



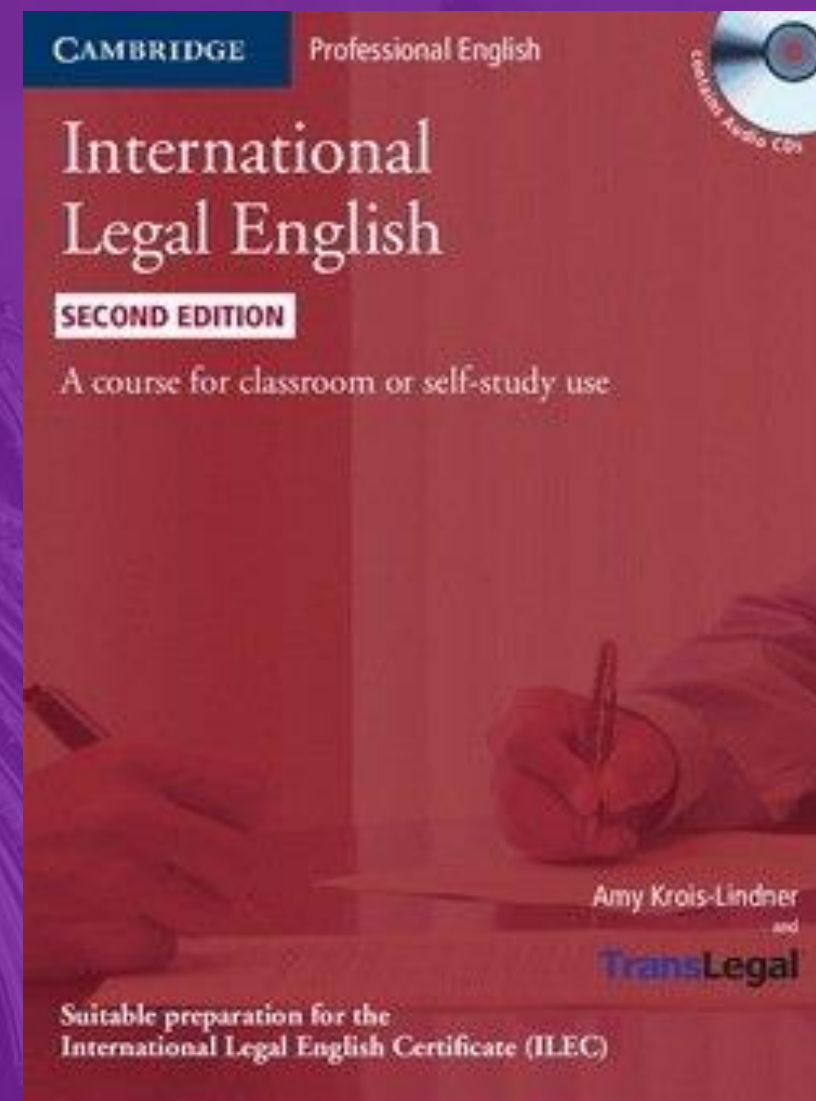
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Unit 1  
**The Practice of Law**

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Amy Krois-Linder and TransLegal,  
*International Legal English*, 2nd ed.,  
Cambridge : Cambridge University  
Press, 2014.  
Unit 1 – pp.8-19.



# Bodies of law (pp.8-9)

common law  
civil law

## world ▪ combination ▪ systems

The legal systems of different countries around the world typically follow either the common law or the civil law, or, in some cases, a combination of the two.

# Bodies of law (pp.8-9)

common law  
civil law

**cases ▪ legislators ▪ interpret ▪ shaping ▪ common**

Broadly speaking, a common law system is based on the concept of judicial precedent. Judges take an active role in shaping the law here, since the decisions a court makes are then used as a precedent for future cases. Whilst common law systems have laws that are created by legislators, it is up to judges to rely on precedents set by previous courts to interpret those laws and apply them to individual cases.

# Bodies of law (pp.8-9)

common law  
civil law

## Parliament ▪ amended ▪ courts ▪ unconstitutional

In certain common law countries, courts (such as the Supreme Court of the United States) have the ability to strike down laws that were passed by legislators if those laws are deemed unconstitutional in violation of federal law. By contrast, in the United Kingdom, the concept of parliamentary sovereignty means that legislation can only be amended or revoked by Parliament, not the courts.

