

Unit 1 Handout 2

I. Legal Systems

1. Read the text and find the following information:

- The origin of Common Law
- The main difference between Common Law and Civil Law today
- Ways to provide stability and dependability in their rulings
- The roles of judges
- Which type of law is more common?

What is the difference between common and civil law?

Common law gives judges an active role in developing rules; civil law is based on fixed codes and statutes



Common law is a peculiarly English development. Before the Norman conquest, different rules and customs applied in different regions of the country. But after 1066 monarchs began to unite both the country and its laws using the king's court. Justices created a common law by drawing on customs across the country and rulings by monarchs. These rules developed organically and were rarely written down. By contrast, European rulers drew on Roman law, and in particular a compilation of rules issued by the emperor Justinian in the 6th century that was rediscovered in 11th-century Italy. With the Enlightenment of the 18th century, rulers in various continental countries sought to produce comprehensive legal codes.

Today the difference between common and civil legal traditions lies in the main source of law. Although common-law systems make extensive use of statutes, judicial cases are regarded as the most important source of law, which gives judges an active role in developing rules. For example, the elements needed to prove the crime of murder are contained in case law rather than defined by statute. To ensure consistency, courts abide by precedents set by higher courts examining the same issue. In civil-law systems, by contrast, codes and statutes are designed to cover all eventualities and judges have a more limited role of applying the law to the case in hand. Past judgments are no more than loose guides. When it comes to court cases, judges in civil-law systems tend towards being investigators, while their peers in common-law systems act as arbiters between parties that present their arguments.

Civil-law systems are more widespread than common-law systems: the CIA World Factbook puts the numbers at 150 and 80 countries respectively. Common-law systems are found only in countries that are former English colonies or have been influenced by the Anglo-Saxon tradition, such as Australia, India, Canada and the United States. Legal minds in civil-law jurisdictions like to think that their system is more stable and fairer than common-law systems, because laws are stated explicitly and are easier to discern. But English lawyers take pride in the flexibility of their system, because it can quickly adapt to circumstance without the need for Parliament to enact legislation. In reality, many systems are now a mixture of the two traditions, giving them the best of both legal worlds.

Unit 1 Handout 2

II. People in the Legal System: Civil Cases

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

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



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.



2. 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

Unit 1 Handout 2

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

1) _____ verdict	a) the methods of interpreting laws and putting them into effect
2) _____ legal system	b) a legal conclusion
3) _____ court	c) a written document that states the reason for legal action
4) _____ complaint	d) the place where people go to conduct legal business
5) _____ paralegal	e) a person who accuses another person of a wrongdoing
6) _____ plaintiff	f) an attorney's assistant with specialized legal training
7) _____ civil	g) occurring between citizens

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

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

Unit 1 Handout 2

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

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

6. 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.