

This is a motor-cycle policeman.
He can ride around quicker than a
police car. He can also go into
fields and onto grass. His bike also
has a radio fitted for calling the
station.

This police officer has spotted
some people dogging in a park.
One is a young blonde lady with
red lips and very small clothes. He
is calling another officer to come
to help because he doesn't think he
can get the young lady to come
with him all by himself.

28

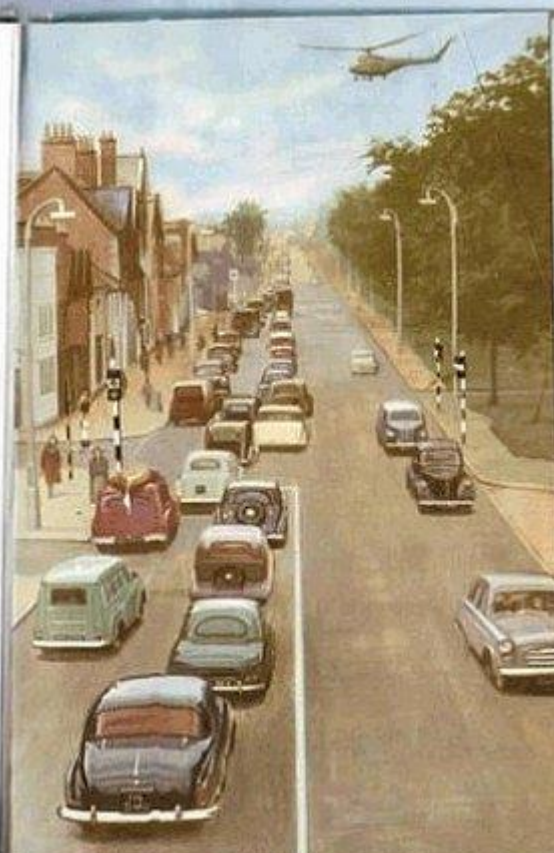


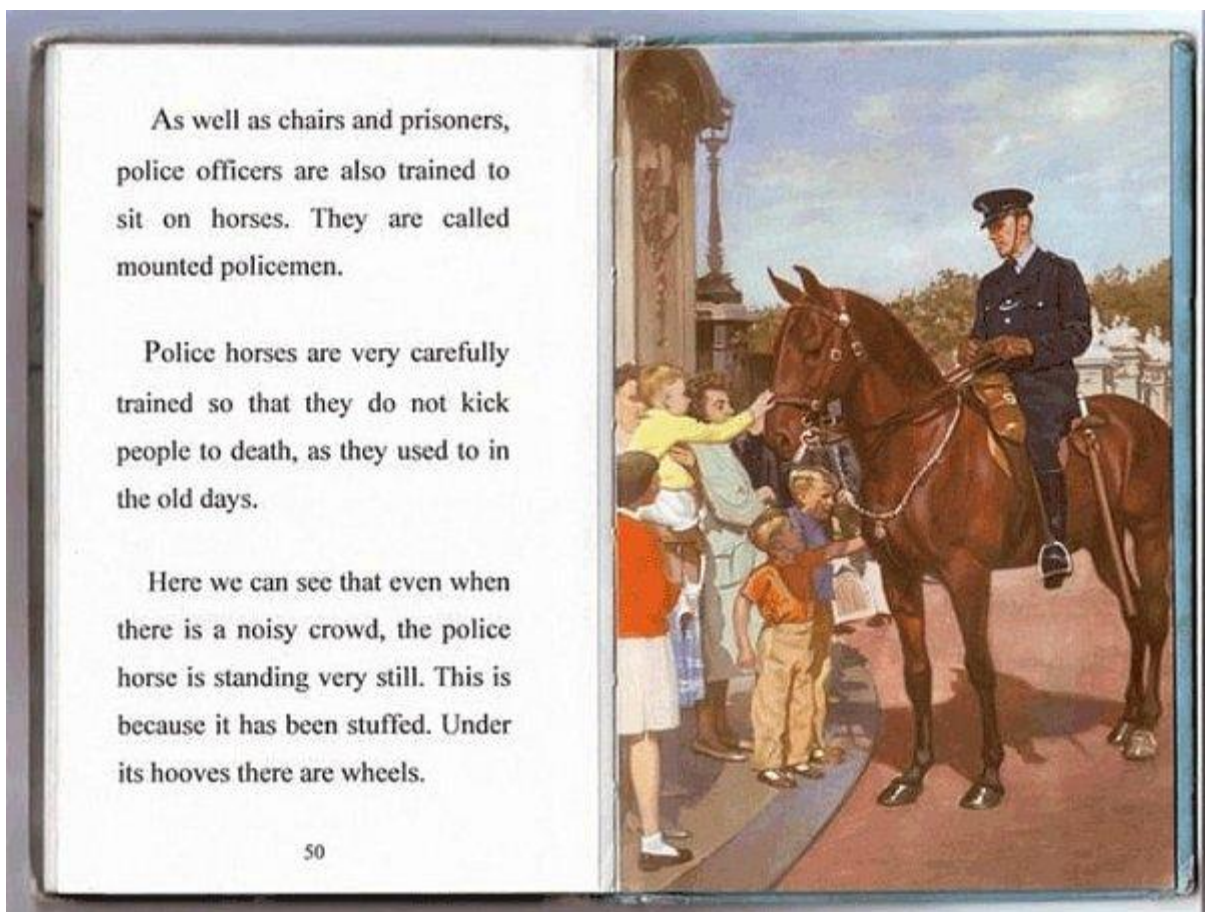
Policemen don't just used cars
and motorbikes. Sometime they
use helicopters. The policemen in
helicopters can see things below.

Here they have spotted a car
with a boat on its roof, and
hanging from the boat is the bra of
a lady. It is causing a traffic jam.

The police will fly over the car
and shout through a loudspeaker at
the man to tell him about the
ladies underwear. And to ask his
wife to put back on her blouse.

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Практическая работа № 64-65

Тема: Прямая и косвенная речь

Цель: формирование грамматических навыков чтения и говорения.

Студент должен

Знать:

Уметь: осуществлять перевод предложений из прямой речи в косвенную, соблюдая согласование времен.

ХОД ЗАНЯТИЯ

Запомни!

Из прямой речи в косвенную произведи следующие изменения:

- косвенная речь вводится глаголом **to say** и союзом **(that)**

- кавычки опускаются;

-личные и притяжательные местоимения прямой речи заменяются по смыслу, как и в русском языке.

Robert: "Reading plays an important role in **my** life."

Robert **says that** reading plays an important role in **his** life.

Sequence of tenses (Согласование времен)

Direct speech	Reported speech
Present Simple	Past Simple
	V2/Ved; was, were

_____ V/Vs; am, is, are Molly said: "I like coffee" Peter: "I work in the garden."	Molly said that she liked coffee. Peter said that he worked in the garden.
_____ Present Continuous Am / is are + Ving He said : "I am playing football"	Past Continuous was / were + Ving He said that he was playing football.
_____ Present Perfect Have / has + V3 I've bought you a car, he said.	Past Perfect had + V3 He said that he had bought me a car.
Past Simple _____ V2/ed She said: "I watched the film"	Past Perfect had + V3 She said that she had watched the film.
_____ Past Perfect had + V3 Peter: "I had worked in the garden."	Past Perfect had + V3 Peter said that he had worked in the garden.
_____ Present Perfect Continuous Has, have + been + Ving Brian said: "I've been working here for 2 years"	Past Perfect Continuous Had + been + Ving Brian said that he had been working there for 2 years.
_____ Future Simple Will + V Molly said: "I will have a coffee".	Future Simple in the Past Would + V Molly said she would have a coffee

→ → → **Измени следующие модальные глаголы** → → →

can could

I can't take part in this reality show next week. He said that he could not take part in that reality show the following week.

may might

You may watch this show. She said I might watch that show.

have to / has to had to

I have to switch to another channel. She said that she had to switch to another channel.

НЕ меняются следующие модальные глаголы :

should/could/might/had to/ought/must/need/needn't.

Измени указательные местоимения и наречия времени и места:

Direct speech (Прямая речь)	Indirect speech (Косвенная речь)
this (этот)	that (тот, этот)
these (эти)	those (те, эти)

now (сейчас)	then (тогда)
today (сегодня)	that day (в тот день)
tomorrow (завтра)	the next day (на следующий день)
the day after tomorrow (послезавтра)	two days later (через два дня, два дня спустя)
yesterday (вчера)	the day before (накануне)
the day before yesterday (позавчера)	two days before (за два дня до этого, двумя днями раньше)
ago (тому назад)	before (раньше)
next year (в следующем году)	the next year, the following year (в следующем году)
here (здесь)	there (там)

Тренировочные упражнения.

1. Переведите предложения на русский язык, обращая внимание на употребление времен в русском и английском языках.

1. We did not know where our friends went every evening.
2. We did not know where our friends had gone.
3. She said that her best friend was a doctor.
4. She said that her best friend had been a doctor.
5. I didn't know that you worked at the Hermitage.
6. I didn't know that you had worked at the Hermitage.
7. I knew that you were ill.
8. I knew that you had been ill.
9. We found out that she left home at 8 o'clock every morning.
10. We found out that she had left home at 8 o'clock that morning.

2. Change the direct speech into reported speech. Переведите в косвенную речь.

Example "I work hard," Jillian said.

— Jillian said that he worked hard.

1. "I am planning to go to Kenya," Sally said.
2. "I take my little sister to school every day," little Anthony said.

3. "You may take my textbook," Nonna said.
4. "They are playing in the gym now," Nick said.
5. "I don't like chocolate," Mary said.
6. "My sister is ready to go" Helen said.
7. "My mother usually goes shopping on Saturday," the girl said.
8. "The birds build their nests among the trees," the teacher said.
9. "I am not married," Jimmy said.
10. "I can't read these books. I don't like them," Petra said.

3. Put these statements into Reported Speech.

1. 'I can't swim very well', I said.
2. Andrew said: 'I don't want to go swimming'.
3. 'I'll phone you later', Sarah said.
4. Annie said: 'I'm hungry'.
5. I told him: 'I don't like tea'.
6. Olaf said: 'My father does a lot of business with England'.
7. The woman said: 'I will pay you two pounds'.
8. She said to Lilian: 'You can come with me'
9. He said: 'I don't think it will be interesting'.
10. My friend told me: 'You can go there for a year'.
11. She said: 'Nothing will make me do it'
12. Mike said: 'My friend is a painter'.
13. She said: 'I am good at painting'.

4. Change the direct speech into reported speech. Переведите в косвенную речь.

A. Example 1: I have already finished the test. - He said he had already finished the test.

1. We have gone on holiday.
2. Nelly can't write; she has cut her finger.
3. The Ivanovs have travelled to many places.
4. Sam has already learnt the poem.
5. My sister has broken my pencil.
6. My dad has never travelled by plane.
7. Andrew has lost his keys.
8. Jill has never slept in a tent.

B. Example 2: The party finished late. — He said (that) the party had finished late.

1. They lived in a camp when they were on holiday.
2. My brother got up early this morning.
3. Li was a famous sportsman.
4. The couple agreed to meet at six.
5. Yesterday, I saw Mary in the street.
6. Sammy arrived by train.
7. Nicky went home early yesterday.
8. The kids played tennis in the yard.

C. Example 3: I'll meet them at school. — He said he would meet them at school.

1. The match will take place next week.
2. This work will take little time.
3. My parents will come at 3.
4. Mike will do this exercise later.
5. My friend won't be able to come.

5. Imagine that you saw your doctor yesterday because you had a bad headache. Tell your partner what questions the doctor asked.

Example: Do you sleep well?

— The doctor asked me if I slept well.

1. Is anything wrong with you?
2. Do you sometimes have headaches?
3. Are you taking any medicine now?
4. Do you spend much time out- of-doors?
5. Do you do sports?
6. Have you a good appetite?
7. Do you usually go to bed late?
8. Will you follow my advice?

6. Imagine that a reporter from the local newspaper came to your school yesterday. Report his questions.

Example: How long have you studied at this school?

— He asked me how long I had studied at that school.

1. What do you like about your school?
2. What school activity did you have last?
3. What good habits have you formed at school?

