

**UNIVERSITE PARIS 1 PANTHEON – SORBONNE
UFR 06 / SGEL**

Bi-LICENCE DE DROIT – GESTION, Semestre 4

Partiel d'anglais appliqué au Droit

Date: 11 mai 2012

Durée: 2 heures

Enseignant: Jean-Toussaint Pindi, Maître de Conférences

No Documents allowed. Write your answers on the official sheets provided

Part 1. Vocabulary (10 points)

A. Select the definition that matches the concept in the left-hand column (5 points)

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|---------------|---|
| 1. contract | (a) the statement of a client's case |
| 2. appeal | (b) compensation in the form of money that the court orders one party to pay another |
| 3. plaintiff | (c) a punishment ordered by a court in which the guilty party must pay a specific sum of money |
| 4. case work | (d) a lawyer engaged to advise on legal matters such as contracts, wills and sale of land and to appear in court on behalf of his clients |
| 5. justices | (e) matters that are heard before a court |
| 6. brief | (f) the legal document stating that property is being held and administered by someone (a trustee) for the benefit of some other person (the beneficiary) |
| 7. damages | (g) the legal solution to a matter brought before the court by a plaintiff |
| 8. wrong | (h) the person who has committed a crime |
| 9. fine | (i) a method of learning law in which the student works out solutions to actual or hypothetical law problems |
| 10. trust | (j) when a party is not satisfied with the decision of a court, that party may ask for the case to be reheard by a higher court |
| 11. hearing | (k) a legally binding agreement between two or more parties |
| 12. solicitor | (l) an act that causes injury to others and for which compensation (damages) can be claimed in civil proceedings |

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|---------------------|---|
| 13. statute law | (m) the party bringing an action in a civil case |
| 14. judicial review | (n) of no legal effect |
| 15. bill | (o) when the defendant is declared guilty at the conclusion of a trial |
| 16. offender | (p) the name given to proposed legislation when it is introduced and debated in Parliament |
| 17. case | (q) power of the US Supreme Court to make judgements on the constitutionality of acts of the national government and of the state governments |
| 18. remedy | (r) listening to and assessing evidence brought before the court; |
| 19. conviction | (s) the judges belonging to the Supreme Court |
| 20. void | (t) all law made by parliament |

B. Select the definition which matches the concept in the left-hand column (5 points)

- | | |
|-----------------|--|
| 1. sue | (a) official decisions made by judges |
| 2. jurisdiction | (b) the four legal societies which have the exclusive right to train barristers and accept them as members |
| 3. precedent | (c) the attorney who represents his clients in court |
| 4. will | (d) the legislative branch of government in the USA, composed of the Senate and the House of Representatives |
| 5. prosecute | (e) matters dealing with wrongs (acts harmful to the state or its citizens) for which a person can be punished |
| 6. Congress | (f) the law that does not deal with criminal matters but with enforcing rights and obligations |
| 7. trial | (g) payment for professional advice or special services |
| 8. partnership | (h) to bring criminal proceedings against an accused person |
| 9. common law | (i) the notion that people will be treated fairly by the state and that no-one is above the law |
| 10. defendant | (j) to bring a civil action against someone |
| 11. impeach | (k) the stage in civil or criminal proceedings at which the evidence is examined and judgement is delivered |

12. civil law (l) the written expression of a person's desires concerning what is to happen to his property and belongings after his death
13. criminal cases (m) an earlier judicial decision on which a judge bases later rulings
14. trial lawyer (n) the power of a court to hear a case
15. rulings (o) payment for loss, injury or damages
16. trespass (p) in a legal action, the person sued or the person accused of a wrong
17. rule of law (q) to charge a government official with serious wrongdoing which may lead to his removal from office
18. compensation (r) an association of two or more people set up for the purpose of carrying on business with a view to profit
19. fees (s) to enter someone's property without their permission
20. Inns of Court (t) the law made by judges as they rule upon cases brought before them in court

Part 2: Reading (5 points)

Read the text below entitled *Civil Cases and Criminal Cases* and answer the ensuing comprehension questions

Civil Cases and Criminal Cases

What is the difference between civil and criminal cases? In a criminal case someone is prosecuted for conduct, which we call criminal, which is considered harmful to society as a whole. There are, of course, individual victims of murder or burglary but, in a wider sense, all crimes affect us all. So, normally the prosecution is brought by the state (using Queen's name –cases are listed as Regina v. Accused), although individuals may also bring a prosecution. If found guilty, the offender will be punished by the state.

Civil cases are between private interests. An individual (or company, local authority or some other organization) sues another, usually for some harm caused to him personally, or for money owed to him. Perhaps the person he is suing has run him down and fractured his leg, or has broken a contract. The police will not be interested unless the same behaviour also amounts to a crime. For example, a driver who knocks down a pedestrian may be guilty of the crime of dangerous or careless driving. The same accident gives the victim the right to sue the driver for the tort (legal terminology for a civil wrong) of negligence. So the driver can be prosecuted for dangerous driving in a criminal court, convicted and sent to prison or ordered to pay a fine, which goes to the state. Later he may be sued by the person he has injured, found negligent, and be preferred to pay compensation to the victim for the injury suffered. Or he may win one case and lose the other, because different things have to be proved in civil and criminal cases. The degree of proof required is also different. In criminal cases there can only be a conviction if the case has been proved 'beyond reasonable doubt' – very near certainty. A civil case is won on the less difficult test of 'balance of probabilities' – is it more likely than not?

