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Кафедра иностранных языков

АНГЛИЙСКИЙ ЯЗЫК ДЛЯ ЮРИСТОВ

для студентов магистратуры



Майкоп
ЭЛИТ
2019

ФГБОУ ВО «Адыгейский государственный университет»
Кафедра иностранных языков

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Учебное пособие может быть использовано в качестве базового учебного материала по английскому языку для студентов магистратуры юридических факультетов вузов.

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ПРЕДИСЛОВИЕ

Настоящее пособие предназначено для студентов юридического факультета магистратуры и может быть рекомендовано для студентов гуманитарных факультетов, а также для всех желающих расширить свой словарный запас, совершенствовать познания в английском языке чтением несложных текстов.

Предлагаемый материал направлен на усвоение студентами юридической терминологии и стимулирует активизацию их информационно-коммуникативной автономной деятельности.

Цель учебно-методического пособия соответствует требованиям обязательным при реализации основных образовательных программ магистратуры, изложенным в Федеральном государственном образовательном стандарте высшего образования по направлению подготовки 40.04.01 Юриспруденция (квалификация (степень) «магистр»), и заключается, согласно ФГОС ВО, в том, чтобы способствовать формированию общекультурной компетенции, а именно: (ОК-4) – способности свободно пользоваться русским и иностранным языками как средством делового общения.

Лексический материал охватывает широкий спектр тем, содержащих разнообразную информацию, разной степени сложности. Тексты сопровождаются лексическими заданиями, основной целью которых является совершенствование умений и навыков студентов в чтении текстов на английском языке, извлечение необходимой информации, а также умение говорить по темам, предложенным в пособии.

Каждый текст пособия завершается заданиями и упражнениями, направленными на формирование и закрепление навыков составления рассказа, умения задавать вопросы, а также отвечать на них. Работа над текстами данного пособия будет способствовать пополнению словарного запаса, а также, несомненно, расширит кругозор студентов.

Предлагаемое учебно-методическое пособие позволяет дать будущим магистрам юриспруденции знания, соответствующие современному уровню развития юридической науки, обеспечивающие способность свободно пользоваться русским и иностранными языками как средством делового общения и владеть навыками перевода профессиональных текстов, умением перефразировать мысль (объяснять «иными словами»), использовать для решения познавательных и коммуникативных задач различных источников информации, включая энциклопедии, словари, Интернет-ресурсы и другие базы данных.

TEXT 1

Inventors Given Hope on Patents for Business Methods

Read and translate the text.

Inventors Given Hope on Patents for Business Methods

Recently, the United States Supreme Court decided a case on the **property rights** of inventors. The question was whether a business method is enough of an invention to receive a patent. Patents are a form of intellectual property. They give legal protections to individuals and companies against the copying of their inventions. Bernard Bilski and Rand Warsaw wanted to patent a method to let traders protect against the risk of price changes in energy markets. The United States Patent and Trademark Office said no. So the inventors went to court. Again they were told no. Finally, the case went all the way to the Supreme Court. In June, all nine justices said no. But they only said no to a patent in this case. Patent lawyer Meredith Martin Addy in Chicago explains that the court ruled narrowly. She said: “The Supreme Court held that there is no categorical rule denying patent protection for business method patents.” When patent laws were first developed, most patents were for machines. But since the late nineteen nineties, inventors of business methods and processes have increasingly sought patent protection. Bernard Bilski and Rand Warsaw brought a lawsuit against the Patent and Trademark Office. Technology companies, especially software makers, watched the case closely. They were concerned that the Supreme Court would require a test of some kind that could limit what can be patented. In its ruling, the court decided against the patent only because the idea was too abstract. Law professor Michael Meurer of Boston University gives a famous example from physics. It involves the relationship of energy, mass and the speed of light, written as the letter c . He said: “The Supreme Court has said, for example, if Albert Einstein determined that $E = mc^2$ – which he did – he never would have been able to get a patent on that. That’s too abstract.” In the Bilski case, the court said patent examiners could consider what is

known as the machine-or-transformation test. This is the idea that a patent should be given to a machine or something that creates a material change, like a chemical process. But a majority of justices said patent examiners must also protect innovation. Patent lawyer Meredith Martin Addy says no one wants to suppress creativity. Now, more cases will be needed to define the legal limits of business method patents. Such patents already exist. In March, for example, after re-examination, Amazon.com received a patent for its one-click ordering process. (Adapted by VOA Special English Economics Report from a radio program broadcast 16 Jul. 2010.)

Vocabulary

business method – бизнес-метод, метод ведения бизнеса (способ организации производства или управления);

Supreme Court – Верховный суд;

case – спорный вопрос в суде; казус; судебное решение по делу; судебный прецедент; судебное дело;

property rights – права собственности;

legal protection – правовая защита;

individual – физическое лицо;

United States Patent and Trademark Office – Ведомство по патентам и товарным знакам США;

court (в юридическом контексте) – суд;

justice – 1) справедливость; 2) правосудие; юстиция; 3) судья;

patent lawyer – юрист-патентовед;

rule (в юридическом контексте) – судебное постановление (по конкретному делу); предписание, решение суда;

lawsuit – судебное дело; иск; тяжба; правовой спор; судебный спор; судебное разбирательство; судебный процесс;

bring a lawsuit – предъявить иск; подать в суд; возбудить дело;

law professor – профессор права;

squared – возведенный в квадрат; в квадрате (в степени);

patent examiner – эксперт патентного ведомства;

machine-or-transformation test – тест «машина или трансформация» (тест на определение – является ли объект патентования машиной или процессом, в результате которого происходят существенные изменения);

legal limits – законные ограничения; правовые ограничения; законные рамки; установленные законом пределы, границы, рамки.

1. Insert the proper word or word combination into the gap

(*labor and antitrust lawyer, International Monetary Fund, alleged assault, the global law firm, international finance, sexual assault scandal, to be elected, run the fund, in charge, emerging market*)

Former Baker & McKenzie Head an Early Favorite to Helm International Monetary Fund

French Finance Minister Christine Lagarde has a lot going for her as a possible successor to former _____ head Dominique Strauss-Kahn, *The New York Times* reports. Lagarde, 55, who led _____ Baker & McKenzie as its first female chairman from 1999 to 2004, doesn't pull any punches, carries a good deal of clout in the world of _____ and she's a woman. The last credential, the paper notes, can't hurt the IMF at this crucial point, as the organization is working to get back on track and back to business in an effort to distance itself from the _____ surrounding Strauss-Kahn. (Strauss-Kahn issued a letter of resignation as managing director of the IMF late Wednesday.). "What's happened with Strauss-Kahn underscores how great it would be to have a woman in the role", Kenneth S. Rogoff, a Harvard University professor and a former IMF chief economist, told the *Times*.

Should she succeed Strauss-Kahn as chair of the IMF, Lagarde would be the first woman to _____. (Several media outlets have singled out Lagarde as a favorite, including Reuters and the Guardian.)

Gender is a factor, but that's secondary to her intellect and abilities, Rogoff said. "She is enormously impressive, politically astute and a strong personality", he said. One drawback that's getting a lot of attention is Lagarde's French nationality. For 26 of the past 33 years, the IMF has been led by a French national, Reuters reports. The backlash in the wake of Strauss-Kahn's _____ could make it that much harder for another French person _____. Also, the current state of affairs reportedly has set off a power play within the IMF, as _____ countries are expected to try and break Europe's longstanding hold on the job, according to Reuters. Lagarde, for her part, has not commented about the succession speculation, the *Times* reports. Citing analysts, the paper notes that her main competition is Kemal Dervis, a former finance minister of Turkey.

A _____, Lagarde joined Baker & McKenzie in 1981; she was elected chairman of the firm in October 1999. As *The American Lawyer* reported in the fall of 2008, under Lagarde's leadership, a new generation of firm leaders started to emerge. "[Lagarde] is credited with adding teeth to quality control and rallying people behind the firm", the magazine reported. One former partner said of her, "When Christine walked into the room, you knew who was _____".

2. Insert the appropriate word into the sentence:

1. *In the eleventh century lay courts and church courts were separated and each had its own ...*

- 1) statute,
- 2) rules,
- 3) jurisdiction.

2. *.....is built up by the judges since the Norman Conquest.*

- 1) law of equity,
- 2) substantive law,
- 3) case law.

3. *In civil law a private citizen begins ...to establish rights against another Citizen or a group of citizens.*

- 1) a legal action,
- 2) a trial,
- 3) a court.

4. *...was applied in medieval times in courts in coastal towns and in market towns.*

- 1) Maritime law,
- 2) Law merchant,
- 3) Canon law.

5. *Is common law ...?*

- 1) a written law,
- 2) a half written law;
- 3) an unwritten law.

6. *This body is ... the work of the courts.*

- 1) to administer justice,
- 2) to supervise,
- 3) to enact,
- 4) to draft.

7. *The courts of different instances... in the Russian Federation.*

- 1) pay attention,
- 2) supervise,
- 3) enjoy,
- 4) administer justice.

8. *Criminal offences are the offences against the State and ... by the State.*

- 1) available,
- 2) possible,
- 3) punishable .

9. ...lays down the rules governing the manner in which a right is enforced under the civil law in court or a crime prosecuted in the trial.

- 1) Constitutional Law,
- 2) Substantive Law,
- 3) Procedural Law.

10. ... may be defined as a rule of human conduct imposed upon and enforced among the members of a given state.

- 1) Statute,
- 2) Jurisdiction,
- 3) Law.

11. The chief characteristic of law is that is... by the State.

- 1) broken,
- 2) made,
- 3) enforced.

12. The United Kingdom is

- 1) a republic, with a written constitution;
- 2) a monarchy with a written constitution;
- 3) a constitutional monarchy without a written constitution.

13. The Queen ... an important formal role within

- 1) doesn't keep, Parliament;
- 2) doesn't retain, the Government ;
- 3) retains, the Parliament.

14. The House of Commons consists of... ... for 5 years by ...

- 1) members of the local government, appointed , the Queen's order;
- 2) members of Parliament , appointed, the Prime Minister's order;
- 3) members of Parliament, elected, universal suffrage.

15. ... legislation comprises the bulk of European Union law.

- 1) Primary;
- 2) Non-significant;
- 3) Secondary.

16. There is some debate as to ... in relation to later statutes ... by the Parliament of the United Kingdom.

- 1) the statutes of European Union law, passed;
- 2) the statutes of European Union law, enacted;
- 3) the statutes of European Union law, enforced.

17. The Maastricht Treaty ... the previous Treaties of the European Community and ... the European Union.

- 1) passed, made;
- 2) amended, created;
- 3) broke, rejected.

18. They do not depend ... the freedoms and status accorded ... citizens in particular societies.

- 1) of, to;
- 2) on, to.
- 3) of, with.

TEXT 2

Illegal Marketing of Drugs: Pfizer's Record Fine

Read and translate the text.

Illegal Marketing of Drugs: Pfizer's Record Fine

The world's largest drug company has agreed to pay almost two and a half billion dollars for illegal marketing of medicines. The settlement between Pfizer and the United States Justice Department was announced in September.

The settlement is the nation's largest ever in a case of health care fraud. It also includes the largest criminal fine ever in any case in the United States, more than one billion dollars. Pfizer agreed to pay another billion dollars for violations of a civil law, the False Claims Act. Pfizer, based in New York, had sales last year of forty-eight billion dollars.

A Pfizer division, Pharmacia & Upjohn, agreed to plead guilty to a criminal violation over the painkiller Bextra. Pfizer pushed sales of Bextra for several uses unapproved by the government because of safety concerns. It also pushed for use in unapproved amounts. Pfizer withdrew Bextra from the market in two thousand five because of links to heart attacks and other problems.

Pfizer also faced civil charges over Bextra as well as three other drugs. Officials said Pfizer paid health care providers to prescribe these medicines for conditions other than the ones for which they are approved. This is called "off-label" use of a drug.

Doctors are permitted to try off-label uses to treat their patients. The idea is that a doctor might find other ways that a drug is effective. But federal law bars drug companies from marketing their products for unapproved uses.

Kathleen Sebelius is the secretary of health and human services. She said the settlement includes the most comprehensive corporate integrity agreement that a drug company has ever signed in the United States.

Under the agreement, doctors will have a way to report abuses by Pfizer sales representatives. And officials said Pfizer will have to make “detailed disclosures” on its Web site. Pfizer announced a plan in February to publicly disclose its financial relationships with doctors, medical organizations and patient groups.

Yet this is not the company’s first corporate integrity agreement with the government. Pfizer has now been fined for illegal marketing four times since two thousand two.

Prescription drugs represent only about one-tenth of all health care spending in the United States. But fast-growing demand and prices have made them part of the debate over health reform. (Adapted by VOA Special English Economics Report from a radio program broadcast 18 Sep. 2009.)

Vocabulary

illegal – незаконный, неправомерный, нелегальный;

marketing – торговля, продажа, сбыт; маркетинг (комплекс мероприятий по изучению спроса и оптимальному сбыту продукции);

drugs – лекарственные препараты, медикаменты, наркотики;

fine – здесь: денежный штраф;

medicine – лекарственное средство, лекарственный препарат; применять лекарственное средство;

settlement – урегулирование конфликта, соглашение;

United States Justice Department – Министерство юстиции США;

case материалы дела; фактические обстоятельства; изложение фактических обстоятельств; версия; доводы; аргументация по делу; изложение требований; меморандум по делу; обвинение (в суде);

health care – здравоохранение, медицинское обслуживание;

fraud – обман; мошенничество, жульничество; подделка;

criminal fine – уголовный штраф;

violation – нарушение;

civil law – 1) римское право; 2) внутригосударственное право (в отличие от

международного права); 3) гражданское право; 4) позитивное право (в отличие от естественного права);

False Claims Act – Закон о фальсифицированных требованиях;

plead guilty – признать себя виновным;

painkiller – обезболивающее, болеутоляющее средство;

government – правительство, государственные органы;

heart attack – сердечный приступ;

civil – гражданский (о деле, законодательстве в отличие от уголовного);

charge (в юр. контексте) – 1) обременение вещи; залоговое право; обременять вещь, обременять залогом; 2) обвинение; пункт обвинения; обвинять; 3) аргументация в исковом заявлении в опровержение предполагаемых доводов ответчика; 4) письменная детализация требований стороны по делу; 5) заключительное обращение судьи к присяжным (перед вынесением ими вердикта); 6) обращение взыскания;

as well as – также как, а также;

official – официальное лицо, должностное лицо, чиновник высокого ранга;

health care provider – поставщик медицинских услуг, т.е. медицинское учреждение или врач, имеющий частную практику;

off-label – с нарушением инструкции по применению, не по одобренным показаниям;

secretary of health and human services – Министр здравоохранения и социального обеспечения (США);

corporate integrity agreement – соглашение о корпоративной этике;

one-tenth – одна десятая;

1. Insert the proper word or word combination into the gap

(*conspiracy charges, organized crime, jumpsuit, a not guilty plea, U.S. District Judge, charged, hearing, drug kingpins, without bail, sentenced*)

Mexican Drug Kingpin Finally Appears in U.S. Court

One of Mexico's earliest _____ finally appeared in U.S. court Monday, nearly eight years after he was _____ with overseeing a vast operation to funnel cocaine and marijuana to the United States from Mexico and South America.

