



TEXT 3

JUDICIAL COOPERATION IN CIVIL AND COMMERCIAL MATTERS (Language Training Materials)

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I VOCABULARY EXERCISES

1. Match the terms in column A with their definitions in column B

| A | B |
|-------------------------------|---|
| Inoperative agreement | 1. Right associated with a property, not based on any personal relationship |
| Prorogation | 2. A legal arrangement to manage the assets of someone else |
| Authentic instrument | 3. The procedure for the declaration of a judgment delivered in one Member State as enforceable in another Member State |
| Tenancy of immovable property | 4. Period during which someone who has a right to claim against another person must start court proceedings (if he does not make the claim in time, this may be used as a defence to the claim) |
| Counter-claim | 5. To order a person not to move money, not to sell assets |
| Bail | 6. The party wishing to enforce the judgment |
| Trust | 7. A person who starts an action against someone in the civil courts |
| Settlor | 8. The right to use land or live in a building in exchange for rent; the period of time for which you have the right to use a building or a piece of land |
| Trustee | 9. A legal case that a person or an organization starts against someone who has brought a case against them |
| Exequatur procedure | 10. A court order that gives an official the right to do something such as take a person's property in order to pay someone the money that person owes them |
| Public policy | 11. A document which has been formally drawn up by a notary or in some other way given public authority and authentication, for example through registration in a public register or in the court |
| Transliteration | 12. The situation where parties to a contract have agreed to refer any dispute arising from the contract to the decision of a specific court or the courts of a specific legal system |



| | |
|--|--|
| Judgment creditor (as opposed to judgment debtor) | 13. A person who creates a trust and puts money, property, etc. into it |
| Writ of execution | 14. <i>Order public</i> , public order |
| Court settlement | 15. An amount of money that a person who has been accused of a crime pays to a law court so that they can be released until their trial. The payment is a way of making certain that the person will return to court for trial |
| Litigant | 16. Country where someone is deemed to live permanently, where a company's office is registered (especially for tax purposes) |
| Winding-up of insolvent companies | 17. Orders, which have the power of Acts of Parliament, but which are passed by a minister to whom Parliament has delegated its authority; (in the EU) legislation which is proposed by the Commission and implemented by the Council of Ministers |
| Limitation period | 18. A person who is asked to give his/her opinion on a particular subject in a law court because of their knowledge or practical experience of that subject |
| Security | 19. Failure to appear before a court |
| Freeze | 20. The process of closing a business that is not successful and has debts that it cannot manage |
| Interim relief or interim remedy | 21. Judgment without trial against a defendant who fails to respond to a claim |
| Expert witnesses | 22. Changing (letters, words, etc.) into corresponding characters of another alphabet |
| By operation of law | 23. Something given as a guarantee for paying back a loan, a debt (unaccountable) |
| Plaintiff | 24. Right to hold goods or property; Document proving a right to hold a property |
| Securities | 25. Making something legal |
| In default of appearance | 26. Having no legal force; not having effect or power |
| Judgment by default or default judgment | 27. A person, often one of a group, who controls property and/or money for another person or an organization; A beneficiary of a trust |
| Right <i>in rem</i> | 28. Action by a court to grant relief to a party while a claim is being processed, and even |



| | |
|--|--|
| | after judgment has been given (e.g. interim injunctions, freezing injunctions, search orders, inspection of property, interim payments, etc.) |
| Defendant | 29. To adjudicate (a cause of action) as insufficient to proceed further in court because of some deficiency in law or fact |
| Pre-emption | 30. A settlement which has been approved by a court of a Member State or concluded before a court of a Member State in the course of proceedings |
| Delegated acts, delegated legislation | 31. Stocks and bonds |
| Legalisation/Legalization | 32. A person engaged in a lawsuit |
| To dismiss an action | 33. A method of acquiring rights in real estate without any specific intention or even knowledge on the part of the owner. Spouses may gain rights through homestead, dower (widow's rights), curtesy (widower's rights), or community property statutes |
| Domicile | 34. Right of first refusal to purchase something before it is sold to someone else |
| Title | 35. A person who is sued in a civil case; In a criminal case: usually called the accused |

2. Collocations: Match the verbs in column A with appropriate nouns in column B so as to get 9 collocations and make up/write a sentence for each collocation

| A | B |
|-------------------------------|-----------------|
| a. to seize (in passive form) | 1. jurisdiction |
| b. to stay | 2. a judgment |
| c. to lodge | 3. a case |
| d. to hear | 4. a settlement |
| e. to serve | 5. an action |
| f. to contest | 6. an account |
| g. to bring | 7. a court |
| h. to preserve | 8. an appeal |
| i. to conclude | 9. proceedings |



- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

3. Complete the following collocations by using one of the following words: deliver, lodge, set, dissipate, enter, recover, withdraw, contest, strike, file, launch, release, freeze, effect, undertake

- a. To _____ an appearance
- b. To _____ a pecuniary claim
- c. To _____ a claim
- d. To _____ the EEO certificate
- e. To _____ funds
- f. To _____ a lawsuit against
- g. To _____ the EEO certificate
- h. To _____ a court hearing
- i. To _____ procedural steps
- j. To _____ service on sb
- k. To _____ a special review against the judgment
- l. To _____ a debt
- m. To _____ assets
- n. To _____ an account
- o. To _____ a balance between the creditor's and the debtor's interests



4. Think of a synonym or a near synonym for each of the following words/expressions

Recast

Recoverable

Forum

Costs

Judgment

To institute proceedings

Penalty

Outstanding (in terms of payment)

Manifestly

Litigant

Lawsuit

A question

To hamper

Remuneration

Warranty

Expedient

Without delay

To supersede a convention

To repeal a regulation

Plea

Come within the concept

Civil summons

Adversely

On the ground of

To corroborate



5. Provide Latin expressions in column A for the English descriptions in column B

| A | B |
|------------------|--|
| Acta..... | Liability of the State for actions or omissions in the exercise of state authority; Acts by right of dominion; activities of a governmental or public nature carried out by a foreign State or one of its subdivisions. This term is commonly used in conflict of laws |
| | Pending suit ; a suit pending in a court that concerns the title to land; a notice filed to warn interested persons of such a suit |
| | Among other things |
| | Of its own motion |
| | The necessary changes having been made; having substituted new terms; with respective differences taken into consideration. |
| | On the contrary |
| | Above |
| Ex ... | From (by or for) one party An ex parte decision is one decided by a judge without requiring all of the parties to the controversy to be present |
| Ex ... | From the outset |
| Ex ... | From now on |
| E..... o.... | Towards all or towards everyone; In international law it has been used as a legal term describing obligations owed by states towards the community of states as a whole. |
| Forum | The court in which the property is situated |

6. Turn the following verbs into nouns and make up sentences

E.g. to continue – continuation, continuity

The continuation of the proceedings is required for the purpose of the proper administration of justice.

to apply –

to receive –

to serve –

to hear –

to enforce -



to recognise -

to settle -

to refuse -

to infringe -

to enforce –

to withdraw –

to rectify –

to acknowledge –

rescind –

7. Create antonyms by using one of the following prefixes: in-, irr-, un-, non-,

reconcilable -

compatible –

recoverable –

respective –

competent –

relevant –

known –

And some more antonyms. Can you think of equivalents for the following expressions

constitution/establishment of a company -

to raise a plea -

to decline jurisdiction -

to accept jurisdiction –



8. Identify synonyms/near synonyms for the terms below from among the following words:

revise/correct, responsibility, remedy, demanded by law, prompt/fast, slow and inefficient (e.g. a procedure), to show or establish with strong proof or evidence, accompanying

- a. concomitant –
- b. substantiate -
- c. cure -
- d. rectify -
- e. liability -
- f. mandatory -
- g. speedy -
- h. cumbersome -



II GRAMMAR REVISION

1. **Present perfect simple or continuous?** Underline the correct form. Sometimes both are possible. Please explain your choice.
(Oxenden, Clive and Latham-Koenig Christina (1997): 73)

- a. I've written/I've been writing letters all morning.
- b. I've written/I've been writing seven letters.
- c. I think he's broken his leg./I think he's been breaking his leg.
- d. How long have you lived/have you been living here?
- e. How long have you known/have you been knowing each other?
- f. We've painted/We've been painting the house.

2. **Complete the following passages by putting the verbs in one of the past tense or present tense forms:**

a. From the Opinion of Advocate General Sharpston delivered on 13 July 2016 Case C-188/15 Asma Bougnaoui Association de défense des droits de l'homme (ADDH) v Micropole SA. <http://curia.europa.eu/juris/document/document.jsf?docid=181584&doclang=en>. Downloaded on 22/05/2017

Ms Asma Bougnaoui _____ (to employ, passive voice) as a design engineer by Micropole SA, a company described in the order for reference as specialising in advice, engineering and specialised training for the development and integration of decision-making solutions. Prior to working for that company as an employee, she _____ (to complete) a period of end-of-studies training there. Her contract of employment with Micropole _____ (to start) on 15 July 2008.

On 15 June 2009, she _____ (to call, passive voice) to an interview preliminary to possible dismissal and she _____ subsequently _____ (to dismiss, passive voice) by letter of 22 June 2009.



