

## Legal English Course

### Common Law vs Civil Law & American Court Terminology

Level: B2-C1 | Duration: 120 minutes | Students: French law students (up to 20)

#### Learning Objectives

By the end of this lesson, students will be able to:

- Compare and contrast common law and civil law systems through practical case analysis
- Use key American courtroom terminology appropriately in realistic contexts
- Understand basic trial procedures in the US system through active participation
- Communicate effectively about legal proceedings in English during courtroom simulation

#### LESSON PLAN

##### WARM-UP 10 minutes

##### Quick Discussion - Pair Work

**Instructions:** Students discuss these questions for 5 minutes:

1. What do you know about the English/American legal system?
2. How do you think it differs from the French system?
3. Have you ever watched American legal shows or movies? What did you notice?

**Whole Class:** Brief sharing of ideas (5 minutes)

##### PART 1: COMPARATIVE CASE 15 minutes FRANCE vs UK

##### Input Phase (5 minutes)

**Teacher Presentation:** Brief overview of key differences

Civil Law (France)	Common Law (US/UK)
<b>Source:</b> Written codes and statutes	<b>Source:</b> Case law and precedent
<b>Judge's Role:</b> Investigative, inquisitorial	<b>Judge's Role:</b> Neutral arbitrator
<b>Precedent:</b> Not binding	<b>Precedent:</b> Binding (stare decisis)
<b>Trial:</b> Judge leads investigation	<b>Trial:</b> Adversarial system

##### Pair Work Activity: Case Study Analysis (10 minutes)

**Instructions:** Each pair receives a contract dispute case showing how the SAME facts would be handled in French vs UK courts.

**Task:** Students must identify **5 key differences** between how the case proceeds in each system:

- Role of the judge
- Use of precedent
- Expert witnesses
- Evidence presentation
- Legal sources

**Quick whole-class sharing:** 2-3 pairs share their main findings

## PART 2: AMERICAN COURTROOM TERMINOLOGY 25 minutes

### Essential Court Personnel & Roles (8 minutes)

#### The Players:

- **Judge:** Presides over trial, makes legal rulings
- **Jury:** Group of citizens who decide facts (in jury trials)
- **Plaintiff:** Person bringing the lawsuit (civil cases)
- **Defendant:** Person being sued or accused
- **Prosecutor/District Attorney (DA):** Represents the state (criminal cases)
- **Defense Attorney:** Represents the defendant
- **Court Reporter:** Records everything said in court
- **Bailiff:** Maintains order in courtroom

### Key Courtroom Language (12 minutes)

#### Judge's Expressions:

- **"Sustained!"** - Objection is valid; question/statement is not allowed
- **"Overruled!"** - Objection is invalid; question/statement can continue
- **"Approach the bench"** - Lawyers come speak privately to judge
- **"Strike that from the record"** - Jury must ignore what was just said
- **"Order in the court!"** - Demand for silence/proper behavior

#### Lawyer Objections:

- **"Hearsay!"** - Evidence based on what someone else said, not direct knowledge
- **"Leading the witness!"** - Question suggests the desired answer
- **"Relevance?"** - Question doesn't relate to the case
- **"Asked and answered"** - Question already asked and responded to
- **"Speculation!"** - Witness is guessing, not stating facts

#### Trial Phases:

- **Opening statements:** Each side outlines their case
- **Direct examination:** Questioning your own witness
- **Cross-examination:** Questioning the opposing side's witness
- **Closing arguments:** Final statements summarizing the case
- **Verdict:** Jury's decision

### Vocabulary Practice (5 minutes)

**Quick drill:** Teacher calls out situations, students respond with correct objection or judge response

## PART 3: EXTENDED COURTROOM SIMULATION - MICKEY MOUSE v. ASTERIX 70 minutes

### Case Introduction (5 minutes)

**The Dispute:** Disney claims Asterix & Obelix copied their "clean baffe" technique (smooth flight, no debris). Asterix argues they invented the "chaotic debris baffe" thousands of years ago as Celtic tradition.

#### Key Legal Issues:

- Copyright infringement
- Trademark violation
- Cultural tradition vs commercial ownership
- Burden of proof

## Role Assignments (5 minutes)

### Court Officials:

- **Judge** (1 student) - controls proceedings, rules on objections
- **Court Reporter** (1 student) - takes notes, reads back testimony
- **Bailiff** (1 student) - maintains order, swears in witnesses

### Legal Teams:

- **Disney Legal Team** (3-4 students): Lead attorney, assistant attorney, legal researcher
- **Asterix Defense Team** (3-4 students): Lead attorney, assistant attorney, cultural expert

### Witnesses for Disney: (4-5 students)

- Mickey Mouse (lead plaintiff)
- Walt Disney (creator/founder)
- Animation historian expert
- Minnie Mouse (supporting witness)

### Witnesses for Asterix: (4-5 students)

- Asterix (lead defendant)
- René Goscinny (co-creator)
- Celtic warfare expert
- Julius Caesar (neutral witness)

**Jury:** (Remaining students) - deliberate and reach verdict

## Pre-Trial Preparation (15 minutes)

### Legal Teams:

- Prepare opening statements (3-4 minutes each)
- Plan witness examination questions
- Prepare closing arguments
- Discuss objection strategies

### Witnesses:

- Review testimony from case file
- Prepare to answer questions in character
- Practice staying consistent with their position

### Jury:

- Review jury instructions and legal standards
- Understand what they need to decide

## Trial Proceedings (40 minutes)

### Opening Statements (8 minutes)

- **Disney Team:** Present their case theory (4 minutes)
- **Asterix Team:** Present their defense theory (4 minutes)

### Plaintiff's Case (Disney) - 15 minutes

#### Direct examination of Mickey Mouse (5 minutes)

- When did you first use the "clean baffe"?
- How is it different from other techniques?
- What makes it distinctly Disney?

