



# *LEGAL ENGLISH*

**INGLESE GIURIDICO**

*ONE-CYCLE MA IN LAW*

*FACULTY OF ECONOMIC, LAW AND POLITICAL SCIENCES*

M. Antonietta Marongiu, Ph.D.

[marongiuma@unica.it](mailto:marongiuma@unica.it)

# MARIA ANTONIETTA MARONGIU

**RICEVIMENTO:** PER APPUNTAMENTO  
GIOVEDÌ 12:00-14:00 SU TEAMS  
e-mail address: marongiuma@unica.it



LEGAL  
ENGLISH  
48 hours  
6 cfu

Pagina Web: [https://www.unica.it/unica/page/it/mariaa\\_marongiu](https://www.unica.it/unica/page/it/mariaa_marongiu)

- **Orario lezioni e ricevimento, avvisi**
- **Materiale didattico scaricabile relativo alle lezioni:**
  - Materiale usato a lezione,
  - materiali su contenuti specialistici e sulla struttura della lingua,
  - Assignments, Exercises,
  - Mock-test con soluzioni.

T i m e t a b i l e	MONDAY		TUESDAY		WENSDAY		THURSDAY		FRIDAY	
	<u>Aula 10 bis - Edificio A - via S. Ignazio, 70/72/74</u>									
	-----		27 Feb 10:00-12:00		28 Feb 10:00-12:00		29 Feb 10:00-12:00			
	04 Mar 10:00-12:00		05 Mar 10:00-12:00		06 Mar 10:00-12:00		07 Mar 10:00-12:00		08 Mar 10:00-12:00	
	11 Mar 10:00-12:00		12 Mar 10:00-12:00		13 Mar 10:00-12:00		14 Mar 10:00-12:00			
	18 Mar 10:00-12:00		19 Mar 10:00-12:00		20 Mar 10:00-12:00		21 Mar 10:00-12:00			
	25 May 10:00-12:00		26 May 10:00-12:00		27 Mar 10:00-12:00		-----			
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	08 Apr 10:00-12:00		09 Apr 10:00-12:00		10 Apr <b>09:00-12:00</b>		11 Apr <b>09:00-12:00</b>			
	<b>APPELLI</b>									
31 May - 16:30 Lab Ling – Edificio A Sant'Ignazio			28 June – 9:00 Lab Ling – Edificio A Sant'Ignazio			28 July – 12:00 Lab Ling – Edificio A Sant'Ignazio			6 Set – 09:00 Lab Ling – Edificio A Sant'Ignazio	



## SKILLS

- Listening / reading to understand texts on the legal systems
- Analysis / interpretation of legal documents
- Recognition / comparison of intercultural legal issues
- Argumentation on legal topics

## CONTENTS

- The British Legal System
- Contract Law
- Business Structures
- Company Law
- Criminal Law
- Property Law
- Intellectual Property Law
- ADR and Litigation

# Legal English

Sofia Parastatidou - Jacopo D'Andria Ursoleo, Kate Galton

**1st Edition (2021)**

**Pearson**

# Textbook



Home Scuola primaria e secondaria Università English Language Learning Chi siamo Contatti

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# Unit 1 Legal English

## Introduction to the English Legal System



### IN BRIEF...

The English common law system is considered by many to be the matriarch of all common law systems in the world today. However, it may surprise you to learn that the system of binding case law precedent was not an English invention at all. In 1066, William the Conqueror – the first English Norman King, laid the foundations for the introduction of a system of law that was common to everyone. Thus, began a process of unification of the law in England.

The impact of history on the English legal system cannot be ignored. Many initiatives introduced by later monarchs, King Henry II (circuit judges), King James I (fusing common law and equitable Courts) and King John (signing the Magna Carta) still influence the English legal system and the world today.

Ancient legal principles and maxims borrowed from Latin writings, adopted through usage of Law French and modernised by international trade are still taught at universities and they are essential tools for legal practitioners.

The global practice of law may have slowly led to the deterioration of the separation of the main branches of the profession – *solicitors* and *barristers* – but the prestige and honour of being a lawyer remains in many cultures. Many influential leaders in world history have been drawn from the legal profession.

## Unit 1 Legal English

# Introduction to the English Legal System

Binding = permanent,  
indisputable

Monarch = ruler, sovereign

Practitioner = specialist,  
professional

Be drawn from = come from

Can you mention 3  
influential leaders who  
have been drawn from  
the legal profession?

### IN BRIEF...

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# Lesson 1 - A historical overview

Merge = fuse, mix, mingle  
Precedent = previous, prior

## Introduction

Which countries have religious law systems?