In November 2009, Ms Bougnaoui _____ (to challenge) the decision to dismiss her before the Conseil de prud'hommes (Labour Tribunal), Paris, claiming that it _____ (to be) a discriminatory act based on her religious beliefs. The Association de défense des droits de l'homme (Association for the protection of human rights; 'the ADDH') _____ (to intervene) voluntarily in those proceedings. By judgment of 4 May 2011, that tribunal _____ (to hold) the dismissal to be well founded on the basis of a genuine and serious reason, _____ (to order) Micropole to pay Ms Bougnaoui the sum of EUR 8 378.78 by way of compensation in respect of her period of notice and _____ (to reject) her other claims on the merits.

On appeal by Ms Bougnaoui and cross-appeal by Micropole, the Cour d'appel de Paris (Court of Appeal, Paris) _____ (to uphold) the judgment of the Labour Tribunal by judgment of 18 April 2013.

Ms Bougnaoui _____ (to bring) an appeal against that judgment before the referring court. Since that court ____ (to be) uncertain of the correct interpretation of EU law in the circumstances of the case, it _____ (to refer) the following question to the Court of Justice under Article 267 TFEU...

3. Put the verbs in the right narrative tense.

(Oxenden, Clive and Latham-Koenig Christina (1997): 40)

It _____ (be) 9.30, and Adam _____ (sit) in the restaurant waiting for Rose to arrive. He _____ (be) tired, because he _____ (travel) all afternoon. He _____ (feel) nervous, too. He _____ (not be) sure if she would recognize him after all this time. It _____ (be) difficult to believe but they _____ (not see) each other for ten years now. He _____ (wonder) if she _____ (change) much. Ten years ago she _____ (be) attractive, but not beautiful. He _____ (look) at his watch again. He _____ (wait) for half an hour. She _____ (promise) to be there at about 9.00, but she _____ (never be) a very punctual person. He _____ (order) a glass of red wine. Suddenly, he _____ (see) her. She _____ (wear) a long coat and _____ (look) round the other tables, obviously looking for him. He _____ (stand up) and _____ (walk) towards her. "You look fantastic, Mum," he _____ (say)...



4. Put the verbs in the sentences below in the appropriate future tense

- a. This Regulation _____ (apply) from 18 January 2017.
- b. If the judge has decided that the claimant is entitled to damages, he or she _____ (have to) go on to decide on the amount.
- c. The organisers _____ us out for dinner tonight.
- d. This time next month, the decision _____ (reach, passive).
- e. _____ (make) myself a lunch, would you like some?
- f. The seminar _____ (start) at two o'clock in the afternoon.
- g. By this time next month, he _____ (write) all the judgments.
- i. Don't call her tomorrow between 9 and 10 in the morning. She _____ (hear) a case.
- j. The Tribunal _____ (adjourn) until three o'clock.

5. Passive voice: Change the focus of the sentences below by putting them in the passive voice:

- a. Jack's company will bear all the costs.
- b. The working group drew up a draft legislation proposal.
- c. The court will hear the case next month.
- d. Mrs. Peters withdrew her plea.
- e. They took desperate steps in order to prevent the freezing of their account.
- f. The media report that there is a great backlog of cases at our courts.
- g. She will seek protection from the Municipal Criminal Court.
- h. The Commission's decision is not binding on the Member State in this case.
- i. The Advocate General gave a rather lengthy and complicated opinion.



- j. Our company has been keeping the records of all the clients since 2007.
- k. The court order forbade him to approach Ms. Jones.
- l. Some people think that courts are not efficient enough.

6. Complete the following sentences (Modal Verbs: could, should, would, must, may + Perfect Infinitive):

1. If the judge had referred a question for a preliminary ruling to the Court of Justice of the European Union, he _____ (to decide) it in a different manner.
2. He _____ (not do) that if he wanted to be invited to that party.
3. If judge Peters had called his fellow judge in France, he _____ (to obtain) an explanation of all the technical terms in the case.
4. If the child had not been heard, the court _____ (not issue) the judgment.
5. If her lawyer had prepared better, she _____ (win) the case.
6. Peter _____ (withdraw) his request if he had previously received all the required information.
7. If the child's parents _____ (not divorce), the child would not have moved to France.
8. He _____ (be) very popular – people loved his songs.
9. It _____ (be) Mary to tell you that. She was not at the meeting when we discussed it.
10. It _____ (be) Mary to tell you that. She was the only one of us who attended that meeting.



III CONVERSATION SKILLS

1. Three tips for surviving a British workplace; *By Kieran Nash*

(<http://www.bbc.com/capital/story/20170309-three-tips-for-surviving-a-british-workplace>.

