DOWNLOAD PDF A COLLECTION OF LEGAL OPINIONS

Chapter 1 : Supreme Court Collection: Opinions by Justice Scalia

Note: Citations are based on reference standards. However, formatting rules can vary widely between applications and fields of interest or study. The specific requirements or preferences of your reviewing publisher, classroom teacher, institution or organization should be applied.

Introduction Case Law and Its Authority Case law is the collection of reported cases that form the body of law withing a given jurisdiction. It is based upon judicial opinions by various courts, which may set future precedent. Courts in the United States adhere to stare decisis, which generally means that courts respect and adhere to the precedent of previous decisions. However, a court does not have to stand by a decision that is not binding precedent. Generally courts will follow the decisions of higher courts in their jurisdiction. A decision by the United States Supreme Court is binding precedent in all courts. However, it would be binding in all lower courts of the 11th Circuit. Publication of Case Law Not all case law is published. Generally, appellate court decisions that will be used as future precedent are published reported in sources case reporters specific to that court. Attorneys use published case law as a means to interpret the law. For these reasons, few trial court decisions are published in case reporters. The Judicial Process A case starts at the trial court level, which could either be a trial by judge or trial by jury. Generally, evidence and witnesses are presented at the trial court level. An appellate court will hear appeals from parties seeking to change the result of the case heard at the trial court. An appellate court will not answer questions of fact, meaning they will not review the evidence in a case. Instead, the appellate court rules on questions of law, which means it considers legal issues. Because of the parallel system between state courts and federal courts, researching case law can be difficult and complex. A researcher will often need to determine if their issue is one that is inherently federal or state. Even then, some issues can overlap each other and require a state and federal analysis. The federal court system is made up of the following courts, excluding the specialized courts: Court Description The Supreme Court of the United States Most of the cases heard are appeals from lower courts and cases from state supreme courts which involve a point of federal law. The court has discretion to decide which cases it will consider. The United States Court of Appeals Made up of appellate courts which deal with appeals from the district courts in their circuit. There are 11 circuit court of appeals, plus 1 federal circuit court of appeals. United States District Courts Trial courts which deal with violations of federal criminal law, disputes regarding federal laws or treaties, and some cases involving residents of different states. The following link provides a map and additional information on the 11 circuits, the federal circuit, and the Supreme Court. Finding a Case A researcher will not always have a case citation when they begin their research. Often times a researcher will have an issue or topic that are looking for case law on. Without a case citation, a researcher would have a daunting challenge trying to go straight to a case reporter and locate a case on their topic. However, there are several avenues that a researcher can go down if they do not have a citation for a case. Here are a few suggestions when looking for case law without a citation: Many of the topics include footnotes with citations to relevant case law. Each of these methods are described in more detail in the boxes that follow. Annotated Codes Annotated codes produced by West and LexisNexis are a great way to find cases on a particular topic. As mentioned on the Legislative tab , not every law is statutory law, therefore this would not be a good place to find cases where the underlying law is not rooted in statutory law. However, for issues that do invoke statutory law, the annotated codes are an efficient way to find cases that have cited that particular statute. The cases will be grouped together by topic and they will often include a short summary. This provides the researcher with an easier method of locating case law that deals with their particular issue. The digests allow researchers to locate cases by subject from any jurisdiction. In addition, the digests provide an abstracting function, giving researchers short summaries of the points of law discussed in the indexed opinions. This enables researchers to determine if a case would be worth further exploring without having to read the entire case. The Digest System sub-divides the law into over Topics, which are broad legal issues, and then further sub-divided into Key Numbers, which are assigned to specific legal issues within the broader issue. Remember that you need to know both the topic AND the key number to search the digests. There are two

