

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 I



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ВСТУП

Методичні вказівки призначено для самостійної роботи з англійської мови за професійним спрямуванням студентів юридичного факультету спеціальності 081 «Право» та укладено відповідно до чинної навчальної програми з дисципліни «Іноземна мова (за професійним спрямуванням)».

Мета методичних вказівок – сприяти формуванню іншомовної комунікативної професійно орієнтованої компетентності в читанні, усному й писемному мовленні, що здійснюється в межах професійного контексту. Метою самостійної роботи студентів з навчальної дисципліни «Іноземна мова (за професійним спрямуванням)» є підготовка до практичних занять з навчальної дисципліни, а також розвинення й вдосконалення навичок самостійної роботи, розроблення власних когнітивних, інформаційних стратегій для самостійного опрацювання навчального матеріалу.

Методичні вказівки містять 4 модулі, в які входять 12 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 у сфері права. Фахові тексти та система вправ допоможуть майбутнім спеціалістам оволодіти відповідною термінологічною лексиною, підготують їх до спілкування іноземною мовою у професійному середовищі. Різноманітність та варіативність завдань сприятимуть реалізації диференційованого та індивідуального підходів до студентів.

MODULE 1. University life

Unit 1. Being a student. My university.



Questions for group discussion:

Did you take into account a university brand when choosing where to apply? Why?

How can a university raise students' employability? Do you think all Oxford graduates find a good job?

1. Read the text “The top 100 universities in the world for employability revealed” and state if the sentences are True (T) or False (F):

1. Oxford University graduates are among the most employable in the world.
2. “Professional experience” is the most important factor for employment.
3. A degree from a top ranking university means that a graduate has the best skills for the job.
4. Nowadays students don't mind the university brand.

«The top 100 universities in the world for employability» revealed Cambridge University graduates are among the most employable in the world, according to new global rankings. The top-performing university came first in the UK and fourth in the world in the Global University Employability Ranking, published by Times Higher Education. Oxford University, Imperial College London, King's College London and the University of Manchester also ranked highly in the league table.

Taking into consideration opinions from 2,500 recruitment managers from international companies in 20 countries around the world, researchers named “professional experience” as the most important factor when predicting a graduate's employability.

A high degree of specialism, and proficiency in at least two foreign languages were also hailed as important skills favoured by recruiters.

Responding to the results, Vicky Gough, a spokesperson for the British Council, said: “The reality is that speaking another language boosts job prospects and allows you to connect with another culture. And as the UK comes to

reposition itself on the world stage, skills like these matter now more than ever. We must do everything we can to encourage more people to take on languages at school, university and beyond.”

While most employers recognised that a degree from a top ranking university was not necessarily indicative that a graduate might have the best skills for the job, the sheer volume of applications for top positions meant recruiters would most likely compare university ranks or look for universities with a strong “global brand” as a way of narrowing down applicants. Around 85 percent of recruiters agreed or strongly agreed that employability could be defined as “a set of job-related aptitudes, attitudes and behaviour”, suggesting an individual’s general demeanour was as important as their qualifications and skills.

Respondents to the survey named the US as the country with the most employable graduates, with Germany and the UK come in close second and third place.

Phil Baty, editor of the Times Higher Education World University Rankings, said: “A university education brings a host of life-enhancing benefits but for many students, launching a successful career is one of the most important outcomes.

”In a year of huge political upheaval, where young students have witnessed Brexit and the unexpected election of Donald Trump as US President, many will seek the relative safety of a university with a strong track record of producing graduates who are valued by large, international graduate employers.“

As employers receive more international applications, it becomes ever more important for ambitious students to graduate from a university that has a “global brand,” he added.

1.1.2 Divide the words and phrases into three groups:

A) Important skills B) “Global brand” C) Employability

job-related aptitudes, attitudes and behaviour; global ranking, boost job prospects, professional experience, top-performing, high degree of specialism, proficiency in foreign languages, launch a successful career.

1.1.3 Answer the questions to the text:

1. What skills are important if you need to find a good job?

2. Why is it important to be able to speak a foreign language?
3. Why do recruiters compare university ranks?
4. How is employability defined?
5. Why do students want to graduate from a university that has a “global brand”?

1.2.1 How do you find your employment prospects? Mark the following characteristics from 0 to 5.

Mark	0	1	2	3	4	5
Characteristic						
Professional experience						
Specialism						
Proficiency in foreign languages						
General demeanour						
University brand						

Speaking

1.2.2 Look at the table with marks. What characteristics are the most important to you? Why? What do you want to achieve before you graduate?

A business company is going to provide a corporate scholarship for promising first-year students. Prepare a speech for the interview. Present it to your group. Use the patterns:

I'm going to win an Olympiad. I want to travel a lot.

I am eager to show my talents.

I believe I will become a top student.

In 5 years' time I will be launching my start-up.

I will have won the President's scholarship by the end of studies.

Group project

1.3 Work in groups. Write down your collective “Code of Conduct” for the period of Bachelor studies. Present it to the whole group.

Unit 2. My future profession.

2.1 Translate into Ukrainian

1. When will you graduate from the University? I'll graduate from it in three years.
2. The undergraduates of the Law faculty study Criminal Law, Civil Law and other specialized and optional subjects.
3. Brown works as a lawyer, his brother works as a clerk for the same firm.
4. The curriculum includes specialized subjects as well as optional subjects.
5. He reads law and in some years he'll become a lawyer.
6. The legislative body of Ukraine is Parliament.
7. Tom was invited to work as a manager for a big oil company.
8. The court administers justice on the basis of the laws.
9. He is a well-known investigator.
10. He investigated the case carefully.
11. The investigation of the case took all his time.
12. He committed a crime and must be punished.
13. It is necessary to use all legal means to fight crime.
14. People must be protected from criminals by state laws.
15. Everybody has the right for protection in the court.
16. Laws protect the rights of citizens.
17. The case was considered by the court.
18. Smith became J.M., and Brown after years of hard work and studies got his degree of J.S.D.
19. To take LLB degree one must study law for four years and then write his (or her) degree work.

2.2 Read and translate the words. If it's necessary look them up in a dictionary

Department, faculty, humanitarian, (by) correspondence, secretary, history, philosophy, diploma, legal, criminal, dissertation, master, theory, administration, liberty, procurator, select, candidate, jurisprudence, civil, specialized, ethical, manager.

2.3 Translate into English

a full-time student, a part-time student, an extra-mural student, a cond-year student.

2.4.1 Read the text

Studies at the Humanitarian Faculty

Nick Karpenko finished secondary school two years ago. Now he is an undergraduate of the University. The University has three departments: the day-time (full-time) one, the part-time and the extra-mural ones. The students of the extra-mural department work and study at the same time. It is rather difficult to combine work and studies.

Nick is at the humanitarian faculty. He studies at the law department. He studies by correspondence and works at the city court as a secretary. He wants to be a lawyer. To become a lawyer he studies humanities: history, philosophy, languages as well as mathematical background and computers. Special attention is paid to specialized subjects. The range of specialized subjects is wide. The curriculum of the speciality includes: Roman Law, Criminal Law, Civil Law, Theory of State and Law, Constitutional State Law of Ukraine and others.

The range of options is also wide. And undergraduate may develop his or her interest in administration, industrial management or accounting. There are opportunities to study the history of law. The students are encouraged to consider such questions as ethical judgement, political liberty and social control administration.

Undergraduates reading law for four years take LLB degree. At the end of studies the student write his (or her) degree work, the theme being taken from

International Law, Legal Law, Roman Law, Criminal Law and other subjects. A candidate for the postgraduate LL.M. degree submits a dissertation.

To become J.M. - Master of Jurisprudence or J.S.D. - Doctor of Science of Law - more serious theoretical and practical work is needed. Many graduates of our university administer justice. They work as judges, investigators, lawyers. They discover many crimes and protect the rights and lawful interests of the citizens. You must remember that the better you study, the better you know the laws and the better you will help people.

2.4.1 Answer the questions:

1. Who finished school two years ago?
2. What is Nick now?
3. Where does Nick study?
4. When did he enter the University?
5. Why did he enter the University?
6. How does he study?
7. What subjects does Nick study?
8. What degree do undergraduates take after four years of reading law?
9. What must a candidate for the postgraduate LL.M. degree submit?
10. What is necessary to do to become Master of Jurisprudence or Doctor of Science of Law?

2.5 Make up sentences using the word combinations: a lawyer, a manager, an investigator

Model 1:

My friend is a judge.

I am _____

Ann will be _____

They are _____ .

Brown was _____ .

