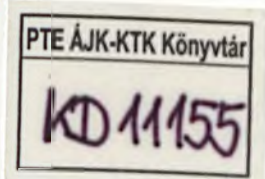




PÉCSI TUDOMÁNYEGYETEM
ÁLLAM- ÉS JOGTUDOMÁNYI KAR



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Éva Döme & Zsófia Zelnik**

English for Law Students – 1.

Pécs, 2008

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GETTING STARTED

1. Getting information about students' lives and studies

1.1. *Work in pairs. Ask your partner about the following:*

- where s/he comes from;
- where s/he lives;
- type of accommodation (house/flat, rented/own/digs/hall of residence, etc.) s/he lives in;
- whether s/he lives alone or with somebody else (parents/friends/a partner/spouse, etc.);
- what s/he does at weekends;
- how s/he spends her/his evenings;
- whether s/he does any sports;
- what leisure pursuits, hobbies s/he has.

1.2. *Name at least two things that you have in common.*

1.3. *Work in pairs but this time find someone else to talk to. Ask your partner:*

- which secondary school s/he attended;
- which were his/her favourite subjects;
- which were his/her most disliked subjects;
- most memorable experience at school;
- easiest course at university;
- most difficult course at university;
- any special extra-curricular activities at university;
- which is more enjoyable: life at secondary school or at university and why.

2. Legal English

2.1. *You have five minutes. Write ten English words connected with law. The winner is the person who writes the most words the others have not thought of.*

2.2. *Classify the words into the following categories:*

- places
- abstract ideas
- persons
- activities
- adjectives
- other

Unit 1

LEGAL SYSTEMS

1. What is law?

1.1. Different laws in a society reflect different values. Try to find out which of the values mentioned in the text below are reflected in the following laws and examples. Put the laws and the examples into the appropriate gaps in the text.



Laws:

1. against killing;
2. against shoplifting;
3. making it easier to vote.

Examples:

- a) The law encourages you to buy a home giving you a tax benefit based on the interest you pay for your home loan.
- b) Lying to a friend about how many points you scored in a basketball game.
- c) In limited circumstances, such as self-defence or during a time of war, even killing may not be illegal.

The question “**What is law?**” has troubled people for many years. An entire field of study known as *jurisprudence* is devoted to answering this question. Many definitions of law exist. However, for our purposes, law can be defined as the set of rules and regulations made and enforced by the government that regulates the conduct of people within a society. Laws generally reflect and promote a society’s values. These values can be *moral*, *economic*, or *political*. As these values change, laws may change too.

Moral values promoted by law deal with fundamental questions of right and wrong.

Laws promote society’s primary moral value – the protection of life. However, some things that are considered immoral may not be a violation of law.

An example:

10 Another example:

Economic values deal with the accumulation, preservation, use and distribution of wealth. Many laws promote economic values by encouraging certain economic decisions and discouraging others.

For example:.....

15 Laws protect property and discourage stealing by providing a criminal penalty.

Political values deal with the relationship between government and individuals.

Laws promote citizen participation in the political process, which supports a very basic political value.

(Based on Mgr. Eva Přidalova and PhDr. Kamila Tozzi: *Legal English I, Olomouc, 2001*)

1.2. Think about the following questions and then discuss your views with your partner.

- Why does society need rules? (laws)
- Can the laws meet the needs of a modern society?
- What does the word *morality* mean to you?
- Do you think that what is legal is also moral? And vice versa?
- Does every breach of law mean a breach of morality?

2. Origins of law

2.1. *Law has its origins in the early development of civilised society, and through time there have been major influences on the laws that we follow today.*

Match these sources of law with the descriptions below.

Common law
Napoleonic Code

Roman law
The Ten Commandments

_____, which evolved in the 8th century BC, was still largely a blend of custom and interpretation by magistrates of the will of the gods.

_____ evolved from the tribal and local laws in England. It began with common customs, but over time it involved the courts in law-making that was responsive to changes in society. In this way the Anglo-Norman rulers created a system of centralized courts that operated under a single set of laws that replaced the rules laid down by earlier societies.

_____ formed the basis of all Israelite legislation. They can also be found in the laws of other ancient peoples.

_____ refers to the entire body of French law, contained in five codes dealing with civil, commercial, and criminal law.

2.2. *Are the following sentences about the sources of law true or false?*

- 1 The Ten Commandments are based on moral standards of behaviour.
- 2 In common law, judges resolve disputes by referring to statutory principles arrived at in advance.
- 3 Roman law is based on the principle of deciding cases by reference to previous judicial decisions, rather than to written statutes drafted by legislative bodies.
- 4 The Napoleonic Code was introduced into a number of European countries, notably Belgium, where it is still in force. It also became the model for the civil codes of Quebec Province in Canada, the Netherlands, Italy, Spain, some Latin American republics, and the state of Louisiana.

(From Nick Brieger: Test your Professional English Law, Pearson Education Limited, 2002)

3. Common Law and Continental Law

It is generally true to say that there are two main traditions of law in the world. One is based on English **Common Law**, and has been adopted by many Commonwealth countries and most of the United States. The other tradition, sometimes known as **Continental**, or Roman law, has developed in most of continental Europe, Latin America and many countries in Asia and Africa, which have been strongly influenced by Europe.

Continental systems are sometimes known as **codified** legal systems. They have resulted from attempts by governments to produce a set of codes to govern every legal aspect of a citizen's life. Thus it was necessary for the legislators to speculate quite comprehensively about human behaviour rather than simply looking at previous cases.

Common law, or case law systems, particularly that of England, differ from Continental law in having developed gradually throughout history, not as the result of government attempts to define or codify every legal relation. Customs and court rulings have been as important as statutes (government

15 legislation). Judges do not merely apply the law, in some cases they make law, since their interpretations may become precedents for other courts to follow.



HENRY II ATTEMPTS TO INVENT THE COMMON LAW

20 By this principle, judges attempted to apply existing customs and laws to each new case, rather than looking to the government to write new laws. If the essential elements of a case were the same as those of previous recorded cases, then the judge was bound to reach the same decision regarding guilt or innocence. If no precedent could be found, then the judge made a decision based upon existing legal principles, and his decision would become a precedent for other courts to follow when a similar case arose. **The doctrine of precedent** is still a central feature of modern common law systems. Courts are bound by the decisions of previous courts unless it can be shown that the facts differ from previous cases.

(Adapted from Richard Powell: *Law Today*, Longman, 1997)

Find the definitions for each term based on the text above.

- a./ Common Law:
- b./ Continental Law:
- c./ Doctrine of precedent:
- d./ Codified:

4. Sources of English Law

4.1. Read the text below and find the terms referring to the sources of English law.

The word source can mean several things with regard to law, but for our purpose it primarily describes the means by which the law comes into existence.

5 English law stems from seven main sources, though these vary a great deal in importance. The basis of our law today is case law, a mass of judge-made decisions which lays down rules to be followed in future cases. For many centuries it was the main form of law and it is still very important today. However, the most important form of law, in the sense that it prevails over most of the others, is statute, or Acts of Parliament, which today is the source of most major changes in the law. As well as being a source of law in their own right, statutes contribute to case law, since the courts occasionally have to interpret statutory provisions, and such decisions lay down new precedents. Delegated legislation is a related source, laying down detailed rules made to implement the broader provisions of statutes.

10 An increasingly important source of law is the legislation of the European Communities, which is the only type of law that can take precedence over statutes in the UK, and is increasingly influencing the decisions of the courts in interpreting statutes. Finally, custom, equity and obligations relating to international treaties are minor sources of law, though Britain's obligations under the European Convention on Human Rights have produced notable contributions to law reform.

(From Elliott, C. & F. Quinn: *English Legal System*, Pearson-Longman, 2006)



4.2. Collect the sources of Hungarian law.

5. History of English Common Law



Below is a brief history of English common law, including how it got its name and why there are juries, but the paragraphs have become mixed up on the word processor.

Can you sort them out? Which words and phrases helped you put the paragraphs in order? Underline them.

5 a) However, as local custom varied between different towns and villages, the king's justices needed to talk to local people and this is the origin of juries. Juries were made up of local people and from them the justices could find out about local customs and make these customs law in the name of the king.

10 b) There are a number of sources of English law, the newest one being legislation from the EEC. Every year there is more and more legislation from parliament, but still a major source to guide the courts when they make a decision is the body of case law built up by justices since the Norman Conquest in the 11th century. This case law has English common law at its heart.

William, crowned king

15 c) William also started the important practice of sending members of his Royal Council out from Westminster to act as justices in all parts of the country. This type of hearing was attractive to both plaintiffs and defendants as they could avoid the corruption of local courts.

20 d) When the justices returned to the royal courts at Westminster, they discussed the local variations they had found and moved towards more standard practice by excluding customs and practices they thought were unreasonable. At the same time, the principle of *stare decisis* ('let the decision stand') was introduced, which meant that the judges had to be guided by judgements made previously in similar cases.

e) In this way, by 1250, common law (so-called because it applies all over England and Wales) became a legal system with the principles which still apply today.

25 f) William the Conqueror owned all England after his invasion in 1066, with his Norman lords and bishops holding the land as tenants. The Normans did not attempt to change the customary laws of the English, which showed a lot of variety anyway because of the influence of earlier invaders in different regions. William did separate lay courts and clerical courts however, so that from then on canon law (church law) was different from the law which governed ordinary people.

(From Krisztina Pásztor & Caroline Moor: *English for Law Students*, Miskolc University, 1994)



Norman invasion

6. Equity

6.1. Read the text below and answer the following questions:

- Why were some people discontented with the system of common law courts?
- Among others, what was the role of the Lord Chancellor with respect to unhappy litigants?
- Why was the Lord Chancellor followed by a lawyer in this role?
- Explain the common law joke concerning the Chancellor's foot.
- What was the role of equity in the course of the five centuries referred to in the text?

Origin

The difficulty which was experienced in the common law courts in relation to the use of writs and the forms of action led to increasing dissatisfaction with the system. Litigants who were unable to get satisfaction from the courts turned to the monarch and petitioned her/him to do justice to her/his subjects and provide them with a remedy. The monarch handed these petitions on to the Lord Chancellor, who, as Keeper of the King's Conscience and an ecclesiastic, seemed to be a suitable person to deal with them. He set up his own Court of Chancery where he, or his representative, would sit to dispose of these petitions. In doing this work the Lord Chancellor would be guided by equity, or fairness, in coming to his decisions. Consequently, the legal decisions which succeeding Lord Chancellors made came to be known collectively as equity. The system seems to have become well established in the course of the fifteenth century.

Because of the rapid increase in the judicial nature of the work, it was soon found necessary to have a lawyer as Lord Chancellor. The discretion vested in early Lord Chancellors gradually gave way to a system of judicial precedent in equity, but it was a long time before the common law joke died, about equity being long or short like the Chancellor's foot. In practice both common law and equity came to operate as parallel systems, with each set of courts regarding itself as bound by its own judicial precedents.

Development

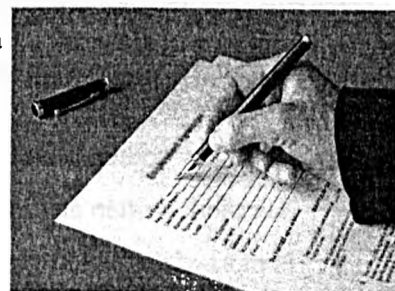
Having once begun to remedy the wrongs brought about by the rigidity and technicality of the common law system, equity soon found itself establishing a jurisdiction over matters where the common law had failed, and continued to fail, to recognise legal rights and duties. The law relating to trusts, for example, was entirely based on decisions of the Court of Chancery.

Nonetheless Equity was always a "gloss" on the common law; it always presumed the existence of the common law and simply supplemented it where necessary. That it continued to exist for some five centuries is an indication of the unchanging nature of English legal institutions, as well as of the important contribution which equity made to the development of English law.

(From Legal English Self-access Materials, Language Centre, University of Lapland, 2000)

6.2. Find the words and expressions for the following terms in the text above.

- A legal document that orders a particular person to do or not to do a particular thing.
- A person who makes a formal complaint about someone to a civil court of law.
- To present a document which asks that a particular thing be done.
- To succeed in dealing with a problem, a task or a question.
- The freedom and authority to use one's judgement to decide what to do.
- To be replaced by something new.
- To do something to correct or improve another thing.



7. Grammar

Verbs in simple present & present continuous tense

7.1. Put the verbs in brackets into the simple present or the present continuous tense:

1. English lawyers always (refer) to case-law even if the facts of the case they (prepare) are covered by statute law and not common-law rules.
2. Judges (try) to decide controversies between litigants.
3. When a judge (decide) a case, the decision (become) a precedent for future legal controversies.
4. Judges usually (listen to) the complaints of discontented litigants but today they (not listen) to them.
5. Judges (hear) the case tomorrow?
6. Some lawyers rarely go to court, but this morning they (go) there.
7. I know that judges trying the case (leave for) the capital next week.
8. This judge always (shout) at the defendants.

7.2. Which of the above sentences or parts of sentences express the following ideas? Put the number of sentences after the ideas.

- e.g.:
- a) facts that are always true (3)
 - b) actions which are in progress at the moment of speaking
 - c) habitual actions
 - d) complaints about bad habits
 - e) future events
 - f) temporary actions

7.3. Study the above examples and then look at the words and expressions in the box. Which of them go best with the simple present, and which go with the present continuous?

permanent, temporary, habit, usually, just at this moment, just around now, always, these days but not for very long

Simple present:

always,;;

Present continuous/progressive:

just at this moment,;;

8. Comparing legal systems: English Law and Continental Law

8.1. Work in pairs. Discuss the differences and similarities between the two legal systems based on the following questions:

- Is the law codified in your country?
- Are there written and unwritten sources of law in your country?
- Is most of the law written or unwritten in your country?
- Does your legal system contain rules of equity?
- If so, what is the role of equity? Is it a separate system of rules, as in English law, or is it an integral part of the ordinary law?

8.2. True or false? Decide whether the following statements are true or false:

- 1 Unwritten law may in fact be written.
- 2 English courts are bound to follow decisions of all other English courts.
- 3 English law has developed through decisions in individual cases.
- 4 To decide a question of law, a practising lawyer only refers to judicial precedent if the case does not concern statute law.
- 5 Common Law and Equity are administered by two different courts: Common Law Courts and the Court of Chancery.

9. Legislation

How many different terms do you know referring to legislation?
Can you complete the box?

						S		A	T			E							
			b)	a)		N		C	T		D		A						
c)			G						V			E		A		M		N	
d)		A	C	T		O			P	A	R	L	I	A	M	E	N	T	
				e)		E				T								T	

(Adapted from Alison Riley: English for Law, Macmillan, 1991)

10. Legal systems

Complete the following sentences. For each blank space choose the correct word from the list which follows the sentences.

In many (1) countries much of the law is codified. For this reason there is more written, or (2) law than (3) law. In contrast, there is no general code of (4) law. Still (5) is common, and many areas of law are codified, but (6) is the main source of the law.

English, judicial precedent, legislation, enacted, unwritten, continental

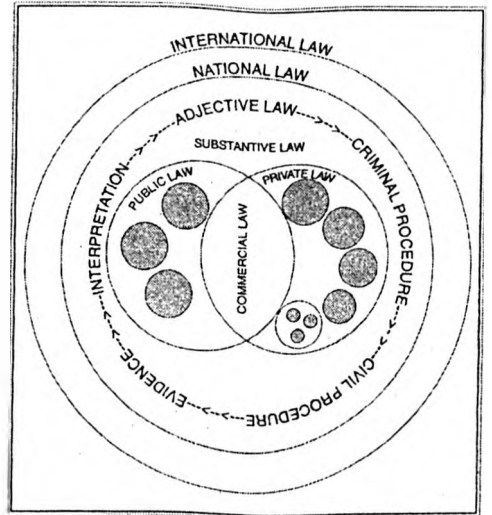
Unit 2

CLASSIFICATIONS OF LAW

1. The main division of law

Study the circular representation, where the main divisions of law are shown.

- What does this circular representation indicate?



2. Substantive and procedural Law

2.1. As you read the next passage think about these questions:

- Why was procedure so important in the past?
- Is procedure still important today?

Williams in *Learning the Law* defines **substantive law** in the following way: ‘Substantive law lays down people’s rights, duties, liberties and powers.’ By this is meant the actual content or substance of the law. These are the rules on which the courts base their decisions.

Procedural law or adjectival law is also a set of rules.

5 Rules of procedure or “*adjective*” law, as it is sometimes called, are the rules which determine the course of an action; they govern such matters as how the case is to be presented, in what court it shall lie, or when it is to be tried. Procedural rules are, in other words, the rules which govern the machinery as opposed to the subject-matter of litigation. It is a striking fact, much remarked upon by historians, that in the earlier stages of legal development these rules assume paramount importance: form is better understood than substance, and in early law formal requirements, rather than abstract principles, usually determined legal rights. Because the development of the common law has been continuous, this early dominance of procedure has had a lasting influence upon many of the doctrines of the modern substantive law. Generally speaking, however, procedure, though it is of great importance to the practitioner, is today treated as the servant and not the master of substance, and the rules of procedure are now more flexible than once they were.

They derive from various sources. Most proceedings in the Supreme Court (that is, most of the more important civil proceedings) are now governed by a code of rules known as the Rules of the Supreme Court (“R.S.C.”)

(From C. Van der Walt & Ag Nienaber: English for Law Students, Juta & Co, Ltd., 1997)

2.2. In the text the following words and phrases are used to discuss the distinction between substantive and procedural law. Use them to complete the table below.

machinery, form, substance, abstract principles, subject-matter, formal requirements, adjectival, substantive

Substantive law	Procedural law

3. The main categories of civil and public law

3.1. Civil law concerns disputes among citizens within a country, and **public law** concerns disputes between citizens and the state, or between one state and another.

a) Match the main categories of English civil law with their definitions.

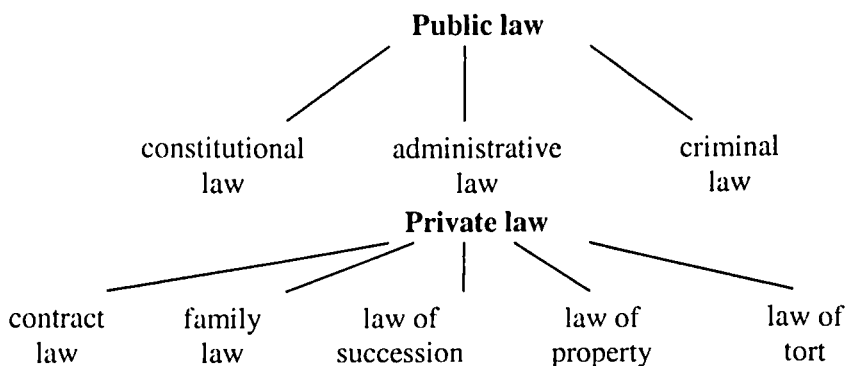
A. Family Law	1. arrangements whereby a person administers property for another person's benefit rather than his own
B. Law of Tort	2. law relating to how property shall pass to others when the owner dies
C. Law of Succession	3. law relating to agreements
D. Contract Law	4. law relating to the rights and duties of the members of a family
E. Trust Law	5. wrongs committed against another individual's person, property or reputation, not covered by breach of contract

b) Match the main categories of English public law with their definitions.

A. Constitutional Law	1. wrongs which, even when committed against an individual, are considered to harm the well-being of society in general
B. Administrative Law	2. regulation of relations between the governments of different countries
C. International Law	3. law relating to how government organizations affect the lives and property of individuals
D. Criminal Law	4. the set of laws relating to government and its function under which a country is ruled

3.2. Private and Public Law

Below is a classification based on Public/Private Law. In which area would cases 1-8 be dealt with?



1. visiting rights of a father following divorce
2. walking on a farmer's land
3. breaking into a house and taking something
4. someone whose house must be knocked down to make a new road
5. trying to stop a neighbour from making so much noise
6. lowering the voting age
7. dealing with the house of a man who died without leaving a will
8. getting some money back from a tenant who damaged a flat

(From Krisztina Pásztor & Caroline Moor: *English for Law Students*, Miskolc University, 1994)

4. The subject-matter of the legal system. Criminal and Civil Law

4.1. One way of classifying and understanding the law is by subject matter. Lawyers often divide the law and the legal system into two: criminal law and civil law. A simple distinction between the **criminal law** and **the civil law** is that the latter regulates the relationships between individuals or bodies and the former regulates the legal relationships between the state and individual people and bodies. Classify the following terms into the appropriate column below. Two terms can appear in both columns.

compensation, contract, crime, damages, family law intellectual property, plaintiff, police, private individual, prosecution, the accused, the defendant, theft, to bring a case, to bring an action, to fine, remedy, to charge someone with something	
Criminal	Civil
<i>to charge someone with something</i>	<i>plaintiff</i>

4.2. Now complete the following text contrasting criminal and civil law by choosing from the words/phrases above. The first letter of the missing words is given.

Criminal Law vs. Civil Law

One category is the criminal law – the law dealing with crime.

A case is called a p_____. The case is instituted by the prosecutor, who takes over the case from the p_____ who have already decided to c_____

the defendant (or a_____) with specified crimes. The civil law is much more wide-ranging.

The civil law includes the law of c_____ and f_____ l_____. In a civil case, the p_____, normally a p_____ i_____ or company, b_____ an a_____ to win c_____.

If the case is proven (on the balance of probabilities, meaning that one is more sure than not), the defendant normally pays the plaintiff d_____ (money).



(From Nick Brieger: *Test your Professional English: Law*, Pearson Education Limited, 2002)

5. Tort

Many wrongs in society are neither punished as crimes nor remedied as breaches of contract. Suppose a workman accidentally drops a brick on my head when I am walking past a construction site, or suppose a neighbor's bonfire gets out of control and damages my house. In either case, there is no contract between me and the other party and it is unlikely anyone will be prosecuted for a crime unless intention or recklessness can be shown. In order to get compensation for such injury or damage, my best course will probably be an action in the law of torts.

The concept of 'tort' – a wrongful act among private individuals – exists in most modern systems of law. It is often compared to crimes and also contracts. When a tort is committed, the same act in many cases is also a crime, but there is an essential difference between them: torts are the subject of civil law disputes between private individuals, and crimes are prosecuted by the state.

(From Richard Powell: *Law Today*, Longman, 1997)

5.1. Read the text about the law of tort and underline the expressions referring to the definition/concept of 'tort':

A tort is a civil wrong. The law of torts has grown over the centuries as the courts recognised different situations as giving rise to civil liability. The result of the centuries of development is a maze of over twenty different torts with only the tort of negligence being based on the type of conduct rather than the particular fact situation and damage.

One way of understanding the framework of liability is to look at the nature of the interest being protected, in other words, what kind of loss has been suffered by the plaintiff. There are four broad types of loss to be considered.

The first is pure economic loss, that is financial loss suffered not as a result of physical damage to anything but simply because the defendant's conduct affected the plaintiff's financial dealings in some way. The second is physical damage to the plaintiff's person or his property, for example, the kind of loss suffered in a road accident. The third is interference with the enjoyment of land, for example, by pollution, and the fourth is insult to the reputation of the plaintiff, most obviously by a defamatory statement.

(From Dugdale, Furnston, Jones, Sherrin: *'A' Level Law*, Butterworths, 1996)

5.2. Tort and contract distinguished

Study the chart below and describe the differences between contract and tort.

	Contract	Tort
Obligations	The parties to a contract usually determine the extent of their obligations and duties by agreeing the terms of the contract. Contract liability is concerned with nonfeasance, i.e. failing to perform an obligation promised in the agreement.	Tortious rights and obligations are imposed by law. Liability in tort is generally concerned with misfeasance, i.e. loss caused as a result of a positive act.
Parties	Contractual rights can only be enforced by the parties to a contract against another.	Rights in tort are potentially available against all persons.
Fault	Liability in contract is strict, i.e. it is not necessary to prove fault on the part of the defendant, merely a breach of a term.	Most torts require an element of fault on the part of the defendant, e.g. negligence.
Interests protected	The law of contract protects future benefits.	Tort compensates for damage caused.
Limitation of actions	Limitation period begins to run from the breach.	Limitation period does not run until some harm or damage occurs.

(From Cavendish Law Cards *'A' Level Law*, Cavendish Publishing Limited, 1997)

6. Grammar: Future Tense

6.1. Fill in the blanks with the correct form of the future, using *will* or *going to* or *present continuous*. Sometimes more than one solution is possible.

1. A successful criminal prosecution (result) in a conviction.
2. The plaintiff (take legal action) to recover the loss.
3. If the plaintiff is successful, the defendant (be found) liable.
4. If the defendant is found liable, the court (order) him to pay compensation.
5. The prosecuting lawyer (meet) the criminal before the trial.
6. The defendant (see) his lawyer tomorrow at 10 o'clock.

6.2. Matching

Match the different ways of referring to future with their meanings.

Match



1. will
2. going to
3. present continuous

- a) arrangement
- b) known fact
- c) predictive future
- d) plan, intention, decision
- e) promise, offer

6.3. Other Future tenses

Future Continuous

The future continuous (**will be doing**) is used to talk about an activity that will be in progress at a particular moment in the future.

*I'm afraid I can't see you on 22nd because I **will be attending** a training course in England.*

Future Perfect

We use the future perfect (**will have done**), and a time phrase with **by**, to talk about something that will be completed before a particular time in the future.

*I **will have finished** my thesis by August. I will finish the last chapter of my thesis on 'Crime in Hungary' in July.*



6.4. *Simple future or future perfect tense? Put the verbs in brackets into the appropriate tense:*

1. In a fortnight's time we (take) our state exam in EC law.
2. By the end of this term I (read) all 2 volumes of the book on 'Labour Law'.
3. Don't worry about the exam. I (help) you.
4. I don't think I (come) to the lecture.
5. By the end of my university course I (attend) 600 lectures.

6.5. *Write a composition about your future plans for the next academic year in about 150 words. /Use going to, will, present continuous and future perfect in your composition./*

Write about

- the branches of law you intend to study;
- the courses you would like to attend;
- the foreign language you want to choose (legal English, or legal German);
- your thesis;
- the scholarship you'd like to apply for;
- the areas of law you are going to deal with in the future.

Unit 3

LEGAL EDUCATION

1. Studying law in the UK – How to qualify?

1.1. *Read the extract from a Cambridge University Prospectus and find the answer to the following questions:*

1. What is the purpose of the course?
2. Why do people study law, what do they plan to do after graduation?
3. What qualifications do students need to have to study law?
4. What subjects are compulsory for all students?
5. What subjects are optional?
6. How long does it take to qualify for a first law degree?

“The Law course at Cambridge is intended to give a thorough grounding in the principles of law viewed from an academic rather than a vocational perspective. There are opportunities to study the history of law and to consider the subject in its wider social context. The emphasis is on principle and technique. Skills of interpretation and logical reasoning are developed, and students are encouraged to consider
5 broader questions such as ethical judgement, political liberty and social control.

Although many undergraduates who read law do so with the intention of practising, many do not, preferring instead to go into administration, industrial management or accountancy. Candidates intending to read law need not have studied any particular subject at school. It is as common for undergraduates to have a scientific or mathematical background at A-level as it is for them to have
10 studied history or languages.

Undergraduates reading law for three years take Part 1A of the Tripos at the end of the first year. This comprises four papers: Criminal Law, Constitutional Law, the Law of Tort and Roman Law. In the second year five subjects are studied for Part 1B of the Law Tripos which is taken at the end of the year. The range of subjects on offer is wide - from Family Law to International Law - though in practice most
15 undergraduates take Contract and Land Law as two of their papers. In the third year, five subjects are studied for Part II of the Tripos. The range of options is even wider than in Part 1B. According to preference an undergraduate may develop his or her interest in Property Law (including Trusts and Conveyancing Law), Commercial Law, Public Law (including Administrative Law and EEC Law), or in
20 more academic and sociological aspects of law, such as Jurisprudence, Legal History, Labour Law and Criminology. Candidates may also participate in the seminar course submitting a dissertation in place of one paper.

Candidates for the postgraduate LL.M. take any four papers selected from a wide range of options in English Law, Legal History, Civil Law, Public Law, International Law, Comparative Law and Legal Philosophy.”

**UNIVERSITY OF CAMBRIDGE
FACULTY OF LAW**

Choice of Subjects

The papers for the Law Tripos are divided into groups I-IV

Group 1

- Paper 1 Roman Law
- Paper 2 Constitutional Law
- Paper 3 Criminal Law
- Paper 4 Law of Tort

Group 2

- Paper 10 Law of Contract
- Paper 11 Land Law
- Paper 12 International Law
- Paper 13 Roman Law

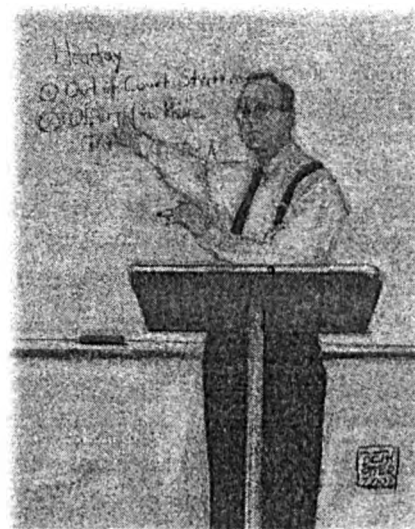
Group 3

- Paper 20 Administrative Law
- Paper 21 Family Law
- Paper 22 Legal History
- Paper 23 Criminology
- Paper 24 Criminal Procedure and Criminal Evidence
- Paper 25 Equity

(From a Cambridge University Prospectus)

Group 4

- Paper 40 Commercial Law
- Paper 41 Labour Law
- Paper 42 Principles of Conveyancing Law
- Paper 43 Company Law
- Paper 44 Contract and Tort II
- Paper 45 Conflict of Laws
- Paper 46 EEC Law
- Paper 47 French Law
- Paper 48 Jurisprudence
- Paper 49 (Half-papers) Prescribed subjects



1.2. Matching

What branches of law do the following glossary extracts define?

1. is the science or philosophy of law – the study of fundamental questions of law in general, not the explanation, criticism or application of the law of a particular system.
2. is the law relating to the legal structure of government in a State. It defines the principal organs of government and their relationship to each other and to the individual.
3. is the area of law relating to the functions and power of government organisations (not the supreme executive and legislature) and how they operate in practice to administer government policy.
4. is the study of the origins and historical development of a particular legal system or legal systems, principles and institutions in general.
5. is the area of law relating to the organisation of the family and the legal relations of its members.

6. is the area of law of each legal system which regulates how to deal with cases involving a foreign element. Also called Private International Law or International Private Law.
7. is the area of law relating to the practical transfer of property, especially land.
8. is the area of law relating to the employment of workers. It includes their contracts and conditions of work, trade unions and the legal aspects of industrial relations. Also called Industrial Law.
9. is the system of law, which regulates relations between States. It is a special system of legal rules which is not part of any national system of law. Also called Public International Law. (Not related to Private International Law.)
10. is the area of law relating to businesses organised as companies. It includes the formation and ending of companies, their legal status and the duties of their members.

(Based on Alison Riley: *English for Law*, Macmillan, 1991)

2. Branches of law

There are many branches of law. Different university programmes emphasize different branches and students can choose different courses according to their own interests.

2.1. Link each branch of law below with the best explanation:

A	Administrative Law	1) law which governs the rights and duties of husband/wife or parent/child
B	Law of Tort	2) rules which control the structure and function of government
C	Law of Property	3) law which decides if a promise is legally enforceable
D	Family Law	4) law which decides how a person's property will be divided after his/her death
E	Contract Law	5) law which covers the rights people have over land and other property
F	Constitutional Law	6) law which covers civil wrongs not covered by breach of contract
G	Law of Succession	7) law which concerns the way that persons are affected by the instruments of government
H	Civil Procedure	8) law which places emphasis on crimes against persons, property and society
I	Criminal Law	9) law which covers the theory and rules governing the litigation process

(From Krisztina Pásztor & Caroline Moor: *English for Law Students*, Miskolc University, 1994)

2.2. Which of these branches of law are compulsory and which of them are optional in your faculty?

3. Where after the LLB?

3.1. *Study the LLM programmes of the UK universities then compare them to the postgraduate programmes offered by the University of Pécs, Faculty of Law or by the faculty of your university.*

Of course many international and UK students commence a law course with the intention of having a career in the legal sphere eventually. For such students, there is a myriad of postgraduate legal courses available in the UK.

The LLM is the first award that usually comes to mind for an LLB holder intending to further his/her study in the field of academic law. Many UK universities offer the postgraduate taught degree of Master of Laws. Nowadays, besides the general LLM, many of these institutions also offer specialised masters level law courses. For example LLM in Business Law, Critical Legal Studies, Employment Law, Family Law, Human Rights, Intellectual Property and International Law. The named options available usually reflect the teaching and research expertise available at the particular university law school. Of course, the bigger the law school, the greater the number of options it can usually offer.

Most taught LLMs follow the familiar pattern of taught modules that run from September till May, and the students are then expected to complete a dissertation, usually around 15,000 words in length, over the summer months.

Some institutions now offer the LLM within their modular postgraduate framework, which enables the students to accumulate credits as they go along, until the totals required for each named award are reached e.g. here, 60 credits = postgraduate certificate, 120 credits = postgraduate diploma, 180 credits = LLM.

Besides the traditional methods of delivery, a few law schools are beginning to consider delivery of their LLMs via more 'cutting-edge' methods, for instance an e-LLM via the internet.

If you have an LLB, you may have acquired a number of transferable skills during your studies but these are usually fairly basic, and are confined to the legal environment. It is becoming increasingly apparent that for a legal practice to survive, efficient and effective management is also required. All members of a law firm ought to understand the facts and concepts of effective management. Awards such as these that we have at Staffordshire are tailored specifically for that purpose.

(From <http://www.he.courses-careers.com/law2.html> 'Studying Law in the UK')

3.2. *Write a 750-word article to be placed in a foreign student-journal. Give the following title to your article: 'Legal training at the University of Pécs, Faculty of Law' or 'Legal training at my university'.*

In your article, please include the following information:

- Undergraduate law study: compulsory and optional modules
- Lectures and seminar courses
- Requirements
- Exams
- Graduate and postgraduate programmes



4. Academic qualifications

Complete the sentences (a-k) by using (once only) each of the words in the box below:

degree	studied	graduate	passed
doctorate	Masters	trainee	took
graduated	post-graduate	undergraduate	

- a) I'm a law
- b) I have a in law.
- c) I in 1990 from Edinburgh University.
- d) I law for five years.
- e) Imy exams two years ago and was awarded my degree.
- f) I my final exams a month ago, I'm waiting for the results.
- g) I'm still studying at university for my first degree, I'm an
- h) When I've got my first degree, I'd like to do a
- i) I got my degree last year, now I'm doing studies.
- j) I have a (PhD) in international law.
- k) I'm working as a legal in a law firm.

(From Krisztina Pásztor & Caroline Moor: English for Law Students, Miskolc University, 1994)

5. Characteristics of graduate law study in American law schools

Reading for rapid information. Scan the text below and underline the expressions referring to the characteristics of legal training in the USA.

A strikingly large number of American law schools offer LL.M. and other graduate courses for international law students, as well as American students. The degree programs are varied, but most offer at least some sort of degree in international and comparative law or international business.

→ The study of law in the United States is unlike that in most other countries. First of all, the basic law degree, the Juris Doctor ('J.D.') is considered a graduate level professional degree and students enter the program already possessing a college diploma.

LL.M. students generally take classes alongside their J.D. counterparts. Depending on the policies of the school, special LL.M. seminars may also be offered, but may be open to J.D. students as well.

American legal education is far more participatory than the traditional lecture method used in civil law education. American law schools use the "case method" – studying casebooks containing actual court decisions to derive legal rules. Moreover, professors have traditionally used the "Socratic" method of teaching in which the professor asks a series of questions thereby guiding the student toward the correct responses. All students are expected to read the assignments and take part in discussions. Many professors consider class participation to be an integral component of the final class grade.

15 A student who wants to succeed in graduate study in the United States must be able to read English quickly and with good comprehension. Typical reading assignments may range between fifteen and sixty pages per class.

20 American law school classes are taught either as lecture courses, or smaller seminar courses. Lecture courses may range in size from approximately fifteen people for a specialized course such as Admiralty or Conflict of Laws to perhaps sixty. Lecture courses, particularly those which have a large number of J.D. students, generally are taught using the Socratic method and have a single examination at the end of the course which determines the grade.

Seminar courses, on the other hand, have fewer students, and treat a specialized topic in greater depth. Seminars are graded either on the basis of final exams or through the preparation and presentation of original research papers, as well as classroom participation.

Research and writing is an essential component of graduate legal education in the United States. In addition to shorter papers which are written for seminars, most law schools require some sort of graduate thesis of substantial length. Students prepare their graduate thesis for a supervising professor who is available to offer advice. Many LL.M. students revise their thesis and submit them for publication to American law journals.

Final examinations are a necessary evil. In law schools, examinations are generally presented as essay questions, rather than multiple choice tests. A typical law school exam consists of three one-hour questions, each of which sets out a fact pattern and asks specific questions that are to be addressed in an essay. These exams are comprehensive and generally test all the areas covered in the lectures.

35 *Bar Review Courses and State Bar-Examinations*

In the United States, admission to the bar is governed by state law. (The American Bar Association is a voluntary professional organization and ABA membership alone does not qualify a person to practise law in an American jurisdiction). The registrar at your law school will have information to help this process. The New York Bar traditionally is the bar of choice for international LL.M. graduates. Bar exams are typically given twice a year, and the results are not generally available for several months. In addition, a written legal ethics exam may be required.

Completion of a three-year J.D. degree does not fully prepare law graduates to pass a state bar examination, so the overwhelming majority of law students elect to take some sort of bar review course. These bar review courses are not taught like standard law school classes and are designed to provide a great deal of information about different legal topics in a relatively short period of time.

(Adapted from Mark. E. Wojcik: Introduction to Legal English, International Law Institute, 2000)

6. Grammar: Past Tenses /Simple Past and Past Continuous/

6.1. The Simple Past is used to talk about completed actions in the past.

The simple past is often used with expressions that refer to points of time in the past, like: yesterday, last week, 3 years ago, then, when.

Look at the following common examples and the prepositions that are used with them:

at	:	6 o'clock, the end of the year / Christmas
on	:	Tuesday / 15th May /
in	:	January / 1978 /the 1980s /summer / morning

6.2. Past Continuous is used to talk about an action in the past which:

- was going on at the same time as another action;
- was already in progress and was interrupted by another action;
- was in progress at a particular moment of time in the past.

For example: I was watching TV

- while he was trying to phone;
- when there was a knock on the door;
- at 3 o'clock yesterday.

Time Words/Phrases: at the same time as, meanwhile, when, while



6.3. Choose the correct tense: simple past or past continuous.

I ⁽¹⁾ met/was meeting an old business colleague of mine while I ⁽²⁾ travelled/was travelling to New York for a conference. She ⁽³⁾ noticed/was noticing me while I ⁽⁴⁾ stood/was standing in the queue at the airport check-in desk. We decided to travel together, and while we ⁽⁵⁾ waited/were waiting for the flight to leave, we ⁽⁶⁾ realized/were realizing that we were going to the same conference and staying at the same hotel. We talked about old times, and while we ⁽⁷⁾ had/were having lunch on the plane, she ⁽⁸⁾ said/was saying that she was going to look for a new job. I didn't think of it at the time, but later on when the plane ⁽⁹⁾ came/was coming in the land, I suddenly ⁽¹⁰⁾ remembered/was remembering that we had a vacancy for a lawyer. I told her about the terms and conditions, and later that evening, when we ⁽¹¹⁾ had/were having dinner, she ⁽¹²⁾ accepted/was accepting the position.

(From Michael Duckworth: *Grammar & Practice*, Oxford Univ. Press, 1998)

6.4. Write a short paragraph in 80-90 words about your career history, giving the dates where possible. Use Simple Past and Past Continuous in your description.

Use the following expressions:

to be admitted to
to go to university
to choose optional courses
to study law/to attend courses
to be interested in areas of law
to learn languages
to apply for a scholarship
to get a degree
to do research work
to do MBA
to get a job (with) ...
to work (as) ...

for ... year(s)
when
in
then
meanwhile/while
... years ago

Unit 4**WRITING FORMAL LETTERS****1. Discussion**

- What methods of communication do you know of?
- Which ones do you use in everyday life?
- What does your choice depend on?

Letters are still an important way of communication mainly in a formal setting. This unit will help you become a more efficient and successful letter-writer.

2. The layout of formal and informal letters**Formal letters**

<p>The Director Tourist Information Centre High Street Exeter Devon EX1 7PZ</p>	<p>42 Orchard Road Bottle Liverpool L20 CHB</p>
7 March 1993	
<p>Dear Sir or Madam</p> <p>I am writing to enquire about holiday accommodation in the Exeter area.</p> <p>I would be grateful if you could send me details of cheap hotels and bed and breakfast accommodation in or near Exeter, together with a map of the city centre.</p> <p>I look forward to hearing from you.</p> <p>Yours faithfully</p> <p><i>Kate Burton</i></p> <p>Kate Burton</p>	

1. If you don't know the name of the person you're writing to, begin the letter with *Dear Sir or Madam* and finish with *Yours faithfully* (*Sincerely yours* or *Yours truly* in American English).
2. If you know the name of the person you're writing to, begin with *Dear Mr Roberts*, *Dear Ms Cooper*, *Dear Mrs Williams* or *Dear Miss Thomas*, and finish with *Yours sincerely* (*Sincerely yours*).
3. The letter should be written in a formal style so you should not use contractions – write *I am* and *do not* and NOT *I'm* and *don't*.

Informal letters

17 South Street
Carlisle
Cumbria
CA2 6MG

Tuesday 11th June

Dear Clare

Thanks very much for your letter. It was lovely to hear from you. I'm glad you're enjoying your new job and that you like Bristol. It's nice that the people at work are so friendly.

We're missing you here in Carlisle! Bob and Hillary had a party last weekend and everyone was asking how you were. It was a good party, although I didn't get home till five in the morning so I spent most Sunday in bed!

I don't know what the weather's been like in Bristol but it's been really hot here this week. I hope it stays like this as Helen and I are planning to go camping in Scotland at the end of the month. It won't be much fun if it rains!