Downloaded on

26/04/2017)

Certain **quirks** of the British workplace often leave newcomers **baffled** – from saying ‘please’ to frequent trips to the pub. Here are three tips for navigating office life.

If you’re an **expat** working in the UK for the first time, you’ll have to adapt to more than colleagues who have a **penchant** for tea and use phrases like ‘bank holiday’ and ‘**loo**’. From how frequently you might want to use words like ‘please’ and ‘thank you’ to when you should really show up for that 10am meeting, nearly every aspect of British work life will differ from what you’re used to – even if you come from the English-speaking US.

Thank you, please

As the saying goes, good manners cost nothing. Adding a ‘please’ or a ‘thank you’ to everyday interactions can make things go a lot more smoothly, but how we use these words – and how they’re received – depend on where we’re from.

London and surrounds offer an irresistible cacophony of nightlife, food and drink, natural wonders and world-leading culture for you to check out. We’ve **delved into** London and its neighbouring cities of Brighton, Bristol, Liverpool and Manchester – all within approximately 2 hours – to unlock their best-kept secrets.

Brits used the word ‘please’ twice as much as their American **counterparts**

Researchers at the University of Sussex and University College London looked at the presence and absence of the word “please” in 1350 requests in British and American corporate emails. They found that Brits used the word more than twice as much as their American counterparts.

This study, due to be published in the Journal of Politeness Research, would seem to back **conventional wisdom** that Brits are more polite than their **‘brash’** American counterparts – but the answer is not so straightforward.



“What we found is that Americans use please a lot less than the British do, yet they don’t find each other less polite for that,” says Dr Lynne Murphy, a co-author of the study and reader in linguistics at the University of Sussex.

In British working culture, it’s important to use the right words in the right situations, she says. “Set phrases that signal that ‘I’m doing this the right, polite way’ are more important in British culture” than in the US, she says. For example, Brits use the phrase ‘please find attached’ at 10 times the rate of Americans.

But Murphy found Americans are more likely to say please when they feel there’s a power imbalance – for example, between parents and children. It’s likely to make someone feel like you’re begging or feeling superior, she says. Instead, Americans place more value on saying ‘thank you’.

“That **goes along with** the idea that American politeness culture is very solidarity oriented – it’s about making people feel good about themselves and about each other,” she says.

While Brits were similar in this sense, Murphy says it has been more important historically for Brits to acknowledge the distance and the roles between people though, she notes, this has been changing in the 21st century.” (Though perhaps not as quickly as we might think.)

So what to do as a newcomer? “Be super, super aware that any time that anyone’s doing something that makes you uncomfortable, there’s a very good chance that’s not their intention.

“A lot of times, it’s little things about how people communicate.”

British politeness doesn’t just cover please and thank you – there is also a complicated dance of **small talk** and conflict resolution that newcomers have to learn to avoid confusion in the office.

The quirks of politeness can even have a price tag. One 2015 survey of 1,000 managers found that over-politeness could be costing British businesses millions, for example, 20% of those polled felt they had not challenged a **fraudulent** expense claim.



Be on time

Those entering the British workforce from countries with a **lax approach** to meetings and deadlines may be in for a shock.

The UK is one of the more punctual nations in the world, according to Erin Meyer, INSEAD professor and author of The Culture Map. Showing up late to a meeting is never a good look – we found perceptions of unpunctual people are almost always negative, no matter the good intentions of the latecomer.

Pints after five

Boozing has long been a part of Britain's work culture – so much so that investment market Lloyd's of London made headlines around the world last month when it banned its staff members from daytime drinking.

While daytime drinking is becoming less common for most industries, and while young Brits are drinking less overall than they did a decade ago, if you look in most city pubs during the weekday after 5pm you're likely to find colleagues **wetting their collective whistles**.

While beers after work can encourage **camaraderie** and even help managers and board members get along, there's a danger in overdoing it – especially for a newcomer not acquainted with the culture of the office.

Discussion points

What is this text about?

Is there a particular work culture in your country? How would you describe it?

In what ways, if any, does it differ from the customs described in this article?

English proverbs

Make up the proverbs using the following words and explain the meanings of the proverbs: jealous, sauce, do, denied, ignorance, flock, never

Birds of a feather _____ together.



When in Rome, _____ as the Romans.

Better late than _____.

The law is a _____ mistress.

Justice delayed is justice _____.

_____ of the law is no excuse.

What's _____ for the goose is sauce for the gander.