4. What is your favorite subject?
5. What is more important for you at school?
6. How often do you go on school trips?
7. What is your school record?

7. Report the questions.

Example: Are you glad to be back?

— He asked me if I was glad to be back.

1. How are you?
2. How long have you been away?
3. Are you going away again?
4. What will you do in future?
5. Why did you come back?
6. What are you doing now?
7. Have you made new friends?
8. Where are you living now?

Практическая работа № 66

Тема: Суды в Великобритании. Их функции.

Цель: развитие лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с детальным пониманием, говорить на основе прочитанного

ХОД ЗАНЯТИЯ

The Structure of the RF Courts (Part I)

Vocabulary

1. to reflect – отображать, отражать
2. to interpret – интерпретировать, истолковывать, трактовать
3. to be consistent with – согласовываться с чем-либо, не противоречить
4. to adjudicate – судить; решать, выносить решение
5. the court of cassation – кассационный суд
6. the highest court of appeal – высший апелляционный суд
7. the court of supervisory instance – суд надзорной инстанции
8. a tier – ярус
9. a district court – районный суд, окружной суд (в США)
10. the implementation of domestic law – исполнение закона, действующего внутри страны
11. legally binding – юридически обязывающий
12. a provision of the law – положение закона
13. fleet – флот
14. garrison – гарнизон
15. military formation – военное формирование
16. anti-aircraft defence – противовоздушная оборона
17. an integral part – неотъемлемая часть
18. economic dispute – экономический спор

1. Прочитайте текст и ответьте на вопросы.

1. How are judges appointed to all federal courts?
2. What is the jurisdiction of the Constitutional Court?

3. What is the jurisdiction of the Supreme Court?
4. What is the jurisdiction of Military Courts?
5. What is the jurisdiction of the Higher Arbitration Court?
6. What is the extra duty of the Supreme Court and the Higher Arbitration Court? The judicial system of the Russian Federation consists of courts at the federal level and regional courts:

COURTS AT THE FEDERAL LEVEL

1.1 The Constitutional Court. This is the highest judicial body in the Russian Federation. It is made up of 19 judges, proposed by the President of the Russian Federation and approved by the Federation Council. Since June 2008 the Constitutional Court has been located in St Petersburg. The Constitutional Court has jurisdiction to interpret the RF Constitution; to decide whether a federal law is consistent with the country's Constitution; and to adjudicate whether or not laws regulations and normative acts passed by the President of the Russian Federation, the Council of the Federation, the State Duma, the Government of the Russian Federation, constitutions of republics, charters and other normative acts of the subjects of Russian Federation are consistent with the Constitution of the Russian Federation; Courts of General Jurisdiction.

1.2 The Supreme Court of the Russian Federation. This is the supreme judicial body for all courts of general jurisdiction on civil, criminal and administrative matters. As of today the Supreme Court consists of 123 judges. Judges for the Supreme Court are proposed by the President of the Russian Federation and approved by the upper house of the legislature, the Federation Council. The Supreme Court is located in Moscow. It has jurisdiction as a court of cassation, i.e. it is the highest court of appeal in the land. It is a court of supervisory instance over the courts of the subjects of the Russian Federation and over the tier of district courts below that level. There are three chambers in the structure of the Supreme Court of the Russian Federation: Judicial Chamber on Civil Cases; Judicial Chamber on Criminal Cases; and Military Chamber. The Plenary Session of the Supreme Court can issue regulations. Regulations are a unique element of the machinery for the implementation of domestic law in the Russian legal system. Enacted by the Plenary Session, they are "explanations on issues of judicial practice", based on the overview and generalization of the jurisprudence of the lower courts and Supreme Courts of subjects of the Federation. Regulations are abstract opinions but legally binding on all lower courts. They summarize the judicial practice of lower courts and explain how a particular provision of the law shall be applied. These regulations are employed to ensure the consistent application of Russian law by explaining how the law shall be interpreted. Regulations have their legal basis in Article 126 of the RF Constitution.

1.3 Military Courts. The basic tier of military courts is the military courts of the armed forces, fleets, garrisons and separate military forces. The middle tier of military courts consists of military courts of the branches of the armed forces, the seven Military Districts into which the country is divided, and the districts of anti-aircraft defense, navy and individual armies. They consider disputes involving military personnel. Three-tiered system of the military courts is an integral part of Courts of General Jurisdiction Arbitration Courts

Arbitration courts form a system with jurisdiction over economic disputes that, as a rule, arise between companies and individual entrepreneurs, both Russian and foreign. **1.4. The Higher Arbitration Court of the Russian Federation.** Judges for the Higher Arbitration Court are proposed by the President of the Russian Federation (Article 127 of the Constitution) and approved by the Federation Council. It exercises original jurisdiction over disputes between the Russian government and commercial parties, the government and subjects of the Russian Federation, or between subjects of the Russian Federation. The Plenary Session of the Higher Arbitration Court can also issue Regulations

2. Прочитайте утверждения и скажите, соответствуют ли они содержанию текста. Исправьте неверные утверждения.

1. The present Russian judicial system follows the structure of courts of the USA.

2. The Higher Arbitration Court acts only as a court of original jurisdiction.
3. The Supreme Court is the supreme judicial body for all courts of general jurisdiction on civil, criminal and administrative matters.
4. The Constitutional Court has jurisdiction to interpret the RF Constitution; to decide whether a federal law is consistent with the country's Constitution; and to adjudicate whether or not laws and regulations passed by the Republics and Regions of the Russian Federation are consistent with the RF Constitution.
5. The Plenary Session of the Supreme Court can issue laws.
6. Military Courts consider disputes involving military personnel.
7. There are two chambers in the structure of the Supreme Court of the Russian Federation: Judicial Chamber on Civil Cases and Judicial Chamber on Criminal Cases.
8. Regulations are abstract opinions (not decisions in exact disputes) but legally binding on all lower courts.

Практическая работа № 67

Тема: Гражданские дела. Ход судебного заседания.

Цель: развитие лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с детальным пониманием, говорить на основе прочитанного

ХОД ЗАНЯТИЯ

CIVIL PROCEDURE IN THE UK

1. Ответьте на вопросы.

1. What brunch of law would you like to choose as your future profession – civil law or criminal law?
2. What do you know about civil procedure?
3. What is procedural law? How is it distinguished from substantive law?
4. Are there any stages of judicial proceedings that are common to all kinds of hearings?

2. Переведите определение понятия «Гражданский процесс».

Civil procedure is the body of law that sets out the rules and standards that courts follow when adjudicating civil lawsuits (as opposed to procedures in criminal law matters). These rules govern how a lawsuit or case may be commenced, what kind of service of process (if any) is required, the types of pleadings or statements of case, motions or applications, and orders allowed in civil cases, the timing and manner of depositions and discovery or disclosure, the conduct of trials, the process for judgment, various available remedies, and how the courts and clerks must function.

Differences between Civil and Criminal Procedure Vocabulary

1. proceeding – судебное разбирательство, судебный процесс
2. to commence – начинать
3. conduct (n.) – поведение, управление
4. a lawsuit – судебное дело, иск, тяжба
5. to overhaul – пересмотреть полностью
6. adversarial – состязательный
7. expert witness – свидетель-эксперт
8. to reserve for – предназначать
9. tribunal – третейский суд
10. tier – уровень иерархии
11. to reverse – отменять судебное решение
12. to uphold – оставить в силе решение суда первой инстанции
13. judicial review – судебный пересмотр
14. to leapfrog – обходить
15. appellant – податель апелляции
16. to encourage – поощрять, стимулировать
17. alternative dispute resolution – альтернативное разрешение споров
18. prematurely – преждевременно, поспешно
19. arbitration – третейское разбирательство
20. mediation – медиация
21. conciliation – примирительная процедура
22. adjudication – вынесение судебного или арбитражного решения
23. expert determination – постановление эксперта
24. injunction – судебный запрет
25. a leave – разрешение
26. to bypass – обходить закон
27. estoppel – лишение права возражения, лишение права ссылаться на какие-либо факты
28. to estop – лишать сторону права ссылаться на какие-либо факты

3. Прочитайте и переведите текст.

Criminal and civil procedures are different. Although some systems, including the English and French, allow private persons to bring a criminal prosecution against another person, prosecutions are nearly always started by the state, in order to punish the defendant. Civil actions, on the other hand, are started by private individuals, companies or organizations, for their own benefit. In addition, governments (or their subdivisions or agencies) may also be parties to civil actions. The cases are usually heard in different courts, and juries are not so often used in civil cases.

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

Most countries make a clear distinction between civil and criminal procedure. For example, a criminal court may force a convicted defendant to pay a fine as punishment for his crime, and the legal costs of both the prosecution and defence. But the victim of the crime generally pursues his claim for compensation in a civil, not a criminal, action. In France and England, however, a victim of a crime may incidentally be awarded compensation by a criminal court judge.

Evidence from a criminal trial is generally admissible as evidence in a civil action about the same matter. For example, the victim of a road accident does not directly benefit if the driver who injured him is found guilty of the crime of careless driving. He still has to prove his case in

a civil action, unless the doctrine of collateral estoppel applies, as it does in most American jurisdictions. In fact he may be able to prove his civil case even when the driver is found not guilty in the criminal trial, because the standard to determine guilt is higher than the standard to determine fault. However, if a driver is found by a civil jury not to have been negligent, a prosecutor may be estopped from charging him criminally.

If the plaintiff has shown that the defendant is liable, the main remedy in a civil court is the amount of money, or "damages", which the defendant should pay to the plaintiff. Alternative civil remedies include restitution or transfer of property, or an injunction to restrain or order certain actions.

The standards of proof are higher in a criminal case than in a civil one, since the state does not wish to risk punishing an innocent person. In English law the prosecution must prove the guilt of a criminal "beyond reasonable doubt"; but the plaintiff in a civil action is required to prove his case "on the balance of probabilities". Thus, in a criminal case a crime cannot be proven if the person or persons judging it doubt the guilt of the suspect and have a reason (not just a feeling or intuition) for this doubt. But in a civil case, the court will weigh all the evidence and decide what is most probable.

4. Переведите на русский язык следующие слова и словосочетания из текста.

- 1) civil action
- 2) criminal prosecution
- 3) service of process
- 4) pleading
- 5) motion
- 6) application
- 7) deposition
- 8) disclosure
- 9) remedy

5. Найдите в тексте английские эквиваленты русским словам и словосочетаниям и используйте их в своих предложениях.

- 1) судебные издержки
- 2) компенсация
- 3) уголовное преследование
- 4) гражданский иск
- 5) сомнение
- 6) признать виновным
- 7) небрежность (повинность)
- 8) возмещение убытка
- 9) восстановление собственности
- 10) причина

6. Ответьте на вопросы.

1. What is the main difference between civil and criminal procedure?
2. May governments be parties to a civil action?
3. Are the standards of proof higher in a civil or a criminal case? Why?

Практическая работа № 68

Тема: Уголовные дела. Ход судебного заседания.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Criminal Procedure

Vocabulary

1. reasonable grounds – достаточные основания
2. preponderance of evidence – наличие более веских доказательств
3. to plead innocent – заявить о своей невинности
4. to take an oath – принять присягу
5. to overturn a court decision – отменить решение суда

1. Прочитайте и переведите текст. Ответьте на вопросы.

1. How many stages does a criminal case pass?
2. Why is the arrest warrant necessary?
3. What do criminal charges depend on?
4. Can a case be resolved without a trial?
5. How does the prosecuting counsel manage to produce the appropriate evidence in court?
6. What kind of evidence can be excluded?
7. What is the purpose of appeals?

PRETRIALSTAGE. A criminal case passes through several phases before trial. At the first stage the crime is reported and investigated. Then, if there is “probable cause”, i.e. reasonable grounds (something more than mere suspicion to believe that a particular person committed the crime) the person can be arrested. An arrest warrant is necessary unless the pressure of time requires immediate action (e.g. before the suspect flees). Finally, criminal charges must be lodged against the defendant. Depending on the state, the charges are called either an indictment (by a grand jury) or information (by a magistrate or police officer). They must be based on probable cause, preponderance of evidence, or prosecutor’s evidence that supports a belief in the defendant’s guilt.

