The doctrine of judicial precedent encompasses not only the prior constitutional decisions of courts but also the constitutional judgments of other public authorities. Gerhardt concludes his study by noting that precedent is not just a rule of law but a source of law, as it influences the behavior of lawyers, judges, and policymakers. The book provides the most wide-ranging assessment of precedent in several decades. Updated to reflect recent legal cases, The Power of Precedent clearly outlines the major sources and consequences of judicial precedent. It will be an essential resource for practitioners and scholars alike, as well as for students and teachers of law.

**The Nature and Authority of Precedent**


In this engaging and thought-provoking book, Coates explores the nature and authority of precedent in English law. He argues that precedent is not just a collection of decisions but a source of law that shapes the development of the legal system. The book covers the origins of precedent, its evolution over time, and its impact on contemporary legal practice. It is a valuable resource for students and practitioners interested in understanding the role of precedent in English law.

**The Doctrine of Judicial Precedent in Scots Law**


This book examines the doctrine of judicial precedent in Scots law, focusing on its origins, development, and contemporary application. Graeme argues that precedent is not just a rule of law but a source of law that influences the behavior of lawyers, judges, and policymakers. The book provides a comprehensive overview of the doctrine, including its historical development, contemporary application, and impact on modern legal practice.

**Judicial Precedent in English Law**


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**The Principles of Judicial Precedent**


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This book explores some of the most glaring misunderstandings about the U.S. Supreme Court—and makes a strong case for why our Supreme Court Justices should be entrusted with decisions that affect every American citizen.

This volume presents a variety of factual and descriptive overviews of the U.S. Supreme Court. It brings together a diverse group of American legal scholars, some of whom have been influenced by the legal(realism) method and some who have not. The group of contributors includes legal theorists and economists, constitutional lawyers and legal philosophers, leading authorities and equal voting scholars. The book addresses questions such as how the Court establishes durable precedent, how the Court decides to overrule precedent, the effects of precedent in case selection, the scope of judicial discretion within the context of precedent, and the extent to which precedents have been modified or overruled since their establishment.

The second category - law below the state - includes forms of local customary, religious, and indigenous law. As these forms of non-state law persist and proliferate, they create new and interesting challenges for judicial decision-making. The first - law above the state - captures legal systems that function across the territorial borders of nation-states.

Neil Duxbury examines how precedents constrain legal decision-makers and how legal decision-makers relax and avoid those constraints. There is no single principle or theory which explains the authority of precedent but rather a number of arguments which raise rebuttable presumptions in favour of precedent-following. This book is essential reading for those who wish to understand the theoretical underpinnings of judicial precedent and to gain a deeper understanding of the complex relationship between legal theory and judicial practice.

The Doctrines of Judicial Precedent in Scots Law
- Thomas Broun Smith - 1952

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Injustice. Not only do judicial precedents not 'bind' judges in the classical-positivist sense, but, were they to do so, they would be ill suited to common-law decision-making where judicial decisions on materially identical facts, the doctrine also recognizes that there is no simple or straightforward way of deciding whether to depart from precedent. This book addresses the question of whether and to what extent state and non-state law can coexist and how each form of law seeks to influence as well as transform the other. The Nature and Authority of Precedent
- Neil Duxbury - 2008-04-03

In this book, Neil Duxbury explores the nature and authority of precedent in the context of Scots law, providing a comprehensive analysis of the doctrinal framework of judicial precedent in Scotland. The book examines the role of precedent in the development of Scots law, the relationship between precedent and legal reasoning, and the role of judges in the application of precedent. Duxbury argues that precedent is an important tool for legal reasoning in Scots law, and that its continued use is essential for the maintenance of legal certainty and predictability.

This series of superb classroom resources has been compiled to help Law teachers deliver outstanding lessons which encourage students to recall and understand the facts and points of law involved in all the relevant cases on Judicial Precedent. Here, the photocopiable resource pack (licensed for one site) contains: Snappy summary statements of the facts and points of law involved in each case; Full size, double-sided, handouts for students to work on independently or in groups; Clear case note summaries with judicial quotations; Differentiated questions on the reverse of each sheet that include more challenging questions for the more able; Discussion points. This series of resources includes in this series of resources.

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