

**МІНІСТЕРСТВО ОСВІТИ І НАУКИ УКРАЇНИ  
ЧЕРНІГІВСЬКИЙ НАЦІОНАЛЬНИЙ ТЕХНОЛОГІЧНИЙ УНІВЕРСИТЕТ**

## **English for lawyers**

**Методичні вказівки до самостійної роботи з англійської мови за  
професійним спрямуванням для студентів спеціальності 081 «Право»  
Частина III**

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## ВСТУП

Методичні вказівки призначені для проведення самостійних занять зі студентами юридичного факультету та укладені відповідно до чинної навчальної програми з дисципліни “Іноземна мова за професійним спрямуванням”.

Мета пропонованих методичних вказівок – сприяти формуванню професійно-орієнтованої компетенції в читанні, усному і писемному мовленні, що здійснюється в межах ситуативного професійного контексту.

Методичні вказівки містять 4 модулів, в які входять 8 тем із текстами для читання, завданнями для перевірки прочитаного, лексичними та граматичними вправами, завданнями на розвиток умінь усного мовлення та письма. Підібраний текстовий матеріал є органічним компонентом професійної підготовки студентів юристів. Фахові тексти та система вправ допоможуть майбутнім спеціалістам оволодіти відповідною термінологічною лексикою, підготують їх до спілкування іноземною мовою у професійному середовищі. Різноманітність та варіативність завдань сприятимуть реалізації диференційованого та індивідуального підходів до студентів.

## Module 9. Company law

### Unit 1. Company formation and management

#### 1.1 Answer the questions?

1. What does company law deal with?
2. Is the term company law the UK or US?
3. How is it called in the US?
4. What documents are required when forming a company?

#### 1.2 Read the text to understand what information is new for you:

Company law<sup>1</sup> is the law which deals with the creation and regulation of business entities. The most common forms of business entity are companies and **partnerships**.

A company<sup>2</sup> is a group of people which is treated as a legal person, with a separate identity from its **shareholding members**. It can own property, enter into contracts; sue others and be sued. This contrasts with a partnership, which is not considered to be a legal person and is not able to own property in its own name.

Because of the **limited liability** of the members of a company for its debts, as well as its separate personality and **tax treatment**, the company has become the most popular form of business entity in most countries in the world.

Companies have an inherent flexibility which can let them grow; there is no legal reason why a company initially formed by a sole proprietor cannot eventually grow to be a publicly listed company, but a partnership will generally have limited number of partners.

A company has shareholders (those who invest money in it and get shares in return), a **board-of directors** (people who manage the affairs of the company) and creditors (those to whom the company owes money). Company law deals with the relationships between companies and their **shareholders**, creditors, regulators and third parties.

The process of registering a company is known as company formation.<sup>3</sup> Companies can be created by individuals, specialized agents, **attorneys** or **accountants**. Today the majority of companies formed in the UK and the USA are formed electronically. In the UK, a certificate of incorporation is issued once the company's constitutional documents and statutory terms have been filed.<sup>4</sup>

The constitution of a company consists of two documents. The memorandum of association<sup>5</sup> states the principal object of the company. The second document, the articles of association,<sup>6</sup> regulates the company's internal management and administrative affairs, including matters such as the rights and **obligations** of shareholders and directors, conduct of meetings and corporate contracts.

1 (US) corporation(s) law

2 (US) corporation

3 also company registration (UK) and incorporation (US)

4 (US) generally no official certificate is issued

5 (US) articles of incorporation or certificate of incorporation (US)

6 (US) bylaws

**1.2.1 Decide whether these statements are true (T) or false (F) according to the text**

1. Under the law, a company and its members are distinct legal personalities.

2. Company members are generally not personally responsible for the money owed by the company.

3. A certificate of incorporation is issued when the proper documents for company formation have been filed.

4. The memorandum of association of a company contains regulations relating to the internal affairs of a company.

***Vocabulary focus***

**1.3 Be ready to explain the words and phrases pointed out in the text above. Make up your own sentences with them**

**1.3.1 Give the English equivalents for the following word combinations and make up your sentences with them using Passive Voice:**

суб'єкт господарювання, товариство, акціонер, володіти майном, подавати позов, обмежена відповідальність, борг, регулювати, необхідні документи.

**1.3.2 Match these terms related to shares (1-8) with their definitions (a-h)**

1. Authorized share capital

2. Dividend

3. Issued share capital

4. Ordinary share

5. Pre-emption rights

6. Preference share

7. Rights issues

8. Subscriber

a) Someone who agrees to buy shares or other securities

b) Offer of additional shares to existing shareholders, in proportion to their holdings, to raise money for the company

c) Type of share in a company that entitles the shareholders to voting rights and dividends

d) Entitlement entailing that, when new shares are issued, these must first be offered to existing shareholders in proportion to their existing holdings

e) Maximum number of shares that company can issue, as specified in the firm's memorandum of association

f) Proportion of authorized capital which has been issued to share holders in the form shares

g) Type of share that gives rights of priority as to dividends, as well as priority over other shareholders in company's winding-up

h) Part of a company's profits paid to shareholders

### ***Grammar points: Passive Voice***

#### **1.4 Revise the grammar rules by watching the video explanations**

<https://www.youtube.com/watch?v=oXbgIWBYYxE>

<https://www.youtube.com/watch?v=ePfmGMTgXI8>

<https://www.youtube.com/watch?v=nRGLDD0BBdc>

#### **1.4. 1 Open the brackets using the verbs in the right grammar form**

1. The contract (to draw up) last week. 2. The contract ( not to draw up) yet. 3. The Greeks believed that laws (to make) by the people for the people. 4. The document (to sign) now. 5. He (to punish) already for being drunk while driving. 5. The document (to study) by the time the Dean came into the room. 6. The code (to read) at this time yesterday. 7. The company (to close) last year. 8. When the company (to close)? 9. When the meeting of the shareholders (to organize)? 10. When a new manager (to appoint)? 11. The contract ( not to draw up) by the end of next week.

## **Unit 2. Legal aspects of fundamental changes in a company**

### **2.1 Answer the questions?**

1. What changes can happen to a company?
2. When does a merger take place ?
3. How can a company gain control of another company?
4. What does winding up mean?
5. When does compulsory winding up happen?
6. What does voluntary liquidation mean?

### **2.2 Read through the text quickly and decide whether these statements are true or false**

1. The shares of a company which are actually owned by shareholders are known as authorized share capitals.

2. Share capital is subdivided into two basic types of share: ordinary and preference shares.

3. People who already own shares possess the right of first refusal when new shares are issued.

4. In addition to share capital, loan capital is another means of financing a corporation.

The term capitalization refers to the act of providing capital for a company through the issuance of various securities. Initially, company capitalization takes place through the issuance of shares as authorised in the **memorandum of association**. The **authorised share capital**, the maximum amount of share capital that a company can issue, is stated in the memorandum of association, together with the division of the share capital into shares of a certain amount. (e.g. 100 shares of \$1). The memorandum of association also states the names of the **subscribers**. The minimum share capital for a public limited company in Great Britain is \$50.000. **Issued share capital**, as opposed to authorised share capital, refers to shares actually held by shareholders. Accordingly, this means that a company may authorise capital in excess of the mandatory minimum share capital but refrain from issuing all of it until a later date – or at all.

The division of share capital usually entails two classes of shares, namely **ordinary shares** and **preference shares**. The ordinary shareholders has voting rights, but the payment of **dividends** is dependent upon the performance of the company. Preference shareholders on the other hand, receive a fixed dividend irrespective of performance (provided the payment of dividends is legally permitted) before the payment of any dividend to ordinary shareholders, but preference shareholders normally have no voting rights. There is also the possibility of **share subdivision**, whereby, for example, one ten-pound share is split into ten one-pound shares, usually in order to increase marketability. The reverse process is, appropriately enough, termed **share consolidation**.

Shares in British companies are subject to **pre-emption rights**, whereby the company is required to offer newly issued shares first to its existing shareholders, who have the right of ‘first refusal’. The shareholders may waive their pre-emption rights by **special resolution**.

A feature of public companies is that the shares may be freely traded. Shares are normally sold to existing shareholders through a **rights issue**, unless pre-emption rights have been waived. Even here, though, new shares are not always offered in the first instance to the general public, but rather may be sold to a particular group of **individuals** (a directed placement).

Share capital is not, of course, the only means of corporate finance. The other is **loan capital**, typified by **debentures**. The grant of security for a loan by giving the creditors the right to recover his capital sum from specific assets is termed a **fixed charge**. Companies may also borrow money secured by the company’s assets, such as stock in trade. This arrangement is known as a **floating charge**.

1. (US) Articles of incorporation
2. (US) authorized shares
3. (US) common shares
4. (US) preferred shares
5. (US) stock split

6. (US) reverse (stock) split
7. (US) preemptive rights.
8. (US) security interest in specific assets (also chattel mortgage prior to the Uniform Commercial Code).

### *Vocabulary focus*

**2.3 Be ready to explain the words and phrases pointed out in the text above. Make up your sentences with them**

#### **2.4 Render into English**

Це команда молодих, успішних, висококваліфікованих юристів-практиків. Свої знання, досвід, напрацювання та здобутки ми зосередили на юридичних та брокерських послугах в напрямках купівлі-продажу, створення та діяльності бізнесу. Ми проводимо широкий комплекс заходів, щоб допомогти продати діючий бізнес: від пошуку потенційних покупців до юридичного супроводу угоди купівлі-продажу. Ми надаємо повний комплекс послуг з реєстрації та ліквідації підприємств, а також реєстрації змін тощо.

Юридична компанія «Ділові послуги» буде Вам корисною, якщо:

Вам потрібно швидко, надійно та вигідно продати готовий бізнес;

Ви хочете купити готовий бізнес без зайвих ризиків;

У Вас є бажання розпочати власну справу «з нуля» і стати підприємцем;

У Вас є бізнес-ідея і Ви готові стартувати, але не знаєте, яку організаційно-правову форму для реєстрації свого бізнесу обрати;

У Вас вже готові всі документи, але Ви за браком часу не можете самостійно розпочати клопітку процедуру реєстрації власної справи;

Постала потреба внести зміни в установчі та статутні документи Вашого підприємства; хочете взагалі ліквідувати бізнес, який застарів і не приносить прибутку, щоб «з нуля» розпочати нову, більш перспективну та вигідну справу.

Ми знаємо, як все зробити просто і швидко.

### ***Grammar points: Passive Voice***

#### **2.5 Change Active into Passive**

1. A company may alter its capital structure. 2. A company may only reduce its share capital following court confirmation. 3. The memorandum of association states the names of the subscribers. 4. All the members must sign a written resolution that the name of the company be changed to the new name. 5. Companies may also borrow money secured by the company's assets. 6. A company may authorise capital in excess of the mandatory minimum share capital. 7. The division of share capital usually entails two classes of shares. 8. A company may alter its objective clause by special resolution. 9. They appointed the director to carry out and control the day-to-day affairs of the company. 10. They appointed a company's auditors at general meetings of the company. 11. The manager signed the contract yesterday.

