

The Lawyer's English Language Coursebook

Unit 1

THE LAWYER'S ENGLISH LANGUAGE COURSEBOOK

Supporting the TOLES series – ‘the world’s leading legal English examinations’

This is Unit One of the exciting new publication, ‘The Lawyer’s English Language Coursebook’. This is the first unit of a unique ten part coursebook to support students of legal English worldwide, particularly those studying for the TOLES series of exams. The book is divided into easily manageable units, each dealing with vital skills for the modern international lawyer. It takes off from a sensible starting point for both teachers and students and is recommended for learners who are more confident in general English as well as those who are still building their language skills whilst studying or practising law.

The first unit deals with the language of the legal profession and the general areas of law in which lawyers specialise. The complete list of units in the book is as follows:

- The legal profession
- The language of banking & finance
- The language of contract law
- The language of business law
- The language of company law
- The language of tort
- The language of employment
- Accurate letter writing
- Understanding contracts (1)
- Understanding contracts (2)

WHY IS THIS LEGAL ENGLISH BOOK SO SUCCESSFUL?

This book takes English for Law in a new direction. It is based on consultations with international lawyers as to what skills practising lawyers really need to achieve from their English language studies. Its unique style and approach is the result of hundreds of teaching hours with lawyers and law students from around the world. This book:

- assumes no existing knowledge of law or legal English by either students or teachers. It **explains legal vocabulary in a refreshingly clear way.**
- builds skills and confidence in legal English from a **realistic starting point.** It does not ask students to begin with tasks that are beyond their reach.
- keeps a genuine **focus on the language of the law** and does not ask students to waste time on irrelevant material that they will not require in their chosen career.
- deals with demanding core subjects such as **commercial contracts** and **letter writing** in a practical, in-depth way that global law firms require.
- challenges more experienced students to **reflect upon deep-rooted mistakes** in their legal English and encourages self-correction at every stage of learning.
- is up to date. It takes into account **recent language reforms** and forthcoming changes to the legal system in the UK.

THE LAYOUT OF THE BOOK

The book is structured in a user-friendly way and does not ask students to face difficult tasks without the necessary preparation or support.

Each of the ten units is divided into a vocabulary Section A (Foundation) and a working skills Section B (Higher). **Section A is vital preparation for the target tasks contained in section B.** This structure allows students to develop skills and confidence whilst keeping the focus upon accuracy at all times. At the end of each section there are some exercises in the style of the TOLES exams which test the vocabulary and skills covered in that section. The ten units in this book vary in length. This is for two reasons. The first is that more challenging areas of study, such as understanding contracts, require more explanation and repetition than others. The second is that the amount of time devoted to each unit reflects its relevance to overseas lawyers.

Section A (Foundation)

- Supports students studying towards the TOLES Foundation examination.
- Familiarises students with essential vocabulary to complete the realistic tasks in Section B.
- Incorporates useful 'helpdesk' sections throughout to encourage learner independence.
- A useful study aid in itself towards the entire TOLES exam series.

Section B (Higher)

- Supports students working towards the TOLES Higher examination.
- Encourages active use of the vocabulary introduced in Unit A.
- Based on realistic and stimulating tasks.
- Incorporates useful preposition and collocation banks to assist effective learning.

THE AUTHORS

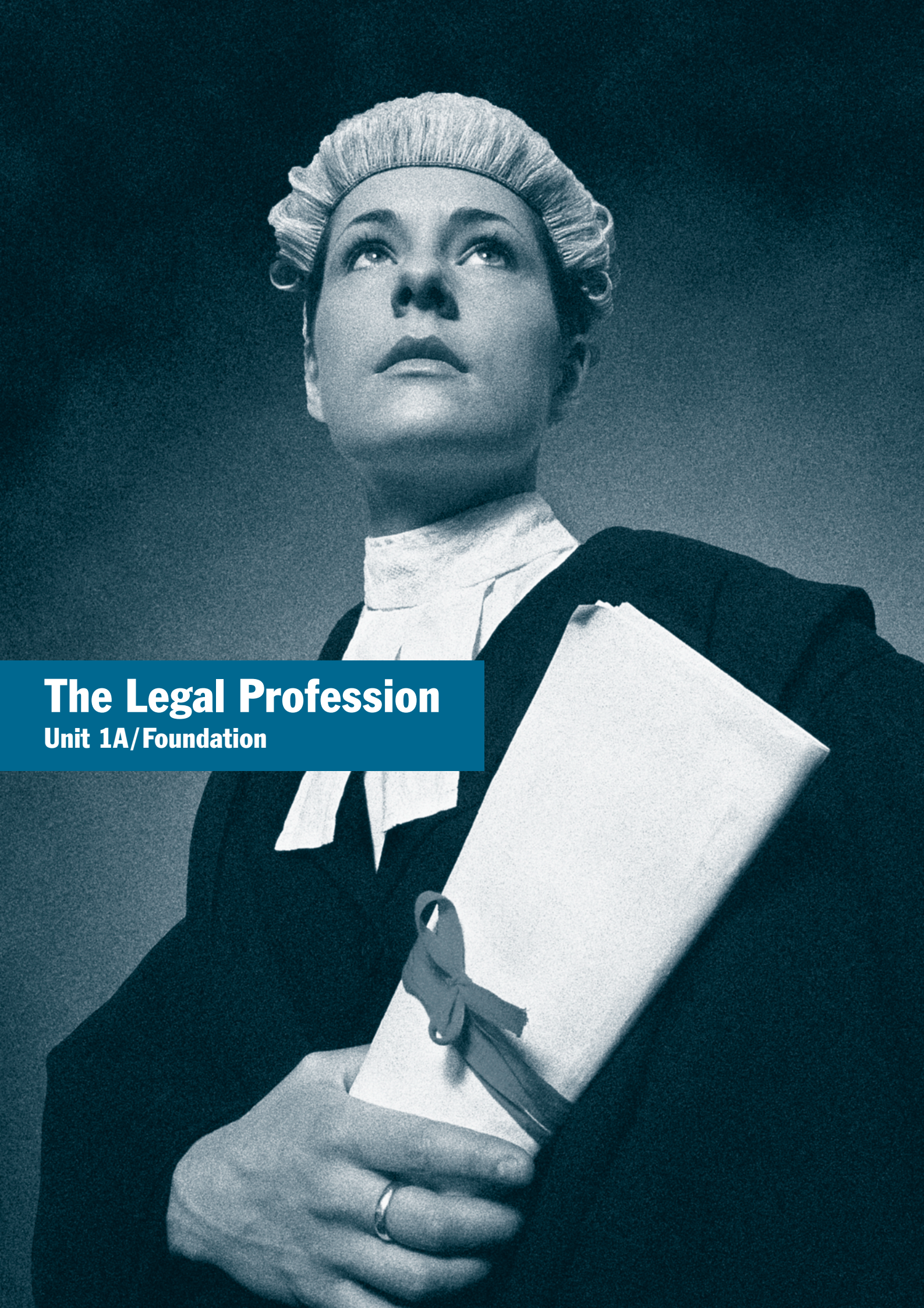
Catherine Mason and Rosemary Atkins are currently teachers of legal English in Cambridge. They both have a legal background as well as being experienced teachers of English as a foreign language. As a team, they have provided training in legal English for numerous leading law firms around the world as well as working with the staff of organisations such as the British Council and The European Court of Justice.

