

Part 1

1st passage

Litigation

The legal services provided in most civil matters include pre-action protocols, negotiation, mediation and contentious litigation. Most solicitors act for claimants and defendants in a variety of matters. These include claims surrounding:

- boundary and neighbour disputes
- breach of contracts
- business disputes
- conflicts relating to property rights
- consumer rights
- landlord and tenant issues
- recovery of money/debt recovery

Lawyers aim to resolve civil disputes and to avoid costly litigation. However, where a court action is necessary, the client's best interests are represented in an efficient, robust and cost-effective manner.

2nd passage

Litigation

The legal services provided in most civil matters **includes** pre-action protocols, negotiation, mediation and contentious **litigation**. Most **solicitors'** act for claimants and **defendants** in a variety of **matters**. These include claims surrounding:

- boundary and neighbour disputes
- breach of **Contracts**
- business disputes
- **conflicts relating to property rights (inconsistent font)**
- consumer rights
- landlord and **tenant** issues
- recovery of money/debt recovery

Laywers aim to resolve civil disputes and to avoid costly litigation. **However** where a court action is **necessary**, the **clients** best interests are represented in an **efficient**, robust and **cost- effective** manner.

(15 marks)

Part 2

Write the correct answers below

Is it Manslaughter or Murder

When a person kills someone but had intended only to hurt them or to exert some force on them, then this is called **manslaughter**. It is considered to be a less serious offence than murder.

Murder **are** committed when a person of "sound mind" **unlawfully** kills another person, with the intention to either kill or cause "**grievous** bodily harm". A person who is charged with murder must be tried at a Crown Court before a judge and jury. After one **appearance** before a **Magistrates'** Court, the case will be sent directly to the Crown Court.

The crime of murder **carry's** a mandatory life sentence for an adult. If a person under the age of 18 **are** convicted of murder, then the person is detained "at Her **Majestys** pleasure". This in **affect** means that the length of the sentence in real terms will vary **dependant** upon the individual circumstances. Such circumstances could include the way in which the offence was **committed**, whether it was with anyone **elses'** help, and **weather** a weapon was used.

Attempted Murder

Where an assault takes place that is of the same level of seriousness as some murders, but where the victim has not died, then the offence of attempted murder could be applied. In order to be guilty of this **offence** a person must have had the intention to kill another person and must have done something "**more** than merely preparatory" to commit the killing. For example, this could mean that knocking on someone's door with a sharp kitchen **knife**, while intending to kill, **could be considered to be attempted murder**. **Physically stabbing someone with a knife, but not succeeding**, is much more likely to be considered to be attempted murder. In most cases, the charge of attempted murder must involve an attempt so serious that death could well have resulted from the actions of the **defendant**. When deciding whether or not someone is guilty of attempted murder, a **jury** will consider the following **factors**;

Murder?

manslaughter

is / unlawfully
grievous / appearance

Magistrates'

Paragraph – not full
justification

carries

is

Majesty's / effect

dependent

committed

else's / whether

Attempted

offence

"more

knife

Inconsistent font size

succeeding

defendant

jury

factors:

Write the correct answers below

- Was a weapon used that could **easily** have caused death (for example, a gun)?
- Was the attack so serious that it looked as if murder had been **intended**
- **Where** any words or behaviour used by the defendant that indicated the intention to kill?

There are some defences to murder which may apply. These could include self-defence and defence of another. Partial defences are **differrent** to complete defences (such as self-**defence**) as they bear all the ingredients of murder but if successfully argued, reduce the offence to an act of "**voluntry** manslaughter", not murder. There are three partial defences to murder: diminished **responsibility** loss of control and killing in pursuance of a suicide pact. In all such cases, the client must be carefully guided by the solicitor working on the case. **Baristers** should be chosen on the basis of their direct experience of these cases and on their track record. A QC (**Queens Council**) will usually also be required to help defend the case.

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intended?
Were
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different
defence)
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Barristers
Queen's
Counsel
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