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**МИНОБРНАУКИ РОССИИ**  
**Федеральное государственное бюджетное образовательное**  
**учреждение высшего образования**  
**«Юго-Западный государственный университет»**  
**(ЮЗГУ)**  
**Кафедра иностранных языков**

УТВЕРЖДАЮ

Проректор по учебной работе

О.Г. Локтионова

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***Иностранный язык в сфере юриспруденции:***

методические рекомендации

для учебной работы обучающихся

по направлениям подготовки: 40.03.01 Юриспруденция,  
40.05.01 Правовое обеспечение национальной безопасности,  
40.05.02 Правоохранительная деятельность

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Методические рекомендации для учебной работы обучающихся по направлениям подготовки: 40.03.01 Юриспруденция, 40.05.01 Правовое обеспечение национальной безопасности, 40.05.02 Правоохранительная деятельность соответствуют федеральному государственному образовательному стандарту высшего образования.

Цель методических рекомендаций – сформировать у обучающихся навыки владения профессионально-ориентированным английским языком в сфере профессиональной коммуникации. Реализация этой цели осуществляется благодаря специально подобранным аутентичным текстам и упражнениям, направленным на формирование у обучающихся коммуникативной компетенции в профессиональном общении.

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**ОГЛАВЛЕНИЕ**

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## **Unit 1. WHAT IS LAW?**

### **Warming-up**

**Task 1. Order, chaos, laws and customs. Explain the meaning of the words, are there any difference between them?**

**Task 2. Answer the questions:**

- Are laws for ordinary people or for lawyers?
- Do you always observe the law?
- Do you think laws change in the course of time?

**Task 3. Read the text and check whether your answer to the first question is correct.**

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

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

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

us. The ways in which people talk, eat and drink, work, and relax together are usually called customs.

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

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

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

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

### *Vocabulary*

law (n) — закон

custom (n) — обычай

penalty (n) — наказание, штраф

order (n) — 1. порядок; 2. приказ.

maintain (v) — поддерживать

property (n) — собственность

predator (n) — хищник (тж. перенос)

steal (v) (stole, stolen) — красть, воровать  
 benefit (n) — выгода; польза  
 community (n) — общество  
 self-protection (n) — самозащита  
 kidnap (v) — похитить с целью выкупа  
 kidnapper (n) — похититель  
 kidnapping — похищение  
 rob (v) — грабить  
 robber (n) — грабитель  
 robbery (n) — кража, грабеж  
 murder (v) — убить (умышленно)  
 murder (n) — убийство  
 murderer (n) — убийца  
 rely on / upon (v) — полагаться на кого-либо/что-либо  
 the law of jungle — закон джунглей  
 imperfect (adj.) — несовершенный

**Task 5. Read the text again to decide whether these statements are true or false.**

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.

**Task 6. Circle a), b) or c) to answer the questions:**

1. What is the main function of law?
  - a) to protect our life;
  - b) to protect our property;
  - c) to protect our reputation.
  
2. What restricts speed limits?
  - a) police instructions;
  - b) prescriptive laws;
  - c) driver's conscience.

3. What threatens a person who continually breaks the rules?

- a) a strict penalty;
- b) severe criticism and isolation;
- c) indifference.

4. What should we do in the absence of law?

- a) we, should be happy;
- b) we should rely on our friends;
- c) we should rely on the law of the jungle.

5. What law can be characterized as a perfect one?

- a) there can't be perfect laws;
- b) the law which protects private property;
- c) the law which preserves life.

**Task 7. Read the text again and choose those words which characterize the word “law”.**

- a) prescriptive;
- b) descriptive;
- c) informal;
- d) important;
- e) imperfect

## ***EXERCISES***

**Exercise 1. Give the English equivalents for:**

- закон джунглей
- предписывать что-то
- описывать что-то
- обычаи / традиции страны
- без наказания
- критиковать кого-либо
- защищать собственность
- жить подобно хищникам
- страх быть похищенным, убитым, ограбленным
- сделать закон необходимым
- жить в безопасности
- члены сообщества

- рассчитывать на что-то
- несовершенные законы

**Exercise 2. Match each word on the left with the correct definition on the right:**

law	a) an official rule that all the citizens of the country must obey
benefit	b) to take something that doesn't belong to you
protection	c) the crime of taking money or other things from a bank, shop, especially by using threats or violence
murderer	d) advantage, profit, help
jungle	e) generally accepted behavior in a social group
imperfect	f) keeping safe from harm, illness or danger
custom	g) land covered thickly with growing underwood, vegetation
robbery	h) someone who has deliberately killed another person
steal	i) not complete
rely on	j) depend on with confidence

