

# 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 Truefitt*

# Judges Cheat Sheet 20classroom Law Project

**Guillaume Favre**



## **Judges Cheat Sheet 20classroom Law Project:**

## Whispering the Strategies of Language: An Emotional Journey through **Judges Cheat Sheet 20classroom Law Project**

In a digitally-driven world where screens reign supreme and instant conversation drowns out the subtleties of language, the profound techniques and psychological subtleties hidden within words frequently get unheard. Yet, located within the pages of **Judges Cheat Sheet 20classroom Law Project** a fascinating fictional value pulsating with raw emotions, lies an extraordinary quest waiting to be undertaken. Penned by an experienced wordsmith, that enchanting opus attracts viewers on an introspective journey, softly unraveling the veiled truths and profound influence resonating within the very cloth of each and every word. Within the mental depths with this touching review, we can embark upon a honest exploration of the book is primary themes, dissect their charming publishing design, and fail to the powerful resonance it evokes deep within the recesses of readers hearts.

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