

ФЕДЕРАЛЬНОЕ АГЕНТСТВО ПО ОБРАЗОВАНИЮ
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аэрокосмического приборостроения»

АНГЛИЙСКИЙ ЯЗЫК

Программа, методические указания
и контрольные задания
для студентов специальности «Юриспруденция»
заочной формы обучения



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Данное издание содержит программу, методические указания и контрольные задания, а также материал для обязательного и дополнительного чтения для студентов I и II курсов заочного отделения по специальности «Юриспруденция».

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ПРЕДИСЛОВИЕ

Иностранный язык - один из немногих предметов, изучение которых обязательно во всех вузах. Владение иностранным языком необходимо специалисту любого профиля, так как способствует поиску, извлечению и широкому практическому использованию информации из разных источников, обеспечивает возможность контактов с зарубежными коллегами. Процесс изучения иностранного языка чрезвычайно развивает мыслительные способности, тренирует память, расширяет кругозор.

Курс заочного обучения английскому языку предполагает выработку следующих навыков и умений:

- чтение литературы по специальности на английском языке с целью извлечения необходимой информации;
- перевод текстов по специальности с английского языка на русский;

В соответствии с действующими учебными планами на курс заочного обучения английскому языку отводится 50-60 часов аудиторных занятий (установочных, контрольно-закрепительных, итоговых) и около 300 часов самостоятельной работы. Количество учебных часов может быть несколько уменьшено или увеличено в зависимости от специальности.

Программа предполагает преемственность вузовского курса обучения по отношению к школьному, при этом учтена возможность возобновить изучение английского языка после значительного перерыва, вызвавшего утрату большинства навыков и умений.

ПРОГРАММА КУРСА

Фонетика

Фонетический строй английского языка. Система гласных. Система согласных. Основные правила чтения букв и буквосочетаний. Ударение. Членение речевого потока. Ритмическая группа. Синтагма. Основные интонационные типы.

Лексика

Морфологическая структура слова. Словообразовательные модели. Префиксальное и суффиксальное словообразование. Роль суффиксов в распознавании частей речи. Интернациональные префиксы и суффиксы. Переход слов из одной части речи в другую. «Ложные друзья» переводчика. Понятие фразеологического оборота. Идиома. Синонимы, антонимы, омонимы. Сокращения.

К концу обучения лексический минимум должен составить примерно 2000-

2500 единиц. В этот минимум не входят слова и выражения, усвоенные в средней школе (не менее 350 единиц) и интернациональная лексика (т.е. слова, имеющие сходное звучание и одинаковое значение в русском и английском языках).

Грамматика

Морфология

Артикль. Определённый, неопределённый артикль. Опущение артикля.

Имя существительное. Грамматические категории числа и падежа имен существительных. Род существительных.

Имя прилагательное. Степени сравнения прилагательных. Место прилагательного в предложении.

Имя числительное. Количественные и порядковые числительные. Хронологические даты. Дробные числительные.

Местоимение. Личные, указательные, притяжательные, относительные, вопросительные, неопределённые, возвратные местоимения. Местоимение *it*.

Глагол. Грамматические категории глагола. Вспомогательные глаголы. Действительный и страдательный залого.

Отрицательная и вопросительная формы. Система видо-временных форм глагола (Indefinite, Continuous, Perfect, Perfect Continuous). Сравнительная характеристика форм настоящего, прошедшего и будущего времени. Модальные глаголы. Повелительное наклонение. Сослагательное наклонение. Неличные формы глагола: инфинитив, причастие, герундий.

Наречие. Образование наречий. Степени сравнения наречий.

Предлог. Функции и значения предлогов. Сложные предлоги. Многозначность предлогов.

Союз. Простые, производные и составные союзы.

Синтаксис

Типы предложений. Простое предложение. Главные и второстепенные члены предложения. Прямой и обратный (инверсия) порядок слов. Виды вопросительных предложений. Сказуемое простое и составное. Место второстепенных членов предложения. Сложное предложение. Сложносочинённое и сложноподчинённое предложение. Виды придаточных предложений. Прямая речь, косвенная речь. Согласование времён. Инфинитивные конструкции. Причастные обороты. Абсолютная причастная конструкция. Конструкции с герундием. Эмфатические обороты.

УЧЕБНЫЕ ТЕКСТЫ

ТЕКСТЫ ДЛЯ ДОПОЛНИТЕЛЬНОГО ЧТЕНИЯ

При изучении английского языка студент использует следующие виды учебной литературы:

- тексты контрольных работ;
- учебные тексты;
- тексты для дополнительного чтения.

Цель контрольной работы – помочь студенту в самостоятельном изучении английского языка и проверить, насколько хорошо он усвоил пройденный учебный материал. Требования к выполнению и оформлению контрольных работ приведены ниже.

Чтение учебных текстов поможет студенту выработать навыки, необходимые для успешного овладения английским языком, закрепить соответствующие грамматические правила, приобрести необходимый запас слов. Объём прочитанных текстов должен составлять 12000 и 15 000 печатных знаков* на первом и втором курсе, соответственно, т.е. около 30 000 печатных знаков за полный курс обучения. Тексты для чтения включены в методические указания.

Дополнительное чтение имеет целью закрепление и углубление знаний по английскому языку. За полный курс обучения студент должен подготовить дополнительное чтение в объёме 20 000 печатных знаков, из них:

I курс: адаптированные тексты по широкому профилю вуза или специальности в объёме 10 000 печатных знаков.

II курс: неадаптированные или частично адаптированные тексты по специальности в объёме 10 000 печатных знаков.

Тексты для дополнительного (внеаудиторного) чтения также включены в методические указания.

ИТОГОВЫЙ КОНТРОЛЬ

В соответствии с учебным планом в конце 1-3 семестров студент сдаёт зачёт, а в конце второго года обучения – итоговый экзамен.

Для получения зачёта или допуска к экзамену студент должен:

А) В срок сдать контрольные работы (на I курсе – № 1 и 2, на II - № 3 и 4), при необходимости исправить ошибки или выполнить всю работу заново для получения оценки «зачтено»;

Б) Сдать норму чтения и перевода (учебные тексты, тексты

* Подсчёт количества печатных знаков: число печатных знаков (считая знаки препинания) в полной строке умножается на количество строк. Обычно на странице бывает 1800 – 2000 знаков.

контрольных работ, тексты для дополнительного чтения).

Содержание билета на экзамене по английскому языку:

1. Изучающее чтение и передача содержания в виде полного письменного перевода незнакомого текста объёмом до 1000 печатных знаков за один академический час (со словарём).
2. Ознакомительное чтение незнакомого текста объёмом до 1200 печатных знаков и изложение его содержания на русском или английском языке. Время на подготовку 15 минут (без словаря).
3. Просмотровое чтение и перевод на русский язык одного из текстов для обязательного чтения (без словаря). Время на подготовку – 2-3 минуты.

Рекомендуемая литература

Учебники и учебные пособия

1. Дудорова Э.С. Through Fundamentals to Communicative English. От основ к разговорному английскому языку/ ГУАП. СПб., 2004
2. Хведченя Л.В., Хорень Р.В. Английский язык для поступающих в вузы. Минск: Вышэйша школа, любой год издания.

Грамматические справочники

3. Крылова И.П., Крылова Е.В. Практическая грамматика английского языка: Учеб. пособие. М., 1997
4. Голицынский Ю.Б. Грамматика: Сб. упражнений. СПб., 2001
5. Любой грамматический справочник.

Словари

7. Англо-русский словарь на 70 тысяч слов и более (любое издание).
8. Англо-русский юридический словарь (любое издание).
9. Русско-английский словарь (любой).

МЕТОДИЧЕСКИЕ УКАЗАНИЯ

Произношение и чтение

Правильное произношение – гарантия понимания не только устной, но и письменной речи, так как чтение и письмо происходят под контролем слуха и сопровождаются проговариванием на уровне внутренней речи. Неправильное чтение слова приводит к его неправильному запоминанию и узнаванию.

Основные сложности овладения английским произношением

обусловлены следующими причинами:

- *несовпадением звуковых систем русского и английского языков.* Следует изучить фонетическую систему английского языка, научиться правильно и четко произносить звуки.
- *отсутствием автоматизации фонетических навыков.* Следует регулярно выполнять фонетические упражнения, прослушивать звукозаписи и передачи с английской речью, смотреть фильмы и телепередачи на английском языке.
- *частым несопадением звучания и написания.* Следует изучить правила чтения букв и буквосочетаний, регулярно их повторять.
- *несовпадением интонационных систем английского и русского языков.* Следует изучить правила слогаделения, членения речевого потока на ритмические группы и синтагмы, усвоить основные интонационные модели.

Лексика

За полный курс обучения студент должен выучить и активно использовать около 2500 новых лексических единиц, т.е. по 1200 слов на каждом курсе. Потенциальный запас лексики может быть почти удвоен за счет:

- 1) усвоения системы английского словообразования;
- 2) запоминания значений словообразовательных элементов (префиксов, суффиксов), что позволит выводить значения производных слов;
- 3) изучения интернациональной лексики.

Работая над переводом текста или упражнения, следует выписывать в тетрадь-словарик встречающиеся незнакомые слова в их исходной (словарной) форме: глаголы – в неопределенной форме, существительные – в форме единственного числа, прилагательные – в форме положительной степени. Найдя слово в словаре, внимательно прочитайте всю словарную статью. Помните, что словарь чаще всего дает не однозначный перевод слова с одного языка на другой, а предлагает несколько, иногда много, значений. Правильный перевод возможен только с учетом общего смысла, контекста.

Заучивать следует в первую очередь наиболее часто встречающиеся слова. Их надо сразу выделять в тетради-словарике и работать над ними: повторять, писать под диктовку, составлять с ними словосочетания и предложения, стараться в дальнейшем находить в тексте их однокоренные слова, определять их синонимы, антонимы и т.д. Нельзя забывать, что только постоянная работа над лексикой поможет выучить и активно использовать нужное количество слов.

Грамматика

Грамматика обеспечивает связь слов в предложении и позволяет понять

смысл текста. В каждой контрольной работе указаны грамматические темы, подлежащие изучению.

Пользуясь учебниками, пособиями, справочниками, таблицами, изучите данный раздел, выполните несколько упражнений, чтобы закрепить пройденное. В дальнейшем, читая тексты или слушая английскую речь, старайтесь опознавать выученную грамматическую форму. Особое и постоянное внимание следует уделять глагольным формам. Работайте над каждым глаголом: определите его видо-временную форму, проспрягайте в уже изученных временах, образуйте вопросительную и отрицательную формы.

Ни один грамматический раздел не должен оставаться неувоенным. В случае необходимости следует обращаться за консультацией (письменной или устной) к преподавателю.

Работа над текстом

В зависимости от цели, которую ставит перед собой читающий, и от скорости чтения выделяют:

- изучающее чтение;
- селективное (быстрое) чтение, включающее ознакомительное, просмотровое и поисковое.

Изучающее чтение предполагает полное и адекватное понимание всей информации текста.

Ознакомительное чтение предусматривает быстрое прочтение всего текста (скорость около 180-190 слов в минуту) с полным пониманием основной информации текста.

Просмотровое чтение позволяет выяснить, о чем идет речь в тексте. Этот вид чтения используется, когда необходимо определить, насколько важна или интересна для читающего информация, содержащаяся в тексте.

Поисковое чтение даёт возможность находить в тексте те элементы информации, о которых заранее известно, что они имеются в тексте.

Курс заочного обучения английскому языку предусматривает освоение всех видов чтения, при некотором доминировании изучающего.

Изучающее чтение предполагает полный письменный или устный перевод текста с использованием словаря.

При письменном переводе текста рекомендуется следующая последовательность действий:

1. Прочитать весь текст и постараться понять, о чем идет речь; это поможет выбрать нужный эквивалент незнакомого слова при пользовании словарем.

1. Прочитать первое предложение, обращая внимание на знаки препинания, знакомые слова, союзы, артикли, и постараться определить, простое это предложение или сложное. Каждое простое предложение в составе сложного следует переводить отдельно.

2. Найти сказуемое и подлежащее, ориентируясь на порядок слов и

формальные признаки.

3. Перевести двучлен «подлежащее – сказуемое». Перевод этого двучлена и составит ядро перевода всей фразы.

4. Перевести слова, относящиеся к подлежащему (группу подлежащего).

5. Перевести группу сказуемого.

6. Перевести то, что осталось за рамками групп подлежащего и сказуемого.

7. Перевести все предложение целиком.

8. Отредактировать перевод, т.е. проверить, насколько четко и ясно передана мысль автора, соответствует ли ее изложение нормам русского языка.

Не следует выписывать незнакомые слова сразу из всего текста и переводить их изолированно. Этот способ не оправдывает себя: во-первых, о значении некоторых слов можно догадаться, переведя предыдущую часть текста. Во-вторых, придется выписывать либо все значения многозначного слова, либо первое попавшееся, которое может и не подойти для данного предложения, и тогда нужно будет снова обращаться к словарю, отыскивая другое, подходящее значение слова.

При устном переводе текста последовательность действий остается практически той же. Следует только более тщательно переводить новые слова, что поможет при сдаче текста преподавателю.

Все виды селективного (быстрого) чтения предполагают охват общего содержания текста без использования словаря. Следует постараться уловить смысл прочитанного, опираясь на знакомые слова. Контроль понимания может осуществляться разными способами: студент должен изложить своими словами на русском или английском языке содержание всего текста или его части; составить план пересказа; озаглавить абзацы или другие структурные единицы текста; ответить на вопросы или выбрать правильный ответ из нескольких предложенных вариантов и т.д.

Дополнительное чтение

Дополнительное чтение литературы на английском языке способствует расширению словарного запаса, повторению и закреплению пройденного грамматического материала, совершенствованию техники чтения, автоматизации навыка работы со словарем. При работе над дополнительными текстами следует все незнакомые слова и выражения выписывать в отдельную тетрадь-словарь в исходной (словарной) форме.

Для удобства пользования рекомендуется указывать номер страницы, с которой выписаны слова. Можно даже пронумеровать абзацы и отмечать те слова, которые студент отбирает для выучивания.

При сдаче дополнительного чтения студент должен:

1) уметь правильно читать любой отрывок из текста;

2) предъявить преподавателю для контроля тетрадь-словарь с

выписанными и переведенными незнакомыми словами из прочитанного

текста;

3) адекватно перевести на русский язык любой отрывок из прочитанного текста, пользуясь тетрадью-словарем. Полный письменный перевод текста делать не рекомендуется. При ответе преподавателю пользоваться письменным переводом запрещается;

4) знать новые словатобранные и выученные в процессе подготовки дополнительного чтения;

5) уметь объяснить любое фонетическое, лексическое, грамматическое явление текста в объеме, предусмотренном программой для данного курса.

Контрольные задания

На I курсе студенты выполняют контрольные задания №1 и 2, на II курсе – №3 и 4. Выбор варианта контрольной работы осуществляется в соответствии с последней цифрой номера студенческого билета (шифра): 1-й вариант выполняют студентами с номерами шифра, оканчивающего на 1, 2 или 3; 2-й вариант – для студентов с последней цифрой шифра 4, 5 или 6; наконец, 3-й вариант – для студентов с последней цифрой шифра 7, 8, 9 или 0. Выполненные контрольные работы присылаются или сдаются в деканат заочного отделения в установленные сроки. При этом помните, что высылать контрольную работу следует с учетом того, что Вам может потребоваться время на исправление. Особенно актуально это для студентов, готовящихся сдавать итоговый экзамен по английскому языку. Контрольная работа должна быть зарегистрирована. Работы, не имеющие входящего номера, на рецензию не принимаются.

