DOWNLOAD PDF CASES ILLUSTRATING IMPORTANT QUESTIONS OF LAW

Chapter 1 : Miranda v. Arizona - Wikipedia

The choice of law decision in Accutane II was actually foreshadowed in when the Supreme Court held that New Jersey statute of limitations law should be applied to tort cases filed in New.

Stop and Frisk Terry v. He approached the men and identified himself, then performed frisks of defendants Chilton and Terry and discovered illegal concealed weapons. Defendants were convicted and appealed, claiming that the frisk violated their Fourth Amendment right against unlawful searches and seizures. The ruling held that the Fourth Amendment protection against unreasonable searches and seizures is not violated when a pat down is performed based on reasonable suspicion for the purpose of ensuring officer safety. What you should know about stop-and-frisk law: Ohio has been understood to validate the practice of frisking or patting down suspects for weapons under diverse circumstances. Generally, law enforcement officers will perform frisks at their discretion, regardless of the "reasonable suspicion" standard established by the ruling in Terry. Thus, it is not uncommon for frisks to be conducted for investigatory purposes where no actual evidence of a threat to officer safety exists. Due to the prevalence of police frisks, it is important for citizens to understand the rationale behind police authority to pat down suspects and the limitations the Court has placed on that authority: After initiating contact, police officers may pat down criminal suspects for weapons in order to provide for their safety and that of the public. This police practice is rarely, if ever, a violation of your constitutional rights. If you are frisked, any hard objects the officer detects can be removed from your pockets and inspected. You can be charged for possession of illegal weapons discovered through a lawful pat down. Indicate that you do not consent to a full search of your person. Your proximity to the officer creates a limited window of opportunity in which to assert your rights. If you do not wish to be searched following the pat down, verbally indicate your refusal to be searched as soon as possible in order to avoid any misunderstandings. The Supreme Court has ruled that suspicious items other than weapons retain their Fourth Amendment protection during a frisk. This means that if a police officer claims that objects in your pocket feel like drugs, the objects cannot be further investigated without your consent. Investigatory Stops and Detentions Florida v. At a stopover in Ft. Lauderdale, the bus was boarded by two uniformed narcotics officers who were performing a routine inspection of the bus. Without reasonable suspicion, the officers approached Bostick in his seat and requested to see his ticket and identification. Finding nothing out of the ordinary, the officers proceeded to request consent to search his luggage. Bostick reportedly consented, at which point the officers performed a search and discovered cocaine. Bostick was subsequently convicted, and appealed claiming that due to his apparent inability to leave the bus, the encounter constituted an unlawful seizure, the evidence obtained must be suppressed. What you should know about investigatory stops and detentions: So long as the police and the courts cooperate in using the ignorance of suspects as a tool through which to obtain convictions, it is extremely important for all citizens to know their rights. In the context of investigatory stops and detentions, here are a few important principles that should be remembered: Police may stop you for any reason, but are not entitled to any information other than your identification. Police may not detain you without reasonable suspicion. Police may not search you without either probable cause or your consent. Ask if you are free to go. For more on this, check out our podcast on the 3 levels of police-citizen encounters. An investigatory stop is a particularly difficult encounter for the citizen because police officers are experienced at controlling the situation. Remember that your refusal to be searched cannot be legally interpreted as evidence that you may be involved in a crime. Police cannot detain you merely because you refused consent to a search. Consent Searches Schneckloth v. It was determined that the officer did not pressure the driver into consenting. In the back seat he found three checks which had been stolen from a car wash. Defendant Robert Bustamonte challenged his arrest, arguing that while he had consented voluntarily, he had not been informed of his right not to consent to the search. Bustamonte, the Supreme Court ruled that consent is valid as long as it is voluntarily given. The ruling held that police may not use threats or coercion to obtain consent, but that they

