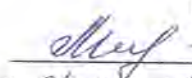


Министерство науки и высшего образования Российской Федерации
Федеральное государственное бюджетное образовательное
учреждение высшего образования
ИРКУТСКИЙ НАЦИОНАЛЬНЫЙ ИССЛЕДОВАТЕЛЬСКИЙ ТЕХНИЧЕСКИЙ
УНИВЕРСИТЕТ
Факультет среднего профессионального образования

УТВЕРЖДАЮ:
Заместитель декана
по учебной работе
 - В.А. Махутова
« 04 » 03 2021 г

ОГСЭ.03 ИНОСТРАННЫЙ ЯЗЫК

Методические указания
по выполнению практических работ

Специальность	40.02.01 Право и организация социального обеспечения
Квалификация	Юрист
Форма обучения	Очная
Год набора	2021

2021 г.

Методические указания по выполнению практических работ по дисциплине ОГСЭ.03 Иностранный язык составлены в соответствии с рабочей программой.

Составитель:

Иванова Лилия Михайловна, преподаватель

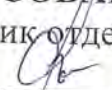
Методические указания рассмотрены и рекомендованы к утверждению на заседании цикловой комиссии общих гуманитарных и социально-экономических дисциплин.

Протокол № 6 от «25» 02 2021 г.

Председатель ЦК  Л.С. Муфазалова

СОГЛАСОВАНО:

Начальник отдела по учебно-производственной работе

 С.Р. Кононенко
«04» 03 2021 г.

Содержание

Введение.....	4
Информационное обеспечение:	5
Таблица – Перечень практических работ	8
Практическая работа № 1	10
Практическая работа № 2	16
Практическая работа № 3	20
Практическая работа № 4	24
Практическая работа № 5	28
Практическая работа № 6	32
Практическая работа № 7	35
Практическая работа № 8	38
Практическая работа № 9	41
Практическая работа № 10	43
Практическая работа № 11	50
Практическая работа № 12	54
Практическая работа № 13	60
Практическая работа № 14	66

Введение

Цель методических указаний: приобретение начальных практических навыков, формирование умений и получения знаний.

Умения:

- общаться (устно и письменно) на иностранном языке на профессиональные и повседневные темы (У.1);
 - переводить (со словарем) иностранные тексты профессиональной направленности (У.2);
- самостоятельно совершенствовать устную и письменную речь, пополнять словарный запас (У.3).

Знания:

- лексический (1200 – 1400 лексических единиц) и грамматический минимум, необходимый для чтения и перевода (со словарем) иностранных текстов профессиональной направленности (З.1).

Практические занятия способствуют развитию и формированию и становлению различных уровней составляющих компетентности обучающихся.

Код	Наименование компетенций
ОК 1.	Понимать сущность и социальную значимость своей будущей профессии, проявлять к ней устойчивый интерес.
ОК 2.	Организовывать собственную деятельность, выбирать типовые методы и способы выполнения профессиональных задач, оценивать их эффективность и качество.
ОК 3.	Принимать решения в стандартных и нестандартных ситуациях и нести за них ответственность.
ОК 4.	Осуществлять поиск и использование информации, необходимой для эффективного выполнения поставленных задач, профессионального и личностного развития.
ОК 5.	Использовать информационно-коммуникационные технологии в профессиональной деятельности.
ОК 6.	Работать в коллективе и команде, эффективно общаться с коллегами, руководством, потребителями.
ОК 7.	Брать на себя ответственность за работу членов команды (подчиненных), результат выполнения заданий.
ОК 8.	Самостоятельно определять задачи профессионального и личностного развития, заниматься самообразованием, осознанно планировать повышение квалификации.
ОК 9.	Ориентироваться в условиях постоянного изменения правовой базы
ОК 10.	Соблюдать основы здорового образа жизни, требования охраны труда.
ОК 11.	Соблюдать деловой этикет, культуру и психологические основы общения, нормы и правила поведения.
ОК 12.	Проявлять нетерпимость к коррупционному поведению.

Общее количество часов на практические работы по дисциплине «Иностранный язык» 114 часа.

Информационное обеспечение:

Основная литература:

1. Агабекян, Игорь Петрович. Английский язык : учебное пособие для СПО / И. П. Агабекян. - 3-е изд., перераб. и доп. - Ростов-на-Дону : Феникс, 2019. - 316 с. : табл. - (Среднее профессиональное образование). - ISBN 978-5-222-31012-0 : 372.40 р.

2. Кузьменкова, Ю. Б. Английский язык для специалистов по социальной работе : учебник и практикум для среднего профессионального образования / Ю. Б. Кузьменкова, А. Р. Жаворонкова. — Москва : Издательство Юрайт, 2021. — 333 с. — (Профессиональное образование). — ISBN 978-5-534-03172-0. — Текст : электронный // ЭБС Юрайт [сайт]. — URL: <https://urait.ru/viewer/angliyskiy-yazyk-dlya-specialistov-po-socialnoy-rabote-471390#page/1>

3. Ступникова, Л. В. Английский язык для юристов (Learning Legal English) : учебник и практикум для среднего профессионального образования / Л. В. Ступникова. — 3-е изд., испр. и доп. — Москва : Издательство Юрайт, 2021. — 403 с. — (Профессиональное образование). — ISBN 978-5-534-10364-9. — Текст : электронный // Образовательная платформа Юрайт [сайт]. — URL: <https://urait.ru/viewer/angliyskiy-yazyk-dlya-yuristov-learning-legal-english-469994#page/1>

4. Фишман, Любовь Марковна. Professional English [Электронный ресурс] : учебное пособие / Л. М. Фишман. - Электрон. дан. - Москва : ИНФРА-М, 2019. - 120 с. - (Среднее профессиональное образование). - Загл. с титул. экрана. - ISBN 978-5-16-100751-8: 0.0 - <https://new.znanium.com/read?id=337401>

5. Planet of English : учебник английского языка для учреждений СПО / [Г. Т. Безкоровая и др.]. - 9-е издание, стереотипное. - Москва : Академия, 2021. - 256 с. : ил. + Прил. [1] эл. опт. диск (CD-ROM). - (Профессиональное образование. Общеобразовательные дисциплины).

6. Мельничук, Марина Владимировна. Английский язык для специальности "Право и организация социального обеспечения" : учебник для СПО / М. В. Мельничук, М. В. Алисевич, А. В. Цветкова. - Москва : КНОРУС, 2022. - 176 с. - (Среднее профессиональное образование). - ISBN 978-5-406-01653-4:

7. Английский язык для юристов (A2–B2) : учебник для среднего профессионального образования / М. А. Югова, Е. В. Тросклер, С. В. Павлова, Н. В. Садыкова ; под редакцией М. А. Юговой. — 2-е изд., перераб. и доп. — Москва : Издательство Юрайт, 2022. — 522 с. — (Профессиональное образование). — ISBN 978-5-534-13844-3. — Текст : электронный // Образовательная платформа Юрайт [сайт]. — URL: <https://urait.ru/viewer/angliyskiy-yazyk-dlya->

[yuristov-a2-b2-475624#page/1](https://urait.ru/viewer/angliyskiy-yazyk-dlya-yuristov-learning-legal-english-490140#page/1)

8. Ступникова, Л. В. Английский язык для юристов (Learning Legal English) : учебник и практикум для среднего профессионального образования / Л. В. Ступникова. — 3-е изд., испр. и доп. — Москва : Издательство Юрайт, 2022. — 403 с. — (Профессиональное образование). — ISBN 978-5-534-10364-9. — Текст : электронный // Образовательная платформа Юрайт [сайт]. — URL: <https://urait.ru/viewer/angliyskiy-yazyk-dlya-yuristov-learning-legal-english-490140#page/1>

Дополнительная литература:

1. Англо-русский, русско-английский словарь с транскрипцией / под ред. П. Ю. Дергачёвой. - Москва : АСТ, 2021. - 640 с. - (Карманная библиотека словарей: лучшее).
2. Дюканова, Н. М. Английский язык : учебное пособие / Н.М. Дюканова. — 2-е изд., перераб. и доп. — Москва : ИНФРА-М, 2021. — 319 с. — (Среднее профессиональное образование). - ISBN 978-5-16-013886-2. - Текст : электронный. - URL: <https://znanium.com/read?id=366977>
3. Маньковская, Зоя Викторовна. Английский язык : [Электронный ресурс] : учебное пособие / З. В. Маньковская. - Москва : ИНФРА-М, 2020. - 199 с. - (Среднее профессиональное образование). - URL: <https://znanium.com/read?id=348886>. - Загл. с титул. экрана. - ISBN 978-5-16-105321-8 : 0.0 Матвеев, Сергей Александрович. Англо-русский, русско-английский словарь с произношением / С. А. Матвеев. - Москва : АСТ, 2020. - 415 с. - (Карманная библиотека словарей: лучшее).
4. Мюллер, Владимир Карлович. Популярный англо-русский, русско-английский словарь / В. К. Мюллер . - Москва : АСТ, 2020. - 414 с. - (Популярный словарь).
5. Мюллер, Владимир Карлович. Англо-русский, русско-английский словарь : около 130 000 слов и значений / В. К. Мюллер . - Москва : АСТ, 2019. - 637 с.
6. Ступникова, Л. В. Английский язык для юристов. Книга для преподавателей. Learning Legal English. Teachers book : учебное пособие для среднего профессионального образования / Л. В. Ступникова. — Москва : Издательство Юрайт, 2020. — 482 с. — (Профессиональное образование). — ISBN 978-5-534-12692-1. — Текст : электронный // ЭБС Юрайт [сайт]. — URL: <https://urait.ru/viewer/angliyskiy-yazyk-dlya-yuristov-kniga-dlya-prepodavateley-learning-legal-english-teachers-book-448626#page/1>

Российские электронные ресурсы и базы данных

1. Электронная библиотека ИРНИТУ <http://elib.istu.edu/>

2. Образовательная платформа «Юрайт» <https://urait.ru/>
3. Научные электронные журналы на платформе eLIBRARY.RU <http://elibrary.ru/>
4. Электронная библиотека «Академия»: <https://academia-library.ru/>
5. Электронно-библиотечная система «Znanium.com»: <http://znanium.com/>
6. Электронно-библиотечная система «PRORFобразование»: <http://profspo.ru/>

Зарубежные электронные научные журналы и базы данных

1. База данных Springer Nature Experiments (ранее Springer Protocols): <https://experiments.springernature.com/>
2. Wiley Online Library: <http://onlinelibrary.wiley.com/>

Локальные базы данных

(доступ из читальных залов библиотеки университета)

1. Виртуальный читальный зал Президентской библиотеки им. Б.Н.Ельцина
2. Национальная электронная библиотека
3. Электронная справочная система «КонсультантПлюс»

Общие критерии оценки:

- Оценка «5» выставляется, если полно излагается изученный материал, дается правильное определение предметных понятий; обнаруживается понимание материала, обосновываются суждения, студент демонстрирует способность применить полученные знания на практике, привести примеры не только из учебника, но и самостоятельно составленные; студент излагает материал последовательно с точки зрения логики предмета и норм литературного языка.

- Оценка «4» выставляется, если студент дает ответ, удовлетворяющий тем же требованиям, что и для отметки «5», но допускаются 1-2 ошибки, которые сам же исправляет, и 1-2 недочета в последовательности и языковом оформлении излагаемого.

- Оценка «3» выставляется, если студент обнаруживает знание и понимание основных положений данной темы, но: излагает материал неполно и допускает неточности в определении понятий или формулировке правил, понятий; не умеет достаточно глубоко и доказательно обосновать свои суждения и привести свои примеры; излагает материал непоследовательно и допускает ошибки в языковом оформлении излагаемого.

- Оценка «2» выставляется, если студент обнаруживает незнание большей части соответствующего раздела изучаемого материала, допускает ошибки в формулировке определений и правил, искажает их смысл, беспорядочно и неуверенно излагает материал. Оценка «2» отмечает такие недостатки в подготовке студента, которые являются серьезным препятствием к успешному овладению последующим материалом.

Таблица – Перечень практических работ

№	Тема	Вид, номер и название работы	Коды общих и профессиональных компетенций	Количество часов
Семестр 3				
1	Тема 2.1. Форма государственного устройства.	Практическая работа № 1. Изучение правовой лексики на основе текстов. Усвоение и закрепление грамматики на основе учебного материала.	ОК 11.	8
2	Тема 2.2. Право и его источники.	Практическая работа № 2. Изучение правовой лексики на основе текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 8.	8
3	Тема 2.3. Гражданское право.	Практическая работа № 3. Изучение правовой лексики на основе текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 9.	8
	Итого			24
Семестр 4				
4	Тема 2.4. Право собственности.	Практическая работа № 4. Изучение правовой лексики на основе текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 8.	8
5	Тема 2.5. Семейное право.	Практическая работа № 5. Изучение правовой лексики на основе текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 10.	8
6	Тема 2.6. Договорное право.	Практическая работа № 6. Введение лексики по теме. Выполнение заданий. Чтение текста. Совершенствование навыков в поиска и обработки профес	ОК 3.	8

		сионально значимой информации на английском языке. Развитие способности обучающихся к самоорганизации и самообразованию.		
7	Тема 2.7. Законодательство о компаниях.	Практическая работа № 7. Изучение правовой лексики на основе образовательных текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 5.	8
8	Тема 2.8. Уголовное право.	Практическая работа № 8. Изучение правовой лексики на основе образовательных текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 12.	6
	Итого:			38
Семестр 5				
9	Тема 2.9. Наказание.	Практическая работа № 9. Изучение правовой лексики на основе образовательных текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 3.	8
10	Тема 2.10. Деликтный закон.	Практическая работа № 10. Изучение правовой лексики на основе образовательных текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 6.	8
11	Тема 2.11. Доказывание и расследование.	Практическая работа № 11. Изучение правовой лексики на основе образовательных текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 2.	8
12	Тема 2.12.	Практическая работа № 12.	ОК 4.	10

	Судебная система.	Изучение правовой лексики на основе образовательных текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.		
	Итого:			34
Семестр 6				
13	Тема 2.13. Юридическая специальность.	Практическая работа № 13 И изучение правовой лексики на основе образовательных текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 1.	8
14	Тема 2.14. Трудовые отношения.	Практическая работа № 14 Изучение правовой лексики на основе образовательных текстов. Усвоение и закрепление грамматики на основе учебного материала. Выполнение упражнений.	ОК 7.	10
	Итого:			18
	Всего:			114

Практическая работа № 1

Выполнение упражнений. Работа с текстами. Перевод со словарем.
Работа с учебником, ответы на вопросы, составление плана пересказа текста, поиск в тексте слов и выражений

Количество часов на выполнение: 8.

Цель работы: совершенствование грамматических навыков, формирование умения строить устные высказывания с использованием лексических единиц, развитие навыков устной и письменной речи, навыков чтения и перевода текста профессиональной направленности на английском языке.

Оборудование: рабочая тетрадь, ручка, таблица «Временные формы глагола», схема образования временных форм глагола.

Методика выполнения задания: вспомнить основные правила грамматики, пройденные на первом курсе. При работе с упражнениями пользоваться таблицей составленной ранее, англо – русским словарем, справочной литературой по темам. Новую лексику по теме записать в рабочую тетрадь.

State System of Russia

1. Government is a political organization, which performs the functions of the supreme administrative body of a country. Governments are classified in a great many ways: monarchic systems oppose republican governments; democratic governments are distinguished from dictatorships; federal states are distinguished from unitary states; cabinet governments are distinguished from presidential ones.
2. The Russian Federation (RF) is a democratic federal republic. The word “federation”, as a part of the name of modern Russia, means that in our country every political subdivision, despite its size, population, and economics, has the same rights along with others. No region, even the majority of regions, can force the others to accept or make a decision: common agreement is necessary.
3. Separation of powers refers to a system of government in which power is not centralized in one person or agency. Public authority in our country is divided among the legislative (the Federal Assembly), judicial (courts of the Russian Federation), and executive (the government) branches. Separation of powers in the Russian Federation is guaranteed by the Constitution.
4. The president as a head of the state coordinates the activity of all three branches of power. He is the guarantor of the Constitution of the RF and of human and civil rights and freedoms of citizens. The president is elected for a term of six years by the citizens of Russia on the basis of universal suffrage and direct vote by secret ballot. A citizen of the RF not younger than 35, who has resided in the RF for not less than 10 years, may be elected president of the RF but not more than for two terms in succession.
5. The legislative power is exercised by the Federal Assembly, which consists of the Federation Council and the State Duma. The State Duma has 450 seats, which are allocated to the various political parties based on national election results. The deputies are elected for a five-year term. The upper chamber — the Federation Council — reflects the federal nature of our state, whereby political power is divided between a central authority and all locally autonomous units — the subjects of the federation. There are two deputies of the Council from each subject: one from the executive and one from the representative bodies. The main job of the deputies is to make laws.
6. The executive power in Russia is exercised by the government headed by the prime-minister who is appointed by the president with consent of the State Duma. The executive branch of the government manages federal property and ensures:
 - the implementation of a uniform monetary policy in Russia;
 - the implementation of a uniform state policy in the field of culture, science, education, health, social security and ecology;
 - the country’s defense, state security and the implementation of the foreign policy of the RF.The work of this branch of power is regulated by federal constitutional laws.
7. The judicial power belongs to the system of courts, which consists of the Constitutional Court and the Supreme Court of the Russian Federation (the SC RF) and inferior courts. All federal judges are appointed by the president of the RF.

