

M: Hello everyone and welcome to **EnglishPod**! My name is **Marco**.

C: My name is **Catherine**. And today we have a very dramatic **intermediate level** lesson for you.

M: That's right. Today we're gonna take a look at **how a court works** in... for example, in the United States. So you see that in movies and TV shows a lot, y'know, the judge and all of that.

C: That's right. Many of you have seen the movie "The Firm" or "Twelve Angry Men", these are classics in... y'know, 'courtroom dramas' we say. So today we're in a courtroom and there are many characters who are trying to determine if this person is innocent or guilty. So let's take a listen and find out what's going on.

DIALOGUE, FIRST TIME

M: Alright, we're back. So you probably heard a lot of technical words that are specifically related to the courtroom, to lawyers and the laws, so why don't we take a look at some of those now in "**language takeaway**".

Voice: Language takeaway.

C: The first language takeaway we're looking at today is all about people. So people you will find in a courtroom. Who's the first person on our list Marco?

M: So the top person would be the **judge**.

C: The judge.

M: Now you didn't really see this word judge in the, uh... in the dialogue, right?

C: You did hear though the phrase **your honor**.

M: Your honor.

C: So, your honor.

M: So that's how you talk to a judge, you... you always add "Your Honor" before it or something like that.

C: That's right. So you know we say "Mister President", when we're talking to Barack Obama. But if we're talking to a judge, he's a special person in American society, so we call him or her "Your Honor".

M: Your Honor, okay.

C: Alright, Your Honor, the judge, that's our first person.

M: Okay.

C: Who else do we have?

M: So we have the judge, and now we have a group of twelve people who will ultimately decide if the person is guilty or not.

C: That's right. So these people are normal. They come from all different parts of society and they will decide what to do with this person, is he guilty or is she innocent. This group is called the jury.

M: Okay. So the **jury** is a group of normal citizens who will listen to both sides of the story and will then decide if the person committed the crime or didn't commit the crime.

C: That's right, a jury. And... big question is, who's fighting? We have two sides. Someone who is **upset** and someone who is defending themselves. The person who is upset, this is the **prosecution**.

M: Okay. So the prosecution has a group of lawyers that are called the **prosecutors**, right?

C: That's right.

M: And they're trying to prove that that person committed the crime.

C: For example, I say that Marco **burned down** my house. I go to court, I say I'm the prosecution, I want him to pay me for my house. So I'm the **prosecution**.

M: Okay. So you're trying to not only prove that I committed the crime, but also trying to get me to pay for the damage that I caused.

C: Exactly. So in this case the prosecution says: this man stole my wallet...

M: Okay.

C: He's a pickpocket. And who's the **pickpocket**? Or maybe the pickpocket. Who's the other side of this?

M: The **defendant**.

C: Defend, defendant. Think about the word here. To **defend** is to stand up for yourself...

M: Right.

C: To protect yourself.

M: Right.

C: So the defendant says: listen, no! That's not true! I'm not a pickpocket.

M: I didn't do that.

C: So we have the **prosecution**, and the **defense**. Okay, and the person who might be guilty, the person who did the thing or didn't do the thing, is called the **defendant**.

M: Okay, so and your example again about the crime that maybe I burned your house down or I didn't. Uh, I would be the defendant and my lawyers would constitute my defense.

C: Yeah, they are your defense, okay.

M: Okay.

C: So very technical words, but the important thing to remember here is defendant.

M: Alright, good. So now we have one key element that is also a person, we have the **witness**.

C: Right, so the basic idea like you said is we have to tell a story. My story is that you burned down my house. And you say: no I didn't, prove it! I say: I can, someone saw you with a lighter.

M: Okay.

C: And so this person is my witness. That means that he or she saw what happened. So someone who sees a crime is a witness to that crime.

M: Okay, very good. So a lot of, uh, people are in the courtroom, a lot of things are happening. So I think we should listen to the dialogue again and we'll be back to look at some more words on language takeaway, part II.

DIALOGUE, SECOND TIME

C: I love when we do this, so many words, so much language to takeaway.

M: That's right. So now we're going to take a look at the second part of "**language takeaway**", where we have another set of four words that we wanna take a look at.

Voice: Language takeaway.

C: Alright, the first is actually two words. We have two opposites. Okay. So you said earlier, the jury has to make a decision. The jury has to decide: is the defendant innocent or guilty. **Hence** these are two important adjectives. **Innocent**. What does this mean?

M: So if he is innocent, that means he did not commit the crime. He is not responsible for what happened, he did not steal the wallets.

C: Okay, so we often say: babies are so innocent.

M: Right.

C: They can't do anything.

M: They can't do anything wrong.

C: Right.

M: So **guilty** would be the opposite.

