

Unconscionability In European Private Financial Transactions Protecting The Vulnerable

Very Private Enterprise Sanctity of Contracts in a Secular Age The Idea of Home in Law The International Construction Law Review An Introduction to the Comparative Study of Private Law Public Opinion The Business Chronicle of the Pacific Northwest Unconscionable Conduct Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law Public Opinion Reforming Corporate Retail Investor Protection Commercial Contract Law Business Week Commerce and Finance The Annalist European Review of Private Law Current Law Index Commerce and Finance The World Money Maze Commercial and Financial Chronicle The Common European Sales Law in Context Penalty Clauses in Private Law: Current legislation in member states of the Council of Europe The Transformation of European Private Law Boilerplate Challenges to European Legal Scholarship The Commercial and Financial Chronicle The Effects of Financial Crises on the Binding Force of Contracts - Renegotiation, Rescission or Revision Property and Trust Law in Poland Europe's Road to Potsdam Unconscionability in European Private Financial Transactions Principles, Definitions and Model Rules of European Private Law German Banking Law and Practice in International Perspective The Involvement of EU Law in Private Law Relationships Revista Del Rio de La Plata Dalhuisen on International Commercial, Financial and Trade Law Proceedings of the American

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Society of International Law at Its Annual Meeting
Revitalizing the Northeast
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Property Rights: A Re-Examination

Very Private Enterprise

Sanctity of Contracts in a Secular Age

The Idea of Home in Law

The International Construction Law Review

An Introduction to the Comparative Study of Private Law

This book focuses on the law of commercial contracts as constructed by the U.S. and UK legal systems. Leading scholars from both sides of the Atlantic provide

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works of original scholarship focusing on current debates and trends from the two dominant common law systems. The chapters approach the subject areas from a variety of perspectives - doctrinal analysis, law and economic analysis, and social-legal studies, as well as other theoretical perspectives. The book covers the major themes that underlie the key debates relating to commercial contract law: role of consent; normative theories of contract law; contract design and good faith; implied terms and interpretation; policing contract behavior; misrepresentation, breach, and remedies; and the regional and international harmonization of contract law. Contributors provide insights on the many commonalities, but more interestingly, on the key divergences of the United States and United Kingdom's approaches to numerous areas of contract law. Such a comparative analysis provides a basis for future developments and improvements of commercial contract law in both countries, as well as other countries that are members of the common law systems. At the same time, insights gathered here should also be of interest to scholars and practitioners of the civil law tradition.

Public Opinion

Why the increasing use of boilerplate is eroding our rights Boilerplate—the fine-print terms and conditions that we become subject to when we click "I agree" online, rent an apartment, enter an employment contract, sign up for a cellphone carrier, or buy travel tickets—pervades all aspects of our modern lives. On a daily

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basis, most of us accept boilerplate provisions without realizing that should a dispute arise about a purchased good or service, the nonnegotiable boilerplate terms can deprive us of our right to jury trial and relieve providers of responsibility for harm. Boilerplate is the first comprehensive treatment of the problems posed by the increasing use of these terms, demonstrating how their use has degraded traditional notions of consent, agreement, and contract, and sacrificed core rights whose loss threatens the democratic order. Margaret Jane Radin examines attempts to justify the use of boilerplate provisions by claiming either that recipients freely consent to them or that economic efficiency demands them, and she finds these justifications wanting. She argues, moreover, that our courts, legislatures, and regulatory agencies have fallen short in their evaluation and oversight of the use of boilerplate clauses. To improve legal evaluation of boilerplate, Radin offers a new analytical framework, one that takes into account the nature of the rights affected, the quality of the recipient's consent, and the extent of the use of these terms. Radin goes on to offer possibilities for new methods of boilerplate evaluation and control, among them the bold suggestion that tort law rather than contract law provides a preferable analysis for some boilerplate schemes. She concludes by discussing positive steps that NGOs, legislators, regulators, courts, and scholars could take to bring about better practices.

The Business Chronicle of the Pacific Northwest

Unconscionable Conduct

The dilemma of regional decline suddenly has come front and center to public consciousness. Increasingly the phenomena of the central city is understood to be most strongly conditioned by the realities of growth and non-growth within specific regions of the country. The Northeast, in its transition from a virtual hegemony of income, wealth, business control function and cultural dominance to the unsteady state of an imperiled region, presents the most dramatic example of this decline. As the White House and Congress begin to grapple with the problems of national urban policy and balanced national growth, the dilemma of the Northeast becomes even more striking. Diseases caught in their infancy are much more easily cured than those that are fully mature. What is the disease that has debilitated this most vital organ of our nation? And, most important, what is to be done about it? To obtain at least a reliable diagnosis, the editors at the Center for Urban Policy Research have sought the opinions of leading figures in the field of urban studies. The topics to which they have chosen to address themselves are such stimulating and diverse ones as: Industrial Obsolescence; Federal Expenditure Patterns; Political Dilemmas; Intellectual Ambience; Tax Incentives; Unionization and Labor Force; Energy Matrix; Capital Supply; Planned Shrinkage; Intra-Governmental Policy; International Perspectives

Dalhuisen on Transnational and Comparative Commercial, Financial and Trade Law

Public Opinion

Reforming Corporate Retail Investor Protection

This work deals with a number of important issues in the formulation of modern international commercial and financial law.

