

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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Wolfgang Guggemos



Judges Cheat Sheet 20classroom Law Project:

Enjoying the Track of Appearance: An Psychological Symphony within **Judges Cheat Sheet 20classroom Law Project**

In some sort of used by screens and the ceaseless chatter of instant communication, the melodic beauty and mental symphony created by the published word usually diminish into the backdrop, eclipsed by the relentless sound and interruptions that permeate our lives. However, situated within the pages of **Judges Cheat Sheet 20classroom Law Project** an enchanting literary value brimming with raw thoughts, lies an immersive symphony waiting to be embraced. Constructed by an elegant musician of language, this charming masterpiece conducts viewers on a mental trip, skillfully unraveling the hidden melodies and profound affect resonating within each cautiously constructed phrase. Within the depths with this touching review, we shall discover the book is key harmonies, analyze their enthralling writing model, and surrender ourselves to the profound resonance that echoes in the depths of readers souls.

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