



# ENGLISH OF LAWYERS 1

Faculty of Law, Thaksin University  
Phattalung Campus

Papontee Teeraphan  
Papontee\_god@hotmail.com

## Preface

English is well known as the international language. Undoubtedly it has recently been important for all. Unfortunately, for Thai students, it seems that English had been ignored for long. However it is accepted that Thai people, especially Thai students must learn and can use English as a means in daily life.

For Thai law student, English seems to be something in which to be avoided. Some might say, the decision made to attend in studying law, is to avoid involving English. Nevertheless, from now on, they cannot avoid anymore. To earn a law degree, law students must learn English for Lawyers at least two subjects. These two subjects aim to gain English skills in legal atmospheres.

In this academic paper, the writer will mainly focus on reading and writing skills which they are parts of the subject matters.

Papontee Teeraphan

Law Lecturer, Thaksin University

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# English for Lawyers 1

## English for Lawyers 1: Purposes and aims

In this subject, its aims are as follows;

- to encourage law students in using English
- to learn about legal vocabularies.
- to learn about reading legal passages.
- to improve listening, discussing and speaking skills in different situations related to laws.
- to learn about the way to answer a legal question and write a legal opinion paragraph.

## Simple agreement between instructor and law students

The students must learn actively whether in class or outside. The legal practices, such as grammar review, testing skills quiz, role play, and legal writing tasks, will sometimes be given. All the practices **must be** done by themselves, whereas the instructor will be an advisor.

Furthermore, dictionary will be needed in all time of learning this subject.

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## **Introduction of English**

English is a language used popularly in the world. It is widely used as a means of international communication in any fields. In politic, in economic, in daily life where people have their own different languages. So this has led English much more important every day. Even though, it may be said that English is only used in some powerful countries, the United States of America, the United Kingdom, Australia, New Zealand and Canada as examples, as the first language. However, it is not true because, in other countries, English is an essential language used as well. Those countries are India, Pakistan, Nepal, Bangladesh, the Philippines, Singapore, Hong Kong, Burma, Sri Lanka, Malaysia, and Brunei where English is now used as an official or second language

Interestingly, English is the most language learnt by people around the world. More than sixty percent of information revealed in any devices is in English, as well as more than seventy percent of mail envelopes are written in English. Therefore, English has become powerful among many languages at the present. It is commonly accepted that English skill is important for mankind nowadays indeed.

## **Type of English**

English may be divided into categories depending on its main concepts. However, English may also be put separately in different types as American English and British English.

## **Differences between American English and British English**

- Pronunciation, e.g. box, fast, new
- Spelling, e.g. centre-center, colour-color, organise-organize, judgement-judgment, disc-disk, gaol-jail, cheque-check
- Different word use, e.g. football-soccer, lift-elevator, post-mail, aeroplane-airplane

## Kind of English by Use

Besides of American or British English above, English may be divided by a use itself as follows;

- Conversation; English using in this category is English used in daily life. It is simple in any situation mostly found in common communications, such as buying a meal or asking a direction.

- Fiction; English in fiction is commonly used for the pleasure of the audiences which generally are very wide. The purpose of its use is to entertain the audiences.

- Newspaper Language; the use of English in newspaper is commonly seen as short one. This is because, in the newspaper, there is not much space for all words needed to communicate to readers. So the language will be summarized as shortest as the writers can possibly.

- Academic Prose; the use of English in this category is very formal. Its grammar is very strict. This English use can easily be seen in the formal papers, such as thesis of graduate students in university, academic article in a journal, a notice or a file on lawsuit.

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## Discussion:

- English and its importance for Thai law students nowadays.

- The improvement of English skills for law students.

- The expectation on English skills improvement for law students.

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## Reading Skill

On this section, the students will learn about;

- How to find a main idea in legal passages.
  - How to find supporting details in legal passages.
  - How to guess unknown word in context.
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### Topic Seeking: What is a topic?

Topic is a matter dealt with in a text, discourse, or conversation. This is the idea which a writer would like to present in each paragraph. Topic may be sought by a skimming.

Skimming is a method of moving eyes rapidly in order to find the main idea and general overview of a context. Skimming is useful in three different situations as follows;

- Skimming is more thorough than simple previewing because it can give an accurate picture of context when it is later read.

- Skimming is useful for review text already read.

- Frequently, for many reasons, skimming is used when details are not needed.

In conclusion, it may be said that "Topic is the overall subject of a paragraph."

### Example: What is the topic?

In the United States, orange juice is one of the most popular cold drinks. Most of the oranges for juice grow in Florida. In many homes around the country, orange is always served at the breakfast time. It's always a favorite snack at any time of the day. When there is bad weather in Florida, the whole country knows about it. Bad weather in Florida means fewer oranges and that means more expensive the juice.

## **In Class Practice**

- Write a few sentences and think about a topic, later read to the class and let the others guess what it is about.

- Discuss whether the article is good, focusing on grammar and topic in particular.

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## **Main idea**

Main Idea is a statement that tells the author's point about the topic. The main idea provides the message of a given paragraph or the argument that is being made about the topic.

