

1

The practice of law

Teacher's brief

This unit covers a lot of important ground, but does not go very deeply into any one area. Many of the areas mentioned in this unit will be addressed much more fully in subsequent units.

Part I deals with **bodies of law**, and focuses on the two most internationally important bodies: **common law** and **civil law**. This distinction will be well-known to all lawyers and even to most beginner law students. In common-law jurisdictions, such as England, Wales and Northern Ireland and the USA, laws come primarily from customs, usage and earlier court decisions. In civil-law jurisdictions (e.g. much of continental Europe), laws come from written legal codes. Much of the world can be neatly divided between these two bodies of law, but there are many **mixed systems** (e.g. India, Israel, Iran, China and South Africa). Note that the term **jurisdiction** is preferred to 'country': the countries of the UK, USA and Canada are all mostly common law, but all contain several jurisdictions, some of which have rather different bodies of law (e.g. Scotland, the Channel Islands, Louisiana and Quebec).

Part I goes on to describe five **types of laws**: the most important of these are **statutes**, which are the documents issued by sovereign states (i.e. independent countries). Note that each state in a federation (such as the USA and Brazil) also has its own statutes and **codes**. Non-sovereign bodies (e.g. colonies and county, city or local governments) issue **by-laws** (UK) or **ordinances** (USA). Non-governmental agencies, such as (in the UK) Companies House, the Driver and Vehicle Licensing Agency (DVLA) and HM Prison Service, have sets of **regulations**, which have the force of law. Not all countries have such agencies, which must be authorised by statutes to issue such rules and regulations. There is a type of law which is specific to the EU: **directives**. These devices commit the member states to meeting certain obligations in their own legislatures (parliaments). Finally, **bills** are proposed laws which have not yet been ratified or adopted. When they have been passed, they are known as **Acts of Parliament** (in the UK, Canada, New Zealand, Australia, etc.) or **Acts of Congress**

(in the USA), but of course can be more generally described as **statutes**.

The section on **types of courts** is inevitably country-specific: countries will vary in terms of the types of court that exist and the names given to each. All jurisdictions tend to have **lower courts**, **appeals courts** and **high courts/supreme courts**, but they may not have anything like the UK's distinction between **small claims courts**, **crown courts** and **magistrates' courts**. Note that in the UK, **magistrates** are usually volunteer non-lawyers (**Justices of the Peace (JPs)**) who preside over minor cases, and who are advised on legal matters by a **Court Clerk**. This is different from the magistrates in mainland Europe, where the term is commonly used to refer to **public prosecutors**.

Part I goes on to describe some persons and documents in court. In a typical **lawsuit** (case), the most important persons are the **plaintiff**¹, who initiates the case by **filing a complaint**, and the **defendant**, who has to **answer** that complaint. However, when the case is a **petition** (request) for a **court order** (an official proclamation by a court), rather than a complaint, the two parties are known as the **petitioner** and the **respondent** respectively. An important type of court order is an **injunction** for a person to refrain from doing something or be obliged to do something. The lawyers for both parties and in both types of case are known as **advocates**, a general term for anyone who speaks on behalf of someone else. The general name for **complaints**, **answers**, **petitions** and **motions** is **pleadings**, a term which covers all documents filed by lawyers in a lawsuit. The legal claims made in these documents are called **causes of action**. More details about specific points in a pleading are given in **briefs** or **written submissions**.

The last section on the legal system focuses on **Latin** expressions used in legal English. (Many are also common in general English.) Latin borrowings (such as *versus*) have been a feature of legal English throughout the history of English, but Latin became the language of legal documents in England after 1066. It was replaced by French around 1275, which in turn was replaced by English in 1362 under the **Statute of Pleading**. French's influence on legal

¹ In the UK (except Scotland), the plaintiff is known as the **claimant**.

English is far greater than that of Latin, giving us most of the vocabulary mentioned in this unit.