Well, no more news for the moment, but I'll write again soon.

Love
Nick



1. If you know the person you're writing to very well, you can finish with *Love* or *Lots of love*. If you don't want to be quite so informal, you can finish with *Best wishes* or *With best wishes*.
2. The style of this letter is informal, so the writer uses lots of contractions – *it's*, *we're*, *didn't*, etc.

(From *Oxford Wordpower Dictionary*, Oxford University Press, 1993)

3. Style in letters

The style of the letter varies depending on who it is addressed to. For instance, a letter to someone you do not know requires a *formal style*, a letter to someone you know but are not intimate with requires a *semi-formal style*, while a letter to a friend requires an *informal style*.

Formal style:

- complex sentences
- non-colloquial English
- advanced vocabulary
- formal greetings and endings

Semi-formal style:

Combination of formal and informal language.

- formal greetings
- informal endings

Informal style:

- idioms
- phrasal verbs
- colloquial English
- abbreviated forms
- informal greetings and endings

3.1. Read these extracts and say which is 1) informal, 2) semi-formal, 3) formal. Then, **underline** the characteristics which indicate the style in each extract.

A Regarding the future opportunities in your field of work, I would recommend that you consider trying to find a position of greater seniority. You have already proved yourself to be a highly competent and effective member of your company, and I believe that you now possess sufficient skills and experience to tackle the challenge of additional responsibility.

On the matter of further training, I would suggest that you might try to upgrade your IT skills to enable you to take advantage of the full range of modern technology available. There are some very well-run and useful courses operating locally, at least one of which you should find appropriate to your needs.

B If you really hate living in Winkleborough that much, I'd say do yourself a favour and leave. Don't hang about either. If you come back here soon, I'm sure you can find a job without any problem, and you know you can stay with me until you find yourself a place to live.

Why don't you pull yourself together and get on with building a better life back here where you belong? It's high time you took a few risks again, like when you were a kid. Get a new job, find some other stuff to fill your time. Move back here and go for it!

C Of course, it will be a big change going to live in a different part of the country, away from your family and all your old friends, but it need not be as difficult as you seem to think. Why not apply for a room in a university hall of residence? Everything is provided, and because you live with a lot of other students, it is easy to make new friends.

As far as the course goes, I am sure you will manage very well. The work is at a higher level, but I am certain you'll enjoy the challenge. In fact, I think you will enjoy the opportunity to study your subject in depth, so I really think you should give it a try.

3.2. Put an *F* for formal and an *I* for informal language. Give reasons.

1. Thank you very much for your cooperation in this matter.
2. It'll be great to see you again after so long!
3. My husband and I request your presence...
4. It is with deep regret that I must inform you...

5. Hope this advice will be of some help to you.
6. Would it be possible to get together over lunch sometime soon?
7. I sympathise completely with your predicament but unfortunately no further action can be taken at this time.
8. I am writing to complain about the service we received...
9. I'm looking forward to seeing you both on Saturday.
10. On behalf of our company, I would like to apologise for...

3.3. Match the beginnings and endings below, and then identify the purpose of writing the letter from which each pair of paragraphs is taken.

BEGINNINGS...	
1	I am writing in response to your advertisement in yesterday's <i>Daily Scope</i> concerning a vacancy in your sales department.
2	I am writing in reply to your letter requesting information about our products.
3	I am writing in my capacity as chairman of the residents association to draw your attention to the problem of excessive noise levels in our neighbourhood.
4	I am writing to request permission to use the company premises for a meeting which will be held during the holidays.
5	I am writing to advise you of the changes in the schedule for the forthcoming seminar on "Safety in the Home".
... ENDINGS	
A	I hope that these changes will not cause you too much inconvenience and that you will still be able to attend.
B	We feel confident that you will find something in our range that meets your requirements and look forward to receiving your order.
C	I am available for interview any weekday between 9 am and 5 pm, and I look forward to meeting you in person to discuss the possibility of my employment.
D	We trust that you will give this matter your urgent consideration and look forward to receiving any suggestions you might have to help overcome the problem.
E	We would be extremely grateful if you were to allow us to use the facilities for the duration of our meeting. Thank you in anticipation of your kind cooperation.

(From Virginia Evans: *Successful Writing*. Express Publishing, 1997)

4. Useful language for various types of formal letters

Study the language of the different types of formal letters and then complete the tables below with similar expressions from the following list.

- A I am writing in response to your enquiry about...
I am writing with regard to your letter / or our telephone conversation...
I am writing in connection with...
- B Please do not hesitate to contact me should you have any further questions.
I trust that I have been able to answer all of your questions...

- C I am writing in response to your letter requesting advice about...
I hope that my suggestions will be of help to you...
I would like to offer one or two suggestions concerning...
- D I would be pleased /happy to offer any additional advice you may require...
- E I would like to be selected for a place on the course in...
- F I hope that you will consider me for admission to...

1. Useful Language for Letters Giving Advice

Opening Remarks	Thank you for your letter requesting / I am writing in reply to your letter asking for advice about / I hope the following advice will be of some help to you,
Suggestions	I strongly recommend that / I would suggest that / I believe the best course of action is / I would advise you to / You should / You ought to /If I were you I would,

Closing Remarks	I trust you will accept this advice / I hope this will be of help / I would very much like to know if this was helpful,
------------------------	---

2. Useful Language for Letters of Application (for a course)

Opening Remarks	I would like to apply for admission to the ... / I would like to be considered for,
Reference to qualifications	I hold a certificate/degree in/I am due to take examinations in / I have taken/passed the ... examination / I hold the following qualifications / I have completed the following courses/degree course / My degree is in English,
Closing Remarks	I would appreciate a reply at your earliest convenience / I look forward to meeting/hearing from you / Please contact me regarding any queries you may have / I enclose further details of my education and qualifications to date / I hope that you will consider me for entry,

3. Useful Language for Letters Giving Information


Opening Remarks	I am writing in reply to your letters asking for information about / I am writing to inform you about / in reply to your enquiry,
Closing Remarks	I hope that I have been of some assistance to you / Please inform me if I can be of any further assistance / I hope I have answered all your questions / Please do not hesitate to contact me if you require any further information,

(Adapted from Virginia Evans : Successful Writing Proficiency, Teacher's Book, Express Publishing, 1998)

5. Grammar: Perfect Tenses

5.1. The simple present perfect connects the past and the present.

- We use it especially for *finished actions* that are *important now*. They have results now, or they are new.

Past  Present e.g.: *I have passed my exam in Constitutional law.*

- We use the present perfect to talk about *situations continuing up to now*, especially where we say how long they have lasted.

past situation → present e.g.: *He has worked with students all his life.*

- With most verbs we can also use the *present perfect progressive* to talk about situations continuing up to now. e.g.: *How long have you been studying law?*

5.2. To talk about finished actions, we can use the present perfect or the simple past.

- *We don't use the present perfect with expressions which refer to a finished time.*
- *We use the present perfect with expressions which refer to 'any time up to now!'*

5.3. Finished or unfinished time? Put the expressions in two lists.

a long time ago, today, recently, this year,
lately, often, then, when, last (year), yesterday,
already, just, never, before, ever, yet

Finished time	Unfinished time

5.4. Chose the correct tense: simple past or present perfect

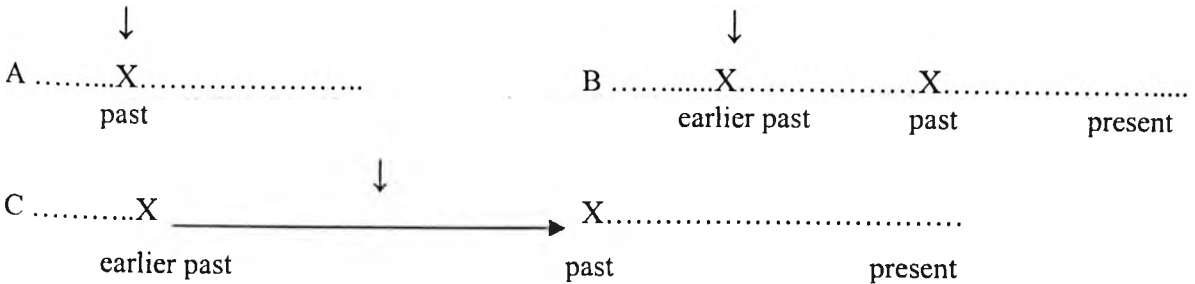
1. I _____ (apply) for a job last week.
2. I _____ (find) the job advertisement in the 'HVG'.
3. I _____ (graduate) from the Law Faculty of Pécs University 3 months ago.
4. I _____ (look for) a job since I finished my university studies.
5. I _____ (be) invited for a job interview yesterday.
6. This is the first time I _____ (participate) in a job interview.
7. Unfortunately I never _____ (work) abroad. (!)
8. I am happy now because they just _____ (offer) me the job. (!)

5.5. Past Perfect

1. **Past perfect tense** in general refers to an event in the past which happens before another event in the past. *le.g.: By the time I got to the university, the lecture had already started.*

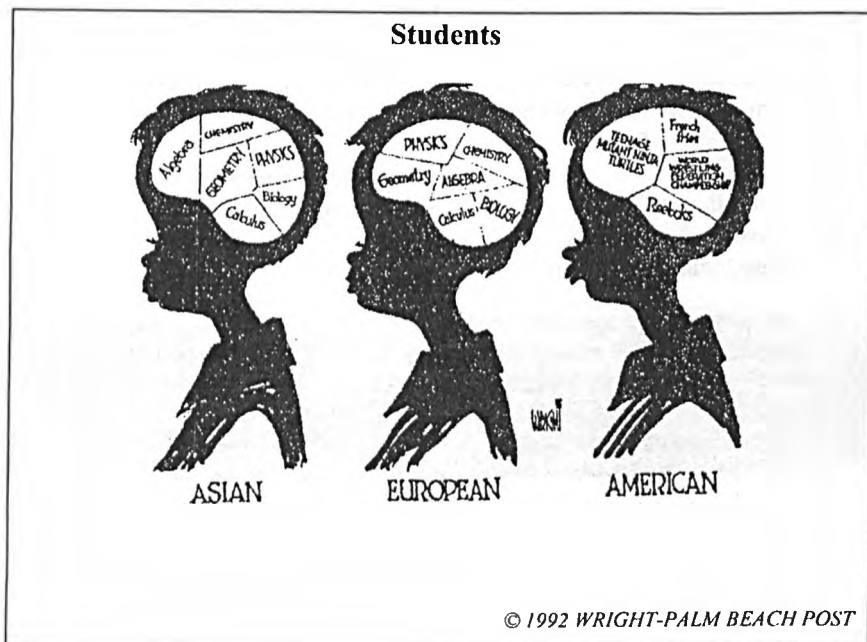
2. **Past perfect continuous** *le.g.: I had been working as a paralegal for 10 months before I started university in 2003.*

Look at these diagrams. Which one represents the simple past perfect, and which represents the past perfect progressive?



5.6. Choose the correct tense (simple past or past perfect)

I _____ (apply) for a job in Paris after I _____ (finish) my studies. When I _____ (go) to Paris last spring for a job interview, I _____ (not be) there for five years. I _____ (arrive) the evening before the interview, and _____ (spend) a happy hour walking round thinking about the good times I _____ (have) there as a student.



5.7. You wish to apply for a course of study in Britain. Below is an advertisement for the undergraduate and postgraduate programmes of Kent Law School. Choose one of the programmes and write a letter of application to the University of Kent, giving your personal details and your academic qualification, including your level of English. Include information about the course and subjects you wish to study, and why you have chosen this particular university.

Write the letter in about 300 words using past, present perfect and past perfect in your letter.

Kent Law School	
Undergraduate Degrees	Postgraduate Degrees
Three Year programmes Single Honours Law Law with French or German Language Joint Honours including Law and Business Administration, Law and Criminology Law and Politics and many others All recognized as Law Qualifying Degrees by the English Law Society and Bar	Taught Master's Degree Programmes (LLM) Criminal Justice European Law International Commercial Law Medical Law & Ethics International Law with International Relations (taught in Canterbury and/or at the University's Brussels School of International Studies) Environmental Law and Policy International Economic Law (taught at the University's Brussels School of International Studies only) Public International Law International Mobility, Globalisation and the Law (Transmanche)
Four Year Degrees English and French Law with year at Paris 1 Pantheon-Sorbonne, Paris X Nanterre, Bordeaux or Grenoble English and Spanish Law with year in Madrid or Bilbao English and German Law English and Italian Law European Legal Studies with year in Amsterdam, Maastricht, Copenhagen or Bergen (taught in English) Law and Psychology Law and Accounting & Finance Law and English Literature (with professional recognition)	Research Programmes (LLM, MPhil, PhD) Law Socio-legal Studies
For further details contact: The Director of Studies Ian Grigg-Spall, Recruitment & Admissions, Kent Law School Eliot College, University of Kent, Kent CT2 7NS Telephone: +44 1227 823 425 Fax: +44 1227 827 831 Email: i.m.grigg-spall@kent.ac.uk www.kent.ac.uk/law	

(From Student Law Review 2006, Volume 48)

Unit 5**SOLICITORS AND BARRISTERS****1. The legal profession in Britain****1.1. Read the text and explain the expressions in bold type.**

The British legal profession includes two separate branches: barristers and solicitors (the term “lawyer” is a general one which covers both branches).

Some types of work have traditionally been available to only one branch (conveyancing to solicitors, advocacy in the higher courts to barristers, for example). Another difference is that barristers cannot usually be hired directly by clients – their first point of contact will usually be a solicitor, who then engages or briefs a barrister on their behalf if it proves necessary (in case of unusual difficulty or where the trial is to take place in superior courts). As we shall see though, these divisions are beginning to break down.

Solicitors

It is believed that the name is derived from people who were paid to petition or solicit on behalf of their clients in the old Court of Chancery.

There are around 90,000 solicitors who hold practising certificates. Their governing body is the Law Society.

Solicitors have traditionally been able to do advocacy work in the magistrates’ court and the county court, but not generally in the higher courts. Now suitably qualified solicitors (solicitor advocates) can secure rights of audience in any court.

For most solicitors, paperwork takes up the majority of their time. It includes conveyancing (making legal arrangements for the buying and selling of property), probate (drawing up wills and making sure they are carried out) and so on, as well as giving written and oral legal advice.

Until 1985, solicitors were the only people allowed to do conveyancing work, but this is no longer the case – people from different occupations can qualify as licensed conveyancers, and the service is often offered by banks and building societies.

Solicitors work in ordinary offices. Practices range from huge London-based firms dealing only with large corporations, to small partnerships or individual solicitors, dealing with the conveyancing, wills, divorces and minor crime of a country town.

Barristers

There are around 10,000 barristers, known collectively as **the Bar**. Their governing body is the Bar Council. Barristers are also known as **counsel**. The term “barristers” derives from the fact that when they qualify they are “called to the Bar”, an expression which dates from the days when each courtroom was fitted with a rail or bar dividing the area actually used by the court from the general public. Only barristers were allowed to step up to the bar to plead their clients’ cases.

Advocacy is the main function of barristers, and much of their time will be spent in court or preparing for it. Barristers mostly appear in the more difficult cases in the Crown Court, the High Court, and the various courts of appeal. In these courts they must wear wigs and gowns. Barristers also do some paperwork, **drafting** legal documents and giving written opinions on legal problems. They are usually engaged by solicitors on behalf of a client, however, they may also be directly hired by certain professionals, such as accountants.

Unlike solicitors, barristers cannot work in partnership with one another. All professional barristers are self-employed, although they share offices called **chambers**. All the barristers in a particular chamber share a clerk, who is a type of business manager, arranging meetings with clients, solicitors and **negotiating** the barristers’ fees.

Around 70 per cent of practising barristers are based in London chambers, though they may travel to courts in the provinces; the rest are based in other big cities.

After ten years in practice, a junior counsel may apply to become a **Queen’s Counsel**, or QC (sometimes called **silk**, as they wear gowns made of silk). This means they are expected to handle the most serious or difficult cases.

(Adapted from Elliott, C. and F. Quinn: English Legal System, Pearson Education Ltd., 2000)

1.2. Practice

a) *Decide whether these sentences refer to solicitors or barristers or both.*

1. They are able to do advocacy in the higher courts.
2. They have full rights of audience.
3. They are members of the Bar.
4. They prepare briefs.
5. They used to be the only people allowed to do conveyancing.
6. Their main function is advocacy.
7. They must be self-employed.
8. They have a direct relationship with clients.
9. They have clerks, who act as managers for them.
10. They share chambers with each other.
11. Paperwork takes up the majority of their time.
12. They can form partnerships.
13. Their governing body is the Law Society.
14. They may apply to become QC, otherwise they remain juniors.

b) *Find synonyms for the following words or expressions.*

- to engage (a barrister)
- to draw up (a legal document)
- Queen's Counsel
- to plead (a case)
- to solicit

1.3. *Work in pairs. Collect the main differences between solicitors and barristers.*

1.4. *What characterises the work of lawyers in Hungary?*

2. Listening

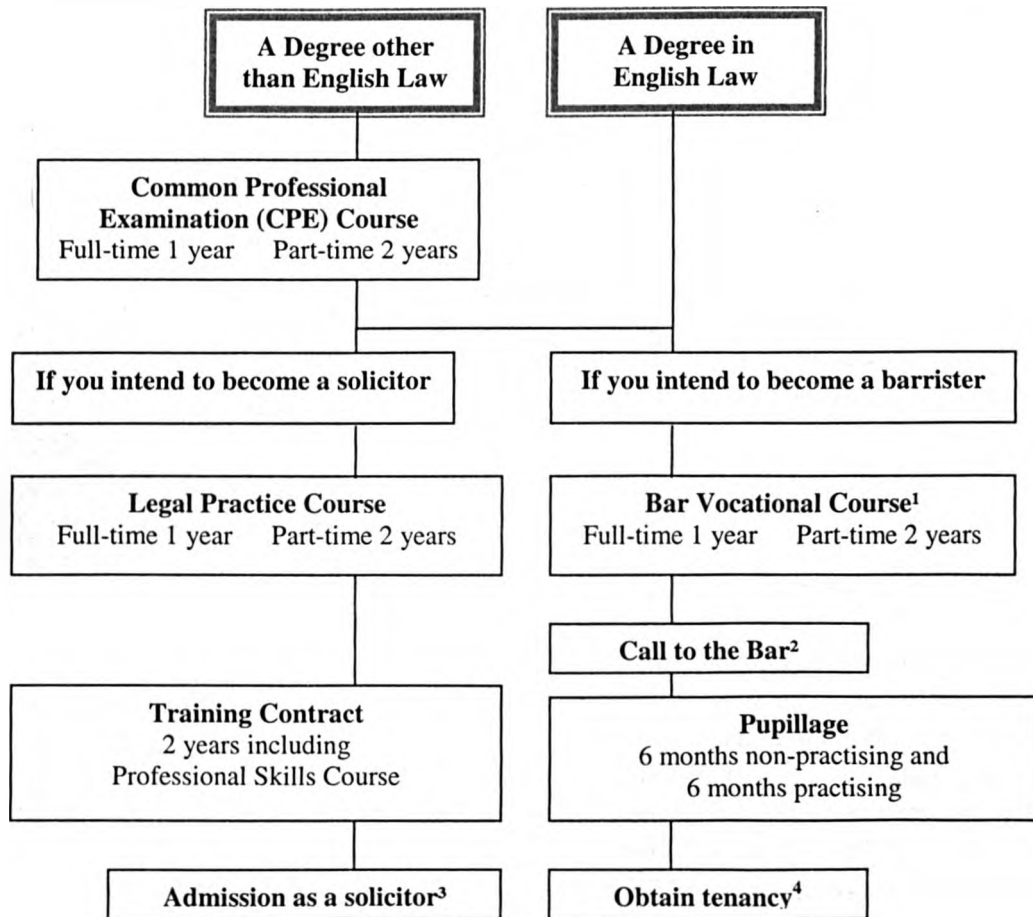
A solicitor's job

While you are listening, fill in the chart about the solicitor's job. Do not write more than three words into a box. Some boxes are filled in as examples.

What	When/How often	Why
Telephoning	(1) _____	XXXXXX
(2) _____	Not every day	(3) _____
(4) _____	(5) _____	XXXXXX
(6) _____	XXXXXX	(7) _____ Advice was complex
(8) _____	(9) _____	(10) _____

3. Becoming a solicitor or barrister /pair work/

3.1. Based on the diagram and the information given below, describe similarities and differences between the training of solicitors and barristers. The following structures may help you when talking about similarities and differences:



Comments

Legal executives may become solicitors even without a university degree, by completing the one-year Solicitors' First Examination Course and the Legal Practice Course, and spending five years in articles.

¹The Bar Vocational Course means studying at one of the four Inns of Court: Inner Temple, Middle Temple, Gray's Inn or Lincoln's Inn. Students are required to eat a number of dinners in the Great Hall of their Inn of Court. This tradition dates from the days when students received their legal education by attending lectures which were given while they were dining in Hall.



Gray's Inn



Lincoln's Inn



Middle Temple



Inner Temple

²Call to the Bar is a ceremony that takes place in Hall, at which newly qualified barristers are formally admitted to the profession.

³Admission as a solicitor or "admission to the Rolls" means that the names of newly qualified solicitors will be entered on the roll (list) of solicitors permitted to practise.

⁴Tenancy means finding a permanent place in chambers. If the newly qualified barrister cannot find a place, he is forced to "squat" - he has to remain in his pupillage chamber without becoming a full member.

3.2. Work in pairs. Draw a diagram about lawyers' training in Hungary.

4. Customs /Reading and Speaking/

4.1.

Group A: Read the introduction and text A, then give a short summary of text A to your partner from Group B.

Group B: Read the introduction and text B, then give a short summary of text B to your partner from Group A.

Dining Customs

You are required to attend 12 qualifying sessions before you can be Called to the Bar. Attendance at the Call Ceremony and Dinner counts as the 12th qualifying session. Dinners are usually preceded or followed by an educational event such as a moot, debate or Inn competition, which you are actively encouraged to participate in. As part of the educational programme, talks are given in Hall before Dinner on ordinary nights and all students who have booked to dine on these evenings are expected to be present for the talk.

A There are five dining periods, which vary from 9-14 days duration. Two dining periods in Hilary, one each in Easter, Trinity and Michaelmas (the terms of the school-year).

You are expected to arrive promptly for dinner. If you are late, you will usually not be allowed into Hall and will, therefore, forfeit dinner and not be credited with a qualifying session.

It is customary that no-one enters or leaves Hall while the Benchers (Masters of the Bench=senior barristers governing the Inn) are present.

The Inn provides student gowns, which must be worn in Hall during dinner in term. These must be returned to the appropriate cloakroom at the end of the dinner. The dress code for dining is basically what you would be permitted to wear in Court.

Barristers and Student Barristers stand while the Benchers enter and leave the Hall, and it is customary to bow to each Bencher as he/she enters and leaves.

Student Barristers are seated in groups or messes of four. The Student Barrister nearest the top of the table on the right hand side of each mess is the Captain. The Captain serves himself first and then passes the food anti-clockwise. The Junior, who sits beside the Captain, serves himself last.

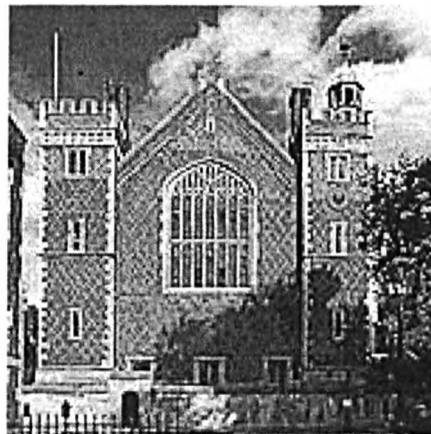
B On occasions when the Loyal Toast is proposed in the Inn, it is by tradition proposed and drunk seated. This is a privilege which has been enjoyed since the days of Charles II.

Permission to smoke after dinner is given by the senior Barrister present, ordering the Butler to light the candle in the memorial mess at the head of the Bar Table after the Benchers have left the Hall. No one is permitted to smoke before the candle is lit. The memorial mess is a group of 4 places which are set aside in memory of all those who died in the 2 World Wars.

Those students who do not wish to be served alcohol during dinner should turn over one of the glasses at their place setting. This will indicate to the waiting staff that they do not wish to be served wine or port etc.

It is customary and polite for conversations within messes to be carried out in a language which is understood by all members of the mess. The Captain of each mess is under an obligation to see that the customs are observed by the members of the mess.

Students will not be seated at the Bar Table unless by special invitation or when dining with their Sponsor.



Lincoln's Inn, The Great Hall

(Adapted from http://www.lincolnsinn.org.uk/sd_customs.asp)

4.2. Did you know?

Some other 'traditions':

- Barristers never shake hands either in court or when meeting socially.
- Barristers never enter or leave a courtroom without bowing to the judge.
- It is interesting to note that barristers never carry briefcases, although their written instructions are called briefs.
- Barristers refer to each other as "My Learned Friend" and refer to solicitors as "My Friend".
- Queen's Counsels (QCs) sit nearest to the judge, junior barristers sit behind them and solicitors behind the juniors.

(Adapted from http://sixthformlaw.info/01_modules/mod1/1_4_legal_personnel/1_4_2_barristers_solicitors/04_barristers_wigs.htm)

4.3. What traditions are there concerning the legal profession in Hungary or other countries?

5. Expressions for "lawyer"

Match the words with their explanations.

- | | | | |
|--------------|------------------------|----------------------|----------------------|
| A. lawyer | B. attorney | C. district attorney | D. barrister |
| E. solicitor | F. solicitor-advocates | G. advocate | H. Solicitor-General |
| I. counsel | J. counsellor | K. Attorney-General | L. Advocate-General |

1. a person who has studied law and can act for people on legal business
2. fully qualified solicitors who have taken additional advocacy exams, they have the same rights of audience as barristers F
3. especially in England and Wales, a lawyer who can plead or argue a case in one of the higher courts, a member of one of the Inns of Court
4. one of the Law Officers, a Member of Parliament and deputy to the Attorney-General
5. somebody who is legally allowed to act on behalf of someone else, US lawyer
6. a barrister or barristers acting for one of the parties in a legal action
7. US a prosecuting attorney in a federal district or state
8. a trained person who gives advice or help /not necessarily a lawyer/, in the US also a legal practitioner who advises a person in a case
9. a lawyer who has passed the examinations of the Law Society and has a valid certificate to practise, who gives advice to members of the public and acts for them in legal matters, and who may have right of audience in some courts
10. one of the eight independent members forming part of the European Court of Justice together with 27 judges, who summarises and presents a case to the judges to assist them in coming to a decision
11. a barrister or solicitor who may argue a case for their client during legal proceedings, also used in the US to mean a legal practitioner
12. **UK** one of the Law Officers, a Member of Parliament, who prosecutes for the Crown in major criminal court cases, advises government departments on legal problems
US state or federal government, he is in charge of the Justice Department

(From P. H. Collin, *Dictionary of Law*, Peter Collins Publishing, 2004)

6. Fusion of the two professions

The professions of barrister and solicitor are separate and the work is different. It is not possible to belong to both branches of the legal profession, but it is possible for a barrister to retrain and become a solicitor, and many often do; similarly solicitors can move in the opposite direction.

The Marre Committee (set up by the Bar Council and Law Society) in 1988, recommended extending the rights of audience for solicitors and direct access to barristers for other professionals e.g. accountants.

What would be the advantages and disadvantages of the fusion?

Write the letters of the sentences under the right heading.

ADVANTAGES	DISADVANTAGES

- A. Fusion would break up the close working relationships between a comparatively small Bar.
- B. Barristers often find themselves double booked and have to return the brief at the last moment for another barrister to read and deal with.
- C. Young lawyers would not have to decide which part of the profession to join without experiencing any practical law.
- D. It would eliminate duplication of work, where a client explains the case to a solicitor, who then instructs a barrister. A barrister in charge of the case would be able to deal with the instructions and evidence better than one who received instructions second hand.
- E. The best lawyers would join the larger firms, and would not be available to all clients.
- F. Costs would be lower. Solicitors (or even the solicitor's clerk) sit behind the barrister in court throughout the trial, with little to do.
- G. Lack of Second opinions: The second opinion of a barrister on a case can bring objectivity to it, and is extremely useful to solicitors confronting a client who thinks he has a good case.
- H. Lawyers would be able to specialise rather than to send work out to barristers.
- I. Most lawyers would become general practitioners, and try to deal with cases themselves rather than use an expert. The standards of advocacy would be put at risk, because of the lack of experience in particular types of case.
- J. Loss of 'cab-rank' rule, the fundamental rule that ensures a client will always receive proper representation, no matter how distasteful the case or the client. (According to this rule, a barrister must accept any case that falls within his field of specialisation and for which a reasonable fee is offered unless he has been already booked up for the time in question.)
- K. Solicitors with a talent for advocacy could practise it in any court, which largely they can now as solicitor-advocates (there are about 3,700 nation-wide).
- L. Lawyers who wanted to specialise in narrow areas of work would be unable to do so within a single firm.

(Adapted from http://sixthformlaw.info/01_modules/mod1/1_4_legal_personnel/1_4_2_barristers_solicitors/15_solicitors_barristers_fusion.html/)

7. Public access – Briefing a barrister



Certain barristers in England and Wales can be instructed directly by members of the public. This is called 'Public Access'.

Following a recent change in the rules, rather than having to instruct a solicitor to appoint a barrister for you (as you would have been required to do before), Public Access allows the public to contract with (instruct) a barrister directly. A solicitor is not involved at any stage. Under the watchful guidance of the barrister, you do some of the work a solicitor would do, saving you the cost of paying for what you can do yourself.

Below is a sample Instructions to Counsel document - this should give you a general idea of what an Instructions to Counsel document looks like and the type of issues discussed within.

IN THE MILTON KEYNES COUNTY COURT

CASE NO MK06E06852

BETWEEN: -

SAMANTHA KNIGHT

Claimant

-v-

MICHAEL BENTLEY

Defendant

INSTRUCTIONS TO COUNSEL FOR HEARING ON 30th JULY 2006

Counsel has herewith copies of the following documents:

1. Claim Form dated 25th October 2005
2. Particulars of Claim, with attached Schedule of Loss dated 26th October 2005
3. Acknowledgment of service
4. Defence and Counterclaim dated 15th November 2005
5. Claimant's Reply to the Defence and Defence to the Counterclaim dated 27th November 2005
6. Claimant's and Defendant's allocation questionnaires
7. Order of DJ Bridge dated 12th December 2005
8. Order of DJ Hall dated 26th February 2006
9. Witness statement of the Claimant, with exhibits, dated 25th May 2006
10. Witness statement of the Defendant, with exhibits, dated 27th May 2006
11. Witness statement of Mr. Jones dated 24th May 2006
12. Relevant correspondence

Counsel is instructed on behalf of the Claimant, Samantha Knight, in connection with an accident which occurred on the A40 in West London on 25th April 2005 at about 9:15 am.

From the pleadings Counsel will see that it is common ground between the parties that there was an accident between the Claimant and the Defendant on this road at this time. It is further accepted that the Claimant was driving a Vauxhall Vectra and the Defendant was driving a white transit van.

As Counsel will see, it is the Claimant's case that she was driving along the A40 in her Vauxhall Vectra 2.0L with her two children in the back when the Defendant pulled out in front of her from a side road to her left. The Defendant did not stop at the give way line as he should have done; he just drove straight out onto the A40 giving the Claimant no time to stop or avoid hitting the side of the Defendant's van.

It is the Defendant's position that he had driven up to the junction and had waited for a clear gap in the traffic on the A40. He says he had checked both ways and was pulling out when the Claimant suddenly came speeding down the A40 and into collision with the Defendant's van.

The Defendant has provided a statement from a Mr. Jones, who says that he saw the accident from the pavement. Mr. Jones says the Claimant was going too fast. The Claimant denies she was driving too fast; she estimates she was travelling at no more than 25 mph. Counsel is asked to note: (1) looking at the addresses in the witness statements, Mr. Jones is the Defendant's next door neighbour- given the accident was at least 5 miles from where they both live, this seems a bit of a co-incidence; and (2) I did not see anybody else walking around on the pavement where the accident took place.

Counsel is referred to the particulars of claim and the schedule of loss which sets out the Claimant's claim for a cut to her hand and a sore neck suffered as a result of the accident. The Claimant visited her doctor and a copy of the GP's letter is attached to the particulars of claim. The Claimant's car has been repaired and the invoice dated 5th May 2005 was paid a week later.

The Defendant claims for the repairs to his van however he has only provided a copy of an estimate for the damage and not an invoice. This is despite repeated requests by the Claimant for proper documentation – see the correspondence.

Counsel is instructed to attend Milton Keynes County Court on 30th July 2006 at 2:00 pm to represent the best interests of the Claimant at trial. Counsel is asked to attend at 1:15 pm so that Counsel and the Claimant may have a conference to discuss the case beforehand.

If Counsel has any queries then please feel free to contact Samantha Knight on 0208 123 4567.

Dated

(http://www.findabarrister.co.uk/more_info.asp?current_id=99)

7.1. Reading comprehension

Answer the questions.

1. What documents are attached to the instructions?
2. Who are the parties?
3. Where is the case going to be tried?

7.2. Speaking

1. Role-play. *Perform a meeting between the two parties' lawyers discussing the case before the trial.*
2. If you were a judge, how would you decide this case?

8. Grammar – Revision of tenses

8.1. *Underline the mistakes in the following sentences and correct them. Identify the tenses and explain your solutions.*

0. I work on an interesting case now. → am working
1. I have been studying law for four years before I started my training contract.
2. A barrister is spending most of his time in court.
3. He is a barrister for five years.
4. While the client talked, he took notes.
5. This time next year I have passed my Bar exam.
6. A lot of people in Britain are wanting a unified legal profession.
7. He has become a QC several years ago.
8. After I have completed my exams, I apply for a training contract.
9. This time tomorrow you are taking your Bar exams.
10. You learnt English for 10 years now, no wonder, you can speak it so well.

8.2. *Choose the right verb forms to complete the text.*

So You Want to be a Lawyer? School Children Become Barristers for a Day

Schoolchildren from John Bentley School in Wiltshire/ **will become, become, have become**/ lawyers, barristers and jury members for a day in a unique pilot project organised jointly by the Law Faculty of the University of the West of England and the General Council of the Bar - the professional body for barristers.

- 5 Approximately fifteen year-nine pupils from John Bentley School in Calne, Wiltshire will examine and cross examine witnesses and take part in a jury, for a case of alleged grievous bodily harm which/ **will be presided over, was presided over, is presided over**/ by a Senior Judge appointed by the Bar Council.

- 10 UWE Law student Matthew Brown, who currently/ **studies, is studying, has studied**/ for the Bar Vocational Course (BVC), came up with the idea for the 'So you don't want to be a Lawyer?' scheme and/ **contacted, had contacted, has contacted**/ the Bar Council who took on his idea and worked with UWE on the pilot programme.

- 15 "The aim of the 'So you don't want to be a Lawyer?' programme/ **was, is, had been**/ to inspire students who would not normally think of pursuing a career as a Barrister or Solicitor. If we can make this pilot programme a success and it is rolled out nationally then we hope this/ **is creating, creates, will create**/ a more diverse legal profession in the future."

- 20 Stephen Migdal, Course Director for the BVC at UWE, says, "The Bar Council/ **has been, is being, was**/ concerned for some time about the lack of diversity amongst those who enter the legal profession generally and the Bar in particular. A committee headed by Lord Neuberger currently/ **is reconsidering, has reconsidered, reconsiders**/ the whole issue of training for the Bar. His interim report suggested that much more should be done to open the eyes and ears of children from all socio-economic groupings to the possibility of a career in law. He/ **has been advocating, had advocated, advocated**/ much more contact between the Bar and schools including arranging mock trials".

- 25 "The Law Faculty at UWE in conjunction with the Bar Council is offering this pilot project which, if successful, will be rolled out nationwide in future years. UWE also/ **hoped, hopes, has hoped**/ to extend the project to other schools in Bristol and the South-West for the next academic year."

(Text adapted from http://law.uwe.ac.uk/news_notice.cfm?no=11)

Unit 6

JUDGES

1. Judges in Britain



THE RED MASS is an ancient tradition which marks the beginning of the legal session every year. It takes its name from the red vestments used for a Mass of the Holy Ghost, invoking God's protection over the judges, lawyers, and officials as they duly practise the law.

1.1. Read the text, then complete the diagram of the English court system below. In which court do the different types of judge sit?

In the UK there are different types of judge. Most judges are full-time judges; but there are also many part-time judges who, when they are not sitting as judges, carry on their careers as solicitors or barristers. All judges must have gained very considerable experience in the law as solicitors or barristers before they are appointed.

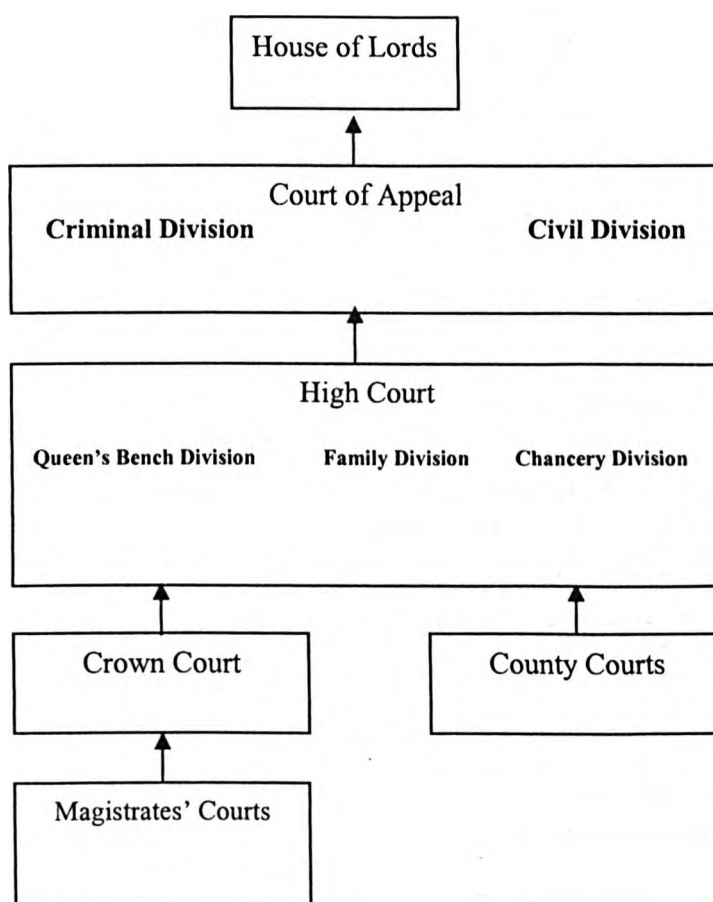
- 5 Almost all the judges are appointed by the Queen on the advice of the Lord Chancellor. The Lord Chancellor no longer has the sole power to select which judge to appoint. In 2005 the Judicial Appointments Commission was set up to select judges and make a recommendation to him. The most senior judges, including the Lord Chief Justice, the Master of the Rolls and the Law Lords are appointed by the Queen on the advice of the Prime Minister.
- 10 The **Lord Chief Justice** is the head of the judiciary in England and Wales, and is the presiding judge of the Criminal Division of the Court of Appeal.
The **Master of the Rolls** is the leading judge dealing with the civil work of the Court of Appeal, presiding over the most difficult and sensitive cases. The Master of the Rolls is also responsible for registering solicitors and the keeping of Chancery records.
- 15 Full-time judges
There are 12 **Law Lords or Lords of Appeal in Ordinary**, who sit in the House of Lords, the final court of appeal.
The 37 **Lords Justices of Appeal** sit as appeal judges in the Court of Appeal.
There are about 120 **High Court Judges**, sitting in the three Divisions of the High Court. Many try cases
- 20 in London, but they also go out 'on circuit' (outside London) to try cases at the major court centres throughout the country.
There are over 500 **Circuit Judges**, who belong to one of the six circuits. They do not travel the country as a whole, they remain on their circuits, either working at one court centre or travelling between two or three of the circuit courts. They may sit in the Crown Court and the county courts hearing criminal and
- 25 civil cases.
District judges are full-time judges, who deal with the more difficult cases in the magistrates' court or the less serious cases in the county courts.
- Part-time judges
Part-time judges are solicitors or barristers who sit between 20-50 days a year as judges. **Recorders** try criminal cases in the Crown Court. **Deputy High Court Judges** and **Deputy District Judges** try civil cases in the High Court or county court. They will have had at least ten years' experience in legal practice.
- 30

Judges in the magistrates' court

35 Full-time *district judges* in the magistrates' courts used to be called 'Stipendiary Magistrates' because they are paid a stipend – an old word meaning salary. In the magistrates' court district judges sit alone on the bench.

40 There are also over 30,000 unpaid, part-time lay *magistrates* also known as *Justices of the Peace (JPs)*. They try the huge number of criminal cases which are brought for relatively trivial crimes such as motoring offences, petty theft, causing criminal damage, etc. They have no legal qualifications. They are respectable people who have had some experience of life, e.g. headteachers, doctors and who have a genuine interest in their fellow citizens. They are appointed by special committees in their local area. There are three of them present at a trial.

(Adapted from Rivlin, G. *Understanding the Law*, Oxford University Press 2004)



1.2. Answer the questions.

- How can one become a judge in the U.K.?
- How can you classify the different types of judge?
- What basic differences can you see between the English and the Hungarian system?

1.3. Vocabulary

a) Look at the following words. Notice the different forms. What do they mean?

judge – judicial – judiciary
trial – try – trial judge
appeal -

b) Read the text once more. What nouns are being used with the following verbs? Add other possible nouns.

to gain
to appoint
to set up
to register

c) Match the two parts of the collocations.

- | | |
|----------------|-------------|
| 1. sole | a) offence |
| 2. presiding | b) damage |
| 3. motoring | c) citizen |
| 4. criminal | d) interest |
| 5. fellow | e) judge |
| 6. respectable | f) power |
| 7. genuine | g) people |

d) Put the words into the right gap in the appropriate form.

division stipend district deputy circuit qualification

1. The legal map of England and Wales is divided into six
2. The Court of Appeal has two: criminal and civil.
3. There are 22in Budapest.
4. District judges in the Magistrates' Court are paid a
5. Every head of department has his/her
6. If you want to become a judge, you must have the required

2. The Lord Chancellor

Read the text and answer the questions.

a) What three functions did the Lord Chancellor have?

b) How has his role been reformed?

