

International Legal English

A course for classroom or self-study use

Teacher's Book

Jeremy Day

with

Amy Krois-Lindner

and

TransLegal®



CAMBRIDGE
UNIVERSITY PRESS
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CAMBRIDGE UNIVERSITY PRESS
Cambridge, New York, Melbourne, Madrid, Cape Town, Singapore, São Paulo
Cambridge University Press
The Edinburgh Building, Cambridge CB2 2RU, UK
www.cambridge.org
Information on this title: www.cambridge.org/9780521685566

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First published 2006

Printed in the United Kingdom at the University Press, Cambridge.

A catalogue record for this publication is available from the British Library

ISBN-13 978-0-521-68556-6 Teacher's Book
ISBN-10 0-521-68556-7 Teacher's Book
ISBN-13 978-0-521-67517-8 Student's Book
ISBN-10 0-521-67517-0 Student's Book

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TransLegal®

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TransLegal is Europe's leading firm of lawyer-linguists. TransLegal offers free on-line teaching resources produced by the lawyer-linguists at TransLegal in order to aid teachers of Legal English in the preparation and teaching of classes.

The on-line resources include:

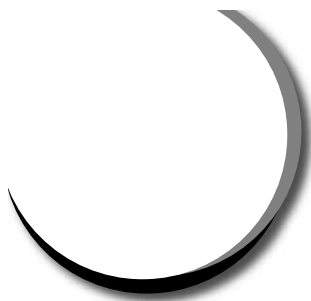
- ☐ summaries and explanations of the law
- ☐ additional teaching materials
- ☐ lesson plans
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In collaboration with Cambridge ESOL, a division of the University of Cambridge, TransLegal has also developed the Cambridge ILEC examination, the world's only internationally-recognised test of Legal English.

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Introduction

Who is the *ILE* Teacher's Book for?

The *International Legal English (ILE)* Teacher's Book is aimed at all teachers using *ILE* in the classroom. It is designed to make the *ILE* course as flexible as possible, so that it is suitable for a wide range of teaching situations: from individual students to large groups; from prospective law students to experienced lawyers; from single-nationality groups to international classes; and from upper-intermediate level to advanced and beyond. It is aimed at teachers who may have limited teaching experience or little or no knowledge of legal English or the worlds of law and business. For this reason, more experienced teachers of legal English may find some sections of the book a little obvious, but it is hoped most teachers will appreciate the careful guidance. I myself am a teacher, not a lawyer, and throughout the book I have drawn heavily on my own experience of trying to get to grips with the concepts and language of commercial law.

What does the course involve?

Teachers are strongly advised to read the introductory sections in the *ILE* student's book for guidance on the structure and contents of the course, and how it relates to the Cambridge ILEC (International Legal English Certificate) exam. You should also familiarise yourself with the ILEC exam by looking at www.legalenglishtest.org.

How is the *ILE* Teacher's Book organised?

At the beginning of this book, there are sections on **Teaching lawyers** (general advice for new teachers of legal English), **Writing** (ideas for making the writing activities more varied and interactive), **Games and activities** (to supplement many activities throughout the course) and **Using the Internet for research** (advice for teachers who wish to increase their knowledge in order to prepare for teaching legal English).

Each unit starts with a **Teacher's brief**, designed to introduce non-lawyers to the legal topic of the unit. Where possible, the Teacher's brief relates the legal concepts to the everyday experiences of non-lawyers. To enable teachers to read the briefs quickly and to scan them for specific information, the most important words and phrases are given in bold. These bold terms include key legal vocabulary (most of which is explained in the glossary in the Student's Book) as well as the language skills developed in each unit. The briefings also include some useful Internet sources related to the unit. Inevitably, given the constantly changing nature of the Internet, some of these links may not work or may change.

The **teaching notes** start with an introductory discussion, designed to get students thinking and talking about the topic from a non-technical perspective. The notes then follow the organisational structure of the Student's Book. The answers to each exercise are included immediately after the notes. (They are also listed at the end of the Student's Book.)

