

## THE LEGAL PROFESSION

### WORKING IN LAW

#### Exercise 1

Look at this list of legal occupations. All of these people work in law. We call all of the people who work in these jobs 'the legal profession'. Match the jobs with one of the descriptions.

<input type="checkbox"/>	<b>Solicitor</b>	<input type="checkbox"/>	<b>Attorney</b>	<input type="checkbox"/>	<b>Barrister</b>	<input type="checkbox"/>	<b>Lawyer</b>
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- a** This person is a lawyer who gives legal advice and opinions to solicitors. He or she passed the exams of The Bar Council at the end of his or her studies.
- b** This person is a lawyer who gives legal advice to individuals and companies. He or she passed his or her exams in the USA at the end of his or her studies and is usually a member of the American Bar Association.
- c** This person is a lawyer who gives legal advice to individuals and companies. He or she passed the exams of The Law Society of England & Wales at the end of his or her studies.
- d** This is the general job title that we use for people who work as a solicitor, barrister or attorney.

#### Exercise 2

Read this text about working in law. The most important words are in the key vocabulary below. Decide if the statements on the next page are true or false.

#### Key vocabulary

- lawyer
- attorney
- qualified
- litigation
- right of audience
- practise
- judge
- legal practice
- advocacy
- appear
- barristers
- training contract
- partnership
- pleading a case
- solicitors
- law firm
- acting for
- represent
- specialise
- clients

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**.

In both England and the USA, it is not possible to take a special exam to be a **judge**. If you decide that you want to be a judge, you must get a lot of experience as a lawyer first, then apply to be a judge and wait to see if you are chosen.

Most law students in England become solicitors. When they finish their university studies they do a one-year legal practice course and then a two-year **training contract** with a **law firm**. After that, they are **qualified solicitors**. Many solicitors work for a **legal practice**, which is usually a **partnership** of solicitors

who work together. Solicitors practise in many areas of law, although each solicitor usually chooses to **specialise** in one particular area. They **represent** their **clients** both in and out of court. We often describe this as **acting for** a client. The process of making a claim in the civil court is called **litigation**.

Barristers are usually self-employed lawyers but can work in partnerships in the way that solicitors do. They are specialists in **advocacy**, which is the skill of speaking for someone in court. We call this **pleading a case**. They also give opinions on areas of law to solicitors and the solicitors' clients. It is not just barristers who have the **right of audience** in court. Solicitors are also allowed to represent their clients in court and many solicitors **appear** in court every day. It is not true to say that a client always needs a barrister in court.

- a** There are two types of lawyer practising in England.  True  False
- b** Last year I finished my training contract and I started working for a large international law firm. I am now a qualified solicitor.  True  False
- c** Only barristers can speak on behalf of clients in court.  True  False
- d** Both solicitors and barristers can work together in partnerships.  True  False
- e** In the USA and England lawyers can take a special exam to be a judge.  True  False

### MAKING A CLAIM IN THE CIVIL COURT

In the English and American legal systems we divide the law into two main areas. These are **criminal law** and **civil law**.

This means that everything that is *not* a **criminal matter** is a **civil matter**.

#### Exercise 1

Look at these situations and decide if the person needs a *criminal lawyer* or a *civil lawyer*. In other words, is it a *criminal matter* or a *civil matter*?

- a** Mr Bellerby is opening a new factory. He needs to visit a lawyer to get a contract for all of his employees to sign.  **criminal**  **civil**
- b** Mrs Robson is thinking about what she wants to happen to her house and possessions after her death. She needs to visit a lawyer to get the correct document, which is called a 'will'.  **criminal**  **civil**
- c** The police are taking Mr Dean to the police station because they say he stole a car. He needs a lawyer to come and visit him there to tell him what to do.  **criminal**  **civil**
- d** Mr Flynn owns a restaurant. He has a contract with a company to deliver fruit and vegetables to his restaurant. The company didn't deliver them on the agreed date, so Mr Flynn lost money because he could not open his restaurant that day. Mr Flynn needs to see a lawyer about asking the delivery company to give him the money he lost.  **criminal**  **civil**
- e** Mr Allen is a bank manager. The bank is saying that some money is missing. Mr Allen has a new car and expensive clothes. The police are coming to ask Mr Allen some questions. He needs a lawyer immediately.  **criminal**  **civil**

#### Help desk

##### What do these words mean?

**criminal law** – the law that punishes acts against a person or against property that people consider to be harmful to the whole community. The state prosecutes criminals.

