



LEGAL ENGLISH CENTRE

Civil Procedure Terminology

**Survival Guide
for Polish Lawyers**

Sample Download

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Survival Guide for Polish Lawyers

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First edition

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INTRODUCTION

Aims

This glossary aims to:

- present civil procedure terms and phrases as used **under Polish law**
- serve as a memory refresher while preparing for **meetings with clients**
- provide valuable support when **drafting legal opinions** or **reporting** on a progress of a client's case
- provide a reference material before any legal examinations

Who can benefit

- lawyers practitioners who use English on a daily basis
- lawyers whose particular area of expertise is litigation and representing clients in courts
- candidates preparing for the legal examinations like the TOLES Advanced or ILEC

Types of phrases

- the glossary focuses on phrases used to describe civil procedure issues under Polish law, contentious proceedings in particular
- common law terminology, especially the British civil procedure, has been briefly covered as a reference material for the examinations
- the phrases are **not arranged alphabetically** but according to **topics or similarity of meaning**
- the majority of phrases are presented as **collocations**, therefore whenever a noun is essential it appears together with possible verb or adjective combinations
- on numerous occasions a few phrases are provided for the lawyer to choose from, depending on the level of formality or clarity
- when trying to translate Polish legal concepts into English, the priority was given to terms derived from the British English terminology
- the translations try to reflect **modern and clear style**, avoiding the phrases of Latin origin or archaic ones.

Why collocations matter

- using correct collocations is vital for lawyers
- the proper choice of words results in **greater precision and accuracy** of the language
- learners of English sound more **natural and professional** when using adequate legal collocations and fixed phrases
- sources for lawyers typically focus on the meaning of a particular word whereas in practice the lawyer needs to **know how to put the whole idea in a proper context and grammar**

Organisation

- the phrases are divided into meaningful categories or stages through which the proceedings take place
- by creating the categories it is easier to memorise larger groups of collocations
- additional notes are to clarify the usage of the phrase, be it American or British jurisdictions

Symbols used in the glossary

/ = synonymous phrases

(to) = usually before verbs

a / an / the = to show where an article would be required before nouns

(BrE/ AmE) = to show in which jurisdiction a phrase may be more common

(older) = meaning before the Woolf's Reform in 1999

(common law) = a phrase typically in use in common law jurisdictions

pl = plural

(fml) = formal register

Terminology Note

In 1996 Lord Woolf issued a final report on civil justice system in England and Wales. It suggested a wide-ranging reforms to simplify the rules for procedure in the courts. The major aims were to make litigation more affordable, speed up the trials, give the judges more responsibility for managing cases and use more information technology. These reforms came into effect in April 1999.

The new civil procedure rules have had a significant impact on the terminology itself. Since 1999, certain archaic or Latin origin words have been removed.

Therefore, you should be aware that you can still find terms used in older legal textbooks, which would now be no longer current.

Since there was no similar reform in the US, there are even greater differences between the legal terms used in both countries.

Examples:

a plaintiff → a claimant

action → claim

a writ → a claim form

a garnishee order → a third party debt order

pleadings → statement of case

subpoena → witness summons

affidavit → witness statement

liquidated damages → specified monetary sum

From the author

As a teacher of legal English I have been designing and conducting courses for over ten years. Whenever revising terms from a particular area of law, my students have always asked for the ultimate reference which they could use in the future.

The problem with common (even legal) dictionaries is that even when you have found a particular legal word, you may still have numerous questions about its proper use in a given context. You may wonder:

- Is the word formal enough?*
- Is it British or American English?*
- Which adjective or verb or noun can go with it?*
- Which is the correct preposition?*
- Does the word describe the Polish legal reality properly?*

Therefore, the reason behind this compilation is to answer such questions and to provide lawyers practitioners with a handy and easy to use reference material.

This compilation is the effect of countless hours spent in classroom and private tuition with legal trainees, advocates and legal advisers while discussing civil procedure in Poland.

I hope you find it "a must to look through" before preparing for any client meetings or drafting legal opinions in English.

Enjoy a read.

