

# *Second Semester lectures*



## *Legal English 2021-2022*

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# *Lecture 1 : In the Courtroom*

## *1.1. Introduction*

A **court** is any **institution** that the government sets up **to settle disputes** through a **legal process**.

**People** come to **court to resolve** their **disagreements**, courts decide what really happened and what should be done about it, they decide whether a person **committed a crime** and what **the punishment should be**.

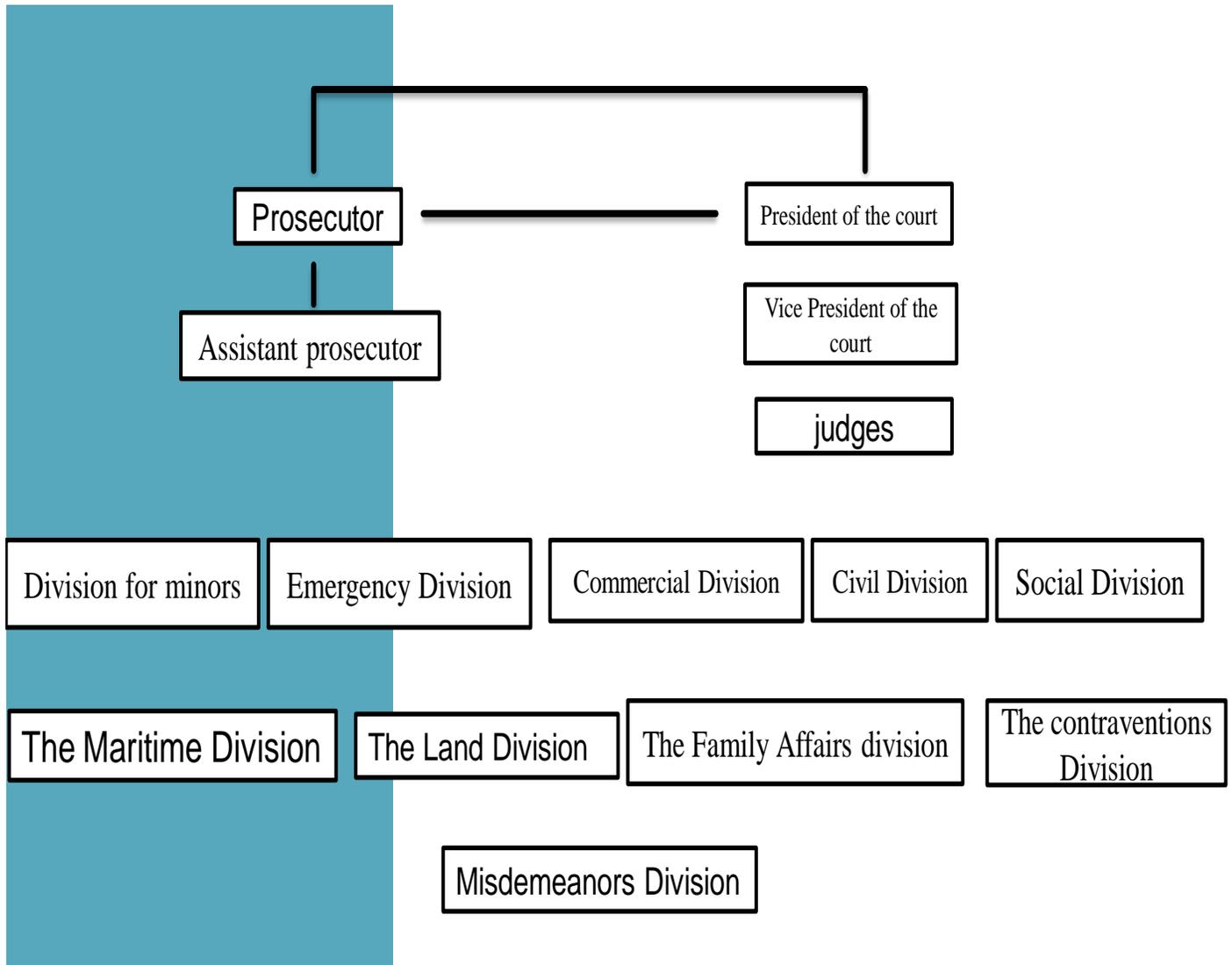
**The justice system** is **the mechanism** that **upholds** the rule of law, Judges are free to apply the law without regard to the government wishes and, **court's decisions** are based on **what the law says** and **what the evidence proves** .

**The courtroom** is made up of **various roles** that perform specific functions. The **roles are vital** in having a **criminal justice system** that is **fair** and **just**.

We will be looking at what these roles are and what function they serve in the courtroom.

## *1.2. The Organizational Chart of the Courtroom:*

The **court** is **organized** in the form of **divisions**; **each division** has its **own judge**. Those **divisions** are **headed by a competent judge**.