The Lord Chancellor (*Lord High Chancellor, King's Chancellor*) is the occupant of one of the oldest offices of state, dating back to the Kingdom of England, and older than Parliament itself. The Lord Chancellor, the second highest non-royal subject in precedence (after the Archbishop of Canterbury), fulfilled a threefold role:

- 5 The Lord Chancellor was the head of the English, but not Scottish, judiciary. Previously, the Lord Chancellor was the sole judge in the Court of Chancery. Since that court had been combined with others to form the High Court, the Lord Chancellor served as the head of the Chancery Division, but that role was delegated to the Vice-Chancellor. The Lord Chancellor was also permitted to participate in judicial sittings of the House of Lords; he also chose the committees hearing appeals in the Lords. The latter role
- 10 was in practice fulfilled by the Senior Lord of Appeal in Ordinary. All judicial functions have since been moved to the new Supreme Court under the Constitutional Reform Act of 2005.

Today's Lord Chancellor is the Head of the Ministry of Justice, which was created in May 2007, therefore he sits in the Cabinet.

- 15 He was also formerly the *de facto* speaker of the House of Lords. However, as of 2006, following reforms made by the Labour government, these duties are now undertaken by the Lord Speaker. The Lord Chancellor may now sit in the House of Commons as well.

(Based on Wikipedia)

3. Listening

The appointment of judges

Listen to the text and answer the questions.

1. What changes have been made in the appointment of judges and why? Compare the past and present day systems. In your answer specify what role the following persons and institutions have played in the appointment: the Lord Chancellor, his department, the senior judiciary, the Queen, the Judicial Appointments Commission.
2. What does it mean that the senior judiciary are not representative of the nation as a whole? Why is it a problem?
3. What qualities does a good judge need?
4. How can the Commission make sure that appointed judges have these qualities?
5. Are judges invited to become a judge or do they apply?
6. Who are magistrates? How are they appointed?

4. The make-up of the judiciary

Have a look at these diagrams about the make-up of the judiciary in the UK. What can you say about the proportions of women and ethnic minorities among judges? Have there been any changes since 2001? Complete the sentences below.

ANNUAL DIVERSITY STATISTICS - AS AT 1ST APRIL 2001 AS AT 1ST APRIL 2007

Post	Total	Female %	Of Ethnic Minority Origin %	Female %	Of Ethnic Minority Origin %
Lords of Appeal in Ordinary	12	0.0%	0.0%	8.3%	0.0%
Heads of Division (excl LC)	4	25.0%	0.0%	0.0%	0.0%
Lord Justices of Appeal	33	6.1%	0.0%	8.1%	0.0%
High Court Judges	99	8.1%	0.0%	9.3%	0.9%
Circuit Judges (inc TCC)	570	7.9%	0.7%	11.4%	1.4%
Recorders	1370	12.3%	2.6%	15.1%	4.4%
District Judges (inc Family Division)	427	16.4%	1.6%	22.4%	3.1%
Deputy District Judges (inc Family Division)	760	19.9%	1.2%	28.1%	3.85%
District Judges (MC)	98	17.3%	2.0%	23.7%	5.1%
Deputy District Judges (MC)	162	21.6%	5.6%	24.85%	5.3%
Total	3535	14.1%	1.9%	18.7%	3.5%

(Based on www.judiciary.gov.uk/keyfacts/statistics/diversity_stats_annual/2001.htm
www.judiciary.gov.uk/keyfacts/statistics/diversity_stats_annual/2007.htm)

This table presents the make-up of the judiciary from the aspect of

In the table, the horizontal rows contain the names of

At the top of the list we can find and at the bottom we may see

The first column shows us.....

In the second and third columns we may read about the proportion of women and among the different ranks of judges.

The fourth and fifth columns show the number and proportion ofin the year

Let us say a few words about statistical data for the year of

From this table it becomes obvious that

There is not a singlejudge among

Among lower ranking judges we can find more

The total proportion of female judges is

Ethnic minority judges constitute per cent of all judges.

Based on the data for the year of 2001, we may come to the conclusion that the majority of judges are

This may be explained by the fact that

This make-up cannot be considered ideal because

Comparing the two years, six years later we can see a slight increase in but these proportions are still The highest proportion ofcan be found among that is, among the lowest ranking judges.

To sum up, we may observe a tendency toward a judiciary, which but we must also add that this change is

5. The Hungarian judiciary

5.1 Read the text and answer the following questions.

1. How can one become a judge in Hungary?
2. How is the independence of the judiciary ensured?

In Hungary judges are appointed and dismissed by the President of the Republic. **Recruitment** to the judiciary consists of several stages. Candidates to judgeship must be Hungarian nationals with a right to vote, they must have a **clean criminal record**, a university degree in law and they have to pass the professional exam. University graduates generally work for three years as trainees and then for one year as court secretaries. After the professional exam has been passed and a special checking on the candidate's physical and psychical health has been done, upon recommendation of the president of the county court and upon proposal by the National Council of Justice the President of the Republic appoints a judge for a three-year **probationary period**. Following an **assessment of the judge's performance** at the end of the probationary period, a re-appointment for an **indefinite period** may take place. Judges may carry on their judicial activities until the age of 70.

The Constitution provides that judges shall be independent and subject only to the law. Besides being prevented from pursuing any political activity or from entering any political party, judges are not allowed to be involved in business activities or to become members of an **arbitration court**. In order to ensure the **accountability** of judges and **counteract** corruption in public life since December 2001 judges have been required to make **disclosure declarations on property** which are collected and monitored by the National Council of Justice. As a basic guarantee of the independence and **impartiality** of the judiciary, at the beginning of 2002 a system of predefined distribution of cases was introduced for the courts, which significantly contributes to the **transparency** of court proceedings. To check the maintenance of professional knowledge of judges all throughout their career, their judicial performance is evaluated twice in every 6 years.

(<http://www.lb.hu/english/birsyseng.html>)

5.2. Translate the expressions in bold type into Hungarian.

6. Grammar revision - Conditional

unless/except if, in case
Conditional Type 1 - If you buy the house, you will need a solicitor.
Present Tense Future Tense

This thing is possible and probable but it hasn't happened yet.

could, might, had to, should, ought to
Conditional Type 2 - If you bought the house, you would need a solicitor.
Past Tense Conditional Tense

This thing is possible and could happen but it is unlikely.

could have, might have, should
Conditional Type 3 - If you had bought the house, you would have needed a solicitor.
Past Perfect Tense Conditional Perfect Tense

This thing did not happen but it could have.

6.1. Fill in the gaps in the following sentences. Use Type 1 Conditional.

0. If you don't study (not study) hard, you won't get (not get) a good job.

1. If you.....(become) a Queen's Counsel, you(get) higher paid cases.
2. If you(not find) a permanent place in Chambers, you (have) to squat.
3. Unless you(attend) 12 dinners at your Inn, you(not be) called to the Bar.
4. My solicitor(instruct) a barrister if I(decide) to appeal to the High Court.
5. You(pay) a lot of money unless we(settle) this matter out of court.

6.2. Conditional Type 2

What would happen in the following situations? Finish the sentences.

1. If a judge broke the law,
2. If you wanted to become a magistrate,.....
2. If the defendant was innocent,
3. If my client lost the case,
4. If the prosecutor asked for the death penalty,.....
5. If the jury returned a guilty verdict,
6. If the defendant did not turn up for trial,.....

6.3. Conditional Type 3

What would have happened if the phone had not rung?

Write as many sentences as you can based on the text in Type 3 Conditional.

A judge in Niagara Falls was hearing a domestic violence case when a mobile phone started ringing in the courtroom. The judge threatened to jail the entire court unless the phone was handed over to him. As nothing happened, he became terribly mad and ordered the doors of the court to be locked. He also instructed the officers to search for the phone. However, the officers failed to find the offending item and the judge called each person present in the room up to his bench and asked them if they knew whose phone it was. When each said they had no idea, he sent each in turn to jail for contempt of court. All 46 of them. The judge's actions caused great upheaval and extra officers had to be drafted into the court to control the crowd. Fourteen people could not post bail and were shackled in irons and sent to the country jail. The judge calmed down later that afternoon and released all 46, but the commission ruled that he should be removed from his job for this unprecedented abuse of judicial power.

(Based on <http://www.guardian.co.uk/world/2007/nov/28/usa>)

0. If the phone **hadn't started** ringing, the judge **wouldn't have asked** for it.
1. If the phone **had been** handed over to him, he

7. Wigs and gowns

Read the text and answer the questions.

- What do you know about the origin of wigs?
- What are the arguments for and against the wearing of wigs?

In England judges and barristers wear wigs and gowns in court. Wigs became fashionable in the late seventeenth century, in the reign of Charles II, the fashion originally starting in the French court. At first wigs were made of human hair, later they came to be made of horsehair. Wigs were so costly that they became a symbol of class distinction. At the beginning they were worn by the learned and well-to-do in all walks of life, later they went out of fashion among the general public. Only lawyers and coachmen still wear them.

Wigs are of different styles for judges and barristers. Barristers wear “tie-wigs”, which cover half the head, judges wear smaller “bob-wigs”. The long full-bottomed wig is worn only on ceremonial occasions. Solicitors do not normally wear wigs, although solicitor-advocates are now allowed to wear them. A wig does not have to be worn by a barrister who needs to wear a turban for religious reasons. Barristers appearing in Magistrates’ Courts do not wear wigs.

Wigs are considered to confer dignity and solemnity on court proceedings, they also provide anonymity, a distancing from personal involvement. The wig is an emblem of privilege, and young barristers are keen to retain them. Surprisingly, it is the clients and other regular court users who are most keen about retention.



However, there have been several attempts to get rid of this old tradition of wigs.

During a heatwave in August 1868, a judge instructed counsel to remove their headwear.

In 1992 the Commercial Bar Association proposed dispensing with wigs in court saying wigs were insanitary, scratchy, and extremely hot.

In the last few years the Speaker of the House of Commons and more recently the Lord Chancellor have dispensed with wearing a wig in Parliament, after centuries of tradition.

Wigs can be intimidating to witnesses, they are often removed in proceedings involving children.

The cost of a judge’s wig is about £800 and that of a barrister about £375.

In 2007, after a four-year review of legal dress code, the Lord Chief Justice, Lord Phillips of Worth Matravers, announced there would be no change to the 18th century-style garb in criminal courts but wigs would be abolished in family and civil courts.

(Adapted from http://sixthformlaw.info/01_modules/mod1/1_4_legal_personnel/1_4_2_barristers_solicitors/04_barristers_wigs.htm)



Unit 7**FINDING A JOB AS A LAWYER****1. Discussion**

1.1. In Stephen Spielberg's film *Jurassic Park* a lawyer abandons two children threatened by a tyrannosaurus rex to dash to the lavatory. The dinosaur demolishes the hut housing the lavatory, picks up the lawyer sitting on it, tosses him about playfully and eats him. The audience is delighted; he has got what he deserves.

(From C. Maughan and J. Webb: Lawyering Skills and the Legal Process, Butterworths, 1995)

- a) *Why do you think the public has a perception of lawyers as dishonest, arrogant, greedy, amoral and ruthless creatures?*
- b) *Read the following extracts presenting different images of the lawyer. Which one do you agree with? Give your reasons.*

Distorter of truth

"...an effective advocate is a persuader, and a persuader is a manipulator and twister of the truth. Persuaders do not speak or seek the truth; they twist it in their favour in order to persuade. Persuaders are intelligent, but their intelligence is employed to manipulate people and events..."

Hero

"The lawyer is frequently portrayed as a truth-seeker and defender of the wrongly accused... The lawyer as hero is a contemporary knight who defends the oppressed with courage and moral conviction."

Paper generator

"...shrewd lawyers know how to exploit the rules to delay proceedings, exhaust the financial resources of the opposition, or make things difficult by confusing the issues. One of the lawyer's tools for creating confusion is to generate paperwork."

(From S. Nathanson: What Lawyers Do, Sweet&Maxwell, 1997)

1.2. Choose what skills and qualities are required for a good lawyer. Why?

Consider the following facts:

1. They have to deal with clients.
2. They handle legal cases.
3. They draft documents.
4. They usually work in partnerships, companies.
5. They may have to appear in court.



good communicator, negotiating skills, analysing skills, listening skills, problem-solving skills, investigating skills, persuading skills, decision-making skills, verbal skills, team-player, well-organized, innovative, sociable, drafting skills, good at sports, sensitive, common sense, ambitious, funny, hard-working, courageous, friendly, polite, good manners, arrogant, formal, modest, interesting, intelligent, music-loving, enthusiastic, elegant, non-smoker, tall, sportsman-like figure, cheerful, awe-inspiring, understanding, emotional, proud

2. Steps to find a job

What are the steps to follow if you want to find a job as a lawyer?

3. Job advertisements

Have a look at these two job advertisements cut out from the Hungarian weekly HVG, then answer the questions.

- Find out the name of the companies looking for employees.
- What type of lawyer are they looking for?
- What qualifications are required for candidates?
- What would be the responsibilities of the employees?
- How can one apply?

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A career in the heart of Europe



The EIB, the European Union's financial institution, is seeking to recruit for its **Legal Support for Lending Operations in Europe** at its headquarters in **Luxembourg** a:

Lawyer specialised in structured financing (SFF) and project financing

The successful candidate will assist the Head of Division, in agreement with the Director, together with other legal advisers, in providing legal support to the operational directorates.

Responsibilities: • create the legal framework for financing operations and guarantees notably structured finance and project finance (drafting, advisory support, conclusion of contracts and completion of all related legal formalities) and monitor them from a legal viewpoint • manage high-level contacts and negotiations • liaise where necessary with external consultants and supervise their work • complete the administrative formalities vis-à-vis clients (public institutions and private enterprises) • undertake research and conduct legal studies on problems of law arising in connection with the Bank's operations and in the context of developing new financial instruments.

Qualifications: • the candidate should preferably be qualified in both common law and civil law. In the absence of one of these qualifications he/she should have substantial experience with an international law firm • **between two and three years' professional experience**, notably in the field of structured financing, project financing in a law firm of international repute or a financial institution • **excellent knowledge of written and spoken English or French and good command of the other one**

For more details and to apply, please go to www.eib.org/jobs and click on reference number **JU08WWW01**

Applicants **must be nationals of a European Union Member State or Accession Country**. Applications, including a cover letter and a curriculum vitae in English or French, should be made using the form available on the EIB website (www.eib.org/jobs).

The EIB offers attractive terms of employment and remuneration with a wide range of benefits. It is an Equal Opportunities Employer and particularly welcomes applications from women.

Applications will be treated in strictest confidence and will not be returned. Personal data is protected in accordance with Community regulations.

All current vacancies can be found on our website www.eib.org/jobs.

4. Cover letters

If you want to apply for a job, first you have to send your CV accompanied by a cover letter, in which you explain what job you are applying for, why you are applying for the specific job and why you think that you would be the right person for the job.

4.1. Read the cover letter and fill in the missing words in the text.

training contract, assisting, advertisement, developing, interest, medium-sized, undergraduate, clients,
gained, available, enclose

Cover Letter

16 Apple Road
Manchester
M23 5HJ
United Kingdom

Mr. J. Black
Recruitment Partner
Thompson & Co. Solicitors
22 Oxford Street
Manchester M1 5EL

5th September 2008

Dear Mr. Black

Further to your in the Guardian, I would like to apply for a starting in 2009 and my curriculum vitae.

I am an law student at the University of Manchester. I developed a strong in property law during my studies, which was confirmed by a vacation placement at Brown & Brown last summer, where I experience in the real estate department. I plan to take modules in Real Estate and Banking Law in my final year.

I am therefore applying to real estate firms for training contracts and am particularly interested in Thompson & Co. as a firm with a wide-ranging real estate practice and a variety of

My non-law work experience has also been helpful in the skills that will be useful in a solicitor's career, in particular at Vodafone where, as a sales assistant, I gained a great deal of experience in clients with their problems. I learned to be both efficient and diplomatic and to handle a number of different tasks at the same time.

I would be for interview at any time before the start of term on 24th September. I look forward to hearing from you.

Yours sincerely
Susan Smith

4.2. Answer the questions.

1. What job is she applying for?
2. What can we learn about Susan's legal career from this letter?
3. Has she got any work experience outside the field of law?
4. What should one write about in
- the introduction part of a cover letter?
- the main body of the letter?
- the ending part?
5. What characteristics of the formal style is one to observe during letter-writing?

4.3. Pairwork. Write the advertisement Susan Smith is referring to in her letter.

5. Grammar – Indirect speech - Commands

What should and shouldn't you do when you write a CV? What advice did you receive at the careers lecture organized for students?

Transform the sentences into indirect speech based on the example. You may use various verbs for reporting:

tell
warn
remind
encourage

request
urge
ask
advise

0. Tailor your CV for the job you are applying for. → The lecturer advised us to tailor our CVs for the jobs we were applying for.
Do not lie about yourself. → He warned us not to lie about ourselves.
1. Allow yourself time to prepare your CV.
 2. Focus on your strengths.
 3. Try to keep it to a maximum of two pages.
 4. State your skills and objectives briefly at the start.
 5. Always list your most recent work first and work backwards.
 6. Describe your experience briefly and concisely.
 7. Highlight successes.
 8. Do not mention any weaknesses.
 9. Discuss only relevant interests.
 10. Do not use fancy typefaces.
 11. Keep your CV clean.
 12. Use high quality paper.
 13. Do not send your CV or covering letters out unchecked.
 14. Use your word processor's spell-check.

6. Curriculum Vitae

The CV is the most important part of your job application. The employer will decide whether to invite you to a job interview based on your CV (or *resume* in the US). The CV should contain the most important information about yourself, your personal particulars, details of education and past employment.

Read this sample CV and answer the questions.

1. What sections does a CV consist of?
2. What additional information can you learn about Susan that is not mentioned in the cover letter?
3. Would you include the following information in your CV? Why?
 - a) best holiday memories
 - b) your stamp collection
 - c) studying abroad
 - d) your family background
 - e) your weaknesses

CURRICULUM VITAE

PERSONAL INFORMATION

First name(s) / Surname(s) **Susan SMITH**
 Address(es) 16 Apple Road, Manchester, M23 5HJ, United Kingdom
 E-mail smith@hotmail.com
 Nationality British
 Date of birth 07 02 1987

WORK EXPERIENCE

July 2008 **Brown & Brown, Manchester**
 Three-week vacation placement in the real estate department of medium-sized commercial firm. Drafting client letters and other documents; researching the internet and county archives and attending court and client meetings.

2005 - 2007 **Vodafone Group Plc, Main Road, Manchester**
 Saturday Sales Assistant in mobile store. Advising and assisting customers, coping with problems and unexpected situations (such as a fire alarm) and taking responsibility for counting up and banking money.

EDUCATION AND TRAINING

2006 to date **The University of Manchester**
 LL.B. Law - expect to graduate June 2009
 Course covers all the core legal subjects including Constitutional and Administrative Law, Company Law, Property Law, Criminal Law

1999 – 2006 **Manchester High School**
 2006 A-levels: English (A); French (A); History (B)

PERSONAL SKILLS AND COMPETENCES

Mother tongue(s) English
 Other languages Good command of French and German
 Social skills and competences Team work: playing basketball for the school team
 Computer skills and competences Familiarity with Windows packages; experience of Lexis
 Artistic skills and competences I play the violin in the University orchestra
 Driving licence Full, clean driving licence

ADDITIONAL INFORMATION

Summer 2007 - two-week international voluntary workcamp in the US
 Tours with school orchestra to France and Switzerland

7. Writing task

Write a cover letter and CV applying for one of the jobs advertised in HVG.

You may write your CV based on this sample or in the common European format as well. If you choose the second alternative, you may work online, then print your CV. Go to the website "europass.cedefop.europa.eu/europass/home" for the sample and for the form you may fill in working online.

Here are some useful phrases to use in your cover letter:

Paragraph 1

I noted with interest your advertisement for a in today's edition of

I am writing in response to your advertisement in for the position of.....

I would like to apply for the vacancy advertised in

With reference to your advertisement in

I am interested in applying for the post of

Please find enclosed a copy of my CV.

Paragraph 2

As you will see from my CV

I have enclosed a copy of my VC, from which you will see

I am currently studying at

After graduating from I

Since leaving university, I have

On leaving school, I
Having gained a degree, I
While I was working at
During my employment at
I am currently employed as

Paragraph 3

This post interests me because
I would welcome the chance to gain more experience of
I have extensive experience of
I would be grateful for the opportunity to improve my..... skills.

Paragraph 4

If you consider that my experience and qualifications are suitable
I am available for interview any afternoon and would be pleased to discuss the post in person.
I will be available for interview from to
I can arrange to attend an interview whenever convenient for you.

(From Hornby, A. S. Oxford Advanced Learner's Dictionary of Current English, 7th Edition, 2005)

8. Grammar – Indirect speech – Reporting statements

When the introductory verb is in a present, present perfect or future tense, we can report the direct speech without any change of tense:

I'm a barrister. → *He says he is a barrister.*

But indirect speech is usually introduced by a verb in the past tense. Then verbs in the direct speech have to be changed into a corresponding past tense.

8.1. Fill in the missing forms.

Simple present

'I am especially interested in criminal law,' she said.

Present continuous

He said, 'I am preparing for my final exams at present'.

Present perfect

He said, 'I have never written a CV before'.

Present perfect continuous

'I have been learning English for seven years', he said.

Simple past

He said, 'I graduated from Oxford University'.

Future

He said, 'I will be thirty next month'.

Future continuous

He said, 'I will be pleading a case in court tomorrow'.

Conditional

'I would like to work for an international law firm,' he said.

Simple past

She said she ~~was~~ especially interested in criminal law.

Past continuous

He said he ~~was~~ ~~preparing~~ for his final exams at the time.

Past perfect

He said he ~~had~~ ~~never~~ a CV before.

Past perfect continuous

He said he ~~had~~ ~~been~~ ~~learning~~ English for seven years.

Past perfect

He said he ~~had~~ ~~graduated~~ from Oxford University.

Conditional

He said he ~~would~~ ~~be~~ thirty the following month.

Conditional continuous

He said he ~~would~~ ~~be~~ ~~pleading~~ a case in court the next day/following day.

Conditional

He said he ~~would~~ ~~like~~ to work for an international law firm.

Past tenses sometimes remain unchanged, e.g. in time clauses

He said, 'When I was studying at law school I wrote a lot of tests'.

He said that when he was studying at law school he wrote/had written a lot of tests.

or if the past tense describes a state of affairs which still exists at the time of reporting

He said, 'I applied to Oxford University because it was famous'.

He said he had applied to Oxford University because it was famous.

8.2. Other changes

If you have a look at the above examples, apart from the change in the verb form, what other changes can you notice?

a) Expressions of time and place, pronouns

How do they change? Write the missing forms.

<i>Direct</i>	<i>Indirect</i>
today	that day
yesterday	the day before
the day before yesterday	two day before
tomorrow	next day
the day after tomorrow	in two days
next week/year	the following week/year
last week/year	previous week/year
a year ago	the previous year
this	that - those
here	there

b) Auxiliaries

Report the sentences.

should/ought to

You should/ought to tell the truth, his lawyer said.

a) obligation → His lawyer said.....

b) advice →

may/might

a) probability: He said, 'You may/might get the job' →

b) request: He said, 'You may/might give me a call tomorrow' →

can/could

a) ability: He said, 'I can/could win this case for you' →

b) permission: 'If I pay my fine, I can walk out of prison,' he said →

'If I paid my fine, I could walk out of prison today,' he said →

must

He said, 'You must start at once' → He said that he must/had to/would have to start at once.

Is there any difference between the three possible versions?

8.3. Report the following sentences.

0. I should like to apply for a training contract starting in 2011.
She said she would like to apply for a training contract starting in 2011.
1. I first became interested in law after talking to a local solicitor at a school careers fair.
She said *he had become*
2. I was able to obtain a short work placement at his firm before beginning my studies at Kent.
she said she had been able
3. I plan to take modules in International Business Transactions and Banking Law in my final year.
he planned
4. I am therefore applying to commercial firms for training contracts.
she was applying
5. I am particularly interested in medium-sized firms.
he was particularly interested
6. My non-law work experience has also been helpful in developing the skills that will be useful in a solicitor's career.
.....
7. I shall be working at Brown's until the end of August.
she would be working
8. I would be available for interview at any time before the start of term on 24th September.
she would be

9. Job interview - Giving advice

If the employer likes your CV, you may be one of the successful candidates who are invited to an interview. In order to increase your chances of getting the job, it is worth thinking over a few things before you actually appear at the interview.

Make a list of dos and don'ts. You may consider the following:

- how to prepare for the interview
- dressing up
- getting to the scene of the interview
- behaviour at the interview
- how to answer questions

10. Indirect questions

10.1. Read about this person telling about the questions he was asked at his job interview. Then write the original questions.

Well, it's a wonder I got the job. I think I was asked the trickiest questions one could imagine. The interviewer first asked me what my greatest weakness was. Then he wanted to know why I had left my previous employer. But this was only the beginning. He also wanted to know what I would do if I didn't get the job. He wondered what sort of salary I was expecting. He asked if I was willing to do after-hour work. He wondered how my ex-boss would describe me. He asked what the biggest work mistake I had made was. He wanted to know how I dealt with difficult colleagues. In the end he inquired what questions I had for them. By then I was so embarrassed, I had none.

10.2. Types of indirect questions and the necessary changes

- a. Interrogative form → Affirmative form
- b. Change in the tenses as with indirect statements

Direct question: *He said, 'Why is Tom applying for this job?'*
 Indirect question: *He asked why Tom was applying for that job.*

Questions with a question word

'When could you take up employment?' he wondered. →
 He wondered when I could take up employment.

Questions without a question word

'Have you worked for a law firm before?' he asked. →
 He asked if/whether I had worked for a law firm before.

10.3. Indirect statements, commands and questions

Use indirect speech to finish the sentences.

Telling about a job interview

I went to a job interview last Wednesday. The interviewer looked rather friendly.
 We had the following conversation.

- Good morning!
- Good morning!
- Take a seat, please.
- Thank you.
- Well, Mr. Brown, the firm was quite impressed by your CV.
 Would you mind if I asked you a few questions?
- No, not at all.
- So, how would you describe yourself?
- I'm ambitious and hard-working and I love helping people with their problems.
- Why do you want to work for this firm?
- Because I think this firm could provide me with the experience I will need in my future career.
- Oh, I see. And what are your long-term goals?
- I'm planning to set up my own independent practice and specialize in conveyancing.
- How many foreign languages do you speak?
- I speak English and German fluently.
- How long have you been learning English?
- I took it up four years ago.
- Thank you. We will call you in a week's time.

- We greeted each other.
- The interviewer asked
- I thanked him.
- He said the firm
-
- He wondered.....
- I said.....
- He wanted.....
- I said.....
- and added
- He asked
- I answered.....
- He also wanted to know.....
- I said
-
- He asked
- I answered
- He wanted to know.....
- I said
- He thanked me for the interview and said
- He told
-

Do not hesitate to contact us if you have any further questions.

11. An interview with a paralegal

Match the questions with the right answers.

<p>A. What type of experience have you had coordinating the details of client transactions?</p>	<p>1. My strengths are my caring about getting the job done. I am very results-driven and have been able to meet all my deadlines in past jobs. As far as weaknesses, I really enjoy my work, and sometimes I put in too much time. But I am aware of my tendency to overwork and have learned to pace myself more.</p>
<p>B. What are the key qualities needed to succeed in the paralegal profession?</p>	<p>2. First, they'd say I have a lot of energy and enthusiasm. I really enjoy working with people. Secondly, they'd say I had great customer service skills. I put the customer first. And thirdly, they'd say that I know the law. I put a lot of effort into my education as a paralegal and take it seriously.</p>
<p>C. How would your coworkers describe you?</p>	<p>3. I did have an issue with someone who was getting on my nerves. I kept getting her work, because she wouldn't finish the details. I asked her if I could talk with her one day, and we had a good discussion. It turned out she was not aware of the impact of her actions and that she really needed an explanation of the procedure. I took the time to explain the procedures, and there haven't been any problems since that day.</p>
<p>D. Can you give me an example of a time when you had to work above and beyond your job description?</p>	<p>4. I worked for an attorney who handled real estate transactions. I coordinated the clients' closing transactions. There were several documents involved, and I had to request and review statements for payoffs and final rent payments. I also prepared escrow agreements for the seller, lender and escrow agent. There was a lot at stake, and my attention to detail and follow-through were imperative. The difference between success and failure in that job was my organizational skills.</p>
<p>E. Tell me about a time when you had a confrontation with a coworker or boss.</p>	<p>5. Flexibility would certainly rank high in this type of job. In my last position, I supported four lawyers, and it was not unusual for them all to give me high-priority items to do in the same day or week. There were days when I had to stop and prioritize my work just to get a handle on everything. I would discuss the urgency of their work with each of them so I didn't drop the ball. At the same time, I made sure each of them felt like his or her project was important on my agenda. I think communication is probably the next key quality. It really worked well when I talked with each of them, explained my situation and got their input.</p>
<p>F. What are your strengths and weaknesses?</p>	<p>6. There was a very important project that had to be researched and completed by the end of the week. Even though I worked extra hours every night for almost two weeks, my boss and I stayed until 2 a.m. for two nights before the final wrap up. It was very rewarding to have put so much effort into a project and see the really great results. My boss gave me a bonus for my extra effort, but the reward was in getting the job done on schedule.</p>

(Based on <http://resources.monster.com>)

12. Listening

12.1. Listen to the job interview, then decide whether the statements are true or false. Give reasons for your answers.

1. The candidate is applying to a well-known international firm.
2. He would have to work in the US.
3. He is British by birth.
4. He speaks several foreign languages.
5. He used to work as a clerk at a London law firm.
6. He specializes in criminal cases.
7. He is irritated by the fact that laws differ from country to country.
8. He has extensive work experience.
9. He is enthusiastic about his work.

12.2. Listen to the interview once more and put down the interviewer's questions.

e.g. How did you find out about our firm and the position?

12.3. Report them to the class.

e.g. The interviewer asked how the candidate had found out about the firm and the position.

13. Role-play /Pairwork/

Imagine you are asked the same questions at a job interview. What answers would you give? Practise your dialogues.



Unit 8

REVISION – 1

1. Equity in Germany

Read the following example of how the fairness of a decision is ensured in another legal system:

The German Civil Code (BGB) Sections 1601 et seq. provide a very apt example of law and equity:
BGB § 1601: Relatives in direct line of descent are obligated to provide support for each other.

Let us assume that A is the father and B is the daughter. B's mother died at her birth. B is middle-aged, has a good job and earns decent money. A is now old, sick and penniless. Under the law, B must spend some of her money supporting A. BGB § 1601 is designed for the good of society and seems to be fair on the face of it, but let us add a few more facts: B has never met A and does not know his whereabouts because A abandoned B when she was only a baby. B grew up in a home for fatherless children. Her experience of growing up without her "real" father traumatized her for life. While B was a child in the home, A earned good wages which he spent on alcohol and gambling. Despite the fact that A knew where B was and what her condition was like, he never visited her and never contributed one penny to her upbringing. A told his drinking friends: The state will take care of her. Neither B nor the authorities ever knew where A was. A is now sick as a result of self-inflicted illness caused slowly over time by excessive drinking and bad diet. A's doctor warned him many, many times to take more responsibility for himself or suffer the consequences. A always refused to listen to others. Now that he is sick A says: The state will take care of me. In her young years, B worked hard at school and went to college. She had to work to put herself through college. It wasn't easy but she didn't give up, because even when something is hard to do, she keeps at it till it's done. She watches her diet and keeps her weight down with daily exercise. It's a lot of work, but it pays off with good health. After a long search she finally has a good job. For the first time in her life, she has saved up money. She wants to buy a little house to make her own home. She says: All my life I've slept under someone else's roof. Yesterday, she received a letter from the social welfare office. The state wants her to reimburse it for the money it has had to spend on A for treatment of his illness and living costs. The amount is much greater than all of B's savings. The threat of losing everything she has saved for her own home makes B become ill and depressed. The social welfare office cites BGB § 1601 as the legal basis for its claim against B. B has thirty (30) days to pay the money.

In light of the additional facts, we no longer feel that BGB § 1601 is such a good law, at least not in B's case. BGB § 1601 seems to offend our sense of justice and fairness in the case of B. If B has to pay support for A, it will work injustice. Under such circumstances equity will supersede law.

We will find the equity provision for B's case in BGB § 1601 (1):

If the person entitled to support has become needy through his own moral fault, if he has grossly neglected his own obligation of support towards the person obligated to support, then the person obligated to support need only effect a contribution for support in an amount corresponding to equity. The obligation ceases completely if laying claim against the person obligated to support would be grossly inequitable.

B is relieved by equity from her obligation under the law to support A.

Although equity and law have now been merged in England and the USA, procedural differences still exist.

(From D.R. Black: Black's Legal Reader, Hannover, 1998)

How is the fairness of the decisions ensured in England, Germany and Hungary?

2. The characteristics of English law

Fill in the gaps with the following words:

however, source, statute-law, legal system, courts, therefore, decisions, common law, concerning, legal profession, law reports, binding, higher, facts

Judicial precedent is of fundamental importance in the English, for the principles of the, which have developed gradually through case-law over the centuries, are the main of English law.

The English are bound to follow decisions of courts in the judicial hierarchy; further in many cases they must also follow their own

Decisions of inferior courts,, do not have force. Decisions the interpretation of statutes are also binding, English lawyers must always refer to case-law even if the of the case they are preparing are covered by and not common-law rules. The are thus basic works of reference for members of the English

3. Case law or codes?

Ideas for discussion

What are the advantages and disadvantages of a legal system based on case law and a legal system based on codes?

Compare and discuss your ideas with someone else. Exchange your views with your partner. You will be A and your partner will be B.

Case – law	Codes
<i>'A' stands for the advantages of case law and the disadvantages of codes</i>	<i>'B' stands for the advantages of codes and the disadvantages of case law</i>
e.g. advantages of case law <ul style="list-style-type: none"> • rules based on real situations • • 	e.g. advantages of codes <ul style="list-style-type: none"> • enacted by the legislature •
e.g. disadvantages of codes <ul style="list-style-type: none"> • rigid • • 	e.g. disadvantages of case law <ul style="list-style-type: none"> • difficulty of finding the law • •

4. Preparation of lawyers

The education of both barristers and solicitors has common features. Both will normally complete the academic stage of their legal education by obtaining a law degree, though a law degree is not the only way to complete the academic stage. Both undergo a vocational stage though here the differences are more marked. The barrister takes the Bar Examination under the aegis of the Inns of Court School of Law while the solicitor takes the Final Examination under the aegis of the Law Society and in these examinations the emphasis differs to take account of their different roles. Both must complete a period of apprenticeship: pupillage in the case of barristers served under a pupil master (an experienced barrister), and articles in the case of solicitors served under an experienced solicitor.

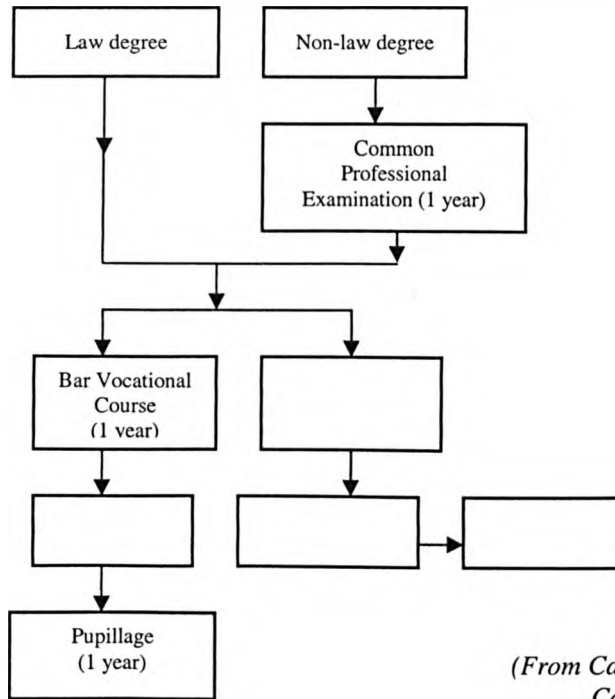
Complete the following table which is based on the extract above:

	Barristers		Solicitors	
Academic stage:	a	.....	b	.....
Vocational exams:	c	.....	d	.....
Organised by:	e	.....	f	.....
Apprenticeship:	g	.....	h	.....

(From F. Russell and C. Locke: English Law and Language, Prentice Hall, UK, Ltd, 1992)

5. Training for the legal profession

Fill in the missing places of the chart below, then sum up the stages of training for the legal profession.



(From Cavendish Law Cards 'A' Level Law, Cavendish Publishing Limited, 1997)

6. Review test

Now here is a review test to check your knowledge of legal terms. Use the clues on the left to complete the words on the right.

1 a country's body of judges	J U D I C I A R Y
2 system of laws which evolved from the tribal and local laws in England	C _ _ M _ _ L _ _
3 system of laws which evolved in the 8 th century BC	R _ M _ _ _ A _
4 the branch of law dealing with crime	C _ _ _ I _ A _ L _ _
5 person who makes a claim in civil case	_ L _ _ N _ I _ F
6 lawyer who presents a case to a higher court	_ _ R _ I _ T _ R
7 lawyer who advises clients	_ O _ I _ _ T _ R
8 person against whom a civil case is brought	D _ _ E _ D _ _ T
9 an act passed by a law-making body	_ _ G _ S _ A _ I _ _
10 'apprenticeship' served by trainee barristers	P _ _ I _ L _ G _

(Adapted from Nick Brieger: Test your professional English Law, Pearson Education Limited, Edinburgh Gate, Harlow, 2002)

7. Reading comprehension and vocabulary enlargement: job advertisements

1. *Have a look at these job advertisements. Who may work in a lawyer's office apart from the solicitors? What are their tasks?*
2. *What's the difference between a partner, an associate and a fee-earner?*
3. *What area of law do these law firms specialize in?*

Well-established legal practice, with offices in County Durham, has an exciting opening for an experienced **Legal Secretary** to provide support to a Partner within a small Residential Conveyancing office. Working within a team of 3, the successful candidate will be responsible for providing a professional and efficient secretarial service, including document production, audio typing duties, diary management, file management, client liaison and general administration duties. You will assist the Partner in all aspects of the conveyancing procedure together with ensuring the smooth day to day running of the office.

An exciting opportunity has arisen for a **Paralegal** to join this well-established law firm based in Newcastle upon Tyne, Tyne & Wear. The successful individual will provide assistance to partners/legal advisors dealing with employment, pensions and industrial relations legislation. A key responsibility will be to promote the use of the Employment Tribunal Case Management System and to take responsibility for inputting accurate information onto the CMS as soon as a case is received. You will be required to interview witnesses and take statements, draft, type and organise the signing of statements, manage case documentation for hearings and undertake relevant research as necessary.

An exciting opportunity for an experienced **Family Solicitor or Legal Executive** to join an established legal practice in the Barnsley area. You will be handling a caseload of private clients including ancillary relief. You will handle files from instruction through to completion including court attendance. You will also provide supervision to other fee earners and trainee solicitors. Salary is negotiable dependent on experience.

(From www.legaljobsboard.co.uk/private-practice-jobs.html)

8. A day in the life of a Recorder

a) *Read the text and answer the following questions.*

1. In which court does a recorder work? What type of cases does he deal with?
2. What are the requirements for someone who would like to become a recorder?
3. How is he dressed in court?

I am a barrister and I have been sitting as a recorder of the Crown Court in criminal cases for about three years. I usually sit for two weeks at a time.

People often ask "what is a recorder?" I'm used to the quizzical looks when they ask "why did you want a job taking notes in court?"

Recorders are part-time - or fee-paid - judges in the Crown or county court whose jurisdiction is like that of a circuit judge but they handle less complex or serious matters. Before a barrister or a solicitor can apply to sit as a Recorder they must have been in practice for a minimum of ten years.

I arrive at court by about 8.45am. The court day is rarely predictable. The listing officer bestows upon me a diet of cases including assaults, drug and dishonesty offences.

If I am starting a new case, I identify the factual and legal issues involved and then do some research. With my laptop linked to the judicial intranet, it's a quick whiz along the superhighway to research authorities on line and prepare templates for decisions, sentences and summing up. Time passes when you are having fun and its now 10.15am. On goes my wig and gown ready for a 10.30am start.

The court staff and I work together to keep a punctual court timetable. If a defendant is late without a proper excuse, I issue a bench **warrant** for their arrest and/or withdraw **bail**. In most trials I sit with a jury selected at random from the **electoral roll**. I try to make the jury and court users comfortable while maintaining the formality of the proceedings and ensuring that cases are run fairly, efficiently and in accordance with the law. On the whole, court users are cooperative but temperatures can run high and if necessary I am firm with anyone who is disruptive. Often no more than a sharp look is needed to quell anyone murmuring in the public gallery.

Witnesses and defendants of all descriptions and backgrounds give evidence. Interpreters are made available for those who need them. The evidence and questioning of some witnesses can be fascinating. **Exhibits** like firearms, drugs, and quantities of money are produced in evidence. Audio visual equipment is often deployed to show DVD and CCTV evidence.

25 It is my duty to sum up the case by directing the jury on the law that they must apply in reaching their verdicts and by reminding them of the prominent evidence in the case. A good **summing up** requires time and effort. Certain **legal directions** must be given. Keeping the legal directions as simple and as practical as possible while complying with legal guidelines is not for the faint hearted. Proper preparation is needed to produce a structure and balanced review of the evidence.

30 As soon as the jury retires to consider their **verdict**, the listing officer ensures that another case is ready for me to start straightaway.

