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Evidence and Proof

This collection of articles on matters of evidence and proof in law covers topics such as: logic and proof; law, fact and value; the law of evidence - its nature and scope; basic concepts of the law of evidence; burdens of proof and presumptions; and the protection of the accused.

Rethinking Evidence

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.

An Analytical Approach To Evidence

Buy a new version of this textbook and receive access to the Connected eBook with Study Center on CasebookConnect, including: lifetime access to the online ebook with highlight, annotation, and search capabilities; practice questions from your favorite study aids; an outline tool and other helpful resources. Connected eBooks provide what you need most to be successful in your law school classes. Learn more about Connected eBooks. A problem-based Evidence coursebook that presents the Federal Rules of Evidence in context, illuminates the rules' underlying theories and perspectives, and provides a fully updated and systematic account of the law in a student-friendly hornbook-style format. The material is accompanied with straightforward and systematic explanations. Lively discussion and interesting problems (rather than numerous appellate case excerpts) engage students in understanding the principles, policies, and debates that surround evidence law. The book also contains self-assessment sections in each chapter that teach students how to identify and resolve legal issues and succeed in the final exam. To sum up: this book stands out as "all in one": it gives students of evidence an up-to-date comprehensive account of the law; it explains complex evidentiary issues in a straightforward and systematic fashion; and it also tells students what their exam will look like and how to succeed in it. New to the Seventh Edition: A new case file to introduce numerous evidence issues throughout the semester, with spin-off problems in each chapter. Updated doctrine, including application of evidence rules to electronic evidence and the online environment. Professors and students will benefit from: An opening case file introducing students to the process of analyzing evidence in terms of the essential elements of a legal dispute, serving as an effective introduction to much of the course to follow A wide

range of real-world problems exposes students to the depth and complexity of the Rules of Evidence. Every chapter addresses basic rules interpretation, essential policy, and connects theory to practice. Assessment problems (modeled on exam questions) at the end of each chapter, including answers with explanations. Teaching materials Include: Updated and streamlined Teacher's Manual, including sample syllabi for both 4- and 3-credit courses, transition guide for each chapter, teaching guidance, and answers to all the problems in the book. Problems Supplement that includes most problems deleted from prior editions.

Marks of an Absolute Witch

This work explores the social foundation of evidence law in a specific historical social and cultural context - the debate concerning the proof of the crime of witchcraft in early modern England. In this period the question of how to prove the crime of witchcraft was the centre of a public debate and even those who strongly believed in the reality of witchcraft had considerable concerns regarding its proof. In a typical witchcraft crime there were no eyewitnesses, and since torture was not a standard measure in English criminal trials, confessions could not be easily obtained. The scarcity of evidence left the fact-finders with a pressing dilemma. On the one hand, using the standard evidentiary methods might have jeopardized any chance of prosecuting and convicting extremely dangerous criminals. On the other hand, lowering the evidentiary standards might have led to the conviction of innocent people. Based on the analysis of 157 primary sources, the book presents a picture of a diverse society whose members tried to influence evidentiary techniques to achieve their distinct goals and to bolster their social standing. In so doing this book further uncovers the interplay between the struggle with the evidentiary dilemma and social characteristics (such as class, position along the centre/periphery axis and the professional affiliation) of the participants in the debate. In particular, attention is focused on the professions of law, clergy and medicine. This book finds clear affinity between the professional affiliation and the evidentiary positions of the participants in the debate, demonstrating how the diverse social players and groups employed evidentiary strategies as a resource, to mobilize their interests. The witchcraft debate took place within the formative era of modern evidence law, and the book highlights the mutual influences between the witch trials and major legal developments.

Law Books Published 1993 Suppl

This book addresses theoretical problems concerning legal evidence. The concept of evidence is expected to fulfill a number of distinct roles in science and philosophy, but also in legal theory and law, some of which are complementary, while others are conflicting. In their profession, lawyers have to deal with evidence and proof. Yet the legal concept of evidence is constantly changing, and the debate concerning the distinction between a legal concept of evidence, the ordinary concept of evidence and the concept of evidence in science is far from being settled. What is more, the problem of evidence is central to both epistemology and the philosophy of science, and by extension to our academic thinking on law. In short, legal theorists' interest in evidence may include such diverse objects as a bloody knife, sensory data, linguistic entities or psychologically recognized beliefs. The book surveys selected theoretical roles that the concept of evidence plays and explores their relations and interconnections. The content is divided into three parts, investigating: (1) evidence in epistemology and the philosophy of science, which focuses on evidence methodologies and the problem of proof in legal scholarship; (2) evidence in legal theory and legal philosophy, where particular attention is paid to the interplay between evidence, legal reasoning and the binding force of such reasoning; and (3) evidence in law, where theoretical problems pertaining to witnesses, expert opinions, explanations of the accused, statistical evidence and neuroscientific evidence are examined.

Theory of Legal Evidence - Evidence in Legal Theory

Providing a comprehensive and principled account of the uncertainty problem that arises in tort litigation, this text critically examines the existing doctrinal solutions of the problem, as evolved in England, United States, Canada & Israel.