There are also many supplementary activities (**Optional lead-in/extension**), usually designed to exploit the grammar and vocabulary from reading and listening texts more fully. Not all of these activities will be appropriate for all teaching contexts: some classes may find a text so easy that they need no further support or analysis, while others may find a text so difficult and time-consuming that you decide to move on to a new section in the book as soon as possible! However, it is hoped that they will make lesson planning easier, as they offer a good way of using five or ten minutes at the beginning or end of a lesson.

There are also **Language notes** throughout the units to explain difficult language (usually vocabulary from reading or listening texts, but also some unusual or difficult grammar structures). IPA pronunciation is often given inside Language notes, or as separate **Pronunciation notes**. The aim of these notes is to provide teachers with

some background before they start a lesson, or to provide answers to difficult questions from students during lessons. For this reason, the Pronunciation notes contain some non-technical terms which may nonetheless cause you problems.

For each Listening section, there is a reference to both the relevant CD/track number(s) and the page in the Student's Book where the transcript can be found.

Each unit in the Student's Book ends with an online research activity and a self-study **Language Focus** section. This book does not provide guidance for these (other than answers for the Language Focus), as they are self-explanatory. Both activities are ideal for homework, either during the course of the unit or afterwards as revision. They can also be done in class. Needless to say, it is important that you, the teacher, try these activities yourself so that you are ready to deal with any problems students may have with them.

Each unit contains references to **photocopiable worksheets**, which can be found at the back of the book. Instructions and answer keys (where applicable) for these activities are included within the notes. In most of the units, one of the worksheets provides notes for a role-play. A few units contain role-plays elsewhere (in the Student's Book or Teacher's Book), in which case there is no separate role-play worksheet.

The Student's Book also contains three case studies, after Units 4, 9 and 11. Notes for these are given at the same positions in this book.

How can the book be used with different levels?

Although *ILE*, like the ILEC exam, is aimed at upper-intermediate to advanced levels, this does not mean that it cannot be used with lower or higher levels. The notion of 'level' is rather complicated when it comes to legal English. For example, student A, an experienced international lawyer, may be fairly fluent and confident in English, but due to his frequent mistakes is classified as 'intermediate'. Conversely, student B may have technically proficient English, but due to her lack of legal knowledge, may struggle with the

course as much as student A. For both of these students, you should provide plenty of support, including supplementary activities, with the aim of getting them through the course and their exams.

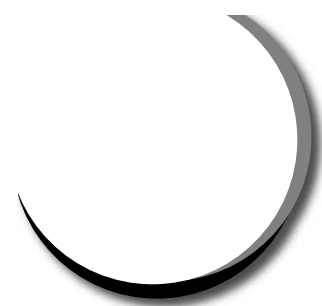
Student C, on the other hand, is already an experienced lawyer with an excellent command of both legal and general English. In her case, your aim should be for her to master most of the language used in the book, with a view to producing it, rather than merely understanding it. The supplementary activities should therefore be used to make the course more challenging.

Even in a mixed-ability group, it is possible for all students to make good progress, whatever their initial level. You should encourage them each to push themselves to use difficult, new or sophisticated language as much as possible in their speaking and writing, and if you provide sensitive feedback and error correction.

How can the book be used with different class sizes?

At many points in both the Student's Book and the Teacher's Book, there are instructions for the students to work in pairs. Obviously, if you have only one student or an odd number, this will be impossible, but for the most part this should not cause problems. With one-to-one classes, you will have to be the partner in discussions and role-plays. With odd numbers of students, most pairwork exercises will work equally well with groups of three. In both cases, specific advice has been provided where necessary (for example, with role-plays).

There is no upper limit to the class size. For time reasons, some activities (such as individual presentations) may have to be modified for very large groups, but again specific instructions have been provided where necessary.