8. The Constitutional Court of the Russian Federation interprets the Constitution of our country. Legislative enactments, executive bylaws and international agreements may not be applied if they violate the Constitution.
9. The SC RF is the highest judicial body on civil, criminal, administrative and other matters triable by general jurisdiction courts; it also acts as the tribunal of last resort for economic and commercial disputes (i.e. the current Supreme Court also covers the functions of the former Supreme Commercial (Arbitration) Court). The SC RF shall effect judiciary supervision over the activity of all inferior courts and shall offer explanations on judicial practice issues.

British Monarchy

1. The United Kingdom is one of six constitutional monarchies within the European Community. The kingdom includes the island of Great Britain (comprising England, Scotland, and Wales) and Northern Ireland. Windsor as the name of the royal family of Great Britain was adopted in 1917. The name was taken from Windsor Castle. Reigning members of the house of Windsor have been George V, Edward VIII, George VI, and Elizabeth II.
2. Actually the monarch reigns but does not rule. He or she summons and dissolves Parliament; he/she usually opens new sessions of Parliament in the House of Lords with a speech from the throne in which the major government policies are outlined. The monarch must give the royal assent before a bill which has passed all its stages in both Houses of Parliament can become a legal enactment (act of Parliament). As head of state, the monarch has the power to sign international agreements, to cede or receive territory, and to declare war or make peace. The monarch confers honors and makes appointments to all important offices of state, including ministers, judges, officers in the armed services, diplomats and the leading positions in the Established Church. These acts form part of the royal prerogative, defined as arbitrary authority of legislative, executive and judicial character.
3. The House of Commons (or lower chamber) is a popular assembly elected for a term of not more than 5 years by almost universal adult suffrage. Each member of Parliament (MP) — represents one of 650 geographical areas (constituencies) into which the country is divided for electoral purposes. There are currently 533 constituencies for England, 40 for Wales, 59 for Scotland and 18 for Northern Ireland. If an MP dies, resigns or is made a peer, a by-election is held in that constituency to elect a new MP. Leaders of the government and opposition sit on the front benches of the Commons, with their supporters (back-benchers) behind them. The House is presided over by the Speaker.
4. The main opposition party forms a Shadow Cabinet, which is more or less as the government would be if the party were in power, and the relevant members act as opposition spokesmen on major issues.
5. The House of Lords is probably the only upper House in the democratic world whose members are not elected. It is made up of the Lords spiritual (the Archbishops of York and Canterbury and 24 bishops) and the Lords temporal.

The number of peers is not fixed; as of 14 April 2015 the House of Lords had 784 members. Less than 90 of them were hereditary peers. The rest were life peers, named by the sovereign on the advice of the prime minister, thus they could not pass on their title when they die. The main legislative function of peers is to examine and revise bills from the Commons but the House can only delay a bill from becoming law for a maximum of 12 months. The Lords cannot normally prevent proposed legislation from becoming law if the Commons insists on it.

6. Executive power in Great Britain belongs to a prime minister (PM) and the cabinet of ministers. The prime minister is usually the leader of the majority party in the House of Commons. He or she consults and advises the monarch on government business, supervises and to some extent coordinates the work of the various ministries and departments and is the principal spokesperson for the government in the House of Commons.

7. The cabinet is the nucleus of government. By custom, cabinet ministers are selected from among members of the two houses of parliament. They are appointed by the Crown on the recommendation of the prime minister. The number of members of the British cabinet varies but usually is about 25–30 ministers. The cabinet meets in private and its deliberations are secret; no vote is taken, and, by the principle of “cabinet unanimity”, collective responsibility is assumed for all decisions taken. It is a political convention for the cabinet to act as a single man, which means that a minister who cannot accept a cabinet decision must resign.

8. Unlike some other countries (the USA for example), not even the most senior administrative jobs change hands when a new government comes to power. The day-to-day running of the government and the implementation of its policy continue in the hands of the same people that were there with the previous government — the top rank of the civil service. Governments come and go, but the civil service remains. Civil servants get a high salary (higher than that of their ministers), have absolute job security (unlike their ministers); moreover, civil servants know the secrets of the previous government which the present minister is unaware of.

9. In accordance with the Constitutional Reform Act 2005, the judicial functions of the final national court of appeal in civil and criminal cases were transferred from the House of Lords and entrusted to the Supreme Court of the United Kingdom, which consists of 12 judges appointed by the monarch.

US Political System

1. The United States of America is a federal republic and a representative democracy on the continent of North America, consisting of 50 states. The national Constitution, ratified on the 21st of July 1788, defines the powers of national and state governments, the functions and framework of all three branches of federal government (legislative, executive, judicial) and the rights of individual citizens.

2. The form of government is based on three main principles: federalism, the separation of powers, and respect for the Constitution and the rule of law. Americans are subject to two governments, that of their state and that of the

Union, and each has its own distinct function. The states have, under the Constitution, the primary functions of providing law and order, education, public health and most of the things that concern day-to-day life. The Federal government at Washington deals with foreign affairs and with matters of collective interest of all the states, including commerce between the states.

3. State governments. Each state has its own constitution, similar to the federal one, which defines and limits political power, and which provides safeguards against tyranny and means for popular participation. In each state, power is divided between three agencies, with law-making power given to a legislature (usually of two houses, elected for fixed terms), an executive (the governor), and finally the judges of the State Supreme Court. Each state is divided into counties, which have their own powers granted by the state, and there are also special-purpose areas for some functions of local interest.

4. The Federal government also has three elements — executive (the President), legislature (Congress) and judicial (federal courts), and the three elements are checked and balanced by one another. The President is the effective head of the executive branch of government as well as the head of state. In November of each leap year a President is elected to serve for exactly four years from a fixed day in the following January. The four-year rhythm has never been broken. Together with the President, a Vice-President is elected, and in case of death, permanent disability, removal from office, or resignation of the President, the Vice-President becomes President for the unexpired part of the four years — which could be 3 years or only three months. According to the Constitution the Vice-President acts as the presiding officer of the U.S. Senate and in the event of the death of the President, assumes the Presidency.

5. Since the adoption of the Constitution, the national government has increased its functions in economic and social matters and has shared more responsibilities with the states. The executive branch of the government, headed by the President, comprises 14 departments: e.g. the Department of State, Department of the Treasury, Department of Justice, Department of Commerce, Department of Health and Human Services, Department of Education, Department of Transportation, Department of Energy.

6. All legislative powers are exercised by the Congress of the United States. Congress consists of two houses, the Senate and the House of Representatives. The Senate is composed of 100 senators, two representing each state — a provision of the Constitution not subject to amendment. The 435 members of the House are elected by the different states on the basis of their population at the most recent U.S. census. California has the largest number of representatives, 52; several states, such as Delaware, Alaska and Vermont, have only one. Representatives serve two-year terms, and senators serve six-year terms. Every two years all 435 members of the House are elected, and one-third of the senators.

7. The federal court system includes the Supreme Court of the United States, established by the Constitution; and 13 courts of appeal (sometimes called circuit courts), 94 district courts, and special courts such as the Tax Court and the Court of Veterans' Appeals, all established by Congress. The federal courts perform

two constitutional functions. First, they interpret the meaning of laws and administrative regulations; this is known as statutory construction. Second, the courts determine whether any law passed by Congress or state legislatures, or any administrative action taken by the national or state executive branches, violates the U.S. Constitution; this is known as judicial review.

TEST YOURSELF

Fill each gap in the sentences with only one word or phrase from the box given below.

the House of Commons, the majority party, the royal prerogative, administrative body of a country, a Shadow Cabinet, the Senate, a term of six years, constitutional functions, constitutional law, the executive branch of government, the Federal Assembly, the US Congress, life peers, the separation of powers, the system of courts, constitutional monarchies, federal property, federation, respect for the Constitution, the cabinet of ministers

1. After elections the main opposition party in Britain forms _____.
2. As head of state the monarch has the powers known as _____.
3. _____ consists of two houses, the Senate and the House of Representatives.
4. Executive power in Great Britain belongs to a prime minister and _____.
5. Government is a political organization which performs the functions of the supreme _____.
6. State power in case of a democracy is exercised on the basis of _____ among the legislative, judicial, and executive branches.
7. The form of government in the USA is based on three main principles: federalism, the separation of powers, and _____.
8. The government in the Russian Federation as a rule manages _____ and ensures the country's defense and state security.
9. _____ is a popular assembly elected for a term of not more than 5 years by almost universal adult suffrage.
10. The House of Lords is made up of two kinds of its members: hereditary and _____.
11. The judicial power belongs to _____.
12. The legislative power in our country is exercised by _____, which consists of the Federation Council and the State Duma.
13. The president of the RF is elected for _____ on the basis of general, equal and direct vote.
14. The prime minister in Great Britain is usually the leader of _____ in the House of Commons.
15. _____ is composed of 100 senators, two representing each state — a provision of the Constitution not subject to amendment.
16. The United Kingdom is one of six _____ within the European

Community.

17. The US courts perform two _____ known as statutory construction and judicial review.

18. The US President is the effective head of _____ and represents the country abroad.

19. The word “_____” means that within the country every political subdivision, despite its size, population, and economics, has the same rights along with others.

20. The work of all three branches of power within each state is regulated by _____.

Требования к оформлению отчетного материала: выполнить упражнение в рабочей тетради

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 2

Изучение правовой лексики на основе текстов.

Усвоение и закрепление

грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 8.

Цель работы: совершенствование и развитие навыков устной и письменной речи, навыков чтения и перевода текста профессиональной направленности на английском языке.

Оборудование: рабочая тетрадь, ручка, таблица «Временные формы глагола», схема образования временных форм глагола.

Задание: прочитать, перевести текст по специальности по теме.

STUDY

1. Look at various meanings of the noun law given in the dictionary (<http://www.oxforddictionaries.com/definition/learner/law>). Make your own sentences with some of them: 1) the whole system of rules that everyone in a country or society must obey; 2) a particular branch of the law; 3) a rule that deals with a particular crime, agreement, etc.; 4) the study of the law as a subject at university, etc.; 5) one of the rules which controls an organization or activity; 6) a rule for good behaviour or how you should behave in a particular place or situation; 7) the fact that something always happens in the same way in an activity or in nature; 8) a scientific rule that somebody has stated to explain a natural process; 9) (the law) used to refer to the police and the legal system.

2. What is the role of law in a modern society?

3. If there are different branches of law what is the reason to have so many of them?

4. What is a “system” in its general meaning? What do you know about the system of law in our country?

Law

1. Law is a body of official rules and regulations, generally found in Constitutions, treaties, acts of Parliament, ordinances, executive orders, enforced customs, court decisions, that are used to govern a society and to control the behaviour of its members. The nature and functions of law have varied throughout history. In modern societies, some authorized body such as a legislature or a court makes the law. Law is backed by the coercive power of the state, which enforces the law by means of appropriate penalties or remedies.
2. Formal legal rules and actions are usually distinguished from other means of social control such as mores, morality, public opinion, and custom or tradition. Of course, a lawmaker may respond to public opinion or other pressures, and a formal law may prohibit what is morally unacceptable.
3. To be capable of performing the function of guiding behavior, a system of rules must satisfy the following principles:
 - the rules must be expressed in general and understandable terms;
 - the rules must be prospective in effect;
 - the rules must be publicly promulgated;
 - the rules must be consistent with one another;
 - the operative rules must not be changed so frequently that the subject cannot rely on them; and
 - the rules must be administered in a manner consistent with their wording.
4. Being a complex body of rules, law serves a variety of functions. There are, for instance, laws which govern working conditions (e.g. by laying down minimum standards of health and safety), or laws which control personal relationships (e.g. by prohibiting marriage between close relatives). Property and contract laws facilitate business activities. Laws against crimes help to maintain a peaceful, relatively stable society. Laws limiting the powers of government help to provide some degree of protection against any excessive misuse of authority.
5. Law has also been used as a mechanism for social change; for instance, at various times laws have been passed to inhibit social discrimination and to improve the quality of individual life with regard to health, education, and welfare.
6. The system of law in general may be represented by a great number of different branches, among them are the following:
 - constitutional law is a leading branch of the whole legal system. It deals with the frame of society, state structure, organization of government and legal status of citizens;
 - administrative law is a body of rules applicable to the operations of the executive branch of government;
 - criminal law defines the general principles of criminal responsibility, individual types of crimes and penalties applied to criminals;
 - civil law deals with civil relationships such as citizenship, marriage, divorce, and certain contractual arrangements;
 - financial law regulates taxation, budget, social security, insurance,

pensions, investments and other spheres of financial activity;
— labor law covers matters arising from labor relations of employees and their employers.

7. Substantive and adjective law. Substantive law defines the rights and duties of persons; it determines a wide variety of matters — for example, what is required to form a contract, what the difference is between larceny and robbery, when one is entitled to compensation for an injury, and so on.

8. Adjective law (or procedural law) defines and deals with procedures for enforcing the rights and duties of persons. The rules of procedure and jurisdiction determine the court or administrative agency that may handle a claim or dispute; the form of the trial, hearing, or appeal; the time limits involved; the kinds of evidence that may be presented.

9. Public and private law. Public law is that area of law that deals with the state and the relations of the state with the public. It includes such branches as constitutional, administrative and criminal law.

10. Private law involves the various relationships that people have with one another and the rules that determine their legal rights and duties among themselves. Private law is sometimes referred to as “civil law” in its general meaning.

11. International and national law. National law is a set of written and unwritten rules by which a particular country is governed and the activities of people and organizations are controlled within a given state. International law deals with general principles, norms, and standards that apply between sovereign states and other entities legally recognized as international actors. International law is the law of the whole international community.

LEXIS from the text:

ordinance — указ, распоряжение; декрет; приказ

executive order — правительственное постановление

enforced custom — обычай, обеспеченный правовой санкцией

judicial opinion — судебная практика

behaviour — образ действий, поведение

back — поддерживать; подкреплять

coercive power — власть, основанная на принуждении (возможности применения или отмены наказания)

penalty — наказание; взыскание; штраф

remedy — средство судебной защиты, средство защиты права

mores — нравы, обычаи, традиции

morality — мораль, нравственность; этика

respond to — реагировать

pressure — острая необходимость, воздействие

TEST YOURSELF

Fill each gap in the text with only one word or phrase from the box below.

The term “law” has several distinct meanings, but when we speak of the law of a state, we mean (_1_), which is imposed upon and enforced among the members of a given state. Thus, the chief characteristic of this term in a legal sense is that the law is enforced and such enforcement is carried by (_2_). Legal norms and rules cover different spheres of social and economic life that is why there are a great number of (_3_) which all together form the national system of law. The system of law in our country embraces such branches as: (_4_) is a leading branch of the whole system of law. It deals with (_5_), organization of state power and the legal status of (_6_). (_7_) deals with legal forms of executive and administrative activity of the government and (_8_). (_9_) is connected with the rights and duties of individuals towards each other. For instance, it regulates the relations involving property, its distribution and (_10_). (_11_) defines the general principles of criminal responsibility, individual types of crimes and punishment applied to (_12_). Criminal law in our country takes the form of (_13_) which consists of (_14_). The rules of (_15_) include the legislation on the employment of (_16_) and regulate matters arising from labor relations. (_17_) regulates the state budget, taxation, state credits, insurance, pensions, and other spheres of (_18_). International law is the body of law that governs the legal relations between or among (_19_). International law stems from three main sources: (i) treaties and (_20_), (ii) customs, and (iii) peremptory principles of law. International law is not identical with domestic law but operates as (_21_) side by side with that law. In the case of conflict of internal legal norms with the provisions of international law, international law prevails over domestic law.

administrative law, branches of law, citizens, constitutional law, the criminal code,
 criminal or penal law, civil law, criminals, exchange, international conventions, labor law, financial activity, “a rule of human conduct”, financial law, manual and
 office workers, ministries, a separate system, social structure, the state authorized organs, states or nations, two parts: general and special

Методика выполнения задания: уделить особое внимание особенностям употребления глагола в видо-временных группах. При работе с упражнениями пользоваться таблицей «Временные формы», англо – русским словарем, справочной литературой по теме. Дать определение неправильных глаголов. При составлении плана пересказа использовать термины и понятия по теме. При ответе на вопросы уделить внимание правильному грамматическому построению предложений. При переводе стараться подобрать нужные эквиваленты к словам, учитывать особенности реалий в английском языке. При пересказе опираться на карту Великобритании и ключевые выражения по теме. Обратить внимание на

суффиксы и префиксы существительных, глаголов, прилагательных, на формы глагола to be в страдательном залоге, на правильные и неправильные глаголы, на особенности образования вопросительной и отрицательной форм, на особенности перевода предложений в страдательном залоге. При работе с упражнениями пользоваться таблицей неправильных глаголов, англо – русским словарем, справочной литературой по теме.

