

ПОСОБИЕ ПО АНГЛИЙСКОМУ ЯЗЫКУ
ДЛЯ 1 ГОДА ОБУЧЕНИЯ ПО СПЕЦИАЛЬНОСТИ
«СУДЕБНАЯ И ПРОКУРОРСКАЯ ДЕЯТЕЛЬНОСТЬ»

МОСКОВСКИЙ ГОСУДАРСТВЕННЫЙ ЮРИДИЧЕСКИЙ УНИВЕРСИТЕТ
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Рецензенты:

Учебное пособие состоит из восьми глав, содержание которых охватывает важные аспекты профессиональной деятельности органов прокуратуры.

Цель данного пособия – развитие основных видов речевой деятельности в сфере профессиональной иноязычной коммуникации.

Издание адресовано студентам и слушателям юридических вузов, обучающимся по специальности «Судебная и прокурорская деятельность», а также может быть полезно лицам, изучающим юридический английский язык.

ПРЕДИСЛОВИЕ

Настоящее учебное пособие предназначено для студентов 1 курса института прокуратуры, обучающихся по специальности «Судебная и прокурорская деятельность». Учебное пособие подготовлено профессорско-преподавательским коллективом кафедры английского языка Московского государственного юридического университета им. О.Е. Кутафина (МГЮА) в соответствии с Рабочей программой по дисциплине.

Целью данного учебного пособия является обучение студентов владению английским языком в сфере профессиональной деятельности, а также формирование навыков межкультурной коммуникации. Для этого необходимо сформировать у студентов общекультурные и коммуникативные компетенции.

Для достижения данной цели студентам предлагается освоить лексико-грамматический материал, непосредственно связанный с профессиональной деятельностью юриста, совершенствовать навыки говорения и аудирования, ориентированные на коммуникацию в профессионально-деловой сфере, сформировать навыки работы с иноязычной информацией путем ее реферирования, аннотирования и перевода.

Учебное пособие состоит из 9 глав, каждая из которых включает в себя от 3 до 5 юнитов и приложения с грамматическими комментариями и упражнениями к ним. Содержание каждого юнита охватывает основные аспекты деятельности юриста в сфере профессиональной коммуникации.

Каждая глава включает профессионально направленные аутентичные и адаптированные тексты для изучающего, ознакомительного и просмотрового и поискового чтения и упражнения к ним.

Упражнения, представленные в каждом юните, направлены на отработку и рециркуляцию терминологических лексических единиц юридического английского языка, что способствует совершенствованию навыков устной и письменной профессиональной коммуникации.

Учебное пособие содержит задания для самостоятельной работы студентов (аудиторной самостоятельной работы, внеаудиторной самостоятельной работы, творческой самостоятельной работы), для выполнения которых требуется умение пользоваться электронными словарями, лингвистическими корпусами, базами данных, поисковыми системами.

Редколлегия выражает благодарность авторам данного учебного пособия!

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Chapter 1. LAW AND LEGAL PROFESSION

Unit 1

WHAT IS LAW AND WHY DO WE NEED IT?

Lead-in

1. Answer the questions.

1. Can people live without laws?
2. Why do we need laws?

2. Form the collocations with the word “law”. Translate them into Russian. Make your own sentences.

apply
sign into
propose
repeal
obey

make
turn to



promulgate

discuss
pass
reject
apply
amend

enforce

break

3. Read and translate the text.

Text

Vocabulary

1. morally wrong – безнравственно
2. illegal – незаконный, противозаконный, неправомерный
3. to commit a crime – совершить преступление
4. to prohibit unlawful behaviour – запрещать противоправное поведение
5. law – закон, право
6. to enforce laws – обеспечивать соблюдение законов
7. a court – суд
8. the police – полиция
9. to guard basic rights and freedoms – обеспечивать защиту основных прав и свобод
10. the Rule of Law – верховенство закона
11. public officials – государственные служащие
12. to carry out public duties in accordance with the law – исполнять должностные обязанности в соответствии с законом
13. supremacy of the law – верховенство закона
14. equality before the law – равенство перед законом
15. to prevent the arbitrary use of power – не допустить произвольного применения властных полномочий
16. to impose duties – возлагать обязанности
17. to own and enjoy property – осуществлять владение и пользование имуществом/ собственностью
18. a legal owner of property – законный владелец имущества/ собственности
19. to resolve disputes peacefully – разрешать споры мирным путем
20. criminal conduct – преступное поведение

21. to pay a fine – платить штраф
22. to pay damages – возмещать убытки
23. to go to prison – отправиться в тюрьму
24. to violate human rights and freedoms – нарушать права и свободы
25. to pass new laws – принимать новые законы
26. a law-abiding citizen – законопослушный гражданин
27. to obey laws – соблюдать закон

Every country has its own set of rules that regulate different types of social and business relations. There are rules for sport and games, for employers and employees, for family members, for drivers and pedestrians. Rules tell us what we should do and should not do. Some rules forbid certain things which are not only **morally wrong** but also **illegal**. In each country there are rules that make killing and robbing crimes, and provide punishment for those who **commit** these and other **crimes**. The rules, which **prohibit unlawful behaviour**, are called laws. **The laws** are created by the state and **enforced by courts and the police**. Sometimes there is a fine line between rules and laws as over the years many rules and customs have become laws.

Laws are concerned with almost every aspect of our lives. The laws **guard our basic rights and freedoms** and guard us against the tyranny of a dictator. In all modern societies the concept of **the Rule of Law** is crucially important. The Rule of Law means that the law applies to every person, including members of the police and other **public officials**, who must **carry out their public duties in accordance with the law**. It also provides for the **supremacy of the law**, equality before the law, accountability to the law, fairness in the application of the law and generally **prevents the arbitrary use of power**.

Laws give us rights, which should be protected, and **impose** on everyone certain **duties**. For example, we have a right **to own and enjoy our property** and we have the duty not to steal from others if we are not **legal owners of this property**. If two people claim to own the same piece of property, they should turn to the law and to institutions like courts to decide who is the real owner and to make sure that the real owner's rights are respected. Laws make it possible **to resolve peacefully** such **disputes** and other conflicts and disagreements, which might arise.

If we want to live in a peaceful and well-structured society we need laws which provide for our safety and well-being. Every society should have laws against **criminal conduct** to safeguard our personal property and lives. If people break such laws they may be forced to **pay a fine, pay damages** or **go to prison**.

Laws reflect the changing needs of a society, that is why it is very important to pass new laws, amend existing ones and repeal those which do not serve their purpose any more or **violate human rights and freedoms**.

It is very difficult to imagine life where people do not obey laws. Such societies will finally descend into chaos and violence. But even if you are a **law-abiding citizen** you should always remember that ignorance of the law can never be an excuse for breaking it.

4. Give Russian equivalents for the following word combinations.

1. to regulate social relations
2. rules and customs
3. to steal from others
4. to resolve disputes peacefully
5. the Rule of Law
6. to own and enjoy property
7. to amend existing laws
8. to repeal laws
9. to descend into chaos and violence

10. ignorance of the law

5. Find in the text English equivalents for the following word combinations.

1. работники и работодатели
2. обратиться к закону
3. владеть и осуществлять пользование собственностью/имуществом
4. нарушать права и свободы человека
5. вносить поправки в существующие законы
6. отправиться в тюрьму
7. отменить закон
8. разрешать конфликты и разногласия мирным путем
9. равенство перед законом
10. платить штраф

6. Match the words to form the collocations from the text. Translate them into Russian.

- | | |
|-------------------|----------------------------|
| 1. a set | a. human rights |
| 2. to commit | b. citizen |
| 3. enforced | c. disputes |
| 4. legal owners | d. damages |
| 5. equality | e. by courts |
| 6. to resolve | f. into chaos and violence |
| 7. to pay | g. of rules |
| 8. to violate | h. before the law |
| 9. to descend | i. a crime |
| 10. a law-abiding | j. of property |

7. Answer the questions.

1. What spheres of life are regulated by law?
2. What are the rights and duties of law-abiding citizens?
3. What happens to a person who violates the law?
4. What is the Rule of Law?
5. Can you imagine a society where people do not obey laws? What might it look like?
6. When do people turn to the law?
7. How do laws help to resolve disputes peacefully?
8. Why do we need laws?

8. Translate the following sentences into English.

1. Некоторые правила запрещают поведение, которое является не только безнравственным, но и незаконным. Грабеж и убийство считаются преступлениями в любой стране мира.
2. Правила, запрещающие противоправное поведение, называются законами. Законы создаются государством и их соблюдение обеспечивается судами и полицией. С течением времени многие правила и обычаи становятся законами.

3. В современном обществе концепция верховенства закона играет важную роль. Это означает, что закон применяется к каждому человеку, в том числе к сотрудникам полиции и другим государственным служащим, которые должны выполнять должностные обязанности в соответствии с законом.
 4. У гражданина есть право владеть и осуществлять пользование имуществом. Люди не должны красть у других.
 5. Если человек нарушает закон, его могут обязать заплатить штраф, возместить ущерб или отправить в тюрьму.
 6. Если мы хотим жить в мирном и хорошо организованном обществе, нам нужны законы. В каждом обществе должны быть законы, предотвращающие противоправное поведение.
 7. Даже законопослушному гражданину следует помнить, что незнание закона никогда не освобождает от ответственности.
- 9. Make a plan of the text to answer the question “Why do people need laws?” (10-15 sentences).**

Unit 2

LEGAL PROFESSION

Lead-in

1. Answer the questions.

1. What makes a person become a lawyer?
2. Which of the following occupations refer to legal profession?

- a judge
- a physician
- a policeman
- a barrister
- a solicitor
- a lawyer
- a physicists
- a prosecutor
- a jury

2. Read and translate the following collocations with the word “legal”. Fill in the table depending on their Russian equivalent.

правовой	судебный	законный	юридический

- a legal document
- legal costs
- legal government
- legal profession
- a legal entity
- a legal action
- legal obligations
- a legal decision
- legal foundation
- a legal advisor
- legal language
- a legal remedy
- a legal system
- legal proceedings
- a legal owner
- legal ethics
- legal advice
- a legal person

3. Read and translate the text.

Text

LEGAL PROFESSION IN THE UK

Vocabulary

1. a lawyer – юрист
2. solicitors and barristers – солиситоры и барристеры
3. legal training – юридическая подготовка
4. to do one’s best – делать всё возможное
5. first and foremost – в первую очередь
6. to behave honourably – вести себя достойно
7. to mislead the court – ввести суд в заблуждение
8. to harm the interests of justice – действовать не в интересах правосудия/помешать осуществлению правосудия
9. skilled advice – профессиональная консультация
10. representation – представительство интересов клиента в суде
11. to give legal advice – оказать юридическую помощь/консультировать клиента
12. to try a case – рассматривать дело в суде
13. to draw up a contract – составлять договор
14. legal arrangements – юридическое сопровождение

15. allegations of unfair dismissal – обвинение в несправедливом увольнении
16. a claim for redundancy payment – требование выплаты пособия в связи с увольнением по сокращению штата
17. to claim asylum – требовать предоставления политического убежища
18. to make a will – составить завещание
19. to work in partnership with one another – работать в партнерстве друг с другом
20. litigation – тяжба, судебное разбирательство по гражданскому делу
21. to conduct cases in court – вести дела в суде
22. to have rights of audience – иметь право выступать в суде
23. barristers' chambers – адвокатские конторы
24. a barrister's clerk – секретарь барристера/адвоката
25. to negotiate the barrister's fee – обсуждать гонорар барристера
26. a courtroom lawyer – адвокат, имеющий право выступать в суде
27. the Employment Tribunal – суд по рассмотрению трудовых споров
28. to think on their feet – принимать решение спонтанно

In most countries there is only one legal profession. This means that all the **lawyers** have the same professional education leading to the same legal qualification, and they are permitted to do all the legal work. In England the system is different. Here the profession is divided into two types of lawyers, called **solicitors** and **barristers**. They have a different **legal training**: they take different examinations to qualify, and once they have qualified they usually do different types of legal work.

Lawyers may be either solicitors or barristers. They cannot be both at the same time. But it is possible for a solicitor to become a barrister, and for a barrister to become a solicitor.

Anyone who seeks legal advice and help is known as a **client**. Solicitors and barristers must **do their best** for their clients; but **first and foremost** they have a duty to the court to **behave honourably**, and not do anything that they know will **mislead the court** and **harm the interests of justice**.

Solicitors provide members of the public — their clients — with **skilled advice** and **representation** in all legal matters. Solicitors may work on their own in small «one-man» or «one-woman» practices, or as partners with other solicitors.

They do different types of legal work. Solicitors prepare **cases to be tried** in civil or criminal courts, **give legal advice** in the field of business, and **draw up contracts**. They make all the **legal arrangements** for buying and selling of land, houses or other buildings. Solicitors may assist employees and employers in cases involving **allegations of unfair dismissal**, or **claims for redundancy payments**. They deal with family matters such as divorce and child care. Solicitors also represent foreign nationals, or those without any national status at all, who are **claiming asylum**, or permission to stay or work in the UK. In addition, solicitors arrange to apply for licences that have to be granted by the courts or other bodies (such as licences for pubs and clubs), and **make wills** for clients who, when they die, wish to leave their property to certain persons or charities; and make sure that their wishes are carried out.

The full title of a barrister is Barrister-at-Law. Barristers are also known as counsels. Although solicitors and barristers are all members of the legal profession, there are many important differences between them.

Barristers are mainly **litigation** or courtroom lawyers who actually **conduct cases in court**. Unlike solicitors they **have rights of audience** (rights to appear) in any court in the land. Barristers are those lawyers who appear in the more difficult cases in the Crown Court, the High Court, and various courts of appeal.

Although many barristers do a variety of work, a growing number now specialise in just one or two aspects of litigation. This means that they may do only criminal cases, or one or more of the many types of civil case. A small number of barristers do not go into court at all and spend their professional lives advising, and writing opinions at the request of solicitors, in cases that

involve difficult and complicated areas of the law. Before July 2004, clients could never go to see a barrister directly.

Barristers cannot **work in partnership** with one another. All professional barristers are self-employed, although normally a number of barristers will as a matter of convenience share offices, which are known as **barristers' chambers**, and have their work organised by the same manager who is called a **barrister's clerk**. A barrister's clerk arranges court appearances and meetings between clients, solicitors, and barristers (these meetings are known as conferences). He or she also **negotiates the barrister's fee**.

Another well-known and very obvious difference is the robes barristers wear. In the magistrates' courts and tribunals, such as the **Employment Tribunals**, they wear their business suits, like solicitors. On all other courts they wear wigs and gowns.

Of all the types of work done by barristers the best known is that of advocacy – their work in court. The art of advocacy is the art of persuasion. Like the skills of a fine musician, it involves natural talent, much hard work, and immense thought and care in the manner of their presentation. They must be able **to think on their feet**, adapting easily and quickly to the audience they are trying to persuade, whether it be judges or magistrates sitting alone, or a jury.

4. Give Russian equivalents for the following word combinations.

1. to seek legal advice
2. to negotiate a barrister's fee
3. representation in all legal matters
4. to be self-employed
5. to conduct a case in court
6. to have rights of audience
7. to behave honourably
8. to mislead the court
9. to try a case
10. to make legal arrangements
11. to claim asylum
12. the art of persuasion

5. Find in the text English equivalents for the following word combinations.

1. адвокат, имеющий право выступать в суде
2. тяжба, судебное разбирательство по гражданскому делу
3. Суд Короны
4. оказать юридическую помощь/консультировать клиента
5. солиситоры и барристеры
6. требование выплаты пособия в связи с увольнением по сокращению штата
7. обвинение в несправедливом увольнении
8. требовать предоставления политического убежища
9. обсуждать гонорар барристера
10. суд по рассмотрению трудовых споров
11. составить завещание

6. Match the words to form the collocations from the text. Translate them into Russian.

- | | |
|---------------|--------------|
| 1. a criminal | a. audience |
| 2. legal | b. of appeal |

- | | |
|------------------------------|-----------------------|
| 3. to seek | c. easily and quickly |
| 4. first | d. of convenience |
| 5. rights of | e. difference |
| 6. a court | f. on their feet |
| 7. to adapt | g. payment |
| 8. a matter | h. a fee |
| 9. to negotiate | i. advise and help |
| 10. redundancy | j. and foremost |
| 11. to think | k. profession |
| 12. a well-known and obvious | l. case |

7. Fill in the gaps with the words from the box.

rights of audience, law, persuasion, clients, partnership, barristers, immigration

1. What is the difference between solicitors and _____?
2. _____ are provided with skilled advice and representation in all legal matters.
3. Issues related to _____ involve representing foreign nationals, or those without any national status.
4. Barristers have _____ in any court in the land.
5. Barristers cannot work in _____ with one another.
6. Some cases can involve difficult and complicated areas of the _____.
7. The art of advocacy is the art of _____.

8. Answer the questions.

1. What are the two types of legal profession in the UK?
2. What are the main responsibilities of a solicitor?
3. Do barristers work in partnership with one another?
4. What legal work do barristers perform?
5. What does advocacy mean?
6. What does the term “rights of audience” imply?

9. Are the following statements true or false? Correct the false statements.

1. In most countries there are two basic legal professions.
2. Solicitors and barristers take different examinations to qualify.
3. It is impossible for a solicitor to become a barrister, and for a barrister to become a solicitor.
4. Barrister’s clerk is the one to conduct the case in court.
5. Barristers work in partnership with one another to make their job easier.
6. Solicitors try not to make wills for clients who, when they die, wish to leave their property to certain persons or charities, because this is too stressful.
7. There is an obvious difference in the robes barristers wear. They wear wigs, gowns and make-up in all courts except the Employment Tribunal.

10. Translate the following sentences into English.

1. Солиситоры оказывают юридическую помощь лицам, которые требуют предоставления политического убежища или добиваются получения разрешения на работу.
2. Юристы оказывают помощь работникам и работодателям в делах, связанных с обвинением в несправедливом увольнении или требованием выплаты пособия при увольнении по сокращению штата.
3. Барристеры имеют право выступать по наиболее сложным делам в Королевском суде, Высоком суде и различных апелляционных инстанциях.
4. Часто барристеры специализируются только на одном или двух видах судебного процесса. Некоторые вообще не выступают в судах и занимаются исключительно консультированием.
5. Солиситоры готовят дело к рассмотрению в гражданском или уголовном суде. Помимо этого, они предоставляют юридическое сопровождение в сфере бизнеса и при составлении договоров.
6. Деятельность адвоката требует владения искусством убеждения. Как и мастерство музыканта, подобная практика требует таланта, усердия, а также тщательной подготовки при подаче материала.
7. Юристу важно также развить в себе способность спонтанно принимать решения, быстро подстраиваться под аудиторию, будь то судьи, магистраты, или присяжные.

11. Speak about legal profession in the UK (10-15 sentences).

Unit 3

LEGAL SKILLS

Lead-in

1. Answer the questions.

1. What skills do lawyers need to be successful in their profession?
2. What is more important for a lawyer: to have good writing skills or interpersonal communication skills?

2. Read the definitions of hard and soft skills. Which of the skills below refer to hard skills and which to soft skills?

Hard skills, or technical skills, are learned through education or hands-on experience. These are measurable abilities that are specific to a job.

Soft skills, or people skills, are abilities that you develop throughout your entire life. It is something you are naturally good at, without having to learn it through education, e.g. relationship-building.

- | | | |
|-------------------|--------------------|---------------------------|
| • copywriting | • active listening | • effective communication |
| • Microsoft Excel | • accounting | • leadership, |
| • adaptability | • typing | • time management |
| • motivation | • empathy | • open-mindedness |
| • App development | • teamwork | • computer programming |

3. Read and translate the text.

Text

TOP TEN LEGAL SKILLS

Vocabulary

1. a successful legal career – успешная карьера в области юриспруденции
2. to achieve success – достичь успеха
3. soft skills – навыки межличностного общения
4. hard skills – профессиональные навыки
5. to achieve positive outcomes – добиться положительного результата
6. persuasive techniques – методы убеждения
7. to apply methods – применять методы
8. to be highly advantageous – быть очень выгодным
9. to resolve a conflict – разрешить конфликт
10. a concise and persuasive prose – краткое и убедительное изложение информации в письменном виде
11. a motion – ходатайство
12. a brief – краткое изложение обстоятельств дела
13. logical reasoning – логическое мышление
14. to assimilate information – усваивать информацию
15. in an efficient and effective manner – эффективно и действенно
16. to draw inferences – делать выводы
17. to evaluate arguments – оценивать доводы

18. legal framework – нормативно-правовая база
19. case law – прецедентное право
20. scheduling – планирование
21. to charge for one's services – взимать плату за услуги
22. an appointment – деловая встреча
23. coping techniques – способы борьбы со стрессом
24. to encounter a stressful situation – столкнуться со стрессовой ситуацией
25. a solo practitioner – юрист, занимающийся частной практикой

While thorough knowledge of the law is incredibly important, it isn't the only ingredient for a **successful legal career**. Lawyers rely on a range of **hard and soft skills to achieve success** and **positive outcomes** for their clients. As you enter your career, there are several skills you'll want to develop as a lawyer.

Persuasive Communication

Lawyers always apply **persuasive techniques**. Persuasive communication requires the ability to relate to others, find their pain points and **apply methods** for solving cases and achieving success.

Interpersonal Skills

Lawyers interact with a variety of diverse clients and professionals. Therefore, it is **highly advantageous** to have strong interpersonal skills, including empathy, interpreting emotions, providing support and helping **resolve conflicts**.

Written Communication.

From writing simple correspondence to drafting complex legal documents, writing is an integral function of nearly every legal position. Legal professionals should master the stylistic and mechanical aspects of writing; learn how to write organized, **concise and persuasive prose**; draft effective legal documents such as **motions, briefs**, memos, resolutions and legal agreements.

Analytical and Logical Reasoning, attention to details.

Legal professionals must learn to review and **assimilate** large volumes of complex **information in an efficient and effective manner**. Legal analytical and **logical reasoning** skills include: reviewing complex written documents, **drawing inferences** and making connections among legal authorities; developing logical thinking, organization and problem-solving abilities; structuring and **evaluating arguments**.

Technology

Technical skills, including specialized skill sets specific to the field, are becoming more and more desirable. For instance, working with computer applications like spreadsheets, word processors and online applications are several technical aspects of the job.

Legal knowledge

Knowing the relevant **legal framework** of a chosen practice is vital in being able to serve clients. This knowledge would ultimately depend on the segment the lawyer is working in, so it is important to brush up the local, state, and national laws. Researching legal concepts, **case law**, judicial opinions, statutes, regulations and other information is an important legal skill.

Time Management

Typically, lawyers **charge for their services** on a per-hour basis (billable hours). In addition to **scheduling** and keeping track of the time spent with clients, it is also important to efficiently dedicate time to different tasks, including research, compiling paperwork or gathering information.

Organization

Many lawyers find methods for keeping their important documents and information organized and may often use computer applications to help them keep track of schedules, **appointments**, hearings and other job-related events.

Techniques for coping with stress.

The profession of a lawyer can become quite stressful, and it is important to develop the ability to deal with fast-paced and stressful environments; learn **coping techniques** for managing stress, like meditation, light exercise and breathing. This way you have the necessary tools and resources for those times you **encounter stressful situations**.

Teamwork.

Legal professionals do not work in a vacuum. Even **solo practitioners** must rely on secretaries and support staff and team up with co-counselors, experts to deliver legal services.

4. Give Russian equivalents for the following word combinations.

1. clients and professionals
2. relevant legal framework
3. to cope with stress
4. a solo practitioner
5. persuasive techniques
6. to apply methods
7. a successful legal career
8. concise and persuasive prose
9. fast-paced and stressful environment
10. schedules and appointments
11. case law
12. to charge for services
13. to draft briefs
14. highly advantageous
15. to draft a motion

5. Find in the text English equivalents for the following word combinations.

1. способы борьбы со стрессом
2. делать выводы
3. нормативно-правовая база
4. решать проблемы
5. логическое мышление
6. профессиональные навыки
7. навыки межличностного общения
8. онлайн-приложения
9. разрешать конфликты
10. в конечном итоге зависеть от
11. составлять ходатайство
12. необходимые инструменты и ресурсы
13. взвешивать аргументы
14. усваивать информацию
15. взаимодействовать с разными клиентами

6. Match the words to form the collocations from the text. Translate them into Russian.

- | | |
|------------------|----------------|
| 1. soft and hard | a. career |
| 2. a successful | b. environment |

- | | |
|-----------------------------|-------------------------|
| 3. persuasive | c. laws |
| 4. stylistic and mechanical | d. tools and resources |
| 5. judicial | e. stressful situations |
| 6. time | f. management |
| 7. legal | g. techniques |
| 8. fast-paced | h. legal services |
| 9. national | i. framework |
| 10. necessary | j. opinion |
| 11. to deliver | k. aspects of writing |
| 12. to encounter | l. skills |

7. What terms from the text do the following definitions refer to?

1. A professional, such as a lawyer or an architect, who practices independently.
2. Non-technical skills that describe how you work and interact with others.
3. Skills learned through education or hands-on experience: concrete, measurable abilities that are often specific to a job.
4. The achieving of the results wanted or hoped for.
5. A list of planned activities with the time and date when they are intended to happen or be done.
6. The rules, rights and obligations of companies, governments, and citizens that are set forth in a system of legal documents.

8. Answer the questions.

1. What is necessary for a successful legal career?
2. How is it possible for a lawyer to achieve success and positive outcomes for the clients?
3. What are soft skills and hard skills? What is the difference between them?
4. Why is legal framework important?
5. Why is it important to keep important documents and information organized?
6. Why is time management important?
7. What techniques for coping with stress do you know?

9. Translate the following sentences into English.

1. В начале карьеры юристу следует развивать профессиональные навыки и навыки межличностного общения.
2. Мы изучаем нормативно-правовую базу с первого дня учебы в университете.
3. Юристам следует научиться писать кратко и убедительно, работать эффективно и действенно.
4. Мы научились составлять ходатайства и соглашения, кратко излагать материалы дела.
5. Юристам необходимо совершенствовать навыки работы с компьютерными приложениями, электронными таблицами, текстовыми редакторами и онлайн-приложениями.
6. К наиболее важным профессиональным навыкам относятся изучение правовых концепций, прецедентного права, судебных заключений, статутов и нормативно-правовых актов.
7. Важно развивать в себе способность справляться со стрессовыми ситуациями.

10. Work in pairs. Express your opinion using the following phrases.

- It goes without saying
- Exactly so
- Nothing of the kind
- Surely not
- I'm not quite sure about it
- That's hard to say

1. Legal research is the only reliable tool for a lawyer.
2. In their first year students must read and draft briefs.
3. Soft skills are more important than hard skills.
4. Lawyers must know how to analyze and gather information, organize data bases.
5. You can master your writing skills by reading resources on the craft of writing.
6. It is easy to learn legal English.

11. Match soft skills with their definitions. Which of them are more important for a lawyer.

1. The ability to adapt to changing circumstances and handle multiple tasks simultaneously: working effectively in fast-paced environments, handling unexpected challenges.	a. Teamwork
2. The ability to admit mistakes and learn from feedback. This soft skill involves being open-minded, reflective, and willing to grow.	b. Decision-making
3. The ability to make informed and timely decisions: the skill to make sound decisions, take calculated risks, and achieve business objectives effectively.	c. Persuasion
4. Working collaboratively with others to achieve a common goal: sharing ideas and resources, being willing to support and assist team members as needed.	d. Flexibility
5. The ability to manage and resolve conflicts effectively: involves active listening, problem-solving, and the ability to remain calm and objective under pressure.	e. Intercultural communication
6. The ability to convince others of one's ideas and opinions: involves building trust and negotiate win-win outcomes.	f. Writing
7. The ability to communicate effectively across different cultures and languages: being aware of cultural differences, using appropriate language and tone, and adapting to cultural norms.	g. Conflict resolution
8. The ability to cope with stress and bounce back from setbacks.	h. Enthusiasm
9. The ability to approach work with passion and energy: involves being optimistic, engaged, and committed to achieving results.	i. Resilience
10. The ability to write clearly and effectively to convey ideas and information: involves grammar, syntax, and effective communication.	j. Humility

12. Speak about top skills necessary for a lawyer (10-15 sentences).

Glossary

advice	совет, консультация
- skilled advice	профессиональная консультация
- legal advice	консультация юриста
- to give legal advice	оказать юридическую помощь/проконсультировать по вопросам права
- to seek legal advice	обратиться за юридической помощью
a brief	краткое изложение обстоятельств дела
- to draft a brief	кратко изложить обстоятельства дела
a case	дело, случай
- to try a case	рассматривать дело в суде
a claim	иск, исковое заявление, требование
to claim	требовать
- to claim an asylum	требовать предоставления политического убежища
conduct syn. behaviour	поведение
- criminal conduct	преступное поведение
- unlawful behaviour	противоправное поведение
a court	суд
- the Crown Court	Суд Короны
- the High Court	Высокий Суд
- a court of appeal	апелляционный суд
- to mislead the court	вести суд в заблуждение
a crime	преступление
- to commit a crime	совершить преступление
a dispute	спор, разногласие
- to resolve disputes peacefully	решать споры мирным путем
a law/law	закон/право
- to make laws	создавать законы
- to pass laws	принимать законы
- to propose laws	предлагать законы
- to apply laws	применять законы
- to reject the law	отклонить закон
- to repeal the law	отменить закон
- to amend the law	внести поправки в закон
- to obey the law	соблюдать закон
- to break the law	нарушать закон

- to turn to the law	обратиться к закону
- to promulgate the law	обнародовать закон
- to sign into the law	подписать закон
- supremacy of the law	верховенство закона
- equality before the law	равенство перед законом
- a law-abiding citizen	законопослушный гражданин
a lawyer	юрист
- a courtroom lawyer	адвокат, имеющий право выступать в суде
legal	законный, правовой, юридический, судебный
- a legal document	юридический документ
- legal obligations	правовые обязательства
- a legal system	правовая система
- legal costs	судебные издержки
- a legal decision	решение суда
- legal proceedings	судопроизводство
- legal government	законное правительство
- legal foundation	законное основание
- a legal owner	законный владелец
- legal profession	профессия юриста
- a legal advisor	юрисконсульт
- legal ethics	профессиональная этика юриста
- a legal entity	юридическое лицо
- legal language	юридический язык
- legal advice	консультация юриста
- a legal action	судебный иск, судебное разбирательство
- a legal remedy	средство правовой защиты
- a legal person	юридическое лицо
- legal training	юридическая подготовка
- legal arrangements	юридическое сопровождение
a motion	ходатайство
- to draft a motion	составить ходатайство
to pay	платить
- to pay a fine	платить штраф
- to pay damages	возместить убытки/ущерб
property	собственность, имущество
- to own and enjoy property	владеть и осуществлять пользование собственностью/имуществом
- a legal owner of property	законный владелец имущества
a right	право
- a right to something (life, property)	право на ч-л (на жизнь, на собственность)
- human rights	права человека
- to have rights of audience	иметь право выступать в суде
- to respect rights	уважать права
- to violate rights and freedoms	нарушать права и свободы

a skill
- hard skills
- soft skills

навык
профессиональные навыки
навыки межличностного общения

Chapter 2. CONSTITUTION AND LEGISLATION

Unit 1

THE CONSTITUTION AND LEGISLATION OF THE RUSSIAN FEDERATION

Lead-in

1. Work in pairs. Do you agree with the statements below?

1. A constitution is the supreme law of a country.
2. A constitution is a written document.
3. A constitution enumerates basic human rights and freedoms.
4. A constitution cannot be amended.
5. A constitution prescribes how a country should be ruled and governed.

Begin you answer with the following phrases:

- I fully agree because...
- I disagree because.
- I'm of the same opinion.
- I'm not sure I agree with it because...
- I agree that it's possible but...

2. Read the information about different types of constitutions and fill in the gaps with the words bellow. Which of them may be used to describe the Constitution of the RF?

- | | | |
|-------------|------------|-----------|
| • written | • rigid | • federal |
| • unwritten | • flexible | • unitary |

A constitution is a system which establishes the fundamental rules and principles which a state will use to govern and regulate.

There are several types of constitutions: written/unwritten, rigid/flexible, federal/unitary.

- A _____ constitution is entirely written and is codified in one single document. It usually consists of a preamble, which sets the goals of the state and several articles.
- An _____ constitution is used to describe a constitution in which no single, written document delineates the powers of government. Instead, an _____ constitution comprises the body of a country's laws, enacted over time, with an emphasis on political precedent and parliamentary procedure, to create a framework in which a limited government operates. _____ constitutions can contain written sources: e.g. constitutional statutes enacted by the Parliament; and also unwritten sources: constitutional conventions, customs and traditions.
- In a _____ constitution there are provisions in writing that cannot be legally changed with the same ease and in the same manner as ordinary laws.
- A constitution is called _____ because it is an unwritten document that can be changed by an act of Parliament or through a process of amendment.

- A _____ constitution establishes the division of authority between the Federal Government and the component units of the government. In a _____ constitution, sovereignty is vested in the central government.
- A _____ constitution relates to the parliament. It follows parliamentary system of power. The _____ constitution establishes a unitary system of government where a central government does exist.

3. Read and translate the text.

Text 1

THE CONSTITUTION OF THE RUSSIAN FEDERATION

Vocabulary

1. to delineate the state and political system – определять государственное и политической устройтво
2. the bedrock for the existing legal framework – основы для существующих правовых рамок
3. the separation of powers – разделение властей
4. the legislative branch of government/power: syn: the legislature – законодательная ветвь власти
5. the executive branch of government/power – исполнительная ветвь власти
6. the judicial branch of government/power: syn: the judiciary – судебная ветвь власти
7. a secular state – светское государство
8. constituent entities/federal subjects – субъекты РФ
9. public authorities – органы государственной власти
10. local authorities – органы местного самоуправления
11. bicameral parliament – двухпалатный парламент
12. a lower chamber/house – нижняя палата
13. an upper chamber/house – верхняя палата
14. a term of office – срок полномочий/срок пребывания в должности
15. to take office – занять должность/вступить в должность
16. to appoint ministers – назначать министров
17. to nominate judges – назначать судей
18. to introduce the state of emergency - ввести чрезвычайное положение
19. to introduce martial law – ввести военное положение
20. to take an oath – принимать/приносить присягу
21. to exercise the executive power – осуществлять исполнительную власть
22. impartiality of the court – беспристрастность суда
23. the Public Prosecutor's Office – Генеральная Прокуратура
24. final and transitional provisions – заключительные и переходные положения

The Constitution of the Russian Federation is Russia's supreme law, passed through a national vote on December 12, 1993. The Constitution serves as the foundational document that **delineates the state and political system** and sets up the foundations of a democratic and law-governed state. The Constitution forms **the bedrock for the existing legal framework** in the country. The basis of the political, legal, economic, and social institutions in the Russian Federation are laid out in the first section of the Constitution, which consists of 9 chapters and

137 articles. The first section of the Constitution contains the basic principles of the Russian constitutional system.

The Constitution:

- defines the federative structure of the Russian Federation;
- establishes the principles of sovereignty and independence of the Russian Federation;
- outlines **the separation of powers between the legislative, executive, and judicial branches of government;**
- establishes equality of ideologies and religions;
- defines the Russian Federation as **a secular state.**

The Constitution of the Russian Federation defines the rights and freedoms of a human and a citizen and proclaims the principle of equality before law and court. The Constitution defines Russia as a federal state with a division of powers between the central government and regional **constituent entities**. It also contains the list of **federal subjects** of the Russian Federation, covers the issues that are in the jurisdiction of the Russian Federation and those that are in the joint jurisdiction of federal and **local authorities**.

Under the Constitution full authority in the RF belongs to the President and the bodies of legislative (**bicameral parliament** – the Federal Assembly), executive (the Government of the Russian Federation) and the judicial power, which work independently.

Separate articles are devoted to the powers of the **public authorities**: the President of the Russian Federation, the Federal Assembly of the Russian Federation, the Government of the Russian Federation and the judicial power of the Russian Federation, implemented through the system of courts. In these articles, **the terms of office** of appointed and elected officials and the limits of their competence are defined according to the principle of separation of powers.

The President of the Russian Federation is the head of state. The duties of the President are enumerated in the Constitution. The President chairs the Security Council of the Russian Federation, signs treaties, enforces the law. The President **appoints ministers** and **nominates judges** to the Constitutional Court and the Supreme Court of the Russian Federation, and the Prosecutor-General of the Russian Federation. He is the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation. The President has the right **to introduce the state of emergency and martial law** within the Russian Federation. The Constitution also contains the text of **the oath taken** by the President of the Russian Federation upon taking office.

The Federal Assembly of the Russian Federation represents **the legislature**. It consists of two chambers: the Federation Council (**the upper chamber**) and the State Duma (**the lower chamber**). The order of electing representatives for these chambers, their competence, terms of office are provided by the Constitution.

The executive power is exercised by the Government of the Russian Federation. The Constitution determines the extent of its jurisdiction and also defines the terms of office of government ministers.

Judicial power is implemented by means of constitutional, civil, administrative, and criminal legal proceedings. The Constitution establishes the principles of independence, irremovability and immunity of judges, thus providing for objectiveness and **impartiality of the court**.

The Constitution describes the powers of the Constitutional Court and the Supreme Court of the Russian Federation, which make up the apex of the judicial system of the country.

Separate articles are devoted to **the Public Prosecutor's Office** of the Russian Federation with functions of supervision and control, and to the procedure of adoption of Constitutional amendments.

Final and transitional provisions regulating the enforcement of the Constitution are contained in Section 2 of the Constitution.

4. Give Russian equivalents for the word combinations from the text.

1. to pass the Constitution through a national vote
2. the foundations of a democratic and law-governed state
3. a secular state
4. equality before law and court
5. constituent entities of the Russian Federation
6. public authorities
7. to sign treaties
8. to introduce martial law
9. to take office
10. to exercise the executive power
11. irremovability and immunity of judges
12. enforcement of the Constitution

5. Find in the text English equivalents for the following word combinations.

1. основы демократического и правового государства
2. содержать основные принципы российского конституционного строя
3. суверенитет и независимость Российской Федерации
4. права и свободы человека и гражданина
5. принцип разделения властей
6. законодательная власть
7. судебная власть
8. исполнительная власть
9. глава государства
10. Федеральное Собрание
11. Совет Федерации
12. заключительные и переходные положения

6. Match the words to form the word combinations from the text.

- | | |
|------------------------|-----------------------------------|
| 1. the Federal | a. the state and political system |
| 2. the Federation | b. the legislature |
| 3. to consist of | c. judges |
| 4. to delineate | d. Assembly |
| 5. the state of | e. office |
| 6. to represent | f. the Constitution |
| 7. a term of | g. emergency |
| 8. the promulgation of | h. Council |
| 9. to nominate | i. the executive power |
| 10. to exercise | j. 9 chapters and 137 articles |

7. Finish the sentences. Choose which is correct (a, b, c).

1. Constitution establishes ...
 - a. the principles of independence and partial sovereignty of the RF
 - b. equalities of ideologies but not religions
 - c. the principle of separation of powers
2. As for the federative structure, the Constitution ...

- a. contains the list of local and public authorities
 - b. contains the list of constituent entities of the RF
 - c. enumerates powers of the President
3. The executive power is exercised by...
 - a. the Federal Assembly of the RF
 - b. the President of the RF
 - c. the Government of the RF
 4. The Federal Assembly of the RF represents...
 - a. the legislature
 - b. the judiciary
 - c. the executive branch
 5. According to the Constitution the President may...
 - a. appoint ministers and nominate judges
 - b. sign treaties
 - c. introduce the state of emergency and martial law
 - d. do everything mentioned above
 6. Judicial power is implemented by means of ...
 - a. civil and criminal legal proceedings
 - b. constitutional and administrative legal proceedings
 - c. all the proceedings mentioned above

8. Answer the questions.

1. Why is the Constitution of the RF so important?
2. What does the Constitution consist of?
3. When was the Constitution of the RF adopted?
4. What does the Constitution define and establish?
5. Does the Constitution define the Russian Federation as a federal state? What does it mean?
6. What is the principle of separation of powers?
7. What duties of the President are enumerated in the Constitution of the RF?
8. What is the legislative branch of the Russian Federation? What does it consist of?
9. How is the executive power of the RF exercised?
10. How is judicial power implemented in the RF?
11. Where are the final and transitional provisions of the Constitution contained? What do they regulate?

9. Translate the following sentences into English.

1. Конституция является основным законом, который определяет государственное и политическое устройство Российской Федерации и закладывает основы демократического правового государства.
2. Согласно Конституции Россия является светским государством.
3. Российская Федерация - федеративное государство, с четким разделением полномочий между федеральными органами государственной власти и субъектами федерации.
4. Конституция провозглашает идею приоритета прав и свобод человека, делая всех граждан России равными перед законом и судом.

5. Конституцией Российской Федерации предусмотрен принцип разделения государственной власти на законодательную, исполнительную и судебную.
6. Президент является главой государства. Все его полномочия перечислены в Конституции РФ.
7. Федеральное Собрание является главным законодательным органом. Оно состоит из двух палат: верхней – Совета Федерации и нижней – Государственной Думы.
8. Исполнительная власть осуществляется Правительством Российской Федерации.
9. Судебная власть осуществляется посредством конституционного, гражданского, административного и уголовного судопроизводства.
10. Согласно Конституции судьи обладают независимостью, несменяемостью и неприкосновенностью.

10. Speak about the Constitution of the Russian Federation. Cover the following points:

- the Constitution is the supreme law of the state
- basic principles enshrined by the Constitution
- the principle of separation of powers
- the duties of the President
- the legislative power
- the executive power
- the judicial power

11. Read and translate the text.

Text 2

LEGISLATION IN THE RUSSIAN FEDERATION

Vocabulary

1. legislation – законодательная/законотворческая деятельность; законодательство
legislators – законодатели
a legislative chamber – палата законодательного органа
local legislatures – местные органы законодательной власти
2. to pass laws – принимать законы
3. to adopt decrees – принимать постановления
4. a draft law/a bill - законопроект
5. to vote on a draft law – голосовать за законопроект (как за, так и против)
to vote for/in favour of the bill – проголосовать за законопроект
to vote against the bill – проголосовать против законопроекта
6. to consider a bill – рассматривать законопроект
7. to make amendments to the bill – вносить поправки в законопроект
to approve the amendments – одобрить поправки
to reject the amendments – отклонить поправки
8. a conciliation commission – согласительная комиссия
9. to veto the bill – наложить вето на законопроект
10. to override the veto – преодолеть вето
11. to submit the bill to the President – передать законопроект на подпись Президенту
12. to sign the bill – подписать законопроект
13. to promulgate a new law – обнародовать/опубликовать новый закон
14. to enter into force – вступить в силу

Under the principle of separation of powers **legislation** is regarded as one of the three main functions of government. Those who have the formal power to create legislation are known as **legislators**.

Legislation can have many purposes: to regulate, to authorize, to proscribe, to provide (funds), to sanction, to grant, to declare or to restrict.

According to the Constitution, the Federal Assembly is the main law-making body of the Russian Federation. It consists of the State Duma, which is the lower house, and the Federation Council, which is the upper house.

The State Duma **passes laws** and **adopts decrees** on issues referred to its authority by the Constitution of the Russian Federation. Decrees of the State Duma are adopted by a majority of the total number of deputies of the State Duma. The Federation Council is supposed to cooperate with the State Duma in completing and **voting on draft laws**.

Draft laws may originate in either legislative chamber, or they may be introduced by the President, the Government, local legislatures and the Supreme Court or the Constitutional Court within their respective competence.

All **bills** must first be **considered** by the State Duma. Having passed all three readings in the State Duma a bill is sent to the Federation Council for confirmation and then forwarded to the President for signing and publication. To pass the law more than half of senators of the Federation Council must **vote for the bill**. When considering federal constitutional laws, three-fourths of the Council's votes are required for its passage.

Upon adoption by a majority of the full State Duma membership, a draft law is considered by the Federation Council, which has fourteen days to place the bill on its calendar. The Federation Council cannot **make amendments to the bills** passed by the Duma and can either **approve** or **reject** them. If the Federation Council rejects the bill passed by the State Duma, the two chambers may form a **conciliation commission** to work out a compromise version of the legislation. If two chambers cannot reach a compromise, or the Duma insists on passing the bill as it is, **the veto** of the Federation Council can be **overridden**, if two thirds of the Duma's constitutional composition **vote in favor of the bill**.

The approved law is **submitted to the President** who **signs the bill** and **promulgates** a new law. The law signed by the President shall be published in official media. Being published the law **enters into force** in 10 days.

Federal laws have priority over regional laws and direct effect throughout the territory of Russia. Often, Russian laws are adopted in the form of a Code of Law. A Code is a complete collection of rules in an entire subject area.

The President may also pass decrees on any issue without limits if a valid federal law does not regulate that issue, except in cases when the Constitution directly says that the question requires the adoption of a federal law.

12. Give Russian equivalents for the word combinations from the text.

1. to create legislation
2. to adopt a decree
3. to introduce a draft law
4. to consider federal constitutional laws
5. a Code of Law
6. to reject the bill
7. to form a conciliation commission
8. to work out a compromise version of the legislation
9. to override the veto

10. to promulgate a new law

13. Find in the text English equivalents for the following word combinations.

1. законодательная деятельность
2. принимать законы
3. законодательный орган
4. пройти все три чтения
5. проголосовать за законопроект
6. внести поправки в законопроект
7. одобрить поправки
8. достигнуть компромисса
9. подписать законопроект
10. вступить в силу

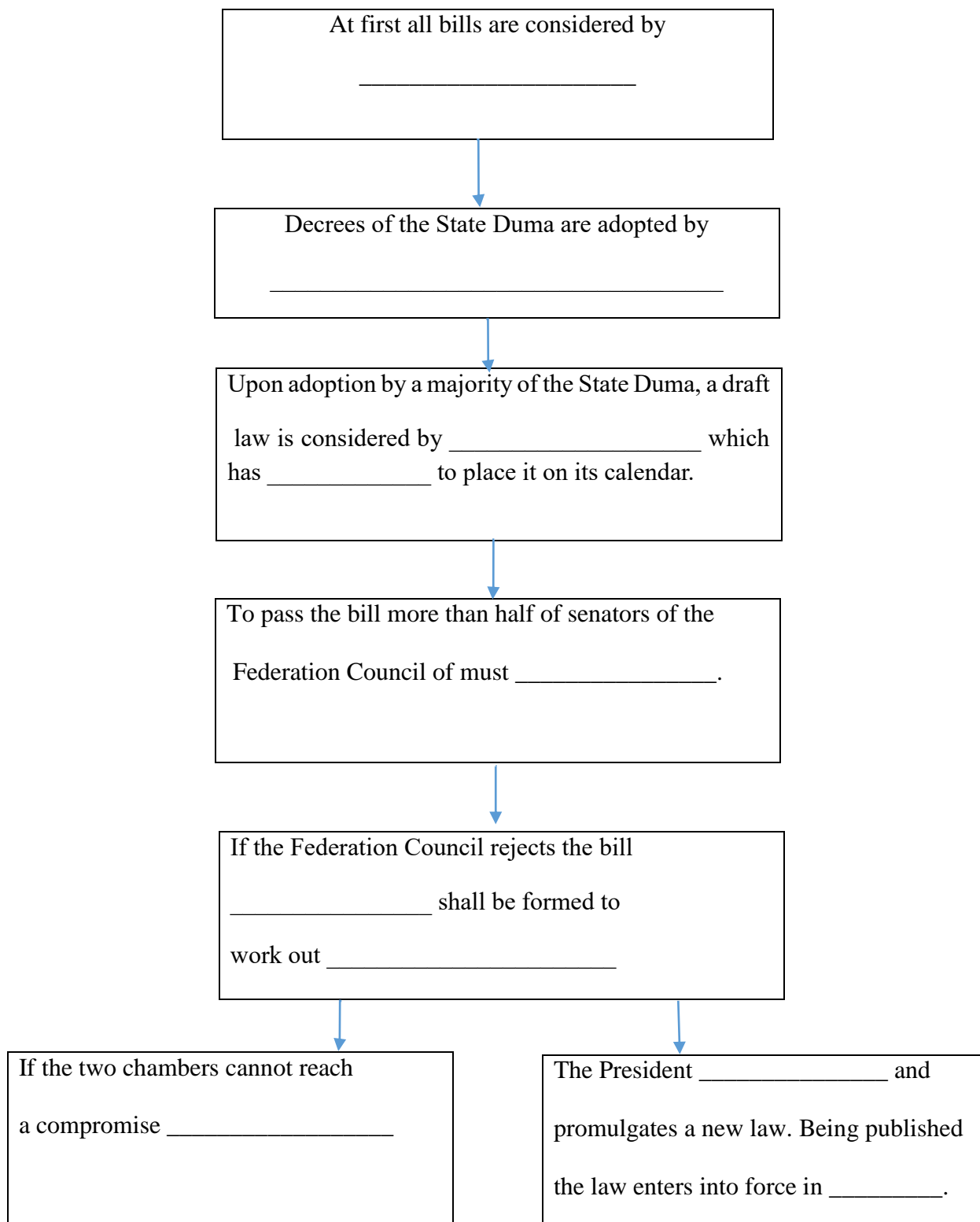
14. Match the words on the left with their synonyms on the right.

- | | |
|------------------|---------------|
| 1. a draft law | a. adoption |
| 2. legislation | b. a chamber |
| 3. legislative | c. to publish |
| 4. a house | d. laws |
| 5. to adopt | e. a bill |
| 6. to approve | f. to pass |
| 7. passage | g. law-making |
| 8. to promulgate | h. to confirm |

15. Answer the questions.

1. What does the term legislation mean?
2. What are the purposes of legislation?
3. What is the main law-making body in the RF?
4. What are the duties and responsibilities of the State Duma and the Federation Council?
5. Where do draft laws originate?
6. How does a bill become a law?
7. What laws have priority?
8. What happens if the Federation Council rejects the bill passed by the State Duma?
9. What is the final stage for a bill to become a law?

16. Fill in the table with the information from Text 2. Speak about the legislative process in the Russian Federation.



Unit 2

THE CONSTITUTION AND LEGISLATION OF THE UNITED KINGDOM

Lead-in

1. Have you ever heard about the following?

- uncodified Constitution
- Parliament
- Monarch (the King or the Queen)

What do you know about them?

2. Read and translate the text.

Text 1

THE CONSTITUTION OF THE UK

Vocabulary

1. case law – прецедентное право
2. a treaty – международный договор
3. the Magna Carta – Великая хартия вольностей
4. the Act of Settlement – акт о престолонаследии
5. a source of law – источник права
6. to have constitutional significance – иметь конституционную значимость/важность
7. to dissolve Parliament – распустить парламент
8. the House of Commons - палата общин
9. the House of Lords – палата лордов
10. the Royal Assent – королевское согласие
11. to pass a motion of no-confidence in the Government – вынести вотум недоверия правительству
12. to seek a new election – добивать проведения новых выборов
13. to hold the Government to account for its actions – требовать от правительства отчета за свои действия
14. the abuse of power – злоупотребление полномочиями
15. the Lord Chancellor – Лорд - Канцлер
16. a court of appeal – апелляционный суд
17. the implementation of one of the most important principles – реализация одного из наиболее важных принципов
18. to sign the bill into law – подписать закон
19. to administer justice – отправлять правосудие

The British Constitution is unwritten or uncodified which means there is no single document that could be identified as the UK Constitution. The British Constitution can be found in a variety of documents including statutes, conventions, judicial decisions (**case law**), and **treaties** as well as in customs and traditions. Examples of constitutional statutes include **the Magna Carta** of 1215, the Bill of Rights 1689, **the Act of Settlement** 1701, the Human Rights Act 1998, and some others.

Since the English Civil War, the core principle of the British Constitution has traditionally been the doctrine of parliamentary sovereignty, according to which the statutes passed by

Parliament are the UK's supreme and final **source of law**. It means that Parliament can change the Constitution simply by passing new Acts of Parliament.

According to the doctrine of parliamentary sovereignty, Parliament may pass any legislation that it wishes. There are many Acts of Parliament which **have constitutional significance**. For example, Parliament has the power to determine the length of its own term. However, the Sovereign retains the power to **dissolve Parliament** at any time on the advice of the Prime Minister. Parliament also has the power to change the structure of its constituent houses and the relation between them.

Parliament consists of the Sovereign, **the House of Commons** and **the House of Lords**. All the legislation must receive the approval of the Sovereign (**the Royal Assent**).

The House of Commons alone possesses the power **to pass a motion of no-confidence in the Government**, which requires the Government either to resign or **seek a new election**. Parliament traditionally has the power to remove individual members of the Government by impeachment. By the Constitutional Reform Act 2005 it also has the power to remove individual judges from office for misconduct.

The executive power in the United Kingdom is exercised by the Sovereign through His Majesty's Government. The Monarch appoints the Prime Minister as the head of His Majesty's Government in the United Kingdom. The Prime Minister then selects the other Ministers which make up the Government. As in some other parliamentary systems the two Houses of Parliament **hold the Government to account for its actions**.

The judiciary has two vital roles in the British Constitution. First, the judges help to resolve disputes about constitutional law if they arise. And second, the courts act as an independent check on the powers of the executive branch. Only the courts have the authority to prevent **the abuse of power**.

Until 2005 the head of the judiciary was a Cabinet minister, **the Lord Chancellor**. In an extraordinary breach of the principle of separation of powers, he could also sit as a judge in the UK's highest court, the House of Lords. The Constitutional Reform Act 2005 removed the Lord Chancellor as head of the judiciary and created a new Supreme Court of the United Kingdom which took over the judicial functions of the House of Lords. The Supreme Court began its work in 2009, and serves as the highest **court of appeal** in England and Wales and in Northern Ireland, and for civil cases in Scotland.

Nowadays the Monarch's position in the Constitution is largely ceremonial, but he is uniquely placed to bind together the most powerful bodies in the country – Parliament, the Government and the courts. Being independent of each other, they are under the nominal control of the Crown. At the same time the position of the Monarch helps to divide their powers, and keeps them separate, thus providing for **the implementation of one of the most important principles** of a state – the separation of powers. The Monarch also has some other important constitutional duties. One of them is to give the Royal Assent to the laws passed by Parliament, i.e. **to sign the bill into law**. Formally the Monarch is the head of the executive branch so the Government acts in his name. **The justice** is also **administered** in the 'name of the King' and all the judges are called 'His Majesty's Judges'.

3. Give Russian equivalents for the word combinations from the text.

1. case law
2. to pass any legislation
3. to retain the power to dissolve Parliament
4. to seek a new election
5. to exercise the executive power

6. to pass a motion of no-confidence in the Government
7. the head of the judiciary
8. the separation of powers
9. to give the Royal Assent
10. to administer justice

4. Find in the text English equivalents for the following word combinations.

1. Билль о правах
2. Великая хартия вольностей
3. источник права
4. иметь конституционную значимость
5. снять с должность
6. назначить Премьер – Министра
7. предотвратить злоупотребление полномочиями
8. создать новый Верховный Суд
9. высший апелляционный суд
10. подписать закон

5. Match the words to form the word combinations from the text. Translate them into Russian.

- | | |
|-------------------|----------------|
| 1. case | a. Settlement |
| 2. parliamentary | b. powers |
| 3. the House of | c. Assent |
| 4. the Royal | d. Court |
| 5. constitutional | e. law |
| 6. the abuse of | f. branch |
| 7. the Act of | g. sovereignty |
| 8. the Supreme | h. Commons |
| 9. separation of | i. power |
| 10. the executive | j. statute |

6. Fill in the gaps with the words and word combinations from the box.

obey, judiciary, independence, the Rule of Law, enforce the law, constitutional significance, rights and freedoms, abuse of power

- The Magna Carta is widely known as the charter of English liberties granted by King John in 1215, under the threat of civil war. The Magna Carta declared that the sovereign had to be subject to (1) _____ and provided the foundation for individual rights of “free men”. It meant to prevent the king from (2) _____ and to set out the laws which the king and everyone else had to (3) _____.
- The Bill of Rights 1689 was a statute of particular (4) _____ which firmly established the authority and (5) _____ of Parliament in relation to the Monarch. Laws could no longer be suspended or got rid of without the consent of Parliament. It also contained provisions to further protect individual (6) _____.
- The Act of Settlement 1701 prevented Catholics from taking the English throne. It established Parliament’s right to decide on the line of succession, further enhancing its power. It also contained important constitutional provisions relating to the independence

of the (7) _____. The Act protected judges, giving them authority to (8) _____ without fear of retribution.

7. Do you agree with the following statements? Correct the false statements.

1. The British Constitution is unwritten like the Constitution of the RF.
2. The British Constitution can be found in a variety of documents.
3. Amendments to the British Constitution need the approval of both Houses of Parliament, but they do not need the Royal Assent.
4. The parliamentary sovereignty has always been the core principle of the British Constitution.
5. The Sovereign has no power to dissolve Parliament.
6. Parliament has no power to change the structure of its houses.
7. The British Parliament consists only of the House of Commons and the House of Lords.
8. The executive power in the United Kingdom is exercised by the Sovereign.
9. Until 2005 there was an extraordinary breach of the principle of separation of powers.
10. The Constitutional Reform Act 2005 created a new court of appeal in England and Wales.

8. Answer the questions.

1. How can the UK Constitution be characterised?
2. What fundamental documents is the UK Constitution based on?
3. What is the core principle of the UK Constitution?
4. What is the essence of the concept of parliamentary sovereignty?
5. What does British Parliament consist of?
6. How is the executive power exercised in the UK?
7. How is the judicial power implemented?
8. What is the Monarch's position in the constitution?

