

CONSEJO GENERAL DEL PODER JUDICIAL
COMUNIDAD AUTÓNOMA DE LA REGIÓN DE MURCIA

XII Seminario de Estudio Comparado de Sistemas Judiciales y de Cooperación Judicial Internacional a través del Lenguaje Jurídico

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Legal English

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STUDENT'S GUIDE TO POWERPOINT PRESENTATIONS

THE SOURCES OF ENGLISH LAW

1. Different Systems, different sources (England & Wales/ Spain). The sources of English Law.

2. Distinctive features: Common Law; Equity; Case Law; Formal incorporation of International Agreements & EU Legislation. No written Constitution as such.

3. The role of Statute Law. Common Law
    - Common Law Countries
    - Essential elements of Common Law

4. Equity
    - The concept of Equity in the English legal system
    - Historical origin of Equity
    - Equity in the Courts; equitable remedies. Example (Mahoney v. Mahoney)
    - Estoppel

5. Statute Law
    - Acts of Parliament
    - Statutory Instruments
    - Bye-Laws
    - Orders in Council
    - Devolution & Legislation
    - Related terms: Draft Bill; bill; act/statute
    - Parts of an Act: Short Title; Long Title; Preamble; Enacting words; Text; Schedules.

6. Case Law
    - “Judge-made” Law.
    - Precedent
    - Leading cases
    - Law Reports; reference to the most respected series; most common abbreviations and neutral citation in Law reports.
    - Related terms: *Ratio decidendi; Obiter dicta.*

COURTS AND TRIBUNALS

1. Bodies responsible for Justice. Ministry of Justice; the Lord Chancellor; the Lord Chief Justice; the Judiciary; her Majesty's Court Service.

2. The Courts. The Supreme Court; Senior Courts of England and Wales; Inferior Courts.

3. Judges and magistrates; various forms of address depending on the court (judges; justices; recorders; magistrates.

4. General overview of the English court system. Civil Jurisdiction and Criminal Jurisdiction. Functions of the various courts.
    - Magistrates' Courts
    - County Courts
    - Crown Courts
    - High Court of Justice
        -Queen's Bench Division
        - Chancery Division
        - Family Division
    - Court of Appeal
    - Supreme Court of the UK (Formerly The House of Lords)

5. Overview of appeal routes.

6. Tribunals: organisation and general functions.

7. Judicial review. A mechanism to review the actions of public bodies by judges on a point of law.

THE JUDICIARY OF ENGLAND AND WALES

1. The Lord Chief Justice

2. Judges and magistrates.

3. Trial judges and procedural judges

4. Different types of judges and forms of address

5. Traditions: Opening of the legal year; oath of allegiance; robes and wigs

6. The role of magistrates and judges in the various courts:

    - Magistrates
    - Recorders
    - District Judges
    - Circuit Judges
    - High Court Judges
    - Court of Appeal Judges
    - Divisional heads

7. Other issues of interest; removal from office, work conditions; disciplinary actions.

THE LEGAL PROFESSION

1. Solicitors and barristers
2. Other related terms: advocate, counsel, lawyer, attorney
3. The Law Society (Solicitors)
4. The Bar Council (Barristers)
5. Queen's Counsels

CIVIL PROCEEDINGS

1. Introduction: useful websites for information on civil proceedings
2. How to interpret civil case names
3. Legal basis
    - Cause of action
    - Right of Action
4. The parties to the suit:
    - Claimant (formerly plaintiff)-Petitioner in Divorce proceedings
    - Defendant- Respondent in Divorce proceedings
5. Commonly used words to refer to a civil case: action; case; lawsuit
6. Disputes: breach of contract; tort; property rights; successions or contentious probates; industrial and intellectual property disputes.
7. Civil Wrongs/Torts: against the person (personal injury; damage to reputation; damage to rights); against the property (loss or damage to property).
    - 7.1. Rules
        - Common Law principles/equitable principles
        - Statutory principles
    - 7.2. Remedies
        - Damages
        - Relief
        - Account of Profit
    - 7.3. Equitable remedies
        - Specific performance
        - Rescission
        - Injunction

8. Civil Courts
    - 8.1. County Courts
    - 8.2. High Court of Justice: Queen's Bench Division; Chancery Division; Family Division; Divisional Courts
    - 8.3. Court of Appeal of England and Wales

9. Civil Procedure Rules (1998).
    - 9.1. Principles.
    - 9.2. Measures → Simplification of legal language.
        → Use of Information Technology
        → Case management-procedural judges
        → Unification of Procedure
        → Tracking
    - 9.3. The Small Claims Track
    - 9.4. The Fast Track
    - 9.5. The Multi-Track

10. Alternative Dispute Resolution
    - 10.1. Mediation
    - 10.2. Arbitration

11. The Trial or hearing
12. The Judgement
13. Appeal Routes

CRIMINAL PROCEEDINGS

1. Introduction. Useful Resources; Main Bodies; Criminal Case Citation
2. The basics. Crime & Offences; Defences; general overview of criminal proceedings; investigation and prosecution of crimes.
3. Criminal Procedure Rules 2005
4. Criminal proceedings
    - 4.1. Arrest & charge
    - 4.2. Offences: Summary Offences; Indictable Offences; Either-Way Offences
    - 4.3. Criminal proceedings and Courts:
        - Magistrates' Court
        - Crown Court
    - 4.4. The hearing
    - 4.5. Law of evidence
    - 4.6. Final speech
    - 4.7. Sentences

5. The Attorney General's Office & CPS
6. Crime statistics