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Designed to introduce American civil litigation and process to a wide audience: foreign LL.M. students, beginning American law students, undergraduates interested in law, and foreign lawyers, judges, and law professors. This succinct new paperback Litigating in America: Civil Procedure in Context explains the institutional bases and legal meaning of our procedural system, and captures American civil process at a time of change. It presents American civil procedure from several vantage points: the procedural doctrine that has evolved over time; the practical implications of that doctrine; the social context in which the doctrine grew, is used and abused; and the global context of how other systems may have made different choices. It is an excellent supplement to any casebook.

From divorce proceedings to personal injury disputes to lawsuits over busing, affirmative action, and labor relations, most conflicts in American society may eventually find their way into a courtroom. Such civil conflicts, which do not involve violations of the criminal code, encompass both actions between private parties and public controversies. This clear and direct book by two distinguished professors of law describes and analyzes civil litigation in the United States. Geoffrey C. Hazard, Jr., and Michele Taruffo discuss both specific details and broader themes of American civil litigation, explaining (without legalese) jury trial, the adversary system, the power of courts to make law as well as to "declare" it, and the role of civil justice in government and in the resolution of controversial social issues. Hazard and Taruffo examine the stages of civil procedure, including the lawyers' role in: preparing and presenting cases; the pretrial, pleading and discovery, trial, and appeal process; and procedural variations. They explore the historical evolution of common law and procedure and compare American civil procedure with that in other modern societies in Europe, Latin America, and Japan. They conclude by discussing the economic, political, and moral constraints on litigation, possible innovations to the process, and the political significance of public access to civil justice.

"Burke drills deep into America's unique culture of litigation and is rewarded with a powerful insight: it is not the public or even lawyers that are so darn litigious, but American law itself. This meticulous, dispassionate book stands not only to advance the debate but—I hope—to reshape it."—Jonathan Rauch, author of *Government's End: Why Washington Stopped Working* "Lawyers, Lawsuits, and Legal Rights is a fascinating study of the American penchant for public policies that rely on lawsuits to get things done. Burke's analysis is insightful and original. This book compellingly shows that litigious policies have deep roots in our Constitution, culture, and politics."—Charles Epp, author of *The Rights Revolution: Lawyers, Activists, and Supreme Courts in Comparative Perspective* "Burke's authoritative book demonstrates that the highly litigious American system is not an isolated anomaly but in fact fits in with deeply-rooted elements of American political culture. Where citizens of other countries rely on expert or bureaucratic judgment to resolve disputes, Americans turn to the courts. Equally novel and compelling, *Lawyers, Lawsuits, and Legal Rights* marshals an impressive set of evidence and delivers a refreshingly well-written look at the state of American litigation."—Frank R. Baumgartner, co-author of *Agendas and Instability in American Politics*

This book is designed to introduce the varieties of litigation systems in use in different modern states. It opens with a treatment of the principal differences among the major civil litigation systems. Subsequent chapters cover the organization of courts and the legal profession, the role of the attorney and the judge, the processes of learning and proving facts, short cuts to judgment and provisional remedies, the appellate process, enforcement of judgments, and the prospects for convergence and harmonization. The book can be used as (i) an adjunct to an introductory civil procedure course; (ii) the text for an upper-class seminar in comparative procedure; and (iii) as a supplement to the existing general comparative law casebooks. The author team on the second edition includes scholars and practitioners from Germany, England, Italy, Japan, and the United States.

This book charts the history of civil litigation in America from the 17th century to today, using key cases that illustrate the central theme of lawsuits in different periods of U.S. history, and enabling readers to explore and understand key questions in American life and culture through the changing nature of how and why we sue one another.

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.

This Casebook addresses the global dimension of civil procedure. The authors provide a unique comparative perspective on international litigation. This very teachable set of materials is designed to be accessible to Civil Procedure teachers who wish to teach the course, and it is also suitable for current teachers of transnational litigation. Topics include personal jurisdiction; cross-border service of process; subject matter jurisdiction; taking of evidence abroad; problems of choice of forum, choice of law and parallel proceedings; recognition and enforcement of foreign judgments; international arbitration; and foreign sovereign immunities.