9. Translate the following sentences into English.

1. Неписанная конституция Великобритании не означает отсутствие конституции как таковой. Это всего лишь означает, что нет единого документа, который можно было бы назвать конституцией.
2. Существует ряд законов, которые имеют конституционную важность. Великая хартия вольностей, Билль о правах, Закон о престолонаследии всего лишь некоторые из них. Помимо них существуют еще международные договоры, конвенции, прецедентное право, которые можно считать источниками конституционного права Великобритании.
3. Основной особенностью Британской Конституции является доктрина парламентского суверенитета, согласно которой Парламент может принимать любой закон на свое усмотрение.
4. Монарх обязан подписать законопроект, который был принят Парламентом. Это его конституционная обязанность. Без Королевского согласия ни один законопроект не может стать законом.
5. Одним из важных принципов, который помогает предотвратить злоупотребление полномочиями, является принцип разделения власти между законодательной, исполнительной и судебной ветвями.

10. Speak about the Constitution of the United Kingdom. Cover the following points.

- uncodified Constitution
- the sources of British Constitution
- the doctrine of parliamentary sovereignty
- the importance of the Constitutional Reform Act 2005
- the constitutional role of the Monarch

11. Read and translate the text.

Text 2

LEGISLATION IN THE UNITED KINGDOM

Vocabulary

1. life peers – пожизненные пэры
2. hereditary peers – потомственные/наследственные пэры
3. provisions of the Bill – положения законопроекта
4. a committee stage – стадия рассмотрения законопроекта комитетом членов парламента
5. a clause – пункт, раздел (в официальном документе)
6. to pass amendments – принять поправки
7. to propose amendments – предложить поправки
8. a consideration stage – стадия рассмотрения законопроекта (в Палате Лордов)
9. to make a formal announcement – официально объявить

The laws passed by Parliament are called Acts of Parliament or Statutes. Before a law becomes a statute it has to pass through a number of stages in both houses of Parliament. British Parliament consists of the Monarch, the House of Lords, and the House of Commons. The House of Lords – the upper chamber - is composed of **life peers** and **hereditary peers**. The House of Commons – the lower chamber - is composed of Members of Parliament (MPs).

The idea for a new law can come from a variety of sources: bills may be introduced by any member of either House (Private Members Bills), a Minister of the Crown (Government Bills), by the general public (Public Bills), by an individual or small group of individuals (Private Bills).

First the law is submitted in its draft form to one of the houses of Parliament, usually the House of Commons. At this stage the law is called a Bill. At the first reading MPs are informed about the proposed legislation. It takes place without debate and it is usually a formality. The short title of the Bill is read out and then the Bill is printed.

The second reading is the first opportunity for MPs to debate the general principles and **provisions of the Bill**. They vote on the bill to decide whether it should go further.

Once the second reading is completed the Bill proceeds to the committee stage. At this stage detailed examination of the Bill takes place, **clause** by clause, determining the intent and impact of the Bill's language. The **amendments**, made at the Committee stage, will be **passed** if the majority of the committee members vote for them. If the Bill has been amended the Bill is reprinted.

Once the committee stage is completed, the Bill returns to the floor of the House of Commons for its report stage, where the amended Bill can be debated. MPs may **propose** further **amendments** to the Bill or even add new clauses.

The Report stage is normally followed immediately by debate on the Bill's third reading. Amendments to the Bill cannot be made at the third reading in the House of Commons. A final vote is taken on whether the Bill should proceed further. If the MPs vote for the Bill it is officially passed from the House of Commons on to the House of Lords.

The process in the House of Lords is very similar to the process in the House of Commons. The Bill goes through a number of stages, but this time it is carefully examined by the members of the House of Lords. The Bill first has a pro forma first reading, then a second reading. After the second reading the Bill is normally referred to the Committee of the Whole House. Then the Bill passes through a consideration stage followed by the third reading. In the House of Lords amendments may be made in the Committee of the Whole House, at the consideration stage, and during the third reading.

Not all Bills begin their life in the House of Commons, some of them (usually less controversial ones) are introduced in House of Lords. In this case they make a similar journey, a mirror image of that taken by Bills starting in the Commons, this time passing through the House of Lords first and then through the House of Commons.

When the Bill has completed all its parliamentary stages in both Houses, it is sent to the Monarch for the Royal Assent. The Royal Assent is the Monarch's agreement to make the Bill into an Act and is a formality. When the Monarch signs the Bill, i.e. gives the Royal Assent, the Bill becomes an Act of Parliament. When the Monarch signs the Bill it is sent back to the House of Lords where **a formal announcement is made**: a new law has been passed and everybody must obey it.

12. Give Russian equivalents for the word combinations from the text.

1. to be composed of life peers and hereditary peers
2. to come from a variety of sources
3. to submit the law in its draft form
4. to vote on the Bill
5. to pass the amendments
6. to add a new clause
7. to take a final vote
8. to refer the Bill to the Committee of the Whole House
9. controversial bills
10. to give the Royal Assent

13. Find in the text English equivalents for the following word combinations.

1. пройти несколько стадий в обеих палатах Парламента
2. проходить без обсуждения
3. зачитать название законопроекта
4. обсуждать общие принципы и положения законопроекта
5. подробное рассмотрение/изучение законопроекта
6. вносить поправки в законопроект (2 варианта)
7. проголосовать за законопроект
8. подписывать законопроект
9. принять новый закон
10. соблюдать закон

14. Fill in the gaps with the words and word combinations from the box.

laws, enforce (2), House of Commons, Bills, case law, enact, repeal, statutes, amend
--

The laws in the UK are made in British Parliament which consists of the (1) _____ and the House of Lords. The primary sources of law in the UK are Acts of Parliament or (2) _____ and case law. All Acts begin their life as drafts called (3) _____. A new Act is usually passed in order to update or (4) _____ existing legislation. Acts of Parliament are made to legislate for new circumstances and to (5) _____ government policies. Sometimes it is necessary to consolidate (6) _____ by bringing together into one statute all existing statutes on one topic. A new Act is passed to codify rules by bringing together all the (7) _____ and statutes on a particular subject.

Parliament may (8) _____ any law it chooses or (9) _____ obsolete laws which are no longer relevant, and the courts must (10) _____ it.

15. Finish the sentences according to Text 2.

1. The British Parliament consists of...
2. During the first reading the short title of the Bill...
3. The second reading the first opportunity for MPs...
4. At the committee stage
5. Once the committee stage is completed, the Bill...
6. The Report stage is followed by...
7. The process in the House of Lords...
8. In the House of Lords amendments may be made...
9. The Royal Assent is...
10. When the Monarch signs Bill...

16. Answer the questions.

1. How are Laws in the UK referred to?
2. What is the composition of British Parliament?
3. Where can the idea of a new law come from?
4. What is the first stage in legislation in the UK?
5. What does the second reading imply?
6. What happens at the Committee stage?
7. What follows the Report stage?
8. Are stages in the House of Lords different from those in the House of Commons?
9. What is the Monarch's role after the Bill has completed all its parliamentary stages in both Houses?

17. Fill in the table with the information from Text 2. Speak about the legislation in the United Kingdom.

	Parliament	
the House of Commons		the House of Lords
		the second reading
the Report stage		

Unit 3

THE CONSTITUTION AND LEGISLATION OF THE UNITED STATES

Lead-in

1. Work in pairs. Do you agree with the following statements?

1. The US Constitution is a written document.
2. The Bill of Rights is a part of the US Constitution.
3. The US Constitution was adopted when the US became independent of the British Empire.

2. Read and translate the text.

Text 1

THE CONSTITUTION OF THE UNITED STATES

Vocabulary

1. the Bill of Rights – Билль о правах
2. to enshrine natural rights and liberties – провозглашать естественные права и свободы
3. indictment by a grand jury – обвинительное заключение, вынесенное присяжными
4. a capital crime – преступление, караемое/наказуемое смертной казнью
5. a public trial – открытое судебное разбирательство/открытый судебный процесс
6. an impartial jury – беспристрастные присяжные
7. to commit a crime – совершить преступление
8. to exercise powers – осуществлять полномочия
9. a system of checks and balances – система сдержек и противовесов
10. abuse of power – злоупотребление служебными полномочиями/злоупотребление властью
11. the House of Representatives – Палата представителей
12. to override presidential veto – преодолеть президентское вето
13. to reject the bill – отклонить законопроект
14. Circuit Courts of Appeals – Окружные Апелляционные суды
15. District Courts – районные суды
16. to interpret laws – толковать законы
17. a criminal case – уголовное дело
18. a civil case – гражданское дело

The US government is based on the Constitution of 1787 which was adopted after the War of Independence. The US Constitution consists of a preamble, seven articles which describe the way the government is structured and how it operates, and 27 amendments. The first three articles establish the three branches of government and their powers: legislative (Congress), executive (office of the President,) and judicial (Federal court system). Articles four to seven describe the relations between the states and the federal Government, establish the Constitution as the supreme law of the land, and define the amendment and ratification processes.

The first 10 amendments are called **the Bill of Rights**, which was adopted in 1791 under popular pressure. The Bill of Rights is a series of limitations to the power of the US federal government. **Natural rights and liberties**, including a right to life, a right to property, freedom of religion, freedom of speech, a right to free press, a right to free assembly, and free association, as well as a right to keep and carry arms are **enshrined** in the Bill of Rights. In federal criminal cases, the Bill of Rights requires **indictment by a grand jury** for any **capital crime**, and guarantees a

speedy, **public trial with an impartial jury** composed of members of the state in which **the crime was committed**.

A key feature of the US Constitution is federalism – the division of power between the national government and the states. Another major feature of the Constitution is the principle of separation of powers within the national government. According to this principle the executive, legislative and judicial branches **exercise powers** that are largely separate and distinct. But there is not a strict and complete separation of powers, the powers of the three branches overlap. In order for a separation of powers to succeed, each branch of government needs to be limited in its power. Each branch has certain duties to check that the other two branches are functioning within their given powers and that responsibilities are balanced among them. It is called **the system of checks and balances**. This system ensures that no one branch becomes too powerful, and is supposed to protect against the extremes and **abuse of power**.

According to Article I of the US Constitution the legislative power is exercised by Congress. Congress is divided into two houses, **the House of Representatives** and the Senate. The bicameral Congress became a compromise between the large states, which wanted representation based on population, and the small ones, which wanted the states to have equal representation. It is the responsibility of the Congress to propose and pass new laws. In the system of checks and balances, Congress can refuse to approve the appointments made by the President and can **override presidential veto**.

The executive branch consists of the President, the Vice President, the Cabinet and 13 Departments, including a few independent agencies. It is responsible for enforcing laws passed by Congress. According to the principle of checks and balances, the President has the power of veto to **reject the bill** proposed by Congress. The President also appoints all Supreme Court Justices.

The judicial branch consists of the Supreme Court, 11 **Circuit Courts of Appeals** and 94 **District Courts**. These courts **interpret laws** and make decisions in serious criminal and civil cases. According to the principle of checks and balances the judiciary has the power over the other two branches and can declare their actions and laws unconstitutional if they violate the principles of the Constitution.

3. Give Russian equivalents for the word combinations from the text.

1. the War of Independence
2. limitations to the power of the US federal government.
3. a capital crime
4. a speedy public trial
5. the system of checks and balances
6. to exercise the legislative power
7. to approve the appointments made by the President
8. to have the power of veto
9. to appoint Supreme Court Justices

4. Find in the text English equivalents for the following word combinations.

1. принять конституцию
2. провозглашать естественные права и свободы
3. свобода слова
4. право хранить и носить оружие
5. беспристрастные присяжные
6. совершить преступление
7. принцип разделение властей
8. злоупотребление властью
9. преодолеть президентское вето

10. ТОЛКОВАТЬ ЗАКОНЫ

5. Match the words to form the word combinations from the text. Translate them into Russian.

- | | |
|------------------|----------------------------|
| 1. branches | a. crime |
| 2. natural | b. feature |
| 3. a capital | c. of separation of powers |
| 4. a grand | d. of checks and balances |
| 5. a public | e. of government |
| 6. a key | f. of veto |
| 7. the principle | g. jury |
| 8. the system | h. to property |
| 9. the power | i. rights and liberties |
| 10. a right | j. trial |

6. What do the following numbers from the text refer to?

- | | | | |
|--------|------|--------|------|
| • 2 | • 11 | • 27 | • 10 |
| • 1787 | • 7 | • 1791 | • 94 |

7. Are the following statements true or false? Correct the false statements.

1. The US Constitution was adopted in 1946 after the World War II.
2. The first 27 amendments are called the Bill of Rights.
3. The Bill of Rights sets forth natural rights and liberties.
4. The key features of the US Constitution are federalism, the separation of powers and the system of checks and balances.
5. The legislative branch has more powers than the others.
6. The system of checks and balances was meant to protect against the abuse of power.
7. Congress has a right to override presidential veto.
8. The executive branch consists of the President, the Vice President, the Cabinet and the 13 Departments, and also a few independent agencies.
9. The judicial branch consists of the House of Representatives and the Senate.
10. The courts may declare laws unconstitutional if they violate the principles of the Constitution.

8. Answer the questions.

1. When was the US Constitution adopted?
2. What does the US Constitution consist of?
3. How are the first 10 amendments to the US Constitution called?
4. What rights and liberties are enshrined in the Bill of Rights?
5. What kind of trial is guaranteed by the Bill of Rights?
6. What are the three key features of the US Constitution?
7. What are the three branches of government according to the US Constitution?
8. What is the principle of separation of powers?
9. What is the idea of the system of checks and balances?
10. What duties does every branch have to the other branches under the principle of checks and balances?

9. Match the principles of the US Constitution with their descriptions.

- federalism
- the separation of powers
- the system of checks and balances
- limited Government
- popular sovereignty
- judicial review

1. The literal meaning of this principle is rule by the people. This principle states that the source of power lies with the people. The Government of the United States is truly national in character and should be for the benefit of its citizens. The framers of the Constitution believed that power begins with the citizens, who can exercise that power to make decisions that affect their own and other Americans' lives. If the Government is not protecting the people, it should be dissolved.
2. Since the people give the Government their power, the Government itself is restrained to the power given to it by them. Government leaders are not above the law; their powers are limited by the law. Since power originates with the people, no single individual or group can abuse it for their own gains. The framers of the Constitution wanted the national leaders to be bound by the Constitution and national law.
3. Governmental power is separated into three branches: legislative, which makes laws; executive, which enforces the laws; and judicial, which interprets the laws. Each branch has its own responsibilities, including overseeing the other branches. The framers of the Constitution wanted to ensure that no one could abuse their powers.
4. In order to protect citizens, the constitution sets up the system of government with balanced powers to make compromise and consensus necessary. This system limits the power of each branch. Basically, each branch of government has a certain number of checks it can use to ensure the other branches do not become too powerful.
5. According to this principle the courts are vested with the authority to determine the legitimacy of the acts of the executive and the legislative branches of government. The Supreme Court may decide that acts and laws are unconstitutional and repeal them.
6. This principle is one of the most complicated foundations of the US. This is the idea that the central government doesn't control all the power in the nation. States also have powers reserved to them. Central government exercises exclusively such powers as defence and matters of state security, whereas the regions exercise power over such things as planning, regional development and taxation.

10. Speak about the US Constitution. Cover the points below.

- the structure of the US Constitution
- the Bill of Rights
- the principles of the US Constitution

11. Read and translate the text.

Text 2

LEGISLATION IN THE UNITED STATES

Vocabulary

1. to enact legislation – принимать законы
2. to confirm Presidential appointments – утвердить кандидатуру, предложенную Президентом
3. to reject Presidential appointments – отвергнуть кандидатуру, предложенную Президентом
4. investigative powers – право проводить собственное расследование
5. to be elected for a six-year term – избираться на шестилетний срок
6. constituents – избиратели членов Конгресса
7. to introduce legislation – внести закон на рассмотрение
8. efficient consideration of legislation – быстрое рассмотрение законов
9. to oversee a specific policy area – осуществлять контроль за определенной сферой деятельности
10. to investigate the merits and flaws of the bill – изучать/анализировать сильные и слабые стороны законопроекта
11. to provide testimony – давать показания/предоставлять показания
12. subpoena power – право выдать повестку
13. a pressing bill – важный законопроект, требующий немедленного рассмотрения
14. to speak to issues other than the bill – говорить о вопросах, не касающихся законопроекта
15. to sign the bill into law – подписать законопроект

Established by Article I of the Constitution, the legislative branch consists of the House of Representatives and the Senate, which together form the United States Congress. The Constitution grants Congress the sole authority **to enact legislation** and declare war, the right **to confirm or reject many Presidential appointments**, and substantial **investigative powers**. Congress is the highest lawmaking body in the United States and one of the oldest national legislatures in the world.

The House of Representatives is made up of 435 elected members, divided among the 50 states in proportion to their total population. Members of the House are called representatives. They are elected every two years and must be 25 years of age, US citizens for at least seven years, and residents of the state they represent. The Senate is composed of 100 Senators, 2 for each state. They are **elected for a six-year term** by the people of each state. Senators must be 30 years of age, US citizens for at least nine years, and residents of the state they represent.

The general process for making a bill into law is described in the Constitution.

The first step in the legislative process is the introduction of a bill to Congress. Bills originate from several different sources: from individual members of Congress, from their **constituents**, from one or more state legislatures, or the President or his administration. Only members of Congress can **introduce legislation**.

After being introduced, the bill is referred to the appropriate committee for review. There are 17 Senate committees, with 70 subcommittees, and 23 House committees, with 104 subcommittees. The committees change in number and form with each new Congress for the **efficient consideration of legislation**. Each committee **oversees a specific policy area**, and the subcommittees take on more specialized policy areas.

A bill is first considered in a subcommittee, where it may be accepted, amended, or rejected. If the members of the subcommittee agree to move the bill forward, it is reported to the full committee, where the process is repeated again. The committees and subcommittees call

hearings to **investigate the merits and flaws of the bill**. They invite experts, advocates, and opponents to appear before the committee and **provide testimony**, and can compel people to appear using **subpoena power** if necessary.

If the full committee votes to approve the bill, it is reported to the floor of the House of Representatives or Senate, and the majority party decides when to place the bill on the calendar for further consideration. If **a bill** is particularly **pressing**, it may be considered right away.

When the bill comes up for consideration, the House of Representatives has a very structured debate process. Each member who wishes to speak only has a few minutes, and the number and kind of amendments are usually limited. In the Senate, debate on most bills is unlimited — Senators may **speak to issues other than the bill** under consideration during their speeches, and any amendment can be introduced. Once debate has been completed and all amendments to the bill have been approved, the full membership will vote on the bill.

The bill must pass both houses of Congress before it goes to the President for consideration. When receiving the bill from Congress, the President has several options. If the President agrees with the bill, he or she may **sign it into law**. If the President disagrees with the bill, he may veto it and send it back to Congress. Congress may override the veto with a two-thirds vote of each chamber, at which point the bill becomes law and is printed.

12. Give Russian equivalents for the word combinations from the text.

1. the sole authority to enact legislation
2. to confirm or reject Presidential appointments
3. state legislatures
4. to call hearings
5. to appear before the committee
6. to compel people to appear using subpoena power
7. to approve the bill
8. to place the bill on the calendar for further consideration
9. to vote on the bill
10. to sign the bill into law

13. Find in the text English equivalents for the following word combinations.

1. объявить войну
2. законодательный орган (2 варианта)
3. жители штата, который они представляют
4. законодательный процесс
5. внести закон на рассмотрение
6. отклонить законопроект
7. изучать сильные и слабые стороны законопроекта
8. внести поправки
9. пройти обе палаты Конгресса
10. преодолеть veto

14. Are the following statements true or false? Correct the false statements.

1. The Senate is the main legislative body of the USA.
2. The Constitution gives Congress a number of important powers including power to enact legislation and declare war.
3. The House of Representatives is composed of 100 senators.
4. Only members of Congress can introduce legislation.
5. The first step in the legislative process is voting.

6. All bills are first considered in the House of Representatives then in one of the subcommittees or committees.
7. In the House of Representatives, debate on most bills is unlimited.
8. All bills must pass both houses of Congress before they are sent to the President.
9. Upon receiving a bill from the Congress, the President has to sign it.
10. The Congress does not have a right to override presidential veto.

15. Answer the questions.

1. What is the highest legislative body in the USA?
2. What authority does the Constitution grant to Congress?
3. What is the composition of the House of Representatives?
4. What is the composition of the Senate?
5. What does the first step in the legislative process imply?
6. What follows after the bill is referred to the appropriate committee?
7. What is the role of the subcommittee?
8. What is special about the debate process in the House of Representatives?
9. How does the debate process in the Senate differ from that in the House of Representatives?
10. What options does the president have after the bill passes both houses of Congress?
11. Is it possible for Congress to override the presidential veto?

16. Translate the sentences into English.

1. Конгресс является главным законодательным органом США. Помимо основной функции – законодательной, Конгресс также имеет право объявлять войну, утверждать или отвергать кандидатов, которые были предложены Президентом.
2. Конгресс состоит из двух палат: Сената – верхняя палата и Палаты Представителей – нижняя палата. Члены обеих палат избираются народом.
3. Законодательный процесс описан в конституции США и включает в себя несколько стадий рассмотрения закона.
4. После того, как члены Конгресса вносят закон на рассмотрение, он направляется в соответствующий подкомитет, где вносятся поправки и проводится голосование. Если законопроект одобрен, он направляется в комитет для дальнейшего рассмотрения.
5. После одобрения законопроекта членами подкомитета и комитета, законопроект поступает в Палату Представителей, а затем в Сенат. Представители имеют право вносить поправки в законопроект, хотя их количество ограничено. Количество поправок в Сенате неограниченно.
6. Последняя стадия законотворческого процесса – рассмотрение законопроекта Президентом. Президент может одобрить законопроект, подписав его, или наложить на него вето, направив его обратно в Конгресс.

17. Speak about a legislative process in the US. Cover the points below.

- Congress is the main lawmaking body
- two houses of Congress
- consideration of a bill in subcommittees and committees
- consideration of a bill in the House of Representatives and the Senate
- the role of the President in the legislative process.

Glossary

an amendment	поправка
-to make amendments	вносить поправки
-to introduce amendments	вносить поправки
-to pass amendments	принимать поправки
-to propose amendments	предлагать поправки
-to approve amendments	одобрить поправки
-to reject amendments	отклонить поправки
to amend	внести поправки
-to amend the bill	внести поправки в законопроект
an appointment	назначение на должность
- Presidential appointment	кандидаты на должность, предложенные президентом
to appoint	назначить на должность
-to appoint ministers	назначить на должность министров
authority	власть, полномочия
-the sole authority	единоличная власть
authorities	органы власти
-public authorities	органы государственной власти
-local authorities	органы местного самоуправления
a bill/a draft law	законопроект
-to approve the bill	одобрить законопроект
-to accept the bill	одобрить/принять законопроект
-to reject the bill	отклонить законопроект
- to vote on a bill	голосовать за законопроект (как за, так и против)
- to vote for/in favour of the bill	проголосовать за законопроект
- to vote against the bill	проголосовать против законопроекта
- to consider a bill	рассматривать законопроект
- to make amendments to the bill	вносить поправки в законопроект
- to veto the bill	наложить вето на законопроект
- to submit the bill to the President	передать законопроект на подпись Президенту
- to sign the bill	подписать законопроект
- a pressing bill	важный законопроект, требующий немедленного рассмотрения
the Bill of Rights	Билль о правах
a branch	ветвь/отрасль
-a branch of government/power	ветвь власти
- the legislative branch of power/the legislature	законодательная ветвь власти
- the executive branch of power	исполнительная ветвь власти
- the judicial branch of power/the judiciary	судебная ветвь власти
constituents	избиратели членов Конгресса в США
constituent entities/federal subjects	субъекты РФ

a constitution	конституция
- a written constitution	писаная конституция
- an unwritten constitution	неписанная конституция
- a rigid constitution	жесткая конституция
- a flexible constitution	гибкая конституция
- a federal constitution	федеральная конституция
- a unitary constitution	унитарная конституция
- to adopt a constitution	принять конституцию
a court	суд
- a court of appeal	апелляционный суд
- the Supreme Court	Верховный суд
- District courts	Районные суды
- Circuit Courts of Appeals	Окружные апелляционные суды (в США)
a crime	преступление
- capital crimes	преступление, караемое смертной казнью
- to commit a crime	совершить преступление
an election	выборы
- to seek a new election	добиваться новых выборов
to elect smb.	избирать к-л
to be elected for a term	быть избранным на к-л срок
a house/chamber	палата (законодательного органа)
- a lower house	нижняя палата
- an upper house	верхняя палата
- the House of Commons	Палата Общин
- the House of Lords	Палата Лордов
- the House of Representatives	Палата Представителей
to introduce	внести на рассмотрение/предложить, ввести
- to introduce the state of emergency	ввести чрезвычайное положение
- to introduce martial law	ввести военное положение
- to introduce a bill	внести законопроект на рассмотрение
- to introduce legislation	внести закон на рассмотрение
a law/law	закон/право
- case law	прецедентное право
- a source of law	источник права
- to pass laws	принимать законы
legislation	законодательная/законотворческая деятельность; законодательство
- to enact legislation	принимать законы
- to introduce legislation	внести закон на рассмотрение
legislators	законодатели
legislative	законодательный
- a legislative branch of power	законодательная ветвь власти
- a legislative chamber	палата законодательного органа
the legislature	законодательная власть

local legislatures	местные органы законодательной власти
Parliament	Парламент
-bicameral Parliament	двухпалатный парламент
-to dissolve Parliament	распустить парламент
power/powers	власть/полномочия
- abuse of power	злоупотребление властью/служебными полномочиями
- investigative power	право проводить собственное расследование
- subpoena power	право выдать повестку
- to exercise legislative power	осуществлять законодательную власть
- to exercise executive power	осуществлять исполнительную власть
- to exercise judicial power	осуществлять судебную власть
provisions	положения
final and transitional provisions	заключительные и переходные положения
provisions of the bill	положения/пункты законопроекта
a state/state	1. государство/государственный
- a secular state	2. состояние, положение
- the state of emergency	светское государство
- a state and political system	чрезвычайное положение
	государственное и политическое устройство
a system	система
- a state and political system	государственное и политическое устройство
- the system of checks and balances	система сдержек и противовесов
veto	вето
- presidential veto	президентское вето
- to override a veto	преодолеть вето
to veto	
- to veto the bill	наложить вето
	наложить вето на законопроект

Chapter 3. STATE AND POLITICAL SYSTEMS

Unit 1

STATE AND POLITICAL SYSTEM OF THE RUSSIAN FEDERATION

Lead-in

1. Answer the questions.

1. Why is it important to understand a state and political system of a country?
2. What recent changes have been made to the Constitution of the Russian Federation? How have they affected the state and political system of our country?
3. What are the basic principles of Russian political system?

2. Match the names of the bodies of the state power and state officials with their Russian equivalents.

- | | |
|---|--|
| 1. the Federal Assembly | a. Государственная Дума |
| 2. the Prime Minister | b. Председатель Центрального Банка |
| 3. the Supreme Court of the Russian Federation | c. Совет Федерации |
| 4. the Constitutional Court of the Russian Federation | d. Генеральный прокурор Российской Федерации |
| 5. the Security Council | e. Счётная палата |
| 6. the Federation Council | f. Премьер-министр |
| 7. the State Duma | g. Федеральное собрание |
| 8. the Prosecutor-General of the Russian Federation | h. Верховный Суд Российской Федерации |
| 9. the Chairman of the Central Bank | i. Совет безопасности |
| 10. the Accounting Chamber | j. Конституционный Суд Российской Федерации |

3. Read and translate the text.

Text

Vocabulary

1. federal subjects/constituent entities – субъекты федерации
2. to sign a treaty – подписать международный договор
3. to suspend the legal act – приостановить действие нормативно-правового акта
4. to comply with the Constitution – соответствовать конституции
5. to impose a state of emergency – ввести чрезвычайное положение
6. to introduce a draft law – внести законопроект на рассмотрение
7. to submit/propose candidates for an office of – представлять кандидатов на должность
8. to appoint a representative – назначать представителя на должность
9. to grant amnesty – объявить амнистию
10. to hold hearings on issues – проводить слушания по вопросам
11. with the consent of – с согласия
12. a deputy – 1) депутат, 2) заместитель
13. foreign policy – внешняя политика

14. to combat crime – бороться с преступностью
15. to call an election – объявлять выборы
16. a chamber/a house – палата (парламента)
17. to dismiss – уволить, снять с должности
18. to vest power in – наделить полномочиями, властью
19. to administer justice – отправлять правосудие

The Russian Federation was established by the Constitution of 1993, which was amended in 2020. Under the Constitution Russia is a democratic federative law-governed state with a republican form of government. The Russian Federation consists of 89 **federal subjects (constituent entities)**: regions, republics, territories, an autonomous region and autonomous areas, and cities of federal importance. State power in the Russian Federation is exercised on the basis of separation into legislative, executive and judiciary branches.

The President of the Russian Federation is the head of state. The President forms and heads the Security Council of Russia, **signs treaties**, enforces laws and **introduces draft laws**. He may **suspend the acts** of bodies of executive power of federal subjects if these acts do not **comply with the Constitution**. He calls the election to the State Duma and may **impose a state of emergency** on the territory of the Russian Federation. The President **submits** to the Federation Council **candidates for offices** of judges of the Supreme Court and the Constitutional Court as well as a candidate for the Prosecutor-General of the Russian Federation.

The legislative power is vested in the Federal Assembly (the Parliament). It includes two chambers: the Federation Council (the upper house) and the State Duma (the lower house). The Federation Council comprises 2 representatives of each subjects. They are not directly elected but chosen by regional executives and legislatures. The President may **appoint** up to 30 additional **representatives** (senators).

The State Duma consists of 450 deputies elected for a term of 5 years. Each chamber elects a chairman (the Speaker) to control the internal procedures of the chamber. The State Duma adopts federal laws, **grants amnesty**, appoints and dismisses the Chairman of the Central Bank and the Chairman of the Accounting Chamber of the Russian Federation.

The Federation Council and the State Duma sit separately. Their sessions are open (public). Each of the Houses **holds hearings on** the appropriate **issues**. Bills may be initiated by each chamber. A bill must be approved by both chambers and signed by the President to become a law. The President may veto the bill.

The executive power is exercised by the Government which consists of the Chairman of the Government (the Prime Minister), deputy chairmen and federal ministers. The Prime Minister is appointed by the President **with the consent of** the State Duma. If the selected candidate is rejected three times, President appoints the Prime Minister, dissolves the State Duma and announces new elections. The Prime Minister proposes to the President candidates for federal ministers. The Government presents a draft budget to be discussed by the State Duma. It provides implementation of financial, credit and monetary policies as well as **foreign policy**. It carries out measures to ensure state security, **to combat crime** and protect property.

Justice in the Russian Federation is **administered** by courts of law unified within a single judicial system. The aim of justice in Russia is to safeguard both the citizens' rights and interests as well as those of the state and individual institutions, enterprises and organizations. Judicial power is exercised by means of constitutional, civil, administrative and criminal judicial proceedings.

4. Give Russian equivalents for the following word combinations from the text.

1. a law-governed state
2. to enforce the law
3. to call an election to the State Duma

4. to vest power in the Federal Assembly
5. to dismiss the Chairman of the Accounting Chamber
6. to elect a representative
7. with the consent of the State Duma
8. implementation of foreign policy
9. to ensure state security
10. a constitutional/civil/administrative/criminal judicial proceeding
11. to dissolve the State Duma

5. Find in the text English equivalents for the following word combinations.

1. области, республики, края
2. кандидат на должность
3. соответствовать Конституции
4. избираться сроком на 5 лет
5. объявлять амнистию
6. проводить слушания по соответствующим вопросам
7. подписать законопроект
8. наложить вето на законопроект
9. осуществлять судебную власть
10. бороться с преступностью

6. Match the opposites and translate the word combinations into Russian.

- | | |
|---------------------------|-----------------------------|
| 1. to appoint | a. a lower chamber |
| 2. to approve a candidate | b. to dismiss |
| 3. to veto a bill | c. internal/domestic policy |
| 4. to comply with | d. to reject a candidate |
| 5. an upper chamber | e. to contradict |
| 6. foreign policy | f. to sign a bill |

7. Replace the underlined words with the synonyms from the text.

1. The Prime Minister nominates candidates for federal ministers to the President.
2. The President may introduce a state of emergency.
3. The Government must provide measures to combat crimes.
4. The State Duma and the Federation Council sit independently of each other.
5. The President introduces bills.
6. The judicial power aims to protect citizens' rights and freedoms.
7. The main duty of law enforcement agencies is to fight crime.
8. There are 89 federal subjects in the Russian Federation.
9. The Federal Assembly includes 2 chambers.
10. It was necessary to dissolve the State Duma and call a new election.

8. Answer the questions.

1. What is the state and political system of the RF?
2. Who is the head of the Russian Federation? What are his duties?
3. What are the three independent branches of state power in Russia?
4. What does the Federal Assembly consist of?
5. Who are the members of the Federation Council and the State Duma?

6. Who does the Government consist of?
7. What is the aim of justice in Russia?
8. How is the judicial power exercised?
9. What are the functions of: a) the Federal Assembly; b) the Government?

9. Fill in the gaps with the words from the box.

chairman, office, secret ballot, a term, in succession, nominated, supporters, performing, election, impeachment

A Presidential Election

The political system established by the Constitution of 1993 provides the President with substantial superiority over other branches of the state. The President is elected to the office for (1) _____ of 6 years by the citizens of the Russian Federation on the basis of universal, direct and equal suffrage by (2) _____. As a result of the constitutional amendments adopted in 2020, the President may hold (3) _____ for more than two terms (4) _____.

Russia has a multiparty system with one dominant party the United Russia. Presently there are four parties that make up the State Duma: the United Russia, the Communist Party of the Russian Federation, the Liberal Democratic Party of Russia, the Just Russia. A candidate for the President of the Russian Federation can be (5) _____ by a political party or by the candidate personally.

In the latter case the candidate must have an initiative group of 500 (6) _____. A candidate who receives more than one half of the votes is considered elected. The President stops (7) _____ his duties ahead of time if he resigns, because of (8) _____, or if he cannot continue to carry out his duties due to poor health. The (9) _____ of a new President is to take place within 3 months and in the meantime his duties are acted upon by the (10) _____ of the Government of the Russian Federation.

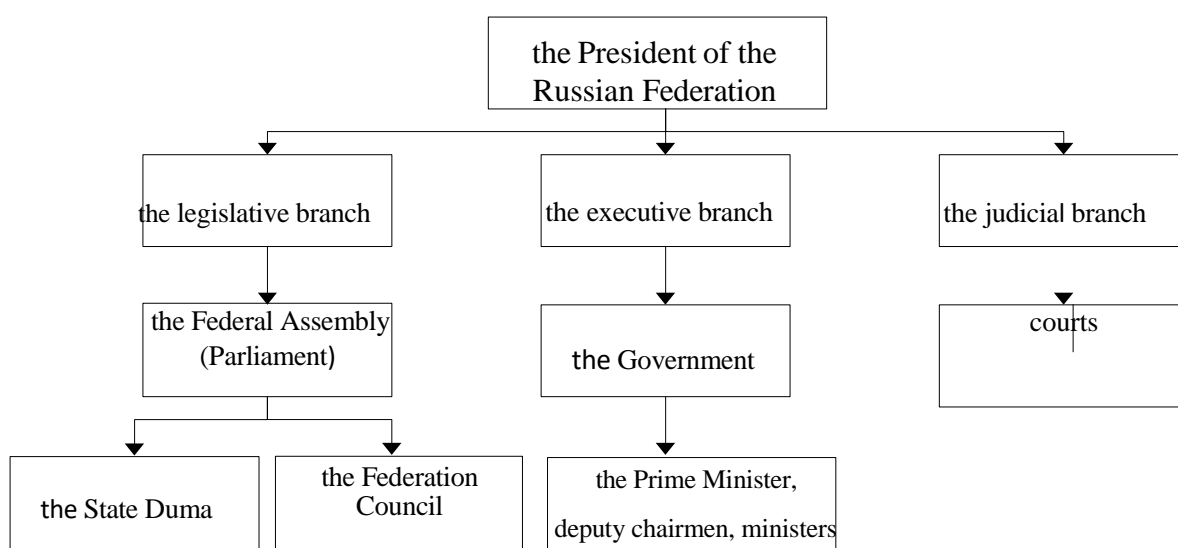
10. Translate the following sentences into English.

1. Президент РФ является главой государства. Его полномочия включают в себя обеспечение соблюдения законов, представление законопроектов в Государственную Думу и назначение на должность Генерального прокурора Российской Федерации.
2. Российская Федерация состоит из 89 субъектов, включая области, края, республики, города федерального значения, автономную область и автономные округа.
3. Исполнительная власть осуществляется правительством, которое состоит из Председателя Правительства (Премьер-министра), заместителей Председателя и федеральных министров.
4. Премьер-министр назначается президентом с согласия Государственной Думы.
5. Совет Федерации и Государственная Дума заседают отдельно друг от друга.
6. Президент Российской Федерации избирается на основе всеобщего равного и прямого избирательного права тайным голосованием.
7. В современном правоведении выделяют 2 формы правления – монархия и республика, и 3 формы государственного устройства – федерация, конфедерация и унитарное государство.
8. Правительство обеспечивает государственную безопасность и осуществляет меры по реализации внешней политики.
9. В 2020 году были внесены поправки в Конституцию Российской Федерации.

11. Work in pairs. Act out dialogues between a foreign journalist and an expert on the political system of the RF. Use one of the word groups below.

1. under the Constitution, the separation of powers, to consist of, 89 constituent entities, legislative, executive and judicial branch, to include, a federative state, the authorities of the federal subject, to adopt laws independently, the head of state, the Commander-in-Chief of the Armed forces, the President;
2. to be elected for the term of 6 years, to have a range of duties, to enforce laws and introduce draft laws, to head the Security Council, to have a right to, to propose candidates for some offices, the Prosecutor General of the Russian Federation, with the consent of the Federation Council, to call elections to the State Duma;
3. the Federal Assembly, the legislative power, to exercise, to consist of, the State Duma, 450 deputies, to elect for the term of 5 years, to have a range of duties, to adopt federal laws, to grant amnesty, the Chairmen of the Central Bank and the Accounting Chamber, the Federation Council, 2 representatives from each federal subject, to sit separately, to hold hearings on appropriate issues;
4. the Prime Minister, the executive power, to be vested in, to be elected, to appoint, the President, a consent of the State Duma, necessary, to be rejected 3 times, to dissolve, to announce a new election, to have a range of duties, the Government, to implement monetary and foreign policies, to combat crime;
5. the judicial power, to be vested in, the system of courts, a single judicial system, to be independent of other branches, to safeguard citizen's rights and freedoms, constitutional, civil, administrative and criminal proceedings.

12. Speak about the state and political system of the Russian Federation using the scheme below.



13. Make a presentation on one of the following topics.

- Russian electoral system: What political parties is Russian electoral system represented by? How does the electoral system work? In your opinion, what changes to the currently functioning electoral system could be useful?
- Russian state and political system: What makes it effective? What could be further improved? Give your arguments.
- You are a) a member of the Federation Council b) a deputy of the State Duma c) the President. What changes to legislative, executive and judicial branches would you propose and why?

Unit 2

THE STATE AND POLITICAL SYSTEM OF THE UNITED KINGDOM

Lead-in

1. Answer the questions.

1. What do you know about the UK political system?
2. What are the distinctive features of the UK constitution?
3. What does British Parliament consist of?
4. Do you know any political parties in the UK?

2. Match the names of British titles and bodies of state authorities with their Russian equivalents.

- | | |
|--|--|
| 1. the supreme governor of the established Church of England | a. епископы |
| 2. the Sovereign | b. высший апелляционный суд |
| 3. the Crown | c. наследственные пэры |
| 4. the House of Lords | d. кабинет министров |
| 5. the House of Commons | e. глава официальной англиканской церкви |
| 6. hereditary peers | f. Высокий суд Англии и Уэльса |
| 7. life peers | g. Верховный суд |
| 8. bishops | h. палата общин |
| 9. the Cabinet | i. монарх, правитель |
| 10. the High Court of Justice | j. Корона (в значении «государство» или «монарх») |
| 11. the final court of appeal | k. пожизненные пэры |
| 12. the Supreme Court | l. палата лордов |

3. Read and translate the text.

Text

Vocabulary

1. universal adult suffrage – всеобщее избирательное право
2. a civil servant – государственный служащий
3. to propose new laws – вносить новые законы на рассмотрение
4. to oversee – курировать, осуществлять надзор
5. foreign and internal affairs – внешняя и внутренняя политика
6. to pay benefits and pensions – выплачивать пособия и пенсии
7. to run employment services – предоставлять услуги по трудоустройству
8. to issue a driving licence – выдавать водительские права
9. to hold to account – привлечь к ответственности
10. to challenge the work – ставить под сомнение работу
11. scrutiny – тщательная проверка, изучение
12. bicameral parliament – двухпалатный парламент
13. to belong to a political party – принадлежать к политической партии
14. to hold an election – проводить выборы
15. a constituency – избирательный округ

16. to campaign on broad principles – проводить кампанию на общих принципах
17. to provide for the establishment of the Supreme Court – обеспечить учреждение Верховного Суда

The United Kingdom is a parliamentary democracy based on **universal adult suffrage**. It is also a constitutional monarchy. Ministers govern in the name of the sovereign (the Monarch), who is the head of state and government, the commander-in-chief of all the armed forces of the Crown and the supreme governor of the established Church of England. The Constitution is unwritten, and relies on a combination of statutes, common law and conventions.

The executive power in the UK is vested in the Crown and His Majesty's Government. The Government consists of the Prime Minister, the Cabinet and junior ministers, supported by the teams of non-political civil servants that work in government departments. The Prime Minister represents the UK at the international level, **proposes new laws** and **oversees** daily government operations. The Cabinet is responsible for **foreign and internal affairs**, defence, security and armed forces. Departments and their agencies ensure implementation of such social policies as **paying benefits and pensions, running employment services** and **issuing driving licences**.

The legislative power in the UK comprises Parliament and the Crown. The main work of Parliament falls into three broad categories: making laws and amendments (legislation), **holding the government to account** and **challenging** its work (**scrutiny**) and representing the view of people across the country (representation). **Parliament is bicameral**, with an upper chamber, the House of Lords, and a lower chamber, the House of Commons.

In the House of Lords members (hereditary peers, life peers and bishops) are mostly appointed for their lifetime by the Monarch on the advice of the Prime Minister. They bring knowledge, expertise and experience usually formed through their careers. Many do not **belong to a political party**.

The House of Commons consists of the people who have been elected at the General Election and work as MPs (Members of Parliament). Each member represents an electoral district known as **a constituency**. The **election is held** every 5 years. Around eight political parties are usually represented in the House of Commons. Some parties **campaign on broad principles**, such as the Conservative (Tory) and Labour parties; some parties have a specific national or local focus, such as the Party of Wales and the Scottish National Party; and other parties have a campaign focus, such as the Green Party.

The United Kingdom does not have a single judicial system and justice is administered by different courts. In 2005 Parliament passed the Constitutional Reform Act that **provided for the establishment of the Supreme Court**. It started sitting in October 2009 and replaced the House of Lords as a final Court of Appeal. This reform thus ensured that there was an appropriate separation between the powers of the judiciary and the legislature.

4. Give Russian equivalents for the words and word combinations from the text.

1. the head of state and government
2. non-political civil servants
3. to propose new laws
4. foreign and internal affairs
5. to issue driving licenses
6. to hold the government to account
7. to appoint smb on the advice of
8. scrutiny
9. a constituency

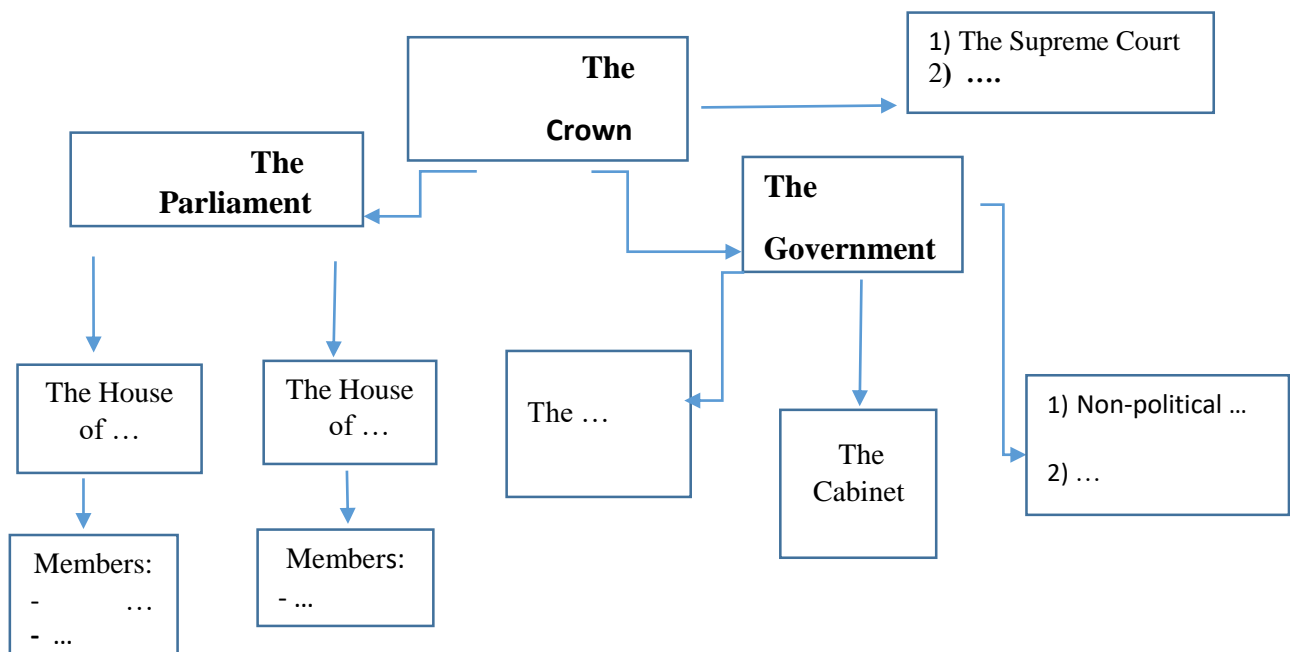
5. Find in the text English equivalents for the following word combinations.

1. глава официальной англиканской церкви
2. подвергать сомнению работу правительства
3. выплачивать пособия и пенсии
4. двухпалатный парламент
5. принадлежать к политической партии
6. проводить выборы
7. проводить предвыборную кампанию на общих принципах
8. учредить Верховный Суд
9. апелляционный суд

6. Answer the questions.

1. What type of political system exists in the UK?
2. Who is the head of state?
3. What does the executive branch of power consist of?
4. What is the role of the Prime Minister?
5. What are the functions of the Cabinet?
6. What policies does the Government implement?
7. What does the legislative branch consist of?
8. What are the functions of the Parliament?
9. What is the difference between the House of Commons and the House of Lords?
10. What are British best known political parties?
11. What is the core of the judicial reform of 2009?

7. Complete the scheme below with the necessary information and give a talk about the UK political system.



8. a) Read about the political parties in the UK.

The UK Political Parties

The UK is divided into 650 areas called constituencies. During an election everyone eligible to cast a vote in a constituency selects one candidate to be their MP. The candidate who

gets the most votes becomes the MP for that area until the next election. At a general election, all constituencies become vacant and a Member of Parliament is elected for each from a list of candidates standing for election. General elections happen every five years. Most MPs are members of one of the main political parties in the UK - Labour, Conservative, Scottish National Party or Liberal Democrat.

The Conservative Party is one of the largest in the UK. They are considered to be a “right wing,” typically believing in law and order, strong judicial system, protection of private property, reduced personal and business taxes and increased wages. These values and principles were upheld by many Conservative Prime Ministers, the most famous and influential of which include Winston Churchill (1940-45, 1951-55), Margaret Thatcher (1979-90) and David Cameron (2010-2016).

The Labour Party represents a ‘left wing’ of the parliament and has initially stood for the socialist ideas. They still implement policies to support working class including defending the rights of workers and providing public services such as health-care and education. However, they have recently accepted some free-market policies as well. Many significant Prime-Ministers belonged to the Labour Party., the most famous one was Tony Blair who led the party from 1997 to 2007.

The Liberal Democrat party appeared in 1988 after the merge of Social Democratic party and Liberal party. They stand for individual rights and freedoms, free market, access to public services for everyone and equality before law. They also advocate for improving and reforming electoral system.

b) Match the words from the text with their definitions.

- | | |
|---------------------------|---|
| 1. eligible | a. less than before or less than usual |
| 2. law and order | b. the right or opportunity to use or look at something |
| 3. private property | c. to support or represent a particular idea or set of ideas |
| 4. to implement | d. the activity or business of providing medical care |
| 5. wages | e. a situation in which the laws of a country are being obeyed |
| 6. an access to something | f. to put a plan or system into operation: syn: <i>to carry out</i> |
| 7. to stand for | g. having the necessary qualities or satisfying the necessary conditions; |
| 8. health-care | h. something, especially land or buildings, that belongs to a person or company, rather than to a government; |
| 9. reduced | i. any set of rules whereby the votes of citizens determine the selection of executives and/or legislator |
| 10. to improve | j. the money earned by an employee, especially, when paid for the hours worked |
| 11. electoral system | k. to make something better |

Unit 3

THE STATE AND POLITICAL SYSTEM OF THE UNITED STATES

Lead-in

1. Answer the questions.

1. What are the three branches of power in the USA?
2. How is legislative power exercised?

2. Match the names of the USA state officials and bodies with their Russian equivalents.

- | | |
|---------------------------------|---------------------------|
| 1. the White House | a. Сенат |
| 2. the Electoral college | b. партия республиканцев |
| 3. the Congress | c. Белый Дом |
| 4. the Senate | d. Конгресс |
| 5. the House of representatives | e. вице-президент |
| 6. the Democratic Party | f. демократическая партия |
| 7. the Republican Party | g. палата представителей |
| 8. the Vice President | h. коллегия выборщиков |

3. Read and translate the text.

Text 1

Vocabulary

1. to regulate intrastate trade – регулировать торговлю между штатами
2. concurrently with – одновременно с
3. to oversee elections – наблюдать за ходом выборов
4. to run the country – управлять страной
5. to reside in – постоянно проживать в
6. a particular subset of policies – конкретное направление политики
7. to assume one's duties – принимать на себя обязанности
8. to allocate funds – выделять денежные средства
9. to override a veto – преодолеть вето
10. the will of the people/the states – воля народа, воля штатов
11. to put forth revenue legislation – предложить на рассмотрение законодательство о доходах
12. in case of a tie - в случае равенства голосов, в случае ничьей
13. to impeach politicians – выразить недоверие политикам
14. to make for a total of – составлять в общей сложности
15. popular vote – всеобщее голосование
16. to cast a tie-breaking vote – отдать решающий голос
17. to try and convict federal officials – предавать суду и выносить обвинительный приговор федеральным чиновникам
18. to issue a decision – вынести решение
19. to adhere to the ruling – выполнить постановление
20. to retire – выйти на пенсию

The United States is a living example of federalism. In such a system, two governmental structures can operate on the same patch of land. Each of the 50 states has its own state government, and each state government may write and enforce its own laws, as long as those laws do not contradict the federal statutes.

This means state government can administer a state court system, create schools, oversee municipal governments, **regulate intrastate trade**. State governments can also perform functions **concurrently with** the federal government. They can, for instance implement a tax system, build and operate infrastructure, such as roads and trains and **oversee elections**.

The structure of the U.S. government is defined in the U.S. Constitution and based on the principle of the separation of powers. The executive branch **is run** entirely by the president of the United States, who is elected through a system known as the Electoral College. The president — who **resides in** and governs from the White House — is the head of state and the commander-in-chief of the armed forces. He is primarily charged with the task of enforcing the laws passed by the legislative branch. To more effectively enforce the law, the president selects 15 Cabinet members, who specialize in **a particular subset of policies** and who act as advisers to the president. If the president is no longer able **to assume their duties** as head of state, the vice president, also a member of the executive branch, must then take the position. To check the powers of the legislative branch, the president may, veto (or reject) a law passed by the legislative body.

The legislative branch has two basic functions: to write the laws governing the country and to **allocate funds** needed for running the government. To execute these tasks, the legislative branch is broken up into two chambers: the House of Representatives and the Senate. Together, the Senate and the House of Representatives form Congress, which consists of 535 elected members. Congress may **override a veto** from the president if two-thirds of each chamber vote in favour of it.

The House of Representatives — sometimes referred to as the lower chamber — is meant to directly represent **the will of the people**. Each state **is**, therefore, **accorded** a number of representatives proportionate to its population size. The House contains, in total, 435 elected members, each of which represents a particular district in their home state. Unlike the Senate, the House may **put forth revenue legislation**, elect the president **in case of a tie**, and **impeach politicians** at the federal level.

The Senate is meant to represent the will of the states. Each state is given 2 representatives, **making for a total of** 100 senators in the upper chamber. Each senator holds office for 6 years. Originally, the Senate was elected by the state legislatures, but since 1913 the upper chamber has been elected directly by **popular vote**. The vice president acts as president of the Senate and may be called by the upper chamber **to cast a tie-breaking vote**. To further check the power of the president, the Senate must confirm each cabinet member before they take their post. The Senate may also **try and convict federal officials** who have been impeached by the House of Representatives.

The USA is considered to have a two-party system with the Democratic and Republican Parties as main political players. Members of these parties hold seats both in the House of Representatives and the Senate.

The judicial branch is comprised by the Supreme Court, district courts, and circuit courts. Once the Supreme Court **issues a decision** regarding the interpretation of a law, the lower federal courts must **adhere to that ruling**.

There are 9 Supreme Court Justices, the number of which is technically determined by Congress and therefore could change. The Justices are appointed by the president and approved by the Senate, and they hold their seats for their entire lives — or until they choose **to retire**. They can, however, be removed from their positions through an impeachment process initiated by the House of Representatives.

4. Give Russian equivalents for the following word combinations from the text.

1. to reside in the White House
2. to be run by the president
3. to assume the duties as head of the state
4. to allocate funds
5. in case of a tie
6. to issue a decision
7. to oversee elections
8. to adhere to the ruling
9. to impeach politicians
10. the will of the people

5. Find in the text English equivalents for the following word combinations.

1. конкретное направление политики
2. преодолеть вето
3. предложить на рассмотрение законодательство о доходах
4. отдать решающий голос
5. всеобщее голосование
6. выйти на пенсию
7. предавать суду и выносить обвинительный приговор федеральным чиновникам
8. регулировать торговлю между штатами

6. Match the words with their synonyms.

- | | |
|------------------------------------|--------------------------------|
| 1. to reside in | a. to comply with, to stick to |
| 2. to consist of | b. to supervise, to watch |
| 3. to confirm (a candidate member) | c. to include, to compromise |
| 4. to adhere to (the ruling) | d. to live in |
| 5. to implement | e. to adopt (laws) |
| 6. to oversee | f. to approve |
| 7. to pass (laws) | g. to carry out |

7. a) Complete the table by filling in the correct verb, noun or adjective.

noun	verb	adjective
	adhere	
enforcement		
1) _____ 2) _____ 3) _____		political
	implement	
	confirm	
government		
		popular
		determined
	reside	

b) Put the words in the brackets into the correct form (use the words from the table)

1. Law (to enforce) _____ agencies must provide safety and order in society.
2. (To adhere) _____ to the Constitution is an important condition of legality of acts.
3. Many (political) _____ will take part in the next elections.
4. The (popular) _____ of the country is growing.
5. The President (determined) _____ laws to veto.
6. State authorities are responsible for _____ (implement) of policies.
7. We are waiting for the _____ (confirm) from the parliament members.
8. Some (to reside) _____ of our district complain about the road noise.

c) Make your own sentences with words from the table.

8. Answer the following questions.

1. Why is the USA considered to be «a living example of federalism»?
2. What is the U.S. government structure defined by?
3. What does the executive branch consist of?
4. What are the duties of the President in the USA?
5. What functions should the legislative branch perform?
6. What is the executive branch comprised of?
7. What does Congress consist of?
8. What are the functions of the House of Representatives?
9. How are the members of the House of Representatives elected?
10. What are the functions of the Senate?
11. How are the Senate members elected?
12. How is justice administered in the USA?

9. Speak about the U.S. political system. Cover the following points.

- how the principles of federalism and separation of powers are implemented in the USA
- the role of the President in the USA
- the functions of Congress and how its members are elected
- the US court system

Text 2

10. a) Read and translate the text.

How to run for a President in the USA?

In spring of the year before an election candidates register with the Federal Election Commission to run for president and announce their intentions to run.

Then primary elections (or primaries) and caucuses take place. These are two methods that states use to select a potential presidential nominee. Primaries are run by state and local governments. Voting happens through secret ballot. Some states hold “closed” primaries in which only declared party members can participate. In an open primary, all voters can participate, regardless of their party affiliation or lack of affiliation.

Caucuses are private meetings run by political parties. Participants divide themselves into groups according to the candidate they support. At the end, the number of voters in each group determines how many delegates each candidate has won. Primaries and caucuses take place from

the spring of the year before the elections up to the June of election year.

In July of the election year each party holds a national convention to select a final presidential nominee. At each convention, the presidential candidate chooses a running mate (Vice Presidential candidate). In September and October, the candidates campaign throughout the country to win the support of the general population and participate in presidential debates.

On the first Tuesday after the first Monday of November is Election Day. People in every state across the country vote for a presidential candidate. When people cast their vote, they aren't actually voting for President, but for a group of people called electors. Each candidate has their own group of electors who are chosen by the candidate's political party. When voting, people are telling their State which candidate they want the State to vote for at the meeting of electors (Electoral college). In the electoral college system, each state gets a certain number of electors based on its representation in Congress.