Commercial Contract Law

Ranging over a host of issues, *Property Rights: A Re-Examination* pinpoints and addresses a number of theoretical problems at the heart of property theory. Part 1 reconsiders and rejects, once again, the bundle of rights picture of property and the related nominalist theories of property, showing that ownership reflects a tripartite structure of title: the right to immediate, exclusive, possession, the power to license what would otherwise be a trespass, and the power to transfer ownership. Part 2 explores in detail the Hohfeldian theory of jural relations, in

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particular liberties and powers and Hohfeld's concept of 'multital' jural relations, and shows that this theory fails to illuminate the nature of property rights, and indeed obscures much that it is vital to understand about them. Part 3 considers the form and justification of property rights, beginning with the relation an owner's liberty to use her property and her 'right to exclude', with particular reference to the tort of nuisance. Next up for consideration is the Kantian theory of property rights, the deficiencies of which lead us to understand that the only natural right to things is a form of use- or usufructory-right. Part 3 concludes by addressing the ever-vexed question of property rights in land.

Business Week

European Contract Law unification projects have recently advanced from the Draft Common Frame of Reference (2009) to a European Commission proposal for an optional Common European Sales Law (2011) which is to facilitate cross-border marketing. This book investigates for the first time how CESL and DCFR rules would interact with various aspects of domestic law, represented by English and German law. Nineteen chapters, co-authored by British and German scholars, examine such interface issues for eg pre-contractual relationships, notions of contract, formation, interpretation, and remedies, extending to non-discrimination, third parties, transfers or rights, aspects of property law, and collective proceedings. They go beyond a critical analysis of CESL and DCFR rules by demonstrating where and how

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CESL rules would interact with neighbouring areas of English and German law before English and German courts, how domestic traditions might influence the application, which aspects might motivate sellers and buyers to choose or reject CESL, and which might serve as model for national legislators. The findings are summarized in the final two chapters.

Commerce and Finance

This topical volume provides detailed analyses of European consumer protection law in both its theoretical and practical dimensions. Part I casts a critical light over consumer protection strategies and mechanisms in the EU, Part II critically explores responses to vulnerability and Part III contextualises aspects of European consumer protection law.

The Annalist

A year ago, the "Draft Common Frame of Reference" was published for the first time in an interim outline edition. Now we proudly present the final outline edition of the DCFR. - revision of the already published text to take account of the public discussion - major new topics covered - an additional section on the principles underlying the model rules - revised and expanded list of definitions The six-

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volume full edition of the DCFR including all comments and notes will be published in October 2009.

European Review of Private Law

Unconscionable Conduct - The Laws of Australia (2nd Edition) provides revised and up-to-date analysis of estoppel, duress, undue influence, misrepresentation, unconscionability, unconscionable dealing and now includes commentary on the principles of equitable mistake by Professor JLR Davis. In so doing, it offers practitioners a unique and in-depth understanding of the equitable, legal and legislative grounds upon which commercial transactions may be set aside for unfair conduct. The 1st edition was praised as a "highly reliable book [that] will earn its place on the shelf of any practitioner in the area" (ACT Law Society - Ethos, 2006) and "a superb and, especially given the qualifications of its many original and updating authors, an authoritative reference book" (Trade Practices Law Journal, 2006). This new edition covers the latest developments in case law such as the New South Wales Court of Appeal's decision on duress in Australia and New Zealand Banking Group Ltd v Karam (2005) 64 NSWLR 149 and its application in Maher v Honeysett and Maher Electrical Contractors Pty Ltd [2007] NSWSC 12; discussion of the relationship between contract and estoppel in Donis v Donis [2007] VSCA 89 and Barnes v Alderton [2008] NSWSC 107; and the implications of the Victorian Court of Appeal decision in Accurate Financial Consultants Pty Ltd v

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Koko Black Pty Ltd (2008) 66 ACSR 325. Also considered are new legislative developments such as those affecting independent contractor relationships under the Independent Contractors Act 2006 (Cth) and the statutory extension of unconscionable conduct under the Retail Leases Act 2003 (Vic). This material is also published as part of Titles 7 "Contract: General Principles" and 35 "Unfair Dealing" of The Laws of Australia legal encyclopaedia.