Tort Liability Under Uncertainty

The essays in this volume concern the topic of legal rights, how they are related to morality, the place of rights on moral theory, and the legal recognition of rights.

Rights

Innovations in Evidence and Proof brings together fifteen leading scholars and experienced law teachers based in Australia, Canada, Northern Ireland, Scotland, South Africa, the USA and England and Wales to explore and debate the latest developments in Evidence and Proof scholarship. The essays comprising this volume range expansively over questions of disciplinary taxonomy, pedagogical method and computer-assisted learning, doctrinal analysis, fact-finding, techniques of adjudication, the ethics of cross-examination, the implications of behavioural science research for legal procedure, human rights, comparative law and international criminal trials. Communicating the breadth, dynamism and intensity of contemporary theoretical innovation in their diversity of subject-matter and approach, the authors nonetheless remain united by a common purpose: to indicate how the best interdisciplinary theorising and research might be integrated directly into degree-level Evidence teaching. Innovations in Evidence and Proof is published at an exciting time of theoretical renewal and increasing empirical sophistication in legal evidence, proof and procedure scholarship. This groundbreaking collection will be essential reading for Evidence teachers, and will also engage the interest and imagination of scholars, researchers and students investigating issues of evidence and proof in any legal system, municipal, transnational or global.

Innovations in Evidence and Proof

New material, a new co-author, and a new student friendly uniform chapter organization highlight the second edition of this chapter organization highlight the seconde of of this incisive evidence casebook. Authors Allen, Kuhns, and Swift enliven otherwise abstract concepts as they reveal the foundations of the law and rules of evidence. EVIDENCE: Text, Cases, and Problems, Second Edition, emphasizes two main themes: Analytic approach - First, The authors address each major topic as a problem of relevancy. Then they discuss the evidence policy underlying each rule in terms of its effect on jury reasoning. Diagrams illustrate this approach throughout the book. Contextual approach - Issues of admission and exclusion of evidence are analyzed from the perspectives of the major players in the trial process - advocates, judges, and juries. To increase accessibility and facilitate learning, The Second Edition: opens with a criminal trial transcript which serves as a basis for illustrations and problems throughout the book follows a consistent chapter structure of three sections: Interpretation and Illustration to introduce and apply the rule, Elaboration to analyze the policy and draft questions, and Reflections to offer in-depth analysis and new perspectives offers separate and unique chapters on Presumptions and Burdens of Proof in Civil Cases and Presumptions and Burdens of Proof in Criminal Cases New material includes: significant judicial opinions, such as Daubert v. Dow-Merrill Pharmaceuticals and Tome v. United States new Federal Rules of Evidence 413-415 Rule Amendments and Proposed Revisions to FRE new problems With EVIDENCE: Text, Cases, and Problems, Second Edition, students grasp the pivotal role of the rules of evidence in the adversary system.

Current Legal Theory

A world list of books in the English language.

Evidence

This extensively revised second edition is a rigorous introduction to the construction and criticism of arguments about questions of fact, and to the marshalling and evaluation of evidence at all stages of litigation. It covers the principles underlying the logic of proof; the uses and dangers of story-telling; standards for decision and the relationship between probabilities and proof; the chart method and other methods of analyzing and ordering evidence in fact-investigation, in preparing for trial, and in connection with other important decisions in legal processes and in criminal investigation and intelligence analysis. Most of the chapters in this new edition have been rewritten; the treatment of fact investigation, probabilities and narrative has been extended; and new examples and exercises have been added. Designed as a flexible tool for undergraduate and postgraduate courses on evidence and proof, students, practitioners and teachers alike will find this book challenging but rewarding.

The Cumulative Book Index

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading

international authorities who explain the significance and context of articles in an informative and complete introduction.

Analysis of Evidence

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

An Essay on the Principles of Evidence, and Their Application to Subjects of Judicial Inquiry

These essays develop a readable, coherent historical and theoretical perspective about problems of proof, evidence, and inferential reasoning in law. They are woven together to present a sustained argument for a broad inter-disciplinary approach to evidence in litigation, in which the rules of evidence play a subordinate, though significant, role.

Natural Law (Vol. 1)

Since the early 1990s, there has been an enormous growth in scholarship addressing the theoretical aspects of anti-discrimination law. Touching upon a number of jurisdictions, this volume collects many of the most illuminating articles published since then. The studies are placed into context by a specially written introduction.

Natural Law (Vol. 2)

The papers presented in this volume aim to contribute to the development of African legal theory. Issues discussed include: legal anthropology, customary law in the state legal system; legal concepts; and procedural and substantive justice.