При оформлении контрольных заданий придерживайтесь следующих указаний:

- Выполняйте каждую контрольную работу в отдельной тетради. На обложке напишите свою фамилию, имя, отчество, адрес, название и фамилию автора учебника, по которому вы занимаетесь, номера проработанных уроков.
- Работа должна быть написана аккуратно, четко, разборчиво, без сокращений. Для замечаний, объяснений, указаний рецензента оставляйте в тетради широкие поля.
- Выполняйте работы в той последовательности, в которой они даны в настоящем пособии. Присылайте на проверку только одну работу. Во избежание возможного повторения ошибок следующую работу выполняйте и высылайте на проверку только после получения рецензии на предыдущую.
- Обязательно указывайте номер упражнения и переписывайте задание. Модель выполнения можно не переписывать.
- При выполнении работы лист следует разделить пополам и слева писать предложения по-английски, а справа – их перевод.

Если контрольная работа выполнена неясно, небрежно, не полностью или не в соответствии с указаниями, она возвращается студенту без проверки.

Исправления контрольной работы на основе рецензии

Проверенная преподавателем контрольная работа возвращается студенту с рецензией и оценкой «зачтено» или «не зачтено». Студент должен ознакомиться с рецензией, с исправлениями, замечаниями, указаниями на полях работы, проанализировать их.

Если работа зачтена, но в ней допущен ряд ошибок, то их надо исправить. Руководствуясь указаниями рецензента, повторите соответствующий грамматический материал, проверьте значения неверно переведенных слов по словарю и т.д. Обязательно уясните суть каждой допущенной ошибки. Все предложения, в которых были ошибки, перепишите в конце контрольной работы в исправленном виде. Контрольная работа с исправлением ошибок предъявляется преподавателю на зачетно-экзаменационной сессии.

Если работа не зачтена, ее следует переделать целиком или частично, в зависимости от указаний преподавателя, и вновь выслать на проверку вместе с незачтенной работой.

Контрольные работы являются учебными документами, которые необходимо сохранять и предъявлять на зачетах и экзаменах. При сдаче зачета или экзамена преподаватель может провести опрос и по контрольной работе.

Письменные консультации

Сообщайте своему рецензенту обо всех возникающих у вас в процессе изучения английского языка затруднениях и обращайтесь к нему за консультацией по вопросам, которые вы не можете решить самостоятельно.

Занятия по английскому языку во время сессии

На занятиях по английскому языку студент должен иметь:

- англо-русский словарь;
- русско-английский словарь;
- прорецензированные контрольные работы;
- переведенные учебные тексты, тексты по дополнительному чтению и тетрадь-словарь с выписанными и переведенными словами к ним;
- тетради с дополнительными упражнениями по грамматике;
- используемые учебники и пособия;
- данные методические указания.

График представления контрольных работ

Контрольные работы № 1 и 3 (для студентов I и II курсов, соответственно) высылаются на адрес университета или сдаются на кафедру иностранных языков до 1 октября.

Контрольная работа № 2 сдается до 1 марта; контрольная работа № 4 - до конца февраля.

Выбор варианта контрольной работы приводится на с. 8

Первый год обучения

КОНТРОЛЬНОЕ ЗАДАНИЕ № 1

WHAT IS LAW?

Для правильного выполнения Задания №1 необходимо усвоить следующие разделы курса английского языка по любым учебникам:

1. Артикли. Множественное число и притяжательный падеж имен существительных. Предлоги как показатели падежных отношений. Порядок слов в английском предложении. Использование существительных в функции определения.
2. Степени сравнения имен прилагательных и наречия. Сравнительные конструкции.
3. Числительные.
4. Местоимения: личные, притяжательные, вопросительные, указательные, неопределенные и другие.
4. Формы настоящего, прошедшего и будущего времени действительного залога изъявительного наклонения. Спряжение глаголов *to be, to have* в *Present, Past, Future Indefinite*.
6. Простое распространенное предложение: прямой порядок слов в утвердительной и отрицательной форме; обратный порядок слов вопросительного предложения.оборот "*there + be*".
6. Словообразование - основные суффиксы и префиксы. Словосложение. Использование слов, одинаковых по форме, представляющих собой различные части речи.

После изучения всего указанного выше материала можно приступить к выполнению задания.

READING MATERIAL

Text I (A) Law

The English word 'law' refers to limits upon various forms of

behavior. Some laws are descriptive: they simply describe how people, or even natural phenomena, usually behave. An example is the rather consistent law of gravity; another is the less consistent laws of economics. Other laws are prescriptive — they prescribe how people ought to behave. For example, the speed limits imposed upon drivers that prescribe how fast we should drive. They rarely describe how fast we actually do drive, of course.

In all societies, relations between people are regulated by prescriptive laws. Some of them are customs — that is, informal rules of social and moral behavior. Some are rules we accept if we belong to particular social institutions, such as religious, educational and cultural groups. And some are precise laws made by nations and enforced against all citizens within their power.

Customs need not to be made by governments, and they need not be written down. We learn how we are expected to behave in society through the instruction of family and teachers, the advice of friends, and our experiences in dealing with strangers. Sometimes, we can break these rules without suffering any penalty. But if we continually break the rules, or break a very important one, other members of society may ridicule us, act violently toward us or refuse to have anything to do with us. The ways in which people talk, eat and drink, work, and relax together are usually called customs.

Text 1 (B) Order

Order is rich with meaning. Let's start with "law and order". Maintaining order in this sense means establishing the rule of law to preserve life and to protect property. To the seventeenth-century philosopher Thomas Hobbes (1588—1679), preserving life was the most important function of law. He described life without law as life in a 'state of nature'. Without rules, people would live like predators, stealing and killing for personal benefit.

Members of every community have made laws for themselves in self-protection. If it were not for the law, you could not go out in daylight without the fear of being kidnapped, robbed or murdered. There are far more good people in the world than bad, but there are enough of the bad to make law necessary in the interests of everyone. Even if we were all as good as we ought to be, laws would still be necessary. How is one good man in a motorcar to pass another good man also in a motorcar coming in an opposite direction, unless there is some rule of the road?

Suppose you went to a greengrocery — and bought some potatoes and found on your return home that they were mouldy or even that some of them were stones, what could you do if there were no laws on the subject? In the absence of law you could only rely upon the law of the jungle.

Every country tries, therefore, to provide laws, which will help its people to live safely and comfortably. This is not at all an easy thing to do. No country has been successful in producing laws, which are entirely satisfactory. But the imperfect laws are better than none.

Text 1 (C) Legal systems

In order to understand why a particular country has a particular legal system, it is necessary to look at its history, political structure and social values. When there is political and social upheaval, one of the main concerns of a new government is to revise the legal system. Britain has had an unusual degree of political continuity. Despite civil wars in the fifteenth and seventeenth centuries and enormous social changes associated with industrialization, England and Wales have retained many laws and legal principles that originated eight centuries ago. On the other hand, most of the law of Japan, which experienced the rapid upheaval of the Meiji Restoration and foreign occupation after the Second World War, was developed within the last century.

Each country in the world, even each state of the United States, has its own system of law. However it is generally true to say that there are two main traditions of law in the world. One is based on English Common law, and has been adopted by many Commonwealth countries and most of the United States. The other tradition, sometimes known as Continental, or Roman law, has developed in most of continental Europe, Latin America and many countries in Asia and Africa, which have been strongly influenced by Europe. Continental law has also influenced Japan and several socialist countries.

Text 1 (D) Parliament of Great Britain

Officially the head of the state is the monarch. The power of the monarch is not absolute but constitutional. Parliament restricts it (the power of the monarch).

Parliament in Britain exists since 1265. It is the oldest Parliament in the world.

The functions of Parliament are: making laws; providing money for the government through taxation; examining government policy, administration and spending; debating political questions.

Every year Parliament passes about a hundred laws directly, by making Acts of Parliament. Because this can be a long process, Parliament sometimes passes a very general law and leaves a minister to fill in the details. In this way, it indirectly passes about 2,000 additional rules and regulations.

No new law can be passed unless it has completed a number of stages in the House of Commons and the House of Lords. The monarch also has to give a Bill the Royal Assent, which is now just a formality. Since 1707 no sovereign has refused a Bill. Whilst a law is still going through Parliament it is called a Bill. There are two main types of Bills - Public Bills which deal with matters of public importance and Private Bills which deal with local matters and individuals.

Public and Private Bills are passed through Parliament in much the same way. When a Bill is introduced in the House of Commons, it receives a formal first reading. It is then printed and read a second time, when it is debated but not amended. After the second reading the Bill is referred to a committee, either a special committee made up of certain members of the House, or to the House itself as a committee. Here it is discussed in detail and amended, if necessary. The Bill is then presented for a third reading and is debated. If the Bill is passed by the Commons it goes to the Lords, and provided it is not rejected by them, it goes through the same procedure as in the Commons. After receiving the Royal Assent the Bill becomes an Act of Parliament. In order to be enforced, it must be published in Statute form, becoming a part of Statute Law. The power of the Lords to reject a Bill has been severely curtailed. A money Bill must be passed by the Lords without amendment within a month of being presented in the House. The Act of 1949 provides that any Public Bill passed by the Commons in two successive parliamentary sessions and rejected both times by the Lords, may be presented for the Royal Assent, even though it has not been passed by the Lords. The Lords, therefore, can only delay the passage of a Public Bill, they cannot reject it.

Text 1 (E) The US Congress

The US Congress; the lawmaking arm of the federal government consists of two houses: the House of Representatives and the Senate. Any congressman in either house, or the president, may initiate new legislation.

The proposed legislation, or bill, is first introduced in the House of Representatives, then referred to one of the standing committees, which organizes hearings on it and may approve, amend or shelve the draft. If the committee passes the bill, it is considered by the House of Representatives as a whole. If passed there, it goes to the Senate for a similar sequence of committee hearings and general debate.

In cases of disagreement, the House of Representatives and the Senate confer together. Once passed by the Senate as a whole, the bill has to be examined by two more standing committees - the Committee on House Administration and the Senate Committee on Rules and Administration - and is then signed by the speaker of the House and by the president of the Senate.

Finally, it must be signed by the president, who has the right to veto it. If the president vetoes a bill, it can still become a law - but only if it is passed by a two-thirds majority in both houses of Congress.

Text 1 (F) Sources of Law in the USA

The unique characteristic of American law is that a very substantial part of it is not to be found in statutes enacted by legislatures but rather in cases decided by the courts.

In the USA statutes must be in keeping with the constitutions — federal and state — and the courts can overrule a statute that is found to violate constitution provisions. Statutes and constitutions are classified as "written law". Also include under this heading are treaties that by the federal constitution are also a part of the law of the land. Case law, as opposed to written law, is not set forth formally but is derived from an analysis of each case that uncovers what legal propositions the case stands for. It is not proper to call this "unwritten" law because it is in fact in writing. However, it must be distinguished from statutory law in that it is not the product of the legislature but is rather the product of the courts. When a court decides a case particularly upon an appeal from a lower-court decision, the court writes an opinion setting forth among other things the reasons for its decision. From these written opinions rules of law can be deduced, and these make up the body of what is called case law or common law. The basic characteristic of the common law is that a case once decided establishes a precedent that will be followed by the courts when similar controversies are later presented.

A third source of law is administrative law. Federal, state, and local administrative agencies make law by promulgating rules and regulations as

well as by making decisions concerning matters under their jurisdiction.

ВАРИАНТ I

1. Перепишите данные ниже предложения. Определите по грамматическим признакам, какой частью речи является слово, оформленное окончанием - s, и какую функцию это окончание выполняет, т.е. служит ли оно:

а) показателем 3 лица ед. ч. в Present Indefinite,

б) признаком множественного числа имени существительного,

в) показателем притяжательного падежа имени существительного.

Переведите на русский язык.

1. Fortunately the news wasn't as bad as we had expected. 2. The Bill of Rights contains much useful information. 3. They shake each other's hand as if nothing were wrong. 4. Criminals don't obey laws. 5. The investigator searches the crime scene according to the rules. 6. She got secret information about new weapons of mass destruction during the war.

2. Перепишите следующие предложения, содержащие разные формы сравнения, и переведите на русский язык.

1. The more we know about law the more control we get over it. 2. I bought the latest edition of today's paper and read about these most terrible crimes. 3. Let's take this way, it's a mile shorter than that one. 4. Jane was as nervous as I once had been before the interview. 5. The pollution in our town isn't bad as it used to be, and crime and corruption have become less serious problems; things are getting better.

3. Перепишите и письменно переведите предложения, обращая внимание на перевод неопределенных местоимений и наречий.

1. Also some crimes become suddenly fashionable. 2. The lecturer will tell us something about the history of Great Britain. 3. Somebody stole my umbrella at the cinema yesterday. 4. Do the members of the Congress have any special privileges? 5. Some people think that it is disgraceful that a censor should interfere with works of art. 6. Vetoes were sometimes cast by a president, but only when the president believed the law was not only

unwise but unconstitutional. 7. They have an interest in reporting whatever they wish, whenever they wish, which certainly erode government's efforts to maintain order.

4. Перепишите данные предложения, определите в них видо-временные формы глаголов и укажите их инфинитив. Переведите предложения на русский язык.

1. The main task of a crime scene search is to establish evidence of guilt against a suspected person. 2. People install a burglar alarm so that to protect their property. 3. It was a quarter past seven when two men dressed in all black, entered the bank and drew the pistols. 4. If the jurors find her guilty she'll spend 5 years imprisonment. 5. It's hard to say if she finds out the lost. She is so inattentive.

5. Прочтите и устно переведите оба абзаца текста. Перепишите и письменно переведите текст до слов " In Britain...".

The laws in most countries places more emphasis upon marriages legally registered than social arrangements 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. Their fathers have no automatic right to have contact with them. Some welfare 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.

6. Прочтите 2й абзац текста. Из приведенных ниже вариантов ответов укажите номер предложения, содержащего правильный ответ на вопрос: *Which children have fewer rights to financial support and to be granted British citizenship in Britain?*

- 1) Children born outside marriages legally registered.
- 2) Children born outside their country.
- 3) Children born outside legitimate marriages and the UK.

7. Переведите письменно на русский язык предложения, содержащие латинские выражения.

1. Terra incognita is a term used in cartography for regions that have not been mapped or documented 2. Sometimes you hear that many politicians vote for a bill in various forms before they vote against it, or vice versa. 3. Logical propositions are such as can be known a priori without study of the actual world. 4. Under the Vienna Convention on Diplomatic Relations Article 9, a receiving State may "at any time and without having to explain its decision" declare any member of a diplomatic staff persona non grata.

ВАРИАНТ II

1. Перепишите данные ниже предложения. Определите по грамматическим признакам, какой частью речи является слово, оформленное окончанием - s, и какую функцию это окончание выполняет, т.е. служит ли оно:

а) показателем 3 л. ед. ч. в Present Indefinite,

б) признаком множественного числа имени существительного,

в) показателем притяжательного падежа имени существительного.

Переведите предложения на русский язык.

1. We have police officers, judges, and other people who see that laws are obeyed . 2. The judge sentences people. 3. I bought the latest edition of today's paper and read about these most terrible crimes. 4. The manslaughter is that who kills somebody by accident. 5. This case needs a special approach. 6. During the war many men's jobs were done by women, because the men were in the army.

