

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ  
ТЕРНОПІЛЬСЬКИЙ НАЦІОНАЛЬНИЙ ЕКОНОМІЧНИЙ  
УНІВЕРСИТЕТ**

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МОВА ДЛЯ  
ЮРИСТІВ**

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Навчальний посібник передусім розрахований на людей, що здобувають вищу освіту і працюють над удосконаленням рівня володіння англійською мовою фахового спрямування, зокрема у сфері права, володіють знаннями англійської мови на рівні B1 згідно із Загальноєвропейськими рекомендаціями з мовної освіти, які були розроблені Асоціацією Мовних Експертів ALTE (The Association of Language Testers in Europe) та бажають підвищити їх до рівня B2.

Посібник побудований на автентичному матеріалі і охоплює основні галузі права України, Великобританії та США, розглядаються також правові системи Канади та Австралії. Система різноманітних вправ, підібраних за циклічним принципом, створюють сприятливі умови для ефективного засвоєння змісту матеріалу самостійно і надійного контролю викладачем. Посібник складається з 24 уроків, які можуть опрацьовуватися як у запропонованій послідовності, так і вибірково – в залежності від цілей, завдань та рівня підготовки групи.

## ПЕРЕДМОВА

Навчальний посібник “Англійська мова для юристів” призначений для студентів вишів, а також для широкого кола осіб, що використовують англійську мову в своїй практичній діяльності у сфері юриспруденції та права.

Метою посібника є:

- забезпечення цілісного і послідовного засвоєння англійської лексики та фахової термінології;
- формування вмінь та навичок професійного спілкування і роботи з юридичною літературою;
- розвиток навичок та вмінь самостійного вирішення проблем при іншомовному спілкуванні за допомогою різного типу вправ з тематики діяльності в правовій сфері;
- реалізація на практиці трьох основних функцій, властивих вивченню іноземних мов: тренувальної – у закріпленні й активізації лексичного матеріалу; творчої – у створенні професійно спрямованих, інформаційно насичених різновидів комунікації; контролюючої – завдяки гнучкій системі самоконтролю та контролю сформованості знань, умінь і навичок мовленнєвої діяльності майбутніх правознавців.

За своєю структурою посібник є серією з 24 розділів, організованих за тематичним принципом, які можуть опрацьовуватися як у запропонованій послідовності, так і вибірково – в залежності від цілей, завдань та рівня підготовки групи. Окремим розділом авторами подаються завдання для тренінгів, передбачених програмою курсу «Іноземна мова» у вищій школі.

Тематика і характер навчальних матеріалів, запропонованих у посібнику, забезпечують формування у студентів професійного словника, а також навичків читання і мовлення в рамках правової діяльності. Кожний розділ (Unit) – це самостійний комплекс, що має уніфіковану структуру та містить систему вправ і контрольних завдань, які забезпечують методичне підґрунтя самостійного навчання і самоконтролю, що має особливе значення в період переходу України на нову систему навчання.

Автори не пропонують методичних рекомендацій щодо використання запропонованого посібника, оскільки окрім спеціальних вишів, він може бути застосований в найрізноманітніших умовах навчального процесу, і викладач сам може визначити конкретні методичні прийоми в залежності від рівня підготовки студентів, цілей навчання та кількості годин, розрахованих на роботу з тим чи іншим розділом.

## TABLE OF CONTENTS

Unit 1.	Legal education	5
Unit 2.	Career in law	16
Unit 3.	Basic legal terms and concepts	25
Unit 4.	The need for law	32
Unit 5.	The court system of Ukraine	38
Unit 6.	The court system of the United Kingdom of Great Britain and Northern Ireland	48
Unit 7.	The court system of the United States of America	56
Unit 8.	The court system of Canada	63
Unit 9.	The court system of Australia	70
Unit 10.	Court and Its people	78
Unit 11.	Court process	85
Unit 12.	Crimes	93
Unit 13.	Punishment	101
Unit 14.	International law	108
Unit 15.	Constitutional law	115
Unit 16.	Criminal law	122
Unit 17.	Administrative law	128
Unit 18.	Labour law	135
Unit 19.	Civil law	143
Unit 20.	Intellectual property law	149
Unit 21.	Probate law	158
Unit 22.	Family law	164
Unit 23.	Land law	170
Unit 24.	Commercial law	178
Practical training		187
Grammar		202
List of references		225

## Unit 1.

### LEGAL EDUCATION

*Task 1. Read and render the following text.*

#### I AM A STUDENT OF LAW DEPARTMENT

So, I am a student now. I'm a first-year student of the Law day-time department. I've entered the University after finishing a secondary school. Ternopil National Economic University – that's the name of the higher establishment I study at. You know, that was my dream to enter this University. No wonder, as all the members of our family are in legal profession.

My father used to work as a prosecutor, and now he is a judge in the Appellate Court. He taught me to understand and love the essence of the legal profession. Every time he told that a law-governed state needs highly qualified lawyers to put the legal reforms into effect, and I thought I would be able to contribute to it. My mother is a private notary. She likes her specialty very much. As you see, I took my parents' way. I worked hard to pass the tests at school well and to enter the University according those results. And now I've become a happy member of the great, young family of students.

Many new things and notions came to my life with it. At first, I didn't know what they meant. Now I became familiar with such words as “a freshman”, “a sophomore”, “an undergraduate” and such terms as “a session”, “a seminar”, “a credit”. I know what it means “to make notes”, “to pass a modulus”, etc.

I'm still to know more, and first of all how to save time to be able to not only study well, but to take an active part in the students' life — to join some students' scientific society and to visit interesting gay students' evening-parties, meetings of our discussion clubs and a lot more.

It is very interesting to learn such new subjects as Criminal Law, Criminal procedure, Criminology, Civil law, Civil procedure, International Law and others. The students of our department attend lectures, seminars and tutorials on Theory of State and Law, Administrative Law, Legal history, Constitutional Law, Commercial Law, Labor Law, Financial Law, Family Law and others. I'm fond of everything at the University. I like its great beautiful buildings, sports complex, its lecture halls, laboratories and studies.

I'm a freshman, as they call the first-year students. It'll take time to know everything about our Faculty of Law and I shall tell you more about it later.

***Task 2. Find in the text the English equivalents for the words below.***

Студент денного відділення, Тернопільський національний економічний університет, всі члени сім'ї, закінчувати школу, вступати до університету, прокурор, юридичні професії, приватний нотаріус, слідувати шляхом, студент першого курсу, студентські вечори.

***Task 3. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Higher establishment, Law Faculty, to be the judge in the Appellate Court, the essence, to put into effect, law-governed state, to become familiar with, to contribute, to save time, to be fond of, sophomore.

***Task 4. Agree or disagree with the following statements.***

1. To give a bribe is the only way to enter the University.
2. To pass Independent Government Tests is a way to enter the University you want.
3. Everyone has a right to get higher education.
4. Graduates are supposed to be good professionals.
5. You can never be overdressed or overeducated (Oscar Wilde).
6. The educated differ from the uneducated as much as the living differ from the dead (Aristotle).

***Task 5. Translate the following sentences into English.***

1. Отримавши високі бали з предметів під час зовнішнього незалежного оцінювання, я вирішив вступати до Тернопільського національного економічного університету.
2. Я – студент першого курсу юридичного факультету. Я живу зі своїм двоюрідним братом у гуртожитку, який знаходиться на масиві Дружба.

3. Мій батько – офіцер і вже майже 25 років служить в органах МВС. Мати працює приватним нотаріусом.
4. Минулого року мій близький товариш сказав, що він не зміг поступити у вищий навчальний заклад з першої спроби, тому спробує своє щастя цього року.
5. Навчаючись у старших класах я брав приватні уроки з вивчення закону, оскільки мріяв отримати професію юриста.
6. Мені подобається навчання, але відверто кажучи, я дуже втомлююсь.
7. В університеті у мене багато друзів, які також бажають стати висококваліфікованими та ерудованими фахівцями, щоб сприяти втіленню правових реформ у життя.

***Task 6. Complete the following text with the words and phrases from the box using them in the appropriate form. Give Ukrainian translation of the following passage.***

In most schools and universities teachers ... their students marks for their work. All students hate a “D” and are happy if their teachers give them an “A”. Now, at one American University the students and the lecturers must ... hard if they want good marks.

During classes the students give their lecturers marks. Each desk .... a “boredom button” on it. If a student thinks that the lecture ... he can press the special button. When he does this, he switches on a light at the back of a classroom. There is one light there for every student. The lecturer can ... at the lights and he can see if his students think the class is interesting or boring. The lecturer cannot see which students are ... the buttons. So the students can be completely “honest”.

If too many lights ... at the back of his class, a lecturer ... that he must do something quickly and make the class more interesting.

To have, to look, to come, to give, to know, to work, to press, to be boring
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***Task 7. Make a presentation on one of the following topics.***

1. The advantages and disadvantages of the freshmen in the student life.
2. Your ideas on your future family.
3. My world.

***Task 8. Read and translate the following text.***

**TERNOPIL NATIONAL ECONOMIC UNIVERSITY**

Ternopil National Economic University is one of the leading higher educational establishments of Ukraine that has the 4th level of accreditation.

It is an autonomous institution that has the right to graduate Masters of Economics. The University was established in 1966 when the Branch of the Faculty of Finance and Economics of the Kyiv Institute of National Economy was opened in Ternopil. In some time the Branch grew into the Faculty (in 1967), later it grew into the Institute of Finance and Economics (1971), the Institute of National Economy (1989), the Academy of National Economy (1994). On the 30th of March 2005 the educational institution gained the University status. On the 29th of September 2006 by the Order of the President of Ukraine it was conferred the status of "National".

The TNEU staff meets the demands of the times and acts in the way to make every student and graduate feel that their skills, abilities and economic mode of thinking will fit in with the demands of tomorrow. To achieve this goal, the University staff follows the following two indisputable principles: it is not the teacher who teaches students, but the students who learn from the teacher; the goals of economic education are the following: to form the student's economic thinking that can be transformed into certain actions, and to inoculate the responsibility for decision-making. The TNEU studying process is performed in the way to direct students and lecturers towards high responsibility for the results of studying. This is achieved by the availability of course books, study guides for individual learning, laboratory manuals, etc.

Today, the TNEU is a multidisciplinary educational complex consisting of 9 Faculties, 6 Institutes (Faculty of Finance, Faculty of Banking Business, Faculty of Agricultural Economics and Management, Faculty of Economics and Management, Faculty of Accounting and Audit, Faculty of Computer and Information Technologies, Law Faculty, Institute of Innovative Educational Techniques, Institute of International Economic Relations, etc), a College and 4 Education and Consulting Centers that train specialists in twelve areas and thirty-one

specialties, sixty-seven Departments, and Education and Consulting Centers. The total number of students studying at the University is nearly 14 000.

In 2005, the TNEU became the member of the European University Association, and on the 19th of September 2008, it joined the Magna Charta Universitatum. The TNEU is one of the first higher educational establishments in Ukraine to participate in the experimental implementation of the basic principles of the Bologna Declaration into the educational process. The University has adopted the credit and module system of educational process organization; the informational packages of the Faculties and the specialties are placed on the web-site; the individual and work curricula are systematized and implemented in accordance with the Bologna Process. While adopting the best experience of economic education, the University enters the European market of educational services with confidence.

The academic year is divided into two semesters. At the end of each term the students have an examinations session. The students of extra-mural department come for their examination session twice a year. At the end of their study the students have to pass their state exams and make a small research in the sphere of their specialisation.

The University has top rank positions as a result of evaluation of 2007-08 performed by international and Ukrainian experts. In particular, in 2007, the University was among the five best Economic Universities of Ukraine, and in 2008, it took the eleventh position among the higher educational establishments of the 3rd-4th levels of accreditation. The University is one of the leading educational institutions of Ukraine. The University's graduates are the vivid example of self-actualization, freethinking, national identity, and creativity in research. They are active participants of public and political movements, and democratic processes in Ukraine.

***Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

The right to graduate Masters of Economics, to be established, skills, abilities and economic mode of thinking, to participate, the credit and module system, to join, semester, the individual and work curricula, participants.

**Task 10. Put 10 different questions on the text and give your own answers to them.**

**Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

University; master of law; specialist; bachelor; student; schoolboy; higher education; degree; diploma; school leaving certificate; Independent Government Tests.

**Task 12. Translate the following sentences into Ukrainian and decide if they are true or false.**

1. Students must attend lectures and practical classes, they also have to take their tests, credits and exams.

2. Our University givesy three grades education: bachelor – specialist – master of science.

3. Bachelor's degree is a degree given by a university type educational establishment, usually upon completion of a four-year course of study.

4. Specialist's degree is a higher degree given by a university type educational establishment to a person who holds a bachelor's degree, usually after one year of additional studies.

5. Master's degree is an advanced degree given by a university type educational establishment to a person who holds a bachelor's degree, usually after one or two years of additional studies.

**Task 13. Give a free translation of the following passage.**

На сучасному етапі існує принцип організації безперервної освіти, що об'єднує всі ступені освіти в цілісну систему з метою постійного поповнення й оновлення знань, умінь і навичок протягом всього життя людини. Основні типи освіти – дошкільна, середня, вища та післядипломна. Проте поряд з традиційними навчальними закладами з'являються нові, зокрема школи бізнесу, навчальні курси, навчальні центри тощо.

В Україні, згідно з новими умовами вступу до вишів, дозволяється вступати до кількох навчальних закладів. Навчальним

закладам дозволено збільшувати набір студентів на контрактній основі, запроваджено систему кредитування навчання.

***Task 14. Make a presentation on one of the following topics.***

1. My University.
2. Higher education in Ukraine.
3. Pros and cons of having higher education.

***Task 15. Read and render the following text.***

## **LEGAL EDUCATION IN UKRAINE**

Requirements to the contents, scope and level of the educational and professional training in Ukraine are determined by the Law of Ukraine *On Education* of 1991. The Law establishes a four level system of high education and defines qualification's requirements for junior specialists and bachelor degree holders (basic higher education), specialists and master degree holders (complete higher education).

Legal education is built in accordance with these principles and is provided for by the state and private colleges and universities. The system of legal education includes high legal education, postgraduate education, Candidate's and Doctor's Degree education. As the legal professions becomes very prestigious and much in demand, a large network of specialized educational institutions and faculties was established in Ukraine during last years. Traditionally, universities include law faculties or affiliated specialized institutes/colleges, for example: National University of Kyiv-Mohyla Academy, Faculty of Law; Lviv National University, Law Faculty; etc.

In Ukraine different academies and institutes are also established for training their students to work in particular legal areas or for raising the level of lawyers' skills, e.g. The Bar Academy of Ukraine trains barristers and improves their qualifications, does researches in the sphere of bar activity; the Internal Affairs National University in Odessa Juridical Institute trains the specialists for militia units; the National State Tax Service Academy of Ukraine is a base educational institution of the state tax service in Ukraine, etc.

***The faculty of law of Kyiv National Taras Shevchenko***

*University* – is is top elite school of law education and legal idea in Ukraine which from the time of its establishment acquired international acknowledgement of many countries. Faculty is pioneer of legal education in Ukraine and is a generator of national legal idea, its incarnation. Honourable place in the history of law faculty took the philosophy of the formation of own traditions the development of legal science and education. And now, in the end of XX century, they are best heritage of Ukrainian legal science. University legal education is built on uniting of public and private law and on the comprehension of the genetics of three components of Ukrainian law: secular (state), customary (national) and canon (church) which nowadays form the system of knowledge and views of law scientists.

*Faculty of Law at the Ternopil National Economic University* was founded in 1997 on the basis of one speciality “Legal Regulation of Economy” from the Faculty of Economy and Management. Now it trains specialists for different spheres of our society.

The faculty consists of Department of Economic Legal Control and Jurisprudence, Department of Intellectual Property and Private Law, Department of the Theory and History of State and Law, Department of Criminal Law and Procedure, Department of Constitutional, Administrative and International Law, Department of Social Work

Lecturers of the Faculty on a periodic basis invite external experts at national and international level to take part in seminars, round-table discussions, non-official meetings to contact with students and lecturers. The Faculty's graduates may work in the bodies of legislative, executive and judicial branches of power, local state and local administrations, as the lecturers of law, in law-enforcement institutions – the prosecutor's officers, institutions of the Ministry of Internal Affairs, State Security, customs, tax administration and militia, at governmental enterprises, institutions and organizations, at control state institutions - the Anti-monopoly Committee, the Committee of the Consumers' Right Protection, the Inspection of Price Control, Institutions of Environmental Protection, as legal advisors, advisors and consultants in the firms of various forms of ownerships and institutions and organizations, as private lawyers and notaries, etc

***Task 16. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Law of Ukraine, bachelor degree holders, master degree holders, high legal education, lawyers' skills, militia units, public and private law, legal advisors, advisors and consultants, private lawyers and notaries.

***Task 17. Put 10 different questions on the text and give your own answers to them.***

***Task 18. Complete the following text with the words from the box below using them in the appropriate form.***

Law school in the United States is a postgraduate level program which typically lasts three years and \_\_\_\_\_ in the awarding of the Juris Doctor (J.D.) degree. Some schools in Louisiana concurrently award the Graduate Diploma in Civil Law (D.C.L.). In order to be admitted to a United States American Bar Association (ABA) approved law program, a \_\_\_\_\_ student must take the Law School Admissions Test (LSAT) and have graduated with a minimum four-year undergraduate (bachelor's) \_\_\_\_\_ in any major. Currently, there are 196 ABA-approved law schools.

The typical degree to practice law in Canada is now the Juris Doctor, which requires previous college coursework and is very similar to the first law degree in the United States, except there is some scholarly content in the coursework (such as an academic research paper required in most schools. The programs \_\_\_\_\_ of three years, and have similar content in their mandatory first year courses. Beyond first year and the minimum requirements for graduation, course selection is elective with various concentrations such as \_\_\_\_\_, international law, natural resources law, criminal law, Aboriginal law, etcю

In England, Australia, New Zealand and other English common law countries, a law degree is usually an undergraduate qualification, with the bachelor's degree being the most \_\_\_\_\_. In Australia & New Zealand, law may be taken as a Combined Law degree with another major as a five-year joint degree, instead of possibly six years for both degrees separately.

In Hong Kong, which generally \_\_\_\_\_ the English common law system, an undergraduate degree is common, followed by a one or two year Postgraduate Certificate in Laws before one can begin a training contract (solicitors) or a pupillage (barristers).

In Japan, a law degree is usually an undergraduate qualification, with the L.L.B. being the most common. To practice law, passing the National Bar Examination and attending judicial training (or work experience as legislator, government official, professor, etc.) are required in Japan. While “Graduate School of Law” has long been for few students pursuing \_\_\_\_\_ (partly for policy career), “Law School” with much larger capacity was additionally introduced for students pursuing legal career in 2004 by legislation according to Recommendations of the Justice System Reform Council, and it is now in its transitional stage. Master’s degree usually requires two-year study.

Some schools offer a Master of Laws program as a way of specializing in a particular area of law. A further possible degree is the academic \_\_\_\_\_ in law of Doctor of Juridical Science (in the U.S)., or the Doctorate of Laws in Canada, or the Ph.D. in Law from European or Australasian universities. In addition to attending law school, in many jurisdictions a graduate of a \_\_\_\_\_ is required to pass the state or provincial bar examination in order to practice law. The Multistate Bar Examination is part of the bar examination in almost all United States jurisdictions; generally, the standardized, common law subject matter of the MBE is combined with state-specific essay questions to produce a comprehensive bar \_\_\_\_\_. In other common law countries the bar exam is often replaced by a period of work with a law firm known as articles of clerkship.

To result, degree, academic career, to consist, prospective, to follow, business law, law school, common, doctoral degree, examination
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***Task 19. Read and learn the following dialogue. Be ready to reproduce it using direct and indirect speech.***

- I would like to learn English law in Great Britain. What university could you recommend me?
- If were you I would choose the Law Faculty at Cambridge University.

- How many subjects are studied in the Law Faculty at Cambridge?
- 25 subjects.
- Which subjects do the law students study at this university?
- They have a wide choice / option of law subjects. They are as follows: Roman Law, Constitutional Law, Criminal Law, Administrative Law, Criminology, International Law, etc.
- What kinds of degree are there in English universities?
- At English universities there are several different kinds of degree, depending on the level of specialization. Most students studying at university for the first time take a normal degree, called a first degree. This kind of students is called an undergraduate. Some students continue to study or return to university some years later to take a second more specialized degree called a Master's degree. This kind of students is called a postgraduate.
- Does the course give an academic legal education or teach students to become lawyers?
- The Law course at Cambridge University is intending to give a thorough grounding in the principles of law viewed from an academic rather than a vocational perspective. There are opportunities to study the history of Law and to consider the subject in its wider social context. The emphasis is on principle and technique.
- What intellectual abilities does the law course develop?
- Skills of interpretation and logical reasoning are developed, and students are encouraged to consider broader questions such as ethical judgement, political liberty and social control.
- Do all Cambridge Law undergraduates become lawyers?
- Most Cambridge Law undergraduates who read law do so with the intention of practicing, many do not, preferring instead to go into administration, industrial management or accountancy.
- Should people who want to read Law study any particular subject at school?
- Candidates intending to read law need not have studied any particular subject at school. It is as common for undergraduates to have a scientific or mathematical background at A-level as it is for them to have studied history or languages.

- How many years does a first degree course last?
- A first degree course lasts 3 years.
- How many subjects do the undergraduates study?
- Undergraduates reading law for three years study 14 subjects.
- Can students choose the subjects they study in the first and second years of the law course?
- In the first year of the law course the students cannot choose the subjects they study. They study Criminal Law, Constitutional Law, The Law of Tort and Roman Law. In the second year five subjects are studied. The range of subjects on offer is wide – from Family Law to International Law. In the third year five subjects are studied. The range of options is even wider than in the second year of the Law course. The students take examinations at the end of the first and second year. Candidates may also participate in the seminar course, submitting a dissertation.
- How many exams do postgraduates take?
- Candidates for the postgraduate L.L.M. take any four papers selected from a wide range of options in England Law, Legal History, Civil Law, International Law, and Comparative Law and Legal Philosophy.
- Thank you for your information.

***Task 20. Make a presentation on one of the following topics.***

1. My faculty.
2. The reason I'd like to pursue a legal career.
3. Studying at the Law Faculty of the TNEU: a great loss or a great opportunity.

## **Unit 2.**

### **CAREER IN LAW**

***Task 1. Read and translate the following text.***

### **BEING A LAWYER**

Lawyers have to follow a rigorous education, formal educational requirements for lawyers in Europe include a 4-year college degree, 3

years in law school, and the passing of a written bar examination. Competition for admission to most law schools is intense. Demand for lawyers will be spurred by the growth of legal action in such areas as health care, intellectual property, international law, elder law, environmental law, and sexual harassment.

Lawyers do most of their work in offices, law libraries, and courtrooms. They sometimes meet in clients' homes or places of business and, when necessary, in hospitals or prisons. They may travel to attend meetings, gather evidence, and appear before courts, legislative bodies, and other authorities. Salaried lawyers usually have structured work schedules. Lawyers who are in private practice may work irregular hours while conducting research, conferring with clients, or preparing briefs during non-office hours. Lawyers often work long hours, and of those who regularly work full time, about half work 50 hours or more per week. They may face particularly heavy pressure, especially when a case is being tried.

Preparation for court includes keeping abreast of the latest laws and judicial decisions. Although legal work generally is not seasonal, the work of tax lawyers and other specialists may be an exception. Because lawyers in private practice often can determine their own workload and the point at which they will retire, many stay in practice well beyond the usual retirement age.

There are different aspects to a lawyer's work depending on which field they specialize in. Here are a few examples.

**Private lawyers** focus on civil or criminal law, representing private individuals. In civil law, they pursue private law suits or litigation, or deal with wills, contracts, trusts, mortgages, leases, etc. A criminal lawyer career entails arguing a client's case in court, following the client being charged with a crime. Some lawyers only handle larger, public interest cases that have wider social importance.

**Trial lawyers** spend more time in court than other lawyers. However, the majority of their time is spent conducting research, interviewing clients and witnesses, and preparing for trial.

**Corporate lawyers** work solely for corporate clients and advise them on legal issues around their business activities. A career as a corporate lawyer might involve sorting out issues relating to contracts with other companies, government regulations, patents, etc.

**Intellectual property lawyers** help to protect clients' claims to copyrights, creative work under contract, product designs, and computer programs.

**Patent lawyers** advise their clients on patent law, which allows them to protect their invention of a new product or process. A career as a patent lawyer therefore requires a lot of research as a patent can only be granted if the product or process is new, inventive and capable of industrial application.

**Insurance lawyers** advise insurance companies about the legality of insurance transactions, writing policies that are legally correct. They also help to protect companies from unwarranted action by reviewing claims and representing the company in court.

**Environmental lawyers** may represent pressure groups, interest groups, and companies whose work touches on environmental issues, such as construction, geological and waste management firms. These lawyers help their clients to apply for licenses and applications for activities which may affect the environment, or defend their clients if prosecuted by the authorities over environmental breaches.

**Government lawyers** who work as prosecutors and defenders on behalf of the state within the justice system. Some help to draft and interpret laws and legislation on behalf of the government.

Other areas of specialization include bankruptcy, probate and international law. Some lawyers work in law schools, or teach in non-academic environments. Other lawyers work for not-for-profit organizations or disadvantaged people, usually being paid with legal aid monies. They usually handle civil cases, rather than criminal.

***Task 2. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Rigorous education, a written bar examination, Salaried lawyers, Lawyers in private practice, health care, intellectual property, international law, elder law, environmental law, sexual harassment, private lawyers, trial lawyers, corporate lawyers, intellectual property lawyers, patent lawyers, insurance lawyers, environmental lawyers, government lawyers.

**Task 3. Put 10 different questions on the text and give your own answers to them.**

**Task 4. Translate the following sentences into Ukrainian and decide if they are true or false.**

1. Law is a very challenging and exciting field of knowledge.
2. Lawyers are in great demand now.
3. A career in law offers great opportunities.
4. The lawyer should be good not only at law but also at other disciplines, in particular, psychology, sociology, ethics, and others because he deals with people and must understand their problems.
5. Many people start up and run their own companies, but they are amazingly ignorant of fundamental legal issues. Obviously, the lawyer's task is "to close the gap" helping people solve their problems.
6. Students of Law Faculty will find a job which is both challenging and rewarding.

**Task 5. Give a free translation of the following passage.**

Як відомо, термін навчання лікаря в середньому дорівнює семи рокам (без заочної форми навчання), у той час, як термін навчання юриста складає в середньому п'ять років. Тобто через цей час будь-яка особа в Україні може вільно розпочинати свою власну юридичну практику: представляти інтереси клієнтів в суді, складати проекти угод або навіть просто консультувати з різних питань.

Ці питання можуть стосуватися як ділового життя, так і приватного. Незалежно від ступеню втручання юрист-початківець може кардинально змінити долю свого клієнта. Щорічно кілька тисяч юристів закінчують вищі навчальні заклади і саме від них буде залежати доля наших громадян. Тому питання їх підготовки має неабияке значення. Звичайно, можна звернутися до відомих юридичних фірм та досвідчених юристів, але їх послуги не кожен має змогу оплатити.

**Task 6. Complete the following text with the words from the box below using them in the appropriate form.**

If you are considering opening your own law firm or solo practice, you have probably been doing so for some time. For me, I've considered opening my \_\_\_\_\_ firm for about 7 years, which takes me back to my first year of law school. When everyone was running around trying to get those big firm \_\_\_\_\_, I was too, but in the back of my mind I was thinking about some of the things those firms can demand that you give up in order to continue to receive the high \_\_\_\_\_ they provide.

Things like your free time, time with your family, time to take care of yourself, your political and social views, and your life in general. (I don't have any specific stories to point to but I think we can all agree that this type of "taking one for the team" at big firms is required often). If you couldn't tell, I didn't get one of those big firm jobs the first summer. I took a volunteer job clerking for a district \_\_\_\_\_ (trial level) judge for the summer in a large, metropolitan city. I was exposed to jury trials and bench trials; I drafted decisions on summary \_\_\_\_\_ motions and other substantive issues; and I had the ability to pick the judge's brain with every stupid question I could dream up. It was a great \_\_\_\_\_, and if nothing else showed me that I was smart enough to be a real lawyer.

After that summer I talked with all of my classmates, and as classmate are opt to do, we compared notes on what we had done. Many of the big firm \_\_\_\_\_ talked about all of the money they got and all of the parties they went to, but none had any great stories about what they had done that made them a better \_\_\_\_\_. Those with smaller firm experience, on the other hand, talked about what great experience they'd received (for the most part) and were enthusiastic about the practice of law.

In addition to being generally unimpressed with the big law firms in general, I have an innate quality that makes me well suited for solo \_\_\_\_\_. I am a go-getter, a doer, with a type-A personality, that likes to grab the bull by the horns and really dig into something new from the ground up. What better way to make my mark on the world than by opening my \_\_\_\_\_, my own law firm, and seeing what I can make of it? I am excited by the chance to make my own mark on the world, control my own destiny, all the while becoming a successful businessman and \_\_\_\_\_.

Own, salaries, judgment, own business, jobs, experience, attorney, court, lawyer, law practice, clerks

***Task 7. Make a presentation on one of the following topics.***

1. Why would you like to pursue a legal career?
2. Pros and cons of having solo law practice?
3. What aspect of law would you like to specialize in?

***Task 8. Read and render the following text.***

## **HOW TO OPEN A SMALL LAW FIRM**

There are several business entities to choose from: sole proprietor, general or limited liability partnership, corporation (professional association) or professional limited liability corporation.

### ***Sole Proprietor***

The unincorporated attorney is a sole proprietor. The attorney is the business entity. If an attorney wishes to maintain a simple office life, at least in the beginning, then the sole proprietor is likely the entity of choice. The income and losses of a sole proprietor are the income and losses of the individual attorney. On the other hand, the sole proprietor is personally liable for business debts and negligent errors and omissions. For example, if the sole proprietor signs a lease for office space and later breaches the lease, then the landlord can sue the individual attorney for damages. To satisfy the judgement, the landlord may levy on not only the attorney's business operating account, but also the attorney's personal accounts and real estate. Therefore, while this entity is simple to maintain, the liability is greater.

### ***Partnership***

General partnerships are similar to sole proprietors in that they are simple to form and maintain. No written partnership agreement between the partners is required by law. Without an agreement it is presumed that the profits are shared in the same proportion as losses. Losses are assumed to be apportioned equally among the partners. A written partnership agreement can reallocate profits and losses among the partners. Partnership agreements also often spell out such terms such as the logistics of a dissolution or adding another partner.

### *Professional Limited Liability Company*

A professional limited liability company (PLLC) is the next type of business entity. A PLLC is the same thing as an LLC, except all members of the PLLC are members of a profession (doctors or lawyers), and the licensing board for the respective profession has approved the filing of the Articles of Organization. Such companies are simple to form and maintain.

An Operating Agreement among the members of the PLLC serves the same function as a Partnership Agreement among partners of a partnership. An Operating Agreement is not required, but is suggested to avoid unnecessary conflict among the members. No annual meetings are required, unless the Operating Agreement states otherwise. Generally, the profits and losses of the PLLC pass through to the members as if they were partners in a partnership. However, unlike a partnership, the members of a PLLC have limited liability for their acts taken on behalf of the PLLC.

### *Corporation*

A professional corporation (PC) or association (PA) is very similar to a PLLC. As with a PLLC, all shareholders in a PC or PA must be licensed attorneys. The first step in forming a corporation is to prepare Articles of Incorporation

*Finances.* Many new attorneys open their new firms with borrowed money with no idea as to how they will pay it back. This is not a good idea. Many lawyers feel that since they went to law school they should know everything needed about opening a business. This is probably incorrect, and you need to have the courage to ask for help. Most community colleges in the USA have Small Business advisers who provide free services and advice in opening a new business, including law firms. But in Ukraine it looks like “do-it-yourself”.

So you need to have exact business plan, i.e. papers that shows a lender how borrowed funds will be paid back, the new attorney must adhere to the plan. Many firms now use credit cards to finance purchases that bank lines of credit used to cover. Credit cards should be handled like snakes, and any credit card offer should be scrutinized to ensure that low interest rates will not be steeply increased by one late payment, and to determine the terms of the interest rates. Further, as with other lines of credit, purchases on credit cards should only be made with a plan as to how to pay off the debt.

The attorney should often project at least three to four months

ahead to determine when and if fees will be generated to cover certain expenses. An annual budget should be prepared, taking into account ordinary expenses such as research expenses (books, online and CD-ROM), rent, electricity and employee overhead, as well as annual or semiannual expenses such as malpractice insurance premiums, privilege licenses, jurisdictional bar dues and taxes to name a few. The budget helps to forecast cash flow for the business to ensure that the firm can weather the lean times and not overspend during the good times. Some people suggest that before you open up you have enough financing to survive one year without drawing any funds. On a final note for finances, it is a good practice to purchase equipment such as computers on three-year cycles. For instance, the firm budget should include allowances to replace one-third of the office's equipment each year. This helps ensure that the technology is fairly current and avoids many repair costs otherwise incurred.

***Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Business entities, sole proprietor, general or limited liability partnership, corporation (professional association), professional limited liability corporation, individual attorney, to satisfy the judgement, members of a profession, to provide free services and advice, business plan, firm budget.

***Task 10. Put 10 different questions on the text and give your own answers to them.***

***Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Bar examination; courtroom; lawyer; will; mortrage; witness; claim; insurance; not-for-profit organizations; trial.

***Task 12. Translate the following sentences into Ukrainian and decide if they are true or false.***

1. Lawyers work in a myriad of venues such as for the government, for a law firm, for the military, for non-profit organizations or for corporations. Within those different entities, a lawyer may practice medical law, wills and estates, products law, business or corporate law, computer or information technology law, patent law, contract law, consumer law, criminal and the list goes on.

2. Some lawyers spend a great deal of time in court as they are litigators which means that their cases go to trials and hearings. Other lawyers rarely go to court and their practices are considered transactional, meaning that they deal with issues that are negotiated or implemented without the use of the court system.

3. Lawyers deal with a lot of paperwork and often work directly with other lawyers on a daily basis.

4. Many lawyers travel across the country and internationally for depositions and meetings.

5. Most lawyers are on the computer and on the phone a lot as well.

***Task 13. Give a free translation of the following passage.***

В Україні згідно законодавства адвокат має право займатись адвокатською діяльністю індивідуально, відкрити своє адвокатське бюро, об'єднуватися з іншими адвокатами в колегії, адвокатські фірми, контори та інші адвокатські об'єднання, які діють на засадах добровільності, самоврядування, колегіальності та гласності. Такий закон та прийняті відповідно до нього інші нормативні акти надають можливість сформувати висококваліфікований і впливовий адвокатський корпус, завершити становлення української адвокатури, яка має виконувати своє конституційне призначення: забезпечити право на захист від обвинувачення та надання правової допомоги при вирішенні справ у судах та інших державних органах (ч. 2 ст. 59 Конституції України).

Особа, що одержала свідоцтво про право на заняття адвокатською діяльністю, має право практикувати індивідуально, відкрити своє адвокатське бюро або об'єднуватись з іншими адвокатами в колегії, фірми, контори та інші адвокатські об'єднання, які діють відповідно до Закону про адвокатуру і своїх статутів.

***Task 14. Make a presentation on one of the following topics.***

1. What kind of a private firm would you like to open? Why?
2. Pros and cons of law business entities.
3. The perfect place for lawyers' work.

**Unit 3.**

## **THE NEED FOR LAW**

***Task 1. Read and render the following text.***

### **LAW AND SOCIETY**

Mr. Jones, having murdered his wife, was burying her in the garden one night, when his neighbour, hearing the noise, asked him what he was doing.

“Just burying the cat,” said Mr. Jones.

“Funny sort of time to bury a cat,” said the neighbour.

“Funny sort of cat,” said Mr. Jones.

Now it is obvious to everyone that, in a community such as the one in which we live, some kind of law is necessary to try to prevent people like Mr. Jones from killing their wives. When the world was at a very primitive stage, there was no such law, and, if a man chose to kill his wife or if a woman succeeded in killing her husband, that was their own business and no one interfered officially.

But, for a very long time now, members of every community have made laws for themselves in self-protection. Otherwise it would have meant that the stronger man could have done what he liked with the weaker, and bad men could have joined together and terrorized the whole neighbourhood.

If it were not for the law, you could not go out in broad daylight without the fear of being kidnapped, robbed or murdered. There are far, 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.

There is no difficulty in understanding this but it is just as important to understand that law is not necessary just because there are bad people in the world. If we were all as good as we ought to be, laws would still be necessary. If we never told lies, never took anything that didn't belong to us, never omitted to do anything that we ought to do

and never did anything that we ought not to do, we should still require a set of rules of behaviour, in other words laws, to enable us to live in any kind of satisfactory state.

How is one good man in a motor-car to pass another good man also in a motor-car coming in the opposite direction, unless there is some rule of the road? People sometimes hover in front of one another when they are walking on the pavement before they can pass, and they may even collide. Not much harm is done then, but, if two good men in motor-cars going in the opposite directions hover in front of one another, not knowing which side to pass, the result will probably be that there will be two good men less in the world.

So you can see that there must be laws, however good we may be. Unfortunately, however, we are none of us always good and some of us are bad, or at any rate have our bad moments, and so the law has to provide for all kinds of possibilities. Suppose you went to a greengrocer 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. You could go back to the shop, demand proper potatoes and hit the shopkeeper on the nose if he refused to give them to you. You might then look round the shop to try to find some decent potatoes. While you were doing this, the shopkeeper might hit you on the back of the neck with a pound weight. Altogether not a very satisfactory morning shopping.

Or you might pay your money to go to see a film at a cinema. You might go inside, sit down and wait. When the cinema was full, there might be flashed on the screen: "You've had it, Chums". And that might be the whole of the entertainment. If there were no law, the manager could safely remain on the premises and, as you went out, smile at you and say: "Hope you've enjoyed the show, sir." That is to say, he could do this safely if he were bigger than you or had a well-armed bodyguard.

Every country tries, therefore, to provide laws which will help its people to live safely and as comfortably as possible. This is not at all an easy thing to do, and no country has been successful in producing laws which are entirely satisfactory. But we are far better off with the imperfect laws which we have, than if we had none at all.

**Task 2. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.**

Вбити; поховати; пограбувати; викрасти людину; самозахист; відсутність закону; озброєний охоронець; створювати закони; недосконалі закони, правила поведінки.

**Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

Rules, laws, regulations, law codes, lawgivers, legislators, civil law, criminal law, government, perfect and imperfect laws.

**Task 4. Agree or disagree with the following statements.**

1. Members of every community have made laws in self-protection.
2. In a society where technological and social change is rapid law must adapt to changing conditions.
3. All societies use law to keep peace and maintain order.
4. Legislatures are the only one source of law.
5. Every country tries to provide laws which will help its people to live safely and as comfortably as possible.

**Task 5. Translate the following sentences into English**

Очевидно, що закон є необхідним в інтересах всього суспільства. Інакше кажучи, люди повинні були б жити за законами джунглів. На жаль, створити досконалі закони не просто. Відповідно, кожне суспільство намагається встановити свої правила поведінки. Хоча навіть найдосконаліші закони не можуть задовольнити потреби усіх громадян.

У будь-якому випадку, недосконалі закони – це краще, ніж беззаконня.

**Task 6. Complete the following text with the words from the box below using them in the appropriate form.**

*Laws of Babylon*

One of the most detailed ancient legal codes was... in about 1758 B.C. by Hammurabi, a king of Babylonia. The entire code, consisting of 282 paragraphs, was carved into a great stone pillar, which was set up in a ...to the Babylonian god Marduk so that it could be read by every citizen.

The pillar, lost for centuries after the fall of Babylon in the 16<sup>th</sup> century B.C., was rediscovered by a French archaeologist in 1901 amid the ruins of the Persian city of Susa. Hammurabi's words were still legible. The pillar is now in the Louvre museum in Paris.

The laws laid down by Hammurabi were more extensive than any that had gone before. They ...crime, divorce and marriage, the rights of slave owners and slaves, the settlement of debts, inheritance and property contracts; there were even regulations about taxes and the prices of goods.

Punishment under the code were often harsh. The cruel principle of revenge ...: an eye for eye and a tooth for tooth, which meant that criminals had to receive as punishment precisely those injuries and damages they had inflicted upon their .... Not only murderers but also thieves and false accusers faced the death penalty. And a child who hit his father could expect to lose the ...that struck the blow. In addition, the new laws took account of the circumstances of the offender as well as of the offence. So a lower-ranking citizen who ... a civil case would be fined less than an aristocrat in the same position – though he would also be awarded less if he....

Nevertheless, Hammurabi's laws represented an advance on earlier tribunals ..., because the penalty could not be harder than the crime.

To cover, hand, to draw up, custom, temple, victim, to win, to be observed, to lose.
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***Task 7. Make a presentation on one of the following topics.***

1. Laws haven't changed since primeval times.
2. However hard people try, laws are always insufficient.
3. Laws are not for ordinary people, they are for lawyers.
4. All laws are situational. They suit only a particular place at a particular time.
5. There is some eternal law. It is good for all times and places.

***Task 8. Read and render the following text.***

## **THE DEFINITION OF LAW**

When people think of law, numerous images come to mind. Some think of police officers while other people see courts. Still others view law as the product of a legislature, a statute. Law is an important part of the culture of society. Like language, it reflects the values, history, and current problems of a society.

Legal philosophers and legal scholars do not agree on a single definition of the law. The term is sometimes applied to a legal system, as when we speak of “the rule of law”. Here we are referring to a political system in which all people within the system, including the most powerful leaders, are required to follow the rules called “the law”. Furthermore, they are all answerable to a system of courts that applies that body of law.

