

law

A system of rules that people are supposed to follow in a society or country.

The courts and police enforce this system of rules and punish people who break the law.

Basic legal terms





CHAPTER 1

1.1 People in the Legal System: Civil Cases

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.

complaint [N-COUNT-U1] A complaint is an accusation in a civil court.

defendant [N-COUNT-U1] A defendant is a person who has been accused of wrong doing in the legal system.

plaintiff [N-COUNT-U1] A plaintiff is a person or company who brings a case to court against another person because they want to recover compensation for loss or injury.

paralegal [N-COUNT-U1] A paralegal is an attorney's assistant with specialized legal training.

verdict [N-COUNT-U1] A verdict is a jury's decision regarding whether someone is guilty or innocent.

Jury



a group of people who have been chosen to listen to all the facts in a trial in a law court and to decide if a person is guilty or not guilty,

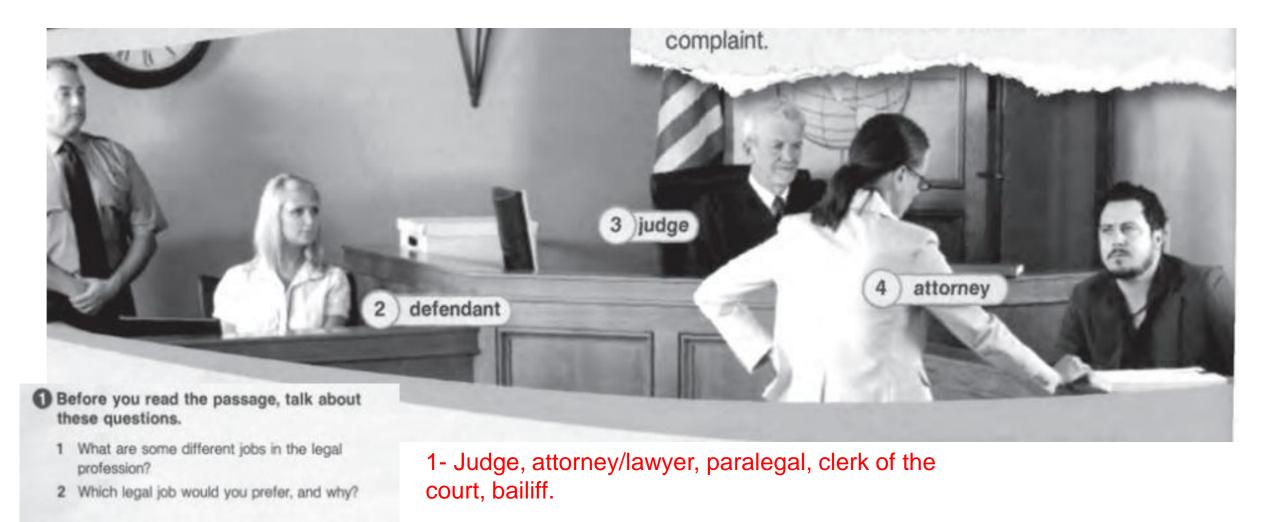


A defendant is a person or entity that is facing a civil lawsuit, or that has been accused of a crime.



There are two types of lawyer who practise in England. They are called barristers and solicitors. In the USA and most other countries, lawyers don't make this distinction – a lawyer is simply known as an attorney-at-law, or an attorney

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lawyer (both)
counsel (both)
counselor (AE)
attorney (AE)
advocate (BE: Scotland)
solicitor (BE)
barrister (BE: England)....
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2- Possible answer:

I would like to be a judge. I think it would be much less stressful than being an attorney, because you don't have to worry about winning your case. However you still get to work in a court and hear lots of interesting cases.

- 1 Before you read the passage, talk about these questions.
 - 1 What are some different jobs in the legal profession?
 - 2 Which legal job would you prefer, and why?

Reading

2 Read the text and complete the table using information from the text.

Person	Role or Job				
1 plaintiff	files a complaint				
2 defendant	is accused of a crime				
attorneys	speak on behalf of their cl				
Paralegal	4may assist the attorney				
₅ judge	resolves a complaint				

Vocabulary

Match the words (1-7) with the definitions (A-G).

1 B_verdict 5 F_paralegal

2 A legal system 6 E plaintiff

3 D_court 7 G_civil

4 C complaint

A the methods of interpreting laws and putting them into effect

B a legal conclusion

C a written document that states the reason for legal action

D the place where people go to conduct legal business

clients E a person who accuses another person of a wrongdoing

F an attorney's assistant with specialized legal training

G occurring between citizens

- Check (✓) the sentence that uses the underlined parts correctly.
 - 1 _ A The plaintiff delivered a verdict at the end of the trial.
 - B The judge listened to the attorneys' arguments.
 - 2 _ A Twelve paralegals determined the outcome of the case.
 - B The jury decided that the man was not guilty.
 - 3 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.
 - 4 A Mr. Meaner's attorney represented him during the trial.
 - B What verdict is the defendant accused of?

Listen again and complete the conversation.

- Attorney 1: Hi, Robert. How is that 1 __civil_ 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 attorney is pretty good. He's making our 3complaint seem weak.
- Attorney 1: Well, it's not, is it?
- Attorney 2: No, the 4defendant owes my client thousands of dollars. But that's based on a verbal agreement.
- Attorney 1: I see. So the 5 plaintiff has nothing in writing?
- Attorney 2: Exactly. I'm worried that the 6 ___jury will decide against us.

