

ПЕРМСКИЙ  
ГОСУДАРСТВЕННЫЙ  
НАЦИОНАЛЬНЫЙ  
ИССЛЕДОВАТЕЛЬСКИЙ  
УНИВЕРСИТЕТ

А. М. Гуреева

**ИНОСТРАННЫЙ ЯЗЫК  
В СФЕРЕ ЮРИСПРУДЕНЦИИ  
(АНГЛИЙСКИЙ)**

**GENERAL LEGAL ISSUES**



МИНИСТЕРСТВО НАУКИ И ВЫСШЕГО ОБРАЗОВАНИЯ  
РОССИЙСКОЙ ФЕДЕРАЦИИ  
Федеральное государственное автономное  
образовательное учреждение высшего образования  
«ПЕРМСКИЙ ГОСУДАРСТВЕННЫЙ  
НАЦИОНАЛЬНЫЙ ИССЛЕДОВАТЕЛЬСКИЙ УНИВЕРСИТЕТ»

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# UNIT 1

## THE LEGAL PROFESSION

**1. Look at this list of legal occupations. All of these people work in law. We call all of the people who work in these jobs, ‘the legal profession’. Match the jobs with one of the descriptions.**

Solicitor  Attorney  Barrister  Lawyer

A This person is a lawyer who gives legal advice and opinions to solicitors. He or she passed the exams of the Bar Council of England & Wales at the end of his or her studies.

B This person is a lawyer who gives legal advice to individuals and companies. He or she passed his or her exams in the USA at the end of his or her studies and is usually a member of the American Bar Association.

C This person is a lawyer who gives legal advice to individuals and companies. He or she passed the exams of the Law Society of England & Wales at the end of his or her studies.

D This the general job title that we use for people who work as a solicitor, barrister or attorney.

**2. Read this text about working in law. The most important words are in the key vocabulary below. Decide if the statements on the next page are true or false.**

### Key vocabulary

*Lawyer, practice, barristers, law firm, attorney, judge, training contract, acting for, qualified, legal practice, partnership, represent, litigation, advocacy, pleading a case, specialize, right of audience, appear, solicitors, clients*

There are two types of lawyer who practise in England. They are called barristers and solicitors. In the USA and most other countries, lawyers don't make this division – a lawyer is simply known as an attorney at law, or an attorney. In both England and the USA, it is not possible to take a special exam to be a judge. If you decide that you want to be a judge, you must get a lot of experience as a lawyer first, then apply to be a judge and wait to see if you are chosen.

Most law students in England become solicitors. When they finish their university studies they do a one year legal practice course and then a two-year training contract with a law firm. After that, they are qualified solicitors. Many solicitors work for a legal practice, which is usually a partnership of solicitors who work together. Solicitors practise in many areas of law, although each solicitor usually chooses to spe-

cialise in one particular area. They represent their clients both in and out of court. We often describe this as acting for a client. The process of making a claim in the civil court is called litigation. Barristers are self-employed lawyers and don't work in partnerships in the way that solicitors do. They are specialists in advocacy, which is the skill of speaking for someone in court. We call this pleading a case. They also give opinions on areas of law to solicitors and the solicitors' clients. It is not just barristers who have the right of audience in court – solicitors are also allowed to represent their clients in court and many solicitors appear in court every day. It is not true to say that a client always needs a barrister in court.

- a) There are two types of lawyer practising in England.  True  False
- b) Last year I finished my training contract and I started working for a large international law firm. I am now a qualified lawyer.  True  False
- c) Only barristers can speak on behalf of clients in court.  True  False
- d) Many solicitors work together in partnerships but barristers don't.  True  False
- e) In the USA and England lawyers can take a special exam to be a judge.  True  False

## **MAKING A CLAIM IN THE CIVIL COURT**

In the English and American legal systems we divide the law into two main areas. These are criminal law and civil law. This means that everything that is not a criminal matter is a civil matter.

### **1. Look at these situations and decide if the person needs a criminal lawyer or a civil lawyer. In other words, is it a criminal matter or a civil matter?**

a) Mr Bellerby is opening a new factory. He needs to visit a lawyer to get a contract for all of his employees to sign.

criminal  civil

b) Mrs Robson is thinking about what she wants to happen to her house and possessions after her death. She needs to visit a lawyer to get the correct document, which is called a 'will'.

criminal  civil

c) The police are taking Mr Dean to the police station because they say he stole a car. He needs a lawyer to come and visit him there to tell him what to do.

criminal  civil

d) Mr Flynn owns a restaurant. He has a contract with a company to deliver fruit and vegetables to his restaurant. The company didn't deliver them on the agreed date, so Mr Flynn lost money because he could not open his restaurant that day. Mr Flynn needs to see a lawyer about asking the delivery company to give him the money he lost.

criminal  civil

e) Mr Allen is a bank manager. The bank is saying that some money is missing. Mr Allen has a new car and expensive clothes. The police are coming to ask Mr Allen some questions. He needs a lawyer immediately.

criminal  civil

**2. Read the information below. It is about starting a claim in the civil court. Decide if the statements under it are true or false.**

### **Starting a claim in the civil court**

When you are in dispute with another person sometimes it is necessary to start a claim in the civil court. We sometimes call this process 'filing a claim' or 'issuing a claim'. Lawyers also say, 'starting proceedings'. We do not use the verb 'to prosecute' in civil law because that verb is only used in criminal law. In England most civil claims are filed in the County Court. There are over 200 County Courts in England and Wales. Most cities and large towns have a County Court.

The person who starts the claim is called the claimant in the UK. This person was called the plaintiff until 1999, when there were new court rules in England to make everything easier for people to understand. However, in the USA the claimant is still called the plaintiff. In both England and the USA the other party is called the defendant. A claim form is the document that a claimant uses to start legal action against the defendant.

Why might a claimant start a claim? There are a lot of reasons, for example:

- / someone refuses to pay you money that they owe to you
- / someone does a job for you, but they do it badly – we call this bad workmanship
- / something that you paid for is not supplied to you
- / something that you bought is not working properly.

The claimant has to pay a sum of money, called a court fee, for the court to issue proceedings. In the claim form, the claimant must state the amount of his or her claim and request the defendant to pay all of the legal costs of the case. Sometimes people talk about 'the small claims court'. They really mean the special procedure

that exists at the County Court for small claims. A small claim is a claim for a maximum amount of £5000.

- a) Starting a claim means the same as starting proceedings.  True  False
- b) You can 'prosecute' someone in the civil court.  True  False
- c) There are more than 200 County Courts in England and Wales.  True  False
- d) The word 'plaintiff' is not used in England any more but it is used in the USA.  True  False
- e) It is free to start a claim in the County Court.  True  False
- f) There is a special court in a separate building for making small claims.  True  False

**3. Here are some important expressions which lawyers use when they talk about starting a claim in the civil court. Complete the sentences by matching the first half of each sentence with the correct ending.**

(\* ) To issue a claim means to...

- a) To pay a fee means to...
- b) To serve a claim upon someone means to...
- c) To respond to a claim means to...
- d) To hear a case means to...
- e) To find in favour of someone means to...
- f) To give a judgment means to...
- g) To make an order means to...
- h) A bailiff is a person who...

...confirm that you have received the claim and to say what you will do next.

...start a claim in the civil court.

...listen to the details of the claim and listen to what the claimant and the defendant say about their dispute.

...pay the court an amount of money for issuing the claim.

...can legally take a person's property when that person does not pay money that he or she owes.

...officially announce the result of the case. The judge may give the reasons for the decision.

...send the claim to the defendant's address and make sure that he or she receives it.

...decide that this person has won the case.

...officially state what someone has to do, and how and when he or she must do it



**4. Here are the steps in which a claim goes through the County Court. Fill the gaps with a word from task 3.**

- a) The claimant \_\_\_\_\_ a claim in the County Court.
- b) The claimant will have to pay a \_\_\_\_\_. The amount depends on the amount of money that the claimant is claiming.
- c) The court or the claimant's solicitor \_\_\_\_\_ the claim upon the defendant. This means that they send it to the defendant's address and make sure that the defendant receives it.
- d) The defendant has 14 days from the day he or she receives the claim to \_\_\_\_\_ to it. The defendant can admit the claim, which means to agree that the claim is right, and pay the money that the claimant wants, or the defendant can defend the claim.
- e) If the defendant decides to defend the claim, a judge will \_\_\_\_\_ the case in the County Court.
- f) The judge will give his or her judgment. The judge will \_\_\_\_\_ in favour of the claimant or the defendant.
- g) The parties must follow the terms of the \_\_\_\_\_ that the judge makes and they must make sure that they obey any instructions about time limits.
- h) If the order says that the defendant must pay money to the claimant then the claimant can use the services of a \_\_\_\_\_ to collect that money if the defendant does not pay.

**AREAS OF LAW**

**1.**

In England and the USA there is an area of law called 'the law of tort'. It is the law of civil responsibility. It is an area of civil law.

**Read this text about the law of tort. The most important words are in the key vocabulary below. Answer the questions that follow, using a full sentence.**

## Key vocabulary

/ law of tort / carelessness / tort / damages / injured person / committed / to sue / grounds / allegations / negligence / no win-no fee / breach

The law of tort says that everyone has a civil duty to be careful and not to hurt or harm another person. Lawyers call this civil duty, ‘the duty of care’. Sometimes people breach this duty of care. To breach means to break. Very often they breach the duty of care by accident but sometimes they do it deliberately. If someone hurts or harms another person because of a breach, we call this harmful action a tort. This means that some things that might be criminal in your legal system are a tort in England and the USA.

**Look at the list of harmful actions below. In England and the USA they are usually torts.**

*/ leaving the floor of a shop in a dangerous condition so that a customer falls and hurts her leg / saying something that is bad about someone, which isn't true / writing a story in a newspaper about someone, which isn't true / playing loud music late every night, which disturbs your neighbours*

This area of law is easier to understand by thinking of a tort as being a type of civil wrong. Each of the torts listed above has a special name. The tort that happens most often is called negligence. Negligence means that someone was not careful enough and this person's carelessness hurt another person as a result. The person who is hurt is called the injured person. When someone hurts you as a result of his or her actions, you need to consult a lawyer who specialises in the right area of tort. The lawyer will try to get you money from the careless person. This money is called ‘compensation’ or, more correctly, ‘damages’. Sometimes the lawyers can't agree on the amount of damages. When this happens, the injured person may decide to sue the person who has hurt them. Suing someone is a more informal way of saying starting proceedings against someone. The claim form will state the claimant's allegations against the defendant. An allegation is like an accusation – the claimant is stating that something happened, but the defendant has the opportunity to say this is not true. The reasons for going to court are called ‘the grounds’. The grounds for an action in tort are that the defendant committed a tort.

Sometimes a lawyer who specialises in the tort of negligence makes an agreement with a client. The agreement is that if the client does not win the case then he or she does not have to pay for the lawyer's services. This is called a ‘no win-no fee’ arrangement. It is allowed in the UK and the USA.

**Example question: What is the duty of care?**

**Example answer: The duty of care is the obligation to be careful and not to hurt anyone.**

- 1) How do lawyers say to 'break' a duty of care?
- 2) In England and the USA, is the law of tort an area of criminal or civil law?
- 3) There are different types of tort. In general, what is a tort?
- 4) What is the name of the tort that a person commits because he or she is careless and hurts someone else as a result of this carelessness?
- 5) What does suing mean?
- 6) What is the correct name for the money that an injured person gets from the defendant in a successful action in tort?
- 7) What is the correct name for an arrangement where a client does not have to pay his or her lawyer if the client loses his or her action in tort?

**2. Put a word from the key vocabulary in Exercise 1 into the following sentences.**

- a) I am \_\_\_\_\_ the owner of the shop because there was water on the floor and I fell and hurt my back.
- b) I am a lawyer who specialises in the tort of \_\_\_\_\_. People are just not careful enough! At the moment I am acting for the injured person in more than 20 different cases.
- c) The machines in the clothing factory were old and dangerous and one of the employees injured his hand. The employee sued the factory owners and got J5000 in \_\_\_\_\_.
- d) In your claim form you accuse us of breaching our duty of care. We do not accept that your \_\_\_\_\_ are true and we will defend your claim in court.
- e) Do you have a good reason for suing the owner of the hotel? What exactly are your \_\_\_\_\_ for starting legal action?

**3. Here is a list of some important areas of law. Read what the lawyers say on the next page. They are talking about the work they do. Match the lawyer with the correct area of law.**

- a) law of contract
- b) company law

- c) land law
- d) law of tort
- e) law of equity and trusts
- f) employment law
- g) family law
- h) immigration law
- i) intellectual property law
- j) criminal law

**David** 'I work in New York. I deal with clients from other countries who want to come and live here. I help them to get permission from the government to make their dream of living in the USA a reality.'

**Tom** 'I am with a law firm in Manchester. I am now in the second year of my training contract. At the moment I deal with clients who are buying or selling their house. It's my job to make sure everything is correct and that the sale is valid and legal.'

**Jennifer** 'I work in a very exciting area of law here in Los Angeles. I meet a lot of writers and musicians and sometimes even people from movie studios! I protect their rights and make sure that no-one can copy their work and make money from it without their permission.'

**Alistair** 'When I write the story of my life I will call my book, "Robbers, Murderers and other Friends of mine!" I work in Edinburgh, which is in Scotland. I defend people who are in trouble with the police. They may even go to prison! It is my job to help them.'

**Sunita** 'I work in Sydney, Australia. I give advice to people who are unhappy living together and they want a divorce. Sometimes people argue about money or the care of the children. It's a difficult area of law and I feel very sympathetic towards my clients.'

**Cory** 'I work in Chicago. I am quite famous on TV here in the USA. That's because Channel 10 show my advertisement five times every day! I ask people to call me if they were hurt or were in an accident because somebody else wasn't careful enough. If people are not careful, then I'm afraid they will have to pay damages!'

**Kayleigh** 'I work in Christchurch, New Zealand. Most of my clients have problems at work. I saw a lady this morning who is going to have a baby. When she told her boss that she is pregnant, he fired her from her job. That is not legal in New Zealand and I will help her to do something about it.'

**Michael** ‘I work for a very big London law firm. Our clients are banks and other big businesses. Today I am working on a merger agreement, which means that two companies are joining together to become one. Yesterday I advised a new client who wants to start an internet company on the different ways he can do it.’

**Mary** ‘I am based in Dublin, the capital city of Ireland. I see people or companies who want to make a legal agreement with another person or company. Today I am dealing with an agreement to deliver goods from Ireland to the USA. I have to check every word very carefully!’

**Polly** ‘I work in a very old and interesting area of law. Today I met a client who is 70 years old and has no family. When she dies, she wants to put all of her money into a special fund. Her two friends will use this money to help pay for a training school for actors and actresses from her home city here in Liverpool. I explained to her how to do that and I will draft the necessary legal documents for her.’

## **Help desk**

### **What do these words mean?**

*to deal with someone or something* – to do business with someone or to take the correct action in an area of work.

*legal* – allowed by the law.

*valid* – legally correct and acceptable.

*to draft a document* - to write a document.

*to have a right* – (in intellectual property law) to have a legal interest in something; it is yours.

*robber* – a person who steals money or property using or threatening to use violence.

*a divorce* – the legal ending of a marriage.

*to merge* – (in company law) when two companies join together to form one.

*to be based somewhere* – to be established somewhere as the main place where you work or live.

*goods* – things that are produced so that they can be sold.

*fund* – an amount of money that a person or organisation keeps to pay for something in particular.

## **4. Choose a word or phrase from the box to complete the sentences.**

/ drafting / the law of equity and trusts / criminal law / valid / based in / goods / intellectual property law / the law of tort / family law / merged

a) A lawyer who deals with clients who are in trouble with the police is a specialist in.

- b) Last year my bank with a big German bank and they are now called Europe Bank. I think they are the biggest bank in Europe now!
- c) A lawyer who deals with clients who create new inventions such as medicines or machines, or new artistic works such as books or music, is a specialist in.
- d) I spent three hours this morning a contract for my new client. I think the contract is ready for him to read and sign now.
- e) I want to put some of my money into a fund for the benefit of my grandchildren, which they will have when they reach the age of 18. I need to see a lawyer who is a specialist in.
- f) Well, I am from London but I am Amsterdam at the moment because I'm working for a Dutch company.
- g) A lawyer who deals with clients who are divorcing or who have problems over the care of their children is a specialist in.
- h) The company delivers all over the United States by rail and by truck.
- i) A lawyer who deals with people who breach their civil duty of care is a specialist in.
- j) That contract is not because your client hasn't signed it.

**5. Look at the words and phrases in the box. All of the words are connected with specific areas of law. Match each of the words with the correct definition.**

/ unfair dismissal / lease of land and buildings / formation of a business / landlord / maternity leave / discriminate / tenant / capital / sick pay / insolvent / conveyancing / redundancy / partnership / merger / real estate

- a) To be \_\_\_\_\_ means not having enough money to pay your debts.
- b) A \_\_\_\_\_ is the joining together of two or more things, such as companies, to form one single thing or company.
- c) A \_\_\_\_\_ is a person who pays rent to the owner of a house, a flat or an office in return for living there, or for using the building for business purposes.
- d) \_\_\_\_\_ is the legal process involved in transferring the ownership of a house or land from the seller to the buyer.

- e) To \_\_\_\_\_ against someone means to behave differently towards that person, usually in the workplace, because of their age, sex or the colour of their skin.
- f) \_\_\_\_\_ is a situation where someone loses his or her job for a reason that is not valid.
- g) \_\_\_\_\_ is money that an employer must pay to an employee when that employee is ill and cannot work.
- h) A \_\_\_\_\_ is an agreement to allow someone to use land or buildings for a fixed period of time in return for a payment of rent.
- i) The \_\_\_\_\_ is the establishment of a new business in a specific way.
- j) A \_\_\_\_\_ is a business which a minimum of two people own and control.
- k) \_\_\_\_\_ is the time period when a woman is not at work before and after the birth of her baby. Her employer usually pays her for part or all of the time that she is away.
- l) \_\_\_\_\_ is the total amount of money, property and other assets that a business has.
- m) \_\_\_\_\_ is a situation where someone loses his or her job because an employer no longer needs so many employees.
- n) A \_\_\_\_\_ is a person who owns a house, a flat or office and receives rent from someone for allowing them to live there, or use the building for business purposes.
- o) \_\_\_\_\_ is a more formal way of saying land and houses.

## **Help desk**

### ***What do these words mean?***

*ownership* – to have ownership of a property means that the property belongs to you. You are the owner of the property.

*assets* – things that a person or company owns.

*debts* – sums of money that you owe.

*rent* – the money that someone pays, usually every month, to use a flat, a house or an office that belongs to someone else.

*fixed* – something that is fixed is certain and cannot be changed.

**6. All of the words and phrases in Exercise 5 belong to either employment law, business law or land law. Put each word or phrase under the correct area of law.**

**Employment law**

**Business law**

**Land law**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**7. Complete the following sentences by using the words from the *Employment law* section.**

a) My baby will arrive at the end of March so I will take six months' \_\_\_\_\_ starting on 1 March.

b) He sued his employer on the grounds of \_\_\_\_\_ because the reason his employer gave for firing him was not valid.

c) If you are ill and not able to work you should look at your contract to see if you can get \_\_\_\_\_.

d) It is against the law in England for an employer to \_\_\_\_\_ against an employee because of his or her age.

e) Many employees are worried about \_\_\_\_\_ because a lot of businesses are closing in this area at the moment.

**8. Complete the following sentences by using the words from the *Business law* section.**

a) The \_\_\_\_\_ is the formal way of saying the way in which a new business is created.

b) The total \_\_\_\_\_ of the business is valued at approximately J32 million.

c) The business does not have enough money to pay its debts and is \_\_\_\_\_.

d) There will be a \_\_\_\_\_ next year between two major British chemical companies.

e) My friend and I want to start a cleaning business together and we decided that the best thing to do is to create a \_\_\_\_\_.



**9. Complete the following sentences by using the words from the *Land law* section.**

- a) He is a very good \_\_\_\_\_. He always pays the rent on time!
- b) My sister works in the Property department of her law firm. She acts for people who are buying and selling houses. She is a specialist in \_\_\_\_\_.
- c) We don't own our house; we rent it. The \_\_\_\_\_ ends in three months so we will have to find somewhere else to live.
- d) He is the \_\_\_\_\_ of five houses in this area. He makes a lot of money every month from the rent.
- e) The price of \_\_\_\_\_ in this part of the country increased a lot last year. It is very expensive to buy a house.