**Exercise 3. This is a story told by an American tourist who has recently been to Italy. Fill in the blanks, using the words given below, and translate the sentences into Russian:**

Every country has its ... That's perfectly true. When I first came to a tiny Italian village I was shocked: everyone was smiling and waving at me. The ... of hospitality... local people to ... the foreigners from any trouble. In daylight and even at night you can go out without ... of being ... or ... Though the Italian laws are ... like all the laws, in the country you can ...



...open-heartedness and every possible support of the natives. The law of ... is for huge industrial cities.

*the jungle, robbed, kidnapped, customs, laws, to protect, rely on, fear, prescribe, imperfect*

**Exercise 4. Agree or disagree with the statements. Give your reasons.**

1. We don't need laws because no country can provide its citizens with perfect laws.
2. Without laws and customs people would live like predators.

**Exercise 5. Read the following text for obtaining information.**

### **OTHER TIMES - OTHER MANNERS**

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

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

(From: *Law Today*)

**upheaval** — переворот

**continuity** — постоянство **Commonwealth** — содружество

**Discuss with your partner:** What tradition of law has developed in your country? Why?

### **Exercise 6. Which is true?**

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. Japan, being isolated from the Continent, wasn't influenced by any of the world traditions of law.

**Exercise 7. Choose the best alternative to fill in the blank in each of the following sentences:**

1. ... are not made by governments or written down.
  - a. customs
  - b. laws
  - c. rules
  - d. constitutions
  
2. Tom is a person you can ... on.
  - a. depend
  - b. put
  - c. go
  - d. rely
  
3. The city bank was ... by teenage computer-hackers.
  - a. stolen
  - b. gone
  - c. robbed
  - d. kidnapped

4. You're so selfish and do everything for your personal ...

- a. pleasure
- b. benefit
- c. luck
- d. body

5. The young teacher failed to ... order in the class.

- a. restore
- b. maintain
- c. organize
- d. bring

6. He mustn't be blamed: it was ...

- a. self-protection
- b. self-control
- c. self-respect
- d. self-confidence

7. What a shame! You've ... money.

- a. stolen
- b. taken
- c. given
- d. lost

8. ... is a serious crime.

- a. murder
- b. murderer
- c. drinking
- d. kidnapper

9. They have no ... in the United States.

- a. flat
- b. property
- c. money
- d. cash

10. Could you ... how it looks like.

- a. describe
- b. say
- c. prescribe
- d. speak

## Unit 2 LAW SYSTEM: INTERNATIONAL OR DOMESTIC

### Warming-up

1. Does a jury system exist in all countries?
2. Is a number of jurors in different countries the same?
3. Do you consider a jury system a perfect one?
4. Are there any special rules for young defendants in your country?

**a jury system** — система суда присяжных

**defendant** (n) — подсудимый, обвиняемый

**Task I. Read the text and check your answers:**

### INTERNATIONAL COMPARISONS

In some countries such as France (where there are 9 jurors), judges and jurors decide the case together. In the United States juries decide if the defendant is guilty but sometimes also have a say in what punishment he should receive. Before World War II, Japan also had a jury system, but it was often criticized for the ease with which jurors could be bribed. Now Japan, like South Korea, is a rare example of a modern industrialized country where jurors are not used: all decisions are made by professional judges.

Most countries have special rules for young defendants. Children under ten cannot stand trial at all under English law. Juveniles (those under seventeen) are dealt with in special Magistrates Courts known as Juvenile Courts.

A defendant found guilty by the magistrates may appeal against the finding or against the punishment to the local Crown Court, and the Crown Court judge will hear the appeal without a jury. If a defendant has good reason to believe the magistrates have made a mistake about a point of law, then he may appeal to the High Court. The appeal system is mostly for the benefit of the defendant, but there are cases of the

prosecution successfully appealing for a more severe punishment. In Japan it is even possible for the prosecution to appeal that a non-guilty decision be changed to guilty.

Appeals from the Crown Court go first to the High Court and, in special cases, to the Court of Appeal. Occasionally, a case is carried through this system of appeal all the way to the House of Lords.

In many countries, such as Japan and United States, the highest juridical decisions are made by a Supreme Court. Its members are appointed from the lower courts by the government.