## 2.6 Choose the correct option

1. The investigator \_\_\_\_\_ a difficult case now.  
a) is investigating    b) investigates    c) has been investigating
2. He \_\_\_\_\_ the evidence when the chief inspector came to the place of crime.  
a) has collected    b) was collecting    c) will be collecting.
3. A defense-lawyer \_\_\_\_\_ the accused.  
a) is represented    b) was represented    c) represents
4. The case is rather complicated. The jury still \_\_\_\_\_ a verdict.  
a) is deciding    b) has decided    c) will decide
5. I think it \_\_\_\_\_ a very difficult case.  
a) was    b) is being    c) is
6. I know he \_\_\_\_\_ as a judge.  
a) works    b) is working    c) worked
7. The house \_\_\_\_\_ when the chief investigator called.  
a) searched    b) was searched    c) was being searched
8. The burglar \_\_\_\_\_ into the house and stole a new TVset.  
a) broke    b) had broken    c) was broke
9. The famous criminal \_\_\_\_\_ the day before yesterday.  
a) was not to arrest    b) did not arrest    c) was not arrested
10. The verdict \_\_\_\_\_ by the time he came in the court room.  
a) announced    b) was announced    c) was being announced
11. A defense-lawyer \_\_\_\_\_ the accused in five minutes.  
a) will represent    b) will be represent    c) represents
12. A drug dealer \_\_\_\_\_ drugs when a police caught him.  
a) was selling    b) was sold    c) had sold
13. Experts \_\_\_\_\_ the fingerprints by noon yesterday.  
a) had examined    b) had been examined    c) examined
14. Offenders between 10 and 17 \_\_\_\_\_ by special juvenile courts.  
a) are tried    b) try    c) will try
15. The test \_\_\_\_\_ by the end of the day  
a) will do    b) will have been done    c) will be done

## Module 10. Criminal Law and Crime Investigation

### Unit 1 . Basic Concepts of Criminal Law

#### 1.1 Answer the questions?

1. What does criminal law deal with?
2. What kinds of professionals are engaged into criminal investigation?
3. How are crimes classified?

#### 1.2 Read the text and do the tasks below

### Criminal Law

A crime is an act that a legislature has defined as **socially harmful**. To be found **criminally responsible**, a person must commit a criminal act and also intend to commit the act. Classifications of crime may depend on the seriousness of the act as determined by the duration of **punishment** or by the type of social harm the statute intends to prevent or deter. The former classification thus categorizes crimes as **felonies** and **misdemeanors** while the latter classification categorizes crimes as offenses against the person and offenses against property.

To be found guilty of a criminal offense, it is not necessary to commit the intended crime. An attempt to commit the crime is **punishable** as well. However, a person cannot be convicted of an **attempt** to commit a crime unless he could have been convicted of the crime itself had his attempt been successful. It is also a criminal offense to work with others toward the commission of a crime. Thus, when two or more people combine to carry out an unlawful purpose, they may be found guilty of conspiracy. Just as the guilt of one party may be imputed to the participants in a conspiracy, the criminal act of an agent may be imputed to his principal, if the principal shares the agent's intent. When a corporation is involved, the guilt of individual employees may in some circumstances be imputed to the corporation.

Before criminal responsibility can attach, the **accused** must have intended in some way the criminal consequences of his act. This criminal intent requirement, known as mens rea, is in some instances dispensed with. Many regulatory codes dealing with public health and safety, for example, prescribe that failure to adhere is a criminal violation, irrespective of the violator's intent. There are, however, no precise lines or comprehensive criteria for distinguishing between crimes that require a mental element and crimes that do not.

The criminal law recognizes certain excuses that may limit or overcome criminal responsibility. In rare instances, mistake of law may serve as an excuse; more common is ignorance or mistake of fact. The defense of entrapment may also be used **to escape criminal responsibility**. While the police may employ undercover agents or decoys, they are permitted to use such techniques only to detect criminal activity, not to instigate it. Lack of mental capacity can also operate as a defense to

criminal prosecution. Thus, infancy, insanity and intoxication may in some cases serve as an excuse for the commission of a crime.

A criminal prosecution begins when there is probable cause to believe that the accused committed the crime. The accused is then arrested – either with or without a warrant, depending upon the circumstances – and is brought before the magistrate for a preliminary hearing to determine whether there are **sufficient grounds** to hold the accused for trial. Subsequent to this hearing, the prosecutor must either file an information stating the charge or ask the grand jury for an indictment, a formal declaration of charges. Thereafter, the defendant is arraigned, brought before a judge to enter his plea. If he pleads not guilty, the case goes to trial; if he pleads guilty, the judge will **impose a sentence**.

The **defendant** in a criminal case is entitled to certain protections spelled out in the Constitution. These include the right to be free from **unreasonable searches** and seizures; the prohibition on government against prosecuting a person twice for the same offense (double jeopardy); the right against self-incrimination; the right to a speedy trial; the right to cross-examine; the right to counsel; and the prohibition against cruel and unusual punishment.

### 1.1.2 Choose the correct option according to the text

#### 1. *Crime*

- a) is an act that a legislature has defined as socially harmful;
- b) is something your Daddy tells you not to do;
- c) is the official interpretation of a socially unacceptable activity.

#### 2. *Felonies and misdemeanors*

- a) are the classification of crime by the type of social harm the statute intends to prevent;
- b) are the classification of crime by the time when it was committed;
- c) are the classification of crime by the seriousness of the act.

#### 3. *To conspire*

- a) is to combine with other people to carry out an unlawful purpose;
- b) is to talk to other people about the possibility of committing an unlawful purpose;
- c) is to egg on other students to miss the lecture.

#### 4. *Mens rea*

- a) is the wrong way of writing the plural of "men";
- b) is the premeditation by the accused, in some way, of the criminal consequences of his act;
- c) is the harmful action or failure to carry out one which endangers the safety of other people.

*5. The Defense of Entrapment*

- a) is the concept that police may not instigate the crime;
- b) is the plea of being framed up by one's own friends (accomplices);
- c) is the act of counter entrapment, used by criminals to frame up police officers.

*6. Insanity*

- a) is the state of being not-particularly sane;
- b) is the state when the person does not fully comprehend what he/she is doing;
- c) is the one of the pleas based on the lack of mental capacity.

*7. Intoxication*

- a) is the state of being drunk;
- b) is the state of being toxic;
- c) is the state of being poisoned by soft drinks.

*8. Warrant*

- a) is a formal authorization needed for the arrest of the accused;
- b) is a partial justification of the actions undertaken by the police;
- c) is a pardon granted by the grand jury to the accused on the grounds of his/her mental incapacity.

*Vocabulary focus*

**1.2 Be ready to explain the words and phrases pointed out in the text above. Make up your sentences with them**

**1.3 Read the text and match the following headings with the sections below**

- A. Psychological and psychiatric theories
- B. Biological theories
- C. Multiple causation theory
- D. Social environment theories
- E. Theological and ethical theories
- G. Climatic theory

**The Causes of Crime**

(1) No one knows why crime occurs. The oldest theory, based on theology and ethics, is that criminals are perverse persons who deliberately commit crimes or who do so at the instigation of the devil or other evil spirits. Although this idea has been discarded by modern criminologists, it persists among uninformed people and provides the rationale for the harsh punishments still meted out to criminals in many parts of the world.

(2) Since the 18<sup>th</sup> century, various scientific theories have been advanced to explain crime. One of the first efforts to explain crime on scientific, rather than theological grounds was made at the end of the 18<sup>th</sup> century by the German physician and anatomist Franz Joseph Gall, who tried to establish relationships between skull structure and criminal proclivities. This theory, popular during the 19<sup>th</sup> century, is discredited and has been abandoned. A more sophisticated theory — a biological one — was developed late in the 19<sup>th</sup> century by the Italian criminologist Cesare Lombroso, who asserted that crimes were committed by persons who are born with certain recognizable hereditary physical traits. Lombroso's theory was disproved early in the 20<sup>th</sup> century by the British criminologist Charles Goring. Goring's comparative study of jailed criminals and law-abiding persons established that so-called criminal types, with innate dispositions to crime, do not exist. Recent scientific studies have tended to confirm Goring's findings. Some investigators still hold, however, that specific abnormalities of the brain and of the endocrine system contribute to a person's inclination toward criminal activity.

(3) Another approach to an explanation of crime was initiated by the French political philosopher Montesquieu, who attempted to relate criminal behavior to natural, or physical environment. His successors have gathered evidence tending to show that crimes against person, such as homicide, are relatively more numerous in warm climates, whereas crimes against property, such as theft, are more frequent in colder regions. Other studies seem to indicate that the incidence of crime declines in direct ratio to drops in barometric pressure, to increased humidity, and to higher temperature.

(4) Many prominent criminologists of the 19<sup>th</sup> century, particularly those associated with the Socialist movement, attributed crime mainly to the influence of poverty. They pointed out that persons who are unable to provide adequately for themselves and their families through normal legal channels are frequently driven to theft, burglary, prostitution, and other offences. The incidence of crime especially tends to rise in times of widespread unemployment. Present-day criminologists take a broader and deeper view; they place the blame for most crimes on the whole range of environmental conditions associated with poverty. The living conditions of the poor, particularly of those in slums, are characterized by overcrowding, lack of privacy, inadequate play space and recreational facilities, and poor sanitation. Such conditions engender feelings of deprivation and hopelessness and are conducive to crime as a means of escape. The feeling is encouraged by the example set by those who have escaped to what appears to be the better way of life made possible by crime.

Some theorists relate the incidence of crime to the general state of a culture, especially the impact of economic crises, wars, and revolutions and the general sense of insecurity and uprootedness to which these forces give rise. As a society becomes more unsettled and its people more restless and fearful of the future, the crime rate tends to rise. This is particularly true of juvenile crime, as the experience of the United States since World War II has made evident.

(5) The final major group of theories is psychological and psychiatric. Studies by such 20<sup>th</sup> century investigators as the American criminologist Bernard Glueck and the British psychiatrist William Healy have indicated that about one-fourth of a

typical convict population is psychotic, neurotic, or emotionally unstable and another one-fourth is mentally deficient. These emotional and mental conditions do not automatically make people criminals, but do, it is believed, make them more prone to criminality. Recent studies of criminals have thrown further light on the kinds of emotional disturbances that may lead to criminal behavior.

(6) Since the mid-20<sup>th</sup> century, the notion that crime can be explained by any single theory has fallen into disfavor among investigators. Instead, experts incline to so-called multiple factor, or multiple causation theories. They reason that crime springs from a multiplicity of conflicting and converging influences — biological, psychological, cultural, economic and political. The multiple causation explanations seem more credible than the earlier, simpler theories. An understanding of the causes of crime is still elusive, however, because the interrelationship of causes is difficult to determine.

### **1.3.1 Make up 5 questions and a summary to the text above**

**1.4 You are going to read a magazine article about burglar-friendly houses. Choose from the list A-I the sentence which best summarizes each part (1-5) of the article. There are two extra sentence which you do not need to use.**

- A Houses which are very private are less safe.
- B Make your possession easy to identify.
- C Burglars look at our houses differently to the way we do.
- D Burglars are attracted by signs of absence.
- E Large homes suggest large bank accounts.
- F “The first time you have your house broken into probably won’t be the last”.
- G Call the police if you have been burgled.

### **Do you Live in a Burglar-Friendly House?**

1 \_\_\_\_\_ It's the last thing you want to hear when you've just been burgled, but the awful truth is that if you've been burgled once, you'll probably be burgled again. Why? Because some of us have 'burglar-friendly' houses.

2 \_\_\_\_\_ You should take a good look at your house – not as you normally do, but as a burglar would. If you were a burglar, which home would you choose to rob, - a house with a shiny new car parked outside or one with a rusty vehicle? Anything which signals nice possessions and money will certainly catch the burglar's eye.

3 \_\_\_\_\_ People may complain about their nosy neighbours, but there's no better way of stopping burglars than having watchful neighbours around. If a house is far away from others, or hidden from the road, it is more attractive to burglars, who think they can get in and out without being noticed. So a burglar alarm is a good idea. And remember, you may get privacy from a tall hedge or a high wall – but so does a burglar.

4 \_\_\_\_\_ By leaving newspapers and letters sticking out of the letter-box or full milk bottles on the doorstep, you are giving burglars the green light to break into your home. Similarly, if you're away from the house at regular times – out at work or doing the shopping – then your home is also in danger of being burgled. Ask a neighbour to keep an eye on your house at these times.

5 \_\_\_\_\_ It's a good idea to take photos of your valuable possessions. By doing that, if you're burgled, you'll be able to identify stolen property, which could lead to the thief being put behind bars. It is also possible to label valuable items such as TVs and videos with your postcode. If they are stolen, this will make them easier to find. One more good idea is to ask for a crime prevention officer to visit your home and identify weak points in its security.

