



# *LEGAL ENGLISH*

**INGLESE GIURIDICO**

*ONE-CYCLE MA IN LAW*

*FACULTY OF ECONOMIC, LAW AND POLITICAL SCIENCES*

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# MARIA ANTONIETTA MARONGIU

**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](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		

# Lesson 3 - The Legal Profession

There are two main types of lawyers in common law jurisdictions. We use the term "lawyer" to talk about a person who has legal qualifications. Historically, the legal profession in England and Wales was divided into lawyers who were either barristers or solicitors.

- A barrister mainly specializes in **advocacy** in the courtroom and **litigation**. Advocacy means to present an argument and barristers present arguments or cases on behalf of parties to litigation. In other words, barristers are normally involved in **contentious work**.
- Solicitors are distinguished from barristers. Solicitors are lawyers who have direct contact with clients. They "solicit" the clients for the barristers. Solicitors normally do **transactional work** and **non-contentious work** such as drafting contracts, wills, and conveyancing.

# LAWYERS



## BARRISTERS

- In a courtroom they are “**robed**”, they wear a **horsehair wig, stiff collar, bands** and a **gown**.
- they belong to the **Bar Standards Board**.

- Law students who wish to become barristers need to take the **Bar Professional Training Course (BPTC)**.



## SOLICITORS



- Traditionally, they did mainly **non-contentious work**.

- They are **legally qualified**; when admitted to practice, their names are entered on the **Roll of Solicitors** held by the **Solicitors Regulatory Authority (SRA)**
- They become members of the **Law Society of England and Wales** (represents solicitors, provides training and other support services).

# LAWYERS

## BARRISTERS



- Barristers have a “**right of audience**” before senior and inferior courts.

### **What?**

- **argue cases** before the Courts,
- draft pleadings (requests),
- research the law,
- give legal advice.

## SOLICITORS



- do the preparatory and administrative work for the client’s case at the Court,
- instruct barristers for the case,
- give instructions to clients during the trial.

### **What?**

- They **provide legal advice to clients**,
- are responsible for managing the client,
- deal with the other party’s legal representatives,

# LAWYERS

## Where?

### Chambers in

London in the four **Inns of Court**: Grays' Inn, Lincoln's Inn, Middle Inn, and Inner Temple. In some Inns in the circuit regions of the UK countryside.

- **Inns** offer educational support to barristers and trainees.

Barristers are at the head of the Inns, share the expenses and support services of ancillary staff such as secretaries.

## BARRISTERS



- The Inns are administered by clerks.

## SOLICITORS



- Contractually, barristers are the solicitors' clients,  
- solicitors are personally liable for the barrister's fees (fee notes).

Since January 2008, the **solicitor advocate** has gained rights of audience and may represent their clients in Court without a barrister.

# LAWYERS

## Activity

1. Find synonyms for the adjective “ancillary” as in “ancillary staff”.
2. Define the barrister’s specialty.
3. Explain what the Law Society of England and Wales is.
4. Explain what the Chambers are.

# LAWYERS

## Activity

1. Find synonyms for the adjective “ancillary” as in “ancillary staff”.
2. Define the barrister’s specialty.
3. Explain what the Law Society of England and Wales is.
4. Explain what the Chambers are.

1. subordinate, auxiliary, etc.
2. They argue cases before the court.
3. The Law Society of England and Wales represents solicitors, provides training and other support services.
4. The offices barristers have in London, at the Inns of Court.

# Black barrister mistaken for defendant three times gets apology

© 24 September 2020

**B B C**

**NEWS**



LAURIE LEWIS

Criminal and family lawyer Alexandra Wilson, 25, said the experience had left her "absolutely exhausted". She lodged a formal complaint after being challenged by a security officer, a solicitor and a clerk. Her Majesty's Courts and Tribunals Service (HMCTS) apologised for the "totally unacceptable behaviour". Ms Wilson, from Essex, said she had attended the magistrates' court - where barristers' traditional wigs and gowns are not usually worn - on Wednesday. Upon arrival, she said a security officer asked for her name and then searched for it on a list of defendants. "I explained I was a barrister. He apologised and guided me through security," Ms Wilson said. After meeting her client, she tried to enter a courtroom to discuss the case with the prosecutor. "Another barrister or solicitor sitting at the back of the court told me to go outside and wait and to sign in with the usher for my case. "I explained again I was a barrister and she looked awfully embarrassed and said 'I see'.