Требования к оформлению отчетного материала: записать конспект в рабочей тетради

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 3

Изучение правовой лексики на основе текстов.

Усвоение и закрепление

грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 8.

Цель работы: формирование и совершенствование грамматических навыков.

Оборудование: рабочая тетрадь, ручка.

Задание: 1) найти в словаре перевод слов и выражений по теме, ответить на вопросы, составить план рассказа по теме, выполнить перевод текстов; 2) выполнить упражнения учебника по теме, упражнения на употребление, подстановку; 3) прочитать и сделать перевод текста, ответить на вопросы по тексту, проанализировав грамматические структуры текста, подготовить отрывок из текста на контрольное чтение и перевод; 4) выполнить упражнения учебника по теме.

Substantive Civil Law

1. Civil law is a term that is used to describe a body of law that is centered around finding peaceful resolutions to non-criminal disputes. Civil law can be substantive and procedural. The substance refers to what the statute or regulation actually says. Procedure refers to the rules and methods set out by the legislator and court for the application, implementation and enforcement of the law.

2. Substantive civil law consists of numerous sets of principles determining the rights, duties and obligations that exist between individuals and institutions such as corporations and government bodies. Each set of principles is covered by a separate civil law category, developed by the courts and legislatures over a long time. Below you will find some of the more common substantive civil law categories utilized by the law books.

3. Civil rights law comprises statutes and constitutional provisions that apply to discrimination on the basis of such legally recognized characteristics as race, sex, ethnic or national background or color.

4. Commercial law includes such titles as principal and agent, borrower and lender, bank and their customers, wholesaler and retailer and mortgagor and mortgagee; carriage by land and sea; bill of lading and bill of exchange.
5. Consumer protection laws are a form of government regulation which aims to protect the rights of consumers. For example, a government may require businesses to disclose detailed information about products — particularly in areas where safety or public health is an issue, such as food.
6. Contract law indicates when written or oral agreements are enforceable, how they are discharged, when they may be broken, and what happens if they're broken or cancelled.
7. Company law (also “corporate law” or “the law of business association”) is the field of law concerning companies, corporations, partnerships and other business organizations. It also specifies the relationship between a business entity and outside parties who commercially interact with it.
8. Education law deals with the rights of students and the restrictions placed on them by schools, educational standards, competency testing, financial assistance to students, teachers' rights and responsibilities.
9. Labor law can be divided into two parts. The first one, employment law or individual labor law, is the part which regulates individual employment rights, for example, the rules relating to unfair dismissal, equal pay, etc. The second one, collective labor law or industrial law, is the part which relates to collective activity, e.g.: industrial action, admission to and expulsion from trade unions.
10. Environmental law is a complex body of statutes, regulations and cases that operates to control the interaction of humanity and the natural environment. These norms may be divided into two major subdivisions: (a) pollution control and remediation, (b) resource conservation and management.
11. Family law is an area of the law that deals with family-related matters and domestic relations including:
 - the nature of marriage;
 - issues arising from marriage, including marital property, child custody, guardianship and adoption;
 - the termination of the relationship and matters associated with it: e.g. divorce, property settlements, child visitation and alimony.
12. Insurance law pertains to problems arising under any kind of insurance contract, such as life insurance, car insurance and disability insurance.
13. Law of evidence governs the use of testimony and exhibits or other documentary material that is admissible in a judicial or administrative proceeding.
14. Media law pertains to the print and broadcast media and includes such items as libel, privacy, censorship, access to government information and court records, licensing of radio and television stations.
15. Property law is the area of law that governs the various forms of ownership in real (immovable) property and in personal (movable) property. Thus it governs valuable things that people call ‘theirs’.

16. Intellectual property law aims at safeguarding creators and other producers of intellectual goods and services. Its norms and procedures encompass copyrights, trademarks, trade secrets and patents.

17. Tax law covers the issues related to national and local taxation of such items as income, personal property, business profits, real estate, and sales transactions.

18. Tort law (personal injury law) pertains to any injury to a person or business that is directly caused by the intentional or negligent actions of another.

Civil Procedure

1. Civil procedure concerns a wide range of issues that can be analyzed in the following sequence: jurisdiction; venue; pleading; parties; discovery; trial and post-trial.

2. Jurisdiction is the power or authority that a court has to hear a particular case. When considering the question of jurisdiction, one of the first points that must be determined is whether the case is in rem or in personal action. An ‘in rem action’ is a lawsuit that is directed against property rather than against a particular person. An ‘in personam action’ is a lawsuit in which the plaintiff seeks damages or other relief against a specific person or entity.

3. Venue is a statutory limitation on the geographical location of litigation to prevent a plaintiff from suing where it would be burdensome for the defendant to appear and defend. Even when jurisdiction and venue are proper, courts may decline to exercise jurisdiction on the ground that the location the plaintiff selected for the case is grossly inconvenient.

4. The essential parts of the complaint are: the caption, jurisdictional allegations, body, prayer for relief, and subscription.

(i) Caption must set forth:

— the name of the court;

— the number assigned to the action (stamped by the clerk when the action is filed);

— a designation of the pleading (e.g., “Complaint for Damages”); and

— the names of the parties.

(ii) Jurisdictional allegations give grounds upon which the subject matter jurisdiction of the court is invoked.

(iii) Body is a part of complaint which contains a statement of the facts upon which recovery is sought.

(iv) Prayer for relief is a statement of the relief sought.

(v) Subscription: The complaint must be signed by the lawyer or by the party himself, where he is acting as his own counsel.

5. Stages of a civil trial. The parties have the right to choose between a jury trial and a bench trial. A complete civil trial with jurors typically consists of these main phases:

— choosing a jury;

— opening statements of plaintiff and defendant;

— presentation of direct evidence by the parties, with cross-examination of each witness;

- presentation of rebuttal evidence by plaintiff and defendant;
- closing argument of defendant and plaintiff to jury;
- instructions to jury by judge;
- jury deliberation and verdict;
- adjudication.

6. Adjudication is usually in the form of the following remedies:

(i) Damages are an order from the court that an amount of money must be paid to the claimant. This is called an award of damages. There are different types of damages awarded by the civil courts:

- special damages: this is the name for damages which can be calculated objectively, as these consist of claims for financial loss to the claimant incurred from the date of injury to the date of trial;

- general damages: these are for things which can't be easily calculated; this may include an amount for pain and suffering, future medical bills and also for loss of future earnings.

- exemplary damages (or punitive damages): these are damages which are intended to punish the defendant and not merely to compensate the claimant.

(ii) An injunction may be awarded by the judge where damages would not be an appropriate remedy. It is an order by the court to stop doing something. (iii)

Rectification is an order from the court that a document should be altered to reflect the parties' true intentions. The court will only grant this remedy where it is satisfied that a mistake was made in drawing up the document so that it is no longer a true version of what the parties originally agreed. (iv) Specific performance is only used in contract law. It is an order of the court to do something if it is envisaged by the contract itself. (v) Rescission is also only available in contract cases. The aim is to re-turn the parties to the dispute as far as possible to their pre-contractual position.

7. An appeal is the normal procedure for obtaining review by a higher court. The function of the appeal is to assure that the trial has been conducted in a lawful manner and that judgments conform to the law. An appeal normally does not involve a retrial of the case, but is limited to a consideration of the rulings by the lower court. An appellate court reviews the facts and evidence presented to the lower court as they are preserved in the trial court record, and no other evidence is considered in making an appellate decision. When the court of appeal agrees to review the case it may either uphold the lower court's decision ("affirming" the judgment) or

reject the lower court's decision and remand the case with instructions to take whatever steps are necessary to rectify the situation.

LEXIS from the text:

in rem action — вещный иск

in personam action — иск в отношении конкретного лица

seek relief — искать судебной защиты, обращаться за защитой в суд

entity — организация-субъект права, юридическое лицо, самостоятельная правовая единица
statutory limitation — соответствующий закону, предусматриваемый законом, предписанный законом
burdensome — обременительный; тягостный
proper — правильный; должный; надлежащий, соответствующий, уместный
decline — отклонять, отказывать
caption — заголовок судебного документа, заголовок
designation — обозначение, наименование, маркировка

Методика выполнения задания: при работе с текстом использовать англо – русский словарь. При составлении плана пересказа использовать термины и понятия по теме. При ответе на вопросы уделить внимание правильному грамматическому построению предложений. При переводе стараться подобрать нужные эквиваленты к словам, учитывая особенности реалий в английском языке. При пересказе опираться на ключевые выражения по теме. Перед выполнением упражнений повторить теоретический материал по грамматическим темам, пользуясь словарем, выполнить перевод предложений.

Требования к оформлению отчетного материала: запись в рабочей тетради.

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 4

Изучение правовой лексики на основе текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 8.

Цель работы: обучение приемам извлечения информации из текстов, формирование навыков практического владения иностранным языком, совершенствование техники перевода.

Оборудование: рабочая тетрадь, ручка.

Задание: 1) прочитать и перевести текст, ответить на вопросы по тексту, проанализировать грамматические структуры текста, подготовить отрывок из текста на контрольное чтение и перевод; 2) выполнить упражнения. Перед выполнением упражнений повторить теоретический материал по теме неличные формы глагола, пользуясь словарем выполнить перевод предложений, учитывая время и залог. 3) Выполнить упражнение по теме.

Методика выполнения задания: прочитать текст, перевести текст устно с использованием словаря, ответить на вопросы после текста письменно в тетради, выписать из текста глаголы и проанализировать их время и форму, подготовить чтение и перевод отрывка текста на оценку. Перед выполнением упражнения повторить теоретический материал по теме условные предложения, пользуясь словарем выполнить перевод предложений, найти в предложениях главное и придаточное предложение и определить его тип, проанализировать употребление форм глагола в данных предложениях.

Intellectual Property Law in Britain: Industrial Property

1. Patents are granted to individuals and companies that can lay claim to an invention which is capable of industrial manufacture and the invented product or process is novel, non-obvious and useful. Patents protect the investments made for research and development and create an incentive for innovation. The 'patentees' are rewarded with a limited exclusive right on their invention, for providing technical progress to the public. The exclusive right to make, use, import, sell, and offer the patented invention is limited in time (max. of 20 years), in territory (for the country granting the patent), and its content (on the patented invention). In return for this monopoly, the patentee pays a fee to cover the costs of processing the patent and, more importantly, publicly discloses details of the invention.
2. Patents are administered by the Patent Office, which analyses applications to ensure that the right to a patent exists and publicly provides information on every patent granted. The Office is an executive agency of the Department of Trade and Industry.
3. An industrial design right protects the form of appearance, style or design of an industrial object. Protection is provided against the copying of original designs for five years after they have been initially marketed, although any person is entitled, as of right, to a license to use the design during the following five years, and a right to remuneration is provided for during that period. However, unrestricted copying is permitted where there is no design freedom for either functional or aesthetic reasons, such as in the case of spare parts needed to keep equipment in good repair.
4. A design right is a full property right, but according to the 1988 Act certain designs are not registrable and protection is in effect provided only for truly aesthetic, 'stand-alone' designs which competitors do not need to copy in order to compete effectively.
5. A trade mark (or brand) is a means of identification — a symbol, whether a word or device or a combination of the two — which enables traders to make their goods and services readily distinguishable from similar goods and services supplied by other traders. Fraudulent use of a trademark is a criminal offence that incurs substantial penalties.
6. Service marks are the same thing as trademarks except that they identify and distinguish services rather than products.

Not all brands can be registered, however — the criteria for registration being set by the Trade Marks Registry, which is part of the Patent Office.

7. A trade secret (or «confidential information») is secret, non-public information concerning the commercial practices or proprietary knowledge of a business, public disclosure of which may sometimes be illegal. A trade secret is any formula, pattern, machine, process, database, method or operation used in the production of goods or services and known only to employees who need to know the secret to accomplish their work. The protection of trade secrets covers the ideas themselves. It's the main distinction from copyright.

8. Patents, trademarks, service marks, trade secrets and design rights are sometimes collectively known as industrial property, as they are typically created and used for industrial or commercial purposes.

LEXIS from the text:

novel — новаторский, неизвестный, ранее не существовавший

non-obvious — неочевидный, неявный, небанальный

industrial property — промышленная собственность, промышленные права

industrial manufacture — изготовление в промышленных масштабах

patentee — патентодержатель, владелец патента; лицо, имеющее право на получение патента

fee — комиссия, комиссионный сбор; плата за услуги, взнос

processing — изготовление, оформление, подготовка

disclose — раскрывать; объявлять; сообщать, разглашать (сведения)

Patent Office — Патентное ведомство (в Великобритании и США)

application — заявление, просьба, обращение, требование, заявка

remuneration — вознаграждение; компенсация; заработная плата

spare parts — запасные детали, запасные части

registrable — подлежащий регистрации, регистрируемый

stand-alone — выдающийся, особенный, непревзойденный

competitor — конкурент, соперник; участник рынка

device — 1) способ, средство; 2) рисунок; эмблема, символ; девиз

distinguishable — различимый

fraudulent use — мошенническое использование

incur — нести, терпеть (расходы, убытки); подвергаться чему-л.

penalty — взыскание; санкция; штраф; наказание; санкция

proprietary — составляющий или характеризующий чью-либо собственность; собственнический.

QUESTIONS

1. What requirements should an invention meet to be granted a patent?

2. What rights does a patent give to the 'patentee'?

infrastructural capital

registered design

intangible personal property

reversion

intellectual property

royalty
interest in property
succession
lease
tangible personal property
leasehold
title to property
license
trade mark
life estate
trade secret

TEST YOURSELF

Fill each gap in the text with only one word or phrase from the box below.

The word 'property' has several (_1_), and in law we must be careful to distinguish between two of them:

- property may mean (_2_) capable of ownership;
- property may also mean ownership.

There are two main types of property:

- (_3_), which is land, buildings, trees, or other items attached to (_4_), and the rights of land ownership and use; and
- (_5_), which is all other property, tangible or intangible, except real property.

The term 'real property' in general signifies all interests in land. In economic terms, real property consists of some (_6_) (or land, one of the factors of production especially in agriculture), and (_7_) (the buildings, water and power lines, and other improvements necessary to make immovable property useful for particular (_8_)). Real property can refer to immovable estate itself, or to various types of ownership interests in immovables, including:

- (_9_): the owner has the right to use the real estate for any lawful purpose and sell the interest when and to whom the owner wishes;
- (_10_): an interest in immovable property is granted to (_11_) until that person dies;
- (_12_): the right to possess and use immovable property is subject to the terms of a lease;
- (_13_): the right to restore the fee interest in immovable property after (_14_) of a life estate, estate for years, or leasehold;
- (_15_): the ownership of an interest in immovable property by more than one party.

As we have mentioned above personal property can be of two kinds:

- (_16_) is subject to physical possession; it can include almost anything that takes up (_17_) and is movable;
- (_18_) consists of rights in something that lacks (_19_); examples include patent rights, (_20_), rights in trade marks, stocks and shares, registered designs,

goodwill of a business, insurance moneys, and cheques. The title to property may be acquired in different ways, among them are:

a) in case of real property:

— sale and purchase;

— (_21_) — the fact of receiving property when the former owner dies;

— occupancy;

b) in case of personal property:

— (_22_): invention, art, or other intellectual endeavor;

— sale of goods and (_23_);

— gifts as a voluntary transfer of property from (_24_) to (_25_)

without any compensation;

— (_26_): an addition to the value of personal property by labor, materials or natural process.

a donee, a donor, a life tenant, accession, concurrent tenancy, creation, fee simple, copyrights, human purposes, infrastructural capital, intangible personal property, leasehold, life estate, meanings, natural capital, personal property, physical substance, real property, reversion, space, tangible personal property, the expiration, the land, the thing or things, transfer of commercial papers, succession

Требования к оформлению отчетного материала: выполнить упражнение в рабочей тетради

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 5

Изучение правовой лексики на основе текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 8.

Цель работы: обучение приемам извлечения информации из текстов, формирование навыков практического владения иностранным языком, совершенствование техники перевода.

Оборудование: рабочая тетрадь, ручка, грамматический справочник.

Задание: 1) прочитать и перевести текст, ответить на вопросы; 2) Перевести текст письменно, выполнить задания после текста.

Marriage

1. Family law is the term applied to the laws and rules regarding family relationships. Family law rules define not only the relationships between members of a family but also between a family and society as a whole. More than any other area of the law, family law reflects the values society shares regarding how people who are related should treat each other.

2. Family law rules see the family as a special social institution and clarify such issues as marriage and relationship planning, divorce, paternity, adoption, custody

of and responsibility for children; protection from violence in the home. Norms of family law also prescribe the rights of succession to the property of a family member when they die.

3. Under family law “marriage” is a social institution uniting men and women in special forms of mutual dependence, often for the purpose of founding and maintaining families. As far as children need undergo a long period of development before attaining maturity, the care of children during their years of relative helplessness is the chief incentive for the spouses.

