

**Chapter 1 : The American Judicial Tradition - G. Edward White - Oxford University Press**

*The American Judicial Tradition: Profiles of Leading American Judges [G. Edward White] on [www.nxgvision.com](http://www.nxgvision.com) \*FREE\* shipping on qualifying offers. In this revised third edition of a classic in American jurisprudence, G. Edward White updates his series of portraits of the most famous appellate judges in American history from John Marshall to Oliver W. Holmes to Warren E. Burger.*

November 20, by Piyali Syam The various legal systems in place around the world share certain features, but very few perhaps none are exactly alike. The main differences stem from the fact that one system is based on common law, and the other on civil law. Civil Law Systems Legal systems around the world can generally be grouped into two main types: For those who do not know, in common law countries, the main source of authority is case law in the form of judicial opinions, whereas in civil law countries, codified laws predominate. Moreover, in common law countries, judges act as arbitrators, presiding over lawyer-led proceedings and fashioning appropriate remedies somewhat flexibly. On the other hand, in civil law countries, judges have a more central role, investigating facts, examining witnesses and applying codified law to their findings in a somewhat stricter manner than in common law countries. Japanese and American Legal Systems Japan is primarily a civil law country, and the United States is primarily a common law country. These distinctions, however, are not perfect. In the United States, codified law can be found at all jurisdictional levels, and may control the outcome of a dispute. And in Japan, case law precedent offers non-binding guidance that may, in some cases, be persuasive, and may be relied upon if not in conflict with code. Perhaps what is most interesting about the differences between the two legal systems is their evolution. In the late s, early German civil code was imported by Japan, along with elements of the French civil code as well. After World War II, however, a number of American borrowings appeared, such as a constitution and laws regarding criminal procedure, labor law and corporate law. Role of a Lawyer Compared to the United States, Japan has far fewer lawyers per person approximately 1 in 4, versus 1 in These lawyers are joined by large numbers of other functionaries, however. The role of a lawyer in each country is different, although the amount of overlap is increasing. In Japan, lawyers primarily serve as litigators, assisting with court cases, although not having as prominent a role in the proceedings as American lawyers. In addition, in Japan emphasis is placed on written briefs, as opposed to oral argument. In contrast, in the U. In Japan, lawsuits are generally avoided for cultural reasons but certain disputes such as patent suits are on the rise , while the United States is known for having an especially litigious populace. In another point of difference for lawyers, bar passage rates in Japan are quite low “ as low as 25 percent in recent years ” far below those of certain majority-pass jurisdictions in the United States. Notwithstanding the difficulty of navigating the differences between these systems, a number of U. And as the requirements of international business clients continue to create demand for lawyers or lawyer teams that are proficient in both Japanese and American law, further collaborative efforts will likely be seen in the legal industry as time progresses.

## Chapter 2 : American Judicial Alliance

*In this revised third edition of a classic in American jurisprudence, G. Edward White updates his series of portraits of the most famous appellate judges in American history from John Marshall to Oliver W. Holmes to Warren E. Burger, with a new chapter on the Rehnquist Court.*

Summary[ edit ] The central question of The Nature of the Judicial Process is how judges should decide cases. Cardozo identifies four leading methods of legal analysis: No simple test or rigid formula can decide which method should prevail in a given case. To minimize these, he points to a number of factors that significantly limit judicial discretion. On that view, judges never make law, they simply discover pre-existing law and apply it. According to strict formalists, there are no hard cases where the law is silent, or ambiguous, or vague, or contradictory, or couched in broad generalities. He also attacked radical critics of formalism, such as John Chipman Gray, who claimed that judges have immense freedom and rejected the very idea of law as a set of binding rules. Gray and other proto-realists of the time tried to demystify law and view it with hard-headed pragmatism. The proto-realists confuse right with power. Judges may have the power to ignore settle legal standards, but they do not have the right. Moreover, the attempt to identify law with judicial rulings ignores the fact that the great majority of legal questions have clear, uncontroversial answers that guide everyday conduct and are never litigated in courts. Notable quotations[ edit ] The great generalities of the constitution have a content and a significance that vary from age to age. All is fluid and changeable. He is not to innovate at pleasure. He is not a knight-errant, roaming at will in pursuit of his own ideal of beauty or of goodness. He is to draw his inspiration from consecrated principles. Somewhere between worship of the past and exaltation of the present, the path of safety will be found. I sought for certainty. I was oppressed and disheartened when I found that the quest for it was futile. I was trying to reach land, the solid land of fixed and settled rules, the paradise of a justice that would declare itself by tokens plainer and more commanding than its pale and glimmering reflections in my own vacillating mind and conscience. We have been called to do our parts in an ageless process. Long after I am dead and gone, and my little part in it is forgotten, you will be here to do your share, and to carry the torch forward. I know that the flame will burn bright while the torch is in your keeping. Cardozo, The Nature of the Judicial Process. Yale University Press, , pp. Cornell University Press, , pp. Edward White, The American Judicial tradition: Profiles of Leading American Judges. Oxford University Press, , p.

## Chapter 3 : Major Differences Between the Japanese and American Legal Systems - Blog | @WashULaw

*The American Judicial Tradition Profiles of Leading American Judges. Expanded Edition. G. Edward White. This expanded edition of White's highly acclaimed study of the most famous appellate judges in American history from John Marshall to Warren Burger contains a new preface, an updated bibliographical note, and two new chapters, one on Justice William O. Douglas and one on the Burger Court.*

## Chapter 4 : The Nature of the Judicial Process - Wikipedia

*The American Judicial Tradition has 12 ratings and 1 review. In this revised third edition of a classic in American jurisprudence, G. Edward White update.*

## Chapter 5 : The American Judicial Tradition by G. Edward White

*Edward White traces the American judicial tradition through sketches of the careers and contributions of these renowned judges. This expanded edition contains a new preface, an updated bibliographical note, and two new chapters, one on Justice William O. Douglas and one on the Burger Court.*

### Chapter 6 : [www.nxgvision.com](http://www.nxgvision.com) | The American Judicial Tradition | | G. Edward White | Boeken

*White traces the development of the American judicial tradition through biographical sketches of the careers and contributions of these renowned judges. In this updated edition, he argues that the Rehnquist Court's approach to constitutional interpretation may have ushered in a new stage in the American judicial tradition.*

### Chapter 7 : G. Edward White: American Judicial Tradition (PDF) - ebook download - english

*"American Judicial Alliance intends to place a Bible in every court in America and to ask active and retired judges all across America to join the 'Harlan tradition' of signing the Bible and utilizing them in their courts," says the group's founder, Retired Judge Darrell White.*

### Chapter 8 : The Court and Its Traditions - Supreme Court of the United States

*The American Judicial Tradition: Profiles of Leading American Judges / Edition 3 In this revised third edition of a classic in American jurisprudence, G. Edward White updates his series of portraits of the most famous appellate judges in American history from John Marshall to Oliver W. Holmes to Warren E. Burger, with a new chapter on the.*