

АНГЛИЙСКИЙ ЯЗЫК ДЛЯ ЮРИСТОВ

**Под редакцией доктора филологических наук,
профессора С.П. Хижняка**



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Учебник основан на грамматическом материале, изученном в средней школе, а также на новом лексическом материале (юридической терминологии и официально-деловой лексике). Учебник включает девять уроков и приложения (задания для проведения ролевых игр и список неправильных глаголов). Цель учебника — совершенствование навыков чтения, а также формирование навыков устной и письменной коммуникации в профессиональной сфере.

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Для студентов юридических вузов и факультетов.

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Хижняк Сергей Петрович

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Предисловие

Настоящий учебник предназначен для изучения английского языка по направлению подготовки 40.03.01 ЮРИСПРУДЕНЦИЯ, Квалификация: Академический бакалавр, Прикладной бакалавр.

В ходе освоения дисциплины обучающийся должен овладеть следующими, общекультурными компетенциями (ОК): способностью использовать основы правовых знаний в различных сферах деятельности (ОК-4); способностью к коммуникации в устной и письменной формах на русском и иностранном языках для решения задач межличностного и межкультурного взаимодействия (ОК-5); способностью работать в коллективе, толерантно воспринимая социальные, этнические, конфессиональные и культурные различия (ОК-6).

ОК-4 осваивается при использовании основ правовых знаний при изучении английской юридической терминологии на основе сопоставления значений терминов в двух языках, при чтении текстов юридической тематики, при выполнении заданий ситуативного характера.

ОК-5 отрабатывается при выполнении коммуникативных заданий в устной и письменной форме на английском языке.

Реализация компетенции ОК-6 осуществляется при выполнении ролевых заданий, упражнений, предполагающих коллективное творчество, а также при освоении правовой культуры англоязычных стран, извлекаемой из текстов, упражнений, дефиниций терминов.

В ходе освоения общекультурных компетенций обучающийся должен:

- **знать:** основные источники извлечения информации из справочной и учебной литературы, посвященной проблемам российского права (ОК-4); особенности системно структурной организации английского языка в области фонетики, лексики и грамматики, типологию видов чтения, основы структурирования дискурса (оформление введения в тему, инициирование, развитие и завершение разговора, смена темы сообщения, подведение его итогов и т.д.), основы теории перевода; особенности осуществления устной и письменной коммуникации (ОК-5), правила этического поведения при выполнении коллективных заданий на материале культурно маркированной сферы профессиональной коммуникации (ОК-6);
- **уметь:** сопоставлять факты российской и англо-американской правовой культуры (ОК-4); использовать знания, полученные на предыдущем этапе обучения, а также самостоятельно

и под руководством преподавателя работать над совершенствованием практических навыков чтения, говорения и письма в профессиональной сфере с использованием полученных теоретических знаний (ОК-5); использовать правила и нормы этического поведения в быденном и профессиональном дискурсе (ОК-6);

- **владеть:** навыками работы со справочной и учебной литературой по специальности, поиска профессионально значимой информации в интернете (ОК-4); навыками пользования иностранным языком как средством профессионального общения (осуществление письменного перевода, изучающего, просмотрового и ознакомительного чтения, реализация диалогической и монологической речи в ситуациях официального и неофициального общения с опорой на лингвостановедческий материал) (ОК-5); навыками работы в группе, вычленения национально-культурной правовой информации.

Структура учебника

Учебник состоит из 9 уроков, каждый из которых структурирован по следующим разделам: «Grammar», «Reading», «Oral speech practice», «Writing», «Revision exercises», «Active vocabulary».

В разделе «Grammar» представлены пояснения грамматического материала и упражнения на его закрепление.

Раздел «Reading» включает в себя по два текста с предтекстовыми и послетекстовыми упражнениями, предназначенными для проверки понимания информации, заключенной в тексте, закрепления и активизации общелитературной и терминологической лексики, а также страноведческого материала. Текст **A** предназначен для изучающего чтения, а текст **B** — для ознакомительного. Для просмотрового чтения преподавателям рекомендуется самостоятельно подбирать актуальный материал по изучаемой теме.

Раздел «Oral speech practice» состоит из нескольких подразделов: 1) упражнения коммуникативного характера для активизации грамматики урока в устной речи, 2) разговорные клише, необходимые для профессиональной коммуникации, 3) диалог или полилог, содержащий дополнительную информацию по теме урока, 4) темы для устного высказывания, 5) кейс-стади (case study) — описание реальных правовых ситуаций для их анализа обучающимися и предложения путей решения, а также ролевые игры.

Раздел «Writing» предназначен для развития навыков письменной речи в официально-деловой сфере (деловое письмо, заполнение

бланков, написание доклада в соответствии с логической структурой и т.д.).

Раздел «Revision exercises» предназначен для комплексного закрепления лексики и грамматики урока.

В разделе «Active vocabulary» представлен список слов и терминов для пополнения активного словаря обучающихся.

В разделе «Appendix I» содержит «конфиденциальную» информацию для участников ролевых игр.

В разделе «Appendix II» дан список основных неправильных глаголов, подлежащих усвоению.

GRAMMAR: Kinds and Types of Simple Sentences.

READING AND ORAL

SPEECH PRACTICE: What is Law?

Law and Morality.

CONVERSATIONAL

FORMULAS:

Ways of Introducing Oneself.

WRITING:

Filling out the Forms (Applications).

Grammar

Simple Sentences (Kinds of Sentences)

Предложения	Функции	Примеры
Повествовательные	передача информации	He studies law. He is a lawyer.
Вопросительные	а) запрос б) вежливая просьба	What is law? Would you mind my waiting a little?
Восклицательные	выражение чувств говорящего	What a nice day! How cold it is!
Повелительные	приказ, просьба	Hurry up! Tell him about it.

Types of sentences

Двусоставные (содержат подлежащее и сказуемое) Many laws reflect social customs.	Односоставные (содержат только один главный член предложения – или подлежащее, или сказуемое) October rain. Thank you.
Нераспространенные (содержат только главные члены предложения – подлежащее и сказуемое) She is reading.	Распространенные (кроме главных членов предложения содержат второстепенные) She is reading a book on English law in the reading room of the library now.

Word Order in a Sentence

(Declarative, Interrogative, Negative and Imperative Sentences)

Tomorrow	–	–	he	will	–	–	tell me	about it.	
			He	is	–	–	–	a lawyer.	
			She	–	–	–	likes to read	books	in the evening.
		Does	he	–	–	–	like to read	books?	
		Is	he	–	–	–	–	a lawyer?	
			Who	–	–	–	likes to read	books?	
	Where	–	–	Shall (will)	we	–	go?		
			I	Shall (will)	–	not	go		there.
			He	is	–	not	–	a lawyer.	
							Take	the book.	
				Do	–	not	take	the book.	

Exercises

1. Make the following sentences negative.

1. He is a second-year student. 2. They have a new compilation of laws. 3. Tell him about the coming conference of lawyers. 4. Do you know that judge? 5. Somebody told him the news. 6. Both my fellow students and I are interested in legal systems of other countries.

2. Ask as many questions as you can based on the following sentences.

1. He speaks English. 2. He is a well-known lawyer. 3. She went to London two days ago. 4. I have just finished reading this article. 5. He is looking through the compilation of laws. 6. Tomorrow Professor Smith will deliver his lecture on civil law.

3. Write two-member sentences based on the following one-member sentences.

1. Morning. 2. Rain. 3. Snow. 4. Don't know anything about it. 5. Glad to meet you. 6. Sorry. 7. Talking about the new law? 8. Never heard of it!

4. Vladimir, a student of law from Russia has visited Brigham Young University in the U.S.A. and the J. Reuben Clark Law School, which is an integral part of the university. He jotted down some facts of the J. Reuben Clark

Law School in fragments. Make up complete sentences based on the fragments. For each fact, write two kinds of sentences: a declarative and an interrogative.

Accredited by the American Bar Association.

Founded in 1875. Provides broad training.

Admission of students of any race, sex, national origin.

330,000 volumes in the library.

A technologically advanced library.

Each new class — 150 students.

Sponsored by the Church of Jesus Christ.

J. Reuben Clark, a member of the First Presidency of the Church.

Reading

Text A

1. Give your opinion on the following statements:

1. There are situations in which people should not observe law. 2. It is necessary to enact laws. 3. There are no good reasons for breaking laws. 4. Russian police enforce laws very well. 5. It is recommended to amend laws from time to time. 6. The main aim of the law is to promote social justice. 7. In Russia, fines for breaking traffic rules are very low. 8. Sometimes people break laws and do not know about it.

2. Read the text.

WHAT IS LAW?

Law permeates our lives. In all modern societies, laws regulate relations between people. Some of these laws are rules of social and moral behaviour, which can be called customs. However, some laws are specially made by the legislature of the country and are enforced against all citizens.

It is natural that in every society people act primarily for their own interests, and their actions in society often result in conflicts. To restrain such conflicts rules for the control of people have been very important from the very dawn of civilization. The main repository of such rules is the law.

Law helps us to be civilized. It states a number of rules that tell us what we may or may not do. Law is based on concepts of "order" and "compulsion". Without laws, there would be anarchy in society. Textbooks on law define it as "a body of rules for human conduct, enforced by a governing power, as the means by which the control of society is achieved"¹.

Besides social control, laws are aimed at implementing justice. Some laws are the reflection of the necessity of implementing common sense. E.g.: it is common sense that drunken driving should be punished, that a person who sustains damages should be compensated for them, etc.

However, sometimes there is some disagreement as to whether or not in reality, one of the main purposes of the law is to promote social justice.

The rules of law that exist in modern societies are the result of evolution over centuries of social progress. The evolution of different legal systems reflects many specific factors (cultural, historical, etc.). That is why the laws of one country are often very different from the laws of another country.

Note: ¹ *Henzey, Myers, Phalan, Bagby and Sharp. Introduction to Basic Legal Principles. -5th ed. Dubuque, Iowa: Kendall/Hunt Publishing Co., 1991.*

3. Answer the following questions:

1. How are relations between people regulated in civilized countries? 2. What are customs? 3. Are there laws enforced against the citizens? 4. Why do conflicts between people arise? 5. What are the main concepts of law? 6. What is a textbook definition of law? 7. Are laws connected with common sense? 8. Why do legal systems of different countries differ?

4. Give the Russian for:

custom, legislature, to enforce, to result in conflicts, to restrain conflicts, from the very dawn of civilization, repository, order and compulsion, means, justice, common sense

5. Give the English for:

общество — современное общество, отношение — отношение между людьми, регулироваться — регулироваться законом, поведение — моральное поведение, действовать — действовать в своих собственных интересах, учебники — учебники по праву, правила — правила поведения человека, вождение (автомобиля) — вождение в нетрезвом состоянии, ущерб — понести ущерб — компенсировать ущерб

6. Complete the following sentences using the words given below each sentence (a, b, c or d):

1. ... and legal rules have a long history in human society.
a) legislature, b) law, c) legality, d) lawyer
2. Laws are made by ...
a) society, b) governments, c) legislature, c) people
3. In every society people act for their own ...
a) interests, b) behaviour, c) justice, d) conflicts
4. People's actions in society often ... in conflicts.
a) consist of, b) result, c) sustain, d) restrain
5. Law is based on concepts of order and ...
a) civilization, b) damage, c) conduct, d) compulsion

7. Translate, the following sentences into Russian:

to enforce

1. Laws are made by legislature and enforced by police. 2. This rule must be enforced.

to result in

1. Yesterday the talks did not result in any decision. 2. The accident resulted in the death of two people. 3. The game resulted in our victory.

to aim at

1. You should aim at studying well. 2. Laws are aimed at implementing justice. 3. The efforts he makes are aimed at achieving success in his career.

to compensate (for)

1. The debtor must compensate for your losses. 2. They will compensate you for travelling expenses. 3. The employers must compensate their workers in case of injury at work.

8. Make up word-combinations. Use them in sentences of your own.

- | | | | |
|------------------------|---------------|-----------------------------|----------------------|
| a) to enforce | laws | c) to aim at | achieving a decision |
| | Acts | | settlement a dispute |
| | of Parliament | | |
| | rules | | |
| b) to result in | a conflict | d) to compensate for | losses damages |
| | a dispute | | |
| | an accident | | |

Text B

1. Before reading the text study the definitions of the following words:

statute — a law which was passed by a lawmaking body and formally written down

regulation — official rule or order; authoritative direction

ordinance — order, rule or statute, made by authoritative direction

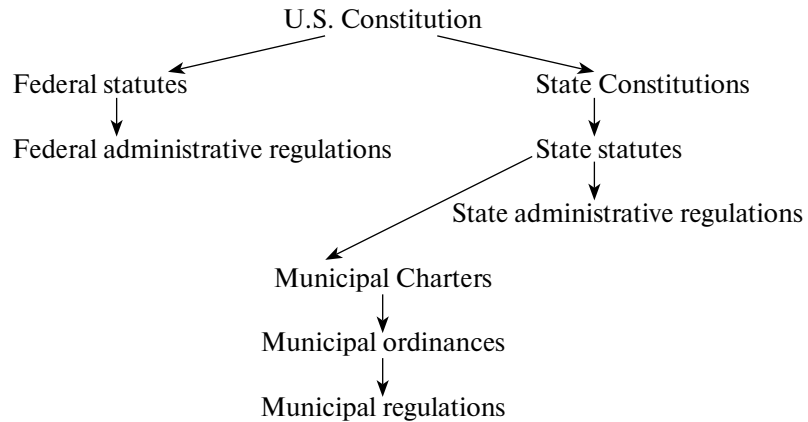
charter — a signed statement from a ruler or government, giving rights, freedoms, to the people, an organization, a town, a city, a university, etc.

2. Read the following text and study the diagram it includes.

FORMS THAT LAW TAKES

Statutory law takes different forms. It may take the forms of Constitutions, statutes, administrative regulations, municipal ordinances, etc. Statutory laws are collected in sets of bound books. A Constitution is the basis of a legal system. It sets out the form and basic principles by which government operates. Constitutions contain vague statements that leave the job of lawmaking to

statutes, judges, and administrative agencies. Statutes are acts of national state legislatures. Laws passed by the city governments are called ordinances. The following diagram shows us the forms the law takes in the U.S.A.



3. Say if the sentences correspond to the text or not:

1. There is a variety of forms statutory law takes. 2. Municipal ordinances are manifestation of public law. 3. Administrative regulations are the main issues of a legal system. 4. The articles of the constitution are the source of parliamentary operations. 5. Law makers create the articles of constitution. 6. The city government enacts ordinances. 7. The basic legal document of any country is the constitution.

4. Draw a similar diagram representing the hierarchy of the forms laws in the Russian Federation take. Comment on the diagram in class.

Oral speech practice

I. Mind Your Grammar When You Speak

1. Make up short dialogues according to the models composing simple declarative, interrogative, and negative sentences. Add any information you want to make your dialogues livelier.

Model 1: Jim Brown — a lawyer — in the office — in court.

A: Do you know Jim Brown?

B: Yes, he is a lawyer.

A: Can I see him?

B: Unfortunately, not. He is not in the office now; he is in court.

Prompts: Sally O'Connor — a book-keeper — in the office — in the bank, Peter Brown — a manager — here — in a shop, Sam Whitney — an intern — in the conference room — in the archive, Kate White — a director — at work — on a business trip, Ann Williams — a secretary — at the reception desk — in the director's office.

Model 2: Jim Brown — London — to attend a conference.

A: Where is Jim Brown now?

B: He is in London.

A: What is he doing there?

B: He is attending a conference.

Prompts: Linda Smith — in Moscow — to participate in a seminar, Patrick Briggs — in Nigeria — to carry out a research, Margaret Clinton — in Spain — to conduct a master-class, Timothy Pink — in Canada — to attend a World Cup, John Simpson — Scotland — to explore Loch Ness.

2. Make up short dialogues according to the models composing simple, imperative, interrogative, and negative sentences. Add any information you want to make your dialogues livelier.

Model 1: to open the door — to cook — to do

A: Adam, please open the door.

B: Don't you see I'm cooking? Do it yourself, please.

Prompts: to give me the book — to read — to take another one, to go to the shop — to watch TV — to ask Mary, to explain the task — to write an essay — to call Andrew, to cook dinner — to get ready for an exam — to do.

Model 2: to switch off TV — to care — to read

A: Don't switch off TV!

B: I don't care, I'm reading.

Prompts: to take my car — to need — to stay home, to open the window — to want — to get cold.

II. Conversational Formulas

Effective communication is an essential part of lawyers' work: lawyers interview clients, bargain and negotiate agreements, discuss settlements, etc. When meeting for the first time people usually start with introducing themselves, even if they know the names of people they are going to talk to.

Ways of Introducing Oneself (Meeting a client)

Good morning, Mr. Smith!	Доброе утро, господин Смит.
Nice to meet you.	Мы рады Вас видеть.
Please take a seat.	Присаживайтесь, пожалуйста.
My name is Peter Johnson.	Меня зовут Питер Джонсон.
I'm a partner at "Fisher and Partners".	Я адвокат фирмы «Фишер и партнеры».
Feel free to address me by my first name, Peter.	Вы можете называть меня просто Питер.
How would you like to be addressed?	Как к Вам обращаться?
If you feel comfortable with first names, I would prefer to be called by my first name, Peter.	Если Вам удобно, обращайтесь ко мне по имени, Питер.
Would you prefer Nicholas or Mr. Smith?	Как мне называть Вас, Николас или господин Смит?

Starting a negotiation

Good morning, ladies and gentlemen!	Доброе утро, дамы и господа!
Thank you for meeting us today.	Спасибо, что согласились встретиться с нами сегодня.
My name is Peter Johnson, this is my colleague Helen Peterson.	Меня зовут Питер Джонсон, это моя коллега, Хелен Петерсон.
We represent a new firm.	Мы представляем новую фирму.
Feel free to address us by our first names, Peter and Helen.	Вы можете называть нас просто Питер и Хелен.

Exercises

1. Read the following flashes of conversation:

1.

A: Good afternoon, Mrs. Johnson. Nice to meet you.

B: Good afternoon!

A: Please take a seat. Do you feel comfortable? My name is Alex Smith. Please, feel free to address me by my first name, Alex.

B: OK.

A: How would you like to be addressed?

B: Well, Helen will be fine.

A: Great!

2.

A: Good morning, Mr. Hamilton. Pleased to meet you.

B: Good morning.

A: Make yourself comfortable. My name is John McDonald. If you feel comfortable with first names, I would prefer to be called by my first name, John.

B: OK.

A: Would you prefer Nicholas or Mr. Hamilton?

B: Mr. Hamilton.

3.

A: Good morning, gentlemen! Thank you for meeting us today.

C: Good morning!

D: Good morning!

B: My name is James Peterson and this is my colleague.

A: Sarah Johnson.

B: We represent "Machinery, Ltd". Feel free to address us by our first names, James and Sarah.

C: Nice to meet you, James.

D: Nice to meet you, Sarah. My name is Steven Fishman.

C: My name is Jeremy Walkman. We represent "Steel, INC". First names will work for us, too.

2. Act as a lawyer and a client having the first meeting. Change roles.

3. Act out the beginning of a negotiation. Work in groups of three or four.

III. Dialogue

1. Read the following dialogue:

AT THE SEMINAR ON THEORY OF STATE AND LAW

Professor: Today we are going to speak about law. First, we should define this term. Can you tell me what law is?

Oleg: When we speak about law, we mean a justified and well-founded freedom of behaviour, which is proper to society.

Professor: That's right! But the word "law" has at least two meanings in legal practice.

Nina: Oleg has mentioned one of the meanings.

Professor: And what about the other, Pete?

Pete: I'm afraid, I'm not ready to answer this question.

Professor: How very annoying! Last time you were not ready for the seminar either.

Nina: I think I can answer your question. We use the word “law” in the second meaning when we speak of the law of the Russian Federation, law of France, or when we speak of definite branches of law, for example, civil law or criminal law.

Professor: That's good! A lot of great thinkers, philosophers and lawyers reflected upon the role of law in society. Here is what a famous English writer Daniel Defoe said about law: “Law is just a heathen word for power.” Do you agree with this statement?

Dennis: I do. Law, like the state, must serve the people, but one must remember that sometimes law doesn't meet the requirements of society, because it can be reactionary. For example, legislative bodies can pass anti-popular laws or the courts can pronounce unjust decisions. Sometimes laws and courts become instruments of politics.

Professor: Quite right. I must add that in the situation you have outlined, law can become a negative factor.

Note: ¹heathen — варварский

2. *What definitions of law were you given at your seminars on Theory of State and Law? Add anything you can to the discussion above.*

IV. Topics for Discussion

1. *Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?*

1. “This is the court of law, young man, not a court of justice.”
(*Oliver Wendell Holmes, Jr., 1841 — 1935, an American jurist who served at the Supreme Court of the United States from 1902 to 1932*).

2. “If you laid all of our laws end to end there would be no end.”
(*Mark Twain, 1835 — 1910, an American writer*).

3. “Laws, like sausages, cease to inspire respect in proportion as we know how they are made.”
(*1869 — John Godfrey Saxe (1816 — 1887, an American poet)*).

4. “An earthquake achieves what law promises but does not in practice maintain the equality of all men.”
(*Ignazio Silone (1900 — 1978, an Italian author and politician)*).

5. “Justice is incidental to law and order.”

(*John Edgar Hoover, 1895 — 1972, the first Director of the Federal Bureau of Investigation of the United States*).

6. “Laws are like cobwebs, which may catch small flies, but let wasps and hornets break through.”

(*from “A Critical Essay upon the Faculties of the Mind” (1707) by Jonathan Swift, 1667 — 1745, an Anglo-Irish satirist, political pamphleteer, poet and cleric*).

7. “It is not a Justice System. It is just a system.”

(*Bob Enyart, an American talk radio host, author, and pastor of Denver Bible Church*).

8. “The more corrupt the republic, the more numerous the laws.”

(*from Annals by Tacitus (AD 56 — after 117), a senator and a historian of the Roman Empire*).

2. *What do you know about the authors? Choose any name and prepare a short report about this person.*

V. Case Study and Role Play

1. *Read the following text.*

Conjoined twins are identical twins with joined bodies, also called Siamese Twins because of famous Thai brothers travelling and performing in a circus in the 19th century. Conjoined twins are usually classified by the point at which their bodies are joined and attempts to separate them by surgical means may be extremely risky and life-threatening. Very often, the surgery results in the death of one or both of the twins, therefore, surgical separation raises ethical, moral, and legal issues.

A ‘Jodie and Mary’ case got huge publicity in the year 2000. The facts are as follows. A Maltese couple, Mr. and Mrs. Attards had been married for two years when they learnt that Rina was carrying conjoined twins. A few hospitals in the world specialize in Siamese twins and because of a medical treatment reciprocal agreement between England and Malta, the Attards went to St Rosie's Hospital in Manchester where Rina Attard gave birth to two girls, both alive. One baby, Rosie, seemed underdeveloped and was alive only because of the other baby, Gracie. Moreover, medical experts predicted that if the twins were not separated, Gracie would not be able to live more than 6 months, her heart working for both sisters.

Doctors insisted on the operation but the parents, devout Catholics, did not agree to it: “it would be an immoral act to save Gracie, if by saving Gracie one must end Rosie's life before its brief allotted span is complete”. Doctors

had nothing to do but to address the court of law and their lawyer filed a suit. Justice Johnson of the Family Division heard the case alone and ordered that the operation should proceed. The parents appealed. Therefore, the British Court of Appeal had to decide a difficult case: to recognise parents' will or to support medical point of view and give Gracie a chance to live.

2. *Divide into two groups. Students A will prepare arguments supporting the doctors' position. Students B will prepare arguments in support of parents' position.*

3. *Choose representatives for each group and argue your case.*

4. *Read what Lord Justice Ward wrote in the Introduction to the Case of the Siamese Twins. Do you agree that it is possible to separate law and morals? Why?*

“Some will agree with Justice Scalia who said in the Supreme Court of the United States of America in *Cruzan v Director, Missouri Department of Health* (1990) 110 S. Ct. 2841, 2859:

“The point at which life becomes “worthless”, and the point at which the means necessary to preserve it become “extraordinary” or “inappropriate”, are neither set forth in the constitution nor known to the nine Justices of this Court any better than they are known to nine people picked at random from the Kansas City telephone directory.”

It is, however, important to stress the obvious. This court is a court of law, not of morals, and our task has been to find, and our duty is then to apply the relevant principles of law to the situation before us — a situation which is quite unique.”

5. *If you are interested in the Court of Appeal decision and the end of the story search the Internet and prepare a short report for the class about the case.*

References:

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Duhaime, Lloyd. A Common Law Tragedy: Life, Death and Siamese Twins Rosie and Gracie Attard. URL: <http://www.duhaime.org/LawMag/LawArticle-1285/A-Common-Law-Tragedy-Life-Death-and-Siamese-Twins-Rosie-and-Gracie-Attard.aspx/> (07.05.2015).

Writing

Filling out the Forms (Applications)

1. Read the following information:

Nowadays if a person applies for a university, a job, a passport, a visa, etc., he or she in most cases will fill out an application form online. It is necessary to type in the required information and/or to choose an answer from variants in a dropdown menu. However, there are forms, which are still required to be filled out by hand. Read the following tips. The first two points relate only to handwriting forms, as for the rest they will work for both.

Remember:

1. Neatness counts.
2. Fill out the form in block letters.
3. Depending on what you are applying for, prepare necessary documents (a passport, a social security card, diplomas) in case their numbers and expiry dates are required.
4. Filling out your form, take one step at a time.
5. If an item does not apply to you, draw a line through the answer space or write “no/not applicable”. Do not leave it blank, or the person reading the form may think that you missed that item.
6. Many applications, especially job or grant applications require uploading your Curriculum Vitae (CV)/resume and/or personal statement. It is very useful to have these documents' drafts so it will not take much time to adjust them for a particular purpose. (We will discuss and write these drafts in the following units).
7. If you are going to provide a Referee name and his/her full contact details, be sure that this person knows that he/she can be addressed for a reference letter.
8. After finishing, make sure that everything is in order before you hand in the form or click the ‘submit’ button.

2. Fill out the following grant application form.

Last Name (surname/family name): _____

Title (Dr/Mr/Mrs/Miss/Ms): _____

First(given)name(s): _____

*These names must be the same as the names on your passport/
National Identity Card and must appear in the same order.*

Home Address

Street and Number: _____

City/Town: _____

Zip code: _____

Country: _____

Home Phone #: _____

Cell Phone #: _____

e-mail address: _____

Are you currently enrolled at an institution of higher learning?

Yes No

If yes, name of institution: _____

Institution Address:

Street and Number: _____

City/Town: _____

Zip code: _____

Present year of study and total number of years in institution: _____

Department/Faculty: _____

Major: _____

If you have graduated, list all institutions (institutes, universities) you have attended.

Dates	Institution	Address	Specialization	Degree	Date	degree received
_____	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____	_____

Did you have English classes in school?

Yes No

How many years have you studied English at the institute or university level?

Referee name and full contact details

Revision exercises

1. Give all the meanings of the following words. Consult a dictionary if necessary:

modern, to regulate, natural, interest, civilization, justice

2. Give the same notion in one word:

particular way of behaving which is observed by people; a person who has full rights in a State, either by birth or by gaining such rights; to keep under control or to prevent somebody from doing something; to cause suffering for wrongdoing; to give something to make up for loss or damage; harm, injury or loss.

Prompts: citizen, to punish, custom, to restrain, damage, to compensate

3. Among the following words find: a) those with similar meanings, b) those with opposite meanings:

- a) lawmaking, norms, aim, behavior, parliament, creating law, goal, purpose, conduct, statute, rules, legislature;
- b) compulsion, damages, government, order, justice, compensation, injustice, disorder, anarchy, declaration of will.

4. Match the sentence halves:

- | | |
|--|---|
| 1. Procedural law defines the procedure ... | a) is part of constitutional law. |
| 2. In Great Britain statute law ... | b) to restrain conflicts. |
| 3. Members of Parliament are responsible for ... | c) that individuals both fulfill their societal roles and receive what is due from society. |
| 4. All the USA states have the power ... | d) by which a law is to be enforced. |
| 5. The police have the power ... | e) every citizen is subject to the law, including law makers themselves. |
| 6. It is common sense to avoid actions ... | f) making of new laws. |
| 7. The law was discussed but ... | g) to pass special ordinances. |
| 8. Rule of law presupposes that ... | h) which may result in conflicts. |
| 9. The concept of social justice means ... | i) it was practically impossible to implement it. |

5. Read the text and insert the missing words given below:

BRITISH LAW

In ... of the United Kingdom people tend to observe law. Still there are situations in which the British apply to legal practice. However, legal practice differs from legal theory. Legal theory is based on the distinction between public law and private law but legal practice is based on the distinction between civil law and criminal law.

Public law relates to the state. The state ... laws which govern processes in local and national government and conflicts between individual and the state. Private law deals with relationships between legal persons (individuals and corporations) that ... There are special laws that ... such conflicts due to the system of modern ...

Criminal law is concerned with breaking of law for which the individual should be punished. It is manifestation of traditions and ... to punish the criminal. The aim of civil law is to compensate the individual. It is manifestation of ... to compensate individuals who have ... damages.

However different branches of law are regulated by different laws, statutes, ordinances and charters. These official papers are passed by the state

or local government and may have power either to the whole country or to concrete area.

Prompts: customs, result in conflicts, common sense, restrain, modern society, enforces, sustained, justice

Active vocabulary

aim at — стремиться к, ставить целью	lawmaking — издание законов, законотворчество
behaviour — поведение	legal rules — правовые нормы
charter — устав, хартия	legislature — законодательная власть, законодательный орган
common sense — здравый смысл	modern society — современное общество
compulsion — принуждение	ordinance — декрет, указ, постановление
conduct — поведение	result in smth. — приводить к чему-либо
custom — обычай	statute — закон, статут
government — правительство	sustain damages — терпеть убытки
justice — юстиция, правосудие	
enforce — обеспечивать соблюдение	
implement — выполнять	

GRAMMAR:

1. Participles (Revision).
2. Emphatic **do**.

WORD BUILDING:

Noun-forming Suffixes with the Meaning of Person, Adverb-forming Suffix **-ly**.

READING AND ORAL

SPEECH PRACTICE:

Legal Profession.

CONVERSATIONAL

FORMULAS:

Ways of Asking for Details about Somebody's Occupation.

WRITING:

Résumé / Curriculum Vitae.

Grammar

Participles

Form		Voice	
		Active	Passive
Non-Perfect	Present	reading – читающий, читая	being read – читаемый, будучи читаемым
	Past		read – прочитанный, который читается
Perfect	Perfect	having read – прочитав	having been read – после того, как был прочитан

Emphatic do

Вспомогательный глагол **do (does, did)**, стоящий между подлежащим и инфинитивом смыслового глагола без частицы **to**, усиливает значение смыслового глагола.

I 'do know him.	Я же (ведь) знаю его.
He 'does know that.	Он же (ведь) знает это.
They 'did arrive.	Они же (ведь) приехали.

Exercises

1. Translate the following sentences paying attention to participles.

- a) 1. Having been approved the new rules came into force. 2. Having looked through the documents the manager signed only two of them.

3. When speaking to her he understood that she did not know all the facts. 4. The problem having been discussed, they left the conference room. 5. Not knowing her telephone number he could not call her back. 6. He was sitting in the office writing business letters. 7. He looked through the catalogue, then turned back to the first page and began to study it closely. 8. He looked at me as if not recognizing. 9. Driving at this speed, we can get into an accident. 10. The manager watched the clerks working in the office. 11. Do that as soon as possible. Don't keep me waiting. 12. Having shaken hands with the visitors, he asked them to take their seats.

b) 1. When asked he always helps people. 2. When asked he always helped people. 3. I have my car kept at your door. 4. We had all problems discussed yesterday. 5. I have never heard the speech made so brilliantly. 6. They live in a house built in the 19th century. 7. Here is the letter signed by Mr. Smith. 8. He looked very disappointed. 9. I heard this problem argued between lawyers. 10. When I called on him in the afternoon, I found that he had gone. 11. When I called on him in the afternoon, I found him gone.

2. *Translate the words in brackets.*

1. She (заполняет) an application form of the Russian-American Program of Distance Learning. 2. (Заполнив) the form, she handed it in to the supervisor of the program. 3. (Заполненный) form should be handed to the supervisor of the program. 4. The form (после того, как был заполнен), it should be handed in to the supervisor of the program. 5. (Заполняемый) form is very important. 6. The student (заполняющий) the form is going to take part in the Russian-American Program of Distance Learning.

3. *Translate the following emphatic constructions.*

1. Do come in. 2. I think he didn't speak to professor Brooks. — But he did speak to him. 3. He does know about their decision. 4. They did tell him about it. 6. I do mean what I have said. 7. I do think so. 8. I did speak to him. Why don't you believe me? 9. I did try hard to settle your problem. 10. I do want you to help me.

4. *Make the following sentences emphatic with the help of do (does, did).*

1. Tell Jim we won't come. 2. Law helps us to be civilized. 3. I agree with you. 4. Civilization influences law. 5. The laws frustrate our base instincts. 6. They changed their plans yesterday. 7. Read this article.

Reading

Text A

1. *Give your opinion on the following statements:*

1. Russian advocates earn a lot of money. 2. Americans cannot represent their lawful interests without attorneys. 3. Notaries possess diverse legal knowledge. 4. It is easy to find a job of legal adviser in Russia. 5. Every law student wants to be a judge. 6. The work done by notaries does not challenge students of law, because they think it is boring. 7. Russian lay population does not like lawyers.

2. *Read the text.*

LEGAL PROFESSION AND LEGAL EDUCATION

In any country, legal profession plays an important role. The work carried out by lawyers is diverse. Under adversary systems of justice, lawyers are advocates representing their clients. Besides litigation, lawyers perform different duties. They are advisors to business firms, to govern mental agencies, to individuals, and etc.

Lawyers do gravitate to many crucial interactions while forming and implementing social, political, and economic policy. That is why the general objective of legal education is to prepare the students of law to function as competent lawyers. Any Law School must provide broad training. The specific objective of the curriculum is to maximize the student's mastery of legal reasoning and legal method — in addition to teaching the basic substantive rules of the law.

Students of law must be taught to analyze complex factual situations, to reason deductively, to separate the relevant from the irrelevant to handle the most difficult problems.

The main function of legal profession and legal practice is to apply the law in specific cases. This function is one of the most important in any branch of legal profession but most vividly this function is manifest in the work carried out by advocates and judges in the process of trying and deciding cases.

The most prestigious branch of legal profession in Great Britain and the countries influenced by its system is the judiciary. To become a judge one has to spend 15-25 years in private legal practice or in teaching law or governmental legal service. The judges are either appointed or elected. In England, judges are more commonly appointed. Appointments of the judges are made by the Lord Chancellor. In the U.S.A., the appointive system is used in federal courts. Appointments of judges are under control of the Chief

executive of the nation or state. In many states judges are elected by the population of the state.

Governments require a staff of legal specialists. Great governmental departments need their own legal sub-branch to have skilled legal advice. There are also many lawyers in private client-directed practice.

An American lawyer Erwin N. Criswold writes: "Although our legal system is largely derived from England, we have not followed the English practice in the organization of the legal profession. There is no formal division of the profession in the United States. We do not have barristers, or courtroom lawyers, on the one hand, and solicitors, on the other. With us, any lawyer is free to engage in any sort of legal activity, and he may be in court one day and engaged in drafting legal papers the next. Indeed, the notion of the separation of the legal profession into different branches is so unknown in the United States that most American lawyers have difficulty in understanding the English or French systems. Of course there is certain amount of specialization in the actual activities of many American lawyers, but they are accustomed to doing whatever they feel their clients need and they feel qualified to do..."¹ Erwin N. Griswold names such spheres of specialization as labor law, taxation, etc.²

As far as lawyers are servants of the public as well as of their clients, they have several loyalties. Lawyers must be loyal to their clients, to the administration of justice, to the interests of the society as a whole, to their own ethical standards.

Notes:

¹ Criswold E.N. *The Legal Profession // Talks on American Law*. N.Y., 1971, p. 277.

² *Ibid.*, p. 275.

3. Answer the following questions:

1. What duties do lawyers perform besides litigation? 2. How does Law School prepare the students of law to function as competent lawyers? 3. What is the main function of legal profession? 4. What legal professions need the skill to apply the law in specific cases most of all? 5. Does the advocacy work include trying and deciding cases? 6. What is the most prestigious branch of legal profession in Great Britain? 7. How long does it take to become a judge in Great Britain? 8. Are judges appointed or elected in the USA? 9. Where may legal specialists work besides courts? 10. What is the formal division of the advocates in Great Britain? 11. What is the difference between barristers and solicitors? 12. What is the characteristic feature of the work done by the attorneys in the USA? 13. What should lawyers be loyal to?

4. Give the Russian for:

to represent clients, to perform duties, to implement a policy, broad training, legal reasoning, legal method, to reason inductively and deductively, to handle the most difficult problems, to apply the law, judiciary, client-directed practice, formal division, courtroom lawyer, office lawyers, drafting legal papers

5. Give the English for:

состязательная система, юридическое образование, нормы материального права, частная юридическая практика, правовая служба, назначение судей, система назначения, квалифицированный юридический совет, трудовое право, отправление правосудия

6. Complete the following sentences.

1. The general objective of legal education is... 2. Any law must... 3. The specific objective of the curriculum in Law Schools is... 4. Students of law must be taught... 5. The main function of legal profession is... 6. The most prestigious branch of the legal profession is... 7. Governments also require... 8. There are many lawyers in... 9. The notion of the separation of the legal profession into different branches is... 10. Lawyers must be loyal to...