need not inform suspects of their right not to consent to a search. In reaching this decision, the Court overturned the more strict "waiver test", which required that suspects be fully informed of their Fourth Amendment right against unreasonable searches and seizures before they can give valid consent. What you should know about consent searches: As demonstrated by the Court in the Schneckloth ruling, the police are under no obligation to inform citizens of their Fourth Amendment rights when requesting to perform a search. This means that it is up to the individual to understand and exercise their right not to be searched. This can be a tricky situation because police will sometimes interpret a broad range of statements or actions as implied consent. According to the Fourth Amendment, you cannot be searched without a warrant or probable cause , unless you consent. The officer cannot "make things easier" for you if you consent. Consenting only makes it easier for the officer to arrest you. If you consent to a search, any evidence found can be used against you in court. You cannot get in trouble or become a criminal suspect for refusing to be searched. The officer cannot detain you unless he has reasonable suspicion to believe you are involved in something illegal. Illegal Searches Mapp v. In the course of the search, officers failed to produce a valid search warrant and denied Mapp contact with her attorney, who was present at the scene. Mapp appealed her conviction claiming that the evidence against her should not be admissible in court because it was illegally obtained. Ohio, the Supreme Court ruled that illegally obtained evidence is not admissible in State courts. The Court found that the Fourteenth Amendment right to due process of law and the Fourth Amendment right against unreasonable searches and seizures could not be properly enforced as long as illegally obtained evidence continued to be presented in court. The ruling argued that there was no other effective means of deterring widespread Fourth Amendment violations by police. The ruling acknowledged that sometimes a criminal could go free due to improper police conduct, but argued that the interest in promoting professionalism among police outweighed this concern. What you should know about illegally seized evidence: The policy established in Mapp v. Ohio is known as the "exclusionary rule". This rule holds that if police violate your constitutional rights in order to obtain evidence, they cannot use that evidence against you. If you have been charged with a crime and you feel that the evidence was illegally obtained, your lawyer can make a "motion to suppress" that evidence. The judge will then consider the manner in which the evidence was obtained and make a decision as to whether or not it can be presented during the trial. The exclusionary rule is a critical remedy against improper searches, and can be used as an effective protection by citizens who know their rights. The reality is that police officers on the street consider it their primary duty to identify and arrest criminals, and often consider the procedural guidelines which restrict their authority as a secondary concern or even a hindrance. Consenting to a search automatically makes the evidence admissible in court. A search is legal if the officer has probable cause to believe you may be engaged in criminal activity. Police officers are quick to conclude that probable cause has been established. Just keep your mouth shut. If you feel that police have seized evidence from you illegally, do not discuss it with the arresting officer! United States further weakened the exclusionary rule by expanding the so-called "good faith" exception. Listen to our podcast on this, "Herring v.

Chapter 2 : Important Questions to Ask when finding a DUI Lawyer

To that end, our own team of expert lawyer-editors got together and assembled top lists in four categories -- speeches, historical documents, laws, and landmark Supreme Court cases -- that they consider the most important legal documents in American history.

Note that the criminal justice system moves faster than a civil lawsuit and you need a professional who understands all of the steps associated with DUI cases. Most DUI defense lawyers are willing to meet their client briefly to introduce themselves and discuss your case. This is the best time for you to conduct an interview and determine whether or not you have found the right attorney for your case. During this session, asking the right questions can help you get the right lawyer within a short time. Come to the meeting fully prepared to make the most of the little time you have. Consider bringing with you the following items. All court documents spelling out the charges you are facing and the set court date. All bail paperwork If possible, the police report associated with your case Any other document such as search inventory reports the police might have given you. Remember, there are varying types of offenses and criminal defense attorneys. Ask the following questions. When and where did you attend law school? As an attorney, do you belong to any professional organization or bar association? If yes, which one? How many years or how long have you been practicing law, specifically criminal law? Have you been representing clients facing DUI charges? How many clients with DUI-related cases do you serve each year? What fraction of your entire caseload is devoted to DUI cases? Do you often appear to the courthouse where my case is likely to be heard? Have you ever worked with the specific prosecutor in my case? Is it standard practice for you to negotiate plea agreements? Do you often take your DUI cases to trial? A lawyer with a good reputation can negotiate good terms for you. For instance, with a good lawyer, your DUI conviction can result in community service rather than a jail sentence. So, focus on getting the best attorney.

Chapter 3 : calendrierdelascience.com: Part 2: Learn the Secret to Legal Reasoning

questions of interpretation of statutes and important cases illustrating new applications of accepted principles. Thus a case which depends on its own particular facts is not reportable".

