



LEGAL ENGLISH

INGLESE GIURIDICO

ONE-CYCLE MA IN LAW

FACULTY OF ECONOMIC, LAW AND POLITICAL SCIENCES

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RICEVIMENTO: PER APPUNTAMENTO
GIOVEDÌ 12:00-14:00 SU TEAMS
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LEGAL
ENGLISH
48 hours
6 cfu

Pagina Web: 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 09:00-12:00		11 Apr 09:00-12:00				
	APPELLI										
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

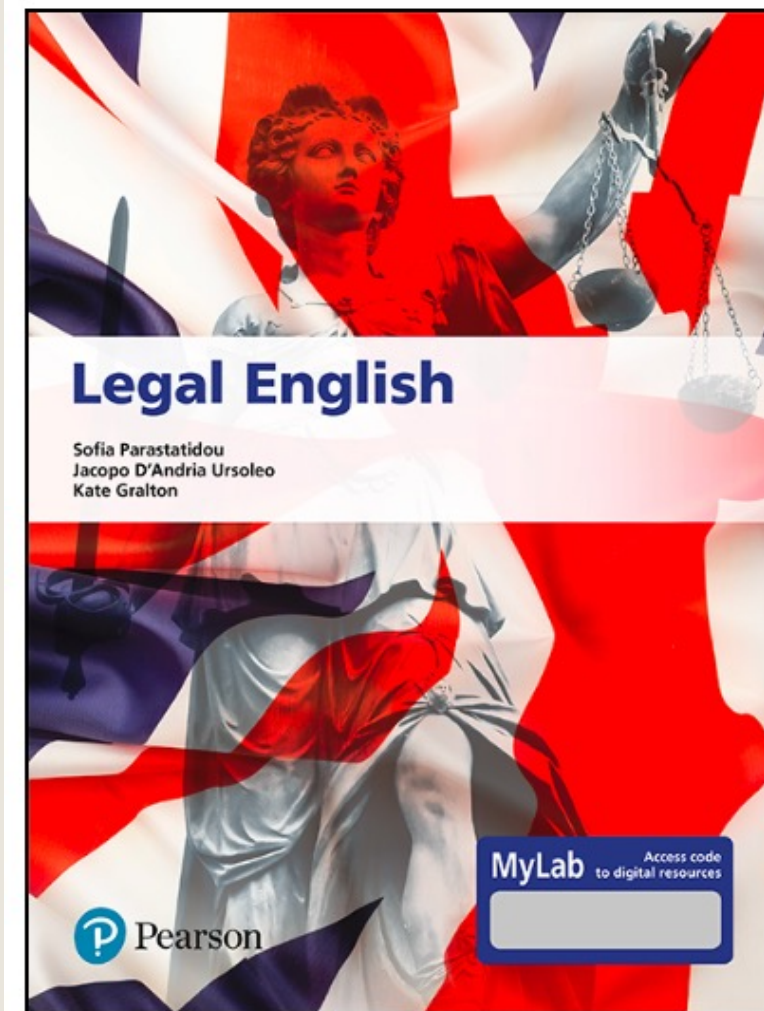
Legal English

Sofia Parastatidou - Jacopo D'Andria Ursoleo, Kate Galton

1st Edition (2021)