During trials, juries listen diligently to the evidence and they may take hours, if not days, to reach their verdicts. A buzz of anticipation is felt when a jury returns its verdict. Whatever the verdict, the consequences, especially for the defendant are significant. If a defendant is **convicted**, I must decide sentence. The law on sentencing is fast developing and extremely complicated. After researching the legal position and weighing up all the available **evidence**, I aim to pass the most appropriate **sentence** for the offence and the offender taking into account all the competing public interests.

35 The court day is over, I hang up my wig and gown and try to rescue my flattened hair (wigs are not a style statement!). I may continue to work on the case or I may go back to **Chambers** to work on my **briefs** because the two weeks sitting does not put the “day job” on hold. **Then** it’s home, sleep and...there goes that alarm clock again!

(www.judiciary.gov.uk/about_judiciary/roles_types_jurisdiction/judicial_profiles/day_in_life_of_recorders.htm)

b) Read the text once more.

1. What does a recorder do? Collect expressions from the text.
2. Who are present in the courtroom? What are their jobs?
3. Explain the words in bold type.

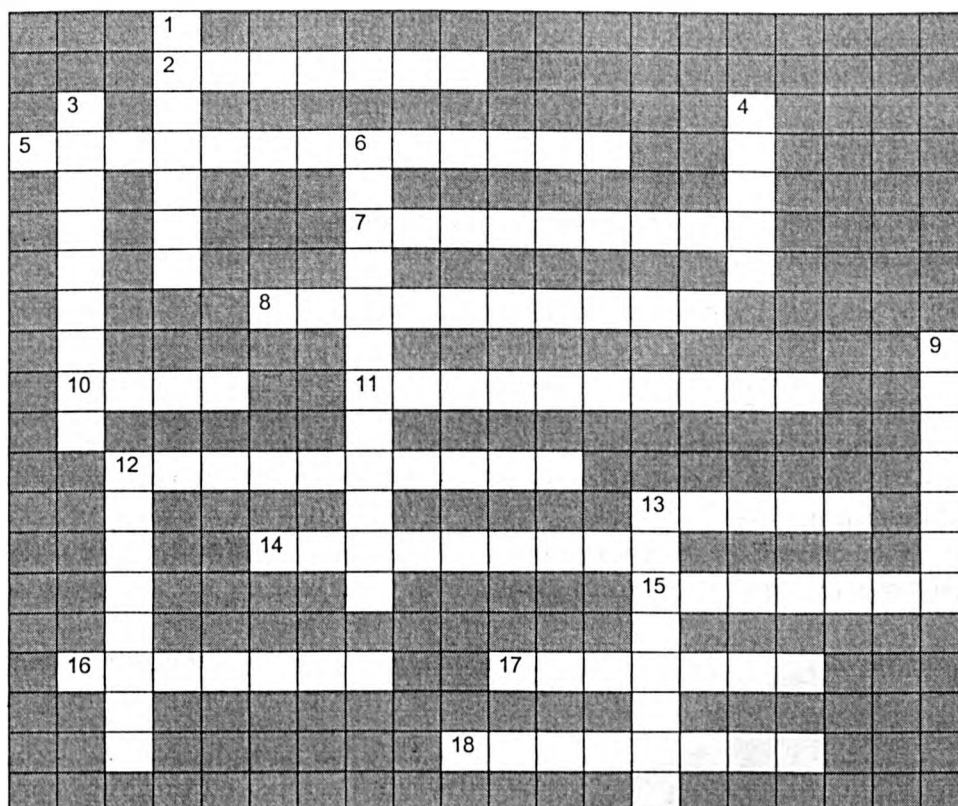
9. Listening - The independence of the judiciary

9.1. Listen to the text and answer the questions.

1. What does it mean that judges are independent?
2. Why is it important?
3. Why was it necessary to enshrine the independence of the judiciary in an Act of Parliament?
4. Whose job is it to make sure that the judiciary acts independently?
5. Why were reforms necessary?

9.2. Listen again, then fill in the gaps in the following sentences.

1. A judge must.....disputes between individuals and disputes between theand an individual without anyinfluence on the result.
2. Judges take an to administer the law without or, affection or
3. When a citizen isthe government, judges have to decide that dispute
4. Only an independent judiciary canthe rule of law.
5. The Lord Chancellor was the head of the, he was also a member of the, so he had a key role in theHe alsoover meetings in the House of Lords, so he had afunction as well.
6. The changes are making the government accord with the of powers and sweeping away a lot of odd

10. Revision Crossword**Across:**

- 2 to ban, to put an end to something
- 5 a skill or type of experience, a course you have completed and need for a job
- 7 to conduct talks
- 8 to deal with only one special type of cases
- 10 a piece of clothing judges wear in court
- 11 evaluation
- 12 Vitae
- 13 to draw up a legal document
- 14 somebody applying for a job
- 15 to choose somebody for a job or position
- 16 permanent place for a barrister
- 17 to attach to the letter
- 18 something you are not good at

Down:

- 1 opposite of success
- 3 period of practical training for barristers
- 4 summary of the facts of a case
- 6 the practical aspects of buying and selling property
- 9 a legal unit in England and Wales
- 12 barristers' offices
- 13 a fixed date by which something must be done

Unit 9

THE POLICE AND PRISONS

1. The past

Read the following text and answer the questions:

1. What is the meaning of the verb 'to police' in the text?
2. Explain why the first policemen were called 'Peelers' or 'Bobbies'.
3. What does 'commission' mean?
4. What characteristics do you think a policeman should have?

The first *police* force to become an organised body of men wearing uniforms and given special powers was the Metropolitan Police Force ('The Met'), named because it policed the metropolis of London. This force was created by the Metropolitan Police Act 1829. At that time Robert Peel was the Home Secretary, and policemen were therefore known as 'Peelers' or 'Bobbies'. The new police force first went out on duty at 6 p.m. on 29 September 1829. Its Instruction Book stated, 'the first duty of a constable is always to prevent the commission of crime'. The force made a poor start. By the end of the year, of the 2,800 men recruited, 2,238 had been dismissed, 1,790 of them for being drunk on duty.



Victorian truncheon, bobby helmet and handcuffs

After the initial difficulties the police force grew rapidly, however the report from the Daily Telegraph in 1865 shows the problem was still not solved:

"The attributes necessary to the making of a thoroughly efficient policeman are that he must be active, industrious, punctual, sober, intelligent, faithful, obedient, courageous, forbearing and incorruptible. He must have an

iron constitution, no small power of endurance, the facility of going without his natural rest at stated periods, the eyes of Argus and the stoicism of an ancient philosopher. Can we expect all these virtues, cut and dried, for three and twenty shillings a week?"

(From Rivlin: *Understanding the Law*, OUP, 2004)

2. Objectives set for the Police

A few years ago a list of 10 objectives were set up for the police forces in Scotland.

Compare these objectives to those expected from the police forces in the 19th century. What do you expect the police to do and behave like?

'The people of my country should expect their police:

- a) to act without fear, favour or prejudice
- b) to apply only the minimum force necessary to carry out their duties
- c) to behave in a professional manner, even in the face of provocation
- d) to detect offenders and report them promptly and professionally to the Public Prosecutor's office
- e) to help prevent crime
- f) to preserve order and provide protection, help and reassurance to the community
- g) to set and publish target times for getting to incidents which require a rapid response
- h) to treat all members of the public with courtesy and respect
- i) to uphold the law fairly and firmly
- j) to wear name badges in appropriate circumstances so that citizens can readily identify the officers with whom they are dealing

At present there are 43 police authorities in the United Kingdom. The National Criminal Intelligence Service to gather information from all over the country was set up in 1992. The police officers are trained in several fields.

3. Specialist fields

3.1. *There is a great diversity of fields covered by the police at present. People working for the police have to specialise in different duties. In the following text you will read about the main fields of specialisation. Match the name of specialist fields with the paragraphs describing their duties.*

- 1/ **Mounted police.**
- 2/ **Criminal Investigation Department (CID).**
- 3/ **Drugs Squad.**
- 4/ **Crime prevention.**
- 5/ **Scenes of crimes and forensic science.**
- 6/ **Murder Squad and Flying Squad.**
- 7/ **Dog handling.**
- 8/ **Community relations.**

A/ All forces have a department of officers trained to give advice on how citizens may best protect themselves and their property against criminals. They often visit schools and make presentations to children. They also work in co-operation with members of local Neighbourhood Watch Committees.

B/ The job of Community Liaison Officers is to improve relations between the police and the different parts of the community they serve, including young people in the area. This includes race relations work. In many areas of the country the police have 'schools involvement programmes', where School Liaison Officers visit schools to talk about subjects as diverse as citizenship, 'crime busting', drugs, and 'personal safety' – which covers such issues as bullying, peer group pressure, racial harassment, and dealing with the attentions of strangers.

C/ These officers are specially skilled in training and handling police dogs, whose duties may range from protection against violent criminals to assisting as 'sniffer dogs' in the investigation of crime. This, of course, includes assisting the drugs squad and HM Customs to detect explosives.

D/ Even in these modern times the police still make use of horses as particularly effective means of crowd control, although some forces are considering disbanding the units for reasons of expense. Police horses must be at least 16 hands high. They undergo a period of intensive training to learn to cope with noisy traffic and hostile crowds, and take for granted pistol shots and missiles – even petrol bombs.

E/ Scenes of Crime Officers (SOCOs), as their name implies, are expert in visiting the scenes of crimes and searching for clues. They take fingerprints or the castings of shoe-prints, and remove any item of interest which will require laboratory investigation. Police officers are also trained to work in the laboratories. For instance, they become expert in firearms and the comparison of ammunition, or fingerprints.

F/ These officers must become expert in the identification of a whole range of prohibited dangerous drugs and substances – from heroin to cannabis, ecstasy to glue-sniffing. They must become familiar with the 'drugs scene' and the various types of people who become involved in it. Many officers turn out to be excellent actors – working in the drugs scene as undercover officers.

G/ These branches of the force deal with the most serious investigations into murder and other violent crime, such as armed robbery. The Flying Squad gets its name from the ex-Royal Flying Corps vehicles which it once used. Often, too little credit is given to its officers, whose work may place them in real danger, and who show great bravery when dealing with armed criminals.

H/ CID officers wear plain-clothes and specialise in detective work. They are frequently called in to interview suspects who have been arrested by uniformed officers.

(Based on Rivlin: Understanding the Law, OUP, 2004)

3.2. Find the following words and expressions in the text above and explain them in English.



neighbourhood watch
bullying
investigation
detect
disbanding
to cope with hostile crowds
undercover officers
plain-clothes
suspects

4. Overview of police powers and the rights of suspects

4.1. Scan the text below and decide which of the following statements are true.

- 1/ Every policeman has the right to stop and search someone in any circumstances/ if he has the reason to do so.
- 2/ No warrant is required if you are suspected as a thief/ if the police have a special reason to search you.
- 3/ Seizure may include the forfeiture of anything you possess/ everything but your fingerprints.
- 4/ Without charge, a suspect may be kept in custody for 36 hours/for 24 hours.
- 5/ Young people are provided special care/ are let out of custody sooner than others.
- 6/ You may keep in silence if you want but it is not worth/but the facts kept in secret may turn against you.

Most police powers and rights for suspects are to be found in the Police and Criminal Evidence Act 1984 (PACE) and in the accompanying Codes of Practice. PACE has been amended many times since then, most recently by the Criminal Justice Act 2003.

Part 1 of PACE empowers any constable acting with reasonable grounds for suspicion to stop, detain and search you or your vehicle, or anything in or on your vehicle for certain items. Any items found may be seized.

The police have powers to enter and search your premises for many reasons. It should be noted that the police do not always need to have a search warrant, although they must always have a reason for the search. When the police are lawfully on any premises, they have wide powers to seize anything on the premises. 'Anything' includes fingerprints.

The circumstances in which an arrested person may be kept in police detention are set out in PACE.

As soon as is practicable after your arrival at the police station or answering to bail, or after arrest at the police station, the custody officer must determine whether there is sufficient evidence to charge you with the offence for which the arrest was made.

The general rule is that you may not be kept in police detention for more than 24 hours without being charged. This period can be extended by a maximum of twelve hours on the authority of an officer of the rank. The authorisation cannot last beyond 36 hours from when the detention clock began.

A person who has been detained after charge must be taken to court as soon as practicable and not later than the first sitting after charge. The police are also able to impose bail conditions.

An arrest is unlawful unless you are told that you are under arrest and the grounds for the arrest at the time.

Police cells must be adequately heated, cleaned, ventilated and lit. Bedding should be clean. Access to toilet and washing facilities must be provided. The police should check on persons in cells once an hour, or every half-hour on those who are drunk. At least two light meals and one main meal should be offered in any period of 24 hours. Brief outdoor exercise should be offered daily if practicable.

If you are detained in a police station or other premises, you are entitled to have one friend, relative or person who is known to you or likely to take an interest in your welfare notified of your whereabouts as soon as possible and at public expense.

There are special provisions to protect juveniles, mentally disordered and otherwise mentally vulnerable suspects during interview.

In any period of 24 hours a detainee must be allowed a continuous period of at least eight hours rest. This period should normally be at night. Also there should be regular breaks in interviewing for meals and light refreshments.

The right of silence, long considered the most fundamental right of a suspect, was curtailed by the Criminal Justice and Public Order Act 1994.

No inferences may be drawn, however, if you were not given an opportunity to consult a solicitor prior to being questioned, charged, informed of a prosecution, or requested to explain the matters referred to above. The caution in these cases is differently worded from that stated below. It is simply 'you do not have to say anything, but anything you do say may be given in evidence'. 'You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence.' This caution must be given before any questioning of someone who is suspected of committing an offence about his or her involvement in the offence. You should normally be cautioned on arrest and before any interviewing or continuation of an interview.



(Based on <http://www.yourrights.org.uk/your-rights/chapters/the-rights-of-suspects/index.shtml>)

4.2. Read the text once more and make a short list on police powers and suspects' rights.

4.3. What do you know about these powers and rights in Hungary?

5. Grammar: Passive

We use the passive when we are more concerned with the object of the action, and don't know, are not interested in or want to avoid mentioning the person or thing that did the action. If we wish to include the original subject, it follows the verb introduced with *by*: The man is taken to prison by a policeman.

The **subject** of the **passive verb** corresponds to the **object** of the **active verb**: The police took the **man** to prison. → The **man** was taken to prison.

PASSIVE TENSE	STRUCTURE	EXAMPLE
simple present	<i>am/are/is + past participle</i>	The man is taken to prison.
present progressive	<i>am/are/is being + pp</i>	The man is being taken to prison at the moment.
simple past	<i>was/were + pp</i>	The man was taken to prison.
past progressive	<i>was/were being + pp</i>	The man was being taken to prison when I saw him.
present perfect	<i>have/has been + pp</i>	Has the man been already taken to prison?
past perfect	<i>had been + pp</i>	They realised the man had been taken to prison.
future	<i>will be + pp</i>	The man will be taken to prison tomorrow.
future perfect	<i>will have been + pp</i>	By this time tomorrow the man will have been taken to prison.

5.1. The Miranda Rule

Read the following text and put the words in the right spaces together with the auxiliary required.

questioned	read	confirmed	obtained	required	used
ensured	developed	not given	obligated	called	

It was recently 1..... by the Supreme Court that Miranda warnings are constitutionally 2..... because of a 1966 case 3..... *Miranda v. Arizona*. When a person is in custody, some version of the Miranda rights, such as the following 4..... to the individual before questioning: “You have the right to remain silent. If you give up the right to remain silent, anything you say can and 5..... against you in a court of law. You have the right to an attorney. If you desire an attorney and cannot afford one, an attorney 6..... for you before police questioning.” The Miranda rule 7..... to protect the individual's Fifth Amendment right against self-incrimination. Many people feel 8.....to respond to police questioning. Due to the Miranda warning it 9..... that people in custody realize they do not have to talk to the police and that they have the right to the presence of an attorney. If the Miranda warning 10..... before questioning, or if a suspect 11..... after he or she indicates in any manner a desire to consult with an attorney before speaking, statements by the suspect are generally inadmissible. However, it may be difficult for your attorney to suppress your statement or confession in court. The best rule is to remain silent. You have the right to an attorney. Insist on it.

5.2. Read the story of a burglar. Put the sentences in the right order then transform the passive sentences into active.

- a ___ He was arrested.
- b ___ He was found guilty.
- c A Jack broke into a supermarket.
- d ___ He came before the Magistrates’ Court.
- e ___ He was taken to the police station.
- f ___ The police arrived to investigate.
- g ___ He was seen breaking in and the police were called.
- h ___ He was fined and given a two-year suspended sentence.
- i ___ He was given bail.
- j ___ He was questioned.
- k ___ He was caught as he was escaping.
- l ___ He was charged with robbery.

(Based on Headway Intermediate, OUP, 1986)

5.3. Translate the following sentences into English. Use the right Passive forms.

1. A törvényt 1984 óta sokszor módosították.
2. A gyanús személyt a rendőr megmotozhatja.
3. Nem volt elég bizonyíték, ezért a letartóztatott személyt szabadon bocsájtották.
4. A fogvatartott személy jelenleg is állandó felügyelet alatt áll.
5. Az elkövetőt, amint lehetséges, bíróság elé kell állítani.
6. Ha letartóztatnak, jogod van ügyvédhez.
7. A gyanúsítottakat óvadék ellenében szabadlábra fogják helyezni.
8. Közölni kellett volna a jogait.

6. Prisons

6.1. Read the text about the history of prisons. In lines 1-8 find synonyms for the following words and expressions: offence, damages, penalty, ensure.

6.2. Fill in the following sentences based on lines 9-24:

1. Boats which are safe enough to carry passengers are called
2. Most of the ships were in the harbour.
3. Prisoners were not allowed to wash themselves and due to the circumstances many of them died.
4. Following several prisons reforms, provided the basic financial support for the maintenance of prisons.

In primitive societies wrongs were treated as private 'torts' rather than private 'crimes' and punishment was dealt out either by individual or group retaliation or by compensations – detection, conviction and punishment were in the hands of the whole community. Prisons haven't always existed, and even when they did, they were not often used as they were too expensive to maintain.

- 5 In the 14th century, prisoners were expected to provide all their necessities – food, drink, bedding, clothing, even candles and fuel for fire. If you wanted a separate room, you had to pay for it, and if you didn't have enough money to buy the food and beer from your gaoler's shop, you might even die of starvation or thirst.

(From Discussions A-Z Advanced, CUP 1997)

- 10 In the late eighteenth century there was quite literally a prison fleet – of prison ships known as hulks. The old ships used to accommodate the ever-growing prison population were no longer seaworthy. Some of them were moored on the Thames off Woolwich and Deptford. There, prisoners were kept in such appalling conditions that the hulks became sickly tourist attractions. Newgate prison was particularly notorious for its insanitary conditions. In 1750 the 'unwashed prisoners of Newgate' who were brought to court for trial carried 'gaol fever' (typhus) with them. Many court users, judges and
- 15 officials included, died as a result. It was thought that the way to ward off disease was to fight the foul smells with sweet-smelling flowers – the origin of the nursery rhyme, 'A ring, a ring o' roses ...'. To this day, by tradition, on certain days in the legal calendar judges sitting at the Old Bailey will carry small bouquets of flowers into court.

(From Rivlin: Understanding the Law, OUP, 2004)

- 20 Due to this event and some other factors, in the 18th and 19th centuries several prison reforms took place: one hundred and thirty statutes concerned with petty larceny were reduced to one. Prisons had to be funded from the rates and administered by local magistrates, prison officers were now paid salaries so that they no longer had to take money from the prisoners. Medical care, better diet, schooling, religious instruction and work for prisoners were also set up.

6.3. Make a summary of what you know about facts and figures concerning the prison population, costs and the number of recidivists in Hungary and compare your findings with the ones below.

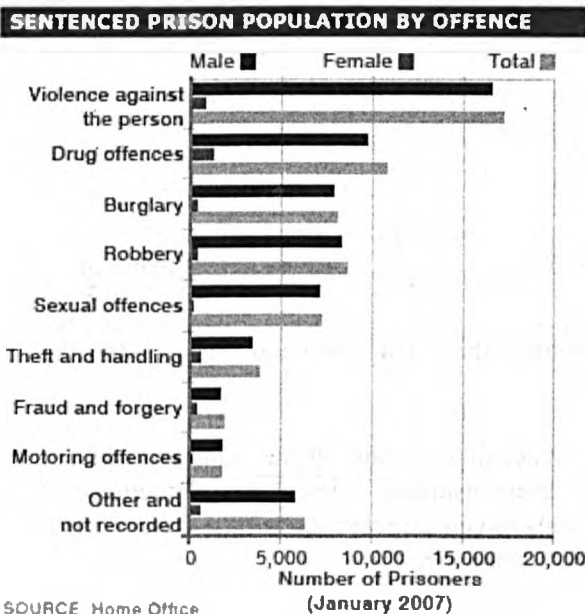
Even today there are a lot of complaints about prisons and prison conditions.

Surprisingly, for a prosperous, progressive Western democracy, the UK has a lamentable penal record. Britain's prison population is currently in excess of 70 000 (up 50 per cent from a decade ago) making it the second largest in Europe. The average cost of keeping an individual prisoner incarcerated for a year is [pounds sterling] 27 000 (ten times the average expenditure on a secondary school pupil in the state sector). Despite such substantial investment, over half of British prisoners re-offend within two years of release.

(From <http://findarticles.com>)

7. Diagrams

The four basic types of diagrams are: *pie charts, bar charts, graphs and tables*. Look at the diagrams below and decide what they are. Then analyse them using the following words and expressions:



- I'm going to talk about...
- My topic/subject is...
- First...
- Next.../Then.../After...
- The next point is...
- Finally...
- Now let's look at...
- Now let's turn to...
- For example...
- As you can see from the chart...
- The graph shows...

Verbs: fall, decline, drop, decrease, go down, deteriorate, get worse, reach a low point, hit bottom, rise, grow, expand, increase, go up, climb, improve, recover, get better, level out, stabilize, stay the same, reach a peak, undulate, fluctuate

Nouns: fall, decline, drop, decrease, downturn, deterioration, rise, growth, expansion, increase, upturn, recovery, levelling out, peak, fluctuation, horizontal axis, vertical axis, solid line, dotted line, broken line

Adjectives: slight, gradual, steady, sharp, steep, marked, dramatic, significant

Adverbs: slightly, gradually, steadily, sharply, steeply, markedly, dramatically, significantly

	%	
	GENERAL POPULATION	PRISONERS
Ran away from home as a child	11 (all)	47 (male) 50 (female)
Excluded from school	2 (all)	49 (male) 33 (female)
No qualifications	15 (all)	52 (male) 71 (female)
Suffer from two or more mental disorders	5 (male) 2 (female)	72 (male) 70 (female)
Psychotic disorder	0.5 (male) 0.6 (female)	7 (male) 14 (female)
Drug use in the previous year	13 (male) 8 (female)	66 (male) 55 (female)
Hazardous drinking	38 (male) 15 (female)	63 (male) 39 (female)

SOURCE: Prison Reform Trust/Social Exclusion Unit

8. New Forms of Punishment

Besides plans to solve overcrowding, there are some alternatives for prisons too.

Read about them and tell your opinion about their effectiveness. Tell the others in class what you think about the feasibility of these alternatives in Hungary.

There are 5 substantive alternatives to prison available to courts when sentencing adults in England and Wales.

1. Community Rehabilitation Order (previously a Probation Order)

- Offenders placed under supervision of a probation officer for between 6 months and 3 years. Regular weekly meetings plus increasing participation in 'offending behaviour programmes' where offenders face up to the crimes they've committed, the damage they've caused and the changes they need to make to their lives. Examples include: alcohol and driving, anger management, domestic violence.



- Courts can also specify additional requirements as part of the community rehabilitation order such as living in a probation hostel.

- About 56,000 people a year are given community rehabilitation orders in England and Wales plus 6,000 Probation Orders in Scotland.

2. Community Punishment Order (previously a Community Service Order)

- Offenders do unpaid work that benefits the community. Court orders are for a minimum of 40 and a maximum of 240 hours of work. This must be done at a rate of between 5 and 21 hours a week. The work must be physically, emotionally or intellectually demanding.
- About 50,000 people a year are given community punishment orders plus 6,000 in Scotland.
- About 8 million hours of work are contributed to local communities each year through community service carried out on these orders. Canals are dredged, graveyards are cleared, village halls are renovated, playgrounds are created, cycle paths are constructed, mosques are painted.

3. Community Punishment and Rehabilitation order combines 1 and 2 (probation + unpaid work in Scotland)

- About 19,000 people a year are given community punishment and rehabilitation orders.

4. Electronic monitoring or tagging available as curfew orders, home detention curfew (HDC) for offenders released early from prison or restriction of liberty orders in Scotland.

- Offenders placed under a form of 'house arrest', monitored via an electronic tag worn on the ankle. The electronic tag sends a constant signal through the phone line to a control centre. If the offender breaks the curfew, the control centre is immediately alerted and responds accordingly.
- The curfew order lasts up to 6 months, and the court specifies which hours the offender has to be at home, which can be between 2 and 12 hours a day.
- About 2,600 people a year are given curfew orders.

5. Drug treatment and testing order

- Treatment targeted at people who commit crime to fund their drugs habit.
- Regular tests to prove that the offender is responding to the treatment.
- The order was introduced in 2000.

(From <http://www.rethinking.org.uk>)

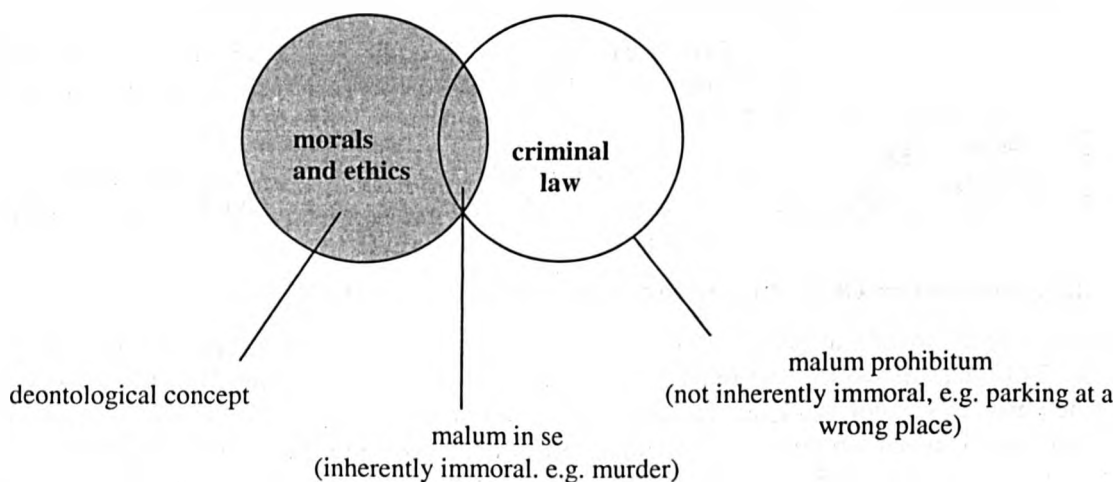
Unit 10

CRIME AND PUNISHMENT

1. Moral and Criminal Wrongs

Read the text on crime and analyse the diagram. Mention actions which are regarded as crimes in some societies but not in others. Enumerate some misdemeanours and felonies.

The first major division of the common law is that of criminal law. The common law knows all the traditional historical crimes, like murder and robbery, but none of the modern ones, like embezzlement or tampering with electronic computer data by program hackers. Not every crime is a moral wrong, and not every moral wrong is a crime. Crimes which are morally wrong are referred to as *malum in se* and crimes which are not inherently morally wrong are referred to as *malum prohibitum*. We can diagram this as follows:



Modern crimes are regulated by modern statute in penal or criminal codes. Crimes are divided into two major groups: felonies and misdemeanours, the difference between them being the length of jail time that must be served. Misdemeanours are punishable by fines and incarceration up to one year, usually in a local jail, while felonies are punished with prison sentences for periods of imprisonment lasting many years at a penitentiary or prison. But often the judge places the defendant on parole instead of in jail. The Parole Board may shorten a convict's prison sentence. Wrongful acts punishable by fines only are not crimes, they are infractions. When one commits an offence, he is a perpetrator.

(From D.R. Black: Black's Legal Reader, Hannover, 1998)

Actus reus and mens rea

The physical elements referred to are collectively called the actus reus and the accompanied mental state is called the mens rea. A criminal offence is thus committed when the defendant is proved to have satisfied both the actus reus and the mens rea of the alleged offence. It is the fundamental duty of the prosecution to prove both of these elements of the offence to the satisfaction of the judge or jury beyond reasonable doubt. In the absence of such proof the accused will be acquitted since in English law all persons are presumed innocent until proved guilty.

(From Dugdale and Furmston: 'A' Level Law, Butterworths, 1996)

2. Offences

2.1. Offences are categorized by the way they can be tried. There are three types of offences:

Indictable offences triable only before the Crown Court sitting with one judge and a jury,

Summary offences that can be tried summarily before a magistrates' court, and

Offences that can be tried either way.

Formal charges are usually brought by the police. The prosecution of these charges is taken over by the Crown Prosecution Service, which was set up under the Prosecution of Offences Act 1985, and which has power to decide whether proceedings should be continued and, if so, what charges should be brought.

2.2. Below are twelve offences; two are in fact torts, and one would be dealt with under Contract Law. First link each offence with its definition, then decide which two are torts.

1. murder	a) hitting another person
2. theft	b) going onto someone else's property
3. assault	c) killing someone
4. shoplifting	d) misrepresenting sg.; e.g. selling it as gold when it is not
5. libel	e) demanding money with threats of making information public
6. forgery	f) having two wives or husbands
7. blackmail	g) writing sg. false about a person to make others dislike him
8. manslaughter	h) writing someone else's signature, or making false money
9. rape	i) killing someone when you lose self-control
10. bigamy	j) stealing from a shop
11. trespass	k) forcing a woman to have sex
12. fraud	l) stealing something

(From Pásztor & Moor: *English for Law Students*, Miskolc University, 1994)

2.3. Explain the following offences in English (Use a dictionary if needed):

drug dealing

money laundering

battery

homicide

armed robbery

burglary

internet crime

white-collar crime

3. Summary offences

The following exercises deal with summary offences; a very large group as it includes all kinds of road traffic offences.

3.1. Below is the procedure for dealing with a simple road traffic offence. With a partner, put the events in the right order.

1. He is stopped by a police car.
2. The policeman tells the driver that he will be **reported for summons**.
3. The **summons is served** on the defendant.
4. A motorist is driving at night with **only one headlight**.
5. If he wishes, the defendant may avoid appearing in court by **pleading guilty** and **paying a fine** to the clerk to the justices.
6. The policeman asks the driver about the light and **notes down** his answer.
7. At the end of his shift **he hands in his report**.
8. The clerk to the justices **prepares a summons** which is **signed by a JP**.
9. If he wishes to **plead not guilty**, the defendant sees his solicitor.
10. The defendant **appears in court** with his solicitor.

(From Pásztor & Moor: English for Law Students, Miskolc University, 1994)

3.2. Based on the expressions **in bold** make a summary of the procedure. Are there any differences in the procedure in Hungary?

4. Words naming offences

4.1. Names of driving offences and other crimes are often gerunds, i.e. nouns made out of verbs. Think of the names of at least six offences to do with driving.

4.2. Underline the gerunds in the following passage. Then list the verbs which come before these gerunds.



A bad driver?

When I was 20 I was convicted of 'careless driving' and banned for 6 months. At 24 I was fined for going through a red light and my licence was endorsed. At 35, I was prosecuted for speeding but not convicted because of a technicality. There was a fault in the police radar. Last year I was found guilty of 'reckless driving' after an accident, but I still don't think the accident was my fault. My wife accuses me of being a bad driver. I think I've just been unlucky.

4.3. Choose the correct preposition and complete the following:

1.He was prosecuted for/of	6.I was summonsed of/for
2.The solicitor accused him for/of	7.Fred was indicted for/of
3.They were arrested of/for	8.He was charged with/for
4.She was convicted of/for	9.The defendant confessed to/for
5.He was found guilty of/for	10.He apologized of/for

But what about

1. He denied
2. She admitted

(From Pásztor & Moor: English for Law Students, Miskolc University, 1994)

5. Indictable offences

Read the following short case and answer the questions one-by-one.

The murderers
New York, from our own correspondent
 Police arrested five men suspected of shooting and killing Richard K. Foxy, the well-known night-club owner. They do not know which of the five men is the killer.

Each man made two statements during the questioning, one of which was true and one false. Here are the five statements:

- Daddy Long-Legs** 'I didn't kill Foxy. Square-Head murdered him.'
- Shorty** 'I sure never shot that guy. These other four all say they're innocent.'
- Square-Head** 'Just look at that guy's face: Big-Nose shot Foxy dead. I'm not guilty.'
- Fatty** 'Square-Head's the guilty one. I'm innocent.'
- Big-Nose** 'I had nothing whatever to do with this murder. Daddy Long-Legs and Fatty are the killers.'

Who killed Foxy?

- 1 How many men were arrested?
- 2 How many of them deny killing Foxy?
- 3 How many must be telling the truth when they say they are innocent?
- 4 How many of them accuse one of the others of the murder?
- 5 Which man doesn't accuse another man of killing?
- 6 What does that man say about the others?
- 7 Do the others all really say this?
- 8 So is that man's second statement true?
- 9 What does Shorty say about himself?
- 10 Can both his first and second statement be true?
- 11 Then is his first statement true or false?
- 12 Who is guilty?

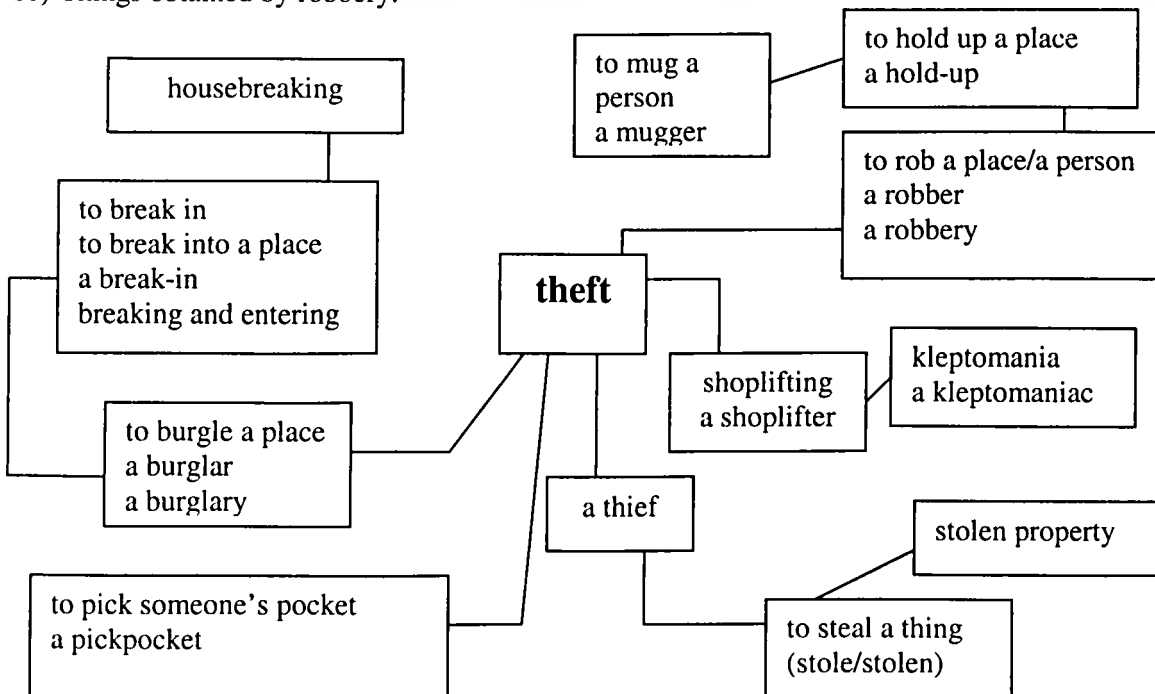
(From Christine Frank: Challenge to Think, OUP, 1982)

6. A mind map

A mind map is a way of organising vocabulary to show the connections between words. This mind map is based on the word 'theft'.

Find words in the mind map which fit these definitions.

- 1) One of the past forms of the verb *steal*.
- 2) A person who enters a house to steal things.
- 3) To secretly steal something from a person in the street.
- 4) To stop a person on the street by using violence to rob him/her.
- 5) Going into a building by force to steal things.
- 6) A person who steals from a shop.
- 7) A psychological compulsion to steal things.
- 8) A person who commits theft.
- 9) To rob a place by using guns and other weapons.
- 10) Things obtained by robbery.



(Based on David Riley: *Check Your Vocabulary for Law*, Peter Collin Publishing, 1994)

7. Name the Crime: Defence

7.1. Below are 6 statements by defendants. Read the statements and say what crime each one has been accused of.

1. "I was walking my dog when I saw the gun lying on the ground. I picked it up and at that moment I saw the body lying under a bush. I went across to look and it was my business partner. Suddenly the police arrived..."

2. "I opened the bank account in a false name as a way to help my employer pay less tax. It's perfectly legal. I kept meaning to tell him, but somehow I just forgot. I bought the villa in France with my own money. It was an inheritance..."
3. "There are a lot of copies of this film. That's perfectly true, but I had no intention of selling them. I'm a collector ..."
4. "You misunderstand me. When I offered him the money, I meant it as a gift. I know that life can be difficult for a young man on a police salary, especially if he has a family and young children. I just wanted to help. I didn't expect him to do anything in return..."
5. "I painted them for pleasure. I had no intention of deceiving people. Yes, I did include the signatures of other artists but that's because I wanted them to be perfect copies..."
6. "Mr Willis sent me the money to help me in my business venture – I'm trying to start a design agency. He sent me cheques every month. It was always understood that he would participate in the profits of the business when it was running. We didn't write anything down, it was an oral agreement. The photographs I have of him with his secretary have no connection with these payments..."

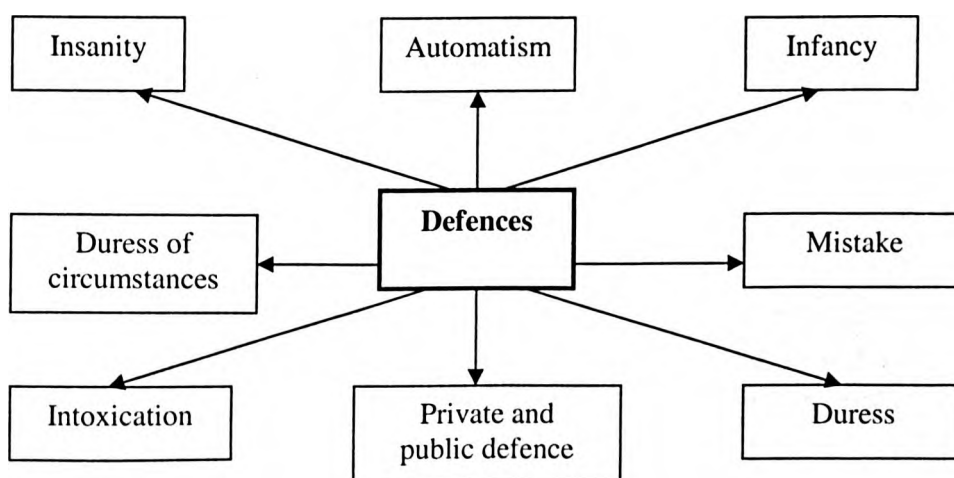
(Based on David Riley: Check Your Vocabulary for Law, Peter Collin Publishing, 1994)

7.2. Write a defence for another crime and read it out to the others in the group. See if they can guess what crime you are thinking of.

7.3. Defences in Criminal Law

When the accused pleads 'not guilty' to a criminal charge, he will raise issues for his defence. There are specific pleas which the law accepts thus they can give rise to substantive defences.

A substantive defence is proof of certain circumstances, which excuse or justify actions which would otherwise be criminal and which operate by way of negating the actus reus, the physical element, or the mens rea, the mental element, of the crime.



What about defences in Hungarian law?

7.4. A presentation

You are an English law student who has to give a short presentation for law students in Hungary on defences in Criminal Law. Based on the chart above explain defences. You may prepare for the task in advance. Instead of analysing the chart you may choose to speak about the relevant Hungarian regulation. Use the following expressions and do not forget about eye contact and body language either.

Greeting

Good morning ladies and gentlemen...
The subject of my talk/ presentation is ...
I'm going to talk about ...
My topic is ...
I'd like to give you an overview of ...

Structure

I'm going to deal with three aspects of this subject
...
My talk will be in three parts ...
I'm going to divide ...
First .../Second .../Third ...
In the first part .../In the second part ...
Finally ...

Indicating the start of a new section

Moving on now to ...
Turning next to ...
I'd now like to turn to ...
The other question I'd like to discuss ...

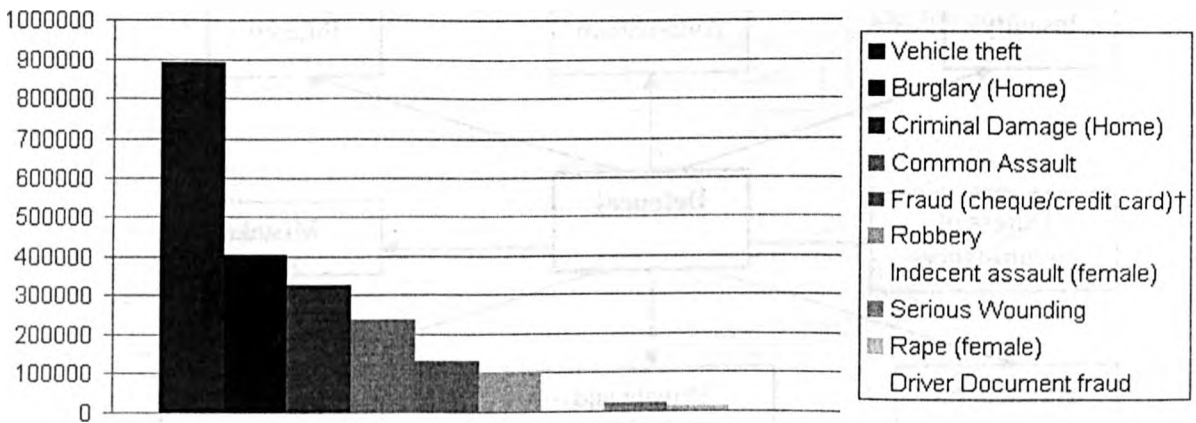
Conclusion

To sum up ...
In conclusion I'd like to emphasize ...
So we've looked at ...
If you have any questions ...