# Bodies of law (pp.8-9)

common law  
civil law

**brought ▪ procedures ▪ codes ▪ precedent**

Civil law systems, on the other hand, place much less emphasis on precedent than they do on the codification of the law. Civil law systems rely on written statutes and other legal codes that are constantly updated and which establish legal procedures, punishments, and what can and cannot be brought before a court.

# Bodies of law (pp.8-9)

common law  
civil law

**scholars ▪ judges ▪ facts ▪ codified**

In a civil law system, a judge merely establishes the facts of a case and applies remedies found in the codified law. As a result, lawmakers, scholars, and legal experts hold much more influence over how the legal system is administered than judges.

# Bodies of law (pp.8-9)

common law  
civil law  
criminal law

The term *civil law* may be contrasted with both *common law* and *criminal law*. In the first sense it is a body of law distinct from the system of law originated in England, and in the second, it represents a set of rules opposed to the laws of a state or country dealing with criminal offenses and their punishments (penal law).



# Bodies of law (pp.8-9)

It is usually argued that *common law* jurisdictions can be identified by an adversarial system, a procedure in which the parties are represented by their advocates before a more or less quiet judge or a group of people (a jury).

Contrarily, *civil law* countries implement an inquisitorial system in which judges have a more active role.

According to some scholars, adversarial system is described as the one pursuing *justice*, while the inquisitorial one is focused on finding out the *truth*.

common law  
civil law  
criminal law  
adversarial system  
inquisitorial system

# Types of law (p.10)

**bill ▪ directive ▪ ordinance ▪ regulations ▪ statute**

Since then, the Louisville Metro Council unanimously voted to pass “Breonna’s Law,” an ordinance that bans the use of no-knock warrants.

common law  
civil law  
criminal law  
adversarial system  
inquisitorial system  
**bill**  
**directive**  
**ordinance**  
**regulations**  
**statutes**

# Types of law (p.10)

**bill ▪ directive ▪ ordinance ▪ regulations ▪ statute**

Under the Clean Air Act, industrial facilities emitting these pollutants are subject to regulations.

common law  
civil law  
criminal law  
adversarial system  
inquisitorial system  
**bill**  
**directive**  
**ordinance**  
**regulations**  
**statutes**

# Types of law (p.10)

**bill ▪ directive ▪ ordinance ▪ regulations ▪ statute**

They would allow lawmakers to pass, or at least put up to vote, targeted **bill** on unemployment, increased testing, and other issues.

WHY LAWMAKERS MAY CHOOSE A MORE TARGETED APPROACH FOR THE SECOND ROUND OF COVID STIMULUS|ARIC JENKINS|SEPTEMBER 16, 2020|FORTUNE

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common law  
civil law  
criminal law  
adversarial system  
inquisitorial system  
**bill**  
**directive**  
**ordinance**  
**regulations**  
**statutes**

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# Types of law (p.10)

**bill ▪ directive ▪ ordinance ▪ regulations ▪ statute**

Among other things this statute required contracts of suretyship to be in writing to be enforceable.

common law  
civil law  
criminal law  
adversarial system  
inquisitorial system  
**bill**  
**directive**  
**ordinance**  
**regulations**  
**statutes**

# Types of law (p.10)

**bill ▪ directive ▪ ordinance ▪ regulations ▪ statute**

A **directive** is a measure of general application that is binding as to the result to be achieved, but that leaves the EU member states discretion as to how to achieve the result.

common law  
civil law  
criminal law  
adversarial system  
inquisitorial system  
**bill**  
**directive**  
**ordinance**  
**regulations**  
**statutes**

# Explaining what a law says (p. 11)

The new constitution does not **stipulate** any requirements for a vice president in the government.

EGYPT CONSTITUTION PASSES AMID ALLEGATIONS OF FRAUD|VIVIAN SALAMA|DECEMBER 23, 2012|DAILY BEAST

New COVID-19 Law Lab to **provide** vital legal information and support for the global COVID-19 response

<https://www.who.int/news-room>

There are orders and even articles of the ordinances of good government to **specify** the price of food.