Pearson

Textbook



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sanoma

Edizioni Scolastiche Bruno Mondadori paravia linx Pearson

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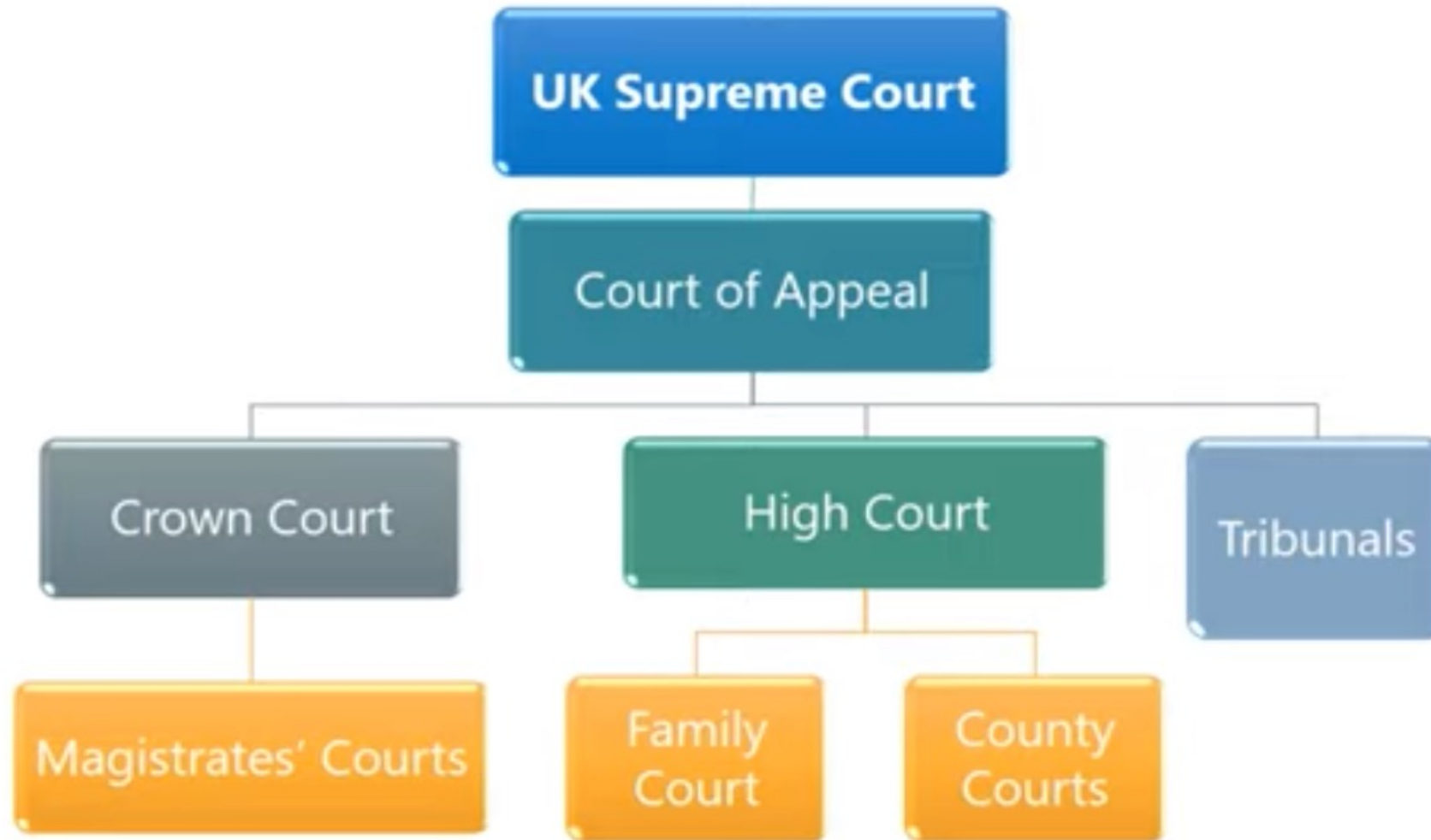
Lesson 2 - The English Court System

The **Court system** in England and Wales has developed in an *ad hoc* manner. *Ad hoc* means that the Courts and their jurisdictions developed over time and they continue to develop even to this day.