Benjamin Arellano Felix stood in an orange _____ throughout the nine-minute _____, quietly answering "yes" when _____ Larry Burns asked if he understood what was happening.

The judge entered _____ on behalf of Arellano Felix to drug and racketeering _____ and ordered him held _____. The hearing was staged under tight security at the downtown San Diego courthouse. Arellano Felix's daughter and relatives watched from second-row seats. Arellano Felix, 57, was extradited from Mexico on Friday, ending a long quest by U.S. authorities. The man who once headed the Tijuana, Mexico-based Arellano Felix cartel was incarcerated in Mexico since his 2002 arrest and was _____ in 2007 to 22 years in prison on drug trafficking and organized crime charges. During Monday's hearing, San Diego lawyer Jan Ronas told the judge that Arellano Felix wanted him as his defense attorney. Burns scheduled a May 23 hearing to consider whether to replace a courtappointed attorney assigned to the case about a year ago. "He's expressed a decision to fight these charges in the United States", Ronas told reporters outside court. Ronas said his "cynical side" led him to believe that Mexico extradited Arellano Felix to get more aid from the U.S. under the 2008 Merida Initiative to combat drug trafficking and _____. He noted that Secretary of State Hillary Clinton and Mexican Foreign Relations Secretary Patricia Espinosa met Friday in Washington to review the Merida effort. "It could also be a coincidence" Ronas said. "I'm also a great believer in coincidences". The extradition came less than a month after Mexican President Felipe Calderon named Marisela Morales as the nation's new attorney general. Morales previously headed the organized crime special investigations unit. "Given the timing of Attorney General Morales' recent appointment to the post, I think

it is reasonable to conclude that she was integral in achieving this extradition now”, said Karen Hewitt, who was U.S. Attorney for San Diego from 2007 to 2010. The U.S. indictment says Arellano Felix was the principal organizer and top leader of the Arellano Felix cartel going back to 1986, and that the cartel tortured and killed rivals in the United States and Mexico as it smuggled tons of Mexican marijuana and Colombian cocaine.

2. Choose the word according to the definition:

1. *To show beyond doubt to be true is ...*

- 1) to cause,
- 2) to urge,
- 3) to prove,
- 4) to swear.

2. *... is a violation or breach of a law, custom, rule.*

- 1) An order,
- 2) A criminal,
- 3) An offence.

3. *The law and its administration is ...*

- 1) authority,
- 2) supervision,
- 3) justice.

4. *Law enforcement agencies are to:*

- 1) protect the citizens;
- 2) impose the observance of law;
- 3) charge the citizens with a crime.

5. *To repeal the law means:*

- 1) to annul the law;
- 2) to pass the law;
- 3) to enact the law.

TEXT 3

Apple in Legal Battle Over iPad Name in China

Read and translate the text.

Apple in Legal Battle Over iPad Name in China

Apple sold over fifteen million iPads just in the final three months of twenty-eleven. Now the popular tablet computer is in its third generation. But as Apple prepared to launch a new iPad on March seventh, it faced legal challenges in China over rights to the name of the device. A court in Guangdong province heard a case brought by the Chinese company Proview Technology. Proview is based in Shenzhen, in southern China, and belongs to Proview International Holdings. The company says it holds the legal rights to the iPad name in China. Apple says it bought the iPad trademark in China and nine other countries from a business owned by Proview in two thousand nine. A lawyer for Proview said he believes Apple has not provided new evidence for the case in Guangdong. Apple was appealing a decision by a lower court, which found that the company did not own the iPad name. Another lawyer for Proview said the legal issue over the trademark was clear. He said his company is fighting Apple over the idea of ownership. He also said Proview was willing to settle with Apple for the right amount of money. Proview says it holds the trademark for the name of a device called an Internet Personal Access Device, or IPAD. The device looks like a desktop computer. Proview says it sold about twenty thousand of them over about ten years. It says it received the trademark or legal rights to the name in two thousand one. Proview is in financial trouble. It has reported losses since two thousand eight and dismissed thousands of workers. Apple's legal team says that Proview is nearing failure. Apple says Proview has no product, no buyers and no suppliers. Apple argues that a ruling against Apple would harm the interests of consumers in China. Apple's holds seventy-six percent of the tablet computer market in that country with its iPad. A final decision by the high court in Guangdong is expected to take weeks. The trademark issue has not

hurt Apple's stock price, at least so far. Apple has become the most valuable publicly traded stock in the world, worth about five hundred billion dollars. (Adapted by VOA Special English Economics Report from a radio program broadcast 02 March 2012.)

Vocabulary

legal – юридический, правовой, законный, судебный;

twenty-eleven – 2011 год;

tablet computer – планшетный компьютер, планшетник;

launch – запустить, начинать;

challenge – сложная проблема, оспаривать, возражать;

device – электронное устройство;

court – суд;

case – 1) случай; положение; 2) спорный вопрос в суде;

brought by – по иску, возбужденное;

legal right – 1) субъективное право, основанное на нормах общего права; 2) законное право; юридическое право (в отличие от морального);

trademark – товарный [торговый, фирменный] знак, торговая марка (прошедшее государственную регистрацию обозначение, позволяющие отличать товары или услуги одних юридических или физических лиц от товаров или услуг других юридических или физических лиц);

lawyer – адвокат;

evidence – свидетельство, доказательство;

appeal a decision – обжаловать, опротестовать решение суда;

lower court – суд низшей инстанции;

settle – урегулировать, уладить (конфликт, разногласия);

financial trouble – финансовые затруднения;

report losses – отчитаться об убытках, показать убытки в отчетности;

legal team – здесь: команда юристов;

failure – неудача, провал, банкротство;

ruling – постановление, определение, решение (суда);

consumer – потребитель;

high court – высокий суд, суд первой инстанции;

1. Insert the proper word or word combination into the gap

(*plaintiffs, sued, ceremonial courtroom, mergers and acquisition, threejudge panel, to contribute money, lawyers, questioned, federal district court, to advocate*)

Foreign Nationals Push for Right to Make Contributions to U.S. Political Campaigns

_____ for a Sidley Austin associate and a doctor on Thursday urged a _____ in Washington, D.C., to find unconstitutional the inability of foreign nationals who live and work in the United States from making monetary contributions to political candidates. The associate, Benjamin Bluman, and the doctor, Asenath Steiman, _____ the Federal Elections Commission in October in Washington _____, saying the restrictions imposed on them violate First Amendment speech rights.

Bluman, who practices in Sidley's _____ group in Manhattan, is a native of Canada. Bluman said in the suit he wants _____ to Diane Savino, a Democratic state senator in New York who is a proponent of same-sex marriage. Bluman also intends to print and distribute flyers to support President Barack Obama's re-election campaign.

Arguing for the _____ Thursday in front of a threejudge panel, Jones Day associate Warren Postman called the FEC position «extreme» and said Bluman and Steiman should not be excluded from the political speech as lawful, if not permanent, residents of the United States. "If there is a concern about speech, the solution is more speech", Postman told U.S. District Judges Ricardo Urbina and Rosemary Collyer, who heard the case with Judge Brett Kavanaugh of the U.S. Court of Appeals for the D.C. Circuit. The panel heard argument for more than an hour in the _____ of the federal district

courthouse in downtown Washington. Collyer said she was troubled by what she described as Postman's "black and white" view of the First Amendment. Collyer said the First Amendment is not "all or nothing". The judge noted the plaintiffs are permitted _____orally for the candidate and the cause of their choice. Bluman and Steiman, Collyer said, can volunteer in a campaign headquarters and speak on public radio for or against a candidate. "They can't contribute money", she said. "But they can contribute in other ways". Collyer asked Postman, "Why should the First Amendment think it's critical to hear from the dollars of your clients? You want them to do whatever a voter or permanent resident can do". The judges _____whether the First Amendment "goes that far".

Postman said political speech through campaign contributions is no less protected than speech on a soapbox. He urged the panel to allow lawful residents of the United States to "participate in the marketplace of ideas". Kavanaugh questioned whether Postman's argument would open the door for foreign corporations, with a significant presence in the United States, to contribute campaign funds to candidates.

TEXT 4

Why Wal-Mart Won a Big Ruling in Sex Discrimination Case

Read and translate the text.

Why Wal-Mart Won a Big Ruling in Sex Discrimination Case

In the American legal system, people generally bring civil claims as individuals. But if a lot of people have similar claims, they may try to bring a class action lawsuit.

Cornell University law professor Michael Dorf says a class action “allows a large group of people to bring their individual claims together as a group”. But groups need permission to bring a class action, and that can be denied. That happened to a million and a half current and former employees of America’s largest private employer. The women accuse Wal-Mart of discriminating against female employees in its stores. But the United States Supreme Court voted to block a huge class action against Wal-Mart in federal court. The women were seeking billions of dollars. They say men were given more pay and more chances to move up in the company. They accuse Wal-Mart of violating part of a federal law, the Civil Rights Act of nineteen sixty-four. The case started about ten years ago. A federal district court in California agreed that the case could go forward as a class action. Wal-Mart again lost in a federal appeals court. But, on June twentieth, Wal-Mart won its appeal in the nation’s highest court.

Professor Dorf – who was not involved in the case – says the justices disagreed about whether there was a “common question.” He says most of the justices found that Wal-Mart was not being accused of one kind of discrimination or one policy, but many different acts. “The key to being able to bring a class action here, and the issue that divided our Supreme Court, was whether all of these different claims – by over a million people – had enough in common to justify a single class action.” Wal-Mart has a policy barring discrimination. But the women accused the company of unfair policies and permitting bad behavior by some store managers.

The court was divided five to four in its ruling. Yet all nine justices agreed that

the case could not go forward. The women needed to meet additional legal requirements because they were seeking payment for harm they say was done. All the justices agreed these requirements had not been met. Boston University law professor Michael Harper says the decision was widely expected. He says the class action failed because it did not target a single action or policy by Wal-Mart. But the ruling does not bar the women from bringing individual cases. They can also seek class actions at the state level. (Adapted from a radio program broadcast 24 Jun. 2011.)

Vocabulary

rule, ruling (в юридическом контексте) – судебное постановление, решение (по конкретному делу); предписание, решение суда;

case – 1) случай, положение; 2) спорный вопрос в суде; 3) казус; судебное решение по делу; судебный прецедент; судебное дело; 4) материалы дела;

legal system – правовая система, судебная система;

claim (в юридическом контексте) – требование; право требования; претензия; заявление права; правопритязание; рекламация; иск; требовать; заявлять претензию; притязать; заявлять право; искать (в суде);

bring a civil claim – предъявлять гражданский иск;

individual – физическое лицо;

lawsuit – судебное дело; иск; тяжба; правовой спор; судебный спор; судебное разбирательство; судебный процесс;

bring a lawsuit – предъявить иск; подать в суд; возбудить дело;

class action lawsuit – коллективный, групповой иск;

law professor – профессор права;

employees – сотрудники;

employer – работодатель;

accuse – обвинить; предъявить официальное обвинение (в совершении преступления); уведомить обвиняемого (о характере и содержании обвинения);

United States Supreme Court – Верховный суд Соединенных Штатов;

vote – 1) голос, голосовать; 2) право голоса; 3) голосование, решать голосованием; 4) число голосов; 5) вотум, решение, выносить вотум; 6) избирательный бюллетень;

federal court – федеральный суд (суд единой федеральной системы судов Соединенных Штатов, функционирующей параллельно с самостоятельными судебными системами каждого из 50 штатов, округа Колумбия и четырех федеральных территорий; в компетенцию федеральных судов входит прежде всего рассмотрение уголовных дел о преступлениях, предусмотренных федеральным законодательством, гражданских дел по искам к федеральным властям и по спорам, возникающим в связи с применением федеральных законов или между гражданами, проживающими в двух различных странах, если при этом сумма иска превышает 10 тыс. долларов; по ряду вопросов компетенция федеральных судов и судов штатов совпадает (как по уголовным, так и по гражданским делам), что вызвало к жизни весьма сложные правила разграничения их функций; при определенных ситуациях у органов обвинения и у истцов по гражданским делам создаются возможности выбора между обращением в суд одного из штатов либо в федеральный суд; подавляющая часть уголовных и гражданских дел рассматривается судами штатов, и лишь относительно небольшая их часть оказывается предметом разбирательства федеральных судов);

seek – искать; просить; добиваться; требовать;

violate – нарушать (право, закон);

federal law – федеральный закон – общенациональный законодательный акт, принимаемый Конгрессом США, в отличие от закона штата (state law) или местного закона;

Civil Rights Act – Закон о гражданских правах;

federal district court – федеральный окружной суд (создается конгрессом; является судом общей юрисдикции в рамках федеральной судебной

системы; в каждом штате имеется по крайней мере один окружной суд из общего числа 89 таких судов в 50 штатах; кроме этого, есть по одному такому суду на каждую из следующих пяти юрисдикций: округ Колумбия, Пуэрто-Рико, Гуам, Виргинские острова и острова Северной Марьяны);

federal appeals court – федеральный апелляционный суд;

appeal – 1) апелляция, апелляционная жалоба, обжалование, апеллировать, подавать апелляционную жалобу, обжаловать; 2) право апелляции; 3) жалоба потерпевшего по делу частного обвинения; 4) предложение суда ответчику дать объяснения по иску; 5) обращение, воззвание, обращаться с воззванием; 6) (в суде) предложить ответчику дать объяснения по иску;

justice – 1) справедливость; 2) правосудие, юстиция; 3) судья;

meet legal requirements – выполнить законодательные требования.