ways that one can search the federal practice digest: The table of cases lists all of the cases indexed in the digest in alphabetical order. In addition to the case name and citation, the table of cases also provides the Topics and Key Numbers that apply to that particular case. This is a great way for a researcher to find the citation for their case if they have the name of the case. Additionally, this is also a great way to see all of the Topics and Key Numbers that apply to a particular case. This may lead to futher investigation of those Topics and Key Numbers, which could produce additional cases on the issue for the researcher. The descriptive word index allows researchers to search by topics and subtopics. A researcher may start with a broad topic and then narrow down the topic to a subtopic. A subtopic will either provide the appropriate Topic and Key Number where one can find that topic, or it will refer the researcher to another topic. The index also includes a table at the beginning which lists the topics in order and their abbreviations used in the index. Here is the typical process of using the descriptive word index to find a case along with an example: A user who is doing research on "abduction" would first go to the Descriptive Word Index. The index is usually several volumes of the digest, generally located near the end of the set of books. Looking under "abduction," one would find several subtopics. The front of each index provides the researcher with a list of digest topics and what the abbreviations mean. In the case of our example, Crim Law would mean topic Criminal Law. Topics are in order alphabetically in the digest. Therefore, to locate Criminal Law, one would need to just look on the spine of the book until the come to the appropriate volume. Once at the appropriate volume and topic, the researcher can flip to Key Number Key numbers will be in chronological order in each topic. Once at the correct key number, the researcher will see lists of cases with ciatations and short summaries of those cases. If the case appears to be on point with what the researcher is looking for, then they can take down the case citation and retrieve that case from the appropriate reporter. Legal Encyclopedias Legal encyclopedias are another great way to find case citations on topics. Generally, a legal encyclopedia is arranged alphabetically by topic, which are further divded into more detailed subtopics. Legal encyclopedias provide broad coverage of American state and federal law, including excerpts from judicial decisions and statutes. Similiar to other indexes, the General Index is organized alphabetically by topic, with each topic divided into subtopics. Citations are provided in Topic and Section format. An abbreviations table is provided at the front of each volume of the general index to aid researchers in identifying topic names in the index. Similiar to digets, once a researcher has the topic name and section number for their specific subtopic, they can browse the spine of the books and look for the topic name. Once at the correct topic name, they can then look for the appropriate section number. Sections are listed in chronological order. This enables researchers to find articles citing those particular laws and regulations, which could lead to further case citations. Available through the University Library, LexisNexis Academic allows researchers to search for case law using a variety of methods. Methods for Searching By Citation: If a researcher knows their citation already, then they can plug that into LexisNexis Academic and it will retrieve the case. Citations should be provided exactly as they written. The citation for Roe v. Wade is U. Therefore, when entering this citation in LexisNexis Academic, the researcher should type " U. If a researcher knows the parties to a case but not the citation, then they can enter in those party names and retrieve cases with those names. This could lead to more than one results, especially if the party names are common such as "United States v. Smith" or "State v. However, if the researcher does continue with the search, they will be provided with a list of courts on the left and how many of the retrieved cases are from that court. This allows the researcher to narrow down the list to only a few sources. Therefore, a researcher should not only know the party names, but also have a good idea of the court or state from which the case originated and, if at all possible, the year of the decision. A researcher can also retrieve cases by searching for a particular topic. Researchers should limit topics to a few words so that searchers only return relevant sources. Similar to searching by parties, results for searching by topic will provide researchers with a breakdown on the left side of the courts where the cases were retrieved so that researchers can narrow down their search to a specific court and state. Doing a keyword search under cases allows for users to enter keywords, exclude words from searches, specify dates, as well as select the jurisdiction. Many websites are devoted to providing free access to case law. Although not comprehensive, many of these websites do offer a good amount of case law if someone knows what they are looking for.

Chapter 2 : Opinion - Wikipedia

*A Collection of Legal Opinions [J. Hillyard Cameron] on blog.quintoapp.com *FREE* shipping on qualifying offers. This is a pre historical reproduction that was curated for quality. Quality assurance was conducted on each of these books in an attempt to remove books with imperfections introduced by the digitization process.*