THE TOLES EXAMINATION SERIES

The TOLES examinations are the world's market leaders in legal English examinations. Many organisations have already entered candidates, including the Law Society of England & Wales.

If you would like to know more about TOLES and how the exam series can support you and your students please contact the TOLES office at info@toles.co.uk.

We hope that you find this unit of the book useful and that you enjoy using it.



The Legal Profession

Unit 1A/Foundation

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"/>	Solicitor	<input type="checkbox"/>	Attorney	<input type="checkbox"/>	Barrister	<input type="checkbox"/>	Lawyer
--------------------------	------------------	--------------------------	-----------------	--------------------------	------------------	--------------------------	---------------

- a** This person is a lawyer who gives legal advice and opinions to solicitors. He or she passed the exams of the Bar Council of England & Wales 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 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 division – 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 self-employed lawyers and don't 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 lawyer. True False
- c** Only barristers can speak on behalf of clients in court. True False
- d** Many solicitors work together in partnerships but barristers don't. 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 rather 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 under it 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 a maximum amount of £5000.

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

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

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
- injured person
- 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 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**.

Negligence means that someone was not careful enough and this person's **carelessness** hurt 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. 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 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.

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: _____

- 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.

- | | | | |
|----------------------------|-------|-----------------------------|-------|
| a law of contract | _____ | f employment law | _____ |
| b company law | _____ | g family law | _____ |
| c land law | _____ | h immigration law | _____ |
| d law of tort | _____ | i intellectual property law | _____ |
| e law of equity and trusts | _____ | j 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's my job to make sure everything is correct and that the sale is valid and legal.'
- 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 Edinburgh, which is in Scotland. I defend people who are in trouble with the police. They may even go to prison! It is my job to help them.'
- Sunitta** '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 am 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 is 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 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 | ● criminal law | ● goods | ● the law of tort |
| ● the law of equity and trusts | ● valid | ● intellectual property law | ● family law |
| | ● based in | | ● 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 or 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'm 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 hasn't signed it.

Exercise 5

Look at the words and phrases in the box. All of the words are connected with specific areas of law. Match each of the words with the correct definition.

- | | | | |
|-------------------------------|-------------------|----------------|---------------|
| ● unfair dismissal | ● landlord | ● capital | ● redundancy |
| ● lease of land and buildings | ● maternity leave | ● sick pay | ● partnership |
| ● formation of a business | ● discriminate | ● insolvent | ● merger |
| | ● tenant | ● conveyancing | ● 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 houses.

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.

assets – things that a person or company owns.

debts – sums of money that you owe.

rent – the money that someone pays, usually every month, to use a flat, a house or an office that belongs to someone else.

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

damages

deal with

debt

defendant

discriminate

dispute

divorce

draft

employment law

family law

formation of a business

goods

grounds

harm

hear

immigration law

injured person

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 **q**ualified

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 answer 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.

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

Exercise 2

Look at the article below. Read it 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.