2. Перепишите следующие предложения, содержащие разные формы сравнения, и переведите их на русский язык.

1. The better we study the better we know laws. 2. The judge said that the witness would be interviewed as soon as possible. 3. This code costs twice as much as the other one. 4. He is the cleverest lawyer I know. 5. It is now

clear that, since the 1970s, drugs trafficking has become the most organized, most professional and most profitable of all illegal activities.

3. Перепишите и письменно переведите предложения, обращая внимание на перевод неопределенных местоимений и наречий.

1. Sometimes people kill because of anger, misunderstanding, or fear. 2. He needs somebody to take him to the court-room. 3. While somebody else diverts the assistant or provides some sort of masking, the third member lifts the lot. 4. Any result in our experiment will be of great importance for the whole research. 5. All the members of the party vote together on almost all issues; if someone refuses, the party would not denominate the offenders in the next election. 6. The witness said nothing. 7. They work together to prevent a tyrannous concentration of power in any one branch, to check and restrain the Government, and to protect the rights of citizens.

4. Перепишите данные предложения, определите в них видо-временные формы глаголов, укажите их инфинитив. Переведите предложения на русский язык.

1. Evidence is facts legally collected and presented to the court. 2. They made the customers lie on the floor and forced the cashier to put the money in a sack. 3. The defendant provides facts to show something is true. 4. Her farther warned her about not going out late at night. 5. When the jury deliberation begins the jury will get the judge's instructions.

5. Прочтите и устно переведите оба абзаца текста. Перепишите и письменно переведите текст до слов " Much of the work....".

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

Divorce proceedings in England take place in certain Country 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.

6. Прочтите 2й абзац текста. Из приведенных ниже вариантов ответов укажите номер предложения, содержащего правильный ответ на вопрос *What is necessary for one of the parties?*

- 1) To make the court believe that the marriage has a chance of reconciliation.
- 2) To make the court believe that the marriage hasn't any chance of reconciliation .
- 3) To convince the court that the marriage has broken down.

7. Переведите письменно на русский язык предложения, содержащие латинские выражения.

1. Terra incognita is a term used in cartography for regions that have not been mapped or documented 2. . Sometimes you hear that many politicians vote for a bill in various forms before they vote against it, or vice versa. 3. Logical propositions are such as can be known a priori without study of the actual world. 4. Under the Vienna Convention on Diplomatic Relations Article 9, a receiving State may "at any time and without having to explain its decision" declare any member of a diplomatic staff persona non grata.

ВАРИАНТ III

1. Перепишите данные ниже предложения. Определите по грамматическим признакам, какой частью речи является слово, оформленное окончанием - s, и какую функцию это окончание выполняет, т.е. служит ли оно:

- a) показателем 3 л. ед. ч. в Present Indefinite,
- б) признаком множественного числа имени существительного,
- в) показателем притяжательного падежа имени существительного.

Переведите на русский язык.

1. Everywhere in the world, people have rules, laws, and customs that work best for them. 2. The defendant provides facts to show something is true. 3. The war changed people's ideas about many things. 4. The investigator analyses footprints, fingerprints, impressions, traces and other physical evidence. 5. We should have less delinquency if people married

more wisely, if parents knew better how to deal with their children's personal problems. 6. Johnson's legal fees amounted to over \$ 2.5 million.

2. Перепишите следующие предложения, содержащие разные формы сравнения, и переведите их на русский язык.

1. The sooner he comes to the lawyer the quicker he gets the necessary information . 2. The solution of this problem is twice as simple as they think. 3. Here it is the latest news from the Middle East. The situation there hasn't got much better, has it? 4. We should have less delinquency if people married more wisely, if parents knew better how to deal with their children's personal problems. 5. The longer I listened to the speech of the barrister, the more I liked it.

3. Перепишите и письменно переведите предложения, обращая внимание на перевод неопределенных местоимений и наречий.

1. A human right is one to which people all over the world are entitled whatever their nationality and wherever they live. 2. For some people, the image of a lawyer is someone who leads a very wealthy and comfortable life. 3. The loss may be something concrete, such as damage to a reputation resulting from a libellous publication. 4. A trust is an agreement whereby property is held and controlled by someone behalf of someone else. 5. Since its members are themselves solicitors some people fear that it may not be completely impartial. 6. Here are some of the things you can do wrong for which you will be punished with a fine, or with the loss of your license, or even prison. 7. Solicitor told us about some interesting facts from his practical work.

4. Перепишите данные предложения, определите в них видо-временные формы глаголов, укажите их инфинитивы, переведите на русский язык.

1. A Constitution is the basic law of a state. 2. The manslaughter is that who kills somebody by accident 3. Travel agents told tourists about the dangers of crime at holiday resorts. 4. The students will take an active part in the preparation for the conference. 5. Before the judge gives instructions to the jurors the counsels for the prosecution and defense will present their evidence.

5. Прочтите и устно переведите оба абзаца текста. Перепишите и письменно переведите текст до слов " In the past...".

In English law, some marriages may be readily dissolved, or

nullified. In other cases, a couple may seek a divorce. The procedure may be lengthy, especially if one does not want to get divorced or if there are children. In no case will English law allow divorce proceedings to start within a year of the marriage, since it is thought this is too soon for the marriage to have tested itself.

In the case of property, the courts have to find a balance between two principles. One of that any division should fairly reflect how much each party contributed to the property they held together. In the past, some women suffered when they separated from their husband because the house they lived in was bought with his money and registered in his name. Nowadays, courts look beyond legal ownership and cash contributions. Work done in the home, time spent caring for the family, even emotional support, are all considered as giving some rights to property.

6. Прочтите 2-й абзац текста. Из приведенных ниже вариантов ответов укажите номер предложения, содержащего правильный ответ на вопрос *Between what two principles do the courts have to find a balance in the case of property?*

- 1) How much is the house cost and how many people live there.
- 2) How much is contributed to the property by each party and legal ownership.
- 3) Time and money spent caring the house.

7. Переведите письменно на русский язык предложения, содержащие латинские выражения.

1. Terra incognita is a term used in cartography for regions that have not been mapped or documented 2. . Sometimes you hear that many politicians vote for a bill in various forms before they vote against it, or vice versa. 3. Logical propositions are such as can be known a priori without study of the actual world. 4. Under the Vienna Convention on Diplomatic Relations Article 9, a receiving State may "at any time and without having to explain its decision" declare any member of a diplomatic staff persona non grata.

КОНТРОЛЬНОЕ ЗАДАНИЕ № 2

CLASSIFICATIONS OF LAW

Для правильного выполнения Задания №2 необходимо усвоить следующие разделы курса английского языка по любым учебникам:

1. Видо-временные формы глагола:
 - а) активный залог (*the Active Voice*) для форм *Continuous (Present, Past, Future)* и *Perfect (Present, Past, Future)*
 - б) пассивный залог (*the Passive Voice*) для форм *Indefinite, Continuous, Perfect (Present, Past, Future)*. Особенности перевода пассивного залога на русский язык.
2. Модальные глаголы и их эквиваленты:
 - а) модальные глаголы *can (could), may (might)*, выражающие возможность, и эквивалент глагола *can - to be able to*
 - б) модальный глагол *must*, выражающий долженствование, и его эквиваленты *to be to, to have to*.
3. Простые неличные формы глагола: *Participle I (Present Participle), Participle II (Past Participle), Infinitive* в функциях определения и обстоятельства.
4. Основные правила согласования времен в английском языке. Перевод на русский язык главных и придаточных предложений при согласовании времен.
5. Функции и значение слов *if, that, since, as*. Выделение отдельных членов предложения при помощи оборота *it is (was),..... that (when, how, who, where)*. Функции глаголов *to have, to be, to do*.

После изучения материала можно приступать к выполнению задания.

READING MATERIAL

Text 2 (A) Classifications of Law

In order to understand the many different aspects of law it is helpful to look at the various areas or classifications of law. There are many legal principles or rules of law that are found in statutes, cases decided by courts, and other sources that are applied by the courts in order to decide lawsuits, and these rules or principles of law are classified as substantive law. On the other hand, the legal procedures that provide how a lawsuit is begun, how the trial is conducted, how appeals are taken, and how a judgment is enforced are called procedural law. In other words, substantive law is that part of the law that defines rights, and procedural law establishes the procedures whereby rights are enforced and protected. For example, A and B have entered into an agreement, and A claims that B has breached the

agreement. The rules that provide for bringing B into court and for the conduct of the trial are rather mechanical and they constitute procedural law. Whether the agreement was enforceable and whether A is entitled to damages are matters of substance and would be determined on the basis of the substantive law of contracts.

Law is also frequently classified into areas of public and private law. Public law includes those bodies of law that affect the public generally; private law includes the areas of the law that are concerned with the relationship between individuals.

Public law may be divided into three general categories: (1) constitutional law which concerns itself with the rights, powers, and duties of federal and state governments under the U.S. Constitution and the constitutions of the various states; (2) administrative law, which is concerned with the multitude of administrative agencies, such as the Interstate Commerce Commission, the Federal Trade Commission and the National Labor Relations Board; and (3) criminal law, which consists of statutes and general maxims that forbid certain conduct as being detrimental to the welfare of the state or society generally and provides punishment for violations of these laws.

Private law is that body of law that pertains to the relationships between individuals in an organized society. Private law encompasses the subjects of contract torts, and property. Each of these subjects includes several bodies of law. For example, the law of contracts may be subdivided into the subjects of sales, commercial paper, agency, and business organizations. The major portion of this text covers these subjects, which constitute the body of law usually referred to as business law.

The law of torts is the primary source of litigation in the country and is also a part of the total body of law in such areas as agency and sales. A tort is a wrong committed by one person against another or his property. The law of torts is predicated upon the premise that in a civilized society people who injure other persons of their property should compensate them for their loss.

The law of property may be thought of as a branch of the law of contracts, but in many ways our concept of private property contains much more than the contract characteristics. Property is the basic ingredient in our economic system, and the subject matter may be subdivided into several areas such as wills, trusts, estates in land, personal property, bailments, and many more.

Text 2 (B) Civil and Public Law

In many countries a distinction is made between private (or civil) and public law. Civil law concerns disputes among citizens within a 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:

Law of Contracts; binding agreements between people (or companies);

Law of Torts: wrongs committed by one individual against another individual's person, property or reputation;

Law of Trusts, arrangements whereby a person administers property for another person's benefit rather than his own Land Law;

Probate Law: arrangements for dealing with property after the owner's death;

Family Law.

The main categories of public law are:

Criminal Law: wrongs which, even when committed against an individual, are considered to harm the well-being of society in general;

Constitutional Law: regulation of how the law operates and of the relation between private citizen and government;

International Law: regulation of relations between governments and also between private citizens of one country and those of another.

In codified systems there are codes that correspond to these categories, for example, France's Code Civil and Code Penal. Justinian's Roman codes covered such areas of law as contracts, property, inheritance, torts, the family, unjust enrichment, the law of persons, and legal remedies, but said little about criminal law. Consequently, most Continental criminal codes are entirely modern inventions.

Most countries make a rather clear distinction between civil and criminal procedures. Although some systems, including the English, allow a private citizen to bring a criminal prosecution against another citizen, criminal actions are nearly always started by the state. Civil actions, on the other hand, are usually started by the individuals.

In Anglo-American law, the party bringing a criminal action (that is, in most cases, the state) is called the prosecution, but the party bringing a civil action is the plaintiff. In both kinds of action the other party is known as the defendant. A criminal case against a person called Ms. Brown would be described as "The People vs.(= versus, or against) Brown" in the United States and "R. (Regina, that is, the Queen) vs. Brown" in England. But a civil action between Ms. Brown and Mr. White would be "Brown vs. White" if it was started by Brown, and "White vs. Brown" if it was started

by Mr. White.

NOTES:

Family Law - семейное право.

Law of Contracts - договорное право;

Law of Torts - деликтное право;

Law of Trusts - доверительное право, правовые нормы о доверительной собственности

Probate Law - право о наследовании

Criminal Law - уголовное право

Constitutional Law - конституционное право

International Law - международное право

Text 2 (C) Constitutional Law

We considered how the state regulates the behavior of individuals in society by providing rules to be obeyed (criminal law) and procedures for them to solve disputes among each other (civil law). There are also laws which enable citizens to take legal action against the state - against, for example, a public authority or even against the government itself. These actions are part of constitutional law.

As knowledge of the law has increased among the general public, so have the number and range of constitutional law cases. In 1991, an unmarried couple complained in the Tokyo District Court that it was unconstitutional for the local authority to register their daughter as illegitimate. They said this could lead to discrimination and was against the equality of individuals guaranteed in the Japanese Constitution.

A constitution is the political and ideological structure within which a system of laws operates. Most countries have a formal written Constitution describing how laws are to be made and enforced. The French Constitution, for example, sets a seven year term of office for the president; the U.S. constitution sets a four year term. In Switzerland, a referendum (national vote) must be held on any issue for which a petition signed by 10,000 people has been gathered; in Ireland, referenda are to be used only in the case of changes in the constitution itself. In Germany, a change in the constitution requires a special majority vote in parliament, not the simple majority necessary for other laws. Many other countries put the constitution above other laws by making it difficult to change.

One of the reasons for having special constitutional laws is to prevent governments from becoming too powerful and from interfering too much in

the lives of individuals.

As a check, upon overpowerful government most modern constitutions have adopted the principle of separation of powers, developed in the 18th century by the French political philosopher Montesquieu.

Montesquieu argued that the functions of the state could be divided into policy formulation and direction (executive), — lawmaking (legislative), and interpretation and application of the law (judicial). To stop governments from becoming too powerful these functions should be carried out by separate institutions, and there should be a balance between them. In the United States, for example, the president (executive) is elected by the people and attempts to carry out his policy promises through a presidential office of advisers. The Constitution gives him many important powers, such as control of the armed forces and appointment of Supreme Court justices, but many of his decisions and all new legislation must be approved by a majority in Congress (legislature), which is also elected by the people. Many presidents have had important policies blocked by Congress. The Supreme Court (judiciary) has the task of interpreting laws which have been disputed in lower courts, and of deciding whether a law passed by Congress or by one of the individual states is in keeping with the Constitution.

ВАРИАНТ I

1. Перепишите предложения. Подчеркните глагол-сказуемое в каждом из них и определите его видо-временную форму и залог. Переведите предложения на русский язык. Например: *will be said – Future Simple Passive*. В разделе (B) обратите внимание на особенности перевода пассивных конструкций.

A). 1. The doctrine of judicial review is the heart of the concept of separation of powers. 2. Local officials are reminding people to obey the law and not sell fireworks to children under sixteen. 3. I just assumed that life was fair but of course there's no justice in this life. 4. Continental systems are sometimes known as codified legal systems.

B). 1. The expert supposes that both crimes might have been committed by the same person. 2. All institutions of Law of Contracts of England developed mainly due to the court practice. 3. The advice of your solicitor should not be ignored. 4. The judge will have been appointed by the beginning of the trial. 5. The Scots proclaimed James Stuart as the legitimate heir to the British throne. 6. The Parliament had been dissolved

before the general election. 7. Today his appeal has been rejected by the higher court. 8. All marks of identification had not been destroyed; the investigation was in progress 9. It means that the contractor has the right to sue, i.e. the agreement is binding in law. 10. When the policemen were in the room, an envelope was brought to the owner of the room.

2. Перепишите предложения; подчеркните Participle I, Participle II и установите функции каждого из них, т.е. укажите, будет ли оно определением, обстоятельством или составной частью глагола-сказуемого. Предложения переведите.