## **How to Find the Main Idea**

Ask yourself the question: What is the overall message or argument being made by the author about the topic of this paragraph?

- Boldfaced headings or titles may contain the topic and/or main idea.
- First and last sentences in the paragraph are usually helpful.
- Look for repeating words, these often indicate the topic.

## **Topic Sentence**

Topic sentence is usually a statement of the main idea, which all other material in the paragraph, examples, reasons, facts, details and other evidence, can fit.

Topic sentence in a well-organized paragraph supports or develops a single controlling idea, which is expressed in a sentence called the topic sentence. A topic sentence has several important functions: it substantiates or supports an essay's thesis statement; it unifies the content of a paragraph and directs the order of the sentences; and it advises the reader of the subject to be discussed and how the paragraph will discuss it. Readers generally look to the first few sentences in a paragraph to determine the subject and perspective of the paragraph. That is why it is often best to put the topic sentence at the very beginning of the paragraph. In some cases, however, it is more

effective to place another sentence before the topic sentence, for example, a sentence linking the current paragraph to the previous one, or one providing background information.

Although most paragraphs should have a topic sentence, there are a few situations when a paragraph might not need a topic sentence. For example, you might be able to omit a topic sentence in a paragraph that narrates a series of events, if a paragraph continues developing an idea that you introduced (with a topic sentence) in the previous paragraph, or if all the sentences and details in a paragraph clearly refer - perhaps indirectly - to a main point. The vast majority of your paragraphs, however, should have a topic sentence.

## Location of the Topic Sentence

Topic sentence is usually found in the first sentence of the paragraph, but not every time. They may also be located within the paragraph, at the end of the paragraph or even they may appear twice - at the beginning and at the end.

## Supporting details

Supporting details are sentences containing facts, statements, examples-specifics which guide to a full understanding of the main idea. They clarify, illuminate, explain, describe, expand and illustrate the main idea.

## Types of supporting details

- **By comparison**, in which one thing is shown to be like another

Example: Crime rate is one of the factors for being a livable country. It can be seen that in a developed country, such as Australia, Canada or Switzerland, the crime rate is not high. Whereas in an undeveloped city, Kenya for an instance, the rate shows the safe of the city. Therefore, when a rank about being a livable city takes place, crime rate will be one of the important considerable factors.

- **By contrast**, in which one thing is shown to differ from another.

Example: An ability of students is a factor showing their effectiveness. Skilled students are different from unskilled students in that they use a method to read a textbook. The skilled ones will

prepare themselves well. They will systemically arrange their time to read the textbook, whereas the unskilled ones may not care about the time.

**- By statistic**

Example: Attention in class is very significant for all students. The fact shows that seventy-five percent of the students who do not attend class regularly receive grades of C or worse.

**- By graph**

Example: Figure 9-1 is one type of graph.

**- By quotation from authorities**

Example: Professor Smith admits, "I tell students they do not need to attend my class if they do not want to. I know, however, that if they do not come, they will not pass."

**- By vivid description**

Example: The students took the exam from the professor's hand, quickly looked at the grade, gave a sigh of relief and began to smile.

**- By giving example**

Example: Persons may incur obligations voluntarily by entering into a contract, for instance, to get a job, buy a house, borrow on the security of a mortgage, and take out an insurance policy. They also incur the obligation imposed by law (the law of tort) to compensate others for unjustified harm caused them deliberately or carelessly. Likewise imposed by law are the duties which stem from family relationships.

**- By showing cause and effect**

Corruption is the worst act of human, particularly in a legal field. Corruption can lead people's decision to be incorrect. It is believed that human is greedy. Whenever huge money is offered or given, they will probably follow the order. There is no exception even in the legal practice.

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## Tip for seeking details

- Briefly read, skim the passage.
- Read a question and consider what it needs.
- Re-read carefully to find an exact answer.
- If any exact answer cannot be found, try to find some sentences in the context where it may address the question.
- Put the results found above to compare the scope of the question. If it is not needed for the question, do not write it as an answer.
- Skip where it is needed. For example, when an answer cannot be found shortly and it will probably take long time.

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**Discussion:** If there was a paragraph, but it only has a main idea without any details, what would happen? How do readers feel about the context? Are details important? What reasons?

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## Practice: Seeking the answers

What are the topic, the main idea and the supporting details?

Bangkok is Thailand's capital city where there are many people as well as social problems. It is not the fantastic land as it is mentioned. Everyday there are numbers of people coming from rural areas to the town due to different reasons, such as poverty, joblessness and so on. Therefore, they decide to be in the town. For some people, students for instance, they agree that most of the famous universities are located in Bangkok. This includes many famous professors who work in the capital. This is why a massive amount of people living in Bangkok is increasing over every year.

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## General Principle of Private Law

Private law is that part of a civil law legal system that involves relationships between individuals, such as the law of contracts or torts, and the law of obligations. It is to be distinguished from public law, which deals with relationships between both natural and artificial persons (i.e., organizations) and the state, including other laws that affect the public order. In general terms, private law involves interactions between private citizens, whereas public law involves interrelations between the state and the general population.

