

Download File Jessicas Dilemma The Pleasure Of Discretion 1 Elle Thorne Pdf File Free

Reports of Cases Decided in the Supreme Court of the State of Oregon Jul 08 2021 Vol. 3 also contains "Cases in the Circuit Courts of Oregon from 1867-1872."

The Conditions of Discretion Jul 28 2020 This timely book is concerned with interactions between ordinary people and large public bureaucracies—interactions that typically are characterized by mutual frustration and antagonism. In fact, as Joel Handler points out, the procedural guidelines intended to ensure fairness and due process fail to take account of an initial imbalance of power and tend to create adversarial rather than cooperative relationships. When the special education needs of a handicapped child must be determined, parents and school administrators often face an especially painful confrontation. *The Conditions of Discretion* focuses on one successful approach to educational decision making (developed by the school district of Madison, Wisconsin) in order to illustrate how such interactions can be restructured and enhanced. Madison's creative plan regards parents as part of the solution, not the problem, and uses "lay advocates" to turn conflict into an opportunity for communication. Arrangements such as these, in Handler's analysis, exemplify the theoretical conditions under which discretionary decisions can be made fairly and with the informed participation of all concerned. *The Conditions of Discretion* offers not only a detailed case study, sympathetically described, but also persuasive assessments of major themes in contemporary legal and social policy—informed consent, bureaucratic change, social movement activity, the relationship of the individual to the state. From these strands, Handler weaves a significant new theory of cooperative decision making that integrates the public and the private, recognizes the importance of values, and preserves autonomy within community. "A masterful blend of social criticism, social sciences, and humane, constructive thought about the future of the welfare state." —Duncan Kennedy, Harvard Law School

Exercising Discretion Jan 02 2021 The exercise of discretion in the criminal justice system and related agencies often plays a key part in decisions which are made, but definitions of discretion are not clear, and despite widespread recognition of its importance there is much controversy on its nature and legitimacy. This book seeks to explore the importance of discretion to an understanding of the nature of the 'making of justice' in theory and practice, taking as its starting point the wide discretionary powers wielded by many of the key players in the criminal justice and related systems. It focuses on the core elements and contexts of discretion, looking at the power, ability, authority and duties of individuals, officials and organisations to decide, select or interpret vague standards, requirements or statutory uncertainties.

Arbitrary Justice Jun 26 2020 What happens when public prosecutors, the most powerful officials in the criminal justice system, seek convictions instead of justice? Why are cases involving well-to-do victims often prosecuted more vigorously than those involving poor victims? Why do wealthy defendants frequently enjoy more lenient plea bargains than the disadvantaged? In this eye-opening work, Angela J. Davis shines a much-needed light on the power of American prosecutors, revealing how the day-to-day practice of even the most well-intentioned prosecutors can result in unequal treatment of defendants and victims. Ranging from mandatory minimum sentencing laws that enhance prosecutorial control over the outcome of cases, to the increasing politicization of the office, Davis uses powerful stories of individuals caught in the system to demonstrate how the perfectly legal exercise of prosecutorial discretion can result in gross inequities in criminal justice. For the paperback edition, Davis provides a new Afterword which covers such recent incidents of

prosecutorial abuse as the Jena Six case, the Duke lacrosse case, the Department of Justice firings, and more.

Deliberate Discretion? May 18 2022 This book explains the different approaches legislators use when they write laws.

Discretion in the Welfare State Oct 11 2021 Cover -- Title -- Copyright -- Dedication -- Contents -- Preface -- Introduction -- 1 Discretion and its critics -- 2 The anatomy of discretion -- 3 Professional discretion in the welfare state: two normative tensions -- 4 Mechanisms of accountability -- 5 Summing up -- Bibliography -- Index

Model Rules of Professional Conduct Oct 31 2020 The Model Rules of Professional Conduct provides an up-to-date resource for information on legal ethics. Federal, state and local courts in all jurisdictions look to the Rules for guidance in solving lawyer malpractice cases, disciplinary actions, disqualification issues, sanctions questions and much more. In this volume, black-letter Rules of Professional Conduct are followed by numbered Comments that explain each Rule's purpose and provide suggestions for its practical application. The Rules will help you identify proper conduct in a variety of given situations, review those instances where discretionary action is possible, and define the nature of the relationship between you and your clients, colleagues and the courts.

