

Épreuve d'admission du concours droit-économie 2023

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Épreuve orale d'anglais

Sujet n° 1

Vous ferez une analyse de ce texte et la présenterez au jury

Australian judge apologises after claiming that colleagues are appointed regardless of merit

Nino Bucci Justice and courts reporter

Fri 26 May 2023 18.09 BST First published on Fri 26 May 2023 16.00 BST

A federal and family court justice who planned to deliver a speech at an international conference claiming that progressive governments appointed diverse judges regardless of merit has been forced to apologise to his colleagues and told he can no longer attend the conference.

The speech by Justice Joshua Wilson had been uploaded on the court's website before Justice William Alstergren, the chief justice of the family court and chief judge of the federal circuit court, was alerted to its contents and ordered that it be removed this week.

The speech was dated 17 April, and Wilson planned to deliver it in September at the International Association of Judges annual general meeting in Taiwan.

"Is it correct to say that the brightest and the best are appointed to judicial office, independent of political persuasion? The answer is in the negative in the case of the overwhelming majority of appointments," Wilson, a division one judge, wrote in the speech.

"It sometimes occurs that a government appoints a person to judicial office who is aligned with the opposite party's politics. That is a rarity.

"Occasionally, an attorney-general appoints a person as a judge who is wholly apolitical. Again, that is a rarity. Appointment to judicial office is a political activity."

Wilson went on to say that appointments to state and territory courts were highly political, and that "progressive governments are more likely to appoint to benches based on gender and ethnic diversity, irrespective of merit or expertise".

Alstergren said in a statement to the Guardian that he was alerted to the paper, which had been uploaded without his knowledge or permission, by a number of judges.

He said Wilson had been planning to attend the conference as a member of the association, not as a representative of the court.

He said that as soon as he was alerted to the paper it was immediately taken down from the website, and that a statement was made to all judges indicating that it did not reflect the views of the courts and that protocols were in place to make sure this could not happen again.

"Further, Justice Wilson will not be providing a paper at this conference nor will he be attending, and I have taken steps to ensure there is no further publication of the paper's content," Alstergren said.

The judge has apologised to the judges of both courts for the comments.

"I reiterate that I am extremely proud of each of the judges of the Courts and hold the greatest respect for the history of our Courts and their judges, both past and present. We are taking steps to ensure this cannot happen again."

Wilson had been considered close to Alstergren, and reportedly paid tribute to him when he became a judge in 2015.

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Sujet n° 3

Vous ferez une analyse de ce texte et la présenterez au jury

Animal welfare groups lose court challenge over 'Frankenchickens'

Haroon Siddique Legal affairs correspondent

Wed 24 May 2023 15.43 BST Last modified on Wed 24 May 2023 16.51 BST

Animal welfare campaigners have said billions of chickens have been left to lead “utterly miserable lives” after the failure of a high court challenge to the legality of fast-growing breeds, which suffer a multitude of health problems.

The Humane League UK (THL), represented by Advocates for Animals, argued that the environment secretary, Thérèse Coffey, had erred in law by permitting farmers in England to keep so-called “Frankenchickens”, which reach their slaughter weight of approximately 2.2kg in 34 to 36 days.

At a high court hearing earlier this month, lawyers for THL claimed the Department for Environment, Food and Rural Affairs’ (Defra’s) policy on broiler chickens breached the welfare of farmed animals regulations 2007 (Wofar), which state: “Animals may only be kept for farming purposes if it can reasonably be expected, on the basis of their genotype or phenotype, that they can be kept without any detrimental effect on their health or welfare.”

However, in a written judgment handed down on Wednesday dismissing the challenge, Sir Ross Cranston said Coffey had not “positively authorised or approved unlawful conduct by others”.

Sean Gifford, the managing director of THL, said: “Fast-growing ‘Frankenchickens’ lead utterly miserable lives, and we think the legal system is failing them entirely. Defra could ensure chickens no longer endure painful leg deformities, open sores, and heart attacks because of their genes.

“But now over 1 billion thinking, feeling animals will be left to suffer. We will continue our fight to get justice for chickens, and are considering all of our options, including lodging an appeal against this verdict. This country and its animals deserve far better.”

About 90% of the 1 billion meat chickens slaughtered each year are faster-growing breeds. THL said about 1 million die before slaughter on UK farms every week, excluding bird flu deaths. It argued that Coffey had unlawfully failed to properly monitor and prosecute farmers who keep them and had ignored the scientific consensus on the suffering they endure.

But Cranston said Coffey “has reviewed the literature, taken expert advice including from APHA (Animal and Plant Health Agency), accepts that there may be a higher risk of welfare issues with fast-growing meat chickens, but takes the view that they can be kept without detriment to their welfare since environmental conditions can have an influence on the health and welfare of birds with both fast- and slow-growing breeds. To my mind it cannot be said, a matter of law, that the secretary of state has acted contrary to her legal duties”.