1. Study the text LEGAL PROFESSIONALS and get ready to classify tasks carried out by solicitors and barristers. into the appropriate column.

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

Below is the list of tasks carried out by solicitors and barristers.

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

Solicitors Barristers Solicitors

There are about 50000 solicitors, a number which is rapidly increasing, and they make up by far the largest branch of the legal profession in England and Wales. They are found in every town, where they deal with all the day-to-day work of preparing legal documents for buying and selling houses, making wills, etc. Solicitors also work

on court cases for their clients, prepare cases for barristers to present in the higher courts, and may represent their client in a Magistrates court.

Поверенные

Имеются приблизительно 50000 поверенных, число, которых быстро увеличивается, и до сих пор они составляют наибольшую ветвь юридических профессий в Англии и Уэльсе. Их можно найти в каждом городе, где они занимаются со всей ежедневной работой по подготовке юридических документов по покупке и продаже зданий, составлению завещаний, и т.д. Поверенные также работают с судебными делами в интересах своих клиентов, подготавливают дела для адвокатов, чтобы адвокаты представили в вышестоящих судах, и могут представлять своих клиентов в Магистратских судах.

Barristers

There are about 5000 barristers who defend or prosecute in the higher courts. Although solicitor and barristers work together on cases, barristers specialize in representing clients in court and the training and career structures for the two types of lawyer are quite separate. In court, barristers wear wigs and gowns in keeping with the extreme formality of the proceedings. The highest level of barristers have the title QC (Queens Counsel).

Адвокаты

Существует приблизительно 5000 адвокатов, которые осуществляют защиту или обвинение в вышестоящих судах. Хотя поверенный и адвокат работают вместе над делами, адвокаты специализируется на представлении клиентов в суде и обучении, и карьера, перспективы профессионального роста для этих двух типов юристов весьма разные. В суде, адвокаты носят парики и мантии ради поддержки чрезвычайной формальности слушаний. Самый высокий уровень адвокатов имеет титул QC (Королевский советник).

Judges

There are a few hundred judges, trained as barristers, who preside in more

serious cases. There is no separate training for judges.

Судьи

Существует лишь несколько сотен судей, получивших образование как адвокаты, которые председательствуют в суде в более серьезных делах. Не существует никакого отдельного обучения для судей.

Jury

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

Присяжные

Присяжные состоят из двенадцати человек (Присяжных заседателей), которые – обычные люди, выбранные наугад из Списка избирателей (список людей, которые могут участвовать в выборах). Присяжные слушают свидетельские показания, и решают, является ли ответчик виновным или невиновным. Если лицо признают виновным, наказание выносится председательствующим судьей. Присяжные редко привлекаются в гражданских делах.

Magistrates

There are about 30000 magistrates (Justices of the Peace or JPs), who judge cases in the lower courts. There are usually unpaid and have no formal legal qualifications, but they are respectable people who are given some training.

Судьи

Имеются приблизительно 30000 судей (Мировые судьи или JPs), которые рассматривают дела в судебном порядке в нижестоящих судах. Им обычно не платят денег и у них официальной юридической квалификаций, но они – уважаемые люди, которые получают какое то обучение.

Coroners

Coroners have medical or legal training (or both), and inquire into violent or unnatural deaths.

Коронеры

Коронеры имеют медицинское или юридическое образование (или оба), и расследуют насильственные или случаи смерти при невыясненных обстоятельствах.

Clerks of the court

Clerks look after administrative and legal matters in the courtroom.

СЕКРЕТАРИ суда

Секретари следят за исполнением административными и правовыми вопросами в зале суда.

2. Choose the necessary verb form:

1. In the Russian Federation local government ...and ...

- 1) recognized, guaranteed;
- 2) is recognized, guaranteed;
- 3) was recognized, guaranteed

2. When... the Constitution of the Russian Federation ...?

- 1) adopted;
- 2) was adopted;
- 3) is adopted.

3. About 20 amendments ...to the American Constitution since it's adoption up to now.

- 1) made;
- 2) were made;
- 3) have been made.

4. The US Constitution ... and ... from 1787to 1789.

- 1) drafted and ratified;
- 2) was drafted and ratified;
- 3) was being drafted and ratified.

5. *At last the problem... by joint efforts of the people present and we went home.*

- 1) was solved;
- 2) was being solved;
- 3) had been solved.

6. *Candidates may also... in the seminar course.*

- 1) to participate;
- 2) participate.

7. *Today judges may ... the common law within narrow limits.*

- 1) to develop;
- 2) to be developed;
- 3) develop.

8. *...you lend me your car for a day? I'll return it to you tomorrow.*

- 1) can ;
- 2) could;
- 3) must.

9. *They suggest that we ... change the order of the day.*

- 1) would;
- 2) should;
- 3) must.

10. *If he ... a good lawyer, he ... more inquisitive. But he hadn't met his obligations.*

- 1) was, should be;
- 2) were, would be;
- 3) is, must be.

2. Match the proper word from the right column to the necessary word from the left column:

2.1. LAW

1 Navigation law

а Закон о прокурорском надзоре

2 Law of causality

б Закон о здравоохранении

3 Law of history

с Закон о водопользовании

4 Law of nature	d Закон истории
5 Law of war	e Закон об охоте
6 Law on agrarian reform	f Закон о всеобщем образовании
7 Law on budget rights	g Закон о государственном бюджете
8 Law on citizenship	h Закон о суде
9 Law on court organization	i Закон о землепользовании
10 Law on hunting	j Закон войны
11 Law on labour protection	k Закон об охране труда
12 Law on land use	l Закон о судоустройстве
13 Law on measures and rights	m Закон о налогах
14 Law on procuracy	n Писанный закон
15. Mercantile law	o Договорное право
16 Law merchant	p Английское право
17 Law of association	q Коллизионное право
18 Law of contracts	r Торговое право
19 Law of equity	s Торговое право
20 Law of inheritance	t Уголовное право
21 Law of negotiable instruments	u Торговое право
22 Law of obligations	v Процессуальное право
23 Law of procedure	w Доказательное право
24 Law of property	x Право собственности (вещное право)
25 Patent law	y Конституционное право
26 Private law	z Общее право
27 Registration law	aa Закон о регистрации актов
28 Roman law	bb Гражданское право
29 Tax law	cc Налоговое право
30 Trade law	dd Прецедентное право
31 Adjective law	ee Международное торговое право

32 Business law	ff	Право, регулирующее оборотные документы
33 Case law	gg	Торговое право
34 Civil law	hh	Римское право
35 Commercial law	ii	Право справедливости
36 Common law	jj	Морское право
37 Conflict of laws	kk	Акционерное право
38 Constitutional law	ll	Патентное право
39 Criminal law	mm	Право наследования
40 Economic law	nn	Процессуальное право
41 English law	oo	Гражданское право
42 International trade law	pp	Экономическое право
43 Judge-made law	qq	Прецедентное право
44 Maritime law supervision	rr	Закон о регистрации актов
45 Law on public health	ss	Закон причинности
46 Law on state budget	tt	Закон о бюджетном праве
47 Law on taxes	uu	Закон о мерах и весах
48 Law on the court	vv	Закон о гражданстве
49 Law on universal education	ww	Закон об аграрной реформе
50 Law on water use	xx	Закон природы
511 Statute law	yy	Закон о навигации

TEXT 5

Populist Steve Bannon Found His Man in Donald Trump

Read and translate the text.

Make up sentences using the italicized words Combative,

Populist Steve Bannon Found His Man in Donald Trump

By SCOTT SHANE NOV. 27, 2016

When Julia Jones arrived at her office in Santa Monica at 8 a.m. – by Hollywood screenwriter standards, the crack of dawn – she found Stephen K. Bannon already at his desk, which was cluttered with takeout coffees. They were co-writers on a Ronald Reagan documentary, but Mr. Bannon had pretty much taken it over. He had been at work for hours, he told her, writing feverishly about his political hero.

Today, with Donald J. Trump, whose election Mr. Bannon helped engineer, on the threshold of power, the 2004 film “In the Face of Evil” has a prophetic ring. Its trailer has an over-the-top, apocalyptic feel: lurid footage of bombs dropping on cities alternating with grainy clips of Reagan speeches, as a choir provides a soaring soundtrack. The message: Only one man was up to the challenge posed by looming domestic and global threats.

“A man with a vision,” the trailer says. “An outsider, a radical with extreme views”.

The Reagan presidency has been a recurring touchstone for Mr. Bannon since 1980, when as a 26-year-old Navy officer he talked his way into Mr. Reagan’s election night celebration. It was at an early screening of “In the Face of Evil” that he met fellow Reagan admirer Andrew Breitbart, the budding conservative media provocateur.

Breitbartcom’s scorn for Muslims, immigrants and black activists drew a fervent following on the alt-right, an extremist fringe of message boards and online magazines popular with white supremacists, and after Mr. Bannon took control of the website in 2012, he built a raucous coalition of the discontented.

Continue reading the main story

More quietly, Mr. Bannon systematically courted a series of politicians, especially those who share his dark, populist worldview: at home, a corrupt ruling class preying on working Americans; globally, “the Judeo-Christian West” in a “war against Islamic fascism.” They were views that placed him closer to the European right than to the Republican mainstream.

He made flattering films about Michele Bachmann, the former congresswoman from Minnesota, and Sarah Palin, the former Alaska governor and vice-presidential candidate; repeatedly pressed the television host Lou Dobbs to run for office; and flirted with a range of Republican presidential hopefuls, including Rick Santorum, Ben Carson and Senator Ted Cruz of Texas. Finally, in Mr. Trump, Mr. Bannon found his man.

Mr. Bannon told a colleague in multiple conversations during the presidential campaign that he knew Mr. Trump was an “imperfect vessel” for the revolution he had in mind. But the upstart candidate and the media entrepreneur bonded anyway.

In August 2015, Mr. Bannon told Ms. Jones in an email that he had turned Breitbart, where employees called certain political stories “Bannon Specials,” into “Trump Central” and joked that he was the candidate’s hidden “campaign manager.” He hosted Mr. Trump for friendly radio interviews and offered tactful coaching. This August, with the Trump campaign foundering, Mr. Bannon took over as chief executive.

Like Reagan, Mr. Trump addressed the people he called “the forgotten men and women of our country” – the white working and middle class. He vowed to take on Islamic radicalism, as Reagan had faced off against communism. Echoing the sole-savior theme of “In the Face of Evil,” Mr. Trump declared of the nation’s predicament, “Only I can fix it.” Ms. Jones, for one, had no trouble seeing the parallels. “Trump,” she said, “is Steve’s Reagan.” (The New York Times)

1. Make the questions using the following words

1. make\ flattering\ he \about\ Michele Bachmann \did \films

2. were\ they \ views \ that \ him \ closer\ to the \ placed\ European right \ than to the Republican mainstream.

3. at work\ had\ been\ for hours \ he

2. Match the proper word from the right column to the necessary word from the left column:

3. Choose the appropriate meaning of the word:

1. “state”

What state is the United Kingdom?

1) состояние;

2) штат;

3) государство.

2. “common”

The common law is the judge-made law.

1) обычное, часто встречающееся;

2) общее.

3. “authority”

Parliament at Westminster is the supreme authority throughout the United Kingdom.

1) полномочие;

2) разрешение;

3) власть.

4. “binding decisions”

The institutions of the European Union have the power to take binding decisions for the member states.

1) связующие;

2) обязательные для исполнения.

THE SOURCES OF LAW

4. Law has its origins in the early developments of civilized society, and through time there have been major influences on the laws that we follow today. A Match these sources of law with the descriptions below

Common law Napoleonic Code Roman law

The Ten Commandments

_____, which evolved in the 8th century BC, was still largely a blend of custom and interpretation by magistrates of the will of the gods. _____ evolved from the tribunal and local laws in England. It began with common customs, but over the time it evolved the courts in law-making that was responsive to changes in society. In this way the Anglo-Norman rulers created a system of centralized courts that operated under a single set of laws that replaced the rules laid down by earlier societies. _____ formed the basis of all Israelite legislation. They can also be found in the laws of other ancient peoples. _____ refers to the entire body of French law, contained in five codes dealing with civil, commercial, and criminal law.

B. Are the following sentences about the sources of law true or false?

1. The Ten Commandments are based on moral standards of behavior.
2. In common law, judges resolve disputes by referring to statutory principles arrived at the advance.
3. Roman law is based on the principle of deciding cases by reference to previous judicial decisions, rather than to written statutes drafted by legislative bodies.
4. The Napoleonic Code was introduced into a number of European countries, notably Belgium, where it is still in force. It also became the model for the civil codes of Quebec Province in Canada, the Netherlands, Italy, Spain, some Latin American republics, and the state of Louisiana.

TEXT 6

Populist Steve Bannon Found His Man in Donald Trump (continued)

Read and translate the text. Make up sentences using the italicized words

Combative, Populist Steve Bannon Found His Man in Donald Trump (continued)

Mr. Trump, of course, is not Mr. Bannon's creation, and the president-elect would not take kindly to any such implication. (Asked on Tuesday by New York Times journalists about Mr. Bannon, Mr. Trump praised him but said, pointedly, "I'm the one who makes the decisions.")

But Mr. Bannon understood better than any other 2016 campaign strategist how many voters were seeking dramatic change, said Patrick Caddell, a veteran pollster, who all but predicted a Trump victory on election eve as most pundits were calling the race for Hillary Clinton. "He's been the forerunner intellectually of this moment," Mr. Caddell said. "His ideology is that of the outsider and the insurgent."