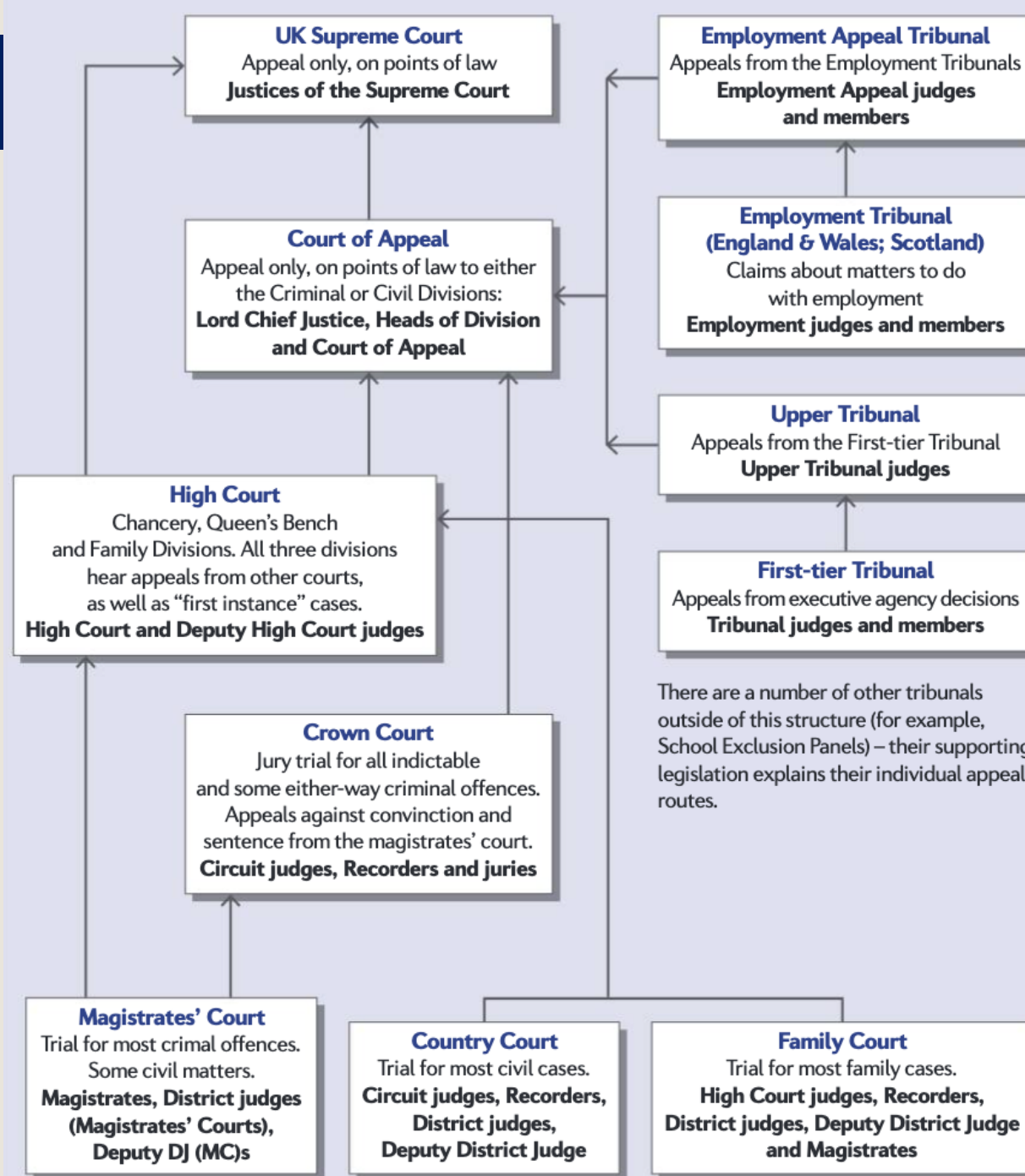
Generally speaking, the English Court system can be divided into Courts that have either **civil** or **criminal jurisdiction**. **Civil Courts** deal with disputes between private parties arising out of contracts, negligence, property disputes, commercial problems and company law. **Criminal Courts** have jurisdiction over criminal matters, and these are prosecuted on behalf of the State, called **the Crown**.

Another difference between Civil Courts is that they have the power to award damages or other remedies whereas Criminal Courts may imprison defendants and/or award compensation to their victims.

UK Court System



The Hierarchy of the English Court System



HER MAJESTY'S COURTS OF JUSTICE OF ENGLAND AND WALES

On behalf of the Crown

Civil Courts

Disputes for contracts, negligence, property, commercial problems, company law.

Powers: Award damages

Criminal Courts

Criminal matters

Powers: Imprison defendants, award compensations to victims

Actions (verbs)

Hear appeals
Hear a case
Present a case
Apply the law
Punished the offender
Send to prison
Exercise a jurisdiction
Appeal to the high Court
Breach a contract
Ask the judge leave to appeal
Handle disputes

Nouns

An offence
An offender
A legal advisor
The defence
The defender
The Judge
The lawyer
A jury
A party
An appeal
An appellant
A dispute

SENIOR COURTS

hear appeals from Lower Courts, set binding precedents for Lower Courts

Supreme Court

hears appeals only on points of law in criminal and civil matters

Court of Appeal

hears appeals from High Court and some lower courts (civil & criminal cases)