**SOLICITORS AND BARRISTERS**

**1. Diana Williams is a lawyer. Today she is going to visit a school in her town to talk to the students about a career in law. Here are some of Diana's notes for her talk. In this section she is talking about the two separate professions that exist in England, solicitors and barristers.**

*Fill in the gaps in the text with the correct word from the box below.*

/ partner / judge / client / audience / qualify / practices / solicitor / associate

/ partnerships / court / attorney / issued

**My notes for careers talk at Chatsworth Hill School**

In England we have two different types of lawyer. One is known as a (a) \_\_\_\_\_ and the other is a barrister. Both are called 'lawyers'. This can be a little confusing because in the USA every lawyer is usually known as an (b) \_\_\_\_\_. An English law student has to decide at sometime during their university studies which type of lawyer they would like to become when they finally (c) \_\_\_\_\_ as a lawyer.

Most English law students decide to become a solicitor. These are the lawyers that a (d) \_\_\_\_\_, the person who pays for the services of a lawyer, will usually meet first. Often the solicitor can help the client without the need for a barrister.

Most solicitors work in small private businesses, known as (e) \_\_\_\_\_, in what are called 'High Street firms'. This phrase 'High Street firm' refers to a typical, small group of solicitors working together in the type of offices that you can find

on the major streets of any English town or city. Many law firms are set up as (f) \_\_\_\_\_.

A young lawyer will usually work first as an (g) \_\_\_\_\_ of the firm and gain some experience while being paid a fixed salary before being offered the opportunity to become a (h) \_\_\_\_\_. A typical High Street solicitor usually specialises in a particular area of law, such as family, employment or commercial law. Many people believe that solicitors cannot act for their clients in (i) \_\_\_\_\_ but this is untrue. Thousands of solicitors appear in court every day, especially in the County Courts where most claims are (j) \_\_\_\_\_.

The second type of lawyer found in England is known as a barrister. Barristers are usually specialists in a very particular area of law. They give advice and opinions to solicitors and their clients. Barristers have the right of (k) \_\_\_\_\_ (the right to be heard by a judge) in all of the courts in the land. Barristers often share offices, known by the traditional name of chambers, although they all work alone as individuals because they are forbidden to work as partners. After several years of experience, members of either profession may apply to preside over cases and sit as a (l) \_\_\_\_\_. Within the English legal system a law student cannot take an exam to be a judge but has to wait to be appointed after some years of experience as a lawyer.

### **Collocation bank**

/ to qualify as a lawyer / to act for a client / to sit as a judge / to gain some experience / to issue a claim / to take an exam

### **Preposition bank**

*to be known as something*

‘They are known as barristers.’

*to qualify as something*

‘She qualified as a lawyer two years ago.’

*to go into partnership with someone*

‘He is going to go into partnership with his brother.’

*to specialise in something*

‘Tom specialises in commercial litigation.’

*to work in a business*

‘He works in a law firm but she works in a bank.’

*to preside over a case*

‘The insurance case has started and Judge Mortimer is presiding over it.’

**2. Look at the solicitors’ advertisements on the opposite page. Give the name and the telephone number of the firm of solicitors that I should call if I have the following legal problems:**

- a) I have reached the age of 50 and I am thinking about what I want to happen to my property after my death.
- b) I want to begin a business importing electrical goods from one European Union country into another and I want to know what the rules are.
- c) I am a woman who is angry that a man doing the same job in the factory where I work is paid more than I am.
- d) I am a visitor to England from the US. I came to work in London 18 months ago, with the permission of the British authorities. However, I only had permission to be here for a year and now I am afraid because I have broken the law.

Firm of solicitors

Telephone number

a)

\_\_\_\_\_

b)

\_\_\_\_\_

c)

\_\_\_\_\_

d)

\_\_\_\_\_

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**3. Find a word in the advertisements that matches the following definitions.**

a) Not taking enough care over something that you are responsible for with the result that mistakes are made or someone is hurt.

The word is \_\_\_\_\_

b) The process of legally transferring the ownership of land or buildings from one person to another.

The word is \_\_\_\_\_

c) A situation where someone has to leave their job because they are no longer needed by their employer.

The word is \_\_\_\_\_

d) An organization that exists in order to collect money, food or goods and give them to people who need them.

The word is \_\_\_\_\_

e) The state of a business not having enough money to pay what it owes.

The word is \_\_\_\_\_

f) A person or company which pays rent to another person to allow them to live in or use land or buildings.

The word is \_\_\_\_\_

**4. Say whether the following statements about the advertisements are true or false.**

a) If I invent a new type of water heater that I don't want anyone else to be able to copy, I should call 07771 777 5454.

True  False

b) If I want to study law, I should call McCarthy Kyle and Co.  True  False

c) Matthew Morrison will always accept any client on a no win-no fee basis.

True  False

d) The 1st Call Accident Centre specialises in the law of tort.  True  False

e) Matthew Morrison deals with complaints about other solicitors.  True  False

## Collocation bank

/ to **make** a will / a **breach** of contract / to **be made** redundant

## Preposition bank

*to import goods **from** another country*

‘She imported her car from Belgium.’

*to import goods **into** a country*

‘She imported her car into England.’

*to take care **over/with** something*

‘Please take care over/with that document because it is very important.’

*to deal **with** something or someone*

‘Could you please deal with Mr Jones for me as I am busy this morning?’

## Listening and speaking

1. See the video “Top Ten Tips for new law students” <https://www.youtube.com/watch?v=QQy6r-qJ0bo> and put down the recommendations the speaker suggests for law students.
2. Think of your own five tips for law students and present them.

## UNIT 1

### Credit assignments

**1. Look at the sentences below. Each sentence contains a mistake. The mistake is either an incorrect word or a word that should not be there. Put a circle around the word. Do NOT circle more than one answer for each sentence. There is an example at the beginning (\*).**

#### *Example*

(\*) *In the United States they do not difference between two separate kinds of lawyer because all lawyers are known as attorneys.*

1. When a student finishes his or her legal studies he or she has to make a two-year training contract with a law firm.
2. The law of tort says that everyone must to be careful and not harm other people.

3. I will start my training contract with the Taylor Wallis in September.
4. If we issue a claim against you we will ask for a very high damages.
5. He breached the contract and I will prosecute him in the civil court.

**2. Look at the article below. Read it and decide if the statements under it are true or false. Write your answers in the box below. There is an example at the beginning (\*).**

Sanjay Pritam is a partner with a law firm in Southampton in the south of England. Sanjay is a specialist in maritime law. He chose this area of law because of his family history. His father owns a ship. Sanjay's father worked on this ship for his whole life. Sanjay worked with him for two years and then he started his legal studies. Sanjay thinks this practical experience on a ship was very useful.

English law influences most of the law that governs international maritime cases. For this reason, lawyers from all over the world contact Sanjay's office to ask him for his opinion, which he gives by phone or email.

When maritime lawyers are speaking informally they divide cases into two categories. They call them 'dry' cases and 'wet' cases. Dry cases involve problems with shipping contracts and wet cases involve problems at sea, such as ships that have accidents. Most of the cases that Sanjay deals with cannot be negotiated and end in litigation.

***Example***

***(\*) Sanjay Pritam works in a family law practice.***

1. Sanjay's father is also a lawyer.
2. Sanjay thinks it is good that he worked on a ship before he was a lawyer.
3. Sanjay usually travels to other countries to help lawyers who have questions about maritime law.
4. A maritime case involving a breach of contract is informally called a 'dry case'.
5. Most of Sanjay's cases go to court because the parties cannot agree upon a solution.

**3. Here is a conversation between a lawyer and his client. The conversation is mixed up. Put the conversation in the correct order. Write your answers in the boxes numbered below. There is an example at the beginning (\*), which is the start of the conversation.**

*(\*) Good Morning Mr Rodriguez. Thank you for coming to see me. I understand that you would like to issue a claim in the County Court?*

a) Three months is a long time. I agree that you should issue a claim. I will explain to you how it all works. The first thing that we must do is to complete a claim form and file it at the County Court.

b) Yes, you will have to pay a fee. But if you win, the judge will usually order the defendant to pay back the fee. The next thing that happens after we file the claim is that the court will serve the claim form upon the defendant.

c) Yes, that is correct. I think going to court is the only thing that I can do. I supply food to restaurants and cafes in Chatsworth. I have a contract with all of my customers. The contract states that a customer has 14 days to pay me from the date they receive a delivery. A customer who owns a cafe in town is three months' late in paying me. I would like to start proceedings against him.

d) I see. What information do you need to complete the claim form?

e) He has 14 days to respond. In this case I hope your customer agrees that your claim is correct and that he will pay the money he owes you when he receives the claim. That is the best thing that can happen.

f) I need the name and address of your customer. When we file the claim your customer will be called the defendant. I also need the details of your claim. I need to know when the defendant received the delivery from you and when he was supposed to pay you. Please bring me a copy of the contract so that I can check the part of it that talks about payment. How much money does he owe you?

g) And when he receives the claim how many days does he have to respond to it?

h) £430. I can bring a copy of the contract to your office this afternoon. What happens when we file the claim? Do I have to pay a court fee?



#### 4. Legal Professionals

Every legal system needs professionals to provide legal services. These systems are organized in many different ways. In England this work is carried out by two groups of professionals – solicitors and barristers.

Below is a list of tasks carried out by solicitors and barristers. Classify them into the appropriate column.

advising clients on general legal issues	
advising clients on specialist legal issues	
advising on litigation	advising on tax matters
<del>advocacy in all courts</del>	<del>advocacy in the lower courts</del>
commercial work	conveyancing of houses
dealing with commercial transactions	
drafting of documents in connection with litigation	
making wills	preparing cases
share and other property dealings	

Solicitors	Barristers
<i>advocacy in the lower courts</i>	<i>advocacy in all courts</i>

## 5. Legal Training

The legal training for solicitors (who provide general legal advice to clients) and barristers (who present cases in the upper courts) is different. The following short texts describe the stages in legal training, but they are mixed up. Put the steps into the correct category and order.

**1 PRACTICE AND CONTINUING EDUCATION**

The next stage is to obtain a 'tenancy': becoming an assistant to a practising barrister.

**2 GETTING THE QUALIFICATIONS**

The next step is to acquire some legal training specific to the work of a barrister.

**3 DEVELOPING PRACTICAL SKILLS**

Next the intending solicitor has to enter a two-year training contract with a firm of solicitors to gain practical experience in a variety of areas of law.

**4 GETTING THE TRAINING AND EXPERIENCE: PUPILLAGE**

This is the 'apprenticeship' served by trainee barristers, who are known as pupils. It usually takes a year and consists of a mixture of assisting and observing experienced barristers, as well as more practical experience.

**5 GETTING THE ACADEMIC QUALIFICATIONS**

The *quickest and most common route to qualification is by means of a qualifying law degree.*

**6 GETTING THE VOCATIONAL QUALIFICATIONS**

You will have to undertake the Legal Practice Course, which is the professional training for solicitors. The course teaches the practical application of the law to the needs of clients.

**7 GETTING THE ACADEMIC QUALIFICATIONS**

The first part of training to become a barrister is known as the academic stage, which provides a general theoretical introduction to the law.

Training for solicitors		Training for barristers			
5					

**6. Make a presentation on legal profession in any country, e.g. Judges in China, Notaries in Russia, UK Barristers, etc. Use the following plan for your presentation:**

1. Historical background (when, where, why, who)
2. Famous representatives (1-2)
3. Professional statistics (any kind)
4. Real cases (1-2)
5. Legal profession and media (films, books, TV programs, professional journals and press...)
6. Extra information

## UNIT 2

### THE FAMILY LAW

#### 1. Answer the questions:

1. How can be family relations regulated through legislation (pay of child benefits to mothers? Prosecution of parents for physically punishing their children; transfer and control of private property in the interests of children, protection of children through guardianship)?
2. Why do you think families require special legal protection?
3. Which aspects of family life are the most controversial: marriage, divorce, child custody, protection of children, juvenile crime, adoption of children?
4. Do you think «problem families» may generate juvenile delinquency?
5. Do you think children raised in «problem families» are more likely to become juvenile delinquents?

#### *Reading*

**2. As you read the text *Family Law*, compare your thoughts in task 1 and answer the questions which follow.**

#### FAMILY LAW

The law sees the family as a special institution. Family Law considers married and unmarried couples, and their children; and protection from violence in the home.

Beyond the mere function of providing a new generation of children, the family is often promoted for its moral contribution to society.

In some societies the family is thought to be so important that there is little legal intervention in family life. In many Islamic countries, for example, fathers, brothers and sons are allowed considerable authority over the females in their families. But in many parts of the world the law now promotes the rights of individuals within the family unit, and regulates family relations through legislation. Much of the work of other courts is also directly relevant to family life.

#### *Protection of children*

In general, the welfare of children is the biggest concern of family law. Virtually all societies, and certainly all legal systems, treat children differently from adults. There are special courts to deal with young people who commit crimes. In economically developed countries, there are limits on the type and amount of work a child is allowed to do. There are age limits on the rights and duties of citizens; however, these

vary from country to country. Parents have a duty to make decisions, for example those concerning education, on behalf of their children.

### ***Delinquency and family failure***

Comparison of the children of various diagnostic groups has shown that the behaviour problems found in the sociopathic group seem to be *familial*...their parents as well as their children have a high rate of occupational failure, marital discord, arrests and drinking. So? The disturbed and delinquent family often produces the disturbed and delinquent children. And this applies to all social classes and to all income groups.

Children require sound discipline and this kind of discipline has at least two components: one, affection; and two, control. Control needs to be consistent and reliable if it is to contribute to a sound and stable character structure. If punishment is to be resorted to, it must be of a consistent and predictable nature.

It is, in fact, only when something goes wrong with the parent-child relationship, or when the social environment is grossly criminogenic, that serious delinquency is likely to eventuate. No ill effects would occur in stable families where interpersonal relationships are sound and warm.

### ***Problem families***

A problem family is characterized by child neglect. Such families' pattern of living generate juvenile delinquency. Such families living in relative isolation in low delinquency areas had a delinquency rate similar to those problem families located in the high delinquency areas nearer the city centre. In the case of the children there was clearly a breakdown of culture, deprivation, isolation and emotional insecurity. Such children become delinquent because the pattern of their family life has chronically broken down and indeed they often appear not to know that their delinquent acts are in any sense wrong.

1. Does the law effect married and unmarried people differently?
2. Do you think it is a good idea for the law to treat the family as a "special institution"?
3. Do families make a moral contribution to society?
4. Does the importance of the family in Islamic society mean more or less legal intervention in family life?
5. Does this lack of legal intervention mean more or less equality for women?
6. What is the biggest concern of family law?
7. Why is the *family* so important for a young child?
8. What are the two main components of child discipline?

9. Are children from lower class families more likely to become juvenile delinquents?
10. How should children be punished?
11. Why do problem families generate delinquents?

What moral contribution can YOUR family make to society?

Would you punish your children? How? Why?

**3. Fill in the chart with the word families. Translate them into Russian.**

Noun	Verb	Adjective
1.	married	
2.		familial
3. behaviour		
4.		neglecting
5.		caring
6.	to bore	
7. reliability		
8.	to predict	
9.	to stabilize	
10. custody	•	
11.	to occupy	

**4. After a divorce, custody of a child is usually decided in favour of the mother. Do you think mothers do a better job than fathers of raising children?**

**5. Imagine that a family couple wants to adopt a child and to be his/her legitimate parents. Discuss: What legal requirements should the adoptive parents satisfy concerning the following points?**

- their lifestyle
- their living conditions
- financial security
- ability to care for children
- the ethnic background (race, colour)
- religious beliefs
- their age

**A young couple that you know, Mr and Mrs Stevens, have applied to adopt a baby. The adoption committee has asked you to write a confidential report to help the committee in its decision. Working in groups of two or three, de-**

**cide which points above are important enough and make your decision whether you would grant their application or not.**

They are legally married, I went to their wedding. She is an intelligent, well-educated woman. She could have a better job, but she isn't very ambitious; she works as a typist for a businessman. He is rather quiet and seems to find it difficult to talk to people. He likes football a lot, but she doesn't, and they often argue about whether he should go to a match or not. He has a fairly good job as a foreman in a factory that makes spare parts for cars. She is 27 years old, but she says she is 22; he is 24.

She likes going to dances and meeting new people; sometimes she goes dancing on her own. My next-door neighbour is a distant cousin of theirs and also knows them quite well. Their flat is old and small? But they have a new family saloon car and a colour television. An old aunt of his will probably leave him quite a lot of money when she dies. They have several nieces and nephews; they seem to be fond of the girls and the boys.

They do not dress very neatly, and they haven't got a modern washing machine. They both love animals. She goes to evening classes of drawing, and some of the pictures on their walls are by her. They got married quickly because she thought, or at least she said she thought, she was pregnant. He says he's a communist, but I don't think he's a member of the party. They're not very interested in food; they eat mostly things like fish and chips, chicken and chips, and so on.

Her parents are middle class, and they don't particularly like their son-in-law, who is from a working-class background. She sometimes goes to church, but I don't think she believes in it very much. I don't think they would christen their children if they had any. They both say that they would very much like to adopt a child, but only one. Their relatives often come to see them, and their nieces and nephews seem to enjoy the visits.

When he was 18, he won a medal for bravery for saving a young girl from drowning. They seem to quarrel quite a lot, but I think that they are genuinely in love. She makes a lot of her own clothes. Their flat is clean, but not very tidy.

## **6. Translate the following text in writing.**

### **PARENTAL RIGHTS AND DUTIES**

It is much easier to define a "normal" family - a husband and wife and the children of their marriage - than it is to define the rights and responsibilities of the people in it. Although modern statutes often mention parental rights, powers or duties, the law does not provide us with a neat little list of them. There is only a patchwork of legislation and decided cases on particular points. In any event, legal relationships between parents and children can never be quite like those between adults. A legal right assumes that someone else has a corresponding duty to respect it, and that the courts will enforce that duty if the right-holder asks. But nowadays the courts will refuse to force anyone, whether the other parent, an outsider, or even the child himself, to respect the parent's rights unless this is in the child's best interests. Similarly, however, who has the right to enforce parental duties? Their whole object is to provide for the upbringing of someone who is not only too young to bring himself up but also too young to force others to do it for him. Parental responsibilities therefore depend largely upon the ability of other people or the authorities to oblige, the parents to adopt acceptable standards of child care. And often the only way in which they can do this is through the partial or even total removal of the parents' rights. Finally, what of the child's rights? The outsiders' intervention may have been designed to secure things to which the child is thought to have a right, but again his right will not be like other rights. He will usually have to accept what others think good for him. Children may have greater claims to the care and protection of others than have adults, but they will rarely have the freedom of choice which adults enjoy.

## **7. National "Children Help" Action put forward proposals on how to protect children and their mothers from domestic violence. Fill in the gaps with the words in the box below and find out what was proposed.**

*Funding, respond, assess, accommodation, offer, priority, protect, impact, violence, courts*

### **CHILD HELP**

All children living in violent situations must be considered "Children in need". A social worker should \_\_\_\_\_ their needs in order to \_\_\_\_\_ support, and therapy provided for family centres;

Local agencies must \_\_\_\_\_ to domestic violence and ensure their work together to identify families living with violence and provide their help needed;



Mothers and children leaving violent men must have \_\_\_\_\_ for permanent, affordable housing, in temporary\_\_\_\_\_ .

\_\_\_\_\_ for women's refuges must be enhanced and placed on secure footing.

Police training must be improved so that all others are better able to \_\_\_\_\_ children and women in \_\_\_\_\_ situations;

training and guidance on domestic violence for the judiciary must be improved so that \_\_\_\_\_ always treat violence against women and children as seriously as it deserves;

there must be better education of key professionals in contact with children, mothers and vulnerable young people about the \_\_\_\_\_ of domestic violence, and guidance on action to be taken to protect and benefit children.

**8. Read the text “The Art of Marriage” and say what makes a marriage happy, using the ideas from the text.**

## **THE ART OF MARRIAGE**

A GOOD marriage must be created.