8. Recorded Crime

Look at this diagram on recorded crime in the UK and analyse the data.

Recorded Crime 2003/2004



9. Grammar: Word order

There is a regular position for adverbials in a sentence. The basic rule is:

Time adverb	Subject	Frequency adverb	Verb+ object	Manner adverb	Place/direction adverb
On Mondays	Joe	regularly	attacked women	harshly	next to a supermarket.

Adverbs that go with the verb include words expressing frequency (e.g. always, often, usually, never) and certainty (e.g. probably, definitely).

Examples: Jim **always** commits crimes.
 You **often** went to court.
 They could **never** arrest him.

9.1. In the first three sentences put the words in brackets into the right place in the sentences and in the other six sentences put the words in the right order.

1. He has been charged with murder. (already)
2. He was freed from prison. (eventually)
3. The hearing will be held. (tomorrow)
4. The poor convict a proper meal. (hardly/ever/has/eaten)
5. Newgate prison one of the worst jails in Europe. (/be/used/to)
6. You those goods from the shop. (taken/have/should/never)
7. She/any/future/will/crime/not/in/commit/the.
8. Where/the/find/did/inspector/revolver/the?
9. The/not/flower-bed/have/in/criminal/the/should/stepped.

When there is more than one adjective in a sentence, there is a general rule for their order: the more specific or objective the adjective, the closer to the noun. The right order is:

opinion→**size**→**age**→**shape**→**colour**→**nationality**→**material**.

9.2. Put the adjectives given in the correct order.

1. The victim was a(n) (English/pretty/young) girl.
2. The material proof was a (thin/red/small) book.
3. Some of the policemen wore (tight/black/elegant) uniforms.
4. The girls were locked up in a(n) (wooden/tiny/damp/old/dark/) box.
5. A(n) (American/black/middle-aged) policeman caught the criminal.

The normal order in an English sentence is: **subject/verb/complement**. In the following cases the subject and the verb are inverted.

1. After certain negative adverbs (never, seldom, rarely, little, hardly, not only), e.g. *Hardly had he escaped from the police.*
2. With conditional clauses without if, e.g. *Had he stayed in prison longer, he might have got used to it.*

9.3. Rewrite the following sentences using the prompt provided. (Inversion!)

- 1 I was convicted of careless driving just after I had caused an accident.
Hardly
- 2 Criminals will be charged if the police can find some evidence against them.
Only if
- 3 It's not very often that a prisoner learns two languages.
Seldom
- 4 The murderer is both cruel and he is a notorious liar.
Not only
- 5 It has never happened that I saw an accident.
Never
- 6 If the thief had stolen my property, I would have turned to the police.
Had

10. Punishment

10.1. Read the text and put the words in the box into the right blank places.

dead entertainments complain offences condemned executioners hanging punishment

In earlier times life seemed to have been much more worthless than now and violent punishments were much more frequent. The average life span in the Middle Ages in England was just over 30 years and even by the late 19th century it was under fifty years. People were very inventive in inflicting different kinds of cruel punishments.

In the history of offences there are three basic types of punishment:

- Capital punishment (death penalty)
- Loss of liberty (imprisonment and transportation)
- Corporal punishment (physical violence)

Capital punishment

This sort of penalty took several forms from hanging through beheading to being burnt on fire. One example to show the frequency of hanging is that Matthew Hopkins, the 'witch-finder' of Essex, Suffolk, Norfolk and Huntingdonshire was responsible for the 1..... of sixty 'witches' in Essex only. At the end of the 19th century there were about 220 2..... for which people could be hanged.

Besides performing some way of punishment, executions also served as public 3..... The days of the execution of famous criminals were even public holidays and to make these events even more spectacular, several types of 4..... were performed one after the other.

The 5..... man was sentenced to be: "dragged along the surface of the ground tied to the tail of a horse, and 'drawn' to the gallows and there 'hanged' by the neck until he be half 6....., and

then cut down; and his entrails be cut out of his body and burnt by the executioner; then his head is to be cut off, his body divided into ‘quarters to be set up in some open places directed.’”

Some 7were celebrated as stars. Nevertheless the wages of executioners may seem small. In the reign of James I, the fee was set at 13 pence per hanging, plus two pence for the rope. Noblemen who were beheaded were expected to pay the headsman £7 to £10 for doing a good, clean job, although they were hardly in a position to 8if he failed. The skill of the executioner and the state of his axe or sword mattered. When Sir Walter Raleigh was on the scaffold he asked to inspect the axe. After testing the blade with his thumb, he expressed his satisfaction, saying ‘*This is a sharp medicine, but it will cure all diseases*’. Executioners in the 1950s were paid 15 guineas (now worth over £200) for their ‘work’. We might wonder if they did it for the money.

(Based on Rivlin: *Understanding the Law*, OUP, 2006)

10.2. In Britain capital punishment was abolished in the 1950s but there are often calls to bring it back. What are the arguments for and against the death penalty? List the arguments in two columns.

FOR	AGAINST

10.3. Argumentation techniques

Based on the arguments prepare a persuasive argumentative speech on the topic. Use the information you get below. You may also refer to films dealing with the topic (e.g.: *The Green Mile*), newspaper articles or information you have found on the Internet.

Good argumentation techniques are always beneficial. Your chances to win others over are higher if you can:

- present effective arguments and
- refute your opponent’s arguments.

Practical tips

- Try to understand the position of your counterpart first, and then react to it.
- If your counterpart’s argumentation is weak, repeat your own good arguments.
- If you are interrupted, insist on the right to finish what you were saying.
- Anticipate your counterpart’s arguments by including them in your own argumentation.
- Use the persuasive power of examples. Ask your counterpart to provide concrete examples of how to apply his theories.
- Expose generalisation and inaccuracies.
- Stick to the facts of the issue.
- If somebody evades the issue, return to the subject.

(From <http://www.tanzania.fes-international.de/doc/ct-argumentation-techniques.pdf>.)

Some common features of the style are:

- clearly organised arguments There are several reasons why we should ... Firstly Secondly
- knowledge of the subject
- evidence to back up points made “Every year there are 2000 cases in Budapest alone...”
- anticipation of counter arguments “Some of you may say that this is not worth the cost. But have you considered the cost of ...”
- use of rhetorical questions and devices such as changes in pace and tone to create emphasis “Why do we do this? (long pause) I’ll tell you why. (pause) It’s because we haven’t got the time. (slow)”
- addressing the audience personally “Every one of you here knows someone who has...”
- language “It has been decided...” (i.e. I am not responsible for it)

(From Pásztor & Moor: English for Law Students, Miskolc University, 1994)

11. Corporal punishment

Corporal punishment included flogging, whipping, branding, and public humiliation in the stocks. Some of these punishments were fatal because the public threw rotten food or even stones on the persons. The punishment of standing in the pillory was abolished in 1837.

A special form of corporal punishment – the ducking stool - was devised specially for women, mainly for witches and prostitutes. It was used between the 1600s and the 1800s and the last recorded case happened in 1817.



What other forms of corporal punishment do you know? Besides those mentioned in the text, who was corporal punishment inflicted on?

12. Punishments today

12.1. Analyse the main aims of sentencing offenders. Which do you think are the most important?

Aims

1. Punishment – to punish the offender
2. Deterrence – to deter people from committing crimes
3. Rehabilitation – to teach the offender to become a normal member of society
4. Protection – to protect society from criminal behaviour
5. Crime reduction
6. Other – say what

Some basic types of punishment and other measures are:

1. put on probation
2. capital punishment
3. imprisonment (life imprisonment, real life imprisonment)
4. community punishment (service) order
5. pay a fine
6. suspended sentence
7. caution
8. discharge (conditional, absolute)
9. reparation order
10. bail

12.2. Above is a range of sentences and measures that may be imposed. Match each punishment or measure to its definition.

Definitions

- a) Permission for an arrested person to be released after having paid a certain amount of money. ¹⁰
- b) Unpaid work undertaken pursuant to a court order upon conviction for an offence. ⁴
- c) Release from prison, before a sentence is finished. If the person fails to meet the conditions, the rest of the sentence must be served. ⁶
- d) The sentencing of a criminal to a period of time during which they will be deprived of their freedom. ³
- e) The most severe of all sentences: that of death, also known as the death penalty. ²
- f) A sentence passed by a court whereby the defendant is not punished provided he or she complies with certain conditions. ¹

12.3. What offences are punished with these penalties in Hungary?

Give at least one example of each.

13. Grammar: Conjunctions

13.1. Put the right alternative in the blank spaces.

¹ even though	¹¹ since	⁶ because	² if	⁵ but	¹¹ or	⁹ thus	¹⁰ whether
		³ although	² until	⁵ in order to			

The House of Lords ruled detaining foreign terrorist suspects without trial breaks human rights law. 1..... the said measures are incompatible with European human rights laws the men will remain in prison 2..... the law is reviewed. 3..... the decision of the Lords should change legislation, the Home Secretary is still opposed to it 4..... the new laws must be studied carefully. The solicitor of the eight detainees constantly fights 5..... release the prisoners, the procedure may take a long time 6..... the government fails to make a decision on the issue. 7..... there was no swift government action the detainees will turn to the European Court of Human Rights. Lord Nicholls of Birkenhead, in his ruling said: "Indefinite imprisonment without charge or trial is anathema in any country which observes the rule of law". 8..... the only lord to oppose the appeal said the anti-terror laws contained important safeguards against oppression. 9..... they should not be neglected. 10..... the issue remains within national frameworks 11.....it is laid before the ECHR, the detainees will have to suffer a long imprisonment.

13.2. Choose the right conjunction.

- | | | |
|----------------------|-------------------------|------------------------|
| 1. a) for instance | b) even | c) so |
| 2. a) for example | b) just like | c) in case |
| 3. a) nevertheless | b) however | c) in spite of |
| 4. a) since | b) although | c) because of |
| 5. a) although | b) because | c) as though |
| 6. a) because | b) nevertheless | c) as soon as |
| 7. a) after | b) even if | c) besides |
| 8. a) in order that | b) but | c) nevertheless |
| 9. a) in addition to | b) such as | c) namely |
| 10. a) so | b) provided that | c) even if |

Capital punishment is a hotly debated problem 1..... in states where it has been abolished.

It is more significant in some countries 2..... in the United States. 3..... the debates Todd Boggess was sentenced to life imprisonment without parole in 1995. 4..... slaying Danny Pence, Boggess was first convicted in 1997. 5..... sentenced to death, the conviction was later overturned by the North Carolina Supreme Court. The prosecutors did not seek the death penalty in part 6..... the victim's mother did not want to monitor the lengthy appeals process associated with capital cases.

"7.... someone is going to spend the rest of their life in prison, it was justice for Danny," the mother, Sharlene Pence, told the judge.

8..... on May 22, 2007, the Louisiana Supreme Court upheld the death sentence of Patrick Kennedy.

9.....allegedly sexually assaulting an 8-year-old girl in 2003, he also attacked an old woman.

Louisiana authorizes the death penalty for aggravated rape of someone less than 12 years old.

10.....his appeal is dismissed, he will be the first to be sentenced to death for child molestation.

(Based on <http://www.newsobserver.com/>)

Unit 11

JUVENILE CRIME AND DOMESTIC VIOLENCE

1. Juveniles and the court

What do you think about the age of responsibility and juveniles' rights? Would you change the list below? Compare the age limit of responsibility of British juveniles to that of the Hungarians.

Under the age of majority children do not have all the rights which adults are entitled to. The age of legal capacity in the UK is 18.

Under that age a child cannot:

- vote
- make binding contracts (except for necessities like food and clothing)
- serve on jury
- make a will
- consume alcohol in a bar or pub
- be tattooed
- gamble in betting shops, clubs and casinos
- see films certified as '18'



Under 17, a child cannot:

- drive

Under 16, a child cannot:

- marry (just with the written consent of their parents)
- obtain a passport
- buy cigarettes and tobaccos
- obtain a licence to drive a moped
- buy fireworks
- buy a lottery ticket

2. Review on juvenile violence in the EU

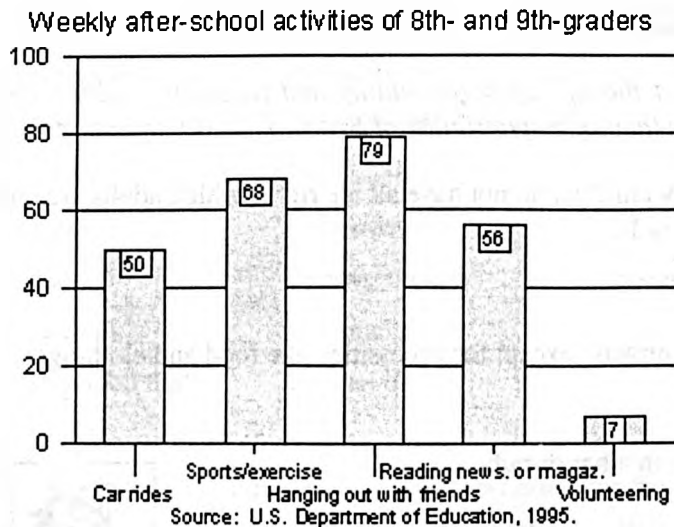
2.1. *Based on the research below write a short presentation on juvenile crime in Hungary. Take the statements of the research one by one and add your own opinion as well.*

According to a review undertaken in the member states of the European Union juvenile crime rates increased all over the EU mainly in the 1980s and the 1990s. In England and Wales for example, 360 of every 100,000 youths aged 14-16 were convicted or cautioned by the police for violent crimes, and in 1994, that figure arose to about 580. The figures increased significantly also in the case of non-violent crimes.

In general the victims of violent crimes committed by juveniles are other juveniles.

Offence increased more sharply among young men than young women and young men were much more likely to become victims of crime than young women.

2.2. Analyse the chart below. What correlations are there between the figures on young people's after-school activities and crime? Can you think of any measures that could solve the problem?



3. Young offenders in England and Wales

Recall the facts you have learnt about the penalty imposed on adult offenders and compare them with the following text about young offenders.

Youth courts are specialist magistrates' courts. They handle all but the most serious charges against people aged at least ten (the age of criminal responsibility) and under 18.

Young offenders can also be tried in an adult magistrates' court or in a Crown Court, depending on the type of offence they have committed. Only Justices of the Peace who have been specially trained for the job can sit in youth courts. Proceedings are held in private.

The main custodial sentence for 12- to 17-year-old people is the detention and training order. This is a two-part sentence that combines a period of custody with a period under supervision in the community. It can last from four months to two years, and the custodial element can be shortened or lengthened depending on the young offender's progress.

There are a range of non-custodial penalties for young offenders. Those aged 16 or 17 may also be subject to most of the adult community sentences.

A new sentence, the referral order, was introduced in 2002 for young offenders convicted in court for the first time and pleading guilty. The court refers the young person to a youth offender panel, led by members of the local community, who agree a contract with the young person to repair the harm done and to prevent further offending.

Complementing non-custodial penalties for young offenders are:

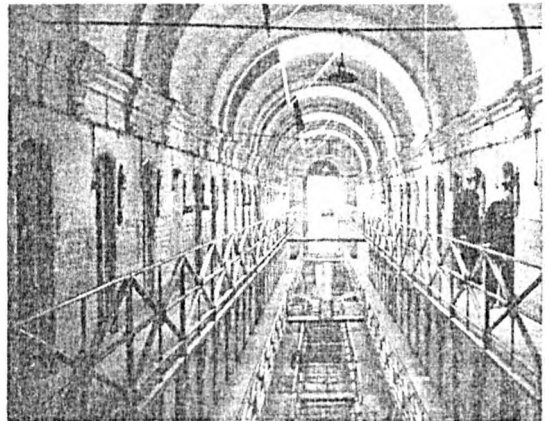
- parenting orders, which may require a parent or guardian to attend, for example, counselling and guidance sessions;
- child safety orders, which place a child under ten who is at risk of becoming involved in crime or is behaving in an anti-social manner under the supervision of a specified, responsible officer.

(From <http://www.direct.gov.uk/en/Gtg11/GuideToGovernment/Judiciary>)

4. Treating young offenders

4.1. Below is a list of possible ways of treating young offenders. Tick the ones you think are really useful and put an x beside the ones you find useless. Change views with your partner and give reasons.

- separation from family and placed with a trained family
- corporal punishment (slapping, smacking, belting, caning)
- counselling
- adventure holidays
- probation
- community service
- formal caution
- held in a secure institution
- military style school, drilling
- family therapy, i.e. the whole family is treated
- ordinary prison (or borstal)
- an island community where they look after themselves



One of the Halls, Wandsworth prison

4.2. Read the text about the debate on juvenile penalty in the USA and with a partner discuss the questions below. Finally give a short summary about your opinion on the issue.

1. Should juveniles who commit serious crimes be treated as adults?
2. Will “get tough on juvenile crime” laws help slow down the rate of violent acts committed by minors?
3. Will this method help to rehabilitate juvenile offenders?

Convicted on November 16 of shooting a stranger outside a convenience store with a stolen shotgun, Nathaniel Abraham was sentenced to 10 years behind bars.

Though the sentence is not unusual for second degree murder, the criminal, Abraham was only 11 when the crime occurred.

5 Abraham was the first minor to be tried under Michigan's Juvenile Justice Law, a statute allowing juveniles to be charged and sentenced as adults.

Now 13 years old, Abraham will spend his sentence in juvenile detention. The judge presiding over the trial, Judge Eugene Moore, rejected a motion to delay Abraham's sentence, saying the looming deadline of the boy's release will focus the system on the need for effective rehabilitation.

10 “We can't continue to see incarceration as a long-term solution” Moore said. “The danger is we won't take rehab seriously if we know we can utilize the prison system in the future. To sentence juveniles to adult prison is ignoring the possibility that we are creating more dangerous criminals by housing juveniles with hardened adults.”

Although Moore said the Juvenile Justice Law is “fundamentally flawed” in its approach to juvenile

15 justice, Michigan Governor John Engler thinks it works as written.

“The governor feels when the legislature made this decision, it gave prosecutors and judges the ability to use this power on a case-by-case basis,” an Engler spokeswoman said. “He thinks it was a good law and it was put there in order to allow prosecutors and judges to use it as they see fit.” In the following let us see two more opinions:



LINDA COLLIER, Cabrini College: Well, I think the judge missed a prime opportunity to do some good. He had an opportunity to transform this young man from a bad situation into a better situation. And he's actually giving some trust to a system that's been derelict in its duties for so very long to improve itself within eight years. I don't have that kind of confidence. And I think that he should have given him a blended sentence.

JAMES FOX, Northeastern University: This was a bold move by the judge to be sure -- working against the trend in America of sending more and more kids into the adult system. They don't belong to them most of the time. They may look like adults, they may act like adults; they may even shoot like adults. But they think like children. And we shouldn't forget that fact. I, too, had expected a blended sentence; that is, that he would be sentenced to a juvenile facility until the age of 18 to 21 and then be evaluated thereafter to determine if he needed more time in an adult prison. That's what the prosecution was pushing for. However, when we look at 10 years for second-degree murder, nationally adults average 11.5 years for second-degree murder. This is not just a slap on the wrist. It's the appropriate sentence given the crime.



*Note: **second degree murder** is ordinarily defined as 1) an intentional killing that is not premeditated or planned, nor committed in a reasonable "heat of passion" or 2) a killing caused by dangerous conduct and the offender's obvious lack of concern for human life. Second-degree murder may best be viewed as the middle ground between first-degree murder and voluntary manslaughter.*

(Based on http://www.pbs.org/newshour/bb/youth/jan-june00/kids_crime_1-14.html)

4.3. The age of criminal responsibility

country	age
India	7
Scotland	8
England and Wales	10
Ireland	12
France	13
Italy	14
Hungary	14
Sweden	15
Spain	16
Belgium	18

Here are some figures on criminal responsibility in a few countries. In England it is 10, but there are constant debates if a child of that age can realize what he does and what consequences may follow his act. Some experts would raise the age of criminal responsibility even to 18. Look at the data and tell your opinion.

5. Domestic violence

5.1. Read the text and explain in English what the following legal terms mean or give synonyms: abuse; assault; offence; threat; force.

Domestic violence is any abusive behaviour used by one person against another, within a family. The most common example is the use of violence and control by men against women and children.

Domestic violence can be:

- Physical assault, including slapping, punching, kicking, choking or the use of a weapon. All acts of physical assault are criminal offences.
- Emotional or verbal abuse, ie. the use of words or other acts to threaten, insult, abuse or put the victim down. This can destroy the victim's self-esteem and make them feel worthless.
- Social abuse, including being stopped from seeing friends and family or anyone who can assist them.



- Economic abuse, including stopping someone from having any money or any of the family resources such as goods or property.
- Sexual assault, including forcing another person to have sex (rape), indecent assault or being forced to look at pornography.

(From <http://www.health.nsw.gov.au/topics/domestic.html>)

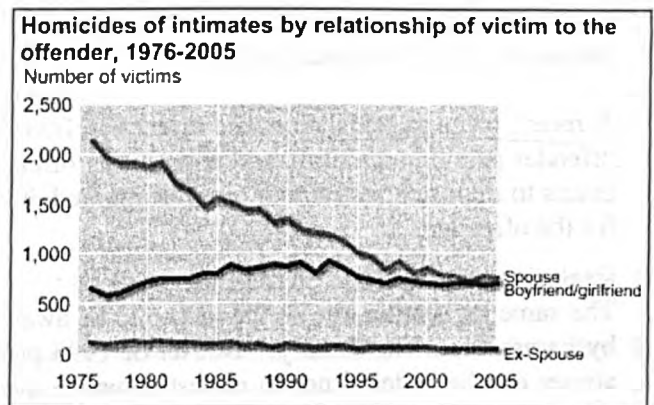
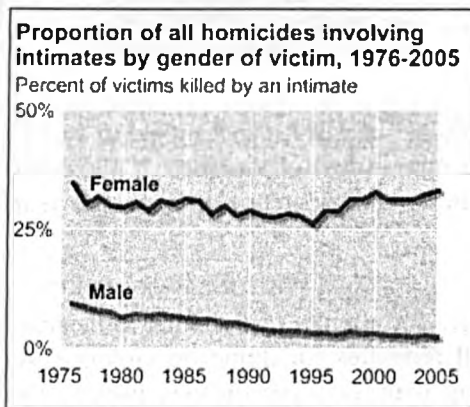
5.2. Figures

Analyse the figures from the USA and compare them to the English data.

In 2002 there were about 635,000 incidents of domestic violence in England and Wales. Of all reported violent assaults, domestic violence makes up about a fifth.

In 2001 42% of all female murder victims were killed by current or former partners, compared with only 4% of male homicide victims. This equates to 102 women; an average of 2 women each week.

1 in 4 women in Europe experience domestic violence over their lifetimes and between 6-10% of women suffer domestic violence in any given year.



(From <http://www.ojp.usdoj.gov/bjs/homicide/intimates.htm>)

5.3. Find figures about domestic violence in Hungary and compare them with the British and American data. Should there be relevant differences, give reasons for them.

6. Remedies

The following expressions are taken from the text below. Match the words with their synonyms.

1. assault	A unwilling
2. breach	B accusation
3. charge	C physical attack
4. damages	D damage
5. harm	E break
6. offender	F perpetrator
7. reluctant	G compensation
8. victim	H onlooker
9. witness	I sufferer

Domestic violence: The legal remedies

One woman in four has been abused

By Peter Gould, BBC News Online correspondent

Powers

In the past, police officers were often reluctant to intervene in a "domestic", a row between a couple within their own home.

5 But it has been made clear to police chiefs that domestic violence should be treated as seriously as any other crime. An incident that ends in injury or death can be dealt with by a variety of criminal charges, ranging from assault to murder. Under common law, a constable has the power to enter domestic premises to deal with a breach of the peace. The
10 Police and Criminal Evidence Act of 1984 also gives the officer the right to enter any premises to save life or make an arrest for offences such as assault occasioning grievous or actual bodily harm, or wounding. PACE also gives police the power to arrest a person to prevent physical injury to
15 someone else, or to protect a child.



A recent piece of legislation, the Protection from Harassment Act of 1997, can be used to stop an offender pursuing a victim, and makes it an offence to put people in fear of violence. It allows the courts to impose a restraining order. If ignored, it can result in a prison sentence of up to five years
20 for the offender.

Exclusion

The same legislation allows the victim to be awarded damages for anxiety or financial loss caused by harassment. The Family Law Act of 1996 provides civil remedies for domestic violence. An abuser can be ordered not to molest someone they are living with, or a person they used to live
25 with. Where the partners are still living together, the abuser can be ordered to leave the house, or they can be excluded from part of the home.

Children

Having contacted the police, many victims say they do not want the case taken to court. They may be concerned about losing their partner, or about the impact on their domestic and family
30 circumstances. And they may be worried it could lead to further violence. The police have been told that when officers arrive at a domestic incident, their first duty is to protect the victim and any children present from any further violence. In ninety per cent of incidents within families, children are in the same room or the next room. If they witness or hear domestic violence, they can be deeply affected by the experience. The second duty of the police, after protecting the victim, is to
35 hold the offender accountable. Where they have the power of arrest, they are expected to use it.

Intimidation

Victims sometimes withdraw their complaints because they are frightened of going to court, and the possible consequences. The CPS has the power to continue with the prosecution without their consent, but a victim is rarely compelled to give evidence. If the victim has been warned to keep
40 quiet, the police can arrest the offender under the Criminal Justice and Public Order Act of 1994. This created two new offences of intimidating a witness, and harming - or threatening to harm - a witness. While most attention has been focused on women victims, the police have been told to respond in exactly the same way when the perpetrator is a woman and the victim is a man.

(From http://news.bbc.co.uk/2/hi/uk_news/2761477.stm)

7. Grammar: Causative

7.1. Get/have/make someone do something

The causative has the meaning of 'someone causes someone to do something'.

The three verbs usually used for the causative are **get**, **have**, and **make**. These causative verbs can be in any verb tense.

Get gives the idea of persuasion, **have** is asking, and **make** is forcing or strong convincing. There is not much difference between have and get.

Examples:

- a. John **got** Susan **to** ask for remedy.
- b. John **had** Susan ask for remedy.
- c. John **made** Susan ask for remedy.

7.2. Get/have something done

This construction is passive in meaning. It may describe situations where we want someone else to do something for us. In these sentences we are more interested in the **result** of the activity than in the person or object that performs the activity.

Examples:

- a. I must **get / have** my hair cut.
- b. When are you going to **get** that window mended?
- c. We're **having** the house painted.

7.3. Read the text below and choose the best answer.

Yesterday Joe had a really bad day. He **1**_____ at half past five, because he had to leave home early. He had to take his car to the repairman to **2**_____ because he had had an accident the previous day. He couldn't **3**_____ the children to school, because they had had a row in the morning. He did not care too much about his family but the children **4**_____ them some breakfast. He should have **5**_____ long ago, but somehow he neglected it. His wife kept complaining that he could never **6**_____. They were running short of time and the situation became worse and worse. The weather forecast warned them that it would be cold but still he **7**_____ light clothes. His wife couldn't find her favourite pullover and it **8**_____. She **9**_____ the whole wardrobe upside down to find it, but Joe had thrown it into the dustbin the day before. When they finally left, in the car his son asked him if he had **10**_____. Certainly, he had not. This might **11**_____ that he is a careless father, but he is much more than that: he hates everyone but himself. Then her daughter tried to **12**_____ faster because she enjoys speed. He drove with extra speed but only till the next corner, where he **13**_____ by a police car. They **14**_____ a breath test and fined him for speeding. It was the last straw for him. After work he beat his wife and two children, his wife reported him to the police and he was accused of violence within the family.

1. a) made the kids to get up b) got the kids get up c) made the kids get up d) had the kids to get up
2. a) have serviced it b) have it serviced c) serviced it d) make it serviced
3. a) get his wife take b) make his wife to take c) get his wife to take d) get his wife taken
4. a) got him prepare b) made him prepare c) had him to prepare d) made him to prepare
5. a) had the micro repaired b) got repaired the micro c) made the micro repaired d) had repaired the micro
6. a) have done anything b) make anything do c) get anything to do d) have anything done
7. a) made the children put on b) made the children to put on c) had the children to put on d) got the children put on
8. a) made her to cry b) made her crying c) got her cry d) made her cry
9. a) got the family turning b) got the family turn c) got the family to turn d) had the family to turn
10. a) had his watch repaired b) made his watch repair c) got his watch repair d) got his watch repairing
11. a) make you to believe b) get you believe c) have you believing d) make you believe
12. a) get him to drive b) get him drive c) had him to drive d) had him driving
13. a) was forced to stop b) was forced stopping c) was forced stop d) was got stopped
14. a) got him taking b) forced him take c) had him to take d) had him take

7.4. Translate the following causative sentences into English.

- 1 A bántalmazott nő megvizsgáltatta a sérüléseit.
The abused woman
- 2 Az idézés arra szólította fel a gyanúsítottat, hogy jelenjen meg a rendőrségen.
The summons
- 3 Az ügyvéd szabadlábra fogja helyezetteti a vádlottat.
The lawyer
- 4 A férj meggyilkoltatta a feleségét.
The husband
- 5 A fiatalokorú elkövetővel speciális körülmények között tetetnek vallomást.
The young offender
- 6 A rendőr eldobatta a bűnözővel a fegyverét.
The policeman

Unit 12**COURT SYSTEMS****1. Describing court structures**

1.1. Below is a description of the system of courts in England and Wales. When you have read the description, label the diagram giving the names of the courts at different levels in the system and show where appeals are taken from.

England and Wales courts

The structure of the courts in all three jurisdictions within the United Kingdom tends to be arranged according to the subject-matter of cases brought before the courts rather than the source of the laws to be applied.

Criminal Cases

The more serious criminal cases are tried on the basis of a document called the indictment - the defendant is indicted on criminal charges specified in the indictment by the prosecutor. In most cases, the prosecution is on behalf of the Crown (the State) and is handled by an official agency called the Crown Prosecution Service, which takes the case over from the police who have already investigated most of the evidence. The first stage will be to decide whether there is a case to answer - what is called a prima facie case. This process, called committal, will be dealt with by a magistrate on the basis of evidence disclosed in papers provided by the prosecutor. If the case proceeds, it is heard in the Crown Court (there is only one Crown Court but it has about 70 centres around the jurisdiction). The trial is before a judge and jury. The judge presides over the trial process. The jury decides the facts - whose story is more believable - and applies the law to those facts. So, it is the jury not the judge which reaches a verdict on the guilt or innocence of the defendant. In criminal cases, the prosecution has the burden of proof - it must prove guilt, rather than the defendant having to prove innocence. The standard (= level) of proof is heavy - guilt must be proven beyond reasonable doubt.

In less serious criminal cases (which comprise over 90% of criminal cases), the case is sent for summary trial in one of over 400 magistrates' courts. A summary trial means there is no committal and no jury.

Those defendants who are dissatisfied by the verdict may be able to appeal:

- from the Magistrates' Courts, there is an appeal to the Crown Court on matters of fact or law;
- from the Crown Court, it might be possible to appeal to the Criminal Division of the Court of Appeal on matters of fact or law;
- certain legal disputes arising in the magistrates' courts or the Crown Court can be taken before the Divisional Court of the High Court Queen's Bench Division;
- finally, matters of important legal dispute arising in the Crown Court or Divisional Court may be appealed to the House of Lords.

Civil Cases

In civil cases, the litigation is commenced by a plaintiff (a private person or company or a public authority) against a defendant. The plaintiff must try to prove the liability of the defendant on the balance of probabilities. The sorts of claims arising in the civil courts are typically about contracts (most common of all), torts (civil wrongs such as causing a road accident through negligence, damaging a person's reputation through defamation, or affecting the enjoyment of their property through causing a nuisance such as by pollution) and land disputes. The choice of court depends in most cases on the value of the claim. Claims of lesser value will start in a County Court. There are 250 County Courts around the country. They can also deal with divorce and bankruptcy matters. Relatively small claims (less than about £3,000) can be handled by a Small Claims Procedure. This involves a quick hearing, often without lawyers being present, before a District Judge. The parties can however appeal to a Circuit Judge who

also deals with full County Court trials. In 1995, nearly 2.5 million "actions" (cases) were commenced. The Small Claims Procedure dealt with 100,000.

50 More substantial civil claims (over around £25,000) are heard in the High Court. The action is begun by writ, which is accompanied by a statement of claim in which the details of the legal dispute are set out. The High Court is organised according to case type into Divisions:

- 55 a) The Family Division deals with divorce and child welfare matters and also the administration of wills.
- b) The Chancery Division considers complex matters such as disputes about wills, settlements and trusts, bankruptcy, land law, intellectual property (copyright and patents) and corporate laws.
- 60 c) The Queen's Bench Division deals with the remaining business - disputes about contracts or torts or land. The Queen's Bench Division has some specialist sub-divisions, including a Commercial Court (dealing with large and complex business disputes), a Crown Office List (dealing with actions against public authorities) and an Admiralty Court (shipping matters).

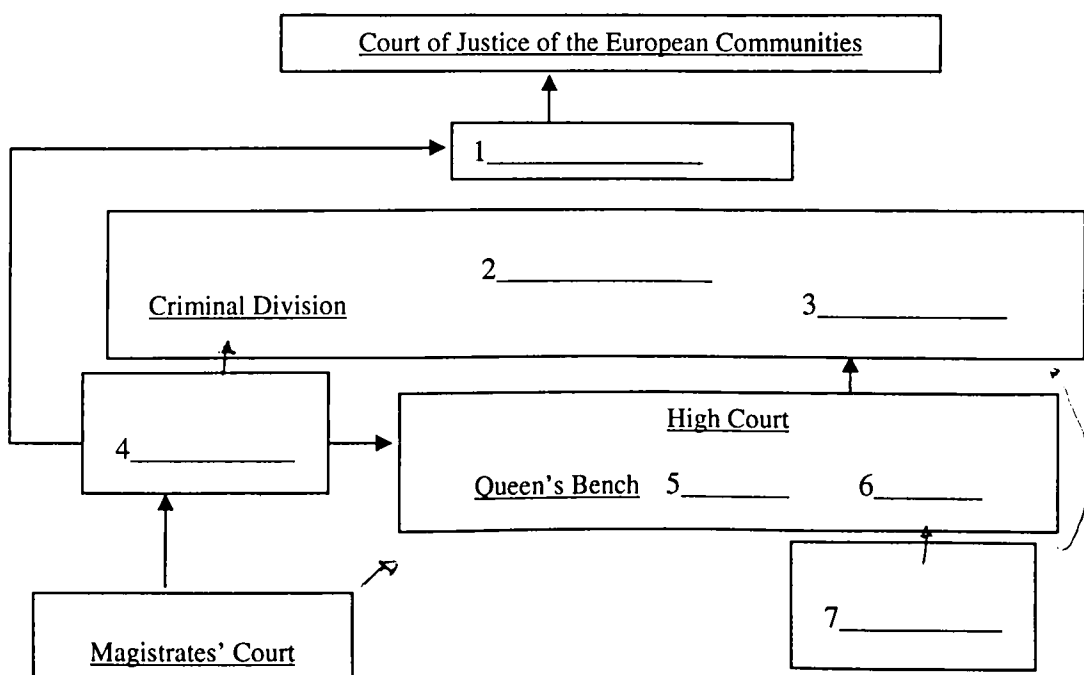
65 Any civil trial is in the vast majority of cases by a judge alone. Juries are now very rare in civil cases. Another feature to note is that cases are often slow to pass through the system, measured in months or years rather than weeks as for criminal cases. It is also important to realise that a very large proportion of civil claims are "settled" - the parties agree on how they should be resolved and therefore the case never reaches trial.

The system of appeal in civil cases is as follows:

- 70 • from a County Court or the High Court, there is an appeal to the Civil Division of the Court of Appeal on law only;
- from the High Court, there may be an appeal to the House of Lords on a matter of legal importance;
- from the Court of Appeal, there can be an appeal to the House of Lords on fact or law, but usually appeal is only allowed on matters of legal importance.

75 The Court of Justice of the European Communities

In one respect only the House of Lords is no longer the supreme legal authority in the United Kingdom. This is in matters regarding the interpretation of the Treaty of Rome. The Court of Justice of the European Communities is the final court of authority in this respect and the English courts are bound by
80 its decisions.



(Adapted from <http://www.leeds.ac.uk>)

1.2. Complete the following sentences by the help of the information given in the text.

1. Claims of lesser value will start in a _____ .
2. Matters of important legal issue arising in the Crown Court may be appealed to the _____
3. If the case involves a serious crime, it is heard in the _____ .
4. From the Court of Appeal, there can be an appeal to the _____ on fact or law, but usually appeal is only allowed on matters of legal importance.
5. In less serious criminal cases, the case is sent for trial in one of the _____ .
6. More substantial claims are heard in the _____ .
7. Under the system of appeals in civil cases, it is possible to appeal from a County Court or the High Court to the _____ .
8. The _____ can overrule all other courts on matters of Community law.

(Adapted from Brieger: Test Your Professional English: Law. Pearson Education Ltd., 2003)

1.3. The box below contains at least 15 hidden words of legal English. Can you find them? Be prepared to give an explanation of the words.

S	O	B	E	N	C	H	I	N	G	T	P
O	F	A	R	R	E	S	T	L	R	H	L
L	F	R	C	O	U	R	T	E	E	E	E
I	I	Y	O	C	L	J	U	R	Y	F	A
C	C	R	I	T	U	U	P	U	I	T	D
I	E	B	A	L	D	S	C	L	I	O	T
T	R	I	A	L	O	T	E	E	K	L	T
O	N	R	I	G	H	T	D	O	C	K	E
R	E	F	O	R	G	E	L	T	A	L	L
D	A	R	K	X	R	O	L	T	E	A	F
O	M	A	G	I	S	T	R	A	T	E	R



2. Grammar – modal auxiliaries I

2.1. Read the text below on the Court of Justice of the European Communities. What is the meaning of the words written in bold? Are these words used to express the same meaning in general English?

The Court of Justice of the European Communities

This Court was set up under the Treaty of Rome of 1957, by which the European Community was established. The Court sits in Luxembourg and is composed of 27 Judges and 8 Advocates General appointed by common accord by the governments of the Member States for a renewable term of six years. The Court has been made part of the English legal system by virtue of the European Communities Act 1972, section 3 of which states as follows

10 "For the purposes of all legal proceedings any question as to the meaning or effect of any of the Treaties, or as to the validity, meaning or effect of any Community instrument, shall be treated as a question of law (and, if not referred to the European Court, be for determination as such in accordance with the principles laid down by and any relevant decision of the European Court)."

Its intervention **can** arise in two ways under Article 177 of the Treaty of Rome. Firstly, "The Court of Justice **shall** have jurisdiction to give preliminary rulings concerning...the interpretation of this Treaty ... when such a question is raised before any court or tribunal of a Member State, that court or tribunal **may**, if it considers that a decision on the question is necessary to enable it to give judgement, request the Court of Justice to give a ruling thereon." This means that any UK court, civil or criminal, **can** ask for its judgement on a point of Community law if it is felt to be an important point which is necessary for a decision. Secondly, "Where any such question is raised in a case pending before a court or tribunal of a Member State, against whose decisions there is no judicial remedy under national law, that court or tribunal **shall** bring the matter before the Court of Justice." This means that where there is no further appeal from the national court (such as from the House of Lords) the case **must** be referred on points of Community law if they are in dispute.



Aerial view of the European Court of Justice in Luxemburg

(Adapted from <http://www.leeds.ac.uk>)

Modal auxiliaries may have different meanings in general English and in legal English.
In everyday English

- **can** expresses possibility, ability or permission (I wonder who this card can be from. I can speak three languages. Students can sit for the same exam only three times.);
- **may** expresses probability (I may come, but I'm not sure);
- **must** expresses obligation or certainty (I must be going now. It must be Tom. He promised to arrive on time.);
- in modern English **shall** is used to make offers (Shall I open the window?).

In legal English

- **may** generally expresses permission; and
- **shall** is used to indicate obligation or to make a legally binding promise or declaration.

2.2. Make the following sentences complete by supplying the missing auxiliaries. Sometimes they are used in the negative or not in the present tense.

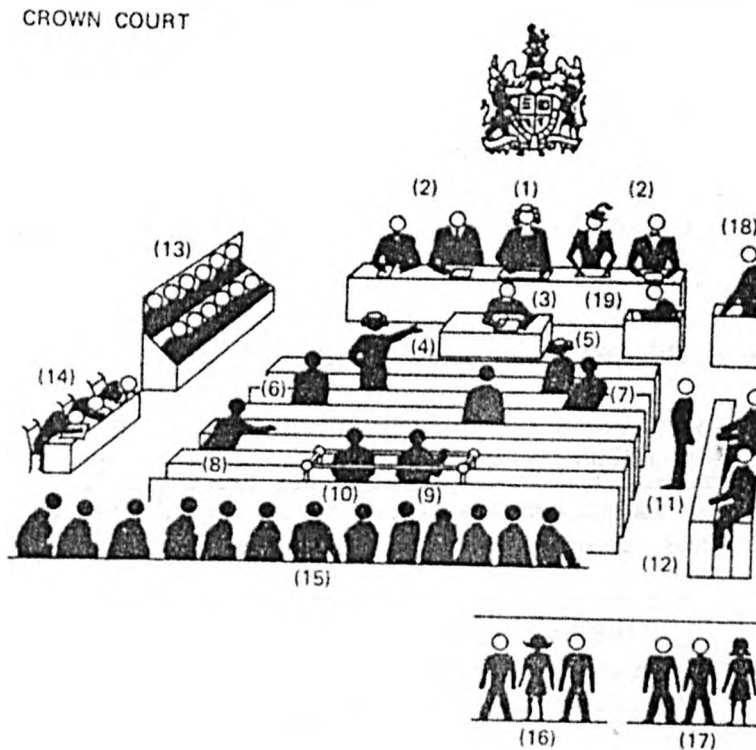
1. A court _____ follow the ratio decidendi of any relevant case.
2. County Courts are staffed by circuit judges who _____ also sit in the Crown Court.
3. The House of Lords _____ exceptionally depart from its own previous decisions.
4. The decision of the Court of Appeal _____ be given in a single judgement. Orders for costs _____ be made.
5. The selection of judges _____ be made on merit.
6. A person _____ not be recommended for appointment as Lord Chancellor unless he appears to the Prime Minister to be qualified by experience.
7. The defendant _____ appeal as he was not granted leave to appeal.
8. The case _____ to be dropped due to lack of sufficient evidence.