Listening



- 6 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.

Speaking

With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

How is that ... going?
What's wrong?
I'm concerned that the ...

Student A: You are an attorney. Talk to another attorney about a civil case. Ask Student B about:

- the case
- the complaint
- the problem

Student B: You are an attorney representing a client in a civil case. Answer Student A's questions.

A: Hi, Sally. How is that civil case coming along.

B: Oh, Roger, I wish you hadn't reminded me!

A: Why, what's wrong?

B: <u>I'm afraid</u> our client's complaint has run out of steam.(to <u>suddenly lose</u> the <u>energy</u> or <u>interest</u> to <u>continue</u>)

A: Well, has it?

B: It depends or whether the judge decides there was a valid contract between the plaintiff and the defendant. He really needs the money, or his factory may be forced to close down.

A: Do you have evidence to prove that there was?

B: Some, but the defendant's attorney is very good and he may succeed in having it disallowed.

A: Okay, then why don't you ask our paralegal to do some more research?

B: Good idea

Writing

Use the conversation from Task 8 to fill out an update on the attorney's case.

Civil Case Update

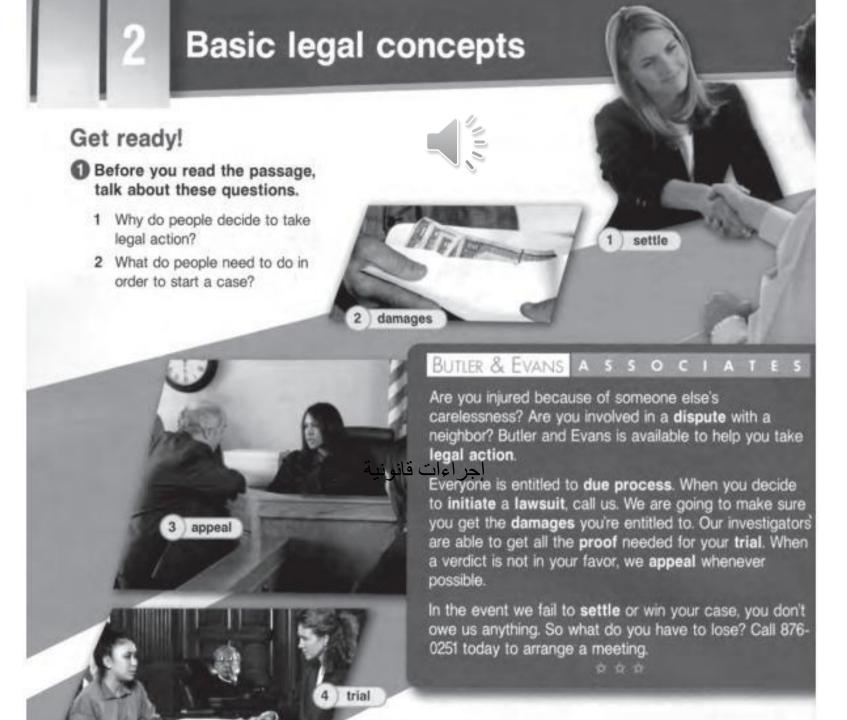
Attorney:	
Plaintiff's Complaint:	
Possible Outcome:	
Reason:	

Attorney: Sally Fields

Plaintiff's complaint: Plaintiff manufactured goods and supplied them to defendant. Defendant not paying.

Possible outcome: Defendant may win case. Plaintiffs factory will close down.

Reason: Plaintiff has little evidence / defendant's attorney is very good.



- 1- People decide to take legal action for many reasons, for example if they have been injured in an accident that was not their fault, if their property has been damaged, if they have been unfairly treated by their employer or if they have been the victim of a crime.
- 2- People usually need to contact a legal firm to get advice about how to take legal action. People also need to be sure they have evidence to support their claim.

entitled to = مخول ل

dispute [N-COUNT-U2] A dispute is a disagreement or conflict.

- legal action [N-COUNT-U2] Legal action is the use of lawyers and the legal system to help solve a problem.
- due process [N-COUNT-U2] Due process is a citizen's guarantee that he or she will receive a fair trial.
- initiate [V-T-U2] To initiate something is to start a process.
- lawsuit [N-COUNT-U2] A lawsuit is a legal action that is brought in court by one person or company against another.
- damages [N-PLURAL-U12] Damages are the money a person receives to compensate for loss or injury.
- proof [N-UNCOUNT-U2] Proof (or evidence) is information, documentary or verbal, which can help to show the truth in a case.
- appeal [V-I-U2] To appeal means to ask for a problem to be investigated again, in order to have a decision changed.
- settle [V-T or I-U2] To settle is to come to an agreement and end a dispute without further need of litigation.



- Read the brochure and mark the following statements as true (T) or false (F).
 - Butler and Evans Associates helps people who have been hurt.
 - 2 The firm's clients are responsible for bringing proof to the attorneys.
 - 3 __ The firm does not charge clients whose cases are not won or settled.