Have you been indicted and are now facing criminal charges and possible incarceration? If that is the case, you need to hire the services of a good criminal lawyer in Carrollton, Texas to help you avoid a prison sentence. Most people have no idea how to approach a criminal defense attorney in Carrollton, Texas, and this article is going to help you by highlighting the most important questions you should ask any criminal lawyer in Carrollton, Texas. These questions will allow you to make a more educated and informed decision about hiring the best lawyer to choose as your criminal defense counsel. This is an important decision, and should never be taken lightly, which is why you should hire a criminal defense lawyer after meeting face to face. This will allow you to properly gauge whether the lawyer has the qualifications and experience to handle your case successfully. It will also allow you to feel comfortable with the lawyer, because developing a good working relationship with your criminal defense lawyer is vital to achieving a successful outcome. So, here are the most important questions you should ask, when you are looking to hire a criminal defense lawyer in Carrollton, Texas: Does the lawyer offer a free initial consultation? It is important to ascertain what kind of services that lawyer is offering, which will mean that you must meet the lawyer face to face. A 5-minute phone conversation will not help you in this case, because the criminal defense attorney must have complete knowledge and understanding of the facts, to properly evaluate your case. So, ask for a free initial consultation, so that you can properly review the charges against you and any specific facts of the case on hand. The criminal defense attorney must review the following in the initial consultation: The specific facts of the case, and the charges against you What happened that led to the arrest? Were your rights violated? What did the police do? What defenses do you have against the charges? Your criminal history â€" if you have a prior criminal record Your life history, including employment and education If you have faced any immigration issues in the past The initial consultation is important, because it will allow your criminal defense attorney to properly understand the specifics of your case. They can then come up with the best strategy to proceed with in the defense of your case. Therefore, you should check whether the criminal defense attorney you chose to hire works with a specialist criminal defense law firm. You want to get the best criminal defense attorney in Carrollton, Texas, because your liberty, reputation, and future are at stake here. So, when you are browsing the internet for a criminal lawyer, make sure that you check on their web page about their primary specialty. If they are focused on criminal defense law, there is a good chance that they have the necessary skills to represent you as a criminal defense attorney in Carrollton, Texas. How much is the legal fee and do they offer payment plans? Discussing legal fees and money can be sensitive, but if you want to hire the best criminal defense lawyer in Carrollton, Texas, you must expect their services to be expensive. Therefore, it is important that you discuss the legal fee and possible payment plans with the lawyer beforehand. There are different ways in which criminal lawyers calculate their fee, as some could charge hourly, with an initial retainer, but this could amount to a lot of legal expenses, if your case drags on for months. You should look to work with a criminal defense attorney that offers a flat fee or fixed fee for their services. Avoid working with lawyers, who claim to let you know about the fee after the case progresses, or when they learn more about your case. Does the lawyer have any experience with cases like mine? This is an extremely important question, and one that you should ask your criminal defense lawyer in Carrollton, Texas before hiring them. It is best to work with criminal defense lawyers, who have prior experience in handling cases like yours. It will also put your mind at ease, knowing that the lawyer has handled cases like yours successfully, and can devise the best strategy to help win your case. There is no way that a lawyer can promise a result before looking at the details of your case, and even looking at the evidence of the party. Criminal defense attorneys can provide opinions about your case, but they can never offer you with guarantees since it is unethical and foolish. Who

in the firm will be handling my case? There have been a lot of cases where people have retained big-shot criminal defense attorneys to help win their case, but they are nowhere to be found when the court date arrives. The law firm sends a young associate, straight out of law schools, who works for the big-shot lawyer you spoke with. That is when your case falls apart, because instead of the seasoned professional you hired, you are now being represented in court by someone who has no experience and no knowledge of your legal case. Most lawyers will not be expecting this question, and you may catch them off-guard. However, it will help you pick the best criminal defense attorney in Carrollton, to fight your case in court. So, these 5 questions were the most important questions you should ask any criminal lawyer in Carrollton, Texas, before hiring them. Book a Consultation No Obligation I became a lawyer after seeing someone I love being taken advantage of Let me protect you! Just fill the form below! Le Brocq Can Fight for You in th We have defended several drivers ticketed fo Hiring the best criminal attorney in Dallas comes with many things to consider. Seek legal assistance from Stephen L Speeding Tickets and Traffic Violations. Leave it to LeBrocq! Leave it to LeBr I see it everyday Stephen Le Brocq has handled cases ranging from slip-and-fall, felony drug trafficking, to contested and uncontested divorces, appeals in the Federal Courts, etcâ€¦ His dedication and service to his clients is far beyond most attorneys. His clients are always well-informed of the status of their case and not left worrying about what will happen to their life.