Consumer Protection; collection agencies; service charges for returned checks. May 10, Consumer Protection; collection agencies; service charges for returned checks. May retail merchants charge a service fee for returned checks? Retail merchants may charge a service fee for checks returned for insufficient funds only if there is some legal basis for that fee. There is no North Carolina statute which specifically permits the collection of such a fee. Indeed, the only statute that speaks to this question at all is G. However, it provides no basis for a fee unless a lawsuit is actually filed. Therefore, if it is permissible for a merchant to charge this fee before a lawsuit is filed, it can only be on the basis of general contract law. In your letter requesting this opinion, you noted that some merchants believe they are entitled to collect a fee on the basis of an implied contract. This is not correct. Implied contracts at least formally speaking are part of the law of restitution. Essentially, this body of law allows a plaintiff to recover the amount by which the defendant has been unjustly enriched. In other words, the purchaser would be required to pay the merchant the amount of the returned check, but would not be required to pay an additional penalty or fee. However, there are at least three theories of contract under which a collection charge could arguably be made. If the customer pays for the goods with a check that turns out to be worthless, he has failed to pay as promised. Therefore, he has breached the contract, and the merchant is entitled to damages. The amount that would have been received if the contract had been kept and which will completely indemnify the injured party is the true measure of damages for the breach. Where one violates his contract he is liable for such damages, including gains prevented as well as losses substained, which may fairly be supposed to have entered into the contemplation of the parties when they made the contract. Under this theory, the merchant would be entitled to recover, in addition to the amount of the check, the actual expenses which result from having accepted a worthless check. If the customer sees the sign and assents to the condition, it becomes part of the contract for the sale of goods. The third theory also assumes a conspicuously posted sign, seen and assented to by the customer. While a merchant might arguably recover a fee on any of these theories, one of two problems is likely to arise in each case. First, if there is no sign posted, it is unclear how much the merchant is entitled to collect. Second, in those cases in which there is a sign, it is difficult to determine whether the customer has seen the sign and assented to it. These problems are important to the merchant, because they cause uncertainty. However, they are even more significant to collection agencies because of the various laws and regulations governing that industry. The theories which are premised on a posted sign fail to create any agreement, express or otherwise, unless the customer has seen and assented to the sign. We do not believe a posted sign can fairly be said to create an express agreement unless some manifestation of assent, either orally or in writing, is made by the customer. While it is permissible for a merchant to charge and collect a fee if he can show a contract basis for such a fee, it is not permissible for a collection agency to seek to collect the fee unless there is an express agreement between the merchant and customer which calls for such a fee. Whether or not there is an express agreement depends upon the circumstances of each case. While we have noted our opinion that an express agreement requires some manifestation of assent, the criteria for determining whether there has been assent is a proper matter for rulemaking by the Department of Insurance, pursuant to G.

Chapter 3 : Legal Opinions On Various Points Of Law | Michalsons - Law Firm

*A Collection Of Legal Opinions: Comprising Upwards Of One Hundred And Thirty Leading Opinions On Cases Submitted To The Late Hon. J. Hillyard Cameron, Q.c. [J. Hillyard Cameron] on blog.quintoapp.com *FREE* shipping on qualifying offers.*

Applicable Rule Rule 1. His firm was retained by a California resident for whom it provided services and by whom it is owed fees. Upon threat of a collection action, the client began to make monthly payments. The client subsequently filed a petition for bankruptcy seeking to discharge, among other debts, the debt to the inquiring law firm. This petition has preempted any effort by the firm to collect the fees which it is owed. The inquiring firm has been instructed not to file a proof of claim with the trustee and it is quite unlikely, if the proceeding continues in this form, that the firm will recover any of its fee which is still outstanding. This information is based on information supplied during the course of the representation although some of the information is also a matter of public record. A lawyer may use or reveal client confidences or secrets. This stands as a limited but well-recognized exception to the general rule regarding the confidentiality of client information. For example, the Maryland Bar has construed the corresponding code section to permit an attorney to pursue an Application for Allowance of Fees and Disbursements to be paid by the bankruptcy estate under the provisions of the Bankruptcy Code which could involve client confidences and secrets. The Los Angeles County Bar Association has determined that a lawyer who had represented a client in a bankruptcy case and was discharged by the client may file a claim for fees in the bankruptcy court as well as proceedings to have his debt declared non-dischargeable. The comments to Rule 1. Moreover, disclosure is not permitted in non-fee proceedings. See Florida Bar v. It does not permit the disclosure of client confidences or secrets for any other reason. This includes an effort to bring a potential fraud to the attention of the court, salutary as the underlying policy concern may be. Matter of Nelson, supra. As a result, if, for whatever reason, the lawyer does not have a reasonable expectation of more than ade minimisrecovery, the disclosure would violate the rule. In sum, the well-established but narrow exception to the general rule against revealing client confidences and secrets based in Rule 1. See also Cannon v. Model Rules of Prof. Neither the inquiry nor this opinion directly addresses the nature of client confidences and secrets that may be disclosed in order to establish a fee. This Committee does not decide factual questions; we therefore express no opinion regarding the underlying facts here. The earlier version of Rule 1.

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Chapter 4 : The strange collection of extremists running for office as Republicans - CNN

A Collection of Legal Opinions. Back. Customer Reviews. Average rating: 0 out of 5 stars, based on reviews. 0 Reviews. Be the first to review this item! Write a.

