

COMPARATIVE CRIMINAL PROCEDURE: GERMANY

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Comparative Criminal Procedure: GERMANY

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AMERICAN CASEBOOK SERIES

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- Kinyon's *Introduction to Law Study and Law Examinations in a Nutshell*, 389 pages, 1971 (Text)
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Nolan's Labor Arbitration Law and Practice in a Nutshell, 358 pages, 1979 (Text)

Oberer, Hanslowe and Andersen's Cases and Materials on Labor Law—Collective Bargaining in a Free Society, 2nd Ed., 1168 pages, 1979, with 1979 Statutory Supplement and 1982 Case Supplement (Casebook)

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Dvorkin, Himmelstein and Lesnick's Becoming a Lawyer: A Humanistic Perspective on Legal Education and Professionalism, 211 pages, 1981 (Text)

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Aronson and Weckstein's Professional Responsibility in a Nutshell, 399 pages, 1980 (Text)

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Mellinkoff's Lawyers and the System of Justice, 983 pages, 1976 (Casebook)

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Selected Statutes, Rules and Standards on the Legal Profession, 276 pages, Revised 1984

Smith's Preventing Legal Malpractice, 142 pages, 1981 (Text)

Wolfram's Hornbook on Professional Responsibility, Student Edition, approximately 700 pages (Text)

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Cohen's Legal Research in a Nutshell, 4th Ed., approximately 425 pages, 1985 (Text)

Cohen and Berring's How to Find the Law, 8th Ed., 790 pages, 1983. Problem book by Foster and Kelly available (Casebook)

Cohen and Berring's Finding the Law, 8th Ed., Abridged Ed., 556 pages, 1984 (Casebook)

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- Squires and Rombauer's Legal Writing in a Nutshell, 294 pages, 1982 (Text)
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- Statsky's Legislative Analysis: How to Use Statutes and Regulations, 2nd Ed., 217 pages, 1984 (Text)
- Statsky and Wernet's Case Analysis and Fundamentals of Legal Writing, 2nd Ed., 441 pages, 1984 (Text)
- Teply's Programmed Materials on Legal Research and Citation, 334 pages, 1982. Student Library Exercises available (Coursebook)
- Weihofen's Legal Writing Style, 2nd Ed., 332 pages, 1980 (Text)

LEGISLATION

- Davies' Legislative Law and Process in a Nutshell, 279 pages, 1975 (Text)
- Nutting and Dickerson's Cases and Materials on Legislation, 5th Ed., 744 pages, 1978 (Casebook)
- Statsky's Legislative Analysis: How to Use Statutes and Regulations, 2nd Ed., 217 pages, 1984 (Text)

LOCAL GOVERNMENT

- McCarthy's Local Government Law in a Nutshell, 2nd Ed., 404 pages, 1983 (Text)
- Michelman and Sandalow's Cases-Comments-Questions on Government in Urban Areas, 1216 pages, 1970, with 1972 Supplement (Casebook)
- Reynolds' Hornbook on Local Government Law, 860 pages, 1982 (Text)
- Valente's Cases and Materials on Local Government Law, 2nd Ed., 980 pages, 1980 with 1982 Supplement (Casebook)

MASS COMMUNICATION LAW

- Gillmor and Barron's Cases and Comment on Mass Communication Law, 4th Ed., 1076 pages, 1984 (Casebook)
- Ginsburg's Regulation of Broadcasting: Law and Policy Towards Radio, Television and Cable Communications, 741 pages, 1979, with 1983 Supplement (Casebook)

MASS COMMUNICATION—Continued

- Zuckman and Gayne's Mass Communications Law in a Nutshell, 2nd Ed., 473 pages, 1983 (Text)

MEDICINE, LAW AND

- King's The Law of Medical Malpractice in a Nutshell, 340 pages, 1977 (Text)
- Shapiro and Spece's Problems, Cases and Materials on Bioethics and Law, 892 pages, 1981 (Casebook)
- Sharpe, Fiscina and Head's Cases on Law and Medicine, 882 pages, 1978 (Casebook)

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PREFACE

This book is meant to serve as an introduction to Continental, in this case German, criminal procedure. The book is designed to be a self-sufficient unit that can be included in courses on comparative law or criminal procedure. The familiar sources-and-questions format of law school teaching materials has been followed, with some questions designed to illumine the text and others to stimulate thought, discussion, and resistance to the materials.

Because this is a work of exposition and pedagogy, and not a scholarly monograph, a considerable effort has been made to keep the book reasonably short and compact. Teaching materials provide the flexibility to operate at different levels of analysis, and in Chapters 3 and 4—concerning prosecutorial practice and the lay judging system—readers will find more detailed coverage than in the initial chapters. I believe that observers in the Anglo-American world will find the study of these two aspects of German procedure to be especially rewarding.

It is a pleasant duty to acknowledge some of the assistance that has been given me. I could not have undertaken this work without the guidance of my German and German-trained colleagues at the University of Chicago Law School, Professors Gerhard Casper and Max Rheinstein, and Visiting Professors Joachim Herrmann (now of the University of Augsburg) and Thomas Weigend (now of the Max Planck Institut für ausländisches und internationales Strafrecht, Freiburg). An able research assistant, Barbra Goering, Chicago '77, contributed to every phase of the work. My colleagues Professors Geoffrey Stone and James B. White made suggestions concerning points of American law that have found their way into the book, as did Professors Charles Donahue and Richard Lempert of the University of Michigan Law School. Dean Norval Morris and the University of Chicago Law School defrayed research expenses and supported the work in a variety of ways. Much of my work in Germany has had the support of the Alexander von Humboldt-Stiftung.

During the research and writing of this book it was my good fortune to have access to two of the finest American foreign law collections, in the law libraries of the University of Chicago and the University of Michigan. In an era of budgetary stringency the support that these institutions have continued to devote to their great foreign law collections is a monument to scholarly integrity.

PREFACE

I wish to thank the following for granting permission to reprint from copyrighted material: Mrs. Sybille Bedford, for *The Faces of Justice: A Traveler's Report* (1961); Lord Devlin, for *Should the Jury System Be Reformed?*, published in 76 *The Listener* 523 (1966); Judge Marvin Frankel, for *The Search for Truth: An Umpireal View*, published in 123 *University of Pennsylvania Law Review* 1031 (1975); Sir Robert Mark, for *Minority Verdict* (1973); and the University of Chicago for Casper & Zeisel, *Lay Judges in the German Criminal Court*, 1 *Journal of Legal Studies* 135 (1972); for Hermann, *The Rule of Compulsory Prosecution and the Scope of Prosecutorial Discretion in Germany*, 41 *University of Chicago Law Review* 468 (1974); and for Langbein, *Controlling Prosecutorial Discretion in Germany*, 41 *University of Chicago Law Review* 439 (1974).

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