Teaching lawyers as a non-lawyer

Some legal English teachers are fortunate enough to be experts in law as well as language teaching. However, there are many legal English teachers who have had no law training and therefore have limited knowledge of legal systems, procedures and terminology. These teachers may dread the idea of teaching lawyers. Legal English is so full of strange vocabulary and grammar that it seems like a different language. Lawyers themselves can be quite scary: they tend to be highly intelligent, extremely demanding and focused on tiny details. With most other branches of English teaching, it can be enough to be a good teacher with knowledge of English, but with legal English, this is not enough. The problem is that there are very few good teachers who are also knowledgeable about legal matters. This section is aimed at teachers who know very little about law.

My first lesson with lawyers was exhausting and stressful. The vocabulary brainstorm activity I had planned as a warmer ended up taking the whole lesson and left me with a list of over 40 items which either I could not explain or was not sure how to pronounce. I then spent several hours before the next lesson checking all the words on my list (see Using the Internet for research on page 14) and turning them into two simple match-the-words-with-their-definitions worksheets. This hard work convinced my students that a non-lawyer could teach them legal English, and my lessons became increasingly stress-free and even enjoyable. As the course progressed, I noticed more and more that I really did understand what they were talking about, and that my opinions, life experience and ideas were just as valid as those of my students. Through a combination of honesty, hard work and professional confidence, I was able to win over their trust and become accepted as an authority.

Be honest

It is essential to manage students' expectations. If you pretend to be a lawyer or an expert before or at the beginning of the course, students are likely to be disappointed. But if you admit that you are still learning about law yourself, they may be pleasantly surprised by how much you know.

Be prepared

This is the key to successful teaching of legal English. It means making sure you have read all the relevant sections of the Student's Book and Teacher's Book before you step into the classroom, and really know what all of the words and phrases mean and how they are pronounced.

Be armed

Bring a legal English dictionary with you to every lesson. I always have *Osborn's Concise Law Dictionary* (Sweet and Maxwell, 2001) to hand for emergencies.

Be confident

Remember that, even if you know nothing about law, you can still help students enormously. You can:

- motivate them (to come to class, to learn in class, to learn at home);
- be an expert on plain English (the English they need in order to explain things to clients);
- be an expert on finding things out (using the Internet and dictionaries to answer students' questions – it can be surprising to see how helpless they are when they encounter language problems);
- be a source of real-life experiences (such as signing employment contracts, buying or renting property, borrowing money, etc.), especially if you come from a different country from your students;

- be knowledgeable on universal problems such as dependent prepositions, punctuation, spelling, articles, tenses, levels of formality, collocations, paragraphing, etc.

You need to feel positive about why students should be paying for you to teach them.

Learn from students

Ask lots of questions during lessons. Lawyers need to practise the skill of explaining complicated things to non-lawyers, so you should exploit this opportunity to the full. At times, you can ‘act stupid’ (ask questions you already know the answer to) or ‘play devil’s advocate’ (air controversial opinions, even if these are not your own opinions).

Just as good students should take notes and learn from them, so should you as a teacher. Write down everything you learn about what your students do in their jobs and how the law works in their countries, and try to learn from your notes.

Think about what students need

A common mistake made by teachers of legal English is to assume that lawyers spend their time defending or prosecuting criminals in court. In fact, most lawyers deal with contract and company law, rather than criminal law, so they are unlikely to be interested in vocabulary connected with crime, the police and punishment. Most lawyers also spend very little time (if any) in court. Much of their work involves preparing or analysing documents for business clients, and trying to avoid disputes (or at least to resolve them without the need to go to court).

There is also no reason to think that they are particularly interested in US or UK law. As English is increasingly becoming the international language of business, legal English is rapidly losing its ties with English-speaking countries. The most likely scenario is that your students need legal English to explain aspects of their own legal systems (which they already know about) to international clients (who may well be non-native English speakers).

