

Unit 1

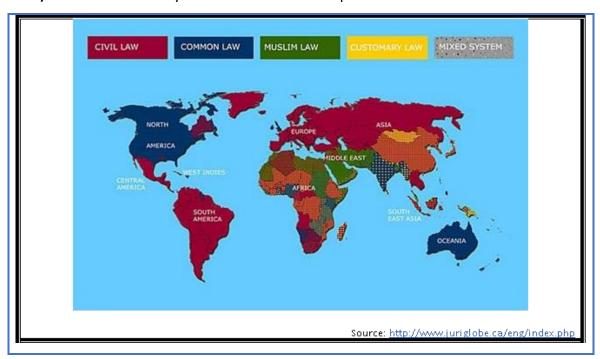
Objectives



- Identify different legal systems around the world
- Compare Common Law and Civil Law systems

Legal Systems

- a) What is the difference between Civil Law and Common Law? Take a few minutes to think about it and write down some ideas.
- **b)** Discuss with a partner and search for information on the internet to verify your answers. Find examples of countries where Common Law is used. Be prepared to share your findings with the class.
- c) Did you know that there were other types of legal systems, such as the others indicated in the map?
- d) What are some key words to refer to this topic?





e) 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.

(Taken from: The Economist https://www.economist.com/blogs/economist-explains/2013/07/economist-explains-10)

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

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 (\checkmark) the sentence that uses the underlined concepts correctly

- A. The plaintiff delivered a verdict at the end of the trial.
- B. The judge listened to the attorneys' arguments.
- A. Twelve <u>paralegals</u> determined the outcome of the case.
- B. The jury decided that the man was not guilty.
- A. The defendant hired an attorney to prove that he was innocent
- B. In court, the plaintiff 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?

5. 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.



6. Listen again and complete the conversation \bigcap



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'sseem weak.	2 is pretty good. He's making our3
Attorney 1: Well, it's not, is it?	
Attorney 2: No, the verbal agreement.	⁴ owes my client thousands of dollars. But that's based on a
Attorney 1: I see. So, the	⁵ - has nothing in writing?
Attorney 2: Exactly. I'm worried that	t the6 will decide against us.