Evidence And Probability Law In Context | 48db4bc02875980b2692b09d8c5dc4d6

The Double Helix and the Law of EvidenceEvidence: LawExpert Evidence and Scientific Proof in Criminal TrialsLegal Evidence and ProofThe Law Magazine and Law ReviewEvidence, Proof, and Fact-Finding in WTO Dispute SettlementForensic PsychologyBriefcase on EvidenceThe Modern Law of EvidenceEncyclopedia of Law and SocietyA Philosophy of EvidenceLawUncertain Causation in Medical LiabilityLegal Education ReviewProbability and Inference in the Law of EvidenceThe Presumption of InnocenceEvidence in International Criminal TrialsStatistical Science in the CourtroomEvidence, Proof, and Fact-Lawyers and the StateBazaarCunliffeA Review of EvidenceLaundry and the Proceeds of CrimeLegal TechniqueWeight-of-Evidence for Forensic DNA ProfilesUtility, Publicity, and LawDublin University Law JournalPhilosophical Foundations of Evidence LawInformatics and the Foundations of Legal ReasoningEvidence, Proof, and ProbabilityRethinking EvidenceThe Philosophy of Proof in Its Relation to the English Law of JudicatureInfoLaw and Evidence of the Law of EvidenceAre Human Rights for Migrants?New ScientistThe Nature of Judicial ProofCriminal Behavior and the Justice System Evidence DNA is evidence that is widely used in the modern justice system. Statistical methodology plays a key role in ensuring that this evidence is collected, interpreted, analysed and presented correctly. This book is a guide to assessing DNA evidence and presents the statistical techniques that should be used to form a basis for a conclusion. It is written in a non-mathematical ability, and provides the scientist with the understanding they require to apply the methods in their work. Since the publication of the first edition of this book in 2005 there have been many incremental changes, and one dramatic change which is the emergence of low template DNA (LTDNA) profiles. This second edition is edited and expanded to cover the basics of LTDNA technology. The author’s own open-source R code likeLT is described and used for worked examples in the book. Commercial and free software are also covered.Introduces forensic psychology to students and professionals who want to better understand psychology’s expanding influence on the study of law, crime and criminality Forensic psychology is a constantly growing discipline, both in terms of student interest and as a profession for graduates. This book highlights the often sizeable gap between media myths surrounding forensic practice and reality. Editors Graham Davies and Anthony Beech present an extensive range of topics to treat the field, including the use of psychological evidence in children’s cases, court psychological professionals, the role of psychology in the forensic setting, and the role of psychology in the criminal justice system. This book addresses the role of statistics and statistical reasoning in legal and forensic contexts, covering the interaction of law and society around the globe, including the sociology of law, law and economic, law and political science, psychology and law, and criminology. This book brings together seminal and new essays from a leading contributor to this new evidence scholarship. 'Proving' the cause of the plaintiff's injury and the reform of criminal evidence have all been the subject of lively debates in recent years. This book brings together essays from a leading contributor to this new evidence scholarship, asking 'how can the cause of the plaintiff's injury be established in personal injury litigation often entails significant challenges, particularly when science cannot identify the cause of a biological phenomenon or when the nature of this cause is debatable. This problem is frequently encountered in medical products liability cases, where the limitations of scientific knowledge are still extensive. Yet judges must decide cases, however uncertain, with regard to the compensation that is owed to patients harmed by these products. In some cases challenged their traditional approach to causation through recourse to such techniques as reliance on factual presumpions and inferences, and the concept of loss of chance, and reversal of the burden of proof. This book analyses and critiques the use of these various techniques by the courts of England, Australia, Canada, France, and the civilian Canadian provinces, challenging the assumptions of causation made by these courts. The book is based on the 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 and as factual issues. The presumption of innocence is universally recognized as a fundamental human right and a core principle in the administration of criminal justice. Nonetheless, statutes creating criminal offences regularly depart from the presumption of innocence by requiring defendants to prove specific matters in order to avoid conviction. Legislatures and courts seek to justify this departure by asserting that the reversal of the burden of proof is necessary to meet the community interest in prosecuting serious crime and maintaining workable criminal sanctions. This book investigates the supposed justifications for limitation of the presumption of innocence. It does so through a comprehensive analysis of the history, rationale and scope of the presumption of innocence. It is argued that the values underlying the presumption of innocence are of such fundamental importance to individual liberty that they cannot be sacrificed on the altar of community interest. In particular, it is argued that a test of ‘proportionality’, which seeks to weigh individual rights against the community interest, is inappropriate in the context of the presumption of innocence and that courts ought instead to focus on whether an impugned measure threatens the values which the presumption is designed to protect. The book undertakes a complete and systematic review of the United Kingdom and Strasbourg authority on the presumption of innocence. It also draws upon extensive references to comparative material, both