Part II of the unit focuses on lawyers. The general term **lawyer** covers anyone who has been trained in the law and certified to give legal advice. In some jurisdictions, such as England, clients typically engage the services of a **solicitor** for legal advice, who may in turn engage a **barrister** to carry out a specific job, such as pleading in court. Solicitors may appear in lower courts, but require a **certificate of advocacy** if they wish to contest a case in a higher court. Both types of lawyer deal with both criminal and civil cases. In other jurisdictions, such as Canada, the two roles are not kept separate (so a lawyer is known as a **barrister and solicitor**). The same is true in the USA, where such a lawyer is called an **attorney**. In many civil law countries, **notaries** play an important role in drafting contracts and giving legal advice to private individuals. These civil law notaries should not be confused with the US term **notary public**, which refers to people who witness and certify the legal validity of documents, take **affidavits** (sworn statements), etc. Notaries public are not necessarily trained lawyers. Finally, a **corporate counsel** works exclusively for a corporation, and both advises and represents that corporation in all legal matters.

The section on **legal education** focuses on the stages involved in becoming a barrister or solicitor in the UK, or a lawyer in the USA. Different countries around the world all have their own systems for preparing lawyers, but lawyers everywhere have to study formally (typically at a **university** or **law school**) before undertaking some sort of **work experience**, which involves **shadowing** fully qualified lawyers. There is usually some kind

of **exam** and **ceremony** to mark the end of this process. For example, in the UK, new barristers are **called to the Bar** (invited into the profession).

The section goes on to look at an organigram (organisational hierarchy) of a **typical law firm**, and introduces the various levels within the hierarchy: **senior partners, full partners, salaried partners, associates, paralegals** and **clerks**.

The unit ends with a non-technical look at the advantages and disadvantages of large and small law firms.

Further information

- For a comprehensive list of **bodies of law** throughout the world, see <http://www.droitcivil.uottawa.ca/world-legal-systems/eng-tableau.html>. For more detailed information, see http://en.wikipedia.org/wiki/Common_law.
- For information on **magistrates' courts**, see <http://en.wikipedia.org/wiki/Magistrate>.
- For more on **legal Latin**, see http://en.wikipedia.org/wiki/List_of_legal_Latin_terms.
- There is some fascinating background to the **history and nature of legal language** at <http://www.languageandlaw.org>.
- The **difference between solicitors and barristers** is explained fully at <http://en.wikipedia.org/wiki/Barrister>.
- There is a very clear description of the stages involved in **becoming a UK barrister** at <http://www.barcouncil.org.uk>.
- The Law Society's site offers similar insight into the process of **becoming a solicitor**: <http://www.lawsociety.org.uk/becomingasolicitor.law>.

PART I: THE LEGAL SYSTEM

Discussion

With the whole class, brainstorm the differences between *common law* and *civil law*. Use the following questions to generate ideas:

- a Which jurisdictions around the world use which body of law?
- b What do you know about the histories of the two bodies?
- c What is the primary source of laws under each body?
- d Are there any jurisdictions which use a different body of law?



Possible answers

- a Common law is used in England, Wales and Northern Ireland, most of the USA (except Louisiana), most of Canada (except Quebec) and most of the former British Empire / Commonwealth. Civil law is used in most of continental Europe. Much of the rest of the world uses either civil law or a mixture (e.g. civil law with Muslim law, etc.).
- b Common law originated in England. It was institutionalised by King Henry II, who created a unified system of law which was 'common' to the country. Civil law is based on Roman law, especially Emperor Justinian's *Corpus Juris Civilis*.