THE PHILIPPINE ISLANDS, 14931898, VOLUME XXXVI, 16491666|VARIOUS

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civil law  
criminal law  
adversarial system  
inquisitorial system  
bill  
directive  
ordinance  
regulations  
statutes  
**stipulates (that)**  
**provides (that)**  
**specifies (that)**  
**states**  
**sets forth**  
**determines**  
**lays down**  
**prescribes**

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# Types of courts (p.11)

first-instance court  
appellate court  
supreme court  
tribunal

## England and Wales

county courts – magistrates' court (subordinate courts)  
the Crown court (senior courts)  
the High court  
the Court of Appeal  
the Supreme Court of the UK

**tribunals:** Employment Tribunal, Company Names Tribunal, Sea Fish Licence Tribunal, etc.

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statutes  
stipulates (that)  
provides (that)  
specifies (that)  
states  
sets forth  
determines  
lays down  
prescribes  
first-instance court  
appeals court  
supreme court  
county court  
magistrates' court  
crown court  
high court  
tribunal

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# Documents in court (pp. 12–13)

**affidavit • answer • brief • complaint • injunction • motion • notice • pleading • writ**

Match a document with its definition.

Document that contains a party's allegations and factual support. Traditionally, two initial documents of a lawsuit.  
**pleading**

The material relevant to a case, delivered by a solicitor to the barrister who tries the case.  
**brief**

A written declaration upon oath made before an authorized official.  
**affidavit**

first-instance court  
appeals court  
supreme court  
county court  
magistrates' court  
crown court  
high court  
tribunal  
**affidavit**  
**answer**  
**brief**  
**complaint**  
**injunction**  
**motion**  
**notice**  
**pleading**  
**writ**

# Documents in court (pp. 12-13)

**affidavit • answer • brief • complaint • injunction • motion • notice • pleading • writ**

Match a document with its definition.

A document written by the plaintiff (or his attorney) that, when filed and served upon the defendant(s), commences a lawsuit.

**complaint**

A response to a complaint, containing the defendant's version of the events leading to the lawsuit and may be based on the contents of the complaint.

**answer**

A written or oral request for a presiding court to make a ruling or to issue an order on a particular legal issue.

**motion**

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first-instance court  
appeals court  
supreme court  
county court  
magistrates' court  
crown court  
high court  
tribunal

**affidavit**

**answer**

**brief**

**complaint**

**injunction**

**motion**

**notice**

**pleading**

**writ**

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The Practice of Law

# Documents in court (pp. 12-13)

**affidavit • answer • brief • complaint • injunction • motion •  
notice • pleading • writ**

Match a document with its definition.

A document served on the defendant informing him of the date on which the claim form is deemed served.

**notice**

A judicial process or order requiring the person or persons to whom it is directed to do a particular act or to refrain from doing a particular act.

**injunction**

A written order of a judge requiring specific action by the person or entity to whom it is directed. In litigation, a document issued by a court containing information about the recipient's involvement in a legal process and instructions regarding subsequent necessary steps.

**writ**

first-instance court  
appeals court  
supreme court  
county court  
magistrates' court  
crown court  
high court  
tribunal

**affidavit**

**answer**

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**injunction**

**motion**

**notice**

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**writ**

**UNIT 1**

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# Lawyers (p. 15)