Marriage as a contract between a man and a woman has existed since ancient times. As a social practice it reflects the purposes, character, and customs of the society in which it is found.

4. Basically, there are three requirements of a valid marriage:

(i) that the requisite formalities are complied with: whether a religious or a civil ceremony is necessary;

(ii) that the parties have legal capacity to marry each other; for instance, one or both may be under lawful age, or be already married to a third person, or they may be within the prohibited degrees of relationship, thus such individuals are prevented from wedding;

(iii) that the parties freely and knowingly consent to do so.

5. If a marriage has been imperfectly constituted in law, it may be annulled; grounds for annulment include lack of capacity, no reality of consent by the parties, a vitiating defect in the marriage ceremony, or the subsequent discovery of such a “defect”.

6. If married people wish to terminate their marriage relationship they both or any one of them should file for divorce. This can be accomplished through an uncontested divorce or a contested divorce. The last one may be of two kinds: no-fault divorce or a fault based divorce.

7. With “a no-fault divorce”, the termination does not require proof of fault to be shown. Reasons for this type of divorce include incompatibility or irremediable breakdown of the marriage. The application can be made by either party. With the support of a court system, the other spouse may be divorced against his or her will in this case.

8. In “a fault based divorce”, the reasons for divorce are specific such as: adultery, habitual drunkenness, conviction of a felony, unreasonable behaviour, cruel and inhuman treatment, insanity, desertion of at least two years, two years’ separation where the divorce is by consent, and five years’ separation.

9. The procedure is usually for one party to petition for divorce. A judge considers the evidence and, if the grounds for divorce are proven, the judge pronounces a decree nisi which is a provisional measure. Six weeks later the petitioner can apply for a decree absolute, which is the final measure. The decree absolute has to be issued by the court before either party can remarry. A decree of divorce must be pronounced in open court.

10. Alimony is an amount of money ordered by a court to be paid by one spouse to the other — usually by the husband to the wife — for some period, limited or indefinite, after a divorce.

11. Child maintenance is financial support that helps towards a child's everyday living costs when the parents have separated. The parent who doesn't have day-to-day care of the child (the 'paying parent') pays child maintenance to the parent or person who does (the 'receiving parent').

LEXIS from the text:

relationship planning — регулирование / планирование родственных отношений

violence — жестокость, насилие

right of succession — право наследования

values — ценности

share — разделять

treat — обращаться, относиться, вести себя по отношению к кому-л.

mutual dependence — взаимная зависимость

undergo — переносить, претерпевать

maturity — зрелость, совершеннолетие

valid — юридически действительный; имеющий силу; правомерный

requisite formalities — необходимые формальности

prohibited degrees of relationship — степени родства, при которых запрещается брак

wedding — вступление в брак, бракосочетание, женитьба

imperfectly constituted — не полностью соответствующий

annul — признавать недействительным

vitiating defect — дефект, лишаящий законной силы

subsequent discovery — более позднее выявление

terminate — прекращать действие

uncontested divorce — развод по обоюдному согласию

contested divorce — развод без согласия одного из супругов

no-fault divorce — развод без судебного обоснования причин

fault based divorce — развод на основании подтверждения веской причины

incompatibility — несовместимость

irremediable breakdown — непоправимый разрыв (отношений)

application — письменное ходатайство суду или судье

adultery — адюльтер, прелюбодеяние, нарушение супружеской верности, супружеская измена

habitual drunkenness — алкоголизм

felony — тяжкое уголовное преступление (фелония)

inhuman treatment — жестокое обращение

insanity — психическая болезнь; невменяемость

desertion — злонамеренное оставление одним супругом другого

separation — раздельное жительство супругов (фактическое прекращение брака без юридического оформления)

decree nisi [di'kri:'naisaɪ] — условное решение суда, вступающее в силу с определённого срока, если оно не отменено до этого срока

petitioner — проситель; истец
decree absolute [dɪˈkriːˈæbsəluː t] — решение суда, окончательное и безусловно вступившее в силу
accustomed — привычный, привыкший
make sense — иметь смысл, быть понятным
earn the income — зарабатывать, приносить доход
rearing — воспитание (детей)

QUESTIONS

1. What do people refer to as “marriage”?
2. Are there any requirements to a valid marriage?
3. How can a marriage be dissolved?
4. What are the typical grounds for a court to dissolve a marriage?
5. What is the procedure for divorce?
6. What is the purpose of a decree nisi in divorce proceedings?
7. What term is referred to the money ordered by a court to be paid by one spouse to the other?

AGREE OR DISAGREE

1. Divorce is possible only if both parties petition for it.
2. A decree nisi is a provisional measure.
3. A decree of divorce is pronounced at a closed meeting of the court.
4. The period for which alimony is to be paid is always limited.
5. Some norms of family law are concerned with the rights of succession of family members.
6. Marriage as a contract between a man and a woman reflects the customs of the society in which it is found.
7. Legal capacity to marry is the only requirement of a valid marriage.

GIVE ENGLISH EQUIVALENTS for:

- a) отражать общественные ценности;
- b) создавать и содержать семью;
- c) достичь совершеннолетия;
- d) соблюдать необходимые формальности;
- e) добровольно и осознанно соглашаться;
- f) подавать на развод;
- g) изучить доказательства;
- h) выносить решение в открытом судебном заседании.

Методика выполнения задания: прочитать текст, перевести текст устно с использованием словаря, ответить на вопросы после текста письменно в тетради, выписать из текста глаголы и проанализировать их время и форму, подготовить чтение и перевод отрывка текста на оценку.

Требования к оформлению отчетного материала: запись в тетради.

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 6

Введение лексики по теме.

Выполнение заданий.

Чтение текста.

Совершенствование навыков поиска и обработки профессионально значимой информации на английском языке. Развитие способности обучающихся к самоорганизации и самообразованию.

Количество часов на выполнение: 8.

Цель работы: употребление и понимание новых слов, формирование у студентов навыков самостоятельной работы с текстом, а также формирование умения использования ознакомительного и изучающего видов чтения учебных текстов.

Оборудование: рабочая тетрадь, ручка, таблица «Временные формы глагола», схема образования временных форм глагола.

Задание: выполнить упражнения по теме.

Nature of Contracts

1. A contract is a legally enforceable agreement, express or implied, which gives rise to certain rights and obligations. Thus in case of a breach of contract the injured party may go to court to sue for money damages, or for rescission, or for specific performance if money damages would not compensate for the breach. But these rights and obligations cannot arise except between the parties to the contract.

2. There are four essential elements of a valid contract:

i) capacity of the parties;

ii) legality of subject matter;

iii) consideration (something of value given in exchange for a promise);

iv) mutual agreement (assent), meeting of the minds (a valid offer and acceptance) and intention of the parties to create legal relations.

3. Each of the four essential requirements must be met in the formation of a valid contract.

Capacity of the Parties

4. Under the law, only a person who is legally competent has the power to make a binding contract and can be held to any promises contained therein. Persons who may be considered to be legally incompetent include minors, insane persons, and, sometimes under specified circumstances, intoxicated persons.

Legality of Subject Matter

5. If the subject matter of an agreement is not legal, the agreement is not enforceable in a court of law. In this respect, we do not use the expression "void" or "voidable"; the illegal agreement simply has no existence in contemplation of law. Generally, neither party has access to a court for the assistance of law with respect to any aspect of the agreement.

6. There are two reasons why the subject matter of a contract may be illegal: statute and public policy. Statutes are legislative acts; public policy is a judicial determination of prevailing morality.

Consideration

7. Consideration is something of value that is given in exchange for a promise. It is based on the idea of *quid pro quo* ("something for something"). In almost all contracts, consideration is required for enforceability.

Mutual agreement

8. Contracts usually consist of mutual promises given by parties with intent to bind themselves. A promise creates for the promisor (the person making the promise) a future obligation. For the promisee (the person to whom the promise is made) it creates an expectation that the promise will be fulfilled. Furthermore, the promisee will often rely on the promise.

9. It is not necessary that the thing promised be affirmative; it may be refraining from acting or promising not to act. A promise made to give \$1,000 to a friend if she does not smoke (a negative unilateral contract) is mutual and binding.

LEXIS from the text:

injured party — сторона, понёсшая ущерб

sue for money damages — обращаться в суд с иском о денежной компенсации убытков

rescission — расторжение договора

meeting of minds — совпадение воли и желаний сторон

intention — намерение, стремление

binding — принудительный, обязательный, обязывающий

minor — несовершеннолетний; лицо, не достигшее совершеннолетия

public policy — общественное мнение, публичный порядок

quid pro quo — услуга за услугу, встречное удовлетворение, "что-нибудь за что-то"

promisor — лицо, дающее обещание; должник по договору

promisee — лицо, которому дают обещание; кредитор по договору

rely on — полагаться, надеяться; доверять, быть уверенным

affirmative — позитивный, положительный, утвердительный

refrain — воздерживаться (от чего-либо); не совершать (что-либо)

Mutual Agreement: Offer and Acceptance

1. As defined in the previous text, a contract is a legally enforceable agreement; an agreement is a meeting of the minds. Since courts and juries are not mind readers, the existence of this mental condition must be manifest in words, oral or written, or in actions. The mutual assent of the parties to a contract is manifested in two legal concepts, the offer and the acceptance.

2. The offer. The simplest way to form an express contract begins with a formal offer. There are two requirements to an offer: a) it must indicate a clear,

definite intent to make a contract and b) it must be communicated to the other party.

3. If an offer does not specify a period of time during which it is to remain open, it expires after the passage of a reasonable time. What constitutes a reasonable time depends on the implied intention of the offerer and the property or goods offered, customs of the trade or business, and the like.

When the time during which the offer is to remain open is specified, that time then becomes the expiration date. An offer may expire at an earlier time than stated, however, because of:

- rejection: if a person to whom an offer has been made rejects it, then they cannot subsequently accept the original offer;

- a counter-offer: where the offeree tries to change the terms of the original offer; a counter-offer should not be confused with a request for information, which does not end the offer;

- revocation of offer: the offeror may revoke a simple offer at any time before it is accepted;

- the death or incompetency of either offerer or offeree.

4. The acceptance. Acceptance of the offer closes a transaction. However, the acceptance must meet certain standards:

- first, the acceptance must be clear and unqualified; an acceptance that modifies the original offer is treated in the law as a counteroffer, that is, a rejection of the original offer and the making of a new offer;

- second, the offeree must accept in any manner required by the offer.

If the offer states, "I must have your answer by 1 p.m. on December 1," then failure to have the answer in the hands of the offerer by that time is fatal to the contract.

5. Reality of contract. As explained earlier, a meeting of the minds —

mutual assent or agreement — is a necessary element of a contract.

Without it, the contract may be void or voidable. There are several reasons why mutual assent may be lacking: mistake, fraud, misrepresentation, undue influence, and duress.

6. Discharge of contract means that the parties to an agreement are freed from their contractual obligations. A contract is discharged in one of four ways:

- (a) agreement of the parties to bring the contract to an end;

- (b) performance of obligations;

- (c) frustration;

- (d) breach of contract conditions by another party.

Грамматический материал по теме: повторение материала за 1, 2 курс.

Отработка введенной лексики в речевых образцах, перевод текстов, ответы на вопросы. Выполнение упражнений. Работа с текстами. Перевод со словарем. Работа с учебником, ответы на вопросы, составление плана пересказа текста, поиск в тексте слов и выражений по страноведению.

Методика выполнения задания: обратить внимание на глагол — сказуемое в главном предложении в настоящем и будущем времени, в

прошедшем времени. При переводе предложений учитывать особенности перевода таких предложений с русского на английский. При работе с упражнениями пользоваться таблицей «Временные формы глагола», англо – русским словарем, справочной литературой по теме.

Требования к оформлению отчетного материала: запись в тетради.

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: [2], [7], [8], [9], [10], [11].

Критерии оценки: указаны во введении.

Практическая работа № 7

Изучение правовой лексики на основе образовательных текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 8.

Цель работы: закрепление знаний.

Оборудование: рабочая тетрадь, ручка.

Задание: 1) найти в словаре перевод слов и выражений по теме, найти в тексте слова и выражения по теме, ответить на вопросы, составить план рассказа по теме, дать литературный перевод текста.

Business Organizations:

Private Enterprise and Partnerships

1. There are three basic types of business organizations:

(i) The private enterprise is the simplest form. The sole owner and his/her business are not legally distinct entities. The owner has unlimited liability for debts of the business.

(ii) The partnership: two or more individuals are the owners, having expressly or implicitly agreed to establish and run a business for profit.

(iii) The corporation: a distinct legal entity which is created under Company law and has an existence separate from its shareholders. A business entity is deemed to be a corporation only if the entity has at least three of the following four traits: limited liability, centralized management, continuity of life, and free transferability of interests.

2. There are also some other organizational forms which are not strictly classified as either partnerships or corporations — for instance, syndicates, business trusts, associations, joint ventures and cooperatives.

3. Private enterprise or individual proprietorship is the form of organization where the owner is in sole charge of the business and is responsible for its success or failure. Although advantages for the small business exist in this form, certain drawbacks make it undesirable for larger concerns. In the first place the single owner is seldom able to invest as much capital as can be secured by a partnership or a corporation. If single owners are able to invest large amounts of capital, they run great risk of losing it all because they are personally liable for all the debts of their businesses. This is called unlimited liability. Only in agriculture is the individual owner still a predominant figure.

4. Partnership is an association of two or more persons who have agreed to combine their labor, property, and skill, or some or all of them, for the purpose of engaging in lawful business and sharing profits and losses between them; in this definition the term business includes every trade, occupation, and profession. The parties forming such an association are known as partners. Partners may adopt a fictitious name or use a real family name. The agreement to form a partnership is known as a partnership contract, the most important provision of which spells out the manner in which profits are to be distributed.

5. There are two types of partnership: general and limited. General partnership is an ordinary partnership in which each partner is personally liable for the acts of every other partner in the conduct of the business and has unlimited personal liability for the debts of the partnership, and usually all partners participate in the management and conduct of the business.

6. A limited partnership is a partnership consisting of one or more general partners and one or more limited partners. General partners manage the business and are personally liable for its debts and obligations. Limited partners invest money or other property in the business, but are not liable for the debts or obligations of the partnership.

7. A partnership can be formed only by contract. Any number of persons may contract to form a partnership, and firms of partners may enter into partnership with one another. New members may be admitted into an existing partnership only with the consent of all the partners. The agreement of partnership generally is for a definite term of years; if no duration is specified, it is said to be a partnership at will and can be terminated at any time by any partner. By agreement of the members, a partnership may be dissolved or terminated and the terms of the partnership agreement modified at any time. Death or bankruptcy of a partner, the insanity or misconduct of a partner, and the end of the period fixed for the duration of the partnership also operate to terminate the partnership.

LEXIS from the text:

transferability of interests — перемещаемость, передаваемость доли участия в компании

syndicate — синдикат, консорциум а) любое объединение банков, страховых компаний, подрядчиков, товаропроизводителей или других фирм с целью осуществления общего проекта; б) объединение товаропроизводителей с целью сбыта и осуществления единой ценовой политики

business trust — деловой доверительный паевой фонд; деловой траст (форма неакционерного предприятия с ограниченной ответственностью без образования юридического лица; состоит в объединении лиц, передающих титул собственности и управление собственностью одному или нескольким доверительным собственникам, которые осуществляют распределение полученной прибыли в пользу участников (бенефициаров) траста)

in sole charge of — полностью, единолично ответственный

drawback — недостаток, отрицательная сторона

larger concern — более серьёзное предприятие, более крупная фирма
 secure — гарантировать, обеспечивать, защищать; оберегать (от чего-л.), страховать
 run risk — идти на определенный риск
 unlimited liability — неограниченная ответственность (акционера) по обязательствам компании
 fictitious name — вымышленное название
 spell out — объяснять точно и обстоятельно, разъяснять, растолковывать
 general partnership — полное товарищество, товарищество с неограниченной ответственностью (члены такого товарищества несут как индивидуальную, так и солидарную ответственность по обязательствам товарищества)
 general partner — главный партнер с неограниченной (имущественной) ответственностью
 limited partner — компаньон-вкладчик, компаньон с ограниченной ответственностью
 at will — бессрочный, по усмотрению партнеров
 dissolve — ликвидировать (прекращать деятельность компании, товарищества и.п.)
 terminate — 1) прекращать действие, кончать; 2) ограничивать
 modify — видоизменять, модифицировать; подправлять, корректировать, вносить поправки

QUESTIONS

1. What is the legal meaning of terms “limited liability” and “unlimited liability”?
2. What are three basic types of business organizations? Are there advantages and disadvantages peculiar to each of them?
3. What is the difference between a partnership and corporation?
4. How is a partnership established?
5. What two main types of partnership are there? Describe them.
6. What is said to be “a partnership at will”?
7. How may a partnership be dissolved or terminated?

Методика выполнения задания: при работе с тестом использовать англо – русский словарь. При переводе стараться подобрать нужные эквиваленты к словам, учитывать особенности реалий в английском языке. При пересказе опираться на карту Великобритании и ключевые выражения по теме.