The Key Number is a permanent number given to a specific point of this case law. Back To Top Law review or law journal- A legal periodical. The term law review usually describes a scholarly periodical edited by students at a law school. Legislative history- That information embodied in legislative documents that provides the meanings and interpretations intent of statutes. Citations and dates of legislative enactments, amendments, and repeals of statutes are sometimes imprecisely identified as legislative histories. More accurate designations of these citations of legislative changes, as included in codes, are historical notes or amendatory histories. Lexisnexis- A subsidiary of Reed Elsevier plc. Lexis-Nexis is a database providing the full text of court decisions, statutes, administrative materials, alr annotations, law review articles, reporter services, supreme court briefs, and other items. Key-Word searches, natural language searches, segment searches, and citator searches are available. Liability- The condition of being responsible either for damages resulting from an injurious act or for discharging an obligation or debt. Lien- A claim against property as security for a debt, under which the property may be seized and sold to satisfy the debt. Litigate- to bring a civil action in court. Loislaw- A subsidary of aspen publishers. Loislaw is a database providing the full text of court decisions, statutes, administrative materials, and other sources. Looseleaf services and reporters- Contain federal and state administrative regulations and decisions or subject treatment of a legal topic. They consist of separate, perforated pages or pamphlet-sized inserts in special binders, simplifying frequent insertion or substitution of new material. Back To Top Malpractice- Professional misconduct or unreasonable lack of skill. This term is usually applied to such conduct by doctors, lawyers, and accountants. Mandatory authority- Authority that a given court is bound to follow. Mandatory authority is found in constitutional provisions, legislation, and court cases. Compare with persuasive authority. Microfiche- A sheet of film, usually 4 x 6 inches or 3 x 5 inches in size, containing miniaturized photographic images of printed text. The term fiche is synonymous with microfiche. Ultrafiche is a type of microfiche containing images that are reduced by a factor of 90 or more. Microfilm- A film containing miniaturized photographic images of printed text. This is usually in a reel, but may also be in a cartridge or cassette form. Microform- A general term describing miniaturized reproduction of printed text on film or paper. Microfilm and microfiche are specific types of microform. Model codes- Codes formulated by various groups or institutions to serve as model laws for legislatures, intended to improve existing laws or unify diverse state legislation. Moot point- A point that is no longer a subject of contention and that is raised only for the purpose of discussion or hypothesis. Many law schools conduct moot courts where students gain practice by arguing hypothetical or moot cases. Motion- A formal request made to a judge pertaining to any issue arising during the pendency of a lawsuit. Back To Top National Reporter System- The network of reporters published by West, which attempt to publish and digest all cases of precedential value from all state and federal courts. Natural language- An online database search strategy using normal english-language sentences or phrases instead of boolean commands. Negligence- The failure to exercise due care. Nexis provides the full text of newspaper, magazine and newsletter articles, wire-service stories, and other items. Nisi prius- Generally, a court where a case is first tried, as distinguished from an appellate court. Noter up- 1 the term used in the british commonwealth countries for a citator; or 2 the name of the updating service for fundamentals of legal research and legal research illustrated. Back To Top Obiter dictum- An incidental comment, not necessary to the formulation of the decision, made by the judge in his or her opinion. Such comments are not binding as precedent. Official reports- Court reports directed by statute. Compare with unofficial reports. Opinion- An expression of the reasons why a certain decision the judgment was reached in a case. A majority opinion is usually written by one judge and represents the principles of law that a majority of his or her colleagues on the court deem operative in a given decision; it has more precedential value than any of the following. A separate opinion may be written by one or more judges in which he, she, or they concur in or dissent from the majority opinion. A concurring opinion agrees with the

result reached by the majority, but disagrees with the precise reasoning leading to that result. A plurality opinion called a judgment by the supreme court is agreed to by less than a majority as to the reasoning of the decision, but is agreed to by a majority as to the result. A per curiam opinion is an opinion by the court that expresses its decision in the case but whose author is not identified. A memorandum opinion is a holding of the whole court in which the opinion is very concise. Oral argument- A spoken presentation of reasons for a desired decision directed to an appellate court by attorneys for the parties. Ordinance- The equivalent of a municipal statute, passed by the city council and governing matters not already covered by federal or state law.

Chapter 5 : blog.quintoapp.com - The most comprehensive Web site for law school students and faculty

A collection of opinions on the opinion The U.S. Supreme Court's Citizens United blog.quintoapp.com ruling on Jan. 21 set off waves of commentary and legal analysis. What follows is a sample of comments pulled.