- c** Under civil law, they come from legislation. Courts base their decisions on codes and statutes. By contrast, under common law, they are based primarily on customs, usage and court decisions. Of course, some laws do come from legislation, but such laws are seen as incursions into the common law. See http://en.wikipedia.org/wiki/Civil_law.
- d** There are many jurisdictions which use a mixture, including mixtures of common or civil law with Islamic (Sharia) law or customary law. See <http://www.droitcivil.uottawa.ca/world-legal-systems/eng-tableau.html>. You could use a list such as this for a light-hearted quiz: *Which system do they use in Argentina/Hungary/Israel/China (etc.)?*

Bodies of law

- 1** Tell students to read the two excerpts quickly to answer the three questions. Allow one minute for strong classes or two minutes for weaker classes. Check the answers with the whole class. Do not analyse the texts in any detail, although you may decide to ask students what they understand by the term *law of torts* (see Language note below).

Answers

- 1** The course in excerpt A is intended for international students who will be studying at English universities. The course in excerpt B is intended for students who are going to study law in a European university.
- 2** A
- 3** B



Language note

The *law of torts* is a major branch of common law. *Tort* means 'civil wrong', and covers all cases of damage or injury, either through negligence or through wilful misconduct. It is usually taken to exclude criminal wrongs, although the same event may be covered by both branches (e.g. if somebody crashes into someone else's car, a civil wrong has occurred, but if the driver was drunk at the time, a criminal wrong has also occurred). The law of torts excludes breaches of contract, which are covered by contract law.

- 2** Do this quickly with the whole class. Point out that the term *civil law* has two distinct meanings: it contrasts with *common law* in terms of bodies of law, but with *criminal law* within the common-law jurisdictions. You may need to check the pronunciation of *penal* /'pi:nəl/.



Answers

1 b **2** c **3** a

- 3** Tell students to work alone or in small groups to complete the extract. When most groups have finished, check the answers with the class.



Answers

1 based on **2** disputes **3** legislation
4 bound by **5** provisions **6** custom
7 precedents **8** rulings **9** codified
10 non-criminal



Language notes

- Normative principles* prescribe the way something ought to be, rather than describe the way it actually is.
- If you are *bound* /'baʊnd/ by a particular law, you must act according to that law.
- Precedents* /'presɪdənts/ are previous court decisions which are used as the base for later decisions.

- 4** Discuss this with the whole class, focusing especially on any interesting differences between students' jurisdictions and those mentioned.

Types of laws

- 5 Tell students to close their books. Elicit from the whole class some institutions which might issue laws. Avoid providing the answers, as these will come up in Exercises 6 and 7.

Suggested answer

National governments, local authorities, state governments, government agencies, super-national institutions such as the EU and the UN.

Tell students to read the five texts quickly and then discuss in small groups which came from which source. Then go through the answers with the class.

Answers

1 c 2 a 3 b 4 e 5 d

Language notes

- If a statute is *unambiguous* /,ʌnæm'bigjuəs/, it has only one possible interpretation, so it is not likely to be misunderstood.
- If the court *gives effect to* the intention of the legislature, it enforces the legislature's intention. This use of *effect* is related to the phrase *to come into effect*: if a law *comes into effect*, it starts being valid.

- 6 Point out that the five definitions refer to the words in bold in Exercise 5. Tell students to work in small groups to match the words with the definitions. Then check the answers with the class. You may need to elicit or provide some examples of *government agencies* (see Teacher's brief, page 16). Discuss with the class if the same five words apply to their own jurisdictions. This will depend on a) whether their jurisdiction is a part of the EU, otherwise *directive* will not apply, and b) whether their jurisdiction has government agencies authorised by statute to issue *regulations*.

Answers

1 regulations 2 ordinance 3 bill
4 directive 5 statute

- 7 Tell students to work alone to answer the questions quickly. Go through the answers with the class.

Answers

1 ordinance 2 regulations 3 bill
4 statutes 5 directive

Speaking 1: Explaining what a law says

Tell students to close their books. Ask them to think of a more sophisticated way of saying the following sentence: *The law says that all dogs must be registered and licensed*. Focus especially on the word *says*, and try to elicit as many alternatives as possible, such as the eight verbs from the box on SB page 10. You might give clues, such as writing the first letters of the verbs on the board, together with the number of letters (e.g. *The law s _ _ _ _ _ s that ...*), but avoid giving the answers. Tell students to check their predictions in the box on SB page 10.