He said Wofar accordingly put the onus on farmers to decide whether “given their genotype or phenotype they can be kept in appropriate conditions without any obvious or deleterious effect on their health or welfare”.

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Épreuve orale d'anglais

Sujet n° 4

Vous ferez une analyse de ce texte et la présenterez au jury.

CBI sought legal advice over possible insolvency after misconduct scandal

The Guardian

Anna Isaac

Tue 30 May 2023 19.26 BST

Britain's most prominent business lobby group has sought guidance on possible insolvency as it battles for survival in the wake of sexual misconduct allegations.

The legal advice was requested by the Confederation of British Industry (CBI) before the publication on Wednesday of a prospectus setting out plans to turn around the organisation. Members will be asked to decide on its future in a confidence vote, with the results announced at a crunch meeting on 6 June, which will determine whether the CBI and its new director general, Rain Newton-Smith, have a mandate to continue their work.

The CBI, which describes itself as the "voice of business" in the UK, lost more than 50 members last month, including the retailer John Lewis and NatWest Bank, and its president has admitted hiring "culturally toxic" individuals.

Both the government and the Labour party have suspended any engagement with the lobby group, and the CBI said it would mothball its operations until after the June meeting.

A spokesperson for the CBI said the board had asked for advice about a range of potential restructuring options, including insolvency or being "smaller and refocused in the future".

The CBI has engaged the law firm Fox Williams to carry out an independent investigation of human resources processes and the handling of complaints, but it went to a separate firm for the insolvency and restructuring advice, the Guardian understands. The request for advice was first reported by Sky News.

A flood of members left after articles by the Guardian reported allegations of sexual harassment and sexual assault, including rape, spanning several years.

The exodus has created uncertainty and anxiety for the group's staff of about 300 people, who fear losing their jobs.

In an open letter to members last month, the group's president, Brian McBride, conceded the CBI had hired "culturally toxic" individuals and made "mistakes in how we organised the business that led to terrible consequences". He detailed a range of failings and plans for improving the CBI's operations. McBride said: "We didn't put in place sufficient preventative measures to protect our people from those seeking to cause harm and we didn't react properly when issues arose as a result.

"We failed to filter out culturally toxic people during the hiring process. We failed to conduct proper cultural onboarding of staff. Some of our managers were promoted too quickly without the necessary prior and ongoing training to protect our cultural values, and to properly react when those values were violated."

He said the CBI had "paid more attention to competence than to behaviour" and that it "tried to find resolution in sexual harassment cases when we should have removed those offenders from our business".

A number of people were dismissed after the independent investigation by Fox Williams, the CBI said.

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Sujet n° 5

Vous ferez une analyse de ce texte et la présenterez au jury

Trump hush money trial set for March 2024 during Republican primaries

The Guardian

Martin Pengelly and agencies in New York

Tue 23 May 2023 22.19 BST First published on Tue 23 May 2023 19.08 BST

Donald Trump's trial in New York on criminal charges over hush money payments to the porn star Stormy Daniels will begin on 25 March 2024, amid the Republican presidential primary and less than eight months before the general election the former president hopes to contest.

The trial date was announced in a hearing in a Manhattan courtroom on Tuesday, Trump attending by video link from his Florida home.

The judge, Juan Merchan, advised the former president to cancel all other obligations for the duration of the trial, which could last for several weeks.

Trump was muted for most of the hearing, which lasted around 15 minutes. The video feed showed the former president sitting and conferring with his lawyer, Todd Blanche, in front of a backdrop of American flags.

No other former president has been criminally indicted. Spokespeople for Trump did not immediately comment on news of his trial date.

Trump used his Truth Social platform to lash out, claiming his "first amendment rights, 'freedom of speech'" had been "violated" by the scheduling of the trial "right in the middle of primary season".

"This is exactly what the Radical Left Democrats wanted," Trump wrote, also claiming "election interference", a loaded term given widespread agreement that Russia interfered to boost his candidacy in the election he won in 2016.

In April, Trump pleaded not guilty to 34 charges of falsification of business records, arising from his \$130,000 payment to the porn star Stormy Daniels, during the 2016 election, to keep quiet about an alleged sexual encounter.

The Tuesday hearing was also held to explain an order forbidding the disclosing of material presented by prosecutors not already publicly known.

Merchan's order bars Trump and his lawyers from disseminating evidence to third parties or posting it to social media, and requires that some sensitive material be kept only by Trump's lawyers.

Prosecutors sought the order soon after Trump was arrested, citing his history of "harassing, embarrassing, and threatening statements" about people with whom he has entered legal disputes.

Trump claims to be the victim of political witch-hunts meant to silence him as he runs for the Republican nomination to face Joe Biden next year.

Judge Merchan has stressed he is not seeking to gag Trump, but "bending over backwards and straining to ensure that he is given every opportunity possible to advance his candidacy".

Trump's court appearance came after news that E Jean Carroll, the writer who accused him of rape and won \$5m in a civil suit earlier this month, is seeking additional damages over his comments in a controversial CNN town hall.