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JUSTICE and LAW

Study guide

2nd edition, updated and expanded

Recommended by the Academic Council of Sumy State University



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The 2nd edition of study guide is compiled to meet the requirements of the Bologna Declaration in accordance with the new program of Bachelor in the field of 035“Philology” professional training. The purpose of the study guide is to develop students’ skills in understanding business jurisprudence and high-quality legal texts translation. The aim of the edition is to help students of translation departments master essential linguistic basis to ensure their competitiveness in the labor market.

Meant for students of translation departments of universities and institutes, can also be successfully used in higher and special educational establishments that train specialists in jurisprudence.

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PREFACE

The study aid “Justice and Law” is meant for students of translation departments of universities and institutes, aiming to facilitate quality and efficient mastering the material taught in the subject “Legal Philology” presented in the curriculum of senior students of translation departments. The study aid can also be successfully used in higher and special educational institutions that train specialists in jurisprudence.

Taking into account the aims and objectives of the subject “Legal philology”, which lies in deepening students-intended interpreters’ knowledge, in terms of practicing, broadening and improvement of skills in understanding business jurisprudence and high-quality legal texts translation, the material of the study aid “Justice and Law” is presented by blocks, using a variety of exercises.

Carefully selected authentic texts and exercises are methodically organized so as to facilitate students’ communicative competence. Texts given in the study aid are not adapted, taken from modern American and British publications and reflect the richness, diversity and variety of English professional language.

The study aid consists of eleven units: Law in Everyday Life; The USA. The Legal System. The Judicial System; The UK. The Legal System. The Judicial System; Legal Profession; Crimes. Criminal Law; Crime Scene Investigation; Collection of Evidence; Interviews and Interrogations; Traffic Accident Investigation; Crime Prevention, International Law each of which is a thematically complete unit. All units have a unique structure that allows for a gradual, results-oriented formation of language and communication skills. Special attention is paid to improvement of spoken production skills, skills to debate, justify and clearly express their own point of view.

UNIT 1. LAW IN EVERYDAY LIFE

The second most important question to ask about a legal system is, ‘What is the law?’

The most important question is ‘How is the law applied?’

(Oliver Wendell Holmes, “The Path of the Law”)

1. Read, translate the text and say what role the law plays in everyday life

People live in the quotidian, everyday life world of commonplace, taken-for-granted transactions. They experience constraints of various forms; they usually know where and when they are free and when they are not. They go about their activities more or less thinking about what they do. Sometimes people act unconsciously, borrowing habits and invoking instrumentalities whose origins and rationales they cannot identify. In these instances, they are perhaps less aware of the limits on freedom and sources of constraint.

Most people recognize the power of rational systems – in markets, in bureaucracies of all sorts, and in law. They experience the power of organized instrumentalities, with reliable sequences between action and outcome. Most people, most of the time, place their trust in the systems that govern their daily lives – that the water coming from the tap is not poison, that cars will stop at red lights, that money placed in the bank will be available for withdrawal. When those systems fail – when the pilot is no longer in control of the plane – we become aware of how much of our lives we have ceded to systems we neither control, nor often understand. Ordinary people recognize these logics and rationalities, and they experience them – air traffic control, banking, and the law as another of those systems – as both liberating and imprisoning. While their own actions and trust may contribute to the

entrenchment and expansion of expert rational systems, ordinary people are not necessarily enchanted by them.

So, what the **law** is? *Black's Law Dictionary* defines law as a "body of rules of action or conduct prescribed by controlling authority, and having binding legal force. That must be obeyed and followed by citizens subject to sanctions or legal consequence is a law."

The term "law" is closely connected with the term "norm". Norms "specify what actions are regarded by a set of persons as proper or correct, or improper and incorrect." They exist when the socially defined right to control the (specific) action is held not by the actor but by others. As expected and approved ways of behaving, or as behavioral regularities that are experienced as obligatory, some norms carry the weight of laws, others do not.

Law and legality in everyday life of modern society is filled with signs of legal culture. Every package of food, piece of clothing, and electrical appliance contains a label warning us about its dangers, instructing us about its uses, and telling us to whom we can complain if something goes wrong. Every time we park a car, dry-clean clothing, or leave an umbrella in a cloakroom, we are informed about limited liabilities for loss. Newspapers, television, novels, plays, magazines, and movies are saturated with legal images. But if the law seems to dominate public and private life in America, the public reception of law is nonetheless ambivalent.

People give different explanations for the capacities and constraints on legal action; they suggest the sources of action/agency as well as the limits; they locate legality differently in time and space, positioning the speaker differently in relation to law and legality (as a supplicant, player, or resister). These dimensions have proved a useful way to identify the consistencies and variations among the stories of law. In one story, "before the law", legality is imagined and

treated as an objective realm of disinterested action. Operating by known and fixed rules in carefully delimited spaces, the law is described as a formally ordered, rational, and hierarchical system of known rules and procedures. Respondents conceived of legality as something relatively fixed and impervious to individual action, a separate sphere from ordinary social life: discontinuous, distinctive, yet authoritative and predictable.

There is also a second story of law, a story called “with the law”. Here legality is described and “played” as a game, a bounded arena in which pre-existing rules can be deployed and new rules invented to serve the widest range of interests and values. This account of law represents legality as a terrain for tactical encounters through which people marshal a variety of social resources to achieve tactical or strategic goals. Rather than existing outside of everyday life, this version of the law sees it as operating simultaneously with commonplace events and desires. In this second story, people talked about the value of self-interest and the effectiveness of legal rules for achieving their desires.

There is also a third schema in people’s accounts of law. They consider law as a product of unequal power. Rather than objective and fair, legality is understood to be arbitrary and capricious. Unwilling to stand before the law, and without the resources to play with the law, people often act against the law, employing ruses, tricks, and subterfuges to evade or appropriate law’s power. People revealed their sense of being up against the law in terms of being unable to maintain the law’s distance from their everyday lives and unable to play by its rules.

So it was found out that there was pervasive ideological penetration in that people routinely articulated that the law was not entirely determined by reason, nor did it offer justice, that it was fixed to advantage wealthy, big complex organizations, and even quintessential repeat players: the criminals. But this

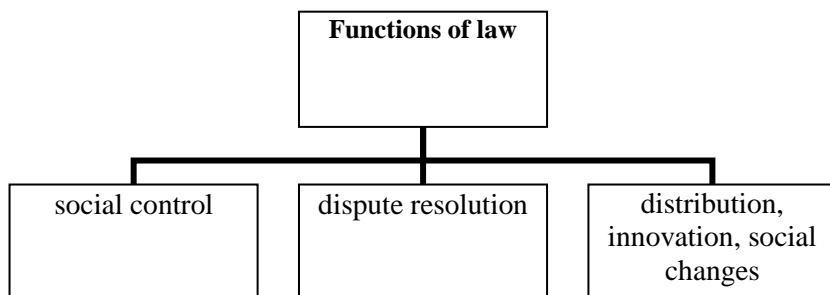
penetration was not complete in that it was counterpoised by articulations of law as appropriately and often embodying the highest ideals of justice and fairness.

*(Based on “The Double Life of Reason and Law”
by Susan S. Silbey, Patricia Ewick)*

2. Answer the following questions:

1. What is the law?
2. What is the difference between the “law” and the “norm”?
3. How do you understand the term “legal culture”?
4. What signs of legal culture can you name?
5. Why is the public reception of law ambivalent?
6. What are three major schemata in people’s accounts of law?
7. Why is legality considered to be imperfect, flawed, and vulnerable?

3. Think of the main functions of the law. The ideas below can help you. What other functions of the law can you name? Use suggested words and expressions.



- to protect the welfare, safety, and diverse interests of individuals and society more generally;
- to protect freedoms;
- to guarantee rights;
- to encourage positive interaction between people;

- to prohibit harmful behavior;
- to help improve the society;
- to maintain stability and justice;
- to define the legal rights and duties of the people;
- to provide means of enforcing rights and duties through law enforcement agencies, courts, legislatures, regulatory agencies;
- to punish people or businesses for wrongful actions.

4. D. Fuller in his “Morality of Law” points out 8 ways when law can fail to be law. They are the following:

1. No rules; every issue is decided on ad hoc basis.
2. Failure to make rules public or known to those who will be subject to them.
3. Retrospective law (making rules in the present and applying to past actions).
4. Failure to make rules understandable.
5. Enactment of contradictory rules.
6. Rules that require conduct beyond the powers of those affected.
7. Frequent, unpredictable rule changes.
8. Lack of congruence between rules and administration or enforcement.

Do you agree with these statements? Can you think of any vivid examples when law failed to be law?

√vocabulary study

5. Using the words in brackets as a guide, explain the meaning of the following words:

- 1) experience (gained through; practice in some activity; knowledge, skill or wisdom; or the doing of something);
- 2) invoke (for help; some power; to appeal to);

- 3) source (anything begins or comes; the place, person, circumstances, thing; from which);
- 4) define (the exact meaning of; to fix; or to state);
- 5) disinterested (or selfish motives; private feelings; not influenced by);
- 6) conceive (an idea; in the mind; to form);
- 7) arbitrary (but by person's own opinion; not decided by; or laws; rules);
- 8) criminal (1. crime; concerned with; 2. the law; against);
- 9) justice (rightness in; other people; fairness or; the treatment of);
- 10) fairness (fair; the quality of; being);
- 11) wealthy (many possessions; having; much money and/or);
- 12) counterpoise (which counterbalances; weight, force or influence; another).

6. Synonyms. Match the words listed in column A with the synonymous ones from column B

A	B
1) to govern	a) to continue
2) legal	b) to speak, to pronounce
3) to maintain	c) to rule, to influence
4) a criminal	d) suitably
5) to articulate	e) lawful
6) appropriately	f) an offender
7) fair	g) to represent
8) complete	h) explanation
9) to embody	i) whole
10) trick	j) just, honest
11) reason	k) objective
12) offer	l) contingency
13) goal	m) ruse
14) event	n) proposal

7. Match the sentences halves.

1. Law is a common and: ...
 2. "I needed money: ...
 3. I fought the law: ...
 4. "As grammar is the rule of language and fashion is the rule of dressing: ...
 5. It is important to realize that law: ...
 6. Many people are under the mistaken belief that: ...
- a) so is law the rule of force." (Noberto Bobbio, "Law and Force," (1965);
- b) the law is there to punish offenders only;
- c) does not only kick-in once someone has broken the law;
- d) and I had none;
- e) yet distinct aspect of everyday life in modern societies;
- f) and the law won" (Sonny Curtis, "I Fought the Law")

8. Which word is the odd one out in each set?

aware	familiar	informed	<u>ignorant</u>	responsive
reliable	honest	unreliable	devoted	loyal
poison	pollute	infect	contaminate	cure
stagnation	movements	transport	trade	traffic
increase	diversify	contract	expand	develop
authority	jurisdiction	power	force	weakness
accept	obey	fulfill	disobey	agree to
expose	lay open	reduce	submit	subject

9. Match:

a) the nouns in the left hand column with the verbs in the right hand column.

- a law to enact/implement;
- to issue;
- to break/violate;
- to cancel/revoke/abrogate;
- to adopt/pass;

order to maintain;
 to call to;
 to restore;
 to observe/keep;

b) the nouns in the left hand column with the attributes in the right hand column.

 administrative;
 state;
authority/ executive;
authorities legislative;
 judicial;
 local;

 red-handed;
 habitual/hardened;
criminal juvenile delinquent;
 alleged/supposed;
 dangerous special.

Make up two or three sentences of your own on each phrase and word combination.

Let us discuss

10. Think of your daily activities and answer the following questions:

1. Are any of your daily activities affected by law?
2. In what way are they affected?
3. What reasons for the applied law can you think of?
4. Is the law perfect or should it be changed? Prove your point of view.

While answering the questions be ready to fill in the chart given below.

Activities	Affected by law	In what way	Reason(s) for the law applied	Should the law be changed? Why/Why not?
Watching the latest news on TV	Yes. Broadcasting Laws	The Broadcasting authority limits/prohibits certain information containing violence	Government control over type of material broadcast	No. There is a strong need for censorship of certain information as different age groups could be watching

11. Get ready for the discussion “Law in everyday life”.

Make use of the following helpful phrases:

to obtain the information:

I hope you don't mind my asking, but I'd like to know ...

Sorry, I don't quite understand why (where) ...

Could you tell me a bit more about ...

to introduce opinions:

Well, I'd just like to say that ...

My attitude from the beginning was ...

My feelings about ..? Well, ...

to remember things:

Well, let me see ...

I am not really sure ...

As far as I can remember ...

I remember quite clearly that ...

I am not sure I can remember all the details, but ...

to ask for clarification:

Does that mean that ...

I don't quite catch the full implication of...

Am I to take it that ...

to talk about unpleasant experiences:

It was dreadful (mean, disgraceful), I was completely shocked.

The worst thing (the most terrible thing) was that ...

I can't describe how depressing it was to ...

to make a point strongly:

It's quite clear to me that ...

I think it's absolutely disgraceful the way he ...

Anybody can see that ...

to express agreement:

I can't agree more.

That's just what I think.

to persuade:

What you don't seem to understand is that ..

I see what you mean but ...

Try to look on the bright side...

Just imagine, if you how would you feel?

to check a point:

Am I right in thinking that you are proposing ... Right.

If I am not mistaken, your policy is ...

Correct me if I'm wrong, but what you are proposing is ...

Writing

12. Using prefixes *il-, im-, in-, ir-, un-, non-, etc.* give negative adjectives which are related to the following:

legal

fair

obey

lawful	just	regular
authorized	constitutional	detected
defined	honest	compliance
complete	continuous	interested
reliable	consciously	experienced

Consult the dictionary if it is necessary.

13. Translate into English using the text and active vocabulary.

А. Те, що беруть на віру; відчувати примус; діяти підсвідомо; займатися власними справами; усвідомлювати межі свободи; надійна узгодженість між діянням і наслідком; довіряти системі; бути доступним для отримання (зняття); укріплення й розширення; бути зачарованим; обов'язковий для виконання; коритися та додержуватися закону; законний наслідок; законність; очікуваний і схвалюваний; електричний прилад; обмежена відповідальність за втрату; амбівалентне сприйняття; визначати узгодженість та варіативність; об'єктивна царина неупереджених дій; правова діяльність; уявляти законність; владний і передбачуваний; винаходити нові правила; слугувати найширшому спектру інтересів та цінностей; територія для тактичних змагань; діяти одночасно зі звичайними подіями; продукт нерівної влади; випадковий та нестійкий; діяти проти закону; хитрувати, щоб ухилятися від закону; переконлива ідеологічна проникливість; пропонувати правосуддя; втілювати найвищі ідеї справедливості й чесності; чітке визначення закону.

В. 1. Закон – це система правил поведінки, установлених владою, щоб підтримувати стабільність і гарантувати справедливість. 2. Він (закон) визначає юридичні права й обов'язки осіб. 3. Закон не може примусити громадян чи бізнес робити як є найкраще.

4. Проте закон має владу карати за неправомірні дії. 5. Як ви вважаєте, люди усвідомлюють протиріччя в царині закону? 6. Чи вважають законність недосконалою, тому що її розуміють як гру? 7. Громадяни вірять у рівність відповідно до закону. 8. Чи легально ввозити золоті годинники до країни? 9. Я не заслуговую на покарання, де твоє почуття справедливості? 10. Голова правління банку уповноважив його підписувати документи. 11. Було з'ясовано, що він намагався привласнити велику суму грошей. 12. Вам потрібно усвідомлювати особливості судової процедури. 13. Яке розумне пояснення ваших дій ви можете запропонувати?

14. Insert the missing words according to the context.

The Constitution of Ukraine (1)_____the right of privacy and data protection. Article 31 states, “Everyone is guaranteed (2)_____of mail, telephone conversations, telegraph and other correspondence. Exceptions shall be established only by a court in cases envisaged by (3)_____, with the purpose of preventing crime or ascertaining the truth in the course of the investigation of a criminal case, if it is not possible to obtain (4)_____by other means.” Article 32 states, “No one shall be subject to interference in his or her personal and family life, except in cases (5)_____by the Constitution of Ukraine. The collection, storage, use and dissemination of confidential information about a person without his or her consent shall not be (6)_____, except in cases determined by law, and only in the interests of national security, economic welfare and human (7)_____. Every citizen has the right to examine information about himself or herself, that is not a state secret or other secret protected by law, at the bodies of state (8)_____, bodies of local self-government, institutions and organizations. Everyone is guaranteed judicial (9)_____of the right to rectify incorrect

information about himself or herself and members of his or her family, of the right to demand that any type of information be expunged, and also the right to (10)_____for material and moral damages inflicted by the collection, storage, use and dissemination of such (11)_____information.” There is also a right of (12)_____of information. Article 34 states: “Everyone has the right to freely collect, store, use and (13)_____information by oral, written or other means of his or her choice.” Article 50 states, “Everyone is guaranteed the right of free (14)_____to information about the environmental (15)_____, the quality of food and consumer goods, and also the right to disseminate such information. No one shall make such information (16)_____.”

15. One of the Golden Rules says: “Do unto others as you would have them do unto you.” Recollect and write down a personal story where you followed this Golden Rule. Do not forget to ask yourself and answer the main questions:

Who? – Refers to the person / persons you applied the rule to.

What? – Refers to exactly what was done.

When?

Where? } Considers the time element and the circumstances of the event.

Why? – Why do you prefer this rule?

How? – How does it affect you life?

16. Test your vocabulary.

1. He couldn't explain it even to himself but he felt _____ in her presence.

a) constraint; b) consumption; c) congratulation.

2. Is this information _____?

a) remain; b) reliable; c) renew.

3. What was the _____ of the discussion?

a) output; b) outrage; c) outcome.