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

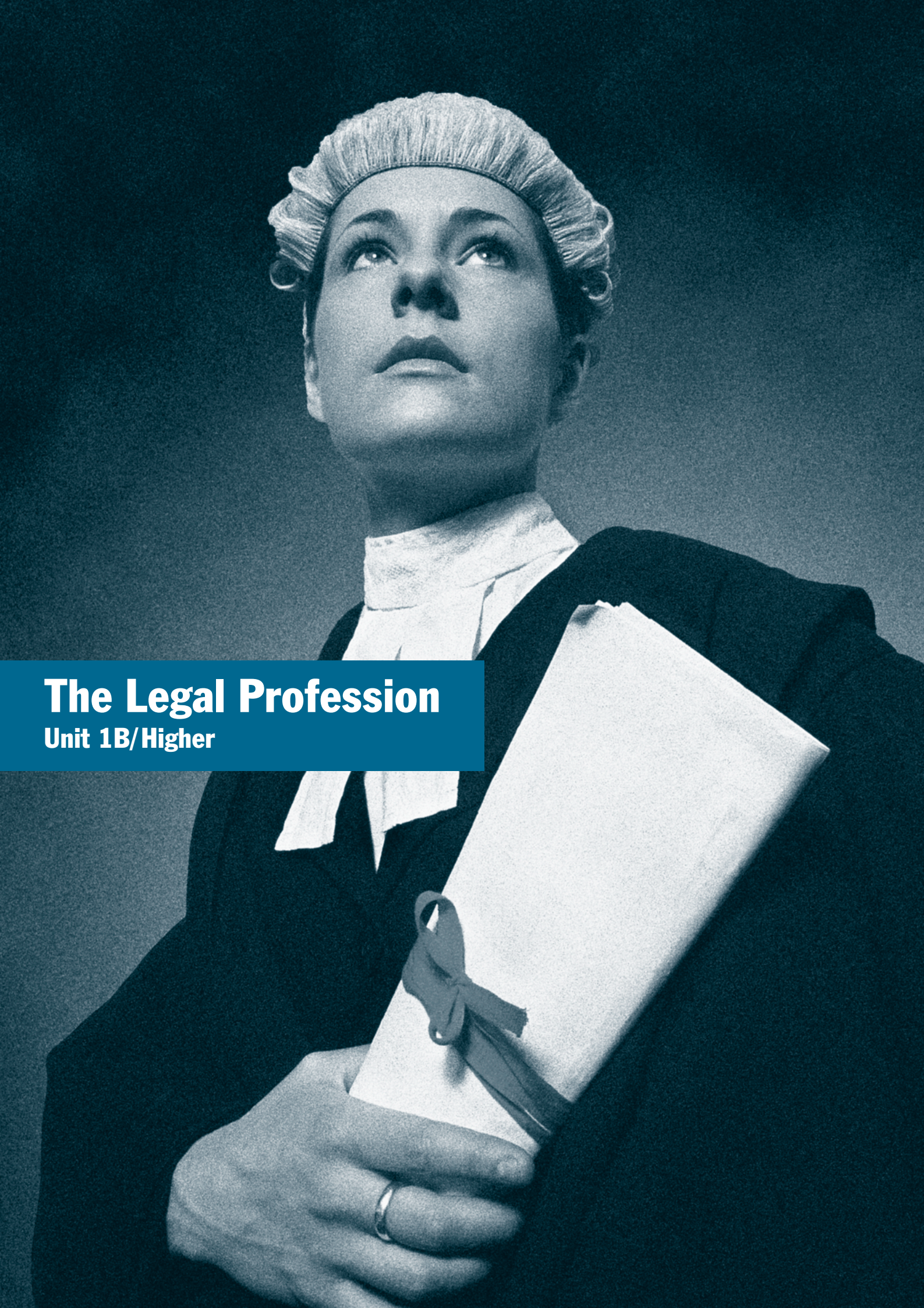
(* FALSE	(1)	(2)	(3)	(4)	(5)
----------	-----	-----	-----	-----	-----

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 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)
---------	-----	-----	-----	-----	-----	-----	-----	-----



The Legal Profession

Unit 1B/Higher

THE LEGAL PROFESSION – WORKING SKILLS

THE IMPORTANCE OF COLLOCATION

Collocations are words that form natural partnerships in English. For example, we say,

'Merry Christmas!

but

'Happy New Year!

Why can't we say 'Merry New Year'? It's because a native wouldn't expect these words to go together. They do not form a good collocation. Legal English is full of collocations. They might be:

- **verb+noun**
Do you **accept liability**?
- **noun+verb**
The **gap** has **widened** between them.
- **verb+adverb**
Could we please **discuss** this matter **rationally**?
- **adjective+noun**
She made a **fatal error**.
- **adverb+adjective**
This is a **highly contentious** dispute.

The key to learning accurate legal English is to have a good familiarity with collocation. Some nouns form good collocations with more than one verb. Some nouns form a good collocation with just one verb. The important thing is to start to notice accurate collocations and memorise them. For example:

Good collocation: to **draft** a contract
to **honour** a contract
to **breach** a contract

Bad collocation: to **write** a contract
to **respect** a contract
to **infringe** a contract

As you work through this book you will see many collocations. To help you notice and remember accurate collocations they have been put into a collocation bank for you, like this:

Collocation bank

- to **draft** a contract
- to **honour** a contract
- to **breach** a contract

Exercise 1

Look at these sentences. They contain collocations that are in Unit 1A. Complete the sentences with a word from the four choices on the next page.

- a Solicitors are allowed to _____ clients in court.
- b I'm afraid I can't help you. I am a commercial lawyer and this is a criminal _____.
- c What are the _____ for your case?
- d I will _____ my final law exams in June of next year.
- e My client is _____ a new factory and he needs advice about the relevant health and safety regulations.

a	A represent	B work for	C stand for	D advocate
b	A issue	B matter	C subject	D point
c	A grounds	B reasons	C motives	D basis
d	A pass	B make	C prepare	D take
e	A starting	B launching	C opening	D initiating

THE IMPORTANCE OF PREPOSITIONS

As you work through this book you will see many prepositions. To help you notice and remember accurate prepositions in a legal context they have been put into a preposition bank for you, like this:

Preposition bank

- an attorney **at** law
'My daughter is an attorney **at** law in Atlanta.'
- to work **on** something
'I'm currently working **on** a merger agreement.'
- to send a cheque **for** an amount of money
'Please send a cheque **for** £2000.'
- subject **to** something
'The goods are for sale at this price subject **to** availability.'

Exercise 1

Complete these sentences with a preposition that you saw in Unit 1A.

- | | |
|--|---|
| a The judge awarded my client €20,000 _____ damages. | d Stephen works for a law firm _____ Manhattan. |
| b Suing someone is a more informal way of saying starting proceedings _____ someone. | e When you are _____ dispute with someone you can start a claim in the civil court. |
| c A small claim is a claim _____ a maximum of £5000. | f Could I take a look _____ your employment contract? |

Exercise 2

Using the knowledge that you have about collocations and prepositions correct the language below.