DOWNLOAD PDF CASES ILLUSTRATING IMPORTANT QUESTIONS OF LAW

Chapter 4 : The Most Important Cases, Speeches, Laws & Documents in American History | calendrierdela

Immigration law is a constantly changing legal field. Immigration lawyer Harlan York provides this blog so you can stay up to date on how legal trends affect immigration law cases.

Patricia sues Daniel in federal district court over money that she says he owes her. She wins her case. Patricia appeals to the U. Supreme Court, and the court refuses to hear the case. Patricia attempts to sue Daniel a second time in the state court system over the same issue of the money she says he owes her. Does the fact that Patricia took her case to the highest federal court and lost prevent her from starting the same case in a state court? Civil Procedure questions quite naturally focus on whether a plaintiff or defendant has correctly followed the rules in bringing a case to court. Civil Procedure generally does not focus on the substance of the dispute - i. The principle of res judicata states that once a final judgment on the merits has been made on a particular case, the plaintiff is barred from bringing that same case against the same defendant in the same or different court. Since Patricia appealed the case to the highest court, a final judgment is considered to have been made on the matter. She has exhausted all of the potential appeals by going to the highest court which has ruled on her case. If she attempts to bring the same cause of action i. Criminal Law Hypothetical Facts: Carl knows that Vince has a home office in which there is expensive computer equipment. Is opening an unlocked door to a building at twilight to commit a theft sufficient to constitute a charge of burglary? The common law requirements for a burglary are that there be: No actual breaking of the door or lock is necessary. Elements 2, 3 and 4 Carl clearly entered the house, which is not his own. The house is considered a dwelling since Vince regularly uses the house for sleeping purposes. Notice how methodically each element is proven using the facts provided. Even though something like entering seems self-evident, the fact that the defendant actually crossed the threshold has to be stated in order for the legal analysis to be complete. Vince is probably subject to a charge of burglary even though it was not technically nighttime and the door was unlocked. Peter and Doug are neighbors who hate one another. One day, Doug is nailing some boards together on the common sidewalk that he shares with Peter. In a classic slapstick comedy move, Doug picks up a board just as Peter is passing behind him and swings around so that the back end hits Peter in the head. The smack in the head causes substantial injury to Peter. Is existing malice between two people enough to show the intent necessary for liability for battery? The three elements of battery are: Element 1 The hitting of Peter in the head with a board is considered harmful since it caused substantial injury. Element 2 Doug directly caused the injury since he was physically holding the board as it swung into Peter. Element 3 The question of whether Doug intended to hit Peter is a matter of fact that must be decided by a jury. The fact that Doug hated Peter may weigh in the matter but is not dispositive. Doug must have known that Peter was behind him and intentionally swung the board so as to purposefully harm Peter. Without further evidence, the facts do not appear to indicate the intent necessary for Peter to sue Doug for the tort of battery.

Chapter 5 : Jurisdiction | Wex Legal Dictionary / Encyclopedia | LII / Legal Information Institute

Case Western Reserve Journal of International Law Volume 15|Issue 1 Legal Assistance in Criminal Cases and Some Important Questions of Extradition.

