LAW EXAM CHEAT SHEET

JUDGES MAKING LAW

* First Essay Question

EXAMPLE QUESTIONS

- 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?
- "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?
- Discuss how the common law, equity, statute law and judicial making is relevant to trade mark law.

HOW JUDGES MAKE LAW

COMMONILAW

- → 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 if off' as their own.
- → The tort of passing off was set as a precedent in the case of Perry v Truefitt

<u>Judges Cheat Sheet 201classroom Law Project</u>

SJ Ball

Judges Cheat Sheet 201classroom Law Project:

Whispering the Secrets of Language: An Mental Journey through Judges Cheat Sheet 201classroom Law Project

In a digitally-driven earth wherever displays reign great and quick connection drowns out the subtleties of language, the profound strategies and emotional nuances concealed within words often get unheard. Yet, located within the pages of **Judges Cheat Sheet 201classroom Law Project** a charming fictional treasure pulsating with raw feelings, lies an extraordinary quest waiting to be undertaken. Written by an experienced wordsmith, this charming opus attracts readers on an introspective trip, softly unraveling the veiled truths and profound influence resonating within the very fabric of every word. Within the emotional depths of this touching review, we shall embark upon a heartfelt exploration of the book is primary styles, dissect its interesting writing design, and fail to the effective resonance it evokes serious within the recesses of readers hearts.

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