UNIT 2. THE USA. THE LEGAL SYSTEM. THE JUDICIAL SYSTEM

The best of all governments is that
which teaches us to govern ourselves.
(Goethe)

1. Read and translate the text. Speak about three main branches of the U.S. government.

The Legal System of the United States of America

The United States Constitution, adopted in 1789 and amended only rarely since then, is the supreme law of the United States. It established a republic under which the individual states retain considerable sovereignty and authority. Each state, for example, has its own elected executive (governor), legislature, and court system. The federal, or national, government is one of strong, but limited, powers. It may exercise only the powers specified in the Constitution itself. All other powers are reserved by the Constitution to the states and the people. This system of divided powers between the national and state governments is known as “federalism.”

The Bill of Rights is set forth as the first ten amendments to the Constitution. It guarantees fundamental rights to the people and protects them against improper acts by the government. The rights protected include such matters as freedom of speech, freedom of assembly, freedom to seek redress of grievances, freedom from unreasonable searches and seizures, due process of law, protection against compelled self-incrimination, protection against seizure of property without just compensation, a speedy and public trial in criminal cases, trial by jury in both criminal and civil cases, and assistance of counsel in criminal prosecutions.

The Constitution established three separate branches of government – Legislative (Article I), Executive (Article II),

and Judicial (Article III). The three branches of the federal government operate within a constitutional system known as “checks and balances.” Each branch is formally separate from the other two, and each has certain constitutional authority to check the actions of the others.

The Legislative Branch. Congress, the national legislature of the United States, is composed of two houses or chambers – the Senate and the House of Representatives. Each state has two Senators who are elected for six-year terms. One-third of the Senate is elected every two years. Members of the House of Representatives are elected from local districts within states. Each state receives a number of Representatives in proportion to its population. The entire House is elected every two years. To become law, proposed legislation must be passed by both houses and approved by the President. If the President does not sign, or vetoes a bill, it may still be enacted, but only by a two-thirds vote of each house of Congress. The Constitution did not establish a parliamentary or cabinet system of government, as in the United Kingdom and many other democracies around the world. Under the United States Constitution, the President is both the head of state and the head of the government. The President appoints a Cabinet – consisting of the heads of major executive departments and agencies – but neither the President nor any member of the cabinet sits in the Congress. The President’s political party, moreover, does not need to hold a majority of the seats in the Congress to stay in office. In fact, it is not unusual for one or both houses of the Congress to be controlled by the opposition party. Each house of the Congress has committees of its members, organized by subject-matter, that draft laws, exercise general oversight over government agencies and programs, enact appropriation bills to fund government operations, and monitor the operation of federal programs. The federal courts, for example, maintain regular communications with the

Judiciary Committees and the Appropriations Committees of the Senate and the House of Representatives.

The Executive Branch. The President is elected every four years, and under the Constitution may serve no more than two terms in office. Once elected, the President selects a cabinet, each member of which must be confirmed by a majority vote in the Senate. Each cabinet member is the head of a department in the executive branch. The President, his cabinet, and other members of the President's administration are responsible for operating the executive branch of the federal government and for executing and enforcing the laws. The Attorney General, who is head of the Department of Justice, is responsible for all criminal prosecutions, for representing the government's legal interests in civil cases, and for administration of the Bureau of Prisons, the Federal Bureau of Investigation, the Marshals Service, the Immigration and Naturalization Service, and certain other law enforcement organizations. At the local level, the chief prosecutor in each of the 94 federal judicial districts is the United States attorney, who is appointed by the President and reports to the Attorney General. The Department of Justice plays no role in administration or budgeting for the federal courts. The judiciary communicates separately and directly to the Congress on legislative and appropriations matters.

The Judicial Branch. The federal judiciary is a totally separate, self-governing branch of the government. The federal courts often are called the guardians of the Constitution because their rulings protect the rights and liberties guaranteed by the Constitution. Through fair and impartial judgments, they determine facts and interpret the law to resolve legal disputes. The courts do not make the laws. That is the responsibility of the Congress. Nor do the courts have the power to enforce the laws. That is the role of the President and the many executive branch departments and agencies. But the judicial branch has

the authority to interpret and decide the constitutionality of federal laws and to resolve other disputes over federal laws. The framers of the Constitution considered an independent federal judiciary essential to ensure fairness and equal justice to all citizens of the United States. The Constitution they drafted promotes judicial independence in two principal ways. First, federal judges appointed under Article III of the Constitution can serve for life, and they can be removed from office only through impeachment and conviction by Congress of “Treason, Bribery, or other high Crimes and Misdemeanors.” Second, the Constitution provides that the compensation of Article III federal judges “shall not be diminished during their Continuance in Office,” which means that neither the President nor Congress can reduce the salaries of most federal judges. These two protections help an independent judiciary to decide cases free from popular passion and political influence.

*(From “The Federal Court System
in the United States”)*

2. Answer the following questions:

1. What is the U.S. Constitution?
2. What are the three branches of the U.S. Government?
3. What powers has the Congress according to the Constitution?
4. What rights has the President?
5. How often is the President elected?
6. What authorities does the Judicial Branch have?

3. There are 14 executive departments within the Executive Branch in the USA. Match each department with its activity and find corresponding Ukrainian equivalents

Executive Departments	Activities	Corresponding Ukrainian Equivalent
1. Department of State	1) energy research; energy conservation	a) Міністерство фінансів
2. Department of Treasury	2) schools; financial aids	b) Міністерство юстиції
3. Department of Defence	3) rights of workers; job training	c) Міністерство праці
4. Department of Justice	4) financial aids; VA hospitals	d) Міністерство транспорту
5. Department of the Interior	5) health services; social security	e) Міністерство торгівлі
6. Department of Agriculture	6) National Parks; American Indians	h) Державний департамент (Міністерство іноземних справ у США)
7. Department of Commerce	7) housing; city planning	i) Міністерство освіти
8. Department of Labour	8) Military advice; Army, Navy, Air Force	j) Міністерство оборони
9. Department of Health and Human Services	9) legal advice; immigration and naturalization service	k) Міністерство сільського господарства
10. Department of Housing and Urban Development	10) travel safety; road, air, train travel	l) Міністерство охорони здоров'я та соціального забезпечення
11. Department	11) tax collection;	m) Міністерство

of Transportation	money	внутрішніх справ
12. Department of Education	12) foreign policy; treaties	н) Міністерство енергетики
13. Department of Energy	13) farming; food inspection	о) Міністерство з питань ветеранів
14. Department of Veterans Affairs	14) business; trade	р) Міністерство житлового будівництва та міського розвитку

4. Read the text and point out the peculiarities of the U.S. judicial system.

The Judicial System of the USA

The judicial system in the United States is unique insofar as it is actually made up of two different court systems: the federal court system and the state court systems. While each court system is responsible for hearing certain types of cases, neither is completely independent of the other, and the systems often interact. Furthermore, solving legal disputes and vindicating legal rights are key goals of both court systems.

The federal judiciary consists of *the Supreme Court* and the system of *federal courts*. The Supreme Court of the United States sits at the apex of the federal court system. It is made up of nine judges, known as justices, and is presided over by the Chief Justice. It meets in the Supreme Court Building of white marble in Washington, D.C. The jurisdiction of the Supreme Court is almost completely discretionary, and, to be exercised, requires the agreement of at least four justices to hear a case. (In a small number of special cases, such as boundary disputes between the states, the Supreme Court acts either as the court of first instance or exercises mandatory appellate review). As a general rule, the Court only agrees to decide cases where there is a split of opinion among the courts

of appeals or where there is an important constitutional question or issue of federal law that needs to be clarified.

The structure of the federal courts. With certain notable exceptions, the federal courts have jurisdiction to hear a broad variety of cases. The same federal judges handle both civil and criminal cases, public law and private law disputes, cases involving individuals and cases involving corporations and government entities, appeals from administrative agency decisions, and law and equity matters. There are no separate constitutional courts, because all federal courts and judges may decide issues regarding the constitutionality of federal laws and other governmental actions that arise in the cases they hear.

Trial Courts. The United States *district courts* are the principal trial courts in the federal court system. The district courts have jurisdiction to hear nearly all categories of federal cases. There are 94 federal judicial districts, including one or more in each state, the District of Columbia, Puerto Rico, and the overseas territories. Each federal judicial district includes a United States bankruptcy court operating as a unit of the district court. The bankruptcy court has nationwide jurisdiction over almost all matters involving insolvency cases except criminal issues. Once a case is filed in a bankruptcy court, related matters pending in other federal and state courts can be removed to the bankruptcy court. The bankruptcy courts are administratively managed by the bankruptcy judges. Two special trial courts within the federal judicial branch have nationwide jurisdiction over certain types of cases. The Court of International Trade addresses cases involving international trade and customs issues. The United States Court of Federal Claims has jurisdiction over disputes involving federal contracts, the taking of private property by the federal government, and a variety of other monetary claims against the United States.

Trial court proceedings are conducted by a single judge, sitting alone or with a jury of citizens as finders of fact. The Constitution provides for a right to trial by a jury in many categories of cases, including: (1) all serious criminal prosecutions; (2) those civil cases in which the right to a jury trial applied under English law at the time of American independence; and (3) cases in which the United States Congress has expressly provided for the right to trial by jury.

Courts of Appeals. The 94 judicial districts are organized into 12 regional circuits, each of which has a United States court of appeals. A court of appeals hears appeals from the district courts located within its circuit, as well as appeals from certain federal administrative agencies. In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases, such as those involving patent laws and cases decided by the Court of International Trade and the Court of Federal Claims. There is a right of appeal in every federal case in which a district court enters a final judgment. The courts of appeals typically sit in panels of three judges. They are not courts of cassation, and they may review a case only if one or more parties files a timely appeal from the decision of a lower court or administrative agency. When an appeal is filed, a court of appeals reviews the decision and record of proceedings in the lower court or administrative agency. The court of appeals does not hear additional evidence, and generally must accept the factual findings of the trial judge. If additional fact-finding is necessary, the court of appeals may remand the case to the trial court or administrative agency. Remand is unnecessary in most cases, however, and the court of appeals either affirms or reverses the lower court or agency decision in a written order or written opinion.

5. Answer the following questions:

1. What kind of court system is there in the USA?
2. What is the federal judiciary made up?
3. What is the highest judicial branch in the USA?
4. What is the jurisdiction of the Courts of Appeals?
5. Who has the right of appeal?

6. Match the sentences halves.

1. Federal courts are courts of limited jurisdiction because they can hear only two main types of cases: ...
2. Federal courts can have jurisdiction over a case of a civil nature in which parties are residents of different states and: ...
3. Federal courts have jurisdiction over cases that arise under the U.S. Constitution, the laws of the United States, and the treaties: ...
4. These issues are the sole prerogative of the federal courts and include the following types of cases: suits between states; cases involving ambassadors and other high-ranking public figures: ...
5. The jurisdiction of the state courts extends to basically any type of case that: ...
6. State courts are: ...
7. This means that they not only have the authority to apply or interpret the law, but they often have the authority to create law if: ...
 - a) made under the authority of the United States;
 - b) federal crimes; bankruptcy; patent, copyright, and trademark cases; admiralty; antitrust; securities and banking regulation; other cases specified by federal statute;
 - c) common-law courts;
 - d) the amount in question exceeds the amount set by federal law (currently \$75 000);
 - e) it does not yet exist by act of the legislature to create an equitable remedy to a specific legal problem;

- f) diversity of citizenship and federal question;
 g) does not fall within the exclusive jurisdiction of the federal courts.

7. Analyse the chart “Types of Supreme Court Opinions. The USA”. Do the legal research and draw a similar chart “Types of Supreme Court Opinions. Ukraine”.

Types of Supreme Court Opinions. The USA

Decision	Vote	Result
Unanimous	All justices agree on reasoning and outcome of case	Precedent for later cases
Majority	A majority agree on reasoning and outcome of case	Precedent for later cases
Plurality	A majority agree on outcome but not reasoning for reaching outcome	Decides case, but is not precedent for later cases
Tie	Happens when one or more justices is absent due to illness, conflict of interests, etc.	Lower court decision is affirmed; is not precedent for later cases

Vocabulary study

8. Match the words with their definitions.

1) diminish	a) to make into a law
2) serve	b) to make a sketch, outline or rough plan of something to be made or written
3) enact	c) 1) to set straight again; put into a former

	position; 2) to put right; make amends
4) draft	d) 1) to ask for or order to be kept for use of a particular person, often oneself; 2) to keep for the use of a particular person or group of people, or for a particular use
5) trial	e) 1) to work for a person e.g. as a servant; 2) to be suitable for a purpose; 3) to perform duties; 4. to undergo a prison sentence
6) redress	f) 1) to settle firmly in a position; 2) to found; to set up; 3) to show to be true, to prove
7) improper	g) a rule of law established in a court decision that lower courts must follow if the precedent was established by a higher court
8) reserve	h) to correct or improve
9) retain	i) not acceptable; indecent; wrong
10) establish	j) 1) to continue to have, use, remember; 2) to hold something back or keep something in its place
11) amend	k) judicial examination or inquiry in a court of law
12) precedent	l) to make or become less

9. Using the words in brackets as a guide, explain the meaning of the following words and expressions:

- 1) federalism (50 states governments; the federal government and; power; share);
- 2) enumerate powers (government; the federal; the U.S. Constitution to; delegated by; powers);
- 3) retained powers (governments; retained by state; powers; those);
- 4) separation of powers (is divided into; the federal government; legislative, executive and judicial; three branches:);

- 5) checks and balances (too powerful; assurances; the U.S. Constitution; to keep; from becoming; any one of the three branches; built into);
- 6) Bill of Rights (the U.S. Constitution; 10 amendments; to; the first);
- 7) judicial review (branches of the government; Supreme Court; actions; can review; of the executive and legislative);
- 8) equity (and natural law; a doctrine; judges; that permits; to make decisions; based on fairness, equality, morality);
- 9) Privileges and Immunities Clause (their residents; enacting laws; prohibits states from; that unduly; in favour of; discriminate);
- 10) code system (France; civil law system; the civil law of; based on).

10. Synonyms. Match the words listed in column A with the synonymous ones from column B.

A	B
1) affirm	a) question
2) ambassador	b) unique
3) issue	c) abroad
4) diversity	d) extensive; clear; general; universal
5) sole	e) attaché
6) unit	f) dweller; inhabitant
7) overseas	g) element; item
8) broad	h) declare
9) citizen	i) variety

11. There are many independent agencies in the executive branch in the USA. They are independent because they are not part of any executive department. Match some agencies with their responsibilities. Consult the dictionary and find their Ukrainian equivalents.

Agencies	Responsibility
1) Central Intelligence Agency (CIA)	a) delivers mail
2) National Security Council (NSC)	b) coordinates intelligence activities by making recommendations to the NSC
3) Environmental Protection Agency (EPA)	c) plans the space program
4) National Aeronautic and Space Administration (NASA)	d) helps to stop discrimination
5) Commission on Civil Rights	e) helps stop pollution
6) U.S. Postal Service	f) assesses and appraises objectives, commitments and risks of U.S. interests of national security

12. Match the nouns in the left hand column with the verbs in the right hand column. Be ready to translate the expressions.

- | | |
|-----------|---|
| a hearing | to set for;
to cancel;
to conduct;
to begin/initiate/start; |
| a bill | to bring in/initiate/introduce;
to debate;
to pigeon-hole/shelve;
to reject;
to adopt/approve/pass;
to defeat/vote down;
to draft/draw up/elaborate;
to consider;
to introduce/make/move; |

You are the head of the department where Annie Rule works. You have to solve this problem. What will you do?

15. Read the given information. Can we say that this problem is also a serious one in Ukraine? Have you heard anything about lawsuits against superiors for sexual harassment?

Sexual harassment on the job has plagued working women (and men) for centuries. Businesses are now addressing it as a serious problem with potential legal consequences for companies that overlook or ignore its existence. Legally, there are two categories of sexual harassment. The first is called *quid pro quo* harassment, a Latin phrase meaning “this for that”. It is defined as making employment, salary, promotions, or other benefits contingent on a worker’s submission to sexual advances or behaviour. Sexual advances include asking for sexual activity; sexual behaviour is unwanted touching or looking.

The second category of sexual harassment involves the creation of a *hostile working environment*. This is defined as sexual behaviour that makes an employee’s work environment intimidating or abusive; it may also affect the worker’s job performance. Factors contributing to a hostile environment include frequent sexually offensive language (written or spoken) and any display of sexual material.

16. The U.S. department of Labour established the Occupational Safety and Health Administration (OSHA) in 1970 with the following goals: to reduce workplace hazards; to set legally enforceable health and safety standards in industry; to provide a system for reporting work-related injuries and illnesses; to help business comply with regulations through free consultation, programs, training, and publications.

Fill in the table. Arrange the following privileges and obligations into four columns according to the model:

An Employee's Rights	An Employee's Responsibilities	An Employer's Rights	An Employer's Responsibilities
having a safe workplace	compliance with OSHA regulations	requesting OSHA consultations	providing a safe workplace

- refusing to work in an unsafe workplace;
- compliance with OSHA regulations;
- retaining the confidentiality of any trade secrets observed by OSHA compliance officers during inspections;
- informing workers of OSHA standards;
- having access to OSHA standards in the workplace;
- requesting safety and health information from an employer;
- reading OSHA posters displayed in the workplace;
- cooperating with OSHA inspectors;
- seeing proper identification and necessary warrants when inspectors arrive, being informed of the reason for an inspection, and having opening and closing conferences with inspectors;
- requesting safety and health information from an employer;

- seeing company records and observing how hazardous materials are monitored;
- requesting an OSHA inspection or filing a complaint without fear of employment discrimination or retribution;
- having complaints to OSHA kept confidential from an employer;
- reporting hazards to a supervisor;
- following an employer’s safety and health rules;
- contesting citations and penalties;
- informing workers of hazards and providing safety training;
- request information from OSHA;
- having an employee representative accompany the OSHA agent during an inspection;
- answering the questions of OSHA inspectors freely;
- reporting work-related illnesses or injuries to a supervisor;
- applying for a variance of OSHA regulations;
- displaying OSHA posters listing rights and responsibilities;
- objecting to OSHA citations;
- being informed of employer actions dealing with OSHA regulations;
- making OSHA regulations and safety records available for employee review.