Language note

There are no significant differences between the eight verbs in terms of meaning, although several are more natural when followed by a clause (e.g. *to provide that ...*) and others by a noun phrase (*to set something forth / to lay something down*). Note that these last two are separable phrasal verbs (i.e. a pronoun can separate the verb from the particle), but in practice they tend not to be separated.

- 8 If students are experienced, tell them to choose their 'favourite' law and describe it to a partner using as many of the eight verbs as possible. You might suggest that they choose a particularly pointless law that they have come across, whether real or not (such as the mythical EU directive on straight bananas). With less experienced (or more creative) classes, you could ask them to work in small groups to invent their own ridiculous laws, and then to present their stipulations to the rest of the class. See <http://www.cec.org.uk/press/myths/index.htm> for some so-called euromyths.

Types of courts

- 9 Tell students to work in small groups to match the types of court with their explanations. When you go through the answers as a class, discuss whether the same types of court exist

in students' jurisdictions, and any important differences (e.g. up to what age someone is tried in a juvenile court). See Teacher's brief (page 16) for information on magistrates.

Answers

1 e 2 g 3 i 4 a 5 b 6 c 7 d
8 f 9 h

Pronunciation notes

appellate /ə'pelət/ juvenile /'dʒu:vənəl/
magistrate /'mædʒɪstreɪt/
tribunal /traɪ'bjʊ:nəl/

Speaking 2: Civil court systems

- 10** Elicit from students the verbs used in Exercise 9 and write them on the board: *to try a person; to hear/argue/review/handle a case; to examine a legal problem*. You could now elicit more such 'court verbs': *to find a person guilty; to question/examine/grill/convict a person; to win/lose a case*. This vocabulary will be essential to describe the types of courts in students' jurisdictions.

If your students come from different jurisdictions, this can be a nice communicative discussion, either in groups or with the whole class. With groups of students from the same jurisdiction, you could turn it into a mini role-play, where they have to present their systems to a client from another country. Students could take turns to explain one type of court to the others, using the vocabulary on the board.

Persons in court

- 11** Brainstorm with the class all the persons who are associated with courts. Then tell students to compare their ideas with those in the diagram. Tell them to work alone or in small groups to complete the diagram. When they have finished, check the answers with the class.

Answers

1 c 2 f 3 a 4 b 5 d 6 e

Language note

The normal plural of *person* is *people*, but the alternative plural, *persons*, is often used to treat the people as items or objects rather than as individuals. In a list we might see *maximum five persons*, where their individual identity is not relevant. For this reason, we refer to *persons in court* (i.e. certain jobs), where *people in court* might suggest the individuals who do these jobs in a particular court.

Pronunciation notes

advocate (*noun*) /'ædvəkət/
advocate (*verb*) /'ædvəkɪt/
appellant /ə'pelənt/ juror /'dʒʊərə(r)/

CD1 T2 Listening 1: Documents in court

- 12** Tell students to read the task and questions. Play the recording and then tell them to discuss the answers, as well as any other details they remember, with a partner. Then go through the answers with the class. Point out to students that they will have a second chance to listen later.

Transcript » **STUDENT'S BOOK page 262**

Answers

1 breach of contract 2 The lawyer isn't sure (he says *It's hard to say*).

- 13** Tell students to close their books. Elicit from the class a range of documents connected with courts. This should include the documents listed on SB page 12, but you should avoid giving them the answers. If they don't know the names of some documents in English, ask them to try to explain their functions. Then tell them to check the list on SB page 12 to see if their list is the same, and if they can find the names of any of the documents they were trying to describe.

Ask students to work in pairs to complete the exercise. Go through the answers with the class, making sure they have understood all the definitions.

