

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

Англійська мова у сфері трудового права та права соціального забезпечення

Методичні вказівки до практичних занять для студентів
напряму підготовки 6.030401 – "Правознавство"

Затверджено на засіданні
кафедри іноземних мов
професійного спрямування
Протокол № 9
від " 24 травня " 2016 р.

Англійська мова у сфері трудового права та права соціального забезпечення. Методичні вказівки до практичних занять для студентів напряму підготовки 6.030401 – "Правознавство"./ Укл.: Шевченко Ю.В. – Чернігів: ЧНТУ, 2016. – 75 с.

Укладач: Шевченко Юлія Вікторівна,
старший викладач кафедри іноземних мов
професійного спрямування Чернігівського
національного технологічного університету

Відповідальна за випуск: Литвин Світлана Володимирівна, кандидат педагогічних наук, доцент кафедри іноземних мов професійного спрямування Чернігівського національного технологічного університету

Рецензент: Биконя Оксана Павлівна, кандидат педагогічних наук, доцент Чернігівського національного педагогічного університету імені Т.Г.Шевченка

ЗМІСТ

| | |
|--|----|
| ВСТУП | 4 |
| 1. Judiciary in Ukraine..... | 5 |
| 2. Types of legal profession in Ukraine..... | 13 |
| 3. Court system of the UK..... | 22 |
| 4. Types of legal profession in the UK..... | 31 |
| 5. Court system of the USA..... | 36 |
| 6. Legal professions in the USA..... | 39 |
| 7. Court Trial..... | 42 |
| Grammar Guide | 52 |
| Vocabulary..... | 69 |
| References | 75 |

ВСТУП

Методичні вказівки призначені для проведення практичних занять зі студентами II курсу юридичного факультету денної форми навчання спеціалізації „Трудове право та право соціального забезпечення” 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 7 тем із текстами для читання, до текстовими завданнями та завданнями для перевірки прочитаного, лексичними та граматичними вправами, завданнями на розвиток вмінь 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.

У кінці методичних вказівок подано граматичний коментар та англо-український і українсько-англійський юридичні словнички з тем посібника.

1 Judiciary in Ukraine

1.1 Before reading the text about judicial system in Ukraine answer the questions:

1. What is a judicial system?
2. What types of courts do you know?
3. What people take part in judicial proceedings in Ukraine?

1.2 Think of the definition of the word 'judiciary' and decide in what meaning(s) it can be used in the text

- a) judicial power
- b) judicial system
- c) court organization
- d) all the judges in a country who form part of the system of government.

1.3 Look through the words and phrases and guess which of them are used in the text. Explain your choice

Tribunal, crime, dispute, jurisdiction, court of appeal, legal relations, monarch, prosecutor, law, legislation, arbitration.

1.4 Read the text and prove or disprove your choice in the exercises 1.2 and 1.3

Judicial System in Ukraine

Judicial power in Ukraine is based on the Constitution. It is an independent branch of state power created to solve legal problems between the state and citizens, citizens and legal persons; to supervise over constitutionality of laws; to defend citizens' rights in their relations with bodies of state power and officials; to supervise citizens' rights in the course of investigating crimes and conducting operational search activity; to establish the most significant legal facts. Judicial power is realized by judges in the form of civil, criminal, economic, administrative as well as constitutional legal proceedings. Thus, judicial system is an aggregate of all existing courts in Ukraine. They have jurisdiction over all legal relations that appear in the state. The system provides availability of justice for every person. The courts interpret and apply the laws created according to the Constitution of Ukraine. Their decisions are made on behalf of Ukraine and are obligatory for enforcement on the entire territory of the country. Judicial proceedings are administered by the Constitutional Court of Ukraine and courts of general jurisdiction. The Constitutional Court of Ukraine is the sole body of constitutional jurisdiction. It decides on issues of conformity of laws and other legal acts with the Constitution and provides their official interpretation.

Courts of general jurisdiction form the common system of courts united by aims, tasks, principles of organization and activity, and are headed by the Supreme Court of Ukraine. They are set up according to principles of territoriality and specialization.

General courts are local, appellate, Highest Specialized Courts, and the Supreme Court. Economic, administrative and some other courts are defined as specialized.

The lowest courts are local (district, city, etc), which are courts of first instance or trial courts, decide different types of cases. The appellate courts hear appeals from the local ones. The Highest Specialized Courts deal with cassations and determine the legality and reasoning of the previous court judgments. The Supreme Court, the highest court in their system, administers justice, ensures equal application of legislation by all courts of general jurisdiction.

The specialized courts of general jurisdiction consist of administrative and economic courts resolving disputes in the sphere of administrative and economic legal relations. Justice is administered by professional judges and, in cases determined by law, people's assessors and jurors. Judicial proceedings are administered by a judge personally, a board of judges or a jury.

A citizen of Ukraine of at least 25 years old, who has higher legal education and work experience in the sphere of law for not less than 3 years, has resided in Ukraine at least 10 years and speaks state language may be recommended by the qualification commission for the position of a judge. The first appointment is made by the President for a five-year term. All other judges, except for judges of the Constitutional Court, are elected by the Verkhovna Rada for a lifetime. Professional judges must not belong to political parties and trade unions, occupy any other paid positions, and perform other paid work except scientific, teaching and creative activity.

1.4.1 Read the following statements to choose the main topics of the text. Arrange them according to the content of the text and add or exclude any point if necessary.

- Types of courts
- Requirements for a judge
- Tasks of the judicial system
- Legal relations
- Jurisdiction of courts

1.4.2 Read the following statements and decide if they are true or false. Prove your answer with the information from the text

1. The judicial system consists of courts of general jurisdiction.
2. Court decisions are binding for everybody in Ukraine.
3. Trial courts can hear some types of appeal.
4. A person may have work experience in the sphere of law for five years to become a judge.
5. President appoints all judges.
6. Judges are allowed to take part in political activity.

1.4.3 Answer the following questions:

1. What are the tasks of the judicial system?
2. What does the judicial system consist of?

3. What are the functions of courts?
4. What types of jurisdiction do courts possess?
5. Who can administer justice?
6. Who can become a judge?

1.4.4 Find in the text legal terms which have the following meanings:

- A person with authority to hear and decide disputes brought before a court;
- An application to a higher court to examine again a case decided by a lower court;
- The power of a court to hear and decide cases;
- The process of settling a dispute by referring it to an independent third party for decision as an alternative to court proceedings;
- A serious disagreement;
- A body of persons who decide the facts of a case and give a decision of guilty or not guilty called a verdict

1.4.5 Read the sentences and fill in the gaps with the words and phrases given in the box. Pay attention that there are more words than the gaps.

court decision, jury, dispute, arbitration, trial judge, appeal, people's assessor, apply, punishment

1. The ...was reduced to three years
2. She is not happy with the ..., and plans to appeal.
3. The dispute is going to
4. Both sides in the ... have agreed to binding arbitration.
5. The problem was settled out of
6. The ... determines the number of years to be spent in prison.
7. The ... plays an important role in the legal system of many countries.

1.5 Fill in the gaps. Put the verbs from the box into the correct form. Change the word order if necessary

expire, render, submit, be, elect, participate, become, deliver, recommend, dismiss, reside, consider

1. Since 2007, the Verkhovna Rada.....52 judges for permanent terms.
2. A panel of judges.....a decision in that case already.
3. She never..... in court hearings as a people's assessor before.
4. A few days ago the court.....a verdict of guilty against the judge.
5. The Qualification Commission of Judges.... her for the office of judge twice.
6. As he has professional training in financial issues he judge of arbitration court a year ago andseveral cases since then.
7. She no.....in Ukraine for ten years yet, so she cannot be appointed to the off of judge.

8. Last week he....a statement of resignation from the office of judge.
9. Since his initial term of officeyesterday, President of Ukraine him from the office of judge.
10. In the past few months it.....impossible for the judge to exercise his author for the reasons of health.

1.6 Translate into Ukrainian

Article 128

The first appointment of a professional judge to office for a five-year term is made by the President of Ukraine. All other judges, except the judges of the Constitutional Court of Ukraine, are elected by the Verkhovna Rada of Ukraine for permanent terms by the procedure established by law. The Chairman of the Supreme Court of Ukraine is elected to office and dismissed from office by the Plenary Assembly of the Supreme Court of Ukraine by secret ballot, by the procedure established by law.

Article 129

In the administration of justice, judges are independent and subject only to the law. Judicial proceedings are conducted by a single judge, by a panel of judges, or by a court of the jury.

The main principles of judicial proceedings are:

- 1) legality;
- 2) equality before the law and the court of all participants in a trial;
- 3) ensuring that the guilt is proved;
- 4) adversarial procedure and freedom of the parties to present their evidence to the court and to prove the weight of evidence before the court;
- 5) prosecution by the procurator in court on behalf of the State;
- 6) ensuring the right of an accused person to a defense;
- 7) openness of a trial and its complete recording by technical means;
- 8) ensuring complaint of a court decision by appeal and cassation, except in cases established by law;
- 9) the mandatory nature of court decisions.

The law may also determine other principles of judicial proceedings in courts of specific judicial jurisdiction.

Persons guilty of contempt of court or of showing disrespect toward the judge are brought to legal liability.

1.7 Work in pairs. Study the Vocabulary below and then translate the following texts into English

VOCABULARY 1

| | | | |
|------------------------|------------------------------|--|--|
| здійснювати правосуддя | administer justice | підготовка справ до судового розгляду | preparation of cases for hearing |
| кримінальні справи | criminal cases | призначення справ до судового розгляду | submission of cases for hearing |
| виключне становище | exclusive position | розгляд справ у першій інстанції | hearing cases in trial courts |
| законодавче визначення | legal description | розгляд справ у апеляційному порядку | hearing cases in the courts of appeals |
| обсяг повноважень | scope of powers | перегляд судових рішень | reviewing court decisions |
| гарантії здійснення | guarantees of implementation | набирати законної сили | become competent |
| прийняття рішень | taking decisions | виникати при виконанні рішення | arise while implementing a verdict |

Text 1

Суд є тим єдиним органом у державі, до компетенції якого Конституцією віднесено здійснення правосуддя, в тому числі у кримінальних справах. Таке виключне становище суду вимагає надзвичайно чіткого законодавчого визначення обсягу його повноважень, процедур та гарантій їх здійснення. До повноважень суду, перш за все, треба віднести питання, пов'язані зі здійсненням правосуддя у кримінальних справах: прийняттям рішень, підготовкою і призначенням справ до судового розгляду, розгляд кримінальних справ у першій інстанції, у апеляційному порядку, перегляд судових рішень, що набрали законної сили, розгляд питань, що виникають при виконанні рішення.

VOCABULARY 2

| | | | |
|----------------------|--------------------------------|-----------------------|---------------------------|
| делегування функцій | delegation of the functions | поширюватися на | apply to |
| привласнення функцій | appropriation of the functions | правовідносини | legal relations |
| орган | body | судовий захист | legal defense |
| посадова особа | official | підлягати | be subject to |
| не допускається | shall not be permitted | єдиний орган | the sole body |
| надзвичайний суд | extraordinary court | відповідність законів | conformity of laws (with) |
| особливий суд | special court | правові акти | legal acts |

Text 2

У ст. 124 зазначено, що правосуддя в Україні здійснюється виключно судами і що будь-яке делегування функцій судів, а також привласнення цих функцій іншими органами чи посадовими особами не допускається. Конституція (ст. 125) вказує на неприпустимість створення надзвичайних та особливих судів.

Згідно з Конституцією, юрисдикція судів поширюється на усі правовідносини, що виникають у нашій державі, тобто судовому захисту підлягають усі права, свободи та обов'язки громадян.

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

VOCABULARY 3

| | | | |
|-------------------------------|---------------------------------------|--|---|
| загальні суди | common pleas courts | прирівняні до них суди | equivalent courts |
| адміністративна справа | administrative case | запровадження відповідних організаційних структур | introduction of corresponding structures |
| за принципом територіальності | based on the territorial principle | галузеві суди | specialized courts |
| за принципом спеціалізації | based on the specialization principle | окремі категорії справ | specific types of cases |
| районні суди | district courts | сімейні справи | family lawsuits |
| міські суди | municipal courts | Концепція судово-правової реформи | Concept of the Legal Reform |
| міжрайонні суди | district courts | розділ | chapter |
| окружні суди | county courts | переглядати справи в апеляційному та касаційному порядку | hear cases appealed from the lower courts |
| обласні суди | regional courts | справи за нововиявленими обставинами | cases with newly obtained evidence |

Text 3

Система судів загальної юрисдикції

Загальні суди забезпечують захист прав і свобод громадян шляхом розгляду цивільних, кримінальних, адміністративних та інших справ, їх система будується за принципами територіальності і спеціалізації. Принцип територіальності означає, що до системи цих судів входять районні (міські), міжрайонні (окружні), обласні та прирівняні до них суди і Верховний Суд України. Принцип спеціалізації передбачає спеціалізацію суддів вказаних судів,

запровадження відповідних організаційних структур - галузевих судів для розгляду окремих категорій справ, зокрема кримінальних, цивільних, сімейних, як це передбачено Концепцією судово-правової реформи в Україні.

Найвищим судовим органом у системі судів загальної юрисдикції є Верховний Суд України. Згідно зі ст. 125 Конституції України, а також з розділом III Концепції судово-правової реформи в Україні, він переглядає в апеляційному та касаційному порядку справи, розглянуті загальними судами, а також справи за нововиявленими обставинами.

1.8 Writing

Work in pairs. Write notes in the chart and be ready to discuss the results in the group:

The System of Judicial Power in Ukraine

| Name of a Court | Competence |
|--------------------------|-------------------|
| The Constitutional Court | |
| The Supreme Court | |
| Court of appeal | |
| Local Court | |

1.9 Speaking

1. Imagine that you are a judge. Choose a court you work in and describe your job (types of cases, rights and duties, advantages and disadvantages, etc).

