

# 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 201classroom Law Project

**S Ben Porath**



**Judges Cheat Sheet 201classroom Law Project:**  
**Who's who in the West ,1999**

## Whispering the Strategies of Language: An Psychological Quest through **Judges Cheat Sheet 201classroom Law Project**

In a digitally-driven world where monitors reign great and immediate interaction drowns out the subtleties of language, the profound strategies and emotional nuances hidden within words often go unheard. Yet, situated within the pages of **Judges Cheat Sheet 201classroom Law Project** a captivating fictional prize blinking with raw thoughts, lies a fantastic journey waiting to be undertaken. Published by an experienced wordsmith, this charming opus attracts readers on an introspective trip, gently unraveling the veiled truths and profound influence resonating within ab muscles fabric of every word. Within the psychological depths of this poignant review, we will embark upon a sincere exploration of the book is key themes, dissect their interesting writing fashion, and fail to the powerful resonance it evokes strong within the recesses of readers hearts.

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