### *Vocabulary focus*

#### **1.5 In the sentences below complete the de-voweled legal terms with the missed letters**

1. A "crime" is any act or \_\_\_m\_\_\_ ss\_\_\_ \_\_\_n in violation of a public l\_\_\_w forbidding or commanding it.

2. Though there are some common law cr\_\_\_m\_\_\_s, most crimes in the United States are established by local, state, and federal governments.

3. American cr\_\_\_m\_\_\_n\_\_\_l laws vary significantly from state to state.

4. In the USA there is a Model P\_\_\_n\_\_\_l Code which serves as a good starting place to gain an understanding of the basic structure of criminal l\_\_\_ \_\_\_b\_\_\_l\_\_\_t\_\_\_.

5. Crimes include both f\_\_\_l\_\_\_n\_\_\_s (more serious \_\_\_ff\_\_\_ns\_\_\_s like murder or rape) and misdemeanors (less serious offenses like petty th\_\_\_ft or jaywalking).

6. Felonies are usually crimes punishable by imprisonment of a year or more, while m\_\_\_sd\_\_\_m\_\_\_ \_\_\_n\_\_\_rs are crimes punishable by less than a year.

7. No act is a crime if it has not been previously established as such either by st\_\_\_t\_\_\_t\_\_\_ or c\_\_\_mm\_\_\_n law.

#### **1.6 Match each word on the left with the appropriate definition on the right**

- |                   |  |
|-------------------|--|
| 1) an arsonist    | a) attacks and robs people, often in the street                  |
| 2) a shop-lifter  | b) sets fire to property illegally                               |
| 3) a mugger       | c) is anyone who breaks the law                                  |
| 4) an offender    | d) breaks into houses or other buildings to steal                |
| 5) a vandal       | e) steals from shops while acting as an ordinary customer        |
| 6) a burglar      | f) kills someone   |
| 7) a murderer     | g) deliberately causes damage to property                        |
| 8) a kidnapper    | h) steals things from people's pockets in crowded places         |
| 9) a pickpocket   | i) gets secret information from another country                  |
| 10) an accomplice | j) buys and sells drugs illegally                                |
| 11) a drug dealer | k) takes away people by force and demands money for their return |
| 12) a spy         | l) helps a criminal in a criminal act                            |
| 13) a terrorist   | m) uses violence for political reasons                           |

- |                     |  |
|---------------------|--|
| 14) an assassin     | n) causes damage or disturbance in public places                       |
| 15) a hooligan      | o) hides on a ship or plane to get a free journey                      |
| 16) a stowaway      | p) takes control of a plane by force and makes the pilot change course |
| 17) a thief         | q) murders for political reasons or a reward                           |
| 18) a hijacker      | r) is someone who steals   |
| 19) a forger        | s) makes counterfeit (false) money or signatures                       |
| 20) a robber        | t) is a member of a criminal group                                     |
| 21) a smuggler      | u) steals money, etc. by force from people or places                   |
| 22) a traitor       | v) marries illegally, being married already                            |
| 23) a gangster      | w) is a soldier who runs away from the army                            |
| 24) a deserter      | x) brings goods into a country illegally without paying tax            |
| 25) a bigamist      | y) illegally carries drugs into another country                        |
| 26) a drug smuggler | z) betrays his or her country to another state                         |

**1.7 Read the following text to understand what information is new for you and do the tasks below**

### **Criminal law of England and the USA**

Criminal law in England derives from a number of diverse sources. The definitions of the different acts that constitute criminal offences can be found in the common law (murder, manslaughter, conspiracy to defraud) as well as in thousands of independent and disparate statutes and more recently from supranational legal regimes such as the EU. As the law lacks the criminal codes that have been instituted in the United States and civil law jurisdictions, there is no unifying factor to how crimes are defined, although there have been calls from the Law Commission for the situation to be remedied. Criminal trials are administered hierarchically, from magistrates' courts, through the Crown Courts and up to the High Court. Appeals are then made to the Court of Appeal and finally the House of Lords on matters of law.

Procedurally, offences are classified as indictable and summary offences; summary offences may be tried before a magistrate without a jury, while indictable offences are tried in a crown court before a jury. The distinction between the two is broadly between that of minor and serious offences. At common law crimes are classified as either treason, felony or misdemeanor.

The way in which the criminal law is defined and understood in England is less exact than in the United States as there have been few official articulations on the subject. The body of criminal law is considerably more disorganised, thus finding any common thread to the law is very difficult. A consolidated English Criminal Code was drafted by the Law Commission in 1989 but, though codification has been debated since 1818, as of 2007 has not been implemented. Scotland has a completely separate legal system.

In the United States, criminal prosecutions typically are initiated by complaint issued by a judge, or by indictment issued by a grand jury. Regarding the felonies in

Federal court, the Fifth Amendment to the United States Constitution requires indictment. The Federal requirement does not apply to the states, which have a diversity of practices. Three states (Connecticut, Pennsylvania, and Washington) and the District of Columbia do not use grand jury indictments at all. The Sixth Amendment guarantees a criminal defendant the right to a speedy and public trial, in both state and Federal courts, by an impartial jury of the State and district wherein the crime was committed, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of Counsel for his defense. The interests of the state are represented by a prosecuting attorney. The defendant may defend himself pro se, and may act as his own attorney, if desired.

### **1.7.1 Divide the following sentences into two groups: those relating to the criminal law of England and those relating to the criminal law of the USA**

- 1) The law lacks the criminal codes.
- 2) The criminal codes have been instituted.
- 3) The defendant may defend himself pro se, and may act as his own attorney, if desired.
- 4) Offences are classified as indictable and summary offences.
- 5) The criminal law is not strictly defined and is rather disorganised.
- 6) Criminal prosecutions are initiated by complaint issued by a judge, or by indictment issued by a grand jury.
- 7) Different states have a diversity of practices.
- 8) The Sixth Amendment guarantees a criminal defendant the right to a speedy and public trial
- 9) The interests of the state are represented by a prosecuting attorney.
- 10) There is no common idea to how crimes are defined
- 11) Criminal trials are administered by magistrates' courts, Crown Courts, High Court and the Court of Appeal.

### **1.8 Writing**

#### **This is a part of a letter that a 19-year old law student has sent to you**

*Dear .....*

*I've just found out that I've failed my exam in Criminal law. The question I had to answer was not very difficult: "The sources of criminal law in the USA". I was sure that it's worth speaking about precedent – and that's all, but the lecturerer wasn't satisfied with my answer and gave me bad mark; he even didn't explain what my mistake was. The good thing is that I will be able to retake the exam in two weeks, but I'm so scared to fail it again! What can I do? Please, help me!*

*Best regards  
Mark Brown*

**Write him a letter giving your advice. Use the following useful expressions and the following plan**

**Useful expressions:**

**Start with:** I just got your letter; I think I can help you; I was sorry to hear about your problem.

**Giving advice:** You should...; Why don't you...? It would be a good idea...; The best thing you can do is...; I strongly advice you to...; Your mistake was...; If I were you, I'd...

**Finish with:** I hope this helps you; Let me know what happens; Hope this advice is of some help to you; Things will get better soon.

**Plan**

*Introduction:*

Dear....

*Para 1:* Express sympathy

*Main body*

*Para 2:* Give your advice

*Conclusion*

*Para 3:* End the letter offering some encouragement

*Short detective stories*

**1.9 Read a story about a bank robbery. Fill in the gaps and answer the questions below**

**£5,000 Bank Robbery in the City**

There was a bank robbery in central London yesterday. Just before closing time yesterday, a man 1)\_\_\_\_\_ the Butcher Street Branch of the National Westminster Bank. He was carrying a shotgun, and wearing a stocking mask over his head. There were only a few customers in the bank at the time. He 2)\_\_\_\_\_ on the floor, and forced the manager to put the money in a sack. 3)\_\_\_\_\_ he was leaving, the security guard tried ring the alarm. The robber shot him and the guard is now in St. Patrick's Hospital. Surgeons are trying to save 4)\_\_\_\_\_ 5)\_\_\_\_\_ the police arrested a man in South London. He is now trying to prove his alibi.

1. a) entered in  
b) entered

c) left  
d) was entering

2. a) made them to lie  
b) made them lying

c) made lie to them  
d) made them lie

3. a) As  
b) As soon as  
c) After  
d) Before
4. a) him alive  
b) his death  
c) his life  
d) his from death
5. a) Last at night  
b) Late night  
c) Lastly night d  
d) Last night

### 1.9.1 Answer the questions:

1. Which of the following is not true?  
a) there weren't many customers in the Bank when the robber came  
b) just before closing time yesterday, a man came into the Butcher Street Branch of the National Westminster Bank and deposited £5,000  
c) when the man went into the Bank, he was carrying a shotgun  
d) 5,000 was stolen from the National Westminster Bank yesterday
2. When did the robbery happen?  
a) at midnight a day ago  
b) three hours before closing time of the Bank  
c) just before the Bank opened  
d) shortly before closing time of the Bank yesterday
3. How many customers were there in the Bank when the robbery happened?  
a) there weren't many customers there  
b) the Bank was packed with customers  
c) there was only one customer there  
d) there were quite a few customers in the Bank
4. Why did the robber shoot the security guard?  
a) the security guard wanted to escape with the sack full of money  
b) the security guard asked the manager not to put the money in the sack  
c) the security guard tried to ring the alarm  
d) the security guard didn't put the money in a sack
5. Whom did the police arrest last week?  
a) the manager of the bank  
b) the robber  
c) the security guard who didn't manage to ring the alarm  
d) a man trying to prove that he didn't rob the bank

**1.10 Read a story about a murder, fill in the gaps and answer the questions below**

**Mr. Reilly?**

"Mr. Reilly? This is Colonel Montgomery of Scotland Yard. I'm afraid I have some bad news for you. Your brother-in-law has just been murdered."

"Oh, my God," said the voice on 1) \_\_\_\_\_ end of the line. "I only saw Micky last night. I can't believe this is true. Are you sure it's him?"

"The 2) \_\_\_\_\_ is positive, Mr. Reilly. I would like to come straight over and talk to you about who would have a motive for killing him."

An hour later, Colonel Montgomery was seated in Reilly's flat.

"It's no secret that Micky had enemies," said Reilly. His business partner, Harold Smith, once 3) \_\_\_\_\_ him of stealing money from their business. They had some violent arguments. Then there's my sister's husband, Charles Johnes, who thought Micky had 4) \_\_\_\_\_ with his wife. Charles, I am embarrassed to say, is associated with the underworld. Another person who could have killed Micky is my wife's brother Billy...

There was no need to continue. From what Mr. Reilly said everything was obvious. He gave himself 5) \_\_\_\_\_ when he mentioned the name of his murdered brother-in-law: he had at least three brothers-in-law.

**1.10.1 Answer the questions:**

1. Which of the following is not true?
  - a) murder was committed and Colonel Montgomery was to investigate the crime
  - b) colonel Montgomery was afraid to break the news to Mr. Reilly
  - c) Mr. Reilly was positive he saw his brother-in-law the day before
  - d) colonel Montgomery was an efficient investigator
  
2. Mr. Reilly was the only person who:
  - a) had an alibi
  - b) recognized the murderer
  - c) was guilty
  - d) had a motive for murder
  
3. Judging by Mr. Reilly's evidence:
  - a) he had the motive to kill Micky
  - b) it was impossible to solve the crime
  - c) Micky was murdered by his brother-in-law
  - d) he had connections with the underworld
  
4. Who murdered Micky?
  - a) Charles

- b) Billy
- c) Mr. Reilly
- d) At least three brothers-in-law

5. The word *underworld* means:
- a) the world "down under"
  - b) the world full of ghosts and goblins
  - c) the world of mystery and magic

**1.11 Read a story about a mugger, fill in the gaps and answer the questions below**

**The 1)\_\_\_\_\_Successful Mugger**

87-year-old Lady Tucker was walking down New York's East 66th Street. She looked like an easy prey – small, grey-haired and expensively dressed. Ramos came up on his bicycle and grabbed her handbag. Lady Tucker hit him on the head with her umbrella, knocking him off his bicycle, and started screaming.