What is the topic?

What is the main idea?

What are the supporting details?

### Example

Private law defines who counts as a person able to enter into legal relations and deals with their legal capacity. Since the abolition of slavery, all human beings count as persons. Furthermore, these natural persons may set up other 'artificial' legal persons such as associations, foundations, and most important, business corporations.

### Example

In contract law, a person's ability to satisfy the elements required for someone to enter binding contracts. For example, capacity rules often require a person to have reached a minimum age and to have soundness of mind.

### Example

A legally binding agreement involving two or more people or businesses (called parties) that sets forth what the parties will or will not do. Most contracts that can be carried out within one year can be either oral or written. Major exceptions include contracts involving the ownership of real estate and commercial contracts for goods worth \$500 or more, which must be in writing to be enforceable. A contract is formed when competent parties, usually adults of sound mind or business

entities, mutually agree to provide each other some benefit (called consideration), such as a promise to pay money in exchange for a promise to deliver specified goods or services or the actual delivery of those goods and services. A contract normally requires one party to make a reasonably detailed offer to do something, including typically, the price, time for performance, and other essential terms and conditions, and the other to accept without significant change. For example, if I offer to sell you ten roses for \$10 to be delivered next Thursday and you say "It is a deal," we have made a valid contract. On the other hand, if one party fails to offer something of benefit to the other, there is no contract. For example, if Maria promises to fix Josh's car, there is no contract unless Josh promises something in return for Maria's services.

### **Example**

The violation of a contractual obligation. One may breach a contract by repudiating a promise, failing to perform a promise, or interfering with another party's performance.

A legal claim that one party failed to perform as required under a valid agreement (written or oral) with the other party. For example, you might say, "The roofer breached our contract by using substandard supplies when he repaired my roof."

### **Example**

The ability of parties to bargain and create the terms of their agreement as they desire without outside interference from government.

### **Example**

Torts are civil wrongs recognized by law as grounds for a lawsuit. These wrongs result in an injury or harm constituting the basis for a claim by the injured party. While some torts are also crimes punishable with imprisonment, the primary aim of tort law is to provide relief for the damages incurred and deter others from committing the same harms. The injured person may sue for an injunction to prevent the continuation of the tortious conduct or for monetary damages.

Among the types of damages, the injured party may recover are loss of earnings capacity, pain and suffering, and reasonable medical expenses. They include both present and future expected losses.

There are numerous specific torts including trespass, assault, battery, negligence, products liability, and intentional infliction of emotional distress.

Torts fall into three general categories; intentional torts (e.g., intentionally hitting a person); negligent torts (e.g., causing an accident by failing to obey traffic rules); and strict liability torts (e.g., liability for making and selling defective products). Intentional torts are those wrongs which the defendant knew or should have known would occur through their actions or inactions. Negligent torts occur when the defendant's actions were unreasonably unsafe. Strict liability wrongs do not depend on the degree of carefulness by the defendant but are established when a particular action causes damage.

## **Example**

A failure to behave with the level of care that someone of ordinary prudence would have exercised under the same circumstances. The behavior usually consists of actions but can also consist of omissions when there is some duty to act (e.g., a duty to help victims of one's previous conduct).

## **Example**

Failure to exercise the care toward others that a reasonable or prudent person would use in the same circumstances or taking action that such a reasonable person would not, resulting in unintentional harm to another. Negligence forms a common basis for civil litigation, with plaintiffs suing for damages based on a variety of injuries, from physical or property damage to business errors and miscalculations. The injured party (plaintiff) must prove: 1) that the allegedly negligent defendant had a duty to the injured party or to the general public, 2) that the defendant's action (or failure to act) was not what a reasonably prudent person would have done, and 3) that the damages were directly ("proximately") caused by the negligence. An added factor in the formula for determining negligence is whether the damages were "reasonably foreseeable" at the time of the alleged carelessness.

## Homework Summarizing Task

Products liability refers to the liability of any or all parties along the chain of manufacture of any product for damage caused by that product. This includes the manufacturer of component parts (at the top of the chain), an assembling manufacturer, the wholesaler, and the retail store owner (at the bottom of the chain). Products containing inherent defects that cause harm to a consumer of the product, or someone to whom the product was loaned, given, etc., are the subjects of products liability suits. While products are generally thought of as tangible personal property, products liability has stretched that definition to include intangibles (gas), naturals (pets), real estate (house), and writings (navigational charts).

Products liability claims can be based on negligence, strict liability, or breach of warranty of fitness depending on the jurisdiction within which the claim is based. Many states have enacted comprehensive products liability statutes. These statutory provisions can be very diverse such that the United States Department of Commerce has promulgated a Model Uniform Products Liability Act (MUPLA) for voluntary use by the states. There is no federal products liability law.

In any jurisdiction, one must prove that the product is defective. There are three types of product defects that incur liability in manufacturers and suppliers: design defects, manufacturing defects, and defects in marketing. Design defects are inherent; they exist before the product is manufactured. While the item might serve its purpose well, it can be unreasonably dangerous to use due to a design flaw. On the other hand, manufacturing defects occur during the construction or production of the item. Only a few out of many products of the same type are flawed in this case. Defects in marketing deal with improper instructions and failures to warn consumers of latent dangers in the product.