Many of the authentic texts and documents in *ILE* come from English-speaking common-law jurisdictions because of the need for authentic (i.e. not translated) legal English written by native speakers. For obvious reasons, such authentic documents for other jurisdictions generally exist in languages other than English. To balance this, *ILE* uses discussions and language work throughout to encourage students to describe the systems in their own jurisdictions and to constantly compare the different systems. It aims to equip students with the language they need to talk about their own systems, rather than with a complete working knowledge of either UK or US systems. This means that you should try as much as possible to relate the country-specific materials in this book to students’ own jurisdictions.

It is important to remember that students can probably already function fairly effectively in legal English. They may have good negotiating and writing skills, which they have developed in their own language, and their English has already reached a good level of general fluency and accuracy. Your job is to help them to function even more effectively.

If you ask students’ bosses and clients what sort of English the lawyers need, they might say ‘plain English’: the language to communicate difficult ideas clearly to non-experts (such as clients). Many lawyers (including native English speakers) struggle to use ‘client-friendly’ English, with the result that they frequently fail to communicate with their clients. On the other hand, if you ask the lawyers themselves what they need, they might ask for more ‘legalese’: the jargon that non-lawyers find so incomprehensible. Lawyers like knowing such language because they need to understand it when they encounter it, and they feel they are expected to use it (rather like their formal dress code).

The reality is that lawyers need both types of English (as well as other formal and informal registers for writing and speaking). Your job is to raise awareness of these differences, and to provide plenty of opportunity to practise them.



Writing

An essential part of the Student's Book is its emphasis on writing, with around two tasks per unit. The problem is that writing does not seem to fit in a communicative classroom. Students complain if they have to write for extended periods during their lessons, but they are often too busy to write at home. An obvious question is whether it is reasonable to expect students to produce 30 pieces of writing during the course, and whether you, as a teacher, have to find the time to mark so many pieces from each student. This section offers a few ideas to get around this dilemma.

Writing is one of the best ways of learning and practising language. It provides the opportunity for individual creative production without the time pressure associated with speaking. It allows students to experiment with new or complicated language structures that they would probably avoid when speaking. In fact, written language is fundamentally different from spoken language in many ways:

- It includes skills such as spelling and punctuation which are not used in speech;
- It uses many different grammar and vocabulary structures;
- Accuracy is far more important than in speech because communication breakdowns cannot be overcome using body language or negotiating the meaning with the listener.

For lawyers, such issues are especially acute. Whether they are drafting contracts, legal opinions, internal memos, case summaries or emails to clients, it is essential to use professional, accurate language. A misspelled word or a misplaced comma may dangerously change the meaning of a legal document, and lawyers need practice before they can get it right.

In-class writing

The advantage of in-class writing over homework is that you can guarantee that all the students produce some work, and that a piece of work is

actually written by a given student. Unfortunately, in-class writing is often unpopular with students, who prefer to spend their class time in a more interesting way. With this in mind, in-class writing needs to be quick (e.g. set a time limit of five or ten minutes) and different from the experience of homework writing. The following ideas explore how to achieve this.

Team writing

There is no reason why writing has to be a solitary activity. A simple trick is to hand out a single sheet of (coloured) paper to each pair or group, and to make them plan and produce their writing together. This means that they have to speak with each other to compare ideas and can correct each other's mistakes. This may even be done with the whole class, where one scribe writes the class's suggestions onto the board.

Chain writing

Team-writing activities can be spiced up by telling the teams to swap their pieces of paper with another team after a certain amount of time (or number of words). This forces them to read each other's work and can produce some very creative (or funny) texts.

Oral writing

'Writing' does not have to involve a pen and paper. Students can work with a partner to decide what they would write, and to speak the text as if they were dictating to a secretary. At the end, ask some groups to 'read' their 'writing' aloud to the class.