Model 2:

He works as a judge.

Petrov worked

Brown works

Ann Smith works

Model 3:

Where does he work? He works at a district court (for a joint-venture)

Where did Petrov work? Where do you work?

Where does he work?

Model 4:

What institute did he graduate from? He graduated from the University of London?

What university will you graduate from?

What university did your friend graduate from?

What university (in England) did Nick graduate from?

2.5.1 Read and render the following text.

LEGAL EDUCATION IN UKRAINE

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

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

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

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

Faculty of Law at the Ternopil National Economic University was founded in 1997 on the basis of one speciality "Legal Regulation of Economy" from the Faculty of Economy and Management. Now it trains specialists for different spheres of our society. The faculty consists of Department of Economic Legal Control and Jurisprudence, Department of Intellectual Property and Private Law, Department of the Theory and History of State and Law, Department of Criminal Law and Procedure, Department of Constitutional, Administrative and International Law, Department of Social Work. Lecturers of the Faculty on a periodic basis invite external experts at national and international level to take part in seminars, round-table discussions, non-official meetings to contact with students and lecturers. The Faculty's graduates may work in the bodies of legislative, executive and judicial branches of power, local state and local administrations, as the lecturers of law, in law-enforcement institutions, the prosecutor's officers, institutions of the Ministry of Internal Affairs, State Security, customs, tax administration and militia, at governmental enterprises, institutions and organizations, at control state institutions - the Anti-monopoly Committee, the Committee of the Consumers' Right Protection, the Inspection of Price Control, Institutions of Environmental Protection, as legal

advisors, advisors and consultants in the firms of various forms of ownerships and institutions and organizations, as private lawyers and notaries, etc.

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

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

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

2.6 Complete the following text with the words from the box below using them in the appropriate form.

To result, degree, academic career, to consist, prospective, to follow, business law, law school, common, doctoral degree, examination
--

Law school in the United States is a postgraduate level program which typically lasts three years and 1. _____ in the awarding of the Juris Doctor (J.D.) degree. Some schools in Louisiana concurrently award the Graduate Diploma in Civil Law (D.C.L.). In order to be admitted to a United States American Bar Association (ABA) approved law program, a 2. _____ student must take the Law School Admissions Test (LSAT) and have graduated with a minimum four-year undergraduate (bachelor's) 3. _____ in any major. Currently, there are 196 ABA-approved law schools.

The typical degree to practice law in Canada is now the Juris Doctor, which requires previous college coursework and is very similar to the first law degree in the United States, except there is some scholarly content in the coursework (such as an academic research paper required in most schools. The programs 4. _____ of three years, and have similar content in their mandatory first year courses. Beyond first year and the minimum requirements for graduation, course selection is elective with various concentrations such as 5. _____, international law, natural resources law, criminal law, Aboriginal law, etc.

In England, Australia, New Zealand and other English common law countries, a law degree is usually an undergraduate qualification, with the bachelor's degree

being the most 6._____. In Australia & New Zealand, law may be taken as a Combined Law degree with another major as a five-year joint degree, instead of possibly six years for both degrees separately.

In Hong Kong, which generally 7._____ the English common law system, an undergraduate degree is common, followed by a one or two year Postgraduate Certificate in Laws before one can begin a training contract (solicitors) or a pupillage (barristers).

In Japan, a law degree is usually an undergraduate qualification, with the L.L.B. being the most common. To practice law, passing the National Bar Examination and attending judicial training (or work experience as legislator, government official, professor, etc.) are required in Japan. While “Graduate School of Law” has long been for few students pursuing 8._____ (partly for policy career), “Law School” with much larger capacity was additionally introduced for students pursuing legal career in 2004 by legislation according to Recommendations of the Justice System Reform Council, and it is now in its transitional stage. Master’s degree usually requires two-year study.

Some schools offer a Master of Laws program as a way of specializing in a particular area of law. A further possible degree is the academic 9._____ in law of Doctor of Juridical Science (in the U.S.), or the Doctorate of Laws in Canada, or the Ph.D. in Law from European or Australasian universities. In addition to attending law school, in many jurisdictions a graduate of a 10._____ is required to pass the state or provincial bar examination in order to practice law. The Multistate Bar Examination is part of the bar examination in almost all United States jurisdictions; generally, the standardized, common law subject matter of the MBE is combined with state-specific essay questions to produce a comprehensive bar 11. _____. In other common law countries the bar exam is often replaced by a period of work with a law firm known as articles of clerkship.

2.7.1 Read the text

HIGHER EDUCATION

Higher education is provided at universities and on advanced courses at polytechnics and other establishments of higher and further education. The oldest and best-known universities are in Oxford, Cambridge, London, Manchester, Liverpool, Durham, Edinburgh, Bristol, Cardiff, Birmingham. A university

consists of a number of faculties: divinity, medicine, arts (philosophy), law, music, natural sciences, economics, engineering, agriculture, commerce and education. After three years of study, a student may proceed to a Bachelor's degree and later to the degree of Master and Doctor.

The Bachelor's degree is given to students who pass examinations at the end of three or four years of study, Bachelor of Arts for history, philosophy, language and literature and sometimes some social studies, or Bachelor of Science or Commerce or Music and Bachelor of Law.

The first post-graduate degree is that of Master, conferred for a thesis based on at least one year's full-time work. Everywhere the degree of Doctor of Philosophy is given for a thesis which is an original contribution to knowledge.

The oldest Universities of Oxford and Cambridge were founded in the two towns towards the end of the twelfth century. The story of the University in Cambridge begins in 1209 when several hundreds of students and scholars arrived in the little town of Cambridge. These students were all churchmen and had been studying in Oxford, at the city of well-known schools. It was a hard life in Oxford for there was constant trouble between the townsfolk and the students. Then one day a student accidentally killed a man of a town. Then Mayor arrested three other students who were innocent and by order of King John (who was quarrelling with the Church and knew that the death of three churchmen would annoy it) they were put to death by hanging. In protest, all the students moved elsewhere, some came to Cambridge, and so the new University was formed.

There were many new quarrels with the townsfolk, for the University wanted to be independent of the Town. Side by side with the fight for freedom from Town rule and another for liberty from Church rule the University became its own master at last in 1500. Now at Oxford and Cambridge the colleges are self-governing institutions.

In those early days student life was very different from what it is now. Students were of all ages and came from everywhere. The students were armed, some robbed by the people of the countryside. Students were forbidden to play games, to sing (except religious hymns), to hunt or fish, or even to dance. All the lessons were in the Latin language which students had to speak even among themselves.

In the early nineteenth century Oxford and Cambridge were the only two universities in England. The cost of education at these universities was high. Many great men studied at Cambridge and Oxford, amongst them Bacon the philosopher, Milton the poet, Newton the scientist, John Galsworthy the writer. The universities have their own traditions, which they preserve carefully. A student must wear a cap and gown - it is a custom from the time when students were clergymen. If a student disobeys this regulation he must pay a fine. Students correctly dressed have their meals in the College dining-room and mustn't be late for dinner. Sporting activities are very numerous and popular and there is keen rivalry between the Colleges and the Universities. The most popular sport is rowing.

Academic life in both Universities is full and varied. Students attend lectures given by professors and lecturers, their work is largely based on a "tutorial" system; each student meets his tutor to have his work scrutinized and discussed. Because of their age, traditions, historical associations and reputation the prestige of Oxford and Cambridge is very high.

2.7.2 Answer the questions to the text above:

1. What are the best-known universities in Great Britain?
2. What is the story of Cambridge University foundation?
3. What are the traditions of Oxford and Cambridge?
4. What famous people studied at these universities?

MODULE 2. BASIC LEGAL TERMS AND CONCEPTS

Unit 1. Legal Terms and Concepts



спрямування

1.1 Translate the following word collocations into Ukrainian:

1. rules imposed by morality and custom
2. rules made by the state or the courts
3. to control or alter our behaviour
4. to safeguard our personal property and our lives
5. a well-ordered society
6. to ensure a safe and peaceful society
7. to punish people without trial
8. to respect individual rights
9. to give effect to social policies
10. to protect liberty and equality

1.2 Read and translate the text

Why do We Need Law?

Almost everything we do is governed by some set of rules. There are rules for games, for social clubs, for sports and for adults in the workplace. There are also rules imposed by morality and custom that play an important role in telling us what we should and should not do. However, some rules – those made by the state or the courts – are called “laws”. Laws resemble morality because they are designed to control or alter our behaviour. But unlike rules of morality, laws are enforced by the courts; if you break a law – whether you like that law or not – you may be forced to pay a fine, pay damages, or go to prison.

