

Методические указания
к практическим занятиям по дисциплине
«Иностранный язык в сфере юриспруденции»

2 СЕМЕСТР

Занятие 1

2 часа

Тема «THE LEGAL SYSTEM IN ENGLAND AND WALES» (part 1)

Студенты должны:

- *знать* лексический минимум по теме;
- *уметь* читать и переводить с английского на русский язык текст по теме «The Legal System in England and Wales»;
- *владеть* лексико-грамматическими структурами, необходимыми для составления монологического высказывания на английском языке по теме «The Legal System in England and Wales».

Лексический минимум по теме:

Property Law, Contract Law, Tort Law, Merchant Law, Negotiable Instruments Law, negotiable, procedure real property, personal property, tangible property, intangible property, equity, Equitable Law, remedy

Read and translate the text:

The law is the whole body of laws considered collectively. There are many ways in which the law can be classified. It can be divided into common law, civil law, criminal law, constitutional law, substantive and procedural laws, etc.

By the words ‘common’ law’ we mean law which is common to the whole country – national law in contrast to local law. Common law in England is unwritten law, based on judicial decisions made by judges in previous cases (case law) in contrast to the law made by Parliament or other law-making body (statute law). It distinguishes the common law legal systems based on precedents from the civil law jurisdictions based on civil codes. Law of equity is the application of principles of justice outside common law or statute law, used to correct laws when these would apply unfairly in special circumstances.

One important distinction is between private – or civil – law and public law. Civil law concerns disputes between citizens within the country, and public law concerns disputes between citizens and the state, or between one state and another. The main categories of English civil law are contracts, torts, trusts, family law. The main categories of public law are crimes, constitutional law, and international law.

Commercial law regulates commercial relationships among people in the world of business. The main areas of commercial law are bankruptcy, consumer credit contracts, relations of debtors and creditors, as well as landlords and tenants, mortgages, real estate transactions and so on.

Intellectual property law is designed to promote the worldwide protection of industrial property (inventions, trademarks, and designs) and copyright materials (literary, musical, photographic, and other artistic works).

Family law covers child custody, children's rights, marriage, divorce, insurance, adoption, estates and trusts.

Workers' compensation laws are designed to ensure that employees who are injured or disabled on the job are provided with fixed monetary awards, eliminating the need for litigation.

Answer the questions:

1. What is law?
2. How is law classified?
3. What is common law?
4. What does civil law concern?
5. What are the main categories of civil law?
6. What does commercial law regulate?
7. What does intellectual property law regulate?
8. What problems does family law cover?

Тема «THE LEGAL SYSTEM IN ENGLAND AND WALES» (part 2)

Лексический минимум по теме:

Intervention, promote, legislation, divorce, marriage, legitimate, support, citizenship, welfare payment, dissolve, proceedings, respondent, adultery, petitioner, custody

1. Match the definitions (1-7) to the following words:

Divorce, intervention, marriage, custody, adultery, support, petitioner, welfare

- 1) the relationship between two people who are husband and wife
- 2) help and approval or financial help
- 3) care that is provided by the government or another organization for people in need
- 4) a legal way of ending a marriage
- 5) the protection or care of someone, especially given by a court
- 6) a situation in which someone becomes involved in a problem or issue in order to influence what happens
- 7) relations between a married person and somebody who is not their husband or wife.

2. Match English words and phrases with their English equivalents.

- | | |
|--------------------------------|--------------------------------|
| a) intervention in family life | 1) в дополнение к этому |
| b) family relations | 2) физическое наказание |
| c) physical punishment | 3) жить раздельно |
| d) private property | 4) вмешательство в жизнь семьи |
| e) the law requires | 5) согласиться на развод |
| f) in addition | 6) убедить суд |
| g) to be granted citizenship | 7) семейные отношения |
| h) domestic violence | 8) получить гражданство |
| j) to convince the court | 9) частная собственность |
| k) to live apart | 10) домашнее насилие |
| l) to agree to divorce | 11) закон требует |

3. Read the text “Marriage law”

In some societies the family is thought to be so important that there is very little intervention in family life. 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.

In Sweden, parents can be prosecuted for physical punishing their children and children have a limited capacity to divorce their parents. In Britain, as in many countries, there are special family courts with very strong powers to control and

transfer private property in the interests of children. Much of the work of other courts is also directly relevant to family life.