2. You are a specialist in judicial system of Ukraine. Describe it to your colleagues from the UK.

1.10 Grammar points: Active and Passive Voice

1.10.1 Choose the appropriate form of the verb

1. A body of expert lawyers (is needed/ needed) time for consideration of a case.
 2. Common law (based/ is based) on the principle of deciding cases by reference to previous judicial decisions.
 3. Citizens (are chosen/ choose) for jury service through a process that is set out in laws.
 4. Once the jury (select/ is selected), the lawyers for both sides give their opening statements.
 5. The prosecutor (presented/ is presented) the case yesterday.
 6. They (carried out/ were carrying out) the expert examination an hour ago.
 7. She (studied/ was studying) the report of the policeman when he came in.
 8. The investigator (questioned/ was questioning) the suspect from 5 till 6 p.m.
 9. The prisoner (was telling/ told) about the circumstances of the crime when his mother came to see him.
 10. The judge (was calling/ called) the witnesses of the defence after the testimony of the plaintiff's witness.
 11. After the direct examination the defendant's lawyer (was having/ had) a chance to question the witness.
 12. He (investigated/ was investigated) the difficult case last month.

1.10.2 Imagine that a policeman has made a report and now is telling his boss about the event of the day. Write sentences using Passive Voice:

1) The famous deputy/ to kill yesterday. Two suspects / to catch near the place of murder. Witnesses / already to question.

2) Famous murderer Stivenson / to escape from federal prison. All areas / to search. All roads leading to the city / to take under control. All police headquarters / already to inform. His photoes / to show on TV.

1.10.3 Read the dialogue using the verbs in correct forms

P: What 1)... (you/do) when you 2).....(see) the accident, madam?

H: I 3).....(walk) down the street.

P: What exactly 4).....(you/see)?

H: Well, the driver of the car 5)..... (drive) down the road when suddenly the old man just 6).....(step) in front of him! It 7)..... (be) terrible!

P: 8).....(the driver/speed)?

H: No. not really, but the old man 9)..... (not/look) both ways before he 10).....(try) to cross the road.

P: 11).....(anyone else/see) the accident?

H: Yes, the lady in the post office.

P: Thank you very much.

1.10.4 Open the brackets using the verbs in correct forms

1. Judicial proceedings (to conduct) by a single judge or by a panel of judges. 2. The law (to determine) principles of judicial proceedings in courts of specific judicial jurisdiction. 3. In Ukraine justice (to administer) exclusively by courts functioning independently of other bodies or officials. 4. The jurisdiction of courts (to extend) to all legal relations that arise in the State. 5. Ukraine's judicial system (to make up) of courts of general jurisdiction and the Constitutional Court of Ukraine. 6. The unified system of courts general jurisdiction (to form) in accordance with the territorial principle and the principle specialization. 7. The Constitutional Court of Ukraine (to decide) on the issues of conformity of laws and other legal acts with the Constitution. 8. Experts (to examine) the fingerprints now. 9. The police (to make) inquires every day.10. Look, the suspect (to enter) the shop now. 11. He often (to interview) the suspects. 12. They (to want) to be judges. 13. The judges (to reach) a decision after he (to discuss) the case privately. 14. They (to finish) the examination when the chief expert (to ask) for the results. 15. By the time the train (to reach) the city, he (to receive) the call informing him of robbery. 16. When we (to come) into the room, the last meeting of the Supreme Court (to finish). 17. Notary public (to examine) the case carefully for a while and advice us on the right decision. 18. He (to receive) the judicial decision by tomorrow. 19. They (to inform) him of the penalty by noon yesterday. 20. You (to meet) the accused in court tomorrow. 21. He (to take) your examination in Criminal Procedure next week. 22. By the 20 th of January I (to pass) the examination in Constitutional law.

2 Types of legal professions in Ukraine

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 | | |

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:

- Law faculties of higher institutions –
 - enforce law
 - regulate social relations in the state
 - train lawyers
- Legal profession doesn't comprise
 - counsels
 - notaries
 - accountants
- The Academy of Legal Sciences
 - carries out the fundamental researches
 - makes efforts to improve notary system
 - creates a law-governed state
- The purpose of protecting legal rights and interests of prosecutors is carried by
 - The Ukrainian Notarial Chamber
 - The Ukrainian Association of Prosecutors
 - 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?

2.5.6 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?

4. What groups of notary activity do you know?
5. How does a notary help in preventing various civil offences and disputes on rights?
6. Who can hold the post of a notary?
7. What documents do the notaries help to draw up?
8. What does the notary attest and verify?

2.6.3 Complete the following sentences with the words and phrases given below:

preventing, legal, certify, will, right, notary system.

1. The... includes those who have the... to perform notary activity.
2. Notaries must have higher... education.
3. This notary attested my grandfather's....
4. I want the notary to... my signature.
5. Notary bodies help in... different civil offences.

2.6.4 Give English equivalents of the following words and word-combinations:

нотаріальні органи, державний нотаріус, голова виконавчого комітету, завірити підпис, передача власності, захищати державну/приватну власність, законні інтереси громадян, угода, перекладати документи, вчиняти нотаріальні дії, копії документів, право спадкування, заявник, підпис, дарування.

2.6.5 Make up sentences with the following phrases:

notary bodies, the promotion of legality, to help applicants, indisputable right, to make a will, to attest a contract, personal property, to possess the right, translation of documents, provided for by the law, to hold a post, to verify copies, hereditary rights, to draw up deeds of purchase and sale.

2.6.6 Translate into English:

1. Передача власності була оформлена в нотаріальній конторі.
2. Угоди дарування, заповіт повинні завірятися нотаріусом.
3. Посаду нотаріуса може обіймати особа з вищою юридичною освітою.
4. Ви можете скласти заповіт у нотаріальній конторі.
5. Нотаріус захищає законні права й інтереси громадян, різноманітних установ і організацій.
6. Документи про купівлю і продаж складаються і завіряються нотаріусами.

2.7 Writing

2.7.1 Write a letter to your friend in the UK or the USA about

- a) the judicial system of Ukraine;
- b) judges in Ukraine.

2.8 Speaking

2.8.1 Agree or disagree with the following statements

- It is not very easy for an ordinary citizen to refer a case to a court of law because the procedures for filing claims are very complicated.
- There are so many discrepancies in the current legislation that even the professional lawyers sometimes find it difficult to determine the jurisdiction of a case: e.g. to be handled by the administrative or the economic court.
- Our courts must serve our citizens, but in fact they serve the state.
- Ukraine will become a law-governed state only if legal punishment becomes unavoidable for everyone without exceptions, including judges and prosecutors.

2.8.2 You are participants of the International Seminar on Judicial System.

Be ready to give a talk on one of the issues given below or of your own choice

- 1) Powers of Judges: too much or too little?
- 2) Role of People's Assessors in Judicial Proceedings.
- 3) Judges Immunity: pros and cons.
- 4) Judicial Reform: what should be done to improve justice?
- 5) Protection of Judges from Interference in their work.

2.8.3 Give some advice to your friend who is going to become a lawyer using the following plan:

1. choice of specialization
2. number of years of training
3. income expectations
4. responsibilities
5. kinds of clients
6. challenges and opportunities.

2.9 Grammar points: Sequence of Tenses. Direct and Indirect Speech

2.9.1 Change into indirect speech:

1. He said: "The investigator's job is to prepare the materials of the case for court hearing." 2. The prosecutor said: "The accused person is not guilty". 3. The investigator said: "We have found a witness." 4. The judge said: "Ask the witnesses to come into the court room". 5. The old man said: "I am going to notary to make the will". 6. The policeman ordered the criminal "Don't move! Put your hands up!" 7. The man said: "I have seen the robbery". 8. The accused said: "I am innocent". 9. The judge said to the prosecutor "Show us the physical evidence of the crime". 10. A student said: "I want to be a lawyer". He said: "We will receive the judicial decision by tomorrow".

2.9.2 Change direct questions into indirect ones starting from "I am asked...", "I wonder..." or "I was asked....." etc

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. Is a person assumed guilty after arrest?
6. Are all criminal cases heard in open court?
7. Can the accused be cross-questioned by the prosecution?
8. Are the judge's powers of interference in the trial unlimited? What are the limits?
9. What does the judge do after the prosecution and the defense have concluded their cases?
10. When do the jury begin to consider the verdict?
11. What takes place if the jury arrive at a verdict of «not guilty»?
12. What does the judge do if the accused is found guilty?
13. What are the reasons for the growing use of arbitration?
14. What are the advantages and disadvantages of arbitration?
15. What kinds of cases are heard by Court of Appeals?

3 The Court System of the UK

3.1 Answer the questions:

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

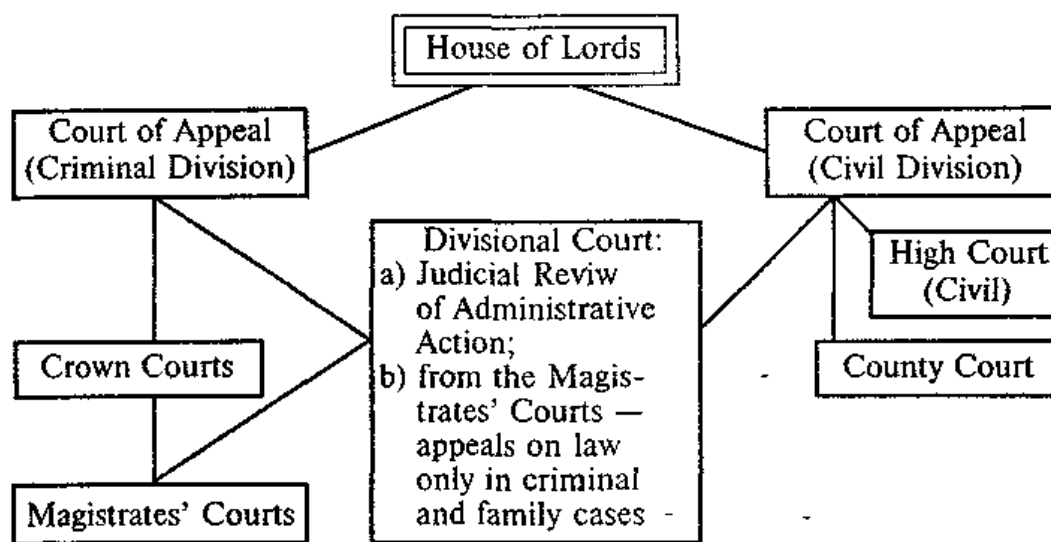
3.1.1 Try to memorise the following phrases and guess what connection they can have with court system of the UK:

inferior court — нижчий, підлеглий суд
 quasi judicial body — квазісудовий орган
 subject matter — предмет
 industrial relations — трудові відносини
 Divisional Court — апеляційний підрозділ відділу Королівської лави
 tribunal — орган правосуддя
 domestic issue — сімейна справа
 maintenance payments — аліменти
 adoption proceeding — процедура усиновлення
 care of children — піклування про дітей
 debt collection — стягнення боргу
 preliminary hearing — попереднє слухання.
 sufficient evidence – достатньо доказів
 to commit for trial – віддати до суду
 to license — видавати патент

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

ADMINISTRATION OF JUSTICE IN ENGLAND AND WALES

The organization of the English judicial system makes a distinction between «the High Court», «inferior courts» and «quasi judicial bodies». The main courts are outlined below:



Tribunals. There are some 60 different tribunals mostly hearing disputes that are «administrative» in nature. The range of subject matters include immigration law, social security, industrial relations (unfair dismissal and sexual and racial discrimination).

Magistrates' Courts. Some 620 magistrates' courts hear the small cases which form the great majority of criminal matters. Most of the 26,000 justices sitting as magistrates are lay judges. In the larger towns and metropolitan areas, some 60 professional judges sit as stipendiary magistrates. Magistrates are assisted on matters of law by a legally qualified clerks.

Magistrates' Courts hear less serious criminal cases where trial by jury is either not elected or is not available. They also have significant jurisdiction in civil matters relating to domestic issues such as maintenance payments to deserted wives and children, adoption proceedings concerning care of children and disputes. Magistrates also have jurisdiction with regard to disputes arising out of statutory debt collection (income tax, national insurance and social security contributions, and property tax payments).

One of the functions of the Magistrates' Court is to conduct a preliminary hearing, to decide whether there is sufficient evidence to commit the accused for trial in a higher court. In addition to these judicial functions, the magistrates act as licensing authorities for pub,the houses, restaurants, and other public places.

In spite of the fact that magistrates are unpaid and only receive small allowances, there is no shortage of people who would like to sit on the bench.

Appointments are made by the Lord Chancellor on the recommendation of a local committee for each area, and in theory anyone without a criminal record can become a Justice of the Peace (JP). A large number of JPs are people who are, or have been, prominent in local government or «public life», and appointment to the bench is often regarded as a recognition of public service, as it confers considerable social prestige.

3.2.1 Find answers to the following questions in the text above:

1. How many tribunals hearing disputes «administrative» in nature are there in Britain? 2. What cases are heard by magistrates' courts? 3. How many magistrates' courts are there in Britain? 4. What courts deal with industrial relations? 5. How many justices sit as magistrates? 6. Are all the magistrates professional lawyers? 7. Where can we find professional judges sitting as magistrates? 8. Does anybody assist the lay judges on matters of law? 9. Do jurors take part in cases heard by magistrates' courts? 10. What courts usually hear domestic issues? 11. What are the domestic issues which are usually heard by magistrates' courts? 12. Do the magistrates' courts have anything to do with criminal matters? 13. What is the function of the magistrates' courts in criminal cases? 14. What other functions in addition to judicial ones do the magistrates' courts perform? 15. Are magistrates elected or appointed? 16. By whom are the appointments made? 17. Who may become a justice of the peace?