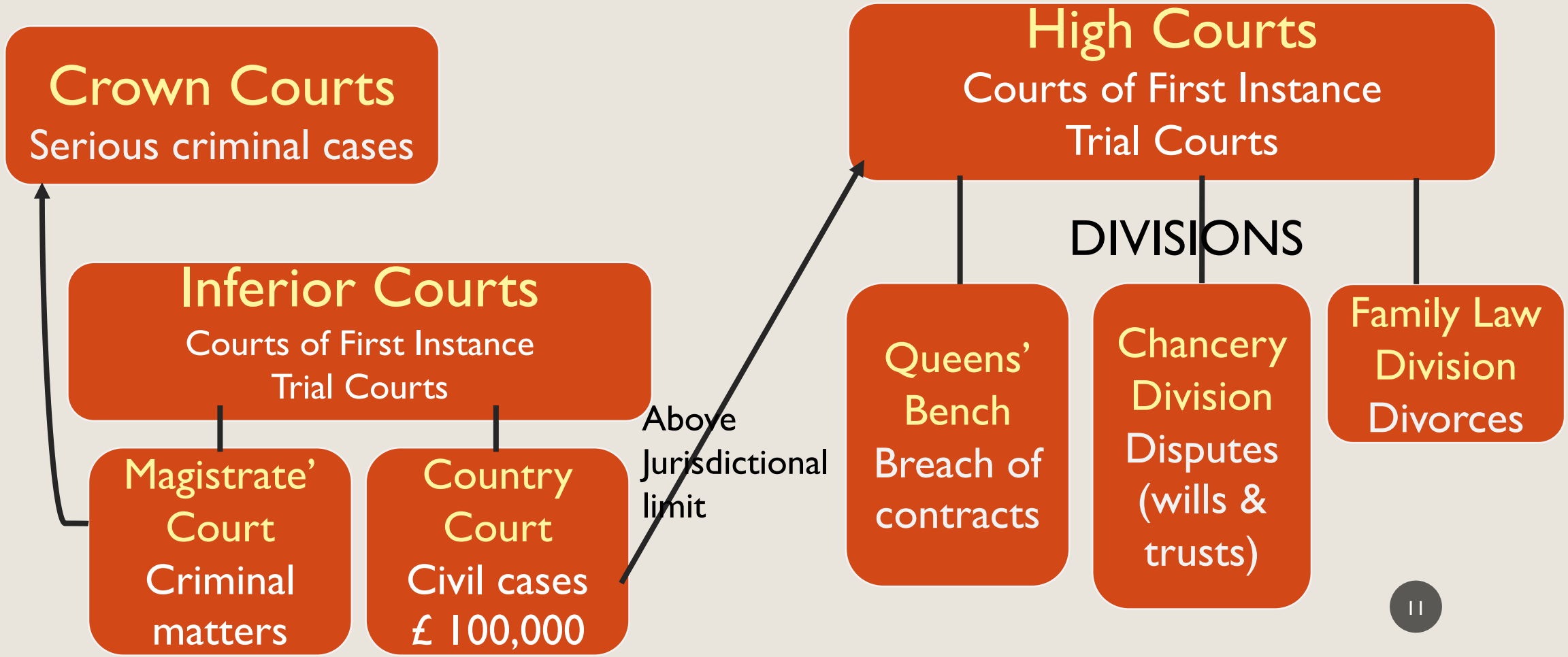
Crown Courts

serious criminal cases
Judge + jury

High Courts

Courts of First Instance for civil cases. Trial Courts

LOWER COURTS



Passive structures

- It is estimated that ...
- A case is dealt with by ...
- To be prosecuted for ...
- to be guilty of an offence
- Some cases must be commenced in High Court.

Court of Appeal
hears appeals from High Court and some lower courts
(civil & criminal cases)