*(From "Law Today")*

## **Vocabulary**

juror (n) — присяжный, член суда присяжных

judge (n) — судья

case (n) — судебное дело

to be guilty of smth — быть обвиняемым в чем-либо

find (found, found) smb guilty/ not guilty — признать кого-то виновным/невиновным

punishment (n) — наказание

bribe (v) — давать взятку, подкупать

briber (n) — тот, кто дает взятку

bribe-taker (n) — взяточник

trial (n) — судебный процесс, слушание дела

stand (stood, stood) trial — предстать перед судом

court (n) — суд (здание суда)

deal (dealt, dealt) with — вести дело, иметь дело с кем-то, рассматривать вопрос

Juvenile Courts — Суды по делам несовершеннолетних

magistrate (n) — мировой судья

make (made, made) a mistake — ошибаться

appeal (n) — апелляция

appeal (v) — подавать апелляционную жалобу

the High Court — Верховный Суд (в Великобритании)

the prosecution (n) — обвинение

the prosecutor (n) — обвинитель

the Public prosecutor — прокурор

severe (adj) — суровый

the House of Lords — палата лордов (в Британском Парламенте)  
 the Supreme Court — Верховный Суд (в США)

**Task 2. Choose the correct variant to answer the question:**

1. How many jurors are there in France?
  - a) there are 9 jurors;
  - b) there are 20 jurors;
  - c) there are 12 jurors.
  
2. Has Japan got a jury system?
  - a) Yes, it has got a jury system as well as South Korea;
  - b) Before World War II, Japan also had a jury system;
  - c) Japan has a jury system, but it is criticized for the ease with which jurors could be bribed.
  
3. Can children under ten stand trial in England?
  - a) Children under ten can stand trial if they committed a serious crime.
  - b) Children under ten never stand trial in England.
  - c) Children under ten can stand trial only in the presence of their parents.
  
4. When does a defendant have the right to appeal to the High Court?
  - a) He can always do it.
  - b) He has the right to do it, when the magistrates have made the mistake about a point of law.
  - c) It is absolutely impossible.

**Task 3. Complete the following statements about the text.**

**Circle a), b) or c).**

1. In the United States juries decide if the defendant is guilty and some times may participate in a discussion \_\_\_\_\_.
  - a) what punishment the criminal should receive; '
  - b) how much the sum of the bail must be;
  - c) about the defendant's background.
  
2. Juveniles are children \_\_\_\_\_.
  - a) under 21;

- b) all schoolchildren;
- c) under 17.

3. In Japan the highest juridical decisions are made by\_\_\_\_\_.

- a) the government;
- b) a Supreme Court;
- c) the jury.

4. The appeal system is mostly helpful for\_\_\_\_\_.

- a) the prosecution;
- b) the police;
- c) the person under trial.

5. The members of a Supreme Court are \_\_\_\_\_.

- a) elected by all citizens;
- b) appointed by the government;
- c) employed.

**Task 4. Read the text again and say whether this statement is true or false.**

In Britain appeals from the Crown Court go directly to the Court of Appeal and sometimes to the House of Lords.

## ***EXERCISES***

**Exercise 1. Suggest the English equivalents for:**

- признать кого-либо невиновным
- взяточник
- суровое наказание
- подавать апелляцию в Верховный суд США
- суд присяжных
- судебный процесс
- иметь дело с мировой судьей
- палата лордов
- признать подсудимого виновным в ограблении банка
- предстать перед судом
- апелляция



**Exercise 2. Many of the following words occur in the text. The ones on the left are related to the ones on the right. Can you make pairs?**

find (smb)	punishment
severe	system
jury	prosecution
the public	Court
Supreme	trial
stand	mistake
make	guilty

**Exercise 3. Agree with the following statements (use the Passive Voice).**

**Sample:** The Japanese criticized a jury system.

A jury system was criticized by the Japanese.

1. Usually professional judges make such decisions.
2. Special magistrates Courts deal with juveniles.
3. The jury found the defendant guilty of kidnapping.
4. Some countries, like Russia and South Korea, don't use a jury system.
5. The Public prosecutor changed his decision.
6. Recently the government has appointed the members of the Supreme Court.
7. A lawyer represents his client in court.