There are many types of legal systems in the world. We can classify them into **civil law**, **common law**, **customary law**, **religious law**, and mixed law systems. With globalization, these legal systems are continuously changing and slowly merging.

The civil law system is based on codified laws derived from Roman law principles. Most continental European countries, Central and South America have civil law systems.

In contrast, the common law system is based on rules and doctrines developed by judges who follow case law precedents. A **case law precedent** is a judgement or an order from a court used as **binding authority** for later cases. This is also called **judge-made law**. Common law countries include England and Wales, Australia, Canada, New Zealand, and the United States on a federal level.

However, the common law system is more complex than this simple division. It is useful to consider the history of the English legal system to understand the dynamics of common law.

## Binding Authority

*(historical view)*  
autorità/potere vincolante



Historically speaking, the Romans conquered the whole of England and Wales and parts of Scotland. They named this area **Roman Britain**. The Romans introduced laws based on Roman law principles. The Romans occupied Roman Britain from the time of Emperor Claudius in 43 AD until their withdrawal around 410 AD.

Roman Britain was then attacked by the Anglo-Saxons and by 600 AD, new kingdoms had emerged – Wessex, Sussex and Northumbria. These kingdoms introduced their own system of laws. There was no unified national legal system and each court in each kingdom made arbitrary decisions based on local customs.

- 43-410 AD (Anno Dominae)
- Angles, Saxons, Jutes from Northern Europe
- Vikings from the Scandinavian peninsula



## The Curia Regis

The father of common law

Introduced the a  
central system of  
justice

## William the Conqueror


In 1066, William the Conqueror, the Duke of Normandy, conquered England and Wales. He set up the King's Court also known as the *Curia Regis*. This court was set up at Westminster, not far from London. The Curia Regis was not just a royal Court but also a royal household where the King and his advisers lived. William the Conqueror can be thought of as the father of common law as it was his idea to introduce a central system of justice.

King William also thought it was a good idea for the King to be close to his subjects. He would travel around England and meet citizens who would bring their disputes to the King and his advisers.

# UNIT 1 – Lesson 1. A historical overview

Q. 1

**Why should we remember William the Conqueror, Duke of Normandy?**



A rich text editor toolbar with the following icons and controls:

- Font color (A) with a dropdown arrow
- Text color (B)
- Text style (I)
- Code (code symbols)
- Font size (Ff) with a dropdown arrow
- Background color (color swatch)
- Text color (color swatch)
- List (bulleted list)
- Numbered list (1, 2, 3)
- Link (chain link)
- Unlink (chain link with slash)
- Image (picture icon)
- Text color (H&P)
- Text style (U)
- Text style (S)
- Text style (x<sub>2</sub>)
- Text style (x<sup>2</sup>)
- Text style (bulleted list)
- Text style (numbered list)
- Text style (numbered list)
- Text style (left indent)
- Text style (right indent)
- Table (grid icon)
- Text color (color swatch)
- Table (grid icon)
- Text style (I)
- Undo (curved arrow)
- Redo (curved arrow)
- Text style (√)
- Text style (C)
- Text style (color swatch)

# King Henry II



In 1154, King Henry II came to the throne after years of unrest and civil war. He wanted to introduce stability and develop the single court system even further but also saw the need for control to remain with the King. At this time, there were eighteen appointed judges.

King Henry II ordered five of these judges to remain in London as a permanent court to decide cases in his name. The remaining thirteen judges went on circuit, which means that they became "travelling judges" and went to different parts of the country. They applied the same laws as in London and local laws were replaced by national laws. The law was common to everyone and hence the term – the common law.

Eventually, these laws were written down, recorded, and published. This meant that previous legal decisions were available and could be used by parties to argue and support their cases. Judges elevated these decisions and used them as binding authority for pre-existing legal principles. This is how precedent was developed. Today, we can say that precedents are a distinctive feature of the common law.

The use of precedents to develop law is central to understanding the evolution of the common law.

- The **justice system** development: a single court system with **18 appointed judges**.

- 5 judges at a **permanent court in London**

- **13 judges went on circuit (“travelling judges”)**

- a **common law** applied everywhere.

- previous legal decisions became **binding authority**.

# Magna Carta

In 1215, King John of England and his Barons settled their dispute about taxation by signing the **Magna Carta**. Magna Carta means the *great charter*. By signing the Magna Carta King John agreed to limit his powers and subjected all English Kings and Queens to the sovereignty of the UK Parliament. One clause in the Magna Carta states:



*“No free man shall be seized or imprisoned except by the lawful judgment of his equals or by the law of the land.”*

The Magna Carta was modified in 1217, 1225 and 1297 until it became enshrined in English law. It was first printed in 1508 and it became the primary piece of law that English law students would study.