To understand what to expect from the Trump administration means in part to fathom the driven, contradictory character of Mr. Bannon, whom the president-elect has named senior counselor and chief White House strategist. Rarely has there been so incendiary a figure at the side of a president-elect, thrilling Mr. Trump's more extreme supporters while unnerving ethnic and religious minorities and many other Americans.

How did this son of Richmond, Va., who attended Harvard Business School, spent years at Goldman Sachs and became wealthy working at the intersection of entertainment and finance come to view the political and financial elites as his archenemy? Why does a man who calls himself a "hard-nosed capitalist" rail against "globalists" of "the party of Davos" and attack the Republican establishment with special glee?

As a filmmaker, Mr. Bannon, 63, has cited both the Nazi propagandist Leni Riefenstahl and the left-wing documentarian Michael Moore as models. In top physical shape as a young Navy officer, and for years wearing the banker's uniform of expensive

suits, Mr. Bannon has in recent years sported flannel shirts and cargo pants. With a paunch and a sometimes scraggly beard, Mr. Bannon has a rugged look that Stephen Colbert described as “Robert Redford dredged from a river.”

He is an avid reader of history, fond of citing Plutarch and Plato, and his career reflects a restless, eclectic mind. He has conceived a rap musical based on Shakespeare’s “Coriolanus” (never completed); overseen the troubled Biosphere 2 project, an experiment in the Arizona desert meant to mimic the earth’s ecosystem; acquired partial rights to “Seinfeld” before it became a megahit; moved to Shanghai to run a company marshaling Chinese computer gamers to earn points for Western players; and produced films on Washington corruption, Occupy Wall Street and Phil Robertson of “Duck Dynasty.”

Vociferous critics of his appointment, a diverse group that includes the conservative talk-show host Glenn Beck and Senator Bernie Sanders of Vermont, who challenged Mrs. Clinton for the Democratic presidential nomination, have variously called Mr. Bannon a racist, a sexist, an anti-Semite and an Islamophobe. Interviews with two dozen people who know him well, however, portray a man not easily labeled, capable of surprising both friends and enemies, with unshakable self-confidence and striking intensity. (Mr. Bannon turned down a request for an interview, saying he was too busy with the presidential transition.)

Fans and foes agree that he is a “screamer,” a volcanic personality who sometimes resorts to offensive or hyperbolic language. One of his three former wives claimed in court papers that he had said he did not want their twin daughters to go to school with Jews who raise their children to be “whiny brats,” a claim Mr. Bannon denies. In a 2011 radio interview, he dismissed liberal women as “a bunch of dykes that came from the Seven Sisters schools.”(The New York Times)

1. Match the proper word from the right column to the necessary word from the left column:

CLASSIFICATION OF CRIMES

1 Capital crime

a Квази преступления

2 Common law crimes

b Бесчестящее, позорящее преступление

3 Crime against humanity

c Организованное преступление

4 Crime against laws of nations

d «Беловоротничковое» преступление
(преступная махинация, совершенная служащим или лицом, занимающим высокое общественное положение)

5 Crime against property

e Преступление по статутному праву

6 Crime of omission

f Уголовное преступление, фелония
(категория тяжких преступлений, по степени опасности находящаяся между государственной изменой и мисдиминором)

7 Crime of passion

g Деяния, преступные в силу запрещенности законом

8 Crime of violence

h Деяния, преступные по своему характеру

9 Crimes mala in se (Lat.)

i Насильственное преступление

10 Crimes mala prohibita(Lat.)

j Преступление по страсти

11 Felony

k Преступное бездействие

12 Infamous crime

l Преступления по общему праву

13 Misdemeanor

m Мисдиминор, судебнo наказуемый проступок, преступление (категория наименее опасных преступлений, граничащих с административными правонарушениями)

14 Organized crime	n Преступление против человечества
15 Quasi crimes	о Преступление, наказуемое смертной казнью
16 Statutory crime	р Преступление против собственности
17 White-collar crime	q Преступление по международному праву

BRANCHES OF CIVIL LAW

While criminal law regulates those acts or omissions that are considered injurious to the state or to the society, civil law aims to regulate relations between individuals or between individuals and organizations. There are many branches of civil law, some of which we will explore in this section.

2. Match the subject areas with the branches of law below.

Agriculture; Civil Rights; Divorce; Environmental Law; Foreign Relations Law; Joint Ventures; Landlord-Tenant; Pensions; Product Liability; Property Tax; Unfair Competition.

Areas Branches

Accident and Injury Compensation Prevention

Constitutional Law, Individual Rights

Employment Law

Enterprise Law

Family Law

Intellectual Property

International, Transnational, Comparative Law

Law relating to Commercial Transactions

Law relating to Particular Activities/Business Sectors

Property, Natural Resources, the Environment Taxation

TEXT 7

Juvenile crime

Read and translate the text.

Juvenile crime

Juvenile delinquency refers to antisocial or illegal behavior by children or adolescents and is considered a serious problem all over the world. It is caused by social, economic and cultural factors. This juvenile criminality is apparent in marginal sectors of urban areas where children are exposed to violence in their immediate social environment, either as observers or as victims. Because delinquents basic education, if they have any, is poor they have been marginalized from society and destitute of any dignity or self esteem. Although most legal systems prescribe specific procedures for dealing with young criminals, such as juvenile detention centers, approaches to prevent youth from becoming delinquent should also include measures to instill equality and justice, fight poverty and create an atmosphere of hope and peace among youth. These preventive policies should be given priorities over any coercive measures.

Socioeconomic opportunities and administrative services should be provided in rural areas to discourage young people from migrating to urban areas. Similarly, youth from poor urban settlements should benefit from plans that focus on education, employment and access to leisure programs, especially during long school holidays. Young people who drop out of school or come from broken families should have access to specific social programs that help them become responsible adults.

Information campaigns should be planned that youth to be aware of the detrimental effects of violence on the family, community and society, to teach them how to communicate without violence. Focus on the importance of family should become a priority because it is the primary institution of socialization of youth and continues to play an important role in the prevention of underage crime.

Vocabulary

juvenile crime – преступление, совершенное несовершеннолетним; преступность среди несовершеннолетних

juvenile – подросток, юноша, юношеский

delinquency – преступление, правонарушение (особенно совершённое несовершеннолетним); преступность

antisocial behavior – антисоциальное поведение

illegal behavior – противозаконное поведение

adolescent – подросток, подростковый

marginal sectors of urban areas – дословно: крайние секторы городских районов, т.е. городские окраины

immediate social environment – дословно: непосредственное социальное окружение, т.е. социальная среда

to marginalize – изолировать, обособлять

destitute – брошенный, лишенный, сильно нуждающийся;

legal system – законодательство, правовая система, система законов, судебная система

to deal with – иметь дело с; управляться, справляться с

juvenile detention center – центр для содержания под стражей задержанных несовершеннолетних правонарушителей

to instill – внушать (страх, уважение и т. п.); вселять (надежду, уверенность); прививать (моральные принципы, нормы)

coercive – насильственный, принудительный

socialization – социализация (процесс усвоения человеком в результате воспитания, образования и накопления жизненного опыта элементов культуры, социальных норм и ролей, образцов поведения и т. п., характерных для данного общества, социальной группы и культуры)

underage crime – преступление, совершенное несовершеннолетним; преступность среди несовершеннолетних

Adapted from a radio program broadcast 24 Jun. 2011.

1. Match the proper word from the right column to the necessary word from the left column:

CRIMINALS

- | | |
|-----------------------|---|
| 1 Criminal of war | a Установленный судом преступник |
| 2 Accidental criminal | b Беглый (скрывающийся от правосудия) преступник |
| 3 Accused criminal | с Изощенный преступник |
| 4 Adult criminal | d Рецидивист |
| 5 Amateur criminal | e Уличный преступник |
| 6 Born criminal | f Военный преступник |
| 7 Career criminal | g Мелкий преступник |
| 8 Common criminal | h Обнаруженный преступник |
| 9 Computer criminal | i Преступник, обвиняемый в совершении данного преступления |
| 10 Dangerous criminal | j Лицо, совершившее преступление или совершающее преступления использованием компьютера |
| 11 Detected criminal | k Обычный преступник |

2. A number of agencies, organizations and individuals are involved in the administration of the criminal law. The most important are:

- the police
- the suspect
- the jury
- the magistrate
- the defence counsel
- the prosecutor
- the judge

Draw lines to combine the two halves of the sentences to describe the functions of each.

Who What

The police interrogate Arrests, searches, and seizures.

The police carry out On the sentence to be imposed

The magistrate sometimes conducts Over the court

The prosecutor conducts Suspects and witnesses.

The suspect has the right The case in court on behalf of the police.

The suspect is innocent The investigation in cases of serious criminal offence.

The defence counsel assists The suspect from violations of the rights at the hands of law enforcement personnel.

The defence counsel protects The suspect in gathering exonerating evidence.

The judge presides To remain silent.

The judge decides Until proved guilty.

The jury decides Whether the accused is guilty or not.

TEXT 8

The EU must compromise to win a good Brexit deal for Britain and the rest of the union, warns Polish PM (Kate McCann, Senior Political Correspondent)

Read and translate the text.

The EU must compromise to win a good Brexit deal for Britain and the rest of the union, warns Polish PM (Kate McCann, Senior Political Correspondent)

The EU must compromise to win a Brexit deal that works for both the UK and the rest of Europe, the Polish Prime Minister warns today ahead of a historic meeting with Theresa May.

In an exclusive article for The Telegraph, Beata Szydło praises the British-Polish alliance in fighting the Nazis and says that ongoing defence and security co-operation between the two countries is essential, and must be at the heart of any new deal.

“Poland ready to help its old friend Britain reach the best possible Brexit deal”.

Ms Szydło said the result of negotiations will depend on “imagination and leadership” and called on the Prime Minister to set out her Brexit plan soon. However, her focus on security and defence policy is likely to be welcomed by senior Government ministers as many European leaders have sought to concentrate discussions over the post-Brexit deal on economic and immigration policy.

Theresa May will meet her Polish counterpart and promise to send 150 troops and a number of armored vehicles to patrol the north east border of Poland amid fears about Russian aggression in the region in a show of unity and support.

Ms Szydło promises Poland will be a “constructive partner” to the UK as it seeks to win a deal but in a warning to other EU states she said there must be a “good compromise” to guarantee “economic and security cooperation”.

Her comments echo interventions by other eastern European nations.

(28 November 2016 The Telegraph)

1. Make the questions using the following words

1. Theresa May \her\counterpart\ will\ Polish \ meet

2. She\guarantee\ does\what

3. promise/ Poland/why/does/she

2. Match the proper word from the right column to the necessary word from the left column:

CRIMINALS

1 Drug criminal

l Преступник-невротик

2 Established criminal

m Военный преступник

3 Experienced criminal

n Преступник, пойманный с поличным

4 Fugitive criminal

o Случайный преступник

5 Incidental criminal

p Случайный преступник

6 International criminal

q 1. Государственный, политический преступник

7. Субъект преступления по уголовному праву штата (США)

8 Neurotic criminal

r Лицо, совершившее преступление в связи с наркотиками, преступник-наркоман

9 Petty criminal

s Профессиональный преступник

10 Red-handed criminal

t Опытный преступник

11 Relapsed criminal

u Совершеннолетний преступник

12 Sophisticated criminal

v Опасный преступник

13 State criminal

w Международный преступник

14 Street criminal

x Преступник-дилетант

15 War criminal

y Прирожденный преступник

TEXT 9

Lawyers head to SCC (Supreme Court of Canada) over unpaid on-call duty

Lawyers head to SCC (Supreme Court of Canada) over unpaid on-call duty

Monday, 05 December 2016 09:00 | Written By Michael McKiernan

Government immigration lawyers are headed to the nation's top court as they continue their long-running fight against mandatory unpaid on-call duty.

Ursula Hendel says a case where federal immigration lawyers in Quebec are fighting a requirement they make themselves available outside business hours has wide-reaching implications.

Since 2010, the Federal Department of Justice has required all immigration lawyers in its Quebec regional office to make themselves available on weeknights and weekends on a rotational basis to process urgent stay applications before the Federal Court. But the lawyers get paid only for time spent working, with no remuneration for the hours on standby.

The Supreme Court of Canada agreed to hear the case last month after the Federal Court of Appeal overturned a Labour Relations Board adjudicator's finding that the policy violated not only the collective agreement between the government and the AJC the *Association of Justice Counsel*, which represents the lawyers, but also s. 7 of the Charter, which protects the right to liberty. A tentative hearing date is scheduled for April.

According to the AJC, similar policies are in place in other justice department offices around the country, including in Toronto, with the Quebec grievance performing a representative function. But AJC president Ursula Hendel says the case has implications far beyond the association.

“If we lose this case, I think it presents an opportunity for employers to expand their interpretation of management rights very aggressively when it comes to

restrictions imposed on employees' personal activities away from work," she says. "The decision is not limited to unions; it's about management rights writ large. If the federal government can do this to us, it's going to make workers vulnerable anywhere in Canada, whether they're part of a union or not."

Lawyers on standby duty must make themselves available by pager or cellphone and be able to get to the office within an hour of receiving a call. According to the Federal Court of Appeal decision, in Quebec, each lawyer ends up on standby duty for two or three weeks out of the year. Weekend calls are rare, according to the decision, occurring only around six times per year. Weeknight work is more frequent, with about 120 stay applications per year requiring attention. Before 2010, on-call slots were filled by volunteer lawyers who received days of leave in return at their employer's discretion. However, the volunteer pool dried up when the government announced that it would compensate lawyers only for hours worked while on call, and a rota was drawn up to include all lawyers, according to their individual availability and personal situation.

Laura Williams, a labour and employment lawyer who acts for employers, says the Charter protections available to government lawyers adds an extra layer of complexity to the relatively common problem of on-call duty.

"I think we're on a real slippery slope if the court further expands the scope of liberty under s. 7 to include some of the activities that these employees are saying were restricted by the policy," says Williams, the principal at Williams HR Law in Markham, Ont.

With the collective agreement silent on the issue of on-call duty, the AJC filed a grievance in the Quebec case within weeks of the new policy coming into force in March 2010. However, it wasn't until April 2015 that Stephan Bertrand, an adjudicator with the Public Service Labour Relations and Employment Board, delivered his ruling in the group's favour.