**civil law** – the law concerning the rights and duties of private individuals and companies other than criminal matters.

**a matter** – a subject or situation, e.g. a criminal matter, a civil matter.

**a will** – a legal document in which a person gives details of what they want to happen to their property after their death.

**to steal (stole)** – to take something that belongs to someone else with the intention of keeping it.

#### Exercise 2

Read the information below. It is about starting a claim in the civil court. Decide if the statements that follow are true or false.

##### Starting a claim in the civil court

When you are in dispute with another person sometimes it is necessary to start a claim in the civil court. We sometimes call this process 'filing a claim' or 'issuing a claim'. Lawyers also say 'starting proceedings'. We do not use the verb 'to prosecute' in civil law because that verb is only used in criminal law. In England most civil claims are filed in the County Court. There are over 200 County Courts in England and Wales. Most cities and large towns have a County Court.

The person who starts the claim is called the claimant in the UK. This person was called the plaintiff until 1999, when there were new court rules in England to make everything easier for people to understand. However, in the USA the claimant is still called the plaintiff. In both England and the USA the other party is called the defendant.

A claim form is the document that a claimant uses to start legal action against the defendant.

Why might a claimant start a claim? There are a lot of reasons, for example:

- someone refuses to pay you money that they owe to you
- someone does a job for you, but they do it badly. We call this bad workmanship
- something that you paid for is not supplied to you
- something that you bought is not working properly.

The claimant has to pay a sum of money, called a court fee, for the court to issue proceedings. In the claim form, the claimant must state the amount of his or her claim and request the defendant to pay all of the legal costs of the case.

Sometimes people talk about 'the small claims court'. They really mean the special procedure that exists at the County Court for small claims. A small claim is a claim for less than £5000. This amount will probably increase in the future.

- a** Starting a claim means the same as starting proceedings.  True  False
- b** You can 'prosecute' someone in the civil court.  True  False
- c** There are more than 200 County Courts in England and Wales.  True  False
- d** The word 'plaintiff' is not used in England any more but it is used in the USA.  True  False
- e** It is free to start a claim in the County Court.  True  False
- f** There is a special court in a separate building for making small claims.  True  False

#### Help desk

##### What do these words mean?

**to be in dispute** – to have a serious disagreement with another person.

**a party to a court case** – the claimant or the defendant.

**to owe money to someone** – to have to pay someone for something that they have done for you or given to you.

**legal costs** – the court fees and payment for the lawyers who are acting for the parties.

**a procedure** – a decided way of doing something.

**to prosecute** – to take legal action against someone in the criminal court.

**Exercise 3**

Here are some important expressions which lawyers use when they talk about starting a claim in the civil court. Complete the sentences by matching the first half of each sentence with the correct ending.

- (\*) To issue a claim means to...  
 a To pay a fee means to...  
 b To serve a claim upon someone means to...  
 c To respond to a claim means to...  
 d To hear a case means to...  
 e To find in favour of someone means to...  
 f To give a judgment means to...  
 g To make an order means to...  
 h A bailiff is a person who...
- ...confirm that you have received the claim and to say what you will do next. (1)  
 ...start a claim in the civil court.  
 ...listen to the details of the claim and listen to what the claimant and the defendant say about their dispute. (2)  
 ...pay the court an amount of money for issuing the claim. (3)  
 ...can legally take a person's property when that person does not pay money that he or she owes. (4)  
 ...officially announce the result of the case. The judge may give the reasons for the decision. (5)  
 ...send the claim to the defendant's address and make sure that he or she receives it. (6)  
 ...decide that this person has won the case. (7)  
 ...officially state what someone has to do, and how and when he or she must do it. (8)

**Exercise 4**

Here are the steps in which a claim goes through the County Court. Fill the gaps with a word from Exercise 3.