Today, the Magna Carta is considered the blueprint for liberty and human rights and was referred to in the *United States Declaration of Independence* and the *Bill of Rights*. The Magna Carta also influenced the *Universal Declaration of Human Rights*, which states that people around the world are protected by fundamental human rights regardless of citizenship, race, gender, or beliefs. The Magna Carta has validated the principle that everyone, including political leaders, must obey the law.

What started as a dispute over increased taxes by rebel barons against King John is now the international symbol of rights and liberties.

Settle a dispute = find an agreement  
Be seized = be held prisoner

The Magna Carta has validated the principle that everyone, including political leaders, must obey the law.

What does the Universal Declaration of Human Rights state?

**DID YOU KNOW?**

The Magna Carta is more than 800 years old and an original copy is held at Salisbury Cathedral.

## BE ENSHRINED IN SOMETHING

If a political or social right is enshrined in something, it is protected by being included in it:

*The right of freedom of speech is enshrined in law/in the constitution.*

**enshrine verb** [T usually + adv/prep]

formal

**US** /In'ʃraɪn/ **UK** /In'ʃraɪn/

**Add to word list**

to contain or keep something as if in a holy place:

**be enshrined in** *A lot of memories are enshrined in this photograph album.*

**Synonyms:** appropriate, bank, lay s.t. aside, maintain, storage, stockpile



1948

THE UNIVERSAL DECLARATION  
OF **Human Rights**

Universal  
Declaration of  
**Human Rights**

**ARTICLE**  
**01**

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

Universal  
Declaration of  
**Human Rights**

**ARTICLE**  
**02**

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

# Common law and the emergence of Equity

Even though Kings had delegated most of their powers to judges, they kept some control over the justice system. In fact, citizens were able to take their disputes directly to the King once a year. This meant that the King was another source of law. To ask the King directly was known as to petition the King.

For a while, the King did indeed hear cases, but eventually appointed his most senior advisor, the **Chancellor** to take his place. The Chancellor saw this as an opportunity to set up a special court – Court of Chancery. This Court heard disputes outside the normal common law jurisdiction.

Over time, the common law developed a large volume of precedents and by the fifteenth century had become burdened with delays, leading to great discontent and technicalities. Legal proceedings became very expensive.

Against this background, around the thirteenth century, the Court of Chancery applied principles of Equity and did not follow the precedents established by the common law courts. Equitable decisions are based on what is considered right or wrong, on the merits of the case and, in accordance with good conscience. This led to the creation of new rights and remedies. We can say "equity" is not just a system of rules and doctrines but rather applies philosophical ideas of fairness, morality, and rightness.

As can be expected, Equity proved to be extremely popular and soon the procedures in the Court of Chancery also became expensive and slow. Litigants now had to choose whether to take their cases to a common law Court or through the Court of Chancery. This led to the development of two competing and parallel courts, each with their own jurisdictions and remedies.

To petition the King

The Chancellor set up the Court of Chancery which applied principles of Equity

Equity was based on philosophical ideas of fairness, morality, and rightness

Litigants had to choose between the common law Court and the Court of Chancery

Worse still, **equitable remedies** and common law remedies often meant different and competing solutions to problems. For example, the Court of Chancery could send somebody to prison for trying to enforce a common law judgment. In short, it created chaos and confusion. A solution was needed and in **Earl of Oxford's case** (1615) 21 ER 485, King James I decreed that if there was a conflict between common law and equity, equity was to prevail.

But that did not resolve the problem completely. Courts exercising only common law or equitable jurisdiction, led to **forum shopping**. Forum shopping means that lawyers choose the Court which offers the best solution. In some cases, parties were forced to start two actions in separate courts.

Once again, this was confusing, time consuming and very costly. In 1873, Parliament passed the **Judicature Act**, which joined the common law and equitable courts.

Today, parties can go to most courts and ask the judge to apply both common law and equitable principles to their disputes and obtain remedies founded both in common law and equity.

### CAN YOU REMEMBER?

What is case law precedent?

What is the name of the Act which fused the common law and equitable courts?

Forum shopping

confusing  
time consuming  
very costly

The **Judicature Act** (1873) reformed the higher court system by merging common law and equitable courts.



In the field of jurisprudence, **equity** is the particular body of law, developed in the English Court of Chancery, with the general purpose of providing legal remedies for cases wherein the common law is inflexible and cannot fairly resolve the disputed legal matter.

