**A closing argument**

Read the closing argument (Sam’s comments on the text are written in the margin) and tick which kinds of information about the prospective buyer the defendant's lawyer requested.

1 birth certificate

2 university diploma

3 documents proving experience in the restaurant business

4 a business plan

5 letter of recommendation

6 completed commercial lease application

7 CV

**Decide whether these statements are true or false**.

1 Ron's argument states that the court must decide whether consent to assignment of the lease has been withheld unreasonably.

2 Ron maintains that it is justified for subjective criteria to play a role in deciding whether to give approval for assignment.

3 Ron argues that delaying consent is not the same as withholding consent.

**Match the words in italics (1-5) with their definitions (a-e).**

|  |  |
| --- | --- |
| 1 *arbitrary* considerations  2 *credibility* of witnesses  3 *predicated on* a dispute  4 defendant *asserts*  5 attempt is *unavailing* | a unsuccessful  b state something is true  c not based on reason, random  d can be believed  e based on |

**Persuasive writing and speaking**

The closing argument presented is an example of a persuasive text. A lawyer will use persuasive language in many professional situations: when arguing in court. when negotiating a contract, when writing a memo proposing a course of action to a client. or when discussing the choice of candidate to fill a position at a law firm. In all these situations. the key elements of a strong argument are the same:

- a clear statement of the issue and your position on that issue;

- the presentation of evidence and reasoned arguments to support your position;

- the rebuttal (arguing against) of opposing standpoints or arguments. Evidence can take many forms, such as physical proof, expert testimony and documents.

Read Ron's closing argument again and match these functions (a-f) with the corresponding paragraph in the text (1-6).

**a** presenting the standpoint to be argued

**b** drawing a conclusion from the evidence

**c** rebutting the standpoint of the opposing side

**d** reviewing the evidence presented

**e** identifying the legal issue involved

**f**  summarising the facts of the case

**LISTENING B**:

Ron has made the changes in his closing argument which Sam suggested, You are going to listen to Ron as he presents his closing argument in court.

Listen to Ron's closing argument then answer these questions:

1. Why does Ron say that the defendants’ withholding of approval of the proposed buyer is unreasonable?
2. According to Ron what is the defendants’ real reason for withholding approval?
3. Do you think his closing argument is convincing?

**Exercise: Match** these phrases (1-3) with their paraphrases (a-c).

|  |  |
| --- | --- |
| **1** to give weight to evidence  **2** to draw inferences of fact from evidence  **3** the evidence supports a determination | **a** to arrive at conclusions about facts based on the evidence  **b** the evidence provides a basis for a judicial decision  **c** to consider evidence important |

**Vocabulary exercise: distinguishing meaning**

Which word in each group is the odd one out?

**1** duty right responsibility obligation

**2** intent objective intention intensity

**3** compose draft write enlist

**4** convince propose induce persuade

**5** appeal elect select choose

**Prepositions with contract 1** Complete the phrases below using the correct preposition.

Against, from, to (x4), under, upon.

1 the parties ……………a contract

2 pursuant ……………..the contract

3 to have rights and obligations………..... a contract

4 to benefit …………………the contract.

5 to assign rights or delegate duties ………………a third party

6 enforce a contract ………………someone

7 a third-party beneficiary…………………. a contract

8 in reliance ……………….the contract

**Prepositions with contract 2**

Complete the sentences below using the correct preposition.

Against, of, on, to (x5), under (x2).

1 A party ………... a contract may transfer the rights arising ………..the contract ……….. another.

2 Privity of contract refers………………. the fact that only the actual parties ………….a contract should have rights and liabilities ……………..the contract.

3 A third-party beneficiary contract is formed when the parties intend …………….confer a benefit ………… a third party.

4 The benefit ......... a contract is an enforceable right……………… the other party

**Vocabulary: nouns ending with -or and -ee**

Form pairs of nouns following the pattern of promisor/promisee using these verbs (1-4). Then match the noun pairs with their definitions (a-d).

1 franchise

2 lease

3 mortgage

4 transfer

a Someone (usually the owner) who gives a lease (right to possession) in return for a consideration / someone to whom a lease is granted and who uses the property

b Someone who conveys title to property or property to another / someone to whom title to property or property is conveyed

c Someone who borrows money and pledges real property as security for the loan / someone who lends money and receives real property as security for a loan

d Someone who owns the rights or licence of a business who grants the licence or permission to another / someone granted the rights or licence of a business

**Word formation** Complete this table by filling in the correct noun or verb forms.

|  |  |  |
| --- | --- | --- |
| Verb | Abstract noun | Person |
| Delegate |  |  |
| Assign |  |  |
|  | Obligation |  |
| Imply |  | ------------------------------------------ |
|  | Intention/Intent | ------------------------------------------ |
| Consult |  | ------------------------------------------ |
|  | Enactment | ------------------------------------------ |
|  | Rebuttal | ------------------------------------------ |
| Construe |  | ------------------------------------------ |
| Determine |  | ------------------------------------------ |
|  | Draft | ------------------------------------------ |