Written dialogues

Writing can be more satisfying when it is genuinely communicative, so when students have produced a complete text (e.g. an email request), tell them to pass it on to a different student, who can reply to that text (e.g. a polite refusal). Such dialogues can continue over several turns.

A last resort

If students cannot (or will not) produce any writing, either in class or as homework, you may offer to correct any authentic writing they do in English (although they will need to edit their writing in order to protect confidentiality). This is an opportunity to remind them to use the useful language and structures from the course, and to check where they are still having problems. From a teacher's point of view, this can also provide an invaluable insight into what real lawyers actually have to write in their day-to-day lives.

Checking written work

For many students, the value of writing practice is that their work is checked by their teacher. At the very least, this should include practical advice about how to improve. Unfortunately, if every student in a large group completes every written task, with you making written corrections during your free time and handing the work back in a later lesson, the workload for you is enormous.

Checking students' work is an important exercise, and students can learn from their corrected mistakes, but they can also learn from simply writing. For example, in order to practise unusual grammar structures or experiment with new vocabulary, they first need to do some research (e.g. in a dictionary or grammar reference) and then concentrate on how to structure their writing so that it is accurate, sophisticated, appropriate and natural. This process is where the real learning takes place, much more than being corrected by a teacher. In other words, even if you do not have time to mark written work thoroughly, students can still benefit from writing.

An alternative to the traditional way of marking is to put students' work onto photocopies or an overhead transparency so that you can discuss the work with the whole class. This can take up a lot of class time and be very teacher-focused, but it is also very useful for students to see and learn from others' strengths and weaknesses. This works best if the work is anonymous (and written on a computer).

Grading

It can be very motivating for students to have their writing graded, especially if they can see their grades improve as the course progresses. Grading should be based on task fulfilment (i.e. does the writing communicate the necessary message concisely and in a way that creates the right impression on the target reader?), rather than simple accuracy.



Games and activities

It is strange that two of the elements that seem so central to teaching teenagers – humour and competitive games – are often completely absent from the teaching of ‘serious’ subjects such as legal English. Lawyers and law students are no different from any other type of learner: they respond to activities which are enjoyable, stimulating and memorable. A game can be a good way to start a lesson, to fill a spare five minutes at the end, or simply to change the pace whenever students are looking tired. It can introduce new language, practise recently taught language or recycle old language. Of course, not all students will enjoy (or see the point of) games – or they may prefer collaborative games to competitive ones – so you will need to find the right balance for your particular class.

This section outlines some games and activities which can be applied to many of the exercises in the Student's Book, either as supplementary activities or as replacements. They usually require little or no preparation.

Snake game

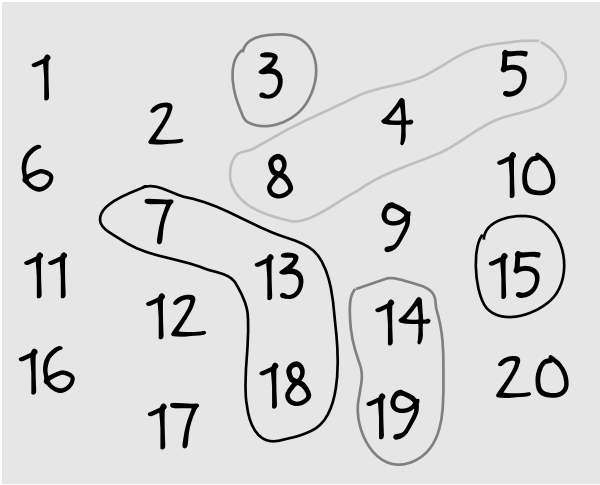
Write a grid of numbers (say, 1–20) on the board in a honeycomb pattern. Each number represents something that may be tested (e.g. the first 20 vocabulary items from the glossary in the Student's Book, or 20 comprehension questions

based on a text). Divide the class into teams and use a different-colour marker for each team. Tell the first team to choose a number. Then ask the question for that number (e.g. read the definition for the responding glossary item). Allow that team five seconds to supply the answer, before handing over the question to the next team. When a team answers a question correctly, draw a circle around the number in that team's colour. The aim is to make a chain (= a snake) of adjacent numbers, and to block the other teams' snakes. At the end, the team with the longest continuous snake is the winner.