3. Inside a courtroom

3.1. All the people below should be present when a case is heard in the Crown Court. With a partner, decide if these people would also be found in a courtroom in Hungary:

- Accused or defendant
- Clerk of court
- Court usher
- Defending barrister
- Judge or recorder
- Jury
- Justices of the Peace
- Press reporters
- Probation Officer (If the accused has been in trouble before, but not in prison, he/she will have a probation officer.)
- Prosecuting barrister
- Public
- Shorthand writer
- Solicitor or solicitor's clerk from the defence side
- Solicitor or solicitor's clerk from the prosecution side
- Warder from prison
- Witnesses (witnesses wait outside the court to be called to give their evidence. After they have given their evidence they sit at one side in the courtroom.)

3.2. Look at the picture of the courtroom below and decide where the people above are standing or sitting. Write the appropriate numbers next to the persons in 3.1.



4. Vocabulary development

Use the words in the box to complete the gaps in the sentences below. In each case the gap represents one word only. In some cases you will need to change the form of the word in the box so that the sentence is grammatically correct.

act	impose	pass	seek	arise	imprisonment
sentence	try	come	assist	decide	jurisdiction
sit	hear	refer	verdict	hold	
reverse	reach	deal	direction	award	

- 1) The Magistrates' Court has two main functions. In simple cases the court the offence and the magistrate a verdict, and if necessary sentence. In more complicated cases, a preliminary hearing of the case is before the case is to a higher court for trial.
- 2) The of the Magistrates' Court is limited to less serious cases.
- 3) In a Magistrates' Court, the magistrates as judges of the facts and they're on points of law by the justice's clerk.
- 4) A magistrate can a sentence of of up to six months.
- 5) Appeals from the Magistrates' Court are in the Crown Court by a judge on his or her own with a jury to on questions of fact.
- 6) A recent case which before the Divisional Court out of the introduction of the intoximeter.
- 7) Appeals against or may be made on the grounds either of a technicality or because the judge gave a wrong to the jury.
- 8) A higher court cannot in general findings of fact.
- 9) A County Court cannot with cases which involve of damages of more than 5000 pounds.
- 10) Where damages of more than 5000 pounds are by the plaintiff, the case must go to the High Court.



5. Differences between civil and criminal law terminology

Complete the attached text by using each of the following words once only. Write the missing word into the appropriate gap in the text. Look up any words which are unfamiliar to you.

appears, breathalyse, bringing, charged, compensation, convicted, costs, damage, damages, disqualified, fine, fined, heard, liable, loss, negligence, offence, proceedings, pursue, remedy, sues, suffered, sustained, victim



The distinction between criminal and civil law does not depend on the nature of the wrongful act, because the same act may give rise to both civil and criminal 1 proceedings.

Consider the consequences of a typical motor cycle accident. Shirley is crossing the road at the zebra crossing when she is knocked down by a motor cycle driven by Jason. An ambulance takes Shirley to a local hospital where it is discovered that she has 2 _____ a broken leg. Meanwhile the police have arrived at the scene of the accident and they 3 _____ Jason. The result is positive and he is 4 _____ with the criminal 5 _____ of driving with excess alcohol.

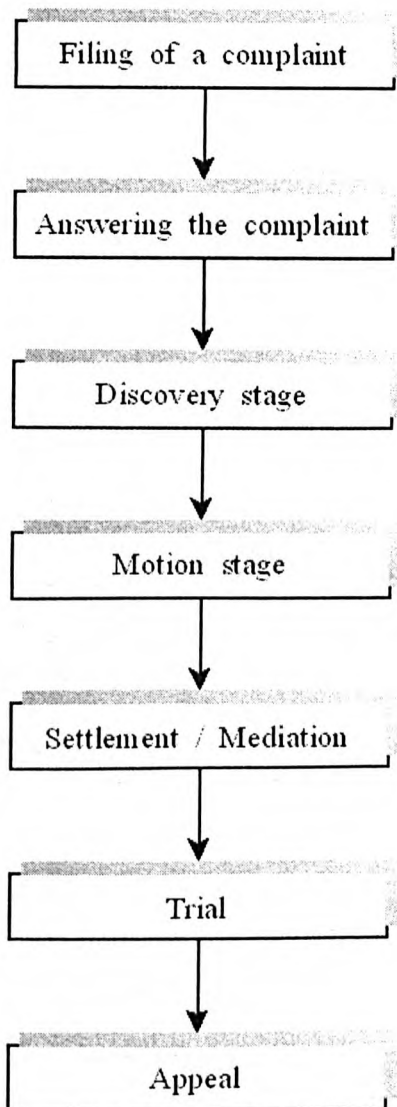
Jason 6 _____ before the local magistrates' court and is 7 _____. He is 8 _____ from driving for eighteen months and 9 _____ £400. The 10 _____ is paid to the court: it does not go to the 11 _____ of the criminal act. However, a criminal court now has limited power to order an offender to pay 12 _____ for any personal injury, 13 _____ or 14 _____ caused to the victim of his offence (Powers of Criminal Courts Act 1973). Shirley will be able to 15 _____ a civil action against Jason to 16 _____ the personal wrong she has 17 _____.

Shirley 18 _____ Jason under the tort of 19 _____, seeking damages for the injuries she has sustained. The case is 20 _____ in the High Court where Jason is found 21 _____. He is ordered to pay £6.000 in 22 _____. Normally, the loser in a civil action pays the winner's 23 _____. So Jason is ordered to pay Shirley's costs in 24 _____ the action.

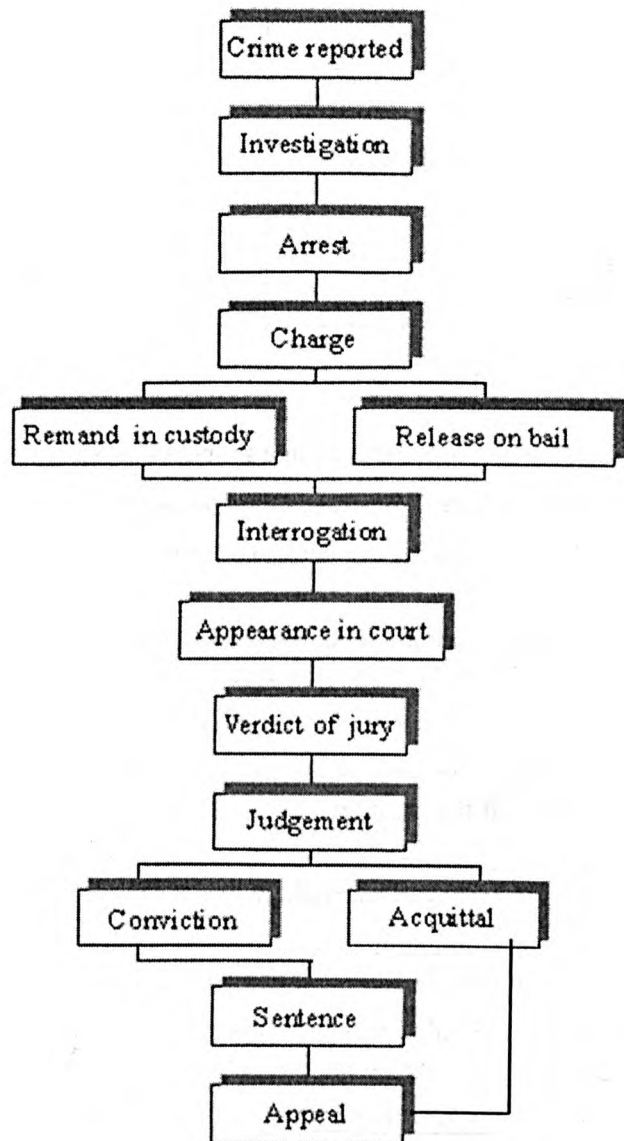
6. Describing flow-charts

Choose one of the diagrams below and describe the procedure it illustrates to your partner.

Civil procedure



Criminal procedure



7. The Hungarian judicial system

7.1. Act XX of 1949 on the Constitution of the Republic of Hungary and Act LXVI of 1997 on the Organisation and Administration of the Courts regulate the structure and working of judicial institutions in Hungary. Below is a diagram of the Hungarian court structure. Can you place the names of the courts into the relevant boxes?

local courts

Supreme Court

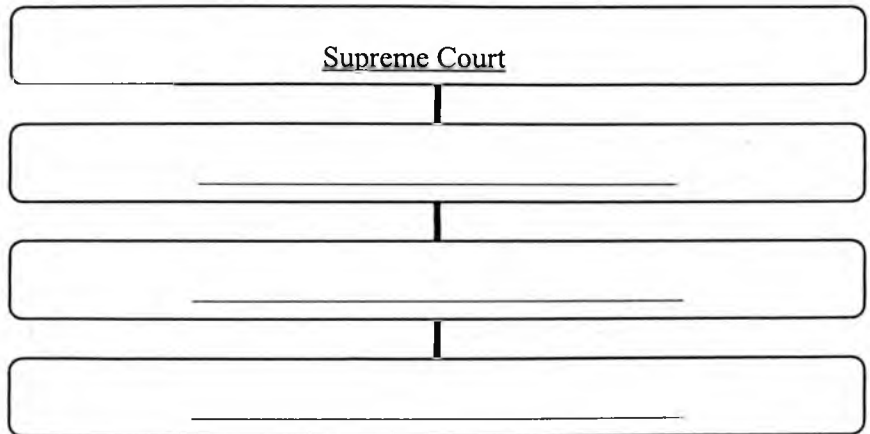
Municipal Court of Budapest

19 labour courts

19 county courts

Municipal Labour Court

5 Regional Courts of Appeal



7.2. Place the following statements into the appropriate box of the chart below:

Local Court	County Court	Regional Court	Supreme Court	National Council of Justice	Constitutional Court
2					

1. Justice is administered in a four-level system by it.
2. ~~First instance jurisdiction in most matters rests with it.~~
3. Appeals against the decisions of the local courts may be submitted to it.
4. It makes recommendations to the President of the Republic on the nomination or relief of judges.
5. Its decisions cannot be contested.
6. It effects the principle that the overwhelming part of the cases shall be settled at the local level, within the easiest reach of the parties.
7. Its competence includes the review of statutes from the aspect of conformity with international treaties.
8. Its main function is to ensure the uniform application of law and to examine applications for the review of final judgements as extraordinary remedy.
9. It is subdivided into three departments: criminal, administrative and civil department, the latter comprising special sections of civil, economic and labour law.
10. It is charged with the review of the constitutionality of laws.
11. It can annul a statute in whole or in part.



12. In civil cases with a minimum value of HUF 5 million and criminal cases with a sentence up to life imprisonment it has first instance jurisdiction.
13. It specifies the basic principles underlying the organisation and operation of all courts.
14. Referring to the violations of rights included in the Constitution or to unconstitutional omission to legislate, anyone may turn to it directly.
15. It prepares a budget proposal related to the chapter on courts.
16. It examines appeals submitted against the decision of the county courts and the regional courts of appeal in cases defined by law.
17. The territorial competence of it is determined by and identical with an area of public administration.
18. It adopts uniformity decisions, which are binding on all courts.
19. Its members are elected by Parliament.
20. The administration of the courts is its prerogative.

(Adapted from <http://www.lb.hu/index.htm>)

8. Oral skills development

8.1. Listening *Write five statements about one of the Hungarian courts. Your statements may be true or false but make sure you know the correct information. Read them out to your partner who has to decide whether they are true or false and also has to correct the false ones.*

8.2. Presentation *You are doing a summer course abroad where you are asked to give a mini-presentation on the Hungarian court structure. You may speak from notes or prepare a PowerPoint presentation.*

Unit 13

ALTERNATIVE DISPUTE RESOLUTION

1. Alternative methods of dispute resolution

1.1. Discussion

'Courts are a necessary evil.'

Do you agree or disagree with the above opinion?

What are the good and bad points of settling a dispute in court?

What other possible ways of resolving disputes do you know?

1.2. What disadvantages of court proceedings does the text below mention?



Using the courts to resolve disputes can be costly, in terms of both money and time. It can also be traumatic for the individuals involved and may not lead to the most satisfactory outcome for the case. An additional problem is that court proceedings are usually open to the public and the press, so there is nothing to stop the details of the case being published in local or national newspapers. It is not surprising, therefore, that more and more people and businesses are seeking other methods of resolving their disputes. Alternative methods are referred to as 'ADR', which stands for 'Alternative Dispute Resolution', and include any methods of resolving a dispute without resorting to using the courts. There are many different

methods ranging from very informal negotiations between the parties, to a comparatively formal commercial arbitration hearing.

1.3. Can you match the methods of dispute resolution with their explanations?

1	Negotiation	A	Parties with help of neutral third party.
2	Mediation	B	Parties agree to let third party make binding decision.
3	Conciliation	C	Parties themselves, sometimes through solicitors.
4	Arbitration	D	Parties go to court and a judge decides the case.
5	Litigation	E	Parties with help of neutral third party who plays an active role in suggesting a solution.

(Adapted from Martin J.: The English Legal System. Hodder & Stoughton, 2002)

2. Arbitration

Complete the following text about arbitration with words from the box:

adjudication, arbitration, arbitrator, cost, decision-maker, dispute, documentation, duration, expert, hearing, litigation, submissions

The process is similar to the 1_____ process as it involves 2_____. However, the parties themselves can choose their 3_____ and the manner in which the 4_____ will proceed. If the 5_____ is fairly straightforward, the parties may agree to waive a formal 6_____, and provide the arbitrator with written 7_____ and 8_____ only.

The advantages of arbitration over litigation can include the following:

- Expertise of the 9_____ : the parties can choose an arbitrator with 10_____ knowledge of the law and the business or trade in which the dispute has arisen.
- Low 11_____ : arbitration is not expensive if the process is kept simple.
- Short 12_____ : arbitration does not take as long as litigation.

(Adapted from N. Brieger: Test Your Professional English: Law. Pearson Education Limited, 2003)

3. Tribunals

3.1. Do you know what tribunals are? Read the text below and find out how tribunals differ from law-courts.

Administrative tribunals

There has grown up over the years a network of administrative tribunals dealing with specific areas of specialism. This has been the consequence of increased state interference into social and economic fields.

- 5 Because of the technical and specialised nature of these disputes it is thought that the ordinary courts are ill-equipped to deal with them. The procedure of the ordinary courts is slow and administrative decisions need to be made quickly for efficiency. Delay can cause a claimant severe financial hardship in some cases, and therefore tribunals are favoured over the formal procedures of the courts which are often very expensive.
- 10 The workload of the courts is relieved by a large number of administrative tribunals. Tribunals deal with a wide area:
- Transport
 - Land
 - Social Security
 - Mental Health Review
- 15 Rents
- Employment

and many more. As society has progressed, certain areas have developed in which complicated disputes concerning technical matters can arise. These disputes are more often than not between private individuals and government departments, hence the term 'administrative tribunals'.

- 20 Tribunals normally consist of a panel of lay members with a chairman who has some legal knowledge. Lack of legal knowledge is not viewed as a drawback, because what is necessary is a cheap, swift, informal method of resolving disputes, and in technical areas cases heard by an expert in that field is more desirable than legal knowledge.

- 25 Under the Trade Union Reform and Employment Rights Act 1993 the tribunal chairman will be able to sit alone to hear certain types of cases.

3.2. Control of tribunals by the courts

Courts can exercise some control over tribunals. There is normally a provision for a right to appeal on a point of law to the ordinary courts. The courts can further exercise controls over tribunals by the use of 'prerogative' orders, to ensure tribunals apply the rules of natural justice.

Can you match these prerogative orders with their definitions?

1	prohibition	A	used to compel the performance of some duty e.g. to allow an appeal
2	mandamus	B	used to compel a tribunal to inform the High Court of the facts of the case if it has acted <i>ultra vires</i>
3	certiorari	C	used to prevent a tribunal going beyond its jurisdiction or acting wrongfully

(Adapted from English Legal System, Cavendish Law Cards, Cavendish Publishing Ltd., 1997)

4. An employment tribunal

Below you can read extracts from a text written to give general information on employment tribunals. Which questions do the parts of the text answer? Make the text complete with the headings in the box.

How do I start the process? What happens at the hearing? What is an employment tribunal? If you win... Will my claim take place? Do I need to go to an employment tribunal and will it cost me? If you lose... Can the issue be settled before the hearing takes place?

Information for the general public

1 _____
 Employment tribunals hear cases where a dispute has arisen in the workplace between employee and employer and it **cannot** be resolved internally. They are less formal than other kinds of court procedures but you do **have to** give evidence on oath and you **can** be prosecuted for perjury if you lie. Cases are usually heard by a panel of three people - a legally qualified chairperson and two 'lay members'. The lay members use their own employment experience in judging the facts. Sometimes a chairperson **may** sit on their own, for example, to hear any legal arguments.

2 _____
 Where possible, you **should** always try to resolve any work related disputes in work itself, either directly with your employer or perhaps via a union representative (if you're a union member) or your HR department. If that's not possible, you **should** then contact your local Citizen's Advice Bureau for specific advice and to find out if you have reasonable grounds for success. There is no cost for making a claim at a tribunal unless you employ the services of a solicitor who **will** require payment.

3 _____
 You **need** to complete form ET1 which you **can** get from your local Jobcentre Plus, an Employment Tribunal office or the Employment Tribunal's website. Alternatively, you **can** pick one up from your local Citizen's Advice Bureau and a staff member **will** help you complete it. The form **will** give information about you, your employer and your complaint and it **will** confirm that you have followed your employer's internal grievance procedure. If you are complaining of unfair dismissal, it is not

necessary for you to have used the grievance procedure but your employer **should have** followed the correct disciplinary procedure.

You then **have to** send the form to the Employment Tribunal's central office. They **will** send a copy to your employer who then has 28 days in which to respond.

4

The tribunal **will** review all the facts and check whether you **can** make a claim. If there's any doubt, there **will** be a preliminary hearing, usually in front of the chairperson.

If they think you're unlikely to succeed, they **can** ask you for a deposit of up to £500 which you **will** lose if you do not win your claim.

5

It's important to remember that you **may not** win your claim so if you **can** resolve the issue satisfactorily before the hearing, it **may** be in your best interests to do so.

6

The tribunal **will** let you know the date of the hearing. You **do not have to** appear in person but you **must** tell the tribunal if you want the hearing to take place in your absence.

In preparation, remember to take all documentation with you to the hearing in support of your claim. If you're going to use any documents, you **must** tell the other side and give them 7 days' notice that you intend to do this.

At the hearing, you and your employer both put your cases to the panel and answer questions. The panel then comes to a decision.

You are permitted to take witnesses to the hearing to provide evidence in support of your claim. If they refuse to go, the tribunal does have the power to order their attendance.

If you attend the hearing on your own, the panel **will** try to make things as clear and simple for you to understand as possible. The procedures are quite informal. Unlike other courts, tribunals don't normally order any side to pay costs unless they decide you or your employer acted unreasonably in bringing the case or if any representatives at the hearing behaved unreasonably.

7

The tribunal **can** order your employer to pay compensation costs which is unlimited for discrimination or dismissal on health and safety grounds.

However, it's important to remember that a successful claim is not to punish the employer but to provide you with compensation for the loss of earnings for the time you have been off work. In other words, you don't get awarded additional money for hurt feelings and you **may have to** try and reduce the loss of earnings by taking another job in the meantime.

8

You **can** ask the tribunal to review its decision, although grounds for this are limited. It's also possible to appeal to the Employment Appeal Tribunal, which only considers points of law, so you **can't** appeal if you think the tribunal simply got its facts wrong. In this case, you have the right to legal aid.

(Adapted from <http://www.safeworkers.co.uk/EmploymentTribunals.html>)

5. Grammar – modal auxiliaries 2

5.1. What is the meaning of the words 'can', 'may', 'must', 'have to' and 'need' in text 4? First you might want to review what you learned about it in the previous unit.

What does the word 'should' express?

What does the auxiliary 'will' express?

5.2. Put the following auxiliaries into the appropriate box of the chart under the heading Present/Future, and then make the chart complete.

shall, may, must, cannot, need not, ought to, do not have to, must not, have to, have not got to, should, do not need to, be to

Function	Present/Future	Past
Obligation		
No obligation		
Prohibition		
Necessity		
Advice / opinion		

What is the difference between did not need to, need not have and should not have?

5.3. Match a sentence in column A to a sentence in column B:

	A
1	You shouldn't have lied to your solicitor.
2	We didn't need to appear in court.
3	The organiser shall be responsible for collecting fees.
4	First you should try to reach an out-of-court settlement.
5	The respondent needn't have asked for a loan.
6	Reporters cannot be present when the parties present their case to the arbitrator.
7	The defendant was not to sell any further equipment.

	B
A	He was entitled to legal aid.
B	It was a big mistake.
C	Litigation is far too expensive and time consuming.
D	Hearings are not open to the public.
E	Our dispute was settled out of court.
F	The injunction prohibited him from doing so.
G	It is specified so in the contract.

6. Describing a chart

Describe the chart below illustrating the outcome of the appeal proceedings initiated before review tribunals in Canada.

**Review Tribunals
for Canada Pension Plan and Old Age Security appeals**

Mission Statement

"To ensure expert, independent, unbiased quality service to all parties to an appeal to a Review Tribunal by treating all parties to the appeal equally, fairly and with understanding, respect and dignity."

Review Tribunal Hearings by Outcome - CPP and OAS, 1997/98 and 2003/04

Table 4

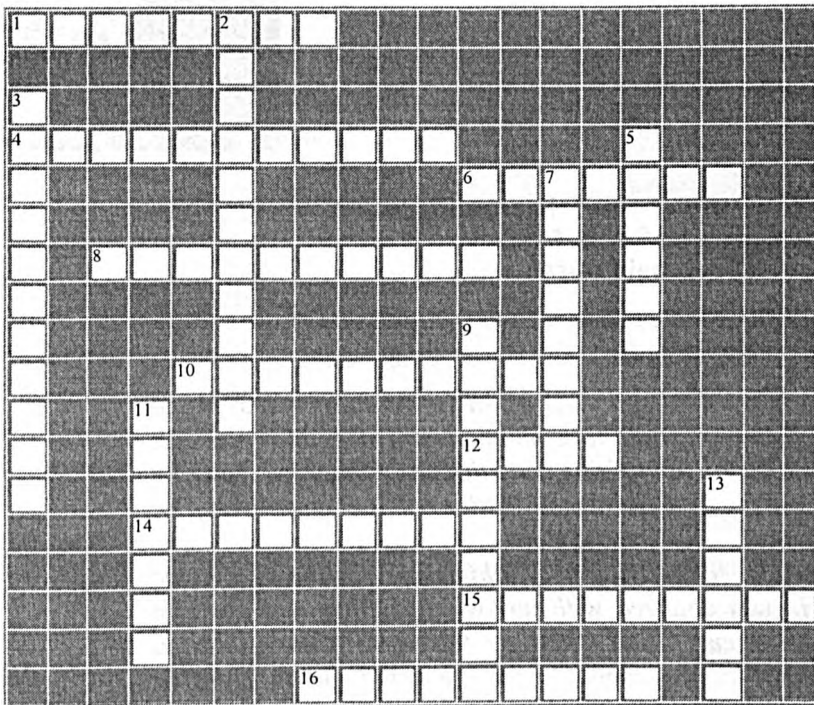
APPEALS TO REVIEW TRIBUNALS, 1997/98 TO 2003/04

	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04
Adjourned	322	618	891	666	618	688	780
Allowed	1,864	2,244	2,607	1,778	1,681	2,176	2,335
Dismissed	5,756	6,640	6,790	3,959	2,526	2,378	2,214
Withdrawal at Hearing	8	26	38	39	28	28	28
Total Hearings Held ¹	7,950	9,528	10,326	6,442	4,856	5,270	5,387

¹ Does not include re-hearings under section 84(2) of the Canada Pension Plan.

(From <http://www.ocrt-bctr.gc.ca/artstr/gststg-eng.html>)

7. A crossword: Mediation



Across:

- 1 Having special ability.
- 4 Bargaining in order to find agreement.
- 6 Mediation is an effective _____ to resolve disputes.
- 8 Result of agreement between the parties.
- 10 Both parties often have to _____ to reach agreement.
- 12 One advantage of mediation - the price.
- 14 First the mediator learns the _____ of the parties.
- 15 Speak while another is speaking.
- 16 Willing.

Down:

- 2 Person who helps things happen.
- 3 An arbitrator is an _____ third party, who is not biased.
- 5 Outcome.
- 7 Willingness to provide information.
- 9 The mediator aims to bring the parties to a _____ of the dispute.
- 11 Disagreement.
- 13 The mediator aims to find common _____.

Unit 14

COURT RULINGS AND JUDGEMENTS

1. Reading a criminal case

As you read the case summary, try to answer the following questions. They will help you to understand the text better.

1. To which court did this case go on appeal from the magistrates' court?
2. What legal principle was suggested by this case?
3. On what condition was Coleman Hawkins given permission to land in the United Kingdom?
4. Who was the appellant? What was he charged with? What exactly had he done?
5. In *R v. Coney* (on which the prosecution based its case) what charge was brought?
6. Why was the conviction quashed in that case?
7. Complete the following dictum:

Where presence is accidental, _____ for aiding and abetting.

8. Why does this dictum not apply to the case of *Wilcox v. Jeffery*?
9. What evidence is there that caused the magistrate to find that the appellant aided and abetted?
10. Does the judge agree with the earlier finding of the magistrate?
11. What was the decision in this case?



Wilcox v. Jeffery
[1951] 1 All E.R. 464
Divisional Court

*A person **who** is present giving encouragement to the commission of an offence is guilty of aiding and abetting it.*

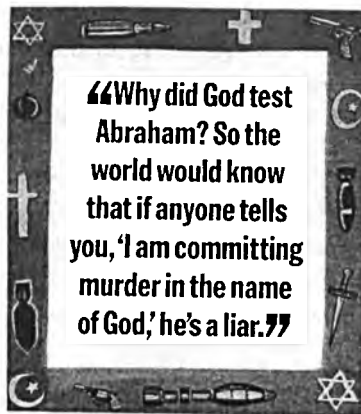
*An American saxophonist, Coleman Hawkins, was given permission to land in the United Kingdom on condition **that** he would take no employment, paid or unpaid, while here. The appellant, **who** was aware of this condition, accompanied Hawkins to a concert in a London theatre, **where**, by invitation of the organisers, he performed on the saxophone.*

*Later the appellant wrote an article in a paper of **which** he was the proprietor praising the performance. He was charged with unlawfully aiding and abetting Hawkins in contravening the Aliens Order 1920 by failing to comply with a condition attached to his grant of leave to land. He was convicted and appealed by way of case stated to the Divisional Court.*

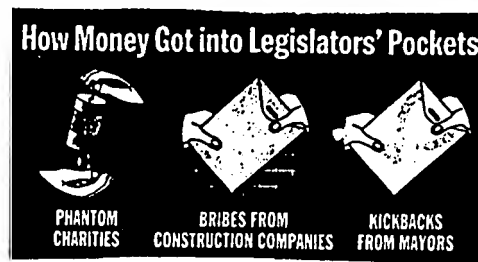
LORD GODDAIRD C.J.: Reliance is placed by the prosecution on *R. v. Coney* which dealt with a prize-fight. This case relates to a jazz band concert, but the particular nature of the entertainment provided, whether by fighting with bare fists or playing on saxophones, does not seem to me to make any difference to the question which we have to decide. The fact is that a man is charged with aiding and abetting an illegal act, and I can find no authority for saying that it matters what that illegal act is, provided that the aider and abettor knows the facts sufficiently well to know that they would constitute an offence in the principal. In *R. v. Coney* the prize-fight took place in the neighbourhood of Ascot, and four or five men were convicted of aiding and abetting the fight. The conviction was quashed on the ground that the chairman had not given correct direction to the jury when he told them that, as the prisoners were physically present at the fight, they must be held to have aided and abetted.

That direction, the court held, was wrong, it being too wide. The matter was very concisely put by Cave J...: "Where presence may be entirely accidental, it is not even evidence of aiding and abetting. Where presence is *prima facie* not accidental it is evidence, but no more than evidence, for the jury." There was not accidental presence in this case. The appellant paid to go to the concert and he went there because he wanted to report it. He must, therefore, be held to have been present, taking part, concurring, or encouraging, whichever word you like to use for expressing this conception. It was an illegal act on the part of Hawkins to play the saxophone or any other instrument at this concert. The appellant clearly knew that it was an unlawful act for him to play. He had gone there to hear him, and his presence and his payment to go there was an encouragement. He went there to make use of the performance, because he went there, as the magistrate finds, and was justified in finding, to get "copy" for his newspaper. It might have been entirely different, as I say, if he had gone there and protested ... if he had booed, it might have been some evidence that he was not aiding and abetting. In this case it seems clear that he was there not only to approve and encourage what was done, but to take advantage of it by getting "copy" for his paper. In those circumstances there was evidence on which the magistrate could find that the appellant aided and abetted and for those reasons I am of the opinion that the appeal fails.

Appeal dismissed.



The picture below illustrated an article about bribery and corruption in Brazil. *Is it typical only of that country, do you think?*



2. Grammar: Relative Clauses

2.1. Read the summary of the above law report again and translate the sentences with the words in bold. What relative pronoun can be used to refer to:

a person: _____
 an object: _____
 a place: _____
 time: _____
 manner: _____
 possessor: _____
 whole clause: _____

2.2. Relative clauses tell us more about the noun they describe, and can be divided into two categories: defining and non-defining. Try to sort out which rules apply to which category. Write D for defining and N for non-defining.

1. They give supplementary information.
2. They identify the noun.
3. They are not separated by commas.
4. They are separated by commas.
5. They always use the relative pronoun.
6. They may omit the relative object pronoun.
7. The pronoun 'that' is never used for them.

2.3. Supply the missing relative pronoun where necessary.

1. The judge _____ had been appointed only a year before misdirected the jury.
2. The trial was held in the Old Bailey, _____ is one of the Crown Courts.
3. The prosecutor read out the indictment _____ contained four charges.
4. The victim _____ wallet had been stolen didn't dare to give evidence.
5. This is the courthouse _____ my case will be heard.
6. The agreement _____ the parties entered into last week is for two years.
7. The date on _____ the case was decided was the appellant's birthday.
8. The jury delivered a verdict _____ led to the acquittal of the defendant.
9. This is the counsel _____ client has just appealed to the House of Lords.
10. It took nearly ten years to decide the case, _____ caused difficulties for both parties.

3. Citation and format of Law Reports

Law teachers, and writers of textbooks, often use abbreviations when referring to the sources where a report of a case can be found. These can appear very confusing at first, but instant use will rapidly make you familiar with the meaning of most of the abbreviations used. A reference to a case (which is called a *citation*) will normally look similar to the following example:

*Holgate-Mohammed v. Duke*¹ [1984]² 2³ W.L.R.⁴ 660⁵.

1. the names of the parties involved in the case;
2. the year in which the case is reported;
3. the volume number, i.e. the second volume published in 1984;
4. the abbreviation for the name of the law report;
5. the page number on which the case begins.

Thus, in this example, the case of *Holgate-Mohammed v. Duke* will be found in the 1984 volumes of the *Weekly Law Reports* (abbreviated to W.L.R.).

There are three volumes of the *Weekly Law Reports* containing the cases reported in 1984. The case referred to will be found in the second volume, at page 660.

Let us now look at a typical example of a law report:

CLEVELAND PETROLEUM CO., LTD. V. DARTSTONE, LTD
AND ANOTHER¹

/Court of Appeal, civil division /Lord Denning, M.R. Russell and Salmon. LJJ./ November 26, 1968./²
*Trade-Restraint of trade-Agreement-Petrol filling station-Sales agreement-Lease by garage owner to petrol supplier-Underlease to company to operate service station-Covenant in underlease for exclusive sale of supplier's products-Assignment of underlease by licence granted by supplier-Interim injunction to restrain breach of covenant.*³

S. the owner in fee simple of a garage, leased the premises to the plaintiffs for 25 years from 1st July 1960. The plaintiffs granted an underlease to C.O.S.S., Ltd. by which C.O.S.S., Ltd., covenanted, inter alia to carry on the business of a petrol filling station at all times and not to sell or distribute motor fuels other than those supplied by the plaintiffs. After several assignments the underlease was assigned to the defendants who undertook to observe and perform the covenants. The defendants thereupon challenged the validity of the ties. The plaintiffs issued a writ claiming an injunction restraining the defendants from breaking this covenant. The plaintiff obtained an interim injunction against which the defendants appealed.⁴

Held: the appeal would be dismissed, the tie was valid and not an unreasonable restraint of trade because the defendants, not having been in possession previously took possession of the premises under a lease and entered into a restrictive covenant knowing about such covenant, and thereby bound themselves to it /see p. 203, letters C, F and G, post/.

Dicta in *Esso Petroleum Co., Ltd. v. Harper's Garage (Stourport), Ltd.* /1967/ 1 All E. R. at pp. 707, 714, and 724, 725/ applied.

Appeal dismissed.²

/As to agreements in restraint of trade, see 38 Halsbury's Laws /3rd Ed./ 20, para 13: and for cases on the subject, see 45 Digest /Repl./ 271-297./⁶

Case referred to:

ESSO Petroleum Co., LTD. v. Harper's Garage (Stourport), LTD., /1967/ 1 ALL E.R. 699: (1968) A.C. 269: /1967/ 2 W.L.R. 871. Digest (Repl.) Supp.²

Interlocutory Appeal

This was an appeal by the defendants, Darstone, Ltd., and James Arthur Gregory, from an order of EVELEION, J., dated 1st November 1968, granting an interim injunction restraining the defendants from acting in breach of a covenant contained in an underlease made on 1st July 1960 between the plaintiffs, Cleveland Petroleum Co., Ltd., and County Oak Service Station, Ltd., and assigned to the defendants on 30th August 1968. The facts are set out in the judgement of Lord Denning, M.R.²

Raymond Walton, QC. and *M..C.B. Buckley* for the defendants.²

A.P. Leggal for the plaintiffs.

LORD DENNING, M.R.: This case concerns a garage and petrol station called County Oak service station, at Crawley in Sussex. Mr. Sainsbury was the owner in fee simple. On 1st July 1960 there were three separate transactions: First, Mr. Sainsbury granted a lease of the entire premises to the plaintiffs Cleveland Petroleum Co., Ltd., for 25 years, from 1st July 1960. The plaintiffs paid him 50.00 premium and agreed also to pay a nominal rent of 10 a year. Secondly, the plaintiffs granted an underlease of the premises to a company called County Oak Service Station, Ltd. That company was one in which Mr. Sainsbury had a predominant interest. The underlease was for 25 years, less three days from¹⁰

By the help of the explanations below, identify the main parts of a law report. Then match the numbers in the copy of the law report with the relevant parts.

- a) The names of counsel who appeared for the parties (QC: Queen's Counsel).
- b) The court's ruling is stated, with a summary of reasons.
- c) This is an appeal against the decision of a lower court to grant an interim or interlocutory injunction. An injunction is an order given by a judge telling a party to do something or refrain from doing it. It is interim or interlocutory in that it is temporary and meant to preserve the status quo before the legal rights are fully considered in court at a later date.
- d) The headnote which is a brief statement of the case, and the nature of the claim (in a civil case) or the charge (in a criminal case). Again do not rely on the publisher's précis but instead read the case.
- e) The name of the court in which the case was heard, the names of the judges (M.R.: Master of the Rolls; L.JJ.: Lords Justices) and the date on which the case was heard.
- f) The judgement of Lord Denning M.R.
- g) A list of cases which were referred to during the hearing.
- h) A summary (in italics) of the main legal issues of the case. You are advised not to rely upon this as it is neither necessarily complete nor accurate.
- i) In certain reports, e.g. *All England Law Reports*, the major legal points are cross-referenced to *Halsbury's Laws* and *The Digest*.
- j) The names of the parties. In a civil case the name of the plaintiff (the person bringing the action) comes first, followed by the name of the defendant. A criminal case is usually cited as *R. v. Smith*. R. is

the abbreviated form for the Latin words “Rex” (King) or “Regina” (Queen). The charge against Smith, the accused in a criminal offence, is brought on behalf of the Crown. The small letter “v.” between the names of the parties to the action is an abbreviation of the Latin “versus” (against). When speaking of a case you say “against” in criminal cases, or “and” in civil cases, but never “v.” or “versus.”

(From Williams, *Learning the Law*. Sweet & Maxwell, 2006)

4. Reading for rapid information

Find the answers to the following questions as quickly as you can. You do not have to read the whole text.

- a) What is the name of the case?
- b) When was the case finally decided?
- c) What was the name of the judges on that occasion?
- d) Where can you find a report of this case?
- e) What sort of a case was it?
- f) What was the decision of the House of Lords?
- g) Was the decision unanimous?
- h) What was the legal issue of the case?

DONOGHUE (or McALISTER) v. STEVENSON

[HOUSE OF LORDS (Lord Buckmaster, Lord Atkin, Lord Tomlin, Lord Thankerton and Lord Macmillan), December 10, 11, 1931, May 26, 1932]

[Reported (1932) A.C. 562; 101 L.J.P.C. 119; 147 L.T. 281;
48 T.L.R. 494; 76 Sol. Jo. 396; 37 Com. Cas. 350]

Negligence – Duty of manufacturer to consumer – No contractual relation – No possibility of examination of product before use – Knowledge that absence of reasonable care in preparation of product will result in injury to consumer – Bottle of ginger-beer purchased from retailer – Dead snail in bottle – Purchaser poisoned by drinking contents – Liability of manufacturer.

A manufacturer of products which he sells in such a form as to show that he intends them to reach the ultimate consumer in the form in which they left him, with no reasonable possibility of intermediate examination, and with the knowledge that the absence of reasonable care in the preparation or putting up of the products will result in injury to the consumer, owes a duty to the consumer to take reasonable care, although the manufacturer does not know the product to be dangerous and no contractual relation exists between him and the consumer.

Per LORD ATKIN: The rule that you are to love your neighbour becomes in law: You must not injure your neighbour; and the lawyer’s question: Who is my neighbour? receives a restricted reply. You must take reasonable care to avoid acts or omissions which you can reasonably foresee would be likely to injure your neighbour. Who, then, in law is my neighbour? The answer seems to be persons who are so closely and directly affected by my act that I ought reasonably to have them in contemplation as being so affected when I am directing my mind to the acts or omissions which are called in question.

Per LORD MACMILLAN: A person who for gain engages in the business of manufacturing articles of food and drink intended for consumption by members of the public in the form in which he issues them is under a duty to take care in the manufacture of those articles. That duty he owes to those whom he intends to consume his products. He manufactures his commodities for human consumption; he intends and contemplates that they shall be consumed.

By reason of that very fact he places himself in a relationship with all the potential consumers of his commodities, and that relationship, which he assumes and desires for his own ends, imposes on him a duty to take care to avoid injuring them. He owes them a duty not to convert by his own carelessness

an article which he issues to them as wholesome and innocent into an article which is dangerous to life and health.

The appellant and a friend visited a café where the friend ordered for her a bottle of ginger beer. 35 The proprietor of the café opened the ginger-beer bottle, which was of opaque glass so that it was impossible to see the contents, and poured some of the ginger beer into a tumbler. The appellant drank some of the ginger beer. Then her friend poured the remaining contents of the bottle into the tumbler and with it a decomposed snail came from the bottle. As a result of her having drunk part of the impure 40 ginger beer the appellant suffered from shock and gastric illness. In an action by her for negligence against the manufacturer of the ginger-beer,

Held by LORD ATKIN, LORD THANKERTON, and LORD MACMILLAN (LORD BUCKMASTER and LORD TOMLIN dissenting), on proof of these facts the appellant would be entitled to recover.

Unit 15

CASE REPORTS AND CASE NOTES

1. A case report

Read the case below and put the paragraphs in the right order.

Girl freed after trying to kill boy

- 1) She pleaded guilty to attempted murder but was freed by Mr Justice Tudor Evans under supervision on condition that she lives with her mother. Social workers told the court that she had made no more threats while in an assessment centre.
- 2) She **tried to borrow** a 22 air rifle to shoot him and a knife to stab him. When her friends **refused to help**, she took her mother's bread knife to school. Then she went to his place of work at Ilkeston, Derbyshire, and **told the receptionist to fetch** him because his mother was dying.
- 3) A 16-year-old schoolgirl left her class **determined to kill** her boyfriend with a bread knife she had hidden up the sleeve of her coat, a court heard yesterday.
- 4) He said that Fretwell ran down a corridor and barricaded himself in an office while the girl brandished the knife outside and shouted threats. Police had to handcuff her.
- 5) Kay Gealy was angry that 17-year-old Robert Fretwell had **refused to walk** with her two evenings earlier after a minor row.
- 6) Miss Gealy, it was alleged, had told a police-woman: "I didn't kill him. I feel bad about that. I will make sure I do next time. If you let me out I will kill him." Mr John Hopkin, defending, said "Kay believed that Fretwell had been interfering between her and another boyfriend. She is rather a shy girl and her relationship with the other boy was blossoming."
- 7) When he arrived she produced the knife from her coat sleeve and slashed at his throat. "Fretwell **was able to swing** back and the point of knife scratched his throat," said Mr Pritchers, "but he **came close to having** his throat cut."
- 8) When interviewed she made it absolutely clear that she **intended to kill** her boyfriend. It was only over a minor grudge.
- 9) Mr Pritchers, prosecuting, told Nottingham Crown Court that Miss Gealy was a perfectly ordinary well behaved school-girl, but after disagreement over her other boyfriend she told her school friends that she was going to kill Robert Fretwell.

