

Zivilprozessordnung Mit FamG GVG Und Anderen Nebengesetzen

Reason and Fairness
Insolvency in Commercial Arbitration
Court Assistance in the Taking of Evidence in International Arbitration
Enforceability of Multi-Tiered Dispute Resolution Clauses
Ein kleiner Überblick zu den Grundzügen und wichtigen Fragen des deutschen Strafrechts in Verbindung mit der Strafprozessordnung
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throughout europe the exercise of justice rests on judicial independence by impartiality in reason and fairness
ulrike müßig reveals the combination of ordinary judicial competences with procedural rationality together with the complementarity of procedural and substantive justice as the foundation for the rule of law in court constitution far earlier than the advent of liberal constitutionalism
the echr fair trial guarantee reads as the historically grown consensus of the functional judicial independence both before historical and contemporary courts
justice is done and seen to be done by means of judgements whose legal requirements combine the equation of fair and legal with that of legal

and rational this legal determinability of the judge's fair attitude amounts to the specific rational European idea of justice

the settling of disputes in international trade and in large and technically complex construction projects can hardly be imagined without the institution that is arbitration another thing we can be sure about is that insolvency will also remain a part of the lifecycle of business entities within the currently existing economic system whereas insolvency proceedings are heavily regulated with little leeway for the parties the central tenet of arbitration is the autonomy of the parties hence this book aims to thoroughly investigate the many legal issues arising in arbitral proceedings when insolvency and arbitration clash this interaction is increasingly frequent today providing much needed practical guidance derived from a broad and deep theoretical discussion the book covers such aspects as the following the effect of insolvency on the arbitration agreement the arbitration procedure including a potential mandatory stay of proceedings the arbitrator's contract and the arbitral award the position of insolvency and arbitration within a legal order the arbitrability of insolvency related issues and claims the possibility of determining claims in insolvency via arbitration the determining of applicable law and conflict of laws rules in particular when insolvency is opened in a different jurisdiction than that of the arbitration and insolvency in arbitration within the application of the European insolvency regulation after a chapter on the relevant background theories the two main chapters of the book focus first on general issues that can arise in a domestic situation and second on problems particular to international cases of insolvency in arbitration the primary domestic perspective is the German one with abundant additional detail to fully embrace the international relevance of the discussion the author concludes with a number of considerations informed by practitioner feedback discussions throughout the work and as many arbitration case law examples as possible for tribunals dealing with insolvency in arbitration based on a systematic application of arbitration and insolvency theory the book provides an all encompassing and holistic discussion from before an arbitration is started to after the award has been enforced in this way the book provides a one stop shop for practitioners both lawyers and arbitrators helping tribunals to navigate the treacherous waters of insolvency in arbitration

although international arbitration is widely hailed as an efficient confidential and flexible way of settling commercial disputes it has its limits the arbitral tribunal's lack of coercive power is thrown into particularly stark relief when it comes to the taking of evidence from third parties outside the arbitral proceedings if they do not comply voluntarily with the request of the arbitral tribunal to testify as a witness or disclose documents assistance must be sought from state courts as the success of a case hinges on the evidence that a party can obtain it is crucial to understand how to obtain evidence through state courts at the heart of this work is the question of the conditions under which state courts may offer assistance in international arbitral proceedings with a special focus on Switzerland and comparative aspects this book provides helpful tactical insights for arbitral practitioners around the world

this book analyses the contractual mechanisms requiring parties to exhaust a selected amicable dispute resolution procedure before proceedings in court or arbitration are initiated it briefly explains the phenomenon of integrated dispute resolution outlines ADR methods

commonly used in multi tiered clauses and presents the overview of standard clauses published by various adr providers and professional bodies the core of the analysis is devoted to the enforceability of multi tiered clauses under the legal systems of england and wales germany france and switzerland it is essential reading for practitioners and academics working in this area

studienarbeit aus dem jahr 2010 im fachbereich jura strafrecht note 1 9 fom essen hochschule für oekonomie management gemeinnützige gmbh hochschulleitung essen früher fachhochschule veranstaltung wirtschaftsstrafrecht sprache deutsch abstract der verfasser dieser arbeit möchte mit nachfolgender darstellung einen kleinen einblick in die grundzüge des deutschen strafrechts stgb der strafprozessordnung stpo und einigen damit allgemein verbundenen fragen geben dabei ist der schwerpunkt dahingehend festgelegt dass die juristische argumentation und erklärung auch nichtjuristen aus realitätsbezogener wie praxisnaher sicht kritisch und verständlich vermittelt werden soll

