

REMEDIAL LAW REVIEWER

CRIMINAL LAW REVIEWER UNIVERSITY OF CHICAGO LAW REVIEW: VOLUME 81, NUMBER 3 - SUMMER 2014 HARVARD LAW REVIEW THE AIR FORCE LAW
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THE THIRD ISSUE OF 2014 FEATURES THREE ARTICLES FROM RECOGNIZED LEGAL SCHOLARS AS WELL AS EXTENSIVE STUDENT RESEARCH CONTENTS INCLUDE ARTICLES FOLLOWING LOWER COURT PRECEDENT BY AARON ANDREW P BRUHL CONSTITUTIONAL OUTLIERS BY JUSTIN DRIVER INTELLECTUAL PROPERTY VERSUS PRIZES REFRAMING THE DEBATE BY BENJAMIN N ROIN REVIEW THE TEXT THE WHOLE TEXT AND NOTHING BUT THE TEXT SO HELP ME GOD UNWRITING AMAR S UNWRITTEN CONSTITUTION BY MICHAEL STOKES PAULSEN COMMENTS STANDING ON CEREMONY CAN LEAD PLAINTIFFS CLAIM INJURY FROM SECURITIES THAT THEY DID NOT PURCHASE BY COREY K BRADY FISA S FUZZY LINE BETWEEN DOMESTIC AND INTERNATIONAL TERRORISM BY NICK HARPER THE PERCEIVED INTRUSIVENESS OF SEARCHING ELECTRONIC DEVICES AT THE BORDER AN EMPIRICAL STUDY BY MATTHEW B KUGLER COMCAST CORP V BEHREND AND CHAOS ON THE GROUND BY ALEX PARKINSON MAYBE ONCE MAYBE TWICE USING THE RULE OF LENITY TO DETERMINE WHETHER 18 USC 924 C DEFINES ONE CRIME OR TWO BY F ITALIA PATTI LET S BE REASONABLE CONTROLLING SELF HELP DISCOVERY IN FALSE CLAIMS ACT SUITS BY STEPHEN M PAYNE A DISPUTE OVER BONA FIDE DISPUTES IN INVOLUNTARY BANKRUPTCY PROCEEDINGS BY STEVEN J WINKELMAN THE UNIVERSITY OF CHICAGO LAW REVIEW FIRST APPEARED IN 1933 THIRTY ONE YEARS AFTER THE LAW SCHOOL OFFERED ITS FIRST CLASSES SINCE THEN THE LAW REVIEW HAS CONTINUED TO SERVE AS A FORUM FOR THE EXPRESSION OF IDEAS OF LEADING PROFESSORS JUDGES AND PRACTITIONERS AS WELL AS STUDENTS AND AS A TRAINING GROUND FOR UNIVERSITY OF CHICAGO LAW SCHOOL STUDENTS WHO SERVE AS ITS EDITORS AND CONTRIBUTE COMMENTS AND OTHER RESEARCH PRINCIPAL ARTICLES AND ESSAYS ARE AUTHORED BY ACCOMPLISHED LEGAL AND ECONOMICS SCHOLARS QUALITY EBOOK FORMATTING INCLUDES ACTIVE TOC LINKED NOTES ACTIVE URLS IN NOTES AND ALL THE CHARTS TABLES AND FORMULAE FOUND IN THE ORIGINAL PRINT VERSION

ENGLISH COURTS HAVE TRADITIONALLY HELD A POLICY OF JUDICIAL RESTRAINT TOWARDS REGULATORY DECISIONS IN THE COMMERCIAL CONTEXT THIS BOOK PROVIDES A CRITICAL VIEW OF THE COURTS DEFERENTIAL ATTITUDE AND ADVOCATES A MORE INTENSIVE FORM OF JUDICIAL REVIEW WHICH IS MORE SATISFACTORY IN TERMS OF INDIVIDUAL JUSTICE ADDRESSING THE ISSUE IN THREE PARTS THE ORTHODOX COMMON LAW POSITION ON JUDICIAL REVIEW IS FIRST SET OUT DEMONSTRATING THE DEFERENTIAL APPROACH OF THE COURTS AND HIGHLIGHTING THE LIMITED SCOPE OF REVIEW IN A COMMERCIAL CONTEXT THE REGULATOR S EXPERTISE AND INSTITUTIONAL AUTONOMY AND THE DEMANDS OF ADMINISTRATIVE EFFICIENCY ALL CONTRIBUTE TO PREVENTING

THE COURTS FROM INTERFERING WITH THE DEVELOPMENT OF REGULATORY POLICIES THE BOOK THEN MOVES ON TO CONSIDER HOW CURRENT POLICY APPEARS TO BE INCONSISTENT WITH THE RELEVANT VALUES OF ENGLISH PUBLIC LAW WHICH PROTECT INDIVIDUALS FROM CAPRICIOUS AND ARBITRARY EXECUTIVE ACTION PARTICULARLY THE RIGHT OF THE APPLICANT TO OBTAIN AN INDEPENDENT ASSESSMENT OF THE VALIDITY OF THE IMPUGNED DECISION BY A COURT WHICH ACTS AS ULTIMATE ARBITER OF LAW SETTING OUT AN ALTERNATIVE MODEL BASED ON EUROPEAN HUMAN RIGHTS LAW THE BOOK CONTENDS CLOSE SUPERVISION IS NECESSARY OVER DECISIONS WHICH ALTER OR DETERMINE THE OPERATION OF MARKETS IN ORDER TO REACH A LEVEL OF JUDICIAL CONTROL THAT IS CONSISTENT WITH THE REQUIREMENTS OF FAIRNESS AND REASONABLENESS IN THIS AREA AND WITH PROPER RESPECT FOR THE RIGHTS OF THE PARTIES INVOLVED THIS ALTERNATIVE APPROACH FINDS ITS ROOTS IN THE PRINCIPLE OF PROPORTIONALITY WHICH ENTAILS A GREATER JUDICIAL ATTENUATION OF ADMINISTRATIVE AUTONOMY IN ORDER TO ENSURE THAT ACTIONS DO NOT GO BEYOND WHAT IT IS STRICTLY NECESSARY TO ACHIEVE THE DESIRED OUTCOME

VOL 1 14 INCLUDE THE PROCEEDINGS OF THE OREGON BAR ASSOCIATION PREVIOUSLY ISSUED SEPARATELY AS PROCEEDINGS OF THE OREGON BAR ASSOCIATION AT ITS ANNUAL MEETING

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