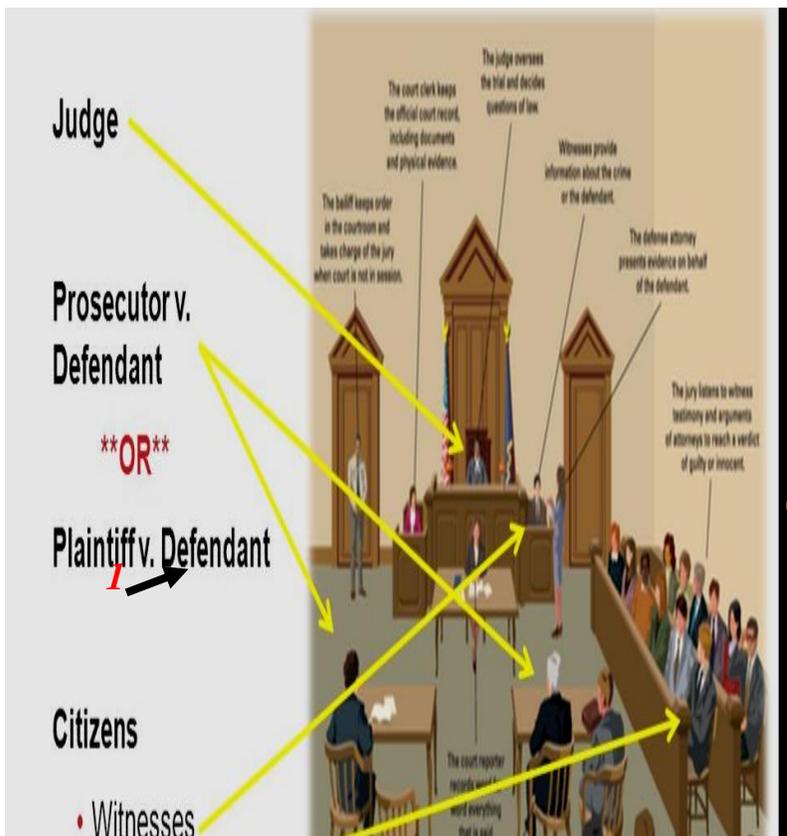
### **1.3. Courtroom Participants:**

This picture is one example of what a courtroom may look like and the people, the participants you may see inside.

# Who's who in the courtroom



# Who's who in the Courtroom?



- Police officer
- Prosecutor
- Defense's attorney
- Judge
- Defendant
- Victim
- Bailiff

<sup>1</sup> Two parties to a lawsuit are **the plaintiff**: the party that initiates the suit (**the accuser**). Whereas , **the defendant** is the party against whom the suit is brought ( **the accused**)

## 1.4. Roles and responsibilities

### Police Officer Responsibilities:

- He tells the facts of the case the he has worked on directly, reviews the report before the trial, and discusses the report with the prosecutor before the trial.
- Positive results seen if:
  - Precaution was taken at the crime scene and the case management was high quality.

### Prosecutor Responsibilities;

- He is the representative of the state. He also presents the evidence to the jury.
- Usually, at least two prosecutors are assigned to the courtroom for each trial.
- He Opens the trial with **an opening statement**
  - Intended to “**whet the appetite**” of the jury regarding the topic of the trial and why the defendant is guilty.
  - He Presents his case to the jury first, and give a closing statement to the jury at the end of the trial
  - Summarizes why the defendant is guilty
  - Given after the defense attorney’s closing statements.

### Defense attorney responsibilities:

He is the representative of the defendant. He May be **employed** by the **defendant** or may be **appointed** by **the state** to **represent the defendant**

- He gives an opening statement after the prosecutor
  - Intended to inform the jury that their client is innocent
  - As they will be convinced of when the trial is over
- He also presents his or her case to the jury after the prosecution has presented its case
- At the end , he gives a closing statement when done with the case
  - Should summarize the case for the jury and
  - Emphasize why the defendant is innocent

### *The judge Responsibilities:*

The judge is the Referee in the courtroom. He has **the final say** on everything that happens in the courtroom (**except the jury's verdict**)

- If **the defendant** has **waived his or her right to a jury trial**, then the **judge** also decides **the guilt or innocence of the defendant**
- The judge makes **two types of rulings** on objections:

**\* Sustained**– the witness is **NOT** allowed to answer the question that has been asked of them

**\*Overruled**– the witness **IS** allowed to answer the question that has been asked of them.

### *The Defendant Responsibilities:*

He is the **person accused of committing the crimes** , and is **protected from testifying** against his or her self in court.

If **the defendant** chooses **to testify**, they will be **questioned** by the **prosecution** as well as **the defense**.

### *The Victim Responsibilities:*

**The victim is the person**, whom **the crime was committed against**, Usually called to **testify during the course of the trial**.

### *Court Reporter Responsibilities:*

He is **an employee of the court** who **records everything** that is **said in the trial** .He also produces **an official written transcripts of legal proceedings** , for example : **trials, hearings, and legislative meetings** .

### *The jury Responsibilities :*

It consists of 6 to 12 Algerian citizens. They are selected before the trial by **the prosecutor** and the **defense's attorney**

- **The judge has the final say** on who can serve on **the jury**
- They **observe the trial** then decide **on the guilt or innocence of the defendant**
- They must be **unanimous** in their **decisions** or it is a **hung jury**, and a **new trial** has to **take place** with **different jury members**

- May also be asked **to decide** what **the punishment** of the **defendant** should be if they are **found guilty**.