- a The claimant \_\_\_\_\_ a claim in the County Court.  
 b The claimant will have to pay a \_\_\_\_\_. The amount depends on the amount of money that the claimant is claiming.  
 c The court or the claimant's solicitor \_\_\_\_\_ the claim upon the defendant. This means that they send it to the defendant's address and make sure that the defendant receives it.  
 d The defendant has 14 days from the day he or she receives the claim to \_\_\_\_\_ to it. The defendant can admit the claim, which means to agree that the claim is right, and pay the money that the claimant wants, or the defendant can defend the claim.  
 e If the defendant decides to defend the claim, a judge will \_\_\_\_\_ the case in the County Court.  
 f The judge will give his or her judgment. The judge will \_\_\_\_\_ in favour of the claimant or the defendant.  
 g The parties must follow the terms of the \_\_\_\_\_ that the judge makes and they must make sure that they obey any instructions about time limits.  
 h If the order says that the defendant must pay money to the claimant, then the claimant can use the services of a \_\_\_\_\_ to collect that money if the defendant does not pay.

**AREAS OF LAW**

**Exercise 1**

In England and the USA there is an area of law called 'the law of tort'. It is the law of civil responsibility. It is an area of civil law. Read this text about the law of tort. The most important words are in the key vocabulary below. Answer the questions that follow using a full sentence.

**Key vocabulary**

- law of tort
- duty of care
- allegations
- carelessness
- committed
- negligence
- tort
- to sue
- no win no fee
- damages
- grounds
- breach

The law of tort says that everyone has a civil duty to be careful and not to hurt or harm another person. Lawyers call this civil duty 'the duty of care'. Sometimes people breach this duty of care. To breach means to break. Very often they breach the duty of care by accident but sometimes they do it deliberately. If someone hurts or harms another person because of a breach, we call this harmful action a tort. This means that some things that might be criminal in your legal system are a tort in England and the USA.

Look at the list of harmful actions below. In England and the USA they are usually torts.

- Leaving the floor of a shop in a dangerous condition so that a customer falls and hurts her leg.
- Saying something that is bad about someone, which isn't true.
- Writing a negative story in a newspaper about someone, which isn't true.
- Playing loud music late every night, which disturbs your neighbours.

This area of law is easier to understand by thinking of a tort as being a type of civil wrong. Each of the torts listed above has a special name. The tort that happens most often is called negligence.

**Example question:** What is the duty of care?

**Example answer:** The duty of care is the obligation to be careful and not to hurt anyone.

- a How do lawyers say to 'break' a duty of care?  
 Answer: \_\_\_\_\_
- b In England and the USA, is the law of tort an area of criminal or civil law?  
 Answer: \_\_\_\_\_
- c There are different types of tort. In general, what is a tort?  
 Answer: \_\_\_\_\_

Negligence is when someone is not careful enough and this person's carelessness hurts another person as a result. The person who is hurt is called the injured person.

When someone hurts you as a result of his or her actions, you need to consult a lawyer who specialises in the right area of tort. The lawyer will try to get you money from the careless person. This money is called 'compensation' or, more correctly, 'damages'. Sometimes the lawyers can't agree on the amount of damages. When this happens, the injured person may decide to sue the person who has hurt them. Suing someone is a more informal way of saying starting proceedings against someone in a civil court. The claim form will state the claimant's allegations against the defendant. An allegation is like an accusation. The claimant is stating that something happened, but the defendant has the opportunity to say that this is not true. The reasons for going to court are called 'the grounds'. The grounds for an action in tort are that the defendant committed a tort.

Sometimes a lawyer who specialises in the tort of negligence makes an agreement with a client. The agreement is that if the client does not win the case then he or she does not have to pay for the lawyer's services. This is called a 'no win no fee' arrangement. It is allowed in the UK and the USA.

- d** What is the name of the tort that a person commits because he or she is careless and hurts someone else as a result of this carelessness?  
 Answer: \_\_\_\_\_
- e** What does suing mean?  
 Answer: \_\_\_\_\_
- f** What is the correct name for the money that an injured person gets from the defendant in a successful action in tort?  
 Answer: \_\_\_\_\_
- g** What is the correct name for an arrangement where a client does not have to pay his or her lawyer if the client loses his or her action in tort?  
 Answer: \_\_\_\_\_

**Exercise 2**

Put a word from the key vocabulary in Exercise 1 into the following sentences.

