

# English for Lawyers 1

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G10, room 6/I, Tue 14:15–15:15

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# Revision

State Governance



# State Governance

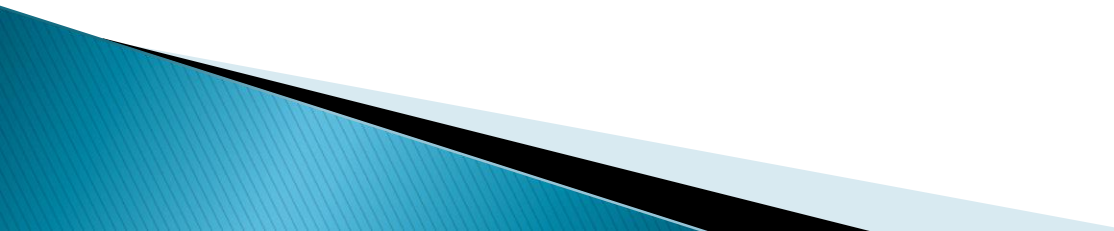
1. Explain the concept of separation of powers (and persons).
  2. What is a legislature and how is it formed?
  3. How is the government formed?
  4. Who controls the state budget?
  5. Who enacts law and who enforces it?
  6. Which branch must be politically independent?
  7. What does the legislature confirm/approve?  
What does it ratify?
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# State Governance and Administration of Justice



(cont.)

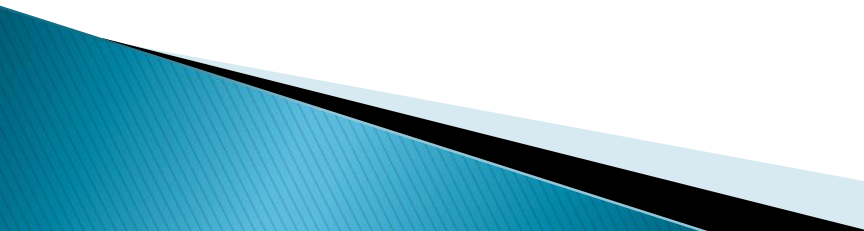
# Checks and Balances

- ▶ Do you know of ways in which the powers vested in the three branches overlap?
  - ▶ What mechanisms of mutual control do you know between the three branches?
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# Checks and Balances

- ▶ legislative power – sometimes conferred on the executive branch
  - government can make emergency regulations
  - ministers, local authorities, and other executive bodies may sometimes issue regulations
  - the legislature can vote to remove members of government or the entire government (cast a vote of no confidence)
- ▶ in some countries, some courts can abolish/abrogate provisions of laws, entire laws and/or invalidate decisions if they find them to be unconstitutional

# Checks and Balances

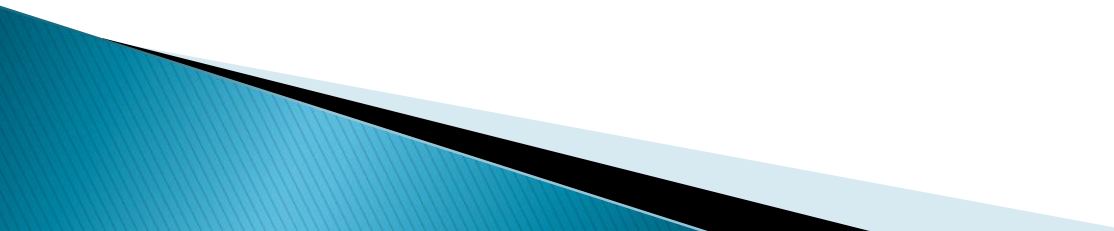
- ▶ Discuss the meaning of the following terms and try to translate them into Croatian:
    - lay down an emergency law
    - take effect/enter into force
    - cast a vote of no confidence
    - abolish/abrogate a provision of law
    - invalidate a decision
- 

# Checks and Balances

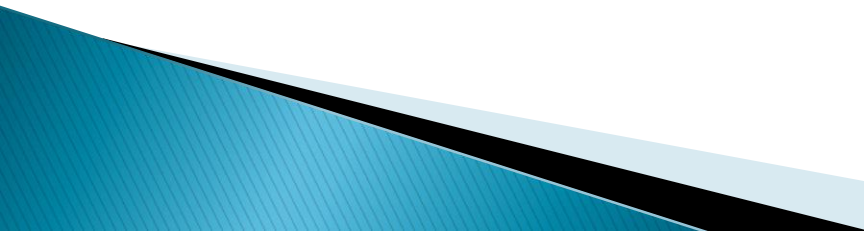
- ▶ Discuss the meaning of the following terms and try to translate them into Croatian:
  - lay down an emergency law – donijeti hitan propis
  - take effect/enter into force – stupiti na snagu
  - cast a vote of no confidence – izglasati nepovjerenje
  - aboslih/abrogate a provision of law – ukinuti odredbu zakona
  - invalidate a decision – poništiti odluku