Products Liability is generally considered a strict liability offense. Strict liability wrongs do not depend on the degree of carefulness by the defendant. Translated to products liability terms, a defendant is liable when it is shown that the product is defective. It is irrelevant whether the manufacturer or supplier exercised great care; if there is a defect in the product that causes harm, he or she will be liable for it.

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## General Principle of Criminal Law

Criminal law relates to a behavior that the law makes punishable as a public offense. The elements of a crime typically come from statutes but may also be supplied by the common law in states where the criminal common law still carries force.

### Example

Criminal law is the body of law that relates to crime. It regulates social conduct and proscribes threatening, harming, or otherwise endangering the health, safety, and moral welfare of people. It includes the punishment of people who violate these laws. Criminal law differs from civil law, whose emphasis is more on dispute resolution and victim compensation than on punishment.

What is the topic?

What is the main idea?

What are the supporting details?

### Example

The killing of a human being by a sane person, with intent or malice aforethought, and with no legal excuse or authority. Many states make killings in which there is torture, movement of the person (kidnapping) before the killing, or death of a police officer or prison guard first degree murders with or without premeditation, with malice presumed. A killing that happens during the course of specified crimes (known as felony murder) may also be first-degree murder.

### Example

A crime consisting of physical contact that is intended to harm someone. Unintentional harmful contact is not battery, no matter how careless the behavior or how severe the injury. A fist fight is a common battery; being hit by a wild pitch in a baseball game is not.

1. In criminal law, a physical act that results in harmful or offensive contact with another's person without that person's consent.

2. In tort law, the intentional causation of harmful or offensive contact with another's person without that person's consent.

### **Example**

Trespass is defined by the act of knowingly entering another person's property without permission. Such action is held to infringe upon a property owner's legal right to enjoy the benefits of ownership. Criminal charges, which range from violation to felony, may be brought against someone who interferes with another person's legal property rights. Criminal trespasses, depending on the venue of jurisdiction and case circumstances, fall under different subsets of law. When a trespass is carried out against another person, rather than against his/her property, the trespasser is likely to be charged with assault or battery. Actions violating the real property of another are handled as Trespasses to Land. Violations to personal property are handled as torts.

Under Tort Law, a property owner may bring a civil lawsuit against a trespasser in order to recover damages or receive compensatory relief for injury suffered as a direct result of a trespass. In a tort action, the plaintiff must prove that the offender had, but knowingly violated, a legal duty to respect another person's right to property, which resulted in direct injury or loss to the plaintiff.

### **Example**

Rape is a crime at common law defining as unlawful sexual intercourse with a woman by a man without her consent and by means of fear or force.

The crime of having sexual intercourse with another person without consent. Common law defined rape as unlawful intercourse by a man against a woman who is not his wife by force or threat and against her will. However, modernly, states have broadened the definition so that marriage, gender, and force are not relevant. Lack of consent is the crucial element. Statutory rape occurs when the victim is under the legal age of consent even if the intercourse is consensual.

## Example

The termination of a pregnancy by the removal, by surgical or other means, of an embryo or fetus from a woman's uterus. Since 1973, abortion was considered a crime unless performed by physicians to protect the life of the mother. The Supreme Court ruled in the case of *Roe v. Wade* (1973) that a woman had the right to choose abortion to end a pregnancy through the first trimester. In the latter stages of pregnancy, danger to the life of the mother could still justify a legal abortion.

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## Homework Summarizing Task

Crime is behavior, either by act or omission, defined by statutory or common law as deserving of punishment. Although most crimes require the element of intent, certain minor crimes may be committed on the basis of strict liability even if the defendant had no specific mindset with regard to the criminal action. For instance, parking violations are crimes that usually do not require prosecutors to establish intent.

Some crimes are considered *mala prohibita* ("bad because prohibited"); these are prohibited by statute but are not inherently evil. Other crimes are considered *mala in se* ("bad in themselves"); these are considered inherently evil under general community standards. The idea of *mala in se* formed the original justification for common law crimes. However, many crimes that are today prohibited by statute also belong to the category of *mala in se*.

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## General Principle of Public Law

Public law is that part of law which governs relationships between individuals and the government, and those relationships between individuals which are of direct concern to the society. Public law comprises constitutional law, administrative law, tax law and criminal law, as well as all procedural law. In public law, mandatory rules prevail. Whereas laws concerning relationships between individuals belong to private law.

What is the topic?

What is the main idea?

What are the supporting details?

### Example

Rights can be divided into private rights and public rights. A paragon of a public right is the right to welfare benefits, only a natural person can claim such payments, and they are awarded through an administrative decision out of the government budget.

### Example

The distinction between public law and private law dates back to Roman law. It has been picked up in the countries of civil law tradition at the beginning of the 19<sup>th</sup> century, but since then spread to common law countries, too.

The borderline between public law and private law is not always clear in particular cases, giving rise to attempts of theoretical understanding of its basis.