Legal Definitions, Vol. 1 Of 2 Feb 03 2021 Excerpt from Legal Definitions, Vol. 1 of 2: A Collection of Words and Phrases as Applied and Defined by the Courts, Lexicographers and Authors of Books on Legal Subjects The term abuse of discretion means not only the decision of a case arbitrarily, Process is abused when employed to accomplish some purpose which the process was not intended by law to effect, or where used in the mode and manner designed by law, but with an ulterior purpose to effectuate some unlawful collateral end, the legal use of it being but ostensible, while the real design was to pervert its force and efficiency to the success of the unlawful collateral design. Phoenix, etc., Co. V. Arbuckle, 52 Ill. App. 38. 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.

The Machinery of Government Sep 10 2021 In most liberal democracies for example, the central bank is as independent as the supreme court, yet deals with a wide range of economic, social, and political issues. How do these public servants make these policy decisions? What normative principles inform their judgments? In *The Machinery of Government*, Joseph Heath attempts to answer these questions. He looks to the actual practice of public administration to see how normative questions are addressed. More broadly, he attempts to provide the outlines of a "philosophy of the executive" by taking seriously the claim to political authority of the most neglected of the three branches of the state.

The Margin of Appreciation Sep 22 2022 The term 'margin of appreciation' has been used for some time to refer to the room for manoeuvre that the Strasbourg institutions are prepared to accord national authorities in fulfilling some of their principal obligations under the European Convention for Human Rights. This document proposes how the meaning of the term may be given greater clarity, coherence and consistency.

The Soul of Discretion Dec 25 2022 DC Smith Serrailer is faced with his worst crimes yet, and Lafferton is left reeling. The eighth in the Simon Serrailer crime series. The cathedral town of Lafferton seems idyllic, but in many ways it is just like any other place. As part of the same rapidly changing world, it shares the same hopes and fears, and the same kinds of crime, as any number of towns up and down the land. When one day DC Simon Serrailer is called in by Lafferton's new Chief Constable, Kieron Bright, he is met by four plainclothes officers. He is asked to take the lead role in a complex, potentially dangerous undercover operation and must leave town immediately, without

telling anyone -- not even his girlfriend Rachel, who has only just moved in with him. Meanwhile, Simon's sister Cat is facing difficult choices at work that will test her dedication to the NHS. But an urgent call about her and Simon's father, Richard, soon presents her with a far greater challenge much closer to home. To complete his special op, Simon must inhabit the mind of the worst kind of criminal. As the op unfolds, Lafferton is dragged into the sort of case every town dreads. And Simon faces the fight of his life.

Prosecutorial Discretion and Federal Sentencing Reform Feb 21 2020

Executive Discretion as to Immigration Mar 16 2022 This report provides an overview of the three broad types of discretion that the Executive can be seen to have as to immigration: (1) express delegations of discretionary authority; (2) discretion in enforcement (commonly known as prosecutorial or enforcement discretion); and (3) discretion in interpreting and applying statutes.

The Judge and the Proportionate Use of Discretion Apr 17 2022 This book examines different legal systems and analyses how the judge in each of them performs a meaningful review of the proportional use of discretionary powers by public bodies. Although the proportionality test is not equally deep-rooted in the literature and case-law of France, Germany, the Netherlands and the United Kingdom, this principle has assumed an increasing importance partly due to the influence of the European Court of Justice and European Court of Human Rights. In the United States, different standards of judicial review are applied to review 'arbitrary and capricious' agency discretion. However, do US judges achieve a similar result to the proportionality or reasonableness test? Drawing together a selection of key experts in the field, this book analyses the principle of proportionality in the judicial review of administrative decisions from different perspectives. The principle is first examined in the context of recent developments in the literature and case-law, including the inevitable EU influence, then light shall be shed on the meaning of this principle in the specific case-law of the European Court of Justice and European Court of Human Rights. Finally, the authors go on to explore the ways in which US judges consciously 'sanction' the 'disproportionate' and/or 'unreasonable' use of agency discretion. In the legal systems where the proportionality test plays a very limited role, Ranchordás and de Waard also try to clarify why this is the case and look at what alternative solutions have been found. This book will be of great interest to scholars of public and administrative law, and EU law.