The laws in many countries place more emphasis upon marriages legally registered than social arrangement whereby people live together. In Japan, some couples prefer not to register their marriage because the law requires one of them to give up his or her name in favor of the other. The birth and residence documentation of children born to such marriages is different from that of other children and sometimes leads to discrimination. In Britain, children born outside legitimate marriages have fewer rights to financial support from estranged fathers than legitimate children. In addition, if they are born outside the UK, they are less likely than legitimate children to be granted British citizenship. Some well-fare payments are calculated on a different basis according to whether recipients are married or not, and more procedures are available to a married woman than an unmarried one in seeking protection from domestic violence.

In English law, some marriages are readily dissolved, or nullified. In other cases, the couple may seek the divorce. The procedure may be lengthy, especially if one does not want a divorce or if there are children. In no case will English law allow divorce proceedings to start within a year of the marriage.

Divorce proceedings in England take place in certain County Courts known as divorce county courts. Some matters are also dealt with in the Family Division of the High Court. It is necessary for one of the parties to convince the court that the marriage has broken down without any chance of reconciliation. To do so the person seeking for divorce must prove one of the five things: that the other party, or respondent, committed adultery; that the respondent's behavior has been unreasonable; that the respondent deserted the petitioner at least two years previously; that the couple has lived apart for two years and both agree to divorce; or that they have lived apart for five years. A divorce will not be issued until it is determined who is to have custody of the children.¹

4. Choose the best alternative to answer the following questions:

1. Can parents be prosecuted for physical punishing their children?
 - a) They can be prosecuted for that under Swedish law.

¹ А.В. Николаева, Т.Н. Разуваева. Английский для юристов. Ростов-на-Дону, 2002. С. 67-68.

- b) It is nonsense.
 - c) It's possible only in European countries.
2. Why do some Japanese couples refuse to register their marriage?
 - a) It's too expensive.
 - b) One of the spouses is required to sacrifice his or her name for the sake of the other.
 - c) It's a new fashion.
 3. Do children born outside legitimate marriages in England have the same rights to financial support from their fathers as legitimate children?
 - a) Yes, they do.
 - b) Children from broken families do not have any support.
 - c) Legitimate children have more rights to financial support.
 4. Is every Englishman allowed to start divorce proceedings even after a month of his marriage life?
 - a) Yes, that's true. A month is enough for the marriage to be carefully tested.
 - b) Yes, he is. In England you can start divorce proceedings whenever you like.
 - c) No, he isn't. English law doesn't allow people to dissolve their marriage within a year of their family life.
 5. Do housework, time spent together, emotional support give wives any rights to share property after divorce?
 - a) Yes, such things are considered valid and give rights to property.
 - b) Only legal ownership and money contributions are taken into consideration.
 - c) It depends. Everything is up to the jury.

Занятие 2

Тема «THE LEGAL SYSTEM IN THE USA»

2 часа

The legal system in the United States

The legal system in the United States is similar in many ways to the English system. One of the main differences is the existence of the United States Constitution which is interpreted by the highest court, the Supreme Court. The nine Supreme Court judges, who are appointed by the president and approved by the Senate, can only be removed from office by impeachment.

Federal **Judges** are also appointed for life by the President. They deal with federal law, which applies to the country as whole, and the important cases involving citizens from different states. State judges hear cases involving the law of a particular state.

They hold office for ten years and are usually elected, or confirmed in office by election.

The number of people who make up **the jury** varies from state to state, but efforts are made to ensure that they represent a fair cross-section of society. Both the defense and the prosecution are allowed to reject a certain number of jury candidates. Except in minor cases, the defendant in a criminal case has the right to be tried by a jury, and many civil cases are also heard by a jury. In most states the task of the jury is only to decide whether the defendant is innocent or guilty, while it is the judge who passes sentence.

The attorneys who represent clients in court, have been trained at law schools and are licensed to practice only in certain states. If they wish to practice in a different state, they may have to take another exam. In a criminal case, the prosecution attorney is appointed by the District Attorney to prosecute the defendant. The defense attorney will be provided by the Public Defender's Office if the defendant cannot afford to engage her or his own lawyer. The prosecution may agree to charge the defendant with a less serious offense if he or she agrees to plead guilty. This is known as plea bargaining.

Ex.: 1. Complete the sentences:

1. The main difference between legal system in England and in the USA is.....
2. Federal judges are also appointed for life by
3. The task of the jury is only to decide whether the defendant is
4. It is the judge who
5. Both the defense and the prosecution are allowed to reject

Ex.: 2. Underline the sentences which contain passive constructions.

Ex.: 3. Give a summary of the text

Занятие 3

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2 часа

Text 1: Translate.

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Text 2: Translate.

Alternatives to Prison

What sort of sentence can you receive if you are found guilty? The English System gives the magistrate or the judge a lot of freedom in deciding on the sentence depending on exact circumstances of the crime and criminal.