Требования к оформлению отчетного материала: запись в тетради.

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 8

Изучение правовой лексики на основе образовательных текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 6.

Цель работы: формирование и совершенствование грамматических навыков, изучение лексики.

Оборудование: рабочая тетрадь, ручка.

Задание: 1) найти в словаре перевод слов и выражений по теме, найти в тексте слова и выражения по теме, ответить на вопросы, составить план рассказа по теме, дать литературный перевод текста; 2) выполнить упражнения.

Criminal Law Basics

1. Criminal law is a body of rules that defines conduct prohibited by the government because it threatens and harms public safety and welfare and that establishes punishment to be imposed for the commission of such acts. The purpose of these rules is to provide protection for the social and state system, the universal freedoms and personal rights of citizens against corrupt activities and criminal offences.

2. Criminal law provides different grounds for classification of crimes. According to the object of a criminal activity the majority of crimes may be divided into the following groups:

- crimes of violence: vandalism, assault, battery, mugging, robbery, kidnapping, homicide,
- crimes committed for political reasons: hijacking, terrorism, assassination, treason,
- crimes connected with drugs: possession of drugs, drug traffic,
- crimes involving nonviolent stealing or theft crimes;
- crimes committed by people in business or by office holders (so called “white-collar crimes”): bribery, money laundering, perjury, computer crimes,
- car crimes: joy riding, drink driving, etc.

3. Criminal law also classifies a crime with respect to its gravity, such as treason, felony, and misdemeanor and fixes punishments for them. Also included in criminal law are rules and procedures for preventing and investigating crimes and prosecuting criminals, as well as the regulations governing the constitution of courts, the conduct of trials, the organization of police forces, and the administration of penal institutions.

4. At all stages of the criminal process, a person suspected of or charged with a crime is entitled to certain fundamental rights, which provide a balance between the government’s interest in ensuring that criminal behavior is identified and punished, and the fundamental need to preserve and promote the individual freedoms that characterize a democratic society.

5. As a matter of fact criminal law is based on a number of universal

principles. Here are some of them:

- law applies to everyone without discrimination;
- anyone accused of a crime has the right to have his case decided by fair and impartial judges, without interference of any kind, from any source;
- a person may be charged with criminal responsibility only if he has committed an act provided for in the criminal legislation;
- there is a presumption that the accused is innocent and the prosecution must prove his guilt beyond reasonable doubt;
- responsibility can exist only in the presence of guilt;
- a person may not be considered guilty unless all elements of an alleged crime have been established in his acts;
- criminal punishment shall be applied only by a sentence of the court;
- persons committing crimes in a state of intoxication are not released from criminal responsibility.

6. The following general defences may excuse the accused from criminal responsibility:

- lack of age: if an offender is under 14 he is not criminally liable;
- self-defence: when people have good reason to believe they are in danger of serious injury or death, they can use force to protect themselves;
- defence of family members: courts will not punish someone for using force to rescue a family member from attack if there was good reason to believe the victim was in danger of severe bodily injury or death;
- insanity: a mental defect or disease that makes it impossible for a person to know what he or she is doing (but everyone is presumed sane until the contrary is proved);
- duress by threats or duress of circumstances;
- automatism: as a defence it applies to the situation where the defendant is not legally insane but because of some external factor he is unable to control what he is doing (it may arise as the result of a reflex action, convulsion, sleep-walking or concussion);
- entrapment: if a law enforcement officer induces a law-abiding citizen to commit a crime, which would not have been committed without the involvement of the officer.

Work with the words given in the box below:

- a) match the words with their definition (bear in mind that there are some odd words in the box);
- b) classify all criminal acts given in the box into violent crimes (offences against the person) and non-violent crimes.

PRACTICE

Work with the words given in the box below:

- a) match the words with their definition (bear in mind that there are some odd words in the box);
- b) classify all criminal acts given in the box into violent crimes (offences against the person) and non-violent crimes.

armed robbery, arson, assassination, assault, battery, bigamy, blackmail, burglary, drug dealing, embezzlement, extortion, forgery, fraud, gambling, homicide, libel, manslaughter, money laundering, murder, perjury, shoplifting, smuggling, speeding, theft, treason, vagrancy

- 1) a generic term for the killing of another person;
- 2) any instance in which one party deceives or takes unfair advantage of another;
- 3) actual use of illegal force on another person;
- 4) attempt to transform illegally acquired money into apparently legitimate money;
- 5) attempt to use illegal force on another person;
- 6) betraying your country to a foreign power;
- 7) breaking into a private home with the intention of committing a felony;
- 8) driving a vehicle in excess of the permitted limit;
- 9) getting money from people by threatening to publicise facts they do not want revealed;
- 10) getting money from people by using threats;
- 11) going through a ceremony of marriage when you are still married to someone else;
- 12) killing a public figure illegally and intentionally;
- 13) making an illegal copy of a banknote or document;
- 14) possession of and/or trading in illegal substances;
- 15) setting fire to a building;
- 16) taking goods illegally into or out of a country;
- 17) taking the property of another without right or permission;
- 18) telling lies when you have sworn an oath to say what is true in court;
- 19) unlawful killing of a person with intent;
- 20) unlawful killing of a person without malicious intent and therefore without premeditation;
- 21) unlawful taking of another's property using a dangerous weapon;
- 22) using illegally or stealing money which you are looking after for someone else;
- 23) writing, publishing or broadcasting a statement which damages someone's character.

Методика выполнения задания: при работе с текстом использовать англо – русский словарь. При составлении плана пересказа использовать термины и понятия по теме. При ответе на вопросы уделить внимание правильному грамматическому построению предложений. При переводе стараться подобрать нужные эквиваленты к словам, учитывать особенности реалий в английском языке. При пересказе опираться на карту Великобритании и ключевые выражения по теме.

Требования к оформлению отчетного материала: запись в тетради.

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 9

Изучение правовой лексики на основе образовательных текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 8.

Цель занятия: совершенствование и развитие навыков устной и письменной речи, а также же навыков чтения и перевода текста на иностранном языке, формирование умения строить устные высказывания на иностранном языке, используя активный словарь темы.

Оборудование: парты, доска, раздаточный материал, учебники.

Задание: 1) использовать лексический минимум по теме, а также применить знания пройденных грамматических конструкций и форм. 2) Выполнить письменный перевод на русский язык:

Possible Reasons for Punishment

1. 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. Criminal punishment as a rule causes offenders a great deal of harm. At the same time it costs a lot of money, and punishment not only harms offenders, but also distresses their family and friends. What could possibly justify or explain doing these things? Justifications for criminal punishment typically take five forms which explain the application of penalties as deterrence, rehabilitation,

prevention, restoration (or reparation) and retribution.

2. Deterrence means dissuading someone from future wrongdoing, by making the punishment severe enough that the benefit gained from the offence is outweighed by the cost (and probability) of the punishment. Deterrence is a very common reason given for why an offender should be punished. It is often believed that punishment can also deter convicted person's peers from committing similarly punishable offences. Deterrence is based on the belief that crime is rational and can be prevented if people are afraid of the penalties. Special deterrence focuses on repeat offenders as far as the punishment is aimed at preventing the individuals in question from repeating the offence. General deterrence is aimed at preventing others from committing similar acts.

3. Rehabilitation. Some punishment includes work to reform and rehabilitate the wrongdoer so that they will not commit the offence again. This is distinguished from deterrence, in that the goal here is to change the offender's attitude to what they have done, and make them come to accept that their behaviour was wrong.

4. Prevention by way of isolation and incapacitation. Imprisonment as a means of isolation has the effect of confining prisoners, physically preventing them from committing crimes against law-abiding people, i.e. protecting the community. The most dangerous criminals may be sentenced to

life imprisonment with a goal of protecting society. Incapacitation as justification of punishment is represented by dismemberment, disqualification from driving or house arrest. The most severe and permanent form of incapacitation is capital punishment.

5. Restoration. For minor offences, punishment may take the form of the offender “righting the wrong”; for example, a vandal may be made to clean up the mess he or she has made. In more serious cases, punishment in the form of fines and compensation payments may also be considered a sort of “restoration”.

6. Retribution. Retribution is the practice of “getting even” with a wrongdoer — the suffering of the wrongdoer is seen as good in itself, even if it has no other benefits. One reason for societies to include this judicial element is to diminish the perceived need for street justice and blood revenge. Retribution sets an important standard on punishment — the transgressor must get what he deserves, but no more. Those who steal from others

should be deprived of their own property. For those who attack others corporal punishment should be used. Murderers should be subject to the principle “an eye for an eye and a tooth for a tooth” and automatically receive the death penalty.

7. It should be pointed out that more and more people nowadays argue that such reasons for punishment are unreasonable, cruel and barbaric and that we should show a more humane attitude to punishment and try to understand why a person commits a crime and how society has failed to enable him to live a respectable, law-abiding life.

LEXIS from the text:

authorized imposition — узаконенное применение

deprivation — лишение, поражение в правах, потери

otherwise — в других случаях, в других отношениях

special burdens — определенные обременения, тяготы и лишения

find guilty — признавать виновным

great deal of harm — много неприятностей, существенный вред

distress — причинять страдание, огорчать

dissuade — отговаривать, отсоветовать, разубеждать

severe — суровый, строгий, жестокий

outweigh — перевешивать; быть более влиятельным, важным

convicted person's peers — люди из окружения того, кто понёс наказание; такие же как и тот, кто был наказан

rational — рассудочный, рациональный

special deterrence — специальное (частное) предупреждение (совершения новых преступлений); частное предупреждение (от совершения новых преступлений)

repeat offender □ habitual criminal — рецидивист

individual in question — лицо с сомнительной репутацией

general deterrence — общие средства сдерживания, средство общего предупреждения, общее устрашение
 by way of — с помощью, посредством
 confine — лишать свободы; заключать в тюрьму
 dismemberment — исключение, лишение членства (в организации)
 disqualification — лишение прав; поражение в правах
 house arrest — домашний арест
 righting the wrong — возмещение нанесенного ущерба, восстановление нарушенного права
 getting even — сведение счётов, расплата, воздаяние
 transgressor — правонарушитель, нарушитель закона, преступник
 deserve — заслуживать, быть достойным чего-л.
 deprive — отбирать, отнимать, лишать (чего-л.)
 barbaric — грубый, варварский; первобытный
 humane — человеческий, гуманный
 respectable — заслуживающий уважения; допустимый; приемлемый
 law-abiding — соблюдающий право, уважающий закон, законопослушный

QUESTIONS

1. What distinguishes “rehabilitation” from “deterrence” in criminal law?
2. What does “deterrence” as a purpose of punishment mean?
3. What effect should “isolation” have if used as a penalty?
4. What forms may criminal punishment take with the purpose of crime prevention?
5. What is a criminal punishment?
5. What reasons for criminal punishment are deemed to be legally justified?
7. What standard does retribution set on criminal punishment?

Требования к оформлению отчётного материала: письменное и устное выполнение заданий, подготовка устного сообщения.

Форма контроля: практическая проверка заданий, защита устного ответа.

Ссылка на источники: Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 10

Изучение правовой лексики на основе образовательных текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Количество часов на выполнение: 8.

Цель занятия: совершенствование и развитие навыков устной и письменной речи, а также же навыков чтения и перевода текста на иностранном языке, формирование умения строить устные и письменные высказывания на иностранном языке, используя активный словарь темы.

Оборудование: рабочая тетрадь, ручка, грамматический справочник.

Задание: 1) необходимо использовать профессиональную лексику по теме, а также применять знания пройденных грамматических конструкций и форм. 2) Изучить словарь новых слов по теме. 3) Отчитать слова, выписать незнакомые выражения в тетрадь, написав к ним транскрипцию. 4) Выполнить устный перевод предложений.

Методика выполнения задания: при работе с текстом использовать англо – русский словарь. При составлении плана пересказа использовать термины и понятия по теме. При ответе на вопросы уделить внимание правильному грамматическому построению предложений. При переводе стараться подобрать нужные эквиваленты к словам, учитывать особенности реалий в английском языке. При пересказе опираться на ключевые выражения по теме.

Nature of Tort

1. The word “tort” means “wrong” in French, and in English law it is used to denote certain civil wrongs, e.g. trespass, defamation, invasion of privacy, negligence, false arrest, false imprisonment, infringement of intellectual property rights, assault and nuisance. It is important to distinguish torts from other legal wrongs, notably crimes and breaches of contract.
2. Generally, in order to succeed in an action in tort, the plaintiff must prove that the defendant: (a) has infringed a legal right of the plaintiff; (b) has caused the plaintiff damages (injuries, loss, etc.). If the defendant has not infringed a legal right of the plaintiff, he will not be liable in tort even if the plaintiff suffered damages. This situation is described in Latin as “*Damnum sine injuria*” — “Damage without legal injury”. An example would arise where a shopkeeper was ruined by the legitimate competition of a nearby supermarket. There would be damage but no violation of a legal right, and thus the shopkeeper would have no remedy in tort.
3. Conversely, the causing of damage is not essential to every action in tort. Certain torts are said to be ‘actionable per se’ (by themselves — without proof of actual damage). In these torts, there is infringement of a legal right but no damage. This situation is described as “*Injuria sine damno*” — “Legal injury without actual harm”. Examples include libel and trespass. Thus if Y trespasses on X’s land, Y may be liable to pay compensation to X even though he has caused no actual harm.
4. Some general defences are available in a suit for tort, for instance: infancy, insanity, self-defence, defence of others, defence of property, act of God, consent on the part of the injured party, necessity, contributory negligence, inevitable accident.
5. The main remedies against tortious loss are: compensatory damages, punitive damages, nominal damages, restitution or injunction.
6. Tort law vs. criminal law. A tort and a crime are distinguished in the following way: (i) A crime is an offence against the state, and proceedings are usually initiated by the public body on behalf of the people, although a private citizen may prosecute in certain cases. A tort, on the other hand, is a civil wrong. The

party injured by the commission of the tort is entitled to sue the guilty party (called a tortfeasor).

(ii) A crime carries various “penalties” or sanctions prescribed by criminal law, e.g. fines, probation, imprisonment. The aim of the law of tort, on the other hand, is not to punish the tortfeasor but to compensate the injured party by an award of damages. An injunction is also a proper remedy in certain cases.

(iii) In a criminal trial, there is a presumption that the accused is innocent and the prosecution must prove his guilt beyond reasonable doubt. There is no such presumption in a civil action, and the defendant’s responsibility for a tortious act need only be established on a balance of probabilities.

(iv) A victim cannot stop a prosecution because criminal offences often have implications for the entire community, not just the victim. An action arising out of tort may, like other civil actions, be discontinued or settled out of court by the plaintiff at any time.

7. Tort vs. breach of contract. A tort and a breach of contract are distinguished as follows:

(i) In contract the duties arise from the agreement of the parties. A breach of contract is a failure to fulfill these duties. A tort, on the other hand, is a breach of duties, potentially owed to the whole world, imposed by law. They are not based on the agreement of the parties. Thus you are under a duty imposed by the law not to slander X, not to trespass on X’s land and so on.

(ii) By the doctrine of privity of contract, only a party to a contract can sue for breach of it. A tortious act, however, entitles any injured party to sue.

Major data source: Английский для юристов: Учебное пособие для

LEXIS from the text:

breach of contract — нарушение договора, невыполнение условий контракта (без юридических оснований)

succeed — достигать цели, иметь успех

liable — ответственный, несущий ответственность

suffer damages — понести ущерб, понести убытки, получить повреждение

infancy — несовершеннолетие

act of God — стихийное бедствие, форс-мажорные обстоятельства

contributory negligence — неосторожность пострадавшего, приведшая к несчастному случаю; небрежность потерпевшего

inevitable accident — непредотвратимый несчастный случай

compensatory damages — возмещение понесённых убытков

punitive damages — денежное возмещение в виде наказания ответчика, штрафная компенсация (дополнительная сумма компенсации за ущерб, которая присуждается судом не с целью возмещения потерь пострадавшей стороны, а в качестве наказания ответчика за нанесение ущерба пострадавшей стороне)

nominal damages — возмещение убытков, имеющее символическое значение

commission — совершение (действия), деяние

penalty — наказание; карательная мера; санкция

presumption — 1) предположение; допущение; 2) презумпция
accused — 1) обвиняемый (в преступлении); 2) подсудимый
innocent — невиновный, безвинный
settle out of court — урегулировать спор без судебного разбирательства
privity of contract — 1) договорные отношения, договорная связь;
2) частный характер договорной связи
entitle — давать право; уполномочивать, наделять правами

QUESTIONS

1. What is the meaning of the word 'tort' as a legal term?
2. What wrong-doings are classified as torts?
3. What must the plaintiff prove in order to succeed in a tort action?
4. Certain torts are said to be actionable per se. What do you know about them?
5. What do we call the guilty party in a tort?
6. What is the difference between torts and crimes?
7. What is the difference between a breach of contract and a civil wrong?