In the USA most cases are resolved without a trial. Attorneys for the defence and prosecution usually reach a plea bargain. The judge must decide whether the guilty plea was freely given and whether there was some factual basis for the plea, but judicial disapproval of an agreed upon plea is rare.

BURDEN OF PROOF. At the trial there is crucial difference between criminal and civil cases in the level of proof required. A civil plaintiff merely needs a preponderance of the evidence; the judge only needs to find that the evidence favours the plaintiff over the defendant. A successful criminal prosecution requires proof of guilt beyond a reasonable doubt.

The prosecuting counsel opens the case with a short description of the events of the crime and calls his witnesses. After taking an oath by the witness the prosecuting counsel begins his examination by asking the witness his/her name, profession, place of domicile. In English law, witnesses are not allowed to make lengthy statements to the court. It is the duty of the attorneys for both parties to examine and cross-examine witnesses.

THE ORDER OF PROCEEDINGS. The session is opened by the court called to order by the Clerk of the Court. The judge enters. The clerk says: “All rise”. Everyone stands up and waits for the judge to take his seat. The accused is brought into the dock and the clerk asks for his or her name. The accused answers with the appropriate plea.

In English law a person is innocent until proven guilty. This means that in a trial the burden of proof is on the prosecution and if the prosecution cannot establish a reasonable cause for conviction the court must acquit the accused.

Both the defence and prosecution give their closing arguments, the prosecution going first. The judge sums up the evidence and instructs the jury on their duties. He reminds the jury that if there is any doubt at all in their minds they must acquit the defendant. The jury retires to the jury room to consider the verdict. The verdict “not guilty” does not necessarily mean that the judge or

jury believe the defendant to be innocent. It is simply a finding that there was insufficient evidence to prove guilt beyond a reasonable doubt.

EVIDENCE. Criminal trial courts have numerous, complex rules about what evidence is admissible, and how it may be introduced. The rules are supposed to exclude irrelevant, unreliable, or unfairly prejudicial matters, especially in jury cases (the system presupposes that a judge is less likely to be swayed by improper evidence). The jury's verdict is to be based solely on the evidence properly brought out at the trial. Otherwise proper, highly relevant evidence may be excluded because it was obtained in violation of a defendant's constitutional rights. Criminal appeals are often decided on such so-called technical issues.

APPEALS. The appeal is a petition for review of a case that has been decided by a court of law. The petition made to a higher court for the purpose of overturning the lower court's decision. The specific procedures for appealing can vary greatly depending on the type of case and jurisdiction where the case was prosecuted. The appeal system is mostly for the benefit of the defendant, but it is possible for the prosecution to appeal for a retrial.

Appellate courts cannot overturn a verdict simply because they disagree with it – e.g., with how the jury weighed the evidence and decided to believe one witness more than another witness. Appeals tend to focus on problems in the trial, judge's legal ruling, the instructions to the jury, and the trial procedures, not simply in the judge's factual interpretations.

2. Соотнесите английские слова и словосочетания с их определениями на русском языке. Обратите внимание на их перевод.

- | | |
|------------------------------|--|
| 1) guilty plea | a) заявление о признании вины |
| 2) probable cause | b) сделка о признании вины |
| 3) preponderance of evidence | c) разумное, обоснованное сомнение |
| 4) burden of proof | d) обвинительный акт |
| 5) plea bargain | e) перевес доказательств |
| 6) reasonable doubt | f) заявление об обвинении по делу |
| 7) information | g) бремя доказывания |
| 8) indictment | h) вероятная причина, правдоподобное основание |

evidence

4. Выберите правильный вариант ответа в соответствии с содержанием текста.

1. At the first stage of a criminal case before trial ...
 - a) the police collect evidence.
 - b) the crime is reported and investigated.
 - c) the suspected person must be interviewed by the police.
2. A person may be arrested if there ...
 - a) is a suspicion of the police officer.
 - b) is testimony of witnesses.
 - c) are reasonable grounds.
3. At the final stage ...
 - a) the suspected person must be arrested by the police.
 - b) criminal charges must be brought against somebody.
 - c) the suspected person must be taken into custody.
4. A successful criminal prosecution requires ...
 - a) a preponderance of evidence.
 - b) proof of guilt beyond a reasonable doubt.
 - c) that evidence favours the prosecution over the defendant.
5. There is a special order of proceedings and the session starts with ...
 - a) the prosecutor's statement.
 - b) the defence opening speech.
 - c) the appropriate plea of the accused.

6. The verdict “not guilty” means that

- a) the defendant is acquitted.
- b) there was insufficient evidence to prove the guilt beyond reasonable doubt.
- c) the jury considers the defendant to be innocent.

7. Appellate courts exist to ...

- a) find the defendant guilty.
- b) impose a more severe punishment.
- c) correct errors in the application of the law.

5. Выразите согласие/несогласие со следующими утверждениями.

- 1. When opening the session the Clerk of the Court is called.
- 2. One of the main principles of the English law is that a person is innocent until proven guilty.
- 3. Only the prosecution attorneys give their closing arguments.
- 4. There are no special rules about what evidence is admissible in criminal proceedings.
- 5. In jury cases the judge is responsible for the legal ruling of trial procedures.
- 6. The procedures for appealing are the same in every court of law.

6. Соотнесите слова из левой колонки с их определениями из правой колонки.

- | | |
|----------------|---|
| 1) defendant | a) a person who suffers injury, loss, or death as a result of criminal activity or other circumstances. |
| 2) victim | b) the person who leads a trial and decides on the sentence. |
| 3) jury | c) someone who appears in a court of law to say what they know about a crime or other event. |
| 4) prosecution | d) the party against which a legal action or suit is brought in a court of law. |
| 5) judge | e) a specific number of lay people, selected as prescribed by law to render a verdict in a trial. |
| 6) witness | f) the party that initiates a criminal case. |

Практическая работа №69

Тема: Суд присяжных. Обязанности.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Jury and witnesses A jury hears the evidence in serious criminal cases and some civil hearings. In criminal cases, the jury is made up of 15 members of the public chosen at random from the electoral register. In civil cases, there are 12 jurors. They sit in the jury box, which is usually at one side of the courtroom, near the judge. The names of the public who attend as potential jurors are placed in a glass bowl and picked at random in open court. Once selected jurors are sworn in and take an oath or affirmation. Juror Oath. The jurors raise their right hand and the clerk of court asks them «Do you swear by Almighty God that you will well and truly try the accused and give a true verdict according to the evidence». The jurors reply: «I do». Juror Affirmation. The juror is asked to repeat after the clerk of court "I [name] do solemnly, sincerely and truly declare and affirm that I will well and truly try the accused and give a true verdict according to the evidence". The witnesses. Witnesses give the evidence in a case. They stand in the witness box, which is usually at the opposite side of the court to the jury box. Witnesses take an oath or affirmation that they will tell the truth. They can be asked questions by the lawyers or directly by

persons who are not represented by lawyers. Witness Oath. The witness raises his/her hand and repeats after the judge «I swear by Almighty God that I will tell the truth, the whole truth and nothing but the truth». Witness Affirmation. The witness is asked to repeat after the judge «I solemnly, sincerely and truly declare that I will tell the truth, the whole truth and nothing but the truth».

I. Complete the following.

1. A group of ordinary people who hear the evidence in serious criminal cases and some civil hearings is _____.
2. If the criminal case is heard the jury should be made up of _____.
3. In civil cases the jury consists of _____.
4. All the selected jurors should take _____.
5. When taking an oath the jurors swear to say _____.
6. The place where witnesses stand for giving evidence is a _____.

II. Define whether the following sentences true or false.

1. Jurors decide the legal guilt or innocence of a person accused of the crime.
2. Jury sits in a witness box.
3. The names of people who will be chosen jurors are written on a sheet of paper and are given to the judge.
4. All the jurors are selected at random from the group of ordinary people.
5. After being selected all the jurors should read the Bible.
6. When taking oath jurors should raise their both hands and repeat after the barrister the definite words.
7. When taking oath the jurors promise not to lie.
8. Before giving evidence in a court of trial a witness should promise to tell the truth.

III. Dramatize the procedure of taking an oath or affirmation. a) by the jurors b) by a witness

Практическая работа №70

Тема: Исправительные учреждения.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

The Correctional system

The correctional system, often called simply corrections, carries out sentences given by the court to convicted offenders. This system includes probation, imprisonment and parole. Probation is the system of allowing a law-breaker to go free and unpunished if he/she will promise to behave well. Parole is the letting out of a person from prison, conditional upon good behavior, before the end of the official period of imprisonment. An act of putting a convicted offender into prison is called an imprisonment or incarceration. Imprisonment can be short-term or long-term. If the criminal has committed not very serious crime he or she can be put into prison for a short term. In case of committing a more serious crime the criminal can get a penalty of a long term imprisonment. For committing such felonies as murder, homicide, treason, robbery, kidnapping resulting in hostage's death, hijacking and terrorism, criminals get a capital punishment. In countries where there is no death sentence a convicted offender will be sent to prison for all his life. That type of punishment is called life imprisonment. Criminologists - and people in general

- disagree about the role of the correctional system. Some people believe the purpose of imprisoning offenders is to prevent them from committing more crimes. But this prevention may be only a temporary solution unless a criminal is imprisoned for life. Other individuals think the correctional system should punish convicted offenders so that a sense of justice in society can be maintained. So the corrections policy goals can be treated as the following.

Retribution. The belief that a person who harms another or commits a crime should be punished. In recent years, it has been called just deserts. Punishment is the main goal of retribution policies.

Deterrence. Two meanings exist for this term. Specific deterrence is the belief that if a person is punished for committing a crime, he or she is less likely to commit another crime (analogous to a child's learning not to touch a stove after burning his or her hand on it). General deterrence is the notion that the person who is punished can serve as an example to others, who will then be unlikely to commit a crime for fear of being caught and punished.

Rehabilitation. Based on the idea that a person who commits a crime can be treated and once again become a law-abiding citizen. Many criminologists believe the correctional system should help criminals become such law-abiding people. This goal is called rehabilitation. Prison programs rehabilitate inmates through vocational training and psychological counseling. These programs also help find jobs for men and women on probation or parole.

Incapacitation. Means that a person who commits a crime will be placed in a restricted or isolated environment, such as a jail or prison, during which time he or she will not be able to commit another crime.

Exercises:

I. Fill in appropriate words and word-combinations:

1. The correctional system includes probation, imprisonment, and _____.
2. Probation allows a law-breaker to go ____ and ____ if he/she will promise to ____ well.
3. The letting out of a person from prison, conditional upon good behavior, before the end of the official period of imprisonment is _____.
4. One of the purposes of imprisoning offenders is to ____ them from ____ more crimes.
5. The correctional system should _____ convicted offenders.
6. The corrections should help criminals become _____ citizens.
7. The process of helping criminals become ____ citizens is called _____.
8. Prison programs rehabilitate inmates through vocational ____ and psychological ____.
9. Vocational training and psychological counseling help find jobs for men and women on ____ or ____.
10. The belief that a person who harms another or commits a crime should be punished is _____.
11. The belief that if a person is punished for committing a crime, he or she is less likely to commit another crime is _____.
12. If person who commits a crime will be placed in a restricted or isolated environment that is _____.

II. Answer the following questions:

1. What does the correctional system include?
2. What is probation?
3. What must a convicted person promise to go free and unpunished?
4. What is parole?
5. What is the main difference between probation and parole?
6. What are the goals (purposes) of imprisoning?
7. What is rehabilitation?
8. What are the programs which help inmates find job after serving the sentence?

Практическая работа № 71

Тема: Исправительные учреждения в России

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Prison. Types of prisons

1. Прочитайте и переведите текст.

2 Ответьте на вопросы:

- 1) Why are some people kept in prisons?
- 2) Which penalty is more effective – an imprisonment or a fine?
- 3) Who should be sentenced to a life imprisonment?

A prison is a place in which people are physically confined and deprived of a range of personal freedoms. Prisons are conventional institutions which form part of the criminal justice system of a country, such that imprisonment or incarceration is a legal penalty that may be imposed by the state for the commission of a crime.