1. The information provided by him is very reliable. 2. Returning home he was arrested. 3. They reached the scene of crime deserted by the criminals. 4. The jury are reaching the verdict. 5. The wounded man bound his cut with a piece of cloth.

3. Перепишите и письменно переведите следующие предложения; подчеркните в них модальные глаголы и их эквиваленты.

1. When Parliament passes a new law, it has to be examined very carefully to make sure that it doesn't contradict previous law unless there is full and clear intention to do so. 2. The solution of the question of the burden of taxes can't be endlessly removed. 3. Some politicians must have forgotten all the horrors of the World War II reviving fascism in new forms. 4. If the suspect is hostile, the investigator should determine the reason for his hostility. 5. The family status of early Roman jurists may have been more important than their legal expertise.

4. Перепишите следующие предложения и переведите их, учитывая различные значения слов *it, that, since, one, for, as*.

1. I consider it's important to call a witness today. 2. It was at the club where I often met that suspected person. 3. One should follow the traffic rules. 4. Since this defeat many women have been discouraged. 5. In theory he has committed an offence by firing an unlicensed shotgun, and he should be prosecuted for this. 6. She had the idea that she should be a witness for the prosecution.

5. Перепишите следующие предложения, обращая внимание на различные значения глаголов *to do, to be, to have*. Переведите предложения на русский язык.

1. The driver had to be fined for excess speed. 2. The idea of human rights secured more opportunities than humanity had before. 3. In those times I was always present at the trials. 4. The police have weighed all the

evidence and have found the accused guilty. 5. There can be no justification for such rude behaviour. 6. Do they say that capital punishment will have been abolished by the beginning of December?

6. Перепишите следующие предложения, обращая внимание на функции инфинитива. Переведите предложения на русский язык.

1. This crime must be investigated as soon as possible. 2. The judge asked the witness to keep to the point. 3. She was glad to hear their confession. 4. The lawyer wanted to be informed about new evidence. 5. The problem was too complicated to be settled immediately.

7. Перепишите следующие предложения, принимая во внимание правила согласования времен и бессоюзное подчинение. Переведите предложения на русский язык. При переводе обратите внимание на тот факт, что в русском языке правила согласования времен отсутствуют.

1. He asked if all barristers could make much money. 2. The secretary when asked about the difference between a solicitor and a barrister said that solicitors could appear in the lower courts of justice and could speak for their clients. 3. This person wanted to know if it was the solicitor who collected any evidence that was needed. 4. He said that he had represented professional interests of the police service in a trade union the previous year.

8. Переведите текст письменно, используя словарь.

Classification of Crimes

Historically crimes are classed as treasons, felonies and misdemeanours, but there exist other classifications: indictable (преследуемый по обвинительному акту) offences and offences punishable on summary conviction and the classification based on the immediate objects of the crimes (against the State and Public Order, property, reputation and so on).

Felony, i.e. any of the more serious crimes such as murder, larceny, rape, arson and aggravated assault, formerly punishable by death and forfeiture of property but in England is now punishable in the same way as misdemeanours except in the few surviving instances in which capital punishment still exists (treason and specases of murder).

The former importance of the distinction between felony and misdemeanour is now reduced to a few minor procedural differences, such as the larger powers of arrest for suspected felony.

In the United States the distinction between a felony and a misdemeanour lies in how it is punishable, not the degree of infamy of the offence. All

crimes which are not felonies or treason are misdemeanours punishable by a fine or by imprisonment other than in a prison. Originally a misdemeanour was a crime not resulting in the forfeiture of property in conviction, and at one time all felonies were punishable more severely than misdemeanour (usually by death). Today, however, some misdemeanours are punishable in England more severely than some felonies, though never by death. Examples of misdemeanours are perjury, obtaining money by false pretences, and conspiracy.

ВАРИАНТ II

1. Перепишите предложения, подчеркните в каждом из них глагол-сказуемое и определите его видовременную форму и залог. Переведите предложения на русский язык. Например: *has been found* – *Present Perfect Passive*. В разделе (B) обратите внимание на особенности перевода пассивных конструкций.

A) 1. Safe disposal of industrial waste is a legal requirement. 2. He made a long speech in justification on his actions. 3. Any person in this country is assumed to know the law, even a foreign visitor. 4. The indictment is a document which is read to the accused telling him what he is charged with. 5. Both of them are studying law at university.

B) 1. If a crime is committed in the presence of a person son, whether a police officer, or not, he will be guilty of a misdemeanor if he fails to arrest the criminal. 2. Any person under 18 who commits an offence will usually be tried at a Youth Court, unless the offence is very serious. 3. The term “Summary offences” is used to describe an offence which can only be tried by Magistrates’ Court. 4. Several countries have questioned the legitimacy of the new government. 5. The identity of the criminal may have been discovered by eyewitnesses testimony. 6. All the evidence at the crime scene must be found, collected and preserved. 7. The jury brought in a verdict of guilty against these parts, which were sentenced to 2 years imprisonment with hard labour in the state prison. 8. I’ve been robbed twice already and I’m afraid to leave my flat when it becomes dark. 9. The singer has filed a \$ 100 million lawsuit against his record company. 10. The man was tried, found guilty and sent to prison.

2. Перепишите предложения, подчеркните Participle I, Participle II и установите функции каждого из них, т.е. укажите, будет ли оно

определением, обстоятельством или составной частью глагола-сказуемого. Предложения переведите.

1. The data saved in the police data base are very important for the detective. 2. Standing in the witness box he was giving evidence. 3. Outside London the police are local forces, employed and paid by countries. 4. The boy running along the street was a pickpocket. 5. When charged of murder, he was arrested.

3. Перепишите и письменно переведите следующие предложения; подчеркните в каждом из них модальный глагол и его эквивалент.

1. Either partner can institute criminal proceedings against the other. 2. He (the advocate) must not identify with his client's possible willingness to tell untruths. 3. If incidental disputes concerning procedure have to be litigated, the barrister is likely to conduct the proceedings. 4. At the end of the prosecution case, the defence may make a submission of "no case to answer". 5. Counsels should not press for conviction in any circumstances, but should proceed impartially to ensure that justice is done.

4. Перепишите следующие предложения и переведите их, учитывая различные значения слов *it, that, since, one, as*.

1. It is the evidence of the witness that should be examined carefully. 2. It's impossible to catch those suspects who were supposed to be bank robbers. 3. One should have a licence to own a gun. 4. Since those times I was always present at the trials. 5. History proves that the moderates are usually defeated and radicals or extremists take over power. 6. As the debate about capital punishment continues, the phenomenon of death row (people sentenced but still alive) increases.

5. Перепишите следующие предложения, обращая внимание на различные значения глаголов *to do, to be, to have*. Переведите предложения на русский язык.

1. The factory was closed because of staff strike. 2. The witness claimed he hadn't seen the accused before. 3. That was a dangerous thing to do. 4. Jack used to be a member of a jury. 5. It may be said of the reigning dynasties of Modern Europe that they have survived only because they failed to retain or to acquire effective powers of government. 6. Fortunately the news wasn't as bad as we had expected.

6. Перепишите следующие предложения, обращая внимание на функции инфинитива. Переведите предложения на русский язык.

1. You should be extremely attentive to this dangerous person. 2. Smith was the last to be arrested. 3. The lawyer advised his client to prepare all the documents. 4. They had no intention to commit a crime. 5. To interrogate the accused is a difficult task.

7. Перепишите следующие предложения, принимая во внимание правила согласования времен и бессоюзное подчинение. Переведите предложения на русский язык. При переводе обратите внимание на тот факт, что в русском языке правила согласования времен отсутствуют.

1. He wondered if someone might need a barrister in the High Court. 2. The man asked if a solicitor could appear for his client in the higher courts of justice. 3. He inquired what other ways were for a barrister if he didn't get briefs' to earn money. 4. He was interested to know when a barrister could ask to be made a Queen's Counsel, or Q.C.

8. Переведите следующий текст письменно, используя словарь.

Criminal Law

Criminal law is categorized as a part of public law - the law regulating the relations between citizens and the state. Crimes can be thought of as acts which the state considers to be wrong and which can be punished by the state.

In many legal systems it is an important principle that a person cannot be considered guilty of a crime until the state proves he committed it. The suspect himself need not prove anything, although he will of course help himself if he can show evidence of his innocence. The state must prove his guilt according to high standards, for each crime there are precise elements which must be proven. In codified systems, these elements are usually recorded in statutes. In common law systems, the elements of some crimes are detailed in statutes; others, known as "common law crimes", are still described mostly in case law. Even where there is a precise statute, the case law interpreting the statute may be very important since the circumstances of each crime may be very different.

For example, the crime of theft is defined in England under the 1968 Theft act as: "dishonestly appropriating property belonging to another with the intention of permanently depriving the other of it".

There are further definitions of each element of the definition, such as appropriating, which may mean taking away, destroying, treating as your own, and selling. The same Act also defines in detail crimes such as burglary

(entering someone's land without permission intending to steal or commit an act of violence) and robbery (using force or threats in order to steal from someone). Although the Theft Act was intended to cover many possible circumstances, it is still often necessary for the courts to refer to case law in order to apply the Act to a new case.

ВАРИАНТ III

1. Перепишите предложения, подчеркните в каждом из них глагол-сказуемое и определите его видовременную форму и залог. Переведите предложения на русский язык. Например: are paid – Present Simple Passive. В разделе (B) обратите внимание на особенности перевода пассивных конструкций.

A). 1. Governments usually require all individuals to conform to the laws they make. 2. Anne is practicing law now. 3. Trespassers will be prosecuted. 4. The government policy will depend upon the political and economic ideology adopted by the government. 5. Neither the government nor any official is above the law.

B). 1. My car has been stolen and abandoned. 2. These problems were being discussed by lawyers for many months. 3. Such criminal cases are usually tried by district courts. 4. Appeals and protests against sentences and decisions of Courts of First Instance are examined by Courts of Second Instance. 5. The criminal case was decided according to the laws of the state. 6. The accused is guaranteed the right to defence. 7. The verdict must be passed by the jury and the sentence must be passed by the judge. 8. The hearing of the case will be postponed. 9. The unlawful decision was appealed against by the procurator last week. 10. Penalties are imposed on guilty persons according to the law.

2. Перепишите предложения, подчеркните Participle I, Participle II и установите функции каждого из них, т.е. укажите, будет ли оно определением, обстоятельством или составной частью глагола-сказуемого. Переведите предложения на русский язык.

1. An arrested person has a statutory right to consult a solicitor. 2. The man standing before a judge is a criminal. 3. In Scotland the police may detain and question a suspected person for a period of up to six hours. 4. This is the article describing the crime of murder. 5. Anyone arrested must be brought before a court with the least possible delay.

3. Перепишите и письменно переведите следующие предложения;

подчеркните в каждом из них модальный глагол или его эквивалент.

1. It is an old debate, whether an effective system of law can be imposed from above or must grow “organically” from below. 2. Hearsay evidence must be excluded on grounds of unreliability. 3. The advocate is to fight for the rights of his clients, but only up to the point where an honourable person could fairly put the case on his own behalf. 4. Legislation needs to be expressed in language readily comprehensible by judges and lawyers. 5. The “alibi warning” notice must be given to the prosecution if an alibi defense is to be relied upon.

4. Перепишите следующие предложения и переведите их, учитывая различные значения слов *it, that, since, one, as*.

1. It was a quarter past seven when two men dressed in all black, entered the bank and drew the pistols. 2. It is significant that there were different understanding of the means to achieve these ideals. 3. One must tell the truth in the court. 4. As I don't know the witness I can't believe him. 5. Since that time she became to get secret information about new weapons of mass destruction during the war. 6. Supporters of capital punishment believe that death is a just punishment for certain serious crimes.

5. Перепишите следующие предложения, обращая внимание на различные значения глаголов *to do, to be, to have*. Переведите предложения на русский язык.

1. The gangs were chasing him again. 2. There have been two main theories in the study of international law: the natural law approach and the positivist movement 3. At the very moment the suspect is being interviewed by the police. 4. Do the police know about the stolen money? 5. You are always complaining about my reports. 6. Muggers used to attack people in this park before a police station was established nearby.

6. Перепишите следующие предложения, обращая внимание на функции инфинитива. Переведите предложения на русский язык.

1. To interrogate the accused the investigator looked through all information about the crime. 2. To make a long story short means to keep to the point and to be brief. 3. There is no need for him to appear in the courtroom. 4. There is no reason for him to change anything in his life. 5. She tried to make long story short.

7. Перепишите следующие предложения, принимая во внимание

правила согласования времен и бессоюзное подчинение. Переведите предложения на русский язык. При переводе обратите внимание на тот факт, что в русском языке правила согласования времен отсутствуют.

1. The judge told us what crime the accused would be guilty of, if the evidence supplied by the prosecution was true. 2. When the judge had finished his summing up, he asked the jury to consider their verdict. 3. I inquired what one had to do if he needed a barrister in the High Court. 4. My friend wondered what he was supposed to do, if he got into trouble with the law in England.

8. Переведите следующий текст письменно, используя словарь.

Criminal Law in England

In English law there is a rather long common law definition of murder. The unlawful killing of a human being under the Queen's Peace, with malice aforethought, so that the victim dies within a year and a day.

Malice aforethought refers to the mens rea of the crime and is a way of saying that the murderer intended to commit a crime. Of course, the court can never know exactly what was in the head of the killer at the time of the killing, so it has the difficult task of deciding what his intentions must have been. The judgements in many recent cases show that English law is constantly developing its definition of intent.

Although most criminal laws in the world refer to acts of violence or theft, there are laws regulating almost every kind of human behavior: for example, what we do with our land; what we say and write; how we run our businesses; even what we wear. Sometimes governments "create new crimes" by identifying a form of behavior and passing a new law to deal with it. In most industrialized countries existing theft laws were not adequate to deal with computer crimes where complex kinds of information are stolen, altered or used to deceive others and thus, new laws have been passed. Technical change is one reason why the criminal law is one of the fastest growing areas of the law. Another reason is that the number of crimes committed in some countries seem to be increasing rapidly - although sometimes it is not clear whether people are breaking the law more, being caught more, or reporting other people's crimes more. One more reason is that different societies, or perhaps it is different governments, continually review their ideas of what should and shouldn't be a considered crime.

Второй год обучения

КОНТРОЛЬНОЕ ЗАДАНИЕ № 3

JUDICIAL INSTITUTIONS

Для того, чтобы правильно выполнить Задание №4, необходимо усвоить следующие разделы грамматики английского языка по любым учебникам:

1. Основные сведения о сослагательном наклонении (*Subjunctive Mood*).
Условные предложения.
2. Сложные формы инфинитива (*Infinitive*) и причастия (*Participle*).
3. Обороты, равнозначные придаточным предложениям:
 - a) Объектный инфинитивный оборот (*Complex Object*)
 - b) Субъектный инфинитивный оборот (*Complex Subject*)
 - c) Самостоятельный (независимый) причастный оборот (*Absolute Participial Construction*).
4. Многозначность *that (those), once, only, since*.

После изучения всего указанного выше материала можно приступить к выполнению задания.