AGREE OR DISAGREE

1. If the defendant has caused the plaintiff some damage but has not infringed a legal right of the plaintiff, he will not be liable in tort.
2. It is causing of damage that is essential to every action in tort.
3. The aim of the law of tort is to punish the tortfeasor.
4. Tort cases are usually initiated by the public body on behalf of the injured people.
5. In a civil action, as well as in a criminal one, there is a presumption that the defendant is innocent.
6. An action arising out of tort may be settled out of court.

GIVE ENGLISH EQUIVALENTS for:

- a) нарушить законное право;
- b) причинить ущерб;
- c) выплачивать компенсацию;
- d) иметь право предъявлять иск к виновной стороне;
- e) установить на основе перевеса доказательной базы;
- f) приостановить судопроизводство по гражданскому иску;
- g) возложить обязанности в силу закона;
- h) преследовать по суду за нарушение договора.

Classification of Torts

1. Most torts arise from either an intentional, wrongful action or from a negligent action, but there are also torts based on the concept of strict liability.
2. Negligence. Negligence is an unintentional tort. There are lots of examples of negligence that can lead to a civil lawsuit. For example:
— a restaurant owner who mops the slippery floor and doesn't put up a "wet floor" sign could be considered negligent;
— a doctor who operates on the wrong patient or on the wrong body part because he misreads the chart could be considered negligent;

— a driver who runs a stop sign and who drives well over the legal speed limit can be considered negligent;

— a lawyer who doesn't really know how to prosecute a case but who takes the case anyway and doesn't adequately represent the client can be considered to be liable for professional negligence.

3. In a tort case arising out of negligence, the plaintiff must show four things: (a) there was a duty imposed on the defendant in favor of the plaintiff, (b) the defendant breached (violated) that duty, (c) the breach was the proximate (natural and foreseeable) cause of the harm, and (d) plaintiff suffered damages.

4. Intentional torts. An intentional tort occurs when the defendant's act is expressly or implicitly intended; the resulting harm need not be intended, but must have to be reasonably foreseeable. Examples of intentional torts are as follows:

5. Interference with person:

— Assault: any attempt to use force to any person without that person's consent. Verbal threats do not constitute assault. If violence actually occurs, the act is termed battery.

— False arrest: detention of the plaintiff, without his permission, under the falsely asserted authority of the defendant.

— False imprisonment: wrongful use of force, physical barriers, or threats of force to restrain the plaintiff's freedom of movement.

— Intentional infliction of mental (emotional) distress: disturbance of the plaintiff's peace of mind by the defendant's outrageous conduct. Although damages are not limited to bodily injury, usually some physical harm must be shown.

— Invasion of privacy: interference with a person's right to be left alone. The right to solitude can be invaded in four different ways: (1) public disclosure of private facts; (2) publication of information placing a person in a false light; (3) intrusion upon a person's private life; or (4) unauthorized appropriation of name or likeness (e.g., picture) for commercial purposes.

6. Interference with property:

— Conversion: unauthorized, unjustified exercise of control over another's personal property. There are two requirements: defendant (1) appropriated the property to his own use, and (2) indefinitely withheld its possession from the plaintiff or destroy it. Examples: acts of arson, robbery, or embezzlement, taking someone else's umbrella, coat, or other personal property and keeping it after discovering that fact.

— Trespass: the unjustifiable and direct interference with another's rights to property, which can take two forms: (i) trespass to land (real property)

— including entry upon land, throwing objects on to land or remaining on land after the right to entry has been withdrawn; and (ii) trespass to goods (personal property). All forms of trespass are actionable per se, i.e. without proof of any damage

— Nuisance: the unlawful interference with another's use and enjoyment of land or some right over or in connection with land. In contrast to trespass the interference is indirect and includes the following: (i) interference with a right to light; (ii) interference with the enjoyment of land generally, such as smoke, smells or noise; or (iii) obstruction of rights of way.

Proof of damage is necessary in order to bring an action for nuisance.

7. Other intentional torts:

— Abuse of process: the use of a legal process (e.g., attachment, injunction) against another person for a purpose for which it was not intended.

Example: attachment on excessive amounts of X's property in one case so as to force X to dismiss an unrelated lawsuit.

— Defamation: the publication of a false statement about another person which infringes his right to the reputation he enjoys among his fellow men. Defamation takes two forms: (i) libel, which is in a permanent form such as writing, painting, broadcasting; and (ii) slander, which is in a fleeting form — spoken words or gestures. Libel is actionable per se. With a few exceptions, slander requires proof of damage.

— Fraud (deceit, misrepresentation): a deceitful conduct designed to manipulate another person to give something of value by lying or by concealing a fact from the other party which may have saved that party from being cheated.

— Infringement of intellectual property rights: civil wrongs in the sphere covered by copyrights, patents, trademarks and industrial secrets.

8. Strict liability in tort. The third and final area of tort liability is strict liability. Under this concept, the law imposes liability on people for reasons other than fault. Thus, strict liability is referred to as "liability without fault." Strict liability is most often imposed on service providers, such as common carriers, innkeepers, manufacturers of consumer products, and transporters of dangerous or hazardous materials.

LEXIS from the text:

strict liability — прямая ответственность, безусловная ответственность; объективная ответственность (независимо от наличия вины), строгая ответственность, абсолютная ответственность

top of the slippery floor — протирать скользкий пол

misread the chart — неправильно прочитать карту (пациента)

drive well over the legal speed limit — вести машину со скоростью, значительно выше допустимого предела

prosecute a case — вести судебное дело, поддерживать иск

proximate — непосредственный (о причине), ближайший

foreseeable — предвидимый, предсказуемый

deceit — обман, уловка, трюк, хитрость, мошенническая проделка

misrepresentation — введение в заблуждение; искажение фактов

concealing — утаивание, умолчание

cheat — жульничать, мошенничать, ловчить, «надувать»

liability without fault — ответственность без вины

service provider — поставщик услуг
common carrier — общественный перевозчик, компания грузопассажирских перевозок; транспортная организация, специализирующаяся на общих перевозках
innkeeper — хозяин/владелец гостиницы
manufacturer of consumer products — поставщик/изготовитель потребительских товаров
transporter of dangerous or hazardous materials — компания, осуществляющая транспортировку вредных или опасных грузов

QUESTIONS

1. Does tort law cover any violation of intellectual property rights?
2. What are the examples of “invasion of privacy”?
3. What are the constituents of an intentional tort?
4. What are the four things that the plaintiff must prove in a tort case arising out of negligence?
5. What do most torts arise from?
6. What is the difference between:
— ‘false arrest’ and ‘false imprisonment’?
— ‘libel’ and ‘slander’?
— ‘trespass’ and ‘nuisance’?
7. What types of trespass are there?

AGREE OR DISAGREE

1. Verbal threats do not constitute assault.
2. Any tort is a criminal offence.
3. All forms of trespass are actionable per se.
4. The right to solitude can be invaded in three different ways.
5. Proof of damage is not necessary in an action for nuisance.
6. Libel requires proof of damage.

GIVE ENGLISH EQUIVALENTS for:

- a) являться непосредственной причиной ущерба;
- b) быть вполне предсказуемым; c) ограничивать свободу передвижения;
- d) продемонстрировать наличие физического вреда;
- e) уничтожить имущество;
- f) аннулировать право на проход в помещение;
- g) иметь хорошую репутацию среди коллег;
- h) умело воздействовать на поведение другого человека;
- i) давать что-либо ценное;
- j) налагать ответственность с учетом некоего другого обоснования помимо вины/нарушения.

Требования к оформлению отчётного материала: письменное и устное выполнение заданий, подготовка устного сообщения.

Форма контроля: практическая проверка заданий, защита устного ответа.

Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 11

Изучение правовой лексики на основе образовательных текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 8.

Цель работы: обучение приемам извлечения информации из текстов, формирование навыков практического владения иностранным языком, совершенствование техники перевода.

Оборудование: рабочая тетрадь, ручка, грамматический справочник.

Задание: найти в словаре перевод слов и выражений по теме, найти в тексте слова и выражения по теме, ответить на вопросы, составить план рассказа по теме, дать литературный перевод текста.

Probable Cause and Other Levels of Proof

1. Legal evidence is relevant material that can be used as the proof of facts in a legal proceeding. Discovery as the process of evidence collection may include interviewing people, taking photographs, gaining access to various records, conducting surveillance, collecting physical evidence, etc. Evidence collection procedures take place outside of court.

2. Evidence collection allows the parties to obtain the information needed to present their arguments in court; at the same time, the information obtained at pretrial stages is the basis for subsequent procedural actions of the parties. For instance, before the various steps of the criminal prosecution can be initiated — arrest, booking, accusation, arraignment and sentencing — different levels of proof are required. The levels of proof recognized by law are:

3. Suspicion is the lowest level of proof justifying a police action. Suspicion may occur when a police officer has only slight evidence to believe that a crime has been or is in the process of being committed. It permits a police officer to initiate an investigation.

4. Another level of proof is reasonable belief as a specific and reasonable conclusion drawn from observable facts. Reasonable belief permits the police to stop and search a person when they have reason to believe they are dealing with the armed and dangerous persons.

5. Probable cause is a higher level of proof than suspicion or reasonable belief. Probable cause exists when a law enforcement officer has sufficient and reliable information that a crime has been committed and that the accused has committed that crime. Probable cause is the legal standard by which a police officer has the right to make an arrest, conduct a personal or property search, or obtain a warrant for arrest. It is also the standard for arraignment.

6. Preponderance of evidence as a level of proof means that the weight of evidence is greater for one side than for the other based on the facts presented by the parties. This is sufficient for making a judgment in civil cases, but not enough to convict in criminal cases.

7. Beyond a reasonable doubt: This level of proof exists when, after examining the evidence presented, a reasonable person would rely on it. It is the standard needed to convict in a criminal case according to the doctrine of “presumption of innocence”.

8. In practical work it is sometimes difficult to distinguish among the levels of proof described above. Yet the different levels of proof serve a good illustration of how society attempts to deal with the problem of protecting the state from crime while at the same time guaranteeing and protecting individuals’ liberties. The aim is to limit police discretion and to prevent police actions that are unreasonable or discriminatory while at the same time these levels of proof provide necessary conditions for the police to enforce the law. Mere suspicion is not enough to put someone in jail, and the proof beyond a reasonable doubt is needed to prove criminal guilt.

9. Thus no person can be found guilty of a criminal offence without proof “beyond a reasonable doubt”, but a person can be arrested and searched, and formally charged with a crime on the basis of evidence that is less than that required to convict him.

LEXIS from the text:

proof — доказательство; свидетельство

discovery — раскрытие, предоставление сведений, документов
(до судебного разбирательства)

conduct surveillance — производить наблюдение/слежку

subsequent — следующий, дальнейший, являющийся результатом

suspicion — подозрение, сомнение

reasonable belief — обоснованное предположение

observable — заметный, различимый, поддающийся наблюдению

rely on — полагаться на, основываться

doctrine — теория, принцип; учение

discretion — свобода действий

unreasonable — неумеренный, чрезмерный; необоснованный

discriminatory — избирательный, селективный, предвзятый, тенденциозный, дискриминационный

enforce the law — обеспечивать соблюдение закона

QUESTIONS

1. How are different levels of proof connected with the steps of a criminal justice proceeding?
2. What police actions does a mere suspicion permit?
3. What is the difference between reasonable belief and probable cause?
4. What level of proof is sufficient for making a judgment in civil cases?
5. What levels of proof are described in the text above?
6. What is the rationale of the system of different levels of proof?
7. What does the process of ‘evidence collection’ include?

AGREE OR DISAGREE

1. Suspicion is the highest level of proof justifying a conviction.
2. It is suspicion that permits the police to stop and search a person.
3. For reasonable belief one needs some observable facts.
4. Reasonable belief is the standard used for arrest, search and arraignment.
5. Preponderance of evidence is a maxim of criminal trials.
6. A person can be found guilty of a criminal offence without proof "beyond a reasonable doubt".
7. The levels of proof are easily distinguishable.

GIVE ENGLISH EQUIVALENTS for:

- a) получать доступ к различной документации;
- b) делать обоснованный вывод на основе наблюдаемых обстоятельств;
- c) остановить и обыскать человека;
- d) выносить обвинительный приговор по уголовному делу;
- e) исследовать представленные доказательства;
- f) защищать государство от преступности;
- g) защищать свободу личности;
- h) поместить (кого-то) за решетку/в тюрьму.

Evidence

1. The term "evidence" in English law means statement made by witnesses in court in relation to matters of fact under inquiry (oral evidence), and items produced for the inspection of the court (real and documentary evidence). The weight of evidence is not predetermined by the number of witnesses who testify to the same thing but depends on credibility of witnesses. 2. All evidentiary material can be classified into primary, or original, and secondary evidence. Secondary evidence means a reproduction of, or substitute for, an original document or item of proof offered to establish a particular issue in a legal action. For example, a photocopy of a document or photograph is considered a piece of secondary evidence. Another example would be an exact replica of an engine part that was contained in a motor vehicle. If the engine part is not the very same engine part that was inside the motor vehicle involved in the case, it is considered secondary evidence. Courts prefer original evidence and try to avoid using secondary evidence wherever possible. This approach is called the best evidence rule. 3. Evidence can also be divided into direct and circumstantial one. "Direct evidence" proves that the accused was seen committing the crime he is charged with, that is, evidence of the fact in issue. Common examples of direct evidence are eyewitness testimony, a defendant's confession, an audiotape of conversations, a video or photograph of the defendant committing the crime.

Criminal cases relying on direct evidence are easier to prove because there is less potential for reasonable doubt. 4. “Circumstantial” evidence does not directly prove the disputed fact but is evidence of other relevant facts from which an inference or conclusion may be drawn in order to clarify a fact in question. This type of evidence is sometimes referred to as “indirect evidence”. Circumstantial evidence suggests a conclusion, but in contrast to direct evidence it is often open to interpretation. Common examples of circumstantial evidence are finger-print evidence, DNA evidence, and blood evidence. It is a mistake to consider circumstantial evidence weaker than direct evidence and that a person may not be convicted on it. Criminals are very often convicted on circumstantial evidence or exhibits, for they naturally tend not to commit crimes when someone who could later give direct evidence is watching. This form of evidence may indeed be stronger than direct evidence as a witness can lie but circumstances cannot. 5. Trace evidence is evidence that occurs when different objects contact one another. Trace evidence is an example of circumstantial evidence that proves a contact between a person (the suspect or defendant) with a place (the scene of the crime) or an object. The contact may be direct or indirect. The guiding principle in criminalistics is “Every contact leaves a trace”. Identification of the trace may provide evidence of the contact and it is most frequently necessary in such crimes as theft and burglaries. 6. In general, the following items are to be examined as trace evidence:

- fingerprints;
- footprints and impressions reproducing the shape of the objects which made them;
- pieces of wood, metal or glass, which are broken off in committing the crime;
- explosives residue;
- stains and traces of materials, such as blood, paint, oil.

7. The transfer of traces is often a two-way process. Traces from the crime scene may be carried away on the person, clothing, etc., and at the same time, traces may be left at the crime scene by the criminal. 8. However, the help an expert can give is limited if no one in particular is suspected or if no arrest has been made, i.e. if only the scene of the crime is available for the examination. But even in this case the detective must make a thorough examination which can help him to discover what size and type of footwear, or what colour and material of clothing the criminal was wearing.

LEXIS from the text:

former — первый из упомянутых ранее

credibility — убедительность, правдивость, надёжность

evidentiary material — доказательственный материал

secondary evidence — вторичное доказательство, производное доказательство

reproduction — воспроизведение

substitute — замена, заменитель

item of proof — предмет, представленный в виде доказательства

exact replica — точная репродукция
engine part — деталь двигателя
best evidence rule — требование представления наилучших (первичных, подлинных) доказательств

Методика выполнения задания: при работе с текстом использовать англо – русский словарь. При составлении плана пересказа использовать термины и понятия по теме. При ответе на вопросы уделить внимание правильному грамматическому построению предложений. При переводе стараться подобрать нужные эквиваленты к словам, учитывать особенности реалий в английском языке. При пересказе опираться на ключевые выражения по теме.

Требования к оформлению отчетного материала:

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 12

Изучение правовой лексики на основе образовательных текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 10.

Цель работы: совершенствование и развитие навыков устной и письменной речи, а также же навыков чтения и перевода текста на иностранном языке, формирование умения строить устные и письменные высказывания на иностранном языке, используя активный словарь темы.

Оборудование: рабочая тетрадь, ручка, грамматический справочник.

Задание: 1) необходимо использовать лексический минимум по теме, а также применять знания пройденных грамматических конструкций и форм. Прочитать и выполнить устный перевод текста. Изложить основное содержание текста на английском языке.

2) Составить словарь новых слов по теме. Записать и отчитать слова, написав к ним транскрипцию. 3) Подготовить небольшое письменное сообщение на тему, используя активный словарь.

4) Прочитать и запомнить слова и словосочетания.

Kinds of Cases

1. A court is a form of tribunal with the authority to adjudicate legal disputes between parties and carry out the administration of justice in civil, criminal, and administrative matters in accordance with the rule of law. The system of courts that interpret and apply the law are collectively known as the judiciary. The place where a court sits is known as a venue. The room where court proceedings occur is known as a courtroom, and the building as a courthouse. The practical authority given to the court is known as its jurisdiction — the court's power to decide certain kinds of questions or petitions put to it.

