

Managing The Law McInnes

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The Impact of Equity and Restitution in Commerce
Exploitative Contracts
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The Australian Law Times Research Handbook on Unjust Enrichment and Restitution
Managing the Law--the Legal Aspects of Doing Business. Instructor's Resource Disk [electronic Resource]
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a book for business students aims to help students learn how to think like successful business people engaging design encourages students to participate actively rather than merely read passively focuses on the key concept of risk management business people should know enough about the law to identify legal issues and arrange their affairs so as to avoid difficulties moreover they should know enough about the law to recognize when it is appropriate to obtain expert advice from the legal profession tone is intelligent and student friendly accessible and comprehensible regardless of the reader's background appropriate for students who are studying the legal aspects of any of the following areas accounting business administration commerce finance management marketing office administration

this book is the second in a series of essay collections on defences in private law it addresses defences to liability arising in unjust enrichment the essays are written from a range of perspectives and methodologies some are doctrinal others are theoretical and several offer comparative insights the most important defence in this area of the law change of position is addressed in detail but many other defences are treated too as well as the interrelations between these defences within the law of unjust enrichment the essays offer novel claims and ways of looking at problems in this challenging area of legal study

commercial relationships give rise to diverse forms of legal obligation in private law including contract tort agency company law and partnership more controversially equity and the law of restitution have a less defined and somewhat ambulatory role in regulating the affairs of commercial parties nevertheless their impact is manifest in the commercial arena through the distinct types of liability they engender and the remedies that are imposed this collection draws together the views of leading international scholars and judges to explore the nature and extent of this impact from two perspectives five chapters primarily address this impact at a macro level focusing on the roles of equity and the law of restitution in terms of legal taxonomy doctrine and policy in contrast five further chapters primarily address this impact at a micro level focusing on selected liabilities and remedies within equity and the law of restitution this bifocal approach enables a holistic appreciation of some important ways in which equity and the law of restitution affect or may affect commerce with a view to fostering further debate over the fundamental issues at stake

judges and scholars routinely use concepts such as exploitation in a justificatory way in the field of contract law a finding of exploitation may excuse a party from the normal consequences of his or her manifested contractual assent however the meaning of exploitation is usually assumed for this purpose rather than elaborated in fact exploitation is a highly contested concept exploitative contracts examines the essentially contestable criteria of interpersonal exploitation claims it puts forward a conception of exploitation legal contractual exploitation a form of wrongdoing that arises in connection with the formation of contracts this notion is shown to underpin traditional heads of relief in contract law including unconscionable dealing undue influence unilateral mistake in equity and lawful act duress importantly this notion of legal contractual exploitation conforms to the intellectual and institutional forms of order presupposed by the classic liberal conception of the contract the wrongfulness of an act of exploitation must reside in some characteristic of the processes of contract formation rather than in some quality of the impugned contract itself the doctrines of unconscionable dealing duress and undue influence are examined in detail in the light of what they each reveal about the process conception of legal contractual exploitation in turn the volume explains how an understanding of these contract law doctrines can be enhanced by a proper conception of exploitation

this comprehensive yet accessible research handbook offers an expert guide to the key concepts principles and debates in the modern law of unjust enrichment and restitution

this book examines claims in negligence arising from illegal conduct of the claimant an array of public policy and other grounds have been advanced for resolving these claims resulting in an area that is characterised by confusing and contradictory case law the book analyses the various explanations put forward as the basis for illegality doctrine within a framework of corrective justice theory illegality law poses particular challenges for the corrective justice explanation of negligence law as many illegality tests are based on public policy considerations external to the relationship of the parties the book argues that the only circumstance where illegality doctrine should be applied to deny a claim is where this is necessary to preserve the coherence of the legal system it develops the work of ernest weinribian corrective justice theorists to explain how the principle of legal coherence fits within the framework of corrective justice theory and why legal coherence is the only valid conceptual basis for a doctrine of illegality it also contains a detailed study on the scope of the coherence rationale and the principles that will determine its application

it s a girl the ontario press announced as canada s first woman lawyer was called to the ontario bar in february 1897 quiet rebels explores experiences of exclusion among the few

women lawyers for the next six decades and how their experiences continue to shape gender issues in the contemporary legal profession. Mary Jane Mossman tells the stories of all 187 Ontario women lawyers called to the bar from 1897 to 1957, revealing the legal profession's gendered patterns comprising a small handful of students or even a single student at the law school. Women were often ignored and they faced discrimination in obtaining articling positions and legal employment. Most were Protestant, white, and middle class, and a minority of Jewish, Catholic, Black, and immigrant women lawyers faced even greater challenges. The book also explores some changes as well as continuities for the much larger numbers of Ontario women lawyers in recent decades. This longitudinal study of women lawyers' gendered experiences in the profession during six decades of social, economic, and political change in early twentieth-century Ontario identifies factors that created or foreclosed on women lawyers' professional success. The book's final section explores how some current women lawyers, despite their increased numbers, must remain quiet rebels to succeed.

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