**advocate ▪ attorney ▪ barrister ▪ lawyer ▪  
solicitor ▪ notary ▪ notary public**



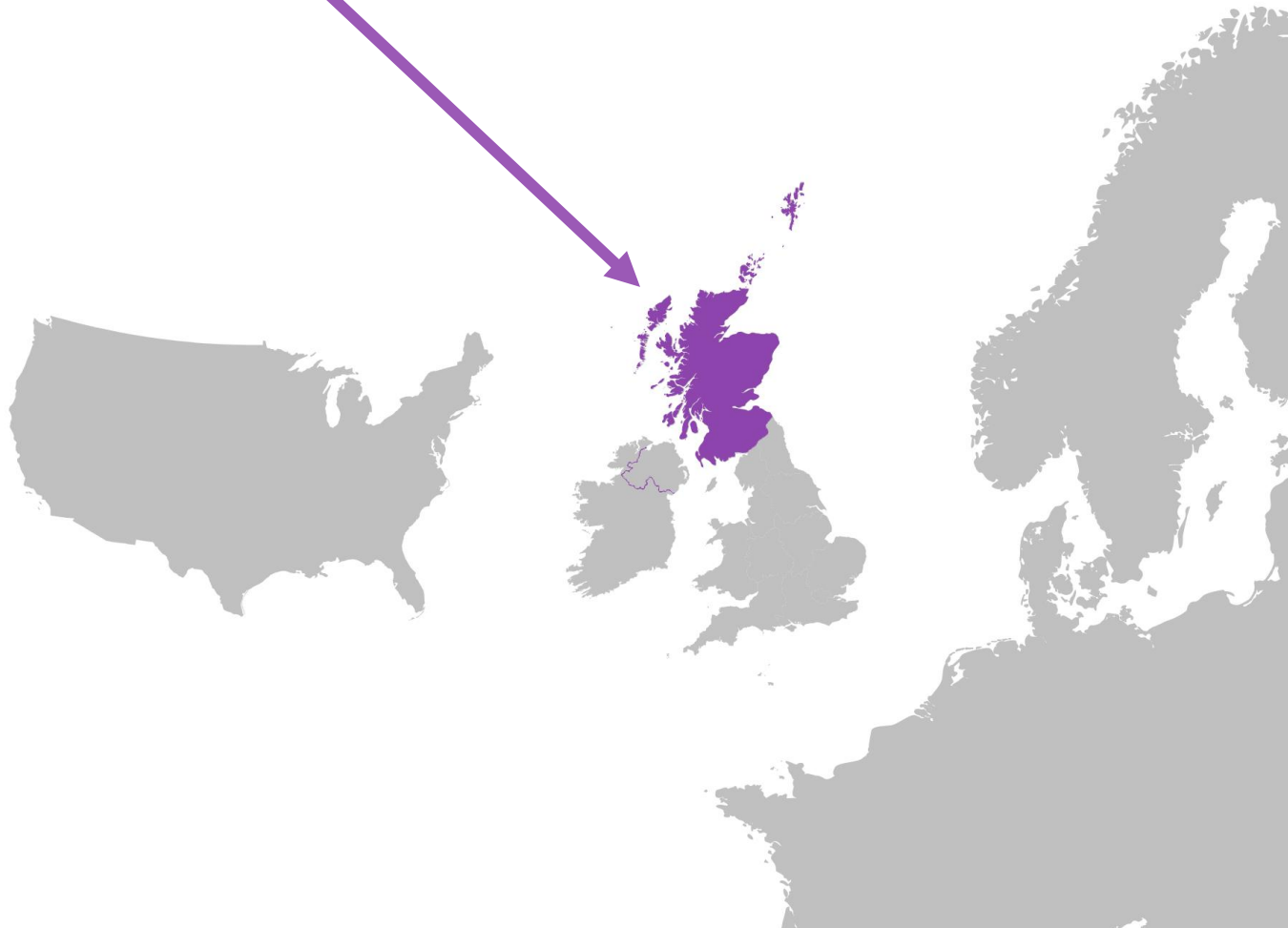
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# Lawyers (p. 15)

