

CAREER
PATHS

Law

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Express Publishing



Law

Book
1

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Express Publishing

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1 Basic legal terms



CHAPTER 1

1.1 People in the Legal System: Civil Cases

A civil case begins with a plaintiff. He or she has a **complaint** about the actions of another person or organization. The **plaintiff** files the complaint with a **court**.

The person or organization accused of a wrongdoing is the **defendant**. Both the plaintiff and the defendant usually have **attorneys**. The attorneys speak on behalf of their clients. A **paralegal**, a person with legal training, may assist the attorney.

In some cases, a **jury** listens to arguments for and against the defendant. Then they decide on a **verdict**. Finally, the **judge** makes a decision to resolve the complaint.



Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some different jobs in the legal profession?
- 2 Which legal job would you prefer, and why?

Reading

2 Read the text and complete the table using information from the text.

Person	Role or Job
1 _____	files a complaint
2 _____	is accused of a crime
attorneys	3 _____
Paralegal	4 _____
5 _____	resolves a complaint

Vocabulary

3 Match the words (1-7) with the definitions (A-G).

- | | |
|-------------------|----------------|
| 1 __ verdict | 5 __ paralegal |
| 2 __ legal system | 6 __ plaintiff |
| 3 __ court | 7 __ civil |
| 4 __ complaint | |

- A the methods of interpreting laws and putting them into effect
- B a legal conclusion
- C a written document that states the reason for legal action
- D the place where people go to conduct legal business
- E a person who accuses another person of a wrongdoing
- F an attorney's assistant with specialized legal training
- G occurring between citizens

4 Check (✓) the sentence that uses the underlined parts correctly.

- 1 — A The plaintiff delivered a verdict at the end of the trial.
— B The judge listened to the attorneys' arguments.
- 2 — A Twelve paralegals determined the outcome of the case.
— B The jury decided that the man was not guilty.
- 3 — A The defendant hired an attorney to prove that he was innocent.
— B In court, the plaintiff always makes the final decision.
- 4 — A Mr. Meaner's attorney represented him during the trial.
— B What verdict is the defendant accused of?

5 Listen and read the text again. Use the words in the photographs to present the people in the legal system.

Listening

6 Listen to a conversation between two attorneys. Choose the correct answers.

- 1 What is the conversation mostly about?
A the creation of a complaint
B an attorney's advice to a defendant
C a plaintiff's reaction to a verdict
D the progress of a civil case
- 2 Why is the man worried?
A The complaint is not true.
B The jury already decided.
C The defendant is guilty.
D The plaintiff has no proof.

7 Listen again and complete the conversation.

- Attorney 1:** Hi, Robert. How is that 1 _____ case going?
Attorney 2: Hey, Janet. It's not going all that well, actually.
Attorney 1: Oh? What's wrong?
Attorney 2: The defendant's 2 _____ is pretty good. He's making our 3 _____ seem weak.
Attorney 1: Well, it's not, is it?
Attorney 2: No, the 4 _____ owes my client thousands of dollars. But that's based on a verbal agreement.
Attorney 1: I see. So the 5 _____ has nothing in writing?
Attorney 2: Exactly. I'm worried that the 6 _____ will decide against us.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

- How is that ... going?*
What's wrong?
I'm concerned that the ...

Student A: You are an attorney. Talk to another attorney about a civil case. Ask Student B about:

- the case
- the complaint
- the problem

Student B: You are an attorney representing a client in a civil case. Answer Student A's questions.

Writing

9 Use the conversation from Task 8 to fill out an update on the attorney's case.

Civil Case Update

Attorney: _____

Plaintiff's Complaint: _____

Possible Outcome: _____

Reason: _____



2 Basic legal concepts

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Why do people decide to take legal action?
- 2 What do people need to do in order to start a case?



2 damages



1 settle



3 appeal



4 trial

BUTLER & EVANS ASSOCIATES

Are you injured because of someone else's carelessness? Are you involved in a **dispute** with a neighbor? Butler and Evans is available to help you take **legal action**.

Everyone is entitled to **due process**. When you decide to **initiate** a **lawsuit**, call us. We are going to make sure you get the **damages** you're entitled to. Our investigators are able to get all the **proof** needed for your **trial**. When a verdict is not in your favor, we **appeal** whenever possible.

In the event we fail to **settle** or win your case, you don't owe us anything. So what do you have to lose? Call 876-0251 today to arrange a meeting.

☆☆☆



5 proof

Reading

2 Read the brochure and mark the following statements as true (T) or false (F).

- 1 Butler and Evans Associates helps people who have been hurt.
- 2 The firm's clients are responsible for bringing proof to the attorneys.
- 3 The firm does not charge clients whose cases are not won or settled.

Vocabulary

3 Choose the word that is closest in meaning to the underlined part.

- 1 Jane received money as compensation for her accident.
A proof B damages C due process
- 2 The law firm helps people involved in an argument or conflict with their neighbors.
A a dispute B a lawsuit C a trial
- 3 Ms. Harris wants to start the process of legal action.
A appeal B initiate C settle
- 4 Everyone in the country has the right to receive justice according to established rules.
A due process B appeal C damages
- 5 Mr. Tan initiated a legal course of action against his neighbor because her dog barks too much.
A appeal B lawsuit C dispute

4 Fill in the blanks with the correct words and phrases from the word bank.

Word BANK

legal action proof settle trial appeal

- 1 Hopefully, Mr. Wilton will be able to _____ this problem without going to court.
- 2 Mrs. Janson decided to _____ after the judge ruled against her.
- 3 In this _____, the defendant is accused of stealing from a bank.
- 4 Ms. Britt wants to take _____ against her employer for not giving her a promotion.
- 5 Attorneys don't win cases when there is not enough _____ to support their arguments.

5 Listen and read the brochure again. What services does the company offer?

Listening

6 Listen to a phone call between a client and an attorney at a law firm. Choose the correct answers.

- 1 What is the conversation mostly about?
 - A an offer to settle
 - B evidence in a trial
 - C the filing of a lawsuit
 - D an injury from a car accident
- 2 What will the man mostly likely do?
 - A Bring in more evidence.
 - B Refuse the attorney's offer.
 - C Pay for half of the damages.
 - D Drop the lawsuit against the woman.

7 Listen again and complete the conversation.

Lawyer: Hello, Mr. Williams. I received an 1 _____ from Ms. Johnson's lawyer. She's ready to end this dispute.

Client: Really? What do we need to do?

Lawyer: Well, she's not dropping the 2 _____ unless you agree to 3 _____.

Client: What is she asking for?

Lawyer: She wants you to 4 _____ of the damages to her car.

Client: But I didn't wreck her car! Someone else ran into it.

Lawyer: I know. But since you have no 5 _____, I suggest you settle.

Client: I don't like it. But I guess 6 _____.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

She's ready to end this dispute.

What is she asking for?

I suggest you ...

Student A: You are an attorney. Another attorney has called to end a dispute. Talk to Student B, your client, about:

- the attorney's offer
- what the client must do
- your advice

Student B: You are in a dispute. Student A is your lawyer. Talk to him or her about ending the dispute.

Writing

9 Use the conversation from Task 8 to fill out the attorney's notes.

BUTLER & EVANS
ASSOCIATES

Meeting Notes

Client: _____

Date: _____

Meeting about: _____

Recommended that client _____

Client will _____

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Where can legal professionals get information about cases?
- 2 Why do legal professionals need good research skills?

Letter of the Law

Where do I look?

| Miriam Wheeler

There are many legal **resources**, so it's important to know how libraries organize them.

Most libraries have a section for **primary materials**. These texts contain laws relevant to cases.

Secondary materials give **opinions** on the law. They include **legal encyclopedias** and **digests**.

Encyclopedias often **cite** primary sources in their **references**. Digests summarize individual cases that have similar topics.

Other legal publications include **case annotations** and **form books**. Annotations are articles about **cases**, and they are printed in law **journals**. Form books show how documents should be worded and formatted. Thankfully, most of these resources are available on **computerized databases**. That way, you don't have to carry around a ton of books!

Reading

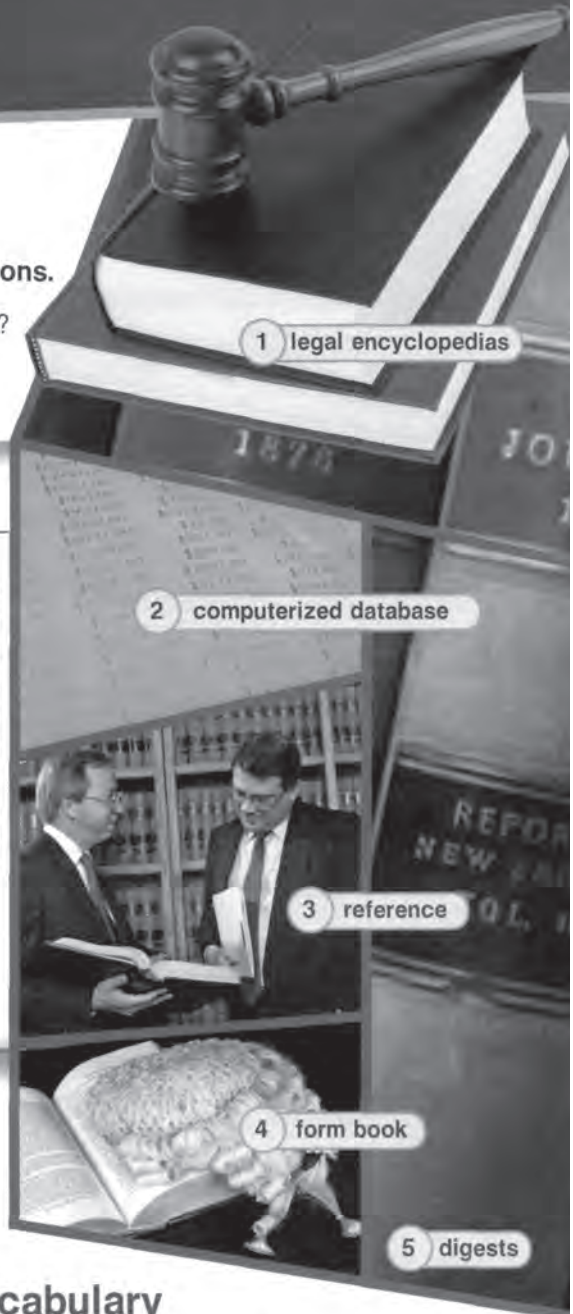
2 Read and choose the correct answer.

- 1 Legal professionals publish their thoughts and assessments about laws in
 - A digests
 - B primary materials
 - C form books
 - D case annotations
- 2 What can be inferred about form books?
 - A Judges use them when making decisions.
 - B Attorneys use them to find relevant laws.
 - C Lawyers use them when writing official papers.
 - D Libraries use them to organize computer databases.
- 3 Which of the following does NOT focus on information about laws?
 - A digests
 - B computerized databases
 - C primary materials
 - D legal encyclopedias

Vocabulary

3 Write a word that is similar in meaning to the underlined part.

- 1 The texts that contain laws are on the first floor of the library.
p _ _ _ a _ _ m _ t _ _ _ l _ _
- 2 Mary should look at a collection of example documents to see how to word the contract correctly.
_ o _ _ b _ _ _
- 3 Many law books mention information from primary materials.
_ _ t _
- 4 The best place to find an opinion on the case is in a book that summarizes cases.
_ i _ _ s _
- 5 The firm's legal sources of information are located in the room next to Mr. Wen's office.
_ _ s _ _ r _ _ _



4 Read and choose the correct words.

- 1 The paralegal can find the case annotations in the (**journals / legal encyclopedias**).
- 2 It is much easier for Jane to find resources when she uses the (**form book / computerized database**).
- 3 The writer noted all the texts he used in the list of (**digests / references**).
- 4 Mark found the (**case annotation / primary material**) in one of the legal journals.
- 5 A (**form book / legal encyclopedia**) is useful when looking up what a legal term means.

5 Listen and read the text again. How do libraries organize legal resources?

Listening

6 Listen to a conversation between a lawyer and a paralegal. Mark the following statements as true (T) or false (F).

- 1 ___ The woman located similar cases in the computerized database.
- 2 ___ Young defendants without previous convictions had their cases dismissed.
- 3 ___ The man asks the woman for a summary of the case annotations.

7 Listen again and complete the conversation.

Lawyer: Oh, Mary, you're back. Did the law library have anything to help our case?

Paralegal: Yes, there were several similar cases in the 1 _____. Apparently, judges often dismiss cases against young defendants.

Lawyer: OK. Do those defendants have anything 2 _____?

Paralegal: According to the 3 _____, none of them had any previous convictions.

Lawyer: That's perfect.

Paralegal: I also gathered 4 _____ about crimes involving young offenders.

Lawyer: Thank you. Can you do me one more favor? Write a summary of the 5 _____ on young defendants.

Paralegal: 6 _____.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Did the law library have anything to help our case?

There were several similar cases in the ...

Can you do me one more favor?

Student A: You are a paralegal. Explain to Student B the information you found at the law library. Talk about:

- similar cases
- dismissed cases
- sources

Student B: You are a lawyer. Talk to Student A about the research he or she completed for a case.

Writing

9 Use the conversation from Task 8 to fill out the paralegal's notes on the case.

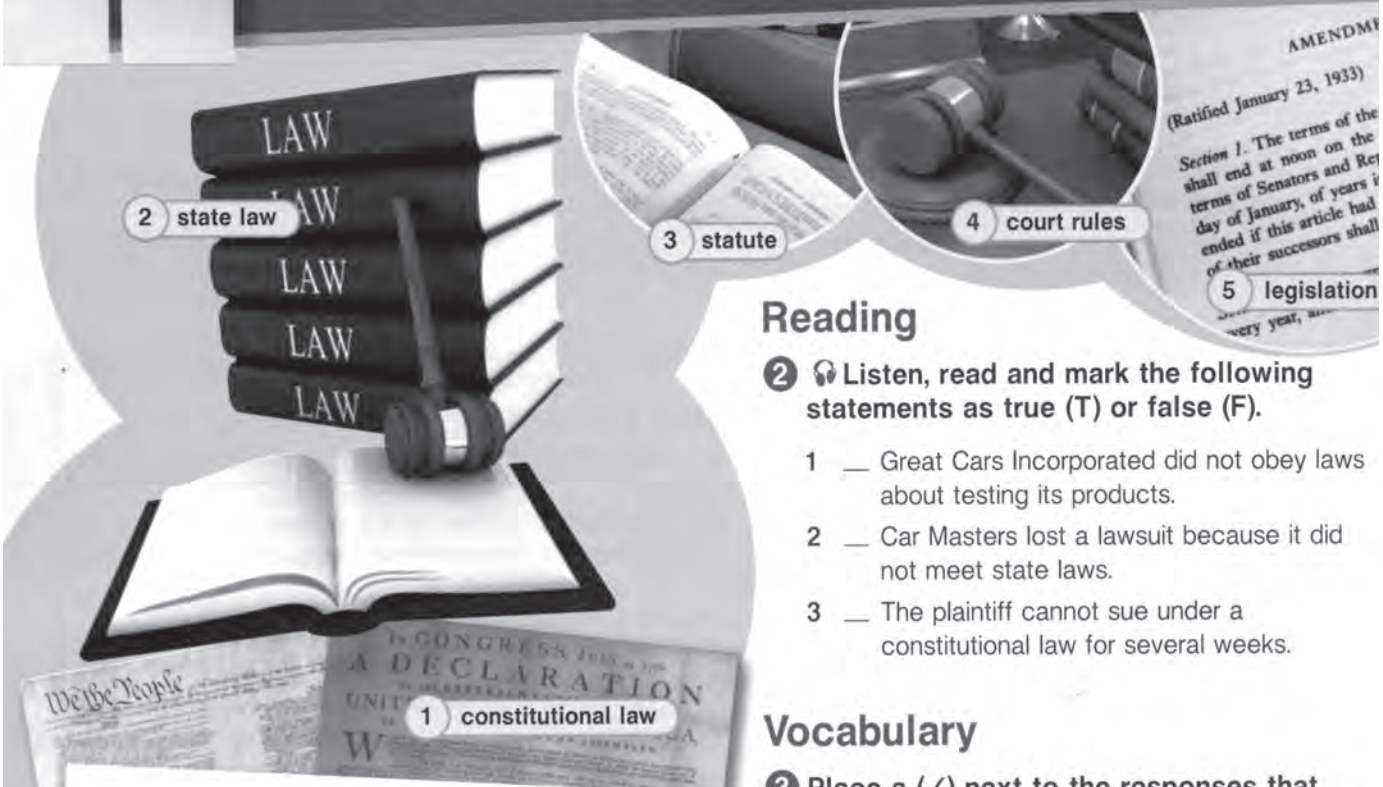
Sources:

Useful Information:

What cases have in common:

NOTES

4 Sources of law



Reading

2 Listen, read and mark the following statements as true (T) or false (F).

- 1 Great Cars Incorporated did not obey laws about testing its products.
- 2 Car Masters lost a lawsuit because it did not meet state laws.
- 3 The plaintiff cannot sue under a constitutional law for several weeks.

Vocabulary

3 Place a (✓) next to the responses that answer the questions.

- 1 Does this information pertain to the case?
 - A No, it's about something completely different.
 - B Yes, the deadline passed yesterday.
- 2 Are there any precedents that we can refer to?
 - A Yes, there was a similar case two years ago.
 - B No, the court date is scheduled for the 18th.
- 3 Are there any procedures that we need to follow in court?
 - A There are several attorneys working at the firm.
 - B The defense attorney must be allowed to speak first.
- 4 Did Anne find any regulations in the state laws?
 - A No, but she found some in the city laws.
 - B Yes, she thinks the company will win the lawsuit.
- 5 Do the court rules have information about when to file an appeal?
 - A Yes, the client has been in jail for 6 months.
 - B Yes, it must be done within a year of a decision.

memo

Dear Ms. Martin,

I finished my research on the Great Cars Incorporated (GCI) lawsuit. Here are the important notes:

Recent national **legislation** requires a lot of safety testing. GCI did not follow that **policy**. But the **statute** is new, so it may not **pertain** to our case.

There is a **precedent**. A suit against Car Masters was dismissed two years ago. The company did not make changes to meet **state laws** fast enough. A judge dismissed the case after Car Masters met the requirements.

Still, the plaintiff may sue under a **relevant constitutional law**. But **court rules** don't allow him to change the lawsuit yet. That **procedure** takes weeks.

Let me know if you have any questions.

Sarah Jackson

Get ready!

1 Before you read the passage, talk about these questions.

- 1 How are laws created in your country? Do you think that system works well?
- 2 How do national and local laws differ?

4 Choose the word that is closest in meaning to the underlined part.

- 1 The government made some changes to the laws that relate to government power.
 A state laws B constitutional laws
 C court rules
- 2 The council announced new rules decided by the government for environmental issues.
 A precedents B legislation C procedures
- 3 Caroline needs to follow the steps to complete an activity very carefully.
 A legislation B constitutional laws
 C procedures
- 4 The principle which the law encourages states that all dogs in the park must be on a leash.
 A court rules B policy C precedents
- 5 The article does not have any information connected to the case.
 A relevant B procedural C regulated

Listening

5 Listen to a conversation between two lawyers. Choose the correct answers.

- 1 Why is the company being sued?
 A It broke a state law.
 B A seatbelt did not work.
 C A driver was in an accident.
 D It misused millions of dollars.
- 2 What is true of the man?
 A He considered representing Car Masters.
 B He thinks the woman should not take the case.
 C He works for the same company as the woman.
 D He is working on the Great Cars Incorporated lawsuit.

6 Listen again and complete the conversation.

Lawyer 1: So, why is Great Cars Incorporated being sued?

Lawyer 2: They didn't follow 1 _____ on brake testing procedures.

Lawyer 1: I see. And a driver got in an 2 _____?

Lawyer 2: Right. Now he's suing them for \$1 million.

Lawyer 1: It sounds 3 _____ to beat.

Lawyer 2: We have a shot. There's a precedent from a lawsuit against Car Masters.

Lawyer 1: I almost 4 _____ . They didn't meet 5 _____ requirements for seatbelts, right?

Lawyer 2: Yes. But a judge dismissed the case as soon as they were able to follow the 6 _____ .

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

So why is ... being sued?
Now he's suing them for ...
There's a precedent from a lawsuit.

Student A: You are a lawyer. Talk to another lawyer about a case. Be sure to address:

- causes
- money
- precedents

Student B: You are a lawyer. Talk to Student A about a case he or she is working on.

Writing

8 Use the conversation from Task 7 to complete a lawyer's business notes.

NOTES

Date: _____

I met with _____ today. _____ is working on a case for _____ The company _____. But _____ thinks they can win the lawsuit. There is a _____ that might help them. Another company _____. But a judge _____.



5

Preliminary documents



1 medical records



3 police report



2 correspondence



4 fee agreement



5 agenda

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some things attorneys and clients might talk about when they first meet?
- 2 Why do attorneys need clients to agree to their fees before representing them?

Reading

2 Listen and read the memo and choose the correct answers.

- 1 What is the memo about?
 - A a previous case
 - B a new client
 - C new legislation
 - D researching a case
- 2 Which of the following documents does Janine NOT currently have for Mr. Hendricks?
 - A an agenda
 - B a police report
 - C a retainer agreement
 - D an intake memo
- 3 What is Mr. Thomson likely to do next?
 - A contact Mr. Hendricks
 - B send the client a bill
 - C sign some documents
 - D obtain medical records

Dear Mr. Thomson,

I have opened a file on our new client, Mr. Hendricks. The file contains the **intake memo**, **fee agreement and retainer agreement**. Please sign these. I need to mail them to Mr. Hendricks directly, along with our standard **form letter**.

I am also sending a **demand package** and copies of all the **correspondence** so far. I have opened a **pre-litigation** folder and made up an **agenda**. This is to ensure we have everything we need on time, including **medical records** and the **police report**.

Thank you,
Janine

Vocabulary

3 Match the words (1-4) with the definitions (A-D).

- 1 — retainer agreement
- 2 — agenda
- 3 — form letter
- 4 — demand package

6 intake memo

- A a contract between a lawyer and a client for retention and payment of services
- B a set of documents that a lawyer obtains from other companies to help with a case
- C a letter that is printed many times and sent to many different people
- D a list of things that need to be done in a certain order

4 Read the sentence pairs. Choose where the words best fit in the blanks.

1 medical records / police report

Did Ashley contact the hospital for the _____?

Ms. Reed had to file a _____ after her car was stolen.

2 intake memo / fee agreement

When the new client arrives, the legal assistant must complete the _____.

Mr. Jackson needs to see the _____ so he knows how much the services cost.

3 litigation / correspondence

Keep all _____, such as letters and emails, in a folder.

There have already been two _____ cases with this company.

Listening

5 Listen to a conversation between a lawyer and a paralegal. Mark the following statements as true (T) or false (F).

- ___ The lawyer left the intake memo in his office.
- ___ The medical records are in the pre-litigation folder.
- ___ The speakers plan to send the client his pre-litigation folder.

6 Listen again and complete the conversation.

Lawyer: Janine, I've signed the fee 1 _____ and the 2 _____ memo for Mr. Hendricks.

Paralegal: Thanks. What about the 3 _____ agreement?

Lawyer: Oh, sorry, it's probably still in my office.

Paralegal: Don't worry, I'll get it.

Lawyer: Have you got a copy of the 4 _____ we sent for his medical records?

Paralegal: Yes, the records are in his pre-5 _____ folder.

Lawyer: Good. Send that to him too, and don't forget to include the 6 _____ letter.

Paralegal: No problem.

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

I've signed the ...

Have you got a copy of the demand package?

Don't forget to include ...

Student A: You are a lawyer. Check with your paralegal about the status of important documents. Talk to Student B about:

- intake memo
- retainer agreement
- pre-litigation folder

Student B: You are a paralegal. Discuss the status of documents with Student A.

Writing

8 Use the conversation from Task 7 to complete the paralegal's letter to the client.

GREEN & WILSON
LAWYERS

Dear _____

I am pleased to enclose the following documents:

Please sign the relevant documents and return them to us as soon as possible.

Janine Davies

Paralegal

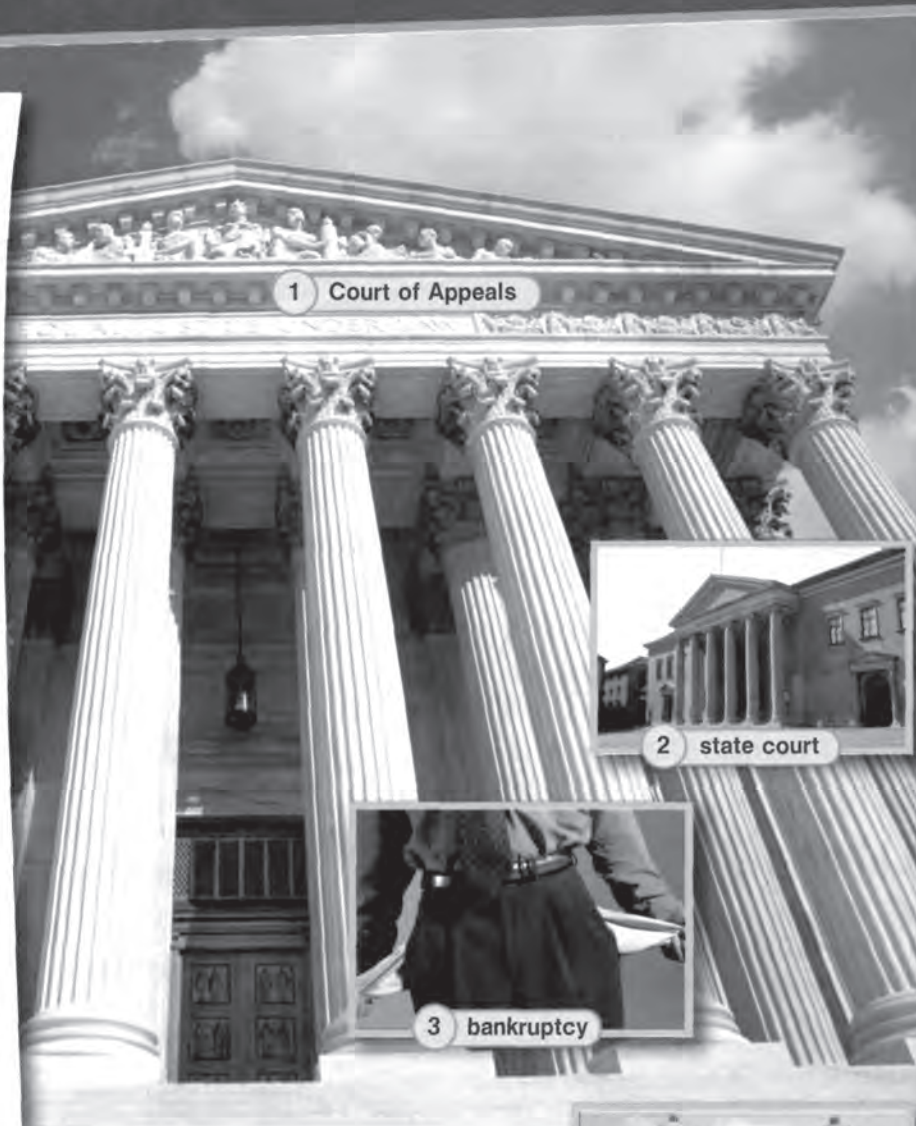
Understanding the Levels of US Federal Courts

District courts - These are general courts. But in some cases, the **jurisdiction** is passed to **specialized courts**. These include: **bankruptcy** courts, tax courts and the court of private land **claims**.

Court of Appeals - The Court of Appeals **reviews** all decisions in the lower courts that people object to.

State courts - These courts decide disputes that pertain to state laws rather than federal laws.

The Supreme Court - This is another appeals court, but it is the only court that operates under **discretionary review**. This means it can choose which cases to hear. The Supreme Court is also called a High Court in some countries.



Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some different kinds of courts in your country?
- 2 What types of cases do the different courts hear?

Reading

2 Read the text about court structure. Mark the following statements as true (T) or false (F).

- 1 District courts review decisions that people protest.
- 2 Cases involving state laws are not heard in a federal court.
- 3 The Supreme Court hears all cases that are brought to it.

Vocabulary

3 Read the sentence and choose the correct word.

- 1 The (**District / Supreme**) Court decided not to review Ms. Wright's case against the company.
- 2 The case does not involve federal law, so it has to go through the (**state / bankruptcy**) courts.
- 3 The district court has (**jurisdiction / claim**) in Mr. Trujillo's case.
- 4 If Ms. Davis wants her money back, she needs to go through the small (**claims / discretionary**) court.

4 Use the words from the word bank to fill in the blanks.

Word BANK

discretionary review specialized
Supreme Appeals bankruptcy

- 1 The _____ Court is called the High Court in Australia.
- 2 John decided to go to the Court of _____ because he didn't agree with the decision.
- 3 The court will _____ Mr. Allistair's case next month.
- 4 Mr. Anderson is going to the _____ court because he lost a lot of money but has no way to pay it back.
- 5 The court has _____ powers, so it may decide not to investigate the case.
- 6 Ms. Ming's case will go to a _____ court, not a general court.

5 Listen and read the text again. What types of courts are there in the USA?

Listening

6 Listen to a conversation between a client and his attorney. Then answer the questions. Which courts might the client's case be heard in?

- 1 a state court
- 2 a district court
- 3 a court of appeal
- 4 a specialized court
- 5 the Supreme Court

7 Listen again and complete the conversation.

Client (M): So, is my case going to the 1 _____ courts?

Attorney (F): No, that's not going to happen.

Client: Why not? It's a dispute with the state.

Attorney: Well, 2 _____ courts usually have jurisdiction over smaller cases like yours.

Client: I see. What do we do if the district court 3 _____ against us?

Attorney: We ask for the case to be 4 _____ in the Court of Appeals.

Client: And they have to 5 _____ it, right?

Attorney: Yes. There's no 6 _____ review in appeals courts. That's reserved for the Supreme Court.

Speaking

8 With a partner, act out the roles below based on Task 7. Then switch roles.

USE LANGUAGE SUCH AS:

Is my case going to the ... courts?

District courts usually have jurisdiction ...

We ask for the case to be ...

Student A: You are a client. Talk to your lawyer about your case. Ask Student B about:

- courts
- options after a decision
- likelihood of having case reviewed

Student B: You are a lawyer. Answer Student A's questions.

Writing

9 Use the conversation from Task 8 to complete a lawyer's letter to a client.

Tamsin Greer, Attorney

Dear Mr Moisey,

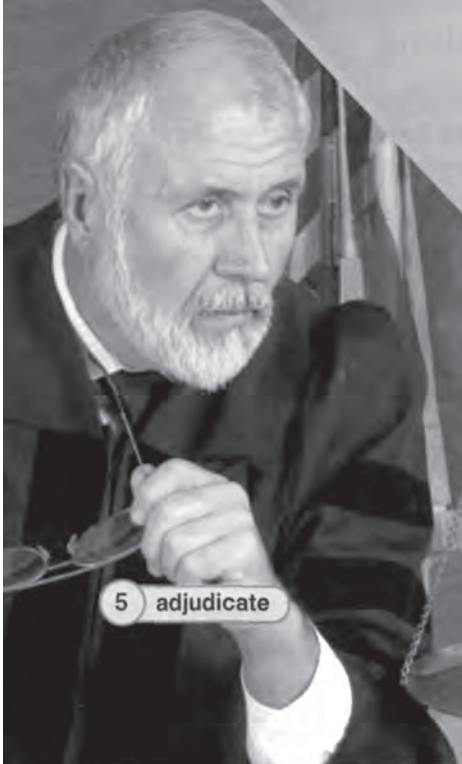
In response to your question, your case is not going to the _____. It is going to a _____ because _____.

If you do not agree with the decision, the case goes to an _____. They have to review it because _____.

Yours faithfully,

T. Greer

7 Jurisdiction



5 adjudicate



3 authority



1 rule in favor of

2 legal body

4 territorial

Jurisdiction

Jurisdiction is the **authority** to judge legal matters. Jurisdiction is given to **legal bodies** or political leaders. There are three main types of jurisdiction:

1. **Personal jurisdiction** is authority over a person.
2. **Territorial jurisdiction** is authority over an area.
3. **Subject jurisdiction** is authority over a particular subject.

Jurisdiction in courts can be **exclusive** or **concurrent**. With exclusive court jurisdiction, only one court is able to decide the issue. With concurrent jurisdiction, more than one court is able to **adjudicate**. In this case, lawyers are able to go **forum shopping**. They choose the court which is more likely to **rule in favor** of their clients.



6 subject

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some things that determine which court hears a certain case?
- 2 Sometimes a case could be heard in more than one type of court. Why do you think this is?

Reading

2 Read the text and complete the table using information from it.

1 _____	Authority over a person
Territorial jurisdiction	2 _____
3 _____	Authority in one particular subject
Exclusive Jurisdiction	4 _____
5 _____	More than one court can decide the issue

Vocabulary

3 Check (✓) the sentence that uses the underlined parts correctly.

- 1 A The district court has subject jurisdiction over ten towns in the area.
 B The lawyer was happy when the court ruled in favor of his client.
- 2 A The manager has authority over all the workers in his team.
 B The judge went forum shopping to find a court to hear his case.
- 3 A Schools, shops and churches are legal bodies.
 B Judge Reynolds is going to adjudicate the case.