## **Example: Constitutional law**

In modern states, constitutional law lays out the foundations of the state. Above all, it postulates the supremacy of law in the functioning of the state.

Secondly, it sets out the form of government about how its different branches work, how they are elected or appointed, and the division of powers and responsibilities between them. Traditionally, the basic elements of government are the executive, the legislature and the judiciary.

And thirdly, in describing what are the basic human rights, which must be protected for every person, and what further civil and political rights citizens have, it sets the fundamental borders to what any government must and must not do.

In most jurisdictions, constitutional law is enshrined in a written document, the Constitution, sometimes together with amendments or other constitutional laws. In some countries, however, such a supreme entrenched written document does not exist for historical and political reasons, such as the Constitution of the United Kingdom.

## **Example: Administrative law**

Administrative law refers to the body of law which regulates bureaucratic managerial procedures and defines the powers of administrative agencies. These laws are enforced by the executive branch of a government rather than the judicial or legislative branches.

## **Example**

Thailand is one and indivisible Kingdom.

The sovereign power belongs to the Thai people. The King as Head of the State shall exercise such power through the National Assembly, the Council of Ministers and the Courts in accordance with the provisions of this Constitution.

The performance of duties of the National Assembly, the Council of Ministers, the Courts, and the constitutional organs, as well as State agencies shall be under the Rule of Law.

**Example**

The Thai people, irrespective of their origins, sexes or religions, shall enjoy equal protection under this Constitution.

Whenever no provision under this Constitution is applicable to any case, it shall be decided in accordance with the constitutional practice in the democratic regime of government with the King as Head of the State.

**Example**

A person shall enjoy the right and liberty in his or her life and person. A torture, brutal act, or punishment by a cruel or inhumane means shall not be permitted; provided, however, that punishment in execution of a judgment of the Court or as provided by law shall not be deemed the punishment by a cruel or inhumane means under this paragraph.

No arrest or detention of person shall be made except by an order or a warrant of the court or upon other causes as provided by law.

**Example**

A search of a person or an act affecting the right and liberty under paragraph one shall not be made unless upon such causes as provided by law.

In the case where there occurs an act affecting the right and liberty under paragraph one, the injured person, the Public Prosecutor or any other person, in the interest of the injured person, has the right to file an application to the Court for an order stopping or revoking such act, and, for this purpose, there may be determined appropriate means or remedies for injury sustained.

**Example**

No person shall be inflicted with a criminal punishment unless he or she has committed an act which the law in force at the time of commission provides to be an offence and imposes a punishment therefore, and the punishment to be inflicted on such person shall not be heavier than that provided by the law in force at the time of the commission of the offence.

The suspect or the accused in a criminal case shall be presumed innocent. Before the passing of a final judgment convicting a person of having committed an offence, such person shall not be treated as a convict.

### **Example**

The Senate shall consist of one hundred and fifty members to be elected from each province, one member being elected from each province, and to be selected in the number equivalent to the total number hitherto stated deducted by the number of elected senators.

In the case of an increase or decrease in the number of provinces during the term of office of elected senators, the Senate shall consist of the remaining senators.

In the case where the office of the senator becomes vacant for any reason whatsoever and an election or a selection, as the case may be, of a senator to fill the vacancy has not yet been held, the Senate shall consist of the remaining senators.

In the case where there occurs any event resulting in the number of senators being lower than that specified in paragraph one but not lower than ninety-five percent of the total number of senators, it shall be deemed that the Senate consists of such number of senators, provided that there shall be an election or selection in order to acquire the complete number of senators under paragraph one within one hundred and eighty days as from the date of such event, and the newly acquired senators shall hold office for the remaining term of the senate.

### **Example**

There shall be the following Organic Acts:

(1) Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators;

(2) Organic Act on the Election Commission;

(3) Organic Act on Political Parties;

(4) Organic Act on Referendum;

(5) Organic Act on Procedure of the Constitutional Court;

- (6) Organic Act on Criminal Procedure for Persons Holding Political Positions;
- (7) Organic Act on Ombudsmen;
- (8) Organic Act on Counter Corruption;
- (9) Organic Act on State Audit.

### **Example**

An organic law bill may be introduced only by:

- (1) the Council of Ministers;
- (2) members of the House of Representatives of not less than one-tenth of the total number of its existing members, or members of the House of Representatives and senators of not less than one-tenth of the total number of existing members of both Houses; or
- (3) the Constitutional Court, the Supreme Court of Justice or a constitutional independent organ, where the President of such Court and the President of such independent organ has charge and control of the execution of such Organic Act.

### **Example**

The King appoints the Prime Minister and not more than thirty-five other Ministers to constitute the Council of Ministers having the duties to carry out the administration of the State affairs in accordance with the collective responsibility principle.

The Prime Minister must be a member of the House of Representatives appointed under section 172.

### **Example**

The President of the House of Representatives shall countersign the Royal Command appointing the Prime Minister.

The Prime Minister shall not hold office for a consecutive period of more than eight years.

## **Example**

The trial and adjudication of cases are the powers of the Courts, which must be proceeded in a manner serving justice in accordance with the Constitution and the law and in the name of the King.