The 2)\_\_\_ mugger tried to get back onto his bicycle and escape, but Lady Tucker 3)\_\_\_ hitting him. A lorry driver, hearing her screams, came and joined in the fight. They 4)\_\_\_\_\_ fighting, until a policeman arrived and took Ramos prisoner. Lady Tucker 5)\_\_\_\_\_ medical help, saying that she felt fine. But she allowed the policeman to escort her home.

- |                  |             |                 |                |
|------------------|-------------|-----------------|----------------|
| 1. a) less       | b) least    | c) worse        | d) bad         |
| 2. a) criminal   | b) prolific | c) romantic     | d) unfortunate |
| 3. a) kept       | b) stayed   | c) left         | d) advised     |
| 4. a) were sorry | b) started  | c) went on      | c) thought of  |
| 5. a) declared   | b) detested | c) insisted for | d) refused     |

**1.11.1 Answer the questions:**

1. Which of the following is not true?
  - a) Lady Tucker looked like the previous prey of Ramos — small, grey-haired and expensively dressed
  - b) Lady Tucker proved to be a good fighter
  - c) Lady Tucker was courageous
  - d) Lady Tucker was resourceful
2. Why did Ramos decide to mug Lady Tucker?
  - a) because he thought that it won't be difficult to cope with the task
  - b) he liked small, grey-haired and expensively dressed ladies
  - c) he liked Lady Tucker
  - d) New York's East 66th Street was the place where he used to mug
3. Why didn't Ramos retreat?

- a) Lady Tucker didn't want him to leave her at the crucial moment
  - b) He didn't manage to do it
  - c) He was far from his bicycle
  - d) He couldn't do it because of the handbag
4. Why did Lady Tucker shout?
- a) she wanted to frighten Ramos
  - b) Ramos wanted to hit her
  - c) Lady Tucker didn't like the mugger
  - d) she hoped to get help
5. The word mugger means:
- a) person who wins
  - b) member of police force
  - c) person who decides in a contest, dispute, etc
  - d) person who attacks violently and robs.

## **Unit 2. Crime Investigation**

### **2.1 Answer the question:**

1. What methods of criminal identifications do you know?
2. Have you ever witnessed the scene of a crime? What was it?

### **2.2 Read the text and find the information about**

- a) types of evidence at the scene of a crime;
- b) methods of identification of crimes
- c) lineup identification

## **Identifications**

Most police investigations begin at the scene of a crime. There are some types of evidence that is located and recovered at a scene: 1) Impression **evidence** includes fingerprints, tool marks, footwear, fabric impressions, tire marks and bite marks. 2) Biological evidence includes blood, body fluids, hair, nail. 3) Trace evidence includes paint, glass and fibres. 4) Firearms include weapons, gun powder patterns, casings, projectiles, and cartridges. Experts are particularly adept in the microscopic examination of spent bullets and cartridge cases.

The use of **DNA profiling** is regarded as reliable as fingerprinting to check the unique characteristics of an individual. **Fingerprints** (also includes palm prints and bare footprints) are the best evidence to place an individual at the scene of a crime. The identifying fingerprint pattern dusted with powder could be seen and photographed or digitally recorded. By comparing fingerprints at the scene of a crime with the fingerprint record of suspected persons, **absolute proof** of the presence or identity of a person can be established.

If using the method of DNA analysis, then blood can be matched back to an individual with a **high degree of probability**. DNA profiling can positively identify an individual from a specimen of blood, **hair roots** etc.

Police often ask eyewitnesses to identify a suspect from a lineup or an array of photos. A lineup or photo array involves placing a suspect or a photo of a suspect among people who are not suspected of committing the crime (fillers) and asking the eyewitness to identify the perpetrator.

Misidentification by eyewitnesses has played a role in a high number of wrongful convictions and has led criminal justice experts to look more closely at the effectiveness of identifying suspects from live and photographic lineups.

Most U.S. law enforcement agencies use the simultaneous lineup, in which the eyewitness views a lineup of individuals or a **photo array**; that is, all individuals are viewed at the same time. However, some research has indicated that a sequential lineup, in which photographs are presented to the witness one at a time, produces fewer false identifications as well as fewer true identifications

The two types of lineups require different mental processes from the witness: For **sequential lineups**, witnesses must exercise "absolute judgment," comparing each photograph or person only to their memory of what the offender looked like. In **simultaneous lineups**, witnesses must use "relative judgment" to compare lineup photographs or members to each other.

### **2.2.1 Complete the following sentences according to the information from the text:**

1. To obtain a position of an investigator one has to pass an examination on such legal subjects as...
2. Investigator's job includes...
3. At a scene of a crime some types of physical evidence may be recovered such as...
4. Fingerprinting is a method of....
5. A lineup or photo array involves.....

### **2.3 Explain why recovering and collecting physical evidence is important in the investigation of a crime**

#### *Vocabulary focus*

### **2.4 Be ready to explain the words and phrases pointed out in the text above. Make up your sentences with them**

#### **2.4.1 Render into English:**

Для розслідування справи слідчі та детективи використовують різні методи і засоби. Для розкриття злочину необхідно враховувати багато аспектів. Важливим завданням є збір свідчень та доказів і пошук потенційного підозрюваного. В процесі допиту свідків слідчий може отримати важливу інформацію щодо винності особи, присутності підозрюваного на місці злочина.

Цей факт може бути підтверджений чи навпаки завдяки перевірці фізичних доказів. Існують спеціальні методи встановлення ідентичності особи: аналіз відбитків пальців та ДНК. Шляхом порівняння відбитків пальців на місці злочину та відбитків підозрюваного можна встановити абсолютний доказ присутності або ідентичності особи.

***Grammar points: Modal verbs and their equivalents***

**2.5 Revise the grammar rules by watching the video explanations**

<https://www.youtube.com/watch?v=-Z12N0OcTVA&t=108s>

<https://www.youtube.com/watch?v=p9x-lhdex0M>

<https://www.youtube.com/watch?v=KcLT-VHGWEg>

<https://www.youtube.com/watch?v=GQDOltny7AA>

**2.5.1 Translate the sentences into Ukrainian. Pay special attention to the meaning and use of *to have to***

1. I have to be at University at 8.00 in the morning. 2. I'll have to get another solicitor, I could never look mine in face again. 3. "I was held up", said Simon. "I had to go and view a site, with a client". 4. I know it's upsetting, but I shall have to put in a report. 5. I'll have to think about it now. 6. "Lucy, you'll have to get away. Sell the villa and come home". 7. I'll go. You'll have to give me some money. I haven't any left. 8. "Oh, brother, why had you to die so young and by so cruel a death?" 9. You don't have to work for that man. 10. After about a couple of months, they told her she'd have to go. 11. I had to go away for several weeks then on business.

**2.5.2 Translate the sentences into Ukrainian. Pay special attention to the meaning and use of *to be*.**

1. It was awful because we were to have met on the night the victim died. 2. The doctor said I was to go there for six weeks last summer. 3. The English solicitor was to arrive on Monday morning. 4. Tom was her lawyer from London. He was to arrive very early next morning. 5. How, then are we to find her? 11. But who is to give us the prizes? 6. Tell me what I am to say. 7. She told me Mr. Ackroyd wasn't to be disturbed again tonight. 8. We are to pass the exam in June. 9. They were to meet at the police station. 10. She was to help to the solicitor to gather the information.

**2.5.3 Translate the sentences into Ukrainian. Pay special attention to the meaning and use of the modal verb *should*.**

1. You should really have handed it straight over to your solicitors. 2. You should have seen his face. 3. Should I report it? 4. I should warn you that ignorance is no defence. 5. I think we should talk to her friends. 6. I've never been to this place before but it think it should be good. 7. Of course one should have outside visitors more often. 8. Should I go out now, go away until they've come and gone. 9. I think that man should be arrested. 10. You should burn those letters and forget it.

**2.5. 4 Now you have to read a situation and write a sentence with *must have or can't have*. Use the words in brackets**

1. That police uniform you were given is very good quality (it must / be / very expensive). It ... . 2. I haven't seen Jim for ages (he must / go / away). He ... . 3. I wonder where my passport is (you must / leave / it on the train) ... . 4. Don passed the examination. He didn't study very much for it (the exam can't / be / very difficult) ... . 5. She knew everything about our plans (she must / listen /to our conversation) ... . 6. Dennis did the opposite of what I asked him to do (he can't / understand / what I said) ... . 7. When I woke up this morning, the light was on (I must / forget / to turn it off) ... . 8. I don't understand how the accident happened (the driver can't / see / the red light) ... .

**2.5. 5 Now you have to read the situations and write sentences with *should (have) and shouldn't (have)*. Sometimes you have to use the present, sometimes the past**

1. It's very cold. Mr Taylor, who has been ill recently, is walking along the road without a coat. He ... . 2. We went for a walk. While we were walking, we got hungry but we hadn't brought anything with us to eat. We said: We ... . 3. I went to Paris. Marcel lives in Paris but I didn't go to see him while I was there. When I saw him later, he said: You ... . 4. The notice says that the shop is open every day from 8.30. It is now 9 o'clock but the shop isn't open. ... . 5. The driver in front stopped suddenly without warning and I drove into the back of his car. It wasn't my fault. ...

**2.5.6 Choose the correct option**

1. A word in English ...often have more than one meaning.  
A. must B. may C. can
2. The wood belonged to lord Northwood, a rich gentleman, and no one ... go there.  
A.can't B. could C. may not
3. One of the men asked Serhiy if he ... tell them what the weather would be like for the followingfew days.  
A. can B. might C. could
4. These old people know more of the secrets of nature than our science ... tell us.  
A. will be able to B. will be allowed to C. can
5. Although it was foggy the policeman... see the car in the distance.  
A. can B.could C. might
6. I ... read the detective to the end 'cause I want to see who killed her.  
A. may B. can C.must

## Module 11. Court Systems and Trial in the UK and the USA

### Unit 1. Judiciary in the UK and USA

#### 1.1 Answer the question:

1. What do you know about court system of the UK?
2. In what way does it differ from Ukrainian one?

#### 1.2 Match the English nouns and noun phrases with their Ukrainian equivalents and then vice versa:

- |                         |                               |
|-------------------------|-------------------------------|
| A. 1. Crown Court       | a. окружний суддя             |
| 2. High court           | b. штатний суддя              |
| 3. Circuit judge        | c. суддя-сумісник             |
| 4. full-time judge      | d. Високий суд                |
| 5. part-time judge      | e. Кримінальний суд присяжних |
| 6. practising barrister | f. вирок                      |
| 7. lay persons          | g. практикуючий баристер      |
| 8. conviction           | h. малий позов                |
| 9. sentence             | i. суд графства               |
| 10. County court        | m. непрофесіонал              |
| 11. small claim         | n. засудження                 |
- 
- |                              |   |
|------------------------------|---|
| B. 1. Queen's Bench Division | a. розлучення                           |
| 2. Chancery Division         | b. покровительство                      |
| 3. divorce                   | c. канцелярський відділ (Високого суду) |
| 4. wardship                  | d. відділ Королівської лави             |
| 5. guardianship              | e. затвердження заповіту                |
| 6. probate                   | f. опікунство                           |
| 7. will                      | g. Таємна рада                          |
| 8. trust                     | h. склад суддів                         |
| 9. estate                    | i. майно                                |
| 10. pa net                   | m. трест                                |
| 11. Privy Council            | n. заповіт                              |

#### 1.2.3 Read the following text to understand what information is new for you:

#### **Administration Of Justice In England And Wales**

**Crown Courts.** The Crown Courts, set up by the Courts Act 1971, has an exclusively criminal jurisdiction. It is staffed by High Court judges (who try the most serious cases), full-time circuit judges and part-time practicing barristers and

solicitors called recorders and assistant recorders. A jury of 12 lay persons selected at random determine whether the defendant is found guilty or not guilty. They also act as appeal courts for people convicted of an offence in the magistrates' court. A person found guilty in a magistrates' court can plead against either conviction or sentence, although if he has pleaded guilty in the lower court he may only appeal against sentence. Appeals from the Crown courts go to the Criminal Division of the Court of Appeal, and in some cases from there to the House of Lords.

