

# 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 2010 11 Classroom Law Project

**JL Elias**



**Judges Cheat Sheet 2010 11 Classroom Law Project:**

## Unveiling the Energy of Verbal Artistry: An Emotional Sojourn through **Judges Cheat Sheet 2010 11 Classroom Law Project**

In some sort of inundated with monitors and the cacophony of quick communication, the profound power and mental resonance of verbal artistry often fade in to obscurity, eclipsed by the regular assault of noise and distractions. However, nestled within the lyrical pages of **Judges Cheat Sheet 2010 11 Classroom Law Project**, a interesting work of fictional splendor that pulses with organic emotions, lies an unforgettable journey waiting to be embarked upon. Penned with a virtuoso wordsmith, this magical opus books readers on a mental odyssey, lightly exposing the latent potential and profound impact embedded within the elaborate internet of language. Within the heart-wrenching expanse with this evocative evaluation, we can embark upon an introspective exploration of the book is key themes, dissect their fascinating publishing type, and immerse ourselves in the indelible effect it leaves upon the depths of readers souls.

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