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## Introduction

Law School is a content-based language course for students of jurisprudence. The book is divided thematically by argument, from legal systems and the legal profession to corporate law and the trial process. For each topic there are introductory vocabulary exercises, using authentic legal English, followed by a case study.

Current debates relating to international law are dealt with through the use of authentic texts, which cover such up to date issues as ethnic minorities and the judiciary, non-compete agreements, and the debate surrounding the death penalty.

The objective is to involve the student with intrinsically motivating real life materials. The articles featured in this book are not simplified versions adapted for language students – they are the original texts, the same articles that are being read by law students and lawyers in the English speaking world.

These case studies are exploited with task-based learning exercises to help the student develop sound reading strategies. Each article is accompanied by a series of pre-reading exercises, from basic comprehension questions to more involved analysis, and this task-based approach gives the student a real reason for reading.

Law School combines this study of the language of law with a systematic revision of the essentials of English grammar. A selection of model legal documents is also presented, along with exercises which focus on useful expressions in professional correspondence.

For the sake of authenticity some materials have been chosen from the wide array of resources available on the Internet. We have made a point of citing the original sources and authors, and if there are any omissions, the publishers will be glad to rectify these in further editions of this title.

The accompanying CD ROM features a vast array of supplementary material. This gives the student the opportunity to consolidate the work done in the classroom at home, and offers a mix of further reading materials and additional exercises.

Perugia, April 2008

Liam Francis Boyle

## THE BRITISH AND AMERICAN LEGAL SYSTEMS



*«To no one will we sell, to no one will we refuse  
or delay right or justice.»*

THE MAGNA CARTA

## The British And American Legal Systems



*Match the legal terms and the definitions*

- |                                 |  |
|---------------------------------|--|
| 1. law                          | a. control resulting from a system of rules                          |
| 2. justice                      | b. the upper chamber in the US Congress                              |
| 3. legislation                  | c. the principle of moral fairness                                   |
| 4. authority                    | d. lower chamber of the British Parliament                           |
| 5. the judiciary                | e. the system of rules established by parliament, custom or practice |
| 6. law enforcement agency       | f. upper chamber of the British Parliament                           |
| 7. the House of Representatives | g. an act passed by a law making body                                |
| 8. the Senate                   | h. the lower chamber in the US Congress                              |
| 9. the House of Commons         | i. a country's body of judges  |
| 10. the House of Lords          | j. a police force that upholds the law                               |

Complete the text with the best word for each space

### The American Constitution

The United States has one brief document called the (1) \_\_\_\_\_; all other laws in the United States, whether state or (2) \_\_\_\_\_, must be consistent with it. The constitution provides a system of checks and (3) \_\_\_\_\_ to make sure that no (4) \_\_\_\_\_ of the federal government becomes too powerful. Anglo-American law is '(5) \_\_\_\_\_ law', but a significant portion of the law of the United States is (6) \_\_\_\_\_ (written in the form of statutes). Where no legislation applies then attorneys must rely on earlier cases, known as '(7) \_\_\_\_\_ law', but constitutional (8) \_\_\_\_\_ and statutes take precedence. Law is created through the interaction of judges and (9) \_\_\_\_\_ in the courtrooms across the United States. Once the judge makes a decision, the decision becomes a (10) \_\_\_\_\_.

**provisions**  
**branch**  
**federal**  
**precedent**  
**codified**

**constitution**  
**case**  
**attorneys**  
**common**  
**balances**

Put these legal expressions in the correct category

*House of Lords   written constitution   elected judges   attorneys  
 appointed judges   no written constitution   Supreme Court  
 Prime Minister   solicitors and barristers   President*

The British Legal System	The American Legal System

*Match the legal terms and the definitions*

- |  |  |
|--|--|
| 1. the First Amendment (US constitution)   | a. <i>The President of the USA</i>   |
| 2. the Second Amendment (US constitution)  | b. <i>the chief legal advisor to the government</i>                        |
| 3. the Fifth Amendment (US constitution)   | c. <i>the right to bear arms</i>   |
| 4. the executive branch of US government   | d. <i>the British interior minister</i>                                    |
| 5. the legislative branch of US government | e. <i>lords who have held judicial office</i>                              |
| 6. the Attorney General                    | f. <i>the right to freedom of speech</i>                                   |
| 7. Peers of the Realm                      | g. <i>British government department responsible for security and order</i> |
| 8. the Law Lords                           | h. <i>the right to remain silent</i>                                       |
| 9. the Home Secretary                      | i. <i>members of the House of Lords</i>                                    |
| 10. the Home Office                        | j. <i>Congress</i>   |