### *A Courtroom Testimony Responsibilities :*

- it is **an oral or written evidence** given by a **competent witness** , **under oath**, at trial or in **an affidavit** or **deposition**
- A **witness** is anyone who is **called to testify** at a **trial** .

### *1.5. Terminology :*



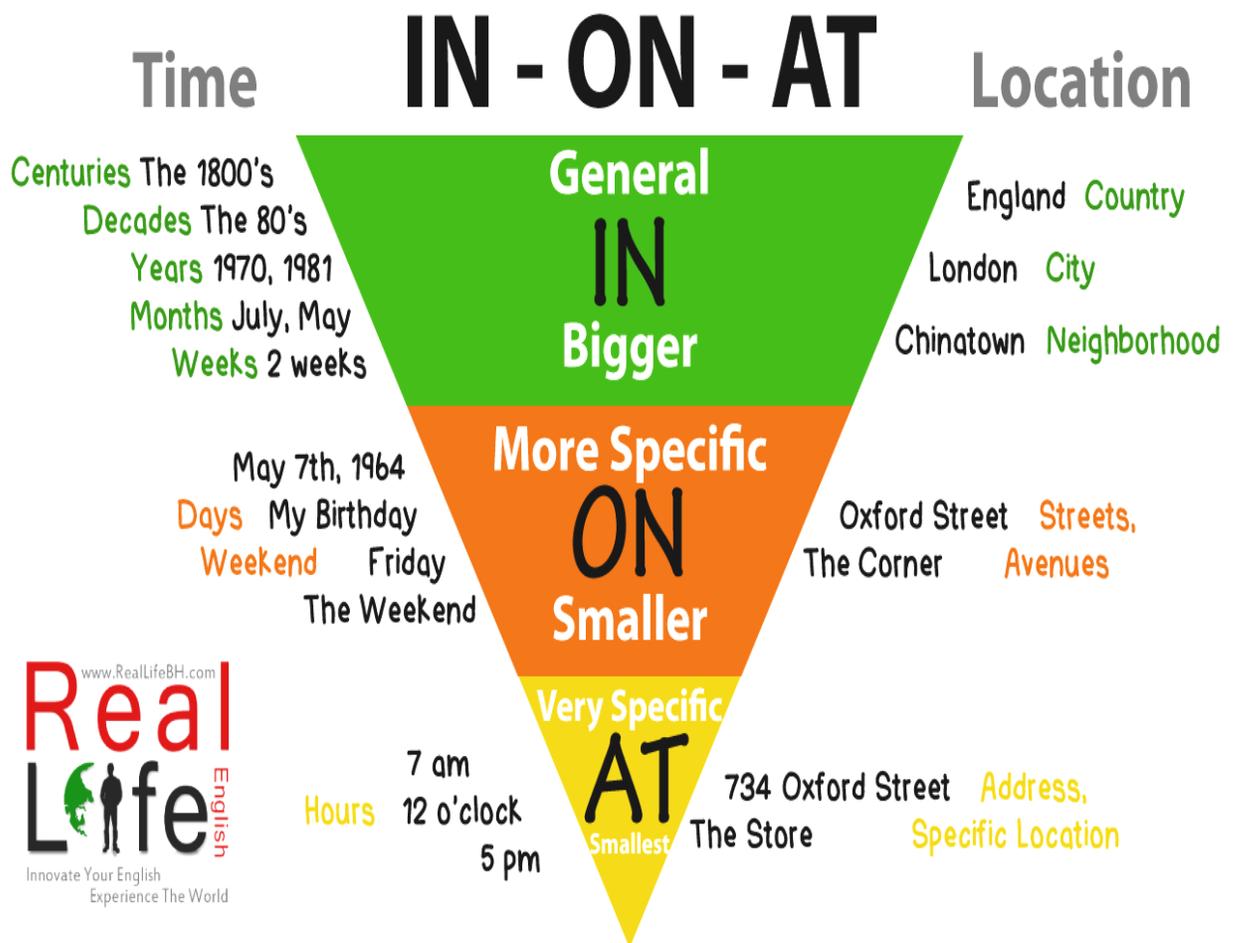
**Lawsuit- counsel - Attorney -  
Criminal prosecution -  
- accused ( the defendant ) -  
accuser- Under oath –Trial-  
Plaintiff ( the accuser) -  
Complaint - A sworn - Bailiff -  
Jury-Court clerk-Prosecutor-  
Testimony -Testify – Evidence-  
Guilty- Innocence-Unanimous-  
Legal proceedings**

# Lecture 2: Prepositions of Place & Time

( in- on -at)

## 2.1. What is a Preposition?

A preposition is a word used to link [nouns](#), [pronouns](#), or phrases to other words within a sentence. They act to connect people, objects, time and locations of a sentence. In other words, a preposition is a short word used before a noun or a pronoun to indicate place, direction or time.