**County Courts.** There are some 300 county courts through England- and Wales hearing smaller civil cases staffed by county court judges (who also sit as circuit judges in criminal cases) and district judges for smaller claims. Their jurisdiction has recently been considerably extended.

**The High Court.** The High Court of Justice is made up of three Divisions, the Queen's Bench Division, the Chancery Division and the Family Division. The Family Division deals with all jurisdiction affecting the family: divorce, ward ship, guardianship and probate (the ratification of wills). The Chancery Division deals primarily with company work, trusts and estates and intellectual property. Within the Queens Bench Division there is also a specialized Admiralty Court, a Commercial Court and the Divisional Court, which reviews decisions of governmental and other public bodies.

**Court of Appeal.** The Court of Appeal is for most cases the court of final appeal. It has 28 lords Justices presided over by the Master of the Rolls. Cases are normally heard by three judges and a majority is sufficient for a decision. The Criminal Division of the Court of Appeal sits as a specialized section of the Court of Appeal dealing only with criminal matters. The cases are generally heard by a Lord Justice and two judges from the Queen's Bench Division. There is normally only one judgment of this court, although each judge may give a separate judgment.

A case which has been dismissed by the Appeal Court can, with the permission of the Appeal Court, be taken to the House of Lords. In a case at which an important legal principle is at stake the Lords can give permission for an appeal, even if the Appeal Court has not done so.

**The House of Lords.** The House of Lords is the highest court in the court hierarchy. It hears a small number of cases a year (perhaps 40 or 50) of particular legal importance. It is staffed by the Lord Chancellor, and ten Lords of Appeal in Ordinary who are members of the Upper House of the legislature.

Cases are heard by a panel of at least three Law Lords and usually by a Bench of five. Each Law Lord is entitled to express his own opinion in the form of what is called a speech. When the House of Lords appeals from Scotland there is a convention that at least one Scottish law lord will sit on an appeal.

**The Privy Council.** The Privy Council is the last court of appeal from certain Commonwealth countries and Dependent Territories, and for certain bodies within the United Kingdom such as the General Medical Council, and the General Dental Council.

Queen's Bench Division — відділ Королівської лави

Chancery Division — канцелярський відділ (Високого суду)

Кафедра іноземних мов професійного спрямування

Admiralty Court — морський суд

Commercial Court — комерційний суд

Divisional Court — Апеляційний суд відділу Королівської лави

Master of the Rolls — голова апеляційного суду та хранитель судових архівів

Privy Council — Таємна рада

Lord of Appeal in Ordinary — член Палати лордів, якого призначено для розгляду апеляцій

### 1.2.4 Find answers to the following questions in the text above.

1. When was the Crown Court set up in England? 2. What jurisdiction does the Crown Court have? 3. Whom is the Crown Court staffed by? 4. Who determines whether the defendant is guilty or not guilty? 5. How are the jurors to Crown Court sessions selected? 6. When do Crown Courts Act as appeal courts? 7. Where do appeals from the crown courts go to? 8. How many county courts are there in England and Wales? 9. What cases do county courts hear? 10. Whom are County Courts staffed by? 11. How many divisions is the High Court of Justice made up of? 12. What are the divisions the High Court is made up of? 13. What does each of the divisions deal with? 14. What special courts are there within the Queen's Bench Division? 15. Whom is the Court of Appeal staffed by? 16. How many judges are cases in the Court of Appeal usually heard by? 17. When can a case be taken to the House of Lords? 18. What role does the House of Lords play in the court hierarchy? 19. Whom is the highest court staffed by? 20. Whom are cases heard by in the House of Lords? 21. What is the role of the Privy Council in England?

### *Vocabulary Focus*

### 1.3 Match the English verbs and verb phrases with their Ukrainian equivalents and make up your own sentences with them

- |   |   |
|---|---|
| 1. to staff the court                   | 1. подати апеляцію на вирок                 |
| 2. to try (hear) cases                  | 2. визнати себе винним (невинним)           |
| 3. to select jurors at random           | 3. визнати (когось) в суді винним у злочині |
| 4. to plead guilty (not guilty)         | 4. укомплектувати штати в суді              |
| 5. to convict of an offence             | 5. слухати справи                           |
| 6. to appeal (plead) against a sentence | 6. вибрати присяжних навмання               |
| 7. to be made up of                     | 7. складатися з...                          |
| 8. to preside over a court              | 8. мати право                               |
| 9. to deal with                         | 9. головувати в суді                        |
| 10. to give a separate judgement        | 10. відхилити справу                        |
| 11. to be entitled to                   | 11. мати справу з...                        |
| 12. to dismiss a case                   | 12. винести в суді приватне рішення         |

#### **1.4.1 Translate the following words and word combinations:**

to administer justice; jurisdiction; to have a criminal jurisdiction; to try cases; to staff the court by judges; full-time judge; part-time judge; practicing barrister; practicing solicitor; jury; to select a jury; to select a jury of lay persons; to select a jury of lay persons; to select a jury of lay persons at random; to find a person guilty; to find the defendant not guilty; to convict a person of an offence; to plead against a conviction; to appeal against a sentence; criminal division of the court; Magistrates' Court; County Court; county court judge; circuit judge; small claim; High Court; Queen's Bench Division; Family Division; Chancery Division; intellectual property; Admiralty Court; to review decisions; Court of final appeal; to preside over the Court; to deal with criminal matters; to give a separate judgment; to dismiss a case; to be at stake; Lord Chancellor; upper house of the legislature; a panel of three judges; to be entitled to express the opinion; Privy Council; Commonwealth countries; dependent territories.

#### **1.4.2 Translate into English:**

кримінальний суд, суд присяжних, кримінальна юрисдикція, розглядати справу в суді, укомплектувати штати суддів, штатний суддя, суддя-сумісник, Високий суд, окружний суддя, практикуючий баристер, непрофесіональний суддя, обирати присяжних навмання, визнати особу винною у вчиненні злочину, Апеляційний суд, суд магістрату, суд графства, окружний суд, районний суд, подати апеляцію на вирок, визнати себе винним (невинним), малий позов, відділ Королівської лави, комерційний суд, переглядати урядові рішення, інтелектуальна власність, розглядати справи про розлучення (опікунство), заповіт, майно, головувати в суді, остання апеляційна інстанція, склад суддів, Палата лордів, судовий лорд, Таємна рада, останній апеляційний суд, лорд-канцлер, країни Співдружності, залежні території.

#### **1.5 Render into English:**

*Кримінальний суд присяжних.* Цей суд має виключно кримінальну юрисдикцію. Він укомплектований судьями Високого суду (вони розглядають найсерйозніші справи), штатними окружними судьями та судьями-сумісниками з числа практикуючих баристерів та солісіторів. 12 непрофесіоналів, обраних навмання, вирішують, чи є обвинувачений винним. Ці суди діють також як апеляційні суди для осіб, визнаних винними судами магістратів. *Суди графств.* В Англії та Уельсі їх біля 300. Вони розглядають невеликі цивільні справи. Судді судів графств розглядають також кримінальні справи в окружних судах та малі позови в районних судах.

*Високий суд.* Він складається з трьох відділів: відділу Королівської лави, канцелярського відділу та Сімейного відділу. До складу першого належать також морський суд, комерційний суд та апеляційний суд відділу Королівської лави, який переглядає урядові та інші рішення громадських органів. Канцелярський відділ розглядає питання про діяльність компаній, трестів, про їх майно та інтелектуальну власність. Сімейний відділ має справу з розлученнями, опікунством та заповітами.

*Апеляційний суд.* Для більшості справ він є останньою апеляційною інстанцією. Він має 28 суддів, ними керує голова Апеляційного суду та хранитель судових архівів. Справи звичайно розглядаються трьома суддями. Деякі справи можуть бути передані до Палати лордів.

*Палата лордів.* Це найвищий суд країни. До його складу належать лорд-канцлер та десять судових лордів, які призначаються Палатою лордів. Справи розглядаються не менш як трьома судовими лордами. Коли слухаються апеляції з Шотландії, то на засіданні повинен бути присутнім хоча б один шотландський судовий лорд.

*Таємна рада* останній апеляційний суд для деяких країн Співдружності та залежних територій, а також таких органів, як Генеральна медична рада та Генеральна рада дантистів.

## **1.6 Read the text about the Court system of the USA for general understanding.**

### **Court system of the USA**

Article III of the United States Constitution establishes the judicial branch as one of the three separate and distinct branches of the federal government. The other two are the **legislative and executive branches**.

The federal courts are often called the guardians of the Constitution because their rulings protect **rights and liberties** guaranteed by the Constitution. Through fair and impartial judgments, the federal courts **interpret and apply the law** to resolve disputes. The courts do not make the laws. That is the responsibility of Congress. Nor do the courts have the power **to enforce the laws**. That is the role of the President and the many executive branch departments and agencies. The Founding Fathers of the nation considered an independent federal judiciary essential to ensure fairness and equal justice for all citizens of the United States. The Constitution they drafted promotes judicial independence in two major ways. First, federal judges are appointed for life, and they can be removed from office only through **impeachment** and conviction by Congress of «Treason, Bribery, or other high Crimes and Misdemeanors.» Second, the Constitution provides that the compensation of federal judges «shall not be diminished during their Continuance in Office», which means that neither the President nor Congress can reduce the salary of a federal judge. These two protections help an independent judiciary to decide cases free from popular passions and political influence.

The Supreme Court is the highest court in the federal judiciary. Congress has established two levels of federal courts under the Supreme Court: the trial courts and the appellate courts. The United States **district courts** are the trial courts of the federal court system. Within limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases, including both civil and criminal matters. There are 94 federal judicial districts, including at least one district in each state, the District of Columbia and Puerto Rico. Each district includes a United States bankruptcy court as a unit of the district court. Three

territories of the United States — the Virgin Islands, Guam, and the Northern Mariana Islands — have district courts that hear federal cases, including bankruptcy cases. The 94 judicial districts are organized into 12 regional circuits, each of which has a United States court of appeals. A court of appeals hears appeals from the district courts located within its circuit, as well as appeals from decisions of federal administrative agencies. In addition, the Court of Appeals for the Federal Circuit has **nationwide jurisdiction** to hear appeals in specialized cases, such as those involving patent laws and cases decided by the Court of International Trade and the Court of Federal Claims. The United States Supreme Court consists of the Chief Justice of the United States and eight associate justices. At its discretion, and within certain guidelines established by Congress, the Supreme Court each year hears a limited number of the cases it is asked to decide. Those cases may begin in the federal or state courts, and they usually involve important questions about the Constitution or federal law.

### **1.6.1 Make up 5 questions and write a summary to the text**

#### *Vocabulary focus*

**1.7 Be ready to explain the words and phrases pointed out in the text above. Make up your own sentences with them**

#### **1.7.1 Render the text about the court system of the USA into English**

Судова влада дає тлумачення законів, прийнятих конгресом. Вона складається з Верховного суду і федеральних судів нижчих інстанцій. Трактуючи закони, суд може прийти до висновку, що той чи інший закон, в тому числі і, прийняті окремими штатами, порушують конституцію.

*Верховний суд США* - суд вищої інстанції. Його рішення не підлягають апеляції і можуть бути змінені тільки іншим рішенням Верховного суду чи поправками до конституції. Число членів Верховного суду визначається конгресом, проте з 1869 року їх число незмінне - дев'ять. Кандидатури вносить президент, після чого їх має затвердити сенат. Членство у Верховному суді довічно, проте судді можуть піти у відставку, на пенсію або бути зняті з посади. Головний обов'язок Верховного суду - вивчати закони і дії уряду з тим, щоб вони не порушували конституцію. Президент може наглядати над судовою владою. Наприклад, він призначає суддів та може оголошувати про помилування засуджених злочинців. Законодавча влада також може наглядати за діяльністю судової влади. Вона призначає федеральних суддів, може знімати суддів з посади, може вносити поправки до конституції та змінювати розмір і структуру судів нижчих інстанцій та встановлює бюджети судів.