The government directive was "neither reasonable nor fair," according to Bertrand, who found that it breached s. 7 of the Charter: However, in its March 23

decision in Canada (Attorney General) v. Association of Justice Counsel, a three-judge panel of the Federal Court of Appeal granted the Attorney General of Canada's application for judicial review of Bertrand's decision, finding that it was unreasonable for him to conclude a breach of the collective agreement had occurred.

"We feel the court of appeal's definition of the right to liberty was too narrow," says Bernard Phillion, the lawyer with Montreal firm Phillion Leblanc Beaudry who represented the AJC on the appeal, who's hopeful the Supreme Court will see things differently in the spring. (Law Times)

1. Below are 14 crimes. Firstly, link each crime to its definition and then classify each crime as violent (V) or non-violent (NV).

V or NV	Name of crime	Definition of crime
	assault	A generic term for the killing of another person
	drug dealing	Any instance in which one party deceives or takes unfair advantage of another
	money laundering	Attempt to use illegal force on another person
	battery	Attempt to use illegal force on another person in the absence of consent to sexual relations.
	homicide	Attempt to transform illegally acquired money into apparently legitimate money
	manslaughter	Driving a vehicle in excess of the permitted limit.
	fraud	Leaving one's vehicle in an area or for a duration in contravention of the law.
	murder	Possession of and/or trading in illegal substances.
	armed robbery	Taking the property of another without right or permission
	sexual assault	The actual use of illegal force on another person.
	burglary	The crime of breaking into a private home with the intention of committing a felony.
	theft	The unlawful killing of a person with intent.

parking	The unlawful killing of a person without malicious intent and therefore without premeditation.
speeding	The unlawful taking of another's property using a dangerous weapon.

2. Match the proper word from the right column to the necessary word from the left column:

RIGHT

1 Right of action	a Право на защиту
2 Right of defence	b Право убежища
3 Right to work	с Основные права человека
4 Right to education	d Право на собственность
5 Right to property	e Право на труд
6 Fundamental human rights	f Право на образование
7 Right of asylum	g Право предъявления иска

3. Finish up the sentences:

1. The Council of Europe is an institution...

- 1) dependent of the European Union;
- 2) independent of the European Union.

2. Is the European Union law a part of...?

- 1) criminal law;
- 2) civil law;
- 3) domestic law of the given country.

TEXT 10

Enforce arbitration agreements: ruling

Enforce arbitration agreements: ruling

Monday, 21 November 2016 09:01 | Written By Alex Robinson | |

The Court of Appeal has ruled that Ontario's courts should enforce arbitration agreements where possible, especially when dealing with broad arbitration clauses.

Robert Wisner says a recent decision helps bring certainty to the scope and enforceability of arbitration clauses in shareholder agreements. Photo: Robin Kuniski

In *Haas v. Gunasekaram*, the court overturned an Ontario Superior Court judge's refusal to stay an action in a dispute over a shareholder's agreement.

In the decision, Court of Appeal Justice Peter Lauwers said the motion judge's approach was in error.

"The law favours giving effect to arbitration agreements," Lauwers wrote in the decision. "This is evident in both legislation and in jurisprudence."

Some lawyers say the Court of Appeal decision brings clarity to this area of the law and that it confirms Ontario is an arbitration-friendly jurisdiction.

Robert Wisner, of McMillan LLP, says the court of appeal decision helps bring certainty to the scope and enforceability of arbitration clauses in shareholder agreements.

"Courts shouldn't be looking to draw fussy distinctions . . . between claims going to arbitration and those that don't go to arbitration. They should just adopt a common sense approach," he says.

In *Haas*, the respondent and plaintiff, Andreas Haas, entered a shareholders' agreement with the three defendants and invested \$200,000 in a Toronto restaurant, which failed.

Haas then filed a lawsuit saying the three defendants – Danushan Gunasekaram, Luca Viscardi and Shenlu Feng – had induced him into the shareholder's agreement

through fraudulent misrepresentations.

He claimed misrepresentation, breach of fiduciary duty and oppressive behaviour.

The defendants filed a motion to have the action stayed under s. 7 of the Arbitration Act so that it would proceed through arbitration, as there was an arbitration agreement in the shareholder's agreement.

But the motion judge, Ontario Superior Court Justice Suhail Akhtar, refused to stay the action, taking what he called a "pith and substance" approach to the dispute.

"The bulk of Haas' claims fall outside the arbitration clause," Akhtar wrote in his decision.

"It makes little sense to order a partial stay referring the minority of the allegations to arbitration but permitting the rest to continue as an action particularly when each case would be founded on the same factual matrix."

Michael Osborne, a lawyer with Affleck Greene McMurtry LLP, says he found Akhtar's decision surprising.

"There's law now in Ontario that says an oppression claim can be arbitrated," says Osborne, who was not involved in the case.

"There's very little now that cannot be subjected to an arbitration."

The Court of Appeal found Akhtar's approach was in error as he assumed that tort claims fell outside of the scope of the arbitration agreement.

The Court of Appeal found Akhtar was wrong to refuse to stay the entire action because of parts of it.

"It helpfully said you shouldn't just allow the whole arbitration clause to fall away just because part of it might need to be dealt with in litigation," Wisner says of the decision.

David Alderson, one of the lawyers representing Haas, says the Court of Appeal decision, however, will force the parties to proceed in two forums – in arbitration and court – which he says could lead to increases in cost, complexity and delays.

“The decision in this case results in a situation that does frustrate the access to justice policy objectives,” says Alderson, who is counsel at Gilbertson Davis LLP.

The court said Akhtar also erred by assuming that a fraud claim spoils an arbitration agreement and by “failing to advert the law’s policy of enforcing arbitration agreements.”

Raffaele Sparano, who represented the appellants, says if parties agree to arbitration, they should be kept to their agreement, especially in situations with broad clauses, like that in the shareholder agreement in question.

“If you have an arbitration agreement that’s broad in scope, you go through arbitration or let the arbitrator decide,” says Sparano, who is a lawyer at Solmon Rothbart Goodman LLP.

In its decision, the Court of Appeal set out a framework of five steps to determine whether stay should be granted in such matters. These included whether there was an arbitration agreement, the scope of the agreement, the subject matter of the dispute, whether the dispute falls in the scope and whether there are grounds for refusal of stay.

Max Shapiro, of Blake Cassels & Graydon LLP, says the decision helps bring clarity to this area of the law.

“Before, there wasn’t so much a clear test but general principles that were applied to certain cases and not others,” says Shapiro, who was not involved in the case.

“This decision has the effect of distilling those principles into one handy test.” Alderson and Andrew Ottaway, the lawyers representing Haas, say they are seeking instructions to apply for leave to the Supreme Court of Canada.

Ottaway says the Court of Appeal’s decision is forcing Haas to litigate on two different fronts, which could impact timely and affordable access to justice.

“It’s all well and good that the Court of Appeal wants to promote arbitration, but I think what we’re saying is well that should also be considered alongside the equally or more important goal of access to justice,” Ottaway says. (Law Times)

1. Match the proper word from the right column to the necessary word from the left column:

RIGHT

- | | |
|----------------------------------|--------------------------------------|
| 1. Arbitration court | a Апелляционный суд |
| 2 Criminal court | b Суд надзорной инстанции |
| 3 Supreme court | c Суд лорда-канцлера |
| 4 Lower court | d Арбитражный суд |
| 5 Magistrates' court | e Суд по делам
несовершеннолетних |
| 6 Juvenile court | f Мировой суд |
| 7 Court of appeal | g Суд нижней инстанции |
| 8 Court of chancery | h Верховный суд |
| 9 Court of first instance | i Суд первой инстанции |
| 10 Court of second instance | j Суд второй инстанции |
| 11 Court of supervisory instance | к Уголовный суд |

2. Study the GENERAL POWER OF ATTORNEY

XXX COMPANY LIMITED

GENERAL POWER OF ATTORNEY

KNOW ALL MEN by these presents that XXX COMPANY LIMITED, a company registered in BVI (hereinafter called "the Company") has named, constituted and appointed: MR A (Country A passport 1234567) of address _____ as the Company's Attorney with power for and on behalf of the Company to do and execute in all parts of the world all or any of the acts and things following namely:

To open, operate and close any current, deposit or other bank accounts, to draw, endorse and sign cheques, to deposit any money either in the names of the Attorney or in the name of the Company from time to time and generally to undertake any other

banking transaction on behalf of the Company.

To enter into any arrangements with any governments or authorities (supreme, municipal, local or otherwise) or any corporations, companies or persons, and to obtain from such governments, authorities, corporations, companies and persons, any charges, contracts, decrees, grants, licenses, leases, rights, privileges and concessions which the said Attorney may think desirable in the interests of the Company.

To purchase or otherwise acquire, and to sell, exchange, lease, dispose of and deal with chattels and real and personal property and rights of all kinds.

To demand and receive from all persons, firms, companies or other bodies indebted to the Company all debt and other sums of money now or at any time, hereafter owing from them, and to give and execute all necessary receipts and discharges for the same with power to accept security and give time for payment of any debts to institute and prosecute any legal or other proceedings authorised by law for obtaining payment of the same which may seem proper or expedient to the said Attorney.

To sign, seal, make and execute all such contracts, deeds, agreements and documents as shall be necessary or expedient.

To open up, establish, register, maintain, operate and manage branches, affiliates and representative offices of the Company in any country of the world.

From time to time and at any time to appoint, hire, substitute or displace officers and agents; to form the staff of the representative office of the Company.

To issue, sign and seal orders, instructions, directions or decrees, obligatory and compulsory for the staff of the Company, its branches, affiliates and representative offices.

From time to time and at any time to substitute and appoint one or more attorney or attorneys for all or any of the purposes aforesaid and at his pleasure to displace and remove them as he shall see occasion to think it; to issue, sign and seal a Power of Attorney or General Power of Attorney to the aforesaid attorney or attorneys.

Generally, to act as agent for the Company and to execute and perform on behalf

of the Company all lawful and reasonable acts as fully and effectively to all intents and purposes as the Company might or could do.

The Company's Attorney promises to indemnify the Directors in respect of all costs, charges, expenses and damages which they may sustain in relation thereto.

This General Power of Attorney is valid for five years.

The Company hereby further fully ratifies and confirms all and whatsoever the said Attorney shall legally do or cause to be done by virtue of these presents.

IN WITNESS WHEREOF the Company has caused this general power of Attorney to be signed this _____.

SEALED with the Common Seal of XXX COMPANY LIMITED and signed

By _____, Mr. YYY Sole director

duly authorized by the Board, in the presence of:

Witness _____

___ Общая (генеральная) доверенность владельца компании / Юридический документ на английском языке с переводом

XXX КАМПЭНИ ЛИМИТЭД

ОБЩАЯ (ГЕНЕРАЛЬНАЯ) ДОВЕРЕННОСТЬ

НАСТОЯЩИМ ДОВОДИТЬСЯ ДО ВСЕОБЩЕГО СВЕДЕНИЯ, что «XXX КАМПЭНИ ЛИМИТЭД», компания, зарегистрированная на Британских Виргинских островах (далее называемая «Компания»), назначила и утвердила господина А (паспорт 1234567 гражданина страны А, адрес)

_____ в качестве Поверенного Компании, действовать и исполнять в любой части мира с полномочиями и от имени Компании все или некоторые действия, указанные далее:

Открывать, совершать операции и закрывать любые текущие, депозитные или иные банковские счета; выписывать, индоссировать и подписывать чеки;

периодически размещать на депозит любые денежные средства – как на имя Поверенного, так и на имя Компании, и вообще предпринимать любую другую банковскую операцию от имени Компании.

Заключать любые договоренности с любыми правительствами или органами власти (высшими, муниципальными, местными или другими), или с любыми корпорациями, компаниями или физическими лицами, и получать от таких правительств, органов власти, корпораций, компаний и физических лиц любые поручения, выплаты, контракты, декреты, гранты, лицензии, аренду, права, привилегии и концессии, которые, по мнению указанного Поверенного, могут быть желательны в интересах Компании.

Покупать или приобретать иным способом, а также продавать, обменивать, сдавать в аренду, отчуждать и проводить иные сделки с движимым, недвижимым имуществом, и имуществом физических лиц, а также с правами любого рода.

Требовать и получать от любых физических лиц, фирм, компаний или других юридических лиц, имеющих задолженность перед Компанией, все долги и другие денежные суммы, причитающиеся с них в настоящее или в любое последующее время, а также выдавать и подписывать все необходимые расписки и документы о прекращении обязательств в связи с этим; принимать обеспечение и назначать срок для уплаты любого долга, чтобы инициировать и преследовать в судебном или любом ином порядке, предусмотренном законом, с целью получения платежа по упомянутым долгам таким образом, как это посчитает правильным или целесообразным вышеназванный Поверенный.

Подписывать, скреплять печатью и исполнять все необходимые или целесообразные контракты, письменные акты, соглашения и документы.

Открывать, учреждать, регистрировать филиалы, отделения, дочерние компании и представительства Компании в любой стране мира, а также управлять их деятельностью.

Периодически, а также в любое время назначать, нанимать, заменять или снимать с должности офисных сотрудников и агентов; формировать штат

представительств Компании.

Издавать, подписывать и скреплять печатью приказы, инструкции, указания или распоряжения, обязательные для исполнения штатом Компании, ее филиалов и отделений, дочерних компаний и представительств.

Периодически и в любое время заменять и назначать одного или более поверенного или поверенных для всех или любой из вышеназванных целей, и по своему усмотрению снимать их с должности, когда посчитает нужным; выдавать, подписывать и скреплять печатью доверенность или общую (генеральную) доверенность вышеупомянутым поверенным.

Действовать, как правило, в качестве агента Компании, и совершать и исполнять от имени Компании все законные и разумные действия для исполнения всех намерений и достижения всех целей в таком же полном объеме и также эффективно, как это могла бы сделать Компания.

Поверенный Компании обещает компенсировать убытки и защитить от ответственности Директоров в отношении всех расходов, платежей, затрат и убытков, которые они могут понести в связи с настоящим.