## 2.2. Prepositions of time:

Prepositions of time simply show the relationship of time between two parts of a sentence. Prepositions are the words that connect these ideas together by explaining how they relate to each other in terms of time. It usually refers to one of the following:

- Indicating an unspecific amount of time. (e.g. **In** Months, years , centuries ,and Long periods )
- Indicating a specific date. (e.g. **On** Days and Dates )
- Indicating a specific time. (e.g. **At** a Precise Time)

### How to use IN- ON- AT correctly?

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## IN

### In + Parts of the day

#### Examples:

*In the morning- In the afternoon- In the evening*

### In + Seasons

#### Examples :

*In (the) spring- In (the) summer*

### In + Weeks

#### Examples:

In a week- In 2 weeks

 **IN + Periods of time**

**Examples:**

*In the next century- In the future- In the Middle Ages- In a moment*

 **In + Holidays**

**Examples:**

*In the Easter holiday*

 **IN + Decades**

**Examples:**

*In the 1960s- In the seventies*

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**ON**

 **On + Dates**

**Examples:**

*On April 3rd - On 1st January 2013 - On the 10th - On the first day*

 **On + Holidays with “day**

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**Examples:**

*On New Year's day - On Christmas day - On Easter day*

 ***On + Day + Part of day***

**Examples:**

*On Sunday morning(s) - On Friday afternoon(s) - On Monday evening(s)*

 ***On + Specific days***

**Examples:**

*On my birthday - On my wedding day - On that day - On the weekend (U.S.)*

*On weekdays - On time - On a summer evening*

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***AT***

 ***At + Parts of the day***

**Examples:**

*At night - At noon/ midday - At midnight*

## *At + Holidays without “day*

### **Examples:**

*At Easter - At Christmas - At New Year*

## *At + Time*

### **Examples :**

*At present - At the weekend (U.K) - At breakfast - At the moment*

**R!** When we say **last, next, every, this** we do not use

**at, in, on.**

- I went to London **last June**. (Not in last June)
- He's coming back **next Tuesday**. (Not on next Tuesday)
- I go home **every Easter**. (Not at every Easter)
- We'll call you **this evening**. (Not on this evening)

**Here are some examples:**

- Do you think we will go to Mars **in this century**?
- Do you work **on Monday**?
- Her birthday is **on 20th November**.
- I have a meeting **at 10.30 am**.
- In Norway, it often snows **in December**.
- The supermarket closes **at midnight**.

### ***2.3. Prepositions of Place :***

**Prepositions of place** show the relationship of **place** between **two parts** of a sentence. There are lots of prepositions that can be used for place. It usually refers to the following:

- ❖ Indicating an **enclosed space** or **large area** (e.g. **in**)
- ❖ Indicating a **surface** or **somewhere specific** in a **larger area**. (e.g. **on**)
- ❖ Indicating a **certain point**. (e.g. **at**)
- ❖ Indicating **position of something** in **relation to something else**. (e.g. **behind**)
- ❖ Indicating **position in the middle of something**. (e.g. **between**)
- ❖ Indicating **position** with **objects that are further apart**. (e.g. **near**)

*At POINT*

*In ENCLOSED SPACE*

*On SURFACE*

<i>At the bottom of the page</i>	<i>In a box</i>	<i>On the page</i>
<i>At the bus stop</i>	<i>In a building</i>	<i>On the carpet</i>
<i>At the corner</i>	<i>In a car</i>	<i>On the cover</i>
<i>At the crossroads</i>	<i>In France</i>	<i>On the door</i>
<i>At the front desk</i>	<i>In Paris</i>	<i>On the floor</i>
<i>At the entrance</i>	<i>In the garden</i>	<i>On the wall</i>

## *How to use IN- ON- AT correctly?*

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### IN

#### In + Countries

##### Examples:

In England – in Algeria

#### In + Cities

##### Examples :

In Tlemcen- in London

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 **IN + Enclosed Space**

**Examples:**  
*In a building - In a car*

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**ON**

 **On + Means of Transport**

**Examples:**  
*On a bus - On a train - On a plane*

 **On + Means of Communications**

**Examples :**  
*On the radio - On the television - On the phone - On the Internet*

 **ON + SURFACE**

**Examples:**  
*On a table - On a wall - On the floor - On the roof*

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**AT**

 **AT + Exact Addresses or Intersections**

**Examples:**  
*At 23 Birch Street - At 734 State Street - At Hassiba Amirouch street*

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## ✚ AT + Specific Locations/ Points

### Examples :

*At the corner - At the bus stop*

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**R!**

In general when we talk about **travelling in a small vehicle** (**car, taxi, helicopter...**), we use **“in”** When we **travel in a large vehicle** (**bus, plane, ship...**), we use **“on”**. Travelling **on animals**, and **vehicles** which we **ride similarly to a horse**, we use **“on”**.

*Here are some examples:*

- *Susan works **in** an office.*
- *A mosque is **at the end of the street on the right**.*
- *The Earth is **in** the Solar System.*
- *The title is **on** the cover of the book.*
- *There are spotlights **on** the wall.*
- *When will you arrive **at** the hotel?*

# Lecture 3: Steps in a Trial

## 3.1. Introduction

The trial is a structured process where the facts of a case are presented to judges, and they decide if the defendant is guilty or innocent of the charge offered, in accordance with due process of law.