- a** I am \_\_\_\_\_ the owner of the shop because there was water on the floor and I fell and hurt my back.
- b** I am a lawyer who specialises in the tort of \_\_\_\_\_. People are just not careful enough! At the moment I am acting for the injured person in more than 20 different cases.
- c** The machines in the clothing factory were old and dangerous and one of the employees injured his hand. The employee sued the factory owners and got £5000 in \_\_\_\_\_.
- d** In your claim form you accuse us of breaching our duty of care. We do not accept that your \_\_\_\_\_ are true and we will defend your claim in court.
- e** Do you have a good reason for suing the owner of the hotel? What exactly are your \_\_\_\_\_ for starting legal action?

**Exercise 3**

Here is a list of some important areas of law. Read what the lawyers say on the next page. They are talking about the work they do. Match the lawyer with the correct area of law.

- |                                   |       |                                    |       |
|-----------------------------------|-------|------------------------------------|-------|
| <b>a</b> law of contract          | _____ | <b>f</b> employment law            | _____ |
| <b>b</b> company law              | _____ | <b>g</b> family law                | _____ |
| <b>c</b> land law                 | _____ | <b>h</b> immigration law           | _____ |
| <b>d</b> law of tort              | _____ | <b>i</b> intellectual property law | _____ |
| <b>e</b> law of equity and trusts | _____ | <b>j</b> criminal law              | _____ |

**David**

'I work in New York. I deal with clients from other countries who want to come and live here. I help them to get permission from the government to make their dream of living in the USA a reality.'

**Tom**

'I am with a law firm in Manchester. I am now in the second year of my training contract. At the moment I deal with clients who are buying or selling their house. It is my job to make sure everything is correct and that the sale is valid.'

**Jennifer**

'I work in a very exciting area of law here in Los Angeles. I meet a lot of writers and musicians and sometimes even people from movie studios! I protect their rights and make sure that no one can copy their work and make money from it without their permission.'

**Alistair**

'When I write the story of my life I will call my book, "Robbers, Murderers and Other Friends of Mine!" I work in Newcastle, which is in the north of England. I defend people who are in trouble with the police. They may even go to prison! It is my job to help them.'

**Sunita**

'I work in Sydney, Australia. I give advice to people who are unhappy living together and they want a divorce. Sometimes people argue about money or the care of the children. It's a difficult area of law and I feel very sympathetic towards my clients.'

**Cory**

'I work in Chicago. I'm quite famous on TV here in the USA. That's because Channel 10 show my advertisement five times every day! I ask people to call me if they were hurt or were in an accident because somebody else wasn't careful enough. If people are not careful, then I'm afraid they will have to pay damages!'

**Kayleigh**

'I work in Christchurch, New Zealand. Most of my clients have problems at work. I saw a lady this morning who is going to have a baby. When she told her boss that she was pregnant, he fired her from her job. That is not legal in New Zealand and I will help her to do something about it.'

**Michael**

'I work for a very big London law firm. Our clients are banks and other big businesses. Today I am working on a merger agreement, which means that two companies are joining together to become one. Yesterday I advised a new client who wants to start an internet company on the different ways he can do it.'

**Mary**

'I am based in Dublin, the capital city of Ireland. I see people or companies who want to make a legal agreement with another person or company. Today I am dealing with an agreement to deliver goods from Ireland to the USA. I have to check every word very carefully!'

**Polly**

'I work in a very old and interesting area of law. Today I met a client who is 70 years old and has no family. When she dies, she wants to put all of her money into a special fund. Her two friends will use this money to help pay for a training school for actors and actresses from her home city here in Liverpool. I explained to her how to do that and I will draft the necessary legal documents for her.'

**Help desk**

**What do these words mean?**

**to deal with someone or something** – to do business with someone or to take the correct action in an area of work.

**legal** – allowed by the law.

**valid** – legally correct and acceptable.

**to draft a document** – to write a document.

**to have a right** – (in intellectual property law) to have a legal interest in something; it is yours.

**robber** – a person who steals money or property while using or threatening to use violence.

**a divorce** – the legal ending of a marriage.

**to merge** – (in company law) when two companies join together to form one.

**to be based somewhere** – to be established somewhere as the main place where you work or live.

**goods** – things that are produced so that they can be sold.

**fund** – an amount of money that a person or organisation keeps to pay for something in particular.

**Exercise 4**

Choose a word or phrase from the box to complete the sentences.

