

EXERCISE: TG 5

Module:	Knowledge of Legal Systems
Type of Exercise:	Reading comprehension
Topic:	Stages in the criminal proceedings
Learning Outcome(s):	On completion of this exercise, trainees will have acquired knowledge of: <ul style="list-style-type: none">• the legal systems in the UK and the target language country• the relevant terminology.
Language (Combination):	English/Other language
Equipment:	Dictionaries, PC, Internet connection
Time:	40 minutes
Suitable for:	Intermediate
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Note:	It often happens that two systems may not perfectly overlap, therefore attention must be paid to avoid possible cognates or misnomers.

EXERCISE

Read the text on the stages of the proceedings in the British legal system, then arrange the stages given below in the correct order. Wherever possible, give the Romanian (or other target language) equivalent of the stages of similar proceedings in the Romanian (or other) court or draw a diagram.

TEXT

The plaintiff - usually through his legal representative - starts the action by obtaining a writ of summons. This must be delivered to the Central Office of the Supreme Court and it marks the commencement of the action. The writ must contain in a concise form the nature of the claim in order to warn the defendant of it. Within 14 days of receipt the defendant must file an acknowledgment of service together with a notice of intention to defend.

The next stage is that of issuing the Pleadings; they are usually documents drafted by the counsel and contain a statement in summary form of the material facts on which the party pleading relies. Within a limited time, the defendant must, in turn, deliver his Defence, together with any counterclaim, which he may have. The exchange of documents may - though not commonly - continue with the Reply (presented by the plaintiff), the Rejoinder (the defendant), the Surrejoinder (plaintiff) in order to formulate the issue as clearly as possible for the benefit of both parties.

The stage to follow is the interlocutory stage, consisting of the proceedings between the pleadings and the trial. The most important part of this stage is that called the interrogation, in which one party, at the order of the other, may be forced to answer upon oath to written questions. The parties may also be ordered to facilitate the discovery of documents, that is, he may be asked to present a list of relevant documents in his possession, which can be then consulted by the other party, who may also take copies of them. The interlocutory proceedings conclude with the taking out by the plaintiff of a summons of directions, which includes data about the place and mode of trial (for instance, whether the trial is to be held before a judge alone or before a judge and jury).

The parties are then summoned in the court; they usually appear by counsel, although they may appear in person, too. The plaintiff's counsel opens with a speech in which he outlines his case and lays the issue before the court; he then calls the witnesses and examines them. Each witness may be cross-examined by the Defence in order to test the accuracy of the evidence given. Sometimes the witnesses are re-examined in order to establish belief in the evidence where it has been seriously challenged in cross-examination. If the plaintiff's evidence proves to present no cause of action, the proceedings are ended on account of 'no-case'. The plaintiff may follow the same procedure with his own witnesses, whose evidence is tested in the same way. Defence then makes the closing address, followed by a closing address on behalf of the plaintiff.

Finally the judge gives judgment or, where there is a jury, sums up the evidence to them and directs them upon the relevant law. What follows is the appeal, if the defendant decides upon this course of action.

Adapted from Philip James, *Introduction to English Law*, 1989.

Key

1. interrogation
2. the plaintiff issues the writ of summons
3. examination of witnesses
4. discovery of documents
5. the defendant files his acknowledgment of service
6. rejoinder
7. the defendant issues his counterclaim
8. reply
9. commencement of action
10. re-examination
11. the defendant appeals
12. the jury gives judgment
13. the beginning of the trial
14. cross-examination
15. the Pleadings are issued
16. the judge instructs the jury