**Exercise 4. Discuss the problem in a group or with your partner: A jury system must be introduced in Russia Choose arguments for or against:**

For:	Against:
------	----------

It's the most democratic system, because more than one person is responsible for making decisions.	A jury consists of people who are not professional lawyers.
Every modern industrialized country must employ a jury system.	Jurors can be bribed Female jurors are too sympathetic Russia has its own juridical traditions.
A jury is always made of honest people.	Nobody can guarantee that a juror isn't a criminal himself.

## Text II

The third branch of almost every government, in addition to the legislative and executive branches, is judicial. Read the text about the judicial branch in Great Britain and the USA.

**Legislative branch** — законодательная власть

**executive branch** — исполнительная власть

**judicial branch** — судебная власть

## GREAT BRITAIN

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

a) **Magistrates' Courts**, which try the less serious offences and

conduct preliminary inquiries into the more serious offences. They are presided over by Justices of the Peace;

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

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

## **The USA**

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

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

### ***Vocabulary***

divide (v) — делить

civil (adj) — гражданский, обычный

criminal (adj) — уголовный

jurisdiction (n) — 1. юрисдикция; 2. сфера полномочий

distinguish (v) — проводить различие, различать

offence (n) — преступление, правонарушение

indictable (adj) — подлежащий рассмотрению в суде, уголовный

non-indictable (adj) — не подлежащий рассмотрению в суде

indictment (n) — обвинительный акт

be charged with — быть обвиненным в чем-либо

charge (n) — 1. обвинение; 2. заключительная речь судьи к присяжным

preliminary inquiry — предварительное расследование

preside (v) over/at — председательствовать

Justice of the Peace — Мировой Судья

Quarter Sessions — ежеквартальные судебные сессии

legally qualified — юридически правомочный

chairman (n) — председатель

Assizes — выездные сессии суда присяжных, выездные сессии Верховного Суд

determine (v) — определять, устанавливать

in accordance with — в соответствии с чем-либо, согласно чему-либо

fix (v) — четко устанавливать, закреплять

approve (v) — одобрять

establish (v) — основывать, создавать, учреждать

judicial review — судебный пересмотр

declare (v) — 1. признавать, объявлять. 2. провозглашать

The federal courts system is organized like a pyramid. At the bottom of the pyramid are the U.S. district courts. In the middle are the U.S. of appeals. At the top is the U.S. Supreme Court.

**Task 1. Read the following sentences and decide what law system (British or American) they refer to:**

1. There are two types of courts in this country.

2. The Magistrates' Courts of this country are presided over by Justices of Peace.

3. There are 91 federal district courts in the country.

4. The Supreme Court of this country has the "power of judicial review."

**Task 2. Tick off the true statements:**

1. British law is divided into civil and criminal.
2. Indictable crimes are more serious than non-indictable offences.
3. Quarter Sessions take place every month.
4. In the USA a chief justice and eight associate justices are nominated by the President.
5. There are only two federal courts in the United States.

**Task 3. Choose the best definition for "the judicial review".**

- a) a law journal which is popular in the USA;
- b) the right to declare laws and government actions unconstitutional;
- c) an annual meeting of US associate justices.

***EXERCISES***

**Exercise 1. Fill in the gaps with words and expressions from the text:**

1. The city is ... into two parts: an old part and a modern one.
2. He was ... with robbery.
3. Magistrates' Courts are responsible for conducting
4. The new law must by the Senate.
5. Can you ... a criminal from a law-abiding person.
6. Who must ... the number of... sitting on the ...?
7. He must ... over the Session: he is not ... chairman.
8. Who ... federal courts in the United States?
9. Are you sure this act is in ... with the Constitution.
10. Can a policeman ... what category an ... belongs to?
11. The federal court can't ... any law unconstitutional.
12. Mr. Polansky is a ... the next Quarter Session.

**Exercise 2. Look through the texts and find law terms which mean the following:**

- the right to declare congressional (and presidential) acts unconstitutional;

- meeting of a law-making body which takes place at least four times a year;
- branches of the High Court which deal with the most serious crimes;
- offences that may be tried by jury;
- crime, breaking of the law;
- law, dealing with private rights of citizens, not with crime;
- a person who presides over the Magistrates' Court;
- written statement that accuses smb.