#### *Суди нижчих інстанцій*

Нарівні з установою Верховного суду третя стаття американської конституції закликає конгрес створити суди нижчих інстанцій для інтерпретації федеральних законів локально. У відповідь конгрес створив деяку кількість окружних і апеляційних судів, а також спеціальних судів, наприклад,

податкового. У США існують 94 окружних судів. У їх юрисдикції - федеральні кримінальні та цивільні справи. В Америці також є 13 апеляційних судів - по одному на 11 географічних регіонів, один - в окрузі Колумбія і один - для розгляду справ із спеціальних судів нижчої інстанції. У ці 13 судей справи надходять з федеральних окружних судів. Проте більшість судових справ у США - розглядаються в судах штату на основі законів штату, які можуть сильно відрізнятися в різних регіонах (наприклад, смертна кара)

### ***Grammar points: Conditional sentences***

#### **1.8 Revise the grammar rules by watching the video explanations**

<https://www.youtube.com/watch?v=cWrUpoEaaEg>

<https://www.youtube.com/watch?v=hVdIRpCXXcl>

<https://www.youtube.com/watch?v=2L3Bodgpvk8>

##### **1.8.1 Open the brackets using the appropriate form of the verb:**

1. If he had passed the Law Society examination he (to qualify) as a solicitor.
2. When you (to become) a solicitor you (to deal) with such matters as litigation, convincing of property, general business advice.
3. If you (to approach) a barrister directly you (to be sent) to a solicitor.
4. If he (to pass) the examination set by the Council of legal Education he (to become) a barrister.
5. If the police (to find) witnesses they (to interview) them.
6. If I (see) the robbery yesterday I (to call) the police.
7. If the criminal (to leave) his fingerprints he (not to be found).
8. If a person (to be arrested) he (to need) a defense lawyer.
9. If she requires legal advice in tomorrow she (to go) to a legal adviser.
10. If you address a barrister directly he (to sent) to a solicitor.
11. If he (to have) money he would hire a good barrister.

## **Unit 2. Trial in the UK and USA. Court Etiquette**

### **1. Answer the questions:**

1. Have ever been at court trial? What case was it?
2. What people can take part in a court trial?

**2. Read the following text to understand what information is of primary importance or new for you:**

### **What Happens During the Trial**

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

Step 1. Selection of the Jury.

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

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

Many things you will see and hear during the trial are not evidence. For example, what the lawyers say in their opening and closing statements is not evidence. **Physical exhibits** offered by the lawyers, but not admitted by the judge, are also to be disregarded, as is testimony that the judge orders stricken off the record.

Many times during the trial the lawyers may **make objections** to evidence presented by the other side or to questions asked by the other lawyer. Lawyers are allowed to object to these things when they consider them improper under the laws of evidence. It is up to the judge to decide whether each objection was valid or invalid, and whether, therefore, the evidence can be admitted or the question allowed. If the objection was valid, the judge will **sustain the objection**. If the objection was not valid, the judge will **overrule the objection**. These rulings do not reflect the judge's opinion of the case or whether the judge favours or does not favour the evidence or the question to which there has been an objection.

It is your duty as a juror to decide the weight or importance of evidence or testimony allowed by the judge. You are also the sole judge of the **credibility of witnesses**, that is, of whether their testimony is believable. In considering credibility, you may take in account the witnesses' opportunity and **ability to observe the events** about which they are testifying, their memory and manner while testifying, **the reasonableness of their testimony** when considered **in the light of all the other evidence** in the case, their **possible bias or prejudice**, and any other factors that **bear on the believability** of the testimony or on the importance to be given that testimony.

Step 4. *The Instructions.* Following presentation of all the evidence, the judge instructs the jury on the laws that are **to guide the jury** in their **deliberations** on a verdict. A copy of the instructions will be sent to the jury room for the use of jurors during their deliberations. All documents or physical objects that have been received into evidence will also be sent to the jury room.

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

Step 6. *Jury Deliberation.* The jury retires to the jury room to conduct the deliberations on the verdict in the case they have just heard. The jury first elects a foreman who will see to it that discussion is conducted in a sensible and orderly

fashion, that all issues are fully and fairly discussed, and that every juror is given a fair chance to participate.

When a verdict has been reached, the foreman signs it and informs the **bailiff**. The jury returns to the courtroom, where the foreman presents the verdict. The judge then discharges the jury from the case.

**2.1 Make sure that you know the meaning of the underlined words and phrases, make up your own sentences with them.**

**2.2 Make 7 questions and write down your summary to the text**

**2.3 Match the English phrases in 1– 5 with their Ukrainian equivalents A - E.**

1. Generally, a court will not enforce a judgment unless the winning party request enforcement and pays all spending court costs.

2. There are a number of methods to enforce money judgments. The three most common methods are “garnishment”, “attachment”, and “foreclosure”.

3. A number of legal proceedings may be conducted after the trial is over. In civil cases, it may be necessary to take steps to enforce the judgment.

4. In criminal cases, particularly serious cases, sentencing is often a separate proceeding.

5. Wages can be garnished only once per month and only 25 percent of the wages due can be taken at any one time.

A. Після закінчення судового процесу можуть здійснюватись деякі післясудові процедури. У випадку цвільних справ може бути необхідним вжити певних заходів, щодо виконання рішень суду.

B. Як правило суд не вживає заходів щодо виконання рішення, поки сторона, яка виграла справу, не подасть клопотання про виконання рішення та не сплатить всі необхідні судові витрати.

C. Арешт на заробітню плату може здійснюватись лише раз на місяць і одночасно може утримуватися тільки 25% заробітку.

D. Для примусової сплати встановленого грошового відшкодування існує кілька способів. Найпоширенішим з них є: накладання арешту на майно боржника, що перебуває у третьої особи накладання арешту на майно боржника та позбавлення права викупу заставленого майна.

E. У кримінальних справах, особливо у справах пов'язаних із вчиненням тяжких злочинів, винесення вироку нерідко становить окрему процедуру.

### ***Vocabulary Focus***

**2.4 Translate into Ukrainian**

1. legal proceedings; 2. money judgments; 3. judgment debtor; 4. garnishment; 5. post conviction relief; 6. to take steps to enforce the judgment; 6. to institute the necessary procedures; 7. money in a bank account; 8. probation revocation hearing; 9. sentencing; 10. judgment creditor; 11. compelled to pay; 12. order is issued to the

judgment debtor's employer; 13. on the ground that; 14. the property involved; 15. foreclosure; 16. to satisfy the judgment; 17. attachment; 18. unpaid wages.

### **2.4.1 Translate into English**

1. грошові відшкодування; 2. майно боржника; 3. винесення вироку; 4. післясудові процедури; 5. отримати відшкодування; 6. невиплачена заробітна плата; 7. рішення суду не завжди виконується; 8. сплатити всі необхідні судові витрати; 9. пізніше; 10. накладання арешту на майно боржника, що перебуває у третьої особи; 11. вживати певні заходи; 12. винесення вироку- це окрема процедура; 13. роботодавець боржника; 14. впровадити; 15. у рахунок виконання рішення суду; 16. позбавлення права викупу заставленого майна; 17. судові розпорядження.

### **2.5 Render into English**

У процесі слухання цивільної справи сторона позивача першою подає справу на розгляд суду присяжних та останньою надає заключні аргументи. Якщо не існує жодної переконливої причини для відхилення від загального правила, після показань свідка та встановлення його компетентності стороні у справі надається можливість допитати свідків. Подання доказів для розгляду судом починається з того, що адвокат позивача викликає власних свідків. Кожен свідок присягається говорити лише правду й свідчити лише з місця свідка в суді. Адвокат позивача проводить первісне опитування свідка у справі, що називається «первісний допит». Мета первісного допиту полягає у спробі примусити особу свідчити стосовно фактів, які обґрунтовують та підкріплюють сторону позивача. Існують так звані «правила подання свідчень», які регулюють ступінь правомочності свідчень та доказів для того, щоб вони були прийнятими в суді.

Суддя безпосередньо має право певного контролю за допитом свідка з боку адвоката сторони й може формулювати запитання, адресовані свідку. Суддя також має право утримувати адвоката від формулювання та постановки тих запитань свідку, що повторюються або дратують його. Адвокат не має права ставити власному свідку навідні питання, що натякають або спонукають свідка давати певну відповідь.

Свідку може бути запропоновано ідентифікувати окремі предметні докази, такі як документи або фотографії. Як правило, свідок не може висловлювати власну думку або робити висновки із своїх свідчень, за винятком випадків, коли він свідчить як експерт. Під час свідчень адвокат відповідача може висувати заперечення щодо показань свідка. У такому випадку суддя підтримує заперечення або ж відхиляє його й дозволяє свідку відповідати на запитання.

Після того як адвокат позивача закінчує опитування свідка, адвокат відповідача отримує право перехресного допиту свідка протилежної сторони. Перехресний допит є фундаментальним правом американської системи правосуддя. Зміст запитань перехресного допиту зазвичай обмежений рамками інформації, отриманої під час попереднього допиту, або питаннями,

безпосередньо пов'язаними з нею. Адвокату сторони дозволено ставити навідні питання свідку під час перехресного допиту, оскільки адвокат відповідача намагається зруйнувати або поставити під сумнів вірогідність показань свідка чи показати прилюдно, що свідок є упередженим проти його сторони у справі. Іншим методом підірвати довіру показань свідка є намагання адвоката довести, що свідок має власний інтерес у тому, як завершиться справа, що може впливати на його свідчення. Як і під час первісного допиту, адвокат протилежної сторони може висувати заперечення до запитань, поставлених свідку. У такому випадку суддя регулює висунення заперечень.

## **Court Etiquette**

### **2.6 Answer the following questions**

1. Why is it important to behave properly in a courtroom?
2. Where can people find information on court etiquette?
3. What are the rules of court etiquette?

### **2.7 Get ready for the role play “Trying a case”**

#### *Case study*

Mrs June Brown was detained for shoplifting. She was accused of having stolen a girl's woolen pullover. Mrs Brown refused to say anything and consequently the police were called and she was charged with theft. The facts are the following:

Mrs Brown was in a hurry. She wanted to buy a new pull over for her daughter Jean before taking her to her cousin's birthday party. Mrs Brown found a pullover in the shop she called at with her daughter on her way to the party. As soon as she had paid for the pullover she saw that Jean had chocolate all over her face and hands. Furious she asked a sales assistant where the toilets were. Then in the toilet Mrs Brown changed Jean's old pullover for the new one They would have to run if they were going to ever get to the party. But in the street she was grabbed by a man accompanied by a woman. The woman said that they had reason to believe that Mrs Brown was shoplifting. The evidence against Mrs Brown was that the woman, Mrs Baker, a store detective, had entered the toilets and had seen Mrs Brown putting a new pullover over her daughter's head.

You are to enact the preliminary investigation of the case conducted by two counsels: the counsel for the Prosecution and the counsel for the Defense.

#### **Cast list**

*Mrs June Brown, the accused*

*Mrs Mary Baker, a store detective*

*Miss Becky Smith, a sales assistant*

*Mr Clark Timpson, the sales manager*

*Miss Nora Lain, a customer in the shop*

*Counsel for the Prosecution*

*Counsel for the Defense*

### **What you must decide**

On the basis of the evidence collected by the two counsels during the investigation you must decide whether the matter should be brought to court.

### **Role cards**

#### *Counsel for the Defense*

While interviewing the participants of the incident - Mrs Brown, the defendant, Miss Smith, the sales assistant, Mrs Baker, the store detective, Mr Timpson, the sales manager and Miss Nora Lain, a customer - you try to prove that your client is innocent and the charge brought against her is groundless. In summing up your arguments you emphasize that a suspect is innocent until proven guilty. You have no doubt that this is an “open-and-shut” case and should never be brought to trial.