'My name is Luigi and I am a lawyer **at** Milan. I work **into** a big law firm. Today I am very busy. I am **writing** a contract **to** a new client. This afternoon I am **speaking for** a different client in court. It is a **disrespect** of contract case. I think we will win the case because our **reasons** are very strong.'

'My name is Luigi and I am a lawyer _____ Milan. I work _____ a big law firm. Today I am very busy. I am _____ a contract _____ a new client. This afternoon I am _____ a different client in court. It is a _____ of contract case. I think we will win the case because our _____ are very strong.'

SOLICITORS AND BARRISTERS

Exercise 1

Diana Williams is a lawyer. Today she is going to visit a school in her town to talk to the students about a career in law. Here are some of Diana's notes for her talk. In this section she is talking about the two separate professions that exist in England, solicitors and barristers.

Fill in the gaps in the text with the correct word from the box below.

- | | | | |
|----------------|-------------|-------------|-------------|
| ● partner | ● judge | ● client | ● audience |
| ● qualify | ● practices | ● solicitor | ● associate |
| ● partnerships | ● court | ● attorney | ● issued |

My notes for careers talk at Chatsworth Hill School.

In England we have two different types of lawyer. One is known as a (a) _____ and the other is a barrister. Both are called 'lawyers'. This can be a little confusing because in the USA every lawyer is usually known as an (b) _____. An English law student has to decide at sometime during their university studies which type of lawyer they would like to become when they finally (c) _____ as a lawyer.

Most English law students decide to become a solicitor. These are the lawyers that a (d) _____, the person who pays for the services of a lawyer, will usually meet first. Often the solicitor can help the client without the need for a barrister.

Most solicitors work in small private businesses, known as (e) _____, in what are called 'High Street firms'. This phrase 'High Street firm' refers to a typical, small group of solicitors working together in the type of offices that you can find on the major streets of any English town or city. Many law firms are set up as (f) _____. A young lawyer will usually work first as an (g) _____ of the firm and gain some experience while being paid a fixed salary before being offered the opportunity to become a (h) _____. A typical High Street solicitor usually specialises in a particular area of law, such as family, employment or commercial law. Many people believe that solicitors cannot act for their clients in (i) _____ but this is untrue. Thousands of solicitors appear in court every day, especially in the County Courts where most claims are (j) _____.

The second type of lawyer found in England is known as a barrister. Barristers are usually specialists in a very particular area of law. They give advice and opinions to solicitors and their clients. Barristers have the right of (k) _____ (the right to be heard by a judge) in all of the courts in the land. Barristers often share offices, known by the traditional name of chambers, although they all work alone as individuals because they are forbidden to work as partners. After several years of experience, members of either profession may apply to preside over cases and sit as a (l) _____. Within the English legal system a law student cannot take an exam to be a judge but has to wait to be appointed after some years of experience as a lawyer.

Collocation bank

- to **qualify** as a lawyer
- to **act for** a client
- to **sit** as a judge
- to **gain** some experience
- to **issue** a claim
- to **take** an exam

Preposition bank

- to be known **as** something
'They are known **as** barristers.'
- to qualify **as** something
'She qualified **as** a lawyer two years ago.'
- to go **into** partnership **with** someone
'He is going to go **into** partnership **with** his brother.'
- to specialise **in** something
'Tom specialises **in** commercial litigation.'
- to work **in** a business
'He works **in** a law firm but she works in a bank.'
- to preside **over** a case
'The insurance case has started and Judge Mortimer is presiding **over** it.'

Exercise 2

Look at the solicitors' advertisements on the opposite page. Give the name and the telephone number of the firm of solicitors that I should call if I have the following legal problems:

- a I have reached the age of 50 and I am thinking about what I want to happen to my property after my death.
- b I want to begin a business importing electrical goods from one European Union country into another and I want to know what the rules are.
- c I am a woman who is angry that a man doing the same job in the factory where I work is paid more than I am.
- d I am a visitor to England from the US. I came to work in London 18 months ago, with the permission of the British authorities. However, I only had permission to be here for a year and now I am afraid because I have broken the law.

Firm of solicitors	Telephone number
a	
b	
c	
d	

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1st call for action

Matthew Morrison Solicitors
 51 Queen Anne Square, Chatsworth

*subject to assessment

Exercise 3

Find a word in the advertisements that matches the following definitions.

- | | |
|--|--|
| <p>a Not taking enough care over something that you are responsible for with the result that mistakes are made or someone is hurt.</p> <p>The word is _____</p> | <p>d An organization that exists in order to collect money, food or goods and give them to people who need them.</p> <p>The word is _____</p> |
| <p>b The process of legally transferring the ownership of land or buildings from one person to another.</p> <p>The word is _____</p> | <p>e The state of a business not having enough money to pay what it owes.</p> <p>The word is _____</p> |
| <p>c A situation where someone has to leave their job because they are no longer needed by their employer.</p> <p>The word is _____</p> | <p>f A person or company which pays rent to another person to allow them to live in or use land or buildings.</p> <p>The word is _____</p> |

Exercise 4

Say whether the following statements about the advertisements are true or false.