Current Law Index

A study of German banking law and practice. The articles are designed to cover the subject and take a systematic approach. They are written by experts from authorities, banks and universities. The idea for the book was born in a conference on German and Chinese banking law.

Commerce and Finance

The World Money Maze

Derived from the renowned multi-volume International Encyclopaedia of Laws, this practical analysis of the law of property in Poland deals with the issues related to

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rights and interests in all kinds of property and assets – immovable, movable, and personal property; how property rights are acquired; fiduciary mechanisms; and security considerations. Lawyers who handle transnational disputes and other matters concerning property will appreciate the explanation of specific terminology, application, and procedure. An introduction outlining the essential legal, cultural, and historical considerations affecting property is followed by a discussion of the various types of property. Further analysis describes how and to what extent legal subjects can have or obtain rights and interests in each type. The coverage includes tangible and intangible property, varying degrees of interest, and the various ways in which property is transferred, including the ramifications of appropriation, expropriation, and insolvency. Facts are presented in such a way that readers who are unfamiliar with specific terms and concepts in varying contexts will fully grasp their meaning and significance. The book includes ample references to doctrine and cases, as well as to relevant international treaties and conventions. Its succinct yet scholarly nature, as well as the practical quality of the information it provides, make this book a valuable time-saving tool for any practitioner faced with a property-related matter. Lawyers representing parties with interests in Poland will welcome this very useful guide, and academics and researchers will appreciate its value in the study of comparative property law.

Commercial and Financial Chronicle

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List of members in each volume.

The Common European Sales Law in Context

Penalty Clauses in Private Law: Current legislation in member states of the Council of Europe

A journal dealing with financial, economic and shipping affairs.

The Transformation of European Private Law

Boilerplate

Warwick University's interest in German law has been strengthened by its partnership with the Law Faculty of the University of Giessen in the federal Republic in 1986. The staff of these two faculties have met bi-annually since the link was made. This collection of essays is the product of one of these meetings. As the title of this book suggests, the general theme of this meeting was "Challenges to European Legal Scholarship". Subjects debated included Community law,

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domestic issues and other legal systems. This book will be of interest to academics and students of EC law and European legal scholarship.

Challenges to European Legal Scholarship

The spate of mis-selling episodes that have plagued the financial services industries in recent years has caused widespread detriment to investors. Notwithstanding numerous regulatory interventions, curtailing the incidence of poor investment advice remains a challenge for regulators, particularly because these measures are taken in a 'fire-fighting' fashion without adequate consideration being given to the root causes of mis-selling. Against this backdrop, this book focuses on the sale of complex investment products to corporate retail investors by drawing upon the widespread mis-selling of interest rate hedging products (IRHP) in the UK and beyond. It brings to the fore the relatively understudied field concerning the different degrees of investor protection mechanisms applicable to individual retail investors – as opposed to corporate retail investors – by taking stock of past regulatory reforms and forthcoming regulatory initiatives as well as, more importantly, the conclusions reached by the judiciary in IRHP mis-selling claims. The conclusions are particularly interesting: corporate retail investors are in a vulnerable position when compared to individual retail investors. The former are exposed to a heightened risk of mis-selling, meaning that regulatory intervention should be targeted accordingly. The

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recommendations made as a result of these findings are further supported by insights emerging from behavioural law and economic theories. This book is aimed at researchers, lawyers and students with an interest in the financial regulation field who are keen to explore potential regulatory reforms to the investment services regime that address the root causes of mis-selling, and restore a level playing field amongst all retail investors.

The Commercial and Financial Chronicle

The Effects of Financial Crises on the Binding Force of Contracts - Renegotiation, Rescission or Revision

Original sources illustrate and compare the principal doctrines of private law in the United States, England, France, Germany and China.

Property and Trust Law in Poland

This book is about one of the most controversial dilemmas of contract law: whether or not the unexpected change of circumstances due to the effects of financial crises may under certain conditions be taken into account. Growing

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interconnectedness of global economies facilitates the spread of the effects of the financial crises. Financial crises cause severe difficulties for persons to fulfill their contractual obligations. During the financial crises, performance of contractual obligations may become excessively onerous or may cause an excessive loss for one of the contracting parties and consequently destroy the contractual equilibrium and legitimate the governmental interventions. Uncomfortable economic climate leads to one of the most controversial dilemmas of the contract law: whether the binding force of the contract is absolute or not. In other words, unstable economic circumstances impose the need to devote special attention to review and perhaps to narrow the binding nature of a contract. Principle of good faith and fair dealing motivate a variety of theoretical bases in order to overcome the legal consequences of financial crises. In this book, all these theoretical bases are analyzed with special focus on the available remedies, namely renegotiation, rescission or revision and the circumstances which enables the revocation of these remedies. The book collects the 19 national reports and the general report originally presented in the session regarding the Effects of Financial Crises on the Binding Force of Contracts: Renegotiation, Rescission or Revision during the XIXth congress of the International Academy of Comparative Law, held in Vienna, July 2014.