## COMPREHENSION QUESTIONS

1. Is Ms Willson a solicitor?
2. What wasn't she wearing the day she was challenged at the magistrates' court?
3. Who was she mistaken with for three times in a day?
4. Who were the first and the second people who wrongly identified her?
5. Why was she mistaken for a defendant?

## COMPREHENSION QUESTIONS

1. Is Ms Willson a solicitor?
2. What wasn't she wearing the day she was challenged at the magistrates' court?
3. Who was she mistaken with for three times in a day?
4. Who were the first and the second people who wrongly identified her?
5. Why was she mistaken for a defendant?

1. No, she isn't, she's a barrister
2. She wasn't robed: she wasn't wearing her horsehair wig, and a gown.
3. She was mistaken for a defendant.
4. A security officer at the entrance and another barrister or solicitor.
5. Because she is black and black people are prejudicially associated to felony rather than to the law.

## THE CASE OF A BLACK BARRISTER

"At this point as I was already pretty annoyed, but I went over to the prosecutor and then the clerk told me very loudly to get out of the court room because I had to wait for my case to come on.

"I was nearly in tears, and I said again, 'I am a defence barrister', and she nodded her head and turned back to her computer."

In addition, she said, a member of the public thought she was a journalist and told her "only lawyers can go in" the courtroom.

"All of that in one day, it made me feel exhausted," she said. "This really isn't ok... I don't expect to have to constantly justify my existence at work."



<https://www.bbc.com/news/uk-england-esssex-54281111>

**A black barrister mistaken for a defendant three times in one day has received an apology from court officials.**

## COMPREHENSION QUESTIONS

6. Who was the third person who challenged her in the courtroom?
7. How did Ms Willson feel as she was confronted for the third time?
8. What was her point when she filled a formal complaint?
9. What answer was given to her formal complaint?
10. What is your opinion about what happened to Ms Willson? How would you feel if you were in her place?

## COMPREHENSION QUESTIONS

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6. It was a clerk
7. She was very upset; she was almost in tears.
8. She considered wrong that she had to justify her existence at work.
9. Her Majesty's Courts and Tribunals Service (HMCTS) apologised for the "totally unacceptable behaviour".
10. ????????

# THE JUDGES



High Court judges (5,000)

Judges are traditionally appointed from the ranks of the barristers to the bench (they sit in court).

Judges appointment is regulated by Parliamentary Acts.

The most senior and experienced judges sit in the UK Supreme Court.

The most senior Judges are appointed by the monarch on the recommendation of the Prime Minister who in turn is advised by the Lord Chancellor.

# THE TRIBUNAL MEMBERS

## Who hears a case in a tribunal?

Hearings are usually held by three representative members: (1) a chairperson who represents the law (a legally qualified member),  
(2) a representative of the society (lay person),  
(3) a specialist member (with practical experience in the subject matter).



## THE TRIBUNAL MEMBERS

- **Before:** tribunals dealt with informal cases, lawyers were not permitted to appear before a tribunal case.
- **Presently:** tribunals deal with complex matters, so lawyers often assist clients with the preparation of their cases.

Administrative tribunals are often subjected to judicial review.

**Judicial review** means that judges in the High Court check that the Tribunal has not acted *ultra vires* or with *mala fides*. They ensure the Tribunal has not made any jurisdictional errors.



# Other professionals

<b>Attorney (in the US)</b>	Synonymous with the term lawyer
<b>Attorney (in the UK)</b>	Somebody acting on behalf of someone else (usually called a principal) after being granted a power of attorney
<b>Counsel (in the US)</b>	Lawyer who appear in court; synonymous with the term barrister
<b>In-house Counsel (in the UK)</b>	Lawyer who is employed by a company or in a private or public business
<b>Paralegal</b>	Law student – supervised by a lawyer – who are working in law firms during their studies and before qualifying as lawyers

# AREAS OF LAW

**Civil Matters**  
*All matters which are not criminal*

**Criminal Matters – Offences against the State and action is brought on behalf of the State and the Crown**

**Contract Law** agreements between parties and provides damages to those who suffer damage and/or loss caused by a breach

–

**Company Law** covers the incorporation of companies, the rights and duties of directors and shareholders

–

**Business Law** covers the law regulating the way businesses are set up and operate and all business transactions

–

**Law of Tort** covers the responsibility not to harm others even if there is no contractual relationship

–

**Other areas** Land Law, Law of Equity and Trust, Employment Law, Family Law

–

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

assets • available • between • custody • duties • leasing • owners • remuneration

There are the different types of civil matters that lawyers and Courts deal with. Contracts law covers agreements 1..... private parties and the remedies 2..... for breach of contract, whereas company law covers the company incorporation, and the rights and 3..... of directors and shareholders. Land Law covers the rights and obligations of 4..... of land and buildings and includes agreements for buying, selling, licensing, and 5..... property. Employment Law covers relationships between employers and employees, and 6..... for work. Family Law covers situations where personal relationships come to an end and divorcing couples distribute their 7..... and agree on the 8..... of their children.