In December each elector casts one vote following the general election, and the candidate who gets more than half (270) wins. The newly elected President and Vice President are inaugurated in January.

b) Match the words from the text with their Russian equivalents

- | | |
|------------------------------------|--|
| 1. to register with | a. система тайного голосования |
| 2. to run for | b. совещание лидеров или членов партии по выдвижению кандидата |
| 3. primaries | c. национальный партийный съезд |
| 4. caucuses | d. зарегистрироваться в |
| 5. secret ballot | e. выборщики |
| 6. national convention | f. голосование по партийным спискам; первичные выборы |
| 7. to campaign through the country | g. баллотироваться |
| 8. electors | h. ездить по стране в рамках предвыборной кампании |
| 9. Electoral college | i. коллегия выборщиков |

11. Make a presentation about a presidential campaign of one of the following US presidents.

- | | |
|-------------------|----------------|
| • John F. Kennedy | • Barak Obama |
| • Bill Clinton | • Donald Trump |
| • George W. Bush | |

Cover the main steps of their campaigns

- registration
- primaries and caucuses
- national conventions
- presidential debates and campaigning through the country
- Election Day and Electoral college voting result

Glossary

to allocate - to allocate funds	выделять, предназначать выделять средства
to appoint - to appoint representatives - to appoint the Chairman a branch - branch of power - the legislative branch - the executive branch - the judicial branch a candidate propose/to submit candidates	назначать на должность назначать представителей назначить председателя ветвь, отрасль ветвь власти законодательная ветвь власти исполнительная ветвь власти судебная ветвь власти кандидат, претендент предложить кандидатуру (на должность)
a constituency	избирательный округ
to comply with - comply with the Constitution	соответствовать чему-то соответствовать Конституции
to challenge - to challenge the work of the Government	подвергать сомнению подвергать сомнению работу правительства
a duty - to carry out one's duties - to resume one's duties	обязанность, долг выполнять обязанности принимать на себя обязанности
an election - to hold an election - to announce an election - to lose/win the election - to oversee the election - a general/ a primary election - an election takes place ...	выборы проводить выборы объявлять выборы проиграть выборы/ победить на выборах наблюдать за ходом выборов всеобщие выборы/предварительные выборы выборы проходят ...
electoral - an electoral system - Electoral college	избирательный, относящийся к избирательной системе избирательная система коллегия выборщиков (в США)
to implement - to implement financial, credit, monetary policy - to implement a domestic/a foreign policy synonym: <i>to carry out</i>	внедрять, осуществлять, проводить, реализовывать проводить финансовую, кредитную, денежную политику проводить внутреннюю/внешнюю политику проводить, выполнять
an issue to issue	1) <i>сущ.</i> вопрос, проблема 2) <i>гл.</i> выпускать,, выдавать (документ)

- to discuss issues	обсуждать вопросы
- to issue a driving licence	выдать водительские права
to hold	проводить, сохранить
- to hold an election	проводить выборы
- to hold hearings on issues	проводить слушания по вопросам
- to hold smb to account	привлекать кого-то к ответственности
- to hold the seats	сохранить за собой места (в парламенте и др.)
a law	закон
- to approve a law	одобрить закон
- to enforce the law	обеспечить соблюдение закона
- sign a draft law/a bill	подписать законопроект
- to introduce a law	внести законопроект на рассмотрение
- to pass a law	принять закон
- to propose a law	предложить закон
- to reject the law	отклонить закон
- veto the law	наложить вето на закон
to provide	обеспечить, предоставить
- to provide for the establishment of the Supreme Court	обеспечить учреждение Верховного суда
- to provide health-care and education	обеспечить здравоохранение и образование
- to provide public services	предоставить услуги
to retire	выйти на пенсию
to run	управлять
- to run a country	управлять страной
- to run employment services	предоставлять услуги по трудоустройству
a veto	1) <i>сущ.</i> вето
to veto	2) 2) <i>гл.</i> накладывать вето
- to veto a bill	наложить вето на законопроект
- to override the veto	преодолеть вето
vote	1) <i>сущ.</i> голос избирателя
to vote	2) 2) <i>гл.</i> голосовать
- popular vote	всеобщее голосование
- tie-breaking vote	решающий голос
- to cast a vote	отдать голос
- to get a vote	получить голос
- to vote for/against	голосовать за/против

Chapter 4. MODERN LEGAL SYSTEMS

Unit 1

LEGAL SYSTEMS OF THE WORLD

Lead-in

1. Work in pairs. Do you agree with the statements?

1. There are as many legal systems as there are sovereign independent states.
2. If countries belong to the same legal system, they have identical laws.
3. There are two major legal systems in the world: common law and civil law.
4. Religious law systems can serve as an example of modern legal systems.

Begin with the following phrases:

- I fully agree with it because...
- I disagree with it because...
- I'm of the same opinion.
- I'm not sure I agree with it because...
- I agree that it's possible but...
- I agree to a point but...

2. Read and translate the text.

Text

Vocabulary

1. a legal system - правовая система
2. to have the force of law – иметь юридическую силу
3. administration of justice – отправление правосудия
4. sources of law – источники права
5. jurisdiction - юрисдикция, территория правоприменения (страна, государство)
6. common law – общее право (англосаксонская правовая система)
7. civil law – континентальное право (романо-германская правовая система)
8. a legal precedent – правовой/юридический/судебный прецедент
9. codified law – кодифицированное право
10. a statute – статут, законодательный акт
11. a code – кодекс
12. customary law – традиционное/обычное право
13. indigenous law – право коренных народов
14. kinship and inheritance – родственные связи и наследование
15. hybrid/mixed legal systems – гибридные/смешанные правовые системы

A **legal system** can be defined as a body of rules including the principles and doctrines that **have the force of law** in a given society. It should be noted that from a technical standpoint, there are as many legal systems as there are sovereign independent countries. However, on a larger scale sovereign countries are grouped into larger legal systems (legal families) on the basis of similar fundamental characteristics.

The division of countries into legal systems does not necessarily mean that all their laws are identical. These individual systems are grouped into larger classifications because they share

similar fundamental principles. These similarities are based on historically accepted principles of **administration of justice** and identical **sources of law**.

Much of the world can be divided into two families of legal systems: **common law** and **civil law**. Common law **jurisdiction**, which corresponds closely with the countries of the English-speaking world, derives most of its law from legal decisions of judges in earlier court cases. Such judicial decisions are known as **legal precedents**. Historically, **codified law** in the form of **statutes** passed by the legislature played a very minor role in the body of laws in these countries, although in recent decades there has been a marked growth.

Much of the rest of the world belongs to the civil law family, which derives its law from statutes, and these laws are collected together into **codes**, which judges must apply when making decisions.

A few countries, for example Ethiopia and Somalia still apply unwritten laws, also called **customary**, folk, or **indigenous law**. They are usually a part of a complex set of legal rules and traditions. They govern such diverse areas as rights to land, water and forests, **kinship and inheritance** and even political offices. These systems have undergone, and still are subject to, much change, under the influence of state legal systems, economic expansion and political changes. But despite all of these changes customary law is considered an important source of identity for indigenous peoples.

Some jurisdictions also make use of religious texts, mainly Muslim countries, in which case the religious text acts rather like a constitution: an unchanging reference text on which all legal decisions are based, but which must be interpreted, as it cannot provide detailed guidance on all technical legal matters. As in common law, religious law systems make considerable use of interpretation and precedent.

There are also some countries that employ more than one of these systems at the same time. For example, legal system of Scotland has features of common law and civil law. Such systems are also known as **mixed or hybrid legal systems**.

3. Give Russian equivalents for the word combinations from the text.

1. to be grouped on the basis of similar fundamental characteristics
2. the division of countries into legal systems
3. identical laws
4. common law jurisdiction
5. to derive the law from legal decisions of judges
6. a legal precedent
7. codified law
8. statutes passed by the legislature
9. to collect the laws into codes
10. to apply unwritten laws
11. indigenous peoples
12. to be under the influence of state legal systems
13. to interpret the reference text
14. to provide detailed guidance on all legal matters
15. to make considerable use of interpretation and precedent

4. Find in the text English equivalents for the following word combinations.

1. иметь одинаковые фундаментальные принципы
2. отправление правосудия
3. источники права

4. общее право
5. континентальное право
6. судебные дела
7. судебное решение
8. применять законы
9. традиционное/обычное право
10. совокупность правовых норм и традиций
11. подвергаться большим изменениям
12. экономический рост
13. коренные народы
14. использовать религиозные тексты
15. гибридная правовая система

5. Match the words to form the word combinations from the text.

- | | |
|------------------------|-----------------|
| 1. sources of | k. text |
| 2. legal | l. decision |
| 3. administration of | m. law |
| 4. indigenous | n. principles |
| 5. reference | o. jurisdiction |
| 6. hybrid | p. law |
| 7. economic | q. peoples |
| 8. similar fundamental | r. precedent |
| 9. court | s. justice |
| 10. codified | t. expansion |
| 11. judicial | u. cases |
| 12. common law | v. system |

6. What legal systems do the following words and word combinations describe? Make the definitions using these words.

Example: at the same time, more than one legal system, to employ – Hybrid/mixed law is a type of legal system where more than one legal system are employed at the same time.

- Folk law, indigenous peoples, customs and traditions
- English-speaking countries, a legal precedent, earlier court cases
- Codified law, statutes, continental Europe
- Unchanging reference text, Muslim countries, interpretation and precedent

7. Fill in the gaps using the words from the box. Translate the sentences.

codes, precedent, religious, similar, continental, customs, common, families, civil law, indigenous

1. Laws, legal rules and principles make a national legal system which together with other legal systems can be grouped into legal (1)_____ on the basis of (2) _____ fundamental characteristics.

2. The most widespread legal system in the world, known as European (3)_____ law is applied in various forms in approximately 150 countries. The major feature of (4) _____ systems is that all laws are contained into systematic written (5) _____ .
3. An important part of the legal systems of many countries which have been influenced by English law is (6) _____ law. In such systems all legal decisions are based upon decisions in previous cases, rather than on detailed written laws. Such decisions of judges are known as a legal (7) _____ .
4. Customary law is also referred to as (8) _____ law, folk law or unwritten law. As the term implies, this system is based on the (9)_____ of a community. Such laws are agreed upon by the members of a community and are rarely written down.
5. The system which derives its law from the sacred texts of religious traditions is called (10) _____ law. Such systems make a considerable use of religious traditions and customs and interpretation of religious reference texts.

8. Answer the questions.

1. What is a legal system?
2. What criteria are used to refer a country to a particular legal system?
3. What are similar fundamental characteristics of modern legal systems based on?
4. What legal systems are mentioned in the text?
5. What is the main source of law in common law countries?
6. What do civil law countries derive their law from?
7. What is customary law based on? How is it incorporated into state legal systems?
8. Why is customary law important for indigenous peoples?
9. What is a source of law in religious legal systems?
10. What legal systems are called hybrid or mixed? Give examples of such systems.

9. Translate the following sentences into English.

1. Правовая система представляет собой совокупность правовых норм, принципов и доктрин, которые имеют юридическую силу в данной стране.
2. Как правило, отдельная правовая система государства относится к более крупной правовой семье.
3. Правовые системы делятся на группы на основании схожих фундаментальных характеристик и принципов, таких как принципы отправления правосудия и наличие схожих источников права.
4. Большинство стран мира принадлежит либо к системе общего права, либо континентального права.
5. Основным источником общего права является правовой прецедент, который представляет собой решение судей по более ранним делам.
6. В основе континентальной правовой системы лежит кодифицированное право. Это означает, что все законы собраны в кодексы, которые применяются для вынесения судебных решений.
7. Традиционное право представляет собой неписанные законы, которые являются важным источником идентичности коренных народов.
8. Некоторые страны до сих пор применяют традиционное право как часть правовых норм и традиций государственной системы.
9. Источником права религиозных правовых систем является религиозный исходный текст, который служит основой для принятия правовых решений.
10. Некоторые страны сочетают в себе характеристики нескольких правовых систем. Такие правовые системы носят название «гибридные» или «смешанные».

10. Work in pairs. Ask and answer questions about legal systems. Cover the points below.

- the definition of a legal system
- Common law
- Civil law
- Customary law
- Religious law
- Mixed law

Unit 2

COMMON LAW

Lead-in

1. **Work in pair. Translate the following words and word combinations into Russian. Which of them refer to common law?**

- a legal precedent
- court cases
- written codes
- indigenous law
- customs and traditions
- a statute

Explain your point of view using the phrases below:

I think – я думаю

I suppose – я полагаю

I believe – я считаю

If you ask me I'll say that – если вы спросите меня, то я скажу, что

To my mind – по моему мнению

In my opinion – по моему мнению

I'm not sure but it seems to me that – я не уверен, но мне кажется, что

2. **Read and translate the text. Which of the terms from Exercise 1 are mentioned there? What have you learned about them from the text?**

Text

Vocabulary

1. William the Conqueror – Вильгельм Завоеватель
2. Royal judges – королевские судьи
3. to send out on circuits – отправлять в округа
4. local customary laws – местные законы, основанные на обычае
5. to be bound by the previous decisions – быть обязанным руководствоваться предыдущими решениями
6. the essential elements of a case – существенные элементы дела
7. guilt – вина, виновность
8. innocence – невиновность
9. the accused – обвиняемый, подсудимый
10. case law – прецедентное право
11. statutory law – статутное право
12. a court ruling – судебное решение
13. Law Reports – сборники судебных решений
14. Statute Books – сборники статутов
15. trial by jury – суд присяжных
16. a layperson – человек, не имеющий специального профессионального образования в данной области
17. an adversarial system of court proceeding – состязательная система судопроизводства
18. to gather evidence – собирать доказательства
19. litigation – судебный спор, тяжба

20. the defendant – обвиняемый, подсудимый, ответчик
21. to bring in/to reach a verdict – вынести вердикт
22. to pass the sentence – вынести приговор

Common law dates back to the 11th century when **William the Conqueror** invaded England in 1066. He was the first who managed to create a centralized court system. **Royal judges were sent out on circuits** to resolve legal disputes. While doing this they had to apply the laws that had been made by the judges at Westminster in London. In this way many **local customary laws** were replaced by new national laws. As these national laws would apply to everyone, they would become “common to all”. These laws therefore became known as common law. But the judges would not altogether ignore the customs of the region. They would learn from them, and if they approved of them they would be prepared to accept them as the law, sometimes even carrying them on to other parts of the country, and back to Westminster itself.

The most important principle of common law to this day remains the doctrine of precedent. Under this doctrine, the courts **are bound by the previous decisions** of higher courts. It means that when **the essential elements of a case** are the same as those of a previous recorded case, the judge has to reach the same decision regarding **guilt or innocence of the accused**. The term **case law** is used interchangeably with common law. But if the essential elements of a case differ from previous cases, the judge cannot follow the precedent. In such situations the judge has to apply existing customs and laws, as well as their own common sense to the new case, and this decision will become a precedent for other courts to follow when a similar case arises.

Besides case law, that is the law contained in judicial decisions, there is a growing body of **statutory law**, that is the law made by Parliament. Statutes modify and clarify the common law and make the rules that did not exist before. Sometimes statutes need to be interpreted by the courts in order to fit a particular case. These interpretations become a new precedent. Thus, in common law systems the law is found in **court rulings**, which are published in **Law Reports**, and in statutes, which are contained in **Statute Books**.

Another peculiarity of common law is **trial by jury**. Originally, the jurors were local people, respected in the community, who passed judgements on the basis of what they knew themselves. A modern jury is a group of **laypersons**, selected at random, who help the judge in the administration of justice by **reaching a fair verdict**.

Another characteristic of common law countries is **an adversarial system of court proceeding**. Two opposing parties **gather evidence** and present it, together with their arguments, to a judge or a jury. The judge or jury knows nothing of the **litigation** until the parties present their cases to the decision-maker. In criminal cases the key role in deciding the guilt of **the defendant** belongs to the jury. The jurors determine the facts of the case on the basis of the evidence presented in court and **bring in a verdict**. Then the judge **passes the sentence** on the basis of the jury’s decision.

3. Give Russian equivalents for the word combinations from the text.

1. to resolve legal disputes
2. to accept the customs of the region as the law
3. previous decisions of higher courts
4. case law
5. to apply common sense to a new case
6. court rulings
7. a peculiarity of common law
8. to select laypersons at random
9. administration of justice
10. an adversarial system of court proceeding

11. opposing parties
12. to determine the facts of the case

4. Find in the text English equivalents for the following word combinations.

1. централизованная система судов
2. применять законы
3. доктрина прецедента
4. принять решение относительно виновности или невиновности обвиняемого
5. статутное право
6. толковать статуты
7. суд присяжных
8. вынести справедливый вердикт
9. представить доказательства судье или присяжным
10. судебный спор, тяжба
11. уголовное дело
12. вынести приговор

5. Read the definitions. What terms from the text do they define?

1. something that is done by people in a particular society because it is traditional.
2. a law passed by Parliament and formally written down.
3. a group of 12 ordinary people who listen to the details of a case in court and decide whether the defendant is guilty or innocent.
4. a type of law that is based on decisions that judges have made before.
5. a principle established in a previous case that is binding for a court when deciding subsequent similar cases.
6. a system, especially in law and politics when two parties oppose and attack each other

6. Fill in the gaps with the words from the box.

interpret, developed, customs, reports, source, administered, cases, legislation, precedent, statutes

Before 1066 justice was (1) _____ by local courts and no law was common to the whole kingdom. The Norman Kings sent judges around the country and gradually so-called “common law” developed. Although ancient and local (2) _____ played their part, uniform application of the law throughout the country was promoted by the development of the doctrine of (3) _____. By this principle, judges attempted to apply existing customs and laws to each new case, rather than looking for new laws.

The doctrine of precedent is still a central feature of modern common law systems. Courts are bound by the previous decisions of higher courts unless it can be shown that the facts differ from previous (4) _____. Sometimes Parliament makes new laws, which are known as (5) _____, to modify or clarify the common law. Thus, in common law systems law is found not only in the historical records of cases which are called Law (6) _____, but also in statutes which are contained in Statute Books.

Although courts continue to (7) _____ existing common law for new cases, legislation has become the most important (8) _____ of new law. When the government

feels that common law or statutes need revision or clarification, it passes new legislation. British Parliament passes hundreds of new laws every year on matters that need to be regulated more precisely than the common law has been able to and on matters that never arose when the common law was (9) _____. For example, modern societies have produced crimes such as business fraud or computer theft which require complex and precise definition. Some modern (10) _____ is so comprehensive that it is rather like a code.

7. Answer the questions.

1. How did William the Conqueror create a centralized court system?
2. How did the term “common law” appear?
3. What is an essential principle of common law?
4. What is a legal precedent?
5. What does a judge do if existing precedents cannot be applied to a new case?
6. What is the role of statutory law in the common law system?
7. Who does a modern jury consist of? What do jurors do during a trial?
8. What is an idea of an adversarial system of court proceeding?

8. Are the following statements true or false? Correct the false statements.

1. Resolving legal disputes Royal judges would ignore local customary laws.
2. The fundamental principle of common law has always been the doctrine of precedent.
3. When the essential elements of a case differ from previous cases the judge cannot follow the precedent.
4. The importance of statutory law in common law countries is currently growing.
5. Courts do not have a right to interpret new statutes.
6. Court rulings are published in Law Reports while statutes are contained in Statute Books.
7. Jurors do not participate in the administration of justice.
8. In an adversarial system judges hear cases alone, without a jury, directing investigations, examining evidence and questioning witnesses.

9. Translate the following sentences into English.

1. Основным принципом общего права является доктрина прецедента, согласно которой суды обязаны выносить решения относительно вины или невиновности обвиняемого на основе принятых ранее решений по такому же делу. Именно поэтому общее право часто называется прецедентным правом.
2. В случае если судья не может следовать прецеденту, он имеет право применить существующие законы и обычаи, а также свой здравый смысл для вынесения решения по делу. Такое решение впоследствии становится прецедентом для новых дел.
3. Статуты играют важную роль в системе общего права, т.к. они уточняют, дополняют, а иногда даже изменяют законы в системе общего права.
4. Суд присяжных является отличительной особенностью стран общего права. Главная задача присяжных – вынесение справедливого вердикта.
5. Состязательная система судопроизводства является еще одним важным принципом общего права. Суд разрешает спор на основе состязания противостоящих друг другу сторон, которые представляют доказательства и аргументы, чтобы доказать свою точку зрения.

10. Countries cannot always rely on existing common law and have to alter it to meet the ever-changing demands of society. Read the following examples of cases where Parliament had to modify existing common law. Discuss in pairs whether

- you feel positive or negative about the changes
- you would have changed it in a different way

Case 1	Case 2
<p>It was an ancient common law that a person could only be charged with murder if the victim died within a year and a day after the attack. With the advance of medicine, a person might be kept alive, possibly on a life-support machine, for years. Under the common law, if this person then died, the attacker could be charged with serious assault, but not murder. The courts decided that this old rule was still the law, and would remain so until Parliament changed it. In fact, the Law Commission being responsible for suggesting reforms of the law did recommend that it should be abolished, and by the Act of Parliament its abolition was effected.</p>	<p>There was an old common law rule that children between the ages of 10 and 14 were presumed to be incapable of committing a crime unless it could be proved by clear evidence that they knew that what they were doing was seriously wrong. In 1995 the judges, sitting in the House of Lords that used to be the highest appellate court of the land, were asked to decide whether this law was still applied. The Law Lords said that it was the law with important social consequences, and that it must be for Parliament to decide whether it should be changed. Parliament has abolished this ancient law, thus making it easier for the authorities to prosecute children.</p>

Unit 3

CIVIL LAW

Lead-in

1. Have you ever heard about the following?

- Civil Law
- Corpus Julius Civilis
- the Napoleonic Code

What do you know about them?

2. Read and translate the text. What new information have you learnt about civil law, Corpus Julius Civilis and the Napoleonic Code?

Text

Vocabulary

1. the Justinian Code – Кодекс Юстиниана
2. the Reformation – Реформация (общественно-политическое движение)
3. the Age of Enlightenment – эпоха Просвещения
4. a recorded and uniform law – записанный и унифицированный закон
5. the notion of a nation-state – понятие национального государства
6. the Napoleonic Code – Кодекс Наполеона
7. to bring a matter (a case) before a court – передать дело на рассмотрение в суд
8. appropriate punishment – надлежащее/соответствующее наказание
9. substantive law – материальное право
10. procedural law – процессуальное право
11. criminal prosecution – уголовное преследование/преследование в судебном порядке
12. civil litigation – судебный процесс по гражданскому делу/тяжба
13. to arrange articles by a subject matter – распределять статьи по темам
14. to enact a code – издать кодекс
15. an inquisitorial model/system of court proceeding – следственная модель судопроизводства
16. to inquire into the case – расследовать дело/выяснять обстоятельства дела
17. the counsel for the prosecution – сторона обвинения/государственный обвинитель
18. the counsel for the defence – сторона защиты/адвокат
19. to try a case – рассматривать дело в суде

Civil law is sometimes referred to as Romano-Germanic law or Continental law. The term civil law derives from the Latin *jus civile*, the law which was applicable to all Roman citizens. Thus, civil law systems have their origin in Roman law which was firstly codified in the 6th century by the emperor Justinian. **The Justinian Code** (Corpus Julius Civilis) became an outstanding legal document and served as the basis for all further codifications.

In the 17th and 18th centuries, **the Reformation** and **the Age of Enlightenment** led to a series of codifications of civil law. The political ideals of that time were expressed by the concepts of democracy, protection of property and the rule of law. Those ideals required certainty of law, which could be achieved only by **a recorded and uniform law**. Also, **the notion of a nation-state** implied the recorded law that would be applicable to that state. The most significant of these codifications were the French and the German ones. The German group, influenced by German Civil Code, included Germany, Austria, Switzerland and the Scandinavian countries. The French

group, influenced greatly by **the Napoleonic Code**, included, besides France and its colonies, the Netherlands, Belgium, Italy, Spain, and many Latin-American countries. The Napoleonic Code is known to have been inspired by Justinian's sixth-century codification of Roman law. The Napoleonic Code, however, was different from the Justinian Code in important ways; it was not a collection of edited extracts, but it incorporated all kinds of earlier rules and legislation; its structure was much more rational; it had no religious content, and it was written in a native language. The development of the Napoleonic Code was a fundamental change in the nature of civil law legal systems, making laws clearer and more accessible.

Civil law systems are the most widespread legal systems in the world, being in force in various forms in about 150 countries. Countries with civil law systems have comprehensive, continuously updated legal codes that specify all the matters which could **be brought before a court**, the applicable procedures, and the **appropriate punishment** for each offence. Such codes distinguish between **substantive law**, which establishes which acts are subject to **criminal prosecution** or **civil litigation**, and **procedural law**, which establishes how to determine whether a particular action constitutes a criminal act or a civil wrong. Being the primary source of law in civil law countries codes are a systematic collection of interrelated articles, **arranged by a subject matter** in a specified order. Codes explain the principles of law and how basic legal mechanisms work. The purpose of codification is to provide all citizens with written collection of the laws which apply to them and which judges must follow. Law codes are created by legal scholars or legislators, without participation of judges, and **enacted** by a legislature of a country.

An important peculiarity of all civil law systems is **an inquisitorial model of court procedures**. The judges hear criminal cases without the jury and try to discover the truth by **inquiring into the case**, directing the investigation and questioning witnesses. In the inquisitorial system, the presiding judge is not a passive recipient of information. On the contrary, they are primarily responsible for supervising the gathering of the evidence necessary to resolve the case thus taking an active part in the investigation. **The counsels for the prosecution** and **the defence** play a more passive role, briefly following the judge's questioning with questioning of their own. The leading role in the trial belongs to a judge, who investigates the case, **tries it** and passes the sentence.

3. Give Russian equivalents for the word combinations from the text.

1. to derive from the Latin "jus civile"
2. the rule of law
3. the code written in a native language
4. to make laws more accessible
5. the most widespread legal system in the world
6. the appropriate punishment for the offence
7. criminal prosecution
8. a systematic collection of interrelated articles
9. to question witnesses
10. to take an active part in the investigation

4. Find in the text English equivalents for the following word combinations.

1. служить основой для всех дальнейших кодификаций
2. записанный закон, применяемый в конкретном государстве
3. всеобъемлющий, постоянно обновляемый кодекс
4. передать дело на рассмотрение в суд
5. судебный процесс по гражданскому делу
6. представлять собой уголовное преступление или гражданское правонарушение

7. кодексы, изданные законодательным органом
8. руководить расследованием
9. сторона обвинения
10. рассматривать дело в суде

5. Match the words to form the collocations from the text. Translate them into Russian.

- | | |
|-------------------|--------------------|
| 11. a counsel for | a. articles |
| 12. appropriate | b. a case |
| 13. criminal | c. prosecution |
| 14. civil | d. law |
| 15. a criminal | e. wrong |
| 16. a civil | f. punishment |
| 17. interrelated | g. act |
| 18. substantive | h. evidence |
| 19. to gather | i. the prosecution |
| 20. to try | j. litigation |

6. Fill in the gaps with the words from the box.

judicial, codified, disputes, features, courts, customary, former, codes, enactments, common

Civil law, also called Romano-Germanic law or the law of continental Europe, is based on a mixture of Roman, Germanic, ecclesiastical, feudal, and (1) _____ law. European civil law has been adopted in much of Latin America as well as in parts of Asia and Africa. It should be distinguished from the (2) _____ law of the Anglo-American countries.

Countries following a civil law system are typically those that were (3) _____ French, Dutch, German, Spanish or Portuguese colonies. Most of the Central and Eastern European and East Asian countries also follow civil law.

The civil law system is a (4) _____ system of law. The main (5) _____ of civil law systems are:

- specific written (6) _____ (e.g. civil or criminal codes, written constitutions).
- legislative (7) _____ which are considered binding for all. There is little scope for judge-made law in courts, although in practice judges sometimes may follow previous (8) _____ decisions.
- most (9) _____ are specific to the underlying codes. Thus, there are separate constitutional courts, administrative courts, criminal and civil courts that apply these codes while adjudicating (10) _____ and offences.

7. Answer the questions.

1. Why is civil law sometimes called Romano-Germanic or Continental law?
2. Why was there an urgent need for recorded and uniform law in the 17th and 18th centuries?
3. What is the difference between the Justinian and Napoleonic Codes?
4. What is the main source of civil law?

5. What do legal codes consist of? What do they determine?
6. Do codes distinguish between substantive and procedural law? Why is this differentiation important in civil law countries?
7. What are the functions of the main participants of a trial in the inquisitorial system of a court procedure?

8. Are the following statements true or false? Correct the false statements.

1. Civil law is synonymous with Anglo-Saxon law.
2. The Napoleonic Code was the first written legal document which became the basis for further codifications.
3. The Napoleonic Code is a collection of different extracts taken from the Justinian Code but written in French.
4. A legal code is the main source of law in civil law countries.
5. Substantive law describes how to determine whether a particular action constitutes a criminal act or a civil wrong.
6. Codes are created by judges and enacted by courts.
7. According to the inquisitorial model a judge directs the investigation, supervises the gathering of evidence and questions witnesses.

9. Translate the following sentences into English.

1. Термин «гражданское право» произошел от латинского “jus civile”, что в древнем Риме означало «право, применяемое ко всем гражданам».
2. Кодекс Юстиниана стал первым письменным юридическим документом, который послужил основой для всех дальнейших кодификаций.
3. Кодекс Юстиниана лег в основу кодекса Наполеона, который изменил всю правовую систему и сделал существующие законы более понятными и доступными для граждан.
4. В мире существует около 150 стран, правовая система которых основывается на континентальном праве.
5. Основным источником права в странах с континентальной системой является правовой кодекс, который представляет собой всеобъемлющий, постоянно обновляющийся свод законов.
6. Кодекс представляет собой систематическое собрание взаимосвязанных статей, которые распределены по темам в определенном порядке.
7. Основной особенностью стран континентального права является следственный характер судопроизводства. Согласно этой модели судья принимает активное участие в расследовании дела и проведении самого судебного процесса.

10. Speak about civil law. Cover the following points.

- the origin of civil law
- the first codifications of civil law
- the influence of the Napoleonic Code on the civil law systems
- the primary source of law in civil law countries and its peculiarities
- an inquisitorial model of court procedures

Unit 4.

RELIGIOUS AND CUSTOMARY LAW

Lead-in

1. Work in pairs. Do you agree with the statements?

1. Religious law is incompatible with fundamental principles of democracy and the concept of human rights.
2. Religion should stay apart from legislation and state policy in general.
3. Religious texts, e.g. Bible or Quran, can be a perfect source of law as they enshrine the basic principles of human conduct, such as not to kill, not to steal, not to lie, etc.

Begin with the following phrases:

- I fully agree with it because...
- I disagree with it because...
- I'm of the same opinion.
- I'm not sure I agree with it because...
- I agree that it's possible but...
- I agree to a point but...

2. Read and translate the text.

Text 1

RELIGIOUS LAW

Vocabulary

1. to emanate from the sacred texts – происходить из священных текстов
2. holy/sacred scriptures – священные писания
3. Canon law – каноническое право
4. Jewish law – еврейское право
5. Sharia - Шариат
6. Hindu law – индуистское/индусское право
7. religious precepts – религиозные заповеди
8. secular law – светское право
9. prayer – молитва, богослужение
10. fasting – пост
11. indigenous law – право коренных народов
12. ecclesiastical authority – церковная власть
13. Orthodox church – православная церковь
14. to adjudicate church law – выносить решение, опираясь на церковное право
15. to eliminate all religion-based civil laws – отменить все гражданское законодательство, основанное на религии
16. laws instituted by the rabbis - законы, принятые раввинами

Religious law **emanates from the sacred texts** of religious traditions and covers some important aspects of human life. The divine will, which is expressed in **holy scriptures**,

theological doctrines and religious customs, is the main source of law. There is hardly any country the legal system of which is based only on religious law. Religious law is applied together with other legal systems in the countries with so-called mixed legal systems. The most developed religious legal systems include Islamic law sometimes also known as Muslim law, **Canon law**, **Jewish law** and **Hindu law**.

After the events of September 11, 2001, academic interest in Islamic law and countries governed by its principles grew in an attempt to understand the legal culture of Middle East conflicts. Islamic law, also known as Sharia, is the moral code and religious law of Islam. It is derived from the **religious precepts** of Islam and is based on the **sacred scriptures**, particularly the Quran and the Hadith. Sharia contains the rules by which a Muslim society is organized and governed, and it provides the means to resolve conflicts among individuals and between the individual and the state. Sharia deals with many topics addressed by **secular law**, including crime and punishment, politics and economics, as well as personal matters such as **prayer, fasting** and inheritance. Where it has official status, Sharia is applied by Islamic judges. The Quran is the principal source of Islamic law and its specific provisions are to be scrupulously observed by Muslims. The Hadith and Sunna are complementary sources. They consist of the sayings of the Prophet Muhammad and accounts of his deeds. The Sunna helps to explain the Quran, but it may not be interpreted or applied in any way which is inconsistent with the Quran.

Currently, Saudi Arabia, Sudan, and Iran stand alone as those countries that fully recognize the Sharia as the official law of the land. Qatar, the two Yemens, Kuwait and Bahrain also acknowledge Sharia principles but to a lesser degree. All other legal systems in the Muslim world are hybrids of Islamic and European law.

Canon law of the Roman Catholic Church began to develop alongside Roman law and **indigenous law** in Europe after the end of the Roman Empire and ancient Roman law. Gradually canon law and its Roman law elements would develop into a body of laws that served the basis for the development of civil law traditions of secular law in most of Europe today. Canon law is the body of laws and regulations made by or adopted by **ecclesiastical authority**, for the government of the Christian organizations and its members. Canon law is also called ecclesiastical law. Ecclesiastical law is the internal rules governing the Roman Catholic Church and the Eastern and Oriental **Orthodox churches**. The way that such **church law** is legislated, interpreted and at times **adjudicated** varies widely among these three bodies of churches. In all three traditions, a canon was initially a rule adopted by a church council; these canons formed the foundation of canon law.

Hindu law is considered to be the most ancient law in the world as it appeared about 6000 years ago. It is one of the oldest known legal theories in the world whose original sources were the Vedas and indigenous customs. The term "Hindu law" emerged after the British colonized South Asia. It was decided by British colonial officials, that European common law system would not be implemented in India, that Hindus of India would be ruled under their Hindu law and Muslims of India would be ruled under Muslim law. After the independence of India from the colonial rule of Britain in 1947, most of the legal codes from the colonial era continued as the law of the new nation, including the personal laws contained in Anglo-Hindu law. But in 1950 India adopted a new constitution which mandated a uniform civil code, **eliminating all religion-based civil laws** including Hindu law.

Judaism is not just a set of beliefs about God, a man and the universe. Judaism is a comprehensive way of life, filled with rules and practices that affect every aspect of life. This set of rules and practices is known as halakhah. The word "halakhah" is usually translated as "Jewish law," although a more literal (and more appropriate) translation might be "the path that one walks." The word is derived from the Hebrew root, meaning to go, to walk or to travel. Halakhah comes from three sources: from the Torah, from **laws instituted by the rabbis** and from long-standing customs.

3. Give Russian equivalents for the word combinations from the text.

1. to apply religious law
2. the legal culture of the Middle East
3. to be derived from the religious precepts of Islam
4. to provide the means to resolve conflicts
5. crime and punishment
6. to observe specific provisions of the Quran
7. complementary sources
8. to serve the basis for the development of civil law traditions
9. to form the foundation of canon law.
10. to implement a common law system

4. Find in the text English equivalents for the following word combinations.

1. моральный кодекс ислама
2. основываться на священных писаниях
3. светское право
4. противоречить Корану
5. признавать Шариат основным законом страны
6. внутренние правила католической и православной церквей
7. обычаи коренных народов
8. независимость от колониального правления Британии
9. утвердить единый гражданский кодекс
10. ряд верований о божестве, человеке и вселенной

5. Answer the questions.

1. What religious legal systems are mentioned in the text?
2. Is religious law applied independently in the modern world?
3. What is the main source of law in religious legal systems?
4. Why do you think academic interest in Islamic law grew after September 11, 2001?
5. What is Sharia? What issues does Sharia address?
6. Can ecclesiastical law be considered a legal system of a country? Why do you think so?
7. How did the term "Hindu law" appear?
8. What are the sources of Hindu law?
9. How is Jewish law connected with the term "halakhah"?
10. What are the sources of Jewish law?

6. Are the following statements true or false? Correct the false statements.

1. There are quite a lot of countries whose legal systems are based only on Islamic religious law.
2. The Hadith is another name for Islamic law.
3. Islamic judges never apply Sharia while resolving legal disputes.
4. Canon law served the basis for the development of civil law traditions of secular law in Europe.
5. Hindu law is still applied in India.
6. Judaism contains rules and practices that affect every aspect of life.

7. Read and translate the text.

Text 2

CUSTOMARY LAW

Today, hardly any political entity in the world operates under a legal system which is wholly customary. But despite this, customary law as a system still plays a significant role in resolving personal problems and disputes between members of a local community. Customary law as a legal system still exists in a number of African countries, in some Middle East countries, and in some parts of China and India.

Customary law, as its name suggests, mainly originates from the customs and cultures of indigenous peoples and is based on the traditions of the community concerned. Customary law is often unwritten because people in a community know how things are usually done in that community. Thus, laws change gradually over time as people change their way of doing things. Flexibility and the ability to change over time are important features of customary law. Traditional authorities have the right to make new customary laws and amend and repeal existing ones. Sometimes, customary law is referred to as “living law,” as it reflects the current practices of a particular community.

Existing customary laws are often applied within mixed legal systems. Consequently, they are supposed to meet certain requirements. For example, they must not contradict the current constitutions or other state laws. If the Constitution says that no person may be tortured or given cruel, inhuman or degrading punishment such penalties must be prohibited in every local community.

Customary law is often the most accessible kind of law for people living in rural areas where court proceedings are usually conducted in local languages and the principles involved are often easy for members of the community to understand.

Customary law legal systems should not be confused with customary international law which refers to the legal norms that have developed through the customary exchanges between states over time, whether based on diplomacy or aggression. Such legal obligations make states carry out their affairs consistently with past accepted conduct.

8. Find in the text what the following words collocate with. Translate these word combinations into Russian.

- | | |
|--------------------|-----------------|
| • disputes | • to contradict |
| • indigenous | • punishment |
| • features | • community |
| • amend and repeal | • proceedings |
| • requirements | |

9. Fill in the gaps with the words from the box. Answer the questions.

features, customary, living, international, applied, requirements

1. What does _____ law originate from?
2. Where is customary law _____?
3. What are the important _____ of customary law?
4. Why is customary law sometimes called “_____ law”?
5. What _____ shall customary laws meet when they are applied within mixed legal systems?

6. What is the difference between customary law legal systems and _____
customary law?

10. Prepare a presentation on one of the following topics:

- Legal system of the Russian Federation
- Legal system of the USA
- Legal system of England
- Legal system of Scotland
- Legal system of the Northern Ireland
- Legal system of China
- Legal system of India
- Legal system of any other country that might be of interest to you

Glossary

a case	дело
- case law	прецедентное право
- to try a case	рассматривать дело в суде
- to inquire into the case	расследовать дело/выяснять обстоятельства дела
civil litigation	гражданское судопроизводство
a code	кодекс
- the Justinian Code	Кодекс Юстиниана
- the Napoleonic Code	Кодекс Наполеона
- the Civil Code	гражданский кодекс
- to enact a code	издать кодекс
a court ruling	решение/постановление суда
a law/law	право, закон
- common law	общее право (англосаксонская правовая система)
- civil law	континентальное право (романо- германская правовая система)
- customary law	традиционное/обычное право
- indigenous law	право коренных народов
- Canon law	каноническое право
- Jewish law	еврейское право
- Hindu law	индуистское/индусское право
- statutory law	статутное право
- substantive law	материальное право
- procedural law	процессуальное право
- case law	прецедентное право
- secular law	светское право
- source of law	источник права
- to have a force of law	иметь юридическую силу
- local customary laws	местные законы, основанные на обычае

jurisdiction	юрисдикция, территория правоприменения
justice	правосудие
- administration of justice	отправление правосудия
- to administer justice	отправлять/вершить правосудие
a legal precedent	правовой/юридический прецедент
prosecution	преследование в судебном порядке
- criminal prosecution	уголовное преследование
- the prosecution: <i>opp.</i> the defence	сторона обвинения – сторона защиты
- counsel for the prosecution: <i>opp.</i>	обвинение/прокурор
- counsel for the defence	защита/адвокат
a system	система
- a legal system	правовая система
- a hybrid/mixed legal system	гибридная/смешанная правовая система
- an adversarial system of court proceeding	состязательная система судопроизводства
- an inquisitorial system of court proceeding	следственная модель судопроизводства
a verdict	вердикт
- bring in a verdict	вынести вердикт
- reach a verdict	вынести вердикт

Chapter 5. JUDICIAL SYSTEMS

Unit 1

THE JUDICIAL SYSTEM OF THE RUSSIAN FEDERATION

Lead-in

1. Answer the questions.

1. What are the three branches of government in the Russian Federation?
2. What courts constitute the judicial system of the Russian Federation?

Text

Vocabulary

1. judicial power – судебная власть
2. to administer justice – отправлять правосудие
3. to consider/handle/hear a case/ an appeal - рассматривать/слушать дело/апелляцию
4. constitutional/civil/administrative/criminal proceedings - конституционное/гражданское/административное/уголовное судопроизводство
5. to establish/create (a court) – учредить/создать (суд)
6. to strengthen public trust – укреплять доверие общества
7. to ensure a unified approach to smth – обеспечить/гарантировать единый подход к ч-л
8. the Commercial court (in Russia) - Арбитражный суд (в России)
9. the Supreme Court – Верховный суд
10. the Public Prosecutor's Office – прокуратура
11. to merge with – объединять, сливаться (о компаниях)
12. the Supreme Commercial Court of the Russian Federation – Высший арбитражный суд Российской Федерации
13. on issues of judicial practice – по вопросам судебной практики
14. a district court – районный суд
15. a justice of the peace – мировой судья
16. a criminal case – уголовное дело
17. a civil case – гражданское дело
18. punishment – наказание
19. imprisonment – тюремное заключение
20. to launch (a reform, a campaign) – начать (реформу, кампанию)
21. points of fact – вопрос факта
22. points of law – вопрос права
23. to commit a crime – совершить преступление
24. a constituent entity of the Russian Federation – субъект Российской Федерации

2. Read and translate the text. Decide if it has answers to the following questions.

1. How is justice administered in the Russian Federation?
2. When was the judicial system of the Russian Federation established?
3. What did the adoption of the Law in 2014 result in?
4. What is the judicial system of the Russian Federation composed of?

5. How many justices are there in the Constitutional Court of the Russian Federation?
6. What cases does the Constitutional Court of the Russian Federation resolve?
7. What courts are subordinate to the Supreme Court of the Russian Federation?
8. What is the time-limit for the district court to rule on appeals against decisions of justices of the peace?
9. What cases do district courts handle?
10. Are there courts of constituent entities in the Russian Federation?
11. What are the specialized courts within the system of courts of the Russian Federation?
12. Where do appeals from the Intellectual Property Rights Court go to?

Justice is administered in the Russian Federation only by the courts. The **judicial power** is autonomous and acts independently of the legislative and executive branches. Justice is administered by means of **constitutional, civil, administrative and criminal proceedings**.

The judicial system of the Russian Federation **was established** by the Constitution of the Russian Federation and Federal Constitutional Law “On the Judicial System of the Russian Federation” of 31 December 1996.

In February 2014, in order **to strengthen public trust** in the judiciary and **ensure a unified approach** to the resolution of disputes between legal and private persons, the Law “On the **Supreme Court** of the Russian Federation and the **Public Prosecutor’s Office** of the Russian Federation” was adopted. As a result, the Supreme Court of the Russian Federation, the highest court of general jurisdiction, **merged** with the **Supreme Commercial Court of the Russian Federation**, the highest commercial court, to form a new Supreme Court of the Russian Federation with the jurisdiction over civil, administrative, criminal cases and cases on resolution of economic disputes.

Currently, the judicial system in Russia is composed of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, courts of general jurisdiction, commercial courts, and **justices of the peace**.

The main task of the Constitutional Court of the Russian Federation is to resolve cases regarding the constitutionality of normative legal acts of all levels. The Supreme Court of the Russian Federation heads the system of courts of general jurisdiction and the system of commercial courts. As the highest judicial body, the Supreme Court is the only court competent to consider cases as a court of first instance, a court of appeal, a court of cassation and as a supervisory instance. The Supreme Court exercises control over the activities of lower courts and provides them with clarifications on **issues of judicial practice** in order to ensure uniform application of legislation throughout the country.

A district court is the basic element in the system of courts of general jurisdiction. They **handle** most **civil, criminal** and administrative **cases**.

Justices of the peace administer justice on the local level and have limited jurisdiction. In particular, they consider **property disputes** in which an amount of claims does not exceed 50, 000 RUB and criminal cases in which the maximum possible **punishment** does not exceed 3 years of **imprisonment**. Appeals against the decisions of justices of the peace are considered by district courts.

A major judicial reform **was launched** in 2018 to create separate general jurisdiction courts of appeal and cassation. Courts of appeal now hear appeals (both on **points of fact** and **points of law**) against the decisions adopted in the first instance by the courts of **constituent entities**. Courts of cassation hear cassation appeals (appeals on points of law only) against the appellate decisions of district courts.

There are specialized military courts within the system of courts of general jurisdiction at the level of garrisons and at the level of military circuits (fleets). They primarily consider civil and administrative cases in which the rights of the military personnel are violated, as well as cases on **crimes committed** by the military personnel. An Appellate Military Court and a Military Court of Cassation were created during the abovementioned reform.

Commercial courts administer justice in the sphere of entrepreneurial and economic activities. The system of commercial courts is composed of three levels: commercial courts of constituent entities of the Russian Federation (first instance), appellate commercial courts (appellate instance) and commercial courts of circuits (courts of cassation).

There is a specialized court – the Intellectual Property Rights Court – within the system of commercial courts.

3. Give Russian equivalents for the following word combinations.

1. to ensure a unified approach to
2. legal and private persons
3. the highest judicial body
4. criminal proceedings
5. to violate rights
6. a lower court
7. to consider/to handle a case
8. a district court
9. justices of the peace
10. appellate commercial courts

4. Find in the text English equivalents for the following word combinations.

1. действовать независимо от
2. апелляционные суды
3. укреплять доверие общества
4. отправлять правосудие
5. прокуратура
6. разрешение споров
7. судебная практика
8. уголовное дело
9. надзорная инстанция
10. имущественные права
11. принять судебное решение по делу
12. военный округ

5. Are the following statements true or false? Correct the false statements.

1. The judicial power is separated from the legislative and executive branches.
2. The law “On the Supreme Court of the Russian Federation and the Public Prosecutor’s Office of the Russian Federation” was adopted in 1996.
3. The Supreme Court is the highest judicial body exclusively for civil cases.
4. The Constitutional Court of the Russian Federation resolves cases regarding the constitutionality of normative legal acts of all levels.
5. The Supreme Court is the only court competent to consider cases as a court of first instance, a court of appeal, a court of cassation and as a supervisory instance.
6. Pursuant to the 2018 judicial reform, the Courts of Appeal now hear appeals (both on points of fact and points of law) against the decisions adopted in the first instance by the courts of constituent entities.
7. The task of justices of the peace is to handle civil cases.
8. Specialized military courts are courts of general jurisdiction.

9. The system of commercial courts consists of three levels.
10. The Intellectual Property Rights Court belongs to the system of commercial courts.

6. Match the words (1-10) with their definitions (a—j).

- | | |
|-----------------|---|
| 1. an amendment | a. legal demand given by a person seeking some type of compensation for a loss that is under a contract or an injury due to negligence |
| 2. a court | b. place where justice is administered |
| 3. an entity | c. the process of changing a law or document (such as a constitution) by parliamentary or constitutional procedure. |
| 4. an issue | d. the person who institutes a criminal case against another in the name of the government |
| 5. a claim | e. a dispute between opposing parties which may be resolved by a court |
| 6. imprisonment | f. a penalty inflicted by a court of justice on a convicted offender as a just retribution, to reforming the offender and preventing further crimes |
| 7. a prosecutor | g. something that exists as itself, as a subject or as an object |
| 8. punishment | h. a judicial examination and determination of facts and legal issues arising between parties |
| 9. trial | i. the act of depriving somebody of his/her freedom |
| 10. a case | j. an important topic or problem for debate or discussion |

7. Use synonyms from the text instead of the underlined words.

1. Our university was founded in 1931.
2. This agreement will help to build confidence between the parties.
3. We intend to settle the dispute in court.
4. This proposal is presently under consideration.
5. It would be useful to join these two courts.
6. They examined the results in the area of technical cooperation.

8. Complete the table by filling in the correct verb, noun or adjective form.

VERB	NOUN	ADJECTIVE/PARTICIPLE
	locality	
clarify		
	violation	

		supervisory
prosecute		
		original
	replacement	
		executive
create		
		legislative

9. Complete the sentences using prepositions from the box.

above between by in of (3) on to with (2) within
--

1. The decision was passed ... the Supreme Court.
2. A law ... the judicial reform will be adopted next year.
3. This is a new approach ... the resolution ... disputes ... parties.
4. The Supreme Court merged ... the Supreme Commercial Court of the Russian Federation.
5. They cannot handle disputes ... an amount ... claims ... 50,000 RUB.
6. This reform will result ... big changes.
7. There are also specialized courts ... the system ... courts.

10. Join two parts of the sentences.

1. The judicial power	a. ... are appointed by the President of the Russian Federation.
2. Federal judges	b. ... have limited jurisdiction.
3. The Constitutional Court	c. ... hear cases on violation of the rights of the military personnel and on the crimes committed by the military personnel.
4. The Supreme Court	d. ... is independent of the legislative and executive powers.
5. Justices of the peace	e. ... resolves cases concerning constitutionality of normative legal acts.
6. Specialized military courts	f. ... try contractual disputes.
7. Commercial courts	g. ... is at the top of the system of courts of general jurisdiction and the system of commercial courts.

11. Make a summary of the text “The Judicial System of the Russian Federation”. Use the following introductory phrases.

- The text begins with the description of ...
- A big part of the focus of the text is on ...
- The text highlights the following important issues, namely ...
- The text also states that ...
- The text points out/ touches on ...
- The text ends with ...

Unit 2

THE CONSTITUTIONAL COURT OF THE RUSSIAN FEDERATION

Lead-in

1. Work in pairs. Do you agree with the statements below?

1. The Constitutional Court has a power of judicial review.
2. The Constitutional Court is the highest court for all courts of general jurisdiction.
3. The Constitutional Court protects your basic human rights and freedoms.

2. Read and translate the text.

Text

Vocabulary

1. to exercise judicial power – осуществлять судебную власть
2. to enumerate powers – перечислять полномочия
3. judicial review – судебный пересмотр
4. to be consistent with the constitution/to conform with the constitution – соответствовать конституции
5. an international treaty – международный договор
6. inter alia – среди прочего
7. to verify the constitutionality of a draft law – проверить конституционность законопроекта
8. to interpret the constitution – толковать конституцию
9. to consider complaints – рассматривать жалобы
10. to charge with a grave crime – предъявить обвинение в совершении тяжкого преступления
11. the procedure stipulated by the constitution – процедура, предусмотренная конституцией
12. to terminate the mandate of a judge – прекратить полномочия судьи
13. a miscarriage of justice – ошибка правосудия, судебная ошибка
14. conduct inherently incompatible with the judge's office – поведение, по своей сути не соответствующее занимаемой судьей должности

The Constitutional Court of the Russian Federation is the highest judicial body which **exercises judicial power** separately and independently of other courts by means of constitutional judicial proceeding.

Powers of the Constitutional Court of the Russian Federation **are enumerated** in Article 125 of the Constitution of the Russian Federation.

Judicial review is one of the main functions of the Constitutional Court. It means that the court has a power to examine the actions of the legislative, executive, and administrative bodies of the government and to determine whether such actions **are consistent with the Constitution**. The Constitutional Court also checks whether federal constitutional laws, federal laws, constitutions of republics, charters and other laws of constituent entities **conform with the Constitution** of the Russian Federation. Legal acts judged inconsistent are declared unconstitutional and, therefore, become void. The Constitutional Court also deals with **international treaties** which have not come into force and checks whether these treaties are consistent with the Constitution.

Amendments introduced to Article 125 of the constitution of the Russian Federation establish a new competence of the Constitutional Court, according to which upon the request from the President the Constitutional Court shall **inter alia verify the constitutionality of draft laws** before the enactment by the President. Such constitutional review has long been known in a constitutional theory of law as a means of checking the constitutionality of laws that are not yet in force and as an important mechanism in the system of checks and balances.

Besides judicial review some other key functions of the Constitutional Court are listed in the constitution of the Russian Federation. One of them is the power of the Constitutional Court to **interpret the Constitution** of the Russian Federation when it is necessary.

The Constitutional Court also **considers complaints** about violations of constitutional rights and freedoms of citizens. If the President of the Russian Federation is **charged with high treason** or other **grave crimes** the Constitutional Court shall rule on the observance of **the procedure stipulated by the constitution**.

Currently, the Constitutional Court consists of 11 judges including the Chairman of the Constitutional court and his/her deputies. According to the decision of the Constitutional Court of 28 February 2008 **the mandate of a judge can be terminated** only if a **miscarriage of justice** was the result of **conduct inherently incompatible with the judge's office**. The commission of an offence by a judge is a serious reason to terminate a judge's mandate and this procedure is essentially similar to the impeachment procedure applied to judges in a number of countries. The grounds for this procedure are governed by federal constitutional laws, which are not exempt from possible future constitutional review. The initiative for the termination of powers of judges has now been shifted from the Court itself to the President.

3. Give Russian equivalents for the following word combinations.

1. to exercise judicial power independently of other courts
2. judicial review
3. to deal with international treaties
4. inter alia
5. to verify the constitutionality of a draft law before the enactment
6. to consider complaints about the violations of rights and freedoms
7. to charge the President with high treason
8. conduct incompatible with the judge's office
9. to terminate a judge's mandate
10. to be exempt from constitutional review

4. Find in the text English equivalents for the following word combinations.

1. конституционное судопроизводство
2. перечислять полномочия конституционного суда
3. соответствовать конституции (2 варианта)
4. объявить законодательные акты неконституционными
5. утратить силу
6. толковать конституцию
7. предъявить обвинения в совершении тяжкого преступления
8. соблюдение процедуры, предусмотренной конституцией
9. председатель конституционного суда
10. ошибка правосудия, судебная ошибка

5. Match the words to form the collocations from the text.

- | | |
|------------------------------|--------------------------|
| 1. judicial | a. a judge's mandate |
| 2. violation of | b. treason |
| 3. high | c. alia |
| 4. to terminate | d. the constitution |
| 5. a miscarriage of | e. constitutional rights |
| 6. constituent | f. checks and balances |
| 7. inter | g. review |
| 8. the system of | h. draft laws |
| 9. to conform with | i. entities |
| 10. the constitutionality of | j. justice |

6. Answer the questions.

1. How does the Constitutional Court exercise judicial power?
2. Where are the powers of the Constitutional Court enumerated?
3. What is the main function of the Constitutional Court?
4. What does the Constitutional Court check in the course of judicial review?
5. What is a new competence of the Constitutional Court according to the amendments introduced to Article 125 of the constitution? Why is this new competence important?
6. What complains might be considered by the Constitutional Court?
7. What must the Constitutional Court rule on if the President of the Russian Federation is charged with a grave crime or high treason?
8. How many judges make up the Constitutional Court?
9. In what cases can a mandate of a judge be terminated?
10. Who has the initiative for the termination of powers of judges?

7. Are the following statements true or false? Correct the false statements.

1. The Constitutional Court exercises judicial power by means of civil and administrative proceedings.
2. If the Constitutional Court judges legal acts inconsistent with the Constitution they are declared unconstitutional and become void.
3. The Constitutional Court considers international treaties which have not come into force yet.
4. The Constitutional Court verifies the constitutionality of draft laws upon the request from the Federation Council.
5. The Constitutional Court shall interpret the Constitution when it is required.
6. If the President of the Russian Federation is charged with high treason or another grave crime the Constitutional Court considers this case and gives the sentence.
7. The Constitutional Court consists of 19 judges including the Secretary of the Constitutional Court and his/her deputies.
8. The commission of a crime by a judge is a serious reason to terminate a judge's mandate.
9. The procedure for the termination of powers of judges are governed by the constitution.
10. The new amendments to Article 125 of the constitution shifted the initiative for the termination of powers of judges from the Constitutional Court itself to the President.

8. Translate the following sentences into English.

1. Конституционный Суд – это высший судебный орган, который осуществляет судебную власть независимо от других судов посредством конституционного судопроизводства.
2. Полномочия Конституционного Суда перечислены в 125 статье Конституции РФ.
3. Судебный конституционный пересмотр – основная функция Конституционного Суда. Конституционный Суд проверяет, соответствуют ли федеральные конституционные законы, федеральные законы, конституции и уставы республик, а также другие законы субъектов РФ Конституции РФ.
4. Конституционный Суд обязан толковать Конституцию РФ, когда это необходимо.
5. Конституционный Суд рассматривает жалобы о нарушениях основных конституционных прав и свобод граждан.
6. Если президенту РФ предъявлены обвинения в государственной измене или в совершении другого тяжкого преступления, Конституционный Суд выносит постановление о соблюдении процедуры, предусмотренной Конституцией РФ.
7. Конституционный Суд состоит из 11 судей, включая председателя Конституционного Суда и его заместителей.
8. Только президент может выступить с инициативой о прекращении полномочий судей.
9. Полномочия судьи могут быть прекращены, если судебная ошибка явилась результатом поведения, несовместимого с занимаемой должностью.