Answers

1 e 2 i 3 b 4 h 5 g 6 f 7 c
8 d 9 a

**Pronunciation notes**

affidavit /æfɪ'deɪvɪt/ writ /rɪt/

**Language notes**

(See Teacher's brief on page 16 for information on many of the documents.)

- A *claim* is a demand for money, property or enforcement of a right. It may lead to a lawsuit (in the form of a *complaint* or other *pleading*), but may be settled out of court.
- An *order* is an official proclamation by a court, and results from a *petition* (a formal written request, which may initiate a court case) or a *motion* (a more general term for any formal request during a court case).
- A *ruling* is a court decision on a case (e.g. to award damages) and results from a *complaint*.
- A *proceeding* is a court case.
- A *cause of action* is an individual legal claim. A *complaint* will typically include several causes of action.
- An *action* is a general name for a lawsuit which involves one person suing another.

- 14** Tell students to listen to the conversation again to identify the documents mentioned. When you have played the recording, tell them to work in pairs to discuss which documents were mentioned, and, if they remember, what was said about each.

**Answers**

1, 2, 3, 4, 6, 7, 9

Optional extension

When you check the answers with the class, you could also ask some further content-based questions. If there are any that students are unsure of, play the recording again.

- 1** What did the client receive yesterday?
- 2** What does the lawyer need before he can draft an answer?
- 3** Who might they get affidavits from?
- 4** What will they hope to achieve by filing motions?
- 5** When will the trial take place?

Answers

- 1** A writ.
- 2** Facts, documents 'and the like'.
- 3** Potential witnesses.
- 4** They might get the case dismissed.
- 5** We don't know yet even whether there will be a trial. If there will be a trial, the date will be included in the notice.

- 15** Tell students to work in pairs to match the verbs with the definitions. The difference between *submit* and *file* is very subtle, so make sure you read the definitions carefully before you attempt to discuss them with students.

**Answers**

1 b 2 e 3 d 4 a 5 c

- 16** Tell students to note which documents were used with which verb. If necessary, tell students to check in the transcript (SB page 262). Then check the answers with the class, including the prepositions used.

**Answers**

- 1** to draft an answer (*our next step will be to draft an answer to this complaint*); briefs (*we will also have to draft briefs*)
- 2** to issue a notice (*the court will issue a notice*)
- 3** to file an action (*an action has been filed against you*); a complaint (*a complaint against you has already been filed*); motions (*this will require filing motions*)
- 4** to serve a writ (*a writ has been served on you*)
- 5** to submit briefs (*briefs ... which we will then submit to the court*)

Tell students to work in teams of four or five to brainstorm as many collocations as possible. When they have finished, go through the answers with the class, perhaps using the 'Easy first' procedure (see Games and activities section, page 13).

**Answers**

- 1** to draft: an answer, a brief, a complaint, a motion, a pleading
- 2** to issue: an injunction, a notice, a writ
- 3** to file (with): an affidavit, an answer, a brief, a complaint, a motion, a notice, a pleading

- 4** to serve (on someone): a complaint, an injunction, a notice, a pleading, a writ
- 5** to submit: an affidavit, an answer, a brief, a complaint, a motion, a notice, a pleading, a writ

Legal Latin

Elicit from the class any Latin phrases they know which are used in legal English, or in a legal context in their own languages. This list could include any of the 18 mentioned in Exercises 18 and 19, but it may also generate some that you are not familiar with. If this happens, make a note and check them in a legal dictionary (e.g. <http://dictionary.law.com/>) after the lesson.

- 17** Tell students to read the text quickly to find four Latin phrases. As you go through the answers with the class, check that students understand the meanings of the Latin words. Note that *sic* is used because the complaint misspelled *party* as *part*. This makes the plaintiffs seem especially incompetent, and thus may help the defendants' case. (See also Pronunciation notes below.)

Answers

inter alia (line 1); sic (line 5); e.g. (line 10); v. (line 10)

Optional extension

You could make the reading slightly more challenging by asking comprehension questions:

- 1** Who is suing whom?
- 2** What is the complaint?
- 3** What is the answer?