In other words, it is the principal method for resolving legal disputes that parties cannot settle by themselves; it seeks to ascertain the truth of the matter issue between the two parties and provides a final legal determination of the dispute.

The main purpose of a trial is to protect the rights of citizens by resolving disputes fairly and ensuring justice for everyone.



## 3.2. Types of Trials:

There are two main types of trials in the ordinary courts:

### A) Criminal trial

- ✓ Criminal trials are prosecuted by the state.
- ✓ Criminal offenses are usually against one person eg: a murder , a theft..

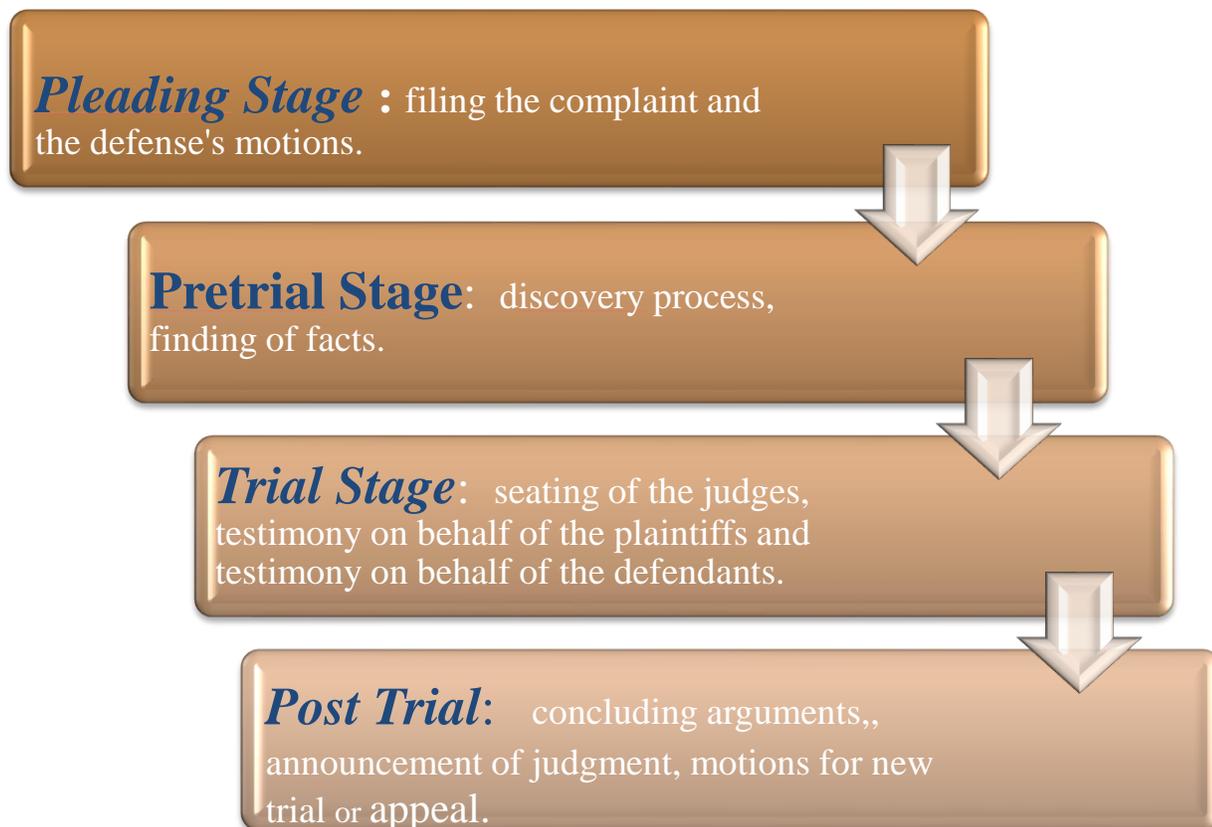
- ✓ They are seen through the eyes of the law as an offense against society or the government

### **B) Civil trial**

- ✓ Civil trials resolve civil actions, which are brought to enforce , redress , or protect private rights .
- ✓ Civil trials involve an individual plaintiff and a defendant. i.e. civil trials brought by regular individuals against other individuals who have wronged them

### **3.3. The Trial Process:**

There are **four main stages** to a trial. In sequence, they are:



## 1. Pleading Stage :

There are four main steps in the pleading stage, which are:

- a. Filing a complaint:** This is a formal document submitted by the plaintiff to the court having jurisdiction over the complaint.
- b. Summons (calling):** it is a notification by the court in which the complaint is filed as an action being brought against the defense.
- c. Motion to dismiss:** These are the defence's response or answers to the plaintiff's complaint.
- d. Motion for judgement:** following the defendants response to the plaintiffs claims, the parties can either choose to settle or request a judgment based on the evidence presented, or the court can decide to continue toward resolving conflict at trial. If there is no judgment made, the case proceeds to the **pre-trial stage**.