Vocabulary

Choose the word that is closest in meaning to the underlined part.

	ur	nderlined part.					
	1	Jane received mo	oney as compensa	tion for her accident.			
		A proof	B damages	C due process			
	2	The law firm helps with their neighbo		n an argument or confli	C		
		A a dispute	B a lawsuit	C a trial			
	3	Ms. Harris wants to start the process of legal action,					
		A appeal	B initiate	C settle			
4	4	Everyone in the country has the right to receive justice according to established rules.					
		A due process	B appeal	C damages			
	5	Mr. Tan initiated a because her dog		ction against his neighbo	ol		
		A appeal	B lawsuit	C dispute			

Fill in the blanks with the correct words and phrases from the word bank.



legal action proof settle trial appeal

- 1 Hopefully, Mr. Wilton will be able to ___settle__ this problem without going to court.
- 2 Mrs. Janson decided to __appeal_ after the judge ruled against her.
- 3 In this <u>trial</u>, the defendant is accused of stealing from a bank.
- 4 Ms. Britt wants to take <u>legal action</u> against her employer for not giving her a promotion.
- 5 Attorneys don't win cases when there is not enough proof to support their arguments.



6 Listen and read the brochure again. What services does the company offer?

If you have been involved in a dispute or have been injured by someone else's carelessness, Butler and Evans Associates can help you to take legal action and get due process. They will initiate a lawsuit to try and get you the damages you are entitled to. Butler and Evans investigate your case to get the proof required for your trial and if the court's verdict is not in your favor they will try to appeal the case. If Butler and Evans don't win your case, they don't charge you any fee.



Character Application and Complete the Conversation.

Lawyer: Hello, Mr. Williams. I received an 1 offer from Ms.

Johnson's lawyer. She's ready to end this dispute.

Client: Really? What do we need to do?

Lawyer: Well, she's not dropping the 2 lawsuit unless you agree

to 3 settle

Client: What is she asking for?

Lawyer: She wants you to 4 _____ pay for half ____ of the

damages to her car.

Client: But I didn't wreck her car! Someone else ran into it.

Lawyer: I know. But since you have no 5 proof, I suggest you settle.

Client: I don't like it. But I guess 6 __you're right



Listening

- 6 Listen to a phone call between a client and an attorney at a law firm. Choose the correct answers.
 - 1 What is the conversation mostly about?
 - A an offer to settle C the filing of a lawsuit
 - B evidence in a trial D an injury from a car accident
 - 2 What will the man mostly likely do?
 - A Bring in more evidence.
 - B Refuse the attorney's offer.
 - C Pay for half of the damages.
 - Drop the lawsuit against the woman.

Speaking

With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

She's ready to end this dispute.

What is she asking for? I suggest you ...

Student A: You are an attorney. Another attorney has called to end a dispute. Talk to Student B, your client, about:

- · the attorney's offer
- what the client must do
- your advice

Student B: You are in a dispute. Student A is your lawyer. Talk to him or her about ending the dispute. **A:** Good morning, Mrs. Smith. I just received a call from Mr. Jones' lawyer. He said, Mr. Jones is willing to put an end to your dispute.

B: Great. So what do we do next?

A: Well, he will only stop defending the lawsuit if you agree to settle.

B: What is he asking for?

A: He wants you to pay for the costs of arguing the case so far and he will pay for the damages to your car.

B: But I was parked on the side of the road! He drove straight into me!

A: I understand. But seeing as the legal system for these types of cases can be so slow, I suggest you settle.

B: Oh, all right, then you're the expert.

Writing

Use the conversation from Task 8 to fill out the attorney's notes.



Client: Samantha Smith

Date: 4th July 2001

Meeting about: Settlement of car crash case.

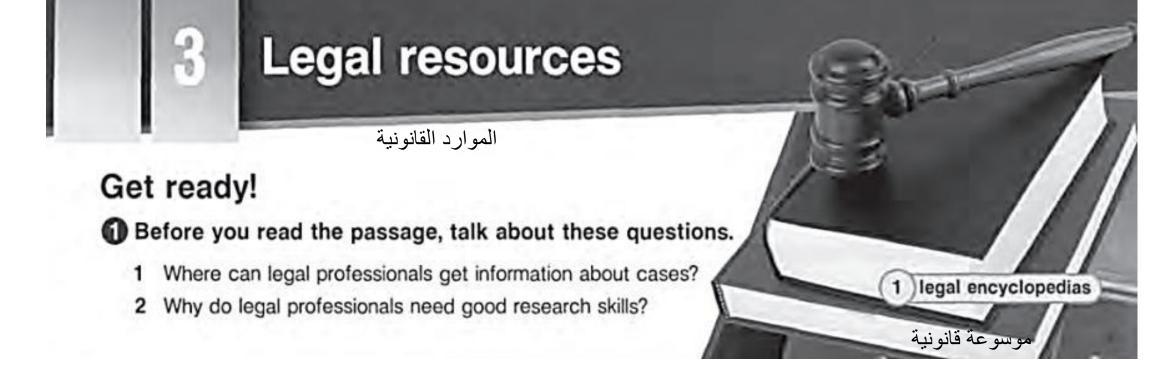
Recommended that client should settle by agreeing

to pay legal costs to date. Only then will Mr

Jones

pay for damages to her car.

Client will settle on these terms.



- 1- Legal professionals can find information about cases in legal encyclopedias, law journals, digests and case annotations. These books can be found in many libraries. Courts will also have records of past cases, and nowadays there are several computerized databases of court cases on the Internet.
- 2- Legal professionals need good research skills because they have to find and research laws and past cases relevant to their case.