Civil Courts

Queens' Bench
Division

Chancery Division

Family Law Division

Appeal

High Courts
more complex civil claims, serious
criminal cases

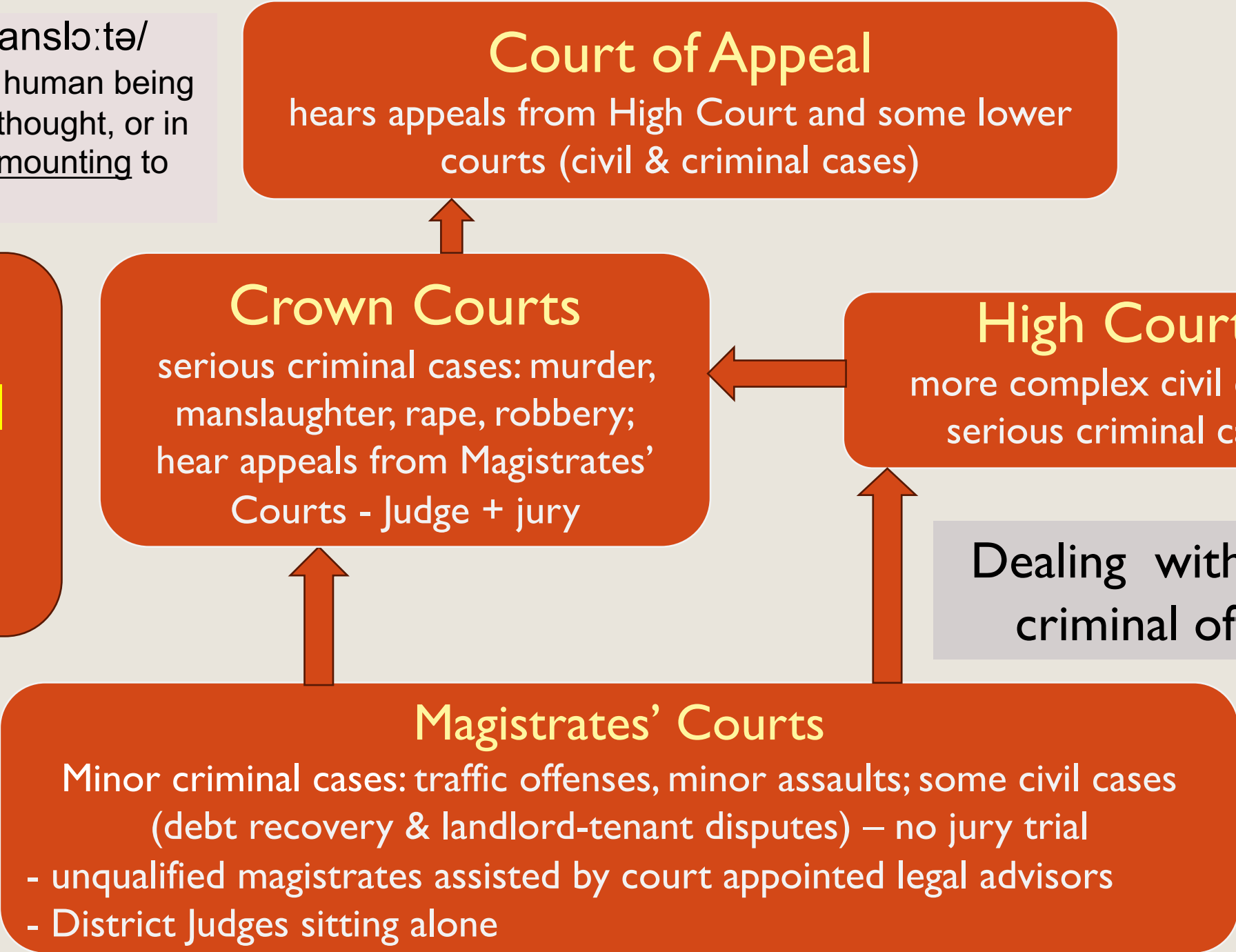
**THE PASSIVE IN
LEGAL ENGLISH**

- To be charged with
- To be accused of
- To be punished with
- to be commenced

Country Courts
Civil cases: debt recovery, contract disputes,
personal injury claims, minor criminal cases (traffic
offenses, minor assaults)

manslaughter /'manslə:tə/
the crime of killing a human being without malice aforethought, or in circumstances not amounting to murder.

Criminal Courts



Dealing with Alleged criminal offences

Tribunals

Administrative Law matters

High Court
Administrative
Division

First-tier tribunals

Upper tribunals

Hears appeals from First-tier tribunals

Alternative business structures (licensed conveyancers)
Asylum support
Care standards
Charity
Claims management services
Consumer credit
Criminal Injuries Compensation
Education
Employment
Environmental sanctions
Estate agents
Freedom of information and data protection
Gambling
Immigration and Asylum
Immigration services
Health
Local government standards
Mental health
MPs' expenses
Property
Reserve Forces Appeal Tribunal
Social Security and child support
Special education needs and disability
Tax
Transport
War pensions and armed forces compensation

ALTERNATIVE DISPUTE RESOLUTION

Another way to resolve disputes:

Alternative Dispute Resolution (ADR)

- **informal negotiations,**
- **mediation and**
- **arbitration.**

The Courts are strong supporters of ADR and actively encourage parties to use ADR to resolve their disputes instead of going through the Court system.