More commonly, when people speak of law they refer to the rules themselves. “The law says that you must...” is a phrase you often hear. This is the sense in which the law is used. The following definition of law is useful:

The law is a set of principles, rules, and standards of conduct:

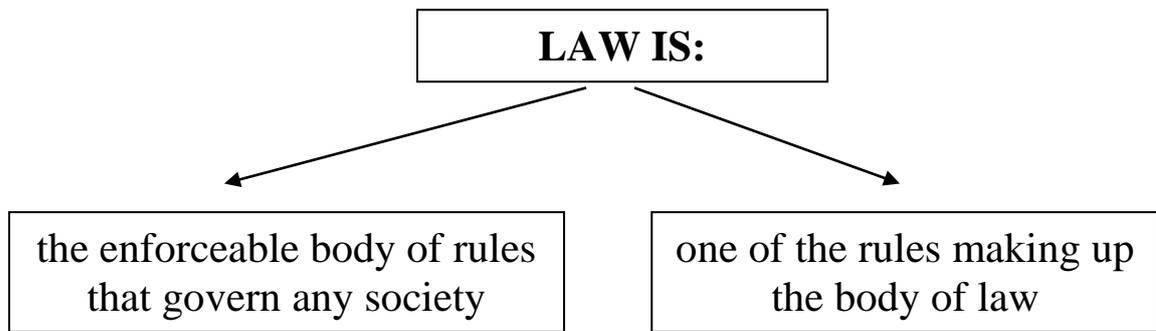
- ✓ That has general application in the society.
- ✓ That has been developed by an authority for that society.
- ✓ For the violation of which the society imposes a penalty.

Law in a broader sense is seen in all societies. In a primitive society the rules of behaviour may not be consciously developed by the leader or representatives of the society; they may have been handed down as custom from earlier generations.

The term a law has a different and more limited meaning. It usually describes the rules enacted by legislatures.

The basic functions of law are:

- keeping the peace;
- enforcing standards of conduct and maintaining order;
- facilitating planning;
- promoting social justice.



**Task 9. Complete the following statements.**

- 1) Law is an important part of .....
- 2) Legal philosophers and legal scholars do .....
- 3) The term “law” is sometimes applied to .....
- 4) More commonly, when people speak of law they .....
- 5) The following definition of law is .....
- 6) Law in a broader sense is .....
- 7) In a primitive society the rules of behaviour may not be .....
- 8) The term a law has a .....

**Task 10. Put 10 different questions on the text and give your own answers to them.**

**Task 11. Choose the correct explanation of the following words and word combinations. Explain your choice.**

➤ *Law*

- a) is the set of values, institutions and concepts that permit civilization to exist and people to live orderly lives;
- b) is the system which cannot be categorized at all;
- c) is a synonym of morality and justice.

➤ *Constitutional Law*

- a) is one of three major sources of law in the United States;
- b) is the supreme law of the land;
- c) puts no limits on the powers of the different branches of government.

➤ *Statutes [the enactments of legislature]*

- a) are created on the federal, state, and local levels;
- b) are the same as administrative decisions;
- c) have nothing to do with law.

➤ *Common Law*

- a) or “unwritten law”, is the body of law that emanates from courts through judicial decisions;
- b) is the only source of law in the United States;
- c) is molded and implemented in the House of Commons.

***Task 12. Translate the following statements into Ukrainian and decide if they are true or false.***

1. The nature of government regulation of economics is difficult to define.
2. Although law, morality, and justice sometimes regulate the same social relations, they are hardly synonymous terms.
3. The application of law may be harsh and unfair.
4. The Constitution of Ukraine provides for the protection of individual rights and liberties.
5. In Ukraine there are three major sources of law. They are: constitutional law, enactments of legislature, and administrative regulations.
6. It is the major function of the Constitution of the newly-independent Ukraine to put limitations on the power of government, both central and local, to interfere with individual liberties and economic freedoms of individuals, groups, and institutions.
7. Law is complex phenomenon of the social life; while there exist many ways of defining it, there are no single concept which could possibly include every aspect of law.

**NOTE:** Please pay attention to different possibilities of translating such English terms as *government*, *law*, and *state* into Ukrainian. Remember that English term **government** may be translated as **уряд, державна влада, власті, форма державного правління, політичний лад**. As an adjective it may correspond to the Ukrainian **урядовий, державний**. For example: government intervention – державне втручання,

government structures – урядові структури, government policy – урядова політика.

**Law** may mean **закон, право, правопорядок, звичаї**. For example: the Law of Ukraine on the Entrepreneurship – Закон України “Про підприємництво”, Ukrainian law – право України, law of the land – місцеві звичаї (традиції).

**State** is usually translated as **державна влада, країна, штат** (у Сполучених Штатах Америки), **державна влада, уряд, власті**. For example: the state of Ukraine – Українська Держава, European states – європейські країни (держави), State California – штат Каліфорнія, the state ruled against it – влада прийняла негативне рішення у справі.

***Task 13. Give a free translation of the following sentences.***

1. Єдиним джерелом права в Україні є український народ.
2. Державна влада в Україні поділяється на такі гілки: законодавча, виконавча та судова.
3. Конституція України регламентує діяльність різних гілок влади, а також визначає межі їх повноважень.
4. Розділ II Конституції України захищає права людини і громадянина в Україні від державного втручання.
5. Протягом останніх семи років почало зменшуватися втручання держави в економіку.
6. Конституційний Суд має право переглядати нормативно-правові акти різних гілок влади (виконавчої та законодавчої) і скасовувати ті з них, які суперечать положенням Конституції України.

***Task 14. Make a presentation on one of the following topics.***

1. Law is a complex phenomenon of social life. Prove it.
2. Different concepts which could possibly include every aspect of law.
3. Your personal understanding of the main definitions of law.

## Unit 4.

### BASIC LEGAL TERMS AND CONCEPTS

*Task 1. Read and translate the following text:*

#### WHAT IS LAW

The English word “law” refers to limits upon various forms of behaviour. Some laws are descriptive: they simply describe how people, or even natural phenomena, usually behave, other laws are prescriptive – they prescribe how people ought to behave.

In all societies, relations between people are regulated by prescriptive laws. Some of them are customs – that is informal rules of social and moral behaviour. 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 the need to 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.

Members of every community have made laws for themselves in self-protection. If it were not for the laws, you could not go out in daylight without the fear of being kidnapped, robbed or murdered. 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.

**Law** is a term which does not have a universally accepted definition, but one definition is that law is a system of rules and guidelines which are enforced through social institutions to govern behavior. Laws are made by governments, specifically by their legislatures. The formation of laws themselves may be influenced

by a constitution (written or unwritten) and the rights encoded therein. The law shapes politics, economics and society in countless ways and serves as a social mediator of relations between people.

***Task 2. Find in the text the English equivalents for the words below.***

Закон; поведінка; звичаї; суспільство; спільнота; відносини; описові закони; приписуючі закони; уряд; конституція.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Judicial decision, remedy, lawmaker, in a civilized fashion, coercive, enforcement, protection, robbery, murder, kidnapping.

***Task 4. Agree or disagree with the following statements.***

1. Government usually establishes customs.
2. Some laws prescribe how people ought to talk, eat, work and relax.
3. No matter how generous and kind people may be they need laws.
4. There cannot be perfect laws.
5. The law enables us to go out in daylight without fear of being robbed, kidnapped or murdered.
6. Some laws are descriptive, other laws are prescriptive.
7. The word “law” refers to limits upon various forms of behaviour.
8. Social traditions and rules are both enforced by governments or lawmakers.
9. Many laws reflect social customs.
10. Any law is to improve the quality of individual life.

***Task 5. Give a free translation of the following passage.***

Чому у людей існують закони та правові системи? З одного боку, закони – це тип правил, які регулюють поведінку між людьми. Ці закони є у всіх суспільних організаціях, таких як сім'я чи спортивний клуб.

З іншого боку, закон – це сукупність правил та норм, які є в конституціях та законодавчій базі. Вони регулюють суспільство та

поведінку його членів. Суди та законодавчі органи створюють закони, а поліція гарантує їх правозастосування (enforcement). Судові органи (body of judges) відіграють важливу роль у кожній країні, хоча правова система однієї держави має відмінності у порівнянні з іншою. Однак єдине, що стосується всього світу, це те, що судовий позов (legal action) є затратним та потребує багато часу.

***Task 6. Complete the following text with the words from the box below using them in the appropriate form***

### *Napoleon`s Law*

Napoleon Bonaparte, the Corsican soldier who ... emperor of France after the French revolution, established in 1800 five commissions to refine and ...the diverse legal systems of France. The result, enacted in 1804, was Napoleon`s Code.

Some of its original 2,281 articles were drafted by Napoleon himself, and all were affected by his thinking, even though he was completely self-taught in legal matters. The Code was a triumphant ... to create a legal system that treated all citizens as equals without regard to their rank or previous privileges. It was also so clearly written that it could be read and ... by ordinary people at a time when only Latin scholars could ...sense of the earloer laws handed down since Roman times. The Code ... in most of the areas of europe that Napoleon dominated and spread from there across the Atlantic, taking ...particularly in French-speaking american communities. Many of its ...are still in force today.

To understand, to organise, principles, to become, to adopt, attempt, root, to make
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***Task 7. Make a presentation on one of the following topics.***

1. Why do the people need for law?
2. What is it better: to have the imperfect laws or to have not them at all? Explain the choice.
3. Could you rely upon the law of the jungle? Why?

***Task 8. Read and render the following text.***

## CLASSIFICATION OF LAW

Each country in the world has its own system of law. Law is an important part of culture of any society. Like its language, law reflects values, history and current problems of a society. Law is found in constitutions, statutes, cases decided by courts, regulations and ruling of administrative agencies.

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 USA. The other tradition, or Roman law, has developed on most continental Europe, Latin America and many countries in Asia and Africa.

At an English university Law is divided into different subjects or “branches” for study. There is a list of subjects students study in the Law Faculty at Cambridge University: Roman Law (Civil Law), Constitutional Law, Criminal Law, Land Law, International Law, Commercial Law, Labour Law, Conflict of Law, EU Law, Criminology, Criminal Procedure and Criminal Evidence, Equity.

Administrative Law is the area of Law relating to the functions and powers of government organizations and how they operate in practice to administer government policy.

Constitutional Law is the law relating to the legal structure of government in a State. It defines the principal organs of government and their relationship to each other and to the individual.

Private Law. In general, private law is the part of the law which deals with relations between ordinary individuals and also between ordinary individuals and the State in circumstances where the State has no special rights or powers.

Public Law. In general, public law is the part of legal system which deals with the State and also with relations between the State and ordinary individuals in circumstances where the State has special rights or powers.

Family Law is the area of law relating to the organization of the family and the legal relations of its members.

Labour Law is the area of law relating to the employment of workers. It includes their contracts and conditions of work, trade unions and the legal aspects of industrial relations. It is also called Industrial Law.

Criminal Law is the law relating to crime. It means illegal conduct for which a person may be prosecuted and punished by the State.

Land Law is the area of law which deals with rights and interests related to owning and using land. Land is the most important form of property.

International Law is the system of law which regulates relations between states. It is a special system of legal rules which is not part of any nation system of law.

The Law of Contract is the law relating to contracts.

The Law of Tort is the law relating to torts.

***Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Право справедливості, закон, процесуальне право, відображати, урядова політика, постанови, звичаєве право, суд, країни співдружності, трудове право.

***Task 10. Put 10 different questions on the text and give your own answers to them.***

***Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Constitutional Law; Statutory Law; Procedural Law; Political Law; Criminal Law; Civil Law; Equitable Law; Labour Law; Law of Torts; EU Law.

***Task 12. Translate the following sentences into Ukrainian and decide if they are true or false.***

1. A particular legal system is closely connected with the history, political structure and social values of the country.
2. The legal system is fixed once and forever.
3. The law system is a universal thing.
4. Roman law has developed in the United States.
5. Each country in the world has its own system of law.
6. Law is found only in constitutions and statutes.

7. Family Law is the area of law relating to the organization of the family.

8. Constitutional Law deals with relations between ordinary individuals and the state.

9. Constitutional or Roman law has developed in most of Continental Europe, Latin America and many countries in Asia and Africa.

10. Constitutional law defines the principal organs of government and their relationship to each other and to the individual.

***Task 13. Give a free translation of the following passage.***

Закон є необхідним в інтересах всього суспільства. Інакше кажучи, люди повинні були б жити за законами джунглів. Основним джерелом права в Україні є український народ, а основним законом – Конституція України.

Різні галузі права регулюють різні сторони людського життя. Зокрема, Конституційне право регулює стосунки між фізичними особами і державою; Сімейне право – це галузь права, що визначає правові відносини усіх членів сім'ї.

***Task 14. Make a presentation on one of the following topics.***

1. How can you define the term “Administrative Law”?
2. What does International Law regulate?
3. What is Criminal Law? What are its main purposes and principles?

## **Unit 5.**

### **THE COURT SYSTEM OF UKRAINE**

***Task 1. Read and render the following text.***

#### **UKRAINE. JUDICIAL SYSTEM**

The legal system of Ukraine is based on the framework of civil law. The legal system of Ukraine belongs to the Romano-Germanic legal tradition. The main source of legal information is codified law. Customary law and case law are not as common, though case law is

often used in support of the written law, as in many other legal systems. Historically, the Ukrainian legal system is primarily influenced by the French Code Civil, Roman Law, and traditional Ukrainian customary law. The new civil law books (enacted in 2004) were heavily influenced by the “German Bürgerliches Gesetzbuch” (German Civil Code).

The primary law making body is the Ukrainian Parliament (Verkhovna Rada), also referred to as the legislature. The power to make laws can be delegated to lower governments or specific organs of the State, but only for a prescribed purpose. In recent years, it has become common for the legislature to create "framework laws" and delegate the creation of detailed rules to ministers or lower governments (e.g. a municipality).

Justice in Ukraine is administered exclusively by the courts. The delegation of the courts functions, and also the appropriation of these functions by other bodies or officials, are not permitted.

Although judicial independence exists in principal, judicial powers and political powers are not separated and judges are subjects of pressure by political and business interests.

The jurisdiction of the courts extends to all legal relations that arise in the State. Judicial proceedings are performed by the Constitutional Court of Ukraine and courts of general jurisdiction.

In Ukraine, the system of courts of general jurisdiction is formed in accordance with the territorial principle and the principle of specialization. The regional, districts, cities courts hear small value claims and less serious offences. The Supreme Court of Ukraine is the highest judicial body in the system of courts of general jurisdiction. The respective high courts are the highest judicial bodies of specialized courts. Courts of appeal and local courts operate in accordance with the law.

The Constitutional Court of Ukraine is a special body with authority to assess whether legislative acts of the Parliament, President, Cabinet or Crimean Parliament are in line with the Constitution of Ukraine. This Court also gives commentaries to certain norms of the Constitution or laws of Ukraine (superior acts of Parliament).

Prosecutors in Ukraine have greater powers than in most European countries. According to the European Commission for Democracy through Law “the role and functions of the Prosecutor’s Office is not in accordance with Council of Europe standards”.

Judges are appointed by the presidential decree for a period of five years, after which Ukraine's Supreme Council confirms them for life in an attempt to insulate them from politics. Judges are protected from dismissal (save in instances of gross misconduct).

***Task 2. Find in the text the English equivalents for the words below.***

Голова Конституційного Суду; правовий акт; єдиний орган; посада; повноваження судді; відповідність законів; обов'язковий для виконання; міжнародний договір; призначати; тлумачення закону; юридична сила; юридичний орган.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Prosecutor; legal; Constitution; case law; minister; Parliament; court; justice; offence; judge.

***Task 4. Agree or disagree with the following statements.***

1. The system of courts of general jurisdiction is formed in accordance with the Constitution of Ukraine.
2. Justice in Ukraine is administered by the Parliament of Ukraine.
3. Constitutional Court of Ukraine hears all civil and criminal cases.
4. The Court's rulings are final and cannot be appealed.
5. The Constitutional Court consists of a Chairman and eight judges.

***Task 5. Translate the following text into English.***

У статті 124 Конституції України зазначено, що правосуддя в Україні здійснюється виключно судами і що будь-яке привласнення функцій судів іншими органами чи посадовими особами не допускається. Згідно з Конституцією, судовому захисту підлягають усі права, свободи та обов'язки громадян.

Судочинство в Україні здійснюється Конституційним Судом України та судами загальної юрисдикції. Конституційний Суд входить до судової влади як її самостійний суб'єкт і є єдиним органом конституційної юрисдикції у нашій державі, що вирішує питання про відповідність законів та інших правових актів

Конституції України, а також дає офіційне тлумачення Конституції та законів України.

На сьогоднішній день рішення загальних судів першої інстанції можна оскаржити в загальних судах вищої інстанції, оскільки система апеляційних судів ще не діє.

***Task 6. Complete the following text with the words from the box below using them in the appropriate form***

The problem of selective use of laws in Ukraine has to be eliminated, Chairman of the United Kingdom parliament's All Party Parliamentary Ukraine Group John Whittingdale has said. "Laws have to be equally applied to everyone. Ukraine should think about ... its court system," he said during the opening of the Seventh Ukrainian Investment Summit ... by Adam Smith Conferences in London (May 16, 2012).

Whittingdale added that the ... against corruption was another important task for the country. He noted that the parliamentary group ... Ukraine in the process of the preparations for signing an association agreement with the European Union and is planning to assist it in future on its way towards joining the EU.

The ... of the parliamentary group noted that he regularly meets with the members of the Verkhovna Rada and is ready together with his colleagues to help improve work at the Ukrainian ...

Whittingdale also said that British companies are interested in Ukraine, and such ... could be especially useful in the agriculture, finance, and service spheres.

To support, to improve, partnership, to organize, head, fight, parliament
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***Task 7. Make a presentation on one of the following topics.***

1. New reforms in the Ukrainian Judicial System.
2. The status of Ukrainian judges which is defined by the New Criminal Code of Ukraine: comparative aspect.
3. The authority of the Constitutional Court of Ukraine as the sole body of constitutional jurisdiction.

***Task 8. Read and render the following text.***

## COURTS OF UKRAINE

Article 125 of the Constitution of Ukraine stipulates the structure of the courts of general jurisdiction based on the principles of territoriality and specialization. While the principle of territoriality reflects the administrative territorial division of the country and is a traditional one, the principle of specialization is comparatively new in the court system of Ukraine. It foresees the creation in future of specialized courts in different spheres of justice (criminal, civil, administrative, financial and other) together with the corresponding superior courts.

The judicial system of Ukraine consists of four levels of courts of general jurisdiction, as follows:

***Local courts of general jurisdiction*** (combining criminal and civil jurisdiction) consisting of:

- district, urban district and town courts;
- regional courts;
- city courts in Kiev and Sevastopol;
- administrative local courts.

***Courts of Appeal***, consisting of:

- appellate court of the Autonomous Republic of Crimea;
- regional appellate courts;
- appellate courts of the cities of Kiev and Sevastopol;
- appellate court of the Ukrainian Navy;
- regional military appellate courts;
- economic appellate courts (known also as arbitration courts);
- administrative appellate courts

The Appellate Court of Ukraine (currently not existed)

***High courts with specialized jurisdiction:***

The High Administrative Court of Ukraine, covering administrative cases;

The High Arbitration Court of Ukraine, covering economic and commercial cases

***The Supreme Court***, covering all cases.

***The Constitutional Court of Ukraine*** is the sole body of constitutional jurisdiction in Ukraine. The Constitutional Court of Ukraine decides on issues of conformity of laws and other legal acts

with the Constitution of Ukraine and provides the official interpretation of the Constitution of Ukraine and the laws of Ukraine.

The Court initiated its activity on October 18, 1996. The first Court ruling was made on May 13, 1997.

The authority of the Constitutional Court is derived from Ukraine's Constitution – Chapter XII.

The Court:

- on the appeal of the President, no less than 45 members of the parliament, the Supreme Court of Ukraine, the Ombudsman, or the Crimean parliament, assesses the constitutionality of:
  - laws and other legal acts of the parliament;
  - acts of the President;
  - acts of the Cabinet;
  - legal acts of the Verkhovna Rada of the Autonomous Republic of Crimea (Crimean parliament);
- officially interprets the Constitution and laws of Ukraine;
- on the appeal of the President or the Cabinet, provides opinions on the conformity with the Constitution of international treaties;
- on the appeal of the parliament, provides an opinion on the observance of the procedure of impeachment of the President;
- provides an opinion on the compliance of a bill on introducing amendments to the Constitution with the restrictions imposed by the Constitution.

The Court's rulings are mandatory for execution in Ukraine, are final and cannot be appealed. Laws and other legal acts, or their separate provisions, that are unconstitutional, lose legal force.

The Court is composed of 18 judges, appointed in equal shares by the President, the parliament, and the Congress of Judges.

A judge must be a citizen of Ukraine and must have:

- the age of forty;
- a higher legal education and professional experience of no less than 10 years;
- resided in Ukraine for the last twenty years;
- command of the state language.

Judges are appointed for nine years without the right of reappointment. The President and parliament are required to fill a vacant position within one month and the Congress of judges has three months to do so.

The Chairman of the Court is elected by secret ballot for a single three-year term from and by the members of the Court.

### **LOCAL COURTS**

Local courts of general jurisdiction hear criminal and civil cases as well as cases on administrative offences.

Local commercial courts hear cases connected with commercial relations as well as other cases attributed by the legislation currently in force to their jurisdiction.

Local administrative courts hear cases connected with the sphere of state administration and local self-government (cases of administrative jurisdiction) except for cases of administrative jurisdiction in the military sphere, which are taken to military courts.

### **COURTS OF APPEAL, THE APPELLATE COURT OF UKRAINE**

The courts of appeal are appellate courts in the Autonomous Republic of Crimea, regions, cities of Kiev and Sevastopol, military courts of appeals of regions and the Navy, Court of Appeals of Ukraine. In case of necessity regional courts of appeal can be substituted by general courts of appeal with territorial jurisdiction in several regions. On August, 20<sup>th</sup>, 2001, the President of Ukraine signed a Decree “On network and quantitative structure of judges at courts of appeal”, according to which the courts of appeals are created within the Supreme Court of the Autonomous Republic of Crimea, regional, Kyiv and Sevastopol city courts.

The courts of appeal shall:

- examine appeals according to judicial procedures currently in force;
- examine in the first instance cases as stipulated by the legislation currently in force (except for commercial courts of appeal);
- account and analyze forensic statistics, research and summarize court practices;
- provide consultations to local courts regarding application of the legislation currently in force.

The Court of Appeals of Ukraine also has the authority to examine appeals within its jurisdiction according to the active judicial procedures.

### **HIGH COURTS WITH SPECIALIZED JURISDICTION**

The highest bodies of the system of specialized courts are:

- the High Arbitration Court of Ukraine,
- the High Administrative Court of Ukraine,
- the High specialized court of Ukraine for Civil and criminal cases.

There are four chambers in the High Arbitration Court:

- to review of bankruptcy cases;
- to hear cases between entities
- to hear cases arising from tax and other relations involving government regulation of business entities;
- to review of cases involving the protection of the rights to intellectual property.

Administrative cases are disposed by a single judge in court of first instance as a rule, but complex cases, or, if a side in the cause solicits the judge, there to be three judges in composition of the court. Administrative cases which are under the jurisdiction of the High Administrative Court of Ukraine as first-instance administrative court are to be disposed by the chamber composed of not less than five judges. Review of the judicial award in administrative procedure of appeal instance is to be made by the chamber composed of three judges and of cassation instance – by the chamber composed of not less than five judges.

In 2010 the Parliament of Ukraine Rada has adopted the Law of Ukraine "On the Judicial System and Status of Judges". According to this law the High specialized court of Ukraine for Civil and criminal cases is supposed to be the appellate court to review cases under the general jurisdiction.

### **THE SUPREME COURT OF UKRAINE**

According to the Article 125 of the Constitution of Ukraine, the Supreme Court of Ukraine is the highest judicial body of general jurisdiction. It administers justice and ensures equal application of law by all general courts of Ukraine.

According to second part of Article 47 of the Law of Ukraine “On Court System”, the Superior Court of Ukraine shall:

- examine cassations regarding decisions made by general courts in cases within its jurisdiction according to the active legislation; examine second cassations in all other cases heard at the courts of general jurisdiction; in cases stipulated by the legislation in action – examine other cases under special circumstances;

- provide consultations to courts of lower level regarding application of the legislation currently in force based on the generalization and analysis of forensic statistics; if necessary, cancel the corresponding interpretations by the Plenary of the highest specialized court;
- address the Constitutional Court of Ukraine in case courts of general jurisdiction have uncertainties regarding the constitutionality of laws and other legal acts in force as well as regarding official interpretation of the Constitution of Ukraine and other legislation;
- account and analyze forensic statistics, research and summarize court practices, acquaint with the practice of application of legislation currently in force;
- make decisions within its authority regarding issues connected with international agreements of Ukraine; represent general courts of Ukraine in relations with foreign courts.

According to the legislation in force the Supreme Court of Ukraine comprises the following structure:

- Judicial Chamber on civil cases;
- Judicial Chamber on criminal cases;
- Judicial Chamber on administrative cases;
- Judicial Chamber on economic cases;
- Military Collegium;
- Presidium, Plenary;
- Council of Judges of Ukraine.

The Chairman of the Supreme Court of Ukraine is appointed and dismissed at the Plenary by means of secret ballot.

***Task 9. Find in the text the English equivalents for the words below.***

Судова система; апеляції; територіальний принцип; розглядати справи; суд загальної юрисдикції; вищий суд або Верховний Суд; таємне голосування; адміністративна справа; повноваження; рішення; захист.

***Task 10. Put 10 different questions on the text and give your own answers to them.***

***Task 11. Translate the following sentences into English.***

1. Судову систему України складають суди загальної юрисдикції та Конституційний Суд України, який є єдиним органом конституційної юрисдикції. Суди загальної юрисдикції утворюють єдину систему судів, яка складається із загальних і спеціальних судів.

2. В Україні існує декілька типів судів загальної юрисдикції: апеляційні, місцеві, вищі та верховний.

3. Третейські суди не входять до судової системи України.

4. Апеляційні суди в Україні мають право розглядати скарги на рішення місцевих судів.

5. Більшість справ вперше слухаються районними міськими судами.

6. Система загальної судів складається з: районних (міських) судів (районних у містах Києві та Севастополі) та Верховного Суду України і Верховного Суду Республіки Крим (за Законом України „Про судоустрій України”).

7. Конституційний Суд України є єдиним органом конституційної юрисдикції в Україні. Конституційний Суд України не входить до системи судів загальної юрисдикції.

8. За Конституцією України від 28 червня 1996 року однією з гілок влади є судова влада.

***Task 12. Open the brackets, put the words into correct form and translate the following sentences into Ukrainian.***

1. The goal of the judicial system (to be) that complete and equal justice be achieved at the trial of every case. Sometimes trial courts (to make) mistakes; the court of appeals (to be) established to correct these mistakes.

2. The courts (to be) the overseers of the law.

3. Ukraine's judicial system (to be) inherited from that of the Soviet Union and the former Ukrainian SSR.

4. The Supreme Court (to have) the duty to oversee the activities of all courts in the state, and (to see) that justice is being administered fairly, effectively and efficiently.

5. The Supreme Court, the Constitutional Court, the courts of general jurisdiction and specialized courts (to be) the bodies of the juridical power in Ukraine.

***Task 13. Agree or disagree with the following statements.***

1. The judicial system of Ukraine consists of three levels of courts of general jurisdiction.
2. Local courts of general jurisdiction hear criminal and civil cases as well as cases on administrative offences.
3. The Constitutional Court of Ukraine is the highest legal body in the system of general jurisdiction courts.
4. In Ukraine, judicial proceedings are carried out only by the Constitutional Court of Ukraine.
5. The Supreme Court of Ukraine hears cases appealed from the courts of general jurisdiction as well as cases with newly obtained evidence.
6. The Superior Court of Ukraine represents general courts of Ukraine in relations with foreign courts.

***Task 14. Make a presentation on one of the following topics.***

1. The main principles of the courts of general jurisdiction in Ukraine.
2. The functions of specialized courts in different spheres of justice in Ukraine.
3. The structure of the court system of Ukraine and the USA (Great Britain): comparative aspect

**Unit 6.**

**THE COURT SYSTEM OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

***Task 1. Read and render the following text.***

**THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND. JUDICIAL SYSTEM**

The Courts of the United Kingdom are separated into three separate jurisdictions as the United Kingdom does not have a single, unified judicial system, serving England and Wales, Scotland and Northern Ireland.

The most common type of law court in England and Wales is the magistrates' court. There are 700 magistrates' courts and about 30,000 magistrates.

More serious criminal cases then go to the Crown Court, which has 90 branches in different towns and cities. Civil cases (for example, divorce or bankruptcy cases) are dealt with in County courts.

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. High Court has three 'division'. These are the: Family Division which deals with non-criminal cases to do with domestic law; Chancery Division which deals with business and property law; and, Queens Bench Division which deals with other civil law cases including those of slander and breach of contract.

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

The Constitutional Reform Act 2005 created a new Supreme Court of the United Kingdom to take over the judicial functions of the House of Lords and devolution cases from the Judicial Committee of the Privy Council. The Supreme Court began work in 2009, and serves as the highest court of appeal in England and Wales and in Northern Ireland, and for civil cases in Scotland. The High Court of Justiciary will remain the court of last resort in Scotland for criminal cases.

The legal system of Northern Ireland is in many respects similar to that of England and Wales. It has its own court system: the superior courts are the Court of Appeal, the High court and the Crown court, which together comprise the Supreme Court of Judicature.

The principles and procedures of the Scottish legal system (particularly in civil law) differ in many points from those of England

and Wales. Criminal cases are tried in district court, sheriff courts and the Court of Session. The main civil courts are the sheriff courts and the Court of Session. District courts are staffed and administered by the district and island local authorities.

***Task 2. Find in the text the English equivalents for the words below.***

Рішення суду, мировий суддя, суд Корони, суд графства, палата лордів, приватні особи, суд у справах неповнолітніх, правопорушник, суд штату, федеральний суд, окружний суд, вищий суд, нижчий суд, апеляційний суд, судове розслідування, виняток.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Magistrate; appeals; slander; contract; petition; tribunal; Supreme court of judicature; taxation; Privy Council.

***Task 4. Agree or disagree with the following statements.***

1. The Courts of the United Kingdom are not separated into separate jurisdictions as the United Kingdom has a unified judicial system

2. The House of Lords is currently the most senior UK Court where appeals against the decision of lower courts in both criminal and civil cases are decided

3. In 2009, a new Supreme Court took on responsibility as the UK's highest court of appeal.

4. Crown courts deal with any criminal cases not dealt with in the Magistrates Courts.

5. The courts of the lowest level are County Courts which deal with the majority of cases.

***Task 5. Translate the following passage into English paying special attention to the link words and expressions in italicized type.***

До нижчих судів в Англії та Уельсі належать *суди графств та магістратські суди*. Суди графств (понад 350 судів) – основні

органи цивільного правосуддя, у яких в першій інстанції розглядаються майже 90% цивільних справ. Межі регіону, в якому діє відповідний суд графств, визначаються *лордом-канцлером*. До його повноважень належать також *ліквідація, об'єднання чи створення нових судів* графств. У кожному такому суді як правило є один або два постійних судді. Справи в судах графств заслуховуються *окружними суддями* зазвичай одноосібно або з присяжними (кількість присяжних в суді графства – не менше 8). Рішення судів графств можуть бути оскарженими в Апеляційному суді, але тільки за згодою суду, що виніс рішення, і, як правило, лише з питань права або появи нових доказів, а не самого факту злочину.

Магістратські суди розглядають (без присяжних) основні кримінальні справи (до 98% на рік). Вони можуть *виносити вирок* лише в межах штрафу або позбавлення волі на термін до 6 місяців. Якщо магістрати визнають, що *звинувачуваний* заслуговує більш суворого покарання, вони передають справу на розгляд Суду корони. Магістрати проводять також попередні слухання у справах, що розглядаються за звинувачувальним актом, тобто вирішують чи достатньо доказів для передачі до Суду корони.

Деякі магістратські суди *за рішенням зборів суддів* отримують право розглядати справи щодо правопорушень неповнолітніх. До складу колегії з трьох таких *суддів у справах неповнолітніх* обов'язково входить одна або дві жінки. Цей суд розглядає справи щодо правопорушень, скоєних підлітками і молодими людьми у віці до 21 року.

***Task 6. Complete the following text with the words from the box below using them in the appropriate form.***

### ***Basics of the UK legal system***

Lawyer Duncan Lamont ... the basics of consumer law. In practice, there's little difference between English and Northern Ireland law but Scotland is different - the courts have different names and follow different .... Some English laws don't apply to Scotland and vice versa.

Law ... of common law (decisions made by judges over the years) and statute law (decisions made by parliament and also the EU Parliament). Statute law is usually more helpful for consumers, because

most consumer laws extend the rights people have in common law by laying down specific conditions.

Consumer law has its ... in laws regulating trade that date back centuries. But virtually all law that matters to consumers today ... since the 1970s.

There are about a dozen significant acts and many more regulations, but fortunately most of these can be safely left to solicitors. In fact, it's questionable whether consumers actually need to know any law at all.

It's a pretty useful strategy to use your common sense to judge whether or not a ... is in the right or wrong.

When something isn't right, simply ask yourself (or better ask your family or friends) what is reasonable to expect and do. Most consumer law and its ... in the courts is based on a 'reasonableness' test. So most of the time you'll be absolutely ... , but not always. Consumer law in Britain does sometimes give us more rights than our common sense might lead us to believe - and that's worth knowing about.

To introduce, procedure, right, to explain, to consist, interpretation, root, trader.

***Task 7. Make a presentation on one of the following topics.***

1. The peculiarities of different jurisdictions in the judicial system of the UK.
2. The main points of the Constitutional Reform Act (2005) in the UK.
3. The principles and procedures of the Scottish legal system (the legal system of Northern Ireland and Wales).

***Task 8. Read and render the following text.***

## **THE DEFINITION OF ENGLISH LAW**

English law is the legal system of England and Wales, and is the basis of common law legal systems used in most Commonwealth countries and the United States (as opposed to civil law or pluralist systems in use in other countries). It was exported to Commonwealth countries while the British Empire was established and maintained, and

it forms the basis of the jurisprudence of most of those countries. English law prior to the American revolution is still part of the law of the United States through reception statutes, except in Louisiana, and provides the basis for many American legal traditions and policies, though it has no superseding jurisdiction.

English law in its strictest sense applies within the jurisdiction of England and Wales. Whilst Wales now has a devolved Assembly, any legislation which that Assembly enacts is enacted in particular circumscribed policy areas defined by the Government of Wales Act 2006, other legislation of the U.K. Parliament, or by orders in council given under the authority of the 2006 Act. Furthermore that legislation is, as with any by-law made by any other body within England and Wales, interpreted by the undivided judiciary of England and Wales.

The essence of English common law is that it is made by judges sitting in courts, applying their common sense and knowledge of legal precedent (*stare decisis*) to the facts before them. A decision of the highest appeal court in England and Wales, the Supreme Court of the United Kingdom, is binding on every other court in the hierarchy, and they will follow its directions. For example, there is no statute making murder illegal. It is a common law crime - so although there is no written Act of Parliament making murder illegal, it is illegal by virtue of the constitutional authority of the courts and their previous decisions. Common law can be amended or repealed by Parliament; murder, by way of example, carries a mandatory life sentence today, but had previously allowed the death penalty.

England and Wales are constituent countries of the United Kingdom, which is a member of the European Union. Hence, EU law is a part of English law. The European Union consists mainly of countries which use civil law and so the civil law system is also in England in this form. The European Court of Justice can direct English and Welsh courts on the meaning of areas of law in which the EU has passed legislation.

The oldest law currently in force is the Distress Act 1267, part of the Statute of Marlborough. Three sections of Magna Carta, originally signed in 1215 and a landmark in the development of English law, are extant, but they date to the reissuing of the law in 1297.

**Task 9. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.**

Звичаєве право, рішення суду, мировий суддя, Європейський Суд з прав людини, злочин, статут, правовий прецедент, система цивільного права, законодавство, Верховний суд Великобританії..

**Task 10. Make the following sentences complete by translating the words and phrases in brackets.**

1. Common law, the ancient law of the land deduced from (звичай) and interpreted in court cases by the (судді), has never been precisely defined or (кодифікувати) but forms the (база всього права) except when superseded by legislation.

2. European Community law is (обмежувати) mainly to economic and social (питання) ; in certain circumstances it takes precedence over domestic law.

3. It is normally applied by the (місцеві суди), but the most authoritative (постанови) are given by the European Court of Justice.

4. Certain (зміни) to United Kingdom (право) have been enacted as a result of (постанови) of the European Court of Human Rights in particular cases where the domestic law was in breach of the Council of Europe's Convention for the Protection of (права людини) and Fundamental Freedoms, to which the United Kingdom is a party.

**Task 11. Agree or disagree with the following statements.**

1. People don't want to a lawyer to tell them what they cannot do; they hire him to tell them how to do what they want to do.

2. You never know who is right in the trial, but you always know who's in charge.

3. It is better that ten guilty persons escape than that one innocent suffer.

**Task 12. Translate the following passage into English paying special attention to the link words and expressions in italicized type.**

Великобританія є яскравим прикладом країни з англосаксонським чи звичаєвим (загальним) правом. Однак англійці не дають чіткого визначення звичаєвого права посилаючись на те, що воно не записано, і при цьому відбиває сутність англійської *правосвідомості*, дух справедливості. Звичаєве право – це стародавнє право країни, сформоване зі звичаю й інтерпретоване судьями при розгляді конкретних справ. Звичаєве право поєднує в собі норми, що склалися в процесі *судової практики*, тобто за рішеннями Вищого апеляційного суду Великобританії і Палати лордів, а не встановлені законодавчими актами.

Правові системи багатьох країн відносяться до англосаксонської правової родини. Серед них Об'єднане Королівство Великобританії і Північної Ірландії, США, Австралія, Канада, Нова Зеландія, тобто переважно колишніх колоній Англії. Звичаєве право – це така правова система, головним джерелом якої є *судовий прецедент*. З латини слово «прецедент» перекладається як "попередній". Зараз прецедентом називається рішення суду у конкретній справі, причому обґрунтування даного рішення стає правилом, обов'язковим для всіх судів тієї ж чи нижчої чи інстанції при розгляді аналогічних справ.

У Великобританії склалися наступні правила і межі дії прецеденту:

- а) рішення, винесені палатою лордів, становлять обов'язкові прецеденти для всіх судів і для самої Палати Лордів;
- б) рішення, прийняті *Апеляційним Судом*, обов'язкові для всіх судів, крім Палати Лордів;
- в) рішення, прийняті *Вищим Судом правосуддя*, обов'язкові для нижчих судів.

***Task 13. Complete the following text with the words from the box below using them in the appropriate form.***

1. If the person in Britain has a legal problem, he will go and see a \_\_\_\_\_. In the US, he will go and see a \_\_\_\_\_.
2. A case of divorce is a \_\_\_\_\_.
3. If you want to \_\_\_\_\_ your debts, your case will be heard in the County Court.
4. \_\_\_\_\_ is an expert in the interpretation of law. He is also an expert on \_\_\_\_\_ (an art of presenting cases in Court).

5. Coroners who have medical or legal training \_\_\_\_\_ violent or unnatural deaths.

6. A jury consists of 12 jurors who are ordinary people chosen \_\_\_\_\_ from the Electoral register.

7. In a Magistrates' Court the accused is placed in \_\_\_\_\_.

8. A defence lawyer in court \_\_\_\_\_ the witnesses.

9. A judge \_\_\_\_\_ the accused if he \_\_\_\_\_.

To plead guilty; attorney; to recover; barrister; to cross-examine; civil action; to inquire into; advocacy; to sentence; at random; solicitor; the dock.

***Task 14. Make a presentation on one of the following topics***

1. The authority of the European Court of Human Rights.
2. The main definitions of English law: historical aspects and traditions.
3. The peculiarities of the juvenile courts of the UK.

**Unit 7.**

**THE COURT SYSTEM OF THE UNITED STATES OF AMERICA**

***Task 1. Read and render the following text.***

**THE USA. JUDICIAL SYSTEM**

In the United States each state is served by the separate court systems, state and federal. Both systems are organized into three basic levels of courts – trial courts, intermediate courts of appeal and a high court, or Supreme Court. The state courts are concerned essentially with cases arising under state law, and the federal courts with cases arising under federal law.

In all state court systems, there are two types of judicial functions: trials and appeals. A trial court has original jurisdiction; that is, the power to determine the facts of the case and apply the law to them. An appellate (or appeals) court hears appeals from the trial court and thus

has appellate jurisdiction. While all states have a supreme court, an appellate court of last resort, the majority of states also have an intermediate court of appeals which handles most of the appeals from the trial courts.

The federal system also consists of three levels – district courts (trial); intermediate court of appeals (circuit court of appeals); and Supreme Court (U.S. Supreme Court). The jurisdiction of federal courts is set out in the Constitution.

The Supreme Court is the highest judicial organ of the USA and the Supreme Court Building is in Washington. The Supreme Court consists of the Chief Justice of the US and eight Associate Justices. They are all appointed by the President and approved by the Senate. The Supreme Court has the right to declare unconstitutional any law passed by Congress or any order issued by the President. This right of veto is widely used to block the passage of any progressive bills. The USA is divided into eleven judicial circuits and each one is served with a Federal Court of Appeals. As a rule the Court of Appeals sits with three judges on the bench. There are about 94 district courts in different parts of the US. The district courts are the lowest ones in the Federal court system. Most of the criminal and civil cases are tried by these courts, so this is a place where litigation begins. The district court is the only Federal court where trials are held, juries are used, and witnesses are called. There are about two hundred district judges in the USA. Cases tried in the district court may be appealed in one of the eleven Courts of appeal and in the Supreme Court. The main job of courts of appeal is to review cases appealed from trial courts to determine if the law was correctly interpreted and applied. The decision of the Supreme Court is final.