READING MATERIAL

Text 3 (A) The English Court System

In all legal systems there are institutions for creating, modifying, abolishing and applying the law. Usually these take the form of a hierarchy of courts. The role of each court and its capacity to make decisions is strictly defined in relation to other courts. There are two main reasons for having a variety of courts. One is that a particular court can specialize in particular kinds of legal actions – for example, family courts and juvenile courts. The other is so that a person who feels his case was not fairly treated in a lower court can appeal to a higher court for reassessment. The decisions of a higher court are binding upon lower courts. At the top of the hierarchy is a supreme lawmaking body, but the process of taking an action from a lower court to the highest court may be very time-consuming and costly.

In general, the division between civil and criminal law is reflected in this chart. The Crown Courts, for example, deal exclusively with criminal matters, the Country Courts, with civil (for example, divorce or bankruptcy cases). However, the High Court considers appeals from lower criminal courts as well as civil matters, and the Magistrates Courts, while mostly concerned with criminal cases, also deal with some civil matters. The highest court, the House of Lords, deals with all matters (including appeals from Scottish and Northern Irish courts).

A criminal case usually begins in a Magistrates Court. Having arrested someone suspected of committing a crime, the police must decide if they have enough evidence to make a formal accusation, or charge. If they charge the suspect, they may release him on the condition that he appears on a certain date at a certain Magistrates Court. This is known as unconditional bail. However, the police may instead take the suspect to a magistrate so that he remains in custody until he next appears before a court. The magistrate may decide that it is not necessary to hold the suspect in custody and may agree to unconditional bail, or the magistrate may grant conditional bail – that is, release the suspect provided that he puts up some money as security or agrees to surrender his passport or some similar condition.

The Magistrates Court is the most common type of law court in England and Wales. There are 700 Magistrates Courts and about 30,000 magistrates. As the lowest criminal court, a Magistrates Court is empowered to hear certain cases only. Some serious crimes, like murder, cannot be heard by the magistrates and must go to the Crown Courts, which has 90 branches in

different towns and cities.

In a Crown Court trial there are twelve jurors. These are ordinary members of the public between the ages of 18 and 70 who are selected at random. They are not paid but are given expenses while they are on jury service, which is usually for about two weeks. Service is compulsory, and it cannot normally be avoided without a good reason, such as illness. It is not necessary for a juror to know anything about the law – indeed certain people connected with the world of law, such as solicitors, are not allowed to serve as juror. This is because the job of the jury is to listen to the case and to decide questions of fact. It is the judge's responsibility to guide them on questions of law.

Apart from the limited civil functions of Magistrates Courts (for example, prevention of family violence), the lowest court in a civil action is a County Court, which is in every town in England and Wales. The judges are always professionals. They may hear matters such as contract and tort disputes or those regarding the property of a dead person. Cases involving larger amounts of money are heard by one of the divisions of the High Court.

Appeals are heard by higher courts. For example, appeals from Magistrates Courts are heard in the Crown Court, unless they are appeals on points of law. Appeals from the Crown Court go first to the High Court and, in special cases, to the Court of Appeal. The highest court of appeal in England and Wales is the House of Lords. (Scotland has its own High Court in Edinburgh, which hears all appeals from Scottish courts.) Members of the House of Lords are not elected but consist of hereditary peers, peers appointed for life by the government, bishops of the Church of England, and the law lord – peers appointed for life after long service lawyers. Only the government can overturn a decision of the House of Lords and then, only by passing an Act of Parliament.

Certain cases may be referred to the European Court of Human Rights in Luxembourg. In addition, individuals have made the British Government change its practices in a number of areas as result of petitions to the European Court of Human Rights.

The legal system also includes juvenile courts (which deal with offenders under seventeen) and coroners' courts (which investigate violent, sudden or unnatural deaths). There are administrative tribunals, which make quick, cheap and fair decisions with much less formality. Tribunals deal with professional standards, disputes between individuals, and disputes between individuals and government departments (for example, over taxation).

Text 3 (B) Justice and Law in the United Kingdom of Great Britain and Northern Ireland

Although Britain is a unitary state, it does not have a single system of law. England and Wales, and Northern Ireland, have similar systems but the Scottish system is somewhat different. In general, however, the law has no complete code. Its sources include parliamentary legislation, European Community law and much “common” law from courts’ decisions and elsewhere. Criminal law is concerned with wrongs against the community as a whole, civil law with the rights and duties of individuals among themselves.

Keeping the peace and bringing offenders to trial are primarily the concern of the police whose action depends on common consent since the number of officers is small in relation to the population (roughly one to every 400 people). The police are not normally armed and their powers are carefully limited. Strict procedures govern the way complaints against the police are handled. Special efforts are being made to improve relations between the police and the community, especially in inner city areas.

The police service consists of independent local forces, usually linked with local government, and each responsible for its own area.

Most prosecutions are initiated by the police, but in Scotland the police make the preliminary investigations and a public prosecutor decides whether or not to prosecute. As soon as anyone is arrested he or she must be charged and brought to court with the minimum of delay. Unless the case is serious, the arrested person is usually granted bail if he or she cannot quickly be brought to court.

Compensation may be paid to victims of violent crime and people hurt while trying to prevent offences.

Judges are independent and non-political and, except for lay magistrates who try less serious criminal cases, are appointed from practicing barristers, advocates or solicitors.

Criminal trials take place in open court although there are some restrictions, such as those to protect children. The more serious cases take place before a jury of ordinary, independent citizens who decide on guilt or innocence. People accused of crimes are presumed innocent until proved guilty, and every possible step is taken to deny the prosecution any advantage over the defence.

Cases involving children are heard in special juvenile courts, or, in

Scotland, at informal children's hearings.

Other than in cases of murder, for which the sentence is life imprisonment, courts can choose the penalty most appropriate for a particular offender.

The legal profession has two branches: solicitors and barristers (advocates in Scotland). Solicitors undertake legal business for lay clients, while barristers advise on problems submitted through solicitors and present cases in the higher courts.

Text 3 (C) The System of Courts in the United States

The judicial branch has the responsibility of judging the constitutionality of acts of law.

According to Article III of the Constitution "the judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish".

There are about 100 Federal courts throughout the country, final authority resting in the United States Supreme Court.

The U.S. Supreme Court is the highest tribunal in the United States. It includes a Chief Justice and eight associate justices. They are all appointed by the President and approved by the Senate.

Under the Constitution the Supreme Court has original jurisdiction (i.e., it is court in which proceedings may be brought in the first instance) in case affecting ambassadors, other public ministers and consuls and cases in which a state is a party. In all other cases coming within the judicial power of the United States, the Supreme Court's jurisdiction is only appellate, and is subject to exceptions and regulations by Congress.

The Supreme Court cannot alter the Constitution. The Court's function is to interpret the Constitution, not to alter or modify it.

The Supreme Court meets on the second Monday in October for a session which generally extends through to July.

The Supreme Court is made up of lawyers who had long and successful experience before they were appointed to the Court. Not all were judges or lawyers in private practice. A Supreme Court Justice may have been a senator, an Attorney General, a teacher in a law school, or even the administrator of an agency that acts like a court. The typical justice was probably appointed at about the age of fifty, and will live from twenty to forty years on the court. He is therefore likely to be somewhat elderly, and also to have lived in close contact with the political world of the previous

generation.

Besides the US Supreme Court there are various other Federal courts, including the district courts and (circuit) courts of appeals.

The Federal courts and the regulating agencies that act somewhat like courts, apply the law to particular cases; but they do far more than that. For the words of the written law cannot be all the law. New cases arise, and the law must deal with them. Sometimes Congress passes new laws to deal with new cases.

The Courts of Appeals were organized to relieve the Supreme Court of pressure resulting from accumulation of appellate cases. In general these courts have final jurisdiction over the great mass of litigation not involving constitutional questions. For example, parties from different states have their case heard in a high Federal Court without going to the Supreme Court. A United States Court of Appeals generally comprises three judges. (The Chief Justice and associate justices of the Supreme Court are authorized to assign additional circuit court judges to such courts as may need them).

A Court of Appeals accepts the facts sent up to it by the lower courts, and therefore does not need a jury. Its work is to decide on disputed questions of law. As a rule the Court of Appeals sits with three judges together on the bench. This court's principal duty is to protect the Supreme Court from routine cases of no political importance. Its decision may be so clear and well grounded that the Supreme Court will refuse to go into the question further, in which case the Court of Appeals has stated the supreme law of the land, at least for the exact circumstances of that case.

The inferior courts in the federal system have somewhat less political importance, since their principal duty is to settle routine cases where no constitutional question is at stake. At the ground level are the District Courts with about two hundred district judges scattered over the United States. These courts handle both civil and cases that come under the jurisdiction of the Federal laws. By the Constitution they are required to give a jury trial in all except civil cases involving less than twenty dollars.

ВАРИАНТ 1

1. Перепишите и письменно переведите следующие предложения, принимая во внимание, что инфинитив в функции определения и

особенно Complex Object и Complex Subject часто соответствуют придаточным предложениям.

1. They wanted him to be acquitted 2. He seems to come soon. 3. He is said to have come to the city. 4. We heard Brown to be awarded with the first prize. 5. The witness happened to know about the crime. 6. She was proved to be guilty 7. They consider themselves to be right.

2. Перепишите и письменно переведите данные ниже предложения, учитывая различия в переводе зависимого и независимого причастного оборотов

1. The accused heard the question repeated. 2. The superintendant wants the escaped caught by tomorrow morning. 3. My neighbour had his flat robbed yesterday. 4. The soldiers watched the plane being shot. 5. The residents of the city standing near the court-building noticed the police-car arriving at the court-yard. 6. The proposal being unconstitutional, the committee rejected it. 7. The lawyer being very experienced, he managed to win the case in court.

3. Перепишите и письменно переведите следующие предложения, учитывая разные возможности перевода герундия на русский язык.

1. He stopped smoking after being warned about the danger for his health. 2. Searching the house is impossible without getting a special warrant. 3. He is quite against her being arrested. 4. I don't mind your taking part in the discussion of the evidence. 5. You are not allowed to serve as a juror without swearing an oath.

4. Перепишите и письменно переведите следующие предложения, содержащие причастия, герундий и инфинитив или конструкции с ними.

1. Her getting married to a well-known mafia Christian father made her life awful. 2. If we are to examine what we have by way of a constitution we must start by considering what, exactly, a constitution is. 3. Shop stewards were reported to have held meetings at several major work places with a view to organizing the strike. 4. Being accused of the crime of murder he denied it. 5. Having passed the sentence the judge left the court-room. 6. Having called the police the robbed man began waiting. 7. Occasionally during the trial the lawyers will ask permission to approach the bench and speak to the judge or the judge may call them to the bench. 8. It may be necessary to refer to more than one code in order to ascertain the state of the

law. 9. Magistrate courts have been established to handle the large number of cases which arise in urban communities. 10. It is obvious for instance, that in order to draw up a will, or to enforce claims arising out of an agreement one has to know the law.

5. Перепишите и письменно переведите данные предложения, содержащие условные придаточные предложения.

1. From reading the transcript, Adam judged that there was no real evidence against Jennifer Parker. Unless she confessed or unless someone came forward with information that proved criminal complicity, Di Silva would not be able to touch the girl. 2. It isn't that Mason told him but if you've followed my cases, you'll note that most of them have been cleared up in the courtroom. 3. If anybody's going to be hung for murder on my say-so (с моего разрешения), I want it to be after a case is built up which can't be torn down. 4. During the first year of school while Jennifer's classmates were flailing about in an impenetrable swamp of contracts, torts, property, civil procedure and criminal law, Jennifer felt as though she had come home. 5. If there is a will I'm the executrix of it, if there isn't, I'm entitled to letters of administration (право на управление имуществом по постановлению суда)

6. Прочтите и устно переведите текст. Перепишите и письменно переведите 2-й абзац

Police force in the USA

Historians suggest that the first modern police in the United States did not come into existence until 1833 in the city of New York.

The first municipal police agencies consisted of night watchmen whose responsibility was to protect property during the evening and early morning hours. Crime continued to increase, however, and gradually there were demands to hire men to provide similar protection during the daylight hours as well. Thus, by the 1830s and 1840s these two types of police were combined to form a unified, more effective municipal police agency. The modern police departments came into existence, especially in the years following World War I. Since 1920 municipal police agencies have increasingly grown in personnel and responsibilities. Special training and more selective recruitment practices have been developed to go hand in hand with the use of such technological developments as the automobile,

the individual police radio, and the computer. The great part of police work does not involve crime-fighting situations but rather consists of both service and peacekeeping activities.

Service functions include directing traffic and enforcing traffic regulations, answering accident calls, aiding the sick, helping find a lost child or rescue a lost pet, recovering stolen property, and reporting fires. These are all services performed to assist the public. Peacekeeping functions of the police are designed to maintain public order.

ВАРИАНТ II

1. Перепишите и письменно переведите следующие предложения, принимая во внимание, что инфинитив в функции определения и особенно Complex Object и Complex Subject часто соответствуют придаточным предложениям.

1. The judge was known to be the best in the city. 2. I have you to say such things. 3. He is likely to know the robbers' plan. 4 He is likely to know the robbers' plan. 5. Tom seems to have been discouraged by his failour. 6. It is too late for me to refuse. 7. That is for you to decide to be or not to be a judge.

2. Перепишите и письменно переведите данные ниже предложения, учитывая различия в переводе зависимого и независимого причастного оборотов.

1. We saw the criminal being arrested. 2. The judge had his robe cleaned. 3. The investigator has had his request answered. 4. The policemen saw four men escaping from the police-car. 5. People wanted the hostages saved. 6. The evidence being strong, the accused was found guilty by the jury. 7. The case having been investigated, it was committed to the Crown Court.

3. Перепишите и письменно переведите следующие предложения, учитывая разные возможности перевода герундия на русский язык.

1. They were proud of having solved this difficult problem. 2. Not knowing the laws is not the reason for excuse from. 3. He enjoyed studying English by reading detective stories in original. 4. The accused tried to avoid answering questions. 5. I don't mind being kept waiting.

4. Перепишите и письменно переведите данные предложения, содержащие условные придаточные предложения.

1. He or she can call his or her own witnesses who, if they do not want to attend voluntarily, may be legally compelled to do so. 2. It would have to look like an accident or suicide because if it looked like anything else, he would be the first one the police would suspect. 3. The present Law operates a presumption to the effect that the existence of a corporation need be mentioned in the Charter only if the duration is not. 4. He had hoped he would have been able to drive past the post, but it looked as he would have to stop. 5. The point of the woman being strange (зд. suspicious) is this: if she had known him and wanted to kill him, it would have been more natural to do so inside somewhere and not to take this insane risk of killing him in the open.

5. Перепишите и письменно переведите следующие предложения, содержащие конструкции с причастиями, герундием и инфинитивом.

1. The parents asked the police not to inform public about their children's being kidnapped. 2. Both the conduct and the mental element differ from crime to crime and can be ascertained only by studying the definition of the particular crime. 3. Our duty has been to look for means of confining the scope of punishment as narrowly as possible without impairing the efficacy attributed to it. 4. Being cross-examined the witness answered all the questions. 5. Having appeared before the magistrate the accused was not sure that he would be acquitted. 6. Having removed all the traces of his crime the criminal left the building. 7. A crime is not committed by anyone who, because of a mental disease is unable to understand what he is doing and to control his conduct at the time he commits a harm forbidden by criminal law. 8. It is important to define law in order to establish proper methods of studying law. 9. At the same time it must be recognized that special steps should be taken to prevent types of crimes that terrorize the public, or disturb their sense of safety and security, such as housebreaking and robbery. 10. In order that a man and woman may become husband and wife, two conditions must be satisfied: first, they must both possess the capacity to contract a marriage, and secondly, they must observe the necessary formalities.