3.2.2 Match the English noun phrases with their Ukrainian equivalents and then vice versa:

- | | |
|------------------------------|-------------------------------|
| 1. judicial system | 1. судовий орган |
| 2. administration of justice | 2. суд магістратів |
| 3. judicial body | 3. судова система |
| 4. inferior court | 4. судочинство |
| 5. Magistrates' Court | 5. нижчий суд |
| 6. County Court | 6. Апеляційний суд присяжних |
| 7. Crown court | 7. кримінальні справи |
| 8. Divisional Court | 8. Кримінальний суд присяжних |
| 9. Criminal matters | 9. мировий суддя |
| 10. Justice of the Peace | 10. непрофесіональний суддя |
| 11. lay judge | 11. суд графства |

* * *

- | | |
|-------------------------|------------------------|
| 1. metropolitan area | 1. Високий суд |
| 2. matter of law | 2. Апеляційний суд |
| 3. Court of appeal | 3. сімейна справа |
| 4. High Court | 4. питання права |
| 5. domestic issue | 5. столичний регіон |
| 6. judicial review | 6. податок на прибуток |
| 7. maintenance payments | 7. стягнення боргів |

| | |
|------------------------|---------------------------|
| 8. care of children | 8. судовий перегляд |
| 9. adoption proceeding | 9. аліменти |
| 10. debt collection | 10. процедура усиновлення |
| 11. income tax | 11. піклування про дітей |

* * *

| | |
|-----------------------------|---------------------------------|
| 1. national insurance | 1. лорд-канцлер |
| 2. preliminary hearing | 2. внесок |
| 3. social security | 3. досьє злочинця |
| 4. sufficient evidence | 4. державне страхування |
| 5. contribution | 5. соціальне забезпечення |
| 6. criminal record | 6. попереднє слухання |
| 7. subject-matter | 7. державна служба |
| 8. Lord Chancellor | 8. призначення на посаду, судді |
| 9. appointment to the bench | 9. предмет |
| 10. public service | 10. достатньо доказів |

3.3 Render into English

Органи правосуддя. В Англії є понад 60 різних органів правосуддя, більшість з яких розглядають спори адміністративного характеру. Предмети спорів охоплюють іміграційний закон, соціальне забезпечення, трудові відносини (несправедливе звільнення, расова дискримінація, дискримінація за ознаками статі та ін.).

Суди магістратів. В Англії є понад 620 магістратських судів. Вони розглядають невеликі справи. Більшість із 26 000 суддів у них непрофесіональні. З питань закону їм допомагають кваліфіковані клерки. Крім невеликих кримінальних справ вони розглядають і цивільні справи з таких сімейних питань: аліменти покинутим жінкам і дітям, процедури усиновлення, піклування про дітей та різні спори. Магістратські суди мають також юрисдикцію щодо спорів, які виникають при стягненні боргів (податки на прибутки, державне страхування, внески до фонду соціального забезпечення та ін.).

Одна з функцій магістратських судів — попереднє слухання для вирішення питання про те, чи є достатньо доказів, щоб віддати обвинуваченого під суд до вищестоящого суду.

3.4 Try to memorise the following phrases and guess what connection they can have with criminal proceedings in the UK:

to initiate prosecutions — розпочати судове переслідування

contentious case — спірна справа

to be empowered — мати право, повноваження

warrant — ордер на арешт

to detain in custody — тримати під арештом

charge — обвинувачення

to free on bail — звільнити під заставу

to remand — повернути під варту
writ of habeas corpus — судовий наказ про захист недоторканності особи від свавільного арешту
to apply for a writ — просити про винесення судового наказу
to show beyond reasonable doubt — довести поза розумним сумнівом
to provide with legal aid — забезпечити юридичною допомогою,
interference — втручання
to discharge the jury — звільнити присяжних
to arrive at a verdict — досягти згоди по вердикту
to pronounce a sentence — оголосити міру покарання
to adjourn the court — відстрочити суд; оголосити перерву в суді
to impose a penalty — призначити покарання

3.5 Read the following text and be ready to answer the questions below:

COURT PROCEDURE IN ENGLAND AND WALES (Criminal Cases)

Although it is possible for any private citizen to institute criminal proceedings, in practice prosecutions are usually initiated by the police. In serious or contentious cases details are sent to the Director of Public Prosecutions, and it is he who decides whether the case should be proceeded with or not.

Arrests are usually made by police officers — although in law any citizen is empowered to make an arrest — with or without a warrant. A person can be detained in custody without charge for up to ninety six hours. Once charged a defendant can be freed on bail, although if the police consider that he or she might disappear they are entitled to object to bail, and ask that the defendant be kept in custody. The decision however, is left to the magistrate. If a person is freed on bail, securities must be given, either by the accused or by someone acting for him or her. In serious cases the accused is usually remanded until the case against him or her has been prepared. If a person who is detained considers that this detention is unlawful he or she can apply for a writ of habeas corpus which requires that cause for the detention is shown before the court.

English criminal law assumes that a person is innocent until proved guilty. It is the responsibility of the prosecution to show beyond any reasonable doubt that the defendant has committed the offence of which he or she is accused. If this cannot be done a verdict of not guilty must be returned. Everyone accused of an offence has the right to employ a legal adviser to present the case, and if he or she cannot afford to do so he or she can be provided with legal aid at public expense. All criminal trials, with a few exceptions, such as those involving official secrets, are heard in open court, and the trial is conducted according to strict rules of procedure. All evidence must be given in the presence of the accused, and the defendant, or his or her counsel, has the right to question all the witnesses. The prosecution may also question the defense witnesses, but they cannot cross-question the accused, unless he or she decides to go into the witness-box.

As the terms «prosecution» and «defense» suggest, an English trial is a contest, in which both sides try to convince the jury that the case which they are presenting is the truth. The judge acts as referee in this contest, and when one side thinks that its opponents are breaking the rules it can appeal to the judge for a ruling. The judge's powers of interference are limited, and he or she may only intervene in order to advise on a point of law, or to clarify an obscure point.

After the prosecution and defense have concluded their cases, and both sides have presented their final speeches, it is the judge's duty to sum up. In the summing up speech the judge is expected to outline the case and explain the legal issues involved to the jury. Once the judge has summed up, the jury consider their verdict, and in serious cases this can take quite a long time. Should it become apparent that the jury cannot decide on a verdict they will be discharged and a new jury will be selected to hear the trial all over again. If a verdict of not guilty is arrived at the accused is freed at once. If he or she is found guilty it is the judge's responsibility to pronounce a sentence. This may be done at once, or the judge may in certain circumstances adjourn the court so that he or she has time to consider what penalty should be imposed.

3.5.1 Find answers to the following questions in the text above:

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? 4. Can a person be detained in custody without a charge? For how long? 5. Once charged, can a defendant be freed? On what condition? 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? 13. Can the accused be cross-questioned by the prosecution? 14. Why is an English trial considered to be a contest? 15. What is the task of the judge in such a contest? 16. Are the judge's powers of interference in the trial unlimited? What are the limits? 17. What does the judge do after the prosecution and the defence have concluded their cases? 18. When do the jury begin to consider the verdict? 19. What takes place if the jury arrive at a verdict of «not guilty»? 21. What does the judge do if the accused is found guilty?

3.5.2 Match the English nouns and noun phrases with their Ukrainian equivalents :

- | | |
|-------------------------|--------------------------|
| 1. criminal proceedings | a) ордер на арешт |
| 2. prosecution | b) спірна справа |
| 3. contentious case | c) судове переслідування |
| 4. warrant | d) карне переслідування |
| 5. custody | e) юрисконсульт, адвокат |
| 6. detention | f) розумний сумнів |
| 7. reasonable doubt | j) затримання, арешт |
| 8. legal adviser | k) ув'язнення |

- | | |
|----------------|------------------------------|
| 9. legal aid | l) доказ; свідчення |
| 10. open court | m) юридична допомога |
| 11. evidence | n) відкрите судове засідання |

* * *

- | | |
|------------------|-----------------------------|
| 1. the accused | a) змагання |
| 2. the defendant | b) свідок |
| 3. witness | c) підсудний, відповідач |
| 4. contest | d) обвинувачений; підсудний |
| 5. point of law | e) покарання |
| 6. ruling | f) неясне питання |
| 7. obscure point | j) питання права |
| 8. penalty | k) постанова суду |
| 9. legal issue | l) застава |
| 10. trial | m) вирок, рішення суду |
| 11. sentence | n) правове питання |
| 12. bail | o) судовий розгляд |

3.5.3 Match the English verb phrases with their Ukrainian equivalents:

- | | |
|--|--|
| 1. to institute criminal proceedings | 1. обвинуватити особу в |
| 2. to initiate prosecution | 2. тримати під арештом |
| 3. to detain in custody | 3. розпочати судове переслідування |
| 4. to charge a person (with) | 4. порушити кримінальну справу |
| 5. to free on bail | 5. просити про винесення судового наказу |
| 6. to give securities | 6. повернути особу під варту |
| 7. to remand a person | 7. звільнити під заставу |
| 8. to apply for a writ | 8. надати гарантії |
| 9. to prove a person guilty (not guilty) | 9. довести поза всяким розумним сумнівом |
| 10. to prove beyond any reasonable doubt | 10. довести, що особа винна (невинна) |

* * *

- | | |
|--|---|
| 1. to commit an offence | 1. найняти юрисконсульта |
| 2. to return a verdict | 2. вчинити злочин |
| 3. to employ a legal adviser | 3. винести вердикт |
| 4. to provide with legal aid at public expense | 4. забезпечити юридичною допомогою за рахунок держави |
| 5. to hear a case in open court | 5. вести судове засідання |
| 6. to conduct a trial | 6. слухати справу у відкритому судовому засіданні |
| 7. to give evidence | 7. порушити правила |
| 8. to question witnesses | 8. опитувати свідків |
| 9. to break the rule | 9. втручатися у процес |

10. to intervene in the procedure

10. давати свідчення

1. to clarify an obscure point

* * *

1. звільнити присяжних

2. to outline the case

2. внести ясність у неясне питання

3. to consider the verdict

3. розглядати вердикт

4. to discharge the jury

4. викладати коротко суть справи

5. to arrive at a verdict

5. визнати обвинуваченого винним (невинним)

6. to free the accused

6. досягти згоди по вердикту

7. to find the accused guilty (not guilty)

7. звільнити обвинуваченого

8. to pronounce the sentence

8. призначити покарання

9. to adjourn the court

9. оголосити міру покарання

10. to impose a penalty

10. оголосити перерву в суді

3.6 Render into English:

СУДОЧИНСТВО (Кримінальні справи)

Кримінальні справи звичайно порушуються поліцією. Кожен має право затримати злочинця, але це звичайно робиться поліцейськими. Особу можна тримати під арештом без пред'явлення обвинувачення протягом 96 годин. Після пред'явлення обвинувачення особа може бути звільнена під заставу. Це рішення приймає магістрат.

Згідно з англійським кримінальним законом, особа вважається невинною, доки її провина не буде доведена судом. Обвинувачення повинно довести поза розумним сумнівом, що обвинувачений вчинив злочин. Якщо цього не можна зробити, виноситься вердикт «не винний». Особа, що звинувачується в злочині, може найняти адвоката. Якщо вона не має змоги це зробити, юридична допомога буде надана їй за громадські кошти. Всі кримінальні справи, за винятком тих, що торкаються офіційних таємниць, слухаються у відкритому судовому засіданні. Усі свідчення повинні даватися в присутності обвинуваченого. Він або його адвокат мають право опитувати всіх свідків. Обвинувачення може опитувати свідків захисту, але не може піддавати перехресному допиту обвинуваченого, якщо він не погодиться зайняти місце для давання свідчень.

Англійський судовий розгляд — це змагальність, в якій кожна із сторін намагається переконати журі, що правда на її боці. Суддя в цієї змагальності є арбітром. Коли будь-яка із сторін вважає, що опоненти порушують правила, вона може апелювати до судді про винесення відповідного рішення. Повноваження судді на втручання в процес обмежені. Він може втрутитися, щоб дати пораду з питання права або внести ясність у незрозуміле питання. Після того як обвинувачення та захист зроблять свої висновки у справі, суддя підбиває підсумки. В них він коротко викладає суть справи і пояснює присяжним правові питання. Потім присяжні розглядають вердикт. Якщо вони

не можуть дійти згоди, їх звільняють. Обирається новий суд присяжних, який знову слухає всю справу. Якщо обвинуваченого визнають винним, міру покарання визначає та оголошує суддя.

3.7 Writing

Prepare a report on the route of a criminal or civil case from the lowest court to the highest one in the UK.

3.8 Speaking

Compare the judicial systems of Ukraine and England.

3.9 Grammar points: modal verbs and their equivalents

3.9.1 Tell what the following people can do and musn't do:

a judge, a prosecutor, a lawyer, a lawmaker, an investigator, a criminologist, an expert, a criminal psychologist.

3.9.2 Translate the following sentences into English using can, may, must or their equivalents:

1. Чи можу я покластися на це свідчення? 2. Ми не зможемо повязати цього підозрюваного з місцем злочину. 3. Ви можете ідентифікувати жертву? 4. Злочинець може полегшити вирок, зробивши зізнання. 5. Вони всі вважали, що він невинний, але ніхто не міг довести його невинність. 6. Слідчий говорить, що я вже вільний. 7. Відбитки пальців та аналіз ДНК могли допомогти ідентифікувати потенційного підозрюваного. 8. Речовий доказ може довести, що злочин було скоєно. 9. Вищий суд повинен розгладати всі апеляції. 10. Ви повинні наполегливо вчитися щоб стати спеціалістом в галузі права. 11. Я повинен був чекати на неї у прокуратурі. 12. Експерти криміналістичної лабораторії – це науковці, які повинні проводити дослідження доказів. 13. Після другого огляду місця злочину слідчі були вимушені відпустити підозрюваного. 14. Чи треба повідомити поліцію про крадіжку, яку ми бачили? 15. Ви можете не ходити туди, там жахлива картина вбивства. 16. Чи потрібно буде проводити повторний допит. 17. Він, можливо, вже знайшов злочинця. 18. Не може бути, щоб він скоїв злочин. 19. Він, напевно, працює адвокатом. 20. Завтра я буду вільний і зможу допомогти тобі знайти інформацію про особливості юридичної професії у Великобританії.

4 Types of Legal Profession in the UK

4.1 Answer the questions:

1. What types of legal profession in Great Britain do you know?
2. What are their duties?

4.1.1 Try to memorise the following phrases and guess what connection they can have with types of legal profession in the UK:

barrister — баристер, адвокат вищого рангу

solicitor — солісітор; адвокат нижчої категорії

legal advice — юридична консультація

fee — гонорар

will — заповіт

to execute a will — оформляти заповіт

to sue — подати позов

to sue a person for damages — подати особі позов про відшкодування збитків

to plead in court — захищати в суді

to brief a barrister — доручити ведення справи в суді баристерові

to take «articles of clerkship» — пройти стажування у солісітора

articled clerk — службовець контори солісітора; клерк-стажист

apprenticeship — учнівство

exemption — звільнення

conveyancing of property — передача права власності

litigation — цивільний судовий спір

company merger — об'єднання компаній

acquisition — придбання

inn of court — юридична корпорація, яка готує баристерів

to «take silk» — стати королівським адвокатом

impartiality — безсторонність; неупередженість

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

Types of Legal Professions in the UK

If a person is prosecuted for a crime in Britain, he/she may meet the following people during your process through the courts:

Magistrates. Magistrates are unpaid judges, usually chosen from well-respected people in the local community. They are guided on points of law by an official, the clerk. There are magistrates' courts in most towns.