Judges are independent in the trial and adjudication of cases in a correct, expeditious and fair manner in accordance with the Constitution and the law.

## **Example**

The transfer of a judge without his or her prior consent shall not be permitted except in the case of termly transfer as provided by law, promotion to a higher position, being under a disciplinary action or becoming a defendant in a criminal case, negative impacts on the administration of justice in the trial and adjudication, or a force majeure event or any other inevitable cause of necessity, as provided by law Judges shall not be political officials or hold political positions.

## **Example**

The Courts of Justice have the jurisdiction to try and adjudicate all cases except those specified by this Constitution or the law to be within the jurisdiction of other courts.

## **Example**

Administrative Courts have the jurisdiction to try and adjudicate cases of dispute between a Government agency, a State agency, a State enterprise, a local government organization, a constitutional organ, or a State official on one part and a private individual on the other part, or between a Government agency, a State agency, a State enterprise, a local government organization, a constitutional organ or State official on one part and another such agency, enterprise, organization, organ or official on the other part, as a consequence of the exercise of an administrative power under the law or as a consequence of a pursuit of an administrative act by a Government agency, a State agency, a State enterprise, a local government organization,

a constitutional organ or a State official, as provided by law, and also have the jurisdiction to try and adjudicate matters prescribed by the Constitution or law to be within the jurisdiction to the Administrative Courts.

### **Example**

The jurisdiction of the Administrative Courts under paragraph one does not include the determination by a constitutional organ, which is its direct exercise of power under the Constitution.

There shall be the Supreme Administrative Court and Administrative Courts of First Instance, and there may also be the Appellate Administrative Court.

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### **Homework Summarizing Task**

The House of Representatives consists of four hundred and eighty members, four hundred of whom are from the election on a constituency basis and eighty of whom are from the election on a proportional representation basis.

The election of members of the House of Representatives shall be by direct suffrage and secret ballot and, for this purpose, one ballot card shall be used for each category of members of the House of Representatives.

Rules and procedures for the election of members of the House of Representatives shall be in accordance with the Organic Act on the Election of Members of the House of Representatives and the Acquisition of Senators.

In the case where the office of a member of the House of Representatives becomes vacant for any reason and an election of a member of the House of Representatives has not been held to fill the vacancy, the House of Representatives shall consist of the existing members of the House.

Subject to section 109 (2), in the case where there occurs, during the term of the House of Representatives, any cause resulting members elected from the election on a proportional representation basis being less than eighty in number, members from the election on a proportional representation basis shall consist of the existing members.

In the case where, in any general election, there occurs any event resulting in members of the House of Representatives being less than four hundred and eighty in number but being not less than ninety-five percent of the total number of members of the House of Representatives, it shall be deemed that members in such number duly from the House of Representatives, provided that action shall be taken for achieving such number of member of the House of Representatives as provided in this Constitution within one hundred and eighty days and such members shall hold office for the remaining term of the House or Representatives.

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# Writing Skill: A Paragraph Writing

On this section, the students will learn about;

- What are paragraph and its structure?
  - Parts of a Paragraph
  - How to write a legal paragraph: Pre-stage, Writing stage and Post-stage
  - Frequent errors in a legal paragraph writing
- 

## What is paragraph?

A paragraph is sentences which represent an idea of a writer. Generally, a paragraph will start with a topic sentence, followed by supporting details and closing sentence. In fact, numbers of sentences are not the main factor leading that paragraph to be effective, whereas, clarity of the passage is. However, it may sometimes be found that in some articles, journalistic style for instance, may only have a very long sentence in a paragraph.

## Paragraph structure

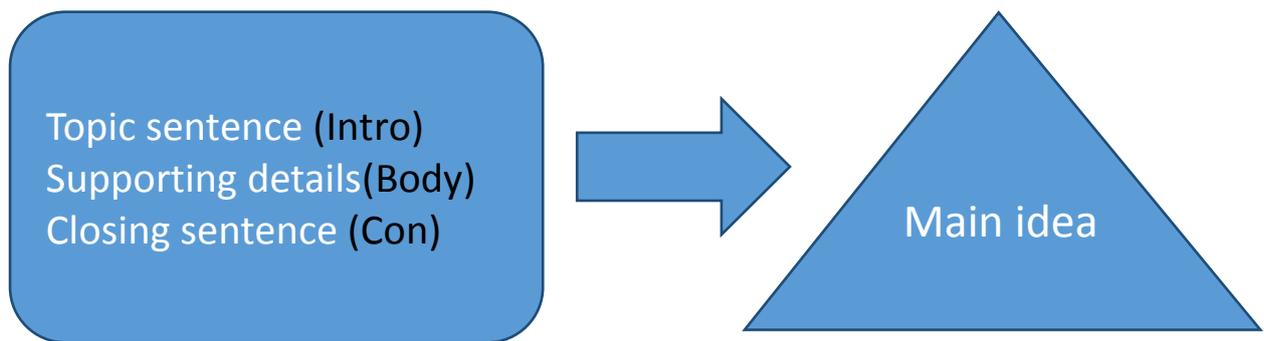
Most paragraphs in an essay have a three-part structure - introduction, body, and conclusion. You can see this structure in paragraphs whether they are narrating, describing, comparing, contrasting or analyzing information. Each part of the paragraph plays an important role in communicating your meaning to your reader.