Rethinking Evidence

This title was first published in 2001: Welfare law is a legal field integral to most jurisprudential formulations, whether artificially designated as doctrinal, theoretical or practical. At its core, legal discourse regarding welfare challenges the formulations traditionally viewed as 'pre-legal', the 'background rules' of property, tort and contract law. In addition, it affects a large percentage of the world's population, highlights the social construction of identities and perhaps more than any other area of law, graphically epitomizes the intersection of class, race and gender distinctions. However, within both the legal academy and practice, welfare law has been marginalized and viewed as a field that does not connect to any but a small sector of lawyers and legal clients. Isolated as an arcane domain of either statutory and regulatory legal minutiae or jurisprudential insignificance, welfare law has never realized its potential as a major hub for legal theoretical discourse. The articles in this volume seek to expose the roots of the essentialized view of welfare law as nonessential and re-establish its value and importance.

The Philosophy of Proof in Its Relation to the English Law of Judicial Evidence

Evidence in International Criminal Trials compares procedural activities relevant for international criminal tribunals and the International Criminal Court: evaluation, collection, disclosure, admissibility and presentation of evidence. The book provides guidance on how to confront legal as well as factual issues.

Anti-discrimination Law

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

African Law and Legal Theory

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Welfare Law

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

Evidence in International Criminal Trials

This is a detailed work on civil law. The topics covered include: legal science and legal education in civil law; codification and statutory law; the civil code and statutory interpretation; constitutional law and judicial review.

Property Law (Vol. 1)

This volume is based on the idea that law is intertwined with the liberal arts and also that the discipline of law is itself part of the humanities and one of the social sciences. The book therefore looks at psychology as one of a range of interdisciplinary approaches to the law.

Famous Cases of Circumstantial Evidence

In this comprehensive two volume set Patricia White draws together a myriad of important articles concerning current tax laws. The articles examine how these laws affect the individual, as well as the society as a whole.

The British National Bibliography

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

Law and Language

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

Civil Law

This Major Reference series brings together a wide range of key international articles in law and legal theory. Many of these essays are not readily accessible, and their presentation in these volumes will provide a vital new resource for both research and teaching. Each volume is edited by leading international authorities who explain the significance and context of articles in an informative and complete introduction.

Law and Psychology

This extensively revised second edition is a rigorous introduction to the construction and criticism of arguments about questions of fact, and to the marshalling and evaluation of evidence at all stages of litigation. It covers the principles underlying the logic of proof; the uses and dangers of story-telling; standards for decision and the relationship between probabilities and proof; the chart method and other methods of analyzing and ordering evidence in fact-investigation, in preparing for trial, and in connection with other important decisions in legal processes and in criminal investigation and intelligence analysis. Most of the chapters in this new edition have been rewritten; the treatment of fact investigation, probabilities and narrative has been extended; and new examples and exercises have been added. Designed as a flexible tool for undergraduate and postgraduate courses on evidence and proof, students, practitioners and teachers alike will find this book challenging but rewarding.

Tax Law (Vol. 2)

In this important book, a distinguished legal scholar examines how the legal culture and institutions in Anglo-American countries affect the way in which evidence is gathered, sifted, and presented to the courts. Mirjan Damaska focuses on the significance of the divided tribunal (between judge and jury), the concentrated character of trials ("day-in-court" justice), and the prominent role of the parties in adjudication (the adversary system). Throughout he contrasts the Anglo-American system with civil law justice, where lay fact finders sit with professional judges in unified tribunals, proceedings are episodic rather than concentrated, and the parties have fewer responsibilities than in the common law tradition.

Law in History (Vol. 2)

An internationally known legal text, Analysis of Evidence begins with the fundamental premise that basic methods of organizing and analyzing evidence are important and teachable skills that are generally neglected in legal education. Although written for law students, it is of interest to a broad, multidisciplinary audience, including historians, intelligence analysts, psychologists, police investigators, and others interested in applying techniques of analysis and inference to bodies of data.

Law in History (Vol. 1)

Excerpt from Famous Cases of Circumstantial Evidence: With an Introduction on the Theory of Presumptive Proof Evidence and proof are often confounded, as implying the same idea; but they differ, as cause and effect. Proof is the legal credence which the law gives to any statement, by witnesses or writings; evidence is the legal process by which that proof is made. Hence, we say, that the law admits of no proof but such as is made agreeably to its own principles. The principles of evidence are founded on our observations on human conduct, on common life, and living manners: they are not just because they are rules of law; but they are rules of law because they are just and reasonable. About the Publisher Forgotten Books publishes hundreds of thousands of rare and classic books. Find more at www.forgottenbooks.com This book is a reproduction of an important historical work. Forgotten Books uses state-of-the-art technology to digitally reconstruct the work, preserving the original format whilst repairing imperfections present in the aged copy. In rare cases, an imperfection in the original, such as a blemish or missing page, may be replicated in our edition. We do, however, repair the vast majority of imperfections successfully; any imperfections that remain are intentionally left to preserve the state of such historical works.

Alternative Dispute Resolution

First published in 1998, this volume contains essays from leading thinkers on both sides of the Atlantic on the relationship between law and science. Science plays an ever-increasing part in the development of legislation and the adjudication of cases. Its limitations and its value are explored in these essays which discuss issues of methodology and of evidence. Amongst areas covered are silicone breast implants, the rape trauma syndrome, the environment, inventions and Bayesianism.

Bimonthly Review of Law Books