6. Прочтите и устно переведите текст. Перепишите и письменно переведите 1-й абзац.

British Courts

British law is divided into two parts — civil and criminal. There are also

two types of courts — dealing with civil jurisdiction and the other, with criminal jurisdiction. The law of Britain distinguishes offences into main categories: a) indictable offences and b) non-indictable offences. Indictable offences are the more serious crimes, which must be tried before a jury. Non-indictable offences are all the rest and they are tried by the Magistrates' Court. However, nowadays there are many offences which may either be treated on indictment by a jury or by a Magistrates' Court. When a person is brought before the magistrates' Court charged with one of the overlapping offences, the court may in many cases treat the charge as being for a non-indictable offence.

The principal courts of ordinary criminal Jurisdiction in England and Wales include:

a) Magistrates' Courts, which try the less serious offences and conduct preliminary inquiries into the more serious offences. They are presided over by Justices of the Peace;

b) Quarter Sessions which take place at least four times a year. They deal with more serious offences and are presided over either by a legally qualified chairman with a group of magistrates or by a single lawyer;

c) Assizes which are branches of the High Court and are presided over by High Court Judges. They deal with the most serious offences and cases presenting special difficulties.

ВАРИАНТ III

1. Перепишите и письменно переведите следующие предложения, принимая во внимание, что инфинитив в функции определения и особенно Complex Object и Complex Subject часто соответствуют придаточным предложениям.

1. It's high time for you to pull yourself together 2. I want you to inform me about the trial. 3. The judge made the witness tell the truth. The whole truth and nothing but the truth. 4. Mr. Smith seems to be absent minded. 5. They said to have considered the verdict. 6. His sons are likely to have already served in the Army. 7. A Court is considered to be a place where legal matters are decided by a judge and jury or by a magistrate.

2. Перепишите и письменно переведите данные ниже предложения, учитывая различия в переводе зависимого и независимого причастного оборотов.

1. A lot of witnesses saw the house being broken down. 2. I heard the news about the hostages being announced. 3. Where can I have my rights protected? 4. They had their rights restored. 5. The Senate consists of 2 members from each state, chosen for 6 years, one-third being re-elected every 2 years. 6. The trial being conducted properly, the lawyer couldn't appeal against it. 7. The accused having been sentenced to imprisonment, his lawyer appealed against the severity of the sentence.

3. Перепишите и письменно переведите следующие предложения, учитывая разные возможности перевода герундия на русский язык.

1. He had to admit stealing the diamond. 2. Old Shark scraped up a gang and suggested robbing a bank. 3. Have you ever considered being a juror. 4. The jury found Mr. Brown guilty of taking money from the company he worked for and keeping it for himself. 5. The rain prevented us from completing the work.

4. Перепишите и письменно переведите следующие предложения, содержащие конструкции с причастиями, герундием и инфинитивом.

1. Because of being worried about their children's life the parents didn't want anybody to know about their children's kidnapping. 2. It is difficult to describe in a few general words the part played by provincial police authorities in administering the police and to say what exactly are their functions and powers. 3. This problem needs to be resolved urgently it is a question that has been raised over many years without the educational authorities making any sign of giving way. 4. The man being charged of theft is not guilty. 5. Having retained the barrister, the solicitor described the situation. 6. Having found the revolver and loaded it he sat down facing the door. 7. The cross-examining attorney may ask leading questions for the purpose of inducing the witness to testify about matters which he may otherwise have chosen to ignore. 8. The Courts of Appeals were organized to relieve the Supreme Court of pressure resulting from the accumulation of appellate cases. 9. Laws must be clearly written to define the responsibility and immunities of the police officer who represents society. 10. To be declared criminally responsible a person must have reached a certain age.

5. Перепишите и письменно переведите данные предложения, содержащие условные придаточные предложения.

1. At the trial if the defendant is convicted, a date for sentence is set. 2. The plaintiff dropped the case if she accepted a six-figure settlement collected

by civil rights. 3. If he'd seen the decree on the fifth, he'd have known it was a forgery. 4. The preference not to imprison if a fine or other punishment is sufficient is easily explainable: prisons are overcrowded. 5. Should he or she move outside the permitted area, the computer will activate an alarm and the police will arrest him or her.

6. Прочтите и устно переведите текст. Перепишите и письменно переведите 1-й абзац.

The US Supreme Court

The third branch of government is the federal judiciary. Its main instrument is the Supreme Court, which watches over the other two branches. It determines whether or not their laws and acts are in accordance with the Constitution. Congress has the power to fix the number of judges sitting on the Court, but it cannot change the powers given to the Supreme Court by the Constitution itself. The Supreme Court consists of a chief justice and eight associate justices. They are nominated by the President but must be approved by the Senate. Once approved, they hold office as Supreme Court Justices for life. A decision of the Supreme Court cannot be appealed to any other court. Neither the President nor Congress can change their decisions. In addition to the Supreme Court, Congress has established 11 federal courts of appeal and, below them, 91 federal district courts.

The Supreme Court has direct jurisdiction in only two kinds of cases: those involving foreign diplomats and those in which a state is a party. All other cases which reach the Court are appeals from lower courts. The Supreme Court chooses which of these it will hear. Most of the cases involve the interpretation of the Constitution. The Supreme Court also has the "power of judicial review," that is, it has the right to declare laws and actions of the federal, state, and local governments unconstitutional. While not stated in the Constitution, this power was established over time.

КОНТРОЛЬНОЕ ЗАДАНИЕ № 4

INTERNATIONAL LAW

Для правильного выполнения Задания №4 необходимо усвоить следующие разделы курса английского языка по любым учебникам:

1. Особенности перевода сослагательного наклонения после глагола *to wish*
2. Предлоги.
3. Бессоюзные дополнительные и определительные придаточные предложения.
4. Многозначность *should / would*.

После изучения указанного материала можно приступать к выполнению задания.

READING MATERIAL

Text 4 (A) Growth of International Law

International Law is not new. Nations have always made political and economic treaties with each other. In Medieval Europe, **the Canon Law** of the Catholic Church had an important role. **Law Merchant** regulated trade across political frontiers. In the fifteenth century, the Church **mediated rivalry** between Spain and Portugal by dividing the world into their respective areas of interest. The 1648 Treaty of Westphalia, which **called for equal treatment** everywhere of Protestants and Catholics, can be seen as an early international human rights law. Nevertheless, most international law has been created in the twentieth century. The League of Nations was set up after World War I to regulate disputes between nations. However, it failed to stop the tension that led to World War II, partly because some powerful countries did not join (U.S.) and others left when they disagreed with its decisions (Germany, Japan). But it **led to important international legislation** like the Geneva Convention on the treatment of prisoners of war and **the 1951 Convention on the Status of Refugees**.

There are some important differences between international laws and those created inside individual states. Domestic laws are passed by legislative bodies, most of which have some popular political support. International laws, on the other hand, are created by agreements among governments. As a result, it is not as clear whether have the support of individual citizens. Enforcement of international law is also different. **Many international agreements are not binding** — for example, UN General Resolutions. Even when nations agree to be bound, as in the case of the signatories of the 1966 International Convention on Civil and Political Rights, it is unclear how obligations are to be enforced. At certain times particular nations have acted like a police force. Since **the 1991 Gulf War**, the U.S.-dominated international peacekeeping operation has perhaps come nearer to playing this role of world police force than anyone previously, having more military power than former **UN peacekeeping forces** and

being prepared to use it. But the operation's temporary nature and self-interested motives mean it differs from a true police force.

The end of Cold War tension and the 1991 Gulf War seem to have produced a new consensus in the world about international war. One of the basic principles of the UN Charter was that one nation should not interfere in the internal affairs of another. But Resolution 688, passed **by the UN Security Council** on April 5, 1991, ordered Iraq to grant access to international humanitarian organizations so that assistance could be given to refugees, and authorized military action against Iraq if access were refused. The right to interfere seems to be replacing **the principle of non-intervention**, but there is great debate about just when such interference is acceptable. (This is more a political issues than a legal one.)

NOTES:

the Canon Law – каноническое право

Law Merchant – торговое право

to mediate – выступать в качестве посредника

rivalry – конкуренция

to call for equal treatment – призывать к одинаковому обращению

to lead to important international legislation – приводить к международному законодательству

the 1951 Convention on the Status of Refugees – Конвенция 1951 года о статусе беженцев

many international agreements are not binding – многие международные договоры не имеют обязательной силы

the 1991 Gulf War – Война в заливе 1991 года

UN peacekeeping forces – миротворческие силы ООН

the UN Security Council – Совет безопасности ООН

the principle of non-intervention – принцип невмешательства

Text 4 (B) The International Court of Justice

The International Court of Justice, whose seat is at the Hague (г. Гаара) the Netherlands, is the principal juridical organ of the United Nations. Its Statute is a part of the United Nations Charter.

The Court is open to all Members of the United Nations. The Court is not open to private individuals.

The jurisdiction of the Court covers all questions which States refer to it.

The Court consists of 15 Judges selected by the General Assembly and the Security Council. They are chosen on the basis of their qualifications, not on the basis of nationality, and care is taken to ensure that the principal legal systems of the world are represented in the Court. The Judges serve for a nine-year term and may be reelected. They cannot engage (занимать) in any other occupation during their term of office. All questions are decided by majority. The hearing of the cases is under the control of the president or Vice-President.

Text 4 (C) Interpol

Interpol is an international corporation founded in 1923 as a service organization devoted to coordinating actions against international criminals. Its clients are 174 agencies throughout the world. This organization is not under the control or supervision of any government.

Interpol is a recognized intergovernmental police force whose task is to hunt down the international criminal. A multinational force, much like the United Nations, Interpol is made up of police of the Free World and a bona fide law enforcement agency in its own right. Among the first to fight international terrorism and sky-jackings, Interpol still leads the war on narcotics, assists a number of nations in the continuing search for wanted Nazi war criminals. One of the most highly respected groups in the world, Interpol, like any other police force is under governmental control to safeguard the basic rights of every citizen. It operates according to a strict code of behaviour and adheres to the highest ethical standards.

Interpol has never been recognized or established by any international charter or treaty and has no police powers. Because of Interpol's cooperation with the UN particularly in the area of drugs, Interpol was recognized as an intergovernmental organization.

Interpol members are, for the most part, police and not governmental representatives, although certain governments have sent observers from their military, intelligence, customs, post office, and immigration departments.

Interpol does not have powers of arrest or any investigative rights. Its function is to disseminate information. Today 80 percent of the permanent staff is French. Interpol is much like any large corporation with bureaus in various countries and with representatives from these offices also stationed at the main office. Information is exchanged between the many national

bureaus, but the police forces themselves are subject to the laws and policies of their respective nations.

Interpol is divided into four main bodies — the General Assembly, the Executive Committee, the General Secretariat and the National Central Bureau.

The General Assembly is composed of the delegates from each member country. It is «the Supreme Authority». The General Assembly; controls the policy of the organization.

The Executive Committee is a nine-member board made-up of the president, two vice-presidents, and six delegates chosen by the General Assembly.

The General Secretariat, the permanent body, located in Lion, is Interpol's business division. It contains the «permanent departments four of which specialize in certain crimes: one handles murder, burglary assault, larceny, car theft, and missing persons; another deals with bank frauds and other types of embezzlement; a third with drug traffic and morals offenses; and a fourth deals with forgery and counterfeiting.

Other divisions are the general records department, where files are kept, and a special records department, where fingerprints and other methods of identification are used.

The National Central Bureaus are the Interpol offices in various countries. Each NCB is empowered to communicate directly with and exchange information with any other NCB.

ВАРИАНТ 1

1. Перепишите следующие предложения и письменно переведите их на русский язык. Обратите внимание на особенности перевода сослагательного наклонения

1. I wish the testimony against me was false. 2. I had better be not involved in the case connected with blackmail 3. The government would rather not put into effect that compromising law. 4. If only the eyewitness could nor testify in favour of the victim! 5. You sound as though you were more of a detective man a lawyer.

2. Перепишите и письменно переведите следующие предложения, обращая внимание на предлоги.

1. By gathering information, creating publicity and writing letters, Amnesty has helped to speed up the release of such prisoners all over the

world. 2. The choice may depend upon which case is easier to prove and whether the passenger is likely to get larger damages under the law of contract or the law of tort. 3. In the USA statutes must be in keeping with the constitutions – federal and state – and the courts can overrule a statute that is found to violate constitutional provisions.

3. Перепишите и письменно переведите текст. Дайте определение слову “Legalese”.

Legalese

Although lawyers come from a variety of backgrounds and do a variety of work, as a profession they often appear rather remote and difficult to understand. Perhaps one reason for this is legalese — the strange and incomprehensible language so many lawyers seem to write and speak. This is not just a feature of English-speaking lawyers. People all over the world complain that they cannot understand court proceedings or legal documents.

Of course all professions have their own jargon. The use of some special words can be justified because they refer to matters which are important to a particular profession but not important to most people in everyday life. But sometimes it seems that jargon is a way of creating a mystery about a profession of distinguishing people on the inside (economist, doctors, teachers) from those on the outside.

In recent times lawyers have made efforts to make their profession less mysterious. After all, their job is supposed to be to clarify matters for the public, not to make them more complicated! This is particularly so in the United States where lawyers openly advertise their services to the public and where special clothes and wigs, still a feature of the English system, have mostly disappeared. But it seems likely that legalese will survive for a long time to come. One reason for this is that old documents and reports of old cases have great importance in law, particularly in common law systems. Another reason is that rewriting laws is a slow and painstaking process. The words must try to cover every eventuality, because people are always looking for a legal loophole, a way of avoiding a legal duty by making use of an ambiguity or an omission in law. Consequently if there is an existing law which has worked for a long time, even a law which contains old language in long and complex sentences, it is easier to retain the old law than write a new one. Even when a government draws up a new law it is often guided by the working of an older law.

4. Перепишите следующие предложения, обращая внимание на придаточные предложения. Предложения переведите на русский язык.

1. The term “punishment” means those measures which in different ways involve restriction of certain rights. 2. Life in the country isn’t what is used to be, you know. 3. Barristers are the court-room lawyers, whose wigs and robes are familiar to anyone who has seen motion pictures or stage plays about English trials. 4. The Lord Chief Justice, who presides over the Queen’s Bench Division of the High Court, normally sits when criminal appeals are under consideration. 5. Meg loved her little brother to whom she had been a second mother. 6. The police arrested the person they have been searching for several months. 7. Even if a lawyer is very competent, he must take care not to break the many rules of procedure and ethics set by the body which regulates his profession.

5. Перепишите следующие предложения. Укажите, в каком значении употребляется в них глаголы should / would. Предложения переведите.

1. It’s important that they should know their rights. 2. If we had time we would conclude the contract. 3. The boy shouldn’t gone out without the permission. 4. I would rather arrest him earlier.

6. Перепишите и письменно переведите на русский язык приводимый ниже текст.

Civil Liberties and Rights (I)

Sometimes they use two terms, civil liberties and civil rights, interchangeably, although their meanings are different.

Civil liberties are freedoms that are guaranteed to the individual. Civil liberties declare what the government cannot do; in contrast, civil rights declare what the government must do or provide.

Civil rights are powers or privileges that are guaranteed to the individual and protected from arbitrary removal at the hands of the government or other individuals. The right to vote and the right to jury trial in criminal cases are civil rights.

Civil rights and civil liberties overlap with individual rights and liberties, but belong more to the area of social and public interests than do individual rights, which belong mainly to the area of individual interests.