Writing

17. Form adverbs using the suffix -ly. Make up a short story using these words and their derivatives.

rare	entire
notable	broad
time	sole
exceptional	improper
exceeding	delicate

18. Translate into English using the text and active vocabulary.

А. Зберігати суверенітет; обраний губернатор; законодавчий орган; бути уповноваженим; викладати; захищати від неправомірних дій уряду; свобода слова; свобода зібрання; домагатися відшкодування; необгрунтований обшук і конфіскація; належний правовий процес; захист від вимушеного самовикриття; швидкий та публічний судовий розгляд; допомога адвоката під час кримінального судового переслідування; три окремі гілки влади: законодавча, виконавча, судова; мати певні конституційні повноваження; перевіряти дії; складатися з двох палат; Палата представників; бути обраним на шестирічний термін; запропонований законопроект; бути ухваленим президентом; надавати законної чинності законопроекту; голова держави й голова уряду; засідати в Конгресі; мати більшість місць у Конгресі; продовжувати виконувати службові обов'язки; здійснювати загальний нагляд; фінансовий законопроект; фінансувати урядові операції; підтримувати постійний зв'язок; Судовий комітет; термін повноважень; стежити за додержанням законів; міністр юстиції; Федеральне бюро розслідувань; опікун; захищати права й свободи; чесне та неупереджене судове рішення; установлювати факти; тлумачити закон; вирішувати юридичні суперечки; виконувати обов'язки довічно; знижувати заробітну плату; політичний вплив.

В. Федеральна судова система; судова система штату; слухання справи; захищати права, установлені законом; ключова мета; Верховний суд; вершина федеральної судової системи; суддя; головувати; головуючий суддя; дискреційна юрисдикція; здійснювати обов'язковий апеляційний перегляд; з'ясовувати; працювати з цивільними й кримінальними справами; урядовий осередок; судові витрати; вирішувати спірні

питання; суд першої інстанції; окружний суд; суд зі справ про банкрутство; справи з неплатоспроможності; митні спірні питання; розгляд справи за участі присяжних; апеляційний суд; округ; патентне право; подавати апеляцію; заслуховувати додаткові докази; підтверджувати чи змінювати судові рішення.

С. Американський судовий процес базується переважно на системі англійського загального права. Загальне право – це право, що розвивається та яке інтерпретують судді; це не лише встановлена частина юридичних правил, таких як кодекси цивільного права. Головна риса загального права – доктрина «прецеденту», відповідно до якої судді користуються юридичними нормами, раніше встановленими в процесі розгляду справ, для вирішення нових справ, що мають подібні факти та стосуються подібних юридичних питань. Обов'язок суддів нижчої інстанції – додержуватися рішень вищих судів у межах їх юрисдикції.

19. Fill the gaps in the text below with a word or phrase from the box.

cases	Supreme Court	continuing	entrance
justices	doors	term	conference
session	courtroom	meets	July
chief justice	Capitol	staffs	seniority

The Supreme Court at Work

The formal (1)_____ of the Supreme Court lasts from the first Monday in October until the business of the term is completed, usually in late June or (2)_____. Since 1935 the (3)_____ has had its own building in Washington, D.C. The imposing five-story marble building has the words “Equal Justice Under Law” carved above the

(4)_____. It stands across the street from the U.S.
(5)_____. Formal sessions of the Court are held in a large
(6)_____ that seats 300 people. At the front of the
courtroom is the bench where the (7)_____are seated.
When the Court is in session, the (8)_____, followed by
the eight associate justices in order of seniority, enters through
the purple draperies behind the bench and takes a seat. Seats
are arranged according to (9)_____ with the chief justice
in the centre, the senior associate justice on the chief justice’s
right, the second-ranking associate justice on the left, and
(10)_____ alternately in declining order of seniority. Near
the courtroom are the (11)_____ room where the justices
decide cases and the chambers that contain offices for the
justices and their (12)_____. The Court’s (13)_____is
divided into sittings of approximately two weeks each, during
which it (14)_____ in open session and holds internal
conferences, and recesses, during which the justices work
behind closed (15)_____as they consider cases and write
opinions. The 80 to 90 (16)_____per term that receive the
Court’s full treatment follow a fairly routine pattern.

20. Write an essay “The Legal System of Ukraine”.

21. Test your vocabulary.

1. Most rights and freedoms enjoyed by Americans are enshrined in the first ten _____of the US Constitution and popularly known as the ‘Bill of Rights’.

a) alterations; b) amendments; c) ambitions.

2. Congress approves the federal courts’ budget and appropriates money for the _____to operate.

a) judiciary; b) judge; c) jury.

3. The _____, which is responsible for prosecuting federal crimes and for representing the government in civil cases, is the most frequent litigator in the federal court system.

- a) Department of Labour; b) Department of Justice;
 c) Department of Energy.
4. With certain very limited _____, each step of the federal judicial process is open to the public.
 a) exceptions; b) excellence; c) excursions.
5. A citizen who wishes to observe a court in _____ may go to a federal courthouse, check the court calendar, which is posted on a bulletin board or television monitor, and watch any proceeding.
 a) section; b) session; c) Senate.
6. Most state court systems, like the federal judiciary, have trial courts of general jurisdiction, intermediate _____ courts, and a state supreme court.
 a) accurate; b) apprehend; c) appellate.
7. There's a wide _____ in state and local laws, making life difficult for people moving between states.
 a) variation; b) vibration; c) validity.
8. There's a clear separation and distinction between civil courts, which settle disputes between people (such as property division after a divorce), and criminal courts that _____ those who break the law.
 a) pretend; b) praise; c) prosecute.
9. The _____ to a dispute sometimes choose to resolve a dispute through arbitration rather than through court litigation.
 a) partners; b) peers; c) parties.
10. The _____ branch can enter into treaties with foreign governments with the advice and consent of the Senate.
 a) executive; b) legislative; c) judicial.
11. The First Amendment's Establishment Clause _____ the government from either establishing a state-sponsored religion or promoting one religion over another.
 a) prosecutes; b) prohibits; c) prepares.

UNIT 3. THE UK. THE LEGAL SYSTEM. THE JUDICIAL SYSTEM

It is the duty of the government to make it difficult
for people to do wrong, easy to do right.
(Gladstone)

1. Read and translate the text. Name the main bodies of the British state system.

The UK Legal System

The United Kingdom of Great Britain and Northern Ireland consists of four countries forming three distinct jurisdictions each having its own court system and legal profession: England & Wales, Scotland, and Northern Ireland. The United Kingdom was established in 1801 with the union of Great Britain and Ireland, but only achieved its present form in 1922 with the partition of Ireland and the establishment of the independent Irish Free State (later the Republic of Ireland).

The UK joined the European Economic Community (now the European Union) in 1973, since when it has been a requirement to incorporate European legislation into UK law, and to recognise the jurisdiction of the European Court of Justice in matters of EU law.

There have been significant constitutional reforms since the Labour Government came into power in 1997, which make any description of the UK legal system before then out of date. The Labour Government immediately instituted a process of devolution, i.e., devolving certain areas of government to the component countries of the UK: a separate Scottish Parliament and a Welsh Assembly were established following referendums in the countries concerned. Ireland already had its Assembly, although this was not in operation. In the context of these new legislatures the English Parliament is often referred to as “Westminster”.

The UK is a signatory of the European Convention of Human Rights, and this has recently been incorporated into UK law with the passing of the Human Rights Act 1998. This allows for the provisions of the Convention to be applied directly by the UK courts.

Officially Great Britain is a state of the constitutional monarchy. That means that the head of the state is the monarch (the Queen or the King). But the power of the Queen is not absolute, it is greatly limited by Parliament.

British polity comprises three main ruling bodies – monarchy, parliament and government. In many countries their constitution enforces a strict separation between the three branches of power – the executive, the legislative and the judiciary. Britain has some separation but not very much. The legal system is independent to a large degree: although the government of the day appoints judges, it cannot interfere with their work and it cannot get rid of those appointed by the previous government. But the executive and the legislature are not separate at all. In fact, the former is part of the latter, because government is formed within Parliament. Judiciary is also performed by Parliament.

The monarch in law is the head of the executive body, an integral part of the legislature, the head of the judiciary, the commander-in-chief of all the armed forces of the Crown and the temporal governor of the Established Church of England. But the Crown is only sovereign by the will of Parliament, and the Queen acts on the advice of her ministers which she cannot constitutionally ignore.

Parliament is the supreme legislative body of the United Kingdom. It is composed of two houses – the House of Lords and the House of Commons. The House of Commons consists of 659 Members of Parliament (MPs), elected by simple majority vote in a general election every five years, although the Government has the right to call an election at any time

before then, and in practice usually brings the date forward to secure electoral advantage. The House of Lords until recently consisted of life peers, awarded peerages for public service, and a large number of hereditary peers whose membership of the House of Lords depended on their aristocratic birth. The Labour Government began the long-overdue process of reform of the House of Lords by abolishing the voting rights of all the hereditary peers apart from ninety-two who remain until the House is fully reformed.

The Government is made up of the Prime Minister, formally appointed by the Queen, and who is normally the leader of the majority party in the House of Commons, and ministers with departmental responsibilities, of whom the Ministers of State form the Cabinet. The ministerial posts are the choice of the Prime Minister.

There is no written constitution in the UK. The constitutional law of the UK is regarded as consisting of statute law on the one hand and case law on the other, whereby judicial precedent is applied in the courts by judges interpreting statute law. A third element consists of constitutional conventions which do not have statutory authority but nevertheless have binding force. Much of the relationship between the Sovereign and Parliament is conventional rather than statutory.

(From "Features – Update to A Guide to the UK Legal System" by Sarah Carter)

2. Answer the following questions:

1. What are the main branches of the British state system?
2. Why is it said that the Queen reigns but does not rule?
3. What does the term "constitutional monarchy" mean?
4. What is the supreme legislative body of the United Kingdom?
5. Which are the two chambers of the British Parliament?

6. How are the members of the House of Commons elected?
7. How often do general elections of the House of Commons take place?
8. Who is the executive branch headed by?
9. Is there a written constitution in the UK?

3. Match the column A with the column B.

A	B
the Established Church of England	Європейський союз
the European Union	Асамблея Уельсу
the European Court of Justice	Європейська конвенція з прав людини
Labour Government	панівна церква Англії
a Welsh Assembly	1) державна цивільна служба; 2) чиновницький апарат міністерства
the European Convention of Human Rights	лейбористський уряд
Members of Parliament	Європейський суд
The Civil Service	члени парламенту

4. Match the sentences halves.

1. The Constitution of the United Kingdom is unwritten: ...
2. The supreme law-making body: ...
3. Parliament consists of: ...
4. British parliamentary system is one of the oldest in the world: ...
5. From Monday to Thursday all ministers must answer: ...
6. A proposal of some new law – a bill – ...
7. British national flag symbolizes the Union of: ...
8. The name of national anthem is: ...

9. British national flag is: ... □
- a) in the country is Parliament;
 - b) it developed slowly during 13th century after King John's signature of Magna Carta in 1215;
 - c) must pass through both Houses and then is sent to the Queen for Royal Assent;
 - d) England, Scotland and Ireland;
 - e) it is based on custom, tradition and common law;
 - f) "God Save the Queen!";
 - g) sometimes called Union Jack;
 - h) MPs' questions for one hour;
 - i) the House of Commons and the House of Lords.

5. Read the text and say what kind of courts administers justice in England.

The English Judicial System

A feature common to all the systems of law in the UK is that there is no complete code. The sources of law include legislation (e. g., some 3 000 Acts of Parliament) and unwritten or "common law". Major distinctions are between the criminal law (wrongs against the community as a whole) and the civil law (rights, duties and obligations of individuals between themselves).

The court system in England and Wales can be considered as consisting of 5 levels: House of Lords and the Judicial Committee of the Privy Council; Court of Appeal; High Court; Crown Court and County Courts; Magistrates' Courts and Tribunals Service.

There is a similar court system in Northern Ireland and a different court system in Scotland.

Judicial Committee of the Privy Council.

The Judicial Committee of the Privy Council is the court of final appeal for Commonwealth countries that have retained appeals to either Her Majesty in Council or to the Judicial Committee.

It is also the court of final appeal for the High Court of Justiciary in Scotland for issues related to devolution. Some functions of the Judicial Committee are due to be taken over by the new Supreme Court in 2009.

House of Lords. The House of Lords is the highest court in England, Wales and Northern Ireland, and hears appeals from the Court of Appeal and the High Court (only in exceptional circumstances). It also hears appeals from the Inner House of the Court of Session in Scotland. Appeals are normally heard by 5 Lords of Appeal in Ordinary (also known as Law Lords), but there can be as many as 12. The judicial functions of the Law Lords are due to be taken over by the new Supreme Court in 2009.

Court of Appeal. The Court of Appeal consists of 2 divisions, the Criminal Division and the Civil Decision. Decisions of the Court of Appeal may be appealed to the House of Lords.

Civil Division. The Civil Division of the Court of Appeal hears appeals concerning civil law and family justice from the High Court, from Tribunals, and certain cases from the County Courts.

Criminal Division. The Criminal Division of the Court of Appeal hears appeals from the Crown Court.

High Court. The High Court consists of 3 divisions, the Chancery Division, the Family Division, and the Queen's Bench Division. Decisions of the High Court may be appealed to the Civil Division of the Court of Appeal.

Chancery Division: Companies Court. The Companies Court of the Chancery Division deals with cases concerning commercial fraud, business disputes, insolvency, company management, and disqualification of directors.

Chancery Division: Divisional Court. The Divisional Court of the Chancery Division deals with cases concerning

equity, trusts, contentious probate, tax partnerships, bankruptcy and land.

Chancery Division: Patents Court. The Patents Court of the Chancery Division deals with cases concerning intellectual property, copyright, patents and trademarks, including passing off.

Family Division: Divisional Court. The Divisional Court of the Family Division deals with all matrimonial matters, including custody of children, parentage, adoption, family homes, domestic violence, separation, annulment, divorce and medical treatment declarations, and with uncontested probate matters.

Queen's Bench Division: Administrative Court. The Administrative Court of the Queen's Bench Division hears judicial reviews, statutory appeals and application, application for *habeas corpus*, and applications under the Drug Trafficking Act 1984 and the Criminal Justice Act 1988. It also oversees the legality of decisions and actions of inferior courts and tribunals, local authorities, Ministers of the Crown, and other public bodies and officials.

Queen's Bench Division: Admiralty Court. The Admiralty Court of the Queen's Bench Division deals with shipping and maritime disputes, including collisions, salvage, carriage of cargo, limitation, and mortgage disputes. The Court can arrest vessels and cargoes and sell them within the jurisdiction of England and Wales.

Queen's Bench Division: Commercial Court. The Commercial Court of the Queen's Bench Division deals with cases arising from national and international business disputes, including international trade, banking, commodities, and arbitration disputes.

Queen's Bench Division: Mercantile Court. The Mercantile Court of the Queen's Bench Division deals with national and international business disputes that involve claims

of lesser value and complexity than those heard by the Commercial Court.

Queen's Bench Division: Technology and Construction Court. The Technology and Construction Court of the Queen's Bench Division is a specialist court that deals principally with technology and construction disputes that involve issues or questions which are technically complex, and with cases where a trial by a specialist TCC judge is desirable.

Crown Court. The Crown Court deals with indictable criminal cases that have been transferred from the Magistrates' Courts, including hearing of serious criminal cases (such as murder, rape and robbery), cases sent for sentencing, and appeals. Cases are heard by a judge and a jury. Decisions of the Crown Court may be appealed to the Criminal Division of the Court of Appeal.

County Courts. The County Courts deal with all except the most complicated and the most simple civil cases (including most matters under the value of £5000), such as claims for repayment of debts, breach of contract involving goods or property, personal injury, family issues (including adoption and divorce), housing issues (including recovery of mortgage and rent arrears, and re-possession), and enforcement of previous County Court judgments. Cases are heard by a judge, without a jury. Decisions of the County Courts may be appealed to the appropriate Division of the High Court.

Magistrates' Courts. The Magistrates' Courts deal with summary criminal cases and committals to the Crown Court, with simple civil cases including family proceedings courts and youth courts, and with licensing of betting, gaming and liquor. Cases are normally heard by either a panel of 3 magistrates or by a District Judge, without a jury. Criminal decisions of the Magistrates' Courts may be appealed to the Crown Court. Civil decisions may be appealed to the County Courts.

Tribunals Service. The Tribunals Service makes decisions on matters including asylum, immigration, criminal injuries compensation, social security, education, employment, child support, pensions, tax and lands. Decisions of the Tribunals Service may be appealed to the appropriate Division of the High Court.

6. Answer the following questions:

1. What is the hierarchy of courts in the United Kingdom?
2. What is the difference between common and criminal law?
3. Is it true to say that English judges are really independent?
4. What is the role of precedent decisions in the judge's work?
5. Is there a written code of law in Britain?