Suggested answers

- 1** The plaintiff, probably a property developer, or possibly a private individual, is suing LongCo, some sort of company involved in building a house for the plaintiff.
- 2** Breach of contract – specifically the 'Construction Contract'.
- 3** Although LongCo may (or may not) be party to a written, oral or implied contract, it is not a party to the Construction Contract identified in the complaint.



Language notes

- A contract can be *written, oral* or *implied*. Written contracts are obviously more reliable and easier to prove than oral or implied contracts, but any agreement which involves an offer, an acceptance of that offer, a promise to perform and a valuable consideration (typically, a promise of money), can be classed as a contract, and can be used as a basis of a lawsuit. This may be a single document, a series of letters or emails, or a conversation (although this is much more difficult to prove). An *implied contract* is based on circumstances, rather than specific facts, and has to be interpreted by a court. For example, A asks B to estimate how much a particular job would cost. B provides an estimate by email. A then asks B (orally) to carry out that job. When the job has been half done, B invoices A for significantly more than the estimate, arguing that it was an estimate, not an offer. A could then argue that there was an understanding that the estimate constituted an offer, and sues B for breach of (implied) contract.
- A *sub-contract* /'sʌb,kɒntrækt/ is a contract with a contractor. It is common in the construction industry: the contractor might be a building firm, but may *sub-contract* /,sʌbkən'trækt/ work such as plumbing and electrical work to a *sub-contractor* /,sʌbkən'træktə(r)/.
- A *beneficiary* /benə'fɪjəri/ is somebody who receives money or other benefits. In this case, the beneficiary to each sub-contract is the sub-contractor (e.g. the plumber or electrician), because they receive money in the contract.

- 18** Tell students to work alone or in small groups to match the Latin expressions with their meanings. Then check the answers with the class, paying attention to the (English) pronunciation of the Latin. NB *et al.*, *e.g.* and *i.e.* are rarely pronounced as full words, so there is no need to teach their full pronunciation.



Answers

1 c **2** e **3** f **4** b **5** h **6** g **7** a
8 d

**Pronunciation notes**

ad hoc /æd 'hɒk/ et al. /et 'æl/
 et cetera /et 'setrə/ per se /pɜ:(r) 'seɪ/
 sic /sɪk/ versus /'vɜ:(r)səs/

**Language notes**

- Latin phrases are often *italicised* when used in legal English, apart from those which are in common use in general English (*v(s)*, *N.B.*, *e.g.*, *i.e.* and *etc.*).
- In everyday English, there is a fashion for abbreviations to be written without full-stops (*v*, *NB*, *eg*, *ie* and *etc*), especially in emails, but legal English is rather conservative in this matter, and usually keeps the full punctuation.
- Many people, including native speakers of English, often confuse *i.e.* with *e.g.* *I.e.* may be used to introduce an explanation: *There needs to be a quorum of directors, i.e. at least six of them.* *E.g.* introduces some, but not all, examples: *I have written all types of pleading, e.g. complaints and answers.* *I.e.* can also introduce examples, but if the list is not complete, we would expect it to be completed with *etc.*: *I have worked in a wide variety of legal settings, i.e. crown courts, magistrates' courts, etc.*

- 19** Repeat the same procedure as in Exercise 18. There is no need to teach the pronunciation of *videlicet*, as it is always shortened to *viz*. Your students may struggle to understand definition g): *by that very fact itself*, which means *precisely by that fact*.

