

SUING JUDGES

A Study of Judicial Immunity



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Suing Judges Abimbola A. Olowofoyeku, 2023 This in depth study of the substantive procedural and theoretical issues that arise when a judge is sued provides material drawn mainly from English and American federal case law The study however also incorporates some Canadian Australian and New Zealand case law , *Immunities and the Right of Access to Court Under Article 6 of the European Convention on Human Rights* Matthias Kloth, 2010 Combining immunities under public international law and privileges afforded to certain bodies and persons by domestic law this book discusses the case law of the European Court of Human Rights on the conflict between immunities and Article 6 of the European Convention on Human Rights

Transitional Justice and the Criminal Responsibility of Judges Claudia Cárdenas Aravena, Jaime Couso Salas, Florian Jeßberger, Milan Kuhli, 2025-05-09 This collective volume delves into the criminal responsibility of judges under authoritarian regimes with case studies from Germany Argentina and Chile examining their involvement in criminal human rights abuses and failures to protect victims from such crimes Through comparative analysis this volume offers insights into the legal and doctrinal challenges of prosecuting judicial involvement in crimes such as murder judicial murder kidnapping unlawful detention and torture Bridging a gap in transitional justice and international criminal law literature it focuses on the rarely explored criminal responsibility of judges beyond judicial misconduct In doing so it provides readers with a deeper understanding of judicial roles in authoritarian regimes and the complex legal standards involved in prosecuting such cases It also informs the ongoing discourse on judicial accountability and the potential legal implications for judges in contemporary contexts Transitional Justice and the Criminal Responsibility of Judges is ideal for students scholars and civil servants or practitioners working in the domestic or the international criminal justice system

The Legal Aspects of Shaming: An Ancient Sanction in the Modern World Meital Pinto, Guy Seidman, 2023-09-06 Offering an original legal definition of shaming this incisive book argues for greater attention to shaming by legal scholars and practitioners Suggesting nuanced procedures to regulate shaming in diverse areas of law it seeks to make shaming by legal entities legitimate and effective and to use legal mechanisms to limit inappropriate shaming in non legal contexts

Judges on Trial Shimon Shetreet, Sophie Turenne, 2013-10-24 The second edition of Judges on Trial articulates the rules assumptions and practices which shape the culture of independence of the English judiciary today Enhanced by interviews with English judges legal scholars and professionals it also outlines the factors that shape the modern meaning of judicial independence The book discusses the contemporary issues of judicial governance judicial appointments the standards of conduct on and off the bench the discipline and liability of judges and the relationship between judges and the media It is accessible to an international audience of lawyers political scientists and judges beyond the national realm

The U.S. Justice System Steven Harmon Wilson, 2011-12-06 A comprehensive three volume set that provides detailed background essays short topical entries and primary document excerpts to explain the organization history and functioning of the U S

justice system The U S Justice System An Encyclopedia is a one stop resource uniquely structured to include both introductory information as well as more in depth and detailed resources It explains not only how the American civil and criminal justice system affects the parties to a particular case or other legal action but also how the rights benefits and legal protections of our country impact virtually all people in America The set comprises three volumes The first volume provides chapter length essays explaining the organization and functioning of federal state and local government as well as the working of federal and state judiciaries regulatory bodies and penal systems The second volume contains shorter alphabetically arranged entries on hundreds of law related topics including case descriptions and biographies of major figures federal and state court organizational charts legal statistics and other background information The third volume contains original documents statutes and texts of important cases relevant to the functioning of the American justice system Readers will understand the structures concepts and vocabulary of American law and legal institutions and grasp how the U S legal system has evolved to meet the complex changing needs of the nation *Constitutional Law of Ireland* Michael Forde, David Leonard, 2016-10-14 Originally written for the fiftieth anniversary of the Constitution of Ireland this book is an account of how the Constitution s requirements have been implemented by the legislature and interpreted by the courts In this way it provides an integrated and contextual account of constitutional law in Ireland It goes as far as to place it in context of some foreign constitutions especially the Constitutions of the United States France Germany and the United Kingdom as indeed the Irish courts refer frequently to other countries for guidance in interpreting the Constitution The book largely falls into four parts The first few chapters are introductory and cover the drafting and adoption of the Constitution some features of the State and its citizens and the judicial review of laws The next few chapters deal with the various institutions of government and with the activities of the State in the international arena and in relation to fiscal matters Then following on from this there are a number of chapters which consider what may be termed the various civil liberties and rights There is a final brief section towards the end of the book which deals with the various legal breaches of the Constitution This new edition has been extensively rewritten to account for the enormous to take into account the tumultuous changes in Irish Constitutional Law in the intervening years Challenges to articles referenda new legislation and cases are all judicially considered Michael Forde and David Leonard offer the reader everything they need to know on this complex subject The Psychology of Judicial Decision Making David E. Klein, Gregory Mitchell, 2010-02-08 Over the years psychologists have devoted uncountable hours to learning how human beings make judgments and decisions As much progress as scholars have made in explaining what judges do over the past few decades there remains a certain lack of depth to our understanding Even where scholars can make consensual and successful predictions of a judge s behavior they will often disagree sharply about exactly what happens in the judge s mind to generate the predicted result This volume of essays examines the psychological processes that underlie judicial decision making *The Judicial Function* Joe