7. Translate the following sentences into Russian.

to carry out

1. Lawyers have certain duties to carry out. 2. A large amount of tax work is carried out by accountants.

to gravitate to/towards

1. Students always gravitate to subjects, which will help them in their future profession. 2. Voters always gravitate to candidates who have a positive image.

to accustom to

1. He got accustomed to his work. 2. She is not accustomed to physical work. 3. You have to accustom yourself to difficulties. 4. I am not accustomed to such strict rules.

to engage in

1. He has been engaged in settling labour disputes all his life. 2. They are engaged in negotiating and settling disputes.

to handle somebody, something

1. He handled the situation very well. 2. He knows how to handle these matters. 3. A lawyer should know how to handle his clients.

8. Make up sentences.

Lawyers	carry out handle gravitate to are engaged in perform are accustomed	different duties. many crucial interactions. drafting legal papers labour disputes. tax work. to doing whatever they feel their clients need.
---------	--	--

9. Make up word-combinations. Use them in sentences of your own.

a) to work out	a plan a resolution a draft document	b) to perform	the duties the functions
c) to handle	the problems the job	d) to carry out	the duties the threat
e) to accustom to	public speaking new ideas		

10. Form adverbs with the help of the suffix *-ly*. Translate the words into Russian.

effective, usual, proper, equal, legal, necessary, ordinary

11. Form nouns with the meaning of a person with the help of the suffixes.

-er: to examine, to teach, prison, London

-or: to visit, to investigate, to act

-ist: economy, royal, terror, national

-ian: politics, Russia, Canada, Italy

-ant: to appeal, to account, to inform, to serve

-ent: to preside, to correspond, to reside

-ess: patron, steward, actor, manager

12. Translate the following words. Consult a dictionary if necessary:

defender, defendant

13. Complete the sentences with the correct derivative of the words in bold type. Mind the grammatical forms of the derivatives.

1. Law

The work done by the courts cannot be carried out without the participation of ...

2. To advise

Apart from litigation, lawyers perform indispensable services as ... to business firms, to government agencies, and to individuals and organizations of all kinds.

3. To serve

The lawyer is a ... of the public as well as of his client.

4. To defend

a) In recent 5 years, many states have established public ... offices.

b) When a lawyer tries criminal cases, he usually specializes in representing either plaintiffs or ...

5. To prosecute

Lawyers carry a high responsibility for the enforcement of the criminal law. Some lawyers do this as public officials, in ... office.

14. Make up as many questions based on text A as you can. Ask your group-mates to answer them.

15. Translate the following sentences into Russian paying attention to the Participles.

1. Although the American legal system is largely derived from England, English practice in the organization of legal profession was not followed. 2. Perhaps two-thirds of American practicing lawyers practice alone, having their own offices. 3. From early times, there have been associations of lawyers, and for about a century they have been formalized into bar associations. Being so large, much of their work is done in sections, dealing with different topics. 5. Even when carried out through large firms, law practice remains an individualistic activity. 6. Lawyers being admitted to practice by supreme courts of each of the states, this admission entitles them to practice in that state only.

16. Look through text A once again and point out sentences with the emphatic **do**. Translate them into Russian.

Text B

1. Before reading the text, study the list of words and their definitions.

to supervise — to watch and direct work, workers, etc.

attorney — Am. a lawyer

real estate — land and buildings

transaction — a piece of business

2. Read the following international words and give their Russian equivalents. practice, definition, national, organization, person, to qualify, intimate, direction, specifically, to delegate, concept, comment (n.), to comment, to advocate, advocate (n.), consensus, idea, limited

3. Translate the following family words:
to repeat — repetitive, to perform — performance, to specify — specific -specifically, to know — knowledge, to hear — hearing, to supervise — supervision

4. Read the following text and get ready: a) to explain the meanings of the words in bold type; b) to explain what a paralegal is; c) to entitle the text.

Legal practice in the U.S.A. is carried out not only by lawyers but also by paralegals. A paralegal is a non-lawyer who performs legal tasks that were once done by lawyers. A longer definition used by the ABA — American Bar Association (a national organization of lawyers) is a “person qualified through education, training, or work experience who is employed... in a capacity which involves the performance, under the **intimate** direction and supervision of an attorney, of specifically delegated, substantive legal work, which work, for the most part, requires a sufficient knowledge of legal concepts...” There is an ABA Commission on Non-lawyer Practice in the U.S.A., which has recently held some open hearings to receive comment from both the lawyers and paralegals if non-lawyers should be permitted to provide legal services to the public and, if so, how such services should be regulated.

Many specialists in law advocate the idea of allowing non-lawyers to engage in at least limited **delivery** of legal services, although there has been some consensus that non-lawyers’ practice should be regulated. The advocates of the idea say that there are many repetitive and simple things that lawyers do that could easily be done by trained non-lawyers. Many paralegals work with lawyers who oversee their work and none **objects** to this as they are not considered to be practicing law. However, when they go out and work for themselves and make money, people begin complaining. At present paralegals handle mainly real estate transactions, but the ABA has no policy on legal services carried out by non-lawyers.

5. Say if the sentences correspond to the text or not:
1. In the USA paralegals are attorneys. 2. ABA is a governmental organization of lawyers. 3. The work of paralegals is controlled by lawyers. 4. Recently ABA Commission on Nonlawyer Practice in the USA has come

to the conclusion that paralegal services are popular among population. 5. It is necessary to regulate paralegal practice. 6. There is an opinion that some legal work can be carried out by nonlawyers. 7. Paralegals should work for themselves and make money. 8. Paralegals practice in real estate sphere.

6. Look through text B once again. Point out the definition of a paralegal used by the ABA. Translate the definition into Russian.

7. Fill in the following chart based on text B.

	Its main idea	The details	The conclusion
Paragraph 1			
Paragraph 2			

8. Give the gist of the text in English.

9. Express your attitude to the problem text B deals with.

10. Think and answer:

Are there paralegals in your country?

Oral speech practice

I. Mind Your Grammar When You Speak

1. Make up short dialogues according to the models composing sentences where participles are parts of predicates. Add any information you want to make your dialogues livelier.

Model 1: what — you — to do, to write a report.

A: What are you doing?

B: I’m writing a report (for my civil law class).

Prompts: where — you — to go, to go to the institute; what — Peter — to write, to get ready for the conference; what — Sam — to do, to study for an exam; what — you — to do, to read a book; what — Ann — to do, to watch TV.

Model 2: you — to be — America.

A: Have you ever been to America?

B: I have been to America two times.

Prompts:

A:	B:
you — to visit — England	three times
you — to try — criminal cases	lots of times
you — to settle — commercial controversies	several times
you — to represent — defendants	on a number of occasions
you — to carry out — tax work	frequently
you — to try — automobile cases	on frequent occasions
you — to try — marital cases	often
	not very often

2. Make up new sentences according to the models changing an attribute subordinate clause into an attribute participle construction:

Model 1: The work *which is done by courts* can't be carried out without the participation of lawyers. — The work *done by the courts* can't be carried out without the participation of lawyers.

Prompts: 1. Defendants are often represented by lawyers who are employed by the insurance companies. 2. Courtroom work represents a small portion of the work, which is done by lawyers. 3. Lawyers carry out some functions with respect to the transfer of real property, which is sometimes called conveyancing. 4. The work, which is carried out by lawyers, is very complicated. 5. The role, which is played by an ordinary office lawyer, is rather unspectacular.

Model 2: Advocates *who represent clients* present their points of view as efficiently as they can. — Advocates *representing clients* present their points of view as efficiently as they can.

Prompts: 1. The influence of the lawyer's work which relates even to a specific matter of private concern to clients is very great. 2. Lawyers spend a great deal of their time in negotiations, which lead to the adjustment of controversies. 3. Two-thirds of American lawyers who have their own offices practice alone. 4. There are few law firms, which maintain branch offices in another city. 5. In the U.S.A. there is no Ministry of Justice or any other department, which controls the legal profession. 6. Over past twenty-five years, a number of states have passed statutes, which established integrated bars.

3. Make up short dialogues according to the models disagreeing with your partner and using emphatic **do**. Add any information you want to make your dialogues livelier.

Model 1: you — to tell me about your new job.

A: Why didn't you tell me about your new job?

B: But I did tell you about it yesterday. Don't you remember?

Prompts: you — to send the draft programme; you — to settle that controversy; she — to settle that labour dispute; you — to tell you about their divorce; you — to tell me about the negotiations; he — to finish his work on time

II. Conversational Formulas

Learning the ways of asking for details about somebody's occupation might be useful in different situations: at conferences and parties, in interviewing clients, etc.

Asking for Details about Somebody's Occupation

What do you do (for a living)?	Где Вы работаете?
Where do you work?	
What do you focus on?	В какой области Вы специализируетесь?
Where is your firm based?	Где находится Ваша фирма?
How long have you been working for this firm?	Как долго Вы работаете в этой фирме?

Possible answers

I'm a lawyer.	Я юрист.
I'm in legal practice.	
I work for Smith and Co.	Я работаю в фирме Смит и К°.
I work at Smith and Co.	
I'm with Smith and Co.	
I focus on civil law.	Я специализируюсь в гражданском праве.
Our firm is based in London.	Наша фирма находится в Лондоне.
Our firm is in London.	

Exercises

1. Read the following flashes of conversation:

1.

A: Nice to meet you, John. Haven't seen you for ages. What do you do for a living?

B: I'm in finance. And what about you?

A: I'm in computers.

B: Where is your firm based?

A: Our firm is in Los Angeles.

2.

A: Oh, John! Meet my colleague.

B: How do you do?

C: How do you do?

B: Are you a lawyer too?

C: I am. I work with Smith and Co.

B: Smith and Co? I know that's a very prestigious firm. What do you focus on?

C: I focus on business law.

3.

A: Who did you speak to five minutes ago?

B: Oh, that was Susan.

A: Is she your colleague?

B: Yes, she is. She has been working for Smith and Co for three years.

2. Make up your own dialogues and act as former group-mates who haven't met for a long time.

III. Dialogue

1. Read the dialogue. Sarah Alger, a lawyer from a small resort area town is speaking to Barry Johnson, her colleague from New York:

Barry: Hallo, Sarah! Haven't seen you for ages!

Sarah: Oh, Barry! Glad to see you! It seems to me that I haven't seen you since we graduated from University of Pennsylvania Law School.

Barry: Quite right! Are you on holiday here?

Sarah: Oh, no! I live in this town.

Barry: Do you? However, I know that after graduating from the Law School, you worked for the prestigious firm of Stephen Walrode and you were doing perfectly well there.

Sarah: That's right. Then I was tired of New York and decided to move here. It was simply a desire to live in a beautiful place where I felt I would have more control of my life.

Barry: But I think it's difficult to come into a small community like this and open up practice and do well.

Sarah: You're right. You can't do well here right away. But now everything is O.K. Most of my practice is business litigation. Some of practice also involves bankruptcy cases and broken real estate contracts.

Barry: Are you happy with the kind of work you do here?

Sarah: Yes, I am. A lawyer in this town can keep as busy as any lawyer in a big city. However, there are certain disadvantages. The first one is that you've got to be here for some period before the locals take you seriously. Moreover, I miss the opportunity of intellectual growth that a large firm offers. However, the experience I got in New York is very helpful for me. And what about you? What do you do for a living?

Barry: Well, I've been working for a small firm in New York for three years, but now I'm in a big practice in Los Angeles. But to tell you the truth, I'm tired of living in big cities. I think of moving to some resort area.

Sarah: Why not here?

Barry: I like it here, but you know, now I focus on personal injury and criminal law. I don't think I'll have much practice in such a quiet place.

Sarah: I think you are wrong. Many people get into trouble in all resort areas because they're enjoying themselves having parties or rest out of town. They do things they wouldn't do when they're not on holiday. Therefore, we get a lot of disorderly conduct, and a large number of criminal cases that arise from fights in the bars and dancing halls. We've had some really tragic situations as a result of that.

2. Say what you have learned from the dialogue about: a) Sarah's past activities; b) her present occupation; c) Barry Johnson; d) the trouble people get into in the resort areas.

3. What area of law are you interested in? How do you see your future career?

IV. Topics for Discussion

1. Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?

1. "It is a pleasant world we live in, sir, a very pleasant world. There are bad people in it, Mr. Richard, but if there were no bad people, there would be no good lawyers."

(from "The Old Curiosity Shop" (1841) by Charles Dickens, 1812 — 1870, an English writer and social critic).

2. "Doctors are just the same as lawyers; the only difference is that lawyers merely rob you, whereas doctors rob you and kill you too."

(Anton Chekhov, 1860 — 1904, a Russian physician, playwright and writer).

3. "Lawyers have to make a living, and can only do so by inducing people to believe that a straight line is crooked."

(Alfred Nobel, 1801 — 1872, an inventor and engineer).

4. “The minute you read something that you can't understand, you can almost be sure that it was drawn up by a lawyer.”

(*Will Rogers, 1879 — 1935, a Cherokee cowboy, vaudeville performer, humorist, newspaper columnist, social commentator and stage and motion picture actor*)

5. “A lawyer with his briefcase can steal more than a hundred men with guns.”

(*from “The Godfather” (1969) by Mario Puzo, 1920— 1999, an American author and screenwriter*)

2. *What do you know about the authors? Choose any name and prepare a short report about this person.*

3. *Lawyers, in a broad meaning of the word, play an important role in the modern world. The role of lawyers in Russia has changed a lot in the recent decades. Choose any of the following topics and prepare a short report to present in class:*

1. The role legal profession plays in modern societies. 2. The lawyer is a servant of the public as well as of his client. 3. The duties of trial lawyers. 4. Office work of lawyers. 5. Lawyers in governmental service. 6. Private legal practice. 7. Lawyers in politics. 8. The attitude of the public towards lawyers. 9. Advantages and disadvantages of legal practice in a big city (in a small town, in a rural district).

V. Role play

1. *Divide into two groups. Read your roles and perform two dialogues acting as an employer and a candidate for a vacant position. For details see Appendix 1A and Appendix 1B accordingly.*

Writing

Résumé / Curriculum Vitae

1. *Read the following information:*

Nowadays if a person applies for a job, a grant, an exchange programme, etc., he or she in most cases will be asked to provide a CV (Curriculum Vitae) / résumé. A Curriculum Vitae is a written overview of a person's experience and other qualifications. Such sections as personal information, work experience, education and training, personal skills are included in a typical CV, which can be expanded by career objectives, publications and/or membership in professional organisations depending on the situation.

2. *Study the following CV:*

<p>John A. Smith 4321 Green Street Laramie, WY 75000 Home: 333-555-5555 Cell: 333-555-5556 Email: smith@resume.com</p>		
Objective:		
Serve as legal advisor, making legal determinations, advising the firm's partners as well as reviewing agreements or legal documents to secure the firm's interests.		
Qualification Summary:		
<ul style="list-style-type: none"> • Outstanding arbitration and counseling skills. • Effective interaction with both internal and external contacts. • Draft and negotiate complex documents. 		
Education:		
2007-2010 University of Colorado School of Law, Juris Doctor.		
2003-2007 University of Colorado, BS in Government.		
Work Experience:		
November 2014 — present		
<u>Attorney, Johnson and Wells, Laramie, WY.</u>		
July 2010 — November 2014		
<u>Attorney, Chapman and Goodwill, Boulder, Co.</u>		
February 2008-June2010		
<u>Legal Assistant, Chapman and Goodwill, Boulder, Co.</u>		
Personal skills		
Languages: English (mother tongue), Spanish (independent user), French (basic user).		
Software: MicroSoft		
Professional Affiliations: Colorado State Bar Association.		
References: available on request.		

3. *Compose a CV of a lawyer who graduated from Saratov State Law Academy in 2001 and changed two places of employment.*

4. *Compose your own CV adding such sections as Honours, Activities, and/or anything you think can help you to get a part time job.*

Revision exercises

1. *Group the following words and word-combinations according to the notions they denote.*

Persons		Legal entities	Functions of the lawyers
lawyers	other		

lawyer, tribunal, advocate, governmental agency, business firm, advisor, client, justice, court, plaintiff, defendant, insurance company, planning transactions, carrying out negotiations, estate planning, prosecutor's office, enforcement of criminal law, representation of individuals, business enterprise, congressman, senator, president, drafting documents, governor of the state, counselor, witness, representing clients, family settlements, litigation, dependent

2. Give the same notion in one word.

strict order of the way to behave; force or urge; business, place of business of an agent; to support, to speak publicly in support of; having ability, skill and knowledge; to get away from; prolonged argument

Prompts: compulsion, agency, rule, to advocate, competent, controversy, to avoid

3. Among the following words find: a) those with similar meanings, b) those with opposite meanings:

a) lawyer, to perform, duty, to carry out, responsibility, counsel, rule of law, individual, important, attorney, person, crucial, to handle, norm, to deal with

b) loyalty, prestigious, important, administration of justice, require, second rate, violation of law, irrelevant, unknown, present, popular, betrayal

4. Continue the sentences:

1. Russian lawyers representing clients in courts are called advocates; British lawyers representing clients in courts are called ... 2. The work of an advocate includes drafting legal papers, representing clients in courts...; the work of a judge includes ... 3. Broad legal training means to train legal reasoning and ... 4. In England judges are mostly appointed and in the USA ... 5. The main feature of the USA advocacy is ... 6. The main feature of British advocacy is ... 7. In Great Britain Lord Chancellor controls ...; In the USA the Chief Executive controls ... 8. An important quality of any lawyer is ... 9. A paralegal is ... 10. Advantages of the work of paralegals are ... 11. Disadvantages of the work of paralegals are ...

5. Read the text and insert the missing words given below:

SOLICITORS

In Great Britain ... generally practice as ... in private firms, as ... in corporations, government departments, and advice agencies, or as barristers. They all do advocacy, ... and give written advice, but solicitors, unlike..., cannot appear in every court.

Traditionally solicitors carry out such work as drawing up ... and wills. Barristers spend more time in Unlike solicitors, barristers often do not deal directly with clients but are instructed by solicitors.

Considerable change has been made in recent years with respect to the traditional right of access. The Court and Legal Services Act abolished the exclusive rights of barrister access to the high courts. On the other hand, in 2004 some changes were introduced to the Bar Council Code of conduct, concerning the barrister's right, but not requirement to accept instruction directly from the public.

Solicitors often group together in offices forming Partnerships are very effective. Usually there are such positions as partners, solicitors, legal executives and trainee solicitors. Thus ... gain experience under the supervision of a supervising partner.

Prompts: contracts, lawyers, barristers, trainees, partnerships, solicitors, legal advisors, draft legal documents, court

Active vocabulary

accustom oneself to smth. — приучать себя к чему-л.; привыкать, приучаться

administration of justice — отправ-ление правосудия

adversary system — состязательная система

advocate (n) — адвокат, защитник

apply the law — применять право

appoint- назначать

attorney — амер., адвокат, аттор-ней, прокурор

barrister — адвокат, барристер

carry out — выполнять

court — суд

decide the case — выносить реше-ние по делу

draft legal papers — составлять юридические документы

elect — выбирать, избирать

governmental agency — прави-тельственный орган, прави-тельственное учреждение, исполнительная власть, госу-дарственный орган

handle the case — вести дело

judge — судья

legal adviser — юрисконсульт

legal reasoning — правовое обо-снование

litigation — тяжба, судебный про-цесс

loyalty — верность, преданность

perform duties — выполнять обя-занности

represent — представлять клиен-тов

rule of law — норма права, преце-дентная норма

solicitor — солиситор, адвокат

training — воспитание, обучение

- GRAMMAR:** Analysis of Complex Sentences.
WORD BUILDING: Adjective Forming Suffixes (Revision).
READING AND ORAL SPEECH PRACTICE: The History of Anglo-American Law.
CONVERSATIONAL FORMULAS: Ways of Asking for, Giving and Responding to Points of View.
WRITING: Application Letter.

Grammar

The Analysis of Complex Sentences

Model: We must consider, first, the belief that law is an expression of man's rational and moral nature and that any law must be interpreted in the light of the rational and moral purposes, which it is designed to fulfil.

Анализ следует начинать с конца предложения.

1. Сначала находим первое сказуемое — **is designed to fulfil** и его подлежащее — **it**. Перед подлежащим стоит союз **which**, значит, это придаточное определительное (Attributive Clause).

2. Выделяем второе сказуемое — **must be interpreted** и его подлежащее — **any law**. Подлежащему предшествует союз **that**, а ему союз **and**. Союз **and** — сочинительный. Следовательно, предложение относится к тому же типу, что и предшествующее ему предложение.

3. Третье подлежащее — **law**, а его сказуемое — **is an expression**. Перед подлежащим стоит союз **that**, а ему в свою очередь предшествует слово **belief**. Следовательно, это придаточное предложение, так же, как и последующее, — придаточное дополнительное (**Object Clause**).

4. Четвертое сказуемое — **must consider**, а подлежащее — **we**. Перед подлежащим нет союза. Следовательно, это главное предложение.

Схема предложения:

$S_1 + P_1$ **that** $S_2 + P_2$ **and that** $S_3 + P_3$... n + **which** + $S_4 + P_4$.

5. Если сложноподчиненное предложение начинается с союза или союзного слова, за которым следует подлежащее и сказуемое, то это придаточное подлежащее, что видно по тому, что за ним следует глагол в личной форме. **E. g.:** What you say is not right.

Схема предложения:

What + $S_1 + P_1$ + P_2 .

6. Если за глаголом-связкой следует придаточное предложение, начинающееся с союза или союзного слова, оно выполняет функцию именной части сказуемого. Такое придаточное предложение называется придаточным предикативным. **E.g.:** The question is why he is absent.

Схема предложения:

$S_1 + P_1$ + **why** + $S_2 + P_2$.

Exercises

1. Read and analyse the following sentences. Draw schemes reflecting their structure.

1. Law helps us to be civilized because it states so many rules telling us what we may or may not do. 2. If enough people agree that the positive law is wrong, society can change or eliminate the positive law. 3. In an earlier period most of leading American jurists fully accepted the view that there is a "moral law", or a "higher law", by which legislatures, courts and administrative officials are bound and which is superior to statutes, precedents, or custom. 4. Although the judicial power to annul unconstitutional acts of the legislature may perhaps be justified without resort to a theory of a "law of nature", it is nevertheless significant that the judges who first invoked that power did accept such a theory. 5. The natural-rights theory postulated the existence of fixed norms and concepts by which legal rules were to be judged, whereas the earliest theory spoke in terms of the conformity of legal rules to broader and more flexible standards of justice.

2. Analyse the following sentences containing Subject and Predicative Clauses. Draw schemes reflecting their structure.

1. How people have acted and continued to act is an ethic influencing positive law. 2. How law is applied in court is very important. 3. What trial judges and juries do in fact in the courtroom is the ethic of realism. 4. This is what the professor spoke about at the last lecture. 5. The fact is that many lawyers have come to view law primarily as an instrument of social change, of "social engineering". 6. The common law is only what the courts have made it. 7. What has happened to Mr. Adams is not a first. We have come across such cases in our practice rather often.

3. Point out subordinate clauses joined to the principal clauses *asyndetically*.

1. The law, like other intellectual products we impose on nature, is arranged in classes. 2. The lawyer, who represents the defendant in his criminal case, said he had studied the case thoroughly. 3. The criminal

defense attorney believes the court should not have convicted the youth, because the homemade knife he was carrying was not a switchblade (автоматически открывающийся нож) as defined in the statute. 4. I am afraid the authors of the article focused on who is to blame and not on what to do about it. 5. Assistant State Attorney, who is prosecuting the case against the Smiths, said the defense attorney might be involved in several conflicts of interest that could harm his clients' defense.

Reading

Text A

1. Give your opinion on the following statements:

1. Common law is an old British tradition. 2. Precedent is one of the most important sources of law. 3. Precedents have never been used in the Russian legal system. 4. Application of a precedent is much fairer than application of the rule of law. 5. In Great Britain there are more precedents than laws. 6. It is sometimes confusing to decide what precedent suits the case better. 7. It is not clear what to do, if there is no similar precedent.

2. Read the text.

DEVELOPMENT OF LAW IN GREAT BRITAIN AND THE USA

The common law of England, the body of customary law embodied in reports of decided cases, is in fact a Norman creation. It originated in Middle Ages in the decisions of local courts which applied what Sir William Blackstone, one of the prominent English jurists of the 18th century, called "the custom of the realm from the time immemorial".

Before the Norman Conquest (1066) the Anglo-Saxons, especially after accession of Alfred the Great (871), developed a body of rules which resembled those being used by the Teutonic peoples of northern Europe. But the Norman Conquest brought an end to the Saxon laws, except for some local customs.

The main role in the development of common law was played by courts. Before the Conquest, there existed two types of courts, or the courts of the smallest settlements. The other kind of courts was the shire court which was more significant. The head of the shire was an earl. The earl's reeve, or the shire reeve (sheriff) managed, the shire court and supervised the lesser courts¹.

"The Conquest brought another kind of local court. Anglo-Saxon England had not been altogether feudal; the Norman system was. Each lord

had his court. The privilege of holding court was an important incident of feudal tenure. For one thing, the power to adjudicate was then the principal expression of political authority, not, as now, just one of three. For another, it was an important source of income"².

The Anglo-Saxons had no royal courts. In the last half of the 12th century the king of England and Normandy Henry II introduced litigation in the royal courts as a "substitute for private wars..."³. Thus, "he made it clear to Englishmen that most of the law, the important law, would issue from a single source, from a government strong enough and bright enough to render it large in their lives. It would operate throughout the land. The common law took hold. With it the jury system"⁴.

"Another English adaptation of medieval Western legal ideas and procedures was the development by the Chancellor of special rules and procedures called 'equity' "⁵. It is clear that single legal rules cannot be formed to deal with all possible cases. The mechanical application of rules can sometimes result in injustice. "In the fourteenth and fifteenth centuries the king's courts became rigid and narrow in their interpretation of their own functions and their own rules. The Chancellor, who next to the King was the most important official in the country, then set up a special office to hear grievances which the King's regular courts could not or would not handle adequately"⁶. Gradually, the Chancellor's jurisdiction developed into the Court of Chancery, whose function was to administer equity.

Besides common law and equity, statutory law also developed in England. The term *statute* is usually applied to written law, to the acts of a legislative or law-making body, whether Congress or Parliament, or other assembly of representatives charged with the enactment of general rules of conduct, which are binding upon the inhabitants of the state. There was written law in England before Parliament came into existence, as the collections of laws going under the names of the kings of pre-Norman or Anglo-Saxon period indicate.

In the 13th century statutes of Edward I, who has been called the English Justinian, greatly amended the unwritten common law: they limited the jurisdiction of local courts, liberalized appeals to high circuit courts, improved the law of administration of assets on death, etc. The Tudors made use of proclamations by the king to invoke emergency measures, to establish detailed regulations, especially in economic matters, etc.

The English settlers on the Atlantic Seaboard of North America brought with them the English legal tradition. But the English law of that time was ill-adapted to the conditions of the New World. Innovations made by the American judges and legislators are great. That is why the lawyers say that Great Britain and the U.S.A. are "the two countries separated by common

law." Common law was formally adopted in all the original States of the Union. Louisiana, where the 'Code Napoleon' prevailed at the time of its admission to statehood, is an exception.

In the first 75 years of the history of the U.S.A. "American judges, jurists, and legislators were able to develop out of the received English law a body of legal institutions and doctrines which reflected the social life of the new American polity — an American law."⁷ The greatest difference is found in the sphere of public law. Great Britain has no written constitution and no judicial review, whereas every court in the USA has the power to pass judgement on the conformity of legislation and other official actions to constitutional norms. Many areas of U.S. law have been "constitutionalized".

There are a lot of other specific features in the American legal system, which were established due to the great economic, political, and social changes that took place during the history of the country's development.

Notes:

¹ Rembar Ch. *The law of the Land. N.Y., 1980, p. 68.*

² *Ibid, p. 69.*

³ *Ibid, p. 58.*

⁴ *Ibid, p. 144.*

⁵ Berman, Harold J. *The Historical Background of American Law// Talks on American Law, N.Y., 1971, pp. 6-7.*

⁶ *Ibid, p. 7.*

⁷ *Ibid, p. 13.*

3. Answer the following questions:

1. What is the common law of England? 2. When did common law appear? 3. Who is considered to be one of the prominent English jurists? 4. What legal system was used in England before the Norman Conquest? 5. What kinds of courts existed before the Conquest? 6. How did court structure change after the Conquest? 7. Who started issuing law in the last half of the 12th century? 8. Why did equity appear? 9. What court administered equity in the 15th century? 10. What law was used in England besides common law and equity? 11. What is statutory law? 12. When did written law appear in England? 13. How did Edward I amend the written common law? 14. Is common law of the USA the same as in England? 15. What is the greatest difference between British and American common law?

4. Give the Russian for:

the custom of the realm, accession, a body of rules, communal courts, hire court, earl, shire reeve, lesser courts, the privilege of holding court, feudal tenure, power to adjudicate, source, jury system, grievances, Court of Chancery, to administer equity, enactment of general rules of conduct,

collection of laws, circuit courts, administration of assets on death, emergency measures, statehood, to pass judgement

5. Give the English for:

общее право, право справедливости, статутное право, обычное право, местные суды, королевские суды, местные обычаи, завоевание, источник дохода, справедливость, несправедливость, писаное право, законодательный орган, законодатель, институты права, публичное право, соответствие законодательства конституционным нормам, правовая система

6. Translate the words in brackets.

1. Even as the common law actions enlarged in scope, large (области) of legal right remained beyond their reach. 2. Many of the basic (правовых идей) of American law were freed from medieval survivals. 3. The king's court in the 11th century did not (отправлял правосудие) generally throughout the country. 4. (Местные суды), feudal or communal, did not use a jury. 5. Until the late 19th century, English (общее право) continued to be developed primarily by (судьями) rather than (законодателями). 6. The term "statute" is commonly (применяется) to the acts of a (законодательного органа).

7. Translate the following sentences:

to charge with

1. Some lawyers represent individuals charged with crime. 2. He is charged with murder. 3. What is he charged with? 4. He is charged with the duty of supervising the activity of the committee. 5. You should appoint a person who will be charged with fulfilling these duties.

to set up

1. That lawyer set up his practice here not long ago. 2. New agencies have been set up to provide legal service for the public. 3. A special committee was set up to examine the problems of crime.

to deal with

1. Professor Smith's new book deals with the problems of crime. 2. We've been dealing with this firm for five years. 3. This official deals with all the complaints.

8. Make up word-combinations and use them in sentences of your own.

a) to be charged with	murder duties	b) to set up	a legal firm a committee
c) to deal with	offences problems that firm		

9. Form adjectives with the help of the following suffixes. Translate the derivatives into Russian.

- able(-ible): reason, to understand, to recommend, to justify, to accept
- al (-ical): nation, nature, history, practice, ideology, tradition, psychology, judge, constitution, memory, commune, origin
- an (-ian): Italy, Russia, Austria, America, Hungary, Bulgaria, Canada, Florida, Nevada
- ant/-ent: to dominate, to differ, to import
- ary/-ory: parliament, example, element, evolution, reaction, custom, statute
- ed: colour, uniform, talent, experience
- ern: south, north
- ful: fear, truth, law, help
- ic: class, democrat, diplomat, base, philosophy, economy
- ist: real, capital, positive -ive: to collect, to illustrate, to execute, to regulate, to express, to administrate, to legislate
- less: spirit, law, end, help, life, motive
- ly: body, cost, elder
- ous: fame, religion, danger, victory, murder

Text B

1. Read the following international words and give their Russian equivalents. Consult a dictionary if necessary.
 - number, appeal, to arrange, procedure, commercial, region, section, publication, to identify, code, private, statute, report, law, act
2. Translate the family words:
 - rule — to rule — ruling — to overrule, to appeal — appellate, similar — similarly, justice — multi-justice
3. Give the Russian for: judge-made, decision-making.
4. Read the text silently.

FINDING THE LAW

As far as common law is judge-made it comes into force through the rulings of the courts. In the U.S.A., a judge hears a case and announces his decisions. He may also provide his or her opinion for one party's prevailing over the other, but he is not obliged to provide opinion. This is due to the fact that the courts have to speed up the procedure of decision-making. Thus, the judges of juvenile courts, traffic courts, small claims courts do not write

opinions in cases. A number of courts do write opinions (federal courts of appeal, the U.S. Supreme Court, etc.).

Written opinions of judges are compiled in a set of books called reporters. Each court system has its own reporter. For example, the U.S. Supreme Court opinions are published in three different sets of reporters (United States Reports, the Supreme Court Reporter, Lawyers Edition). Different states' appellate courts and federal courts publish their own reporters.

There are also regional reporters which report state appellate opinions for seven geographic regions: Pacific, North Western, South Western, North Eastern, Atlantic South, South Eastern, and Southern.

The case is located in a reporter in the following way:

- 1) the names of parties in the lawsuit; 2) date the opinion was announced;
- 3) court deciding the case, 4) cite. E.g.:

HYNES v. NEW YORK CENT. R.CO. Court of Appeals of New York, May, 31, 1921 231 N.Y. 229, 131 N.E. 898

The numbers and letters that make up the case cite mean the following: the 231 stands for the volume number of the reporter, N.Y. stands for the New York Reports, the 229 stands for the page number in the volume mentioned (231). Similarly the 131 refers to the volume number of the regional reporter, N.E. stands for North Eastern, the 898 refers to the page number of the volume (131).

The case parts mentioned above are followed by 1) the last name of the judge who wrote the opinion; 2) the text of the opinion, which contains case facts, rules, the result.

If a case was decided by a multi-justice court the text of the opinion is followed by the names of other justices. E.g.: *HOGAN, POUND and CRANE, JJ., concur. HISCOCK, C.J., and CHASE and McLAUGHUN, JJ., dissent*. The letter J. stands for "justice". There may be reports of concurring or dissenting opinions after the court's main opinion.

Judgements of the lower courts may be either affirmed or reversed by the appellate court. If the judgement is affirmed, it means that the appellate court agrees with the lower court's decision. If it is reversed, it means that the appellate court disagrees with the lower court's decision. The case result is written after the text of the opinion and the names of the judges of a multi-justice court. E.g.: *Judgements reversed*.

In Great Britain, the law reports are contained in different publications: New Law Journal, Family Law, The Times, etc. Until 1870 all law reports were privately published by barristers by whose names the reports were identified. E.g.: CI. & Fin. stands for CLARK AND FINNELLY'S REPORTS. At present, besides private reports (e.g.: *All E.R.* — All England Reports published by Butterworths), there are "official" reports published by the Incorporated Council for Law Reporting.

In the reports cases are cited in the following way: R. v. Smith [1959] 2 All E.R. 193, where the name of the plaintiff (R. — Rex or Regina) comes first. The second name (Smith) is the name of the defendant. [1959] stands for the year of the report, 2 stands for the number of the volume of All England Reports, 193 is the number of the page. These parts of the case are followed by the text of the opinion. E.g.: R v. *CREED* [1843] 1 C.&K. 63.

The collector of a water company gave to the prisoner, who was the turncock authority to receive from three persons the amounts due from them for water rents. The next day the collector asked the prisoner if he had received the amounts, when he said that he had and would pay them over the next day, instead of which he absconded. Held, no embezzlement.

ERSKINE, J — If the prisoner rendered a true account of the money he had received, it is no embezzlement; if he had received these sums, and had rendered an account in which the sums were omitted, it would be evidence to show that he had embezzled the amount.

Statute law in the U.S.A. is found in the codes. Codes are arranged according to subject matter called titles (commercial law, domestic law, etc.). Each title contains a number of sections, which are subdivided into subsections. Most agency regulations are contained in the Code of Federal Regulations (C.F.R.). This code is arranged in the same way as statutory codes. The C.F.R. is revised annually.

In Great Britain Acts of Parliament are the supreme source of law. Acts of Parliament can *overrule earlier* Acts, custom or case law.

5. Say if the sentences correspond to the text or not:

1. It is obligatory for a judge to provide an opinion to a case decision.
2. Reporters contain decisions of judges. 3. In Great Britain, there are regional reporters. 4. There is a special order and meaning of numbers and letters of the case cited. 5. If there were several judges hearing the case, all their names are written in the opinion. 6. An appellate court may reverse the previous judgement. 7. The US lawyers had privately published law reports until 1870. 8. Codes are the source of statute law. 9. In Great Britain, the supreme sources of law are Acts of Parliament.

6. Complete the following chart showing the location and structure of a case in American Reporters.

1. Names of parties in the lawsuit.
2. ...
3. Date the opinion was decided.
4. ...
5. Last name ...
6. ...

7. Say what you have learned from the text about:

a) different types of the reporters in the U.S.A. and Great Britain; b) the location of a case in a reporter; c) the codes.

8. Say: a) where the laws of the Russian Federation are found; b) how the codes of the Russian Federation are structured.

