

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*

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California. Governor



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Instructor ,1966 **Resources in Education** ,1998 *The Climate Change Debate* David E. Newton,2020-04-14 The Climate Change Debate A Reference Handbook provides an in depth look at climate change facts and statistics It also discusses debate surrounding the scientific consensus The Climate Change Debate A Reference Handbook covers the topic of climate change from the earliest days of planet Earth to the present day Chapters One and Two provide a historical background of climate change and a review of current problems controversies and solutions The remainder of the book consists of chapters that aid readers in continuing their own research on the topic such as an extended annotated bibliography chronology glossary noteworthy individuals and organizations in the field and important data and documents The variety of resources provided such as further reading perspective essays about climate change a historical timeline and useful terms in the climate change discourse differentiates this book from others in the field The book is intended for readers of high school through the community college level along with adult readers who may be interested in the topic **The Independent** ,1926 *Cumulated Index Medicus* ,1995 *Normal Instructor and Teachers World* ,1917 **Life** ,1937

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