judicial and academic, from the United States, Canada and South Africa. The Law of Evidence has undergone significant changes over the last five years. Legislative reforms have included new rules on the right to silence, hearsay evidence, the evidence of children and much more. There have also been numerous decisions by the Court of Appeal and the House of Lords that have applied and developed the legislative changes. In particular, recent cases have dealt with the interpretation and application of important legislation in relation to, for instance, the right to remain silent and the use of the improperly obtained evidence. This volume contains notes on all these major cases and also includes the relevant legislation changes, such as the new rules in relation to the examination of complainants in cases of sexual offences contained in the Youth Justice and Criminal Evidence Act 1999. Provides more than seven hundred alphabetical entries covering the interaction of law and society around the globe, including the sociology of law, law and economics, law and political science, psychology and law, and criminology. This book addresses the role of statistics and probability in the evaluation of forensic evidence, including both theoretical issues and applications in legal contexts. It discusses the science itself and how it can be quantified, how it should be understood, and how it is applied (and, sometimes, misapplied). After laying out their philosophical position, the authors begin with a detailed study of the likelihood ratio. Following this grounding, this book discusses applications of the likelihood ratio to forensic questions, in the abstract and in concrete
cases. The analysis of DNA evidence in particular is treated in great detail. Later chapters concern Bayesian networks, frequentist approaches to evidence, the use of belief functions, and the thorny subject of database searches and familial searches. The authors provide a comprehensive report on forensic science research that should be accessible to a wide audience of applied mathematicians, forensic scientists, and scientifically-oriented legal scholars, this book is a must-read for all those interested in the mathematical and philosophical foundations of evidence and belief. While the law of evidence has dominated jurisprudential treatment of the subject, evidence is in truth a multi-disciplinary subject. This book is not only of materials concerned not only with the logical and rhetorical aspects of proof; the epistemology of evidence as a basis for the proof of disputed facts; and scientific evidence and the role of probability in the legal system.

This book raises issues such as the philosophical basis for the use of evidence; whether courtroom proof is essentially mathematical or non-mathematical; and the use of different theories of probability in legal reasoning. A systematic yet lighthearted exposition of the central role played by probability in the legal process. This classic text applies probability theories to real-life cases to illustrate the role of mathematics and statistics in legal reasoning. This book represents a close collaboration between a wide range of disciplines and countries. Fourteen papers, together with a long analytical introduction by the editors, were selected from the contributions of legal theorists, computer scientists, philosophers and legal scholars who were members of an International Working Group supported by the European Commission. The Group was mainly involved in determining formal models for the role of forensic science as a discipline, but it also helped to assist legal thinking and practice. The book is the result of discussions held by the Group over two and half years. It will help students and researchers from different backgrounds to focus on a common set of topics of increasing general interest. It embodies the results of work in progress and suggests many issues for further discussion. A stimulating text for undergraduate and graduate cases in law, philosophy and computer science, as well as for those interested in the place of computers in legal practice, especially at the international level. Philosophy has a strong presence in evidence law and the nature of evidence is a highly debated topic in both general and social epistemology; legal theorists working in the evidence law area draw on different underlying philosophical theories of knowledge, inference and probability. Core evidentiary concepts and principles, such as the presumption of innocence, standards of proof, and others, reply on moral and political philosophy for their understanding and interpretation. The first part of this volume brings together some of the latest philosophical debates on the nature and function of evidence, proof, and law of evidence. It presents a cross-disciplinary overview of central issues in the theory and methodology of legal evidence and covers a wide range of contemporary debates on topics such as truth, proof, economics, gender, and race. The volume covers different theoretical approaches to legal evidence, including the formal and informal approach, and includes critical essays in five parts. The volumes cover different theoretical approaches to legal evidence, including the Bayesian approach, scenario theory and inference to the best explanation. "As Gary Lawson shows, legal claims are inherently objects of proof, and whether or not the law acknowledges the point openly, proof of legal claims is just a special case of the more general norms governing admissibility. As a matter of practice, probability and the law of proof operate, and must operate, in the background of claims about the law. This book brings these evidentiary principles for proving law out of the shadows so that they can be analyzed, clarified, and discussed.