Why are some rules so special that they are made into laws? Why do we need rules that everyone must obey? In short, what is the purpose of law?

If we did not live in a structured society with other people, laws would not be necessary. We would simply do as we please, with little regard for others. But ever since individuals began to associate with other people – to live in society – laws have been the glue that has kept society together. For example, the law in our country states that we must drive our cars on the right-hand side of a two-way street. If people were allowed to choose at random which side of the street to drive on, driving would be dangerous and chaotic. Laws regulating our business affairs help to ensure that

people keep their promises. Laws against criminal conduct help to safeguard our personal property and our lives.

Even in a well-ordered society, people have disagreements and conflicts arise. The law must provide a way to resolve these disputes peacefully. If two people claim to own the same piece of property, we do not want the matter settled by a duel: we turn to the law and to institutions like the courts to decide who is the real owner and to make sure that the real owner's rights are respected.

We need law, then, to ensure a safe and peaceful society in which individuals' rights are respected. But we expect even more from our law. Some totalitarian governments have cruel and arbitrary laws, enforced by police forces free to arrest and punish people without trial. Strong-arm tactics may provide a great deal of order, but we reject this form of control. The legal system should respect individual rights while, at the same time, ensuring that society operates in an orderly manner. And society should believe in the Rule of Law, which means that the law applies to every person, including members of the police and other public officials, who must carry out their public duties in accordance with the law.

In our society, laws are not only designed to govern our conduct: they are also intended to give effect to social policies. For example, some laws provide for benefits when workers are injured on the job, for health care, as well as for loans to students who otherwise might not be able to go to university.

Another goal of the law is fairness. This means that the law should recognize and protect certain basic individual rights and freedoms, such as liberty and equality. The law also serves to ensure that strong groups and individuals do not use their powerful positions in society to take unfair advantage of weaker individuals.

However, despite the best intentions, laws are sometimes created that people later recognize as being unjust or unfair. In a democratic society, laws are not carved in stone, but must reflect the changing needs of society. In a democracy, anyone who feels that a particular law is flawed has the right to speak out publicly and to seek to change the law by lawful means.

1.3 Match English words with their Ukrainian equivalents

- | | |
|-----------------------|-------------------------------------|
| 1) the purpose of law | a) поважати права окремої людини |
| 2) to live in society | b) відображати потреби суспільства, |

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- | | |
|---|---|
| 3) to choose at random | с) мати конфлікти і суперечки |
| 4) to safeguard our personal property and our lives | д) вірити у верховенство права |
| 5) to have disagreements and conflicts | е) захищати основні права і свободи |
| 6) to resolve disputes peacefully | ф) призначення (мета) права |
| 7) to turn to the law | г) мати право відкрито висловлювати свою думку |
| 8) to respect individual rights | h) жити у суспільстві |
| 9) to arrest and punish people without trial | і) вибирати щось навмання |
| 10) to believe in the Rule of Law | j) прагнути змінити закон законними засобами |
| 11) in accordance with the law | к) арештувати й карати людей без суду і розслідування |
| 12) to protect basic individual rights and freedoms | l) охороняти власне майно і життя |
| 13) to reflect the changing needs of society | m) згідно з законом |
| 14) to have the right to speak out publicly | n) звертатися до закону |
| 15) to seek to change the law by lawful means | o) вирішувати конфлікти мирно |

1.4 Complete the sentences according to the text

1. Almost everything we do is governed by ...
 - a) rules imposed by morality.
 - b) the courts.
 - c) some set of rules.
2. If we didn't live in a structured society with other people ...
 - a) we would simply do as we please.

- b) we would simply do with little regard for others.
- c) laws would not be necessary.
- 3. Laws against criminal conduct help ...
 - a) to protect our property.
 - b) to take advantage of other individuals.
 - c) to safeguard our personal property and our lives.
- 4. We turn to the law ...
 - a) to resolve disputes peacefully.
 - b) to decide who is the real owner.
 - c) to force people to keep their promises.
- 5. Another goal of the law is ...
 - a) to protect certain basic individual rights and freedoms.
 - b) fairness.
 - c) to provide for benefits.

1.5 Agree / Disagree with the following statements using the communicative models

Model: a) I fully agree with the statement.

b) I am afraid, I can't agree with it.

- 1. Not everything we do is governed by some set of rules.
- 2. We need rules that everyone must obey.
- 3. Laws against criminal conduct don't help to safeguard our personal property and our lives.
- 4. In a well-ordered society conflicts never arise.
- 5. It is impossible to resolve disputes peacefully.
- 6. If individual's rights are respected it means that we live in a safe and peaceful society.
- 7. Totalitarian governments have cruel and arbitrary laws.
- 8. Strong-arm tactics may provide a great deal of order ensuring the society operates in an orderly manner.
- 9. Laws should be applied to every person in the society.
- 10. The only goal of the law is fairness.

1.5 Replace Ukrainian words with their English equivalents

The aim of (права) is to regulate the conduct of human beings in society. The aim of (правової) theory is (розглянути) the nature, origin and classification of law. The theory of natural law is based on the belief that there is a set of perfect (юридичних норм) for human conduct and (закони) devised by men must be induced by these rules. (Закон) is a term which is used in many different senses. For (юриста) law has a far narrower meaning – the principle recognized and applied by the state in (суді). The English (правова система) has still been copied by many nations. (Судовий процес) becomes the center of a contest between both parties in which one emerges as the winner. By the time of (судового розбіру) each (сторона справи) should gain as much information as possible.

1.6 Answer the questions:

1. What kind of society do we live in?
2. What is the society governed by?
3. What is the difference between laws and rules of morality?
4. Why do rules of morality and custom play an important role in our life?
5. Why are laws designed to control our behaviour?
6. What are the goals of law?
7. When do people turn to the law?
8. Why do we need law?

1.7 Make summary of the text using the scheme below:

1. The author believes...
2. Firstly the author points at...
3. Secondly the author supposes...
4. Thirdly the author thinks...
5. Finally the author concludes...

Unit 2. Legal professions

2.1 Answer the following questions:

1. Why did you choose law as a career?
2. What is the most attractive thing in the legal profession: salary, protection of society and individuals, prestige ?
3. What are the major objectives of lawyer's work?

4. How do lawyers apply the knowledge of law in their practice?
5. Where do lawyers work? What legal professions do you know?
6. Is it important to specialize in any particular area? Why?

2.2 Match the following English words and expressions with their Ukrainian equivalents:

- | | |
|-----------------------------|--------------------------------------|
| 1. Legal profession | a) соціальні відносини |
| 2. Law-making processes | b) слідчий |
| 3. Social relations | c) юрист, консультант з питань права |
| 4. Investigator | d) суддя |
| 5. Prosecutor | e) юридична професія |
| 6. Municipal enterprises | f) нотаріус |
| 7. Lawyer | g) адвокат |
| 8. To improve notary system | h) прокурор |
| 9. Judge | i) законотворчі процеси |
| 10. Informative activity | j) муніципальні підприємства |
| 11. Notary | k) інформативна діяльність |
| 12. Advocate | l) вдосконалити нотаріальну систему |

2.3 Read the text to find the sentences with the words from exercise 2.2 and translate them into Ukrainian

Legal Profession in Ukraine

One of the most popular professions among the young people of our country is the profession of a lawyer. It is very interesting and important. Our country is creating a law-governed state, and lawyers play a very significant role in this process. They are necessary for regulating social relations in the state.

In Ukraine training lawyers is the task of the law establishments such as Law Academies, Law Institutes, and law faculties of higher institutions. Graduates of different law schools can work at the Bar, in the Prosecutor's Office, different courts, notary offices, legal advice offices, establishments of tax inspection, militia, as well as in different firms, companies, banks, enterprises, etc. They can work as advocates, judges, notaries, investigators, prosecutors, legal advisors, inspectors, customs officers, traffic officers, and other workers of law enforcement agencies.

Legal profession combines legal practitioners and scholars, members of the judiciary, and the Bar, prosecutors, defense lawyers, notaries, jurists and counsels (legal advisors of private, state and municipal enterprises and organizations).

The Academy of Legal Sciences was established in 1993. It is a national scientific organization, which carries out the fundamental researches and coordinates, organizes and fulfils works in the field of state and law. The academicians and known scientists are the members of the Academy. There are also some other professional unions of lawyers in Ukraine. The Union of Lawyers of Ukraine carries out lawmaking, scientific, methodological, educational and informative activities with the aim of promoting lawyers of Ukraine in their professional and social interests, their public activities and participation in the state policy development.