Stake game

This game works best with an exercise containing around eight or ten challenging questions (e.g. reading/listening comprehension questions or grammar questions). Tell students to work in teams to answer the questions, perhaps with a time limit. Draw a grid on the board, with the question numbers down the first column and the team names along the first row. Before checking the answer to the first question, ask each team to place a stake of between €10 and €100 on the question, depending on how sure they are of their answer. Write the stake in the appropriate place in the grid. Then elicit an answer from each team for the question. For those teams which answer correctly, write ‘+’ next to their stake, and for those answering incorrectly, write ‘–’. Repeat the procedure for each of the remaining questions. At the end, add together all the winnings for each team (i.e. those marked ‘+’), and subtract any losses (i.e. those marked ‘–’) to find out which team has won the most money.

This game is useful for teaching new language points, as students are interested in why a particular answer is right or wrong, and try to learn from their own mistakes when answering later questions.



First-use game

When you set up role-plays, it is important to encourage students to use new target language (e.g. the useful functional phrases studied in a particular unit). One way to do this is to award a point for the first student to use each phrase from a list (either on the board or on cards). It is essential that the phrase is used naturally and appropriately, so you should not award points if students use several phrases simply to get points. After the first good use of a particular phrase, cross it off the list and write the student's initial next to it (or give that student the card). This phrase may no longer be used during the role-play. At the end of the role-play, the student who has used the most phrases is the winner.

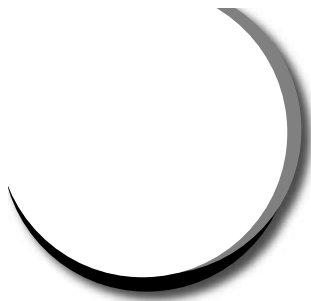
Buzz game

This can be done with any text that has already been studied. Read the text aloud slowly, pausing after each line. In each line substitute a 'buzz' for one of the words. Students should work in teams to remember/work out what the missing word should be. The team with the most correct answers at the end is the winner.

Easy-first procedure

This technique is surprisingly useful for turning any exercise into a game, especially those with a large number of questions. It also works if you join several short exercises together. Tell students to complete an exercise in teams. Write the question numbers on the board. When students have finished answering the questions, ask the first team to choose the number of a question they are sure they know the answer of. If they supply the correct answer, draw a circle around that number in that team's colour, and move on to the next team. If they are wrong, move on to the next team. They may choose the same number or a different one. Keep going until all the questions have been answered correctly. The team with the most numbers at the end is the winner.

The procedure is called 'easy first' because the best strategy is to answer the easy questions (which other teams are also likely to know) as early in the game as possible, and to leave tricky ones until the end of the game.



Using the Internet for research

As a teacher of legal English, it is important that you and your students accept that you cannot be an expert on all aspects of law in students' jurisdiction(s). In fact, it can sometimes be useful both for you and your students if you claim to be ignorant of their legal systems in order to make them explain things to you in everyday English.

However, you may feel dissatisfied with this situation. If you conduct some research before your lessons, you can increase your self-confidence, improve your teaching and impress students. An obvious source for research is books, either bought or borrowed from a library. The problem is that they can be very expensive, difficult to get hold of, or written in a foreign language.

The alternative source, the Internet, also has flaws as a research tool: there is often too much material available, with no way of easily telling what is reliable and useful and what is not; most of the English-language content relates to the USA (and, to a lesser extent, the UK), while most other jurisdictions are poorly represented; and it is constantly changing, which means that printed guides, such as this one, go out of date quickly.

That said, as long as you are patient and careful to check information from unreliable sites, the Internet can be an invaluable resource. Below are ten sites which I have found especially useful while writing this book.