The state courts are organized in a system that looks like the system of Federal Courts with a Supreme Court at the top. In most of the states the lowest courts are the magistrates, or police courts.

***Task 2. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Федеральна система судів, система судів штату. Окружні суди, регіональні суди, окружні апеляційні суди, Верховний суд,

судовий орган, судочинство, юрисдикція судів, верховний судд, суди магістрату, поліцейські суди.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Senate; Bill; Chief Justice; Associate Justice; President; Congress; litigation; witness; state courts; federal courts.

***Task 4. Agree or disagree with the following statements.***

1. Beneath the Supreme Court, Congress has created two distinct types of federal courts: 1) constitutional courts and 2) special courts.

2. The constitutional courts are the federal courts that Congress has formed to exercise “the judicial power of the United States”. They are sometimes called the “regular courts”. Together with the Supreme Court, they now include: the Courts of Appeals, the District Courts, and the Court of International Trade.

3. The special courts have been created by Congress to hear cases arising out of certain of the expressed powers given to Congress. They hear a much narrower range of cases than those, which may come before the constitutional courts.

4. The special courts are sometimes called the “legislative courts”. Today, they include the Court of Military Appeals, the Claims Court, the Tax Court, the various territorial courts, and the courts of the District of Columbia.

5. The Supreme Court of the United States is the only court which was not specifically created by the Constitution.

***Task 5. Translate the following sentences into English.***

1. Його попросили розповісти про судову систему США.
2. Федеральні суди займаються переважно застосуванням федеральних законів і працюють незалежно від судів штатів.
3. Суди штатів організовані подібно до федеральних.
4. Апеляційні суди США розглядають апеляції на рішення федеральних районних судів і їх рішення можуть оскаржуватися у Верховному суді США.

5. Існуючі системи судів штатів очолюються Верховними Суди штатів.

6. До складу Верховного суду входять голова та 8 членів Верховного суду, які призначаються Президентом на довічний термін за рекомендацією та згодою Сенату.

***Task 6. Fill in the blanks.***

The federal courts have three tiers: (a) \_\_\_\_\_ courts, courts of (b) \_\_\_\_\_ and the (c) \_\_\_\_\_. The (d) \_\_\_\_\_ Court was created by the Constitution; all other (e) \_\_\_\_\_ courts were created by Congress. Most litigation occurs in (f) \_\_\_\_\_ courts. The structure of (g) \_\_\_\_\_ courts varies from state to state; usually there are (h) \_\_\_\_\_ for less serious cases, (i) \_\_\_\_\_ for more serious cases, intermediate (j) \_\_\_\_\_ courts, and courts of last (k) \_\_\_\_\_. State courts were created by state constitutions.

***Task 7. Make a presentation on one of the following topics.***

1. The main American legal traditions and policies.
2. The main different concepts of the state and federal court systems of the USA: comparative aspect.
3. The Special courts of the USA: the jurisdiction and structure.

***Task 8. Read and render the following text.***

## **ORIGINS OF THE AMERICAN JUDICIAL SYSTEM**

### ***State Judicial Systems***

When America declared its independence in 1776, the 13 original colonies had largely informal judicial systems based loosely on the English system of common law. Common law is the body of law that developed in English courts on a case-by-case basis. Under the common law, judges placed great reliance on decisions in prior cases with similar facts. Although state courts today apply laws enacted by legislatures and administrative bodies, they continue the common law tradition of case-by-case interpretation of these laws and reliance on prior judicial decisions.

As the United States expanded southward and westward, it acquired Mexican, Spanish, and French territories, which had legal systems based on the European civil law tradition. Under that tradition, courts in Europe applied detailed civil codes that the legislatures had designed to resolve all potential disputes. Civil codes reflected the natural law concept that there are unchanging, God-made laws that govern human behavior. Unlike in common law systems, civil law courts were not supposed to interpret the law beyond what was provided in the civil codes – they simply resolved disputes by applying the appropriate portion of the code. While the English common law tradition dominated the formation of American state legal systems, remnants of the civil law tradition exist even today, most notably in Louisiana, which based its legal system on the civil law of France.

### ***Federal Judiciary***

The federal judiciary was born in 1789 upon adoption of the U.S. Constitution, which vested the judicial power of the United States in "one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." The Constitution created a judicial system that contains elements of both the common and civil law traditions. The latter is evident in one of the purposes expressed in the Constitution's preamble – to "secure the Blessings of Liberty." The Constitution, however, is subject to case-by-case interpretation by the U.S. Supreme Court, which usually limits itself by the principle of stare decisis.

### ***Federalism***

The existence of separate federal and state judicial systems in the United States is a hallmark of federalism, which means these systems share authority to resolve legal disputes in their geographic boundaries. Federal and state courts sometimes have concurrent jurisdiction to resolve disputes arising from the same set of circumstances. For instance, federal and state authorities both took judicial action following the bombing of the Alfred P. Murrah Federal Building in Oklahoma City in 1995. Federal and state courts occasionally have exclusive jurisdiction over certain areas of the law. State courts, for instance, typically have exclusive jurisdiction to handle child custody disputes, while federal courts exclusively handle bankruptcy cases. The U.S. Constitution determines whether state and federal courts have concurrent or exclusive jurisdiction over a particular issue.

**Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.**

Common law, apply laws, prior judicial decisions, civil law tradition, federal judiciary, Constitution's preamble, to resolve legal disputes, to handle child custody disputes, exclusive jurisdiction.

**Task 10. Put 10 different questions on the text and give your own answers to them.**

**Task 11. Fill in the blanks.**

The Supreme Court of the USA consists of (a) \_\_\_\_\_. They are appointed by (b) \_\_\_\_\_, and must be approved by (c) \_\_\_\_\_. A decision of the Supreme Court (d) \_\_\_\_\_ to any other court. The Supreme Court has direct jurisdiction in the following kinds of cases: (e) \_\_\_\_\_. All other cases are (f) \_\_\_\_\_. The only power of the Supreme Court which is not stated in the Constitution is the power of (g) \_\_\_\_\_.

**Task 12. Translate the following statements into Ukrainian and decide if they are true or false.**

1. Laws that do not embody public opinion can never be enforced.
2. Justice is the ligament which holds civilized beings and civilized nations together.
3. If we desire respect for the form of law, we must first make the law respectable.

**Task 13. Translate the following passage into English paying special attention to the link words and expressions in italicized type.**

Всю систему судоустрою США очолює *Верховний суд*, який одночасно займає виключно важливе положення в структурі вищих державних установ разом з Конгресом і Президентом США. Верховний суд США - єдина судова установа, згадувана в Конституції США. Верховний суд розглядає у *першій інстанції* справи за зверненнями між двома або більш штатами, по позовах, в

яких однією із сторін є посли іноземних держав, і деякі інші. Основна його функція - розгляд скарг на рішення федеральних судів і судів штатів, якщо в них торкнулося „федеральне питання”, а також *прохань про відміну ухвали* будь-якого суду, який визнає, що суперечить закон якого-небудь штату або акт Конгресу США Конституції США .

*Апеляційні суди* були створені в 1891 р. як *проміжна інстанція* між Верховним судом США і окружними судами. У даний час в США є 13 апеляційних судів. Апеляційний суд федеральної юрисдикції розглядає скарги у митних і патентних справах.

*Окружні суди* - основна ланка федеральної судової системи. Вся територія країни поділена на округи з урахуванням меж між штатами, так що в одному штаті є від 1 до 4 округів. Відповідні окружні суди створені також в 4 інших територіях США. Всього в даний час існує 95 окружних судів. Вони розглядають у першій інстанції *цивільні і кримінальні справи*, що входять в компетенцію федеральної юстиції, а також скарги на дії адміністративних відомств. Кримінальні справи і цивільні позови по більшості категорій справ з сумою позову понад 20 доларів слухаються з участю присяжних, якщо на цьому наполягає обвинувачений або позивач.

При окружних судах функціонують *федеральні магістрати* (ця посада встановлена в 1968 р.). Вони займаються в основному підготовкою справ до слухання і контролем за виконанням присуджень. Магістрати мають право самостійно розглядати кримінальні справи по звинуваченню в малозначних злочинах, якщо ті караються позбавленням волі на строк до одного року і штрафом до 1000 доларів, проте за умови, що обвинувачений не наполягає на розгляді його справи суддею окружного суду.

***Task 14. Make a presentation on one of the following topics.***

1. The peculiarities and typical characteristics of American federalism.
2. The main principles of the federal judiciary of the USA: historical aspect.
3. The US Constitution created a judicial system that contains elements of both common and civil law traditions. Prove it.

## **Unit 8.**

### **THE COURT SYSTEM OF CANADA**

*Task 1. Read and render the following text.*

#### **CANADA. JUDICIAL SYSTEM**

The court system of Canada is made up of many courts differing in levels of legal superiority and separated by jurisdiction. Some of the courts are federal in nature while others are provincial or territorial.

There are basically four levels of court in Canada. First there are provincial/territorial courts, which handle the great majority of cases that come into the system. Second are the provincial/territorial superior courts. These courts deal with more serious crimes and also take appeals from provincial/territorial court judgments. On the same level, but responsible for different issues, is the Federal Court. At the next level are the provincial/territorial courts of appeal and the Federal Court of Appeal, while the highest level is occupied by the Supreme Court of Canada.

The Canadian constitution gives the federal government the exclusive right to legislate criminal law while the provinces have exclusive control over civil law. The provinces have jurisdiction over the administration of justice in their territory. Almost all cases, whether criminal or civil, start in provincial courts and may be eventually appealed to higher level courts. Provincial/territorial courts deal with most criminal offences, family law matters (except divorce), young persons in conflict with the law (from 12 to 17 years old), traffic violations, provincial/territorial regulatory offences, and claims involving money, up to a certain amount (set by the jurisdiction in question). Private disputes involving limited sums of money may also be dealt with at this level in Small Claims courts. Each province and territory has superior courts. The superior courts can hear cases in any area except those that are specifically limited to another level of court. The superior courts try the most serious criminal and civil cases, including divorce cases and cases that involve large amounts of money. Although superior courts are administered by the provinces and territories, the judges are appointed and paid by the federal government. The quite small system of federal courts only hear cases concerned with

matters which are under exclusive federal control, such as federal taxation, federal administrative agencies, intellectual property and certain aspects of national security. In order to deal more effectively with certain areas of the law, the federal government has created specialized courts, notably the Tax Court of Canada and courts that serve the Military Justice System. The Tax Court of Canada gives individuals and companies an opportunity to settle disagreements with the federal government on matters arising under federal tax and revenue legislation. The Tax Court of Canada primarily hears disputes between the federal government and taxpayers. The Tax Court is independent of the Canada Revenue Agency and all other government departments. Its headquarters are in Ottawa, and it has regional offices in Montreal, Toronto and Vancouver.

The federal government appoints and pays for both the judges of the federal courts and the judges of the superior and appellate level courts of each province. The provincial governments are responsible for appointing judges of the lower provincial courts.

***Task 2. Answer the following questions.***

1. What are the different types of courts in Canada and what authority do they have?
2. What cases can superior courts and provincial courts hear?
3. How does the Supreme Court of Canada decide which cases it will accept for appeal? What is the procedure for arguing an appeal?
4. What function does the Tax court execute?
5. What is the task for the federal and the provincial governments in Canada?

***Task 3. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Розглядати більшість справ, різні питання юридичного характеру, виняткове право, суди у справах з незначною сумою позову, справи по розлученню, федеральне оподаткування, військово-судова система, платник податків, призначити суддів.

***Task 4. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Court, traffic violation, property, case, taxation, province, offence, claim, dispute, divorce.

***Task 5. Translate the following sentences into English.***

1. Уся правова система Канади постійно знаходиться під впливом права країн, що входять до правової сім'ї.

2. У Канаді немає системи адміністративних судів: скарги на дії адміністративних органів розглядаються загальними судами.

3. Судова система Канада включає Верховний суд, федеральні судові органи, податковий суд, суди провінцій та військові суди.

4. Верховний суд Канади виступає вищою судовою інстанцією в країні, яка виносить остаточне рішення з питань правосуддя.

5. Головний суддя Канади, а також 8 молодших суддів Верховного суду призначаються довічно Генерал-губернатором.

6. Система військового правосуддя Канади включає Апеляційний суд військового суду та військові суди.

***Task 6. Complete the following text with the words from the box using them in the appropriate form.***

The Supreme Court of Canada 1) \_\_\_\_\_ by an Act of Parliament in 1875 as a general court of appeal.

• The Court sat for the first time on January 17, 1876, but did not have any 2) \_\_\_\_\_ to hear. It heard its first case in April of that year.

• The Court was originally 3) \_\_\_\_\_ of a Chief Justice and five puisne or associate judges. Today, the court is composed of a Chief Justice and eight puisne or associate judges.

• For years, Supreme Court decisions could be appealed to the Judicial Committee of the Privy Council in England. The right of appeal 4) \_\_\_\_\_ for criminal cases in 1933, and in all other cases in 1949.

• The original Supreme Court of Canada was housed in a building located at the corner of Wellington and Bank Streets in Ottawa. The building had been the stables of Parliament before being converted into the Supreme Court 5) \_\_\_\_\_.

• There are two flagstaffs at the front of the Supreme Court building. The Canadian flag to the west is hoisted daily, while the flag to the east only flies when the Court is sitting.

- The current Supreme Court building 6)\_\_\_\_\_ by Montreal architect Ernest Cormier, who also designed the University of Montreal, the Government Printing Bureau in Gatineau and the Quebec Court of Appeal in Montreal.

- The Supreme Court of Canada 7)\_\_\_\_\_ between 550 and 650 applications for leave to appeal every year and 8)\_\_\_\_\_ around 80 appeals.

To abolish, to create, to receive, to compose, to design, case, to hear, building
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***Task 6. Agree or disagree with the following statements.***

1. There is a special system of administrative courts in Canada.
2. The Supreme Court has the power to review lower-court rulings on any legal issue but limits its docket to about 100 cases a year that involve issues of national importance.
3. Provincial courts have the power to deal with every criminal offence including the most serious offences, such as murder and piracy.
4. The federal government appoints and pays the superior court judges.
5. The Supreme Court of Canada, the highest court, is based in Toronto and consists of twelve judges chosen to represent the country's regions.

***Task 7. Make a presentation on one of the following topics.***

1. The peculiarities and typical characteristics of Canadian jurisprudence.
2. The main principles of the judiciary of Canada: historical aspect.
3. The Canadian Constitution created a judicial system that works successfully. Prove it.

***Task 8. Read and render the following text.***

**THE SUPREME COURT OF CANADA**

The Supreme Court of Canada is the final court of appeal from all other Canadian courts. The Supreme Court has jurisdiction over disputes in all areas of the law, including constitutional law, administrative law, criminal law and civil law.

The Court consists of a Chief Justice and eight other judges, all appointed by the federal government. The Supreme Court Act requires that at least three judges must come from Quebec. Traditionally, of the other six judges, three come from Ontario, two from western Canada, and one from the Atlantic provinces. The Supreme Court sits in Ottawa for three sessions a year – winter, spring and fall.

Before a case can reach the Supreme Court of Canada, it must have used up all available appeals at other levels of court. Even then, the Court must grant permission or "leave" to appeal before it will hear the case. Leave applications are usually made in writing and reviewed by three members of the Court, who then grant or deny the request without providing reasons for the decision. Leave to appeal is not given routinely – it is granted only if the case involves a question of public importance; if it raises an important issue of law or mixed law and fact; or if the matter is, for any other reason, significant enough to be considered by the country's Supreme Court.

In certain situations, however, the right to appeal is automatic. For instance, no leave is required in criminal cases where a judge on the panel of a court of appeal has dissented on how the law should be interpreted. Similarly, where a court of appeal has found someone guilty who had been acquitted at the original trial, that person automatically has the right to appeal to the Supreme Court.

The Supreme Court of Canada also plays a special role as adviser to the federal government. The government may ask the Court to consider questions on any important matter of law or fact, especially concerning interpretation of the Constitution. It may also be asked questions on the interpretation of federal or provincial/territorial legislation or the powers of Parliament or the legislatures. (Provincial and territorial courts of appeal may also be asked to hear references from their respective governments.)

***Task 9. Answer the following questions.***

1. How many judges should hear the cases in the Supreme Court of Canada?

2. What issues are examined in the Supreme Court?
3. What is the procedure of the case submitting to the Supreme Court?
4. In what cases is leave not required?
5. What is common and different in the structure of the Supreme Court of Ukraine and Canada?

***Task 10. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Галузь права, вимагати, надати дозвіл, тлумачити закон, радник, розглядати питання, повноваження парламенту, почути рекомендації.

***Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Jurisdiction, law, judge, to appeal, leave(n.), to be guilty, trial, references, adviser, interpretation.

***Task 12. Translate the following sentences into English.***

### **Цікаві і дивні закони в Канаді**

Заборонено носити яскраво-рожеві штани після обіду в неділю.

Строк довічного ув'язнення становить 25 років.

Кожна п'ята пісня, що звучить на радіо, повинна бути у виконанні громадянина Канади.

Заборонено грати в сніжки без дозволу міської ради

Всі велосипедисти, перш ніж зробити поворот, зобов'язані вказати напрямком рукою.

Заборонено продавати маргарин жовтого кольору.

Заборонено поливати газони й галявини під час дощу.

Заборонено тягти в неділю мертвого коня по Йонг-стріт (Торонто).

Заборонено перевищувати рівень води у ванній більш ніж на 10 см (Онтаріо).

Заборонено використання більше двох кольорів при фарбуванні будинку (Біконсфілд).

Заборонено мати підключення до Інтернету на швидкості вище 56 кб/сек (Уксбрідж).

Заборонено дітям з'являтися на вулиці в черевиках з розв'язаними шнурками.

***Task 13. Complete the following text with the words from the box using them in the appropriate form.***

The Supreme Court of Canada consists of the Chief Justice of Canada and eight puisne judges appointed by the Governor in Council, all of whom must have been either a judge of a superior 1) \_\_\_\_\_ or a member of at least ten years' standing of the bar of a province or territory. The word "puisne" means "younger". It is used at the Court to distinguish the Chief Justice from the other judges. The Chief Justice 2) \_\_\_\_\_ as a member of the Privy Council of Canada before taking the oath of office as Chief Justice.

The judges must devote themselves exclusively to their judicial duties. No judge may hold any other remunerative office or engage in any business 3) \_\_\_\_\_. A judge holds office during good behavior until he or she 4) \_\_\_\_\_ or attains the age of 75 years, but is removable for incapacity or misconduct in office before that time by the Governor General on address of the Senate and House of Commons.

The Chief Justice presides over all sittings of the Court at which he or she is present. The Chief Justice oversees the work of the Court by designating the panels of judges who are to hear the cases and motions 5) \_\_\_\_\_ before it.

The Chief Justice chairs the Board of Governors of the National Judicial Institute. The National Judicial Institute 6) \_\_\_\_\_ and delivers various educational programs for all Canada's federal, provincial and territorial judges.

Moreover, in the case when the Governor General dies or becomes incapacitated, or can be removed or be absent from the country for a period of more than one month, the Chief Justice or, if the Chief Justice is unavailable, the senior puisne judge of the Supreme Court, would become the Administrator of Canada and 7) \_\_\_\_\_ all the powers and authorities of the Governor General.

Finally, the Chief Justice of Canada also chairs the committee which advises the Governor General on awards of membership in the Order of Canada.

Enterprise, to bring, court, to exercise, to retire, to swear, to develop

**Task 14. Make a presentation on one of the following topic.**

1. Cameras in the courtroom of Canada - both sides of the argument.
2. The place where litigation begins in Canada.
3. Canada as a country of high legal standards.

## **Unit 9.**

### **THE COURT SYSTEM OF AUSTRALIA**

**Task 1. Read and render the following text.**

#### **AUSTRALIA. JUDICIAL SYSTEM**

A court is an official forum in which two or more parties present their dispute so that a lawful authority, usually a judiciary such as a judge or jury, can administer justice.

The Australian court system is structured as a hierarchy, which means that some courts are more powerful than others. Depending on the seriousness of the offence, different courts in the hierarchy will deal with different cases.

There are two basic types of courts: State courts, which are set up under State laws, and Federal courts, which are set up under Commonwealth laws. There are also courts and tribunals (specialised courts) that deal with specific issues, such as the Children's Court, which looks after cases involving juveniles, or the Family Court, which deals with cases related to divorce.

##### *The State courts*

There are three levels of State courts. The State courts deal with the bulk of disputes and offences. The structure is the same for all States in Australia, though the role of each court may differ from state to state. Each court has a slightly different set-up with regard to who hears and decides on the case and different powers with regard to the penalties they can impose.

At the lowest level is the Magistrates Court, sometimes called the Local Court. A qualified legal practitioner called a magistrate hears the case, issues a verdict(decision) and decides on the penalties, which may be a fine or punishment. There is no jury. The Magistrates Court deals with minor disputes such as civil matters involving amounts less than \$40 000 and minor criminal cases such as theft and drink-driving. For more serious offences, the magistrate will decide if the case should go to a higher court, a decision called a committal hearing.

Some special Magistrates Courts include the Children's Court (for offenders or defendants under 17), the Minor Debts Court, the Small Claims Tribunal, the Coroners Court (for unnatural deaths or arson) and the Industrial Magistrates Court (for disputes between employers and employees).

The District Court sits on the next level above the Magistrates Court. The District Court will hear appeals from the Magistrates Court. An appeal is an application to review the decision made on a case if one or more parties are not satisfied with the outcome. The District Court also deals with more serious cases such as civil disputes up to \$250 000 and criminal offences such as armed robbery, rape and fraud. The District Court may have a judge and/or jury.

The Supreme Court is the highest State court. It has two divisions, the Trial Division and the Court of Appeal. The Supreme Court of Appeal deals with cases that have already progressed through the lower courts where one or more parties are not satisfied with the result. A panel of three or five judges preside over the Court of Appeal and make decisions.

The Trial Division deals with civil cases over \$250 000 and serious criminal cases involving murder, manslaughter and serious drug offences. The Trial division uses a jury, a panel of ordinary citizens who decide on the facts of a case, to deliver a 'guilty' or 'not guilty' verdict.

#### *The Federal courts*

The Federal courts handle matters not covered by State law. The results from the Federal courts set precedents that apply to all of Australia.

The Family Court specifically looks after divorce and issues relating to divorce, which can be financial, such as the division of assets (for example, property), or social, like child custody.

The Federal Court covers any breach of Federal law. This includes a wide range of cases, from bankruptcy and trade practices to immigration and international relations.

The High Court is the highest court in Australia. It is the final court of appeal, which means that if disputes have progressed through lower courts without a satisfactory resolution, people can take their case to the High Court for a final decision. The High Court also deals with constitutional and Commonwealth matters.

***Task 2. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Hierarchy; Commonwealth laws; Children's Court; Family Court; Magistrates Court; Trial Division; Court of Appeal; District Court; Magistrates Court; satisfactory resolution.

***Task 3. Put 10 different questions on the text and give your own answers to them.***

***Task 4. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Hierarchy; Commonwealth laws; Children's Court; Family Court; Magistrates Court; Trial Division; Court of Appeal; District Court; Magistrates Court; satisfactory resolution.

***Task 5. Translate the following sentences into Ukrainian and decide if they are true or false.***

1. All of the states and territories of Australia, that are self-governing, have separate jurisdictions and their own system of courts and parliaments.

2. The systems of laws in each Australian state are influential on each other, but not binding. Laws passed by the Parliament of the Commonwealth apply to the whole of Australia.

3. The organized system of law and government now in force in Australia is historically dependent for its legal validity on a series of

American statutes, notably including the Commonwealth of Australia Constitution Act 1900.

4. The authority of the United Kingdom Parliament to enact those statutes depended on the acquisition of the Australian continent as a territorial possession of the British Crown.

5. Although the laws of the Australian colonies differed from the UK in many respects from the beginnings of settlement, the underlying patterns of thought reflect the common law tradition as received from Britain.

***Task 6. Give a free translation of the following passage.***

Правова система Австралії зазнала сильного впливу загального права з моменту створення тут англійських колоній (1788 р.). Офіційний акт британської влади про поширення на Австралію загального права і парламентських актів був прийнятий у 1828 р. Основними джерелами австралійського права дотепер є судовий прецедент загального права і закон. Тоді ж була затверджена перевагу постанов Палати лордів і англійських апеляційних інстанцій над рішеннями австралійських судів. Вона діяла навіть в умовах, коли Австралія одержала можливість самостійно формувати свою правову і судову системи (за Конституцією 1900 р.). Лише з 1960-х років австралійське загальне право почало позбавлятися розгляду його як частини англійського права і, врешті-решт, рішенням Судового комітету Таємної ради в Лондоні було закріплено як самостійна система права. Проте авторитет англійських суддів настільки укоренився у свідомості австралійських судців, що вони традиційно посилаються у своїх рішеннях на заморських колег.

Загальне право і законодавство Австралії відрізняються від англійського і північноамериканського. Позаяк в США кожний штат має власне загальне право, в Австралії загальне право є єдиним для всіх штатів (їх шість) і територій (Північна та Австралійська столична). Єдність загального права забезпечується Верховним судом Австралії. Його рішення у скаргах на постанови суду будь-якого штату є обов'язковими для всіх судів. Рішення Верховного суду Австралії і верховних судів штатів і територій мають силу прецеденту. Нижчі суди такої прерогативи не мають.

Проте верховні суди не вважають себе пов'язаними своїми рішеннями, тоді як для нижчих судів вони є обов'язковими.

На відміну від загального права, єдиного для всіх суб'єктів Австралійського Союзу, законодавство становить систему законів, прийнятих як загальнофедеральним парламентом, так і окремими штатами. Законодавчі повноваження суб'єктів федерації доволі широкі. Більшість суспільних відносин (відносини земельної власності і деяких інших видів відносин власності, договірні відносини, відповідальність за заподіяння шкоди тощо) регулюється законодавством штатів. Регулювання певної частини суспільних відносин знаходиться у спільній компетенції Союзу і штатів. До виключної компетенції Союзу належить регулювання важливої і значної частини суспільних відносин (визначення юрисдикції судів і деякі інші питання правосуддя, питання наймання і звільнення, пенсійне забезпечення, шлюб і розлучення /крім приватних питань/, банківське і авторське право та ін.). У разі колізій між законами Союзу і штатів пріоритет мають загальносоюзні закони.

Кодифікація нормативних актів відбувається на рівні штатів. Наприклад, кримінальне право кодифіковане в штатах Квінсленд, Західна Австралія і Тасманія. Громадяни Квінсленда пишаються своїм Кримінальним кодексом 1899 р., розробленим для Англії юристом Дж. Стифеном у 1877 р. Не прийнятий в Англії, він став чинним у їх штаті. В інших штатах і територіях проведено консолідації актів за окремими видами злочинів (убивство, крадіжка та ін.).

На загальносоюзному рівні прийняті закони, що регулюють діяльність компаній (Закон про корпорації 1989 р.), захист від різних видів забруднення навколишнього середовища (такі акти приймаються й у штатах, наприклад, у Південної Австралії в 1987 р.). Видано закони про скарги на дії посадових осіб, про страхування, про боротьбу з поширенням наркотиків та ін. Особливу увагу приділено регулюванню правового становища корінних жителів Австралії - аборигенів.

Сучасне реформування законодавства провадиться з метою встановлення однаковості законів Союзу і штатів.

***Task 7. Make a presentation on one of the following topics.***

4. The peculiarities and typical characteristics of Australian federalism.
5. The main principles of the judiciary of Australia: historical aspect.
6. The Australian Constitution created a judicial system that works successfully. Prove it.

***Task 8. Read and render the following text.***

## **HIGH COURT OF AUSTRALIA**

The High Court of Australia is the supreme court in the Australian court hierarchy and the final court of appeal in Australia. It has both original and appellate jurisdiction, the power of judicial review over laws passed by the Parliament of Australia and the parliaments of the States, and the ability to interpret the Constitution of Australia.

The High Court is mandated by Constitution section 71, which vests in it the judicial power of the Commonwealth of Australia. The Court was constituted by, and its first members were appointed under, the Judiciary Act 1903. It now operates under Constitution sections 71 to 75, the Judiciary Act, and the High Court of Australia Act 1979. It is composed of seven Justices: the Chief Justice of Australia, currently Robert French, and six other Justices. They are appointed by the Governor-General of Australia, on the advice of the federal government, and must retire at age 70.

Since 1979, The High Court has been located in Canberra, Australian Capital Territory. The majority of its sittings are held in the High Court building. With an increasing utilisation of video links, sittings are also commonly held in the state capitals.

The High Court exercises both original jurisdiction (cases that originate in the High Court) and appellate jurisdiction (appeals made to the High Court from other courts). The High Court is the court of final appeal with the ability to interpret the common law for the whole of Australia, not just the state or territory in which the matter arose. The High Court's broad jurisdiction is similar to that of the Supreme Court of Canada and unlike the Supreme Court of the United States which has a more limited jurisdiction. As such, the court is able to develop the common law consistently across all the states and territories. This role, alongside its role in constitutional interpretation, is one of the court's

most significant. As Sir Owen Dixon said on his swearing in as Chief Justice of Australia:

"The High Court's jurisdiction is divided in its exercise between constitutional and federal cases which loom so largely in the public eye, and the great body of litigation between man and man, or even man and government, which has nothing to do with the Constitution, and which is the principal preoccupation of the court."

This broad array of jurisdiction enables the High Court to take a leading role in Australian law and contributes to a consistency and uniformity among the laws of the different states.

The High Court makes itself generally available to the public through its own website. All of its judgments, as well as transcripts of its hearings since 2009 and other materials, are made available, free of charge, through the Australasian Legal Information Institute. Since October 2013, audio-visual recordings of full-court hearings held in Canberra have been available on its website.

***Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Original and appellate jurisdiction; power of judicial review; the Governor-General of Australia; full-court hearings; constitutional and federal cases; limited jurisdiction.

***Task 10. Put 10 different questions on the text and give your own answers to them.***

***Task 11. Agree or disagree with the following statements***

1. People don't want to a lawyer to tell them what they cannot do; they hire him to tell them how to do what they want to do.

2. You never know who is right in the trial, but you always know who's in charge.

3. It is better that ten guilty persons escape than that one innocent suffer.

4. There are a lot of situations when it's not necessary to follow the law.

5. Australia is the best country for working, studying or just spending holidays.

**Task 12. Complete the following text with the words from the box using them in the appropriate form.**

The High Court of Australia is able 1) \_\_\_\_\_ cases which come to it on appeal or which begin in the High Court itself.

Cases which involve interpretation of the Constitution, or where the Court may be invited to depart from one of its 2) \_\_\_\_\_, or where the Court considers the principle of law involved to be one of major 3) \_\_\_\_\_, are normally determined by a full bench comprising all seven Justices if they are available to sit.

Other cases which come to the High Court for final 4) \_\_\_\_\_ involve appeals against the 5) \_\_\_\_\_ of the Supreme Courts of the States and Territories, of the Federal Court of Australia and of the Family Court of Australia and these 6) \_\_\_\_\_ with by a full court of not less than two Justices. In addition there are certain matters which can be heard and determined by a single Justice.

The subject matter of the cases heard by the Court 7) \_\_\_\_\_ the whole range of Australian law. It includes, for instance, arbitration, contract, company law, copyright, 8) \_\_\_\_\_, criminal law and procedure, tax law, insurance, personal injury, property law, family law, trade practices, etc.

Decisions; public importance; determination; previous decisions; to deal with (2); to traverse; courts-martial
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**Task 13. Translate the following sentences into English.**

1. Правова система Австралії формувалася під вирішальним впливом англійського права.

2. Основними юридичними джерелами визнаються, як і в Англії, сформульоване в судових рішеннях загальне право і законодавчі акти.

3. З появою постійних англійських колоній у Австралії (1788 г.) у них відразу ж стало безпосередньо застосовуватися англійське право.

4. Згодом британська влада ухвалила, що всі норми загального права і парламентські акти, котрі діяли в Англії на 25 липня 1828,

підлягають обов'язковому застосуванню в існуючих до цього моменту колоніях в Австралії, а надалі їм формально була надана можливість самостійного формування своїх правових і судових систем.

5. Однак і у сфері загального права, і в сфері законодавства протягом наступного століття і до порівняно недавнього часу в Австралії значною мірою копіювалися рішення англійських судів і акти британського парламенту.

6. Разом з тим постанова про збереження в Австралії дії норм англійського права за станом на 25 липня 1828 призвела до того, що в Австралії можуть застосовуватися деякі парламентські акти, давно скасовані як застарілі в самій Великобританії.

***Task 14. Make a presentation on the following topic.***

Comparative analysis of the Australian and Ukrainian legislative systems.

**Unit 10.**

**COURT AND ITS PEOPLE**

***Task 1. Read and translate the following text.***

**WHO IS WHO IN COURT**

Court is a building or room where all the information concerning a crime is given so that it can be judged. A court is a complex institution whose functioning depends upon many people: not only the judge but also the parties, their lawyers, witnesses, clerks, bailiffs, probation officers, administrators, and many others, including, in certain types of cases, jurors. Party is one of the persons or sides in a legal dispute. Lawyer is someone whose job is to advise people about laws, write formal agreements, or represent people in court. Witness is someone who sees a crime and can describe what happened. Clerk is an official in charge of the records of a court. Bailiff is an official of the legal system who watches prisoners and keeps order in a court of law. Probation officer is someone whose job is to watch, advise, and help people who have broken the law and are on probation. Probation is a system that

allows some criminals not to go to prison, if they behave well and see a probation officer regularly, for a fixed period of time. Juror is a member of a jury is a group of 12 ordinary people who listen to details of a case in court and decide whether someone is guilty or not. Nevertheless, the central figure in any court is the judge. Judge is the official with authority to hear and decide how criminals should be punished. Judges vary enormously, not only from nation to nation but often within a single nation. For example, a rural justice of the peace in the United States – untrained in the law, serving part-time, sitting alone in work clothes in a makeshift (made for temporary use) courtroom, collecting small fees or receiving a pittance for salary. He bears little resemblance to a justice of the Supreme Court of the United States – a full-time, well-paid, black-robed professional, assisted by law clerks and secretaries, sitting in a marble palace with eight colleagues and deciding at the highest appellate level only questions of national importance. Yet both persons are judges.

When we speak about Ukrainian justice, we have to say justice is administered by professional judges and, in cases determined by law, people's assessors and jurors. Professional judges shall not belong to political parties and trade unions, take part in any political activity, hold a representative mandate, occupy any other paid positions, perform other work except scholarly, teaching and creative activity. A citizen of Ukraine, not younger than the age of twenty-five, who has a higher legal education and has work experience in the sphere of law for no less than three years, has resided in Ukraine for no less than ten years and has command of the state language, may be recommended for the office of judge by the Qualification Commission of Judges. Persons with professional training in issues of jurisdiction of specialized courts may be judges of these courts. These judges administer justice only as members of a collegium of judges. Additional requirements for certain categories of judges in terms of experience, age and their professional level are established by law. Protection of the professional interests of judges is exercised by the procedure established by law. The first appointment of a professional judge to office for a five-year term is made by the President of Ukraine. All other judges, except the judges of the Constitutional Court of Ukraine are elected by the Verkhovna Rada of Ukraine for permanent terms by the procedure established by law.

***Task 2. Translate the following words and phrases into English. Compose your own sentences to show that you understand the meaning of the words above.***

Секретар суду; прокурор; свідок; присяжний засідатель; сфера компетенції; судовий пристав; чиновник, що наглядає за особами, які направлені судом на пробацію; опіка; публічна посадова особа; сільський мировий суддя; неповний робочий день; ненавчений; карати; винагорода; мізерна платня; тимчасовий; зал судового засідання; важливість; мантія; апеляційний; бути подібним; сприяти.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Lawyer; witness; public officer; prosecutor; bailiff; jury; Verkhovna Rada; Attorney General of Ukraine; Qualification Commission of Judges; Constitutional Court of Ukraine.

***Task 4. Translate the following sentences into Ukrainian and decide if they are true or false.***

1. Court is a room where all the information concerning an offence is given so that it can be judged.

2. Lawyer is one of the persons or sides in a legal dispute.

3. Clerk is someone who sees a crime and can describe what happened.

4. Witness is an official in charge of the records of a court.

5. Probation officer is an official of the legal system who watches prisoners and keeps order in a court of law.

6. Bailiff is someone whose job is to watch, advise, and help people who have broken the law and are on probation.

7. Judge is a system that allows some criminals not to go to prison, if they behave well and see a probation officer regularly, for a fixed period of time.

8. Jury is a member of a jury.

9. Juror is a group of 12 ordinary people who listens to details of a case in court and decides whether someone is guilty or not.

**Task 5. Translate the following passage into English.**

Прокурор (лат. *procurare* – «розпоряджатися, піклуватися») – головний законний представник обвинувачення в країнах цивільного права з системою слідства або в країнах загального права (*common law*), що прийняли змагальну систему. Обвинувачення – сторона, що відповідає за виклад доказів проти особи, підозрюваної в здійсненні правопорушення, в ході судового розгляду у кримінальній справі.

Функції прокурорів в різних країнах різні і багато в чому визначаються історичним розвитком.

Прокурори зазвичай є державними службовцями, які мають вищу освіту за спеціальністю (юриспруденція) і пройшли додаткову підготовку у сфері виконання правосуддя. У деяких країнах, наприклад Франції, вони належать до тієї ж категорії державних службовців, що і судді.

**Task 6. Complete the following text with the words from the box below using them in the appropriate form.**

The Prosecutor General of Ukraine (also Attorney General of Ukraine, Ukrainian) heads the \_\_\_\_\_ of official prosecution in courts known as the Office of the Prosecutor General of Ukraine. The term of \_\_\_\_\_ of the Prosecutor is five years.

The Office of the Prosecutor General is entrusted with:

1. prosecution in court on behalf of the \_\_\_\_\_;
2. representation of the interests of a citizen or of the State in court in cases determined by \_\_\_\_\_;
3. supervision of the observance of laws by bodies that conduct detective and search activity, inquiry and pre-trial \_\_\_\_\_;
4. supervision of the observance of laws in the execution of judicial decisions in \_\_\_\_\_, and also in the application of other measures of coercion related to the restraint of personal liberty of citizens.

The Prosecutor General is appointed to office by the President of Ukraine with the consent of the Verkhovna Rada (parliament). The Prosecutor is dismissed from \_\_\_\_\_ by the President. The Verkhovna Rada may express no confidence in the Prosecutor that results in his or her resignation from office.

Both in theory and in practice, the Prosecutor General and his/her office wield considerable power. For instance, only the Prosecutor General and the Chairman of the Supreme Court of Ukraine may file \_\_\_\_\_ to the Verkhovna Rada to withhold the immunity of deputies from detainment or arrest.

System; law; investigation; authority; office ; criminal cases; State; requests.

***Task 7. Make a presentation on one of the following topics.***

1. The reasons you chose law in Ukraine as a career?
2. Different branches of legal profession in Ukraine?
3. The normal way for lawyers to become qualified to practice law in Ukraine.

***Task 8. Read and render the following text.***

### **SOLICITOR OR BARRISTER**

You can't live without the people who are in legal profession. The legal profession becomes more numerous internationally. The solicitor is the first point of contact with the law for a person who needs the services of a lawyer in the UK. The solicitor listens carefully to the client to make sure their needs are clearly understood and then explains the legal position and gives advice. By contrast, barristers will only see the client in the company of a briefing solicitor. The barrister is the specialist with particular abilities to do well in advocacy, a consultant who will examine the case and decide what line to take in court. There are only a few solicitors who have chances to present cases in the higher courts. Much more solicitors spend much of their time in an office making investigations, giving advice to clients and preparing documents for counsel. A barrister spends time either in a courtroom or preparing his arguments for the court. Barristers are self-employed in the independent Bar. Solicitors are normally salaried and may be offered a share in the profits of the practice if they turn out successfully. There is a healthy contest between solicitors and barristers.

The Bar is a small but influential independent body with just over 8,000 practising barristers in over 400 chambers in England and Wales.

In addition, there are about 2,000 barristers employed as in-house lawyers. The Bar is an advocacy profession. The work divides equally between civil and criminal law.

But many people believe the distinction between barristers and solicitors should be eliminated in England, as has already happened in Australia. The government is considering various proposals, but there are for keeping in existence, as well as removing, the division.

Neither kind of lawyer needs a university qualification. The vast majority of barristers and most solicitors do in fact go to university, but they do not necessarily study law there. This arrangement is typically British.

***Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above***

Attorney; Chief Justice; examining attorney; judge; juror; jury foreman; legal counsel; notary public; prosecutor; solicitor

***Task 10. Put 10 different questions on the text and give your own answers to them.***

***Task 11. Complete the following statements.***

1. Court is ...
2. The Qualification Commission of Judges is ...
3. Lawyer is ...
4. Witness is ...
5. Clerk is ...
6. Bailiff is ...
7. Probation officer is ...
8. Probation is a system that...
9. The Prosecutor General is ...
10. Jury is ...
11. The central figure in any court is ...
12. Judge is ...
13. A rural justice of the peace in the United States is...

14. A justice of the Supreme Court of the United States is ...
15. The judges of the Constitutional Court of Ukraine are ...

**Task 12. Translate the following statements into Ukrainian and decide if they are true or false.**

1. If a person has a legal problem, he will go and see a solicitor.
2. Many problems are dealt with exclusively by a solicitor.
3. A solicitor also deals with matters outside Court.
4. He writes legal letters for you and carries on legal arguments outside Court.
5. If you want to make a will, the best man to advise you is a solicitor.
6. Barristers are different from solicitors.
7. Barristers are experts in the interpretation of the Law.
8. Barristers do not have public offices in any street.
9. They work in what are known as chambers, often in London.
10. To qualify as a barrister you have to take the examination of the Bar Council.