The Ukrainian Bar Association unites lawyers from all spheres of legal profession with the aim of protecting their professional and other common interests, developing the legal profession, and creating a law-governed state in Ukraine.

The Union of Advocates of Ukraine is an independent and self-governed public all-Ukrainian organization. It is aimed at facilitating the role and authority of the Bar in our society and the state, the true independence and self-regulation of the Bar and developing the democratic state in Ukraine.

The Ukrainian Association of Prosecutors has a purpose to protect legal rights and interests of its members who worked/work in the Prosecutor's Office, and support the prosecutors' positive image in Ukraine and abroad, helping to fulfill their tasks.

The Ukrainian Notarial Chamber is a public organization which supports its members in their professional activities, makes efforts to improve notary system and participates in the law-making process.

The Ukrainian branch of the European Law Students' Association – ELSA Ukraine is comprised of students and recent graduates of the Ukrainian law education establishments who are interested in law and have demonstrated commitment to international issues.

2.3.1 Read the following statements and decide if they are true or false according to the text. Prove your answers with the information from the text

- 1) The profession of a lawyer is very popular in our country.
- 2) The lawyer can help in regulating social relations in the state.

- 3) Only one educational establishment trains lawyers in Ukraine.
- 4) Members of the judiciary don't belong to the legal profession.
- 5) The Academy of Legal Sciences was established in 2003.
- 6) The aim of the Ukrainian Bar Association is law enforcement.
- 7) The Union of Advocates of Ukraine is a state-governed public all-Ukrainian organization.
- 8) The Ukrainian Notarial Chamber makes efforts to improve notary system.
- 9) ELSA is the Ukrainian branch of the European Law Students' Association

2.3.2 Read the text again and complete the table

ORGANIZATION	FUNCTION	AIM
The Academy of Legal Sciences		
The Union of Lawyers of Ukraine		
The Ukrainian Bar Association		
The Union of Advocates of Ukraine		
The Ukrainian Association of Prosecutors		
The Ukrainian Notarial Chamber		
The Academy of Legal Sciences		

2.3.3 Find in the text synonyms to the following words and use them in your own sentences:

Body, country, lawful, legislation, defence lawyer.

2.3.4 Choose the right variant:

1. Law faculties of higher institutions –
 - a) enforce law
 - b) regulate social relations in the state
 - c) train lawyers
2. Legal profession doesn't comprise
 - a) counsels
 - b) notaries
 - c) accountants
3. The Academy of Legal Sciences
 - a) carries out the fundamental researches

- b) makes efforts to improve notary system
 - c) creates a law-governed state
4. The purpose of protecting legal rights and interests of prosecutors is carried by
- a) The Ukrainian Notarial Chamber
 - b) The Ukrainian Association of Prosecutors
 - c) ELSA Ukraine

2.3. 5 Complete the sentences:

- 1) Organization, which has a purpose to protect legal rights and interests of its members who worked/work in the Prosecutor's Office, is called...
- 2) Students and recent graduates of the Ukrainian law education establishments, who are interested in law, may join...
- 3) The Union of Advocates of Ukraine is aimed at...
- 4) A national scientific organization, which carries out the fundamental researches and coordinates, organizes and fulfils works in the field of state and law, was established in...
- 5) A public organization which supports its members in their professional activities, makes efforts to improve notary system and participates in the law-making process, is...
- 6) Lawyers from all spheres of legal profession unite in...
- 7) The Union of Lawyers of Ukraine carries out the following activities:...

2.4 Answer the questions:

- 1. What do you know about the work of an investigator?
- 2. Would you like to be an investigator? Why? Why not?

2.4.1 Read the text and do the post-reading tasks below

Investigator

In accordance with the new national criminal legislation all criminal cases pass through the stage of preliminary or pre-trial investigation before they are heard in court.

The Prosecutor's Office of Ukraine, Ministry of the Interior, Security Service of Ukraine, and Tax Police have their own investigation departments. Their competence is briefly as follows:

- 2) investigators from the Prosecutor's Office have the right to investigate any case but actually they carry out inquiries into the gravest crimes, such as murder,

embezzlement on a large scale, rape, banditry, malfeasance, crimes committed by workers of law-enforcement bodies;

3) investigators from the Ministry of the Interior have the right to institute proceedings against persons who have committed any crime, e.g. burglary, theft, swindling, disorderly conduct, economic crimes, juvenile delinquency, etc. But in cases of gravest crimes they only perform urgent actions and then transfer the case to the investigators of the Prosecutor's Office;

4) investigators from the Security Service of Ukraine conduct pretrial investigation in crimes committed against the national security of the state, e.g. treason, espionage, smuggling, drug trafficking, organized crime, acts of terrorism, and also crimes against peace, security of mankind and international law and order;

5) Investigators from the Tax Police investigate crimes related to evasion of taxes, illegal use of foreign currency accounts abroad, money laundering etc.

The new criminal legislation also envisages definite peculiarities of investigating a number of crimes against justice.

The investigator's job is to detect crimes, to disclose and expose persons guilty of them. Every person who commits a crime shall suffer a just punishment. While fulfilling his duties the investigator has the right to detain a person suspected of a crime, make a requisite search and inspection, question citizens and officials as witnesses of a crime, order an expert examination, etc. The investigator's job is to prepare the materials of the case for court hearing. Pretrial investigation is called upon to facilitate the objective and comprehensive administration of justice.

2.4.2 Find in the text the English equivalents of the following:

вчинити злочин, розкрити злочин, тяжкий злочин, привласнення майна; розтрата, посадовий злочин, порушувати справу (проти), шахрайство, дрібне хуліганство, злочинність неповнолітніх, ухилення від сплати податків, незаконне використання валютних рахунків за кордоном, відмивання грошей, зазнати покарання, затримувати, проводити необхідний обшук та огляд.

2.4.3 Give the Ukrainian equivalents of the following:

pretrial investigation, inquiry, to commit a crime, to detect a crime, grave crime, embezzlement, malfeasance, to institute proceedings (against), swindling, disorderly conduct, juvenile delinquency, evasion of taxes, illegal use of foreign currency accounts abroad, money laundering, to suffer a punishment.

2.4.4 Speaking

Imagine that you are investigators of different departments, tell students about your duties and difficulties in your job.

2.5 Find the definition:

A *prosecutor* is a person who

- a) defends people in court.
- b) draws up legal documents.
- c) investigates cases.
- d) tries to prove that the accused is guilty.

2.5.1 Read the text and do the post-reading tasks below:

Prosecutor

According to the Constitution of Ukraine the Prosecutor's Office is entrusted:

- 1) to uphold state prosecution in court;
- 2) to represent the interests of citizens or the state in cases provided for by the law;
- 3) to supervise the observance of laws by organs conducting operational search actions, inquiry and pretrial investigation;
- 4) to supervise the observance of laws in the course of executing judicial decisions on criminal cases, and while taking other enforcement measures related to the restraint of personal liberty of citizens.

The Prosecutor General of Ukraine heads the Prosecutor's Office. He is appointed to the office for a five-year term with the consent of Verkhovna Rada and is removed from the post by the President of Ukraine. Verkhovna Rada may give a vote of no confidence to the Prosecutor General, which results in his resignation from the office.

The prosecutor has various and complicated duties. He contributes to comprehensive, objective and complete investigation of cases. After the investigation of a criminal case he approves the indictment and transfers it to the court.

As a public prosecutor he has the same rights as other participants in the trial. He may challenge the members of the court, examine and submit fresh evidence, question witnesses, etc. When the court investigation is over he pronounces his speech for the prosecution. It includes his opinion as to the application of the criminal law and punishment. The prosecutor may lodge an appeal or a cassation against a court sentence, decision or a ruling in a higher court.

The prosecutor has broad powers of supervision over the observance of legality in places of confinement. He verifies the legality of keeping convicted criminals, supervises the observance of statutory regime rules and rules of labor for convicts and their release at the right time, etc. He has the right to inspect places of confinement at any time, to study documents, to question prisoners in person, to demand personal explanations from the administration.

Thus, the prosecutor's work is to supervise the observance of legality and to prevent breaches of laws as provided for by the legislation of Ukraine.

2.5.2 Find in the text above the English equivalents for the following:

оперативно-розшукова дія, примусові заходи, обмеження, вотум недовіри обвинувальний висновок, доказ, місця позбавлення волі, перевіряти, контролювати, установлений законом режим, визнавати винним, засуджувати, засуджений, ув'язнений, в'язень, порушення закону.

