

Lord Heinz, Tränkle J

Another Introduction To English Law

Freudig erregt dürfen wir an dieser Stelle Auszüge aus „Another Introduction To English Law – A New Book Of Authority“ noch vor der Veröffentlichung vorstellen. All denjenigen, die die FFP II Englisch noch vor sich haben, wird die Lektüre dringend empfohlen.

Atkin, Lord

Perhaps not as important as -> Lord Denning, Lord Atkin is still a judge You should know.

The whole legal society of Great Britain needed approximately twenty years to grasp his famous dictum. For plaintiffs which were before a court during this period this was certainly a pity, but hey, that's life.

In Donoghue v. Stevenson [1932] he explained to the world at large who really is your neighbour.

nobody can know if there really is a case called Christie v. Pierot. Combining this with a self assured statement of the year the decision was taken (“... well in 1984, I think.”) this is a near to sure winner. But your cases shouldn't be of a more recent date, because nobody really believes, that you are following the current developments of English Law. As a general rule, names like “Jones”, “Smith” or “Connor” are always worth a shot.

At Law

-> In Equity

Certiorari

If you can't pronounce “certiorari”, you should use the word -> “quash”. If you can't pronounce this word either, bad luck.

Blackacre

In German Law this is something known as “land belonging to Volz”¹(-> Whiteacre).

Clapham Omnibus, the man on the

You can't say how the man on the Clapham omnibus will react, because this is decided on a case-by-case basis, but he's definitely not impotent and he rolls up his sleeves and cuts the grass.

Blake v. Barnard, the important rule of

If s.b. is talking your head off, don't be afraid to use a gun. Don't worry, it's ok, it's the law².

Cricket, cases

Carhill v. Catholic Smoke Balls

Never, never swallow them.

Since the FFP II also is a test of your understanding of English culture, knowing some cricket cases is always an advantage:

Greig v. Insole
Miller v. Jackson
Constantine v. Imperial Hotels
Stone v. Bolton

Case names

The nemesis of English Law are the cases. Nevertheless you should never say s.th. like “I don't know a case about this topic”. One of the benefits of the -> English Legal System are the many branches and leaves nobody can know completely. Therefore in an oral exam

Cricket, the game of

For further information, we highly recommend www.cricket.org – the home of cricket on the internet.

¹ For examples we advice to read the „Grundkurs BGB“.
² Don't take this too literally.

Feed, advantages of the new regulations for a

After years of fighting the catholic church succeeded in convincing Her Majesty the Queen in Parliament to accept Moses' commandments as a deed. Before 1989 this was problematic as Moses didn't write on a vellum.

Denning, Lord (1889-1999)

Famous equity judge and cricket player.
When talking about Lord Denning most books use the following or an equivalent phrase: „... the rule in One Person v. Another Person states that this is impossible, nevertheless Lord Denning said in this case ...“.
Even though everyone knows what you mean by writing „Lord D.“ this is regarded to be blasphemic (in the authors' eyes).
The correct answer to the question „When did he die?“ is: „He'll live forever in our minds and English Case Law“.

“Holchstoflegende”, Lord Denning's personal

Lord Denning advocated a free press all his life. This backfired though³.

English Legal System, The

As everybody should know, the English Legal System can be compared to a tree. If this isn't the first thing you are told in any English Legal course, you should go to the Sprachenzentrum and complain.

Equity, the beauty of

During their studies for the FFP II the authors of this book were delighted to be able to see a little piece of the beauty of a principle called Equity. Now it is their mission to tell anybody who isn't fast enough to escape what they've learned.

Harvey v. Facey [1893]

Dedicated to Kerstin.

³ Lord Denning, The Closing Chapter, p. 10: „The times had lived up to its name. The Tunderer. It had charged me and found me guilty. [...] It had made retirement inevitable.“

Hedley Byrne & Co Ltd v. Heller & Partners Ltd [1964]

According to James, p. 319: “The exact impact of this decision at present remains to be seen...”.

In Equity

-> At Law

Jokes, Lawyer's

To improve the atmosphere in an oral exam, try to start off by telling a lawyer's joke. But you must not joke about cricket.

Judges, referring to

According to “Bluff your way in Law”, p. 10, you should always use a wording similar to the following when talking about a judge:
“Was it not Mr. Justice Wilberforce, as he then was, who said something to that effect, “obiter” of course, in the case of Higginbotham against Woolworths reported at 1947 CA 1297?”

For an explanation of the real impact of this sentence, the reading of “Bluff your way in Law” is highly recommended. In an oral exam it is always a good idea to refer to judges using their full names, including their middle names.

Examples:

Lord “Equity” Denning, Lord “Decomposed Snail” Atkin, Judge “Persuasive Precedent” Cardozo.

Jury

When walking through dark places, always remember to take a jury with you (see Blackstone for further explanation)⁴.

New Rule 53

One of the greatest disadvantages of the -> Old Rule 53 was that claims were limited to a period of six months. This disgrace was stopped. Under the New Rule 53, litigants now enjoy the

⁴ Hint: The jury is the lamp, that shows that freedom lives. Ok, this was a silly joke, but try to fill 3 pages by yourself.

benefit of a lengthy limitation period of three months.

Old Rule 53

-> New Rule 53

Penalty, Death

When vacationing in England, never forget to tell your kids not to play violently in the swimming pools.⁵

Quash

It is always a great source of embarrassment to confuse "quash" with "squash". As an aid for your memory we suggest the following mnemonic rhyme: "After quashing the judge should go squashing." We hope this helps a great deal.

Reasoning, legal

-> Lord Denning -> quashed a civil suit of six men, who said they had been beaten and abused by police, using the following string of reason⁶:
"If the six men win, it will mean that the police were guilty of perjury, that they were guilty of violence and threats, that the confessions were involuntary and were improperly admitted in evidence and that the convictions were erroneous. This is such an appalling vista that every sensible person in the land would say, 'it cannot be right that these actions should go any further.' "
This is an example for the doctrine called "It shouldn't be and therefore it cannot be" (also known as the Tränkle-doctrine) everyone can use when dealing with legal matters.

R. v. Bedder, the important rule of

As a man when killing a prostitute you should never forget to check if you fall under the important rule of R. v. Bedder.

As a woman, especially being a prostitute, you should never laugh at and/or kick a lover. Even if he falls

under the R. v. Bedder rule and therefore won't be able to claim provocation as a defence, the outcome will possibly be of no importance to you.

Tenure

It's important never to confuse tenure with Willie Tanner.

Trust, constructive

"By whatever name it is described [...], it is a trust imposed by law whenever justice and good conscience require."⁷

Whiteacre

In German Law this is something known as "land belonging to Kunz"⁸(-> Blackacre).

⁵ Piracy with violence is one of the felonies showing that Great Britain is an island.

⁶ According to <http://members.tripod.co.uk/law365/issue1/denning.htm>; © Copyright 1999 The Washington Post Company

⁷ James, p. 424.

⁸ For examples we advice to read the „Grundkurs BGB“.