Court rules for employers in two employment discrimination cases Posted Mon, June 24th, 3: Sometimes the cross-branch discussion has been a constitutional debate, as in Shelby County v. Holder , the still-pending challenge to the constitutionality of Section 5 of the Voting Rights Act. But equally important has been a series of cases concerning the proper interpretation of civil rights law â€" especially Title VII of the Civil Rights Act, which prohibits employment discrimination â€" and congressional enactments sometimes codifying, and sometimes overruling, those decisions. Nassar , the Court strictly interpreted a statute that Congress enacted to overrule a prior Supreme Court decision, holding retaliation claims to a stricter standard of proof than other forms of discrimination claims. Nassar As explained in our preview , the plaintiff in Nassar claims that he was denied permanent employment at a medical center after complaining about discrimination by his supervisor. The employer argued that regardless of any retaliatory intent, it would not have hired him anyway for perfectly legitimate reasons. So, in an employment discrimination case, under ordinary rules, the plaintiff would have to show that she would have gotten the job if the employer had not taken her race into account. The Court presumes that Congress intends to use this standard, unless it indicates a different intent in the statute. The question in this case was whether Congress had indicated such an intent with regards to retaliation claims. To decide that question, the Court had to work through some history. In Price Waterhouse v. Hopkins , the Court had departed from the traditional causation for ordinary i. The employer would then be liable unless it could prove that it would not have hired or would have fired, etc. One provision codified in part, and overruled in part, Price Waterhouse. The Court held that it did not. So the real question was whether the provision extended to all of Title VII, including retaliation claims. The Court concluded that it did not, for three reasons. Title VII divides status-based discrimination and retaliation into two different provisions, and the amendment was passed as an amendment to the status-based provision. Third, the Court rejected the argument made by the worker and the government that, because retaliation can be seen as form of discrimination, there was no need for Congress to separately mention the retaliation provision. The Court acknowledged that it had previously construed statutes prohibiting only discrimination to implicitly prohibit retaliation as well. But it concluded that those decisions were not controlling here, because Title VII expressly discusses retaliation and treats it as different from status-based discrimination. The Court openly worried that under a lesser causation standard, an employee who foresaw that she was about to be fired could make an unfounded claim of discrimination to set up a retaliation claim if and when she was fired. Unlike the majority, the dissent believed it significant that the Court had, in several cases prior to the enactment of the amendment, held that retaliation was a form of discrimination. Vance In Vance v. Ellerth and Faragher v. In Faragher and Ellerth, the Court had stated that this common law test is met when the discriminator uses his power as a supervisor to for example hire, fire, or refuse to promote an employee to perpetuate the sexual harassment. If the harassment does not culminate in a tangible employment action, the employer is liable unless it can establish, as an affirmative defense, that it exercised reasonable care to prevent and promptly correct harassing behavior and that the victim unreasonably failed to take advantage of any preventive or corrective opportunities the employer provided. Moreover, the rule is easy to apply. Dissent Justice Ginsburg again took the lead in dissent. The negligence standard the majority leaves such workers, Justice Ginsburg opined, is inadequate. Both decisions will make it harder for plaintiffs to prove their cases, but perhaps more importantly, will provide judges greater authority to prevent the case from getting to a jury in the first place. That both reduces the cost and complexity of fighting many discrimination claims, and also reduces the settlement value of many others. In resolving that ambiguity, it perhaps is not surprising that the Justices would be divided along lines of world view â€" those who believe that many Title VII claims are meritless

and impose unfair costs on employers will naturally be attracted to rules that make it harder for those cases to proceed to trial; those who think that the work of Title VII is far from finished will fear that the restrictive rules adopted today will allow discrimination to continue to a greater degree than under the legal rules rejected. As noted at the beginning of this post, how to best strike that balance has been a question subject of a long-running conversation between the Court and Congress. James Sensenbrenner et al.

Chapter 6 : 4th Amendment Supreme Court Cases - Case Law - Know My Rights

The case is also well known among lawyers when after the first hearing it was disclosed that that one of the ruling law lords, Lord Hoffmann, was a director of Amnesty International, a party to.

In the Eyes of the Law: Here are a few questions with answers to give you an idea of what personal injury entails. Quite simply, the most crucial step to take after an injury is ensuring you can recover from the injury. According to the law, people who are injured are required to mitigate their damages. That is to mean that you have to do everything necessary to ensure your physical conditions improves once an injury has occurred. In almost all cases pertaining to personal injury, your lawyer will be paid by taking a fraction of your final award or settlement resulting from the injury you have sustained. This percentage should be an agreement between you and your attorney. This amount paid as a proportion of the final settlement is referred to as contingency fee. The law requires that a written contract be signed by both parties, which stipulates the fee the attorney will charge to avoid any misunderstanding about the cost of your case. More often than not, victims of accidents do not realize how serious their injuries are until some hours or days after the accident has occurred. That is why it is essential to seek medical attention immediately, to determine how serious the injuries could be and to reinforce your personal injury case. If you wait for a long time before seeking medical attention, then the insurance company will not compensate you adequately. How do you get a Replacement Car after the Auto Accident? The insurance company should be more than willing to cover the cost of a rental car until the settlement of your property claim has been ascertained. In most cases, you will have the vehicle for a few days after settlement so you can get enough time to purchase a replacement car. Recovering as quickly as possible from the injuries incurred is an excellent step to ensuring your claim is valid. Insurers tend to believe people who take the initiative to recover from their injuries. Additionally, insurance personnel believes people who are able to document their injuries through the use of credible medical reports, medical bills, and accurate information regarding lost wages. Once an agreement is reached between the insurers and you through your attorney, it can take anywhere between two and six weeks for the settlement process to end. There could be exceptions to this range, but it takes an average of one month to sign all documents and receive the check. Conclusion The above are the six important questions regarding personal injury cases. You can also visit Sibley Dolman to learn more about personal injury and representation.