--Amazon website. This title is no longer stocked by us. It is now available directly from Christopher Enright: cenrigh2@une.edu.au How should lawyers go about their tasks in working with law, in making, interpreting, using, reading and writing law? Enright's book describes clear and simple techniques for working with law. It explains why the technique is needed and what it achieves, and then provides a model for doing it. Each model consists of a step by step guide for performing the relevant task. Legal Technique is structured to be the textbook in an introductory law course where the techniques are described, and intended for use in later courses on substantive law where these techniques must be further taught and practiced in the context of those subjects. Legal Technique is divided into parts: The Legal Technique Workbook, containing models for working with law, and the Legal Technique Questions and Exercises which includes exercises for working with statutes, cases, legal texts and for solving legal problems; further exercises to practise approaches to common law and statutory law subjects generally; and specific exercises for the subjects 'Introduction to Law', 'Constitutional Law', and 'Property Law'. Forensic science evidence and expert witness testimony play an increasingly prominent role in today's legal proceedings. The evidence of arts and crafts is regularly provided in court, but has sometimes been contested due to controversy and sometimes contributed towards miscarriages of justice. The twenty-six articles and essays reproduced in this volume explore the theoretical foundations of modern scientific proof and critically consider the practical issues to which expert evidence gives rise in contemporary criminal trials. The essays are prefaced by a substantial new introduction which provides an overview and incisive commentary contextualising the key debates. The volume begins by placing forensic science in its context with contributions from Science and history, Science Studies, philosophy, legal theory and jurisprudence. The volume's second part takes a philosophical and jurisprudential perspective. This is followed by closer examination of the role of forensic science and other expert evidence in criminal proceedings, exposing enduring tensions and addressing recent controversies in the relationship between science and criminal law. A third set of contributions considers the practical challenges of interpreting and communicating forensic evidence. This part explores the intersection between the logic of scientific inference and the psychology of the fact-finder's common sense reasoning. Finally, the volume's fourth group of essays evaluates the (limited) success of existing procedural reforms aimed at improving the reception of expert testimony in criminal adjudication, and considers future prospects for institutional renewal - with a keen eye to comparative law models and experiences, success stories and cautionary tales. This book explores the nature of factual inference in adjudication. The book should be useful to students of law in Continental Europe as well as to students of Anglo-American law. While a good many countries do not use the sorts of rules of evidence found in the Anglo-American legal tradition, their procedural systems nevertheless frequently use a variety of rules and principles to regulate and structure the acquisition, presentation, and evaluation of evidence. In this sense, almost all legal systems have a law of proof. This book should also be useful to scholars in fields other than law. While the papers focus on inference in adjudication, they deal with a wide variety of issues that are important in disciplines such as the philosophy of science, statistics, and psychology. For example, there is extensive discussion of the role of generalizations and hypotheses in inference and of the significance of the fact that the actors who evaluate data are exercises for working with statutes, cases, legal texts and for solving legal problems; further exercises to practise approaches to common law and statutory law subjects generally; and specific exercises for the subjects 'Introduction to Law', 'Constitutional Law', and 'Property Law'. Forensic science evidence and expert witness testimony play an increasingly prominent role in today's legal proceedings. The evidence of arts and crafts is regularly provided in court, but has sometimes been contested due to controversy and sometimes contributed towards miscarriages of justice. The twenty-six articles and essays reproduced in this volume explore the theoretical foundations of modern scientific proof and critically consider the practical issues to which expert evidence gives rise in contemporary criminal trials. 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While the papers focus on inference in adjudication, they deal with a wide variety of issues that are important in disciplines such as the philosophy of science, statistics, and psychology. For example, there is extensive discussion of the role of generalizations and hypotheses in inference and of the significance of the fact that the actors who evaluate data also in some sense constitute the data that they evaluate. Furthermore, explanations of the manner in which some legal systems have finding precise probabilities have by highlighting the way that these have been tackled by scholars in fields other than law. This book examines how a World Trade Organization (WTO) dispute settlement panel formulates its conclusions with respect to the facts of a dispute brought before it. It does so by discussing the legal concepts which shape the process of fact-finding, analysing the approach taken by panels thus far and offering suggestions for improvement. Expert testimony relying on scientific and other specialized evidence has come under increased scrutiny by the legal system. A trilogy of recent U.S. Supreme Court cases has assigned judges the task of assessing the relevance and reliability of proposed expert testimony. In conjunction with the Federal judiciary, the American Association for the Advancement of Science has initiated a project to provide judges indicating a need with their own expert. This concern with the