- | | |
|--|---|
| <p>a If I invent a new type of water heater that I don't want anyone else to be able to copy, I should call 07771 777 5454.</p> | <p><input type="checkbox"/> True <input type="checkbox"/> False</p> |
| <p>b If I want to study law, I should call McCarthy Kyle and Co.</p> | <p><input type="checkbox"/> True <input type="checkbox"/> False</p> |
| <p>c Matthew Morrison will always accept any client on a no win-no fee basis.</p> | <p><input type="checkbox"/> True <input type="checkbox"/> False</p> |
| <p>d The 1st Call Accident Centre specialises in the law of tort.</p> | <p><input type="checkbox"/> True <input type="checkbox"/> False</p> |
| <p>e Matthew Morrison deals with complaints about other solicitors.</p> | <p><input type="checkbox"/> True <input type="checkbox"/> False</p> |

Collocation bank

- to **make** a will
- a **breach** of contract
- to **be made** redundant

Preposition bank

- | | |
|--|--|
| <ul style="list-style-type: none"> ● to import goods from another country
'She imported her car from Belgium.' ● to import goods into a country
'She imported her car into England.' | <ul style="list-style-type: none"> ● to take care over/with something
'Please take care over/with that document because it is very important.' ● to deal with something or someone
'Could you please deal with Mr Jones for me as I am busy this morning?' |
|--|--|

AREAS OF LAW

Exercise 1

Look at the words in the box and decide if they come from **civil law** or **criminal law**.

a robbery	<input type="checkbox"/> criminal	<input type="checkbox"/> civil	e litigation	<input type="checkbox"/> criminal	<input type="checkbox"/> civil
b contract	<input type="checkbox"/> criminal	<input type="checkbox"/> civil	f sue	<input type="checkbox"/> criminal	<input type="checkbox"/> civil
c partnership	<input type="checkbox"/> criminal	<input type="checkbox"/> civil	g business	<input type="checkbox"/> criminal	<input type="checkbox"/> civil
d prison	<input type="checkbox"/> criminal	<input type="checkbox"/> civil	h prosecute	<input type="checkbox"/> criminal	<input type="checkbox"/> civil

Exercise 2

Look at the categories of civil law and match them with the very simple definitions provided.

<input type="checkbox"/> Maritime law	<input type="checkbox"/> I.T. law
<input type="checkbox"/> The law of tort	<input type="checkbox"/> Intellectual property law
<input type="checkbox"/> Business and company law	<input type="checkbox"/> Family law
<input type="checkbox"/> Contract law	<input type="checkbox"/> Employment/labour law
<input type="checkbox"/> The law of equity & trusts	<input type="checkbox"/> The law of real property/conveyancing

- | | |
|--|---|
| <p>a The law that deals with the protection of the rights of inventors (who might invent a new drug or machine) or artistes (who might write a book or a song).</p> <p>b The law that deals with situations where someone has control of property for a period of time and must look after it for the benefit of someone else.</p> <p>c The law that deals with events such as divorce and the custody of (the right to look after) children.</p> <p>d The law that deals with everything connected with information and how it is passed between people, especially by means of the Internet.</p> <p>e The law that deals with land, including transferring the ownership of buildings or land from one person to another.</p> | <p>f The law that deals with private agreements between people or companies and tries to make sure that no one suffers a loss if an agreement is broken.</p> <p>g The law that deals with every citizen's responsibility not to harm other people in any way, even if it is not a contractual or criminal situation.</p> <p>h The law that deals with people's rights, pay or conditions in the workplace.</p> <p>i The law that deals with the way businesses are set up (created) and run (operated) and how they must work in relation to each other and the general public.</p> <p>j The law that deals with everything connected with the sea or ships.</p> |
|--|---|

Exercise 3

Look at the situations below and decide which area of civil law is relevant.

- a** Anna agreed to pay Paul £4000 to landscape the garden at her new house. Paul has now finished the work but Anna says she is not satisfied with it and she has refused to pay him.

The area of law is _____

- b** Caroline and Susan want to start a business together. They need a solicitor to draft an agreement for them about how they will share all the responsibilities of the business.

The area of law is _____

- c** Daniel wants his two year old grandson, Wayne, to have his house when he dies. However, if Daniel dies before Wayne is 21 years old Daniel wants his friend, Harry, to look after the house until Wayne reaches 21 years old.

The area of law is _____

- d** Emily has been in hospital and has been very ill after an operation. She thinks that the doctor was negligent and that he has made her illness worse by his actions. She wants to claim damages.

The area of law is _____

- e** Bill has been married to Ruth for 14 years. However, he now wishes to leave Ruth and live with Jane. Bill and Ruth cannot decide how to share their property between them.

The area of law is _____

- f** Phillip has received an offer to buy his house, but there is a problem with the exact position of the boundary. The buyer's solicitor must check this before the contract is signed.

The area of law is _____

- g** Elisabeth's company transports goods from South America to England by ship. However, there was a bad storm at sea last week and the ship carrying the goods sank off the coast of France.

The area of law is _____

- h** David has been using the Internet to send a lot of private emails at work and his boss says that this is an abuse of the time for which he is paid. David has been sent home from work on full pay because his boss is investigating the situation.

The area of law is _____

Collocation bank

- to **pass** information
- to **suffer** a loss
- to **set up** a business
- to **run** a business
- to **draft** an agreement
- to **claim** damages

Preposition bank

- to pass information **between** two people or **among** a group of people
'Once the confidential information had passed **between** the two of them, it was known **among** the whole group in the office in just a few days.'
- to be married **to** someone
'She has been married **to** Peter for seven years.'
- to be **on** full pay
'The company suspended him from work **on** full pay.'

Exercise 1

Diana Williams has received this letter from a student at the school where she gave her talk. The words that have been underlined are too informal. Complete the same letter on the next page by choosing a better word or phrase from those in the box.

6 The Gate
Chatsworth
CH15 2MM

Miss Diana Williams
Chester and Pelton, Solicitors
227 Gallowgate
Chatsworth
CH1 4NG

24 April 20XX

Dear Miss Williams

Your talk at Chatsworth Hill School last week

Thank you very much for the talk that you gave to our class on Tuesday. It was very interesting. I am thinking very seriously about becoming a lawyer and I hope that you can answer some questions about one or two things that were not included in your talk.


(a) In the first place, I am a little worried about the process of (b) using the civil court to start off a legal process. I am thinking of getting a claim form and some leaflets to try to find out more. If I go to the County Court in Chatsworth, will I be allowed to pick up a claim form just to look at? Also, could you tell me a little more about (c) writing more complicated legal documents such as contracts? I am very nervous about this part of the work. My mother and father bought a new house recently and the solicitor who did the (d) real estate transfer of ownership seemed to do a lot of very difficult paperwork. What happens if I make a mistake? Can the client (e) start a case in the court if I give them (f) wrong advice?