In the marriage, the little things art the big things...

It is never being too old to hold hands.

It is remembering to say "I love you "at least once each day,

It is never going to sleep angry.

It is having a mutual sense of values and common objectives.

It is standing together and facing the world.

It is forming a circle of love that gathers in the whole family.

It is speaking words of appreciation and demonstrating gratitude in thoughtful ways.

It is having the capacity to forgive and forget.

It is giving each other an atmosphere in which each can grow.

It is a common search for the good and the beautiful,

It is not only marrying the right person.

It is being the right partner.

**9. Read the text “Children learn what they live”, choose two ideas you agree and that you do not agree with, give the reasons, using your own experience.**

### **CHILDREN LEARN WHAT THEY LIVE**

If a child lives with criticism,

He learns to condemn.

If a child lives with hostility,

He learns to fight.

If a child lives with ridicule,

He learns to be shy.

If a child lives with shame,

He learns to feel guilty.

If a child lives with tolerance,

He learns to be patient.

If a child lives with encouragement,

He learns confidence.

If a child lives with praise,

He learns to appreciate.

If a child lives with fairness,

He learns justice.

If a child lives with security,

He learns to have faith.

If a child lives with approval,

He learns to like himself.

If a child lives with acceptance and friendship,

He learns to find love in the world.

## **10. Read the following text and write down the summary in English**

### **FAMILY LAW. GENERAL INFORMATION**

Family law, body of law regulating family relationships, including marriage and divorce, the treatment of children, and related economic matters.

In the past, family law was closely connected with the law of property and succession, and, judging from the records available, it must have originated principally in the economic and property questions created by the transfer of a female from her father's family to the power and guardianship of her husband. Even with regard to the relationship between parent and child, legal concepts such as guardianship, custody, and legitimacy were associated with family power structures and family economic interests. Family law also traditionally has to do with matters of personal status – for example, the question of whether a person is to be considered married or single, legitimate or illegitimate – though the incidents and importance of these distinctions often derive from the law of property.

Family law shares an interest in certain social issues with other areas of law, including criminal law. For example, one issue that has received considerable attention since the late 20th century is the very difficult problem of violence within the family, which may take the form of physical violence by one adult member on another or by an adult on a child or some other violent or abusive conduct within a family circle. In serious cases the only real solution may be to terminate cohabitation or to remove an abused child from the family unit into some form of public or foster custody.

### **What is Family Law?**

Family law consists of a body of statutes and case precedents that govern the legal responsibilities between individuals who share a domestic connection. These cases usually involve parties who are related by blood or marriage, but family law can affect those in more distant or casual relationships as well. Due to the emotionally-charged nature of most family law cases, litigants are strongly advised to retain legal counsel.

The vast majority of family law proceedings come about as a result of the termination of a marriage or romantic relationship. Family law attorneys help their clients file for separation or divorce, alimony, and child custody, visitation, and support. Spouses married a short time may seek an annulment, and special rights may exist between same-sex couples. The division of property at the end of a marriage is also a common issue in family law cases.

With respect to property division at the time of divorce, every state has a comprehensive set of laws in place to determine the rights of the parties. However, couples who do not agree with the default rules in their state can "opt-out" by hiring a lawyer to draft a prenuptial agreement. Absent fraud or duress, courts will enforce these premarital agreements upon divorce, and distribute property and financial support accordingly.

Family law also involves the prevention of physical and emotional abuse. The potential for domestic abuse is not limited to relationships between current or former spouses and their children. Judges will not hesitate to assert jurisdiction to protect an elderly family member, someone in a dating relationship, or even a roommate. When allegations of abuse are made, the court will typically issue a restraining order to prevent further contact.

In a contested family law case, most people understand that hiring a skilled attorney will provide an advantage. An attorney can find assets or income the other party is trying to hide, present arguments regarding child support and visitation, and even take the case to trial if settlement talks fail. Attorney representation is just as crucial in uncontested cases, however. Without it, a party is vulnerable and can unknowingly waive important legal rights

## **PAYING TAXES ON ALIMONY WHEN EX-SPOUSES REMAIN IN THE SAME HOUSEHOLD**

**11. Read the text and write down the definitions of the following words and expressions, using the vocabulary from the text: *alimony, tax deduction, ex-spouses, divorce, IRS criteria.***

**Divorce typically results in one ex-spouse vacating the home - but not always. If both parties still live in the same household, this generally will affect the ability to file taxes and how each ex-spouse will do so separately with the tax deductions on spousal support.**

### **Taxes on Alimony**

In the normal circumstances where a spouse divorces another spouse, there is a judgment from the court that alimony will pay the individual with less income brought into his or her household. Alimony for both parties before 2018 could provide tax deductions when paying and receiving depending on the state and circumstances. These deductions are important for the person receiving alimony because of the bump to income in the year which may require additional taxes paid. Through the

factors for paying and deducting taxes from alimony or income for the year, the Internal Revenue Service requires certain elements to exist. This may include living apart from an ex-spouse or paying separately when divorced.

### **Criteria per the IRS to Deduct**

To ensure that the person is able to deduct alimony payments from taxes, he or she must meet the IRS criteria. These include paying in some form of cash or cash equivalent, filing a separate tax return for each spouse and a requirement in the divorce agreement to pay spousal support. The funds sent to the spouse must cover alimony only and not child support. Additionally, the IRS does not support these deductions if the spouses live in the same house as well as an exclusion to pay once the spouse is no longer alive.

For usual deductions, the individual paying alimony must not designate property as part of the settlement for these specific types of deductions. The IRS requires some cash equivalent form of spousal support. Child support of any type is not an inclusion even if paid to the custodial parent. Making arrangements between the parents that are not within the criteria necessary to receive deductions may disqualify the person immediately. It is important to check with a tax professional or lawyer to understand and proceed with filing the correct forms and placing all relevant information on the returns' paperwork.

### **Exclusions to Deductions**

Other than child support, the individual cannot claim noncash settlements for spousal support to include forms of property such as a house. Any payments that the person makes to maintain the original marital home, up to and including the spouse living in the same house, do not receive inclusion in alimony deductions. Other exclusions include voluntary payments the individual gives the other party that are not part of the divorce judgment or divorce settlement. This does not include a lump sum which usually does have sections for deductions, but gifts of money or other kinds of payment given outside of the mandate of the courts are not part of these deductions.

### **Filing Separately**

Filing a federal tax return for the year as a single person or separately when married is possible. It is even possible to file separately when living together either as a married couple or when already divorced. However, the alimony tax deductions may not exist no matter what state the person lives in when both ex-spouses share the same household. Staying in the marital home with the ex-husband or ex-wife general-

ly removes the need to separate the funds because most bills will go to both parties with a sharing of all expenses. Then, deductions for alimony are not necessary.

### **Penalties for Living in the Marital Home**

If both parties remain in the same or marital home, it is possible that the IRS may incur penalties or follow through with criminal charges if there are any inaccuracies on the tax return forms. It is important to disclose that both ex-spouses live in the home they shared before completing the divorce. If either fails to place these details on the tax documents, the IRS may enforce penalties that could become costly or proceed with criminal charges for tax fraud. Then, either or both parties will need to hire a lawyer for a criminal defense.

### **Legal Assistance for Alimony Tax Deductions**

It is a tax lawyer that may become the necessary legal professional when facing alimony tax deductions. He or she may need to explain the matter and ensure that all paperwork is free of violations and inaccurate details. If needed, he or she may present the case in court.

## **12. Read the text and make up the list of the main parental rights and obligations**

### **PARENTAL RIGHTS AND OBLIGATIONS**

The issue of child custody is the most common dispute in family court. As should be expected, parents are extremely concerned with the safety, education, and overall wellbeing of their children. Custody decisions become even more difficult following a divorce or breakup, as parents tend to be distrustful of each other at these times. Regardless of the state of affairs between the parents, judges will always decide custody based on "the best interests of the child."

In an effort to do what is best for the child, the court can assign legal and physical custody to one parent, or these rights can be shared. A typical schedule would allow the child to spend weekends, summers, and alternating holidays with the non-custodial parent, with both parents having an equal say in major decisions affecting the child. When approving a custody schedule, the court will do what it can to avoid unnecessary disruptions to the child's life.

All parents have a legal duty to provide financial support for their children. The amount of support ordered in a particular case will be calculated according to state statute. Most states publish a child support worksheet that simplifies the task. The calculation will take into account the respective incomes of the parents, the cost of

health insurance for the child, support paid for other children by the non-custodial parent, and more.

Custody and support orders are subject to modification. In fact, family law attorneys spend much of their time representing clients in modification proceedings. To alter a visitation schedule or revise the amount of child support, the requesting party must demonstrate that circumstances have changed since the order was entered. Examples of changed circumstances include loss of employment, moving, a parent becoming disabled, etc.

Family law cases can involve a number of other issues. Establishing (or disproving) paternity is a common subject of litigation, although it is becoming less complicated with the ability of courts to order DNA testing. Other issues include the termination of parental rights, adoption, gay and LGBT relations, and grandparent rights. Family law in the 21st century is evolving quickly, making it more important than ever to seek advice from a qualified attorney.

## UNIT 2

### Credit assignments

**1. Below are the main areas that Family Law covers. The text gives excerpts from those areas. Write one area above each text.**

Adoption  
Child Custody  
Children's Rights  
Divorce  
Estate Planning  
Estates and Trusts  
Insurance  
Marriage  
***Adoption***

1. **Adoption**

The process by which a legal parent-child relationship is created between individuals not biologically parent and child.

2. \_\_\_\_\_

The parents of a child born within a marriage are joint guardians of that child and the rights of both parents are equal.

3. \_\_\_\_\_

Children are generally afforded the basic rights embodied by the constitution.

4. \_\_\_\_\_

As a result of this both parties' status becomes single again.

5. \_\_\_\_\_

The process by which an individual or family arranges the transfer of assets in anticipation of death.

6. \_\_\_\_\_

Generally, a trust is a right in property (real or personal) which is held in a fiduciary relationship by one party for the benefit of another. The trustee is the one who holds title to the trust property, and the beneficiary is the person who receives the benefits of the trust.

7. \_\_\_\_\_

While types vary widely, their primary goal is to allocate the risks of a loss from the individual to a great number of people.

8. \_\_\_\_\_

A contract based upon a voluntary private agreement by a man and a woman to become husband and wife.

## **2. Choose any country and make a Power Point Presentation about Family Law in this country. Use the following plan for your presentation:**

1. Historical background (when, where, why, who)
2. Famous lawyers in the field (3-5)
3. Professional statistics (any kind)
4. Real cases (1-2)
5. Family Law and media (films, books, TV programs, professional journals and press...)
6. Extra information

**Prepare a mini-glossary of 10-15 terms of Family law vocabulary and present it.**

### **Quizes**

#### **Quiz 1: Family Relationships**

**Test your knowledge with this quiz.**

1. A contract between a man and a woman to become husband and wife is called a / an:

(a) wedding (b) engagement (c) marriage (d) affair (e) relationship

2. Rearrange the letters in **bold** to make a word meaning husband or wife: **pusoes**

3. True or false: If you have a *partner*, you are assumed to be *married*.



4. Are same-sex marriages legal in Britain?

5. What is the difference between a *separation* and a *divorce*?

6. Complete this sentence with the appropriate word in **bold**:

The judge decided that the marriage had never been legal and so he **annexed** / **antedated** / **annulled** it (in other words, he declared that it had no legal effect).

7. What is the name we give to the notifiable offence of going through a ceremony of marriage to someone when you are still married to someone else? Is it:

(a) monogamy (b) bigamy (c) polygamy (d) monotony

8. In England and Wales, what kind of court deals with divorces? Is it:

(a) a magistrates' court (b) a Crown Court (c) a High Court (d) a County Court (e) a court of appeal

9. In England and Wales, a divorce can only be granted on one condition (known as grounds for divorce): that the marriage has broken down irretrievably (in other words, it cannot be made right again). Here are two of the conditions necessary for an irretrievable breakdown:

(1) The couple have lived apart for two years and both consent to divorce.

(2) The couple have lived apart for five years and no consent from the other spouse is needed.

Rearrange the letters in bold to make words for the other conditions:

(3) **tdyulera** by one spouse (4) **runbesaleona brvioeuha** of a spouse

(5) **soedernti** by one spouse

10. Here is a simplified version of the main divorce procedure. Complete the gaps with the words below:

**affidavit** **decree absolute** **decree nisi** **dispute** (x3) **petition** (x2) **petitioner** (x2) **respondent** (x2)

A request 1(a \_\_\_\_\_) is made by the 2 \_\_\_\_\_ (= the person applying for the divorce) to the court for a divorce, in which the facts about the people involved and the reasons for the divorce are explained.

The court sends the divorce 3 \_\_\_\_\_ to the 4 \_\_\_\_\_ (= the other spouse), together with a form called an Acknowledgement of Service form, which he / she completes. In it, he / she indicates whether or not he / she wishes to 5 \_\_\_\_\_ the divorce.

He / She returns this to the court within 7 days. (If he / she wants to 6\_\_\_\_\_ the divorce and / or its terms, he / she is sent another form to complete).

Assuming that the 7\_\_\_\_\_ does not want to 8 \_\_\_\_\_ the divorce or the terms, a copy of the Acknowledgement of Service form is sent to the 9\_\_\_\_\_, who confirms the facts sent in their original petition by swearing an 10\_\_\_\_\_.

The court pronounces the 11\_\_\_\_\_, an order ending the marriage subject to a full 12 \_\_\_\_\_, which comes later and ends the marriage completely.

11. If a divorced couple have children, one of them may be required to make regular payments to their ex-husband / ex-wife to help pay for the upbringing of the children. What are these payments called? Are they:

(a) child support (b) child maintenance (c) child benefit (d) child pensions

12. Look at this situation:

An unmarried couple with two children separate. The father moves away to another town. Is he legally obliged to make payments to his ex-partner for the upbringing of the children?

13. In England and Wales, the agency responsible for the assessment, review, collection and enforcement of payments is called the CSA. What do you think these letters stand for?

14. If a parent refuses to pay money for the upbringing of his / her ex-partner's children, the CSA can ask a court to make an Attachment of Earnings Order. What do you think this is?

15. How old should children be before a CSA ruling no longer applies? Is it:

(a) 15 (b) 16 (c) 17 (d) 18

16. What is alimony? Is it:

(a) money that a court orders a husband to pay regularly to his separated or divorced wife

(b) money that a court orders a father to pay regularly to his children until they are old enough to leave home

(c) money that the state pays a married couple to help them pay for a divorce

(d) money that a married couple must save to pay for their children's education

17. If a couple are unmarried, and one of them dies, who gets their estate (land, money and possessions) if the deceased (the dead person) has not made a will? Is it:

- (a) the deceased's partner
- (b) the deceased's immediate family
- (c) the state

18. Who is your next of kin?

## Quiz 2. Children

### Exercise 1

Complete this definition and explanation with words and expressions **in bold** given below.

**adult    binding    business    convicted    guardians    Juvenile juveniles    land legal status    majority    malice    marry    minor minority    parents    responsible vote    will    written permission young offender    young person    Youth**

A child can be defined as 'a person under the age of 18'. We can also use the word '\_\_\_\_\_'. The state of being less than 18 years old is called '\_\_\_\_\_'. When a child becomes 18, he / she reaches the age of \_\_\_\_\_ and so is legally regarded as an \_\_\_\_\_. In other words, he/ she becomes \_\_\_\_\_ for his / her own actions, can sue, be sued or undertake \_\_\_\_\_ transactions.

In Great Britain a child does not have full \_\_\_\_\_ until the age of 18. A contract is not \_\_\_\_\_ on a child, and a child cannot own \_\_\_\_\_, cannot make a \_\_\_\_\_, cannot \_\_\_\_\_ and cannot drive a car (under the age of seventeen). A child cannot \_\_\_\_\_ before the age of 16, and can only do so between the ages of 16 and 18 with the \_\_\_\_\_ of his / her \_\_\_\_\_ or legal \_\_\_\_\_. A child who is less than 10 years old is not considered capable of committing a crime; a child between 10 and 14 years of age may be considered capable of doing so if there is evidence of \_\_\_\_\_ or knowledge, and so children of these ages can in certain circumstances be \_\_\_\_\_. In criminal law the term 'child' is used for children between the ages of 10 and 14; for children between 14 and 17, the term '\_\_\_\_\_' is used; all children are termed '\_\_\_\_\_'. If someone between these ages commits a crime, he / she is known as a \_\_\_\_\_, and may be sentenced in a \_\_\_\_\_ Court (previously known as a \_\_\_\_\_ Court).

## Exercise 2

1. Choose the correct word in **bold** to complete this sentence:

The money paid by the state to a person who is responsible for a child under 16 years of age is called child **support** / **maintenance** / **benefit** / **pension**.

2. When two people divorce or get separated and one of them has care of their children, the other has the right to see the child regularly. True or false: this is called excess.

3. True or false: in Britain, the responsibility for the assessment, review, collection and enforcement of maintenance for children is supervised by the courts.

4. What does the Latin expression 'in loco parentis' mean?

5. Rearrange the letters in bold to make a word: A child or young person who acts in an antisocial way or breaks the law is known as a **queendltin**.

6. Choose the best meaning of the word adoption. Is it:

(a) the act of looking after and bringing up a child who is not your own

(b) the act of becoming the legal parent of a child which is not your own

(c) the act of having your children supervised while they are at home to make sure they are being well cared for

7. Which of the following are allowed to be foster parents?:

(a) married couples    (b) unmarried couples    (c) single women    (d) single men

(e) same-sex couples

8. Complete the words in **bold**: If a parent or guardian fails to provide a child with adequate shelter, food, clothing, medical attention and supervision, this is known as **n** \_ \_ \_ \_ \_ . If a parent intentionally harms a child physically or mentally, this is known as **a** \_ \_ \_ \_ \_ .

9. Choose the correct word in **bold** to complete this sentence:

Sometimes, if a woman is physically unable to conceive and have a baby, the couple may ask another woman to have the baby for them and then give the baby to them: this woman is known as a **surrogate** / **surreal** / **surety** / **surrender** mother.

10. What is a **Guardian ad Litem**? Is it:

- (a) a parent who does not live with his / her child.
- (b) a child who does not have a parent or legal guardian.
- (c) a person appointed by a court to represent a child in a legal action.

11. True or false: a parent can be held legally responsible for the actions of their children if the children do something wrong or illegal.

12. True or false: if one parent in a couple is found guilty of the offences in number 8 above, a court can apply to have the parent taken out of the family home rather than the child.

13. *Truancy* is becoming a major problem in Britain. What do you think this word means?

14. In Britain there are various orders that can be applied for children in different situations. Match the order 1 – 8 with what it does (a) – (h):

1. Care Order   2. Supervision Order   3. Search and Find Order   4. Disclosure Order  
5. Prohibited Steps Order   6. Specific Issue Order   7. Contact Order   8. Residence Order

(a) If the parents cannot decide what to do about major issues related to their children, they can let a court decide for them.

(b) In cases of separation and divorce, this decides who the child will live with (in other words, who gets custody of the child)

(c) The court can prevent one parent from taking a child away from the other parent (often used if there is a danger the parent will take the child out of the country).

(d) A court can order the police or other legally-appointed body to enter a house where they think a child might be held against his / her will, in bad conditions, or illegally by a person not entitled to look after the child.

(e) A separated or divorced parent wants to see his / her children (who are living with the other parent) for short periods on a regular basis.

(f) The local social services regularly visit the home to check that children are being well cared for.

(g) If a person knows where a child is being illegally held, they must give this information to the police or the court, or face prosecution.

(h) Children are taken away from their home and parents / guardians by the local social services.

## **UNIT 3**

### **THE JUDICIAL BRANCH OF THE UK**

#### **Judges in Great Britain**

**Read the following text and answer the questions.**

In Britain, The vast majority of judges (that is, people who decide what should be done with people who commit crimes) are unpaid. They are called “Magistrates”, or “Justices of the Peace” (JPs). They are ordinary citizens who are selected not because they have any legal training but because they have “sound common sense” and understand their fellow human beings. They give up time voluntarily.

A small proportion of judges are not Magistrates. They are called “High Court Judges” and they deal with the most serious crimes, such as those for which the criminal might be sent to prison for more than a year. High Court Judges unlike Magistrates, are paid salaries by the State and have considerable legal training.

