

## BASIC TERMS

- |                   |   |
|-------------------|---|
| 1) barrister      | lawyer who presents a case to a higher court  |
| 2) solicitor      | lawyer who advises clients  |
| 3) court          | an official body that has authority to try criminals, resolve disputes, or make other legal decisions   |
| 4) pupillage      | 'apprenticeship' served by trainee barristers   |
| 5) defendant      | person against whom a civil case is brought   |
| 6) plaintiff      | person who initiates a civil lawsuit (i.e. makes a claim in a civil case)   |
| 7) lawsuit        | a civil action brought in court in which a plaintiff seeks a remedy provided by the law (e.g. damages)  |
| 8) Common Law     | legal system which evolved from the tribal and local laws in England and is the foundation of the legal systems of most of the English-speaking countries of the world, based on customs, usage and court decisions |
| 9) Roman Law      | system of laws which evolved in the 8 <sup>th</sup> BC  |
| 10) the Judiciary | a country's body of judges  |
| 11) notice        | a document providing notification of a fact, claim or proceeding  |
| 12) pleading      | a formal written statement setting forth the cause of action or the defence in a case   |
| 13) trial         | the hearing of a case before a court  |
| 14) witness       | a person who gives evidence in court  |

## **Bibliography**

A. Krois-Lindner and TransLegal, *International Legal English*, Cambridge University Press (ISBN 9 780521 675178)

W. A. Martin, J. Law, *Oxford Dictionary of Law*, Oxford University Press (ISBN 9 780192 806987)

R. Haigh, *Oxford Handbook of Legal Correspondence*, Oxford University Press (ISBN 9 780194 571937)

A. Ashley, *Oxford Handbook of Commercial Correspondence – New Edition*, Oxford University Press (Handbook 978-0-19-457213-2; Workbook 978-0-19-457214-9)

P. Emmerson, *Business English Handbook Advanced*, MacMillan (ISBN 9 781405 086059)

P. Emmerson, *Email English*, MacMillan (ISBN 9 781405 012942)

B. Jean Naterop, R. Revell, *Telephoning in English*, Cambridge University Press (ISBN 9 780521 53911) + audio Cds/cassettes (ISBN 9 780521 53128/9 780521 53135)

P. Emmerson, *Business Grammar Builder*, MacMillan (ISBN 9 780333 754924)

P. Emmerson, *Business Vocabulary Builder*, MacMillan (ISBN 9 780230 716841)

*MacMillan English Dictionary for Advanced Learners* (ISBN 9 781405 025263)

M. Vince, G. Cerulli, *Inside Grammar*, MacMillan (ISBN 9 781405 073882) +  
chiave (ISBN 9 781405 080156) [B1/B2 level]

M. Vince, P. Sunderland, *New Advanced Language Practice with Key*, MacMillan (ISBN 9 781405 007627)

## **Online dictionaries and glossaries**

<http://dictionary.law.com/>

<http://www.nolo.com/glossary.cfm>

<http://lp.findlaw.com/>

<http://research.lawyers.com/glossary/>

<http://www.duhaime.org/dictionary/diction.aspx>

<http://dictionary.reference.com/legal/>

<http://www.legalenglish.com/dictionary.html>



## Reading/Speaking

**Magic circle lawyers lose their power as fees get slashed****Aims**

- Provide reading practice (to develop skills of predicting and working out meaning from context)

**Tasks**

- Read an authentic text about lawyers
- Learn some new vocabulary and role-play a negotiation to practise the vocabulary

**Lead-in**

Discuss these questions with a partner.

- 1 In the world of law firms, what is the *magic circle*?
- 2 Is there a magic circle in your country? Does it contain the same firms?
- 3 In the UK, how much do you think magic circle partners charge for an hour's work?
- 4 Do you think this hourly fee has risen or fallen recently? Why has it changed?
- 5 How much can lawyers from outside the magic circle charge per hour?
- 6 What has happened to fees charged by lawyers from outside the magic circle?
- 7 What type of lawyer can charge the highest hourly fee?

**Reading**

Read the following article adapted from *Management Today*:

<http://www.managementtoday.co.uk/channel/MarketingSales/news/940064/magic-circle-lawyers-lose-power-fees-slashed/>

Read the text quickly to find the answers to the lead-in questions.

**Magic circle lawyers lose their power as fees get slashed**

You know times are hard when even the legal eagles have to start offering discounts.

Never mind the burgeoning national debt or spiralling unemployment; when lawyers are forced to start cutting their rates to attract custom, it's a fairly concrete indicator that the economy is in bad shape.

And according to Jim Diamond, an independent legal costs consultant, that's just how things are shaping up. Partners at London's top five law firms – or the so-called 'magic circle' – are now charging an average of 'only' £450 an hour, down by a third from £675 a year ago, in order to drum up business. And you can bet your bottom dollar that if lawyers are feeling the crunch, fellow professional service types – accountants and consultants – will be too...