Collection of waste in unincorporated areas Ms. You ask on behalf of the county commission substantially the following question: May the county appropriate, through the budget process, money from the general revenue fund to offset a shortfall in revenues received from the mandatory garbage collection program in the unincorporated areas of the county? In sum, I am of the opinion: While the collection of waste, thereby eliminating a source of pollution, may well constitute a substantial benefit to the incorporated areas, such a determination involves questions of fact and mixed questions of law and fact which the county commission must address. Similarly, while the provision of waste collection services constitutes a public purpose for which public funds may be expended, the legislative findings and determination as to the propriety of a particular expenditure is one which the county commission must make, and cannot be delegated to this office. According to your letter, Gadsden County has adopted a mandatory waste collection ordinance which requires the owner of each occupied structure in the unincorporated area of the county to pay a fee for waste collection to the county. Part of the fees are used to pay the waste collector who performs the services on behalf of the county pursuant to contract; part of the fees are retained by the county to defray landfill costs. Garbage collection services are provided to the unincorporated areas only. You ask whether the county may use funds in the general revenue fund which consists of ad valorem revenues as well as non ad valorem funds to cover any deficits in the program. All that is required is a minimum level of benefit which is not illusory, ephemeral or inconsequential. To meet this test, it is incumbent upon the petitioners to prove a negative--that a service provided by the county and funded by county-wide revenues does not provide real and substantial benefit to the particular municipality. In considering the proscription in s. We can conceive of services sought to be rendered by a county within a particular unincorporated area which would have no consequential benefits to the municipalities of the county such as, for instance, a library set up in an unincorporated area for the use and benefit of the area residents or, perhaps, a park or recreation facility for the residents of such area. But, in the field of public health a different situation may readily exist. The courts have stated, however, that resolution of this constitutional question is substantially a factual determination which can only be made after consideration of the geographical and developmental characteristics of the county and other special circumstances which may be relevant. Such a determination, however, involving mixed questions of law and fact, is one which the county commission must make. You state that the appropriation from the general revenue fund is "to act as a cushion in the event of some non-payment [of waste collection fees] by owners. The issue as to whether public funds may be expended to fund the shortfall due to the nonpayment of waste collection fees by certain individuals turns on the primary purpose for such an expenditure. The purpose of the constitutional provision is to protect public funds and resources from being exploited in assisting or promoting private ventures when the public would at most only be incidentally benefitted. The Legislature has recognized that the provision of waste collection by a county serves a county purpose. Sch a determination must be made by the county commission and cannot be delegated to this office.

Chapter 6 : Ethics Opinion Sale or Assignment of Accounts Receivable to a Collection Agency

About DOJ Legal Services Legal Opinions Opinions Consumer Protection; collection agencies; service charges for returned checks.

Ethics , Fees , Firm Management A recent Texas ethics opinion addresses two issues concerning collection of unpaid fees from clients. In Opinion , the Professional Ethics Committee addresses whether a lawyer may use a collection agency to collect overdue fees, and whether nonpaying clients may be reported to a credit bureau. Prior opinions of the committee created significant obstacles to use of collection agencies and credit bureaus. Both opinions concluded that, under Rule 1. Opinion overrules those opinions, deciding that lawyers can use collections agencies under certain circumstances, as the collection agencies are acting as agents of the lawyers, much as an accountant might do. Using collection agencies is acceptable under the following circumstances according to the opinion: These reasonable means include written notice of unpaid amounts and services performed, consideration of arbitration and mediation first, and at least one demand letter which notes the consequences of nonpayment including that the matter may be turned over to a collection agency. While the opinion relaxed objections to the use of collection agencies, lawyers are expressly prohibited from directly, or indirectly through a collection agency, reporting to a client to a credit bureau. The rationale for this conclusion was that reporting to a credit bureau is not necessary to collect debt and risks unauthorized disclosure of client information. Opinion brings Texas in line with other states on the use of collection agencies. However, the opinion only addresses how confidentiality rules apply to use of collection agencies and credit bureaus. A number of other practical and legal issues should be considered by lawyers who may consider the use of collection agencies. Lawyers using collection agencies should bind the collection agency contractually to keep client confidences and to avoid providing information to credit bureaus about the debt. In addition, care must be used in what information is provided to the agency. Debt collectors such as collection agencies are required to validate debts if asked by the debtor to do so by the Fair Debt Collection Practices Act. Most courts have required only confirming the amount of the debt, who owes the debt, and whether or not it has been paid. The leading case, Chaudhry v. The best course for lawyers who do choose to use collection agencies would be to provide only the name and contact information for client and the amount owed. At times, however, the mere fact that someone has contacted a lawyer is extremely sensitive information that can damage the client. Third party debt collection agencies typically are paid a percentage of what they collect. The opinion does not address whether such an arrangement constitutes unauthorized fee sharing under the rules. While there are many opinions permitting use of collection agencies, none address the fact that agencies are often paid by commission. In any event, collection agencies should be viewed as distinct from factors, which buy debt and then pursue collection as they see fit. When a debt is sold to a factor, the seller loses control of collection of the debt in return for a cash payment. Selling debt to a factor is thus probably not permitted under the rules. Collection agencies and factoring operations are sometimes part of the same entity. Lawyers should make sure they are not selling the debt when working with what appears to be a collection agency, losing control of the collection efforts. Previous Texas Opinion determined that from a confidentiality perspective, a lawyer could sell a client debt to a third party if the client consented after consultation with the lawyer. It is difficult to imagine how the proper advice to a client could be anything other than a refusal to consent to such a sale. A DC opinion concluded that lawyers could not sell debt to third parties, and could only assign debt if the lawyer retains control. From a practical perspective, TLIE discourages aggressive debt collection practices against clients. Fee disagreements frequently lead to malpractice claims, whether directly asserted or asserted in counterclaims to fee suits. With the uncertainties and limitations arising from the ethical implications of common collection agency arrangements, as well as the potential for provoking a malpractice claim, TLIE discourages use of collection agencies by lawyers to collect client debts. Previous Article Texas Ethics Opinion