- 1 **Wikipedia** (http://en.wikipedia.org/wiki/Main_Page): This encyclopaedia is an impressive source of knowledge on virtually any subject. Many of the key terms from this course have their own sections, with countless links to other related articles. It is written by members of the public, which means that it is constantly growing. Unfortunately, it also means that information may be unreliable or biased. It is therefore important to double-check its accuracy with other sources. Interestingly, two sister sites, **Jurispedia** (http://en.jurispedia.org/index.php/Main_Page) and **Legal Wikicity** (http://legal.wikicities.com/wiki/Main_Page), have been launched, which

offer huge potential as sources of information on legal matters around the world. Unfortunately, at the time of writing, both sites have very little content.

- 2 **Law.com** (<http://www.law.com/>): The best thing about this site is its dictionary (<http://dictionary.law.com/>), which offers clear definitions of most of the key terms from this book. The only problem is that there is no pronunciation guide. Other useful sources of legal terms and legalese include <http://www.legal-term.com/>, <http://www.law.ucla.edu/volokh/legalese.htm> and <http://www.uchelp.com/law/glossary.htm>.
- 3 **OneLook** (<http://www.onelook.com/>): This site is a collection of dozens of online dictionaries. If you type in a query, it will generate links to all the online dictionaries which contain definitions, including Wikipedia and Law.com. This is especially useful for the financial/business terminology used in this book. Several of the dictionaries, including **Dictionary.com** <http://dictionary.reference.com> and **Encarta** <http://encarta.msn.com/encnet/features/dictionary/dictionaryhome.aspx>, provide useful pronunciation guides. There is also the interesting **Online Etymology Dictionary** (<http://www.etymonline.com/>), which can provide interesting background information on strange legal words such as *usufruct* and *chattel*.
- 4 **Google** (<http://www.google.com>): Like all good search engines, Google is an extremely useful tool when searching for obscure or very specific information (i.e. information which no encyclopaedia or dictionary provides). It is important to know a few tricks to limit the number of sites generated. For example, if you search for [intellectual property] you will find sites on intellectuals and sites on property, as well as those on intellectual property, but if you search for ["intellectual property"], using quotation marks, or [intellectual_property], using a baseline rule, you will find only those sites

which include the complete phrase *intellectual property*. If you use several keywords in your search (e.g. ["intellectual property" + korea + law]) you may find very specific information. Searches can also be refined by using the Language Tools option to search for pages written in a particular language or country.

- 5 **Onecle** (<http://www.onecle.com/>): This is a collection of thousands of authentic contracts and other legal documents, including employment agreements, promissory notes, credit agreements and merger agreements. If you have the time and patience to read through and try to understand some of these documents, you will gain a tremendous insight into both what lawyers need to think about and how to read and write such documents.
- 6 **Lexmercatoria.org** (<http://www.jus.uio.no/lm/>): This site is particularly useful for finding articles and links for a wide range of legal subjects in many countries.
- 7 **Encyclopedia of Law and Economics** (<http://encyclo.findlaw.com/index.html>): A huge resource, with detailed articles on aspects of law in many countries.
- 8 **Constitution Finder** (<http://confinder.richmond.edu/>): Provides links to constitutions and related documents, usually in English, for virtually every country in the world.
- 9 **LawKT.com** (<http://news.surfmax.com/law/>): This database contains links to articles published by law firms. Its index sorts the articles into topic areas, making this site a very user-friendly way of staying up to date with the fields of law covered in this course.
- 10 **Wex** (http://www.law.cornell.edu/wex/index.php/Main_Page): This encyclopaedia is more reliable than Wikipedia, but rather less comprehensive.

And finally, remember that there is a lot of information on the Cambridge University Press and TransLegal websites:

- <http://dictionary.cambridge.org>
- <http://www.cambridge.org/elt/legalenglish>
- <http://www.translegal.com>