the yearbook of the european convention on human rights edited by the directorate general of human rights and legal affairs is an indispensable record of the development and impact of the world s oldest binding international human rights treaty it reviews the implementation of the convention both by the european court of human rights and by the council of europe s committee of ministers responsible for supervising the application of the court s judgments in the member states the yearbook includes full text of any new protocols to the convention as they are opened for signature together with the state of signatures and ratifications full listing of court judgments judgments broken down by subject matter and extensive summaries of key judgments handed down by the court during the year selected human rights dh resolutions adopted as part of the committee of ministers work supervising the execution of the court s judgments enquiries by the secretary general carried out under article 52 of the convention other work of the council of europe connected with the european convention on human rights carried out by the committee of ministers the parliamentary assembly and the directorate general of human rights and legal affairs bibliographic information from the library of the european court of human rights the yearbook is published in an english french bilingual edition

reviews are an important aspect of scholarly discussion because they help filter out which works are relevant in the yearly flood of publications and are thus influential in determining how a work is received the ibr published again since 1971 as an interdisciplinary international bibliography of reviews it is a unique source of bibliographical information the database contains entries on over 1 2 million book reviews of literature dealing primarily with the humanities and social sciences published in 6 820 mainly european scholarly journals reviews of more than 560 000 scholarly works are listed the database increases every year by 60 000 entries every entry contains the following information on the work reviewed author title on the review reviewer periodical year edition page issn language subject area in german english italian publisher address of journal

examensarbeit aus dem jahr 2015 im fachbereich jura zivilprozessrecht note 12 0 martin luther universität halle wittenberg juristische und wirtschaftswissenschaftliche fakultät juristischer bereich veranstaltung schwerpunktprüfungsarbeit sprache deutsch abstract durch die stetige

internationalisierung und globalisierung gewinnen zivilsachen mit internationalen bezügen zunehmend an bedeutung und so auch die negative feststellungsklage im internationalen rahmen negative feststellungsklagen dienen im sinne des 256 zpo der feststellung des nichtbestehens eines rechtsverhältnisses typischerweise behauptet der beklagte dabei im vorfeld des prozesses das bestehen eines rechtsverhältnisses erhebt aber keine leistungsklage so dass der kläger daraufhin selbst gerichtliche klärung über den wahrheitsgehalt der Äußerung erstrebt das wo und wie einer solchen gerichtlichen klärung richtet sich bei sachverhalten mit auslandsbezug nach dem internationalen zivilverfahrensrecht dabei führen die vielschichtigkeit der maßgeblichen rechtsquellen und die verschiedenartigkeit der rechtssysteme weltweit zu zahlreichen rechtsfragen ausgangspunkt sind die zentralen fragen welche gerichtsstände für eine negative feststellungsklage bei fällen mit auslandsbezug in betracht kommen in welchem verhältnis die negative feststellungsklage zur leistungsklage steht und inwiefern sie die verjährung von ansprüchen hemmt dabei wird sowohl die regelungslage innerhalb als auch außerhalb des europäischen binnenmarkts betrachtet im folgenden werden alle in diesem zusammenhang auftretenden rechtsfragen dargestellt und im weiteren lösungsmodelle und ideen erörtert im vordergrund stehen dabei forum shopping und torpedoklagen im rahmen der eugvo und die frage inwiefern diese prozesstaktischen mittel rechtsmissbräuchlich sind und ob bzw wie man den einsatz dieser mittel im falle ihrer rechtsmissbräuchlichkeit regulieren kann

fachbuch aus dem jahr 2015 im fachbereich jura zivilrecht familienrecht erbrecht sprache deutsch abstract das vorliegende buch beantwortet die häufigsten rechtlichen fragen zum thema bestattungen der autor gibt dazu einen Überblick über relevante gerichtsurteile gesetze und literatur ebenso listet diese arbeit die häufigsten streitfälle im bestattungsrecht auf und befasst sich dabei etwa mit der frage wer bestattungskosten zu tragen hat

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