4 Write a word that is similar in meaning to the underlined part.

- Mr. Jones wants to know which court has authority over a region in this town.
t _ _ _ _ _ i _ _ j _ _ s _ _ _ _ o _ _
- The district court's jurisdiction in this matter is the only one.
e _ _ l _ _ _ _ _
- In which circumstances does a court have authority over a certain type of person?
p _ _ _ _ n _ _ _ u _ _ _ _ _ c _ _ _ _ _
- Jurisdiction for the case is under the authority of several different courts.
_ o _ _ _ r _ _ _ _ _
- Ms. Carter is choosing a court to see which court is likely to rule in her client's favor.
f _ _ u _ _ _ o _ _ i _ _ g
- The Department of Justice is one of the organizations that enforce laws in the US.
_ e _ _ l _ _ o _ _ i _ _
- The case is being heard in a civil court since that court has authority over the topic.
_ u _ _ e _ _ _ j _ _ s _ _ c _ _ _ _ _

5 Listen and read the text again. How many types of jurisdiction are there?

Listening

6 Listen to a conversation between two attorneys discussing a case. Choose the correct answers.

- Why does the man think the case is going to the district court?
 - The case relates to a particular subject.
 - He believes it has exclusive jurisdiction.
 - He asked to have it tried in the district court.
 - It might rule in their favor.
- What is most likely to happen next?
 - The man is going to research the subject of the case.
 - The woman is going to adjudicate the case in the district court.
 - The woman is going to see if other legal bodies have jurisdiction.
 - The man is going to make sure the case is under territorial jurisdiction.

7 Listen again and complete the conversation

Lawyer 1: Which court is this case going to?
Lawyer 2: Probably to the district court. It has 1 _____ jurisdiction.
Lawyer 1: A subject-specific court is able to 2 _____ this matter, too. Right?
Lawyer 2: I don't think so.
Lawyer 1: Really? I thought jurisdiction was 3 _____.
Lawyer 2: You're 4 _____ to check. But I don't think any other 5 _____ have authority.
Lawyer 1: I'll find out. I think we could choose a court more likely to rule in our 6 _____.
Lawyer 2: I hope you're right.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Which court is this case going to?
Probably to ...
I don't think any other ... have authority.

Student A: You are an attorney. Talk to your colleague about a case. Ask Student B questions about:

- where the case is going
- other courts
- type of jurisdiction

Student B: You are a paralegal. Discuss the status of documents with Student A.

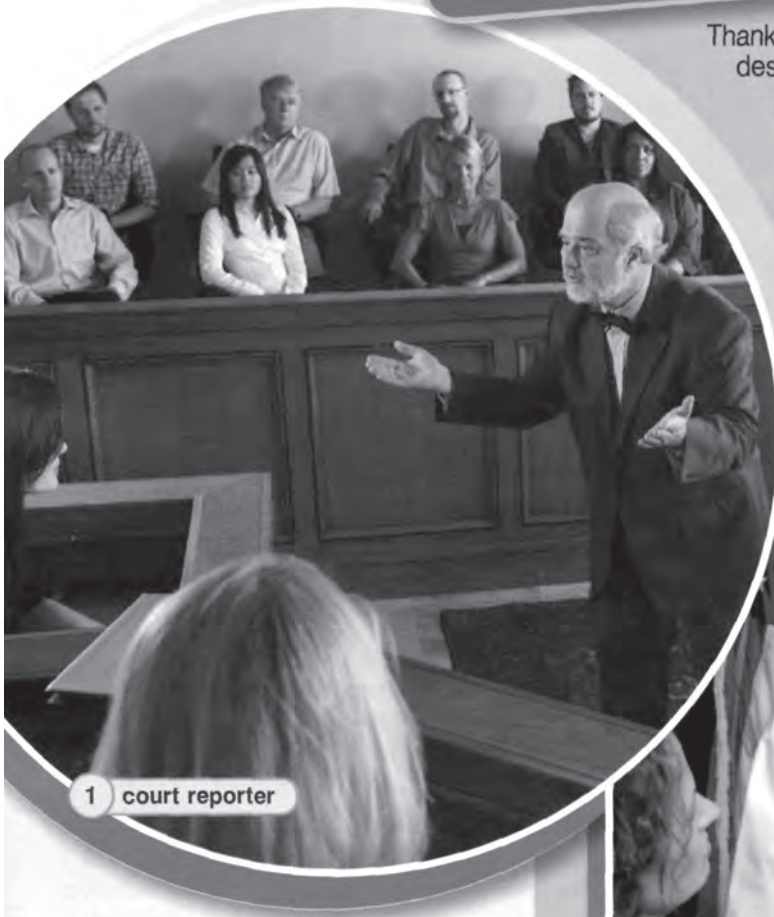
Writing

9 Use the conversation from Task 8 to complete the attorney's notes.

The case is likely to go to the _____ because _____.
 _____ believes that _____ can also _____.
 We must check whether there is _____.
 Then we can choose a court that _____.



Jury Duty Rules and Expectations



1 court reporter

Thank you for reporting for jury duty. The following is a description of what to expect today.

You will receive a number. Enter the courtroom when the **clerk of the court** calls that number.

In the courtroom, have a seat in the **jury box**. The **bailiff** will direct you.

Attorneys for the **defense** and **prosecution** will then ask you questions. A judge **presides** over the **proceedings** and the **court reporter** records your answers. The

goal is to select **jurors** for a trial. It is important that you answer their questions honestly. This provides the defendant with a fair trial. Potential jurors may leave after questioning if not selected.



2 clerk of the court



3 jury box

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Who must be in a courtroom during a trial?
- 2 How can lawyers be sure that jurors will be fair?

Reading

2 Read this court pamphlet. Mark the following statements as true (T) or false (F).

- 1 ___ A judge asks potential jurors questions to check if they are biased.
- 2 ___ Jurors' answers are recorded by an employee of the court.
- 3 ___ Every person that reports for jury duty listens to a trial.

Vocabulary

3 Match the words (1-6) with the definitions (A-F).

- | | |
|--------------------------|-------------------|
| 1 ___ clerk of the court | 4 ___ prosecution |
| 2 ___ court reporter | 5 ___ juror |
| 3 ___ defense | 6 ___ bailiff |

- A the side of a case that attempts to prove innocence
- B the side of a case that attempts to prove guilt
- C a person who assists a judge
- D an officer who keeps order in court
- E a person that types everything that is said in court
- F a person who listens to a trial and decides if a defendant is guilty or not

4 Check (✓) the sentence that uses the underlined parts correctly.

- 1 — A The proceedings took place in the courtroom on the second floor.
— B The defense brought the lawsuit against the corporation.
- 2 — A The judge took his seat in the jury box when the trial started.
— B Judge Williams is presiding over the upcoming trial.
- 3 — A Mary isn't going to be at work because she has jury duty.
— B The bailiff typed the attorney's words very quickly.
- 4 — A The court reporter sat at the table with her client and waited for the trial to start.
— B The attorney stood close to the jury box as he made his argument to the jurors.

5 Listen and read the text again. Say what happens when you report for jury duty.

Listening

6 Listen to a conversation between a judge and a defense attorney. Choose the correct answers.

- 1 What is the conversation mostly about?
A removing a juror C selecting a new juror
B questioning a juror D protesting a juror's decision
- 2 What is the judge's opinion?
A He thinks young people often commit crimes.
B He plans to release the defendant.
C He doubts the juror would be unfair.
D He agrees with the attorney's argument.

7 Listen again and complete the conversation.

Attorney: Your Honor, I don't believe that **1** _____ four should sit for this trial.

Judge: For what **2** _____?

Attorney: One of his answers to my questions. He believes that young people are more likely to commit crimes these days.

Judge: And you're worried that he will be **3** _____ toward the defendant?

Attorney: Yes. My client is only seventeen years old.

Judge: The **4** _____ has a point. We'll release him.

Attorney: Thank you, Your Honor.

Judge: We'll continue the **5** _____ after the **6** _____ of the court calls in another juror.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Your Honor, I don't believe that ...
He believes that ...
My client is only ...

Student A: You are a defense attorney. You see a problem with a juror. Talk to Student B about:

- the juror
- a question and answer
- your client

Student B: You are a judge. Talk to Student A about a juror and make a decision.

Writing

9 Use the conversation from Task 8 to complete the notes about selecting a jury for a trial.

Today, we _____ a juror. I thought he would be _____

I believe this because he _____

The judge _____ and _____

JURY NOTES

9

Court process

Get ready!

1 Before you read the passage, talk about these questions.

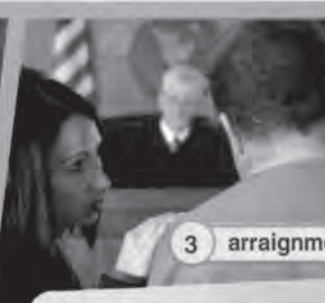
- 1 What are some things that happen before a case goes to court?
- 2 Why might a jury not be able to agree on a verdict?



1 pre-trial hearing



2 hung jury



3 arraignment



4 discovery



5 plea bargain

6 sentenced

Fiona,

I'm writing to update you on the Trindle case. At the end of last month, the defendant was **charged**. However, he accepted a **plea bargain**. So he will be **sentenced** or **acquitted**.

Since then, his lawyer has requested **discovery**. So there will probably be a **pre-trial hearing** where the defendant tries to **suppress** evidence.

You will handle the discovery process and pre-trial hearing. I want you to make sure all of the evidence is accepted. I don't want a **hung jury** and **mistrial** because evidence isn't showing up.

I know we can count on you.

David Wallace, Assistant Prosecutor, City of Los Angeles

Reading

2 Listen and read this email between an attorney and his colleague. Circle the correct answers.

- 1 What is the email about?
 - A a recent case which has been tried
 - B the proceedings leading up to a trial
 - C a new client who has been sentenced.
 - D a court case that ended in a mistrial
- 2 Which of the following has NOT yet happened?
 - A an arraignment
 - B a request for discovery
 - C a pre-trial hearing
 - D a plea bargain
- 3 What can you infer about the defendant?
 - A He will be charged with a crime.
 - B He was acquitted in a previous trial.
 - C He successfully suppressed evidence before.
 - D He was offered a lesser sentence to avoid a trial.

Vocabulary

3 Write a word that is similar in meaning to the underlined part.

- 1 The woman was proven not guilty of shoplifting charge.
a _ _ _ _ _ d
- 2 The defense lawyer wants to prevent being shown some of the evidence.
_ u _ _ _ _ _
- 3 The prosecutor offered Mr. Tilney a deal to say he was guilty in return for a lesser sentence.
_ _ _ a _ _ r _ _ _ _
- 4 The defendant's lawyer has requested information from the other side concerning the case.
_ _ s _ _ _ _ _ _

4 Read the sentence pairs. Choose where the words best fit in the blanks.

1 sentenced / charged

The woman was found guilty and was _____ to two years in prison.

The man was arrested and _____ with theft.

2 trial / arraignment

At the _____, the man was formally charged with the crime.

At the end of the _____, the man was found guilty.

3 mistrial / pre-trial hearing

The case resulted in a _____ because some of the evidence was false.

The lawyers hope they can solve the problem at a _____.

Listening

5 Listen to an attorney speaking to a colleague on the phone. Mark the following statements as true (T) or false (F).

- 1 ___ The man is pleased with the results from the pre-trial hearing.
- 2 ___ The judge will not allow all of the evidence to be shown at the trial.
- 3 ___ The woman hopes to prosecute the case against the defendant.

6 Listen again and complete the conversation.

A 1: Hello, Fiona Barksdale speaking.

A 2: Fiona, it's David. I'm calling about the 1 _____ yesterday. How did it go?

A 1: It went really well. The judge didn't 2 _____ any evidence.

A 2: That's good. I was worried when the defense attorney requested 3 _____. When is the 4 _____ scheduled for?

A 1: November. We still have some time to prepare.

A 2: Good. I really don't want this to end in a 5 _____.

A 1: Me neither. In fact, I'd like to 6 _____ it myself.

A 2: Good. I think you can win it.

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

I'm calling about ...

The judge didn't ...

When is the trial scheduled for?

Student A: You are an attorney talking to a colleague. Talk to Student B about:

- the pre-trial hearing
- trial date
- who will try the case

Student B: You are an attorney talking to a colleague. Answer Student A's questions.

Writing

8 Use the conversation from Task 7 to fill out notes about the pre-trial hearing.

Trindle Case – Pre-trial Hearing

Date of Hearing: _____

Judge's decision on evidence: _____

Trial scheduled for: _____

Who will handle case: _____



The Rules and Language of the Courtroom

By Clare Pepper

The judicial system is full of traditions and **protocol**. If you are to appear in court, it's good to know the basics.

Before the judge enters the room, the clerk says '**All rise**'. At this point, everyone stands up.

You are **sworn in** by the clerk. Don't lie when you are **under oath**. The result is being charged with **perjury**.

Speak to the judge clearly and don't **interrupt**. Always **address** the judge as '**Your Honor**'.

You cannot **approach the bench**. Only lawyers are allowed to enter '**the well**'. Then they talk to the judge **off the record**.

1 the well

2 sworn in

3 address

4 the bench

4 'Your Honor'

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Why is it important to behave properly in a courtroom?
- 2 Where can people find information on court etiquette?

Reading

2 Read the text. Fill in the blanks using words from the word bank.

Word BANK

lies protocols addressing All rise

There are a large number of 1 _____ when appearing in court. For example, when the clerk says 2 "_____"; everyone stands up. After being sworn in, a person is then under oath. If a person 3 _____ under oath, he or she risks being charged with perjury. There are also rules for 4 _____ the judge.

Vocabulary

3 Read the sentences and choose the correct word.

- 1 Margaret had to tell the truth because she was (**off the record / under oath**).
- 2 All people in court are expected to (**address interrupt**) the judge as "Your Honor".
- 3 The judge told the lawyers to (**approach the bench / all rise**).
- 4 The conversation between the attorney and the judge was (**off the record / sworn in**).

4 Choose the word that is closest in meaning to the underlined part.

- When the judge arrived, the clerk said, 'Everyone, stand up'.
A approach the bench
B All rise C Your Honor
- The prosecutor stood in the area in front of the bench to give his argument.
A bench B protocol C well
- It is important for people to know the proper rules and traditions for attending court.
A oaths B protocols C records
- When Miss Ashley was on the witness stand, she was made to promise to tell the truth.
A off the record
B sworn in C interrupted
- The attorney addressed Judge Lopez as 'the title used to show respect for a judge'.
A Your Honor B Off the record
C Under oath
- The attorney was annoyed when the witness stopped her from talking by asking a question.
A approached the bench
B addressed C interrupted

5 Listen and read the text again. Explain what the protocol when one appears in court is.

Listening

6 Listen to an attorney and a judge speaking during a trial. Choose the correct answers.

- What is the conversation mostly about?
A a witness who is lying
B a request for more time
C a client with new evidence
D an investigation of an attorney
- What can be inferred about the man?
A He has researched the witness.
B He suspects that his client is lying.
C He expects the judge to stop the trial.
D He believes the witness is telling the truth.

7 Listen again and complete the conversation.

- Attorney:** Your Honor, may I have permission to 1 _____?
- Judge:** You may.
- Attorney:** Your Honor, I have 2 _____ that this witness attended college with my client.
- Judge:** But she just said that she doesn't know your client.
- Attorney:** I know. She's changing her story even though she's 3 _____.
- Judge:** Are you accusing the witness of 4 _____?
- Attorney:** Yes. She should be 5 _____ and investigated.
- Judge:** That's a serious charge. You need to follow 6 _____ to do that.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Your Honor, may I ...

She's changing her story even though ...

That's a serious charge.

Student A: You are an attorney in a trial. You want to speak to the judge about a problem. Talk to Student B about:

- witness
- evidence
- what you want done

Student B: You are a judge at a trial. Talk to Student A about a witness.

Writing

9 Use the conversation from Task 8 to fill out the attorney's official complaint.

Complaint

Attorney: _____

The complaint regards: Judge Witness Attorney

What is the accusation? _____

Is there evidence? Y / N

If yes, what is it? _____

Required Action: _____

11 Criminal law

The Objective of Criminal Law

The purpose of criminal law is to **punish** people who **commit crimes**. The type of punishment depends on the crime. Criminals who commit minor crimes such as **trespassing** usually receive a light punishment. They often get a **fine** or are put on **probation**.

When criminals **offend** many times, they get a heavier punishment. They go to **jail**. Criminals also go to jail when they are dangerous to others. For example, someone who commits **assault and battery** gets sent to jail.

Capital punishment is the most serious punishment. It is reserved for the worst crimes, such as **murder**.



Reading

2 Complete the table using information from the passage

	Punishment	Examples of Crimes
Light Punishment	a fine 1 _____	2 _____
Heavy Punishment	3 _____	assault and battery
Capital Punishment		4 _____



Get ready!

1 Before you read the passage, talk about these questions.

- Do you think people can commit crimes for a good reason?
- What do you think is a fair punishment for different crimes?

Vocabulary

3 Place a check (✓) next to the response that answers the question.

- Did Hannah receive a fine?
A Yes, she has to go to jail for three months.
B Yes, she has to pay \$300.
- Does the judge agree with capital punishment?
A Yes, he sent the criminal to jail for two years.
B No, he thinks it is wrong to kill people who commit crimes.
- Why did Mr. Thomas trespass on Mrs. Kennedy's property?
A His dog got loose and ran into her yard.
B She asked him to help her move some furniture.
- How do criminals get punished for crimes?
A It depends on what crime they committed.
B They are arrested by the police.
- Did the judge put Denise on probation?
A No, Denise wasn't there when the crime happened.
B Yes, but next time she gets in trouble, she is going to jail.

4 Choose the word or phrase that is closest in meaning to the underlined part.

- 1 Kevin was charged with assault and battery.
 A walking on private land B attacking and hurting someone
 C killing someone
- 2 Many criminals offend again when they leave jail.
 A commit a crime B get put on probation
 C are punished heavily
- 3 When someone commits a crime, they need to be punished.
 A attacks and hurts another person
 B causes someone to suffer for their bad behavior
 C does something which is against the law
- 4 The man was accused of committing murder.
 A killing someone B escaping from jail
 C going on someone's land without permission
- 5 Mr. Robbins was sent to jail but says he did not commit the crime.
 A a room where trials take place
 B a building where criminals are kept
 C a place where punishments are given out

5 Listen, and read the text again. Then say three things you remember from the text.

Listening

6 Listen to two lawyers discussing a criminal's sentence. Mark the following statements as true (T) or false (F).

- 1 The woman believes that her client deserves probation.
- 2 This is the first time the woman's client committed a crime.
- 3 The man will seek a jail sentence for the woman's client.

7 Listen again and complete the conversation.

Defense Lawyer: Let's talk about the sentencing. My client doesn't deserve to go to jail. Will you recommend **1** _____?

Prosecutor: Why would I do that?

Defense Lawyer: His crime wasn't violent. He was only **2** _____.

Prosecutor: But he was **3** _____ of assault and battery two years ago.

Defense Lawyer: Yes, but he was punished for that.

Prosecutor: I'm still recommending that he go to **4** _____.

Defense Lawyer: That seems unnecessary for such a small **5** _____.

Prosecutor: I just don't want him to **6** _____ again and hurt an innocent person.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Let's talk about the sentencing.

My client doesn't deserve to go to jail.

I just don't want him to ...

Student A: You are prosecutor. A defense lawyer is talking to you about a client. Talk to Student B about:

- sentencing
- other convictions
- why you are seeking that punishment

Student B: You are a defense attorney. Talk to Student A about your client's sentencing.

Writing

9 Use the conversation from Task 8 to complete a lawyer's recommendation for sentencing.

Recommendation for Sentencing

I recommend that the defendant _____

I feel this way because he _____

I do not want the defendant to receive a sentence of _____

That sentence would _____

12 Civil law



monetary damages



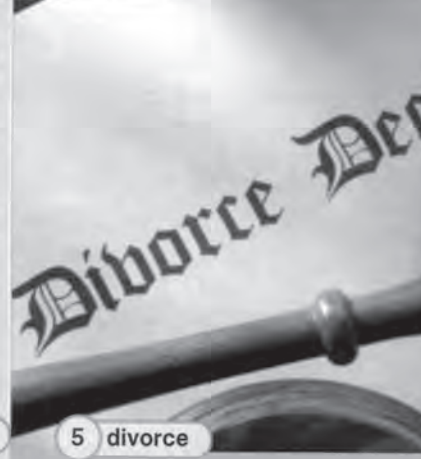
2 probate



3 sue



4 compensation



5 divorce

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some reasons why someone takes legal action against someone else?
- 2 What are some reasons why courts award money to plaintiffs who win their cases?

Reading

2 Read this job advertisement for an attorney. Choose the correct answer.

- 1 What is the attorney's primary responsibility?
 - A divorce cases C torts cases
 - B probate cases D medical cases
- 2 Which of the following is NOT part of the job?
 - A claiming damages
 - B suing defendants
 - C proving negligence
 - D compensating witnesses
- 3 What can be inferred about most of the clients at Benson and Cutler?
 - A They were found to be negligent.
 - B They need a last will to be written.
 - C They are being sued for medical bills.
 - D They have been injured in an accident.

Civil Law Attorney

\$65,000 per year

This medium-sized city law firm is seeking an attorney with civil law experience. Primary responsibility is handling **tort law** cases. Most cases involve clients suing for **monetary damages** because of personal injuries. The attorney assists clients in filing for **injunctions** when needed. They will also be required to prove **liability** and establish the **negligence** of the defendants. Our clients generally require **compensation** for medical costs, loss of earnings and **punitive damages**.

The attorney may also be involved in other cases, including **probate** and **divorce** cases. Please send your résumé to the address below:

Benson and Cutler Law Firm

1324 Brook Street, Suite 201 • Reno, Nevada 89501

Vocabulary

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

- | | |
|------------------------|----------------|
| 1 ___ civil law | 4 ___ tort law |
| 2 ___ monetary damages | 5 ___ probate |
| 3 ___ negligence | |

- A the branch of law dealing with disputes between individuals or organizations
- B a sum paid to compensate for loss or injury
- C law dealing with compensation for injury
- D the legal act of dealing with dead people's property
- E the legal concept of not using a level of care that prevents injuries

4 Write a word that is similar in meaning to the underlined part.

- The travel company forgot to book Gayle's hotel, so she got \$500 to make up for the wrongdoing.
c _ _ _ _ _ s _ _ _ _ _
- Harry decided to make a legal claim for money against his workplace because the machinery was faulty.
_ _ e
- The company had to pay \$3,000 in compensation and \$10,000 in fees meant as a punishment.
_ u _ _ _ _ _ d _ _ _ _ _
- The chemical company was given an official order to stop against dumping chemicals.
i _ _ _ _ _ n
- The attorney was able to prove that the company had responsibility for an incident.
_ i _ _ _ _ _ y

5 Listen and read the text again. What will the successful applicant deal with?

Listening

6 Listen to an interviewer talking to a job candidate. Mark the following statements as true (T) or false (F).

- The candidate filed injunctions in his previous position.
- Nearly three quarters of the candidate's clients have been awarded damages.
- The candidate has experience in probate cases.

7 Listen again and complete the conversation.

Interviewer: Good morning, Mr. Raymond, please sit down.
Job Candidate: Thank you.
Interviewer: Let's get started, shall we? Do you have any experience with **1** _____?
Job Candidate: Yes. At my last job, I filed **2** _____ against companies and initiated lawsuits.
Interviewer: Were you often able to prove **3** _____ and establish negligence?
Job Candidate: Yes, my clients were awarded **4** _____ in about 75 percent of my cases.
Interviewer: And do you have any experience with **5** _____?
Job Candidate: I'm **6** _____ I don't. Sorry.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Do you have any experience with ...

At my last job I ...

Were you often able to ...

Student A: You are an interviewer interviewing a candidate for a job. Ask Student B about:

- his / her experience in tort law
- his / her experience in probate

Student B: You are a candidate at a job interview. Answer Student A's questions.

Writing


9 Use the conversation from Task 8 to complete the interviewer's notes.

Job Title: _____

 Candidate's name: _____

 Experience in tort law: _____

 Experience in probate: _____



13 Administrative law



Get ready!

1 Before you read the passage, talk about these questions.

- 1 Why do government agencies make rules for businesses?
- 2 How can an attorney help business owners follow laws?

Reading

2 Listen and read this brochure from a lawyer in administrative law and mark the following statements as true (T) or false (F).

- 1 The attorney works for a government agency.
- 2 The attorney represents businesses that did not comply with regulations.
- 3 The attorney is unable to negotiate with government agencies.

Vocabulary

3 Read the sentence and choose the correct word.

- 1 Tony needs to get a (**regulation / license**) in order to open his own business.
- 2 Having a large (**bureaucracy / disciplinary action**) makes completing even simple tasks take a long time.
- 3 Since Graham is being charged with negligence, it may (**negotiate / jeopardize**) his business.
- 4 City (**regulations / accreditations**) state that all dogs must be on a leash in the park.
- 5 The business owners were able to (**resolve / negotiate**) a contract that was fair for both of them.

Specialist in Administrative Law

Pamela Webster

Are you a business owner confused by all the government **regulations** out there? **Licenses, accreditations, and compliance** with the laws... it's enough to make any owner crazy. Luckily, I'm here to help you get past all the **bureaucracy**. I help business owners **resolve** their **administrative law** issues. I have an excellent record for defending businesses facing **disciplinary actions**. In addition, I know how to **negotiate** with **government agencies** to achieve positive results.

Don't **jeopardize** your business by missing out on the assistance you need! I have the skills to fix many administrative problems that business owners deal with. To learn more, please contact Pamela Webster at 555-9528.

4 Choose the word that is closest in meaning to the underlined part.

- 1 Tom wants to find a solution to the problem as soon as possible.
A negotiate B jeopardize C resolve
- 2 The agency forced the business owner into agreeing to follow the rules by threatening a lawsuit.
A license B disciplinary action
C compliance
- 3 Before Karen is able to open the children's nursery, she has to get official certification to act.
A bureaucracy B accreditation
C compliance
- 4 John has a new job with a federal department.
A government agency
B disciplinary action
C compliance issue
- 5 The agency took steps to correct and punish wrongdoing against the business.
A bureaucracy B license
C disciplinary action

Listening

5 Listen to a conversation between an administrative law attorney and a client. Choose the correct answers.

- Why is the client seeking legal assistance?
A He wants to open a restaurant.
B He didn't follow an agency's rules.
C He needs to get an accreditation.
D He doesn't know the health regulations.
- What does the attorney say she is going to do?
A review the health inspector's report
B negotiate with the Health Department
C assist the client in getting a license
D ensure all regulations are being followed

6 Listen again and complete the conversation.

Attorney: Mr. McIntyre, please 1 _____ and tell me what I can do for you.

Client: Thank you. The 2 _____ wants to shut my restaurant down.

Attorney: Why do they want to do that?

Client: The health inspector said I'm not in 3 _____ with regulations.

Attorney: Did the inspector say which regulations you aren't following?

Client: Well, the problem is that I don't have a 4 _____ license.

Attorney: All restaurant owners are 5 _____ to have one. I can help you with that.

Client: That's great. I need it as soon as possible to keep my 6 _____ open.

Speaking

7 With a partner, act out the the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

Please sit down and tell me what I can do for you.

*The Health Department wants to ...
Why do they want to do that?*

Student A: You are an administrative attorney. A client comes to see you. Talk to Student B about:

- reason for the visit
- regulations
- licenses

Student B: You are the owner of a restaurant who needs legal assistance. Answer Student A's questions.

Writing

8 Use the conversation from Task 7 to fill out the attorney's notes.

Client's name: _____

Legal Problem: _____

Details: _____



14 Initial client interview

notes

Date: June 18

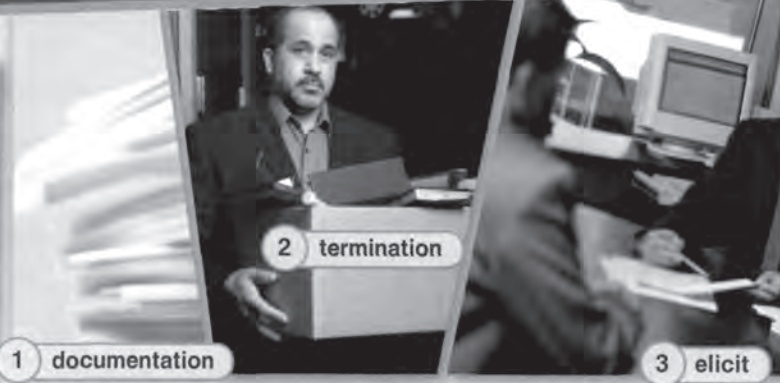
Client Name: Thomas Jameson

Interviewing Attorney: Sarah Green

Mr. Jameson is a former employee of SystemTech Inc. He hopes to sue the company for **wrongful termination**.

It is Mr. Jameson's **assertion** that SystemTech Inc. released him because he was due for a raise. He believes the company decided it would be cheaper to fire him and hire a less experienced employee.

It is difficult to tell if Mr. Jameson has a **valid** case. **Eliciting factual** information proved difficult. Mr. Jameson frequently cites **beliefs** about why he was fired. Yet he has not **obtained** any **documentation** to support these claims. I **recommend** that we decline to represent Mr. Jameson.



1 documentation

2 termination

3 elicit

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some questions an attorney might ask a new client?
- 2 What are some reasons why an attorney might not take a case?

Reading

2 Listen and read the notes from an initial client interview. Mark the following statements as true (T) or false (F).

- 1 Mr. Jameson wants to sue his former employer.
- 2 Mr. James has evidence that he was fired illegally.
- 3 The attorney agreed to take Mr. Jameson's case.

Vocabulary

3 Write a word that is similar in meaning to the underlined part.

- 1 While things that people think are true mean a lot to people, lawyers are mainly concerned with facts.
_ _ l _ _ _ s
- 2 The client made a statement claiming that he had been injured in the accident.
a _ _ _ r _ _ o _
- 3 Does the client have paper evidence to support his claim?
d _ _ _ m _ _ _ a _ _ _ _
- 4 What did the lawyer suggest that her client do?
_ _ c _ m _ e _ _
- 5 The man was angry because he felt that his loss of employment was unfair.
t _ _ _ _ n _ t _ _ _
- 6 The jury must decide if the defendant's actions were illegal or incorrect.
w _ _ _ _ f _ _
- 7 Lawyers use interviews to get valuable information from potential clients.
_ b _ _ _ n



4 recommend



5 assertion



6 beliefs

4 Read the sentence and choose the correct word.

- 1 The lawyer doesn't think Miss Martin has a (wrongful / valid) case.
- 2 The attorney was able to (recommend / elicit) a lot of useful information from the client.
- 3 The information presented in a trial must be (factual/wrongful) or the judge will not allow it.

Listening

5 Listen to a conversation between an attorney and a potential client. Choose the correct answers.

- 1 Why does the attorney believe the woman has a valid complaint?
 - A She was never fired from a job before.
 - B She has documentation to support her claim.
 - C She won a previous wrongful termination suit.
 - D She worked for the company for several years.
- 2 What will the woman likely do next?
 - A ask to get her job back
 - B contact her former employer
 - C bring in her positive reviews
 - D sign a contract with the attorney

6 Listen again and complete the conversation.

Attorney: Welcome, Mrs. Smith. Please, tell me what's going on.

Client: Well, I was fired without 1 _____ last week.

Attorney: So, you're interested in a 2 _____ suit?

Client: Exactly. For years I got great reviews from my bosses. Then, suddenly, I was let go.

Attorney: I see. Do you have 3 _____ to support that claim?

Client: Yes. Several years' worth, actually.

Attorney: Excellent. I think you have a 4 _____ complaint. As soon as we 5 _____ those reviews, we'll take the case.

Client: Great. I'll 6 _____ right now.

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

Please, tell me what's going on.

So you're interested in a ...

Do you have ...

Student A: You are an attorney. Conduct an initial client interview. Ask Student B about:

- reason for visit
- type of suit
- documentation

Student B: You want to file a lawsuit. Answer Student A's questions.

Writing

8 Use the conversation from Task 7 to fill out the attorney's notes.

Client's name: _____

Reason for visit: _____

Has documentation? Y / N

If yes, what type? _____

Recommend accepting case? Y / N


Initial client interview




Get ready!

1 Before you read the passage, talk about these questions.

- 1 How can witnesses help or harm a case?
- 2 What types of witnesses are there?



1 friendly witness



2 hostile witness

LAW TODAY Issue 43

page 13

Do You Trust Your Witness?

by Robert Hammond

A trustworthy witness is a great asset in any case. But not all witnesses are reliable. Failing to confirm a witness's **credibility** can ruin the strongest case.

Take the **friendly witness**. These witnesses sometimes try too hard to support your case. When a **biased** friendly witness lies, your entire case appears weak. Similarly, false statements from a **prejudiced** or **hostile witness** have the same result.


Reviewing the **qualifications** of **expert witnesses** is equally important. Only take testimony from people at the head of their fields. And don't overlook **eyewitnesses**. Check that eyewitnesses not only saw events **firsthand**, but also that they saw them clearly.




3 expert witness



4 qualification



5 statement



6 eyewitness

Reading

2 Read this article from a magazine and mark the following statements as true (T) or false (F).

- 1 Friendly and hostile witnesses can have similar negative impacts on cases.
- 2 Anyone with relevant qualifications can be a useful expert witness.
- 3 The author recommends that lawyers confirm eyewitnesses' view of events.

Vocabulary

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

- | | |
|--|---|
| 1 <input type="checkbox"/> expert witness | 4 <input type="checkbox"/> friendly witness |
| 2 <input type="checkbox"/> eyewitness | 5 <input type="checkbox"/> biased |
| 3 <input type="checkbox"/> hostile witness | |

- A a person who saw what happened
 B a professional who gives an opinion in a case
 C having a preference for someone or something
 D a person who doesn't support a client's case
 E a person who favors the client's case

4 Fill in the blanks with the correct words from the word bank.

Word BANK

statement qualifications credibility
 firsthand prejudiced

- 1 Martin is not a reliable witness because he didn't see what happened _____.
- 2 Gordon is a suitable expert witness because he is well respected and has university _____.
- 3 Antonia has strong opinions, so the jury may find her too _____.
- 4 Lawrence doesn't know the client very well, so his comments don't have much _____.
- 5 The paralegal typed up a _____ for the witness to sign.

- 5 Listen and read the text again. What did you learn from the text?