Courts are the central means for dispute resolution, and it is generally understood that all persons have an ability to bring their claims before a court. Similarly, the rights of those accused of a crime include the right to present a defense before a court.

2. Civil cases are usually disputes between or among private citizens, corporations, governments, government agencies, and other organizations. Most often, the party bringing the suit is asking for money damages for some wrong that has been done. For example, a tenant may sue a landlord for not fixing a leaky roof, or a landlord may sue a tenant for not paying rent. People who have been injured may sue a person or a company they feel is responsible for the injury.

3. The party bringing the suit is called the plaintiff; the party being sued is called the defendant. There may be many plaintiffs or many defendants in the same case. The plaintiff, being the party which institutes proceedings, should prove the case against the defendant. In each civil case the judge tells the jury what evidence must be provided by the plaintiff in order to win a case. This is called “the plaintiff’s burden of proof”. In most civil cases the plaintiff’s burden is to prove the case by a preponderance of evidence, that is, that the plaintiff’s version of what happened in the case is more probably true than not true.

4. A criminal case is brought by the state or by a city or county against a person or persons accused of having committed a crime. The state, city, or county is called the plaintiff; the accused person is called the defendant.

5. Since the outcome of a criminal trial may result in the defendant’s loss of liberty or even life, the courts evolved a rule which casts upon the prosecution a heavy burden of proof. No rule of criminal law is of more importance than that which requires the prosecution to prove the defendant’s guilt and not for the latter to establish his innocence; he is presumed innocent until the contrary is proved.

6. In criminal cases the plaintiff cannot succeed on a mere balance of probabilities. The guiding principle of presumption of innocence demands that accused must be acquitted if there is any reasonable doubt whether he or she is guilty. An acquittal therefore either means that the jurors believe the accused and are satisfied of his innocence, or that, while not satisfied that he is innocent, they do not feel sure of his guilt. In England there is no middle verdict such as the Scottish verdict of “not proven” to cover this sort of situation; “not guilty” is the only alternative to a conviction.

7. The heavier burden of proof required in criminal trials can also be seen to operate in the rules, which provide that in certain cases corroboration is necessary. In some instances the absence of corroboration is a bar to conviction. For example, the unsworn evidence of a child or testimony of an inmate of a secure mental institution must be corroborated. A jury cannot convict on such evidence alone, for the law does not consider it sufficiently reliable to warrant a conviction. In a charge of perjury the jury may not by law convict the accused on the uncorroborated evidence of one witness alone. The falsity of the defendant’s evidence cannot be established by the evidence of only one witness, for if this were allowed, it would be merely a case of oath against oath.

LEXIS from the text:

courtroom — зал судебного заседания, зал суда

courthouse — дом правосудия, здание суда

dispute resolution — урегулирование споров

tenant — наниматель, арендатор; временный владелец

landlord — арендодатель; владелец дома, квартиры или земельного участка, сдаваемых внаем

win a case — выиграть дело (в суде)

outcome — исход, итог, последствие, результат

evolve — развивать; образовывать

cast upon — подвергать, возлагать на

latter — последний (из двух названных)

be satisfied — установить, прийти к убеждению, определить

not proven — невиновен за отсутствием доказательств

corroboration — подтверждение (дополнительными фактами); подкрепление (одного доказательства другим), дополнительное доказательство

bar to conviction — препятствие для обвинительного приговора

inmate of a secure mental institution — лицо, содержащееся в психиатрической больнице закрытого типа; больной психиатрической клиники закрытого типа

warrant a conviction — подтверждать обвинительный приговор, признавать виновным

charge of — обвинение в..., пункт обвинения

falsity — обманчивость; ложность, неверность, неправильность, ошибочность

QUESTIONS

1. How is a legal procedure initiated: a) in civil cases, b) in criminal cases?
2. What does an acquittal mean in criminal cases?
3. What does the party bringing the suit ask for in a civil trial?
4. What is the main function of the courts of law?
5. What is the difference between the plaintiff's burden of proof in civil and criminal cases?
6. When is corroboration of evidence necessary?
7. Who is called "the plaintiff" in criminal cases?

AGREE OR DISAGREE

1. Civil cases are limited to disputes between private citizens.
2. In criminal cases the plaintiff can succeed on a mere balance of probabilities.

3. In a civil trial there may be only one plaintiff in the same case.
4. If there is any reasonable doubt whether the accused is guilty, he or she must be acquitted.
5. In all parts of Great Britain “not guilty” is the only alternative to a conviction.
6. All courts as a system are collectively known as courts’ jurisdiction.
7. The uncorroborated evidence of a child isn’t reliable to warrant a conviction.

GIVE ENGLISH EQUIVALENTS for:

- a) требовать денежного возмещения ущерба;
- b) предъявлять иск лицу, ответственному за причиненный ущерб;
- c) подтвердить доказательствами свои доводы (по делу) против ответчика;
- d) влечь за собой приводить к лишению свободы ответчика;
- e) требовать от стороны обвинения доказать вину ответчика;
- f) достигнуть цели на основе перевеса доказательной базы;
- g) быть уверенным в чьей-либо вине;
- h) подкреплять показания ребенка, не скрепленные присягой, другим доказательством;
- i) установить ложность показаний ответчика.

Judicial Systems in Different Countries

1. In all legal systems there are institutions for modifying, interpreting and applying the law. Usually these take the form of a hierarchy of courts as a branch of government established to administer justice. The role of each court and its capacity to make decisions is strictly defined in relation to other courts. There are two main reasons for having a variety of courts. One is that a particular court usually specializes in particular kinds of legal actions (for example, family courts). The other reason is that a person who is not satisfied with the decision of a lower court can appeal to a higher court for reassessment. The decisions of a higher court are binding upon lower courts.
2. The structure of the judicial system in Russia and the sphere of activities of its various institutions are determined by the RF Constitution and federal constitutional laws. There are two main components within the federal system:
 - the Constitutional Court of the RF interprets the country’s Constitution and is supposed to function as a negative legislator;
 - the Supreme Court of the RF is the highest judicial body in the multi-tiered system of courts of general jurisdiction: civil, criminal, administrative, military cases and economic disputes.
3. There is also a separate system of courts of the constituent entities: 1) regional constitutional courts (or charter courts) with the power to interpret regional constitutions and charters; 2) justices of the peace with general jurisdiction to handle small claims and petty offenses. The activity of all Russian courts may be classified as follows: a court of trial, a court of appeal, a court of cassation.

4. The judiciary in England and Wales is represented by two distinct divisions of courts with civil and criminal jurisdiction. The lowest courts in civil actions are county courts, which deal with claims within a general limit of 25,000 pounds.
5. Cases involving larger amounts of money are heard by one of the divisions of the High Court (usually known as the High Court of Justice of England and Wales). This court has unlimited civil jurisdiction and consists of three branches: the Queen's Bench Division, the Chancery Division, and the Family Division.
6. There are two types of English court with criminal jurisdiction:
 - magistrates' courts (or courts of first instance) with unpaid lay magistrates or Justices of the Peace, usually sitting in groups of three; these courts deal with more than 90 percent of criminal cases; and
 - Crown Courts for more serious or indictable offences where hearing is held before a jury; the main function of the jury is to determine the guilt or innocence of the defendant; professional judges preside over the Crown Court and pass a sentence (if the defendant is found guilty).
7. If the jury cannot reach a unanimous verdict, the judge may direct it to bring in a majority verdict provided that, in the normal jury of 12 people, there are not more than two dissenters. If the jury returns a verdict of 'not guilty', the prosecution has no right of appeal and the defendant cannot be tried again for the same offence. If 'guilty' the defendant has a right of appeal to the appropriate court. A jury is completely independent of the judiciary. Once members are sworn in, they are protected from all interference. Both the prosecution and the defence can object to particular jurors.
8. Petitions of appeal against sentences of the Crown Court are examined in the Court of Appeal (Criminal Division) and appeals from the High Court and county courts are heard in the Court of Appeal (Civil Division). The highest court in the land is the Supreme Court of the United Kingdom which consists of 12 judges appointed by the Monarch. It hears appeals from all the civil courts of the United Kingdom, and the criminal courts of England and Wales and of Northern Ireland.
9. Northern Ireland's system is based on that used in England and Wales, with a similar hierarchy of magistrates' court, the Crown Court (for criminal trials), county courts (for civil trials), the High Court, and the Court of Appeal. Appeals from Northern Ireland are lodged with the Supreme Court of the United Kingdom.
10. In Scotland, civil cases are heard in the sheriff courts (corresponding to the English county courts) and in the Outer House of the Court of Session, which is the supreme civil court in Scotland; appeals are heard by the Inner House of the Court of Session. Trial by jury in civil cases is common in Scotland but rare in the rest of the United Kingdom. Minor criminal cases in Scotland are tried without jury in the sheriff courts and district courts, and more serious cases with a jury in the sheriff courts. The supreme criminal court is the High Court of Justiciary, where cases are heard by a judge sitting with a jury; this is also the ultimate appeals court.
11. Courts of general jurisdiction in the United States are subdivided into two principal systems: the federal courts, or United States courts, and the state courts.

12. Federal courts have the power to rule on both criminal and civil cases. Judges of federal courts are appointed for life by the President with the approval of the Senate. The Supreme Court of the United States is the highest court in the nation. It interprets the laws and reviews them to determine whether they conform to the U.S. Constitution. All lower courts follow the rulings of the Supreme Court.

13. There are two other levels of federal courts:

- the US courts of appeals in each of the 13 judicial circuits;
- the US district courts in each of 94 federal judicial districts.

14. Each state has an independent system of state courts operating under the constitution and laws of this state. The character and names of the courts differ from state to state but as a whole they have general jurisdiction and handle criminal and other cases that do not come under federal jurisdiction. Between the lower courts and the supreme appellate courts, in a number of states, are intermediate appellate courts. Courts of last resort, the highest appellate tribunals of the states in criminal and civil cases and in law and equity, are generally called 'supreme courts'.

15. In some states, judges are publicly elected, in others they are appointed by state governors or by special bodies such as judicial councils. It may be even a combination of these methods, e.g., appointment followed by election. Some state judges hold office for fixed periods, but others are installed for life or up to a retiring age.

16. Whatever the country, a trial court has its staff which usually consists of legally qualified judges, clerks and bailiffs. The participants in the legal process may be the following: a plaintiff — the party bringing a lawsuit, a defendant — a party being sued, a jury — a group of ordinary people summoned to pass a verdict, a prosecutor — the lawyer for the plaintiff in a criminal case, an advocate — a lawyer for defence or just a legal counsel in civil cases, witnesses — people who give testimony, experts — they express their own opinions.

LEXIS from the text:

modifying — изменение, доработка

capacity — возможность, способность, компетентность

be fairly treated — быть рассмотренным должным образом

reassessment — пересмотр ранее вынесенного решения

binding decision — решение суда, имеющее обязательную силу для нижестоящих судов

interpret — объяснять, толковать, интерпретировать

negative legislator — «негативный законодатель»; орган, приостанавливающий или отменяющий действие закона

multi-tiered system — многоуровневая система

constituent entity — субъект федерации

charter court — уставной суд субъекта федерации

petty offenses — проступки, мелкие правонарушения

county court — суд графства, окружной суд

High Court — Высокий суд, Высокий суд правосудия (высший суд)

первой инстанции Англии и Уэльса; состоит из трёх отделений: отделение Королевской скамьи, Канцлерское отделение и Семейное отделение)

Queen's Bench Division — Отделение королевской скамьи

Chancery Division — Отделение Лорда канцлера; канцелярское отделение (отделение Высокого суда в Великобритании)

Family Division — Отделение по делам семьи

magistrates' court — суд магистрата, мировой суд

Методика выполнения задания: при работе с текстом использовать англо – русский словарь. При составлении плана пересказа использовать термины и понятия по теме. При ответе на вопросы уделить внимание правильному грамматическому построению предложений. При переводе стараться подобрать нужные эквиваленты к словам, учитывать особенности реалий в английском языке. При пересказе опираться на ключевые выражения по теме.

Требования к оформлению отчетного материала: запись в тетради.

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: [1], [2], [3], [4], [6], [7], [8], [11].

Критерии оценки: указаны во введении.

Практическая работа № 13

Изучение правовой лексики на основе образовательных текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 10

Цель работы: обучение приемам извлечения информации из текстов, формирование навыков практического владения иностранным языком, совершенствование техники перевода.

Оборудование: рабочая тетрадь, ручка, грамматический справочник.

Задание: найти в словаре перевод слов и выражений по теме, найти в тексте слова и выражения по теме, ответить на вопросы, составить план рассказа по теме, дать литературный перевод текста. Выполнить упражнения. Ответить на вопросы, составить план рассказа по теме, дать литературный перевод текста.

Методика выполнения задания: при работе с текстом использовать англо – русский, русско-английский словарь, применять лексику по теме. При составлении плана пересказа использовать термины и понятия по теме. При ответе на вопросы уделить внимание правильному грамматическому построению предложений. При переводе стараться подобрать нужные эквиваленты к словам, учитывать особенности специальных терминов в английском языке. Уметь кратко излагать содержание текста. При работе с упражнениями использовать грамматический справочник, словарь.

Work Activities for Lawyers

1. A lawyer is a person whose profession is to advise clients as to their legal rights and obligations, to prepare legal documents for them and/or to represent clients in legal proceedings. Working as a lawyer involves the practical application of abstract legal theories and knowledge to solve specific individualized problems, or to advance the interests of those who hire lawyers to perform legal services.
2. As a representative of clients, a lawyer performs various functions: investigator, evaluator, drafter, negotiator, advisor, and advocate. For this purposes the lawyer is usually permitted to carry out the following duties:
3. Oral argument in the courts. Arguing a client's case before a judge or jury in a court of law is the traditional domain of trial lawyers who specialize in trying cases in court.
4. In some countries litigants have the option of arguing pro se, or on their own behalf. It is common for litigants to appear unrepresented before certain courts like small claims courts; indeed, many of these courts do not allow lawyers to speak for their clients, in an effort to save money for all participants in a small case.
5. Research and drafting of court papers. Often, lawyers brief a court in writing on the issues in a case before the issues can be orally argued. They may have to perform extensive research into relevant facts and law while drafting legal papers and preparing for oral argument.
6. Legal advice is application of abstract principles of law to the concrete facts of the client's case in order to advise the client about what they should do next. In many countries, only a properly licensed lawyer may provide legal advice to clients for good consideration. Therefore, even conveyancers and corporate in-house counsels must first get a license to practice, though they may actually spend very little of their careers in court. Failure to obey such a rule is the crime of unauthorized practice of law.
7. Negotiating and drafting contracts. In some countries, the negotiating and drafting of contracts is considered to be similar to the provision of legal advice, so that it is subject to the licensing requirement explained above. In other countries, notaries may negotiate or draft contracts.
8. Conveyancing is the drafting of the documents necessary for the transfer of real property, such as deeds and mortgages. In some countries, all real estate transactions must be carried out by a lawyer.
9. Carrying out the intent of the deceased. In many countries, only lawyers have the legal authority to do drafting of wills, trusts, and any other documents that ensure the efficient disposition of a person's property after death. In the United States, the estates of the deceased must be administered by a court through probate. American lawyers have a profitable monopoly on dispensing advice about probate law.
10. Prosecution and defense of criminal suspects. In many civil law countries, prosecutors are trained and employed as a part of the judiciary; they are law-trained jurists, but may not necessarily be lawyers in the sense that the word is

used in the common law world. In common law countries, prosecutors are usually lawyers holding regular licenses who simply happen to work for the government office that files criminal charges against suspects.

Criminal defense lawyers specialize in the defense of those charged with any crimes.

11. A lawyer, as a member of the legal profession, is not only a representative of clients, but also an officer of the legal system, and a public citizen having special responsibility for the quality of justice.

12. As an officer of the legal system, a lawyer in all his professional functions should be competent, prompt and diligent. He should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. In addition, lawyers have a responsibility to keep information about their clients confidential as part of the client-lawyer relationship.

13. As a public citizen, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.

14. Judicial functions. Members of judiciary as a rule are chosen among experienced lawyers. In the decision-making process, judges are expected to be independent and to act without any restriction, interference, improper influence, inducement, pressure or threats. Those who are entrusted to administer justice have unfettered freedom to decide cases impartially, in accordance with their conscience and their interpretation of the facts, and in pursuance of the prevailing rules of the law. Judges are not obliged to report on the merits of their cases to anyone outside the judiciary.