**Task 13. Give a free translation of the following passage.**

Терміни „юрист” і „адвокат” не є синонімами за українським законодавством, оскільки перший термін має ширше значення. Діяльність адвоката регулюється як нормативними актами, так і кодексом професійної етики, що не є нормативним. Завдання адвоката – подати судді та присяжним ті факти, які висвітлюють дії клієнта найсприятливішим чином, але користуючись при цьому законними юридичними засобами.

У нашій країні, на жаль, інститут присяжних засідателів ще не функціонує: його не існувало за радянських часів і створення доводиться починати з нуля. Ця система вже давно функціонує у багатьох розвинених країнах світу. Процес відбору присяжних засідателів – складна і дуже відповідальна справа.

**Task 14. Make a presentation on one of the following topics.**

1. Learning a foreign language is necessary to become a good advocate, isn't it?

2. Personal qualities and level of education you need to be a solicitor (a barrister).
3. Your own reasons of the legal professions popularity.

## Unit 11.

### COURT PROCESS AND ETIQUETTE

*Task 1. Read and render the following text.*

#### TRIAL

The main steps in a trial include: selection of a jury; opening statements by the attorneys; presentation of witnesses and evidence (the complaining party always goes first, and the defense next); closing statements by the attorneys; instructions by the judge to the jury; and deliberation and decision by the jury.

**The Trial as an Adversary Proceeding.** A trial is an adversary proceeding, that is, a contest between opponents. Each party presents evidence and argument. The judge's function is to control the contest as a neutral referee and to rule on questions of law. The jury's function is to decide questions of fact.

**Burden and Degree of Proof.** The fact that a trial is a contest dictates the order in which its events proceed. The initial burden falls on the complaining party – the plaintiff in a civil case, or the state in a criminal case. The complaining party must first establish that party's case. If the complaining party fails to establish a case, there is nothing for the defendant to refute.

Different kinds of cases require different degrees of proof. In most civil cases, the winner is the party whose position is supported by the preponderance of the evidence.

In a criminal case, the state must prove the defendant's guilt beyond a reasonable doubt. This means that even if a preponderance of the evidence favors the state, and even if the state's evidence is convincing, the decision must be awarded to the defendant if a reasonable doubt of the defendant's guilt remains.

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

**Civil Cases.** Civil cases are usually disputes between or among private citizens, corporations, governments, government agencies, and other organizations. Most often, the party bringing the suit is asking for money damages for some wrong that has been done. For example, a tenant may sue a landlord for failure to fix a leaky roof, or a landlord may sue a tenant for failure to pay rent. People who have been injured may sue a person or a company they feel is responsible for the injury.

The party bringing the suit is called the *plaintiff*; the party being sued is called the *defendant*. There may be many plaintiffs or many defendants in the same case.

The plaintiff starts the lawsuit by filing a paper called a *complaint*, in which the case against the defendant is stated. The next paper filed is usually the *answer*, in which the defendant disputes what the plaintiff has said in the complaint. The defendant may also feel that there has been a wrong committed by the plaintiff, in which case a *counterclaim* will be filed along with the answer. It is up to the plaintiff to prove the case against the defendant. In each civil case the judge tells the jury the extent to which the plaintiff must prove the case. This is called the plaintiff's *burden of proof*, a burden that the plaintiff must meet in order to win. In most civil cases the plaintiff's burden is to prove the case by a *preponderance of evidence*, that is, that the plaintiff's version of what happened in the case is more probably true than not true.

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

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

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

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Jury is a group of layman who participate in deciding cases brought to trial. These laymen are recruited at random from the widest population for the trial of a particular case. They are allowed to deliberate in secrecy, to reach a decision, and to make it public without giving reasons. Throughout its history, it has been both overpraised as a charter of liberty and overcriticized as a reliance on incompetent amateurs in the administration of justice.

The process of choosing jurors is called “voir dire”. Potential jurors are interviewed in open court by each of the attorneys. There are two ways of rejecting potential jurors: “challenge for cause” and “peremptory challenge”.

Prospective jurors may be challenged for cause for any of a number of specific reasons. Some of the more obvious reasons include that a juror: is a witness in the case; is related to a party; has some close personal or business relationship to a party; has already served on a jury in a case involving one or more of the parties; has already formed an opinion or is otherwise biased; is an alcoholic, drug addict, mental incompetent, or convicted felon; does not speak or understand English well enough to follow the proceeding and participate in jury deliberations. There is no limit to the number of prospective jurors who may be challenged for cause. Each time a prospective juror is excused, another will be interviewed.

When each side has run out of challenges for cause, each side may exercise its peremptory challenges. No reason need be given for peremptorily excusing a juror, but each party has only a limited number of peremptory challenges. In criminal cases the number of peremptory challenges allowed each party is six in capital cases, four in all other felony cases, and three in misdemeanor cases. Each party is allowed three peremptory challenges in civil cases. Beginning with the complaining party, each side takes turns exercising its peremptory challenges one at a time. A peremptory challenge is lost when the turn comes to use it and it is not used. When all challenges are used or passed, the jury is complete. The jury then takes an oath to do its duty.

**Task 2. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.**

Суд першої інстанції; доказ; скоїти злочин; орендар; господар; вирішувати спори; відповідальний за збитки; позовна заява; обсяг дій; одностайний; винний; співбесіда з кандидатами у присяжні; відхилення на конкретній підставі; психічно хворий або вчинив тяжкий злочин; наглядати за судовою процедурою та брати участь у засіданні присяжних.

**Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

Challenge for cause; potential jurors; voir dire; peremptory challenge; an alcoholic or drug addict; open court; proceeding; jury deliberations; mental incompetent, or convicted felon; obvious reasons.

**Task 4. Agree or disagree with the following statements.**

1. There may be only one plaintiff and one defendant in the same case.
2. Plaintiff is the party who begins an action, complains or sues.
3. An injured person brings action against a wrongdoer.
4. In criminal cases jury verdicts do not need to be unanimous.
5. In civil cases defendant is a person charged with a crime.
6. A defendant must prove in the court that he or she is not guilty otherwise he or she will be arrested.
7. There is no limit to the number of prospective jurors who may be challenged for cause.
8. Jury is a group of specialists who participate in deciding cases brought to trial.
9. The Prosecutor General is appointed to office by the President of Ukraine with the consent of the Verkhovna Rada.
10. The process of choosing jurors is called “voir dire”.

**Task 5. Translate the following sentences into English.**

1. Суди першої інстанції несуть на собі головний тягар відправлення правосуддя. Слухання справ розпочинається і закінчується саме у судах першої інстанції.

2. Метою судової системи є забезпечення повної та однакової стосовно всіх сторін справедливості під час розгляду кожної справи. Іноді суди першої інстанції помиляються; саме для виправлення таких помилок було створено апеляційний суд.

3. В усіх випадках позивач – сторона, яка розпочинає цивільну справу (кримінальну справу), мусить доводити зміст своїх вимог.

4. Кожному гарантується право на захист.

5. В усіх судових системах є дві головні судові функції: вирішення справи по суті та перегляд її за апеляцією.

***Task 6. Complete the following statements.***

1. These laymen are recruited at .....
2. They are allowed to deliberate in .....
3. There is no limit to number of .....
4. Each time a prospective juror is .....
5. Potential jurors are interviewed .....
6. When each side has run out of challenges for .....
7. No reason need be given for .....
8. In criminal cases the number of peremptory challenges .....
9. When all challenges are used or passed .....
10. Beginning with the complaining party .....

***Task 7. Make a presentation on one of the following topics.***

1. A jury consists of twelve persons chosen to decide...
2. Civil cases in Ukraine.
3. Criminal cases in Ukraine.

***Task 8. Read and render the following text.***

### **COURTROOM PERSONNEL**

In addition to the lawyers and the judge, three other people will play an important role in the trial. The COURT REPORTER, who sits

close to the witnesses and the judge, puts down every word that is spoken during the trial and also may record the proceedings on tape. The CLERK, who sits right below the judge, keeps track of all documents and exhibits and notes down important events in the trial. The BAILIFF helps to keep the trial running smoothly. The jury is in the custody of the bailiff, who sees to the jurors comfort and convenience and helps them if they are having any problems related to jury service.

## **WHAT HAPPENS DURING THE TRIAL**

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

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

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

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

Many things you will see and hear during the trial are not evidence. For example, what the lawyers say in their opening and closing statements is not evidence.

Many times during the trial the lawyers may make **OBJECTIONS** to evidence presented by the other side or to questions asked by the other lawyer. Lawyers are allowed to object to these things when they consider them improper under the laws of evidence. It is up to the judge to decide whether each objection was valid or invalid, and whether, therefore, the evidence can be admitted or the question allowed. If the objection was valid, the judge will **SUSTAIN THE OBJECTION**. If the objection was not valid, the judge will **OVERRULE THE OBJECTION**.

**Step 4: The Instructions.** Following presentation of all the evidence, the judge instructs the jury on the laws that are to guide the jury in their deliberations on a verdict. A copy of the instructions will be sent to the jury room for the use of jurors during their deliberations. All

documents or physical objects that have been received into evidence will also be sent to the jury room.

**Step 5: Closing Arguments.** The lawyers in the closing arguments summarize the case from their point of view. They may discuss the evidence that has been presented or comment on the credibility of witnesses. The lawyers may also discuss any of the judge's instructions that they feel are of special importance to their case. These arguments are not evidence.

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

***Task 9. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Вердикт (присяжних); сторона-заявник; судовий процес є змаганням; переконливіші докази; консультація з питань права; кінцеві аргументи адвокатів; звільнити від справи; добір присяжних; доводити вину; речовий доказ.

***Task 10. Put 10 different questions on the text and give your own answers to them.***

***Task 11. Agree or disagree with the following statements.***

1. To begin lawsuit, the plaintiff files a complaint – a document stating the nature of his claim and the relief he is seeking – with the clerk of the court.

2. Through discovery each party can obtain the information that was previously illegally hidden by another party to the litigation.

3. After all the witnesses have testified, each lawyer presents a closing statement.

4. The party who initiates the prosecution in a civil case (the lawsuit in a criminal case) is the plaintiff.

5. The trial process is much formalized.

***Task 12. Translate the following sentences into English.***

1. В усіх випадках позивач – сторона, яка розпочинає цивільну справу (кримінальну справу, переслідування), мусить доводити зміст своїх вимог.

2. Можливість апеляційного оскарження обмежена часовими рамками відповідно до закону.

3. Україна перебуває нині на перехідному етапі від розгляду справ суддею до розгляду судом присяжних.

4. Докази майже завжди наводяться свідками.

5. Повістка про явку до суду – це судовий наказ свідку з'явитися до суду та дати свідчення.

6. Судовий процес – це не розвага, гумор тут недоречний.

7. Завдання адвоката – подати судді та присяжним ті факти, які висвітлюють дії клієнта найсприятливішим чином, але користуючись при цьому законними юридичними засобами.

***Task 13. Read the texts and discuss each case applying the questions below.***

1. Was justice done?

2. If you had been the judge, would you have given a different sentence?

3. Would you have chosen a lighter sentence, or a more severe one?

4. How would you have felt if you had been the victim of the crime?

5. How would you have felt if you had been the defendant?

6. If you had been the judge, what other facts and circumstances would you have wanted to know?

**Manslaughter**

In 1981 Marianne Bachmeir, from Lubeck, West Germany, was in court watching the trial of Klaus Grabowski, who had murdered her 7 year-old daughter. Grabowski had a history of attacking children. During the trial, Frau Bachmeir pulled a Beretta 22 pistol from her handbag and fired eight bullets, six of which hit Grabowski, killing him. The defence said she had bought the pistol with the intention of committing suicide, but when she saw Grabowski in court she drew the

pistol and pulled the trigger. She was found not guilty of murder, but was given six years imprisonment for manslaughter. West German newspapers reflected the opinion of millions of Germans that she should have been freed, calling her “the avenging mother”.

### **Murder**

In 1952 two youths in Mitcham, London, decided to rob a dairy. They were Christopher Craig, aged 16, and Derek William Bentley, 19. During the robbery they were disturbed by Sydney Miles, a policeman. Craig produced a gun and killed the policeman. At that time Britain still had the death penalty for certain types of murder, including murder during a robbery. Because Craig was under 18, he was sentenced to life imprisonment. Bentley who had never touched the gun, was over 18. He was hanged in 1953. The case was quoted by opponents of capital punishment, which was abolished in 1965.

### **Assault**

In 1976 a drunk walked into a supermarket. When the manager asked him to leave, the drunk assaulted him, knocking out a tooth. A policeman who arrived and tried to stop the fight had his jaw broken. The drunk was fined £ 10.

*Task 14. Make a presentation on the following topic.*

Rights and duties of court employees.

**Unit 12.**

## **CRIMES. CLASSIFICATION OF CRIMES**

*Task 1. Read and render the following text.*

### **CRIMES**

The term "crime" is mostly common regarded as an offence against the state or individuals. The list of acts considered as crimes is

constantly changing. For example, in the USA witchcraft is no longer a crime, although it was in colonial Massachusetts. There exist many classifications of crimes. One of them is as follows:

The first group is crimes against people or property. Crimes against people include assault kidnapping, murder, manslaughter, and rape. Such crimes usually bring severe punishment. Crimes against property include arson, car theft, burglary, embezzlement, forgery, fraud, trespassing and vandalism. These crimes carry a lighter punishment than crimes against people.

The second group is crimes against public order and morality. They include disorderly behaviour, gambling, prostitution, public drunkenness, and vagrancy (having no permanent residence). Some people don't regard some of these ones as crimes. For example, they believe drunkenness is a medical problem and it should be treated.

The third group is organized crimes - activities of groups of gangsters or racketeers. Such groups are often called "crime syndicates". They specialize in gambling, blackmail, prostitution, drug peddling and some others. These crimes are sometimes called "victimless crimes" because buyers and sellers take part in them willingly. People who use the services of such syndicates try to avoid the police. That is why it is generally very difficult to bring them to justice.

The fourth group is called "white-collar crimes". These are fraud, cheating in the payment of taxes, petty thefts by employees. You commit a "white collar crime" if you take money for a car repair that was not made or medical services that were not performed. One of the most common "white-collar" crimes to day is a computer crime, which can be easily committed once a criminal learns the code or password to activate the system.

The last group is political crimes. It includes acts of terrorism and assassinations of political figures throughout the world. Nowadays such political crimes as airplane hijacking, assassinations, bombing and the taking of hostages have become more frequent.

People commit crimes for different reasons. For example, many people steal things they couldn't obtain otherwise. Others, such as drug addicts, steal to get money to buy drugs or other things they need. Some shoplifters steal for excitement, but others do because they are poor. Many car thieves take cars for joy riding, but others strip down the stolen autos and sell them. Many embezzlers take money from their

employers to meet some personal needs, intending to return the money later.

The motives also vary in crimes of violence. A robber may kill the victim to avoid detection. Some gangsters blackmail people to obtain money. A man may beat his wife in a fit of rage during a quarrel.

***Task 2. Find in the text the English equivalents for the words below.***

Assault, kidnapping, murder, manslaughter, rape, arson, car theft, burglary, embezzlement, forgery, fraud, trespassing, vandalism, disorderly behaviour, gambling, prostitution, public drunkenness, vagrancy, gambling, blackmail, prostitution, drug peddling.

***Task 3. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Шантажувати, вбивство, самогубство, крадіжка з магазину, жертва, шахрайство, підпал, викрадення людини, викрадення машини, вандалізм, порушувати права людини, брати хабарі.

***Task 4. Agree or disagree with the following statements.***

1. Felonies are generally punishable with imprisonment.
2. All murders are committed spontaneously and as a result of quarrels or provocation.
3. The traditional legal definition of rape is the performance of sexual intercourse by a man other than her husband with a woman against her will, by force or fraud.
4. Theft (or larceny) is probably the most common crime involving a criminal intent.
5. Homicide is killing of one human being by another.
6. Robbery is the taking of property from a victim by force and violence or by the threat of violence.
7. White-collar crime is a sociological concept, encompassing any corporate or individual criminal activity marked by fraud and deception.

***Task 5. Give a free translation of the following passage.***

**Злочинність** та причини її виникнення можуть бути вивчені на індивідуальному, груповому та соціальному рівнях. Отже, їх можна пояснити з **психологічної, соціологічної та філософської точки зору**. Ці пояснення не суперечать одне одному, а доповнюють одне одного, що допомагає проаналізувати **причини злочинності** з різних точок зору.

**Розглядаючи цю проблему** на індивідуальному рівні, ми можемо виділити такі причини злочинності як **конфлікт поведінки людини із соціальним середовищем**.

Коли людина **потрапляє в проблемну ситуацію**, вона часто не знаходить виходу з неї і **вибирає злочинний шлях**.

Обставинами, що спричиняють **злочинну поведінку**, вважаються: **антигромадська поведінка батьків**, алкоголізм та **нервово-психічні захворювання батьків**, **низький рівень культури** в сім'ї.

Негативними особливостями особистості та поведінки вважаються: **колишні судимості**, вчинення інших протиправних дій, негативне ставлення до **моральних цінностей**, злостивість, грубість та мстивість, пияцтво, вживання наркотиків, азартні ігри.

Отже, після того, як ми довідалися багато чого про кримінологію, неважко зробити висновок про те, що злочинність може виникнути на основі **взаємодії особистості та соціального середовища**.

***Task 6. Complete the following text with the words and phrases from the box using them in the appropriate form. Give Ukrainian translation of the following passage.***

Crimes committed by \_\_\_\_\_, professionals, and politicians in the course of their occupation are known as “white-collar” crimes, after the typical \_\_\_\_\_ of their perpetrators. Criminologists tend to restrict the term to those \_\_\_\_\_ intended by the perpetrators principally to further the aims of their \_\_\_\_\_ rather than to make money for themselves personally.

Examples include conspiring with other corporations \_\_\_\_\_ of goods or services in order to make artificially high profits or to drive a particular competitor \_\_\_\_\_ ; bribing officials or \_\_\_\_\_ of tests on pharmaceutical products to obtain

\_\_\_\_\_ ; and constructing buildings or roads with cheap, \_\_\_\_\_. The cost of \_\_\_\_\_ in the United States has been estimated at \$ 200,000,000,000 a year. Such crimes have a huge impact upon the \_\_\_\_\_ of workers, consumers, and the environment, but they are seldom detected.

Compared with crimes committed by juveniles or the poor, corporate crimes are very rarely prosecuted in the \_\_\_\_\_, and executives seldom go to \_\_\_\_\_, though companies may pay large \_\_\_\_\_. The public and academics, to describe fraud and embezzlement, use the term “white-collar crime” in another sense. Rather than being crime “by the firm, for the firm” this constitutes crime for profit by the \_\_\_\_\_ against the organization, the public, or the government. Tax fraud, for example, costs at least 5 percent of the \_\_\_\_\_ in most developed countries. Because of the concealed nature of many frauds and the fact that few are reported even when discovered, the cost is impossible to estimate precisely. The \_\_\_\_\_ of white-collar crime in most industrial societies is thought to be much greater than the combined cost of larceny, burglary, auto theft, forgery, and robbery.

Organizations; clothes; economic cost; defective materials ; illegal actions; out of the market; corporate crime; business people; to fix prices; fines; manufacturing licenses; criminal courts; safety; individual; falsifying reports; jail; gross national product
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***Task 7. Make a presentation on one of the following topics.***

1. Murder is always somebody’s mistake.
2. The worst type of crime.
3. Crimes and offences: the differences and similarities.

***Task 8. Read and translate the following text.***

## **ORGANIZED CRIME**

In addition to that segment of the population made up of individual criminals acting independently or in small groups, there exists a so-called underworld of criminal organizations engaged in offenses such as organized vice (drugs, prostitution, pornography, loan-sharking, gambling), cargo theft, fraud, robbery, kidnapping for ransom, and the

demanding of "protection" payments. [Loan-sharking is lending money at extremely high rates of interest.] In the United States and Canada, the principal source of income for organized crime is the supply of goods and services that are illegal but for which there is continued public demand. Organized crime in the United States is a set of shifting coalitions between groups of gangsters, business people, politicians, and union leaders. Many of these people have legitimate jobs and sources of income. In Britain groups of organized criminals have not developed in this way, principally because the supply and consumption of alcohol and opiates (a type of drug that contains opium and makes you want to sleep), gambling, and prostitution remain legal but partly regulated. This reduces the profitability of supplying such demands criminally. British crime organizations tend to be relatively short-term groups drawn together for specific projects, such as fraud and armed robbery, from a pool of professional criminals. Crime syndicates in Australia deal with narcotics, cargo theft and racketeering. [Syndicate is a group of people or companies who join together in order to achieve a particular aim. Racketeering is a dishonest way of obtaining money, such as by threatening people.] In Japan, there are gangs who specialize in vice and extortion. In many Third World countries, apart from the drug trade, the principal form of organized crime is black-marketeering, including smuggling and corruption in the granting of licenses to import goods and to export foreign exchange. Armed robbery, cattle theft, and maritime piracy and fraud are organized crime activities in which politicians have less complicity. Robbery is particularly popular and easy because of the availability of arms supplied to nationalist movements by those who seek political destabilization of their own or other states, and who may therefore exploit the dissatisfaction of ethnic and tribal groups.

Ukrainian criminalists have to draw national strategy which will be effective in their battle against organized crime.

***Task 9. Answer the following questions.***

1. What is organized crime engaged in?
2. What does organized crime in the US and Canada mean?
3. What do British crime organizations deal with?
4. Crime syndicates in Australia deal with narcotics, cargo theft and racketeering, don't they?
5. Are Japanese gangs specialized in vice and extortion?

6. What does organized crime in many Third World countries mean?
7. Crimes in Ukraine. What do you know about them?
8. Is it possible to follow the law in any situation?
9. Did you break the law? Were you punished for it?
10. Bribery is a style of living in Ukraine, isn't it?

***Task 10. Translate the following words and word combinations into English.***

Взаємозалежний, експлуатувати, союз (спілка), снадійний засіб, спільний фонд, легальний, алкоголь, наркотик, дестабілізація, лихварство, переконання, відвага, скромність, благодійність, милосердя, злочинне підпілля, експлуатація пороку організованими злочинцями, порнографія, гангстерське лихварство, викуп, неперервний, той, що змінюється, злочинний синдикат, вимагання, спекуляція на чорному ринку, іноземна валюта, морське піратство, співучасть, наявність, племінний (родовий).

***Task 11. Translate the following sentences into English.***

1. Людина, її життя і здоров'я, честь і гідність, недоторканність і безпека визнаються в Україні найвищою соціальною цінністю. Ця норма належним чином відображена в новому Кримінальному кодексі України.

2. Явка з повинною, щире каяття, активне сприяння розкриттю злочину є обставинами, що пом'якшують покарання.

3. Провина особи визначає психологічний зміст злочину і є необхідною умовою кримінальної відповідальності.

4. Перехресний допит (cross-examination) відіграє важливу роль у винесенні вироку, особливо, якщо підсудного звинувачують у скоєнні умисного вбивства.

5. Якщо людина має намір скоїти крадіжку, то вона має злочинний намір (guilty state of mind).

6. Тяжкий злочин може також каратися ув'язненням або штрафом.

7. Правопорушнику, засудженому за торгівлю наркотиками, загрожує ув'язнення.

8. Правопорушнику, звинуваченому у керуванні автомобілем під час перебування під впливом алкоголю або наркотиків, загрожує три доби ув'язнення (according to the Ohio Criminal Code).

***Task 12. Agree or disagree with the following statements.***

- 1) Individual criminals are interdependent.
- 2) Individual criminals operate in small groups.
- 3) Criminal organizations are engaged in usury.
- 4) Criminal organizations are engaged in legal gambling and illegal gambling.
- 5) The principal source of income for organized crime is the supply of legal goods.
- 6) Many gangsters have illegitimate jobs and sources of income.
- 7) Crime syndicates deal with toyshops.
- 8) Criminal organizations specialize in virtue.
- 9) The principal form of organized crime is persuasion.
- 10) Organized crime includes courage and modesty.
- 11) Charity and mercy are organized crime activities.

***Task 13. Complete the following statements.***

- 1) Organized crime in the United State is .....
- 2) British crime organizations tend to be .....
- 3) Crime syndicates in Australia deals with .....
- 4) In Japan, there are gangs who specialize in .....
- 5) In many Third World countries .....
- 6) Robbery is particularly popular and .....
- 7) Ukrainian criminalists have to .....

***Task 14. Make a presentation on one of the following topics.***

1. Minor crimes in Ukraine.
2. Juvenile crimes and their characteristics.
3. The most famous criminals of the world.

## Unit 13.

### PUNISHMENT

*Task 1. Read and render the following text.*

#### TYPES OF PUNISHMENT

Punishment describes the imposition by some authority of a deprivation – usually painful – on a person who has violated a law, a rule, or other norm. When the violation is of the criminal law of society there is a formal process of accusation and proof followed by imposition of a sentence by a designated official, usually a judge. Informally, any organized group – most typically the family, may punish perceived wrongdoers.

Because punishment is both painful and guilt producing, its application calls for a justification. In Western culture, four basic justifications have been given: retribution, deterrence, rehabilitation, and incapacitation.

Most penal historians note a gradual trend over the last centuries toward more lenient sentences in Western countries. Capital and corporal punishment, widespread in the early 19<sup>th</sup> century, are seldom invoked by contemporary society. Indeed, in the United States corporal punishment as such appears to be contrary to the 8<sup>th</sup> Amendment's restrictions on cruel and unusual punishment. Yet the rate of imprisonment in the United States appears to be growing. Furthermore, since the mid-1970s, popular and professional sentiment has taken a distinctly punitive turn and now tends to see retribution and incapacitation – rather than rehabilitation – as the goals of criminal punishment.

Criminal sentences ordinarily embrace four basic modes of punishment. In descending order of severity these are: incarceration, community supervision, fine, and restitution. The death penalty is now possible only for certain types of atrocious murders and treason.

Punishment is an ancient practice whose presence in modern cultures may appear to be out of place because it purposefully inflicts pain. In the minds of most people, however, it continues to find justification.

***Task 2. Answer the following questions.***

1. What does punishment describe?
2. Who may be punished?
3. What basic justifications have been given in Western countries?
4. What do you know about capital and corporal punishment?
5. What punishments were the most common in the USA (Ukraine)?
6. Why did ancient punishment have to be painful?
7. How did punishments reflect social status?
8. Your attitude to capital punishment.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Capital punishment; community service; disciplinary training in a detention centre; fixed penalty fine; life imprisonment; probation; short-term imprisonment; suspended sentence; long-term imprisonment.

***Task 4. Agree or disagree with the following statements.***

1. No punishment can be objective.
2. Capital punishment is a good way to prevent crimes.
3. Criminals do not die by the hands of the law. They die by the hands of other men.
4. Punishment is both painful and guilt producing, its application calls for a justification.
5. Many crimes are left without punishment in Ukraine.

***Task 5. Translate the following text into English.***

Протягом століть смертна кара **призначалася** за найрізноманітніші види злочинів. У середні віки людину могли стратити за **розкрадання майна, зґвалтування і навіть підпал.** Державна зрада була і залишається у багатьох країнах **злочином, що карається смертною стратою.** Існує думка, що навіть

тривале, довгострокове чи довічне тюремне ув'язнення є безглуздом для так званих "ідеологічних" злочинців: **зрадників, шпигунів, терористів**. Смертна кара для таких злочинців – кращий вихід.

*Task 6. What is your personal understanding of the following famous statements? Make a list of examples from history to illustrate these statements.*

FOR	AGAINST
<p>1. "An eye for an eye and a tooth for a tooth!" – We should admit this Biblical principle. It is eternal!...</p>	<p>1. "An eye for an eye and a tooth for a tooth!" – This is a cruel pre-Christian spirit of revenge. We are civilized now – let's give it up and be humane!....</p>
<p>2. "Let the punishment fit the crime." – Those who steal should be deprived of their property, ..... those who kill should be deprived of their own lives!....</p>	<p>2. "Let the punishment fit the crime." – We can not accept fixed punishments for crimes. Circumstances should be taken into account.</p>
<p>3. "The pain of the penalty should outweigh only slightly the pleasure of success in crime." J. Bentham</p>	<p>3.</p>
<p>4.</p>	<p>4. "It is much more prudent to acquit two persons, though actually guilty, than to pass a sentence of condemnation on one that is virtuous and innocent." Voltaire</p>
<p>5. "The primary purpose of the punishment which society inflicts is to redress the disorder caused by</p>	<p>5.</p>

the offence.”	
Pope John Paul II	
6.	6. “An evil deed is not redeemed by an evil deed of retaliation.” C. S. King
7. “Whosoever sheds man’s blood, by man shall his blood be shed.”	7.

***Task 7. Make a presentation on one of the following topics.***

1. Greater public understanding of the crime problem is important for the apprehension and conviction of criminals, their rehabilitation, and the prevention of crime.
2. Crime stems from the breakdown of traditional social norms.
3. Family and social control are the most effective means of crime prevention.

***Task 8. Read and render the following text.***

**PRISONS**

The idea of imprisonment as a form of punishment is relatively modern. Until the late 18th century, prisons were used primarily for the confinement of debtors who could not pay, of accused persons waiting to be tried, and of those convicted persons waiting for their sentences – death or transportation. Since the late 18th century, with the decline of capital punishment (death penalty), the prison has come to be used also as a place of punishment. With the abolition of transportation, the prison has become the principal sanction for most serious crimes. Concern over prison conditions has not diminished over the years. Problems of security and the protection of prisoners from violence on the part of other prisoners have been compounded by the difficulties arising from overcrowding, as prison populations in most countries continue to grow. The people who make up the populations of most prison systems have many characteristics in common. The populations of most prison systems are predominantly male – in England males outnumber females

by 28 to 1 (although the number of women in prison is rising at a higher rate than the number of men) – and relatively young – nearly 70 percent of those in custody are under the age of 30. [To be in custody means to be kept in prison by the police until you go to court, because the police think you are guilty]. Most offenders in prison have a number of previous convictions; the offenses they have committed are most commonly burglary, theft, violence, or robbery. A similar picture is revealed by U.S. statistics; the most common offenses for which prisoners are in custody are burglary and robbery. [Burglary is the crime of getting into a building to steal things. Violence is behaviour that is intended to hurt other people physically. Robbery is the crime of stealing things from a bank, a shop etc, especially using violence].

***Task 9. Answer the following questions.***

1. What prisons were used primarily for until the late 18th century?
2. Why has the prison come to be used as a place of punishment?
3. When has the prison become the principal sanction for most serious crimes?
4. Speak on the problems of security in Ukrainian (American) prisons. What do you know about it?
5. Why is the number of women in prisons rising? Discuss it.
6. What do the most offenders in prison have?
7. What are the most common offenses for which prisoners are in custody?

***Task 10. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Тюремне ув'язнення; тюремний наглядач; той, що утримується під вартою; позбавлення свободи; засуджений; обвинувачуваний; транспортація; камера одиночного ув'язнення; вирок; боржник; судимість; нічна крадіжка зі зломом; грабіж з насиллям чи розбій; санкція; населення; в'язень совісті (заручник совісті); правопорушення; безпека; захист; насилля; продовжуватися; винний; загальна камера.

***Task 11. Agree or disagree with the following statements.***

- 1) The idea of imprisonment as a form of punishment is old.
- 2) Prisons were used for the confinement of debtors who didn't want to pay.
- 3) With the abolition of death penalty, the prison has come to be used as a place of punishment.
- 4) With the decline of transportation, the prison has become the principal sanction for most serious crimes.
- 5) Concern over prison conditions includes the protection of prisoners from violence on the part of warders and prisoners of conscience.
- 6) Concern over prison conditions includes the difficulties arising from overcrowding of mass and solitary cells.
- 7) Prison populations cease to grow.
- 8) Prison populations are predominantly female and relatively old.

***Task 12. Complete the following statements.***

- 1) The idea of imprisonment as a form of punishment is ...
- 2) Prisons were used for ...
- 3) With the decline of death penalty, the prison has come to be ...
- 4) With the abolition of transportation, the prison has become ...
- 5) Concern over prison conditions includes ...
- 6) Prison populations continue ...
- 7) Prison populations are ...

***Task 13. Complete the following text with the words from the box below using them in the appropriate form.***

**Homicide**

Bernard Lewis, a thirty-six-old man, while preparing dinner became involved in an 1) \_\_\_\_\_ with his drunken wife. In a fit of a rage Lewis, using the kitchen knife with which he had been preparing the meal, stabbed and 2) \_\_\_\_\_ his wife. He immediately called for assistance, and readily confessed when the first patrolman appeared on the scene with the ambulance attendant. He pleaded guilty to 3) \_\_\_\_\_. The probation department's investigation indicated

that Lewis was a rigid individual who never drank, worked regularly, and had no previous 4) \_\_\_\_\_ record. His thirty-year-old deceased wife, and mother of three children, was a “fine girl” when sober but was frequently drunk and on a number of occasions when intoxicated had left their small children unattended. After due consideration of the background of the 5) \_\_\_\_\_ and especially of the plight of the three motherless youngsters, the judge placed Lewis on probation so that he could work, support, and take care of the children. On 6) \_\_\_\_\_ Lewis adjusted well, worked regularly, appeared to be devoted to the children, and a few years later was discharged as “improved” from probation.

### **Shop-lifting**

In June 1980 Lady Isabel Barnett, a well-known TV personality was convicted of 7) \_\_\_\_\_ a tin of tuna fish and a carton of cream, total value 87p, from a small shop. The case was given enormous 8) \_\_\_\_\_. She was fined £ 75 and had to pay £ 200 towards the cost of the case. A few days later she killed herself.

### **Fraud**

This is an example of a 9) \_\_\_\_\_ rather than a criminal one. A man had taken out an insurance policy of £ 100 000 on his life. The policy was due to expire at 3 o'clock on a certain day. The man was in serious financial difficulties, and at 2.30 on the expire day he consulted his 10) \_\_\_\_\_. He then went out and called a taxi. He asked the driver to make a note of the time, 2.50. He then shot himself. Suicide used not to cancel an insurance policy automatically. (It does nowadays.) The company refused to pay the man's wife, and the courts supported them.

To kill; manslaughter; stealing; solicitor; argument; civil case; probation; criminal; publicity; offence.
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### ***Task 14. Make a presentation on one of the following topics***

1. Criminals do not die by the hands of the law. They die by the hands of other men ( Bernard Shaw).
2. Every criminal must be punished.
3. Capital punishment: the history of implementation

## **Unit 14.**

### **INTERNATIONAL LAW**

*Task 1. Read and render the following text.*

#### **THE UNITED NATIONS**

The United Nations is an international organization whose stated aims include promoting and facilitating cooperation in international law, international security, economic development, social progress, human rights, civil rights, civil liberties, political freedoms, democracy, and the achievement of lasting world peace. The UN was founded in 1945 after World War II to replace the League of Nations, to stop wars between countries, and to provide a platform for dialogue. It contains multiple subsidiary organizations to carry out its missions.

In 2007, the General Assembly decided to introduce a new system for handling internal disputes and disciplinary matters in the United Nations. This came as a result of extensive discussions on the issue of administration of justice, and a keen recognition by both management and staff that the existing system no longer met the needs of the Organization.

The General Assembly acted on a proposal made by the Secretary-General. This proposal was based on the recommendations of an external panel of experts, the "Panel on the Redesign of the UN system of administration of justice", and on consultations with staff through the Staff-Management Coordination Committee. The goal was to have a system that was independent, professionalized, expedient, transparent and decentralized, with a stronger emphasis on resolving disputes through informal means, before resorting to formal litigation.

The new system of administration of justice became operational on 1 July 2009.

#### **THE COURT**

The International Court of Justice (ICJ) is the principal judicial organ of the United Nations (UN). The seat of the Court is at the Peace Palace in Hague (Netherlands). The Court's role is to settle, in accordance with international law, legal disputes submitted to it by States and to give advisory opinions on legal questions referred to it by authorized United Nations organs and specialized agencies.

The Court is composed of 15 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council. It is assisted by a Registry, its administrative organ. Its official languages are English and French.

International law consists of a body of treaties, customary laws, judicial decisions and other relevant sources that play a central role in promoting economic and social development, as well as international peace and security among the nations of the world. The treaties negotiated under UN auspices have formed the basis for laws governing relations among nations. While the UN's work in this area does not always receive much attention, it has a daily impact on the lives of people everywhere. Much of the political process of the UN is devoted to establishing or extending international laws, rules and standards covering the full range of human activities. These include norms governing human rights, refugees and stateless persons, traffic in persons, narcotic drugs, international trade and development, transportation and communications, the status of women, the freedom of information, the law of the sea, use of outer space, telecommunications, disarmament, international terrorism and the protection of the environment. While some of these topics may appear not to affect our daily lives, in reality they do, whether they regulate the quality of the air we breathe, the variety of goods available for purchase, the impact of drug trafficking on the functioning of a culture, or the interaction of people around us from other countries and cultures. For example, pollution from automobiles in London or Mexico City may affect the climate in Rabat or Tokyo, as carbon dioxide and other gases from factories and cars cause the atmosphere to heat up. Drug enforcement programs in a country like Colombia can have significant consequences on employment sustained by drug money in the tourist industry. Civil unrest in a neighboring country can produce large numbers of refugees seeking asylum across the border. The United Nations has helped negotiate treaties setting the standard of inter-state relations on each of these areas.

***Task 2. Find in the text the English equivalents for the words below.***

Генеральна Асамблея; Генеральний Секретар; міжнародний суд; створення і поширення міжнародних законів; правила і стандарти, які регулюють дії людини; захист навколишнього середовища; взаємодія

з людьми, які оточують нас; значні наслідки; пошук притулку; вести переговори; міждержавні відносини; свобода інформації; використання космічного простору; міжнародний судовий орган; рада безпеки.

***Task 3. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

An external panel of experts, the Staff-Management Coordination Committee, system of administration of justice, the Security Council, body of treaties, customary laws, laws governing relations among nations, the law of the sea, Drug enforcement programs.

***Task 4. Agree or disagree with the following statements.***

1. In 2001, the General Assembly decided to introduce a new system for handling internal disputes and disciplinary matters in the United Nations.

2. The General Assembly acted on a proposal made by the Secretary-General.

3. The International Court of Justice (ICJ) is the principal judicial organ of Europe.

4. The Court is composed of 10 judges, who are elected for terms of office of nine years by the United Nations General Assembly and the Security Council.

5. The official languages of the International Court are English and Italian.

6. Much of the political process of the UN is devoted to establishing or extending international laws, rules and standards covering the full range of human activities.

7. The International Law regulates the interaction of people around us from other countries and cultures.

8. The United Nations has helped negotiate treaties setting the standard of inter-state relations of human activities.

9. Pollution from automobiles in one country may affect the climate in neighboring one.

10. The treaties negotiated under UN auspices have formed the basis for laws governing relations among nations.

***Task 5. Translate the following sentences into English.***

1. Міжнародний спір – це специфічні політико-правові відносини, що виникають між двома або більшою кількістю суб'єктів міжнародного права і відображають протиріччя, які існують у межах цих відносин.

2. У Статуті ООН для кваліфікації конфліктних відносин використовуються поняття «спір» і «ситуація», але їх визначення не наводяться.

3. Міжнародне співробітництво держав у боротьбі зі злочинністю - це співробітництво держав, спрямоване на розробку і координацію заходів щодо попередження, розкриття злочинів і поведження з правопорушниками, а також вироблення комплексних цілей і завдань з мінімізації транснаціональних і внутрішньодержавних протиправних діянь.

4. Велике значення в діяльності ООН мають розроблення прийняття різноманітних довгострокових планів і програм.

5. Співробітництво держав у боротьбі зі злочинністю також здійснюється на регіональному рівні, шляхом прийняття відповідних міжнародно-правових актів.

6. Міжнародне гуманітарне право – це система юридичних норм і принципів, що застосовуються під час збройних конфліктів, які забороняють або обмежують використання певних засобів і методів ведення збройної боротьби, забезпечують права індивіда в цей час і встановлюють міжнародно-правову відповідальність за їх порушення.

***Task 6. Complete the following text with the words and phrases from the box using them in the appropriate form. Give Ukrainian translation of the following passage.***

The International Law Commission, ... the General Assembly in 1947, promotes the progressive development and codification of international law. It prepares ... on topics of international law, either chosen by itself or referred to it by the General Assembly. When the Commission completes work on a topic, the General Assembly usually ... an international conference to incorporate the draft into a Convention. The Convention is then opened to States to become parties, meaning that countries formally agree to ... by its provisions. The Commission has helped conclude many important international treaties. Currently, the Commission is addressing such ... as the prevention of transboundary damage from hazardous activities; State responsibility; unilateral acts of States; and the right of diplomatic protection.

The Security Council has become increasingly involved in the issues of ... civilians in armed conflict, promoting human rights and protecting children affected by war. For example, mass violations of ... humanitarian law in the former Yugoslavia and in Rwanda led the Council to establish two international tribunals to prosecute persons responsible for such violations. Both tribunals were ... under Chapter VII of the UN Charter (which deals with enforcement measures) and are subsidiary organs of the Security Council.

issues, drafts, created by, protecting, international, established, convenes, be bound
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***Task 7. Make a presentation on one of the following topics.***

1. The role and meaning of the International Law.
2. Organizations related to the International Law.
3. International Treaties.

***Task 8. Read and translate the following text.***

The International Court of Justice helps settle disputes between nations on the basis of existing international law. Based in The Hague, the Netherlands, the World Court (as it is popularly known) has settled disputes between States regarding their common borders; and has defined the delimitation of territorial waters, fishing jurisdictions, the rights of passage over foreign territory, decolonization questions,

military disputes, questions of nationality and the right of asylum. In 1999, the Court settled a sensitive frontier dispute between Botswana and Namibia. In another ruling made in 1994, the Court helped settle a border dispute between Chad and Libya. In 1992, the Court ended a dispute between El Salvador and Honduras that had led to a short but bloody war in 1969.