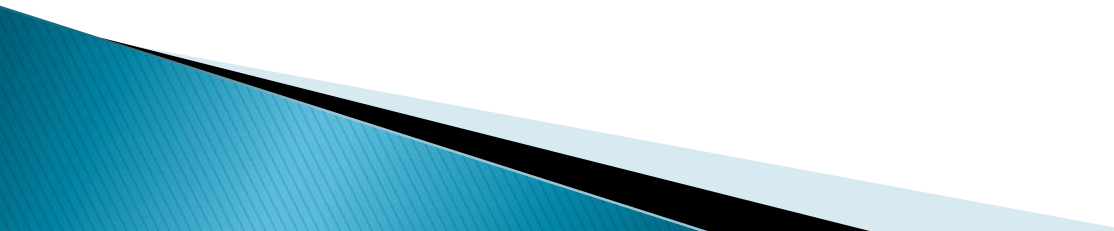
# Words easily confused

- ▶ enact a law
  - ▶ enforce the law
  - ▶ implement a strategy, a policy
  
  - ▶ legislative
  - ▶ legislature
  - ▶ legislation
- 

# Words easily confused

- ▶ enact a law – donijeti zakon
  - ▶ enforce the law – **provoditi** zakon
  - ▶ implement a strategy, a policy – **provoditi** strategiju, politiku
  
  - ▶ legislative, adj. – zakonodavni
  - ▶ legislature, n. – zakonodavno tijelo
  - ▶ legislation, n. – zakonodavstvo (zakoni)
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# The State Budget

- ▶ propose the state budget
  - ▶ adopt the state budget
  - ▶ implement the state budget
  
  - ▶ Q: Who does these actions and what do they mean?
- 

# The State Budget

- ▶ propose the state budget
  - predložiti proračun (vlada)
- ▶ adopt the state budget
  - usvojiti proračun (parlament)
- ▶ implement the state budget
  - provoditi proračun (vlada)

# Vocabulary practice

- ▶ exercises pp.42–43 / III–VII

# Administration of Justice




Resolving disputes

# Justice Systems



What are the main differences between these justice systems?  
Think of the parties and the purposes!

# Justice systems

- ▶ CRIMINAL – prosecution of crimes
  - ▶ CIVIL – private disputes, compensation for damage, property, breach of contract, inheritance
  - ▶ FAMILY – family matters, marriage/divorce, care of children, domestic violence
  - ▶ ADMINISTRATIVE – complaints against decisions of administrative bodies
  - ▶ COMMERCIAL – disputes between legal persons (business entities)
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# legal – natural – offender – injured state/public – family – injuring

PROCEDURE	INITIATING PARTY	RESPONDENT
CRIMINAL	prosecutor (____ attorney)	defendant (alleged ____)
CIVIL	claimant (____ person, ____ party)	defendant (____ person, alleged ____ party)
FAMILY	petitioner (____ member)	respondent (____ member)
COMMERCIAL	claimant (____ person)	defendant (____ person)
ADMINISTRATIVE	claimant (__ or __ person)	defendant (____ authority)

# legal – natural – offender – injured state/public – family – injuring

PROCEDURE	INITIATING PARTY	RESPONDENT
CRIMINAL	prosecutor (state/public attorney)	defendant (alleged offender)
CIVIL	claimant (natural person, injured party)	defendant (natural person, alleged injuring party)
FAMILY	petitioner (family member)	respondent (family member)
COMMERCIAL	claimant (legal person)	defendant (legal person)
ADMINISTRATIVE	claimant (legal or natural person)	defendant (state/public authority)

# Resolving Disputes

- ▶ **LITIGATION (COURT PROCEDURES)**
  - strict detailed rules
  - considerable costs (lawyer and court fees)
- ▶ **ALTERNATIVE DISPUTE RESOLUTION (ADR)**
  - mediation, conciliation, arbitration, ombudsman

# Alternative Dispute Resolution (ADR)

## ▶ MEDIATION

- a process of negotiating and engaging in meaningful dialogue with the help of a neutral and disinterested third party. The point is to explore common ground, be willing to understand the other side, make concessions, and ultimately reach a mutually acceptable agreement.

## ▶ ARBITRATION

- a procedure which involves submitting to an impartial authority and undertaking to abide by his/her decision.

**Thank you for your attention!**