7. Match the column A with the column B

A	B
1. Her Majesty's Courts Service	a) Високий Суд
2. The Judicial Committee	b) Судова служба Її Величності
3. The Privy Council	c) карний суд присяжних
4. High Court	d) відділ із цивільних справ
5. Crown Court	e) таємна рада
6. County Court	f) відділ із родинних справ
7. Magistrates' Court	g) Палата лордів
8. Tribunals Service	h) відділ із карних справ
9. The House of Lords	i) комерційний суд
10. The Inner House of the Court of Session	j) судовий комітет
11. Lords of Appeal in Ordinary	k) суд зі справ товариств
12. Law Lords	l) канцлерський відділ
13. Criminal Division	m) магістратський суд,

	мировий суд
14. Civil Decision	n) апеляційна присутність відділу королівської лави
15. Chancery Division	o) Внутрішня палата Сесійного суду
16. Family Division	p) адміралтейський (морський) суд
17. Queen's Bench Division	q) трибунал
18. Companies Court	r) суд графства
19. Divisional Court	s) суд зі справ технології та будівництва
20. Patents Court	t) призначені члени Палати лордів для розгляду апеляцій
21. Administrative Court	u) відділ королівської лави
22. Admiralty Court	v) судові лорди
23. Commercial Court	w) патентний суд
24. Mercantile Court	x) Сесійний суд (найвищий цивільний суд Шотландії)
25. Technology and Construction Court	y) суддя місцевого суду
26. A District Judge	z) торгівельний суд
27. Court of Session	aa) адміністративний суд

Vocabulary study

8. Match the words with their definitions.

requirement	1) something that is divided; 2) the act of dividing
partition	a person, especially the representative of a state, who signs a document; also the state whose representatives have signed a document
comprise	1) worldly; not spiritual; having to do

	with political and other worldly matters; 2) of this life only; not eternal
signatory	something that is needed, asked for, ordered
integral	hinder or prevent; come into opposition; be an obstacle
interfere	1) a formal expression of a person's will or desire upon any matter; 2) the opinion of a person or party as expressed by a vote or votes
abolish	to contain or consist of
temporal	put an end to, destroy
vote	1) necessary to the completeness of a whole; 2) having or containing all parts that are necessary for completeness

9. Using the words in brackets as a guide, explain the meaning of the following words:

1. code (rules; a collection; laws; of; or);
2. circumstance (an event; a condition; with; connected);
3. probate (proof; the official; proving and; legally genuine; that a will is);
4. divorce (by law; putting; to a marriage; an end);
5. collision (the act; colliding; of);
6. asylum (safety; of; a place);
7. sentence (a punishment; the announcement; by a law-court; of);
8. debt (which; be paid; something; owing to another; and; must).

10. Find pairs of opposites in the table:

left	superior
separation	union
inferior	release
divorce	create

custody	ordinary
abolish	leave
join	right
achieve	fail
exceptional	marriage

11. Fill in the appropriate prepositions: of, to, from, by, with, in.

1. There are two main forms _____ primary legislation: Public General Acts and Local and Personal Acts.
2. Unamended legislation is _____ limited value, however, and it is always necessary _____ consult up _____ date sources.
3. The House of Lords is the supreme court _____ appeal.
4. Its judicial functions are quite separate _____ its legislative work, and cases are heard _____ up to 13 senior judges known as Law Lords.
5. The lowest criminal courts are the Magistrates' Courts, which deal _____ minor offences.
6. Virtually all criminal cases start _____ the Magistrates' courts.

12. Match:

a) the expression in the left hand column with the nouns in the right hand column.

to interfere with smb's	affairs; independence; work; health; view;
-------------------------	--

b) the noun in the left hand column with the adjectives in the right hand column.

sentence	nominal/suspended; severe; lenient;
----------	---

capital/death;
life;

c) the noun in the left hand column with the nouns in the right hand column. Be ready to translate the collocations.

breach of	the law;
	justice;
	peace;
	contract;
	discipline.

Make up two or three sentences of your own on each phrase and word combination.

13. Give the English equivalents. Make up your own sentences with these expressions.

Умовний вирок; порушення закону; смертний вирок; заважати огляду (місцевості); несправедливість; м'який вирок; втручатися в справи; порушення громадського порядку; зазіхати на незалежність; порушення договору; дисциплінарний проступок; суворий вирок; шкодити здоров'ю; довічний вирок; заважати роботі.

Let us discuss

14. The monarchy is the most ancient secular institution in the United Kingdom. The monarch and the prime minister exercise important functions and powers. Arrange the suggested expressions into two columns "The functions and powers of the monarch" and the "The functions and powers of the prime minister". Elaborate upon the theme.

Functions and the powers of	
the monarch	the prime minister
– the head of the executive body, an	– to select and

integral part of the legislature, the head of the judiciary, the commander-in-chief of all the armed forces of the Crown and the temporal governor of the Established Church of England	recommend ministers for the appointment
– to appoint the prime minister	

- to summon, prorogue (suspend until the next session) and dissolve Parliament;
- to hold “de facto” decision-making power over the deployment and disposition of British forces;
- to give royal assent to legislation passed by Parliament;
- to create a Cabinet or Ministry which to sustain the support of the House of Commons;
- on the advice of the Home Secretary, pardon or show mercy to convicted criminals;
- to confer peerage, knighthood and other honours;
- to make appointments to the leading positions in the Church;
- to control the agenda of business to be dealt with at Cabinet meetings;
- to appoint and to dismiss government ministers, judges, governors, members of diplomatic corps;
- to conclude treaties;
- to declare war and to make peace;
- to recognize foreign states and governments;
- to co-ordinate the policies and activities of the Cabinet and the various Government departments, acting as the “face” of Her Majesty’s Government;
- to annex and cede territories;
- to authorise, but not directly order, the use of Britain’s nuclear weapons;
- to advise on the appointment of Archbishops and Bishops of the Church of England.

15. Read the suggested situations. Discuss them in the group. Offer your ideas how a person should behave in such situations.

1. Jim Derry, a Civil servant, goes to the Christmas party, has a few too many cups of eggnog, and starts talking to anyone who will listen to him about the policy of the government, criticizing it. Is this unethical?

2. Catherine Vale, a legal assistant, works for a law company. She has been asked to backdate documents several times during the last month. Catherine is sure that it is unethical, but she was told that certain persons backdate documents all the time. What should Catherine do?

16. Interpret the following quotations:

1. “The English statesman is bribed not to be bribed. He is born with a silver spoon in his mouth, so that he may never afterwards be found with the silver spoon in his pocket.” (G. K. Chesterton)

2. “An honest politician is one who, when is bought, will stay bought.” (S. Cameron)

3. “When lawyers talk about law, the normal human being begins to think about something else.” (R. Ingrams)

Writing

17. Form nouns using the suffixes -ment, -tion. Make up a short story using these words and their derivatives.

achieve

require

incorporate

institute

compose

abolish

oblige

adopt

separate

probate

treat

develop

18. Say what the following abbreviations stand for and where necessary explain what they are:

FBI, GB, UK, MP, EU, NATO, UFO, OSHA, CIA, NSC, EPA, NASA.

19. Translate into English using the texts and active vocabulary.

А. Включати європейське законодавство до права Об'єднаного Королівства; значна конституційна реформа; прийти до влади; застарілий; упроваджувати процес передавання певних функцій; не працювати; застосовувати; конституційна монархія; бути значно обмеженим; державний устрій; втручатися в роботу; позбавлятися; голова виконавчої гілки влади; головнокомандуючий збройних сил країни; діяти за порадою; бути обраним більшістю голосів; загальні вибори; оголошувати вибори; забезпечувати переваги; довічні пери; спадкові пери; процес реформування; скасовувати право голосу; Палата Громад; статутне право; прецедентне право; статут як джерело права; окружний суд.

В) Спільні риси; права, обов'язки й зобов'язання осіб; країни Співдружності націй; Її Величність; спірні питання, щодо передавання обов'язків; у виняткових обставинах; апеляційний суд; заслуховування апеляцію; комерційне шахрайство; неплатоспроможність; неправоздатність директорів; суб'єктивне право, що базується на нормах права справедливості; заповіт; інтелектуальна власність; авторське право; торговий знак; припинятися; родинні справи; опіка; усиновлення; батьківство/материнство; розлучення; медичне лікування; незаперечний; апеляційне оскарження, спеціально регламентоване законом, та його застосування; скасування; торгівля наркотиками; наглядати за діяльністю

нижчих судів; місцеві органи влади; посадова особа; морські суперечки; рятувальна винагорода; іпотечні спірні питання; товари; позов меншої вартості та складності; кримінальні справи, переслідувані за обвинувальним актом; вирок; позов на відшкодування боргу; порушення контракту; відшкодування іпотечних боргів; поновлення у володінні (чим-небудь); кримінальні справи, переслідувані в порядку сумарного судочинства; передавання на розгляд; притулок.

С. Монарх має титул короля (королеви) та є арбітром останньої інстанції під час розпуску уряду чи його формування. Найвищу законодавчу владу здійснює парламент, що складається з Палати лордів та Палати громад. Палата лордів складається зі спадкових перів, довічних перів і перес, єпископів-членів парламенту. Палата громад, що складається зі всенародно обраних членів, – реальний правлячий орган Об'єднаного Королівства. Кабінет Міністрів вносить законопроект; парламент може ухвалити його чи відкласти розгляд. Виконавчу владу здійснює Кабінет Міністрів, що вносить на розгляд законопроекти й реалізує діяльність уряду.

20. Fill the gaps in the text below with a word or phrase from the box.

rights	constitution	Cabinet	recognition
separation	removed	executives	conventions
Sovereign	paradox	people	practice
Crown	powers	position	authority

The modern Prime Minister of the United Kingdom leads a major political party, commands a majority in the House of Commons (the Legislature), and is the leader of the (1)_____ (the Executive). Under the British system, there is a unity of powers rather than (2)_____.

However, many of these executive and legislative powers (called “royal prerogatives”) are still formally vested in the Head of State, the (3)_____.

The Premiership was not intentionally created by a codified (4)_____ on a certain date. The office evolved over three hundred years, gradually defined by customs known as conventions that became accepted (5)_____. Until the 20th century, the relationship between the Prime Minister and the Sovereign, Parliament, and Cabinet was defined entirely by these (6)_____. Despite its growing dominance in the constitutional hierarchy, the Premiership was given little formal (7)_____; the legal fiction was maintained that the Sovereign still governed directly.

Under this arrangement, Britain appears to have two (8)_____: the Prime Minister and Sovereign. The concept of “the Crown” resolves this (9)_____. The (10)_____ symbolises the state’s authority to govern: to make laws and execute them, impose taxes and collect them, declare war and make peace. Before the Glorious Revolution of 1688, the Sovereign wore the Crown and exercised the (11)_____ it symbolises. Afterwards, Parliament gradually made Sovereigns give up these powers and forced them to assume a neutral political (12)_____. Parliament placed the Crown in “commission”, entrusting its (13)_____ to responsible Ministers (the Prime Minister and Cabinet), accountable for their policies and actions to Parliament and the (14)_____. Although the Sovereign still wears the Crown and her prerogative powers are still legally intact, Parliament has (15)_____ her from everyday governance, leaving her in practice with three constitutional (16)_____: to be kept informed, to advise, and to warn.

21. Write an essay “The Judicial System of Ukraine”

UNIT 4. LEGAL PROFESSION

Lawyers – persons who write a 10 000 word document and call it a brief.
(Franz Kafka)

1. Read and translate the text

What law students think and what can be done about it

One of the biggest problems facing the legal profession is how to open it up to more students from less well-off backgrounds who have neither the money nor the contacts to break through easily into a law career.

Last year, the Sutton Trust, which was set up in 1997 to improve social mobility in the UK published research on the educational backgrounds of the UK's top solicitors, barristers and judges. This research found that three out of four top judges, more than two-thirds of top barristers and more than half the partners at leading law firms had attended private schools which educate just 7 % of the population. 81 % of judges had been to Oxbridge.

“I know from personal experience” Cherie Booth QC said recently, “how difficult it is to enter the profession from a non-privileged background. The problem was not just lack of money although this was a big obstacle, but also the lack of contacts – family or friends who could help to find you work experience and mini-pupillages.”

As we know, she made it, and so did Baronesses Helena Kennedy and Patricia Scotland. But how many excellent would-be solicitors and barristers have fallen by the wayside? What can be done and what do law students generally think about moves to increase diversity in the legal profession?

It should be noted that aspiring barristers hold strong opinions on diversity, with eight out of ten students indicating that it is important that the organisation they work for has diversity policies and practices. When thinking about how

diversity in the legal profession could be increased, the large majority felt that providing financial support, offering work experience and introducing students from non-privileged backgrounds to relevant contacts in the legal community, were the best ways forward. They were considerably less keen on the idea of pressuring firms to consider non traditional applicants by introducing targets.

In tune with their sense of responsibility and wanting to help people, almost three quarters felt it was fairly important that the organisation/chambers they work for have community/schools Pro Bono projects. And with regards to the environment, sustainability policies and practices were also regarded as important.

When they finish their studies the average debt estimated by the 1 489 students who responded to the survey, was going to be around £14 900 and the 97 barrister students expected to be further in debt – on average £16 000 – by the time they started their pupillages.

Last year *Barrister Magazine* published an article about a girl called Rothna Shah – a very bright student from Leith, who has just completed her third year of a Law degree course at Edinburgh University. She attended the secondary school in a poor district of the city and was lucky to have thirty students in its sixth form of whom perhaps ten went to university. Her Bangladeshi father works hard to support his eight children, running a small business delivering Asian food and other materials. But she admits: “Although I have always wanted to be a lawyer, and my parents have always been ambitious for me, I doubt if I would have made it to this university without the Pathways to the Profession scheme run by the university and sponsored by the Sutton Trust.” She has scored a 2:1 with an A in her Medical Jurisprudence Paper and Bs in Media Law and Intellectual Property. In her final year she hopes to do even better in her Criminal Law and Gender and Justice papers and

with her dissertation on organ donations. Subjects in which she is now passionately interested.

She has just completed one day shadowing Andrew Stewart, Clerk of the Faculty Advocates, in an immigration case at the Court of Session in Edinburgh.

The Pathways scheme, which started in Scotland, has been running for a few years and targets students from non-professional families who will often be the first in their family to go to university, when they enter their sixth forms and encourages them to consider a legal or medical career. If they do they are given mentors, in the form of other further advanced law students, careers advice and introductions to law firms and advocates (the Scottish equivalent of barristers). Since 2003 231 Pathway students have entered the university and of these 133, including Rothna, are studying Law. They still have formidable obstacles to overcome, not least how they are to support themselves while they do their training. Rothna says somehow or other she will find the money. Her goal now is to do a postgraduate year on an MPhil course in Criminology.

Five leading universities – Leeds, LSE, Manchester, Southampton and Warwick – are recruiting and registering 250 Pathways students. The universities were selected because of the reputation of their law courses, their record of commitment to widening participation and their existing links with the College of Law's six centres.

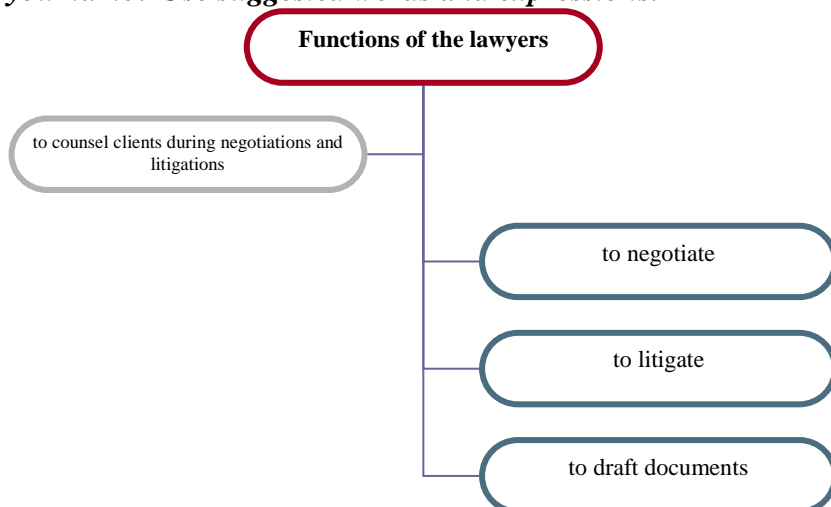
The universities will deliver a variety of academic and skills-based sessions for the Pathways students throughout their two year participation in the scheme, and each Pathways student will be allocated a current LLB student as a mentor. Students will also receive detailed advice, guidance and support throughout the university application process.

(Based on “Diversity – What law students think and what can be done about it” by Prudence Shapcott, Director of Research at The College of Law)

2. Answer the following questions:

1. What does the research conducted by Sutton Trust prove?
2. Why is it difficult to enter the legal profession from a non-privileged background in the United Kingdom?
3. What moves should be done to increase diversity in the legal profession?
4. What have you learnt about the Pathways scheme?
5. How did the Pathways to the Profession scheme help Rothna Shah?
6. What subjects is Rothna passionately interested in?
7. What role do the leading universities play in the Pathways scheme?
8. Can you think of the advantages of such schemes?

3. Think of the major functions of the lawyers. The ideas below can help you. What other functions of the lawyer can you name? Use suggested words and expressions.



