



# EUROPEAN COOPERATION IN CIVIL MATTERS

## TEXT 1

### Family Matters and Succession

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**Prepared for the purposes of a legal language seminar (Slovak Republic, Omšenie, Judicial Academy, 23 - 27, January 2017)**



## Key terms (*English*)

Study online: [https://quizlet.com/\\_1ywubx](https://quizlet.com/_1ywubx)

1. *Civil matters*: the official power to make legal decisions and judgements; the territory or sphere of activity over which the legal authority of a court or other institution extends
2. *Succession*: the action or process of inheriting a title, office, property, etc. Synonyms: accession, inheritance of;
3. *Heir*: a person legally entitled to the property or rank of another on that person's death; synonyms: successor, next in line, inheritor, heir apparent, heir presumptive, heir-at-law, descendant, beneficiary, legatee..
4. *Testator*: A testator is a person who has written and executed a last will and testament that is in effect at the time of his/her death. It is any "person who makes a will."
5. *Lis pendens*: Latin for "a suit pending, "when an action has already been filed.
6. *Jurisdiction*: the official power to make legal decisions and judgements. Synonyms: authority, control, power.
7. *Estate of a deceased person*: After someone dies, someone (called the deceased person's 'executor' or 'administrator') must deal with their money and property (the deceased person's 'estate').
8. *Intestacy Law*: Intestacy law, also referred to as the law of descent and distribution, refers to the body of law (statutory and case law) that determines who is entitled to the property from the estate under the rules of inheritance.
9. *State of origin*: State of origin is the state or territory from which something originates.
10. *To settle out of court*: resolution between disputing parties about a legal case, reached either outside court action begins



**Material for Day 1:**

**AIM: practice a role play introducing yourself to other people and introducing others**

**Target: Having gone through the material you will be able to introduce both yourself and others and ask polite small talk questions:**

<b>Task 1: introducing yourself and asking polite questions: Please practice talking to your partner:</b>	
I don't think we have met before, ...	
I don't think we have been introduced. My name is/ I am	
I am terribly sorry but your name seems to have slipped my mind ...	
I am terribly sorry, I seem to recognise your face but I can't recall your name.	
Dear Mr. President, let me introduce the Vice President of our High Court to you.	
Mr X., I would like you to meet my colleague Mr. A.	
May I ask you a question ....	
I hope you don't mind me asking but	
I hope it's OK to ask	
Could you possibly tell me	
I was wondering	
I would rather not discuss this matter	
I am sorry I am not in a position to comment on this	
I AM SORRY I AM NOT QUITE SURE I UNDERSTAND WHAT YOU MEAN	
I AM SORRY I DIDN'T CATCH THAT	
I AM SORRY BUT COULD YOU PLEASE EXPLAIN WHAT THAT MEANS	



<p><b>Material for Day 1:</b></p> <p><b>AIM: Engage in formal and semi formal conversation on the topics of judiciary, law and use basic vocabulary related to substantive and procedural law.</b></p> <p><b>Target: Having gone through the material you will be able to use common social conversation phrases and initiate as well as respond to social and semi-professional conversation on the topic of the practice of law:</b></p>	
<p><b>Task 2: being a judge or a justice: discuss with your partner in combination with indirect question phrases from Task 1:</b></p> <p>What made you decide to become a lawyer?</p> <p>Have you always wanted to sit on the bench?</p> <p>When were you called to the bench?</p> <p>How much time do you spend in your Chambers?</p> <p>Did you have to undergo initial training to join the judiciary?</p> <p>Did you have to pass examination to become a Magistrate?</p> <p>When and where were you first appointed into your office as a judge?</p> <p>Did you have an investiture ceremony?</p> <p>Do you have to wear a gown on daily basis?</p> <p>What is your main area of expertise?</p> <p>What do you do when you aren't working?</p> <p>How often do you list and hold hearings?</p> <p>Do you have a minute clerk or clerks in your courtroom?</p> <p>Do you hear and try cases on a daily basis?</p> <p>How long have you been sitting on the bench?</p> <p>Do you often sit as a Presiding Judge?</p> <p>Do you ever act as Judge Rapporteur?</p> <p>When did you last deliver a judgement orally?</p> <p>Have you ever held a hearing outside courtroom?</p> <p>Do you socialise with your colleagues?</p> <p>Do you regularly undergo any continuous training?</p> <p>Do you often issue injunctions?</p> <p>Do you often deal with matters of succession?</p> <p>Do you often appoint expert witnesses?</p> <p>Do you often award compensation?</p> <p>Are you happy about having become a judge?</p> <p>What other profession would you find appealing had you not become a judge?</p>	