#### *Counsel for the Prosecution*

In the course of the investigation you interview everybody concerned: Mrs Brown, the accused, Miss Smith, the sales assistant, Mrs Baker, the store detective, Mr Timpson, the sales manager and Miss Nora Lain, a customer. You ask everybody to tell you about their part in the incident and thus you make them reveal the basic facts of the case and their respective role in it. You try to verify the truthfulness of their testimony. First ask them questions about themselves: their name, occupation, the reasons for their actions in the situation with the idea of looking for things that will make Mrs Brown seem guilty. On completion of the investigation sum up your observation.

#### *Mrs June Brown*

You are a part time school teacher with two children of your own rather difficult to manage. Thus you are always pressed for time and easily lose your temper. During the investigation you show your indignation at the false charge imposed upon you. The only person you are willing to talk the matter over is your lawyer whom you give a full and truthful account of your behaviour in the shop. When you were stopped that day by the sales manager and accused of shoplifting you felt insulted and became angry.

#### *Miss Becky Smith*

You have been working as a sales assistant for three years. That day you were serving on the knitwear counter. You remember a woman who you now recognise as the defendant, Mrs Brown, buying a pullover for her daughter. You remember her well because the girl was eating a chocolate ice-cream and smeared it all over her face while Mrs Brown was paying for the pullover. The customer said she must clean the girl up as she was taking her to a birthday party. You showed Mrs Brown where the toilets were and she hurried away.

#### *Mrs Mary Baker*

You are a store detective. Previously you were employed as a policewoman. In all your years of working for the police you have never made a false arrest. That day as you entered the toilets of the store you saw a woman taking the labels off a new pullover and putting it on her daughter. The woman seemed very nervous and excited. When you entered she immediately hurried out. Her behaviour made you suspect

her of stealing the pullover. You followed the woman, calling the Sales Manager, Mr Timpson, to help you. When you stopped the woman outside the store she became very angry and refused to say anything in her defence so the police were called and she was formally charged with shoplifting.

*Mr Clark Timpson*

You are a sales manager at a large department store. Your job is to supervise the sales on the ground floor of the shop. That day you noticed one of the store detectives, Mrs Baker, trying to attract your attention. You realized that she was following someone she suspected of shoplifting. You joined Mrs Baker and as the suspect left the shop you grabbed her by the arm. Mrs Baker told the woman that she was suspected of shoplifting. The woman became very angry. You took her to your officer but she continued to protest about being arrested. She insisted on having paid for the pullover but refused to show you the receipt. She refused to say anything until her lawyer arrived. You therefore called the police and the woman was charged with shoplifting.

*Miss Nora Lain*

You are a secretary at an office. You don't like to go straight home after work (you are single), so very often you go window-shopping. That day as you were in a large store and entered the toilets you saw a woman hurriedly changing her daughter into a new pullover. She left the toilets in a hurry. You followed her (you are a great reader and admirer of Agatha Christie). After the woman was stopped by some people and the police arrived you addressed the police officer offering him evidence. You are enjoying it all, absolutely sure that justice must be done. You even hope that the case will get into the newspapers and the girls at the office will see your name or even a photo.

**2.7 Give an account of the incident as it was seen by Anne, Mrs Brown's daughter**

**2.8 Write a letter which Mr Brown, the husband of the accused, might have sent to a local newspaper, protesting about the actions of the staff of the store (mind your style)**

*Grammar points: "I wish" sentences*

**2.9 Revise the grammar rules by watching the video explanations**

<https://www.youtube.com/watch?v=tXWyXBUPoY>

**2.9.1 Open the brackets using the appropriate form of the verb:**

1. I wish I (to know) Patent Law of the USA. 2. He wishes he (not to drink) alcoholic drinks before going to the party yesterday. 3. I wish I (to go) to America. 4. He wishes (not to break) the American Law. 5. I wish I (to be) at yesterday's party: it must have been very merry. 6. I wish we (to meet) again next summer. 7. They wished they (not to see) this horrible scene again. 8. I wish (to be) a millionaire.

## Module 12. International Law

### Unit 1. The Nature and Development of International Law

#### 1. Answer the questions:

1. What does international law regulate?
2. What problems did the early international law contain?

#### 1.2 Read the text to understand what information is of primary importance or new for you:

### International Law

International Law contains principles and rules of conduct that nations regard as binding upon them and, therefore, are expected to and usually do observe in their relations with one another. International law is the law of the international community.

The need for some principles and **rules of conduct** between independent states arises whenever such states enter into mutual relations. Rules governing the **treatment of foreign traders, travelers, and ambassadors**, as well as the conclusion and observance of treaties, developed early in human history. The oldest known treaty, preserved in an inscription on a stone monument, is a **peace treaty** between two Sumerian citystates, dating from about 3100 BC. A considerable number of treaties concluded by the empires of the ancient Middle East during the 2nd millennium BC show **rudimentary notions** of international law. In later antiquity the Jews, Greeks, and Romans developed tenets of international law. Jewish law as set forth in the Book of Deuteronomy contains prescriptions for the **mitigation of warfare**, notably prohibitions against the killing of women and children. The Greek city states created an elaborate treaty system governing a multitude of aspects of the relations among themselves. The conduct of the Olympic Games and the protection of religious places, such as the Temple of Delphi, were among the subjects of some of these interGreek treaties. Even more than other ancient people, the Romans made **significant contributions** to the evolution of international law. They developed the idea of a jus gentium, a body of laws designed to govern the treatment of aliens subject to Roman rule and the relations between Roman citizens and aliens. They were the first people to recognize in principle the duty of a nation to refrain from engaging in warfare without a just cause and to originate the idea of a just war. Modern international law emerged as the result of the acceptance of the idea of the sovereign state, and was stimulated by the interest in Roman law in the 16th century. Building largely on the work of previous legal writers, especially the Dutch jurist Hugo Grotius, sometimes called the father of modern international law, published his celebrated work 'On the Laws of War and Peace' in 1625.

International law stems from three main sources: treaties and international conventions, customs and customary usage, and the generally accepted principles of

law and equity. Judicial decisions rendered by international tribunals and domestic courts are important elements of the lawmaking process of the international community.

United Nations resolutions now may also have a great impact on the growth of the so called customary international law that is synonymous with general principles of international law.

The present system of international law is based on the sovereign state concept. It is within the discretion of each state, therefore, to participate in the negotiation of, or to sign or **ratify**, any international treaty. Likewise, each member state of an international agency such as the UN is free to ratify any convention adopted by that agency. Treaties and conventions were, at first, restricted in their effects to those countries that ratified them. They are particular, not general, international law; yet regulations and procedures contained in treaties and conventions have often developed into general customary usage, that is, have come to be considered binding even on those states that did not sign and ratify them. Customs and customary usages otherwise become part of international law because of continued acceptance by the great majority of nations, even if they are not embodied in a written treaty instrument. «Generally accepted principles of law and justice» fall into the same category and are, in fact, often difficult **to distinguish from customs**. Since the beginning of the 19th century, international conferences have played an important part in the development of the international system and the law. At the end of World War I the League of Nations was established by the covenant signed in 1919 as part of the Treaty of Versailles.

Pursuant to provisions in this covenant, the permanent Court of International Justice was established in 1921. The League of Nations was created as a permanent organization of independent states for the purpose of **maintaining peace** and preventing war. During its existence 63 countries were members of the League at one time or another. The League of Nations was the forerunner of the United Nations. The UN began its life with a membership of 50 nations. There are 191 Member States in the UN now. The aims and purposes of the organization encompass the maintenance of peace and security and the suppression of **acts of aggression**. International law regulates intercourse among nations in peacetime and provides methods for the **settlement of disputes** by means other than war. Apart from procedures made available by the UN, these methods include **direct negotiation** between disputants under the established rules of diplomacy, the rendering of good offices by **a disinterested third party**, and recourse to the International Court of Justice. Other peacetime aspects of international law involve the treatment of foreigners and of foreign investments; the acquisition and loss of citizenship; and status of stateless persons; the **extradition of fugitives**; and the privileges and duties of **diplomatic personnel**.

**1.2.1 Make sure that you know the meaning and pronunciation of the pointed words and phrases, make up your own sentences with them**

## **1.2.2 Write down 5 questions and a summary to the text above**

### **1.3 Read the text to answer the following questions:**

1. What are the three main sources of public international law?
2. What are the two principal questions which private international law is concerned with?
3. What is meant by a supranational legal framework?

In its widest sense, international law can include public international law, private international Law and, more recently, supranational law. In its narrowest meaning, the term international law is used to refer to what is commonly known as public international law. Private international law is also referred to as conflict of laws. Conflict of laws can also refer to conflicts between states in a federal system, such as the USA.

Public international law is the body of rules, laws or legal principles that govern the rights and duties of nation states relations to each other. It is derived from a number of sources, including custom, legislation and treaties. Article 2 of the Vienna Convention on the Law of Treaties (1969) defines a treaty as 'an international agreement concluded between States in written form and governed by international law. These treaties may be in the form of conventions, agreements, charters, framework conventions or outline conventions. Custom, also referred to as customary international law and originates from a pattern of state practice motivated by a sense of legal right or obligation. Laws of war were a matter of customary law before being codified in the Geneva Conventions and other treaties.

International institutions and intergovernmental organizations whose members are states have become a principal vehicle for making, applying, implementing, and enforcing public international law, especially since the end of World War II. The best-known intergovernmental organization is the United Nations, which develops new advisory standards, e.g. the Universal Declaration of Human Rights. Other international norms and laws have been established through international agreements such as the Geneva Conventions on the conduct of war or armed conflict, as well as by other international organizations, such as the World Health Organization, the World intellectual Property Organization, the World Trade Organization and the International Monetary Fund.

Private international law refers to the body of rights and duties of private individuals and business entities of different sovereign states. It addresses two main questions: 1) the jurisdiction in which a case may be heard, and 2) which laws from which jurisdictions apply. It is distinguished from public international law because it governs conflicts between private individuals or business entities, rather than conflicts between states or other international bodies.

Supranational law, or the law of supranational organizations, refers to regional agreements where the laws of a nation state are not applicable in conflict with a supranational legal framework. At present, the only example of this is the European Union, which constitutes a new legal order in international law where sovereign

nations have united their authority through a system of courts and political institutions.

### 1.3.1 Write a summary to the text above

#### *Vocabulary Focus*

### 1.4 Complete the definitions of instruments below using words from the box

Communications/ decisions/ directives recommendations and opinions /regulations
--

1..... are views and preferences expressed by EU institutions, but they are not binding on the member states.

2.....are detailed instructions which are applicable throughout the EU and which are directly binding on the member states, which means that they become a member part of the state's national legal system automatically without the need for separate national legal measures.

3.....are EU decisions which are binding on the EU institutions and the member states, but they are only general instructions on the goal to be achieved; the way the goal is reached is left to the discretion of each member state.

4..... are fully binding on those to whom they are addressed (a member state, a company or an individual). They are based on a specific Treaty Article and do not require national implementing legislation.

5..... are published by the Commission and set out the background to a policy area. They usually indicate the Commission's intended course of action in this area.

#### *Grammar points: Infinitive, Participle, Gerund*

### 1.5 Revise the grammar rules by watching the video explanations

<https://www.youtube.com/watch?v=KVPy77zokr4>

<https://www.youtube.com/watch?v=0TkknzpDepA>

[https://www.youtube.com/watch?v=tBIXH\\_m5Wzq](https://www.youtube.com/watch?v=tBIXH_m5Wzq)

#### 1.5.1 Find the Infinitives, translate the sentences:

1. I would like to see the witness. 2. I expect him to be always fair in fixing price for goods. 3. Their duty is to make sure that the place of work is safe. 4. He has just finished his speech to read the text on civil law. 5. We asked to be given convincing evidence. 6. She demanded to know the truth.