In civil cases, the person suing was, until 1999, known as the plaintiff, but is now officially called the claimant, and the person sued is the defendant. In criminal cases, the person accused of the crime is called either the accused or the defendant.

The distinction between a crime and a civil wrong was highlighted in 1982 when an intruder broke into the Queen's bedroom at Buckingham Palace. Entering someone else's home without permission is trespass: not a crime, but a civil wrong. It only becomes a crime if the intruder uses, or threatens to use, violence, or causes damage, say by breaking a lock or a window, or if he intends to commit a crime (such as theft) once inside. Because Michael Fagan's intrusion was a simple trespass, he could not be prosecuted for that, although the incident did lead to (unsuccessful) calls for that kind of trespass to be made a crime. But a trespasser can be sued in the civil courts. (It follows that the sign 'Trespassers will be prosecuted' doesn't make sense, legally.)

New crimes are being created all the time, as society revises its thinking about the sorts of behaviour it wants to discourage. For example, insider dealing in the City only became a crime in the mid-1980s, even though the practice had been going on for many years. New technology can result in new crimes- computer hacking, for example, has been made a criminal offence.

It is a fundamental principle of English justice that what happens in the courts should be open and public. There are exceptions, such as where young children are involved, or there is a risk to national security. But, in general, English justice is open justice, and any member of the public can see what goes on in any court.

Marcel Berlins a Clare Dyer, *The Law Machine*, London, Penguin, 2000

Answer these questions

1. What is the basic difference between civil cases and criminal cases?
2. Are the police interested in civil cases?
3. Are people convicted in the same way in civil and criminal cases?
4. Why doesn't the sign 'Trespassers will be prosecuted' make sense legally?
5. Why did insider trading in the City become a crime so late?

Part 3. Grammar (5 points)

Choose between the **infinitive** (with or without **to**) and the **gerund**

1. A law student needs (to serve / serve / serving) a practical apprenticeship.
2. It is absolutely indispensable for a judge (to be / be / being) impartial.
3. By joining one of the four Inns of Court, a would-be barrister is able (to meet / meet / meeting) fully-fledged barristers.
4. (to learn / learn / learning) his chosen profession on the job is an essential part of a future solicitor's training.
5. The court's ruling did nothing but (to confuse / confuse / confusing) people.
6. Some law graduates really prefer (to become / become / becoming) public servants.
7. No senior judge can be appointed without first (to work / work / working) as a barrister.
8. His parents made him (to study / study / studying) law.
9. Junior barristers still spend a lot of time (to handle / handle / handling) minor briefs.
10. The aim of the Law Society is (to defend / defend / defending) its members' interests.

Key to answers and guidelines for marking

Part 1 (A): Vocabulary

1. k	6. a	11. r	16. h
2. j	7. b	12. d	17. i
3. m	8. l	13. t	18. g
4. i	9. c	14. q	19. o
5. s	10. f	15. p	20. n

Part 1 (B): Vocabulary

1. j	6. d	11. q	16. s
2. n	7. k	12. F	17. i
3. m	8. r	13. e	18. o
4. l	9. t	14. c	19. g
5. h	10. p	15. a	20. b

Marking: a quarter of a mark for a correct answer. Nothing to be awarded for a wrong one or a blank.

Part 2: Reading

Answers

1. Basically criminal cases involve behaviour that is considered detrimental to society as a whole and usually result in prosecution by the state. Civil cases concern private interest, i.e. matters involving individuals who have suffered personal injury and can sue for damages.
2. Yes, the police will be interested in civil cases when a crime is involved, such as dangerous driving, and will prosecute if need be.
3. No, it is more difficult to convict someone in a criminal case in which the jury has to be virtually certain that the defendant is guilty. In a civil case, it is sufficient for the defendant to be considered to be most probably guilty.
4. Entering someone's house without permission is a civil wrong, not a crime (unless violence or damage occurs), so a trespasser may be sued by someone as a result of his intrusion but cannot be prosecuted by the state.
5. Society's attitude towards insider trading evolved over the years and what was previously tolerated became unacceptable by the mid-1980s. New technology most certainly made it easier to track down such criminal activity that probably went largely undetected before.

Marking: up to a full mark for an answer, which is correct in terms of form and content. Three quarters of a mark, half a mark or a quarter of a mark can be awarded if the answer could be better framed. Nothing to be awarded for a wrong answer or a blank.

Part 3. Grammar

Answers:

- | | |
|-------------|---------------|
| 1. to serve | 6. to become |
| 2. to be | 7. working |
| 3. to meet | 8. study |
| 4. Learning | 9. handling |
| 5. confuse | 10. to defend |

Marking: half a mark for a correct answer. Nothing to be of otherwise.