Magistrates are selected by special committees in every town and district. Nobody, not even Magistrates themselves, knows who is on the special Magistrates in their area. The committee tries to draw Magistrates from as wide a variety of professions and social classes as possible.

- 1. What kind of people are Magistrates?**
- 2. Why are they selected?**
- 3. Who would judge a person who had committed a crime like murder?**
- 4. Who selects Magistrates and what is unusual about the system?**

## Early Juries

A jury is a body of lay men and women randomly selected to determine facts and to provide a decision in a legal proceeding. Such a body traditionally consists of 12 people and is called a petit jury or trial jury.

The exact origin of the jury system is not known; various sources have attributed it to different European peoples who at an early period developed similar methods of trial. The jury is probably of Frankish origin, beginning with inquisition, which had an accusatory and interrogatory function. Trial by jury was brought to England by the Normans in 1066.

In medieval Europe, trials were usually decided by ordeals, in which it was believed God intervened, revealing the wrongdoer and upholding the righteous. In the ordeal by water, for instance, a priest admonished the water not to accept a liar. The person whose oath was being tested was then thrown in. If he floated, his oath was deemed to have been perjured. If he was telling the truth, he might drown but his innocence was clear.

In 1215, however, the Catholic Church decided that trial by ordeal was superstition, and priests were forbidden to take part. As a result, a new method of trial was needed, and the jury system emerged.

At first the jury was made up of local people who could be expected to know the defendant. A jury was convened only to “say the truth” on the basis of its knowledge of local affairs. The word verdict reflects this early function; the Latin word from which it is derived, *veredictum*, means “truly said”.

In the 14th century the role of the jury finally became that of judgment of evidence. By the 15th century trial by jury became the dominant mode of resolving a legal issue. It was not until centuries later that the jury assumed its modern role of deciding facts on the sole basis of what is heard in court.

### 1. Find in the text the words that mean the following:

- examination of a case before a court of law;
- a former method of trial used to determine guilt or innocence by subjecting the accused person to serious physical danger, the result being regarded as a divine judgment;
- a solemn appeal to a court to witness one’s determination to speak the truth;
- freedom from sin or moral wrong;
- a belief or practice resulting from ignorance, fear of the unknown, trust in magic or chance.

### 2. Answer the following questions:

1. What is a jury?

2. How were cases resolved before jury system emerged?
3. Why was there a need for jury system?
4. What was the function of the first juries?
5. How did the function of the jury change through the centuries?

**3. Read the following text and write down the Russian equivalents for the words and expressions given in bold type:**

### **Ordeal**

Ordeal is a **judgement of the truth** of some claim or **accusation** by various means based on the belief that the outcome will reflect **the judgement of supernatural powers** and that these powers will **ensure the triumph of right**. Although **fatal consequences** often attend an ordeal, its purpose is not punitive.

The main types of ordeal are **ordeals by divination, physical test, and battle**. A Burmese ordeal by divination involves two parties being furnished with candles of equal size and lighted simultaneously; the owner of the candle that outlasts the other is adjudged to have won his cause. Another form of ordeal by divination is the appeal to the corpse for the discovery of its murderer.

The ordeal by physical test, particularly by fire or water, is the most common. In Hindu codes a wife may be required to pass through fire **to prove her fidelity** to a jealous husband; traces of burning would be regarded as **proof of guilt**. The practice of **dunking suspected witches** was based on the notion that water, as **the medium of baptism**, would 'accept', or receive, the innocent and 'reject' the guilty. **Court officials** would tie the woman's feet and hands together and then drop her into some deep water. If she went straight to the bottom and drowned, it was a sure sign that she wasn't a witch. On the other hand, if she didn't sink and just bobbed around for a while, the law said she was **to be condemned as a witch**.

In ordeal by combat, or ritual combat, **the victor** is said to win not by his own strength but because supernatural powers have intervened on the side of the right, as in the duel in the European Middle Ages in which the 'judgement of God' was thought to determine the winner. If still alive after the combat, **the loser** might be hanged or burned for a criminal offence or have a hand cut off and property confiscated in civil actions.

**4. Answer the following questions:**

1. What was the purpose of ordeal in early ages?
2. What were the main types of ordeals?
3. What did ordeal by divination consist of?
4. What did ordeal by fire have to prove?



5. In what way was ordeal by water devised?
6. What concept was at the basis of ordeal by combat?

### **The Fear of Jury Duty**

#### **1. Read the following text and write down Russian equivalents for the words and expressions in bold type:**

For Americans, serving jury duty has always been a **dreaded chore**. There is plenty of history behind this fear. In colonial days, jurors were locked in a small room with no ventilation and were denied food and water in an **attempt to inspire a quick verdict**. If the jurors returned with the wrong decisions, they too were **charged with a crime**. As more and more laws were passed, **the rules of evidence** expanded and trials became longer, which resulted in more technical and increasingly boring hours for jurors. Trial lawyers have tried to change the boredom by replacing **endless hours of testimony** with **computer animation**, video reconstructions, color charts and graphics to better explain the evidence.

The judicial system depends on juries. The United States Constitution guarantees its citizens the right to a trial by **jury of their peers**. When summoned for jury duty, Americans should look upon it as an opportunity to serve their country, their community, and their **fellow citizens**.

Each year, over 5 million Americans **are summoned** for jury duty **to render verdicts** in approximately 120,000 trials.

**Prospective jurors** are chosen **at random** from **voter registration lists**. When people are chosen for jury duty, they are often shown a video tape explaining the jury system or given a HANDBOOK ON JURY SERVICE.

#### **2. Answer the following questions:**

1. Why have Americans always feared the jury service?
2. In what conditions were jurors kept in colonial days? Why?
3. How has trial procedure changed through the years?
4. Why is the right to a jury trial considered to be so important for the U.S. citizens?

*The following text comes from a handbook on jury service for U.S. citizens.*

## **Jury Service – an Important Job and a Rewarding Experience**

The right to trial by a jury of our fellow citizens is one of our most important rights and is guaranteed by the Constitution of the United States. By serving on a jury, then, you are helping to guarantee one of our most important freedoms.

Your job as a juror is to listen to all the evidence presented at trial and to ‘decide the facts’ – that is, to decide what really happened. The judge, on the other hand, ‘decides the law’ – that is, makes decisions on legal issues that come up during the trial. For example, the judge may have to decide whether you and the other jurors may hear certain evidence or whether one lawyer may ask a witness a certain question. You should not try to decide these legal issues, sometimes you will even be asked to leave the courtroom while they are being decided. Both your job and that of the judge must be done well if our system of trial by jury is to work. In order to do your job you do not need any special knowledge or ability. It is enough that you keep an open mind, concentrate on the evidence being presented, use your common sense, and be fair and honest. Finally, you should not be influenced by sympathy or prejudice: it is vital that you be impartial with regard to all people and all ideas.

Many jurors find that it is exciting to learn about this most important system ‘from the inside’, and challenging to deal fairly and thoroughly with the cases they hear. We hope that you, too, find your experience as a juror to be interesting and satisfying.

### **How You Were Chosen**

Your name was selected at random from voter registration records and placed on a list of potential jurors. Next, your answers to the Questionnaire for Jurors were evaluated to make sure that you were eligible for jury service and were not exempt from service. To be eligible, you must be over 18 years of age, a citizen of the United States, a resident of the county in which you are to serve as a juror, able to communicate in the English language and if you have been convicted of a felony, you must have had your civil rights restored. People who meet these requirements may be excused from jury service if they have illnesses that would interfere with their ability to do a good job, would suffer great hardship if required to serve, or are unable to serve for some other reason.

You are here because you were found to be eligible for jury duty and were able to serve. You are now part of the “jury pool”, the group of people from which trial juries are chosen.

**3. Find in the text above the English equivalents for the following words and expressions:**

1. показания
2. анкета для присяжных
3. списки избирателей
4. предубеждение
5. судебное разбирательство
6. вопросы права
7. фонд, резерв присяжных
8. сохранять объективность в подходе к вопросу, делу
9. освобождать от обязанностей присяжного
10. подходить для службы в жюри присяжных
11. заслушивать показания
12. исключать из состава присяжных
13. восстанавливать в гражданских правах
14. тщательно и беспристрастно рассматривать дело
15. удовлетворять требованиям

**4. Explain the meaning of the following words and expressions:**

- fellow citizens
- evidence
- to decide the law
- to decide the facts
- courtroom
- common sense
- prejudice
- to be impartial

**5. Answer the following questions:**

1. What is the job of a juror?
2. What is the job of a judge?
3. What qualities should a good juror have?
4. What requirements should one meet to be eligible for jury service?
5. What are the reasons for a person to be excused from jury service?
6. What is a jury pool?

6. Study the following Juror's Excusal/Postponement Form. Imagine that you are a juror not willing to perform your jury duty. Fill in the form stating your own reasons:

**JUROR'S EXCUSAL/POSTPONEMENT FORM**

You may be disqualified/ exempt from Jury Duty for the reasons listed below by checking the appropriate item, or enter your request in the area provided

**DISQUALIFICATIONS FOR JURY DUTY**

- Convicted Felon (Civil Rights not Restored)
- Presently under prosecution for a crime
- Not a resident of \_\_\_\_\_ County
- Not a citizen of the United States

You may be EXEMPT from Jury Duty for reasons listed below

- 70 or older and wish to be temporarily excused
- 70 or older and wish to be permanently excused
- Physically unable (Doctor's note must be submitted)
- Parent, not employed full time with custody of child under age 6
- Expectant Mother
- Served on Jury Duty in past 12 months
- Full-time law enforcement officer

I request to be excused or postponed because

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Any request for excusal or postponement must be received at least 7 days prior to your report date. You will be notified by mail regarding the status of your request and postponement date, if applicable.

\_\_\_\_\_

Signature Phone number (Home and Work)

## SELECTION OF THE TRIAL JURY

### 1. Read the following text and write down Russian equivalents for the words and expressions in bold type:

The first step in the selection of the trial jury is the selection of a 'jury panel'. When you are selected for a jury panel you will be directed to report, along with other panel members, to a courtroom in which a case is to be heard once a jury is selected. **The judge assigned to that case** will tell you about the case and will **introduce the lawyers** and the **people involved in the case**. You will also take an oath, by which you promise to answer all questions truthfully. Following this explanation of the case and the **taking of the oath**, the judge and the lawyers will question you and the other members of the panel to find out if you have any personal interest in it, or any feelings that might make it hard for you to be impartial. This process of questioning is called *Voir Dire*, a phrase meaning "to speak the truth".

#### ***JUROR'S OATH***

*I do solemnly, sincerely and truly declare and affirm that I will faithfully try the defendant and give a true verdict according to the evidence.*

Many of the questions the judge and lawyers ask you during *Voir Dire* may seem very personal to you, but you should answer them completely and honestly. Remember that the lawyers are not trying to embarrass you, but are trying to make sure that members of the jury do not have opinions or **past experiences** which might prevent them from making an impartial decision.

During *Voir Dire* the lawyers may ask the judge to excuse you or another member of the panel from **sitting on the jury** for this particular case. This is called **challenging a juror**. There are two types of challenges. The first is called a **challenge for cause**, which means that the lawyer has a specific reason for thinking that the juror would not be able to be impartial. For example, the case may involve the theft of a car. If one of the jurors has had a car stolen and still feels angry or upset about it, the lawyer for the person accused of the theft could ask that the juror be excused for that reason. There is no limit on the number of the panel members that the lawyers may have excused for cause.

The second type of challenge is called a **peremptory challenge**, which means that the lawyer does not have to state a reason for asking that the juror be excused. Like challenges for cause, peremptory challenges are designed to allow lawyers to do their best **to assure that their clients will have a fair trial**. Unlike challenges for cause, however, the number of peremptory challenges is limited.

Please try **not to take offence** if you are excused from serving on a particular jury. The lawyer who challenges you is not suggesting that you lack ability or honesty, merely that there is some doubt about your impartiality because of the circum-

stances of the particular case and your past experiences. If you are excused, you will either return to the **juror waiting area** and wait to be called for another panel or will be excused from service, depending on the local procedures in the county in which you live.

Those jurors who have not been challenged become **the jury for the case**. Depending on the kind of case, there will be either six or twelve jurors. The judge may also allow selection of one or more alternate jurors, who will serve if one of the jurors is unable to do so because of illness or some other reason.

## **2. Find in the text above the English equivalents for the following words and expressions:**

1. состав присяжных
2. отвод присяжного
3. мотивированный отвод
4. немотивированный отвод
5. присяжные, подобранные для судебного рассмотрения дела
6. присяжный запасного состава
7. принять присягу
8. принять беспристрастное решение
9. указать причину отвода
10. явиться в зал заседания

## **3. Answer the following questions:**

1. What is the aim of Voir Dire?
2. What does the procedure of Voir Dire consist of?
3. What is challenging a juror?
4. What are the types of challenge?
5. Why is the number of peremptory challenges limited?
6. What aims do lawyers pursue while challenging jurors?
7. What is the number of jurors sitting on a case?
8. Who are alternate jurors?

## **IN THE COURTROOM**

### **1. Read the following text and write down Russian equivalents for the words and expressions in bold type:**

The number of the days you work as a juror and your working hours depend on the jury selection system in the county in which you live. Working hours may also be varied by the judge **to accommodate witnesses** coming from out of town or for other reasons.

Regardless of the length of your working day, one thing that may strike you is the amount of waiting. For example, you may have to wait a long while before you are called for a jury panel. You also may be kept waiting in the jury room during trial while the judge and the lawyers settle **a question of law that has come up**.

This waiting may seem like a waste of time to you and also may make it seem as if the court system isn't working very well. In reality, however, there are good reasons for the waiting you do both before and during trial.

Your having to wait before trial is important for **the efficient operation of the system**. Because there are many cases to be heard and because trials are expensive, judges encourage people to come to an agreement in their case before trial. These agreements, called settlements, can occur at any time, even a few minutes before **the trial is scheduled to begin**. This means that it is impossible to know exactly how many trials there will be on a particular day or when they will start. Jurors are kept waiting, therefore, so that **they are immediately available** for the next case that goes to trial.

Your waiting during trial helps **assure the fairness of the proceedings**. You will remember that the **jurors decide the facts** and that the **judge decides the law**. If you are sent out of the courtroom during trial, it is probably because a legal issue has come up that must be decided before more evidence can be presented to you. You are sent out because the judge decides that you should not hear the discussion about the law, because it might **interfere with your ability to decide the facts** in an impartial way. Sometimes the judge will explain why you were sent out, but sometimes he may not be able to do so. Please be assured, however, that these **delays during trial**, explained or not, are important to the fairness of the trial.

In any case, judges and personnel do whatever they can to minimize the waiting before and during trial. Your understanding is appreciated.

## **2. Answer the following questions:**

1. What does a juror's working day depend on?
2. What is a settlement?
3. When and why are jurors sent out of the courtroom during trial?

## **Courtroom Personnel**

In addition to the lawyers and the judge, three other people will play an important role in the trial. The court reporter, who sits close to the witnesses and the judge, puts down every word that is spoken during the trial and also may record the proceedings on tape. The clerk, who sits right below the judge, keeps track of all documents and exhibits and notes down important events in the trial. The bailiff helps to keep the trial running smoothly. The jury is in the custody of the bailiff, who sees

to the jurors comfort and convenience and helps them if they are having any problems related to jury service.

**3. Find in the text above the English equivalents for the following words and expressions:**

1. судебный секретарь
2. вещественное доказательство
3. вести магнитофонную запись
4. судебный пристав
5. протоколист суда

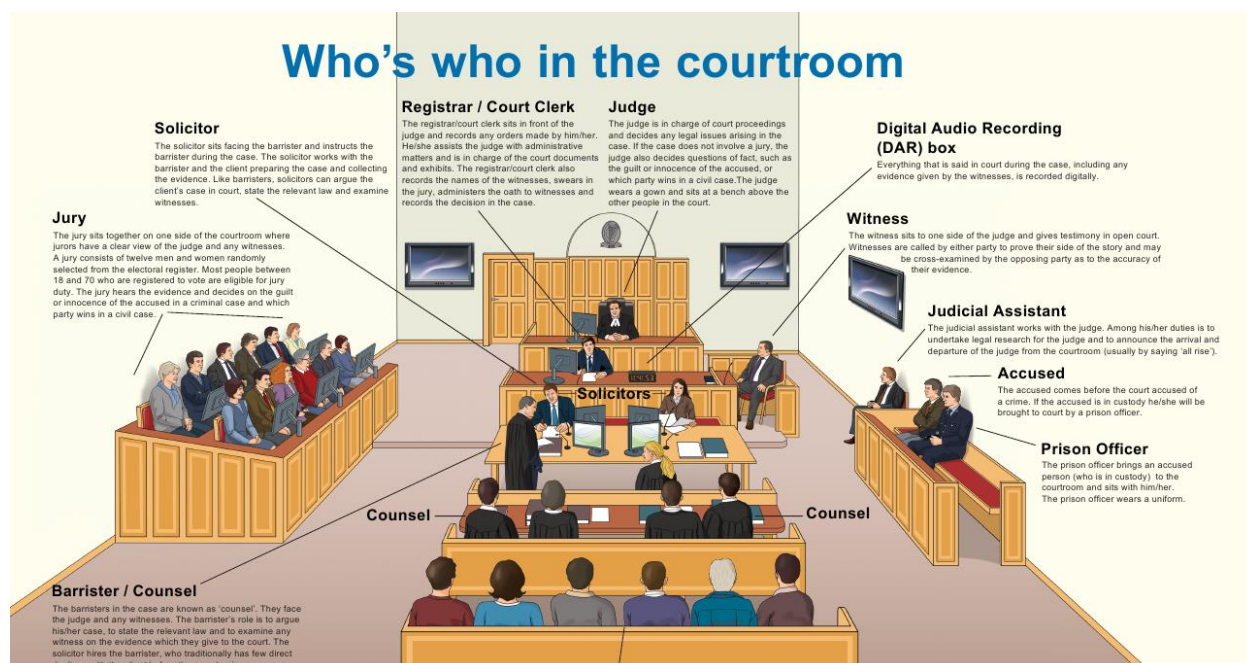
**4. Look at the picture of an American courtroom. Match the numbers in the picture with the words below:**



- jury
- witness stand
- court reporter
- prosecuting attorney
- judge
- bailiff
- defendant
- jury box
- defence attorney
- judge's bench
- witness
- courtroom



## 5. Study the court layout of Ireland. What are the differences and similarities between the court layouts in Russia and Ireland?



## KINDS OF CASES

### 1. Read the following text and write down Russian equivalents for the words and expressions in bold type:

As a juror, you may sit on a criminal case, a civil case, or both.

#### Civil Cases

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 failure to fix a leaky roof, or a landlord may sue a tenant for **failure to pay rent**. People who have been injured may sue a person or a company they feel is responsible for the injury.

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.

*In Great Britain in civil cases, the person suing was, until 1999, known as the PLAINTIFF, but is now officially called the CLAIMANT, and the person sued is the DEFENDANT.*

The plaintiff starts the lawsuit by filing a paper called a complaint, in which the case against the defendant is stated. The next paper filed is usually the answer, in

which **the defendant disputes** what the plaintiff has said in the complaint. The defendant may also feel that **there has been a wrong committed by the plaintiff**, in which case a counterclaim will be filed along with the answer. It is up to the plaintiff **to prove the case against the defendant**. In each civil case the judge tells the jury **the extent to which the plaintiff must prove the case**. This is called the **plaintiff's burden of proof**, a burden that the plaintiff must meet in order to win. 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.

Jury verdicts do not need to be unanimous in civil cases. Only ten jurors need to agree upon a verdict if there are 12 jurors: five must agree if there are six jurors.

### **Criminal Cases**

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. **The charge against the defendant** is called an information or a complaint. The defendant has pleaded not guilty and you should **presume the defendant's innocence** throughout the entire trial unless the plaintiff **proves the defendant guilty**. The plaintiff's burden of proof is greater in a criminal case than in a civil case. In each criminal case you hear the judge will tell you all **the elements of the crime** that the plaintiff must prove; the plaintiff must prove each of these elements **beyond reasonable doubt** before the defendant can be found guilty.

In criminal cases the verdict must be unanimous, that is, all jurors must agree that the defendant is guilty in order to overcome the presumption of innocence.