Judicial Review of Administrative Discretion in the Administrative State Jun 19 2022 This book deals with one of the greatest challenges for the judiciary in the 21st century. It reflects on the judiciary's role in reviewing administrative discretion in the administrative state; a role that can no longer solely be understood from the traditional doctrine of the Trias Politica. Traditionally, courts review acts of administrative bodies implying a degree of discretion with quite some restraint. Typically it is reviewed whether the decision is non-arbitrary or whether there is no manifest error of assessment. The question arises though as to whether the concern regarding ensuring the non-arbitrary character of the exercise of administrative power, which is frequently performed at a distance from political bodies, goes far enough to guarantee that the administration exercises its powers in a legitimate way. This publication searches for new modes of judicial review of administrative discretion exercised in the administrative state. It links state-of-the-art academic research on the role of courts in the administrative state with the daily practice of the higher and lower administrative courts struggling with their position in the evolving administrative state. The book concludes that with the changing role and forms of the administrative state, administrative courts across the world and across sectors are in the process of reconsidering their roles and the appropriate models of judicial review. Learning from the experiences in different sectors and jurisdictions, it provides theoretical and empirical foundations for reflecting on the advantages and disadvantages of different models of review, the constitutional consequences and the main questions that deserve further research and debate. Jurgen de Poorter is professor of administrative law at Tilburg University and deputy judge in the District Court of The Hague. Ernst Hirsch Ballin is distinguished university professor at Tilburg University, professor in human rights law at the University of Amsterdam, and president of the T.M.C. Asser Institute for International and European

Law. He is also a member of the Scientific Council for Government policy (WRR). Saskia Lavrijssen is professor of Economic Regulation and Market Governance of Network Industries at Tilburg University.

On the Evolution of the Rules Versus Discretion Debate May 26 2020 We discuss the evolution of the debate on policy rules vs discretion. Doctrinal historians place the starting point of the debate in the nineteenth-century controversy between the Currency and Banking Schools in Britain. We establish that this controversy was not about discretion but about the degree of activism under a single rule -- that of the gold standard. The rules vs discretion issue originated with Henry Simons and the Chicago School in the 1930s, and came to center stage following the Great Inflation in the 1970s. Both the 1930s and 1970s literatures were triggered by monetary-policy failures. The modern literature's main innovations concern its (1) comparison of discretion to optimal policy rather than just to rules, (2) shift of focus to benevolent governments that lack commitment, (3) demonstration of discretion's inefficiencies in both stochastic and deterministic environments, and (4) support of activist policy rules.

Discretion Jan 14 2022 From New York Times bestselling author Karina Halle comes a delicious saga of wealth, luxury, and scandal--and the wicked secrets of success behind an envied family dynasty. The Riviera means indulgence--if you've got money. For Sadie Reynolds, a down-on-her-luck student, the Riviera means dingy hostels and back streets. When a wrong turn puts her in jeopardy, the last thing she expects is to be saved by the most handsome stranger she's ever locked eyes with. When she later wakes up in a luxury suite with a Mediterranean view, she's in the tender care of her rescuer: Olivier Dumont, France's most eligible bachelor, billionaire hotelier, and heir to the Dumont fashion fortune. Olivier also owns his reputation for scandal. But Sadie is unlike any woman he's ever met. Her humble persona and wild innocence promise real passion. He's promising Sadie something too: anything she wants. From Bordeaux to Cannes to Paris, Sadie's past in America is swept away and replaced with a fantasy too good to be true. Pulled into Olivier's orbit of wealth, glamour, and excess, Sadie discovers that the Dumont dynasty comes with a legacy of wicked secrets. And Olivier's secrets may be the most damning of all...