Agnieszka Chojecka

Civil Procedure – basic terminology

NOTE

procedure: a general outline of the steps taken = procedura

proceedings: particular steps taken in a case = postępowanie

PART 1 THE COURTS

A The structure - o strukturze

common courts	sądy powszechne
civil courts	sądy cywilne
the court of first / second instance / the first instance court	sąd pierwszej / drugiej instancji
district courts	sądy rejonowe
regional courts	sądy okręgowe
the court of appeal / an appeal(s) court / an appellate court	sąd apelacyjny
the Supreme Court	Sąd Najwyższy
the Code of Civil Procedure / the Civil Procedure Code	Kodeks procedury cywilnej
the provisions of the Code apply to ...	przepisy Kodeksu stosuje się do ...
the provisions of the Code are applicable to ...	mają zastosowanie do ...
a three-tiered system	system trzy-poziomowy
civil division	wydział cywilny
commercial division	wydział gospodarczy

modes of proceedings	tryby postępowania
types of proceedings	rodzaje postępowań
ordinary proceedings	postępowanie zwyczajne
specific types of proceedings	postępowania odrębne
litigation	process sądowy, postępowanie sporne
contentious proceedings	postępowanie sporne
non-contentious / non-litigious proceedings	postępowanie niesporne

PART 2 People Involved

B Court representation

a representative of the party	przedstawiciel strony
to represent sm	reprezentować kogoś
to act on sm's behalf	działać w czyimś imieniu
a person authorised to act on behalf of ...	osoba umocowana do działania
a principal	mocodawca
to grant a power of attorney to sm	udzielić pełnomocnictwa
to revoke a power of attorney	cofnąć pełnomocnictwo
to hold a power of attorney for representation in court proceedings / in specific cases	mieć pełnomocnictwo do czynności procesowych ogólnych / do niektórych czynności procesowych
the authorisation to undertake all procedural actions in connection with / relating to ...	umocowanie do podejmowania wszelkich łączących się ze sprawą czynności procesowych
an instrument of authorisation	pełnomocnictwo
representation in specific cases	pełnomocnictwo do prowadzenia niektórych czynności procesowych
authorisation to conduct all and any actions related to interim remedies and enforcement	umocowanie do wszelkich czynności dotyczących zabezpieczenia i egzekucji
actions barred by the power of attorney	czynności wyłączone w pełnomocnictwie

within the scope of authorisation	w ramach umocowania
an attorney / an attorney-in-fact	pełnomocnik
an attorney at law (AmE)	adwokat
an advocate	adwokat
a legal adviser	radca prawny
to have the rights of audience (of a lawyer, to be able to represent sm in court)	mieć prawo występowania w sądzie
to appoint sm as a substitute attorney	udzielić dalszego pełnomocnictwa
to appoint a representative	ustanowić przedstawiciela
a court-appointed counsel / a statutory representative	pełnomocnik z urzędu
to rectify or withdraw statements made by ...	prostować lub odwoływać oświadczenia
a direct intervener	interwenient główny
an indirect internevor	interwenient uboczny
to specify legal interest in the intervention	podać interes prawny we wstąpieniu
a public prosecutor	prokurator
non-governmental organisations	organizacje pozarządowe
national labour inspectorate	państwowa inspekcja pracy
a consumer ombudsman	rzecznik konsumentów

PART 5 How It All Starts

A Pre-claim conciliation

a dispute arises over sth	spór powstaje o ...
be in dispute with sm over sth	być w sporze z kimś o coś ...
a matter in dispute	kwestia sporna
a disputable matter	kwestia sporna

to resolve / settle a dispute out of court / amicably	rozwiązać spór pozasądowo / polubownie
to reach an out-of-court settlement	osiągnąć pozasądowe porozumienie
to refer / submit a matter to arbitration	przedłożyć sprawę przed sąd arbitrażowy
to settle / resolve a matter by arbitration / mediation	rozstrzygnąć spór w drodze arbitrażu / mediacji
to arrive at a settlement	osiągnąć ugodę
to send a letter before action	wysłać żądanie
to send a demand for payment to the other party	wysłać wezwanie do zapłaty drugiej stronie

PART 9 The Final Stage

C Default judgment - wyrok zaoczny

to issue a default judgment	wydać wyrok zaoczny
to obtain a default judgment	uzyskać wyrok zaoczny
a judgment in / by default (BrE) / by default (AmE)	wyrok zaoczny