

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 | ● carelessness | ● tort | ● damages |
| ● injured person | ● committed | ● to sue | ● grounds |
| ● allegations | ● negligence | ● no win-no fee | ● 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.