**Exercise 3. Put the offences into two columns: "indictable" and "non-indictable".**

**Sample:**   indictable   non-indictable  
murder       singing loudly late at night

Robbery of a bank; murder; stealing a purse in the street; singing loudly late at night; driving at a high speed in the downtown; kidnapping; terrorism; insulting the President of your country; blackmail; lying in court; dancing in your flat after 11 p.m.

insult (v) — нанести оскорбление (действием или вербально)  
blackmail (n) — шантаж

**Exercise 4. Disagree with the following statements. Then give correct statements.**

**Sample:** A chief justice of the American Supreme Court is elected. A chief justice of the American Supreme Court is not elected. He is nominated by the President and approved by the Senate.

1. Federal district courts are the main instruments of the US judiciary.
2. English Magistrates' Courts try the most serious offences.
3. Non-indictable offences must always be tried before a jury.
4. The American Supreme Court hear all the appeals it receives.
5. Only the US President can change any decision of the Supreme Court.

## **Unit III. THE LEGAL PROFESSION**

### **Warming-up**

1. Why did you make up your mind to become a lawyer?
2. Did anybody advice you to choose a career?
3. What is the most attractive thing in the legal profession: salary, protection of society and individuals, prestige?

### **Task 1. Read the text about the main types of legal professions.**

#### **THE LEGAL PROFESSION**

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

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

If a person has a legal problem, he will go and see a solicitor. In fact, there are at least 50,000 solicitors in Britain, and the number is increasing. Many problems are dealt with exclusively by a solicitor- For

instance, the solicitor deals with petty crimes and some matrimonial matters in Magistrates' Courts. He prepares the case and the evidence. He actually speaks in Court for you.

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

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

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

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

In the USA the Justice Department is responsible for the faithful execution of the laws under the President's authority. The main administrators of federal law enforcement are the ninety-four U.S. attorneys, who are appointed by the President with the advice and consent of the Senate. There is a U.S. attorney in each federal judicial district. Their staffs of assistant attorneys vary in size with the amount of litigation in the district. U.S. attorneys have considerable discretion which makes them powerful political figures. Their decision affects the wealth, freedom, rights, and reputation of the individuals and organizations in the district.

chambers — адвокатская контора

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

US attorney — прокурор округа (в США)



## ***Vocabulary***

legal (adj) — юридический, правовой; законный, легальный  
 matter (n) — вопрос, дело  
 gain (v) — получать, приобретать  
 specialize (v) — специализироваться  
 - (in) — специализироваться в чем-либо  
 audience (n) — публика, зрители, слушатели, аудитория  
 to give advice (to) — давать совет кому-либо  
 investigation (n) — расследование, следствие  
 petty (adj) — мелкий, незначительный  
 matrimonial (adj) — супружеский  
 evidence (n) — доказательство  
 divorce (n) — развод  
 recover debts — возвращение долгов/возмещение убытков  
 to make a will — составить завещание  
 advocacy (n) — 1. защита; 2. адвокатура, деятельность адвоката  
 representation (n) — представление (чьих-либо интересов, прав)  
 -in Court — в суде  
 execution (n) — 1. выполнение; 2. приведение в исполнение (решения суда); 3. оформление формальностей/документов  
 authority (n) — власть, полномочие  
 litigation (n) — тяжба, судебный процесс  
 discretion (n) — свобода действий  
 prosecute (v) — 1. преследовать судебным порядком; 2. выступать в качестве обвинителя.

**Task 1. Read the text again to find out if the following statements are true or false.**

1. Barristers are paid directly by clients.
2. Solicitors can present cases in lower courts.
3. The number of British solicitors is growing.
4. The Justice Department of the USA is responsible for the effective work of the police.
5. US attorneys are very influential people.

**Task II. According to the text which of the following**

**points completes the sentence best?**

1. In Japan a lawyer must \_\_\_\_ .
  - a) take lots of examinations;
  - b) final examination;
  - c) choose the examination according to his future law career
2. In England the decision of a law student is between becoming
  - a) a barrister or a solicitor;
  - b) a barrister or a judge;
  - c) a solicitor or a prosecutor
3. The solicitor usually deals with a .
  - a) petty crimes and matrimonial matters;
  - b) arguing cases;
  - c) presenting cases in any court
4. Barristers specialize in \_\_\_\_ .
  - a) arguing cases in front of a judge and representation in Magistrates' Courts;
  - b) advocacy;
  - c) employing solicitors
5. US attorneys are \_ \_ .
  - a) the President's assistants;
  - b) appointed by the President;
  - c) elected by people or by the members of the Senate

**Task III. Match the following statements with a particular (British or American) law system.**

- 1 . Next week Mr. Richardson presents our case in the County Court.
2. Everybody is shocked: the Senate hasn't approved the President's decision to appoint Mr. John Brian Star the fifteenth federal district's attorney.
3. This chamber is situated in 45 Oxford Street.
4. The Inns of Court are as respectable as exclusive clubs.

