Samir Jonathan Obrajero Dominguez

24/04/25

**Final Exam**

**I**  **Language and the Law**

**Task 1**  
a) Is legal reasoning limited by language?  
♦ Language gives us words to explain ideas, but reasoning also uses logic, evidence and shared principles.  
♦ Judges look at facts, statutes and past decisions—not only at literal text.  
♦ When a language lacks a term, people can coin new phrases or borrow words.

b) Can legal texts be fully and accurately translated?  
♦ Exact word-for-word equivalence is rare because legal terms carry system-specific meanings.  
♦ Translators use “functional equivalents” and may add brief notes to keep nuance.  
♦ Working with legal experts and careful revision helps preserve the original’s force.

**Task 2**  
a) Why “good” jargon helps lawyers  
♦ Provides precise shorthand for complex doctrines example: “due process,” “burden of proof”.  
♦ Ensures everyone in court shares a common understanding of key concepts.  
♦ Speeds up drafting and argument by avoiding repeated explanations.

b) Example of “bad” jargon  
♦ “Pursuant to the stipulations herein contained, the aforementioned party shall effectuate indemnification.”  
♦ Overly formal and vague—simpler phrasing improves clarity.

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**II. Foundations of Mexico’s Legal System**

**Task 3**  
♦ **Mexico (civil law):** Relies on comprehensive, written codes. Judges apply statutes directly and may guide evidence gathering; juries are almost never used.  
♦ **United States (common law):** Centers on judicial precedent (stare decisis). Courts interpret statutes in light of past decisions; proceedings are adversarial and juries decide many cases.  
♦ Mexico values uniform application of detailed rules, while the U.S. system relies on the flexibility of evolving case law.

**Task 4**  
a) Main functions of Mexico’s Supreme Court (SCJN)  
♦ **Constitutional review:** Invalidate laws or acts that conflict with the Constitution.  
♦ **Amparo proceedings:** Protect individual rights against government actions.  
♦ **Binding jurisprudence:** Form binding precedents when the same thesis appears in five consecutive rulings.  
♦ **Inter-branch disputes:** Resolve conflicts between federal authorities (e.g., legislature vs. executive).

b) Why the first four epochs aren’t binding  
♦ The *Semanario Judicial* groups decisions into “epochs.” Binding jurisprudence begins in the **Fifth Epoch** (from 1 June 1917), under the current Constitution.  
♦ Decisions from the first four epochs were issued under earlier constitutional orders and thus lack binding force today.

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**Task 5**  
a) Five basic types of *tesis jurídica*  
♦ **Historical:** Traces how a law or doctrine developed over time.  
♦ **Comparative:** Compares legal rules or systems across jurisdictions.  
♦ **Descriptive:** Explains how laws operate in practice, using cases or data.  
♦ **Exploratory:** Investigates a new or under-studied issue and suggests research paths.  
♦ **Propositional:** Critiques existing law and proposes concrete reforms or solutions.

b) *Tesis aislada* vs. *jurisprudencia*  
♦ A **tesis aislada** is a single judicial thesis from one decision; it may guide judges but does not bind other courts.  
♦ **Jurisprudencia** becomes binding only after the same thesis appears in five consecutive rulings by the Supreme Court or a collegiate circuit court, creating mandatory precedent.

**Task 6**  
♦ **Legal capacity:** Both parties must have the legal ability to contract (no minors or incapacitated persons).  
♦ **Valid consent:** Agreement must be free of defects (no error, fraud or coercion).  
♦ **Lawful object and purpose:** The subject matter and the reason for the contract must be permitted by law and public policy.  
♦ **Proper form:** Consent must be expressed in the manner the law requires (for example, in writing when a written contract is mandatory)

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**Task 7**  
♦ **Tenants’ rights in Mexico:**

* Right to a written lease detailing rent, term and obligations.
* Security deposit generally limited (often one or two months’ rent).
* Habitability: landlord must deliver and maintain the property in good condition.
* Eviction requires a *juicio de arrendamiento* (formal court proceeding) with notice.

♦ **Landlords’ rights in Mexico:**

* Collect rent and security deposit as agreed.
* Charge late fees if stipulated in the contract.
* Initiate eviction through the courts for nonpayment or breach.
* Recover unpaid rent and damages via the same legal process.

♦ **Tenants’ rights in the U.S.:**

* Implied warranty of habitability: safe, sanitary living conditions.
* Protection under fair housing laws (no discrimination).
* Limits on security deposit amounts and strict deadlines for its return.
* Required notice periods (often 30–60 days) before rent increases or eviction.

♦ **Landlords’ rights in the U.S.:**

* Collect rent, security deposit, and enforce lease terms.
* Serve formal notice (e.g., “pay or quit”) before filing eviction.
* Keep part of the deposit for unpaid rent or repairs beyond normal wear and tear.
* Use summary eviction (unlawful detainer) procedures, typically faster than in Mexico.

Each country balances landlord and tenant protections differently: Mexico relies on civil-procedure evictions and code-based limits, while the U.S. varies by state but often offers stronger habitability and anti-discrimination safeguards.

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**Task 8**

a**) General utility of each legal resource:**

♦ **I) Cornell Law School, Legal Information Institute**  
Provides clear definitions and summaries of U.S. legal concepts. Useful for understanding American legal terms and comparing them with other systems.