A criminal suspect who has been charged with or is likely to be charged with criminal offense may be held on remand in prison if he is denied or unable to meet conditions of bail, or is unable or unwilling to post bail. A criminal defendant may also be held in prison while awaiting trial or a trial verdict. If found guilty, a defendant will be convicted and may receive a custodial sentence requiring imprisonment.

As well as convicted or suspected criminals, prisons may be used for internment of those not charged with a crime. Prisons may also be used as a tool of political repression to detain political prisoners, prisoners of conscience, and “enemies of the state”, particularly by authoritarian regimes. In times of war or conflict, prisoners of war may also be detained in prisons.

A prison system is the organizational arrangement of the provision and operation of prisons, and depending on their nature, may invoke a corrections system. Although people have been imprisoned throughout history, they have also regularly been able to perform prison escapes.

Male and female prisoners are typically kept in separate locations or separate prisons altogether. Prison accommodation, especially modern prisons in the developed world, are often divided into wings. A building holding more than one wing is known as a “hall”. Many prisons are divided into two sections, one containing prisoners before trial and the other containing convicted prisoners. Amongst the facilities that prisons may have are:

- A main entrance, which may be known as the “gatelodge” or “sally port.”

- A religious facility, which will often house chaplaincy offices and facilities for counselling of individuals or groups.
- An “education facility”, often including a library, providing adult education or continuing education opportunities.
- A gym or an exercise yard, a fenced, usually open-air-area which prisoners may use for recreational and exercise purposes.
- A healthcare facility or hospital.
- A segregation unit (also called a 'block' or “isolation cell”), used to separate unruly, dangerous, or vulnerable prisoners from the general population, also sometimes used as punishment (see solitary confinement).
- A section of vulnerable prisoners (VPs), or protective custody (PC) units, used to accommodate prisoners classified as vulnerable, such as sex offenders, former police officers, informants, and those that have gotten into debt or trouble with other prisoners.
- A section of safe cells, used to keep prisoners under constant visual observation, for example when considered at risk of suicide.
- A visiting area, where prisoners may be allowed restricted contact with relatives, friends, lawyers, or other people.
- A death row in some prisons, a section for criminals awaiting execution.
- A staff accommodation area, where staff and corrections officers live in the prison, typical of historical prisons.
- A service/facilities area housing support facilities like kitchens.
- Industrial or agricultural plants operated with convict labor.
- A recreational area containing a TV and pool table.

Prisons are normally surrounded by fencing, walls, earthworks, geographical features, or other barriers to prevent escape. Multiple barriers, concertina wire, electrified fencing, secured and defensible main gates, armed guard towers, lighting, motion sensors, dogs, and roving patrols may all also be present depending on the level of security. Remotely controlled doors, CCTV monitoring, alarms, cages, restraints, nonlethal and lethal weapons, riot-control gear and physical segregation of units and prisoners may all also be present within a prison to monitor and control the movement and activity of prisoners within the facility.

Juvenile prisons: prisons for juveniles (people under 17 or 18, depending on the jurisdiction) are known as young offender institutes or similar designation and hold minors who have been remanded into custody or serving sentence. Many countries have their own age of criminal responsibility in which children are deemed legally responsible for their actions for a crime.

Military prisons: these prisons form part of military systems, and are used variously to house prisoners of war, unlawful combatants, those whose freedom is deemed a national security risk by military or civilian authorities, and members of the military found guilty of a serious crime.

Political prisons: certain countries maintain or have in the past had a system of political prisons; arguably the *gulags* associated with Stalinism are best known. The definition of what is and is not a political crime and a political prison is, of course, highly controversial.

Psychiatric prisons: some psychiatric facilities have characteristics of prisons, especially when confining patients who have committed a crime and are considered dangerous. In addition, many prisons have psychiatric units dedicated to housing offenders diagnosed with a wide variety of mental disorders.

3 Переведите следующие слова и выражения на русский язык:

bail	custodial sentence	legal penalty
CCTV (closed circuit television)	deprive	meet conditions
chaplaincy	designation	mental disorder
charge with	gatelodge	minor
combatant	impose	personal freedom
commission of a crime	imprisonment	prisoners of conscience
concertina wire	internment	protective custody
confine	invoke	remand
controversial	juvenile prison	segregation unit

4 Прочитайте следующие утверждения и укажите, являются ли они верными:

- 1) Prisons are conventional institutions which form part of the administrative justice system of a country.
- 2) A criminal defendant may not be held in prison while awaiting a trial verdict.
- 3) Prisons may not be used for internment of those not charged with a crime.
- 4) Male and female prisoners are typically kept in separate prisons.
- 5) Prison accommodation is often divided into wings.
- 6) All prisons have a remotely controlled doors, CCTV monitoring, alarms, cages, restraints, nonlethal and lethal weapons.
- 7) Minor offenders' prisons hold minors who have been remanded into custody or serving sentence.
- 8) Military prisons form part of criminal system, and are used variously to house prisoners of war.
- 9) Some psychiatric facilities have characteristics of prisons, confining patients who have committed a crime and are considered dangerous.
- 10) All prisons have psychiatric units dedicated to housing offenders diagnosed with a wide variety of mental disorders.

6 Составьте 10 вопросов к тексту

Практическая работа № 72

Тема: Исправительные учреждения в Великобритании

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Types of correctional institutions Maximum security prisons generally hold prisoners serving long sentences. These prisoners have committed murder, robbery, kidnapping, treason, or other felonies (serious crimes). Maximum security prisons hold about 35 per cent of US inmates. High stone walls or strong chain fences surround most maximum security prisons. Many of these barriers have electronic detection devices and powerful spotlights. Prisoners live in cells with steel bars or heavy gratings on one side. Many cells do not have windows. Inmates eat in their cells or in a dining hall. Prison officials limit the length and number of visits by family and friends. During such visits, thick glass or wire screens separate some prisoners and visitors to prevent the exchange of such prohibited items as drugs and weapons. Other prisoners and visitors are allowed to be together. Some prison use X-ray devices to check visitors for hidden weapon.

Medium security prisons hold inmates who have committed either felonies or misdemeanors (crimes less serious than felonies). Common misdemeanors include assaults and small thefts. The inmates in medium security prisons are generally less dangerous than inmates of maximum security prisons. Medium security prisons hold about 45 per cent of US inmates. Some medium security prisons resemble campuses though they may be surrounded by fences with guard towers. Inmates may live in dormitories or in private rooms. Many of these prisons have educational and athletic facilities similar to those at some schools

Minimum security prisons are the most open and least restrictive prisons. They hold about 20 per cent of the US prison population. Inmates of minimum security prisons are not considered dangerous and are unlikely to flee prison. Many of these inmates were convicted of such nonviolent crimes as forgery, cheating on taxes, business theft, perjury, and obstruction of justice. They live in comfortable rooms and usually may move about within the prison as they please. Minimum security prisons range from large institutions to small farm or forestry camps. Some of these prisons have tennis courts, swimming pools, and golf courses

Juvenile correctional institutions generally hold offenders under the age of 18. The institutions keep young prisoners from the bad influence of dangerous adult criminals. Juvenile detention centers hold young people who have been accused of committing crimes and are waiting trial. Training schools offer counseling, education, job training, and recreation. The inmates live and eat together in cottages or dormitories that hold fewer than 20 prisoners

le convicted of the least serious crimes as well as such offenders as disorderly intoxicated persons. Prisoners may stay in jail for only a few hours or for more than a year. Conditions in most jails are worse than those in other types of correctional institutions. Jails frequently overcrowded, and the same facility often holds men and women, and adults as well as juveniles. Some prisoners are kept in small cells, and others are crowded together in large cells. Many jails do not meet minimum health and safety standards, and some cells lack a sink or a toilet. Most jails have few professionally trained staff members.

I. Complete the following sentences:

1. In the USA the prisoners serving long sentences are kept in _____.
2. Such serious crimes as murder, robbery, kidnapping, and treason are called _____.
3. About 35 per cent of all US inmates are held in _____.
4. Most maximum security prisons are surrounded by _____.
5. In maximum security prisons prisoners live in _____.
6. In most of maximum security prison

cells there are no _____. 7. In maximum security prisons convicted offenders have meals in _____. 8. Inmates of maximum security prisons are limited in _____. 9. Crimes less serious than felonies are called _____. 10. Inmates who have committed either felonies or misdemeanors are kept in _____. 11. Common misdemeanors include _____. 12. Some medium security prisons may be surrounded by _____. 13. In medium security prisons inmates live in _____. 14. Minimum security prisons are called _____. 15. In minimum security prisons there are inmates who _____. 16. Those who are kept in minimum security have committed such crimes as _____. 17. Inmates of minimum security prisons live in _____. 18. Young prisoners are kept in _____. 19. The main goal of keeping juvenile offenders in separate correctional institutions is _____. 20. Young people who have been accused of committing crimes and are waiting trial are held in _____. 21. Counseling, education, job training, and recreation are offered to juvenile offenders in _____. 22. People, accused of crimes and those, who are awaiting trial are kept in _____.

Практическая работа № 73

Тема: Исправительные учреждения в США

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Prison is an institution for confining and punishing people who have been convicted of a crime. A prison warden, also chief warden is the chief administrative official of a prison. The warden supervises all the operations in the prison, dealing with the 68 personnel staff. The prison personnel staff includes prison officers, prison doctors, janitors, cooks, and other officials. Every prison warden has been trained as both corrections officers and as administrators to the prison that they work at. Prison wardens need to house, feed, and clothe prisoners, and they are also expected to provide services like health care, access to education, psychiatric care, and opportunities to engage in rehabilitation and reentry programs. Prison wardens would need to know how to handle emergency situations like prison gang violence or dealing with newly arrived prisoners with controversial backgrounds that would cause a problem. A prison officer (also correctional officer, corrections officer, detention officer or penal officer) is a person responsible for the supervision, safety, and security of prisoners in a prison, jail, or similar form of secure custody. A prisoner, also known as an inmate or detainee, is a person who is deprived of liberty against his or her will. Prisons punish criminals by severely restricting their freedom. For example, prisons limit where inmates (prisoners) may go, what they do, and with whom they may associate. Inmates serve sentences ranging from a year to rest of their lives. Prisons are important because they help protect society from dangerous criminals. In the United States, the Federal Bureau of Prisons operates about 90 federal prisons. The individual states run a total of about 750 state prisons. Today, federal and state prisons hold more than 700,000 inmates, and the number of prisoners is rising

The Correctional Service of Canada operates about 40 federal prisons, which have about 14,000 convicts. In addition, prisons run the provincial governments of Canada hold more than 17,000 inmates. Various names have been used for prisons and other institutions that confine convicted lawbreakers or people awaiting trial. The most common terms include penitentiaries, correctional centers, correctional facilities, and reformatories. Many people consider prisons to be only those institutions that confine adults convicted of major crimes. Institutions for youthful offenders include training schools and juvenile detention centers. In addition, such facilities as city and

county jails, federal detention centers hold people who are awaiting trial or serving sentences for minor offences. Women form about 5 per cent of all inmates in the United States. Most of them are held in prisons that house only women. Experts classify prisons by the degree of security or control they provide. The main types are (1) maximum security prisons, (2) medium security prisons, and (3) minimum security prisons.

- 1 to await trial - быть подследственным
- 2 convict, convicted offender, inmate, prisoner, detainee - заключенный, преступник, отбывающий наказание, связанное с тюремным заключением
- 3 detention center - арестный дом
- 4 to house – размещать
- 5 jail, gaol, prison-тюрьма
- 6 low security prison - тюрьма низкой степени безопасности
- 7 maximum security prison - тюрьма максимальной степени безопасности
- 8 medium security prison - тюрьма средней степени безопасности
- 9 minimum security prison - тюрьма минимальной степени безопасности
- 10 prison population - тюремное население
- 11 prison warden syn. Chief warden - начальник тюрьмы
- 12 prison officer syn. correctional officer, corrections officer, detention officer, penal officer - сотрудник тюрьмы, сотрудник исправительного учреждения
- 13 remand prison - следственный изолятор
- 14 training school - училище исправительная школа, училище
- 15 open prison - открытая тюрьма

2. Complete the following sentences: 1. An institution for confining and punishing people who have been convicted of a crime is a _____. 2. The chief administrative official of a prison is a _____. 3. The prison warden is responsible for _____. 4. A person responsible for the supervision, safety, and security of prisoners in a prison is a _____. 5. Prisoner is a _____. 6. Prisons punish criminals by _____. 7. Prison sentences can be from _____. 8. Prisons help protect society from _____. 9. Prisons hold not only adult prisoners and convicted offenders but also _____. 10. In the United States all the prisons are headed by _____. 11. There are about ninety _____. 12. The number of state prison is _____.