#### Direct examination of Walt Disney (5 minutes)

- How did you develop this technique?
- What was your creative process?
- Why is this important to Disney?

#### Cross-examination by Defense (5 minutes)

- Challenge timeline and originality claims
- Question commercial

### motives Defense Case (Asterix) - 15 minutes Direct

#### examination of Asterix (5 minutes)

- Explain Gaulish "chaotic baffe" tradition
- How long has this existed?
- How is it different from Disney's version?

#### Direct examination of René Goscinny (5 minutes)

- Inspiration for creating Asterix
- Research into Celtic traditions
- Artistic choices in depicting baffes

**Cross-examination by Plaintiffs (5 minutes)**

- Challenge historical authenticity
- Question timing of creation (1959 vs 1928)

**Closing Arguments (2 minutes)**

- **Disney:** Final appeal to jury (1 minute)
- **Asterix:** Final defense argument (1 minute)

**Jury Deliberation & Verdict (5 minutes)**

**Jury Instructions:** Must decide on:

1. **Prior invention:** Who used the technique first?
2. **Substantial similarity:** Are the techniques similar enough to constitute infringement?
3. **Cultural tradition defense:** Does ancient cultural practice invalidate commercial claims?

**Verdict:** Jury announces decision with brief reasoning

**WRAP-UP & ASSESSMENT**

5 minutes

**Courtroom Performance Evaluation**

**Self-Assessment Questions:**

- Which courtroom terminology did you use successfully?
- What was challenging about staying in character as a legal professional?
- How did the adversarial system feel different from what you're used to?

**Quick Vocabulary Review**

**Match the situation to the correct response:**

1. Witness refers to what someone else told them → **"Hearsay!"**
2. Lawyer asks: "You were lying, weren't you?" → **"Leading the witness!"**
3. Valid objection is made → **"Sustained!"**
4. Question unrelated to the case → **"Relevance?"**

## EXTRA MATERIALS FOR INTERESTED STUDENTS

### Recommended Viewing

#### Classic Legal Films:

- **"12 Angry Men" (1957)** - Masterclass in jury deliberation and reasonable doubt
- **"A Few Good Men" (1992)** - Military court drama with famous cross-examination scene
- **"My Cousin Vinny" (1992)** - Comedy that accurately depicts court procedures
- **"The Verdict" (1982)** - Paul Newman as a lawyer fighting the system

#### TV Series for Legal English:

- **"Law & Order" series** - Realistic procedural language
- **"The Practice"** - Defense attorney perspective
- **"Boston Legal"** - Courtroom advocacy and legal ethics
- **"Suits"** - Corporate law and legal strategy

### Extended Reading

#### Legal English Resources:

- **"Introduction to International Legal English"** by Amy Krois-Lindner
- **"Test Your Professional English: Law"** by Nick Brieger
- **"English for Legal Professionals"** by Uri Orpaha

#### Comparative Law Studies:

- **"Comparative Law in a Global Context"** by Werner Menski
- **"The Common Law and Civil Law Traditions" (Berkeley Law)**
- **"Mixed Legal Systems at New Crossroads"** by Vernon Palmer

### Online Resources

#### Professional Organizations:

- **American Bar Association ([www.americanbar.org](http://www.americanbar.org))** - Legal news and resources
- **International Bar Association ([www.ibanet.org](http://www.ibanet.org))** - Global legal community
- **Court TV ([www.courtTV.com](http://www.courtTV.com))** - Real court proceedings

#### Legal Dictionaries & References:

- **Black's Law Dictionary Online** - Authoritative legal definitions
- **Legal Information Institute (Cornell Law)** - Free legal resources
- **Justia ([www.justia.com](http://www.justia.com))** - Legal cases and statutes

### Advanced Practice Activities

#### Mock Trial Extensions:

- **Appeal Simulation:** Losing side files appeal with appellate court arguments
- **Media Coverage:** Students act as legal correspondents reporting on the trial
- **International Comparison:** How would Mickey vs Asterix be handled in French courts?
- **Alternative Dispute Resolution:** Mediation and arbitration scenarios

#### Legal Writing Practice:

- **Brief Writing:** Legal memoranda and case briefs
- **Contract Drafting:** Simple licensing agreements
- **Settlement Negotiations:** Role-play mediation sessions
- **Legal Opinions:** Advisory letters to clients

## TEACHER NOTES

### Simulation Management Tips:

- **Circulate actively** during preparation and trial
- **Encourage objections** - pause to discuss if students seem hesitant
- **Model appropriate register** - formal but accessible
- **Time management**: Use visible timer, give 2-minute warnings

### Language Support:

Provide phrase banks for hesitant students:

- "Your Honor, I object to..."
- "In my professional opinion..."
- "The evidence clearly shows..."
- "Based on the testimony we've heard..."

### Assessment Focus:

- **Appropriate legal register** and terminology use
- **Staying in role** and character consistency
- **Active participation** in adversarial process
- **Understanding of procedural differences** between legal systems

### Cultural Learning Outcomes:

Students experience firsthand how the **adversarial system** differs from **inquisitorial approach**, understanding why:

- American lawyers are more aggressive/theatrical
- Cross-examination is crucial for testing evidence
- Jury trials create different dynamics
- Precedent and case law drive legal strategy

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