Specialized agencies and programmes of the United Nations, such as the UN Environment Programme, United Nations Children's Fund, International Labour Organization, the International Civil Aviation Organization, the International Maritime Organization and the World Intellectual Property Organization have played a major role in the development and administering of international treaties in their areas of concentration.

How does international law help world trade?

International law helps regulate relations between countries. These relations include trading, exports and imports and movements of goods across boundaries. The United Nations, through the United Nations Commission on International Trade Law (UNCITRAL) facilitates world trade by developing Conventions, model laws, rules and legal guides designed to harmonize international trade. Established by the General Assembly in 1966, this international Commission brings together representatives of the world's geographic regions and principal economic and legal systems.

There are numerous ways the United Nations and its regime of international law help promote world trade.

Commercial airlines have the right to fly across borders and to land in case of emergency, due to agreements negotiated by the International Civil Aviation Organization, part of the UN system.

The World Intellectual Property Organization, also affiliated with the UN, promotes international cooperation in the protection of copyrights, trademarks and patents around the world.

The World Health Organization sets criteria for pharmaceutical quality and standardizes the names of drugs.

The Universal Postal Union's protocols allow the mail to move across borders.

The International Telecommunications Union's allotment of frequencies keeps the airwaves from becoming hopelessly clogged.

The United Nations Intellectual Property Organization's arbitration helps determine the right to use domain names on the internet and thus curb "cybersquatting".

***Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

The International Court of Justice, frontier dispute, the International Civil Aviation Organization, the International Maritime Organization, the World Intellectual Property Organization, The World Health Organization, curb "cybersquatting", to move across borders.

***Task 10. Put 10 different questions on the text and give your own answers to them.***

***Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Commercial airlines, world trade, principal economic and legal systems, international treaties, military disputes.

***Task 12. Translate the following sentences into Ukrainian and decide if they are true or false.***

1. Specialized agencies and programmes of the United Nations have played a major role in the development and administering of international treaties in their areas of concentration.
2. International law helps regulate relations between countries.
3. There are numerous ways the United Nations and its regime of international law help promote world trade.
4. The World Health Organization sets criteria for pharmaceutical quality and standardizes the names of drugs.
5. The International Telecommunications Union's allotment of frequencies keeps the airwaves from becoming hopelessly clogged.

6. The World Intellectual Property Organization helps to determine the right to use domain names on the internet and thus curb “cybersquatting”.

***Task 13. Give a free translation of the following passage.***

Міжнародні відносини не обмежуються тільки міждержавними, міжвладними контактами основних суб'єктів міжнародного права. Відбуваються постійні контакти між фізичними і юридичними особами різноманітних держав, на рівні міжнародних неурядових організацій, які регулюються або національним правом відповідної держави або нормами міжнародного приватного права.

Міжнародне публічне право – це сукупність юридичних принципів і норм, що регулюють відносини між державами та іншими суб'єктами міжнародного права.

У свою чергу, міжнародне приватне право — це система юридичних норм, спрямованих на регулювання міжнародних невлadних відносин з «іноземним елементом».

Міжнародне приватне право остаточно сформувалось як незалежна галузь права в ХІХ ст. Раніше воно розглядалось як частина інших галузей права.

***Task 14. Make a presentation on one of the following topics.***

1. What is international humanitarian law?
2. Trade regulation law.
3. Select an area of international law of strong concern and/or interest. Discuss it.

## **Unit 15.**

### **CONSTITUTIONAL LAW**

*Task 1. Read and render the following text.*

#### **CONSTITUTIONAL LAW AS AN AREA OF PUBLIC LAW**

Constitutional law is the body of law which defines the relationship of different entities within a state, namely, the executive, the legislature, and the judiciary.

Not all nation states have codified constitutions, though all such states have a jus commune, or law of the land, that may consist of a variety of imperative and consensual rules. These may include customary law, conventions, statutory law, judge-made law or international rules and norms.

Constitutional laws may often be considered second order rulemaking or rules about making rules to exercise power. It governs the relationships between the judiciary, the legislature and the executive with the bodies under its authority. One of the key tasks of constitutions within this context is to indicate hierarchies and relationships of power. For example, in a unitary state, the constitution will vest ultimate authority in one central administration and legislature, and judiciary, though there is often a delegation of power or authority to local or municipal authorities. When a constitution establishes a federal state, it will identify the several levels of government coexisting with exclusive or shared areas of jurisdiction over lawmaking, application and enforcement.

Human rights or civil liberties form a crucial part of a country's constitution and govern the rights of the individual against the state. Most jurisdictions, like the United States and France, have a codified constitution, with a bill of rights. A recent example is the Charter of Fundamental Rights of the European Union which was intended to be included in the Treaty establishing a Constitution for Europe that failed to be ratified. Perhaps the most important example is the Universal Declaration of Human Rights under the UN Charter. These are intended to ensure basic political, social and economic standards that a nation state, or intergovernmental body is obliged to provide to its citizens but many do include its governments.

Constitutional law regulates the basic principles of state structure and management in Ukraine, the competencies of main authorities including Verkhovna Rada, the President, the Cabinet of Ministers, other central authorities and the judiciary. Constitutional law frames the constitution and the structure of Ukraine. It regulates the powers of democratic institutions, the organization of elections and the division of power between central and local government. Only the Constitutional Court of Ukraine is allowed to determine the constitutionality of laws created by the legislature.

***Task 2. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Галузь права, визначати, юридичні особи, закон ґрунтований на судовій практиці, стосунки влади, наділяти остаточними повноваженнями, рівні урядового співіснування, громадянські свободи, мати намір гарантувати, зобов'язаний.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Constitutional law, convention, statutory law, authority, constitution, application, crucial, civil liberties, bill of rights, Universal Declaration of Human Rights.

***Task 4. Agree or disagree with the following statements.***

1. Constitutional law governs the relationships between the judiciary, the legislature and the executive with the bodies under its authority.

2. All nation states have codified constitutions.

3. One of the main tasks of constitutions is to indicate hierarchies and relationships of power.

4. Civil liberties form a crucial part of a country's constitution and govern the rights of the individual against the state.

5. Only the Supreme Court of Ukraine is allowed to determine the constitutionality of laws created by the legislature.

***Task 5. Translate the following text into English.***

Конституційне право України — провідна галузь національного права, являє собою сукупність правових норм, перш за все принципів і норм конституції, які закріплюють основи політичної та економічної організації суспільства, форму держави, порядок і принципи формування та компетенцію органів державної влади, основи правового статусу людини і громадянина.

Джерелами конституційного права України є - Конституція України і Конституція Автономної Республіки Крим, Закони України, що приймаються Верховною Радою України, нормативні укази Президента України, що містять конституційно-нормативні норми, нормативно-правові акти Кабінету Міністрів України, що містять конституційно-правові норми, рішення Конституційного Суду України, в яких встановлюється конституційність законів та інших правових актів, міжнародні договори, певні акти органів місцевого самоврядування та інше.

***Task 6. Complete the following text with the words from the box below using them in the appropriate form.***

The constitution of the United Kingdom is the set of laws and \_\_\_\_\_ under which the United Kingdom is governed.

Unlike many other nations, the UK has no single constitutional \_\_\_\_\_. This is sometimes expressed by stating that it has an \_\_\_\_\_ or "unwritten" constitution. Much of the British \_\_\_\_\_ is embodied in written documents, within statutes, court judgments and treaties. The constitution has other unwritten sources, including parliamentary constitutional conventions and royal prerogatives.

Historically, "No Act of Parliament can be unconstitutional, for the law of the land knows not the word or the idea."

Since the Glorious Revolution, the bedrock of the British constitution has traditionally been the doctrine of parliamentary sovereignty, according to which the statutes passed by Parliament are the UK's supreme and final \_\_\_\_\_. It follows that \_\_\_\_\_ can change the constitution simply by passing new Acts of Parliament. There is some \_\_\_\_\_ about whether this principle remains valid, particularly in light of the UK's membership in the European Union.

Document, constitution, debate, source of law, Parliament, principles, uncodified.

***Task 7. Make a presentation on one of the following topics***

1. Constitutional law of the United Kingdom.
2. Constitutional law of Ukraine.
3. Constitutional law of the USA.

***Task 8. Read and render the following text.***

## **CONSTITUTION OF UKRAINE**

The Constitution of Ukraine is the nation's fundamental law. The constitution was adopted and ratified at the 5th session of the Verkhovna Rada (parliament) of Ukraine on 28 June 1996.

Other laws and other normative legal acts of Ukraine must conform to the constitution. The right to amend the constitution through a special legislative procedure is vested exclusively with the parliament. The only body that may interpret the constitution and determine whether legislation conforms to it is the Constitutional Court of Ukraine.

Since 1996 the public holiday Constitution Day is celebrated 28 June.

The first constitution since independence was adopted during an overnight parliamentary session of June 27-June 28, 1996, un-officially known as "the constitutional night of 1996." However, according to a ruling of the Constitutional Court of Ukraine, the constitution took force at the moment when the results of the parliamentary vote were announced on June 28, 1996 at approx. 9 a.m. Kiev local time.

The Constitution of Ukraine is divided into 15 chapters. In accordance with Chapter XIII: Ukraine's Constitution can only be amended with the consent of no less than two-thirds of the constitutional composition of the Verkhovna Rada of Ukraine.

In addition amendments to Chapter I — "General Principles," Chapter III — "Elections. Referendum," and Chapter XIII — "Introducing Amendments to the ayes Constitution of Ukraine," can only be amended by the parliament of Ukraine on the condition that it is also approved by an All-Ukrainian referendum designated by the President of Ukraine.

In May 2012 President Viktor Yanukovich set up the Constitutional Assembly of Ukraine; a special auxiliary agency under the President for drawing up bills of amendments to the Constitution, the president then will table them in parliament.

On December 8, 2004, the parliament passed Law No. 2222-IV amending the constitution. The law was approved with a 90 percent majority (402 ayes, 21 nays, and 19 abstentions; 300 ayes required for passage) simultaneously with other legislative measures aimed at resolving the 2004 presidential election crisis. It was signed almost immediately in the parliamentary chamber by the outgoing President Leonid Kuchma and promulgated on the same day.

The 2004 constitutional amendments were passed in the Parliament only with limited consultation and discussion between political forces, in the context of the Orange Revolution. They attracted therefore criticism from several internal (Ukrainian political parties) and external bodies (the Council of Europe, the European Parliament and the Venice Commission).

The amendments took force unconditionally on January 1, 2006. The remaining amendments took force on May 25, 2006, when the new parliament assembled after the 2006 elections.

On October 1, 2010, the Constitutional Court of Ukraine overturned the 2004 amendments, considering them unconstitutional. The Court had started to consider the case on the political reform in 2004 under a motion from 252 coalition lawmakers regarding the constitutionality of this reform of July 14, 2010. The 2010 nullification decision was highly controversial.

***Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Fundamental law, to conform to the constitution, to amend the constitution, to take force, with the consent, to draw up bills, ayes, nays, abstentions, simultaneously, to promulgate.

***Task 10. Put 10 different questions on the text and give your own answers to them.***

**Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

To ratify, conform, to amend, to adopt, to approve, bill, chamber, to pass, to attract, controversial.

**Task 12. Translate the following statements into Ukrainian and decide if they are true or false.**

1. Normative legal acts of Ukraine must not conform to the constitution.

2. The constitution was adopted and ratified at the 5th session of the Verkhovna Rada (parliament) of Ukraine on 28 June 1995.

3. The right to amend the constitution through a special legislative procedure is vested exclusively with the parliament.

4. The only body that may interpret the constitution and determine whether legislation conforms to it is the Constitutional Court of Ukraine.

5. The Constitution of Ukraine is divided into 14 chapters.

**Task 13. Give a free translation of the following passage.**

Конституція США — Верховний закон Сполучених Штатів Америки. Дійсна сьогодні Конституція США була прийнята 17 вересня 1787 року під час Конституційної Конвенції в Філадельфії і ратифікована в усіх 13 тодішніх американських штатах. Конституція США є найстарішою федеральною конституцією. Оригінал цього історичного документу знаходиться в Вашингтоні (округ Колумбія).

З часу ратифікації Конституція США помітно змінилася. Ці зміни торкнулися головним чином трьох напрямів: поліпшення функціонування центральних органів державної влади, розвитку виборчого права і розвитку прав громадян. У 1791 році був ратифікований Білль про права - перші десять поправок до Конституції, які гарантують особисті права громадян і відповідно обмежують повноваження державних органів. До них слід додати XIII поправку (вона була зроблена в 1865 році), що заборонила рабство і підневільні роботи, окрім випадків покарання за злочин, і XIV поправку (1868 рік), що встановила умови рівного доступу до отримання американського громадянства.

***Task 14. Make a presentation on one of the following topics.***

1. An overview of Ukraine's constitution.
2. Legal aspect of human rights in Ukraine.
3. Constitution of Ukraine, the USA and the UK: comparative characteristic.

## **Unit 16.**

### **CRIMINAL LAW**

***Task 1. Read and render the following text.***

#### **CRIMINAL LAW AS AN AREA OF PUBLIC LAW**

Criminal law absorbs our attention in a way that no other body of law does. Horrific crimes, juicy tales of passion, and mundane muggings occupy the front pages and public attention. Criminal law is a hot political topic that has immediate personal dimensions. But, as elsewhere in the law, the issues are more complicated than they seem.

To define criminal law, we need to distinguish it from other bodies of law that do something like that, and to distinguish the substantive criminal law from the process that applies it.

**Criminal law** is the body of law that defines criminal offenses, regulates the apprehension, charging, and trial of suspected persons, and fixes punishment for convicted offenders. Criminal law defines acts as criminal. In other words, however immoral or unjust an act may be thought to be, it is not a crime unless the law says it is one. Criminal acts are so wrongful that when someone commits a criminal act as distinguished from some other type of wrong, she is not just made to pay damages or be snubbed at the country club, she is punished.

We need criminal law to punish criminals and prevent crime.

The first purpose criminal law serves is to define what behavior society regards as wrongful. It is wrong to murder your neighbor, set fire to her house, or steal her lawnmower. The acts defined as criminal often (but not always) have the most serious consequences for others; murder and arson are very harmful, but stealing your neighbor's lawnmower

probably is less of a social evil than manufacturing lawnmowers without adequate safety devices, which is only a civil wrong.

A crime is usually defined as a voluntary act or omission, together with a given state of mind. The state of mind involves purpose, awareness, recklessness, or negligence. Acts committed during fits of epilepsy or while sleepwalking are involuntary and thus do not qualify as crimes. Mental disorders are also recognized as limiting or absolving responsibility for acts otherwise regarded as criminal. The law of most countries recognizes that the use of force might be justifiable. The use of force might be justifiable in self-defense, defense of other persons, protection of property, and enforcement of the law. Criminal acts include arson, rape, treason, aggravated assault, theft, burglary, robbery, murder, and conspiracy. [Conspiracy is a secret plan made by two or more people to do something that is harmful or illegal.] Criminal law also deals with the preparation of charges and with trial procedures. The latter involves the formation of juries, the guarantee of a public trial, the right to counsel, the presentation of evidence, the establishment of guilt, and sentencing, if guilt has been established. Criminal law is concerned with postconviction procedures, such as calling for a new trial or challenging a conviction, either in the court where the conviction was declared or in appeal to a higher court.

***Task 2. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Свідоме вбивство, злочинний психічний стан, вчиняти злочин, кримінальний злочин, злочинець, виносити вирок, доказати вину, сукупність правових норм, звинувачення

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Murder; to kill; assassination; homicide; suicide; to kidnap; manslaughter; punishment; capital punishment.

***Task 4. Agree or disagree with the following statements.***

1. Criminal law defines civil offenses.

2. Criminal law prescribes the punishment for convicted offenders.

3. A crime is usually defined as a voluntary act, together with a given state of mind.

4. Acts committed during fits of anger are involuntary and thus do not qualify as crimes.

5. Political disorders are also recognized as limiting or absolving responsibility for acts otherwise regarded as criminal.

6. Criminal acts include spontaneous combustion and parking violation.

7. Trial procedures don't include the formation of juries and the establishment of guilt.

***Task 5. Translate the following sentences into English.***

1. Кримінальне право опікується захистом багатьох прав людини, гарантованих Конституцією України.

2. В Україні злочином визнається суспільно небезпечне діяння.

3. Його звинувачують у тяжкому кримінальному злочині.

4. На відміну від США в Україні всі кримінальні справи розглядаються судами загальної юрисдикції.

5. Закон в такому випадку передбачає кримінальну відповідальність.

6. За українським законодавством єдиним органом, уповноваженим виносити рішення у кримінальних справах, є суд.

***Task 6. The word LEGAL has the following meanings in Ukrainian:***

**1) юридичний**

legal person – юридична особа;

**2) правовий**

legal text – правовий текст;

**3) судовий**

legal action – судовий позов;

**4) законний, дозволений законом**

legal owner – законний власник;

**5) легальний**

legal activities – правомірна, законна діяльність.

*Match the following English expressions with their Ukrainian equivalents:*

1) legal activities	a) законні права
2) legal address	b) законний власник
3) legal advice	c) той, що має законну силу
4) legal age	d) використовувати своє законне право
5) legal costs	e) історія права
6) legal decision	f) консультація юриста
7) legal document	g) правовий захист
8) legal entity	h) правовий документ
9) legal ethics	i) правовий статус
10) legal expert	j) правомірна, законна діяльність
11) legal history	k) професійна етика юриста
12) legal language	l) рішення суду
13) legal owner	m) повноліття
14) legal procedure	n) стати юристом
15) legal protection	o) судові витрати
16) legal rights	p) судочинство
17) legal status	q) юридична термінологія
18) of legal force	r) юридична адреса
19) to enjoy one's legal rights	s) юридична особа
20) to enter the legal profession	t) юрисконсульт, юридичний радник

*Task 7. Make a presentation on one of the following topics*

1. Reasons for the use of capital punishment.
2. The most serious criminal case.
3. The most famous criminal case.

*Task 8. Read and render the following text.*

### **HOW A CRIMINAL CASE BEGINS**

There are four common ways to begin a criminal case:

- a) the filing of a complaint by a private citizen;

- b) the return of an indictment by a grand jury;
- c) in certain cases, a proper arrest without a warrant, followed by the filing of a complaint;
- d) the issuance of a summons or citation.

**Complaint.** A criminal case can begin when a person goes to court and files a complaint that another person has committed an offense. The complaint is followed by an arrest warrant or a summons which is served on the defendant by a peace officer. The arrest or service of summons constitutes service of process which, as in civil cases, gives the accused notice of the case against him.

The complaint in a criminal case is a statement of the essential facts constituting the crime charged. It must designate the statute or ordinance which the accused is alleged to have violated. A warrant is executed by arresting the defendant and taking him into custody. An officer can issue a summons in lieu of arrest if it appears the defendant will come to court without being arrested. A summons tells the defendant when and where he must appear in court, and is merely delivered to the defendant without placing him under arrest.

**Indictment.** A criminal case can begin with an indictment. Like a complaint, an indictment is an accusation. In general, indictments are accusations of felonious conduct against persons who have already been arrested and referred to the grand jury by a municipal or county court through a process called "preliminary hearing". Grand juries, however, do not have to wait for cases to be referred, but can make direct indictments. When this is done, the indictment begins the case.

**Task 9. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.**

Позовна заява, розпочати кримінальну справу, виклик до суду, вердикт, кримінальна відповідальність, судове розслідування, виклад основних фактів, арешт, арешт без ордеру, злочинна поведінка особи, судова посадова особа.

**Task 10. Put 10 different questions on the text and give your own answers to them.**

•  
**Task 11. Agree or disagree with the following statements.**

1. The accused cannot waive preliminary hearing.
2. If the judge finds the evidence support only a misdemeanor charge, he will retain the case for trial in his court.
3. A criminal case can begin with an arrest. Under certain circumstances, a person can be arrested without a warrant.
4. Crime is the official interpretation of a socially unacceptable activity.
5. Robbery is the taking of property from a victim by force and violence or by the threat of violence.
6. A person cannot be found guilty for unsuccessful attempt to commit a crime.
7. The accused may be arrested only with a warrant.

***Task 12. Translate the following sentences into English.***

1. Якщо особу визнано винною у скоєнні злочину, її буде покарано відповідно до кримінального закону у вигляді штрафу, ув'язнення або смертного вироку.
2. Явка з повинною, щире каяття, активне сприяння розкриттю злочину є обставинами, що пом'якшують покарання.
3. Чи є у Вас судимість?
4. Учасники кримінального процесу – обвинувачений, підозрюваний, захисник, а також потерпілий, цивільний позивач, відповідач та їхні представники.
5. Вирок – це рішення суду першої інстанції про винність чи невинність особи.
6. Кримінальне право – це галузь права, що визначає, які діяння є злочинами та які покарання застосовуються до осіб, що їх вчинили.
7. Цей злочин ще не розкритий.

***Task 13. ROLE PLAY. Enact a role play “Trying a criminal case”. You are the jury and must decide whether to acquit the accused or sentence them to a term of imprisonment (minimum 3 months / maximum life). Or could you think of a more appropriate punishment?***

**Case 1.** A driver while speeding hit a cyclist off her bike. She was badly injured and confined to a wheelchair for the rest of her life. The driver didn't stop so he's charged with hit and run.

**Case 2.** The accused is a doctor who gave an overdose to an 87-year-old woman. She had a terminal illness, was in constant pain and had asked for the overdose. Her family is accusing the doctor of murder.

**Case 3.** A. and B. mug Mr. X., take his money and leave him for dead. B. later returns alone and pushes the body in the river. An autopsy reveals that the man was still just alive when pushed in the water and subsequently drowned.

**Task 14.** *Make a presentation on one of the following topics.*

1. The rights of the accused during criminal trial.
2. The role of criminal defendants in Ukraine.
3. Advocacy versus prosecution.

**Unit 17.**

## **ADMINISTRATIVE LAW**

**Task 1.** *Read and render the following text.*

### **ADMINISTRATIVE LAW AS AN AREA OF PUBLIC LAW**

Administrative Law is the body of law created by administrative agencies in the form of rules, regulations, etc. to carry out regulatory powers and duties of such agencies.

Businesses must deal with an ever increasing number of administrative rules and decisions on both the state and federal level. Administrative agencies have been referred to as the fourth branch of government because they are policy-making bodies which incorporate facets of the three branches of government: the legislative, executive, and judicial. Administrative agencies act like the executive branch of government in that they carry out the law. They also may take on the function of courts by adjudicating matters within their area of regulation. The need for administrative agencies results from our society becoming

increasingly complex. Specialized bodies possessing expertise can deal with problems which general legislative branches are not equipped to handle.

Administrative agencies act like legislatures when they properly promulgate rules which must be followed. For example, in the USA the Securities and Exchange Commission is an administrative agency established by Congress in 1934. It promulgated rule 10b-5 which prohibits the use of insider information. Rules have the force and effect of law.

Because agencies are not elected, but rather the heads are appointed (independent agency heads for fixed terms and executive branch agencies at the pleasure of the executive) their actions must be subject to review.

The executive may control the agencies through appointments, and indirectly through the budget process. The courts are charged with reviewing agency action. The reviewing court will also set aside agency actions that are arbitrary or capricious or not supported by substantial evidence.

Administrative agencies on the federal level are governed by the Administrative Procedure Act (APA). Many states have similar laws (APAs) outlining how state agencies are to function when they are deciding cases or issuing regulations. The APAs generally prohibit ex parte communications and provide for an impartial hearing officer or administrative law judge who hears the case and makes findings of fact and legal conclusions.

Rule-making procedures generally require notice so that interested parties may participate. The regulations must be published to be effective.

In recent years government agencies and personnel have become more vulnerable to lawsuits. The doctrine of sovereign immunity, which historically shielded government agencies from liability, has been eliminated for numerous federal and state activities and continues to erode.

***Task 2. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Орган державної влади; комісія; гілка влади; бюджетний процес; закон; слухання; посилатися на; виносити (судове) рішення у справі; процедура; сукупність правових норм; нормативний акт.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Legislative branch of power; executive branch of power; judicial branch of power; government; governmental agencies; public official; state organ; law; rule; bill; regulation; norm.

***Task 4. Agree or disagree with the following statements.***

1. Administrative agencies are non-professional bodies, that's why their provisions are subject to review.
2. The number of administrative agencies and decisions continues to increase.
3. Administrative agencies are the fourth branch of government.
4. Agencies may take on the functions of courts by adjudicating any matters in administrative law.
5. Administrative agencies have been regarded as the fourth branch of government because their authority includes some functions of legislative, executive and judicial branches of government.
6. The executive may control administrative agencies through appointments of all their personnel.

***Task 5. Translate the following sentences into English.***

1. Адміністративне право є однією з найголовніших галузей права в Україні.
2. Одним із найсерйозніших злочинів у виконавчій гілці влади вважається корупція, у зв'язку з цим нещодавно було прийнято Закон України „Про корупцію”.
3. Акти адміністративних органів державної влади мають меншу силу порівняно із законами України і можуть застосовуватися лише в частині, що не суперечить останнім.
4. Державна влада в Україні здійснюється на засадах її поділу на законодавчу, виконавчу і судову.

5. Розрізняють нормативно-правові та індивідуально визначені акти.

6. Будь-який адміністративний орган несе цивільну відповідальність за свої дії і за шкоду, що ним спричинена.

**Task 6. Complete the following text with the words from the box below using them in the appropriate form.**

Most countries that follow the principles of common law have developed procedures for \_\_\_\_\_ that limit the reviewability of decisions made by administrative law bodies. Administrative law may also apply to review of decisions of so-called quasi-public bodies, such as non-profit corporations, disciplinary boards, and other \_\_\_\_\_ that affect the legal rights of members of a particular group or entity.

Because the United States Constitution sets no limits on the tripartite authority of \_\_\_\_\_, Congress enacted the Administrative Procedure Act to establish fair administrative law procedures to comply with the requirements of Constitutional due process.

Generally speaking, most countries that follow the principles of common law have developed procedures for judicial review that limit the reviewability of decisions made by \_\_\_\_\_ bodies. Often these procedures are coupled with legislation or other common law doctrines that establish standards for proper \_\_\_\_\_.

Judicial review, relemarking, administrative agencies, administrative law, decision-making bodies
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**Task 7. Make a presentation on one of the following topics.**

1. What can government agency action include?
2. What does administrative law deal with?
3. When did administrative law expand greatly? Why?

**Task 8. Read and render the following text.**

## ADMINISTRATIVE JUSTICE

*Administrative Justice*, or, more commonly, *administrative adjudication*, is the exercise by an administrative agency of *judicial powers* delegated to the agency by a legislative body.

Agencies typically possess both legislative and judicial powers in their area of authority. The legislative power gives the agency the authority to issue regulations, and the judicial power gives the agency the authority to adjudicate contested cases within its area of jurisdiction.

*Administrative courts* are not ordinarily engaged in determining the rights and duties of individuals as against other individuals. Rather, they typically deal with individuals in relation to government in terms of benefits sought or disabilities incurred from government action. It is this function that chiefly distinguishes *administrative tribunals* from *civil courts*. In contrast to the criminal courts, administrative tribunals are typically empowered to assess various *penalties*, such as forfeiture of licenses for the violation of a statutory or *administrative regulation*. Some administrative agencies, however, are not vested with adjudicative powers and must proceed through the regular courts for civil or criminal punishment of violations.

Another fundamental difference between administrative tribunals and courts is the nature of subject matter jurisdiction. The subject matter of an agency's administrative regulation and adjudication is normally a single economic activity, a set of closely related economic activities, or specific benefits conferred by government. The concern of the National Labor Relations Board with labor relations is an example of the first; the jurisdiction of the Federal Communications Commission over radio, television, and telephone exemplifies the second; and adjudication of the validity of benefit claims by such agencies as the Veterans Administration represent the third. In contrast, the subject matter jurisdiction of courts embraces a broad spectrum of civil and criminal law.

***Task 9. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Адміністративні органи, судова влада, законодавча влада, адміністративні суди, адміністративні норми, уряд, адміністративне правосуддя.

**Task 10. Put 10 different questions on the text and give your own answers to them.**

**Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

Administrative agencies, promulgate rules, administrative tribunals, administrative adjudication, non-professional bodies, administrative regulation, vested.

**Task 12. Translate the following statements into Ukrainian and decide if they are true or false.**

1. Because of the three branches of power of the U.S. federal government cannot always directly perform their constitutional responsibilities.

2. The task of an agency, board, or commission is to oversee and monitor activities in complex areas, such as commercial aviation, medical device manufacturing, and securities markets.

3. Tribunals provide 'judicial review'.

4. The Commonwealth Ombudsman examines and 're-makes' government decisions.

5. U.S. federal agencies have the power to adjudicate, legislate, and enforce laws within their specific areas of delegated power.

**Task 13. Give a free translation of the following passage.**

Адміністративна реформа - це вид політико-правової реформи, яка здійснюється у сфері виконавчої влади і стосується як її організаційної структури, функцій, кадрового забезпечення, так і взаємовідносин з місцевим самоврядуванням.

Принципи адміністративної реформи - це головні засади її проведення, які ґрунтуються на відповідній ідеології та політиці. У принципах розкривається головне призначення і сутність цієї реформи.

Правова основа адміністративної реформи - це нормативно-правові акти, які є відправною точкою і механізмом забезпечення даної реформи.

Нова система державного управління в Україні має бути створена під час проведення адміністративної реформи.

**Task 14. Make a presentation on one of the following topics.**

1. The tasks of administrative judiciary.
2. Do you agree with the saying by H. L. Mencken (1880 - 1956), U.S. journalist, critic, and editor: “A judge is a law student who marks his own examination papers”? Why (not)?
3. Judicial review.

***P.S. Train Your Memory. Please memorize the following list of Ukrainian state agencies and their English names.***

Ukrainian Name	English Name
Верховна Рада України (ВРУ)	the Verkhovna Rada of Ukraine (Ukrainian Parliament) (VRU)
Кабінет Міністрів України (КМУ)	the Cabinet (of Ministers) of Ukraine (CMU)
Президент України	(the) President of Ukraine
Конституційний Суд України	the Constitutional Court of Ukraine
Верховний Суд України	the Supreme Court of Ukraine
Вищий господарський суд України	the High Commercial Court of Ukraine
Генеральний прокурор України	the Attorney-General of Ukraine (the Chief Prosecutor of Ukraine)
Міністерство оборони України	the Ministry of Defense of Ukraine
Міністерство внутрішніх справ України	the Ministry of Internal Affairs of Ukraine
Міністерство охорони здоров'я України	the Ministry for Health Protection of Ukraine
Міністерство зовнішніх зв'язків України	the Ministry of Foreign Affairs of Ukraine
Міністерство освіти та науки України	the Ministry of Education and Science of Ukraine
Міністерство економіки України	the Ministry of Economy of Ukraine
Міністерство фінансів України	the Ministry of Finance of Ukraine
Міністерство юстиції України	the Ministry of Justice of Ukraine

Уповноважений Верховної Ради України з прав людини	the Ombudsman of the Verkhovna Rada of Ukraine
Служба безпеки України (СБУ)	the Security Service of Ukraine (SBU)
Адміністрація Президента України	the Administration of the President of Ukraine
Національний банк України (НБУ)	the National Bank of Ukraine (NBU)

## Unit 18

### LABOUR LAW

*Task 1. Read and render the following text.*

#### LABOUR LAW AND EMPLOYMENT STANDARDS

**Labour law** (also called **labor law** or **employment law**) is the body of laws, administrative rulings, and precedents which address the legal rights of, and restrictions on, working people and their organizations. As such, it mediates many aspects of the relationship between trade unions, employers and employees. In Canada, employment laws related to unionized workplaces are differentiated from those relating to particular individuals. In most countries however, no such distinction is made. However, there are two broad categories of labour law. First, **collective labour law** relates to the tripartite relationship between employee, employer and union. Second, **individual labour law** concerns employees' rights at work and through the contract for work. The labour movement has been instrumental in the enacting of laws protecting labour rights in the 19th and 20th centuries. Labour rights have been integral to the social and economic development since the Industrial Revolution. **Employment standards** are social norms (in some cases also technical standards) for the minimum socially acceptable conditions under which employees or contractors will work. Government agencies (such as the former U.S. Employment Standards Administration) enforce employment standards codified by labour law (legislative, regulatory, or judicial).

Elements of labour law:

The basic subject matter of labour law can be considered under nine broad heads: employment; individual employment relationships; wages and remuneration; conditions of work; health, safety, and welfare; social security; trade unions and industrial relations; the administration of labour law; and special provisions for particular occupational or other groups.

***Task 2. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Трудове право, обмеження, колективне трудове право, індивідуальне трудове право, соціальний розвиток, умови праці, трудова зайнятість, безпека праці, зарплатня та оплата праці, положення.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Labour law; contract; individual employment relationships; remuneration; conditions of work; trade unions.

***Task 4. Agree or disagree with the following statements.***

1. Labour laws are laws which are designed to protect workers.
2. Labour law began to evolve in the 18th century, when the Industrial Revolution radically changed both society and the workplace.
3. Someone who specializes in labour law is known as a labor lawyer.
4. Many nations around the world have labor laws, which vary widely in scope and complexity, and enforcement of such laws is also quite variable.
5. Consumers who are concerned about working conditions and worker safety may actively seek out products made in countries with more stringent labour laws.
6. The history of labour laws is quite ancient, with many nations having very old statutes on their books regarding overwork, compensation, apprenticeship agreements, and so forth.

7. Collective labour law relates to the tripartite relationship between employee, employer and government.

***Task 5. Translate the following text into English.***

Трудове право виконує наступні функції: регулятивну, соціальну, захисну, виробничу, виховну. На сучасному етапі зміст і співвідношення функцій змінилося.

В умовах становлення ринкової економіки особливого значення набуває соціальна функція. Соціальна функція виявляється у державному втручанні в регулювання відносин у сфері праці шляхом закріплення прав людини, соціальних гарантій, їх забезпечення, захисту прав у разі порушень. Держава повинна виступати гарантом соціального партнерства на всіх рівнях. Необхідна підтримка працівника державою як більш слабкої сторони у відносинах з роботодавцем. Незважаючи на те, що внаслідок кризового стану економіки багато положень ще залишаються декларативними, соціальна функція в умовах переходу до ринкових відносин повинна бути провідною.

У сучасних умовах необхідно підкреслити й посилення захисної функції трудового права. Ця функція полягає у захисті прав, законних інтересів індивідуальних і колективних суб'єктів трудового права у соціально-трудоій сфері. Йдеться про захист прав у разі їх порушення. Оскільки в останні роки значно зросла кількість порушень трудових прав працівників, проблема забезпечення їх надійного захисту загострюється.

***Task 6. Complete the following text.***

One of the crucial concerns of workers and those who believe that \_\_\_\_ are important, is that in a globalizing economy, common social \_\_\_\_ ought to support economic development in common markets.

The International Labour Organization (ILO), whose \_\_\_\_\_ are in Geneva, is one of the oldest surviving international bodies, and the only surviving international body set up at the time of the League of Nations following the First World War. Its guiding principle is that "labour is not a commodity" to be traded in the same way as goods, services or capital, and that human dignity demands \_\_\_\_\_ of treatment and fairness in dealing within the workplace. -The ILO has drawn up

numerous \_\_\_\_\_ on what ought to be the labour standards adopted by countries party to it. Countries are then \_\_\_\_\_ to ratify the Conventions in their own national law. However, there is no enforcement of this, and in practice most conventions are not agreed to, even if they are adhered to.

Standards, equality, labour rights, conventions, headquarters, obliged
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***Task 7. Make a presentation on one of the following topics.***

1. Individual labour law.
2. Collective labour law.
3. International labour law.
4. National labour laws (Ukraine, the EU, the UK, the USA, Canada).

***Task 8. Read and render the following text.***

## **UKRAINE'S EMPLOYMENT LAWS**

Ukraine's employment and labor laws are outlined in Ukraine's Constitution and the Labor Code of Ukraine. The Ministry of Labor and its officials, as well as local administrators, have the powers to issue labor legislation throughout Ukraine.

The Labour Code has the most comprehensive details of labor and employment laws in Ukraine. The code was adopted in 1971, during the period of Leonid Brezhnev's rule over the Soviet Union. Although the code has not significantly changed since its inception, the Ukrainian government has approved additional laws such as the Law on Remuneration of Work. Some business experts argue that the Labor Code is outdated, another Soviet legacy that continues to plague Ukraine.

The **Labour Code of Ukraine** (Ukrainian: Кодекс законів про працю України ) is the national code of laws about labor. The code was adopted and ratified at a session of the *Verkhovna Rada* (parliament) of Ukrainian SSR (Soviet Union) on 10 December 1971.

The Labour Code of Ukraine is divided into 18 chapters:

1. General Principles
2. Collective Agreement

3. Labour Agreement
  1. Providing employment to laid-off workers
4. Working Hours
5. Resting Hours
6. Normalization of Labour
7. Payment for Work
8. Guarantees and Compensations
9. Warranties for laying onto employees a liability for damage caused to enterprises, institutions, organizations
10. Job discipline
11. Job security
12. Female Labor
13. Youth Labor
14. Employee benefits that combine work with study
15. Individual Labor Disputes
16. Trade unions. Employee participation in managing an enterprise, institution, organization
  1. Labour team
17. Compulsory state social insurance and pension provision
18. Supervision and control over the observance of labor legislation

***Task 9. Match the words. Compose your own sentences to show that you understand their meanings.***

unfair dismissal	права матері та дитини
collective bargaining	нормування праці
redundancy payments	звільнені працівники
codes of practice	трудове право /законодавство
laid-off workers	допомога безробітним
remuneration of work	оплата праці
maternity rights	відповідальність за шкоду

(псування)

employee benefits		пільги для працівників
termination of employment	of	перемовини про укладення колективного договору
labour (relations) law		збірник практик, процесуальний кодекс
deprive somebody of work	of	закінчення терміну роботи; завершення трудових відносин
liability for damage		несправедливе звільнення
normalization of labour		позбавляти (когось) роботи
Observance of labour legislation		додержання законодавства про працю

**Task 10. Put 10 different questions on the text and give your own answers to them.**

**Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

Labour relations; labour force; labour union; labour dispute; employment discrimination; collective bargaining; employment contract ; employment at will.

**Task 12. Translate the following answers into Ukrainian and decide if they are true or false.**

Is there a separate legislation relating to minimum wages No. But minimum wage in the Ukraine is regulated by art. 95 of the Labour Law Code and art. 3 of the Law on payment. According to these articles, minimum wage in Ukraine is legally set

**in your country?** amount of wage for simple, unqualified labour which is the lowest possible rate of payment to workers for monthly and/or hourly norm of labour (volume of work).

**Do one or more minimum wages exist that is/are determined by law?** Only one at the national level. Minimum wage is set up by the Supreme Rada of the Ukraine on recommendation of the Cabinet of Ministers of the Ukraine, not seldom than once a year in accordance with the law on State Budget of the Ukraine. According to the budget, minimum wage in Ukraine in 2013 has to be changed: since January 1, December 1. According to the law “On Ukraine’s state budget for 2013” from the 1st of January till the 30th of November 2013 monthly minimum wage in Ukraine is set in amount 1147 grivnas, hourly – 6,88 grivnas.

**To whom/Where can individuals complain, if they think they are earning less than minimum wage?** If the worker is paid less the minimum wage he can file a complaint to the company’s trade union or state labour inspection. Another possibility is to apply for explanations to the company’s management or accountant (preferably in written form). According to art. 49 of the Labour Code of Ukraine, the management has to provide the worker with the written information on the amount of his wage, qualification, specialty and position, to ground its answer with the references to the existing regulations and legislation. If the employer refuses to give the worker such information it is necessary to apply to court.

**Task 13. Give a free translation of the following passage.**

## IMPORTANT CHANGES IN THE UKRAINIAN LABOUR LEGISLATION

Notwithstanding that 2012 did not become the year of adoption of the long awaited new Labour Code it was marked with enactment of several important laws in the labour law area, including the Law on Amending Certain Laws of Ukraine Related to Preventing and Combating Corruption. This Law resulted in amending Article 41 of the Labour Code with a new legal ground for an employee dismissal at the employer's initiative, namely for working under direct supervision of the close person in the meaning of the Law on Preventing and Combating Corruption.

The most important act adopted in 2012 in the employment area is the Law on Employment dated 5 July 2012 (the "**New Law on Employment**"), which comes into effect as of 1 January 2013.

The other statute directly affecting the labour law area is the Law on Amending the Law of Ukraine on Personal Data Protection dated 20 November 2012 (the "**Amending Law**"), which came into force on 20 December 2012. On 1 July 2012, the Law on Amending Certain Laws of Ukraine Regarding Increasing Liability for Violating the Personal Data Protection Legislation dated 2 June 2011 came into force. The Law provides serious penalties for companies found in breach of the Law on Personal Data Protection (e.g. criminal liability of the companies' officers for unlawful collecting, storing, using, destroying and transferring confidential information about a person (i.e. personal data), or for unlawful modification of such information).

In 2012 the parliament passed several laws aimed at strengthening the role of the employers and the other stakeholders in shaping the state policy in the labour and employee social benefits area, including the Law on the Employers' Associations, their Rights and Guaranties of their Activity and the Law on Amending Certain Laws of Ukraine to Bring Them Into Conformity with the Law on Social Dialogue in Ukraine. In addition, a number of legislative acts were amended to guarantee a unified definition in the Ukrainian legislation of the parties to the collective bargaining.

The parliament also enacted the Law on Preventing and Combating Discrimination in Ukraine to ensure equal opportunities for exercising human rights and freedoms, including in the employment area.

Various state agencies have passed a number of regulations concerning regulation of the overtime work, business trips, labour law compliance inspections, labour safety, data protection, and other important employment law issues.

***Task 14. Make a presentation on one of the following topics.***

1. The role, impact and future of labour law.
2. How domestic jurisdictions use universal sources of international law.
3. Universal labour standards and national cultures.