2. ECJ on Pammer and Hotel Alpenhof by Marta Requejo on 11 December 2010

(<http://conflictoflaws.net/2010/ecj-on-pammer-and-hotel-alpenhof/>. Accessed on 12 April 2017)

Fill in the gaps with the following words:

within, trader, affirmative, reference, at, on, balance, consumer, judgment, lack, clientele, interpretation, conclude, freighter, raise, sum, confirm, determine, via, dismiss, insufficient, domicile, reimbursement, exhaustive, ascertain, number, stay, evidence, sue, fault, hear, submit, interest, intermediary, jurisdiction, mention, namely, outlay, provide, question, before, than, to, thereof, vessel, access, dispute, itinerary

Some words can be used more than once. Please put the nouns and verbs in the correct form (e.g. verbs in the past tense, nouns in the plural form if necessary).

___ 7 December the ECJ has delivered its _____ in cases C-585/08 and C-144/09 (AG's Opinion was presented on 18 May 2010).

The references for a preliminary ruling concern the _____ of Article 15(1)(c) and (3) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters. The _____ have been made (i) in proceedings between Mr Pammer and Reederei Karl Schlüter GmbH & Co KG (Case C-585/08) and (ii) in proceedings between Hotel Alpenhof GesmbH and Mr Heller (Case C-144/09). The cases were joined for the purposes of the _____ pursuant to Article 43 of the Rules of Procedure of the Court, given the similarity between the second question in Case C-585/08 and the only question in Case C-144/09.



The dispute in case C-585/08 involved Mr Pammer, who resides in Austria, and Reederei Karl Schlüter, a company established in Germany. It concerns a voyage by _____ from Trieste (Italy) to the Far East organised by that company, which gave rise _____ a contract between it and Mr Pammer ('the voyage contract'). Mr Pammer booked the voyage through company whose seat is in Germany, which operates in particular _____ the internet. The voyage booked by Mr Pammer was described on the website of the company.

The day of departure Mr Pammer refused to embark _____ the ground that the abovementioned description did not, in his view, correspond to the conditions on the _____; he also sought _____ of the sum which he had paid for the voyage. Since Reederei Karl Schlüter reimbursed only a part of that _____, Mr Pammer claimed payment of the _____, together with _____, before an Austrian court of first instance, the Bezirksgericht (District Court) Krems an der Donau. The plea was _____ at first instance, though the court held that it had _____ on the ground that the voyage contract was a _____ contract. The appellate court declared that the Austrian courts _____ jurisdiction, denying the characterisation of the voyage contract as consumer contract. The Oberster Gerichtshof (Supreme Court) decided to _____ proceedings and to refer the following questions to the Court for a preliminary ruling:

1. Does a "voyage by _____" constitute package travel for the purposes of Article 15(3) of [Regulation No 44/2001]?
2. If the answer to Question 1 is in the _____: is the fact that an intermediary's website can be consulted on the internet sufficient to justify a finding that activities are being "directed" [to the Member State of the consumer's _____] within the meaning of Article 15(1)(c) of Regulation No 44/2001?

The _____ in case C-144/09 involved Hotel Alpenhof, a company which operates a hotel with the same name located in Austria, and Mr Heller, who resides in Germany. Mr Heller reserved a _____ of rooms for a period of a week in January 2008 through the website of the hotel. His reservation and the confirmation _____ were effected by email. Mr Heller is stated to have found _____ with the hotel's services and to have left without paying his bill. Hotel Alpenhof brought an action _____ an Austrian court. Mr Heller _____ the plea that the court before which the action had been brought lacked jurisdiction. He _____ that, as a consumer, he could be _____ only in the courts of the Member State of his domicile (German courts), pursuant _____ Article 15(1)(c) of Regulation No 44/2001. Both the the Bezirksgericht Sankt Johann im Pongau and (on



appeal) the Landesgericht Salzburg _____ the action before them, holding that the Austrian courts lacked jurisdiction to _____ it. Hotel Alpenhof appealed _____ the Oberster Gerichtshof. Since the Oberster Gerichtshof was not sure that the Court would answer its second question in Case C 585/08 (his own answer being dependent upon the answer given by the ECJ), it considered it necessary to stay proceedings and to refer the following _____ to the Court for a preliminary ruling:

‘Is the fact that a website of the party with whom a consumer has _____ a contract can be consulted on the internet sufficient to justify a finding that an activity is being “directed” within the meaning of Article 15(1)(c) of [Regulation No 44/2001]?’

The ECJ has answered as follows:

1- A contract concerning a voyage by freighter, such as that _____ issue in the main proceedings in Case C-585/08, is a contract of transport which, for an inclusive price, _____ for a combination of travel and accommodation _____ the meaning of Article 15(3) of Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters.

