

Exhausting Legal Remedies

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case law based on the united states exhaustion of remedies is applied extensively in administrative law exhaustion of remedies refers to a judicial or statutory requirement that a controversy will not be heard by a state or federal court until non judicial or administrative remedies have been pursued such policies seek to avoid the interruption of

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In these situations, exhaustion of remedies is a rule of comity, or courtesy, by which federal courts defer to state courts to make the initial determination as to all claims, federal or state, raised in a case. For example, petitions for Habeas Corpus (release from unlawful imprisonment) by an inmate of a state prison are not heard by a federal court until after all state remedies are exhausted (see Darr v.

~~Exhaustion of Remedies legal definition of Exhaustion of ...~~

The doctrine of exhaustion of remedies prevents a litigant from seeking a remedy in a new court or jurisdiction until all claims or remedies have been exhausted (pursued as fully as possible) in the original one. The doctrine was originally created by case law based on the principles of comity.

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This chapter focuses on the rule of exhaustion of local remedies. The rule states that where there has been a violation of international law in the treatment of an alien by a State, local remedies must be exhausted by the alien before his claim may be espoused by his national State. In the modern law of diplomatic protection, the raison d'être of the rule is the recognition given by members of the international community to the interest of the host State, flowing from its sovereignty, in ...

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The customary international law rule of exhaustion of local remedies (ELR) aims at safeguarding state sovereignty by requiring individuals to seek redress for any harm allegedly caused by a state within its domestic legal system before pursuing international proceedings against that state.

~~Exhaustion of Local Remedies in International Investment Law~~

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