Настоящая общая (генеральная) доверенность действительна в течение пяти лет.

Настоящим Компания дополнительно санкционирует и подтверждает все и любые законные действия названного Поверенного, и все и любые его распоряжения о совершении действий в силу настоящего.

В ПОДТВЕРЖДЕНИЕ ЧЕГО Компания обеспечила подписание настоящей общей (генеральной) доверенности _____ (дата).

СКРЕПЛЕНО корпоративной печатью «XXX КАМПЭНИ ЛИМИТЭД» и подписано _____, господин YYY

Единоличный директор должным образом уполномоченный, в присутствии:

Свидетель _____

3. Study the types of American & British Firms

Организационно-правовые формы (виды) компаний в США и Великобритании (Англии)

Компании Великобритании и США принято подразделять на следующие основные виды: **Sole Proprietorship (sole tradership, single proprietorship)** Индивидуальное предприятие – компания, которая находится в собственности и управлении одного человека, отвечающего по обязательствам данной компании личным имуществом. Такая юридическая форма предпринимательства избирается для мелких предприятий. Ее недостаток заключается в ограниченности финансовых возможностей. Индивидуальные предприятия действуют в области розничной и мелкооптовой торговли, оказывают услуги на местном уровне. Часто биржевые маклеры организуют свою деятельность в виде индивидуального предпринимательства. Согласно американскому законодательству, исполнения каких-либо формальностей по регистрации индивидуальных предприятий не требуется, единственный официальный документ – налоговая декларация. Ведение финансового учета не обязательно, но необходимо составление налоговой отчетности. Предпринимательские расходы квалифицируются законодательством иначе, чем персональные. Для занятия некоторыми видами деятельности требуются лицензии административных органов штата. Примерно соответствует российскому понятию «Индивидуальный предприниматель» (ИП).

Partnerships (Товарищества) В отличие от акционерных компаний, товарищества не являются юридическими лицами, поэтому партнеры несут неограниченную ответственность по обязательствам товарищества.

Limited Partnership (LP) – товарищество с ограниченной ответственностью, товарищество на вере, коммандитное товарищество – объединение физических и/или юридических лиц с целью создания коммерческого предприятия, включающее по крайней мере одного партнера с

полной ответственностью и по крайней мере одного партнера с ограниченной ответственностью (отвечающего по обязательствам предприятия только в рамках своего пая). Состоит из основных партнеров, управляющих делами товарищества и несущих полную ответственность за долги перед кредиторами, и партнеров с ограниченной ответственностью, которые не принимают активного участия в управлении товариществом и несут ответственность за его долги только в размере вноса в уставной фонд товарищества.

Limited Liability Partnership (LLP) – товарищество с ограниченной ответственностью – юридическая форма предпринимательства, характеризующаяся всеми признаками товарищества и отличающаяся от него тем, что партнеры отвечают по обязательствам товарищества только в пределах своего вклада; обычное товарищество может стать товариществом с ограниченной ответственностью, заполнив заявление о соответствии установленным требованиям; в Великобритании эта организационная форма существует с 2002 г. Примерно соответствует российскому обществу с ограниченной ответственностью (ООО).

Private Limited Partnership – частное товарищество с ограниченной ответственностью, которое включает не более 35 членов. Не подлежит регистрации в Комиссии по ценным бумагам и биржам. Примерно соответствует российскому обществу с ограниченной ответственностью (ООО).

Public Limited Partnership – публичное товарищество с ограниченной ответственностью. Компания, в которой число партнеров не лимитировано, (т. е. товарищество, участие в котором открыто для всех желающих путем предложения покупки долей через брокеров или других посредников на рынке ценных бумаг) с ограниченной ответственностью большинства партнеров при неограниченной ответственности главного партнера. Обычно специализируется на инвестициях в недвижимость (real estate), в добычу нефти и газа и лизинг оборудования. Должна быть зарегистрирована в Комиссии по ценным бумагам и биржам.

General Partnership (unlimited partnership) – полное товарищество, товарищество с неограниченной ответственностью: а) (США) Члены такого товарищества несут как индивидуальную, так и солидарную ответственность по обязательствам товарищества (т.е. третьи лица могут направить имущественный иск в адрес одного из партнеров, который переадресует его, за вычетом своей доли, другому партнеру). В США полное товарищество функционирует на основе единого закона “О товариществе”, 1914 г. и договора между товарищами, если таковой имеется; законодательные нормы, регулирующие деятельность полного товарищества, носят диспозитивный характер: они применяются судами в том случае, если предприниматели, образовав товарищество, не заключили письменного договора, или если он недостаточно полный. Лица, образовавшие товарищество, имеют равные права на управление и имущество товарищества, если иное не определено в соглашении между ними; при учреждении товарищества новое юридическое лицо формально не образуется, вместе с тем, товарищество обладает признаками самостоятельного делового предприятия; оно имеет право быть занесенным в реестр деловых предприятий и вступать во взаимоотношения с третьими лицами как отдельная фирма и пр. При выбытии одного из партнеров или при вступлении нового, товарищество обычно прекращает свое существование, т.е. оно должно быть переоформлено. Реальная деятельность товарищества может при этом не прерываться.

б) (Брит.) По английскому законодательству, разновидность товарищества, членами которого могут быть как юридические, так и физические лица, объединившиеся на основе договора и в соответствии с требованиями закона “О товариществе”, 1890 г. с целью извлечения прибыли. Такое объединение называется фирмой, которая не имеет статуса юридического лица. В Шотландии товарищества являются юридическими лицами. Договор о создании и деятельности фирмы должен быть заключен в письменной форме и не нуждается в государственной регистрации, однако фирмы подлежат учету в различных профессиональных объединениях (саморегулируемых организациях). Каждый

партнер выступает в коммерческом обороте как от собственного имени, так и в роли агента от имени и в интересах других партнеров, а также фирмы в целом. Партнеры несут солидарную неограниченную ответственность по долгам фирмы. Использование имени фирмы, а также имен партнеров в коммерческом обороте регламентируется законодательными положениями. Например, имена партнеров должны быть доступны любому заинтересованному лицу и т. п. Деятельность полного товарищества регулируется законом “О товариществе”, 1890 г.

Промежуточная организационно-правовая форма

Joint stock company, JSC (США) – организационно-правовая форма предприятий, формирующих свой капитал посредством выпуска и продажи акций. По структуре не отличается от корпорации, но в правовом отношении рассматривается аналогично товариществу. На русский язык принято переводить как «Акционерное общество».

Limited Companies (Компании с ограниченной ответственностью) В США акционерная компания с ограниченной ответственностью называется корпорацией (Corporation). После названия корпорации ставятся буквы «Inc» (Incorporated), что означает, что данная компания зарегистрирована как корпорация (т.е. акционерное общество). Обозначение “Inc.” в названии компании на русский язык, обычно, не переводится, а транслитерируется как “Инк”.

Public Limited Company (Plc) – открытая компания с ограниченной ответственностью, открытое акционерное общество. Зарегистрированная компания, являющаяся юридическим лицом, акции которого находятся в открытой продаже на фондовой бирже. Его учредители отвечают по обязательствам общества только в пределах своих вкладов в его уставной капитал. Законодательство устанавливает многочисленные обязанности такой компании, связанные с раскрытием информации о ее деятельности, необходимостью проведения обязательного аудита финансовой отчетности.

Акции таких компаний могут распространяться среди широких слоев населения. На русский язык принято переводить как “Открытое акционерное общество (ОАО)”.

Private (Limited) Company (Ltd) – частная, закрытая (акционерная) компания, закрытое акционерное общество. Количество акционеров ограничено, акции не обращаются на фондовом рынке, не имеет права объявлять публичную подписку на акции, акционер не имеет права передавать акции компании третьему лицу без согласия других акционеров. На русский язык принято переводить как “Закрытое акционерное общество (ЗАО)”.

Joint Ventures (Совместные предприятия) Если две или более компании хотят реализовать какой-либо совместный проект, то они создают совместное предприятие.

Joint Venture (JV) – совместное предприятие, совместная деятельность. Юридическая форма предпринимательства на основе краткосрочного, однопредметного, разового объединения лиц для реализации конкретного проекта (часто без образования юридического лица). В налоговом законодательстве обычно считается разновидностью товарищества. Используется как механизм объединения ресурсов и сокращения рисков при выполнении проекта. Совместные с национальными предприятия часто являются главным способом проникновения иностранного капитала на национальный рынок.

4. Translate into English:

1. Полиция искала преступника два года, прежде чем они смогли поймать его.
2. Если бы юрист был на месте, он бы смог принять вас и обсудить все подробности этого дела.
3. Подсудимый был оправдан благодаря показаниям свидетелей.

4. Конституционный суд России вынес постановление о неконституционности данного решения суда первой инстанции.
5. Нелегальные иммигранты были депортированы из Москвы.
6. Преступнику грозило пожизненное заключение за совершенное преступление.
7. Вынесение приговора ожидается через неделю.
8. Совершение преступления в пьяном виде (under intoxication) не является обстоятельством, освобождающим от ответственности при рассмотрении дела в суде.
9. Подозреваемый предстал перед судом по обвинению в убийстве.
10. Возраст или немощность не являются смягчающими обстоятельствами(mitigating circumstances) для нацистских преступников.
11. Подсудимый был оправдан из-за отсутствия состава преступления (elements of crime).
12. Сестры были переданы на воспитание родственникам.
13. В уголовном прошлом преступника было и изнасилование, и ограбление, и вождение в пьяном виде.
14. Мать девочки подала иск против метрополитена, где девочка получила травму, и потребовала возмещения морального и материального ущерба.
15. Свидетель вправе давать показания на родном языке, если он не владеет или недостаточно хорошо владеет русским языком.
16. У дома по Вокзальной улице в Одинцове грабители отобрали у 61-летней сотрудницы журнала «RVK daily» сумочку с документами, мобильным телефоном и деньгами.
17. Приговор Михаилу Ходорковскому занял 800 страниц текста с доказательствами и показаниями свидетелей.
18. В мае 2010 его обвинили в неуплате налогов и приговорили к 9 годам лишения свободы.
19. Судебное дело о привлечении к уголовной ответственности за совершение преступления возбуждает прокурор.

20. В федеральную систему судов США входят Верховный суд США, апелляционные и окружные суды, а также специальные суды.
21. Третья ветвь федерального правительства, судебная власть, состоит из системы судов, охватывающих всю территорию страны.
22. В США выборы главы государства проводятся раз в четыре года. В Германии, Греции, Франции, Венгрии президент избирается раз в пять лет.
23. Применение уголовного закона невозможно без уяснения его смысла, т. е. толкования.
24. Косвенное (непрямое) голосование означает, что избиратель голосует за своих представителей, а уже те будут голосовать от их имени.
25. Непривычным для российского слуха словом «омбудсмен» на Западе называют людей, защищающих права человека.
26. Ожидается, что апелляция будет подана защитой.
27. Стороны произвели расчеты по контракту.
28. Зачет требований был сделан по решению арбитражного суда.
29. Вердикт жюри присяжных был единогласным.
30. Месторождения нефти были куплены за 65 миллионов долларов США.

5. The following terms introduce you to the law and basic legal terminology.

Below are the definitions. Find the definition for each term.

Authority, court, govern, judge, law enforcement agency, lawyers, legal action, legal system, legislation, rule, the judiciary, tribunal

1. a body that is appointed to make a judgement or inquiry
2. a country's body of judges
3. an act or acts passed by a law-making body
4. behaviour recognized by a community as binding or enforceable by authority

5. legal proceeding
6. an official body that has an authority to try criminals, resolve disputes, or make other legal decisions
7. an organization responsible for enforcing the law, especially the police
8. a senior official in a court of law
9. the body or system of rules recognized by a community that are enforceable by established process
10. the control resulting from following a community's system of rules
11. members of the legal profession
12. to rule a society and control the behaviour of its members

6. Civil Rights Test

Match the term with the correct definition.

A. Martin Luther King, Jr. B. Lyndon B. Johnson C. Civil Rights Act of 1964

D. creed E. Voting Act of 1965

1. A noted orator, he opposed discrimination against blacks by organizing nonviolent resistance and peaceful mass demonstrations.
2. A law designed to help end formal and informal barriers to African American suffrage. Under the law, hundreds of thousands of African Americans were registered to vote and the number of African American elected officials increased dramatically.
3. He was the president that assured the nation that “we shall overcome” when he signed the Voting Rights act of 1965.
4. This law made racial, religious, and sex discrimination by employers illegal and gave the government the power to enforce all laws governing civil rights, including

desegregation of schools and public places.

5. Statement that forms the basis of a belief system

- A. Malcolm X B. boycott C. sit ins
D. March on Washington. E. Twenty-fourth Amendment

6. Ratified by the states on January 23, 1964, this prohibits congress and states from using any method to keep someone from voting based on ethnicity.

7. Nonviolent protests in which a person sits and refuses to leave.

8. An advocate of black power and was the figurehead of the Nation of Islam for some time. He was greatly influential in getting people to believe in black power and self-defense, as opposed to King's peace.

9. The refusal to buy, use, or participate in something as a way of protesting; to stop using the goods or services of (a company, country, etc.) until changes are made.

10. In August 1963, civil rights leaders organized a massive rally to urge passage of President Kennedy's civil rights bill. The "I Have a Dream" speech was given to more than 200,000 marchers in front of the Lincoln Memorial.

A. Rosa Parks B. Brown vs. Board of Education C. Plessy vs. Ferguson

1. Jim Crow laws E. Freedom Rides

11. State level legal codes of segregation, such as literacy requirements and poll taxes.

12. A 1896 Supreme Court decision which legalized state ordered segregation so long as the facilities for blacks and whites were equal.

13. Protests where white passengers rode in the back of the bus and black passengers rode in the front of the bus.

14. Refused to give up her seat to a white passenger. After she was jailed, the Montgomery bus boycott was organized.

15. Court ruled that segregation was unconstitutional.

Select the word that best completes the following.