2. In order to _____ whether a _____ whose activity is presented on its website or on that of an _____ can be considered to be ‘directing’ its activity to the Member State of the consumer’s domicile, within the meaning of Article 15(1)(c) of Regulation No 44/2001, it should be _____ whether, before the conclusion of any contract with the consumer, it is apparent from those websites and the trader’s overall activity that the trader was envisaging doing business with consumers domiciled in one or more Member States, including the Member State of that consumer’s domicile, in the sense that it was minded to conclude a contract with them.

The following matters, the list of which is not _____, are capable of constituting _____ from which it may be _____ that the trader’s activity is directed _____ the Member State of the consumer’s domicile, _____ the international nature of the activity, mention of _____ from other Member States for going to the place where the trader is established, use of a language or a currency other _____ the language or currency generally used in the Member State in which the trader is established with the possibility of making and _____ the reservation in that other language, _____ of telephone numbers with an international code, _____ of expenditure on an internet referencing service in order to facilitate _____ to the trader’s site or that of its



intermediary by consumers domiciled in other Member States, use of a top-level domain name other than that of the Member State in which the trader is established, and mention of an international _____ composed of customers domiciled in various Member States. It is for the national courts to ascertain whether such evidence exists.

_____ the other hand, the mere accessibility of the trader's or the intermediary's website in the Member State in which the consumer is domiciled is _____. The same is true of mention of an email address and of other contact details, or of use of a language or a currency which are the language and/or currency generally used in the Member State in which the trader is established.

IV PRESENTATION AND DISCUSSION SKILLS

1. Read carefully the text below and identify words/expressions that can help you make an argument, introduce a new argument, explain something, organise your thoughts, etc.

Life as a judge in Britain: 'I think I've heard it all - then a case shocks me with a new level of depravity'

(<http://www.telegraph.co.uk/women/life/life-as-a-judge-in-britain-i-think-ive-heard-it-all---then-a-cas/>; Downloaded on 12/4/2017)



Judge Eleri Mair Rees Credit: Uppa

First, let me make it clear that I'm not complaining. I am conscious every day that it is a privilege to sit as a judge.

I've now been one for more than 20 years and currently sit in the Crown Courts in South Wales dealing with serious offences - including murder and sexual crimes.

The job is rewarding and worthwhile. As one of those who chose to specialise in crime and family work at the start of my career, I was under no illusions that it would be difficult and harrowing.

I'm often asked how I cope. People want to know: have I lost faith in human nature, having been faced with the worst behaviour people are capable of?

"I sometimes think I've heard it all. Then a case will come along that involves a new level of depravity."

So I understand why the head of the judiciary in England and Wales, Lord Chief Justice, Lord Thomas, recently said that we judges are increasingly coming under emotional strain from constant exposure to 'depravity'.

It's "beyond the understanding of most people" he added – referring to the harrowing testimonies we must listen to day-in, day-out and the explicit images we're forced to engage with.

He's right. After more than 40 years as a barrister, and now a judge, I sometimes think I've heard it all. Then a case will come along that involves a new level of depravity – and I'll react with shock and disbelief.



Lord Chief Justice, Lord Thomas

Recently more and more perpetrators have been using cameras to record the abuse they inflict, either to increase their own gratification or for distribution to others. The court often has to watch it as evidence.



Then there are victim impact statements, which are read out at time of sentencing, either by the victim themselves, a relative or the prosecutor. During murder trials the family of the deceased will usually be in court for sentencing, like that of murdered teenager Becky Watts after which the trial judge broke down in tears after sentencing.

Sometimes, the family of the defendant will be present too, obviously distressed at the prospect of a custodial sentence.

In other words, tensions and emotions run high in a courtroom and the judge is not oblivious to the fact that the outcome, the verdict and sentence matter deeply to those present.

"Have I lost faith in humankind? On the contrary. Although I see the worst side of people, I see the best side too".

You would have to be inhuman not to be moved by their grief and distress - but we can't and don't let it affect our impartiality.

I have time to consider such papers in advance, and approach my task dispassionately. You cannot allow sympathy to move you away from what has to be an objective analysis.

I am married to a doctor and there are some similarities in the professional challenges we face. A good doctor has empathy and care for their patients - but to be effective, he or she must remain objective.

Likewise a judge dealing with criminal and family work will probably have chosen that area because they're interested in people and deeply concerned for the welfare of children, the victims of crime, the vulnerable and abused. They will also be committed to the principles of fairness and justice.





Mr Justice Dingemans recently broke down in tears as he sentenced the killers of teenager Becky Watts Credit: Elizabeth Cook

Have I lost faith in humankind? On the contrary.

