



1

INTRODUCTORY CHAPTER

'A Lawyer will do anything to win a case, sometimes he will even tell the truth.'

Patrick Murray – politician

I. LAWS

Task 1. STRANGE LAWS

1) Complete the facts with the words given below:

<i>against</i>	<i>forbidden</i>	<i>jailed</i>	<i>legal</i>
<i>legally (2x)</i>	<i>permission</i>	<i>punished</i>	

1. In France, it is 1) to call a pig Napoleon.
2. In Ohio, it is 2) state law to get a fish drunk.
3. In the UK, a pregnant woman can 3) relieve herself anywhere she wants – even, if she so requests, in a policeman’s helmet.
4. In San Salvador, drunk drivers can be 4) by death before a firing squad.
5. In Florida, unmarried women who parachute on Sundays can be 5)
6. In the city of York, it is 6) to murder a Scotsman within the ancient city walls, but only if he is carrying a bow and arrow.
7. In Vermont, women must obtain written 7) from their husbands to wear false teeth.
8. In Bahrain, a male doctor may 8) examine a woman’s genitals but is forbidden from looking directly at them during the examination; he may only see their reflection in a mirror.

2) Work in pairs and decide which law is the strangest and why. Why were they introduced?



Task 2. LAWS IN POLAND.

1) Match sentences a- f with their meanings.

1.	Obligation	a)	e.g. You look awful. You should go to the doctor.
2.	Recommendation	b)	e.g. You mustn't tell anybody. It is a secret.
3.	No obligation/ no necessity	c)	e.g. You don't have to do it if you don't want to.
4.	Not allowed /strong recommendation	d)	e.g. We have to wear a uniform at school.
5.	Strong recommendation (+)	e)	e.g. You shouldn't eat too much if you are on a diet.
6.	Recommendation / advice (-)	f)	e.g. You must see this film. It's great!

2) Complete the sentences with *have to* / *don't have to* / *mustn't* / *should* / *shouldn't* so that they are true for Poland.

1. You drive if you have had any alcohol.
2. You do military service.
3. You sunbathe topless in public places.
4. You drink alcohol at work.
5. You wear a seat-belt if you are in the back seat of a car.
6. You vote in a general election.
7. You pay on motorways.
8. You beat your own children.
9. You sell alcohol and cigarettes to teenagers.
10. You possess marijuana.
11. You use a mobile phone while driving.
12. You clear the snow in front of your house in winter.
13. You stop on the motorway.
14. You wear a helmet if you ride a bike.
15. You turn off your mobile during a flight.

3) Compare your answers with a partner. Do you think any of these laws should change?

II. WHAT DOES IT MEAN?

Task 1. Some popular words have a special meaning in Legal English. Read the examples given below and decide which meaning is presented in each sentence.

CASE may mean:

- a) a container for keeping things
- b) an action or suit at law **or**
- c) an instance of disease

1. Sergeant Monk is investigating the murder case.
2. There were thirty cases of tuberculosis in our town.
3. I bought a case of French wine last week.

COURT may mean:

- a) open level area where tennis is played
- b) a place where trials take place and legal cases are decided **or**
- c) the place of residence of a king

1. Martha threatened Adam to go to court if he did not pay the money back.
2. The players were on the court for over two hours.
3. Court life during Henry VIII's reign was amazing.

PARTY may mean:

- a) a person or group involved in a legal proceeding as a litigant.
- b) a social meeting **or**
- c) a political organisation

1. Adam is a member of the Conservative Party.
2. The parties to the agreement signed the contract.
3. Are you coming to my birthday party on Saturday?

SENTENCE may mean:

- a) a court judgment, a judicial decision on punishment **or**
- b) a sequence of words

1. Translate these sentences into Greek, please.
2. My neighbour is serving a life sentence for murdering his wife.

SUIT may mean:

- a) a civil proceeding
 - b) any set of clothes – e.g. a jacket with matching trousers or a skirt
 - c) to be appropriate for somebody
- or**

1. Red suits you best.
2. Margaret looked beautiful in an elegant Chanel suit.
3. The patient's family filed a suit against the hospital for negligence.

What are the Polish equivalents of the words?

Task 2. LATIN IN LEGAL ENGLISH. Match the Latin words often used in Legal English with their equivalents.