Oral speech practice

I. Mind Your Grammar When You Speak

1. Make up short dialogues according to the models to be sure that you and your colleague are speaking about one and the same person (thing). Add any information you want to make your dialogues livelier.

Model 1:

to know that man — to speak to Mr. Parker.

A: Do you know that man? (*He looks like a boss.*)

B: Do you mean the man who is speaking to Mr. Parker? (*Yes, we met last year at the ABA annual conference.*)

Prompts:

A:
know that young lady
know that professor
know that lawyer
know that young man
know that young woman

B:
to sit next to Mr. Smith
to deliver the report
to consult Mrs. White
to sign the contract
to read "The Times"

Model 2:

to read that book — you — to give — yesterday

A: Have you read that book? (*It's so interesting!*)

B: Do you mean the book (which) you gave me yesterday? (*No, I've just begun.*)

Prompts:

A:
to read the report
to look through the article
to sign the contract
to read the journal

B:
you — to prepare — yesterday
he — to give me — two days ago
we — to discuss — last week
you — to bring me — last night

2. *Combine two simple sentences into a complex one according to the model:*

Model 1: American lawyers resisted a comprehensive codification of law in the European sense. However, the late 19th and early 20th centuries were the time of systematic formulation of legal norms. — *Although* American lawyers resisted a comprehensive codification of law in the European sense, the late 19th and early 20th centuries were the time of systematic formulation of legal norms.

Prompts: 1. The struggle between positivist and natural law conceptions has dominated American legal thinking. However, there have been other intellectual developments, which also left their mark on American legal institutions. 2. American legal system is largely derived from England. However, the American lawyers have not followed the English practice in the organization of the legal profession. 3. Large legal firms play an important part in the American legal profession. However, they are not very typical of the U.S.A. 4. Courtroom work is very important in legal practice. However, it has come to represent only a small portion of the work done by lawyers. 5. Lawyers make their living from private practice, for the most Part. However, they also have important public responsibility.

Model 2: You should plan the project carefully. You will reduce the inefficiencies in your work. — *If* you plan the project carefully, you will reduce the inefficiencies in your work.

Prompts: 1. You should produce legal service to clients at lower cost. You will be able to develop more work. 2. You should control working hours of the clerks. They will be more efficient. 3. You should use computers in producing legal service. The quality of your work will be better. 4. You should introduce quality control system in your law firm. It will create a competitive advantage. 5. You should plan projects ahead. You will have less chance of surprise.

II. Conversational Formulas

A key to a successful negotiation is good preparation. It does not matter whether a party will be represented by one or several persons; it is always a team that carries out preparatory work. Therefore, it is important to know how to exchange opinions and information when you discuss a problem with your colleagues.

Asking for Points of View

What do you think of/about...?	Что вы думаете о...?
What / How do you feel about...?	
What are your thoughts about...?	

What's your opinion of/about...?	Каково ваше мнение о...?
What's your view on...?	
What are your views on...?	
Has anybody any comments to make?	Кто-нибудь хочет высказаться?
Do you agree?	Вы согласны?

Giving Opinions

I (don't) think / believe / feel that...	Я (не) думаю / полагаю, что..
I'm sure that...	Я уверен, что...
I'm convinced that...	
It's perfectly clear to me that...	Мне совершенно ясно, что
In my opinion/view, we should ...	По-моему нам следует
We/You should ...	Нам / Вам следует ...
Don't you think we/you should ...?	
It might be a good idea to ...	Было бы неплохо ...
In my opinion...	По-моему...
To my mind...	

Responding to Opinions

(That's a) good idea.	Хорошая мысль!
That sounds good/fine (to me).	Хорошо.
I'm in complete agreement.	Абсолютно согласен.
I quite agree.	
I couldn't agree more.	
(I think) you're right.	Думаю, вы правы.
I (can) see what you mean / your point, but ...	Я понимаю, что Вы имеете в виду, но
(I'm afraid) I disagree (with you).	Я не согласен с вами.
(I'm afraid) I don't agree (with you).	
(I'm afraid) you're wrong.	(Думаю) вы не правы.
That's not how I see it.	Я так не думаю.
That's out of question.	Это исключено.
I don't think that would work.	Не думаю, что это сработает.

Exercises

1. Read the following flashes of conversation:

1.

A: What do you think about his report on the history of law in England?

B: I think it was most interesting. And what's your opinion about it?

A: It seems to me that he failed to give some important details.

2.

A: What's your opinion of his article "Modern Trends in the Philosophy of Law"?

B: I think it's descriptive rather than theoretic.

3.

A: Has anybody any comments to make on the report you have heard?

B: It's perfectly clear to me that the speaker has carried out a thorough scientific research.

C: Precisely

A: Any other reaction to that?

D: I suppose Mr. B. is right saying that the research has been carried out thoroughly, but in my opinion the author could have given more illustrative material to support his point of view.

C: That's right.

4.

A: I'm convinced that his point of view won't be supported by the majority of the committee.

B: I wouldn't say that. I feel quite sure that the committee will support his point of view. His ideas are well-grounded.

5.

A: I feel that this project could be very interesting for our firm.

B: Sure, but it's rather risky.

A: Risky? But if everything is O.K., we'll get much profit.

B: That's true, but we should consult a lawyer first.

A: You mean that everything must be correct from the legal point of view, eh?

B: Absolutely.

A: I think you are right. Let's ask Mr. Simpson to study the draft contract.

B: That's out of question. He hasn't had much experience yet. I think we should ask Mr. Elton to do it.

A: I'm in complete agreement.

6.

A: What do you feel about his idea of organising a conference "Modern Society and Legal Philosophies"?

B: I believe it's not a bad idea.

C: So do I.

7.

A: What do you think about the problems professor Parker mentioned in his report? ,:

B: To my mind, all of them are important for legal practice.

2. Make up your own dialogues similar to those in exercise 1.

a) Ask your colleague's opinion on the article you have read; b) ask your colleague about the impression the lecturer from the U.S.A. produced on him; c) ask your colleague's opinion about the latest political events.

3. Divide into groups of three or four (there should be even number of groups in class because later groups A will negotiate with groups B). **Students A** represent a company that manufactures something. **Students B** represent a company that supplies materials for manufacturing. Start preparing to negotiate a new contract. For details see **Appendix A** and **Appendix B** accordingly.

III. Dialogue

1. Read the dialogue. Richard Wolfson, a Law School professor at the University of Wisconsin, came to Russia to lecture on history of Anglo-American law. After the lecture students ask him questions:

Vera: I think that everything you told us about Anglo-American law, its history and development was most interesting and useful for us. You told us that there were great differences between the law of England and the American law. As far as I understood, these differences are stipulated by the presence of the written Constitution in your country.

R. Wolfson: Right. Courts in our country can nullify Acts of Congress and actions of the Executive and State governments if they find them inconsistent with the Constitution.

Boris: Can't this happen in Great Britain?

R. Wolfson: No.

Svetlana: It seems to me that it's time to speak about two legal systems: the British and the American.

R. Wolfson: I disagree completely. Our legal system is the imported law of England, which developed separately but not altogether separately. Our judges made use of English precedents, which are still cited in courts. The roots of our legal system are English.

2. Say why we cannot speak about two different legal systems of the U.S.A. and Great Britain.

3. What are the roots of Russian legal system? Prepare a short report to present in class.

IV. Topics for Discussion

1. Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?

1. “Law and equity are two things which God hath joined, but which man hath put asunder.”

(Charles Caleb Colton, 1780–1832, an English cleric, writer and collector)

2. “The law of England is the greatest grievance of the nation, very expensive and dilatory.”

(Gilbert Burnet, 1643–1715, an English bishop and historian)

3. “No written law has been more binding than unwritten custom supported by popular opinion.”

(Carrie Chapman Catt, 1859 — 1947, an American women’s suffrage leader).

4. “Law school taught me one thing: how to take two situations that are exactly the same and show how they are different.”

(Hart Pomerantz, a Canadian lawyer and television personality).

5. “The law must be stable and yet it must not stand still.

(Roscoe Pound, 1870 — 1964, an American legal scholar and educator)

2. What do you know about the authors? Choose any name and prepare a short report about this person.

3. Codified law appeared in Russia more than thousand years ago. Prepare a short report about any of the following documents: Russkaya Pravda, Pskov Judicial Charter, Novgorod Judicial Charter, Nakaz of Catherine the Great, Church Statute of Prince Jaroslav, Church Statute of Prince Vladimir. You may choose any other document important for history of law in Russia.

V. Case Study and Role Play

1. Read the following text.

The *legislation.gov.uk* website is managed by the National Archives on behalf of HM Government and contains the original (enacted) and revised

versions of UK legislation. The oldest document is *The Statute of Marlborough* (1267). One can also find a revised (1297) version of *Magna Carta*. The following chapters of *Magna Carta* are still law today:

1. *We have, in the first place, granted to God, and by this Our present Charter have confirmed, for Us and Our heirs forever, that the English Church shall be free, its rights undiminished, its liberties unimpaired; and that We wish this to be observed appears from the fact that We of Our own free will, before the outbreak of the disputes between Us and Our barons, granted and confirmed by Charter the freedom of elections, which is considered most important and necessary to the English Church. We have also granted to all the free men of Our kingdom, for Us and Our heirs forever, all the liberties underwritten, to have and to hold to them and their heirs of Us and Our heirs.*

13. *The City of London shall enjoy all her ancient liberties and free customs, both by land and water. We also decree and grant that all other cities, boroughs, towns and ports shall have all their liberties and free customs.*

39. *No free man shall be taken, imprisoned, outlawed, banished, or in any way destroyed, nor will We proceed against or prosecute him, except by the lawful judgement of his equals and by the law of the land.*

40. *To no one will We sell, to no one will We deny or delay, right or justice.*

Notes:

1. The chapter numbers indicated above relate to the original Magna Carta of 1215. In the final revision, placed on the Statute Book, chapter 1 remained as such, but chapter 13 became 9 and chapters 39 and 40 were combined as chapter 29.

2. Resources: <http://www.legislation.gov.uk>; English translation of Magna Carta. URL: <http://www.bl.uk/magna-carta/articles/magna-carta-english-translation>.

2. Paraphrase these chapters into plain English.

3. *Magna Carta* was revised several times in the XIII century. There are several chapters, which existed only in the original version of the document. Divide into two groups. **Students A** are proponents of the original text. **Students B** want to exclude some provisions from *Magna Carta*. Read the provisions in question, prepare your reasons, and choose a representative to argue your position.

“12. No ‘scutage’ or ‘aid’ may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes, only a reasonable ‘aid’ may be levied. ‘Aids’ from the city of London are to be treated similarly.

25. Every county, hundred, wapentake, and tithing shall remain at its ancient rent, without increase, except the royal demesne manors.

27. If a free man dies intestate, his movable goods are to be distributed by his next-of-kin and friends, under the supervision of the Church. The rights of his debtors are to be preserved.”

Writing

Application Letter

1. Read the following information:

Nowadays employers usually give vacancy advertisements in the media. To schedule an interview a candidate can call or send a letter/e-mail together with his/her CV. Such letters are usually composed in accordance with a standard scheme: in the opening paragraph a candidate tells what position he/she is applying for and how he/she has learnt about the vacancy; then he/she indicates that a CV is enclosed / attached and asks for an interview; the letter ends with polite expressions.

University graduates use a standardised application letter to find a job after graduation. Such letters with enclosed CVs are usually sent to different places during the last term of studies.

2. Read the following letters and write out useful words and phrases:

Dear Mr. Johnson
I am applying for the position of secretary, which was advertised in the San Francisco Chronicle of June 28.
I have enclosed my resume, and I would like to schedule an interview. I will call you early next week.
I look forward to discussing this position with you.
Sincerely yours, _____

Dear Sir or Madam
As my enclosed resume shows, I am a recent graduate of the University of Wyoming with major in English. My experience includes an internship with a large publishing company and word processing a novel for a best-selling author.
I would like to meet with you to discuss the possibility of gaining an entry-level editorial position with your company. I will call on Tuesday, October 2 to discuss the possibility of an interview.
My resume is enclosed. Thanks for your time and consideration.
Sincerely yours, _____

3. Write an application letter to gain an advertised position:

Sheyenne Post (March 17, 2016): Secretary wanted. Must have experience. Send resume to Mr. John Johnson, Human Resources Director, Smith Printing Company, 590 Sixth Avenue, Sheyenne, Wyoming 12345.

4. Write a standardised application letter, which can be used by a Law School graduate looking for a job.

Revision exercises

1. Give all the meanings of the following words. Consult a dictionary of legal terms.

decision, accession, rule, settlement, privilege, tenure, grievance, body

2. Give the Russian for:

rule-making, law-making, decision-making, policy-making

3. Point out the suffixes in the following words.

northern, communal, significant, feudal, legislative, binding, constitutional, different, appellate, regional, western

4. Give the same notion in one word.

a complaint or cause for complaint; the act of coming to a high position; a question decided by a court of law; an account or description of a case, events, etc.

Prompts: accession, case, grievance, report

5. Among the following words find: a) those with similar meanings, b) those with opposite meanings:

a) judgement, grievance, citizens, adjudicate, opinion, complain, assets, jury, ownership, decision, decide, idea

b) judge, affirm, break, appeal, litigation, accused, praise, agree, private war, reverse, administer, be charged with, be deprived of, grievance

6. Match the sentence halves.

- | | |
|---|---|
| 1. The significant part of English law through centuries has been the important role of the lawyers ... | a) that it supports authority. |
| 2. In the 19th century the doctrine was developed in America ... | b) who frame the issues for judicial precedents. |
| 3. The main feature of positive law is | c) his decision is known as "a declaratory precedent. |

4. Florida Bar officials said ...
5. He asked me ...
6. If a man begins to develop a reputation as a plaintiff's lawyer, then it is likely ...
7. It is sometimes said that in making his decision a judge is merely declaring ... But where a judge has to make a decision on a point of law which has never arisen before this view seems a little unrealistic, because the judge actually creates law.
8. When a judge simply applies to the facts of a particular case an existing legal rule, ...

- d) they were monitoring the criminal investigation of the case.
- e) that the work which comes to him will be from plaintiffs.
- f) what the common law has always been.
- g) if I was present at the trial.
- h) that courts can give no effect to any legislative or executive act which they find to be in violation of the federal or state constitutions.

7. Read the text and insert the missing words given below:

COMMON LAW

The legal system in Great Britain and the USA is ... It is based on precedents. To be more precise the common law consists of the substantive law and procedural rules that are made up by the ... that arise in court. Although legislation may ... such decisions, the legislation itself is subject to interpretation in the courts.

If the person disagrees with the decision he may ... to the higher courts. The judge of the higher court will either ... or reverse the earlier judgement. If the judge ... the judgement he may cite the opinion of a similar case, not the precedent decision. If there is no similar case the judge may create a ... and state an opinion. The opinion will be written in the ... and will explain the decision of the judge.

Prompts: appeal, reporter, judge-made, reverses, overrule, precedent, affirm, judicial decisions

Active vocabulary

- | | |
|--|--|
| adjudicate — судить, решать, выносить решение | appeal — апелляция, подавать апелляцию |
| affirm (decision) — подтверждать, утверждать, одобрять | assets — активы, средства, имущество, фонды, капитал |
| amend — исправлять, вносить поправки | body of rules — сборник правил (норм) |

- charge with — поручать, возлагать ответственность
- circuit court — окружной суд, выездная сессия окружного суда (в ряде штатов США), федеральный окружной суд (в США до 1912 г.), выездной суд присяжных
- code — кодекс
- come into force — вступать в действие
- decision — решение
- enactment — принятие закона, введение закона в силу, указ, законодательный акт
- equity — право справедливости

- grievance — жалоба
- hold court — вершить суд, отправлять правосудие
- judicial review — судебный контроль; судебный надзор; судебный пересмотр
- jury — присяжные
- litigation — тяжба, судебный процесс
- pass judgement — выносить решение, приговор
- reporter — сборник судебных решений
- reverse (decision) — пересматривать, аннулировать, отменять
- statute — статут

GRAMMAR:

1. Forms of the Infinitives (Revision).
2. Modals (Revision).
3. Negatives.

WORD BUILDING:

1. Compound Adverbs and Conjunctions.
2. Verb-forming Prefixes (Revision).

READING AND ORAL
SPEECH PRACTICE:

Constitutional Law and Human Rights.

CONVERSATIONAL
FORMULAS:

Prioritising and Giving Reasons.

WRITING:

Structuring a Review.

Grammar

Forms of the Infinitive

Forms	Active		Passive	
	<i>Indefinite</i>	<i>Continuous</i>	<i>Indefinite</i>	<i>Continuous</i>
Non-perfect	to write – писать, написать (вообще)	to be writing – (все еще) писать	to be written – быть написанным (вообще)	—
Perfect	to have written – писать, написать (раньше чего-н.)	to have been writing – писать (уже или все еще)	to have been written – быть написанным (раньше чего-н.).	—

Modals

Present	Past	Future
can	could	—
may	might	—
must	—	—

Substitutes of *can*, *may*, *must*

can	may	must
to be able to – быть в состоянии, мочь	to be allowed to – иметь разрешение	to have (got) – быть вынужденным to be (to) – быть обязанным (в силу договоренности)

Other modal verbs

Verb	Example	Notes
ought (to)	You ought to be more careful. You ought to have been more careful.	Употребляется для выражения настоящего (с неперфектным инфинитивом) и прошедшего времени (с перфектным инфинитивом).
should	You should do it. You should have done it.	Приближается по значению к ought .
shall	You shall do it.	Употребляется во всех лицах и означает не только и не столько будущее время, сколько должествование.
will	I will help him. Will you do me a favour?	В 1 лице ед. ч. означает не только будущее время, но и желание, намерение что-то сделать. Выражает вежливую просьбу.
would	Would you mind opening the window?	Употребляется для выражения вежливой просьбы в вопросительных предложениях.
need	You need not do it.	Выражает отсутствие необходимости совершения действия в отрицательных предложениях.

Negatives

not – не, **no** – нет, **nowhere** – нигде, **never** – никогда, **nothing** – ничто, **nobody** – никто, **none** – никто, ни один, ничто, никакой, нисколько, **no one** – никто, ни один, **neither** – также не, никакой, никто, ни один, **nor** – также не, **neither... nor** – ни...ни

В качестве отрицаний могут использоваться и другие наречия: **barely** – едва, чуть, чуть не; **hardly** – едва; **scarcely** – едва, почти (не), а также глагол **to fail** терпеть неудачу, не удаваться и предлог **without + ing-form**, так как с ними не употребляются другие отрицания.

В английском языке необходимо только одно отрицательное слово. Чтобы сделать предложение отрицательным. В русском языке предложение может содержать два и более отрицательных слова.

Cf.: I have **never** been to the USA – Я **никогда не** был в США.

Exercises

1. *Translate the following sentences paying attention to the modals and the infinitives.*

1. I've got to inform you about the accident. 2. They had to be present at the conference. 3. You must send this letter at once. 4. They must translate the documents by tomorrow. 5. She is to prepare the report by Monday. 6. You ought to speak to him. 7. Shall I translate this paragraph? 8. He couldn't have done it. 9. Can I give you a good piece of advice? 10. They might be late. 11. You may not show them this document. 12. May I speak to Mr. Smith? 13. You ought to have informed me about his conduct. 14. Law states a number of rules telling us what we may or may not do. 15. He must have avoided the conflict. 16. He must have sustained great damages. 17. You needn't have told him about this news. 18. You needn't tell him about his duties. 19. You shall speak to him by all means. 20. Will you tell him to come in? 21. The law won't work. 22. You should send him a letter. 23. You should have sent him a letter. 24. Would you mind meeting that client at 10 a.m. tomorrow? We must settle the controversy as soon as possible.

2. *Translate the sentences paying attention to the negatives.*

1. Will you explain the essence of the problem to us without going into details? 2. I have nothing to tell you about. 3. There is no written Constitution in Great Britain. 4. In Great Britain, legislation can be initiated either in the House of Lords or in the House of Commons.; but no bill involving taxation or the spending of public money can proceed very far unless the government agrees to introduce a "financial resolution" to cover it. 5. In Great Britain, law cannot be separated from judges who interpret and administer it. 6. Nobody could answer my question. 7. I can support neither his nor her ideas. 8. I have never heard about it. 9. He failed to prepare the documents in time. 10. No one should minimize the election results. 11. We cannot pass a decision without examining all the documents. 12. No conviction of a serious crime could occur in court of common law except by a twelve-man verdict. 13. I barely remember the title of the article the teacher advised me to read. 14. I can hardly wait for the meeting to be over.

Reading

Text A

1. *Give your opinion on the following statements:*

1. The idea of Constitutions dates back to Plato. 2. The Russian Constitution is one of the oldest in the world. 3. The Russian Constitution is

perfect. 4. The Russian Constitution guarantees basic rights and freedoms of a democratic state. 5. It is easy to change a Constitution. 6. Some articles of the Russian Constitution should be amended. 7. Constitutional government is a limited government.

2. *Read the text.*

CONSTITUTIONS

"The word "Constitution" is used in two different senses, the abstract and the concrete. The Constitution of a State in the former sense is the system of laws, customs and conventions, which define the composition and powers of organs of the State and regulate the relations of the various State organs to one another and to the private citizen. A "Constitution" in the latter sense is the document in which the most important laws of the country are authoritatively ordained."¹ Great Britain, for example, has no Constitution in the concrete sense of the word. But more often we use the term "Constitution" in the concrete sense. A "Constitution" in this sense is the law of the laws. It cannot be modified in the ordinary legislative way.

A Constitution is "written" when most important constitutional laws are specially enacted. The American Constitution is a "written" one. "The British Constitution is "unwritten" because it is not embodied in any enactments or formally related series of enactments."² In fact, however, many parts of the British Constitution exist in written form. The British Constitution includes the Bill of Rights (1689), the Act of Settlement (1700-01), the Parliament Act of 1911, etc., but these statutes are not codified within the structure of a single orderly document. However, on the other hand, some important aspects of the American Constitution are wholly unwritten, e.g. such institutions as presidential cabinet, the system of political parties, etc.

"Written" Constitutions cannot cover the whole constitutional law of a state, that is why they are usually supplemented by different statutes, judicial doctrines, etc.

Constitutions, "written" or "unwritten", can be divided into "rigid" and "flexible". The aim of the "rigid" Constitutions is to guarantee their stability. "Flexible" Constitutions can be modified through the simple procedure by which statutes are enacted. To modify the "rigid" Constitution of the U.S.A. the proposal to amend it must be approved by a two-thirds majority vote in each house of Congress or be made by a convention called by two-thirds of the States, with subsequent ratification by the legislatures or specially elected convention of three-fourths³. The Constitution of Great Britain is "flexible" because its rules can be modified by an act of Parliament. There are also Constitutions of a "mixed" type. Different parts of such Constitutions are amended in different ways.

Constitutions may be established by sovereign power: a) either by a free sovereign people (the Constitution of the U.S.A.) or b) by a plenary power of the head of the state (monarch). Constitutions of the latter type are called *octroyees*⁴, from the French word *octroyer*, which means “to grant” (e.g. the Japanese Constitution of 1889).

Constitutions may be formed as a contract between the future ruler and the people. Some Constitutions are compacts between several sovereign powers. Such was the Constitution of the German Empire.

Constitutions may be classified according to political principles, e.g.: democratic and authoritarian. The former guarantee certain rights and freedoms, formation and activity of different political parties, etc. The latter restrict or prohibit the activity of political parties, or formalize the leading role of one political party, restrict the rights and freedoms, which it is compelled to proclaim. Aristocratic Constitutions are those, which establish privileged classes, e.g.: nobility and clergy. Such at one time, were the Constitutions of Swiss cantons, e.g. Bern.

There also exist some other classifications of Constitutions.

Notes:

¹ Philips, H. *Constitutional Law*, L, 1957.

² *Ibid.*

³ *The U.S. Constitution. Article V.*

⁴ *octroyees — октроированные конституции, дарованные или односторонним актом главы государства, или метрополиям и своим колониям*

3. Answer the following questions:

1) What is the abstract sense of the word “Constitution”? 2) What is the concrete sense of the word “Constitution”? 3) Is the word “Constitution” typically used in the abstract sense? 4) What countries have written constitution? 5) How many documents does the British Constitution include? 6) The aim of a flexible constitution is to guarantee its stability, isn't it? 7) How may the rigid Constitution of the USA be modified? 8) How was the Constitution of the German Empire called?

4. Give the Russian for:

in the former sense, in the latter sense, authoritatively ordained, in the ordinary legislative way, embodied in enactments, Bill of Rights, rigid constitution, a proposal to amend, establish a constitution, plenary power, guarantee certain rights and freedoms, restrict activity, compel to proclaim

5. Give the English for:

значение слова, неписаная конституция, Закон о престолонаследии, кабинет президента, «гибкая» конституция, издавать статуты,

одобрять квалифицированным большинством голосов, глава государства, будущий правитель, деятельность политических партий, запрещать деятельность

6. Complete the following sentences using the words given below each sentence (a, b, c, or d):

1) Great Britain has no Constitution in the concrete _____ of the word.
a) idea; b) sense; c) object; d) aspect.

2) It is impossible _____ the Constitution in the ordinary legislative way.
a) to enact; b) to enforce; c) to embody; d) to modify.

3. Any Constitution is unwritten, if it is not embodied in any _____.
a) enactments; b) laws; c) conventions; d) compact.

4) Constitutions of a _____ type may be amended in different ways.
a) mixed; b) traditional; c) unwritten; d) democratic.

5) Japanese Constitution of 1889 was established by a _____ power of the monarch.

a) citizen; b) plenary; c) sovereign; d) anarchical.

7. Translate the following sentences into Russian:

to embody

1. It is irrational to embody strange laws. 2. When the principles of Constitution are written down into a single document or set of legal documents, those documents embody a written Constitution. 3. If the principles of Constitution are written down in a single comprehensive document, it embodies a codified Constitution.

to restrict

1. The presidential powers are restricted according to the Constitution. 2. Local governments are authorized to restrict suspicious activity. 3. Certain information is restricted to government officials.

to prohibit

1. If the provisions to a written constitution are inconsistent with society, they should be prohibited. 2. Cheating is not prohibited by law. 3. It is useless to prohibit selling alcohol.

to amend

1. Constitutional provisions are usually amended after experience with their use. 2. It is a complicated procedure to amend constitutional provisions. 3. To amend means to improve, to change for the better.

8. Make up word-combinations. Use them in sentences of your own.

to embody	idea
to restrict	rights
to prohibit	of the statute,
adoption	in enactment
to amend	freedom
	activity
	article
	provision
	of the document
	ratification
	principle
	constitution

9. Form the derivatives with the help of the prefix **en-/em-**. Look up their meanings in a dictionary.

en-: act, danger, force, franchise, large, list, seal, title

em-: power, body, place

10. Enumerate the types of the constitutions the text deals with.

11. Say what other classifications of Constitutions you know.

TEXT B

1. Before reading the text, study the list of words and their definitions.

inherent — existing as an inseparable part; intrinsic

entitle — 1) to give (a person) the right to do or have something; qualify; allow 2) to give a name or title to; 3) to confer a title of rank or honour upon

inalienable — not able to be transferred to another; not alienable

enjoyment — 1) the act or condition of receiving pleasure from something; 2) the use or possession of something that is satisfying or beneficial; 3) something that provides joy or satisfaction; 4) the possession or exercise of a legal right

abuse — to use incorrectly or improperly; misuse

fulfil — 1) to bring about the completion or achievement of (a desire, promise, etc.); 2) to carry out or execute (a request, etc.); 3) to conform with or satisfy (regulations, demands, etc.); 4) to finish or reach the end of

2. Read the following international words and give their Russian equivalents. nationality, human, culture, discrimination, convention, declaration, resolution, situation, process, individual, adequate, positive, collective, action, political, authority, person

3. Translate the following family words:

equal — equally — equality, discriminate — discrimination, depend — dependent — interdependent, liberal — liberty — liberalism, guilt — guilty, free — freely — freedom, assume — assumption

4. Read the text silently.

HUMAN RIGHTS

Human rights are rights inherent to all human beings, whatever their nationality, place of residence, sex, national or ethnic origin, colour of skin, religion, language, or any other status. People all over the world in any far-away country are equally entitled to their human rights without discrimination. These rights are all interrelated, interdependent and indivisible.

Human rights include civil and political rights, such as the right to life, liberty and freedom of expression; and social, cultural and economic rights including the right to participate in culture, the right to food, and the right to work and receive an education. Human rights are protected by international and national laws, treaties and other sources of international law.

The principle of universality of human rights is the cornerstone of international human rights law. This principle, as first emphasized in the Universal Declaration of Human Rights in 1948, has been used in numerous international human rights conventions, declarations, and resolutions.

Human rights are inalienable. They should not be taken away, except in specific situations and according to due process. For example, the right to liberty may be restricted, if a person is found guilty of a crime by a court of law.

There are different classifications of human rights. At an international level, the most common classification of human rights has been to divide them into civil and political rights on the one hand, and economic, social and cultural rights on the other hand. Another classification is based on the assumption that there are three generations of human rights.

The first-generation are civil and political rights, which date back to the 18th Century. They were designed to protect the individual against state interference. They include the right to vote, the right to assemble, the right to free speech, the right to a fair trial, the right to freedom from torture and abuse, the right to protection of the law.

The second-generation of rights includes economic, social and cultural rights, which date back to the 19th century. The reason of their emergence was to improve overall social situation under the conditions of the widespread poverty. They include the right to education, the right to housing, the right to health, the right to employment, the right to an adequate income, the right to social security.

The third-generation collective rights of the 20th century (the right to peace, the right to clean environment, the right to prosperity, the right to economic development, the right to social harmony) are controversial and lack both legal and political recognition.

Human rights are closely connected with obligations. States have obligations and duties under international law to respect, to protect and to fulfil human rights. The obligation to respect means that States must not restrict or prohibit the enjoyment of human rights. The obligation to protect requires States to protect individuals and groups against the abuses of human rights. The obligation to fulfil means that States must take positive action to facilitate the enjoyment of basic human rights. At the individual level, while individuals are entitled to human rights, it is necessary to respect the human rights of other individuals.

Human rights protection is celebrated on International Human Rights Day. It was introduced by the United Nations General Assembly on December 10th, 1948 (together with passing of the Universal Declaration of Human Rights). This day is celebrated annually. It is a vision for human dignity that transcends political boundaries and authority, committing governments to protect the fundamental rights of each person.

4. Say if the sentences correspond to the text or not:

1. Human rights depend on physical characteristics of a person.
2. Human rights may be classified according to two groups.
3. The Universal Declaration of Human Rights is based on the principle of universality of human rights.
4. Sometimes human rights may be taken away.
6. The right to education belongs to the third generation of human rights.
7. Governments must not restrict or prohibit the enjoyment of human rights.
8. Every person should respect the rights of other individuals.
9. International Human Rights Day is celebrated on the 10th of December.

5. Say what you have learned from the text about:

a) civil and political rights; b) cultural and economic rights; c) classifications of human rights; d) rights and obligations of states concerning human rights.

Oral speech practice

I. Mind Your Grammar When You Speak

1. Make up sentences to express obligation. Use the proper model in accordance with the situation.

Model: We must do it (because of the objective circumstances).
We have to do it (somebody makes us do it).
We've got to do it (informal).

I	must	resign (according to law).
You	have (has) to	make a recess (company regulations).
He	have (has) got to	vote on this issue (company regulations).
She		go on business to London (the director's order).
We		write some business letters (it is included in the duties).
They		pay taxes (according to law). elect the chairman of the meeting (company regulations). call our friends (friends' conversation).

2. Make up sentences to express recommendation. Use the proper model in accordance with the situation.

Model: You should support their point of view (in general).
We ought to respect elderly people (moral obligation).

I	should	be more attentive.
You	ought to	have been more attentive.
He		follow that custom.
She		have resigned earlier.
We		take part in the discussion..
They		have spoken to the executive director call your mother more often. discuss the issue with your friends.

3. Make up short dialogues according to the models to say that somebody is able or unable to do something. Add any information you want to make your dialogues livelier.

Model 1:

to check up the validity of the document — no the Internet connection

A: Can you/he/they check up the validity of the document?

B: I/he/they can't do it right now. There is no the Internet connection.

Model 2:

to speak a foreign language — speak English and French

A: Can you/he/they speak a foreign language?

B: Yes, I/he/they can speak English and French.

Prompts:

A:	B:
to translate this text tight now	yes — without a dictionary
to sign the contract today	no — the director is out of office
to find his way from the railway station	yes — read maps well
to be elected a deputy	no — he is under age
to finance that project	not enough money
to drive faster	no — break the rules

4. Make up sentences to say that somebody is allowed to do something.

Model: You may do it.

You	may	speak to the manager yourself.
He		use my copy of the Constitution.
She		come at any time.
We		bring dictionaries to the exam.
They		come later.
		start earlier.

5. Make up sentences to say that it is unnecessary to do something.

Model: You needn't do it.

You	needn't	speak to the manager yourself.
He		come to the office at 9 a.m.
She		check up the validity of the document.
We		ask for more money to continue the project.
They		come later.
		start earlier.

II. Conversational Formulas

As it was mentioned in the previous lesson, a key to a successful negotiation is good preparation. While discussing future negotiations and exchanging opinions it is important to know how to indicate priorities and explain your point of view.

Prioritising

Our main goal/aim should be to ...	Наша главная цель — это ...
It would be better to focus on ...	Лучше сфокусироваться на ...
I'd prefer to negotiate over ... rather than ...	Я бы обсуждал ..., а не ...
(Quantity) is less important than (quality).	(Количество) менее важно, чем (качество).
(Property division) isn't as important as (child custody).	(Раздел имущества) не так важен, как (опека над детьми).

Giving Reasons

This would mean that ...	Это означает, что ...
That way, we could ...	Таким образом мы могли бы ...
This would allow / enable / help us to ...	Это позволит нам (сделать) ...
because of / due to (<i>a noun or a noun phrase</i>)	благодаря ...
because / since (<i>an adverb clause</i>)	потому что / так как
The reason why ... is that ...	Причина, почему ..., — это
It explains why...	Это объясняет, почему ...

Exercises

1. Read the following flashes of conversation:

1.

A: What's wrong with this item?

B: This item looks suspicious because, as per invoice, the item was priced over \$1000.

A: Oh, I see. We'd better check the whole list.

2.

A: It would be better to focus on studying offers available on the Internet.

B: It's not necessary since I've already prepared a report for a weekly meeting.

3.

A: This summer I took a free online course on American Constitution.

B: Aha, it explains why you've been so active in class today.

4.

A: As we need these goods urgently, I'd prefer to negotiate over speed of delivery rather than price.

B: Do we have unlimited budget?

A: Unfortunately, not. However, our main aim is to get the goods as soon as possible.

5.

A: Our main goal in the upcoming negotiations is to settle.

B: Why? Our client has a strong case and much more resources.

A: That's true. However, money is less important than publicity. Our client doesn't want the case to go to the open court.

6.

A: We should find additional material for our Constitutional law class. This would help us to earn more points for the exam.

B: But this would also mean more time in the library.

2. *Compose your own dialogues similar to those in exercise 1.*

3. *Divide into groups of three or four (continue working in the groups composed when you started preparing for negotiations). **Students A** represent a company that manufactures something. **Students B** represent a company that supplies materials for manufacturing. You will continue preparing to negotiate a new contract. For details see **Appendix A** and **Appendix B** accordingly.*

III. Dialogue

1. *Read the dialogue. Steven Gassman, a professor from Harvard University, is discussing some problems of the American Constitutional law with Professor Alexander Sobolev:*

Sobolev: Mr. Gassman, you know very well that in every state there are a lot of problems that Constitutional law has to solve. As far as I know, one of the most controversial questions in the U.S.A. is the possibility of admission of the District of Columbia into the union as the 51st state.

Gassman: It is really one of the most difficult problems. Many people speak in favour of admitting the District of Columbia into the union, but there are many their opponents, too.

Sobolev: And what arguments do the supporters of the idea put forward?

Gassman: Well, there are three main arguments. The first argument is that the District of Columbia is larger than three existing states. The second

argument is that the district has a higher per-capita federal tax payment than most of the states. And the last one is that the district is prevented from spending its own money without approval from the Congress.

Sobolev: The arguments are very strong. And what do the opponents say?

Gassman: The first and most important argument to reject the idea is that it runs counter to Article I, Section 8, Clause 17, known as the "district clause" of the Constitution¹. Then they say that the nation's capital can be controlled only by the Congress and not by any state. These are only the examples. There are many other cons.

Sobolev: I see, and what's your opinion on the problem?

Gassman: I'm in favour of admitting the district to a statehood, but I agree that the problem is too complicated. We should treat it very carefully, and probably it will take us a long time to solve it.

Note:

¹ *Article I, Section 8, Clause 17:*

The Congress shall have Power

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings..."

2. *Say what you have learned from the dialogue about.*

3. *Say if there are any controversial problems in the Constitutional law of the Russian Federation. What are they?*

IV. Topics for Discussion

1. *Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?*

1. "The Constitution is colorblind, and neither knows nor tolerates classes among citizens."

(*John Marshall, 1755 — 1835, the fourth Chief Justice of the Supreme Court of the United States*)

2. "The Constitution only gives people the right to pursue happiness. You have to catch it yourself."