Listening

- 6 Listen to a conversation between an attorney and a paralegal. Choose the correct answers.
- Why does the lawyer bring in the detective?
 - She was an eyewitness.
 - She could be an expert witness.
 - She investigated his client's crime.
 - She recorded eyewitness statements.
 - What is the detective's opinion of eyewitness statements?
 - They can help a case.
 - They are often confusing.
 - They aren't always reliable.
 - They are the best type of evidence.

- 7 Listen again and complete the conversation.

Lawyer: Thanks for coming in, Detective. I'll get to the point. I need an 1 _____.

Detective: I'd be 2 _____ to help.

Lawyer: Great. And just to confirm your 3 _____, how long have you been a police officer?

Detective: I've been on the force for fifteen years.

Lawyer: That's good. Now, 4 _____ say that my client was at the scene of a crime.

Detective: But he wasn't there?

Lawyer: No. He just looks like the suspect.

Detective: Well, eyewitness 5 _____ aren't always 6 _____.

Speaking

- 8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Thanks for coming in.

How long have you been a ...

Well, eyewitness accounts aren't ...

Student A: You are an attorney. You need a detective to help your case. Talk to Student B about:

- being a witness
- qualifications
- opinion of eyewitness statements

Student B: You are a detective. Answer Student A's questions.

Writing

- 9 Use the conversation from Task 8 to fill out the notes.

Witness Interview

Witness's name: _____

Type of witness: _____

Opinion of Eyewitness Accounts: _____



Glossary

- accreditation** [N-UNCOUNT-U13] **Accreditation** is official authority to take a certain action.
- acquit** [V-I-U9] To **acquit** someone means to decide officially that someone is not guilty of a crime.
- address** [V-T-U10] To **address** someone means to speak to someone using a formal word or phrase.
- adjudicate** [V-I-U7] When somebody **adjudicates**, he acts as a judge in a formal matter.
- all rise** [PHRASE-U10] The clerk says '**All rise**' when the judge enters a courtroom. At this point, everyone should stand up.
- appeal** [N-COUNT-U6] An **appeal** is a request for a decision to be investigated again.
- appeal** [V-I-U2] To **appeal** means to ask for a problem to be investigated again, in order to have a decision changed.
- approach** [V-I or T-U10] To **approach** something means to go nearer to it.
- arraignment** [N-COUNT-U9] An **arraignment** is when a person is formally charged with an offence and has the opportunity to plead guilty or not guilty.
- assault** [N-UNCOUNT-U11] **Assault** means attacking another person.
- assertion** [N-COUNT-U14] An **assertion** is a statement of one's beliefs.
- attorney** [N COUNT-U1] An **attorney** is a person who works in law and gives legal advice.
- authority** [N-UNCOUNT-U7] **Authority** is the right to control people or organizations.
- bailiff** [N-COUNT-U8] The **bailiff** is an officer in court who keeps order and enforces good behavior.
- bankruptcy** [N-UNCOUNT-U6] **Bankruptcy** is the situation when a person announces to a court that he has no money.
- battery** [N-UNCOUNT-U11] **Battery** means hurting another person.
- belief** [N-COUNT-U14] A **belief** is something that you think is, but may not really be, true.
- bench** [N-COUNT-U10] The **bench** is the name for the place where a judge sits in court.
- biased** [ADJ-U15] If a person's opinions are **biased**, then they show unreasonable preferences that are based on personal opinions.
- bureaucracy** [N-UNCOUNT-U13] **Bureaucracy** is an administrative system ran by many offices, administrators and petty officials. It normally involves large amounts of official paperwork.
- capital punishment** [N-UNCOUNT-U11] **Capital punishment** means punishing a person with death.
- case annotation** [N-COUNT-U3] **Case annotations** are articles about individual legal cases.
- charge** [V-I-U9] To **charge** someone means to accuse them formally of a crime.
- checklist** [N-COUNT-U5] A **checklist** is a list of things you must do or that you must receive, so called because you check off or cross out each item once it has been completed.
- cite** [V-I-U3] To **cite** something is to write information that you found in another book and mention who wrote it originally.
- civil** [ADJ-U1] If a case is **civil**, it involves citizen's private rights as distinguished from a criminal prosecution.
- civil law** [N-UNCOUNT-U12] **Civil law** is law which deals with disputes between individuals and/or organizations.
- claim** [N-COUNT-U6] People make a **claim** when they ask for something that they believe should belong to them.
- clerk of the court** [N-COUNT-U8] A **clerk of the court** is a person who assists the judge with writing or administration.
- commit a crime** [VERB PHRASE-U11] To **commit a crime** means to disobey or break the law.

compensation [N-UNCOUNT-U12] **Compensation** is an award to make up for a wrongdoing that affected you in the past.

complaint [N-COUNT-U1] A **complaint** is an accusation in a civil court.

compliance [N-UNCOUNT-U13] **Compliance** is when people obey an order or request.

computerized database [N-COUNT-U3] A **computerized database** is a collection of texts and information which is available on a computer.

concurrent [ADJ-U7] If authority is **concurrent**, it can be shared by different legal bodies.

constitutional [ADJ-U4] If a law is **constitutional**, it is connected with the way the state or country is governed, especially with regards to the rights of the people in that place.

correspondence [N-UNCOUNT-U5] **Correspondence** is letters and emails.

court [N-COUNT-U1] A **court** is a place where justice is administered.

court reporter [N-COUNT-U8] The **court reporter** is the person who writes everything that is said in court.

court rule [N-COUNT-U4] **Court rules** are the regulations that people must follow in court.

credibility [N-UNCOUNT-U15] If something has **credibility**, it is believable.

crime [N-COUNT-U11] A **crime** is an action which is against the law.

damages [N-PLURAL-U12] **Damages** are the money a person receives to compensate for loss or injury.

defendant [N-COUNT-U1] A **defendant** is a person who has been accused of wrong doing in the legal system.

defense [N-COUNT-U8] The **defense** is the person accused of wrongdoing and his or her attorney.

demand package [N-COUNT-U5] A **demand package** is a request for a set of documents related to a case.

digest [N-COUNT-U3] A **digest** is a legal book which summarizes individual cases.

disciplinary action [N-UNCOUNT-U13] **Disciplinary action** is steps taken to punish a person or business that has not correctly followed the rules.

discovery [N-COUNT-U9] **Discovery** is when a lawyer asks for and examines information about a case from the lawyer on the opposing side.

discretionary [ADJ-U6] If a case is **discretionary**, a court can choose whether or not to investigate it.

dispute [N-COUNT-U2] A **dispute** is a disagreement or conflict.

district court [N-COUNT-U6] A **district court** is a general court that covers cases in a small area.

documentation [N-UNCOUNT-U14] **Documentation** is paper that proves something is true or that something happened.

due process [N-COUNT-U2] **Due process** is a citizen's guarantee that he or she will receive a fair trial.

elicit [V-T-U14] If you **elicit** information, you get the information by talking to and questioning people.

exclusive [ADJ-U7] If authority is **exclusive**, it is held by one body and is not shared.

expert witness [N-COUNT-U15] An **expert witness** can give a professional opinion on the facts of the case.

eyewitness [N-COUNT-U15] An **eyewitness** is a person who saw the incident which is under investigation.

factual [ADJ-U14] If something is **factual**, it is based on facts, not beliefs.

federal court [N-COUNT-U6] A **federal court** is a court that applies the laws of a central government.

Glossary

- fee agreement** [N-COUNT-U5] A **fee agreement** is a document that outlines an attorney's cost and expenses.
- fine** [N-COUNT-U11] A **fine** is a punishment in which someone must pay money.
- firsthand** [ADV-U15] If someone sees something **firsthand**, they actually see the event.
- form book** [N-COUNT-U3] A **form book** is a collection of forms and documents which are required or recommended to be used in legal cases.
- form letter** [N-COUNT-U5] A **form letter** is a letter which is printed many times and sent to many different people.
- forum shopping** [N-UNCOUNT-U7] **Forum shopping** is the act of choosing which court to take your case to.
- friendly witness** [N-COUNT-U15] A **friendly witness** is a person who supports the client's case.
- government agency** [N-COUNT-U13] A **government agency** is an administrative department which is run by the government.
- hostile witness** [N-COUNT-U15] A **hostile witness** is a person who does not support the client's case.
- hung jury** [N-COUNT-U9] A **hung jury** is a jury that cannot agree on whether someone is guilty or innocent.
- initiate** [V-T-U2] To **initiate** something is to start a process.
- injunction** [N-COUNT-U12] An **injunction** is an official court order that stops a person or company from doing something or forces them to do it.
- intake memo** [N-COUNT-U5] An **intake memo** is a questionnaire or set of notes that a lawyer writes for a new client.
- interrupt** [V-I or T-U10] To **interrupt** someone means to speak when the other person has not finished speaking.
- jail** [N-COUNT-U11] A **jail** is a large secure building where criminals may go if they commit a crime.
- jeopardize** [V-T-U13] If something **jeopardizes** something else, it has a seriously negative effect on it.
- journal** [N-COUNT-U3] A **journal** is an academic magazine which presents formal articles.
- judge** [N-COUNT-U1] A **judge** is the person who is in charge of and decides cases in a court.
- jurisdiction** [N-UNCOUNT-U6] **Jurisdiction** is the authority of an official organization to deal with, hear and decide legal disputes.
- juror** [N-COUNT-U8] A **juror** is a person who is a member of a jury.
- jury** [N-COUNT-U1] A **jury** is a group of people who listen to evidence and decide whether someone is guilty or innocent in a court case.
- jury box** [N-COUNT-U8] The **jury box** is where the jury sits during a trial.
- jury duty** [N-UNCOUNT-U8] **Jury duty** is when a person is called to sit on a jury and deliver a verdict in a case.
- lawsuit** [N-COUNT-U2] A **lawsuit** is a legal action that is brought in court by one person or company against another.
- legal** [ADJ-U1] If something is **legal**, it is connected to the law.
- legal action** [N-COUNT-U2] **Legal action** is the use of lawyers and the legal system to help solve a problem.
- legal body** [N-COUNT-U7] A **legal body** is an organization with power to make or enforce laws.
- legal encyclopedia** [N-COUNT-U3] A **legal encyclopedia** is a book which gives brief information about a wide range of legal matters.
- legal system** [N-COUNT-U1] A country's **legal system** is the method of interpreting laws and putting them into effect.

legislation [N-UNCOUNT-U4] **Legislation** is a law or set of laws that is formally decided and put in force by a government.

liability [N-UNCOUNT-U12] **Liability** means legal responsibility.

license [N-COUNT-U13] A **license** is a paper which gives permission for you to do or own something.

litigation [N-UNCOUNT-U5] **Litigation** is the process of taking a case to court where a dispute can be heard and a decision made.

medical record [N-COUNT-U5] A **medical record** is a document containing information about your health.

mistrial [N-COUNT-U9] A **mistrial** is a trial in which no decision is made or in which the trial is declared invalid due to legal errors.

monetary [ADJ-U12] If something is **monetary**, it is in the form of money.

murder [N-UNCOUNT-U11] **Murder** is the crime of killing another person.

negligence [N-UNCOUNT-U12] **Negligence** is failure to do the things that you have a duty to (or should) do.

negotiate [V-T-U13] If you **negotiate** something, you manage to come to an agreement over a difficult situation.

obtain [V-T-U14] To **obtain** something means to get it.

off the record [PHRASE-U10] If someone speaks **off the record**, they do not want it to be reported in public.

offend [V-I or T-U11] To **offend** means to break the law.

paralegal [N-COUNT-U1] A **paralegal** is an attorney's assistant with specialized legal training.

perjury [N-UNCOUNT-U10] **Perjury** is the crime of lying while giving evidence in court.

personal jurisdiction [N-UNCOUNT-U7] **Personal Jurisdiction** is the authority of an official organization over a certain type of person.

pertain [phrasal verb-U4] If something **pertains** to something else, it is connected to it.

plaintiff [N-COUNT-U1] A **plaintiff** is a person or company who brings a case to court against another person because they want to recover compensation for loss or injury.

plea bargain [N-COUNT-U9] During a **plea bargain**, a suspect is given the chance to stand trial for a lesser offence if he pleads guilty.

police report [N-COUNT-U5] A **police report** is a document that police officers write in order to report a crime.

policy [N-COUNT-U4] A **policy** is a principle which the law encourages.

precedent [N-COUNT-U4] A **precedent** is a decision in a past law case. Lawyers use this information because future cases may result in similar decisions.

prejudiced [ADJ-U15] A **prejudiced** person shows an unreasonable like or dislike for someone or something.

preside [V-I-U8] To **preside** means to be in charge of a formal meeting or ceremony.

pre-trial hearing [N-COUNT-U9] A **pre-trial hearing** is a meeting between the lawyers, the defendant, the plaintiff and the judge before the trial, in which they attempt to come to an agreement.

primary materials [N-COUNT-U3] **Primary materials** are texts which give information about the government's laws.

probate [N-UNCOUNT-U12] **Probate** is the act of dealing with a dead person's property and will.

probation [N-UNCOUNT-U11] **Probation** is a period of time in which a criminal must behave well, otherwise he will go to jail.

Glossary

- procedure** [N-COUNT-U4] A **procedure** is a set of steps you must follow in order to do something correctly.
- proceedings** [PLURAL N-U8] **Proceedings** are a series of events that happen in a formal, controlled way.
- proof** [N-UNCOUNT-U2] **Proof** (or evidence) is information, documentary or verbal, which can help to show the truth in a case.
- prosecution** [N-COUNT-U8] The **prosecution** is the person and his or her attorney or just the attorney taking legal action against someone.
- protocol** [N-COUNT-U10] A **protocol** is one of a system of rules about how to behave for formal occasions.
- punish** [V-T-U11] To **punish** someone means to make them suffer for their wrongdoing.
- punitive** [ADJ-U12] **Punitive** damages are fees that must be paid in punishment for a wrongdoing.
- qualification** [N-COUNT-U15] A **qualification** is certification that someone has completed a course of study.
- recommend** [V-T-U14] To **recommend** something is to state that it should be done.
- reference** [N-COUNT-U3] In a document, a **reference** is the details about a book and its author that was used to help write the document. A reference is made to show where information comes from.
- regulation** [N-COUNT-U13] A **regulation** is an official rule.
- relevant** [ADJ-U4] If something is **relevant**, it is connected with what is happening.
- resolve** [V-T-U13] If you **resolve** a problem, you find a solution to it.
- resource** [N-COUNT-U3] A **resource** is a person or thing that gives information or help.
- retainer agreement** [N-COUNT-U5] A **retainer agreement** is a contract between an attorney and client for the retention of the attorney's services.
- rule in someone's favor** [V PHRASE-U7] When a decision **rules in someone's favor**, the decision benefits that person.
- sentence** [V-I-U9] To **sentence** someone means to formally decide what punishment they will get for their crime.
- settle** [V-T or I-U2] To **settle** is to come to an agreement and end a dispute without further need of litigation.
- small claims court** [N-COUNT-U6] A **small claims court** is a district court in which claims for small amounts of money are heard.
- specialized** [ADJ-U6] If something is **specialized**, it concentrates on a specific area.
- state court** [N-COUNT-U6] A **state court** investigates cases that are concerned with state laws, not national laws.
- state law** [N-COUNT-U4] **State law** is the set of rules which applies in one area of a country.
- statement** [N-COUNT-U15] A **statement** is a document that states exactly what a person has seen or experienced.
- statute** [N-COUNT-U4] A **statute** is a law that has been written down formally.
- subject jurisdiction** [N-COUNT-U7] **Subject jurisdiction** is the authority of an official organization over a particular subject area.
- sue** [V-I or T-U12] To **sue** someone means to take legal action against someone because you believe they did something harmful to you.
- suppress** [V-I-U9] To **suppress** evidence means to prevent other people from seeing or using it.
- supreme court** [N-COUNT-U6] The **Supreme Court** is the highest court in the USA, and it reviews the biggest and most important cases.

swear in [PHRASAL V-U10] To **swear someone in** means to make them promise to tell the truth in court.

sworn in [PHRASAL V-U10] **Sworn in** is the participial adjective of 'swear in'. If you are sworn in, you have promised to tell the truth in court.

termination [N-UNCOUNT-U14] **Termination** is the loss of employment against one's will.

territorial jurisdiction [N-UNCOUNT-U7] **Territorial jurisdiction** is the authority of an official organization over a certain geographical region.

tort law [N-UNCOUNT-U12] **Tort law** is law which is involved in getting compensation for a civil wrongdoing that caused loss or injury.

trespass [V-I or T-U11] To **trespass** means to go onto private land without permission from the owner.

trial [N-COUNT-U2] A **trial** is an event in court in which a jury or judge decides if someone is innocent or guilty.

under oath [PHRASE-U10] Someone is **under oath** when they have promised to tell the truth in court.

valid [ADJ-U14] If something is **valid**, it is based on truth and can be accepted.

verdict [N-COUNT-U1] A **verdict** is a jury's decision regarding whether someone is guilty or innocent.

well [N-COUNT-U10] The **well** is the space in front of the judge in a courtroom.

witness [N-COUNT-U15] A **witness** is a person who participates in a case to state what they know or what they saw.

wrongful [ADJ-U14] If an action is **wrongful**, it is illegal or incorrect.

Your Honor [PHRASE-U10] **Your Honor** is the correct way to address a judge.



Law

Book
2

Virginia Evans
Jenny Dooley
David J. Smith - J.D.



Express Publishing

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1 Discovery documents

To: Alice White
 From: Asa Pine
 Subject: Discovery Documents for the Peterson Case
 Date: May 24

Dear Alice,

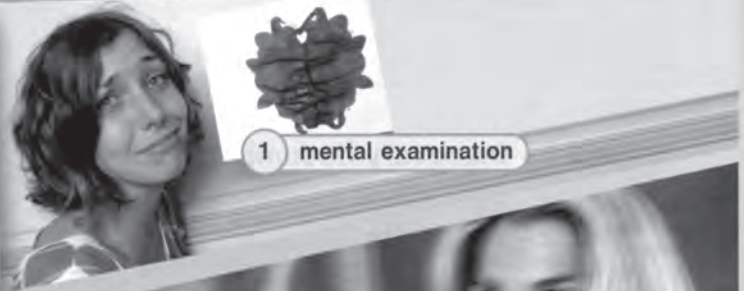
We are in the **discovery stage** for the Peterson case. I sent a **request for production** of documents to Mr. Truesdale, the **opposing** attorney. He quickly provided the information and he also sent the completed **interrogatory**. The **request for admissions** will be sent to us next week.

Mr. Peterson's conversations with his doctor are **privileged**. Because of this, Mr. Truesdale has made a request for a **physical examination**. The date and time of the appointment and name of the independent doctor are on the request. A **mental examination** has not been requested yet.

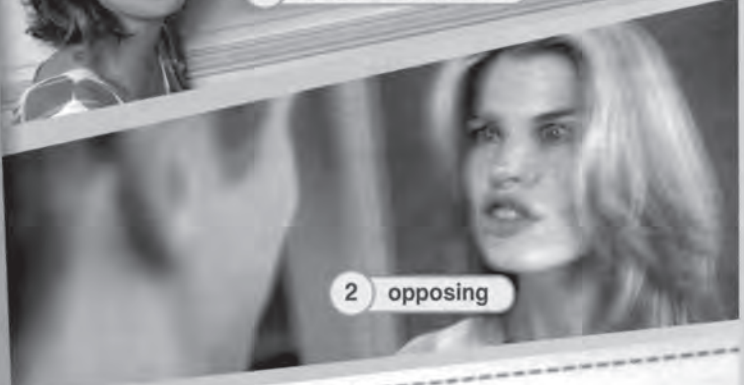
In addition, he asked whether Mr. Peterson will consider an out-of-court **settlement**. He asked if you would contact him about this before a trial date has been set.

Finally - do we need to issue a **subpoena** to the witness in this case? Please let me know so I can request one from the clerk of the court if necessary.

Regards,
 Asa



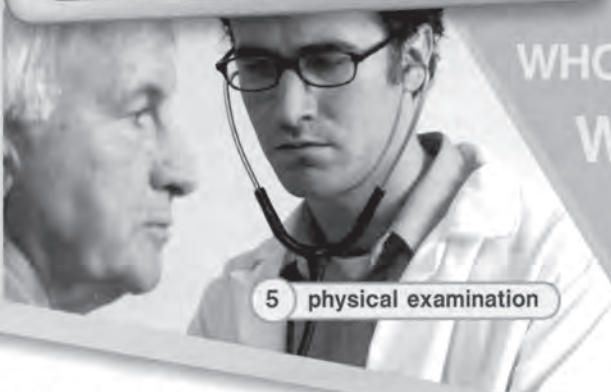
1 mental examination



2 opposing

SUMMONS
 DOMESTIC RELATIONS

3 subpoena



5 physical examination

4 privileged



6 interrogatory

WHO?
 WHAT?
 WHERE?
 WHEN?
 WHY? HOW?

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What information do lawyers exchange before a trial?
- 2 What are the processes for exchanging information about a case between lawyers?

Reading

2 Read the email from a legal assistant to an attorney. Mark the following statements as true (T) or false (F).

- 1 ___ Mr. Truesdale sent the request for admissions and the interrogatory.
- 2 ___ Mr. Peterson's physical examination will not be performed by his doctor.
- 3 ___ A trial date has been set for the case.

Vocabulary

3 Match the words (1-6) with the definitions (A-F).

- | | |
|-----------------------|------------------|
| 1 ___ interrogatory | 4 ___ settlement |
| 2 ___ discovery stage | 5 ___ privileged |
| 3 ___ subpoena | 6 ___ opposing |

- A an order from the court for a witness to appear
 B a set of questions one party asks another before a trial
 C the period of action before a trial
 D confidential statements or conversations
 E being in conflict with someone or something
 F an agreement that is reached before the end of legal proceedings

4 Choose the word that is closest in meaning to the underlined part.

- 1 Make a legal demand for the opposing party's information.
 A request for production B request for admission
 C interrogatory
- 2 Fill out a series of statements to confirm or deny information.
 A request for production B discovery document
 C request for admissions
- 3 The request for an assessment of someone's state of mind is incomplete.
 A mental examination B discovery stage
 C subpoena
- 4 The results of the client's bodily assessment became evidence.
 A request for admissions B physical examination
 C interrogatory
- 5 Get the information that must be made available before a trial.
 A discovery documents B subpoenas
 C physical examinations

5 Listen and read the text again. In three sentences summarize the email.

Listening

6 Listen to a conversation between an attorney and a client. Check (✓) the documents that are mentioned.

- | | |
|--|---|
| 1 <input type="checkbox"/> interrogatory | 4 <input type="checkbox"/> subpoena |
| 2 <input type="checkbox"/> request for admission | 5 <input type="checkbox"/> request for physical examination |
| 3 <input type="checkbox"/> medical record | |

7 Listen again and complete the conversation.

Attorney: Good morning, Mr. Peterson. I want to 1 _____ on your case.

Client: Okay. What's 2 _____?

Attorney: The defendant's lawyer sent us the 3 _____ we asked for.

Client: Okay. What about the interrogation?

Attorney: You mean the 4 _____?

Client: That's it.

Attorney: We have it, along with a request for a(n) 5 _____.

Client: Can't they just talk to my doctor?

Attorney: No. Any information you shared with your doctor is 6 _____.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

I want to update you on your case.

So, what do I need for ...

Is he or she going to testify?

Student A: You are a legal client. Ask Student B about:

- your case
- physical examination
- witnesses

Student B: You are an attorney. Answer Student A's questions.

Writing

9 You are an attorney. Use the information from Task 8 to write a note to your client. Consider the following questions:

What kind of information did the opposing attorney send? _____

What has the opposing attorney requested? _____

What happens if the witness ignores the subpoena? _____



2 Affidavits

Get ready!

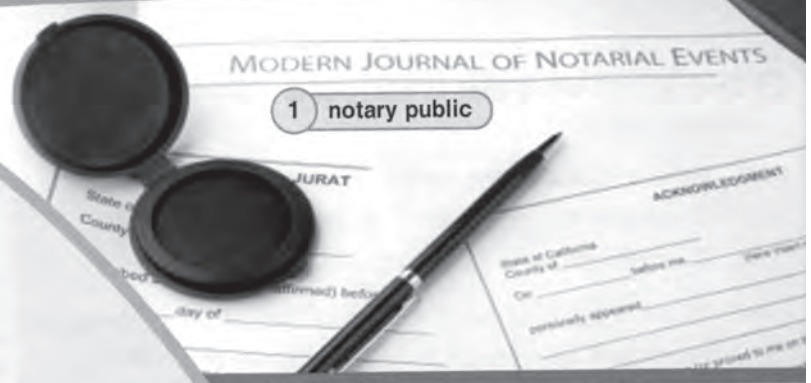
- 1 Before you read the passage, talk about these questions.
- 1 What are some ways to submit a formal statement to a court?
 - 2 How can witnesses help a case?

Reading

- 2 Listen and read the affidavit from a trial for property damage and choose the correct answer.
- 1 What is the purpose of the document?
 - A to give an official statement about an event
 - B to bring a legal suit against a company
 - C to make a report on behalf of a company
 - D to challenge a statement made by Mr. Green
 - 2 The document is signed by a _____.
 - A pianist
 - B mover
 - C notary public
 - D police officer
 - 3 What can we assume about Ms. Jackson?
 - A She plays the piano.
 - B She works until 4:00 daily.
 - C She is a notary public.
 - D She is Mr. Green's neighbor.

Vocabulary

- 3 Match the words (1-5) with the definitions (A-E).
- | | |
|---------------------|---------------|
| 1 ___ notary public | 4 ___ affiant |
| 2 ___ affidavit | 5 ___ fact |
| 3 ___ testimony | |
- A a person certified to certify documents and administer oaths
 - B a person who signs an affidavit and swears to its truth
 - C the spoken evidence given by a witness under oath at trial
 - D any object or event that must be proved through evidence at a trial
 - E a document in which the signee swears that the statements are true



Identification # A-44

Affidavit

State of Massachusetts County of Milkweed

Before the undersigned, an officer duly commissioned by the laws of Massachusetts, on this 4th day of November, Elizabeth Jackson appeared, who having been first duly sworn gave this **testimony**:

These are the **facts**. My house is located across the street from Mr. Green's house. I have a clear view of his front yard from my living room. On October 1st, at 4:10 pm, I saw four movers drop Mr. Green's grand piano as they went up the front steps. I could see that two of the legs had broken off as a result.

Under penalty of **perjury**, I **attest** that this **sworn statement** is true.

Witness:

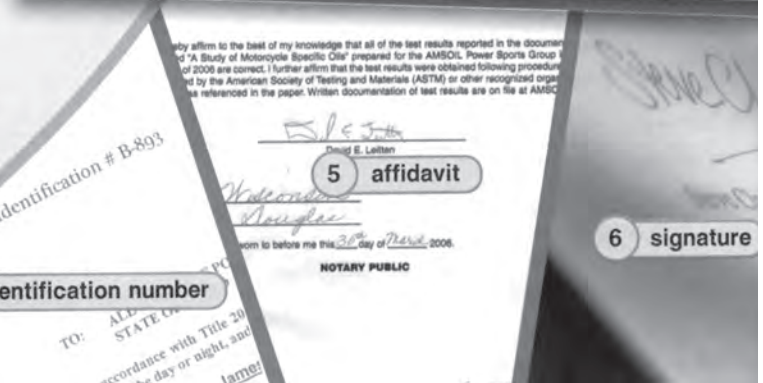
[clearly print name after **signature of affiant**]

Sworn and subscribed before me this 4th day of November [Year] A.D.

Notary Public:

[clearly print name after signature]

My Commission expires: January 20 ____



4 Place a check (✓) next to the response that answers the question.

- 1 Where is the identification number on this document?
A Right here, in the corner.
B The judge gave it to me.
- 2 Is this your signature?
A Yes, I signed that yesterday.
B No, I don't type letters.
- 3 Is the information in your sworn statement accurate?
A No, it happened recently.
B I know it's all true.
- 4 Will you attest to that in court?
A No, I don't know the answers to that one.
B Yes, I'll be at the trial.
- 5 Be careful not to commit perjury.
A I can't serve because I'm busy that day.
B I promise to tell the truth.

Listening

5 Listen to a conversation between an attorney and a witness. Then mark the following statements as true (T) or false (F).

- 1 The woman forgot to include information in the affidavit.
2 The lawyer asks the woman to testify against Mr. Green.
3 The woman agrees to give her testimony in court.

6 Listen again and complete the conversation.

- Attorney:** Thank you for 1 _____ today, Ms. Jackson.
Witness: It's no problem. I just hope I can help.
Attorney: Great! Now, I have your 2 _____ affidavit here. Is this complete and correct?
Witness: Yes. I thought I only had to describe what happened briefly.
Attorney: That's right. We only need the facts about what you witnessed. I just wanted to make sure that you didn't 3 _____.
Witness: Nope, that's it. So, will I have to testify 4 _____ about what I saw?
Attorney: With any luck, no. Hopefully, we won't have to 5 _____ with this case.
Witness: Oh, I see.
Attorney: However, if we do, will you attest to this information 6 _____?

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

Is this complete and correct?

Will I have to testify in court about what I saw?

Will you attest to this information on the stand?

Student A: You are a lawyer. Talk to Student B about:

- the affidavit
- testifying in court

Student B: You are a witness. Respond to Student A's questions.

Writing

8 Use the information from Task 7 to complete the notes from your meeting with a witness in one of your cases.

What is the witness's relationship to your client?

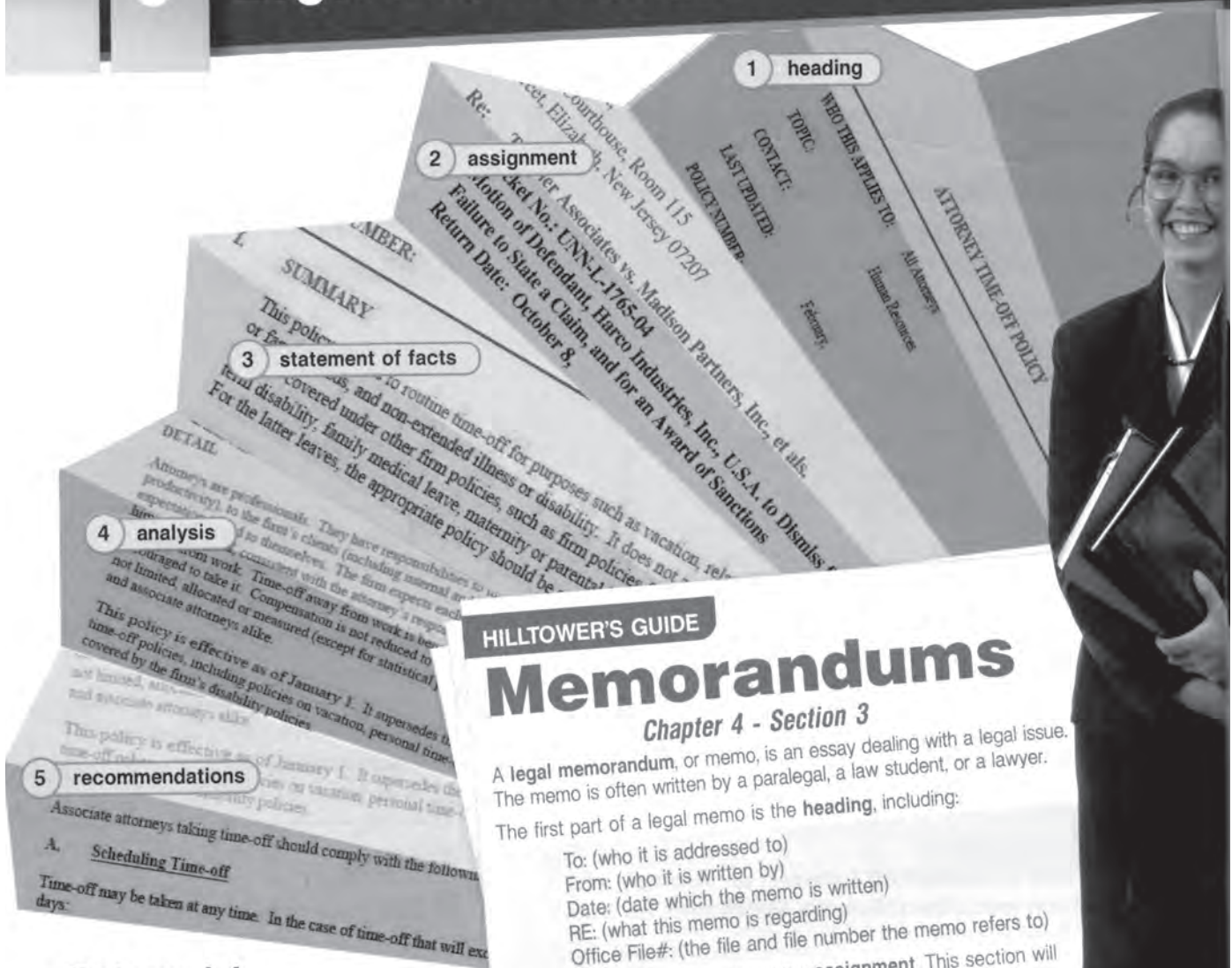
What did the witness see?

Is the witness willing to testify in court on your client's behalf?

NOTES NOTES NOTES

3

Legal memorandums



Get ready!

1 Before you read the passage, talk about these questions.

- 1 What type of professional writes a legal memorandum?
- 2 Why is it important to keep written records of legal matters?

Reading

2 Read the manual on writing a legal memorandum. Mark the following statements as true (T) or false (F).

- 1 Legal memos consist of two sections.
- 2 The file number is included in the heading of the memo.
- 3 The citations come after the summary of recommendations in a legal memo.

HILLTOWER'S GUIDE

Memorandums

Chapter 4 - Section 3

A legal memorandum, or memo, is an essay dealing with a legal issue. The memo is often written by a paralegal, a law student, or a lawyer. The first part of a legal memo is the **heading**, including:

- To: (who it is addressed to)
- From: (who it is written by)
- Date: (date which the memo is written)
- RE: (what this memo is regarding)
- Office File#: (the file and file number the memo refers to)

Next, include information about your **assignment**. This section will explain the reason for the memorandum.