***EXERCISES***

**Exercise 1. Find in the text words & phrases with the following meanings**

- 1) connected with the law, required by the law;
- 2) gathering of persons for the purpose of hearing a speaker, etc.;
- 3) crimes which are not serious;
- 4) an English lawyer who specialize in arguing cases and representation in any court;
- 5) legal ending of a marriage;
- 6) an English lawyer who gives advice to clients, investigates, prepares documents;
- 7) support of a client in a Court;
- 8) the carrying out a piece of work;
- 9) power or right to give orders;
- 10) US lawyers having the right to prosecute

**Exercise 2. Replace the parts in a bold type by the words from the text.**

1. This **affair** requires experience and hard work.
2. What an unscrupulous person he is: he doesn't want to **get back my money**.
3. Who is responsible for **the inquiry**?
4. Could you **recommend** me what barrister to choose?
5. He is not an attorney and have no **freedom** to decide on the case.
6. What **reasons** to suspect him of robbery have you got?
7. Being a professional lawyer means **obtaining** professional experience.

**Exercise 3. Give the English equivalents for the following:**

- правовой вопрос
- дело о разводе
- специализироваться в гражданском праве
- приобретать опыт работы
- внимательная публика
- давать советы по составлению завещания
- вести следствие
- возмещение убытков

- супружеский
- иметь дело с представлением интересов клиента в суде
- сложный судебный процесс
- право преследовать судебным порядком
- иметь доказательства

**Exercise 4. Replace the underlined nouns in the singular form by the plural one. Is this replacement always possible? What nouns are uncountable?**

1. There wasn't enough evidence to prove him guilty.
2. You should take legal advice before start divorce proceedings.
3. This is a matter I know little about.
4. If I pay this debt, I shall have no money left.
5. A barrister is specialized in arguing cases in front of a judge.
6. A solicitor deals with petty crimes.
7. What does a US attorney do to affect the wealth, rights, freedom & reputation of the individuals?

**Exercise 5. What do usually lawyers do?**

**Can you answer at once? If you can't read the text below and say whether the list of lawyers' functions is complete.**

### **LAWYERS PERFORM FOUR MAJOR FUNCTIONS**

First, lawyers counsel. This means that lawyers offer advice, even if it is advice their clients would prefer not to hear. Of course, lawyers regularly counsel clients during negotiations and litigation.

Second, lawyers negotiate. This means that they mediate between competing interests aiming for results that will prove advantageous to their clients and, if possible, their opponents.

Third, lawyers draft documents. This is probably their most intellectually challenging function.

Fourth, they litigate. This is the skill most people associate with lawyers. Ironically, only a small fraction of all lawyers devote much time to courtroom activities. In fact, the majority of attorneys never venture into a courthouse except to file legal papers with a clerk.

negotiation (n) — переговоры; обсуждение условий

negotiate (v) — вести переговоры, дело; обсуждать условия

mediate (v) — посредничать

aim (v) — стремиться

advantageous (adj) — благоприятный, выгодный

draft (v) — составлять (документ; проект)

litigate (v) — 1. судиться; быть тяжущейся стороной;  
оспаривать (на суде)

venture (v) — 1. рисковать; 2. отважиться, решиться

### **Exercise 6. Professional Titles Quiz**

**You've learnt a lot about different types of legal professions. Now test yourself matching the following clippings with the law professional titles.**

#### **barristers, High Court Judges, Magistrates, solicitors, attorneys**

1. English lawyers who judge cases in the lower courts. They're usually unpaid and have no legal qualifications, but they're respectable people who are given some training.

2. They make up the largest branch of the legal profession in England and Wales (Уэльс). They are found in every town where they deal with all the day-to-day work of preparing legal documents for buying and selling houses, making wills, etc. These lawyers also work on court cases for their clients, prepare cases for other lawyers to present in the higher courts, and may represent their client in a Magistrates' Court.

3. Each federal judicial district has this lawyer who is appointed by the President.

4. Only a small proportion of these lawyers doesn't preside in Magistrates' Courts. They deal with the most serious crimes, such as those for which the criminal might be sent to prison for more than a year. They are paid salaries by the State and have considerable legal training.