Also, you said that in the future there is going to be a lot of (g) discussing problems with someone who can help find an agreement between clients instead of going to court so often. This worries me a little. Does it mean that there will be less work for lawyers and some firms may think about making people (h) out of work?

(i) Last, you said that lawyers usually work in partnership and are rarely (j) lawyers who work alone. What will happen if I join a partnership about (k) getting the usual pay from my law firm when I am ill, or when I have a baby and I need to take (l) some time away from work to look after him or her?

Thank you in advance for your help.

Yours sincerely



Emma Soame

- mediation
- drafting
- maternity leave
- sick pay
- Finally
- conveyancing
- Firstly
- negligent
- sue
- redundant
- issuing a claim
- sole practitioners

6 The Gate
Chatsworth
CH15 2MM

24 April 20XX

Miss Diana Williams
Chester and Pelton, Solicitors
227 Gallowgate
Chatsworth
CH1 4NG

Dear Miss Williams

Your talk at Chatsworth Hill School last week

Thank you very much for the talk that you gave to our class on Tuesday. It was very interesting. I am thinking very seriously about becoming a lawyer and I hope that you can answer some questions about one or two things that were not included in your talk.

(a) _____, I am a little worried about the process of (b) _____. I am thinking of getting a claim form and some leaflets to try to find out more. If I go to the County Court in Chatsworth, will I be allowed to pick up a claim form just to look at? Also, could you tell me a little more about (c) _____ more complicated legal documents such as contracts? I am very nervous about this part of the work. My mother and father bought a new house recently and the solicitor who did the (d) _____ seemed to do a lot of very difficult paperwork. What happens if I make a mistake? Can the client (e) _____ if I give them (f) _____ advice?

Also, you said that in the future there is going to be a lot of (g) _____ between clients instead of going to court so often. This worries me a little. Does it mean that there will be less work for lawyers and some firms may think about making people (h) _____?

(i) _____, you said that lawyers usually work in partnership and are rarely (j) _____. What will happen if I join a partnership about (k) _____, or when I have a baby and I need to take (l) _____?

Thank you in advance for your help.

Yours sincerely



Emma Soame

LISTENING

**Exercise 1**

Listen to this trainee lawyer speaking about his experience of working for a major law firm in London. Some words are missing from the text. Listen carefully and write the missing words in the box below.

'My name is Rob Jones and I am a trainee with a law firm. I've always wanted to be a **(a)** _____ and I can't imagine doing any other job. I started working here at Taylor Wallis a year ago. Taylor Wallis is a global law firm with its headquarters in the City of London. I studied law at Manchester University but I wanted to do my training contract in London because I am interested in **(b)** _____ law and banking and I think the best positions with the top law firms are here. I think my parents were disappointed that I didn't become a **(c)** _____ and work in chambers and wear a wig in court but I wasn't interested in that at all!

With this law firm the two-year training contract is divided into four periods. Each six-month period is called a 'seat'. My first seat was in the **(d)** _____ department. That really just means dealing with companies and businesses. I was involved in meeting clients, **(e)** _____ documents and took part in some very high value deals. Of course, I had lots of support from the experienced people working on my team (we call them the principals) but I was surprised at how much responsibility they gave me.

My second seat was in the Property department. This involved **(f)** _____ for clients who were buying and selling domestic and commercial property, much of it office buildings here in London. I was able to get some experience of **(g)** _____ as well as a little landlord and **(h)** _____ law when we dealt with rentals.

Next I will be moving into the **(i)** _____ Property department. I'm really pleased about that as it covers quite a few different areas of law and can involve famous clients. At the moment the department is dealing with a breach of copyright case for a famous musician.

I hope to stay with Taylor Wallis when I **(j)** _____ as a lawyer next year. In fact, I'm looking forward to being based in London for most of my legal career.'

a	_____	f	_____
b	_____	g	_____
c	_____	h	_____
d	_____	i	_____
e	_____	j	_____

USING YOUR KNOWLEDGE

1 Collocation review

Complete these sentences with a collocation that you have seen.

- a You are 50 years old now Mr Johnson, you should really think about _____ a will.
 - b If you do not honour your side of the agreement that you have signed, I'm afraid I will have to sue you for _____ of contract.
 - c I have spent the last few hours _____ a business partnership agreement for two new clients.
 - d I finished my training contract and started work two years ago, so I'm fairly new to the legal profession. When did you _____ as a lawyer?
 - e I am thinking of _____ a new business and I need some advice about how to start.
 - f She has been _____ her own business for several years now and she has been very successful.
 - g There are two separate professions who are allowed to _____ law in England but in the USA they don't make this division.
 - h I'm afraid my client _____ a very serious loss due to your client's actions.
 - i We are starting proceedings immediately and we will be claiming _____ of £10,000.
 - j I am going to _____ my law exams in June next year.
-

2 Vocabulary review

Complete these sentences with a word that you have seen.

- a A person who pays rent to a landlord is a _____.
- b He has worked for that company for 20 years but business isn't good at the moment and they might have to make him _____.
- c They went into _____ last year, which means they own and run the business together.
- d She is an expert in _____ procedures. She deals with companies that don't have enough money to pay their debts.
- e She deals with _____. It concerns the buying and selling of land and houses and making sure the ownership of them is legally transferred.
- f The process of two people talking about their legal problem with an independent person to help them agree on a solution is called _____.
- g If you want to sue someone who hasn't been careful enough, the grounds for your case would probably be _____.

- h** The type of lawyer who works in chambers and pleads cases (usually in the higher courts) is known as a _____.
- i** Things that are produced in order to be sold are called _____.
- j** A lawyer in the USA is usually known by the general name of _____.
-

3 Preposition review

Complete these sentences with the correct preposition.