C: That's right. So usually when someone is guilty, they're sad, they feel bad, you want them to pay you.

M: And they go to jail.

C: Yeah, in... in that situation they go to jail. If you burn down my house, of course you gonna go to jail.

M: Right.

C: Alright, so guilty means you did a crime, you did a bad thing.

M: So we talked about the prosecution and the defense of the defendant and what happens is they also present some key elements that will prove if the person is innocent or guilty. And that... those elements, they're called **evidence**.

C: That's right. So back to this idea, we tell a story, maybe a witness can help us tell our story. But as you say, evidence is stuff. It's things. So in the case of the house, I could say: you have **matches**, and you smell like smoke and oil. This is evidence for me to use... to show that you're guilty. So in this case, do we have any evidence? There's no evidence, says the defendant.

M: Uhu, right.

C: Alright, so evidence is proof.

M: It's proof.

C: It's physical proof.

M: Yeah, and most of the times when you see movies or TV shows, they will find, uh, I don't know, like maybe a fingerprint, that's evidence. Or somebody's glasses.

C: A cell phone.

M: Exactly.

C: Alright, so evidence. This is very important when you wanna build a case. Finally at the end of a trial we have a verdict. Now, what is a **verdict**?

M: So, a verdict is a final decision or a conclusion, when... which the jury says: yeah, the person is guilty, or he's not guilty, he's innocent. So we use this word usually to **reach a verdict**. The jury reaches a verdict.

C: Now it's interesting why we say to **reach**. Because a jury is not just one person. A jury is many people. And so these people have to decide together, they have to argue, they have to make a conclusion that everyone agrees on. And this... this is to reach a conclusion, to reach a verdict. Because they have to travel there, they have to go together and figure it out.

M: Right, that's very, very important. So the jury reaches a verdict.

C: And we ??? one other phrase is very interesting. It doesn't quite fit with the other ones. We heard this phrase from the defendant. The lawyer says: so these so called witnesses didn't actually see anything. So what is **so called**?

M: So he's being **sarcastic** when he uses this phrase. So called, right? That's why he's... even his tone changes: these "so called" witnesses. So it's a way of expressing sarcasm. He's saying: they say they're witnesses, but they're not really, because they didn't see anything.

C: Right. So 'so called' means you say that they are, but they're not really.

M: Right.

C: I could also say: you're a so called lawyer, he thinks he can help you, but he can't.

M: Right.

C: That means I don't think your lawyer is very good. I don't think he's a real lawyer.

M: Right. Or sometimes people say: my so called friend **stood me up** last night.

C: Oh, so it's not a really friend.

M: He's not really a friend. Exactly.

C: So called, alright, that's another good one. Let's listen to this dialogue one more time, really think about some of the words you heard today, and we'll be back in a moment.

DIALOGUE, THIRD TIME

M: Alright, we're back. So now a very interesting situation with the courtroom dramas. And I've heard that all the people in the jury have to agree in order for them to reach a verdict,

right? So if one of them is not convinced that the person is, for example, guilty, than they have to keep on **deliberating**, that's the word, right?

C: That's right. So basically the jury is always alone, in a room, maybe they have a guard, but they're not supposed to talk to journalists or friends of the defendant or anyone, because their decision is supposed to be pure. So they talk. And sometimes it takes 10 minutes, everyone agrees, this person is guilty or this person is innocent. But sometimes they don't agree. And it can be one day, two days, a week, two weeks, a month, trying to decide what to do. I remember in the O.J. Simpson case, the jury took a long time to...

M: Yeah, they took a long...

C: To figure out what they were going to do.

M: And now we said that the jury are common citizens, they're normal people. So what happens in their jobs like if they can't go to work because they're... they're doing this?

C: Well, in America this job is called **jury duty**. And so, someone will send you a letter, and they say: listen, you need to come to jury duty. And you help be a part of the jury. And your... your job, they can't make you come, because this is a... this is a service for the government. And so...

M: So it's above everything else.

C: It's above. You get your normal pay, there's no problem, you... you just don't work.

M: Okay. So they can't fire you if you're in jury duty for like 5 days, or a month or whatever.

C: No, they can't, that's illegal.

M: Wow, that's really interesting. But a lot of people, I've heard, don't like to go to jury duty, for some reason. It's... is it **tedious**?

C: No, it's probably very boring. I've never done it. But it's probably very boring.

M: Hm, I would imagine so. Alright, well, that's a very interesting topic. I'm sure in your countries laws are handled differently. Maybe you don't have a courtroom, maybe you have like in England, people wear **wigs** and, uh... and black robes. So let us know, uh, how it works in your countries, we'll see everyone at our website englishpod.com and, of course, if you have any questions or comments you can leave those there as well.

C: See you on the website, and happy studies.

M: Bye!

C: Bye everyone!