From the mid-16th century on, however, the chancellors were usually common lawyers who began shaping equity into an established set of rules. By the middle of the 17th century the equity administered by the Court of Chancery had become a recognized part of the law of the land: equity gave **justice** according to law rather than **executive** justice. Finally, by the [Judicature Act of 1873](#), the competitive, separate law and equity courts, with their attendant delays, expense, and injustices, were abolished and their work combined in a single, departmentalized [Supreme Court of Judicature](#).

<https://www.britannica.com/topic/equity-law>

Equitable /'ɛkwɪtəbl/ = fair and impartial

## THE "EARL OF OXFORD'S CASE"

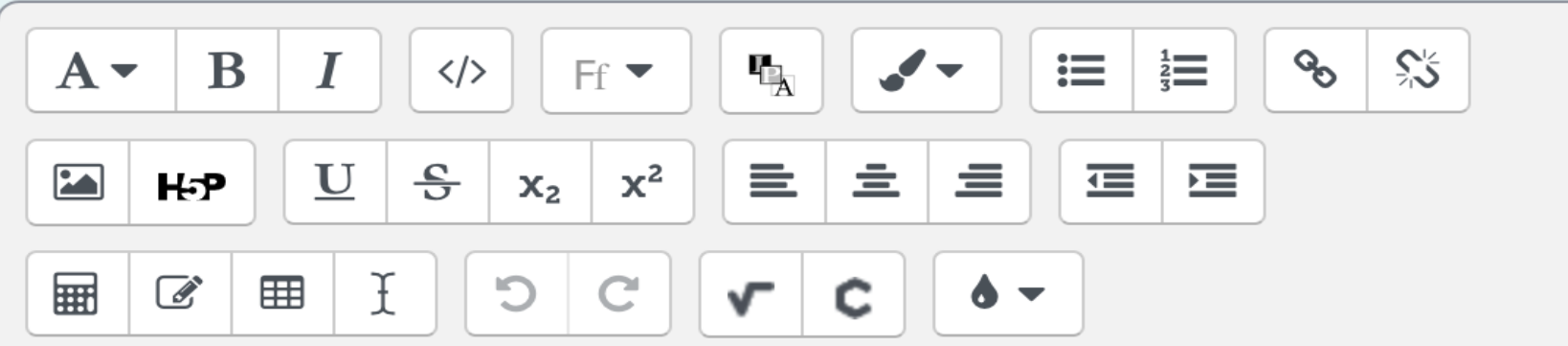
**Equitable conversion**, in the context of real estate law, refers to when, after the parties have entered into a binding contract for the sale of land, the buyer becomes the **"equitable owner"** before the delivery of the deed.

- The **"Earl of Oxford's Case"** refers to a legal case that took place in 1615. It is a significant case in English legal history, particularly in the field of property law. The case involved a dispute over the ownership of certain lands.
- The decision in the Earl of Oxford's Case had a significant impact on property law in England, particularly in clarifying the principles of equitable conversion and the rights of parties in property transactions.

# UNIT 1 – Lesson 1. A historical overview

Q. 2

Read about common law and the emergence of Equity and write a brief summary of around 70 words on why the Earl of Oxford's case (1615) was important.



A rich text editor toolbar with the following icons and controls:

- Font size (A) with a dropdown arrow
- Bold (B)
- Italic (I)
- Code (</>)
- Font color (Ff) with a dropdown arrow
- Background color (A)
- Text color (brush icon) with a dropdown arrow
- Bulleted list (three horizontal lines)
- Numbered list (1, 2, 3)
- Link (chain link)
- Unlink (chain link with slash)
- Image (mountain icon)
- Horizontal line (H-P)
- Underline (U)
- Strikethrough (S)
- Subscript (x<sub>2</sub>)
- Superscript (x<sup>2</sup>)
- Left indent (three horizontal lines)
- Center indent (three horizontal lines)
- Right indent (three horizontal lines)
- Left align (left arrow)
- Right align (right arrow)
- Table (grid icon)
- Text color (brush icon)
- Table (grid icon)
- Text color (brush icon)
- Undo (curved arrow)
- Redo (curved arrow)
- Checkmark (checkmark)
- Cancel (C)
- Watermark (water drop icon) with a dropdown arrow



# UNIT 1 – Lesson 1. A historical overview

Q. 3

What was forum shopping, and how was this problem resolved? Give a brief explanation of around 70 words.

A rich text editor toolbar with the following icons: A (font color), B (bold), I (italic), </> (code), Ff (font color), background color, bulleted list, numbered list, link, unlink, image, link, unlink, subscript (x<sub>2</sub>), superscript (x<sup>2</sup>), indent, outdent, left-align, right-align, calculator, link, unlink, table, code, undo, redo, checkmark, refresh, and a dropdown menu.