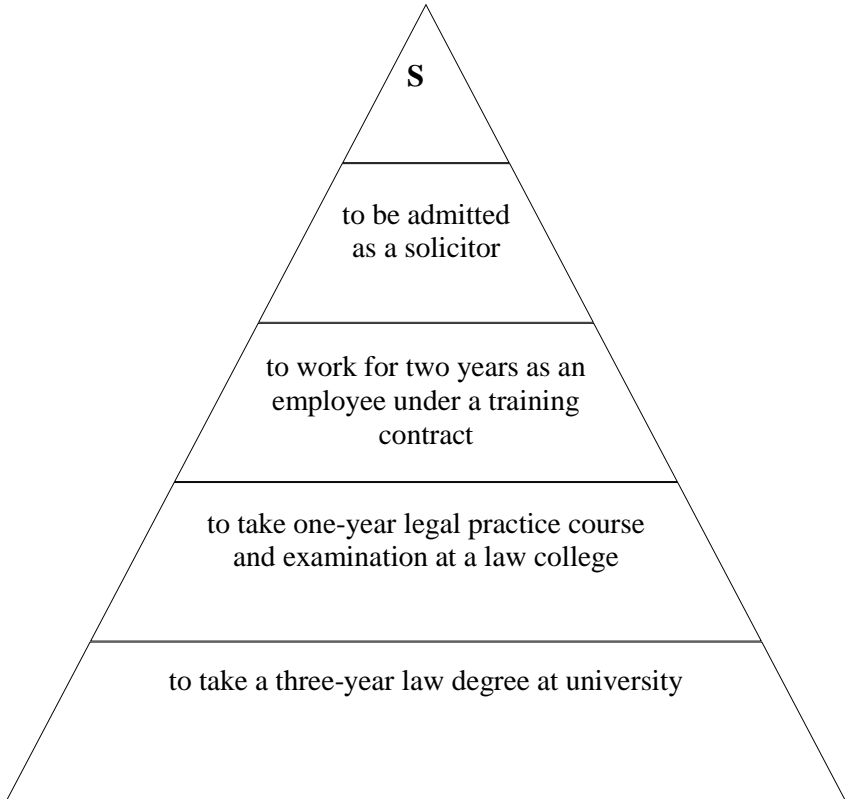
- to offer legal advice;
- to mediate between competing interests aiming for results that will be advantageous to their clients;
- to file legal papers;
- to act as advocates for parties in courts and tribunals;
- to undertake some of the work preparatory to the trial;
- to conduct the legal proceeding;
- to preserve the confidentiality of the client’s affairs;

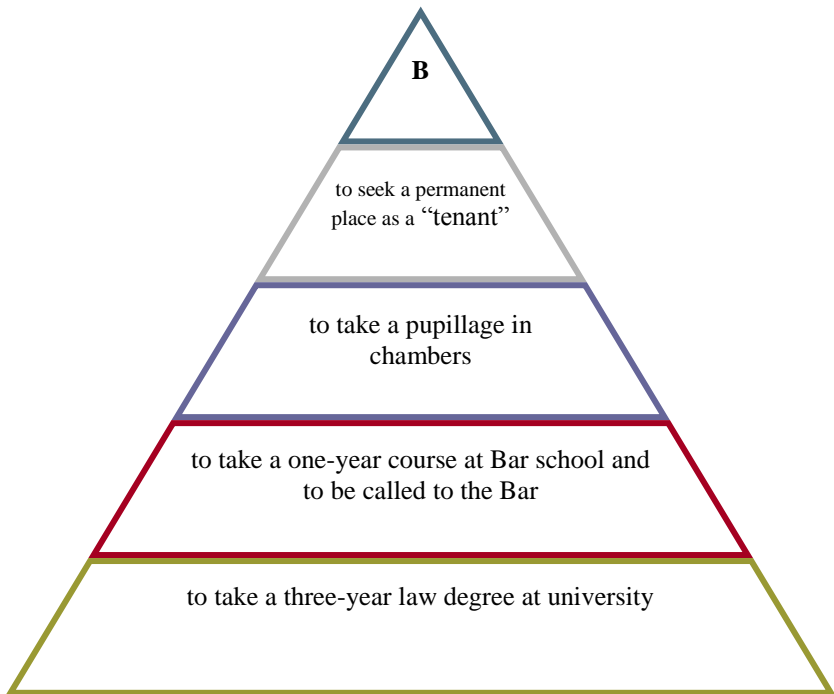
4. Match the sentences halves

1. Most countries have different groups of lawyers: ...
 2. A barrister is a legal practitioner: ...
 3. A barrister must be a member of one of four Inns of Court: ...
 4. A judge is a state official with power to adjudicate on disputes: ...
 5. All judges are experienced legal practitioners, mostly barristers: ...
 6. Solicitor is a legal practitioner admitted to practice: ...
 7. Queen’s Counsel (QC) is a senior barrister of at least ten years’ practice: ...
 8. In court QCs sit: ...
- a) under the provisions of the Solicitors Act 1974;
 - b) and other matters brought before the courts for decision;
 - c) who has received a patent as “one of Her Majesty’s counsel learned in the law”;
 - d) who each takes a particular kind of examination in order to qualify to do particular jobs;
 - e) admitted to plead at the Bar;
 - f) within the bar and wear silk gowns;
 - g) by whom he is called to the Bar when admitted to the profession;

h) but solicitors can be appointed if they possess the relevant advocacy qualification.

5. Analyse the charts “Steps to be made to become a solicitor (S)/barrister (B).”





6. Answer the following questions:

1. How can a person become a solicitor?
2. Is the legal training obligatory if a person wants to become a barrister?
3. Can a person start his/her own practice as a solicitor after taking one-year legal practice course and examination at a law college?
4. Can a solicitor become the Queen’s Counsel?

7. Compare the educational standards of the United Kingdom and Ukraine. Draw a chart “Steps to be made to become a lawyer in Ukraine”

8. Read the text about the organization of law offices in the United States of America and say if the organization of law firms in Ukraine is similar to the described one

Who's Who in the Law Office?

Every law office is different. Some offices are solo practices with one attorney and a few support staff while other offices are so large they have hundreds of attorneys, administrators, paralegals at several levels, law libraries with librarians and staff and many other employees.

Lawyers.

Partners. In a law firm of any size, the most important people are the partners. They are the owners of the firm. They are most highly compensated, sharing in the profits of the firm as well as drawing a salary. Some large firms have junior and senior partners. Sometimes partners are involved with the “rain-making” aspect of law practice; that is, they solicit new clients and attract business but have little to do with the day-to-day cases handled by the firm.

Associates. Associates are usually lawyers who are fairly recent law school graduates who have been hired by the firm to handle day-to-day cases. They are often the hardest working people at the firm. Some firms have junior and senior associates. Traditionally, associates are hired with the expectation that, if the firm is satisfied with their performance after some period of time (usually six to eight years), they will become partners.

Mid-Level Attorneys and Permanent Associates. There is a growing trend away from giving partnerships to attorneys, and more and more attorneys in firms are permanently employed as mid-level attorneys or permanent associates. This reflects the economic reality that associates and attorneys who are not partners do not share in the profits and, even if relatively highly compensated, cost less than partners.

Staff Attorneys and Of Counsel Attorneys. Some firms hire staff attorneys. The characteristic that differentiates them from associates is that they are not on the “partner track”. Of counsel attorneys are often retired attorneys who still want to work part-time for the firm. Having such names on a firm’s letterhead often attracts clients because of those attorneys’ reputations.

Law clerks. Law clerks are usually law students who work for the firm, often for a summer, before graduating from law school. This work provides valuable experience and gives law clerks an idea of whether they want to pursue a job with that law firm; it also allows the firm to see if the clerk is someone they would like on staff full time.

Nonattorney Personnel.

Law office administrator. The law office administrator or law office manager, under the direction of the managing partner or executive committee, runs the day-to-day operations of the law firm. Usually, he or she is responsible for overseeing the nonattorney staff of the firm, including paralegals.

Secretaries. Legal secretaries are very important to law firms and always have been. A knowledgeable and competent legal secretary is one of the greatest assets a paralegal or attorney can have. Most paralegals share a secretary with other paralegals or associates. Changes in the workplace, especially in women’s career options, have drained the nation’s supply of legal secretaries.

Clerical and Other Personnel. It can include word processors, data processors, record managers, and bookkeepers. Most law firms also have a receptionist, who greets clients as they enter the office and answers the telephone and routes calls to the appropriate people.

Paralegal Manager. In a large firm that employs several paralegals, the paralegal manager is responsible for coordinating the responsibilities of paralegals, hiring and

supervising paralegals, acting as a liaison between paralegals and attorneys, and designing and implementing policies regarding paralegals.

Paralegals (Legal Assistants). If a firm employs several paralegals, they are usually in a paralegal department, reporting to the paralegal manager (if there is one), the legal administrator, and/or the attorneys who give them assignments.

Law Librarian and Library Staff. Most law firms have some type of library, and many have law librarians and a library staff.

Vocabulary study

9. Match the words with their definitions.

1) paralegal	a) a person who is appointed by another and has an authority to act on behalf of another
2) attorney	b) the principle law officer of the Crown; the chief legal adviser of the government who answers questions relating to legal matters in the House of Commons
3) lawyer	c) a person who, while not a member of the legal profession, is qualified through education, training, or experience to assist attorneys in the delivery of legal services
4) Attorney General (GB)	d) a person who has studied law and practices law.

10. Using the words in brackets as a guide, explain the meaning of the following words:

- 1) background (education; origins; a person's);
- 2) lack (the state of; any or enough; not having);
- 3) obstacle (progress; which prevents; something);

- 4) relevant (connected with or saying; what is being spoken about; something; or discussed);
- 5) debt (to another; what one person; owes);
- 6) negotiate (in order to agree; a subject; to bargain or discuss);
- 7) litigate (in a lawcourt; the subject of a claim; to make something);
- 8) mediate (a peace-maker; act as; or go-between);
- 9) court (are heard; a place; where; legal cases);
- 10) trial (a legal process; in a court of law; is judged; a person; by which);
- 11) adjudicate (as; act; a judge).

11. Synonyms. Match the words listed in column A with the synonymous ones from column B.

A	B
1) well-off	a) business, concerns
2) diversity	b) 1. rich; 2. fortunate
3) respond	c) room
4) case	d) answer
5) average	e) defeat
6) undertake	f) a legal trial
7) overcome	g) obligation
8) commitment	h) 1. accept; 2. promise
9) affairs	i) ordinary
10) chamber	j) variety

12. Which word is the odd one out in each set?

useful	valuable	profitable	worthless
repel	charm	fascinate	attract
asset	disadvantage	aid	benefit
block	route	path	direction
quarrel	communication	liaison	mediation
implement	effect	put into practice	break

mark	assignment	duty	job
hire	sack	employ	engage

13. Match:

a) the nouns in the left hand column with the verbs in the right hand column. Be ready to translate the expressions.

- | | |
|---------|---|
| a trial | to delay;
to await;
to be present at;
to speed up; |
| a case | to investigate;
to consider/examine/hear/try;
to decide/resolve;
to present; |

b) the nouns in the left hand column with the expressions in the right hand column. Be ready to translate the expressions.

- | | |
|---------|---|
| a trial | prior to;
on the eve of ;
closure of; |
| a case | defendant in;
circumstances in/of;
materials of;
parties to;
progress of. |

Make up two or three sentences of your own on each phrase and word combination.

Let us discuss

14. Read the suggested situation. Brainstorm it in the group. Role play the interview. Offer your ideas how a person should behave in such situation.

Bella Brown, age 43, is an interesting woman. She took a three-year law degree at university and one-year legal practice course and examination at a law college. After that she worked as an employee under a training contract and gained a great deal of experience in the areas of litigation, domestic relations, and criminal law. She also has a husband and three children. Bella heard about a job opening for a staff attorney position at “Loyal Brothers” law firm. When Bella sent “Loyal Brothers” her CV, she did not mention that she was married or that she had children. “Loyal Brothers” is very impressed with Bella and grants her an interview.

During the interview, Paula is asked the following personal questions:

1. Are you married?
2. What’s your husband’s occupation?
3. Do you have children?
4. Do you plan to have more children?
5. Do you take any prescription drugs?
6. How long have you been taking them?
7. What was the reason that you had been prescribed such medicine?
8. Do you consume any alcoholic drinks?
9. How many alcoholic drinks do you consume each week?
10. Were you on a sick leaf last year?
11. How many sick days did you take last year?
12. Do you have a sexually transmitted disease?
13. What church, temple, or mosque do you attend?

Bella soon becomes totally disgusted with “Loyal Brothers”. She has not been asked a single question about her qualifications for the job. What should Bella do?

15. You are a qualified lawyer with a considerable experience. You’ve reached a cross road whether to open your own business or to take a senior position at the law firm. Point out the advantages and disadvantages of each choice (self-employment / law firm employment). Discuss your ideas in class.

16. Name the most important people in a law office. Prove your point of view.

Writing

17. Form nouns using the suffix -tion. Make up a short story using these words and their derivatives.

litigate	preserve	qualify	adjudicate
expect	satisfy	attract	negotiate
allocate	compete	estimate	mediate

18. Translate into English using the text and active vocabulary.

А. Стикатися з проблемою; походження; покращити соціальну мобільність; освітня підготовка; навчатися в приватній школі; власний досвід; недостатність грошей; велика перешкода; не вміти завершувати чогось; підвищувати різноманітність; честолюбний баристер; велика кількість; забезпечувати фінансову підтримку; досвід роботи; ознайомлювати з метою; стосовно; політика, спрямована на підтримку; середній борг; починати учнівство; розумний студент; утримувати (матеріально) вісьмох дітей; вести невеликий бізнес;

набирати бали; наукова доповідь із медичної юриспруденції; закон, що регулює діяльність засобів масової інформації; інтелектуальна власність; кримінальне право; дисертація на тему передавання органів у дар; бути шалено зацікавленим; еміграційна справа; ходити за кимось по п'ятах; Сесійний Суд; бути дійсним на декілька років; заохочувати розглянути юридичну чи медичну кар'єру; наставник; вивчати право; дуже складні перешкоди; наявні зв'язки; проводити заняття; призначати студента як наставника.

В. Штат підтримки; власник фірми; розподіляти прибутки фірми; отримувати зарплату; бути зацікавленим; щоденні справи; мати справу (з чим-небудь); компаньйон; недавні випускники школи права; бути задоволеним роботою; бути постійно працевлаштованим; віддзеркалювати економічну реальність; бути порівняно добре оплачуваним; адвокати, які вийшли на пенсію; працювати неповний робочий день; друкований фірмовий бланк; забезпечувати цінний досвід; добиватися роботи в юридичній фірмі; виконавчий комітет; бути відповідальним; наглядати за штатом фірми; розумний і компетентний; постачання; бухгалтер; вітати клієнта; направляти дзвінки відповідним особам; бути зв'язувальною ланкою між параюристом та адвокатом; проводити політику; давати завдання.

С. Як стати практикуючим юристом? У певних країнах, необхідно здобути університетський ступінь із права. Проте, в інших мати ступінь недостатньо, необхідно скласти професійні іспити. У Великобританії, наприклад, для баристерів основною вимогою є складання іспиту для вступу до Колегії Адвокатів (The Bar Final examination), а для соліситерів – іспиту, що дає право бути членом Товариства юристів (the Law Society Final examination). Навіть після складання іспиту юрист не завжди одержує

кваліфікацію. Соліситер в Англії повинен пропрацювати два роки клерком-статером (articled clerk), упродовж яких за його роботою наглядатиме досвідчений юрист. Йому також необхідно відвідувати подальші курси. Баристер повинен провести рік як учень.

Чому професія юриста така популярна? Зарплата юристів значно вища, а ніж у представників багатьох інших професій. Привабливість щодо фінансової винагороди підсилюється романтичним ореолом (glamour) юридичної практики.

19. Fill the gaps in the text below with a word or phrase from the box.

solicitors	employ	membership
funds	experience	partners
professionals	practice	employment
privileges	market	lawyers
status	disappear	

The Future of Professionalism

In light of the (1)_____ of recent decades, what does the future hold for the English legal professions? Women will constitute a fifth of the Bar and two-fifths of all (2)_____. Because private (3)_____ cannot absorb growing numbers, government and industry and commerce will (4)_____ the excess, with the result that legal education will become less a professional qualification and more a credential for (5)_____ in the administrative class. Competition will intensify among those who persist in aspiring to be true (6)_____ that is, private practitioners.

Younger barristers will continue to be almost entirely dependent on public (7)_____ and, in that way, subject to state control. Younger solicitors will have little choice but to seek (8)_____ in increasingly hierarchical and

bureaucratic firms, attracted by an ever-receding prospect of partnership.

Professionalism will not (9)_____. It will continue to reflect the experience of elite – some profit-sharing (10)_____ in solicitors' firms and the handful of more successful barristers – who will remain largely impervious to state control and continue to dominate their markets and govern their professional associations. For the mass of (11)_____, however, occupational life will mean either employment by a large bureaucracy, dependence on a public paymaster, or competition within an increasingly free (12)_____. Whichever they choose, these lawyers no longer will enjoy the distinctive (13)_____ of professionals – control over the market for their services and high social (14)_____.

20. You work for a law firm. Describe: its organization; its image; your position in the firm (duties, responsibilities). Don't forget to point out your personal career ambitions for the next year

21. Test your vocabulary

1. If you have promised to give a number of lectures in law, pay your daughter's school expenses and walk your friend's dog, you have various _____.

a) commercials; b) commitments; c) commissions.

2. You must complete this _____ by tomorrow.

a) assignment;; b) asset; c) attention.

3. The town is _____ with water from reservoir in the hill.

a) supported; b) suppressed; c) supplied.

4. She _____ the theft to the police.

a) replied; b) replaced; c) reported.

5. He _____ the paralegal department in this law firm.

- a) oversees; b) overcrowded; c) overbalanced.
6. They _____ the robbers through the town.
- a) punished; b) provided; c) pursued.
7. Nick'll give you good _____ on your problems.
- a) costume; b) counter; c) counsel.
8. They have _____ a team of laborers to dig the road.
- a) hired; b) hidden; c) hinted.
9. When will they _____ from the university?
- a) grade; b) graduate; c) grasp.
10. There were few members left in the _____.
- a) chance; b) charter; c) chamber.
11. My neighbours _____ the ownership of the land for three years.
- a) disproved; b) disputed; c) dismayed.
12. Political leaders have agreed to meet for _____ talks about and end of embargo.
- a) preparatory; b) prejudiced; c) prescribed.
13. The accused is to appear before the _____ on Wednesday.
- a) country; b) course; c) court.
14. Ukraine is trying to _____ in the dispute between these two countries.
- a) meet; b) mediate; c) meditate.
15. Who helped her to _____ a suit for divorce?
- a) file; b) fidget; c) fill.
16. How are individuals' _____ to be protected in the sphere of international relations?
- a) duties; b) salaries; c) rights.
17. It has been said that there are fundamental principles of international law: that states are equal, independent and entitled to _____ their territorial integrity.
- a) maintain; b) manage; c) mean.
18. A positive _____ from the Bar Council is expected soon.