LEXIS from the text:

advance — успешно представлять, защищать

evaluator — специалист по анализу, эксперт по оценке ситуации

domain — предметная область, сфера действия

litigant — судящаяся сторона, сторона в гражданском процессе
(относится как к истцам, так и ответчикам)

pro se — лат. за себя

small claims court — суд по делам с небольшой суммой иска

extensive research — обширные исследования, большая исследовательская работа

draft — составлять проект документа

oral argument — выступление в прениях сторон в суде

good consideration — соответствующее денежное вознаграждение

conveyancer — нотариус по операциям с недвижимостью; адвокат, готовящий документы о передаче прав собственности

obey — соблюдать, выполнять

provision — обеспечение, предоставление

subject to — подвергаемый; подлежащий
 conveyancing — составление актов передачи прав собственности на недвижимость
 carry out the intent of the deceased — исполнять волю покойного, исполнить завещание
 will — завещание
 trust — доверенность; документ о передаче в доверительное управление
 disposition — распоряжение, управление (имуществом)
 probate — доказывание завещания; утверждение завещания
 dispense — готовить и предоставлять
 civil law country — страна с континентальной (цивильной) системой права
 common law country — страна с системой, основанной на общем (англо-саксонском) праве; страна-незаконодатель
 public citizen — гражданин, активно участвующий в общественной жизни; гражданин, занимающийся общественной работой
 further — способствовать, содействовать
 decision-making process — процедура принятия решения
 interference — вмешательство, помеха
 inducement — побуждение, поощрение
 unfettered freedom — неограниченная свобода
 impartially — беспристрастно, справедливо
 conscience — совесть, сознательность
 in pursuance — во исполнение, согласно
 on the merits — по существу

QUESTIONS

1. What functional roles are traditionally associated with lawyers?
2. Why are lawyers not allowed to speak for their clients in some small claims courts?
3. What does it mean “to brief a court in writing on the issues in a case”?
4. What is a lawyer expected to do as a public citizen?
5. What is the difference between civil and common law countries in respect of criminal prosecutors?
6. What is the traditional province of trial lawyers?
7. How are the estates of the deceased administered in the United States?

AGREE OR DISAGREE

1. It is the crime of unauthorized practice of law for conveyancers and corporate in-house counsels to practice even though they have got a license for it.

2. In all countries negotiating and drafting of contracts is subject to the licensing requirement.
3. Legal institutions in any state depend on popular participation and support to maintain their authority.
4. In discharge of his professional functions a lawyer should be diligent, prompt and competent.
5. Conveyancing is a synonym to probating.
6. Judges are obliged to report on the merits of their cases to local authorities.
7. One of the maxims of legal procedure is that litigants may never argue pro se.

GIVE ENGLISH EQUIVALENTS for:

- a) консультировать клиентов относительно их законных прав и обязанностей;
- b) представлять кого-либо в суде;
- c) выполнять определенные (служебные) обязанности;
- d) приводить доводы по судебному делу;
- e) выступать в суде без помощи адвоката;
- f) экономить деньги;
- g) получить разрешение на занятие адвокатской практикой;
- h) осуществлять сделки с недвижимостью;
- i) составлять текст завещания;
- j) подавать документы с обвинением в совершении уголовного преступления;
- k) искать пути усовершенствования закона;
- l) беспристрастно выносить решение по делу.

Studying Law in the UK and in the USA

In the UK, a legal education usually begins with the completion of a bachelor degree in law, known as an LLB, which usually takes three years.

However, many students graduate in a non-law subject and then undertake a one-year conversion course known as a postgraduate Diploma in Law or GDL.

A person wishing to become a solicitor must complete three stages: the first stage involves gaining a law degree; the second stage requires passing a one-year full-time (or two years part-time) Legal Practice Course (the LPC); and the final stage entails getting a 'training contract' which involves working for two years as a trainee solicitor with a firm of solicitors or in the legal department of a local authority or large company. At this stage, a trainee solicitor is paid a salary.

The LPC can be taken in many different formats but in general, its content is made up of the following aspects:

Legal Profession in England

1. England is almost unique in having two different kinds of lawyers, with separate jobs in the legal system. The two kinds of lawyers are solicitors and barristers.
2. In the English legal system solicitors have traditionally dealt with any legal matter apart from conducting proceedings in courts, except minor criminal cases tried in magistrates' courts and small value civil cases tried in county courts, which are almost always handled by solicitors.
3. There are more than 150,000 solicitors on the roll in England and Wales. Most of them are employed in private practice, either alone or in a partnership firm. Others are employed in the public service, industry, and commerce.
4. Practicing solicitors are consulted by clients, and receive instructions from their clients on a wide variety of matters both civil and criminal, such as making of wills; buying, selling and mortgaging land; family matters; the formation of companies; drawing up of documents; conveyancing; and the criminal offences of all kinds. In cases of unusual difficulty or where a trial is to take place in the superior courts, the solicitor takes his instructions from the client, prepares a brief and approaches a barrister to give an «opinion» or represent the client at the trial.
5. The relationship between a solicitor and his client is based on professional confidence, and a solicitor cannot be compelled to disclose in court communications made in a professional relationship. Nor is a solicitor liable for defamation in respect of statements made in court during the course of a trial. A solicitor is, however, liable to be sued for damages for negligence in the conduct of his profession: e.g. if he has carelessly lost documents entrusted to him.
6. Solicitors in England and Wales are regulated by the Solicitors Regulation Authority, an independently administered branch of the Law Society of England and Wales. Moreover, solicitors must pay the Law Society a practicing fee each year (about £400) in order to keep practicing. If they do not do this they are 'non-practicing' and may not give legal advice to the public (although they can start practicing again at will, unlike those who have been struck off the roll).
7. The profession of barrister in England and Wales is a separate profession from that of solicitor. The practical difference of barrister from solicitors may be seen in the following:
 - Barristers have a more specialized knowledge of case-law and precedent. It is relatively common for a barrister to only receive a "brief" from an instructing solicitor to represent a client at trial a day or two before the hearing.
 - A barrister has rights of audience in the higher courts. He or she performs the functions relating to appearing in trials or pleading cases before the courts.
8. All in all there are about 15,000 barristers and they are members of one of the Inns of Court, which have traditionally educated and regulated barristers. There are four Inns of Court: The Honourable Society of Gray's Inn, The Honourable Society of Lincoln's Inn, The Honourable Society of the Middle Temple, and The Honourable Society of the Inner Temple. All are situated in central London, near the Royal Courts of Justice.

LEXIS from the text:

apart from — кроме, не считая

conduct proceedings — участвовать в судебных разбирательствах

handle — решать, регулировать, разбирать, заниматься

partnership firm — товарищество, партнёрство

Требования к оформлению отчетного материала: запись в тетради.

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: Ссылки на источники: [1], [3], [4], [5], [6], [11].

Критерии оценки: указаны во введении.

Практическая работа № 14

Изучение правовой лексики на основе образовательных текстов.

Усвоение и закрепление грамматики на основе учебного материала.

Выполнение упражнений.

Количество часов на выполнение: 8.

Цель работы: обучение приемам извлечения информации, формирование навыков практического владения иностранным языком, совершенствование техники перевода, введение и закрепление новой лексики.

Оборудование: рабочая тетрадь, ручка, грамматический справочник.

Методика выполнения задания: прочитать текст, перевести текст устно с использованием словаря, ответить на вопросы после текста письменно в тетради, подготовить чтение и перевод отрывка текста на оценку.

Задание: найти в словаре перевод слов и выражений по теме, найти в тексте слова и выражения по теме, ответить на вопросы, составить план рассказа по теме, дать литературный перевод текста. Выполнить упражнения. Ответить на вопросы, составить план рассказа по теме, дать литературный перевод текста.

Labor Law

1. Labor law is the body of laws, administrative rulings, and precedents that address the legal rights of, and restrictions on, working people and their organizations. As such, it mediates many aspects of the relationship between trade unions, employers and employees.

2. In general, there are two broad categories of labor law. First, collective labor law relates to the three-party relationship between employee, employer and union. It mostly concerns the inequality of bargaining power between employers and workers. Second, individual labor law concerns employees' rights at work and conditions and terms of employment.

3. The basic feature of individual labor law is that the rights and obligations of the worker and the employer between one another are mediated through the contract of employment between the two. Many terms and conditions of the contract are however implied by legislation or common law, in such a way as to restrict the

freedom of people to agree to certain things in order to protect employees, and facilitate a fluid labor market.

4. Thus employees have certain rights enforceable by law:

- the right to fair treatment regardless of age, race, religion, gender, or disabilities;

- the right to equal treatment, also with regard to wages;

- the right not to be dismissed without proper cause and the correct procedures;

- the right not to be dismissed for giving birth to a child;

- the right to compensation when employees are retrenched.

5. The central concept in collective labor law is “collective bargaining” which means negotiations between employers and employees (who are usually represented by a labor union) about terms and conditions of employment. The bargaining process is concerned with matters relating to working conditions: i.e. wages, working hours, job security, safety regulations, extended vacations, educational and maternity leave, housing, health insurance, unemployment compensation, and perhaps most important, carefully monitored grievance procedures to protect workers against any arbitrary action. Any or all of these may be the subject of consideration. When agreement cannot be reached, a union may conduct a strike against the employer.

6. According to collective labor law a trade union may be defined as a combination of workmen whose principal object is collective bargaining. As everyone knows, the legal control of trade unions is the subject of political debate. The pivotal questions are concerned with creation, recognition and derecognition of a trade union.

7. Legal immunities of trade unions currently include:

- protection against action for conspiracy;

- protection for peaceful picketing;

- provision prohibiting any court from ordering someone to work;

- protection for persons inducing breaches of contracts of employment in contemplation or furtherance of a trade dispute.

8. Besides representatives of management and trade unions, private mediators and government officials sometimes participate in collective bargaining, especially when a major or vital industry is involved. Collective bargaining, which began in Great Britain in the 19th century, is now a crucial part of the labor union movement and an accepted practice in many industrial nations.

LEXIS from the text:

address — называть, адресоваться

mediate — содействовать соглашению или сделке между сторонами,
служить связующим звеном

three-party — трёхсторонний

facilitate — способствовать, содействовать

fluid labor market — постоянно меняющийся спрос и предложение
труда

enforceable by law — обеспеченный правовой защитой
 fair treatment — справедливое отношение
 regardless of — независимо от
 gender — пол (мужской/женский)
 disabilities — ограничения дееспособности
 equal treatment — равенство обращения
 wages — заработная плата
 proper cause — обоснованная причина
 give birth to — родить, произвести на свет
 retrench — сокращать
 extended vacations — бессрочный отпуск
 housing — обеспечение жильём, жилищные условия
 grievance procedures — порядок разрешения трудовых споров
 arbitrary — самовольный, произвольный
 conduct a strike — проводить забастовку
 combination of workmen — объединение работников
 principal object — основная цель
 pivotal question — ключевой вопрос
 derecognition — отмена признания, отказ от признания (факта, претензии, санкции, права)
 action for conspiracy — иск об убытках, причинённых тайным сговором
 peaceful picketing — пикетирование без нарушения общественного порядка
 induce — побудить, склонять, убедить
 contemplation — цель, намерение
 furtherance — содействие, поддержка, способствование
 major or vital industry — ведущая или важнейшая отрасль промышленности
 crucial — принципиальный, важный
 industrial nations — промышленно развитые страны

QUESTIONS

1. What does labor law deal with?
2. What are the two subdivisions of labor law? What is the difference between them?
3. What are the parties to a contract of employment?
4. What employee's rights are guaranteed by law?
5. Who usually participates in collective bargaining?
6. What matters is collective bargaining concerned with?
7. Why are trade unions treated as an indispensable element of social life in industrialized nations?

AGREE OR DISAGREE

1. There are four broad categories of labor law: collective labor law, individual labor law, labor union law and employment law.
2. Employment means negotiations between employers and employees about terms and conditions of their relations.
3. Government officials may not participate in collective bargaining.
4. There is no legal control of trade unions in industrial countries.
5. Collective bargaining began in the USA at the beginning of the 19th century.

GIVE ENGLISH EQUIVALENTS for:

- a) называть законные права трудящихся;
- b) относиться к трехсторонним отношениям между профсоюзами, работодателями и наёмными работниками;
- c) описывать права наёмных работников на рабочем месте;
- d) увольнять без обоснованной причины;
- e) быть предметом обсуждения;
- f) достигнуть соглашения / договориться;
- g) участвовать в переговорах между предпринимателями и профсоюзами.

SCANNING

Defining an Employment Contract

1. The employment contract regulates the work relationship between the employer and employee. It stipulates the remuneration for work done by the employee. An agreement is signed after the work offer is accepted. The employer and employee both have rights and expectations that are stipulated in the contract.

2. Such contract is legally binding and enforceable by law even if it is an oral agreement. It is however recommended to get a written employment contract containing the following mandatory provisions:

- name of the company;
- full names of the employee;
- proper work description;
- commencement of employment date;
- work address;
- remuneration;
- minimum and maximum working hours;
- fringe benefit package, including a retirement plan, employee stock options, holiday pay, and health insurance benefits;
- sick leave stipulations;
- pension regulations;
- termination of employment;
- minimum notice time;

- procedures for complaints;
- disciplinary procedures;
- collective bargaining procedures.

3. Some employers also use non-disclosure and non-compete clauses to protect their trade secrets from being dispersed when employees leave.

4. The above terms and regulations are direct terms. Indirect terms (or assumed, unspoken terms) refer to terms not stipulated, but are indirectly referred to by signing the agreement. All contracts contain the following terms regardless of stipulation in the contract:

- trust and confidence in terms of work and payment to be done;
- ensuring a safe employment place.

5. The duty to provide written particulars of employment aims to allow the employee to know concretely what to expect and is expected. There are certain terms and conditions that people may simply not agree to because they are deemed categorically unfair. Thus an employer may not legally offer a contract in which the employer pays the worker less than a minimum wage. An employee may not for instance agree to a contract, which allows an employer to dismiss them unfairly. However, this depends entirely on the particular legislation of the country where employment is sought.

LEXIS from the text:

stipulate — оговаривать, предусматривать

work offer — предложение работы

expectations — ожидания

mandatory provision — обязательное условие договора

proper work description — точное описание работ, полная характеристика занятости

commencement of employment date — дата начала трудовой деятельности по контракту

fringe benefit package — пакет льгот и доплат к заработной плате

retirement plan — порядок выхода на пенсию

employee stock options — право сотрудника купить акции по льготной цене, поощрение служащих продажей акций

holiday pay — плата за работу в праздничный день

health insurance benefits — медицинское страховое пособие

termination of employment — окончание срока работы по найму

notice time — срок предварительного уведомления

non-disclosure clause — условие контракта о неразглашении конфиденциальной информации

non-compete clause — условие контракта о добровольном отказе сотрудника наниматься на работу в конкурирующие организации

disperse — разносить, распространять

leave — увольняться, прекращать работу

direct terms — однозначные, непосредственно обозначенные условия

assumed — предполагаемый
trust and confidence — доверительные отношения
particulars of employment — подробные данные / сведения
об условиях трудового найма
unfairly — нечестно, несправедливо

QUESTIONS

1. Whose rights and duties does an employment contract stipulate?
2. What information should an employment contract contain?
3. What is the difference between such terms of an employment contract as sick leave stipulations and health insurance benefits?
4. What is the purpose of a non-disclosure clause?
5. What are the examples of indirect terms of employment?
6. What is the legal meaning of a minimum wage?

AGREE OR DISAGREE

1. An employment contract is a quasi-agreement that is not enforceable by law.
2. An employment contract is legally binding even if it is in the oral form.
3. Direct terms and regulations of a contract are so called “assumed” or “unspoken” terms.
4. No employer may pay a worker more than a minimum wage.
5. The terms and conditions of employment are unified and do not depend on the particular legislation of the country where the person is employed.

GIVE ENGLISH EQUIVALENTS for:

- a) устанавливать заработную плату за выполняемую работу;
- b) содержать определенные обязательные условия;
- c) обеспечивать безопасное рабочее место;
- d) определять подробности работы по найму;
- e) выплачивать минимальный размер оплаты труда;
- f) зависеть от законодательства страны.

EXERCISE

Match the following words with their definitions:

bargaining; dismissal; educational leave; employee; employer;
employment;

maternity leave; minimum wage; safety regulations; remuneration; sick leave;

trade union; unemployment; working conditions

- 1) an act of sacking somebody from their job;
- 2) a period of time when a woman temporarily leaves her job to have a baby;
- 3) a person or company that pays people to work for them;
- 4) a person who is paid to work for somebody;
- 5) accident-prevention rules; laws that protect the health of people at work;
- 6) an amount of money that is paid to somebody for the work they have done;
- 7) an organization of workers, usually in a particular industry, that exists to protect their interests, improve conditions of work, etc.;
- 8) discussion of prices, conditions, etc. with the aim of reaching an agreement that is acceptable;
- 9) permission to be away from work because of illness;
- 10) the circumstances or situation in which people work;
- 11) the fact of a number of people not having a job; the number of people without a job; the state of not having a job;
- 12) the lowest money compensation that an employer is allowed to pay by law;
- 13) the period of time spent away from work in order to complete a course of training;
- 14) work, especially when it is done to earn money; the situation in which people have work.

Требования к оформлению отчетного материала: запись в тетради.

Форма контроля: устный опрос, проверка тетрадей.

Ссылки на источники: [2], [7], [8], [9], [11].

Критерии оценки: указаны во введении.