Following the heading and assignment, there are three main elements of the legal memo. The first is the **statement of facts**. This includes **issues, conclusions** and other **pertinent** information. **Analysis** of relevant laws goes in this section, too. Next, include **citations** from similar cases. Finally, summarize the **recommendations** based on this information.

Vocabulary

3 Write a word that is similar in meaning to the underlined part.

- 1 Ellen wrote an essay dealing with a legal issue.
_ e g _ _ m _ _ o r _ _ _ _ u m
- 2 How is the information relevant to the current case?
p _ _ t i _ _ n t
- 3 Is that the new work to complete?
_ s s _ _ n _ _ _ t
- 4 What are your final thoughts reached after considering the facts?
_ o n _ _ _ s _ _ n s
- 5 Paul included detailed information from other case files.
c _ _ a t _ _ _ s

4 Fill in the blanks with the correct word from the word bank.

Word BANK

heading statement of facts issues
analysis recommendations

- The first section of a legal memorandum includes conclusions and _____.
- The lawyer asked him for John's _____ about what to do next.
- The author is identified in the _____.
- Jackson's _____ identified several problems.
- All of the information is consolidated in the _____.

5 Listen and read the text again. Use the words in the photos to explain what a legal memo is.

Listening

6 Listen to a conversation between an attorney and a paralegal. Mark the following statements as true (T) or false (F).

- ___ The woman knows about the Singh case.
- ___ The man does not recall any similar cases.
- ___ The woman will work on the memorandum today.

7 Listen again and complete the conversation.

Attorney: Hi Sue. Would you 1 _____ legal memorandum for me today, please?

Paralegal: Yes. I can work on that this afternoon.

Attorney: It's about the Singh case. Are you 2 _____ with it?

Paralegal: Yes. I've 3 _____.

Attorney: Good. Please summarize the issues to send out to our 4 _____.

Paralegal: Sure. Would you like me to include an analysis as well?

Attorney: Yes, and any 5 _____ you can find from similar cases.

Paralegal: Do you have any cases 6 _____?

Attorney: Smith versus Carson, for one.

Speaking

8 With a partner, act out the roles below based on Task 7. Then switch roles.

USE LANGUAGE SUCH AS:

Would you write a legal memorandum ...?

Would you like me to include ...?

When do you want it ...?

Student A: You have been asked to write a memo. Ask Student B about:

- information to include
- which cases to cite

Student B: You are a lawyer. Respond to Student A's questions.

Writing

9 You are a lawyer. Use the information from Task 8 to write an email asking your assistant to write a legal memorandum. Consider:

SUBJECT: Legal memorandum

What information appears in the heading

Which pertinent cases should the assistant look at for citations

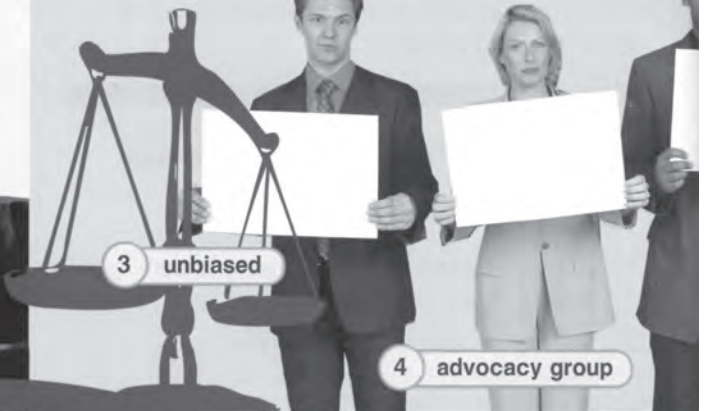
When should the memo be sent out

4 Legal documents



1 legal position

2 dismissed



3 unbiased

4 advocacy group

Tuttle's Law

Briefs

5 brief

Chapter 4

This chapter deals with different types of **briefs**.

Legal briefs are presented to the court prior to a trial starting. The purpose of a legal brief is to state a party's **legal position**. It offers specific reasons why the court should rule in its favor. Attorneys may also have **trial briefs** for their personal use once a trial **commences**. A trial brief helps them argue their case during proceedings.

Merit briefs are **unbiased** descriptions of a case based on evidence. If a case has **merit**, it will be heard in court. If it has no merit, then the case is **dismissed**. **Amicus briefs** are filed with the court by people not directly involved in the case. For example, an **advocacy group** might file an amicus brief.

Appellate briefs are part of the appeals process. They explain why a lower court's decision was in error or why it was correct. Both parties can file appellate briefs if a case is appealed.

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What type of documents do lawyers submit to a court before a trial?
- 2 How can the losing party continue to argue the case after a trial?

Reading

2 Read the page from a law text book and mark the following statements as true (T) or false (F).

- 1 Merit briefs take emotional factors into consideration.
- 2 An appeal may be not be issued until after a ruling.
- 3 An advocacy group can file a brief to help a party in a case.

Vocabulary

3 Check (✓) the sentence that uses the underlined parts correctly.

- 1 A Julia will speak to the court once the trial commences.
 B The defendant issued an amicus brief.
- 2 A The lawyer issued an appellate brief at the start of the case.
 B Mr. Herald stated why the case had merit and should be heard.
- 3 A The lawyer consults his trial brief before questioning witnesses.
 B The judge began the case with a legal brief.

4 Fill in the blanks with the correct words or phrases from the word bank.

Word BANK

merit brief advocacy group dismissed
unbiased legal position briefs

- 1 The law professor explained the different types of _____.
- 2 The case is weak and should be _____.
- 3 To explain the strict legal elements of the case, the attorney issued a(n) _____.
- 4 The prosecution will argue its _____.
- 5 The judge is known for being fair and _____.
- 6 Mr. Sala represents a(n) _____ that works on behalf of animal rights.

5 Listen and read the text again. What types of briefs are there?

Listening

6 Listen to a conversation between a court official and a paralegal. Mark the following questions true (T) or false (F).

- 1 The paralegal intends to file merit briefs.
- 2 Today is the last day to file briefs for this case.
- 3 Different types of briefs are in separate folders.

7 Listen again and complete the conversation.

Official: Good morning, Sam. I see that the court date has been set for your 1 _____.

Paralegal: Morning, Pamela. Yes, we're working hard 2 _____.

Official: This is quite a big stack of briefs.

Paralegal: There are quite a few. This is a(n) 3 _____ case for us.

Official: I can tell.

Paralegal: There are 4 _____ in the top folder. Amicus briefs are in the second folder.

Official: Okay. I'll make sure that they get to the right 5 _____.

Paralegal: Perfect.

Official: Have you filed merit briefs as well?

Paralegal: We have a few days 6 _____ them. I'm planning to bring those in on Friday.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

I see that a court date has been set ...

I'll make sure that they get to ...

Have you filed ...?

Student A: You are a court official. Talk to Student A about:

- the trial date
- types of briefs to be filed

Student B: You are a paralegal. Respond to Student A's questions.

Writing

9 You are a paralegal. Use the information from Task 8 to complete the notes about the briefs filed in a case.

What types of briefs have been filed?

When is the court date for this case?

Which advocacy groups have filed amicus briefs?

5 Motions



The Legal Assistant's View

I've been helping with an important trial in recent weeks. The opposing attorneys have issued more **motions** than I've ever seen. The most recent: a **motion to dismiss**. Last week, a **motion for summary judgment**, and a **motion to compel** one witness to release confidential documents.

Our legal team has issued many motions as well. There was a **motion to strike** a witness's testimony. She claimed to be an expert, but she had no credentials. There was also a **motion for protective order** when our client felt he was being **harassed**.

Our party has been the **movant** and the **nonmovant** many times. Most recently, there has been a **motion for change of venue**. We'll have to wait and see what the court's **ruling** will be on that one. No doubt, there will be a **motion for a new trial** at the end of the proceedings.

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Why would a lawyer issue a motion in a case?
- 2 What types of things do motions ask the court to do?

Reading

2 Read the legal assistant's blog and fill in the blanks using words from the word bank.

Word BANK

proceedings motion ruling
motion to dismiss

A legal assistant is working on a case with her law firm. Both parties are issuing every possible 1 _____ against the opposition's evidence and actions. The court 2 _____ are underway. Most recently, the opposition has submitted a 3 _____. The lawyers are waiting for a 4 _____ on a motion for change of venue.

Vocabulary

3 Check (✓) the sentence that uses the underlined parts correctly.

- 1 A The lawyer typically issues a ruling in court cases.
 B Ms. Garza filed a motion for a new trial as soon as the verdict was entered.
- 2 A They entered a motion for summary judgment based on the current evidence.
 B As the movant, Mr. Howard spoke against the motion.
- 3 A A motion for change of venue requests that proceedings be held elsewhere.
 B The attorney was pleased that the judge harassed him.

4 Choose the correct word pair to fill the blanks.

- 1 The judge ruled against the _____, making the _____ very happy.
A ruling - motion B motion to dismiss - nonmovant
C movant - motion to strike
- 2 A _____ the testimony removes it from the record, but a _____ forces a witness to testify more.
A motion - motion to dismiss
B motion for protective order - movant
C motion to strike - motion to compel
- 3 No more _____ are allowed unless a party feels harassed and a _____ is required.
A motions - motion for protective order
B ruling - motions
C proceedings - motion to strike

Listening

5 Listen to a conversation between a lawyer and a legal assistant. Choose the correct answers.

- 1 The lawyer wants his assistant to write a
A motion for change of venue
B ruling in the case
C motion to strike
D review of expert testimony
- 2 What will the legal assistant most likely do?
A strike the testimony of a witness
B bring the motion to the courthouse
C finish the motion this afternoon
D check the credentials of the witness

6 Listen again and complete the conversation.

Assistant: We're still waiting for a 1 _____ our motion for change of venue in that case.

Lawyer: I hope the judge will issue that ruling today.

Assistant: What type of 2 _____ are we working on today?

Lawyer: A motion 3 _____ testimony of their expert witness.

Assistant: On what 4 _____?

Lawyer: She has no credentials to prove that she is an expert.

Assistant: I see. I'll draft the motion and bring it to you in about an hour.

Lawyer: That's perfect. And can you bring it to the 5 _____ before lunch?

Speaking

7 With a partner, act out the roles below based on Task 6. Then switch roles.

USE LANGUAGE SUCH AS:

Can you help me to prepare ...?

What type of ...?

I'll draft the ...

Student A: You are a legal assistant. Talk to Student B about:

- rulings on motions
- motions to prepare

Student B: You are a lawyer. Respond to Student A's questions.

Writing

8 You are a legal assistant. Use the information from Task 7 to fill in the memo about the current case.

What kind of motion needs to be prepared?

What are you waiting for the judge to issue a ruling about?

When will the new motion be brought to the courthouse?



6

Intentional torts



1 defamation

2 damages

3 harm to property

4 intent

Jetson & Lee

TORTS Attorneys at Law

Have you recently been the **injured party** in an accident or in a case of **misconduct**? At Jetson and Lee, we fight hard for our clients. **Civil litigation** can be complicated. You need our team on your side before you begin a **tort action**.

Recent successful cases include:

Defamation of character.....	Damages: \$ 15,000
Harm to person	Damages: \$ 50,000
Harm to property	Damages: \$ 32,000
Auto Accident.....	Damages: \$ 40,000

If you've suffered an **injury** at the hands of someone else, let us accomplish the most important task: proving the **intent**. Was it **deliberate** or accidental? And what are you entitled to as a result?

Allow us to put our 60 years of combined experience to work for you.

You deserve the best legal representation.

Jetson and Lee, Tort Attorney's at Law
107 Main St • Blue, MD 01144 • 1-800-TORT-LAW

5 injured party

6 injury

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What types of accidents often lead to court settlements?
- 2 What are some reasons that a person might hire a lawyer after suffering an injury?

Reading

2 Listen and read the advertisement. Choose the correct answer.

- 1 What is the advertisement mostly about?
 - A where to receive treatment for an injury
 - B the reduced rates of torts attorneys
 - C attorneys with experience in criminal law
 - D lawyers who help victims of misconduct
- 2 What is the most important role of tort attorneys in misconduct cases?
 - A to prove an accident took place
 - B to demonstrate the responsible party's intent to injure
 - C to show the financial need of the injured party
 - D to explain that property is damaged
- 3 Which of the following is NOT an example of an intentional tort case?
 - A A newspaper prints false statements about a politician.
 - B A group of teenagers break the windows of a car.
 - C A customer falls in a store because of a spill.
 - D A man hits another man in an argument.

Vocabulary

3 Match the words (1-6) with the definitions (A-E).

- | | |
|------------------|----------------------|
| 1 ___ injury | 4 ___ tort |
| 2 ___ damages | 5 ___ harm to person |
| 3 ___ misconduct | 6 ___ deliberate |

- A doing something wrong on purpose
- B on purpose
- C any wrongful act which results in injury
- D the amount of money that a party receives for injuries
- E accidental or intentional harm to a person's body
- F pain or injury to a person's body

4 Read the sentence pair. Choose where the words best fit in the blanks.

1 intent / injured party

Was it Mr. Tatum's _____ to harm Ms. Garner?
Only the _____ will be awarded compensation.

2 civil litigation / defamation

Peter faces _____ and may have to pay damages.
The paper was sued for _____ for printing lies.

3 damage to property / tort action

John is going to court with this _____.
Mike was compensated for _____ when his home was damaged.

Listening

5 Listen to a conversation between a legal assistant and a caller. Choose the correct answer.

- The caller speaks with an attorney about _____.
A the law firm's newspaper ad
B the situation that led to property damages
C rescheduling an appointment
D reforming the tort system
- The legal assistant wants to know _____.
A the cost of the caller's statue
B where the caller lives
C whether the client can come in on Monday
D whether the misconduct was deliberate

6 Listen again and complete the conversation.

Client: I'd like to make an **1** _____ to speak with a lawyer about a tort action.

Assistant: Okay. Can you tell me about **2** _____?

Client: Yes. A neighbor **3** _____ on my property and broke a valuable statue and a window.

Assistant: I see. Was it deliberate?

Client: Yes, it was.

Assistant: Okay. And you **4** _____ for damages?

Client: Yes. For trespass to land and harm to property.

Assistant: Sounds like the type of case we **5** _____.

Client: I thought so from your ad.

Assistant: Can you meet with Ms. Lee on **6** _____ at 4 o'clock?

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

I'd like to make an appointment ...
Can you tell me about ...?
Can you meet with ...?

Student A: You are a legal assistant. Ask Student B about:

- his or her case
- suing for damages
- when to meet an attorney

Student B: You are a potential client who is interested in filing a civil lawsuit. Answer Student A's questions.

Writing

8 You are a legal assistant writing a message about your conversation with a client. Use the information from Task 7 to write a detailed note. Consider:

What kind of legal action does he or she want to talk about? _____

Who/What caused the harm or injury? _____

What types of damages does he or she want to be reimbursed for? _____

7 Negligent torts

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What types of injuries can result when property owners or businesses are negligent?
- 2 Why would a person sue for compensation following an injury?



1 duty

To: Marcus Jones
 From: Janet Hoss-Witt
 Date: May 19
 RE: Willus Case: **Negligent Tort**

Dear Mr. Jones,
 I have received statements from the witnesses in the Willus case. The evidence clearly proves the other party's **liability**. By all accounts, they did not meet a "**reasonable person**" standard. The **duty of care** falls to the property owners in this case. They have not acted with **prudence**.
 The **actual cause** of the fall and the **harm** to Ms. Willus was the broken heel on her shoe. The **proximate cause** was the unmarked, uneven ground inside the shopping center.
 Ms. Willus is seeking **compensation** for lost work and damages for physical and mental injury. I believe the court will award damages in this case.
 However, this case does not involve contracts, so **duty or breach of duty** is not a factor.

Best,
 JHW

5 liability



2 negligent tort



3 harm



4 compensation



6 prudence

LEGAL MEMORANDUM

Vocabulary

3 Fill in the blanks with the correct words and phrases from the word bank.

Word BANK

compensation duty of care actual cause
 breach of duty harm prudence

Reading

2 Read the legal memorandum and mark the following statements as true (T) or false (F).

- 1 The client broke her heel on uneven ground.
- 2 Ms. Willus was not injured.
- 3 Breach of duty is not an issue in this case.

- 1 The paramedic was careful not to cause any _____.
- 2 Sue hopes to receive _____ for lost work time.
- 3 Mr. Bay considers customers' safety and meets the store's _____.
- 4 Ms. Lang acts with _____, careful to avoid risk or injury.
- 5 The _____ of her injury was a fall.
- 6 A _____ resulted when the company did not meet its contracted obligation.

4 Place a (✓) next to the response that answers the question.

- 1 Does Ms. Tuttle handle negligent torts?
A Yes, she makes sure that victims are compensated.
B No, never when damages are awarded.
- 2 Can you tell me the proximate cause of the accident?
A The hole in the floor was not marked.
B She broke her arm.
- 3 Have they fulfilled their contractual duty?
A We have not met them.
B Yes, they did everything they agreed to.
- 4 Have you met a "reasonable person" standard?
A We have taken every precaution.
B Please show me the contract.

5 Listen and read the memo again. What is it about?

Listening

6 Listen to a conversation between a lawyer and a paralegal. Mark the following statements as true (T) or false (F).

- 1 The paralegal hasn't got any witness reports.
- 2 The lawyer believes the case has a good chance of success.
- 3 Ms. Willus needs crutches in order to walk.

7 Listen again and complete the conversation.

Lawyer: I did. Do you have the 1 _____? And the figures for compensation?

Paralegal: Right here.

Lawyer: Good. Will you make copies for the 2 _____ and then bring me the file?

Paralegal: I'll do it right now. I think we've proved 3 _____, don't you?

Lawyer: I do. Let's hope the judge agrees that the duty of care was 4 _____ in this situation.

Paralegal: The 5 _____ cause of her fall was definitely that uneven floor.

Lawyer: I agree. It's a 6 _____ . Have you checked in on Ms. Willus?

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Did you get my memo ...?

Will you make copies ...?

I think we've proved ...

Student A: You are a lawyer. Ask Student B about:

- case documents
- client's health and status

Student B: You are a paralegal. Respond to Student A's questions.

Writing

9 You are a paralegal writing a memo about a case. Use the information from Task 8 to write the memo. Consider:

How was the client injured?

What do the witness reports say?

Who is at fault for the accidents?

8 Nuisance

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Why would neighbors seek legal solutions for disputes?
- 2 What types of things are considered a nuisance in residential neighborhoods?

Ms. Brown
445 Oak St, Seaport, MA

March 12,

Dear Ms. Brown,

I have spoken to you several times about the problems that your four dogs create in our **private** neighborhood. The **excessive noise** of their barking is a **nuisance**, upsetting all of your neighboring property owners. The noise wakes everyone in the very early morning hours. It **interferes** with your neighbors' **entitlement** to a good night's rest.

Since you have not responded to my request to meet with a neutral mediator, I am forced to consider legal action. Please consider this letter a **settlement request**. I do not want to resort to **injunctive relief**.

However, if you ignore my request, I will have no **alternative** but to file an allegation with the **small claims court**, demanding **restitution**.

Yours sincerely,

Shirley Gomes
447 Oak St., Seaport, MA

3 property

PRIVATE PROPERTY
NO TRESPASSING
NO LOITERING
VIOLATOR WILL BE PROSECUTED

4 private

Reading

2 Read the letter and fill in the blanks using words from the word bank.

Word BANK

nuisance property
allegation interferes

A woman writes a letter to her neighbor complaining that her dogs are a 1 _____. She tells the woman that the dogs bother all of the neighboring 2 _____ owners by barking in the early morning. The writer feels that this 3 _____ with many people's sleep. If her neighbor does not do something to keep the dogs quiet, she will have to file a(n) 4 _____ with the courts.

Vocabulary

3 Check (✓) the sentence that uses the underlined parts correctly.

- 1 A Maggie had no options, so she had a lot of alternatives.
 B Your neighbor's property is next to your home.
- 2 A Jack paid restitution to his neighbor for breaking his window.
 B The judge heard the murder case in a small claims court.
- 3 A Mr. Tam doesn't allow visitors on his private property.
 B Kara looks for the entitlement of the law book.
- 4 A The loud motorcycle is a nuisance.
 B Joe interferes in his neighbor's affairs by ignoring them.

4 Match the words (1-4) with the definitions (A-D).

- 1 ___ injunctive relief
- 2 ___ allegation
- 3 ___ excessive noise
- 4 ___ settlement

- A a formal accusation against someone
- B the resolution of a dispute or lawsuit
- C a court order that prohibits a person from doing something
- D loudness that is beyond an accepted volume and bothersome

5 Listen and read the letter again. What is Ms. Gomes's problem?

Listening

6 Listen to a conversation between a lawyer and a client. Mark the following statements as true (T) or false (F).

- 1 ___ The client wants to pursue legal action.
- 2 ___ The client's neighbor will not meet with her.
- 3 ___ The lawyer will write a settlement request.

7 Listen again and complete the conversation.

Lawyer: Before taking your neighbor to court, you should send her a **1** _____ letter.

Client: I've already sent a letter asking her to meet with me. That way, we can avoid **2** _____.

Lawyer: She wouldn't agree to that?

Client: She wouldn't even **3** _____.

Lawyer: I see. And excessive noise from her dogs **4** _____?

Client: Yes. Her dogs create a real nuisance.

Lawyer: Okay. Let's draft a letter from you, including a settlement request.

Client: And if she doesn't respond?

Lawyer: Then we may have no **5** _____ besides legal action.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Before taking your neighbor to court ...
Excessive noise from her dogs ...?
And if she doesn't respond ...?

Student A: You are having trouble with a neighbor. Talk to Student B about:

- the problem
- prior actions

Student B: You are a lawyer. Talk to Student A about a problem.

Writing

9 You are a legal assistant writing a demand letter for a client. Use the information from Task 8 to complete your notes.

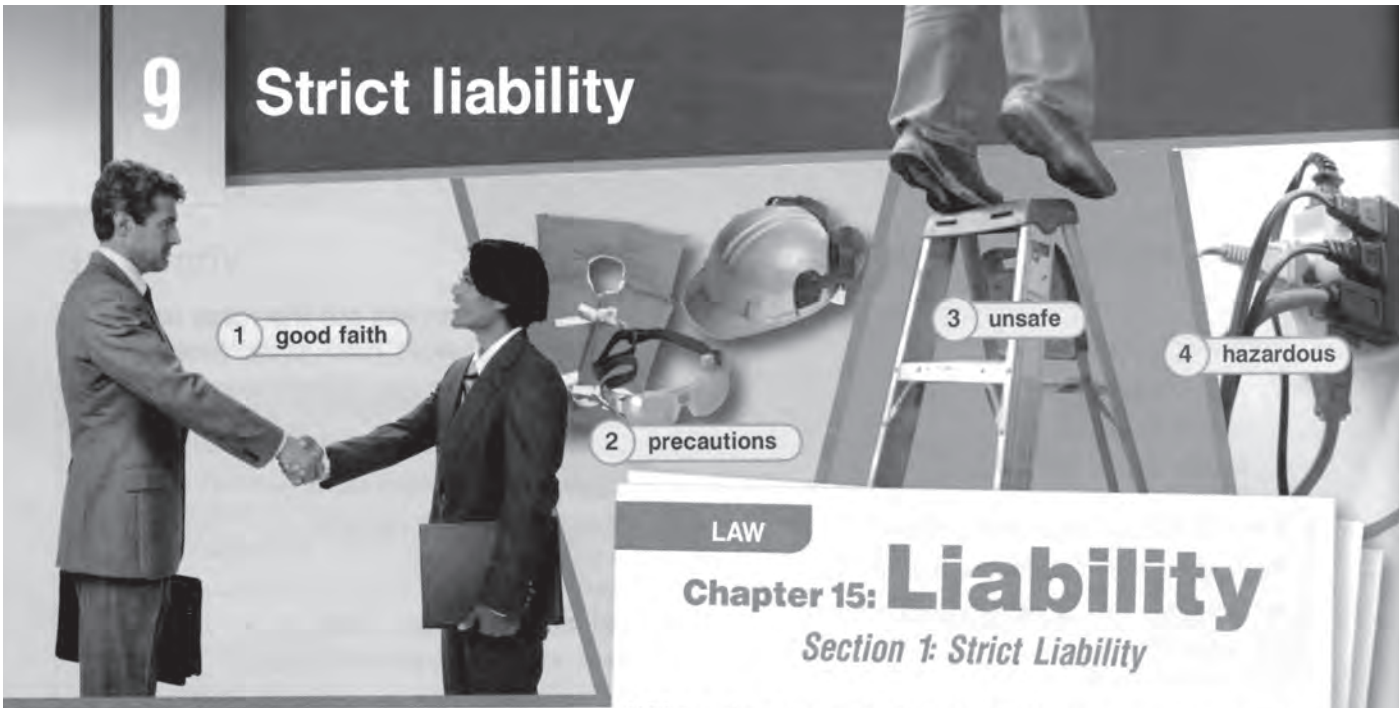
What is creating the nuisance?

How does it interfere with the neighbors' lives?

What will happen if the recipient does not respond to the letter?



9 Strict liability



LAW

Chapter 15: Liability

Section 1: Strict Liability

Without the **demonstration of fault**, who is responsible for **unsafe** situations or **hazardous** conditions?

Liability does not always imply fault. Sometimes even the best **precautions** and measures of **good faith** cannot prevent an accident or injury. In these cases, the **legal responsibility** lies with the person, business, or other party.

Let's take the example of wild animals. If the owners of a wolf rehabilitation center keep the animals behind sturdy bars, they do not expect the wolves to escape. But, what if they somehow manage to get out? They could cause a great deal of harm to people and pets or farm animals. The wolves could also cause **damage** to property as well. The owners of the center would be liable, even though their intentions were good.

When **culpability** for guilty or illegal acts can be proved, a case falls into the category of **absolute liability**.

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some things that make a situation unsafe?
- 2 Give an example in which the person responsible for an accident hasn't done anything wrong?

Reading

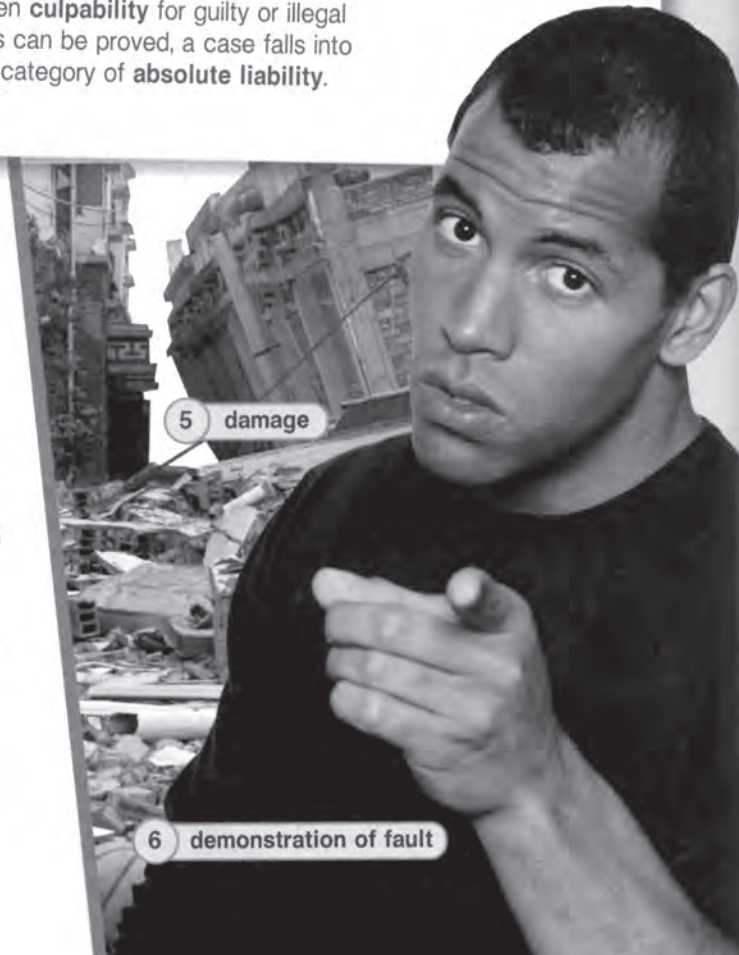
2 Read the article in a law magazine and mark the following statements as true (T) or false (F).

- 1 Someone who is liable for something has committed a crime.
- 2 Taking precautions exempts businesses from liability.
- 3 Liability means that one has done something wrong intentionally.

Vocabulary

3 Write a word that is similar in meaning to the underlined part.

- 1 The workers complained about the dangerous conditions.
_ a _ a r _ _ _ s
- 2 The Morris Company was found to have fault in the accident.
_ u _ _ a _ i l i _ _
- 3 There was no clear indication about who is responsible.
_ e _ _ n _ t r _ t _ _ _ _ _ f _ _ _ t



4 Read the sentence pairs. Choose where the words best fit in the blanks.

1 damage / good faith

The promise was made and kept in _____.
 Since there was a lot of _____, the repairs were costly.

2 absolute liability / legal responsibility

The owners bear a _____ to keep the workplace safe.
 The plaintiff proved _____ because the company knew about the defects.

3 strict liability / precaution

The workers use helmets as a _____ against injuries.
 Though the owners didn't intend for the accident to happen, they were found to have _____.

5 Listen and read the text again. What did you learn from it?

Listening

6 Listen to a conversation between a legal assistant and a client. Check (✓) the information that the client gives to the legal assistant.

- 1 there was an accident
- 2 the client was injured
- 3 the company took every precaution
- 4 someone was hurt
- 5 a woman broke her arm

7 Listen again and complete the conversation.

Client: Yes. Questions about my company's liability 1 _____.

Assistant: Okay, I'll write down your questions and have a lawyer get back to you.

Client: Great.

Assistant: So what happened?

Client: I thought we'd taken 2 _____. No one could call our work site unsafe, but there was an accident.

Assistant: Was someone hurt?

Client: Yes. A woman 3 _____.

Assistant: I see. Sounds like you may be responsible, in terms of 4 _____.

Client: So, what is my legal responsibility?

Assistant: I don't know. That's what you'll need to 5 _____ a lawyer.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

You have some questions ...?
Was someone hurt?
What is my legal responsibility?

Student A: You are a business owner. Talk to Student B about:

- an accident
- precautions
- legal responsibility

Student B: You are a legal assistant. Respond to Student A's questions.

Writing

9 You are a legal assistant writing a note to your boss about your conversation with a client. Use the information from Task 8 to write the note. Consider:

Did the client take precautions to prevent an accident?

What happened to the person who had the accident?

What information does the client want the lawyers to provide?

Know your Product Liability Law

A recent **class action suit** in the news highlighted the issue of **consumer protection laws**.



1 **manufactured product**

Who is responsible for the **safety** of products sold to consumers? Is it the **manufacturers**, the **suppliers** or the **distributors**? Do the **retailers** also share some of the responsibility? Depending on the case, all of the entities described above are accountable.

Product liability cases can be very diverse. In these types of cases, the defendant must prove that the product was **defective**. A lawsuit may also develop from products that are marketed incorrectly.

When a **manufactured product** is **dangerous**, strict liability applies. Strict liability cases do not depend on whether the manufacturer or supplier was careless. A defendant is liable when it is shown that the product is defective. Product liability laws have been adopted by most states. For details, see common law books.



3 **defective**

2 **dangerous**

4 **retailer**

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Who is responsible for a defective product?
- 2 Why would a consumer contact a lawyer about a product?

Reading

2 Read the article in a law magazine and choose the correct answer.

- 1 What is the main idea of the passage?
 - A how to file a class action suit
 - B who to call about product liability
 - C why some products are dangerous
 - D general information about product liability law
- 2 To demonstrate product liability a person must prove that
 - A the place where the product is manufactured is unsafe
 - B a product is defective or marketed dishonestly
 - C the supplier has not been responsible.
 - D someone has been injured by a dangerous product
- 3 Who is responsible for the safety of consumer products?
 - A the State
 - B the consumer protection department
 - C companies involved in sales and production
 - D manufacturers

Vocabulary

3 Write a word that is similar in meaning to the underlined part.

- 1 Return the toy if it is not working properly.
_ e _ _ c _ _ e
- 2 Stores that sell products to consumers must protect customers.
R _ t _ _ l e _ _
- 3 Laws that protect customers are very important.
_ o n _ _ m _ r p _ _ t _ c _ _ n laws
- 4 The broken glass was causing risk or harm.
_ a _ _ _ r o u _
- 5 The standard by which products are judged not to cause harm is important to consumers and salespeople alike.
S _ f _ _ _
- 6 Several plaintiffs filed a suit against a company.
_ l _ _ s a _ t i _ _ suit

4 Choose the correct word pairs to fill the blanks.

- Concerns about ___ have led ___ to take more care with producing items.
A product liability – manufacturers
B safety – distributors
C consumer protection – suppliers
- The ___ are shipped to the store from the warehouse owned by the _____.
A distributors – product liability
B manufactured products – suppliers
C consumer protection laws – class action
- Since these products are ___, they are no longer available from the _____.
A safe – retailer
B dangerous – consumer protection department
C defective – distributors

5 **Listen and read the text again. What did you learn about consumer protection laws?**

Listening

6 **Listen to a conversation between a lawyer and a consumer. Then mark the following statements as true (T) or false (F).**

- ___ The woman was hurt as a result of the defective product.
- ___ The woman is talking to a lawyer about a defective computer.
- ___ The woman contacted the lawyer before contacting the manufacturer.