**Unit 19.**

## **CIVIL LAW**

***Task 1. Read and render the following text.***

### **CIVIL LAW AS AN AREA OF PRIVATE LAW**

Civil Law is the body of private law used in those countries in which the legal system is based on ancient Roman law modified by medieval and modern influences. Civil law is used in most nations in Europe and Latin America, as well as in some countries in Asia and Africa. The law of Great Britain, the United States, Canada, and a number of other nations is based on English commonlaw, which differs from civil law in origin and other important respects.

The term civil law is also employed to distinguish those legal codes that deal with civil relationships (such as citizenship, marriage, divorce, and certain contractual arrangements) from other codes such as those dealing with criminal law.

The civil law originated in ancient Rome. One of the principal characteristics of Roman civilization was the development of strong legal institutions. In the 6<sup>th</sup> century, a commission appointed by the Emperor Justinian collected and consolidated all the sources of law, including the opinions of the great legal scholars during previous centuries. The result was the Corpus Juris Civilis (Body of Civil Law), also called the Justinian Code, a comprehensive code with the

accumulated wisdom and experience of many generations of Roman jurists.

The principle of civil law is to provide all citizens with an accessible and written collection of the laws which apply to them and which judges must follow. It is the most prevalent and oldest surviving legal system in the world. Colonial expansion spread the civil law system and European civil law has been adopted in much of Latin America as well as in parts of Asia and Africa.

The primary source of law is the legal code, which is a compendium of statutes, arranged by subject matter in some pre-specified order; a code may also be described as "a systematic collection of interrelated articles written in a terse, staccato style." Law codes are usually created by a legislature's enactment of a new statute that embodies all the old statutes relating to the subject and including changes necessitated by court decisions. In some cases, the change results in a new statutory concept. The two other major legal systems in the world are common law and Islamic law.

Civil law systems may be subdivided into further categories:

- Countries where Roman law in some form is still living law and there has been no attempt to create a civil code: Andorra and San Marino

- Countries with mixed systems in which Roman law is an academic source of authority but common law is also influential: Scotland and the Roman-Dutch law countries (South Africa, Zambia, Zimbabwe, Sri Lanka and Guyana)

- Countries with codes intended to be comprehensive, such as France: it is this last category that is normally regarded as typical of "civil law" systems.

The Scandinavian systems are of an intermediate character, as they have a background of Roman and customary law together with partial codification. The laws of Louisiana and Quebec may also be considered as hybrid systems, in that a French-type civil code coexists with pre-revolutionary French customary law and considerable common law influence.

A prominent example of civil law would be the Napoleonic Code (1804), named after French emperor Napoleon Bonaparte. The Code comprises three components: the law of persons, property law, and commercial law. Rather than a catalog of judicial decisions, the Code consists of abstractly written principles as rules of law.

Civil law is sometimes referred to as neo-Roman law, Romano-Germanic law or Continental law. The expression civil law is a translation of Latin *jus civile*, or "citizens' law", which was the Late Imperial term for its legal system, as opposed to the laws governing conquered peoples (*jus gentium*).

***Task 2. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Цивільне право, цивільні правостосунки (відносини), громадянство, одруження, розлучення, договірні домовленості, збірник законодавчих актів, судові рішення, цивільний кодекс, громадянське право.

***Task 3. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Civil law, Civil Code, civil relationship, citizenship, marriage, divorce, contractual arrangement, the law of persons, property law, commercial law,.

***Task 4. Agree or disagree with the following statements.***

1. Invasion of privacy is not a subject of tort law but more often a criminal offence.
2. Civil Law refers to the area of Laws, which through incorporation, take on the legal status of individuals.
3. The main subdivisions of the Civil Law are: the law of property, family law, the law of contract, the law of torts.
4. A tort is a public wrong.
5. In civil law there is the attempt to settle a dispute.
6. An action by an individual against the attorney general is a public law.
7. Civil law regulates private relations among individuals.

***Task 5. Translate the following sentences into English.***

1. Цивільний кодекс України регулює майнові і пов'язані з ними особисті немайнові відносини.

2. Злочин – це правопорушення проти суспільства.

3. Делікт – це порушення закону, наслідком якого є тілесне ушкодження, майнова шкода або обмеження прав особи.

4. В українському цивільному праві важливе місце займає вина без вини (Коли особа повинна була передбачити можливість порушення закону. Це стосується, наприклад, власників легкових автомобілів (car-owners)).

5. Спроба влагодити суперечку є об'єктом цивільного права.

6. Прийняття нового Цивільного кодексу України, який вступив у законну силу з 1 січня 2004 року, є важливим етапом на шляху України до європейської інтеграції.

7. Відповідальність без провини є основним положенням у цивільному праві України.

***Task 6. Have you ever had any legal problems? Discuss the ways to solve these problems.***

✓ Your neighbours' bathroom leaked into your ceiling, and they do not want to pay damages.

✓ You were delayed by a metro accident and missed an important business appointment.

✓ A couple you know intends to divorce but they cannot decide who their favourite pressure-cooker should belong to.

✓ You rent an apartment and pay for 3 months in advance. At the end of the second month your landlady demands extra fee...

***Task 7. Make a presentation on one of the following topics***

1. Torts in Ukraine.

2. The most famous civil cases in the world.

3. The most famous civil cases in Ukraine.

***Task 8. Read and render the following text.***

## **WHERE AND WHEN CIVIL CASES MUST BE BROUGHT**

The first procedural questions in any case are: where must the case be filed, and when must the case be filed. Venue concerns the location of the particular court where a case must be tried. Statutes of limitations provide time limits for bringing civil lawsuits and criminal prosecutions.

**Jurisdiction.** Generally, jurisdiction means the power of a court. Different courts have different powers, and a case can be brought only in a court with authority to deal with it. There are several kinds of jurisdiction. "Subject matter jurisdiction" is the power of a court to deal with particular kinds of cases. "Monetary jurisdiction" is the minimum or maximum dollar limit on civil cases that a particular court can handle. "Territorial jurisdiction" is the geographic extent of a court's power.

A court has territorial jurisdiction over civil cases when the incident or transaction on which the case is based occurred in the court's territory or, in some cases, when the defendant or the plaintiff lives in the court's territory. In criminal cases, a court generally has jurisdiction when the crime, or any essential part or "element" of the crime, occurred in the court's territory.

**Venue.** Whereas jurisdiction refers to the power of a court to try a case, venue refers to the place where it is to be tried. Usually, venue follows territorial jurisdiction in both civil and criminal cases. Venue can be changed in criminal cases when the change is necessary to secure a fair trial. A change of venue might be granted, for example, in the trial of a particularly heinous crime where publicity has inflamed local public opinion against the.

**Task 9. Find in the text the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.**

Місце слухання справи; процедурні питання; інцидент; збурювати громадську думку проти обвинуваченого; юрисдикція; грошова сума у цивільній справі; порушити цивільну справу; резонансний злочин.

**Task 10. Put 10 different questions on the text and give your own answers to them.**

**Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

Procedural matters; incident; incite public opinion; the accused; jurisdiction; fine; penalty; civil case; resonant crime.

**Task 12. Translate the following statements into Ukrainian and decide if they are true or false.**

1. Уся судова процедура, запитання та відповіді часто фіксуються у друкованій формі.

2. Свідок бачив, як ця молода особа вийшла з ресторану, підійшла до машини і щось передала водієві.

3. Юридична рівність сторін – визначальний, базовий, засадничий принцип цивільного права.

4. Якби водій почав гальмувати трохи раніше, то він би не збив пішохода.

5. Відповідальність за невиконання умов договору може встановлюватися законом.

6. Під час судового засідання суддя зажадала, щоб позивач надав всі необхідні документи у справі на розгляд суду.

**Task 13. Complete the following text with the words and phrases from the box using them in the appropriate form and translate the following sentences into Ukrainian.**

**Traffic Accidents.** If a person \_\_\_\_\_ or owns a car, he may at some time be \_\_\_\_\_ in an \_\_\_\_\_, which may in turn involve him in a \_\_\_\_\_. In addition, there are some things not required by law but which are advisable for a driver to do (or avoid) after an accident.

**Suggestions.** Generally, a driver should not \_\_\_\_\_ his car until the police arrive. The car should be moved if it is a traffic hazard and might be involved in another accident. If possible, the driver should try to warn other drivers of any danger.

The driver should get the \_\_\_\_\_ and addresses of the other drivers and their \_\_\_\_\_ carriers, as well as the names of all passengers (even though apparently uninjured), and the names and addresses of all persons who may be \_\_\_\_\_. If it is not possible to get all of the above information, the driver should at least get license numbers.

The driver should take notes concerning the accident and its circumstances. For example the driver should take notes of all statements, and make a sketch of the scene. The \_\_\_\_\_ should include: the positions of the cars before, at, and immediately after the accident; the location of \_\_\_\_\_ and debris (pieces of chrome, broken glass, etc.).

If anyone is seriously \_\_\_\_\_, they should be made comfortable; they should not be moved unless there is an emergency. Medical aid should be summoned at once. Untrained persons should not attempt to give \_\_\_\_\_ unless the need is clear; for example, the \_\_\_\_\_ is bleeding to death, is in deep shock, or has stopped breathing.

injured, insurance, accident, name, to drive, witness, to involve, skid marks, to move, victim, lawsuit, sketch, first aid
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***Task 14. Make a presentation on one of the following topics***

1. Civil liberty is a status of a man which is guaranteed by law and civil institutions.
2. Types of Civil Court cases.
3. The differences and similarities of Civil Law in Ukraine and EU (the USA, the UK, Canada etc)

**Unit 20.**

## **INTELLECTUAL PROPERTY LAW**

***Task 1. Read and render the following text.***

### **INTELLECTUAL PROPERTY RIGHT**

In law, intellectual property (IP) is an umbrella term for various legal entitlements which attach to certain names, written and recorded media, and inventions. The holders of these legal entitlements are generally entitled to exercise various exclusive rights in relation to the subject matter of the IP. The term intellectual property reflects the idea

that this subject matter is the product of the mind or the intellect, though the term is a matter of some controversy.

Intellectual property laws and enforcement vary widely from jurisdiction to jurisdiction. There are inter-governmental efforts to harmonise them through international treaties such as the 1994 World Trade Organization (WTO) Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPs), while other treaties may facilitate registration in more than one jurisdiction at a time. Enforcement of copyright, as well as disagreements over medical and software patents, have so far prevented the emergence of a cohesive international system.

Intellectual property laws confer a bundle of exclusive rights in relation to the particular form or manner in which ideas or information are expressed or manifested, and not in relation to the ideas or concepts themselves. The term "intellectual property" denotes the specific legal rights which authors, inventors and other IP holders may hold and exercise, and not the intellectual work itself.

Intellectual property laws are designed to protect different forms of subject matter, although in some cases there is a degree of overlap. Copyright may subsist in creative and artistic works (e.g. books, movies, music, paintings, photographs, and software) and give a copyright holder the exclusive right to control reproduction or adaptation of such works for a certain period of time. A patent may be granted for a new, useful, and non-obvious invention, and gives the patent holder an exclusive right to commercially exploit the invention for a certain period of time (typically 20 years from the filing date of a patent application). A trademark is a distinctive sign which is used to distinguish the products or services of different business. An industrial design right protects the form of appearance, style or design of an industrial object (e.g. spare parts, furniture, or textiles). A trade secret (which is sometimes either equated with, or a subset of "confidential information") is secret, non-public information concerning the commercial practices or proprietary knowledge of a business, public disclosure of which may sometimes be illegal. Patents, trademarks, and designs rights are sometimes collectively known as industrial property, as they are typically created and used for industrial or commercial purposes.

The basic public policy rationale for the protection of intellectual property is that IP laws facilitate and encourage the pursuit of innovation and the disclosure of knowledge into the public domain for the common good, by granting authors and inventors exclusive rights to exploit their

works and invention for a limited period. From the perspective of economics, intellectual property is a temporary monopoly on the use or exploitation of that good, supported by legal enforcement mechanisms. However, various schools of thought are critical of the concept and treatment of "intellectual property"; indeed, some argue that use of the term "property" in this context is itself misleading. Some characterise IP laws as intellectual protectionism. There is ongoing debate as to whether IP laws truly operate to confer the stated public benefits, and whether the protection they are said to provide is appropriate in the context of innovation derived from such things as traditional knowledge and folklore, and patents for software and business methods. Furthermore, due to the non-rivalrous nature of intellectual property, defining the unauthorized use of intellectual property as a crime of theft presents its own unique problems. In common law, theft requires deprivation of the rightful owner of his or her rights to possess, use, or destroy property. Example: When Joe steals Jane's bicycle, Jane cannot use or have access to it. But since intellectual property, i.e., ideas, and various transcriptions into written words, audible sounds, or electronic media, are so easily reproduced, no such deprivation to the owner occurs. Example: When Joe steals a copy of the music Jane recorded, Jane is not denied access to enjoy her copy. In this sense, many forms of intellectual property meet the non-rival test for public goods : the use of the good by one individual does not reduce the consumption of that good by others.

***Task 2. Find in the text the English equivalents for the words below.***

Інтелектуальна власність; винахід; продукт розуму чи інтелекту; міжнародні договори; виконання правосуддя; полегшити реєстрацію; сполучена міжнародна система; специфічні законні права; інтелектуальна робота; існувати; відтворення; комерційна розробка; конфіденційна інформація; комерційна практика; не заперечувати.

***Task 3. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Intellectual property law, legal entitlement, intellectual property enforcement, industrial design right protection, trade secret, copyright, patent, trademark, invention, innovation.

***Task 4. Agree or disagree with the following statements.***

1. Trademarks give inventors the right to use their product in the marketplace, or to profit by transferring that right to someone else.

2. Depending on the type of invention, patent rights are valid forever.

3. Patent protection will be denied if an invention is found to be obvious in design, not useful, or morally offensive.

4. Patents protect symbols, names, and slogans used to identify goods and services.

5. Intellectual property rights can potentially last forever, and they are obtained by simply using a law.

6. Trade secrets apply to writings, music, motion pictures, architecture, and other original intellectual and artistic expressions.

7. Use of a copyright symbol and date is common, but not mandatory. Most copyrights are valid for the creator's lifetime.

***Task 5. Give a free translation of the following passage.***

На думку експертів, створенню в Україні ефективної системи охорони інтелектуальної власності перешкоджають передусім недоліки правової системи країни. Аналіз, проведений закордонними фахівцями в сфері інтелектуальної власності, показав, що в структурі законодавчого регулювання питань її охорони не розв'язано такі проблеми: володіння й управління правами на об'єкти інтелектуальної власності, створені за рахунок коштів державного бюджету й загальнодержавних централізованих фондів; колективне управління авторськими і суміжними правами; регулювання ринку інтелектуальної власності, передача прав на об'єкти; нормативно-правове забезпечення розвитку франчайзингу (продажу або тимчасового надання в користування товарного знака під контролем його власника); трансфер технологій закордон; правові механізми, які б запобігали подачі заявок на винаходи в інші країни в обхід патентного відомства України, що призводить до неконтрольованого впливу нових технологій закордон; захист

комерційної інформації підприємств, а також ноу-хау; захист відомих товарних знаків, які не потребують реєстрації (у законах України немає визначення таких знаків, немає списку таких знаків); захист фірмових найменувань; оцінка вартості нематеріальних активів; облік об'єктів інтелектуальної власності; впровадження ефективного захисту наукової інтелектуальної власності проти порушень у цій сфері (привласнення результатів наукової праці у формі фіктивного "співавторства", несанкціонована публікація або відтворення наукових робіт без посилання на авторів тощо); охорона раціоналізаторських пропозицій; охорона порід тварин; охорона фольклору, народних художніх промислів і традиційних знань; прогалини в антимонопольному законодавстві, які вможливають використання процедур патентування як способу монополізації ринків.

У процесі підготовки Цивільного кодексу України виявилися серйозні розбіжності між цим документом і чинними нормами ухвалених законів і ратифікованих договорів із питань інтелектуальної власності. Ліквідація цих неузгодженостей викликала значну затримку в підготовці проекту, проте створення додаткових правових норм приведе до реалізації повноцінної системи охорони прав на інтелектуальну власність загалом та конкретні її об'єкти зокрема.

***Task 6. Complete the following text with the words and phrases from the box using them in the appropriate form. Give Ukrainian translation of the following passage.***

The preparation of an \_\_\_\_\_ for patent and the conducting of the proceeding in the Patent and Trademark Office to obtain the patent is an undertaking requiring the knowledge of \_\_\_\_\_ and Patent and Trademark Office practice and procedures, as well as knowledge of the scientific or technical matters involved in the particular \_\_\_\_\_ .

Inventors may prepare their own applications and file them in the Patent and Trademark Office and conduct the proceedings themselves, but unless they are familiar with these matters or study them in detail, they may get into considerable difficulty. While a patent may be obtained in many cases by persons not skilled in this work, there would be no assurance that the patent obtained would adequately protect the

particular invention. Most inventors \_\_\_\_\_ the services of registered patent attorneys or patent agents.

The law gives the Patent and Trademark Office the \_\_\_\_\_ to make rules and regulation governing conduct and the recognition of patent attorneys and agents \_\_\_\_\_ before the Patent and Trademark Office. Persons who are not recognized by the Patent and Trademark office for this practice are not permitted by law \_\_\_\_\_ inventors before the Patent and Trademark Office.

The Patent and Trademark Office maintains a \_\_\_\_\_. To be admitted to this register, a person must comply with the regulations prescribed by the Office, which require a showing that the person is of good moral character and of good repute and that he/she has the legal, and scientific and technical \_\_\_\_\_ necessary to render applicants for patents a valuable \_\_\_\_\_. Certain of these qualifications must be demonstrated by the passing of an examination. Those admitted to the examination must have a \_\_\_\_\_ in engineering or physical science or the equivalent of such degree.

The Patent and Trademark Office \_\_\_\_\_ both attorneys at law and persons who are not attorneys at law. The former persons are now referred to as “patent attorneys” and the latter persons are referred to as “patent agents”.

patent law and rules; to represent; power; qualifications; invention; college degree; to employ; application; to practice; register of attorneys and agents; service; to register
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***Task 7. Make a presentation on one of the following topics.***

1. Intellectual Property laws in Ukraine.
2. European laws on Intellectual Property.
3. Infringement of intellectual property rights.

***Task 8. Read and translate the following text.***

The intellectual property of a business is generally understood to mean its trademarks, trade names, patents or copyrights, and trade secrets. A business has a property right in its intellectual property which can be of great value to the company which owns it. The piracy of

intellectual property is a business tort. We shall discuss such piracy under five headings: infringing a trademark; infringing a trade name; infringing a patent; infringing a copyright; and violating a trade secret.

A **trade mark** is any word, symbol, device, or design adopted and placed on or affixed to an article offered for sale or to its container to identify its originator. A trademark belongs to and may be exclusively used by the firm which first employs it. If a trademark is not registered, the first user of that name or design has a common law property right in it and the mark is known as a common law trademark.

Place or person names or words normally descriptive of an article or of its use generally may not be trademarked, as such words should be available to anyone. However, if those words are used as part of a design or device or are so fanciful or uncommon as not normally to be identified with an article, they may then be subject to trademark. This distinction may best be explained by illustration. "Swiss watch" may not be trademarked to describe a watch made in Switzerland for all watchmakers in that country should be free to so describe their products. But if "Swiss watch" is the name given to, let us say, a candy bar, it would be such a fanciful use of the words that it may be adopted as a trademark.

The business tort of trademark infringement is committed when there is an intentional or unintentional use of a trademark that is so similar to a previously established trademark of another firm that it is likely to confuse prospective purchase as to the source of the product.

Words or devices which have not been made the subject of a trademark may be protected from copying by an unauthorized person or firm if the words or devices have acquired a secondary meaning. A secondary meaning is acquired when the name or device connotes in the public mind a specific product or source. In that event, use of the name by another company in such a way as to deceive a purchaser constitutes unfair competition.

The term **trade name** refers to a name or phrase used by a business concern by which it is generally known even though the trade name is not the firm's legal name. The precise difference between a trademark and a trade name is usually immaterial, since the law affords protection against the wrongful appropriation of either where confusion or uncertainty results or may result.

Sometimes a trademark or trade name is so commonly used that it is understood as a generic or descriptive designation for that type of

article. If that situation arises, the trademark or trade name no longer solely identifies a particular source or brand but describes the article in general. What was formerly a trademark or trade name may then be used by anyone to describe the article, provided, of course, there is no attempt to palm off the new product as the original. For example, the word “Vichy” was originally a brand name for a French mineral water. “Vichy” has now become a generic term and can be used by anyone to denote mineral water as long as the source of the product is made clear to the public .

A **patent** may be issued for a process (e.g., a way to bond cloth); a machine (e.g., an innovative sewing machine); a manufacture (e.g., a new toy); a composition of matter (e.g., a new plastic); or a plant (e.g., a novel hybrid rose). Having a patent issued to you does not keep copycat products off the market. there may be a patent infringement. That is, an article embodying your patent may have been made, either intentionally or unintentionally by another, without your permission.

**Copyright** protection covers writings, recordings, and like intellectual property. To be copyrighted, a work must show certain minimum levels of creativity and originality. Although a work is copyrighted, the copyright is not infringed if a later work is substantially similar to it.

The courts have devised a “fair use” doctrine which permits a person, without the owner's consent, to copy excerpts from a copyrighted work if the copying is within the bounds of “fair use.” Whether or not the use is ‘fair’ depends upon such factors as : how much material is involved, the purpose for which the copy is made, whether the infringer seeks financial gain from the use of the copyrighted material, and what effect it has on the potential market for the original work. The courts are liberal in finding that a copying is “fair use” if it is educational, historic, or scientific purpose.

A copyright is automatically acquired by placing upon all publicly distributed copies of the work a symbol such as ©, or an abbreviation meaning copyright, the year of first publication, and the name or abbreviation of the name of the owner.

A **trade secret** is any information guarded by a firm because it furnishes the business with a peculiar economic advantages. Illustrative of trade secrets are: an engineering process, a formula, a method of utilizing a tool, a quality control procedure, a customer attitude study, or

a delivery route. In certain instance, reliance upon a trade secret furnishes the owner with greater protection than does a patent.

Just as a firm is privileged as a normal incident of competition to copy the physical characteristics of a product, a firm is allowed to copy another's business method and processes provided the information making such imitation possible comes into the copier's possession legitimately. Therefore, if a firm gains the knowledge of another's trade secret dishonestly, as through industrial espionage or commercial bribery, or through the abuse of a confidence, an unlawful interference with the business rights of another has taken place and a business tort has been committed.

***Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Trademarks, trade names, patents, copyrights, trade secrets, property right, intellectual property, the piracy of intellectual property, business tort.

***Task 10. Put 10 different questions on the text and give your own answers to them.***

***Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Trademarks, trade names, patents, copyrights, trade secrets, business tort, piracy, infringement of IP.

***Task 12. Translate the following sentences into Ukrainian and decide if they are true or false.***

1. The piracy of intellectual property is a business tort.
2. "Swiss watch" is trademarked to describe a watch made in Switzerland.
3. If "Swiss watch" is the name given to, let us say, a candy bar, it would be such a fanciful use of the words that it may be adopted as a trademark.

4. Any inventors should rely on trade secrets to protect intellectual property.

5. Patents are territorial, but products sold in Ukraine, even if they are made outside the patent domain, may infringe a Ukrainian patent.

6. Police will protect trade secrets if they are truly secret, substantial and valuable; but there must be evidence that reasonable efforts are made to keep them undiscoverable.

7. Formula for Coca-Cola is a familiar example of a trade secret. If the formula had been patented, it would no longer be a secret since patent law requires public disclosure of the invention.

8. Anyone who independently and legitimately discovers the secret of the Coca-Cola formula can use that discovery and the Coca-Cola company would have no legal means to stop them.

***Task 13. Give a free translation of the following passage.***

Реальні тенденції в сфері реєстрації та використання прав інтелектуальної власності в Україні залишаються суперечливими й не свідчать про ефективне функціонування системи її охорони. Нестабільність умов для винахідницької та раціоналізаторської діяльності (inventive & rationalizing activity) через, головним чином, погіршення матеріально-технічних і фінансових умов в інноваційній сфері, обумовила зменшення кількості винахідників, авторів промислових зразків і раціоналізаторів майже на третину, а кількість підприємств, що беруть участь у створенні й використанні об'єктів промислової власності – удвічі. Вкрай незначними є операції з укладання договорів на передачу прав щодо об'єктів промислової власності.

У структурі системи охорони інтелектуальної власності недорозвиненими є елементи, що забезпечують комерціалізацію запатентованих досягнень. При несприятливому кліматі для іноземного інвестування це обумовлює низький показник високотехнологічного експорту на душу населення, за яким Україна майже вдесятеро відстає від його середньосвітового значення. А на роялті та ліцензійні послуги припадає лише 0,04% українського експорту й 1,27% їх імпорту.

***Task 14. Make a presentation on one of the following topics.***

1. Copyrights and rights related to copyright.
2. Industrial property right.
3. My favourite trademark.

## Unit 21.

### PROBATE LAW

*Task 1. Read and render the following text.*

#### THE AREA OF PROBATE LAW

Probate law is the law which concerns the proper administration of the estates of persons who have died. This includes the payment of taxes and just debts, and the transfer of all property to the appropriate people or entities.

Probate law also addresses many other issues: commitment of the mentally ill and mentally retarded for care and treatment; adoption; appointment of guardians and conservators to care for children and other persons who cannot care for themselves or their property; and the issuance of marriage licenses. In addition, in most counties the probate court has jurisdiction over juvenile matters.

Each common pleas court in Ohio has a “Probate Division” which is commonly called the “Probate Court”. Its main duties are: the supervision of the administration of decedents’ estates and the protection of the interest of certain persons who are particularly vulnerable to loss or harm, for example, next-of-kin and other heirs entitled to an inheritance; children; beneficiaries of trusts; persons suffering from mental illness or disability; persons suffering from developmental disabilities; and persons suffering from other physical disabilities.

**Protecting Persons in Need of Care.** In Ohio, the probate court appoints guardians for both minors and adults; handles adoptions and applications to hospitalize persons who may have mental problems.

**Safeguarding Personal and Property Rights.** When a person dies, his property must go to:

- 1) the persons named by him in his will;
- 2) where there is no will, to the heirs named in Ohio law.

**Supervising Those in Positions of Trust.** Executors, administrators, guardians, conservators, trustees, attorneys-in-fact, and

other persons who act on behalf of third persons are “fiduciaries”. Fiduciaries are in positions of trust and act under the supervision of the probate court.

***Task 2. Answer the following questions.***

1. What is probate law?
2. What are the main duties of probate court?
3. Has the probate court jurisdiction over juvenile matters or family matters?
4. Why does the probate court appoint guardians?
5. How does the probate court manage the property of persons who have died?
6. Who are “fiduciaries”?
7. What do you know about probate law in Ukraine?

***Task 3. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Справи неповнолітніх; опікуни для нагляду за дітьми та іншими особами, які не можуть доглядати за собою або власним майном; майно має перейти до осіб, яких вона назвала у заповіті; найближчі родичі та інші спадкоємці, які мають право на спадок; видача дозволу на шлюб; особи, які розпоряджаються майном на підставі довірчої власності; призначення опікунів для нагляду за дітьми та іншими особами, які не можуть доглядати за собою або власним майном; справи, що стосуються усиновлення; спадкове право; особи, в інтересах яких здійснюється розпорядження майном за дорученням; усиновлення.

***Task 4. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Probate court; handle adoptions; supervision; trust; attorneys-in-fact; trustees; beneficiaries of trusts; conservators; issuance of marriage licenses; guardians.

***Task 5. Agree or disagree with the following statements.***

1) Probate law deals with the payments of taxes and just debts, and the transfer of all property to the appropriate people or entities.

2) Probate law also addresses different issues, for example, the issuance of marriage licenses and juvenile matters.

3) The Probate Court has many duties.

4) The Probate Court appoints guardians for both minors and adults.

5) “Fiduciaries” are in position of the trust and act under the supervision of the probate court.

***Task 6. Complete the following statements.***

1) Probate law is the law which concerns .....

2) Probate law also addresses many .....

3) The probate court appoints .....

4) When a person dies, his property .....

5) The main duties of the Probate court are .....

6) “Fiduciaries” are in .....

***Task 7. Make a presentation on the following topic.***

1. Probate law in European countries.

***Task 8. Read and render the following text.***

**HOW TO DRAFT A WILL**

Any person age 18 or older, who has a sound mind and memory, and is not under restraint, can make a valid will. In order to have the ability to make a will, or testamentary capacity, a testator only needs to:

- understand that she is making a will;
- know the general extent of her property;
- understand the relationship she holds with those who may have claims on her generosity;
- appreciate her relationship with members of her family.

The requirement that a testator is not under restraint means that a testator cannot be coerced, defrauded, or improperly influenced into making a will, or into making a will in a certain way.

A will must be in writing, signed at the end by the testator, and attested by two competent (and disinterested) witnesses. It is better to follow the ordinary practice of:

- testator telling the witnesses that this is her will;
- testator actually signing the will in the witnesses presence;
- the witnesses signing the will.

The law does not require that a will be notarized.

An oral, or “nuncupative”, will is valid to transfer personal property – not real property – under certain conditions:

a) the will is made by testator while testator is dying and knows she is dying;

b) testator states her will to two competent, disinterested witnesses whom testator has specifically asked to hear her last will;

Other conditions include:

a) the witnesses write out the will and sign it within ten days of testator’s statement;

b) the written will is filed with the probate court within six months after the testator’s death.

Finally, an oral will cannot take precedence over a previously valid written will.

***Task 9. Answer the following questions.***

1. Who can make a valid will?
2. A testator is making a will. What does he have to know?
3. Call the main requirements to a testator.
4. When is an oral, or “nuncupative” will valid?
5. How can we draft a written will?
6. Does the law require that a will be notarized? Compare the requirements to these documents in the USA and Ukraine.
7. Can an oral will take precedence over a previously valid written will?

***Task10. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Юридично дійсний для передачі особистої власності (але не нерухомості); свобода прийняття рішень не є обмеженою; передумови для складання заповіту; знати обсяг власного майна; заповіт висловлюється заповідачем у передсмертний період; усний заповіт не має переважної сили над письмовим заповітом, який було складено раніше; скласти юридично дійсний заповіт; протягом десяти днів з дня заяви заповідача; заповідач розуміє, що він помирає; заповідач не має бути змушений скласти заповіт через примус, шахрайство або неналежний вплив на нього.

***Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Testator's statement; personal property; notarized; probate court; sound mind and memory; competent (and disinterested) witness; written will; testamentary capacity; valid will.

***Task 12. Give a free translation of the following text.***

Інші обов'язки суду у справах про успадкування. Направлення психічно хворих розумово відсталих осіб. Якщо особа є психічно хворою або розумово відсталою і може бути небезпечною для самої себе чи для інших, або потребує спеціального догляду, її можуть доправити до суду у справах успадкування з метою направлення до лікарні або спеціальної установи для лікування та нагляду.

Опіка. Опікун є особою, призначеною судом у справах про успадкування, аби передати їй відповідальність за іншу особу, або за її майно, або і за те, і за інше разом. Особа, для якої призначається опікун, називається "підопічний". Підставою для призначення опікуна є певна нездатність підопічного вирішувати свої справи. Опікун є фідуціарієм і до його обов'язків входить нагляд за майном підопічного та надання періодичних звітів про виконання своїх обов'язків довіреної особи до суду у справах успадкування. Суд може також призначити "опікуна з обмеженими повноваженнями" (з повноваженнями щодо конкретних обов'язків), "охоронника" (помічника для дієздатної, але фізично немічної особи), "тимчасового (надзвичайного) опікуна" (на короткий відрізок часу).

Усиновлення (удочеріння). Усиновлення (удочеріння) є юридично оформлене прийняття на себе повної відповідальності за піклування про неповнолітню дитину дорослим або (частіше) подружжям. Під наглядом та за згоди суду у справах успадкування дитина не старша 18 років стає дитиною прийомного батька (матері) або батьків. За певних обставин усиновити (удочерити) можна і дорослу особу.

Дозвіл на шлюб. Суд у справах успадкування також займається наглядом за видачею дозволу на шлюб. За деякими винятками, такий дозвіл не видається потенційним наречений та жениху, якщо вони: не досягли встановленого законом мінімального віку, знаходяться у стані алкогольного сп'яніння чи під дією наркотичних речовин під час подання заяви або страждають гострою формою сифілісу.

***Task 13. Agree or disagree with the following statements.***

1. A will must be in writing, signed at the end by the testator.
2. The testator has to sign a will in the witnesses' presence.
3. The witnesses must sign the will.
4. The law requires that a will be notarized.
5. An oral will can take precedence over a valid written will.

***Task 14. Make a presentation on one of the following topics.***

2. The situations when the will is not necessary.
3. Ukrainian probate legislation.
4. Notary service in Ukraine.

## **Unit 22.**

### **FAMILY LAW**

***Task 1. Read and translate the following text.***

### **FAMILY LAW AS AN AREA OF PRIVATE OF LAW**

Family law is a set of legal rules and principles that govern and protect personal and related property relations of individuals arising in marriage and belonging to the family. That is the law which regulates relations between spouses as to the procedure of getting married, personal and property relations between them, the procedure and conditions termination of marriage, relationships between parents and children, other relatives, etc., in addition it regulates and protects the relationship of adoption (adoption) and legal guardianship. The above features of relations, governed by Family Law, give reason to believe that it has its own subject, characterized by a number of features that set it apart from the Civil Law. The method of Family Law is a set of methods and measures by which the law influence the affected public relations and the ways to protect the latter. The method is closely related to the subject of legal regulation and determined it.

The main method of Family Law is imperative and allowing. The essence of the regulation is imperative as it dictates emanating from the center, which is the state authority. In particular, Family Law imperatively defines the framework of marital relations, establishing that they should be based on the principles of full equality between husband and wife. It is also defined the rights and fundamental duties of parents for children and children for disabled parents. Allowance of Family Law's method gets manifested in Family Law empowerment of citizens through legal means to meet their needs and interests in such critical areas as family relationships.

The main sources of Family law are the Constitution, Family Code of Ukraine of 10.01.2002 and other legislative acts of Ukraine, international treaties ratified by the Parliament. The system of modern Family Law is its inherent structural organization which elements are the rules, principles and institutions.

Family principles are the main principles, which are carried out in accordance with the regulation of family protection and Family Law. These particular principles include: monogamy, freedom and voluntariness at the conclusion and divorce, equality of men and women in personal and property rights, moral and material support to family members and others. "Institute of a family" is a set of family norms and principles that govern and protect homogeneous family relationships. The most important of these institutions should include: marriage, rights and responsibilities of spouses, parents and children, adoption, guardianship, civil registration.

***Task 2. Answer the following questions.***

1. What is Family Law?
2. What methods of Family Law do you familiar with?
3. What types of family relationships are there in Family Law?
4. What is marriage and who are the main parties in marriage?
5. What is guardianship?

***Task 3. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Сукупність правових норм, шлюб, правове опікунство, державна влада, подружні стосунки, непрацездатні батьки, добровільність, підтримка членів сім'ї.

***Task 4. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Property relations, spouse, adoption, guardianship, ratify, marriage, state authority, disabled parents, treaty, homogeneous family

***Task 5. Translate the following sentences into English.***

1. Відповідно до Сімейного кодексу України, учасниками сімейних відносин є: подружжя, батьки та діти, усиновлені діти, мати та батько дитини, дід, баба, онуки та правнуки, рідні брати та сестри, мачуха, вітчим, пасинок, падчерка, опікун та піклувальник.

2. 10 грудня 2002 року прийнято Сімейний кодекс України, який вступив в дію з 1 січня 2004 року і складається із семи розділів та 292 статей.

3. В Основному законі держави передбачено, що батьки зобов'язані утримувати дітей до їх повноліття, а, в свою чергу, повнолітні діти зобов'язані піклуватися про своїх непрацездатних батьків.

4. Невиконання зобов'язань може привести до кримінальної та цивільної відповідальності з боку батьків.

5. Батьки зобов'язані матеріально утримувати власних дітей.

6. Коли наречений і наречена обмінюються шлюбними клятвами, вони дають взаємні обіцянки один одному.

**Task 6. Complete the following text with the words from the box using them in the appropriate form.**

Adolescence is the stage when someone reaches sexual 1)\_\_\_\_ while he\she is still dependent upon his\her parents for shelter and support. During adolescence the person's social and emotional development usually 2) \_\_\_\_ far behind that of sexual development.

There are two major contemporary issues involved in teenage sexual behavior. The first one is sexually3) \_\_\_\_ diseases, AIDS included, and the second one is teenage pregnancy. Although teenagers 4)\_\_\_\_\_ physically 5)\_\_\_\_\_ to be parents, they do not have the financial means, nor the psychological maturity, to be responsible parents. Unwanted pregnancies often disrupt family life, and create a major obstacle in a teenager's life. This is especially so when teenage girls 6)\_\_\_\_\_ the burden of caring for the child. Teenage mothers often drop out of school, are unemployed or settle for low paying jobs. In consequence, their children do not 7)\_\_\_\_\_ adequate care.

In the traditional African family, teenage parents could leave children with grandparents. In modern society, however, grandparents 8)\_\_\_\_\_ younger and younger, and are themselves working. They have little time to care for their grandchildren. Teenagers and their children tend to be poor and without family support. They usually need social 9)\_\_\_\_\_ services.

To be ready, maturity, to become, to lag, transmitted, to bear, welfare, to receive
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**Task 7. Discuss the following problem:**

Julia, one of the brilliant female student, has not attended school lately. You are told that she is pregnant and her parents are hostile.

1. Discuss how you would address the problem taking into account the following:

- a) Julia's future;
- b) Julia's child;
- c) the parent's reaction;

- d) the reaction of the community.
2. What measure could you take to prevent a recurrence of such an event in your school?

***Task 8. Read and translate the following text.***

## **FAMILY RIGHTS AND OBLIGATIONS**

***Rights and Obligations of husband and Wife.*** Each spouse has the duty to support: himself or herself; the other spouse; and their minor children. If a married person neglects to support his or her spouse, any person who in good faith provides “necessaries” to the neglected spouse may hold the neglecting spouse civilly liable for the value of necessaries. “Necessaries” are generally defined as food, clothing, shelter, and medical care. Similarly, where a parent fails to support a minor child, any person who in good faith provides necessaries to the child may hold the parent civilly liable for the value of the necessaries contract.

***Obligations of Parents to their Children.*** Parents are obliged to support their children. The failure to meet any of these obligations may result in various kinds of criminal and civil liability for the parents. The obligation to provide child support may be enforced through any of various court actions. An action may be brought by the mother of an illegitimate child to force the father to provide support. Other actions may be brought in connection with divorce, dissolution of marriage, annulment, or spousal support lawsuits, or brought by a welfare agency.

***Obligations of Children to their Parents.*** Children are obliged to support their parents under certain circumstances. When a parent has insufficient financial resources for his or her own support and is unable to earn his or her support because of sickness or old age, an adult child must provide adequate support to the parent.

***Family and Medical Leave.*** The law requires employers to allow employees to take up to 12 weeks of job-protected leave to nurse or care for newborn, adopted, or foster children; to nurse seriously ill parents, spouses, or children; or to recover from serious illness.

***Task 9. Answer the following questions.***

1. What duties does each spouse have?

2. How do you understand the reciprocity of parents` and children`s obligations?

3. What terms and conditions should the employer perform according to the Family Law in relation to worker?

4. What court actions may be brought in a case of obligations failure?

5. In what cases are children obliged to support their parents?

***Task 10. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Обов`язок забезпечувати підтримку, надати відпустку, вимагати через суд, неповнолітні діти, серйозно хворі батьки, на користь одного із подружжя, усиновлені діти, розлучення.

***Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Minor child, foster child, shelter, obligation, illegitimate child, support, annulment, sickness, employer, job-protected leave.

***Task 12. Translate the following sentences into English.***

На жаль, в Україні, як і в інших країнах, досить багато шлюбів розпадається внаслідок різних причин. Законодавство передбачає порядок припинення шлюбу. Шлюб може бути припинений у декількох випадках, при цьому реєстрація розлучення провадиться або судом, або органами реєстрації актів цивільного стану.

Якщо подружжя вирішило припинити шлюб і в нього немає неповнолітніх дітей, то чоловік і дружина звертаються із спільною заявою у відповідний орган, який і приймає відповідне рішення. Якщо у подружжя є неповнолітні діти, рішення про припинення шлюбу має право прийняти лише суд.

Сімейний кодекс України передбачає декілька підстав визнання шлюбу недійсним і різні шляхи прийняття рішення в цих ситуаціях.

**Task 13. Complete the following text with the words from the box using them in the appropriate form.**

### **Child Abuse**

The family is where a child 1)\_\_\_\_\_ to receive love and care, to build up a basic trust of the world and of other people. However, the cruel reality is that millions of 2) \_\_\_\_\_ throughout the world each year have been abused by the people they love and trust the most – their own parents. This is the ultimate betrayal of trust.

There 3)\_\_\_\_\_ many kinds of child abuse. There are physical abuse, sexual abuse, emotional abuse and verbal abuse. Physical abuse may produce the “battered-child syndrome”. In this case a child’s growth and development 4)\_\_\_\_\_ seriously 5)\_\_\_\_\_ by harsh and cruel physical treatment. Emotional abuse and sexual abuse can be even more destructive than physical abuse in the long run. Often, they go undetected and unrecognized for many years, partly because the family 6)\_\_\_\_\_ to keep it a secret, or partly because some people simply do not believe that sexual abuse of a child can happen in the family. 7)\_\_\_\_\_ of emotional or sexual abuse often have interpersonal problems as adults. They may go into fits of depression and have outbursts of hostility and anger that they cannot control or understand.