- | | |
|------------------------|---------------------------------------|
| 1. as a matter of form | a) <i>inter alia</i> |
| 2. for this purpose | b) <i>per annum</i> [pər 'ænm] |
| 3. that is | c) <i>de facto</i> [dei 'fæktʊ] |
| 4. by itself | d) <i>versus</i> |
| 5. among other things | e) <i>id est</i> |
| 6. per year | f) <i>quasi</i> ['kwɛɪzɑɪ] ['kwɑɪzɑɪ] |
| 7. against | g) <i>bona fide</i> |
| 8. in fact | h) <i>pro forma</i> |
| 9. in good faith | i) <i>ad hoc</i> |
| 10. as if it were | j) <i>per se</i> |

Task 3. FORMAL VERSUS INFORMAL. Replace the words in bold with more formal equivalents given below, changing the verb form where necessary.

1. The contract **1) finishes** in June 2015.
2. This machine was invented to **2) help** the disabled.
3. Passengers are **3) asked** not to leave their luggage unattended.
4. If you **4) want** to leave your job you have to **5) inform** your employer.
5. If you want to **6) look for 7) more** information on the subject ask your teacher.
6. I **8) am sorry** about **9) the problems** it will cause, but **10) the situation** has left me no choice.
7. A mediator may **11) make** the communication between parties **easier**.
8. Illegally parked cars will be removed without any **12) previous 13) information** being given.
9. The academic year **14) starts** in October.
10. They did not want to **15) reveal** the facts about last year's profits.

<i>additional</i>	<i>assist</i>	<i>circumstances</i>	<i>commences</i>	<i>desire</i>	<i>disclose</i>	<i>facilitate</i>	
<i>inconvenience</i>	<i>notice</i>	<i>notify</i>	<i>prior</i>	<i>regret</i>	<i>requested</i>	<i>seek</i>	<i>terminates</i>

III. LEGAL PROFESSIONALS

Match the names of the legal professionals given below with their definitions.

<i>attorney</i>	<i>barrister</i>	<i>judge</i>	<i>paralegal</i>	<i>solicitor</i>	<i>expert witness</i>
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1. A public official authorized to decide on the questions brought before a court of justice
2. A professional person authorized to practice law; conducts lawsuits or gives legal advice
3. Somebody with specialist knowledge concerning the topic that he is to testify about
4. A British or Canadian lawyer who speaks in the higher courts of law on behalf of either the defence or prosecution
5. (In Britain) a lawyer who advises clients on matters of law, draws up legal documents, prepares cases for barristers, etc., and who may represent clients in certain courts
6. A person trained to undertake legal work but not qualified as a professional solicitor or barrister

What are the Polish equivalents?

IV. AREAS OF LAW

The definitions of areas of law have been mixed up. Match the areas of law with the appropriate descriptions.

Employment Law also known as penal law, involves prosecution for an act that has been classified as a crime.

Company Law includes all areas of the employer/employee relationship.

Criminal Law is composed of the laws, rules, and principles of general application that deal with the conduct of nation states and international organizations among themselves as well as the relationships between nation states and international organizations with persons, whether natural or juridical.

