

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 20classroom Law Project

CO Houle



Judges Cheat Sheet 20classroom Law Project:

Judges Cheat Sheet 20classroom Law Project Book Review: Unveiling the Magic of Language

In a digital era where connections and knowledge reign supreme, the enchanting power of language has become more apparent than ever. Its power to stir emotions, provoke thought, and instigate transformation is truly remarkable. This extraordinary book, aptly titled "**Judges Cheat Sheet 20classroom Law Project**," published by a highly acclaimed author, immerses readers in a captivating exploration of the significance of language and its profound effect on our existence. Throughout this critique, we shall delve into the book's central themes, evaluate its unique writing style, and assess its overall influence on its readership.

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