Child neglect is also a common form of maltreatment, and the most destructive. Many deaths, injuries and long-term problems have been due to child 8)\_\_\_\_\_. In some cases infants are starved to death. Finally, many childhood accidents, which are the leading causes of childhood death and serious injury, can be traced to neglect.

Because children are dependent upon the care of parents, they usually have nowhere to turn when their own parents abuse them. Often social 9)\_\_\_\_\_ are the only support and hope they have.

Children, to try, to suppose, neglect, to be, worker, to traumatize, victims
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**Task 14. Make a presentation on one of the following topics.**

1. Women should by law be forced to take their husbands’ names after marriage.
2. Divorce is too easy in Ukraine.

3. A state must improve families' economic conditions under the law.

## **Unit 23.**

### **LAND LAW**

*Task 1. Read and render the following text.*

#### **LAND LAW IN UKRAINE**

Land Law of Ukraine is an independent legal branch of national law of Ukraine, which has its own object, methods and system regulation. Land Law of Ukraine is a combination of land and legal norms on the basis of the legal equality of ownership of land regulating land relations for its rational use and protection. Sources of land law should be understood as acceptance by state authorities the regulations which include legal rules governing public land relations in accordance with the land policy. The most common source of law is the legal acts of public authorities.

Sources of land law are divided into laws and regulations. The laws of the land are the main source of law in Ukraine. Among those issues regulating land relations, the special place is occupied by the Constitution of Ukraine. The main regulation in this area is the Land Code of Ukraine. The Art. 3 of the Land Code of Ukraine states that the land relations are governed by the Constitution of Ukraine. According to Ukrainian legislation there is an interesting fact which prohibits non-citizens of Ukraine to buy agricultural land.

According to the structure, the Land Code of Ukraine is a legal act designed to flesh out the basic provisions of the Constitution of Ukraine. In general provisions of the Code it is defined objectives and principles of land law, the circle of relations governed by it.

The Land Code of Ukraine regulates public relations regarding owning, use and disposal of land. All land in Ukraine is divided into categories according to its designated use (industrial land, urban land, agricultural land, etc.). Lands allocated to a specific category may not be used for other purposes, e.g. agricultural land may not be used for development. Land may be transferred from one category to another by relevant authorities.

Some areas are not available for development. These, in particular, include protection zones around various natural, cultural, transport and industrial facilities, sanitary zones adjacent to water bodies, pollution protection areas, and other reserved areas, such as the state border area, etc.

### *Land rights*

Ukrainian law recognizes ownership and use rights in land. Use rights include rights of permanent use, lease rights, permanent building rights and permanent farming rights. All land rights must be registered in a public register.

Ownership rights are acquired by purchase or other transaction from private parties or governmental agencies (including by privatization). Use rights are acquired by authorities or by contract with private owners.

### *Land ownership*

Ukrainian law recognizes the state, communal and private ownership of land:

All land in Ukraine that is not communally or privately owned is in state ownership. Such land is administered by various governmental authorities depending on the land's classification.

Communal land is owned by the local communities. Such land comprises areas within town and village and surrounding areas. Communal lands are controlled by the local authorities.

Privately owned land comprises land owned by individuals and organizations. In circumstances provided by law private land may be taken by the government.

Land ownership is acquired in various ways, including by contract, grant of state or communal land where permitted by law, by prescription (adverse possession), and acquisition of real estate standing on the land.

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

1. What forms of land ownership are there according to the Land Law?
2. What is the main national wealth of Ukraine?
3. How is the land in Ukraine divided?
4. What does the Land Code of Ukraine regulate?
5. Do non-residents have a right to buy land in Ukraine?

**Task 3. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.**

Власник земельної ділянки, права та обов'язки, державне управління земельним фондом, основний нормативний акт, призначити, щоб контролювати, територія по боротьбі із забрудненням, приватна особа, комунальна земля.

**Task 4. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

Regulation, provisions, lease, ownership, land, non-citizens, state border, permanent use, purchase, communal land.

**Task 5. Translate the following sentences into English.**

1. Закон визначає права й обов'язки власників землі й землекористувачів.

2. Конституція України проголосила землю основним національним багатством, що перебуває під особливою охороною держави.

3. Власниками землі можуть бути Українська держава загалом (землі державної власності), окремі територіальні громади (землі комунальної власності), громадяни та юридичні особи (землі приватної власності).

4. Право оренди земельної ділянки – це засноване на договорі строкове платне володіння і користування земельною ділянкою.

5. Оренда може бути короткостроковою – не більше 5 років та довгостроковою – не більше 50 років.

6. Громадянин України може стати власником земельної ділянки шляхом приватизації – передача ділянки з державної власності в приватну.

**Task 6. Complete the following text with the words from the box using them in the appropriate form.**

Ukrainian legislation 1)\_\_\_\_\_ foreigners to accrue property rights in land. At the same time, agriculture land can not 2)\_\_\_\_\_ by foreigners or stateless persons. It is set out in article 22 of the Land

Code. We should admit that if such land was sold to a foreigner it must be alienated during a year since the transaction is done. But practically there are several legal schemes allowing foreigners to accrue property rights in agricultural land. Also, authority which is enabled to buy a land plot 3)\_\_\_\_\_ with the ability to lease plots of land in the long term (no more than 50 years).

So, foreigners and stateless persons can buy non-agricultural land. This land can be located within the city limits. If a foreigner buys real estate property, he can also buy a land plot, even if the land plot is under the city limits.

Economic activity of foreign legal entities 4) \_\_\_\_\_ by the Economical Code, Land 5)\_\_\_\_\_ and by other Ukrainian laws. If the international treaty establishes other rules, international rules are privileged.

Foreign 6)\_\_\_\_\_ can buy only non agricultural land. If it was sold to foreign venture, it must be alienated during a year since the transaction. Legal grounds for accruing a property right in land are similar as for foreign natural persons.

Hereby foreigners, stateless persons and foreign 7)\_\_\_\_\_ are a particular group of land law subjects with limited rights.

So, it is urgent to turn for help to law company which is experienced in 8)\_\_\_\_\_ a right on land for 9) \_\_\_\_\_ and has experience in work with state bodies in Ukraine.

To establish, to allow, venture, to buy, foreigner, to provide, legal entity, to govern, Code.

***Task 7. Agree or disagree with the following statements.***

1. Some lands may be privately owned, including public areas in towns and villages, railways, roads, natural preserves, historical and cultural monuments, forests, etc.

2. To acquire land in Ukraine, a nonresident must set up a representative office in Ukraine.

3. The objects of land relations are citizens, legal entities, local governments and public authorities.

4. Ownership of land is not guaranteed.

5. Land is the fundamental national wealth that is under special state protection.

***Task 8. Make a presentation on the following topic.***

Land law in European countries.

***Task 9. Read and render the following text.***

## **ENVIRONMENTAL LAW AS A COMPLEX AREA OF LAW**

Environmental Law of Ukraine is a set of regulations that regulate social relationships, reproduction of natural resources in their indivisible state of the natural environment, environmental protection and environmental safety, the aim of which is to achieve a harmonious relationship between nature and society .

The framework Law On Environmental Protection was adopted in 1991 before the collapse of the Soviet Union. As a follow-up, the Law On Air Protection (1992, new version dated of 2001), the Water Code (1995), and Law On Waste (1998) were subsequently enacted to create regulatory frameworks for each of those institutions. Other laws address air protection, mineral resources, ecological expertise, etc. The main governmental body of Ukraine in the sphere of environment is Ministry of Environmental Protection responsible for protection and administration of environment. Authorities within the Ministry are divided among various agencies and committees. A number of other Ministries and Committees, including health protection, industrial safety and industrial policy, also have authority for certain aspects of environmental laws.

Subject of legal regulation in Environmental Law is the relations arising in the process of natural resources use, environmental protection and ecological security based on diversity of ownership, environmental management and citizens' right to safe and healthy environment. Based on this definition, the content of the subject of Environmental Law concerns relations regarding the use of natural resources (natural resource relationship) and the ecological relationship (environmental relationship). Thus, the rules governing data relationship, form separate sub-environmental law, which, in turn, is a complex branch of law. Public relations are regulated by environmental and legal norms.

Methods of legal regulation of environmental law are understood as methods and techniques for the effective regulation of environmental

relations, ensuring the rights and responsibilities of compliance with these relationships in the use of natural resources and environmental protection. There are mandatory (administrative law) and discretionary methods. The first is based on the principle of subordination. Their nature can be classified as licensing, restrictive and proactive. Discretionary methods are based on the principles of legal equality. They can be divided into alternative one, recommendation and stimulation.

***Task 10. Answer the following questions.***

1. What is the ecological law?
2. In what way are the local governments able to protect the environment?
3. On what principles are the main methods of legal regulation of environmental law based?
4. Which relations does ecological law regulate?
5. What are the main sources of ecological law in Ukraine?

***Task 11. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Охорона навколишнього середовища, екологічні права та обов'язки, бережливе ставлення до природи, використання природних ресурсів, дискреційний метод, правове регулювання, Водний кодекс України, екологічна шкода.

***Task 12. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Environment, collapse, ecological security, subordination, protection, wealth, pollution, indivisible state, diversity, discretionary method

***Task 13. Give the free translation of the following text.***

Центральне місце в системі екологічного законодавства України посідає Закон України «Про охорону навколишнього природного середовища» від 25 червня 1991 р. У ньому закріплено

концептуальні засади правового регулювання екологічних відносин:

- завдання та основні принципи охорони природи;
- право власності на природні ресурси та їх використання;
- екологічні права і обов'язки громадян;
- відповідальність за порушення екологічного законодавства

тощо.

Положення цього Закону конкретизовано в численних кодексах і законах. В Україні діють екологічні нормативно-правові акти, основною метою яких є регулювання питань щодо використання та охорони окремих природних ресурсів. Це кодекси Лісовий, Водний, Земельний, Кодекс про надра; закони «Про природно-заповідний фонд», «Про охорону атмосферного повітря», «Про тваринний світ», «Про рослинний світ», «Про екологічну експертизу» тощо.

Джерелами екологічного права є також підзаконні нормативно-правові акти: укази Президента України, постанови Кабінету Міністрів України. У межах своєї компетенції видають нормативні акти щодо охорони навколишнього середовища державні органи і органи місцевого самоврядування.

***Task 14. Complete the following text with the words from the box using them in the appropriate form.***

In accordance with the Art. 9 of the Law of Ukraine "On Environmental Protection" from 25.06.1991 every 1)\_\_\_\_\_ of Ukraine has the right: for environment that is safe for his life and health; to participate in the discussion draft legislation materials on location, construction and reconstruction of objects that may 2)\_\_\_\_\_ the environment, and make suggestions to government and commercial agencies, institutions and organizations on these 3)\_\_\_\_\_; to organize public environmental groups; to receive the complete and accurate information of the environment and its impact on public health; to take part in a public environmental review; to obtain environmental 4)\_\_\_\_\_.

However, it should 5)\_\_\_\_\_ that the citizens of Ukraine have the proper responsibilities: to protect nature; protect and use its wealth rationally in accordance with the law on the protection of the environment; to operate in compliance with environmental safety and

other environmental regulations and limitations of natural resources; not to violate environmental rights and lawful interests of other people; to 6)\_\_\_\_\_ fines for environmental offenses; to compensate for damage caused by pollution and other negative impacts on the environment (Art. 12 of Law of Ukraine "On Environmental Protection").

Ukraine 7)\_\_\_\_\_ its citizens the implementation of environmental rights granted to them by law. Local councils, public authorities in the field of environment and natural resources 8)\_\_\_\_\_ to provide full assistance to citizens in the implementation of environmental protection, consider their suggestions for improving the environment and natural resources, engage citizens to participate in environmental protection and natural resource management.

To guarantee, citizen, to require, to note, issues, to pay, to effect, nature, education

***Task 15. Make a presentation on one of the following topics.***

1. The importance of ecological rights for each person.
2. Give some examples of your participation in ecological relations.
3. Tasks of the state concerning the environmental protection in Ukraine.

## **Unit 24.**

### **COMMERCIAL LAW**

***Task 1. Read and render the following text.***

#### **COMMERCIAL LAW AS A BRANCH OF CIVIL LAW**

Commercial law, also known as business law, is the body of law that applies to the rights, relations, and conduct of persons and businesses engaged in commerce, merchandising, trade, and sales. It is often considered to be a branch of civil law and deals with issues of both private law and public law.

Commercial law includes within its compass such titles as principal and agent; carriage by land and sea; merchant shipping;

guarantee; marine, fire, life, and accident insurance; bills of exchange and partnership. It can also be understood to regulate corporate contracts, hiring practices, and the manufacture and sales of consumer goods. Many countries have adopted civil codes that contain comprehensive statements of their commercial law.

In the United States, commercial law is the province of both the United States Congress, under its power to regulate interstate commerce, and the states, under their police power. Efforts have been made to create a unified body of commercial law in the United States; the most successful of these attempts has resulted in the general adoption of the Uniform Commercial Code, which has been adopted in all 50 states (with some modification by state legislatures), the District of Columbia, and the U.S. territories.

Various regulatory schemes control how commerce is conducted, particularly vis-a-vis employees and customers. Privacy laws, safety laws (e.g., the Occupational Safety and Health Act in the United States), and food and drug laws are some examples.

In the legal system of the Soviet Union, economic law was the legal theory and system under which economic relations were a legal discipline independent of criminal law and civil law. In the Law of the United States and some other legal systems this approximately corresponds to the commercial law (business law).

Business law consists of many different areas taught in law school and business school curricula, including: Contracts, the law of Corporations and other Business Organizations, Securities Law, Intellectual Property, Antitrust, Secured Transactions, Commercial Paper, Income Tax, Pensions & Benefits, Trusts & Estates, Immigration Law, Labour Law, Employment Law and Bankruptcy. It is a branch of law that examines topics that impact the operation of a business.

***Task 2. Give the English equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.***

Комерційне право, господарське право, трудове право, прибутковий податок, цивільний кодекс.

**Task 3. Put 10 different questions on the text and give your own answers to them.**

**Task 4. Translate the following sentences into Ukrainian and decide if they are true or false.**

1. Internal economic relations occur within a business organization among its structural units.

2. External economic arises between legally independent economic entities and an employee.

3. The main sources of Economic Law are the exact Ukrainian laws and regulations.

4. One of the features of economic legislation in Ukraine is its combination of commercial rights of other countries and international treaties on commercial law.

5. The concept of "Economic Law" covers both economic laws in the proper sense, and other regulations on economic activity.

**Task 5. Give a free translation of the following passage.**

**Господарське право (як галузь права) - це система правових норм, що регулюють відносини з приводу безпосереднього здійснення господарської діяльності або управління нею (такою діяльністю) із застосуванням різних методів правового регулювання.**

Становлення господарського права як окремої галузі права та теренах комерційного (торгового) права, частково - муніципального прана було зумовлено збільшенням ролі держави у сфері економіки в Німеччині кінця XIX - початку XX століття, а згодом - у Радянському Союзі. Саме зосередження в результаті Націоналізації, що здійснювалася на теренах колишньої Російської імперії після Жовтневих подій 1917 р. в державній власності великого масиву манна (включаючи немайнові комплекси підприємств) посилювало прагнення держави контролювати економіку країни в цілому з метою забезпечення реалізації насамперед суспільних і державних інтересів, їх солідаризації з індивідуальними та колективними інтересами трудящих. Спочатку господарське право розглядали як сукупність нормативних актів, що регулюють сферу господарювання, а в

середині 30-х років ХХ століття сформувалося кілька точок зору щодо предмета господарського права. Одні науковці вважали, що господарське право має своїм регулюванням охоплювати в цілому народне господарство, інші ~ лише сферу соціалістичного виробництва. Саме перша концепція господарського права була покладена в основу Господарського кодексу України, який визначає основні засади господарювання щодо всіх суб'єктів господарювання, хоча й передбачає окремі особливості управління державним і комунальним секторами економіки та визначає специфічні риси суб'єктів господарювання, які функціонують та базі державного та комунального майна

***Task 6. Complete the following text with the words from the box below using them in the appropriate form.***

Business law deals with the 1) \_\_\_\_\_ of new businesses and the issues that arise as existing businesses interact with the public, other companies, and the 2) \_\_\_\_\_. This area of the law draws on a variety of legal disciplines, including tax law, intellectual property, 3) \_\_\_\_\_, sales, employment law, bankruptcy, and others. Business law attorneys specialize in transactional work, meaning they do not represent clients in 4) \_\_\_\_\_. In fact, business lawyers are often hired for the purpose of avoiding future litigation.

To understand the role of business law within the legal system, it helps to view businesses as 5) \_\_\_\_\_ separate from their owners and employees. Just like individuals living together in society, business entities are subject to legal rules designed to give every 6) \_\_\_\_\_ in the marketplace a fair opportunity to succeed.

An enforceable system of business laws also 7) \_\_\_\_\_ the economy as a whole and provides for more efficient transactions. For example, a supplier who sells goods on credit can be confident that the buyer will hold to the agreed payment 8) \_\_\_\_\_. As long as the contract is drafted and executed in accordance with the Uniform Commercial Code (UCC) adopted in that jurisdiction, the supplier knows ahead of time it will be able to enforce the contract against the buyer if necessary. If you operate an existing business or plan to launch a new one, your 9) \_\_\_\_\_ may depend on obtaining the right legal advice. Attorneys are available to assist with everything from simple buy/sell agreements to 10) \_\_\_\_\_ and acquisitions of publicly-

traded companies. Schedule a consultation with a business law firm today.

Creation; court; success; real estate; benefits; entities; participant; terms; government; mergers

***Task 7. Make a presentation on one of the following topics.***

1. Soviet Economic Law as a basis of modern Ukrainian economic legislation.
2. American Commercial law.
3. British Business law.

***Task 8. Read and render the following text.***

Business law is a broad area of law. It covers many different types of laws and many different topics. This text explains generally what business law is and how it's used.

#### ***Definition of Business Law***

Business law encompasses all of the laws that dictate how to form and run a business. This includes all of the laws that govern how to start, buy, manage and close or sell any type of business. Business laws establish the rules that all businesses should follow. A savvy businessperson will be generally familiar with business laws and know when to seek the advice of a licensed attorney. Business law includes state and federal laws, as well as administrative regulations. Let's take a look at some of the areas included under the umbrella of business law.

#### ***Starting a Business***

Much of business law addresses the different types of business organizations. There are laws regarding how to properly form and run each type. This includes laws about entities such as corporations, partnerships and limited liability companies. For example, let's say I decide to start my own pet grooming business. I need to decide what type of business I want to be. Will this be a partnership? Will it be a sole proprietorship? What papers do I need to file in order to start this business? These questions fall under the laws that govern business entities, which are state laws. The type of entity I pick will also affect how I pay my federal income taxes. These, of course, are federal laws.

Next, what will my business be called? Let's say I decide on Barks & Bubbles as a name for my dog grooming company. Now I need to know if anyone else already has that name. This is a trademark question. Patents, copyrights and trademarks are part of intellectual property law. The federal law governs most intellectual property law. Then I need to know if I'll require any special type of license for this business. Do groomers need a license? Am I allowed to have animals on my property, or do I need some sort of special permit? I'll need to check my local and state laws to find out. How will I advertise my business? Am I allowed to say that I'm the 'best in town?' This question falls under consumer protection law, which can be federal or state law. Wow. That's a lot of business law, and I'm not even open for business yet!

### ***Buying a Business***

Now let's say I decide to buy a business instead. There are many business laws that govern how to buy a business. If I buy some business, do I now own the actual store? This is a real estate law question. Do I own the pet grooming equipment in the store? This is a property law question. Both of these fall under state law. Am I now the boss of the employees? This is an employment law question.

Can I start hiring my own employees and ordering supplies? This will involve contract law, since I'll be making new agreements with people regarding my business and determining which of the agreements I need to uphold. Contracts are legally binding agreements made by two or more persons, enforceable by the courts. Businesses are involved in many different types of contracts, and as a result, there are many interesting cases involving breach of contract. A breach of contract is when one party doesn't hold up his or her end of the bargain. It's common for parties to dispute the terms of a business agreement or disagree on how the agreement should be performed.

For instance, consider the famous case of *Locke v. Warner Bros., Inc.* Sondra Locke was a longtime girlfriend of Clint Eastwood. When the two broke up, Locke sued Eastwood for support. As a part of their settlement, Eastwood negotiated a contract for Locke with Warner Bros. Locke was given a director's contract, where Warner Bros. would pay Locke for any projects she directed or produced. Locke proposed more than 30 projects, but Warner Bros. never hired her. She sued Warner Bros. for breach of contract, saying that Warner Bros. never intended to hire her in the first place. After a court ruled that Locke had enough evidence to proceed with her case, the parties settled.

This case demonstrates the importance of making good contracts. A wise businessperson will be sure to enter contracts with a good understanding of the content and a good faith interest in upholding the contract.

### ***Managing a Business***

There are many laws that concern managing a business because there are many aspects involved in managing. As you can already see, running a business will involve a lot of employment law and contract law. For my new business, I'll need to know how to hire, what my contracts should look like, what kind of benefits I have to provide, how to pay employee insurance and taxes and even how to properly fire an employee. Many of these employment and benefit laws are federal laws and are regulated by government agencies. For example, the Equal Employment Opportunity Commission is a federal agency that enforces employment discrimination laws.

If I also decide to sell things as part of my pet grooming business, like dog collars or dog treats, then I'll need to be familiar with the laws on sales. For businesses that conduct sales, it's especially helpful to be familiar with the Uniform Commercial Code, or UCC. This publication governs sales and commercial paper and has been adopted in some form by almost all states.

What happens if I provide services but have trouble getting paid? Let's say I groom several dogs for Victor's Vet, but he won't pay my bill. Can I demand payment or report him to the credit reporting agencies? This is a debt collection law question. Debt collection laws are mostly federal laws. For instance, many of our debt collection laws are found in the Fair Debt Collection Practices Act, or the FDCPA, which is enforced by the Federal Trade Commission.

What happens if Victor just didn't like my services? Let's say Victor accuses me of purposely sabotaging his chances at a national dog show by giving his poodle a bad haircut. Can Victor sue me? And, if so, will his lawsuit be against me personally, or will it be against my Barks & Bubbles business entity? This scenario falls under tort law. Torts are private, civil actions for wrongful deeds. Tort law is usually state law. This is an extensive area of the law and includes things like work injuries and negligence claims.

**Task 9. Give the Ukrainian equivalents for the words below. Compose your own sentences to show that you understand the meaning of the words above.**

Area of law; run a business; corporations; partnerships; limited liability companies; state laws; under the laws; govern business entities; enter contracts; employment law; contract law.

**Task 10. Put 10 different questions on the text and give your own answers to them.**

**Task 11. Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.**

Commercial Law, Economic Law, business entity, enforce the law, management, contracts, trade, partners, employment, employee.

**Task 12. Translate the following sentences into Ukrainian and decide if they are true or false.**

1. Economic Law in Ukraine, unlike the other legal disciplines, can be determined primarily by subject basis, i.e. the totality of social relations, which are governed by Economic Law.

2. Subject content of Business Law is determined by two basic concepts: "the organization of economic activity" and "the implementation of economic activity".

3. Business legal concept defines economic relations.

4. The economic relationship is any relationships between economic subjects (companies, entrepreneurs) and states that arise and function in the organization and implementation of direct economic activity and are regulated by the state.

5. The subject of Business Law is the combination of economic relationships developed between economic subjects of their contractors, authorities in the organization and implementation of economic activity.

**Task 13. Give a free translation of the following passage.**

Господарське право в Україні є системою норм, що регулюють господарські відносини, тобто відносини в які

вступають організації підприємці у процесі організації та безпосереднього здійснення господарської діяльності. Господарські відносини у сфері економіки становлять предмет господарського права.

**Методи господарського права** – це сукупність способу регулюючого впливу норм господарського права на поведінку суб'єктів господарських відносин. Виділяють такі методи:

А) **метод автономних рішень**, який ґрунтується на тому, що підприємства, підприємці мають право з власної ініціативи приймати будь-які рішення, які не суперечать законодавству України;

Б) **метод владних приписів** ( вимог законів і вказівок компетентних органів, обов'язкових для суб'єктів господарських відносин). Згідно з ним поведінка (діяльність) суб'єктів підпорядковується обов'язковим моделям правовідносин, визначених законодавством. Це обов'язковість дотримання заборон закону щодо здійснення господарської діяльності ( ліцензії, квоти, спеціальні режими тощо);

В) **метод рекомендацій** - держава регулює поведінку суб'єктів господарських відносин шляхом рекомендованих моделей відповідних правовідносин. Н-д, зразкові форми договорів щодо окремих видів відносин, методичні рекомендації стосовно окремих видів діяльності.

Залежно від конкретних господарських ситуацій, можуть використовуватися будь-які із зазначених методів, виходячи з того, який з них буде найефективнішим.

***Task 14. Make a presentation on one of the following topics.***

1. Ukrainian Economic Law.
2. Difference in Ukrainian and European business legal traditions.
3. American Business Law.

# **PRACTICAL TRAINING**

## **Part 1.**

### **BUSINESS PRESENTATIONS**

#### *Read the following text*

Businesses commonly use presentations to improve their prospects and profile with clients or customers. For example, in the hotel industry, presentations are used for promotion of conference packages to potential corporate guests. Marketing and sales managers present their hotels as suitable venues for meeting facilities and overnight stay along with ideal entertainment. They offer special rates and benefits to persuade companies to hold their conferences at their hotels. Brand managers propose ideas to management and explain new product lines to the sales force. Department heads and supervisors brief superiors on recent developments and subordinates on new company policies. Accountants give financial reports to their superiors and explain paperwork requirements to everyone else. You are also delivering a presentation when you teach the office staff how to use the new phone system.

Most people who work in organizations eventually find that their effectiveness and success depend on their ability to organize their ideas and present them effectively. A speaker's knowledge, enthusiasm, and apparent confidence can influence people to accept or reject an idea in a way that a written document cannot.

Realizing that effective speakers carry their message to the public in ways that print and electronic media cannot match, companies send representatives to communities to deliver speeches in a wide variety of settings. For example, over 90 percent of the 2,200 talks General Motors employees give each year are delivered by middle managers.

Organizations realize the need to help their employees learn to give presentations. Some of the world's biggest corporations sponsor training. Toastmasters International, a group dedicated to helping business people present their ideas effectively, now has 1,700 members around the world. Research confirms that speakers can become more effective with training.

Whatever your field, whatever your job, speaking to an audience is

a fact of life.

***Answer the following questions.***

1. How do you understand the term "business presentation"? Give your own definition.
2. Give examples of possible occasions when a business presentation may take place.
3. Can the skill of effective public speaker be dangerous? Give your reasons.
4. What is Toastmasters International? Do you know organizations of the same kind in your home country?
5. In your opinion, what are the qualities of a good speaker?

***Give the Ukrainian for:***

prospects, profile venue, to brief, requirements, to deliver, presentation, representative, setting, rates and benefits, brand managers.

***Give the English for:***

покупець, комерційний директор, торговий агент, службовець фірми, офісний персонал, відхилити ідеї, повідомлення, найманий працівник, підтверджувати, навчання.

*Compose your own sentences to show that you understand the meaning of the words above.*

***Put the following words in the correct order to make complete sentences and learn some basic ideas about making presentations:***

1. to start/ to give /a/ present/some/ yourself/ /information/ A/ good/way/ very/ about/ is /.
2. you /If/ are/ with/ presenting/ your/ physically/ audience/,/ eye/ maintain/ contact/.
3. very/ Be/ clear/ in/ your/ mind/ own/ what/ are/ you/ trying/ to/ accomplish/ with/ presentation/ your/.
4. If/ want/ you/ to/ at/ people/ the/ end /of/ your presentation

/questions/ ask/,/at /say/ so/ the/ beginning.

5. are/ several/ There/ ways/ to /presentation/,/ different/ any/ your/ of /which/ structure/ can/be/effective/.

***Complete the following text with the words and phrases from the box below using them in the appropriate verb-form.***

Presenting yourself and influencing people, whether in a \_\_\_\_\_ or on a one to one basis, is not just about knowing what to do, but being able to do it. So it is important not only to learn the skills but also \_\_\_\_\_ as often as possible so that when you are faced with presentation of any description you will be able to replicate the necessary skills unconsciously.

This will then allow you to focus on the \_\_\_\_\_ of the message and the content of your presentation.

One way to develop you presenting \_\_\_\_\_ is to learn from three different perspectives.

The first is to actually stand in front of people and present. The more often you do this, the more comfortable and \_\_\_\_\_ you will become.

The second way is to learn from watching the way others present themselves. Analyse what works and what doesn't work, and try to incorporate those bits that do work into your own presentations. This process is called \_\_\_\_\_.

Concentrate on what you think is good about what they do.

What do you like about them? What don't you like?

The third way involves watching yourself on \_\_\_\_\_ and listening to feedback from others, so that you can make \_\_\_\_\_.

Now think of the last presentation you did. How did it go? How did you feel during the presentation and what results did you \_\_\_\_\_?

Trine result wasn't what you wanted or expected, then there's likely to be areas that we can develop together. If you felt under \_\_\_\_\_, lacking in confidence or overcome with nerves, these are things we can also work on.

*(It is the excerpt from Lawrence Leyton's talk "Effective presentations")*

Stress, to put them into practice, group, delivery, modelling, to achieve, confident, video, skills, improvements.
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***Agree or disagree with the following statements.***

1. Employers consistently rank public speaking and related communication skills as one of the top skills they for in employees.
2. If you are an effective public speaker it is not so important for you to find out about the audience.
3. Public speaking is a new trend.
4. Outline what you're going to talk about: describe the different sections of your talk.
5. Global communication in the context of business invariably relies on effective oral and written skills.
6. Lecture is not considered as an example of any types of presentation.
7. The more you practice and prepare your presentation the more comfortable you will be with it.
8. It is not necessary to give a summary of the main points at the end of presentation.

***Say what you have learned about***

1. The term “business presentation”?
2. On what occasion can you make a speech in public?
3. What are the ways to improve your presenting skills in a proper way?
4. What are the qualities that make a good presentation?
5. Why are people afraid of speaking in public?
6. Why public speaking is important?

***Make a presentation giving the most important information about a successful person.***

Джордж Сорос ( (англ. George Soros; 12 серпня 1930) — сучасний американський фінансист, меценат, філософ. Прихильник теорії відкритого суспільства і противник «ринкового фундаменталізму». Продовжувач ідей Карла Поппера.

Народився 12 серпня 1930 р. у Будапешті, Угорщина. Батько Тивадар Шварц — адвокат, видатний діяч єврейської громади міста, фахівець із есперанто й письменник — есперантист. В 1936

р. родина поміняла своє прізвище на угорський варіант Шорош.

1947 р. — родина емігрує у Великобританію.

1956 р. — переїзд у Нью-Йорк, США.

1956—1963 р. — брокер і фінансовий аналітик у компанії Wetheim & Co. Займається міжнародним арбітражем. Заснував новий метод торгівлі — внутрішній арбітраж.

1963—1966 р. — робота над філософською дисертацією Тяжка ноша свідомості.

1967 р. — з капіталу фірми Arnhold & S.Bleichroeder в \$ 100 тис. створив інвестиційний фонд із капіталом в \$ 4 млн.

1969 р. — керівник і співвласник фонду Дабл Ігл (Duble Eagle), у наслідку — знаменитий Квантум (Quantum Group).

1979 р. — створив у США перший благодійний фонд Відкрите суспільство.

1984 р. — відкрив благодійний фонд в Угорщині.

1988 р. — організував фонд у СРСР Культурна ініціатива в підтримку науки, культури, і освіти. Однак незабаром фонд був закритий, оскільки гроші використовувалися не за призначенням.

1990 р. — заснував Центрально-Європейський університет у Будапешті, Празі й Варшаві.

16 вересня 1992 р. — заробив мільярд доларів на падінні фунту стерлінга, через що одержав прізвисько «Людина, що зламала Банк Англії».

1995 р. — капітал групи фондів Квантум оцінювався більш ніж в \$ 10 млрд, а розміри особистих доходів Сороса становили, приблизно, третину цієї суми.

1997 р. — почав успішну інформаційно-психологічну атаку проти національних валют ряду країн Азіатсько-Тихоокеанського регіону: Малайзії, Індонезії, Сінгапуру й Філіппін, що закінчилася глибокою економічною кризою цих країн. Подібна атака Китаю не мала успіху.

2000 р. — падіння індексу NASDAQ завдало Соросу збитків на суму майже \$ 3 млрд. Після цього була проведена реорганізація Quantum і проголошено перехід до стратегії меншого ризику.

2002 р. — паризький суд визнав винним в одержанні конфіденційних відомостей з метою стягнення прибутку. На думку суду, завдяки цим відомостям мільйонер заробив біля \$ 2 млн на

акціях французького банку Societe Generale. Присуджений до штрафу в 2,2 млн євро.

2006 р. — займає 27 місце в списку найбагатших людей США. Його доходи за версією журналу Forbes оцінюються в \$ 8,7 млрд.

Є почесним доктором Нової школи соціальних досліджень (Нью-Йорк), Оксфордського і Єльського університетів.

Благодійні фонди Сороса діють у більш ніж 50 країнах у Східній Європі, країнах СНД, Африці, Латинській Америці, Азії й США.

Автор численних статей і книг: Алхімія фінансів (1987 р.), Відкриваючи радянську систему (1990 р.), Підтримуючи демократію (1991 р.).

Двічі розлучений. У Сороса троє дітей від першого шлюбу й двоє від другого: Роберт, Андреа, Джонатан (від першої дружини Аналізи Вітчак), Олександр і Грегори (від другої дружини Сьюзан Вебер Сорос).

## TOPICS FOR PRESENTATIONS

1. Laws are not for ordinary people, they are for lawyers
2. However hard people try, laws are always insufficient
3. My personal understanding of the words “rules”, “laws”, “regulations”
4. The differences and similarities of lawmaking process in Great Britain and Ukraine
5. The differences and similarities of lawmaking process in the United States of America and Ukraine
6. The differences and similarities of court system in Great Britain and Ukraine
7. The differences and similarities of court system in the United States of America and Ukraine
8. Mild sentences are (aren't) a sign of a civilized society
9. The punishment always (often, seldom, never) fits a crime
10. Capital punishment is (isn't) a deterrent to murder
11. The jurors are always (often, seldom, never) objective in a trial

12. The advantages and disadvantages of militia activity in Ukraine
13. Prisons are (aren't) used for making people better
14. The most common types of crime in Ukraine and Great Britain (the USA): differences and similarities
15. The most common types of punishment in Ukraine and Great Britain (the USA): differences and similarities
16. The most and the less effective types of courts in Ukraine
17. The most and the less effective types of legal professions in Ukraine
18. All criminals are perverse people
19. Administration of justice in Ukraine: realities and myths
20. The differences between the civil law and the criminal law in Ukraine

## **Part 2.**

### **TYPES OF PRESENTATIONS. THE KEY ELEMENTS OF SPEECH MAKING**

#### *Read the following text*

Public speaking may be described as a process involving five key elements: (1) the speaker as a person, (2) the speaker's intention, (3) the audience's need for communication, (4) the situation or occasion of the speech, and (5) the structure of the message.

#### **The speaker**

When analyzing yourself as a speaker, be sure to consider several factors.

Those factors are:

1. Your knowledge. It is best to speak on a subject about which you have considerable knowledge.

2. Your feelings about the topic. When you are excited about the topic, your delivery improves, your voice becomes more expressive, your movements are more natural, and your face reflects your enthusiasm.

#### **The speaker's intention**

Defining a purpose is the first step in planning any presentation.

A statement of purpose describes what you want to accomplish.

There are two kinds of purposes to consider: general and specific.

A **general purpose** is a broad indication of what you are trying to accomplish. As it has been indicated above, the general purposes in planning a speech are as follows: *to inform, to persuade, to inspire, or to entertain.*

A **specific purpose** tells you what you will accomplish when you have finished your presentation. A good specific-purpose statement usually answers three questions:

Whom do I want to influence? What do I want them to do? How, When, and Where do I want them to do it?

### **The audience' need**

You should think about another basic element of your presentation: the audience. Asking yourself a number of questions about your listeners will shape the way you adapt your material to fit their interests, needs and backgrounds.

***What are their positions?***

***What are their personal preferences?*** Some audiences appreciate humor, while others are straitlaced.

***What demographic characteristics are significant?***

These characteristics *are sex, age, cultural background and economic status.*

***What size is the group? Why is the audience there? What does the audience know?***

***What are the listener's attitudes?*** You need to consider two sets of attitudes when planning your presentation. The first is your audience's attitude toward you as a *speaker* and the audience's attitude *to your topic.*

Experts say that you can **gain the audience's attention** in presentation by:

- telling an anecdote (a story, perhaps a personal one).
- mentioning a really surprising fact or statistic.
- stating a problem.
- asking a question.

### **The speech situation**

You also need to adapt your remarks to fit the circumstances of your presentation. Several factors contribute to the occasion.

**Facilities.** Will you be speaking in a large or small room? Will there be enough seating for all the listeners?

**Time.** There are two considerations here. The first is the time of the day when you are going to speak. A straightforward, factual speech that would work well with an alert, rested audience at 10 a.m. might need to be more entertaining or emphatic to hold everyone's attention in the evening when people are tired. You also have to consider the length of time you are going to speak for. Most business presentations are brief.

**Context.** Events surrounding your presentation also influence what you say or how you say it. For example, if others are speaking as part of your program, you need to take them into account (*"I had originally planned to discuss the technical aspects of our new express delivery system, but I think Carol has covered them pretty thoroughly. Let me just bring your attention to two things"*).

### **The structure of the message**

Three elements of your speech - the ideas or thesis, the language, and the arrangement of points - have a bearing on its ability to convince the audience.

*Thesis statement* - sometimes called the central idea or key idea - is a single sentence that summarizes your message. The thesis is so important that you should repeat it several times during your presentation.

Notice that a thesis is positive and directly related to the audience's interests.

### ***Outline of the message***

With a well-crafted main idea to guide you, you can begin to outline the speech or presentation.

No matter what its subject or the goal is, most effective presentations follow a well-known pattern:

#### **Introduction**

1. Attention-getter
2. Thesis

#### **Body**

- 1.
2. No more than five main points
- 3.

#### **Conclusion**

1. Review
2. Closing statement

#### **Question-and-answer period**

***Answer the following questions***

1. What key elements of any presentation do you know?
2. What individual characteristics should the speaker possess to succeed in his or her presentation?
3. How do you understand the term “speaker’s intention”?
4. What is the first step in planning any presentation do you know?
5. Explain how the speech situation may influence your presentation.
6. What can you tell about the time of lasting the business presentation?
7. What role does the audience analysis play in making your presentation successful? What are the ways to analyze the audience?
8. What circumstances of your presentation may present difficulties in delivering it?

***Give the Ukrainian for:***

outcome of the speech, speaker’s intention, to accomplish, broad indication, personal preferences, cultural background, circumstances, straightforward speech, to convince the audience, to summarize the message.

***Give the English for:***

промовець, основна мета, точно визначена ціль, потреби аудиторії, ставлення слухача, місце промови (виступу), зміст промови, основна ідея, заключне твердження.

*Compose your own sentences to show that you understand the meaning of the words above.*

***Put the following words in the correct order to make complete sentences and learn some basic ideas about making presentations:***

1. aim/ should/ be/ make/ your/ presentation/ entertaining/ as/ interesting/, /vivid/ ,/ enjoyable /as/ can/ Your/ to/ and / you / intelligible/ ,/.

2. role/ During/ speech/, /the/ audience/ plays/ entertaining/ an/

passive/ a /. Generally/, / do / the / you/ talking/ all /.

3. speakers/ New / should / fear/ live/ in/ antagonistic/ of/ not/ questions/.

4. The/ audience/ nature/ of/ the / your /affects/ your/ for/ achieving/ strategy/ purpose/.

5. on/ To be/ safe/ the/ side/,/ what/ check/ plan/ you/ to/ say /one/ the/ of/ local/ with/ organizers/.

6. A/ good / identifies / goal/ who/, /what/,/ how/, / and/ of /your / as/ precisely/ purpose / where/ statement/ possible/ as / when/.

***Complete the following text with the words and phrases from the box below using them in the appropriate form.***

Speeches and presentations can be categorized according to their purpose. The purpose helps determine content and style.

General Purpose	Type of presentation	Characteristics of the presentation	The goal of the presentation
To inform	Informative	<ul style="list-style-type: none"> <li>• Emphasis falls on informative content about the</li> <li>• The speaker analyses the audience to determine how much they know already about the topic.</li> <li>• The speaker seeks to make the subject interesting to listeners.</li> </ul>	The goal of an informative presentation is either to expand your listeners' knowledge or to help them acquire a specific skill.
To persuade	Persuasive	<ul style="list-style-type: none"> <li>• The speaker takes a definite point of view concerning the subject and presents _____ needed to get that point across.</li> <li>• The speaker selects and arranges the material to appeal to the particular opinions of listeners</li> </ul>	Persuasion focuses on trying to change what the _____ thinks or does.
To	Inspiratio-	• Remarks are centered on a	When our aim is

inspire	nal	public event that is _____ or has recently occurred. •The speaker organizes remarks to express accepted values that are represented by the event.	inspirational, we build upon the existing knowledge and attitudes of _____. We strive to deepen an existing appreciation for particular ideas, _____, or events.
To entertain	Entertaining	•Speakers _____ such options as telling tales and _____, stressing the funny aspects of his or her subject.	When our purpose is to _____, we want to captivate listeners.

To rely on, person, subject, anecdotes, to take place, listener, to entertain, information, audience.

***Write a synonym or a short explanation for each of the following words. Use the dictionary if you need it.***

Purpose; informative presentations; intention; thesis statement; inspirational presentations; speaker; entertainment presentation; attention-getter; persuasive presentations; message.