Solicitors. If a person requires legal advice he or she will go to a solicitor, who for a fee will provide the guidance required and advice on a course of action. Much of the work carried out by a solicitor concerns routine matters, such as buying and selling houses, executing wills and checking documents and contracts, but solicitors are also involved in both criminal and civil cases in courts of law. Normally a person accused of a crime or sued for damages will seek the assistance of a solicitor, who

will explain the legal issues involved and take whatever action is necessary on behalf of his or her client. A solicitor is not permitted to plead in the higher courts, so if the case is to be heard in one of these he or she must brief a barrister on the client's behalf.

In order to become a solicitor it is necessary to take «articles of clerkship» (save an apprenticeship) with an established solicitor for a period of between two and five years. The actual time spent as an articulated clerk depends on the educational qualifications of the individual. A university degree in law, for example, provides exemption from certain examinations. However, in order to qualify as a solicitor; an articulated clerk must pass the Law Society examinations. Once, this has been done he or she becomes a member of the Law Society, the professional organization for solicitors in England and Wales.

There are about 70.000 solicitors of whom about 49,000 are in private practice and the rest employed as solicitors in industry. Solicitors' firms generally deal with a wide range of matters including convincing of property, litigation, general business advice, commercial work, company mergers and acquisitions.

The Barrister, who has the right of audience before any court or tribunal in England, conducts proceedings in higher courts and also advises on legal problems that have been submitted by solicitors. It is not customary for a prospective client to approach a barrister directly. As we have seen the solicitor acts as intermediary. In order to become a barrister it is necessary to have reached a certain educational standard and to have passed an examination set by the Council of Legal Education. A prospective barrister must gain admittance to one of the four Inns of Court: Lincoln's Inn, the Inner Temple, the Middle Temple, or Gray's Inn. Before being «called to the Bar», that is being accepted as barrister, the candidate must «keep» eight terms at the Inn. This means that he or she must dine in the company of fellow members at the Inn a specified number of times and also pass the Bar examinations. After being «called» the new barrister is expected to keep another four terms and gain experience under the supervision of a practicing barrister.

A barrister who has built up a substantial practice as a «junior» may be tempted to «take silk» and become a «Queen's Counsel» (QC) by applying to the Lord Chancellor for a patent. While this will mean higher fees than a junior would receive, the QC is excluded from appearing in less important, but still financially rewarding, cases. However a successful QC can command large fees and will also enjoy considerable prestige both within the legal fraternity and outside. It is also a logical step up the ladder for an ambitious lawyer, for most of the higher judicial offices are held by QCs. There are just over 7.000 independent practicing barristers of whom about 10 % are senior barristers (QC).

Judges. The English judiciary prides itself on its impartiality and its freedom from political involvement. Judges are appointed by the Lord Chancellor, the senior judge in the country and head of the legal profession, from the senior members of the Bar (or Records from Crown courts), and they are non-political appointments. The only way to remove a member of the bench is by a petition to Parliament. As there is no official retiring age for judges there is a danger that some of them may go on

exercising their judicial functions when their intellectual powers have begun to decline.

4.2.1 Read the following sentences and decide if they are true or false according to the text above:

1. Juries sit in magistrates' courts.
2. Magistrates are legally qualified judges.
3. There are magistrates' courts in most towns.
4. Solicitors are not legally qualified.
5. The solicitor represents the accused in court.
6. The state helps poorer suspects to pay for their defence.
7. Barristers are hired to defend the accused.
8. A jury consists often men and women from local community.
9. Barristers sit in the Crown Court and listen to witnesses for the defence and prosecution.
10. Crown Court judges decide on the guilt or innocence of the accused.
11. The judge passes sentence.

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

- | | |
|--------------------|--|
| 1. legal advice | 1. правова справа |
| 2. fee | 2. заповіт |
| 3. routine matter | 3. юридична консультація |
| 4. will | 4. відшкодування збитків |
| 5. damages | 5. рутинна справа |
| 6. legal issue | 6. плата, гонорар |
| 7. clerk | 7. клерк-стажист |
| 8. clerkship | 8. учнівство |
| 9. articled clerk | 9. клерк |
| 10. apprenticeship | 10. стажування у соліситора на посаді клерка |

* * *

- | | |
|-----------------------------|---|
| 1. exemption (from) | 1. посередник |
| 2. conveyancing of property | 2. цивільний судовий спір |
| 3. litigation | 3. об'єднання компаній |
| 4. company merger | 4. придбання |
| 5. acquisition | 5. звільнення від |
| 6. intermediary | 6. передача права власності |
| 7. admittance (to) | 7. правове братерство |
| 8. Inn of Court | 8. пенсійний вік |
| 9. legal fraternity | 9. безсторонність |
| 10. retiring age | 10. юридична корпорація, яка готує баристерів |
| 11. impartiality | 11. доступ до |

4.2.3 Match the English verbs and verb phrases with their Ukrainian equivalents and then vice versa:

- | | |
|--|--|
| 1. to provide legal advice | 1. перевіряти документи |
| 2. to execute a will | 2. бути причетним до розгляду справи в суді |
| 3. to check documents | 3. надати юридичну консультацію |
| 4. to be involved in cases in court | 4. оформити заповіт |
| 5. to sue a person for damages | 5. подати позов від імені клієнта |
| 6. to seek the assistance of a solicitor | 6. захищати в суді |
| 7. to take actions on behalf of the client | 7. навчатися професії соліситора |
| 8. to plead in court | 8. просити допомоги соліситора |
| 9. to brief a barrister on the client's behalf | 9. подати особі позов про відшкодування збитків |
| 10. to take «articles of clerkship» | 10. доручити баристерові ведення справи в суді від імені клієнта |

* * *

- | | |
|---|---|
| 1. to provide exemption (from) | 1. вести справу в суді |
| 2. to qualify as a solicitor | 2. мати право виступати в су, |
| 3. to have the right of audience before the court | 3. здобути кваліфікацію соліситора |
| 4. to conduct proceedings in court | 4. звільнити (від) |
| 5. to advice on legal problems | 5. вступити до юридичної корпорації, яка готує баристерів |
| 6. to act as an intermediary | 6. здобути звання баристера |
| 7. to gain admittance to the Inn of Court" | 7. стати королівським адвокатом |
| 8. to be called to the Bar | 8. бути суддею |
| 9. to take silk | 9. виступати посередником |
| 10. to appoint a judge | 10. надавати консультації з правових проблем |

4.2.4 Make up and write down the questions and ask your partner :

1. How many branches the legal profession has in England and what these branches are. 2. Whom a person requiring legal advice will approach. 3. By whom much of the routine work is carried out. 4. What the routine matters are. 5. If solicitors are also involved in criminal and civil cases in courts of law. 6. In what way the solicitors are involved in cases in courts of law. 7. If a solicitor is permitted to plead in the higher courts. 8. What the solicitor does if a case is to be heard in a higher court. 9. What is to be done to become a solicitor. 10. What an articulated clerk is to do to qualify as a solicitor. 11. Who has the right of audience before any court in England. 12. What it is necessary to do to become a barrister. 13. How many Inns of Court there are in England. 14. What the expression «to take silk» means. 15. If there is an official retiring age for judges in England.

4.3 Render into English:

В Англії існують два види юридичної професії: баристери та соліситори.

Соліситори — це нижча категорія юристів. Люди насамперед звертаються за юридичною допомогою до соліситорів. Вони займаються рутинними справами, такими, як надання консультацій з юридичних питань, купівля та продаж будинків, оформлення заповітів, документів, контрактів і т.ін. Вони також причетні до кримінальних та цивільних справ у суді. Особа, яка звинувачується в злочині або на яку подано позов про відшкодування збитків, звертається за допомогою до соліситора. Він дасть пояснення з юридичних питань і вжитиме необхідних дій від імені свого клієнта. Соліситорові не дозволено брати участь у розгляді справ у вищому суді. Якщо справа має слухатися в цьому суді, він доручає ведення цієї справи від імені клієнта баристерові.

Щоб стати соліситором, треба протягом двох-п'яти років стажуватися на посаді клерка в авторитетного соліситора. Щоб здобути кваліфікацію соліситора, клерк-стажист повинен скласти екзамени Спілці правників — професійній організації соліситорів Англії та Уельсу.

Баристери — це вища категорія правників Англії та Уельсу. Вони мають право виступати в будь-якому суді. Вони також надають консультації з правових питань, які надходять до них від соліситорів. Соліситори є посередниками між клієнтами та баристерами.

Щоб стати барристером, необхідно мати вищу юридичну освіту та скласти екзамени, який визначає Рада юридичної освіти. Крім того, треба вступити до однієї з чотирьох юридичних корпорацій, які готують баристерів. Після навчання там протягом восьми семестрів треба скласти адвокатські екзамени. Після здобуття звання барристера треба ще протягом чотирьох семестрів набувати досвіду під наглядом практикуючого барристера. Щоб дістати найвищу ступінь — звання королівського адвоката, треба від лорда-канцлера одержати відповідний диплом. Лорд-канцлер, який є найвищим суддею країни та очолює корпус правників, також призначає суддів.

4.5 Grammar points: Conditional sentences

4.5.1 Open the brackets using the appropriate form of the verb:

1. If she (to require) legal advice in the future she (to have to go) to a solicitor. 2. If you (to be sued) for damages you will seek the assistance of a solicitor. 3. She has lost the case. But if she (to go) to a solicitor she (not to lose) it. 4. If the case (to hear) in a higher court the solicitor will brief a barrister on the client's behalf. 5. If he (to have) a university degree in law he would have been provided exemption from certain examinations. 6. If he had passed the Law Society examination he (to qualify) as a solicitor. 7. When you (to become) a solicitor you (to deal) with such matters as litigation, convincing of property, general business advice. 8. If you (to approach) a barrister directly you (to be sent) to a solicitor. 9. If he (to pass) the examination set by the Council of legal Education he (to become) a barrister. 10. If the police (to find) witnesses they (to interview) them. 11. If I (see) the robbery yesterday I (to call) the

police. 12. If the criminal (to leave) his fingerprints he (not to be found). 13. If a person (to be arrested) he (to need) a defense lawyer.

5 Court system of the USA

5.1 Answer the questions:

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

5.2 Read the text for general understanding. Make up 5 questions and write a summary to the text

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.

5.3 Work in pairs. Study the Vocabulary below and then translate the text into Ukrainian

VOCABULARY

| | | | |
|------------------|--|--------------------------------|--|
| municipal courts | муніципальні суди | municipal law | муніципальний закон |
| county courts | окружні суди | state law | закон штату |
| traffic cases | справи, пов'язані з дорожньо-транспортними пригодами | penalty | покарання |
| minor injury | незначна травма | fine | штраф |
| minor damage | незначні збитки | term of not more than one year | ув'язнення на термін не більше одного року |
| minor civil case | найменш серйозне правопорушення | local jail | місцева в'язниця |
| collection | стягнення (штрафу тощо) | workhouse | трудова колонія |
| not exceed | не перевищувати | preliminary hearings | попередні слухання |
| dispute | спір | small claims division | відділ дрібних позовів |
| landlord | домовласник | hear claims for money | розглядати фінансові претензії |
| tenant | квартиронаймач | informal procedure | неформальні умови |
| misdemeanor | місдімінор, адміністративне правопорушення | court costs | судові витрати |

Municipal and County Courts. Municipal courts and county courts are the most important of the lower trial courts in Ohio. For example, they handle traffic cases, cases involving minor injuries and damage, minor criminal cases, minor civil cases, and collection cases.

The jurisdiction of municipal courts and county courts is similar, although there are some important differences. Municipal courts have jurisdiction in civil cases not exceeding \$ 10,000, while county courts have jurisdiction in cases not exceeding \$

500. Both courts are authorized to hear certain special types of lawsuits, such as disputes between landlords and tenants. Both courts can try misdemeanor cases (a misdemeanor is an offense under state or municipal law, for which the penalty is a fine, or a term of not more than one year in a local jail or workhouse, or both). both courts can hold preliminary hearings in felony cases.

Every municipal and county court maintains a small claims division which hears claims for money only, not exceeding \$ 2,000. No one needs a lawyer in small claims court, but anyone can have a lawyer if he wishes. The procedure is much simpler than in the regular municipal or county court, and hearings are informal. There is no jury, and court costs are held to a minimum.

5.4 Render the text 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)

5.5 Grammar points: Construction "I wish"

5.5.1 Open the brackets using "I wish".

1. I wish I (to know) Patent Law of the USA. 2. He wishes he (not to commit) a crime yesterday. 3. I wish I (to go) to America to work as an attorney. 4. He wishes (not to

break) the American Law last week. 5. I wished I (to be) at yesterday's court trial yesterday: it must have been very interesting. 6. I wish our legislation (to be) just and fair. 7. They wished they (not to see) this horrible scene of murder last month. 8. The unfortunate student wished he (not to forget) to study the court system of the USA. 9. He wishes he (to appeal) that case last winter. 10. I wish I (to consult) a defense lawyer yesterday. 11. He wishes (to be) an investigator. 12. The defence lawyer wishes (to win) that complicated case yesterday. 13. He wishes (not to quarrel) with the boss yesterday. He would not have been dismissed. 14. He wishes he (to work) as a notary in the USA. 15. The prisoner wishes he (to be released).

6 Legal professions in the USA

6.1 Answer the questions:

1. What do you know about the work of lawyers in USA?
2. According to statistic data the number of lawyers in America is overwhelming. Try to guess why?

6.2 Read the text and be ready to answer the questions below:

NOTARY BODIES OF THE USA

In the United States a notary public is a person appointed by a state government (often by the governor or the secretary of the state, or in some cases the state legislature) to serve the public as an impartial witness.