## 2. Pre –Trial Stage : In this stage , there are three main steps :

- a. Discovery or Finding of Facts:** There are generally two aspects of discovery. One consists of a series of questions, known as [interrogatory questions](#), which are posed by the plaintiff's attorney to the defendant's attorney. The other consists of recording a witness's sworn testimony, known as a [deposition](#). Depositions typically take place outside the courtroom, before a court recorder, with opposing counsel asking questions of the witness.
- b. Motion for Summary Judgment:** At the conclusion of discovery, the court will typically review the facts of the case and determine if there is sufficient merit to proceed to trial ,or to encourage the parties to settle.

c. *Pre-Trial Order* : if a substantial basis for the case is determined, the court will meet with and notify the parties of the trial schedule

3. *The Trial Stage*: It is composed of seven steps to a trial process:

a. *Opening Statements*:

Statements to the jury made first by the plaintiffs' attorney and then by the defence's attorneys setting up the circumstances and rationale of the legal complaint (plaintiffs) and the reasons for dismissing the claim (defense).

b. *Plaintiff Testimony* :

The first part of the actual trial proceeding consists of the plaintiffs presenting their witnesses and experts to present the arguments and justifications for the complaint. The defense is permitted to cross-examine each witness in an attempt **to dismiss, discredit, or disprove the witness's statements.**

c. *Defense testimony*:

After the plaintiffs' case is presented, the defendants present their case in much the same way using witnesses and experts that present direct testimony, followed by cross examination by the plaintiffs' counsel.

d. *Redirection and Recall* :

At the discretion of the judge, each witness can be redirected after cross examination by either the counsel. If critical information is not divulged



during the initial testimony, counsel can request to recall a witness to the stand for additional questioning and cross-examination.

***e. Closing Argument :***

Counsel for the plaintiffs and defense **summarize** their clients positions to remind the jurors of the facts presented in their case and to convince the jurors of veracity of their cause. **Closing arguments** are typically intended to be **dramatic** and **pointed for effect**.

***f. The verdict:*<sup>2</sup>**

Following deliberation, which may take hours to days, the jury presents their finding(s) to the court. After closing arguments, the judge will give **final jury instructions** to the **Jury**.

***g. The judgement :***<sup>3</sup>

Following the receipt of the verdict, the court can rule and concur requesting final judgment, or determine if a new trial is required, or if the case should be dismiss.

***4. Post trial stage :***

At this level the defendant may **appeal** his or her conviction

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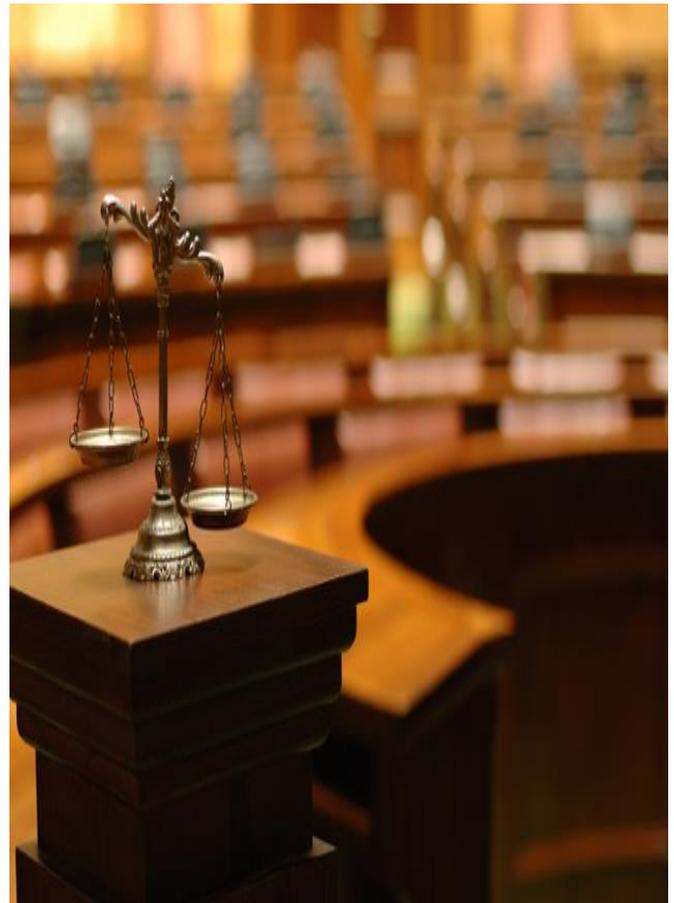
<sup>2</sup>A verdict is a formal decision made by a jury, read before the court, and accepted by the judge in criminal case.

<sup>3</sup> A judgement is a final determination by a court. In other words, it is a decision made by a judge or a court of law.

(يجوز للمدعى عليه استئناف إدانته). It is also called **Appeals stage**, i.e. The party that the court ruled against has the right to **file an appeal** for the case to be heard in **higher courts**.