3. Answer the following questions:

- 1. What is prison?
- 2. Who is kept in prison?
- 3. What may prisoners do and what they mustn't do in prison?
- 4. What term of imprisonment can a prisoner get?
- 5. What does the term of inmate's imprisonment depend upon?
- 6. Why are prisons important?
- 7. What is the main body in the USA which governs the work of prisons?
- 8. What prisons are there in the USA?
- 9. What is number of prison population in the USA and in Canada?
- 10. What correctional institutions are juvenile offenders kept?
- 11. Are women and men prisoners kept in one and same prison?
- 12. What prison are for women offenders?
- 13. How are the US prisons classified according to the degree of security?
- 14. What do you think what type of prison dangerous criminals are kept?
- 15. Who can be sent to minimum security prison? What is your point of view?

Практическая работа № 74

Тема: Дифференцированный зачет (см. КОС)

Цель: контроль уровня знаний лексического и грамматического материалов

Практическая работа № 75

Тема: Деловая встреча юриста с клиентом.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Business Communication: Client Interviewing

1. **ВЫУЧИТЕ** слова и выражения

body language /'bodi 'laer)gwid3/ - жестикуляция и мимика, язык жестов; язык тела (невербальные средства коммуникации, включающие жесты, позы и мимику) **checklist of questions** A'JekJist av 'kwestj(8)nz/ - перечень контрольных вопросов, опросник, памятка **fact** /faekt/ - обстоятельство; факт; событие, случаи; аргументы **feedback** /'fi:dbaek/ - ответная реакция, обратная связь **interlocutor** /,inta(r)'lDkjuta(r)/ - собеседник, контактное лицо **interview** /'inta(r),vju:/ - беседа, собеседование, встреча, интервью **issue** /'iju:/ - спорный вопрос, предмет спора, разногласие; проблема; вопрос фактического или юридического характера **opinion** /a'pinjan/ - мнение, заключение, оценка (специалиста), взгляд, убеждение **to determine** /di't3:(r)min/ - определять, решать, устанавливать (с помощью расчетов, рассуждений, проведения расследования и т. п.)

to encourage /in'kArid3/ - ободрять, содействовать, способствовать;

поощрять, стимулировать, поддерживать (в чем-л.) **to identify** /ai'dentifai/ - идентифицировать, обозначать; опознавать, устанавливать подлинность, распознавать **to inform** /in'fo:(r)m/ - сообщать, информировать, передавать данные, уведомлять, осведомлять **to interview** /'int9(r),vju:/ - проводить беседу, беседовать, интервьюировать; опрашивать; проводить опрос **to listen to** /lis(8)n tu/ - слушать; выслушивать, внимательно воспринимать; прослушивать **to pay attention to** /pei 'tenJ(8)n tu/ - обращать внимание (на кого-л./что-л.)

to reach a decision /ri:tj э di'si3(a)n/ - принять решение, прийти к решению, добиться решения

Lawyer-Client Interview

The **purpose** of lawyer-client interviews is to get and give information and to decide on the best course of action for your client. It is also a good opportunity to establish a good, professional relationship with your client. Interviews typically are conducted either in person or by telephone.

Depending on an individual purpose there may be two main kinds of lawyer-client interview:

- the initial interview: the lawyer-client relationship is established and legal problems are identified as the fact collection process begins;
- the follow-up interview: it occurs after the initial interview; the client is asked about additional facts and is consulted on a variety of matters that require his or her attention, consent, and participation.

The main **aims** of any good lawyer-client interview are the following:

- to help your client identify exactly what he wants;
- to gather information to identify how your client's aims can be achieved;
- to help your client reach decisions about the best course of action;
- to create a feeling of confidence in your client as to your professionalism, competence and commitment to their case.

The essence of an interview between a lawyer and a client is an exchange of information and views. The lawyer requires certain information from the client in order to advise the client. The client wants advice from the lawyer. The lawyer and the client must then jointly decide what should be done to progress the case, and what each of them must do to contribute to this process. In addition, the lawyer must ensure that the client has been informed of and understands certain **vital points**, such as:

- how much the client will have to pay for the lawyer's sendees;
 - what the lawyer can and cannot do for the client;
 - what further information the lawyer needs from the client and why this information is needed;
- what steps the lawyer will take on the client's behalf;
the time-frame within which these steps will be taken;
the prospects of success in the client's case and the strengths and weaknesses of the client's case.

The lawyer should know the topic of the interview in advance. This will allow him or her to determine what is relevant and to structure the interview so that all the relevant information is obtained. Thus, it is crucial to prepare thoroughly for all interviews with clients. Here are some useful tips how to do it:

determine the purpose of the meeting;

consider the most appropriate structure for the meeting;

plan an agenda;

if dealing with a corporate client, carry out some research into the client's company;

if dealing with an old client of the firm, retrieve the old files for the client and refresh your memory about the cases that the firm has handled for the client;

prepare the physical setting - a setting that is informal, friendly and private will help make the client feel relaxed and comfortable;

avoid interruptions - particularly avoid taking phone calls;

be prepared to offer the client refreshments - coffee, tea, water, etc.;

if the client has special needs (e.g. is disabled, blind, requires an interpreter), ensure that the appropriate arrangements are made beforehand;

be ready to use checklists and factsheets as far as it may help you obtain the most important facts in respect of the client's case during the first interview; they can be completed in the client's presence during the course of the interview.

2. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. In the interview, the lawyer wants advice from the client.
2. It is a good idea to take phone calls during the interview in order to create a feeling of confidence in your client as to your professionalism and competence.
3. It is not necessary for the lawyer to prepare for interviews with clients.
4. Lawyer-client interviews are always conducted in person.
5. The client must inform the lawyer of how much the client will have to pay for the lawyer's sendees.
6. The lawyer should know the issues of the interview with the client in advance.

3. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. How are lawyer-client interviews typically conducted?
2. How can checklists and factsheets help the lawyer in his interviews with clients?
3. What is the difference between two main kinds of lawyer-client interview?
- . What is the essence of a lawyer-client interview?
- . What is the purpose of a lawyer-client interview?
- . What should the lawyer do in interviewing an old client of the firm?
- . Why is it important for the lawyer to prepare thoroughly for all interviews with clients?

Практическая работа № 76

Тема: Методика проведения собеседования.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Strategies for Effective Interviews Text 1

Paralegals are frequently called upon to investigate various aspects of the cases in which they are involved. Many times this investigation requires that they interview a great number of people, from clients and witnesses to experts in their field. These strategies will help your interviews be more efficient and effective:

1. Always **explain the purpose** of your interview.
2. **Keep an open mind.** In legal practice, as well as in most areas of life, remember that there are two sides to every story. With this in mind, take your time and don't jump to conclusions or determine who is in fault and what must be done until you have all the facts.
3. **Identify the client's aims.** What does the client really want? What would he regard as a satisfactory result? Most lawyers assume that clients will voluntarily tell them everything they need to know. This is a very dangerous assumption if you fail to take into account certain client characteristics that usually lead to receiving inadequate information. Some of these characteristics are:
 - the client may be unwilling to disclose all concerns immediately;
 - the client's description of the problem may be inaccurate or incomplete at the beginning of the interview;
 - the client may have little understanding of what the problem actually involves, and thus fail to reveal pertinent information

By asking your clients specific questions, you will help them bypass these barriers and give you the information you need.

1. **Focus on the facts.** Let the client or witness tell you the facts in their own words. Focus on information that can be verified and be ready to sort out facts from opinions.
2. **Be active in listening.** Listening is different from hearing and is actually quite difficult. Hearing is the process of receiving information. Listening is the mental processing of what you have heard. You need to pay attention not only to what is said by the interlocutor, but also to what is left unsaid, and to the body language that accompanies what is said. Listening well is just as important as questioning well. First, by listening to the client or witness, you establish mutual understanding and confidential relations. Everyone likes to talk, and client or witness will probably be eager to talk about the problem.

It may be useful to repeat back what the other person said. This may seem awkward at first but it is an effective tool. As you repeat it back, the other person knows you have heard the communication and is empowered to move on to the next issue.

Provide feedback. Feedback may be used to encourage the client to communicate with the lawyer. Giving positive feedback ('Please tell me what's on your mind. I'm here to listen and help as much as I can') enables the lawyer to obtain fuller information from the client than might otherwise be possible. It is also important to give continuous feedback to the client in the form of short phrases, which tell the client that you are listening carefully. You should encourage the client to speak by using phrases and words like 'I see', 'That's interesting', 'Go on', 'Right', 'Yes', etc. Even meaningless encouraging noises ('mmm', 'huh-huh', etc.) can be helpful in this context. They signal to the client that you are still actively listening to what he is saying.

СЛОВА:

experts - эксперты, сведущие лица strategy - стратегия, подход, метод, образ действия

efficient - продуктивный, полезный, рациональный

keep an open mind - сохранять объективность, быть непредубеждённым

take your time - не спешите!

jump to conclusions - делать поспешные выводы

who is in fault - кто виноват regard as - рассматривать в качестве

voluntarily - добровольно

assumption - предположение, самонадеянность

fail - не суметь, оказаться не в состоянии

unwilling - несклонный, нежелающий concerns - дела, тревоги, опасения

description - описание inaccurate - неточный, ошибочный

incomplete - неполный, частичный

pertinent information - существенная информация; информация, имеющая отношение к делу

specific question - конкретный вопрос

bypass - обойти, пренебрегать be verified - проверяться, подтверждаться

sort out - отделять, фильтровать

mental processing - интеллектуальная обработка данных, интеллектуальная работа mutual

understanding - взаимопонимание repeat back - повторять (уже сказанное)

awkward - неудобный, нелепый

effective tool - эффективный способ, полезный приём

on mind - в мыслях, на уме

go on - продолжайте! meaningless - не имеющий смысла

2. УСТАНОВИТЕ/ соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. Facts are different from opinions.

2. In the interview all clients are always ready to disclose all concerns immediately.

3. It is a good practice to let the client describe the facts in his own words.

4. Listening in the interview is the same as hearing and is actually quite difficult.

5. Paralegals have to interview a great number of people.

6. Positive feedback may encourage the interlocutor to go on talking.

7. The client may be unaware of what the problem actually involves.

8. The paralegal may obtain the information he needs by asking his clients specific questions.

9. The paralegal should make a conclusion and determine what must be done at the very beginning of his interview with the client.

There are no strategies that may help the paralegal conduct his interviews more effectively.

3. ОТВЕТЬТЕ на вопросы к прочитанному тексту

1. What does feedback signal to the interlocutor?

2. What information should the paralegal focus on?
3. What is 'hearing'?
4. What is listening'?
5. What may lead the paralegal to receiving inadequate information from clients?
6. What phrases may be used as positive feedback in the interview?
7. What will the paralegal help the clients do by asking them specific questions?
8. Whom do paralegals have to interview?
9. Why is it useful for the paralegal to repeat back what the interlocutor said?

Strategies for Effective Interviews

The other useful strategies, which will help your interviews be more effective, are as follows:

1. Have a checklist of questions, but don't be bound by it. It's a great idea to create sample checklists of information needed for clients in a variety of legal situations. It's also a great idea to make a list of specific questions you want to ask witnesses, experts, etc. Meanwhile, listen carefully. Take into account that your questions should show that you are listening, encourage the interlocutor and develop your conversation farther.

2. Obtain all necessary documents and other tangible evidence the client or witness has in his possession.

3. Inform and educate without giving legal advice. One of the most important roles that paralegals serve is to help a client understand and predict the complex process of litigation. Clients and witnesses will feel less anxious if they know what to expect.