A notary in the United States has powers that are far more limited than the role of a civil law notary in the rest of the world or in most other common law countries.

The US notary may not offer legal advice or prepare documents (with the exception of Louisiana) and cannot recommend how a person should sign a document or even what type of notarization is necessary. In many cases, a notary cannot authenticate a copy of a document. The most common notarial acts in the United States are the taking of acknowledgements and oaths.

The Louisiana notary is a civil law notary with broad powers that can perform many civil law notarial acts except represent action of another person before a court of law for a fee. Notaries are not allowed to give "legal" advice, but they are allowed to give "notarial" advice : explain or recommend what documents are needed or required to perform a certain act – and do all things necessary to the performance of their civil law notarial duties.

6.2.1 Answer the questions :

1. Who appoints a notary in the USA?
2. What are the most common notarial acts in the USA?
3. In what way do the powers and duties of American notaries differ from ones performed by Ukrainian notaries?

6.3 Insert one of the following words into the text in an appropriate place:

Functions of Notaries in some States

| |
|---|
| signature, empowered, witnesses, advice, notary public, oaths, instruments, mortgages, affirmations, acts |
|---|

Minnesota notaries public have the power to administer all oaths required or authorized to be administered in the state; take and certify all acknowledgments of deeds, ..., powers of attorney and other ... in writing.

Notaries in the state of New Jersey serve as impartial ... signing documents, attesting ... on the document. Notaries may administer ... and ... to public officials and officers of various organizations.

A notary in the Commonwealth of Pennsylvania is ... to perform seven distinct official ... : take affidavits, verifications, acknowledgments and depositions, certify copies of documents, administer oaths and affirmations, and protest dishonoured negotiable instruments. A notary is strictly prohibited from giving legal ... or drafting legal documents such as contracts, wills, powers of attorney.

South Carolina is one of three states (Florida and Maine are the others) where a ... can perform a marriage ceremony.

6.3 Read the following text and write a summary to it

Attorneys in the USA

The Justice Department is responsible for faithful execution of the laws under the president's authority. The main administrators of federal law enforcement are the ninety-four US attorneys, appointed by the president with the advice and consent of the Senate. Unlike federal judges, these appointees serve the president. There is a US attorney in each federal judicial district. Their staffs of assistant attorneys vary in size with the amount of litigation in the district. US attorneys have considerable discretion, which makes them powerful political figures in any community. Their decision to prosecute or not affects the wealth, freedom, rights, and reputation of individuals and organizations in the district. US attorneys are political appointees who often harbour political ambition.

Today, the number of lawyers in the United States is about 675,000. This translates to one lawyer for every 364 people. Twenty-five years ago, there was one lawyer for every 70 people. The rate at which the legal profession is growing will probably continue to outpace rate of population growth through the end of the century. Why is a career in law so popular? Market forces account for some of the allure. We know that in 2000 the average salary of experienced lawyers was 88,000 dollars. If we could include in this average the salaries of all lawyer whatever their experience, the figure would probably be much lower, certainly well below the 108,000 dollars average salary of doctors. But lawyers' salaries are still substantially greater than those of many other professionals. The glamour of legal practice strengthens the attraction of its financial rewards. There are other reasons for the

popularity of the legal profession and the unquenchable demand for legal services. Federalism gives separate legal systems for each state plus the national government. Advertising can now create demand for legal services, too. Finally, the principles of separation of powers and of checks and balances make governing difficult and sometimes impossible. When political institutions act, they often are forced to compromise, deferring critical issues to the courts. Pluralist democracy operates when groups are able to press their interests on, and even challenge, the government. The expression of group demands in a culture that encourages lawsuits thrusts on the courts all manner of disputes and interests.

6.4 Speaking

Imagine that you work as a lawyer in the USA. Tell your colleagues from Ukraine about your job.

6.5 Writing

Write a letter to your pen friend from America who works as a lawyer asking him about the profession of a lawyer in his country.

6.5 Grammar points: Participle I and Participle II

6.5.1 Rewrite the following sentences as in the example paying attention to Participle I:

A. Example: *The men who work in the Procurator's Office are my colleagues.* – *The men working in the Procurator's Office are my colleagues.*

1. The man who steals from pockets is a pickpocket. 2. The lawyer who is announcing the sentence is a judge. 3. The criminal who was escaping from Winston prison was rather dangerous. 4. The burglar who broke into their house at night was not alone, somebody helped him. 5. The unknown man who is following us looks like a criminal. 6. The plaintiff is a party which brings an action to win compensation.

B. Example: *When she heard the strange noise, she turned around.* – *Hearing the strange noise she turned around.*

1. When an aggrieved party starts criminal proceedings it usually sues for compensation. 2. When he questioned the witness he thought about his own family. 3. When they recognized his voice on the cassette, they became suspicious. 4. When they pass a law they always think if it violates the Constitution. 5. When I realized what had happened, I called the police.

C. Example: *I read the article about notary of the USA and made notes.* – *I read the article about notary of the USA making notes.*

1. The inspector looked at me and smiled. 2. The victim spoke and trembled. 3. The suspect spoke about his youth and showed old pictures with blood on them. 4. He turned over the pages of the criminal case and looked at the photos. 5. The man ran about and shouted.

6.5.2 Translate the following word combinations into Ukrainian paying attention to the use of Participle II:

A. a solved problem; a retired judge; the proposed action; the highly-qualified lawyers; the given powers; the required qualifications; unwritten law; the alleged right; an undefended divorce; a prescribed law; any accused person; any imprisoned citizen; any elected representative; any detailed rule; any examined witness; any revealed crime; any charged fine; the individual involved; the area concerned; the terminology used; the courts organized; the decision taken; the recommendations made; the courts organized by the local landowners.

6.5.3 Translate the following sentences into English using Participle:

1. Кожен заарештований чи затриманий повинен бути поінформований щодо причини його арешту чи затримання. 2. Кожен затриманий має право оскаржити в суді своє затримання. 3. Родичі заарештованої чи затриманої особи повинні бути поінформовані негайно про його чи її арешт. 4. Затримана чи арештована особа повинна бути звільнена відразу, якщо не було відповідного рішення суду. 5. Письмові статuti, складені законодавчими органами, є основою для вирішення справ за системою цивільного права.

7 Court Trial

7.1 Answer the questions:

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

7.1.1 Match the following English phrases to their Ukrainian equivalents:

- | | |
|---|--|
| 1. selection of a jury | a) змагальний процес добір присяжних |
| 2. opening statements | b) попередні виступи; вступні промови (адвокатів сторін) |
| 3. presentation of witnesses and evidence | c) нейтральний арбітр виклик свідків |
| 4. closing statements | d) давання показань, наведення доказів |
| 5. instructions by the judge to the jury | e) кінцеві аргументи (адвокатів сторін) |
| 6. deliberation | f) напутні слова судді присяжним |
| 7. decision by the jury | g) нарада присяжних |
| 8. adversary proceeding | h) вердикт журі (присяжних) |
| 9. neutral referee | i) добір присяжних |
| 10. decide questions of fact | j) виклик свідків |
| 11. establish case | k) вирішувати питання факту (злочину) |
| 12. to refute | l) доводити факт злочину, обґрунтувати позов |
| 13. preponderance of the evidence | m) спростовувати, заперечувати |

14. remedy

п) більша вагомість (переконливість)
доказів засіб судового захисту

15. beyond a reasonable doubt

о) поза всякими сумнівами

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

TRIAL

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

The Trial as an Adversary Proceeding.

A trial is an adversary proceeding, that is, a contest between opponents. Each party presents evidence and argument.

The judge's function is to control the contest as a neutral referee and to rule on questions of law. The jury's function is to decide questions of fact.

Burden and Degree of Proof.

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

Different kinds of cases require different degrees of proof. In most civil cases, the winner is the party whose position is supported by the preponderance of the evidence. This means the decision must be awarded to the party whose favorable evidence carries greater weight and believability, even if the evidence is only a fraction more weighty and believable than the evidence favoring the other party. Plaintiffs who are seeking an injunction or other extraordinary remedy have a heavier burden of proof. They must establish their case by clear and convincing evidence.

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

7.2.1 Match the English phrases from the text with their Ukrainian equivalents

1. A trial is an adversary proceeding, that is, a contest between opponents. The judge's function is to control the contest as a neutral referee and to rule on questions of law.

2. In a criminal case, the state must prove the defendant's guilt beyond a reasonable doubt.

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

4. The main steps in a trial include: selection of a jury; opening statements by the attorneys; presentation of witnesses and evidence; closing arguments by the attorneys; instructions by the judge to the jury; and deliberation and decision by the jury.

5. The jury's function is to decide questions of fact. Each party presents evidence and argument.

A. Різні справи вимагають різного ступеню переконливості доказів. У більшості цивільних справ виграє та сторона, яка наводить переконливіші докази.

B. Головними стадіями судового процесу є: добір присяжних; попередні виступи адвокатів сторін; виставлення свідків та наведення доказів (позивач (обвинувач) завжди виступає першим, за ним виступає захист); кінцеві аргументи адвокатів; напутні слова судді присяжним; нарада присяжних та вердикт журі.

C. Функцією журі присяжних є вирішення питань факту злочину. Кожна сторона наводить свої докази та аргументи.

D. Судовий процес - це змагальна процедура, тобто змагання між сторонами. Суддя наглядає за змагальним процесом як незалежний арбітр та консультує з питань права.

E. У кримінальній справі обвинувачення повинно довести вину підсудного поза всякими сумнівами.

7.2.2 Translate into Ukrainian

1. different degrees of proof; 2. selection of a jury; 3. to prove the defendant's guilt beyond a reasonable doubt; 4. deliberation and decision by the jury; 5. an adversary proceeding; 6. preponderance of the evidence; 7. a fraction more weighty and believable; 8. questions of fact; 9. closing arguments; 10. a contest between opponents; 11. neutral referee; 12. to rule on questions of law; 13. evidence favoring the other party; 14. more clear and convincing evidence; 15. extraordinary remedy; 16. presentation of witnesses and evidence; 17. initial burden falls on the complaining party; 18. believability; 19. to control the contest.

7.2.3 Translate into English

1. вердикт журі; 2. судовий процес є змаганням; 3. сторона-заявник; 4. вага та ступінь переконливості доказів; 5. виставлення свідків та наведення доказів; 6. доводити вину підсудного поза всякими сумнівами; 7. переконливіші докази; 8. тягар лягає на сторону-заявника; 9. добір присяжних; 10. консультація з питань права; 11. вирішення питання факту злочину; 12. попередні виступи адвокатів сторін; 13. сторона-заявник завжди виступає першою; 14. вагоміші та переконливіші докази; 15. сумніви щодо вини підсудного все ще залишилися; 16. кінцеві аргументи адвокатів; 17. напутні слова судді присяжним.

7.2.4 Make up 10 questions to the text above and ask your partner to answer them

7.3 Match the English phrases in 1 - 5 with their Ukrainian equivalents in 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 цивільних 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.

7.4 Render into English

У процесі слухання цивільної справи сторона позивача першою подає справу на розгляд суду присяжних та останньою надає заключні аргументи. 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.

Суддя безпосередньо має право певного контролю за допитом свідка з боку адвоката сторони й може формулювати запитання, адресовані свідку. 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.

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.

7.5 Read the text and write a summary to it

Systems for Conducting a Trial

There are two primary systems for conducting a trial: adversarial and inquisitorial.

In common law systems, an adversarial or accusatory approach is used to adjudicate guilt or innocence. The assumption is that the truth is more likely to emerge from the open contest between the prosecution and the defense in presenting the evidence and opposing legal arguments with a judge acting as a neutral referee and as the arbiter of the law. In several jurisdictions in more serious cases, there is a jury to determine the facts, although some common law jurisdictions have abolished the jury trial. This polarizes the issues, with each competitor acting in its own self-interest, and so presenting the facts and interpretations of the law in a deliberately biased way. The intention is that through a process of argument and counter-argument, examination-in-chief and cross-examination, each side will test the truthfulness, relevancy, and sufficiency of the opponent's evidence and arguments. To maintain fairness, there is a presumption of innocence, and the burden of proof lies on the prosecution. Critics of the system argue that the desire to win is more important than the search for truth. Further, the results are likely to be affected by structural inequalities. Those defendants with resources can afford to hire the best

lawyers. Some trials are or were of a more summary nature, as certain questions of evidence were taken as resolved.

Inquisitorial: In civil law legal systems, the responsibility for supervising the investigation by the police into whether a crime has been committed falls on an examining magistrate or judge who then conducts the trial. The assumption is that the truth is more likely to emerge from an impartial and exhaustive investigation both before and during the trial itself. The examining magistrate or judge acts as an inquisitor who directs the fact-gathering process by questioning witnesses, interrogating the suspect, and collecting other evidence. The lawyers who represent the interests of the State and the accused have a limited role to offer legal arguments and alternative interpretations to the facts that emerge during the process. All the interested parties are expected to co-operate in the investigation by answering the magistrate or judge's questions and, when asked, supplying all relevant evidence. The trial only takes place after all the evidence has been collected and the investigation is completed. Thus, most of the factual uncertainties will already be resolved, and the examining magistrate or judge will already have resolved that there is *prima facie* of guilt. Critics argue that the examining magistrate or judge has too much power in that he or she will both investigate and adjudicate on the merits of the case. Although lay assessors do sit as a form of jury to offer advice to the magistrate or judge at the conclusion of the trial, their role is subordinate. Further, because a professional has been in charge of all aspects of the case to the conclusion of the trial, there are fewer opportunities to appeal the conviction alleging some procedural error.

7.6 Speaking

Tell a school graduate who wants to become a lawyer about trial proceedings paying attention to differences in court proceedings of Ukraine and Britain, USA.

7.7 Read the case about shoplifting and get ready to act out the simulation role play

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

A case story

Mrs June Brown, was accused of having stolen a girl's woolen pullover. She refused to say anything and consequently the police were called and she was charged with theft.

The facts are the following:

Mrs June 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. June 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 June 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 Tacher was shop-lifting. The evidence against June was that the woman, Mrs Baker, a store detective, had entered the toilets and had seen Mrs June 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.

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.

Roles :

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.