(*Benjamin Franklin, 1706 — 1790, one of the Founding Fathers of the United States*)

3. “We the people are the rightful masters of both Congress and the courts, not to overthrow the Constitution but to overthrow the men who pervert the Constitution.”

(Abraham Lincoln, 1809 — 1865, the 16th President of the United States)

4. “The Constitution, on this hypothesis, is a mere thing of wax in the hands of the Judiciary, which they may twist and shape into any form they please.”

(Thomas Jefferson, 1743 — 1826, an American Founding Father, the principal author of the Declaration of Independence, the third President of the United States)

5. “The greatest threat to our Constitution is our own ignorance of it.”

(Jacob F. Roecker, Goodreads Author)

6. “One thing is clear: The Founding Fathers never intended a nation where citizens would pay nearly half of everything they earn to the government.”

(Ron Paul, born in 1935, an American physician, author, and politician)

7. “I have a problem with people who take the Constitution loosely and the Bible literally.”

(Bill Maher, born in 1956, an American comedian, writer, producer, political commentator, actor, media critic, and television host)

2. *What do you know about the authors? Choose any name and prepare a short report about him.*

3. *Constitutional law is an important part of legislation in any country, and it is very important for any citizen, especially a lawyer, to know the provisions their Fundamental law. Choose any of the following topics and prepare a short report to present in class:*

1. Different classifications of Constitutions including those not mentioned in Text A. 2. The Constitution of the Russian Federation. Say, what classifications it matches. 3. The federative setup of the RF. 4. The procedure of amendment of the RF Constitution. 5. Civil rights and freedoms guaranteed by the RF Constitution.

V. Case Study and Role Play

1. *Read the following text.*

“A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms, shall not be infringed.”
(US Constitution, Amendment II)

A vague language of the Constitution is interpreted by the US Supreme Court. In a few 19th century cases the Supreme Court ruled that the Second Amendment does not bar state regulation of firearms (*United States v. Cruikshank* (1876); *Presser v. Illinois* (1886)). In *United States v. Miller* (1939), the Supreme Court ruled that the federal government and the states could limit any weapon types not having a “reasonable relationship to the preservation or efficiency of a well regulated militia”. In the twenty-first century *The Right to Bear Arms* has become one of the most controversial issues of the modern American Constitutional law and the question “Does the right to bear arms apply to a well-regulated militia alone or to individuals as well?”¹ is among the most important ones.

It seems that the Supreme Court answered this question in its landmark decision in *District of Columbia v. Heller* (2008): “The Second Amendment protects an individual right to possess a firearm unconnected with service in a militia, and to use that arm for traditionally lawful purposes, such as self-defense within the home.” But to clarify that its ruling does not invalidate existing firearm laws, Justice Antonin Scalia wrote in the majority opinion: “Like most rights, the right secured by the Second Amendment is not unlimited....Although we do not undertake an exhaustive historical analysis today of the full scope of the Second Amendment, nothing in our opinion should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms.”

The issue is being constantly argued in the media along with ongoing Internet discussions. “... gun rights and gun control have been high on the list of issues in the cultural war sharply dividing Americans. ... What one side perceives as necessary to stem out-of-control violence in urban centers, the other fears as the road to unlawful confiscation and abridgement of constitutional liberties.”²

Notes: ^{1,2} Arnesen, Eric. ‘*Gunfight: The Battle over the Right to Bear Arms in America*’ by Adam Winkler. URL: <http://www.chicagotribune.com/lifestyles/books/ct-books-gunfight-review-story.html>.

2. *Divide into two groups. Students A will prepare arguments supporting the Right to Bear Arms. Students B will prepare arguments against this right. While discussing the issue use expressions for asking and giving opinions (Lesson 3 Conversational Formulas) and prioritizing and giving reasons (Lesson 4 Conversational Formulas).*

3. *Choose representatives for each group and argue your point of view.*

4. *Is this issue vital for Russia? Is there any legislation regulating the right “to bear arms” in Russia? What is your position: are you for or against allowing citizens “to bear arms”? Prepare a short report to present it in class.*

Writing

Structuring a Review

1. *Read the following information:*

Studying at a university involves much reading and writing. Rather often students are assigned to write a review. A review is:

- a report that gives someone’s opinion about the quality of a book, performance, product, etc. (<http://www.merriam-webster.com/dictionary/review>);
- a report or essay giving a critical estimate of a work or performance (<http://www.thefreedictionary.com/review>);
- a critical appraisal of a book, play, film, etc. published in a newspaper or magazine (<http://www.oxforddictionaries.com/definition/english/review>).

In general, any review has a similar structure:

- Introduction** names the author and the article / book / film / play.
- Body paragraph 1** gives an overview of the content.
- Body paragraph 2** evaluates the author’s treatment of the subject.
- Conclusion** gives the reviewer’s opinion on the problem discussed in the article.

To write an article review, follow the steps given below:

- 1) preview the article; 2) read the article closely, looking up unknown words in dictionaries and making notes; 3) write an outline of your opinions; 4) write the introduction; 5) summarize the article; 6) write your critique; 7) conclude the article review; 8) proofread.

2. *Choose any newspaper or magazine article dealing with a legal problem. Write a review of the article. Discuss the reviews in class.*

Revision exercises

1. *Group the following words and word-combinations according to the notions they denote:*

Constitution	Rights	Freedoms	Documents

to economic development, convention, written, to a fair trial, declaration, unwritten, to assemble, rigid, to life, flexible, democratic, authoritarian, of speech, of expression, to vote, to prosperity, resolution, to liberty

2. *Point out the prefixes in the following words:*

enact, unwritten, subsequent, interrelated, interdependent, indivisible, inalienable

3. *Give the same notion in one word.*

to improve, change for the better, to remove faults from, correct; to order, establish, or enact with authority; an indication of choice, opinion, or will on a question, such as the choosing of a candidate, by or as if by some recognized means, such as a ballot; to forbid by law or other authority; to make into an act or statute

Prompts: prohibit, vote, amend, enact, ordain

4. *Among the following words find: a) those with similar meanings, b) those with opposite meanings:*

a) compel, inalienable, force, elect, inherent, choose, integral, restrict, essential, limit

b) flexible, enjoyment, rigid, approve, worsen to order, establish, or enact with authority, disapprove, written, lack of something, unwritten, amend

5. *Continue the sentences:*

1. Great Britain has a constitution, which is ... 2. Constitution of Great Britain includes a number of documents: ... 3. The proposal to amend the constitution of the USA must be approved by ... 4. Constitutions may be established by sovereign power ... 5. Octroyer means ... 6. According to political principles, constitutions may be classified into ... 7. Civil and political human rights are ... 8. The Universal Declaration of Human Rights was adopted ...

6. *Read the text and insert the missing words given below:*

A constitution is a set of rules and principles that define the nature of government. It ... basic information about relationship between the legislature, the executive and the judiciary. Thus legal decisions, which empower, restrict or ... any legal activity should conform to constitutional provisions.

There are different classifications and types of constitutions. British Constitution is ... It can be modified easily through ... statutes. The Constitution of the USA is rigid. It can be amended through a complex procedure including approval by majority ... of Congress.

The USA constitution is the first bourgeois constitution in the world. It was worked out and created by Philadelphia Convention in 1787. The ... consisted of 55 representatives of 11 states of Confederation.

One of the distinguishing features of the USA Constitution is its stability. There have been introduced about 5 000 proposals to change the Constitution but there exist only 27

Procedures of constitutional amendments vary between States. In a nation with a federal system of government the ... of a majority of State or provincial legislation may be required. Alternatively, a national referendum may be held. Detailed information concerning the procedures may be found in the articles of the Constitution of the State.

Constitutions may express respect for ... Constitutions of democratic states support different rights and freedoms like right to life, right to education, freedom of assembly, Freedom of speech means free communication of one's opinion or ideas without fear of government. Today it is recognized in international human rights law for a number of reasons. The basic one is that it is through speech that people can influence their government's choice of policies and get ... about candidates during ...

Prompts: amendments, enacted, vote, human rights, embodies, information, prohibit, elections, approval, Convention, flexible, freedom of speech

Active vocabulary

abuse — 1) оскорбление, брань; 2) плохое, жестокое обращение; 3) злоупотребление	enact — предписывать, определять, устанавливать; вводить закон; постановлять
amend — исправлять, вносить изменения	enjoyment — обладание, пользование, осуществление
amendment — поправка	entitle — давать право; уполномочивать
approve — одобрять, утверждать	flexible — гибкий
compact — соглашение, договор	inalienable — неотчуждаемый; неотъемлемый
compel — заставлять, вынуждать, принуждать	ordain — предопределять; предписывать; уготовливать
convention — 1) собрание, съезд; 2) соглашение, договорённость, договор, конвенция	prohibit — запрещать
Philadelphia Convention — Конституционный Конвент в Филадельфии 1787 г.	provision — положение, условие; постановление
elect — избирать	restrict — ограничивать
embody — воплощать, реализовывать, осуществлять (идею), объединять, соединять; включать	rigid — жёсткий, негнущийся
	supplement — добавление, дополнение, приложение
	vote — голосование, баллотировка, право голоса, избирательное право

GRAMMAR:

1. Polysemy of the Syntactic Words.

2. The Infinitive (continued):

a) Functions of the Infinitives (Revision),

b) Complexes with the Infinitives (Revision).

WORD BUILDING:

1. Noun-forming Suffixes with the meaning of the Action or

the Result of the Action (Revision).

2. The Suffix **-ee** (Revision).

3. The Prefix **re-** (Revision).

READING AND ORAL

SPEECH PRACTICE:

Legislative and Executive Branches of Power.

CONVERSATIONAL

FORMULAS:

Setting an Agenda and Controlling a Meeting.

WRITING:

A Research Report.

Grammar

Words	Meanings
as	как; так как, поскольку; в том виде как; в то время как; между тем as well as — так же как; as soon as — как только; as/so far as, in so far as, insofar as — насколько; as for — что касается; as to — что касается, относительно; so as — чтобы; as ... as — так же ... как
that	что (союз); который (союз); слово заменитель that is — то есть
for	для; на; потому что; в течение
by	эквивалент русского творительного падежа; к (какому-н. времени) by + Gerund — путем чего-н.

Exercises

1. Translate the following sentences paying attention to the words in bold type.

1. **By** August, the Circuit Judge said, the judges will have instituted a system, through which cases will be assigned on a rotating basis depending on a lawyer's qualification. 2. The ABA Standards for Criminal Justice say **that** the selection of lawyers **for** specific cases should not be made **by** judges

but **by** administrators of an independent program. 3. The newspaper reported that some private lawyers had built lucrative practices **by** taking on cases **for** indigent clients. They managed to do it **by** repeatedly billing the county **for** hours they never worked. 4. I couldn't find this report **for** a long time. 5. In Great Britain, every statute starts as a Bill. Before it becomes a law, it must be approved **by** the Houses of Parliament and **by** the Queen. In practice, once both Houses of Parliament have passed the Bill the Queen's approval is automatic, **for** it is accepted that the Queen shouldn't take active political part in government. 6 Dissatisfaction with the administration of justice is **as old as** the law. 7. One of the functions of the law is to restrict the complete freedom of each member of the society **so as** to protect all the other members from his carelessness, violence or dishonesty. 8. **As** he walked home from court, he was hoping that all his troubles were over. 9. **As** the old writers put it, the law lies "in the breast of the judges". 10. When a case is cited the name of the party bringing the case to court always comes first. Alternatively, the first name could be **that** of the appellant, **that is** a person, who appeals against the decision of a lower court. 11. **As soon as** I return, we shall discuss this matter with you. 12. **As far as** I know this is not the best method of settling disputes. 13. I shall help you **insofar as** I can. 14. Private law concerns the relationships between individuals in that community **insofar as** they do not involve or concern the community as a whole.

2. *Translate the sentences paying attention to the forms of the Infinitives.*

1. The U.S. Constitution has been repeatedly amended to meet the changing needs of the nation. 2. One of the tasks to be performed by a lawyer is to settle the disputes and controversies. 3. It was Lincoln who the first important party leader to become Attorney General. 4. It is to be regretted that all our efforts gave no result. 5. He asked me to prepare all the documents by Monday. 6. To pass this resolution we must first discuss it with the members of the committee. 7. His duty is to do all paper work in our office. 8. I want you to submit all the documents by Tuesday. 9. He is said to have been appointed the head of the department. 10. To override this decision is impossible.

3. *Translate the sentences paying attention to the complexes with the Infinitives.*

a) 1. A Constitution is said to be "written" when most important constitutional laws are specially enacted. 2. The U.S.A. is said to have "written" Constitution. 3. Great Britain is said to have "unwritten" Constitution. 4. The execution of the sentence is reported to be postponed. 5 The jury are supposed to represent common sense and morality of the

community. 6. The case is said to be very serious. 7. He seems to have much experience. 8. The facts are believed to have been proved. 9. Law is said to be based on concepts of order and compulsion.

b) 1. Did you hear the judge say that? 2. I saw the police officer take the man's documents and look them through. 3. I want you to read this article on administrative law. 4. They saw him sign the documents. 5. He wishes the sitting of the committee to be resumed tomorrow.

c) 1. It is necessary for you to go there. 2. For him to do it is rather hard. 3. We are sorry for you to leave us soon. 4. The main thing for us is to get all the facts. 5. Here are some letters for you to look through. 6. This task is too difficult for us to fulfil. 7. I left a message for him not to be late. 8. It will be difficult for you to understand the characteristic features of the English legal system, if you don't know the history of its development. 9. The main thing for us now is to learn more about the origin of the English law. 10. I am sorry for him to do that. 11. Here are some forms for you to fill out. 12. It is important for continental lawyers to bear in mind that the English law is not only another body of rules, but also the product of a different method of approaching legal problems.

4. *Fill in the blanks with the particle to where it is necessary. Explain your choice.*

1. All governments and governmental groups, federal, state, and local must ... operate within the guidelines of the U.S. Constitution. 2. Americans stated in the first constitutional amendments, known together as the Bill of Rights, what they considered ... be the fundamental rights of any American. 3. The administration and enforcement of the laws begin not in the courts but in the offices and agencies of governments to which there has been committed the authority ... enforce many statutes. This is the gist of the executive function. Yet, before enforcement may ... begin and before each new problem can ... be solved, public officers must ... determine the scope of the laws. Public administrators must ... have the counsel of people skilled in legal interpretation and legal institutions. There is no more important stage of administration. 4. You ought ... have told him about our decision. 5. They should ... have spoken to me before preparing the draft resolution. 6. He was ... supervise the settlement of the conflict. 8. You will have ... ask them for their opinion on the possibility of solving this controversy without taking it to the court. 9. Here are some documents for you ... study. 10. We consider the results of our investigation ... be satisfactory. 11. Did you hear the chairperson ... speak? 12. Have you ever known him ... deal with such complicated cases? 13. I wish him ... win his case. 14. He is said ... be a very good lawyer. 15. She seemed ... think it was the right moment ... call the witnesses.

Reading

TEXT A

1. Give your opinion on the following statements:

1. A president must be a democratic ruler. 2. Presidential power is unlimited. 3. The best ruler of the state is the one who was born in a middle-income family. 4. There is no ideal state system. 5. Democratic state systems are better than sovereign ones. 6. In Russia in case of conflicts between federal and local authorities, the President has the power to interfere. 7. In Russia there are 21 Governmental Departments; in Great Britain there are 24 Governmental Departments; in the USA there are 15 Governmental Departments. 8. Nowadays, sovereigns do not play important roles in international affairs.

2. Read the text.

THE UK LEGISLATURE AND THE EXECUTIVE

The UK Parliament is an ancient institution dating from the middle of the 13th century. It evolved from the Curia Regis, or Great Council of the Realm, which originally was an advisory body to the monarch. It consisted of the great landlords, the chief nobles and the church prelates. They met several times a year to grant aid, if extra resources were needed (mostly during war). The Council developed throughout centuries and became the Parliament — the main legislative institution of the country.

By passing the Parliament Act, 1911, the life of a United Kingdom Parliament was fixed at five years (although it is usually dissolved before the expiry of the legal term).

The time of the meeting of a Parliament and its prorogation and dissolution is called a session. The average length of a session is about 160 sitting days. The Parliament of Great Britain consists of two chambers: the House of Lords and the House of Commons. Each session is usually opened in the House of Lords by the Queen (King), who reads the throne speech outlining the Government's programme of legislation for the coming session.

The House of Commons is elected by almost universal adult suffrage and contains members from all sections of the Community.

Any member of the House of Commons may introduce a Bill. The Bill must pass three readings in the House of Commons. After that, it goes before the House of Lords. The House of Lords may pass or reject a Bill, but it has no power to throw out a Bill relating to money.

Finally, if the Lords agree to a Bill, it will be placed before the Queen for the Royal assent. When the Queen grants the Royal assent to the Bill and signs

it, it becomes an Act of Parliament. The role of the Sovereign in the enactment of legislation is formal although the Queen has the right to encourage and to warn. However, she is expected to be “above politics” and any advice she gives is kept secret. In addition, it is the Queen who decides whether to grant dissolution of Parliament and appoints the Prime minister (PM). The PM forms the Cabinet, the main executive body of the state. Another executive bodies are Government departments, local authorities and statutory boards.

Her Majesty's Government is the body of ministers charged with the administration of national affairs. Framing the foreign and home policies is one of the main functions of the government. In recent years, the scope of governmental functions has become wider. Now it is also responsible for supervising finance, different social services, etc.

The leader of the party that has a majority in the House of Commons is appointed Prime Minister by the Sovereign. All affairs of the state are conducted in the name of the Queen (King), but really, the PM is responsible for every matter submitted to Parliament. He is a virtual ruler of the country. Informing the sovereign of the general business of the Government is what the PM does as well. He also presides over the meetings of the Cabinet, which are always secret.

The Cabinet has no legal existence beyond the powers of the ministers of the Crown. It is simply a committee for carrying out the business of the Government. The functions of the Cabinet are to initiate and decide on policy, to exercise the supreme control of government and to coordinate Government Departments. The chairperson of the Cabinet is the PM. It is he or she who appoints its members, summons it and can dissolve it.

Who usually constitutes the Cabinet are the PM, the Chancellor of the Exchequer, the Foreign Secretary, the Lord Chancellor, the Minister of Defense, the Secretary of State for the Home Department, the Secretary of State for Education and Science, etc. Most Cabinet ministers hold posts of heads of Government departments. Each Department specializes in a particular subject. The key government departments are: The Cabinet Office, Her Majesty's Treasury, The Foreign and Commonwealth Office, The Ministry of Defense and The Home Office.

Ministers in charge of Government departments are professional politicians. They are appointed because of their deep knowledge of the subject handled by the department they are at the head of. They are known as “Secretaries of State” or “Ministers” or may have a traditional title.

3. Answer the following questions:

1. What is the time of foundation of the British Parliament? 2. How long can any Parliament work in Great Britain? 3. What is called a session of a

Parliament? 4. What is the length of a parliamentary session? 5. What are the chambers of the British Parliament? 6. Who has the right to open the work of a Parliament? 7. What was abolished in 1999? 8. How does the Bill become the Act of Parliament? 9. Is it possible that the Queen does not grant the Royal assent to the Act? 10. Whose responsibility is to inform the Queen about current state affairs? 11. What is the composition of the executive branch of power in Great Britain? 12. What is the main function of Her Majesty's Government? 13. Who is the virtual ruler of Great Britain? 14. What is the main function of the Cabinet? 15. Who is the chairperson of the Cabinet? 16. What are the main government departments in Great Britain? 17. Are ministers in charge of Government departments professional politicians? 18. What are the traditional titles of the ministers in Great Britain?

4. Give the Russian for:

average length, Royal assent, prorogation (in the work of parliament), to pass an act, dissolution (in the work of parliament), to reject a bill, sitting days, House of Commons, lower chamber, adult suffrage, to throw out a bill, to be represented by, the body of ministers, to supervise finance, to be conducted in the name of the Queen, a virtual ruler of the country, to exercise the control, to summon, to dissolve, the Ministry of Defense, the Home Office, in charge of

5. Give the English for:

королевский суд, отклонить законопроект, элита дворянства и верхушка церковной власти, Палата лордов, распустать (парламент), заседание парламента, принцип наследования, предписанный законом орган управления, закрытое (тайное) заседание, определять политику, составлять кабинет, министр иностранных дел, министр обороны, казначейство её величества, министерство по иностранным делам и делам содружества

6. Complete the following sentences:

1. The UK Parliament was created in ... 2. A session of Parliament is ... 3. There are two chambers in UK Parliament ... 4. The legislative role of the Queen is ... 5. The virtual ruler of Great Britain is ... 6. The main governmental departments are ... 7. The head of the Cabinet of Ministers in Great Britain is ...

7. Make up word combinations. Use them in the sentences of your own:

adult	a bill
announce	assent
executive	branch
grant	dissolution
legal	of Defense
legislative	of the Exchequer
parliamentary	prorogation
pass	session
Queen's	signature
reject	suffrage
Royal	term
summon	the Cabinet
the Chancellor	
the Department	
throw out	

8. Translate the following sentences into Russian:

department

1. In 2009, British government created the Department for Business, Innovation & Skills (BIS). 2. Her Majesty's Treasury (HM Treasury) or the Exchequer is the United Kingdom government department responsible for developing and executing the British government's public finance policy and economic policy. 3. Traditionally, the Secretary of only one department in Great Britain is known as the second most influential in the British Civil Service; it is the Permanent Secretary of HM Treasury.

prorogue

1. The parliamentary session may be prorogued before Parliament is dissolved. 2. When the parliamentary session comes to an end it is said to be prorogued. 3. The Queen prorogues the work of the Parliament in the form of an announcement read in the House of Lords.

dissolve

1. The Parliament of the United Kingdom is dissolved 25 working days before a polling day. 2. Parliament is usually prorogued before it is dissolved. 3. Prior to 1918, it was the Cabinet that collectively sought permission from the monarch to dissolve parliament.

summon

1. Parliament is formally summoned forty days in advance of a new Parliament session by the Sovereign, who is considered the source of

parliamentary authority. 2. When the new term begins, the two Houses assemble in their respective chambers and then the Commons are summoned to the House of Lords, where Lords Commissioners (representatives of the Sovereign) instruct them to elect a Speaker.

9. Complete the sentences using derivatives of the words from ex.8.

1. A session of Parliament is brought to an end by a ... 2. There is a Commons Select Committee for each government department, examining three aspects: spending, policies and administration. These ... committees have a minimum of 11 members, who decide upon the line of inquiry and then gather written and oral evidence. 3. Modern Parliaments rarely continue for the maximum duration; normally, they are ... earlier. 4. The ... of Parliament is effected by the Sovereign, but always on the advice of the Prime Minister. 5. The members of the Cabinet in Great Britain are ... by the Prime Minister. 6. Normally, the Sovereign does not personally attend the ... ceremony in the House of Lords, which is similar to the opening ceremony. 7. If the Prime Minister loses the support of the House of Commons, he must either resign or seek a ... of Parliament to renew his or her mandate.

TEXT B

1. Before reading the text, study the list of words and their definitions.

vest — to place or settle (power, rights, etc., in)

entrust — to invest or charge (with a duty, responsibility, etc.)

hold office — to work as a civil servant

take office — to start working as a civil servant

2. Read the following international words and give their Russian equivalents.

colony, office, organization, continental, veto, impeachment, agency, inauguration, statute, democracy

3. Translate the following family words:

Senate — Senator, represent — representation — representative, elect — election — re-election, preside — president — presidential, origin — original — originate, appoint — appointment — appointee, democracy — democratic — democrat

4. Read the text silently.

THE LEGISLATIVE AND THE EXECUTIVE BRANCHES OF POWER IN THE USA

The legislative power in the USA is vested in the Congress. The time of its establishment is 1774, when twelve British colonies assembled for the first

Continental Congress. It was on July 4, 1776, that the Second Continental Congress adopted the Declaration of Independence and was renamed “the Congress of the Confederation”. The Congress then was a unicameral body with equal representation among the states in which each state had a veto over most decisions. The Congress of the Confederation had authority over foreign affairs and military matters, but not to collect taxes, regulate interstate commerce, or enforce laws.

At present, there are two chambers in the US Congress: the Senate and the House of Representatives. Besides the legislative function, the Senate is entrusted with the power of ratifying or rejecting all treaties made by the President, of declaring war, constituting tribunals inferior to the Supreme Court, etc. The Senate consists of two members from each state chosen for 6 years, one-third retiring or seeking re-election every two years. A Senator must be at least 30 years old and he must have lived in the state for at least nine years. The Head of the Senate is the Vice-President who is elected for four years.

The House of Representatives is elected every other year. The number of the representatives from each state depends on the number of people in this particular state. The most populous state, California, currently has 53 representatives. The Head of the House of Representatives is the Speaker. He is elected by the members of the House. A representative must be at least 25 years old and must have lived in the USA for at least seven years.

The House and the Senate are equal partners in the legislative process; however, the Constitution grants each chamber some unique powers. The Senate is empowered to approve treaties and presidential appointments. Revenue-raising bills must originate in the House of Representatives, which also has the sole power of impeachment, while the Senate has the sole power to try impeachment cases.

The Congress assembles at least once every year. A new session begins on January 3 unless law appoints a different day. In addition, the Congress meets for some days on special occasions like inauguration, swearing in¹ new members and organization. No Senator or Representative can during the time for which he was elected be appointed to any civil office under the authority of the USA.

The executive branch of the government is vested in the President, who holds office during the term of four years and is elected together with the Vice-President. Article II of the Constitution prescribes that before the president takes office, he or she must solemnly swear to “preserve, protect and defend the Constitution of the United States.”

The executive branch is made up of the President and all that fall under the President’s statute, including appointees, administrative agencies and

all departments established to execute the law. The governor is the head of the executive branch of a state government. The President can neither create legislation nor encroach upon the legislative branch. Many of the President's appointees must be approved by the legislative branch. For example, the President appoints the Judges to the Supreme Court, but the Senate must approve his nominations. So the branches are not absolutely separate, as they should be in accordance with the theory of separation of powers, which states that all the branches of power — the legislative (Senate/House of Representatives), the executive (President) and the judiciary (Supreme Court) are discrete bodies. They should not be united in one body if the state is democratic.

Among the duties and powers of the President listed by the Constitution are the following ones: the President is Commander-in Chief of the armed forces, he makes treaties and appoints ambassadors to foreign powers as well as other high officers of the United States. Within his competence is also responsibility for taking care that the laws be faithfully executed.

The administrative business of the nation is conducted by Secretaries who form the Cabinet. They are appointed by the President but their nomination must be confirmed by the Senate. The Cabinet is a kind of an advisory group to the President. The Cabinet members are the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney-General, the Secretary of the Interior, etc. The Vice-President participates in the Cabinet meetings as well.

The executive Officer of the President is represented by a group of agencies. First of all these are the White House Office, the Bureau of the Budget, the National Security Council, the Central Intelligence Agency, etc. These are bodies, which carry out administrative functions.

Notes: ¹ swear in — приводить к присяге

5. Say if the sentences correspond to the text or not:

1. Legislative power in the USA is vested in the church. 2. Nowadays, the Congress consists of the Senate and the House of Representatives. 3. The Senate has the power to ratify or reject all treaties made by the President. 4. A senator can be younger than 30. 5. The House of Representatives is elected every two years. 6. The head of the Senate is the Speaker. 7. The unique power of the Senate is to approve treaties and presidential appointments. 8. The unique power of the House of Representatives is the power of impeachment. 9. The head of the Executive branch of power is the Vice-President. 10. Before the President takes office, he must swear to “preserve, protect and neglect the Constitution of the United States”. 11. Many of the President's appointees must be approved by the judiciary. 12. The President

is Commander-in-Chief of the armed forces, he makes treaties but he does not appoint ambassadors to foreign powers as well as other high officers of the United States. 13. The Cabinet members are the Secretary of State, the Secretary of the Treasury, the Secretary of Defense, the Attorney-General, the Secretary of the Interior and the Police Officer. 14. The executive Officer of the President is not represented by a group of agencies.

6. Form the derivatives with the help of the following suffixes.

-ment: to establish, to judge, to pay, to punish, to govern, to invest
-ion/-tion/-ation/-sion: to limit, to regulate, to legislate, to inspect, to produce, to organize, to possess, to delegate, to complete, to corrupt, to administer, to exaggerate
-ing: to kill, to act, to protect, to undertake, to understand
-ance/-ence: to differ, present, to guide
-age: client, to assemble, patron, to break, parent, percent

7. Complete the sentences using the derivatives of the words in bold type in a correct grammatical form.

1. **To govern, to differ**

The fifty states' ... often differ from one another, sometimes the ... being very great.

2. **To constitute**

The ... of the U.S.A. is the oldest still in force in the world.

3. **To legislate**

... in the U.S.A. becomes law if both houses of Congress agree.

4. **To administer**

The U.S. President has the right to appoint officials of his ... but they must be approved by the Senate.

5. **To elect, to nominate**

The national presidential elections in the U.S.A. consist of two separate campaigns: one is for the ... of candidates at national party conventions. The other is to win the real ...

8. Make up sentences according to the model using the verbs given in brackets.

Model 1: Someone who is paid is a payee.

(to employ, to train, to examine, to interview, to address, to appoint)

Model 2: To reread means “to read once again”.

(to make, to write, to examine, to affirm)

Oral speech practice

I. Mind Your Grammar When You Speak

1. Make up short dialogues according to the model. Add any information you want to make your dialogues livelier.

Model: the criminal — to arrest

A: They say the criminal was arrested yesterday.

B: I don't know whether it's true or not but surely he'll be arrested sooner or later.

Prompts: he — to find guilty; the suspect — to detain; the accused — to send to prison; his license — to revoke; he — to bring before the court.

2. Make up short dialogues according to the model to agree with your interlocutor. Add any information you want to make your dialogues livelier.

Model: the director — to come back from London — yesterday.

A: They say the director came back from London yesterday.

B: Right you are. He is known to have come back from London.

Prompts: she — to graduate from the institute — last year; he — to begin working in our department — two days ago; she — to complete her report — yesterday; John — to make the report at the committee — on Monday.

3. Make up a dialogue between an investigator and a witness of a crime. Add any information you want to make your dialogues livelier.

Model: to see — to break into the house — a man

A: Did you see anybody break into the house?

B: Yes, I saw a man break the door of the house.

Prompts: to see — to enter the house — a teenager; to notice — to leave the house — a woman with a suitcase; to see — to carry a suitcase — a man — to carry a backpack; to notice — to get into the car — two men; to see — to fire at a man running towards the car — nobody; to hear — to scream — a woman.

4. Compose sentences to say that it is important (vital, essential, necessary) for somebody to do something.

Model: It's important for you to study English.

Prompts: he — to refrain from doing it; her — to study the problems relating to public health; you — to determine his duties; them — to go through the agency's hearing procedure

II. Conversational Formulas

When people gather for a meeting there should be a 'signal' to start. Usually at the beginning of a meeting, after greetings and introduction, an agenda is formulated, and it is important to follow it and to keep the meeting under control. In team-to-team negotiations, such control can be exercised by taking turns with your partners and asking questions. Depending on meeting ceremony level you can use formal, neutral, or informal expressions.

Setting up an agenda

Ladies and gentlemen, I think we should begin.	Дамы и господа, я думаю, мы можем начать.
--	---

Shall we start?	Начнем?
-----------------	---------

Let's get started, shall we?	Давайте начнем.
------------------------------	-----------------

Let's begin, shall we?	
------------------------	--

Let's get going, shall we?	
----------------------------	--

Let's get down to business.	Давайте перейдем к делу /
-----------------------------	---------------------------

Shall we get down to business?	Давайте начнем.
--------------------------------	-----------------

We are here today to consider ...	Мы собрались здесь сегодня, чтобы рассмотреть ...
-----------------------------------	---

I suggest we begin by (looking at) ...	Я предлагаю начать с ...
--	--------------------------

How about starting with ...	Давайте начнем с ...
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Taking turns

..., what do you think?	..., что Вы думаете / ты думаешь?
-------------------------	-----------------------------------

Let's ask ...	Давайте спросим ...
---------------	---------------------

..., perhaps you could answer that.	..., возможно, Вы могли бы ответить / ты ответишь?
-------------------------------------	--

..., do you have anything to add?	..., Вы можете что-то добавить / ..., ты что-то добавишь?
-----------------------------------	---

I'd like to ask ... to speak (about that).	..., расскажите (об этом).
--	----------------------------

..., would you like to say something?	..., что Вы скажете / ты скажешь что-нибудь?
---------------------------------------	--

I'm sure you'll all agree ...	Я уверен, что все согласятся ...
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Asking and answering questions

What do you think about...?	Что вы думаете о...?
What about you?	А каково ваше мнение?
Can /Could you tell me / say ...?	Скажите, пожалуйста, ...
That's an interesting question.	Интересный вопрос.
That's a good point.	Хорошее замечание.
I'd like to come to / to talk about that later.	Давайте вернемся к этому вопросу позже.
That depends.	Это зависит от разных причин.
Let's move on.	Давайте продолжим.
Shall we continue then?	Продолжим?

Exercises

1. Read the following flashes of conversation:

1.

A: Let's get started, shall we? The main objective of our meeting is to pass the resolution we failed to adopt yesterday.

B: I don't think we'll be able to pass it today either. The problem hasn't been worked out well.

A: And what do you think, Mr. White?

C: I think we should arrive at the decision today.

A: OK. Let's move on.

2.

A: Ladies and gentlemen, we are here today to consider the possibility of licensing several applicants. Let's get started, shall we?

B: Before we get started, I want to say that some applications were handed in after the deadline. I think we shouldn't consider them.

A: What about you, Mr. Right?

C: That's my opinion, too.

A: OK. Shall we continue then?

3.

A: Nice to meet you. Shall we get down to business?

B: Sure.

A: We are here today to consider an agreement between our clients, *Best Furniture Ltd* and *World Wood Inc.* I suggest we begin by looking at what kinds of wood your client can supply.

C: Then we'll discuss terms and conditions of a trial order: price, quantity and quality of wood, terms of delivery. Would you like to add anything to this agenda?

B: No, let's start. Our client ...

4.

A: We can offer these goods at a rather competitive price.

B: Does your product price depend on exchange rates?

A: That's an interesting question. John, perhaps you could answer that.

C: Yes, it does in the end. However, since our contract is a short-term one, we don't think it can be affected by exchange rates changes.

B: I see. Let's move on.

2. Compose your own dialogues similar to those in exercise 1.

*3. Divide into groups of three or four (continue working in the groups composed when you started preparing for negotiations). **Students A** represent a company that manufactures something. **Students B** represent a company that supplies materials for manufacturing. You will negotiate a sales contract. For details see **Appendix A** and **Appendix B** accordingly.*

III. Dialogue

1. A group of the representatives of American executive departments are on a visit to your town. Here is an episode of the televised interview.

Interviewer: Ladies and gentlemen, let's get going, shall we? You represent different executive departments of your country. As far as our audience has rather a vague idea about the number, the functions and the role of these departments, I'd like you to make the question clear to our viewers.

Mr. Craswell (*the head of the delegation*): There are 15 departments in the USA. These departments are created by Congress to deal with different specific areas of national and international affairs. The heads of the departments form the president's "Cabinet". The members of the delegation represent only 3 of the 15 departments. The Department of Agriculture I work at supervises agricultural production in the country and helps develop and expand markets abroad for agricultural products. The department has many other functions, but we consider food assistance programs for children, expectant mothers and the elderly to be the most important ones.

Mr. Hickman: I represent here the Department of Commerce. Its functions cover a wide range of questions: international trade, economic problems, scientific and technical research. The department comprises different departments, such as the National Bureau of Standards, the National Oceanic and Atmosphere Administration, the Patent and Trademark office, etc.

Mrs. Stapleford: I'm a representative of the Department of Education. Our department administers a great number of federal aid-to-education programs.

Interviewer: As far as I understand, your visit to our town is connected with the promotion of the programs of cooperation with the administration of our town. Would you like to comment here, Mrs. Stapleford?

Mrs. Stapleford: It's our first visit to your town. We have discussed the possibility of cooperation with your town authorities. We have reached some agreements and hope that they will be implemented.

Interviewer: Hope your programs will be a success.

Mrs. Stapleford: So do we.

Interviewer: We started our interview with the functions of the executive departments in your country. We know perfectly well that the problems of administration are numerous. Do the responsibilities of the 15 departments cover that vast range of problems of the American society?

Mr. Craswell: Of course, not. There are many agencies, which are responsible for different aspects of life of our society. These agencies are called independent, since they are not part of the executive departments. They either supervise certain sectors of economy or provide services to the government or the people. Among them are Central Intelligence Agency, the Federal Trade Commission, the Interstate Commerce Commission, the National Aeronautics and Space Commission, the Small Business Administration and others.

2. Say what you have learned from the dialogue about: a) the departments the members of the delegation work at; b) the aim of their visit to our country; c) the independent agencies.

3. Say how the executive departments are organised in the Russian Federation.

IV. Topics for Discussion

1. Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?

1. "The English think they are free. They are free only during the election of members of parliament."

(Jean-Jacques Rousseau, 1712 — 1778, a Geneva philosopher, writer, and composer)

2. "In my many years I have come to a conclusion that one useless man is a shame, two is a law firm, and three or more is a congress."