UNIT 5. CRIMES. CRIMINAL LAW

Every unpunished murder takes away something from the security of every man's life.

(Webster)

1. Read and translate the text

Mr. Schleyer knew he was a target. He wrote a memo stating if he was kidnapped he did not want anyone to negotiate his release. On September 5, 1977, Schleyer's car was in front. A follow car with bodyguards was in the rear. As they approached the street where the ambush was to take place, a lookout waved to his accomplice (10 seconds). Schleyer's cars turned into the street. A van with three people in it was parked on the corner. A car drove toward them going the wrong way on a one-way street (20 seconds). It cut in front of them, at the same time a woman rolled a baby carriage in front of the car (30 seconds). Schleyer's car hit the approaching car. The bodyguard's car hit Schleyer's car. One terrorist leaped from the blocking car, opened the doors of Schleyer's car (the doors were unlocked), and killed the bodyguards (40 seconds). The three men from the van opened fire, killing all the bodyguards in the backup car. Total elapsed time: 100 seconds.

The morning of March 16, 1978. Two cars, both Fiat 130s. Moro was in the lead car, accompanied by a driver and a bodyguard. Following in a separate car were three bodyguards. As they approached an intersection with a stop sign, a small white car pulled up in front of them and the driver jammed on the brakes (10 seconds). Moro's car hit the small white car, which had just passed them, and the security car hit Moro's car. Two men jumped from the white car that had just been hit (15 seconds), looking as though they were about to view the damage to their car. When they approached Moro's car, they

fired into the car, killing the driver and the bodyguard. Meanwhile, four men dressed in Alitalia Airline uniforms machine gunned the bodyguards in the following car (20 seconds). They took Moro and put him into a waiting car and drove away. Total elapsed time: 45 seconds.

Threats of terrorism and kidnapping pose serious problems involving all aspects of security management. Effective management dictates that available resources be used wisely and concentrated on security weak points. Assassinations or kidnappings take place where the protection to the victim is the most difficult. These acts take place where the risks are relatively low for the terrorist and the possibility for success is relatively high. Although there is a considerable amount of technology developed that offers impregnable protection at the home and place of business, this protection is breached – twice a day – when travelling to and from the home. Over 85% of all kidnappings and assassinations occur while the victim is in transit. During this period of time the risk to the attacker is minimal; the vulnerability of the victim is at its maximum.

Vehicles are easy to identify and observe. There are many components on a car that make it easy to distinguish one car from another (license plates, colour, body, make). A car is one of the few places where a person can be alone or at least dependent on a fixed number of security personnel, making it possible for the terrorist group to accurately estimate defences and adjust its manpower accordingly.

Ironically, when we are in a vehicle we feel safe; actually the opposite is true. Vehicles can be easily followed and practice runs of potential ambushes are possible. Automobiles appear to be solid and to offer a great amount of protection because of the steel and safety glass. Although there is some protection, it is minimal – a 22 long rifle can penetrate the car door of a standard American sedan.

Travelling by car near the home, in the morning, is the most dangerous area and time for the VIP because one of the necessary ingredients in a successful ambush is fixing a time and a location.

No wonder that 95% of all kidnappings occur near the home. Throughout the world businessmen are becoming targets of kidnappings. Businessmen are chosen because they are believed to be wealthy, powerful and influential, representative of something important, or particularly valuable to someone. Whether a businessman truly fits into one of these categories makes no difference. As long as the terrorist or criminal thinks he does – that’s all that counts!

A number of steps can be taken to minimize the danger of transit by vehicle. They can be categorized as:

1. Countermeasures (e. g., procedures, awareness, route planning, countersurveillance).
2. The automobile (e. g., armouring cars, tire protection, communications).
3. Defensive and offensive driving.

(Based on “Transportation Security” by Anthony J. Scotti)

2. Answer the following questions:

1. What happened to Mr. Schleyer?
2. How did the men managed to stop Moro’s car?
3. Was Moro killed or kidnapped?
4. Where do assassinations or kidnappings take place?
5. Why are vehicles easy to identify and observe?
6. Are we really safe in a vehicle?
7. Who are the potential targets of kidnappings?
8. How can the danger of transit by vehicle be minimized?
9. What countermeasures against the kidnapping can you offers?

3. Match the words with their definitions.

1) punish	a) to make hard contact with something, and force or cause it to move in some direction
2) victim	b) a murder for political reasons
3) assassination	c) a person who is actually and directly affected by an act or omission that is incompatible with the European Convention on Human Rights, or a person who is at risk of being directly affected.
4) threat	d) to carry off a person by force, often demanding money in exchange for his safe return
5) hit	e) to cause to suffer for a crime or fault
6) accomplice	f) act(s) punishable by law
7) ambush	g) any means of transport on land, especially on wheels
8) release	h) a warning that one is going to hurt or punish someone
9) kidnap	i) the state of being, or making safe, secure, free from danger
10) security	j) to wait in hiding for and make a surprise attack on smb.
11) vehicle	k) a person who helps another in crime
12) crime	l) to set free; to allow to leave

4. Form nouns using suffixes -tion, -ment. Make up a short story using as many new words as possible.

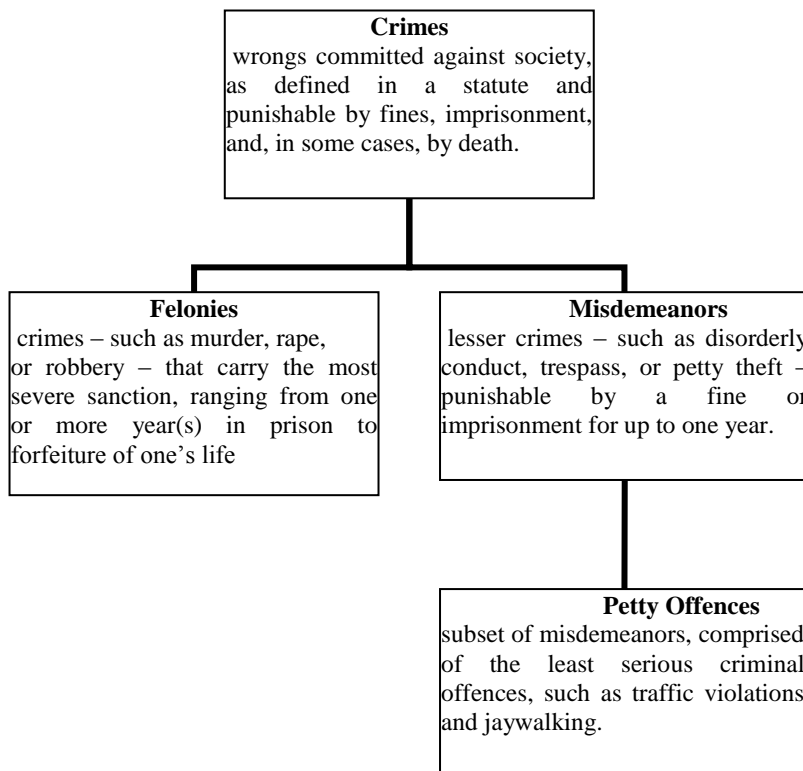
assassin
estimate
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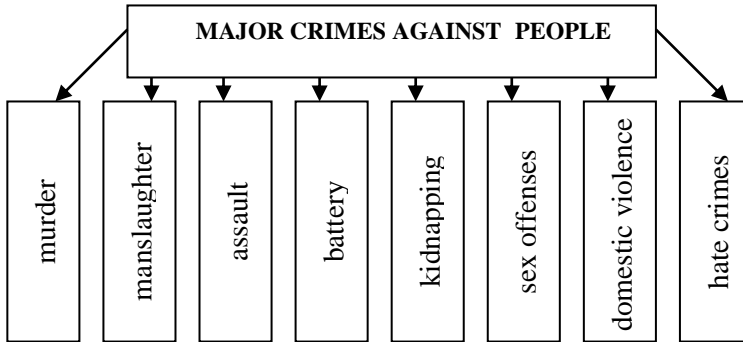
5. Analyse the charts;

a) “CLASSIFICATION OF CRIMES”:



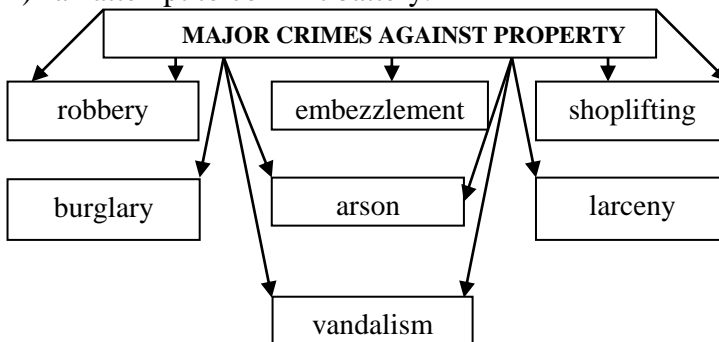
b) Answer the following questions:

1. What is a crime?
2. According to what principle are crimes classified?
3. What is the difference between felonies, misdemeanours and petty offenses? Give example of each class of crimes.



6. Find the correct definition of each crime against people.

- a) the unlawful killing of another human being with malice aforethought;
- b) the unlawful touching of another person;
- c) the unlawful killing of another person without malice aforethought;
- d) the unlawful removal or restraint of a person against his or her will;
- e) reckless physical or mental abuse within a family;
- f) these crimes occur when a perpetrator uses specific symbols, writings, or speech to cause fear or anger in people because of their race, religion, colour, or gender;
- g) include various forms of rape;
- h) an attempt to commit battery.



7. Find the correct definition of each crime against property.

- a) unlawful entry into a building with the intent to commit a felony (or, in some states, the intent merely to commit any crime);
- b) defacing or damaging property;
- c) wrongfully taking and carrying away another person's personal property with the intent to permanently deprive the owner of the property;
- d) forcefully and unlawfully taking personal property of any value from another; force or threat of force is typically required for an act of theft to be treated as robbery;
- e) the crime of setting fire to (a building etc.) on purpose;
- f) dishonestly removing goods from a shop without paying for them;
- g) the dishonest appropriation by an employee of any money or property given to him on behalf of his employer.

8. Answer the following questions:

- 1. What are the major crimes committed against people?
- 2. What are the major crimes committed against property?
- 3. What is meant by domestic violence?
- 4. How does larceny differ from burglary?
- 5. Why is the penalty for burglary greater than the penalty for shoplifting?
- 6. Why does the crime of rape carry very serious penalties?

9. Sort out the given below crimes into four columns: "OTHER PROPERTY CRIMES", "WHITE-COLLAR CRIMES", "ORGANIZED CRIME", "CRIMES INVOLVING CONTROLLED SUBSTANCES".

Forgery; false pretenses; bribery; drug smuggling; money laundering; racketeering activity; receiving stolen goods; drug dealing; theft of trade secrets; terrorism;

pickpocketing; fraud; intellectual property crime;
counterfeiting; illegal purchase of alcohol .

Vocabulary study

10. Using the words in brackets as a guide, explain the meaning of the following words and word combinations:

1) forgery (the legal rights or; fraudulently making or altering a writing (*e.g.*, a check); obligations of another; in a way that changes);

2) bribery (or to gain a personal or business advantage; in order to influence a public decision; unlawfully offering, giving, receiving, or soliciting money; or other thing of value; or action);

3) smuggling (sending them out from; or without paying duty; bringing goods into or; a country illegally);

4) counterfeit (for dishonest; to make a copy of; purposes; something);

5) money laundering (has been obtained through criminal activity as; income obtained through; falsely reporting income that; a legitimate business enterprise);

6) false pretenses (there are insufficient funds to cover it; the person from whom they are obtained; obtaining goods by deceiving; *e. g.*, writing a check knowing; without authorization; buying goods using someone else's credit card number);

7) pickpocket (who; one; pockets; steals; from);

8) receiving stolen goods (are stolen; one knows or; to receive goods; it is a crime; has reason to know).

11. Synonyms. Match the words listed in column A with the synonymous ones from column B.

A	B
1) lookout	a) protect
2) security	b) sentry
3) target	c) defenceless
4) ambush	d) defence
5) hit	e) permit
6) approach	f) crash into
7) damage	g) move towards
8) weak	h) surprise attack
9) safe	i) objective
10) license	j) harm

12. Antonyms. Match the words listed in column A with the ones with opposite meanings from column B.

A	B
1) considerable	a) retreat
2) available	b) negligible
3) separate	c) vulnerable
4) release	d) a law abiding person
5) unlocked	e) locked
6) wise	f) disappear
7) approach	g) unite
8) safe	h) unwise
9) appear	i) detain
10) criminal	j) inaccessible

13. Match the sentences halves

1. A thief passes for a gentleman: ...
2. Best defence: ...
3. A thief knows a thief: ...
4. A lawyer never: ...
5. Caution is: ...

- 6. Murder...
- 7. Opportunity...
- 8. The receiver is...

- a) makes the thief. (A proverb.);
- b) will out. (A proverb.);
- c) when stealing has made him rich. (A proverb.);
- d) is offence. (A proverb.);
- e) as bad as thief. (A proverb.);
- f) as a wolf knows a wolf. (A proverb.);
- g) goes to law himself. (A proverb.);
- h) the parent of safety. (A proverb.).

14. Choose three proverbs you like best and explain their meanings. Think of some vivid examples to illustrate the meanings of them (use your personal experience or the latest news).

15. Match the nouns in the left hand column with the words in the right hand column. Be ready to give the correct translation of the expressions.

- | | |
|---------|---|
| larceny | aggravated;
grand;
petit/petty/minor;
simple; |
| crime | white collar;
adult;
organized;
latent/concealed/hidden; |
| fraud | consumer;
computer;
credit card;
cheque; |

prevention of;
drug;
smuggling firearms;
of consumer goods.

Make up two or three sentences of your own on each phrase and word combination.

16. Give the translation of the following expressions:

Прихована злочинність; боротьба з контрабандою; проста крадіжка; підроблення банківських чеків; комп'ютерне шахрайство; контрабанда вогнепальної зброї; організована злочинність; крадіжка за обтяжливих обставин; велика крадіжка; контрабанда наркотиків; контрабанда товарів широкого вжитку; обман споживачів; злочинність повнолітніх; злочинність посадових осіб; підроблення кредитних карток.

Let us discuss

17. Point out the main purposes of criminal law. Use the suggested expressions:

- to define criminal offences;
- to regulate apprehension /charging/trial of suspected persons;
- to fix penalties and modes of treatment applicable to convicted offenders;
- to mete out punishment in proportion to the guilt of the accused;
- to protect the security of individual interests;
- to protect the public;
- to make the offender give retribution for harm done;
- to be the prevention of crime;
- to reform the offender;

– to promote the correction and rehabilitation of offenders.

18. The general statistics show that the number of women behind bars has increased dramatically. Using different sources (Internet, magazines, etc) find out:

- the information about crimes committed by women;
- the number of women who committed crimes;
- usual punishments which were imposed.

19. What impact does a criminal record have on person's future life?

20. Some part of prison population is represented by drug addicts who were arrested for possession of controlled substances. Should they be incarcerated? Can you think of any other options for them?

Say what you think about:

- capital punishment as a deterrent of felony;
- the Biblical principle “An eye for an eye and a tooth for a tooth”;
- being in a bad company and the consequences of it;
- a confessed fault;
- informants.

Comment on the following proverbs:

1. The end justifies the means.
2. Might goes before right.
3. Laws catch flies, but let hornets go free.
4. He that will steal an egg will steal an ox.
5. A lie begets a lie.

Make use of the following helpful phrases:

Certainty / Belief	Doubt / Uncertainty	Truth
I'm sure.../ certain.../ convinced....	I don't know.... I'm unsure.../ uncertain...	...to tell the truth.../ in fact.../ in reality.../ as a matter of fact.../ in actual fact.../ in point of fact...
It's obvious.../ certain....	I'm not sure.../ certain.../ convinced....	
I know.../ don't doubt.../ have no doubt...	I doubt if.../whether... I have doubts about	
There's no doubt.../ question.../ dispute...	There are some doubts.../ question.../ dispute...	
Without doubt .../ No doubt .../ Doubtless.../ I believe.../ It's my belief...	I doubt.../ suspect.../mistrust.../ question.../ dispute...	

Writing

21. Form nouns using the suffixes *-(e)ry, -y*. Consult the dictionary if it is necessary. Make up your own sentences with the new words

bribe	perjure
felon	rob
injure	forge

22. Translate into English using the text and active vocabulary.

А. Бути мішенню; обговорювати звільнення (вихід на свободу); бути позаду; засідка (пастка); подавати знак рукою співучасникові; вулиця з одностороннім рухом; врізатися в автомобіль; вистрибувати з автомобіля; відкривати вогонь; супроводжувати; наблизитися до перехрестя; натискати на гальма; оглядати пошкодження, завдані автомобілю; розстрілювати охорону з автоматичної зброї; погрози викрадення; слабкі аспекти безпеки; вбивство на замовлення (політичних діячів і т. ін.); можливість успіху; пропонувати бездоганий захист; порушувати захист; вразливість жертви; ідентифікувати й спостерігати; номерний знак; кузов; марка (автомобіля); чітко оцінювати захист; відчувати себе в безпеці; найбільш небезпечна територія; відбуватися біля дому; бути впливовим бізнесменом; підходити під цю категорію; контрзасоби; планування маршруту; контрспостереження; захист шин; водіння для оборони та наступу.