### **2. Find in the text above the English equivalents for the following words and expressions:**

1. заявление об обвинении
2. элемент (состава) преступления
3. презумпция невиновности
4. показания (2)
5. истец
6. судебное разбирательство (3)
7. частные лица
8. денежная компенсация ущерба
9. единогласное решение присяжных
10. наличие более веских доказательств
11. письменные объяснения, возражения ответчика по делу

12. ответчик
13. встречный иск
14. бремя доказывания
15. ответственность за ущерб
16. подать иск /возбудить дело
17. заслушать показания
18. заявить о своей невинности

### 3. Translate the following definitions into Russian:

**DEFENDANT** – (crim.) person charged with a crime;  
(civ.) person or entity against whom a civil action is brought.

**ACTION** – proceeding taken in court synonymous to case, suit, lawsuit

**PREPONDERANCE OF EVIDENCE** means that the weight of evidence presented by one side is more convincing to the trier of facts than the evidence presented by the opposing side.

**PLAINTIFF** – the party who begins an action, complains or sues.

**COUNTERCLAIM** – claim presented by a defendant in opposition to the claim of the plaintiff.

**COMPLAINT** – (crim.) formal written charge that a person has committed a criminal offence;  
(civ.) initial document filed by a plaintiff which starts the claim against the defendant.

### 4. Answer the following questions:

1. What is a civil case?
2. Who is a plaintiff?
3. Who is a defendant?
4. What is a complaint?
5. What is an answer?
6. What is a counterclaim?
7. What is a burden of proof?
8. What is a criminal case?
9. What is preponderance of evidence?
10. How many jurors are necessary to agree upon the verdict in a criminal case?
11. Who is the plaintiff in a criminal case?
12. What is meant by the presumption of innocence?

## STEPS OF THE TRIAL

1. Read the following text and write down Russian equivalents for the words and expressions in bold type:

### What Happens during the Trial

Events in a trial usually happen in a **particular order**, though the order may be changed by the judge. The usual order of events is set out below.

**Step 1: Selection of the Jury.**

**Step 2: Opening Statements.** The lawyers for each side will discuss **their views of the case** that you are to hear and will also present a general picture of what they intend to prove about the case. What the lawyers say in their opening statements is not evidence and, therefore, does not help prove their cases.

**Step 3: Presentation of Evidence.** All **parties are entitled to present evidence**. The testimony of witnesses who testify at trial is evidence. Evidence may also take the form of physical exhibits, such as a gun or a photograph. On occasion, the written testimony of people not able to attend the trial may also be evidence in the cases you will hear.

Many things you will see and hear during the trial are not evidence. For example, what the lawyers say in their opening and closing statements is not evidence. Physical exhibits offered by the lawyers, but not admitted by the judge, are also **to be disregarded**, as is testimony that the judge orders **stricken off the record**.

Many times during the trial the lawyers may make objections to evidence presented by the other side or to questions asked by the other lawyer. Lawyers are allowed to object to these things when they **consider them improper under the laws of evidence**. It is up to the judge to decide whether each objection was valid or invalid, and whether, therefore, the evidence can be admitted or the question allowed. If the objection was valid, the judge will **sustain the objection**. If the objection was not valid, the judge will **overrule the objection**. These **rulings** do not reflect the judge's opinion of the case or whether **the judge favours or does not favour the evidence** or the question to which there has been an objection.

It is your duty as a juror to decide the weight or importance of evidence or testimony allowed by the judge. You are also **the sole judge of the credibility of witnesses**, that is, of whether their testimony is believable. In considering credibility, you may take into account the witnesses' opportunity and **ability to observe the events** about which they are testifying, their memory and manner while testifying, **the reasonableness of their testimony** when considered **in the light of all the other evidence** in the case, their **possible bias or prejudice**, and any other factors that

**bear on the believability** of the testimony or on the importance to be given that testimony.

**Step 4: Closing Arguments.** The lawyers in the closing arguments summarize the case from their point of view. They may discuss the evidence that has been presented or comment on the credibility of witnesses. The lawyers may also discuss any of the judge's instructions that they feel **are of special importance to their case**. These arguments are not evidence.

**Step 5: The Instructions.** The role of the jury in American jurisprudence is 1) to decide the facts - what happened; 2) to apply to those facts the law as instructed by the judge; and 3) from that application, to determine whether it has been proved, beyond reasonable doubt, that the crimes charged were committed and that the defendant committed them.

In order to permit the jury to perform that role, the judge must instruct the jury on the law that is to be applied in the deliberations on a verdict. Instructions can be given at four different times during the case - **preliminary instructions** given at the beginning of the case, **specific instructions** given during the case, **final instructions** given at the end of the case, and instructions that respond to questions submitted by the jury during their deliberations. Traditionally, the judge's final instructions on the law were given at the close of evidence and after lawyers have made their closing arguments. Under more current rules, judges are permitted, and in some court systems, required, to give their instructions prior to closing arguments.

All documents or physical objects that have been **received into evidence** will also be sent to the jury room. In most, if not all, courts, the judge reads the instructions to the jury and they are recorded, either electronically or by a court stenographer. In some courts, the judge, in addition, may give the jury a written copy to take to the jury room.

**Step 6: Jury Deliberation.** The jury retires to the jury room **to conduct the deliberations on the verdict** in the case they have just heard. The jury first elects a **foreman** who will **see to it that discussion is conducted in a sensible and orderly fashion**, that all issues are fully and fairly discussed, and that every juror is given a fair chance to participate. When a verdict has been reached, the foreman signs it and informs the bailiff. The jury returns to the courtroom, where the foreman presents the verdict. The judge then **discharges the jury from the case**.

**2. Find in the text above the English equivalents for the following words and expressions:**

1. вступительная речь
2. заключительная речь
3. надёжность свидетеля

4. зачитать вердикт
5. правомерный протест
6. принять, поддержать протест
7. вычеркнуть из протокола
8. удалиться в комнату для совещаний присяжных
9. совещание присяжных
10. старшина присяжных
11. свидетельские показания
12. отклонить протест

**3. Answer the following questions:**

1. What are the steps of a trial?
2. What can be considered evidence?
3. What is a physical exhibit?
4. What are objections?
5. When can objections be made?
6. Who can sustain or overrule an objection!
7. What does the judge say in the instructions?
8. Who presents closing arguments?
9. What happens during the deliberations?

**12 ANGRY MEN**

**See the film “12 Angry Men” by Henry Fonda <https://ok.ru/video/39754992187> and write down the film review according to the following plan**

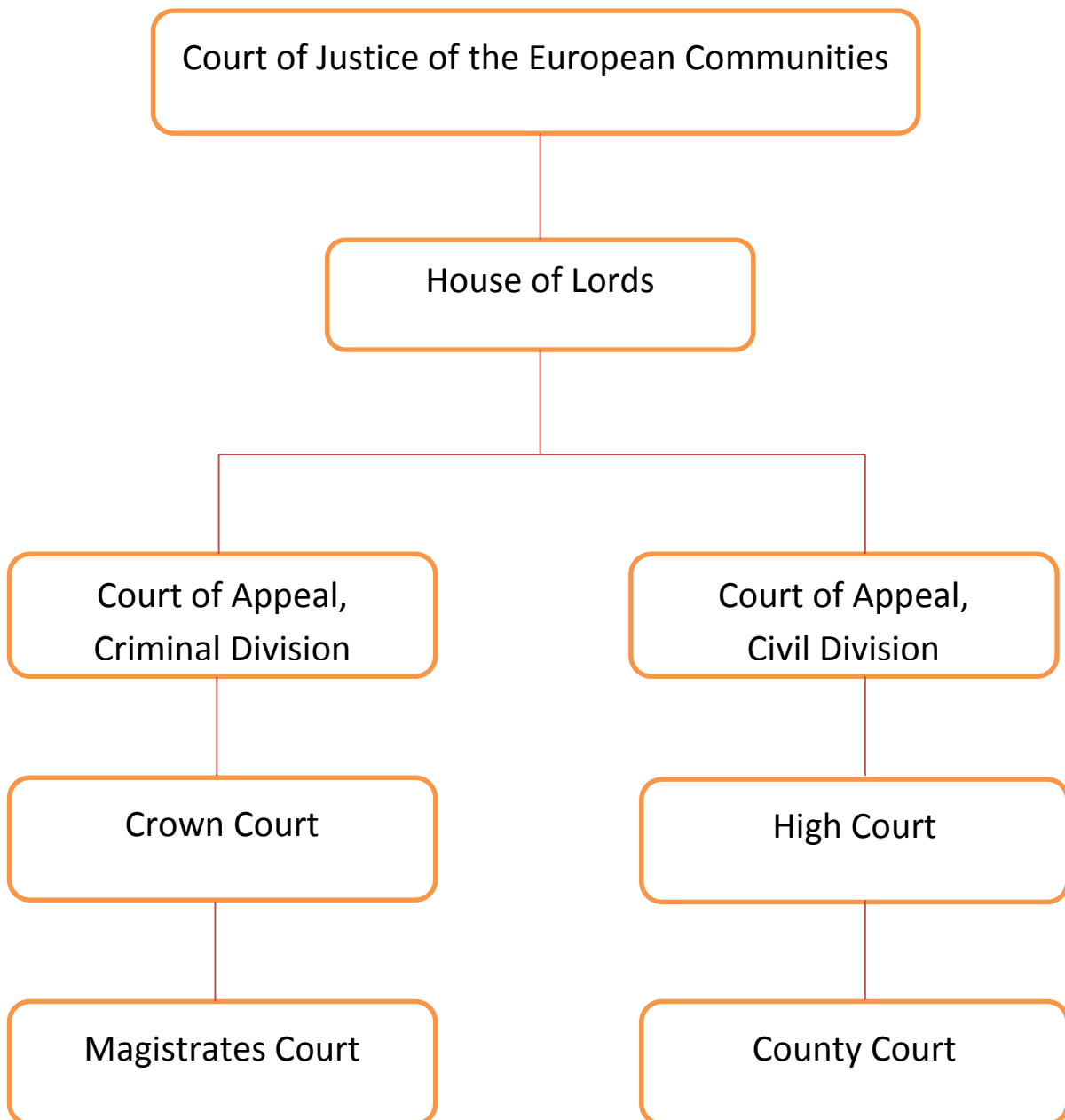
1. Main characters
2. The accused – all the information
3. Describe 2-3 jurors (explain the choice)
4. The number of votes and how they changed
5. Your impression on the film

**UNIT 3**  
**Credit assignments**

**1. The Court Structure**

**In England, the basic division between criminal and civil law is reflected in the court system. Look at the chart below and then complete the description that refers to each court.**

**The English Court System**



1. Claims of lesser value will start in a **County Court**. They are 250 of these around the country. They can also deal with divorce and bankruptcy matters.

2. Matters of important legal dispute arising in the Crown Court may be appealed to the \_\_\_\_\_.

3. From the Court of Appeal, there can be an appeal to the \_\_\_\_\_ on fact or law, but usually appeal is only allowed on matters of legal importance.

4. If the case involves a serious crime, it is heard in the \_\_\_\_\_ (there is only one \_\_\_\_\_ but it has about 70 centers around the jurisdiction).

5. In less serious criminal cases (which comprise over 90 % of criminal cases), the case is sent for trial in one of over 400 \_\_\_\_\_.

6. More substantial civil claims (over around £25,000) are heard in the \_\_\_\_\_.

7. The \_\_\_\_\_ was set up under the Treaty of Rome of 1957, by which the European Community was established. The court can overrule all other courts on matters of Community law.

8. Under the system of appeals in civil cases, it is possible to appeal from a Country Court or the High Court to the \_\_\_\_\_.

**2. Revise your knowledge of the work of juries. Fill in the gaps in the following sentences:**

1. A juror should keep an open \_\_\_\_\_ all through the trial. 2. You become a potential juror after your name is selected \_\_\_\_\_ from voters registration \_\_\_\_\_. 3. A crime of graver nature than a misdemeanour is a \_\_\_\_\_. 4. To \_\_\_\_\_ somebody means to find a person not guilty in a trial. 5. Civil cases are usually disputes between or among \_\_\_\_\_, corporations or other organizations. 6. The \_\_\_\_\_ of jury doesn't need to be \_\_\_\_\_ in civil cases. 7. The \_\_\_\_\_ keeps track of all documents and exhibits in trial being the judge's assistant. 8. The job of a juror is to listen to \_\_\_\_\_ and to decide \_\_\_\_\_. 9. One who is engaged in a lawsuit is called a \_\_\_\_\_. 10. Process by which a lawyer questions a witness called to testify by the other side is \_\_\_\_\_. 11. " \_\_\_\_\_ " is a phrase meaning "to speak the truth". 12. A juror should not be influenced by sympathy or \_\_\_\_\_. 13. A juror should not express his \_\_\_\_\_ to other jurors before \_\_\_\_\_ begin. 14. Formal accusation of having committed a criminal offence is a \_\_\_\_\_. 15. To be a good juror you should use your \_\_\_\_\_ and be \_\_\_\_\_. 16. The third stage of a trial is \_\_\_\_\_. 17. When a \_\_\_\_\_ has been reached the judge \_\_\_\_\_ the jury from the case. 18. A member of jury panel must \_\_\_\_\_ an \_\_\_\_\_ promising to answer all questions truthfully. 19. To be eli-



gible, you must: be \_\_\_\_\_ , \_\_\_\_\_ , able to \_\_\_\_\_ , and if you \_\_\_\_\_ ever \_\_\_\_\_ , you must have your \_\_\_\_\_ . 20. Compromise agreement by opposing parties, eliminating the need for the judge to resolve the controversy is called \_\_\_\_\_. 21. Trier of facts is a \_\_\_\_\_ or, in a non-jury trial – a \_\_\_\_\_. 22. People who don't meet certain \_\_\_\_\_ may be \_\_\_\_\_ from jury service. 23. Lawyers for each side are allowed to \_\_\_\_\_ when they consider something done improper under the \_\_\_\_\_ of evidence. 24. Attorney who represents the defendant is a \_\_\_\_\_. 25. \_\_\_\_\_ is any statement made by a witness under \_\_\_\_\_ in legal proceedings. 26. \_\_\_\_\_ means that the lawyer doesn't have to state a \_\_\_\_\_ for asking the juror to be excused. 27. The party bringing the suit is called a \_\_\_\_\_. 28. The fourth step of a trial is called \_\_\_\_\_ , when the lawyers \_\_\_\_\_ the case from their \_\_\_\_\_ of view. 29. The lawsuit is started by filing a paper called a \_\_\_\_\_. 30. The defendant's innocence is \_\_\_\_\_ unless he is proved \_\_\_\_\_. 31. It is up to the judge to decide whether each \_\_\_\_\_ is valid or \_\_\_\_\_. 32. Following the \_\_\_\_\_ of evidence, the judge gives \_\_\_\_\_ to the jurors on the laws that are to guide them in their \_\_\_\_\_ on a \_\_\_\_\_. 33. A \_\_\_\_\_ case is brought by the state or the city against a person or persons accused of \_\_\_\_\_ a crime. 34. In \_\_\_\_\_ cases people who have been \_\_\_\_\_ may sue a person or a company they feel is responsible for \_\_\_\_\_. 35. If the defendant has \_\_\_\_\_ not guilty, the prosecution must prove his guilt to overcome the \_\_\_\_\_. 36. The \_\_\_\_\_ elected by the jury should provide that \_\_\_\_\_ is conducted in orderly fashion. 37. \_\_\_\_\_ is a request by a party to excuse a specific juror for some reason. 38. The \_\_\_\_\_ in trial decides the law, i.e. makes decisions on legal \_\_\_\_\_. 39. Most often in civil cases the party bringing the \_\_\_\_\_ is asking for money \_\_\_\_\_ .

### 3. Mock trial.

#### Case: Lady Wyatt accused of shop-lifting

**Lady Wyatt, a wealthy woman well-known in her neighbourhood, stands accused of shop-lifting, as the store detective of the Hall's has seen her take a scarf from the store without paying.**

#### 1) Read the statements given by Lady Wyatt and the store detective to the police.

*Lady Wyatt:* On Wednesday morning I went to Hall's Department Store to do some shopping and to meet a friend for lunch. In the Ladies' Fashion Department I bought a belt and a bag and paid for them. As I was waiting for the lift to go up to the Rooftop Coffee Lounge, I saw a silk scarf that I liked. I tried it on and decided to buy

it. I looked around for an assistant to pay but couldn't see anybody. The lift came and as I was late for my appointment, I put the scarf with my other purchases, intending to pay for it later on my way out. Unfortunately, I forgot to pay and was stopped at the door by the store detective who asked me to go to the manager's office where I was accused of having stolen the scarf. It's quite ridiculous. I simply forgot to pay.

***Store detective:*** I was on duty on the second floor when I observed Lady Wyatt trying on a scarf. She looked at herself in the mirror, looked round several times and then put the scarf in her bag. She then went up in the lift to the top floor cafe where she met a man. I kept up my observation and when they left together, I followed them to the door. She had made no attempt to pay so I stopped her and asked her to accompany me to the manager's office. She became abusive and refused to go with me until a policeman arrived on the scene.

## **2) Read the reports on the evidence given by four people.**

### ***David Wilton's evidence (report)***

David Wilton said that he was an old friend of lady Wyatt and that he had been the Wyatt family's accountant for fourteen years. He had arranged to meet Lady Wyatt for lunch at 12 o'clock to discuss some family business. He said that he had not noticed anything unusual about lady Wyatt's behaviour except that twice during the lunch she had taken a pill. He added that he did not know what the pill was for and had not asked. He stated that he was astonished that anyone could think that Lady Wyatt might steal as she was a very wealthy woman who could afford to buy anything she wanted.

### ***The store manager's evidence (report)***

The store manager said that he did not know lady Wyatt as a regular customer because he had only been in his present job for two weeks. He said that the store lost hundreds of pounds worth of goods every week which was why he had appointed a store detective in whom he had the greatest confidence. He added that it was not only the poorer members of the community who resorted to shop-lifting.

### ***The doctor's evidence (report)***

Soames, the Wyatt family doctor, stated that he had been prescribing pills for Lady Wyatt for some time. She had been suffering from regular bouts of depression. He said that a side-effect of the pill could cause erratic or unusual behaviour though he knew of no case where moral judgement had been affected.

### ***The shop assistant's evidence (report)***

The shop assistant said that she had worked at Hall's for seven years and knew Lady Wyatt as a regular customer. On Wednesday morning Lady Wyatt had bought a belt and a handbag and had paid by cheque. She said that Lady Wyatt behaved quite normally. She said that she hadn't seen Lady Wyatt trying on the scarf as the scarf

counter was on the opposite side of the store. She added that there had been two assistants on duty that morning and that neither of them had left the department.

**3) Listen to Lady Wyatt being cross-examined, first by the Prosecution, and then by the Defence. Answer these questions.**

**Prosecution's cross-examination**

What did she say she had intended to do?

Why hadn't she done it?

Why didn't she spend more time looking for an assistant?

Is she usually punctual?

How long had she been taking the pills?

Had she ever suffered from loss of memory?

Had she ever stolen anything?

**Defence's cross-examination**

How wealthy is she?

Does she need to work?

Is she a regular customer?

How much does she spend there a year?

What would she have done if she hadn't been caught?

**4) Role-play Lady Wyatt's trial.**

**The judge organizes the trial; the lawyers deliver their speeches and cross-examinations; the defendant and the witnesses testify in court.**

**5) Study the Courtroom phrases below and use them during the mock trial.**

**COURTROOM PHRASES**

Language heard in the courtroom and other legal settings contains many standardized expressions and set phrases, and their equivalents in the target language should be familiar to the legal interpreter. After studying this list, you should be able to translate these expressions orally and in writing without any hesitation.

**Commands**

As jurors you are not to be swayed by sympathy.

Bail should be continued.

Call your next witness.

Can you tell the jury...?

Could you briefly describe ... ?

Could you describe the appearance of (a package, etc.)?

Counsel, lay a foundation.

Defendant will be remanded.

Don't belabor the point counselor.

Don't discuss the case.

Don't volunteer explanations of your answers.

I direct the jury to disregard the statement that ...

Jurors may be excused.

Keep your voice up.

Keep your own counsel, don't talk about the case.