Online Courts

- Even prior to the worldwide COVID-19 pandemic, it was possible to apply for divorce online and some money claims up to £10,000 could also be lodged online.
- In some criminal law trials, particularly where young, fragile victims or witnesses are involved, the Courts accept their evidence through video link. Video links are also set up in prisons for the accused.

QUESTIONS

#	Provide the appropriate information	Possible answers ^o	
1	The Court that deals with divorce and child custody.	The Crown Court	2
2	The Court where serious criminal cases are heard, such as murder.	Family Court	1
3	These are the first courts where cases are presented.	Magistrate's Court	4
4	The Court where criminal matters are heard.	The County Court	6
5	The Court which hears civil cases with damages higher than £100,000.	Courts of First Instance	3
6	The inferior Court which deals with civil cases.	The High Court	5

Let's test our memory

What cases are heard in these Courts?		
1	The Magistrates' Court:	primarily criminal matters
2	The County Court:	civil cases
3	The Crown Court:	serious offenses in criminal cases
4	The Family Court:	cases dealing with family matters
5	The High Court:	civil cases which exceed the jurisdictional limits of the County Court
6	What are the two types of Courts in the British legal system?	The Civil Courts and the Criminal Courts
7	How are Courts and Tribunals different?	Tribunals deal primarily with administrative law matters

THE ENGLISH LEGAL SYSTEM

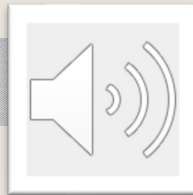



LESSON 2

Exercise 6 AUDIO 1.0.2

Cover

The English Court system is divided into civil and criminal courts. Criminal Courts deal with crimes that are prosecuted in the name of the State. Criminal matters include murder, manslaughter theft and sexual offences. If an offender is found guilty, they may be given a custodial sentence, which means that they will spend time in jail. Civil matters are legal proceedings between private parties and the Courts normally award damages to compensate the party for the loss suffered or other remedies such as injunctions or specific performance.



6.  **1.0.2** Listen to the audio and complete the text with the missing words.

The English Court system is **1**..... into civil and criminal courts. Criminal Courts **2**..... with crimes and are prosecuted in the name of the State. Criminal matters include murder, manslaughter theft and sexual offences. If an offender is **3**..... guilty, they may be given a custodial sentence, which means that they will **4**..... time in jail. Civil matters are legal proceedings between private parties and the Courts normally **5**..... damages to compensate the party for the loss **6**..... or other remedies such as injunctions or specific performance.

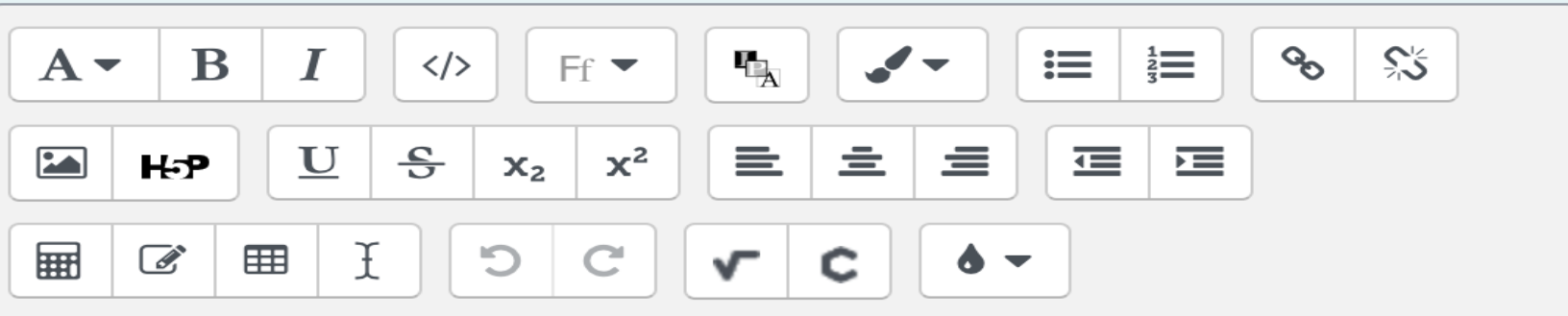
THE ENGLISH LEGAL SYSTEM



UNIT 1 – Lesson 2 The English Court System

Q. 1

The British legal system offers **Alternative Dispute Resolution (ADR)** that the Courts strongly support and encourage parties to use instead of going through the Court system. What happens in Italy?