The lightest sentence possible is community service. This means that you do unpaid work for a fixed number of hours (between 40 and 240) on jobs such as painting hospital buildings or gardening for elderly people.

You can be put on probation for a certain period of time. You have to visit your probation officer every week and keep out of trouble. There can be other conditions, for example, you have to accept treatment for drug addiction.

You may have to pay a fine. For smaller things like driving offences, the fines are usually fixed amounts of money - perhaps 40 pounds for parking in a wrong place. But fines can be used for serious crimes if prison is not appropriate - for example, when a company breaks the law. Then the fine depends on ability to pay: rich people or organizations sometimes pay millions of pounds.

The standard punishment for serious offences is prison. You will probably go to prison if you commit burglary, robbery, battery, rape or murder. For criminals between the age of 15 and 20 there are special young offenders' institutions.

Many people feel that criminals should go to prison but it is far from the perfect answer to the problem. When prisoners are released, they often carry on their lives of

crime: in fact, they meet other criminals inside, get ideas from them and make useful contacts. A useful alternative to prison sentence is a suspended sentence. You remain free for a certain period of time and if you behave well, you will never serve your sentence. But if you commit another crime in the fixed period your suspended sentence is added to your new one.

Crimes and criminals.

3. Соотнесите преступления с примерами в таблице.

A A gang took a rich man`s son and asked the family for money.

B She went to her ex-husband`s house and shot him dead.

C A passenger on a flight made the pilot land in the desert.

D After the party the man made the woman have sex against her will.

E We came home from holiday and found that our TV had gone.

F Someone tried to sell me some marijuana during a concert.

G When the border police searched his car, it was full of cigarettes.

H Someone threw paint on the statue in the park.

I He said he'd send the photos to a newspaper if the actress didn't pay him a lot of money.

J An armed man walked into a bank and shouted, «Hands up! »

K A man transferred company money into his own bank account.

L A builder offered the mayor a free flat in return for a favour.

M Two men left a bomb in the supermarket car park.

N Somebody stole my car last night from outside my house.

O A man held out a knife and made me give him my wallet.

Crime	Criminal	Verb	
<u>I</u>	<i>blackmail</i>	<i>blackmailer</i>	<i>to blackmail</i>
<u>L</u>	bribery	bribe taker	to bribe
<u>E</u>	burglary	burglar	to break in / burgle
<u>F</u>	drug dealing	drug dealer	to sell drugs
<u>L</u>	fraud	fraudster	to commit fraud
<u>N</u>	hijacking	hijacker	to hijack
<u>A</u>	kidnapping	kidnapper	to kidnap

<u>O</u>	mugging	mugger	to mug
<u>B</u>	murder	murderer	to murder
<u>D</u>	rape	rapist	to rape
<u>J</u>	robbery	robber	to rob
<u>G</u>	smuggling	smuggler	to smuggle
<u>M</u>	terrorism	terrorist	to set off bombs
<u>K</u>	theft	thief	to steal
<u>H</u>	vandalism	vandal	to vandalize

manslaughter / `maenslɔ:tɔ / = killing somebody illegally, but unintentionally
 assassination = murder of an important person, usually for political reasons (verb assassinate).

Task 4: Complete the sentences. Write the words in the column.

What happens to a criminal.

The crime.

<i>arrested</i>	<i>caught</i>	<i>charged</i>
<i>committed</i>	<i>investigated</i>	<i>questioned</i>

1. Carl and Adam ***committed*** a crime. They murdered a man.
2. The police ***investigated*** the crime.
3. Carl and Adam were ***caught*** on the way to the airport.
4. They were ***arrested*** and taken to a police station.
5. The police ***questioned*** them for ten hours.
6. Finally they were ***charged*** with murder.

The trial.

<i>acquitted</i>	<i>court</i>	<i>evidence</i>	<i>guilty</i>	<i>judge</i>	<i>jury</i>
<i>not guilty</i>	<i>proof</i>	<i>punishment</i>	<i>sentenced</i>	<i>verdict</i>	<i>witnesses</i>

7. Two months later, Carl and Adam appeared in ***court***.
8. ***Witnesses*** told the court what they had seen or knew.
9. The ***jury*** (of 12 people) looked at ***evidence*** and heard all the ***witnesses***.
10. After two days the jury reached their ***verdict***.
11. Carl was found ***guilty***. His fingerprints were on the gun.
12. The ***judge*** decided what Carl's ***punishment*** should be.

13. He *sentenced* him to 10 years in prison / jail.
14. Adam was found *not guilty*(they thought he was innocent).
15. There was no *proof* that he had committed the crime.
16. He was *acquitted* and allowed to go free.