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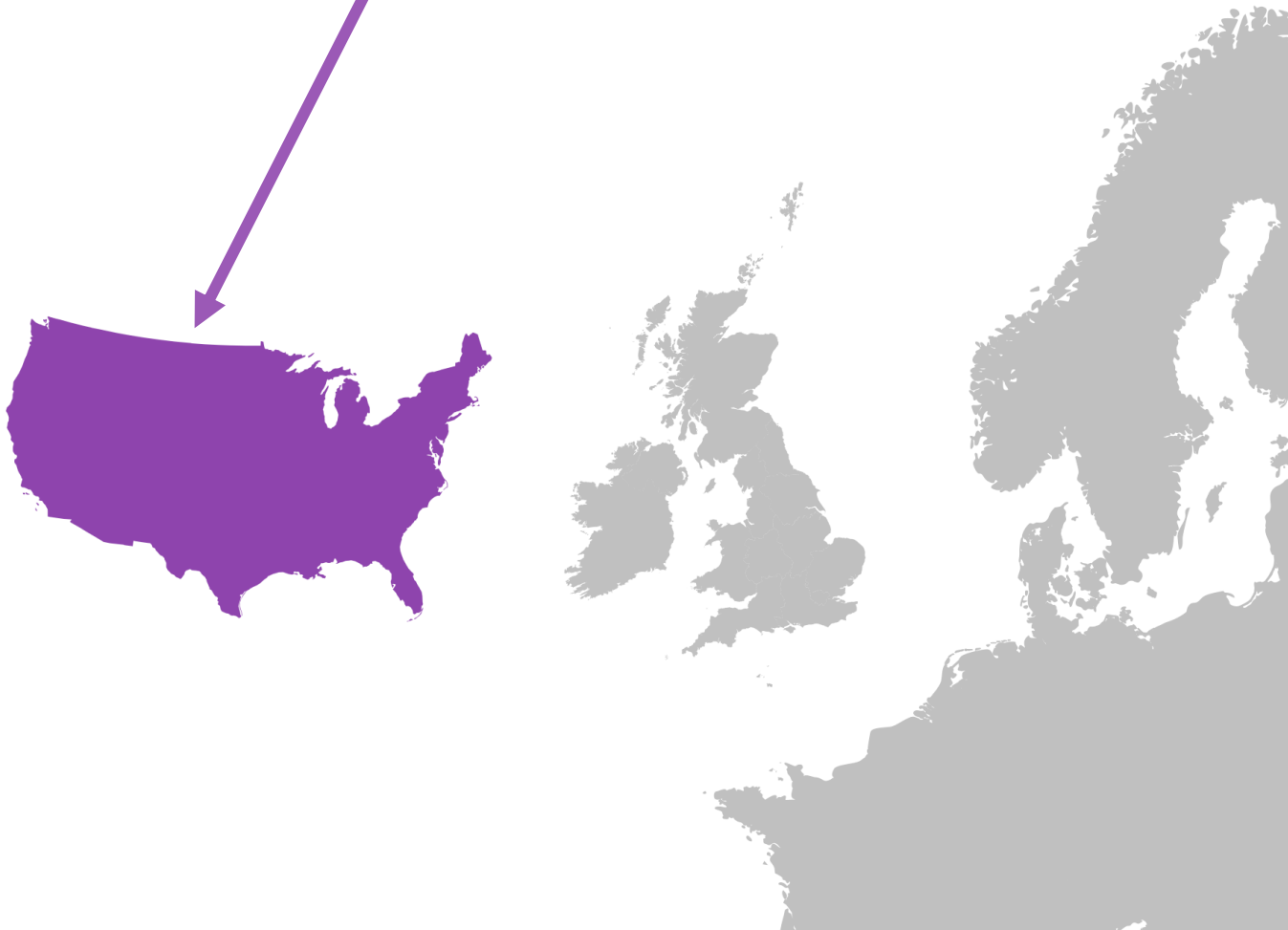
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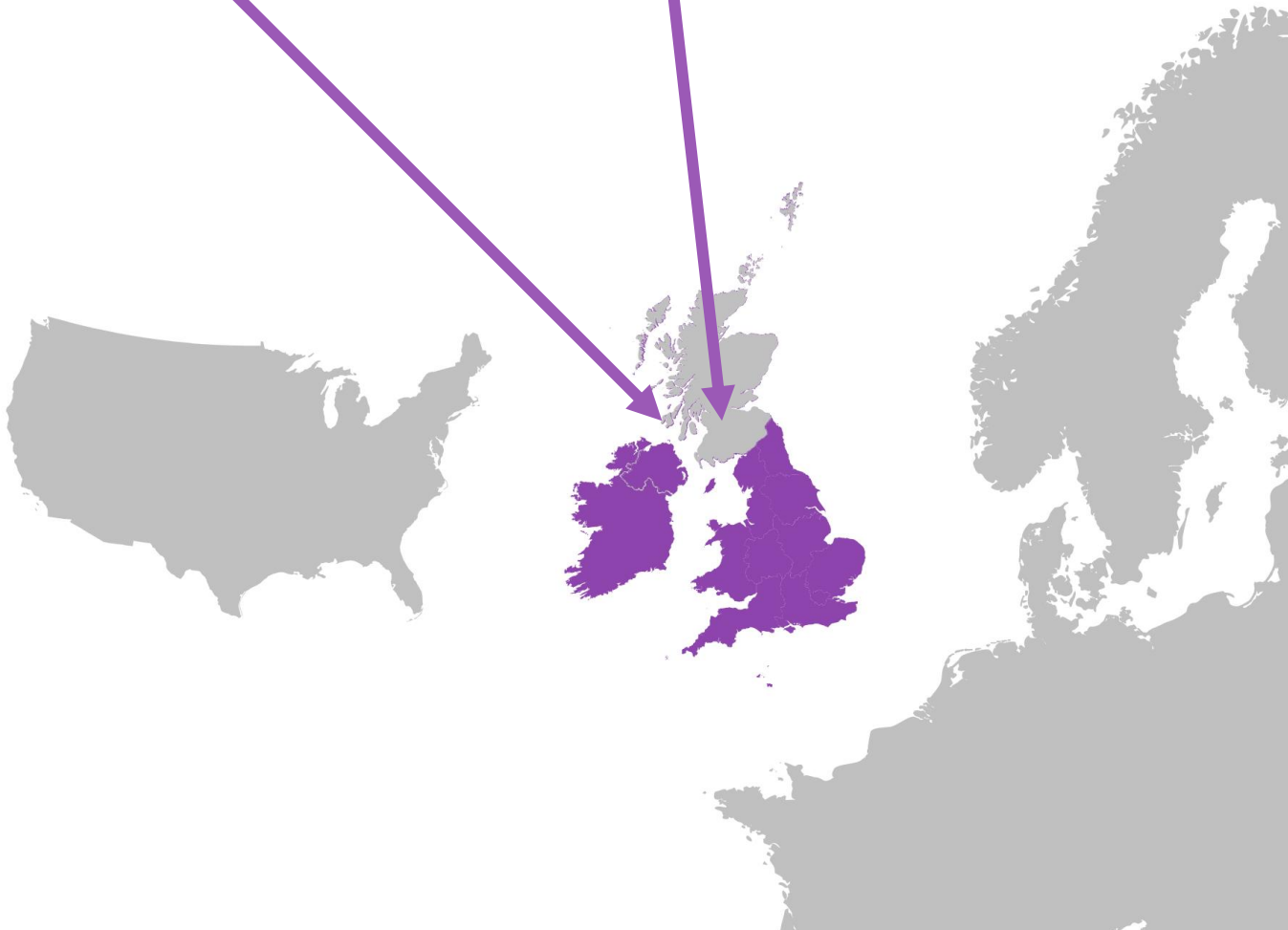
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# Lawyers (p. 15)