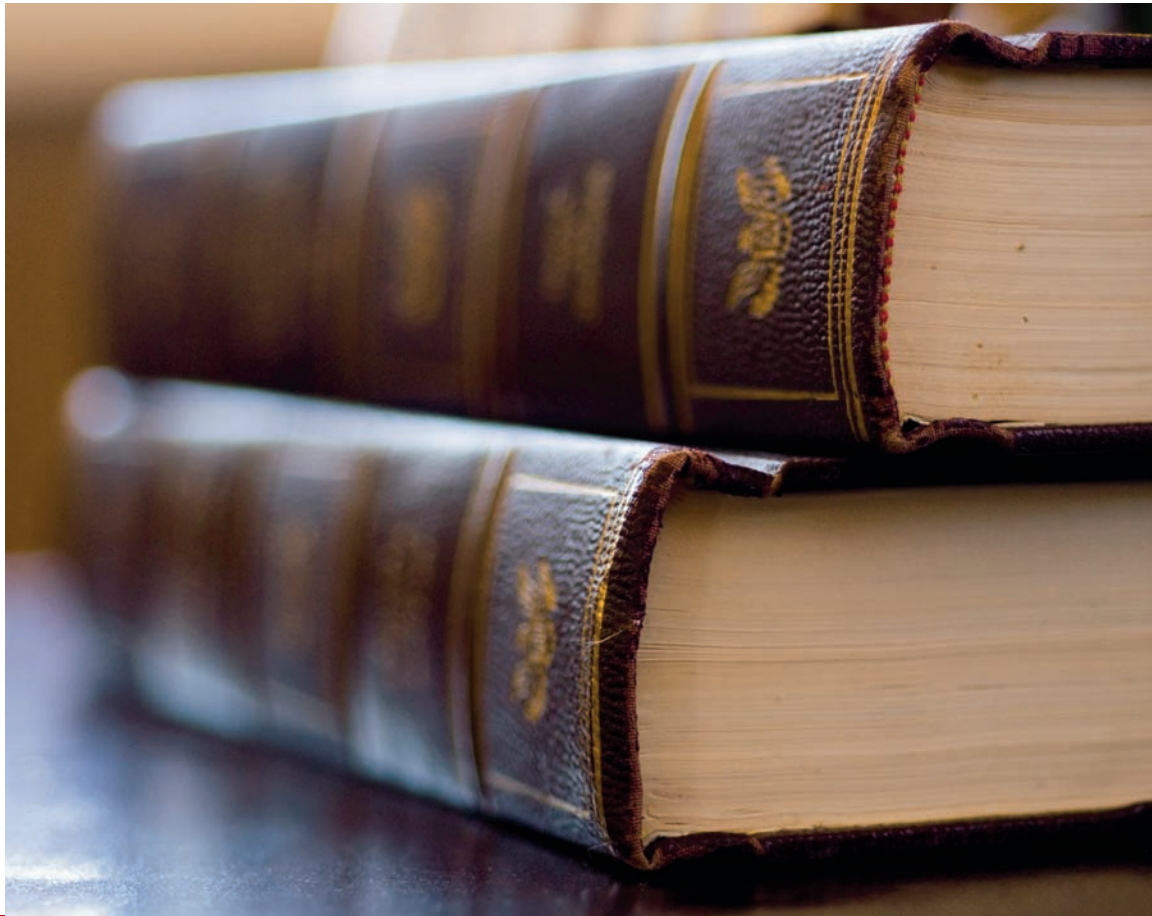
Public International Law is the body of law that governs the activities of administrative agencies of government.

Real Property Law encompasses the laws and regulations that govern banking institutions and financial services.

Financial Law (or the law of business associations) is the field of law concerning companies and other business organizations.

Intellectual Property Law is the area of law that governs the various forms of ownership in real property (land as distinct from personal or moveable possessions) and in personal property, within the common law legal system.

Administrative Law focuses on the regulation of intangible rights regarding ideas, and tangible rights to use particular trademarks, patents and copyrights.



2

CONSTITUTIONAL LAW

“The Constitution is the guide which I never will abandon”

George Washington 1st US President

KEY NOTES

Constitutional law is a **branch of public law** which regulates the political and socio-economic system. The norms of constitutional law are mainly those contained in the Constitution, or the normative act which is **passed** and **amended** through an impeded procedure. The Constitution also regulates the most important issues in the **government system**, as well as having **supreme** legal **authority**, which means that all other normative acts have to remain **in accordance with** the Constitution.

READING

Task 1. Match the names of countries with an appropriate system of government:

- | | |
|-------------|--|
| 1. China | a) constitutional monarchy |
| 2. the USA | b) federal union |
| 3. Japan | c) semi-presidential republic and federation |
| 4. Russia | d) democratic republic |
| 5. Portugal | e) people's republic |

What about Poland ...?

Task 2. Find the words in the text below which mean:

1. a direct vote in which an entire electorate is asked to either accept or reject a particular proposal;
2. one that exercises supreme authority;
3. a draft of a law presented to a legislature to be made into law;
4. change or modification;
5. a legislative or judicial body.

The Constitution of the Republic of Poland (RP) was passed on 2 April 1997 by the National Assembly - the combined **chambers** ['tʃeɪmbəz] of the Sejm [Sejm] and the Senate (the two chambers of the Polish parliament), and subsequently approved by the people in a referendum. The Constitution may be amended only through an extraordinary procedure. An **amendment** [ə'mendmənt] to the Constitution may be passed by a majority of 2/3 of votes in the Sejm and by an absolute majority in the Senate. If the object of the change are regulations in chapter I of the Constitution (the principal rules), chapter II (the rights and freedoms of individuals) or chapter XII (amending the Constitution), a **bill** ['bɪl] to amend the Constitution may be additionally subject to approval by referendum.