***Agree or disagree with the following statements.***

1. Teaching a group of future lawyers some new developments in jurisprudence, training a new advocates, or giving a progress report on state or federal laws are typical examples of inspirational talks.

2. Individual characteristics, professional skills, psychological and sociological characteristics of the speaker influence the outcome of the speech.

3. You always have to consider the length of time you are going to speak for.

4. Traditional presentations have the following structure – Introduction, Body, Conclusion, and Question-and-Answer period.

5. It is better to hold everyone’s attention making a presentation in

the evening than at 9 or 10 a.m.

6. Don't let the visual aids dominate the presentation. People have come to see you, not the equipment.

7. You should wait for latecomers and then start your business presentation.

8. Business presentation can be categorized according to their purpose.

***Say what you have learned about:***

1. Speeches and presentations according to their purpose.

2. The individual characteristics of the speaker.

3. General and specific purpose of the presentation.

4. How to gain the audience's attention in a presentation.

5. The steps required in planning a presentation.

## **TOPICS FOR PRESENTATIONS**

1. What would you do if someone stole your mobile? Describe your rights and responsibilities as "a victim"; legal procedure in accordance with Ukrainian legislation.

2. What would you do if someone hit your car? Describe your rights and responsibilities as "a victim"; legal procedure in accordance with Ukrainian legislation.

3. What would you do if someone made you to give a bribe? Describe your rights and responsibilities as "a victim"; legal procedure in accordance with Ukrainian legislation.

4. What would you do if someone tried to steal your bag? Describe your rights and responsibilities as "a victim"; legal procedure in accordance with Ukrainian legislation.

5. What would you do if hit you in a bar? Describe your rights and responsibilities as "a victim"; legal procedure in accordance with Ukrainian legislation.

6. What would you do if tax inspector told that you hadn't paid taxes but you were sure you had? Describe your rights and responsibilities as "a victim"; legal procedure in accordance with Ukrainian legislation.

7. What would you do if a doctor treated you incorrectly and you had serious complications of the disease? Describe your rights and

responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

8. What would you do if you had an accident on a road but it wasn't your fault? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

9. What would you do if you were not registered as a voter but you did want to vote? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

10. What would you do if a police officer asked you to go to the police station without explaining the reasons? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

11. What would you do if you were fired from your job without any explanations? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

12. What would you do if you were insured but the insurance company refused to pay insurance? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

13. What would you do if you were not allowed to take part in the elections as they said your passport was a fake? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

14. What would you do if someone tried to rob a shop and you were a witness? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

15. What would you do if someone claimed to take your grandmother's heritage? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

16. What would you do if someone tried to rob your apartment but failed? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

17. What would you do if you were expelled from the University without explaining the reasons? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

18. What would you do if someone flooded your apartment? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

19. What would you do if you had an accident on a road and it was your fault? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

20. What would you do if someone stole your car? Describe your rights and responsibilities as “a victim”; legal procedure in accordance with Ukrainian legislation.

# GRAMMAR

## UNIT 1.

### THE NOUN

#### 1. Make sentences singular:

Example: *Those are new institutes. — That is a new institute.*

1. These countries are poor. 2. Those are heavy boxes. 3. Mice are grey. 4. The oxen are in the yard. 5. These heroes are known to everybody. 6. The children are at home. 7. These knives are sharp. 8. Those men and women are lawyers. 9. Don't take those files!

#### 2. Fill in the blanks using the possessive forms of the nouns:

1. ...friend is at the counter (Al). 2. ...problems are interesting to any writer (people). 3. ... fiancée is serious (Mike). 4. The... skin is red (fox). 5. The...life is in danger (child). 6. The ...fur is grey (mice). 7. ...decisions are very different from women's (men). 8. Alison's University is a bit far from ...(Mike).

#### 3. Change word-combinations using the possessive forms of the nouns:

Example: *The book of my friend. — My friend's book.*

1. The questions of the professor. 2. The rights of judge. 3. The poems of Pushkin. 4. The new office of lawyers. 5. The life of this woman. 6. The documents of the investigator. 7. The uniform of the policemen. 8. The lawyers of the Appellate Court.

#### 4. Translate into English paying attention to uncountable nouns:

1. Дякую за гарну пораду. 2. яка чудова погода! 3. Мені дуже шкода, однак у мене дуже погані новини для вас. 4. Я думаю, що лише робота може йому допомогти. 5. Я не люблю чай з лимоном. 6. На сніданок у мене зазвичай яйце і кружка кави. 7. Ці гроші не мої, тому я не можу їх взяти. 8. Ця книжкова шафа виготовлена з дубу.

## UNIT 2.

### PRONOUNS

#### **1. Replace the nouns in the Objective case by possessive pronouns:**

1. This woman's name is Marry. 2. That man's suitcase is so big! 3. The students' knowledge is poor. 4. The mouse's tail is long. 5. Our professor's advice is useful. 6. Our friends' dream is to become prosecutors.

#### **2. Put into the plural, pay attention to the form of demonstrative pronouns:**

1. This is our application form. 2. That is my case. 3. That is a criminal. 4. This is our teacher. 5. That is a department of the Procurator's Office. 6. Is that a new bank? 7. Is this an investigator?

#### **3. Fill in the blanks with the correct form of the reflective pronoun:**

1. I saw ---- in the mirror. 2. Did you help...to a piece of cake, John? 3. Peter hit ... with the hammer. 4. She made ... a delicious omelet. 5. The dog got ... caught in the bush. 6. Did you weigh ... on the scales? 7. This peace of rope has got ... all tangled up in a knot. 8. She found ... a job without much trouble. 9. They hurt ... . 10. I cut ... shaving.

## UNIT 3.

### PREPOSITIONS

#### **1. Fill in the gaps with the correct preposition:**

This is the Sheriffs Office in Mexico City. The sheriff is ...his desk. Lots of papers and books are ...the desk. Some photographs of «wanted» men are ...the office ...the walls. A clock is ...the Sheriffs

head. A bunch of keys is...the cell...the wall. A coat stand is ...the Sheriffs desk.

## 2. Translate into English:

В університеті, на факультеті, у суді, за столом, на полиці. Вночі, на роботі, на парі, у прокуратурі, до суду, на Різдво, у п'ятницю, на День народження, о четвертій годині, п'ятого березня, наступного вівторка, через тиждень, тричі в тиждень, цього місяця, біля офісу, минулого року, наступного року, в травні, в морі, на завтра, в школі, у тюрмі, в аеропорту, вчасно, в кінці місяця, через дорогу, по вулиці, по місту, по країні.

## UNIT 4.

### ARTICLES

#### 1. Fill in articles where necessary:

a) 1. Could you close ...door, please? 2. We live in ... small flat near ... centre of the city. 3. Did ... police find ... person who stole your bicycle? 4. ... President of the United States is elected every four years. 5. I went into the shop and asked to speak to ... manager. 6. My mother is... lawyer. She is at ... work now. 7. We often listen to ... radio. 8. Everybody left at ... end of the meeting. 9. I wrote my name at ... top of the page. 10. What is ... highest mountain in ... world? 11. This is...house. ...house is so big! 12. ...Englishman's house is his castle. 13. She usually gives me...coffee and...cake. 14. She has two...children. They are at...school. 15. Is your brother at...home?

b) 1. ...health is better than...wealth. 2. ...geese like to swim. 3. ...men and...women like sport. 4. ...love is blind. 5. These writers are...Americans. 6. ...mice are grey animals. 7. ...peace is ...universal problem. 8. He is ...honest man. 9. ...life is ...mystery. 10....wolves are animals.

c) 1. What is...weather like today? 2. ...sun is yellow, ...sky is blue. 3. ...earth is...planet.

d) 1. My younger brother gets up at 6 in ...morning because he goes to...school. 2. My friend usually goes to...bed early in...evening.

3. In...afternoon it is usually very warm, and we usually play in ...yard till late in...evening.

e) 1. I usually have...breakfast at 7 o'clock in...morning. 2. My brother always has...lunch at 1 o'clock in ...afternoon. 3. My parents have...dinner at 5 p.m. 4. My granny has ...tea at 6 p.m.

## **UNIT 5.**

### **THE VERB TO BE**

#### **1. Translate into English:**

1. Я студент. Я в університеті. 2. Моя сестра на роботі. Вона адвокат. 3. Мій брат в школі. Йому 15 років. 4. Вони зайняті, чи не так? 5. Їх немає вдома. Вони закордоном. 6. Це важкий чи легкий предмет? 7. Вчора студенти були в бібліотеці. 8. Ти будеш менеджером? – Ні, я буду юристом. 9. Вона немає часу. У неї пари в університеті. 10. Моя сестра була студенткою торік, а зараз вона лікар.

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

1. Where is the student's hostel? 2. Is it far from the University? 3. How old is your friend? 4. Is he a student? 5. Was the lesson interesting? 6. Is your group preparing for the winter session? 7. Are you reading or writing now? 8. Were the students of your group invited to the conference? 9. Are you to finish this work by Monday? 10. Were you to meet your friends at the station? 11. Were there any mistakes in your grammar test? 12. What is there on your desk? 13. Will there be any new guests at your birthday party?

## **UNIT 6.**

### **THE VERB TO HAVE**

#### **1. Translate into English:**

1. Я маю багато друзів серед студентів юридичного

факультету. 2. У моєї сестри багато вільного часу. 3. У нього є багато юридичної літератури. 4. Йому доводиться зустрічати свою молодшу сестру після школи. 5. Ми змушені були перервати наше наукове дослідження. 6. Ти коли-небудь чув щось подібне? 7. Деякі країни досягли великих успіхів у розвитку економіки.

## **THERE + TO BE**

### **2. Make the following sentences interrogative and give short answers:**

Example: *There are 26 universities in our city — Are there 26 universities in our city? There aren't 26 universities in our city.*

1. There is no telephone in this room. 2. There is much snow in the street. 3. There are no lawyers in my family. 4. There are a lot of professors among our teachers. 5. There are few criminals in this district. 6. There are a lot of witnesses of the shoplifting. 7. There is much dirt on your shoes!

### **3. Translate into English:**

1. Які документи на столі? 2. В університеті багато професорів? 3. Скільки хлопців та дівчат у вашій групі? 4. У неї тут багато цікавих статей з криміналістики. 5. недалеко від нашого гуртожитку є маленька капличка. 6. У цьому тексті є нові юридичні терміни. 7. Праворуч від пам'ятника – прокуратура. 8. У доповіді багато важливих фактів.

## **TO BE GOING TO**

### **4. Translate into English:**

1. Я збираюся готуватися до конференції сьогодні ввечері. 2. Що ви збираєтесь робити завтра? 3. Коли ви збираєтесь працювати над доповіддю з кримінального права? 4. Я збираюся стати гарним спеціалістом. 5. Ми не будемо розмовляти з його адвокатом завтра, ми будемо опитувати свідків.

## **UNIT 7.**

## TYPES OF QUESTIONS

### 1. Arrange the words in each sentence in the right order:

**Example:** *He/ a/ local/ judge/ court/ in/ a/ is. – He is a judge in a local court.*

1. profession/ they/ are/ in/ legal.
2. my/notary/private/a/mother/is.
3. cousins/my/are/prosecutor's/assistants.
4. head/the/court/of/a/is/judge/a.
5. second/my/name/is/Petrenko.
6. granddad/are/and/retired/grandma/my.
7. an/my/is/investigator/brother.

### 2. Name parts of the sentence and make them interrogative and negative:

1. I am a student at the Law academy.
2. My father is a lawyer at the Prosecutor's Office.
3. Twice a week I have my legal class.
4. They are in legal profession.
5. My brother is an investigator at the Security Service of Ukraine,
6. He is a student at the Prosecutors' Training Institute.
7. My mother is a private notary.

### 3. Using the following words and word combinations make up your own sentences and then four types of questions with each of them:

A lawyer, a teacher of law, a jurist, a prosecutor, a judge, a criminal, an officer, an investigator, a notary, a criminal expert, a lawmaker.

## UNIT 8.

### THE PRESENT SIMPLE TENSE

#### 1. Make the following sentences interrogative and negative:

**Example:** *My niece dreams to become a prosecutor: — Does my niece dream to become a prosecutor? My niece doesn 't dream to become a prosecutor.*

1. My father works as a prosecutor. 2. During the break he often meets his lecturers. 3. They want to be judges. 3. An investigator usually uses a deductive method. 4. Water freezes at 0 °C. 5. We often have chance to see each other. 6. She often says «Don't go to the pub!». 7. We always understand each other well.

## **2. Put the verb into the correct form:**

**Example:** *He (to specialise) in Slavonic languages. — He specializes in Slavonic languages.*

1. She (not/ to work) as a lawyer, she is a student. 2. A policeman usually (to stop) cars in the street. 3. The Sun (to rise) in the East. 4. My elder brother (to learn) English. 5. It often (to rain) in England. 6. He (not/ to want) to become an investigator. 7. We (not/ to have) much time. 8. I (to want) to develop my own operation system. 9. He (to major) in law.

## **3.Translate into English:**

1.Де ти працюєш? Де працює твій батько? 2. Він не працює у прокуратурі, він – студент. 3. Що ви робите після занять? 4. Він хоче стати слідчим. 5. Ви мрієте здобути професію юриста? 6. Моя мати викладає право. 7. Де працює цей хлопець? – Він технічний секретар у прокуратурі.

## **UNIT 9.**

### **THE PAST SIMPLE TENSE**

#### **1. Put questions to the words in italics:**

**Example:** *They landed at 9 o 'clock this morning. - When did they land?*

1. I completed a special form at the nearest British Embassy. 2.

His brother worked as an immigration officer last year. 3. I needed permission to enter the UK as a student. 4. He put a stamp in my passport a minute ago. 5. I complied with all immigration rules in order to complete my course of study.

## 2. Rewrite the following sentences using the Past Simple:

1. His father works at the British Embassy. 2. All my necessary documentation is easily available. 3. You have a right to ask for an interpreter. 4. I usually ask for advice to take the Red or Green channel. 5. It takes me 40 minutes to get to London from Heathrow by the underground. 6. A Skycap Porter usually helps me with my luggage.

## 3. Translate the following sentences into English:

1. Необхідна інформація включала імена, деталі подорожі та номер кредитної картки. 2. Ми зареєструвалися в поліції, оскільки я подорожувала з дитиною. 3. Я йшла через зелений коридор митниці. 4. Вона слідувала всім іміграційним правилам, щоб закінчити курс навчання. 5. Я отримала дозвіл залишитися в країні 12 місяців. 6. Коли я прийшла до посольства, я заповнила спеціальну форму.

## UNIT 10.

### THE FUTURE SIMPLE TENSE

#### 1. Choose the correct item (Present Simple or Future Simple):

**Example:** *Don't leave the town until they (prepare/ will prepare) documents. — Don't leave the town until they prepare documents.*

1. If they (ask/ will ask) you to open your luggage, you will open, unpack and repack it. 2. If you (hold/ will hold) a visa, your passage through immigration will be easy. 3. If you (travel/ will travel) from Europe you will sometimes arrive at Gatwick. 4. If your husband (travels, will travel) with you the immigration officer will put a stamp in his passport too. 5. If you (get/ will get) permission to stay for a longer

period of time the Immigration Officer will ask you to provide the evidence of permission. 6. If you (have/ will have) no items to declare you will go to the Green channel.

## **2. Translate the following sentences into English:**

1. Коли ви подасте документи на візу? 2. Коли ви приїдете до Об'єднаного Королівства, імміграційний службовець поставить штамп у ваш паспорт. 3. Я впевнений, що Ваш приїзд до Великої Британії пройде легко. 4. Ви отримаєте дозвіл на перебування у країні на 6 місяців. 5. Це буде ваша перша подорож до Британії? 6. Якщо ви будете декларувати якісь речі, йдіть до червоного коридору.

## **UNIT 11.**

### **THE PRESENT CONTINUOUS TENSE**

#### **1. Choose the correct form (Present Simple or Present Continuous):**

**Example:** *Listen, the judge (announces/is announcing) the sentence — Listen, the judge is announcing the sentence.*

1. I don't understand him, he (is demanding/ demands) two kilos of deer food. 2. Experts (examine/ are examining) the fingerprints. 3. Huge letters (attract/ are attracting) his attention: WANTED. 4. Tim (leaves/ is leaving) the house and suddenly (sees/ is seeing) the suspect right near the opposite house! 5. I (have/ am having) a better idea, really the best one! 6. The clerk (checks/ is checking) the copies of the documents.

#### **2. Open the brackets. Use Present Simple or Present Continuous:**

1. Her baby always (to sleep) after breakfast.
2. He can't talk to you now. He (to go) out.
3. The programme (to start) at nine o'clock every night.
4. I am sorry, but my friend (to wait) for me.
5. They (to go) to the beach now.

6. She never (to want) to go to the cinema.
7. Look at my daughter! She (to read).
8. Your grandmother (to sit) in the garden now?
9. They (to go) to the cinema very often.
10. I (not study) at the moment.
11. He (to leave) the office every day at five.
12. What magazine you (to read) now?
13. Wait a minute! I (to put) my coat on.
14. Listen to Helen! She (to sing) a new song.
15. Where (to be) your brother?-He (to fish) now?

**3. Open the brackets. Use Present Simple or Present Continuous:**

1. George says he is 80 years old but I (not/ believe) him.
2. Hurry! The bus (come). I (not/ want) to miss it.
3. ... (it/ever/snow) in India?
4. Bob is in London at the moment. He (to stay) at the Hilton Hotel. He usually (to stay) at the Hilton Hotel when he is in London.
5. You can borrow my umbrella. I (not/need) it at the moment.
6. Excuse me, (to speak) you English?
7. He (not/belong) to a political party.
8. When you usually (to come) home from the institute?- I (to come) at 3 o'clock.
9. I (not to drink) coffee now. I (to study) Criminal Law.
10. Look! She ( to speak).

**4. Translate into English:**

1. Дивись! Підозрюваний вибігає з магазину і кричить щось.
2. Невідомий білий чоловік з бородою тримає гаманець у руці.
3. Що ти робиш? – Я читаю свою улюблену газету.
4. Це телефонує активіст Віздом, він тримає підозрюваного та веде його до дільниці.
5. Сержант Рівз та констебль Добсон роззброюють злочинця.
6. Тепер ми маємо п'ятьох Санта Клаусів у в'язниці!

**UNIT 12.**

**THE PAST CONTINUOUS TENSE**

### **1. Say what you were doing:**

- 1) at 8 o'clock yesterday evening; 4) at 5 o'clock last Saturday;
- 2) at 10.15 yesterday morning; 5) at 4.30 this morning;
- 3) at 7.45 yesterday evening; 6) half an hour ago.

### **2. Compare two sentences and comment on the use of Past Continuous or Past Simple in the following sentences:**

1. I had dinner at 3 p.m. — I told you! I was having dinner from 3 till 4 p.m. yesterday.
2. I worked in the court last year. — I was working in the office from 5 till 6 p.m. yesterday.
3. I walked home after the meeting last night. — I was walking home when I met our dean.
4. The criminal took out a pistol and demanded; «Give me money!». — The criminal was taking out his pistol when I heard a sound of the police car approaching.
5. I studied the documents, analyzed the details of the examination and counted 2,500 graduates that year. — I was studying the documents when I was interrupted by the telephone.

### **2. Put the verb into the correct form, past continuous or past indefinite:**

1. George (to fall) off the ladder while he (to paint) the ceiling.
2. Last night I (to read) in bed when suddenly I (to hear) a scream.
3. ... (you/watch) television when I phoned you?
4. Ann (to wait) for me when I (to arrive).
5. I (not/drive) very fast when the accident (happen).
6. I (break) a plate last night. I (do) the washing-up when it (slip) out of my hand.
7. Tom (to take) a photograph of me while I (not/look).
8. We (not/go) out because it (rain).
9. What (you/do) at this time yesterday?
10. I (see) Carol at the party. She (to wear) a really beautiful dress.

### **3. Translate the following sentences into English:**

1. Усі обговорювали майбутнє рішення Верховної Ради, коли міністр повернувся. 2. Я розмовляв з проректором, коли задзвонив телефон. 3. Вони слухали доповідь з історії Національної юридичної академії, коли декан зайшов в аудиторію. 4. Вони складали вступний іспит протягом двох годин. 5. Члени академічного складу весь день аналізували питання щодо вступу до академії. 6. Лист від адвокатів надійшов саме тоді, коли вона готувала сніданок.

#### **4. The Alibi Game:**

A murder happened at 11 o'clock last night. 2 students are the main suspects. One of them leaves the classroom and must create an alibi to prove their innocence (*where they were, what they were doing, what they were wearing etc.*). The rest of the class are detectives and ask questions. Each suspect enters the class and is questioned separately. If their answers are not the same, then they are accused of committing the murder.

**Students should use Past Continuous Tense.**

### **UNIT 13.**

#### **THE FUTURE CONTINUOUS TENSE**

##### **1. Put the verbs in brackets into the correct form to express future (Future Simple, Present Continuous, Future Continuous):**

1. Don't phone me from 7 till 8. We (to discuss) all the details of the admission to the Academy. 2. If you need to contact the Dean he (to stay) in the office until 9.3. You (to meet) the Prime Minister today? — Yes, certainly. 4. Tomorrow afternoon we are going to the Prosecutor's Training Institute. Thus at 3.30 we (to take) an entrance examination. 5. You (to threaten) him with the gun? — No, I am going to kill him! 6. Next year he (to become) a post-graduate student. 7. This year there (to be) 2,500 graduates of the National Law Academy. 8. After the graduating from the University I (to pass) an individual procedure to become a defence lawyer. 9. Notary public (to examine) the case carefully for a while and advice us on the

right decision

## **2. Translate the following sentences into English:**

1. Серед інших факультетів тут буде також факультет міжнародного права. 2. Через хвилину ми будемо проходити поряд з Національним економічним університетом. 3. Експертна комісія буде вивчати результати вступних іспитів з 10 до 12ю 4. Через годину я буду працювати в Інтернеті, я хочу знайти потрібний документ у правовій інформаційній базі. 5. Члени університетського складу протягом двох годин будуть обговорювати новий правовий акт Верховної ради. 6. Де ти будеш опівдні? – Я буду розмовляти з деканом стосовно роботи після закінчення вузу. 7. Ввечері ректор буде робити доповідь про новий Указ Президента.

## **3. Open the brackets using Present, Past, Future Indefinite; Present, Past Continuous:**

1. Look at these children: they (to skate) very well. 2. You (to skate) last Sunday? – Yes, we (to skate) the whole day last Sunday. We (to skate) again next Sunday. 3. My brother can skate very well. He (to skate) every Sunday. 4. What you (to do) now? – I (to wash) the dishes. 5. What you (to do) at 3 o'clock yesterday? – I (to have) dinner. 6. You (to have) dinner now? 7. Where your brother (to work)? – He (to work) at an institute. 8. Your grandmother (to sleep) when you (to come) home yesterday? 9. What your brother (to do) tomorrow? 10. I (not to go) to the shop yesterday. I (to go) to the shop tomorrow. 11. Where Kate (to go) when you (to meet) her yesterday? 12. Every day the boss (to enter) the office at 9 o'clock. 13. Yesterday the boss (to enter) the office at half past nine. 14. When the secretary (to come) tomorrow? 15. At 6 o'clock yesterday we (to listen) to a very interesting lecture. 16. When I (to enter) the office, the secretary (to type) some letters. 20. My friend (to ring) me up at 8 o'clock yesterday.

## **UNIT 14.**

### **THE PRESENT PERFECT TENSE**

**1. Transform the following sentences into the sentences with Present Perfect:**

1. Our delegation arrived in New York last week. 2. She learns English hard. 3. We work at the library every morning. 4. Did you finish this work yesterday? 5. He speaks English quite fluently. 6. He knocks at your door every morning. 7. We write the tests every month. 8. He smokes a great deal. 9. It often rains in autumn. 10. He always thanks for help. 11. He heard this news yesterday. 12. They walk in the park every evening. 13. Don't worry. I did it yesterday. 14. I passed my driving test two days ago.

**2. Replace the infinitives in brackets by the required tenses:**

1. The telegram (to arrive) five minutes after you (to leave) the house. 2. It (to rain) hard last night. 3. He (to leave) Kyiv? – No, he is still in Kyiv. 4. He (to be) in hospital for ten days. 5. The goods (to arrive) yesterday. 6. I (to buy) this book in London. 7. They (to discuss) the important problem since 5 o'clock. 8. We (to speak) to him the other day. 9. She (to bring) us some interesting books. 10. He is not here, he (to go out). 11. They (to receive) our telegram last week. 12. We (to have) no news from him since he (to leave) home. 13. I cannot give you a definite answer as I not (to discuss) the matter with manager. 14. This delegation (to visit) our Academy some days ago.

**3. Translate the following sentences into English:**

1. Ми вже прочитали про активіста Віздома. 2. Він затримав та роззброїв п'ятьох Санта Клаусів! 3. Він працює над цією справою вже три тижні. 4. Слідчий нарешті надав речові докази. 5. Вона вже розповіла про жарт у газеті. 6. Сержант Рівз вже зателефонував і розповів мені про справу.

**UNIT 15.**

**THE PAST PERFECT TENSE**

**1. Put questions to the words in italics:**

**Example:** *This lawyer had won 100 cases by the beginning of this year. — How many cases had this lawyer won by the beginning of this year?*

1. He had studied Law for 5 years before he entered the Faculty of Law. 2. I had known the witness for a long time before she committed the crime. 3. Social changes had already happened by 1920, when the country started to suffer new economic policy. 4. The lawmaker had proven the necessity of enforcing the law by the time the President decided to take necessary measures. 5. They had prohibited the use of drugs but a lot of people had died already. 6. The new law limited the powers of government which before had given them the right to use foreign bank accounts. 7. The functions of Law had changed by the time Lincoln became President.

**2. Read the situations and write sentences using the words in brackets as in the example:**

**Example:** *You went to the office last night. You arrived at the office late (the conference/already/begin). — The conference had already begun.*

1. The clerk came into the courtroom and I showed him the necessary document with judicial decision (I/ find/ the necessary document). 2. They went to their home town after many years. The beliefs weren't the same as before (they/ change/ a lot). 3. I offered Jones to read the report on legislature in Ukraine but he didn't want (he /just/ read/ all necessary information). 4. The case was over. There was no the decision of the lower court in the list of documents (the Supreme Court/ to exclude/ it).

**3. Use the appropriate form of the verb (Past Perfect or Past Simple):**

**Example:** *The judges reached a decision after they (had discussed/ discussed) the case privately. — The judges reached a decision after they had discussed the case privately.*

1. They (had finished/ finished) the examination when the chief expert asked for the results. 2. By the time the train reached the city, he

(had received/ received) 5 calls informing him of robbery from the bank. 3. When we came into the room, the last meeting of the Supreme Court (had already finished/ already finished). 4. He (had accepted/ accepted) any possible penalty when the officer started to tell him of his rights. 5. We (had already passed/ passed) through the Red channel when the immigration officer asked us to return. 6. They (entered/ had entered) the UK and got permission to stay a stated length of time.

### **3. Translate the following sentences into English.**

1. Коли він увійшов до кабінету, законодавці вже закінчили роботу. 2. Коли студенти прийшли до інституту, засідання вже розпочалося. 3. Нотаріус вже приготував усі папери, коли Джеймс прийшов до офісу. 4. Спікер вже закінчив доповідь з системи покарання в Україні, коли вона підійшла до дверей залу. 5. Поліція знайшла та піймала злочинців ще до сходу сонця. 6. До кінця тижня вони видали три закони щодо права власності на землю.

### **4. Open the brackets. Use Present, Past, Future Indefinite; Present, Past Continuous; Present, Past Perfect.**

1. Mike (to eat) ice-cream every day. Look, he (to eat) ice-cream now. When I (to see) him in the morning, he (to eat) ice-cream, too. He (to say) he (to eat) one ice-cream already by that time. I think he (to fall) ill if he (to eat) so much ice-cream. 2. They (to walk) along the street and (to talk). Suddenly Nick (to stop) and (to say): “Oh, what shall we do? I (to lose) the key to the door”. “If you (not to find) it”, said Pete, “ we (to have) to wait for mother in the street”. 3. When I (to come) to the station yesterday, I (to learn) that my train already (to leave). 4. What he (to do) when you (to see) him yesterday? 5. I (to give) you this book as soon as I (to finish) reading it. 6. When the ship (to cross) the ocean, a great storm (to break) out.

## **UNIT 17.**

### **THE FUTURE PERFECT TENSE**

#### **1. Change the following sentences using Future Perfect:**

1. We had got the results of the expert examination by the end of the working day. 2. The quality of individual life in matters of education and

welfare life had improved by the new decade. 3. The first period of discussion of a new law had finished by the end of last week. 4. After they had finished questioning all the witnesses, we came to the important conclusion. 5. They had prepared for the test before the bell rang. 6. They had found the escaped prisoner before the sunset. 7. The prosecutor had already finished his speech before we came into the hall.

## **2. Put the verbs in brackets into the correct form (Future Indefinite or Future Perfect):**

1. He (to receive) the judicial decision by tomorrow. 2. He (to receive) the judicial decision tomorrow. 3. They (to inform) him of the penalty by noon. 4. They (to inform) him of the penalty at 12. 5. You (to meet) the accused in court tomorrow. 6. You (to meet) the accused in court by the beginning of the hearing. 7. You (to take) your examination in Criminal Procedure next week. 8. By the 20<sup>th</sup> of January you (to pass) your examination in Criminal Procedure, I hope.

## **3. Translate the following sentences into English:**

1. Президент обіцяє, що рівень особистого життя, а саме освіта та охорона здоров'я поліпшиться до початку наступної декади. 2. злочинця знайдуть та покарають до кінця місяця. 3. Коли ви прийдете, вступний екзамен буде завершено. 4. До початку наступного року велику кількість законів буде змінено. 5. судові рішення вже буде оголошено, коли ти прийдеш. 6. Обговорення нового закону з права власності на землю буде закінчено до початку наступного тижня.

## **UNIT 18.**

### **THE PASSIVE VOICE**

#### **THE PASSIVE VOICE (SIMPLE TENSES)**

#### **1. Make the following sentences interrogative and negative:**

**Example:** *The Supreme Court is divided into two branches: the High Court and the Court of Appeal. — Is the Supreme Court divided*

*into two branches: the High Court and the Court of Appeal? The Supreme Court is not divided into two branches: the High Court and the Court of Appeal.*

1. Ukraine's independence was declared in 1991. 2. The name Ukraine is connected with the word «Ukraine» which originally meant «borderland». 3. Ukraine is situated in south-eastern part of Central Europe. 4. The territory of Ukraine is mostly a plain, it is called stepp. 5. Main industrial enterprises are located in Kyiv, Kharkiv and Dnipropetrovsk. 6. The first task of the judge is to preside over the proceedings and see that order is maintained. 7. Admission to the academy is given to people who have successfully completed secondary education. 8. Kharkiv is noted for engineering expertise and machinery plants.

### **5. Make the sentences passive:**

**Example:** *The investigator left a suspect in the room. – A suspect was left in the room by the investigator.*

1. The officers wrote the report in a terrible hurry. 2. We know Donetsk for mining and metallurgy. 3. They widely use Russian in Ukraine. 4. A popular vote approved Ukraine's declaration of independence. 5. They established a Communist Government in 1918. 6. The president received the delegation yesterday. 7. Everybody discussed the new law. 8. The policeman stopped the car, 9. The suspect demanded the victim's money.

### **6. Read the following text and put the words in brackets into the appropriate form using passives:**

#### *Criminal Law and Civil Law*

One category is the criminal law — the law which deals with crime. A case (to call) a prosecution. The case (to institute) by the prosecutor, who takes over the case from the police who have already decided to charge the accused with specific crimes. The civil law is much more wide-ranging. The civil law includes the law of contract and family law (or intellectual property). In a civil case, the plaintiff (noaMBa<sup>1</sup>!), normally a private individual or company, brings an action to win compensation. If the case (to prove), the defendant normally pays the plaintiff damages

(money).

#### 4. Choose the appropriate form of the verb (active or passive):

**Example:** *In ancient societies revenge (based/ was based) on tribunal custom. — In ancient societies revenge was based on tribal custom.*

1. A body of expert lawyers (is needed/ needed) to apply the law.
2. A case usually (presented/ is presented) by the prosecutor.
3. Common law (based/ is based) on the principle of deciding cases by reference to previous judicial decisions.
4. The world's largest manganese deposits (located/ are located) in south-central Ukraine.
5. The suspect (is described/ described) as a white male, medium height, slim, with a big, hooked nose.
6. In a minute he (disarmed/ was disarmed) and put into Mr. Wisdom's car.
7. Visa (will obtain/ will be obtained) tomorrow.

#### 6. Translate the following sentences into English:

1. За підозрюваним доглядатимуть.
2. Його буде засуджено на п'ять років ув'язнення.
3. Її звинувачують у вбивстві.
4. Вони будуть покарані.
5. Його знайдуть та допитають.
6. Про цей закон багато говорять.
7. Воля Бога проявлялася у силах природи.
8. Якщо іміграційний службовець запідозрить щось, вас попросять відкрити багаж для інспекції.
9. Трускавець відомий цілющою лікувальною водою.

### UNIT 19.

#### THE PASSIVE VOICE (CONTINUOUS TENSES)

##### 1. Write passive sentences:

**Example:** *The police are making inquiries now. — Inquiries are being made by the police now.*

1. The Committee was examining the results of the meeting of the heads of the CIS all yesterday afternoon.
2. The investigator was examining clothes when the expert arrived.
3. The Verkhovna Rada is

passing the law. 4. The committee is discussing the date of the presidential election. 5. I was writing a law report all day yesterday. 6. They are spending a lot of money on weapons nowadays. 7. They are checking all information about the new article of the Constitution.

## **2. Open the brackets using the appropriate form of the verb (Present or Past Continuous):**

**Example:** *He (to be questioned) at the moment I came in. — He was being questioned at the moment I came in.*

1. The new Tax bill (to be discussed) all day yesterday. 2. I didn't notice anything, but when I got a cassette I realized everything. Our conversation (to be recorded). 3. The decision of the Constitutional Court (to be disputed) and we heard loud voices. 4. She didn't realize anything, she (to be robbed) for 30 seconds! 5. Don't come in! The identi-kit of the maniac-murderer (to be made). 6. The plan of future changes in the system of courts (to be discussed) in the afternoon.

## **3. Translate the following sentences into English.**

1. Вашу інформацію щодо винності депутата зараз перевіряють. 2. Підозрюваного зараз допитують. 3. Будинок учора обшукували цілий день, але нічого не знайшли. 4. Зараз проводиться засідання Верховної Ради. 5. Справу зараз слухають у суді. 6. Зараз розробляють порядок денний засідання Кабінету міністрів. 7. Зараз беруть інтерв'ю у Прем'єр-міністра України. 8. Чому їх арештовують? Вони невинні.

## **UNIT 20.**

### **THE PASSIVE VOICE (PERFECT TENSES)**

#### **1. Rewrite the following active sentences, using the passive form (Simple or Perfect):**

**Example:** *Special courts administer ecclesiastical law. — Ecclesiastical law is administered by special courts.*

1. The organizers will supply all relevant information about the

meeting in advance. 2. The Act of Union united Great Britain with Ireland. 3. English law has greatly influenced Scots law. 4. The English courts interpret Acts of Parliament according to fixed rules of precedent. 5. It is possible that the Verkhovna Rada will eventually codify Ukrainian law. 6. Roman law has influenced many modern European legal systems. 7. The Treaty and Acts of Union of 1706 and 1707 established one parliament for Great Britain.

**2. Look at the notes and write a news report using passive forms (Simple, Continuous, Perfect):**

Lives — lose — in a major sea tragedy in the Pacific Ocean. The disaster happened when the ship — hit — something unknown. Women and children — put — into lifeboats first while the men — tell — to stay on the ship. A nearby ship — bring — into action as a rescue vessel. The men who — leave — on the ship — rescue. Unfortunately some of the men — frighten — and jump into the water. It — believe — they are now dead. Survivors — take — to hospital — by helicopter and maximum effort now — make — to find the missing men.

*Start with*

Many lives have been lost in a major sea tragedy in the Pacific Ocean...

**3. Translate the following sentences into English:**

1. Кожному повнолітньому у нашій країні гарантується право голосувати. 2. відомого злочинця нарешті заарештували. 3. Речі підозрюваного вже доставлено, їх відправляють експертам. 4. Необхідні свідчення про злочинця вже отримано, фоторобот складено і розіслано до всіх відділків поліції, відбитки з бокала знято, свідків допитано. 5. Жертву вже прооперували, вона прийшла до тями і хоче дати свідчення. 6. Її вже визнали винною у трьох інших крадіжках магазинів. 7. Судові рішення ухвалюються судами і є обов'язковими до виконання.

**UNIT 21.**

**PERFECT CONTINUOUS TENSES (PRESENT AND PAST)**

**1. Put the verbs in brackets into the correct form (Present Perfect Continuous and Past Perfect Continuous):**

1. The solicitor (to write) letters to his clients since early morning.  
2. I (to wait) for the lawyer since ten o'clock at night. 3. The jurors (to be + to discuss) the evidence. They (to consider) the verdict for three hours already. 4. He explained us that they (to investigate) the case of robbery for 6 months. 5. The eye-witness (to speak) for 5 minutes when the judge of the Coroner's court stopped him.

**2. Translate the following sentences into English:**

1. Адвокат підозрюваного готує документи для розгляду в суді вже протягом двох тижнів. 2. Детектив займається розслідуванням цього складного злочину три тижні. 3. Як давно Ви вивчаєте право? – Я вивчала право протягом 2 років в університеті, але це було ще минулого століття! Загалом я займаюся правом майже 10 років і все ще працюю помічником адвоката. 4. Коли моя сестра закінчила університет, я вже три роки працював у колегії адвокатів. 5. Прокурор повідомив, що суд розглядав справу про крадіжку протягом місяця.

**UNIT 22.**

**SEQUENCE OF TENSES**

**1. Put the verbs in brackets into the correct form:**

1. The judge said that they (to interview) the witness as soon as possible. 2. They believed the lawyer (to carry out) his duty honestly. 3. It was announced that the delegation (to arrive) on time. 4. He said he (to pass) his exam in Administrative law. 5. the public was informed that the defendant (to be+ to find) guilty and (to be+ to imprison) in accordance with the law.

**2. Translate the following sentences into English:**

5. Нам повідомили, що вердикт все ще обговорюється присяжними. 2. Вони хотіли запитати скільки справ розглядається суддею щомісячно. 3. Йому було цікаво дізнатися про те, що смертну кару у Великобританії було скасовано у 1969 році. 4. Вона прочитала, що обвинувальний акт у кримінальному провадженні стосовно цього злочину буде направлено до суду для розгляду по суті. 5. Прокурор розповів присяжним засідателям, як містер Фелдман скоїв злочин.

## **UNIT 23.**

### **DIRECT / INDIRECT SPEECH**

#### **1. Change the following sentences from direct into indirect speech:**

1. A lawyer said to Mr. Woodworth, "The most severe punishment now for this criminal offence is life imprisonment". 2. "We are not talking about any kind of censorship on the Internet," the President says. 3. "Please, don't interrupt me," the associate lawyer said to his client yesterday. 4. "We have been providing here the highest quality legal assistance to our clients," said the lawyer. 5. the committee spokesman said a week ago, "The Investigation Committee is forming a department that will investigate crimes committed by police officers".

#### **2. Change the following sentences from indirect into direct speech:**

1. He went up to the policeman and asked him if he knew what time was. 2. She asked him where he had been. 3. They tell me they know all peculiarities of this case. 3. The lawyer said he had finished his work by 5 o'clock. 4. The jurors promised they would have given the verdict of guilty by Monday. 5. the law student explained that he had been preparing for his Criminal Law exam for 2 days.

## LIST OF REFERENCES

1. Chalker S. Current English Grammar. – L.: Macmillian Publishers LTD, 1992. – 245 p.
2. English for Legal Professionals. – Oxf.:Oxford University Press, 2008. – 177 p.
3. Law. – Virginia Evans, Jenny Dooley, David J. Smith. – EU: Express Publishing, 2012. – 117 p.
4. The Lawyer's English Language Coursebook. – Catherine Mason. – London: Global Legal English, 2014. – 256 p.
5. Oxford Dictionary of Law / Edited by E. Martin – Oxf.: Oxford University Press, 2004.– 368 p.
6. Pavlova T.P. Institute for Intellectual Property and Law. English Practices. – Kyiv: “Znannia”, 2001. – 141 p.
7. Professional English in Use. Law. – Gillian D. Brown, Sally Rice. – Camb.: Cambridge University Press, 2007. – 128 p.
8. Tarnopolsky O., Avsiukevych Y. Successful Presentations: Посібник з навчання ділових презентацій англійською мовою студентів економічних спеціальностей. – К.: Ленвіт, 2007. – 135 с.
9. Голованёв В.В. Английский для юристов. Учебное пособие для студентов Вузов. – Минск: ТетраСистемс, 2005. – 191 с.
10. Гуманова Ю., Королёва В., Свешникова М., Тихомирова Е. Just English. Английский для юристов. – М: «Гуманитарное знание», 2009. – 198 с.
11. Дьома Н.С., Лозинська О.В. Англійська мова для юристів. – Ірпінь, 2007. – 218 с.
12. Кошіль Н., Рибіна Н., Собчук Л., Гирила О. Англійська мова для правників. – Тернопіль: Вид-во ТНЕУ, 2011. – 120 с.
13. Собчук Л.В., Рибіна Н.В., Кошіль Н.Є., Дудар О.В., Котовська Т.І., Боднар О.Б., Гирила О.С., Сушко З.С. Методичні рекомендації з англійської мови для самостійної роботи студентів-правників – Тернопіль: ТНЕУ, 2013. – 134 с.
14. Сущинская С., Сущинский И. Право и бизнес. Справочное и учебное пособие. – М: «Гис», 1999. – 334 с.