nature of Legal Reasoning Mark McBride 2022-05-19 This is the first book to bring together distinguished jurisprudential theorists, as well as up-and-coming scholars, to critically assess the nature of legal reasoning. The volume is divided into 3 parts: The first part, General Jurisprudence and Legal Reasoning, addresses issues at the intersection of general jurisprudence - those pertaining to the nature of law itself - and legal reasoning. The second part, Rules and Reasons, addresses two concepts central to two prominent types of theory of legal reasoning. The essays in the third and final part, Doctrine and Practice, delve into the mechanics of legal practice and doctrine, from a legal reasoning perspective.

Comparative Civil (private) Law Gyula Eörsi 1979

The Intricacies of Dicta and Dissent Neil Duxbury 2021-08-12 Common-law judgments tend to be more than merely judgments, for judges often make pronouncements that they need not have made had they kept strictly to the task in hand. Why do they do this? The Intricacies of Dicta and Dissent examines two such types of pronouncement, obiter dicta and dissenting opinions, primarily as aspects of English case law. Neil Duxbury shows that both of these phenomena have complex histories, have been put to a variety of uses, and are not amenable to being straightforwardly categorized as secondary sources of law. This innovative and unusual study casts new light on  $\square$  and will prompt lawyers to pose fresh questions about  $\square$  the common law tradition and the nature of judicial decision-making.