2. Grammar: infinitive and gerund constructions

2.1. Verb + infinitive or -ing form

Some verbs are followed by the infinitives of other verbs e.g. 'want'. Some verbs are followed by the -ing forms of other verbs e.g. 'enjoy'. Put in the correct form of the verbs:

1. The witness pretended not (hear) _____ the question.
2. She stole two bottles of perfume but managed (get) _____ away with it.
3. The victim refused (give) _____ evidence.
4. I can't help (laugh) _____ whenever I see him wearing a wig.
5. He seems (regret) _____ what he has done.
6. Would you mind (repeat) _____ your name?
7. The solicitor postponed (meet) _____ the client.
8. Our tax consultant could advise us how to avoid (pay) _____ high taxes.
9. The police expected (get) _____ some useful information from the neighbours.
10. He promised his wife not (mix) _____ with criminals again.

2.2. Verb+ object + infinitive

Some verbs can be followed by object + infinitive e.g. want, tell, ask.

Change the sentences below according to the example:

The solicitor told Mr Brown 'I think you should stop telling lies to me'. (advise)

The solicitor advised Mr Brown to stop telling lies.

1. She said to me 'Do try the Bar Examination'. (encourage)
2. 'Don't forget to lock the office when you leave', the barrister told his pupil. (remind)
3. 'You mustn't discuss the case with anyone', the judge told the jurors. (warn)
4. The driver said to the policemen 'Please let me go this time'. (ask)
5. 'You can call your solicitor', the officer told the suspect. (allow)

2.3. Verb + infinitive and -ing form both possible

After some verbs (e.g. begin, can't bear, continue, intend, propose, start) both -ing forms and infinitives are possible without much difference of meaning.

Some verbs can be followed by both -ing forms and infinitives with important differences of meaning.

Supply the correct form of the verb in brackets, and then discuss the differences of meaning.

1. I still remember (take) _____ my first exam.
2. Remember (submit) _____ your application today.
3. I'll never forget (meet) _____ my boss the first time.
4. I forgot (send) _____ a hard copy of my presentation in advance.
5. He regrets (leave) _____ university some months before graduation. It was a big mistake.
6. We regret (say) _____ that we are unable to help you.
7. Being a solicitor means (do) _____ lots of paper work.
8. I didn't mean (hurt) _____ you.
9. He stopped for a few minutes (rest) _____.
10. He stopped (annoy) _____ his neighbours after he had been sued for nuisance.
11. He tried (send) _____ her emails and (call) _____ her, but it had no effect.
12. He tried (convince) _____ the members of the committee, but all his efforts were in vain.
13. Do you really like (work) _____ as a notary?
14. Would you like (work) _____ as a notary?
15. I saw the defendant (pick up) _____ the parcel, (open) _____ it and (take out) _____ a pistol.
16. I saw him (walk) _____ down the street towards the bus station.
17. I heard him (shout) _____ 'I'll kill you' several times.
18. As I passed the school, I could hear the children (shout) _____.

2.4. Prepositions + -ing forms

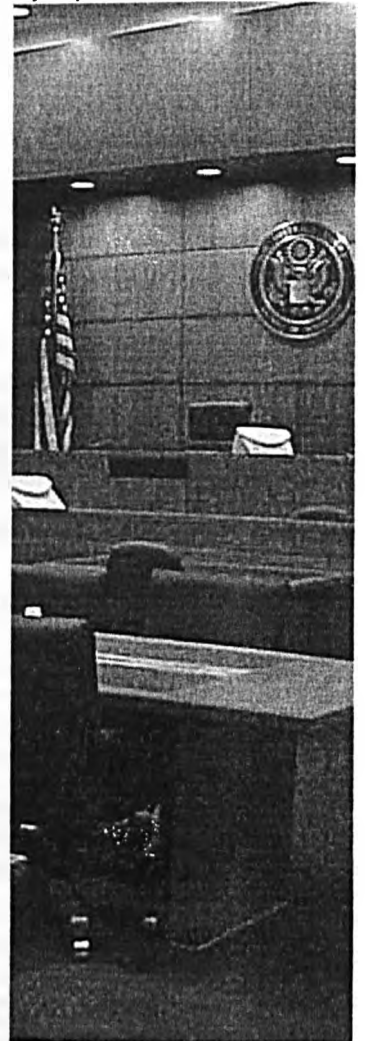
Make sentences from the table. You can use the same preposition in more than one sentence.

I've always been good	of on at about in spite of for with	inviting me to this conference.
He passed his exams		this exercise.
I'm not capable		being appointed a judge, but I doubt it.
He insisted		writing briefs.
Thank you		murdering his wife.
I'm bored		listening to the same lies every day?
He was found guilty		not doing too much work.
She talked		taking silk.
I'm thinking		taking an action against his colleague.
Aren't you tired		answering these questions. They're too difficult.

3. Words with a special meaning in a legal context

Each of these words has a special legal meaning which is different from its everyday meaning. Can you explain what it is?

appeal
refer
case
sit
hear
trust
damages (always plural in its legal sense)
action
try
sentence



4. Grammar: verbs and prepositions

4.1. Which prepositions are linked to the words in exercise 3?

e.g. a case is referred to a higher court; appeals are made to a higher court,
you can appeal against a sentence
the judge who sat in the case of Smith v. Jones was Lord Denning
be held in trust; in breach of trust; a trustee of the XYZ Trust;
damages of 1000 pounds; to receive 1000 pounds in damages;
to sue for damages;
to take action against someone;
the case was heard/ tried in the County Court; in the case of X v. Y;
be tried for a crime;
a sentence of 5 years; be sentenced to 5 years in prison.

Fill in the prepositions in the following passage.

The young Lord Faversham's parents died when he was 12 and the estate, including some valuable paintings, was held trust for him his wicked uncle George. This man breach trust sold the paintings thinking that the boy did not know about them. When he came of age however, the boy made a claim damages in an action his uncle. The case Faversham v. Faversham was heard the County Court in Derby. During the hearing, George Faversham managed to prove with false evidence that the paintings were his own. The younger Faversham appealed the Chancery Division of the High Court. George's evidence was found to be false and he was later tried his crime in the Crown Court.

The younger man received damages 30,000 pounds; the older was sentenced 2 years.

(From Pásztor, Moor: English for Law Students. Miskolc, 1994)

4.2. Below are some legal phrases. Can you make them complete with the missing prepositions?

1. accuse someone _____ something
2. be liable _____ something
3. sentence someone _____ a punishment
4. claim damages _____ something
5. be entitled _____ compensation
6. bring a case _____ someone
7. be guilty _____ an offence
8. fine someone _____ something

Complete the following texts with the above phrases. Write only one word into each gap.

- In Court 1, the Police Prosecutor _____ Mary Philips _____ disorderly behaviour. A number of witnesses were called to give evidence. Finally, the magistrate decided that Philips _____ the charge but did not _____ her _____ prison. Instead, he _____ her _____ her behaviour.
- In Court 2, John Peters _____ his employer. He _____ a serious injury at work. The judge decided that his employer _____ the injury and ruled that Peters _____ substantial damages.

(From Nick Brieger: *Test Your Professional English: Law*, Pierson Education Ltd., 2003)

5. Reading for detailed understanding

Read the article below and answer the following questions:

- What are the facts of the case?
- What could you get to know about the case history?
- What question did the Court of Appeal have to answer?
- What was the position of the claimant?
- What was the position of the trust?
- What was the opinion of the Queen's Bench?
- Did the Court of Appeal agree with the claimant or with the trust?
- What is the relevance of the *Osman v. United Kingdom* (Application No 23452/94) ((1998) 29 EHRH 245) to this case?
- On what grounds is the Osman test applicable to this case?

Test to establish hospital's breach of right to life

Court of Appeal

Published January 9, 2008

Savage v South Essex Partnership NHS Foundation Trust

Before Sir Anthony Clarke, Master of the Rolls, Lord Justice Waller and Lord Justice Sedley

5 Judgment December 20, 2007

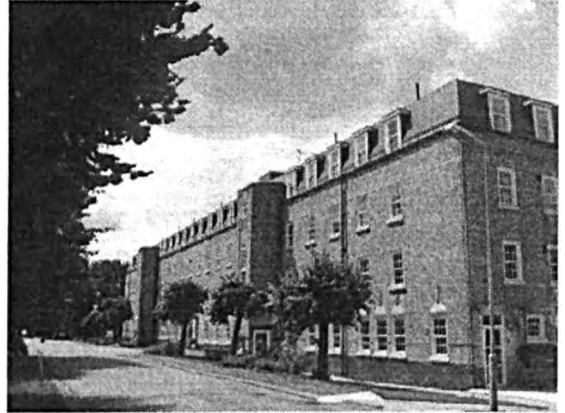
To establish that a hospital at which a suicide by a detained mental patient was in breach of the right to life guaranteed by the European Convention on Human Rights, the claimant had to show that at the time of the suicide the hospital knew or ought to have known of the existence of a real and immediate risk to her life from self-harm and that it failed to take measures which reasonably might have been expected to avoid that risk.

10 The Court of Appeal so held, allowing the appeal and reinstating the claim of the claimant, Anna Savage, from the decision on a preliminary issue by Mrs Justice Swift ([2006] EWHC 3562 (QB)) that she would have to establish that the South Essex Partnership NHS Foundation Trust had been guilty of at least gross negligence sufficient to sustain a charge of manslaughter in order to establish a breach of
15 article 2 of the Convention.

Ms Jenni Richards for the claimant; Mr Edward Faulks, QC and Mr Angus McCullough for the trust; Mr Paul Bowen for MIND, intervening.

THE MASTER OF THE ROLLS, giving the judgment of the court, said that the appeal arose out of a tragic event. On July 5, 2004 the deceased committed suicide after absconding from Runwell Hospital where she had been detained under section 3 of the Mental Health Act 1983.

She had a long history of mental illness and had on previous occasions been an inpatient. She was admitted in March 2004 and made a number of attempts to leave. On July 5, she succeeded in leaving the hospital and having walked to a railway station, she jumped in front of a train and was killed.



The deceased's daughter began proceedings against the trust which was responsible for the hospital. She claimed damages under sections 6, 7 and 8 of the Human Rights Act 1998 claiming that the trust was liable, inter alia, for an alleged breach of the deceased's right to life under article 2 of the Convention.

The trust denied liability and made an application for the court to determine as a preliminary issue what was the proper test in law to establish a breach of article 2 on the facts alleged in the particulars of claim.

The trust's case was that it was necessary to establish gross negligence, whereas it was the case for the claimant that it was sufficient to establish negligence or perhaps something less.

The starting point was *Osman v United Kingdom* (Application No 23452/94) ((1998) 29 EHRR 245). Strasbourg jurisprudence had established the principle that article 2 covered not only the negative obligation not to take the life of another person, but imposed on contracting states the positive obligation to take certain steps towards preventing loss of life at the hands of others than the state.

Their Lordships concluded that the principles in *Osman* were applicable to the assumed facts of this case. The claimant did not need to establish either gross negligence or something more serious.

The position of a mental patient detained by the state under section 3 of the 1983 Act was more akin to the position of a prisoner than an ordinary hospital patient. The critical point was the particular vulnerability of the individuals.

Both prisoners and detained mental patients were under the control of the state in a way in which ordinary patients were not. There was no reason to afford those detained under the 1983 Act any fewer rights under article 2 than those detained in a prison or prison hospital, either open or closed.

The *Osman* test was the relevant test. To establish a breach of article 2 of the Convention it was necessary for the claimant to show that at the material time the trust knew or ought to have known of the existence of a real and immediate risk to the life of the deceased from self-harm and that it failed to take measures within the scope of its powers which, judged reasonably, might have been expected to avoid that risk.

Solicitors: Bindman & Partners; Bevan Brittan; Ms Emma Jones, Stratford.

(From The Times January 9, 2008

<http://business.timesonline.co.uk/tol/business/law/reports/article3156139.ece>)

6. A case summary

You can choose one of the following two tasks:

- a) Write a casenote of not more than one side of an A4 sheet on a preferably Hungarian case.

Your casenote should be made up of the following components:

- name and nature of the case;
- a brief statement of the relevant facts;
- a concise summary of the issue(s) (the question(s) the court had to answer);
- the ruling of the court (the answer the court gave to the question);
- judgement (legal reasoning of the decision – majority and minority opinions if relevant);
- the result as far as the parties are concerned.

- b) Give an oral summary of a preferably Hungarian case.

Some useful expressions you might want to use:

1) Explaining the background of the case:

The case concerns a _____
The case arose out of a _____

2) Giving the details of what happened:

What happened was _____
_____ and then _____
_____ with the result that _____
_____ and as a consequence _____
_____ after _____
Finally _____

3) Explaining the point of law:

The question arose as to whether _____
The interesting point is that _____
The important question is whether _____
The relevant part of the statute states that _____
In evidence, the prosecution held that _____
The defence submitted that _____
The judge ruled that _____

4) The outcome:

The result of the case was that _____
The appeal was dismissed/upheld
The sentence was upheld/reduced/quashed
The defendants were ordered to pay damages of _____
Costs were awarded to the _____

5) Some useful phrases:

As a result of _____
The question arose as to whether _____
The legal question involved was _____
_____ in furtherance of _____
It was argued _____
The judge held that _____
The test for recklessness is whether _____
The ratio of the decision was that _____
It was established that _____
This argument was rejected by the court on the grounds that _____

Unit 16

REVISION – 2

1. Crime

1.1. The table below gives the names of different types of crime together with their associated verbs and the name of the person who commits the crime. Complete the table.

crime	definition	criminal	verb
arson	setting fire to sg. in a criminal way	arsonist	to set fire to
terrorism			
		kidnapper	
	buying and selling drugs illegally		
<i>pick pocket</i>	<i>pick pocket</i>	<i>pick pocket</i>	to pick a pocket
mugging			
		abductor	
<i>murder</i>	murder of a public figure	<i>murderer</i>	

1.2. The words below are connected with law and crime. Divide them into three groups, in what seems to you to be the most logical way, then collect at least five more words to each group.

theft, witness, detective, probation, drunken driving, member of a jury, prison, hi-jacking, traffic warden, lawyer, judge, fine, flogging, death penalty, smuggling, bribery, community service, rape

2. Listening: Identity theft

2.1. Listen to the recording and find the answer to the following questions:

1. What did the man commit?
2. What was he sentenced to?
3. How did his wife react on what had happened?
4. How did the man become a Duke?
5. Why did he commit the offence?
6. Why was the man arrested?
7. What are the most frequent reasons for committing identity theft?

2.2. Listen to the recording once more and do the exercises.

True or false? Only one statement is true in each set of statements. Decide which one it is.

- 1) A. The man stole a child.
B. The man stole the child's identity card.
C. He stole the boy's name.
- 2) A. The boy may have died in an accident.
B. The boy's parents died in an aircraft crash.
C. The man's parents died in an aircraft crash.
- 3) A. The coat of arms was used by the boy.
B. The coat of arms was not in use any more.
C. The coat of arms was that of the man.

2.3. Fill in the missing words:

1. The title the man bore was
2. What the man did was to the identity of another person.
3. The man said he had the title 'Duke'.
4. They found the note paper when he was
5. The man was caught by an
6. A synonym for identity theft is: identity

(Recording from the BBC)

3. Courts

Read the text below and supply the missing words.

Recently I had a very interesting experience of serving on a jury. It was a serious criminal case, so it was heard in the _____ court. The defendant _____ not guilty. The _____ for the Prosecution called a lot of _____ to give evidence, some of which was quite complex. After all the evidence and the judge's _____, we _____ to consider our verdict. Most of us thought the defendant was guilty, but two members of the jury disagreed and in the end the judge asked us to return a _____ verdict. The court was very quiet when the judge passed _____. A few days afterwards I read in the paper that the defendant's lawyers were going to _____ so the story might not be over yet.

*(From OALD Practice Sheets.
Oxford University Press, 1989)*



Royal Courts of Justice

4. The terminology of civil and criminal cases

Fill in the chart with the expressions given below:

1) offences against the state (actions started by the state)

2) damages, injunction, decree of specific performance, rescission

3) a plaintiff (pursuer in Scotland) sues a defendant

4) to remedy the wrong which has been suffered

5) imprisonment, community service, fine, probation,

6) preserve order in the community by punishing offenders and deterring others

7) County Courts; High Court

8) A defendant may be convicted if s/he is guilty and acquitted if innocent.

9) a prosecutor prosecutes the defendant

10) Magistrates' Courts, Crown Courts; High Court Queen's Bench

11) The plaintiff must establish the case on the balance of probabilities.

12) disputes between private individuals

13) The prosecutor must prove the case beyond a reasonable doubt.

14) A defendant may be found liable or not liable.

Features	Criminal law	Civil law
CONCERN		
PURPOSE OF THE ACTION		
THE PARTIES		
WHERE THE ACTION IS HEARD		
STANDARD OF PROOF		
DECISION		
SANCTIONS		
EXAMPLES (of your own)		

(Adapted from Bradney, Fisher, Masson, Neal, Newell: *How to Study Law*. Sweet & Maxwell, 1991)

5. Alternative Dispute Resolution

Below you can read extracts from the Guidelines for Arbitrating Small Claims under the ICC Rules of Arbitration issued by the International Chamber of Commerce. Match the extracts to the headings. Write the numbers after the relevant headings.

Guidelines for arbitrating small claims

1. Explore the use of amicable dispute resolution procedures.
2. The Claimant should consider filing a Request for Arbitration which contains a complete and yet succinct presentation of its entire case. The Claimant may also propose the use of one or more of these guidelines.
3. The Respondent should consider filing an Answer which contains a complete and yet succinct presentation of its defence and any counterclaims. The Respondent may also comment on any proposals of the Claimant with respect to these guidelines or make its own proposals.
4. As an alternative to the unilateral approach set out in guidelines 2 and 3 above, the parties could agree in advance upon specific procedures to the extent permitted by the ICC Rules of Arbitration.
5. Appoint a sole arbitrator.
6. Consider the appropriate procedure for producing the Terms of Reference.
7. The arbitrator, in consultation with the parties, can explore what is needed to complete the presentation of the case and seek to exclude steps or submissions that are not truly necessary.
8. The parties should ensure that their expenditure is proportional to what is at stake in the arbitration.
9. If the parties want discovery, they should consider limiting its scope.
10. Consider avoiding or limiting the use of experts.
11. Hold meetings or hearings in a cost-effective location.
12. Conduct any discussion of procedural issues by correspondence, telephone or electronically, without a hearing.
13. Consider using technology to make the presentation of evidence more efficient.
14. In general, the parties and the arbitrator should make all reasonable efforts to shorten the time needed for arbitrating a small claim.

A) *Terms of Reference* _____

B) *The Arbitral Tribunal* _____

C) *Commencing the Arbitration* _____

D) *Arbitral Proceedings: Procedural Timetable and Taking Evidence* _____

E) *When the Dispute Arises* _____

(From <http://www.iccwbo.org>)

6. Listening. The Wolf reform

6.1. While you are listening, fill in the text with the missing words. Write only one word into each gap. The first is done for you as an example.

In April this year we had a large scale reform of our civil (0) procedural rules. And these are called the Wolf reforms because the member of the House of Lords who organised the reforms was Lord Wolf. And that had as its objective to make (1) _____ in this country less expensive, quicker, fairer. For example they thought it was (2) _____ that you could spend a lot of money fighting over something which was really not worth a lot to you. And so this (3) _____ nature of legal costs was one of the things which they (4) _____. As a result of these reforms, the procedural rules have changed: you expect to get to court much more quickly, the court can (5) _____ people by awarding costs against them, so awarding to pay the other (6) _____ costs if they use silly tactics which draw things out or if they don't do things on time.

6.2. Do the expressions in the chart below refer to the situation before or after the reform or both? Put an X into the relevant box. One is done for you as an example.

	Before the reform	After the reform	Both
1) trial starts in a few months			
2) issue of writ			
3) issue of claim form			
4) more intense work			
0) shorter trial period		X	
5) prepare a list of documents			
6) discovery			
7) disclosure			
8) more tedious work			

6.3. The following is the summary of the text you have just listened to. Fill in the gaps with words taken from the text. Do not write more than one word into each gap. The first is done as an example.

The solicitor speaks about the reform of civil procedure in Britain. Its objective was to make litigation less expensive and much quicker. Legal costs are made (1) _____ to the matter in dispute. Procedure is (2) _____ up. Now courts can even (3) _____ the party trying to draw things out by awarding to pay the other side's costs. To achieve the aims of the reform, some procedural rules have also changed. The (4) _____ stage is shortened by reducing the scope of documents that are to be (5) _____ to the other side: the test for (6) _____ has been cut down. Changes are reflected in terminology as well. The (7) _____ used to be started by the issue of a (8) _____ which is now called the issue of a (9) _____ form. The word (10) _____ is replaced by the word disclosure. This latter change is welcome by the speaker, as this new procedure is not only less time consuming and less expensive, but it will also make the work of the lawyers less (11) _____, though more intense.

7. An employment case

Sacking over pregnancy is ruled illegal

By Terence Shaw, Legal Correspondent

A WOMAN sacked when she discovered she was pregnant shortly after being taken on to cover for an employee on maternity leave has won a seven-year legal battle to claim
5 compensation.

They sent the case back to an industrial tribunal which, unless there is an earlier settlement, will assess the amount Carole Webb can receive from her former employer,
10 EMO Air Cargo. She will be entitled to compensation for loss of earnings and injury of feelings.

Mrs Webb, 26, of Wets Drayton, Middlesex, said EMO had refused an offer to
15 settle out of court for £1,200 before her case was originally rejected. She was recruited as an import clerk for an unlimited term in June 1987 as cover for an employee who was going on maternity leave. Two weeks after her
20 training started Mrs Webb discovered that she was also pregnant and the firm said it had no choice but to dismiss her.

Appeals to the Employment Appeal Tribunal and the Court of Appeal were
25 dismissed, but the House of Lords referred the case to Luxembourg.

Lord Keith of Kinkel said the emphasis placed by the European Court on the indefinite duration of Mrs Webb's contract suggested the

30 possibility of a distinction between her case and that of a woman whose absence due to pregnancy meant she was unavailable for the whole of the work for which she was engaged.

35 Five law lords, applying a ruling of the European Court of Justice that she had been the victim of unlawful sex discrimination under European law, held that she could now claim under the 1975 Sex Discrimination
40 Act.

As her claim is for unlawful sex discrimination, compensation could be above the basic £11,500 limit that still applies in unfair dismissal cases.

45 An industrial tribunal rejected her claim of sex discrimination on grounds that the real reason for her dismissal was not her pregnancy but her anticipated inability to carry out the job for which she had been
50 recruited.

Ruling in her favour the law lords held she was entitled to compensation because she had been employed for an indefinite period and would be unavailable only temporarily.

55 Lord Griffiths, Lord Browne-Wilkinson, Lord Mustill and Lord Slynn of Hadley all agreed with Lord Keith that Mrs Webb's appeal should be allowed.

7.1. Answer the following questions about the article:

1. Who are the parties of the case?
2. On what grounds did the plaintiff initiate the case?
3. What sort of remedy is the plaintiff seeking?
4. How long have the different courts dealt with the case altogether?

7.2. Fill in the table below with the information supplied in the article. Some boxes are filled in as examples.

Court	Ruling	Reason/Grounds
1)	2)	3) <i>reason for dismissal was not pregnancy</i>
4)	5)	6)
7)	8) <i>Appeal dismissed</i>	9)
10) <i>House of Lords</i>	11)	_____
12)	13)	14)
15)	16)	17)
18)	_____	_____

7.3. Explain what the following words mean in the article:

- a) law lords
- b) ruling
- c) assess
- d) recruit
- e) be engaged

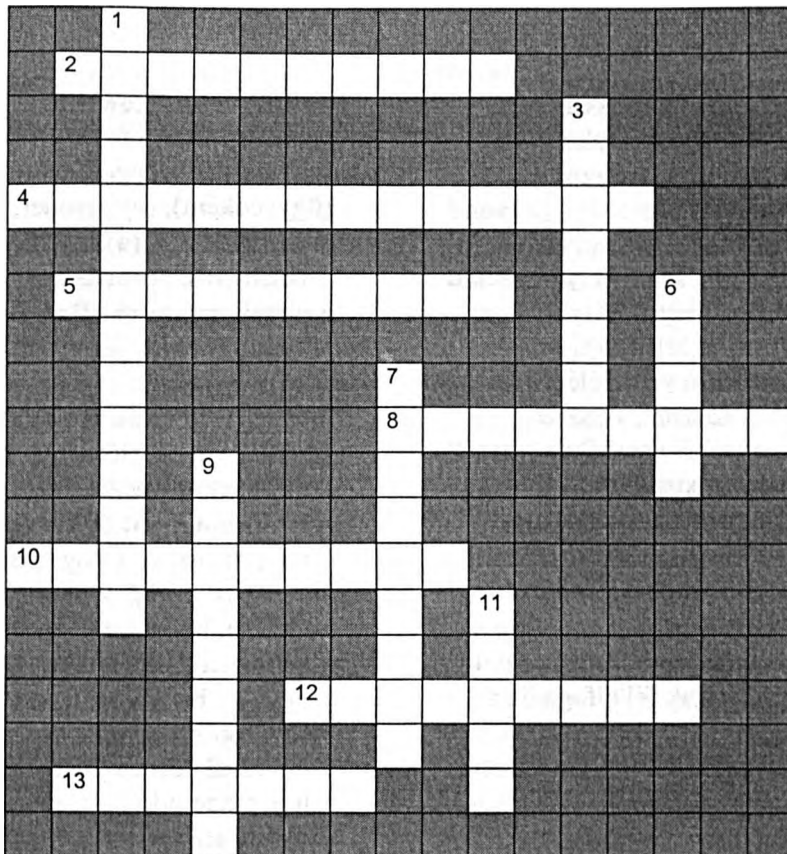


7.4. What do these figures refer to in the article?

- a) £ 11,500
- b) £ 1,200

7.5. Fill in the gaps in the text below on the basis of the article. You can write only one word into each gap.

Pursuant to the ruling of the House of Lords, the plaintiff will be awarded compensation. The ground for the decision was the following. As the plaintiff had been employed for a(n) (1) _____ period, her absence from work made her (2) _____ for carrying out what she had been (3) _____ for only (4) _____.

8. A legal crossword**Across:**

- 2 Official who acts as a judge in the lowest courts.
- 4 The decision of the court that ends the action (two words).
- 5 Door-keeper in a lawcourt (two words).
- 8 A report of a case decided by a court (two words).
- 10 Penalty.
- 12 Person accused or sued in a legal action.
- 13 Person who gives evidence in a lawcourt.

Down:

- 1 The detection and punishment of violations of the law (two words).
- 3 Punishment given by a court.
- 6 Member of the jury.
- 7 The party initiating a civil action.
- 9 Written or oral statement declaring that something is true, especially one made under oath.
- 11 Judge's seat in court.

LIST OF LEGAL TERMS

- abduct** *ige* elrabol, szöktet (főleg asszonyt v. gyermeket) akarata ellenére, erőszakkal elvisz
- **abduction** *fn* vki (főként asszony v. gyerek) erőszakos elrablása, lány- v. gyermekszöktetés
- abolish** *ige* eltöröl, hatályon kívül helyez, illetve érvénytelenít (törvényt v. jogszabályt)
- abuse** 1 *fn* (a) vminek rossz célra való használata; (b) vmivel való visszaélés; 2 *ige* (a) vmit nem megfelelően használ, visszaél valamivel; (b) vkit rossz bánásmódban részesít, bántalmaz, elsősorban szexuálisan
- **abuse of judicial power** bírói hatáskör túllépése (jogszerűtlen v. károkozó módon)
- accept** *ige* (a) ajánlatot elfogad (b) vmibe beleegyezik
- **acceptance** *fn* elfogadás, a szerződés egyik fő eleme, az hogy az egyik fél elfogadja a másik fél ajánlatát
- accession** *fn* (a) csatlakozás vmihez, (b) poszt átvétele
- accountability** *fn* felelősség, felelősségre vonhatóság
- **accountancy** *fn* könyvelés, könyvvitel
 - **accountant** *fn* könyvelő
 - **accounting** *mn* könyvelői
- accumulate** *ige* vmit hozzáadással növel, felhalmoz
- **accumulation** *fn* felhalmozás, összegyűjtés
- accuse** *ige* vádol
- **accusation** *fn* vád(olás)
 - **accused** *fn* vádlott
- acquit** *ige* bűnösség hiányában felment
- **acquittal** *fn* felmentés
- act** *fn* törvény, a törvényhozó szerv által hozott jogszabály
- **action** *fn* (a) tett, eljárás; (b) kereset, peres ügy
 - **action for damages** kártérítési per
 - **Act of Parliament** törvény, a parlament által hozott és jóváhagyott határozat, mely ezáltal törvénné válik
- adjective/adjectival law** *fn* eljárási jog, perrendtartás
- adjudicate** *ige* peres felek közt dönt, odaítél, megítél
- **adjudication** *fn* jogi ítélezés, bírói ítélet, döntés, jogi kérdés megoldása
- administer** *ige* irányít, vezet
- **administer justice** *ige* igazságot szolgáltat
 - **administration** *fn* irányítás
- Administrative Law** *fn* közigazgatási jog
- Admiralty Court** *fn* tengerészeti hadbíróóság
- admit** *ige* (a) beenged, felvesz vhová; (b) elismer (üggyédként); (c) beismer, bevall
- **admission** *fn* (a) bejutás, belépés; (b) beismerés, bevallás (tartozás) elismerés
 - **admission to the Roll** *fn* névjegyzékre, listára bejutás, felvétel a solicitorok névjegyzékébe
- adopt** *ige* (a) örökbe fogad; (b) átvesz vmit, egyetért vmvel, (törvényt, határozatot, költségvetést) megszavaz
- **adoption** *fn* (a) örökbefogadás; (b) törvény megszavazása, elfogadása
- advocacy** *fn* (a) ügyvédi foglalkozás; (b) ügy pártolása, bíróság előtti képviselése
- **advocate** *fn* Skóciában barrister, US lawyer, ügyvéd, bíróságon is képviselheti joggal rendelkező ügyvéd; **Judge Advocate-General** kormány által kinevezett katonai, jogi tanácsadó
 - **Advocate General** *fn* (a) Skócia két legfőbb jogi méltóságának egyike; (b) az Európai Bíróság előtt adott ügy előadója a bírák előtt, EU főügyész, főtanácsnok
- age of majority** *fn* nagykorúság
- age of responsibility** *fn* felelősségre vonhatóság korhatára
- aggravated** *mn* súlyosbított, minősített (eset)
- agreement** *fn* megállapodás, szerződés, egyezmény
- aiding and abetting** *fn* bűnsegédlet, bűnpártolás
- allege** *ige* (bizonyítandóan) állítja vminek az igaz voltát (általában bizonyítási eljárásban)
- **allegation** *fn* bizonyítandó állítás
- allocate** *ige* kiutal, szétoszt, eloszt
- **allocation** *fn* kiutalás, szétosztás, elosztás
- amend** *ige* módosít
- **amendment** *fn* (a) okirat-módosítás; (b) törvényjavaslat módosítás
- ammunition** *fn* lőszer(készlet)
- ancillary relief** *fn* ideiglenes intézkedés válóperben, kiegészítő juttatás
- annul** *ige* (a) hatálytalanít; (b) érvénytelenít, megsemmisít
- anticipate** *ige* előrelát, számít vmire
- apparent** *mn* (a) látszólagos; (b) nyilvánvaló, kétségtelen
- appeal** 1 *fn* (a) fellebbezés (bírószági határozat esetén); (b) felülvizsgálati kérelem közigazgatási határozat esetén 2 *ige* fellebbez,

- felülvizsgálati kérelmet előterjeszt
- **appellant** *fn* fellebbező
- application** *fn* (a) kérvényezés; (b) kérvény a bíróság határozathozatalára
- apply** *ige* (a) írásban kér (b) vonatkozik, alkalmaz
- appoint** *ige* kinevez
- **appointment** *fn* (a) bejelentett találkozó; (b) kinevezés
- approve** *ige* (a) helyesel; (b) jóváhagy
- **approval** *fn* jóváhagyás
- arbitration** *fn* választott bíraskodás (felek által választott harmadik személy döntése a felek vitájában); **arbitration court** választott bíróság
- **arbitrator** *fn* választott bíró
- archbishop** *fn* érsek
- argue** *ige* megvitát, érvekkel alátámaszt
- **argument** *fn* (a) érv(elés), indok vmi mellett (b) vita(tkozás)
- armed robbery** *fn* fegyveres rablás
- arrest** 1 *fn* őrizetbe vétel, letartóztatás 2 *ige* őrizetbe vesz, letartóztat
- arson** *fn* gyújtogatás
- article** *fn* (a) termék, cikk, áru (b) cikkely, paragrafus (c) **articles** *fn* ügyvédi irodában ügyvédjelöltként eltöltött idő
- assassinate** *ige* (közéleti személyt) meggyilkol
- **assassin** *fn* (or)gyilkos (közéleti személy gyilkosa), merénylő
 - **assassination** *fn* orgyilkosság
- assault** *fn* testi sértéssel fenyegetés, veszélyeztetés, támadás, testi sértés kísérlete
- assess** *ige* (a) megállapít (kárt, értéket) (b) felbecsül (c) (ki)értékel
- **assessment** *fn* értékelés, felbecsülés
 - **assessor** *fn* (a) ülnök (bíróságon) (b) kárbecslő, adóbecslő
- assignment** *fn* (a) tulajdon- vagy jogátruházás (b) átruházási, kijelölési, megbízási okirat
- associate** *mn* társult
- assume** *ige* (a) felvesz, (fel)ölt (magatartást, arckifejezést, alakot) (b) magára vállal (felelősséget, terhet) (c) feltesz, feltételez, elfogad (alapfeltételként)
- **assumption** *fn* feltevés, feltételezés, vélelem
- attempt** *fn* (a) kísérlet (b) merénylet
- attorney** *fn* (a) ügyvéd, jogtanácsos (b) US jogász
- **Attorney-General** *fn* GB legfőbb államügyész; US állami v. szövetségi igazságügyi miniszter
- audience/right of audience/** *fn* (a fél v. jogi képviselője) meghallgatási joga a bíróságon
- authority** *fn* hatáskör, hatalom, felhatalmazás
- avoid** *ige* (a) ki-/elkerül (b) vmit érvénytelenít,
- award** 1 *fn* döntés, ítélet 2 *ige* pénzt megítél
- bail** *fn* ideiglenes szabadlábra helyezés óvadék ellenében
- balance** *fn* (a) mérleg, egyenleg (b) többlet, maradvány
- **on balance** *hatszó* mindent összevéve
- ban** 1 *fn* tilalom 2 *ige* betilt
- bankrupt** *mn* fizetésképtelen
- **bankruptcy** *fn* fizetésképtelenség
- bar** 1 *fn* (a) the Bar ügyvédi kar, to be called to the Bar ügyvéddé avat; Bar Council ügyvédi kamara (Anglia, Wales); American Bar Association Amerikai Jogász Egylet (b) korlát 2 *ige* korlátoz, akadályoz, eltilt
- battery** *fn* tettelegesség, testi sértés
- behalf** *fn* on behalf of vki nevében, érdekében (eljár)
- behead** *ige* lefejez (vkit), fejét veszi (vkinek)
- bench** *fn* bírói pulpitus
- **bench warrant** *fn* elfogatási/előállítási parancs
 - **Bencher** *fn* a londoni jogáskollégiumok idősebb tagja
- benefit** 1 *fn* (a) vminek a java, haszon (b) segély, juttatás 2 *ige* benefit from hasznot húz vmből
- beyond reasonable doubt** *hatszó* kétséget kizáróan (bizonyíték, amelynek alapján a vádlottat el lehet ítélni)
- bigamy** *fn* bigámia
- bind, bound, bound** *ige* kötelez
- **binding** *mn* kötelező erejű
- blackmail** *fn* zsarolás
- bodily harm** *fn* testi sértés, actual bodily harm ABH könnyű testi sértés, grievous bodily harm GBH súlyos testi sértés
- body** *fn* testület
- borough** *fn* város, törvényhatóság
- borstal** *fn* javítóintézet
- branch of law** *fn* jogág
- brand** 1 *fn* védjegy, márka 2 *ige* márkával megjelöl
- breach** 1 *fn* (a) megszegés (b) köteleességszegés 2 *ige* megszeg
- bribe** 1 *fn* megvesztegetési összeg 2 *ige* megveszteget
- **bribery** *fn* megvesztegetés
- brief** *fn* ügyvédi tényvázlat (melyet a solicitor készít a barrister számára)
- budget** *fn* költségvetés
- building society** *fn* GB pénzintézet, mely ingatlanok vásárlásának finanszírozására specializálódott
- bully** *ige* megfélemlít, bántalmaz, zsarnokoskodik
- burden of proof** *fn* bizonyítási kötelezettség

- burglar** *fn* betörő
- **burglary** *fn* betörés
- by virtue of** *sg* *hatszó* vminek alapján, vminél fogva, azon a jogcímen, rendelet értelmében
- capacity** *fn* képesség; **legal capacity** jogképesség, cselekvőképesség
- capital punishment** *fn* halálbüntetés
- careless driving** *fn* figyelmetlen, hanyag vezetés
- case** *fn* (a) ügy, eset, esetleges büneset (b) **court case** per, tárgyalás
- case law** *fn* esetjog
- case load** *fn* (folyamatban lévő) ügyek/esetek, esetterhelés (ügyvédeké)
- caution** *fn* (a) rendőri figyelmeztetés (b) letartóztatáskor a jogokra való figyelmeztetés
- chairman** *fn* (a) (levezető)elnök (b) társaság vezetőségi ülésén elnöklő személy
- challenge** 1 *fn* kifogás, ellenvetés 2 *ige* kifogást tesz, ellenez
- chamber** *fn* (a) (tanács)terem (b) kamara, országgyűlés háza
- Chancery Division** a High Court egyik kollégiuma
- charge** 1 *fn* vád 2 *ige* **charge someone with something** *ige* vádol vkt vmivel
- child support** *fn* gyermektartási díj
- circuit** *fn* egy a hat jogi kerület közül Angliában és Walesben
- **Circuit Judge** *fn* a Crown Court v. County Court bírója
- cite** *ige* (a) bíróság elé idéz (b) hivatkozik
- **citation** *fn* (a) beidézés (b) hivatkozás
- citizen** *fn* (a) városi polgár (b) állampolgár
- **citizenship** *fn* állampolgárság
- civil** *mn* polgári
- **civil procedure** *fn* polgári eljárás
 - **civil wrongs** *fn* polgárjogi sérelmek
- clerk** → **clerk**
- claim** 1 *fn* (a) követelés, igény (b) keresetlevél 2 *ige* (a) igényt bíróságon előad (b) pénzt követel (c) igényel
- **claimant** *fn* (a) igénylő, igényjogosult (b) felperes
- clean criminal record** *fn* büntetlen előélet
- clerk** *fn* hivatalnok, alkalmazott
- **clerk to the justices** fogalmazó
- client** *fn* (a) ügyfél (b) képviselt
- clue** *fn* nyom, kiindulási pont
- code** *fn* (a) törvénykönyv (b) egy állam törvényei, kódex
- **Code of Practice** *fn* (a) joggyakorlás szabályai (b) szakmai egyesület tagjainak magatartási szabályai
- codify** *ige* kodifikál
- come of age** *ige* nagykorú lesz, nagykorúvá válik
- Commercial Law** *fn* kereskedelmi jog
- commit** *ige* (a) elítél (b) bűncselekményt elkövet
- committal** *fn* bebörtönzés; **committal for trial** esküdtszéki tárgyalásra utalás, felsőbb bíróság elé állítás (az előzetes tárgyalás után); **committal proceedings** *fn* előzetes tárgyalás, amely során a magisztrátus eldönti, hogy esküdtszék elé kell-e utalni az ügyet
- Common Law** *fn* (a) esetjog túlsúlya az írott joggal szemben (b) szokásjog, régi angol esetjog (ma már az írott jog a jelentősebb)
- Common Professional Examination** *fn* szakmai vizsga
- community punishment order** *fn* közérdekű munkára ítélet (korábban **community service order**)
- community rehabilitation order** *fn* próbára bocsátást elrendelő határozat (korábban **probation order**)
- community service order** *fn* közérdekű munkára ítélet
- company** *fn* társaság
- **Company Law** *fn* társasági jog
- Comparative Law** *fn* összehasonlító jog
- compel** *ige* kényszerít
- compensate** *ige* kártalanít
- **compensation** *fn* (a) kártérítés, jóvátétel (b) US fizetés, bér
- competence** *fn* (a) tanú alkalmassága (b) hatáskör, kompetencia
- complain** *ige* panaszt tesz
- **complaint** *fn* (a) panasz, reklamáció (b) laikus bírósághoz benyújtott panasz (c) keresetlevél
- comply with** *ige* engedelmeskedik, megfelel vminek
- conciliation** *fn* békéltetés
- conclusion of a contract** *fn* szerződés megkötése
- condition** *fn* (a) feltétel (b) állapot
- conduct** *fn* magatartás
- conference** *fn* tanácskozás, konferencia
- confess** *ige* (be)vall
- **confession** *fn* (a) bevallás (b) vallomás
- conform (with)** *ige* összhangba hoz
- **conformity** *fn* összhang
- consideration** *fn* (a) megfontolás (b) ellenszolgáltatás
- conspiracy** *fn* összeesküvés, szövetkezés
- constable** *fn* (rendőr)biztos
- constitution** *fn* alkotmány
- **constitutional** *mn* alkotmányos
 - **Constitutional Law** *fn* alkotmányjog
 - **constitutionality** *fn* alkotmányosság
- contempt of court** *fn* bíróság megsértése, engedetlenség bírói intézkedéssel szemben
- contest** *ige* vitat, megtámad

Continental Law *fn* kontinentális jog

contract *fn* szerződés

- **enter into / conclude a contract** *ige* szerződést köt
- **Contract Law** *fn* szerződések joga
- **contractual** *mn* szerződésszerű, szerződésbe foglalt

contravene *ige* megsért, cáfol

contribute *ige* (a) hozzájárul, fizet, közreműködik
(b) **contribute to** elősegít