7 **Listen again and complete the conversation.**

- Lawyer:** Thanks for 1 _____ today. I understand you received an injury from a manufactured product?
- Consumer:** Yes, a defective 2 _____, to be exact.
- Lawyer:** How is it defective?
- Consumer:** The stand can't hold the weight of a laptop. The instruction manual said that it would hold 3 _____ 50 pounds.
- Lawyer:** I see. How were you injured?
- Consumer:** The stand collapsed and the 4 _____ fell onto my foot.
- Lawyer:** I'm sorry to hear that. Was the computer damaged as a result of this 5 _____?
- Consumer:** Yes, the screen is broken.
- Lawyer:** Sounds like this case 6 _____ the product liability laws. Have you contacted the manufacturer?



Speaking

8 **With a partner, act out the roles below based on Task 7. Then, switch roles.**

USE LANGUAGE SUCH AS:

I understand you received an injury ...

Was the ... damaged?

Have you contacted ...?

Student A: You are a lawyer. Ask Student B about:

- a defective product
- any injuries
- contacting the manufacturer

Student B: You were injured by a defective product. Answer Student A's question.

Writing

9 **You are a consumer writing a letter to a manufacturer about a defective product. Use the information from Task 8 to write the letter to the manufacturer. Consider:**

What product you are writing about

How the product was defective _____

How has it injured your body or damaged your property? _____

Who else have you contacted (retailers, distributor, lawyer, etc.) _____

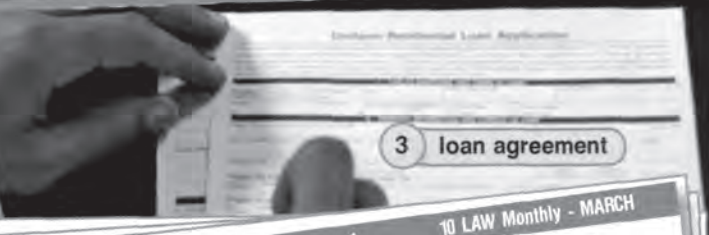
11 Contracts



1 breach of contract



2 severable contract



3 loan agreement



4 legal contract



5 distribution agreement

Smith & Stanwell ATTORNEYS
seek a **business attorney**
to join our team

The candidate must have extensive knowledge of legal contracts. Our firm works with many manufacturers. You must be able to draft a **requirements contract** and a **distribution agreement**. Often, clients seek a standard **agreement of sale**, but a **severable contract** may be needed as well. Further, you must be able to recognize an **adhesion contract** or a **breach of contract** and fight for our clients if they have been wronged. This includes **implied contracts**.

It will be up to you to maintain and update **contracts of employment**, to guarantee that our clients are following all legal guidelines. Some companies may require a **bilateral contract** or a **unilateral contract** when working with outside agents.

Finally, you must have the financial and legal knowledge to assist clients with business **loan agreements**.
Send your résumé to the address below.
Smith and Stanwell • 105 Mountain Ave. • Pelton, WI 53274

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What type of information does a contract usually contain?
- 2 Why would you work with an attorney when writing/drafting a contract?

Reading

2 Read the job advert and mark the following statements as true (T) or false (F).

- 1 ___ The new attorney will work mainly with manufacturing companies.
- 2 ___ The job does not involve representing clients in dispute.
- 3 ___ Knowledge of loan agreements is not necessary.

Vocabulary

3 Match the words (1-6) with the definitions (A-F).

- 1 ___ agreement of sale
- 2 ___ implied contract
- 3 ___ loan agreement
- 4 ___ contract of employment
- 5 ___ bilateral contract
- 6 ___ unilateral contract

- A a legally binding agreement between employers and employees
- B a document that details the terms and conditions of a purchase
- C an agreement for one party to pay for another party's work
- D a contract with terms that have not been explicitly stated or written
- E a contract between a lender and a borrower
- F a contract in which both parties exchange promises to perform certain things

4 Choose the word that is closest in meaning to the underlined part.

- The employer was sued for giving a(n) contract that unfairly favors one party over the other.
A adhesion contract B bilateral contract
C contract of employment
- Both companies signed a legally binding agreement involving two or more people.
A adhesion contract B legal contract
C loan agreement
- Len accused the company of failing to perform as required by a valid contract.
A a contract of employment
B a bilateral contract C breach of contract
- Johnston Industries signed a contract comprised of several separate contracts.
A requirements contract
B severable contract C bilateral contract
- The company signed a(n) agreement to distribute and sell manufactured items.
A distribution contract
B breach of contract
C severable contract
- Is this the contract between a manufacturer and a buyer to provide all necessary supplies?
A requirements contract
B breach of contract
C severable contract

5 Listen and read the text again. What will the successful applicant deal with?

Listening

6 Listen to a conversation between a client and a legal assistant. Mark the following statements as true (T) or false (F).

- ___ The client wants to discuss two different matters.
- ___ The client wants to sever an implied contract.
- ___ The assistant has confirmed an appointment with the attorney.

7 Listen again and complete the conversation.

- Assistant:** Sure. What is this 1 _____?
- Client:** I need to have some legal contracts 2 _____.
- Assistant:** Okay. Are there any details that I should give her 3 _____?
- Client:** We need a 4 _____ for one of our partners. We've been working with an implied contract.
- Assistant:** I'll 5 _____.
- Client:** And I'm afraid that one of our other partners may be in breach of contract.
- Assistant:** That's too bad. I'll tell her that, too.
- Client:** Does she have any 6 _____ this week?

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

- What is this regarding?*
Are there any details ...?
Does she have any free time ...?

Student A: You are an assistant at a law firm. Ask Student B about:

- contracts needed
- a convenient time to meet

Student B: You would like to see a contract lawyer. Discuss the services you need with Student A.

Writing

9 You are a legal assistant writing a message about your phone conversation with a client. Use the information from Task 8 to write a message for the contracts attorney. Consider:

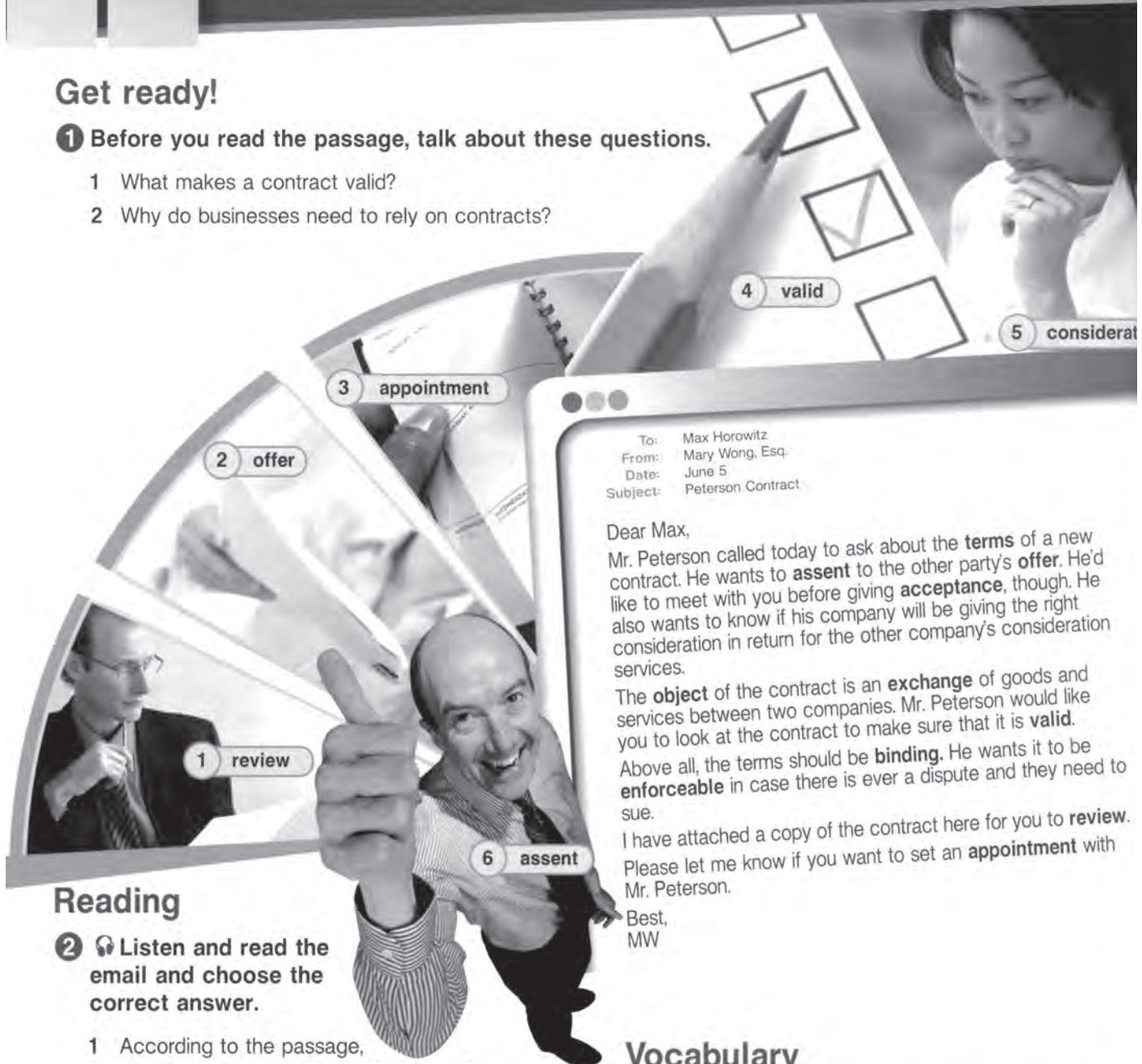
What kind of contract does he or she need help with?

When would she like to meet with the attorney?

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What makes a contract valid?
- 2 Why do businesses need to rely on contracts?



Reading

2 Listen and read the email and choose the correct answer.

- 1 According to the passage, what is Mr. Peterson's contract about?
 - A an enforceable dispute
 - B an exchange of goods and services
 - C the need to sue
 - D an external dispute
- 2 Mr. Peterson wants to
 - A give the contract more consideration
 - B meet with the other party
 - C accept the other party's offer
 - D ask the lawyer to write a contract
- 3 To be enforceable, the terms of the contract must be

A disputed	C reviewed
B exchanged	D binding

To: Max Horowitz
 From: Mary Wong, Esq.
 Date: June 5
 Subject: Peterson Contract

Dear Max,

Mr. Peterson called today to ask about the **terms** of a new contract. He wants to **assent** to the other party's **offer**. He'd like to meet with you before giving **acceptance**, though. He also wants to know if his company will be giving the right **consideration** in return for the other company's **consideration** services.

The **object** of the contract is an **exchange** of goods and services between two companies. Mr. Peterson would like you to look at the contract to make sure that it is **valid**.

Above all, the terms should be **binding**. He wants it to be **enforceable** in case there is ever a dispute and they need to sue.

I have attached a copy of the contract here for you to **review**. Please let me know if you want to set an **appointment** with Mr. Peterson.

Best,
 MW

Vocabulary

3 Write a word that is similar in meaning to the underlined part.

- 1 Write the detailed proposal by one party that can be accepted by another party and lead to a contract. o _ _ e _
- 2 The lawyer says the contract is with legal force. _ _ l i _
- 3 Mr. Bale requested a meeting at a specific place and time. _ p p _ _ _ m _ n t
- 4 Is this contract imposing an obligation or duty? b _ _ _ i n _
- 5 Ms. Dorton was ready to agree with what had been proposed. _ s s _ _ t
- 6 Did you carefully look at and think about the contract? r _ _ _ e w

4 Fill in the blanks with words from the word bank.

Word BANK

acceptance exchange object
consideration terms

- 1 Employees _____ their services for a monthly salary.
- 2 The _____ of this contract is employee benefits.
- 3 Jane was ready to give her _____ of the contract.
- 4 Charles changed the _____ of the contract.
- 5 Besides an offer and acceptance, and an intention to create legal relations, a valid contract must have _____.

Listening

5 Listen to a conversation between a legal assistant and a client. Then answer the questions.

- 1 What problem is Mr. Peterson having?
 - A His contract with his employee is non-binding.
 - B He has had an argument with another company about their contract.
 - C He wants to negotiate the terms of a new contract.
 - D He needs the lawyer to rewrite a binding contract.
- 2 The legal assistant suggests that the client ____ the contract.
 - A terminate C ask a lawyer to review
 - B enforce D assent

6 Listen again and complete the conversation.

Legal Assistant: Hello, Mr. Peterson. How are you today?
Client: Hi, Mary. I'm all right. I'm afraid I'm having a 1 _____ with a partner company.
Legal Assistant: Sounds like bad news. Do you want to make a(n) 2 _____ with Mr. Horowitz?
Client: Yes. I need to make sure that the terms of our contract are 3 _____.
Legal Assistant: You have a 4 _____ contract?
Client: Yes, but I don't know whether it's 5 _____.
Legal Assistant: I see. Our office will go over it with you.
Client: The sooner the better.
Legal Assistant: Would you like to 6 _____ on Wednesday?

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles

USE LANGUAGE SUCH AS:

I'm afraid we're having ...
Do you want to make an appointment ...?
Do you have a valid contract ...?

Student A: You are a legal assistant. Ask Student B about:

- contract-related problems
- validity of contract
- if contract is enforceable

Student B: You are having a contractual problem. Talk to Student A about it.

Writing

8 You are a legal assistant sending an email to an attorney about a contract-related question. Use the information from Task 7 to fill out the email.

What is the problem with the contract?

What is the object of the contract?

What does the client want the attorney to determine about the contract?

13 Types of contract litigation

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What happens when a person or company does not fulfill or honor a contract?
- 2 How are contract problems resolved?

1 fraud

2 collect

Breach of Contract

Arbitration



3 back out

Contract litigation, as you know, is what my firm specializes in. So we have all been interested in the recent case against the National Museum. To summarize, the museum tried to **back out** of an agreement to show a documentary film. The filmmaker accused the museum of **failure** to meet its **commitment**. The museum accused the filmmaker of **fraud**. The film was not what they expected.

Is the museum committing an act of **bad faith**? The filmmaker stands to **recover** substantial damages if the film is not shown. Will he choose to **collect** a settlement, or fight for the film's screening? The parties will have to reach some sort of **resolution**. It looks bad for everyone if the case goes to trial. The museum **defends** its position.

Lately, most cases have been about **breach of fiduciary duty**. This one gives us something different to follow.



4 arbitration

Reading

2 Listen and read the text and mark the following statements as true (T) or false (F).

- 1 The museum is accused of **fraud**.
- 2 There is a contract between the filmmaker and the museum.
- 3 The museum does not want to show the film.

Vocabulary

3 Check (✓) the sentence that uses the underlined parts correctly.

- 1 A The company defended its decision in court.
 B The case is going to trial because there has been a resolution.
- 2 A We recovered damages by paying the other party \$100.
 B She lied to her business partner, committing fraud.
- 3 A They could not resolve their differences without organized arbitration.
 B The judged thanked Ms. Williams for her failure to appear in court.

4 Choose the correct word pair to fill the blanks.

- 1 The firm specializes in ____, with a focus on cases of ____.
A bad faith - commitment
B contract litigation - breach of fiduciary duty
C fraud - arbitration
- 2 Maxwell chose to ____ of the contract, which was an act of ____.
A recover - commitment
B collect - resolution
C back out - bad faith
- 3 Wanda failed to meet her ____, so the other party was able to ____ damages.
A commitment - collect
B contract litigation - recover
C resolution - back out

Listening

5 Listen to a conversation between a legal blogger and a lawyer. Choose the correct answer.

- 1 The lawyer
- A is accusing the museum of fraud.
 - B is unsure if a contract has been breached.
 - C refuses to discuss some aspects of the case.
 - D is upset because he is losing an important case.
- 2 Settling the case through arbitration would
- A be a breach of contract.
 - B end in the museum's favor.
 - C prevent it from going to trial.
 - D be misleading.

6 Listen again and complete the conversation.

Blogger: Are you 1 _____ the case for the National Museum?

Lawyer: Yes. 2 _____ is working with them. It's an important case.

Blogger: Can you discuss whether there has been a breach of contract?

Lawyer: I can't talk about the details, but we do 3 _____ our clients' decision.

Blogger: They've accused the other party of fraud, isn't that right?

Lawyer: Yes. They have said that publicly. They are very upset about 4 _____.

Blogger: The film was not what they expected?

Lawyer: No. The filmmaker misled them from the start.

Blogger: I see. How soon will a resolution be 5 _____?

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

Are you handling the case for ...?

Can you discuss whether ...?

We hope to settle the problem ...

Student A: You are trying to find out the details about a contracts case. Ask Student B about:

- what the client claims
- a resolution
- going to trial

Student B: You are a lawyer. Respond to Student A's questions.

Writing

8 You are a blogger for a legal site. Use the information from Task 7 to write a short report of the case. Consider:

What do the parties accuse each other of?

What is the dispute over?

How will they resolve the case?

14 Professional conduct

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What types of professionals might take a legal ethics course?
- 2 What topics might be discussed on a legal ethics course?

1 confidentiality

2 fraudulent



3 transaction

4 advocate

5 impartiality

Legal Association of North America

Professional Ethics Conference

Conduct – Course Agenda

PART I - Professional Conduct

1. What is **competent representation**?
 1. Recognizing **conflicts of interest**
 2. Legal transactions
 1. Reasonable fees
 2. Meetings and conversations with clients
 3. Hiring expert witnesses
 3. **Impartiality**
 1. An unbiased approach
 2. Be aware of your assumptions
 4. **Advocate** for your client's interests
 1. What does your client deserve?
 2. What are the other party's interests?
 3. How do you achieve a resolution?

PART II - Confidentiality

Integrity

Your duty to the client
Avoiding **misconduct**

Diligence

Protect your client's interests
Speak out against breaches of trust

The ABA Model Rules on Confidentiality - A Summary
A Summary of ABA Model Rule 1.6 Discussion

Fraudulent statements

Keep your client's interests private without misleading the court

Reading

2 Listen and read the agenda for a professional ethics course and choose the correct answer.

- 1 What is the theme of the course?
 - A information about hiring expert witnesses
 - B professional expectations for attorneys
 - C standardizing client fees for attorneys
 - D the importance of telling the truth
- 2 What is the key point of the section on impartiality?
 - A Attorneys should follow their assumptions.
 - B No one is impartial.
 - C Law professionals should be unbiased.
 - D Conflicts of interest can cause bias.
- 3 According to the passage, what should be avoided?
 - A conversations with the opposing party
 - B keeping the client's interests private
 - C accepting quick resolutions
 - D misleading the court

Vocabulary

3 Match the words (1-6) with the definitions (A-F).

- 1 ___ competent representation
- 2 ___ misconduct
- 3 ___ integrity
- 4 ___ confidentiality
- 5 ___ advocate
- 6 ___ conflict of interest

- A the standard of moral and ethical principles
- B to support and defend something or someone
- C a situation where one duty conflicts with another
- D behavior that is wrong or improper
- E the spoken or written agreement to protect privacy
- F a lawyer's ability to argue a client's case well

4 Read the sentence pairs. Choose where the words best fit in the blanks.

1 professional conduct / fraudulent acts

The clients were pleased with Mr. Potter's _____.
The lawyer was accused of _____ for misleading the court.

2 diligence / impartiality

The judge must maintain _____ and fairness.
The lawyer fights for his client with _____ and never gives up.

3 reasonable fees / transactions

The lawyer established _____ so clients could afford her services.
Mr. Walters keeps track of all _____ with the client for his records.

Listening

5 Listen to a conversation between a conference official and a paralegal. Choose the correct answer.

- The woman is looking for information about _____.
A advocating for clients
B publishing an article in *The Law Journal*
C the professional conduct course
D the location of a course
- The man gives the woman _____.
A the course agenda
B a copy of *The Law Journal*
C an essay on conflict of interest
D a speaker's latest article

6 Listen again and complete the conversation.

Official: Which **1** _____ are you interested in, ma'am?
Paralegal: The conduct course.
Official: That course is in **2** _____ at 4 o'clock.
Paralegal: Do you know what is on the **3** _____?
Official: I have it here. Professional Conduct and Confidentiality.
Paralegal: Sounds interesting. Will conflict of interest be discussed?
Official: Yes. The professor **4** _____ on that topic last year.
Paralegal: That's right. I saw it in the *Law Journal*.
Official: She has also written about how to **5** _____ for your clients.

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

Which course are you interested in?

Do you know what is on the agenda?

I have some copies of ...

Student A: You are a paralegal at an ethics conference. Ask Student B about:

- the course agenda
- the professor's writing

Student B: You are a conference official. Answer Student A's questions.

Writing

8 You are a paralegal who attended an ethics course. Use the information from Task 7 to fill out your notes on the course.

What were the important points on the agenda?

What has the professor written about?

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What types of professionals are required to keep information confidential?
- 2 Why is some information kept confidential?



2 consent

1 disclosure

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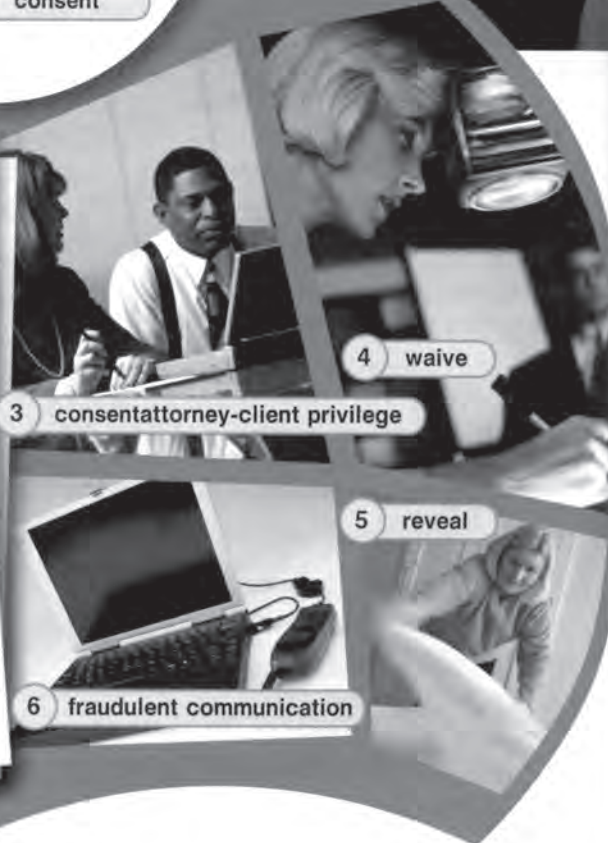
A Modern Look at

Attorney-Client Privilege

We are all aware of the **privileged status** of our conversations with clients. No good attorney would **reveal** information that should remain **confidential**. **Disclosure** is out of the question without your client's **consent**. This could be the difference between effective **representation** and **malpractice**.

In the news lately, there have been many cases in which a client **waives** attorney-client privilege. It is the client's right to do so. Still, it weighs heavily on the hearts of many attorneys to give evidence against a client. **Prevention** of disclosure to the **opposing party** is among our top goals.

The law states that confidential **communication** with attorneys is the client's right. As such, it is up to the client to decide whether to exercise that right. We can only advise a client to make the right decision.



Reading

2 Listen and read the article and fill in the blanks using words from the word bank.

word BANK

effective representation waive
information confidential

The article is about 1 _____ information shared between an attorney and a client. According to the writer, 2 _____, or the attorney's ability to do good work, depends on this privilege. Lately, some defendants have been convinced that they should 3 _____ this right. Even if the attorney does not want to reveal 4 _____, he or she can only offer advice and must follow the client's instructions.

Vocabulary

3 Check (✓) the sentence that uses the underlined parts correctly.

- 1 A The lawyer would not reveal information from his conversation.
 B Mr. Jones won many awards for malpractice.
- 2 A The information is confidential, so it's on the website.
 B Communication between clients and attorneys is protected by law.
- 3 A Sally did not agree and she would only consent.
 B Ms. Lee did not wish to help the opposing party.

4 Choose the correct word pair to fill the blanks.

- Ms. Gillis advised her client not to ___ the right to ____.
A reveal - prevention
B waive - attorney-client privilege
C consent - malpractice
- ___ of information leaks is vital, as ___ of the client depends on it.
A Communication - disclosure
B Malpractice - privileged status
C Prevention - effective representation
- The judge cannot order ___ of information that is protected by ____.
A disclosure-privileged status
B communication-malpractice
C prevention-effective representation

Listening

5 Listen to a conversation between a lawyer and a legal assistant. Mark the following statements as true (T) or false (F).

- ___ The call is regarding an accusation of malpractice.
- ___ The client called about a request from the prosecution.
- ___ The lawyer wants to disclose privileged information.

6 Listen again and complete the conversation.

Lawyer: Were there any 1 _____ this morning?

Legal Assistant: Yes, there was one from Miles Sanchez.

Lawyer: Our 2 _____ client? What was he calling about?

Legal Assistant: The prosecutor wants him to 3 _____ his attorney-client privilege.

Lawyer: Is he going to 4 _____ to that?

Legal Assistant: I don't know. He wants to speak with you about it.

Lawyer: I'll call him today. Our communication should remain 5 _____.

Legal Assistant: Why would he give up that right?

Lawyer: To 6 _____ with the prosecution, I'd imagine.

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

What was he calling about?
The prosecutor wants him to waive his attorney-client privilege.
Why would he give up that right?

Student A: You are a lawyer. Ask Student B about:

- recent calls
- why clients waive attorney-client privilege.

Student B: You are a legal assistant. Talk to Student A about a recent call.

Writing

8 You are a legal assistant. Use the information from Task 7 to write a message about the phone conversation. Consider:

What is the client calling about?

Who has asked the client to make this decision?

Why might the client choose to make that decision?

Glossary

- absolute liability** [N-UNCOUNT-U9] **Absolute liability** defines complete responsibility for an act or for harm resulting from a guilty or illegal act.
- acceptance** [N-UNCOUNT-U12] **Acceptance** is the agreement to follow the terms of the contract.
- actual cause** [N-COUNT-U7] The **actual cause** of harm is the event directly responsible for another event or injury.
- adhesion contract** [N-COUNT-U11] An **adhesion contract** is a contract that unfairly favors one party over the other.
- advocacy group** [N-COUNT-U4] An **advocacy group** works to uphold the rights of a particular party or cause.
- advocate** [V-T-U14] To **advocate** for someone or something is to speak or write about it in a supportive way.
- affiant** [N-COUNT-U2] An **affiant** is a person who signs an affidavit and swears that the statements in it are true.
- affidavit** [N-COUNT-U2] An **affidavit** is a written document in which the signer swears that the statements are true before an authorized person, such as a notary public.
- agreement of sale** [N-COUNT-U11] An **agreement of sale** is a document that details the terms and conditions of the purchase of goods or services.
- allegation** [N-COUNT-U8] An **allegation** is a formal accusation against someone.
- alternative** [N-COUNT-U8] An **alternative** is the opportunity to choose between two or more options.
- amicus brief** [N-COUNT-U4] An **amicus brief** is a type of brief which is filed by people who are not directly part of a case, such as groups that have an interest in the outcome.
- analysis** [N-COUNT-U3] The **analysis** section of a legal memo is the writer's thoughtful assessment of the facts included in the memo.
- appellate brief** [N-COUNT-U4] An **appellate brief** is a type of brief which is filed after a trial has finished in an attempt to appeal or overturn the decision of the court.
- appointment** [N-COUNT-U12] An **appointment** is an arrangement to meet at a certain place and time.
- arbitration** [N-UNCOUNT-U13] **Arbitration** is an out-of-court procedure for resolving disputes in which one or more arbitrators hear evidence and make a decision.
- assent** [V-I/T-U12] To **assent** to something is to agree with what has been proposed.
- assignment** [N-COUNT-U3] The **assignment** section of a memo explains what the document is about.
- attest** [V-T-U2] To **attest** to something is to confirm that a legal document is genuine.
- attorney-client privilege** [N-UNCOUNT-U15] **Attorney-client privileged** is the client's right to keep all information shared with an attorney private.
- back out** [V-I/T-U1] To **back out** of an agreement is to leave the agreed-upon tasks unfulfilled.
- bad faith** [N-COUNT-U13] An act of **bad faith** is one that involves intentionally refusing to complete a contractual obligation.
- bilateral contract** [N-COUNT-U11] A **bilateral contract** is a contract in which both parties exchange promises to perform.
- binding** [ADJ- U12] If a contract is **binding**, it imposes an obligation or duty.
- breach of contract** [N-COUNT-U11] A **breach of contract** occurs when one party breaks the terms of an agreement with another party.
- breach of duty** [N-UNCOUNT-U7] **Breach of duty** is the failure to carry out a legal or contractual obligation.
- breach of fiduciary duty** [N-COUNT-U13] A **breach of fiduciary duty** is a failure to act in the best interest of a party who believes the relationship to be one of trust and good faith.
- brief** [N-COUNT-U4] A **brief** is a written legal document presented to a court to argue the case of one party over another.
- citations** [N-COUNT-U3] The **citations** in a memo refer to other documents or cases.
- civil litigation** [N-COUNT-U6] **Civil litigation** is any legal case that is not a criminal proceeding in which a plaintiff seeks to be compensated.

class action suit [N-COUNT-U10] A **class action suit** is a legal action in which several or a group of plaintiffs facing similar issues file a joint suit against a person or company.

collect [V-I/T-U1] To **collect** damages or funds is to receive payment.

commence [N-V-I or T-U4] To **commence** is to begin.

commitment [N-COUNT-U13] A **commitment** is an agreement to meet an obligation.

communication [N-UN COUNT-U15] **Communication** includes any written or spoken exchange between parties.

compensation [N-COUNT-U7] **Compensation** is money given to someone as reparation for a service or injury.

competent representation [N-UNCOUNT-U14] **Competent representation** is a lawyer's ability to argue a client's case well.

conclusions [N-COUNT-U3] **Conclusions** are the final thoughts reached after consideration of the matters discussed in a memo.

confidential [ADJ-U15] If information is **confidential**, it is held in strict privacy or secrecy.

confidentiality [N-UNCOUNT-U14] **Confidentiality** is the spoken or written agreement to protect privacy.

conflict of interest [N-COUNT-U14] A **conflict of interest** is a situation in which one personal or professional duty conflicts with another.

consent [N-UNCOUNT-U15] To **consent** is the voluntary agreement to someone's proposition.

consideration [N-COUNT/UNCOUNT-U12] A **consideration** is the essential reason or benefit being bargained for in a contract negotiation.

consumer protection laws [N-UNCOUNT-U10] **Consumer protection laws** protect consumers from inferior or dangerous products and from dishonest sales practices.

contract litigation [N-UNCOUNT-U13] **Contract litigation** is the branch of law that resolves the disputes of parties who have entered into a contract.

contract of employment [N-COUNT-U11] A **contract of employment** is a legally binding agreement between an employer and employee that sets the terms of the working relationship.

culpability [N-UNCOUNT-U9] **Culpability** is the state of being responsible or having blame for a criminal or negligent act.

damage [N-UNCOUNT-U9] **Damage** is any loss or harm to a person or property as a result of an accident or negligence.

damages [N-PLURAL-U6] **Damages** is the money that a party receives for all injuries or problems relating to a lawsuit.

dangerous [ADJ-U10] If something is **dangerous**, it can cause harm.

defamation [N-UNCOUNT-U6] **Defamation** is the act of making untrue and damaging statements about another person or party.

defective [ADJ-U10] If something is **defective**, it does not work as intended, due to an error or flaw.

defend [V-I/T-U1] To **defend** something is to make an argument in defence of a claim or allegation.

deliberate [ADJ-U6] If an act is **deliberate**, someone has considered it and intentionally carried it out.

demonstration of fault [N-UNCOUNT-U9] A **demonstration of fault** shows that the party responsible for a defect or damage is at fault.

diligence [N-UNCOUNT-U14] **Diligence** is the state of being careful and giving a lot of attention to a matter.

disclosure [N-UNCOUNT-U15] **Disclosure** is the act of exposing or revealing information, usually documentary.

discovery documents [N-COUNT-U1] **Discovery documents** are all the written or electronic information that must be made available to both parties in a lawsuit before a trial.

discovery stage [N-COUNT-U1] The **discovery stage** is the period before a trial when requests for documents, interviews and legal actions are made.

dismiss [V-I/T-U4] To **dismiss** a case is to throw the case out of court without further consideration.