(John Adams, 1735 — 1826, the second president of the United States)

3. "I don't mind being a symbol but I don't want to become a monument. There are monuments all over the Parliament Buildings and I've seen what the pigeons do to them."

(Tommy Douglas, 1904 — 1986, a Canadian politician and Baptist minister)

4. "Suppose you were an idiot, and suppose you were a member of Congress; but I repeat myself."

(Mark Twain, 1835 — 1910, an American author and humorist)

5. "I don't mind how much my Ministers talk, so long as they do what I say."

(Margaret Thatcher, 1925 — 2013, a UK Prime Minister)

6. "The best argument against democracy is a five-minute conversation with the average voter."

(Winston Churchill, 1874 — 1965, a British statesman, a UK Prime Minister)

7. "In America, anyone can become president. That's the problem."

(George Carlin, 1937 — 2008, an American stand-up comedian, social critic, actor, and author)

8. "To those of you who received honours, awards and distinctions, I say well done. And to the C students, I say you, too, can be president of the United States."

(George W. Bush, born 1946, an American politician and businessman, the 43rd President of the United States)

9. "President is a curious term for the American head of state, because "presiding" in any meaningful sense is the one thing the president of the United States does not do."

(Garrett Epps, born 1950, an American legal scholar, novelist, and journalist)

2. What do you know about the authors? Choose any name and prepare a short report about him.

3. Choose any of the following topics and prepare a short report to present in class:

1. Membership in the House of Lords. 2. Meetings of the British Cabinet. 3. Executive departments and independent agencies in the U.S.A. 4. A system of local self-government in the Russian Federation. 5. Voluntary associations of the local self-government bodies in the Russian Federation.

V. Case Study and Role Play

1. Read the following text.

"Warrantless Wiretapping. In December 2005, the New York Times reported the National Security Agency was tapping into telephone calls of Americans without a warrant, in violation of federal statutes and the Constitution. Furthermore, the agency had also gained *direct access* to the telecommunications infrastructure through some of America's largest

companies. The program was confirmed by President Bush and other officials, who boldly insisted, in the face of all precedent and the common understanding of the law, that the program was legal. And, the agency appears to have been not only eavesdropping on the conversations of Americans in this country without warrants, but also using broad “data mining” systems that allowed it to analyze information about the communications of millions of innocent people within the United States. In August 2006, in a lawsuit brought by the ACLU, a federal judge in Detroit found the program both unconstitutional and illegal. The U.S. Court of Appeals for the 6th Circuit overturned that decision because it found the plaintiffs could not prove with certainty they were wiretapped but they did not rule on the legality of the program.”

References:

American Civil Liberties Union. Top Ten Abuses of Power since 9/11. URL: <https://www.aclu.org/top-ten-abuses-power-911>

2. Divide into two groups. **Students A** will prepare arguments supporting the right to wiretap the American citizens without a warrant in order maintain national security. **Students B** will prepare arguments against the issue.

3. Choose representatives for each group and argue your point of view.

4. Is this issue vital for Russia? Is there any legislation regulating “warrantless wiretapping” in Russia? What is your position: are you for or against allowing governments to wiretap personal conversations? Prepare a short report to present it in class.

Writing

A Research Report

1. Read the following information.

University course of studies presupposes that students write research reports while studying different subjects. To succeed in fulfilling such an assignment a student should clearly understand what a research is and what type of research report he/she is going to write. A research report is not simply an informed summary of a topic by means of primary and secondary sources but a final product of an involved process of research, critical thinking, source evaluation, organization, and composition. There are two main types of research reports: argumentative and analytical ones. A major goal of an argumentative research report is persuasion, while an analytical research report aims at offering a critical interpretation of primary and secondary sources, which should support student’s analysis of the topic.

Any research report (RR) begins with an introduction in which a writer introduces a thesis statement (argumentative RR) or a research question (analytical RR). In the body of the RR main ideas are introduced, the most general idea coming first. Each idea is supported by facts and sources, which should be summarised, analysed, explained, and evaluated rather than merely reported. While writing a conclusion, it is necessary to move from a detailed to a general level of consideration and, perhaps, to suggest what in this topic needs further research. Each RR ends with bibliography (a list of sources used in the report).

2. Write a research report using the following guidelines:

1. Choose a topic from the list below or find one that truly interests you:

- Law and morality.
- Law and modern society.
- Anglo-American law.
- Modern legal systems.

2. Find, select, and read sources: journals, books, other documents.

3. Group, sequence, and document information: note sources in accordance with bibliography formatting; organise material according to its relative importance.

4. Write an outline: answer yourself why the topic is significant, what background material is relevant, what your thesis statement / research question is, what organizational plan will best support your purpose.

5. Write the Introduction (present relevant background and explain the focus of the report and your specific purpose), the Body (use your outline and integrate your sources into your discussion), and the Conclusion.

6. Revise the Final Draft: check overall organization, sequence of ideas within paragraphs, sentence structure, word choices, punctuation, and spelling.

Revision exercises

1. Translate the following family words:

explain, explainable, explainer, explanation, explanatory; prorogation, prorogue; enforce, enforceability, enforcement; qualify, disqualify, disqualification; depend, dependency, dependent, independent; act, enact, enacted, enacting, enactment; assemble, Assembly, assembly; power, empower, powerful, powerless; office, office-holder, officer, official

2. Translate the words in brackets:

1. The Parliament in the USA is (двухпалатный). 2. In average the length of a session in British parliament is 160 (дней заседаний). 3. Each chamber of the USA parliament is granted with some (исключительные

полномочия). 4. The Senate (уполномочен) to approve both treaties and presidential appointments. 5. The lower house of the British Parliament is (Палата общин). 6. Sergeant-at-Arms of the Senate is its chief (правоохранительный) officer. 7. In 1911 the British Parliament (принял закон) about the length of its life. 8. The senior senator of the (партии большинства) is chosen to serve President *pro tempore*. 9. The Parliament does not work continuously: there are (перерывы в работе парламента). 10. There are some special (должностных лиц) among those who work in the Senate. 11. The House of Lords must not (отклонять) a money bill.

3. *Express the same notion in one word:*

1) a statute in draft, before it becomes law 2) to ensure observance of or obedience to (a law, decision, etc.) 3) lower in value or quality 4) (*usually followed by with*) to invest or charge (with a duty, responsibility, etc.) 5) the whole body of voters who elect one representative to a legislature or all the residents represented by one deputy 6) to give or delegate power or authority to; authorize 7) agreement, as to a statement, proposal, etc.; acceptance 8) applicable to or affecting many individuals, conditions, or cases; general

Prompts: assent, bill, constituency, empower, enforce, entrust, inferior, universal

4. *Among the following words find: a) those with similar meanings, b) those with opposite meanings:*

a) chamber, boss, vote, prorogation, bill, period, Exchequer, sign, break, protection, Treasury, suffrage write, chairman, defense, house, act, term

b) summon, appeal, expiry, reject, lord, dissolve, continuation, pass, resign, commoner, hold post, assent

5. *Read the text and insert the missing words given below:*

LAW MAKING IN THE USA

The Constitution ... in Congress the power to pass legislation. A proposal considered by Congress is called a A bill will become a law if the majority of each house of Congress — two thirds —votes to adopt the bill, and if the president does not veto it. A law issued by Congress is federal law. It is the supreme law of the country.

Some acts of the USA Congress are Statutory laws are collected in the United States Code. The Code is not itself a law, it merely presents the statutes in a logical arrangement —in sections. Each section deals with some sphere of life. Thus, there is the section concerning education, medicine, legal services, foreign relations etc.

Congress's lawmaking power is limited because according to the constitution there are specific areas where Congress may not Article 1, section 9 of the Constitution forbids Congress from passing certain types of laws. For example, Congress may not ... any law that applies retroactively, or levy a tax on export.

However, U.S. law is more than the statutes passed by ... In some areas, Congress authorizes administrative agencies to adopt rules that add detail to statutory requirements. Therefore, the laws may differ from state to state. In some states, there are very strange laws (for example, in Taxes 1) it is illegal for one to shoot a buffalo from the second story of a hotel, or 2) a recently passed ... requires criminals to give their victims 24 hour notice, either orally or in writing, and to explain the nature of the crime to be committed, or 3) the entire Encyclopedia Britannica is banned because it contains a formula for making beer at home). However, it is necessary to remember that the supreme law is still ... law, not state law.

The subdivision into federal and ... law is a specific and distinguishing feature of the USA legal system. To understand this, it helps to recall that the United States was founded not as one nation, but as a union of colonies, each claiming ... from the British Crown.

Prompts: pass, federal, statutes, independence, Congress, vests, state, legislate, anti-crime law, bill

Active vocabulary

bill — законопроект

chairman — председатель

chamber — палата

dissolution — роспуск парламента

defense — защита, оборона

entrust — верить, поручать, возлагать, наделять

the Exchequer — министерство финансов (в Великобритании)

executive — исполнительный

expiry — окончание, истечение срока действия

hold office — занимать пост

legal term — срок полномочий

legislature — законодательство

pass (a bill) — принимать (законопроект)

prorogation — перерыв в работе парламента

reject (a bill) — отклонять (законопроект)

Royal assent — королевская санкция

session — сессия

sign — подписывать

signature — подпись

suffrage — избирательное право

summon (a Cabinet) — созывать, собирать

take office — вступать в должность

Treasury — казначейство

throw out (a bill) — отклонять

vest — наделять (правом)

GRAMMAR:	Parenthesis.
WORD BUILDING:	Verb-forming suffixes (Revision).
READING AND ORAL SPEECH PRACTICE:	Courts and Judiciary.
CONVERSATIONAL FORMULAS:	Discussing an Article / a Book.
WRITING:	A Book Report.

Grammar

Parenthesis

Парантез (вводные слова) служит в предложении: а) для выражения отношения говорящего к высказыванию; б) для связи данного предложения с другими; в) для подведения итога ранее сказанного.

Парантез может выражаться:

- а) модальными словами (**actually, certainly, indeed, in fact, naturally, surely, perhaps, evidently, obviously, maybe, truly, decidedly, etc.**);
- б) наречиями (**firstly, secondly, finally, then, thus, anyway, moreover, besides, still, yet, otherwise, therefore, etc.**);
- в) предложными фразами (**in short, in a word, in truth, in my opinion, on the one hand, on the contrary, at last, etc.**);
- г) фразами с инфинитивом (**to be sure, to begin with, to tell the truth, etc.**);
- д) фразами с причастием I (**generally speaking, strictly speaking, comparatively speaking, etc.**).

Exercise

1. Translate the following sentences paying attention to parentheses.

1. Robbery is, perhaps, as much an attack on bodily security as on property. 2. The witness must testify only to matters of fact with which he is personally acquainted. This has two aspects. Firstly, he must testify only to facts, not to mere matters of opinion. Secondly, the witness must testify only to facts, which he knows; he must not repeat what has been told him by someone else. 3. In the U.S.A. jurisdiction of federal and state courts somewhat overlaps. Thus, a litigant can often choose whether to sue in a state or a federal court. 4. Generally speaking, what two people agree to do, they may later agree not to do. In legal terminology, this process is known as

waiver. The term applies to contracts: the parties agree to give up their rights and responsibilities under contract. 5. Actually, the majority of oral contracts are valid, though there are some contracts that must be in writing in order to be enforceable. 6. There are two leading parties in the U.S.A. To distinguish between these parties is often difficult, however. 7. Police departments rarely patrol private locations (apartment houses, office buildings, etc.) because responsibility for such locations is a matter of private concern. Hence, there has been an expansion of private policing of private locations. 8. All prosecutions for offenses against state law in the U.S.A. are prosecuted in state courts, with some exceptions concerning offenses, which involve federal activity. However, the federal courts have supervisory authority with regard to the administration of criminal justice in the state courts. 9. In “common law” countries, the starting point of judicial reasoning lies in past decisions. In “civil law” countries, on the other hand, the starting point for judicial reasoning lies in principles and concepts contained in codes.

Reading

Text A

1. Give your opinion on the following statements:

- Courts are independent from Government.
- Judges are the most respected lawyers.
- Disputes between citizens should be resolved in courts.
- Each citizen has a right to a speedy trial.

2. Read the text.

COURTS IN GREAT BRITAIN

Although Britain is a unitary state, England and Wales, Scotland and Northern Ireland have their own legal systems, with minor differences in law, organisation and practice. In fact, a British courts system is complicated and, in parts, confusing, because it has developed over centuries rather than being designed from scratch.

Firstly, there are separate court systems in England and Wales, Scotland and Northern Ireland with a single court of last resort — the Supreme Court of the United Kingdom. Secondly, one must distinguish between civil and criminal jurisdiction — some courts have both jurisdictions, some only one. Civil and criminal cases following different ways can end either in the Court of Appeal or even the Supreme Court. Thirdly, there is a tribunals system in England and Wales that has its own structure for dealing with cases and appeals, but decisions from different chambers of the Upper Tribunal¹, and the Employment Appeals Tribunal², may also go to the Court of Appeal.

The Supreme Court of the United Kingdom was created by the Constitutional Reform Act 2005 and opened for business in October 2009. Actually, the Supreme Court replaced the Appellate Committee of the House of Lords as the highest court in the United Kingdom and, at present, 12 Supreme Court Justices are entirely separate both from Government and from Parliament. The Court has only appellate jurisdiction and hears appeals of great public importance for the whole of the United Kingdom in civil cases, and for England, Wales and Northern Ireland in criminal cases.

Strictly speaking, a case travels a long way to reach the Supreme Court. At the lowest level, there are magistrate's courts³ in England and Wales. They hear minor civil, criminal, and family cases. However, in fact, civil justice is mainly dealt with in the County Courts⁴, trial courts of limited jurisdiction. The High Court of Justice⁵ has an unlimited jurisdiction in all civil cases. The Queen's Bench Division of the High Court deals with contract disputes and civil wrongs, known as torts. The Chancery Division of the High Court handles cases connected with intellectual property, companies work, insolvency, trade and industry disputes, etc. Judges of the Family Division of the High Court have jurisdiction to hear all cases relating to children and appeals and cases transferred from the county courts or family proceedings courts. Cases decided in the High Court can be appealed to the Civil Division of the Court of Appeal.

The Crown Court⁶, a court of general jurisdiction, and the Magistrate's Courts having only limited jurisdiction are known to be the trial courts for considering criminal cases. Simple matters are decided by the magistrates. The punishment inflicted by them can seldom exceed six months' imprisonment and often consists of fines. The Crown Court has jurisdiction in major criminal cases, those punishable by substantial periods of imprisonment. However, a High Court judge may hear very serious criminal cases, such as murder and rape. High Court judges can also sit with Appeal Court judges in the Criminal Division of the Court of Appeal. Moreover, criminal cases involve a jury trial.

The legal system of Northern Ireland is in many respects similar to that of England and Wales but it has its own court system with the Court of Judicature at the top. The principles and procedures of the Scottish court system (particularly in civil law) differ largely from those of England and Wales. Criminal cases are tried in district courts, sheriff courts and the High Court of Justiciary⁷. The main civil courts are the sheriff courts and the Court of Session⁸.

Notes:

¹ Upper Tribunal — высший суд письменного производства в системе административной юстиции Великобритании;

² Employment Appeals Tribunal — апелляционный суд по трудовым делам в Великобритании;

³ Magistrate's Courts — мировой суд, суд магистрата;

⁴ County Courts — суды графств;

⁵ High Court of Justice — Высокий суд правосудия;

⁶ Crown Court — коронный суд, суд Короны, уголовный суд присяжных;

⁷ High Court of Justiciary — Суд юстициария. Высший уголовный суд (в Шотландии);

⁸ Court of Session — Сессионный суд (высший суд Шотландии по гражданским делам).

3. Answer the following questions:

1. Why is the British courts system complicated and confusing? 2. What have you learnt about tribunals system? 3. What do court systems in England, Wales, Scotland and Northern Ireland have in common? 4. What document regulates the Supreme Court work? 5. What is the relationship between the Supreme Court Justices and the Parliament? 6. What cases does the Supreme Court hear? 7. What cases do County Courts hear? 8. How is the High Court of Justice organised? 9. What is an intermediate appellate instance? 10. What courts consider criminal cases?

4. Give the Russian for:

unitary state, courts system, to design from scratch the Court of Appeal, the Supreme Court, court of last resort, Supreme Court Justice, to be entirely separate from, appellate jurisdiction, of great public importance, bench, criminal cases, limited jurisdiction, civil wrongs, insolvency, trial court, to inflict punishment, punishable by substantial periods of imprisonment, in many respects, sheriff courts.

5. Give the English for:

системы права, гражданская юрисдикция, уголовная юрисдикция, система административной юстиции, коллегия судей, высший суд, гражданское судопроизводство; деликт (гражданское правонарушение), суд по семейным делам, общая юрисдикция, штрафы, во многом.

6. Complete the following sentences using the words given below each sentence (a, b, c or d):

1. A British ... system is complicated.
a) courts; b) tribunals; c) legal; d) economic.

2. Some English courts have only ... jurisdiction.
a) criminal; b) civil; c) limited; d) appellate.

3. The ... Court of the United Kingdom was created in 2005.
a) County; b) Crown; c) Supreme; d) High.
4. There are twelve Supreme Court ...
a) Magistrates; b) Judges; c) Lords; d) Justices.
5. The Supreme Court has only ... jurisdiction.
a) criminal; b) civil; c) limited; d) appellate.
6. ... courts hear minor civil, criminal, and family cases.
a) County; b) Crown; c) Supreme; d) Magistrate's.
7. County Courts are ... courts of limited jurisdiction.
a) appellate; b) trial; c) commercial; d) Irish.
8. The ... Court is a court for considering criminal cases.
a) County; b) Crown; c) Supreme; d) High.
9. The legal system of Northern Ireland is similar to that of England and Wales.
a) courts; b) tribunals; c) legal; d) economic.

7. Make up word-combinations. Use them in sentences of your own.

a)

trial	cases
to hear	justice
Minor	jurisdiction
some months'	tribunal
to inflict	imprisonment
civil	property
employment	court
criminal	punishment
intellectual	cases

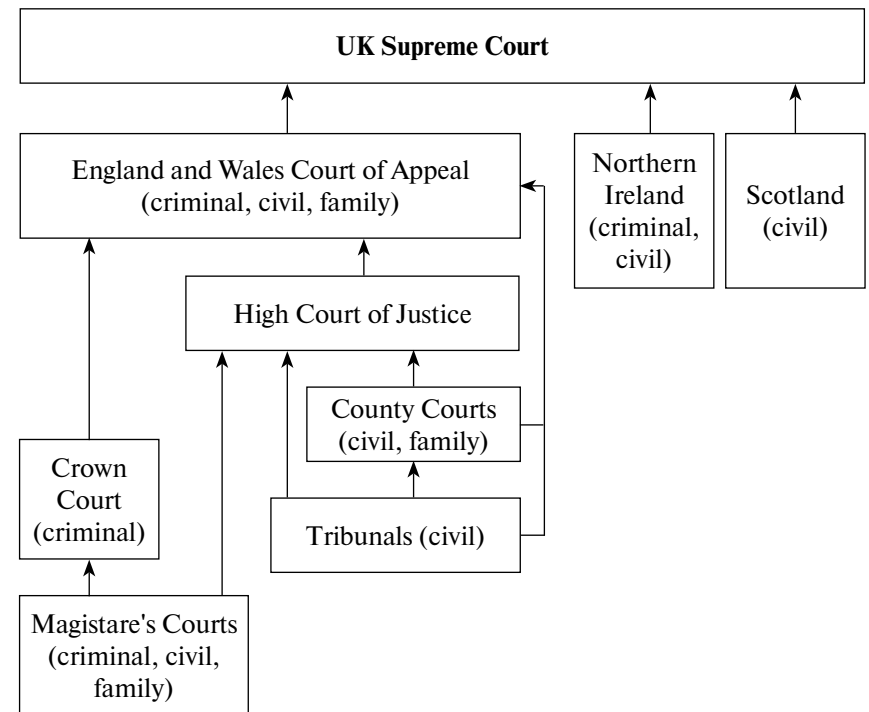
b)

unlimited jurisdiction	of	all civil cases
to handle cases	in	civil wrongs
connected		
punishment inflicted	for	considering criminal cases
court	with	different chambers
to hear appeals	by	the magistrates

trial courts	from	intellectual property
decisions	—	last resort
to be punishable		great public importance
to be entirely separate		substantial period of imprisonment
to deal		Government

8. Look through the text and find out all sentences with parenthesis.

9. Retell the text using the following chart:



Text B

1. Before reading the text, study the following list of words and their definitions:

crime — illegal activities in general; an illegal action, which can be punished by law; a violation of a law in which there is injury to the public or a member of the public and a term in jail or prison, and/or a fine as possible penalties;

offence — an act of upsetting or insulting someone; something that is wrong or improper; a criminal act

wrong — behavior that is not morally good or correct; a harmful, unfair, or illegal act; a violation of the rights of another;

misdeed — an act that is either criminal or bad; a wrong or action.

2. Read the following international words and give their Russian equivalents: court, system, state, number, jurisdiction, appeal, grant, chief, justice, public, minister, consul, separate, criminal, civil, police, mayor, minor

3. Translate the following family words:

appeal — appellate; just — justice; legislate — legislator — legislation — legislature; judge — judiciary; appoint — appointment — appointee

4. Look through text B and point out sentences with parenthesis.

5. Read the text silently and get ready: a) to explain the meanings of the words in bold type; b) to speak about a federal court system; c) to speak about a system of state courts.

COURTS IN THE USA

The judicial system of the United States is of two kinds. Firstly, there are Federal Courts, created by and deriving their powers from the Congress, and, secondly, there are State Courts, created by the States and **provided by the legislatures** of the States.

The Federal Courts at present are the Federal District Courts, the Courts of Appeal, a number of special courts and the Supreme Court of the USA. The judges of the Federal Courts, including those of the Supreme Court of the US, are appointed by the President, with the consent of the Senate, their appointment being for life.

To begin with, there are 94 District Courts with about six hundred judges. Each state has at least one district court; a few have four. These are trial courts and their jurisdiction covers all crimes and offences **under the laws of the US**.

Then, there are 13 Courts of Appeals in the US (formerly called US Circuit Courts of Appeals), each circuit comprising several states. The Courts of Appeals are given only appellate jurisdiction. A Court of Appeal consists of three or more judges. In fact, the decision of the Court of Appeals is final except those cases in which **the Supreme Court grants “certiorari”**.

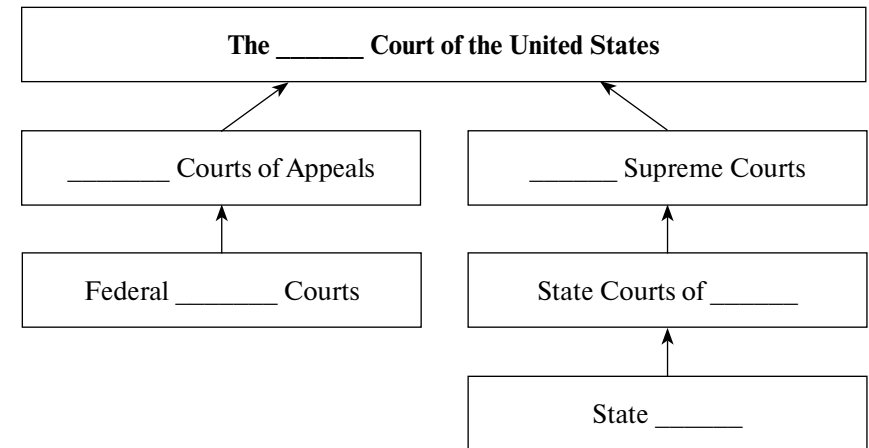
Finally, the Supreme Court of the United States tops the federal court system. It is the only court specifically created by the Constitution. The US Supreme Court consists of a Chief **Justice** and eight Associate Justices. The Supreme Court is a last instance in an appellate process. Besides, in all

cases affecting ambassadors to the United States, other public ministers and consuls, and those in which a State is party, the Supreme Court has original jurisdiction.

All states in the USA have a system of courts similar **in many respects** to the Federal Courts system. Each state has a **court of last resort**, which hears and determines all questions of law on appeal from State Courts of Appeal. Actually, in most of the states such court is named the Supreme Court of (State Name). Each state has at least one Court of Appeal, California having six of them.

The State trial Courts have separate criminal and civil jurisdictions. In many large cities and towns, there are police magistrates and justices of the peace for hearing criminal cases. They usually issue warrants of arrest, hold preliminary hearings and commit offenders to wait for the action of the jury or the examining of their cases by courts higher in criminal jurisdiction. In some towns and cities, the magistrates and police justices are elected, and in others they are appointed by the mayor. There are also minor courts in each city, which hear and determine **civil actions**.

6. Fill in the following chart based on text B and use it to retell the text:



Oral speech practice

I. Mind Your Grammar When You Speak

1. Answer the questions according to the model.

Model: to come to the institute — cut my lessons.

A: Why didn't you come to the institute yesterday?

B: To tell you the truth, I cut my lessons.

A: to speak to him to buy the shares of Smith & Co to return your debt to him to prepare the documents on time to appeal to a higher court to go to court	B: to hate speaking with him not to like risk-taking to have no money to hate paperwork to have no money for a lawyer to prefer resolving disputes myself
--	--

2. Respond to the statements as in the model.

Model: **A:** He didn't want to come.
 B: Yet, he did come.

Prompts: to do it, to fail you, to start the discussion, to remind them of their duty, to meet with customers on Friday, to miss that chance

3. Express supposition.

Model: to come to the lecture (*Past*) — to fall ill.
A: He didn't come to the lecture.
B: Perhaps, he fell ill.

A: to prepare all the documents (<i>Past</i>) to tell me about it (<i>Past</i>) to want to sue (<i>Present</i>) to hire a lawyer (<i>Present</i>) to mention that fact (<i>Past</i>) to invest in a new product (<i>Present</i>)	B: to be short of time to forget to do it to be afraid of losing in court not to have enough money not to want to discuss it to believe it will be competitive in the market
---	---

II. Conversational Formulas

Discussing an Article / a Book

The article/book appeared / was published in...	Статья/книга появилась / была опубликована в ...
The article/book is written by...	Статья/книга написана (кем)...
The article/book is written for specialists in the field of...	Статья/книга написана для специалистов в области...
The article/book introduces the readers to...	

he article/book acquaints the readers with...	Статья/книга знакомит читателей с...
The article/book covers...	Статья/книга охватывает...,
The article/book is devoted to/ deals with...	Статья/книга посвящена
The author is interested in the problems of...	Автор интересуется вопросами...
In this article/book the author gives a description...	В этой статье/книге автор дает описание...
The title of the book is...	Название книги -...
The heading/title of the first chapter is...	Заглавие первой главы
The headline of the newspaper article is...	Заголовок газетной статьи
The article/book/volume consists of two/three/...parts/chapters/ sections.	Статья/книга/том состоит из двух/трех/... частей/глав/ разделов
The book begins with an introductory chapter/general remarks.	Книга начинается с вступительной главы/общих замечаний.
The book is/presents a comprehensive/careful/detailed study of/description of...	Книга представляет собой исчерпывающее/тщательное/детальное исследование / описание...
One of the drawbacks/shortcomings of the article/book is...	Одним из недостатков статьи/книги является...
The book/article suffers from some defects.	Книга/статья страдает некоторыми недостатками.
The article/book contains out-of-date information.	Статья/книга содержит устаревшую информацию.
Some details have been neglected.	Некоторые детали отсутствуют

Exercises

1. Read the following flashes of conversation:

1.

- A:** You should read the book "Law in Modern Society" by all means.
B: When did it appear?
A: It has been published this year in the U.S.A. The book was written by M. Smith and is addressed to professional scholars.
B: What's your opinion of the book?

A: I think it's an excellent book. It covers a wide range of legal problems and it is a comprehensive study of the role the law plays in modern society.

2.

A: What does the article you are reading deal with?

B: It deals with the problem of crime in modern society. It gives a detailed description of the new methods of crime prevention.

A: What's the title of the article?

B: "Society's Primary Concern".

3.

A: Have you read this book up to the end?

B: Not yet. I've read only the Introductory Chapter and Chapter I.

A: How many chapters are there in the book?

B: Five.

A: Do you find the book interesting?

B: Not very.

A: Why?

B: Much of the material presented in the book is out-of-date. There are some mistakes of fact at that.

A: I see. However, if the book suffers from so many defects why continue reading it?

B: But it contains some very useful information too. I'll read it up to the end by all means despite its shortcomings.

2. Make up dialogues based on the following assignments:

1. Ask your senior fellow-student to give you a piece of advice as to what textbook in administrative law you had better use. 2. Ask your fellow-student about the last scientific article (book) he/she has read. Try to get as much information as it is possible about the book (its title, its author, its structure and contents).

3. Divide into two groups. Make up dialogues to exchange information books you have read. For details see **Appendix A** and **Appendix B** accordingly.

III. Polylogue

1. Read the following polylogue:

Judge D. Stuart, a US federal judge, came to Russia to meet his colleagues, judges of regional courts. He was invited to a university to talk to law students about the US court system.

Judge Stuart: ... In short, this is how the court system works in the USA.

Chairperson of the meeting: Thank you, Judge Stuart for this overview.

Judge Stuart: If you have any questions I'll be glad to answer.

Pete: Your Honour, could you please tell us how a person can become a federal judge?

Judge Stuart: Well, I'll tell you how I became a federal judge. In fact, I believe my story is rather typical. I graduated from a law school and started working as an attorney. I'd been in law practice for almost twenty years representing clients in our district court when my life changed. I won a case and the Chief Judge of the District who tried that case invited me to his chambers. Actually, that was not the only case he had seen me in. He asked me if I had ever considered a possibility to become a judge and said that he would like to recommend my nomination to an open judicial position. I thanked him and answered that I would like to talk to my wife before making a decision. So I did and then agreed. My candidacy was suggested to the President, George Bush at that time, by a Senator from our state and the President send my nomination to the Senate Judiciary Committee. The Committee collected information about me, including a FBI background check, and made a recommendation to the full Senate. After debate, the Senate confirmed my nomination. So I became a Federal Judge. Actually, the whole process took about eight months.

Chairman of the meeting: Thank you, Judge Stuart. More questions?

Vera: I have a question about cases you hear. How many cases do you try at a time? And how do you choose cases?

Judge Stuart: Well, most district courts use random assignment and a judge will never be assigned a new case until a current one is decided. Moreover, a Case Management/Electronic Case Files program was introduced into a federal court system in the beginning of 2000-s which helps lawyers and citizens a lot.

Chairperson of the meeting: Thank you. There is a question in a back row. Go ahead.

Sasha: In Russia, a judge usually has an assistant. How many people work in your office?

Judge Stuart: I have four people working in my chambers: a secretary, officially called a judicial assistant, and three law clerks. The secretary organizes my calendar, makes travel arrangements, when there are any, maintain office records and files. Actually, she performs plenty of tasks that keep the chambers running smoothly and she is very good at it. As for law clerks, they conduct legal research, prepare memoranda, draft orders and opinions, verify citations, and so on. I'm very lucky since I've been working with these people for more than twelve years. They are absolutely reliable.

Chairman of the meeting: Thank you, Judge Stuart. We hope you'll find time to meet our students when you visit Russia next time.

2. Say what you have learned from the polylogue about.

3. Say how a person can become a judge in Russia. Is there anything similar to an American appointive system?

IV. Topics for Discussion

1. Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?

1. “There is a higher court than courts of justice and that is the court of conscience. It supersedes all other courts.”

(Mahatma Gandhi, 1869 — 1948, the preeminent leader of the Indian independence movement in British-ruled India.)

2. “The decisions of law courts should never be printed: in the long run, they form a counter authority to the law.”

(Denis Diderot, 1713 — 1784, a French philosopher, art critic, and writer.)

3. “Unfortunately, what many people forget is that judges are just lawyers in robes.”

(Tammy Bruce, born 1962, an American radio host, author, and political commentator.)

4. “The hungry judges soon the sentence sign, and wretches hang that jury-men may dine.”

(Alexander Pope, 1688 — 1744, an English poet.)

5. “The judicial system is the most expensive machine ever invented for finding out what happened and what to do about it.”

(Irving R. Kaufman, 1910 — 1992, a federal judge in the United States.)

6. “Nothing raises the national temperature more than a VACANCY sign hanging from the colonnaded front of the Supreme Court.”

(Christopher Buckley, born 1952, an American political satirist and writer.)

2. What do you know about the authors? Choose any name and prepare a short report about him/her.

3. A court system is an important part of a nation and it is very important for any citizen, especially a lawyer, to know how it works. Choose any of the following topics and prepare a short report to present in class:

1. Hierarchy of courts in the Russian Federation. 2. A Judge career. 3. The Supreme Court of the Russian Federation. 4. The Constitutional Court of the Russian Federation. 5. A day in the life of a Judge (in Russia).

V. Case Study and Role Play

1. Read the following text.

— 1 —

Federal judges must abide by the Code of Conduct for United States Judges, a set of ethical principles and guidelines adopted by the Judicial Conference of the United States. The Code of Conduct for United States Judges includes the ethical canons that apply to federal judges and provides guidance on their performance of official duties and engagement in a variety of outside activities.

Code of Conduct for United States Judges

...

Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities

(A) *Respect for Law.* A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

COMMENTARY

Canon 2A. An appearance of impropriety occurs when reasonable minds [...] would conclude that the judge’s honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired. ... A judge must avoid all impropriety and appearance of impropriety. This prohibition applies to both professional and personal conduct. ... Because it is not practicable to list all prohibited acts, the prohibition is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules, or other specific provisions of this Code.

— 2 —

On March 20, 2015, Judge Gisela D. Triana-Doyal of the Texas’s 200th District Court was arrested on suspicion of drunk-driving. She was booked at the Travis County Jail and was released eight hours later on a personal bond. Her bail was set at \$2,500.

She was pulled over after the officer’s radar showed she was driving at 47 miles per hour, 17 miles faster than the speed limit. The affidavit says that Triana was cooperative but her eyes were glassy, she was swaying and she smelled strongly of alcohol. She refused to give a breath or blood sample to test her blood-alcohol level but the officer later administered a blood test.

Triana said in the statement “Regardless of the outcome of the pending investigation, I am very disappointed in myself and am sorry for any conduct that has made this legal process necessary”.

On June 15, 2015, the Travis County Attorney's Office said it would not pursue DWI charges against a district judge arrested in March. County Attorney David Escamilla said that Triana had a blood alcohol level of 0.076, just below the legal level of 0.08. Prosecutors said they also evaluated her performance on a field sobriety test and found her behavior to be of someone who was not drunk.

Triana's case will be reduced to a speeding ticket, since she was stopped for allegedly going 47 in a 30 mph zone.

— 3 —

Gisela D. Triana-Doyal is a judge for the 200th District Court in Texas. She has served as a judge for the court since 2005. Triana-Doyal was re-elected on November 6, 2012, to a term that expires in 2016. (Retrieved 17 September, 2015, from http://ballotpedia.org/Gisela_D._Triana-Doyal)

Notes:

¹DWI- driving while intoxicated

References:

<http://www.uscourts.gov/rules-policies/judiciary-policies/code-conduct>

<http://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>

Judge arrested for drunk driving. URL: http://ballotpedia.org/Misconduct_Report:_March_2015

O'Rourke, Ciara. Affidavit: Judge Gisela Triana had empty alcohol bottle in SUV. Statesman. 23 March 2015. URL: <http://m.statesman.com/news/news/crime-law/affidavit-judge-gisela-triana-had-empty-alcohol-bo/nkcs/>

Plohetski, Tony. Travis County not pursuing DWI charge against judge. KVUE/Austin American-Statesman. June 15, 2015. URL: <http://www.kvue.com/story/news/local/2015/06/15/travis-county-not-pursuing-dwi-charge-against-judge/71270306/>

2. Divide into two groups. **Students A** will prepare arguments supporting re-election of Judge Gisela D. Triana-Doyal for a new term. **Students B** will prepare arguments against her re-election. While discussing the issue use expressions for giving opinions (Lesson 3 Conversational Formulas) and prioritizing and giving reasons (Lesson 4 Conversational Formulas).

3. Choose representatives for each group and argue your point of view.

4. Is this issue vital for Russia? Is there any legislation regulating the judges' conduct in Russia? What is your position: should rules of conduct for public officials be stricter than for ordinary citizens? Prepare a short report to present in class.

Writing

A Book Report

1. Read the following information.

Book reports are informative reports that discuss a book from an objective stance. They are similar to reviews but focus more on a summary of the work than an evaluation of it.

Understanding Parts of a Book

To locate information quickly study the title page, copyright page and the table of contents. The title page of a book names the title, the author(s) and the publisher. E.g.:

SUCCESS IN LAW	the title
Third Edition	the edition
Richard H. Bruce, L.L.B. A.C.J. Arb. of Gray's Inn, Barrister-at-law	the name and degree of the author
JOHN MURRAY	the publisher

The copyright page contains the year of the publication, the years of the publication of the previous editions. E.g.:

© Richard H. Bruce 1991

Reprinted (with revisions) 1980, 1983, 1986

Second edition 1988

Third edition 1991

Reprinted 1992

The table of contents is usually in the front of the book and lists the page number for each chapter (unit, section, subunit, subsection, etc.). E.g.:

Contents

Foreword	viii
Acknowledgements	x
Unit 1. The English Legal System	1
1.1 The meaning of law	1
1.2 Law and morality	3
1.3 Civil and criminal law	5 ...

