

SUING JUDGES

A Study of Judicial Immunity



ABIMBOLA OLOWOFOYEKU



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Suing Judges A Study Of Judicial Immunity

M Carnoy



Suing Judges A Study Of Judicial Immunity:

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 **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

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 Politics of Judicial Independence in the UK's Changing Constitution Graham Gee, Robert Hazell, Kate Maleson, 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

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

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 multifaceted 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

Limits of Legality Jeffrey Brand-Ballard, 2010 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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