McIntyre,2019-09-16 Judicial systems are under increasing pressure from rising litigation costs and decreased accessibility from escalating accountability and performance evaluation expectations from shifting burdens of case management and alternative dispute resolution roles and from emerging technologies For courts to survive and flourish in a rapidly changing society it is vital to have a clear understanding of their contemporary role and a willingness to defend it This book presents a clear vision of what it is that courts do how they do it and how we can make sure that they perform that role well It argues that courts remain a critical relevant and supremely well adjusted institution in the 21st century The approach of this book is to weave together a range of discourses on surrounding judicial issues into a systemic and coherent whole It begins by articulating the dual roles at the core of the judicial function third party merit based dispute resolution and social normative governance By expanding upon these discrete yet inter related aspects it develops a language and conceptual framework to understand the judicial role more fully The subsequent chapters demonstrate the explanatory power of this function examining the judicial decision making method reframing principles of judicial independence and impartiality and re conceiving systems of accountability and responsibility The book argues that this function driven conception provides a useful re imagining of some familiar issues as part of a coherent framework of foundational yet interwoven principles This approach not only adds clarity to the analysis of those concepts and the concrete mechanisms by which they are manifest but helps make the case of why courts remain such vital social institutions Ultimately the book is an entreaty not to take courts for granted nor to readily abandon the benefits they bring to society Instead by understanding the importance and legitimacy of the judicial role and its multifaceted social benefits this books challenge us to refresh our courts in a manner that best advances this underlying function

Encyclopedia of American Civil Rights and Liberties Kara E. Stooksbury,John M. Scheb II,Otis H. Stephens Jr.,2017-09-21 Thoroughly updated and featuring 75 new entries this monumental four volume work illuminates past and present events associated with civil rights and civil liberties in the United States This revised and expanded four volume encyclopedia is unequalled for both the depth and breadth of its coverage Some 650 entries address the full range of civil rights and liberties in America from the Colonial Era to the present In addition to many updates of material from the first edition the work offers 75 new entries about recent issues and events among them dozens of topics that are the subject of close scrutiny and heated debate in America today There is coverage of controversial issues such as voter ID laws the use of drones transgender issues immigration human rights and government surveillance There is also expanded coverage of women s rights gay rights gay marriage and Native American rights Entries are enhanced by 42 primary documents that have shaped modern understanding of the extent and limitations of civil liberties in the United States including landmark statutes speeches essays court decisions and founding documents of influential civil rights organizations Designed as an up to date reference for students scholars and others interested in the expansive array of topics covered the work will broaden readers understanding of and appreciation for the people and events that secured civil rights

guarantees and concepts in this country At the same time it will help readers better grasp the reasoning behind and ramifications of 21st century developments like changing applications of Miranda Rights and government access to private Internet data Maintaining an impartial stance throughout the entries objectively explain the varied perspectives on these hot button issues allowing readers to draw their own conclusions Our Corrupt Legal System Evan Whitton,2010 Looks at the adversary system used in Britain and its former colonies including Australia the US Canada India Ireland New Zealand and South Africa Details the origins and methods of the more widespread investigative inquisitorial system used in other countries including Japan and South Korea Author is Walkley Award winner Regulating Judges Richard Devlin,Adam Dodek,2016-12-30 Regulating Judges presents a novel approach to judicial studies It goes beyond the traditional clash of judicial independence versus judicial accountability Drawing on regulatory theory Richard Devlin and Adam Dodek argue that judicial regulation is multi faceted and requires us to consider the complex interplay of values institutional norms procedures resources and outcomes Inspired by this conceptual framework the book invites scholars from 19 jurisdictions to describe and critique the regulatory regimes for a variety of countries from around the world *English Public Law* David Feldman,2009 First published in 2004 English Public Law has become the key point of reference on English public law for lawyers in the UK and throughout the world Now in its second edition the book acts as an accessible first point of reference for practitioners approaching a public law issue for the first time while simultaneously providing a lucid concise and authoritative overview of all the key areas of public law constitutional administrative human rights and criminal law within one single portable volume The second edition has been completely updated to take account of all key legislative and procedural changes since 2004 including BLThe Constitutional Reform Act 2005 BLrecent higher courts decisions concerning public law and human rights BLthe Criminal Procedure Rules 2005 Written and edited by a team of acknowledged experts on English law the book offers proven reliability and as part of the Oxford Principles of English Law Series is the companion volume to the second edition of English Private Law edited by Professor Andrew Burrows FBA The book is an ideal quick reference for practitioners to fall back on when a client raises a point outside their normal area of expertise as well as for academics overseas libraries and practitioners overseas who want a one stop resource on English public law A supplement published between editions will ensure that the book is kept up to date The Politics of Judicial Independence in the UK's Changing Constitution Graham Gee,Robert Hazell,Kate Malleson,Patrick O'Brien,2015-03-12 Judicial independence is generally understood as requiring that judges must be insulated from political life The central claim of this work is that far from standing apart from the political realm judicial independence is a product of it It is defined and protected through interactions between judges and politicians In short judicial independence is a political achievement This is the main conclusion of a three year research project on the major changes introduced by the Constitutional Reform Act 2005 and the consequences for judicial independence and accountability The authors interviewed over 150 judges politicians civil servants