Chapter 7 : US Federal Courts of Appeals Case Law, Court Opinions & Decisions :: Justia

We have provided many legal opinions on privacy and the protection of personal information (POPI). It is our opinion on what the Information Regulator or a court may rule on any point of law. Sometimes we provide interpretations (rather than opinions) because there is currently no precedent.

Definition[edit] A given opinion may deal with subjective matters in which there is no conclusive finding, or it may deal with facts which are sought to be disputed by the logical fallacy that one is entitled to their opinions. Distinguishing fact from opinion is that facts are verifiable, i. An opinion may be supported by facts and principles, in which case it becomes an argument. Different people may draw opposing conclusions opinions even if they agree on the same set of facts. Opinions rarely change without new arguments being presented. It can be reasoned that one opinion is better supported by the facts than another, by analyzing the supporting arguments. The term may also refer to unsubstantiated information, in contrast to knowledge and fact. Though not hard fact, collective opinions or professional opinions are defined as meeting a higher standard to substantiate the opinion. Historically, the distinction of demonstrated knowledge and opinion was articulated by Ancient Greek philosophers. Opinions can be persuasive, but only the assertions they are based on can be said to be true or false. Collective and professional opinions[edit] This section possibly contains original research. Please improve it by verifying the claims made and adding inline citations. Statements consisting only of original research should be removed. December Public opinion[edit] In contemporary usage, public opinion is the aggregate of individual attitudes or beliefs held by a population e. Typically, because the process of gathering opinions from all individuals are difficult, expensive, or impossible to obtain, public opinion or consumer opinion is estimated using survey sampling e. Group opinion[edit] In some social sciences, especially political science and psychology , group opinion refers to the aggregation of opinions collected from a group of subjects, such as members of a jury , legislature , committee , or other collective decision-making body. In these situations, researchers are often interested in questions related to social choice , conformity , and group polarization. Scientific opinion[edit] "The scientific opinion" or scientific consensus can be compared to "the public opinion" and generally refers to the collection of the opinions of many different scientific organizations and entities and individual scientists in the relevant field. Science may often, however, be "partial, temporally contingent, conflicting, and uncertain" [2] so that there may be no accepted consensus for a particular situation. In other circumstances, a particular scientific opinion may be at odds with consensus. Legal opinion[edit] A " legal opinion " or "closing opinion" is a type of professional opinion, usually contained in a formal legal-opinion letter, given by an attorney to a client or a third party. Most legal opinions are given in connection with business transactions. The opinion can be "clean" or "reasoned". Judicial opinion[edit] A " judicial opinion " or "opinion of the court" is an opinion of a judge or group of judges that accompanies and explains an order or ruling in a controversy before the court. A judicial option generally lays out the facts that the court recognized as being established, the legal principles the court is bound by, and the application of the relevant principles to the recognized facts. The goal is to demonstrate the rationale the court used in reaching its decision. Judicial opinions are discussed further in the articles on common law and precedent. Editorial opinion[edit] An " editorial opinion " is the evaluation of a topic by a newspaper as conveyed on its editorial page.