9. Speak about the Constitutional Court of the Russian Federation. Cover the points below.

- What legal acts regulate the work of the Constitutional Court
- The main powers of the Constitutional Court
- Composition of the Constitutional Court
- The termination of powers of judges

Unit 3

THE SUPREME COURT OF THE RUSSIAN FEDERATION

Lead-in

1. Read and translate the following word combinations into Russian. Which of them refer to the Supreme Court of the Russian Federation?

- the highest appellate instance
- the constitutionality of draft laws
- judicial chambers
- trial by jury
- supervisory instance
- the Plenary Session

2. Read and translate the text.

Text

Vocabulary

1. a court of original jurisdiction – суд первой инстанции
2. a court of supervisory instance – суд надзорной инстанции
3. to challenge legal acts - оспаривать законодательные акты
4. public authorities – органы государственной власти
5. to rule on the case – вынести решение по делу
6. to review the rulings of presidiums – пересмотреть постановления президиумов
7. to reverse judicial acts - отменить судебные акты
8. chambers of the Supreme Court – коллегии Верховного Суда
9. the Plenary Session of the Supreme Court – Пленум Верховного Суда
10. consideration of cases by way of supervision – рассмотрение дел в порядке надзора

The Supreme Court of the Russian Federation is the highest judicial body for civil, criminal, administrative and other cases under jurisdiction of courts of general jurisdiction. Since 2014 the Supreme Court has been the highest appellate instance for economic disputes. Thus, according to Article 126 of the Constitution of the Russian Federation the Supreme Court carries out judicial supervision over the activities of courts of general jurisdiction and commercial courts. The Supreme Court of the Russian Federation has a right of legislative initiative on the issues within its competence. It also provides clarifications on the issues of judicial practice when it is required.

All the powers of the Supreme Court are enumerated in the federal constitutional law “On the Supreme Court of the Russian Federation”. The Supreme Court is the only court which combines the functions of **a court of original jurisdiction**, a court of appeal, a court of cassation and **a court of supervisory instance**.

As a court of first instance, the Supreme Court considers administrative cases of particular importance or special public interest. The Supreme Court may **challenge legal acts** proposed by the President of the Russian Federation, the Government of the Russian Federation, the Central Election Commission and some other **public authorities**. It also resolves economic disputes between federal public authorities and public authorities of constituent entities of the Russian Federation.

As a court of appellate instance, the Supreme Court reviews the decisions of supreme courts of constituent entities of the Russian Federation, which have not come into force yet. It also reviews the decisions of circuit military courts, which **ruled on the cases** as courts of original jurisdiction. It also serves as a court of appellate instance for its own decisions.

As a court of cassation, the Supreme Court **reviews the rulings of presidiums** of supreme courts of constituent entities of the Russian Federation and of presidiums of circuit military courts, when they adopted the decisions as courts of appeal.

As a court of supervisory instance, the Supreme Court supervises legality of the decisions made by lower courts. The Supreme Court may **reverse** or amend **judicial acts**, including its own acts, if they violate human rights and freedoms, guaranteed by the Constitution of the Russian Federation, and the universal principles of international law.

The Supreme Court of the Russian Federation consists of 170 judges, including chief justices and their deputies. The Supreme Court is composed of 7 **chambers, the Plenary Session** and the Presidium.

The Plenary Session of the Supreme Court of the Russian Federation consists of all judges of the Supreme Court and is presided by the Chairman of the Supreme Court. The Plenary Session gives clarifications on the issues of judicial practice to other courts and resolves complicated disputes regarding the administration of justice and functioning of the judicial system of the Russian Federation.

Apart from **consideration of cases by way of supervision** and upon newly discovered facts, the Presidium of the Supreme Court considers and hears issues related to the work of other judicial chambers and assists lower courts in correct application of the legislation.

There are seven chambers in the structure of the Supreme Court of the Russian Federation: the Appellate Chamber, the Judicial Chamber on Administrative Cases, the Judicial Chamber on Civil Cases, the Judicial Chamber on Criminal Cases, the Judicial Chamber on Economic Disputes, the Judicial Chamber on Cases of the Military Personnel, the Disciplinary Chamber. The smooth functioning of each chamber makes the work of the Supreme Court effective and worthy of respect.

3. Give Russian equivalents for the following word combinations.

1. judicial supervision over the activities of courts
2. to provide clarifications on the issues of judicial practice
3. a court of original jurisdiction
4. to challenge legal acts
5. to review the decisions of circuit military courts
6. to adopt the decisions as courts of appeal
7. to reverse or amend judicial acts
8. a chief justice
9. consideration of cases upon newly discovered facts
10. the Appellate Chamber

4. Find in the text English equivalents for the following word combinations.

1. право законодательной инициативы
2. суд надзорной инстанции
3. рассматривать дела особой важности
4. разрешать экономические споры между органами государственной власти
5. вступить в силу
6. выступать в качестве суда апелляционной инстанции
7. нарушать права и свободы человека
8. Пленум Верховного Суда
9. отправление правосудия
10. судебная коллегия по уголовным делам

5. Answer the questions.

1. What cases does the Supreme Court consider?
2. Where are the powers of the Supreme Court enumerated?
3. Does the Supreme Court have original jurisdiction?
4. What decisions does the Supreme court review as a court of appellate instance?
5. What are the functions of the Supreme Court as a court of cassation?
6. What are the powers of the Supreme Court as a court of supervisory instance?
7. What does the Supreme court consist of?
8. What is the Plenary Session of the Supreme Court? What does it do?
9. What is the role of the Presidium of the Supreme Court?
10. How many chambers are there in the Supreme Court? What are they?

6. Are the following statements true or false? Correct the false statements.

1. Since 2014 the Supreme Court has been the highest appellate instance for economic disputes.
2. The Supreme Court cannot carry out judicial supervision over the activities of commercial courts.
3. The Supreme Court of the Russian Federation has a right of legislative initiative on the issues within the competence of the Federal Assembly.
4. All powers of the Supreme Court are enumerated in the Constitution of the Russian Federation.
5. The Supreme Court combines the functions of a court of original jurisdiction, a court of appeal, a court of cassation and a court of supervisory instance.
6. The Supreme Court has a right to challenge legal acts proposed by the President of the Russian Federation, the Government of the Russian Federation, the Central Election Commission and some other public authorities.
7. As a court of appeal, the Supreme Court reviews the decisions of the commercial courts of constituent entities.
8. The Supreme Court has a right to reverse judicial acts, if they violate human rights and freedoms, guaranteed by the Constitution of the Russian Federation.
9. The Presidium of the Supreme Court gives clarifications on the issues of judicial practice to other courts.
10. There are eleven chambers in the Supreme Court, including the Plenary Session and the Presidium.

7. Fill in the gaps using the words from the box. Translate the sentences.

legal acts, consideration of cases, judicial practice, judicial acts, original jurisdiction, constituent entities, administration of justice, appellate instance
--

1. The Supreme Court is the highest _____ for economic disputes.
2. The Supreme Court provides clarifications on the issues of _____.
3. The Supreme Court combines the functions of a court of _____, a court of appeal, a court of cassation and a court of supervisory instance.
4. The Supreme Court may challenge _____ proposed by the President or the Government of the Russian Federation.

5. The Supreme Court resolves economic disputes between public authorities of _____ of the Russian Federation.
6. The Supreme Court may reverse or amend _____, if they violate human rights and freedoms, guaranteed by the Constitution of the Russian Federation.
7. The Plenary Session resolves complicated disputes regarding the _____
8. The Presidium of the Supreme Court deals with _____ by way of supervision and upon newly discovered facts.

8. Translate the following sentences into English.

1. Верховный Суд - это высшая апелляционная и кассационная инстанция по гражданским, уголовным и административным делам.
2. С 2014 года Верховный Суд является высшей апелляционной инстанцией по экономическим спорам.
3. Верховный Суд сочетает в себе функции суда первой инстанции, апелляционного суда, кассационного суда и суда надзорной инстанции.
4. Верховный Суд в качестве суда первой инстанции разрешает экономические споры между органами федеральной власти и органами власти на уровне субъектов РФ.
5. В качестве апелляционной инстанции Верховный Суд пересматривает решения верховных судов субъектов РФ, которые не вступили в силу.
6. В качестве кассационной инстанции Верховный Суд пересматривает постановления президиумов окружных военных судов и президиумов верховных судов субъектов РФ.
7. Верховный Суд может отменить судебные акты, если те нарушают права и свободы, гарантированные Конституцией.
8. В состав Верховного Суда входят судебные коллегии, апелляционная коллегия, дисциплинарная коллегия, Пленум и Президиум Верховного Суда.
9. Пленум Верховного Суда дает разъяснения по вопросам судебной практики.
10. Президиум Верховного Суда рассматривает дела в порядке надзора и по вновь открывшимся обстоятельствам.

9. Work in pairs. In turns ask questions about the Supreme Court and answer them. Cover the points below.

- the functions of the Supreme Court
- the Supreme Court as a court of first instance
- the Supreme Court as a court of appeal
- the Supreme Court as a court of cassation
- the Supreme Court as a court of supervisory instance
- the Plenary Session of the Supreme Court
- the Presidium of the Supreme Court

Unit 4

THE JUDICIAL SYSTEM OF THE UNITED KINGDOM

Lead-in

1. Work in pairs. Do you agree with the following statements?

1. There is no strict separation of powers between legislative, executive and judicial branches?
2. The House of Lords is the highest court of the land.
3. There are three different judicial systems in the UK.

2. Read and translate the text.

Text

THE SYSTEM OF COURTS IN ENGLAND AND WALES

Vocabulary

1. distinct systems of law – разные системы права
2. to apply the law – применять закон
3. the High Court of Justice - Высокий суд
4. the Crown Court - Суд Короны
5. the County court – суд графства
6. the Judicial Committee of the Privy Council – Судебный комитет Тайного совета
7. Commonwealth countries – страны Британского Содружества
8. a magistrates' court – магистратский суд, суд магистратов
9. devolution – передача полномочий (процесс децентрализации власти и наделение местную администрацию властью)
10. in exceptional circumstances – в исключительных обстоятельствах
11. the Chancery Division – Канцлерское отделение
12. the King's Bench Division – Отделение Королевской Скамьи
13. taxes - налоги
14. a will – завещание
15. a tort – деликт (гражданское правонарушение)
16. breach of contract – нарушение договора
17. criminal cases sent for sentencing – уголовные дела, переданные в суд для вынесения приговора
18. indictable offences – преступления, преследуемые по обвинительному акту
19. summary offences – преступления, рассматриваемые в порядке суммарного/упрощенного судопроизводства
20. social security – социальное обеспечение
21. employment – трудовые отношения

The United Kingdom has three **distinct** systems of law. English law, **applied** in England and Wales, and Northern Ireland law, applied in Northern Ireland, are based on common law principles. Scots law, which applies in Scotland, is a hybrid system based on both common law and civil law principles. The court system in England and Wales consists of **5 levels**:

- the Supreme Court and the Judicial Committee of the Privy Council

- the Court of Appeal
- the High Court of Justice
- the Crown Court and County Courts
- the Magistrates' Courts and the Tribunals Service

There is a similar court system in Northern Ireland and a different court system in Scotland.

Judicial Committee of the Privy Council

The Judicial Committee of the Privy Council is the court of final appeal for **Commonwealth countries**. It is also the court of final appeal for the High Court of Justiciary in Scotland for issues related to **devolution**.

Supreme Court

In 2009 the Supreme Court replaced the House of Lords as the highest court in England, Wales and Northern Ireland. The Supreme Court usually hears appeals from the Court of Appeal and the High Court (only in **exceptional circumstances**). Appeals are normally heard by 5 Justices, but there can be as many as 9.

Court of Appeal

The Court of Appeal consists of 2 divisions, the Criminal Division and the Civil Division. Decisions of the Court of Appeal may be appealed to the Supreme Court. The Civil Division of the Court of Appeal hears appeals concerning civil law and family justice from the High Court, from Tribunals, and certain cases from the County Courts. The Criminal Division of the Court of Appeal hears appeals from the Crown Court.

High Court of Justice

The High Court consists of 3 divisions, **the Chancery Division**, the Family Division, and **the King's Bench Division**. The Chancery Division handles civil cases of many kinds, including disputes relating to business, property or land, intellectual property issues, bankruptcy, **taxes and wills**. The Family Division resolves disputes referred to family matters. The King's Bench Division deals with most 'common law' civil claims relating to contracts, and civil wrongs, known as **torts**. Decisions of the High Court may be appealed to the Civil Division of the Court of Appeal.

County Courts

The County Courts deal with simple civil cases, such as **breach of contract**, family issues, and housing issues. Decisions of the County Courts may be appealed to one of the Divisions of the High Court.

Crown Court

The Crown Court deals with **indictable offences**, i.e. serious criminal cases such as murder, rape and robbery that have been transferred from the Magistrates' Courts, including serious **criminal cases sent for sentencing**, and appeals. The cases in the Crown Court are heard by a judge and a jury. The decisions of the Crown Court may be appealed to the Criminal Division of the Court of Appeal.

Magistrates' Courts

The Magistrates' Courts deal with **summary offences** i.e. simple criminal cases and committals to the Crown Court, as well as with simple civil cases including family matters. Cases are normally heard by either 3 magistrates or by a District Judge, without a jury. Criminal decisions of the Magistrates' Courts may be appealed to the Crown Court. Civil decisions may be appealed to the County Courts.

Tribunals Service

The Tribunals Service makes decisions on matters including immigration, **social security**, education, **employment**, child support, pensions, and taxes. Decisions of the Tribunals Service may be appealed to one of the Divisions of the High Court.

3. Find in the text Russian equivalents for the following word combinations.

1. to deal with criminal cases
2. to resolve disputes
3. in exceptional circumstances
4. issues related to devolution
5. magistrates' courts
6. summary offences
7. civil claims relating to contracts
8. indictable offences
9. child support
10. a civil wrong

4. Give English equivalents for the following word combinations.

1. принципы общего права
2. уголовное дело
3. высший судебный орган
4. нарушение договора
5. рассматривать дела без участия суда присяжных
6. жилищный вопрос
7. апелляционный суд
8. решения по гражданским делам
9. интеллектуальная собственность
10. обжаловать решение

5. Complete the table.

verb	noun	adjective/participle
employ		
		applicable
decide		
	division	
support		
		educational
	replacement	
differ		
		appellate

6. Match the words (1-8) with their definitions (a—h).

1. a court	a. delegation of powers from a central government to regional governments
------------	---

2. an issue	b. the process in which cases are reviewed by a higher court
3. devolution	c. a demand for compensation, as part of a legal process.
4. an appeal	d. a place where legal cases are heard
5. a tax	e. a point disputed by parties to a lawsuit
6. a claim	f. a legal document that outlines a person's wishes for how their property and money should be distributed after they die.
7. a will	g. relations between two parties regulating the provision of paid labour services
8. employment	h. a sum of money collected by government from individuals or businesses to cover the costs of government services

7. Are the following statements true, false or incomplete? Correct the false statements.

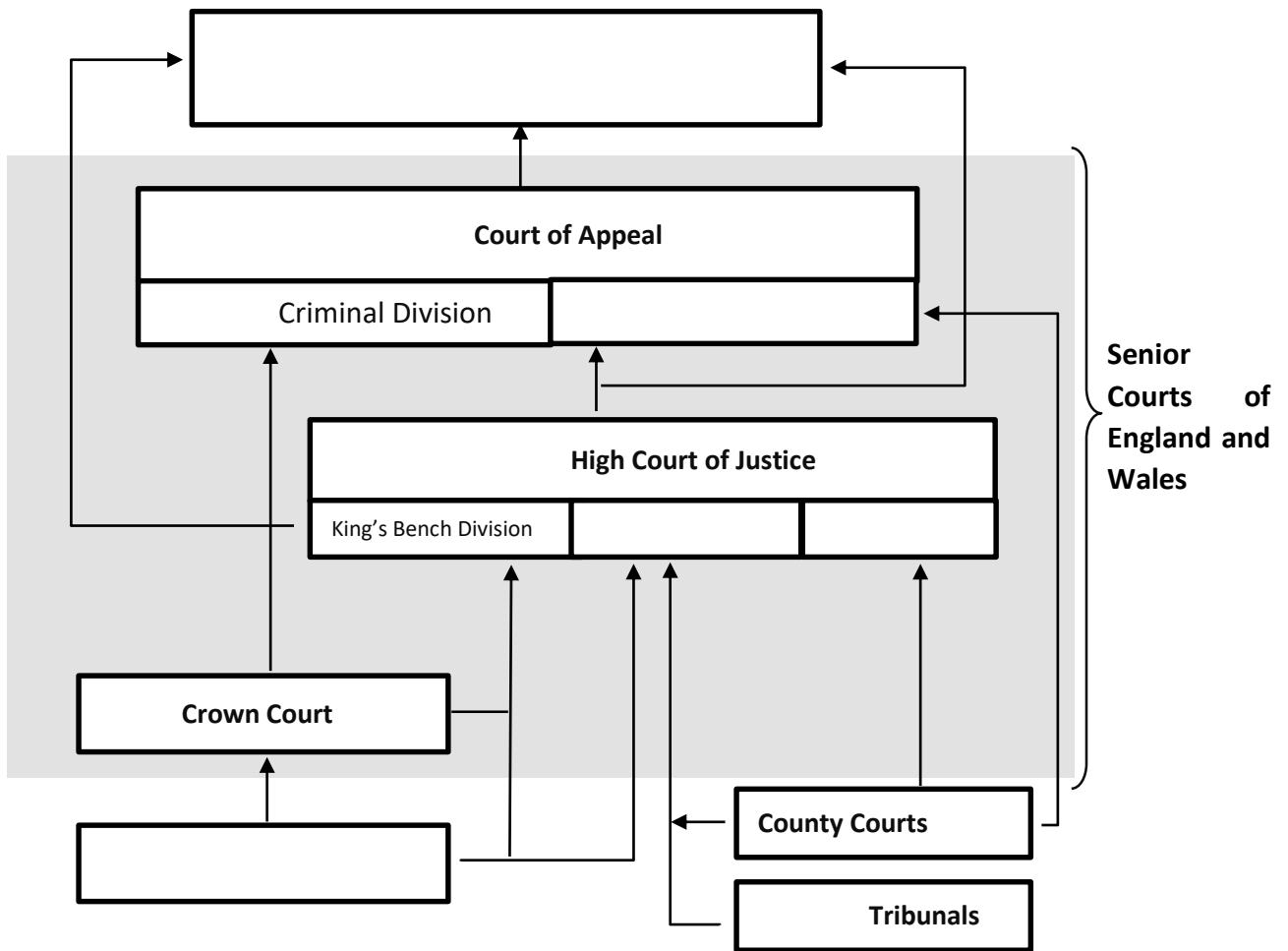
1. The system of law in England and Wales differs from those in Northern Ireland and Scotland.
2. Scots law combines elements of both common law and civil law.
3. The High Court is the highest court of England.
4. The Court of Appeal is the final court of appeal for Commonwealth countries.
5. The court system of England and Wales consists of the Supreme Court, the Judicial Committee of the Privy Council, the Court of Appeal, the High Court, the Magistrates' Courts and the Tribunals Service.
6. The House of Lords is the highest court in England, Wales and Northern Ireland.
7. There are two divisions in the Court of Appeal.
8. Appeals from the Crown Court go to the Civil Division of the Court of Appeal.
9. The three divisions of the High Court are the Chancery Division, the Family Division and the King's Bench Division.
10. The County Courts hear complicated civil cases.
11. Appeals from the Magistrates' Courts go to the Crown Court.
12. The Tribunals Service deals with immigration, social security and employment.

8. Join two parts to form a sentence.

1. The court system of England and Wales ...	a. ... hears appeals from the Court of Appeal and the High Court.
2. The Judicial Committee of the Privy Council ...	b. ... are heard by a judge, without a jury.
3. The Supreme Court ...	c. ... consists of two divisions.

4. The Court of Appeal ...	d. ... is headed by the Supreme Court of England and Wales.
5. The High Court ...	e. ... may be appealed to the High Court.
6. Cases in the Magistrates' Courts ...	f. ... is the court of final appeal for Commonwealth countries.
7. Cases in the Crown Court ...	g. ... consists of three divisions.
8. Decisions of the Tribunals Service ...	h. ... are heard by a judge and a jury.

9. Complete the chart. Speak about the judicial system in England and Wales.



Unit 5

THE JUDICIAL SYSTEM OF THE UNITED STATES

Lead-in

1. Answer the questions.

1. What is special about the system of courts in a federal state?
2. Do you think the system of courts in the US is similar to that in the Russian Federation?

2. Read and translate the text.

Text

Vocabulary

1. a treaty – международный договор
2. admiralty law – морское право
3. habeas corpus – предписание о представлении задержанного в суд
4. a district court – (федеральный) окружной суд
5. a trial court – суд первой инстанции
6. a circuit – округ (судебный и т.п.)
7. a challenge – оспаривание
8. prosecution – обвинение, уголовное преследование/преследование в судебном порядке
9. misdemeanor – мисдиминор, категория наименее серьезных правонарушений
10. customs law – таможенное право, таможенное законодательство
11. damages - возмещение ущерба/убытков/денежная компенсация
12. Article I Courts – суды статьи 1 Конституции США, созданные Конгрессом
13. personal injury – личный вред (физический, моральный, материальный)
14. real estate - недвижимое имущество
15. an intermediate appellate court – промежуточный апелляционный суд
16. the court of last resort – суд последней инстанции

There are two types of courts in the United States — federal and state courts. Federal courts have the authority to hear cases involving federal laws, the U.S. Constitution or treaties, disputes between states, **admiralty law**, bankruptcy and **habeas corpus** issues. The federal court system consists of **district courts**, **circuit** courts of appeal, and the Supreme Court of the United States.

Supreme Court

The Supreme Court is the highest court in the United States. It is the final court of appeal and has the power to decide appeals on cases brought in federal or state courts involving federal law. The Supreme Court plays the main role in interpreting the U.S. Constitution.

In the federal court system, there are 94 district **trial courts** and 13 courts of appeals.

Courts of Appeals

There are 13 appellate courts that sit below the U.S. Supreme Court, and they are called the U.S. Courts of Appeals. The 94 federal judicial districts are organized into 13 regional **circuits**, each of which has a court of appeals. The appellate court's task is to determine whether or not the

law was applied correctly in the trial court. Courts of Appeals consist of three judges and do not use a jury.

A court of appeals hears challenges to district court decisions from courts located within its circuit, as well as appeals to the decisions of federal administrative agencies.

In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases, such as those involving patent laws, and cases decided by the U.S. Court of International Trade and the U.S. Court of Federal Claims.

District Courts

The nation's 94 district or trial courts are called U.S. District Courts. District courts resolve disputes by determining the facts and applying legal principles to decide who is right.

District courts can hear and decide:

- Civil actions arising under the Constitution, laws, and treaties of the United States,
- Certain civil actions between citizens of different states,
- Civil actions within the admiralty jurisdiction of the United States,
- Criminal **prosecutions** brought by the United States, and
- Civil actions in which the United States is a party.

Trial courts include the district judge who tries the case and a jury that decides the case. They can hear cases that involve disputes between residents of different states, questions of federal law, or federal crimes. Magistrate judges assist district judges in preparing cases for trial. They may also conduct trials in misdemeanor cases.

There is at least one district court in each state, and the District of Columbia. Each district includes a U.S. bankruptcy court as a unit of the district court.

There are also two special trial courts. The Court of International Trade addresses cases involving international trade and **customs laws**. The U.S. Court of Federal Claims deals with most claims for money **damages** against the U.S. government.

Article I Courts

Congress created several Article I, or legislative courts that do not have full judicial power. Judicial power is the authority to be **the court of last resort** for all questions of Constitutional law, all questions of federal law and to hear claims related to **habeas corpus** issues. Article I Courts are: U.S. Court of Appeals for Veterans Claims, U.S. Court of Appeals for the Armed Forces, U.S. Tax Court

State Courts

State Courts have broad jurisdiction over such legal matters as family law cases, **personal injury** cases, contract disputes, and **real estate** disputes. They also handle most criminal cases, except those involving federal law. State courts have a hierarchical structure, including trial courts, **intermediate appellate courts**, and a Supreme Court or a Court of Appeals depending on the state. Over 95% of legal cases are handled by state courts including business disputes, traffic offences, **divorce**, wills and estates, buying and selling property.

3. Give Russian equivalents for the following words and word combinations.

1. to handle a case
2. to interpret the Constitution
3. habeas corpus
4. to involve federal law
5. a trial court
6. misdemeanor cases

7. to try a case
8. state courts
9. to bring criminal prosecution
10. to conduct trials

4. Find in the text English equivalents for the following words and word combinations.

1. рассматривать дело
2. апелляция на решение суда
3. морское право
4. рассмотреть апелляцию
5. применять правовые принципы
6. гражданский иск
7. личный вред
8. вести судебный процесс
9. таможенное право
10. нарушение правил дорожного движения

5. Complete the table.

verb	noun
to authorize	
	decision
to injure	
	appeal
	interpretation
to bankrupt	
	resident
to try	

6. Fill in the gaps with the correct form of the words from the right column.

1. Federal courts also have jurisdiction over... cases.	bankrupt
2. Courts of Appeals are located in 13 ... circuits.	region
3. It was a just	decide
4. Each federal district has a ... court.	try
5. This matter cannot be ... in a state court.	resolution
6. Civil cases are ... disputes between parties.	legality
7. This is a serious ... case.	crime
8. ... injury cases are handled by state laws.	person
9. Federal courts have the authority to hear cases ... federal laws.	involvement
10. The case was ... by the assistant district attorney.	prosecution

7. Match the words (1-8) with their definitions (a—h).

- | | |
|--|---|
| <ol style="list-style-type: none"> 1. divorce | <ol style="list-style-type: none"> a. a sum of money awarded by a court to compensate for a tort or a breach of contract |
|--|---|

- | | |
|------------------|---|
| 2. a treaty | b. a document in which a person specifies the method to be applied in the management of his estate after his death. |
| 3. a misdemeanor | c. a legal termination of marriage |
| 4. damages | d. any of the less serious offences |
| 5. a circuit | e. an international agreement in writing between two states |
| 6. customs | f. an objection to a decision |
| 7. a challenge | g. the judicial territory over which a court has the jurisdiction to hear cases |
| 8. a will | h. the place at a port, airport, or border where travellers' bags are looked at to find out if any goods are being carried illegally. |

8. Are the following statements true, false or incomplete? Correct the false statements.

1. Federal courts handle cases concerning the constitutionality of a law.
2. Some cases are finally settled in federal courts and some cases are settled in state courts.
3. The federal court system has three main levels.
4. According to the US Constitution the Supreme Court is the highest court of the USA.
5. Each federal district has a court of appeals.
6. District courts are also known as trial courts.
7. Magistrate judges cannot conduct trials.
8. Courts of appeals review district court decisions.
9. Appeals are reviewed by judges and a jury.
10. Each state has at least one district court.
11. There are several Article I Courts in the US.
12. State courts handle both civil and criminal cases.
13. Most legal cases are settled by state courts.

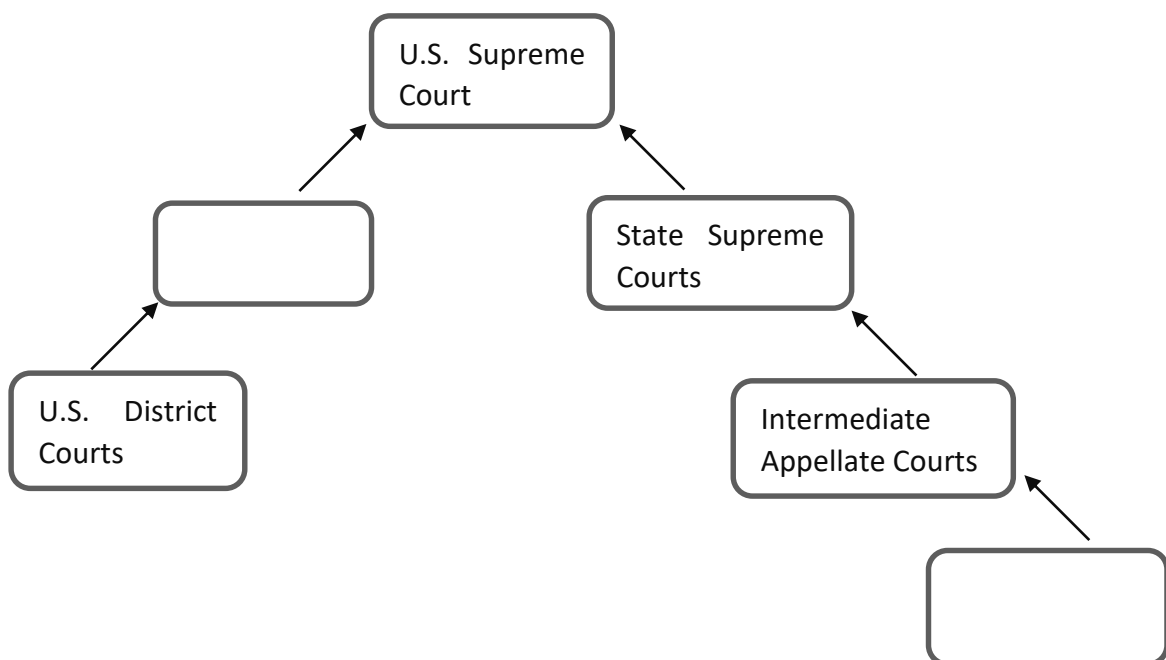
9. Finish the sentences using the information from the text.

1. There are two types of courts in the United States — federal and
2. Federal courts hear
3. The federal court system includes
4. Below the Supreme Court are
5. Each of the 13 regional circuits has
6. District courts resolve
7. Magistrate judges may conduct
8. The two special trial courts are
9. Federal courts have exclusive jurisdiction over
10. Article I Courts are also known as
11. State courts have a hierarchical structure, including
12. State courts handle

10. Answer the questions.

1. How is the idea of federalism implemented in the US judicial system?
2. What are the two types of courts in the United States?
3. What cases do the US federal courts deal with?
4. What is the hierarchical structure of federal courts?
5. What is the jurisdiction of the US Supreme Court?
6. What is the jurisdiction of the US Courts of Appeals?
7. What cases do district courts deal with?
8. What are Article I Courts?
9. What cases do state courts handle?

11. Complete the chart.



12. Speak about the judicial system of the US. Cover the following points.

- Federal judiciary
- US Supreme Court and Courts of Appeals
- US district courts
- Article I Courts
- State Courts

13. Choose one of the topics and make a presentation.

1. The Judicial System of the Russian Federation
2. The Constitutional Court of the Russian Federation
3. The Supreme Court of the Russian Federation
4. Commercial Courts in the RF
5. Justices of the Peace in the RF

6. The UK Supreme Court
7. Courts in England and Wales
8. The Tribunals Services in England and Wales
9. Magistrates' Courts in England and Wales
10. The High Court of England and Wales
11. County Courts in England and Wales
12. The Crown Court
13. The US Federal Courts
14. US State Courts

Glossary

- to administer justice – отправлять правосудие
- admiralty law – морское право
- to apply – применять, использовать
- Article I Courts – суды статьи 1 Конституции США, созданные Конгрессом

- breach of contract – нарушение договора

- a challenge – оспаривание
- to challenge – оспаривать
- a circuit – округ (судебный и т.п.)
- the Chancery Division – Канцлерское отделение
- the Commercial court (in Russia) - Арбитражный суд (в России)
- to commit a crime – совершить преступление
- Commonwealth countries – страны Британского Содружества
- to consider/handle/hear a case/ an appeal - рассматривать/слушать дело/апелляцию
- a constituent entity of the Russian Federation – субъект Российской Федерации
- constitutional/civil/administrative/criminal proceedings - -
конституционное/гражданское/административное/уголовное судопроизводство
- a county court – суд графства
- the Crown Court - Суд Короны
- customs law – таможенное право, таможенное законодательство

- damages - возмещение ущерба/убытков/денежная компенсация
- devolution – передача полномочий (процесс децентрализации власти и наделение местную администрацию властью)
- a district court – районный суд

- employment – трудовые отношения
- to ensure a unified approach to – обеспечить/гарантировать единый подход к
- to establish/create a court – учредить/создать суд
- in exceptional circumstances – в исключительных обстоятельствах

- the Federal district court (US) – (федеральный) окружной суд (США)
- habeas corpus – предписание о представлении задержанного в суд
- the High Court of Justice - Высокий суд
- an intermediate appellate court – промежуточный апелляционный суд
- an issue – вопрос, проблема
- the Judicial Committee of the Privy Council – Судебный комитет Тайного совета
- judicial power – судебная власть
- justices of the peace – мировые судьи
- the King’s Bench Division – Отделение Королевской скамьи
- to launch a reform/a campaign – начать реформу/кампанию
- magistrates’ courts – магистратские суды, суды магистратов
- to merge – объединяться, сливаться (о компаниях)
- a misdemeanor – мисдиминор, категория наименее серьезных правонарушений
- personal injury – личный вред (физический, моральный, материальный)
- a point of fact – вопрос факта
- a point of law – вопрос права
- prosecution – обвинение, уголовное преследование, преследование в судебном порядке
- the Public Prosecutor’s Office – прокуратура
- real estate - недвижимое имущество
- social security – социальное обеспечение
- to strengthen public trust – укреплять доверие общества
- the Supreme Commercial Court of the Russian Federation – Высший арбитражный суд Российской Федерации
- the Supreme Court – Верховный суд
- taxes – налоги
- a treaty – международный договор
- a trial court – суд первой инстанции
- a will - завещание

Chapter 6. THE SYSTEM OF LAW. CLASSIFICATIONS AND BRANCHES OF LAW.

Unit 1

THE SYSTEM AND CLASSIFICATIONS OF LAW

Lead-in

1. Read and translate the following word combinations. Which of them refer to legal systems and which to branches of law?

Criminal law
Common law
Customary law
Employment law

Constitutional law
Civil law
Military law
Environmental law

2. Answer the questions.

1. What are the basic branches of law?
2. Which branches of law do you consider the most important for a lawyer? Why?
3. Which branch are you going to study as your major?

3. Read and translate the text.

Text

Vocabulary

1. similarity – сходство, подобие
2. rules of government – принципы управления
3. to be conducted smoothly and peacefully – проходить в спокойной и мирной обстановке
4. to interpret and enforce the law – толковать и обеспечивать соблюдение закона
5. substantive law – материальное право
6. settlement of conflicts – урегулирование конфликтов
7. tort law – деликтное право
8. to decide lawsuits – решать судебные споры
9. to conduct a trial – вести судебный процесс
10. to file an appeal – подавать апелляцию
11. to enforce a judgement – исполнить решение суда
12. to enter into a contract – заключить договор
13. to breach a contract – нарушить условия договора
14. an enforceable agreement – соглашение, имеющее исковую силу
15. to be entitled to damages – иметь право на возмещение ущерба
16. to reserve punishment – предусматривать наказание
17. to prosecute – преследовать в судебном порядке/осуществлять уголовное преследование
18. to give rise to a claim – дать основание для подачи иска
19. an injunction – судебный запрет, приказ
20. a civil action – гражданский иск, процесс

While shared histories and cultural **similarities** have left many countries with systems of law that are quite similar to one another, there are also hundreds of unique systems in use throughout the world. Such factors as geographical features, historical and political events can

have a huge effect on the system used by a country and make it distinct from any other. Undeniably, however, since the beginning of civilization, all those systems have been essential for providing the **rules of government**, resolving disputes, limiting social instability, and maintaining ethical standards of fairness and justice all over the world. They protect the rights and responsibilities of both individuals and organizations, and ensure social and economic interactions are **conducted smoothly and peacefully**. Essentially, laws serve as the primary mediator of relations between people.

A simple definition of a system of law could be this: it is the set of laws of a country and the procedure or process for **interpreting and enforcing the law**.

Law may be classified in various different ways but the most common classifications that can be found in many countries are as follows: public law and private law; substantive law and procedural law; criminal law and civil law.

Public law can be defined as the law that deals with the relationships between the state, its citizens, and other states. It is concerned with laws which regulate processes in national and local governments and **settlement of conflicts** between an individual and a state in areas such as immigration and social security. Examples of public law branches include constitutional law, administrative law, tax law, criminal law and public international law.

Private law, on the other hand, is the category of law that concerns the relations between private individuals and corporations. Examples include family law, **tort law**, contract law and trust law.

The next classification which is widely used is subdivision of law into substantive and procedural. There are many laws and legal rules found in statutes, cases decided by courts (legal precedents) and other sources that are applied by courts in order to **decide lawsuits**. These rules and principles of law are classified as substantive law. On the other hand, the legal procedures that provide how a lawsuit is begun, how the **trial is conducted**, how **appeals are filed**, and how a **judgement is enforced** are called procedural law. In other words, substantive law is the part of law that defines rights, and procedural law establishes the procedures which enforce and protect these rights. For example, two parties **enter into a contract**, but then one of the parties **breaches the contract**. The rules of bringing the breaching party into court and the conduct of the trial are rather mechanical and constitute procedural law. Whether the **agreement was enforceable** and whether the non-breaching party is **entitled to damages** are matters of substance and are determined on the basis of the substantive law of contract. So, substantive law creates, defines or regulates rights, liabilities, and duties in all areas of law and is contrasted with procedural law, which defines the procedure by which a law is to be enforced.

Lawyers in the UK often draw a distinction between criminal and civil law. Criminal law deals with certain forms of conduct for which the state reserves punishment. If someone commits a crime, they have offended against the state and the state has the right **to prosecute** them. Civil law concerns relations between private persons, their rights and duties. It is also concerned with the type of conduct which can **give rise to a claim** for compensation or an **injunction** and is used to settle disputes between individuals. Criminal and civil law overlap, and for example, a road accident case may lead to a criminal prosecution as well as a **civil action** for compensation.

4. Give Russian equivalents for the following word combinations.

1. to limit social instability
2. fairness and justice
3. to conduct social and economic interactions
4. to serve as a mediator
5. social security
6. trust law
7. public international law
8. to be entitled to damages

9. to decide lawsuits
10. private persons
11. to give rise to a claim
12. a civil action
13. criminal prosecution
14. liabilities

5. Find in the text English equivalents for the following word combinations.

1. оказать большое влияние на ч-л
2. процессуальное право
3. свод законов
4. разрешать споры
5. обеспечивать соблюдение законов
6. дорожно-транспортное происшествие
7. регулировать отношения между государством и гражданами
8. материальное право
9. нарушить условия контракта
10. иск о возмещении ущерба
11. предусматривать наказание
12. подать апелляцию
13. судебный запрет
14. совершить преступление

6. Find the definitions of the following words and phrases in a dictionary and write them down.

- | | |
|------------------------|-------------------|
| • a private individual | • to prosecute |
| • a corporation | • to enforce laws |
| • a mediator | • liability |

7. Which of the following branches of law belong to private law? Which of them belong to public law? Mark them.

- | | |
|----------------------|-----------------------------|
| • administrative law | • family law |
| • contract law | • land law |
| • civil law | • tort law |
| • criminal law | • tax law |
| • constitutional law | • private international law |
| • trust law | • public international law |

8. Match some of the branches of law mentioned in the text with their formal definitions.

1. _____ can be defined as the area of law relating to the family structure and the legal relations of its members, e.g., marriage, separation, divorce and the custody of children.
2. _____ may be understood as the law governing the exercise of powers and duties by public authorities.

3. _____ is the law relating to crime, i.e., illegal conduct for which a person may be prosecuted and punished by the state.
4. _____ can be defined as the law governing the creation, variation, enforcement and termination of legally binding agreements between persons.
5. _____ relates to the body of law concerned with compensating the victims of civil wrongs committed by one individual against another.
6. _____ is the body of law that sets out the fundamental principles according to which a state is governed and defines the relations between the branches of government within the state.
7. _____ is the law concerned with a charge by the government on the income of an individual or corporation, as well as the value of real estate.

9. Fill in the gaps using the words from the box. Translate the sentences.

interpreting and enforcing, substantive, public, a wrongful act, a claim for compensation, private, trust, procedural.

1. _____ law establishes the rights and obligations that govern people and organizations; it includes all laws of general and specific applicability whereas _____ law establishes the legal rules by which laws are applied and enforced, particularly in a court of law.
2. In Anglo-American law _____ is a relationship between persons in which one has the power to manage property and the other has the privilege of receiving the benefits from that property; there is no precise equivalent to it in civil law systems.
3. Crime may be explained as _____ which is prosecuted and punished by the state.
4. A system of law is the set of laws of a state and the procedure or process for _____ the law.
5. _____ law comprises constitutional law, administrative law, tax law and criminal law.
6. _____ law deals with the rights and duties of individuals and legal entities and the relations between them.
7. If you've been involved in a road accident, you know that making _____ can be a long and difficult process.

10. Answer the questions.

1. Why do some systems of law throughout the world differ?
2. Which factors can have a huge effect on a system of law?
3. What is a system of law?
4. How are systems of law usually classified?
5. What is the difference between public and private law?
6. What are the branches of public and private law?
7. What does substantive law deal with?
8. What does procedural law determine?
9. Why does the state have the right to prosecute for criminal conduct?
10. What does the state reserve for a crime?
11. What is civil law concerned with?

11. Translate the sentences into English.

1. На развитие системы права оказывают влияние многие факторы, в том числе географическое положение страны, а также происходящие в ней исторические и политические события.
2. Законы необходимы для того, чтобы устанавливать нормы управления государством, для разрешения споров, ограничения социальной нестабильности и поддержания этических стандартов справедливости и правосудия.
3. Система права обеспечивает защиту прав и обязанностей частных лиц и организаций.
4. Государство играет ключевую роль в обеспечении соблюдения закона.
5. Частное право не может существовать без публичного, так как последнее призвано защищать и охранять первое.
6. К публичному праву относят, в том числе, конституционное, административное и уголовное право.
7. Частное право регулирует отношения между физическими и юридическими лицами.
8. Государство имеет право преследовать в судебном порядке лицо, совершившее преступление.
9. Дорожное происшествие может привести к гражданскому иску о возмещении ущерба.
10. Материальное право устанавливает и регулирует права и обязанности, а процессуальное - процедуры, гарантирующие реализацию и защиту этих прав.

12. Make a summary of the text using the following phrases.

- The systems of law in the world differ because...
- The systems of law are essential for
- A system of law is defined as...
- Law is classified into...
- Public law deals with...
- Private law concerns...
- Substantive law creates...
- Procedural law defines...
- Criminal law deals with...
- Civil law concerns...

Unit 2

BRANCHES OF LAW IN THE UK AND USA

Lead-in

1. Work in pairs. Discuss the following the questions.

1. What is the difference between criminal and civil law?
2. What does contract law deal with?
3. What does employment law regulate?
4. Does tort law deal with criminal offences or civil wrongs?

2. Read and translate the text.

Text 1

CRIMINAL AND CIVIL LAW

Vocabulary

1. to deter a wrongdoing – сдерживать, предотвращать правонарушение, неправомерное поведение
2. negligence – халатность, небрежность
3. defamation – диффамация, клевета, распространение порочащих сведений
4. white-collar crimes – должностные преступления, преступления белых воротничков
5. mental culpability/ criminal intent – преступный умысел
6. a criminal act – преступное деяние
7. felony – тяжкое уголовное преступление, фелония
8. misdemeanor – менее серьезное правонарушение, мисдиминор
9. a sentence – приговор
10. incarceration – лишение свободы
11. to indict [in'daɪt] – предъявить обвинение на основании обвинительного акта
12. to convict – осудить, вынести обвинительный приговор
13. to acquit – оправдать
14. imprisonment – тюремное заключение
15. community service – общественные работы
16. child custody – опека над ребенком
17. litigation – судебный процесс, тяжба
18. burden of proof – бремя доказывания
19. preponderance of evidence – наличие более веских доказательств, перевес доказательств

Civil law and criminal law are two broad and separate bodies of law with separate sets of laws and punishment whose purposes are **to deter** or punish serious **wrongdoing** or to compensate the victims of such wrongdoing. Criminal law deals with cases of burglary, assault, battery and cases of murder. Civil law applies to civil offences such as cases of **negligence** or **defamation**, including libel and slander.

If someone commits a crime, they have offended against the state and the state has the right to prosecute them. Generally speaking, a crime is an act that involves violence against a person, theft or property damage, but there are also **white-collar crimes** such as embezzling, insider trading, etc. It is generally agreed that there are two essential elements of any crime: to be guilty

of a crime, a person must **have mental culpability**, that is **criminal intent** or mens rea, and they must physically do something, commit a **criminal act** or actus reus.

Crimes are divided into two broad classes of seriousness: **felonies** having a possible **sentence** of more than one year incarceration and **misdemeanors** having a possible sentence of one year or less **incarceration**.

A person who has committed a wrongdoing or an offence is called a wrongdoer or an offender. Criminal and civil proceedings differ a lot. If a criminal offence is committed, the offender is arrested by the state through the police. After the arrest, the offender is charged through a fair trial. At the trial they are **indicted** and if the verdict is 'guilty', they are **convicted**. They will have a criminal record for the crime and be punished. If they are found not guilty, they are **acquitted**.

The most common penalties ordered by courts when a person or organization is found guilty of a criminal offence are orders to pay an amount of money to the government (a fine), or spend a period of time in prison (**imprisonment**), or do unpaid work that is needed in the community (**community service**).

In civil law, a case commences when a complaint (a claim) is filed by a party, which may be an individual or a company, against another party. It deals with landlord/tenant disputes, divorce, **child custody**, property disputes, personal injury cases. The party complaining is called the plaintiff (claimant) and the party responding is called the defendant. The process when the claimant sues the defendant is called **litigation**. In civil litigation, the plaintiff asks the court to order the defendant to remedy a wrong, often in the form of monetary compensation to the plaintiff. If the judgement is for the claimant, the defendant is found liable and may be ordered to pay damages. In contrast, in criminal law, the case is filed by the government, usually referred to as the State and represented by a prosecutor, against a defendant. The defendant is prosecuted. An individual can never file criminal charges against another person, they may only report a crime.

The duty to prove a case is called the **burden of proof**. In criminal law the burden of proof lies with the prosecution. The defendant doesn't have to prove their innocence. This principle is known as the presumption of innocence. It means any person charged with a criminal offence is innocent until proved guilty. In civil law the burden of proof first lies with the plaintiff and then with the defendant to refute the evidence provided by the plaintiffs.

The degree of certainty and evidence required to establish a particular fact or claim in a legal proceeding is called the standard of proof. The standard of proof is higher in criminal cases because penalties imposed are harsher. The prosecution must prove the guilt of the defendant beyond reasonable doubt, which means they must make the court absolutely sure that the defendant committed the crime. If the court has doubt, it must acquit the defendant. In civil cases the claimant proves the case on the balance of probabilities or on the **preponderance of evidence**. It is met if the judge believes the evidence shows the defendant is more likely responsible than not.

3. Give Russian equivalents for the following word combinations.

1. burglary
2. violence against a person
3. libel and slander
4. insider trading
5. mental culpability
6. misdemeanor
7. incarceration
8. to be convicted
9. to be acquitted
10. to charge sb with a criminal offence
11. to remedy a wrong
12. the burden of proof

13. to refute the evidence
14. preponderance of evidence

4. Find in the text English equivalents for the following word combinations.

1. преступный умысел
2. доказывать вину
3. ответчик
4. подсудимый
5. побои
6. сомневаться
7. удерживать, сдерживать
8. преступное деяние
9. порча имущества
10. суровое наказание
11. растрата, хищение, присвоение
12. тяжкое уголовное преступление
13. сообщить о преступлении
14. признать виновным

5. Find the definitions of the following words and word combinations in a dictionary and write them down.

- | | |
|-----------------------|-----------------------------|
| • defamation | • penalty |
| • assault | • balance of probabilities |
| • white-collar crimes | • presumption of innocence. |

6. Fill in the gaps with the words from the box. Translate the sentences.

innocence, claimant, penalty, beyond reasonable doubt, refute, negligence, file, on the balance of probabilities

1. _____ is the punishment imposed upon a person who has violated the law, a contract, a rule, or regulation.
2. In English law the prosecution must prove the guilt of a criminal _____; but the plaintiff in a civil action is required to prove his case _____.
3. Deliberately poor prison conditions combined with purposeful medical _____ cause extreme suffering of prisoners.
4. They either don't have or don't want to supply evidence for their claims and they don't have any arguments to _____ the evidence that contradicts them.
5. Amendments to the law have made it even more difficult to prove _____ and avoid liability.
6. You need a lawyer to do all the necessary paperwork to _____ a claim to the court.

7. Finish the sentences. Choose which is correct (a, b, c).

1. The purpose of criminal law is...
 - a. to deter or punish serious wrongdoing
 - b. to compensate the victims of wrongdoing
 - c. to protect citizens' rights

2. If someone commits a crime, they have offended against the state and the state has the right...
 - a. to extradite them
 - b. to prosecute them
 - c. to find them guilty

3. Two elements of a crime are...
 - a. violence and damage
 - b. criminal conduct and criminal plan
 - c. criminal intent and criminal act

4. Crimes can be classified as...
 - a. theft and burglary
 - b. felonies and misdemeanors
 - c. criminal offences and civil offences

5. If the defendant is found guilty, they are...
 - a. convicted of a criminal offence
 - b. acquitted of a criminal offence
 - c. charged with a criminal offence

6. The duty to prove a case is called...
 - a. the standard of proof
 - b. the burden of proof
 - c. evidence

7. The standard of proof in a civil action is proving the case...
 - a. beyond reasonable doubt
 - b. reasonably
 - c. on the balance of probabilities

8. Are the following statements true or false? Correct the false statements.

1. Criminal law and civil law are two bodies of law with different sets of laws, purposes and penalties.
2. Civil law deals with cases of defamation, such as libel and slander, and negligence.
3. All crimes involve violence.
4. Actus reus and mens rea refer to criminal intent and criminal act respectively.
5. An individual can file criminal charges against another individual.
6. The party responding to a claim in a civil action is called the defendant.
7. The person accused of a crime in a court of law is called the defendant.
8. The degree of certainty and evidence required to establish a particular fact or claim in a legal proceeding is called the burden of proof.
9. The standard of proof is higher in criminal cases because punishment for committing a crime is more severe.
10. Proving the guilt of the defendant beyond reasonable doubt means making the judge believe the evidence shows the defendant is more likely responsible than not.

9. Answer the questions.

1. What are the purposes of criminal law?
2. What are the purposes of civil law?
3. What cases do criminal and civil law deal with?

4. What is a crime?
5. What are the essential elements of a crime?
6. What two broad classes are all crimes divided into?
7. What do we call a person who has committed an offence?
8. What happens if the defendant is found not guilty at the criminal trial?
9. How can convicted criminals be punished?
10. How does a civil case commence?
11. What are the parties to a civil case?
12. What is the burden of proof?
13. What is the presumption of innocence?
14. How does the standard of proof differ in civil and criminal cases?

10. Fill in the table using information from the text.

	Civil procedure	Criminal procedure
The name of the offence is		criminal offence
Examples of offences		
The defendant is	sued	
The parties of the proceeding are		
The burden of proof is on		
The standard of proof is		
If the guilt is proved the defendant is found		
The court decision is called		
Possible punishment is		

11. Translate the sentences using the word combinations from Text 1.

1. В уголовных делах бремя доказывания лежит на стороне обвинения.
2. Справедливость будет восстановлена только после того, как правонарушитель будет наказан.
3. После дорожно-транспортного происшествия он подал в суд, который вынес решение в его пользу.
4. Эта юридическая компания представляет интересы своих клиентов в имущественных спорах.
5. В случае несправедливого увольнения стандарт доказывания в суде основан на балансе вероятностей.
6. В законодательстве действуют некоторые ограничения в отношении лиц, являющихся обвиняемыми по уголовному делу или осужденными преступниками.
7. Адвокат разъяснил, что такие вопросы как брак, опека над детьми и собственность регулируются нормами гражданского права.
8. При подаче иска истец должен действовать добросовестно, не допускается осуществление гражданских прав с целью причинения вреда другому лицу, а также действия в обход закона.
9. Подсудимого обвиняют в совершении нескольких тяжких преступлений, включая шпионаж.
10. Суд первой инстанции постановил, что ответчик должен возместить ущерб истцу за публикацию статьи, содержащей клевету в отношении истца и оскорбляющей его доброе имя и достоинство.

12. Read and translate the text.

Text 2

CONTRACT LAW

Vocabulary

1. to enter into contracts – заключать договоры
2. to fulfil an obligation – исполнять обязательства
3. consideration – встречное удовлетворение, встречное предоставление
4. offer – оферта (предложение)
5. acceptance – акцепт (принятие оферты/ предложения)
6. an invitation to treat – приглашение к переговорам/приглашение начать деловое сотрудничество
7. a contract made by deed – официально заключаемый договор, обычно в письменной форме
8. to breach a contract – нарушить договор
9. a remedy – средство судебной/ правовой защиты
10. to seek damages – требовать возмещения ущерба
11. specific performance – реальное исполнение, исполнение в натуре

We **enter into contracts** every day, whether we are shopping, checking our phones or buying a train ticket. A contract is a legally binding promise (written or oral) by one party **to fulfil an obligation** to another party in return for **consideration**. An enforceable contract must comprise four essential elements: **offer**, **acceptance**, consideration and intent to create legal relations. An offer refers to a promise that one party makes in exchange for another party's performance. In other words, it is an invitation to enter into a contract on certain terms. An offer differs from **an invitation to treat** which is one party's willingness to invite an offer. Examples of invitations include advertisements and auction sales.

Acceptance refers to the act of one party agreeing to the terms proposed by another party as presented in an offer. In a valid contract there must also be something of value parties give to each other, or do, or agree not to do, known as consideration. The next requirement of forming a valid contract is intention. This means that the parties must have intended for an agreement to be legally binding between them.

A binding contract must be in the form required by law, and between the parties with the capacity to contract. It may be made in writing, orally, or implied from conduct. However, some agreements must be made in writing, typically because registration is required for the agreement to be effective and the registry is only possible if the agreement is in writing. Examples of such contracts include the sale of land, transfer of shares, all **contracts made by deed**, such as long-term lease.

When a party fails to do what it is required under a contract, that party is said to have **breached the contract**. If the contract is breached, the law gives a **remedy** by means of a judicial proceeding, such as a lawsuit, for the injured party **to seek damages**. "Damages" refers to money which the court orders the breaching party to pay. Other remedies include **specific performance**, where a court orders the breaching party to perform the contract (only available for breach of contract to sell a unique item); injunction, a court order directing a person to stop doing that which she should not do; restitution which is a remedy restoring the claimant to the position he was in before the defendant had been unjustly enriched at his expense.

Contract law is an essential part of the vast majority of legal practices. It lays the foundations for commercial, shipping, land, corporate, insurance, even intellectual property law and others. It sets forth the terms and conditions of sale of goods, supply of services, rent agreements, loan agreements and receipts.

13. Give Russian equivalents for the following words and word combinations.

1. to enter into a contract
2. sale of goods
3. to fulfil an obligation
4. consideration
5. the injured party
6. an enforceable contract
7. a binding contract
8. the capacity to contract
9. to fail to do
10. judicial proceeding
11. specific performance
12. a remedy
13. terms and conditions of sale
14. receipts

14. Find in the text English equivalents for the words and word combinations.

1. аренда
2. намерение
3. предоставление услуг
4. правовые отношения
5. акции
6. заложить основы
7. нарушить договор
8. потерпевшая сторона
9. действующее соглашение
10. требовать возмещения ущерба
11. исполнить договор
12. доставка товаров
13. принять условия
14. купля-продажа земли

15. Complete the definitions with the words from the text.

1. _____ a legal agreement between two people or organizations;
2. _____ a promise that one party makes in exchange for another party's performance;
3. _____ an inducement given to enter into a contract that is sufficient to render the promise enforceable in the courts;
4. _____ assent to the terms of an offer;
5. _____ the procedure in which a right is enforced or satisfied by a court when some harm or injury is inflicted upon an individual;
6. _____ money that a person or organization pays to someone because they have harmed them or something that belongs to them;
7. _____ a court order to compel a party to perform its contractual obligations.

16. Fill in the gaps using the following remedies: *injunction, specific performance, restitution.*

1. Alexander signs a contract to sell Maria a gold samovar, a Russian antique of great sentimental value because it once belonged to Maria's great-grandmother, and then repudiates the contract while still executory, the court may properly grant Maria an order of _____ against Alexander.
2. An employer has a valid noncompete contract with an employee, and the employee, in breach of that contract, nevertheless undertakes to compete with his former employer. The employer starts a civil action and a court directs the former employee to stop such competition, i.e. it grants the employer an _____ .
3. In the depths of the British Museum, stored in a locked room, are 11 Tabots, the wooden tablets carved with the Ten Commandments, and they are sacred artefacts of the Ethiopian Orthodox church. So sacred are they, in fact, that only Ethiopian Orthodox priests are permitted to see them. The artefacts were looted by the British in 1868 and for years calls have been made for the Tabots to be returned to Ethiopia. In February 2024 the Brits has agreed "in principle" to returning a sacred tablet, igniting a debate around _____ claims made by the East African nation.