**Introduction:** the first section of a paragraph; should include the topic sentence and any other sentences at the beginning of the paragraph that give background information or provide a transition.

**Body:** follows the introduction; discusses the controlling idea, using facts, arguments, analysis, examples, and other information.

**Conclusion:** the final section; summarizes the connections between the information discussed in the body of the paragraph and the paragraph's controlling idea.

## Parts of paragraph



## Topic sentence

Topic sentence is normally the first sentence put in a paragraph. It shows a main idea of a writer. A paragraph will commonly have only a main idea due to preventing confusion of readers.

## How to write a topic sentence

Firstly, a writer must have an own idea about what he/she would like to communicate to readers. Then the idea is presented by being written, used clear sentences with apparent words. This is the way to avoid a confusion of readers later.

## Example

There are three reasons why Canada is one of the best countries in the world. First, Canada has an excellent health care system. All Canadians have access to medical services at a reasonable price. Second, Canada has a high standard of education. Students are taught by well-trained teachers and are encouraged to continue studying at university. Finally, Canada's cities are clean and efficiently managed. Canadian cities have many parks and lots of space for people to live. As a result, Canada is a desirable place to live.

What is the topic sentence?

What is it about?

## Supporting details

Supporting details are following sentences encouraging readers to agree with writer's idea. The details may be written by using explanation, showing a fact, taking an example, giving a reason, having a comparison and etc. The sentences may be short or long depending on how well and deep the writer will influence the readers to agree with what they write.

### Example

There are three reasons why Canada is one of the best countries in the world. First, Canada has an excellent health care system. All Canadians have access to medical services at a reasonable price. Second, Canada has a high standard of education. Students are taught by well-trained teachers and are encouraged to continue studying at university. Finally, Canada's cities are clean and efficiently managed. Canadian cities have many parks and lots of space for people to live. As a result, Canada is a desirable place to live.

What are the supporting details?

What are they about?

## Closing sentence

Closing sentence is regularly the last sentences written to again emphasize the main idea. It will not repeat all the details shown previous. It also is not a long sentence. Although the closing sentence contains the same idea with the topic sentence, it differs a little because it is written by using different words compared to the topic sentence.

### Example

There are three reasons why Canada is one of the best countries in the world. First, Canada has an excellent health care system. All Canadians have access to medical services at a reasonable price. Second, Canada has a high standard of education. Students are taught by well-trained teachers and are encouraged to continue studying at university. Finally, Canada's cities are clean and

efficiently managed. Canadian cities have many parks and lots of space for people to live. As a result, Canada is a desirable place to live.

What is the closing sentence?

What is it about?

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### **Pre-stage of writing a legal paragraph**

Particularly, writers must be aware of a concept or scope of what is going to be written on. They have to think very carefully and realize that idea in this stage. If there is otherwise a wrong concept, a confusing one or even a different concept from what the writers need to communicate, this will lead the context to an another direction. Hence, this stage is an important primary process of writing a paragraph.

Later, the writer must seek information related to the idea and choose by its importance, then try to link them together as a path.

### **Writing stage**

In this stage, writers are using collected information from the previous stage, put them together on the passage. Importantly, the writers must be aware that during their work, the passage must have “Topic sentence, Supporting Details and Closing Sentence” which will clearly lead to “the Main Idea”. This is for an easy understanding of readers.

### **Post stage of writing a legal paragraph**

Mainly, after two previous stages done, writers should inspect errors on their work. Usually, in any passage, it has errors and they would not appear at the writing stage. Therefore, the passage needs a review. When the writers seek for the errors, they may seek for spelling mistake, grammar mistake or mistake of paragraph instruction.

**Examples of some mistakes often found in a paragraph**

1. There is no topic sentence.
2. There is more than 1 Topic sentence.
3. Supporting sentences do not support or relate to Topic sentence.

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**Vocabularies related to law.****Private Law****Meaning**

Individual

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Contract

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Tort

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Obligation

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Legal capacity

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Binding

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Mortgage

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Insurance

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Impose

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Enforce

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Remedy

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Breach

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Offer

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Acceptance

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Party

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Benefit

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Circumstance

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Rely to

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Govern

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Legal principle

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Agreement	-----
Override	-----
Establish	-----
Statute	-----
Formality	-----
Outline	-----
Adopt	-----
Oral	-----
Ownership	-----
Real estate	-----
Commercial contract	-----
Goods	-----
Require	-----
Valid	-----
Fail	-----
Violation	-----
Repudiate	-----
Interfere	-----
Claim	-----
Capacity	-----
Bargain	-----
Desire	-----
Lawsuit	-----

Injury	-----
Damage	-----
Relief	-----
Commit	-----
Sue	-----
Prevent	-----
Conduct	-----
Monetary	-----
Pain	-----
Suffering	-----
Medical expense	-----
Trespass	-----
Assault	-----
Battery	-----
Negligence	-----
Product liability	-----
Intentional infliction of emotional distress	-----
Recover	-----
Intent	-----
Defendant	-----
Plaintiff	-----
Carefulness	-----
Behave	-----