- a** I am working _____ a very interesting merger project at the moment.
- b** A landlord is a person who receives rent _____ someone.
- c** I'm afraid that this firm does not deal _____ criminal law.
- d** I am based _____ Stockholm at the moment.
- e** In your claim form you have made some very serious allegations _____ my client.
- f** She imports goods _____ Germany from China.
- g** Which judge is presiding _____ this case?
- h** We will lend you the money subject _____ confirmation of the amount of your salary.
- i** Please send a cheque _____ £20 to this address.
- j** Have you heard the news? Jennifer and Steven have gone _____ partnership.

TOLES HIGHER EXAM PRACTICE

Exercise 1

There is a word or phrase missing from the following sentences. For each sentence choose the word or phrase which best fits into the space from the options provided. **Put a circle around the correct answer on the answer sheet.**

Do not mark more than one answer for each sentence.

Example: If a person loses his or her job for a reason that is not valid it is called unfair (*) _____.

- 1 Solicitors are allowed to (1) _____ clients in court.
- 2 This is a criminal (2) _____, so I will have to refer you to a colleague who deals with criminal law.
- 3 I studied some landlord and (3) _____ law when I was at university but I don't remember it now.
- 4 It is legal in England and America for some lawyers to work on a no win-no (4) _____ basis.
- 5 I don't think I will ever want to (5) _____ as a judge because I enjoy my job as a solicitor.
- 6 I think it is fair that everyone gets (6) _____ pay for doing the same job.
- 7 I have decided to specialise in land law so I expect to be doing a lot of (7) _____.
- 8 My law firm has a good reputation for handling (8) _____ property cases, especially if computer software is copied without the designer's permission.
- 9 If a lawyer is allowed to be heard in a particular court we say that he or she has right of (9) _____.
- 10 If you want the judge to award you damages from the defendant you will have to prove to the court that you have (10) _____ a loss.

Answer Sheet

	Example:(*) A firing	B redundancy	C dismissal	D release
(1)	A talk for	B act for	C speak for	D advocate for
(2)	A problem	B topic	C subject	D matter
(3)	A renter	B occupier	C tenant	D resident
(4)	A payment	B fee	C salary	D money
(5)	A sit	B practise	C arbitrate	D rule
(6)	A same	B equivalent	C alike	D equal
(7)	A transferring	B assigning	C relocating	D conveyancing
(8)	A invention	B creative	C intellectual	D original
(9)	A speaking	B consultation	C hearing	D audience
(10)	A suffered	B experienced	C had	D endured

Exercise 2

Read the text below and think of the word that best fits each space. Use only one word in each space. Write your answers in the box below.

There is an example at the beginning (*).

Barristers at work

Life as a barrister is prestigious but it can also be extremely stressful. Julia de Burca is a barrister in London. The first difficulty Julia had was to (*) _____ as a barrister at all. Only 500 or so law students manage to pass the Bar Vocational Course in England and Wales every year. In an average year approximately 1,500 students begin the course, so many do not make it.

The Bar Vocational Course is described as a bridge between the academic study of law and having to actually (1) _____ law in the real world. Julia passed the course three years ago.

In a typical day Julia leaves her flat at 7.30am and arrives at (2) _____, the special name for a barrister's office, at 8.30am. Julia shares a building with 14 other barristers. However, they are not partners. Barristers are allowed to share office accommodation but they are not allowed to form (3) _____. Every barrister is self-(4) _____.

If she is representing a client that day Julia travels directly to court. Speaking on behalf of a client in court is called (5) _____ a case. As a barrister, Julia has the right of audience in court at every level. She is a confident (6) _____, which means that she is skilled at speaking in court. Julia is very successful in court, as she loves public speaking. She is also required to do a lot of research and a lot of (7) _____, which means writing legal documents. On days when Julia is not in court she spends her time preparing cases and writing opinions. She usually leaves work at around 7.30 pm, taking any work that is not finished with her. Julia often works long hours over the weekend.

Julia is a specialist in insolvency, so she advises clients who (8) _____ money but for some reason they cannot pay. All of Julia's clients are companies. When a company has financial problems, Julia will advise the company if it can legally continue trading. She sometimes has to defend clients in court when legal (9) _____ have been issued against them. If her client loses the case and the judge awards (10) _____ to the claimant then Julia will advise her client on what to do next.

Example (*) qualify

(1) _____	(6) _____
(2) _____	(7) _____
(3) _____	(8) _____
(4) _____	(9) _____
(5) _____	(10) _____

ANSWER KEY

UNIT 1A THE LEGAL PROFESSION

WORKING IN LAW

Exercise 1 (p3)

- a. Barrister
- b. Attorney
- c. Solicitor
- d. Lawyer

Exercise 2 (p4)

- a. True
- b. True
- c. False
- d. True
- e. False

MAKING A CLAIM IN THE CIVIL COURT

Exercise 1 (p4)

- a. civil
- b. civil
- c. criminal
- d. civil
- e. criminal

Exercise 2 (p5)

- a. True
- b. False
- c. True
- d. True
- e. False
- f. False

Exercise 3 (p6)

- a. pay the court an amount of money for issuing the claim.
- b. send the claim to the defendant's address and make sure that he or she receives it.
- c. confirm that you have received the claim and to say what you will do next.
- d. listen to the details of the claim and listen to what the claimant and defendant say about their dispute.
- e. decide that this person has won the case.
- f. officially announce the result of the case. The judge may give the reasons for the decision.
- g. officially state what someone has to do, and how and when he or she must do it.
- h. can legally take a person's property when that person does not pay money that he or she owes.