A large empty text area for writing the answer.

**1. Read the text and complete it with the prepositions from the box.**

around • by • down • in • of • on • to • with

Common law was introduced by William the Conqueror **1**..... 1066. However, it was King Henry II who wanted to introduce one single system of law that was common to all the country. When these laws become written **2**....., recorded and published they formed the precedents, judges would use **3**..... determine disputes. **4**..... the thirteenth century, the Court of Chancery applied principles **5**..... equity and did not follow the precedents established **6**..... the common law courts. Equitable decisions are based **7**..... what is considered right or wrong, on the merits of the case and, in accordance **8**..... good conscience.

**VOCABULARY TIP**

The regular verb for the noun **recission** is **to rescind** /rɪsɪnd/.  
 The judge **rescinded** the contract because one of the parties to it was a minor.

**2. Read the following statements (1-6) and decide whether they are True (T) or False (F). Correct the false ones using the space provided.**

- 1 A case law precedent is a judgement or order made by a court.  T  F  
 .....
- 2 An alternative name for case law precedent is man-made law.  T  F  
 .....
- 3 The United States is a common law country at a state level.  T  F  
 .....
- 4 Britain was under Roman Law until 410 AD.  T  F  
 .....
- 5 There was no unified legal system in Britain under the Anglo-Saxons.  T  F  
 .....
- 6 William the Conqueror set up the King's Court or *curia regis*, but never attended it.  T  F  
 .....

(8) In accordance with a law/rule (formal)  
 According to the Court (neutral)

**1. Read the text and complete it with the prepositions from the box.**

around • by • down • in • of • on • to • with

Common law was introduced by William the Conqueror **1. in** 1066. However, it was King Henry II who wanted to introduce one single system of law that was common to all the country. When these laws become written **2. down**, recorded and published they formed the precedents, judges would use **3. to** determine disputes. **4. Around** the thirteenth century, the Court of Chancery applied principles **5. of** equity and did not follow the precedents established **6. by** the common law courts. Equitable decisions are based **7. on** what is considered right or wrong, on the merits of the case and, in accordance **8. with** good conscience.

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(8) In accordance with a law/rule (formal)  
According to the Court (neutral)

**3. Answer the following questions (1-5) in four words or less using the space provided.**

- 1 Who came to the English throne in 1154?  
.....
- 2 How many judges were appointed to the single court?  
.....
- 3 What is the phrase that means judges travel around to various courts?  
.....
- 4 When local laws were replaced by national ones, what were they called?  
.....
- 5 When the rulings started to be written down, how did future arguing parties use them?  
.....

**4. Circle the correct word(s) in each of the following sentences.**

- 1 The Magna Carta was originally signed to settle a dispute about precedent / taxation.
- 2 King John's powers were limited / reinforced by the Magna Carta in 1215.
- 3 The Magna Carta established / removed Parliament's powers over the King.
- 4 One clause states that no King / free man shall be imprisoned except by lawful judgement.
- 5 The document was first printed / studied in 1508.

**5. Answer the following questions (1-4) in four words or less using the space provided.**

- 1 How often were citizens able to take disputes directly to the King?  
.....
- 2 Who did the King eventually appoint to receive his petitions?  
.....
- 3 What did the Chancellor's court become known as?  
.....
- 4 What new principles did this Court apply?  
.....

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## Unit 1. Introduction to the English Legal System

LESSON 1 A historical overview – LESSON 2 The English Court System – LESSON 3 The Legal Profession – LESSON 4 The Language of Law

### 6. 1.0.1 Listen to the audio and complete the text with the missing words.

Global legal systems are usually divided into two main systems of law. The civil law systems use **1**..... laws whereas common law systems use case law **2**..... and judges **3**..... the law to find a solution for the **4**..... and their **5**..... The Italian Civil Code is an example of codified law. England and Wales and many current or former **6**..... colonies have adopted the common law system whereas most **7**..... countries have a civil law system. The civil law system is based on codified laws derived from **8**..... law principles.



## UNIT 1

### Lesson 1 A historical overview

Exercise 6 AUDIO 1.0.1

[Read the transcript](#)



## LESSON 1

### Exercise 6 AUDIO 1.0.1



Global legal systems are usually divided into two main systems of law. The civil law systems use codified laws whereas common law systems use case law precedents and judges interpret the law to find a solution for the parties and their disputes. The Italian Civil Code is an example of codified law. England and Wales and many current or former British colonies have adopted the common law system whereas most continental countries have a civil law system. The civil law system is based on codified laws derived from Roman law principles.