16. Which of the following was not assassinated?

A. Malcolm X B. Lyndon B. Johnson C. Martin Luther King, Jr. D. John F. Kennedy

17. Which doesn't belong?

A. Bus boycott B. sit ins C. freedom rides D. tear gas

18. Ghandi: _____: Malcolm X: warmonger (Warmongers advocate aggression.)

A. boycott B. sit ins C. pacifist D. Mecca

19. Plessy vs Fergusson : separate but equal : _____ : voting rights

A. Montgomery Bus Boycott B. Twenty-fourth Amendment C. race riots
D. sit ins

20. _____ was a person who believed that civil rights should be earned by "any means necessary."

A. Malcolm X B. Martin Luther King, Jr. C. Lyndon B Johnson D. John F. Kennedy

21. _____ took steps to end discrimination earlier when he signed the Civil Rights Act of 1964.

A. Malcolm X B. Martin Luther King, Jr. C. Lyndon B Johnson D. John F. Kennedy

22. _____ was a Civil Rights leader who won a Nobel Peace Prize.

A. Malcolm X B. Martin Luther King, Jr. C. Lyndon B Johnson

23. _____ repealed Plessy vs Ferguson.

A. Freedom rides B. Brown vs. Board C. March on Washington D. race riots

24. Martin Luther led the _____ and gave his "I Have a Dream" speech.

A. Freedom rides B. sit ins C. March on Washington D. Montgomery Bus Boycott

25. Civil rights activists participated in _____ to stop segregation on buses.

A. sit ins B. freedom rides C. race riots D. marches

26. During the _____, citizens protested racial discrimination on public transportation by not riding buses.

- A. Freedom rides B. marches C. Montgomery Bus Boycott C. race riots

Select the word that BEST matches the following.

- A. creed B. Jim Crow law C. Martin Luther King, Jr D. John
F. Kennedy

27. Whites and blacks used separate water fountains.

28. Assassinated before he could sign the Civil Rights Act of 1964.

29. A minister

30. "All men are created equal."

Who / What might have said the following? Or Where might the following have been said?

- A. March on Washington B. Lyndon B. Johnson C.
Rosa Parks

D. sit ins E. Malcom X AB. Tear gas

AC. Montgomery AD. Topeka

31. "No, I won't move to the back of the bus."

32. "Man, I didn't want to become President like this."

33. "I hated to see the black children who lived in my neighborhoods pass one school to go to another farther away."

34. "I hate that I was used to break up crowds of protestors.

35. "Let's just wait patiently. They will eventually have to serve us."

36. "I can't believe I used to promote such violence."

37. "It was an honor to be a place of such an important event."

38. "I am excited to hear this speech."

LAW BASIC TERMS

Study the vocabulary:

abuse of power – злоупотребление властью, полномочиями

arson – поджог

attorney for defence – адвокат по защите

attorney for the plaintiff – адвокат истца

bailiff – судебный исполнитель/ судебный пристав

blackmail – шантаж; вымогательство, шантажирование

breaking and entering – взлом с проникновением

bribe – взятка; подкуп

briber – тот, кто даёт взятку

bribetaker – взяточник

burglary – кража со взломом

claimant – заявитель / истец (в гражданских делах)

contempt of court – неуважение к суду

trial – суд; испытание, проба

crime / offence – преступление

disorderly conduct – хулиганство / нарушение общественного порядка

embezzlement – присвоение или растрата имущества

felony – уголовное преступление; тяжкое уголовное преступление

forgery – подлог или подделка документа

fraud – мошенничество

guilty (of) – виновный (в чём)

house-breaking – проникновение в дом

innocent (of), not guilty (of) – невиновный (в чём)

jury – присяжные

kidnapping – похищение человека с целью выкупа

manslaughter – убийство; человекоубийство

misdemeanour – преступление / судебно наказуемый проступок

mugging – грабёж; хулиганство, групповое нападение; уличный грабеж

murder – убийство; убивать (глагол)

perjury – ложное показание под присягой

petty offence – мелкое преступление

prison – тюрьма, темница

convicted – заключённый

probation officer – инспектор, наблюдающий за поведением условно осужденных
преступников

prosecutor – прокурор

punishment – кара, наказание

rape – изнасилование

responsibility – ответственность (за что-л.)

sentence; verdict – приговор

slander – злословие, клевета, клеветнические измышления; опорочивание

shoplift – красть в магазине с открытых прилавков, выносить товар
неоплаченным (например, под одеждой)

speeding – превышение дозволенной скорости

subpoena – повестка в суд; вызов в суд, повестка о явке в суд (под страхом
наказания или штрафа в случае неявки)

suicide – самоубийство

swindling – мошенничество/ жульничество

theft – кража; воровство

thief – вор, похититель

to accuse (of); to charge (with) – обвинять/обвинить (в чём)

to arrest – арестовывать/арестовать

to beat (up) – избивать/избить

to bring lawsuit – привести иск

to commit a crime – совершать/совершить преступление
to condemn / sentence to death – приговаривать/приговорить к смерти
to file a complaint – подавать жалобу
to issue somebody a summons – выдать комуто вызов
to plead guilty – признать себя виновным
to punish – наказывать / наказать
to put in prison, to imprison, to jail – заключать / заключить в тюрьму
to steal – красть / украсть
vandalism – вандализм, варварство
warrant of arrest – ордер на арест
witness – свидетель, очевидец
assault – атаковать
plaintiff – истец
court – суд; судья; судьи
crime / criminality – преступность,
criminal – преступник
offender – преступник, правонарушитель
death penalty – смертная казнь
defendant – ответчик; обвиняемый, подсудимый
homicide – убийство
jail – тюрьма 2
prisoner – заключённый, арестант
kill – убивать, лишать жизни
assassinate – убивать (обычно политического или видного общественного деятеля)
to commit suicide – покончить жизнь самоубийством
interrogate – допрашивать
robbery – ограбление (с применением насилия), грабёж; разбой

TEXTS FOR ADDITIONAL READING

1. How serious is the drug problem?

In a country like Britain the statistics can be alarming, but the numbers don't necessarily give a clear picture of how people are using drugs and the effect it is having on them. One recent survey of 9,000 secondary school students revealed that:

1. one in three 16 years old have tried cannabis;
2. one third said they had smoked cigarettes in the previous month;
3. a quarter of them said they had been drunk during the previous month;
4. less than 1% of 16 years old had ever tried one of the harder drugs like crack, cocaine or heroin.

The results also challenge the stereotype that the teenage drug user typically comes from a poor and deprived neighbourhood. The truth is the opposite. Drug use amongst middle-class children is higher than that amongst their working-class counterparts.

In the report it was also noted that these figures were slightly lower than the figures from a similar survey conducted in 1995, indicating that if there is a problem it is not getting worse.

All these statistics need to be treated with caution. When reading the figures for cannabis, for instance, it would be wrong to jump to the conclusion that 33% of 16 year olds are regularly smoking pot. Many may have tried it and quickly come to the conclusion that it's not for them. Many – especially those who don't smoke cigarettes – will have tried to inhale, will have coughed a lot, got a sore throat and decided to make the first "joint" their last.

It is also important to distinguish between recreational drug use and drug abuse or drug addiction. Just as many adults can drink occasionally without becoming alcoholics, many people – teenagers included – can smoke cannabis from time to time without developing an addiction that would be detrimental to their education or their

career.

So do British teenagers have a drug problem? Statistics like this are often used to argue that drug use is widespread, and the assumption is made that drug use is also drug abuse and that if these teenagers are not addicted now they soon will be, and that they are on a slippery slope from occasional cannabis use to a fatal heroin addiction. An entire generation is destroying itself and if we are not careful society will fall apart. This is what sociologists call a “moral panic”. These people also tend to believe that what is needed is stricter legislation, greater police vigilance and harsher punishments from the courts.

One problem with this approach is that the UK already has the toughest drug laws in Europe but it has some of the highest levels of drug use. Advocates of a more liberal approach often point to the case of Holland, where the use of cannabis is accepted as legal and yet the percentage of cannabis users is lower there than in the UK.

Holland made a big step towards the decriminalisation of soft drugs in 1980 when it allowed certain coffee shops to sell cannabis. There are, though, some strict conditions :

- no more than five grams are sold to an individual;
- no hard drugs are sold;
- drugs are not advertised;
- no drugs are sold to minors (under 18);
- no minors are admitted to the premises.

They are meant to be places where users can take soft drugs safely, thus breaking the link between recreational drug use and the criminal underworld.

For some people it is absurd for a society to permit the free use of tobacco (which is believed to be responsible for some 120,000 deaths each year in the UK) and yet regard the use of cannabis as a criminal offence even though cannabis is less addictive than tobacco and is no more harmful for our health.

Undoubtedly drugs do become a serious problem in the lives of a number of

young people, having a detrimental impact on their personal, educational and professional lives. These people may well need help, but does it help them to arrest them, take them to court and label them criminals? Excessive use of computer games by teenage boys is also detrimental for their education, for their social development and perhaps for the future of democracy, and the phenomenon is much more widespread than that of cannabis. Perhaps something ought to be done. But would it be a good idea to call in the police and the courts and make these boys criminals?(Legal News)

Match the key words with their definitions:

1. deprived
 2. counterparts
 3. conduct (survey)
 4. indicate
 5. inhale
 6. detrimental
 7. slippery
 8. slope
 9. vigilance
 10. harsh
 11. minors
 12. absurd
 13. premises
 14. admit (to a building)
 15. widespread
 16. recreational
-
- a. do
 - b. breathe in

- c. having a negative effect
- d. hard to walk on without falling over (like ice)
- e. not having certain important things
- f. person having a similar position
- g. show
- h. paying close attention
- i. children
- j. like the side of a hill
- k. building, property
- l. irrational, crazy
- m. very strict
- n. for pleasure
- o. allow into
- p. occurring i

2. The police response

A senior police officer in London provoked a huge public outcry when he casually announced that he wasn't interested in arresting people who just smoke cannabis, take ecstasy or cocaine at the weekends. He was denounced by other police officers and condemned by many commenters in the press. Seldom has an announcement of such a harmless policy caused such a sensation.

He was referring to people who buy “drugs with money they have earned legitimately and use a small amount of them, mainly at weekends. This has no adverse effect on the society around them – they go back to work on Monday morning and are unaffected for the rest of the week.”

Repeatedly the press has tried to claim that drug use amongst the middle classes poses a grave threat to the nation. Finding evidence for this is always a struggle. Young executives risk losing their judgment and blowing their bonus; students may underachieve in exams and pop stars might make inferior albums on account of their Cocaine Hell. Undesirable though this may be, it doesn't justify a national panic.

Commentators have increasingly inclined towards a “what if” scenario to support predictions of disaster. Their theory goes that if more people are taking cocaine at the weekends now, it won’t be long before they are taking harder drugs on a daily basis, ruining their health, destroying their lives and bringing the country down with them as they tear the social fabric to pieces.

This scenario assumes that if people take one drug for recreational purposes, they will inevitably proceed to another that is more destructive. However, this just isn’t the case for many people with good jobs or places at university who feel confident about themselves and optimistic about the future. These people have a clear view of a bright future and will generally avoid anything that could destroy it. The people who end up being addicted to harder drugs like crack generally do so because they feel hopeless – their lives are in trouble and they are desperately looking for a way to escape.

Consequently, it's not worth making a fuss over middle-class recreational drug use. In any case, both the police and the courts already acknowledge this. Instead of arresting people who possess cannabis, for instance, the police increasingly simply give them a verbal warning on the spot. Similarly, the number of cases in which fines are given by the courts has dropped from 60% in 1976 to 20% today. Middle class users, in particular, rarely get arrested, and if they do end up in court they invariably get away with it. Most of them produce splendid character witnesses who make touching appeals on behalf of their future prospects and the courts let them go.

In the long run, the relaxation of laws on recreational drug use is inevitable because it refers to a phenomenon that has been blown out of all proportion. In a liberal society the antics of advertising executives snorting coke on a Saturday night shouldn’t really be a focus of concern for the forces of law and order. Much more serious is the plight of addicts who are trapped in poverty and end up stealing to fund their habit. The issue here is how society should respond to the problem. Will we help people in situations like that by arresting them and imposing stiff fines or long jail sentences? (Legal News)

Match the key words with their definitions:

1. outcry
2. denounce
3. condemn
4. legitimate
5. adverse
6. grave
7. fabric
8. verbal
9. appeal
10. antics
11. executive
12. snorting

- a. legal
- b. serious
- c. loud public objection
- d. negative
- e. to strongly criticise
- f. to strongly criticise
- g. spoken
- h. material, cloth (literally)
- i. sniffing (up the nose)
- j. silly things done for fun
- k. demand for special consideration
- l. member of a management team of a large company

3. Fatal addiction: the story of Scott Douglas

Two years ago Scott Douglas died of a heroin overdose. Why, then, is his father, who is a staunch opponent of drugs, calling for all drugs to be legalised?

“Legalise, don’t criminalise” is Howard Douglas’ motto. He insists the only way to control drugs is to regulate the sale of them. “I don’t want a soft line on drugs. I wish to God that people wouldn’t use them. But they do, and so we need to put some order into the market”.

He firmly believes that his son would still be alive today if heroin had been legal. Scott Douglas was 33 when he died two years ago. A long-time heroin user, he was forced to do without the drug during a five-week prison term. He was killed by his first dose after being released.

An inquiry into Scott’s death found that because he had been without the drug for several weeks, his body could not take his normal dose. It also revealed that his final shot contained an impurity – urine acetyl codeine. “If there had been a controlled environment for my son to take his heroin, and it had been supplied legally, he would still be alive. There are basically two policy options: you can legalise and regulate the supply, as you do with other drugs such as alcohol and tobacco, or you can leave criminals to control everything”.

Although Mr Douglas concedes that legalisation would be “anathema” to many fellow parents, he would like to see heroin supplied by the health service to addicts and a “clean and controlled environment” for it to be taken with free needles and medical advice.

One obstacle is that the political will to tackle the problem just does not exist yet. He says the only prospect of change would be if “a government minister’s son or a member of the royal family dies from drug abuse”.