17. Translate the sentences using the word combinations from Text 2.

1. Для того чтобы договор был исполнимым, он должен содержать четыре основных элемента: оферту, акцепт, встречное удовлетворение и намерение создать правовые отношения.
2. Акцепт — это принятие одной из сторон условий, предложенных другой стороной в оферте.
3. Действительный договор также должен содержать нечто, что стороны передают друг другу, делают или соглашаются не делать, и это является встречным удовлетворением.
4. Договор, имеющий обязательную силу, должен быть составлен в соответствии с законом, и заключаться сторонами, имеющими правоспособность.
5. Когда сторона не выполняет условия, предусмотренные контрактом, считается, что она нарушает условия данного договора.
6. Возмещение ущерба представляет собой денежную компенсацию, которую по решению суда сторона, нарушившая договор, должна выплатить потерпевшей стороне.

18. Answer the questions.

1. What is a contract?
2. What are the essential elements of an enforceable contract? Define them.
3. How does an offer differ from an invitation to treat?
4. What forms can a contract take?
5. What is a breach of contract?
6. What can the injured party do in case of a breach of contract?
7. What does the term "damages" mean?
8. What other remedies are available to the court?

19. Read and translate the text.

Text 3

EMPLOYMENT LAW

Vocabulary

1. employment law – трудовое право
2. contractual provisions – положения договора
3. statutory rights – права, закрепленные в законе
4. entitlement to – право на
5. minimum wage – минимальный размер еженедельной оплаты труда
6. employment particulars – сведения о трудоустройстве
7. itemized pay statement – подробный расчетный лист
8. sick pay – оплата больничного листа
9. maternity and paternity leave – отпуск матери и отца по уходу за ребенком
10. notice of termination of employment – уведомление о прекращении трудовых отношений
11. part-time employment – частичная занятость
12. fixed-term employment – срочный трудовой договор
13. deductions – удержания из заработной платы
14. grievance procedures – порядок рассмотрения жалоб
15. job loss – потеря работы
16. National Living Wage – прожиточный минимум
17. Equality Act 2010 – Закон о равенстве 2010г.
18. safe working environment – безопасные условия труда
19. Health and Safety at Work Act 1974 – Закон об охране здоровья и безопасности труда 1974г
20. employment tribunals – суды по трудовым спорам
21. unfair dismissal – несправедливое увольнение
22. capability – способность исполнять трудовые обязанности
23. statutory illegality – нарушение законодательства
24. redundancy – увольнение в связи с сокращением штата

Employment law usually involves a mixture of **contractual provisions** and legislation regulating the relationship between employers and employees, and governing the relations between employers and trade unions, for example with regard to collective agreements and collective bargaining about conditions of work.

The main **statutory rights** of employees include **entitlement to:**

- a national **minimum wage**;
- equal pay for similar work;
- a written statement of **employment particulars**;
- an **itemized pay statement**;
- time off and holidays;
- statutory **sick pay**;
- **maternity and paternity leave**;
- **notice of termination of employment**;
- not to be discriminated against on grounds of sex, race, disability, religion, age, **part-time or fixed-term employment**, or trade-union membership.

It is usual practice for employers and employees to enter into a written agreement which sets out their respective obligations and rights, and which constitutes a contract of employment. Clauses in the contract generally deal with pay, **deductions**, hours of work, time off and leave, confidentiality, the **grievance procedures** in the event of job loss.

Employment laws in the UK are to protect businesses, outline what their obligations are towards their employees and what protections they have as business owners. They keep the employment relationship fair to both parties. For example, UK employment laws safeguard organisations because they set out guidelines for what to include in a contract – such as holiday entitlement, disciplinary rules and formal notice periods.

On the other hand, UK employment laws are also to protect employees, from hiring practices to conduct in the workplace and fair pay. For example, in the UK, businesses must pay the National Minimum Wage based on a staff member's age, and all staff members over the age of 23 are also entitled to the **National Living Wage**.

Employees are covered from the moment they apply for a job by the Equality Act 2010, which prohibits discrimination against candidates (and employees) based on their memberships of a set of nine protected characteristics – including gender, race or disability. When a staff member joins the team, they are also protected by Health & Safety laws, set out in the **Health & Safety at Work Act 1974**. These ensure all staff members have the right to a **safe working environment**.

Employment disputes are usually considered by **employment tribunals**. The most common claim is for **unfair dismissal**, but an employee needs 2 years' continuous employment to bring it. In the UK employers must have a statutory or fair reason to dismiss the individual (conduct, **capability**, **redundancy**, **statutory illegality** and "some other substantial reasons") and must follow a set statutory fair procedure to terminate employment (or even to discipline an employee). If this is not followed the individual has the right to sue the employer.

20. Give Russian equivalents for the following word combinations.

1. a pay statement
2. time off and leave
3. a contract of employment
4. business owners
5. disciplinary rules
6. hiring practices
7. to prohibit discrimination
8. a fair reason to dismiss
9. a statutory procedure
10. to discipline an employee

21. Find in the text English equivalents for the following words and word combinations.

1. обязанности и права
2. подать в суд на работодателя
3. непрерывный трудовой стаж
4. незаконное увольнение
5. профсоюз
6. нетрудоспособность
7. работодатели и работники
8. персонал
9. прекратить трудовые отношения
10. официальное уведомление

22. Match the words from the box with the definitions.

unfair dismissal, capability, statutory illegality, collective bargaining, fixed-term employment, disability

1. _____ dismissal is a unique aspect of UK employment law that arises when the continuation of an employment relationship becomes unlawful due to statutory or legal reasons. In such cases, employers may find themselves compelled to terminate an employee's contract to ensure compliance with the law.
2. _____ refers to the skills, ability, aptitude and knowledge you have in relation to the job that you are employed to do. Lack of it will in most cases lead to unsatisfactory performance in your role which in turn is likely to cause problems for both managers and colleagues.
3. _____ is the process in which working people, through their unions, negotiate contracts with their employers to determine their terms of employment, including pay, benefits, hours, leave, job health and safety policies, ways to balance work and family, and more.
4. _____ is a physical, mental, cognitive, or developmental condition that impairs, interferes with, or limits a person's ability to engage in certain tasks or actions or participate in typical daily activities and interactions.
5. _____ occurs when an employer fires an employee for reasons that violate employment law or their employment contract.
6. _____ is a contract in which a company or an enterprise hires an employee for a specific period of time. In most case it is for a year but can be renewed after the term expires depending on the requirement.

23. Fill in the gaps with the prepositions if necessary. Translate the sentences.

1. Regarding non-monetary benefits, the basic differences between the private and the government sectors lie in the entitlement ____ holiday and sick leaves and premium pay for holiday work, overtime and night work.
2. The principle of equal treatment and non-discrimination has been stated in several areas regulating relationships _____ employers and employees.
3. The date of termination _____ employment is determined by the court, depending on the circumstances of the case.
4. The Committee recommends the State party to take effective measures to ensure that employers respect their contractual obligations _____ their employees, namely by refraining from arbitrarily dismissing them or by paying their salaries or social security contributions on time.
5. Employees _____ age 23 without children pay an extra 0.25% of all earnings.
6. You can apply _____ a job online and earn money, even if you have no specialization.
7. Most cases of unfair dismissal are considered ____ employment tribunals.
8. If no agreement is reached, the employee can sue _____ the employer to obtain consent to part-time employment.
9. _____ the other hand, employers must know that they cannot base business efficiency on the exploitation of workers and justify each dismissal of a worker with insufficient efficiency.
10. Based on the specific situation, the lawyer will tell you what items you need to include _____ your employment contract, and what to remove or change.

24. Translate the sentences using the word combinations from Text 3.

1. Трудовое право обычно включает в себя совокупность договорных положений и правовых норм, регулирующих отношения между работодателями и работниками.
2. В соответствии с трудовым законодательством наемные работники имеют право на равную оплату труда, отпуск, оплату больничного листа, отпуск по уходу за ребенком.
3. Трудовое законодательство Великобритании должно осуществлять защиту бизнеса, определять обязанности работодателей перед их работниками и защищать их права как владельцев бизнеса.
4. Трудовое законодательство Великобритании должно осуществлять защиту работников в области практики найма, поведения на рабочем месте, обеспечения справедливой оплаты труда.
5. С момента подачи заявления о приеме на работу сотрудники защищены Законом о равенстве 2010 года, который запрещает дискриминацию кандидатов на должность.
6. Трудовые споры обычно рассматриваются в судах по трудовым спорам.
7. Наиболее распространенным иском является иск о несправедливом увольнении, но, чтобы его подать, работник должен иметь 2 года непрерывного трудового стажа.
8. В Великобритании для увольнения сотрудника работодатели должны иметь законные основания.

25. Answer the questions.

1. What is employment law?
2. What do statutory rights of employees include?
3. What is a contract of employment?
4. What do clauses in the employment contract deal with?
5. Why is employment law important?
6. What laws govern employment?
7. What is an employment tribunal?
8. What are the grounds for dismissal of an employee?

26. Read and translate the text.

Text 4

TORT LAW

Vocabulary

1. a tort – деликт, гражданское правонарушение
2. a remedy – средство судебной/ правовой защиты
3. relief – судебная защита
4. the injured party – пострадавшая сторона
5. pecuniary compensation – денежная компенсация
6. trespass – посягательство, нарушение владения
7. defamation – диффамация, клевета, распространение порочащих сведений
8. emotional distress – моральный вред
9. false imprisonment – незаконное лишение свободы
10. culpability – вина, виновность
11. product liability – ответственность производителя за качество выпускаемой продукции

Tort comes from the Latin word *tortum*, meaning “wrong.” A tort, in common law jurisdictions, is a civil wrong. Torts are deeply rooted in common law and decided cases. The law of tort can be defined as a wide-ranging body of rights, obligations and **remedies** applied by the courts in civil proceedings. The primary aims of tort law are to provide **relief to injured parties** for harm caused by others and to impose liability on parties responsible for the harm. It provides for **pecuniary** compensation for harm to people’s rights to health and safety, a clean environment, property, their economic interests, or their reputations recoverable by the process of law.

Torts fall into three categories: negligent torts, intentional torts, and strict liability torts.

Negligent torts relate to harm done to people through the failure of another to exercise a certain level of care, usually defined as a reasonable standard of care. There are four elements of a negligence case that must be proven for a lawsuit to be successful. All four elements must exist and be proven by a plaintiff. The failure to prove any one of these four elements makes a lawsuit in negligence deficient. The four elements are duty of care, breach of the duty, causation, harm.

A basic negligence lawsuit would require a person owing a duty to another person, then breaching that duty, with that breach being the cause of the harm to the other person. Accidents are a standard example of negligent torts.

Intentional torts are harm that have been caused by the willful misconduct of another, such as assault, fraud, and theft. Some intentional torts can also be criminal. For example, if a person batters someone and causes them harm, this is also a criminal act and the person can be arrested and sued at the same time. Common intentional torts include assault, battery, trespass to land, **defamation**, intentional infliction of **emotional distress** and **false imprisonment**.

Strict liability torts, unlike negligence and intentional torts, are not concerned with the **culpability** of the person doing the harm. Instead, such cases focus on the act itself. If someone or some entity commits a certain act—for example, producing a defective product—that person or company is responsible for the damage done, regardless of the level of care exercised or their intentions. Such torts include **product liability** and dog bite lawsuits.

Tort law is the area of the law that covers most civil suits. In general, any claim that arises in civil court, with the exception of contractual disputes, falls under tort law.

27. Give Russian equivalents for the following words and word collocations.

1. to provide relief
2. pecuniary compensation
3. rights to health and safety
4. decided cases
5. remedies
6. trespass to land
7. causation
8. negligence lawsuits
9. dog bite lawsuits
10. contractual disputes

28. Find in the text English equivalents for the following words and word combinations.

1. деликт, гражданское правонарушение
2. гражданское правонарушение, за которое предусмотрена строгая ответственность
3. нарушение прав человека
4. понести убытки
5. истец
6. побои
7. распространение порочащих сведений
8. умышленное неправомерное деяние
9. подать в суд на кого-либо
10. причинение морального вреда

29. Match the words and word combinations from the box with their definitions.

pecuniary compensation, relief, emotional distress, negligence, defamation, assault, product liability, battery.

1. _____ is redress, assistance, or protection given by a court.
2. _____ is money, given for a loss or injury which has been suffered, for example to compensate lost earning or medical bills.
3. _____ is an offence involving unlawful physical contact.
4. _____ is generally defined as an intentional act that puts another person in reasonable apprehension of imminent harmful or offensive contact.
5. _____ is the act of communicating to a third party false statements about a person that result in damage to that person's reputation.
6. _____ is the failure to behave with the level of care that a reasonable person would have exercised under the same circumstances.
7. _____ is legal liability of manufacturers or sellers to compensate buyers, users and even bystanders for damage or injuries suffered because of defects in goods purchased.
8. _____ a highly unpleasant emotional reaction (as anguish, humiliation, or fury) which results from another's conduct and for which damages may be sought.

30. Finish the sentences. Choose which is correct (a, b, c).

1. Tort comes from the Latin word, meaning...
 - a. right
 - b. left
 - c. wrong
2. English tort law provides for pecuniary compensation which means the winning party can get...
 - a. an exemption from taxes
 - b. money
 - c. wages
3. The law of tort can be defined as ...
 - a. pecuniary compensation for the harm suffered
 - b. a wide-ranging body of rights, obligations and remedies applied by the courts in civil proceedings
 - c. a body of law that relates to punishing people who break the law
4. Torts can be split into three broad categories:
 - a. contract breaches, criminal acts and civil wrongs
 - b. assault, battery and trespass to land
 - c. negligent torts, intentional torts, and strict liability torts
5. The four elements of negligent torts are:
 - a. duty, breach, causation, harm
 - b. duty, financial loss, injury, compensation

- c. pain and suffering, emotional distress and harm
6. Examples of intentional torts include...
 - a. assault, defamation and false imprisonment
 - b. product liability and dog bite cases
 - c. negligence and strict liability
 7. Strict liability cases focus on...
 - a. the culpability of the tortfeasor
 - b. the act itself
 - c. punishing the offender
 8. Strict liability torts include...
 - a. trespass to land and battery
 - b. product liability and dog bite cases
 - c. defamation and infliction of emotional distress

31. Are the following statements true or false? Correct the false statements.

1. The primary aims of tort law are to protect society, punish offenders and rehabilitate them.
2. English tort law provides for monetary compensation for harm to people's rights to health and safety, a clean environment, property, their economic interests, or their reputations recoverable by the process of law.
3. Torts falls into three categories: negligent torts, intentional torts, and product liability torts.
4. Negligent torts relate to harm done to people through the failure of another to exercise a certain level of care, usually defined as a reasonable standard of care.
5. There are three elements of a negligence case that must be proven by the plaintiff.
6. Intentional torts are harm that has been caused by the deliberate misconduct of another, such as assault, fraud, and theft.
7. Strict liability torts are concerned with the culpability of the person doing the harm.
8. Tort law is the area of the law that covers most civil suits as well as contractual disputes.

32. Read the following situations. What torts from the box do they refer to?

product liability, defamation, dog-bite tort, negligence, nuisance, false imprisonment.

1. While making a speech at a town hall meeting, a politician accuses her rival of committing a crime, when, in reality, no crime has been committed.
2. Your neighbour throws rubbish over the fence onto your premises.
3. A driver is speeding a car through an area with a lot of pedestrian traffic.
4. An employer detains someone for questioning for an unreasonable amount of time for suspected theft.
5. An elevator with a defectively manufactured pulley system causes the car to collapse or fall injuring passengers.
6. John is walking in a public park when his neighbor's dog, without provocation, bites him on the leg, causing significant injury.

33. Translate the following sentences using the word combinations from Text 4.

1. Деликт – это гражданское правонарушение.
2. Основная цель деликтного права — это предоставление средств судебной защиты пострадавшей стороне.
3. Деликтное право предусматривает денежную компенсацию за причиненный вред.
4. В деле о халатности истец должен доказать четыре элемента.
5. Умышленный деликт — это вред, причиненный умышленным неправомерным поведением, таким как нападение, мошенничество и кража.
6. Деликты строгой ответственности, в отличие от деликтов небрежности и умышленных деликтов, не связаны с виновностью лица, причинившего вред.
7. Любой иск в гражданский суд, за исключением исков по договорным спорам, рассматривается в соответствии с нормами деликтного права.

34. Answer the questions.

1. What Latin word does tort come from?
2. What is a tort?
3. What are the primary aims of tort law?
4. What is tort law?
5. What does tort law provide for?
6. What categories can torts fall into?
7. What is a negligent tort?
8. What are the four elements a plaintiff has to prove in a negligence case?
9. What is a standard example of a negligent tort?
10. What is an intentional tort? Give examples of intentional torts.
11. What do strict liability cases focus on?

Unit 3

THE SYSTEM AND CLASSIFICATION OF LAW IN THE RUSSIAN FEDERATION

Lead-in

1. Answer the questions.

1. What branches of Russian law do you know?
2. What do they deal with?

2. Read and translate the text.

Text

Vocabulary

1. to regulate social relations – регулировать общественные отношения
2. unity and consistency – единство и согласованность
3. a source of law – источник права
4. to protect the public interests – защищать интересы общества
5. to bring about stability and security – обеспечить стабильность и безопасность
6. a subject of law – субъект права
7. municipal regulations – муниципальные нормативные акты
8. fundamental branches – основные/ фундаментальные отрасли права
9. specialised branches – специализированные отрасли права
10. complex branches – комплексные отрасли права
11. to hold a leading position – занимать главное место
12. family matters – вопросы семьи

The system of law in the Russian Federation is defined as the historically formed internal structure of law which **regulates social relations**. It consists of **branches of law**, legal institutions and legal rules forming a single well-organized body of law. Its main characteristics are **unity and consistency**.

A branch of law is a set of legal rules and legal institutions that regulates a particular sphere of social relations. Each branch deals with a certain type of legal relations. As well as in most countries law in Russia is divided into public and private, substantive and procedural, domestic and international.

All branches of law can be classified into public and private by the type of social relations they regulate. Branches of private law are those where **subjects of law** (individuals and legal entities) enter into legal relations and determine most of their rights and obligations themselves. These branches include civil law, employment law, family law and so on.

The main purpose of public law is **to protect the public interests and to bring about stability and security**. Branches of public law are those where subjects of law enter into legal relations with the state. These relations are often called vertical as the parties (unlike the parties in private relations) are not equal. For example, the relations between a prosecutor and a criminal, a judge and a defendant, a tax inspector and a taxpayer – the former always has more power than the latter.

Branches of public law include constitutional law, administrative law, criminal and criminal procedural law, tax law and so on. Rights and obligations there are imperative, prescribed by the law.

Branches of law can also be classified into **substantive** and **procedural**. Branches of **substantive law** regulate relations in all spheres of life and say what is allowed or prohibited. Branches of procedural law regulate the way substantive law rules are applied while investigating crimes or resolving disputes in the court. They include criminal procedural law, civil procedural law, administrative procedural law, commercial procedural law and constitutional procedural law. All other branches are substantive.

In the Russian Federation, both domestic and international laws are in effect. Domestic law includes the Constitution, federal laws, regional laws, **municipal regulations**, and other regulatory documents that govern relations within the country. International law comprises treaties and agreements that Russia has entered into with other states and international organizations, as well as universally recognized principles and norms of international law. These two systems of law operate concurrently, with domestic law regulating internal matters and international law governing Russia's relations with other nations and adherence to global standards and agreements.

Another classification of Russian branches of law is based on essential unity and distinguishes between **fundamental, specialised and complex** branches. Fundamental branches are the main branches of law, they regulate general social relations and apply their own legal rules. This category includes branches of substantive law such as civil law, criminal law, administrative law as well as procedural law including civil, criminal and administrative procedural law. They don't include constitutional law which **holds the leading position** and serves the basis for the norms of other branches. Constitutional law in Russia concerns the structure of legislative, executive and judicial branches of power and the principles of their work, the political system of the country, its federative structure, forms of property, rights and duties of citizens and their freedoms.

Specialised branches were formed on the basis of fundamental branches. They deal with certain areas of social relations, such as **family matters**, financial and labour relations. Their rules are contained in special codes. They include family law, labour law, land law, etc. Complex branches don't have their own codes but apply the norms of fundamental or specialised branches. Agricultural law, business law, customs law are examples of complex branches.

3. Give Russian equivalents for the following word combinations.

1. to apply legal rules
2. to enter into legal relations
3. a set of legal rules
4. subjects of law
5. rights and obligations
6. to bring about stability and security
7. to resolve disputes
8. essential unity
9. a source of law
10. allowed or prohibited

4. Find in the text English equivalents for the following words and word combinations.

1. институт права
2. отрасль права
3. регулировать общественные отношения
4. источник права
5. налогоплательщик
6. подсудимый, ответчик
7. материальное право
8. расследовать преступления

9. применять нормы права
10. федеративное устройство
11. Кодекс

5. Are the following statements true or false? Correct the false statements.

1. The system of law in the Russian Federation is defined as the historically formed internal structure of law which regulates relations between private individuals.
2. A branch of law is a set of legal rules and legal institutions that regulates a particular sphere of social relations.
3. The division of the system of law into branches is necessary for better understanding of what a lawyer deals with.
4. Branches of public law are those where subjects of law (individuals and legal entities) enter into legal relations and determine most of their rights and obligations themselves.
5. Substantive law branches regulate the way of investigating crimes or resolving disputes in the court.
6. Fundamental branches only apply their own legal norms.
7. The norms of specialized branches are not codified.
8. Complex branches include agricultural law, business law and customs law.
9. Constitutional law is a fundamental branch of law.
10. Constitutional law concerns the structure of branches of power and the principles of their work; the political system of the country, its federative structure, forms of property, rights and duties of citizens and their freedoms.

6. Answer the questions.

1. What is a system of law?
2. What are the main characteristics of the system of law in the Russian Federation?
3. What is a branch of law?
4. How can branches of law be classified?
5. What is the difference between public and private branches of law?
6. What is the difference between substantive and procedural branches of law?
7. What is the status of constitutional law?
8. What does constitutional law concern?
9. How do fundamental, specialized and complex branches of law differ?
10. What are the examples of fundamental branches? Specialized branches? Complex branches?

7. Translate the sentences into English.

1. Основной характеристикой системы права в Российской Федерации является единство и согласованность.
2. Система права включает в себя правовые нормы, институты права и отрасли права.
3. Институт права — это совокупность взаимосвязанных юридических норм, регулирующих определённый вид общественных отношений.
4. К отраслям публичного права относятся конституционное, административное, уголовное и налоговое право.
5. К отраслям частного права относятся гражданское, семейное и трудовое право.
6. Материальное право определяет права и обязанности субъектов.
7. Процессуальное право — это совокупность норм права, регулирующих процессуальный порядок и обеспечивающих исполнение норм материального права.

8. Уголовно-процессуальное право – это отрасль права, регулирующая деятельность органов суда, прокуратуры, следствия и дознания по возбуждению, расследованию и вынесению решений по уголовным делам.
9. Экологическое, морское и сельскохозяйственное право относятся к комплексным отраслям права. Они, как правило, не имеют собственных кодексов. В случае возникновения споров в таких отраслях юристы вынуждены применять нормы основных и специальных отраслей права.

8. Speak about the system and classification of law in the Russian Federation (10-15 sentences).

Unit 3

BRANCHES OF LAW IN THE RUSSIAN FEDERATION

Lead-in

1. Answer the questions.

1. What is the difference between substantive and procedural law?
2. What is the difference between public and private law?

2. Read and translate the text.

Text 1

BRANCHES OF SUBSTANTIVE LAW IN THE RUSSIAN FEDERATION

Vocabulary

1. fee-based relations – возмездные отношения
2. property and non-property relations – имущественные и неимущественные отношения
3. possession and disposal of property – владение и распоряжение имуществом/собственностью
4. tangible assets – материальные активы
5. legal entities – юридические лица
6. to hold accountable – привлечь к ответственности
7. elements of corpus delicti – элементы состава преступления
8. the form and degree of guilt – форма и степень вины
9. to pertain – быть связанным с ч-л, относиться к ч-л.
10. premeditation – преднамеренность

Substantive law is a set of legal rules that establishes the principles and creates and defines rights under which society is governed. Substantive law branches include civil law, criminal law, administrative law, etc.

Civil law is a fundamental component of the system of law in many countries and Russian law is not an exception to the rule. Civil law concerns trade, **fee-based relations** and markets. It regulates **property and non-property relations**. Property relations typically encompass the rights and responsibilities associated with the **possession**, use, **disposal**, and transfer of **property**. This includes various forms of transferring property rights, such as leasing (renting out property) and succession (inheritance), among other transactions. These legal concepts are fundamental to property law and are essential for the orderly conduct of commerce and personal affairs. Non-property relations typically refer to personal non-economic rights that relate to an individual's personality rather than their **tangible assets**. These include rights related to a person's name, which is linked to their identity; honor and dignity, which are connected to their reputation and self-respect; and authorship, which pertains to the recognition of one's creative works. These rights are crucial for protecting the personal and moral interests of individuals.

Civil law norms regulate relations between **legal entities**, and these norms serve to protect the legitimate interests of manufacturers and service providers. This includes a wide range of interactions such as contracts, trade, corporate governance, and intellectual property rights. These laws provide a framework that supports the business environment by ensuring that the rights and obligations of all parties are clearly defined and protected.

The main characteristics of civil law include the equality of the parties and free will. Equality of the parties means that all parties in a legal transaction or dispute are treated equally

under the law, without any inherent advantage for any side. Free will refers to the principle that parties are free to enter into agreements and shape their contracts as they see fit, as long as they do not violate any laws or public policy. These principles are fundamental to ensuring fairness and justice within the civil law system.

Administrative law governs the activities of administrative agencies of government. It deals with the procedures these agencies must follow to enforce the laws and regulations passed by legislatures. It also provides a framework for ensuring that government action is consistent with the law and allows for the review of administrative decisions by the courts to ensure they comply with the law and that proper procedures are followed. The main principles of this law are subordination, authority and hierarchy.

Criminal law deals with the commission of crimes and the imposition of punishment. It defines what constitutes a crime, establishes penalties for committing crimes, and regulates the process of **holding** individuals **accountable** under the law. The objectives of criminal law include preventing unlawful behavior, protecting society, ensuring justice, and rehabilitating offenders. Criminal law defines the **elements of corpus delicti**, which refers to the body of the crime. It essentially means that there must be proof that a crime has occurred. **The form and degree of guilt** are also crucial aspects of criminal law. The form of guilt **pertains** to the nature of the mental state of the offender at the time of crime commission, such as intention, recklessness, or negligence. The degree of guilt can influence the severity of the punishment and is often determined by factors such as **premeditation**, the circumstances of the crime, and the offender's state of mind.

3. Give Russian equivalents for the following words and word combinations.

1. to govern society
2. non-property relations
3. possession and disposal of property
4. transfer of property
5. leasing
6. honour and dignity
7. creative works
8. service providers
9. free will
10. the orderly conduct of commerce
11. crime commission
12. imposition of punishment
13. recklessness
14. state of mind of the offender

4. Find in the text English equivalents for the following words and word combinations.

1. устанавливать принципы
2. возмездные отношения
3. имущественные отношения
4. наследование
5. материальные активы
6. право интеллектуальной собственности
7. юридическое лицо
8. законные интересы производителей
9. равенство сторон
10. заключить соглашение
11. органы административной власти

12. иерархия
13. привлечь к ответственности
14. обстоятельства преступления

5. Are the following statements true or false? Correct the false statements.

1. Civil law is a fundamental component of the system of law in many countries but Russian law is one exception to the rule.
2. Civil law concerns trade, fee-based relationships and markets and regulates property and non-property relations.
3. Property relations typically refer to personal non-economic rights.
4. Non-property relations include rights related to a person's name, honor and dignity, and authorship.
5. Criminal law norms regulate relations between legal entities, and these norms serve to protect the legitimate interests of manufacturers and service providers.
6. The main characteristics of civil law include the equality of the parties and free will.
7. Free will means that all parties in a legal transaction or dispute are treated equally under the law, without any inherent advantage for any side.
8. Administrative law governs the activities of judicial bodies.
9. The main principles of administrative law are subordination, authority and hierarchy.
10. Criminal law deals with the commission of crimes and the imposition of punishments.
11. The degree of guilt can influence the severity of the punishment and is often determined by factors such as presumption of innocence and repentance of the offender.

6. Translate the sentences into English.

1. Материальное право — это совокупность правовых норм, которые устанавливают принципы, согласно которым осуществляется управление обществом.
2. Гражданское право регулирует имущественные и неимущественные отношения.
3. Неимущественные отношения обычно относятся к неэкономическим правам, связанными с личностью лица, а не с его материальными активами.
4. Нормы гражданского права регулируют отношения между юридическими лицами и защищают законные интересы производителей и организаций, предоставляющих услуги.
5. Основные характеристики гражданского права — это равенство сторон и свобода воли.
6. Административное право регулирует работу органов государственной власти.
7. Уголовное право определяет, что является преступлением, определяет наказание за совершение преступления и регулирует процесс привлечения лиц к ответственности в соответствии с законом.
8. Цели уголовного права включают предотвращение противозаконного поведения, защиту общества, обеспечение справедливости и реабилитацию правонарушителей.

7. Answer the questions.

1. What does civil law concern?
2. What are property and non-property relations?
3. What do civil law norms protect?
4. What are the main characteristics of civil law?
5. What does administrative law govern?
6. What does criminal law deal with?
7. What does criminal law define?

8. What are the objectives of criminal law?
9. What can influence the severity of punishment in criminal law?

8. Read and translate the text.

Text 2

BRANCHES OF PROCEDURAL LAW

Vocabulary

1. to emerge – возникать
2. to set forth – устанавливать
3. a defense counsel – адвокат, представитель стороны защиты
4. to adjudicate – вынести решение
5. a civil action – гражданский процесс
6. service of process – процессуальные извещения
7. pleadings – состязательные документы
8. statements of case – заявления по существу спора
9. motions and applications – ходатайства и заявления
10. a deposition – письменные показания
11. discovery and disclosure – раскрытие и предание гласности
12. entrepreneurial activities – предпринимательская деятельность

There are five branches of procedural law in the Russian Federation.

Criminal procedural law deals with relations **emerging** in investigations and criminal trials **setting forth** the rights and duties of the investigator and the prosecutor, the defendant and their **defense counsel** as well as other participants involved in the proceedings. It establishes the procedure for court hearings, passing the sentence, appealing against the ruling. The rules of this body of law govern the procedures by which crimes are investigated, prosecuted, **adjudicated**, and punished. The main source of law is the Criminal Procedure Code of the Russian Federation.

Civil procedural law is the body of law that sets out the rules and standards that courts follow when adjudicating civil lawsuits. It regulates the order and sequence of stages of court hearings in **civil actions**. It governs how a lawsuit or case may be commenced, what kind of **service of process** (if any) is required, the types of **pleadings** or **statements of case**, **motions or applications**, and orders allowed in civil cases, the timing and manner of **depositions** and **discovery or disclosure**, the conduct of trials, the process for judgment, various available remedies, and how the courts and clerks must function. The main source of law is the Civil Procedure Code of the Russian Federation.

Administrative procedural law regulates the settlement of disputes in public administration that is between certain governmental bodies, or between state authorities and citizens. The purpose of administrative procedure is to ensure fairness in relations between state bodies and to protect citizens' rights and freedoms. It deals with the order of proceedings in cases concerning administrative offences and the procedure for enforcement of imposed administrative penalties. The main sources of law are the Code on Administrative Offences of the Russian Federation and the Administrative Procedure Code of the Russian Federation.

Commercial procedural law is a set of legal rules which regulates the work of **commercial courts** settling economic disputes and considering other cases within their competence in accordance with the Commercial Procedure Code of the Russian Federation and federal laws. It protects the violated or disputed rights and legitimate interests of persons performing entrepreneurial and other economic activities, as well as the rights and legitimate interests of the

Russian Federation, of the constituent entities of the Russian Federation, of municipal entities in the sphere of **entrepreneurial** and other economic **activities**. It provides a fair public hearing within a reasonable time, by an independent and impartial court.

Constitutional procedural law or constitutional judicial procedure is a body of law which regulates constitutional procedural relations. It is closely connected with the work of the Constitutional Court of the Russian Federation and the cases heard there including interpretation of the Constitution, resolving disputes within the scope of governmental authorities, constitutionality of laws, etc. Primary sources of law are the Constitution and the federal law "On the Constitutional Court of the Russian Federation".

9. Give Russian equivalents for the following words and word combinations.

1. the investigator and prosecutor
2. court hearing
3. to adjudicate a civil lawsuit
4. various available remedies
5. to ensure fairness
6. administrative penalties
7. the main source of law
8. commercial courts
9. a fair public hearing
10. an impartial court
11. the interpretation of the Constitution
12. to resolve disputes within the scope of governmental authorities

10. Find in the text English equivalents for the following words and word combinations.

1. расследование
2. устанавливать права и обязанности
3. подсудимый
4. вынести приговор
5. решение суда
6. последовательность этапов в судебном слушании
7. процесс вынесения решения
8. секретарь суда
9. органы государственной власти
10. административное правонарушение
11. заниматься предпринимательской деятельностью
12. конституционное судопроизводство

11. Match the words from the box with their definitions.

motion, statement of case, remedy, ruling, deposition, sentence, dispute

1. _____ in a civil proceeding is a document that sets out the facts of someone's case on which they seek to rely in legal proceedings, e.g. the claimant's statement of claim, the defense, any counterclaim.
2. _____ is a formal written statement made for example by a witness to a crime which can be used in a court of law if the witness cannot be present.
3. _____ is a formal request made by a party for a desired ruling, order, or judgement.

4. _____ is a court's decision on a matter presented in a lawsuit.
5. _____ is punishment given to a person convicted of a crime, ordered by a judge, based on the verdict of the jury.
6. _____ is a disagreement that gives rise to a legal proceeding such as a lawsuit or arbitration.
7. _____ is a means of redressing an injury or enforcing a right in a legal action; some of them involve payment of money, others require that certain acts be performed or prohibited.

12. Are the following statements true or false? Correct the false statements.

1. There are more than five branches of procedural law in the Russian Federation.
2. Criminal procedural law establishes the procedure for court hearings, passing the sentence, appealing against the ruling.
3. The main source of criminal procedural law is the Criminal Code of the Russian Federation.
4. Civil procedural law is the body of law that regulates the order and sequence of stages of court hearings in civil actions.
5. The purpose of administrative procedure is to ensure fairness in relations between state bodies and to protect their rights.
6. Commercial procedural law is a set of legal rules which regulates the work of commercial courts settling matrimonial disputes and considering other cases within their competence.
7. Commercial courts protect the violated or disputed rights and legitimate interests of persons performing entrepreneurial and other economic activities.
8. Constitutional procedural law or constitutional judicial procedure is a body of law which regulates constitutional procedural relations. It is closely connected with the work of the Supreme Court of the Russian Federation and the cases heard there.

13. Translate the sentences into English.

1. Уголовно-процессуальное право регулирует отношения, возникающие в ходе расследования и уголовного судебного процесса, определяет права и обязанности следователя и прокурора, обвиняемого и его защитника, а также других участников процесса.
2. Гражданское процессуальное право — это отрасль права, которая определяет правила и стандарты, которыми суды руководствуются при рассмотрении гражданских исков.
3. Основным источником гражданского процессуального права является Гражданский процессуальный кодекс Российской Федерации.
4. Целью административного судопроизводства является обеспечение справедливости в отношениях между государственными органами и защиты прав и свобод граждан.
5. Арбитражное процессуальное право представляет собой совокупность правовых норм, регулирующих работу арбитражных судов по разрешению экономических споров и рассмотрению других дел в рамках их компетенции.
6. Арбитражное процессуальное право обеспечивает справедливое публичное слушание в разумные сроки независимым и беспристрастным судом.
7. Конституционное процессуальное право тесно связано с работой Конституционного Суда Российской Федерации и рассматриваемыми им делами, включая толкование Конституции, разрешение споров о полномочиях государственных органов и конституционности законов.

14. Answer the questions.

1. How many branches of procedural law are there in the Russian Federation?
2. What does criminal procedural law deal with?
3. What does criminal procedural law establish?
4. What is the main source of criminal procedural law?
5. What is civil procedural law?
6. What does civil procedural law govern?
7. What does administrative procedural law regulate?
8. What is the purpose of administrative procedure?
9. What are the main sources of administrative procedural law?
10. What is commercial procedural law?
11. What does commercial procedural law protect?
12. What is constitutional judicial proceeding?
13. What are the primary sources of constitutional procedural law?

15. Speak about branches of substantive and procedural law in the Russian Federation. Cover the following points.

- Civil law and civil procedural Civil procedural law
- Criminal law and criminal procedural law
- Administrative law and administrative procedural law
- Commercial procedural law
- Constitutional procedural law

Glossary

an agreement - a binding agreement - an enforceable agreement	соглашение соглашение, имеющее обязательную силу соглашение, имеющее исковую силу
assets - tangible assets - intangible assets	активы материальные активы нематериальные активы
branches of law - fundamental branches of law - specialised branches of law - complex branches of law	отрасли права основные отрасли права специальные отрасли права комплексные отрасли права
burden of proof	бремя доказывания
civil - a civil action - civil law - civil wrong - civil proceedings - civil procedural law	гражданский гражданский иск, процесс гражданское право гражданское правонарушение гражданский процесс гражданское процессуальное право

a contract	договор, контракт
- to breach a contract	нарушить договор
- to enter into a contract	заключить договор
- parties to a contract	стороны договора
- breach of contract	нарушение договора
- a written contract	договор в письменной форме
- a contract of employment	трудовой договор
consideration	встречное удовлетворение, встречное предоставление
- exchange of considerations	обмен встречными удовлетворениями
- valuable consideration	надлежащее встречное удовлетворение
criminal	уголовный
- a criminal offence	уголовное преступление
- criminal proceedings	уголовный процесс
- a criminal procedure	уголовный процесс
- to have a criminal record	иметь судимость
- criminal responsibility	уголовная ответственность
- grounds for criminal responsibility	основания для привлечения к уголовной ответственности
- exemption from criminal responsibility	освобождение от уголовной ответственности
damages	возмещение убытков/ущерба
- to be entitled to damages	иметь право на возмещение убытков
- to claim damages	требовать возмещение ущерба
- to seek damages	добиваться возмещения ущерба
- to pay damages	возместить ущерб
evidence	доказательства, улики
- preponderance of evidence	наличие более веских доказательств, перевес доказательств
an injunction	судебный приказ, запрет
law	право
- employment/labour	трудовое право
- contract law	договорное право
- customs law	таможенное право
- copyright law	авторское право
- intellectual property law	право интеллектуальной собственности
- substantive law	материальное право
- tort law	деликтное право
- procedural law	процессуальное право
litigation	судебный процесс по гражданскому делу, тяжба
mental distress	моральный ущерб
relations	отношения

- property relations
- non-property relations
- social relations
- fee-based relations

remedies

- to seek remedies

sentence

- to pass a sentence
- specific performance

имущественные отношения
неимущественные отношения
общественные отношения
возмездные отношения

средство судебной/правовой защиты
добиваться судебной защиты

приговор

вынести приговор
реальное исполнение договора

Chapter 7. CRIME AND PUNISHMENT

Unit 1

WHAT IS CRIME

Lead-in

1. There are different terms referring to any violation of the law. What is the principal difference between them? Consult the dictionary.

- Misdeed, misconduct
- Crime, offence, wrongdoing
- Unlawful act, violation of the law, lawbreaking

2. There are possible definitions of the term “crime”. Which of them is the most complete and precise?

1. Commission of an act forbidden by law.
2. Deviant behaviour that violates prevailing norms.
3. Illegal activity in general.
4. A bad, immoral or dishonourable act.
5. An offence that is committed against individuals or groups of individuals with criminal intent.
6. The breach of rules or laws.

3. Read and translate the text.

Text 1

WHAT IS CRIMINAL CONDUCT

Vocabulary

1. a crime/offence/wrongdoing - преступление, правонарушение
2. commission of an act – совершение деяния
3. criminal conduct - преступное поведение
4. omission of a duty - неисполнение обязанности
5. to be liable to punishment - подлежать наказанию
6. to forbid the application of the law retroactively - запрещать применение закона задним числом/придавать обратную силу
7. analogical extension - распространение по аналогии
8. to convict - выносить обвинительный приговор
9. unambiguous language - недвусмысленный, точный язык, не допускающий двойного толкования
10. a vague statute - расплывчатый, неясный закон
11. to suspect of the crime - подозревать в совершении преступления
12. to grow explosively - стремительно расти
13. unauthorized access - несанкционированный доступ
14. copyright infringement - нарушение авторского права
15. identity theft - кража персональных данных
16. cybercrimes - компьютерные преступления
17. an impostor - мошенник, обманщик, самозванец
18. social security numbers - номера социального страхования

19. driver's license numbers - номера водительского удостоверения
20. personal gain - личная выгода
21. a data breach- утечка данных
22. to impose stricter systems of social control - ввести более жесткие нормы социального контроля
23. phishing - фишинг
24. a scam - мошенничество/мошеннические схемы

Crime is an act or **the commission of an act** that is forbidden or **the omission of a duty** that is commanded by public law and that makes the offender **liable to punishment** by that law.

The word 'crime' is generally associated with **wrongdoing** but not every type of wrongdoing is a crime. Telling lies is immoral wrong but if telling lies is put into practice resulting in physical harm to another, then such action becomes both criminal and immoral. Crime is defined under particular material circumstances and in relation to specific social processes.

The principle of legality is recognized in almost all legal systems throughout the world in four senses. The first is that there can be no crime without the rule of law. Thus, immoral or antisocial conduct not forbidden and punished by law is not criminal.

Second, the principle of legality directs that criminal statutes are interpreted strictly and that they are not applied by **analogical extension**.

Third, the principle of legality **forbids the application of the law retroactively**. In order that a person may **be convicted**, a law must have been in effect at the time the act was committed.

Fourth, the language of criminal statutes must be as clear and **unambiguous** as possible in order to provide fair warning to the potential lawbreaker. In some countries statutes may even be considered inapplicable if they are **vague**.

There are some acts which are considered to be crimes in one country but not in another. For example, it is a crime to have more than one wife at the same time in France, but not in Indonesia. There are quite a lot of agreements among states as to which acts are criminal. But such acts as stealing, physical attack or damaging somebody's property will be unlawful in all countries and the way of dealing with people **suspected of the crime** may be different. Sometimes government "creates" new crimes by identifying a form of behavior and passing a new law to deal with it. Different societies or governments often review their ideas of what should and shouldn't be a crime. For example, race or sex discrimination hasn't been considered a crime for a long time.

In recent years the Internet has **grown explosively** and there appeared some new crimes such as **unauthorized access** or "hacking", **copyright infringements**, child pornography, etc. **Cybercrimes** may intentionally harm the reputation of the victim; they may threaten nation's security or financial health.

Crimes involving **identity theft** are becoming increasingly common. Identity theft is a crime in which an **impostor** obtains key pieces of personal identifying information, such as **social security numbers and driver's license numbers**, and uses them for their own **personal gain**. This is called ID theft. It can start with lost or stolen wallets, stolen mail, **a data breach**, a computer virus, **phishing, a scam** or paper documents thrown out by you or a business.

Most crimes are not reported, not recorded, or not able to be proved. When informal relationships and sanctions are insufficient to establish and maintain a desired social order, a state may **impose stricter systems of social control**.

4. Give Russian equivalents for the following words and word combinations.

1. the commission of an act
2. the principle of legality
3. the rule of law
4. to forbid the application of the law retroactively

5. to convict
6. a vague statute
7. to suspect of the crime
8. to grow explosively
9. unauthorized access
10. identity theft
11. a data breach
12. driver's license numbers

5. Find in the text English equivalents for the following words and word combinations.

1. преступление, правонарушение
2. неисполнение обязанности
3. верховенство права
4. недвусмысленный, точный, не допускающий двойного толкования язык
5. потенциальный правонарушитель
6. преступное поведение
7. нарушение авторского права
8. вводить более жесткие нормы контроля
9. личная выгода
10. мошенничество
11. киберпреступления
12. поддерживать общественный порядок

6. Answer the questions.

1. Is any violation of law a crime?
2. What does the principle of legality imply?
3. Do different societies define crimes in the same way?
4. What new crimes are common nowadays?
5. What is identity theft? Give examples.
6. When may a state impose stricter systems of social control?

7. Match criminal offences with their descriptions.

1. armed robbery	a) attempting to physically attack a person
2. arson	b) buying and selling illegal narcotics
3. assault	c) deceiving somebody out of money or property
4. battery	d) hiding evidence, threatening witnesses, etc.
5. bribery	e) entering the building with intent to commit a crime
6. burglary	f) general term for taking another person's personal property without permission
7. domestic violence	g) giving money etc. to influence a public official
8. drug trafficking	h) illegally trying to avoid paying taxes
9. embezzlement	i) intentional and malicious damage to or destruction of property
10. extortion	j) intentionally burning a building

11. fraud	k) killing somebody through an act or omission
12. homicide/murder	l) obtaining money or property through indirect threats or intimidation
13. kidnapping	m) stealing from an employer
14. manslaughter	n) stealing merchandise from a shop or business
15. obstruction of justice	o) striking a person with intent to harm
16. rape	p) taking a person against his/her will (or taking a child from the control of a parent or guardian)
17. shoplifting	q) using a weapon to take money or property by force or direct threat of violence
18. tax evasion	r) unlawful killing but without intent to kill
19. theft	s) using violence or threats to have sex without consent
20. vandalism	t) violence or abuse against a member of the offender's own household (e.g. wife/husband and children)

8. Identify a person who commits an illegal act. Follow the pattern.

A person who ... is a ...

1. ... steals from banks
2. ... steals purses and wallets
3. ... gets money by threatening to disclose personal information
4. ... seizes aero planes
5. ... takes things from a shop without paying
6. ... kills people
7. ... sets fire to property illegally
8. ... steals from houses and offices especially at night
9. ... takes people hostage for ransom
10. ... buys and sells illegal narcotics

9. Fill in the table with the appropriate words. Consult the dictionary.

Verb	Abstract Noun	Noun/Person
to assassinate	assassination	an assassin
to burgle		
to smuggle		
to hi-jack		
to embezzle		
to murder		
to mug		
to rob		
to kidnap		
to bribe		

10. Make a plan of the text to retell it.

11. Read the text. Match causes of crime with their descriptions.

Text 2

WHY DO PEOPLE COMMIT CRIMES?

Vocabulary

1. to brush under the carpet - утаивать, скрывать
2. to bring it in the spotlight - привлекать всеобщее внимание к ч-л
3. to swing many politicians to sth - побуждать многих политиков к ч-л
4. to hire mobs - нанимать бандитов
5. severe media scrutiny - пристальное внимание средств массовой информации
6. drug addiction - наркотическая зависимость
7. to get rid of addiction - избавиться от зависимости
8. rampantly growing disease - стремительно растущее заболевание
9. per capita income - доход на душу населения
10. economic deprivation is rampant - ухудшение экономического положения носит угрожающий характер
11. to get involved in big troubles - иметь большие проблемы
12. to join the bandwagon - следовать повальному увлечению
13. to walk the negative path - идти по кривой дорожке
14. to get stuck behind bars - попасть в тюрьму
15. to commit a felony - совершить тяжкое преступление
16. staunchly religious communities - стойкие религиозные сообщества
17. to invest oneself in criminal cases - совершать уголовные правонарушения/преступления
18. to chop off the heads of their people - наказывать членов своей общины

1. Poverty
2. Peer Pressure
3. Drugs
4. Politics
5. Religion
6. Family Conditions

- A. This issue is often **brushed under the carpet** but is important to **bring it in the spotlight**. The drive to get that seat is what **swings many politicians** to equip the youths with weapons and perform criminal activities. In this day and age, it is common for politicians **to hire mobs** and rent people at lower prices to break into a building or start a war-like situation within the country. It has always been the subject of **severe media scrutiny**, and the truth be told, it is often the mother of all the problems in nations which haven't stabilized. In developing countries, it is common for politicians to kill people and to be found guilty of murder. There have been several cases in Asian countries where politicians were found guilty of having killed their people in masses.
- B. **Drug addiction** has always been highly criticized by critics. A person who is addicted to drug will at one point in time do something he/she isn't supposed to do. Drug addicts are often unable **to get rid of addiction** as a result of which their life starts getting filled with bad habits. A poor lifestyle

compels a person to adopt habits which he/she should distance themselves from. After research, when the most violent criminals were asked about their crimes, they blamed drugs as the main reason. Drug addiction is another **rampantly growing disease** which has slowly encapsulated many parts of the world. As many as 0.7 million people die from drug addiction in the US alone.

- C. This is perhaps one of the most concrete reasons why people commit crimes. Economic deprivation is seen as a major instigator in this regard. You will be shocked to know that 3 billion people in this world are categorized as poor and living on a very lower **per capita income**. UNICEF says more than 1 billion children are living in poverty worldwide. More than 20,000 children die due to poverty every day. In a country where **economic deprivation is rampant**, it is common for people to engage in criminal acts. The hunger and poor economic conditions are what leads many people **to invest themselves in criminal cases**.
- D. This is a new form of concern in the modern world. Many young people commit crimes because they see a lot of their peers engaging in such acts. It is common for high school students and college going students to engage in drugs, weed, marijuana and a lot more. Young age is very critical since one isn't filled with wisdom and experience which is why a lot of people make the mistake of becoming criminals for no reason at all. Most youths who don't have a strong will to neglect or confront minor criminal acts often end up **getting involved in big troubles**. Unfortunately, many young people in this world don't realize that they're doing multiple criminal acts by being a part of things they aren't supposed to be. Therefore, it is another notorious reason for why young people are compelled into **joining the bandwagon**.
- E. Family is also a weak point of any person who is about to commit a crime. If you're not being able to provide for the entire family as a poor person, at one point in time you will think of **walking the negative path** to get what your family needs. In most cases, when people are asked, they claim they need to provide for the family because of which they end up **getting stuck behind bars**. There are many things which go on within the family, compelling a person to get involved in criminal activities. Many young people engage in criminal activities for they believe it is their responsibility to take care of family even if it means **to commit a felony**. In many murder cases, young people are often caught who then explained how the rich bribe them handsomely to do something they're not supposed to.
- F. It is another controversial part of this world. No one can escape from the fact; people still fight on racial divides and sectarian issues in society. Even though practicing religious belief is a basic human right, yet many uneducated and illiterate people fail to understand it. In several criminal cases, religious fanatics have been accused of murdering innocent people based on their school of thought. Especially in **staunchly religious communities** it is common for people **to chop off the heads of their people** in case they find somebody talking about the modern world. However, in advanced and secular countries, the criminal rate because of religion is fairly less.

12. Give Russian equivalents for the following word combinations.

1. to brush under the carpet
2. to swing many politicians to do sth
3. severe media scrutiny
4. to get rid of addiction
5. rampantly growing disease
6. per capita income
7. to confront minor criminal acts
8. getting stuck behind bars
9. staunchly religious communities

10. secular countries

13. Find in the text English equivalents for the following word combinations.

1. привлечь всеобщее внимание
2. побуждать многих политиков к ч-л
3. нанимать бандитов
4. наркотическая зависимость
5. ухудшение экономического положения носит угрожающий характер
6. нехватка мудрости и опыта
7. следовать повальному увлечению
8. иметь большие проблемы
9. попасть в тюрьму
10. уровень преступности

14. Answer the questions.

1. What swings politicians to equip the youths and perform criminal activities?
2. How does drug addiction foster the crime rate?
3. What is implied by economic deprivation?
4. How does the peer environment inspire young people to be involved in criminal activity?
5. How do some youths see the responsibility to take care of family?
6. Why is the crime rate higher in some countries?
7. What are the most common causes of crime?

15. What do the following numbers refer to?

- 20 000
- 3 bln
- 0.7 mln
- 1 bln

16. Consult the dictionary. Use negative prefixes to form antonyms to the following words. Fill in the table.

- | | | |
|--------------|--------------|---------------|
| • important | • developing | • reasonable |
| • common | • able | • fortunately |
| • truthful | • violent | • educated |
| • stabilized | • critical | • literate. |

im	il	un	dis	non
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17. Read and translate the text.

Text 3

WHY DO PEOPLE BREAK THE LAW?

Vocabulary

1. not to be served justice - не получать доступ к правосудию
2. to be proven /proved guilty - быть признанным виновным
3. to blame the judicial system - винить судебную систему
4. to commit crimes - совершать преступления
5. the drive to succeed - стремление к успеху
6. to create a demarcation - провести границу
7. to indulge in criminal activities - заниматься преступной деятельностью
8. to flaunt the wealth - выставлять напоказ богатство
9. to contribute to the crime stats - пополнять статистику преступлений
10. a skyrocketing factor - стремительно растущий фактор
11. to get a job - устраиваться на работу
12. to destroy careers - разрушать карьеру
13. to destroy cars, houses and properties - уничтожать автомобили, дома и имущество
14. to be entitled to sth - иметь право на что-то

People who are not **served justice** become hostile and often engage in crimes. Though most of the courts of law try to do their best in the light of available evidence and all, but sometimes the innocent **are proven guilty** in the court which compels them to show the ugly side of their personality to the world. As many as thousands of people **blame the judicial system as unfair and commit crimes**. Many often kill the members of the winning party when justice is not served to them. In many developing countries, it is common for people in small communities to kill each other based on simple issues.

Societal norms and standards have always been topical. We live in a day and age where money is valued more than relationships and a normal standard of life. In **the drive to succeed** many people fail **to create a demarcation** between their needs and wants. In a society where even universities are teaching children to earn money instead of realizing its value, one can never say crimes won't be committed. Some parents have a bizarre habit of comparing their children with other kids which is why their kids often **indulge in criminal activities** to make a lot of money. When people care for their wealth it is common for less privileged people to feel compelled to earn more. Therefore, if you're **flaunting your wealth** in front of the poor and needy or anyone from a middle-class background, you're **contributing to the crime stats** of the society in some way.

This **skyrocketing factor** in many countries is often the main reason why so many people commit crimes. You will be shocked to know more than 30% of people in this world are unemployed. It is quite frustrating after one fails **to get a job** post studying for years in high school and university. Unemployment is not just an issue relevant to the developing countries but equally common in developed countries. Unfortunately, people spend a lot of money on their education, but seldom come across a good job immediately post the completion of their studies. Most youngsters **destroy their careers** when they engage in criminal activities very early in their lives.

This is another major reason for crime rates increasing every day. In countries where there is economic deprivation of even the basic rights, it is common for people to rebel. Furthermore, in small communities it is common for people to engage in fights over land, property, wealth etc. Therefore, to get their voices heard, many people commit crimes for the world to see what they've done. Especially during election campaigns, it is common for angry people **to destroy cars, houses and properties** to tell the government how cruel they **can be** if not **entitled to** their rights.

18. Give Russian equivalents for the following word combinations.

1. to kill each other
2. to prove guilty

3. to create a demarcation
4. the drive to succeed
5. to flaunt the wealth
6. a skyrocketing factor
7. to destroy careers
8. to be entitled to sth

19. Find in the text English equivalents for the following word combinations.

1. сделать все возможное
2. винить судебную систему
3. совершать преступления
4. заниматься преступной деятельностью
5. пополнять статистику преступлений
6. устраиваться на работу
7. безработица
8. завершение образования

20. Match the verbs on the left with the words and word combinations on the right to make collocations. Translate them into Russian.

- | | |
|------------------|--------------------------------|
| 1. kill | a. a job |
| 2. to commit | b. guilty |
| 3. to serve | c. cars, houses and properties |
| 4. to create | d. criminal activities |
| 5. to do | e. a demarcation |
| 6. to earn | f. each other |
| 7. to prove | g. justice |
| 8. to indulge in | h. crimes |
| 9. to get | i. their best |
| 10. to destroy | j. money |

21. Find in the text synonyms to the following words.

- | | | |
|------------------|----------------------|----------------|
| • to be involved | • severe | • estate |
| • fairness | • not guilty | • impetuous |
| • identity | • to be eligible for | • to ruin |
| • essential | • matters | • lack of work |
| • a proof | • to murder | • to protest |
| • an offence; | • separation | |

22. Answer the questions.

1. What is the reason for some people to engage in crimes?
2. What do some people do to succeed?
3. What does economic deprivation lead to?
4. What reasons/factors lead to crime?

23. Summarize Text 3.

Unit 2

CATEGORIES OF CRIMES

1. Read and translate the text.

Text 1

PURPOSES OF CRIMINAL LAW

Vocabulary

1. to serve several purposes - иметь несколько целей
2. to guide human conduct - регулировать поведение человека
3. to provide penalties and punishment - предусматривать штрафы и наказания
4. to be guilty of committing crimes - быть виновным в совершении преступлений
5. to deal with criminals - иметь дело с преступниками
6. to punish the offender - наказывать правонарушителя
7. to discourage sb from committing crimes - удерживать к-л от совершения преступления
8. to inflict physical punishment - назначать физическое/телесное наказание
9. incarceration - лишение свободы
10. to protect the community from criminals - защищать общество от преступников
11. to deter the offender from the crime - удерживать правонарушителя от совершения преступления
12. to rehabilitate the criminal - реабилитировать личность преступника
13. to create an understanding of right and wrong - сформировать понимание "что такое хорошо и что такое плохо"
14. to break the law - нарушать закон

Laws **serve several purposes** in the criminal justice system. The main purpose of criminal law is to protect, serve, and limit human actions and to help **guide human conduct**. Also, laws **provide penalties and punishment** against those who are **guilty of committing crimes** against property or persons. In the modern world, there are three choices in **dealing with criminals** namely criminal punishment, private action and executive control. The second purpose of criminal law is **to punish the offender**. Punishing the offender is the most important purpose of criminal law since by doing so it **discourages him from committing crimes** again while making him or her pay for their crimes. Retribution does not mean **inflicting physical punishment** by **incarceration** only, but it also may include things like rehabilitation and financial retribution among other things. The last purpose of criminal law is **to protect the community from criminals**. Criminal law acts as the means through which the society protects itself from those who are harmful or dangerous to it. This is achieved through sentences meant to act as a way of **detering the offender from** committing the same crime in the future.