Glossary

- fee agreement** [N-COUNT-U5] A **fee agreement** is a document that outlines an attorney's cost and expenses.
- fine** [N-COUNT-U11] A **fine** is a punishment in which someone must pay money.
- firsthand** [ADV-U15] If someone sees something **firsthand**, they actually see the event.
- form book** [N-COUNT-U3] A **form book** is a collection of forms and documents which are required or recommended to be used in legal cases.
- form letter** [N-COUNT-U5] A **form letter** is a letter which is printed many times and sent to many different people.
- forum shopping** [N-UNCOUNT-U7] **Forum shopping** is the act of choosing which court to take your case to.
- friendly witness** [N-COUNT-U15] A **friendly witness** is a person who supports the client's case.
- government agency** [N-COUNT-U13] A **government agency** is an administrative department which is run by the government.
- hostile witness** [N-COUNT-U15] A **hostile witness** is a person who does not support the client's case.
- hung jury** [N-COUNT-U9] A **hung jury** is a jury that cannot agree on whether someone is guilty or innocent.
- initiate** [V-T-U2] To **initiate** something is to start a process.
- injunction** [N-COUNT-U12] An **injunction** is an official court order that stops a person or company from doing something or forces them to do it.
- intake memo** [N-COUNT-U5] An **intake memo** is a questionnaire or set of notes that a lawyer writes for a new client.
- interrupt** [V-I or T-U10] To **interrupt** someone means to speak when the other person has not finished speaking.
- jail** [N-COUNT-U11] A **jail** is a large secure building where criminals may go if they commit a crime.
- jeopardize** [V-T-U13] If something **jeopardizes** something else, it has a seriously negative effect on it.
- journal** [N-COUNT-U3] A **journal** is an academic magazine which presents formal articles.
- judge** [N-COUNT-U1] A **judge** is the person who is in charge of and decides cases in a court.
- jurisdiction** [N-UNCOUNT-U6] **Jurisdiction** is the authority of an official organization to deal with, hear and decide legal disputes.
- juror** [N-COUNT-U8] A **juror** is a person who is a member of a jury.
- jury** [N-COUNT-U1] A **jury** is a group of people who listen to evidence and decide whether someone is guilty or innocent in a court case.
- jury box** [N-COUNT-U8] The **jury box** is where the jury sits during a trial.
- jury duty** [N-UNCOUNT-U8] **Jury duty** is when a person is called to sit on a jury and deliver a verdict in a case.
- lawsuit** [N-COUNT-U2] A **lawsuit** is a legal action that is brought in court by one person or company against another.
- legal** [ADJ-U1] If something is **legal**, it is connected to the law.
- legal action** [N-COUNT-U2] **Legal action** is the use of lawyers and the legal system to help solve a problem.
- legal body** [N-COUNT-U7] A **legal body** is an organization with power to make or enforce laws.
- legal encyclopedia** [N-COUNT-U3] A **legal encyclopedia** is a book which gives brief information about a wide range of legal matters.
- legal system** [N-COUNT-U1] A country's **legal system** is the method of interpreting laws and putting them into effect.

legislation [N-UNCOUNT-U4] **Legislation** is a law or set of laws that is formally decided and put in force by a government.

liability [N-UNCOUNT-U12] **Liability** means legal responsibility.

license [N-COUNT-U13] A **license** is a paper which gives permission for you to do or own something.

litigation [N-UNCOUNT-U5] **Litigation** is the process of taking a case to court where a dispute can be heard and a decision made.

medical record [N-COUNT-U5] A **medical record** is a document containing information about your health.

mistrial [N-COUNT-U9] A **mistrial** is a trial in which no decision is made or in which the trial is declared invalid due to legal errors.

monetary [ADJ-U12] If something is **monetary**, it is in the form of money.

murder [N-UNCOUNT-U11] **Murder** is the crime of killing another person.

negligence [N-UNCOUNT-U12] **Negligence** is failure to do the things that you have a duty to (or should) do.

negotiate [V-T-U13] If you **negotiate** something, you manage to come to an agreement over a difficult situation.

obtain [V-T-U14] To **obtain** something means to get it.

off the record [PHRASE-U10] If someone speaks **off the record**, they do not want it to be reported in public.

offend [V-I or T-U11] To **offend** means to break the law.

paralegal [N-COUNT-U1] A **paralegal** is an attorney's assistant with specialized legal training.

perjury [N-UNCOUNT-U10] **Perjury** is the crime of lying while giving evidence in court.

personal jurisdiction [N-UNCOUNT-U7] **Personal Jurisdiction** is the authority of an official organization over a certain type of person.

pertain [phrasal verb-U4] If something **pertains** to something else, it is connected to it.

plaintiff [N-COUNT-U1] A **plaintiff** is a person or company who brings a case to court against another person because they want to recover compensation for loss or injury.

plea bargain [N-COUNT-U9] During a **plea bargain**, a suspect is given the chance to stand trial for a lesser offence if he pleads guilty.

police report [N-COUNT-U5] A **police report** is a document that police officers write in order to report a crime.

policy [N-COUNT-U4] A **policy** is a principle which the law encourages.

precedent [N-COUNT-U4] A **precedent** is a decision in a past law case. Lawyers use this information because future cases may result in similar decisions.

prejudiced [ADJ-U15] A **prejudiced** person shows an unreasonable like or dislike for someone or something.

preside [V-I-U8] To **preside** means to be in charge of a formal meeting or ceremony.

pre-trial hearing [N-COUNT-U9] A **pre-trial hearing** is a meeting between the lawyers, the defendant, the plaintiff and the judge before the trial, in which they attempt to come to an agreement.

primary materials [N-COUNT-U3] **Primary materials** are texts which give information about the government's laws.

probate [N-UNCOUNT-U12] **Probate** is the act of dealing with a dead person's property and will.

probation [N-UNCOUNT-U11] **Probation** is a period of time in which a criminal must behave well, otherwise he will go to jail.

Glossary

- negligent tort** [N-COUNT-U7] **Negligent tort** cases request compensation for injuries caused by another party's failure to maintain a reasonable person standard.
- nonmovant** [N-COUNT-U5] The **nonmovant** is the party opposing the motion.
- notary public** [N-COUNT-U2] A **notary public** is a person certified by his or her state to certify documents and administer oaths.
- nuisance** [N-COUNT-U8] A **nuisance** is anything that prevents private or public reasonable enjoyment of property or place.
- object** [N-COUNT-U12] The **object** of a contract is the purpose of the agreement.
- offer** [N-COUNT-U12] An **offer** is a detailed proposal by one party that, once accepted by the other party, creates a contract between the two.
- opposing** [ADJ-U1] If **Opposing** means being in conflict with another person, team or army.
- opposing party** [N-COUNT-U15] The **opposing party** represents the other side of a court case or dispute.
- perjury** [N-UNCOUNT-U2] **Perjury** is the crime of lying after swearing to tell the truth before a notary public or court official.
- pertinent** [N-ADJ-U3] If something is **pertinent**, it is related to the case at hand.
- physical examination** [N-COUNT-U1] A **physical examination** is an assessment of a person's body for disease or injury.
- precaution** [N-UNCOUNT-U9] **Precaution** is the care taken in advance to prevent harm or danger.
- prevention** [N-UNCOUNT-U15] **Prevention** is the act of stopping something from happening.
- private** [ADJ-U8] Something that is **private** is set aside for use by certain individuals based on: place of residence, fees paid, etc.
- privileged** [ADJ-U1] If a statement or conversation is **privileged**, it is confidential and cannot be revealed in court.
- privileged status** [N-UNCOUNT-U15] **Privileged status** is the confidential status of communications or correspondence that are protected from disclosure by law.
- product liability** [N-UNCOUNT-U10] **Product liability** is the area of law that holds those who make products available to consumers responsible for the safety of the products.
- professional conduct** [N-UNCOUNT-U14] **Professional conduct** is the actions and services expected from a professional in his or her work.
- property** [N-UNCOUNT-U8] **Property** is land or items owned by a person or group.
- proximate cause** [N-COUNT-U7] The **proximate cause** of an event is the immediate reason for something that results in harm to another person.
- prudence** [N-UNCOUNT-U7] Acting with **prudence** means using caution and good judgment.
- reasonable fee** [N-COUNT-U14] A **reasonable fee** for services meets the accepted standards of charges for a particular type of service.
- "reasonable person" standard** [N-COUNT-U7] The **"reasonable person" standard** is the standard of care that a reasonable person would observe under given circumstances.
- recommendations** [N-COUNT-U3] **Recommendations** in a legal memo are suggestions about the next steps to be taken.
- recover** [V-T-U13] To **recover** damages by court order is to be partially or fully reimbursed for a loss.
- request for admissions** [N-COUNT-U1] A **request for admissions** asks a defendant to agree or deny certain facts that pertain to a legal case.
- request for production** [N-COUNT-U1] A **request for production** is the legal demand for the opposing party's information in a lawsuit.

requirements contract [N-COUNT-U11] A **requirements contract** exists between a supplier or manufacturer and a buyer and requires the seller to sell all the particular products that the buyer needs, and the buyer agrees to purchase the goods only from that supplier.

resolution [N-COUNT-U13] A **resolution** is a solution to a problem that is accepted by all parties.

restitution [N-COUNT-U8] **Restitution** is the return of property, payment for lost property or payment for harm caused by a defendant.

retailer [N-COUNT-U10] A **retailer** is the sales outlet where items are available for consumers to purchase.

reveal [V-T-U15] To **reveal** something is to share or discuss something that was previously hidden or private.

review [V-I/T-U12] To **review** something is to read and consider it carefully.

ruling [N-COUNT-U5] The court's or a judge's decision on a motion or trial is called a **ruling**.

safety [N-UNCOUNT-U10] **Safety** is the standard by which products are judged not to cause harm or loss.

settlement [N-COUNT-U1] A **settlement** is an agreement between two legal parties that is reached through negotiation, rather than by a court ruling.

settlement request [N-COUNT-U8] A **settlement request** asks for the resolution of a dispute or law suit.

severable contract [N-COUNT-U11] A **severable contract** is comprised of several separate contracts so that the breach of one does not necessarily mean the breach of the others.

signature [N-COUNT-U2] A **signature** is a person's name, written in his or her own hand, particularly on legal or official documents.

small claims court [N-COUNT-U8] A **small claims court** is a special court intended to handle small matters or debts quickly.

statement of facts [N-COUNT-U3] A **statement of facts** consolidates information about a case in a clear, concise way.

strict liability [N-UNCOUNT-U9] **Strict liability** guarantees that the manufacturer or the party responsible for causing injury is held responsible, whether or not negligence can be proved.

subpoena [N-COUNT-U1] A **subpoena** is an order from the court for a witness to appear at a certain time and place and to bring all relevant documents.

supplier [N-COUNT-U10] A **supplier** makes goods available for sale in large or small numbers.

sworn statement [N-COUNT-U2] A **sworn statement** is a spoken or written statement made under oath.

term [N-COUNT-U12] The **term** of a contract is the period of time during which the contract is valid.

testimony [N-COUNT-U2] A **testimony** is the spoken evidence given by a witness under oath at trial.

tort [N-COUNT-U6] A **tort** is any wrongful act, whether intentional or accidental, where injury occurs to another person or party.

tort action [N-COUNT-U6] A **tort action** is a civil lawsuit that seeks remedy for a wrongful act.

transaction [N-COUNT-U14] A **transaction** is the action of carrying out a professional agreement.

trial brief [N-COUNT-U4] A **trial brief** is a document containing a summary of a party's case, including its legal position and evidence, and is used by attorneys during a trial.

unbiased [N-ADJ-U4] If someone is **unbiased**, he or she is impartial and without prejudice.

unilateral contract [N-COUNT-U11] A **unilateral contract** is an agreement for one party to pay in exchange for the performance or work of the other party.

unsafe [ADJ-U9] If something is **unsafe**, it can cause harm or damage.

valid [ADJ-U12] If a contract is **valid**, it is legally binding.

waive [V-T-U15] To **waive** something is to give it up or disregard it willingly.



Law

Book
3

Virginia Evans
Jenny Dooley
David J. Smith - J.D.

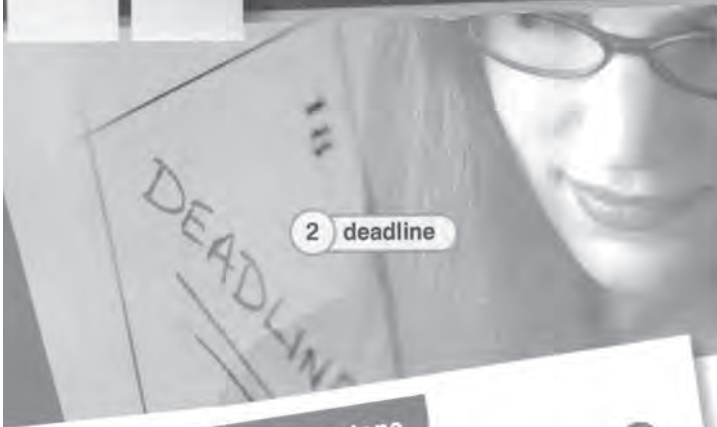
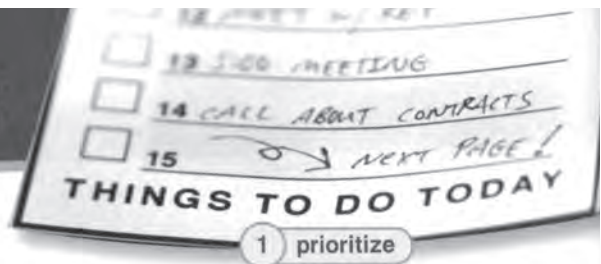


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1 Time management



By Carey Johnstone

Have you got Time?

Time Management Tips for Attorneys

A former US president said that all a lawyer has to sell is his time and advice. Therefore, it stands to reason that a successful lawyer will not have a lot of time on his hands. But for lawyers, time is money, so managing it well is **crucial**. Here are some tips on how to **maximize** your working time.

Plan daily. At the beginning of each day, **pick out** which tasks are **urgent** and must be **accomplished**. Even simple filing jobs become urgent if the **deadline** is that day. If you find you are trapped doing simple yet urgent jobs, reduce your **workload** by **delegating** it to members of your staff.

Get organized. Keep a **to-do list** on your desk and work through it. Be **realistic** though. **Prioritize** and choose five or six jobs that you can reasonably complete in a day. Don't **procrastinate**. It's always tempting to **put off** the unpleasant tasks and get going on the easier ones. But at the end of the day, you'll find that you have made no **progress** on your important work. Start with the most difficult work. That way, your work will get easier throughout the day.



Reading

2 Read the extract and mark the following statements as true (T) or false (F).

- 1 ___ Delegating is a good way to lighten your workload.
- 2 ___ Simple tasks are less urgent than more complex tasks.
- 3 ___ Do easy jobs first and the harder, more unpleasant jobs later.

Vocabulary

3 Match the words (1-6) with the definitions (A-F).

- | | |
|---------------------|------------------|
| 1 ___ maximize | 4 ___ prioritize |
| 2 ___ procrastinate | 5 ___ delegate |
| 3 ___ accomplish | 6 ___ pick out |

- A to not do something that needs to be done
- B to make the best use of something
- C to decide what is most important
- D to choose something
- E to give work to another person to do
- F to complete something successfully

4 Fill in the blanks with the correct words and phrases from the word bank.

WORD BANK

crucial task urgent deadline
workload to-do list realistic progress

- 1 Philip hasn't made any _____ on his report.
- 2 Jack's _____ is heavy so he has no free time.
- 3 The Jenkins report is on the top of Sonya's _____.
- 4 Fiona had to take a(n) _____ call from a client.
- 5 It's _____ to check your work for spelling errors.
- 6 Henry asked George to help him with a small _____.
- 7 Derek should be more _____. He will never be able to finish the work in one day.
- 8 The _____ for the report is tomorrow.

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Why is time management an important skill?
- 2 What are some methods busy people can use to stay organized?

- 5 Listen and read the text again. Say three things you remember from the text.

Listening

- 6 Listen to a conversation between a lawyer and her legal assistant. Choose the correct answers.
- 1 What is true about the Adams case task?
A the deadline to submit it is today
B it is an easy task for a legal secretary
C the attorney has been procrastinating over it
D Sharon is responsible for getting it done
 - 2 What is the attorney most likely going to do today?
A make some urgent phone calls
B work on the Adams case
C file an entry of appearance
D hire a new legal secretary

- 7 Listen again and complete the conversation.

Lawyer: Okay, let's talk about the jobs that we need to 1 _____ today.

Assistant: Sure.

Lawyer: There are a number of 2 _____ jobs that need to be done. First, the entry of appearance for Herman Bentley needs to be filed.

Assistant: I can do that easily enough.

Lawyer: Please don't forget. The 3 _____ is today.

Assistant: I'm putting it at the top of my 4 _____.

Lawyer: And I have got to do some work for the Adams 5 _____. I've been procrastinating for days.

Assistant: That's not good.

Lawyer: I tried to work on it yesterday, but there was just too much going on.

Assistant: There's a whole staff of secretaries and assistants in this firm. You need to 6 _____ more work to them.

Speaking

- 8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Let's talk about the jobs that we need to accomplish today.

I'm putting it at the top of my to-do list.

I've been procrastinating for days.

Student A: You are a lawyer. Discuss items to do with Students B.

Student B: You are a legal assistant. Talk to Student A about

- entry of appearance
- delegating work

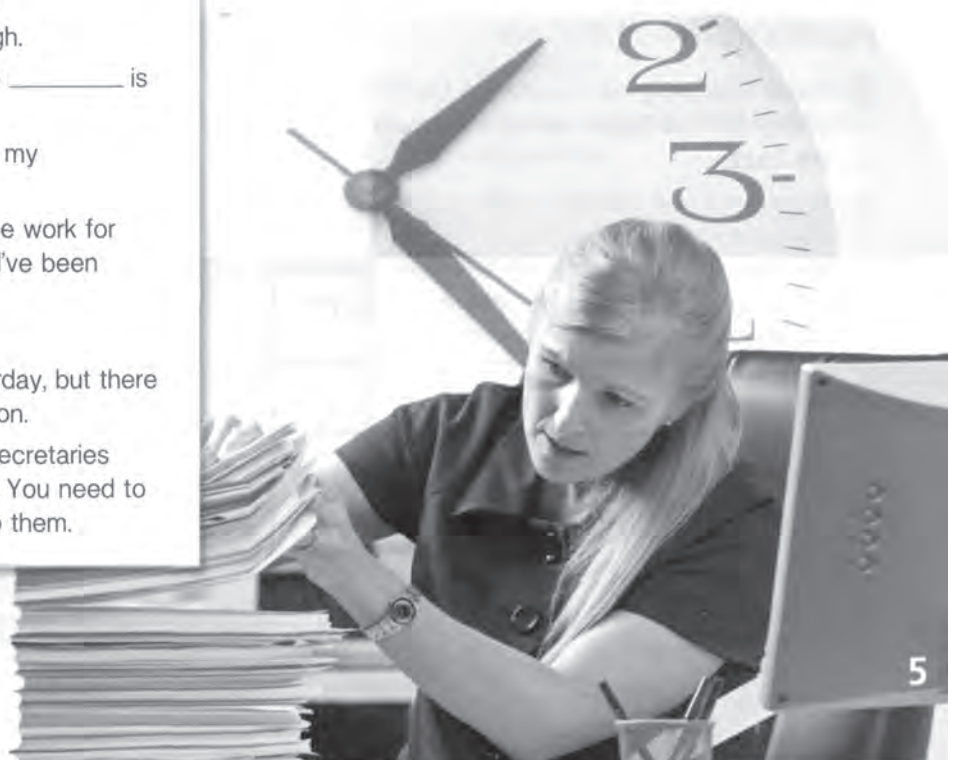
Writing

- 9 You are a lawyer. Use the reading passage and the conversation from Task 8 to write a memo to your assistant delegating some of your work (100-120 words). Consider the following questions:

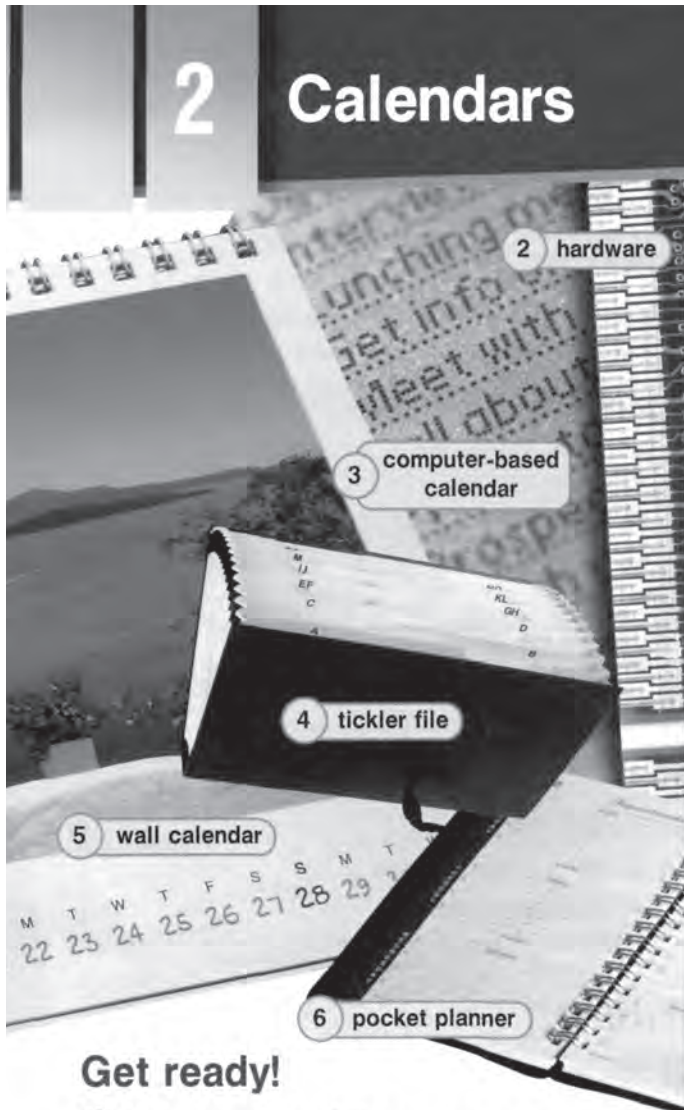
What do you need to accomplish today?

Which tasks do you want your assistant to do?

Which tasks in the list are most urgent and why?



2 Calendars



1 software

2 hardware

3 computer-based calendar

4 tickler file

5 wall calendar

6 pocket planner

Calendar Control *Tom Watford*

When starting your own practice, you need to realize that law firms are hectic. You'll soon be swimming in paperwork and deadlines. But a missed deadline can lead to a malpractice case. So good calendar management is vital to the success of any law practice.

To start off, you need an **individual planner** to make a note of your **appointments**. You can choose a **pocket planner**, **wall calendar** or **computer-based calendar** - whatever suits you best.

Your firm also needs a **master calendar** to **track** the movements and appointments of your employees. It is important to have a system in place to **update** the firm calendar. You should also keep a **tickler file** to **remind** staff about **upcoming** deadlines.

Thankfully, good calendar **software** programs are available. The advantage of these is that information only needs to be entered once. Then it can be viewed by anyone in the firm. You can also see appointments in various **formats**, such as by lawyer, by date or by location. The software also helps you schedule group meetings by searching for **conflicts** in your colleagues' schedules. Advanced calendar control programs can even automatically enter due dates for you. For example, if you file a complaint, the program will calculate all upcoming deadlines.

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Where do people record their appointments and important dates?
- 2 Law firms usually have a master calendar with important dates marked. Why is this beneficial?

Reading

2 Read this blog on starting a law firm and complete the table using information from the text.

Type of Calendar	Uses
pocket diary, 1 _____, computer-based calendar	To make a note of your appointments
Master calendar	2 _____
3 _____	To remind staff about upcoming deadlines
4 _____	To help schedule group meetings

Vocabulary

3 Read the sentence pairs. Choose where the words best fit in the blanks.

- 1 **pocket planner / master calendar**
The _____ is hanging on the wall in the office.
John made a note of the date in his _____.
- 2 **updated / reminded**
Alice _____ Mr. Fey about the meeting.
Hannah _____ the firm calendar.
- 3 **tickler file / software**
This _____ stores appointments on the computer system.
Check the _____ for upcoming deadlines.
- 4 **formats / conflicts**
Users can view the calendar in different _____.
Mr. Wong has several scheduling _____.

4 Check (✓) the sentence that uses the underlined parts correctly.

- 1 A Staff should read the boss's individual planner daily.
 B Staff should look at the firm calendar regularly.
- 2 A Freda uses a wall calendar so that she can easily see her appointments.
 B Peter wrote the appointment on his computer-based calendar with a red pen.
- 3 A I can relax today. I have five upcoming deadlines.
 B Every boss should track the movements of his or her staff.
- 4 A Ms. Dailey has an appointment with her doctor.
 B Susan keeps her software in her briefcase at all times.

5 Listen and read the text again. How can you maintain good calendar management?

Listening

6 Listen to a conversation between a lawyer and a legal secretary. Mark the following statements as true (T) or false (F).

- 1 The attorney wrote his upcoming appointments on his wall calendar.
- 2 The secretary has already updated the tickler file.
- 3 The attorney prefers computer-based calendars to wall calendars.

7 Listen again and complete the conversation.

Secretary: I'm updating the 1 _____. Do you have any appointments that I need to add?

Lawyer: Oh, yes. There's probably several of them. Here, why don't you have a look at my 2 _____.

Secretary: All right. And I've just added some information to the wall calendar from the 3 _____. Some of those deadlines might apply to you, so you should check.

Lawyer: Okay, I'll take a look at it later.

Secretary: You know, we really ought to get a better calendar system than this. There's really good 4 _____ nowadays.

Lawyer: I guess I'm old-fashioned. I don't like 5 _____.

Secretary: But they're so useful! It's easy to track people's schedules, plan meetings and avoid 6 _____, and you only have to enter the information once.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

I'm updating the master calendar.

Do you have any appointments that I need to add?

We really ought to get a better calendar system than this.

Student A: You are a legal secretary. Discuss with Student B:

- adding appointments
- the master calendar
- calendar software

Student B: You are a lawyer. Answer Student A's questions.

Writing

9 You are a legal secretary in a law firm. Use the reading passage and the conversation from Task 8 to write an email to the boss suggesting why calendar software would be beneficial (100-120 words). Consider:

How you currently track employees' appointments

The problems with the current system

The advantages of using calendar software



3

Document retention

Adams and Kitchener Document Retention Policy

The corporate records of Adams and Kitchener constitute vital information. Records include everything you produce as an employee, including memoranda, emails, contracts, expense records and calendars.

The law requires our firm to **retain** records for a **specified period**. Failure to do so could **subject** the company to severe **penalties**, and may place us in contempt of court.

We expect all employees to **comply** with the following policies.

- Tax records, including payroll documents, expenses and other documents concerning the company's revenues should be kept for at least six years.
- Federal statutes require the company to keep all recruitment and personnel information, including performance reviews and complaints. These must be **cataloged** and retained for six years.
- Meeting minutes should be maintained **in perpetuity** in the company's minute book.
- Legal files must not be **destroyed** until ten years after the case has closed.
- E-mails should either be:
 - (i) printed in **hard copy** and kept in the appropriate file; or
 - (ii) downloaded and kept electronically.

1 hard copy

2 catalogue

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some important documents people keep for a long time?
- 2 Why do they keep this kind of information?

Reading

2 Listen and read this law firm's document retention policy. Choose the correct answer.

- 1 What is the policy about?
 - A where to find different forms
 - B how long to keep information
 - C why you need to keep records
 - D who is responsible for paperwork
- 2 Which of the following must be kept for more than six years?
 - A an expense claim form
 - B a staff performance review
 - C the minutes from a meeting
 - D an email about company revenues
- 3 What should happen to legal files after a case closes?
 - A they should be destroyed immediately
 - B they should be cataloged carefully
 - C they should be retained for ten years
 - D they should be downloaded and printed

The retention period depends upon the **subject matter** of the e-mail. Failure to comply with this document retention policy may result in punitive action against the employee, including suspension or termination.

READ, UNDERSTOOD,
AND AGREED:
Employee's signature:

3 destroy

Vocabulary

3 Place a check (✓) next to the response that answers the question.

- 1 Did you destroy the files for the Andersen case?
 - A No, they need to be kept for another year.
 - B Yes, I sent the documents to her yesterday.
- 2 Is there a specified time for our lunch hour?
 - A No, Mr. Lee didn't say what day to meet.
 - B Yes, it's between noon and one o'clock.
- 3 How long does the company need to retain documents?
 - A It depends on what kind of documents they are.
 - B Please record the notes from the meeting.

- 4 Why do employee contracts need to be kept in perpetuity?
 A — We shred the documents when we're done with them.
 B — In case we ever need to verify someone worked here.
- 5 Is the company's document retention policy very strict?
 A — Yes, employees can get into trouble if they don't follow it.
 B — No, we are able to wear jeans on Fridays.
- 6 Could you please catalog these documents?
 A — Should I organize them by subject or date?
 B — No, Angela didn't find anything to order.

4 Fill in the blanks with the correct words from the word bank.

Word BANK

failure comply period penalty subject hard copy

- Employees may receive a _____ such as a fine.
- Everyone in the company should _____ with the rules.
- _____ to follow the rules may lead to disciplinary action.
- Illegal actions can _____ a company to a court case.
- You can store data electronically, or as a _____.
- Please keep these records for a _____ of five years.

Listening

5 Listen to a conversation between a new employee at a law firm and a legal secretary. Mark the following statements as true (T) or false (F).

- The man has not seen a document retention policy before.
- Most documents need to be retained for six years.
- The company stores all information electronically.

6 Listen again and complete the conversation.

Employee: I've signed my 1 _____ and those other forms.

Secretary: Great. Now I just need you to sign this 2 _____.

Employee: What's that?

Secretary: It's a form which outlines how long we have to 3 _____ all the company records.

Employee: Really? I never realized such documents existed.

Secretary: Oh, they're very important, especially in a law firm. Everything has to be 4 _____ and kept. Nothing can be 5 _____ until the specified time is up.

Employee: How long is the time 6 _____?

Secretary: Most documents are six years, but some things, like meeting minutes, are kept 7 _____.

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

*Now I just need you to sign ...
 Nothing can be destroyed until ...
 How long is the time period?*

Student A: You are a new employee at a law firm. Talk to Student B about:

- document retention
- how long to keep documents
- electronic storage

Student B: You are a secretary. Answer Student A's questions.

Writing

8 You work in a law firm. Use the reading passage and the conversation from Task 7 to write a memo to the staff outlining why it is important to keep documents (100-120 words). Consider:

*What happens if staff members do not retain documents correctly?
 How long should staff members retain different documents?
 Can staff members retain documents electronically?*



4 Legal billing

Get ready!

1 Before you read the passage, talk about these questions.

- Sometimes lawyers do not get paid unless they win their cases. Why do you think this is?
- Why are lawyers' fees often expensive?



RICKARD AND PARTRIDGE 4

Dear Mr. Hamilton,
I am writing to inform you of our **billing procedures** for your case. We can offer you two **payment options**.

1) Hourly rates

Under this option, you would pay an hourly rate of \$200 per hour for the services of a lawyer. You will also need to pay a **retainer fee** of \$350 **up front** before legal representation begins. This may be **refunded** when the case is closed, if it has not already been used in legal fees. If you opt for this, you will keep all the money you receive on **recovery**.

2) Hourly rate plus Contingency Fee

Alternatively, we can offer you a **reduced** rate of \$120 per hour, on the understanding that 30% of any money awarded to you on recovery will be paid to the firm. I am afraid I cannot offer you a **flat rate fee** for this work. Should you wish to retain the services of one of the senior partners, please let us know and we will inform you of the **current rate**. Please note that due to the senior lawyers' **prominence** and **expertise**, the hourly rate will be **considerably** higher. We would be grateful if you could inform us of your decision before 4th June.

Your sincerely,
Margaret Woodford, Paralegal

Reading

2 Listen and read this letter from a law firm to a client. Complete the table using information from the passage.

Hourly rate Option	
Lawyer's hourly rate	\$200
Lawyer's 1 _____ fee	\$350
Contingency fee Option	
2 _____ rate per hour	\$120
Contingency fee	30%
3 _____	not available
Hourly rate for services of a 4 _____	Please contact us for the current rate

Vocabulary

3 Match the words (1-7) with the definitions (A-G).

- | | |
|------------------|---------------------|
| 1 _ reduced rate | 5 _ contingency fee |
| 2 _ flat rate | 6 _ recovery |
| 3 _ current rate | 7 _ retainer fee |
| 4 _ hourly rate | |

- A a fixed payment for a service
- B the money awarded to a client
- C the percentage of money awarded a lawyer gets
- D a fixed amount of money per hour of work
- E an hourly fee which is less than usual
- F the money paid to reserve a lawyer's services
- G the fee which is applicable at the moment

4 Write a word that is similar in meaning to the underlined part.

- 1 There are several choices regarding how to pay.
o _ _ _ _ _ s
- 2 The money will be returned to you. _ _ _ u _ _ _ d
- 3 This firm's rates are a lot higher than the other's.
c _ _ _ _ _ _ _ _ l _
- 4 Pay the money before you receive the services.
_ p f _ _ _ _
- 5 A senior lawyer has great importance in the profession.
_ r _ _ _ _ _ _ e
- 6 How money is charged and accepted vary between firms.
b _ _ _ _ _ p _ _ _ _ _ _ s
- 7 Kevin has a lot of skills and talent in this area.
_ x _ _ _ _ _ e
- 8 Send the money that is owed before January 14th.
_ a _ _ _ n _

Listening

5 Listen to a conversation between a paralegal and a client. Choose the correct answer.

- 1 How much is the senior partner's hourly rate?
A \$615 B \$650 C \$100 D \$1,000
- 2 What is the paralegal likely to do next?
A talk to Mr. Rickard
B calculate the contingency fee
C take the client's retainer fee
D give the client his recovery

6 Listen again and complete the conversation.

Client: Hello, it's James Hamilton here. I received a letter from you this morning about your 1 _____.

Paralegal: Oh yes, of course.

Client: Could you tell me what the 2 _____ is for Mr. Rickard's services, please?

Paralegal: Tony Rickard? The senior partner? His fee would be 3 _____ higher than the one we quoted for you.

Client: Yes, I realize that, but I think his 4 _____ would be beneficial in this case.

Paralegal: Well, let me see. His hourly rate is \$650, and he would require a 5 _____ of \$1,000.

Client: Will the retainer fee be 6 _____?

Paralegal: Only if it isn't used up in the duration of the case.

Client: And would I keep all the 7 _____ if I took that option?

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

Could you tell me what the hourly rate is for ...?

Is there an option with a contingency fee?

I'll speak to him this afternoon.

Student A: You are a client. Talk to Student B about:

- hourly rates
- retainer fees
- refunds

Student B: You are a paralegal. Answer Student A's questions.

Writing

8 You work in a law firm. Use the reading passage and the conversation from Task 7 to write a letter confirming the rates of a senior partner. Consider:



*What is the senior partner's hourly rate and retainer fee?
Is the retainer fee refunded?
What option is available for paying contingency fees?*

5

Criminal procedure



Dear Patrick,

Thanks very much for taking over this case. As you know, unforeseen family problems have meant that I'm unable to continue with it. All the paperwork you need is in the file. I'll briefly summarize the case so far.

A **warrant** for an **arrest** went out on our client, Luke Ingman, last November. Police found that he had been selling stolen property. He was **booked** and held in **custody**. He's a known criminal and has a habit of not showing up for court appearances. As a result, he was not granted **bail**. We **appealed** but to no avail.

He was **charged** with burglary and the sale of stolen goods and **pleaded** not guilty at the **arraignment**. We wanted to try for a **plea bargain**, but the judge didn't allow it. The **preliminary hearing** was conducted last month with no great surprises.