Prudence	-----
Omission	-----
Litigation	-----
Physical	-----
Property	-----
Miscalculation	-----
Prove	-----
Reasonably prudent person	-----
Reasonably foreseeable	-----
Crime	-----
Force	-----
Regulate	-----
Conduct	-----
Proscribe	-----
Threaten	-----
Harm	-----
Endanger	-----
Moral welfare	-----
Dispute resolution	-----
Victim compensation	-----
Deserve	-----
Minor crime	-----
Prosecutor	-----

Attorney -----

Judge -----

**Criminal Law**

Behavior -----

Punishable -----

Offense -----

Element -----

Murder -----

Sane -----

Malice -----

Aforethought -----

Excuse -----

Authority -----

Torture -----

Kidnapping -----

Prison -----

Premediation -----

Presume -----

Felony -----

Consent -----

Causation -----

Gesture -----

Charge -----

Apprehension .....

Imminent .....

Infringe .....

Sexual intercourse .....

Fear .....

Force .....

Threat .....

Will .....

Lack of consent .....

Rape .....

Abortion .....

Termination .....

Pregnancy .....

Embryo .....

Fetus .....

Uterus .....

Justify .....

**Public Law**

Govern .....

Relation .....

Concern .....

Comprise .....

Mandatory .....

Prevail	.....
Asymmetric	.....
Unequal	.....
Consequence	.....
Doctrine	.....
Obey	.....
Paragon	.....
Welfare	.....
Distinction	.....
Borderline	.....
Constitutional law	.....
Postulate	.....
Supremacy	.....
Functioning	.....
Elect	.....
Appoint	.....
Division	.....
Power	.....
Responsibility	.....
Executive	.....
Legislative	.....
Judiciary	.....
Human right	.....
Political right	.....

Jurisdiction	.....
Enshrine	.....
Amendment	.....
Entrench	.....
Administrative law	.....
Agency	.....
Creation	.....
Operation	.....
Substantive	.....
Delegate	.....
Protect	.....
Public interest	.....
Vindicate	.....
Parameter	.....
Codify	.....
Analog	.....
Ensure	.....
Scheme	.....
Indivisible	.....
National assembly	.....
Council of minister	.....
Court	.....
Irrespective	.....
Applicable	.....
Democratic regime	.....

Liberty	.....
Execution	.....
Deem	.....
Cruel means	.....
Arrest	.....
Detention	.....
Order	.....
Warrant	.....
Occur	.....
Revoking	.....
Purpose	.....
Determine	.....
Appropriate means	.....
Inflict	.....
Suspect	.....
Accuse	.....
Presume	.....
Innocent	.....
Convict	.....
Treat	.....
Senate	.....
Consist of	.....
Province	.....
Equivalent	.....
Hitherto	.....

Deduct	.....
Remaining	.....
Vacant	.....
Whatsoever	.....
Acquire	.....
Organic act	.....
Election commission	.....
Political party	.....
Referendum	.....
Procedure of the constitutional court	.....
Criminal procedure for persons holding political position	.....
Ombudsman	.....
Counter corruption	.....
State audit	.....
Prime minister	.....
Minister	.....
State affair	.....
President	.....
Countersign	.....
Consecutive	.....
Trial	.....
Adjudication	.....
Proceed	.....
Manner	.....
Independent	.....

Expeditious	.....
Transfer	.....
Promote	.....
Disciplinary	.....
Negative	.....
Impact	.....
Majeure	.....
Inevitable	.....
Necessity	.....
Advice	.....
Ballot	.....
Prohibition	.....
Expertise	.....
Amongst	.....
Notify	.....
Specific	.....
Dispute	.....
Local government	.....
Pursuit	.....
Matter	.....
Prescribe	.....
Include	.....
Administrative court of first instance	.....
Appellate administrative court	.....

## References

### Books

Ebeling Jarle and Signe Oksefjell Ebeling. **Pattern in Contrast**. (2013). John Benjamins. B.V.

Lert Kesorncam. (2008). **Grammar and Techniques of the English Language Revised Edition**. Bangkok: Se-Education.

### Electronic Resources

<http://manoa.hawaii.edu/undergrad/learning/wp-content/uploads/2014/03/MAIN-IDEAS-AND-SUPPORTING.pdf>

<https://www.aacc.edu/tutoring/file/skimming.pdf>

<http://www.indiana.edu/~wts/pamphlets/paragraphs.shtml>

<https://www.irsc.edu/uploadedFiles/Students/AcademicSupportCenter/WritingLab/Finding-the-Main-Idea.pdf>

<http://www.law.cornell.edu>

<http://www.nolo.com/dictionary>

<http://www.oxforddictionaries.com/definition/english/topic?searchDictCode=all>

[http://www2.actden.com/writ\\_den/tips/paragrap/topic.htm](http://www2.actden.com/writ_den/tips/paragrap/topic.htm)