The content of the Constitution is special, for it regulates the most important issues of the governmental system. Foremost, the Constitution defines the source of the **supreme** [su'pri:m] power in the state (sovereign power). According to Article 4 of the Constitution of the RP, the **sovereign** ['sɒvrɪn] is the Nation, which executes power through its representatives (members of parliament and senators) or directly (through **referenda** [,refə'rendə]). The Constitution also defines the basic freedoms and rights of people and citizens (chapter II of the Constitution of the RP), issues of ownership and economic relations (articles 20-24 of the Constitution), the territorial structure of the state and territorial local government (article 3, articles 15-17 as well as chapter VII of the Constitution of the RP), the sources of law (chapter III of the Constitution) as well as the mode of amending the Constitution (article 235).

The majority of the text of the Constitution is devoted to the description of the structure and principles of functioning of the state machinery. In democratic countries this structure is based on the separation of powers. According to article 10 of the Constitution of the Republic of Poland (RP), the legislative branch includes the Sejm and the Senate, the executive branch is the President of the RP and the Council of Ministers, and finally, the judicial branch is made up of courts and tribunals.

Task 3. Decide whether the following sentences are True (T) or False (F).

1. The Constitution of the Republic of Poland was passed by the National Assembly and the Sejm and the Senate.
2. The Constitution of the Republic of Poland may only be changed through a special procedure.
3. The supreme power in the country belongs to the Parliament.
4. There are four powers defined by the Constitution: legislative, executive, judicial and the media.
5. The executive branch consists of the Prime Minister of the RP with his/ her Council of Ministers.

Task 4. What are the Polish equivalents of the words in bold?

Task 5. Complete the chart with the help of the text above and your dictionary and fill in the sentences below.

Noun	Verb	Adjective/Adverb
	<i>to approve</i>	
		amended
execution		
government		
		legislative

1. This is a full list of all the ratified and unratified of the United States Constitution which have received the of the Congress.
2. The branch in Poland consists of the Sejm and the Senate.
3. A/ an producer is a producer who is not involved in any technical aspects of the filmmaking or music process, but who is still responsible for the overall production, typically s/he handles business and legal issues.
4. The head of the, the Prime Minister, announced that he was planning to resign from his position.

SPEAKING

Look at the statements below and decide whether you agree or disagree. Tick (✓) the ones you agree with and put a cross (x) next to the ones you disagree with. Think about your reasons.

1. Governments would not change so often if there was a legal obligation to take part in elections.
2. Political parties should be self – financing.
3. Teenagers should study the Constitution at school.
4. The Constitution should be updated every five years.
5. A referendum is the best solution to any problems concerning the Constitution.

In groups discuss your opinions on each situation. Have you reached an agreement?

READING *Separation of powers*

Task 1. Work in three groups. Each group reads a different text: either Legislative Power, Executive Power or Judicial Power. Make notes on the key points. After reading answer the questions. Then discuss your answers in your groups.

Legislative Power

Legislative power is exercised⁽¹⁾ [ˈeksəsaɪzd] by the parliament, which in Poland comprises two chambers: the Sejm and the Senate (chapter IV of the Constitution of the RP). They include members and senators chosen in general and direct elections. The term of the Sejm and the Senate lasts four years. The elections for the two chambers are held⁽²⁾ [ə ˈheld] on the same day.

The most important competence of the Sejm and the Senate is the passing of bills. Bills are always submitted⁽³⁾ [səbˈmɪtɪd] in the first instance to the Sejm. Only when the bill is passed by the Sejm, is it considered by the Senate. The Sejm may reject⁽⁴⁾ [rɪˈdʒekt] the Senate's objection to the bill or the amendments proposed by it. A bill which has been passed by the Sejm must then be signed by the President. Before signing the bill, the President may present it to the Constitutional Tribunal, which is charged with⁽⁵⁾ [ˈtʃɑːdʒd wɪð] checking that bills conform with⁽⁶⁾ [kənˈfɔːm wɪð] the Constitution. The President may also veto the bill; the veto however, may be nullified⁽⁷⁾ [ˈnʌlɪfaɪd] by the Sejm. In addition to passing bills, the Sejm also controls the activities of the executive power (the Council of Ministers).

- (1) wykonywana
- (2) odbywać się
- (3) przedkładać
- (4) odrzucić, odmówić
- (5) zobowiązany
- (6) być zgodny z...
- (7) unieważnić

1. How long does the term of the Sejm and the Senate last?
2. What is the most important competence of the Sejm?
3. What is the procedure for passing bills?