proper interpretation of scientific evidence, especially that of a probabilistic nature, has also occurred in England, Australia and New Zealand, and in many other countries. This book is a collection of materials concerned not only with the legal and scientific nature of evidence and the proper way to interpret the result. In addition to the technical issues, several authors tell about their involvement and suggest how the evidence-disputing system can devote less time to this application. Other articles describe the role of statistical evidence in cases concerning discrimination against minorities, product liability, environmental regulation, the appropriateness and fairness of sentences and how being involved in legal statistics has raised interesting statistical problems requiring further research. New Scientist magazine was launched in 1956 "for all those men and women who are interested in scientific discovery, and in its industrial, commercial and social consequences". The brand's mission is no different today - for its consumers, New Scientist reports, explores and
interprets the results of human endeavour set in the context of society and culture. As a result of recent scandals concerning evidence and proof in the administration of criminal justice - ranging from innocent people on death row in the United States to misuse of statistical findings and evidentiary reasoning, with the logic of evidence and proof having taken on a new urgency both in an academic and practical sense. This study presents a broad perspective on logic by focusing on inference not just in isolation but as embedded in contexts of procedure and investigation. With special attention being paid to recent developments in Artificial Intelligence and the Law, specifically related to evidentiary reasoning, this book provides a clarification of problems of logic and argumentation in relation to evidence and proof. As the vast majority of legal conflicts centred on contested facts, rather than contested law, this volume concerns facts as primary determinants of legal decisions; presents an important contribution to the field for both scholars and practitioners. Readers of this book can gain novel insights into the various theoretical perspectives of psychology and law. It is demonstrated that psychology is not simply an applied discipline in the legal area, but that it contains its own concepts and paradigms for basic research. Legal psychology proves to be an independent, interdisciplinary part of psychology. The contributions represent the experience of different nationalities and judicial systems; emphasis is placed throughout on criminal law. Topics considered include: prediction and explanation of criminal behavior; legal thought, attribution, and sentencing; eyewitness testimony; and correctional treatment with clinical and organizational aspects. A superbly clear, direct, and detailed explanation of the rules that underpin the law of evidence. The Modern Law of Evidence is a lucid, engaging, and authoritative analysis of a fascinating and stimulating subject. Straightforward and practical in approach, it also provides concise and focused analysis of the theory behind the law, with an emphasis on recent discussion and current debates. An ideal text for undergraduates and students studying on the Bar Professional Training Course and Legal Practice Course. The Modern Law of Evidence is also an authoritative reference point for practitioners and judges. Online Resources: The Modern Law of Evidence is accompanied by online resources, including:

- Selected guidance on approaching the questions contained in the book
- General advice on taking examinations in evidence
- Regular updates on key developments
- A list of web links to essential resources

Some law students find jurisprudence daunting, impersonal, dry and seemingly detached from practical affairs. William Twining believes that many jurists have been fascinating people struggling with questions that are both historically significant and relevant to contemporary issues. This book brings together previously published essays that centre on three related themes: reading juristic texts, the role of narrative in law, and relations between theory and practice. Building on a pragmatic view of jurisprudence, the author explores different ways of reading and using juristic texts, to set them in context, to bring them to life and to engage with the reader's own concerns. He applies this approach to throw fresh light on four familiar figures: Holmes, Bentham, Hart and Llewellyn. Challenging the traditional legal agenda and pointed views of legal theory in the context of globalization. He satirizes some bad habits in jurisprudence and explores in depth how stories can be seductive vehicles for cheating in legal contexts, yet are essential for making sense of disputes about fact or law. Are Human Rights for Migrants? Critical Reflections on the Status of Irregular Migrants in Europe and the United States examines upon the possibilities and limitations which arise from approaching the situation of migration in human rights terms. Bridging law, genetics, and statistics, this book is an authoritative history of the long and tortuous process by which DNA science has been integrated into the American legal system. In a history both scientifically sophisticated and comprehensible to the nonspecialist, David Kaye weaves together molecular biology, population genetics, the legal rules of evidence, and theories of statistical reasoning as he describes the struggles between prosecutors and defense counsel over the admissibility of genetic evidence and proof of identity. Combining scientific exposition with stories of criminal investigations, scientific and legal hubris, and distortions on all sides, Kaye shows how the adversary system exacerbated divisions among scientists, how lawyers and experts obfuscated some issues and clarified others, how probability and statistics were manipulated and misunderstood, and how the need to conv"