Chapter 7 : Criminal Law Questions & Answers :: Justia Ask a Lawyer

Sample Law Essay Questions. Are Marxist theories of law now relevant or irrelevant? Examine the arguments for and against euthanasia in the light of the different schools of thought and their theorist.

Share via Email No judge will live longer in the memory of law students than the controversial Lord Denning Photograph: Here are a few you will come across: Care for thy neighbour: In Mrs Donoghue launched the modern law of negligence, after finding her ginger beer less than appealing. In declaring we should take reasonable care to avoid harm to those we foresee can be affected, he established when we owe duties to each other. Accidents and injuries were forever to be reshaped into claims and compensation. Foreign detainees Known as the Belmarsh decision , there is no modern case that better sets the boundary between national security and civil liberties. Decided by a panel of nine law lords, the decision became an important milestone in judges protecting both the rule of law and human rights. In a challenge to the Labour policy of indefinitely detaining foreign terrorist suspects without charge, the majority declared the British state acted illegally and in a discriminatory way. In his powerful rejection, Lord Hoffman stated "The real threat to the life of the nationâ€¦ comes not from terrorism but from laws such as these. McLibel Officially the longest case in English legal history, this ten year David v Goliath libel battle exposed the price of justice when corporations take on individuals. The fast food giant sued green campaigners David Morris and Helen Steel for libel over a stinging pamphlet criticising the their ethical credentials. McDonalds walked away with both a win and a PR disaster. The European court of human rights later declared in that the pair, who were unfunded and were representing themselves, had been denied their right to a fair trial. Jodie and Mary In the year the plight of conjoined twins made front page news. The question was whether it was justified to separate and knowingly "kill" the weaker Mary in order to save her stronger sister Jodie, given both were destined for a premature death. In spite of parents favouring non-separation, doctors wanted a declaration that such an operation would be lawful. In a maze of ethical and legal conflicts, Lord Justice Ward rather hollowly declared that "this is a court of law, not a court of morals. Lord Justice Brooke declared the situation as one of necessity, allowing the option of a lesser evil. The stronger twin survived and made a full recovery. The thankfully rare case, otherwise found in philosophy debates, demonstrates the relationship between law and morality, perhaps one of the first questions on a legal theory course. Domestic abuse A year after marital rape was declared rape in , came the case of Kiranjit Ahluwalia , who had been abused for over a decade by a violent husband. She was convicted of murder after setting her husband alight as he slept. Though finally the decision in the end was based on diminished responsibility, it was seen as a benchmark for tackling the gender bias in the criminal law and raising public awareness of domestic abuse. Pinochet International human rights law received a global TV audience in after former Chilean dictator General Pinochet was arrested in London. Under the rules of universal jurisdiction, he was detained following a Spanish extradition request facing charges of crimes against humanity. The law lords declared that there could be a limit to the immunity enjoyed by heads of states. Though Pinochet was never extradited, the case sent out a strong message about accountability for leaders who commit human rights abuses,before the international criminal court was established. The case is also well known among lawyers when after the first hearing it was disclosed that that one of the ruling law lords, Lord Hoffmann, was a director of Amnesty International, a party to the cases. The entire hearing had to be repeated to show that "justice must not only be done but be seen to be done. Nothing struck up more attention than the application for an injunction by Ryan Giggs against the Sun. His name was widely tweeted and the situation became more farcical when MP John Hemming revealed his name in the House of Commons. The debate forced the law to react to an age of the internet and social media. Roe v Wade From across the Atlantic arguably no case better demonstrates the political and social impact of judicial decisions. Synonymous with abortion in the USA. Hundreds of thousands march on the US supreme court on the anniversary of the decision each year. He demonstrates the power of personality in a subject that is often seen

technical, dry and rule-based. In the words of Lord Irvine, "the word Denning became a byword for the law itself. Students , you are encouraged to think, debate and learn the law in the same spirit. Are there any need-to-know cases missing from this list? Add them in the comments below.