Letter of the Law

Where do I look?

Miriam Wheeler

There are many legal **resources**, so it's important to know how libraries organize them.

Most libraries have a section for primary materials. These texts contain laws relevant to cases.

Secondary materials give opinions on the law. They include legal encyclopedias and digests.

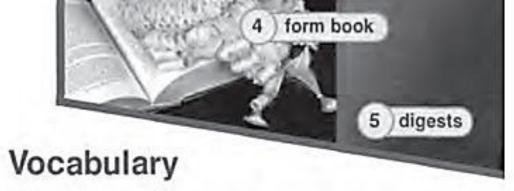
Encyclopedias often cite primary sources in their references. Digests summarize individual cases that have similar topics.

Other legal publications include case annotations and form books. Annotations are articles about cases, and they are printed in law journals. Form books show how documents should be worded and formatted. Thankfully, most of these resources are available on computerized databases. That way, you don't have to carry around a ton of books!



Reading

- Read and choose the correct answer.
 - 1 Legal professionals publish their thoughts and assessments about laws in
 - A digests
 - B primary materials
 - C form books
 - D case annotations
 - 2 What can be inferred about form books?
 - A Judges use them when making decisions.
 - B Attorneys use them to find relevant laws.
 - C Lawyers use them when writing official papers.
 - D Libraries use them to organize computer databases.
 - 3 Which of the following does NOT focus on information about laws?
 - A digests
 - B computerized databases
 - C primary materials
 - D legal encyclopedias



- Write a word that is similar in meaning to the underlined part.
 - The texts that contain laws are on the first floor of the library.

2 Mary should look at a <u>collection of example</u> documents to see how to word the contract correctly.

form book

Many law books mention information from primary materials.

cite

The best place to find an opinion on the case is in a book that summarizes cases.

digest

The firm's legal sources of information are located in the room next to Mr. Wen's office.

resources

- Read and choose the correct words.
 - 1 The paralegal can find the case annotations in the (journals / legal encyclopedias).
 - 2 It is much easier for Jane to find resources when she uses the (form book / computerized database).
 - 3 The writer noted all the texts he used in the list of (digests / references).
 - 4 Mark found the (case annotation / primary material) in one of the legal journals.
 - 5 A (form book / legal encyclopedia) is useful when looking up what a legal term means.
- 6 Listen and read the text again. How do libraries organize legal resources?

Law libraries keep different documents in different sections. In one section you will find primary materials, which are the texts containing actual laws.

In another you can look at secondary materials, which give opinions on these laws. In the section for secondary materials you will find legal encyclopedias and digests, which are summaries of individual cases.

Law journals will be contained in another section. In these journals you can find case annotations. Finally, form books, are kept in another part of the library. Most libraries also have computerized databases with all these resources on them

Listen again and complete the conversation.



Lawyer: Oh, Mary, you're back. Did the law library have anything to help our case? Paralegal: Yes, there were several similar cases in the 1 _____. Apparently, judges often dismiss cases against young defendants. Lawyer: OK. Do those defendants have anything 2 _____? Paralegal: According to the 3 ______ none of them had any previous convictions. Lawyer: That's perfect. Paralegal: I also gathered 4 _____ about crimes involving young offenders. Lawyer: Thank you. Can you do me one more favor? Write a summary of the 5 _____ on young defendants. Paralegal: 6 ______.

1- legal encyclopedias

2- in common

3- case annotations

4- primary materials

5- statutes

6- No problem

Listening

- 6 Listen to a conversation between a lawyer and a paralegal. Mark the following statements as true (T) or false (F).
 - 1 E The woman located similar cases in the computerized database.
 - 2 I Young defendants without previous convictions had their cases dismissed.
 - 3 E The man asks the woman for a summary of the case annotations.

Speaking

With a partner, act out the roles below based on Task 7. Then, switch roles.

USE LANGUAGE SUCH AS:

Did the law library have anything to help our case?

There were several similar cases in the ... Can you do me one more favor?

Student A: You are a paralegal. Explain to Student B the information you found at the law library. Talk about:

similar cases

dismissed cases

sources

Student B: You are a lawyer. Talk to Student A about the research he or she completed for a case.

A: Hi John. Did the law library have anything to help our case?

B: Yes. There were several similar cases in the legal encyclopedias. It seems that judges often dismiss cases against young defendants.

A: Do the dismissed cases have anything in common?

B: Well, I looked at the case annotations and found that none of the defendants had any previous convictions.

A: Great work!

B: I've also collected some primary materials about crimes involving young offenders.

A: Thank you. Can you do me one more favor? Write a summary of the statutes on young offenders.

B: No problem, I'll do it right away.