Although, day-after-day, I see the worst side of people; I see the best side too. I see the courage of a complainant who has suffered appalling abuse and I see how determined they are to tell their - however painful that may be.

Over the past decade or so, we have seen a welcome sea change in the treatment of witnesses, with the introduction of special measures to make their experience less painful. But even with all these safeguards, one can only imagine how difficult it must be - especially for children - to talk about a traumatic experience, sometimes bottled up for years, in front of strangers - and for their story to be challenged by a lawyer, however politely and carefully.

"It is remarkable how such strangers seem to form a bond, supporting each other through difficult evidence".

Time and time again, I am heartened that ordinary members of the public step in, selflessly, to intervene in an assault or robbery.

I admire the dedication of those jurors who sit on long trials without complaint. Those 12 'ordinary' members of the public, chosen at random, have to cope with their first experience of a criminal trial and hearing awful things which are likely to be outside their experience or contemplation. It is remarkable how such strangers seem to form a bond, supporting each other through difficult evidence.

The largely unsung heroes of the Crown Court - the ushers - quietly reassure the jury and when a complainant is giving evidence by video link, the usher is most often the person sitting next to him or her experiencing at close quarters: the shaking, the tears, the physical and emotional distress.



It can be difficult to hear harrowing evidence in court

Judges are a resilient bunch. But as resident judge for South Wales, responsible for allocating cases, I do my best to try and ensure they have variety. If a judge has sat on a particularly harrowing case, we give them a break from that type of work.

But, increasingly, the reality is that up to half our trials in any week will be related to sexual offending, so any break is likely to be short lived.

Unlike the jurors and witnesses, we at least have experience in what to expect. Although running each case is our individual responsibility, and we reach our decisions on our own, we do support each other. There's almost always someone you can talk to over a sandwich at lunch, or down the corridor in the Court.

Most of us are also fortunate in having the support of partners or family. But personally, I try not to take my work home. Would you?

Assignment: Split in groups of 4 and discuss:

- What this text is telling you about the life of a judge in the UK;
- To what extent it differs from the life of a judge in your country;
- Why you have chosen the career of a judge/a lawyer;
- What you think is the most difficult thing of being a judge.



2. Burkha bans are more racist than Brexit; By James Crisp

(<http://www.euractiv.com/section/all/news/the-brief-burkha-bans-are-more-racist-than-brexit/>. Downloaded on 12 April 2017)

Brussels **bigwigs** have been quick **to point the finger of blame at** Brits being racist and at anyone other than themselves, ever since the Brexit vote.

It may be true that a proportion of the Brexit vote was motivated by immigration fears but the UK remains one of the most tolerant, open and welcoming EU member states.

There are more than three million EU citizens living in the UK. Is there another European city as genuinely multicultural as London?

Banning Islamic clothes is more racist than voting for Brexit.

Recently the European People's Party, the centre-right pan-EU party that counts Merkel, Juncker, Tusk and Tajani among its ranks, said it backed an EU-wide ban of the full face veil.

It is a very short **goosestep** from this to **full-throated cries** about the need to defend "Christian heritage".

The EPP resolution at their ominous sounding congress won't make it as far as the European Parliament. The EU can't rule on such matters.

That didn't stop Parliament group backing the veil ban or Manfred Weber, the EPP chief, calling for a German parliament vote on the ban.

France and Belgium have wrongly banned the veil. EU judges **have danced around the issue**. At least Commission officials are allowed to wear the burkha to work

The backing of the largest EU-wide party for a fatwa on the veil must be challenged.

Do you regulate on the basis of **giving people the benefit of the doubt**? Or on the presumption they need **nannying** by an ill-informed quasi-consensus?

It is racist to assume that any woman wearing a burkha is oppressed. Changing what women wear will not stop them being mistreated.

Providing safe avenues for reporting abuse is better than banning clothes.

Some claim the ban is **justified for security reasons**. But none of the recent terrorist attacks



in France, Belgium, Sweden or Britain were carried out by murderers in burkhas.

Banning clothes is symptomatic of the unimaginative, **blinkered policymaking** that helped lead to Brexit in the first place.

It is the worst of Brussels; paternalistic, unimaginative and distrustful.

All it takes is the prospect of Le Pen and a **whiff of the AfD** ahead of elections in France and Germany and Europe's centre-right swings violently to the far-right.

The call for the ban exposes the lack of courage and conviction behind the repetitive, tired calls for more "European values".

Assignments

- Split up in pairs and discuss what you think the highlighted expressions may mean
- Identify the positions presented in the article
- Think of the arguments for and against banning a burkha
- What, in essence, is this text about? Provide some arguments for your position.