2.5.3 Give the Ukrainian equivalents of the following:

operational search action, enforcement measures, restrain, a vote of no confidence, indictment, evidence, places of confinement, to verify, statutory regime rules, to convict, convict, breach of law.

2.5.4 Find in the text the words corresponding to the following definitions:

- a legal proceeding by which a case is brought to a higher court for review
- compliance in or approval of what is done or proposed
- a person serving a prison sentence
- the place where cases are heard
- the act of breaking a law.

2.5.5 Answer the following questions:

1. What are the main tasks of the Prosecutor's Office?
2. Who is at the head of the Prosecutor's Office?
3. How is the Prosecutor General appointed?
4. What is the term of the Prosecutor General's office?
5. What does a prosecutor do in the trial?
6. What does a prosecutor do if he disagrees with the court's judgment?

7. What are a prosecutor's functions in places of confinement?

Writing

Write a letter to your pen friend about current changes in Prosecutor's Office in Ukraine

2.6 Answer the questions:

1. What do you know about the work of a notary in Ukraine?
2. Would you like to be a notary? Why? Why not?

2.6.1 Read the text about notary bodies and do the tasks below:

The task of notary bodies in Ukraine is the promotion of legality, protection of state and personal property, rights and lawful interests of citizens, enterprises and public organizations by attesting contracts and performing other notary actions provided for by the law.

The notary system of Ukraine consists of the subjects possessing the right to perform notary activity. They are public and private notaries, officials of executive committees in the local councils (the chairman, the secretary or a member of the executive committee), and consulates.

The public notaries have the broadest competence in Ukraine. All notary activity is divided into 4 groups:

- 1) notary activity directed at certifying indisputable right,
- 2) notary activity directed at certifying indisputable fact,
- 3) notary activity directed at certifying documents,
- 4) protective notary activity.

A citizen of Ukraine, who has higher legal education and at least six months of work experience, has passed the qualification examination and received notary's certificate, can hold the post of a notary. Notaries help to prevent various civil offences and disputes on rights. They attest contracts, transactions, wills, deeds and writings, officially register hereditary rights etc.

Notary offices help applicants to make wills, to draw up deeds of purchase-and-sale or conveyance of property. They verify copies of documents; certify seals, signatures, gifts, translations of documents into Ukrainian and foreign languages.

2.6.2 Answer the following questions:

1. What is the main task of the notary bodies in Ukraine?
2. Who performs notary functions in Ukraine?
3. Who has the broadest competence in Ukraine?

MODULE 3. SPHERES AND SOURCES OF LAW

Unit 1. Classifications of law



1.1 Read and translate the text in written form into Ukrainian.

There are four different classifications of law that are found around the world.

1.Substantive of laws vs. Procedures of laws

- Substantive of law is the substance that makes up a law. It is the meaning of a law that explains what you can and cannot do. For example the law states that you cannot murder another human being unless it was in self-defense, you were under duress, or if you were drugged by another person. Unlike substantive

of law, procedures of laws are just the steps that must take place when filing a lawsuit against another party.

2.Public vs. Private Law - Public law simply means that the government is involved. Public law is any law that has to do with the constitution and the public. This type of law normally involves a criminal suit were the government is prosecuting a citizen for a crime they allegedly committed. Private laws are laws that do not involve the government, and are laws that allow one private entity to sue another private entity in a civil lawsuit.

3.Criminal vs. Civil Law - Criminal law was created to protect the public from the government or from themselves. Criminal laws were created so that the government could not prosecute individuals without due process and so that the

public could protect themselves from each other. Civil law are cases where one or both parties are looking for compensation instead of jail time. Civil law covers anything that criminal law does not cover in the court system.

4.Common vs. Civil law countries - Common law countries prosecute with the concept of "Stare Decisis" meaning, let the decision stand. This means that these countries such as the United States of America make decisions based on precedent. These countries are case law countries and look at how past cases were decided and use that in the decision process when prosecuting. Unlike common law countries, civil law countries do not rely on precedent but instead prosecute lawsuits on a case to case basis without looking at how past cases had been decided.

1.2. Read and translate the text. Write down the unknown words and words expressions. Discuss the main items of the text.

Ukrainian law is commonly divided in the following areas:

- Public law
- Private law
- International law

These areas of the legal system are further subdivided into:

- Civil law (including Family law, Inheritance law, Contract law and Commercial law, Law of Obligations, Property law, Intellectual property law, Companies law, Land law, Tort law)
- Criminal law, Penal law
- Constitutional law (including laws on the structure of the state)
- Administrative law
- International law

Civil law regulates the everyday life of persons and other legal entities, such as corporations. The main code of Ukrainian civil law is the Civil Code of Ukraine. It comprises provisions governing ownership, intellectual property rights, contracts, torts, obligations, inheritance law, and the definition of legal entities. The Code introduces new types of business contracts into the legal practice, including factoring, franchising, rent service, and inherited contracts. Civil litigation is governed by The Civil Procedural Code of Ukraine.

Criminal law deals with the prosecution and punishment of criminal offenses. The Criminal Code of Ukraine contains the written criminal laws of Ukraine.

There is no capital punishment in Ukraine. The maximum criminal punishment is life imprisonment, which can be reduced by decree of President of Ukraine to 25 years of imprisonment after 20 years of sentence service. The Parliament of Ukraine has the power of amnesty for prisoners not serving life sentences citation needed. Criminal proceedings, investigation, and court examination in criminal trials are regulated by The Criminal Procedural Code of Ukraine.

Constitutional law considers the constitution and the structure of Ukraine. It regulates the powers of democratic institutions, the organization of elections and the divisions of powers between central and local government. Only the Constitutional Court of Ukraine is allowed to determine the constitutionality of laws created by the legislature.

Administrative law is the area of law that regulates the operation of the various levels of government and the way in which persons and legal entities can appeal decisions of the government. The main code of Ukrainian administrative law is The Administrative Code of Ukraine.

International law involves the application of international laws (mostly laid down in treaties) in Ukraine. International agreements, ratified by the Parliament of Ukraine, are a part of Ukrainian legislation. The Constitution of Ukraine allows the direct application of most international laws in Ukrainian courts. If an international agreement of Ukraine prescribes rules other than those set by the Law of Ukraine, the rules of that international agreement shall apply. Laws regulating jurisdiction with an international aspect (e.g. because parties come from different countries) are not part of international law but form a specific branch of civil law.

On September 2005, the Law of Ukraine On Private International Law was enacted. The Law sets the procedure for the regulation of private legal relations which are subject to other legal systems in addition to that of Ukraine.

Commercial law: The Commercial Code of Ukraine describes the details of compliance with the Constitution of Ukraine clauses for commercial activity. The Code regulates the fundamentals of commercial activity, including business entities, property basis, responsibility for violations, peculiarities of legal regulation, and foreign commerce.

Grammar Review

1.3.1 Make up the sentences with the following parts.

1. a verdict / of the jury/ is enough /A simple majority/ to reach.
2. her/ to plead guilty/ advised / Her lawyer/.
3. She tried/ was innocent /to convince them /that she.
4. to be helping/ The jury/ the judge is ready.
5. custody/ last resort/ To use/ is /a sanction of /.
6. him / too young / is / to arrest/The person.
7. is /The person/ to be tried/ unfit.
8. to/ discovered /safe/ the/ how /He/ open.
9. the accused/ The witnesses/ to help were glad.
10. He/ to kill/ without /his / is said/ any doubt/ wife.
11. It is/ alcohol / to sell/ an offence/ under 18/ to people.
12. law questions/ The judge/ to decide/ is qualified.
13. The new/ to police corruption/ government/ to put a stop/ promised.
14. the crime/ have not been able / The police/ to solve.
15. encouraged/ The solicitor/ to appeal/ me/ to try/ again.
16. government regulation of/ is difficult / economics/ The nature of/ to define.

1.3.2. Change the following sentences into the Passive Voice.

1. My sister teaches English at our University.
2. A famous Hungarian architect built this castle in the sixteenth century.
3. They will not finish their repair work tomorrow.
4. The students are discussing the latest political news during the lunch.
5. We were watching the film "Love Story" yesterday at 9 p.m.
6. The young men had written down their notes long before the break time.
7. Somebody has stolen the old woman's purse.
8. They will have published the book till the end of the year.