- **drafting**
- **the law of equity and trusts**
- **criminal law**
- **valid**
- **based in**
- **goods**
- **intellectual property law**
- **the law of tort**
- **family law**
- **merged**

- a** A lawyer who deals with clients who are in trouble with the police is a specialist in \_\_\_\_\_.
- b** Last year my bank \_\_\_\_\_ with a big German bank and they are now called EuropBank. I think they are the biggest bank in Europe now!
- c** A lawyer who deals with clients who create new inventions such as medicines, machines or new artistic works such as books or music, is a specialist in \_\_\_\_\_.
- d** I spent three hours this morning \_\_\_\_\_ a contract for my new client. I think the contract is ready for him to read and sign now.
- e** I want to put some of my money into a fund for the benefit of my grandchildren, which they will have when they reach the age of 18. I need to see a lawyer who is a specialist in \_\_\_\_\_.
- f** Well, I am from London but I am \_\_\_\_\_ Amsterdam at the moment because I am working for a Dutch company.
- g** A lawyer who deals with clients who are divorcing or who have problems over the care of their children is a specialist in \_\_\_\_\_.
- h** The company delivers \_\_\_\_\_ all over the United States by rail and by truck.
- i** A lawyer who deals with people who breach their civil duty of care is a specialist in \_\_\_\_\_.
- j** That contract is not \_\_\_\_\_ because your client has not signed it.

**Exercise 5**

Look at the words and phrases in the box. All of the words are connected with specific areas of law. Put the words into the correct sentence to complete the definitions.

- **unfair dismissal**
- **lease of land and buildings**
- **formation of a business**
- **landlord**
- **maternity leave**
- **discriminate**
- **tenant**
- **capital**
- **sick pay**
- **insolvent**
- **conveyancing**
- **redundancy**
- **partnership**
- **merger**
- **real estate**

- a** To be \_\_\_\_\_ means not having enough money to pay your debts.
- b** A \_\_\_\_\_ is the joining together of two or more things, such as companies, to form one single thing or company.
- c** A \_\_\_\_\_ is a person who pays rent to the owner of a house, a flat or an office in return for living there, or for using the building for business purposes.

- d** \_\_\_\_\_ is the legal process involved in transferring the ownership of a house or land from the seller to the buyer.
- e** To \_\_\_\_\_ against someone means to behave differently towards that person, usually in the workplace, because of their age, sex or the colour of their skin.
- f** \_\_\_\_\_ is a situation where someone loses his or her job for a reason that is not valid.
- g** \_\_\_\_\_ is money that an employer must pay to an employee when that employee is ill and cannot work.
- h** A \_\_\_\_\_ is an agreement to allow someone to use land or buildings for a fixed period of time in return for a payment of rent.
- i** The \_\_\_\_\_ is the establishment of a new business in a specific way.
- j** A \_\_\_\_\_ is a business which a minimum of two people own and control.
- k** \_\_\_\_\_ is the time period when a woman is not at work before and after the birth of her baby. Her employer usually pays her for part or all of the time that she is away.
- l** \_\_\_\_\_ is the total amount of money, property and other assets that a business has.
- m** \_\_\_\_\_ is a situation where someone loses his or her job because an employer no longer needs so many employees.
- n** A \_\_\_\_\_ is a person who owns a house, a flat or office and receives rent from someone for allowing them to live there, or use the building for business purposes.
- o** \_\_\_\_\_ is a more formal way of saying land and buildings.

**Help desk**

**What do these words mean?**

- ownership** – to have ownership of a property means that the property belongs to you. You are the owner of the property.
- rent** – the money that someone pays, usually every month, to use a flat, a house or an office that belongs to someone else.
- assets** – things that a person or company owns.
- debts** – sums of money that you owe.
- fixed** – something that is fixed is certain and cannot be changed.

**Exercise 6**

All of the words and phrases in Exercise 5 belong to either employment law, business law or land law. Put each word or phrase under the correct area of law.

Employment law	Business law	Land law

**Exercise 7**

Complete the following sentences by using the words from the **employment law** section.

