

# LAW EXAM CHEAT SHEET

## JUDGES MAKING LAW

★ First Essay Question

### EXAMPLE QUESTIONS

1. Do judges make the law? Should they? Do they have more freedom to make law when applying the common law, compared with statutes? How is their power to make law constrained?
2. "Judges in New Zealand have a remarkable amount of discretion to make law; this is inconsistent with the democracy and the rule of law "

Analyse the extent to which judges have the powers to make law, any limits on that power, and the problems associated with it. Refer to cases studied in the course where relevant.

3. In New Zealand, do judges have unchecked power to make law according to **judicial discretion**?
4. Discuss how the common law, equity, statute law and judicial making is relevant to trade mark law.

## HOW JUDGES MAKE LAW

### COMMON LAW

- Have freedom to develop the law in response to the changing circumstances of society. → Can set new doctrines of precedents when needed.
- Invent foundational things under common law.
  - ◆ E.g. causes of action, negligence and defamation.
- Example: the tort of 'intrusion into seclusion'
  - ◆ *C v Holland* 2012 saw the high court invent this tort.
  - ◆ Entitled to damages when your reasonable expectation of privacy is breached, e.g. sitting in your backyard and having some take and publish pictures of you.

### PASSING OFF

- The tort of passing off is part of trade mark law.
- It developed to protect brands.
- Common law developed this tort to prevent various traders from taking advantage of someone else's brand, and 'passing it off' as their own.
- The tort of passing off was set as a precedent in the case of *Perry v Truefit*

# Judges Cheat Sheet 201classroom Law Project

**ML Morrison**



## **Judges Cheat Sheet 201classroom Law Project:**

This book delves into Judges Cheat Sheet 201classroom Law Project. Judges Cheat Sheet 201classroom Law Project is a crucial topic that needs to be grasped by everyone, from students and scholars to the general public. This book will furnish comprehensive and in-depth insights into Judges Cheat Sheet 201classroom Law Project, encompassing both the fundamentals and more intricate discussions.

1. This book is structured into several chapters, namely:
    - Chapter 1: Introduction to Judges Cheat Sheet 201classroom Law Project
    - Chapter 2: Essential Elements of Judges Cheat Sheet 201classroom Law Project
    - Chapter 3: Judges Cheat Sheet 201classroom Law Project in Everyday Life
    - Chapter 4: Judges Cheat Sheet 201classroom Law Project in Specific Contexts
    - Chapter 5: Conclusion
  2. In chapter 1, the author will provide an overview of Judges Cheat Sheet 201classroom Law Project. This chapter will explore what Judges Cheat Sheet 201classroom Law Project is, why Judges Cheat Sheet 201classroom Law Project is vital, and how to effectively learn about Judges Cheat Sheet 201classroom Law Project.
  3. In chapter 2, the author will delve into the foundational concepts of Judges Cheat Sheet 201classroom Law Project. This chapter will elucidate the essential principles that need to be understood to grasp Judges Cheat Sheet 201classroom Law Project in its entirety.
  4. In chapter 3, the author will examine the practical applications of Judges Cheat Sheet 201classroom Law Project in daily life. This chapter will showcase real-world examples of how Judges Cheat Sheet 201classroom Law Project can be effectively utilized in everyday scenarios.
  5. In chapter 4, the author will scrutinize the relevance of Judges Cheat Sheet 201classroom Law Project in specific contexts. The fourth chapter will explore how Judges Cheat Sheet 201classroom Law Project is applied in specialized fields, such as education, business, and technology.
  6. In chapter 5, this book will draw a conclusion about Judges Cheat Sheet 201classroom Law Project. The final chapter will summarize the key points that have been discussed throughout the book.
- The book is crafted in an easy-to-understand language and is complemented by engaging illustrations. This book is highly recommended for anyone seeking to gain a comprehensive understanding of Judges Cheat Sheet 201classroom Law Project.

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