- **contribution** *fn* hozzájárulás, közreműködés

controversy *fn* vita, polémia

convention *fn* egyezmény, megállapodás, társadalmi szokás

conveyance *fn* tulajdonátruházási okirat

- **conveyancer /licensed conveyancer/** *fn* tulajdonátruházási okiratok szerkesztésével foglalkozó ügyvéd/ közjegyző
- **conveyancing** *fn* tulajdonátruházó eljárás, tulajdonátruházó okiratok szerkesztése
- **Conveyancing Law** *fn* tulajdonátruházási jog

convict *fn* fegyenc, elítélt

- **convict sy of a crime** *ige* elítél vkit, rábizonyít vkire bünt
- **conviction** *fn* (a) büntető ítélet, bűnösség megállapítása (b) meggyőződés, hit

corporal *mn* testi

- **corporal punishment** *fn* testi fenyítés

corporate *mn* szervezetet alkotó, testületi, társasági

- **corporation** *fn* (a) társaság, vállalat, (US) bejegyzett gazdasági társaság (b) bejegyzett testület

corrupt *mn* erkölcstelen, tisztességtelen, megvesztegethető

- **corruption** *fn* romlottság, vesztegetés, korrupció

counsel 1 *fn* (a) tanács (b) ügyvéd, jogtanácsos, ügyész 2 *ige* javasol, tanácsol; **Queen's Counsel** királyi tanácsos (néhány rangidős barrister tiszteletbeli címe)

- **counselling** *fn* tanácsadás
- **counsellor** *fn* (a) tanácsadó (b) (US) ügyvéd, követségi jogtanácsos

counterclaim 1 *fn* viszontkereset, ellenkövetelés 2 *ige* viszontkeresetet nyújt be, ellenigényt támaszt

counterpart *fn* (a) másolat, hasonmás (b) párja, megfelelője vminek

court *fn* (a) királyi udvar (b) bíróság; **County Court** megyei bíróság, (GB) elsőfokú polgári bíróság; **Court of Appeal** fellebviteli bíróság; **Court of Chancery** (GB) kancelláriai törvényszék; **Crown Court** (GB) büntetőjogi bíróság neve

cover letter *fn* kísérőlevél

criminal 1 *mn* (a) jogellenes (b) bűnös (c) büntetőjogi 2 *fn* bűnös, bűnöző; **criminal code** büntető törvénykönyv; **criminal damage** szándékos károkozás; **Criminal Law** büntetőjog; **Criminal Procedure** büntető eljárásjog; **criminal responsibility** büntetőjogi felelősség **Criminology** *fn* kriminológia

cross-examine *ige* az ellenfél jogi képviselője keresztkérdéseknek alávet, kikérdez tanút

- **cross-examination** *fn* ellenbizonyítás, keresztkérdés

Crown Office *fn* a Legfelső Bíróság Központi Hivatalának része

curfew *fn* kijárási tilalom

Curriculum Vitae (CV) *fn* önéletrajz

curtail *ige* megkurtít, megnyírbál, korlátoz

custody *fn* (a) felügyelet, megőrzés (b) őrizetbe vétel, letartóztatás

damage 1 *fn* (a) kár, sérülés, veszteség (b)

- **damages** kárösszeg, kártérítés 2 *ige* kárt okoz, megrongál

de facto *lat* tényleges(en), valóságos(an)

deadline *fn* határidő, határvonal

death penalty *fn* halálbüntetés

debate 1 *fn* vita, tanácskozás 2 *ige* (a) megvitát, megtárgyal; (b) vitát, kétségbevon

declare *ige* kijelent, bejelent

- **declaration** *fn* nyilatkozat, kijelentés; **declaration on property** vagyonynyilatkozat, vagyonbevallás

decree 1 *fn* (a) rendelet (b) végzés, határozat 2 *ige* (a) elrendel, megparancsol (b) határoz

defame *ige* (a) rágalmaz, becsületsértést követ el vki ellen (b) jó hírnevét megsérti vkinek

- **defamation** *fn* (a) rágalmazás, becsületsértés (b) jó hírnév megsértése
- **defamatory** *mn* rágalmazó, becsületsértő, jó hírnevet megsértő

defence (US defense) *fn* védelem, védekezés

- **defend** *ige* (a) (meg)véd (b) védőbeszédet mond (vki érdekében)

- **defendant** *fn* (a) alperes (b) vádlott

delegated legislation *fn* törvényi felhatalmazással kiadott rendelet (meghozása)

deny *ige* (a) megtagad (b) tagad, cáfol,

- **denial** *fn* (a) megtagadás, visszautasítás (b) tagadás, el nem ismerés

deposit 1 *fn* (a) letét, betét (b) foglaló, előleg 2 *ige* (a) letétbe helyez (b) foglalót, biztosítékot tesz le

deprive (of) *ige* megfoszt vmitől

derive *ige* származtat, származik (*from* vmiből)

detain *ige* fogva/ őrizetben tart

- **detention** *fn* fogvatartás, letartóztatás

- detect** *ige* kinyomoz, leleplez
- **detective** *fn* nyomozó
- deter** *ige* elrettent, elriaszt (*from* vmitől)
- **deterrence** *fn* elrettentés
- dictum** *fn* vélemény, észrevétel (bírói)
- direct access** *fn* közvetlen hozzáférés, közvetlen kapcsolat
- direct** *ige* útmutató magyarázatot ad (esküdteknek)
- **direction** *fn* bíró útmutató magyarázata az esküdtszéknek
- disband** *ige* feloszlat, feloszlik
- discharge** **1** *fn* (a) szabadon bocsátás, szabadlábra helyezés (b) felmentő ítélet (c) szerződés teljesítése, megszűnése **2** *ige* (a) szabadlábra helyez (b) felment (vád alól) (c) teljesít (kötelezettséget)
- discipline** **1** *fn* (a) fegyelem (b) tudományág **2** *ige* megfegyelmez
- **disciplinary** *mn* fegyelmi
- disclose** *ige* feltár, közléstesz
- **disclosure** *fn* feltárás, közzététel
- discovery** *fn* (a) felfedezés (b) feltárás (bizonyítékoké)
- dishonesty offence** *fn* tulajdon ellen elkövetett bűncselekmény
- dismiss** *ige* (a) elbocsát, felment (állásból) (b) elutasít (kérelmet)
- **dismissal** *fn* (a) elbocsátás, felmondás (b) elutasítás (keresetét, kérelemét) (c) felmentés (vádlotté)
- dispute** **1** *fn* vita, per, veszekedés **2** *ige* (a) vitat (b) megvitat
- disqualify** *ige* kizár, diszkvalifikál
- **disqualification** *fn* kizárás, diszkvalifikálás
- distribute** *ige* (a) feloszt (b) terjeszt
- **distribution** *fn* (a) felosztás, megosztás (b) terjesztés, forgalmazás
- district attorney** *fn* (US) államügyész
- district judge** *fn* a Magistrates' Court vagy a County Court (esetleg High Court) bírója
- division** *fn* (a) felosztás, megosztás (b) bírói tanács, kollégium
- divorce** **1** *fn* válás **2** *ige* elválni vkitől
- doctrine of precedent** *fn* bírói precedenselmélet
- domestic violence** *fn* családon belüli erőszak
- double booked** *mn* egy időben két ügyre leszerződött
- draft** **1** *fn* (a) vázlat, terv, piszkozat, tervezet (b) váltó **2** *ige* megszerkeszt, megír, megtervez (okiratot)
- draw up** *ige* megfogalmaz, szerkeszt, megszövegez
- drilling** *fn* gyakorlatozás, kiképzés
- drug** *fn* (a) kábítószer (b) gyógyszer
- **drug-trafficking** *fn* kábítószer kereskedelem
- duly** *hatszó* pontosan, megfelelően
- duty** *fn* (a) kötelesség (b) feladat, szolgálat
- EEC Law** *fn* az Európai Gazdasági Közösség (EGK) joga
- effective** *mn* (a) hatásos, hatékony (b) hatályban lévő, érvényes
- efficient** *mn* (a) eredményes, hatékony (b) hozzáértő, rátermett
- elect** *ige* (meg)választ
- **election** *fn* választás
 - **electoral** *mn* választói, választási; **electoral roll/register** *fn* választói névjegyzék; **electoral system** *fn* választási rendszer
- electronic tag** *fn* elektronikus nyomkövető
- eliminate** *ige* kiküszöböl, megsemmisít
- **elimination** *fn* kiküszöbölés, megszüntetés
- embezzle** *ige* sikkaszt, hűtlenül kezel
- **embezzlement** *fn* sikkasztás, hűtlen kezelés
- employ** *ige* alkalmaz, foglalkoztat
- **employee** *fn* alkalmazott, munkavállaló
 - **employer** *fn* munkáltató, munkaadó
 - **employment** *fn* alkalmazás, foglalkoztatás
- empower** *ige* feljogosít, felhatalmaz
- enclose** *ige* (a) körükerít (b) csatol, mellékel
- **enclosure** *fn* (a) elkerített terület (b) melléklet
- endorse** *ige* (a) hitelesít, hátrattal ellát (b) jogosítványba a közúti fegyelem megsértéséről feljegyzést bevezet
- enforce** *ige* kikényszerít, végrehajt
- **enforcement** *fn* kikényszerítés, végrehajtás, alkalmazás
- engage** *ige* (a) eljegyez (b) felfogad, alkalmaz
- enterprise** *fn* vállalkozás
- entitled to** *mn* jogosult vmire
- Environmental Law** *fn* környezetvédelmi jog
- equal opportunities** *fn* esélyegyenlőség
- equity** *fn* (a) méltányosság (b) törzsrészvény
- escrow agent** *fn* letéteményes (harmadik, nem érdekelt fél)
- **escrow agreement** *fn* letéti megállapodás
- establish** *ige* (a) létesít, alapít (b) megállapít, kimond
- estate** *fn* (a) birtok (b) hagyaték
- ethnic minority** *fn* etnikai kisebbség
- evaluate** *ige* felbecsül, értékel
- **evaluation** *fn* felbecsülés, értékelés
- evidence** *fn* (a) nyilvánvalóság (b) bizonyíték, bizonyítás (c) tanúvallomáson alapuló bizonyíték
- **CCTV evidence = closed-circuit television evidence** *fn* térfelügyelő kamerafelvételén alapuló bizonyíték
 - **weigh up the evidence** mérlegeli a bizonyítékokat
- examine** *ige* (a) megvizsgál (b) vizsgáztat (c)

- kihallgat, kikérdez (tanút, vádlottat)
- **examination** *fn* (a) vizsgálat (b) vizsga (c) kihallgatás, kikérdezés
- executioner** *fn* hóhér, ítéletvégrehajtó
- executive** 1 *mn* végrehajtó, közigazgatási 2 *fn* (a) végrehajtó hatalom (b) ügyintéző, előadó, vezérigazgató, ügyvezető
- exhibit** 1 *fn* tárgyi bizonyíték 2 *ige* szemlére tesz, tanú elé tár
- expenditure** *fn* költség, kiadás
- extend** (*rights*) *ige* kiterjeszt
- external consultant** *fn* külső tanácsadó, konzulens
- extraordinary remedy** *fn* rendkívüli perorvoslat
- factual and legal issues** *fn* ténybeli és jogi kérdések
- failure** *fn* (a) kudarc, meghiúsulás (b) mulasztás
- false** *mn* helytelen, téves, hamis
- **false imprisonment** *fn* jogtalan fogvatartás
- Family Law** *fn* családjog
- fee** *fn* díj
- **fee-earner** *fn* ügyvédi irodában alkalmazottként dolgozó ügyvéd
- felony** *fn* büntett
- file** *fn* akta
- **handle files** *ige* aktákat kezel
 - **file management** *fn* iktatás, irattározás
- final judgement** *fn* jogerős ítélet
- finance** 1 *n* pénzügy 2 *ige* finanszíroz, pénzügyeket intéz
- find** *ige* megállapítja, hogy; úgy találja, hogy
- **findings** *fn* ténymegállapítás, bírói határozat
- fine** 1 *fn* bírság, pénzbüntetés 2 *ige* megbírságot, pénzbüntetést ró vkire
- fingerprint** *fn* ujjlenyomat
- first instance** *mn* elsőfokú
- **Court of First Instance** *fn* elsőfokú bíróság
- flog** *ige* korbácsol, ostoroz, vesszőz
- **flogging** *fn* korbácsolás, ostorozás, vesszőzés, testi fenyítés
- force** 1 *fn* erő(szak), kényszer 2 *ige* erőltet, kényszerít
- forensic** *mn* törvényszéki, bírósági
- forfeit** 1 *mn* elkobzott (vagyon), eljátszott (jog) 2 *ige* (a) elkoboz (b) elveszít, eljátszik (jogot)
- **forfeiture** *fn* elvesztés, elkobzás
- forge** *ige* kitalál, kohol, hamisít
- **forgery** *fn* hamisítás, hamisítvány
- formal** *mn* (a) alaki, formális (b) szabályszerű, hivatalos
- fraud** *fn* csalás, sikkasztás, szélhámosság
- fund** 1 *fn* alapítvány, tőke 2 *ige* finanszíroz, pénzügyileg támogat
- fundamental liberties** *fn* alapvető szabadságjogok
- gallows** *fn* akasztófa, bitófa
- gamble** *ige* szerencsejátékot játszik
- gaol** *fn* börtön
- globalisation** *fn* globalizáció
- govern** *ige* kormányoz, irányít
- **governing body** *fn* kormányzó testület
 - **government** *fn* vezetés, kormány(zat)
- gown** *fn* talár
- grant** 1 *fn* segély 2 *ige* megad, engedélyez
- grievance** *fn* sérelem, panasz
- ground** *fn* ok, indíték, jogalap
- guarantee** 1 *fn* szavatolás, jótállás, garancia 2 *ige* szavatol, kezeskedik, garantál
- guardian** *fn* gyám, gondnok
- guilt** *fn* bűn
- **guilty** *mn* bűnös
- hacker** *fn* hekker
- handcuff** *ige* megbilincsel
- **handcuffs** *fn* bilincs
- handle** *ige* kezel
- harass** *ige* zaklat
- **harassment** *fn* zaklatás
- hazard** *fn* veszély, kockázat
- **hazardous** *mn* veszélyes
- headnote** *fn* jogi jelentések elején lévő összefoglaló
- hear** *ige* tárgyal, bizonyítást meghallgat
- **hearing** *fn* tárgyalás, meghallgatás, kihallgatás
- herewith** *hatszó* ezennel
- High Court** *fn* legfelső polgári bíróság Angliában és Wales-ben
- hi-jacking** *fn* járműeltérítés
- Hilary** *fn* téli törvénykezési ülészak, a négy ülészak egyike (Hilary, Easter, Trinity, Michaelmas)
- hire** *ige* bérel
- Home Secretary** *fn* brit belügyminiszter
- homicide** *fn* emberölés
- hostile** *mn* ellenséges
- House of Lords** *fn* GB Lordok Háza, parlament felsőháza
- **(Judicial Committee of the) House of Lords** *fn* Lordok Háza Igazságügyi Bizottsága, Anglia és Wales legmagasabb fokú bírósági fóruma
- humiliate** *ige* megaláz
- **humiliation** *fn* megalázás
- identify** *ige* azonosít
- **identification** *fn* azonosítás
 - **identity** *fn* (a) kilét, személyazonosság (b) azonosság
- illegal** *mn* jogellenes
- immigrate** *ige* bevándorol
- **immigrant** *fn* bevándorló
- impartial** *mn* pártatlan
- **impartiality** *fn* pártatlanság

- impeachment** *fn* államfő vád alá helyezése; (US) kormányzati köztisztviselő vádolása kötelességmulasztással
- implement** *ige* megvalósít, végrehajt
- **implementation** *fn* végrehajtás, kivitelezés, teljesítés
- impose** *ige* kivet, kiró, kiszab
- incarcerate** *ige* bebörtönöz
- indict** *ige* vádat emel
- **indictment** *fn* vádirat
- inflict** *ige* (a) kiró, kiszab (b) okoz (sebet, fájdalmat)
- infraction** *fn* megszegés, áthágás, megsértés
- inherit** *ige* örököl
- **inheritance** *fn* örökség
 - **inheritor** *fn* örökös
- injunction** *fn* felfüggesztő végzés, közbenső határozat; **interim injunction** ideiglenes intézkedés; **interlocutory/temporary injunction** előzetes felfüggesztő végzés
- innocent** *mn* ártatlan
- **innocence** *fn* ártatlanság
- Inns of Court** *fn* a négy londoni jogáskollégium (Gray's Inn, Lincoln's Inn, Inner Temple, Middle Temple)
- instruct** *ige* utasít, irányít; **instruct a solicitor** ügyvédet megbíz, információval ellát; **instruct a barrister** ügyvédet tájékoztat, instrukcióval ellát
- **instructions** *fn* kioktatás, utasítás
- instrument** *fn* jogi irat; **negotiable instrument** forgatható papírok; **statutory instrument** jogszabály
- insult** *ige* sért, bántalmaz
- interest** *fn* (a) érdek, érdeklődés (b) kamat (c) részesedés, érdekelttség; **conflict of interest(s)** érdekek ütközése, összeférhetetlenség; **life interest** haszonélvezet
- interim** *mn* közbenső, ideiglenes; **interim report** előzetes jelentés
- interlocutory** *mn* közbenső, előzetes, ideiglenes
- International Law** *fn* nemzetközi jog
- interpret** *ige* értelmez
- **interpretation** *fn* értelmezés
- interview room** *fn* kihallgatóterem, tárgyalóterem
- intimidate** *ige* megfélemlít
- invest** *ige* befektet, beruház
- **investment** *fn* befektetés
- investigate** *ige* nyomoz, kivizsgál
- **investigation** *fn* kivizsgálás
- invoice** *fn* számla
- issue** *ige* kibocsát
- jail** *fn* börtön
- judge** *fn* bíró
- judgement** *fn* döntés, határozat, ítélet; **final judgement** jogerős ítélet
- judicial** *mn* bírói, bírósági; **judicial sitting** *fn* bírósági ülés
- judiciary** *fn* bírói testület
- junior counsel** *fn* (a) barrister, akit még nem neveztek ki Queen's Counsel-lé (b) barrister, aki idősebb társsal jelenik meg, társüggyvéd
- Juris Doctor** ('J.D.') *fn* US jogi diplomával rendelkező személy, diplomás jogász
- jurisdiction** *fn* hatáskör, joghatóság
- jurisprudence** *fn* jogtudomány
- jury** *fn* esküdtszék; **grand jury** (US) 12-24 tagú esküdtszék, amely a vádemelésről dönt
- justice** *fn* igazság; **Justice Department** igazságügy-minisztérium; **Justice of the Peace** (J.P.) laikus bíró, helyi bíró
- juvenile** *mn* fiatalkorú
- kidnap** *ige* emberrablást elkövet
- **kidnapping** *fn* emberrablás
- kill** *ige* öl
- **killing** *fn* emberölés
- LLB, LL.M, LL.D** *fn* jogászok címei: diplomás, mester fokozat, doktori fokozat
- Labour Law** *fn* munkajog
- Land Law** *fn* földjog
- larceny** *fn* lopás, tolvajlás
- **petty larceny** *fn* kis értékre elkövetett lopás
 - **grand larceny** *fn* nagy értékre elkövetett lopás
- laundering** *fn* pénzmosás
- law** *fn* jog, törvény
- law degree** *fn* jogi diploma
- Law Lord** *fn* Lordok Házának bírójagja (Lord of Appeal in Ordinary)
- Law of Contract** *fn* szerződések joga
- Law of Property** *fn* tulajdonjog
- Law of Succession** *fn* öröklési jog
- Law of Tort** *fn* szerződésen kívüli károkozás joga
- Law Officers** *fn* (a) a brit kormány (de nem a kabinet) tagjai (b) brit főügyész, főügyvéd
- law reports** *fn* kb. döntvénytár
- Law Society** *fn* ügyvédek (solicitors) kamarája Angliában és Wales-ben
- lawful** *mn* jogos, jogszerű
- lawyer** *fn* ügyvéd, jogász
- lay** *mn* laikus
- lay court** *fn* laikus bíróság
- leading judge** *fn* vezető bíró
- leave** *fn* engedély, engedélyezés
- legal** *mn* (a) jogos, törvényes, jogszerű (b) joggal kapcsolatos, jogi
- legal action** *fn* per; **take legal action** *ige* peres útra tereli az ügyet
- legal aid** *fn* jogsegély
- legal capacity** *fn* jogképesség
- legal ethics** *fn* jogi erkölcs(tan), jogi etika

- legal executive** *fn* jogi végrehajtó, ügyintéző, előadó
- legal guardian** *fn* gyám
- Legal History** *fn* jogtörténet
- legal issue** *fn* fő jogi kérdés
- legal practitioner** *fn* gyakorló ügyvéd
- legal profession** *fn* jogi szakma, jogi hivatás, jogi pálya
- legal relation** *fn* jogviszony
- legislate** *ige* törvényt hoz
- **legislation** *fn* törvény, törvényhozás
 - **legislative** *mn* törvényhozási
 - **legislator** *fn* törvényhozó
 - **legislature** *fn* törvényhozó szerv
- liability** *fn* felelősség; **limited liability** korlátolt felelősség
- **liable** *mn* jogilag felelős
- liaise** *ige* összeköttetést, kapcsolatot létesít/fenntart
- **liaison** *fn* kapcsolat, összeköttetés
- libel** **1** *fn* rágalom **2** *ige* rágalmaz
- liberty** *fn* szabadság
- limit** **1** *fn* határ, korlát **2** *ige* határt szab, korlátoz
- litigate** *ige* pereskedik
- **litigant** *fn* peres fél
 - **litigation** *fn* pereskedés
 - **litigious** *mn* pereskedő
- loan** *fn* kölcsön(összeg)
- local government** *fn* helyi önkormányzat
- Lord Chancellor** *fn* brit igazságügyminiszter, a kabinet tagja (korábban részt vett a Lordok Háza vitáin és vezette azt, a bírói hatalmi ág feje volt, kinevezte a bírákat)
- Lord Chief Justice** *fn* a fellebbviteli bíróság büntető kollégiumának főbírája, a bírói hatalmi ág feje
- Lord Justice of Appeal** *fn* Anglia és Wales fellebbviteli bíróságának tagja
- Lord of Appeal in Ordinary** *fn* a Lordok Házának nem, de a Ház fellebbviteli bíróságának fizetett tagja (Law Lord)
- loss** *fn* veszteség, károsodás
- magistrate** *fn* laikus, fizetetlen bíró
- **Magistrates' Court** *fn* laikus bíróság
- maintain** *ige* (a) fenntart (b) eltart
- **maintenance** *fn* (a) fenntartás (b) eltartás
- malum** *fn* rossz cselekedet; **malum in se** önmagában, a körülményektől függetlenül rossz cselekedet; **malum prohibitum** rossz, mivel tilos
- management** *fn* üzletvezetés, irányítás
- manslaughter** *fn* emberölés, amit gondatlanul (**involuntary manslaughter**) vagy szándékosan, de enyhítő körülmények mellett követnek el (**voluntary manslaughter**)
- marriage** *fn* házasság
- Master of the Rolls (MR)** *fn* a fellebbviteli bíróság Civil Division főbírája, aki az ügyvédek felvételéért felelős
- Master's Degree** *fn* mester fokozat
- Master of Law (LLM)** *fn* az egyik jogászai cím, mester fokozat
- mediation** *fn* közbenjárás, közvetítés
- Michaelmas** *fn* őszi törvénykezési ülészak, a négy ülészak egyike (Hilary, Easter, Trinity, Michaelmas)
- minor** **1** *mn* kicsi, jelentéktelen **2** *fn* 18 év alatti természetes személy, kiskorú
- misdeemeanour** *fn* vétség
- misrepresent** *ige* hamis színben feltüntet
- **misrepresentation** *fn* megtévesztés
- missile** *fn* rakéta(lövedék)
- mock trial** *fn* oktatási céllal rendezett nem valós tárgyalás
- monarch** *fn* (egyed)uralkodó
- money laundering** *fn* pénzmosás
- monitoring** *fn* figyelő szolgálat
- moot case** *fn* szemináriumban megvitatott jogeset
- moot court** *fn* kigondolt per tárgyalása
- motion** *fn* indítvány
- motoring offence** *fn* gépjárművel elkövetett közlekedési bűncselekmény
- mounted police** *fn* lovasrendőrség
- mug** *ige* megtámad, kirabol
- **mugging** *fn* utcai rablás
- murder** *fn* szándékos emberölés, gyilkosság
- negligence** *fn* hanyagság, gondatlanság, mulasztás
- **negligent** *mn* hanyag, gondatlan
- negotiate** *ige* tárgyal
- **negotiation** *fn* tárgyalás
- neighbourhood watch** *fn* szomszédok által egymás házának őrzése
- nominate** *ige* kinevez, javasol, kijelöl
- **nomination** *fn* jelölés, kinevezés
 - **nominee** *fn* jelölt
- notary** *fn* jegyző
- **notary public** *fn* közjegyző
- notice** *fn* (a) értesítés, közlés (b) tudomás, észrevétel
- nuisance** *fn* háborgatás, birtokháborítás
- oath** *fn* eskü; **take an oath** felesküszik, esküt tesz
- objective** *fn* cél
- obligation** *fn* kötelezettség
- offence** *fn* bűncselekmény, jogellenesség
- **offender** *fn* bűnelkövető
- offer** **1** *fn* ajánlat **2** *ige* ajánlatot tesz
- official** **1** *mn* hivatalos **2** *fn* hivatalnok, tisztviselő
- omission** *fn* mulasztás
- on somebody's behalf** vki nevében, érdekében (pl. eljár)

- on the balance of probabilities** mindent összevetve mi a valószínűbb, az eshetőségeket összevetve
- operate** *ige* működtet, vezet, kezel
- **operational** *mn* működési, működéssel kapcsolatos
 - **operative** *mn* (a) működő (b) hatályos, érvényes
- oppression** *fn* (a) elnyomás, zsarnokság (b) (hivatali) hatalommal való visszaélés
- order** *fn* (a) rend (b) határozat, rendelet (c) rendelés
- owe** *ige* tartozik, vkinek az adósa
- **owing to** *sg.* *hatszó* vmnek tulajdoníthatóan, vm-nek köszönhetően
- panel** *fn* (a) bizottság (b) esküdtek névjegyzéke
- paralegal** *fn* nem jogvégzett alkalmazott az ügyvédi irodában
- paramount** *mn* legfelső, legfőbb
- parental consent** *fn* szülői beleegyezés
- parish** *fn* parókia, egyházközség; **parish council** községi tanács
- parole** *fn* 1 (a) jó magaviseletért rabnak járó szabadnapok (b) feltételes szabadlábra helyezés 2 *ige* feltételesen szabadlábra helyez
- partnership** *fn* nem bejegyzett közös vállalkozás
- **party** *fn* (a) fél; **parties to the suit** peres felek (b) **political party** politikai párt
- pass sentence on someone** *ige* ítéletet kiszab
- patent** *fn* szabadalom
- **letters patent** *fn* uralkodói kiváltságlevél
- payoff** *fn* teljes kifizetés
- peer** *fn* Lordok Háza tagja; **hereditary peer** öröklés útján tag a Lordok Házában; **life peer** nem öröklés útján tag a Lordok Házában
- **peeress** *fn* Lordok Háza női tagja vagy egy tag felesége
 - **peerage** *fn* Lordok Háza tagság
- penal** *mn* büntető; **penal code** *fn* büntető törvénykönyv
- **penalty** *fn* büntetés
- pending** *mn* függő
- penitentiary** *fn* (US) fegyház
- perform** *ige* teljesít
- **performance** *fn* (a) szereplés, teljesítmény (b) teljesítés
- perjury** *fn* hamis tanúzás
- permission** *fn* (a) hozzájárulás, beleegyezés, jóváhagyás (b) engedély
- permit** 1 *fn* engedély 2 *ige* engedélyez
- perpetrate** *ige* elkövet
- **perpetrator** *fn* bűnelkövető
- petition** 1 *fn* kereset, kérelem 2 *ige* kérvényez, folyamodik
- pickpocket** *fn* zsebtolvaj
- pillory** 1 *fn* pellengér, szégyenoszlop 2 *ige* pellengérré állít
- plaintiff** *fn* felperes, panaszos
- plea** *fn* (a) ellenkereset (b) vádra való felelet
- **plea bargaining** *fn* vádalku
- plead** *ige* (a) ellenkérelmet előad (b) vádra felel (c) perbeszédet tart
- **plead guilty or not guilty** *ige* bűnösnek vagy nem bűnösnek vallja magát
- pleadings** *fn* perbeszéd
- police** *fn* rendőrség
- **policing** *fn* rendfenntartás
- practice** *fn* gyakorlat, praxis, praktizálás
- **practise** *ige* gyakorol, praktizál
- precedent** *fn* precedens
- preliminary** *mn* előzetes, előkészítő; **preliminary hearing** *fn* előkészítő tárgyalás; **preliminary ruling** *fn* Európai Emberi Jogi Bíróság ideiglenes ítélete, előzetes döntése
- premises** *fn* (a) helyiség, épület (b) premissza, előfeltétel
- prerogative** *fn* előjog, kiváltság; **royal prerogative** *fn* felségjog
- preside (over)** *ige* elnököl
- **presiding judge** *fn* elnöklő bíró
- prevail** *ige* uralkodik, előnyben/fölényben van
- **prevail against/over** *sg/sy* *ige* érvényesül, diadalmaskodik, győzedelmeskedik vmivel/vkivel szemben
- prevent** *ige* megakadályoz, megelőz
- prima facie** *latin* „a felszínen”, „első látásra”
- **prima facie case** *fn* első bizonyítékok alapján megoldható ügy
- principle** *fn* alapelv
- prison** *fn* (a) fogház (b) börtön
- **prisoner** *fn* fogoly, rab
- private limited company (Ltd)** *fn* korlátolt felelősségű társaság
- probate** *fn* (a) hiteles elismerés, érvényesítés, jóváhagyás (b) hagyatéki eljárás (c) **grant of probate** hagyatékátadó végzés
- probation** *fn* (a) felfüggesztett ítélet, feltételesen szabadlábra helyezés; (b) próbára bocsátás; (c) próbaidő
- **probation officer** *fn* feltételesen szabadlábon lévők, illetve próbára bocsátottak felügyeletével megbízott rendőrtiszt
- procedure** *fn* eljárás
- **procedural law** *fn* eljárási jog
- proceedings/legal proceedings** *fn* per
- process** 1 *fn* (a) kereset alapján a hatáskör és illetékesség megállapítása (b) bírósági idézés (c) per; **the due process of the law** törvényszerű rendes eljárás 2 *ige* (a) eljár (hivatalos folyamatban) (b) perbe fog, keresetet indít

prohibit *ige* megtilt

- **prohibition** *fn* tiltás

property *fn* (a) tulajdon; **Law of Property**

tulajdonjog (b) dolog, tulajdon tárgyai;

personal property személyi tulajdon; **real property** ingatlan

proposal *fn* indítvány, javaslat, ajánlat

proprietor *fn* tulajdonos

prosecute *ige* (a) vádat emel (b) vádlottal szemben a vádat képviseli

- **prosecution** *fn* (a) bünvádi eljárás (b) vádemelő (c) vád képviselője
- **prosecutor** *fn* vádemelő, ügyész; **Public Prosecutor** *fn* államügyész, közvádló

prove *ige* bizonyít

provide *ige* szabályoz, meghatároz

- **provide for** gondoskodik vmről (jogszabályban, szerződésben)
- **provide with** ellát vmvel

provision *fn* (a) fedezet, tartalék (b) intézkedés

Public Law *fn* közjog

Public Limited Company (plc) *fn* (tőzsdén jegyzett) részvénytársaság

punish *ige* büntet

- **punishment** *fn* büntetés

pupillage *fn* ügyvédi bojtárkodás

pursue *ige* folytat

- **pursuant to** *hatszó* vminek megfelelően

quash *ige* megsemmisít

Queen's Bench Division (QBD) *fn* a Királynő ítélőszéke, a High Court legfontosabb kollégiuma

Queen's Counsel (QC) *fn* főügyvéd (barrister) (akit az igazságügyminiszter nevez ki)

race *fn* faj

- **racial** *mn* faji

rape *1 fn* erőszakos nemi közöszülés **2 ige**

erőszakos nemi közöszülést elkövet

rates *fn* (GB) helyi vagyadó

ratio decidendi *latin* „döntés oka” a bírói ítélet kötelező jellegű része, ami az esethez fűződő jogelveket fejt ki

reasonable *mn* ésszerű, méltányos

- **reasoned** *mn* indokolt

reckless *mn* gondatlan, felelőtlen

- **reckless driving** *fn* gondatlan vezetés
- **recklessness** *fn* gondatlanság, felelőtlenség

recorder *fn* félállású bíró a Crown Court-on

recover *ige* (a) visszaszerez, behajt (b) talpraáll, magához tér

refer *ige* (a) utal, említ (b) ügyet másnak elküld

refrain from *ige* vmi tevénytől tartózkodik

region *fn* terület, régió

register *1 fn* hivatalos jegyzék, lista, nyilvántartás **2 ige** nyilvántartásba vesz

regulate *ige* (a) beállít, igazít (b) szabályoz

- **regulation** *fn* szabályozás, igazítás, beállítás
- **regulations** *fn* szabályok

release *1 fn* (a) kiszabadítás, szabadon bocsátás (b) jogról való lemondás **2 ige** (a) szabadon bocsát (b) nyilvánosságra hoz

relief *fn* (a) kártérítés, jóvátétel (b) segély, enyhítés

remedy *1 fn* jogorvoslat **2 ige** jóvátesz

reparation *fn* jóvátétel, kárpótlás

request *1 fn* kérvény, kérelem **2 ige** kér, kíván, folyamodik

requirement *fn* követelmény, kívánalom, előfeltétel

rescind *ige* megsemmisít, érvénytelenít

- **rescission** *fn* szerződés érvénytelenítése

resolve *ige* (a) felbont, felold (b) megold (c) elhatároz, eldönt, határozatot hoz

- **resolution** *fn* határozat, döntés

respondent *fn* (a) fellebbezési eljárásban a nem

fellebbező másik fél (b) beperelt (c) alperes

restraining order *fn* tevékenység folytatásában korlátozó, megakadályozó végzés

retire *ige* (a) nyugdíjba vonul (b) visszavonul

revenue *fn* költségvetési bevétel, adó

reverse *1 mn* ellenkező, megfordított **2 ige** határozatot megváltoztat

review *1 fn* felülvizsgálat **2 ige** általánosan ellenőriz, felülvizsgál

right of silence *fn* a hallgatás joga

robbery *fn* rablás

Roman Law *fn* római jog

rule *1 fn* (a) szabály, előírás (b) kormányzat, uralom **2 ige** (a) határozatot hoz (b) uralkodik

- **rule of law** *fn* joguralom, jogállamiság
- **ruling** *1 mn* (a) uralkodó (b) legfontosabb **2 fn** határozat, döntés

run *1 fn* működtetés, futtatás **2 ige** (a) hatályban van (b) jelölteti magát

safeguard *1 fn* védelem, őrzés **2 ige** véd

scaffold *fn* vesztőhely, verpad

schedule *1 fn* (a) órarend, időbeosztás (b)

- toldalék, kiegészítés (c) lista, táblázat **2 ige** (a) jegyzékbe, táblázatba foglal (b) beütemez

scope *fn* terület, tér

search *1 fn* kutatás, vizsgálat, nyomozás; **search warrant** *fn* házkutatási engedély **2 ige** kutat, keres

section *fn* (a) hivatali részleg, osztály (b) törvényszakas

seek *ige* (a) kér, követel (b) keres, kutat

seize *ige* lefoglal, zárol

- **seizure** *fn* lefoglalás, zárolás

self-defence *fn* (jogos) önvédelem

self-incrimination *fn* önvád

- sentence 1** *fn* büntetés, ítélet **2** *ige* büntetést kiszab
pass sentence on someone *ige* vkire büntetést kiszab
- separation** *fn* (a) házastársi különélés (b) szétválasztás
- **separation of powers** *fn* hatalmi ágak szétválasztása
- settlement** *fn* (a) tartozáskiegyenlítés (b) egyezség (c) tulajdonát ruházás
- share** *fn* részvény
- **shareholder** *fn* részvényes
- shoplifting** *fn* boltból való árulopás
- smuggle** *ige* csempészik
- **smuggling** *fn* csempészés
- sole trader** *fn* egyéni vállalkozó
- solicit** *ige* (a) szorgalmaz (b) leszólít, csábít, csalogat
- solicitor** *fn* Anglia, Wales ügyvéd
- **Solicitor-General** *fn* az Alsóház tagja, a legfőbb ügyész helyettese
- Speaker** *fn* az Alsóház elnöke
- specific performance** *fn* szerződés teljesítésének bírói kikényszerítése
- squad** *fn* (a) csoport, osztály (b) osztag
- stare decisis** *latin* „precedens alapján”, magasabbfokú bíróság ítéletének kötelező ereje
- statement** *fn* kijelentés
- **statement of claim** *fn* keresetlevél
- statute** *fn* törvény
- **statutory** *mn* törvényes, törvényi; **statutory instrument** jogszabály
- steal** *ige* lop
- Stipendiary Magistrate** *fn* jogi előadó a laikus bíróságon
- stock 1** *fn* (a) nyersanyagkészlet (b) árukészlet (c) **stocks and shares** részvények; **2** *ige* árukészletet tart
- subject** *fn* (a) tárgy (b) lakos, alattvaló
- **subject to** *mn* (a) vmtől függően, vmi vminek a tárgya (b) vmnek kitett, vmi alá esik
- submit** *ige* (a) benyújt, előterjeszt (b) vitat, állít, kijelent (c) elismer, behódol
- **submission** *fn* vitatás, állítás, kijelentés, beadvány
- substantial** *mn* jelentős, tetemes
- substantive** *mn* tényleges, lényegi
- **substantive law** *fn* anyagi jog
- sue** *ige* perel
- summary 1** *fn* összefoglalás **2** *mn* sommás
- **summary offence** *fn* kihágás, vétség
 - **summary trial** *fn* sommás per
- summing up** *fn* bírói összefoglalás tárgyalás végén az esküdtek részére
- summons 1** *ige* beidéz **2** *fn* idézés
- supervision order** *fn* fiatalkorú bűnelkövető pártfogói felügyelet alá helyezése
- Supreme Court** *fn* Anglia és Wales Legfelső Bírósága
- suspect 1** *fn* gyanúsított **2** *ige* gyanúsít
- suspend** *ige* felfüggeszt
- **suspended sentence** *fn* felfüggesztett ítélet
- suspicion** *fn* gyanú
- **suspicious** *mn* gyanús
- tamper with something** *ige* babrál, elront, meghamisít
- tax** *fn* adó
- **taxation** *fn* adózás
- temporary** *mn* időleges
- tenancy** *fn* (a) bérleti szerződés (b) bérleti szerződés időtartama (c) ügyvéd kamarai tartózkodásának ideje
- **tenant** *fn* bérlő
- term** *fn* (a) időszakasz, időtartam (b) **term/terms** szerződéses feltételek
- theft** *fn* lopás
- **petty theft** *fn* jelentéktelen lopás
 - **thief** *fn* tolvaj
- threat** *fn* fenyegetés
- **threaten** *ige* fenyeget
- tort** *fn* szerződésen kívüli károkozás
- **tortfeasor** *fn* károkozó
 - **tortious liability** *fn* felelősség tort alapján
- traffic offences** *fn* közúti szabálytalanság, közúti bűncselekmény
- traffic warden** *fn* közúti rendfenntartók
- train** *ige* képez, tanít
- **training** *fn* képzés, tanítás
- transaction** *fn* ügylet
- treaty** *fn* (a) egyezmény (b) természetes személyek közti megállapodás
- trespass 1** *fn* birtokháborítás; **trespass to goods** áruk károsítása; **trespass to land** ingatlan birtokháborítás; **trespass to person** személy sértése, zavarása **2** *ige* birtokában mást zavar
- **trespasser** *fn* birtokháborító
- trial** *fn* (a) tárgyalás (b) próba
- tribunal** *fn* bíróság
- Trinity** *fn* egyike a négy törvénykezési időszaknak (Hilary, Easter, Trinity, Michaelmas)
- trust 1** *fn* (a) bizalom (b) őrizet, gondnokság **2** *ige* vki gondnokságára bíz vmit, vkire rábíz vmit
- try** *ige* tárgyal
- ultra vires** *latin* „erőn felül” hatáskörön túllépve
- unanimous** *mn* egyhangú
- **unanimously** *hatszó* egyhangúlag
- undercover officer** *fn* titkosrendőr
- unemployment** *fn* munkanélküliség
- **unemployed** *mn* munkanélküli
- valid** *mn* (a) jogos, helytálló, igazolható (b) érvényes

- **validity** *fn* érvényesség
- verdict** *fn* (a) ítélet (b) halottszéki tárgyaláson hozott döntés **reach a verdict/return a verdict** ige ítéletet hoz bűnösség és ártatlanság kérdésében
- Vice-Chancellor** *fn* főbíró a High Court Chancery Division-jén (ma már Chancellor of the High Court)
- victim** *fn* áldozat
- violate** ige megszeg
 - **violation** *fn* szabályszegés
 - **violent** *mn* erőszakos
 - **violence** *fn* erőszak
- virtue** *fn* (a) erény, erkölcsösség; (b) hatóerő;
 - **by virtue of** *sg* *hatszó* vminek alapján, vminél fogva, azon a jogcímen, rendelet értelmében
- vote** 1 *fn* szavazat 2 *ige* szavaz
- waive** ige jogról lemond
 - **waiver** *fn* jogról való lemondás, szabályoktól való eltekintés
- warder** *fn* börtönőr
- warrant** *fn* (bírószági) végrehajtási parancs
 - **arrest warrant** *fn* letartóztatási parancs
 - **search warrant** *fn* házkutatási parancs
- welfare** *fn* jólét
- whipping** *fn* megvesszőzés, botozás
- will** *fn* (a) végrendelet (b) akarat, óhaj
- witness** 1 *fn* tanú 2 *ige* tanúskodik
- writ (of summons)** *fn* idézés
- wrong** *fn* jogtalan v. erkölcstelen cselekmény
 - **civil wrongs** *fn* magánjogi személyi v. vagyoni sérelmek
 - **wrongful** *mn* rossz, sértő, hibás

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