### 3.4. Terminology:

**Witness- Bail – Plead (V) –  
Jury- Trial- Defense- Alibi-  
Verdict- Appeal – Release-  
Lawsuit -Felony–Pleading (N)  
– Complaint- Sentence -  
Criminal offenses -  
The charge - Affidavit.**



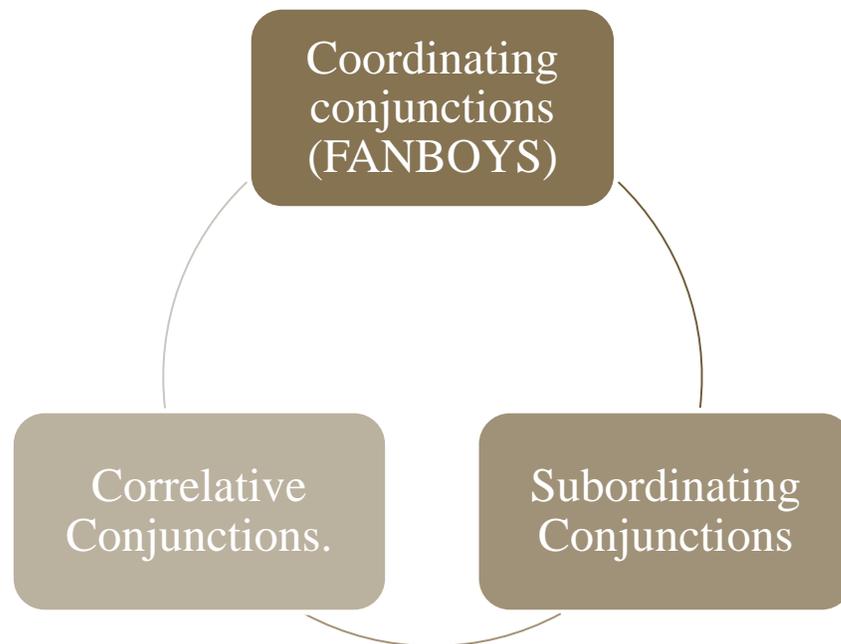
# Lecture 4: Conjunctions

## 4.1. What is a conjunction ?

An English conjunction is a part of speech that connects two words, phrases or clauses together. You can use a conjunction to link words, phrases, and clauses.

## 4.2. *Types of Conjunctions :*

In English there are three main types of conjunctions:



## 1. **Coordinating conjunction** :

- It is a conjunction placed **between** words, phrases, clauses, or sentences of equal rank.
- It comes usually **in the middle of a sentence**, and a **comma** is used before the conjunction (unless both clauses are very short).
- There are **seven coordinating conjunctions**, and they are all short words of only two or three letters: **and, but, for, nor, or, so, and yet**. To remember them, the acronym **FANBOYS** can be used.

**F = For**

**A = And**

**N = Nor**

**B = But**

**O = Or**

**Y = Yet**

**S = So**

- **For:** It is used to join sentences when it introduces a reason or cause.  
E.g. we listened eagerly, **for** he brought news of our families.
- **And:** It is used to join sentences that are alike.

E.g. I like tea **and** coffee.

- **Nor:** it is used to join two negative sentences.

E.g. Danny did not talk, **nor** did she smile

- **But:** it is used to join sentences that are opposite or show contrast.

E.g. They rushed to the hospital, **but** they were too late.

- **Or:** it's used to join sentences that give choices or alternative.

E.g. You must help us, **or** we will fail.

- **So:** is used to join sentences when it introduces a result or cause.

E.g. It's going to rain, **so** we should stop playing football.

- **Yet:** it's used to join sentences when it shows unexpected contrast.

E.g. I always take a book to read, **yet** I never seem to turn a single page.

## 2. **Subordinating conjunction:**

A subordinating conjunction always introduces a dependent clause or (subordinate clause), tying it to an independent clause or (main clause).

- A dependent clause is a group of words that cannot stand alone as a complete sentence.
- An independent clause, by contrast, can stand alone as a complete sentence.

- **Unlike** coordinating conjunctions, **subordinate conjunctions** can often **come first** in a sentence. Subordinating conjunctions are conjunctions that join dependent clause to independent clause. for example : “ I will eat an apple after I eat this cookie.” In this example: I will eat an apple is an **independent clause**, the second sentence ( after I eat this cookie) is a **dependent adverb clause** .
- Here are some common subordinating conjunctions: **after, although, as, because, before, how, if, once, since, than, that, though, till, until, when, where, whether, while, as soon as...**

**Examples:**

- We had played football **before** we had dinner.
- I don't understand **what** you are talking.
- **Because of** him, I learned how to start my own business.
- **Until** you try, you'll never know.
- **As** I write this letter, I know I must say goodbye.
- Kate was happy **because** she won the competition.
- **Although** he is very famous, he is still nice.
- I am going home **whether** you like it or not.
- Her baby cannot fall asleep **unless** she stays in the room.
- **Since** he lost his money, he couldn't go to the restaurant

### 3. **Correlative conjunction:**

**Correlative conjunctions** are pairs of conjunctions which work together to coordinate two items. They always appear in pairs.

There are many different pairs of correlative conjunctions such as: **either ...or**, **neither ...nor**, **both...and**, **not only... but also**, **not... but**, **whether ...or** etc.

#### □ **Either ....or ( positive) :**

**\*Either + noun + or+ noun**

E.g. I will eat **either** carrots **or** peas for dinner.