4. Be hospitable. Be a good host when interviewing people in your office and a good quest when interviewing people at their home or at work. Offering a refreshment drink helps relax people.

5. Control your body language. It is important to demonstrate interest in the client and in what the client is telling you. Pay attention to your body language: facial expressions, behaviour and posture. Make eye contact with the person you are talking to, since it conveys honesty and interest.

6. Do not become emotional: try to be objective and calm when communicating, without being cold and distant.

7. Demonstrate compassion with professional boundaries. You will often feel empathy, especially for clients who are in a difficult situation. Remember that your role is to help them with their legal troubles. You can't help with financial, emotional, or psychological troubles.

8. Sum up the interview and outline steps going forward. The overall purpose of a legal interview is to enable your client to reach a decision as to which course of action they wish to pursue. By combining the results of listening and questioning, you should be able to identify what the client's problem is and what potential solutions are available. Remember, though, that your role is advisory, that is, to put those potential solutions before the client, but leave it to them to ultimately decide what to do next.

9. Keep confidences. This is the most important rule of all. Remember that not only the information you gather is to be kept confidential, but also the very identity of the client is confidential. If you work for a lawyer who does only criminal law or bankruptcy law and you mention that a person, who lives in the community, came to the office, you are revealing a client confidence.

СЛОВА из текста:

sample - типовой, примерный

tangible evidence - реальные факты, ясные свидетельства in possession - в (чьём-либо) владении educate - просвещать, давать образование predict - прогнозировать

feel less anxious - меньше беспокоится, меньше переживать hospitable - гостеприимный, восприимчивый, открытый host - хозяин guest - гость

at work - за работой, на работе

facial expression - мимика, выражение лица

posture - положение тела
convey - выражать, передавать (чувства)
objective - беспристрастный, непредвзятый, объективный
compassion - сочувствие, сострадание
boundaiy - предел, граница
empathy - сопереживание, умение поставить себя на место другого
psychological - психологический
outline - наметить в общих чертах, очерчивать
pursue - неотступно следовать, придерживаться намеченного плана
very - даже
identity - идентификация, обозначение, идентификационная информация

3. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. You should be subjective and emotional in your communications with clients in order to demonstrate your professionalism.
2. In the interview the paralegal should confine himself strictly to the checklist of questions.
3. It is desirable to get a11 relevant documents and physical evidence the client has in his possession.
4. Offering a refreshment drink helps to establish a good, professional relationship between the paralegal and the client.
5. The paralegal should help his clients understand and predict the complex process of litigation.
6. Paralegals must help their clients with financial and psychological troubles.
7. The client's role in the legal interview is advisory.

4. ОТВЕТЬТЕ на вопросы к прочитанному тексту

1. How can the paralegal demonstrate interest in the client and in what the client is telling him?
2. What does "body language" include?
3. What does eye contact with an interlocutor convey?
4. What does it mean to be hospitable?
5. What makes clients will feel less anxious during the legal interview?
6. What should the paralegal be able to do by combining the results of his interview with the client?
7. What technique may be used by the paralegal in order to encourage the interlocutor and develop the conversation further?

Практическая работа № 77

Тема: Правила деловой переписки.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

1. Give your letter a heading if it helps the reader to see at a glance what you are writing about.
2. Decide what you are going to say before you start to write.

3. Use short sentences.
4. Put each separate idea in a separate paragraph.
5. Use short words that everyone can understand.
6. Think about your reader. Your reader...
 - ... must be able to see exactly what you mean: your letters should be CLEAR;
 - ... must be given all necessary information: your letters should be COMPLETE;
 - ... is a busy person with no time to waste: your letters should be CONCISE;
 - ... must be addressed to in a polite tone: your letters should be COURTEOUS;
 - ... may get a bad impression if there are mistakes in grammar: your letters should be CORRECT.

Seven Steps in Planning a Business Letter

1. Write down your aim: Why are you writing this letter?
2. Assemble all the relevant information and documents.
3. Arrange the points in order of importance. Make rough notes.
4. Write an outline and check it through, considering these questions:
 - Have you left any important points out?
 - Can the order of presentation be made clear?
 - Have you included anything that is not relevant?
5. Write a first draft, leaving space for additions and changes.
6. Revise your first draft by considering these questions:

Information:

- Does it cover all the essential points?
- Is it correct, relevant and complete?

English:

- Are the grammar, spelling and punctuation correct?

Style:

- Does it look attractive?
- Does it sound natural and sincere?
- Is it the kind of letter you would like to receive yourself?
- Is it clear, concise and courteous?
- Will it give the right impression?

7. Write, type or dictate your final version.

2. Look through the structure of a business letter

Structure of the Letter

1. Sender's address / Date.
2. Inside address (receiver's address).
3. Attention line.
4. Salutation.
5. Body of the letter.
6. Complimentary close.
7. Signature.

3. Analyze the following letter according to its structural points.

GIMBEL & CO Ltd 21 High Street, Blackheath, London
SE3B 5HY Tel: 01-564-8843 7th May 2002

M. Lawson Esq, Manager, Filbury & Johns, 20

The address of the firm sending the letter (the letterhead) is often printed on the paper The date

The name, position, firm and address

Shaftsbury Avenue, London W1A 4WW

Ourref: DM/SK Dear Mr Lawson,

Thank you for your letter of 4th May enquiring about our range of office equipment.

I enclose an up-to-date price list and our latest catalogue which I hope includes something of interest to you. You will notice that we offer very favourable terms of payment.

I look forward to hearing from you again.

Yours sincerely

David Eipley Sales Manager

Encs

of the addressee

The reference (the initials of the person writing the letter and the person who types it)

The first paragraph says why you are writing

The second paragraph says what you want or what you are doing (the real reason for writing the letter)

The final paragraph is a polite ending

You write 'Yours sincerely', if you know the name of the addressee and 'Yours faithfully' if you don't

The signature The person writing the letter His position in the firm

Here the enclosures are the catalogue and price list

4. Use the given phrases in the business letter of your own.

Opening Phrases:

- Dear Madam
- Dear Sir
- Dear Mister Malform
- Dear Sirs
- We have received your letter of...
- We thank you for your letter of...
- We have the pleasure to inform you
- In reply to your letter of...
- To inform you... -
- We apologize for the delay in answering your letter.

Linking Phrases:

- There is no doubt that...
- It is necessary to note...
- We'd like to draw your attention to the fact
- Considering the above said...
- In this connection... -
- In connection with your request...
- Otherwise we shall have... змушені...
- As regards your request...
- Up till now we have received no reply
- In case of delay...
- In case of your refusal...

- In case you fail to make payments...

Closing Phrases:

- We are looking forward to receiving your consent/approval/confirmation.
- Your prompt execution of our order would be appreciated
- We wish to maintain cooperation with you.
- Your early reply will be appreciated.
- We are looking forward to hearing from you.
- If we can be of any assistance, please do not hesitate to contact us.
- Yours faithfully/ sincerely

5. Read and discuss the structure of the following letter according to the given statements and rules.

D. Clark, Sales Manager, Priston & Co Ltd, 28 Kolas Court, North Middletown, NJ 07734 USA
 5th March 2001 Our ref: MP/NK Dear Mr. Clark, Thank you for your offer of 3rd March. We are favourably impressed by the quality of your commodity, but feel that the price is rather high. The prices quoted by other suppliers are, on the average, 10% lower. However, in view of the high quality of your commodity, we are ready to make a deal with you if you re-examine your prices. If you reduce your price by 5% we will place an order for some 10.000 items. We trust that in view of the size of the order you will see your way of making this concession. Your early reply will be appreciated. Yours sincerely, Mike Parson Sales Manager

6. Answer the questions.

1. Who is sending the letter?
2. Who is receiving it?
3. What is the opening phrase?
4. The company is ready to purchase the commodity, isn't it?
5. What is its requirement?
6. What quantity is it ready to buy?
7. Do you think it is worth to make this concession?
8. What is the closing phrase?

Практическая работа №78

Тема: Примеры деловой переписки юриста.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

1. Прочитайте и переведите текст делового письма; определите все его основные структурные части.

OK Company
 1234 Writing Lab Lane
 Write City, IN 12345
 September 4, 2014
 A. Reader

123 Winner's Road
New Employee Town, PA 12345

Ref: faxes, memos and e-mail.

Dear Mr. Reader,

As we agreed, I send you the information about some other types of business correspondence.

Fax is a facsimile copy of a document which is transmitted electronically through phone lines to another fax machine. Most organizations have a separate telephone line for receiving and sending faxes, which can be used 24 hours a day. A fax is not

usually a legally binding document. It may have the same parts as the letter does, but often it is in shorter and less official form. It's important to put down the number of pages in the fax for the reader to know if all the pages were received.

Memo as short for memorandum is a type of correspondence written from one person in the company to another, or an informal letter to someone outside the company. The style that is used depends on the practice within the company and on the relationship between the people involved. As a rule, it doesn't include an address or a title as Mr. or Dr. Instead of signature the sender puts his initials or his name. The other parts may be the same as in the letter.

E-mail - electronic mail is a fast and inexpensive way to communicate through the computer and a less formal method of correspondence. You can add to your message the existing file, such as a word-processing document or a spreadsheet. Its parts are:

To: *e-mail address*

From: *e-mail address*

Subject: *about what you are writing*

Date: *placed automatically*

Body: *the essence of the message*

Complementary close: *Yours sincerely,*

Signature: *your name.*

To make e-mail more 'personal' some people use punctuation to add happy © or unhappy © faces to their messages.

Be so kind as to feed all your firm staff with this information on different types of business correspondence.

I hope this information will be of some use for all of you. I look forward to keeping in touch with you.

Sincerely yours,

Mr. Know-All,

the OK Company Manager

Практическая работа №79

Тема: Написание делового письма

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Writing a Business Letter in English

A business letter has its unified structure containing the following parts:

Return address (or sender's/addresser's location) is the name and the address of the sender, beginning from the smallest division: addresser's name, the name of the organization, house number, street, city, state or province and ZIP code, country. Business letters usually have a printed letterhead. It usually has all of the company's information, including address, phone number, fax number, company Web site and personal e-mail address. It may be written on the right side or at the *top of the page*.

Date - it's the date when the letter was written and signed. It is below the return address. It may be written in American style (month, day, and year) or in non-American (day, month, year). But it is better to spell month not to make confuse: 9 *Januaru* 2015, not 09.01.15.

Destination address (or receiver's/addressee's location) - the address and the person to whom you are writing. The information should be given in the same order as the return address. Usually it is written close to the left margin.

Reference - here you name the main topic of the letter. For example: *Re: Doe v. Local Service Corner Ltd., Case No. JFD-97-9990* or *Re: Your letter of 11^A March*.

Salutation - when you name the person to whom you address. Example: *Dear Dr. Brown* or *Dear Mr. White*. When you don't know whom to address in company, you should use the formula: *Dear' Sir* (or *Dear Madam, Dear Ms*), or *To Whom It May Concern*.

Body - the body of a letter tells about the subject of the letter. Usually it has four parts:

- opening - where you give the reason of writing or involve the reader in the theme of your topic;
- focus - where you provide details and explain what exactly the problem is;
- action - where you say what will happen next or what actions you are going to undertake;
- closing - be positive; here you thank the reader or demonstrate your hope for the positive result of your addressing, something like: *We look forward to hearing from uou soon*.

Complementary close is the phrase you use after you end the body of the letter and before you sign your name. It may be:

Vent bzdy i/ours.

Very cordially yours.

Very sincerely yours.

Faithfully yours.

Sincerely uours.

Signature and typed name and title of sender - the writer's name and job title (or department) are typed at the bottom of the letter. He or she then signs the letter directly above the typed name.

Postscript is a brief sentence or paragraph introduced by the initials, "P.S." ("post *scriptus*" Latin for "after having been written"). It implies that the writer, having completed and signed the letter, had an after-thought. Although this is still commonly used in informal letters, it is not widely accepted for use in formal or business letters.

Notation regarding **copies** and **enclosures**, if any - you add it in the left bottom corner of the page if you are sending something with the letter (Encl.) or have sent copies of the same message to somebody else (CC - Carbon Copy).