Before the economic crisis, magic circle legal fees had been steadily rising, and were criticised by (no doubt less well-paid) in-house lawyers who said that such gargantuan fees were unsustainable. And it seems they were right. A partner from any of the top five – Allen & Overy, Clifford Chance, Slaughter and May, Freshfields Bruckhaus Deringer or Linklaters – can now be instructed for the 'bargain' price of £400 per hour. It's just a pity no-one told the Government – it paid a whopping £22m to Slaughter & May for advice during the credit crunch.

Outside the magic circle, meanwhile, price cuts have been less pronounced. Partner rates for London firms fell by 15% during the last year to £375, while the average hourly charge for a partner outside the capital is now £325 – just £75 less than at a magic circle firm. Diamond told *The Lawyer* that the magic circle's reduction in prices has an overall impact on the market. 'Gone are the days when a mid-rank firm can justify its rates on the basis that the magic circle's are 50% more.' So now you can have the legal equivalent of a Ferrari for a Ford Mondeo price.

Before you go feeling too sorry for our lawyer friends – don't bother. In spite of heavy discounts for many types of work, there is plenty of counter-cyclical business to keep some of their number in clover: it is reckoned that the top insolvency partners can earn up to £900 an hour. Bankruptcy isn't bad news for everyone, it seems.

But despite the opprobrium heaped onto bankers recently, it seems we do have something to thank them for – they're partly responsible for driving down legal fees. Apparently, banks are driving the hardest bargains because they are big magic circle customers with plenty of clout – and they could do with saving a few pennies themselves.

Reading/Speaking

**Magic circle lawyers lose their power as fees get slashed**

Analysis

Read the text again to answer these questions.

- 1 In paragraph one, who do you think *legal eagles* are?
- 2 In paragraph two, what three indicators does the writer give of the weakness of the economy? Which is the best indicator?
- 3 In paragraph three, why is the word *only* written in inverted commas ( ‘ ’ )?
- 4 What point does the writer make in the third paragraph about accountants and consultants?
- 5 In paragraph 4, the writer says “It seems they were right”. Who was right? What were they right about?
- 6 What point is the writer making in paragraph five?
- 7 What do the following figures in paragraph six refer to? 15, 375, 325, 75, 50.
- 8 Why does the writer refer to *Ferraris* and *Ford Mondeos* ?
- 9 In paragraph seven, what do you think the writer means by *counter-cyclical work* ?
- 10 In paragraph eight, try to work out the meaning of the following words. Circle the best synonym.  
 opprobrium = praise / awards / criticism  
 to drive a hard bargain = to negotiate effectively / with difficulty / weakly  
 clout = problems / power / experience

**Vocabulary**

The following words and phrases from the text can all refer to amounts of money. Decide which of the five categories they each belong to.

- |                             |                       |                          |                            |
|-----------------------------|-----------------------|--------------------------|----------------------------|
| a bargain price             | a reduction in prices | burgeoning national debt | gargantuan                 |
| heavy discounts             | spiralling            | steadily rising          | the average hourly charge  |
| to charge an average of ... | to cut rates          | to drive down fees       | to keep somebody in clover |
| to offer discounts          | to save a few pennies | to slash fees            | whopping                   |

Shrinking £→£	Small £	Neutral £	Large £	Growing £→£

**Speaking**

Discuss these questions with a partner.

- 1 Why are banks such good customers for lawyers? What sort of jobs do they need top legal advice on?
- 2 Do you think magic circle lawyers deserve such high fees?
- 3 Why do you think customers prefer to pay for magic circle partners rather than lawyers from mid-sized firms?
- 4 Do you agree that magic circle lawyers are significantly better than other lawyers?

**Role-play**


Student A

You are a banker with a lot of clout and you want to hire a magic circle lawyer.

Student B

You are a magic circle lawyer. Negotiate your hourly fee. Try to use as many words and phrases from the text as you can.

# Listening 4: Practice areas

**31**  Listen to five lawyers talking about their firms, practice areas and clients. Tick the information you hear about each speaker.

## Speaker 1 ...

- 1 has a few years' working experience.
- 2 works as a clerk at a mid-size commercial law firm.
- 3 will get to know other departments of the firm.
- 4 meets with clients regularly.
- 5 plans to specialise in commercial litigation.

## Speaker 2 ...

- 1 is a sole practitioner.
- 2 works in the area of employment law.
- 3 deals with wage disputes.
- 4 represents clients in mediation.
- 5 has many clients who are small businesses.

## Speaker 3 ...

- 1 works in the area of secured transactions.
- 2 carries out trade-mark registrations.
- 3 assists clients who are in artistic professions.
- 4 serves as an expert witness in court.
- 5 is a partner in a large IP firm.

## Speaker 4 ...

- 1 is a senior partner in a mid-size law firm.
- 2 specialises in competition law.
- 3 represents clients before the employment tribunal.
- 4 deals with infringements of the Competition Act.
- 5 has clients in the telecommunications sector.

## Speaker 5 ...

- 1 owns shares in his firm.
- 2 argues cases in court.
- 3 works in the area of real property law.
- 4 represents landlords but not tenants.
- 5 teaches courses on litigation at the law university.

**32** Discuss these questions.

- 1 Which kind of firm do you work in or would you like to work in?
- 2 Which areas of the law have you specialised in or would like to specialise in?