К. Кримінальне право; підпал; пограбування крамниці; злочин проти власності; крадіжка зі зламанням; розтрата; озброєне пограбування; вбивство; невмисне вбивство; напад; побої, образа дією; злочин, скоюваний через ненависть; злочин проти людей; шахрайство; хабарництво; кишенькова крадіжка; контрабанда.

С. Злочин – це порушення закону, що внеможливлє чи скеровує певну діяльність. Злочини можуть бути кваліфікованими як кримінальні злочини та проступки. Кримінальний злочин – це злочин, що карається ув'язненням або смертю. Убивство, невмисне вбивство, крадіжка зі зламанням, підпал – приклади кримінальних злочинів. Менш серйозний злочин кваліфікують як проступок. Керування автомобілем без

водійського посвідчення, приховування віку для придбання алкогольних напоїв і т. ін. – приклади проступків. Щоб установити, є злочин кримінальним чи проступком, потрібно проаналізувати суворість покарання за нього. Злочин визначається двома елементами: кримінальною дією та необхідним станом свідомості.

23. Fill the gaps in the text below with a word from the box.

wrong	guilt	civil
proof	disposal	defendant
penalties	evidence	liability
liable	crime	intent
mind	act	

Criminal Liability

A person may not be criminally (1)_____ unless she performed some prohibited (2)_____ (or failed to perform some legally required act) with a specified state of (3)_____ or intent.

The mental state or the degree of (4)_____ required varies from crime to (5)_____; however, absent the requisite *mens rea*, there can be no criminal (6)_____, even for what may seem to be the most heinous acts.

Because criminal liability carries harsher (7)_____ than civil liability, and because the State has many more resources at its (8)_____ in prosecuting a crime than the typical criminal (9)_____ has at her disposal, the State must prove the alleged criminal's (10)_____ of the crime beyond a reasonable doubt. It is called the Burden of (11)_____.

By contrast, a (12)_____ plaintiff suing the same defendant need only prove the defendant's civil liability by a preponderance of the (13)_____ (meaning only that it is

more likely than not that the defendant's acts or omissions caused the civil (14)_____).

24. Think over such topics as "Being a victim of a crime: a bit of personal experience", "Crimes. The latest shocking news." Choose one of them and write a composition. The plan below can help you

1. Outline the scene of your story.
2. Grab the reader's attention at the very beginning.
3. Give the description of the events:
 - Where were you?
 - Were you alone?
 - What happened?
 - How did it happen?
 - What did you do?
 - Who helped you?
 - How did you feel?
4. What happened in the end? Did that event have any repercussions? Did you learn anything from the experience?

25. Test your vocabulary.

1. _____ took place in city streets rather than in a remote jungle.
 - a) Ambushes;
 - b) Ambulances;
 - c) Analyses.
2. Common law distinguished between grand and petit (or "petty") _____, depending on the value of property taken.
 - a) firearm;
 - b) larceny;
 - c) murder.
3. Every state has a special statute that prohibits burning one's own building or other property in order to collect insurance benefits on the _____.
 - a) property;
 - b) poverty;
 - c) portion.
4. _____ are penalized by a fine or brief imprisonment in a county or city prison.
 - a) Felonies;
 - b) Rapes;
 - c) Misdemeanors.

5. The definition of first-degree murder, also called _____ murder, differs from state to state.
 a) aggravated; b) aggregated; c) aggressive.
6. Sexual assault by a friend or date has been recently recognized as a sex _____.
 a) defense; b) offense; c) intercourse.
7. Crimes against property can be classified as felonies or misdemeanors, depending on the _____ of the crimes.
 a) serenity; b) severity; c) session.
8. _____ is defined as the breaking and entering of a dwelling house at night with the intent to commit a felony.
 a) Larceny; b) Pickpocketing; c) Burglary.
9. To be guilty of vandalism, a person does not have to be the one who actually does the _____; anyone who supports the crime of vandalism by acting as a “lookout” can also be charged.
 a) damage; b) injury; c) defence.
10. The severity of a _____ charge depends on the value of the goods stolen.
 a) hijacking; b) shoplifting; c) cyber crime.
11. Drug dealing is always _____ a more serious crime than the mere possession or use of drugs.
 a) considered; b) analysed; c) received.
12. Ruthless killer “The Birdman” is running a massive heroin operation from his _____ cell.
 a) hotel; b) prison; c) dwelling.
13. O’Hara and his girlfriend, were accused of offering £10 000 to the sister of a key _____ but the charge was found not proven.
 a) witness; b) jury; c) judge.
14. A _____ crime is defined as a violation of the criminal law by the person of upper socio-economic class in the course of his occupation activities.

UNIT 6. CRIME SCENE INVESTIGATION

Actions taken at the outset of an investigation at a crime scene can play a pivotal role in the resolution of a case.

(Janet Reno, Attorney General)

1. Read and translate the text

Crime Scene Search

Level One Search: This is the most basic and superficial search. First, a search pattern is chosen that would be most effective for the crime scene environment to be examined. For example, a “zone” search would be chosen for a small apartment, while a “grid” search might be chosen for a large open outdoor area.

Switching officer positions and completing a search pattern a second time are always recommended so that another set of eyes reviews every search. Additionally, the crime scene commander should not become a searcher, but should remain free to make evaluative decisions about what constitutes evidence and to coordinate the numbering of all found potential evidence.

As evidence is located, the commander makes a decision as to whether the item is potential evidence and if so makes a second decision concerning what number that particular piece should be. After this process, an evidence marking device is placed near the evidence. When conducting a level one search, the officer’s eyes are the only tools used. Nothing is touched; therefore this is the least invasive form of search. The only items of evidence searched for are those that can be *detected without moving any object in the scene*.

Once all officers have completed the search and the pattern is double checked, all items are prepared for collection before the level two search. At a minimum this includes, a midrange photo (hopefully over-all photos were taken before

the scene was searched or altered in any way), a close up photo and measurement to the item from two fixed points for a sketch. Video taping may or may not fit in here depending on your department policy. Once all evidence items are collected and properly packaged, you can proceed to the second level search.

Level Two Search: Even when taking the search process to a more thorough level, crime scene integrity can still be maintained. A level two search consists of moving items that cause minimal intrusion into the scene. For example, when conducting a level two search closet doors are opened, furniture is searched underneath and some drawers may be opened. The idea of a level two search is to not be extremely intrusive, but to search in reasonable places in a way that does not totally disrupt your crime scene. As with a level one search, a search pattern is chosen and double checked. After the level two evidence is collected it is time for a Level Three Search.

Level Three Search: This third level is the most intrusive of all searches. This may include emptying every drawer in the scene and searching through every pocket of every piece of clothing in the closet. Turning over mattresses and looking through dirty clothes are commonly part of a third level search. As with the other levels, if anything is found it is marked and added to the evidence.

Level Three is also where you would conduct major latent print searches, tear out carpet or take out pieces of wall. You may also use chemicals such as Leuco Crystal Violet (a blood detection and enhancement chemical) and Luminol here if you have not done so up to this point.

Using this methodology insures that found evidence is properly documented and collected before there is any possibility of destroying the evidence. Other crime scene principles, such as a preliminary survey and final walkthrough are still recommended. This methodology is designed to

supplement and enhance current accepted practices, not to replace them.

A crime scene investigation *must be flexible*. If, however, an investigator wants to powder entire area “fishing” for latent prints, wait as long as possible because of the very intrusive nature of that action. Another quandary involves the use of chemicals at scenes. Chemicals are extremely invasive and can alter the scene in significant ways. Level three is recommended for most chemicals. Suppose however, that a bloody footprint is found right inside the doorway during a level one search. Do we wait to use Leuco Crystal Violet because it is a chemical? No. The argument for processing this footprint immediately is apparent, especially in an area as sensitive as a doorway. In such a case, the use of Leuco Crystal Violet becomes part of a level one search. What if you want to Luminol an entire floor in one room just to see what might appear? That should be done in level two or three, depending on the specific circumstances of your scene.

Unfortunately, though there is no single right way to search a crime scene, there are many wrong ways. Common sense and the professionally trained and ethical desire to preserve the integrity of evidence will guide you in these decisions at every unique crime scene.

(Based on “Searching in Stages to Prevent Destruction of Evidence at Crime Scenes” by Greg Dagnan Assistant Professor of Criminal Justice Missouri Southern State University)

2. Answer the following questions:

1. How many levels of crime scene search are mentioned in the text?
2. Which level is considered to be the basic one?
3. Which one is believed to be the most intrusive?
4. Why is it recommended to switch officer positions and to complete a search pattern a second time?

5. Should the crime scene commander become a searcher? Prove your point of view.
6. In what case can a searcher proceed to the second level search?
7. What do you know about the second level search?
8. At what level latent print searches are recommended?
9. How do you understand the sentence: “A crime scene investigation must be flexible”?
10. What wrong ways to search a crime scene can you think of?

3. Put the steps taken by the initial responding officer(s) in logical order.

The safety and physical well-being of officers and other individuals, in and around the crime scene, are the initial responding officer(s)’ first priority. Arriving at the scene the initial responding officer(s) should:

- Approach the scene in a manner designed to reduce risk of harm to officer(s) while maximizing the safety of victims, witnesses, and others in the area.
- Survey the scene for dangerous persons and control the situation.
- Ensure that there is no immediate threat to other responders – scan area for sights, sounds, and smells that may present danger to personnel (e. g., hazardous materials such as gasoline, natural gas). If the situation involves a clandestine drug laboratory, biological weapons, or radiological or chemical threats the appropriate personnel/agency should be contacted prior to entering the scene.
- Notify supervisory personnel and call for assistance/backup.

4. Match the sentences halves

1. The purpose of crime scene investigation is to help establish what happened (crime scene reconstruction): ...

2. This is done by carefully documenting the conditions at a crime scene and: ...
 3. Crime scene investigation is: ...
 4. There is no substitute for: ...
 5. An investigator must not leap to an immediate conclusion as to what happened based upon limited information but: ...
 6. A crime scene is not merely the immediate area where a body is located or: ...
 7. Since a weapon or burglar tool is easily recognized as significant physical evidence: ...
- a) it is frequently destroyed by the perpetrator;
 - b) a careful and thoughtful approach;
 - c) where an assailant concentrated his activities but can also encompass a vehicle and access/escape routes;
 - d) must generate several different theories of the crime, keeping the ones that are not eliminated by incoming information at the scene;
 - e) a difficult and time consuming job;
 - f) and to identify the responsible person;
 - g) recognizing all relevant physical evidence;

5. Complete the sentences with the appropriate prepositions

1. The searcher must scan the area _____ latent fingerprints.
2. The police officer called _____ assistance.
3. How did your calculations arrive _____ this figure?
4. These new methods have proved to be very effective _____ searching the crime scene.
5. Prepare yourself _____ a surprise when you go _____ the room.
6. The telephone wires have been torn _____, so we can't call the police.

7. At last, after many tests, Clarice Starling was chosen _____ FBI.
8. The villagers are helping to search the woods _____ the missing child.
9. Are you sure that this method of investigation can fit _____ here?
10. How many people does your team consist _____?
11. I'm strongly convinced that it's time _____ thorough deliberations.
12. The bad weather added _____ the chance of destruction of evidence.
13. The robber took _____ a gun and forced the owner to give him the money.
14. You should not cast aside the possibility _____ consulting the lawyer.

6. *One of the objectives of the initial responding officer is to secure and control persons at the scene. Examine the information given below and offer you patterns of communication with each group of people present at the crime scene:*

- *suspects;*
 - *witnesses;*
 - *bystanders;*
 - *victims/family/friends;*
 - *medical and other assisting personnel;*
 - *unauthorized and nonessential personnel (e. g. law enforcement officials not working the case, politicians, media).*
- Role play one of the situations.*

The initial responding officer should:

- a) control all individuals at the scene – prevent individuals from altering/destroying physical evidence by restricting movement, location, and activity while ensuring and maintaining safety at the scene;

- b) identify all individuals at the scene, such as:
- suspects: secure and separate;
 - witnesses: secure and separate;
 - bystanders: determine whether witness, if so treat as above, if not, remove from the scene;
 - victims/family/friends: control while showing compassion;
 - medical and other assisting personnel;
- c) exclude unauthorized and nonessential personnel from the scene (e. g., law enforcement officials not working the case, politicians, media).

7. Read and translate the text

Boundaries: Identify, Establish, Protect, and Secure

Defining and controlling boundaries provide a means for protecting and securing the crime scene. The number of crime scenes and their boundaries are determined by their location and the type of crime. Boundaries shall be established beyond the initial scope of the crime scene with the understanding that the boundaries can be reduced in size if necessary but cannot be as easily expanded.

The objectives of the initial responding officer are the following:

- a) to establish boundaries of the scene, starting at the focal point and extending outward to include:
- where the crime occurred;
 - potential points and paths of exit and entry of suspects and witnesses;
 - places where the victim/evidence may have been moved (be aware of trace and impression evidence while assessing the scene);
- b) to set up physical barriers (e. g., ropes, cones, crime scene barrier tape, available vehicles, personnel, other equipment) or use existing boundaries (e. g., doors, walls, gates);

- c) to document the entry/exit of all people entering and leaving the scene, once boundaries have been established;
- d) to control the flow of personnel and animals entering and leaving the scene to maintain integrity of the scene;
- e) to effect measures to preserve/protect evidence that may be lost or compromised (e. g., protect from the elements (rain, snow, wind) and from footsteps, tire tracks, sprinklers);
- f) to document the original location of the victim or objects that you observe being moved;
- g) to consider search and seizure issues to determine the necessity of obtaining consent to search and/or obtaining a search warrant.

Note: Persons should not smoke, chew tobacco, use the telephone or bathroom, eat or drink, move any items including weapons (unless necessary for the safety and well-being of persons at the scene), adjust the thermostat or open windows or doors (maintain scene as found), touch anything unnecessarily, litter, or spit within the established boundaries of the scene.

8. Answer the question to the text.

1. Why is it necessary to define and control the boundaries of the crime scene?
2. What places should the boundaries include?
3. Are physical barriers really useful?
4. Is it necessary to document the entry/exit of all people entering and leaving the scene? Why?
5. What should not be done by people within the established boundaries of the scene?

Vocabulary study

9. Complete the sentences with adjectives or adverbs in the affirmative or the negative made from the words in brackets.

1. Are you sure that this reptile isn't _____?
(poison)
2. Although he is mentally deranged, he has never been _____.
(aggressor)
3. Have you got all the necessary equipment to perform the _____ tests?
(chemistry)
4. A _____ footprint was found right on the porch.
(blood)
5. His methods of investigation are always _____.
(flex)
6. The decision should be _____ to most people.
(accept)
7. There were difficulties with the _____ stages of investigation.
(initiate)
8. Have you been trained to handle the _____ situations?
(hazard)
9. The _____ evidence can help the prosecutor to prove the case.
(circumstance)
10. The investigator looked tired and _____.
(shave)
11. The witness was _____ rude. There should be some reason of that.
(necessary)

10. Match the words with their definitions.

1) blood	a) one who is standing near but not taking part in an event
2) evidence	b) to keep safe from harm; to keep in existence
3) suspect	c) to take by force or by law
4) bystander	d) the red fluid pumped through the body by the heart
5) scope	e) any instrument or means which is used for one's own defence or for attacking others
6) enforcement	f) information etc that gives reason for believing something; proof

7) preserve	g) a person who is thought guilty
8) seize	h) something that gives authority, a legal document giving the police the authority for searching someone's house, arresting someone.
9) weapon	i) the area or extent of an activity
10) warrant	j) putting into force

11. Synonyms. Match the words listed in column A with the synonymous ones from column B.

A	B
1) entry	a) enlarge
2) expand	b) transfer
3) define	c) limit
4) assist	d) 1.access; 2. arrival
5) remove	e) keep apart
6) restrict	f) unity
7) separate	g) contact
8) cause	h) help
9) integrity	i) delineate
10) touch	j) solution
11) resolution	k) lead to

12. Which word is the odd one out in each set?

defendant	suspect	accused	judge
attorney	jury	judge	thief
secure	protect	destroy	preserve
exit	entrance	entry	access
obvious	latent	hidden	invisible
destroy	create	ruin	demolish
check	search	examine	leave

13. Match:

a) the nouns in the left hand column with the verbs in the right hand column. Be ready to translate the expressions.

to establish the boundaries;
 a university;
 smb's guilt;
 a case;

to search premises;
 the suspect;
 a crime scene;
 a vehicle;

b) the nouns in the left hand column with the words in the right hand column. Be ready to translate the expressions.

search grid;
 zone;
 pie;
 strip;

evidence physical/demonstrative/real;
 circumstantial / indirect;
 direct;
 fabricated/manufactured;
 hard/solid/strong.

Make up two or three sentences of your own on each phrase and word combination.

14. Give the English equivalents of the following expressions:

Обшук за зонами; обшукувати підозрюваного;
вагомий доказ; обшук за смугами; сфабрикований доказ;
обшукувати місце скоєння злочину; прямий доказ;

непрямий доказ; гратчастий обшук; обшук за секторами; речовий доказ; установлювати чиюсь провину; засновувати університет; доводити обставину; обшукувати транспортний засіб; обшукувати приміщення.