Chapter 8 : Advisory Legal Opinion - Collection of occupational license tax

rule of law for which the case is cited as precedent; it is the legal effect of the facts of the case Bill of Rights The first ten amendments of the U.S. Constitution, containing a list of individual rights and liberties, such as freedom of speech, religion, and the press.

Because the outright sale of client accounts receivable to a collection agency would prevent a lawyer from fully complying with the D. In utilizing the services of a collection agency, disclosure of specific details relating to the representation should be limited to the minimal information necessary to collect the debt unless client consent is obtained. Even in such situations, the lawyer must ensure that the collection agency treats such information confidentially. Applicable Rules Rule 1. According to the inquirer, the collection agency operates by purchasing receivables from creditor companies and then collecting the receivable in its own name, not in the name of the creditor company. The brochure implies that the decision whether to bring litigation will be solely in the discretion of the collection agency. The inquirer asks whether it may sell its client account receivables to the collection agency under these conditions. The inquirer further asks whether it may provide the following types of information to the collection agency as evidence of the receivable: Discussion The sale of debts for the provision of legal services to a collection agency is not permitted under the applicable provisions of the D. This Committee previously addressed the use of collection agencies to recover unpaid fees for legal services in Opinion 60 undated , rendered under our prior rules. The Committee based its conclusion on D. Rules of Professional Conduct Rule 5. In affirming the conclusion of Opinion 60, we note that the use of collection agencies by lawyers has been deemed consistent with ethical requirements in the vast majority of jurisdictions to consider the question. Thus, a debt owed to a lawyer may be collected by third parties only in a fashion consistent with ethical principles applicable to members of the Bar. Our Rules require in the first instance that disputes over fees should be avoided to the extent possible. Thus, all appropriate efforts to resolve the matter should be pursued by the lawyer before referral to a collection agency. In particular, District of Columbia Court of Appeals Rule XIII requires that when requested by the client, lawyers arbitrate fee disputes with present or former clients. Comment [24] to Rule 1. Bar Rule XIII are inconsistent with sale or assignment of a debt by which a lawyer steps entirely out of the collection process and the collection agency controls the debt collection process. The Committee therefore has little difficulty concluding that the proposed sale to the collection agency described in the inquiry would run afoul of the D. Rules of Professional Conduct. This type of arrangement is not permissible under our Rules. The Committee does not believe our Rules impose insuperable ethical barriers to the use by lawyers of collection agencies to assist in recovery of accounts receivable. The key consideration is whether the lawyer retains sufficient control over the collection process including any fee litigation that may arise to satisfy her ethical responsibilities. In addition, disclosure of the assignment should be made to the client to avoid confusion. These issues must be addressed in each case of assignments of accounts receivable. A related but equally important issue that arises with respect to the use of collection agencies or the assignment of accounts receivable is the need to preserve client confidences and secrets. We reiterate the broad scope of Rule 1. Comment [11] to Rule 1. It would be within the scope of the duties of an accountant or bookkeeper employee to collect a debt; the lawyer simply has made a business decision to delegate this duty to a collection agency. Moreover, a contrary conclusion would preclude the use of collection agencies or similar third party entities, because a client simply could refuse consent to sending any information about the debt to a collection agency. Revealing further information concerning the representation C including detailed billing information and other details concerning the representationâ€”involves different considerations, identified in Comments [24] and [25] to Rule 1. The Committee found Comment [11] to Rule 1. These same considerations apply to some extent in the instant situation, although the lawyer has selected the collection agency and, for reasons explored above, must ensure that the collection agency not disclose the information beyond what is necessary to carry out its debt collection practices. See also Comment [23] to Rule 1. But where the client has disputed all or portions of the debt on more general grounds, see Comment [23] to Rule 1. In such circumstances, the limited disclosure to