The next, step of course, is to go through the **pre-trial motions**. I've made a case for insufficient evidence, the details of which are in the file. The trial is scheduled for May. The likelihood of him being **convicted** is quite high, but the **sentence** will probably be light.

Please email me if you have any questions.

Thanks again,
Helen

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some crimes that people get arrested for?
- 2 What are some things that happen after a person gets arrested?

Reading

2 Read this letter from a lawyer to her colleague and mark the following statements as true (T) or false (F).

- 1 ___ The two attorneys will work together.
- 2 ___ The client is currently in police custody.
- 3 ___ The client was allowed to plea for a lesser charge.


Vocabulary

3 Choose the correct word pair to fill the blanks.


- 1 In order to _____ the suspect, the officer needs a _____.
 A arrest - warrant
 B book in - plea bargain
 C charge - sentence
- 2 The lawyer didn't agree with the _____ so she _____ the ruling.
 A bail - charged
 B sentence - appealed
 C pre-trial motions - pleaded
- 3 Paul was _____ with the crime and he _____ guilty to theft.
 A appealed - sentenced
 B sentenced - charged
 C charged - pleaded
- 4 Fred was not granted _____ because he has been _____ before.
 A bail - convicted
 B sentence - pleaded
 C plea bargain - appealed

4 Read the sentence and choose the correct words.

- 1 The lawyers entered a(n) (plea bargain / arraignment) to get their client a lighter charge.
- 2 Kevin is still being held in police (bail / custody).
- 3 The defendant was charged at the (arraignment / pre-trial motions).
- 4 Ian was taken to the police station and (booked / sentenced).
- 5 The judge decided there was enough evidence to continue at the (preliminary hearing / plea bargain).
- 6 The defense asked to exclude evidence during the (pre-trial motions / bail).

5  Listen and read the email again. What information does it give?

Listening

6  Listen to a conversation between an attorney and a legal assistant. Which of the documents below did Helen forget to put in the file?

- 1 the details of the warrant
- 2 the details of bail
- 3 the details of the arraignment
- 4 the details of the plea bargain
- 5 the details of pre-trial motions

7  Listen again and complete the conversation.

Attorney: Well, Helen left me the file on the Ingman case, but there are a few important things 1 _____ from it.

Assistant: Really? Hmm ... they're probably 2 _____.

Attorney: Do you mind helping me look for them?

Assistant: No problem. What's missing?

Attorney: Well, I've got the details of the 3 _____, but I don't have anything on the withholding of bail.

Assistant: Okay. I think this is it, isn't it?

Attorney: That looks like it. Next, I need the 4 _____ of the arraignment.

Assistant: Oh, that's right here on top of this 5 _____.

Attorney: Let's see ... I've got the documents about the plea bargain ... oh, she prepared some work for the 6 _____. If you could find that, it'd save me a lot of time.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Is something wrong?

If you could find that, it'd save me a lot of time.

If you need a hand, let me know.

Student A: You are an attorney taking over a case. Talk to Student B about:

- details of the bail
- the plea bargain
- the pre-trial motions

Student B: You are a legal assistant. Answer Student A's questions.

Writing

9 You are an attorney taking over a case. Use the reading passage and the conversation from Task 8 to write an email to a legal assistant asking for some missing documents. Consider:



Which documents do you have already?

Which documents are you missing?

Does the legal assistant know anything about the case?

6

Juvenile crime

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What happens if a child commits a crime?
- 2 How do legal punishments differ for children and adults?

Don't Do It!

I'm too young to go to court!

1 counseling

community service

3 juvenile

Children as young as seven can be tried in a **juvenile** court. And if you commit a crime when you're younger than that, your parents will be **liable**. They may have to stand trial or pay a fine.

Yeah, but that's juvenile court, not the real courts!

Watch out! If you commit a serious crime, the judge can **waive** you to adult court. It's happened to youths as young as twelve years old!

*The police never do anything. They just **detain** you, call your parents and then you go home!*

Police officers can elect to take a **minor** into custody if the situation warrants it. Do you want to stay in a juvenile **correctional facility**?

*Well, the judge will probably just give me a **lecture off-the-record**.*

Or the judge might force you to pay a fine, give you **community service**, put you on **probation**, and make you pay back the **victim** or insist you go to **counseling**.

*But I won't get a **criminal record** if I'm under 18.*

Not true. Juvenile records may be **expunged** on your eighteenth birthday, but only if you've proved that your behavior has improved.

Reading

2 Read this leaflet about juvenile crime and choose the correct answer.

- 1 What is the purpose of the pamphlet?
 - A to help parents whose children have committed crimes
 - B to deter young people from committing crimes
 - C to advise judges on how to sentence young people
 - D to show disapproval of juvenile crime
- 2 What happens if children commit very serious crimes?
 - A They are taken to a correctional facility.
 - B They stand trial like an adult.
 - C They receive a lecture from the judge.
 - D They must attend counseling sessions.
- 3 Which of the following is NOT true?
 - A All juvenile crimes are recorded for life.
 - B Minors can be taken into police custody.
 - C 7-year-olds cannot appear in juvenile courts.
 - D Parents of juvenile criminals may be fined.

4 criminal record

Vocabulary

3 Fill in the blanks with the correct words from the word bank.

word BANK


waived detained expunged
off-the-record liable juvenile lecture

- 1 The judge spoke to the teenage girl _____.
- 2 The boy's parents were _____ for the damage.
- 3 Tom received a _____ about obeying the law.
- 4 A fifteen-year-old boy is due in a _____ court tomorrow.
- 5 The judge _____ the crime to an adult court because it was serious.
- 6 His criminal record was _____ when he was 18 years old.
- 7 The police _____ the juvenile at the station.


4 Match the words (1-7) with the definitions (A-G).

- 1 ___ criminal record 5 ___ probation
2 ___ minor 6 ___ victim
3 ___ correctional facility 7 ___ counseling
4 ___ community service

- A someone who is too young to be treated as an adult
B a place where young people are detained
C the process of helping someone with their problems
D a document showing any crimes you have committed
E a person who suffered as a result of someone's crime
F a punishment in which the person works to help local people
G a situation in which the person must behave well to avoid further punishment

5  **Listen and read the text again. Say three things you've learnt from the text.**

Listening

6  **Listen to a conversation between a judge and a juvenile court officer. Mark the following statements as true (T) or false (F).**

- 1 ___ The offender is currently in custody.
2 ___ The officer thinks the offender should go home.
3 ___ The judge will make the offender's parents pay for the damage.

7  **Listen again and complete the conversation.**

Officer: The girl's name is Leanna Parks. She broke into an elderly woman's house, threatened her, and stole some money and 1 _____.

Judge: That's pretty serious. Is she being 2 _____ now?

Officer: Yes, she is. She's in the 3 _____ correctional facility. But this is her first offense.

Judge: How old is she?

Officer: She's 4 _____.

Judge: We might be able to handle it 5 _____ since this is her first offense.

Officer: But surely not without punishment?

Judge: Oh no. We could give her some 6 _____.

Officer: What about 7 _____?

Speaking

8 **With a partner, act out the roles below based on Task 7. Then, switch roles.**

USE LANGUAGE SUCH AS:

*Tell me about this case.
Is she being detained now?
We might be able to handle it ...*

Student A: You are a judge. Ask Student B about:

- juvenile's offense
- family background
- where offender is

Student B: You are a juvenile court officer. Answer Student A's questions.

Writing

9 **You are a juvenile court officer. Use the reading passage and the conversation from Task 8 to write a short report for the judge (100-120 words). Consider:**

*What was the juvenile offender's crime?
Is this his/her first offense?
Where is he/she now?
What punishments might be suitable?*

7 Types of evidence

Law TODAY



Kelly Watson

Types of Evidence



Evidence is something which can be used to demonstrate the truth of an **assertion**.

It can take the form of a person's **testament**, an object or a document. In order for evidence to be **admissible**, it needs to be **relevant**, **material** and **competent**.

To be relevant, evidence must serve to make an assertion more or less probable. Evidence is material if it has a significant relationship with the issues in a case. Competent evidence is reliable. **Foundation** evidence is that which shows that these **prerequisites** of admissibility have been met.

There are four types of evidence: **real**, **demonstrative**, **testimonial** and **documentary**.

Real evidence is usually an object which was involved in the case. To be admissible, real evidence must be **authenticated**, either by identification or by establishing a **chain of custody**.

Demonstrative evidence illustrates the testimony of a witness. It may include maps or diagrams. It is authenticated by the witness himself.

Documentary evidence is similar to real evidence. Typically, it includes contracts or other forms. It, too, must be authenticated by a witness.

Testimonial evidence is an oral or written assertion offered as proof of the truth. This type of evidence does not require foundation evidence as a prerequisite for its admissibility.



Get ready!

1 Before you read the passage, talk about these questions.

- 1 Why is evidence important during a trial?
- 2 What are some items that can be used as evidence in a trial?

Reading

2 Read this article about evidence and complete the table using information from the dialogue.

Relevant Evidence	3 _____
2 _____	Has a significant relationship with the case
Competent Evidence	3 _____
4 _____	An object involved in a case
Demonstrative Evidence	Illustrates the testimony of a witness
5 _____	Includes contracts and forms
Testimonial evidence	6 _____
Foundation Evidence	Shows that prerequisites are met

Vocabulary

3 Match the words (1-7) with the definitions (A-G).

- | | |
|------------------------|---------------------|
| 1 ___ assertion | 5 ___ authenticated |
| 2 ___ evidence | 6 ___ prerequisite |
| 3 ___ testament | 7 ___ admissible |
| 4 ___ chain of custody | |

- A something that is needed in order to continue
- B being allowed in court
- C a sign or proof of why something is true
- D a personal account
- E proven to be the original item
- F a statement someone believes is true
- G the processing of evidence from its collection to presentation in court

4 Write a word that is similar in meaning to the underlined part.

- 1 Do you have items which show an assertion is true?
_ e _ _ e _ _ _ _ c _
- 2 Get the contracts and forms that show an assertion is true.
d _ _ _ _ _ _ _ _ _
e _ _ _ _ _ _ _
- 3 Not all of the evidence is making the case more or less probable. _ e _ _ _ _ _ t
- 4 Is the witness's testimony reliable enough to be accepted by a court? c _ _ p _ _ _ _ _
- 5 Two people will give their personal account as proof of the truth.
_ e s _ _ _ _ _ _ _ _
e _ _ _ _ _ _ _
- 6 The evidence is significant with regards to its relationship to the case. _ a _ _ _ _ _ l
- 7 The witness authenticated some maps and diagrams which illustrate his statement.
_ _ _ o _ _ _ _ _ _ _ _
e _ _ _ _ _ _ _

5 Listen and read the text again. How many types of evidence are there?

Listening

6 Listen to a conversation between two lawyers and choose the correct answer.

- 1 Which type of evidence is NOT mentioned?
 - A documentary evidence
 - B real evidence
 - C demonstrative evidence
 - D testimonial evidence
- 2 Why isn't Ms. Chambers's testimony admissible?
 - A It isn't relevant.
 - B It isn't material.
 - C It isn't competent.
 - D It isn't truthful.

7 Listen again and complete the conversation.

- Lawyer 1:** Let's go over the 1 _____ we have for the Soames case.
- Lawyer 2:** Okay, good idea. I guess we ought to start with the real evidence; the gun Soames used for the 2 _____.
- Lawyer 1:** I spoke to Detective Meeks this morning. He faxed me the 3 _____ showing the chain of custody.
- Lawyer 2:** Everything was handled properly, right?
- Lawyer 1:** Yes, there should be no reason why the pistol wouldn't be 4 _____ as evidence.
- Lawyer 2:** Good. Is there any 5 _____ evidence for the case?
- Lawyer 1:** Yes. We have the videotapes from the bank's 6 _____.
- Lawyer 2:** I assume they're relevant?
- Lawyer 1:** Absolutely! The entire robbery was caught on video.
- Lawyer 2:** Really? You can't beat that for 7 _____.
What's next?

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

- I spoke to ... this morning.*
- Everything was handled properly, right?*
- I assume they're relevant?*

Student A: You are a lawyer. Discuss with Student B:

- kinds of evidence
- handling of evidence
- relevance of evidence

Student B: You are a lawyer. Discuss evidence for a bank robbery case with Student A.

Writing

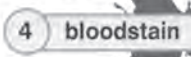
9 You are a lawyer. Use the reading passage and the conversation from Task 8 to write a report stating which evidence you believe is admissible and which is not (100-120 words). Consider:

- What real evidence do you have, and is it admissible?*
- What testimonial evidence do you have, and is it competent?*
- What demonstrative evidence do you have?*

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What kind of evidence can be found at the scene of a crime?
- 2 What sort of biological evidence is used most nowadays?



Physical and Biological Evidence

Evidence can be classified as **Physical** or **Biological**. Physical evidence usually comes from a non-living origin and includes **fingerprints**, **tire tracks**, **shoeprints** and **fibers**. Biological evidence includes **bloodstains** and **DNA**.

Locard's Exchange Principle states that **perpetrators** always leave physical and biological evidence at the scene of the crime, and take something away with them. Such evidence is usually found in very small quantities, and is called **trace evidence**.

Whatever evidence is found, it is vital to establish a secure chain of custody. Each person handling the evidence from its collection to its appearance in court must sign for it. It is also important that evidence is not **contaminated**. It must be **preserved** carefully, since items may **deteriorate** if there is a long interval before the criminal trial begins.

Some kinds of physical evidence such as tire tracks and shoeprints are not enough to convict, because they do not prove the individual's involvement. This type of evidence is known as **class evidence**. Class evidence is valuable if several different types of evidence can be found together. For example, finding various fibers and shoeprints is more valuable than finding only one fiber.

Then they can be combined to identify the perpetrator.

Reading

2 Read this excerpt from a text book about physical and biological evidence and choose the correct answer.

- 1 Which of the following is NOT physical evidence?

A tire marks	C fingerprints
B DNA	D fibers
- 2 What is inferred by Locard's Exchange Principle?
 - A Trace evidence is carried away by the criminal.
 - B Criminals often come back to the scene of a crime.
 - C Criminals only leave trace evidence at a crime scene.
 - D Perpetrators always steal items from crime scenes.
- 3 What must happen for class evidence to be enough to convict someone?
 - A It needs to be a combination of physical and biological evidence.
 - B It needs to be uncontaminated and preserved properly.
 - C It needs to be found with other pieces of evidence.
 - D It needs to be clearly traced back to the perpetrator.

Vocabulary

3 Read the sentence and choose the correct word.

- 1 DNA is a kind of (**biological** / **physical**) evidence.
- 2 The man left (**fingerprints** / **tire marks**) when he touched the window.
- 3 Evidence must be (**contaminated** / **preserved**) or else it will not last until the trial.
- 4 The police need more (**trace** / **class**) evidence to convict the suspect.
- 5 The (**fibers** / **bloodstains**) came from a wool jacket.
- 6 Investigators wear protective clothing to avoid (**preserving** / **contaminating**) evidence.
- 7 The (**shoeprints** / **tire tracks**) show the suspect has size 12 shoes.

4 Place a check (✓) next to the response that answers the question.

- 1 Did the investigators find any physical evidence?
A Yes, there were shoeprints under the broken window.
B No, the chain of custody has not been established.
- 2 What trace evidence was found in the suspect's home?
A The cold weather helped preserve the crime scene.
B The police found mud from the crime scene in his apartment.
- 3 Why are the tire tracks so important to the case?
A The paint on the car matches the one that left the accident.
B They can be traced back to the tires on the suspect's vehicle.
- 4 How do the police know the perpetrator has brown hair?
A They found several hairs at the scene of the crime.
B The evidence shows he wears a size 11 shoe.
- 5 What information did they get after analyzing the bloodstain?
A It had been there for several days already.
B The fingerprints don't belong to the suspect.
- 6 Isn't the evidence going to deteriorate?
A The suspect broke down and confessed to the crime.
B Not if it is properly preserved and stored.

5 Listen and read the text again. What did you learn about these two types of evidence?

Listening

6 Listen to a conversation between a lawyer and a forensics expert. Check (✓) the evidence the expert has found.

- | | |
|---|---|
| 1 <input type="checkbox"/> a shoe print | 4 <input type="checkbox"/> fingerprints |
| 2 <input type="checkbox"/> a tire track | 5 <input type="checkbox"/> DNA |
| 3 <input type="checkbox"/> a fiber | |

7 Listen again and complete the conversation.

- Expert:** Well, I'll start with 1 ____ evidence. We've got a shoe print from a size 10 tennis shoe.
- Lawyer:** Was there any other class evidence? The 2 _____ by itself isn't that helpful.
- Expert:** We've got a red cotton 3 _____, probably from a sweatshirt. But it isn't clear whether it comes from our perpetrator or someone else who was in the area that day.
- Lawyer:** Okay. Any fingerprints? 4 _____?
- Expert:** There are no 5 _____. Our perpetrator must have been wearing gloves. All the bloodstains seem to come from our victim.
- Lawyer:** I appreciate your help, but unfortunately that's not enough to connect the suspect to the crime.
- Expert:** I know, but we've still got some 6 _____ evidence to examine.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

- I've got some results from the crime scene.*
Was there any other class evidence?
Our perpetrator must have been wearing gloves.

Student A: You are a lawyer. Ask Student B about:

- physical evidence
- biological evidence
- DNA results

Student B: You are a forensics expert. Answer Student A's questions.

Writing

9 You are a forensic investigator. Use the reading passage and the conversation from Task 8 to write a report describing the evidence which was found at the crime scene (100-120 words). Consider:

- What physical evidence was found?*
What biological evidence was found?
What evidence still needs to be analyzed?

9

Testimonial evidence



2 expert witness



3 testify

1 hearsay

Dear Paul,

I have interviewed a number of witnesses for the Liza Mellow assault case. First, I spoke to the victim's friend, Sandra Beacon. She clearly has **competency to testify** as a **lay witness**. She can communicate in a **meaningful** way and understands she is obligated to tell the truth.

However, much of what she has to say is **hearsay**. It appears she only met the suspect once. As a result, much of her opinion of him comes from what the victim told her about him. There is, of course, the possibility that she will **embellish** or **misinterpret** the victim's words.

The only witness who has **firsthand** knowledge and can give a **recitation** of fact is Ms. Mellow's neighbor, Martin Aguilar. Mr. Aguilar heard screams at the time of the crime and saw the suspect running from Ms. Mellow's apartment afterward.

I also spoke to Doctor Helen Woods who is prepared to testify as an **expert witness**. She has testified in court before. Unfortunately her testimony was **stricken off the record** as it was considered to be **beyond the scope of expertise**. However, this case is far more straightforward, and we should not encounter the same problem.

I will leave it to you to follow up any of these witnesses as you see fit.

Miriam Bellwether, Paralegal

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What sorts of people testify in court?
- 2 Why might a witness' testimony be discounted?

Reading

2 Listen and read this email from a paralegal to a lawyer and mark the sentences as true (T) or false (F).

- 1 The victim's friend has the ability to give testimony.
- 2 The victim's neighbor only met the suspect once.
- 3 The expert witness's testimony was previously stricken.

Vocabulary

3 Fill in the blanks with the correct word or phrase from the word bank.

Word BANK

recitation expert witness
lay witness hearsay firsthand

- 1 Rory saw the car accident _____.
- 2 John will testify as a(n) _____ since he saw the crime.
- 3 Repeating what someone said is only _____.
- 4 A(n) _____ must have a lot of background knowledge.
- 5 Is this _____ of the facts accurate?

4 Write a word or phrase which is similar in meaning to the underlined part.

- Gareth has the ability to be a witness in court.
_ _ _ p _ _ _ _ c _ _ _ _ s _ _ _ _
- The expert's comments were not allowed to be considered in the case. _ _ r _ _ _ _ _ _ f _ _ _ e _ _ c _ _ _
- Hannah has a tendency to not understand fully what others are saying. _ i _ _ _ _ _ _ _ _ _
- He speaks in a way which is useful and has a purpose.
_ e _ _ _ _ _ _ _ _ _
- Jessie adds further details to stories. _ m _ _ _ _ _ _ _ e _
- The expert's testimony was not within one's range of knowledge. _ _ y _ _ _ _ _ _ c _ _ _ _ _
e _ _ _ _ _ _ _ _ _

Listening

5 Listen to a conversation between a paralegal and a witness. Choose the correct answer.

- What does the paralegal ask permission to do?
 - A call the witness on the phone
 - B use the witness's testimony in court
 - C record the witness's statements
 - D identify the witness to the suspect
- Which of the following is NOT true?
 - A The witness saw Ms. Mellow being attacked.
 - B The witness called the police.
 - C The witness lives next door to the victim.
 - D The witness saw the suspect in the hallway.

6 Listen again and complete the conversation.

- A: You called me yesterday. You're here to ask me what I know about the night Liza was **1** _____.
- B: Yes, that's right. Do you mind if I **2** _____ our conversation?
- A: Um ... no, I guess not. Am I going to have to **3** _____ in court?
- B: Well, that depends. If you have **4** _____ of what happened, your testimony will be very meaningful to the case.
- A: I didn't see him attack her. I was watching TV when I heard her start **5** _____.
- B: 'Her' would be Ms. Liza Mellow?
- A: Yes. The walls between the **6** _____ aren't very thick. She sounded very scared.
- B: Did you hear anything else?
- A: A couple of loud **7** _____.

Speaking

7 With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

- Do you mind if I ...?*
- Am I going to have to ...?*
- Did you hear anything else?*

Student A: You are a legal assistant. Ask Student B about:

- recording the conversation
- what he / she heard
- what he / she saw

Student B: You are the neighbor of a woman who was attacked. Answer Student A's questions.

Writing

8 You are a legal assistant. Use the reading passage and the conversation from Task 7 to write notes from a witness interview (100-120 words). Consider:

- Who the witness is and what is their relationship to the victim, if any?*
- What did the witness see and hear?*
- Can the witness identify the suspect?*



exclude

LAW OF TOMORROW

Will Your Evidence Get to Court?

In order for evidence to be admissible in court, you need to ensure that it is relevant. Evidence only has **probative** value if it makes a fact more or less **probable**.

There are two types of evidence. **Direct evidence**, which, if believed, resolves an issue immediately. **Circumstantial evidence**, however, requires the jury to make an **inference** to link the evidence to the proposition. For example, a witness who testifies that she watched the defendant stab the victim gives direct evidence. Information on DNA samples and fingerprints gives circumstantial evidence. Circumstantial evidence usually **accumulates** into a collection, each piece **corroborating** the others.

However, judges may **exclude** evidence, even if it is relevant. First, they may consider evidence **unfair** – a confession which was made under **oppression**, for example. Second, **confusing** evidence may also be excluded if it is unnecessarily complex, or focuses the jury's attention elsewhere. For instance, evidence of a past conviction may distract the jury from the current case. Evidence may also be excluded if it creates an **emotive** response, for example graphic photos from a crime scene. Evidence will also not be permitted if it is considered to be **prejudiced** or a **waste of time**.

Get ready!

1 Before you read the passage, talk about these questions.

- 1 Sometimes judges do not permit certain evidence in court. Why do you think this is?
- 2 What is the importance of relevant evidence in a trial?

Reading

2 Read the article. Fill in the blanks using words from the word bank.

Word Bank
misleading admissible
resolve exclude

The passage outlines which sort of evidence is and is not 1 _____ in court. It defines direct evidence as that which will immediately 2 _____ an issue, and circumstantial evidence as that which does not. It goes on to outline why a judge may 3 _____ evidence, citing reasons such as unfair, confusing or 4 _____ evidence.

Vocabulary

3 Check (✓) the sentence which uses the underlined parts correctly.

- 1 A The trial ended quickly because there was direct evidence.
 B The circumstantial evidence showed the defendant was undoubtedly guilty.
- 2 A The judge excluded the evidence because it was relevant.
 B The testimony was confusing because of the specialized language.
- 3 A This meeting is a waste of time. I find it really helpful and informative.
 B It's unfair that Jill and Kevin do the same job but earn different salaries.
- 4 A The jury made the inference that the defendant had been at the crime scene.
 B Guy is prejudiced and keeps an open mind.

4 Read the sentences and choose the correct word.

- 1 The defendant made his confession under (**oppression / inference**).
- 2 The irrelevant evidence had no (**emotive / probative**) value.
- 3 The police have (**accumulated / corroborated**) a large amount of evidence.
- 4 Ann's story didn't seem (**probable / corroborating**) until she showed the photographs.
- 5 The witness (**corroborated / excluded**) Mr. Tan's story.
- 6 Ms. Franklin's story caused a(n) (**emotive / unfair**) response among the jury members.

5 Listen and read the text again. What did you learn about direct and circumstantial evidence? Tell the class?

Listening

6 Listen to a conversation between a judge and a clerk of the court. Mark the statements as true (T) or false (F).

- 1 The attorneys presented direct evidence.
- 2 The judge will meet with the attorneys before the trial resumes.
- 3 The clerk thinks that the attorneys are in contempt of court.

7 Listen again and complete the conversation.

Judge: I don't think I've ever **1** _____ so much evidence in all my years on the bench!

Clerk: Nearly three-quarters of that stuff was **2** _____.

Judge: Well, the attorneys are trying to win their cases. Although they seem to think that whoever has the most evidence is going to win.

Clerk: All of it is **3** _____.

Judge: Well, circumstantial evidence often **4** _____.

Clerk: But not in this case. The jury members looked so confused.

Judge: I know. Even I **5** _____ confusing.

Clerk: What are you going to do?

Judge: I'm going to meet with the attorneys before we **6** _____ the trial tomorrow.

Clerk: That's probably a good idea.

Judge: I'm going to tell them that from now on, any evidence they present needs to have **7** _____, _____.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

All of it is circumstantial.

What are you going to do?

Then I'll hold them in contempt of court.

Student A: You are a clerk of the court. Talk to Student B about:

- evidence
- consequences for attorneys
- contempt of court

Student B: You are a judge. Discuss the evidence presented in court and answer Student A's questions.

Writing

9 You are a judge. Use the reading passage and the conversation from Task 8 to write a memo to the attorneys about the evidence they are presenting in the trial (100-120 words). Consider:

When do you want to meet with the attorneys?

Why do the attorneys need to present evidence with probative value?

What will happen if they do not comply with your order?





King and Webb

Alternative Dispute Resolution Facilitators

Are you involved in a **dispute**? Do you want a speedy, cheap and private **resolution**? There is an alternative to litigation. Alternative Dispute Resolution (ADR) may be the solution you're looking for.

There are two main methods of ADR - **mediation** and **arbitration**.

In **mediation**, the parties reach a voluntary **settlement** by discussing the situation between themselves and with the help of a skilled facilitator. This **mediator** acts as an advisor. He may offer suggestions, but the resolution of the case lies with the parties themselves.

In **arbitration**, a **disinterested neutral** party listens to the case. These **impartial** persons are experts in their field. They decide on a **ruling** after hearing each side argue its case. The ruling is final, **legally binding** and **enforceable** in most jurisdictions.

In both cases, the parties have control over the issues to be resolved, the procedural aspects and the scope of the **relief**. The case is less formal than a court trial, and it is completely private.

Almost all kinds of disputes can be mediated or arbitrated. Our caseload includes disputes involving business, insurance, environment, family, employment, and many other areas.

So, if you are looking for a private, economical, fast and informal solution to your dispute, contact us today.

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What are some ways people can settle their problems without going to court?
- 2 Why would some people choose to do this rather than going to court?

Reading

2 Read this webpage for an ADR firm and choose the correct answer.

- 1 What is NOT an advantage of ADR?
 - A It is cheaper than going to court
 - B Parties reach a resolution sooner
 - C The rulings are not final
 - D It is more private than court.
- 2 Which of the following people will decide on a ruling?
 - A a facilitator
 - B a mediator
 - C an arbitrator
 - D an advisor
- 3 What can be inferred about the company King and Webb?
 - A It is a new ADR firm.
 - B They help a wide range of clients.
 - C They are cheaper than other ADR firms.
 - D The staff are legal experts.


Vocabulary

3 Choose the word that is closest in meaning to the underlined word.


- 1 resolution
 - A dispute
 - B settlement
 - C mediator
- 2 legally binding
 - A enforceable
 - B jurisdictional
 - C neutral
- 3 disinterested
 - A careless
 - B impartial
 - C informal
- 4 ruling
 - A argument
 - B agreement
 - C decision
- 5 relief
 - A compensation
 - B sentence
 - C satisfaction

4 Read the sentences and choose the correct word.

- 1 In ADR, the parties have some control over how much (**relief / ruling**) they will pay.
- 2 In (**mediation / arbitration**), the parties decide on a ruling themselves.
- 3 It's important that your (**relief / mediator**) is completely neutral.
- 4 The (**settlement / facilitator**) will arrange a meeting between you and the other party.
- 5 Tom needs a cheap and fast solution to the (**resolution / dispute**).
- 6 In (**arbitration / mediation**), the final decision is made by a third party who is impartial.
- 7 The (**settlement / dispute**) was arranged for a large sum of money.

5  **Listen and read the text again. How many methods of ADR are there? What is each about?**

Listening

6  **Listen to a conversation between a businessman and an employee at an ADR firm. Mark the following statements as true (T) or false (F).**

- 1 The man is disappointed with some building work.
- 2 The man has tried litigation already.
- 3 The man prefers the arbitration option.

7  **Listen again and complete the conversation.**

ADR worker: Good morning, King and Webb Alternative
1 _____ Resolution.

Businessman: I was wondering if you can help me. I've been having problems with some 2 _____. They didn't deliver what was promised and the work was poor.

ADR worker: I'm sorry to hear that.

Businessman: I can't afford to go through 3 _____, and courts take such a long time. A colleague suggested I call you.

ADR worker: We can definitely help you out.

Businessman: I'm not exactly sure 4 _____, though.

ADR worker: Well, basically, you and the other party will sit down together and try to agree on a 5 _____.

Businessman: Hmm ... I don't know if we could ...

ADR worker: Oh, you don't have to do it yourselves! Someone else will be there to help. There are two ways to do it.

Businessman: What are they?

ADR worker: In the first case, mediation, a 6 _____ will guide the discussion and give suggestions.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

*I've been having problems with ...
I can't afford to go through litigation.
Will that ruling be legally binding?*

Student A: You own a business. Call the ADR firm to arrange a meeting. Find out:

- what arbitration is
- what mediation is
- whether the decision is legally binding

Student B: You work at an ADR firm. Answer Student A's questions.

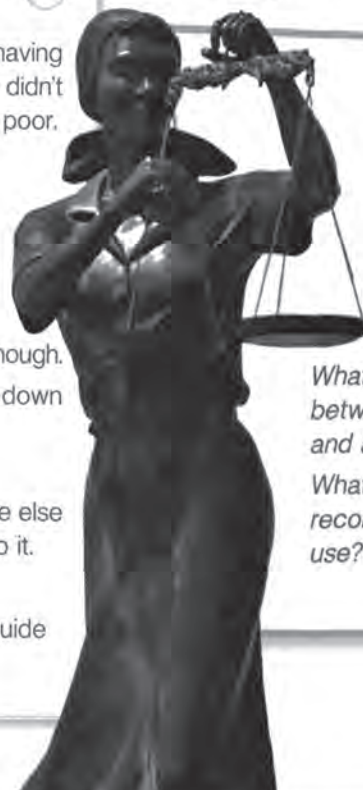
Writing

9 You are an employee in an ADR firm. Use the reading passage and the conversation from Task 8 to write an email to a potential client. Consider:

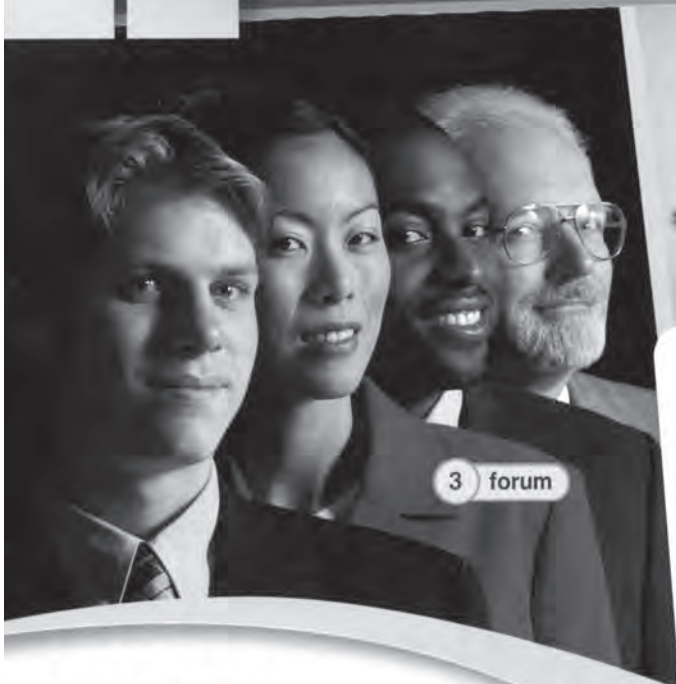
What are the advantages of Alternative Dispute Resolution?

What is the difference between mediation and arbitration?

What method do you recommend the client use?



12 Arbitration



Read your Contract

When you're making a business deal, it's always wise to read the **small print** in your **contract**. Companies often include **mandatory arbitration clauses** in their contracts with suppliers and customers. This means that any disputes must be resolved through legal arbitration. Such a clause will usually **specify** whether a legal arbitration is legally binding or not. It may also include details such as the location for the arbitration and who pays attorney fees and court costs.

- This is good for the company, but it may not be good for you. Companies choose arbitration because it's cheaper, faster and more flexible. But there may be a number of disadvantages to the consumer or supplier.
1. You **waive** your rights to have a judge and jury decide the case.
 2. You may be required to pay **prohibitive** legal costs, and recovery of attorney fees may be unavailable.
 3. The arbitration **forum** may depend on the corporation for repeat business. This means they may have an **incentive** to rule in their favor.
 4. There are **limited** avenues for appeal. **Erroneous** decisions cannot easily be **overturned**.
 5. Awards may be fiercely fought, resulting in huge legal expenses

Get ready!

