



AN APPROACH TO LEGAL ENGLISH: STUDY OF THE MAIN FEATURES OF THE COMMON LAW SYSTEM AND ITS APPLICATION IN CONTRACT LAW

Dra. Valeria Martinez Hagopian

Egresados y operadores del Derecho que cuenten con un nivel mínimo de inglés de First Certificate o similar.

OBJETIVOS DEL CURSO:

El presente curso está organizado en dos módulos, siendo el objetivo del primer módulo la comprensión del funcionamiento del sistema jurídico anglosajón, a través del estudio de sus principales características, de una breve reseña de los juzgados británicos y americanos y de cómo estos establecen el sistema de precedente. Asimismo, se procura la familiarización de los asistentes con la equivalencia léxica en idioma inglés de las diferentes normas jurídicas. El segundo módulo está destinado a la comprensión por los asistentes de los caracteres generales de la redacción jurídica, así como de la terminología vinculada al Derecho Contractual, especialmente a las cláusulas comúnmente incluidas en los contratos, y a su redacción. Al finalizar el curso los asistentes podrán comprender el funcionamiento del sistema jurídico anglosajón, y las características de la redacción jurídica en idioma inglés, lo cual les permitirá reconocer textos jurídicos en inglés, comprender genéricamente su significado, y redactar documentos jurídicos, especialmente cláusulas contractuales.

Dictado del curso en dos módulos, a saber:

Módulo I: Los sistemas legales; algunos aspectos del sistema de Common Law.

Módulo II: Redacción Jurídica y Derecho Contractual.

MODULE 1- THE LEGAL SYSTEMS: SOME ASPECTS OF THE COMMON LAW SYSTEM.

1.1- COMMON LAW SYSTEM: study of the main features of the Common Law system and its

differences with the Civil Law System:

- study of the importance of “precedent” as a source of law;

- study of the importance of the Incorporated Council of Law Reporting (ICLR) in judgments' citations. - brief overview of the main characteristics of the Adversarial System in comparison with the Inquisitorial one in the criminal system.

1.2- COMMON LAW SYSTEM: continuation.

1.3- THE BRITISH JUDICIAL SYSTEM: study of the different Courts of Law and their competence (Magistrates' Court, Youth Courts, County Courts, Crown Court, High Court of Justice, Courts of Appeal, Supreme Court of the United Kingdom). Brief analysis of Tribunals' jurisdiction.

1.4- THE BRITISH JUDICIAL SYSTEM: continuation.

1.5- THE US JUDICIAL SYSTEM: brief overview of the US Courts (Supreme Court of Justice, Federal Courts, State Courts, District Courts, Courts of Appeal, Courts of Special Jurisdiction).

1.6- THE US JUDICIAL SYSTEM: continuation.

1.7- ALTERNATIVE DISPUTE RESOLUTION PROCEDURES (ADR): brief overview of the different Alternative Dispute Resolution Procedures, with focus on the difference between mediation and arbitration.

1.8- ALTERNATIVE DISPUTE RESOLUTION PROCEDURES (ADR): continuation.

1.9- LEGAL RULES: study of the different types of legal rules and the vocabulary referred to what laws state.

1.10- MODULE REVIEW

1.11- TEST N° 1

MODULE 2- LEGAL DRAFTING AND CONTRACTS.

2.1- LEGALESE I:

- Study of the features of legalese.

2.2- LEGALESE II:

- Continuation: study of the features of legalese.

- Practical exercises.

2.3- CONTRACTS FORMATION (SUBSTANTIAL ELEMENTS).

- Basic principles - Study of the concepts of “agreement” and “privity of contract”.
- Classification of contracts.
- Formation of a contract - study of the persons who enter into a contract.
- Study of the contracts’ constituent elements.

2.4- CONTRACTS FORMATION (FORM OF CONTRACTS I).

- Study of the concepts of “void” and “voidable” contracts.
- Study of contract defences.

2.5- CONTRACTS FORMATION (FORM OF CONTRACTS II).

- Continuation:
- Understanding contracts: Express and implied terms, exclusion and limitation clauses.
- Practical exercises.

2.6- CONTRACTS FORMATION (FORM OF CONTRACTS III).

- Study of the concept of templates.
- Study of the most common standard clauses found in contracts.
- Structure of a commercial contract: study of its elements.
- Practical exercises.

2.7- STUDY OF SPECIAL CONTRACTS: SALE OF GOODS I.

- Introduction: Using and incorporating standard terms.
- Sale of goods contract: study of its structure and types of warranties.

2.8- STUDY OF SPECIAL CONTRACTS: SALE OF GOODS II.

- Continuation:
- Focus on ROT clauses.
- Practical exercises.

2.9- CONTRACTS TERMINATION I.

- Termination of contract: study of the concepts of “discharge” and “remedies”.

- Remedies: study of the types of remedies.

2.10- CONTRACTS TERMINATION II.

- Continuation: practical exercises.

2.11- MODULE REVIEW.

2.12- TEST N° 2

(*) Each number represents a class of two hours.

Total of classes: twenty-three (23), divided into nineteen (19) theoretical classes and two (2) classes focused on the respective Module review. Examination of the topics covered in each Module will be done through two written tests (one after each Module) with different activities aimed at both: recognition and production.

AIMS: This Legal English course is divided into two Modules dealing with The Legal Systems, and Legal Drafting and Contract Law. The first one being aimed at understanding the basics of the Anglo-Saxon Legal System through the study of its main characteristics, and by having a brief overview of both British and American Courts and how they set precedents. Also, for students to familiarise with the equivalent English names of the different legal rules. Module two is focused on understanding the basics of legal drafting and the terms related to Contract Law. It is also aimed at students' understanding and grasping of the different terms and most common clauses included in contracts, with focus on their drafting.

At the end of the course students will be able to comprehend how the Anglo-Saxon Legal System works, and to understand the characteristics of the Legal English writing, which will enable them to recognise legal texts in English and to understand their general meaning, with special emphasis on contracts clauses' comprehension and drafting.

MATRÍCULAS: 12 UNIDADES REAJUSTABLES.

25% DE DESCUENTO PARA EGRESADOS CON MENOS DE 5 AÑOS DE RECIBIDOS DE FACULTAD DE DERECHO UDELAR O SOCIOS DE COLEGIO DE ABOGADOS, COLEGIO DE TRADUCTORES