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

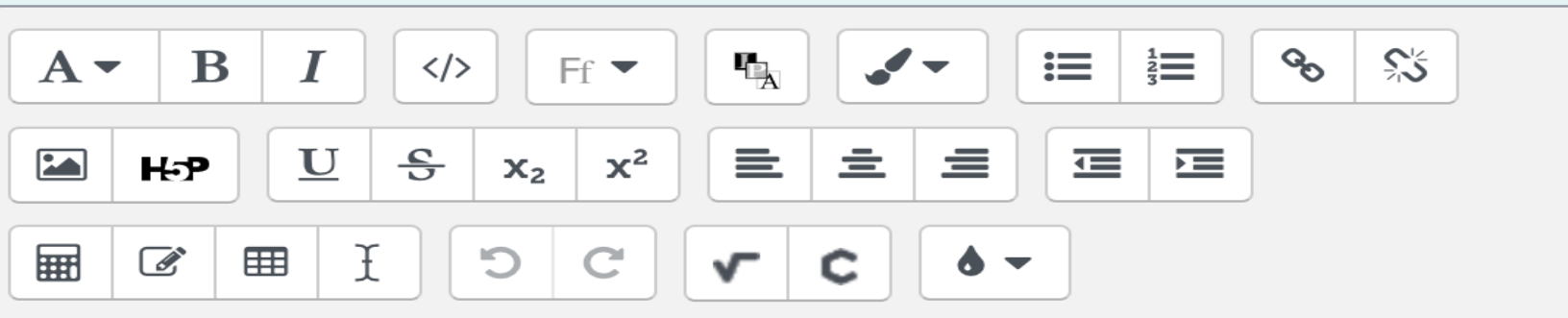
- Text formatting: Bold (B), Italic (I), Underline (U), Strikethrough (ABC), Subscript (x₂), Superscript (x²), Font color (A with color swatch), Background color (brush icon), Bulleted list, Numbered list, Indent, Outdent, Link, Unlink, Refresh.
- Media and alignment: Image, Horizontal line, Text color, Text background color, Bulleted list, Numbered list, Indent, Outdent.
- Other: Calculator, Undo, Redo, Checkmark, Clear, Font size (dropdown).

UNIT 1 – Lesson 2 The English Court System

Q. 3

In the UK, in some criminal law trials, particularly where young, fragile victims or witnesses are involved, the Courts accept their evidence through video link.

- What happens **in Italy**?



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 symbol </>)
- Font size (Ff with a dropdown arrow)
- Background color (brush icon)
- Text color (brush icon)
- List (bulleted list icon)
- Numbered list (numbered list icon)
- Link (link icon)
- Unlink (unlink icon)
- Image (image icon)
- Text color (H&P)
- Text style (U)
- Text style (S)
- Text style (x₂)
- Text style (x²)
- Text style (bulleted list icon)
- Text style (bulleted list icon)
- Text style (bulleted list icon)
- Text style (left align icon)
- Text style (right align icon)
- Table (table icon)
- Text color (I)
- Undo (undo icon)
- Redo (redo icon)
- Text style (checkmark icon)
- Text style (C)
- Text style (dropdown arrow)

THE CROWN COURT

Online learning

Actions

Uphold the law
Address the jury
Conduct the examination in chief
Reach a decision
To find the defendant not / guilty
To release the defendant
To sentence to ... years in prison

People

Judge
Usher
clerk
Prosecution barrister
Defense barrister
Solicitors
Defendant
Witness
Foreperson of the jury

Things

Courtroom
Stand
Public gallery
Trial
hearings
Jury
Evidence
Alleged offence
Sentence
Cross-examination
Re-examination
Acquittal
Verdict
Contentious issues

Uphold /ʌp'həʊld/ = confirm, endorse, sustain, validate, ratify

The judge settles any legal argument, **directs** the jury and if the defendant is found guilty, **decides** the appropriate sentence.

THE CROWN COURT

Online learning

The case of the prosecution
The case of the defence
The closing speech

https://www.youtube.com/watch?v=tZYvv_s5R-s

Acquittal /ə'kwɪtl/

Absolution

Clearing

A judgement or verdict that a person is not guilty of the crime with which they have been charged.