Criminal law has several purposes depending on how people view it. A few of the functions of criminal law are to divide criminals from society, **rehabilitate the criminal** and punish the offenders. However, the two main functions of criminal law are **to create an understanding of right and wrong** to the society and punishing those who **break the law**.

2. Give Russian equivalents for the following word combinations.

1. to serve purposes
2. to guide human conduct

3. to provide penalties and punishment
4. to deal with criminals
5. to discourage sb from committing crimes
6. to inflict physical punishment
7. to protect the community from criminals

3. Find in the text English equivalents for the following words and word combinations.

1. быть виновным в совершении преступлений
2. наказывать правонарушителя
3. кара, возмездие
4. удерживать преступника от совершения преступления
5. реабилитировать личность преступника
6. сформировать понимание “что такое хорошо и что такое плохо”
7. нарушать закон

4. Match the verbs on the left with the words and word combinations on the right to make collocations. Translate them into Russian. Make the sentences of your own.

- | | |
|--------------------|--|
| 1. to guide | a. several purposes |
| 2. provide | b. the community from criminals |
| 3. to punish | c. the criminal |
| 4. to inflict | d. human conduct |
| 5. to create | e. the offender |
| 6. to protect | f. penalties and punishment |
| 7. to rehabilitate | g. an understanding of right and wrong |
| 8. to serve | h. physical punishment |

5. Find in the text synonyms to the following words and word combinations.

- | | | |
|---------------------------|--------------------|-----------------------------------|
| • aim | • to break the law | • vengeance |
| • to defend, | • a criminal | • adverse |
| • to impose
punishment | • imprisonment | • to prevent sb from
doing sth |

6. Translate the following sentences into English. Use the active vocabulary.

1. Уголовное право предусматривает наказание в отношении лиц, виновных в совершении преступлений против собственности и личности.
2. Наказание преступника является важнейшей целью уголовного права.
3. Возмездие может включать в себя реабилитацию наряду с компенсацией финансового ущерба.
4. Одной из целей уголовного права также является защита общества от преступников.
5. Уголовное право способствует пониманию “что такое хорошо и что такое плохо”.

7. Prepare a plan of Text 1 to retell it.

8. Read and translate the text.

Text 2

CATEGORIES OF CRIMES IN THE ANGLO-AMERICAN LEGAL SYSTEM

Vocabulary

1. indictable offences - преступления, подлежащие рассмотрению по обвинительному акту (тяжкие уголовные преступления)
2. summary offences - преступления, преследуемые в порядке
3. суммарного (т. е. упрощенного, без участия присяжных) производства
4. either-way offences - преступления двойной подсудности (которые могут быть рассмотрены в магистратском суде или в Суде Короны)
5. the longest prison term - длительный срок тюремного заключения
6. less serious physical violence - менее тяжкие насильственные действия
7. to prescribe, to impose penalty - назначить наказание
8. severe penalty/punishment - суровое наказание
9. a criminal act - уголовное деяние/преступное действие
10. intent to commit a crime - умысел совершить преступление
11. the prosecution - сторона обвинения
12. a crime punishable by death or by imprisonment - преступление, наказуемое смертной казнью или тюремным заключением
13. capital felony - фелония (особо тяжкое преступление), караемая смертной казнью
14. death penalty - высшая мера наказания/смертная казнь
15. gross misdemeanor - грубое правонарушение
16. petty/minor misdemeanor - незначительное правонарушение
17. violations/infractions - нарушения/административные правонарушения
18. to cause modest social harm - причинять незначительный вред обществу
19. to carry fines - предусматривать штраф

There are three categories of crimes in the UK: indictable, summary, and either-way crimes.

Indictable offences are the most serious ones and are punishable by **the longest prison terms**. They include murder, rape and robbery and can only be tried in the Crown Court.

Summary offences are the least serious ones, such as speeding and drunk-driving. Summary trials are heard in magistrates' courts.

Either-way offences can be heard either in the Crown Court or by magistrates. Examples of either way offences include theft, drug offences and **less serious physical violence**. A magistrate can decide that an either way offence is serious enough to be heard in the Crown Court where the **penalties prescribed** can be more **severe**. If, however, a magistrate decides that an either-way offence can be heard as a summary trial, the defendant can choose to move the trial to the Crown Court.

An important aspect of criminal law is that in most crimes **the prosecution** has to prove two elements. The first, *actus reus*, refers to the **criminal act** itself. The second, *mens rea*, refers to the **intent to commit a crime** — 'guilty mind'. However, in some cases, such as drunk driving or speeding, **the prosecution** does not have to prove intent. Such offences are said to be of 'strict liability'. In many jurisdictions it is illegal for anyone to have sexual intercourse with a minor. This is a strict liability crime: the offender will still be guilty of a crime even if he or she believed the partner was of legal, consenting age.

There are a number of approaches to categorizing crimes in the USA. The most significant distinction is between a felony and a misdemeanor. A **crime punishable by death** or by **imprisonment** for more than one year is a felony. Misdemeanors are crimes punishable by less

than a year in prison. Many states subdivide felonies and misdemeanors into several classes or degrees to distinguish between **the seriousness of criminal acts**. **Capital felonies** are crimes subject to **the death penalty** or life in prison in states that do not have the death penalty. The term **gross misdemeanor** is used in some states to refer to crimes subject to between six and twelve months in prison, whereas other misdemeanors are termed **petty misdemeanors**. Several states designate a third category of crimes that are termed **violations or infractions**. These tend to be acts that **cause only modest social harm** and **carry fines**. These offences are considered so **minor** that imprisonment is prohibited. This includes the violation of traffic regulations.

9. Give Russian equivalents for the following words and word combinations.

1. indictable offences
2. summary offences
3. either-way offences
4. a crime punishable by death or by imprisonment
5. the seriousness of criminal acts
6. a misdemeanor
7. the death penalty
8. minor offences

10. Find in the text English equivalents for the following word combinations.

1. назначить наказание
2. уголовное правонарушение
3. строгая ответственность
4. фелония, караемая смертной казнью
5. степень тяжести уголовных деяний
6. мелкие мисдиминоры
7. незначительный вред обществу
8. предусматривать штраф

11. Find in the text synonyms to the following words and word combinations.

- | | | |
|------------------|------------------|-----------------------|
| • responsibility | • to provide for | • jail |
| • a crime | • punishment | • to forbid |
| • accusation | • confinement | • a lay judge |
| • a breach | • classification | • capital punishment. |
| | • grave | |

12. Agree or disagree with the following statements. Correct the false statements.

1. Summary offences are punished by the longest prison terms.
2. Such offences as 'theft' and 'drug offences' can only be heard in
3. Magistrates' courts.
4. Summary offences are the least serious offences.
5. *Actus reus* refers to the intent to commit a crime.
6. *Mens rea* refers to the criminal act itself.
7. Misdemeanors are crimes punishable by the longest prison terms.
8. Felony is a crime punishable by death or by imprisonment for more than one year.
9. There is no difference in gravity between felonies and misdemeanors.

13. Answer the questions.

1. What are the three categories of crimes in the UK?
2. How are indictable offences punished?
3. What offences are heard in the magistrates' courts?
4. Why can either-way offences be heard in different courts?
5. What is the duty of the prosecution in most crimes?
6. What are 'strict liability' offences?
7. What are the categories of offences in the USA?
8. What is a misdemeanor?
9. What is a felony?
10. How are these offences punished?
11. How is the third category of crimes defined in several states?
12. What is the most violent crime in your opinion?

14. Match the legal terms on the left with their definitions on the right.

1. the prosecution	a) a breach or infringement, as of a law or promise
2. an indictable offence	b) it is liability for which mens rea does not have to be proven in relation to one or more elements
3. an either way offence	c) it is a crime in some common law jurisdictions that can be proceeded summarily
4. a summary offence	d) an act committed in violation of law where the consequence of conviction by a court is punishment
5. strict liability	e) it is an offence that can be tried by magistrates or in the Crown court.
6. imprisonment	f) liable to be punished or deserving punishment
7. a criminal act	g) the government attorney charging and trying the case against a person accused of a crime
8. an intent	h) it is an offence that can only be tried on an indictment
9. punishable	i) the state of mind necessary for an act to constitute a crime
10. violation	g) the act of restraining the personal liberty of an individual

15. Match the articles of the RF Criminal Code in Russian with those in English.

1. Преступлением признается виновно совершенное общественно опасное деяние, запрещенное настоящим Кодексом под угрозой наказания.	a. Depending on the nature and degree of social danger, the acts under the Code are classified into petty crimes, moderate crimes, grave crimes, and felonies.
2. Не является преступлением действие (бездействие), хотя формально и содержащее признаки какого-либо деяния, предусмотренного настоящим Кодексом, но в силу малозначительности не представляющее общественной опасности.	b. Intentional and negligent acts, that are punishable under the code by the maximum penalty that does not exceed three years deprivation of liberty, shall be recognized as petty crimes.

3. В зависимости от характера и степени общественной опасности деяния, предусмотренные настоящим Кодексом, подразделяются на преступления небольшой тяжести, преступления средней тяжести, тяжкие преступления и особо тяжкие преступления.	c. The commission of an act, or an omission of an act, although containing the elements of any act under the Code, but due to its insignificance, does not represent social danger that does not cause no harm and does not inflict any damage to a person, society, or the state, shall not be deemed a crime.
4. Преступлениями небольшой тяжести признаются умышленные и неосторожные деяния, за совершение которых максимальное наказание, предусмотренное настоящим Кодексом, не превышает трех лет лишения свободы.	d. A socially dangerous act, committed with guilt and prohibited by the present Code under the threat of punishment, shall be deemed a crime.

16. Summarize Text 2. Distinguish between categories of crimes in the UK and the USA.

17. Read and translate the text.

Text 3

TYPES OF CRIMES IN THE USA

Vocabulary

1. an alienated and self-destructive underclass - разобщенные и низшие слои населения
2. drug-intoxicated individuals - лица в состоянии наркотического опьянения
3. to lose their inhibitions - терять самоконтроль
4. money laundering - отмывание денег
5. a white-collar- crime - беловоротничковая преступность/преступность белых воротничков/должностное преступление
6. to commit stock-fraud - совершать мошенничество с ценными бумагами
7. drug crimes - преступления, связанные с наркотиками
8. street crime - уличная преступность
9. organized crime - организованная преступность
10. political crime - политические преступления
11. victimless crime - преступление без потерпевшего/жертв
12. embezzlement- растрата/хищение
13. a perpetrator - преступник, злоумышленник

The United States has more than a single crime problem. One problem is high, though currently declining, rates of street crime (including homicide, assault, rape, robbery, and burglary). Much of this type of crime is committed by **an alienated and self-destructive underclass**. Another is the drug-crime problem, which is linked to the first one. Some **drug-intoxicated individuals** commit crimes because they have **lost their inhibitions** while under the influence.

There are also crimes that stem from the drug business (for example, **money laundering**) and crimes that arise from economic necessity, because users need money to buy more drugs. Then, too, there is the organized-crime problem, which is intertwined with the drug-crime problem insofar as drug trafficking is the major source of income for organized-crime groups. In addition, there is **a white-collar-crime** problem. It, too, is linked to other types of crime. For example, federal investigators uncovered a scheme in 1998 by two New York crime families and a half dozen Wall Street stockbrokers **to commit stock fraud**.

Drug crimes. The drug-crime category encompasses a range of offenses connected with the use, transportation, purchase, and sale of illegal drugs.

Street crime. The most common forms of predatory crime—rape, robbery, assault, burglary, larceny, and auto theft—occur most frequently on urban streets. Racial minority citizens account for a disproportionately high number of the arrests for street crimes.

Organized crime. The term “organized crime” refers to the unlawful activities of members of criminal organizations that supply illegal goods and services.

Political crime. The political-crime category contains both crimes by the government and crimes against the government. Political goals motivate political criminals.

Victimless crime. Consensual acts (in which people are willing participants) and violations in which only **the perpetrator** is hurt, such as the personal use of illegal drugs, are called victimless crimes.

White-collar crime. White-collar crimes are offenses that persons commit while acting in their legitimate jobs and professions. White-collar criminals behave in unethical ways for self-gain (for example, **embezzlement**) or for the benefit of a business (for example, corporate price-fixing). Victims of white-collar crime include the economy, employers, consumers, and the environment.

18. Give Russian equivalents for the following words and word combinations.

1. to commit crimes
2. drug-intoxicated individuals
3. to commit stock fraud
4. drug crimes
5. organized crime
6. political crime
7. self-gain
8. embezzlement

19. Find in the text English equivalents for the following word combinations.

1. отмывание денег
2. личная выгода
3. незаконный оборот наркотиков
4. уличная преступность
5. преступность без потерпевшего
6. установление монополии на цены
7. совершать биржевое мошенничество
8. должностное преступление

20. Match the crimes with their definitions.

1. homicide	a. a criminal offence defined in most states as forcible sexual relations with a person against that person’s will
2. assault	b. the taking of money or goods in the possession of another, from his or her person or immediate presence, by force or intimidation
3. rape	c. the killing of one human being by another human being
4. robbery	d. the criminal offence of breaking and entering a building illegally for the purpose of committing a crime
5. burglary	e. traffic in illegal drugs

6. drug-trafficking	f. at common law, an intentional act by one person that creates an apprehension in another of an imminent harmful or offensive contact
---------------------	--

21. Answer the questions.

1. Why are rates of street crimes high in the USA?
2. What crimes stem from the drug business?
3. What does the situation with drug related crimes result in?
4. What are drug crimes?
5. What is street crime?
6. What is organized crime?
7. What is political crime?
8. What is victimless crime?
9. What is white-collar crime?

22. Fill in the blanks with the prepositions from the box. What are the legal elements of a crime?

After, at, for (2), in (5), of (4), with, without

All crimes feature certain elements. Unless the government is able to prove the existence (1) ___ these elements, it can't obtain a conviction (2) ___ a court of law.

There can be no crime (3) ___ law. If an act is to be prohibited, a legally authoritative body (such as Congress or a state legislature) must spell out (4) ___ advance what behavior is banned. The U.S. Constitution forbids ex post facto laws, which declare certain acts to be illegal (5) ___ the behavior occurs. The Constitution also requires that criminal laws be written (6) ___ precise terms so that a citizen can determine what conduct is illegal.

(7) ___ American criminal justice, the government punishes people (8) ___ what they do rather than for what they think or say. The First Amendment protects an individual's freedom (9) ___ thought and speech. The failure to act, however, can be a crime (10) ___ situations in which an individual has a legal responsibility to do something. Tax laws and child-neglect laws are two examples. Threatening to act and attempting a criminal act can both be criminal offenses. Similarly, conspiring to commit a crime is illegal. Conspiracy statutes criminalize taking steps to carry out a plan to commit a crime.

Intent pertains to the state (11) ___ mind or mental attitude (12) ___ which a person does an act. A synonym (13) ___ intent, *mens rea*, literally means "guilty mind". The mental design or purpose to commit a crime is the essence (14) ___ intent.

For an act to be a crime, both the act and the intent must occur (15) ___ the same time.

23. Make presentations on the following topics.

- Causes of crime (social environment, natural environment, family etc.)
- The most atrocious crimes.
- The most famous lawyers/detectives.

Unit 3

CRIMINAL PROCEDURE

1. Read and translate the text.

Text

STEPS IN THE CRIMINAL PROCEDURE

Vocabulary

1. the purpose of a criminal investigation - цель уголовного расследования
2. to identify a suspect and support an arrest - установить личность подозреваемого и санкционировать арест
3. to take a person into custody - произвести задержание лица
4. a search, an exploratory inspection of a person or property - досмотр/обыск, предварительный осмотр лица или имущества
5. legal requirement for an arrest - законное основание для ареста
6. seriousness of the offence and the strength of the evidence - степень тяжести преступления и наличие веских доказательств
7. crimes punishable by imprisonment - преступления, за которые предусмотрено наказание в виде тюремного заключения
8. a period of temporary custody - период временного содержания под стражей
9. to plead (not) guilty - признать/не признать свою вину
10. to select randomly from the jury pool - выбрать случайным образом из списка присяжных
11. to excuse jurors from service - отстранить присяжных от исполнения обязанностей
12. direct examination - прямой допрос свидетелей представителями сторон
13. cross examination - перекрестный допрос
14. to charge the jury - напутствовать жюри/присяжных
15. the standard of evidence - степень надежности доказательств
16. sentencing by a judge - вынесение приговора судьей

The major steps in criminal procedure are as follows:

1. Investigation of a crime by the police. **The purpose of a criminal investigation** is to gather evidence, **to identify a suspect and support an arrest**. An investigation may require a **search, an exploratory inspection of a person or property**. Probable cause is the standard of proof required for a search. Probable cause means there are facts or apparent facts indicating that evidence of criminality can be found in a specific place.

2. Arrest of a suspect by the police. An arrest involves **taking a person into custody** for the purpose of holding the suspect until court. Probable cause is the **legal requirement for an arrest**. It means that there is a reasonable link between a specific person and a particular crime.

3. Prosecution of a criminal defendant by a district attorney. When deciding whether to charge a person with a crime, prosecutors weigh many factors, including the **seriousness of the offense and the strength of the evidence**.

4. Indictment. An indictment is required when prosecuting a capital offense. A prosecutor has the option of an indictment or an information in cases involving **crimes punishable by imprisonment**. The standard for indicting a person for a crime is probable cause. A prosecutor files a charging document called an information.

5. Arraignment by a judge. Before the trial, the defendant appears in court and enters a plea. The most common pleas are guilty and not guilty.

6. Pretrial detention and/or bail. Detention refers to a **period of temporary custody** prior to trial. Bail is an amount of money paid by a defendant to ensure he or she will show up for a trial.

7. Plea bargaining between the defense attorney and the prosecutor. Usually, in plea bargaining, the defendant agrees **to plead guilty** in exchange for a charge reduction or sentence reduction.

8. Jury selection. Jurors are selected to listen to the facts of the case and to determine if the defendant committed the crime.

Jurors are **selected randomly from the jury pool**, a list of potential jurors compiled from voter registration records of lay people living in the Federal district.

A jury should represent all types of people, races, and cultures. Both lawyers are allowed to ask questions about their potential biases and may **excuse jurors from service**. Each side is allowed to excuse certain potential jurors without providing a reason by using a limited number of “peremptory challenges”. The number of “challenges for cause” is unlimited.

9. Opening Statements. Opening statements allow the prosecutor and the defense attorney to briefly tell their account of the events. These statements usually are short like an outline and do not involve witnesses or evidence. The prosecutor makes an opening statement first because the Government has the burden of proving that the defendant committed the crime.

10. Witness Examination. Following opening statements, the prosecutor begins direct examination of his first witness. This is the prosecutor’s initial step in attempting to prove the case, and it can last from a few minutes to several days. During **direct examination**, the prosecutor can introduce evidence such as a weapon or something from the crime scene.

Following the prosecutor’s examination of a witness, the defense attorney has an opportunity to cross examine or ask questions to the same witness. The purpose of **cross examination** is to create doubt as to the credibility of the witness.

After the defense attorney cross examines the witness, the prosecutor asks the witness final questions to clarify any confusing testimony for the jury.

11. Objection. During direct or cross examination, either attorney can make an objection to a question or a piece of evidence to the judge.

12. Closing Arguments. Closing arguments are the final opportunity for the prosecutor and the defense attorney to talk to the jury. These arguments allow both attorneys to summarize the testimony and evidence, and ask the jury to render a verdict of guilty or not guilty.

13. Jury Instructions. Following the closing arguments, the judge **“charges the jury,”** or informs them of the appropriate law and of what they must do to reach a verdict.

14. Jury Deliberations & Announcement of the Verdict. After being charged, the jury goes into deliberation, the process of deciding whether a defendant is guilty or not guilty. If the jury has a question on the law, they must write a note to the judge, which the judge will read in court with all parties present.

After they reach an agreement on a verdict, they notify the judge, the lawyers, and the defendant in open court.

15. Trial/adjudication of guilt by a judge or jury, with a prosecutor and a defense attorney participating. A trial is held before a judge or jury. **The standard of evidence** for a criminal conviction is guilt beyond a reasonable doubt—less than 100 percent certainty but more than high probability. If there is doubt based on reason, the accused is entitled to be acquitted.

16. **Sentencing by a judge.** If the accused is found guilty, a judge metes out a sentence. Possible sentences include a fine, probation, a period of incarceration in a correctional institution, such as a jail or prison, or some combination of supervision in the community and incarceration.

17. Appeals filed by attorneys in appellate courts and then ruled on by appellate judges. If an appellate court reverses a case, the case returns to trial court for retrial.

2. Give Russian equivalents for the following word combinations.

1. criminal investigation
2. legal requirement for an arrest
3. challenge for cause
4. an information
5. arraignment by a judge
6. a period of temporary custody
7. a charge reduction
8. to cross-examine witnesses
9. closing arguments
10. jury instructions
11. adjudication of guilt
12. to reverse a case

3. Find in the text English equivalents for the following word combinations.

1. основания для предъявления лицу обвинительного акта
2. немотивированный отвод
3. вынести приговор
4. сделка о признании вины
5. предварительный осмотр лица или имущества
6. надежность свидетелей
7. непосредственная причина
8. обвинительный акт
9. уголовное преследование обвиняемого в преступлении
10. обобщить показания свидетелей и доказательства
11. вступительная речь
12. вина вне всякого разумного сомнения

4. Match the verbs on the left with the nouns on the right to make collocations. Translate them into Russian and make sentences of your own.

- | | |
|---------------------|--------------------------|
| 1. to file | a. a verdict |
| 2. to enter | b. a search |
| 3. to commit | c. direct examination |
| 4. represent | d. the witness |
| 5. to prove | e. a charging document |
| 6. to require | f. the case |
| 7. to identify | g. a person with a crime |
| 8. to reach | h. jurors from service |
| 9. to cross-examine | i. the crime |
| 10. to begin | j. all types of people |
| 11. to charge | k. a suspect |
| 12. to excuse | l. a plea |

5. Give definitions to the following word combinations.

- | | | |
|------------------------|----------------------|----------------------|
| •a search | •objection | •lay people |
| •to identify a suspect | •retrial. | •criminal conviction |
| •a charging document | •sentence reduction, | •to enter a plea |

6. Complete the sentences according to the text and translate them.

1. The purpose of a criminal investigation is ...
2. An arrest involves ...
3. When deciding whether to charge a person with a crime ...
4. A prosecutor has the option of ...
5. Detention refers to ...
6. Usually, in plea bargaining ...
7. Both lawyers are allowed to ask questions about ...
8. During direct examination ...
9. If the jury has a question on the law ...
10. The standard of evidence for a criminal conviction is ...
11. Possible sentences include ...

7. Answer the questions.

1. What is the purpose of a criminal investigation?
2. What does “probable cause” mean?
3. What do prosecutors do when deciding whether to charge a person with a crime?
4. When is the indictment required?
5. What is the reason for a defendant to enter a plea?
6. How are jurors selected?
7. What is the difference between “peremptory challenge” and “challenge for cause”?
8. Why is witness examination critical for both the judge and the jury?
9. What is the essence of jury instructions?
10. When is it possible for a defendant to be acquitted?

8. Make a summary of the text. What are the most important steps of criminal procedure? Give your reasons.

Unit 4

PUNISHMENT

1. Read and translate the text.

Text 1

THE PURPOSES OF PUNISHMENT

Vocabulary

1. to suffer injuries - понести физический вред
2. incarceration - лишение/ограничение свободы
3. restitution - возмещение ущерба
4. to mete out a punishment sentence - определить меру наказания
5. criminal offenders - преступники
6. judicial offices - органы судебной власти
7. lenient punishment - мягкое наказание
8. to erode the very purpose of punishment - размыть сами цели наказания
9. to inflict retribution - назначить наказание в виде возмездия
10. specific deterrence - специальное (частное) предупреждение преступлений
11. general deterrence - общее предупреждение преступлений
12. criminal prosecution - уголовное преследование
13. incapacitation - поражение в правах
14. rehabilitation - реабилитация, восстановление в правах
15. educational and vocational programmes - образовательные и профессиональные программы
16. treatment center placement - размещение в медицинских центрах
17. counseling - консультирование
18. reoffending/recidivism - повторное совершение преступлений/рецидив
19. personal avengement - личная месть
20. a civil litigation damages award - решение суда о выплате компенсации причиненного ущерба в гражданском процессе
21. emotional distress - моральный вред

Punishment is the imposition by some authority of a deprivation on a person who has violated a law, a rule or other norms. It is also society's solution to **the injuries it suffers** through crime. Fines, **incarceration** and, in some cases, certain acts of **restitution** are the most common forms of punishment **meted out** to **criminal offenders** by society through the criminal law system in the country. This is in contrast to tort and civil law, in which compensation for damage is paid out by one individual or organization to another.

Tremendous energies are poured into the legislative and **judicial offices** of the country to determine what punishment is appropriate for which crime. The criminal law strives ceaselessly for a balance between too much and too little: punishing citizens too harshly for their actions can cause more harm to society than the offense being punished, while being too **lenient** with punishment weakens the criminal law's effectiveness and can **erode its very purpose**. Criminal law and procedure seek what is neither excessive nor insufficient, but in fact the just and equal punishment for the crime.

Punishment is perhaps the most characteristic feature of the criminal law. Criminology traditionally identifies five purposes of punishment. These are:
to restrain and remove from society;

to inflict retribution for the damage done to society;
to rehabilitate criminal offenders; and,
to deter the individual and others in general from further crime,
to incapacitate.

Deterrence prevents future crime by frightening the defendant or the public. The two types of deterrence are **specific** and **general deterrence**. Specific deterrence applies to an individual defendant. When the government punishes an individual defendant, he or she is theoretically less likely to commit another crime because of fear of another similar or worse punishment. General deterrence applies to the *public* at large. When the public learns of an individual defendant's punishment, the public is theoretically less likely to commit a crime because of fear of the punishment the defendant experienced. When the public learns, for example, that an individual defendant was severely punished by a sentence of life in prison or the death penalty, this knowledge can inspire a deep fear of **criminal prosecution**.

Incapacitation prevents future crime by removing the defendant from society. Examples of incapacitation are incarceration, house arrest, or execution pursuant to the death penalty.

Rehabilitation prevents future crime by altering a defendant's behavior. Examples of rehabilitation include **educational and vocational programs, treatment center placement, and counseling**. The court can combine rehabilitation with incarceration or with probation or parole. In some states, for example, nonviolent drug offenders must participate in rehabilitation in combination with probation, rather than submitting to incarceration. This lightens the load of jails and prisons while lowering **recidivism**, which means **reoffending**.

Retribution prevents future crime by removing the desire for **personal avengement** (in the form of assault, battery, and criminal homicide, for example) against the defendant. When victims or society discover that the defendant has been adequately punished for a crime, they achieve a certain satisfaction that our criminal procedure is working effectively, which enhances faith in law enforcement and the government.

Restitution prevents future crime by punishing the defendant financially. Restitution is when the court orders the criminal defendant to pay the victim for any harm and resembles a **civil litigation damages award**. Restitution can be for physical injuries, loss of property or money, and rarely, **emotional distress**. It can also be a fine that covers some of the costs of the criminal prosecution and punishment.

2. Give Russian equivalents for the following word combinations.

1. to suffer injuries
2. to commit a crime
3. judicial offices
4. to erode the very purpose
5. criminal prosecution
6. to inflict retribution
7. to alter a defendant's behavior
8. to mete out a punishment
9. civil litigation
10. rehabilitation

3. Find in the text English equivalents for the following words and word combinations.

1. причинить вред обществу
2. мягкое наказание
3. повторное совершение преступлений
4. консультирование
5. личная месть
6. гражданский процесс

7. моральный вред
8. телесные повреждения/физический вред
9. образовательные и профессиональные программы
10. поражение в правах

4. Agree or disagree with the following statements. Correct the false statements.

1. Under the criminal law compensation for damage is imposed on criminal offenders.
2. Punishment shall be appropriate for a crime: not too harsh and not too lenient.
3. There is no any significant difference between specific and general deterrence.
4. Incapacitation prevents future crimes only by putting the defendant into prison.
5. There are different combinations of rehabilitation with some types of punishment.
6. The desire of personal avengement is achieved by convincing the victim that the offender is punished properly for a crime.
7. Restitution is a type of punishment imposed by the court not only in criminal proceeding but also in civil litigation.

5. Answer the following questions.

1. What is punishment in a public opinion?
2. How is it possible to determine what punishment is appropriate for which crime?
3. What purposes of punishment are identified by criminology?
4. How is deterrence classified?
5. What is implied by incapacitation?
6. How does the court apply rehabilitation?
7. How does retribution prevent crime?
8. Why is restitution seen as the effective deterrence?

6. What do the following terms mean? Learn the definitions.

- deterrence
- incapacitation
- rehabilitation
- retribution
- restitution

7. Fill in the table. Use suffixes -ion and -ment to form nouns from the verbs in the text. Translate them into Russian. Make up sentences of your own.

-ion	-ment
to legislate- legislation	to develop-development

8. The word PUNITIVE has the following meanings in Russian.

1. связанный с применением наказания
punitive article - статья, устанавливающая уголовную санкцию
2. карательный, штрафной
punitive action - карательная мера, штрафная санкция

Work in groups of four. Match English word combinations on the left with their equivalents on the right.

1) punitive agency	a) карательное воздействие
2) punitive confinement	b) карательное правосудие
3) punitive detention	с) уголовное законодательство
4) punitive deterrence	d) нормы уголовного права
5) punitive force	е) содержание под стражей в качестве наказания
6) punitive law	f) лишение свободы как наказание за совершенное преступление
7) punitive legislation	j) сдерживание под страхом наказания
8) punitive justice	h) карательный орган

Use these English word combinations to make sentences of your own.

9. Summarize Text 1.

10. Read and translate the text.

Text 2

TYPES OF PUNISHMENT

Vocabulary

1. seriousness of crimes - степень тяжести преступлений
2. harsher penalties - более суровые наказания
3. circumstances surrounding the crime - обстоятельства преступления
4. to declare a sentence - огласить приговор
5. prior criminal record - предыдущая судимость
6. cooperation with law enforcement officers - сотрудничество с правоохранительными органами
7. the amount of loss to victims - размер ущерба, причиненного потерпевшим/жертвам
8. helplessness of the victims - беспомощное состояние потерпевших/жертв
9. to remit (extinguish) the fine - отменить/аннулировать штраф
10. imprisonment/incarceration - тюремное заключение/лишение свободы
11. to release a prisoner - освободить заключенного
12. lifetime/life sentence - пожизненное тюремное заключение
13. the suspension of jail time - отсрочка тюремного заключения
14. under the supervision of a probation officer - под надзором офицера службы пробации
15. to refrain from subsequent possession of firearms - отказаться от владения огнестрельным оружием
16. whereabouts - местонахождение
17. to submit to repeated alcohol/drug testing - подвергаться регулярной проверке на предмет употребления алкоголя и наркотиков
18. parole - условно-досрочное освобождение
19. the supervised release of prisoners - освобождение заключенных под надзор
20. suspended sentence - приговор с отсрочкой исполнения
21. deliberate infliction of pain - умышленное причинение боли

22. community service - общественные работы

23. restricting freedom - ограничение свободы

There are several kinds of punishment available to the courts. Crimes are punished according to their **seriousness**. More serious crimes are given **harsher penalties**. **In declaring a sentence**, a judge may take into account the following: **prior criminal record**, the age of the offender and other **circumstances surrounding the crime**, including **cooperation with law enforcement officers**, **the amount of loss to victims**, whether a weapon was used in the crime, the age or **helplessness of the victims**.

A **FINE** is an amount of money that has to be paid as a punishment for not obeying a rule or law. It is also a monetary penalty imposed in criminal matters. It may be accepted in instalments. The court may **remit (extinguish) the fine**. Fines are often used when the offence is not a very serious one and when the offender has not been in trouble before.

For more serious crimes the usual punishment is **IMPRISONMENT/INCARCERATION**. Imprisonment refers only to serving a sentence in prison after conviction and incarceration is used more generally for loss of liberty (e.g. being held in police custody while awaiting trial, or involuntary hospitalization for mental health reasons). The length of sentences varies from a few days to a lifetime. **A life sentence** may allow a **prisoner to be released** after a suitably long period if a parole board agrees that the detention no longer serves a purpose.

Police officers and other law enforcement officers are authorized by federal, state, and local lawmakers to arrest and confine persons suspected of crimes. The judicial system is authorized to confine persons convicted of crimes. This confinement, whether before or after a criminal conviction, is called incarceration.

PROBATION is **the suspension of jail time**. It is a period of time when a criminal must behave well and not commit any more crimes in order to avoid being sent to prison. An offender on probation is ordered to follow certain conditions set forth by the court, often **under the supervision of a probation officer**. Offenders are ordinarily required **to refrain from subsequent possession of firearms**, and may be ordered to remain employed, live at a directed place, obey the orders of the probation officer. Offenders on probation might be fitted with an electronic tag (or monitor), which signals their **whereabouts** to officials. Also, offenders have been ordered **to submit to repeated alcohol/drug testing** or to participate in alcohol/drug or psychological treatment, or **to perform community service work**.

PAROLE is **the supervised release of prisoners** before the completion of their sentence in prison. They may be returned to prison if they violate the conditions of their parole. Conditions of parole often include things such as obeying the law, avoiding contact with the parolee's victims, obtaining employment, and maintaining required contacts with a parole officer. Parole is serving the remainder of a sentence outside of prison.

SUSPENDED SENTENCE is a penalty applied by a judge to a defendant convicted of a crime, which the judge provides will not be enforced (is suspended) if the defendant performs certain services, makes restitution to persons harmed, stays out of trouble, or meets other conditions. Should the sentenced party fail to follow these requirements, then the suspended sentence may be enforced.

CORPORAL PUNISHMENT is a form of physical punishment that involves the **deliberate infliction of pain** as retribution for an offence, or for the purpose of disciplining or reforming a wrongdoer. It is employed in some countries.

COMMUNITY SERVICE is a sentencing option for persons convicted of crimes in which the court orders the defendant to perform a number of hours of unpaid work for the benefit of the public.

RESTRICTING FREEDOM in the form of house arrest is an alternative type of punishment.

11. Give Russian equivalents for the following word combinations.

1. harsh penalties
2. monetary penalty
3. to suspect sb of a crime
4. to remain employed
5. law enforcement officers
6. the parolee's victims
7. to obtain employment
8. to serve the remainder of a sentence
9. to make restitution to persons harmed
10. to stay out of trouble

12. Find in the text English equivalents for the following word combinations.

1. предыдущая судимость
2. платить частями/в рассрочку
3. подозревать в преступлении
4. подчиняться приказам
5. выполнять общественные работы
6. сотрудник службы по УДО
7. осудить к-л за преступление
8. применить приговор с отсрочкой исполнения
9. телесные наказания
10. устроиться на работу

13. Answer the following questions.

1. What does punishment for a crime depend on?
2. What types of punishment are available?
3. What does a judge take into account in declaring a sentence?
4. When are fines imposed for criminal offences?
5. What is the main idea of probation?
6. What is parole?
7. What does community service imply?
8. What is the difference between imprisonment and incarceration?
9. What is the difference between probation and parole?
10. What is the difference between probation and suspended sentence?

14. Match types of punishment with their definitions.

1. incarceration	a. the sentencing of a criminal to a period of time during which they will be deprived of their freedom.
2. probation	b. a release from prison before a sentence is finished, a prison sentence that will take effect only if the criminal commits a (similar) crime again.
3. a fine	c. a sentence that the judge allows the convicted person to avoid serving.
4. parole	d. confinement in a jail or prison; imprisonment.
5. imprisonment	e. the state of being kept as a prisoner in one's own residence, rather than in prison.

6. suspended sentence	f. unpaid work, intended to be of social use, that an offender is required to do instead of going to prison.
7. house arrest	g. a criminal sentence consisting of a term of imprisonment that is suspended provided certain terms and conditions are met.
8. community service	h. a sum of money required to be paid especially to the government as a penalty for an offence.

15. Work in pairs. Discuss the following types of punishment. What does each of them imply?

- a fine
- imprisonment
- probation
- parole
- suspended sentence
- community service
- house arrest

16. Choose the appropriate punishment for each crime.

Crimes	Punishments
driving in excess of speed limit	fine
drunk-driving	short-term imprisonment
robbery	long-term imprisonment
shoplifting	life imprisonment
burglary	parole
drug-dealing	probation
possession of a gun without a licence	suspended sentence
murdering a child	home arrest
causing death by dangerous driving	community service
forgery	
bigamy	
alcohol smuggling	

17. Match the articles of the RF Criminal Code in Russian with those in English.

1. Наказание есть мера государственного принуждения, назначаемая по приговору суда. Наказание применяется к лицу, признанному виновным в совершении преступления, и заключается в предусмотренных настоящим Кодексом лишении или ограничении прав и свобод этого лица.	a. Arrest is the confinement of a convicted person in strict isolation from society. It shall be imposed for a term of one to six months. In the event that community service or corrective labour is replaced by arrest, the latter may be imposed for a term of not less than one month.
2. Наказание применяется в целях восстановления социальной справедливости, а также в целях исправления осужденного и предупреждения совершения новых преступлений.	b. Community service is unpaid work performed by a convicted person in his/her spare time. These works shall be prescribed by the local authorities as agreed by Corrective Services.
3. Обязательные работы заключаются в выполнении осужденным в свободное от основной работы или учебы время бесплатных общественно полезных работ. Вид обязательных работ и объекты, на	c. Capital punishment, as an exclusive penalty, may be imposed only for especially grave crimes encroaching on human life.

<p>которых они отбываются, определяются органами местного самоуправления по согласованию с уголовно-исполнительными инспекциями.</p>	
<p>4. Арест заключается в содержании осужденного в условиях строгой изоляции от общества и устанавливается на срок от одного до шести месяцев. В случае замены обязательных работ или исправительных работ арестом он может быть назначен на срок менее одного месяца.</p>	<p>d. Punishment is a measure of state compulsion imposed under a court decision. The punishment shall be imposed on a person who has been found guilty of the commission of a crime. Under the code it implies incapacitation or restriction of rights and freedoms.</p>
<p>5. Арест не назначается лицам, не достигшим к моменту вынесения судом приговора восемнадцатилетнего возраста, а также беременным женщинам и женщинам, имеющим детей в возрасте до четырнадцати лет.</p>	<p>e. Punishment shall be imposed to restore social justice, to reform a convicted person and to prevent the commission of further crimes.</p>
<p>6. Смертная казнь как исключительная мера наказания может быть установлена только за особо тяжкие преступления, посягающие на жизнь.</p>	<p>f. Arrest shall not be applied to persons under 18 years of age by the time of adjudication, nor upon pregnant women or women who have children under fourteen years of age.</p>

18. Make presentations on the topics.

- Punishment through the history in different countries.
- Modern types of punishment worldwide.

Unit 5

CAPITAL PUNISHMENT

Lead-in

1. Death penalty – the severest form of punishment – used to be applied worldwide. Its application has naturally undergone some kind of evolution.

1. How do things with capital punishment stand nowadays?
2. Have all countries suspended or completely abolished it?

2. What is the most precise and explicit definition of death penalty?

1. Capital punishment is the penalty of death for the commission of a crime.
2. Capital punishment is a legal infliction of death; in modern law, corporal punishment in its most severe form.
3. Capital punishment is putting a condemned person to death.
4. Capital punishment is a state sanctioned practice of killing a person as a punishment for a crime.

3. Read the text.

Text

WHAT IS CAPITAL PUNISHMENT?

The death penalty, i.e., “capital punishment,” is a subject of constant debate. Some people believe that it’s a necessary tool to ensure justice or deter crime, while others believe it to be brutal and inhumane, as well as inefficient.

No matter where you stand on the issue, it’s essential to understand what capital punishment is and the history behind it, as it is very much a real part of many justice systems worldwide. What is capital punishment from the perspective of criminal law?

The Latin origin of the word “capital” is caput, which means head; this stems from the fact that capital punishment originally referred to execution by beheading.

Over time, the definition of capital punishment has changed and evolved. In some cases, it’s used as a punishment for capital crimes, such as terrorism, espionage, treason, and drug trafficking. It can also be used to eliminate people who are seen as a threat to society (by that specific society) and are therefore considered too dangerous to be kept alive.

Over in Europe, the death penalty was first implemented in Britain in the Anglo-Saxon era and continued to the 20th century. The punishment for a capital offense was primarily beheading, but there were other methods of execution as well, such as hanging, drawing and quartering, or burning at the stake.

However, people weren’t necessarily executed if they committed a capital offense. More often than not, people were exiled to America or Australia. This was primarily because there was no established judicial system, and it was difficult to prove a person’s guilt.

In the UK, executions were public events that attracted large crowds. The offenders were most often left on display for long periods. However, in 1868, The Capital Punishment Amendment Act was passed in the UK, which abolished public executions. Comparatively, public executions were still a thing until the nineteen-thirties.

Almost a hundred years later, the UK Capital Punishment Amendment Act was repealed in 1965 and replaced by the Murder (Abolition of Death Penalty) Act. This act abolished the death penalty for murder in the UK; however, other offenses, such as treason, could still be punished with execution until that too was banned in 1998.

In the 19th century, many Americans started to object to the death penalty. In 1845, Michigan was the first state that abolished it, and Wisconsin didn't have capital punishment in its statute when it entered the Union in 1848.

After World War II, even more people started opposing the death penalty and its meaning in a post-war society, especially after so much killing during the war. Canada and Western European countries stopped using capital punishment, while the US remains the last Western democracy with the death penalty.

Another interesting fact about the death penalty in the US is that it was banned for a short while. In 1972, the US Supreme Court named it a "cruel and unusual punishment" and restricted its use. However, just four years later, the same court lifted this moratorium on the death penalty. Since then, there have been more than 1,600 executions. However, there has been a decline in the number of death sentences handed down in recent years. This may be due to the increasing use of life imprisonment without parole as a sentence and the difficulty in obtaining lethal injection drugs.

What is capital punishment like nowadays in the US? The practice remains authorized in 27 states. Between 2009 and 2021, seven states (New Mexico, Illinois, Virginia, Maryland, Connecticut, New Hampshire, and Colorado) officially abolished the death penalty. Capital punishment was replaced with sentencing to life imprisonment without the possibility for parole. Nebraska also abolished the death penalty in 2015, only to reinstate it in 2016 through a statewide voting process.

4. Answer the questions.

1. What is death penalty?
2. What is the origin of the term?
3. When was capital punishment implemented in Europe?
4. Why were people more often exiled to Australia or America instead of being executed?
5. What legal Acts regulated the application of death penalty in the UK?
6. When was capital punishment abolished in the UK?
7. What is the evolution of the application of death penalty in the USA?

5. Match the verbs on the left with word combinations on the right to form set phrases. Translate them into Russian. Make sentences of your own.

- | | |
|-----------------|-----------------------------|
| 1. to stop | a. the Act |
| 2. to commit | b. a person's guilt |
| 3. to ensure | c. judicial system |
| 4. to prove | d. public executions |
| 5. to hand down | e. using capital punishment |
| 6. to abolish | f. the Union |
| 7. to pass | g. a capital offense |
| 8. to establish | h. crime |
| 9. to enter | i. justice |
| 10. to deter | j. death sentences |

6. Use the verbs on the left with the term "death penalty" on the right to form collocations. Translate them into Russian.

1. to implement	
2. to abolish	
3. to oppose	
4. to use	the death penalty

5. to ban	
6. to restrict	
7. to lift the moratorium on	
8. to reinstate	

7. What do the following numbers refer to?

1965, 1868, 1998, 1845, 27, 1600, 1972

8. Fill in the gaps with the following passive forms of the verbs.

are kept, is used, is referred to, are held, are allowed, are given

What is death row, and how does it relate to those condemned for capital crimes?

The term “death row” (1) _____ to describe the area in a prison where condemned inmates (2) _____ awaiting execution. It’ (3) _____ also to as “the row” or “execution row.” Inmates on death row (4) _____ typically in solitary confinement and have little contact with the outside world. They (5) _____ usually a small cell with a bed, toilet, and sink. Some states have death row inmates wearing unique uniforms to distinguish them from other prisoners.

Death row conditions vary from state to state, but they are all extremely restrictive. Inmates are typically only allowed out of their cells for showers, exercise, and visits. They eat all of their meals in their cells, and most states do not allow them to have televisions or radios. Some inmates (6) _____ to have books, but they are typically subject to censorship by prison officials.

As of January 2021, more than 2,400 people were in prison on death row in the US. This number changes based on appeals, convictions, and execution of capital punishment

9. Make the plan of Text 1 to summarize it.

10. Read and analyze the text. Complete the table.

Text 2

Moral arguments against capital punishment typically focus on the idea that it is wrong to take a human life, regardless of the crimes committed. Some people also argue that the death penalty is cruel and unusual punishment and violates the US Constitution's Eighth Amendment. Finally, there are some very practical arguments to be made against capital punishment, and we’ll discuss them, too.

So, what is the death penalty, according to organizations that try to abolish it? Amnesty International sees capital punishment as cruel, inhuman, and degrading, and opposes it without exceptions. The UN’s Universal Declaration of Human Rights, adopted in 1948, protects human rights, including the right to life, a life free of torture, and cruel, inhuman, and degrading punishment or treatment.

Practical arguments against capital punishment typically focus on the idea that it is not an effective deterrent against crime. There is no correlation between crime rates and the existence of capital punishment in a given US state, for example. What’s more, capital punishment is expensive, because the appeals process necessary to prevent wrongful death is extremely long (rightfully so), and the materials required are expensive, as well.

Another issue with the death penalty is inadequate representation. Defendants who can't afford a lawyer - i.e., most defendants accused of serious crimes - have a public defender assigned to them. Public defenders are, as a rule, overworked and underpaid, which makes it hard for them to prepare for court and mount a quality defense.

In addition to these general arguments, there are also specific ones against capital punishment for certain crimes. Worldwide, there are instances where juveniles or those with mental disabilities are subject to capital punishment.

Arguments for capital punishment typically focus on the idea that it is a deterrent against crime. Some people also argue that it is an effective way to remove dangerous criminals from society. Unfortunately for this side of the debate, the statistics do not support this view.

Supporters of the death penalty also argue that it is a just punishment for heinous crimes. They believe that those who commit murder, rape, terrorism, mass murder, and other abhorrent crimes should be put to death to serve as an example to others and as a form of retribution for the loved ones of those wronged by the crimes.

Historically, capital punishments were supported by religious authorities. Nowadays, there is no consensus among different religions on sects within them, and representatives from major religions such as Roman Catholicism and Judaism have actively campaigned against it.

Reasons “for”	Reasons “against”
<ul style="list-style-type: none"> • It deters criminals from committing serious crimes • It is quick, painless, and humane 	<ul style="list-style-type: none"> • There is no credible proof that the death penalty works as a deterrent. • It is a cruel and unusual punishment

11. Role Play

Capital Punishment: For and Against

The UN Security Council

The chairman declares the topic of the discussion and pronounces some introductory words. The chairman of the conference gives the floor to each member state. The representatives of member states express their opinions. They give their arguments for or against death penalty.

At the end of the debates the chairman makes the conclusion whether capital punishment is to be or not to be.

Glossary

to accuse	обвинить
accusation	обвинение
an accused	обвиняемый
actus reus	виновное действие
to acquit	оправдывать, признавать невиновным
an acquittal	оправдание подсудимого
mens rea	преступное намерение/умысел
arson	поджог
to assess the penalty	определить меру наказания,

assessment of punishment	определение наказания
assault and battery	нападение с нанесением побоев
to commit a crime commission of a crime	совершить преступление совершение преступления
to bribe bribery	давать взятку взяточничество
to burgle burglary a burglar	совершать кражу со взломом кража со взломом вор-взломщик
to convict conviction convict/convicted person	осудить/вынести обвинительный приговор вынесение обвинительного приговора осужденный
death penalty/capital punishment	смертная казнь
to defend defence the defender of the accused a defendant a defence counsel	защищать (в суде) защита, сторона защиты защитник обвиняемого обвиняемый, подсудимый, ответчик представитель стороны защиты
duress	принуждение
to embezzle embezzlement	совершать растрату/хищение растрата/хищение
felony a felon	тяжкое уголовное преступление, фелония лицо, совершившее тяжкое уголовное преступление
to find sb guilty	признать к-л виновным признать свою вину
to plead guilty	
fraud/swindling a fraudulent act a fraudster/swindler	обман, мошенничество мошенническое деяние лицо, совершившее мошенническое деяние
to hijack hijacking a hijacker	захватить (судно, самолет) угон, захват самолета/судна лицо, совершающее захват транспортного средства
to impose punishment on sb imposition of punishment to imprison imprisonment a prisoner	налагать/назначать наказание назначение наказания заключить в тюрьму тюремное заключение, лишение свободы арестованный, заключенный , находящийся в тюрьме

to inflict harm infliction of harm	причинять вред/ущерб причинение вреда
an indictable offence	преступление, подлежащее преследованию по обвинительному акту
to infringe on/upon sth infringement of sth	нарушать, посягать нарушение, посягательство
an intent to be liable to punishment criminal liability	намерение, умысел подлежать наказанию/уголовной ответственности
manslaughter	непредумышленное убийство/убийство по неосторожности
to murder murder a murderer	убить, совершить убийство умышленное убийство убийца
parole board	комиссия по условно-досрочному освобождению
to pickpocket pickpocketing a pickpocket	совершить карманную кражу карманная кража вор-карманник
to prevent a crime crime prevention/prevention of a crime	предотвратить совершение преступления/ предотвращение совершения преступления
Probation	пробация (условное наказание)
to prosecute the prosecution	преследовать в судебном порядке уголовное преследование, сторона обвинения
a prosecuting council a prosecutor the Prosecutor's Office the Prosecutor General Prosecutor General's Office	сторона обвинения обвинитель, прокурор прокуратура Генеральный прокурор Генеральная прокуратура
to release sb	освободить к-л из-под стражи
remedy	средство судебной/правовой защиты
to restrict restriction	ограничить ограничение
to rob robbery a robber	грабить грабеж, ограбление грабитель
to sentence/to mete out	выносить обвинительный приговор

a sentence	приговор
a summary offence	преступление, преследуемое в порядке суммарного производства
to suspect someone of sth	подозревать к-л в ч-л
suspicion	подозрение
a suspect	подозреваемый
to violate, to break, to breach, to infringe	нарушать (право, закон)
violation	нарушение
violence	применение силы/насилие
a violent crime	насильственные преступления

Chapter 8. LAW ENFORCEMENT AGENCIES

Unit 1

POLICE IN THE RUSSIAN FEDERATION

Lead-in

1. Work in pairs. Discuss the following questions.

1. What are the functions of the police?
2. What are the principal law enforcement agencies in Russia?

2. Read and translate the text.

Text

Vocabulary

1. the Ministry of Internal Affairs - Министерство Внутренних Дел (МВД)
2. to operate in accordance with the law - действовать в соответствии с законом
3. to tackle minor offences - бороться с мелкими правонарушениями
4. to carry firearms - носить огнестрельное оружие
5. juvenile crime - преступность несовершеннолетних
6. to coordinate and oversee the activities - координировать и осуществлять надзор над деятельностью
7. to be subordinate to smb - быть в подчинении у кого-то
8. to ensure the protection of human and civil rights and freedoms - обеспечивать защиту прав и свобод человека и гражданина
9. the prevention, detection, suppression and investigation of crimes - предупреждение, обнаружение, пресечение и расследование преступлений
10. to carry out criminal investigations and inquiries - проводить уголовное расследование и дознание
11. forensic investigation - судебно-медицинская экспертиза
12. the State Secretary-Deputy Minister - Статс-секретарь – заместитель Министра Внутренних Дел
13. the Main Directorate for Traffic Safety - Главное управление по обеспечению безопасности дорожного движения
14. the Main Directorate for Combating Extremism - Главное управление по противодействию экстремизму
15. the Main Directorate for Criminal Investigation - Главное управление уголовного розыска
16. the Main Directorate for Migration - Главное управление по вопросам миграции
17. the Main Directorate for Drug Control - Главное управление по контролю за оборотом наркотиков
18. to be trained at - пройти подготовку в
19. expertise – опыт, компетенции, профессиональные знания
20. a minor - несовершеннолетний
21. a method of preliminary investigation - предварительное расследование

The Police of Russia are the national law enforcement agency headed by **the Ministry of Internal Affairs** of the Russian Federation.

The national police service of Russia **operates in accordance with “The Law on Police”** approved by the Federal Assembly, and subsequently signed into law by the President on February 7, 2011.

The organizational structure, methods and traditions of the police of the Russian Federation as well as the functions and organization of the Ministry of Internal Affairs differ from the police of western countries. The departments in western countries are usually civil executive bodies headed by politicians and responsible for many other tasks as well as the supervision of law enforcement.

A unique feature of policing in Russia is the system of territorial patronage over citizens. Cities as well as rural territories are divided into districts and a policeman is the main and actually the real police force in these areas. The duty of a policeman is to maintain close relations with the residents in his district. He is also responsible for **tackling minor offences**, such as domestic violence, nuisance, violation of residential area parking, etc.

The police **carry firearms**, but are not permitted to carry their weapons when they are off duty. Although the number of women in the Russian police force is sufficient, they are usually not permitted to occupy positions that involve high levels of risk. Instead, they are widely represented among investigators, **juvenile crime** inspectors, clerks etc.

The work of the police is organized and controlled by the Ministry of Internal Affairs (MVD). The Ministry is a federal agency of the executive branch of the Government of the Russian Federation. The Ministry **coordinates and oversees the activities** of the Federal Migration Service (FMS) **subordinate to** it. Within its jurisdiction, the Ministry **ensures the protection of human and civil rights and freedoms**, maintenance of public order and road safety, as well as **the prevention, detection, suppression and investigation of crimes** and administrative offences. Under the laws of the Russian Federation, it also coordinates and **carries out criminal investigations and inquiries** and is responsible for **forensic investigation**.

The Russian Ministry of Internal Affairs is headed by the Minister of Internal Affairs, who is assisted by the First Deputy Minister, five Deputy Ministers and **the State Secretary-Deputy Minister**.

Within the Ministry’s central apparatus there are a number of directorates in charge of various issues. They are **the Main Directorate for Traffic Safety, the Main Directorate for Combating Extremism, the Main Directorate for Criminal Investigation, the Main Directorate for Migration, the Main Directorate for Drug Control** and others.

Specialists **are trained at** the Ministry’s training establishments in specialized fields and areas of **expertise**, including criminal investigation, financial crime investigation, administrative law, business law, laws regulating the education of **minors** and **methods of preliminary investigation**.

Apart from the Ministry of Internal Affairs, other principal law enforcement agencies are the Federal Customs Service, the Federal Security Service, the Federal Drug Control Service as well as the Prosecutor General’s Office and the Ministry of Justice of the Russian Federation.

3. Give Russian equivalents for the words and word combinations.

1. maintenance of public order
2. the Prosecutor General’s Office
3. territorial patronage over citizens
4. to constitute a significant proportion
5. to carry firearms
6. to be in charge of smth
7. to permit to do smth
8. an area of expertise
9. the formulation and implementation of state policy
10. a unique feature of policing approach

11. laws regulating the education of minors
12. the Federal Security Service
13. the Federal Customs Service

4. Find in the text English equivalents for the following word combinations.

1. преступность среди несовершеннолетних
2. координировать и контролировать деятельность
3. бороться с мелкими правонарушениями
4. Министерство Внутренних Дел (МВД)
5. поддерживать контакты с жителями района
6. предупреждение, обнаружение, пресечение и расследование преступлений
7. находиться не при исполнении служебных обязанностей
8. носить огнестрельное оружие
9. обеспечивать защиту прав и свобод человека и гражданина
10. Статс-секретарь (заместитель Министра Внутренних Дел)
11. Главное управление по противодействию экстремизму
12. сельский населенный пункт
13. проводить уголовное расследование и дознание

5. Use synonyms from the text above instead of the underlined words.

1. The Ministry performs its activities through the system of main directorates.
2. Police officers deal with petty crimes such as public nuisance, trespass, domestic violence, etc.
3. The Ministry uncovers, interdicts and inquires into crimes and administrative violations.
4. The agency acts in compliance with international standards and within the framework of local and international laws.
5. The police staff are allowed to carry weapons when they're on duty.

6. Match the names of the Ministry's directorates with their functions.

1. the Main Directorate for Traffic Safety	a) combating trafficking drugs, psychotropic substances and their precursors
2. the Main Directorate for Combating Extremism	b) fighting corruption within the Ministry of Internal Affairs and protecting the personnel and their relatives
3. the Main Directorate for Criminal Investigation	c) registering and granting work permits to foreign citizens
4. the Main Directorate for Migration	d) ensuring road safety
5. the Main Directorate for Drug Control	e) organizing the activities and safety of railway, water and air transport
6. the Main Directorate of Economic Security and Combating the Corruption	f) curbing money laundering, crimes in the field of foreign financial activity and counterfeiting
7. the Main Directorate for Work with Personnel	g) countering extremist organisations and terrorism

8. the Main Directorate for Internal Security	h) managing and organising the labour processes and training of staff
9. the Main Directorate for Transport Infrastructure	i) preventing, suppressing and detecting crimes, searching for persons

7. Are the following statements true or false? Correct the false statements.

1. "The Law on Police" was approved by the Ministry of Internal Affairs, and signed by the President on February 7, 2011.
2. The function and organization of the police in Russia and other countries is the same.
3. Police personnel are not permitted to carry their weapons when they are off duty.
4. The Ministry of Internal Affairs ensures the protection of human and civil rights and freedoms, and also maintains public order.
5. The Ministry of Internal Affairs coordinates and oversees the activities of the Federal Customs Service.
6. The Minister for Internal Affairs is assisted by a first deputy minister and three deputy ministers.
7. There are several departments within the central structure of the Ministry.
8. Ministry's specialists receive training in specialized fields and areas of expertise, such as criminal investigation, financial crime investigation, administrative law, customs law, foreign affairs, etc.