Exercise 4 (p6)

- a. issues
- b. fee
- c. serves
- d. respond
- e. hear
- f. find
- g. order
- h. bailiff

AREAS OF LAW

Exercise 1 (p7)

- a. Lawyers say to breach a duty of care.
- b. In England and the USA the law of tort is an area of civil law.
- c. A tort is a type of civil wrong.
- d. The name of this tort is negligence.
- e. Suing means starting proceedings against someone.
- f. The correct name for this money is damages.
- g. The correct name for this arrangement is a no win-no fee arrangement.

Exercise 2 (p8)

- a. suing
- b. negligence
- c. damages
- d. allegations
- e. grounds

Exercise 3 (p8)

- a. Mary
- b. Michael
- c. Tom
- d. Cory
- e. Polly
- f. Kayleigh
- g. Sunitta
- h. David
- i. Jennifer
- j. Alistair

Exercise 4 (p10)

- a. criminal law
- b. merged
- c. intellectual property law
- d. drafting
- e. the law of equity and trusts
- f. based in
- g. family law
- h. goods
- i. the law of tort
- j. valid

Exercise 5 (p10)

- a. insolvent
- b. merger
- c. tenant
- d. Conveyancing
- e. discriminate
- f. Unfair dismissal
- g. Sick pay
- h. lease of land and buildings
- i. formation of a business
- j. partnership
- k. Maternity leave
- l. Capital
- m. Redundancy
- n. landlord
- o. Real estate

Exercise 6 (p11)**Employment law**

- unfair dismissal
- maternity leave
- discriminate
- sick pay
- redundancy

Business law

- formation of a business
- capital
- insolvent
- partnership
- merger

Land law

- lease of land and buildings
- landlord
- tenant
- conveyancing
- real estate

Exercise 7 (p12)

- a. maternity leave
- b. unfair dismissal
- c. sick pay
- d. discriminate
- e. redundancy

Exercise 8 (p12)

- a. formation of a business
- b. capital
- c. insolvent
- d. merger
- e. partnership

Exercise 9 (p12)

- a. tenant
- b. conveyancing
- c. lease
- d. landlord
- e. real estate

TOLES FOUNDATION EXAM PRACTICE**Exercise 1** (p14)

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

Exercise 2 (p14)

1. False
2. True
3. False
4. True
5. True

Exercise 3 (p15)

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

**UNIT 1B
THE LEGAL PROFESSION****THE IMPORTANCE OF COLLOCATION****Exercise 1** (p17)

- a. (A) represent
- b. (B) matter
- c. (A) grounds
- d. (D) take
- e. (C) opening

THE IMPORTANCE OF PREPOSITIONS**Exercise 1** (p18)

- a. in
- b. against
- c. for/to
- d. in
- e. in
- f. at

Exercise 2 (p18)

- a. in
- b. for
- c. drafting
- d. for
- e. acting for/representing
- f. breach
- g. grounds

SOLICITORS AND BARRISTERS**Exercise 1** (p19)

- a. solicitor
- b. attorney
- c. qualify
- d. client
- e. practices
- f. partnerships
- g. associate
- h. partner
- i. court
- j. issued
- k. audience
- l. judge

Exercise 2 (p20)

- a. David Ross & Co (0771 222 0046)
- b. Marion Kaye (0771 777 5454)
- c. Judy Barclay (0771 3339989)
- d. Patel & Co (0771 333 2323)

Exercise 3 (p22)

- a. negligence
- b. conveyancing
- c. redundancy
- d. charity
- e. insolvency
- f. tenant

Exercise 4 (p22)

- a. True
- b. False (this law firm specialises in suing schools and colleges for negligence)
- c. False
- d. True
- e. True

AREAS OF LAW**Exercise 1** (p23)

- a. criminal
- b. civil
- c. civil
- d. criminal
- e. civil
- f. civil
- g. civil
- h. criminal

Exercise 2 (p23)

- a. Intellectual property law
- b. The law of equity and trusts
- c. Family law
- d. I.T. law
- e. The law of real property/conveyancing
- f. Contract law
- g. The law of tort
- h. Employment/labour law
- i. Business and company law
- j. Maritime law

Exercise 3 (p24)

- a. Contract law
- b. Business and company law
- c. The law of equity and trusts
- d. The law of tort
- e. Family law
- f. The law of real property/conveyancing
- g. Maritime law
- h. Employment law

THE REGISTER OF LETTER WRITING**Exercise 1** (p26)

- a. Firstly
- b. issuing a claim
- c. drafting
- d. conveyancing
- e. sue
- f. negligent
- g. mediation
- h. redundant
- i. Finally
- j. sole practitioners
- k. sick pay
- l. maternity leave

LISTENING**Exercise 1** (p27)

- a. solicitor
- b. insolvency
- c. barrister
- d. corporate
- e. drafting
- f. acting
- g. conveyancing
- h. tenant
- i. intellectual
- j. qualify

USING YOUR KNOWLEDGE**Collocation review** (p28)

- a. making
- b. breach
- c. drafting
- d. qualify
- e. setting up/forming
- f. running
- g. practise
- h. suffered
- i. damages
- j. take

Vocabulary review (p28)

- a. tenant
- b. redundant
- c. partnership
- d. insolvency
- e. conveyancing
- f. mediation
- g. negligence
- h. barrister
- i. goods
- j. attorney

Preposition review (p29)

- a. on
- b. from
- c. with
- d. in
- e. against
- f. into
- g. over
- h. to
- i. for
- j. into

TOLES HIGHER EXAM PRACTICE**Exercise 1** (p30)

1. (B) act for
2. (D) matter
3. (C) tenant
4. (B) fee
5. (A) sit
6. (D) equal
7. (D) conveyancing
8. (C) intellectual
9. (D) audience
- 10.(A) suffered

Exercise 2 (p31)

1. practise
2. chambers
3. partnerships
4. employed
5. pleading
6. advocate
7. drafting
8. owe
9. proceedings
- 10.damages