1.3.3. Join the sentences using the word(s) in brackets and the Past Perfect Simple as in example.

1. The judge finished his speech. The witness appeared in the hall. (**just, when**)
The judge had just finished his speech, when the witness appeared in the hall.
2. The solicitor started typing a letter. His client left. (**as soon as**)
3. George came into the courtroom. He talked to a policeman. (**after**)
4. They didn't hire a lawyer. They examined his résumé. (**until**)

5. He opened the book on Corporate Law. The doorbell rang. (**just, when**)

6. A solicitor read a client's claim several times. He invited her to his office.
(**before**)

7. The barrister left his chamber. The solicitor arrived. (**already, by the time**)

8. She found the job. The company employer called her. (**already, when**)

1.3.4. Put the verbs in brackets into the Future Perfect Simple. Translate the sentences.

1. The barrister (**to negotiate**) the settlement before the trial starts.

2. The junior barrister (**to finish**) drafting legal documents by 9 o'clock in the morning.

3. The legal firm (**to fulfill**) its obligations by the end of the year.

4. By the end of the month an experienced lawyer (**to prepare**) the case for court.

5. By this time next year I (**to graduate**) from law school.

6. A solicitor (**to get**) through the greater part of the work before his client comes.

1.3.5 Study the examples. Which sentences include the Present Perfect Continuous Tense? Translate the sentences.

1. We **have been listening** to the witnesses for three hours.

2. A man **has been waiting** for the judge for two hours.

3. He **has spent** 12 months in pupillage.

4. I **have received** a provisional practising certificate issued by the Bar Council.

5. The student **has joined** one of the Inns of Court and **passed** the bar vocational course (BVC).

6. A young barrister **has been talking** to the expert since 8 o'clock in the morning.

1.3.6 Choose the correct verb form.

1. I have been *studying* / *studied* law since 1990.

2. How long *have you been practicing* / *do you practice* as a lawyer?

3. Law companies *use / have been using* computers to store clients' cases for ten years.
4. We *'ve been doing / have done* business with them for over thirty years now.
5. A client *has made / has been making* a complaint about one of our lawyers.
6. A barrister has been *negotiating / has negotiated* the settlement since the morning.
7. The State Registration Act has been *introduced / introducing* into Ukrainian law.
8. The legal team of Arzinger & Partners *has been dealing / dealt* with debt collecting litigations for five years.

Unit 2. Sources of Law and Legal Resources

2.1 Before you read the passage, talk about these questions.

1. How are laws created in your country? Do you think that system works well?
2. How do national and local laws differ?

2.2 Reading

Dear Ms. Martin,

I finished my research on the Great Cars Incorporated (GCI) lawsuit. Here are the important notes: Recent national legislation requires a lot of safety testing. GCI did not follow that policy. But the statute is new, so it may not pertain to our case. There is a precedent. A suit against Car Masters was dismissed two years ago. The company did not make changes to meet state laws fast enough. A judge dismissed the case after Car Masters met the requirements. Still, the plaintiff may sue under a relevant constitutional law. But court rules don't allow him to change the lawsuit yet. That procedure takes weeks. Let me know if you have any questions.

Sarah Jackson

2.2.1 Read and mark the following statements as true (T) or false (F).

1. Great Cars Incorporated did not obey laws - about testing its products.
2. Car Masters lost a lawsuit because it did not meet state laws.

3. The plaintiff cannot sue under a - constitutional law for several weeks.

Vocabulary

2.2.2 Choose the best responses that answer the questions.

1. Does this information pertain to the case?

A - No, it's about something completely different.

B - Yes, the deadline passed yesterday.

2. Are there any precedents that we can refer to?

A - Yes, there was a similar case two years ago.

B No, the court date is scheduled for the 18th.

3. Are there any procedures that we need to follow in court?

A - There are several attorneys working at the firm.

B The defense attorney must be allowed to speak first.

4. Did Anne find any regulations in the state laws?

A No but she found some in the city laws.

B Yes, she thinks the company will win the lawsuit.

5. Do the court rules have information about When to file an appeal?

A Yes, the client has been in jail for 6 months.

B Yes, it must be done within a year of a decision.

2.2.3 Choose the word that is closest in meaning to the underlined part.

1. The government made some changes to the laws that relate to government power.

A state laws

B constitutional laws

C court rules

2. The council announced new rules decided by the government for environmental issues.

A precedents

B legislation

C procedures

3. Caroline needs to follow the steps to complete an activity very carefully.

A legislation

B constitutional laws

C procedures

4. The principle which the law encourages states that all dogs in the park must be on a leash.

A court rules

B policy

C precedents

5. The article does not have any information connected to the case.

A relevant

B procedural

C regulated

2.3 Listening

2.3.1 Listen to a conversation between two lawyers. Choose the correct answers.

1. Why is the company being sued?

- A It broke a state law.
- B A seatbelt did not work.
- C A driver was in an accident.
- D It misused millions of dollars.

2. What is true of the man?

- A He considered representing Car Masters.
- B He thinks the woman should not take the case.
- C He works for the same company as the woman.
- D He is working on the Great Cars Incorporated lawsuit.

2.3.2 Listen again and complete the conversation.

Lawyer 1: So, why is Great Cars Incorporated being sued?

Lawyer 2: They didn't follow 1 _____ on brake testing procedures.

Lawyer 1: I see. And a driver got in an 2 _____?

Lawyer 2: Right. Now he's suing them for \$1 million.

Lawyer 1: It sounds 3 ___ to beat.

Lawyer 2: We have a shot. There's a precedent from a lawsuit against Car Masters.

Lawyer 1: I almost 4 ____ . They didn't meet 5 _ _____ requirements for seatbelts, right?

Lawyer 2: Yes. But a judge dismissed the case as soon as they were able to follow the 6 ___

2.4 Speaking. With a partner, act out the roles below based on Task 2.3.2. Then, switch roles.

USE LANGUAGE SUCH AS:

So why is ... being sued?

Now he's suing them for ...

There's a precedent from a lawsuit.

Student A: You are a lawyer. Talk to another lawyer about a case. Be sure to address:

- causes • money • precedents

Student B: You are a lawyer. Talk to Student A about a case he or she is working on.

2.5 Writing

Use the conversation from Task 2.4 to complete a lawyer's business notes.

Date

I met with _____ today, _____ is working on a case for _____.

The company _____. But _____ that might help them. Another company _____. But a judge _____.

MODULE 4. THE ANCIENT SYSTEMS OF LAW

Unit 1. The first laws of Babylon, Rome, Greece



1.1 Read the text and pay attention to the words in bold

In 1750 B.C.E. a king named Hammurabi rose to power in Babylon. He united much of Mesopotamia under one rule for the first time in centuries. He was a powerful military leader, but that is not why we remember him. Hammurabi is known as a lawgiver. Actually, many Mesopotamian rulers created codes of law, but we do not have them because they were written on **clay tablets** which **crumbled**. Hammurabi had his laws **engraved** on a column of polished black rock over seven feet high. The stone, or stele, was set up in the middle of the city. The 282 decisions tell us much about **justice** at the time. There were no police **to arrest offenders**.

Victims had to **drag wrong-doers into court**. Both sides **swore to tell the truth**. A judge listened to **testimony** and made a decision. The phrase «an eye for an eye, a tooth for a tooth» comes from one of Hammurabi's punishments, but it was not his idea. It was an old Sumerian **concept-exact revenge**. Another way to put it would be, «What I take from you, you may take from me». For example, if a builder used poor materials and the house he constructed killed someone when it collapsed, he could **be executed**. Some offenses were **punished by fines**, jails were not mentioned.

1.1.1 Mark the following statements as true or false:

1. Hammurabi was the first king to write and enforce laws in Mesopotamia.
2. Police arrested offenders and brought them to court.
3. Witnesses swore to tell the truth.
4. Some of Hammurabi's laws originally came from ancient Egypt.
5. Hammurabi was a good military leader.
6. Hammurabi expanded Babylonia's empire.
7. Hammurabi kept the stele with the laws on it in his palace.

