

# Angloamerikanische Rechtssprache – Arbeitsbuch

Anglo-American Legal Language –  
Study Aids

von

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# Foreword

For more than 25 years we have been developing law and language programs which introduce the Anglo-American Legal System and the specialized language used to describe it (Legal English) to international students and interested lawyers and linguists with a focus on the German speaking market. An applied comparative law approach has been adopted to provide international lawyers and linguists with the necessary basis for an understanding of the English as well as the American legal system, allowing them to communicate at an advanced level not only about English and American law but also about German and Austrian law using Legal English.

The courses offered at university level have been expanded to seven courses covering no less than 19 fields of law, always from a US, an English, a German and an Austrian perspective.

In order to allow students to become acquainted with the relevant field of law each and every one of these introductions is accompanied by a set of law and language exercises, allowing each student to check his/her understanding of substantive law as well as of the specialized language used to describe the said field. These exercises (study aids) have been compiled in this book to give each reader/student ample opportunity to work on the relevant study aid and thus deepen his/her understanding of the relevant law field as well as broaden his/her command of the specialized language used in that context.

These study aids can be used for class work or for self-study; all exercises are also followed by a key section with suggested answers. Given the nature of the law as well as of the ESP in this context not all answers are deemed “correct” but instead they may be considered recommended or suggested answers, some are open for discussion, allowing for arguments in class or with instructors.

The Vienna Legal Proficiency Exam is based on the contents of the three books (with electives subject to the preference of the candidate); all study aids provide an excellent source for preparation of the said exam.

We would like to thank Prof. (FH) **David Warren** MA (cantab) MA (lond) for his valuable support in connection with the compilation of all study aids relating to volumes 2 and 3.

We wish you all an enjoyable time working on these study aids – and don't cheat (by looking up the answers in the key section) – you would just be cheating yourself .....

Vienna/Berlin, September 2016

*Franz J. Heidinger and Andrea Hubalek*

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# Angloamerikanische Rechtssprache 1 | Anglo-American Legal Language 1

## I. Vertragsrecht – Contract Law

### 1.A. Contract Law in the United States

#### A. Comprehension

*A.i) Answer the following questions:*

1. What is the UCC and what is its function?
2. What is the difference between an assignment and a delegation?
3. What is the difference between 'reliance' and 'restitution damages'?
4. What is repudiation?
5. Explain the doctrine of 'mistake':
6. What does the doctrine of parol evidence provide for?
7. What constitutes an offer?
8. Who lacks the capacity to contract?
9. Explain the concept of 'unconscionability':
10. What rights does an intended beneficiary have?

*A.ii) Indicate whether the following statements are true or false:*

1. The requirement of a condition cannot be excused if the obligor commits a breach that causes the nonoccurrence of the condition.
2. In determining 'materiality' the court will consider inter alia the extent to which the injured party will be deprived of the benefit it reasonably expected.
3. A claim for restitution of benefits will invariably arise due to the non-occurrence of a condition.
4. The concept of the excuse of 'impracticability of performance' has its roots in English law.
5. As a general rule, only full performance acts as a discharge and any failure to deliver is regarded as a breach of contract.
6. Most contract principles can be modified by the parties.
7. Under certain circumstances an acceptance can change the terms of an offer.
8. The 'Statute of Frauds' requires a signed writing for certain agreements to be enforceable.
9. Once a court orders specific performance, additional damages are not available, even if such remedy does not fully compensate the injured party.
10. A bargain is necessary for a contract to be enforceable.