8. Answer the questions.

1. What law enforcement agency are the Russian police headed by?
2. What law regulates the work of the police?
3. What is special about the Russian police system?
4. What are the responsibilities of a policeman?
5. Why are women mostly represented among investigators, juvenile crime inspectors and clerks?
6. What does the Ministry of Internal Affairs do?
7. Who is the Minister of Internal Affairs assisted by?
8. What is the structure of the Ministry of Internal Affairs?
9. Where are the Ministry's specialists trained?

9. Fill in the gaps with the words and word combinations from the box.

police, appeal, accused, formal preliminary investigation, prosecutor's office, destroy evidence, subordinate to, amend, inquest, the right to full discovery

The Criminal Investigation in Russia

The criminal investigation in serious cases is divided into two stages: an informal inquest performed by the police and a (1) _____ usually conducted by a legally trained investigator who works for the Ministry of Internal Affairs but is (2) _____ the Prosecutor's Office. Less serious cases are investigated by the (3) _____ and their reports are submitted in writing directly to the courts, by passing the formal preliminary investigation.

The activity of the police during the (4) _____ is supposed to be limited to arresting suspects, securing the crime scene, and taking initial evidence from available suspects and witnesses. The police should inform the (5) _____ within twenty-four hours of the arrest of a suspect and the case should then be turned over to the investigator who decides whether to initiate

a formal criminal investigation. All investigative acts are documented in writing and collected in an investigative dossier that follows the case into the courts and serves as a repository for vital evidence during trial and (6) _____. The prosecutor has forty-eight hours after notification to either issue an order of preventive detention or release the suspect. Detention is authorized if there is fear the defendant will not appear for trial, (7) _____, commit more crimes or just because of the seriousness of the offence.

When the investigator determines that there is sufficient evidence to bring the (8) _____ before trial, he prepares an accusatory pleading and forwards it to the prosecutor for review. The accused and his counsel have, at this point, (9) _____ of the entire contents of the investigative dossier. The prosecutor may dismiss the case, (10) _____ the pleading or forward the case to the court for trial.

10. Speak about the police in the Russian Federation. Cover the following points.

- The national police service of Russia
- The organizational structure, methods and traditions of the Russian police
- The system of territorial patronage
- The duty of a policeman
- The functions of the Ministry of Internal Affairs
- The central apparatus of the Ministry
- The training establishments of the Ministry

11. Make presentations on the following law enforcement bodies in Russia.

- the Federal Customs Service
- the Federal Security Service
- the Federal Drug Control Service
- the Ministry of Justice of the Russian Federation
- the Federal Antimonopoly Service

Unit 2

POLICE IN THE UNITED KINGDOM

Lead-in

1. Work in pairs. Do you agree with the following statements?

1. The British police enjoy trust and respect of citizens.
2. Policemen in Britain carry firearms even when they are off duty.

2. Read and translate the text.

Text

Vocabulary

1. the Civil Nuclear Constabulary - Служба констеблей по охране гражданских ядерных объектов
2. the Ministry of Defence Police - Полиция Министерства обороны
3. to hold the Office of Constable – занимать должность констебля
4. policing by consent - охрана правопорядка по взаимному согласию
5. to grant smb an array of powers - предоставлять кому-то ряд полномочий
6. without fear or favour - без страха и упрёка
7. improper political interference - неправомерное вмешательство политиков
8. to have discretion to make decisions - иметь право принимать решения на свое усмотрение
9. to misuse powers – неправомерно пользоваться свои должностными полномочия
10. to abuse the position – злоупотреблять служебным положением
11. the Home Secretary – Министр Внутренних Дел Великобритании
12. to pander to public opinion – потакать общественному мнению
13. to apply the law fairly and impartially – применять законы справедливо и беспристрастно
14. to operate with transparency - действовать прозрачно, открыто
15. the Home Office - Министерство Внутренних Дел Великобритании
16. to make arrangements for smth - принимать меры по обеспечению чего-либо
17. the Police and Crime Commissioner - комиссар полиции по уголовным делам
18. to set priorities - определять приоритеты

There are 48 civilian police forces in the UK: 43 territorial police forces in England and Wales, a national police force in both Scotland and Northern Ireland and three specialist police forces the British Transport Police, **the Civil Nuclear Constabulary** and **the Ministry of Defence Police**.

The term British model of policing is sometimes used to describe policing culture in the UK. There is no formal definition of the British model, but it is typically understood through three interlinked concepts: **the Office of Constable**, operational independence and **policing by consent**.

All police officers, no matter their rank, each individually **hold the Office of Constable**. The Office of Constable **grants police officers an array of powers** they can use to prevent, detect and investigate crime and disorder. Most police officers in England and Wales have jurisdiction to use their powers anywhere in both nations. Police officers are expected to use their powers “without fear or favour or “improper political interference” and “faithfully according to law”.

Police officers receive training and guidance on the lawful and effective use of their powers and authority, but ultimately, they **have discretion to make decisions**. As ‘office holders’ they are personally responsible for their decision making. Police forces are responsible for providing officers with appropriate support and resources. The police force is also responsible for challenging officers who **misuse their powers** or **abuse their position**.

Governance arrangements for UK police services are built on the principle of operational independence. Those who work in police forces are under the “direction and control” of their chief officer. Chief officers are independently responsible for all operational matters concerning their force.

The concept of ‘policing by consent’ is derived from the nine ‘general instructions’ given to the first officers of the Metropolitan Police Service (MPS) in 1829. The general instructions are better known as the Peelian Principles of Policing, named after Sir Robert Peel, **the Home Secretary**.

According to the Peelian Principles the police’s authority is dependent on public consent. The police lose their authority when they lose the consent of the public. The public’s consent is maintained not by **pandering to public opinion** but by **applying the law fairly, impartially** and by using minimal force.

In order to demonstrate they are applying the law fairly, police forces should **operate with transparency**. They must provide certain information about the use of their powers to **the Home Office**. Forces must **make arrangements for people to receive information** about, and comment on, policing in their area. Most do this by conducting meetings where residents can engage with local policing teams and by operating Independent Advisory Groups where local people, often those from underrepresented groups, advise on how their policing is affecting them.

In England and Wales, the public can also influence policing by voting in their local Police and Crime Commissioner (PCCs) / Mayoral election. PCCs/Deputy Mayors have two dual roles related to policing by consent, such as a governance role in which they set local priorities for their chief officer and an accountability role in which they monitor their performance at work.

3. Give Russian equivalents for the words and word combinations.

1. interlinked concepts
2. civilian police force
3. the British Transport Police
4. policing by consent
5. to be derived from
6. the principle of operational independence
7. to conduct meetings with local residents
8. to receive training and guidance on the lawful use of the powers
9. to pander to public opinion
10. the Home Office
11. a chief officer
12. to grant smb an array of powers
13. to lose authority

4. Find in the text English equivalents for the word combinations.

1. национальная полиция
2. иметь право принимать решения на свое усмотрение
3. предоставлять сотрудникам полиции соответствующую поддержку и ресурсы
4. Полиция Министерства обороны
5. зависеть от согласия в обществе

6. без страха и упрека
7. действовать публично/открыто
8. британская модель охраны правопорядка
9. привлекать к ответственности сотрудников полиции, неправомерно пользующихся своими должностными полномочиями
10. определять приоритеты
11. Служба констеблей по охране гражданских ядерных объектов
12. нести личную ответственность
13. оперативные вопросы
14. злоупотреблять своим служебным положением

5. Use negative prefixes to form antonyms. Fill in the table. Consult the dictionary.

faithfully, proper, lawful, effective, responsible, fairly, represented, appropriate, expected, dependent

im-	in-	ir-	mis-	un-

6. Match the words from the text with their definitions. There is an odd one out.

governance, accountability, discretion, jurisdiction, consent, police force, interference, transparency, array of powers

1. _____ is the quality of being done in an open way without secrets.
2. _____ is the authority that a particular court of law or official organization has to make laws, rules, or legal decisions.
3. _____ is a body of trained officers entrusted by a government with maintenance of public peace and order, enforcement of laws, and prevention and detection of crime.
4. _____ is the way that organizations or countries are managed at the highest level, and the systems for doing this.
5. _____ is permission or agreement.
6. _____ is a large number or wide range of them.
7. _____ is a situation in which someone is responsible for things that happen and can give a satisfactory reason for them.
8. _____ is the right or ability to decide something

7. Match the verbs (1-8) from the text to their synonyms (a-h).

- | | |
|--------------------------|---|
| 1. to grant | a. to abuse |
| 2. to prevent | b. to oversee, to supervise |
| 3. to pander | c. to please |
| 4. to challenge somebody | d. to supply |
| 5. to monitor | e. to give |
| 6. to operate | f. to hold somebody accountable for their actions |
| 7. to misuse | g. to keep someone from doing something |
| 8. to provide | h. to work |

8. Are the following statements true or false? Correct the false statements.

1. There are 43 civilian police forces in the UK.
2. All police officers, except for chief officers, hold the 'Office of Constable'.
3. The majority of police officers in England and Wales have jurisdiction to use their powers anywhere in the UK.
4. Police officers are entitled to make decisions independently.
5. The first officers of the Metropolitan Police Service applied the concept of policing by consent.
6. Policing by consent is often maintained by pandering to public opinion.
7. Citizens have the right to receive information about, and comment on, policing in their area.
8. The local Police and Crime Commissioners are responsible for setting local priorities for their chief officers and monitoring performance of their duties.

9. Answer the questions.

1. What is the composition of police forces in the UK?
2. What are the main concepts of the British policing model?
3. What are the powers of the Office of Constable?
4. What does the principle of operational independence imply?
5. Who was Sir Robert Peel?
6. What does the term "policing by consent" mean?
7. What measures are taken to provide transparency of police work?
8. How can the public influence the local police?

10. Fill in the gaps with the words from the box.

densely, undertakes, financial districts, covering, single, oldest, boundaries, rural, influential
--

Under section 2 of the Police Act 1996 there must be a (1) _____ police force for each of the 41 police areas, the "metropolitan police district" and the City of London police area.

Outside of London territorial police forces serve "police force areas" that largely mirror county and metropolitan district (2) _____. Police force areas cover varying geographies and populations. For example, West Midlands and Greater Manchester Police (the two largest forces outside of London) each serve a population of around 2 million. They police (3) _____ populated urban areas. In contrast, Cumbria Police serves just half a million people who live in a sparsely populated (4) _____ county.

The Metropolitan Police Service (MPS) serves the "metropolitan police district", an area (5) _____ most of London. The MPS is considered the most important and

(6) _____ police force in the UK. Policing most of London, the political, cultural and financial centre of the UK, places it at the heart of national life in Britain. The MPS also (7) _____ some specific national policing functions (for example, special persons protection) that other forces do not.

The MPS is by far the largest police force in England and Wales, serving a population of around eight million people and comprising around 33,000 officers. Established in 1829, it is also one of the (8) _____ police forces in the world.

The City of London Police (CoLP) serves the City of London, one of London's (9) _____, known as the "square mile". The CoLP is a unique force as it has two distinct roles: it is the local police force for the square mile but it is also a national force lead for economic crime.

11. Match the specialist police forces in the UK with their functions.

1. the Civil Nuclear Constabulary
2. the Ministry of Defence Police
3. the British Transport Police

A.

It polices the British railway network. It provides a policing service to Network Rail, rail and freight operators, their staff and their passengers throughout England, Wales and Scotland. It is also responsible for policing the London Underground System, the Docklands Light Railway, the Midland Metro tram system, Croydon Tramlink, Sunderland Metro, Glasgow Subway and Emirates AirLine.

B.

This is an armed police force that protects civil nuclear sites and nuclear materials in Britain. The Department for Business, Energy and Industrial Strategy is accountable to it.

C.

It protects the Ministry of Defence's nuclear sites and other defence assets in the UK. The Ministry of Defence holds departmental responsibility for its work.

12. Write a summary about the police forces in the UK. Cover the following points.

- The composition of police forces in the UK
- The British policing model
- The Office of Constable
- The principle of operational independence
- "Policing by consent"
- The role of the general public in the work of the police

Unit 3.

POLICE IN THE UNITED STATES OF AMERICA

Lead-in

1. Work in pairs. Do you agree with the following statements?

1. There are federal and state police forces in the USA.
2. Local policemen in the USA are called sheriffs.

2. Read and translate the text.

Text

Vocabulary

1. a decentralised police system - децентрализованная полицейская система
2. to conduct an investigation into something - проводить расследование чего-то
3. county police forces - полиция округа
4. to reflect public opposition to something - отражать общественное неприятие чего-то
5. to weaken local governments – ослабить органы местного самоуправления
6. Special Weapons and Tactics (SWAT) - военизированные боевые подразделения полицейских структур США, выполняющие опасные операции
7. growing concerns over something – растущая обеспокоенность по поводу чего-либо
8. to collect taxes - взимать налоги
9. courthouse security - охрана здания суда
10. to handle emergency calls - обрабатывать экстренные вызовы
11. shared jurisdiction - совместная юрисдикция
12. an umbrella term - общий термин
13. to give the federal government power over something - наделять федеральное правительство полномочиями в отношении чего-либо
14. an intelligence agency – разведывательное управление, служба разведки

The USA has what may be the most **decentralised police system** in the world, characterised by an extraordinary degree of duplication and conflicting jurisdiction. Although every community is entitled to run its own police department, federal and state officials can still **conduct local investigations into** certain offences. The police in the USA are mainly organised around local-level police forces, sheriff departments and **county police forces** in several thousand counties, police forces and criminal investigation agencies established by each of the 50 states and the federal system.

The existing American police structure **reflects public opposition to** any concentration of police power. It has been argued that local problems require local remedies and that the nation would suffer, and **local governments be weakened**, should all offenses become federal (national-level) offenses and all police powers be transferred to Washington, DC.

The powers of local governments are usually similar to some that larger governments have, such as raising taxes or setting up a local police force. There are more municipal police departments in the US (over 15,000) than any other kind of police agency. About 800 municipal police departments have only one officer and 87% have 25 or fewer officers, but there also are some very large municipal police departments such as the New York City Police Department (NYPD) with about 40,000 regular officers and 13,000 special purpose officers. Larger forces have specialised units such as detective, forensic, intelligence, internal affairs, narcotics, organised crime, **Special Weapons and Tactics (SWAT)** and traffic. Because of the Federal Government's

approach to the 'war on drugs', many forces, even smaller ones, developed SWAT teams, leading to **growing concerns over** the militarisation of the police in the US.

The highly decentralised nature of policing in the USA results in vastly different approaches and levels of capacity. Particularly at a local level, issues such as training and equipment can vary widely, leading to inconsistent levels of service delivery.

Sheriffs are the top law enforcement officers at the county level. There are about 3,100 sheriffs in the US, most of whom are elected and exercise political control. Some counties have two sheriffs: one criminal and the other civil. Usually sheriffs are also responsible for running jails, **collecting taxes** and **courthouse security**. However, not all counties have a Sheriff's Office. Larger counties tend to have County Police Departments run by a Chief of Police and some counties have both. County policing **handles emergency calls** in most jurisdictions.

State police operate under a model of shared jurisdiction with municipalities and counties and have sub-national, territorial authority. In practice, state police can exercise jurisdiction over smaller forces if they want to.

Although state police usually come under the common **umbrella term** Department of Public Safety, each state has a somewhat different state police structure.

The US Constitution did not create a national police force but it **gave the federal government power over** a limited number of crimes. Over the years, this number has increased greatly, and the federalisation of law enforcement is an undeniable trend. There are approximately 60 different federal police agencies. There are also about 13 **intelligence agencies**, e.g. the Federal Bureau of Investigation (FBI), that count as law enforcement although they do not have a law enforcement mandate, and also the military police.

3. Give Russian equivalents for the following word combinations.

1. a municipal police department
2. conflicting jurisdiction
3. criminal investigation agencies
4. internal affairs
5. to run jails
6. organised crime
7. regular officers and special purpose officers
8. local problems require local remedies
9. to raise taxes
10. Special Weapons and Tactics (SWAT)
11. state police

4. Find in the text English equivalents for the following word combinations.

1. обрабатывать экстренные вызовы
2. децентрализованная полицейская система
3. окружное полицейское управление под руководством начальника полиции
4. наделять федеральное правительство полномочиями в отношении чего-либо
5. создать национальную полицию
6. проводить расследование чего-либо
7. специализированные подразделения
8. ослабить органы местного самоуправления
9. высшее руководство правоохранительных органов
10. департамент общественной безопасности
11. охрана здания суда

5. Match the verbs on the left with the words and word combinations on the right to make collocations. Make your own sentences.

- | | |
|----------------|-------------------------|
| 1. to reflect | a. political control |
| 2. to collect | b. the local government |
| 3. to conduct | c. taxes |
| 4. to handle | d. a police force |
| 5. to set up | e. SWAT teams |
| 6. to run | f. emergency calls |
| 7. to exercise | g. public opposition |
| 8. to require | h. jails |
| 9. to develop | i. investigations |
| 10. to weaken | j. local remedies |

6. Fill in the gaps with the prepositions from the box.

to (x4) / for / in (x2) / by / into

1. The police are conducting an investigation ____ the robbery that occurred last night.
2. The defendant's reckless actions resulted ____ significant financial losses for the plaintiff leading ____ a lawsuit for damages.
3. The work of LAPD is characterised ____ its commitment to serving and protecting the community with integrity and professionalism.
4. Decentralisation involves transferring powers and budget incomes ____ local governments.
5. The breach of contract may result _____ legal action against the breaching party.
6. The police officer is entitled ____ request identification from individuals during a routine traffic stop.
7. The structure of federal courts is similar _____ that of the state courts.
8. County police are responsible _____ handling emergency calls in most jurisdictions.

7. Are the following statements true or false? Correct the false statements.

1. The USA has a centralised police system.
2. The Americans believe that local problems require local remedies.
3. Municipal police departments in the US are the most widespread kind of police agency.
4. All local-level police forces have specialised units such as detective, forensic, intelligence, internal affairs, narcotics, Special Weapons and Tactics (SWAT) and traffic.
5. Due to the 'war on drugs', many police forces developed SWAT teams, even smaller ones.
6. At a local level, the police forces have a standardised approach to the issues such as training and equipment.
7. There are about 3,100 sheriffs in the US, most of whom are appointed and exercise political control.
8. State police operate under a model of exclusive jurisdiction.
9. The US Constitution provided for a national police force.
10. Over the years, the number of crimes that the federal police have the right to deal with, has grown significantly.

8. Answer the questions.

1. What are the main characteristics of the police system in the USA?
2. How is the U.S. police organised?
3. Why do the Americans support the existing police structure?
4. How does the police force operate at the local level?
5. What are sheriffs responsible for?
6. How is the work of state police organised?
7. What law enforcement agencies constitute the federal police?

9. Fill in the gaps with the words from the box.

non-Indians, campuses, quicker, tribal, sworn officers, Navajo Nation Police, armed, Indian, student riots
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The USA also has complex systems of (1) _____ law enforcement in and next to Indian land. Not all 341 federally recognised American (2) _____ tribes have their own tribal police force, however. Some tribal agencies have arrest authority against tribal offenders but not all have arrest authority over (3) _____. The largest and most well-organised tribal police agency in the US is the (4) _____ with 330 officers, 45 investigators and 279 civilians.

Law enforcement in universities is undertaken by university police who are responsible for (5) _____ and surroundings. University police are (6) _____ with full arrest powers but their exact legal status is unclear. University policing started during the (7) _____ in the 1960/70s, making riot control one of its first functions. The justification was that a (8) _____, different response than that of municipal police was needed. Despite their questionable status, many university police are (9) _____.

10. Look through the text. What do these numbers refer to?

- 77
- 1845
- 19,000
- 12
- 36,000
- 25 (x2)

The New York City Police Department (NYPD) is the largest and one of the oldest municipal police departments in the United States, with approximately 36,000 officers and 19,000 civilian employees.

The NYPD was established in 1845, and today, is responsible for policing an 8.5-million-person city, by performing a wide variety of public safety, law enforcement, traffic management, counterterror, and emergency response roles. In the past 25 years, the department has achieved spectacular declines in both violent and property crime, ensuring that New York City has the lowest overall rate of major crimes in the 25 largest cities in the country.

The NYPD is divided into major bureaus for enforcement, investigations, and administration. It has 77 patrol precincts with patrol officers and detectives covering the entire city. The department also has 12 transit districts to police the subway system and its nearly six-million daily riders, and nine police service areas (PSAs) to patrol the city's public housing developments, which are home to more than 400,000 residents. Additionally, uniformed civilians serve as traffic safety agents on the city's busy streets and highways, and as school safety agents, protecting public schools and the over-a-million students who attend them.

11. Speak about the police in the USA. Cover the following points.

- The decentralised police system
- The structure of the US police
- The police force at the local level
- The responsibilities of sheriffs
- The work of state police
- The law enforcement agencies at the federal level

Glossary

to abuse the position	злоупотреблять служебным положением
to be subordinate to smb	быть в подчинении у кого-то
to be trained at	пройти подготовку в
to carry firearms	носить огнестрельное оружие
the Civil Nuclear Constabulary	Служба констеблей по охране гражданских ядерных объектов
to collect taxes	взимать налоги
constable	констебль
- to hold the Office of Constable	занимать должность констебля
to coordinate and oversee the activities	координировать и осуществлять надзор над деятельностью
courthouse security	охрана здания суда
directorate	управление
- the Main Directorate for Traffic Safety	Главное управление по обеспечению безопасности дорожного движения
- the Main Directorate for Combating Extremism	Главное управление по противодействию экстремизму
- the Main Directorate for Criminal Investigation	Главное управление уголовного розыска
- the Main Directorate for Migration	Главное управление по вопросам миграции
- the Main Directorate for Drug Control	Главное управление по контролю за оборотом наркотиков
to ensure the protection of human and civil rights and freedoms	обеспечивать защиту прав и свобод человека и гражданина
expertise	опыт, компетенции, профессиональные знания

growing concerns over something	растущая обеспокоенность по поводу чего-либо
to have discretion to make decisions	иметь право принимать решения на свое усмотрение
to handle emergency calls	обрабатывать экстренные вызовы
the Home Office	Министерство Внутренних Дел Великобритании
the Home Secretary	Министр Внутренних Дел Великобритании
improper political interference	неправомерное вмешательство политиков
investigation	расследование
- to carry out criminal investigations and inquiries	проводить уголовное расследование и дознание
- to conduct an investigation into something	проводить расследование чего-то
- forensic investigation	судебно-медицинская экспертиза
- a method of preliminary investigation	предварительное расследование
- the prevention, detection, suppression and investigation of crimes	предупреждение, обнаружение, пресечение и расследование преступлений
juvenile crime	преступность несовершеннолетних
law	право, закон
- to apply the law fairly and impartially	применять законы справедливо и беспристрастно
- to operate in accordance with the law	действовать в соответствии с законом
to make arrangements for smth	принимать меры по обеспечению чего-либо
the Ministry of Internal Affairs	Министерство Внутренних Дел (МВД)
a minor	несовершеннолетний
to operate with transparency	действовать прозрачно, открыто
to pander to public opinion	потакать общественному мнению
police	полиция
- county police forces	полиция округа
- a decentralised police system	децентрализованная полицейская система
- the Ministry of Defence Police	Полиция Министерства обороны
- the Police and Crime Commissioner	комиссар полиции по уголовным делам
policing by consent	охрана правопорядка по взаимному согласию
power	полномочия

- to give the federal government power over something	наделять федеральное правительство полномочиями в отношении чего-либо
- to grant smb an array of powers	предоставлять кому-то ряд полномочий
- to misuse powers	неправомерное использование полномочий
to reflect public opposition to something	отражать общественное неприятие чего-то
to set priorities	определять приоритеты
shared jurisdiction	совместная юрисдикция
Special Weapons and Tactics (SWAT)	военизированные боевые подразделения полицейских структур США, выполняющие опасные операции
the State Secretary-Deputy Minister	Статс-секретарь заместитель Министра Внутренних Дел
to tackle minor offences	бороться с мелкими правонарушениями
an umbrella term	общий термин
to weaken local governments	ослабить органы местного самоуправления
without fear or favour	без страха и упрека

Chapter 8. CIVIL PROCEDURE

Unit 1

CIVIL LITIGATION

Lead-in

1. Discuss the following questions.

1. What is civil litigation based on?
2. What is the aim of civil litigation?
3. What is the difference between criminal procedure and civil procedure?

2. Read and translate the text.

Text 1

Vocabulary

1. civil litigation - судебное производство по гражданскому делу, гражданский процесс
2. the claim for damages - требование компенсации ущерба или возмещения убытков
3. to wrong a person - причинить ущерб/совершать правонарушение
4. a litigant - сторона в гражданском процессе/ тяжущийся
5. to pertain to settling disputes - касаться урегулирования споров
6. inception - начало судопроизводства
7. a complaint - жалоба, исковое заявление
8. to issue a summons - выдать повестку в суд
9. to file a case - подать иск
10. to be present in the court in person - лично присутствовать в суде
11. to initiate legal action - обратиться в суд/начать гражданское судопроизводство
12. to issue a summons - выдавать повестку в суд
13. to make an appearance before the court - явиться в суд
14. to admit the plaintiff's claim - признать исковые требования
15. to pronounce the judgement in favour of the plaintiff - вынести судебное решение в пользу истца
16. the status quo order - решение суда, не позволяющее третьей стороне вмешиваться в решение судопроизводства
17. an interlocutory order - промежуточное решение суда
18. an issue collateral to the main dispute - вопрос, являющийся вспомогательным в судебном споре
19. the defendant's pleas against the plaintiff's complaint - официальное заявление ответчика против иска истца
20. the interim sale of property - промежуточная продажа имущества
21. detention preservation - продление срока содержания под стражей
22. to pass ex parte order - вынести решение в одностороннем порядке
23. to file a notice of motion - подать ходатайство

Civil litigation follows a number of procedural steps in order to arrive at the final judgement. Civil suits are mostly related to monetary transactions or property disputes and are mostly concerned with **the claim for damages**.

A civil suit is one that alleges violations of civil law by one or more persons. Civil litigation comes up when one person **wrongs** another person. Both persons here are referred to as the parties or **litigants**. Civil litigation **pertains to settling disputes** that are not criminal in nature.

Civil litigation goes through several stages from its **inception** to the declaration of the final order.

The facts and summary of the case are recorded in **the complaint**, which is a legal document. The litigation is based on the facts mentioned in the complaint, and therefore it is the starting point of the litigation.

Once the complaint is accepted by the court, **a summons is issued** to the defendant against whom **the case is filed**. The defendant is required **to be present in the court in person** or can be represented by a lawyer. It is simply a writ that states that **legal action is initiated** against the defendant. The summons is issued within 30 days from the date of **initiation of the suit**. The summons calls for the defendant **to make an appearance before the court**, to give the defendant an opportunity to be heard. Alternatively, if the defendant **admits the claim** even before the summons is issued there is no need for such issuance in the first place, and **the judgement will be pronounced in favor of the claimant**.

It is mandatory that the parties to whom the summons was sent appear in court at the specified time and date. In the event that the parties fail to appear, an **ex parte order will be passed** in favor of the claimant. A court may dismiss a case if both parties fail to appear on the stipulated date, even after giving them a fair chance.

The Court has the obligation to intervene and maintain the status quo most often. **The status quo order** can be requested by the claimant by **filing a notice of motion**. In short, **an interlocutory order** is more like a temporary injunction. An interlocutory order often helps in the progress of the case but only helps with **issues collateral to the main dispute** in the litigation. Interlocutory proceedings are more often issued for matters related **to the interim sale of property, detention preservation**, the appointment of court receiver.

The written statement mentions **the defendant's pleas against the claimant's complaint**. The written statement should be filed within 30 days from the date of service of the summons to the defendant. In the written statement, it is mandatory that the defendant specifically denies every allegation that the claimant has mentioned in the complaint. The defendant can also mention counterclaims, if required, against the claimant in the written statement.

Once the written statement is filed, the Court records the acceptance or denial of the allegations made by the claimant or by the defendants.

3. Give Russian equivalents for the following words and word combinations.

1. monetary transactions
2. to issue a summons
3. a defendant
4. a writ
5. to dismiss a case
6. to pass an ex parte order
7. a claimant
8. at the specified time and date
9. violations of civil law
10. a written statement

4. Find in the text English equivalents for the following words and word combinations.

1. гражданский иск
2. имущественные споры
3. не явиться в суд

4. окончательное решение
5. ответчик
6. обязательно, необходимо
7. подать ходатайство
8. принять или отрицать обвинения
9. дата вручение судебной повестки
10. промежуточное решение суда

5. Answer the questions.

1. What do civil suits mostly refer to?
2. What is a civil suit?
3. What is litigation based on?
4. What follows after the complaint is accepted by the court?
5. What is the essence of the summons?
6. What must parties to whom the summons was sent do?
7. What is an interlocutory order?
8. What does the written statement contain?

6. Match the verbs on the left with the words and word combinations on the right to make collocations. Translate them Russian. Make sentences of your own.

- | | |
|------------------------------|----------------------------|
| 1. to intervene and maintain | a. the judgement |
| 2. to settle | b. the case |
| 3. to admit | c. violations of civil law |
| 4. to issue | d. an ex parte order |
| 5. to pronounce | e. the status quo |
| 6. to file | f. another person |
| 7. to pass | g. the plaintiff's claim |
| 8. to initiate | h. a summons |
| 9. to wrong | i. a legal action |
| 10. to allege | j. a dispute |

7. Match legal terms on the left with the definitions on the right. Find in the text sentences with these terms and translate them.

1. a writ	a. A claim by a defendant opposing the claim of the plaintiff and seeking some relief from the plaintiff for the defendant.
2. an interlocutory proceeding	b. Relating to an action taken in a legal proceeding by one party without the presence or participation of the opposing party.
3. a summons	c. A formal response by the defendant to the affirmative assertions of the plaintiff in a civil case.
4. a legal action	d. The assertion, claim, declaration, or statement of a party to an action, setting out what he or she expects to prove.
5. a counterclaim	e. A lawsuit alleging violations of civil law by the defendant.

6. an ex parte order	f. Provisional; interim; temporary; not final; that which intervenes between the beginning and the end of a lawsuit or proceeding.
7. a motion	g. A written order issued by a court, commanding the party to whom it is addressed to perform or cease performing a specified act.
8. a plea	h. An order or process directing a person especially a defendant in a case, to appear in court.
9. an allegation	i. Any lawsuit, petition or prosecution.
10. a civil suit	j. A written or oral application made to a court or judge to obtain a ruling or order directing that some act be done in favor of the applicant.

8. Fill in the gaps with the appropriate word combinations from the box.

harm suffered	a court order	determine the facts of the case	damages
make a final judgement	injury to personal rights	to have been harmed	
by filing a complaint	resolve the case	declaratory judgement	
apply the appropriate law	to settle their disputes	an enforceable judgment	
makes a request for relief	legal consequences	an injunction	civil cases

Court cases that involve disputes between people or businesses over money or some (1) _____ are called (2) _____.

A civil case usually begins when one person or business - the plaintiff/claimant claims (3) _____ by the actions of another person or business - the defendant. The plaintiff starts a court case (4) _____ - a document that outlines the plaintiff's facts and legal theories and (5) _____.

In the complaint the plaintiff might:

- ask the court for (6) _____ meaning money to pay the plaintiff for any (7) _____;
- ask for (8) _____ which is (9) _____ to prevent the defendant from doing something or to require the defendant to do something;
- ask for (10) _____ meaning a court order stating the parties' rights under a contract or statute.

Eventually, a judge or jury will (11) _____ and then (12) _____ to those facts. Based on their analysis of the law and facts the judge or jury will (13) _____, sometimes also called a decision or order and decide what (14) _____ flow from the parties' actions.

The parties also might (15) _____ themselves. At any time during a case the parties can agree ___16___ and reach a compromise to avoid trial and the risk of losing. Settlement often involves the payment of money and can be structured to result in (17) _____.

9. Give Russian equivalents to the following types of civil cases. Match civil cases with their descriptions.

1. Tort claims	a. Civil courts handle disputes between landlords and tenants. For example, a landlord tries to evict a tenant or a tenant has moved out and sues a landlord for the return of a security deposit.
----------------	--

2. Breach of contract claims	b. This claim usually asks the court to order a party to take some action or stop some action. Cases for a court order to stop the destruction of property, the sale of land or the marketing to a business' customers are examples of such claims.
3. Equitable claims	c. It is a wrongful act sometimes called a tortious act that causes injury to the other individual's person, property, reputation or the like for which the injured person is entitled to payment. Cases involving personal injury, battery, negligence, defamation, medical malpractice, fraud and many others are all torts.
4. Landlord-tenant claims	d. This case usually results from a person's failure to perform some term of a contract whether the contract is written or verbal without some legitimate legal excuse. Examples include lawsuits for not completing a job, not paying in full or on time, failing to deliver goods sold or promised and many others.

10. Read and translate the text.

Text 2

STEPS OF THE CIVIL PROCEDURE

Vocabulary

1. to file a complaint - подать исковое заявление
2. to contend the civil dispute - делать заявления об участниках гражданского процесса
3. to claim damages - требовать возмещения убытков
4. the defendant's pleas - позиция ответчика по иску
5. the examination of the parties - допрос сторон
6. to substantiate a claim - подкрепить иск доказательствами
7. inspection and discovery of the documents - проверка и сбор документов
8. to produce documents in the court - представить документы в суд
9. to agree or deny the allegations - согласиться или отрицать обвинения
10. to cross-examine the defendant's side of the witness - проводить перекрестный допрос свидетеля стороны ответчика
11. the summary of the case - краткое изложение дела
12. to pronounce the judgment - огласить решение суда
13. to apply for the review of the judgement - обратиться с заявлением о пересмотре дела
14. to perform the mandate of the decree or order - выполнить постановление/определение суда

1. Filing the Complaint

The facts and summary of the case are recorded in the complaint. The litigation is based on the facts mentioned in the complaint, and therefore it is the starting point of the litigation.

Some of them are:

- Name of the Court where the litigation takes place
- Details of the parties **contending the civil dispute**
- Facts of the case
- The relief or **damages claimed** by the plaintiff
- The documents that substantiate the facts of the case.

2. Issuing Summons

Once the complaint is accepted by the court, a summons is issued to the defendant against whom the case is filed.

3. The appearance of the Parties to the Dispute

It is mandatory that the parties to whom the summons was sent appear in court at the specified time and date.

4. Interlocutory Proceedings

Civil litigation is a long and circumvented process and goes through various stages before the final order is passed.

5. Written Statement

The written statement mentions **the defendant's pleas** against the claimant's complaint.

6. Examination

After the filing of the complaint and the written statement, the next step is to carry out **the examination of the parties**.

7. Framing of the Issues Involved

Once the process of litigation commences, and the written statement is filed, the parties will then be allowed to submit the issues. The court, after the first hearing, and after analyzing the complaint and the written statement would weigh the proposition of the facts of the dispute and would frame the issues.

8. Documents Required

Subsequent to the framing of the issues, the parties have to furnish the required documents that **substantiate their claims**. If the parties intend to produce documents that are in the possession of a third party, an application has to be made to the court to issue summons to the concerned parties to procure the said documents.

9. Inspection and Discovery of the Documents

Once the documents are submitted, the parties can apply to the court for the inspection of the documents. With the permission of the court, the parties can gain access to the required documents. The opposition parties, however, can admit or deny the documents.

10. Producing the Required Documents

Once the list of documents is furnished in the court and depending upon the acceptance or denial the documents have **to be produced in the court**.

11. Examination and Cross-Examination of the Witnesses

The most important stage in litigation is the examination of the witnesses. In the first hearing of the suit, the court asks the parties if either of them **agrees or denies the allegations** made by the opposition. Usually, the claimant gets the first chance to begin, unless the defendant proves otherwise. The claimant has to submit the pieces of evidence, and the defendant's advocate gets to cross-examine the plaintiff and witnesses who represent the plaintiff's side. The plaintiff's/claimant's advocate also gets the chance **to cross-examine the defendant's side of the witness**.

12. Arguments

Once the process of examination and cross-examination has been completed, the next stage in civil litigation is to take the arguments. The parties to the dispute are asked to present their arguments, **the summary of the case**, and the list of evidence to substantiate their arguments.

13. Judgement

The next stage in litigation is **to pronounce the judgement**. The judge of the respective court, on weighing the merits of the case and the arguments advanced, passes the judgement based on which the decree will be passed.

14. Appeal, Review, Revision of the Judgment Passed

Once the judgement is passed, and if one of the parties is not satisfied with the decision, they can **apply for the review of the judgement** within 30 days from the date of the judgement. The aggrieved party can also file a revision petition to the higher court within the same time frame or can opt for an appeal to a higher court within 60 to 90 days from the date of announcement of the judgment.

15. Decree Execution

The final stage is the execution of the decree, wherein the decree-holder forces the judgement debtor to perform the mandate of the decree or order, depending upon the situation. The execution of the decree is said to have been performed when the creditor gets the money that was due or receives the claims that were directed in the judgment order.

11. Give Russian equivalents for the following word combinations.

1. to issue a summons
2. a circumvented process
3. to submit the issues
4. to weigh the proposition of the facts of the dispute
5. to gain access to the required documents
6. to cross-examine the defendant's side of the witness
7. to take the arguments
8. to pass the judgement
9. the aggrieved party
10. to file a revision petition
11. decree execution

12. Find in the text English equivalents for the following word combinations.

1. установить обстоятельства по делу
2. подать иск
3. явиться в суд
4. сформулировать свою позицию по предмету спора
5. исполнение решения суда
6. допрос свидетелей
7. представить доказательства
8. подтвердить иск доказательствами по делу
9. взвесить доказательства дела
10. потерпевшая сторона
11. потребовать компенсацию

13. Answer the following questions.

1. What is the litigation based on?
2. What is the content of the complaint?
3. What does the summons call for?
4. What happens if the parties fail to appear in court?
5. Is there any difference between an interlocutory order and a temporary injunction? Give your reasoning.
6. What is mandatory in the written statement?
7. What follows after the first hearing and analyzing a complaint and a written statement?
8. When can the parties gain access to the required documents?
9. What is the time period for the parties to apply for the review of the judgements?
10. When is the execution of the decree said to have been performed?

14. Read about different ADR. Are the similar forms of ADR available in the RF?

The term litigation is sometimes used to distinguish lawsuits from ADR (alternative disputes resolution) methods, such as arbitration, mediation, negotiation and conciliation.

Arbitration is the main form of ADR used by businesses. If a case goes to arbitration, the disputing parties refer it to one or more impartial referees (the arbitrators, arbiters or arbitral tribunal). The parties agree to be bound by the referees' decision (e.g. an award for damages). Arbitration is often used to resolve commercial disputes, particularly those involving international commercial transactions, and it developed historically alongside international trade. The arbitral process for resolving disputes under international commercial contracts is referred to as international arbitration. Arbitration is also used in some jurisdictions to resolve other types of disputes, such as those involving employment-related issues.

Mediation involves a type of structured meeting with the disputing parties and an independent third party who works to help them reach the agreement between themselves. In arbitration, a binding decision is imposed by an independent third party. With mediation, the role of the third party is to facilitate negotiation and agreement between the disputing parties.

Negotiation is often the first option for those wishing to resolve a dispute. Simply because, in some cases, both parties can solve arguments by taking a "cards on the table" approach and attempting to negotiate a compromise. If required, dispute resolution specialists can take instructions and negotiate on behalf of the parties. There is no impartial third party in negotiation to assist the parties with their negotiation, so the parties must work together to reach an agreement.

Conciliation is a common form of ADR used for employment disputes. Furthermore, conciliation is a compulsory process before an employee wishes to bring a claim to the Employment Tribunal. The conciliator will discuss the issues and try to help the parties reach an agreement, often providing their own opinion after assessing the situation and the different arguments. The conciliator's opinion is used to help parties recognize their positions in the dispute and come to an agreement.

Recent years have seen the development of online dispute resolution (ODR). ODR proceedings start with the filing of claim online, followed by proceedings which take place over the Internet.

15. Fill in the gaps with the appropriate words (parties involved in dispute resolution) from the box.

arbitration tribunal	arbitrator	barrister	claimant	court
defendant	disputing parties	solicitor	third party	

In litigation the (1) _____ files a lawsuit against the (2) _____. Usually a (3) _____ carries out pretrial work in preparation of the case, while a (4) _____ represents the claimant or defendant in court. When the case has been heard, the (5) _____ delivers judgement.

In arbitration an (6) _____ or (7) _____ decides on the outcome of the case.

In mediation an independent (8) _____ helps the (9) _____ reach a settlement.

16. Discuss the most effective forms of ADR. Give your arguments.

Unit 2

CIVIL CODE OF THE RUSSIAN FEDERATION

Lead-in

1. Work in pairs. Answer the questions.

1. What is the purpose of the Civil code of the Russian Federation?
2. Does the Civil code provide punishment for offenders?

2. Read and translate the text.

Text

Vocabulary

1. inviolability of property - неприкосновенность собственности
2. impermissibility of arbitrary interference - недопустимость произвольного вмешательства
3. unimpeded exercise of civil law rights - беспрепятственное исполнение гражданских прав
4. exercise law rights - пользоваться законными правами
5. to contradict legislation - противоречить законодательству
6. lawful interests - законные интересы
7. to ensure national defence and the security of the state - обеспечивать оборону страны и безопасность государства
8. to ensure public safety - обеспечивать безопасность
9. the exercise of the rights of ownership and other rights in rem - осуществление права собственности и других вещных прав
10. proprietary independence of their participants - имущественная самостоятельность участников
11. entrepreneurial activities - предпринимательская деятельность
12. the systematic making of profit - систематическое получение прибыли
13. performance of work - выполнение работ
14. in accordance with the procedure stipulated by law - в установленном законом порядке
15. inalienable human rights and freedoms - неотчуждаемые права и свободы человека

Civil legislation is founded on the recognition of the equality of participants in the relations which regulate the **inviolability of property**, the freedom of contract, the **impermissibility of arbitrary interference** by anyone whomsoever in private matters, the necessity for **unimpeded exercise of civil law rights**, and securing the restoration of violated rights as well as their defence in the courts of law.

Citizens (physical persons) and legal persons acquire and **exercise law rights** through their own free will and in their own interest. They are free in establishing their rights and responsibilities on the basis of a contract and in determining the conditions of the contract to the extent that such conditions do not **contradict legislation**.

Civil law rights may be limited on the basis of federal law and only to the extent that is necessary for purposes of defending the foundations of constitutional order, public morality, health, or the rights and **lawful interests** of other persons, or **ensuring national defence and the security of the state**.

Goods, services and capital shall move freely throughout the entire territory of the Russian Federation. Limitations on the movement of goods and services may be imposed in accordance

with federal law, if such is necessary for **ensuring public safety**, defending the life and health of persons, protecting the environment and cultural treasures.

Civil legislation determines the legal status of participants in civil law relations, the grounds for the creation and procedure for **the exercise of the rights of ownership and other rights in rem**, rights to the result of intellectual activities. It regulates contractual and other obligations, as well as other property and related personal (nonmaterial) relations, based on equality, autonomy of will and **proprietary independence of their participants**.

Citizens (physical persons) and legal persons are the participants in relations regulated by civil legislation. The Russian Federation, the subjects of the Russian Federation and municipal formations may also participate in relations which are regulated by civil legislation.

Civil legislation regulates relations between persons engaged in **entrepreneurial activities** or participating in such activities, based on the fact that entrepreneurial activities are independent activities undertaken at one's own risk and directed at **the systematic making of profit** from the use of property, sale of goods, **performance of work** or provision of services by persons registered in this capacity **in accordance with the procedure stipulated by law**.

Rules established by civil legislation are applicable to relations involving the participation of foreign citizens, stateless persons and foreign legal persons, unless otherwise provided by federal law.

Inalienable human rights and freedoms and other nonmaterial values are protected by civil legislation, unless otherwise indicated by the nature of these nonmaterial values.

Civil legislation is not applicable to property relations based on administrative or other governmental subordination of one party to another, including tax and other administrative relations, unless otherwise provided by legislation.

3. Give Russian equivalents for the following word combination.

1. inviolability of property
2. restoration of violated rights
3. to contradict legislation
4. legal status of participants
5. entrepreneurial activities
6. to make a profit
7. stateless persons
8. inalienable human rights and freedoms
9. tax and other administrative relations
10. proprietary independence
11. foundations of constitutional order

4. Find in the text English equivalents for the following word combinations.

1. недопустимость произвольного вмешательства
2. осуществление права собственности
3. обеспечение обороны страны
4. вещные права
5. договорные отношения
6. выполнение работ
7. процесс, предусмотренный законом
8. законные интересы
9. интеллектуальная деятельность
10. неимущественные отношения
11. налоговые и другие административные отношения

5. Answer the questions.

1. What is the foundation of Civil Legislation?
2. How do physical persons and legal persons acquire and exercise civil law rights?
3. In what cases may civil rights be limited?
4. What does civil legislation determine?
5. Who are the participants in relations regulated by civil legislation?
6. What does civil legislation regulate?
7. How are rules established by civil legislation applied?
8. How are inalienable human rights and freedoms protected?

6. Match words and word combinations on the left with their descriptions on the right.

1. equality	a. to decide smth. officially
2. to interfere with	b. having or deserving the same rights and opportunities as other people
3. defence	c. set of laws
4. to contradict	d. to make smth. start to exist or start to happen
5. to impose on	e. smth. that you must do for legal or moral reasons
6. legislation	f. to be owned by a person or company and sold under a trademark or patent
7. obligations	g. to introduce smth. such as a new law for a new system and force people to accept it
8. proprietary	h. to prevent smth. from happening or developing in correct way
9. to establish	i. actions that you take to protect someone or something that is being attacked
10. to determine	g. to say that the opposite of what someone has said is true

7. Replace Russian word combinations with corresponding English equivalents from the text.

1. Civil legislation (основывается на) the recognition of the equality of participants in the definite kinds of relations.
2. They are free in establishing (своих прав и обязанностей) on the basis of a contract and (в определении условий договора) to the extent that such conditions (не противоречат законодательству).
3. Goods and services (свободно перемещаются на всей территории Российской Федерации).
4. The Russian Federation (субъекты и муниципальные образования) may also participate in relations which are regulated by civil legislation.
5. Rules established by civil legislation (применяются к отношениям с участием) foreign citizens, stateless persons and foreign legal persons.
6. (Неотчуждаемые права и свободы человека) and other nonmaterial values are protected by civil legislation.

7. Civil legislation is not applicable to property relations (основанных на административном или ином властном подчинении) of one party to another.

8. Find in the text corresponding English sentences.

1. Граждане (физические лица) и юридические лица осуществляют свои гражданские права своей волей и в своих интересах.
2. Гражданские права могут быть ограничены на основании федерального закона.
3. Ограничения перемещения товаров и услуг могут вводиться в соответствии с федеральными законами.
4. Участниками регулируемых гражданско-правовых отношений являются граждане и юридические лица.
5. Правила, установленные гражданским законодательством, применяются к отношениям с участием иностранных граждан, лиц без гражданства и иностранных физических лиц.
6. Неотчуждаемые права и свободы человека и другие нематериальные блага защищены гражданским законодательством.

9. Speak about the basic provisions of the civil legislation in the Russian Federation.

Unit 3

DIFFERENCES BETWEEN CIVIL AND CRIMINAL PROCEDURE

Lead-in

1. Answer the question.

1. How does civil law differ from criminal law?

2. Read and translate the text.

Text

Vocabulary

1. to bring a criminal prosecution - начать уголовное преследование/возбудить дело
2. to bring a criminal charge - предъявить обвинение в совершении преступления
3. a convicted defendant - осужденный
4. to pursue the claim for compensation - подать иск о выплате компенсации
5. to award compensation - присудить выплату компенсации
6. admissible evidence - допустимые доказательства
7. collateral estoppel - преюдиция; обязанность суда учитывать обстоятельства, установленные ранее по данному делу
8. to be estopped from charging somebody criminally - лишиться права предъявить обвинение (в совершении преступления)
9. to be negligent - проявить халатность
10. restitution or transfer of property - возмещение ущерба или передача имущества
11. to prove the guilt of a criminal beyond reasonable doubt - доказать вину преступника вне всяких сомнений
12. to prove one's case on the balance of probabilities - доказать дело на основании соотношения вероятностей

Civil procedure is the body of law that sets out the rules and standards that courts follow when adjudicating civil lawsuits (as opposed to procedures in criminal law matters). Criminal and civil procedures are different. Although some systems, including the English and French, allow private persons **to bring a criminal prosecution** against another person. Prosecutions are nearly always started by the state, in order to punish the defendant. Civil actions, on the other hand, are started by private individuals, companies or organizations, for their own benefit. In addition, governments (or their subdivisions or agencies) may also be parties to civil actions. The cases are usually heard in different courts, and juries are not so often used in civil cases.

In Anglo-American law, the party **bringing a criminal charge** (that is, in most cases, the state) is called the prosecution, but the party bringing most forms of civil action is the plaintiff or claimant. In both kinds of action, the other party is known as the defendant. A criminal case against a person called Ms. Sanchez would be described as "The people v. =versus=against Sanchez", "The State or Commonwealth v. Sanchez" or v. Sanchez in the United States and "R. (Regina, that is, the Queen) v. Sanchez" in England. But a civil action between Ms. Sanchez and Mr. Smith would be "Sanchez v. Smith" if it is started by Sanchez, and "Smith v. Sanchez" if it is started by Mr. Smith.

Most countries make a clear distinction between civil and criminal procedure. For example, a criminal court may force **a convicted defendant** to pay a fine as punishment for his crime, and the legal costs of both the prosecution and defence. But the victim of the crime generally **pursues his claim for compensation** in a civil, not criminal, action. In France and England, however, a victim of a crime may incidentally be **awarded compensation** by a criminal court judge.

Evidence from a criminal trial is generally **admissible as evidence** in a civil action about the same matter. For example, the victim of a road accident does not directly benefit if the driver who injured him is found guilty of the crime of careless driving. He still has to prove his case in a civil action, unless the doctrine of **collateral estoppel** applies, as it does in most American jurisdictions. In fact, he may be able to prove his civil case even when the driver is found not guilty in the criminal trial, because the standard to determine guilt is higher than the standard to determine fault. However, if a driver is found by a civil jury not **to have been negligent**, a prosecutor may **be estopped from charging him criminally**.

If the plaintiff has shown that the defendant is liable, the main remedy in a civil court is the amount of money, or damages, which the defendant should pay to the plaintiff. Alternative civil remedies include **restitution or transfer of property**, or an injunction to restrain or order certain actions.

The standard of proof is higher in a criminal case than in a civil one, since the state does not wish to risk punishing an innocent person. In English law the prosecution must **prove the guilt of a criminal beyond reasonable doubt**; but the plaintiff in a civil action is required **to prove his case on the balance of probabilities**. Thus, in a criminal case a crime cannot be proven if the person or persons judging it doubt the guilt of the suspect and have a reason (not just a feeling or intuition) for this doubt. But in a civil case, the court will weigh all the evidence and decide what is most probable.

3. Give Russian equivalents for the following words and word combinations.

1. a claimant
2. restitution
3. to make a clear distinction
4. legal costs
5. careless driving
6. a defendant
7. to doubt the guilt of the suspect
8. to prove the guilt of a criminal beyond reasonable doubt
9. damages
10. civil actions
11. the guilt of the suspect
12. an injunction to restrain action

4. Find in the text English equivalents for the following word combinations.

1. совокупность правовых норм
2. принимать решения по гражданскому делу
3. уголовное судопроизводство
4. опасное вождение
5. ради своей выгоды
6. альтернативные средства правовой защиты по гражданскому делу
7. начинать гражданский процесс
8. взвесить доказательства
9. нанести повреждение
10. признать виновным в совершении преступления
11. нести ответственность
12. степень/критерий доказанности

5. Answer the following questions.

1. What is civil procedure?
2. Who starts prosecution?
3. Who starts civil action?
4. What party brings a criminal charge?
5. Who are the parties in a civil action?
6. What does the victim of the crime pursue in a civil action?
7. What does the doctrine of collateral estoppel imply?
8. What might alternative civil remedies be?
9. Which standard of prove is higher: in a criminal case or in a civil action?

6. Fill in the gaps with the appropriate words from the box.

are tried	is brought	is committed	is committed	is fined
is punished	is put	is resolved	was caused	

A crime is a wrong which (1) _____ against society. The wrongdoer (2) _____: he or she (3) _____ in prison or (4) _____ a sum of money. A tort on the other hand, is a wrong which (5) _____ against and individual. The injured party can sue the wrongdoer and receive damages from the court. Criminal sanctions exist to make society safer and to keep people from committing certain acts. Tort remedies exist to make the injured party whole again for the harm which (6) _____ by the wrongdoer.

The key difference between the two is that a crime requires a criminal intent (mens rea), whereas a tort can result without intent to cause harm on the wrongdoer's part.

Crimes (7) _____ in the criminal courts. An action (8) _____ by governmental body against the wrongdoer. A tort, conversely, (9) _____ in the civil courts; the injured party brings an action against the wrongdoer.

7. Study the list of word combinations referring to civil litigation and criminal proceedings. Fill in the table with appropriate words and word combinations.

Civil Litigation	Criminal Proceedings	Both

Litigation – судебный процесс, тяжба

Civil litigation – судебный процесс/судопроизводство по гражданскому делу

Litigation expenses – судебные издержки

Issue in the litigation – предмет судебного спора

Lawsuit - судебный процесс/судопроизводство

To be cast in lawsuit – проиграть судебный процесс

Party to a lawsuit – сторона по делу

To file a lawsuit – подать иск

Suit – судебный процесс/судопроизводство, судебное дело, иск

To win/lose a suit – выиграть/проиграть судебный процесс

To mount a suit – предъявить иск

To bring a suit – возбудить дело, подать иск

Trial – судебный процесс/судопроизводство (уголовное)

To conduct/hold a trial – вести судебный процесс

To ring to trial/to put on trial/to place on trial – предать суду
To face trial – предстать перед судом
To stand trial – отвечать перед судом
Preliminary trial – предварительное слушание дела
Case for trial/trial case – дело, подлежащее судебному разбирательству
Case on trial – дело на стадии судопроизводства
Trial docket/trial list – список дел к слушанию
Party to a trial – сторона в процессе

Cause – судебный процесс, судебное дело
Legal cause – судебное дело, законное основание
Major/minor cause – дело о тяжком/малозначительном правонарушении
Costs in the cause – судебные издержки
Cause list – список дел к слушанию
Side in a cause – сторона по делу

Controversy – гражданское судопроизводство
Legal controversy – судебный спор
To decide a controversy – решать спор
Party in controversy – сторона в судебном споре

Proceeding(s) – судебный процесс/судопроизводство
To take criminal proceeding(s) – возбудить уголовное преследование
Civil/criminal proceeding(s) – гражданское/уголовное судопроизводство
Forfeiture proceeding(s)/ seizure – процедура конфискации

8. Speak about the differences between criminal and civil proceedings.

Unit 4

CIVIL OFFENCES/TORTS

Lead – in

1. Answer the questions.

1. Is a tort a civil or criminal offence?
2. What does tort law deal with?

3. Read and translate the text.

Text 1

WHAT IS A TORT?

Vocabulary

1. to inflict injury accidentally or intentionally - причинить вред случайно или умышленно
2. tort liability - деликтная ответственность
3. to be is entitled to remedies - иметь право на средства правовой/судебной защиты
4. the injured party - потерпевшая сторона
5. negligence - небрежность/халатность
6. a tort of conversion - деликт присвоения движимого имущества
7. a tort of trespass - деликт нарушения владения
8. a tort of nuisance - деликт нарушения покоя
9. a tort of negligence - деликт небрежности
10. a tort of defamation /slander/libel - деликт дискредитации/клеветы/; клевета в устной и письменной форме
11. vicarious liability - ответственность за действия третьих лиц
12. a legal duty of care - обязанность соблюдать осторожность
13. strict liability tort - деликт строгой ответственности

A tort is a civil wrong (wrongful act) committed by one individual against another individual's person, property or reputation. Simply it is an injury one person or entity **inflicts (accidentally or intentionally)** upon another. The concept of tort is used in most English-speaking common law traditions. Torts often help those who are not in contractual relationship. Contractual liability is based on agreement between parties.

Tort liability is based on the duty one person owes to another. It is imposed by law regardless of whether or not there is an agreement between parties.

Although a tort and a crime appear to be the same in many cases, the parties, the burden of proof and the punishment are different. In a tortious action **the injured party** is the claimant and the person charged with committing the tort is the defendant. The plaintiff/claimant has to prove the elements of his case.

When one person commits a tort upon another, the injured person **is entitled to remedies** under the law. These remedies can include monetary compensation and restraining orders.

Most torts involve, in some parts, **the doctrine of negligence**. The concept of negligence can be described as the failure of one person to act in a way we would expect that person to do under the circumstances and an injury which results from that failure.

Torts result in harm to a person or property that forms the basis of a claim by an injured party. The harm can be physical, emotional or financial. The most common torts are **the tort of**

conversion, the tort of trespass, the tort of nuisance, the tort of negligence and the tort of defamation. The tort of negligence can include medical negligence, negligent damage to private property and negligent misstatements causing financial loss.