♦ **II) Justia Mexico**  
Offers access to Mexican codes, laws, and legal topics. Great for translators and students who need official, updated legal texts in Spanish.

♦ **III) Diario Oficial de la Federación (DOF)**  
Publishes official laws, decrees, and government notices. It is the source for legal updates and reforms in Mexico, so it helps confirm if a law is current.

♦ **IV) Diccionario Jurídico**  
An online legal dictionary with terms and short explanations. Helps to understand and translate legal vocabulary with more accuracy.

♦ **V) Biblioteca Jurídica Virtual, Diccionario jurídico mexicano**  
Academic legal dictionary by UNAM. It provides detailed definitions, including legal context and references, useful for deep understanding and formal writing.

♦ **VI) Manual del Justiciable**  
Explains legal procedures and basic theory in accessible language. Helps law students or translators understand general principles of legal processes in Mexico.

♦ **VII) SCJN Búsqueda de Tesis**  
Allows users to search jurisprudence and theses from the Mexican Supreme Court. Useful for finding precedents and understanding how laws are interpreted.

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**Digital Record: 2007290**  
**Court: First Chamber**  
**Tenth Era**  
**Type: Jurisprudence**

**EXPERT EVIDENCE IN GRAPHOLOGY. THE USE OF TECHNOLOGICAL ADVANCEMENTS THAT ALLOW THE CAPTURE AND EDITING OF IMAGES CONTAINED IN DOCUMENTS ANALYZED BY THE EXPERT IS NOT ENOUGH TO DENY PROBATIVE VALUE TO THE CORRESPONDING REPORT.**

When evaluating expert evidence, the judge must begin with the assumption that the expert is a qualified person in the field, who is honest and acts according to their knowledge and understanding. It is presumed that the expert has carefully studied the subject submitted for evaluation and that there is no intent to deceive the judge, since the expert report is presumed to be a conscious act, free from coercion, violence, fraud, bribery, or undue influence.

Therefore, although the assessment of expert evidence is left to the judge’s discretion, only scientific, technical, or artistic reasons stated in the report should be used to determine, through sound reasoning, whether the report has probative value. Now, while this presumption is necessary, it does not limit the judge’s freedom to evaluate the report. The judge may still deny its value if there are reasons to doubt the impartiality, honesty, or integrity of the expert—for example, when there is reason to believe the expert did not act with good faith or truthfulness. However, these reasons must be serious and strong enough to cast real doubt on the expert’s credibility.

Therefore, when a signature is challenged as false and graphology expert evidence is presented, the simple fact that the expert used technology—such as digital cameras that can transfer images to a computer and print them, or software that allows editing of those images—is not enough to deny the report's probative value. While it is true that these tools can alter or even falsify images, this possibility alone is not sufficient to discredit the report. The judge’s evaluation must be based on sound reasoning and solid data suggesting that the expert did not act with honesty or impartiality. In other words, there must be valid grounds to question whether the expert’s work was truly free from external influence or unethical behavior.

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**Task 10**

◆ **a) What are the basic elements of APA style?**

* Title page with the title, author’s name, institution, and date.
* Double-spaced text with 1-inch margins and Times New Roman font (12 pt).
* In-text citations with the author’s last name and year (e.g., Smith, 2020).
* A “References” page at the end with full details of all sources.
* Clear structure: introduction, body, conclusion.
* Use of headings and subheadings to organize content.

◆ **b) Why is “academic voice” (third-person point of view) considered to be the standard for academic writing?**

* It sounds more objective and professional.
* It focuses on the ideas, not the writer.
* It avoids personal opinions and shows evidence-based thinking.
* It helps readers trust that the work is serious and based on research.

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| **Palabra** | **Definición en Español** | **Definición en Inglés** |
| --- | --- | --- |
| **Contrato** | Acuerdo entre dos o más personas que crea derechos y obligaciones. | Agreement between two or more people that creates rights and obligations. |
| **Obligación** | Deber jurídico que tiene una persona de cumplir con algo, como pagar o hacer algo. | Legal duty a person has to do something, like paying or performing an act. |
| **Responsabilidad civil** | Consecuencia legal de causar daño a otra persona, que obliga a repararlo o compensarlo. | Legal consequence of causing harm to someone else, which requires compensation. |
| **Capacidad jurídica** | Aptitud legal para ejercer derechos y contraer obligaciones. | Legal ability to exercise rights and take on obligations. |
| **Persona moral** | Entidad creada por la ley como una empresa o asociación, con derechos y obligaciones. | Entity created by law, like a company or organization, with rights and duties. |
| **Bien inmueble** | Propiedad que no se puede mover, como una casa o un terreno. | Property that cannot be moved, like a house or land. |
| **Herencia** | Bienes y derechos que una persona transmite a sus herederos al morir. | Goods and rights passed from a person to their heirs after death. |
| **Testamento** | Documento legal donde una persona expresa su voluntad sobre sus bienes al morir. | Legal document where a person expresses their will about their property after death. |
| **Matrimonio** | Unión legal entre dos personas que crea derechos y deberes. | Legal union between two people that creates rights and duties. |
| **Adopción** | Acto legal por el cual se establece una relación de filiación entre personas. | Legal act by which a parent-child relationship is created between people. |

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