<b>Task 3: Vocabulary: revise and provide definitions or examples:</b>	
<p>A judge            Judge Rapporteur            Presiding Judge            Chamber            a court x a courthouse            a courtroom            To be called to the bench            Prosecutor's Office            Judges' Chambers            Office versus Chambers            An investiture ceremony            The powers vested in you by the state            To hold a bench conference            to hold Chambers conference            to sit on a bench as a presiding judge            a Senate            a Panel (or a Chamber)            a court hearing            to list a court hearing or to hold hearings            An adjournment            To adjourn            A recess            To recess            To award compensation            To issue a judicial declaration            To appoint an expert witness            To appoint an interpreter            To dismiss an action or an application            To dismiss an application as inadmissible            To hold on admissibility            To hold on merits            To attend a conference x to hold (a status/ a bench / a Chamber) Conference            Parties to the proceedings            The litigants            To hear and try cases            To deliver the judgment            To exercise jurisdiction</p>	



<p>To dismiss the claim or an action To admit the claim or an action The action is barred (by a bar of matter pending/ bar of matter judges/period of limitation/ statute of limitation/ lack of jurisdiction)</p>	
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<p><b>Material for Day 1:</b> <b>AIM: acquire and practice relevant procedural and substantive legal vocabulary together with basic terminology of the legal matters of succession.</b> <b>Target: Having gone through the material you will be able to use fundamental specialist terminology from the Succession Regulation in an authentic conversation:</b></p>	
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<p><b>Task 4: CIVIL PROCEEDINGS and SUCCESSION:</b> <b>Please discuss with your partner the following questions:</b></p>	
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Could you explain the difference between civil and criminal proceedings?

Who files the action and who is the action directed against? Who are the parties to the civil proceedings

Can the succession be settled amicably out of court in your country?

May there be a third party to the proceedings?

Does the court in your country test admissibility separately from testing the merits?

May the Judge in your country call a Chamber conference and see the litigants in his or her Chambers?

Is there a difference between legatee and a beneficiary to the will?

Is there a difference between a testator and an estate?

What is the difference between damages and damage?

What is the difference between "judicial declaration" and "making a declaration of waiver of succession"?

What does the term "jurisdiction" refer to?

What does the noun "contest" refer to? Can you give some examples?

What does the term "to contest something" refer to?



If the litigant is contesting jurisdiction, what will happen?

Have you ever dealt with a cross border case when a party was contesting jurisdiction of your court?

What does the term "successful" mean? What does the term "to succeed" mean?

What do the terms "to precede" and "to succeed" mean?

What does the term "succession" refer to?

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<b>Task 5: Lexical items to practice:</b>	
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Civil law and civil proceedings

Bar Examination and Statutory Bar

Recognition and enforcement

Jurisdiction - to contest jurisdiction

Matter - the matter concerned

Family matters

Matters of Succession

Bar of Matter Pending - lis pendens

Bar of Matter Judged - res judicata

Judicial Cooperation in Civil Matters

A Will - Last Will

A Testator

To die intestate

An Estate of the Deceased Person

An heir

Heirloom versus inheritance

Legacy of somebody x Legatees

settle the succession amicably out of court



<b>Task 6: PLEASE AGREE WITH YOUR PARTNER ON THE MEANING OF THE FOLLOWING:</b>	
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hair or heir

A Living Will versus Last Will

Inherit versus to Disinherit

Executor versus Executrix

Testator versus Intestate

Testimony and testify versus a Testament

Decision and the Deceased

An Intestate Succession

A Statutory Heir

A Trust - A testamentary trust

A testimonial

Escheat

Spouses - matrimony - matrimonial property - matrimonial home

To benefit from - beneficiary to something

in rem

lex rei sitae

fraude à la loi

avoidance of the law - evasion of the law

Intestacy Law

choice of law - choice of court

Forum Shopping

To exercise jurisdiction

Secondary Jurisdiction





Denial of Justice

forum necessitatis

To waive - to waive a right - to waive succession

To accept - acceptance of succession

To declare - to make a declaration

**Task 7 : READ** the paragraphs 9 to 35 of the REGULATION (EU) No 650/2012 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession **and try to find some of the expressions and terms of arts from Task 6.**

**Task 8: Make some questions for your partner using the terminology from Task 6 and structures from the Regulation:**

*Example:*

**Text:** This Regulation should not apply to areas of civil law other than succession. For reasons of clarity, a number of questions which could be seen as having a link with matters of succession should be explicitly excluded from the scope of this Regulation.

**Question:** *Does the Regulation apply to any other areas of civil law other than succession?* Are questions which could be seen as having a link with matters of succession should be excluded from or included in the scope of this Regulation?

**Write your own questions:**

1

2

3.



**Task 9: Video:** watch the short drama sketch and in pairs try to repeat what the executor of the will and the individual heirs say:

**Write down expressions and phrases or structures you would like to remember:**

**Civil vocabulary study set:** [https://quizlet.com/\\_1ywubx](https://quizlet.com/_1ywubx)

**Funny videos:** <https://m.youtube.com/watch?v=Wt5VtU6kq1E>