2. Choose a book on law. Write a book report using the following scheme.

- I. In the introduction mention
 - a) the name of the author,
 - b) the year of the publication,
 - c) additional information (the publisher, the edition),
 - d) the number of the chapters.
- II. The body of the report.

While writing this part of the report keep to the following plan:

 - a) the problems the book deals with (skim through the table of contents);
 - b) some particular problems that could interest the reader most of all (scan through some pages of the book using the information in the table of contents);
 - c) say what purpose the author had in writing this book.

3. Discuss reports in class using conversational formulas given above.

Revision exercises

1. Group the following words and word-combinations according to the notions they denote.

Persons	Institutions	Functions
---------	--------------	-----------

offender, inflict punishment, issue a warrant, magistrate, hold preliminary hearing, district court, judge, court of appeal, chief justice, determine questions of law, employment tribunal, deal with cases and appeals, appellate committee, decide a case, a trial court, consider criminal cases.

2. Give the same notion in one word:

act of restraining the personal liberty of an individual; a writ of superior court to call up the records of an inferior court; a conflict or controversy; bench of judges; a written order issued by a judicial officer commanding a law enforcement officer to perform some act connected with the administration of justice; a judicial examination and determination of facts and legal issues arising between parties to a civil or criminal action; a civil wrong arising from an act or failure to act; payment for misconduct; any individual who has the power of a public civil officer or inferior judicial officer, such as a Justice of the Peace, the collective body of the judges in a state or nation.

Prompts: certiorari, bench, chamber, dispute, fine, imprisonment, warrant, magistrate, tort, trial.

3. Among the following words find those with similar meanings:
the highest court, punishment, judge, civil wrong, justice, court of last resort, tort, to a great extent, in many respects, fine;

4. Give all the meanings of the following words. Consult a dictionary if necessary:

justice, jurisdiction, court, fine, chamber, action, wrong, party, charge.

5. Point out the suffixes in the following words:
justify, organise, solidify, harden, shorten, clarify, identify, economise, industrialise, authorise. to publicize, to codify, to criticize, to nullify, to commercialize, to identify, to lengthen, to professionalize, to federalize

6. Read the text and insert the missing words given below:

A person applying for the position of a ... is expected to have practiced as a solicitor or barrister for at least five years and should be aware of the structure of the ... system and thus the hierarchy of the judges.

Recordership is often the first step on the ... ladder to appointment to the circuit ... Recorders may sit in both Crown and County Courts. Their ... is broadly similar to that of a circuit judge, but they will generally handle less complex or serious matters coming before the court.

District judges (magistrates' courts) hear criminal cases, youth cases and also some civil proceedings in ... courts. By virtue of their office they are Justices of the Peace. The statutory qualification is a seven-year 'right of audience' — the right of a lawyer to appear and speak as an advocate for a ... in a case in the court.

The work of district judges involves a wide range of civil and family law cases. District judges are full-time judges who deal with the majority of cases in the ... courts. They are appointed by the Queen on the recommendation of the Judicial Appointments Commission after at least five year of law practice.

There are currently over 600 ... judges throughout England and Wales. Some circuit judges deal specifically with ... or civil cases, while some are authorised to hear public and/or private law family cases. Circuit judges must be lawyers who have held a 'right of audience' for at least ten years, and should generally also have served either part-time as a recorder on criminal cases or full-time as district judges on civil cases before they can be appointed. Holding a circuit judge post opens a way to higher courts after at least two years of fair service.

Prompts: party, jurisdiction, judicial, circuit, county, magistrates', court, bench, judge, criminal.

Active vocabulary

assign — поручать (задание, работу); давать (задание)	judiciary — судейский корпус
bench — судебная коллегия, состав суда, судейство	jurisdiction — юрисдикция, подведомственность, сфера полномочий, судебная практика
certiorari — истребование дела вышестоящим судом из производства нижестоящего	last resort — последняя инстанция
chamber — коллегия судей; pl — кабинет/офис судьи	magistrate — судья (преим. мировой); магистрат (должностное лицо, осуществляющее правосудие); судья полицейского суда
civil action — гражданский иск	party — сторона (по делу, в договоре и т. д.)
civil wrong — гражданское правонарушение	preliminary hearing — предварительное слушание
commit offenders — заключать под стражу правонарушителей	punishment — наказание
consent — согласие, разрешение	pursue charges — поддерживать обвинение
consider — рассматривать, обсуждать, обдумывать	supreme — верховный
derive — получать, происходить	suspicion — подозрение
dispute — спор	tort — деликт, гражданское правонарушение
fine — (n) штраф	trial — слушание дела по существу (судом первой инстанции)
imprisonment — тюремное заключение	
inflict — налагать (наказание)	
issue a warrant — выдавать ордер, издавать приказ	

GRAMMAR:

1. Polysemy of Syntactic words (Continued).

2. The Gerund (Revision).

WORD BUILDING:

Compound Words.

READING AND ORAL

SPEECH PRACTICE:

Crime and Punishment.

CONVERSATIONAL

FORMULAS:

Giving a Series of Reasons.

WRITING:

Structuring an Essay.

Grammar

Polysemy of Syntactic Words

Words	Meaning
but	но, только, всего лишь, кроме, за исключением but for — если бы не anything but — все что угодно, только не...
whether	независимо от, будь то ..., ли whether ... or — то ли ... то ли

The Forms of the Gerund

Forms	Active Voice	Passive Voice
Non-Perfect	studying	being studied
Perfect	having studied	having been studied

Exercises

1. Read the following sentences. Translate them paying attention to the words and phrases in bold type.

a) 1. We had no alternative **but** to make a break for the committee to work out a draft resolution. 2. I have got **but** a few books on this problem. 3. Their demands in this situation are anything **but** just. 4. **He** is but a beginner in our office. 5. He is anything **but** a good lawyer. 6. **But** for your help I shouldn't be able to translate this article. 7. Every student **whether** of the junior **or** senior courses must attend all lectures and seminars. 8. The court may entertain any suit **whether** the defender is a foreigner **or** not. 9. The Select Committee on Statutory Instruments of the House of Commons reviews all statutory

instruments and decides **whether** any of them should be brought to the attention of the full House.

b) 1. The jury needs the judge's help **in reducing** the case to its essentials. 2. **By deciding** only in the context of specific controversies, by **finding** accommodations between polar principles, by **holding** itself open to the recommendation dogma, the Court provides a symbol of reconciliation. 3. American courts have been more creative **in reinterpreting** earlier cases in order to adapt the law to changing conditions. 4. The practice **of recording** the Court judgements is of ancient origin. 5. **Upholding** private rights is the purpose of civil law. 6. The process **of passing** a public Bill is basically the same in the House of Lords and in the House of Commons. 7. He was angry **at our having disturbed** him when he was speaking to the witness. 8. The courts prevent administrative authorities **from exceeding** their powers. 9. **After concluding** his re-examination, counsel for the plaintiff calls his next witness. 10. Without **being obliged** he did everything himself. 11. He denied **having been involved** in the conspiracy.

Reading

Text A

1. Give your opinion on the following statements:

1. There are many movies based on world-famous crimes. 2. The number of crimes raise when economic situation in the country gets worse. 3. Russian rate of crime is higher than British one. 4. Shoplifting in supermarkets is growing in Russia. 5. Sometimes individuals do not know that they are breaking law. 6. Every person who drives a car breaks laws. 7. It is difficult to investigate computer crimes.

2. Read the text.

CRIMINAL LAW

“The law of any modern country draws a broad distinction between the remedies given to any citizen prejudiced in one way or another by the blameworthy activities of any other citizen — torts — and the sanctions which, for the public good, the state itself imposes on citizens for their blameworthy activities — murder, theft, maiming, rioting, assaults, commercial frauds, forgery, breaches of the peace, motoring offences, food and drug offences, and many others, great and small, which we call crimes.”¹

Thus, the aims of criminal law involve mainly societal concerns rather than the individual concerns involved in civil law. Criminal law involves punishment of the criminal in order to deter not only the individual found

guilty, but also prevent other individuals from committing similar wrongs. “Sometimes to protect society specific wrongdoers are put out of commission by having them imprisoned. Society also tries to rehabilitate the individual criminal. Also, the criminal law serves a substitute for private vengeance.”²

The English law adopts several classifications of crimes. The older classification was as follows: 1) treasons, 2) felonies, 3) misdemeanours. In 1945 the differences between treasons and misdemeanours were abolished.³ Before the Criminal Law Act treasons were technically felonies, but for convenience they were often regarded as a separate category. Some instances of felonies were murder, manslaughter, burglary, housebreaking, larceny, rape. Less heinous crimes (perjury, conspiracy, fraud, false pretenses, libel, riot, assault) were misdemeanours. Article 1 of the Criminal Law Act 1967 abolished the classification of crimes into felonies and misdemeanours.⁴ A new classification of crimes into arrestable and non-arrestable was introduced. Arrestable offences are defined by the Criminal Law Act, section 2, as ones for which the sentence is fixed by law or for which a person (not previously convicted) under or by virtue of any enactment must be sentenced to imprisonment for a term of five years. All other crimes got the name of non-arrestable.⁵

From the procedural point of view, crimes are divided into indictable, summary and hybrid ones. Indictable offences are those, which admit trial by a jury in the Crown Court. Summary offences do not admit of an indictment or trial by jury. They are tried summarily by justices of the peace sitting without a jury.⁶ Summary offences are tried in the lower courts. Hybrid offences are triable either summarily or on indictment, “for if the prosecution so requests and the defendant consents, and if the court agrees that it is a suitable case, the matter may be dealt with summarily; otherwise, the defendant will stand trial in the Crown Court before a judge and a jury.”⁷

The third classification of crimes is based on the immediate object of the crimes: offences against the person, offences against the property, offences against the reputation, offences against the state and public order, etc.

The American criminal law preserved the traditional classification of crimes into felonies and misdemeanours. Felonies are more serious offences, misdemeanours are less serious ones. Felonies are divided into five classes (A, B, C, etc.), and there are two or three classes of misdemeanours.⁸

There are other classifications of crime in the American criminal law:

“1. **Federal v. state.** Criminal law is primarily state law. However, there are some Federal crimes that relate to federal government functions such as counterfeiting, robbing Federally insured banks, and securities violations.

2. **Property v. person v. government crimes.** Some crimes, such as larceny, burglary, and arson, are directed primarily against property, while

others, such as assault and murder, are aimed against people, and still others are against the government, such as bribery and perjury.

3. **Felonies v. misdemeanours.** Felonies are serious crimes that usually carry a sentence of more than one year incarceration, such as embezzlement and murder, while misdemeanours are less serious crimes for which the punishment is less than one year, such as disorderly conduct and shoplifting.

4. **Street or ordinary v. white-collar crimes.** Street (ordinary) crimes involve offences such as sale of drugs, robbery, and rape. White-collar crimes are nonviolent crimes involving deceit, corruption, or breach of trust. The term includes crimes committed by individuals such as embezzlement and forgery as well as crimes committed on behalf of corporations such as antitrust violations, security fraud, and commercial bribery.”⁹

At common law, with few exceptions, crimes are compounded of two elements: an act of Commission constituting guilty conduct (*Actus Reus*) and guilty intention (*Mens Rea*). “For an act of Commission to constitute an *Actus Reus* it must be prohibited by law. ... A person is not held criminally responsible for the harmful consequences of his *omission* to act unless he was under a legal obligation to take action in the circumstances in which he was placed. ... The expression *Mens Rea* has in recent times been used to denote: (i) the accused’s attitude of mind to what he was doing, i.e. whether his conduct was or was not voluntary, (ii) the accused’s foresight of the consequences of what he was doing.”¹⁰ It is a basic principle of the Anglo-American system of justice that neither an act alone nor an intent alone is sufficient to constitute a crime; the two must concur to establish criminal responsibility. The term “act” is interpreted to include a failure to act where there is a positive duty, as in the criminal negligence of parents or physicians.

Notes:

¹ Pritt D.N. *The Substance of the Law. Book 4, L., 1972, p. 78.*

² Commaker A. *Legal Environment of Business. Pennsylvania State Univ., 1993, p. 29-30.*

³ Решетников Ф.М. *Правовые системы стран мира. Справочник. М., 1993, с. 34.*

⁴ Там же.

⁵ Там же, с. 35.

⁶ Garcia M. *Criminal Law and Procedure in a Nutshell. L., 1953, p. 5.*

⁷ Bruce R.H. *Success in Law. 3-rd ed. L., 1991, p. 54.*

⁸ Решетников Ф.М. *Указ. соч., с. 35.*

⁹ Commaker A. *Op. cit., p. 30.*

¹⁰ Garcia M. *Op. cit., p. 7-8.*

3. Answer the following questions:

1. What is tort? 2. Who imposes sanctions? 3. Are crimes called blameworthy activities? 4. Why does criminal law involve punishment of the

criminal? 5. What is the older classification of crimes in English law? 6. When was the difference between treasons and misdemeanors abolished? 7. What are arrestable offences? 8. What are non-arrestable offences? 9. Why are crimes divided into indictable, summary and hybrid ones? 10. What offences admit trial by jury in a Crown Court? 11. How are summary offences tried? 12. How are hybrid offences tried? 13. What is the basis of the third classification of crimes? 14. Where are crimes still classified into felonies and misdemeanors? 15. What are the two components of crime?

4. Give the Russian for:

remedy, blameworthy activities, tort, assault, motoring offences, breaches of the peace, commercial frauds, theft, food and drug offences, an individual found guilty, to prevent somebody from committing a crime, to rehabilitate a criminal, burglary, housebreaking, larceny, heinous crimes, perjury, false pretenses, libel, offences against the reputation, offences against the state and public order, counterfeiting, robbing, securities violations, arson, bribery, embezzlement, disorderly conduct, sale of drugs, rape, non-violent crimes, deceit, corruption, breach of trust, securities fraud, prohibited by law.

5. Give the English for:

нанесение увечья, учинение массовых беспорядков, подлог, уголовное право, гражданское право, наказание преступника, удерживать от совершения чего-нибудь, виновный, правонарушение, правонарушитель, совершить преступление, заключить в тюрьму, месть по личным мотивам, «арестные» («неарестные») преступления; преступления, преследуемые по обвинительному акту; преступления, преследуемые в порядке суммарного производства; простое убийство, тяжкое убийство, преступление против личности, преступление против собственности, кража в магазине, бело-воротничковое преступление (*преступная махинация, совершенная служащим или лицом, занимающим высокое общественное положение*), умысел, вредное последствие, бездействие, обвиняемый, система правосудия, уголовная ответственность, преступная небрежность

6. Complete the following sentences.

- ... is an intentional act or omission in violation of criminal law.
a) tort, b) crime, c) robbery
- ..., or *Means Rea*, has been rather broadly interpreted so as to apply to behaviour that is rooted in socially dangerous mental states.
a) guilt, b) heinous crime, c) intent

3. The standard for criminal ... depends on the degree of care that a reasonable person should exercise under the circumstances.
a) negligence, b) false pretenses, c) manslaughter
4. One and the same act may constitute both a crime against the state and a ... of an individual's private interests.
a) imprisonment, b) violation, c) blameworthy activities
5. The offence of... has two ingredients: the act (e.g., walking out of the shop without paying) and the mental intent of doing it on purpose.
a) murder, b) libel, c) theft
6. The Sexual Offences (Amendment) Act 1976 stipulates that a man is held to commit the offence of ... if a) he has unlawful sexual inter course with a woman who at the time of the intercourse does not consent to it; and b) at that time he knows that she does not consent to the intercourse or is reckless as to whether she consents to it.
a) assault, b) rape, c) perjury

7. Translate the following sentences.

to prevent (smb.) from doing (smth.)

1. They were prevented from coming in time by the accident. 2. He was prevented from committing a suicide.

to put (smb.) out of (some action)

The criminals were put out of commission other crimes.

to involve (in)

1. The accident involved five cars and a bus. 2. Criminal law involves a lot of societal concerns. 3. The children were involved in. the crime by their elder brother.

8. Make up word-combinations.

a) harmful	conduct
blameworthy	good
public	frauds
guilty	activity
commercial	law
motoring	crimes
drug	offences
criminal	object of crime
civil	bribery
arrestable	intention

non-arrestable		consequences		
indictable		responsibility		
summary		negligence		
heinous				
hybrid				
immediate				
more serious				
less serious				
disorderly				
b) breaches				of
punishment	for		the consequences	
substitute	against		private vengeance	
classifications			the state and public order	
crimes			crimes	
foresight			property	
offences			government	
breach			the criminal	
			the reputation	
			the peace	
		the person		
c) to rehabilitate		to		government
to sentence		by		law
to prohibit		for		property
to hold		against		the individual criminal
to be aimed		—		imprisonment
to be directed				people

9. Translate the following words. Consult a dictionary if necessary.

Model 1: Noun + Noun = Noun

land-tax, workhouse, tax-deed, jury-box, jury-woman, eye-witness, half-proof, copyright, police-court, manslaughter, tax-payer, wrongdoer, cross-examination, cross-appeal, wrongdoer, fund-holder, lawbreaker

Model 2: Noun + Gerund = Noun

child-stealing, shoplifting, law-making, rule-making, statute-making, land owning

Model 3: Adjective + Noun = Noun

blackmail, grandson

Model 4: Noun + Preposition + Noun = Noun

hair-at-law, act-in-law, father-in-law, mother-in-law, son-in-law, man-in-possession, commander-in-chief

Model 5: Pronoun self + Noun = Noun

self-defense, self-government, self-murder, self-protection, self-injury, self-incrimination

Model 6: Verb + Adverb = Noun

break-in, break-out, runaway

Model 7: Noun + Participle I, II = Adjective

law-abiding, judge-made

Model 8: Adjective + Noun + **ed** = Adjective

short-sighted, broad-minded

Model 9: Adverb + Participle I,II = Adjective

well-informed, long-suffering

Model 10: Adjective + Adjective = Adjective

light-blue, dark-green

Model 11: Noun + Adjective = Adjective

noteworthy, blameworthy, duty-free, tax-free

Model 12: Numeral + Noun + Adjective = Adjective

seventeen-year-old, five-year-old

Model 13: Noun + Verb = Verb

to half-understand, to cross-examine, to double-charge

Model 14: Noun + Preposition + Noun = Adverb

eye-to-eye, day-to-day

Text B

1. Before reading the text study the following words and their definitions.

dock — the place in court where the defendant stands

evidence — matter produced before a court of law in an attempt to prove or disprove a point in issue, such as the statements of witnesses, documents, material objects, etc.

proof — facts, information, documents, etc., that prove something

2. Read the following international words and give their Russian equivalents.

relevant, presentation, to examine, reason, to instruct

3. Analyse the morphological structure of the following words:

examination, examination-in-chief, cross-examination, re-examination, to weaken, reasonable, otherwise, applicable, foreman, courtroom, explanation, justification, conviction, defence, defendant, juror

4. Read the text silently; try to guess the meanings of the words and phrases in bold type. Get ready to entitle the text.

There are several stages of jury trial. First, the defendant is brought into the dock and is charged with a crime. The charge read to the defendant is known as the indictment. The defendant pleads Guilty or Not Guilty. If he pleads Not Guilty, the jury is selected and **sworn to do justice**. Then the trial begins.

The prosecuting counsel opens the case by laying the facts before the jury. He also says what the relevant law is.

Witnesses on one side and then on the other are called. This is the stage known as examination-in-chief. The witnesses of each side may be cross-examined by the other. The aim of cross-examination is to weaken or destroy the earlier evidence. To repair the damage done in cross-examination the side which called the witness may re-examine him or her.

The judge presides over the process deciding whether the evidence offered by the sides can be admitted or rejected.

After the presentation of evidence by both sides the lawyers make speeches in which they sum up the proof. The prosecution is the first to make the speech and the defence has the last word.

Before the jurors leave the courtroom and begin discussing the case in the jury-room they are instructed by the judge. He reminds them of the crime the defendant was charged with. While instructing the jury the judge stresses that in order for the jury to find the defendant guilty, they must be convinced **beyond a reasonable doubt**, that he committed the crime as charged, otherwise they must find him not guilty. The judge also states the applicable legal norms.

After hearing the instruction, the jury retires, elects a foreman and considers its verdict. Then the jury returns to the courtroom and announces the verdict without any explanation or justification. If the jury returns a **verdict of acquittal**, the defendant is free to go. If the jury returns a **verdict of conviction** the judge must proceed to consider the sentence.

5. Say if the sentences correspond to the text or not:

1. The first stage of the jury trial is charging of a defendant with the crime.
2. The indictment is the announcement.
3. The judge pleads guilty or not guilty.
4. The prosecutor and the advocate make opening statements by laying facts before the jury.
5. Examination-in-chief is presentation of evidence.

6. Witnesses may not be cross-examined. 7. Closing argument is when the prosecuting counsel and the defense counsel sum up the proof. 8. The aim of jury deliberation is to arrive at a sentence. 9. The judge considers the sentence if the jury returns the verdict of conviction.

6. Fill in the following chart:

The stages of the trial by jury
Stage 1
Stage 2, etc.

7. Retell the text according to the chart you have filled in.

Oral speech practice

I. Mind Your Grammar When You Speak

1. Agree with the following statements.

Model 1.

A: One must read newspapers to be well informed.

B: That's right. One can be well informed by reading the newspapers.

Prompts: 1. One must practise a lot to learn the English language. 2. One must read much to get good knowledge. 3. One must study the codes and legal doctrines to become a good lawyer. 4. One must drive carefully to avoid accidents. 5. One must learn hard to become a good specialist. 6. One must learn English legal terms and grammar to be able to translate English texts on law.

Model 2.

A: One must work hard to get a good education.

B: Getting a good education is very important.

Prompts: to get a position of responsibility, to be promoted, to understand the native English speakers, to improve professional skills, to acquire the knowledge of the subject

Model 3.

A: You shouldn't worry about the affair. It's not worth it.

B: I know it's not worth worrying about the affair, but I can't help it.

Prompts: to think about it all the time, to be sorry about it, to get angry because of it, to worry about this problem, to be upset because of the incident

2. Say that you like (hate, enjoy, avoid) doing something.

Model: I enjoy reading books in the evenings.

Prompts: to meet him, to read detective stories, to speak to him, to argue with the boss, to drive a car in busy streets, to get up early, to write business letters, to do paper work

3. Ask and answer as in the model.

Model:

A: Do you mind speaking to him?

B: Certainly not. I don't mind speaking to him.

Prompts: to meet Mr. Smith on Monday, to work overtime, to discuss this matter with him, to answer these letters, to look through these documents once again

II. Conversational Formulas

When expounding a point of view or arguing a position it is necessary to give a series of reasons or explain the procedure, which will be followed.

Giving a Series of Reasons

I'm sure it's important. Firstly, because Secondly,

Я уверен, что это важно. Во-первых, потому что... Во-вторых, ...

One reason is ... Another is ...

Одна причина — ... Вторая — ...

On the one hand And on the other hand

С одной стороны ... А с другой стороны ...

Firstly, ... Secondly, ... Thirdly, ... Finally,

Во-первых, Во-вторых, В-третьих, В заключении, ...

Explaining the steps of a procedure

First of all, ...

Сначала /Прежде всего

Next, ...

Далее

Following that, ...

После этого

Last of all, ...

В конце концов

Note: the expression *at first* is used to express the fact that was considered initially but then the attitude to it was changed.

Exercises

1. Read the following flashes of conversation:

1.

A: I don't think we should discuss this problem today.

B: That's my opinion, too. Firstly, because some of the documents were not submitted to us. And, secondly, because we have not enough time.

2.

A: Could you explain the difference between libel and slander to me?

B: Certainly. Do you know the term "defamation"?

A: Yes, I do.

B: On the one hand, defamation can be written. Then it is libel. On the other hand, it can be oral. Then it is slander.

3.

A: As far as I know, torts and crimes are similar because of the fact that both focus on wrongful acts.

B: That's right. However, there are significant differences between torts and crimes. Firstly, many torts involve negligence, while most crimes require intent. Secondly, tort law focuses on the relationships between private parties, while criminal law is concerned with wrongful acts against the society. There are also some other differences between torts and crimes.

4.

A: What are we going to do?

B: Well, first of all, we need to reconstruct your day. Next, it is necessary to make a list of people you met with.

A: Oh, I see, you want to establish my alibi.

B: Right you are. Following that, we'll submit these data to the prosecuting officer and, last of all, they will dismiss the charges.

2. Make up dialogues based on the following assignments presenting a series of arguments or explaining a procedure. Ask your fellow-student to explain: a) the differences between common law and statute law; b) the differences in classification of crimes; c) the procedure in a jury trial.

III. Dialogue

1. Read the following dialogue:

AT THE ROUND TABLE DISCUSSION FOCUSING ON CRIME AND PUNISHMENT

Professor: Today we are going to discuss issues of punishment. At first, we should define this term. Can you tell me how you understand what punishment is?

Oleg: The general meaning of the word is — the imposition of hardship in response to misconduct, but we can also say that punishment is suffering, pain, or loss that serves as retribution.

Professor: That's right but too simple.

Nina: Let me try. Punishment under law is the authorized imposition of deprivations — of freedom or privacy or other goods to which the person otherwise has a right, or the imposition of special burdens — because the person has been found guilty of some criminal violation, typically involving harm to the innocent.

Professor: That's good! A lot of great thinkers, philosophers and lawyers reflected upon crime and punishment. Punishment is a social custom and institutions for imposition of punishment appeared at the dawn of civilization. Nowadays there exist several theories of punishment. Who can name them?

Pete: Theories of punishment are a retributive theory, a deterrent theory, a preventive theory, and a reformatory theory.

Professor: Quite right! What is the oldest theory?

Lena: The retributive one. Retribution is probably the oldest and most ancient justification for punishment. It involves a "get even" spirit, since the formulation of the Code of Hammurabi ("an eye for an eye and a tooth for a tooth") it has been accepted by the general public that the criminal deserves to suffer.

Professor: Right you are. I am very interested in your opinions on the place of this theory in modern society but let us first speak about other theories.

Dennis: In the eighteenth century, the aim of the criminal law changed from punishment for its own sake to punishment as a means of improving social behavior. Punishment is designed not to take revenge but to terrorize the future offenders. So deterrent theory by punishing the offenders deters the wrongdoer specially and deters the general public also by punishing him and refrains others from committing an act, which is an offence.

Roma: I'd like to add that a well-known criminologist Sutherland divided this theory into two categories: General Deterrence and Specific Deterrence. The basic argument for general deterrence is that inflicting suffering upon offenders convicted of crime serves to frighten others. Specific deterrence states that punishment reforms criminals and it is done by creating fear of repetition of the punishment.

Professor: Very well. Who wants to continue?

Pete: Preventive theory is meant to restrain an offender personally from repeating a criminal act. In ancient times, for example, the hands of a thief were supposed to have a major role in an offence of theft. Chopping the hands of the thief would hence incapacitate him from repeating theft. Therefore, punishment should provide social defence and prisons came handy to serve

the dual purpose of protecting the society and punishing the criminal. Thus, incarceration serves three purposes: protection of the society, incapacitating the offender, and punishing the offender by deprivation of liberty. Isolation of criminals was considered the best method of crime prevention.

Oleg: But not everybody agrees with this. According to the reformatory theory the main goal of punishment should be the reformation of the criminal. It aims at making the offender a better citizen by means of moral and ethical training. The advocates of this theory state that sympathetic, tactful and loving treatment of the offender would bring a revolutionary change in them. They insist on rehabilitation of the convicts in penal correctional institutions, so that they are transformed into good citizens.

Professor: Great! You've given outlines of all the four theories. So, keeping in mind basics of these theories could you please comment on their place in modern societies? What theories are used in the Russian Criminal Code? What is the most effective theory in your opinion?

2. *Say what you have learned from the polylogue about and answer the professor's questions.*

IV. Topics for Discussion

1. *Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?*

1. "Rather let the crime of the guilty go unpunished than condemn the innocent." (*from Law Code (535) by Justinian I, 482–565, a Byzantine emperor from 527 to 565*).

2. "Pardon one offence and you encourage the commission of many." (*from Maxims by Publilius Syrus, 85–43 BC, a Latin writer of sententiae*).

3. "Poverty is the parent of revolution and crime." (*from Politics by Aristotle, 384–322 BC, a Greek philosopher and scientist*).

4. "The death penalty is discriminatory and does not do anything about crime." (*Bobby Scott, born 1947, a U.S. politician*).

5. "Capital punishment is as fundamentally wrong as a cure for crime as charity is wrong as a cure for poverty." (*Henry Ford, 1863–1947, an American industrialist*).

6. "We don't give our criminals much punishment, but we sure give 'em plenty of publicity." (*Will Rogers, 1879–1935, an American cowboy, vaudeville performer, humorist, newspaper columnist, social commentator*).

7. "Make crime pay. Become a lawyer." (*Will Rogers*).

2. *What do you know about the authors? Choose any name and prepare a short report about him.*

3. *Capital punishment is among the most debatable issues in modern society. Divide into two groups. Students A will prepare arguments supporting death penalty. Students B will prepare arguments against this punishment. While presenting your point of view use conversational formulas for giving a series of reasons (see above).*

V. Case Study and Role Play

1. *Read the following text.*

Wrongful Conviction in the USA

The Innocence Project is a national litigation and public policy organization dedicated to exonerating wrongfully convicted individuals through DNA testing and reforming the criminal justice system to prevent future injustice. The Michigan Innocence Clinic was the first clinic of its kind to work on non-DNA exonerations. The clinic work has uncovered overlapping causes of wrongful convictions. Nowadays there are many projects and organizations combating wrongful convictions in the country.

Here are common but not the only causes of wrongful convictions:

Eyewitness Misidentification. Eyewitness misidentification is the single greatest cause of wrongful convictions nationwide. Research shows that the human mind is not like a tape recorder. People neither record events exactly as they see them, nor recall them like a tape that has been rewound. Instead, witness memory is like any other evidence at a crime scene; it must be preserved carefully and retrieved methodically, or it can be contaminated.

False or Misleading Forensic Evidence. Many forensic testing methods have been applied with little or no scientific validation and with inadequate assessments of their significance or reliability. As a result, forensic analysts sometimes testify in cases without a proper scientific basis for their findings. And in some cases, forensic analysts have engaged in misconduct.

False Confessions. In many cases, innocent defendants make incriminating statements, deliver outright confessions, or plead guilty. Regardless of the age, capacity, or state of the confessor, what they often have in common is a decision that confessing will be more beneficial to them than continuing to maintain their innocence.

Government Misconduct. In some cases, government officials take steps to ensure that a defendant is convicted despite weak evidence or even clear proof of innocence.

Perjury (Snitches). Often, statements from people with incentives to testify are the central evidence in convicting an innocent person. People have been wrongfully convicted in cases in which snitches are paid to testify or receive favors in return for their testimony.

Bad Lawyering. The failure of overworked lawyers to investigate, call witnesses, or prepare for trial has led to the conviction of innocent people.

Illinois Governor Pat Quinn announced on June 25, 2014, that the state has agreed pay \$40 million to settle civil claims brought against the State Police on behalf of the so-called Dixmoor Five. The five defendants in the case were convicted as a result of their false confessions to the murder of Cateresa Matthews. The convictions occurred even though DNA testing by the Illinois State Police crime laboratory had excluded all five as the source of semen recovered from the victim. The exonerations occurred in 2011 after a DNA profile of the semen recovered from the victim was run through the National Combined DNA Index System and the source was identified.

References:

The Innocence Project. URL: <http://www.innocenceproject.org/>
 Michigan Innocence Clinic. URL: <https://www.law.umich.edu/clinical/>
 Bluhm Legal Clinic Center on Wrongful Convictions. URL: <http://www.law.northwestern.edu/legalclinic/wrongfulconvictions/exonerations/il/the-dixmoor-five.html>

2. *Divide into two groups. Students A will prepare arguments supporting civil claims against the state after exoneration. Students B will prepare arguments against such civil actions. While discussing the issue use expressions for giving opinions (Lesson 3 Conversational Formulas) and prioritizing and giving reasons (Lesson 4 Conversational Formulas).*

3. *Choose representatives for each group and argue your point of view. While arguing your position use conversational formulas for giving a series of reasons (see above).*

4. *Is this issue important for Russia? Are there any organisations dealing with wrongful conviction in Russia? What is your position on the issue?*

Writing

Structuring an Essay

1. Read the following information:

The word **essay** is commonly understood as a writing task in Modern English but looking into the origins of the word helps to understand what kind of writing it is. The word was borrowed from French and has Latin origin *exigere*, which means “to examine, test, or (literally) to drive out.” Therefore, the main goal while writing an essay is to test or examine one’s ideas concerning a particular topic.

Usually four genres of essay writing are determined: descriptive, narrative, expository, and argumentative essays. The first two genres are more of creative, artistic, and personal nature while the last two develop critical thinking essential for a future lawyer. These two genres are similar, but the argumentative essay differs from the expository essay in the amount of research involved (expository essays involve less research and are shorter in length). Moreover, they have similar five paragraph structure:

- 1) an introductory paragraph;
- 2) three body paragraphs;
- 3) a conclusion.

It is necessary to investigate an idea, evaluate evidence, expound on the idea, and set forth an argument concerning that idea in a clear and concise manner. This can be accomplished through comparison and contrast, definition, example, the analysis of cause and effect, etc.

An introduction is a three- or four-sentence paragraph, which contains a strong, clear, concise, and defined thesis statement summarizing the main ideas or reasons for the opinion, the importance of the topic.

There should be clear and logical transitions between the introduction, body, and conclusion.

Body paragraphs include evidential support (factual, logical, statistical, or anecdotal). Each paragraph begins with a topic sentence presenting the main idea of the paragraph.

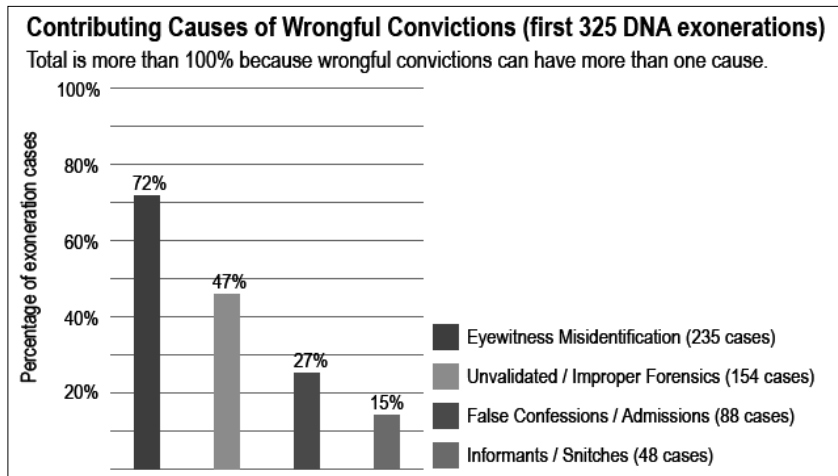
A conclusion restates, but not simply repeats the main ideas stated in body paragraphs.

2. Write an essay on the following topic:

Law as an ever-changing phenomenon.

3. Exchange essays with your fellow-student. Analyse them. Introduce any improvements you can.

4. Study the following chart and write an essay.



Contributing causes confirmed through Innocence Project research. Actual numbers may be higher, and other contributing factors to wrongful convictions include government misconduct and bad lawyering¹

Note: ¹The causes of wrongful conviction. URL: <http://www.innocenceproject.org/causes-wrongful-conviction>

Revision exercises

1. Make up compound words using the following word-combinations.

a box for jury, a room for jury, a station for polling, the station of the precinct, instituted by a statute, permitted by a statute, repealed by a statute, restricted by a statute, prohibited by a statute, established by a statute, banned by a statute, allowed by a statute

2. Give the same notion in one word:

the defendant and his legal advisers collectively; the judgment formally pronounced upon a person convicted in criminal proceedings, esp. the decision as to what punishment is to be imposed; a penalty or sanction given for any crime or offence; the determination of an accused person's guilt or innocence after hearing evidence for the prosecution and for the accused and the judicial examination of the issues involved; the fact or state of having done wrong or committed an offence (responsibility for a criminal or moral

offence deserving punishment or a penalty); to perform (an error, etc.); a civil wrong arising from an act or failure to act, independently of any contract, for which an action for personal injury or property damages may be brought; an act or omission prohibited and punished by law

Prompts: trial, sentence, guilt, defense, tort, commit, crime, punishment

3. Among the following words find: a) those with the similar meanings, b) those with the opposite meanings:

a) advocate, prison, crime, trial, charge, indictment, theft, attorney, burglary, foreman, offence, guilt, wrong, jail, litigation, murder, conviction, head, shoplifting, housebreaking, manslaughter,

b) prosecutor, defendant, plaintiff, defense counsel, violent, conviction, arrestable, trust, acquittal, Actus Reus, non-arrestable, deceit, mild

4. Match the sentence halves:

1. Between the ages of eight and fourteen children are presumed to be incapable of having the "guilty mind" (*Mens Rea*), ...