Europe's Road to Potsdam

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The involvement of the EU in regulating private conduct and relationships between individuals is increasing. As a result, EU law affects the scope of private autonomy in ever wider contexts, sparking tensions with fundamental concepts of national private law systems. This volume offers a descriptive and normative account of the involvement of EU law in private law relationships. The recurring theme in the collected papers is the scope of policy objectives which are apt to legitimise the European Union's as yet unsystematic tendency to serve as a source of restrictions of private autonomy. The nature and purpose of the involvement of European Union law in private law relationships is investigated by the authors from both the substantive and the constitutional perspective. The papers look at such sectors regulating private law relationships as consumer law, labour law, competition law, equal treatment law and the law of remedies. While focusing on private law relationships the authors investigate more general concepts of EU law, such as the Internal Market freedoms and general principles of law, and the different modes of ensuring the effective application of EU secondary law.

Unconscionability in European Private Financial Transactions

A critical overview of the Europeanisation of private law at a watershed moment, a point of punctuated equilibrium.

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Principles, Definitions and Model Rules of European Private Law

This edition grapples with the dynamic and complex fields of law that make up the modern law of international commerce, finance and trade.

German Banking Law and Practice in International Perspective

This volume includes law reports dedicated to banking, be it international or domestic. These reports cover cases arising from cheques, bills of exchange, guarantees, securities or letters of credit.

The Involvement of EU Law in Private Law Relationships

Revista Del Rio de La Plata

Dalhuisen on International Commercial, Financial and Trade Law

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The Idea of Home in Law: Displacement and Dispossession explores an important set of legal and policy issues surrounding the concepts of home and homelessness, taking a growing area of legal scholarship into the new arena of human rights and international law. The collection considers the ideas concerning home - both in the sense of the dwelling place as a special type of property, and territorial claims to homeland - which underpin many contemporary legal problems, by examining a range of contexts where people are displaced or dispossessed from their homes. The essays focusing on dispossession consider themes ranging from mortgage and rent arrears in the UK to responses to the foreclosure crisis in the USA, and from eviction for the purposes of economic development in South Africa to the exclusion of asylum seekers from the UK's social housing and welfare provision, and within the framework of the European Convention on Human Rights. The displacement theme, meanwhile, examines transnational 'home' issues from the experiences of exiles and refugees in areas of conflict to the impact of the broader context of economic, social and cultural rights on attempts to protect housing and home through international law. At the heart of each essay the contributors, experts from across the fields of law, policy, and housing rights, examine the circumstances in which displacement and dispossession take place, and reconsider how law and policy respond to such circumstances with a particular focus on the impact of loss of home for the human person. At a time of particular and increasing concern about security of tenure and the role of law and policy in protecting people who are vulnerable to forced eviction, The Idea of Home in Law presents a bold opportunity

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to raise questions about the 'rights' and norms associated with housing and home, and to generate new insights for scholarship and for national and international policy debates concerning displacement and dispossession.

Proceedings of the American Society of International Law at Its Annual Meeting

Revitalizing the Northeast

European Consumer Protection

Strict enforcement of unreasonable contracts can produce outrageous consequences. Courts of justice should have the means of avoiding them.

Proceedings of the American Society of International Law at Its Annual Meeting

Given the unprecedented recent turmoil on financial markets we now face radically challenged, 'post-Lehmann' assumptions on protecting the vulnerable in financial

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transactions. This collection of essays explores conceptions of, and responses to, unconscionability and similar notions across Europe with specific reference to financial transactions. It presents a detailed analysis of concepts of unconscionability in Europe against a backdrop of Commission initiatives aimed, variously, at securing a single market in financial services, producing greater coherence in EC consumer protection law and consolidating European private law. This analysis illustrates, for example, that concepts of unconscionability depend on context and can be shaped by a variety of factors. It also illustrates that jurisdictions may choose to respond to questions of unconscionability through a variety of legal instruments located in different branches of the law rather than through a single doctrine. Thus this collection illuminates many of the obstacles facing harmonisation in this area.

Property Rights: A Re-Examination

List of members in each vol.

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