accountants, bookkeepers and the like authorized by Comment [11] to Rule 1. Nor can Rule 1. RPC 7 July 25, ; Sup. Rule XIII a provides: The Committee also notes that debt collection practices are heavily regulated at the federal and state levels by statutes such as the Federal Fair Debt Collection Practices Act, 15 U. While interpreting such statutes is beyond the role of this Committee, lawyers should ensure that their actions, and the actions of anyone providing services on their behalf, comply fully with these statutes and regulations. The small number of states that have permitted sales of client accounts receivables have required that the client expressly consent to the sale. We do not consider in this Opinion whether there is some form of client consent that would completely address the ethical concerns described above. Somewhat different issues are raised when a client debt to lawyer has been pursued through litigation or arbitration and reflected in an enforceable judgment against the client entered by a tribunal with appropriate jurisdiction. Because the ethical issues discussed above are unlikely to be presented by such judgments, an lawyer who chooses not to enforce the judgment may, consistent with our Rules, sell or otherwise monetize the judgment by transferring it to a third party. A lawyer also could disclose such information if the client formally instituted a civil, criminal or disciplinary claim against the lawyer which would include a demand for arbitration under D. However, unlike Rule 1. Moreover, Comment [23] to Rule 1. This Committee normally does not interpret substantive law and thus is not in a position to opine upon the applicability of the lawyer-client or other privileges in situations such as this. Nonetheless, we note that broad disclosure of information to a collection agency creates the risk of waiver of an applicable privilege, and that such disclosure may be substantively detrimental to the client independent of the mere fact of debt collection. The permissibility of advance waivers of disclosure of confidential information to collection agencies e. We note that in cases where disclosure of the fact of representation could be independently detrimental to the client, informed consent also would be required under our Rules.

Chapter 9 : University of Houston Law Center > O'Quinn Law Library > Texas Ethics Reporter

A manual of legal citation form published by the Harvard Law Review, Yale Law Journal, Columbia Law Review, and University of Pennsylvania Law Review. Boolean logic- A form of search strategy used in databases, such as westlaw and lexisnexis.

Love is a writer and commentator based in Philadelphia. He contributes to a number of publications, including Atlanta Black Star, theGrio. Follow him on Twitter: The opinions expressed in this commentary are his. CNN How did the Republican Party -- once known as the party of "law and order" -- become a party that could provide space for lawbreakers and extremists, thugs and criminals, hoodlums and hate groups? This astonishing transformation can only be attributed to the presidency of Donald Trump, whose words during the campaign and during his term in the White House helped make America safe for extremists. White supremacists, Infowars conspiracy theorists and convicted criminals are running, some as viable candidates, on the GOP ticket on the state and federal level, something which would have been unheard of only a few years ago. Such individuals are not barred from putting their hat in the ring and aspiring for elected office, but it is remarkable that party leaders have by and large not shown the backbone to condemn them. Trump said he would drain the swamp, but he is the swamp, and he is sending swamp-dwelling creatures to the Senate, Congress and the state house. There is nothing wrong with people being formerly incarcerated. After all, in a country that preaches rehabilitation yet practices gratuitous imprisonment and punishment for its own sake, society should encourage those who turn over a new leaf and want to contribute to their country through public service. However, keep in mind that we are not talking about the rehabilitated here. Even former National Security Adviser Michael Flynn -- who is awaiting sentencing after pleading guilty to lying to the FBI in connection with the Russia investigation -- is hitting the campaign trail and stumping for them. Read More Former Maricopa County Sheriff Joe Arpaio is running for Senate, after receiving a pardon from Trump for a contempt of court charge for failing to curb his anti-immigrant and anti-Latino racial profiling policies in violation of civil rights. Accused of racism and mistreatment of Latino prisoners, Arpaio failed to investigate over sex crimes -- including the molestation of undocumented children -- made inmates wear pink underwear , called his tent city for inmates a concentration camp, and established the first chain gangs for juveniles and women. Blankenship claims it was not racist to call Sen. Michael Grimm , who pleaded guilty to tax evasion, is making a comeback as a Trump loyalist after serving seven months behind bars. Kanye only cares about himself The extreme right wing, pro-Trump candidate has support from Michael Flynn and conspiracy theorist Alex Jones, and Navarro says Roger Stone serves as his adviser. Greg Gianforte, who pleaded guilty to assault after body slamming a reporter, is running for re-election in Montana. Meanwhile, a report from Right Wing Watch, a project of People for the American Way, shines the light on a dozen far-right candidates who, typically inspired by Trump, are driving the Republican Party and American politics to the fringes. Jackson, a black right-wing pastor, hopes to unseat Sen. Tim Kaine in Virginia. The homophobic candidate called LGBTQ people "perverted," "degenerate," "spiritually darkened" and "frankly very sick people psychologically, mentally and emotionally" and said homosexuality "poisons culture, it destroys families, it destroys societies; it brings the judgment of God unlike very few things that we can think of. Follow CNN Opinion Join us on Twitter and Facebook "Extremist and fringe candidates, although they often lack political viability, are able to influence the races they participate in by forcing unearned oxygen toward the bizarre, dangerous and destructive reaches of the right-wing movement," the Right Wing Watch report said. Some of them even have a chance of winning. This is all the proof you need that the GOP is running to the extremist right, and is threatening to push US politics off the cliff.