2. All of the jurors but two ...

3. There is no question but ...

4. During trial, the accused has the right ...

5. Summing-up is the most important function ...

6. The principles of judicial review have been established in the U.S.A. ...

7. The case method of law teaching ...

8. Though a sixteen-year-old youth may not be too young to go shoplifting ...

a) pronounced the verdict of Not Guilty.

b) for more than one hundred fifty years.

c) but this presumption may be rebutted by proof that in fact they may have guilty mind.

d) of the judge.

e) gives much attention to problem-solving.

f) that the crime alleged is manslaughter.

g) to hear and then cross-examine all witnesses for the prosecution.

h) he is certainly too young to stand a trial in the ordinary court.

5. Read the text and insert the missing words given below:

Nowadays there is no doubt that the operations of business, governments and financial institutions are controlled by ... that exists only inside computer memories. Some criminals can modify this information for their own purposes. Even if they are caught they will get away without ... because it is very difficult to find

There are a few areas in which computer ... may easily make money. One of them is connected with credit cards. Organized crime may use stolen or ... credit cards to finance its operations. It is also possible to use cards similar to credit cards to gain access to funds through cash-dispensing terminals and the banks.

Another area is business. A company that uses computers extensively gives a chance to dishonest A ... can ship the company's products to his own address.

Theft of information may take place, too. Much personal information is now stored in computer files. An unauthorized person with access to this information could use it for ... or

Many computer crimes go Some of them are detected by accident, not by security procedures. For example, an operator complained of staying overtime to punch extra cards. Investigation proved that those extra cards were for ... transactions. Unlike other embezzlers, who must leave the country, commit suicide, or go to ..., computer criminals sometimes demand good recommendations and extra pay as excellent employees.

Prompts: blackmail, proofs, jail, employees, counterfeit, information, thief, criminals, rob, punishment, undetected, libel, fraudulent

Active vocabulary

accused — обвиняемый	commit a crime — совершать преступление
acquittal — оправдание, оправдательный приговор	counterfeiting — подделка; фальшивомонетничество
arson — поджог	cross-examination — перекрёстный допрос
beyond a reasonable doubt — при отсутствии разумного сомнения	deceit — обман
bribery — взяточничество	defendant — ответчик
burglary — незаконное проникновение в помещение (с преступными целями) ; квартирная кража со взломом	embezzlement — растрата, присвоение
crime — преступление	evidence — улики, доказательства, показания
conviction — осуждение, признание виновным, обвинительный приговор	examination-in-chief — первоначальный опрос или допрос свидетеля выставившей стороной
charge — обвинять	find guilty / not guilty — признавать виновным / невиновным
	fraud — мошенничество

harmful consequence — вредное последствие	perjury — лжесвидетельство
housebreaking — "взлом дома" (проникновение с преодолением физического препятствия в чужое помещение и совершение в нём felonies или оставление с преодолением физического препятствия чужого помещения после совершения в нём felonies)	plead guilty/not guilty — делать заявление о виновности / невиновности
indictment — обвинительный акт, обвинительное заключение	prison — тюрьма
jail — тюрьма	prosecuting counsel — адвокат обвинения, обвинитель
larceny — похищение имущества	rape — изнасилование
omission — бездействие	robbery — ограбление, грабёж
offence — правонарушение	sentence — приговор
	shoplifting — кража в магазине
	theft — кража
	trial — судебное разбирательство; судебный процесс, суд
	violent — жестокий, насильственный
	witness — свидетель

- GRAMMAR:** 1. Subjunctives and Conditionals (Revision).
2. Inversion and Emphasis
- WORD BUILDING:** Noun-forming Suffixes Denoting State and Quality (Revision).
- READING AND ORAL SPEECH PRACTICE:** Civil Law (Torts and Contracts).
- CONVERSATIONAL FORMULAS:** Reaching Agreement
- WRITING:** Business Letters.

Grammar

The Forms of Subjunctives

It is important that he **come**.

I suggest that it **(should) be done**.

It is time **we started discussing** the draft resolution. She talks as if she **knew** it. I wish he **were** here. They wished they **had had** some information about it at that time.

The Forms of the Conditionals

Реальное условие	If you are right, he must be wrong. If he comes , I shall speak to him.
Нереальное условие	If I knew her address, I should (would) give it to you. If she asked me to do it, I could help her. If he had been there, he would have spoken to them. If she had asked me to do it, I could have helped her.

Inversion

Инверсия — обратный порядок слов. В предложениях с инверсией сказуемое или его часть стоит перед подлежащим. Инверсия употребляется: а) в вопросительных предложениях (Is he a lawyer? Does he study law?); б) в предложениях, начинающихся с оборота there + be (There are many proprietorships in the U.S.A.); в) в повествовательных предложениях после слов и выражений **never, little, hardly, rarely, seldom, not until, under no circumstances, only after** и др. (Hardly had I finished looking through accounts when my boss called me. — Едва я за-

кончил просмотр счетов, как мой начальник позвал меня. Under no circumstances must you do it. — Ты не должен делать этого ни при каких обстоятельствах.) В таких предложениях инверсия подчеркивает эмоциональный характер выражаемой мысли.

Инверсия употребляется также в предложениях, начинающихся со слов **here, there** (вот), а также с какого-нибудь предлога или второстепенного члена предложения. В этих случаях инверсия также является средством эмоционального выражения мысли. E.g.: Here comes the tram. Terribly difficult was the task.

Inversion as a Means of Expressing Condition

Инверсия может использоваться во всех трех типах условных предложений. При инверсии союзы **if, provided** и другие опускаются. В придаточном предложении перед подлежащим используются глаголы **had, were, could, might, should**. E.g.: Should anyone call me, say that I'll be back in a quarter of an hour. — Если кто-нибудь позвонит мне, скажите, что я вернусь через четверть часа. Had he known this, he would have never done it. — Если бы он знал об этом, он никогда бы этого не сделал.

Exercises

1. Translate the following sentences paying attention to a) Subjunctives, b) Conditionals, c) Inversion.

a) 1. It is necessary that arbitrariness of officials be liquidated. 2. The other day he said that he had some business with his legal advisor and that made it imperative that he should leave the office earlier. 3. He insisted that they should hire that employee. 4. It is important that the individual's employability should not be seriously impaired by a charge, which is in fact unfounded. 5. He did not dare argue with the boss for fear he would be fired. 6. We had better work out the solution right now. 7. I would rather you did not talk to him before the hearing. 8. If only he had been given a chance to defend himself. 9. I wish I were present at the hearing.

b) 1. If he had been at the meeting of the board I should have seen him. 2. If he were offered the post of the managing director, he wouldn't do it unless you told him to. 4. The talks are to begin at 4 p.m. provided the boss arrives. 5. If you asked him, he would give you a complete account of the talks. 7. If everything is OK, we shall arrive in Moscow at 10 a.m.

c) 1. Little did we know about it before. 2. Never has he worked so hard before. 3. Under no circumstances should you rely on his word. 4. Seldom has he been so interested in what he did. 5. Never before had I faced such a shocking situation. 6. No sooner did I come to the office than I learned about this business affair. 7. Should he come, tell him to look through the

catalogues. 2. Had he been there, he would have told his opinion to the committee. 3. Had he spoken to her, she wouldn't have made such a bad mistake. 4. Should he come, ask him to wait for me.

2. *Open the brackets using a) Subjunctives, b) Conditionals.*

a) I would rather suggest that we (to come) forward with this initiative. 2. The president of the firm urged us that some radical steps (to be taken) to overcome the crisis. 3. He proposes that these documents (to be referred) to the special committee. 4. It is essential that the development (to be broken) up. 5. It is obligatory that this document (to be signed) by the president of the company. 6. It is most important that you (to have) a license before going into such kind of business. 7. I wish he (to be) there at that moment. 8. If only it (can be kept) secret. b) If I had the time, I (to go) there. 2. If I have the time, I (to go) there. 3. If I had had time, I (to go) there. 4. I wish they (to stop) making so much noise. 5. Had I known his address, I (to write) him a letter. 6. If you (to see) Jim today, please ask him to come. 7. If he (to decide) earlier, he could have left for Moscow at 9 a.m. 8. He would understand you if you (to explain) it to him.

Reading

Text A

1. *Give your opinion on the following statements:*

1. In Russia, the rights of employees are well protected by trade unions. 2. A taxi ride is a contract between the driver and the passenger. 3. Today there are many cases of wrong diagnosis. 4. A typical Russian driver acts according to both written traffic code and unwritten rules of the road. 5. Torts are not as dangerous as crimes. 6. US citizens may use guns in case of trespassing.

2. *Read the text.*

TORTS

“When we think of modern civil litigation, we usually think of contract or of tort — disputes growing out of trade, or the relationships between employer and employee, or the agreements under which corporations and partnerships are organized and do business with each other and with the public; or actions to compensate for damage negligently done to person or to goods (mostly on the highway or, lately, in the hospital), or intentionally, for fraud, libel, invasion of privacy, infringement of patent or copyright, occasionally assault, and (again lately) deprivation of civil rights.”¹

The word “tort” is derived from the French language meaning “wrong”. In legal terminology, the word means any civil wrong other than breach of contract or breach of trust.

“Lawyers group under this general heading of Tort all acts of any person or organization which by law gives to any other person or organization the right to claim damages or other legal remedies against the “actor” (as lawyers call the person doing an act), other than acts which give a right to claim damages for breach of contract, contract being ... an obligation voluntarily undertaken by one person to another.”² Contract law “enforces duties set out in parties' agreements... Tort law requires no express agreement between the parties for a duty to arise, but instead simply assumes that all members of society have a common, unspoken duty to refrain from behavior that will cause harm to other people.”³

“When a tort is committed, the same act is often also a crime. However, the essential difference between torts and crimes is that the former are the subject of civil law disputes between private individuals, and the latter are prosecuted by the state. Sometimes an individual takes an action in the law of tort because he has been the victim of the crime but has gained no benefit from the criminal prosecution. Sometimes there is no criminal prosecution because the police do not feel they have enough evidence or they feel that the matter is more of a private dispute than one involving public law and order. Moreover, sometimes it is difficult to find a criminal law, which covers a tortious act. For example, simply entering land without the owner's permission is not a crime in English law. It is, however, the tort of trespass.”⁴ The trespasser may be asked to leave and, if he does not, he may be forced to do so.

Some torts are rather specific, e.g. trespass or false imprisonment. The latter occurs when someone is detained against his or her will even for a short period of time, when neither force nor threat are used and the person detained was not forced or inconvenienced. Other torts are used in many different situations, e.g. the tort of negligence. This includes reckless motorists, doctors who diagnose wrongly or give the wrong treatment to patients, etc.

“To win an action in negligence, a plaintiff must show that a duty of care existed between himself and the defendant at the time of the tort; that this duty of care has been breached; and that damage or injury has been suffered because of this.”⁵

The next tort to consider is nuisance. There are nuisances of two types: public and private. Public nuisances involve cases where the public as a whole suffer more than an individual. That is why public nuisances are not torts but crimes. A private nuisance is more limited. The occupier of an apartment, for example, may sue in the tort of nuisance if he is disturbed by the noise made by his or her neighbour. Most common forms of nuisance are noise, smells, falling objects, etc.

The tort of defamation “is concerned with injury to the reputation of another person. The elements are (1) the defendant made a defamatory

statement concerning the plaintiff; (2) the statement was “published”; and (3) the statement damaged the plaintiff’s reputation.”⁶

One of the newest torts in the U.S.A. is infliction of emotional distress. “This involves intentional conduct that is so reckless and outrageous that it causes severe mental distress to a person of ordinary sensibilities. Recently a U.S. district court held that passengers on a jetliner that had plummeted toward the ocean during a flight, causing the passengers to believe for a period of time that they were going to die, could sue for emotional distress.”⁷ These are only the examples of torts. In fact, torts are numerous and various.

“It often happens that a person who suffers a wrong finds that he has the choice in the law of contract to sue either in the law of contract or in tort. For example, if I am injured in a taxi because of the driver’s careless driving, I could sue the driver for breach of an unwritten contract to take me to the airport, or I could sue him for the tort of negligence. The choice may depend upon which case is easier to prove and whether I am likely to get larger damages under the law of contract or the law of tort.”⁸

Notes:

¹ Rembar, Ch. *The Law of the Land: The Evolution of Our Legal System*. N.Y., 1980, p. 188.

² Pritt, D.N. *Law and Class Society. Book 4: The Substance of the Law*. L., 1972, p. 9.

³ Burnham W. *Introduction to the Law and Legal System of the United States*. St. Paul, Minn., 1995, p. 401.

⁴ Powell, R. *Law Today*. Longman, 1993, p. 51.

⁵ *Ibid.*, p. 55.

⁶ Burnham, W. *Op.cit.*, p. 419.

⁷ Commaker, A. *Legal Environment of Business. The Pennsylvania State Univ.*, 1993, p. 19.

⁸ Powell R. *Op. cit.*, p. 52-54.

3. Answer the following questions:

1. What is tort? 2. What does contract law enforce? 3. What is the difference between torts and crimes? 4. What are specific torts? 5. How may an individual win an action in negligence? 6. What types of nuisance do you know? 7. What is the infliction of emotional distress? 8. Why is it possible to choose a suit either in the law of contract or in tort?

4. Give the Russian for:

civil litigation, trade, employer, employee, fraud, libel, invasion of privacy, assault, to claim damages, evidence, private dispute, tortious act, entering land, trespass, harm, to detain, reckless motorist, plaintiff, defendant, injury, to sue, defamation, infliction of emotional distress, intentional conduct, careless driving.

5. Give the English for:

товарищество, небрежность, нарушение авторского права, лишение гражданских прав, гражданское правонарушение (деликт), нарушение контракта, добровольно, гражданское право, спор, жертва преступления, уголовное преследование, уголовное право, нарушитель владения, неправомерное лишение свободы, угроза, обязанность соблюдать осторожность, источник опасности для какого-нибудь лица или группы лиц.

6. Complete the following sentences using the words given below each sentence (a, b or c).

1. ... is an unjustifiable interference with possession.
a) defamation, b) trespass, c) careless driving
2. ... is an attack against someone's reputation through written or spoken word.
a) nuisance, b) defamation, c) negligence
3. Entering land without the owner's permission is...
a) trespass, b) infliction of emotional distress, c) careless driving
4. ... is the omission to do something which a reasonable man would not do.
a) negligence, b) trespass, c) false imprisonment
5. ... is the unlawful confinement of a person against his or her will.
a) infliction of emotional distress, b) false imprisonment, c) negligence
6. Sometimes the plaintiff may sue either in the law of contract or of ...
a) crime, b) precedent, c) tort

7. Make up word-combinations.

a) civil	litigation
tortious	law
false	act
reckless	rights
public	imprisonment
private	distress
emotional	conduct
intentional	motorists
mental	nuisance
ordinary	sensibilities
careless	driving

b)		
relationships	of	emotional distress
invasion	from	privacy
infringement	between	civil rights
deprivations	—	employer and employee
difference		patent
disputes		copyright
law		trust
victim		tort
benefit		crime
tort		criminal prosecution
duty		torts and crimes
infliction		private individuals
		negligence
		care
		trespass
		nuisance

8. Translate the following sentences:

to depend on (upon)

1. His decision depends on how soon he gets all the necessary documents.
2. Everything depends upon the committee.

to fall into

1. The crimes fall into several classes.
2. These magazines fall into three classes.

to sue in

A person may sue in the tort of nuisance if he is injured, for example, by broken glass falling from his neighbour's apartment.

to sue for

1. He sued the firm for damages.
2. He was sued for libel.

to enter into

1. We are going to enter into dealings with this firm.
2. The parties have reached an informal agreement and should enter into a contract.

9. Make up derivations using the following suffixes:

-ness: reckless, careless, false, busy

-ity: active, sensible, probable, regular, responsible, moral, formal, valid
-ship: author, citizen, partner, director, president, governor, judge
-hood: mother, parent, child, false, author
-cy: candidat, diplomat, private
-dom: official, free, king, criminal

10. Say what torts are not typical for Russia and why.

Text B

1. Before reading the text, study the list of words and their definitions.

remedy — the legal means to recover a right or to prevent or obtain redress for a wrong

breach — a breaking, infringement, or violation of a promise, obligation, etc.

specific performance — a remedy awarded by a court requiring a person to fulfill obligations under a contract where damages are an insufficient remedy

valid — legally acceptable

voidable — capable of being made of no legal effect or made void

void — not legally binding

2. Read the following international words and give their Russian equivalents.

Contract, basic, detail, principle, taxi, term, actual, document, fundamental, terminate, party, categorize, social, special, person, material

3. Translate the following family words:

execute — executory — executed, offer — offeror — offeree — counter-offer, accept — acceptance, perform — performance, fail — failure, oblige — obliged — obligation, agree — agreement, material — immaterial, breach — breaching, non-breaching, enforce — enforceable, sue — lawsuit

4. Read the following text silently.

CONTRACTS

A contract is an agreement between two or more parties, which can be enforced through the courts. The agreement is a basic legal principle of economic and social life. Some agreements are unwritten, like paying for goods in shops or a taxi ride. Some agreements are written according to a specific format. Both unwritten and written agreements are contracts.

Traditionally agreements take the form of an offer made by the offeror and acceptance of the offer by the offeree. An offer is an offeror's intention to contract on certain terms with an offeree. An offer must be clear and contain details of the contract. When the offeree accepts the offer, the contract is

made. If the offeree wants to change the terms of the offer, he or she may make a counteroffer. When the offeror accepts the counteroffer, the contract is made.

One more important component of contracts in common law is consideration. It is the concept of legal value promised to another when making a contract. Consideration can take the form of money, physical objects, services, promised actions etc.

If one of the parties fails to perform his or her obligations, the other party may apply to the courts. A failure to perform an obligation is called a breach of contract. “Depending on the specifics of the contract, a breach can occur when a party fails to perform on time, does not perform in accordance with the terms of the agreement, or does not perform at all. Accordingly, a breach of contract will usually be categorized as either “material” or “immaterial” for purposes of determining the appropriate legal solution or “remedy” for the breach.”¹

“In a “minor” breach (a partial breach or immaterial breach or where there has been substantial performance), the non-breaching party cannot sue for specific performance, and can only sue for actual damages. A material breach is any failure to perform that permits the other party to the contract to either compel performance, or collect damages because of the breach. A fundamental breach is a breach so fundamental that it permits the non-breaching party to terminate performance of the contract. In addition that party has the right to sue for damages.”²

There are several classifications of contracts: “they are classified according to how they are created (expressed/implied), to their stage of performance (executory/executed), and whether the agreement involves making a promise for a promise or a promise for an act (bilateral/unilateral)... Contracts may be categorized according to enforcement. If a contract is fully enforceable by both parties to the agreement, the contract is a valid one. Most contracts probably fall into this class. If, however, a contract is enforceable by only one of the parties, it is voidable... If a contract in some manner violates public policy, then it is void and the contract is treated as though the parties had never entered into it.”³

Notes:

¹ “Breach of Contract” and Lawsuits. URL: <http://smallbusiness.findlaw.com/business-contracts-forms/breach-of-contract-and-lawsuits.html/#sthash.4q0hrM2D.dpuf>

² Breach of Contract. URL: <http://bizlawfirm.com/all-practice-areas/breach-of-contract/>

³ Commaker, A. *Legal Environment of Business. The Pennsylvania State Univ., 1993*, p. 45-46.

5. Say if the sentences correspond to the text or not:

1. Contracts are enforced through government departments. 2. The main principle of economy and law is agreement. 3. An offeree makes an offer. 4. An offer is an agreement. 5. The offeror may make a counteroffer. 6. A breach is a failure to perform the terms of the contract. 7. There are minor breaches, material breaches and fundamental breaches. 8. If a contract is fully enforceable by both parties to the agreement, the contract is a void one.

6. Say what you have learned from the text about:

a) offers and acceptances; b) failure of performing contractual obligations; c) types of breaches; d) classifications of contracts.

Oral speech practice

I. Mind Your Grammar When You Speak

1. Make up as many sentences as you can.

a) It's important	that	I	(should)	speak to the department heads.	
It's necessary		you		consult the licensing authorities.	
It's better		we		visit the local officials.	
It's advisable		they		contact an administrative agency.	
It's desirable				discuss the conception of public good.	
It's imperative				follow the rules.	
It's obligatory					
b) Jim	suggested	that	we	(should)	be polite with the customers.
I	proposed		you		speak to the executive officers.
She	demanded				report the case to the public utility commission.
They	urged				follow the guiding principles of the resolution.

2. Express regret. Use correct tense-forms of the verb in the Adverbial Clause.

I wish	I	<i>to be</i>	here.
I wished	he	<i>can understand</i>	me.
	they	<i>to do</i>	that.
		<i>to think</i>	about it before.
		<i>to have</i>	the driving licence.

3. Complete the following sentences using Subjunctives.

1. You had better 2. If only I ... 3. If only we 4. I would rather
5. You'd rather 6. We'd better 7. We had better not 8. I'd sooner be
9. He looked as though 10. It sounds as if 11. I feel as though
12. It seemed as if

4. Say that the following will take place if (unless, as long as,...)

1. The litigation will start next Monday if the defendant (not to agree) to settle by then.
2. I'm afraid we shan't be able to discuss this contract unless the CEO (to arrive).
3. I'll get the papers ready for the meeting in case you (need) them.
4. If he (to come), I'll speak to him.
5. I'll tell you everything about this case as long as you (to keep) it a secret.
6. I'm afraid you won't be able to present your point of view at the conference unless you (to study) all the materials concerning giant oil firms.
7. If one of the parties (to breach) a contract the other party will sue.

5. Combine the following sentences expressing a likely result (the first conditional).

Model.

A: He will bring a representative of IBM. We'll sign the contract.

B: If he brings a representative of IBM, we'll sign the contract.

- Prompts:** 1. He will break the contract. He will be liable to pay the damages.
2. He will be able to catch the train. He will be here soon.
3. He will borrow a large sum of money. He will return it not earlier than in a month.
4. He will fail to sell the equipment. He will lose the profits.
5. He will receive his dividends next week. He will pay his debt.
6. His business will fail. His personal assets will be taken by his creditors.

6. Combine the following sentences expressing an unlikely outcome (the second conditional).

Model.

A: What a situation! I won't be in time for the meeting with my partners.

B: If it weren't for that situation, you would (you'd) be in time for the meeting with your partners.

- Prompts:** 1. Damn this inflation! I won't be able to keep my business running.
2. Look at the price! I won't be able to buy the stock.
3. Damn that firm! It's impossible to reap the profits.
4. That stupid assistant! We can't deliver the orders on time.
5. All this noise! I can't hear the chairman.
6. All this traffic! I'll never get to my office.

7. Express impossible condition (the third conditional). Make the necessary changes.

Model.

A: Mr. Smith didn't sign the contract. He didn't get any profit.

B: If Mr. Smith had signed the contract, he would have got some profit.

- Prompts:** 1. Mr. Black didn't negotiate with them. He didn't sign the contract.
2. Mr. Adams wasn't a proprietor. He wasn't able to experience the feeling of independence.
3. I didn't find a buyer. I wasn't able to sell my house.
4. Richard didn't want to withdraw from the firm. He didn't sell his shares.
5. He didn't buy the shop. He didn't get any profit.
6. Mary didn't come to the meeting with her partners. She had no chance to express her opinion.

8. Open the brackets. Use the correct word order and the correct forms of the verbs.

Model. Hardly (I — to finish) speaking on the phone when Jim (to come in). — Hardly had I finished to speak on the telephone when Jim came in.

- Prompts:** 1. Under no circumstances (you — must — to speak) to him.
2. Never (the company — to make) such a profit.
3. Not until a year ago (I — to start) my own business.
4. Only after four months since the day of the foundation of our firm (we — to succeed) in making profit.
5. Little (he — to speak) about his business before.
6. No sooner (I — to start) the negotiations when Sam (to call) me.

9. Paraphrase the following conditional sentences using Inversion.

Model. If he comes, tell him I'll be back in half an hour. — **Should he come**, tell him I'll be back in half an hour.

- Prompts:** 1. If the proprietor's business fails, his personal assets can be taken by his creditors.
2. If you ever decide to sell your house you'll have to consult a lawyer.
3. If your neighbours make noise every night you may sue them for nuisance.
4. If you want to sign any contract you'd better read everything closely.
5. If I decide to become one of the owners of IBM I can just buy a couple of its shares.

II. Conversational Formulas

The main goal of any negotiation is reaching an agreement. To reach an agreement it is essential to know how to make suggestions, persuade, and bargain.

Making Suggestions

I recommend that we (should) do ...	Я предлагаю сделать ...
I suggest that we (should) do ...	Я предлагаю сделать ...
If I were you I would ...	На вашем месте я бы...
It might be a good idea (to do something).	Было бы хорошо (сделать то-то).
I'd like to come back to the previous suggestion	Я бы хотел вернуться к предыдущему предложению

Bargaining and Persuading

If you can guarantee that.... then we will accept the proposal.	Если Вы гарантируете, что ... тогда мы принимаем Ваше предложение.
Provided ... we could accept	Если ... мы могли бы принять ...
If you ... we could ...	Если Вы ... мы можем ...
If you can ... then we are prepared to ...	Если Вы можете ... то мы готовы ...
The other/Another issue we need to clarify ...	Другой / Еще один вопрос, который необходимо обсудить ...
I'm sure you'll agree that ...	Я уверен, Вы согласитесь ...
I'm sure you'll appreciate ...	Я уверен, Вы оцените / примите во внимание ...

Exercises

1. Read the following flashes of conversation:

1.

A: I'm sorry; did you say that my client would preserve the ownership of the house?

B: Yes, exactly.

A: Well, if you can guarantee that then we can agree to assign the right to the car to your client.

2.

A: Provided you can guarantee prompt delivery, we'll accept your offer.

B: I can assure you, we'll do our best. And I'm sure you'll agree that we have never delayed the shipment.

3.

A: I suggest that he be informed of the claim made against him.

B: Right. The claim is very serious. It is necessary that he have time to think everything over.

4.

A: If I were you, I should be more careful while collecting statistical data.

B: I didn't think the data I was collecting was so important.

A: Now you know that they are. Based on these data we are going to make recommendations to the Congress on passing a new law.

5.

A: Another issue to clarify is who will handle Mr. Smith's case.

B: Well, if you don't assign any new cases to me up to the end of the month I'm ready to take it.

A: Great, but you're to do your best — he is a very important client.

2. Work in pairs. Make up short dialogues using the following situations:

a) say that it is important (necessary, desirable, essential, or imperative) that your colleague do something. He/she will agree or disagree with you giving reasons;

b) using expressions "if I were you", "you had better", recommend your younger colleague how to behave with different people working in your office;

c) while speaking to your colleague try to sound suspicious, use the phrases "It looks as though", "It seems as if";

d) you are ready to do what your colleague suggests but you want something to be done by him/her in return (use conditionals).

III. Dialogue

1. Read the following dialogue:

Frank Jordan is an American professor visiting Russia. He discusses some problems of "tort crisis" and tort reform with the Russian law students.

F. Jordan: As far as I understood you've already got some idea of what tort law in Anglo-American legal system is. The topic I want to dwell on today is "tort crisis" and tort reform in the U.S.A.

Anton: What do you mean when you use the expression "tort crisis"?

F. Jordan: Well, the American society has become very litigious. The flood of cases into the U.S. courts has reached rather a high point. According

to statistics, tort filings prevail in the U.S. courts. One reason is probably that some people sue for compensation even if there is a slight hint of injury. Another reason is that a plaintiff in money damage suits doesn't pay for bringing the case. The lawyer gets a certain percentage of the judgment, but if the case is lost, the lawyer gets nothing. There are also some other reasons. For example, compensatory damages have escalated and this is a serious impediment of the growth of business in the country.

Victor: And what aspects does tort reform touch upon?

F. Jordan: Different laws have been passed by some states to improve the situation. These statutory provisions involved some limits in the amount that can be recovered. Various reform bills have been proposed. They involve such problems as sanctions for unimportant suits, limits on certain types of damages, etc.

2. Say what you have learned from the dialogue about: a) "tort crisis", b) tort reform in the U.S.A.

IV. Topics for Discussion

1. Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?

1. "Discourage litigation. Persuade your neighbors to compromise whenever you can. As a peacemaker, the lawyer has superior opportunity of being a good man. There will still be business enough."

(Abraham Lincoln, 1809 — 1865, the 16th President of the United States)

2. "Litigation should be a last resort, not a knee-jerk reflex."

(Irving S. Shapiro, 1916 — 2001, an American lawyer and businessman)

3. "A lean compromise is better than a fat lawsuit."

(George Herbert, 1593 — 1633, a Welsh-born English poet, orator and Anglican priest.)

4. "I have no contracts with my clients; just a handshake is enough."

(Irving Paul Lazar, 1907 — 1993, an American talent agent and dealmaker)

5. "I have always been an honest trader. I come from a school of traders where there was honour in the deal. No contracts, just a handshake and that's it, done. That's the way I prefer to do business but it's not always possible these days, sadly."

(Alan Sugar, born 1947, an English business magnate, media personality, and political advisor)

6. "He that thinks he can afford to be negligent is not far from being poor."

(Samuel Johnson, 1709 — 1784, an English writer, poet, essayist, moralist, literary critic, biographer, editor and lexicographer.)

2. What do you know about the authors? Choose any name and prepare a short report about him.

3. Litigation is considered 'a national sports' in the U.S.A. Divide into two groups. **Students A** will prepare arguments that litigation is the best way of resolving any disputes. **Students B** will prepare arguments that going to court should be used as a last resort in case of a dispute. While presenting your point of view use conversational formulas for giving a series of reasons (Lesson 7 Conversational Formulas).

4. Choose any of the following topics and prepare a short report to present in class:

1. Differences between civil and criminal law.
2. Torts and contracts.
3. The system of civil law in the Russian Federation.

V. Case Study and Role Play

1. Read the following explanation:

Anglo-American tort law defines special liability situations. One of them is *vicarious liability* that is liability on behalf of someone else. An example of vicarious liability is "the liability of the owner of an automobile for the negligence of persons driving the owner's car with permission." (Burnham, *W. Introduction to the Law and Legal System of the United States*. St. Paul, Minn., 1995, p. 416)

2. Read the following case:

2376. Highways — car driven by another for owner's purposes

In order to fix vicarious liability for the negligence of the driver of a motorcar on the owner of the vehicle, it must be shown that the driver was using it for the owner's purposes under delegation of a task or duty.

When *H* and *W* married they each owned a car, but *H* sold his car and thereafter the family owned only one car, which was changed from time to time but always registered in *W*'s name. It was treated as a family car and was used mainly by *H* who worked seven miles from the matrimonial home. Occasionally *H* had a drink on the way home, and *W* had asked him not to drive the car himself if he was not sober. On one occasion *H* had a great deal to drink, and asked *C* to drive him home.

There were three passengers in the car together with *H* when a collision occurred through the negligent driving of *C*. *H* and *C* were killed. The passengers sued *W* as the owner of the car, claiming that she was vicariously liable for the negligent driving of *C*.

3. Divide into two groups. **Students A** will represent *W*. **Students B** will represent passengers. Get ready to argue your case. Work in pairs **A-B** and present your arguments.

4. Read the decision of the House of Lords and comment on it:

Held, that to fix vicarious liability on the owner in such a case, it must be shown that the driver was using the car for the owner's purposes under delegation of a task or duty, and on the facts, that was impossible to hold that *C* had been the wife's agent in driving the husband about as he had been doing at the time of the accident (Decision of Court of Appeal, *sub nom. Launchbury v. Morgans* [1971] C.L.Y. 7865 reversed; *Hewitt v. Bonvin* [1940] 1 K.B. 188 approved). *MORGANS v. LAUNGBURY* [1972] 2 W.L.R. 1217; [1972] 2 All E. R. 606, H.L

(*Current Law Year Book*, 1972. L, 1973)

5. Is this issue relevant for Russia? Are there any rules of law allowing to sue a car owner for his/her agent's reckless driving resulting in an accident? What is your position on the issue?

Writing

Business Letters

1. Read the following information:

Although e-correspondence supersedes traditional letters, business correspondence is still an essential part of business-to-business or lawyer-client interactions. That is why it is very important to know the format and register of business letters. Moreover, business letter style does not depend on the means of correspondence whether that be a letter or e-mail.

345 Green Street Small City, WY 12345	Sender's Address
October 16, 2015	Date
Mr. John Black HR Director Big Law Firm 321 Yellow Avenue Big City, NY 12345	Inside Address
Dear Mr. Black:	Salutation
The first paragraph introduces a reason for writing the letter. It helps the reader understand in which context the letter should be considered. Each type of business letter has standard opening phrases.	Body of the Letter
Beginning from the second paragraph, a few short paragraphs state the details supporting the main idea of the letter.	
Finally, in the closing paragraph, the purpose is briefly restated and polite expressions are used to thank the reader for their time.	
Sincerely, <i>J. Smith</i> James Smith	Closing Signature Sender's Name

Notes:

Sender's Address: usually a business letter is written on a letterhead (which includes the sender's address) but if it is not used then the sender's address is written on the top of the list. The sender's name or title is not included, they are written at the end of the letter.

Inside Address is the recipient's address. If the letter is written to a particular person then the person's name, title, and position should be included

Salutation: the same name as in the inside address is used. If the addressee is not known such salutations as *Dear Sir or Madam, Dear Colleagues, etc* are used. In an American layout, the salutation is followed by semicolon, but there is a tendency to use open punctuation in business letters. This means

that signs of punctuation are used only in the body of the letter and all other parts are written without them.

Body: the text depends on a letter type. Each paragraph is single-spaced.

Closing differs depending on the letter register, *Faithfully yours* being the most formal one, followed by *Sincerely yours*, *Best regards*, *Best*.

Enclosures: If any documents are enclosed, there should be an indication. It is just the word *Enclosure* or *Enc* typed under the name.

The most common format used in writing business letters is **Block Format**. This means that all parts of the letter are left justified and single-spaced. The generally accepted font is Times New Roman, size 12.

2. Study the Body of an Application letter. Translate and memorise the words and expressions from the chart:

OPENING	Tell the addressee what job you are writing about	I am writing in response to the advertisement in the paper OR I am applying for the position of secretary advertised in ...
PURPOSE	Enclose your resumé and tell the addressee some facts about yourself	I am enclosing my resumé / My resumé is enclosed I am a recent graduate of ... / I have been working as ... for ... years
ACTION	Tell the addressee when you follow up	I will call you next week / I will telephone you on Monday to schedule an interview.
POLITE EXPRESSIONS	Be positive	I look forward to meeting you OR I look forward to talking to you about the position

3. Write an application letter in response to the following newspaper advertisement:

Chicago Tribune (June 20, 2015): Secretary wanted. Must have experience. Send resume to Mr. James Stockman, Human Resources Director, Smith Accounting Company, 590 Green Street, Chicago, IL 53216.

Lawyer Today (September 12, 2015): File Clerk wanted. Must have a Bachelor degree. Send resume to Mr. Evelin Bright, Human Resources Director, Rass, Swiss & Partners, 202 West 57th Street, New York, NY 10010

Revision exercises

1. Group the following words according to the notions they denote.

TORTS	CRIMES

assault, deprivation of civil rights, defamation, murder, theft, burglary, nuisance, negligence, robbery, arson, careless driving, homicide, rape, trespass, false imprisonment, infliction of emotional distress, libel, slander, fraud, invasion of privacy, infringement of patent

2. Give the same notion in one word.

the person or persons taking part in legal proceedings, such as plaintiff or prosecutor; a settlement, especially one that is legally enforceable; to break a promise, law; a proposal; having legal force; a formal agreement between two or more parties

Prompts: agreement, contract, offer, party, breach, valid

3. Continue the sentences:

1. Torts are... 2. Crimes are... 3. Public nuisances are... 4. Private nuisances are... 5. Defamation is... 6. Libel is... 7. Slander is ... 8. Trespass is... 9. False imprisonment is... 10. Infliction of emotional distress is... 11. Negligence is... 12. Vicarious liability is... 13. A counteroffer is ... 14. A breach is ... 15. A contract is ...

4. Among the following words find: a) those with similar meanings, b) those with opposite meanings:

a) tort, entering land, libel, lawsuit, trespass, assault, evidence, slander, dispute, proof, negligence, civil wrong, attack, carelessness

b) plaintiff, executed contract, implied contract, executory contract, valid contract, defendant, breach of contract, expressed contract, void contract, performance of contract

5. Read the text and insert the missing words given below:

NEGLIGENCE

Negligence is illegal conduct concerning the protection of others against unreasonable risk of harm. A person has acted negligently if he or she has not acted as it is expected from a reasonable person.

In order to sue in the tort of negligence, a plaintiff must prove that the ... had a duty to the plaintiff, the defendant breached that duty by failing to follow the required standard of conduct, the defendant's negligent conduct was the cause of the harm to the plaintiff, and the plaintiff was, in fact, harmed or damaged.