Executive Power

The President of the Republic of Poland (chapter V of the Constitution of the RP), in addition to having executive authority, functions as the Head of State. The President is the supreme representative of the Republic of Poland in both foreign and domestic relations, guarantees the continuity of State authority, ensures observance⁽¹⁾ [əbˈzɜːvənʰs] of the Constitution, safeguards⁽²⁾ [ˈseɪfɡɑːdʒ] the sovereignty and security of the State as well as the inviolability⁽³⁾ [ɪnˌvɪəɪˈbɪləti] and integrity of its territory (Article 126). The President of the RP is elected in general and direct elections, by an absolute majority of votes⁽⁴⁾ [ˈvəʊts].

In spite of the President's strong position, it is the Council of Ministers that conduct the domestic and foreign policy of the Republic of Poland (chapter VI of the Constitution of the RP). The Council of Ministers consists of the Prime Minister and ministers. The Council of Ministers is nominated by the President, but this is conditional on a vote of confidence⁽⁵⁾ [ə ˈvəʊt əv ˈkɒnfɪdənʰs] from the Sejm. A new Council of Ministers

- (1) przestrzeganie
- (2) zabezpieczać
- (3) nienaruszalność
- (4) głosy
- (5) wotum zaufania

is appointed at the beginning of the term of the newly-elected Sejm. Its work is completed at the end of the Sejm's term or upon passing a vote of no confidence by the Sejm. This means that when **recalling**⁽⁶⁾ [rɪ'kɔ:lɪŋ] the Council of Ministers, the Sejm must elect a new Prime Minister. The powers of the Council of Ministers are concerned with the implementation of statutes, the coordination and supervision of State administration, **ensuring**⁽⁷⁾ [ɪn'ʃʊ:rɪŋ] the internal and external security of the State, as well as general jurisdiction over the field of international relations.

- (6) **odwołać**
- (7) **zapewnić**

1. What functions does the President of the Republic of Poland perform?
2. How is the President elected?
3. What are the powers of the Council of Ministers?

Judicial Power

Judicial power is exercised by the courts of law and tribunals. In Poland there are two types of courts: common and special courts. The common courts are district courts, regional courts and the courts of appeal. At their head is the Supreme Court of the Republic of Poland. The special courts are military and administrative courts. The Constitution guarantees the principle of independence of the courts and judges. The judges are only subject to the Constitution and statutes. They can neither be removed from their positions nor arrested without the prior consent of a court.

The judiciary also **embraces**⁽¹⁾ [əm'breɪsɪz] the Constitutional Tribunal and the Tribunal of State. Among the competences of the Constitutional Tribunal is deciding upon the compatibility of statutes and other normative acts with the Constitution or other acts of higher rank. Moreover, the Constitutional Tribunal **settles conflicts**⁽²⁾ ['setlɪz 'kɒnfliktɪz] of competence between the central constitutional state organs and decides whether the aims and activities of political parties conform to the Constitution, as well as **adjudicating**⁽³⁾ [ədʒu:dɪkeɪtɪŋ] on constitutional complaints.

The Tribunal of State adjudicates upon the constitutional **accountability**⁽⁴⁾ [ə,kaʊntə'bɪlətɪ] of the President, the Prime Minister, ministers and others exercising the highest offices of State. An **indictment**⁽⁵⁾ [ɪn'daɪtmənt] against the President of the Republic is brought by the National Assembly, against the others, by the Sejm. The Tribunal of State may adjudicate on a dismissal from office or post, a deprivation of public rights, and if an offence is committed, penalties fixed by the penal code.

- (1) **obejmować, dotyczyć**
- (2) **rozstrzyga**
- (3) **rozstrzygać**
- (4) **odpowiedzialność**
- (5) **akt oskarżenia**

1. What types of courts are there in Poland?
2. What are the competences of the Constitutional Tribunal?
3. What are the competences of the Tribunal of State?

Task 2. Form new groups of three people, each of whom has read a different text. Exchange information and complete the chart below. If there is no information in the text write NI (no information) in the chart.

	<i>The Legislative Power</i>	<i>The Executive Power</i>	<i>The Judicial Power</i>
Organ(s)			
Competences and functions			
How are they chosen?			
For how long?			

****Task 3.** Work in groups. Find words or phrases in the text which are similar in meaning to the definitions below. The first group to finish is the winner.

The Legislative Power

to legally invalidate (v.)

the time something lasts (n.)

a political right to disapprove of (and thereby stop) the process of a decision, a law (n.)

to be in agreement or harmony (v.)

an act or process of choosing (n.)

The Executive Power

highest in rank or authority (adj.)

an act or instance of following a custom, rule, or law (n.)

an expression of approval (n.)

the process of moving an idea from concept to reality (n.)

the state of being free from danger, damage, or worry (n.)