*Complete the sentences with the legal terms*

<p><i>Prime Minister   Vice President   Magna Carta jurisdiction   constitution   act</i></p>
---

1. Gordon Brown will not be remembered as a great \_\_\_\_\_.
2. Parliament can change any law at any time because there is no \_\_\_\_\_.
3. England and Wales make up a common legal \_\_\_\_\_.
4. If the President is assassinated his powers are assumed by the \_\_\_\_\_.
5. There is no written \_\_\_\_\_ of Parliament making murder illegal.
6. The most famous British legal document is still the \_\_\_\_\_.

## Foreign Influence On American Law



*What do you think?*

1. Is torture ever justified? If so, under what circumstances?
2. Was the American war on terror a success? Did it help America's image?
3. How do you feel when foreign journalists write negative articles about Italy?

*Find the information in the article to correct these mistakes*

1. The American legal system was based on the French system.
2. John Bolton is the current US ambassador to the UN.
3. The Bush administration sent terrorist suspects to Disneyland.
4. After September 11<sup>th</sup>, Bush said he would kiss some ass.
5. The UN Convention Against Torture was ratified by the US in 1949.

*True or false?*

1. America has always been against international laws and agreements.
2. George W. Bush was less in favour of the ICC than his father.
3. The Bush administration wanted to justify the use of torture.
4. The Bush administration supported the ICC.
5. The Bush administration supported the tribunal in Rwanda.

*Choose the best answer*

1. The tendency over the centuries has been for America to
  - a. increasingly copy Europe
  - b. become more insular
  - c. increasingly copy Britain
2. The stance taken by George W. Bush on international law was
  - a. inconsistent
  - b. consistent
  - c. confused
3. In America, the most important legal power is
  - a. domestic law
  - b. international law
  - c. the President
4. Human Rights Watch says American policy made the Abu Ghraib torture scandal
  - a. inevitable
  - b. surprising
  - c. acceptable
5. It is easier to extradite a suspect from
  - a. America to Britain
  - b. Britain to America
  - c. there is no difference

*Match the titles with the paragraphs*

- a. What are the problems?
- b. America is different.
- c. A one-way system.
- d. No more mister nice guy.
- e. International courts are fine for foreign criminals.
- f. Changing attitudes over time.
- g. Protecting America – but not its reputation.
- h. Mixed messages.

*In your opinion*

1. Will things be different with the new President? Why? Why not?
2. How will history remember George W. Bush? As a great President?
3. What will happen to Guantanamo Bay in the future?

## Foreign Influence on American Law

1. \_\_\_\_\_  
For the first century of their country's history, American lawmakers and judges repeatedly looked beyond America's borders, particularly to England, for precedents that could help their own legal thinking. Over the next century, America ardently supported efforts to create a framework of international laws and institutions. But since the end of the cold war, and particularly since the election of George Bush, it has grown increasingly resistant to 'foreign' influence.

2. \_\_\_\_\_  
In fact, the debate about the relationship between American law and foreign laws is more complicated than it appears, and Americans themselves are far from united on the subject. Some, such as John Bolton, the former American ambassador to the United Nations, believe that treaties that constrain American sovereignty in any way are 'not legally binding'; but Mr Bush cited Iraq's transgressions of international law as part of the reason to go to war. Mr Bush pulled America out of the International Criminal Court (ICC) and the Kyoto agreement on the environment, ignored international laws of war and sent terrorist suspects into legal limbo in Guantanamo; yet America is among the strongest backers of global rules on trade, finance and international investment.

3. \_\_\_\_\_  
In general, there are three main areas of conflict. The first involves foreign treaties that America has subscribed to: what force do they have in America? The second, which tends to be focused on the Supreme Court, revolves around the relevance of foreign legal practices to America. The last has to do with how far overseas American courts can reach.

4. \_\_\_\_\_  
George Bush senior, for instance, was quite keen on the International Court of Justice in The Hague, calling it 'a central and indispensable element of an international legal order'. By contrast, at a crisis meeting in the White House after the terrorist attacks on September 11th 2001, his son is reported as saying: 'I don't care what the international lawyers say. We're going to kick some ass!' And so he did. There followed a string of violations of international humanitarian law, including the indefinite detention of 'enemy combatants' at Guantanamo and the torture of Iraqi prisoners at Abu Ghraib.