- a My baby will arrive at the end of March so I will take six months' \_\_\_\_\_ starting on 1 March.
- b He sued his employer on the grounds of \_\_\_\_\_ because the reason his employer gave for firing him was not valid.
- c If you are ill and not able to work you should look at your contract to see if you can get \_\_\_\_\_.
- d It is against the law in England for an employer to \_\_\_\_\_ against an employee because of his or her age.
- e Many employees are worried about \_\_\_\_\_ because a lot of businesses are closing in this area at the moment.

**Exercise 8**

Complete the following sentences by using the words from the **business law** section.

- a The \_\_\_\_\_ is the formal way of saying the way in which a new business is created.
- b The total \_\_\_\_\_ of the business is valued at approximately £32 million.
- c The business does not have enough money to pay its debts and is \_\_\_\_\_.
- d There will be a \_\_\_\_\_ next year between two major British chemical companies.
- e My friend and I want to start a cleaning business together and we decided that the best thing to do is to create a \_\_\_\_\_.

**Exercise 9**

Complete the following sentences by using the words from the **land law** section.

- a He is a very good \_\_\_\_\_. He always pays the rent on time!
- b My sister works in the property department of her law firm. She acts for people who are buying and selling houses. She is a specialist in \_\_\_\_\_.
- c We don't own our house; we rent it. The \_\_\_\_\_ ends in three months so we will have to find somewhere else to live.
- d He is the \_\_\_\_\_ of five houses in this area. He makes a lot of money every month from the rent.
- e The price of \_\_\_\_\_ in this part of the country increased a lot last year. It is very expensive to buy a house.

**UNIT 1A VOCABULARY CHECK**

These are the important words that you have studied in Unit 1A. You should make sure that you know these words before you go on to Unit 1B.

- act for \_\_\_\_\_
- advocacy \_\_\_\_\_
- allegation \_\_\_\_\_
- appear \_\_\_\_\_
- attorney \_\_\_\_\_
- bailliff \_\_\_\_\_
- barrister \_\_\_\_\_
- to be based somewhere \_\_\_\_\_
- breach \_\_\_\_\_
- capital \_\_\_\_\_
- carelessness \_\_\_\_\_
- case \_\_\_\_\_
- civil law \_\_\_\_\_
- claimant \_\_\_\_\_
- client \_\_\_\_\_
- company law \_\_\_\_\_
- conveyancing \_\_\_\_\_
- criminal law \_\_\_\_\_
- damagés \_\_\_\_\_
- deal with \_\_\_\_\_
- debt \_\_\_\_\_
- defendant \_\_\_\_\_
- discriminate \_\_\_\_\_
- dispute \_\_\_\_\_
- divorce \_\_\_\_\_
- draft \_\_\_\_\_
- duty of care \_\_\_\_\_
- employment law \_\_\_\_\_
- family law \_\_\_\_\_
- formation of a business \_\_\_\_\_
- goods \_\_\_\_\_
- grounds \_\_\_\_\_
- harm \_\_\_\_\_
- hear \_\_\_\_\_
- immigration law \_\_\_\_\_
- insolvent \_\_\_\_\_
- intellectual property law \_\_\_\_\_
- issue \_\_\_\_\_
- judgment \_\_\_\_\_

- land law \_\_\_\_\_
- landlord \_\_\_\_\_
- law firm \_\_\_\_\_
- the law of contract \_\_\_\_\_
- the law of equity and trusts \_\_\_\_\_
- the law of tort \_\_\_\_\_
- lawyer \_\_\_\_\_
- lease \_\_\_\_\_
- legal \_\_\_\_\_
- legal costs \_\_\_\_\_
- legal practice \_\_\_\_\_
- litigation \_\_\_\_\_
- maternity leave \_\_\_\_\_
- matter \_\_\_\_\_
- merge \_\_\_\_\_
- negligence \_\_\_\_\_
- no win no fee \_\_\_\_\_
- obligation \_\_\_\_\_
- owe \_\_\_\_\_
- to have ownership \_\_\_\_\_
- partnership \_\_\_\_\_
- party \_\_\_\_\_
- plaintiff \_\_\_\_\_
- plead a case \_\_\_\_\_
- practise \_\_\_\_\_
- procedure \_\_\_\_\_
- proceedings \_\_\_\_\_
- to be qualified \_\_\_\_\_
- real estate \_\_\_\_\_
- redundancy \_\_\_\_\_
- represent \_\_\_\_\_
- respond \_\_\_\_\_
- to have a right \_\_\_\_\_
- right of audience \_\_\_\_\_
- serve \_\_\_\_\_
- sick pay \_\_\_\_\_
- solicitor \_\_\_\_\_
- specialise \_\_\_\_\_
- sue \_\_\_\_\_
- tenant \_\_\_\_\_
- tort \_\_\_\_\_
- training contract \_\_\_\_\_
- unfair dismissal \_\_\_\_\_
- valid \_\_\_\_\_
- will \_\_\_\_\_