and practitioners to understand the day to day processes of negotiation and interaction between politicians and judges They conclude that the greatest threat to judicial independence in future may lie not from politicians actively seeking to undermine the courts but rather from their increasing disengagement from the justice system and the judiciary The New Judiciary Kate Malleon,2016-12-05 During the last thirty years the judiciary has undergone an unprecedented expansion in its size and power Judges now have more influence over our private and public lives than ever before The effect of this change has been to transform the judiciary from an inward looking elite into an increasingly heterogeneous professional body The New Judiciary examines the developments which have taken place in the appointment training and scrutiny of judges as a result of the expanding judicial role It highlights the increasing tension between the requirements of judicial independence and accountability which these changes are producing The traditional insulation of the judiciary from all external influences is being challenged by the need for greater openness and public scrutiny of the judicial process The passing of the Human Rights Act 1998 incorporating the European Convention on Human Rights into domestic law represents another stage in this process by expanding the policy making role of the senior judiciary still further As a result the continuing modernisation of the judiciary which is the subject of this book will be a increasingly important feature of the legal and political process in the years ahead **Judicial Independence in the Age of Democracy** Peter H. Russell (eds),David M. O'Brien,2001 This collection of essays by leading scholars of constitutional law looks at a critical component of constitutional democracy judicial independence from an international comparative perspective Peter H Russell s introduction outlines a general theory of judicial independence while the contributors analyze a variety of regimes from the United States and Latin America to Russia and Eastern Europe Western Europe and the United Kingdom Australia Israel Japan and South Africa Russell s conclusion compares these various regimes in light of his own analytical framework *On Arbitration* Samuel Wordsworth,Marie Veeder,2023 This volume brings together the most important articles lectures and essays of Van Vechten Johnny Veeder chronicling the span of his unsurpassed career in international arbitration *One Supreme Court* James E Pfander,2009-05-26 Despite over two hundred years of experience with constitutional government much remains unclear about the power of the political branches to curtail or re define the judicial power of the United States Uncertainty persists about the basis on which state courts and federal agencies may hear federal claims and the degree to which federal courts must review their decisions Scholars approach these questions from a range of vantage points and have arrived at widely varying conclusions about the relationship between congressional and judicial power This book argues that the Supreme Court is the head of a department of the federal government and all other courts and tribunals whether state or federal whether called courts or administrative agencies whether established by Congress under Article III or constituted by Congress under Article I must be inferior to the Supreme Court *Limits of Legality* Jeffrey Brand-Ballard,2010-05-26 Judges sometimes hear cases in which the law as they honestly understand it requires results that they consider morally

objectionable Most people assume that nevertheless judges have an ethical obligation to apply the law correctly at least in reasonably just legal systems This is the view of most lawyers legal scholars and private citizens but the arguments for it have received surprisingly little attention from philosophers Combining ethical theory with discussions of caselaw Jeffrey Brand Ballard challenges arguments for the traditional view including arguments from the fact that judges swear oaths to uphold the law and arguments from our duty to obey the law among others He then develops an alternative argument based on ways in which the rule of law promotes the good Patterns of excessive judicial lawlessness even when morally motivated can damage the rule of law Brand Ballard explores the conditions under which individual judges are morally responsible for participating in destructive patterns of lawless judging These arguments build upon recent theories of collective intentionality and presuppose an agent neutral framework rather than the agent relative framework favored by many moral philosophers Defying the conventional wisdom Brand Ballard argues that judges are not always morally obligated to apply the law correctly Although they have an obligation not to participate in patterns of excessive judicial lawlessness an individual departure from the law so as to avoid an unjust result is rarely a moral mistake if the rule of law is otherwise healthy Limits of Legality will interest philosophers legal scholars lawyers and anyone concerned with the ethics of judging

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