СЛЮБА из текста:

top of the page - верхняя часть страницы name - называть, указывать to whom it may concern - всем, кого это может касаться; по месту

требования body - главная часть, основная часть (письма) opening - начало; вступление; вступительная часть

closing - концовка, заключительный пассаж (письма) we look forward to hearing from you soon - мы ожидаем получение известий от вас very truly yours - с глубоким уважением sincerely yours - искренно преданный Вам typed name and title - машинописный вариант имени и должности after-thought - запоздалое соображение, поздно пришедшая мысль left bottom corner - слева в нижнем углу (листа)

2. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. Business letters usually have ...
2. "Return address" is ...
3. Date in a business letter may ...
4. "Destination address" is ...
5. The body of a standard business letter has ...
6. After you end the body of the letter ...

3. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

- Address may be written in American or non-American style.
- Business letters usually have a handwritten letterhead.
- Destination address is written at the top of the page.
- "Enclosure" is a brief statement of the subject matter to be addressed in the letter.
- If you put down "P.S." in the corner of the page it means that you are sending something else with the letter.
- In "closing" you may demonstrate your hope for the positive result of your addressing.
- "Letterhead" is the name and contact information for the sender.
- "Reference" is usually the name of the person to whom you are writing.
- The part of a letter explaining its subject matter is called an "action".

Практическая работа №80

Тема: Виды юридических документов.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности, названия юридических документов

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

1. ВЫУЧИТЕ слова и выражения

addressee /adre'si:/ = **recipient** /n'sipiant/ - получатель, адресат **business letter** /'biznas 'leta(r)/ - деловое письмо, коммерческое письмо

complementary close /.kompli'ment^ri klauz/ - прощальная вежливая фраза

confirmation letter /.kDnfe^'mei^aJn 'leta(r)/ - письмо-подтверждение **correspondence** /.kDri'spDndans/ - переписка (как процесс), письма, корреспонденция **demand letter** /di'ma:nd 'leta(r)/ - письмо-требование урегулирования спора

destination address /'destr'neiJ(8)n a'dres/ - адрес назначения, адрес получателя

enclosure /t'k1эизэ(r)/ = enclosed /in'klsuzd/ = attachment /a'taetfmant/ = attached /a'taetjt/ - вложение, приложение; "прилагается" **layout** /'leiaut/ - внешний вид, облик, схема

расположения **letter of abandonment** /'leta(r) av a'baendan/ - заявление об отказе **letter of complaint** /*let8(r) av kam'pleint/ = complaint letter /kam'pleint 'leta(r)/ = claim letter /kleim

'leta(r)/ - претензионное письмо, рекламация, письменная жалоба **letter of confirmation** /'leta(r) av .kDnfefO'meiJielrV - письмо- подтверждение
letter of congratulations /'leta(r) av kangraetju'lei^ajnz/ - поздравительное письмо
letter of demand /'leta(r) av di'ma:nd/ - письмо-требование (любое письмо, содержащее формальное требование чего-л. от другого лица)
letter of guarantee /'leta(r) av .gaeran'ti:/ = letter of commitment /'leta(r) av
letter of intent /'leta(r) av in'tent/ - письмо о намерении (письмо, в котором лицо сообщает о своем намерении предпринять какие- либо действия при наступлении определенных условий)
letter of offer /'leta(r) av in'tent/ - письмо с предложениями **letter of request** /'leta(r) av ri'kwest/ - письменное ходатайство, заявка **margin** /'ma:(r)d3in/ - поле (страницы), край, граница **opinion letter** /a'pinjan 'leta(r)/ - письмо, содержащее юридическое заключение; письмо с выражением мнения юриста **order letter** /'o:(r)da(r) 'leta(r)/ - письмо-заказ **postscript** /'paus(t),skapt/ = P.S. /,pi: 'es/ - приписка в письме
printed letterhead /'printed 'leta(r),hed/ - отпечатанный штамп фирмы на бланке письма, печатный фирменный бланк **reference** /'ref(8)r8ns/ - ссылка, упоминание темы, отсылка (к предыдущему письму ит. п.) **reminder letter** /n'mamda(r) 'leta(r)/ - письмо-напоминание **reply letter** /rɛ'plai 'leta(r)/ - ответ на письмо-рекламацию или на напоминание о невыполненных обязательствах **return address** /n't3:(r)n a'dres/ - обратный адрес **salutation** /,saɛlju'tei/(a)n/ - приветствие
sender /'send8(r)/ = addresser /a'dres8(r)/ = addressant /a'dresant/ - отправитель, адресант **signature** /'signatja(r)/ - подпись, собственноручная подпись, автограф
spelling /'spelirj/ - орфография, правописание **thank-you letter** /Gaerjk ju: 'leta(r)/ - благодарственное письмо **to put down** /put daun/ - записывать, вписывать **to type** /taip/ - печатать, набирать на клавиатуре **transmittal letter** /traenz'mital 'leta(r)/ - препроводительное письмо, сопроводительное письмо, препроводительная записка **ZIP code** /zip kaud/ (Zone Improvement Plan code) - почтовый индекс

Golden Rules of Business Correspondence

1.Letter-writing is the basic element in business and legal correspondence nowadays, although we have such achievements of modern telecommunication as fax, e-mail, memo, which are widely spread in legal environment. Nevertheless different elements of the letter are presented in all newly invented means of communication and the letter itself still remains the most reliable and recognized way of transmitting information.

2.If you are a lawyer or paralegal, you should know the basics of business letter writing as far as you will have to write a great amount of different documents in the basis of which there is a letter. The first thing to consider is the purpose of a business letter. In a legal environment, a business letter may be used for any of the following purposes:

- communicate factual information;
- send documents to the client, opposing counsel or the court;
- confirm important dates and appointments;
- request information from the client or opposing counsel;
- confirm information provided to the client, seiiAce provider or opposing counsel;
- summarize a legal opinion regarding a client's rights and obligations;
- initiate settlement.

3.In preparing any letter, it is recommended to follow some common rules of making a business letter which are called the 'Golden Rules':

- it must be written in a good language without errors in spelling, grammar, punctuation, sentence structure or word use;
- it should contain simple, rather than long, sentences and easy to understand phrases;
- it must be typed, only the signature is to be written down;

- it mustn't have any words *crossed out* or any obvious *erasures*;
- 4.- its appearance should be attractive to an eye, its margins must be straight and wide enough (the upper, the left and the bottom margins - about 3-4 cm, the right - not less than 1 cm).
- it should never be continued on the back of the sheet;
- it should be written in polite, friendly or neutral tone and by no means sound aggressive or *disgusting*;

2. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. A business letter may be used for different purposes.
2. A business letter should be «inviting to an eye», well shaped and well-balanced.
3. As far as there are so many types of a business letter it's impossible to define any general rules of letter-writing.
4. Different elements of letter-writing are presented in all newly invented means of communication.
5. Each letter should deal with no more than three subjects.
6. In order to be on the safe side you should make a copy of every letter you receive.
7. Lawyers have to write a great amount of business letters.
8. The whole text of a business letter must be typed.
9. When you translate a letter from a foreign language, do it word by word without any variations.

3. ОТВЕТЬТЕ на вопросы к прочитанному тексту

What are the purposes of letter-writing in a legal environment?

- What are the ways to make a letter more understandable and clear?
- What does a layout and content of business letters reflect?
- What does a signature on the letter mean?
- What margins should there be in a business letter?
- What means of communication are used in legal environment alongside with business letters?
- Why is it necessary to have a copy of every letter sent by lawyers?

Практическая работа № 81

Тема: Как подготовить юридический документ

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

How to Prepare a Legal Document

- Paralegals often draft routine legal documents either for clients or for the law firms. Because these documents tend to follow standard forms and templates, they are relatively easy for paralegals to create. But like all legal documents, the content must be *precise and accurate*. Something as simple as a *misspelled word* or *missing comma* can change a document's meaning or *render it invalid*.

- If you are a paralegal and you have to prepare a legal document, but you are not sure where to begin, you may just follow the steps indicated below:
 - **Create a heading.** The heading of a legal document may be a letterhead, case caption, or simply the title of the document, depending upon the type of legal document you are drafting.
 - Letterhead. Letterhead goes at the top of the first page of a letter, contains the letter writer's name, address, and telephone number, and may contain an e-mail address, fax number, or company logo, as long as it identifies you as the letter's author and provides a way for the reader to contact you.
 - Case caption. If you are drafting a pleading, you will need to put the case caption at the top of the first page of the pleading. A case caption contains the name of the state, county, and court, the parties names, and a case number.
 - Document title. Directives and agreements generally have headings, which contain the name of the document in large or bold font. A document title for an agreement or directive may be something like, "Last Will and Testament of Bill Smith" or "Paralegal Services Agreement".
 - **Find some good forms or examples.** There is no need to reinvent the wheel. Whatever letter, pleading, agreement, or legal document you need to prepare, someone has done it before, and so there is no reason to not learn from his or her experience. Find a few forms or examples for the legal document you want to prepare, and use them to create your own version. Some good places to find forms include:
 - Handbooks, reference books and books of forms. Many legal publishers publish for lawyers different handbooks and books of forms that you may use as guidelines.
 - Free form sites. Many free form sites offer valid forms for different kinds of legal instruments. Free forms in English can be found at LexisNexis, Forms Workflow, All About Forms, and Law Smart.
 - **Create the body of the document.** Using the forms you found, write the main part of the document. When writing, you should use clear, concise language to ensure that there is only one way of interpreting the words. You want every person who reads the document to understand it to mean the same thing. Some tips for making the document clear, include:
 - be specific;
 - remain brief say only what you need to say and nothing more;
 - use formatting: numbered paragraphs, bold headings and subheadings, and white space can all be used to make your document more readable;
 - include a definitions section;
 - date the document;
 - avoid legalese when you can.
 - **Make a signature block.** A signature block provides a line for each person who will sign the document to sign, with his or her name typed or printed beneath the line. It may also include a space for the signatory to date the document.
- Proofread and spell check.** Examine your text carefully to find and correct typographical errors, misused words, mistakes in grammar, style, and spelling.
- СЛОВА из текста: fcvj/ precise and accurate - точный и безошибочный misspelled word - неправильно написанное слово missing comma - пропущенная запятая
 render it invalid - превратить (документ) в не имеющий законную силу (текст)
 case caption - заголовок (название) судебного дело
 title - заглавие, заголовок
 company logo - логотип фирмы
 large or bold font - крупный или жирный шрифт
 reinvent the wheel - заново изобретать колесо
 experience - опыт, практика

handbook - настольная книга, справочник
reference book - справочная книга, пособие
publisher - издательство
guidelines - руководство, инструкция
free form site - бесплатный сайт типовых бланков
concise language - немногословный стиль, лаконичный язык
brief - лаконичный, краткий
formatting - форматирование, разметка текста
white space - пробел, свободное место
readable - пригодный для чтения

definitions section - раздел с дефинициями (толкованием) используемых в тексте слов
date - датировать, ставить число
legalese - юридический жаргон
signatory - лицо, подписавшее документ
typographical error - опечатка
misused word - неправильно употребленное слово

2. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. The content of legal documents should ...
1. If you have to prepare a legal document...
 2. The heading of a legal instrument...
 3. The sources, where you can find the forms of legal documents, include ...
 4. The tips for writing a legal instrument include ...
 5. A signature block contains ...

3. ОТВЕТЬТЕ на вопросы

- In what part of a sheet does a letterhead go?
- What document goes with a case caption?
- What does formatting of a text mean?
- Where can a paralegal find forms if he creates a legal document in English?
- Why is it relatively easy nowadays for paralegals to create routine legal documents?
- Why should a paralegal proofread every draft of a legal document?
- Why should a paralegal use clear and concise language when he drafts a legal document?

Практическая работа № 82

Тема: Структура и содержание текста договора .

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

Structure and Content of a Business Contract

Legislation lays down **fundamental norms** about the structure and content which all business contracts must comply with. For sales contracts, supply agreements and contracts of service these norms are as follows:

- goods/services must be of merchantable quality;
- the seller/contracting party must have title;
- goods/services must be fit for a particular purpose;
- goods/services must be as described;
- there must be no misrepresentations.