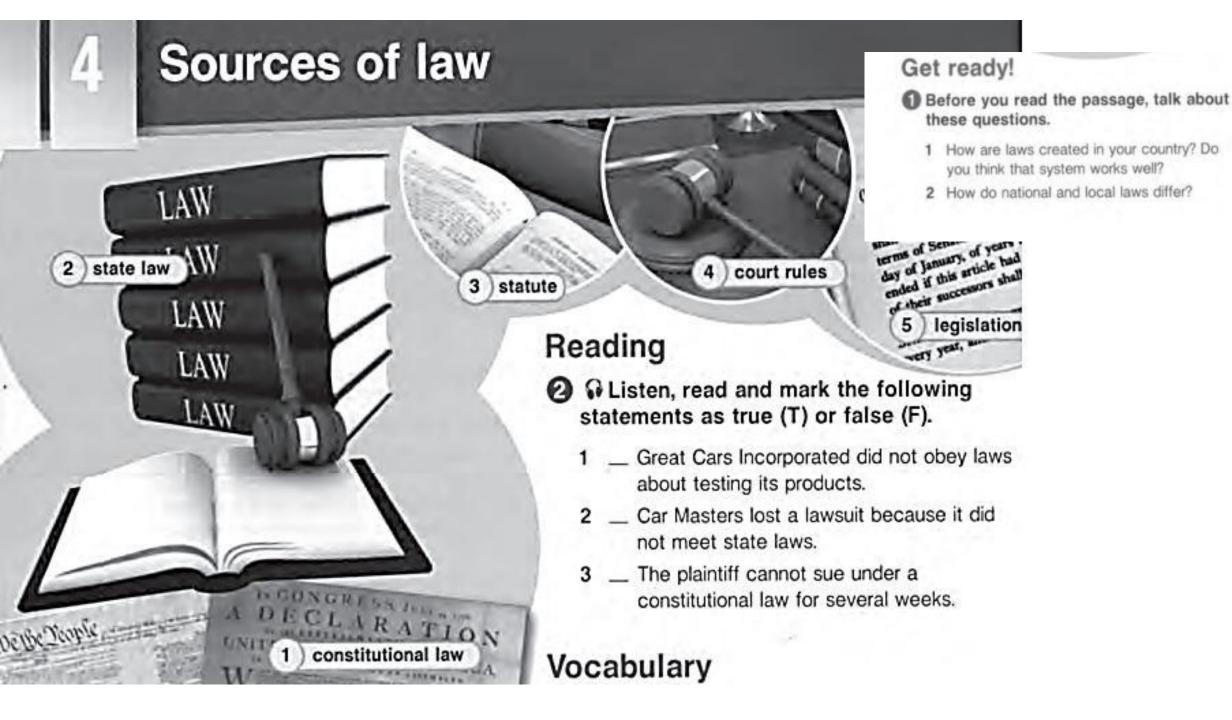
Writing

Use the conversation from Task 8 to fill out the paralegal's notes on the case.

Sources: Useful Information: What cases have in common:

Source(s): Legal encyclopedias, case annotations

Useful info: Judges often dismissed cases against young defendants
What cases have in common: Young defendants/no previous convictions.



memo

Dear Ms. Martin,

I finished my research on the Great Cars Incorporated (GCI) lawsuit. Here are the important notes:

Recent national **legislation** requires a lot of safety testing. GCI did not follow that **policy**. But the **statute** is new, so it may not **pertain** to our case.

There is a **precedent**. A suit against Car Masters was dismissed two years ago. The company did not make changes to meet **state laws** fast enough. A judge dismissed the case after Car Masters met the requirements.

Still, the plaintiff may sue under a relevant constitutional law. But court rules don't allow him to change the lawsuit yet. That procedure takes weeks.

Let me know if you have any questions.

Sarah Jackson



Reading

- 5 legislation
- Listen, read and mark the following statements as true (T) or false (F).
 - Great Cars Incorporated did not obey laws about testing its products.
 - 2 E Car Masters lost a lawsuit because it did not meet state laws.
 - 3 I The plaintiff cannot sue under a constitutional faw for several weeks.

Vocabulary

- O Place a (/) next to the responses that answer the questions.
 - 1 Does this information pertain to the case?
 - No, it's about something completely different.
 - B __ Yes, the deadline passed yesterday.
 - 2 Are there any precedents that we can refer to?
 - A __ Yes, there was a similar case two years ago.
 - B __ No, the court date is scheduled for the 18th.
 - 3 Are there any procedures that we need to follow in court?
 - A __ There are several attorneys working at the firm.
 - B __ The defense attorney must be allowed to speak first.

- 4 Did Anne find any regulations in the state laws?
 - A _ No, but she found some in the city laws.
 - B __ Yes, she thinks the company will win the lawsuit.
- 5 Do the court rules have information about when to file an appeal?
 - A __ Yes, the client has been in jail for 6 months
 - B Yes, it must be done within a year of a decision.

0	Choose	the	word	that	is c	losest	in
	meaning	to	the ur	nderl	ined	part.	

1 The government made some changes to the laws that relate to government power.

A state laws (B) constitutional laws

C court rules

2 The council announced new <u>rules decided by</u> the government for environmental issues.

A precedents B legislation C procedures

3 Caroline needs to follow the <u>steps to</u> <u>complete an activity</u> very carefully.

A legislation B constitutional laws

C procedures

4 The <u>principle which the law encourages</u> states that all dogs in the park must be on a leash.

A court rules B policy C precedents

5 The article does not have any information connected to the case.

A relevant B procedural C regulated

6 Solution Listen again and complete the conversation.

So, why is Great Cars Incorporated being sued? Lawyer 2: They didn't follow 1 national legislation on brake testing procedures. accident Lawyer 1: I see. And a driver got in an 2_ Lawyer 2: Right. Now he's suing them for \$1 million. Lawyer 1: It sounds 3 tough to beat. Lawyer 2: We have a shot. There's a precedent from a lawsuit against Car Masters. took that case I almost 4 _ Lawyer 1: They didn't meet 5 __state law requirements for seatbelts, right? Lawyer 2: Yes. But a judge dismissed the case

as soon as they were able to follow

the 6_statute



Listening

- 6 Listen to a conversation between two lawyers. Choose the correct answers.
 - 1 Why is the company being sued?
 - A It broke a state law.
 - B A seatbelt did not work.
 - C A driver was in an accident.
 - D It misused millions of dollars.
 - 2 What is true of the man?
 - (A) He considered representing Car Masters.
 - B He thinks the woman should not take the case.
 - C He works for the same company as the woman.
 - D He is working on the Great Cars Incorporated lawsuit.