"the trial resulted in an acquittal"



The judge passes a sentence if the defendant is found guilty

THE CROWN COURT

https://www.youtube.com/watch?v=tZYvv_s5R-s

	Decide whether the statement is true or false	True	False
1	The judge decides whether or not there is a public gallery		
2	The jury has to consider the law, not the evidence		
3	The prosecution witnesses are the first to be heard		
4	The judge decides if the barrister cross-examine a witness		
5	If the jury is not sure, they must find the defendant guilty		
6	The jury passes the sentence		

THE CROWN COURT

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	Decide whether the statement is true or false	True	False
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3	The prosecution witnesses are the first to be heard	X	
4	The judge decides if the barrister cross-examine a witness	X	
5	If the jury is not sure, they must find the defendant guilty		X
6	The jury passes the sentence		X

1. Read the text and complete it with the missing words from the box.

civil • criminal • decision • hierarchy • manslaughter • precedents • specialist

The English Courts are arranged in a **1**.....
 The Supreme Court is the highest court in England and Wales. Most legal **2**..... come from the Supreme Court and bind the lower courts in the hierarchy. The County Court is the court of first instance for most **3**..... cases while the court of first instance for **4**..... matters is before a judge in the Magistrates' Court. Serious offences called indictable offences such as murder, **5**..... and sexual assaults are tried in the Crown Court, before a judge and a jury. There are also many **6**..... tribunals in the UK, which are not Courts. These tribunals deal with employment, immigration, taxation, and other administrative matters. If a party is not happy with the **7**..... of the tribunal, they may be able to apply for judicial review by a High Court Judge.

5. Answer the following questions (1-6) using the space provided.

- 1 What does ADR stand for?
.....
- 2 What three types does ADR include?
.....
- 3 What do the Courts recommend in terms of ADR?
.....
- 4 What Court disputes can be managed online?
.....
- 5 What type of victims or witnesses can use video link to give evidence in court?
.....
- 6 When can the accused use a video link to court?
.....

1. Read the text and complete it with the missing words from the box.

civil • criminal • decision • hierarchy • manslaughter • precedents • specialist

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 The Supreme Court is the highest court in England and Wales. Most legal **2**..... **decisions**..... come from the Supreme Court and bind the lower courts in the hierarchy. The County Court is the court of first instance for most **3**..... **civil**..... cases while the court of first instance for **4**..... **criminal**..... matters is before a judge in the Magistrates' Court. Serious offences called indictable offences such as murder, **5**..... **manslaughter**..... and sexual assaults are tried in the Crown Court, before a judge and a jury. There are also many **6**..... **specialist**..... tribunals in the UK, which are not Courts. These tribunals deal with employment, immigration, taxation, and other administrative matters. If a party is not happy with the **7**..... **precedents**..... of the tribunal, they may be able to apply for judicial review by a High Court Judge.

5. Answer the following questions (1-6) using the space provided.

- 1 What does ADR stand for?
Alternative Dispute Resolution
- 2 What three types does ADR include?
Informal negotiations, mediation and arbitration
- 3 What do the Courts recommend in terms of ADR to use it instead of going through the Court system.
- 4 What Court disputes can be managed online?
Apply for divorce and some money claims up to £10,000.
- 5 What type of victims or witnesses can use video link to give evidence in court?
Young, fragile victims or witnesses.
- 6 When can the accused use a video link to court?
When the accused is convicted.

2. Match the two parts of the sentences (1-6) and (A-F) to make true sentences.

- 1 The Family Court hears cases
 - 2 The High Court hears civil cases
 - 3 The Queen's Bench is a
 - 4 The Magistrates' Court does not
 - 5 The Inferior Courts are also
 - 6 The County Court's jurisdiction is
- A division of the High Court.
 - B limited to £100,000 and £50,000 for personal injury.
 - C such as child custody and divorce.
 - D have jury trials.
 - E beyond the jurisdiction of the County Court.
 - F called Trial Courts.

1 2 3 4 5 6

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 - limited to £100,000 and £50,000 for personal injury.
 - such as child custody and divorce.
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 - called Trial Courts.

1 **C** 2 **E** 3 **A** 4 **D** 5 **F** 6 **B**

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

- 1 Appellate Courts are the same as Trial Courts. T F
.....
- 2 An appeal under English law is not granted automatically. T F
.....
- 3 Leave to appeal will not be granted for an error of law. T F
.....

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

- 1 The final court of appeal for some / all Commonwealth countries is the Privy Council.
- 2 UK cases have persuasive / binding authority for cases in Australia.
- 3 Tribunals are / are not courts.
- 4 Tribunals deal with international / administrative cases.
- 5 The highest level of Tribunals is the first tier / upper tribunal.
- 6 Appeals from tribunals go to the Supreme Court / High Court.

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

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