Eu Executive Discretion and the Limits of Law Sep 29 2020 The increase in the European Union's executive powers in the areas of economic and financial governance has thrown into sharp relief the challenges of EU law in constituting, framing, and constraining the decision-making processes and political choices that have hitherto supported European integration. The constitutional implications of crisis-induced transformations have been much debated but have largely overlooked the tension between law and discretion that the post-2010 reforms have brought to the fore. This book focuses on this tension and explores the ways in which legal norms may (or may not) constrain and structure the discretion of the EU executive. The developments in the EU's post-crisis financial and economic governance act as a reference point from which to analyze the normative problems pertaining to the law's relationship to the exercise of discretion. Structured in three parts, the book starts by analyzing the challenges to the maxim that the law both grounds and constrains EU executive and administrative discretion, setting out the concepts, problems and approaches to the relation between law and discretion both in general public law and in EU law. It progresses to analyze how these problems and approaches have unfolded in EU's financial, economic and monetary governance. Finally, it moves on from these specific developments to assess how existing legal principles and means of judicial review contribute to ensuring the rationality and legality of EU's discretionary powers.

The German Federal Constitutional Court Jan 22 2020 This translation into English of the leading German-language work on the Federal Constitutional Court gives an overview of the court's history and role as one of the most influential constitutional courts in recent years. The book consists of four extended, free-standing essays written by each of the authors. The essays cover the historical development and political context of the Court; the Court and the constitution; the Court's approach to judicial reasoning; and the Court in contemporary constitutional theory.

Toward an Understanding of the Impact of Discretion Upon the Hr-performance Link Jun 07

2021 The field of strategic human resource management attempts to investigate the role and contribution that human resources may provide to organizations. Although various theoretical perspectives have been applied to the field of strategic human resource management, some scholars still label this field as atheoretical. I apply discretion theory to this atheoretical discussion with the expectation that discretion theory will allow a better examination of what may be occurring in the "black box" between human resource practices (i.e. high performance work practices) and organizational outcomes. Specifically, my intent was to determine under what conditions human resource managers might influence the high performance work practices/organizational outcomes relationship. I surveyed dyads consisting of one senior human resource manager and one other human resource employee within various organizations to assess 1) the nature of the human resource practices that each organization employs, 2) the intensity of the senior human resource manager's individual discretion, and 3) the intensity of the organization's contextual discretion. Moderated regression analysis was utilized to test each hypothesis. Upon testing each hypothesis, partial support was found for the following hypotheses: Hypothesis 1a: The use of high performance work practices will be negatively related to absenteeism, Hypothesis 1b: The use of high performance work practices will be negatively related to turnover, Hypothesis 2a: The use of high performance work practices will be positively related to ROA, Hypothesis 3b: Individual discretion will moderate the relationship between HPWPs and turnover: specifically, HPWPs will be more strongly related to turnover (i.e. less turnover) when individual discretion is high than when individual discretion is low, and Hypothesis 4a: Individual discretion will moderate the relationship between HPWPs and ROA; specifically, HPWPs will be more strongly related to ROA (i.e. higher levels of ROA) when individual discretion is high than when individual discretion is low. No support was found for Hypotheses 2b, 3a, and 4b. With respect to each of the three-way interaction hypotheses, slope difference tests revealed that none of the slopes for were significantly different from one another, hence no support was provided for Hypotheses 5a-5c, 6a-6c, 7a-7c, and 8a-8c.

A Sermon [on 1 Cor. Xiv. 1] Teaching Discretion in Matters of Religion, and Touching Certain Abuses Now in the Church: Preached at Paules Crosse, Etc Nov 19 2019

The Effects of Limiting Accounting Discretion on the Informativeness of Financial Statements Mar 24 2020 This paper examines the effects on the informativeness of software companies' financial statements of limiting the amount of discretion with respect to software revenue recognition following the issuance of Statement of Position 91-1 in 1992. The requirement that companies adopt SOP 91-1 by restating earnings for prior periods allows to compare the value-relevance of two sets of data, the originally reported and the restated earnings numbers. I find that the originally reported numbers provide incremental information content over the more conservative restated earnings numbers. This finding is consistent with managers using their discretion in pre-SOP 91-1 periods to convey private information about their firms' underlying economics. Furthermore, relative to a control group of software firms less sensitive to the accounting change, I document a significant decline in the information content of sample firms' reported earnings following the issuance of SOP 91-1, as well as a significant increase in the voluntary disclosure of long-term earnings projections and non-financial information. I interpret these findings as evidence that limiting the amount of discretion has adversely affected managers' ability to communicate effectively with investors through the financial statements.