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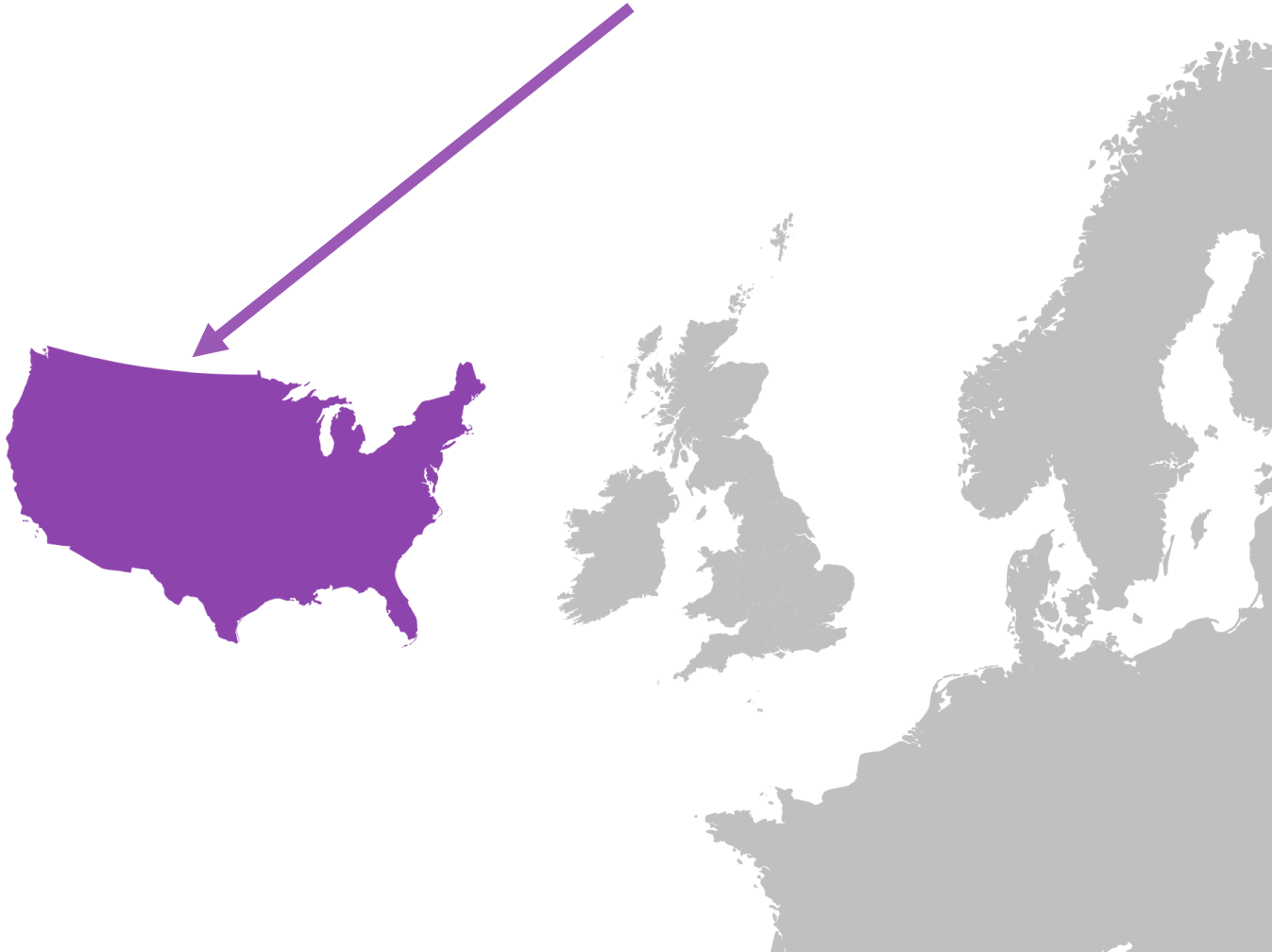
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# Law-firm structure (p. 17)