Speaking

With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

So why is ... being sued?

Now he's suing them for ...

There's a precedent from a lawsuit.

Student A: You are a lawyer. Talk to another lawyer about a case. Be sure to address:

- causes
- money
- precedents

A about a case he or she is working on.

B: Why is Great Cars Incorporated being sued?

A: They didn't follow the national legislation on brake testing procedures. A client's brakes failed and he crashed into a wall.

B: So, the driver's suing Great Cars?

A: Yes. He's suing them for \$ 1 million.

B: That sounds hard to beat.

A: Well, we'll have a shot. There's a precedent from a lawsuit against Car Masters. A judge dismissed the case when they weren't able to follow the statute.

B: Aaah, I've seen it. It should help our client's case

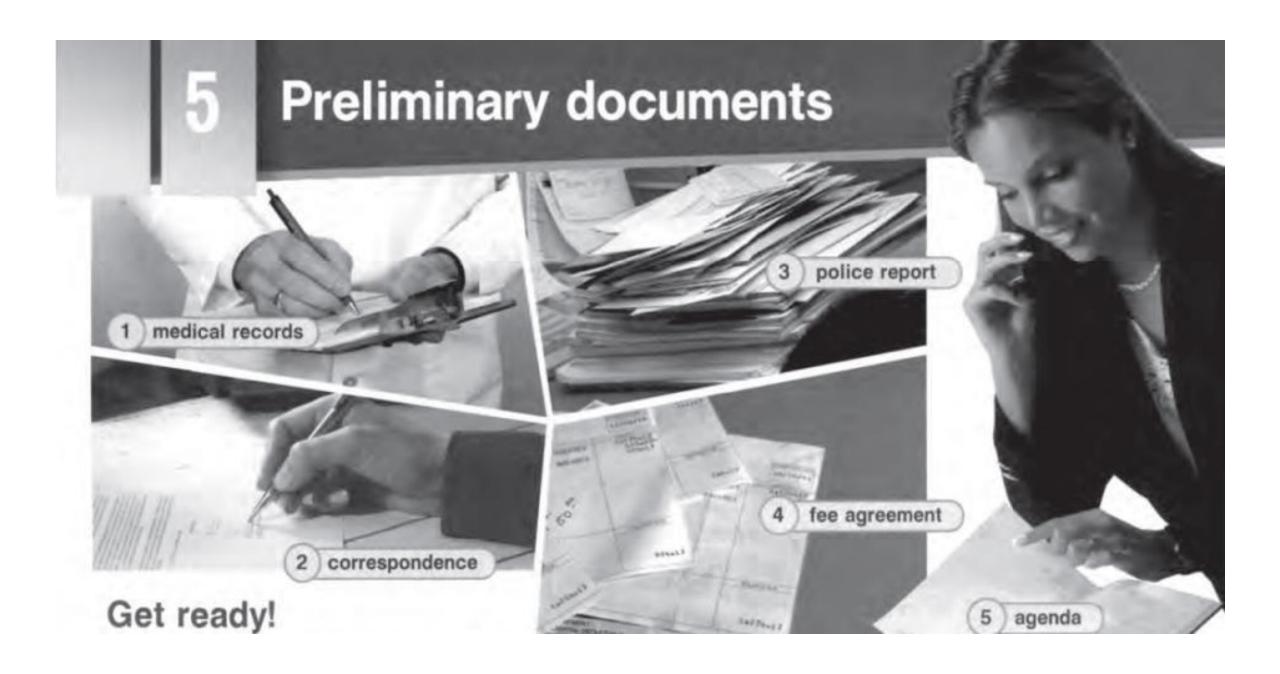
Writing

Use the conversation from Task 7 to complete a lawyer's business notes.

	Date:		
The company	is working on a case for But thinks they can win that might help them. Another ut a judge,		

Date: 27th May 2011

I met with Julian today. He is working on a case for Great Cars Inc. The company didn't meet the requirements of national brake testing regulations and as a consequence, a customer drove into a wall and is suing them for \$1 million. But Julian thinks they can win the lawsuit. There is a precedent that might help them. Another company didn't meet state law requirements for seatbelts. But, a judge dismissed the case when they weren't able to follow the statute.



- Before you read the passage, talk about these questions.
 - 1 What are some things attorneys and clients might talk about when they first meet?
 - Why do attorneys need clients to agree to their fees before representing them?
 - 1- When they first meet attorneys and clients might talk about legal fees, which court a case will go to, the possible duration of the case, its likelihood of success and what documents are needed from the client.
 - 2- In order to work together and trust each other attorneys and their clients need to agree on fees before beginning a case. Preparing a case is a lot of work, and running a law firm is expensive. Attorneys need to know they will be paid.