In a more detailed way the **uniform terms and conditions** of a contract for sale of goods are as follows:

identification of the parties; these can be the name of a person or a separate business entity;

description of the goods (certain quantity and quality);

consideration (it normally consists of the mutual promises that are made by the parties to the contract; each party must make a binding promise to the other party in order to the agreement between them to be a true and enforceable contract);

- seller's obligation to tender deliver of the goods (time, place and manner of delivery);
- buyer's obligation to pay for goods (price; medium of payment time of payment);
- warranties;
- insurance;
- remedies of the parties;
- signature of the parties;

j) miscellaneous provisions (duration and termination of contract terms; delegation of performance; assignment of rights; force majeure; liquidated damages; acceleration clauses; choice of law clause).

The contract should stipulate all these different things in good time. This is very important, as otherwise large sums can be spent on litigation.

СЛОВА из текста:

legislation - законодательство

supply agreement - договор на поставку

merchantable quality - (хорошее) рыночное качество; коммерческое качество (оговорка в договорах купли-продажи, означающая, что товар должен отвечать всем целям, для которых он обычно употребляется, и соответствовать контрактному описанию)

title - право собственности; право на имущество; основание права на имущество

be fit for - соответствовать, быть пригодным для (чего-либо) misrepresentation - введение в заблуждение; искажение фактов

terms - условия соглашения, договора

consideration - материальное основание договора, встречное удовлетворение

mutual promises - взаимные обещания

binding promise - обязывающее обещание

tender delivery - выполнить условия поставки, осуществить доставку

medium of payment - средство платежа, платежное средство

warranty - гарантийное обязательство

insurance - страховка

remedies - средства судебной защиты

miscellaneous provisions - прочие положения

performance - исполнение договора

assignment of rights - переуступка прав

force majeure - форс-мажор, форс-мажорные обстоятельства, непреодолимая сила

liquidated damages - ликвидные (заранее оцененные) убытки, оценочная неустойка

acceleration clause - оговорка об ускорении, условие о сокращении срока исполнения обязательства, choice of law clause - условие контракта о выборе применяемого права

stipulate - обуславливать, оговаривать в качестве особого условия in good time - заранее, вперед; заблаговременно

2. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. A business contract usually contains ...
2. Each contracting party must...
3. In a business contract, goods/services must...
4. The contract should ...
5. The fundamental norms of a contract of service are ...

3. ОТВЕТИТЕ на вопросы

1. Give the examples of miscellaneous provisions included into business contracts.
1. What are fundamental terms and conditions of contracts for services or sale of goods?
2. What does consideration usually consist of?
3. What regulates the structure and content, which all business contracts must comply with?
4. What seller's and buyer's obligations should be defined in the contract for sale of goods?
5. What should be written in description of the goods?
6. Why should a lawyer stipulate all probable consequences of the arrangement in advance when drafting a business contract?

Практическая работа №83

Тема: Пример договора на оказание юридических услуг.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

1. Прочитайте, переведите договор на русский язык.

Agreement to Provide Legal Services

_____, represented by _____, acting on the basis of _____ (the «Client»), and _____ (licensed by _____), represented by _____, acting on the basis of a power of attorney (the «Consultant») hereby agree as follows:

1. Subject Matter

The Consultant shall provide to the Client legal services and the Client shall pay the Consultant for the provision of those services and reimburse all expenses incurred by the Consultant in the course of providing those services.

2. Obligations of the Consultant

- 2.1. The Consultant shall advise the Client with written advice on:
- 2.2. The Consultant, to provide oral and written advice, may engage on a subcontract basis other law firms located in jurisdictions where the Consultant does not have a representative office or an affiliate.
- 2.3. The Consultant shall take all reasonable measures to fulfil its obligations properly, exercising care and attention to the extent prescribed by the nature of the obligations and local business practice.

3. Obligations of the Client

- 3.1. The Client shall provide the Consultant on a regular basis with such information as the Consultant may request, to assist the Consultant to provide the legal services in accordance with its obligations under Clause 2 of this Agreement.
- 3.2. The Client shall pay the Consultant for the legal services in accordance with provisions of Clause 4.
- 3.3. The Client shall reimburse all expenses incurred by the Consultant in providing the legal services.

4. Terms of payment

- 4.1. The Client undertakes to pay for the Consultant's services on the basis of invoices issued by the Consultant after the services under this Agreement are performed.
- 4.2. The Consultant's charge for its services will depend on the number of hours spent by the Consultant's employees on the Client's matter and shall be calculated in accordance with the hourly rates set out in Schedule 1 to this Agreement.
- 4.3. The Consultant shall in addition invoice and charge the Client for all disbursements and expenses incurred in providing the legal services, including state duties, fees, international telephone and fax calls, interpreters and translators, secretarial overtime and notary fees. All charges will be calculated excluding Value Added Tax which to the extent that it is payable, shall be paid by the Client
- 4.4. In the event that the Client fails to pay an invoice posted in accordance with Clause 4.3. of this Agreement within _____ calendar days from the date of its posting, the Client shall pay a penalty of 1 (one) per cent of the total amount due for each day of default.

5. Confidentiality and Non-disclosure

Neither the Client, nor the Consultant shall disclose the terms of this Agreement without the consent of the other except to the extent that such disclosure may be required by the laws of the Russian Federation.

6. Liability of the Consultant

In case of any breach by the Consultant of its obligations under this Agreement the Consultant shall reimburse the Client for the immediate and direct losses the Client suffered as a result of the breach except for lost profit, such reimbursement to be limited to reasonable expenses of the Client.

7. Dispute Resolution

7.1. The Consultant and the Client will make all reasonable efforts to settle amicably all disputes arising from and in connection with this Agreement.

7.2. Should parties fail to reach amicable settlement of a dispute connected with this Agreement, they may submit the dispute for consideration to the International Commercial Arbitration Court at the Chamber of Commerce and Industry of the Russian Federation («ICAC») in accordance with the Procedure of such arbitration. The ICAC shall have exclusive jurisdiction to hear such disputes.

7.3. The law applicable to this Agreement shall be the law of the Russian Federation.

2. Выпишите основные пункты договора.

Практическая работа №84

Тема: Пример договора в сфере бизнеса.

Цель: формирование лексических навыков чтения и говорения.

Студент должен

Знать: значение и написание слов профессиональной направленности.

Уметь: применять новые слова в устной и письменной речи, читать с целью извлечения конкретной информации, говорить на основе прочитанного.

ХОД ЗАНЯТИЯ

1. Прочитайте и переведите представленные ниже образцы юридических документов.

1) Sales Contract

This agreement is made *as of* _____ [date] between _____
(hereinafter referred as Seller), and (hereinafter referred as Buyer).

1. *In consideration of* mutual agreements of Seller and Buyer to *be set forth*. Seller agrees to sell and Buyer agrees to buy _____ (hereinafter referred as Goods).

2. Buyer agrees to pay Seller for Goods \$ _____. Terms of payment: _____

3. Seller agrees to deliver Goods to Buyer on [date], at _____ (place).
[date], at

4. *Title to* Goods shall pass to Buyer _____ (e.g., on execution of this contract).

5. Risk of *loss, destruction or damages* of or to Goods shall be on Seller until _____ [e.g., until delivery of Goods to carrier at _____].

Date, Signatures, *Acknowledgment*.

СЛОВА из текста:

as of - начиная с, по состоянию на
in consideration of - учитывая, принимая во внимание
be set forth - быть установленным, оговоренным, закрепленным
title to - правовой титул, основание права на имущество
on execution - по исполнению, на момент выполнения (обязательств)
loss, destruction or damages - пропажа, уничтожение, либо повреждение/порча
acknowledgment - засвидетельствование, подтверждение, удостоверение

2. Deed

This Deed, made as of the 1st day of August, 201__, between_____, party of the first part, and_____, party of the second part. Witnesseth, that the said party of the first part for and in consideration of the sum of \$____(____ &____/100 dollars), the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, all those certain lands:_____

In witness whereof, the said party of the first part has hereunto set his hand and seal.

Sealed and Delivered in the presence of:

This instrument was acknowledged before me by_____ on this _____

Notary

My Commission Expires on:

СЛОВА из текста:

said - вышеупомнутый, вышеуказанный whereof - о котором, о чём convey unto - передавать

3. Termination of Contract of Sale

WHEREAS, the Undersigned have entered into a contract of sale dated_____ regarding Premises known as_____ (the "Contract of Sale"), a copy of which is annexed hereto,

NOW THEREFORE, in consideration of the sum of (dollars) ____ and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, it is

AGREED, that the Contract of Sale is hereby cancelled, terminated and is null and void and of no force and effect, that the parties hereto hereby release and discharge the other, their agents and assigns from any and all obligations and liabilities under said Contract of Sale and that the Seller's attorney, _____, shall, upon the execution of this Agreement, return the contract deposit in the sum of \$_____ to_____

Dated:

Purchaser

Seller

Purchaser's Attorney

Seller's Attorney

СЛОВА из текста:

be annexed - прилагаться; идти в виде приложения

good and valuable consideration - юридически действительное ценное встречное удовлетворение

4) Power of Attorney, Revocation

I, ("Declarant"). o f ____ (Address), through my Power of Attorney dated ____ ("Power of Attorney") made and appointed____, my true and lawful attorney in fact for the purposes, and with the powers set forth in the document.

I hereby give notice that I have revoked and canceled, and hereby do revoke and cancel the Power of Attorney, and all powers and authority given, provided or implied therein to in that Power of Attorney.

In witness of this act, I have signed this Notice of Revocation of Power of Attorney on____ [date].

Revoker of Power of Attorney

On this____[date], before me, personally appeared known to be the person described in and who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.

Notary Public

Commission Expires on:

СЛОВА из текста:

declarant - заявитель

give notice - извещать, уведомить, делать предупреждение

revoke and cancel - отменять (полномочия)

notice of revocation - объявление об отзыве полномочий

foregoing instrument - упомянутый выше документ

5) |Proxy

I, _____, a stockholder of record of____("Corporation") do hereby constitute and appoint as my lawful attorney, and agent, _____for a period expiring on____to represent me at any and all stockholder meetings of the corporation and at any adjournment thereof, to act for and in the name, place and stead of the undersigned on all matters and things which may be presented for action or consideration at such meetings, giving and granting unto said attorney full power in all respects that I could exercise if present in person.

Date: _____

Shareholder:_____

Witness Signature:_____

Notary's Acknowledgment

On this____ [date], before me personally appeared _____[name of shareholder], known to me as the person described in and who executed the foregoing instrument and acknowledged to me that he/she executed the same as said person's free act and deed.

Notary Public

СЛОВА из текста:

adjournment - перерыв между заседаниями

undersigned - нижеподписавшийся action or consideration - решение или обсуждение

6) Promissory Note

\$_____

FOR VALUE RECEIVED, _____, the MAKER, promises to pay to the order of _____, the HOLDER, the sum of \$____ payable at____, ____ with interest at the rate of____ percent per annum.

This note is №____ in a certain series of____ notes.

Should there be a default in the payment of any of the notes, then, at the option of the holder hereof, the remaining notes within the series shall immediately become due and payable.

Upon default the MAKER shall pay all reasonable costs of collection including attorney's fees.

MAKER

СЛОВА из текста:

for value received - за встречное удовлетворение

pay to the order of - платить приказу

with interest at the rate of - включая проценты по ставке в

upon default - в случае невыполнения обязательств

КЛЮЧЕВЫЕ СЛОВА по изучаемой теме:

articles of association

motion

case caption

permit

certified copy

power of attorney

complaint

promissory note

deed

signature block

document form

spelling

heading

subpoena

interrogatory

summons

lease agreement

template

legal brief

terms and conditions

legal instrument

title

legalese

to authorize

legally enforceable

to include

litigation documents

to proofread

letterhead

to spell check

misrepresentation

valid

ПОДГОТОВЬТЕ на английском языке сообщение на тему «Legal instruments», учитывая следующие пункты плана:

- понятие юридического документа;
- виды юридических документов;
- правила по составлению юридических документов;
- коммерческий договор как пример юридического документа: его содержание и структура.

Практическая работа №85

Тема: Дифференцированный зачет (см.КОС)

Цель: Контроль знаний, умений.