V VIDEOS

Diversity in the judiciary by Clive Coleman on BBC Radio 4 Today Programme

(<https://www.judiciary.gov.uk/publications/diversity-in-the-judiciary-by-clive-coleman-on-bbc-radio-4-today-programme/>; Downloaded on 17 May 2017)

Transcript: Fill in the missing words

John Humphrys, presenter: Judges are white, _____ and middle-class. Not all of them, it's true, but far too many. Attempts are being made to make it a more _____ profession. A group of special judges have been appointed to engage with different _____, with the young, and try to increase _____ of what judges do and why it might be a good idea to try to _____ one. Our legal affairs _____, Clive Coleman, has been to a conference for the judges who are trying to tackle this problem.

Clive Coleman, legal affairs correspondent: Yeah, just get a load of that music. I'm in a stately home in the Midlands that was once owned by Danny La Rue. I'm here with a hundred different judges. Now, these are the community and community _____ judges. They're the judges that go out into the community and explain to people just what it is that judges do.

Well, I've met Lady Justice Hallett.



Lady Justice Hallett: I'm here because I'm the Lord Chief Justice's _____ on diversity and I'm trying very hard on two fronts. One is to improve the diversity of the _____ and the other is to engage and communicate with the community.

JH: A lack of diversity has always been an _____ for the judiciary. Overall, it's just 25% female with less than 6% from black and minority ethnic backgrounds, and those figures are _____ worse at the upper echelons. I asked Lady Justice Hallett why.

LJH: We have an extremely diverse judiciary, if you look across the courts and _____ system, so I think it's a case of trying to make sure that we get our diverse judges up through the system through career _____. We are making progress. I think it is slow, _____ not as fast as I would like at the upper levels of judiciary, but we are getting there.

JH: There are more than a hundred of these special diversity and community relations judges across England and Wales. They _____ for work informing people about what judges are and try to bust the _____ and misconceptions about them.

Unnamed man #1, vox pop: I am a _____ bloke from Slough, that is very important, because if it is that in certain courts they think they are all very _____, middle-class, old, white men, we're not, are we?

CC: _____ judge, Tan Ikram, is the group's _____ lead. Who does he speak to?

Tan Ikram, district judge: We decided that we wanted to talk to senior _____ scholars and imams. We invited them to the Central Criminal Court, the Old _____, and one of the things that struck me is their _____ that 'nobody has spoken to us before'. And just that _____ of explaining what we do and why was _____ a revelation to some of them, because they had no idea of the _____ in which judges work.

CC: Back in the _____ hall, the judges are taking part in a role-play exercise in which they are having to _____ and connect with groups like teenagers and _____.

Unnamed woman #2, vox pop: We talked about language. One of the _____ I used earlier on was 'inception', which clearly was a _____ word.

CC: _____, *you didn't like that?*

Unnamed man #2, vox pop: I didn't like that at ____, no, I didn't like perception. You know, what is perception?

Unnamed man #3, vox pop: I think many in prison would _____ to understand what perception means.

CC: *But other than that, how is your judge doing?*

UM3: _____. I didn't like that _____.

Unnamed woman #2, vox pop: That is a day in _____ where we were told the _____.



Unnamed woman #3: Casey, can you please tell the court why you stole Ben's _____
phone.

Casey: I didn't _____ it, not really. I went to see some old friends and they just
_____ me to do it.

CC: With help from the National Centre for _____ and the Law, a charity which runs
_____ programmes about the law, children from St Andrew's Primary School
in Barnsbury North London have come to the _____ Courts of Justice to learn
and take part in a _____ trial.

Unnamed man #4, vox pop: I think that he _____ did it.

Unnamed man #5, vox pop: I think that he definitely did it. In that case, for you, the
_____ of guilty is the correct decision.

CC: And after the verdict, the person _____ cross-examined is Judge Tan Ikram.

C: Do you ever _____ becoming a judge?

TI: I don't think I do actually. I think it is a very, very _____ job than being a lawyer.
_____ have more freedom. I sometimes miss my _____, actually, which is
really _____, because one thing I found out even though I was _____ people
who were accused of some serious crimes, that there was often a really nice side _____ them.
And _____ there was a side which had _____ crossed the line and society
wouldn't _____ that, you know, you can't have people who break the _____, but
it was just so nice meeting them and talking to them. I don't have that anymore, because now
I sit in the chair, I have to keep my _____. That is the _____ I do miss. Would I go
_____? No, because this is the best job I have ever had.

Sarah Montague, presenter: Clive Coleman reporting there.

Ends

More videos (all downloaded on 17 May 2017)

<https://www.judiciary.gov.uk/about-the-judiciary/judges-career-paths/videos-judges-talk-about-their-judicial-careers/>

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