Chapter 8 : What Immigrants Need to Know: 6 Most Important Real Life Cases

The use of this website to ask questions or receive answers does not create an attorney-client relationship between you and Justia, or between you and any attorney who receives your information or responds to your questions, nor is it intended to create such a relationship.

Begin the first page as follows: Name of person who assigned the research project FROM: Date memo is turned in RE: Name of client, and a short description of the subject matter of the memorandum Put the title of each subsequent section of your memo at the beginning of that section, in all caps, and centered. How does the relevant law apply to the key facts of the research problem? Thus, the question presented is analogous to the issue or question presented in a case brief. The question presented should be sufficiently narrow and should be objective. It is usually one sentence, and often begins: Although questions are usually framed so that they can be answered yes or no or probably yes or probably no , sometimes they cannot such as "Under New York law, has a retailer made a binding offer when? Always include the name of the jurisdiction involved, e. Begin with your conclusion: Then give a brief usually no more than four or five sentences long self-contained explanation of the reasons for your conclusion. Summarize for your reader how the relevant law applies to your significant facts. As a general rule, include no citations. FACTS Provide a formal and objective description of the legally significant facts in your research problem. The legally significant facts are the facts that are relevant to answering the legal question presented. For example, in an issue involving whether a minor can disaffirm a contract, a legally significant fact would include the nature of the item or service contracted for was it clothing, food, shelter, related to health care, etc. The description should be accurate and complete. Present the facts in a logically coherent fashion, which may entail a chronological order. Include legally significant facts - facts upon which the resolution of the legal question presented will turn, whether they are favorable or unfavorable to the client for whom you are writing - and include background facts that will make the context of the problem clear. In this section, do not comment upon the facts or discuss how the law will apply to the facts. All factual information that later appears in the discussion section of the memorandum should be described in the facts section. Here, you need to educate the reader about the applicable legal principles, illustrate how those principles apply to the relevant facts, and explore any likely counterarguments to the primary line of analysis you present. Many law offices will expect you to begin with a short thesis paragraph that briefly identifies the issue and the applicable rule without elaboration , and restates the short answer. Follow with an introductory section, which provides a map or framework for the discussion as a whole. The introductory section should summarize and synthesize the rule, setting out all subparts of the rule and clarifying how they relate to one another. When the synthesized rule is derived from case law, the discussion of the cases should focus on general principles, on the criteria that courts use to describe the rule, rather than on the specific facts and reasoning of the cases. The introductory section is also where you would mention, if applicable, information about the procedural posture of a case, about burdens and standards of proof, and about rules of interpretation pertinent to the law you are applying. You should identify any undisputed issues, and explain why they are not in dispute. Then state the order in which the remaining issues or subparts of an issue will be discussed. For a useful discussion of an introductory section, please see pp. Edwards, Legal Writing and Analysis Aspen After setting forth the conclusion and the rule, you should explain the rule by providing an in-depth discussion of the cases from which the rule is derived. Your discussion of the cases should be specific as to their facts and reasoning. Be sure to address any counterarguments that could be raised, but show why you believe they would not prevail. Ultimately for each issue or sub-issue you should conclude as to how you think a court would likely rule on your facts. The basic structure of the discussion section might look like this: Identify the level of certainty with which you render a conclusion for each issue or sub-issue, but be sure to draw a conclusion even for closer questions. Do not provide citations. The conclusion should be limited to one paragraph, and in some cases involving just one short issue, the

conclusion might not be necessary at all.

Chapter 9 : Cases | Definition of Cases by Merriam-Webster

Often there are cases where consumers are short-changed of their money due to the quality of the products they are promised. As we all know, the value of a product varies with the quality. A quality product will definitely fetch a higher price.