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

7.7.2 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 department store

7.8 Grammar points: Infinitive, Gerund, Participle

7.8.1 Find the Infinitives, translate the sentences into Ukrainian:

1. The judge would like to see the witness. 2. I expect him to be always fair in making a verdict. 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 about trial. 5. We asked to be given convincing evidence. 6. She demanded to know the truth about the crime. 7. He is known to be a just judge. 8. He seems to work as an investigator. 9. We expect the witnesses to tell the truth. 10. He is known to make a good defence speech.

7.8.2 Read the following sentences translating the words in brackets into English. Use correct non-finitive form:

1. A criminal lawyer is a lawyer (що спеціалізується) in felonies. 2. A war criminal is a person (визнаний винним) in crimes against humanity. 3. Criminal procedure is the rules (що регулюють) the investigation of crimes; the arrest, (обвинувачення) and a trial of (звинувачених) criminals; and the (винесення вироку) of those convicted. 4. Criminal liability is a responsibility for (скоєння) a crime. 5. Murder is the unlawful crime (скоєний) against a person. 6. (Озброєне) robbery is the unlawful act of taking another's property (використовуючи) some dangerous weapon.

7.8.3 Complete the following sentences using your ideas, with 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 defence speech ... 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 ...

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

1. They want him... (to pay) damages. 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. 3. They want the investigator... (to arrest) the criminal. 4. I have never heard him... (to commit) a crime. 5. The offence turned out... (to commit) a crime while (to sleepwalk) and this act cannot be qualified as a crime. 6. We did not have an opportunity... (to apprehend) him. 7. Authority is the control (to result) from a community's system of rules. 8. The civil law includes cases (to relate) to family, property and contracts. 9. Family law includes the laws (to govern) marriage, divorce and welfare of children. 10. We can't

believe him (to commit) a crime. 11. I suspect him of (to copy) this computer program. 12. They sold the original work for low price (to leave) the original creator without a chance to get economic reward. 13. He is glad (to find) innocent. 14. She seems (to investigate) the case for two weeks. 15. The criminal is sad (to catch) by the police. 16. He is known (to be) a good defence lawyer. 17. She is belived (to be innocent). 18. He is said (to rob) the bank two years ago.

7.8.5 Translate into English using Infinitive and Infinitive Complexes:

1. Здається, вона скоїла злочин. 2. Ви чули, щоб він коли-небудь порушував закон? 3. Він почув як суддя говорив латиною. 4. Вони щасливі, що їх визнали невинними. 5. Здається, його оштрафували, тому що він був у стані сп'яніння за кермом. 6. Здається, він розслідує цю справу вже цілий рік. 7. Він хотів, щоб йому надали можливість відшкодувати збитки. 8. Говорять, що він пограбував банк. 9. Він щасливий, що знайшли злочинця. 10. Відомо, що вона чудовий адвокат. 11. Злочинець засмучений, що його арештували. 12. Здається, вона невинна. 13. Він хоче стати прокурором. 14. Оголосили, що терористів вже спіймали. 15. Бачили, як він грабував магазин. 16. Повідомляли, що вбивцю знайшли. 17. Припускають, що він не сам скоїв злочин. 18. Чули, що терористи захопили літак. 19. Відомо, що цей слідчий розслідує цю справу зараз. 20. Знають, що він справедливий прокурор.

| | |
|--------------------|--|
| Умовні позначення | |
| S | – підмет |
| S ₀ | – підмет в однині |
| S _s | – підмет у множині |
| S ₁ | – підмет головного речення |
| S ₂ | – підмет підрядного речення |
| V ₀ | – дієслово в першій формі (в інфінітиві) |
| V ₂ | – дієслово в другій формі |
| V ₃ /ed | – дієслово в третій формі |
| V _s | – дієслово в третій особі однини теперішнього часу |
| $\frac{?}{W}$ | – питальне слово або словосполучення |

THE PRESENT INDEFINITE TENSE

REMEMBER THE FOLLOWING ADVERBIALS OF TIME:

every day, every week, as a rule, usually, always, often, seldom, occasionally, etc

So/s + Vs/o...

They work as Prosecutors.

He studies at Law Academy.

**S + do
does + not V₀ ...**

I do not agree with the witness.

This lawyer does not work here.

**Do
Does + (not) S + V₀ ...?**

Do you study at Law Department?

Does Mary live near the University?

**$\frac{?}{W}$ + do
does + (not) S + V₀ ...?**

Where does your brother work?

Why don't you ask your defense lawyer for a piece of advice?

Who/What + V_s...?

**Who
What + does not V₀ ...?**

Who investigates this case?

THE PAST INDEFINITE TENSE

REMEMBER THE FOLLOWING ADVERBIALS OF TIME: yesterday, the day before yesterday, last week (night, spring, year), a year (some minutes, two weeks) ago, last April, in 1978

S+ V₂/ ed...

He investigated this case in 1999.

S + did not V₀...

He did not study Criminal Law last year.

Did (not) S+ V₀...?

Did you study Civil Law last year?

Didn't they find him guilty?

$\frac{?}{W} + \text{did (not) S+V}_0 \dots ?$

When did he kill him?

Why didn't you ask me to help you?

Who + V₂/ed... ?
What

Who investigated this case in 1999?

Who + did (not) V₀ ... ?
What

Who didn't fine the offender ?

THE FUTURE INDEFINITE TENSE

REMEMBER THE FOLLOWING ADVERBIALS OF TIME: tomorrow, next week (year, month), in 2035, in 5 minutes, etc

S + shall + V₀ ...
will

They will question the witnesses tomorrow.

S + shall + not V₀ ...
will

He will not go to the police the day after tomorrow.

Shall
Will + (not) S + V₀ ...?

Will you take your exam in Criminal Law tomorrow?

$\frac{?}{W}$ + **shall**
will + (not) S + V₀ ...?

How long will he stay in prison?

Who
What **will (not) V₀ ...?**

Who will question the witnesses ?

У підрядному реченні часу або умови після сполучників after, before, as soon as, till, until, when, if для вираження майбутньої дії вживається Present Indefinite Tense.

S₁ + **shall**
will + V₀ | **if** (when, etc) + S₂ + V_{s/o} ...

We shall discuss the question when a defense lawyer comes.

THE PRESENT CONTINUOUS TENSE

REMEMBER THE FOLLOWING ADVERBIALS OF TIME: now, at this moment

S + **am**
is + V_{ing}...
are

They are listening to the judge now.

S + **am**
is + **not** V_{ing}..
are

The students are not taking the exam.

Am
Is + (not) S + V_{ing}... ?
Are

Is he taking the exam in Civil Law now?

$\frac{?}{W} + \begin{matrix} \text{am} \\ \text{is} \\ \text{are} \end{matrix} + (\text{not}) S + \text{Ving...?}$

What is he doing?

What report are you reading?

$\begin{matrix} \text{Who} \\ \text{What} \end{matrix} + \text{is (not) Ving ...?}$

Who is waiting for you downstairs?

THE PAST CONTINUOUS TENSE

REMEMBER THE FOLLOWING ADVERBIALS OF TIME: at 4 o'clock yesterday, from 2 till 5 yesterday, the whole day yesterday, at this time yesterday, while... etc

$S + \begin{matrix} \text{was} \\ \text{were} \end{matrix} + \text{Ving}$

A lawyer was writing a report at this time yesterday.

$S + \begin{matrix} \text{was} \\ \text{were} \end{matrix} + \text{not Ving}$

He was not watching "Court Trial" on TV at this time yesterday.

$\begin{matrix} \text{Was} \\ \text{Were} \end{matrix} + (\text{not}) S + \text{not Ving ...?}$

Was the suspected working in the garden at 4 o'clock yesterday?

$\frac{?}{W} \begin{matrix} \text{was} \\ \text{were} \end{matrix} + (\text{not}) S + \text{Ving ...?}$

What was he doing at five o'clock yesterday?

$\begin{matrix} \text{Who} \\ \text{What} \end{matrix} + \text{was (not) Ving...?}$

Who was giving statements while detective was making the report?

THE FUTURE CONTINUOUS TENSE

REMEMBER THE FOLLOWING ADVERBIALS OF TIME: *at this time tomorrow, from 1 till 2 tomorrow, whe he comes, the whole day tomorrow, etc.*

S + **shall**
will + be Ving ...

Ann will be preparing for her exam in Criminal Law the whole day tomorrow.

S + **shall**
will + not be Ving ...

He won't be questioning the witnesses at this time tomorrow.

Shall
Will + (not) S + be Ving ...?

Will you be reading for your exam in Labour Law at 3 o'clock tomorrow?

$\frac{?}{W}$ + **shall**
will + (not) S + be Ving ...?

Where will you be waiting for us?

Who
What + will (not) be Ving ...?

Who will be questioning the suspects 3 o'clock ?

THE PRESENT PERFECT TENSE

REMEMBER THE FOLLOWING ADVERBIALS OF TIME: *already, never, ever, yet, today, this week, How long?etc.*

S + **have**
has + V₃ ...

She has already investigated the case.

S + **have**
has + not V₃ ...

He has not finished his work yet.

Have + (not) S + V₃ ...?
Has

Has the judge passed the sentence?

$\frac{?}{W}$ + **have** + (not) S + V₃ ...?
has

Why haven't you explained the reason of your criminal act?

Who + has (not) V₃ ...?
What

Who has mentioned the name of the robber?

THE PRESENT PERFECT CONTINUOUS TENSE

S + **have** + been V_{ing}...
has

We have been studying Criminal Law for 2 years.

S + **have** + not been V_{ing}...
has

The suspects have not been driving their cars since Monday.

Have + (not) S + been V_{ing} ...?
Has

Have you been interviewing the suspects since morning?

$\frac{?}{W}$ + **have** + (not) S + been V_{ing} ...?
has

Why hasn't he been sleeping well lately?

Who + has (not) been V_{ing} ...?
What

Who has been watching us for 2 hours?

THE PAST PERFECT TENSE

S + **had** V₃ ...

She had passed the exam by 4 o'clock yesterday.

S + **had not** V₃...

The investigator hadn't made the report by the time the chief inspector called.

Had (not) + S + V₃... ?

Had he found the evidences by the time the Prosecutor called?

$\frac{?}{W}$ + **had (not) S + V₃ ...?**

What had you done by 9 o'clock last night?

Who
What + **had (not) V₃ ...?**

Who had passed the credit in Labour Law by 10 o'clock yesterday?

THE SEQUENCE OF TENSES

INDIRECT STATEMENTS

При перетворенні речення у прямій мові в речення у непрямій мові, форма дієслова додаткового підрядного речення змінюється відповідно до форми дієслова головного речення:

* Якщо дія, позначена дієсловом підрядного речення, відбувається одночасно з дією головного речення, у підрядному реченні вживається дієслово в *Past Indefinite* або в *Past Continuous Tense*.

* Якщо дія, позначена дієсловом підрядного речення, відбулася раніше дії головного речення, у підрядному реченні – *Past Perfect Tense*.

* Якщо дія, позначена дієсловом підрядного речення, є майбутньою стосовно дії, вираженої дієсловом головного речення, у підрядному реченні вживається дієслово в *Future-in-the-Past*.

Таблиця 1 – Пряма та непряма мова

| Direct Speech | Indirect Speech |
|---|---|
| Present Simple “I work as an investigator”, she says. | Present Simple She says she works as an investigator |
| Present Continuous “He is making a report”, she says. | Present Continuous She says he is making a report. |
| Present Perfect “He has found the criminal”, she says. | Present Perfect She says he has just found the criminal. |
| Present Simple “I work as an investigator”, she said. | Past Simple She said she worked as an investigator. |

Щоб передати **запитання** в непрямій мові, після питального слова (*what, where, etc.*) або сполучника (*if, whether*) потрібно поставити підмет підрядного речення, а за ним – присудок. При цьому слід дотримуватися правила узгодження часів.

He asked her when she would go to the police.
He wanted to know if she would enter the Law Academy.

THE PASSIVE VOICE

Щоб виразити дію, спрямовану на підмет (дію в пасивному стані), після підмета потрібно поставити дієслово *to be* у відповідному часі, а за ним – третю форму дієслова.

| | | |
|------------------------|-----------------|---|
| Present Simple S + | am is are | V ₃ /ed.... |
| Past Simple S + | was were | V ₃ /ed ... |
| Future Simple S + | shall will | be V ₃ /ed |
| Present Continuous S + | is/are/ am | being V ₃ /ed |
| Past Continuous S + | Was/ were | being V ₃ /ed |
| Present Perfect S + | have has | been V ₃ /ed |
| Past Perfect S + | had | been V ₃ /ed |
| Future Perfect S + | shall will | + have has been V ₃ /ed |

The suspects are questioned the police office.

A new law will be passed next week.

The alibi is being discussed now.

| | | |
|--------------------|-----------------|------------------------------------|
| Present Simple S + | am is are | + not + V ₃ /ed |
| Past Simple S + | was were | + not + V ₃ /ed |
| Future Simple S + | shall | + not + be V ₃ /ed |

will

| | | |
|-------------------------------|-----------------------------|--|
| Present Continuous S + | is /am/are | + not + being+ V₃ /ed |
|-------------------------------|-----------------------------|--|

| | | |
|----------------------------|------------------|--|
| Past Continuous S + | Was /were | + not + being+ V₃/ed |
|----------------------------|------------------|--|

| | | |
|----------------------------|---------------------------|---|
| Present Perfect S + | have has | + not + been+ V₃ /ed |
|----------------------------|---------------------------|---|

| | | |
|-------------------------|------------|---|
| Past Perfect S + | had | + not + been+ V₃/ed ... |
|-------------------------|------------|---|

| | | |
|---------------------------|-----------------------------|--|
| Future Perfect S + | shall will | + have + not + been+ V₃ /ed |
|---------------------------|-----------------------------|--|

A new law has not been passed yet.

The alibi will be discussed in 5 minutes.