**Answers**

1 d **2** g **3** a **4** b **5** h **6** f **7** c
8 e **9** j **10** i

**Pronunciation notes**

de facto /deɪ 'fæktəʊ/
 inter alia /,ɪntər 'ɑ:lɪə/
 ipso facto /,ɪpsəʊ 'fæktəʊ/
 per annum /,pɜ:(r) 'ænəm/
 pro forma /,prəʊ 'fɔ:(r)mə/
 pro rata /,prəʊ 'rɑ:tə/
 quorum /'kwɔ:(r)əm/
 sui juris /,su:ɪ 'dzu:ɹɪs/
 ultra vires /,ʌltrə 'vɪərɪz/

Optional extension**(Photocopiable worksheet 1.1)**

To reinforce the meanings of these Latin expressions, hand out Photocopiable worksheet 1.1. Tell students to work alone or in small groups to put the 18 Latin phrases into the sentences given. The number of words in each answer has been given. When they have finished, check the answers with the class.

Answers

1 ad hoc **2** pro rata **3** inter alia
4 i.e.; etc. **5** per annum **6** v.; et al.
7 per se **8** viz. **9** de facto **10** quorum
11 ipso facto **12** sic; e.g. **13** sui juris
14 ultra vires **15** pro-forma

Language note

Question 12 includes a deliberate misspelling of *ordnance*. *Ordnance* is in fact a military term, meaning weapons and equipment. Question 15 mentions a pro-forma invoice, which is a price quote in the form of an invoice, often issued to accompany goods which will be invoiced later.

PART II: A CAREER IN THE LAW**Listening 2: Lawyers**

- 20** Elicit from the class as many different words for 'lawyer' as they know. Discuss the differences between the various words. (See Teacher's brief, page 16). Then tell students to read the dialogue and predict the missing words. Play the recording once for them to check their predictions, and then go through the answers with the class.

Transcript » **STUDENT'S BOOK page 262**

**Answers**

1 barrister **2** attorney
3 (an) in-house counsel **4** solicitor

**Language note**

It is an oversimplification to assume that only solicitors /sə'lısɪtə(r)z/ give legal advice and draw up legal documents while only barristers /'bærɪstə(r)z/ plead in court. In fact, there is some overlap in

what the two professions actually do
(<http://en.wikipedia.org/wiki/Barrister>).

Optional extension

As a quick follow-up, write the following on the board. (You could do this while the students are doing Exercise 20.)

- | | |
|--------------------|-------------------------------------|
| 1 to plead | a legal advice |
| 2 to win | b research |
| 3 to argue | c a case |
| 4 to advise | d companies on legal affairs |
| 5 to do | |
| 6 to give | |

Ask students to close their books and match the verbs (1–6) with the noun phrases (a–d), to make six expressions used in the dialogue. You may need to focus on the spelling and pronunciation of *advise* /əd'vaɪz/ and *advice* /əd'vaɪs/. You could also draw attention to the preposition in *to advise somebody on something*. Then ask them which type of lawyer the speakers were referring to when they mentioned each expression.

Answers

- 1** c (barrister) **2** c (attorney)
3 c (barrister/attorney) **4** d (in-house counsel) **5** b (solicitor) **6** a (solicitor)

21 Tell students to discuss the three questions in small groups. If they generate some interesting differences, or if some students are not sure of the various concepts and duties in their jurisdictions, open up the discussion to include the whole class.

22a Tell students to work in small groups to come up with as many combinations as possible. When they have finished, check the answers with the class, perhaps following the 'Easy first' procedure (see Games and activities section, page 13).

Answers

- 1** advise: clients, corporations, defendants
2 draft: contracts, decisions, law*, legislation*
3 litigate: cases, disputes
4 practise: law
5 represent: clients, corporations, defendants
6 research: cases, decisions, law, legislation
* Note that in general, lawyers can draft laws, but only legislators (e.g. politicians) can draft legislation.



Language notes

- If you *litigate*, you take legal action to settle a dispute in a court of law.
- You may need to point out that in British English, *practice* is a noun, while *practise* is a verb (following the pattern of *advice* / *advise*, but without the change in pronunciation). In American English, both the noun and verb are spelled *practise*.