1 Before you read the passage, talk about these questions.

- 1 When would using arbitration be helpful?
- 2 Sometimes contracts have an arbitration clause. Why do you think businesses do this?

Reading

2 Read this leaflet on arbitration and mark the following statements as true (T) or false (F).

- 1 All business contracts have arbitration clauses in them.
- 2 Arbitration may work in favor of the company rather than its supplier.
- 3 It is easy to appeal a ruling made through arbitration.

Vocabulary

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

- 1 forum 3 clause 5 contract
2 small print 4 incentive

- A small writing in an important document
B a sentence or part of a document
C a group of people who make decisions
D a reason why you do something
E a document which agrees terms of work

4 Fill in the blanks with the correct word from the word bank.

Word BANK

overturned erroneous prohibitive
limited waive specify mandatory

- 1 Mary had no choice, paying the fine was _____.
- 2 The bank manager would not _____ the fee.
- 3 The decision on the matter is final and can't be _____.
- 4 This information is _____ and must be corrected.
- 5 The costs were so _____ that Jacob couldn't afford to pay.
- 6 The number of jobs available is _____, so finding one is hard.
- 7 The client did not _____ which lawyer he was calling for.

- 5 Listen and read the text again. Why is it important to read a contract before you sign it?

Listening

- 6 Listen to a conversation between a supplier and a lawyer. Check (✓) which of the following things are stated in the woman's contract?

- Disputes must be resolved through arbitration.
- The supplier can take the company to court.
- The supplier can choose the arbitration forum.
- The supplier has the right to appeal.
- All decisions at arbitration are legally binding.

- 7 Listen again and complete the conversation.

- A: I see. Do you have your 1 _____?
- B: Yes it's here.
- A: Well, you can't take them to court. There's a mandatory 2 _____ clause in this contract.
- B: A what clause?
- A: Here, in the small print. It 3 _____ that if there is a dispute, it must be resolved through arbitration.
- B: Oh. Is that bad?
- A: Yes and no. It's good because it's generally 4 _____ than going to court.
- B: But?
- A: But the company chooses the arbitrators, so it's possible the arbitrators will have an 5 _____ to rule in the company's favor. Repeat business, you see.
- B: But we can appeal if there's an 6 _____ ruling, right?
- A: Well, that's the other problem. There are 7 _____ avenues for appeal in arbitration.

Speaking

- 8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Do you have your contract?

Surely we can appeal if ...

There are limited avenues for ...

Student A: You are calling a lawyer for advice. Talk to Student B about:

- taking a company to court
- the advantages and disadvantages of arbitration
- appealing erroneous rulings

Student B: You are a lawyer. Answer Student A's questions.

Writing

- 9 You are a lawyer in an ADR firm. Use the reading passage and the conversation from Task 8 to write a letter to a client who wants to take a company to court but has an arbitration clause in their contract (100-120 words). Consider:

Why can't the client take the company to court?

What are the advantages of arbitration?

What problems might arise?



13 Mediation

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What do you think are good qualities for a mediator to have?
- 2 What difficulties might a mediator face when trying to get two parties to come to an agreement?

Reading

2 Read this article about mediation and choose the correct answer.

- 1 What is the purpose of the article?
A to advertise a mediator's services
B to show what is needed for an effective mediation
C to advise mediators on how to work more effectively
D to encourage people to start a career in mediation
- 2 What is NOT required for a successful mediation?
A a willingness to cooperate
B an all-or-nothing approach
C an open mind
D a good mediator
- 3 A good mediator would be someone ____?
A who trusts your judgment
B who can cooperate with others
C with a lot of background knowledge
D who can interact well with people



IS MEDIATION RIGHT FOR YOU?

If you've got a legal dispute, then mediation may be a good option. It's cheaper than litigation and you're more likely to come to a resolution sooner.



By Bella Harcourt

The goal of mediation is to find a resolution which all parties believe is **fair**. It's not unlike discussing a problem with your parents or children. The difference is that you have a trained mediator acting as a neutral party. The mediator does not favor either side but acts as the **voice of reason** and assists the parties in reaching a **mutual** agreement.

However, in order for mediation to be effective, both parties need to be willing to **cooperate**. If you maintain an **all-or-nothing approach**, the mediation will probably fail. It's important to keep an **open mind**. Don't

automatically **discount** possible solutions before proceedings have started.

The most important element in a successful mediation is a good mediator. It is important that he or she has some background knowledge. But it is also vital that he or she can **interact** effectively with various personalities. They should be able to **come up with** lots of creative options. They need to be clear, organized and keep the **momentum** going. So hire a mediator who has good **interpersonal skills** and judgment you can **trust**. ●●●

3 interact

4 open mind

5 co-operate

6 discount

Vocabulary

3 Choose the correct word pairs to fill in the blanks.

- If you cannot __, you will never reach a __ decision.
A cooperate - mutual
B trust - interpersonal C discount - fair
- Jill __ a lot of ideas, but Ray __ them all.
A trusts - cooperates
B comes up with - discounts
C interacts - comes up with
- Karen has good __ skills and __ well with people.
A mutual - cooperates
B interpersonal - interacts C fair - trusts
- James's __ means that it's hard to find solutions that are __ for everyone.
A interpersonal skills - mutual
B open mind - fair
C all-or-nothing approach - fair

4 Write a word that is similar in meaning to the underlined part.

- Both parties need to have faith in their mediator.
t _ _ _ _
- People with an attitude of being prepared to listen to new ideas will find resolutions.
_ _ _ _ m _ _ _
- The meeting has lost its speed and excitement.
m _ _ _ _ _ m
- Stella is the person who talks in a way which is fair and realistic. v _ _ _ _ o _ _ _ _ s _ _

5 Listen and read the text again. What is mediation? How can it be effective?

Listening

6 Listen to a man talking to a mediator. Mark the following statements as true (T) or false (F).

- ___ The mediator wants the man to describe his dispute.
- ___ The mediator does not make decisions during the mediation.
- ___ The man doesn't think he and his ex-wife will come to a fair solution.

7 Listen again and complete the conversation.

- A: Hi, I'm Janet. I'll be your 1 _____ today.
B: My name is Greg. My ex-wife isn't here yet.
A: You're trying to agree on 2 _____, is that right?
B: Yes. Candace wants me to -
A: Oh, wait ... I'd prefer not to hear the 3 _____ of the problem until ... Candace? ... arrives.
B: Sorry. I've never done 4 _____ before.
A: Well, I'd be happy to answer any questions for you about the 5 _____ while we're waiting.
B: Oh, okay. Um ... so do you decide who's 6 _____ and who's wrong?
A: No, I actually don't decide anything. That's up to you and Candace. I just help keep things on track so you can reach a 7 _____ you're both happy with.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

I'll be your mediator today.

You're trying to agree on ...

You need to keep an open mind ...

Student A: You are a mediator. Talk to Student A about:

- keeping an open mind
- finding a fair solution

Student B: You are attending a mediation. Answer Student A's questions.

Writing

9 You are a mediator in an ADR firm. Use the reading passage and the conversation from Task 8 to write a note giving advice for a successful mediation (100-120 words). Consider:

How should the parties behave during the mediation?

Why is it important to have an open mind?

What will you, the mediator, do during the mediation?

14 International law



3 pool



2 entity



1 slavery



4 humanitarian

International law

International law refers to laws that govern the conduct of independent nations in their relationships with each another. There are three distinct disciplines:

- 1. Public international law** governs the relationship between international **entities**, be they groups or individuals. It includes international criminal law, international **humanitarian** law and maritime law (i.e. the law of the sea).
- 2. Private international law** addresses the question of under which jurisdiction a case may be heard.
- 3. Supranational law** is a system in which member states **pool** their authority. The supranational body is able to enforce legal norms for and against member states and their citizens. An example of such a system is the European Union's European Community Law.

Sources of International Law

There are two primary sources of International Law:

- 1. Customary Law**
These are the aspects of international law which **derive** from custom. Examples include the rules governing various **international crimes** such as **slavery** or **genocide**.
- 2. Conventional Law**
Conventional international law derives from international agreements and **treaties**. Arguably, the practices of international organizations such as the **United Nations** are an additional source of international law.
Rules established by treaty are usually given preference if they exist. However, new customs may **supersede** older treaties and new treaties may **override** older customs.

Get ready!

- 1 Before you read the passage, talk about these questions.**
 - 1 What happens if there is a disagreement between two countries?
 - 2 Who is responsible for making international laws?

Reading

2 Read this excerpt from a law text book and complete the table.

Laws that come from customs	1	_____
Laws that come from treaties	2	_____
Laws made by pooling member states' authority	3	_____
The law governing international relationships	4	_____
The law which governs jurisdictions	5	_____

Vocabulary

3 Match the word (1-6) with the definition (A-F).

- 1 — public International law
 - 2 — supranational law
 - 3 — humanitarian law
 - 4 — customary law
 - 5 — conventional law
 - 6 — private international law
- A laws that originate from treaties
 - B laws which govern how countries interact
 - C laws which govern the jurisdiction of cases
 - D laws which originate from customs
 - E laws that govern war
 - F laws enforced by many pooled authorities

4 Read the sentence pairs. Choose where the words best fit in the blanks.

1 supersede / derive

The laws _____ from a treaty written in 1857.

The new law will _____ the old one.

2 pool / override

The organizations want to _____ their clients to create one large organization.

These new customs _____ the old treaty in this case.

3 genocide / slavery

_____ has reduced the population by a third.

_____ forces people to work with no pay.

4 entity / treaty

Twenty countries have signed the _____.

The northern area is sometimes considered a separate _____.

5 Listen and read the text again. How many distinct disciplines and sources of international law are there? What is each about?

Listening

6 Listen to two students discussing international law. Mark the following statements as true (T) or false (F).

- 1 ___ Public international law applies to multinational companies.
- 2 ___ Customary and conventional law are both sources of law.
- 3 ___ Customary law is based on international agreements and treaties.

7 Listen again and complete the conversation.

S 1: So, what's 1 _____ then?

S 2: That determines which legal system and which jurisdiction applies to a 2 _____.

S 1: Hmm ... Can you explain 3 _____ and conventional law?

S 2: Sure. They're both sources of international law. That's where the rules come from.

S 1: And what's the difference between the two?

S 2: Customary law is the law that 4 _____ from the customs of states over the years.

S 1: Oh, like attitudes towards 5 _____ and things like that?

S 2: Yes. And 6 _____ comes from treaties and international agreements, and increasingly from the practices of international organizations.

Speaking

8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

I find this international law ...

Do you want some help?

And what's the difference ...

Student A: You are a law student having trouble with international law. Ask Student B about:

- public and private international law
- customary and conventional law

Student B: You are a law student. Answer Student A's questions.

Writing

9 You are a student at law school. Use the reading passage and the conversation from Task 8 to make notes for your friend on international law (100-120 words). Consider:

What is public international law?
What is private international law?
Where do international laws come from?

notes

Get ready!

1 Before you read the passage, talk about these questions.

- 1 What does the United Nations do?
- 2 Why does there need to be an international court?

What is the International Court of Justice?

The International Court of Justice is the main judicial organ of the **United Nations**. It's based in the **Peace Palace** in **The Hague** **Netherlands**. Its main function is to settle disputes **submitted** to it by **states**.

The ICJ has dealt with relatively few cases in its history. However, the court is being used more and more, especially among **developing countries**.

The ICJ is composed of fifteen **elected** judges. They keep their positions for nine years and may be re-elected for two further **terms**. Decisions are made by majority **votes** and, if votes are divided equally, the President's vote is **decisive**.

Ad hoc judges may also sit in court for **contentious** cases. This system allows all parties to **nominate** a judge of their choosing. Consequently, up to seventeen judges may sit on one case. These judges can offer local knowledge and an understanding of the state's **perspective**.

Generally, the Court sits as a full bench, but occasionally judges listen to cases in **chambers** of 3 or 5 judges. These chambers **convene** more regularly than the full bench. Judgments of chambers may have less authority than full Court judgments, but the use of chambers helps to encourage greater **recourse** to the Court.



1 developing country



2 elect



3 vot



4 convene

Reading

2 Read this excerpt from a law blog and mark the following statements as true (T) or false (F).

- 1 ___ The ICJ only hears cases involving developing countries.
- 2 ___ There are fifteen elected judges on the ICJ.
- 3 ___ Cases are always heard by the full bench of judges.

Vocabulary

3 Read the sentence and choose the correct word.

- 1 The judges (**convene** / **nominate**) in their chambers to discuss cases.
- 2 The ICJ wants a higher level of (**recourse** / **perspective**) to the international courts.
- 3 The diplomat was called to be a(n) (**contentious** / **ad hoc**) judge for the ICJ.
- 4 The votes were even until Mary cast the (**decisive** / **elected**) vote.
- 5 The president served two (**votes** / **terms**).
- 6 Look at the issue from someone else's (**perspective** / **chamber**).

4 Fill in the blanks with the correct word/phrase from the word bank.

Word BANK

submit developing countries
elected votes contentious
nominated chambers

- 1 The judge spoke to the attorney in her _____.
- 2 This is a very _____ issue; everyone has differing opinions.
- 3 Jackson Healey won the city council election by 374 _____.
- 4 Richard _____ his colleague to be department manager.
- 5 Ms. Lowry needs to _____ the forms by Friday at the latest.
- 6 _____ have a poorer standard of living than industrialized countries.
- 7 Grace Diamant was _____ mayor last November.

- 5 Listen and read the text again. What did you learn about the International Court of Justice?

Listening

- 6 Listen to a government employee talking to a judge. Choose the correct answer.

- 1 Why does the government worker approach the judge?
- A To ask him to run for election for the ICJ
 - B To ask him to judge a national case
 - C To ask him to sit on the ICJ on an ad hoc basis
 - D To ask him to judge a case in her favor
- 2 What is NOT true about the case?
- A the judge's decision will be decisive
 - B it concerns the pollution of rivers
 - C the judge will be able to vote
 - D the court will convene in several months

- 7 Listen again and complete the conversation.

Employee: I'm assuming you know that our government has 1 _____ a case to the International Court of Justice. It regards the pollution of our rivers by the countries upstream.

Judge: Yes, I was aware of that.

Employee: We wondered if you would sit on the 2 _____ during the proceedings.

Judge: Me? I thought judges had to be 3 _____.

Employee: The system allows us to nominate our own judge, on an 4 _____ basis.

Judge: Really? Is that always the case?

Employee: It is in 5 _____ cases such as ours. It allows us to present our own perspective to the court.

Judge: And will I also have the chance to 6 _____?

Speaking

- 8 With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

We wondered if you would ...

The system allows us to ...

Will I also have the chance to vote?

Student A: You want a judge to sit on the ICJ for a case. Tell Student A about the case and answer his/her questions.

Student B: You are a judge. Talk to Student A about:

- the case
- voting
- ad hoc basis

Writing

- 9 You work for the government. Use the reading passage and the conversation from Task 8 to write a letter inviting a judge to sit on the ICJ on an ad hoc basis. Consider:

What is the case about?

Why is the judge allowed to sit on the ICJ without being elected?

Will the judge get the chance to vote?



Glossary

- accomplish** [V-T-U1] To **accomplish** something means to complete it successfully.
- accumulate** [V-I-U10] If something **accumulates**, it gathers together until there is a lot of it.
- ad hoc** [V-T-U15] If something is **ad hoc**, it only happens for one particular purpose.
- admissible** [ADJ-U7] Evidence which is **admissible** can be used in court.
- all-or-nothing approach** [N PHRASE -U13] An **all-or-nothing approach** is the strategy of someone who wants to gain everything, and if they cannot, they want nothing at all.
- appeal** [V-I-U5] To **appeal** means to ask a judge or decision-maker to change their mind with regards to an earlier decision.
- appointment** [N-COUNT-U2] An **appointment** is an arrangement to meet another person.
- arbitration** [N-UNCOUNT-U11] **Arbitration** is a system of Alternative Dispute Resolution in which two disagreeing parties submit evidence and arguments to an arbitrator, an expert who is like a judge. Having read or heard all the evidence the arbitrator makes a decision and issues an award.
- arraignment** [N-COUNT-U5] An **arraignment** is a meeting with a judge where a person is formally charged with committing a crime.
- arrest** [N-COUNT-U5] An **arrest** is when the police take somebody away to question them about a crime they may have committed.
- assertion** [N-COUNT-U7] An **assertion** is a statement that you believe to be true.
- authenticate** [V-T-U7] To **authenticate** something means to show that it is the real, original object.
- bail** [N-UNCOUNT-U5] A person may be able to pay **bail** to avoid being held in custody before their case goes to trial.
- beyond the scope of expertise** [PHRASE-U9] If something is **beyond the scope of expertise**, it means a professional does not have the knowledge to give a sound or reliable opinion on it.
- billing procedure** [N-COUNT-U4] A **billing procedure** is a system for accepting payments from clients.
- biological evidence** [N-UNCOUNT-U8] **Biological evidence** is proof which comes from a living origin.
- bloodstain** [N-COUNT-U8] A **bloodstain** is a mark made by blood.
- book** [PHRASAL V-U5] If someone is taken into police custody, a police officer **books** them by taking their personal details.
- catalog** [V-T-U3] To **catalog** something means to file it according to certain categories.
- chain of custody** [N-COUNT-U7] A **chain of custody** is the processing of evidence from the time it is collected until it is presented in court.
- chamber** [N COUNT-U15] A **chamber** is a room for private discussion among a select group of people.
- charge** [V-T-U5] To **charge** someone means formally to state that you believe that person to be guilty of a crime.
- circumstantial evidence** [N UNCOUNT-U10] **Circumstantial evidence** does not resolve an issue immediately but works with other evidence to prove a case.
- class evidence** [N UNCOUNT-U8] **Class evidence** is evidence which cannot convict a person on its own but can work together with other class evidence to prove a case.
- clause** [N-COUNT-U12] A **clause** is a sentence or section of a legal document, such as a contract.
- come up with** [PHRASAL V-U13] If you **come up with** an idea, you create or invent it.
- community service** [N-UNCOUNT-U6] **Community service** is a punishment in which someone must work to help the local people or the local area.
- competency to testify** [N PHRASE-U9] **Competency to testify** is a person's ability and eligibility to speak in court as a witness.

competent [ADJ-U7] **Competent** evidence is reliable evidence.

comply [V-I-U3] To **comply** means to follow the rules.

computer-based [ADJ-U2] If something is **computer-based**, it exists on a computer, not on paper.

conflict [N-COUNT-U2] If you have a **conflict** in your diary, you have two or more appointments at the same time.

confusing [ADJ-U10] Something which is complicated and difficult to understand is **confusing**.

considerably [ADV-U4] If a something is **considerably** higher, it is much higher.

contaminate [V-T-U8] If you **contaminate** something, you make it impure.

contentious [ADJ-U15] If an issue is **contentious**, it is likely to cause disagreement.

contingency fee [N-COUNT-U4] A **contingency fee** is the percentage of the recovery which is paid to the lawyer.

contract [N-COUNT-U12] A **contract** is a document which sets out the terms of an agreement.

convene [V-I-U15] If people **convene**, they meet for a formal purpose.

convict [V-T-U5] To **convict** someone means to find them guilty of a crime.

cooperate [V-I-U13] People **cooperate** when they work together to achieve something.

correctional facility [N-COUNT-U6] A **correctional facility** is a place where young people are detained, to deter them from re-offending in the future.

corroborate [V-I-U10] If two things **corroborate**, they work together to prove a fact.

counseling [N-UNCOUNT-U6] **Counseling** is a process in which someone talks to an expert about their problems and receives advice.

criminal record [N-COUNT-U6] A **criminal record** is a document in which all the crimes that someone has committed are listed.

crucial [ADJ-U1] If something is **crucial**, it is very important.

current [ADJ-U4] If something is **current**, it is true or relevant at the present moment.

custody [N-UNCOUNT-U5] If someone is in **custody**, they are being kept in jail.

deadline [N-COUNT-U1] A **deadline** is a date or time before which something must be completed.

decisive [ADJ-U15] If someone's opinion or choice is **decisive**, it has the authority to make a final decision.

delegate [V-I or T-U1] To **delegate** means to give work to another person who is capable of doing it.

demonstrative evidence [N-UNCOUNT-U7] **Demonstrative evidence** is a diagram or map which supports a witness's testimony.

destroy [N-COUNT-U3] To **destroy** something means to damage it so that it cannot be seen or used.

detain [V-T-U6] If you **detain** somebody, you keep them in your custody for a period of time.

deteriorate [V-I-U8] If something **deteriorates**, its quality gets worse over time.

developing country [N PHRASE-U15] A **developing country** is a country which is not industrially or economically developed.

direct evidence [N UNCOUNT-U10] **Direct evidence** is evidence which resolves an issue immediately, such as an eyewitness who recognizes the perpetrator.

discount [V-T-U13] If you **discount** something, you do not accept it as a possible solution.

disinterested [ADJ-U11] A **disinterested** person is not involved in a situation, so gains no advantage from the decision.

dispute [N-COUNT-U11] A **dispute** is an argument or disagreement.

Glossary

documentary evidence [N-UNCOUNT-U7] **Documentary evidence** is a contract, form or document used to support an assertion in a case.

elect [V-T-U15] If someone is **elected**, they are chosen for a position of authority by popular vote.

embellish [V-T-U9] To **embellish** something is to add additional details to it. It can also mean to exaggerate.

emotive [ADJ-U10] Something which is **emotive** makes people feel emotional.

exclude [V-T-U10] If you **exclude** something, you do not allow it to take part.

enforceable [ADJ-U11] If something is **enforceable**, the authorities can force you to obey it.

erroneous [ADJ-U12] If something is **erroneous**, it is false or incorrect.

evidence [N-UNCOUNT-U7] **Evidence** is something that can be used to demonstrate that a statement is true.

expert witness [N-COUNT-U9] An **expert witness** is a person who uses their own in-depth knowledge of a subject to state their opinion in court.

expertise [N-UNCOUNT-U4] If a person has **expertise**, he or she is talented and skilled in a particular field.

expunge [V-T-U6] To **expunge** means to remove information from a piece of writing.

facilitator [N-COUNT-U11] A **facilitator** is a person who helps people to do or achieve something.

failure [N-COUNT-U3] **Failure** to do something means not completing it in the way it should be done.

fair [ADJ-U13] If something is **fair**, everyone receives just and equal treatment.

fee [N-COUNT-U4] A **fee** is an amount of money which is charged for a service.

fiber [N-COUNT-U8] A **fiber** is a small piece of thread from an item of clothing.

fingerprint [N-COUNT-U8] A **fingerprint** is a mark left by your finger when you touch something.

firm calendar [N-COUNT-U2] A **firm calendar** is a calendar which keeps a note of the appointments of everyone in the company.

firsthand [ADV-U9] If someone sees something **firsthand**, he or she saw it happen.

flat rate [PHRASE-U4] A **flat rate** is an amount of money paid for a service, regardless of how many hours it takes.

format [N-COUNT-U2] A **format** is a way to arrange something visually.

forum [N-COUNT-U12] A **forum** is a group of people who make a decision.

foundation evidence [N-UNCOUNT-U7] **Foundation evidence** is the evidence which shows that evidence used in a case is real, material, competent and authenticated.

hard copy [N-COUNT-U3] A **hard copy** is a paper (as opposed to an electronic) document.

hearsay [N-UNCOUNT-U9] **Hearsay** is information that you hear from another person and cannot be certain is correct.

hourly rate [N-COUNT-U4] An **hourly rate** is the cost of someone's services per hour.

impartial [ADJ-U11] An **impartial** person does not support either side in an argument.

in perpetuity [ADV-U3] If you keep something **in perpetuity**, you keep it forever.

incentive [N-COUNT-U12] An **incentive** is a reason which encourages you to do something.

individual [ADJ-U2] If something is **individual**, it is suitable for one person only.

inference [N-COUNT-U10] An **inference** is a guess that something is true, based on the evidence or information that you have.

interact [V-I-U13] To **interact** means to have a relationship with another person.

interpersonal skills [N PHRASE-U13] Someone with good **interpersonal skills** is able to communicate well with other people.

juvenile [ADJ-U6] If something is **juvenile**, it is connected with young people.

lay witness [N COUNT-U9] A **lay witness** is any witness other than an expert witness.

lecture [N-COUNT-U6] A **lecture** is a long speech, sometimes with the goal of telling the listener how to behave correctly.

legally binding [ADJ-U11] If something is **legally binding**, the person must obey it by law.

liable [ADJ-U6] If a person is **liable**, he or she is responsible for something.

limited [ADJ-U12] If something is **limited**, there is not a lot of choice or opportunities.

mandatory [ADJ-U12] If something is **mandatory**, you must do it.

master calendar [N-COUNT-U2] A **master calendar** is a calendar which tracks the appointments of all the people in an office.

material [ADJ-U7] **Material** evidence has a significant relationship with the issues in a case.

maximize [V-T-U1] To **maximize** something means to make the most of it.

meaningful [ADJ-U9] If something is **meaningful**, is it useful and has a purpose.

mediation [N-UNCOUNT-U11] **Mediation** is a system of Alternative Dispute Resolution in which two disagreeing parties come together and discuss the problem with a mediator, who helps them find a solution.

mediator [V-COUNT-U11] A **mediator** is a person who helps two people to reach an agreement in a dispute.

minor [N-COUNT-U6] A **minor** is a person who is too young to be treated as an adult.

misinterpret [V-T-U9] If a person **misinterprets** something, he or she does not understand exactly what someone was trying to write or say.

momentum [N-UNCOUNT-U13] **Momentum** is the speed at which something happens.

mutual [ADJ-U13] If something is **mutual**, it benefits both people.

neutral [ADJ-U11] A **neutral** person has no opinion on a matter.

nominate [V-T-U15] If you **nominate** someone for a position, you put their name forward for consideration for the role.

off-the-record [ADJ-U6] If something is **off-the-record**, it is not for publication.

open mind [N PHRASE-U13] If someone has an **open mind**, they are ready to accept new ideas.

oppression [N-UNCOUNT-U10] **Oppression** is a person's feeling of fear and discomfort, often caused by someone treating them badly./is when someone treats someone else unfairly or badly, making them feel uncomfortable or afraid.

option [N-COUNT-U4] An **option** is a choice of two or more things.

overturn [V-T-U12] To **overturn** a decision means to change a decision which was made earlier.

payment [N-COUNT-U4] A **payment** is a transfer of money.

penalty [N-COUNT-U3] A **penalty** is a punishment.

period [N-COUNT-U3] A **period** is a length of time.

perpetrator [N-COUNT-U8] A **perpetrator** is a person who committed a crime.

perspective [N-UNCOUNT-U15] Your **perspective** is the way you look at an issue.

physical evidence [N-UNCOUNT-U8] Evidence which is **physical** comes from a non-living origin.

Glossary

- pick out** [PHRASAL V-U1] To **pick out** something means to choose something.
- plea bargain** [N-COUNT-U5] A **plea bargain** is a meeting in which a defendant pleads guilty to a lesser charge in return for a lighter sentence.
- plead** [V-T or I-U5] To **plead** means to state whether you are guilty or innocent of a crime.
- pocket diary** [N-COUNT-U2] A **pocket diary** is a small paper diary that is easy to carry around with you.
- policy** [N-COUNT-U3] A **policy** is a written contract or certificate of insurance.
- prejudiced** [ADJ-U10] Someone who is **prejudiced** has an unreasonably bad opinion of another person or another type of person.
- preliminary hearing** [N-COUNT-U5] A **preliminary hearing** is a trial before a main trial, in which the judge decides whether there is enough evidence to force the defendant to stand trial.
- prerequisite** [N-COUNT-U7] A **prerequisite** is something you need to do in order to continue.
- preserve** [V-T-U8] If you **preserve** something, you treat it in a way which ensures it will last for a long time.
- pre-trial motions** [PLURAL NOUN-U5] **Pre-trial motions** are arguments made by the prosecutor and defense lawyer to keep certain evidence out of a trial.
- prioritize** [V-I or T-U1] To **prioritize** means to choose which tasks are most urgent.
- probable** [ADJ-U10] If something is **probable**, it is likely that it is true.
- probation** [N-UNCOUNT-U6] **Probation** is a punishment in which someone must behave well in order to avoid a more serious punishment.
- probative** [ADJ-U10] Evidence has **probative** value if it is relevant to a case.
- procrastinate** [V-I-U1] If you **procrastinate**, you waste time instead of doing the thing that you need to do.
- progress** [N-UNCOUNT-U1] Your **progress** is the movement you make towards a goal.
- prohibitive** [ADJ-U12] If a cost is **prohibitive**, it is very expensive.
- prominence** [N-UNCOUNT-U4] If a person has **prominence**, he or she is well known and respected.
- put off** [PHRASAL V-U1] If you **put off** something, you do not do it immediately; you leave it until later.
- real evidence** [N-UNCOUNT-U7] **Real evidence** is an object which is presented in a trial.
- realistic** [ADJ-U1] A **realistic** person does not try to do things which are impossible.
- recitation** [N-COUNT-U9] A **recitation** is a statement.
- recourse** [N-UNCOUNT-U15] **Recourse** means using something or someone as a way of getting help in a difficult situation.
- recovery** [N-UNCOUNT-U4] **Recovery** is the money awarded to a client at the end of a case.
- reduced** [ADJ-U4] If a fee or price is **reduced**, it is less than usual.
- refunded** [N-COUNT-U4] If money is **refunded**, it is returned to the person who paid it.
- relevant** [ADJ-U7] **Relevant** evidence serves to make an assertion more or less probable.
- relief** [N-UNCOUNT-U11] **Relief** is the money awarded to someone when a case is resolved.
- remind** [V-T-U2] To **remind** someone means to tell them something which they may have forgotten.
- retain** [V-T-U3] To **retain** something means to store or keep it.
- retainer fee** [N-COUNT-U4] A **retainer fee** is an amount of money paid to reserve the services of a lawyer.
- ruling** [N-COUNT-U11] A **ruling** is a decision.
- sentence** [N-COUNT-U5] A **sentence** is a punishment given in court as a result of committing a crime.

settlement [N-COUNT-U11] A **settlement** is the negotiation of a dispute, usually by one party paying some money to the other party, without the need to go to court.

shoeprint [N-COUNT-U8] A **shoeprint** is a mark left by your shoe when you walk somewhere.

small print [N-UNCOUNT-U12] **Small print** is the details of a document, written in small writing

software [N-UNCOUNT-U2] **Software** is the programs you can use on a computer.

specified [ADJ-U3] If something is **specified**, the details are provided for you.

specify [V-T-U12] If you **specify** something, you state exactly how you want it to be done.

stricken off the record [PHRASE-U9] If something is **stricken off the record**, it is not allowed to be used as evidence.

subject [V-T-U3] If you **subject** someone to something, you force that person to have a (usually bad) experience.

subject matter [N-UNCOUNT-U3] The **subject matter** of a document is the topic which it relates to.

submit [V-T-U15] If you **submit** something, you give it to an authority to be processed.

task [N-COUNT-U1] A **task** is a job or chore which you need to do.

term [N COUNT-U15] A **term** is a specified length of time.

testament [N-COUNT-U7] A **testament** is a personal account of what happened.

testimonial evidence [N-UNCOUNT-U7] **Testimonial evidence** is an oral or written assertion that something is true.

tickler file [N-COUNT-U2] A **tickler file** is a folder arranged by date, that reminds you about upcoming deadlines.

tire track [N-COUNT-U8] A **tire track** is a mark left by a wheel when it moves across the ground.

to-do list [N-COUNT-U1] A **to-do list** is a list of all the jobs you have to do.

trace evidence [N-UNCOUNT-U8] **Trace evidence** is evidence which is found in very small quantities.

track [V-T-U2] If you **track** someone, you keep a note of where they are and what they are doing.

trust [V-T-U13] If you **trust** someone, you believe will make a good decision and do the right thing.

unfair [ADJ-U10] If something is **unfair**, there is no good reason for it.

up front [ADV-U4] If you pay for something **up front**, you pay for it before you receive the service or product.

upcoming [ADJ-U2] If something is **upcoming**, it will happen soon.

update [V-T-U2] If you **update** something, you add all the most recent information to it.

urgent [ADJ-U1] If something is **urgent**, it must be done very soon.

victim [N-COUNT-U6] A **victim** is a person who suffers as a result of a crime committed by another person.

voice of reason [N PHRASE-U13] If someone acts as the **voice of reason** they keep a balanced and realistic approach.

vote [N-COUNT-U15] A **vote** is a choice made by someone in an election.

waive [V-T-U12] If you **waive** something, you chose not to have or do something you officially have a right to have or do.

waive [V-T-U6] To **waive** something means to pass it on to another authority.

wall calendar [N-COUNT-U2] A **wall calendar** is a list of dates where you can write your appointments. You keep it on the wall of your office.

warrant [N-COUNT-U5] A **warrant** is an official document, which gives the police permission to search someone's home or arrest someone.

waste of time [N PHRASE-U10] Something which is a **waste of time** is not a useful way to spend time.

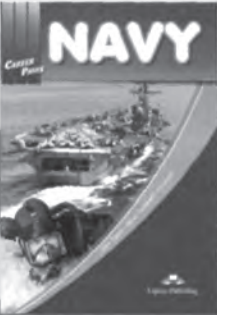
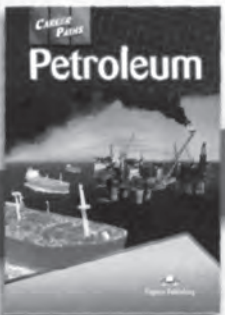
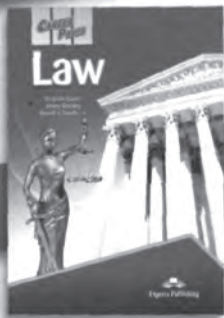
workload [N-UNCOUNT-U1] Your **workload** is the amount of work you have to do. It can be heavy or light.

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