The Judicial Power

acceptance or approval of what is planned or done by another (n.)

former, previous (adj.)

an expression of strong political disapproval (n.)

responsibility to someone or for some activity (n.)

to apply to a higher court to review a case decided by a lower court (v.)



PROBLEM! *Competence Dispute*

Background

In October 2008, a conflict arose between President Lech Kaczyński and Prime Minister Donald Tusk over the composition of the Polish delegation to the European Council summit. The essence of the conflict was a dispute over the President's powers in the following matter: whether the decision on the make-up of the delegation lies at the discretion of the President, or whether it ultimately belongs to the Prime Minister. During the most explosive stage of the conflict, the Prime Minister's office refused the President access to the governmental plane and as a consequence, Lech Kaczyński flew to Brussels on a chartered aircraft. EU law does not deal with specifying the make-up of countries' delegations. Nevertheless, in light of Article 15 of the Treaty on the European Union, those persons who participate in European Council sessions are the Heads of State or Government of the Member States, together with the President of the European Council and the President of the Commission. The ultimate make-up of the delegation is decided by the member states.

The result of the dispute was Prime Minister Donald Tusk's application to the Constitutional Tribunal to consider the conflict of jurisdiction between himself and the President over the make-up of the delegation for the European Council summit. Is it a matter of concern to the adjudication who, the President or the Prime Minister, should make the ultimate decision in this matter?

Glossary

adjudication (n.) [ə,dʒu:dʒɪ'keɪʃən]	a formal decision on a dispute given by court
discretion (n.) [dɪ'skreʃən]	freedom to act or judge on one's own
summit (n.) ['sʌmɪt]	a meeting of heads of governments or other high officials
ultimately (adv.) ['ʌltɪmətli]	finally, basically

Tasks

1. Work in groups. Group A, turn to page 312, read the text and prepare your arguments for discussion. Group B, turn to page 317, read the text and prepare your arguments for discussion. Group C – the members of the Constitutional Tribunal go to page 322.
2. A meeting of the three groups starts. Each group's spokesperson presents his/her group's point of view.
3. The members of the Constitutional Tribunal leave the room to reach a decision. After 10 minutes they present their verdict.

EXTRA PRACTICE CORNER

Task 1. Which article is it? Match English sentences with their Polish equivalents.

1. Legislative power shall be vested in the Sejm and the Senate, executive power shall be vested in the President of the Republic of Poland and the Council of Ministers, and the judicial power shall be vested in courts and tribunals.
2. Supreme power in the Republic of Poland shall be vested in the Nation.
3. The Constitution shall be the supreme law of the Republic of Poland.
4. The financing of political parties shall be open to public inspection.
5. The Nation shall exercise such power directly or through their representatives.
6. The system of government of the Republic of Poland shall be based on the separation of and balance between the legislative, executive and judicial powers.
7. The Republic of Poland shall be the common good of all its citizens.
8. The organs of public authority shall function on the basis of, and within the limits of, the law.
9. The Republic of Poland shall respect international law binding upon it.
10. The Republic of Poland shall be a unitary State.

The Constitution of the Republic of Poland (1997)

Art. 1.

Rzeczpospolita Polska jest dobrem wspólnym wszystkich obywateli.

Art. 2.

Rzeczpospolita Polska jest demokratycznym państwem prawnym, urzeczywistniającym zasady sprawiedliwości społecznej.

Art. 3.

Rzeczpospolita Polska jest państwem jednolitym.

Art. 4.

1. *Władza zwierzchnia w Rzeczypospolitej Polskiej należy do Narodu.*
2. *Naród sprawuje władzę przez swoich przedstawicieli lub bezpośrednio.*

Art. 5.

Rzeczpospolita Polska strzeże niepodległości i nienaruszalności swojego terytorium, zapewnia wolności i prawa człowieka i obywatela oraz bezpieczeństwo obywateli, strzeże dziedzictwa narodowego oraz zapewnia ochronę środowiska, kierując się zasadą zrównoważonego rozwoju.

Art. 6.

3. *Rzeczpospolita Polska stwarza warunki upowszechniania i równego dostępu do dóbr kultury, będącej źródłem tożsamości narodu polskiego, jego trwania i rozwoju.*
4. *Rzeczpospolita Polska udziela pomocy Polakom zamieszkałym za granicą w zachowaniu ich związków z narodowym dziedzictwem kulturalnym.*

Art. 7.

Organy władzy publicznej działają na podstawie i w granicach prawa.