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action as the test of policy and decision, the commission was transformed into a judicial body, which sought in rules and principles the guide for and the justification of its determinations.

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government, or those working on its behalf, act in ways that appear wrong, unfair or unjust. It encompasses matters of everyday importance to all of us, such as housing, education, health care, immigration, planning, social security and taxation.

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poor and minority communities from pollution and climate change, a top candidate to head the agency under the incoming administration of President-elect Joe Biden said.

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A NO deal Brexit is just seven days away unless the EU suddenly backs down on its fishing quota demands, experts have warned. The EU is demanding to have the same access to fish in British waters a...

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Uses the case study of the California Industrial Accident Commission to explore issues in sociological jurisprudence. It traces the progression of the Commission from a welfare agency with broad discretion in policymaking and interpretation into a relatively passive arbitrator of industrial accident claim

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disputes. The author examines the effect of the elaboration of legal rules and doctrines, the significance of the procedural aspects of law, and the interplay of the legal process and institutional change. He then notes the conditions which will either permit or restrain a legal process that will remain

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The statutory duty of public service ombudsmen (PSO) is to investigate claims of injustice caused by maladministration in the provision of public services. This book examines the modern role of the ombudsman within the overall emerging

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system of administrative justice and makes recommendations as to how PSO should optimize their potential within the wider administrative justice context. Recent developments are discussed and long standing questions that have yet to be adequately resolved in the ombudsman community are re-evaluated given broader

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changes in the administrative justice sector. The work balances theory and empirical research conducted in a number of common law countries. Although there has been much debate within the ombudsman community in recent years aimed at developing and improving the practice of ombudsmanry, this work

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represents a significant advance on current academic understanding of the discipline.

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work of adjudicating upon the disputes individuals have with government? This book examines how the idea of adjudicative quality works in practice by presenting a detailed case-study of the tribunal system responsible for determining appeals lodged by foreign nationals who claim that they will be at

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risk of persecution or ill-treatment on return to their country of origin. Over recent years, the asylum appeal process has become a major area of judicial decision-making and the most frequently restructured tribunal system. Asylum adjudication is also one of the most difficult areas of decision-making in the

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modern legal system. Integrating empirical research with legal analysis, this book provides an in-depth study of the development and operation of this tribunal system and of asylum decision-making. The book examines how this particular appeal process seeks to mediate the tension between the competing values

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under which it operates. There are chapters examining the organisation of the tribunal system, its procedures, the nature of fact-finding in asylum cases and the operation of onward rights of challenge. An examination as to how the tensions inherent in the idea of administrative justice are manifested in the context of a

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tribunal system responsible for making potentially life or death decisions, this book fills a gap in the literature and will be of value to those interested in administrative law and asylum adjudication.

The empirical study of law, legal systems

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and legal institutions is widely viewed as one of the most exciting and important intellectual developments in the modern history of legal research. Motivated by a conviction that legal phenomena can and should be understood not only in normative terms but also as social practices of political, economic and ethical

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significance, empirical legal researchers have used quantitative and qualitative methods to illuminate many aspects of law's meaning, operation and impact. In the 43 chapters of The Oxford Handbook of Empirical Legal Research leading scholars provide accessible and original discussions of the history, aims and

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methods of empirical research about law, as well as its achievements and potential. The Handbook has three parts. The first deals with the development and institutional context of empirical legal research. The second - and largest - part consists of critical accounts of empirical research on many aspects of the legal

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world - on criminal law, civil law, public law, regulatory law and international law; on lawyers, judicial institutions, legal procedures and evidence; and on legal pluralism and the public understanding of law. The third part introduces readers to the methods of empirical research, and its place in the law school curriculum.

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A classic study in law and society is now readily available to scholars, researchers, and others in the field of criminal justice, due process, policing, and administrative procedure. It adds a new Preface by the

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author and a new Foreword by Berkeley law professor Malcolm M. Feeley. As the author reflects: "I think it was my first day in the field that the police liaison to the district attorney's probation revocation program exclaimed, 'Forget rights! Forget right to jury! Forget right to bail! There are no rights!' As Malcolm Feeley says in

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his Foreword, what I 'discovered' over the course of researching and writing this study was in plain view from the beginning. The criminal process has largely been subsumed as an administrative process and the procedural rights enshrined in the Bill of Rights have long since faded away. What I hope my

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work explains is how this happened doctrinally -- how the expansion of criminal due process was halted and redirected by the very administrative due process revolution it gave birth to. And how it happened in practice -- how police, prosecutors, and corrections came to realize that they had the tools to bypass the

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criminal process in enforcing the criminal sanction." In his new Foreword, Feeley describes the book as "a brilliant analysis of the criminal process" and explains why its relevance and theoretical power have increased over time. In a nation where legal rights and process became enhanced in criminal courts and formal processes of

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adjudication, Greenspan showed the bypassing of much of this framework by the substitution of parole revocation, probation, and the like -- by what Feeley summarizes as "the triumph of the administrative model. Her thesis shows how this occurred. The backlash to the Warren Court's criminal due process

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revolutions was not a wholesale abandonment of rights, but an embrace of a lower standard of due process, administrative due process." Some of these changes are well known, of course, but "Greenspan's study is brilliant precisely because it problematizes these developments. It identifies the central

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issue, how thinking about the criminal process has been so fundamentally yet unwittingly transformed." This book is a powerful look at these reforms and transformations, presented in the 'Classic Dissertation Series' by Quid Pro Books. Quality ebook formatting includes properly presented tables, active contents,

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and linked notes. A new paperback edition of this book is also available.

This title was first published in 2002.

Designed to complement the first volume on administrative law which was

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published as part of the original series of "The International Library of Essays in Law and Legal Theory", the articles contained in this volume pick up on themes dealt with in the first, while others reflect different concerns and new developments in administrative law scholarship. It offers a representative

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sample of the best contemporary writing in administrative law - theoretical, empirical and doctrinal. What ties all the essays in this volume together is not that they fall within the province of administrative law, but that they are all concerned with the legal framework within which government business is conducted, and government

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policies are pursued, by executive action.

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This book connects the history and organization of the federal district courts to the emergence of a new technocratic form of justice. The centerpiece of this study is the clash between adjudication -- the traditional model of dispute resolution

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— and the introduction of modern management techniques. From the perspective of the federal trial courts, the authors examine the tension between adjudication and administration. They show dramatic changes in the nature of judicial decision-making and the emergence of new forms of court

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organization. These changes signal a potential crisis of the judicial system, and Heydebrand and Seron provide insights into its nature and direction, and the immense structural forces underlying the administration of justice in America.

This book considers the phenomenon of

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soft law employed by domestic public authorities. Lawyers have long understood that public authorities are able to issue certain communications in a way that causes them to be treated like law, even though these are neither legislation nor subordinate legislation. Importantly for soft law as a regulatory tool, people tend

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to treat soft law as binding even though public authorities know that it is not. It follows that soft law's 'binding' effects do not apply equally between the public authority and those to whom it is directed. Consequently, soft law is both highly effective as a means of regulation, and inherently risky for those who are

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regulated by it. Rather than considering soft law as a form of regulation, this book examines the possible remedies when a public authority breaches its own soft law upon which people have relied, thereby suffering loss. It considers judicial review remedies, modes of compensation which are not based upon a finding of invalidity,

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namely tort and equity, and 'soft' challenges outside the scope of the courts, such as through the Ombudsman or by seeking an ex gratia payment.

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