Let's have the charge conference.

Make your application to Judge ( ... )

May the record reflect ...

May I have it?

Members of the jury, you are instructed to disregard ...

Mr. X will reduce the decibel level.

Please proceed.

Please raise your right hand .

Please remain standing.

Please resume your seat.

Poll the jury.

Remember, you are under oath.

Rephrase the question.

See if you recognize it.

Speak into the microphone.

State your full name for the record.

The following prospective jurors are excused.

The witness will resume the stand.

Use your common sense.

Will the defendant please rise.

Will the prospective jurors please stand.

Will the people in the well of the courtroom please stand.

Will the record reflect that the witness has identified the defendant.

Will you call the first (next) case, Mr. (X)?

Would you raise your right hand?

Would you indicate ...?

Would you describe ..?

Would you point (someone) out?

Would you look at ...?

Would you state for the record ...?

Would you label that as (car, building, etc)?

Would you mark that with an "x"?

You are excused...

You can proceed, Mr. (X).

You can resume your seat.

You can answer the question.

You have exhausted that subject, please move on.

You may answer the question.

You may be seated.

You may cross-examine, counsel.

You may inquire, Mr. X.

You may proceed.

You may step down.

**Requests for information (requiring a yes or no answer)**

Are you familiar with a device known as (a beeper, a cell phone, etc.)?

Are you familiar with this?

Can you tell from looking (whether it's yours, etc.)?

Directing your attention to People's exhibit (one, etc.) in evidence, can you tell the Court what is exhibit (one, etc.)?

Do you recall making this statement?

Do you recall this question?

Do you recognize that exhibit?

Do you swear that this is a true and accurate statement?

Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

Do you swear to well and truly interpret these proceedings, so help you God?

Do you solemnly swear (or affirm) that the answers you are about to give, touching upon your qualifications to serve as jurors in this case now before the court, will be the truth, the whole truth and nothing but the truth, so help you God? (oath to prospective jurors)

Do you want the jury polled?

Do you wish to say anything before sentence is imposed?

Does (the picture, etc.) reasonably and accurately depict (the building, etc.)?

Does that refresh your recollection?

Did you discuss (cocaine, etc.)?

Did you go to trial or did you plead guilty?

Did you notice anything about (the envelope, etc.)?

Did you post bail for (x's) release?

Did you advise (someone) of his rights?

Did there come a time when you (left the house, etc.)?

Have you filed a notice (of appearance)?

Have you had any involvement with (the criminal justice system, etc.)?

Have you had occasion to be involved with (an investigation, etc.)?

Have you ever been involved in (drugs, etc.)?

Have you formed an opinion as to (the cause of death, etc.)?

Have you reached a verdict?

Have you read the pre-sentence report?

Have you received a copy of the complaint?

Have you retained a lawyer or has one been appointed for you?

Have you reviewed the pre-sentence report with your client?

Is there anything that would prevent you from serving fairly and impartially?

Is that your testimony?

Is there any reason why sentence should not be imposed at this time?

Is time excluded, your Honor?

Is it fair to state (that you were living together, etc.)?

Isn't it a fact that (you were his girlfriend, etc.)?

Isn't that correct?

Isn't that right?

Juror No. (x), is that your verdict?

What was your state of mind regarding the reliability of the informant?

Would that refresh your recollection?

Would it be fair to say (that you knew him/her, etc.) prior to that time?

Would you like the jury polled?

Would you like to be heard?

Would you like to say anything on your own behalf?

You and each of you, do solemnly swear (or affirm) that you will well and truly try this case before you, and a true verdict render, according to the evidence and the law so help you God? (Oath to jurors on trial)

You have the right to remain silent. Anything you say may be held against you in a court of law. You have the right to consult your lawyer and insure his presence at your interrogation. If you want a lawyer and can't afford one, one will be appointed to you. Do you understand each and every right that has been explained to you? Having all these rights in mind, do you wish to talk to me now?

### **Requests for information**

Have you been threatened or coerced into pleading guilty?

How are you employed?

How much schooling have you had?

How do you plead?

How do you plead to the charge contained in count )?

How do you recognize that (exhibit, etc.)?

How can you tell (whether you've seen that exhibit before, etc.)?

What are your current duties?

What happened next?

What, if anything, did you do?

What, if anything, did you say?

What is People's exhibit number (one, etc.) for identification?

What is the Government's recommendation?

What is your current assignment?

What is your immigration status?



What were the lighting conditions (at that intersection, in the store., etc.)?

What were the weather conditions that (day, night, etc.)?

Where was (the car, etc.) in relation to the (building entrance; driveway, etc.)?

### **Requests for permission**

At this time I would like to read (a letter, etc.).

Could I have a brief voir dire?

Could we have a sidebar?

I move to strike (the answer, etc.).

I would like to advise the court (that the defendant is not present, etc.)

I would ask that the court instruct the witness (to answer yes or no, etc)

I would ask most respectfully, your Honor, for a ruling.

If it please the court...

Let me call your attention to (that evening, etc.)

Let me direct your attention to (the picture in front of you, etc.)

May I approach the bench?

May I beg the court's indulgence for a moment?

May I call my first witness?

May I have the witness approach (the blackboard, etc.)?

May I inquire?

May I publish these (photographs, etc.) to the jury?

May it please the court...

May we approach?

May we get a ruling?

May we have a short recess?

May we see you at sidebar, your Honor?

Move to strike; there's no question before the witness.

Your Honor, may the jury be instructed to disregard (the answer, etc.)

### **Statements**

At this time the defense rests.

At this time the government rests.

Criminal cause for pleading, U.S. vs. ( .... ).

Each count carries a (x dollars) fine.

(Exhibit one; etc.) is received in evidence.

(Exhibit one, etc.) is marked as evidence.

I'll enter a not guilty plea on your behalf.

I'll show you what has already been received in evidence as People's exhibit (one, etc.) handing you exhibit (one, etc.) for identification.

I am showing you (a fleshcard, etc.)

I call your attention to (the incident, etc.).

I deny your motion.

I don't have any objection.

I find that the government has sustained its burden aided by the presumption.

I have a procedural matter.

I have no further questions.

I have to reserve an application.

I move for a directed verdict.

I now show you (a device, etc.).

I object on the grounds that (the answer was not responsive, etc.)

I object to that; no predicate has been laid.

I object to these self-serving statements.

I offer government exhibit number (x ) into evidence.

I remind you that you are still under oath.

I'll rephrase the question.

I'll show you what has been marked for identification as exhibit (one, etc.).

Do you recognize that?

I'm going to move to strike that answer as non-responsive.

I said, "Freeze!"

I take it that (you were together, etc.)

I'll address any application to the district court.

I use the struck jury method of picking a jury.

I would submit that they're conditions to ensure Mr. X's return to Court.

It is received.

Lawyers may exercise challenges.

Marked as evidence.

Motion denied.

No objection.

Not that I recall.

Objection.

Objection to the form, your Honor.

Objection, your Honor, leading.

Overruled.

Received.

Received in evidence.

Receive subject to connection.

Sustained.

Sustained; rephrase the question.

(Tell us, etc.) to the best of your recollection.

That was your sworn testimony.

The counsel is mischaracterizing the witness' testimony.

The Court finds that there is a factual basis for the plea.

The Court is prepared to proceed to sentencing.

The defendant acted knowingly and intentionally.

The defendant admits to frequent travel to (the Dominican Republic, etc.)

The defendant has admitted his involvement in the instant charge.

The defendant has no history of drug or alcohol abuse.

The defendant has no prior convictions.

The defendant is guilty as charged in the incident.

The defendant represents to me that (he is a native of Puerto Rico, etc.)

The defendant says that he is sorry and remorseful.

The defendant waives a public reading of the indictment.

The defendant has not made his bail yet.

The defendant is being brought over by way of writ.

The defendant is innocent until proven guilty.

The defense has no objection as to foundation.

The defense rests.

The evidence is overwhelming.

The evidence will show. ..

The exhibit is accepted into evidence.

The government objects as to the relevance of this document.

The objection is overruled.

The objection is sustained.

The only thing I have redacted is (paragraphs 3 and 4. etc.).

The outburst was nonresponsive.

The witness' answer was not responsive to the question.

We'll take a break for lunch.

We're awaiting the execution of the documents.

You are entitled to have a lawyer.

You have been placed on probation.

You testified earlier that (you were in the house, etc.).

You testified on direct that (the car was yours,.etc.):

You are under oath.

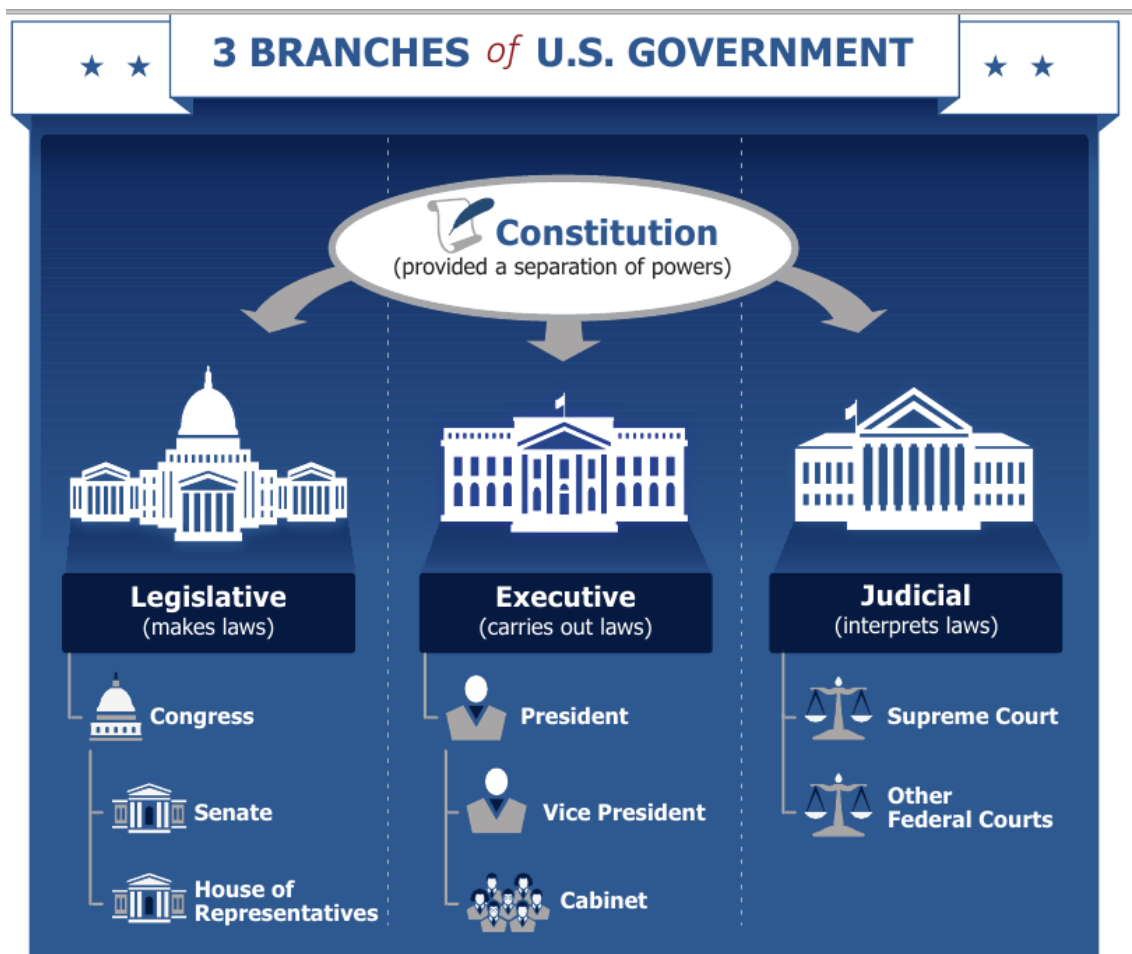
## UNIT 4

### HOW THE U.S. GOVERNMENT IS ORGANIZED

The Constitution of the United States divides the federal government into three branches to make sure no individual or group will have too much power: Legislative—Makes laws (Congress, comprised of the House of Representatives and Senate); Executive—Carries out laws (president, vice president, Cabinet, most federal agencies); Judicial—Evaluates laws (Supreme Court and other courts). Each branch of government can change acts of the other branches:

- The president can veto legislation created by Congress and nominates heads of federal agencies.
- Congress confirms or rejects the president's nominees and can remove the president from office in exceptional circumstances.
- The Justices of the Supreme Court, who can overturn unconstitutional laws, are nominated by the president and confirmed by the Senate.

This ability of each branch to respond to the actions of the other branches is called the system of checks and balances.



## **LEGISLATIVE BRANCH OF THE U.S. GOVERNMENT**

The legislative branch drafts proposed laws, confirms or rejects presidential nominations for heads of federal agencies, federal judges, and the Supreme Court, and has the authority to declare war. This branch includes Congress (the Senate and House of Representatives) and special agencies and offices that provide support services to Congress. American citizens have the right to vote for Senators and Representatives through free, confidential ballots.

### **US Congress**

In 1989, the US Senate commemorated the bicentennial of its first meeting. By its continuity over the centuries, the United States Congress has vindicated the Framers of the Constitution and affirmed their faith that their great experiment in democracy would endure. American Constitution created a system of checks and balances between the separate Legislative, Executive and Judicial branches of the federal government. In the Legislative branch, the Senate represents each of the states equally, while the House\* represents them according to the size of their respective populations. Each state has two senators, who will be referred to in the debate as “the senior senator from.. and “the junior senator from.. depending on their length of service.

The Constitution assigns specific powers and responsibilities to Congress to enact legislation necessary to provide for the common defense and the general welfare of the United States. It gives the Senate exclusive authority to advise and consent on all nominations and treaties. Most important, the Senate provides a forum where senators, elected by the people, can debate different issues and form the laws under which the nation operates.

Although its purpose is not always apparent, each legislative procedure, each action, each debate plays a role in the legislative process. Even the architectural and artistic features of the chamber represent various stages of development in the Senate’s two centuries of history.

### **Answer the following questions:**

1. What branches of government does the Constitution establish?
2. In what way do the Senate and the House represent the states? Explain the difference.
3. What powers of the Senate are mentioned in the text?

\* the House – the House of Representatives

## US Congress Rules

The main task of each house of Congress is the same – to make laws. Because the House of Representatives and Senate differ in many ways, each chamber has organized itself to carry out its work of making laws. These complex rules enable Congress to carry out its lawmaking duties. Article I of the US Constitution says that each House may determine the rules of its proceedings. Thomas Jefferson compiled the first manual on the Senate rules when he was Vice President. He emphasized the importance of such rules.

House rules are generally aimed at defining the actions an individual representative can take. In the Senate, the rules are more flexible and designed to make certain all senators have maximum freedom to express their ideas. For example, the Senate usually allows unlimited debate on proposed legislation, whereas the House limits representatives to speaking for five minutes or less during a debate.

With fewer rules, the Senate has a more informal atmosphere. Senators may debate a proposal for weeks or even months. In contrast, the complex rules in the House require that legislation move quickly once it reaches the floor. House debates rarely last more than one day. Moreover, leaders of the House of Representatives have more power than leaders in the Senate. For example, the rules of the House allow its leaders to make key decisions about legislative work without consulting other House members.

Most of the work of Congress is carried out in Committees. Because the House is so large, representatives generally do not make a practice of expressing their positions on the floor, where they have only limited time to speak. In the Committees, however, representatives have more influence, and they have the time to study and shape bills.

### **Answer the following questions:**

1. Why does Congress need special rules to regulate its work?
2. What is the difference between the rules of procedure in the House and in the Senate?
3. Why is most of the work carried out in Committees?

## Congress and the President

When the Founders of the US Constitution established the principle of separation of powers, they did not make the three branches completely independent. Although each branch has its own functions, they are related in a system of checks and balances. As a result, Congress and the President share certain powers. Thus, many of



the President's most important executive responsibilities – such as making treaties, appointing federal officials and judges, and paying the expenses of the executive branch – require congressional cooperation. On the other hand, all bills Congress passes require the President's signature before they become law. Overriding a presidential veto requires a two-thirds majority in each house of Congress, which usually is difficult to obtain. Consequently, a veto or even the threat of one is an important legislative power the President exercises. In addition, modern Presidents are expected to develop a legislative program and secure its adoption by Congress.

The level of cooperation between Congress and the President has varied throughout history. Usually, the best relations exist between the two branches when the President makes few demands on Congress. Less active Presidents who do not take an aggressive role in shaping legislation may get along well with Congress. Those who propose major new programs will almost surely come into conflict with the legislative branch. Recent

Presidents have frequently found it hard to work with Congress for several reasons. In domestic as well as in foreign policy, the President can seldom count upon the automatic support of Congress, even when his own party has a majority in both the Senate and the House. Therefore, he must be able to convince Congressmen, the Representatives and Senators, of his point of view.

### **Answer the following questions:**

1. Why are the three branches of government not completely independent?
2. Why is it difficult to override the president's veto?
3. What does the level of cooperation between the President and Congress depend on?

### **Lawmaking in the Senate**

Visitors going from the House of Representatives to the Senate are often startled by the difference. The Senate chamber is smaller and quieter than the House chamber. Usually only a few senators attend sessions. The Senate chamber has 100 desks – one for each senator – facing a raised platform where Senate leaders preside over sessions. The party leaders or their assistants stay in the Senate chamber at all times to keep the work moving and to look after their party's interests.

As in the House, any member of the Senate may introduce a bill. Procedures for moving bills through the Senate, however, are more informal than in the House. Senate leaders control the flow of bills to committees and to the floor for debate and vote. They do this by consulting closely with one another and with other senators.

Senate leaders also try to schedule sessions to fit the interests and needs of as many senators as possible. In contrast to the procedure in the House, individual sena-

tors have the power to disrupt work on legislation. As one former Senate leader declared, a senator, “if he wants to exercise power, can tie up the Senate for days, and if he allies himself with a few other Senators, he can tie up the Senate for weeks.”

The Senate brings bills to the floor by unanimous consent, a motion by all members present to set aside formal rules and consider a bill. The procedure has not changed much through the years. In 1913 Massachusetts Senator Henry Lodge explained that the Senate conducted most of its business through unanimous-consent agreements. He emphasized that Senators depended on the principle of unanimous consent while discussing both large and generally contested measures, and all the small business of the Senate.

### **Answer the following questions:**

1. Why are visitors to Congress startled by the difference between the two houses?
2. Why is the procedure of debating a bill in the Senate more informal?
3. How can a Senator disrupt the work of his chamber?

### **The Senate’s Daily Sessions**

The ringing of bells throughout the Capitol and the three Senate Office Buildings signals the opening of a day’s session, and announces votes, quorum calls, and other legislative activities. The bells correspond with a series of lights above the doors on the north side of the chamber, and at various locations on the Senate side of Capitol Hill. At the beginning of each daily meeting, the presiding officer accompanies the Senate chaplain to the rostrum for an opening prayer.

The Vice President of the United States serves as President of the Senate and therefore its presiding officer. In the Vice President’s absence, the President *pro tempore*\* – generally, but not always, the most senior member of the majority party – presides, or will designate other senators from the majority party to take the chair. Senators must direct all remarks to the presiding officer, whom they address as ‘Mr. President’, or ‘Madam President’.

At the long marble desk in front of the presiding officer are the clerks of the Senate. The journal clerk records minutes of the proceedings, as is required by the Constitution. The Parliamentarian advises the presiding officer and members regarding Senate rules and procedures. The legislative clerk calls the roll and receives bills, resolutions, and amendments offered by members. At the two mahogany desks before these clerks are the staffs of the party secretaries, who keep members of their parties informed as to the subject matter at hand and tallies of votes cast. Senate pages are stationed on both sides of the rostrum. They serve as messengers for senators and are

selected from among students who are in their junior year of high school. The pages attend early morning classes in a school located at the Library of Congress.

**Answer the following questions:**

1. Who serves as President of the Senate?
2. What does the journal clerk do?
3. Who are the Senate pages selected from?

\* pro tempore – temporary

### **The Senate's Working Day**

The Senate usually begins the day with ten-minute speeches by the Majority and the Minority Leaders, followed by a period designated as “Morning Business”. Members introduce bills and resolutions, which are referred to the various committees for consideration. Members may also request permission to speak briefly on any subject that concerns them. Following ‘Morning Business’ the Senate may consider any nomination and treaty that the President submits for the Senate’s advice and consent. Nominations are confirmed by a simple majority, but the Constitution requires a two-thirds vote of the Senate to approve treaties.