The witnesses had been questioned by 3 o'clock yesterday.

| | | |
|-----------------------|--------------------------------------|---|
| Present Simple | Am Is Are | (not) S + V₃ /ed ...? |
|-----------------------|--------------------------------------|---|

| | | |
|--------------------|---------------------------|--|
| Past Simple | Was Were | (not) S + V₃/ed ...? |
|--------------------|---------------------------|--|

| | | |
|----------------------|-----------------------------|---|
| Future Simple | Shall Will | (not) S + be+ V₃ /ed ...? |
|----------------------|-----------------------------|---|

| | | |
|----------------------|--|--|
| Future Simple | Is/ am/ are | (not) S + being +V₃ /ed ...? |
|----------------------|--|--|

| | | |
|------------------------|------------------|---|
| Past Continuous | Was /Were | (not) S+ being + V₃/ed? |
|------------------------|------------------|---|

| | | |
|------------------------|---------------------------|---|
| Present Perfect | Have Has | (not) S + been+ V₃ /ed ...? |
|------------------------|---------------------------|---|

| | | |
|---------------------|------------|--|
| Past Perfect | Had | (not) S + been + V₃/ed ? |
|---------------------|------------|--|

Will the bill be discussed tomorrow ?

Is a new bill being signed now?

Have the witnesses been interviewed yet?

| | | | |
|-----------------------|----------------------|--|---|
| Present Simple | ? W | + am is are | (not) S + V₃ /ed ...? |
|-----------------------|----------------------|--|---|

| | | | | |
|---------------------------|---------------|---|----------------------------------|---|
| Past Simple | $\frac{?}{W}$ | + | was were | (not) S + V ₃ /ed ...? |
| Future Simple | $\frac{?}{W}$ | + | shall will | (not) S + be V ₃ /ed ...? |
| Present Continuous | $\frac{?}{W}$ | + | am/ is/are | (not) S + being V ₃ /ed ...? |
| Present Perfect | $\frac{?}{W}$ | + | have has | (not) S + been V ₃ /ed ...? |
| Past Perfect | $\frac{?}{W}$ | + | had | (not) S + been V ₃ /ed ...? |
| Future Perfect | $\frac{?}{W}$ | + | will (not) have | S + been V ₃ /ed ...? |

Where were the fingerprints found?
When will the agreement be signed?

| | | | |
|---------------------------|---------------------------|-------------|--|
| Present Simple | Who What | is | (not) V ₃ /ed ...? |
| Past Simple | Who What | was | (not) V ₃ /ed ...? |
| Future Simple | Who What | will | (not) be V ₃ /ed ...? |
| Present Continuous | Who What | is | (not) S + being V ₃ /ed ...? |
| Present Perfect | Who What | has | (not) S + been V ₃ /ed ...? |
| Future Perfect | Who What | will | have (not) S + been V ₃ /ed ...? |

What evidence have been found lately?
Who was killed yesterday?

Таблиця 2 – Модальні дієслова та їх еквіваленти

| Дієслово | Значення | Present | Past | Future |
|------------|--|--|--|--|
| can | Можливість дії (здатність розумова чи фізична) | can is/am/are able to | could was able to were | will/ shall be able to |
| may | Дозвіл | may | might was allowed to were | will/ shall be allowed to |

| | | | | |
|-------------------|--|---------------------|--|--------------------------------|
| must | Обов'язок Заборона | must | ----- | ----- |
| to have to | Необхідність, зумовлена обставинами | have/has to | had to | Shall/ will have to |
| to be to | необхідність, обумовлена розкладом, домовленістю | is/am/are to | was/were to | |
| need | Необхідність виконання дії. Відсутність неохідності | need | Needn't have Ved/3 (можна було не робити, але зробили) Didn't need to (можна було не робити, і не робили) | need |
| should | Порада, рекомендація | Should | Should have V ed/3 (критика) | |
| ought to | моральний обов'язок | ought to | ought have V ed/3 (критика) | |

can
S + may + V₀....
must

We can appeal this case to the higher court.

cannot
S + may not + V₀....
must not

You must not cross the street at the red light.

Can
May + S + V₀...?
Must

Cannot
May not + S + V₀...?
Must not

Can I ask the witnesses?

?
W can + S + V₀...?
may
must

?
W cannot + S + V₀...?
may not
must not

Where may I make a will ?

| | | | | | | | | | | |
|-------------|---|--------------------|---|---------------------|--|-------------|---|-------------------------------|---|---------------------|
| Who What | + | can may must | + | V ₀ ...? | | Who What | + | cannot may not must not | + | V ₀ ...? |
|-------------|---|--------------------|---|---------------------|--|-------------|---|-------------------------------|---|---------------------|

Who can investigate the situation ?
Who cannot ask the witnesses?

THE INFINITIVE

Інфінітив – це неособова форма дієслова, яка лише називає дію взагалі, безвідносно до того, хто її виконує і коли. У всіх своїх формах і функціях інфінітив має частку *to*.

Таблиця 3 – **Форми інфінітива**

| Форми інфінітива | Active | Passive |
|--------------------|------------------------|-----------------------|
| Simple | to arrest | to be arrested |
| Continuous | to be arresting | |
| Perfect | to have arrested | to have been arrested |
| Perfect Continuous | to have been arresting | |

Об’єктна інфінітивна конструкція має у своєму складі інфінітив і вживається у функції додатка. Об’єктна інфінітивна конструкція вживається після дієслів, що виражають

а) сприймання за допомогою органів чуття: *to see, to hear, to feel, to watch, to observe, to notice* (після цих дієслів інфінітив вживається без частки *to*): *Suddenly I heard her call the criminal’s name.* – Раптом я почув, що вона назвала ім’я злочинця.

б) бажання, намір, почуття: *to want, to wish, to desire, to like, to dislike, to hate, to intend, would like*: *They wanted him to plead guilty.* – Вони хотіли, щоб він визнав свою провину.

в) думку, припущення, сподівання: *to consider, to believe, to think, to find, to know, to expect, to suppose*: *They considered him to be the best investigator in London.* – Вони вважали його найкращим слідчим у Лондоні.

г) наказ, прохання, дозвіл, пораду, примус: *to order, to ask, to request, to allow, to permit, to advise, to recommend, to cause, to force, to make, to let* (після дієслів *to let, to make* інфінітив вживається без частки *to*):

The policeman allowed the criminal to have a smoke. – Поліцейський дозволив злочинцю покурити.

Суб’єктна інфінітивна конструкція. До її складу входить інфінітив, а вся конструкція виконує роль підмета речення.

Суб’єктний інфінітивний комплекс вживається:

а) із дієсловами *to say, to report* у пасивному стані:

He is said to deal with this dangerous case. – Кажуть, що він займається цією небезпечною справою.

б) із дієсловами (у пасивному стані), що означають думку, припущення, сподівання: *to think, to know, to consider, to believe, to suppose, to expect*:

The criminal is expected to be arrested tomorrow. – Сподіваються, що злочинця арештують завтра.

в) із дієсловами (в пасивному стані), що виражають сприймання за допомогою органів чуття – *to see, to hear, to feel, to notice, to observe, to watch*:

He was seen to enter the courtroom. – Бачили, як він входив у будинок.

г) із дієсловами *to seem, appear, happen, chance, turn out, prove*:

She seemed not to listen to the sentence. – Здавалося, вона не слухає вирок.

д) із словосполученнями *to be sure, to be certain, to be likely, to be unlikely*:
They are sure to be innocent. – Вони, напевно, невинні.

THE GERUND

Герундій – це неособова форма дієслова, яка має властивості іменника і дієслова. Форми герундія утворюються за допомогою закінчення *-ing*, яке додається до основи дієслова. Герундій має одну просту і три складні форми:

Таблиця 4 – **Форми герундія**

| Форми герундія | Active | Passive |
|----------------|------------------------|-----------------------------|
| Simple | <i>arresting</i> | <i>being arrested</i> |
| Perfect | <i>having arrested</i> | <i>having been arrested</i> |

Simple Gerund, активний і пасивний, виражає дію, що відбувається одночасно з дією, вираженою дієсловом-присудком у реченні в теперішньому, минулому або майбутньому часі:

My friend dreamed of becoming a traffic policeman. – Мій друг мріяв стати офіцером дорожньої міліції.

Perfect Gerund, активний і пасивний, вживається для позначення дії, яка передує дії, вираженій дієсловом-присудком у реченні:

He remembers having been sentenced to ten months for shoplifting. –

Він пам'ятає, як його засудили до 10 місяців тюремного ув'язнення за крадіжку в магазині.

Герундій разом з іменником або присвійним займенником, що стоїть перед ним й позначає діяча, утворює герундіальний зворот і передає самостійну думку:

I remember my friends having helped me then. –

Я пам'ятаю, що мої друзі допомогли мені тоді.

У реченні герундій може бути підметом, частиною присудка, прямим або непрямым додатком чи означенням. Наприклад:

Learning the basic practical skills of police work helps them become more skilful police officers. – Оволодіння основними практичними навичками поліцейської роботи допомагає їм стати досвідченішими офіцерами поліції.

Our aim is helping the community. – Наша мета – допомогати суспільству

Подібно до іменника він часто вживається з прийменниками і присвійними займенниками:

I like your idea of becoming a lawyer. – Мені подобається твоя ідея стати юристом.

THE PARTICIPLE (I, II)

Participle I – це неособова форма дієслова, що має властивості прикметника і прислівника. Participle I утворюється за допомогою закінчення *-ing*, яке додається до основи дієслова. Participle I має такі форми:

Таблиця 5 – **Форми дієприкметника**

| Форми Participle I | Active | Passive |
|--------------------|------------------|----------------------|
| Simple | arresting | being arrested |
| Perfect | having arresting | having been arrested |

Participle I відповідає українському дієприкметнику активного стану теперішнього часу та дієприслівнику недоконаного виду:

A man speaking to the prosecutor is his father. – Чоловік, який розмовляє із прокурором його батько.

He mentioned very interesting facts speaking with the students. - Він згадав дуже цікаві факти, розмовляючи із студентами.

Participle I Simple вказує на те, що дія, виражена ним, здійснюється одночасно з дією, вираженою присудком.

Participle I Perfect вказує на передування його дії дії присудка:

Having collected all the evidence they were able to start the investigation. – Зібравши всі докази, вони могли почати розслідування.

Participle II – це неособова форма дієслова, що має властивості дієслова і прикметника. Participle II має тільки одну форму – до правильних дієслів додається закінчення *-ed*, для неправильних дієслів – III форма дієслова.

Незалежна дієприкметникова конструкція може вводитись прийменником *with*:

The convicted person was standing, with his arms crossed and his head bent. – Засуджений стояв зі схрещеними руками та опущеною головою.

CONDITIONAL SENTENCES

В англійській мові слід розрізняти такі типи умовних речень:

1. Умовні підрядні речення першого типу виражають реальні умови в теперішньому чи майбутньому часі для реальних дій чи фактів, виражених у головному реченні:

Таблиця 6 – Умовні речення першого типу

| If-clause (hypothesis) | Main clause(result) |
|---|---|
| if + Present Simple/ Continuous/ Perfect/ Perfect Continuous | Future/ Imperative/can/may/must/should +bare infinitive |

e.g. *If we know anything about this crime, we will tell you.*

Якщо ми дізнаємось щось про злочин- ми розкажемо тобі.

2. Умовні підрядні речення другого типу виражають неймовірні або малоймовірні припущення, які відносяться до теперішнього або майбутнього часу:

Таблиця 7 – Умовні речення другого типу

| If-clause (hypothesis) | Main clause(result) |
|------------------------------|------------------------------------|
| If + Past Simple/ Continuous | Would/could/might/+bare infinitive |

e.g. *If I were the prosecutor, I would put him into prison.*

Якби я був прокурором – я б відправив його до в'язниці.

У головному реченні вживається допоміжне дієслово **should/would/might** і інфінітив смислового дієслова, а в підрядному реченні — форма, яка збігається з формою **Past Indefinite/Continuous**

3. Умовні підрядні речення третього типу виражають нереальні умови для дій, вказують на те, що могло б відбутися у минулому, але не відбулося:

Таблиця 8 – Умовні речення третього типу

| If-clause (hypothesis) | Main clause(result) |
|---|---|
| If + Past Perfect/ Past Perfect Continuous | Would/could/might/+have+Past Participle |

e.g. *If he hadn't left his fingerprints on the gun yesterday, the police would not have found him.*

Якби він не залишив відбитки пальців вчора, поліція не знайшла б його.

У головному реченні вживається допоміжне дієслово **should/would/might/could** і перфектний інфінітив, а в підрядному реченні — форма, яка збігається з формою **Past Perfect/Past Perfect Continuous**

Таблиця 9 – Умовні речення нульового типу

| If-clause (hypothesis) | Main clause(result) |
|------------------------|---------------------|
| If +Present Simple | Present Simple |

e.g. *If the accused is found innocent, he is released.* – Якщо обвинуваченого визнають винним, його звільняють..

“I WISH” sentences

В додаткових підрядних реченнях, що залежать від дієслова **to wish**, вживається:

1) **Past Subjunctive** (співпадає по формі з Past Indefinite) та вказує на бажану дію в теперішньому чи майбутньому

e.g., *I wish I were a notary.*

— Я би я хотів, щоб я був нотаріусом.

— Шкода, що я не нотаріус. (Second Conditional)

2) **Past Perfect Subjunctive** (співпадає по формі з Past Perfect) та вказує на бажану дію в минулому

e.g., *I wish you had told us the truth yesterday.*

— Шкода, що ти не розповів нам правду вчора.

— Добре було б, якби ти розповів нам правду. (Third Conditional)

3) В додаткових підрядних реченнях, які залежать від дієслова **to wish** вживається **would + infinitive**, якщо ми хочемо висловити бажання про те, щоб ситуація змінилася або зараз, або в майбутньому, хоча не дуже сподіваємось на це.