5. \_\_\_\_\_  
The infamous 'torture memos' were part of this tendency. In them, administration lawyers argued that the president, as commander-in-chief, had the 'inherent constitutional authority' to approve any interrogation techniques needed to protect the nation's security—regardless of the 1949 UN

Convention Against Torture, ratified by America in 1994. Human Rights Watch, a non-partisan monitoring group, claims that America's abuse of detainees was the 'predictable result' of Mr Bush's decision to circumvent the law.

6. \_\_\_\_\_  
In virtually every other country in the world, an international treaty or convention, once ratified, overrides domestic law. Not so in the United States; it simply becomes part of the ordinary body of American law. As such, it can be ignored by the president or Senate if national security, or even ideology, seems more important.

7. \_\_\_\_\_  
The International Criminal Court is one of the favourite bêtes noire of American conservatives. America has signed bilateral agreements with more than 100 countries granting its citizens immunity from ICC prosecution. Yet it strongly supports

other international courts, such as those set up to deal with genocide and other atrocities in Rwanda and ex-Yugoslavia. Republicans even introduced a resolution in Congress banning inappropriate reliance on foreign laws or judgments in interpreting the constitution.

8. \_\_\_\_\_  
Under a treaty that came into force last year, extradition rules have been eased between Britain and the United States. America no longer has to present supporting evidence against someone it wants to extradite from Britain. It simply has to claim that an 'extraditable' offence—one carrying a prison sentence of at least a year—has been committed. But because the Senate has so far declined to ratify the treaty, the new rules do not apply the other way round. If Britain wants to extradite a suspect from America, it still has to make out a prima facie case against him.

from The Economist



## The Present Tenses

### The Present Simple (*I drink beer*)

The **present simple** is used for *facts, descriptions, routines and schedules*.

*Perugia has a beautiful medieval centre.  
I get up at seven during the week and eleven at weekends.*

The **present simple** is used to describe *permanent situations*.

*Juventus is the most popular team in Italy.*

The **present simple** is used with *stative verbs*, which are verbs used to describe *thoughts, opinions, sensations and possession*.

*I think the government should do more to help the economy.*

### The Present Continuous (*I am drinking a beer*)

The **present continuous** is used to describe actions happening *at the moment*, both now *at the time of speaking*, and *this week, this month, or this year*.

*Some students are listening, and some are daydreaming.  
I am reading a really good book this week.*

The **present continuous** is used for *temporary situations* and *changing situations*.

*I am studying English at the moment, but I'm not a linguistics student.  
Rugby is becoming more popular in Italy.*

### The Present Perfect (*I have drunk too much beer*)

The **present perfect** is used for actions that started in the past and continue into the present, and to express the present result of a past action.

*I have lived in Perugia since 1997.  
I have broken my leg (I can't play football now).*

*Match the examples with the descriptions*

1. People are buying less CDs and downloading more MP3s.
  2. Maria is working at McDonalds until she graduates.
  3. John is making a phone call.
  4. The film starts at eight.
  5. The United Nations building is in New York.
- a. Temporary situation
  - b. Activity in progress now
  - c. Timetables and scheduled events
  - d. Permanent situation
  - e. Changing situation

*Choose the correct answer*

1. We *look* / *are looking* for a new secretary.
2. A big Hollywood movie on DVD *costs* / *is costing* about € 20.
3. Sicily *suffers* / *is suffering* a drought at the moment.
4. Dan *works* / *has worked* for this company since last January.
5. UFO watchers *believe* / *are believing* in little green men.
6. We *think* / *are thinking* of moving to a new office.
7. The bank *opens* / *is opening* at 9.00.
8. Tourists *prefer* / *are preferring* to visit Perugia during Umbria Jazz.
9. I *support* / *have supported* Milan since I was a boy.
10. Bono *sings* / *is singing* with U2.

*How would you correct these mistakes?*

1. Perugia is having a lot of Irish pubs in the city centre.
2. There is a university in Perugia since 1308.
3. The temperature of the planet rises because of global warming.
4. Microsoft is selling the Windows operating system.
5. I follow this course since last week.
6. The Irish economy booms at the moment.
7. I am loving you.
8. I look for a job at the moment.
9. I think about inviting Marco to the party.
10. I know Daniela since we were at school together.