For much of the Senate’s history, all executive sessions were conducted in secret, with the galleries cleared and the doors locked, enabling senators to speak freely about the character of nominees and to avoid causing any embarrassment to the nation’s treaty partners. Not until 1929 were executive sessions routinely opened to the public and the press.

Legislative business consumes the largest share of the Senate’s time. When committees report out legislation, the Majority Leader will attempt to schedule it for the debate in the chamber. If both parties have agreed to the bill, it may be enacted simply by “unanimous consent”, with only a brief reading of its title and a request by the leadership that it be adopted without objection, generally by voice vote. If a single member objects, however, the Senate might not consider the bill at all, or may debate it at length and a roll call vote\* might be ordered.

**Answer the following questions:**

1. What issues are covered during "Morning Business"?
2. What does an executive session usually consist of?
3. How is the bill enacted if both parties agree to it?

## **EXECUTIVE BRANCH OF THE U.S. GOVERNMENT**

The executive branch carries out and enforces laws. It includes the president, vice president, the Cabinet, executive departments, independent agencies, and other boards, commissions, and committees. American citizens have the right to vote for the president and vice president through free, confidential ballots. Key roles of the executive branch include:

- **President** –The president leads the country. He or she is the head of state, leader of the federal government, and Commander in Chief of the United States armed forces. The president serves a four-year term and can be elected no more than two times
- **Vice president** –The vice president supports the president. If the president is unable to serve, the vice president becomes president. The vice president can be elected and serve an unlimited number of four-year terms as vice president, even under a different president.
- **The Cabinet**–Cabinet members serve as advisors to the president. They include the vice president, heads of executive departments, and other high-ranking government officials. Cabinet members are nominated by the president and must be approved by a simple majority of the Senate–51 votes if all 100 Senators vote.

### **The History of Impeachment**

Impeachment is the first step in the process specified in the Constitution of the United States for removing the president, vice-president, or other government official from office upon conviction of “treason, bribery, or other high crimes and misdemeanors.”

Since the adoption of the Constitution, only one president, Andrew Johnson (1868), has been brought to trial in the Senate on charges voted by the House of Representatives. The Senate failed by one vote to convict Johnson. In 1974 the House Judiciary Committee voted three charges of impeachment against President Richard M. Nixon, but he resigned from office before the charges could be voted upon by the House.

Impeachment proceedings have been brought with some frequency against federal judges. In 1804, Supreme Court justice Samuel Chase was impeached on purely political grounds, but his acquittal (1805) effectively halted the use of impeachment to remove judges for political reasons. It has often been said that the cumbersome and time-consuming process of impeachment is unsuited to the removal of a merely venal judge. Nevertheless, because the Constitution specifies that judges hold office during

good behavior, impeachment remains the only means by which a federal judge may be removed.

Certain questions concerning the impeachment process have persisted: whether it is judicial or political in nature; how to define high crimes and misdemeanors; and whether a conviction can be appealed to the Supreme Court. Although no conclusive answer can be given, it is safe to say that the judicial process of impeachment will always be infused with political motives.

**Answer the following questions:**

1. What officials can be impeached?
2. Why does impeachment remain the only means for removal of federal judges?
3. What controversial issues does the impeachment process generate?

## **Impeachment**

Impeachment is the first step in the process specified in the Constitution of the United States for removing the president, vice-president, or other government official from office upon conviction of ‘treason, bribery, or other high crimes and misdemeanors.’ The House of Representatives has ‘the sole power of impeachment,’ that is, the power of bringing charges. The Senate has ‘the sole power to try all impeachments.’ A two-thirds vote is required in the Senate for conviction. When the president is to be tried, the chief justice of the United States presides. Conviction in an impeachment proceeding results only in removal from office and disqualification to hold ‘any office of honor, trust, or profit under the United States.’ A person convicted in an impeachment, however, is subject to further “indictment, trial, judgment, and punishment according to Law.”

Impeachment originated in England, where the House of Commons would present articles of impeachment to the House of Lords, which then tried the case. A well-known instance was the impeachment and trial (1786– 1795) of Warren Hastings, first governor general of India.

The Framers of the US Constitution, although committed to a separation of powers and independence of the three branches of government from one another, believed that a means must be provided by which officers thought to be guilty of significant misconduct could be tried and removed.

They did not want the procedure to be overly simple to invoke, nor the penalty too easily imposed – hence, the requirement of the two-thirds vote for conviction in the Senate, and the stipulation that impeachment be for “treason, bribery, and other high crimes and misdemeanors.” To George Mason’s suggestion that “maladministration” be a ground for impeachment, both James Madison and Gouverneur Morris ob-

jected that so vague a term would surely produce the result that tenure in office would be at the pleasure of the Senate.

**Answer the following questions:**

1. What is impeachment?
2. What are the grounds for impeaching an official?
3. What consequences does an impeached official face?
4. Why did the Framers of the Constitution work out complicated impeachment proceedings?

### **Voting in the USA**

Voting by the United States citizens is absolutely vital to the success of American democracy – after all, democracy means rule by the people. Through their votes, Americans have the power to select more than 500,000 government officials at all levels of government. The right to vote, or suffrage, is the foundation of American democracy. Today all the United States citizens over 18 years of age may exercise this right. This situation did not always exist, however. In various periods in the history of the United States, law, custom, and sometimes even violence prevented certain groups from voting.

Before the American Revolution, the colonies placed many restrictions upon the right to vote. Women and most blacks were not allowed to vote; neither were white males who did not own property or pay taxes. Also excluded in some colonies were people who were not members of the dominant religious group. As a result, only about 5 or 6 per cent of the adult population was eligible to vote.

Why did restrictions exist? Educated men of the time did not believe in mass democracy in which every adult could vote. Even the Founders of the Constitution did not believe in the average person's ability to make wise voting decisions. In their view voting was best left to wealthy, white, property-owning males. As John Jay, first Chief Justice of the United States, put it, "The people who own the country ought to govern it." During the first half of the nineteenth century, state legislatures gradually abolished property and religious tests for voting. By the middle of the century the country had achieved universal white adult male suffrage. The fight for woman's suffrage dates from the middle of the nineteenth century, but not until after World War I, when the Nineteenth Amendment was ratified, was woman's suffrage on a nationwide basis put into effect.

**Answer the following questions:**

1. Why is the right to vote so vital for the Americans?
2. Why did voting restrictions exist before World War I?
3. In your opinion, which people in society should not have the right to vote?

**Parties and Party Systems**

People rule in a democracy, but the voice and will of the individual citizen can easily be lost in a nation as large and diverse as the United States. One way that citizens ensure that government knows their views is for them to organize into groups that wield political power. One example of such a group is the political party.

A political party is a group of people with broad common interests who organize to win elections, control government, and thereby influence government policies. Although most nations have one or more political parties, the role that parties play differs with each nation's political system.

In nations that allow more than one political party, the most common political system today is the multiparty system. France, for example, has 5 major parties, and Italy has 10. In such countries voters have a wide range of choices on Election Day. The parties in a multiparty system often represent widely differing ideologies, or basic beliefs about government.

In a multiparty system, one party rarely gets enough support to control the government. Several parties often combine forces to obtain a majority and form a coalition government. As might be expected when groups with different ideologies attempt to share power, coalitions often break down when disputes arise, requiring new elections. Thus many nations with multiparty systems are politically unstable.

Only about a dozen nations have systems where only two parties compete for power. Although minor parties may exist in these democracies, two major parties dominate government. In the United States, they are the Republican party and the Democratic party. They had arisen by the end of President Washington's second term. They were called the Federalists and the Republicans at that time.

**Answer the following questions:**

1. How do activities of political parties promote democracy?
2. Why do nations with multiparty systems tend to be unstable?
3. In your opinion, which party system is more effective?

## **The Origins of the Civil Service System**

When the United States began to establish its civil service system in the 19th century, it had a long history upon which to draw. Historians believe that public government officials – civil servants – date back to the early civilizations of the Middle East. The longest stable civil service in history, however, first developed in China. China's civil service established and elaborated the world's greatest system of hiring personnel on competitive basis. The idea to merit rating for promotions, which is a characteristic of modern civil service systems, also originated within the Chinese system.

The basic characteristic of China's civil service system was an educated and honest bureaucracy. Candidates were tested not only on their grasp of specific topics of government but also on their knowledge of history, literature, poetry, and art. Frequently, only 1 out of every 100 candidates passed the examinations and won a position. Every several years thereafter, officeholders were tested again. The results, along with periodic merit ratings based on job performance, determined whether they received a promotion, retained their present level, or were dismissed.

Some type of civil service examinations became an accepted practice in many later civil systems. Today the civil service in the United States shares some of the characteristics common to the systems of China, Great Britain, and some other European nations. In particular, they share the concepts of examinations for appointment and promotions based on merit. At the same time, the United States civil service maintains individual characteristics based on the American system of government and values.

### **Answer the following questions:**

1. What system gave birth to the US civil service?
2. How were the candidates for the Chinese civil service selected?
3. What characteristics are shared by the American, European and Chinese civil systems?

## **The American Civil Service**

Many people think of a federal bureaucrat as a pencil pusher shuffling papers in Washington, D.C. This image, however, is not accurate. First of all, only 11 per cent of all federal government employees work in Washington, D.C. Most of them work in regional and local offices scattered across the United States and the world. Second, FBI agents, forest rangers, and air-traffic controllers are as much part of the



federal bureaucracy as are secretaries and file clerks. Their activities have little to do with bureaucratic paperwork.

Federal government employees play a vital role in assuring the smooth functioning of the United States government. Who are the people who work for the many departments and agencies that make up the federal bureaucracy? The typical man or woman in the federal service is about 43 years old and has worked for the government for a total of about 15 years.

Federal workers are better educated than workers in the general population. More than a half of them have some college training, while a quarter have done graduate work at universities. Federal workers hold a great variety of jobs. Besides administrative workers, the government also employs doctors, veterinarians, lawyers, cartographers, scientists, engineers, accountants, and many other professionals.

The way the civil servants get their offices is also important. During the first years of democracy, George Washington declared that he appointed government officials according to "fitness of character." Another president, Andrew Jackson argued that long service in the same jobs by any group of workers would only promote tyranny.

### **Answer the following questions:**

1. What common features do federal workers have?
2. What kind of jobs do government employees hold?
3. How did civil servants get their offices in the first years of American democracy?
4. How were governmental officials appointed in the first years of American democracy?

## **THE JUDICIAL BRANCH**

The judicial branch of government evaluates laws and is made up of the court system. The Supreme Court is the highest court in the country. The nine justices are nominated by the president and must be approved by the Senate (with at least 51 votes). There are lower Federal courts but they were not created by the Constitution. Congress established them around the country to handle federal business as the country grew, using power granted by the Constitution.

## **CHECKS AND BALANCES**

The Constitution divided the Government into three branches: legislative, executive, and judicial. That was an important decision because it gave specific powers to each branch and set up something called checks and balances. Just like the phrase sounds, the point of checks and balances was to make sure no one branch would be

able to control too much power, and it created a separation of powers. Here are some examples of how the different branches work together:

- The legislative branch makes laws, but the President in the executive branch can veto those laws with a Presidential Veto.

- The legislative branch makes laws, but the judicial branch can declare those laws unconstitutional.

- The executive branch, through the Federal agencies, has responsibility for day-to-day enforcement and administration of Federal laws. These Federal departments and agencies have missions and responsibilities that vary widely, from environmental protection to protecting the Nation's borders.

- The President in the executive branch can veto a law, but the legislative branch can override that veto with enough votes.

- The legislative branch has the power to approve Presidential nominations, control the budget, and can impeach the President and remove him or her from office.

- The executive branch can declare Executive Orders, which are like proclamations that carry the force of law, but the judicial branch can declare those acts unconstitutional.

- The judicial branch interprets laws, but the President nominates Supreme Court justices, court of appeals judges, and district court judges who make the evaluations.

- The judicial branch interprets laws, but the Senate in the legislative branch confirms the President's nominations for judicial positions, and Congress can impeach any of those judges and remove them from office.

## **UNIT 4**

### **Credit assignments**

#### **1. Answer the following questions in writing:**

1. What are the three branches of the US Government?
2. What branch does the Congress represent?
3. What system gave birth to the US civil service?
4. What is the objective of the Checks and Balances System?
5. How were governmental officials appointed in the first years of American democracy?
6. What are the functions of the legislative branch?
7. What is the structure of the Judicial branch?
8. Why do nations with multiparty systems tend to be unstable?
9. What are the functions of the US president?
10. What is impeachment?

## SUPPLEMENTARY UNIT

### CRIME AND PUNISHMENT

#### LAW BREAKERS

**1. Match each word on the left with the appropriate definition on the right:**

- |                   |  |
|-------------------|--|
| 1) an arsonist    | a) attacks and robs people, often in the street                        |
| 2) a shop-lifter  | b) sets fire to property illegally                                     |
| 3) a mugger       | c) is anyone who breaks the law  |
| 4) an offender    | d) breaks into houses or other buildings to steal                      |
| 5) a vandal       | e) steals from shops while acting as an ordinary customer              |
| 6) a burglar      | f) kills someone   |
| 7) a murderer     | g) deliberately causes damage to property                              |
| 8) a kidnapper    | h) steals things from people's pockets in crowded places               |
| 9) a pickpocket   | i) gets secret information from another country                        |
| 10) an accomplice | j) buys and sells drugs illegally                                      |
| 11) a drug dealer | k) takes away people by force and demands money for their return       |
| 12) a spy         | l) helps a criminal in a criminal act                                  |
| 13) a terrorist   | m) uses violence for political reasons                                 |
| 14) an assassin   | n) causes damage or disturbance in public places                       |
| 15) a hooligan    | o) hides on a ship or plane to get a free journey                      |
| 16) a stowaway    | p) takes control of a plane by force and makes the pilot change course |
| 17) a thief       | q) murders for political reasons or a reward                           |
| 18) a hijacker    | r) is someone who steals   |
| 19) a forger      | s) makes counterfeit (false) money or signatures                       |
| 20) a robber      | t) is a member of a criminal group                                     |
| 21) a smuggler    | u) steals money, etc. by force from people or places                   |
| 22) a traitor     | v) marries illegally, being married already                            |

- |                   |   |
|-------------------|---|
| 23) a gangster    | w) is a soldier who runs away from the army                 |
| 24) a deserter    | x) brings goods into a country illegally without paying tax |
| 25) a bigamist    | y) illegally carries drugs into another country             |
| 26) drug smuggler | z) betrays his or her country to another state              |

## 2. Look at the picture and read the police bulletin:

**Crime:** Armed Robbery

**Location:** Brixton & Park Streets

**Date:** August 13, 2003

The public's assistance is requested in identifying the person or persons responsible for an armed robbery on the southwest corner of Brixton and Park Streets intersection.

This crime occurred at 1:30 p.m. on August 13, 2003.

At about 1:30 p.m. the victim, a young visitor to the city, was walking along Brixton St. At the southwest corner of Brixton and Park Streets, the suspect jumped in front of the victim, pulled a knife from his jacket and said, "Give me your purse or you're stuck!" The victim handed it over and the suspect fled the scene of the crime.

The suspect is described as a white male, 20– 25 years old, medium build, 5'2", moustache, blue eyes, short brown hair, flat nose. He was wearing a red baseball cap with a Montreal Canadians logo, a dark blue jacket, green jeans and white sneakers.

This man is armed and therefore dangerous. If you can identify the man in the photo-fit picture, or have any information on this or any crime, contact the local Police Department or Crime Stoppers at 1 -800-555- 8477, and you may be eligible for a cash reward.

## 3. Find in the text above the English equivalents for the following words and expressions:

- подозреваемый
- жертва
- вооруженное ограбление

- фоторобот
- денежное вознаграждение
- опознать преступника
- скрыться с места преступления

**4. Find in the text the description of the criminal and compose an opposite one: e.g. “The suspect is described as black, very tall...” Use some of the expressions given below:**

**FACE** – long, round, oval, thin, plump, fleshy, puffy, wrinkled, pasty, pimpled, pock-marked, clean-shaven

**FEATURES** – clean-cut, delicate, forceful, regular / irregular, large, small, stem

**COMPLEXION** – fair, pale, dark, sallow

**HAIR** – curly, wavy, straight, receding (scanty), ruffled, shoulder-length, medium-length, short-cut, crew-cut, bobbed, dyed, bald, fair / dark-haired

**FOREHEAD** – high, low, narrow, square, broad

**EYES** – hollowed, bulging, close-set, deep-set, sunken, wide-apart, crossed-eyed

**EYEBROWS** – thin, thick, bushy, arched, pencilled, shaggy

**EARS** – small, big, jug-eared

**NOSE** – prominent, straight, pointed, hooked, flat, aquiline, snub-nosed

**LIPS** – full, thin, painted, cleft lip

**TEETH** – even / uneven, sparse, artificial

**CHEEKS** – plump, hollow, ruddy, stubby

**CHIN** – square, pointed, double, massive, protruding

**BEARD** – full, bushy, spade beard, grey-bearded, heavy-bearded

**MOUSTACHE** – thin, thick, tooth-brush, walrus

**HEIGHT** – tall, short, of medium height

**BUILT** – average, medium built, well-built, plump, skinny

**DISTINGUISHING FEATURES** – birthmarks, freckles, scars, wooden leg, hump-back, pot-belly

**5. Translate the following police bulletin into English and make the corresponding photofit:**

**Их разыскивает полиция**

Разыскиваются преступники, совершившие убийство 21 сентября в доме номер 99 по проспекту Мира.

Первый: на вид 30 лет, рост 170 – 175 см, худощавого телосложения, волосы черные прямые, лицо круглое, нос прямой, глаза слегка навывкате.

Был одет: темная короткая кожаная куртка, светлые брюки, коричневые ботинки. Носит темные очки в металлической оправе.

Второй: на вид 40 лет, рост 175 – 180 см, плотного телосложения, волосы светлые, вьющиеся до плеч, лицо овальное, нос курносый, брови густые.

Был одет: темная удлиненная кожаная куртка, темные брюки.

Любую имеющуюся информацию просьба сообщить по телефону 222-33-22, или 02.

**6. Make the police bulletin with the corresponding photofit using the expressions from the tasks above**

**THE PURPOSE OF PUNISHMENT**

**1. Explain the meaning of the words and expressions from the box. Complete the following text using these words and expressions:**

*wrongdoer; misdeeds; deterrent; retribution; death penalty; corporal punishment; rehabilitate; reform; barbaric; law-abiding; humane; crime doesn't pay*

What is the purpose of punishment? One purpose is obviously to 1) \_\_\_\_\_ the offender, to correct the offender's moral attitudes and anti-social behaviour and to 2) \_\_\_\_\_ him or her, which means to assist the offender to return to normal life as a useful member of the community.

Punishment can also be seen as a 3) \_\_\_\_\_ because it warns other people of what will happen if they are tempted to break the law and prevents them from doing so. However, the third purpose of punishment lies, perhaps, in society's desire for 4) \_\_\_\_\_, which basically means revenge. In other words, don't we feel that a 5) \_\_\_\_\_ should suffer for his 6) \_\_\_\_\_?

The form of punishment should also be considered. On the one hand, some believe that we should ‘make the punishment fit the crime’. Those who steal from others should be deprived of their own property to ensure that criminals are left in no doubt that 7) \_\_\_\_\_ . For those who attack others 8) \_\_\_\_\_ 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 9) \_\_\_\_\_ .

On the other hand, it is said that such views are unreasonable, cruel and 10) \_\_\_\_\_ and that we should show a more 11) \_\_\_\_\_ 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, 12) \_\_\_\_\_ life.