В більшості випадків зміна ситуації не залежить від особи, що висловлює побажання

e.g. *I wish he would agree to go to the police.*

— Я б хотів, щоб він погодився піти до поліції. (Would + Infinitive)

VOCABULARY

ENGLISH – UKRAINIAN

| | |
|------------------------------------|---|
| Accused | <i>Обвинувачений</i> |
| admit | <i>визнавати</i> |
| administer justice | <i>здійснювати правосуддя</i> |
| administrative case | <i>адміністративна справа</i> |
| appeal | <i>апеляція</i> |
| appellate district | <i>апеляційний округ</i> |
| appellate jurisdiction | <i>апеляційна юрисдикція</i> |
| apply the law | <i>застосовувати закон</i> |
| appropriation of the functions | <i>привласнення функцій</i> |
| arise while implementing a verdict | <i>виникати при виконанні рішення</i> |
| Associate Justice | <i>член Верховного суду</i> |
| attorney | <i>адвокат</i> |
| on the specialization principle | <i>за принципом спеціалізації</i> |
| on the territorial principle | <i>за принципом територіальності</i> |
| be subject to | <i>підлягати</i> |
| bring a case | <i>заслуховувати справу</i> |
| burden | <i>тягар</i> |
| case | <i>справа (у суді)</i> |
| cases with newly obtained evidence | <i>справи за нововиявленими обставинами</i> |
| Chief Justice | <i>голова Верховного суду</i> |
| citizens' rights | <i>права громадян</i> |
| civil and criminal jurisdiction | <i>цивільна та кримінальні юрисдикції</i> |
| civil matters | <i>цивільні справи</i> |
| commit a crime | <i>вчинювати злочин</i> |
| common pleas court | <i>суд загального права</i> |
| compel | <i>примусити</i> |
| conformity of laws (with) | <i>відповідність законів (чомусь)</i> |
| consent | <i>згода</i> |
| constitutional | <i>передбачений Конституцією</i> |
| constitutional system | <i>конституційний лад</i> |
| contentious case | <i>спірна справа</i> |
| county court | <i>окружний суд</i> |
| court costs | <i>судові витрати</i> |
| Court of Claims | <i>претензійний суд</i> |
| Court order | <i>рішення суду</i> |
| debt collection | <i>стягнення боргу</i> |
| deny | <i>заперечувати</i> |
| detain | <i>затримувати</i> |
| dismiss | <i>відхилити позов</i> |

| | |
|----------------------------------|---|
| dispute | <i>спір</i> |
| district court | <i>районний суд</i> |
| domestic issue | <i>сімейна справа</i> |
| empowered | <i>уповноважений</i> |
| evidence | <i>докази</i> |
| execute a will | <i>оформляти заповіт</i> |
| exclusive jurisdiction | <i>виключна юрисдикція</i> |
| exclusively authorize the courts | <i>наділяти тільки суди правом</i> |
| exercise the functions | <i>виконувати функції</i> |
| extraordinary writ | <i>надзвичайний судовий наказ</i> |
| family lawsuit | <i>сімейна справа (у суді)</i> |
| felony | <i>тяжкий злочин</i> |
| final determination | <i>остаточне вирішення</i> |
| final judgment | <i>остаточне рішення</i> |
| find a person guilty | <i>визнавати особу винною</i> |
| fine | <i>штраф</i> |
| for the life term | <i>довічно (на довічний термін)</i> |
| general jurisdiction | <i>загальна юрисдикція</i> |
| government official | <i>державний службовець</i> |
| guarantees of implementation | <i>гарантії здійснення</i> |
| hear claims for money | <i>розглядати фінансові претензії</i> |
| hearing cases in trial courts | <i>розгляд справ у першій інстанції</i> |
| high court | <i>верховний суд</i> |
| impartial | <i>неупереджений</i> |
| impose a criminal penalty (on) | <i>призначати кримінальне</i> |
| | <i>покарання</i> |
| inferior court | <i>нижчий суд</i> |
| informal procedure | <i>неформальні умови</i> |
| intermediate court | <i>проміжний суд</i> |
| last resort | <i>остання інстанція</i> |
| lawsuits | <i>судові справи</i> |
| legal acts | <i>правові акти</i> |
| legal bodies | <i>судові органи</i> |
| legal defense | <i>судовий захист</i> |
| legal description | <i>законодавче визначення</i> |
| legal relations | <i>правовідносини</i> |
| legality of imprisonment | <i>законність ув'язнення</i> |
| to licence | <i>видавати патент</i> |
| local jail | <i>місцева в'язниця</i> |
| minor damage | <i>незначні збитки</i> |
| minor injury | <i>незначна травма</i> |
| misdemeanor | <i>незначне правопорушення</i> |
| modify judgments | <i>змінювати рішення</i> |
| original jurisdiction | <i>первинна юрисдикція</i> |
| panel of judges | <i>колегія суддів</i> |

| | |
|----------------------------------|---|
| party | <i>сторона (у справі)</i> |
| penalty | <i>покарання</i> |
| penitentiary term | <i>виправний строк</i> |
| preliminary hearings | <i>попередні слухання</i> |
| preparation of cases for hearing | <i>підготовка справ до судового розгляду</i> |
| regional court | <i>обласний суд</i> |
| regular trial court | <i>звичайний суд першої інстанції</i> |
| remand (judgments) | <i>повертати для перегляду</i> |
| resolve disputes | <i>вирішувати спори</i> |
| reverse | <i>скасовувати (рішення)</i> |
| review | <i>перегляд(ати)</i> |
| reviewing court decisions | <i>перегляд судових рішень</i> |
| scope of powers | <i>обсяг повноважень</i> |
| sufficient evidence | <i>достатньо доказів</i> |
| submission of cases for hearing | <i>призначення справ до судового розгляду</i> |
| testimony | <i>свідчення свідка</i> |
| trial | <i>засідання</i> |
| trial court | <i>судовий процес</i> |
| under a regular legal procedure | <i>у встановленому законом порядку</i> |
| witness | <i>свідок</i> |

UKRAINIAN – ENGLISH

| | |
|---------------------------------------|------------------------------------|
| <i>адвокат</i> | attorney |
| <i>адміністративна справа</i> | administrative case |
| <i>апеляції</i> | appeals |
| <i>апеляційна юрисдикція</i> | appellate jurisdiction |
| <i>апеляційний округ</i> | appellate district |
| <i>верховний суд</i> | high court |
| <i>визнавати особу винною</i> | find a person guilty |
| <i>виключна юрисдикція</i> | exclusive jurisdiction |
| <i>виключне становище</i> | exclusive position |
| <i>виконати власний обов'язок</i> | do one's duty |
| <i>використовувати повноваження</i> | enforce powers |
| <i>виникати при виконанні рішення</i> | arise while implementing a verdict |
| <i>виправний строк</i> | penitentiary term |
| <i>вирішувати спори</i> | resolve disputes |
| <i>відділ дрібних позовів</i> | small claims division |
| <i>відповідність законів</i> | conformity of laws (with) |
| <i>відправляти правосуддя</i> | administer the law |

| | |
|---------------------------------------|------------------------------------|
| <i>встановлювати</i> | determine; establish |
| <i>вчинювати злочин</i> | commit a crime |
| <i>галузеві суди</i> | specialized courts |
| <i>гарантії здійснення</i> | guarantees of implementation |
| <i>голова Верховного суду</i> | Chief Justice |
| <i>головний зміст</i> | main concern |
| <i>делегування функцій</i> | delegation of the functions |
| <i>державний службовець</i> | government official |
| <i>дієвий</i> | effective |
| <i>довічно (на довічний термін)</i> | for the life term |
| <i>докази</i> | evidence |
| <i>єдиний орган</i> | the sole body |
| <i>з найширшими повноваженнями</i> | most powerful |
| <i>за принципом спеціалізації</i> | based on the specialization |
| <i>за принципом територіальності</i> | based on the territorial principle |
| <i>забезпечити справедливість</i> | provide for justice |
| <i>заборона заслуховувати справу</i> | prohibition writ |
| <i>загальна юрисдикція</i> | general jurisdiction |
| <i>законність ув 'язнення</i> | legality of imprisonment |
| <i>законодавче визначення</i> | legal description |
| <i>порушувати справу</i> | bring a case |
| <i>застосовувати закон</i> | apply the law |
| <i>заповіт</i> | will |
| <i>затвердити (рішення)</i> | affirm; uphold |
| <i>захист</i> | protection |
| <i>захищати в суді</i> | plead in court |
| <i>захищати права громадян</i> | protect the citizens' rights |
| <i>звичайний суд першої інстанції</i> | regular trial court |
| <i>згода</i> | consent |
| <i>здійснювати правосуддя</i> | administer justice |
| <i>змінювати рішення</i> | modify judgments |
| <i>кваліфікований</i> | efficient |
| <i>колегія суддів</i> | panel of judges |
| <i>конституційний лад</i> | constitutional system |
| <i>кримінальний (тяжкий) злочин</i> | felony |
| <i>кримінальні справи</i> | criminal cases |
| <i>міжрайонні суди</i> | district courts |
| <i>місдімінор</i> | misdemeanor |
| <i>місцева в 'язниця</i> | local jail |
| <i>міські суди</i> | municipal courts |
| <i>муніципальний закон</i> | municipal law |
| <i>муніципальний суд</i> | municipal court |
| <i>набирати законної сили</i> | become competent |
| <i>надзвичайна важливість</i> | extraordinary importance |
| <i>надзвичайний суд</i> | extraordinary court |

| | |
|--------------------------------------|------------------------------------|
| <i>надзвичайний судовий наказ</i> | extraordinary writ |
| <i>надзвичайні засоби судового</i> | extraordinary remedies |
| <i>(правового) захисту</i> | |
| <i>найголовніша функція</i> | principal function |
| <i>найменш серйозне</i> | minor civil case |
| <i>правопорушення</i> | |
| <i>наказ посадовій особі про</i> | mandamus writ |
| <i>виконання вимог заявника</i> | |
| <i>наказ про перевірку</i> | quo warranto writ |
| <i>правомірності претензій</i> | |
| <i>наклеп</i> | slander/libel |
| <i>національна безпека</i> | national security |
| <i>не допускається</i> | shall not be permitted |
| <i>не перевищувати</i> | not exceed |
| <i>незначна травма</i> | minor injury |
| <i>незначне правопорушення</i> | misdemeanor |
| <i>незначні збитки</i> | minor damage |
| <i>неупереджений</i> | impartial |
| <i>неформальні умови</i> | informal procedure |
| <i>обвинувачений</i> | defendant,accused |
| <i>обвинувачення</i> | charge |
| <i>обласні суди</i> | regional courts |
| <i>обсяг повноважень</i> | scope of powers |
| <i>оголосити покарання</i> | pronounce a sentence |
| <i>окремі категорії справ</i> | specific types of cases |
| <i>окружний суд орган</i> | district court |
| <i>оформляти заповіт</i> | execute a will |
| <i>суд останньої інстанції</i> | last resort |
| <i>первинна юрисдикція</i> | original jurisdiction |
| <i>перегляд судових рішень</i> | reviewing court decisions |
| <i>переглядати</i> | review |
| <i>переглядати справи в</i> | hear cases appealed from the lower |
| <i>апеляційному порядку</i> | courts |
| <i>передбачений Конституцією</i> | constitutional |
| <i>подавати позов</i> | sue |
| <i>поданий до суду</i> | filed case |
| <i>покарання</i> | penalty |
| <i>попередні слухання</i> | preliminary hearings |
| <i>посадова особа</i> | official |
| <i>правила нагляду за процедурою</i> | rules of superintendence |
| <i>проведення засідань</i> | |
| <i>правові акти</i> | legal acts |
| <i>правовідносини</i> | legal relations |
| <i>позивач</i> | claimant,plaintiff |
| <i>присяжний</i> | juror |

| | |
|--|------------------------------------|
| <i>скарга</i> | complaint |
| <i>свідок</i> | witness |
| <i>сімейні справи в суді</i> | family lawsuits |
| <i>скасовувати рішення</i> | reverse |
| <i>спір</i> | dispute |
| <i>спірна справа</i> | contentious case |
| <i>справа у суді</i> | case |
| <i>справи за нововиявленими обставинами</i> | cases with newly obtained evidence |
| <i>справи, пов'язані з дорожньо-транспортними пригодами</i> | traffic cases |
| <i>спростовувати</i> | deny |
| <i>сторона у справі</i> | party |
| <i>стягнення (штрафу тощо)</i> | collection |
| <i>суд загального права</i> | common pleas court |
| <i>суд першої інстанції</i> | trial court |
| <i>судова помилка, здатна вплинути на правомірність судового рішення</i> | plain (prejudicial) error |
| <i>судова система</i> | judicial system |
| <i>судовий захист</i> | legal defense |
| <i>судовий процес</i> | trial |
| <i>судові витрати</i> | court costs |
| <i>судові органи</i> | legal bodies |
| <i>судові справи</i> | lawsuits |
| <i>судочинство</i> | court proceedings |
| <i>тлумачити</i> | interpret |
| <i>трудова колонія</i> | workhouse |
| <i>тягар</i> | burden |
| <i>тяжба</i> | litigation |
| <i>у встановленому законом порядку</i> | under a regular legal procedure |
| <i>ув'язнення на термін не більше одного року</i> | term of not more than one year |
| <i>уповноважений</i> | empowered |
| <i>фелонія</i> | felony |
| <i>цивільна та кримінальна юрисдикції</i> | civil and criminal jurisdiction |
| <i>цивільні справи</i> | civil matters |
| <i>цивільний судовий спір</i> | litigation |
| <i>член Верховного суду</i> | Associate Justice |
| <i>штраф</i> | fine |
| <i>юрисдикція першої інстанції</i> | original jurisdiction |

References

1. Водяха А. М. Правова система Великої Британії: навчальний посібник з англійської мови для студентів-юристів. – Х.: Консум, 2000. – 108 с.
2. Гурманова Ю. Л. Just English. Английский для юристов. Базовый курс / Гурманова Ю. Л., Королева-МакАри В. А., Свешникова М. Л. – М.: ИКД "Зерцало-М", 2002. – 256 с.
3. Зернецький П. В. Англійська мова для правників / Зернецький П. В., Орлов М. В. – К.: Вид. дім «КМ Академія», 2003. – 182 с.
4. Завдання студентам-юристам для самостійного опрацювання розмовних тем / О.М.Бровіна О.В.Гончар Н.В.Карцева та ін. За заг. ред.проф. В.П.Сімонок.–Х.: Право, 2005.– 60 с.
5. Мізецька В. Я. Практичний курс англійської мови для юристів: підручник. – Х.: «Одіссей», 2003. – 240 с.
6. Черноватий Л. М. Буква закону: навчальний посібник з англійської мови для навчання професійного спілкування майбутніх правників / Черноватий Л. М., Липко І. П., Романюк С. М. та інш. – К.: Право, 2011. – 526 с.
7. Черноватий Л. М. Переклад англомовної юридичної літератури: навчальний посібник / Черноватий Л. М., Карабан В. І., Іванко Ю. П., Липко І. П. – Вінниця: Нова Книга, 2006. – 656 с.