1.1.2 Give a short summary of the text in writing using active vocabulary.

1.1.3 Make up 10 questions to the text in writing

1.2. Read and memorize the active vocabulary to the text *Roman Law*.

B.C. (Before Christ)	до нашої ери
Twelve Tables	дванадцять таблиць
to be erected	бути встановленим
well-to-do	багатий, заможний, забезпечений
patricians and senators	патриції та сенатори
to give juridical advice	давати юридичні поради
consuls	консули
praetor	претор
edict	едикт, указ
to apply the laws	застосовувати закон
censors	цензори
to uphold of mores	підтримування звичаїв

legal questions	правові (юридичні) питання
to pose a question	формулювати (викладати) питання
praetorial edict	преторський указ
to impose	встановлювати, призначати
legal order	правопорядок, правовий порядок
code of law	кодекс, звід (зведення) законів
codification	кодифікація
to unify	об'єднувати, возз'єднувати
Imperial decrees	імператорський указ (наказ)
to crown	вінчати, увінчувати, закінчувати
renewal and revival	відновлення та відродження
public law	публічне право
the law of nations	міжнародне право
to be concerned with	стосуватися, відноситися
legal action	судовий позов, правова дія, судова справа
law of procedure	процесуальне право
to stick a formulae	притримуватись формули
great public trial	великий відкритий судовий процес
akin to	близький, споріднений
to systematize	систематизувати, упорядковувати
hereditary law	спадкове право
legal procedure	судочинство, судовий процес
law of obligation	зобов'язальне право
provide legal security	надавати правовий захист

1.2.1 Read and translate the text, write down all the unknown words.

Roman Law

History of Roman law

The earliest history of Roman law is lost forever. Rome existed already as an Etruscan town in the eight century B.C. The first known source of Roman law is the Laws of the Twelve Tables from the mid-fifth century B.C., written in early Latin. After the period of the kings two consuls and the Senate governed Rome. Only few people knew something of the law before the Twelve Tables were erected to provide

some legal security. Members of well-to-do families, most of them patricians and senators, gave juridical advice when asked for. The Senate itself proposed laws or voted on proposals of the consuls. More is known about the period of the Late Republic (200-30 B.C.). The praetor, one of the Roman magistrates, published each year his edict in which he announced how he would apply the laws. The censors had a legal task, too, the upholding of mores. Legal experts started to write books. Rome had grown already from a tiny city state into a vast reign.

During the Principate great jurists were active, who were sometimes employed by the emperor. Famous among them were Ulpian, Papinian, Paul and Julian. The mysterious Gaius wrote an introductory law book, the Institutes, almost the only completely surviving manual. The letters of governor Pliny show some of the legal questions he posed to the emperor. The praetorial edict became fixed. Emperor Theodosian tried to impose some legal order with his code of law. During the confusing times of the Late Imperium Justinian (early sixth century) tried to unify law by codification on all levels. Imperial decrees were collected and edited into a new Code, followed by later decrees, the Novellae. Justinian also charged a committee with making an anthology of the classical Roman lawyers. To crown his achievement, Justinian decreed a manual of law compulsory for all legal education. His Institutes are written using Gaius' Institutes. The Justinian codification was the starting point for the new study, renewal and revival of Roman law during the Middle Ages.

The structure, character and content of Roman law

Roman law is first and foremost private law, law of and between citizens. In relation to it public law and the law of nations are less important. Roman law is concerned with the relationships between people, their legal actions, and the right they have on goods. Legal persons were in particular the fathers of families, the proverbial pater familias. They held great power over their wives, children and slaves. An important element is the law of procedure. The archaic Roman law was characterized by a lot of ritualized legal formulae to which one had to stick as close as possible. In a later phase one is able to choose one or more legal actions, a matter which called for interpretation: which action? Parties ruled their conflicts themselves. A judge only appeared in a final phase of the case. For centuries there were no courts. In the great public trials, like the ones in which Cicero became famous, his role was more akin to that of an orator than to the role of a modern solicitor.

Roman law is remarkable for the detailed yet succinct way one treated cases. One looked principally at things by dealing with concrete or imaginary cases. This casuistic aspect is more important than any systematic view. One did not write a theory of damage, but about a car hitting someone on the Capitol. Of course one has tried to systematize Roman law. The great Roman lawyers treated all kind of cases when writing on several subjects or commenting the edict of the praetor. The real heart of Roman law was hereditary law. Apart from legal procedure, family law, the law of goods, and the law of obligations are the other main areas. The juridical content and level of Roman law is of such a quality that it has deeply influenced directly and indirectly lawyers of all times and places. It brought with it a great prestige because of Roman history.

1.2.2 Answer the following questions.

1. What is the first known source of Roman law?
2. Who governed Rome after the period of the kings?
3. Did somebody know something of the law before the Twelve Tables were erected?
4. What were the Twelve Tables erected for?
5. Who gave juridical advice when asked for?
6. How often did the praetor publish his edict?
7. What did the praetor announce in his edict?
8. What legal task did the censors have?
9. What did the mysterious Gaius do?
10. When did Justinian try to unify law by codification on all levels?
11. What Roman law is concerned with?
12. What is less important in relation to Roman law?
13. When did great Roman lawyers treat all kinds of cases?
14. What did Justinian do to crown his achievement?
15. Who held great power over their wives, children and slaves?
16. What was the archaic Roman law characterized by?

1.2.3 Pick out from the text all the word combinations with the following words and give their Ukrainian equivalents.

To uphold of mores, code of law, decree, legal actions, law of procedure, edict, great public trial, codification, legal procedure, law of obligation.

1.2.4 Complete the following expressions choosing a suitable preposition from the box below; find the best way of expressing them in Ukrainian.

<i>Between</i>	<i>with</i>	<i>to (3)</i>	<i>of</i>	<i>on</i>
----------------	-------------	---------------	-----------	-----------

1. The Roman Law is the law ancient Rome from the time of the founding of the city in 753 BC until the fall of the Western Empire in the 5th century AD.

2. In the great public trials, like the ones in which Cicero became famous, his role was more akin ... that of an orator than to the role of a modern solicitor.

3. Roman law is concerned ... the relationships ... people, their legal actions, and the right they have on goods.

4. The term Roman law today often refers ... more than the laws of Roman society.

5. The legal institutions evolved by the Romans had influence ... the laws of other peoples in times long after the disappearance of the Roman Empire and in countries that were never subject ... Roman rule.

1.2.5 Translate the following text and pay special attention to the underlined words and phrases.

1. Legal systems in capitalist and pre-capitalist nations were created to reinforce and justify property relations.

2. Legal relations should not be thought of as in any way independent from political relations, which are based on ownership of property.

3. Socialist lawmakers criticized both common law and previous Roman civil law systems for masking their own capitalist ideology in apparently neutral, unbiased institutions.

4. In China, law courts are still primarily regarded as political instruments, used both to control theft and violence and to deal with political opponents.

5. Attempts have been made to codify Chinese law comprehensively, but so far there has been little progress.

6. Even before the rejection of their traditions, the foreign countries had started to allow an increase in civil law cases, and a long process of revising existing civil and criminal codes had begun.

7. As separatist movements grew in many parts of the world, there was also development in Constitutional law, with some questioning the legality of their obligations to the central government.

1.3 Change the sentence by choosing appropriate synonyms to the words in bold type.

The Law of Rome

As a legal system, Roman law **has affected** the development of law in most of Western civilization as well as in parts of the East. The term Roman law today often refers to more than the laws of Roman society. In a large part of Germany, until the adoption of a common code for the whole empire in 1900, the Roman law **was in force** as “subsidiary law”; that is, it **was applied** unless excluded by contrary local provisions. Its basis was indeed the Corpus Juris Civilis – the codifying legislation of the emperor Justinian I – this legislation had been interpreted, developed, and adapted to later conditions by generations of **jurists** from the 11th century onward and had received additions from non-Roman sources. Roman law was first truly realized with **an attempt** at codification.

Roman law concerned itself with **matters** of succession (who was to inherit what), obligations (including contracts, such as loans, **entered into** by individuals), property and possessions, and persons (which included family, slaves, and citizenship). In the early period, near-absolute power (*patria potestas*) was retained by the *paterfamilias*, the landowner and head of the household. It was he who **legally** owned all the property (including slaves), even what property would normally be thought of as belonging to his wife or children. A daughter **remained** under her father's power until she might decide (or have it decided for her) to marry; **thereafter** she would be put under her husband's power. In time, many of the **harsher** aspects of this system were mitigated, but much remained until the very end.

Valid, to influence, to use, try, lawyers, to undertake to bind, questions, to stay, by law, unpleasantly rough, after that time.

1.4. Match the words on the left with their definitions on the right.

- | | |
|----------------|--|
| 1. promulgated | a) a native registered or naturalized member of a state, nation, or other political community; |
|----------------|--|

- | | |
|--------------|--|
| 2. landowner | b) a former title of the pagan high priest at Rome, later used of popes and occasionally of other bishops, and now confined exclusively to the pope; |
| 3. pontiff | c) a person who owns land, esp. a large amount of land; |
| 4. patrician | d) a monarch who rules or reigns over an empire |
| 5. emperor | e) a member of the hereditary aristocracy of ancient Rome. In the early republic the patricians held almost all the higher offices. |
| 6. slave | f) a person versed in the science of law, esp. Roman or civil law; a writer on legal subjects |
| 7. jurist | g) a person who is the legal property of another and is forced to obey them |
| 8. citizen | h) put into effect (a law, decree, etc.), esp by formal proclamation |

Unit 2. The European Law in the 19th Century: Napoleon's Code

2.1 Read the extracts from Napoleon's Code and do the tasks after them

A. Civil Rights

Article 7. The exercise of civil rights is independent of the quality of citizen, which is only acquired and preserved conformably to the constitutional law.