**1.5.2 Fill in the gaps with the participle *to* where necessary:**

1. Have you ever heard him ... break the law? 2. She seems ... know a great deal about civil law. 3. Let him ...help you with the presentation about civil law in Rome. 4. Have you enough information ...sue for compensation. 5. He would rather die than ... betray his country.

**1.5.3 Translate into English using Infinitive and Infinitive Complexes:**

1. Здається, вона знає багато з міжнародного права. 2. Ви чули, щоб він коли-небудь порушував закон 3. Він почув як суддя говорив латиною. 4. Вони раді, що уклали шлюбний контракт 5. Здається, його оштрафували, тому що він був у стані сп'яніння за кермом. 6. Здається, він підготував презентацію з історії цивільного права. 7. Він вимагав, щоб йому надали можливість відшкодувати збитки. 8. Здається, він добре знає цивільне право.

**1.5.4 Complete the following sentences with the appropriate verb in the gerund form:**

1. He is accused of...2. I insist on telling...3. He didn't succeed in finding...4. Before becoming a judge one must...5. Making contracts ...6. They are suspected of...7. I am looking forward to...8. Without considering the evidence of the accused the jury can't...9. After explaining the rules to the accused the judge began...10. They kept on discussing ...

**1.5.5 Translate into English using gerund:**

1. Вони з нетерпінням чекають на підписання цього контракту. 2. Припиніть хвилюватися. Вам обов'язково підпишуть контракт. 3. Перестаньте звинувачувати всіх. 4. Нарешті вони почали ретельно вивчати питання міжнародної торгівлі. 5. З цим не слід сперечатися: клієнти шукають високо кваліфікованих спеціалістів у галузі права. 6. Питання щодо розірвання контракту треба розглянути ретельно.

**1.5.6 Open the brackets using the infinitive or the ing-form of the verb:**

1. We didn't have an opportunity... (to apprehend) him. 2. The most offences... (to involve) criminal law are those against the state. 3. Copyright law protects literary and artistic works... (to include) paintings and sculpture. 4. They want him... (to pay) damages. 5. I've never heard him... (to start) legal proceedings. 6. They'll look forward to... (to charge) him for the second time. 7. The offence turned out.... (to be) committed while sleepwalking, and this act can't be qualified as a crime.

## **Unit 2. International Treaties**

### **2.1 Answer the following questions**

1. What International treaties do you remember?
2. What types of treaties can countries sign?
3. Why is the present system of international law called consensual?

### **2.2 What are the legal terms for the following:**

- 1) statement purporting to exclude or to modify the legal obligation and its effects on the reserving state, must be included at the time of signing or ratification;
- 2) the act of correction, improvement, changing for better of the existing treaty;
- 3) an additional treaty or international agreement that supplements a previous treaty, can amend the previous treaty, or add additional provisions;
- 4) change in the domestic law of a state party that will direct or enable it to fulfill treaty obligations;
- 5) explanation of the ordinary meaning given to the terms of the treaty in their context and in the light of its object and purpose, can be performed by the International tribunals and arbiters;
- 6) ending the treaty;
- 7) consideration a treaty as unenforceable and void under international law.

### **2.3 Read some articles from the United Nations Charter be ready to translate it into Ukrainian:**

#### **Article 1: Purposes of the United Nations**

The adopted purposes of the United Nations reflect a premise that are the effective Dumbarton Oaks proposals.

1. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace;
2. To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace;
3. To achieve international co-operation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion; and
4. To be a centre for harmonizing the actions of nations in the attainment of these common ends."

## Article 2: Principles of the United Nations

"The Organization and its Members, in pursuit of the Purposes stated in Article 1, shall act in accordance with the following Principles.

1. The Organization is based on the principle of the sovereign equality of all its Members.
2. All Members, in order to ensure to all of them the rights and benefits resulting from membership, shall fulfill in good faith the obligations assumed by them in accordance with the present Charter.
3. All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.
4. All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.
5. All Members shall give the United Nations every assistance in any action it takes in accordance with the present Charter, and shall refrain from giving assistance to any state against which the United Nations is taking preventive or enforcement action.
6. The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security.

### ***Grammar points: Revision***

#### **2.4 Choose the correct variant:**

1. The investigator.....a difficult case now.  
a) is investigating b) investigates c) has been investigating
2. He .....the evidence when the chief inspector came to the place of crime.  
a) has collected b) was collecting c) will be collecting.
3. A defense-lawyer..... the accused.  
a) is represented b) was represented c) represents
4. I knew he .... as a Prosecutor.  
a) works b) is working c) worked
5. The woman asked him who .... the responsibility of certifying a contract.  
a) has b) had c) is having
6. He said that Nick ...to take part in the conference.  
a) was going b) is going c) has been going
7. Since long ago it ...the function of the police to enforce laws.  
a) was b) is c) has been
8. The case is rather complicated. The jury still .... a verdict.  
a) is deciding b) has decided c) will decide

### **2.4.1 Open the brackets using the verbs in correct forms of Active or Passive**

1. They (to inform) him of the penalty tomorrow? 2. Experts already (to examine) the fingerprints by noon yesterday. 3. He often (to interview) the suspects. 4. The judges (to reach) a decision yet? 5. He (to receive) the judicial decision by tomorrow. 6. After the graduating from the Academy he (to want) to become a defense lawyer. 7. Notary public already (to examine) the case carefully for 10 minutes. 8. They (to inform) him of the penalty tomorrow. 9. There (to be) no courts in ancient societies? 10. Revenge (to be) a major component of early law. 11. After the Norman Conquest English courts (to begin) to take part in lawmaking. 12. Robber (to arrest) yesterday at midnight? 13. Between 55 BC and AD 412 English people (to be) under Roman control, naturally they (to use) Roman law. 14. By the 20<sup>th</sup> of January he (to pass) your examination in Criminal Procedure, he (to hope). 15. Many articles concerning problems in legal and social sciences (to publish) this year. 16. The credit test in English (not to pass) now. 17. Three students (to send) to the International Conference this week. 18. I (to ask) at the lecture tomorrow. 19. This criminal (to look for) everywhere now. 20. Two criminals (to arrest) by sunset yesterday.

### **2.4.2 Change into indirect speech starting from “I am asked.....”**

1. By whom are prosecutions usually initiated?
2. Can a private citizen institute criminal proceedings?
3. Who is empowered to make an arrest?
4. Who usually makes arrests?
5. Can a person be detained in custody without a charge? For how long?
6. Who decides the issue of bail?
7. Are the accused usually freed on bail in serious cases?
8. In what cases can the detained person apply for a writ of habeas corpus?
9. Is a person assumed guilty after arrest?
10. What must the prosecution show in court?
11. In what cases is a legal adviser provided at public expense?
12. Are all criminal cases heard in open court?

### **2.4.3 Change into indirect speech starting from “I was asked.....”**

1. What does making of a contract require?
2. What is one party entitled to do if the other fails to keep the promise?
3. What does the law of contract consider?
4. How do primitive societies enforce the commitment of individuals?
5. Did contract law exist in early societies? How were problems solved?
6. What does a true law of contract imply?
7. What are the reasons for the growing use of arbitration?
8. What are the advantages and disadvantages of arbitration?
9. How many judicial districts is the USA divided into?
10. What kinds of cases are heard by Court of Appeals?

11. What cases does the Supreme Court hear?
12. Who is responsible for making laws in the US?

#### **2.4.4 Change into Indirect Speech:**

1. He said : “They participate in a trial yesterday.”
2. She said : “ I have already received notary's certificate”
3. He asked the notary: “Please, help me to make a will”
4. He asked : “What groups of notary activity do you know?”
5. She asked: ” How is the Prosecutor General appointed?”
6. She asked me : ”Why do you want to be a lawyer?”
7. They asked me “ Do you want to be a prosecutor ?”
8. He begged : “Please, please don't kill me”
9. The prosecutor said: ”The accused person is not guilty”.
10. The investigator said: “We have found a witness.”
11. The judge said to the clerk: “Ask the witnesses to come into the court room”.
12. The old man said: “I am going to notary to make the will”.
13. The policeman ordered the criminal “Don't move! Put your hands up!”
15. She asked: “When will the jury begin to consider the verdict?”

#### **2.4.5 Translate into English:**

1. Ви вивчаєте кримінальне право? 2. Він сказав, що передача власності була оформлена в нотаріальній конторі. 3. Вона сказала, що заповіт вже завірений нотаріусом. 4. Він запитав, хто розслідує його справу. 5. Слідчий запитав, чи є свідки вбивства. 6. Які форми бізнесу Ви знаєте? 7. Які галузі права регулюють бізнес діяльність? 8. Чи всі студенти підготували есе з теми “Захист прав людини”? 9. Коли ми будемо складати залік з англійської мови за професійним спрямуванням?

#### **2.4.6 Open the brackets using Conditional Sentences, “I wish”**

1. If she (to require) legal advice in the future she (to have to go) to a legal adviser. 2. She has lost the case. But if she (to go) to a defense lawyer she would have not lost it. 3. If the case (to hear) in a higher court the solicitor will brief a barrister on the client's behalf. 4. He wishes (not to break) the law. 5. I wish I (to be) at yesterday's lecture: it must have been very interesting. 6. They wished they (not to see) that murder. 7. He wishes he (know) English well. But he doesn't.

#### **2.4.7 Complete the following sentences with the appropriate verb in the gerund form:**

1. He is accused of...2. I insist on telling...3. He didn't succeed in finding...4. Before becoming a judge one must...5. Making contracts ...6. They are suspected of...7. I am looking forward to...8. Without considering the evidence of the accused the jury can't...9. After explaining the rules to the accused the judge began...10. They kept on discussing ...

### 2.4.8 Open the brackets using the infinitive or the ing-form of the verb:

1. We didn't have an opportunity... (to apprehend) him. 2. The most offences... (to involve) criminal law are those against the state. 3. Copyright law protects literary and artistic works... (to include) paintings and sculpture. 4. They want him... (to pay) damages. 5. I've never heard him... (to start) legal proceedings. 6. They'll look forward to... (to charge) him for the second time. 7. The offence turned out.... (to be) committed while sleepwalking, and this act can't be qualified as a crime.

### 2.4.9 Use the appropriate form of the verb in the sentences below:

1. According to the Constitution justice (to administer) only by Courts. 2. The Crown Court (to set up) in Britain in 1971. 3. The Crown Court (to staff) by High Court judges. 4. The most serious criminal cases (to try) by the Crown Court. 5. Jurors for the forthcoming trial (to select) at random. 6. The jury are in the jury room. They (to determine) whether the defendant is guilty or not guilty. 7. If the accused (to find guilty) he (to sentence) to 5 years in prison. 8. The Crown Court acted as an appeal court for a man who (to convict) of an offence in the magistrate's court. 9. If I am found guilty I (to appeal) against the Verdict to the House of Lords. 10. The jurisdiction of the county courts (to extend) so they can now hear not only small, civil cases. 11. The newly created district court (to staff) by judges by the end of the month. 12. I was sure the court (to staff) by the end of last month.

### 2.4.10 Choose the correct variant:

1. Roman law is a system of laws ... in the 8<sup>th</sup> century BC.  
a) evolved      b) evolving      c) to evolve
2. You can .....my dictionary whenever you like  
a) use    b) to use    c) using    d) used
3. The students .....here came from Lviv  
a) work    b) working    c) having worked    d) being working
4. Authority is the control ... from a community's system of rules.  
a) to result      b) resulting      c) resulted
5. The civil law includes cases ... to family, property and contracts.  
a) relating      b) related      c) to be related
6. Family law includes the laws ... marriage, divorce and welfare of children.  
a) governed by    b) governing    c) to govern
7. I saw him .....this text  
a) to translate    b) translating    c) having translated    d) being translated
- This lecture is worth .....
- a) attending    b) attend    c) have attend    d) to be attend
8. They are known .....hard-working students  
a) to be    b) to being    c) be    d) have been
10. We can't believe him ... the offer.  
a) to revoke      b) revoking      c) to have revoked
11. I suspect him ... this computer program.  
a) of copying      b) to copy      c) copying

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