Get ready!

- Before you read the passage, talk about these questions.
 - What are some things attorneys and clients might talk about when they first meet?
 - 2 Why do attorneys need clients to agree to their fees before representing them?

Reading

- Listen and read the memo and choose the correct answers.
 - What is the memo about?
 - A a previous case
 - a new client



Dear Mr. Thomson,

I have opened a file on our new client, Mr. Hendricks. The file contains the intake memo, fee agreement and retainer agreement. Please sign these. I need to mail them to Mr. Hendricks directly, along with our standard form letter.

am also sending a demand package and copies of all the correspondence so far. I have opened a pre-litigation folder and made up an agenda. This is to ensure we have everything we need on time, including medical records and the police report.

Thank you, Janine

intake memo [N-COUNT-U5] An intake memo is a questionnaire or set of notes that a lawyer writes for a new client.

fee agreement [N-COUNT-U5] A fee agreement is a document that outlines an attorney's cost and expenses.

retainer agreement [N-COUNT-U5] A retainer agreement is a contract between an attorney and client for the retention of the attorney's services.

form book [N-COUNT-U3] A form book is a collection of forms and documents which are required or recommended to be used in legal cases.

demand package [N-COUNT-U5] A demand package is a request for a set of documents related to a case.

correspondence [N-UNCOUNT-U5] Correspondence is letters and emails.

litigation [N-UNCOUNT-U5] Litigation is the process of taking a case to court where a dispute can be heard and a decision made.

medical record [N-COUNT-U5] A medical record is a document containing information about your health.

police report [N-COUNT-U5] A police report is a document that police officers write in order to report a crime.

Reading

- 2 So Listen and read the memo and choose the correct answers.
 - 1 What is the memo about?
 - A a previous case
 - B a new client
 - C new legislation
 - D researching a case
 - Which of the following documents does Janine NOT currently have for Mr. Hendricks?
 - A an agenda
 - B a police report
 - C a retainer agreement
 - D an intake memo
 - 3 What is Mr. Thomson likely to do next?
 - A contact Mr. Hendricks
 - B send the client a bill
 - c sign some documents
 - D obtain medical records

I am also sending a demand package and copies of an open correspondence so far. I have opened a pre-litigation folder and made up an agenda. This is to ensure we have everything we need on time, including medical records and the police report.

Thank you, Janine

Vocabulary

- Match the words (1-4) with the definitions (A-D).
 - 1 A retainer agreement
 - 2 Dagenda
 - 3 C form letter
 - 4 B demand package



- A a contract between a lawyer and a client for retention and payment of services
- B a set of documents that a lawyer obtains from other companies to help with a case

a flat of this are that a send to be done to a send to and

C a letter that is printed many times and sent to many different people

- A Read the sentence pairs. Choose where the words best fit in the blanks.
 - 1 medical records / police report

Did Ashley contact the hospital for the medical records?

Ms. Reed had to file a police report fter her car was stolen.

2 intake memo / fee agreement

When the new client arrives, the legal assistant must complete the intake memo Mr. Jackson needs to see the fee agreement he knows how much the services cost.

3 litigation / correspondence
Keep al correspondence
emails, in a folder.

There have already been two litigation cases with this company.

Listening

- 6 ☐ Listen to a conversation between a lawyer and a paralegal. Mark the following statements as true (T) or false (F).
 - 1 _E The lawyer left the intake memo in his office.
 - 2 ___ The medical records are in the pre-litigation folder.
 - 3 __ The speakers plan to send the client his pre-litigation folder.

6 Listen again and complete the conversation.

Lawyer: Janine, I've signed the fee 1 agreement

and the 2 intake memo for

Mr. Hendricks.

Paralegal: Thanks. What about the 3 retainer

agreement?

Lawyer: Oh, sorry, it's probably still in my office.

Paralegal: Don't worry, I'll get it.

Lawyer: Have you got a copy of the 4 demand package

____ we sent for his medical

records?

Paralegal: Yes, the records are in his pre-5 litigation

folder.

Lawyer: Good. Send that to him too, and don't

forget to include the 6 form letter.

Paralegal: No problem.



Speaking

With a partner, act out the roles below based on Task 6. Then, switch roles.

USE LANGUAGE SUCH AS:

I've signed the ...

Have you got a copy of the demand package? Don't forget to include ...

Student A: You are a lawyer. Check with your paralegal about the status of important documents. Talk to Student B about:

- intake memo
- retainer agreement
- pre-litigation folder

Student B: You are a paralegal. Discuss the status of documents with Student A.

A: Janine, did you find the signed copies of the fee agreement and retainer agreement for Mrs. Jackson?

B: Yes, I did. Have you also got her intake memo?

A: Oh, yes. I guess it's still in my office.

B: Don't worry, I can get it.

A: Have you got a copy of the demand package we sent for her medical records?

B: Yes It's all in her pre-litigation folder.

A: Fantastic. Please send her a copy along with the other documents. Don't forget to include the form letter.

B: No problem.

Writing

3 Use the conversation from Task 7 to complete the paralegal's letter to the client.



Dear Mrs. Jackson,

I am pleased to enclose the following documents:

Fee agreement

Retainer agreement

Intake memo

Demand package

Please sign the relevant documents and return them to us as soon as possible.