**SIMILAR WORDS TIP**

The verb **counsel** means to advise.  
*She counselled the company during the merger.*

The noun **Counsel** is used for a barrister in Court.  
*He was Counsel for the plaintiff.*

The noun **council** means an assembly of people.  
*The Local Council voted to make the zone residential.*

A member of a council is a **Councillor**.

**Breach of contract** = act in disregard of laws, rules, contracts, or promises.

synonyms: break, go against, infract, offend, transgress, violate.

**Agreements** = accordance

**Licensing** = authorising

**Leasing** = renting, hiring, letting

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2. Read the following statements (1-4) and decide whether they are **True (T)** or **False (F)**. Correct the false ones using the space provided.

1 In Court appearances both solicitors and barristers are robed. T F

.....

2 The Bar Professional Training Course is for Law students who want to become solicitors. T F

.....

3 Barristers can speak before senior and inferior courts. T F

.....

4 A barrister's only work is to argue cases before the courts. T F

.....



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3 Barristers can speak before senior and inferior courts.  T  F

4 A barrister's only work is to argue cases before the courts.  T  F



## 12 EXERCISES UNIT 1 – LESSON 3

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

1 What do solicitors in the UK need to be enrolled on to be able to practice?

.....

2 Who is the second highest ranking judge in the UK?

.....

3 What is the SRA?

.....



## 12 EXERCISES UNIT 1 – LESSON 3

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

1 What do solicitors in the UK need to be enrolled on to be able to practice?

On the Roll of Solicitors

2 Who is the second highest ranking judge in the UK?

The barrister

3 What is the SRA?

The Solicitors Regulatory Authority



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

- 1 Fee note / court bill is another name for barrister's invoice.
- 2 The court / solicitor must pay the costs of the barrister if the client does not pay.
- 3 A solicitor barrister / advocate can represent their clients in court without a barrister.
- 4 To be appointed to the bench means to become a barrister / judge.
- 5 The monarch / Prime Minister appoints senior judges on the original advice of the Lord Chancellor.
- 6 Administrative Tribunals cannot be / are often the subject of judicial review.



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## 12 EXERCISES UNIT 1 – LESSON 3

### 5. Match the words (1-5) with their definitions (A-E).

- |                         |                 |
|-------------------------|-----------------|
| 1 Paralegal             | 4 Counsel (US)  |
| 2 In-house Counsel (UK) | 5 Attorney (US) |
| 3 Attorney (UK)         |                 |

- A Lawyer who is employed within a company.  
B Somebody acting legally on behalf of another person.  
C The same general meaning as lawyer.  
D Lawyer who appears in court. (Barrister in the UK)  
E Law student doing training in a law firm.

1  2  3  4  5



## 12 EXERCISES UNIT 1 – LESSON 3

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



## LESSON 3

### Exercise 6 AUDIO 1.0.3



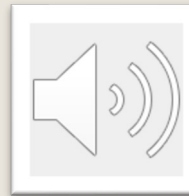
**Stefanie** My name's Stefanie and I am a solicitor employed in a magic circle law firm. The work I do is often contentious because I am in the Litigation Department. I need to prepare defences, witness statements and collect evidence for hearings before a judge.


**Andrew** I'm Andrew and I am a criminal lawyer. My clients usually call me from the police station and ask me to help them with their interviews with the police investigating their matters. I often appear in the Magistrates' Court to apply for bail for my clients.

"The **Magic Circle**" is an informal term describing the five most prestigious London-headquartered multinational law firms, which generally outperform the rest of the London law firms on profitability.

**Contentious** = controversial, debatable, intense, quarrelsome

**Bail** = money a person accused of a crime pays to a law court to be released until the trial.



6.  **1.0.3** Listen to the audio and complete the text with the missing words.

My name's Stefanie and I am a **1**..... employed in a magic circle law firm. The work I do is often contentious because I am in the **2**..... Department. I need to prepare defences, witness **3**..... and collect evidence for hearings before a judge.

I'm Andrew and I am a **4**..... lawyer. My clients usually call me from the police station and ask me to help them with their interviews with the police **5**..... their matters. I often appear in the Magistrates' Court to apply for **6**..... for my clients.