5. They defend or prosecute in the English higher courts. They specialize in representing clients in court. In court, these lawyers wear wigs and gowns in keeping with the extreme formality of the proceedings. The highest level of them have the title QC (Queens Counsel).

## Text II

**Read the text. Then agree or disagree with the statement: "It's very difficult to become a lawyer."**

### ENTERING THE PROFESSION

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

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

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

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

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

the Law Society Final examination — экзамен, дающий право быть

членом Общества юристов (профессионального союза солиситеров)

### ***Vocabulary***

degree (n) — звание, степень e.g. university -

insufficient (adj) — недостаточный

pass (v) — зд. сдавать (экзамены)

requirement (n) — требование

take a course — пройти учебный курс

finals (n) — выпускные экзамены

articled clerk — клерк-статер (без жалования)

supervise (v) — наблюдать (за кем-то), руководить (кем-то)

outrpace (v) — опережать, превышать

salary (n) — заработная плата, получаемая ежемесячно

strengthen (v) — усиливать, укреплять

### **Task I. Circle a); b) or c) to complete the sentence.**

- 1) The British lawyers are required .  
 a) to pass professional exams;  
 b) to work as a clerk for 5 years after graduating from a university;  
 c) wear black suits
- 2) The requirements for barristers and solicitors are .  
 a) identical;  
 b) partially identical;  
 c) different
- 3) In Japan the professional law exams are .  
 a) difficult to pass;  
 b) not practiced;  
 c) easy to pass
- 4) A barrister must work for a year as \_ \_ .  
 a) an articled clerk;  
 b) a pupil;  
 c) an attorney
- 5) The average salary of an experienced lawyer is .

- a) very low;
- b) ridiculous;
- c) much higher than those of other professionals

**Task II. Tick off the true statements according to the text.**

1. The legal profession is extremely popular all over the world.
2. A future lawyer must pass various professional exams.
3. A solicitor in England must spend half a year as an articled clerk.
4. The final exam for barristers is called the Bar Final examination.
5. Japan has a large number of lawyers.

**Task III. Choose the correct definition of the term "an articled clerk":**

- a) an inexperienced lawyer;
- b) a lawyer who failed his final exam;
- c) a post which a solicitor in England has for two years after passing Law Society Final exam.

## ***EXERCISES***

**Exercise 1. Read the text again and find the English equivalents for the words and phrases below:**

- стать юристом
- получить университетскую степень
- недостаточный
- сдавать экзамены
- пройти подготовительный курс
- основное требование
- выпускные экзамены в области юриспруденции
- пять процентов кандидатов
- за его работой наблюдают
- средняя заработная плата
- опережать рост населения
- усилить
- клерк-стажер



**Exercise 2. Match the words with their definitions.**

- 1)insufficient a) make or become stronger
- 2)supervise b) not enough
- 3)strengthen c) walk, move very quickly
- 4)outpace d) watch and direct work
- 5)requirement e) payment for regular employment on a yearly basis
- 6) salary f) to reach a high enough standard to succeed in an examination or test
- 7)pass g) something which is needed or obligatory, necessary

**Exercise 3.** Discuss the question with your partner: **'If you were to decide on your future law career, would you like to become a barrister or a solicitor?'** Give reasons.

## Unit 4 CRIMINAL LAW

### Part I.

#### *Warming-up*

1. Is there a clear distinction between civil and criminal procedures in your country?
2. Can you explain what the word "crime" means?
3. Is there any difference between serious and less serious crimes?

**Text I. Read the text and say again what "crime" is.**

### CRIMINAL AND CIVIL CASES

Crime is a violation of a law that forbids or commands an activity. Such crimes as murder, rape, arson are on the books of every country. Because crime is a violation of public order, the government prosecutes criminal cases.

Courts decide both criminal and civil cases. Civil cases stem from disputed claims to something of value. Disputes arise from accidents, contractual obligations, and divorce, for example.

Most countries make a rather clear distinction between civil and criminal procedures. For example, an English criminal court may force a defendant to pay a fine as punishment for his crime, and he may sometimes have to pay the legal costs of the prosecution. But the victim of the crime pursues his claim for compensation in a civil, not a criminal, action.

Criminal and civil procedures are different. Although some systems, including the English, allow a private citizen to bring a criminal prosecution against another citizen, criminal actions are nearly always started by the state. Civil actions, on the other hand, are usually started by individuals.