They are concerned essentially with what individuals and groups may do within the law, e.g. stand for election to a public authority, rather than with what they may exact, e.g. social security. Civil rights may be regarded as attempts to give meaning to the ideal of equality under laws, and civil liberties as flowing from the ideal of freedom.

ВАРИАНТ II

1. Перепишите следующие предложения и письменно переведите их на русский язык. Обратите внимание на особенности перевода сослагательного наклонения.

1. He wishes the evidence would suddenly disappear. 2. It's high time the case was closed. 3. The judge would rather the suspect pleaded guilty. 4. The accused wished he had not committed such a senseless crime, tests are usually relied on to supply the data. 5. It's obligatory that all the evidence be mentioned in the protocol.

2. Перепишите и письменно переведите следующие предложения, обращая внимание на предлоги.

1. Under the US Constitution a sitting President may be removed from office by an impeachment process whereby the House of Representatives, upon sufficient evidence, brings a "bill of impeachment" voted for by two-thirds of its members. 2. In order to be binding in law the agreement must include an offer and acceptance of that offer. 3. The English word "law" refers to limits upon various forms of behaviour.

3. Перепишите и письменно переведите следующий текст. Дайте определение слову "Legalese".

Legalese

Although lawyers come from a variety of backgrounds and do a variety of work, as a profession they often appear rather remote and difficult to understand. Perhaps one reason for this is legalese — the strange and incomprehensible language so many lawyers seem to write and speak. This is not just a feature of English-speaking lawyers. People all over the world complain that they cannot understand court proceedings or legal documents.

Of course all professions have their own jargon. The use of some special words can be justified because they refer to matters which are important to a particular profession but not important to most people in everyday life.

But sometimes it seems that jargon is a way of creating a mystery about a profession of distinguishing people on the inside (economist, doctors, teachers) from those on the outside.

In recent times lawyers have made efforts to make their profession less mysterious. After all, their job is supposed to be to clarify matters for the public, not to make them more complicated! This is particularly so in the United States where lawyers openly advertise their services to the public and where special clothes and wigs, still a feature of the English system, have mostly disappeared. But it seems likely that legalese will survive for a long time to come. One reason for this is that old documents and reports of old cases have great importance in law, particularly in common law systems. Another reason is that rewriting laws is a slow and painstaking process. The words must try to cover every eventuality, because people are always looking for a legal loophole, a way of avoiding a legal duty by making use of an ambiguity or an omission in law. Consequently if there is an existing law which has worked for a long time, even a law which contains old language in long and complex sentences, it is easier to retain the old law than write a new one. Even when a government draws up a new law it is often guided by the working of an older law.

4. Перепишите следующие предложения, обращая внимание на придаточные предложения. Предложения переведите на русский язык.

1. The Bar is actually the barrier in the courts beyond which no one may pass the privilege of Queen's counsel who has been called within the Bar. 2. There are newspapers in G. B. whose pages are largely filled with news of sport and with stories of film-stars, or accounts of crime and of lawcourt trials. 3. Every police force in G. B. has its own detective complement staffed by police officers who, during their service as uniformed constables, showed a special aptitude for the investigation of crime. 4. She had a wit that was irresistible. 5. Cities and rural districts have different rates of crime which are determined not by the size of the population but by the way in which the people live and are governed. 6. What has she made with money I gave her? 7. He was accused of the crime he hadn't committed.

5. Перепишите следующие предложения. Укажите, в каком значении употребляются в них глаголы should / would. Предложения переведите.

1. Many people believe the distinction between barristers and solicitors should be eliminated in England. 2. There would be no fingerprints on the

gun. 3. You should revise the materials lest you forget it. 4. They wish the criminal would stop committing crimes.

6. Перепишите и письменно переведите на русский язык приводимый ниже текст.

Civil Liberties and Rights (II)

Civil rights protect certain general human needs and interests, but sometimes conflict with other human needs and interests, conflicts which have to be adjusted and resolved in the courts or by legislation. A civil right or liberty exists only in so far as it is legally recognized and protected, not merely if it is asserted or even proclaimed by a government or political party.

Civil liberties are distinguishable from moral liberty or freedom of the will; from political liberties, such as the right to elect and to stand for election; from 'human rights' or 'natural rights'; from economic liberties, such as freedom of contract, trade, competition, of organizing, and of striking; from religious liberties, such as freedom of belief and of worship; and from academic freedom; though there is considerable overlapping, and as law in general protects each of these groups of liberties, some would class all of these within the general group of civil liberties. Civil liberties were justified by seventeenth — and eighteenth-century philosophers as inherit or inalienable rights. Historically most of them arose by way of successful resistance to kings, harsh employers, unrepresentative parliaments, and the like.

ВАРИАНТ III

1. Перепишите следующие предложения и письменно переведите их на русский язык. Обратите внимание на особенности перевода сослагательного наклонения.

1. The jury were absolutely confused and wished they didn't have to bring in a verdict in that case. 2. It's necessary that the police officer should be present at the crime scene to collect ail the evidence of the crime. 3. I feel as if I had added a sense of guilt to my other more formal obligations. 4 He wished nobody of his personnel staff had been bribed by the ingenious Mr.Hong. 5. It was as though Pyle, when he left me, had sentenced me to long term of solitude.

2. Перепишите и письменно переведите следующие предложения, обращая внимание на предлоги.

1. The speed limits imposed upon drivers are laws that prescribe how fast we should drive. 2. A crime is an act or default which prejudices the interest of the community and is forbidden by the law under pain of punishment. 3. In order to separate the roles of the legislature and judiciary, it was necessary to make laws that were clear and comprehensive.

3. Перепишите и письменно переведите следующий текст. Дайте определение слову “Legalese”.

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the old law than write a new one. Even when a government draws up a new law it is often guided by the working of an older law.

4. Перепишите следующие предложения, обращая внимание на придаточные предложения. Предложения переведите на русский язык.

1. At the time I was reading an interesting book which later on I gave as a present to my niece. 2. He went one day to a picture dealer in whose shop my brother thought he could buy a picture or two. 3. The informant is a person who serves the police officer confidential information about a crime as his civic responsibility and duty. 4. Groups support of criminal behavior: the extent to which the offender's criminal behavior is supported by the norms of the group or groups to which he belongs. 5. The woman who lives next door is a lawyer. 6. Miss Black had hired a barrister she needed. 7. It was a very serious case. It was the most serious case I've ever investigated.

5. Перепишите следующие предложения. Укажите, в каком значении употребляются в них глаголы should/would. Предложения переведите.

1. I should like to investigate a crime. 2. I would rather be a barrister than a solicitor. 3. One shouldn't make a decision in a hurry. 4. If I were you I should plead guilty.

6. Перепишите и письменно переведите на русский язык приводимый ниже текст.

Civil and criminal penalties

There are several kinds of punishment available to the courts. In civil cases, the most common punishment is a fine, but specific performance and injunctions also may be ordered. For criminal offenses fines are also often used when the offense is not a very serious one and when the offender has not been in trouble before. Another kind of punishment available in some countries is community service. This requires the offender to do a certain amount of unpaid work, usually for a social institution such as a hospital. For more serious crimes the usual punishment is imprisonment. Some prison sentences are suspended: the offender is not sent to prison if he keeps out of trouble for a fixed period of time, but if he does offend again both the suspended sentence and any new one will be imposed. The length of sentences varies from a few days to a lifetime. However, a life sentence may allow the prisoner to be released after a suitably long period if a review (parole) board agrees his detention no longer serves a purpose.

ТЕКСТЫ ДЛЯ ДОПОЛНИТЕЛЬНОГО ЧТЕНИЯ

Первый год обучения

1 семестр

What is law?

In everyday life people use the word law in many different ways. Actually the word law is very difficult to define. There is a field of law that is known as "jurisprudence", which analyzes the concept of law and is concerned with the philosophy of law. Throughout the centuries people have attempted to define law and *to set forth its role in society.

In considering the numerous definitions of law and philosophy of law it must be recognized that one of the roles of law is to maintain order and that this is the function of the criminal laws. Another role of law is to resolve disputes that arise between individuals and to impose responsibility if one person has a legal claim against another. Between these two extremes of what might be called law and order on the one hand and settlement of disputes on the other, there are many situations that cannot be so clearly defined. For example, the income tax laws require that a person pay an income tax. If he fails to do so, or if he fails to declare all his income or takes improper deductions, he may be subjected to penalties, but he has also failed to live up to his obligations to society. In any event it is important that one bear in mind that the law is not simply a statement of rules of conduct but is also the means whereby remedies are afforded when one person has wronged another.

In one sense all issues and disputes in our society - political, social, religious, economic, or otherwise-ultimately become legal issues to be resolved by the courts. Thus it can be said that law is simply what the courts determine it to be as an expression of the public will in resolving these issues and disputes.

Another view of law is that it is a method of social control — an instrument of social, political, and economic change. Really law is both an instrument of change and a result of changes that take place in our society. It is difficult to determine whether the law brings about changes in our society or whether changes in society bring about a change in the law. In our legal system both are true. The law-responding to the goals, desires, needs, and aspirations of society is in a constant state of change. Sometimes the law changes more rapidly than does the attitude of the majority of society. In this event the law and our legal system provide leadership in bringing about changes. At other times our society is ahead of the law in moving in new directions, and changes are brought about by the people who act according to their new attitude and convictions. When these changes are accepted by the rest of society, it often happens that the law then gives *approval and recognition of the changes, and the law has thus been *brought into line with the changing needs of society. For example, in the field of ecology various groups have put pressure on legislators to clean up the air and water. As a result of this laws have been enacted that require that devices be installed to control pollution. Here the public pressure resulted in the enactment of laws and the law was a follower rather than a leader. It is important to note that the law is not static — that it is constantly changing and that the impetus for the changes may come from many different sources.

In still another sense *law* has been defined as the rules and principles that are applied by the courts to decide lawsuits. These rules and principles fall into three categories: (1) laws that have been passed by legislative bodies, such as the Congress and state legislatures, together with the federal Constitution and the state constitutions and treaties that have been duly entered into; (2) *common law or *case law - the law that is derived from cases decided by the courts; and (3) *procedural rules that determine how lawsuits are handled in the courts with regard to rules of evidence, *enforcement of *judgments, appeals, and related matters. It will be noted that the first two elements provide the rules that are applied by the courts to decide controversies and that the third provides the machinery whereby these rules of what is called substantive law are given effect and applied to resolve controversies.

(3402 t.un.)

NOTES:

- *to set forth – излагать, объяснять
- * approval and recognition – одобрение признание
- * to bring into line with – выравнивать
- *common law – общее право
- *case law – прецедентное право
- *procedural rules – процессуальные правила
- * enforcement – принудительное выполнение
- * judgments – судебное решение, приговор

Wacky Laws

There are many old laws in the United States that can only be described as “wacky”. And California, unsurprisingly, has the wackiest local laws of them all. Though few people are ever arrested for any of the examples given below, they are still on the statute book.

Californian State Laws

It is a misdemeanour to shoot at any kind of game from a moving vehicle, unless the target is a whale.

Women may not drive in a housecoat.

No vehicle without a driver may exceed 60 miles per hour.

In Baldwin Park

Nobody is allowed to ride a bicycle in a swimming pool.

In Hollywood

It is illegal to drive more than two thousand sheep down Hollywood Boulevard at one time.

In Los Angeles

You cannot bathe two babies in the same tub at the same time.

In San Francisco

It is prohibited for elephants to stroll down Market Street unless they are on a leash.

Persons classified as “ugly” may not walk down any street.

In Pacific Grove

It is illegal to molest butterflies.

In Waterloo, Nebraska

It is illegal for a barber to eat onions between 7 am and 7 pm

In New York State

You are not allowed to shoot at a rabbit from a moving trolley car. You have to get off the car, or wait for it to come to a complete stop, and then fire away.

In Alaska

It is illegal to look at a moose from the window of an airplane or any other flying vehicle.

In Indiana

It is against the law to travel on a bus within four hours of eating garlic.

(1136 t.un.)

2 семестр

The English Constitution and Theory and Practice Diversity

To understand English constitutional law it is necessary to study numerous documents, including constitutional treaties like the Bill of Rights, various statutes and judicial decisions and others. But the whole of the Constitution of Britain will not be found in any of these documents. The English constitution, though partly written, is yet to be regarded as

“unwritten” from the standpoint of constitutional lawyers, *as it is not codified as a whole in any particular document or documents. The English Constitution is considered to be flexible because Parliament *can “make or unmake” any law by the same procedure and with the same ease.

The Constitution is not the source of the law, but the law gives birth to the Constitution.

Though the King (Queen) is the nominal Sovereign, any particular Parliament during the period of its existence is legally supreme.

In England *the rights of the subject are mostly deduced from actual decisions in which remedies have been afforded for their invasion. Thus it is sometimes said that under the English Constitution *the remedy precedes the right.

In administering justice the Judges enjoy little arbitrary power. The law, which they administer, is defined by statutes and other documents *having statutory validity and by judicial precedents.

Certain important Conventions control the entire working of the Constitution. These Conventions relate to the duties of the King as a person, the duties of the Ministers of the Crown and so on.

Theory and practice concerning English constitutional law are divergent, as it is seen from the following illustrations:

1. In theory the Sovereign is to be an active party to the making of laws, but in practice he has a shadowy veto.

2. In theory every Lord of Parliament is a Judge of the House of Lords, entitled to take part in appeals from the lower Courts; in practice *he always absents himself unless qualified by statute to sit there as one of the quorum.

3. In theory certain persons (e.g. Lord Mayor) are invested with judicial powers at trials in the Central Criminal Court, but in practice they don't take part in judicial work there.

4. In theory certain public departments are supposed to be controlled by boards consisting of various high officials (e.g. the Board of Trade), but the real head is a single Minister of the Crown (e.g. the President of the Board of Trade).

5. Finally, Legislature and Executive are joined together by a connecting chain — the Cabinet.

(2061 t.un.)

NOTES:

*as it is not codified — так как она не кодифицирована

*can «make or unmake» any law — может составить или аннулировать любой закон

*the rights of the subject are deduced from actual decisions — права подданных складываются на основании фактических судебных решений

*the remedy precedes the right — средство судебной защиты предшествует закону

*having statutory validity — имеющие силу закона

*he always absents himself unless qualified by statute to sit there as one of the quorum — он всегда уклоняется, кроме тех случаев, когда закон уполномочивает его заседать для обеспечения кворума

The US Constitution

The US Constitution is the framework of the US government. It establishes the executive, legislative, and judicial branches. It is also the supreme law of the land, which all public officials are bound by oath to enforce. Moreover, the Constitution guarantees each

American certain basic rights.

A «constitution» in American political language means the set of rules, laws, regulations and customs which together provide the political norms or standards regulating the work of the government. The document known as the Constitution of the United States, though a basic document, is only a part of the body of rules and customs which form the whole of the American Constitution. Supreme Court decisions, interpreting parts of the US Constitution, laws, regulations, customs are part of the basic law (the so-called *live constitution). Most historians regard the US Constitution as an essentially conservative document.

One remarkable feature of the US Constitution is its endurance. It is the oldest written national constitution in use in the world. Another remarkable feature of the Constitution is its ability to adapt itself to changing conditions.

The founding fathers knew that the Constitution might have to be changed. So they provided two methods of proposing amendments: by a two-thirds vote of both houses of Congress or by a national convention called by Congress at the request of the legislatures in two-thirds of the states. Once proposed, an amendment does not take effect unless it is ratified either by the legislatures in three-fourths of the states or by special ratifying conventions in three-fourths of the states.