After Scott’s death, Mr Douglas became deeply involved in the debate and was able to understand why many young people turn to drugs. “I met a lot of Scott’s associates and they had one thing in common – they couldn’t get to grips with the world.” “Scott could never understand why three-quarters of the world had to go hungry while one quarter had more food than they needed. For a lot of [addicts] the world is a very painful place. Drugs take the edge off reality”. (Legal News)

Match the key words with their definitions:

1. fatal
 2. staunch (opponent)
 3. concede
 4. anathema
 5. tackle
 6. prospect
 7. abuse
 8. get to grips with
-
- a. admit unwillingly
 - b. something you hate or disapprove of
 - c. causing death
 - d. deal with
 - e. cope with
 - f. strong, firm
 - g. chance
 - h. wrong use

4. Teenage drinking and drug-taking

The Guardian newspaper in the UK invited people to send in their opinions about the phenomenon of young teenagers turning to drink and drugs. Below is a selection of some of those opinions:

I'm 27. Since the age of about 13 I've been drinking and smoking. Why? Let me attempt to answer. My generation's culture is accelerating at a pace never before experienced. We have instant solutions to everything. We want information – we log onto the net. We want to contact someone – we have our mobile phone. We want entertainment – we turn on the TV or the games console. With so many ways to instantly gratify ourselves is it any wonder that when things aren't going so well we turn to the quickest solution: drink and drugs?

Andrea, Manchester

I am sickened by teenagers who blame society for their drinking habits. These kids say that society doesn't provide enough for them and that they are bored and that's why they turn to drink and drugs. Well, I grew up in a rural village that had absolutely nothing: no bars, cinemas, sports centres, youth clubs – NOTHING! But we didn't take drugs and I had my first drink when I was 17. Boredom is no excuse.

G. Winterbottom, Greenwich

Let's remember how influential TV can be. Inevitably TV shows things that look good on the screen. This means they focus on people doing crazy things, being hip and generally acting like a true party animal. Filming university lecturers talking about good books is no way to attract a mass audience. Repeatedly kids are bombarded with images implying that life is about excitement and craziness – a message that entails a total disregard for the virtues that stop adult society falling apart. This must make young people nowadays much more demanding than kids in the past, and it must make them much more likely to look for easy ways of forgetting the thoroughly unexciting demands of adult life.

Yazoo, Brazil

All 14-years-old want to do is go out and do exactly what the 18 years old are doing. I am constantly hearing tales from my friend's 14-years-old sister about how she's been sick in a club and can't remember what happened. She thinks it's great, and says it's what everybody does. She also tells me that the most popular radio station in the UK has a programme on Saturday morning where teenagers regularly phone in and talk to the DJ about how drunk they got the previous night. Everybody just laughs.

Andrew, Birmingham

If your future is going to consist of fifty or sixty years stuck in a tedious 9 to 5 job like a rat on a treadmill, chemicals are the way to go.

Naz, UK

When I was young I turned to drink for the following reasons: I always felt like an outsider. Teachers and adults never valued my thoughts and contributions, I was a

second class citizen because of my age. Yet when I went out at the weekend and drank I forgot all about that, and for a few hours I felt on top of the world.

Alan, New Zealand

In Holland there isn't this idea that sex, drink and drugs (at least soft drugs) are something bad. The whole system is more relaxed and people are much more open about these issues. Of course there are problems but I don't think the solution is stricter legislation. Britain has much stricter legislation and the problems there are far worse. Take teenage pregnancies as an example. The age of consent for sex in the UK is 16, whereas in Holland it is 12, and we have the lowest rate of teenage pregnancy in Europe. Helga, Amsterdam (Legal News)

Match the key words with their definitions:

1. gratify
 2. hip
 3. imply
 4. entail
 5. disregard
 6. pace
 7. virtue
 8. be sick
 9. tedious
 10. treadmill
 11. consent
- a. to have as a logical consequence
 - b. satisfy
 - c. pay no attention
 - d. to say indirectly
 - e. to be "cool" or trendy
 - f. to empty the contents of the stomach through the mouth
 - g. wheel that mice in cages run on

- h. agreement
- i. boring
- j. a good character trait, like courage
- k. speed

5. Making New Laws: Bills and Acts

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

Every year Parliament passes about a hundred laws directly, by making Acts of Parliament. Because this can be a long process, Parliament sometimes passes a very general law and leaves a minister to fill in the details. In this way, it indirectly passes about 2000 additional rules and regulations.

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

Public and Private Bills are passed through Parliament in much the same way. When a Bill is introduced in the House of Commons, it receives a formal first reading. It is then printed and read a second time, when it is debated but not amended. After the second reading the Bill is referred to a committee, either a special committee made up of certain members of the House, or to the House itself as a committee. Here it is discussed in detail and amended, if necessary. The Bill is then presented for a third reading and is debated. If the Bill is passed by the Commons it goes to the Lords, and provided it is not rejected by them, it goes through the same procedure as in the Commons. After receiving the Royal Assent the Bill becomes an Act of Parliament. In order to be enforced, it must be put in Statute form, becoming a part of Statute Law. The power of the Lords to reject a Bill has been severely curtailed. A money Bill

must be passed by the Lords without amendment within a month of being presented in the House. The Act of 1949 provides that any Public Bill passed by the Commons in two successive parliamentary sessions and rejected both times by the Lords, may be presented for the Royal Assent, even though it has not been passed by the Lords. The Lords, therefore, can only delay the passage of a Public Bill, they cannot reject it. (Legal News)

6. Detroit Mercy Law Student Serves as Head of the SBA

Detroit Mercy law student Michael Valenti is following in the footsteps of his grandfather, Toronto lawyer Paul Valenti – who at 89 continues to practice law full time. “He’s always been a great influence and role model to me,” says Valenti, who spent the summer working at his grandfather’s firm. “His passion and dedication towards his work is unmatched. Growing up with exposure to his legal practice and his principled way of life allowed me to dream of following in his footsteps. As a lawyer, engineer, politician and community activist, his commitment to education and helping those around him is really what drew me to the study of law”. Valenti’s interest in law further flourished in his high school years, studying criminal cases and how they impacted the legal world and society in general. The exposure sparked his interest in the study of crime, leading him to earn an undergrad degree in criminology from York University in Toronto. He then chose Detroit Mercy Law for its Canadian & American Dual J.D. program, and commutes to classes across the Detroit-Windsor Tunnel from his home in Windsor. “One of the best aspects of Detroit Mercy Law School is the collegial environment it creates,” he says. “The school truly represents a tight-knit community where the faculty and administration actually know who you are and makes you feel at home.” Serving as president of the **Student Bar Association**, Valenti said his goal in the coming year is to create an environment of inclusivity and foster student involvement in all areas of the law school.

“Sometimes I still have to pinch myself when I remind myself I’m the Executive President of the SBA,” he says. “I enjoy the challenge that the role represents and what it means to be in this position.

The SBA is the governing body for all student organizations. We play an active role in the funding, management and creation of student groups, social and networking events and community outreach. “It’s important to engage in activities within the law school community that don’t represent doing readings or assignments,” he adds. “The SBA always encourages participation in our events, meetings and student organizations.”

A 3L student heading for graduation next spring, Valenti enjoys mentoring first year students. “Knowing first-hand how challenging law school can be at times, it’s very humbling to be able to pass down tips and advice,” he says. “Helping first year students navigate through the early stages of law school is very rewarding.” When serving as a student ambassador for the law school, he enjoys the excitement of prospective students that come for tours. “I can feel their of sense pride and accomplishment and it always makes for a fun time,” he says. Valenti has worked as a student attorney at Danson Recht LLP in Toronto, a firm specializing in commercial, civil and criminal litigation; and as an administrative assistant / social media coordinator for the Steve Moore Foundation in Toronto, created by the former NHL player whose career was cut short in 2004 when he suffered three broken vertebrae and a concussion, among other injuries. “The best part about working with the foundation is being able to see how much it positively impacts the lives of others, specifically in the area of concussions and head injuries,” Valenti says. A sports nut himself, Valenti is a member of the law school’s tennis club, and played football, athletics, and varsity baseball at York University, “I can be properly considered a sports fanatic and an amateur athlete,” he says. “Watching and playing sports consumes most of my time outside of law school. As a loyal Toronto sports fan, I’m still waiting to see the Leafs win the Stanley Cup. It might be a while”. He gives back to his community by coaching and managing minor hockey teams.

“After coaching my first team just after graduating high school, I’ve not looked back and I sincerely enjoy the mentoring role that being a youth hockey coach creates,” he says. (Legal NewsPosted December 7, 2016 By Sheila Pursglove)

7. Ohio Federal Court Dismisses Suit Against Doctor Over Prisoner's Suicide

Loaded on Nov. 8, 2016 published in Prison Legal News November, 2016, page 13

Filed under: Pain, Failure to Treat, Failure to Treat (Mental Illness), Suicides.
Location: Ohio.

On September 4, 2015, an Ohio federal district court dismissed a lawsuit brought against a former prison doctor following the suicide of a prisoner under his care.

Ohio prisoner Gregory Stamper was in extreme pain due to damage to his nervous system. Dr. Myron Lyle Shank, the physician responsible for Stamper's medical care, refused to prescribe pain medication. Stamper committed suicide on June 1, 2011 at the Allen Correctional Institution, and the Ohio Justice and Policy Center, a Cincinnati-based prisoners' rights group, filed a lawsuit alleging the failure to treat his severe pain caused him to take his life.

Federal judge Edmund A. Sargus, Jr. ruled that Dr. Shank's treatment of Stamper was not deliberately indifferent to his serious medical needs because the doctor had determined the medication Stamper was using was ineffective and Stamper had misused the medication. A review by prison officials conducted after Stamper's suicide concluded that Dr. Shank had improperly canceled medication and treatment of patients without first examining them, and had failed to conduct proper follow-ups of the patients he did see. A previous investigation by the Ohio State Medical Board resulted in a citation issued on January 12, 2011, which stated Shank had inappropriately continued to prescribe narcotics to patients who were not compliant with clinical instructions, as treatment for fibromyalgia and to patients who exhibited drug-seeking behavior. He also was charged with inappropriately prescribing controlled stimulants despite the presence of possible contraindications and inappropriately prescribing sedatives to a patient with sleep apnea. Finally, the citation said he failed to follow up on a needle biopsy performed for possible malignancy and kept incomplete, often illegible and/or unprofessional medical charts.

On December 14, 2011, the State Medical Board ordered Shank's license

suspended, but stayed the suspension and placed him on probation for a minimum of three years. The term of probation ended on June 10, 2015.(Prison Legal News)

8. Why Jessica Silva should never have been convicted of manslaughter

“I JUST grabbed the knife”. This is what Jessica Silva described to me, trying so hard to be strong and not cry, when I sat down to interview her in April last year. It was just a month after a jury found her guilty of the manslaughter of her partner James Polkinghorne. She described in brutal detail how she killed James on Mother’s Day 2012. It was another violent night in Jessica’s life, but this would end with her killing James on the road outside her parents home, not him killing her.

The Courts have now decided on what was so painfully clear to me when I spent time with Jessica – that she was the victim all along, and not a murderer nor someone complicit in manslaughter. You see, like thousands of other Australian women, Jessica Silva had been silently suffering at the hands of James Polkinghorne. She was the victim of endless domestic violence – beatings, threats, cunning manipulation and intimidation.

Jessica described to me the one time James held her up against a wall, choking her. People nearby heard it all, but when the police arrived she lied. The red marks were “just a rash”. Simply, Jessica was too scared of the consequences if she told the truth.

In one moment I found heartbreaking, Jessica told me how the abuse began by James belittling her. Telling her “she was fat, she was ugly, she wasn’t worth anything”. Once he’d stolen her pride, Polkinghorne fed on her fear. He’d dangle her over a balcony, throw her across a room, pin her down and punch her.

James, she explained, “always had to be right, in control”.

Jessica Silva walked out of the Supreme Court with a clear name today, after having her manslaughter conviction quashed. Picture: John Appleyard Source:News Corp Australia

And I’m sure those words will make some women reading this shake with terrifying familiarity.

Like many women, Jessica hid the pain from everyone. Family and friends could see her bright personality fade over time. She was distant, almost hollow, always putting on a brace face. Because Jessica lived in blind hope that the musclebound and charming young man she fell in love would return to replace the hulking monster that threatened to kill her, and in the end her family. She also tried to make it work, make James calm as much as she could, for the sake of their young son. As she told me in our interview: “I still have feelings for the man I fell in love with, but not the man he became to be”. But eventually she fled. She took that step that tragically too many abused just can’t. She left. Finding incredible strength to overcome crippling fear of retribution, she grabbed her son and found sanctuary with her family.

That only enraged James even more, and on the night of his death, he was on a rampage. He’d called, and called and called, then tracked her down. Jessica’s father and brother tried to protect her, while her mum cowered with her young son in a back room. It was a night of pure terror for the Silva’s and, one way or another, someone was going to die.

The cold, soulless statistics tell us that weekly it’s almost always a woman who dies at the hands of an abusive man. But not this night. In a split second, in pure self-defence and to protect herself and her family who were being pummelled by Polkinghorne outside, Jessica ran inside, grabbed that knife and stabbed James Polkinghorne. “I just went in and grabbed the knife, not thinking I was going to use it,” she told me. “I just grabbed the knife”. She was immediately arrested and the course of action against her has now been well reported.

In the time I spent with Jessica, the affects of domestic violence on her personality were sadly obvious. Vulnerable, guarded and trusting very few people. We talked off camera about her having to rebuild her personality and confidence that had been gradually destroyed with every strike of a fist, or verbal attack. But Jessica at her core remains ridiculously strong. She has to be her for son. And in quite a remarkable gesture, even reached out to reunite with Karl Polkinghorne, James’ father, seeking his forgiveness. He told her, “no anger, no hatred.” At the end of our very emotional

interview, Jessica reflected: “I don’t know what to feel, how to feel, my head is so heavy. I just want it to escape, but it won’t.” Well, Jessica, maybe now it can. And maybe you can now move on, to a safer and more secure future for you, your son and your family. I’ll finish with Jessica’s own words, her own advice for other women suffering the same hell of domestic violence: “You need to let people know what’s going on in your life. Walk away, because it’s never going to change. The ‘sorry’s’. It’s all a lie.” (December 8, 2016 6:24am Michael Usher, news.com.au news.com.au)

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