Janine Davis.

Paralegal



محكمة المقاطعة

محكمة الاستئناف

محكمة امن الدولة

المحكمة العليا

Court structure

Understanding the Levels of US Federal Courts

District courts - These are general courts. But in some cases, the jurisdiction is passed to specialized courts. These include: bankruptcy courts, tax courts and the court of private land claims.

Court of Appeals - The Court of Appeals reviews all decisions in the lower courts that people object to.

State courts - These courts decide disputes that pertain to state laws rather than federal laws.

The Supreme Court - This is another appeals court, but it is the only court that operates under discretionary review. This means it can choose which cases to hear. The Supreme Court is also called a High Court in some countries.



jurisdiction الاختصاص القضائي

yargı yetkisi

Get ready!

- Before you read the passage, talk about these questions.
- 1-district courts.
- state courts.
- -Court of Appeals
- -Supreme Court.
- What are some different kinds of courts in your country?
- 2 What types of cases do the different courts hear?

Reading

- Read the text about court structure. Mark the following statements as true (T) or false (F).
 - E District courts review decisions that people protest.
 - T Cases involving state laws are not heard in a federal court.
 - The Supreme Court hears all cases that are brought to it.

2- Disputes with the state go to the state courts. General disputes involving federal laws go to district courts. Appeals against previous rulings go to the Court of Appeals. Specific claims relating to bankruptcy or tax go to specialized bankruptcy and tax courts. The Supreme Court usually only hears cases that involve important questions about the Constitution or federal law.

Vocabulary

- Read the sentence and choose the correct word.
 - The (District / Supreme) Court decided not to review Ms. Wright's case against the company.
 - The case does not involve federal law, so it has to go through the (state / bankruptcy) courts.
 - The district court has (jurisdiction / claim) in Mr. Trujillo's case.
 - If Ms. Davis wants her money back, she needs to go through the small (claims / discretionary) court.

4 Use the words from the word bank to fill in the blanks.



Supreme Appeals bankruptcy

- 1 The Supreme Court is called the High Court in Australia.
- 2 John decided to go to the Court of __appeals_because he didn't agree with the decision.
- 3 The court will review Mr. Allistair's case next month.
- 4 Mr. Anderson is going to the <u>bankruptcy</u>court because he lost a lot of money but has no way to pay it back.
- 5 The court has <u>discretionary</u> powers, so it may decide not to investigate the case.
- 6 Ms. Ming's case will go to a <u>specialized</u> court, not a general court.

6 Listen and read the text again. What types of courts are there in the USA?

Listening

- 6 Listen to a conversation between a client and his attorney. Then answer the questions. Which courts might the client's case be heard in?
 - 1 a state court
 - 2 a district court
 - 3 a court of appeal
 - 4 a specialized court
 - 5 the Supreme Court
- Listen again and complete the conversation.

Client (M): So, is my case going to the 1 State courts?

Attorney (F): No, that's not going to happen.

Client: Why not? It's a dispute with the state.

Attorney: Well, 2districtcourts usually have jurisdiction over

smaller cases like yours.

Client: I see. What do we do if the district court 3 decides

against us?

Attorney: We ask for the case to be 4 _____ in the Court

of Appeals.

Client: And they have to 5 ____ it, right?

Yes. There's no 6 discretionary appeals courts.

That's reserved for the Supreme Court.

In the USA there are 5 main types of courts. In the state courts disputes with the state are decided. Other disputes go to district courts or in some cases to specialized courts, such as tax or bankruptcy courts. If you disagree with a verdict your case will go to the Court of Appeals, which reviews decisions from other courts. The Supreme Court is also an appeals court, but it has discretionary review, meaning it may choose whether it hears your case or not.



Speaking

With a partner, act out the roles below based on Task 7. Then switch roles.

USE LANGUAGE SUCH AS:

Is my case going to the ... courts?

District courts usually have
jurisdiction ...

We ask for the case to be ...

Student A: You are a client. Talk to your lawyer about your case. Ask Student B about:

- courts
- options after a decision
- likelihood of having case reviewed

Student B: You are a lawyer. Answer Student A's questions. A: So, will my case go to the state courts?

B: No, it won't.

A: But it's a dispute with the state.

B: Yes, but district courts normally have jurisdiction over cases like yours.

A: Okay, I understand. And is it possible to appeal against a district court's decision?

B: Yes, we can ask for the decision to be reviewed in the Court of Appeals.

A: Are you sure they will review a small case like mine?

B: They have to. Only the Supreme Court operates under discretionary review, so don't worry!

Writing

Use the conversation from Task 8 to complete a lawyer's letter to a client.

Tamsin Greer, Attorney

Dear Mr Moisey.

In response to your question, your case is not going to the ______, It is going to a _____ because ____.

If you do not agree with the decision, the case goes to an _____ . They have to review it because _____ .

Yours faithfully,

T. Greer

Dear Mr. Moisey,

In response to your question, your case is not going to the state courts. It is going to a district court because it is a small case and does not fall under the jurisdiction of any specialized court.

If you do not agree with the court's decision, the case goes to an appeals court.

They have to review it because they do not have discretionary review (the ability to choose which cases they will review).

Yours Faithfully,

T. Greer