The tort of conversion covers taking, destroying selling someone else's goods. It resembles the crime of theft. The tort of trespass covers entering someone's land without the owner's permission. The tort of nuisance covers the unreasonable interference with a person's use or enjoyment of land. An individual can sue in the tort of nuisance when his neighbour creates too much noise or keeps rubbish that causes unpleasant smells. The tort of negligence covers **a legal duty of care**. An individual may sue in the tort of negligence if someone damages his car while parking. A tort of defamation (libel/slander) covers attacks against someone's reputation through the written or spoken word.

Vicarious liability (liability on behalf of someone else) is an important concept in the law of torts. It gives the right to sue the employer of a person who commits a tort in the normal course of his employment. The concept is useful when high damages are sought and the defendant does not have the money to pay them.

Business torts include fraudulent misrepresentation, interference in contractual relations and unfair business practices. Torts fall into three general categories: intentional torts (unfair competition), negligent torts (causing an accident by failing to obey traffic rules) and **strict liability torts** (liability for making and selling defective products).

4. Give Russian equivalents for the following words and word combinations.

1. a tortious action
2. to sue in the tort of nuisance
3. liability for making and selling defective products
4. unfair business practices
5. libel
6. negligent damage to private property
7. in the normal course of one's employment
8. common law traditions
9. a legal duty of care
10. an injury

5. Find in the text English equivalents for the following word combinations.

1. совершить деликт в отношении кого-либо
2. неумышленное введение в заблуждение, приводящее к финансовым потерям
3. нечестная конкуренция
4. ответственность по контракту
5. физический, моральный и финансовый ущерб
6. медицинская халатность
7. владение землей
8. компенсация ущерба в крупном размере
9. ограничительные приказы
10. устная клевета

6. Answer the questions.

1. What is a tort?
2. Who is a claimant?
3. What do civil wrongs result in?

4. What harm might be inflicted?
5. What do examples of torts include?
6. What torts are referred to as business torts?
7. What three general categories do torts fall into?
8. What is the difference between tort law and criminal law?
9. What types of damages shall be awarded?
10. What are damages awarded for?

7. Agree or disagree with the following statements. Correct the false statements.

1. The concept of torts is used in most continental law traditions.
2. Tort liability is imposed by law with regard to whether or not there is an agreement between parties.
3. The plaintiff/claimant has to prove the elements of their case.
4. The concept of negligence can be described as the failure of one person to act in a way we would expect the person to do under the circumstances.
5. The tort of conversion resembles the crime of robbery.
6. The tort of trespass covers entering someone's land without the owner's permission.
7. The concept of vicarious liability is useful when the defendant has the money to pay.

8. Match the adjectives on the left with the nouns on the right to form collocations. Complete the sentences below with these collocations.

- | | |
|----------------|----------------------|
| 1. civil | a. compensation |
| 2. contractual | b. wrong |
| 3. injured | c. misrepresentation |
| 4. fraudulent | d. party |
| 5. medical | e. relations |
| 6. monetary | f. expenses |

1. While a crime such as murder or shoplifting is a wrong committed against society, a tort is a _____ committed against an individual.
2. Torts are handled in civil courts, where the _____ brings an action against the wrongdoer.
3. In most cases the injured party is entitled to remedies under the law, such as _____.
4. In medical malpractice cases the damages awarded to the injured party may include lost wages and _____.
5. The tort of _____. occurs when one of the parties to a contract makes a false statement about a fact and knows it is not true, and this fact is acted upon.
6. When a person stops parties from entering into a contract, the person is said to interfere in _____.

9. Match the torts with their descriptions.

- | | | |
|-----------------------|----------------------|----------------------------------|
| • Malpractice | • Fraud | • Defamation/invasion of privacy |
| • Assault and battery | • Premises liability | • Trespass |
| • Product liability | • Car accident | • Nuisance |

1. These types of torts involve all the personal injuries one can receive in an automobile accident. Generally, causes an accident which injures (or sometimes kills) others (his passengers, people in another automobile or pedestrians).
2. The following torts cover injuries one can receive from the condition of particular parcel of property, most due to the failure of the property owner to keep the condition of the property in a safe condition.
3. We all have the right to enjoy our property in other words to keep it without its value to us being disturbed or spoiled. A person who does spoil another's enjoyment of his/her property can be ordered to pay damages. He can also be ordered to stop committing the tort by an injunction.
4. People are not allowed on private land without consent. This has given the rise to the saying "An Englishman's home is his castle". The law is that only people who are allowed to come into your home are those who are lawfully there either at your invitation, or they have been given authority to enter by courts, such as the police entering your home after first obtaining a warrant.
5. These torts involve injuries one can receive due to the mistake of a licensed professional (a doctor, a lawyer or a dentist). Generally, these types of torts require the expert testimony of a professional (another doctor in a medical malpractice case).
6. The torts involve injuries one can receive from a product such as a machine, medical device or a prescription drug. The injured person must prove that the product in question was improperly designed, constructed or packaged without the proper regard for the damage it could cause to a human being.
7. The torts cause injuries one can receive from something another says or writes which is untrue, malicious and/or private. These torts include slander (spoken words), libel (written words) and invasion of privacy (making something public which was and should have remained very private).
8. These types of torts generally involve one person physically attacking another person. These are also sometimes called intentional torts to distinguish them from most other torts (which usually involve an accident resulting from another's mistake or lack of care).
9. This is also another type of intentional tort. It involves one person lying, interpreting or concealing an important piece of information from another person in order to get that other person to do or refrain from doing something. In short, a plaintiff/claimant is tricked by the fraudulent act of the defendant.

10. Replace Russian words and word combinations with their English equivalents from the box.

Types of Damages

injunctive relief, compensatory damages, defendant's actions, lost income, to recover, bad faith, malice, punitive damages, temporary restraining orders, plaintiff

In most tort cases, the **(истец)** is seeking damages (i.e. money). Generally speaking, there are two major categories of damages a plaintiff can **(взыскать убытки)** in a personal injury case: **(компенсаторные убытки)** and punitive damages.

Compensatory damages are designed to "compensate" the plaintiff for what the plaintiff has lost or endured (e.g. medical bills, lost wages, **(упущенная выгода)**, physical pain and suffering and mental/emotional pain and suffering) as the result of the **(действий ответчика)**.

(Денежное возмещение в виде наказания ответчика) are designed to punish the defendant for his actions. However, punitive damages are only awarded in extraordinary situations where the plaintiff proved that the defendant acted with **(злой умысел)** or intent — negligence is not enough. The law permits punitive damages in order to discourage similar acts in the future by

the same defendant or other persons. Punitive damages are usually awarded in cases involving fraud, (**недобросовестность**) or intentional acts.

Some tort cases also seek what the law calls (**судебный запрет**). Injunctive relief involves a court order requiring or preventing the defendant from doing or continuing to do a certain act. This type of relief includes such things as (**временный судебный запрет**) and permanent injunctions. A plaintiff can request both injunctive relief as well as monetary damages in the same lawsuit.

11. Answer the following questions.

1. What are two major categories of damages a plaintiff can recover in a personal injury case?
2. What is a personal injury case?
3. What category do medical bills, lost wages, or lost income belong to?
4. What is the purpose of punitive damages?
5. When are punitive damages awarded?
6. What is injunctive relief?

12. Speak about different types of torts under English common law.

13. Read the text. Are the following statements true or false?

Text 2

The Most Famous Frivolous Lawsuit: Liebeck Against McDonald's

1. The claimant bought sandwiches at a drive-through McDonald's.
2. She didn't have to have medical treatment for 2 years.
3. McDonald's wanted to give her \$800.
4. Liebeck and her lawyer tried a few more times to reach a settlement.
5. Liebeck filed a suit for active McDonald's negligence.
6. The evidence didn't show that McDonald's did actually serve their coffee much too hot.
7. The court found McDonald's knew their coffee was injuring people.

The claimant, a 79-year-old woman, bought coffee at a drive-through McDonald's and got really bad third-degree burns when she opened the container. She had to have medical treatment for two years. Actually, at first, she only tried to get \$20,000 to pay her medical expenses. But McDonald's only wanted to give her \$800. Then Liebeck and her lawyer tried a few more times to reach a settlement before the case went to trial, but McDonald's always refused. Probably because in other cases the courts had decided that coffee burns were an open and obvious danger, and McDonald's thought Liebeck couldn't win. Liebeck filed a suit for gross negligence, saying that McDonald's sold coffee that was 'defectively manufactured'.

The evidence showed that McDonald's did actually serve their coffee much too hot. In fact, more than 700 people had been burnt in the years from 1982 to 1992 by McDonald's coffee. The court found they knew their coffee was injuring people.

The jury found for the claimant. They said that McDonald's was 80% responsible and Liebeck was 20% responsible. They said the warning on the coffee cup was too small and not sufficient.

At first Liebeck was awarded \$200,000 in compensatory damages, which was then reduced by 20% to \$160,000. They also awarded her \$2.7 million in punitive damages. The idea was that McDonald's should pay her two days' worth of coffee revenues, which were about \$1.35 million per day.

The judge then reduced the punitive damages to \$480,000. So, the total amount of damages was \$640,000.

The decision was later appealed by McDonald's and Liebeck, but they settled out of court for an amount less than \$600,000. Nobody actually knows how much she got, as a matter of fact.

14. What is your opinion on the court decision? Give your arguments for or against. What might a court decision be in the Russian jurisdiction on similar cases?

Glossary

a civil wrong	гражданское правонарушение
a tort	деликт
an action	иск
adversarial proceeding an adversary	согласительный процесс противная сторона
assault	угроза нападения, словесные оскорбления
battery	нанесение, побоев, избиение
to breach a duty of care	нарушить обязанность соблюдать осторожность
burden of proof	бремя доказывания
causation	причинная обусловленность
compensatory damages punitive damages to seek damages	компенсаторные убытки штрафные убытки добиваться возмещения ущерба
to construe	толковать
contractual relations	договорные отношения
a disabled person	недееспособный; правоспособный
to dispose of	избавиться от
emotional harm, mental distress	моральный ущерб/вред
fraud	мошенничество
fraudulent misrepresentation	намеренное введение в заблуждение, обман
frivolous lawsuit	явно необоснованный иск

future expected losses	ожидаемые убытки
grievance	жалоба; претензия
injunction/injunctive relief	судебный запрет
injury	вред, ущерб, телесные повреждения
inquisitorial proceeding	следственное судопроизводство
invasion of privacy	неприкосновенность личной жизни
liability insurance	страхование ответственности
libel	клевета в письменной форме или через печать
loss of earning capacity	потеря трудоспособности
malice intent	злой умысел
medical malpractice medical malpractice claim	недобросовестная врачебная практика иск о недобросовестной врачебной практике
misstatement	ложное заявление/введение в заблуждение
negligence	небрежность, халатность
permanent injunction	бессрочный судебный запрет
premises liability product liability	ответственность за помещение ответственность производителя за качество выпускаемой продукции
strict liability tort	деликт строгой ответственности
to reach a settlement	заключить мировое соглашение
remedies	средства судебной защиты
revenues	доходы государства
slander	устная клевета
a tort feason /delinquent	лицо, совершившее деликт/делинквент
trespass	деликт нарушения владения
vindication	восстановление права на ч-л/ виндикация

SUPPLEMENT

GRAMMAR REVIEW

1. WORD ORDER. TYPES OF QUESTIONS

ПОРЯДОК СЛОВ В ПРЕДЛОЖЕНИИ. ТИПЫ ВОПРОСОВ.

Type of Sentence. Тип предложения	Word order. Порядок слов.	Comment. Комментарий.
Affirmative sentences. Утвердительные предложения.	1. <u>People sometimes break laws.</u> 2. <u>He is a law-abiding citizen.</u> 3. <u>People must obey laws.</u>	Порядок слов в английском предложении фиксированный: Подлежащее+сказуемое+(дополнение)+ (обстоятельство времени/места/образа действия) Сказуемое изменяется в зависимости от временной формы (см. п.3 «Система времен»)
Negative Sentence. Отрицательные предложения.	1. <u>Law-abiding citizens do not (don't) break laws.</u> 2. <u>He is not (isn't) a law-abiding citizen.</u> 3. <u>People must not (mustn't) commit crimes.</u>	Подлежащее+вспомогательный глагол+not+сказуемое+дополнение+(обстоятельство времени/места/образа действия) Вспомогательный глагол зависит от временной формы. (см. п.3 «Система времен»)
General question. Общий вопрос.	1. - Do <u>people sometimes break laws?</u> - Yes, they do /No, they don't . 2. - Is <u>he a law-abiding citizen?</u> - Yes, he is / No, he isn't . 3. - Must <u>people obey laws?</u> - Yes, they must /No, they must not .	Вспомогательный глагол+подлежащее+сказуемое+(дополнение) +(обстоятельство времени/места/образа действия)? Вспомогательный глагол зависит от временной формы. (см. п.3 «Система времен»)
Wh-question. Специальный вопрос.	1. - Why <u>do people sometimes break laws?</u> - <u>People sometimes break laws because they don't know their country's legislation.</u> 2. - What kind of citizen is <u>he?</u> - <u>He is a law-abiding citizen.</u>	Вопросительное слово+ Вспомогательный глагол+подлежащее+сказуемое+(дополнение) +(обстоятельство времени/места/образа действия)? Вопросительные слова (WH-words): What? - что, какой When? - когда Where? - где, куда Why? - почему

	3. - When must people obey laws? - <u>They must always obey laws.</u>	Which(kind/type/rule / etc.)..? - Какой (вид, тип, правило и т.д.)...? How (old/often/long) ...? - Как, насколько (старый, часто, долго и т.д.) ... ?
Who/What-question. Вопрос к подлежащему	2. Who sometimes breaks <u>laws</u> ? 2. Who <u>is</u> a law-abiding citizen? 3. Who <u>must obey laws</u> .?	Who/What+сказуемое+(дополнение)+(обстоятельство времени/места/образа действия)? После вопросительного слова who/what? - прямой порядок слов, как в утвердительном предложении. Вопросительное слово who? , как правило, согласуется с глаголом-сказуемым в единственном числе.
Tag-questions. Разделительные вопросы	1. <u>People sometimes break laws, don't they?</u> 2. <u>He is a law-abiding citizen, isn't he?</u> 3. <u>People must obey laws, mustn't they?</u> 4. <u>Prosecutors don't initiate criminal proceedings anymore, do they?</u>	1. Подлежащее+сказуемое+(дополнение)+(обстоятельство времени/места/образа действия), вспомогательный глагол+not+местоимение? 2. Подлежащее+ вспомогательный глагол+ not+сказуемое+(дополнение)+(обстоятельство времени/места/образа действия), вспомогательный глагол+местоимение?
Alternative question. Альтернативный вопрос.	1. Do law-abiding citizens <u>break laws</u> or <u>obey laws</u> ? 2. Do law-abiding citizens or criminals <u>break laws</u> ? 3. Do criminals <u>break civil laws</u> or <u>criminal laws</u> ? 4. Do criminals <u>go to prison</u> or a <u>training camp</u> ?	1.Вспомогательный глагол+ подлежащее+сказуемое1+ сказуемое 2 ...? 2.Вспомогательный глагол+подлежащее 1+ подлежащее 2...? 3.Вспомогательный глагол+ подлежащее+ сказуемое+ дополнение 1+or +дополнение 2? 4.Вспомогательный глагол+ подлежащее+ обстоятельство 1+or +обстоятельство 2?

1. Put the words into the correct order to form affirmative, negative and interrogative sentences.

- study, did, at the Law University, they, not, 5 years ago.
- hears, in this country, the Supreme Court, cases, the most important.
- as a judge, my friend, work, not, does
- committed, crimes, where, are?
- police officer, is, this, today, on duty?

6. our country, the treaty, ratified, in 1992.
7. should, be applied, in the society, to every person, laws.
8. from the local community, does, lawyers, consists of, not, a jury.
9. cannot, be charged with, who, a criminal offence?
10. imprisonment and probation, the most common, are, sentences, types of punishment, fines, why?
11. the, for the defence and prosecution, witnesses, cross-examined, will be, tomorrow.
12. a minor offence, committed, a year ago, juvenile, that.
13. magistrates' courts, how many, do, a year, hear, criminal cases?
14. didn't, yesterday, find, the defendant, the jury, guilty
15. next year, will, not, anymore, we, criminal law, study.

2. Put questions to the words in italic.

1. **Our new in-house lawyer** does not speak Spanish.
2. **The investigator** closed the case **two days ago**.
3. The jurors asked the judge **a lot of questions** before the hearing started.
4. **My friend** wants to become a lawyer
5. **Last week** I translated this article on civil law into Russian.
6. The job of a jury is **to bring in the verdict**.
7. **Magistrates** are unpaid judges usually chosen from well-respected people in the local community.
8. **The Johnsons** settled in our city **two years ago**.
9. The Supreme Court of the USA consists of **a Chief Justice and eight associate justices**.
10. The US Constitution consists of a Preamble, seven Articles, and **27 Amendments**.

Use of English
Idioms and Idiomatic Expressions

to be caught red-handed

If a person is caught red-handed, they are caught while they are doing something wrong or illegal.
"The police arrived as the burglar was leaving the house. He **was caught red-handed**."

to blow the whistle

If you report an illegal or socially-harmful activity to the authorities, and give information about those responsible for it, you blow the whistle or you are a whistle-blower.
"He refused **to blow the whistle** on his boss for fear of losing his job."

to turn a blind eye to

A person is turning a blind eye to something or someone if they see something wrong or suspicious but pretend not to see anything.
Management often **turns a blind eye** to petty corruption in the workplace.

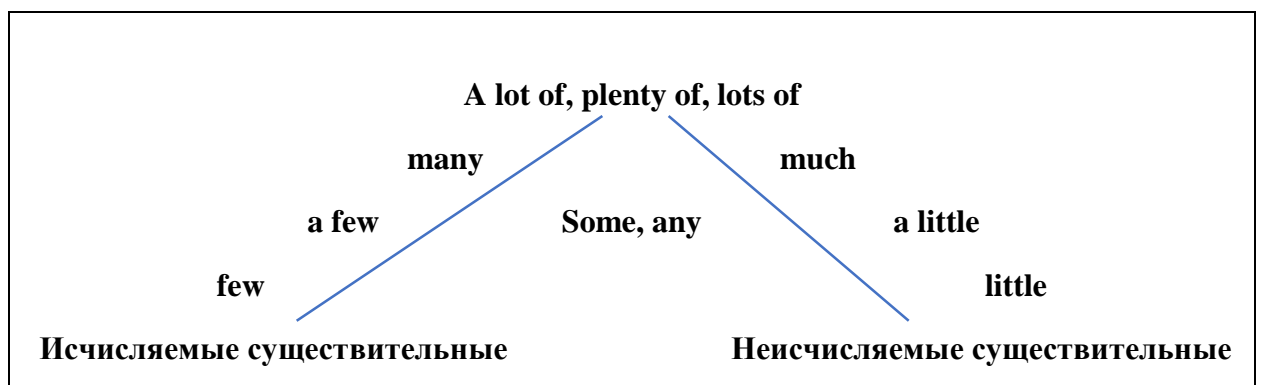
2. COUNTABLE AND UNCOUNTABLE NOUNS.

ИСЧИСЛЯЕМЫЕ И НЕИСЧИСЛЯЕМЫЕ СУЩЕСТВИТЕЛЬНЫЕ

	Countable nouns. Исчисляемые существительные.	Uncountable nouns. Неисчисляемые существительные.
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Singular form. Единственное число	a court a law a lawyer an investigator	news politics information justices advice evidence
Plural form. Множественное число	Существительное+es: 1) сущ.с основой, оканчивающейся на -ss, -x, -ch, -sh, o: a business - businesses a breach -breaches a branch- branches 2) сущ.с основой, оканчивающейся на согл+у: a treaty - treaties Существительное+s - во всех остальных случаях: an issue - issues a debt - debts	<hr/>
Exceptions: Исключения:	a man -men a person - people (peoples - народы) a woman - women a phenomenon - phenomena a criterion - criteria a means - means a statistics - statistics	<hr/>

Количественные наречия



1. Write the plurals of the following nouns, consult the dictionary if necessary.

judge, problem, lawyer, action, crime, thief, court, law, witness, victim, address, loss, reply, branch, portfolio, enemy, criterion, possibility, crisis, datum, lie, youth, policeman, investigator, criminal, subject, student, question, academy, university.

Артикль a/an	
Используется	Не используется
<p>a + исчисляемое сущ. в ед. числе, начинающееся с согласного звука:</p> <p><i>a pen</i> <i>a lawyer</i> <i>a person</i> <i>a law</i> <i>a decree</i></p> <p>an + исчисляемое сущ. в ед. числе, начинающееся с гласного звука:</p> <p><i>An interview</i> <i>an investigation</i> <i>an author</i> <i>an offence</i></p> <p>Артикль a/an всегда употребляется с существительным, которое:</p> <p>1) Упомянуто в разговоре впервые: - She signed a prenuptial agreement before marrying him.</p> <p>2) Является одним из многих ему подобных, не уникальным: He wants to be a lawyer. Murder is a serious crime.</p>	<p>1. с исчисляемыми существительными во множественном числе:</p> <p>jurors judges criminals courts</p> <p>2. С неисчисляемыми существительными:</p> <p>justice news money politics evidence</p> <p>3. С именами собственными:</p> <p>London Moscow Elizabeth</p>
Артикль the	
Используется	Не используется

<p>1) Существительное упоминалось в разговоре или известно собеседнику: - It's a great case, it will be very interesting for you! - What does the case deal with?</p> <p>2) Существительное уникально в своём роде, отличается от ему подобных: The judge is ready to make a ruling on the case.</p> <p>3) употребляется со словами: <i>the moon, the sun, the sky, in the morning/afternoon/evening</i></p> <p>4) с названиями рек, морей, океанов, пустынь, горных цепей и групп островов: <i>the Thames</i> <i>the Baltic Sea</i> <i>the Atlantic Ocean</i> <i>the Sahara desert</i></p> <p>5) с названиями стран, включающих слова: <i>republic, kingdom, federation:</i> <i>the Chekh Republic</i> <i>the United Kingdom</i> <i>the Russian Federation</i></p> <p>или представленных аббревиатурой: <i>the USA</i> <i>the UK</i> <i>the UAE</i> а также: <i>the Netherlands</i> <i>the Hague</i> <i>the Crimea</i></p> <p>б) с титулами и званиями, когда имя не указано: <i>the Queen of England</i> <i>the President of France</i></p>	<p>1) Существительное в единственном или во множественном числе и не является чем-то уникальным: People tend to obey the laws of their countries. Justice is crucial to society.</p> <p>2) с названиями озер: <i>Lake Baikal</i></p> <p>3) с названиями стран и городов (за исключением тех, которые всегда с артиклем the): <i>Brazil</i> <i>Canada</i> <i>Russia</i></p> <p>4) с названиями видов спорта, языков, дней недели, месяцев, времён года, праздников: You have to speak Chinese to be a lawyer in this firm.</p> <p>5) с титулами и званиями, когда после них указано имя: <i>Prince Charles</i> <i>King George</i></p> <p>6) со словами <i>school</i> <i>college</i> <i>university</i> <i>prison</i> <i>hospital</i> <i>bed</i> <i>church</i> <i>home</i></p> <p>когда речь идет о назначении этих мест: He has been found guilty and will go to prison.</p>
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1. Fill in the gaps with the articles (*the* and *a/an*) where necessary.

1. When ... crime is first discovered, ... police often don't know who has done it or why. Usually, though, ... person who has committed ... crime leaves ... evidence of their identity at ... scene of the crime such as ... footprint, blood, or fibres from clothing. This evidence often forms ... basis of any case against ... suspect who ... police may take to court.

2. All criminal cases start in magistrates' courts. Minor cases stay there, with ... magistrates deciding on guilt or innocence and sentencing ... criminal. Serious cases are referred by magistrates to... Crown Court — this is called "committal". In committals, ... magistrates hear

... outline evidence and decide ... case. Crown Court judges have power to sentence more heavily than ... magistrates.

2. Put article “the” or zero article in the sentences.

1. A serious crime was committed on the shores of _____ Lake Baikal.
2. There is a very different court system in _____ China.
3. _____ President of the USA will not run for election.
4. He was appointed as _____ Prime-Minister of _____ Russian Federation.
5. _____ President of France is having a series of meetings with his foreign colleagues.
6. Have you ever travelled to _____ USA?
7. The headquarters of the International Court of Justice is located in _____ Hague.
8. The students study the political system of _____ United Kingdom and compare it with the one in _____ Russian Federation.
- 9.

Use of English	
Phrasal verbs	
to carry something out	The government carried out an anti-crisis plan.- Правительство осуществило антикризисный план.
to cover something up	Criminals do their best to cover evidence up . - Преступники стараются любым способом скрыть улики.
to deal with something (deal with - dealt with - dealt with)	Public law deals with relations between citizens and a state. – публичное право регулирует отношения между гражданами и государством.
to draw up something (draw up - drew up - drawn up)	Our lawyer drew up a contract. - Наш юрист составил договор.

3. TENSE FORMS ВРЕМЕННЫЕ ФОРМЫ

	Present	Past	Future
Simple действие как факт (обычное, постоянное, повторяющееся)	I work as a lawyer. The solicitor goes to the office every day . Do you usually consult your lawyer before signing a contract? Does the court clerk start working at 8 o'clock every morning ?	The offender committed a crime yesterday . I saw the judge an hour ago . Did you visit your solicitor last week ?	I'll see the suspect tomorrow . The suspect will give evidence next week .

Наречия времени	always, often, usually, sometimes, rarely, never, every day/week/month	yesterday, last week, ago, then, when, in 1999	tomorrow, tonight, next week/month, in two days, soon, in a week
Continuous Действие, совершаемое в конкретное указанное время, действие как процесс, незаконченное, длящееся	I am examining the evidence at the moment . He is reading a motion now . The jurors are hearing the case.	The solicitor was talking to his client when the secretary came in. While the prosecutor was interrogating the accused, the clerk was taking the notes.	I will be writing a motion at 6 o'clock tomorrow .
Наречия времени	now, at the moment, at present, nowadays, today, still, always	while, when, as, from ... till, at 6 o'clock yesterday	at 6 o'clock tomorrow
Perfect законченное действие к определенному моменту, важен результат	I have seen the judge. The judge has already passed the sentence.	The judge had already passed the sentence before the reporters arrived.	The injured party will have filed a claim by Friday .
Наречия времени	just, ever, never, already, yet (только в вопросах и отрицаниях), always, so far, recently, for, since, for ages	for, since, already, after, before, by, by the time, just, never	before, by, by then, by the time, until
Perfect Continuous действие, начавшееся в прошлом и продолжающееся в момент речи или закончившееся непосредственно к моменту речи	I have been working on my article for 2 hours . The police inspector has been investigating the criminal case since August .	When we entered the courtroom the counsel for the defence had been speaking for 10 minutes	By the 1st of June he will have been working as a judge for 20 years.
Наречия времени	how long, since, for, for ages	for, since	by ... for

Use of English
Ways of Expressing Future

Future Simple

- a. Decisions taken at the moment of speaking.

The situation is getting out of control. **I'll consult** our lawyer.

- b. Hopes, fears, threats, comments, especially with: expect, hope, believe, I'm sure, I'm afraid, probably, etc.

I'm sure our legal team **will win** this lawsuit.

- c. Uncertainty. Future predictions based on what we think will happen.

I think the jury **will announce** their verdict very soon.

To be going to

- a. Intentions to do something when we haven't made any arrangements yet.

The owner of the company **is going to file** a claim against the supplier. He hasn't contacted his lawyer yet.

- b. Predictions based on what we know or can see, especially when there is evidence.

The judge **is going to sentence** him to community service. There is plenty of evidence to prove that he's guilty of the offence.

Present Continuous

Fixed arrangements in near future. Certainty.

She's **filing** a claim for damages. She has already sought legal advice.

Present Simple

Timetables and fixed programmes.

The trial **starts** at 2 o'clock.

1. Put the verbs in the correct tense form.

1. The plaintiff's attorney (to present) evidence to the jury at the moment.
2. Robert Peel (to introduce) the Metropolitan Police Act of 1829 and set up an organised police force in London.
3. By this time next year, the law firm (to represent) several high-profile clients in complex litigation cases.
4. Civil actions (to take) place between two and more litigants.
5. My client intends to appeal and I am sure that the higher court (to overturn) his sentence.
6. After the accident he (to sue) the company for \$50,000 in damages.
7. By the end of this month, the legal department (to finalise) the acquisition deal.
8. The prosecutor (to conduct) the case in court on behalf of the state.
9. Common law (to evolve) from the tribal and local laws of England.
10. The House of Lords (not to hear) appeals from the Court of Appeal any more.
11. At the time of the accident, the defendant (to drive) carelessly.
12. The investigator (to collect) evidence on the case of burglary.
13. The state and public organizations (to discuss) the new Constitution before it became the law of the state.
14. The trade union delegation (to complete) its work by the end of the week by signing a new agreement.
15. If you come to the court late in the afternoon the judge (to declare) his decision.
16. They (to appoint) judge by the beginning of the trial.
17. The court (to complete) the hearing of the case by the end of the previous week.
18. The solicitor (to write) letters to his clients since early morning. By the end of the day, he had written ten letters.

19. The drug smuggler (to testify) for an hour already.
20. The eye-witness (to speak) for five minutes when the judge of the Coroner's court stopped him.

Use of English
Still, Already and Yet

Still is mainly used in Continuous forms.

The police are **still** searching for the arsonist. – Полиция **все еще** ищет поджигателя.

Already and yet are used in Present Perfect.

The police have **already** found a suspect. – Полиция **уже** нашла подозреваемого.

The police have not found a suspect **yet**. – Полиция **еще не** нашла подозреваемого.

Have the police found a suspect **yet**? – Полиция **уже** нашла подозреваемого?

2. Translate the sentences using the correct tenses.

1. Магистратский суд закончит свою работу к пяти часам.
2. Публичное право касается споров между гражданами и государством.
3. Полиция уже завершила расследование дела об ограблении банка.
4. Когда ты окончишь юридический университет, я уже три года буду работать в коллегии адвокатов.
5. Сторона, возбуждающая уголовное дело, называется обвинением.
6. Магистраты обсуждали детали дела, когда секретарь суда (clerk) вошел в зал судебных заседаний.
7. Следователь допрашивает обвиняемого с девяти утра.
8. Я знаю этого адвоката много лет. Он консультирует по вопросам уголовного права с 2004 года.
9. Сколько уголовных дел магистратские суды передали в Суд Короны на этой неделе?
10. Специализацией этой юридической фирмы является торговое право.
11. Адвокат подозреваемого уже две недели готовит документы к слушанию в суде.
12. Преступность несовершеннолетних резко возросла за последние годы.

Use of English
During, For, Since

During = *at a time between the start and end of something*:

Several witnesses testified **during the trial**.

For + *a period of time* to say how long something goes on:

I've been a partner in this law firm **for five years**.

We use **during** to say when something happens (not how long). Compare **during** and **for**:

- **When** did you hear the police siren? - **During the lunch break**.
- **How long** has the trial been going on? - **For a couple of hours**.

We use **since** + *the start of a period*:

I've known this barrister **since June**.

4. PASSIVE VOICE СТРАДАТЕЛЬНЫЙ ЗАЛОГ

Passive Voice (страдательный залог) указывает на то, что действие направлено на лицо или предмет, которые являются в предложении подлежащим.

to be + Participle II смыслового глагола

Глагол to be является вспомогательным и изменяется по временам, лицам и числам.

	Active Voice	Passive Voice
Present Simple	Judges consider cases every week.	Cases are considered by judges every week.
Past Simple	The judges considered a lot of cases last month.	A lot of cases were considered by the judges last month.
Future Simple	The judges will consider a lot of cases tomorrow.	A lot of cases will be considered by the judges tomorrow.
Present Continuous	The judges are considering the cases at the moment.	The cases are being considered by the judges at the moment.
Past Continuous	The judge was considering the case when the incident happened.	The case was being considered by the judge when the incident happened.
Present Perfect	The judge has already considered the cases.	The cases have already been considered by the judge.
Past Perfect	The judge had considered the case by the time the reporters arrived at the court.	The case had been considered by the judge by the time the reporters arrived at the court.
Future Perfect	The judge will have considered the case by the end of the week.	The case will have been considered by the judge by the end of the week.
Modal verbs <i>must</i> <i>can</i> <i>should</i> <i>may</i> <i>might</i> <i>have to</i> <i>ought to</i>	The judge can consider this case. The jurors should consider this case.	This case can be considered by the judge. This case should be considered by the jury.

NB! Future Continuous и все формы Perfect Continuous отсутствуют в пассивном залоге.

1. Paraphrase the sentences using Passive Voice.

1. They solved this problem two weeks ago.
2. They are accusing him of this crime.
3. He will pay damages.
4. Parliament has passed a new law lately.
5. Public law regulates the relations between the state and its citizens.
6. They were negotiating the terms of the contract at 2 o'clock yesterday.
7. They had filed the claim by the time she arrived in London.
8. They didn't recognise women's rights for a long time.
9. I will have finished my report by 4 pm tonight.
10. We are settling the dispute at the moment.
11. They must prove the elements of the case.
12. The company has to pay damages.
13. The judge may recognise the action as a tortious one.
14. The government should impose the ban.
15. The defendant ought to admit his mistake.
16. They might discuss this matter today.
17. The claimant should seek high damages for the injury.
18. The prosecutor must prove the breach of the duty of care.
19. They have to file a lawsuit against the breaching party.
20. You need to provide the court with evidence.

2. Use the correct form of the verbs in brackets.

1. The contract _____ (review) by the legal team before it was signed by the parties involved.
2. Terms and conditions _____ (typically/negotiate/agree) upon by both parties before the contract is finalized.
3. Individuals _____ (seek) legal advice to ensure their rights are protected in contractual agreements.
4. Monetary damages _____ (may/award) to the injured party in case of breach of contract.
5. Specific performance _____ (can/order) by the court to compel a party to fulfill their obligations under the contract.
6. Contracts _____ (enforce) according to the laws of the jurisdiction where they were executed.
7. Our attorneys _____ (already/draft) legal documents to clearly outline the rights and responsibilities of each party.
8. Disputes _____ (resolve) through negotiation, mediation, or litigation, depending on the complexity of the issue.
9. Legal proceedings _____ (initiate) when one party believes that the other has violated the terms of the contract.
10. The supplier _____ (make) amendments to the contract at the moment.

Use of English

Phrasal verbs

to get away with something (get away with - got away with - got away with)
John **got away** with burglary. - Джон избежал наказания за ограбление.

to take over something (take over - took over- taken over)

He **took over** the police department after the previous chief had retired. - Он взял на себя руководство отделением полиции после того, как предыдущий начальник ушёл в отставку.

to run away from something

A convicted murderer ran away from prison last night. - Осуждённый за убийство сбежал из тюрьмы прошлой ночью.

to set someone up

The police officer didn't accept bribes, I'm sure someone **set him up**. - Полицейский не брал взятки, я уверен, кто-то его подставил.

**5. REPORTED SPEECH
КОСВЕННАЯ РЕЧЬ**

*The lawyer says **that** his client **is** innocent.*

Если глагол-сказуемое в главном предложении употреблен в настоящем или будущем времени, то изменений в придаточном предложении не произойдет.

*The lawyer **said** **that** his client **was** innocent.*

Однако если глагол-сказуемое главного предложения стоит в прошедшем времени, глагол-сказуемое придаточного предложения будет изменен на одно из прошедших времен.

Direct Speech	Reported Speech
Present Simple "The contract is void", he said.	Past Simple He said that the contract was void.
Present Continuous "The detective is investigating the case", they said.	Past Continuous They said that the detective was investigating the case.
Present Perfect "The solicitor has just left ", she said.	Past Perfect She said that the solicitor had just left .
Past Simple "The judge left the courtroom", he said.	Past Simple or Past Perfect He said that the judge (had) left the courtroom.
Past Continuous "The police officers were examining the crime scene at 3 o'clock yesterday", the reporter said.	Past Continuous or Past Perfect Continuous The reporter said that the police officers were examining / had been examining the crime scene at 3 o'clock yesterday.
Present Perfect Continuous "The injured customer's been writing a complaint since morning", she said.	Past Perfect Continuous She said that the injured customer had been writing a complaint since morning.

Future “The court clerk will be back in two hours”, he said.	Future-in-the-Past He said that the court clerk would be back in two hours.
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Указательные местоимения и наречия времени и места изменяются следующим образом:

Direct Speech	Reported Speech
this	that
these	those
now	then
today	that day
tomorrow	the next day
yesterday	the day before
ago	before
next (year)	the next year
here	there

Direct Speech: “The police **are investigating this** crime”, the reporter said.

Reported Speech: The reporter **said (that)** the police **were investigating that** crime.

Все личные и притяжательные местоимения также изменяются в зависимости от изменения лица, от которого ведется речь.

Use of English Say vs. Tell

Say and **tell** are similar, but there are some **differences**.

tell smb that - The judge **told the jury** (that) they had to reach a fair verdict.

say to smth - The judge **said to the jury** (that) they had to reach a fair verdict.

say that - The judge **said that** the jury had to reach a fair verdict.

tell smb to do smth. - The judge **told the jury to reach** a fair verdict.

INDIRECT QUESTIONS КОСВЕННЫЙ ВОПРОС

Тип предложения	Direct Speech	Indirect Speech
Специальные вопросы Порядок слов вопросительного предложения меняется на прямой порядок слов повествовательного предложения. В косвенных вопросах нет вспомогательных глаголов.	The prosecutor asked the defendant, “Where were you last night? ” Прокурор спросил подсудимого: “Где вы были вчера вечером?”	The prosecutor asked the defendant where he had been the night before. Прокурор спросил подсудимого, где он был накануне вечером.
Общие вопросы При образовании общих косвенных вопросов используются союзы if или whether . Порядок слов в придаточном предложении прямой.	She asked him, “ Are you going to sign the contract?” Она спросила его, “Вы собираетесь подписывать договор?”	She asked him whether he was going to sign the contract. Она спросила его, собирается ли он подписать договор.

1. Turn the following sentences into Indirect Speech.

1. “There’s been an accident, and the road is blocked”, said the policeman.
2. “Matters relating to divorce are dealt with in civil courts”, said the lawyer.
3. Aunt Sally said: “Three prisoners have broken out of Hallton Jail. We’d better lock all our doors tonight!”
4. Mary looked at me and said: “I suspect that the young neighbour of ours has got mixed up in something illegal.”
5. The People’s Party representative said to the interviewer: “Members of our party believe that the monarchy should be abolished.”
6. “The two children were knocked down by a drunken driver. Both children were seriously injured and the police have arrested the driver”, said the constable.
7. “A security guard at the bank was attacked and badly injured by thieves last night”, said the reporter.
8. “The number of accidents caused by cars driving too fast has increased very quickly in the last two years”, said the Head of the Department.

2. Turn the following questions into Indirect Speech. Follow the patterns below:

He asked, “How many crimes has this felon committed?”

He asked **how many crimes** that felon **had committed**.

The reporter asked, “Did the same person commit both crimes?”

The reporter asked **if/whether** the same person **committed** both crimes.

1. The student asked, “What can a court award to the non-breaching party?”
2. They asked, “When will the jury deliver the verdict?”
3. She asked, “Is the investigator still collecting evidence on this case of burglary?”

4. He asked, "Was this motoring offence committed to the Crown Court for sentencing?"
5. The reporters asked, "How long have the jurors been discussing the verdict?"
6. They asked, "Did a well-known barrister defend the accused?"
7. She asked, "How many witnesses have taken part in the hearing of the case?"
8. He asked, "When did the government abolish capital punishment in our country?"
9. The reporters asked, "Are the jurors still discussing the verdict?"
10. He asked, "Has the court rejected the convict's appeal against the severity of the sentence?"
11. They asked, "Why are the police still interrogating the witnesses?"
12. People asked, "What did the judge sentence the convict to?"
13. She asked, "Did the barrister receive some very important evidence before the beginning of the trial?"
14. The claimant asked, "Has the solicitor been preparing the documents for the trial since early morning?"
15. The professor asked, "What does international law regulate?"

3. Translate the sentences into English. Use the correct form of the verb:

1. Нам сообщили, что следователь собирает улики по делу.
2. Мы были уверены, что этот известный адвокат выступает против отмены смертной казни.
3. Следователь сказал нам, что это дело об убийстве оказалось очень сложным. Он надеется, что оно будет раскрыто к концу года.
4. Судебный секретарь сказал нам, что присяжные обсуждали вердикт по делу несколько часов.
5. Репортер спросил, известно ли имя подозреваемого в убийстве.
6. В документе говорилось, что у магистратов нет достаточных полномочий, чтобы рассматривать дело этого подсудимого.
7. Детектив спросил, где находился подозреваемый в момент совершения преступления.
8. Судья сказал, что подростку было предъявлено обвинение совместно со взрослыми и дело будет рассматриваться во взрослом суде.
9. Студенты не знали, что магистратские суды в Англии рассматривают как уголовные, так и гражданские дела.
10. Мы были уверены, что это дело о краже со взломом будет рассмотрено должным образом.
11. Адвокат спросил, есть ли у его клиента алиби в день, когда было совершено преступление.
12. В газетной статье говорилось, что не все политические партии будут представлены в новом правительстве страны.
13. Полиция сообщила общественности, что вчера эти наркodelьцы пытались ввезти в страну три килограмма кокаина.
14. Следователь спросил, знает ли обвиняемый свои права.
15. Обвиняемый спросил, может ли суд присяжных рассмотреть его дело.

Use of English Speak, Talk, Discuss

Speak and **talk** are similar, but there are some **differences**.

Speak to/with smb. about smth = talk to/with smb. about smth

May I **speak to** my solicitor?
 The judge heard her **talking to** her barrister.

Speak at - to deliver a speech
 He **spoke at** the students' annual conference.

Speak in favour of/against
 Only one MP **spoke against** the bill.

In written English and when people want to sound more formal they usually say that they are going to **discuss smth**, rather than **talk about smth**.

At the round-table talk we are going **to discuss the problem** of capital punishment.

6. THE INFINITIVE ИНФИНИТИВ

Формы инфинитива

	Active	Passive	Example
Simple	to write	to be written	I have to investigate this case. - Мне приходится расследовать это дело. He wants to be given more interesting cases. - Он хочет, чтобы ему давали больше интересных дел.
Continuous	to be writing	_____	This detective is known to be investigating the crime. - Известно, что этот детектив расследует преступление.
Perfect	to have written	to have been written	We hope this case to have been investigated . - Мы надеемся, что это дело уже было расследовано. I'm sorry to have said that yesterday. - Я сожалею, что сказал это вчера.
Perfect Continuous	to have been writing	_____	He is reported to have been working on this case for a year. - Сообщают, что он уже год работает над этим делом.

1. Choose the correct form of the infinitive.

1. Ten planes were believed **to have taken/to have been taken** part in the operation.
2. He was supposed **to have sent/to have been sent** to Copenhagen.
3. She is said **to have worked/to have been working** as a solicitor for a long time.
4. The goods are likely **to deliver/to be delivered** without delay.
5. He is sure **to appoint/to be appointed** chief of the police very soon.

6. Many people are expected **to attend/to be attended** the conference.
7. The question is unlikely **to discuss/to be discussed** by the board of the directors today.
8. The agreement is certain **to have signed/to have been signed** by the parties.
9. The detective was known **to have made/to have been made** an important break-through in the investigation.
10. Many buildings were reported **to have damaged/to have been damaged** by the fire.

2. Open the brackets using the correct form of the infinitive.

1. The investigation must (to finish) within a month.
2. The terms of contract seem (to breach) by one of the parties.
3. She pretended (to listen) to his testimony.
4. The subpoena has to (deliver) today.
5. I happened (to overhear) the plaintiff's conversation with his lawyer.
6. The sentence is likely (to announce) next month.
7. They want (to organise) a conference on the judicial and prosecutorial procedure in December.
8. She appears (to interview) the victim of a crime since morning.
9. He is believed (to solve) the case already.
10. The shareholders must (to set) up the company for a particular project.
11. The Chief Constable doesn't like (to tell) what to do.
12. Lawyers in big companies can't afford (to waste) time.
13. Many buildings are reported (to damage) by the fire started by the arsonist.
14. The trial is likely (to postpone).

Use of English
See, Watch, Look, Observe

to see - видеть

The witness **saw** the robber leaving the bank.

to watch – наблюдать за к-л/ч-л, следить, смотреть ч-л.

The police officer **was watching** the offender for half an hour.

to look – смотреть (часто на к-л/ч-л)

Look! The pickpocket is trying to escape!

The defence lawyer **looked at** the jury and started his speech.

to observe – наблюдать

The police are able to **observe** the square using CCTV.

7. COMPLEX OBJECT «СЛОЖНОЕ ДОПОЛНЕНИЕ»

Подлежащее+сказуемое+сложное дополнение

Примеры:

1. The investigator wanted me to help him. - Следователь хотел, чтобы я помог ему.
2. The witness saw the suspect throw away a knife. - Свидетель видел, как подозреваемый выбросил нож.
3. She heard the prosecutor asking questions. - Она слышала, как прокурор задавал вопросы.

Сказуемое+сущ./мест.+ <i>to+инфинитив</i>	Сказуемое+сущ./мест.+ <i>+инфинитив</i>	Сказуемое+сущ./мест. <i>+глагол+ing</i>
<p>Глаголы: <i>want, consider, believe, expect, declare, require, think, ask, prove, etc.</i></p> <p>1. <u>I considered him to be a criminal.</u> Я считал его преступником.</p> <p>2. <u>He asked his assistant to find more convincing evidence.</u> Он попросил помощника найти более веские доказательства.</p>	<p>а) глаголы восприятия: <i>see, hear, look, watch, listen to, notice, etc.</i></p> <p><i>Действие завершено:</i></p> <p>1. <u>The defence lawyer noticed the witness look away.</u> Адвокат заметил, что свидетель отвел взгляд.</p> <p>2. <u>She saw the police officer leave the courtroom.</u> Она увидела, как полицейский вышел из зала суда.</p>	<p>а) глаголы восприятия: <i>see, hear, look, watch, listen to, notice, etc.</i></p> <p><i>Действие не завершено:</i></p> <p>1. <u>People saw the suspect running away from the burning building.</u> Люди видели, как подозреваемый выбежал из горящего здания.</p>
<p>б) глаголы побуждения: <i>force, allow, get</i></p> <p>1. <u>They forced him steal the money.</u></p>	<p>б) глаголы побуждения: <i>make(заставлять), force, allow, get, let, have (отдавать распоряжение)</i></p> <p>1. <u>They made him steal the money.</u> Они заставили его украсть деньги.</p> <p>2. <u>The judge let the witness be excused after the cross-examination.</u></p>	

	Судья разрешил свидетелю уйти после перекрёстного допроса.	
<p>NB! Предложения с Complex Object на русский язык часто переводятся придаточными предложениями с союзами <i>как, что, чтобы</i>.</p> <p>NB! Местоимения в конструкции Complex Object употребляются в объектном падеже: <i>me, you, him, her, it, us, them</i></p>		

1. Find Complex Object in the sentences. Translate them into Russian.

1. The court considers a financial penalty to be appropriate punishment.
2. We expect the conference to be held in our University.
3. The experts believed the invention to be of great importance for the protection of environment.
4. The court declared the law to be unconstitutional.
5. We expect the trial to start soon.
6. The Employment Rights Act 1996 requires the employer to provide the employee with the document containing the terms and conditions of employment.
7. The public expected the police to catch the offender.

2. Translate the sentences into English using Complex Object.

1. Обвиняемый хотел, чтобы его дело рассматривалось с участием присяжных.
2. Никто не верил, что подсудимый будет оправдан.
3. Следователь предложил потерпевшему составить фоторобот грабителя.
4. Свидетель слышал, как преступник угрожал потерпевшему.
5. Президент считает, что эти законы будут защищать интересы страны.
6. Детектив видел, как подозреваемый вышел из дома.
7. Общество ожидала, что за данное преступление суд назначит наказание в виде тюремного заключения.
8. Подсудимый попросил своего адвоката сделать заявление.
9. Его родители хотели, чтобы их сына оправдали.
10. Эксперт доказал, что оба преступления были совершены одним и тем же человеком.

Use of English Suggest vs. Offer vs. Propose

Suggest, offer and propose are similar, but there are some differences.

Suggest doing something - The Prime Minister **suggested passing** a new tax law.

Suggest someone do something - The Prime Minister **suggested Parliament pass** a new tax law.

Suggest that someone should do something - The Prime-Minister **suggested that Parliament should pass** a new tax law.

Offer to do something - The defence lawyer **offered to help** the police to find more witnesses.

Offer someone something - The defence lawyer **offered his client a plea bargain**.

Propose doing something - The police office **proposed interrogating** the suspect immediately.

In formal English we can use **propose** as a synonym to “intend”. In this case we can say:

Propose to do smth/propose doing something - The investigator **proposed dealing with this case/to deal with** this case with due care.

8. COMPLEX SUBJECT «СЛОЖНОЕ ПОДЛЕЖАЩЕЕ»

Подлежащее+сказуемое (действительный/страдательный залог) +to+инфинитив.

Сложное подлежащее

1. **He happened to be** at the crime scene. - **Оказалось**, что он **был** на месте преступления.
2. **The bill is considered to be** successfully approved by both chambers of Parliament. - **Считается**, что **законопроект будет** одобрен обеими палатами парламента.

Глаголы-сказуемые в страдательном залоге:		
Глаголы умственной деятельности:	Глаголы чувственного восприятия:	Глаголы сообщения:
<p><i>think, expect, consider, believe, suppose, presume, know, understand, etc.</i></p> <p>1. People under oath <u>are expected to tell</u> the truth. Ожидается, что люди, приведенные к присяге, говорят правду.</p> <p>2. He is known to be a great professional. Известно, что он отличный профессионал.</p>	<p><i>see, hear, notice, listen to, look at</i></p> <p>1. He was seen to leave the courtroom. Видели, как он покинул зал суда.</p>	<p><i>to say, to report, to announce, to tell, to state, etc.</i></p> <p>1. The jury is said to be compromised. Говорят, что присяжные скомпрометированы.</p> <p>2. The hearing was announced to start at 9. Было объявлено, что слушание начнется в 9.</p>
Глаголы-сказуемые в действительном залоге:		
<p>Глаголы: <i>appear, happen, prove, seem, turn out</i></p> <p>1. My lawyer appears to be upset. Оказывается, мой юрист расстроен.</p> <p>2. The case turned out to be a criminal one. Оказалось, что это дело - уголовное.</p>	<p><i>to be+likely/unlikely/sure/certain</i></p> <p>1. The judge is likely to make a decision today. Вероятно, судья примет решение сегодня.</p> <p>2. The prosecutor is sure to bring the charges. Прокурор, несомненно, предъявит обвинения.</p>	

1. Translate the sentences into Russian.

1. Parliamentary debates are considered to influence the legislation.
2. More serious criminal offences are known to be indictable.
3. The parties are required to carry out the contract properly.
4. Some large organizations are known to work for charitable purposes.
5. In the UK judicial decisions happen to become precedents for similar cases in the future.
6. The struggle between positivist and natural law conceptions is known to dominate American legal thinking.
7. The aim of cross-examination is known to weaken or destroy the earlier evidence.
8. Judges are expected to be fair and impartial.
9. The punishment imposed by the court seemed to be appropriate for the crime committed.
10. The juror happened to know the defendant earlier.

2. Translate the sentences into English using Complex Subject.

1. Известно, что в демократическом обществе закон защищает интересы народа.
2. Сообщалось, что этот подросток совершил незначительное правонарушение.
3. Полагают, что банк был ограблен группой вооружённых людей.
4. Скорее всего, другие организации присоединятся к демонстрации.
5. Сообщалось, что официальные переговоры будут публичными, и что все лидеры выступят с заявлениями.
6. Вероятно, представители Лейбористской партии выступят с обращением к собранию профсоюзов.
7. Ожидается, что суд назначит наказание в виде тюремного заключения.
8. Полагают, что его адвокат сделает заявление на процессе.
9. Его непременно оправдают.
10. Вероятно, обвиняемый не получит никакого наказания.
11. Говорят, что следователь уже раскрыл преступление.
12. Маловероятно, что правонарушителю будет назначено наказание в виде тюремного заключения.
13. Сообщалось, что дело подростка рассматривалось с участием присяжных.
14. Скорее всего, расторжение брака состоится на первом слушании дела, если не будет возражений сторон.
15. Маловероятно, что заседание суда состоится на следующей неделе.

Use of English Idioms and Idiomatic Expressions

contempt of court

If someone violates court rules or disregards court processes, then they can be accused of contempt of court.

The woman was accused of **contempt of court** for telling lies under oath.

judge, jury and executioner

Someone who is judge, jury and executioner has full power to judge and punish others unilaterally.

"OK. Report him to the authorities if you suspect him. You can't just appoint yourself **judge, jury and executioner!**"

the jury is still out

We can say the jury is still out when a decision still hasn't been made about something.

The jury's still out on who's going to be the new CEO, but we will find out soon.

9. CONDITIONALS УСЛОВНЫЕ ПРЕДЛОЖЕНИЯ

Тип условного предложения	Структура	Пример
Zero conditional (общеизвестный факт)	If + сказуемое 1 (Present Simple), сказуемое 2 (Present Simple).	If a party fails to fulfill its obligations, the agreement becomes void .

		Если сторона не выполняет свои обязательства, соглашение становится недействительным.
First conditional (Реальное условие)	If + сказуемое 1 (Present Simple), сказуемое 2 (Future Simple).	If the court doesn't prove that the man is guilty of committing theft, he will be acquitted . Если суд не докажет, что мужчина виновен в совершении кражи, он будет оправдан.
Second conditional (Нереальное условие, относящееся к настоящему или будущему времени)	If + сказуемое 1 (Past Simple), сказуемое 2 (would + infinitive).	If each citizen behaved properly, laws would still be necessary. Если бы каждый гражданин вел себя правильно, законы все равно были бы необходимы.
Third conditional (Нереальное условие, относящееся к прошлому)	If + сказуемое 1 (Past Perfect), сказуемое 2 (would have + past participle).	The criminal wouldn't have escaped , if his wife hadn't helped him. Преступник не скрылся бы, если бы его жена не помогла ему.

1. Put the verbs in the brackets into the correct tense form.

1. If he _____ (become) Prime Minister, he would raise taxes.
2. If he consults a lawyer, he _____ (draw up) this document very quickly.
3. The police _____ (catch) the criminal if they had arrived earlier.
4. If a contract _____ (sign), it becomes legally binding.
5. If the man _____ (violate) the law, he wouldn't have been sentenced to imprisonment.
6. If all drivers drove within the speed limit, there _____ (be) fewer car accidents.
7. If a contract _____ (specify) terms clearly, disputes are less likely to arise.
8. If we decide to sell our house, we _____ (seek) legal advice.
9. If he had appealed, the court _____ (reconsider) his case.
10. If there _____ (be) no bad people, there would be no good lawyers.
(Ch. Dickens)

2. Make a sentence with a conditional clause.

Example: I didn't have enough money. I didn't take a taxi.

If I had had enough money, I would have taken a taxi.

1. I wasn't attentive. My bag was stolen.
2. We'll find more evidence. The hearing of the case won't be delayed.
3. An individual trespasses. They violate property rights.
4. Samuel is ill. He isn't present at the trial.
5. The defendant will be found guilty. He will be sent to prison.
6. The lawyer isn't experienced. He may lose the case.

7. Jess was on a business trip. The burglars broke into her house.
8. A minor commits a crime. They are liable under juvenile law.
9. The man violated the law. He paid a fine.
10. A trademark is registered. It gains legal protection.

Use of English
Idioms and Idiomatic Expressions

to cook the books

It means to falsify numbers or reports.

The accountant was arrested for **cooking the books**. He was found guilty of fraud.

to grease someone's palm

It means to pay somebody money or to give a bribe in exchange for a favour.

The only way to get anything done around here is **to grease some palms**.

law unto themselves

If someone is a law unto themselves, they do things their own way and ignore what is generally considered as acceptable.

"They're against discipline and allow their children complete freedom - they're **a law unto themselves**."

null and void

Something which is null and void has no legal force or is invalid.

"The contract was declared **null and void**."

10. I WISH/IF ONLY
«Я БЫ ХОТЕЛ, ЧТОБЫ/ ЖАЛЬ, ЧТО/ ЕСЛИ БЫ ТОЛЬКО»

Структура	Пример
I wish/If only+ Past Simple	I wish I attended the civil law classes regularly. Я бы хотел посещать занятия по гражданскому праву более регулярно. /Жаль, что я не посещаю занятия по гражданскому праву регулярно.
I wish/if only+ Past Perfect	I wish I had not broken the law. Жаль, что я нарушил закон.
I/we wish+ I/we could+infinitive	I wish I could read the case files before interrogation. Жаль, что я не прочитал материалы дела перед допросом.
I wish/if only + someone/something+would+ infinitive	I wish my witness would stop arguing with the prosecutor. Хорошо бы мой свидетель перестал спорить с прокурором.

1. Put the verbs in brackets into the correct tense form.

1. I wish I (check) the statement yesterday.
2. If only I (examine) the evidence properly! I missed an important detail.
3. I wish the jury (make) the right decision.
4. I wish I (become) a judge.
5. If only I (call) the police that night as soon as I heard that noise!
6. If only relevant and useful laws (be) accepted by the Government!
7. I wish the jury (find) my brother not guilty tomorrow.
8. I wish a new prosecutor (take) measures to fight corruption in our town.
9. I wish I (not/pay) fines for driving at the excess of the speed limit every month.
10. I wish I (spend) more time studying civil law when I was a student.

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