## True or false?

1. A **law firm** is a business entity formed by one or more lawyers to engage in the practice of law.

advocate  
attorney

barrister

lawyer

solicitor

notary

notary public

**law firm**

**senior partner**

**full partner**

**salaried partner**

**associate**

**paralegal**

**law boutique**

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# Law-firm structure (p. 17)

## True or false?

1. A law firm is a business entity formed by one or more lawyers to engage in the practice of law.

True.

2. A **sole practitioner** is an attorney who works in a law firm together with a limited number of partners.

advocate  
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# Law-firm structure (p. 17)

## True or false?

2. A sole practitioner is an attorney who works in a law firm together with a limited number of partners.

**False.**

3. **Senior partners** and full partners receive a fixed salary for their work.

advocate  
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barrister

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# Law-firm structure (p. 17)

## True or false?

3. Senior partners and full partners receive a fixed salary for their work.

**False.**

4. A **salaried partner** usually has limited voting rights, whose income is not directly associated with law firms' profits and losses.

advocate  
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# Law-firm structure (p. 17)

## True or false?

4. A salaried partner usually has limited voting rights, whose income is not directly associated with law firms' profits and losses.

True.

5. **Associates** are employees of a law firm without any prospects of becoming partners.

advocate  
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law boutique

# Law-firm structure (p. 17)

## True or false?

5. Associates are employees of a law firm without any prospects of becoming partners.

**False.**

6. **Paralegals** are individuals employed by lawyers and law firms performing specialized legal work without formal legal education.

advocate  
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lawyer  
solicitor  
notary  
notary public  
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**salaried partner**  
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**paralegal**  
**law boutique**

# Law-firm structure (p. 17)

## True or false?

6. Paralegals are individuals employed by lawyers and law firms performing specialized legal work without formal legal education.

True.

7. A **law boutique** is a small law firm specialized in practicing one or few areas of law (e.g. employment and debtor-creditor, real estate law, antitrust law, etc.).

advocate  
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**Thank you!**  
**End of Unit 1**

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