Law and Tactics in Jury Trials Apr 24 2020

The Arbitrator's Discretion in Conflict of Law Matters May 06 2021 For international commercial disputes, international commercial arbitration and the CISG together can provide a neutral platform. However, it is unclear whether arbitrators are bound by the CISG. This thesis first examines the legal nature of the CISG's application rules, finding that they constitute private international law, which leads to the fundamental matter of whether arbitrators are bound by PIL. International public and European law and legal practice are studied to answer this question, and in the end, a binding nature of PIL in arbitration is rejected. Finally, a cursory look is also taken at the binding effect of substantive law generally in arbitration.

Student Council's Discretion 1 Nov 24 2022 The student council of Hekiyo Private Academy is chosen not through a normal election but through a popularity contest. Ken Sugisaki is the one student who managed to join the council through his good grades, and his wish is to create a harem! A casual school story about a very casual student council.

Three Papers on the Effects of Criminal Procedure on the Exercise of Discretion in the Criminal Justice System Oct 19 2019 This dissertation examines how three systems of criminal procedure shape the exercise of discretion in the criminal justice system. Chapter 1 considers the relationship between sentencing guidelines and judicial sentencing decisions. Using simulation modeling, it challenges a widely held belief that robust sentencing guidelines increase uniformity in sentencing at the cost of fairness. Chapter 2 turns to police regulation. Police departments and policymakers have implemented a range of mechanisms to regulate police discretion, but much of the scholarly literature has expressed skepticism about their effectiveness. One regulatory approach has largely escaped scrutiny--prosecutorial screening. This study examines the effect of prosecutorial screening on police charge decisions in one major metropolitan city in the United States. Exploiting the fact that the screening program only applies to suspects over seventeen years of age, it compares suspects arrested just a few weeks before and a few weeks after their seventeenth birthday. The analysis reveals a drop in felony charges against suspects arrested just after the age boundary for crimes subject to prosecutorial screening. The same pattern is not observed for crimes not subject to screening, suggesting that officers file lesser charges against suspects over seventeen years of age in anticipation of the stringent screening process. Chapter 3 explores the role of discovery rights on the plea bargaining process. It begins by extending prior work on civil discovery to develop a theory of criminal discovery. It then conducts the first systematic empirical investigation of the effects of expanding criminal discovery on case outcomes in one state that recently enacted legislation granting defendants wider discovery rights. A series of difference-in-differences models comparing felony and misdemeanor courts provide little evidence that the law promoted judicial efficiency by reducing the trial rate or that it produced more favorable outcomes for defendants by increasing the dismissal rate.

Discretion and the Administrative Process. Part 1 & 2. Winter 1996 Mar 04 2021

Digest of Judgements of the Supreme Court of Nigeria Apr 05 2021 The Digest of Judgments of the Supreme Court of Nigeria (DJSCN), is a legal practice book, which is a comprehensive compendium of Nigerian case law at the apex level of the Nigerian Judiciary. The DJSCN, is produced in four volumes which comprise the judgments of the Supreme Court of Nigeria for over a period of forty-three years. The first and second volumes cover the judgments of the Supreme Court on Practice and Procedure, Courts, Criminal Law and Procedure and Evidence. The last two volumes cover contemporary issues in different branches of law.

Discretionary Justice Aug 21 2022

The Expansion of International Law and the Use of National Administrative Discretion: the Impact on Administrative Battlefields Feb 15 2022

Predict and Surveil Dec 01 2020 Predict and Surveil offers an unprecedented, inside look at how police use big data and new surveillance technologies. Sarah Brayne conducted years of fieldwork with the LAPD--one of the largest and most technically advanced law enforcement agencies in the world--to reveal the unmet promises and very real perils of police use of data--driven surveillance and analytics.

The Judge Over Your Shoulder Oct 23 2022

Understanding Common Law Legislation Jan 26 2023 Many countries use and apply the common law. The common law world largely operates through statutes enacted by a country's democratic legislature. These statutes are drafted and interpreted according to a uniform system of rules, presumptions, principles and canons evolved over centuries by common law judges. In this book, Francis Bennion distills forty years of his prolific writings on statute law and statutory interpretation to provide valuable guidance on statutory interpretation applicable to all common law jurisdictions.