Article 8. Every Frenchman shall enjoy civil rights

Property [abolishing feudalism]

Article 544. Property is the right of enjoying and disposing of things in the most absolute manner, provided they are not used in a way prohibited by the laws or statutes.

Article 545. No one can be compelled to give up his property, except for the public good, and for a just and previous indemnity.

Article 546. Property in a thing, whether real or personal, confers a right over all which it produces, and over all connected with it by accession, whether naturally or artificially.

B. «The Wife is Obliged»

The French Civil Code (Napoleonic Code) 1800-1820

In post Revolution France, the ideas of female equality received a setback in a series of laws known as the Napoleonic Code. Through it, the legal right of men to control women was affirmed. Although most of the basic revolutionary gains - equality before the law, freedom of religion and the abolition of feudalism - remained, the Code ensured that married women in particular owed their husband obedience, and were forbidden from selling, giving, mortgaging or buying property.

This backlash to women's rights had consequences throughout Europe. In military campaigns, Napoleon carried the Code throughout Europe, where it served as a model to legislators in countries from Italy to Poland. Within France itself, the Code survived basically unaltered for more than 150 years. Only in 1965 did French wives get the right to work without their husband's permission. Only in 1970 did husbands forfeit the rights that came with their status as head of the family. In many ways, the Code was the most enduring legacy of the French Revolution.

Excerpt from Code Chapters:

Of the respective Rights and Duties of Married Persons.

- Husband and wife mutually owe to each other fidelity, succor, and assistance.
- The husband owes protection to his wife, the wife obedience to her husband.
- The wife is obliged to live with her husband, and to follow him to every place where he may judge it convenient to reside: the husband is obliged to receive her, and to furnish her with everything necessary for the wants of life, according to his means and station.
- The wife cannot plead in her own name, without the authority of her husband, even though she should be a public trader, or non-communicant, or separate in property.
- The authority of the husband is not necessary when the wife is prosecuted in a criminal matter, or relating to police.
- A wife, although non-communicant or separate in property, cannot give, alienate, pledge, or acquire by free or chargeable title, without the concurrence of her husband in the act, or his consent in writing.
- When the husband is subjected to a condemnation, carrying with it an afflictive or infamous punishment, the wife, though of age, cannot, during the

continuance of such punishment, plead in her own name or contract, until after authority given by the judge.

- The wife may make a will without the authority of her husband.

C. Divorce:

- The wife may demand divorce on the ground of adultery in her husband, when he shall have brought his concubine into their common residence.

- The married parties may reciprocally demand divorce for outrageous conduct, ill-usage, or grievous injuries, exercised by one of them towards the other.

- A woman cannot contract a new marriage until ten months have elapsed from the dissolution of the preceding marriage.

D. Conditions required in order to be able to contract Marriage.

- The son who has not attained the full age of 25 years, the daughter who has not attained the full age of 21 years, cannot contract marriage without the consent of their father and mother; in case of disagreement, the consent of the father is sufficient.

- The father, and in default of the father, the mother, and in default of the father and mother, the grandfathers and grandmothers, may oppose the marriage of their children and descendants, although they have accomplished twenty-five years.

- There can be no marriage where consent is wanting.

- A marriage contracted in a foreign county between natives of France, and between a native of France and a foreigner, shall be valid, if celebrated according to the forms used in that country....

- A French woman, who shall espouse a foreigner, shall follow the condition of her husband. If she become a widow, she shall recover the quality of French woman, provided she already reside in France, or that she return thither under the sanction of government...

E. Of the Guardianship of Father and Mother.

- The father is, during marriage, administrator of the personal effects of his Children being minors.

- If at the time of the husband's decease, his wife is with child, a curator for the unborn issue shall be named by a family council. At the birth of the child the

mother shall become guardian thereof, and the curator shall be its deputy guardian in full right.

➤ If a mother being guardian desires to marry again, she is required before the act of marriage to convoke a family-council, who shall decide whether the guardianship ought to be continued to her. In defect of such convocation she shall lose the guardianship entirely.

2.1.1 Napoleon, who personally helped elaborate the civil codes, reportedly proclaimed: “Women ought to obey us. Nature has made women our slaves!” Identify those laws in the Code which most reflect his beliefs.

2.1.2 Answer the questions:

1. What were some of the laws that were passed under the Napoleonic Code that show that Napoleon was influenced by the Enlightenment?
2. Do these laws of the Napoleonic Code show that Napoleon was a man of the Enlightenment or not? Why?
3. According to the Code, what rights does a married woman have if:
 - her husband dies and leaves children;
 - she marries someone from a foreign country;
 - she is twenty years old and wishes to marry;
 - she wishes to work for some of the year in a city apart from her husband;
 - she is in business and wishes to sign a contract in her own name;
 - her husband is dead and she wishes to make a will.

Task 2.2. Make the following text complete by translating the phrases in brackets.

Continental Systems

Continental systems are sometimes known as (кодифікована правова система). They have resulted from attempts by governments to produce a set of codes to (керувати) every legal aspect of a citizen's life.

Thus, it was necessary for the (законодавець) to speculate, quite comprehensively about (людська поведінка) rather than simply looking at previous cases. In codifying their legal systems, many countries have looked to the examples of Revolutionary and Napoleonic France, whose legislators wanted to break with

previous (прецедентне право), which had often produced corrupt and biased judgements, and to apply new egalitarian social theories to the law. Nineteenth century Europe also saw the decline of several multi-ethnic empires and the rise of nationalism. The lawmakers of new nations sometimes wanted to show that the (юридичні права) of their (громадян) originated in the state, not in (місцеві звичаї), and thus it was the state that was to make law, not the courts. In order to separate the roles of the (законодавчої та судової влади), it was necessary to make laws that were clear and comprehensive. The lawmakers were often influenced by the model of the (канонічного права) of the Roman Catholic Church, but the most important models were the codes produced in the seventh century under the direction of the Roman Emperor Justinian. His aim had been to eliminate the confusion of centuries of inconsistent lawmaking by formulating a comprehensive system that would entirely replace existing law. Versions of (Римського права) had long influenced many parts of Europe, including the case law traditions of Scotland, but had little impact on English law.

It is important not to exaggerate the differences between these two traditions of law. For one thing, many (систем прецедентного права), such as California's, have areas of law that have been comprehensively codified. For another, many countries can be said to have belonged to the Roman tradition long before codifying their laws, and large uncodified - perhaps uncodifiable - areas of the law still remain. French (публічне право) has never been codified, and French courts have produced a great deal of case law in (тлумаченні) codes that become out of date because of social change. The clear distinction between legislature and judiciary has weakened in many countries, where courts are able to challenge the (конституційна законність) of a law made by (парламентом).

Корисні сайти:

twominenglish.com - двохвилинні відео для розвитку лексичних граматичних навичок аудіювання, а також вправи, вікторини тощо.

listenaminute.com - однохвилинні аудіозаписи різної тематики до яких додаються завдання для перевірки та практики.

BBC Learning English – цей сайт надає можливість вивчати англійську мову за допомогою окремих курсів або завдань, що містять відео та аудіо ресурси з транскрипцією й завданнями до них. Один з розділів присвячений конкретно для роботи над вимовою. Курс 6 Minute English - шестихвилинні ролики на різні теми один з найпопулярніших серед користувачів.

Engvid - відеоуроки різноманітної тематики з англійської мови, записані носіями мови. Усі відеоматеріали розділено за категоріями в залежності від рівня знання мови й об'єднано за тематикою: відео для підготовки до іспитів, що присвячено різним аспектам граматики, лексичному матеріалу тощо.

newsinlevels.com - це додаток для тих, хто любить новини. Ви обираєте новини за рівнем (а їх 3), можна прочитати текст, прослухати аудіо і передивитися відео.

speechyard.com - переглядаючи відео, користувач має можливість відразу отримати переклад будь-якого слова/ фрази натиснувши на нього мишкою. Реєстрація безкоштовна.

listennotes.com - подкасти на різну тематику, ще один чудовий варіант вдосконалити вміння аудіювання, більшість з них – автентичні.

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