Background[edit] Legal aid movement[edit] During the s, a movement which provided defendants with legal aid emerged from the collective efforts of various bar associations. Illinois , a case which closely foreshadowed Miranda, provided for the presence of counsel during police interrogation. This concept extended to a concern over police interrogation practices, which were considered by many[who? Coercive interrogation tactics were known in period slang as the " third degree ". Before being presented with the form on which he was asked to write out the confession he had already given orally, he was not advised of his right to remain silent, nor was he informed that his statements during the interrogation would be used against him. He was sentenced to 20â€”30 years of imprisonment on each charge, with sentences to run concurrently. In affirmation, the Arizona Supreme emphasized heavily the fact that Miranda did not specifically request an attorney. The person in custody must, prior to interrogation, be clearly informed that he has the right to remain silent, and that anything he says will be used against him in court; he must be clearly informed that he has the right to consult with a lawyer and to have the lawyer with him during interrogation, and that, if he is indigent, a lawyer will be appointed to represent him. The Court also made clear what had to happen if the suspect chose to exercise his or her rights: If the individual indicates in any manner, at any time prior to or during questioning, that he wishes to remain silent, the interrogation must cease If the individual states that he wants an attorney, the interrogation must cease until an attorney is present. At that time, the individual must have an opportunity to confer with the attorney and to have him present during any subsequent questioning. Warren pointed to the existing practice of the Federal Bureau of Investigation FBI and the rules of the Uniform Code of Military Justice , both of which required notifying a suspect of his right to remain silent; the FBI warning included notice of the right to counsel. However, the dissenting justices accused the majority of overreacting to the problem of coercive interrogations, and anticipated a drastic effect. They believed that, once warned, suspects would always demand attorneys, and deny the police the ability to gain confessions. Clark argued that the Warren Court went "too far too fast". Instead, Justice Clark would use the " totality of the circumstances " test enunciated by Justice Goldberg in Haynes v. Under this test, the court would: In the absence of warnings, the burden would be on the State to prove that counsel was knowingly and intelligently waived or that in the totality of the circumstances, including the failure to give the necessary warnings, the confession was clearly voluntary. Harlan closed his remarks by quoting former Justice Robert H. White further warned of the dire consequences of the majority opinion: I have no desire whatsoever to share the responsibility for any such impact on the present criminal process. As a consequence, there will not be a gain, but a loss, in human dignity. Retrial[edit] Miranda was retried in after the original case against him was thrown out. This time the prosecution, instead of using the confession, introduced other evidence and called witnesses. One witness was Twila Hoffman, a woman with whom Miranda was living at the time of the offense; she testified that he had told her of committing the crime. He was stabbed to death during an argument in a bar on January 31, With no evidence against him, he was released. Richard Nixon and other conservatives denounced Miranda for undermining the efficiency of the police, and argued the ruling would contribute to an increase in crime. Nixon, upon becoming President, promised to appoint judges who would be "strict constructionists" and who would exercise judicial restraint. Since it is usually required that the suspects be asked if they understand their rights, courts have also ruled that any subsequent waiver of Miranda rights must be knowing, intelligent, and voluntary. The exceptions and developments that occurred over the years included: The Court found in Harris v. New York , U. The Court found in Rhode Island v. Innis , U. The Court found in Berkemer v. McCarty , U. The Court found in New York v. Quarles , U. In , the California Supreme Court upheld the conviction of

Richard Allen Davis , finding that the public safety exception applied despite the fact that 64 days had passed from the disappearance of the girl later found to be murdered. Connelly , U. Garibay pointed out an important matter in regards to expansion of Miranda. Garibay barely spoke English and clearly showed a lack of understanding; indeed, "the agent admitted that he had to rephrase questions when the defendant appeared confused. Garibay was missing all items that they were looking for: United States , U. At issue was whether the Miranda warnings were actually compelled by the Constitution, or were rather merely measures enacted as a matter of judicial policy. In dissent, Justice Scalia argued Miranda warnings were not constitutionally required. In the case of Missouri v. Seibert , U. Missouri police were deliberately withholding Miranda warnings and questioning suspects until they obtained confessions, then giving the warnings, getting waivers, and getting confessions again. Justice Souter wrote for the plurality: Thompkins persevered for almost three hours before succumbing to his interrogators. In finding a waiver on these facts, Thompkins gives us an implied waiver doctrine on steroids.