22b Have students write their sentences and then swap with another student to check their answers. Elicit one sentence from the class as an example (e.g. *It's important to advise defendants on what they are supposed to do during their court case*).

23 Tell students to work in small groups to discuss which of the words can be combined with the word *lawyer*. Point out that in all the answers, the word *lawyer* is at the end. When they have finished, go through the answers with the class. Ask students what each type of lawyer does, and encourage the use of the verbs from Exercise 22 (e.g. *A corporate lawyer advises corporations and spends a lot of time drafting contracts*).



Answers

corporate lawyer, defence lawyer, government lawyer, patent lawyer, public-sector lawyer, tax lawyer, trial lawyer



Language notes

- There is no need for an expression such as *bar lawyer*, as this concept is covered by the word *barrister*.
- A lawyer who works alone is called a *sole practitioner*, and his/her firm is often called a *solo practice*.
- Note that *defence* is spelled *defense* in American English.
- A *corporate lawyer* works with corporate law, either as corporate counsel (within a company) or as an independent lawyer advising and representing various companies.
- A *government lawyer* advises the government (e.g. drafting legislation), representing it in court, etc.

- A *public-sector lawyer's* job is similar to that of a corporate lawyer, although he/she may advise or represent government agencies such as a Patent Office, institutions such as hospitals, etc.
- *Tax lawyers* and *patent lawyers* are examples of specialists, who may also be corporate/government/public-sector lawyers.

**Pronunciation notes**

patent /'peɪtənt/ trial /'traɪəl/

Legal education: A call to the Bar

24 Ask a few students to tell you about legal education in their countries: how long it takes and how many stages there are (e.g. formal instruction, practical experience, final exams, etc.). Ask if any students know anything about the process in the UK and the USA. Then tell them to read the introduction and the text to check their predictions. When they have finished, tell them to work in pairs to discuss the question. If it generates an interesting discussion, open it up to include the whole class.

**Language notes**

- The verb *to disbar* is often confused with the verb *to debar*. The latter, confusingly, means simply *to bar* (prohibit) somebody from entering e.g. a club, a school.
- *LLB* stands for *Legum Baccalaureus* (Latin for *Bachelor of Laws*). The double L simply shows that *Laws* is plural.

**Pronunciation notes**

apprenticeship /ə'prentɪsɪʃɪp/
pupillage /'pju:pəlɪdʒ/
subsequent /'sʌbsəkwənt/

Optional extension

As a further exercise, ask students to work out which of the three processes takes the shortest time, and which takes the longest.

You will need to tell them that the BVC usually takes one year (or two years part-time), and that the bar examination can be taken shortly after graduating from law school. There are some preparatory courses for the bar exam, but these tend to take three or six days.

Answer

It takes at least five years to become a UK barrister (3 + 1 + 1), at least six years to become a UK solicitor (3 + 1 + 2), and at least seven to become a US lawyer (4 + 3).

25 Tell students to work alone or in small groups to complete the exercise.

**Answers**

- 1** barrister **2** Bar Vocational Course
3 call to the Bar **4** bar association
5 bar examination **6** admitted to the Bar
7 to disbar

A lawyer's curriculum vitae

26 Tell students to look at (but not read) Linus's CV. Discuss with the class a) whether he is well qualified, and b) whether the format of the CV is the same as they would use. Then tell them to read the CV to answer the five questions, and discuss them with a partner. When they have finished, go through the answers quickly with the class.

**Answers**

- 1** He worked at G.R. Foster & Co. Solicitors, Cambridge, UK.
2 He speaks English, French and Swedish.
3 He did his first degree at the University of Essex, Colchester, UK.
4 His main duty at the European Commission was drafting opinions in English and French dealing with contracts awarded for projects.
5 He is presently enrolled in a Master's Programme in Law and Information Technology at the University of Stockholm, Sweden.

**Pronunciation notes**

curriculum vitae /kə,rɪkju:ləm 'vi:tai/
liaison /li:'eɪzən/ résumé /'rezumé/