The concept of negligence developed under English law. Although English common law had long imposed liability for the ... of others, negligence was not an independent tort until the eighteenth century.¹

Another important concept appeared at that time: legal liability for a failure to act. "Originally liability for failing to act was imposed on those who undertook to perform some service and ... a promise to exercise care or skill in performing that service. Gradually the law began to imply a promise to exercise care or skill in the performance of certain services. This promise to exercise care, whether express or implied, formed the origins of the modern concept of "duty". For example, innkeepers were said to have a ... to protect the safety and security of their guests."²

The concept of negligence passed from Great Britain to the United States as each state (except Louisiana) adopted the common law of Great Britain (Louisiana adopted the civil law of France). Although there have been important developments in negligence law, the basic concepts have remained the same since the eighteenth century. Today negligence is the widest ranging ..., including all unintentional, wrongful conduct that injures others. It is a tricky area of law. It describes a ... when someone accidentally does something wrong, which causes someone else to get hurt. A person can be held liable for any ... they cause through their careless (or "negligent") behavior. It can be as simple as forgetting to lock your front gate and letting your dog run free and attack someone.³

Prompts: damages, defendant, tort, wrongful acts, situation, breached, duty

Notes:

¹ Negligence Liability: Who Is Responsible? URL: <http://injury.findlaw.com/accident-injury-law/who-might-be-responsible-for-negligence.html#sthash.mdLq8qp.dpuf>

² Negligence. URL: <http://legal-dictionary.thefreedictionary.com/negligence>

³ Negligence. URL: <http://injury.findlaw.com/accident-injury-law/negligence.html#sthash.RR1SmmMF.dpuf>

Active vocabulary

assault — угроза физическим насилием

breach — нарушение

damage — ущерб, ~s — возмещение ущерба

detain — задерживать, арестовывать

defamation — диффамация

defendant — ответчик

evidence — улики, доказательства

fraud — мошенничество

injury — вред, повреждение, *юр.* ущерб

libel — клевета (письменная)

negligence — небрежность, халатность

nuisance — неприятность, неудобство, *юр.* нарушение покоя

plaintiff — истец

remedy — средство судебной защиты

specific performance — реальное исполнение договора

sue — искать в суде; преследовать в судебном порядке; предъявить иск

tort — деликт

trespass — противоправно нарушать владение

valid — действительный, имеющий силу

void — недействительный, не имеющий юридической силы

voidable — оспоримый

- GRAMMAR:** The Functions of the Verbs **to be**, **to have** (Revision)
- WORD BUILDING:** 1. Prefixes with the Negative Meanings (Revision).
2. Prefix co- (Revision).
- READING AND ORAL SPEECH PRACTICE:** International Law.
- CONVERSATIONAL FORMULAS:** Concluding a Deal
- WRITING:** Business Letters (Continued)

Grammar

The Functions of the Verbs **to be**, **to have**

to be to have	+ Noun, Adjective, Numeral	to be – быть, являться находиться, to have – иметь
	+ Infinitive	to be – должен (в силу договоренности, приказа и т.п.), to have – должен (в силу обстоятельств) вынужден
	+ Participle I, II	Вспомогательные глаголы в составе сказуемых, выражающие грамматические значения лица, числа, времени

Exercises

READING

1. Translate the following sentences:

1. There is a cardinal distinction between judiciary and statute law in the way it is interpreted. 2. The House of Lords is considered the upper house of the British parliament, but its political powers are much more limited than those of the lower house, the House of Commons. 3. He was sentenced to six months' imprisonment. 4. Suicide is the intentional taking of one's own life. 5. Assaults may also be a crime. 6. The sentence is final and not subject to appeal. 7. She is looking for the latest issue of the New Law Journal. 8. The trial is to begin at 11 a.m. 9. In some countries in order to practice as a lawyer, it is not necessary to have a degree, although most people

entering the profession do. 10. He had to choose between the two conflicting decisions. 11. I have been studying law for two years. 12. To discover whether the necessary *actus reus* was present the court must have regard to all the surrounding circumstances. 13. The merger of barristers and solicitors into one single body of lawyers has long been the subject of debate both within and outside legal profession. 14. The relationship between solicitors and barristers was often said to have been analogous to the general practitioner family doctor and the hospital consultant who gives a more specialized treatment to patients. 15. Since 1984, solicitors in Great Britain have been allowed to advertise their services in the press or on radio. 16. What has to be done during the arrest is to make it clear to the suspect that he is being arrested and the reason for his arrest. 17. The suspect had two previous convictions. 18. The detective told the local police station what had happened and asked them to keep an eye on the man.

2. Choose the correct form of the auxiliary in brackets.

1. The Criminal Justice Act 1988 (was, is, have, has) raised the maximum age of jurors to 70 years. 2. Historically there (is, was, were) the right to challenge seven jurors. 3. The prosecution in Great Britain (have, has, was, were) always had a right to remove potential jurors. 4. In many legal systems of the world it (was, are, is, am) an important principle that a person cannot be considered guilty of a crime until the fact of committing the crime is proved. 5. The law (had, has, have, are) to regulate relations between people. 6. In Britain most court cases (is, are, have) open to the public. 7. The court held that the defender (has, had) been negligent.

TEXT A

1. Give your opinion on the following statements:

1. International law is based on Universal Declaration of Human Rights. 2. Russian citizens rarely apply to international courts. 3. In the West European countries, people often apply to international courts. 4. International litigation is based on common law. 5. Common law is the governing law of international contracts.

2. Read the text.

INTERNATIONAL LAW

International law is one of the fastest growing legal fields. Traditionally, it consisted of rules and principles regulating the relations and dealings of nations with each other and now is commonly known as public international law. Private international law, also referred to as conflict of laws, deals with relations between states and individuals, and relations between international

organizations. A third branch of international law, supranational law, has been actively developing since the EU creation.

Primary sources of public international law are customary law and conventional law. Customary international law refers to international obligations arising from established state practice. It is probably the most disputed and discussed source of international law as, for example, it is not clear when a particular State practice becomes a *legally binding* State practice¹. “Conventional international law derives from international agreements and may take any form that the contracting parties agree upon. International agreements create law for the parties of the agreement. They may also lead to the creation of customary international law when they are intended for adherence generally and are in fact widely accepted.”²

Public international law, in terms of substantive law, can be subdivided into the following fields: International economic law; International criminal law; International environmental law; Diplomatic law; International humanitarian law or law of war; International human rights law.

“International law is practised on a daily basis in the Foreign Offices, national courts and other governmental organs of states, as well as in international organisations such as the United Nations”³ and others. The UN is the most influential among international organisations. It aims at maintaining peace and security, developing friendly relations among nations, achieving international cooperation in solving international problems and has the development of International Law as one of its primary goals: “to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.”⁴

“Private international law (often referred to as “conflict of laws”) governs the choice of law to apply when there are conflicts in the domestic law of different nations related to private transactions between those nations. Private international law deals with a variety of topics such as contracts, marriage and divorce, jurisdiction, recognition of judgments, child adoption and abduction, and the like.”⁵ In other words, it regulates disputes between private individuals and/or legal bodies of different sovereign states by answering the questions what jurisdiction a case may be heard and what laws to apply.

“Supranational law or the law of supranational organizations governs ‘integrationist’ organizations or unions such as the European Union, where the founding international treaties provide that municipal or national laws are held inapplicable when in conflict with the supranational legal system. ... Integration (political or economic) requires that members of an organization give up some of their sovereignty and create a supranational organization — a treaty-based entity whose powers ‘limit’ the sovereignty of the constituent

members.”⁶ The EU is the only union achieved the status of a supranational union, such organisations as the African Union and the Union of South American Nations being examples of organisations intending to create a similar level of integration.

Notes:

- 1 Customary International Law. URL: <http://www.peacepalacelibrary.nl/research-guides/public-international-law/customary-international-law/>
- 2 Sources of International Law. URL: https://www.law.cornell.edu/wex/international_law
- 3 Dixon, Martin. Textbook on International Law. OUP Oxford, 2007. P.4.
- 4 The Charter of the United Nations, Preamble.
- 5 Private International Law. URL: https://law.duke.edu/ilrt/def_terms_3.htm
- 6 Tsokodayi, Cleophas. Sovereignty and supranational organizations. URL: <http://www.examiner.com/article/sovereignty-and-supranational-organizations>

3. Answer the following questions:

- 1) What did international law traditionally consist of? 2) What is another term for ‘conflict of laws’? 3) How long has supranational law been developing? 4) What are primary sources of public international law? 5) What form may conventional international law take? 6) What bodies practice international law? 7) What issues does private international law deal with? 8) Are there supranational unions in the world? 9) Where are the principles of substantive law applied?

4. Give the Russian for:

public international law, dealings, conflict of laws, supranational law, customary law, conventional law, established state practice, legally binding, adherence, hold inapplicable.

5. Give the English for:

государство (2), разногласия, международное экологическое право, дипломатическое право, международное гуманитарное право, законы и обычаи войны, обсуждать, международное право по вопросам прав человека, усыновление и похищение детей.

6. Complete the following sentences:

1. International law is ... 2. Public international law is ... 3. Private international law is ... 4. Supranational international law is ...

7. Make up word combinations. Use them in the sentences of your own:

legal	inapplicable
legal	bodies

regulate
disputed
primary
contracting
widely
recognition
a daily
child
private
hold
influential

goals
basis
field
accepted
parties
individuals
dealings
organisation
adoption
source
of judgements

8. Translate the following sentences into Russian:

achieve

1. There are many individuals who will work hard to achieve these goals.
2. The organization has achieved what it set out to do. 3. His words achieved their object.

dispute

1. The government and the farmers are disputing about the land for the airport. 2. How long will the two parties go on disputing on the irrelevant issue? 3. Politicians like to maintain public dispute on controversial issues.

maintain

1. Governments should maintain roads. 2. This doctrine is maintained by many scientists. 3. Some countries have not enough food to maintain life.

apply

1. The man applied to headquarters for a transfer. 2. We applied to the authorities for assistance. 3. The precedent does not apply to this case.

9. Make up the sentences of your own using the words given in ex. 8.

TEXT B

1. Read the text silently; try to guess the meanings of the words and phrases in bold type. Get ready to entitle the text.

If one starts an Internet search for the phrase ‘international courts’ pages of results will appear, Wikipedia being in the first line giving a list of more than two dozens international courts. Most of these courts are active, some were established for particular purposes and ceased to exist. Another distinction of these courts is their relation to the UN.

The principal judicial organ of the UN is the International Court of Justice. It was established in June 1945 by the Charter of the United Nations and is located in The Hague (Netherlands). The Court’s role is to settle legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.¹

The International Criminal Court (ICC) was established by the Rome Statute in 1998. It deals with cases involving persons charged with genocide, crimes against humanity and war crimes. “The ICC is an independent international organisation, and is not part of the United Nations system. Its seat is at The Hague in the Netherlands.”² There is the Relationship Agreement between the UN and the ICC approved by the UN General Assembly (resolution 58/318).

Before the ICC came into existence, several ad hoc tribunals were established to bring justice to victims of international crimes. The UN Security Council established the International Criminal Tribunal for the former Yugoslavia and the International Criminal Tribunal for Rwanda. “The UN has also been involved in various ways with the Special Court for Sierra Leone, the Extraordinary Chambers in the Courts of Cambodia, and others. While transitional justice and rule of law continue to be important to the UN, it is likely that the International Criminal Court will handle most situations that arise in the future.”³

Criminal prosecution is not the only subject matter of international courts. Maritime disputes, nuclear energy disputes, human rights, interpretation of EU law, trade disputes within different organisations, e.g. WTO, SADC, etc. are in the focus of diverse international courts functioning globally or in different geographical areas (Africa, Europe, Caribbean, etc.)

Notes:

1 International Court of Justice official website. URL: <http://www.icj-cij.org/court/index.php?p1=1>

2 International Criminal Court official website. URL: https://www.icc-cpi.int/en_menus/icc/about%20the%20court/Pages/about%20the%20court.aspx

3 UN Documentation: International Law. URL: <http://research.un.org/en/docs/law/courts>

2. Say if the sentences correspond to the text or not:

1. There are two hundred international courts in the world. 2. All international courts are related to UN. 3. The main judicial body of the UN is the International Court of Justice. 4. The International Court of Justice is located in Netherlands. 5. The International Criminal Court (ICC) settles legal disputes submitted to it by States. 6. The ICC is part of the United Nations system. 7. The International Criminal Tribunal was established after 1998. 8. International courts deal only with criminal prosecution.

3. Match the two parts of the definitions.

- 1) United Nations
- 2) International Court of Justice
- 3) International Criminal Court
- 4) International Criminal Tribunal for Rwanda
- 5) WTO
- 6) SADC

a) a permanent international court established to investigate, prosecute and try individuals accused of committing the most serious crimes of concern to the international community as a whole, namely the crime of genocide, crimes against humanity, war crimes and the crime of aggression

b) an inter-governmental organization with headquarters in Gaborone, Botswana. Its goal is to further socio-economic cooperation and integration as well as political and security cooperation among 15 southern African states.

c) a court established in the Hague to settle disputes brought by nations that are parties to the Statute of the Court Also called: World Court

d) an international organization of independent states, with its headquarters in New York City, that was formed in 1945 to promote peace and international cooperation and security

e) an intergovernmental organization which regulates international trade

f) the body to “prosecute persons responsible for genocide and other serious violations of international humanitarian law committed in the territory of Rwanda and neighbouring States, between 1 January 1994 and 31 December 1994”

Oral speech practice

I. Mind Your Grammar When You Speak

1. Answer the questionnaire:

1. When were you born?
2. Where were you born?
3. Where were you educated?
4. What were you trained as?
5. Where were you last employed?
6. Are you married?
7. When were you married?

2. Respond to the questions as in the model.

Model: to read an article — two hours

A: What are you doing?

B: I’m reading an article about the new types of torts in Great Britain. I have been reading it for two hours.

Prompts: to look through the documents — an hour, to write a business letter — half an hour, to fill out the form — a quarter of an hour, to wait for Sam — an hour and a half, to translate an English article on criminal law — three hours.

3. Make up a dialogue between a detective and a suspect. The suspect will answer the detective’s questions in the negative. Add any information you want to make your dialogues livelier.

Model: to be in that house.

A: Have you ever been to that house?

B: No, I haven’t. I have never been to that house. (*I swear*).

Prompts: to meet Mr. Smith, to receive money from Mr. Blake, to stay at that hotel, to see this gun, to see this document, to threaten Jane Smith, to have a red car, to meet the man you see in this picture

4. You are a detective. Give an account to your boss on the results of the examination of the suspect. Use the prompts of exercise 3.

Model: He said that he had never been to that house.

5. Make up a dialogue according to the models. Add any information you want to make your dialogues livelier.

Model: when — you — to meet — at 5 pm (agreement).

A: When will you meet with your friends?

B: We are to meet at 5 pm. (*Don’t you remember I’ve already told you*).

Prompts: when — you — to hand in your home assignment — next Monday (agreement), when — he — to come — at 8 am (circumstances), why — she — to do that task (circumstances), where — they — to meet — at the railway station (agreement).

II. Conversational Formulas

The climax of any negotiations is concluding a deal. When you reach an agreement it is essential to double-check that everything is understood the same way by both sides and then to end negotiation effectively.

Checking Understanding and Clarifying

I'm sorry, did you say ... ?	Прошу прощения, Вы сказали ...?
When you said ..., did you mean ... ?	Когда Вы сказали ..., Вы имели в виду...?
I'm not sure if I've understood you correctly.	Я не уверен, что понял Вас правильно.
Would it be correct to say that ...	Правильно ли будет сказать, что ...
No, not exactly. I meant ...	Нет, не совсем так. Я имел в виду ...
What I wanted to say was...	Что я хотел сказать — это ...
What I meant was...	Что я имел в виду — это ...
Well, to be more precise ...	Если быть более точным ...

Summarizing and Confirming agreement

Can I just go over / summarize (what we've agreed)?	Позвольте мне пройтись / резюмировать то, о чем мы договорились.
Let's just recap (what we've discussed).	Давайте вкратце повторим то, что мы обсудили.
Have I missed anything out?	Я ничего не забыл?
Do you have anything to add?	Вы хотите что-либо добавить?
Do we need to discuss anything else?	Надо ли еще что-то обсудить?
Are you happy with that?	Вы довольны?
So (we've agreed) you're going to / you will...	Итак, мы договорились, что Вы ...
As agreed, we will / are going to ...	Как мы договорились, мы ...
One point we still need to agree is ...	Необходимо обсудить еще один вопрос — ...

Exercises

1. Read the following flashes of conversation:

1.

A: When you said that 'the agreement shall be governed by the laws of England', did you mean the London Court of International Arbitration?

B: No, not exactly. I meant that if any dispute arose during the performance of the contract the parties should apply the law of England and Wales.

A: Oh, I see. I don't think my client will be happy with that.

2.

A: Would it be correct to say that your company guarantees prompt replacement of equipment not working in a proper way?

B: Well, to be more precise, at first, our experts should check that it is a manufacturing error not a result of the equipment improper usage.

A: I see, how long will that procedure take?

B: Usually it's a question of a couple of days, not more than a week depending on a defect.

3.

A: Can I just go over what we've agreed?

B: Good idea. Go ahead.

A: Your client is going to supply us with equipment as specified in Annex 1, to be delivered by the 1st of September. ... The total cost will be 10000 euros. Have I missed anything out?

B: No, I think that's all. Why don't we have a short coffee-break while our secretary will prepare a copy of the agreement to sign?

4.

A: Do we need to discuss anything else?

B: I don't think so. As agreed, we will deliver all the goods as listed in Appendix 1 to the port Sochi by the end of August. Your client will pay in compliance with normal business practice.

A: Right you are.

2. Make up your own dialogues similar to those in exercise 1.

III. Dialogue

1. Read the following dialogue:

AT THE SEMINAR ON INTERNATIONAL LAW

Professor: Today we are going to discuss the European Court of Human Rights. Who wants to give a brief history of this institution?

Oleg: The European Court of Human Rights is a regional human rights judicial body established in 1959 and dealing with violations of the civil and political rights set out in the European Convention on Human Rights.

Professor: That's right. Who wants to add?

Nina: Let me try. Before 1998, a complaint was first submitted to the European Commission of Human Rights, which decided whether it was admissible, and if it was, the complaint was considered by the Court. Nowadays, victims may apply directly to the European Court of Human Rights.

Professor: Good. The procedure changed but it is still long and not simple. Notably, when we speak about the European Court of Human Rights

we don't say 'a plaintiff files a complaint' we say 'an applicant submits an application'. Moreover, there are requirements the application must comply with. What are they?

Pete: These requirements are described in Article 47 of the Rules of the Court and are modified periodically. In 2014, they became stricter for individual applications. The application form is available online. There are four criteria to be met so that an application is declared admissible.

Professor: Quite right! What are the criteria?

Lena: Firstly, domestic remedies have been exhausted; secondly, the final domestic decision was less than six months ago; thirdly, a complaint is against a State party to the European Convention on Human Rights; and, finally, an applicant suffered a significant disadvantage

Professor: Right you are. Now let's have a look at the Court structure. Any volunteers?

Dennis: There are 47 judges selected by the Parliamentary Assembly of the Council of Europe. They are organized into five sections. Each of these administrative entities has a judicial chamber: a President, Vice President, and a number of judges. This is done in order to resolve many cases simultaneously.

Roma: I'd like to add that judges can work in so called 'judicial formations'. A *Single Judge* rules on the admissibility of applications. A *Committee*, composed of three judges, rules both on the admissibility and merits of cases which concern issues covered by well-developed case law.

Professor: Very well. Who wants to continue?

Pete: Cases that raise issues that have not been ruled on repeatedly are heard by a *Chamber* which is composed of seven judges. The Section President and the "national judge" are included in the Chamber. As for cases involving important or novel questions they can be referred to the *Grand Chamber* on appeal from a Chamber decision.

Professor: Great! What can you say about enforceability of Court's decisions?

Oleg: The Committee of Ministers of the Council of Europe is responsible for enforcing the Court's judgments. States are bound by the decisions of the Court and must execute them accordingly.

2. Say what you have learned from the polylogue about the *European Court of Human Rights*.

IV. Topics for Discussion

1. Read the following statements. Say, what made the authors formulate them. Are they true to fact? What makes you think so?

1. "Insofar as international law is observed, it provides us with stability and order and with a means of predicting the behavior of those with whom we have reciprocal legal obligations."

(*J. William Fulbright, 1905 — 1995, a United States Senator*)

2. "I am convinced that when the history of international law comes to be written centuries hence, it will be divided into two periods: the first being from the earliest times to the end of the nineteenth century, and the second beginning with the Hague Conference."

(*Ludwig Quidde, 1858 — 1941, a philosopher and German pacifist*)

3. "Governments are mandated by international law to protect people from genocide."

(*Bianca Jagger, born 1945, a Nicaraguan-born social and human rights advocate*)

4. "I do think that Magna Carta and international law are worth paying some attention to."

(*Noam Chomsky, born 1928, an American linguist, philosopher, cognitive scientist, logician, political commentator, social justice activist, and anarcho-syndicalist advocate*)

5. "Global markets must be balanced by global values such as respect for human rights and international law, democracy, security and sustainable economic and environmental development."

(*Anna Lindh 1957 — 2003, a Swedish Social Democratic politician*)

2. What do you know about the authors? Choose any name and prepare a short report about him/her.

V. Case Study

1. Read the following text:

“North Sea Continental Shelf (Federal Republic of Germany/Netherlands) Summary of the Summary of the Judgment of 20 February 1969
NORTH SEA CONTINENTAL SHELF CASES
Judgment of 20 February 1969

The Court delivered judgment, by 11 votes to 6, in the North Sea Continental Shelf cases.

The dispute, which was submitted to the Court on 20 February 1967, related to the delimitation of the continental shelf between the Federal Republic of Germany and Denmark on the one hand, and between the Federal Republic of Germany and the Netherlands on the other. The Parties asked the Court to state the principles and rules of international law applicable, and undertook thereafter to carry out the delimitations on that basis.

The Court rejected the contention of Denmark and the Netherlands to the effect that the delimitations in question had to be carried out in accordance with the principle of equidistance as defined in Article 6 of the 1958 Geneva Convention on the Continental Shelf, holding:

- that the Federal Republic, which had not ratified the Convention, was not legally bound by the provisions of Article 6;
- that the equidistance principle was not a necessary consequence of the general concept of continental shelf rights, and was not a rule of customary international law.

The Court also rejected the contentions of the Federal Republic in so far as these sought acceptance of the principle of an apportionment of the continental shelf into just and equitable shares. It held that each Party had an original right to those areas of the continental shelf, which constituted the natural prolongation of its land territory into and under the sea. It was not a question of apportioning or sharing out those areas, but of delimiting them.

The Court found that the boundary lines in question were to be drawn by agreement between the Parties and in accordance with equitable principles and it indicated certain factors to be taken into consideration for that purpose. It was now for the Parties to negotiate on the basis of such principles, as they have agreed to do.”¹

“Germany’s North Sea coast is concave, while the Netherlands’ and Denmark’s coasts are convex. If the delimitation had been determined by the equidistance rule, Germany would have received a smaller portion of the resource-rich shelf relative to the two other states.”²

Notes:

¹ International Court of Justice official website. Cases. URL: <http://www.icj-cij.org/docket/index.php?sum=295&code=cs2&p1=3&p2=3&case=52&k=cc&p3=5>

² North Sea Continental Shelf cases. URL: https://en.wikipedia.org/wiki/North_Sea_Continental_Shelf_cases

2. Answer the following questions:

1. What countries were involved in the dispute? 2. What country applied to the ICJ? 3. What did it want? 4. What did other countries argue? 5. What was the Court decision?

3. Is this case vital for Russia? Why? What is your position on the issue?

Writing

Business Letters (continued)

1. Read and translate the information covering some types of business letters:

Opening

Tell the addressee why you write the letter.	We are/I am writing to inform you that .../ to confirm .../ to request .../ to enquire about ... I recently read/heard about ... and would like to know ... Having seen your advertisement in ..., I would like to ... I would be interested in (obtaining / receiving) ... I received your address from ----- and would like to .
--	--

Refer to previous contact	Thank you for your letter of March 15. In reply to your request, ... With reference to our telephone conversation yesterday... I would just like to confirm the main points we discussed on Tuesday
---------------------------	--

Purpose

Requesting information	We would appreciate it if you would let us have details of... I would be grateful if you could ... Could you please send me ... I am interested in (obtaining / receiving) ...
------------------------	---

Providing information	We have pleasure in sending you ... Details of ... are enclosed.
-----------------------	---

Placing an order	We are pleased to place an order with your company for.. We would like to cancel our order # ... We would be glad if you supply us with... Will you please arrange immediate dispatch of...
------------------	--

Reminding	We have to draw your attention to our statement dated... We are sorry to have to inform you that we have not yet received... We are at a loss to understand why we have not heard from you.
Complaint	Please note that the goods we ordered on (date) have not yet arrived. We regret to inform you that our order n° --- -- is now considerably overdue.
Apologizing, etc	We are sorry for the delay in replying to ... I regret any inconvenience caused (by) ... I would like to apologise for the (delay, inconvenience)...
Action	
Scheduling appointments	I would like to schedule an interview.
Telling what you want	Will you please let us have your draft in settlement of your invoice No. ... of ...
Giving deadlines	We have no option but to take immediate legal action to recover the amount due to us unless your payment is received within 7 days.
Offering proof	In payment of your account we enclose a sight draft. Payment is being made by banker's draft in settlement of your invoice for \$500.
Polite Expressions	
Referring to future contact	I look forward to hearing from you If we can be of any further assistance, please let us know We would be (very) pleased to do business with your company
Thanks	Thank you for taking this into consideration Thank you for your help
Apologies	Once again, please accept my apologies for ...

2. Read the following business letter, analyse it, and write an answer.

Dear Mr. White:

Thank you for your order No 275-25-03 for refrigerators which is now being processed.

Much to our regret, owing to unforeseen circumstances we will be unable to meet the deadline of the delivery. There will be a delay of about three weeks.

We would be grateful if you could confirm that you will accept late delivery. Please accept our apologies once again.

Sincerely yours,

Wilson

Bill Wilson
Shipping Clerk

3. Write several letters according to the assignment:

announce a new product; request information about a new product; place an order; apologize for the delay in replying the letter; remind that your letter remained unanswered; make a reservation at a hotel; reply to an enquiry.

Revision exercises

1. Give all the meanings of the following words. Consult a dictionary if necessary:

nation, to hold, state, convention, security, justice, opinion, humanity.

2. Give the same notion in one word:

particular way of behaving which is observed by people; complete independence and self-government; an act or instance of incorporating or combining into a whole; the deliberate killing of people who belong to a particular racial, political, or cultural group; one of the parts that form something.

Prompts: sovereignty, constituent, custom, integration, genocide

3. Among the following words find: a) those with similar meanings, b) those with opposite meanings:

a) state, court, dispute, resolve, tribunal, settle, nation, conflict;

b) public, international, dispute, consensus, domestic, private.

4. Match the sentence halves:

- | | |
|--|--|
| 1) Private international law deals with controversies between | a) private persons, natural or juridical, arising out of situations having relationship to more than one nation. |
| 2) Public international law means | b) the set of legal rules governing international relations between public bodies such as States and international organisations. |
| 3) Customary international law results when | c) states follow certain practices generally and consistently out of a sense of legal obligation. |
| 4) Conventional international law derives from | d) international agreements and may take any form that the contracting parties agree upon. |
| 5) International criminal law is a field of international law that seeks | e) to regulate the behavior of states, organizations and individuals operating across national boundaries in commission of international crimes. |

5. Read the text and insert the missing words given below:

“International Law defines the legal responsibilities of States in their conduct with each other, and their treatment of individuals within State boundaries. Its domain encompasses a wide range of issues of international concern such as human rights, disarmament, international crime, refugees, migration, problems of nationality, the treatment of prisoners, the use of force, and the conduct of war, among others. It also regulates the global commons, such as the environment, sustainable development, international waters, outer space, global communications and world trade.”¹

Many multilateral treaties have been adopted by the General Assembly, the main UN main deliberative body, with subsequent ratification by member States. In 1948 the General Assembly established the International Law Commission to ensure the progressive development and codification of international law. The Commission aims at drafting conventions on subjects, not regulated by international law, and codifying rules of international law in fields indicating extensive State practice.

Note: ¹ <http://www.un.org/en/globalissues/internationallaw/>

Prompts: States, individuals, human rights, crime, war, environment, world trade, treaties, ratification, codification, conventions, international, State practice.

Active vocabulary

achieve — достигать	human rights law — международные нормы относительно прав человека
adherence — строгое соблюдение	legally binding — обязательный по закону, юридически обязательный
conflict of laws — коллизионное право, частное международное право	law of war — законы и обычаи войны
conventional law — договорное право	primary goals — первоочередные задачи
customary law — обычное право	private law — частное право
dealings — деловые отношения	public law — публичное право
diplomatic law — дипломатическое право	security law — законодательство по ценным бумагам
dispute — полемика, разногласия, спор	solve — решать
domestic law — внутреннее, внутригосударственное право	substantive law — материальное право
environmental law — экологическое право	supranational law — наднациональное право
hold inapplicable — считать неприемлемым, несоответствующим	

Appendix I

Student A files for Role Plays

Lesson 2, Role Play, exercise 1.

1) You are the head of a law firm. You are looking for an experienced lawyer. Ask a person who came to you to apply for a job about his work history. Find out if he has a family, why he left his previous place of work, if he is computer-friendly and any other details you think you ought to know.

2) You are a newly graduated law student looking for a job. You have sent out your CVs to several law firms and finally was invited to your top choice law firm for an interview. You are among top ten students and ready to work hard. You have some law clinic experience and are very good at interviewing people. You focus on family law but are interested in getting a position in this law firm so much that you are ready to work in any firm division.

Lesson 3, Conversational Formulas, exercise 3.

You are a successful furniture company producing case furniture. You want to expand and start to manufacture furniture from wood. A team in charge of a new line is to find a supplier of wood. Before starting the Internet search for a woodworking company, discuss what features your future business partner should have (a size of a firm; its location; reliability), what

kind of wood you will order (oak, pine, nutwood, etc.), and what the amount of your order will be.

Lesson 4, Conversational Formulas, exercise 3.

You are a successful furniture company producing case furniture. You are preparing for negotiations with a woodworking company to enter into a contract. You have already chosen the company and now you need to define your main goal and priorities (quality or quantity, price or speed of delivery, etc).

Lesson 5, Conversational Formulas, exercise 3.

You are a successful furniture company producing case furniture. You have already chosen the woodworking company and defined your main goal and priorities (quality or quantity, price or speed of delivery, etc). Start negotiations using the given conversational formulas and the materials you prepared.

Lesson 6, Conversational Formulas, exercise 3.

1) You have just made a presentation at a seminar about the court system in Canada. Your fellow-student is interested where you found the materials for the report. Answer his/her questions using the following information. You found an informative and well-structured booklet online. It is prepared by the

Canadian government and copyright free. The title is “Canada’s System of Justice”. Here is a part of the table of Contents:

Chapter 1. What is the Law?
Why We Need Laws
What Other Goals Do Laws Achieve?
Public Law and Private Law
Chapter 2. Where Our Legal System Comes From
The Common-Law Tradition
The Civil-Law Tradition
...
Chapter 3. The Canadian Constitution
What Does Our Constitution Say
What is a Federal System
Chapter 4. Rights and Freedoms in Canada
What Does the Canadian Charter of Rights and Freedoms Say?
Fundamental freedoms

Student B files for Role Play

Lesson 2, Role Play, exercise 1.

1) You are a lawyer looking for a job. You had been working for a law firm in another city for 5 years after graduating from a law school. You married two months ago and moved to this city because your wife had strongly objected to living in the previous place of residence. Answer all the questions of the head of the law firm you came to look for a job to.

2) You are a senior partner of a well-known law firm. You are going to open a branch in another

city. You are looking for lawyers to fill in associate positions. Actually, you need to fill in a vacancy left in personal injury division. You need a young person ready to work long hours and not necessarily having much experience.

Lesson 3, Conversational Formulas, exercise 3.

You are a woodworking company located in the Urals and producing sawn wood. You have bought new equipment and are ready to produce wooden components of furniture, so you are looking for

...
Chapter 5. How the Courts are Organized
Chapter 6. Civil and Criminal Cases
How Do Civil Cases Work?
...
What Are Criminal Cases? ...
Can You Appeal a Decision?
Chapter 7. Victims of Crime
Chapter 8. Restorative Justice
Chapter 9. Youth Justice
Definitions
2) Your fellow-student made a very interesting presentation about the court system in Australia. Ask him/her where he/she had found the material. Try to get as much information as it is possible about the source of information (its title, its author, its structure and contents).

a business partner — a company producing furniture. Before starting the Internet search, discuss what features your future business partner should have (a size of a firm; its location; reliability), what kind of wood you can offer (oak, pine, nutwood, etc.), and what order you are ready to carry out.

Lesson 4, Conversational Formulas, exercise 3.

You are a woodworking company. You are preparing for negotiations with a furniture company to enter into a contract. You have already chosen the company and now you need to define your main goal and priorities (quality or quantity, price or speed of delivery, etc).

Lesson 5, Conversational Formulas, exercise 3.

You are a woodworking company. You have already chosen the furniture company and defined your main goal and priorities (quality or quantity, price or speed of delivery, etc). Start negotiations using the given conversational formulas and the materials you prepared.

Lesson 6, Conversational Formulas, exercise 3.

1) Your fellow-student made a very interesting presentation about the court system in Canada. Ask him/her where he/she had found the material. Try to get as much information as it is possible about the source of information (its title, its author, its structure and contents).

2) You have just made a presentation at a seminar about the court system in Australia. Your fellow-student is interested where you found the materials for the report. Answer his/her questions using the following information. You found an informative and well-structured booklet online. It is prepared by the Court Services Division of the Department of Justice. The title is “Western Australia’s Court System”. It is a student resource book. Here is a part of the table of Contents:

Section 1: About the law

Why are laws made?

Natural justice

...

Section 2: Courts

Types of court

...

Jurisdiction

Section 3: Court focus

Parties involved in a case

Legal and court personnel

Courtroom attire and etiquette

Section 4: Pre-trial and court proceedings

...

Section 5: Witnesses and jurors

...

Section 6: Sentencing options

Criminal sanctions

Civil law remedies

Section 7: Alternatives to court

Criminal law

Civil law

Section 8: Juvenile justice

...

Section 9: Services to victims

Glossary

Appendix II

СПИСОК НЕПРАВИЛЬНЫХ ГЛАГОЛОВ, ИСПОЛЪЗУЕМЫХ В УЧЕБНИКЕ

Infinitive	Past Indefinite	Past Participle (Participle 11)	Перевод
arise	arose	arisen	возникать
be	was, were	been	быть
bear	bore	born	нести
become	became	become	становиться
begin	began	begun	начинать
bind	bound	bound	связывать
break	broke	broken	ломать, нарушать
bring	brought	brought	приносить
build	built	built	строить
burn	burnt	burnt	жечь
buy	bought	bought	покупать
can	could	—	мочь
cast	cast	cast	бросать, кидать
catch	caught	caught	ловить
choose	chose	chosen	выбирать
come	came	come	приходить, приезжать
cut	cut	cut	резать
deal	dealt	dealt	иметь дело
do	did	done	делать
draw	drew	drawn	тянуть
drink	drank	drunk	пить
eat	ate	eaten	есть, кушать
fall	fell	fallen	падать
feed	fed	fed	кормить, давать пищу
feel	felt	felt	чувствовать
fight	fought	fought	бороться, сражаться
find	found	found	находить
forbid	forbade	forbidden	запрещать
forget	forgot	forgotten	забывать
get	got	got	получать
give	gave	given	давать
go	went	gone	идти, ехать

Продолжение

Infinitive	Past Indefinite	Past Participle (Participle 11)	Перевод
grow	grew	grown	расти
hang	hung	hung	вешать, развешивать
have	had	had	иметь
hear	heard	heard	слышать
hide	hide	hide	прятать
hold	held	held	держат
keep	kept	kept	держат, хранить
know	knew	known	знать
lay	laid	laid	класть
lead	led	led	вести; руководить
learn	learnt, learned	learnt, learned	учить; узнавать
leave	left	left	оставлять; покидать
let	let	let	позволять
lie	lay	lain	лежать
lose	lost	lost	терять
make	made	made	делать
may	might	—	мочь
mean	meant	meant	означать
meet	met	met	встречать(ся); знакомиться
must	—	—	долженствовать
override	overrode	overridden	лишать юридического действия
pay	paid	paid	платить
put	put	put	класть
read	read	read	читать
ring	rang	rung	звенеть
rise	rose	risen	поднимать(ся)
run	ran	run	бежать
say	said	said	говорить
see	saw	seen	видеть
seek	sought	sought	искать; стремиться
send	sent	sent	посылать
show	showed	shown	показывать
shoot	shot	shot	стрелять
sit	sat	sat	сидеть
speak	spoke	spoken	говорить

Окончание

Infinitive	Past Indefinite	Past Participle (Participle 11)	Перевод
spend	spent	spent	проводить; тратить
spread	spread	spread	распространяться
stand	stood	stood	стоять
steal	stole	stolen	красть
swear	swore	sworn	клясться
take	took	taken	брать
teach	taught	taught	обучать
tell	told	told	рассказывать; сказать
think	thought	thought	думать
throw	threw	thrown	бросать
understand	understood	understood	понимать
undertake	undertook	undertaken	предпринимать
wear	wore	worn	носить (одежду)
win	won	won	выигрывать
withdraw	withdrew	withdrawn	брать назад; отзываться; отменять
write	wrote	written	писать