**2. Name the main purposes of state punishment as mentioned in the text. Learn the text by heart.**

**3. Give Russian equivalents for the following general types of punishment. Put them in descending order of severity.**

- Capital punishment
- Community service
- Disciplinary training in a detention centre
- Fixed penalty fine
- Life imprisonment
- Probation
- Short-term imprisonment
- Suspended sentence
- Long-term imprisonment

**4. Study the following list of offences. Rate them on a scale from 1 to 10 (1 is a minor offence, 10 is a very serious crime). They are in no particular order. You don’t have to apply your knowledge of existing laws – your own opinion is necessary:**

- driving in excess of the speed limit
- common assault (e.g. a fight in a disco-club)
- drinking and driving
- malicious wounding (e.g. stabbing someone in a fight)
- murdering a policeman during a robbery

- murdering a child
- causing death by dangerous driving
- smoking marijuana
- selling drugs (such as heroin)
- stealing 100 000 rub. from a bank by fraud
- stealing 100 000 rub. worth of goods from someone's home
- rape
- grievous bodily harm (almost killing someone)
- shop-lifting
- stealing 100 000 rub. from a bank by threatening someone with a gun
- possession of a gun without a license

**5. Match the crime from task 4 with the punishment from task 3.**

**TREATMENT OF CRIMINALS**

**1. Read the text below and answer the following questions:**

1. What are the purposes of incarceration?
2. How are these purposes obtained?
3. What three categories of prisons are described in the text?
4. What is the general principle of confining offenders in different kinds of prisons?

**Present-day Penal Institutions**

Modern prisons are quite diverse, but it is possible to make some generalisations about them. In all but minimum-security prisons, the task of maintaining physical custody of the prisoners is usually given the highest priority and is likely to dominate all other concerns. Barred cells and locked doors, periodic checking of cells, searches for contraband, and detailed regulation of inmates' movements about the prison are all undertaken to prevent escapes. In order to forestall thievery, drug and alcohol use, violent assaults, rapes, and other types of prison crime, the inmates are subjected to rules governing every aspect of life; these do much to give the social structure of the prison its authoritarian character.

The need to maintain security within prisons has prompted many countries to separate their penal institutions into categories of maximum, medium, and minimum security. Convicted offenders are assigned to a particular category on the basis of the seri-



ousness or violent nature of their offence, the length of their sentence, their proneness to escape, and other considerations. Within a prison, the inmates are often classified into several categories and housed in corresponding cellblocks according to the security risk posed by each individual. Younger offenders are usually held in separate penal institutions that provide a stronger emphasis on treatment and correction. Prisons generally succeed in the twin purposes of isolating the criminal from society and punishing him for his crime, but the higher goal of rehabilitation is not as easily attained. An offender's time in prison is usually reduced as a reward for good behaviour and conscientious performance at work. The privilege of receiving visits from family members and friends from the outside world exists in almost all penal systems.

**2. Find in the text above the English equivalents for the following words and expressions:**

1. заключённый
2. нападение с применением насилия
3. некарательное воздействие и исправление
4. осуждённый
5. реабилитация личности преступника
6. тюрьма с максимальной изоляцией заключённых
7. тюрьма с минимальной изоляцией заключённых
8. тюрьма со средней степенью изоляции заключённых

**3. Explain the meaning of the following words and expressions. Make up sentences of your own:**

- conscientious performance at work
- proneness to escape
- security risk
- to forestall thievery
- to give smth. the highest priority
- to maintain security within prisons

#### 4. Match the following English expressions with their Russian equivalents:

1) breach of prison	a) “промышленная тюрьма” (тюрьма, где заключённые работают в цехах, мастерских)
2) closed prison	b) бежавший из тюрьмы
3) industrial prison	с) бежать /совершить побег/ из тюрьмы
4) open prison	д) быть приговорённым к тюремному заключению
5) prison bar	е) отбывать срок в тюрьме
6) prison breaker	ф) перевоспитание или обучение заключённых в тюрьме
7) prison education	g) побег из тюрьмы / побег из-под стражи
8) prison lawyer	h) тюремная камера
9) prison term	i) тюремная решётка
10) prison ward	j) тюремное заключение / тюремный срок
11) to be sent to prison	к) тюремный юрист
12) to do one’s time (in prison)	l) тюрьма закрытого типа
13) to escape from prison	m) тюрьма открытого типа (неохраняемая)

### PRISON POPULATION

#### 1. Read the text below and answer the following questions:

1. What are the main categories of inmates?
2. Where are long-term prisoners usually held?
3. What is the purpose of reformatories?
4. What are open prisons?

Nowadays prisoners are kept in separate institutions according to the severity of crime committed, as well as well as to the age, sex and other conditions. Consequently, the inmates include unconvicted prisoners, juvenile delinquents, women prisoners, recidivists and life-sentence prisoners.

Most prisoners serving longer sentences are held in correctional institutions, which are usually large maximum-security buildings holding offenders in conditions of strict security. Young offenders are usually detained in reformatories, often designated under names that imply that their purpose is treatment or correction rather than

punishment. Women are normally held in separate prisons. Prisoners who are not considered a danger to the community may be confined in low-security or open prisons.

**2. Explain the meaning of the following words and expressions:**

- unconvicted prisoner
- juvenile delinquent
- recidivist
- life-sentence prisoner

**3. Match the following English expressions with their Russian equivalents:**

1) close prisoner	a) “узник совести” (политический заключённый)
2) life-sentence prisoner	b) версия, выдвинутая обвиняемым
3) long-sentence / long-term prisoner	c) военнопленный
4) prisoner of conscience	d) лицо, содержащееся в одиночном заключении
5) prisoner of war	e) обвиняемый, отпущенный (из-под стражи) на поруки
6) prisoner on bail	f) осуждённый, отбывающий долгосрочное тюремное заключение
7) prisoner on trial	g) подсудимый
8) prisoner’s box	h) приговорённый к пожизненному тюремному заключению
9) prisoner’s story	i) скамья подсудимых

**4. Read the following text and write down Russian equivalents for sentences given in bold type:**

**Prison Inmates**

**Unconvicted Prisoners**

Some of the prison population consists of **unconvicted prisoners held in custody and awaiting trial**. These prisoners are presumed to be innocent and are treated accordingly. **They are allowed all reasonable facilities to seek release on bail, prepare for trial, maintain contact with relatives and friends, and pursue legitimate business and social interests**. They also have the right to wear their own clothes and can write and receive unlimited number of letters.

### **Young Offenders**

In Britain, young offenders are held in reformatories, which are designed for the treatment, training and social rehabilitation of youth. **School-age delinquents are kept in residential training schools, and young offenders between the ages of 16 and 25 who have been convicted of a criminal act serve in special facilities.** The most famous of these is the Borstal Institution.

### **Women Prisoners**

**Women are usually held in smaller prisons with special programmes and recreational opportunities offered to reflect stereotyped female roles, with emphasis on housekeeping, sewing and typing skills.** Women prisoners do not wear prison uniform and there is a clothing allowance to help pay for clothes while in prison. Some prisons provide mother and baby units, which enable babies to remain with their mothers where that is found to be in the best interests of the child. **In addition to the usual visiting arrangement, several prisons allow extended visits to enable women to spend the whole day with their children in an informal atmosphere.**

### **Habitual Offenders**

**Criminals who have frequently been apprehended and convicted, who have manifested a settled practice in crime, and who are presumed to be a danger to the society in which they live are referred to as habitual offenders.** Studies of the yearly intake of prisons, reformatories, and jails in the United States and Europe show that from one-half to two-thirds of those imprisoned have served previous sentences in the same or in other institutions. **The conclusion is that the criminal population is made up largely of those for whom criminal behaviour has become habitual; moreover, penal institutions appear to do little to change their basic behaviour patterns.**

Though the percentage of recidivists runs high for all offenders, it is greatest among those convicted of such minor charges as vagrancy, drunkenness, prostitution, and disturbing the peace. These are more likely than serious criminal charges to result from an entire way of life. **Accordingly, their root causes are rarely susceptible to cure by jailing.**

### **Life-sentence Prisoners**

Since the capital punishment has been abolished in Britain, the severest penalty for the most atrocious crimes, such as murder, is life imprisonment. Those serving life sentences for the murder of police and prison officers, terrorist murders, murder by firearms in the cause of robbery and the sexual or sadistic murder of children are normally detained for at least twenty years. Life sentences for offences other than murder can be reduced up to nine years.

**On release, all life-sentence prisoners remain on licence for the rest of their lives and are subject to recall should their behaviour suggest that they might again be a danger to the public.**

**5. Find in the text above the English equivalents for the following words and expressions:**

1. исправительное заведение для малолетних правонарушителей
2. исправление и перевоспитание заключённых
3. рецидивист (2)
4. бродяжничество
5. нарушение общественного порядка
6. сотрудник исправительного учреждения
7. отбывать наказание (в тюрьме)

**6. Answer the following questions:**

1. What privileges do unconvicted prisoners have?
2. What are the purposes of reformatories?
3. What is the most famous facility for young offenders?
4. What special programmes are established for women prisoners?
5. What additional rights do women prisoners have?
6. What are habitual offenders?
7. What are the most typical crimes committed by recidivists?
8. What is the severest penalty for the most atrocious crimes?
9. What kinds of 'lifers' are sentenced to the longest term of imprisonment?
10. How is life sentence typically reduced in Britain?
11. How are 'lifers' supervised when released?

**7. The word BAIL has the following meanings in legal Russian:**

1) поручительство

*civil bail* - поручительство в гражданском процессе

2) передача на поруки; брать на поруки; передавать на поруки

*to free on bail* – освободить на поруки

3) поручитель; поручители

*to be / to go bail* - стать поручителем

4) залог при передаче на поруки

*excessive bail* – чрезмерная сумма залога

**8. Match the following English expressions with their Russian equivalents:**

1) to stand bail for smb.	a) явиться в суд (о выпущенном под залог)
2) to accept /to allow / to take bail for the prisoner	b) быть отпущенным на поруки
3) to forfeit /to jump on e's bail	c) внести залог / поручиться за кого-либо
4) to find bail	d) найти себе поручителя
5) release on bail	e) не явиться в суд (об отпущенном под залог)
6) straw bail	f) ненадёжное / “липовое” поручительство
7) to surrender to on e's bail	g) освобождение под залог
8) to be out on bail	h) отказать в поручительстве
9) to deny bail	i) отпустить арестованного на поруки (под залог)

**9. Read the article below and write down the criminal record of the convict:**

**A Lifer Keen on Canaries**

Robert Franklin is an American criminal, a convicted murderer who became a self-taught ornithologist during his 54 years in prison, forty-two of them in solitary confinement. He became known for his contribution to the study of birds.

At the age of 13 Franklin ran away from home and, by the age of 18, was in Alaska, working as a pimp and living with a dance-hall girl. An argument over the girl led to his fighting and killing a man. Pleading guilty to manslaughter in 1909, he was sentenced to 12 years in a federal prison.

After stabbing a fellow prisoner and proving generally troublesome, he was transferred to Kansas, where he continued to be a loner but began to educate himself, taking university extension courses. In 1916 he stabbed and killed a guard and was tried, convicted and sentenced to hanging, but in 1920 President Woodrow Wilson commuted his sentence to life imprisonment in solitary confinement.

Thereafter, mostly in solitary confinement, he began raising canaries and other birds, collecting laboratory equipment, and studying the diseases of birds and their breeding and care. Some of his research writings were smuggled out of prison and

published in 1943. Later, however, he was allowed to continue his research but denied further right of publication. His research was considered an important work in the field of ornithology.

## **PRISON LIFE**

**1. Read the following text and write down Russian equivalents for sentences given in bold type:**

Among the ‘pains of imprisonment’ that both male and female inmates face are, in the first place, the deprivation of liberty and the loneliness and boredom of imprisonment. Second, prisoners are deprived of all goods and services from the outside world. Stripped of possessions, they often equate their material losses with personal inadequacy. The third deprivation for the majority is the absence of heterosexual relationships. Fourth, prisoners are subjected to vast body of institutional regulations designed to control every aspect of behaviour.

**In part this control forms the deprivation of freedom that is the essence of imprisonment, and in part it is necessary adjunct as a means of maintaining security, controlling the introduction of weapons, contraband substances and preventing escapes.**

Most prisons limit the number of visits that a prisoner may receive from his family or friends. **Visits normally take place within the sight of an officer, and in some cases within his hearing.** In many prisons, visits are conducted with the prisoner sitting on one side of the table and his visitor on the other, with a wire mesh partition between them; the visitor may be searched for contraband.

Prisoners may write and receive letters and may make telephone calls. **Correspondence of prisoners is usually subject to censorship by the prison authorities, and prisoners may not write more than one letter each week.** Privileges include a personal radio, books, periodicals and newspapers. They also have an opportunity to watch television (in many prisons each prisoner has a TV-set), and to make purchases from the prison shop with money earned in prison.

**Control of the prison is maintained by a number of disciplinary sanctions, which may include forfeiture of privileges, confinement within a punishment block or cell, or the loss of remission or good time (time deducted from the sentence as a reward for good behaviour).** Typically, the prohibited offences include mutiny and violence to officers; escaping, or being absent from a place where the prisoner is required to be and possessing unauthorised articles.

**2. Explain the meaning of the following words and expressions and reproduce the context in which they were used:**

- body of institutional regulations

- contraband substance
- forfeiture of privileges
- personal inadequacy
- to be stripped of possessions
- to control the introduction of weapons
- to possess unauthorised articles

**3. Find in the text above the English equivalents for the following words and expressions:**

1. лишение свободы
2. бунт, мятеж
3. заключённый
4. обыск, досмотр
5. подлежать цензуре

**4. Answer the following questions:**

1. What deprivations do prisoners suffer?
2. What is the aim of controlling every aspect of prisoner's life?
3. What are the institutional regulations for visits that prisoners may receive?
4. What rights do prisoners have?
5. What disciplinary sanctions are imposed to maintain security in prison?

**5. Read the text and answer the following questions. Write down Russian equivalents for sentences given in bold type.**

1. What rights do prisoners enjoy in Europe and the United States?
2. What have you learned about Habeas Corpus and mandamus?
3. Why are the courts now willing to limit prisoners' access to the federal courts in the United States?



## **Prisoners' Rights**

The idea that a prisoner has rights that may be protected by actions in the courts has been developed in Europe and the United States. **In England, in the absence of a written constitution, prisoners resorting to the courts have relied on the general principles of administrative law, which require fair procedures by disciplinary bodies.** Although many actions brought by prisoners have been unsuccessful, prison disciplinary procedures have been improved as a result of such litigation.

In the U.S. actions brought under the provisions of the U.S. Constitution (notably the Eighth and the Fourteenth amendments) establish that prisoners are entitled to the protection of the Constitution. **Early U.S. court decisions ruled that prisoners had forfeited all of the rights enjoyed by free citizens.** Eventually, the courts recognised certain rights and legal remedies available to prisoners, who may now file their own suits, have direct access to the federal courts, and file writs of Habeas Corpus and mandamus. **Under Habeas Corpus the prisoner may request release, transfer, or another remedy for some aspect of confinement.**

### **AMENDMENT 8**

**Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.**

**Mandamus is a command issue by a court directing a prison administrator to carry out a legal responsibility– to provide a sick prisoner with medical care, for example– or to restore ‘the prisoner’ rights that have been illegally denied.** Prisoners have sought remedies for many problems, including relief from unreasonable searches, release from solitary confinement, and the procuring of withheld mail. **Recent decisions have indicated, however, that the courts are now willing to limit legal writs by prisoners in deference to the security requirements of the prison.**

**6. Find in the text above the English equivalents for the following words and expressions:**

1. судебный процесс, судебное дело
2. предписание Хабеас Корпус
3. судебный приказ нижестоящему суду или должностному лицу
4. тюремное заключение
5. необоснованный обыск
6. предъявить иск; возбудить судебное дело (2)
7. восстанавливать в правах
8. добиваться судебной защиты

## 7. Explain the meaning of the following words and expressions:

- to resort to the court
- to forfeit a right
- release from solitary confinement
- procuring of withheld mail
- prison security requirements

## ALTERNATIVES TO PRISON

### 1. Read the following text and write down Russian equivalents for sentences given in bold type:

#### **Prison Improvements and Alternatives**

In most criminal justice systems the majority of offenders are dealt with by means other than custody – by fines and other financial penalties, by probation or supervision, or by orders to make reparation in some practical form to the community.

#### **Fine**

The most common penalty, fine, avoids the disadvantages of many other forms of sentence; it is inexpensive to administer and does not normally have the side effects, such as social stigma and loss of job that may follow imprisonment. **However, there are dangers that the imposition of financial penalties may result in more affluent offenders receiving penalties that they can easily discharge, while less affluent offenders are placed under burdens that they cannot sustain.**

#### **Restitution**

Related to the fine is an order to pay restitution (in some countries termed “compensation”). **The principle of restitution is popular in some countries as an alternative to punitive sentencing, but there are some drawbacks.** One is the possibility, as in the case of the fine, that the more affluent offender may receive favourable treatment from the court because he is able to pay restitution. The second drawback is that such schemes do not help all victims of crime. Only those who are the victims of crimes for which the offender is caught and convicted and has the funds to pay restitution are likely to be recompensed. **Victims of crimes of violence in some countries – such as England and Canada – are entitled to restitution from public funds, whether or not the offender is detected or has the resources necessary to compensate.**

#### **Probation**

There are many ways of dealing with offenders that do not involve the payment of money. One is probation, a system that takes many different forms in different jurisdictions. However, that essentially involves the suspension of sentence on the offender subject to the condition that he is supervised while living in the community by a probation officer and possibly agrees to comply with such other requirements as the court may think appropriate. **Usually, if the offender complies with the probation order and commits no further offence while it is in force, no other penalty is imposed.** If he breaks the requirement of the order or commits another offence, he can be brought back before the court and punished for the original offence as well as the later one.

### **Suspended Sentence**

In many American states probation is combined with a suspended sentence, so that the sentence the offender will have to serve if he breaks the order is fixed in advance. **In England the sentence is not fixed in advance, and the court has complete discretion if there is a breach of probation terms to sentence the offender for the original crime in light of his later behaviour.**

### **Reparation**

The concept of reparation has gained in popularity in a number of jurisdictions. Under this method, the offender makes good the damage he has done through his crime, not by paying money but by providing services to the victim directly or indirectly through the community. In England this takes the form of the community service order, under which the court is empowered to order anyone who is convicted of an offence that could be punished with imprisonment to perform up to 240 hours of unpaid work for the community, usually over a period of not more than 12 months. The kind of work involved varies according to the area, the time of year, and the abilities of the offender; in some cases it may involve heavy physical labour, but in others it may require such work as the provision of help to handicapped people. **If the offender completes the hours of work ordered by the court, he receives no further penalty, but if he fails to carry out the work without reasonable excuse, he can be re-sentenced for the original offence.** This method is less expensive to administer than imprisonment, less damaging to the offender and his family, and more useful to the community. There are some doubts about the extent to which the availability of community service as an alternative to prison weakens the deterrent effect of the criminal law, but there can be no doubt that community service has become an established sentencing alternative.

## **Disqualification**

Other alternatives to prison are based on the idea of preventing an offender from committing further offences, without necessarily **confining him in a prison**. The most familiar power of this kind is that of disqualifying an offender from driving a motor vehicle or from holding a driver's license.

**Other forms of disqualification may be imposed on offenders convicted of particular types of crimes: a fraudulent company director may be disqualified from being involved in the direction of a company, a corrupt politician may be disqualified from holding public office, or a parent who sexually abuses his children may be deprived of parental authority over them.**

It appears, however, that imprisonment will still remain the major instrument of punishment. **In light of the difficulties surrounding its use, prison ideally should be employed as a last resort for those offenders who cannot be handled in any other way.**

**2. Find in the text above the English equivalents for the following words and expressions:**

1. быть лишенным водительских прав
2. насильственное преступление
3. иметь право на возмещение ущерба
4. соответствовать требованиям
5. коррумпированный политик
6. быть лишенным родительских прав
7. отсрочка исполнения приговора или наказания
8. сдерживающий эффект
9. сотрудник службы пробации
10. судебный приказ о направлении на пробацию
11. экономические санкции
12. условное осуждение
13. наблюдение, надзор
14. отсроченный приговор
15. компенсация, возмещение (3)
16. общественные работы

## **Supplementary Unit Credit Assignment.**

**1. Choose any correctional institution in Russia or abroad and make a presentation about it using the following plan:**

1. Historical and geographical background (when, where, why, who)
2. Type of prison
3. Prison infrastructure
4. Notorious prisoners (3-5)
5. Attempts to escape
6. One day in prison (daily routine)
7. Extra information

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