A Sermon [on 1 Cor. xiv. 1] teaching discretion in matters of religion, and touching

certayne abuses now in the Church: Preached at Paules Crosse, etc Nov 12 2021

Police Policymaking Dec 21 2019

The Coherence of EU Law Feb 27 2023 This volume examines the problems of legal and linguistic diversity in the EU legal system. In a union of 27 member states, with 23 different languages, how can the coherence of EU law be guaranteed? The volume addresses this central question from a range of theoretical and practical perspectives.

The Arbitrator's Discretion in Conflict of Laws Matters Dec 13 2021 Internationale Schiedsverfahren und CISG bilden eine neutrale Plattform für internationale Handelsstreitigkeiten. Allerdings ist unklar, ob Schiedsrichter das CISG überhaupt anwenden müssen. Diese Arbeit untersucht zunächst die Rechtsnatur der Anwendungsnormen des CISG, mit dem Ergebnis, dass es sich um Internationales Privatrecht handelt. Dies führt zu der grundsätzlichen Frage nach der Bindung von Schiedsrichtern an IPR, in deren Prüfung völker- und europarechtliche sowie rechtspraktische Aspekte einbezogen werden. Eine Bindung wird abgelehnt. Schließlich wird ergänzend ein Blick auf die Bindungswirkung von materiellem Recht in Schiedsverfahren geworfen.

Managerial Discretion and Performance in China Aug 09 2021 The theoretical and empirical literature to date has fallen short of reaching a consensus as to whether granting more managerial discretion to managers tends to enhance, not alter or diminish organizational performance (the discretion puzzle). This book aims to build a bridge between these contradictory results by synthesising principal-agent theory, stewardship theory, and managerial discretion theory into a new empirically-validated model. Using a representative sample of 'double-blind' interviews with managers of 467 firms in China and applying partial least squares path modelling (PLS), the study identifies a potential cause of the discretion puzzle: the failure of the extant literature to account for granularity in the way that managers use their discretion. This generates far-reaching implications for theoretical and empirical research as well as practical recommendations for managing managers in multinationals and Chinese companies.

The Better Part of Valor Jul 20 2022 This article considers the problems raised by a federal law - the "REAL ID Act" - that seeks to preclude judicial review of discretionary immigration law decisions. Discretion, the flexible shock absorber of the administrative state, must be respected by our legal system. However, as Justice Felix Frankfurter once wrote, discretion is, "only to be respected when it is conscious of the traditions which surround it and of the limits which an informed conscience sets to its exercise." The article suggests that judicial construction of the REAL ID Act will plumb the deep meaning of this qualification. The new law states, essentially, that constitutional claims or "questions of law" are reviewable while discretionary decisions are not. The question thus arises whether the venerable law/discretion dichotomy can withstand this much pressure. Can the law/discretion dichotomy legitimately function as a jurisdictional bar, as the line between the rule of law and unreviewable administrative practice? The article suggests not; for three reasons: 1. The law/discretion line - as a normative and a structural/procedural concept - is theoretically impossible to define with sufficient precision to base a jurisdictional preclusion upon it; 2. Historical legal practice in immigration law (and elsewhere) proves this point empirically; 3. Even if our legal system were able to surmount the first two points, the likely consequences of such a jurisdictional dichotomy would be exceedingly problematic for all concerned: noncitizens, their families, their communities, administrative actors, and federal judges. The necessary consequence of these three points, the article suggests, is that all attempts to create a bright line between law and discretion for jurisdictional purposes will fail, so long as tri-partite government survives. But in the meantime, the REAL ID Act, as it channels virtually all deportation appeals and many other immigration matters to the courts of appeals, will cause great mischief and will likely impede the sort of genuinely fertile judicial/legislative/executive conversation that could lead to a more workable immigration system. Important legal and factual issues will be buried beneath the jargon of discretionary preclusion, struggling to percolate to the courts of appeals. Therefore, the article concludes that either a more sophisticated jurisdictional statute or a more refined theory of discretion is needed.