# Photocopiable worksheet 1.2

- 1 I am a **newly**
- 2 The firm **offers a wide**
- 3 Our lawyers **provide advice**
- 4 **At present, I**
- 5 **My duties include a good**
- 6 I am a sole practitioner **in the**
- 7 **Some of the legal issues I commonly deal**
- 8 I **also handle**
- 9 I **counsel**
- 10 I also **provide**
- 11 **My clients are primarily**
- 12 They usually **need advice**
- 13 I **represent**
- 14 I **have a good deal of**
- 15 I **carry**
- 16 **My work also involves**
- 17 I also **serve**
- 18 I **have a good**
- 19 **My main areas of**
- 20 I **advise** clients on a regular basis **with**
- 21 **Some of the industries my clients**
- 22 I am **head**
- 23 I **have tried**
- 24 I **assist**
- 25 I am an **active member of** several professional organisations, including the state and national bar associations, **to name**
- a **am working in** commercial litigation and am enjoying it.
- b **deal of** client liaison.
- c **range of** commercial law services.
- d **on many different** legal areas.
- e **qualified** lawyer.
- f **clients about** their rights.
- g **area of** employment law in a small city.
- h wage and overtime disputes.
- i **advocacy for** them.
- j **with are** wrongful termination, and discrimination.
- k **out** international trade-mark and service-mark registrations.
- l **In handling** personnel matters and resolving disputes.
- m individuals.
- n both plaintiffs and defendants in trade-mark suits.
- o **experience in** domain-name disputes.
- p **as** an expert witness in IP law.
- q **expertise are** competition law and international trade law.
- r **respect to** restrictive trade practices.
- s providing counselling to photographers.
- t **working relationship with** a large IP firm.
- u **but two.**
- v **clients with** all types of real-estate-related litigation.
- w **of** my firm's Litigation Division.
- x **come from include** transportation and steel.
- y **many cases** (mostly to successful conclusion) in court.

## Listening 4

- 1** I'm a newly qualified lawyer and I've just landed a job as an associate at a mid-size law firm. The firm offers a wide range of commercial law services. Our lawyers provide advice on many different legal areas, including banking law, corporate law and corporate tax, employment law, commercial litigation, property law, to name a few. In the next months, I'll be rotating through some of the departments to get an idea about the different practice areas. At present, I'm working in commercial litigation and am enjoying it. My duties include a good deal of client liaison, lots of research and some writing of briefs and letters. Um, while I'm at this firm, I intend to specialise in an area of the law that involves a lot of trial work, because I think I'd really like to be a litigator.
- 2** I'm a sole practitioner in the area of employment and labour law in a small city. Some of the legal issues I commonly deal with are wrongful termination, sexual harassment, and discrimination on the basis of gender, age, religion, disability, national origin or race. I also handle wage and overtime disputes, employment contracts, public-sector employee issues, and disability and workers' compensation issues. I counsel clients about their rights and options. I also provide advocacy for them, including representation in mediations, arbitrations and litigation. My clients are primarily individuals. They usually need advice in handling personnel matters and resolving disputes. Two paralegals assist me in my work at my office.
- 3** As an attorney, I protect the innovations and inventions of my clients. I represent both plaintiffs and defendants in trade-mark, trade-secret and copyright infringement suits in both state and federal courts. I have a good deal of experience in domain-name disputes. I carry out international trade-mark and service-mark registrations and do availability searches and clearances of marks, trade names and logos. My work also involves providing counselling to photographers, architects, graphic designers and creators of fine art. I try to give them an understanding of the laws and procedures that affect them and their businesses. I also serve as a trial consultant and expert witness in IP law. For bigger cases requiring additional staffing and resources, I have a good working relationship with a large IP firm and can arrange representation under this firm if a client requests it. This requires a separate retainer agreement.

- 4 I'm a senior partner in a large law firm. My main areas of expertise are competition law and international trade law. I advise domestic and international clients on all aspects of competition and international trade laws, including domestic and multi-jurisdictional merger transactions, criminal cartel cases, and trade and pricing practices. I represent clients before the Competition Tribunal in merger transactions. I advise clients on a regular basis with respect to restrictive trade practices under the Competition Act. Some of the industries my clients come from include transportation, steel, pulp and paper, telecommunications, media and entertainment, financial services, electronic products and services, food services, and consumer products. On a regular basis I write papers and hold presentations for business and professional audiences on various topics dealing with competition and international trade law.
- 5 I'm a shareholder in my firm and am head of my firm's Litigation Division. I represent landlords, tenants, developers and contractors and have tried many cases (mostly to successful conclusion) in court or arbitration. I assist clients with all types of real-estate-related litigation, including lease and contract disputes, mortgage foreclosures, property-tax disputes and land-use disputes. My practice also involves all types of real-estate transactions. In addition to lecturing and writing about real-estate issues for professional groups, including lawyers, accountants, lenders and real-estate professionals, I teach courses on real-estate law for law students at the local university. I'm an active member of several professional organisations, including the state and national bar associations, to name but two.