## TOLES FOUNDATION EXAM PRACTICE

### Exercise 1

Look at the sentences below. Each sentence contains a mistake. The mistake is either an incorrect word or a word that should not be there. Put a circle around the word. Do not circle more than one word for each sentence. There is an example at the beginning (\*).

#### Example

(\* In the United States they do not difference between two separate kinds of lawyer because all lawyers are known as attorneys.

- When a student finishes his or her legal studies he or she has to make a two-year training contract with a law firm.
- The law of tort says that everyone must to be careful and not harm other people.
- I will start my training contract with the Taylor Wallis in September.
- If we issue a claim against you we will ask for a very high damages.
- He breached the contract and I will prosecute him in the civil court.

### Exercise 2

Read the following article and decide if the statements under it are true or false. Write your answers in the box below. There is an example at the beginning (\*).

Sanjay Pritam is a partner with a law firm in Southampton in the south of England. Sanjay is a specialist in maritime law. He chose this area of law because of his family history. His father owns a ship. Sanjay's father worked on this ship for his whole life. Sanjay worked with him for two years and then he started his legal studies. Sanjay thinks this practical experience on a ship was very useful.

English law influences most of the law that governs international maritime cases. For this reason, lawyers from all over the world contact Sanjay's office to ask him for his opinion, which he gives by phone or email. When maritime lawyers are speaking informally they divide cases into two categories. They call them 'dry' cases and 'wet' cases. Dry cases involve problems with shipping contracts and wet cases involve problems at sea, such as ships that have accidents. Most of the cases that Sanjay deals with cannot be negotiated and end in litigation.

#### Example

(\* Sanjay Pritam works in a family law practice.

- Sanjay's father is also a lawyer.
- Sanjay thinks it is good that he worked on a ship before he was a lawyer.
- Sanjay usually travels to other countries to help lawyers who have questions about maritime law.
- A maritime case involving a breach of contract is informally called a 'dry case'.
- Most of Sanjay's cases go to court because the parties cannot agree upon a solution.

(*) FALSE	(1)	(2)	(3)	(4)	(5)
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### Exercise 3

Here is a conversation between a lawyer and his client. The conversation is mixed up. Put the conversation in the correct order. Write your answers in the boxes numbered 2-9 below. There is an example at the beginning (\*), which is the start of the conversation.

- (\*) Good Morning Mr Rodriguez. Thank you for coming to see me. I understand that you would like to issue a claim in the County Court?
- a** Three months is a long time. I agree that you should issue a claim. I will explain to you how it all works. The first thing that we must do is to complete a claim form and file it at the County Court.
- b** Yes, you will have to pay a fee. But if you win, the judge will usually order the defendant to pay back the fee. The next thing that happens after we file the claim is that the court will serve the claim form upon the defendant.
- c** Yes, that is correct. I think going to court is the only thing that I can do. I supply food to restaurants and cafés in Chatsworth. I have a contract with all of my customers. The contract states that a customer has 14 days to pay me from the date they receive a delivery. A customer who owns a café in town is three months late in paying me. I would like to start proceedings against him.
- d** I see. What information do you need to complete the claim form?
- e** He has 14 days to respond. In this case I hope your customer agrees that your claim is correct and that he will pay the money he owes you when he receives the claim. That is the best thing that can happen.
- f** I need the name and address of your customer. When we file the claim your customer will be called the defendant. I also need the details of your claim. I need to know when the defendant received the delivery from you and when he was supposed to pay you. Please bring me a copy of the contract so that I can check the part of it that talks about payment. How much money does he owe you?
- g** And when he receives the claim how many days does he have to respond to it?
- h** £430. I can bring a copy of the contract to your office this afternoon. What happens when we file the claim? Do I have to pay a court fee?

(1) (*)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
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