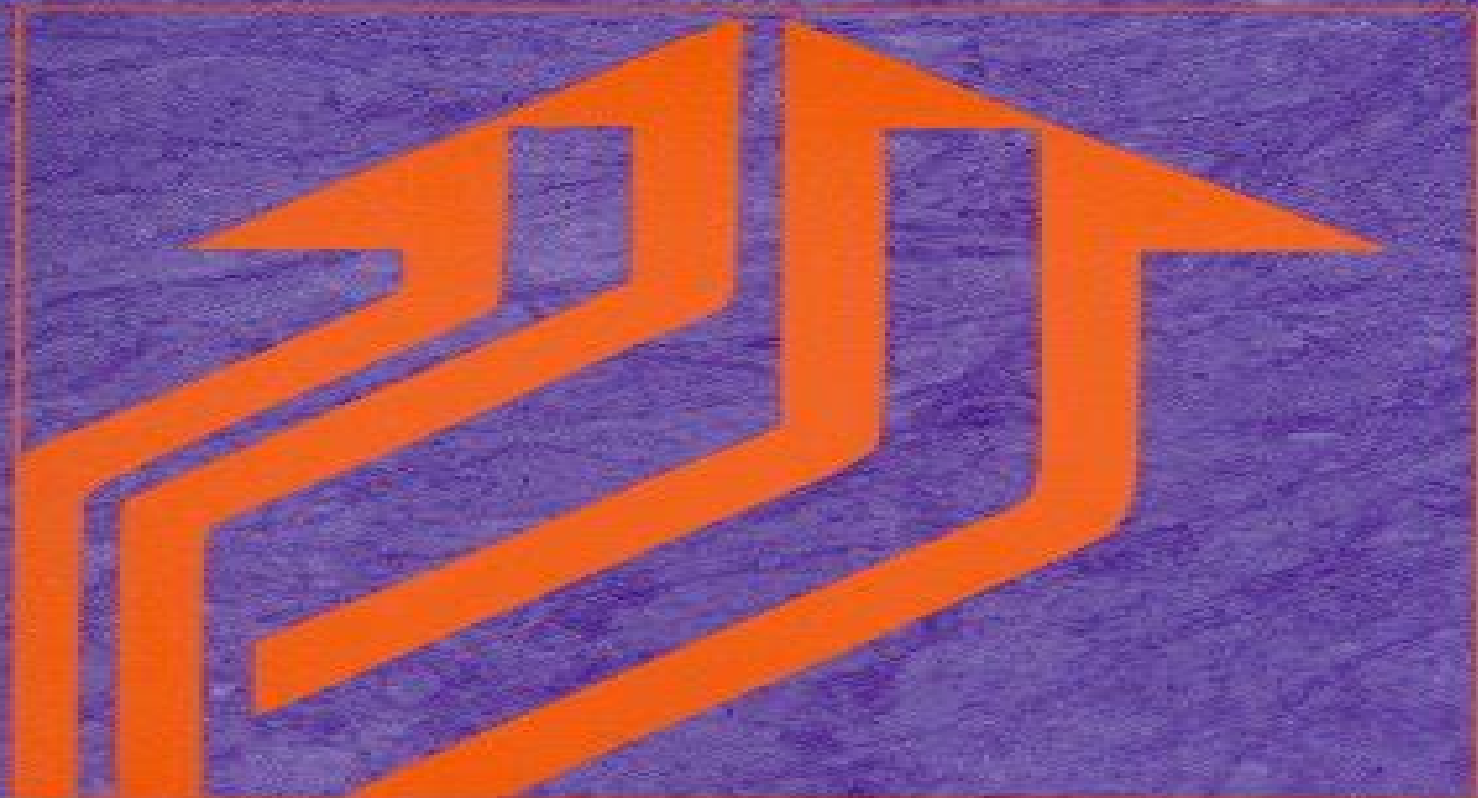


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Eighth Edition

ROGER S. HAYDOCK • DAVID E. HERR • JEFFREY W. STEMPEL



Fundamentals Of Pretrial Litigation

Jay E. Grenig, Jeffrey S. Kinsler



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se deriva son las que deben prevalecer. Pese a que el anterior planteamiento es ampliamente conocido su validez presenta dificultades en la práctica debido al desconocimiento de la técnica procesal para llegar a esa verdad y en particular a la carencia de una buena selección de teoría del caso articulada con la fundamentación jurídica que la respalde. Teoría que debe ser demostrada mediante pruebas que a su vez permitan debilitar y finalmente refutar la teoría de la otra parte procesal. Cuatro apuntes independientes integran el contenido del libro que comprende asimismo un estudio introductorio que los articula con el contexto nacional y en el cual se explican la relevancia de la teoría del caso de cara a la estructura del proceso penal adversarial que rige en Colombia desde su implementación. Hace más de quince años las ventajas de contar con una sólida estructura y las consecuencias de su carencia. El libro nos confronta con la forma tradicional de entender el proceso penal y sus construcciones técnicas. Su lectura nos obliga a implementar nuevas técnicas para construir una teoría del caso más sólida y persuasiva para el juez tanto en cuanto a la forma como al contenido. Una teoría que nos permita afirmar que cumple el objetivo de llevar la verdad procesal al juez que idealmente debe darle la razón. *Wisconsin Lawyer*, 1989

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obligations to consider how insurance law is attempting to deal with emerging risks Emerging risks pose significant challenges for the insurance industry Apart from difficulties in quantifying such risks the availability of insurance capacity is often a concern The book looks at these issues from philosophical economic and actuarial perspectives It asks how far existing private law rules can cope with emerging risks and in so far as they cannot how the law should be developed by courts and lawmakers to deal with the emerging legal issues The book questions the suitability of the current insurance business models in insuring climate related risks autonomous systems insurance of fines and penalties as well as how mass or systemic risks eg pandemics or cyber risks can be made insurable through add on coverages to the conventional insurance policies It also evaluates governments roles to encourage insurers to provide cover for such risks and discusses how a balance can be struck between the need to regulate and the insurance markets dynamics The book will be of academic interest to anyone working in the field of insurance and also relevant for market participants policy makers and regulators

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