The US Constitution consists of the Preamble, seven articles and twenty six amendments, the first ten of them called collectively the Bill of Rights and adopted under the popular pressure in 1791. When the Constitution was first proposed in 1787, there was widespread dissatisfaction because it didn't contain guarantees of certain basic freedoms and individual rights. The Constitution consolidated those gains of the revolution that were advantageous for the capitalist class. Significantly, nothing was said about the elementary bourgeois-democratic freedoms. In December, 1791, the Congress adopted ten amendments to the Constitution, known as the Bill of Rights, which contains most of the basic rights. The Bill also enumerated *what the government controlled by the oligarchy was not going to be allowed to do. It was, of course, an important democratic gain for the people at that time. But nowadays some of these ten amendments are relatively unimportant.

The First Amendment protects the freedoms of religion, speech, press, assembly, and petition. The Second Amendment protects the right to bear arms. The Third Amendment protects against quartering of soldiers in private homes, and the Fourth Amendment protects against unreasonable searches and seizures.

The Fifth Amendment provides a right to due process of law and gives rights to accused people, including protection against self-incrimination. The sixth Amendment provides the rights to a lawyer, an impartial jury, and a speedy trial in criminal cases.

The Seventh Amendment provides for jury trials in civil cases.

The Eighth Amendment bars cruel and unusual punishment and excessive bail or fines. The Ninth Amendment declares that the rights spelled out in the Constitution are not all the rights that people have. Finally, the Tenth Amendment reserves to the states and the people any powers not belonging to the federal government.

The Bill of Rights was designed to protect Americans against the power of the federal

government. Nothing in the Constitution specifically requires state governments to abide by the Bill of Rights. But in interpreting the Fourteenth Amendment, passed after the Civil War, the Supreme Court has extended most Bill of Rights protections to the states.

In addition to the Bill of Rights, later amendments provide other important rights. The Thirteenth Amendment forbids slavery and outlaws involuntary servitude, except as a punishment for crime. The Fourteenth Amendment requires equal protection of the laws for all citizens. It also provides that no state can deprive any citizen of life, liberty, or property without due process of law.

Several amendments protect and broaden the right to vote. The Fifteenth Amendment forbids denying the right to vote based on race or colour. The Nineteenth Amendment gives women the right to vote. The Twenty-fourth Amendment gives citizens of Washington D.C. the right to vote in presidential elections, and the Twenty-sixth Amendment gives all people 18 years of age or older the right to vote.

(3950 t.un.)

NOTES:

*«live constitution» — «живая конституция»

*what the government controlled by the oligarchy was not going to be allowed to do. ... что правительству, которое контролировалось олигархией, не разрешалось делать.

Второй год обучения

3 семестр

Phases of investigation

The objectives of the investigator provide a convenient division of the investigation into three phases: (1) the criminal is identified; (2) he is traced and located; and (3) the facts proving his guilt are gathered for court presentation. This division is made for convenience of discussion, since the three phases are not necessarily separated in time but are usually fused throughout the investigation. The same evidence moreover can often be used for all three objectives.

Identifying the Criminal.

In the first stage the criminal is identified, i.e., some person is identified as the perpetrator of the criminal acts. Ordinarily the identity of the criminal is discovered in one or more of the following ways: confession, eyewitness testimony, or circumstantial evidence.

Tracing and Locating the Criminal.

The second phase of the investigation is concerned with locating the offender. Obviously many of the steps previously suggested for identifying the suspect will also lead to his location. Usually the criminal is not hiding; he is simply unknown. In those cases, then, the problem is primarily one of identification. In many cases, however, it is necessary to trace a fugitive who is hiding.

Proving the Guilt.

It is assumed that the criminal has been identified and is now in custody. The investigation, however, is far from complete; it has entered the third and often the most difficult phase, namely, gathering the facts necessary in the trial to prove the guilt of the accused.

The final test of a criminal investigation is in the presentation of the evidence in court. The fact of the existence of the crime must be established; the defendant must be identified and associated with crime scene; competent and credible witnesses must be available; the physical evidence must be appropriately identified, its connection with the case shown; and the whole must be presented in an orderly and logical fashion.

(1615 t.un.)

Tracing

A great part of investigative work is devoted to «finding» missing or wanted persons. The solving of a case frequently depends upon locating the perpetrator. The proper presentation of a case in court involves the discovery and identification of witnesses. The search for a person is frequently a simple matter of a few telephone calls or a visit to a house. At other times, however, the hunt (поиски) can become a lengthy and complicated ordeal.

The search for persons commonly requires a search of records and an application of various sources of information. The term «tracing» is used here to describe all of these procedures. A patient study of records and the information from officials are often necessary to obtain additional evidence and to locate or to identify a person.

Unofficial sources of information such as confidential informants are often used by investigating officers.

(747 t.un.)

Preliminary Hearing

If the individual charged with a crime requests a preliminary hearing before a magistrate, the court will set a hearing within a reasonably short time. At the hearing, the state must present sufficient evidence to convince the magistrate that there is reason to believe the defendant has committed the crime with which he is charged. The defendant must be present at this hearing, and he may or may not present evidence his own behalf.

If the magistrate believes the evidence justifies it, he will order the defendant bound over for trial in the proper court - that is, placed under bond for appearance at trial, or held in jail if the charge involved is not a bailable offence or if the defendant is unable to post bond. The magistrate also may decide that even without bond the accused will most likely appear in court for his trial and therefore will release him on his own recognizance, that is, on his own promise to appear. If he concludes the state has failed to produce sufficient evidence in the preliminary hearing, the magistrate may dismiss the charge and order the defendant released.

(908 t.un.)

Preparation for Trial

As in civil cases, very careful preparation on the part of the state and the defense precedes the trial. However, the defense may first enter a motion challenging the jurisdiction of the court over the particular offense involved, or over the particular defendant. The defense attorney also may file a demurrer, or motion for dismissal, as in a civil suit.

In preparing for trial, attorneys for both sides will interview prospective witnesses and, if deemed necessary, secure expert evidence, and gather testimony concerning ballistics, chemical tests, casts and other similar data.

While in detail there are minor differences in trial procedure between civil and criminal

cases, the basic pattern in the courtroom is the same.

Officers of the Court

The Judge is the officer who is either elected or appointed to preside over the court. If the case is to be tried before a jury, the judge rules upon points of law dealing with trial procedure, presentation of the evidence and the law of the case. If the case is tried before the judge alone, he will determine the facts in addition to performing the aforementioned duties.

The court clerk is an officer of the court, also either elected or appointed, who at the beginning of the trial, upon the judge's instruction, gives the entire panel of prospective jurors (veniremen) an oath. By this oath, the venireman promises that, if called, he will truly answer any question concerning his qualifications to sit as a juror in the case.

Any venireman who is disqualified by law, or has a valid reason to be excused under the law, ordinarily is excused by the judge at this time. A person may be disqualified from the jury duty because he is not a resident voter or householder, because of age, hearing defects, or because he has served recently on a jury.

Then the court clerk will draw names of the remaining veniremen from a box, and they will take seats in the jury box. After twelve veniremen have been approved as jurors by the judge and the attorneys, the court clerk will administer an oath to the persons so chosen "to well and truly try the case".

The bailiff is an officer of the court whose duties are to keep order in the courtroom, to call witnesses, and to take charge of the jury as instructed by the court at such times as the jury may not be in the courtroom, and particularly when, having received the case, the jury is deliberating upon its decision. It is the duty of the bailiff to see that no one talks with or attempts to influence the jurors in any manner.

The court reporter has the duty of recording all proceedings in the courtroom, including testimony of the witnesses, objections made to evidence by the attorneys and the ruling of the court thereon, and listing and marking for identification any exhibits offered or introduced into evidence. In some states, the clerk of the court has charge of exhibits.

The attorneys are officers of the court whose duties are to represent their respective clients and present the evidence on their behalf, so that the jury or the judge may reach a just verdict or decision.

The role of the attorney is sometimes misunderstood, particularly in criminal proceedings. Our system of criminal jurisprudence presumes every defendant to be innocent until proved guilty beyond a reasonable doubt. Every defendant is entitled to be represented by legal counsel, regardless of the unpopularity of his cause. This is a constitutional safeguard.

It is entirely ethical for an attorney to represent a defendant whom the community may assume to be guilty. The accused is entitled to counsel in order that he be protected from conviction on insufficient evidence, and he is entitled to every protection which the law affords him.

(3090 t.un.)

NOTES:

В юридическом переводе слово "officer" может переводиться на русский как "служащий" суда, полиции, а не офицер.

Слово "officer" часто используется при обращении к полицейскому (констеблю): *Excuse me officer, how can I get to...?* В тексте **Officers of the court** - должностные лица

суда, чиновники. Chief Executive Officer - президент США, но career/regular officer - кадровый офицер.

4 семестр

The Legal Profession

Although many kinds of people working in or studying legal affairs are referred to as lawyers, the word really describes a person who has become officially qualified to act in certain legal matters because of examinations he has taken and professional experience he has gained.

Most countries have different groups of lawyers who each take a particular kind of examination in order to qualify to do particular jobs. In Japan, a lawyer must decide whether he wants to take the examination to become an attorney, a public prosecutor or a judge. In England, the decision is between becoming a barrister or a solicitor. Barristers specialize in arguing cases in front of a judge and have the right to be heard, the right of audience, even in the highest courts. They are not paid directly by clients, but are employed by solicitors. Solicitors have also a right of audience in lower courts, but in higher courts, such as the Court of Appeal, they must have a barrister to argue their client's case. In general, it can be said that a barrister spends most of his time either in a courtroom or preparing his' arguments for the court and a solicitor spends most of his time in an office giving advice to clients, making investigations and preparing documents.

If a person has a legal problem, he will go and see a solicitor. In fact there are at least 50,000 solicitors in Britain, and the number is increasing.

Many problems are dealt with exclusively by a solicitor. For instance, the solicitor deals with petty crimes and some matrimonial matters in Magistrates' Courts. He prepares the case and the evidence. He actually speaks In Court for you.

In a civil action he can speak in the County Court, when the case is one of divorce or recovering some debts. In the County Court the solicitor wears a black gown over his ordinary clothes.

A solicitor also deals with matters outside Court. He does the legal work involved in buying a house, for instance. He writes legal letters for you and carries on legal arguments outside Court. If you want to make a will the best man to advise you is a solicitor.

Barristers are different from solicitors. Barristers are experts in the interpretation of the Law. They are called in to advise on really difficult points. The barrister is also an expert on advocacy (the art of presenting cases in Court). Indeed, if you desire representation in any Court except the Magistrates' Court, you must have a barrister.

Barristers are rather remote figures. If you need one, for instance, you never see him without your solicitor being with him. Barristers do not have public offices in any street. They work in what are known as chambers* often in London. They belong to the institutions called Inns of Court,* which are ancient organizations rather like exclusive clubs.

In the USA the Justice Department is responsible for the faithful execution of the laws under the President's authority. The main administrators of federal law enforcement are the ninety-four U.S. attorneys, who are appointed by the President with the advice and consent of the Senate.

There is a U.S. attorney in each federal judicial district. Their staffs of assistant attorneys vary in size with the amount of litigation in the district. U.S. attorneys have considerable discretion, which makes them powerful political figures. Their decision to

prosecute or not affects the wealth, freedom, rights, and reputation of the individuals and organizations in the district.

(2887 t.un.)

NOTES:

chambers – адвокатская контора

(the) Inns of Court — юридические корпорации, готовящие адвокатов (четыре крупнейшие корпорации: the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn)

How does someone become a lawyer?

In some countries in order to practice as a lawyer it is necessary to get a University degree in law. However, in others, a degree may be insufficient; professional examinations must be passed. In Britain, it is not in fact necessary to have a degree, although nowadays most people entering the profession do. The main requirement is to pass the Bar Final examination* (for barristers) or the Law Society Final examination* (for solicitor). Someone with University degree in a subject other than law needs first to take a preparatory course. Someone without a degree at all may also prepare for the final examination, but this will take several years. In most countries, lawyers will tell you that the time they spent studying for their law finals was one of the worst periods of their life! This is because an enormous number of procedural rules covering a wide area of law must be memorized. In Japan, where there are relatively few lawyers, the examinations are supposed to be particularly hard: less than 5 percent of candidates pass. Even after passing the examination, though, a lawyer is not necessarily qualified. A solicitor in England, for example, must then spend two years as an articulated clerk, during this time his work is closely supervised by an experienced lawyer, and he must take further courses. A barrister must spend a similar year as a pupil.

The rate at which the legal profession grows is terrific. In the 21st century the number of lawyers will probably outpace the rate of population growth.

Why is the career in law so popular? In the USA the average salary of experienced lawyers in private practice is more than \$100,000.

Lawyers' salaries are substantially greater than those of many other professionals. The glamour of legal practice strengthens the attraction of its financial rewards.

(1514 t.un.)

NOTES:

the Bar Final examination — экзамен, который сдается при поступлении в Коллегию Адвокатов

the Law Society Final examination — экзамен, дающий право быть членом Общества юристов (профессионального союза солиситоров)

Two Types of Lawyers

The magistrates' court is the most common type of law court in the United Kingdom. The court system is dependent upon the legal profession to make it work. England is almost unique in having two different kinds of lawyers, with separate jobs in the legal system. The two kinds of lawyers are solicitors and barristers. This division of the legal profession is due

mainly to historical causes. Each branch has its own characteristic functions and a separate governing body.

The division has a number of significant impacts upon the judicial system. It is the main reason for the separation between civil and criminal courts. It also has a significant impact upon judicial appointments. The traditional picture of the English lawyer is that the solicitor is the general practitioner, confined mainly to the office. The solicitor is the legal adviser of the public.

Members of the public are able to call at a solicitor's office and seek his advice in a personal interview. The barrister is the specialist adviser much of whose time is taken up with court-room appearance. A barrister can only be consulted indirectly through a solicitor. Today however the lines of demarcation are blurred. There is approximately one solicitor to every 1300 of the population, with considerable regional and local variations. There is a heavy concentration in commercial centres.

The ratio for barristers is about one per every 10,000. Taking the legal profession as a whole (38,500), there is one practicing lawyer per 1200 people. But a lot of work in English solicitors' offices is undertaken by managing clerks, now called "legal executives" who are a third type of lawyers.

Thus, solicitors make up the largest branch of the legal profession in England. They are found in every town, where they deal with all the day-to-day work of preparing legal documents for buying and selling houses, making wills, etc. Solicitors also work on court cases for their clients, prepare cases for barristers to present in the higher court, and may represent their client in a Magistrates' court. Barristers defend or prosecute in the higher courts.

Although solicitors and barristers work together on cases, barristers specialize in representing clients in court and the training and career structures for the two types of lawyer are quite separate. In court, barristers wear wigs and gowns in keeping with the extreme formality of the proceedings. There are a few hundred judges, trained as barristers, who preside in more serious cases. There is no separate training for judges.

A jury consists of twelve people ("jurors"), who are ordinary people chosen at random from the list of people who can vote in elections. The jury listen to the evidence given in court in certain criminal cases and decide whether the defendant is guilty or innocent. If the person is found guilty, the punishment is passed by the presiding judge. Juries are rarely used in civil cases.

Magistrates judge cases in the lower courts. They are usually unpaid and have no formal legal qualifications, but they are respectable people who are given some training.
(2599 t.un.)

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