**\* Either +verb+or+verb**

E.g. You can **either** stay at home **or** go out today.

#### □ **Neither .....nor ( negative) :**They are used to express two negative statements.

**Examples:**

- I don't like soccer. I don't like tennis. I like **neither** soccer **nor** tennis.
- I am not lucky because I have got **neither** time **nor** money to go on holiday.
- He **neither** speaks English **nor** understands it.
- He speaks **neither** English **nor** French.

**R!**

Be careful not to create a double negative with « neither ... nor ». Because it plays a negative role in itself it also creates a conflict in the meaning of a sentence.

Don't add a negative term (don't, didn't...) to it.

For example: he didn't find neither the map nor the key. ✘

**Here you can use 'either ...or' instead of 'neither...nor'**

He didn't find **either** the map **or** the key. **Or you can say,**

He finds **neither** the map **nor** the key.

- **Both .....and:** They are used to express that two options are possible.

*Examples :*

- I speak **both** Spanish **and** English
- You can **both** turn the Tv on, and change the channels with the remote control.
- The company deals with **both** hardware **and** software.
- Linda looks happy. She **both** talks **and** smiles.

- **Not only..... But also** : They are used to express emphasis

Examples :

- Dara plays **not only** football **but also** volleyball.
- Linda is **not only** beautiful **but also** friendly.
- George is famous **not only** in America **but also** in Canada.

- **Whether .....or** : They are used to present two possibilities .

Examples:

- I don't care **whether** you go **or** stay.
- We should be taught **whether** we take the exam **or** not.
- He was wondering **whether** to go today **or** tomorrow.

**Correlative Conjunctions: Subject-Verb Agreement**

Verbs in correlative conjunctions will typically agree with the subject that is closest to the verb unless the correlative conjunction is *both...and*.

Examples

Neither the dog nor the cat **is sleeping** right now.

Neither the dog nor the cats **are** sleeping right now.

Neither the cats nor the dog **is** sleeping right now.

Both the dog and the cat **are sleeping** right now.

Both the dog and the cats **are sleeping** right now.

Both the cats and the dog **are sleeping** right now.

# Lecture 5: Human Rights

## 4.1. What are human rights ?

- Human rights are **intrinsic values** that give **all human beings dignity**<sup>4</sup>. As it is stated in the very first line of the preamble to **the Universal Declaration of Human Rights (UDHR)**: “Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.”<sup>5</sup> (UDHR, Preamble)
- Human rights are **rights** we have simply because we exist **as human beings** , these **universal rights** are **inherent** to all of us , **regardless of nationality , sex , national or ethnic , colour ,religion , language or any other status,**

## 4.2. Characteristics of human rights :

- **Are universal** – the birthright of all human beings
- Are **inherent**, Focus on the inherent dignity and equal worth of all human beings
- Are **inalienable**, Cannot be waived or taken away
- Impose obligations upon States and State actors to respect, protect and fulfil human rights
- Are internationally guaranteed
- Are legally protected( by the court of law )

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<sup>4</sup> all human beings are born free and equal in dignity and rights

<sup>5</sup> all human beings are born free and equal in dignity and rights

### 4.3. Examples of human rights

Right to life - Right to health (including mental health, etc.)- Right to privacy  
Right to education

### 4.4. The international human right legal regime:

- Human rights are codified in treaties
- The international human rights regime as we know it evolved within the United Nations
  - ✚ A fundamental purpose of the UN is to promote human rights
  - ✚ The Universal Declaration of Human Rights is the cornerstone document of the modern human rights movement

#### ➤ **Treaties and other legally binding documents**

- The Charter of the United Nations
- Universal Declaration of Human Rights (UDHR)<sup>6</sup>
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention on the Rights of the Child (CRC)
- Convention on Migrant Workers (CMW)
- Convention on the Rights of Persons with Disabilities

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<sup>6</sup> The UN and Universal Declaration of Human Rights ( UDHR) are often called International Bill of Human Rights

#### 4.5. Regional Human Rights Systems

<p><b>Europe:</b> Convention for the Protection of Human Rights and Fundamental Freedoms</p> <p><b>Americas:</b> American Convention on Human Rights and Pact San José, Costa Rica on economic, social and cultural rights</p> <p><b>Africa:</b> African Charter on Human and Peoples' Rights</p> <p><b>Arab States:</b> Arab Charter on Human Rights</p>	<ul style="list-style-type: none"><li>• European Court of Human Rights</li><li>• Inter-American Commission on Human Rights</li><li>• Inter-American Court of Human Rights</li><li>• African Commission on Human and Peoples' Rights</li><li>• African Court on Human and Peoples' Rights</li></ul>
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#### 4.6. Links Between International, Regional and National System

- International and regional norms require national implementation to be effective
- National norms should be consistent with international and regional Standards
- International and regional judicial protection when national remedies have been exhausted
- International and regional protection are complementary

#### 4.7. Treaty terminology :

Ratification

Accession

Signature

Reservations

Codification

Convention

Charter

Pact

Declaration

Covenant

Inalienable

Non- binding



*Best of luck!*