Some courts, such as the English Magistrates Courts and the Japanese Family Court, deal with both civil and criminal matters. Others, such as the English Crown Court, deal exclusively with one or the other.

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

Evidence from a criminal trial is not necessarily admissible as evidence in a civil action about the same matter. For example, the victim of a road accident does not directly benefit if the driver who injured him is found guilty of the crime of careless driving. He still has to prove his case in a civil action. In fact, he may be able to prove his civil case even when the driver is found not guilty in the criminal trial. Once the plaintiff has shown that the defendant is liable, the main argument in a civil court is about the amount of money, or damages, which the defendant should pay to the plaintiff.

### ***Vocabulary***

violation (n) — нарушение закона

violate (v) — нарушать закон

forbid (v) (forbade; forbidden) — запрещать

rape (n) — изнасилование

rapist (n) — насильник

rape (v) — насиловать

arson (n) — поджог

arsonist (n) — поджигатель

to set on fire — поджигать

claim (n) (for)— 1. требование, претензия, заявление; 2. иск

claim (u) — 1. требовать (возмещения убытков); 2. заявлять права, подавать иск

claimant (n) — предъявляющий права, истец distinction (n)

— различие force (v) — заставлять, принуждать

defendant (n) — ответчик, подсудимый, обвиняемый

fine (n) — штраф

victim (n) — жертва, пострадавший pursue (v) — 1.

предъявлять иск; 2. преследовать

compensation (n) — возмещение убытков, компенсация

procedure (n) — процедура

allow (v) — позволять, давать возможность

action (n) — судебный процесс, обвинение, иск

plaintiff (n) — истец

road accident — дорожно-транспортное происшествие

injure (v) — причинить вред, ранить

prove (v) — доказать, подтвердить

damage (n) — убыток, ущерб

### **Task I. Tick off the true sentences.**

1. Usually courts don't decide civil cases.
2. In England a defendant can be forced to pay a fine.
3. Civil actions can never be started by individuals. —
4. Criminal and civil procedures are considered different in all the countries.
5. The plaintiff can claim for compensation in Court.

### **Task II. Choose the correct alternative in each case to complete the sentence.**

1. The English Magistrates' Courts deal with .
  - a) civil and criminal cases;
  - b) most serious crimes;
  - c) civil cases only
2. The victim of a road accident can get compensation if
  - a) the driver, who injured him, was drunk;
  - b) the driver, who injured him, pleads himself guilty;
  - c) he (the victim) proves his case in a civil action
3. The phrase "The people vs. Smith" means .
  - a) a civil case against a person;
  - b) a civil or a criminal case against a person;
  - c) a criminal case against a person

4. The Japanese Family Court deals with \_ .
- divorce proceedings;
  - civil and criminal cases;
  - crimes committed by children under 17.

**Task III. Choose the right verb to complete the sentence.**

- The law *forbids/permits/approves* any criminal activity.
- Criminal cases *equal to/ differ from/imply* civil cases.
- The victim of a road accident must *prove/negotiate/disguise* his case in a court.
- Courts must *ignore/decide/differentiate* criminal and civil cases.
- An English criminal court can *allow/force/offer a* defendant to pay a fine as a punishment.

***EXERCISES***

**Exercise 1. Give the Russian equivalents to the following words and phrases.**

- to violate the law
- to be found guilty of arson
- to make a rather clear distinction between
- to pay a fine as punishment
- victims of the road accident
- one's claim for compensation
- "The People vs. Mr. Smith"
- the main argument
- civil court
- a rapist
- court procedure
- be injured in a road accident
- to force to pay a fine

**Exercise 2. Read the text again and find antonyms for the following words.**

to observe  
to permit

similarity  
benefit

to do good  
to disprove

criminal

### Exercise 3.

a) Crime is a problem in most countries, especially in the large cities. Here is a list of some criminals and the crimes they commit, but it is incomplete. Fill in the missing parts. Use a dictionary if necessary.

Criminal	Crime	The criminal ...
Thief	robbery	stole some jewelry
Murderer		killed a policeman
	hijacking	hijacked a plane
Drug	drug	dealt in pushing cocaine
	kidnapping	
Car thief		stole a BMW
	robbery	
Terrorist		committed an act of terrorism (e. g. bombing, murder, kidnapping)

b) Which is the worst kind of crime in your opinion? Why? Discuss in a group.

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