15. Answer the following questions expressing your point of view. Some of the given ideas you may find useful.

1. Is it important for the process of investigation to recognize and preserve physical evidence? Why? (to get the reliable information; to aid the investigation; to play a critical role in the overall investigation and resolution of a suspected criminal act).
2. Which is easier: to preserve the physical evidence or to destroy it?
3. Will it be possible for the investigator to return to the crime scene and to find some more physical clues?
4. Is it necessary for the investigator to consider other case information or statements from witnesses or suspects? Why?
5. Will it be possible to change the course of investigation?
6. Is it possible to propose a single, step-by-step procedure to approach every type of situation? Why not?
7. Why is it important for crime scene personnel to develop and continually update their knowledge, skills and abilities through training?
8. Why is it important to send a law enforcement official with the victim or suspect if the victim or suspect is transported to a medical facility? (to document any comments made; to preserve evidence; to prevent the escape of the suspect).

16. Explain the meanings of the following word combinations by matching the column A with the column B. Be ready to give the explanation what this or that is used for.

A	B
1) alternate light source	a) clean paper folded to use to contain trace evidence, sometimes included as part of the packaging for collecting trace evidence.
2) bindle paper	b) a process used to maintain and document the chronological history of the evidence.
3) biological weapon	c) a nonconfirmatory test used to screen for the presence of a substance.
4) chain of custody	d) items that will be used only once to collect evidence, such as biological samples, then discarded to minimize contamination (e.g., tweezers, scalpel blades, droppers).
5) comparison samples	e) equipment used to produce visible and invisible light at various wavelengths to enhance or visualize potential items of evidence (fluids, fingerprints, clothing fibres, etc.).
6) presumptive test	f) a generic term used to describe physical material/evidence discovered at crime scenes that may be compared with samples from persons, tools, and physical locations.
7) single-use equipment	g) biological agents used to threaten human life (e. g., anthrax, smallpox, or any infectious disease)

Let us discuss

17. Prove the following.

1. A scene of crime is a silent spectator that has witnessed the occurrence of crime.

2. Good observation of scene of crime can lead an investigation towards a certain direction.
3. Evidence can be obtained through one or more of the five senses; seeing, hearing, feeling, smelling or testing.
4. Nothing at the scene of crime is too insignificant for proper treatment.
5. The search of the crime scene should (should not) start without pre-conceived notions of what happened, how it happened and who might have done it.

18. How will you handle this situation? Discuss the ideas in class

Thomas Reeds is an investigator with excellent professional skills, but unfortunately, his personality needs an attitude adjustment. Lately, he has been screaming at his subordinate, Jack Brady, about the most minor details. Yesterday, during the crime scene investigation Thomas Reeds was so mad about something that he shook his fist at Jack and stamped his feet in full view of the personnel.

You are the Chief of the Investigation Department. You feel that something has to be done about Reeds.

19. Professor Ron Becker points out five major steps in processing a crime scene:

- 1) secure the scene;
- 2) conduct interviews;
- 3) examine the scene;
- 4) photograph the scene;
- 5) bag (collect) and tag (preserve evidence).

Develop these ideas.

20. You are the owner of the firm. You were informed that employee theft had been committed. How would you

investigate this case? What measures would you take to prevent employee theft in future? Ideas below can help you:

- to establish review procedures for inventory, income, and money disbursements to detect any misuse of funds;
- to set a firm policy on the consequences to employees who are caught stealing, and to communicate it effectively;
- to follow the policy firmly whenever employee theft is discovered;
- to use lie detector tests or drug tests to check employee integrity.

Make your speech more convincing using the following expressions:

Informal style	Formal style	Making a speech
first	initially	first of all to begin with let us begin at
second next then	subsequently	also in addition following
before	formerly/ previously	
afterwards after		furthermore
last finally	ultimately	to sum it up in conclusion last of all

Writing

21. Find antonyms to the following words. Make up a short story using these words and their derivatives.

to separate
to increase
to release

entrance
safe
latent

to appear
to destroy
to exclude
to expand

a criminal
superficial
underneath

22. Translate into English using the text and active vocabulary.

А. Поверхневий обшук; обшук першого рівня; модель обшуку; залишатися вільним; ухвалювати рішення; засіб маркування доказу; тип обшуку з найменшим утручанням; знаходити без пересування об'єктів на місці скоєння злочину; перевіряти вдруге; фотографування середньої дальності; політика департаменту; добре запакований; зберігати недоторканість місця злочину; спричиняти мінімальне вторгнення; руйнувати місце злочину; обшукувати кожну кишеню; додавати до доказів; обшук на наявність прихованих відбитків пальців; виявлення крові; гарантувати; знищувати докази; попередній огляд; підсилювати практику; шукати приховані відбитки; скрутне становище; значно змінювати місце злочину; особливі обставини; на жаль; здоровий глузд.

В. Знижувати ризик; оглядати місце злочину на присутність небезпечних осіб; негайна загроза; нелегальна лабораторія наркотичних речовин; біологічна зброя; радіологічна чи хімічна загроза; відповідний персонал; викликати допомогу; відповідальна особа (офіцер); обмежувати пересування; випроводжувати з місця злочину; проявляти співчуття; виокремлювати межі.

С. Мета розслідування місця скоєння злочину – допомогти встановити, що трапилося, та ідентифікувати відповідальну особу. Розслідування місця скоєння злочину – це складна робота, що потребує багато часу. Уважного й вдумливого підходу не можна замінити нічим. Слідчий не

повинен робити передчасних висновків щодо того, що трапилося, базуючись на обмеженій інформації. Йому необхідно розробити декілька різних теорій злочину, додержуючись тих, що не суперечать інформації, одержаній на місці злочину. Розумні висновки щодо того, що трапилося, варто робити на основі огляду місця злочину й інформації від свідків. Ці матеріали допоможуть слідчому задокументувати особливі обставини та виокремити цінні докази. Усе, що можна використати для встановлення зв'язку між жертвою, підозрюваним, місцем злочину, є релевантним речовим доказом.

23. Fill the gaps in the text below with a word from the box.

victim	fibres	suspect
items	evidence	perpetrator
floor	pocket	shoeprints
personnel		

Although there are common (1)_____ which are frequently collected as (2)_____ (fingerprints, shoeprints, or bloodstains), literally any object can be physical evidence. Anything which can be used to connect a (3)_____ to a suspect or a suspect to a victim or crime scene is relevant physical evidence. Using the “shopping list” approach (collecting all bloodstains, hairs, or (4)_____) will probably not result in recognizing the best evidence. For example, collecting bloodstains under a victim’s body or shoeprints from emergency (5)_____ will rarely answer important questions. Conversely, a single matchstick (not usually mentioned as physical evidence) recovered on the (6)_____ near a victim’s body can be excellent physical evidence since it can be directly tied to a matchbook found in a suspect’s (7)_____.

Since a weapon or burglar tool is easily recognized as significant physical evidence, it is frequently destroyed by the (8)_____. Sometimes the only remaining evidence is microscopic evidence consisting of hairs, (9)_____, or other small traces the assailant unknowingly leaves behind or takes with him. Although this evidence is effectively collected when the clothing of the victim or (10)_____ is taken, protocols (involving tape lifts) should be in place to process nude bodies so as not to lose this fragile evidence.

24. Find the latest articles about crimes, criminals, investigation process. Prepare the written annotation of the article that has struck you most. Make use of the following helpful phrases:

1. The headline of the article is ...
2. It was published by ...
3. At the beginning of the article the author dwells upon... analyses... points out ... criticizes ... gives the description of the ...
4. Then the author gives a detailed analysis of the situation in ... brief outline of the events in ...
5. At the end of the article the author says that ... draws the conclusion that...
6. From my point of view, the most striking/interesting items (facts) in the article are the following: ...

25. Test your vocabulary

1. A crime scene is not merely the immediate area where a body is located or where an assailant concentrated his activities but can also encompass a vehicle and _____/escape routes.

11. The investigation began and _____ that the vehicle and its driver had been reported missing some 8-months earlier.

a) related; b) recorded; c) revealed.

12. I first spoke with the investigator who had done the _____ crime scene response some 3-days earlier.

a) initial; b) ignition; c) ignorant.

13. Learn what _____ you have and how you can best use them to accomplish your tasks.

a) regards; b) resources; c) remorse.

14 The Nine-Power Treaty (1921) was supposed to guarantee the territorial _____ of China.

a) honesty; b) loyalty; c) integrity.

15. Have you got the invitation to the _____ meeting?

a) clammy; b) clamorous; c) clandestine.

16. Her heart was filled with _____ for the motherless children.

a) completion; b) competence; c) compassion.

17. Ought politics to be within the _____ of the trade union's activities?

a) scope; b) scorn; c) cope.

18. The police ordered the _____ of the opium.

a) selection; b) sensation; c) seizure.

19. Are you sure that the police have _____ for his arrest?

a) warning; b) warren; c) warrant.

20. During the past several years the number of robberies at downtown automatic teller terminals has _____.

a) expend; b) enlarge; c) increased.

UNIT 7. COLLECTION OF EVIDENCE

Facts are stubborn things.

(Saying)

1. Read and translate the text

Collection and Preservation of Evidence

Once the crime scene has been thoroughly documented and the locations of the evidence noted, then the collection process can begin. The collection process will usually start with the collection of the most fragile or most easily lost evidence. Special consideration can also be given to any evidence or objects which need to be moved. Collection can then continue along the crime scene trail or in some other logical manner. Photographs should also continue to be taken if the investigator is revealing layers of evidence which were not previously documented because they were hidden from sight.

Most items of evidence will be collected in paper containers such as packets, envelopes, and bags. Liquid items can be transported in non-breakable, leakproof containers. Arson evidence is usually collected in air-tight, clean metal cans. Only large quantities of dry powder should be collected and stored in plastic bags. Moist or wet evidence (blood, plants, etc.) from a crime scene can be collected in plastic containers at the scene and transported back to an evidence receiving area if the storage time in plastic is two hours or less and this is done to prevent contamination of other evidence. Once in a secure location, wet evidence, whether packaged in plastic or paper, must be removed and allowed to completely air dry. That evidence can then be repackaged in a new, dry paper container. Under no circumstances should evidence containing moisture be packaged in plastic or paper containers for more than two hours. Moisture allows the growth of microorganisms which can destroy or alter evidence.

Any items which may cross contaminate each other must be packaged separately. The containers should be closed

and secured to prevent the mixture of evidence during transportation. Each container should have: the collecting person's initials; the date and time it was collected; a complete description of the evidence and where it was found; and the investigating agency's name and their file number.

Each type of evidence has a specific value in an investigation. The value of evidence should be kept in mind by the investigator when doing a crime scene investigation. For example, when investigating a crime he or she should spend more time on collecting good fingerprints than trying to find fibres left by a suspect's clothing. The reason is that fingerprints can positively identify a person as having been at the scene of a crime, whereas fibres could have come from anyone wearing clothes made out of the same material. Of course if obvious or numerous fibres are found at the point of entry, on a victim's body, etc., then they should be collected in case no fingerprints of value are found. It is also wise to collect more evidence at a crime scene than not to collect enough evidence.

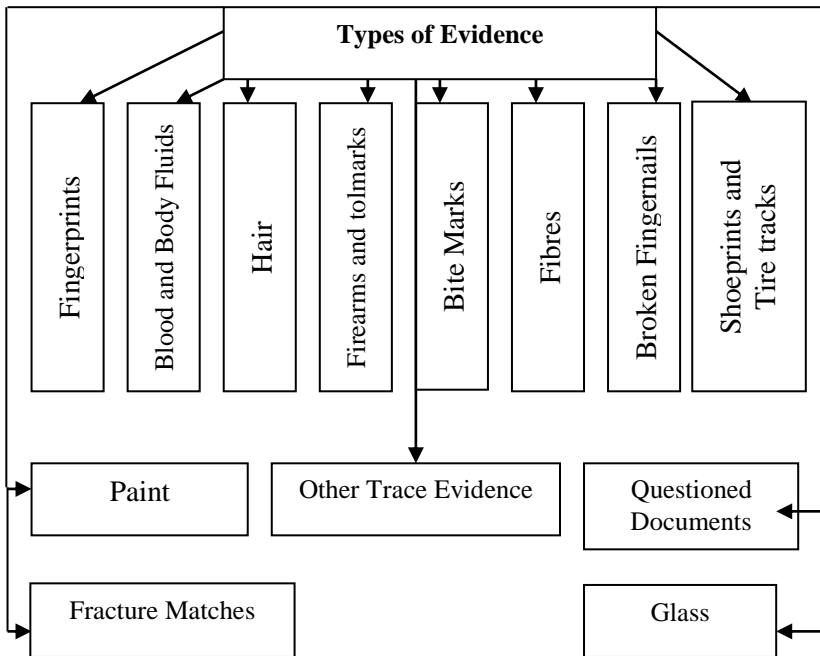
*(Based on "Collection and Preservation of Evidence"
by George Schiro, Forensic Scientist)*

2. Answer the following questions:

1. How do you understand the term "evidence"?
2. When does the collection process begin?
3. Should the photographs be taken during the process of evidence collection?
4. Where should most items of the evidence be collected?
5. How should liquid items be transported to the laboratory?
6. How should moist or wet evidence be handled?
7. What is the maximum storage time for moist or wet evidence being packaged in plastic or paper containers? Why is it so?
8. Why is it necessary to package each item of evidence separately?

9. What should each container have?
10. Which type of evidence is more important for an investigation of crime: good fingerprints or fibres left by a suspect's clothing? Prove your point of view.
11. They say it is wise to collect more evidence at a crime scene than not to collect enough evidence. Why is it so?

3. Analyse the chart “Types of Evidence”. Match each type of evidence to the specific information and how the evidence should be handled. Insert the missing words in the given information according to the context.



A. _____ (also includes palm prints and bare footprints) are the best evidence to place an individual at the scene of a crime. Collecting fingerprints at a crime scene requires very few materials, making it ideal from a cost

standpoint. All non-movable items at a crime scene should be processed at the scene using gray powder, black powder, or black magnetic powder. All small transportable items should be packaged in paper bags or envelopes and sent to the crime lab for processing. Because of the “package it up and send it to the lab” mentality, some investigators skim over collecting prints at a crime scene. Collecting prints at the crime scene should be every investigator’s top priority. Fingerprints from the suspect as well as elimination fingerprints from the victim will also be needed for comparison (the same holds true for palm and bare footprints).

B. If using the RFLP method of DNA analysis, then _____ and seminal fluid can be matched back to an individual with a high degree of probability. Dried blood and body fluid stains should be collected in the following manner: If the stained object can be transported back to the crime lab, then package it in a paper bag or envelope and send it to the lab; if the object cannot be transported, then either use fingerprint tape and lift it like a fingerprint and place the tape on a lift back; scrape the stain into a paper packet and package it in a paper envelope; or absorb the stain onto 1/2" long threads moistened with distilled water. Wet blood and body fluid stains should be collected in the following manner: all items should be packaged separately to prevent cross contamination, if the item can be transported to the crime lab, then package it in a paper bag (or plastic bag if the transportation time is under two hours), bring it to a secure place and allow it to thoroughly air dry, then repackage it in a paper bag. If the item cannot be transported back to the lab, then absorb the stain onto a small (1"x1") square of pre-cleaned 100% cotton sheeting. Package it in paper (or plastic if the transportation time is less than two hours), bring it to a secure place and allow it to thoroughly air dry; then repackage it in a paper envelope. Victim and suspect’s known whole blood

samples will have to be collected in yellow, red, or purple top “Vacutainers.”

C. _____ are found many times in sexual assaults and can be matched back to the individual who did the biting. They should be photographed according to the principle: The more photographs under a variety of conditions, the better. If the bitemark has left an impression then maybe a cast can be made of it. Casts and photographs of the suspect’s teeth and maybe the victim’s teeth will be needed for comparison.

D. Much like a bullet that has individualizing striations on it, natural fingernails have individualizing striations on them. _____ found at a crime scene can be matched to the individual it came from many months after the crime has been committed. Broken fingernails should be placed in a paper packet which is then placed in a paper envelope. It can then be transported to the crime lab for analysis. Known samples from the suspect and maybe from the victim will be needed for comparison.

E. _____ can positively link broken pieces at the scene with pieces found in the possession of a suspect. For example, headlight fragments found at the scene of a hit and run could be positively matched to a broken headlight (just like putting together a jigsaw puzzle) on a suspect’s vehicle. Larger fragments should be placed in paper bags or envelopes. Smaller fragments should be placed in a paper packet and then placed in an envelope.

F. Handwriting samples can also be matched back to the individual that produced them. Known exemplars of the suspected person’s handwriting must be submitted for comparison to the unknown samples. Questioned documents can also be processed for fingerprints. All items should be collected in paper containers.

G. _____ can be said that it is the same type and colour as paint found in the possession of a suspect. Paint fragments should be collected in a paper packet and placed in an envelope. Representative paint chips or samples should be collected from the suspect and submitted to the lab for comparison.

H. _____ can be matched positively to a pair of shoes or to tires in a suspect's possession. Shoeprints and tire tracks can sometimes tell investigators what type of shoes or tires to look for when searching a suspect's residence or vehicles. Before any attempt is made at collecting shoeprints or tire tracks, one-to-one photographs should be made. Casts can be made of impressions using dental stone. Once hardened, the cast can be packaged in paper and submitted to the lab.

I. If a root sheath is attached, then DNA analysis using PCR technology can say that this _____ came from a certain percentage of the population to which the suspect belongs. If there is no root sheath, then a microscopic analysis can say that the hair has the same characteristics as the suspect's hair and is similar to his or her hair. At this point, no one can say that a hair came from a particular individual. Hair found at the scene should be placed in a paper packet and then placed in an envelope.

J. _____ can be said that they are the same type and color as those found in a suspect's clothes, residence, vehicle, etc. Fibres should be collected in a paper packet and placed in an envelope. Representative fibres should be collected from a suspect and submitted to the lab for comparison.

K. _____ can be said that it has the same characteristics as glass found in the possession of a suspect. Smaller glass fragments should be placed in a paper packet and then in an envelope. Larger pieces should be wrapped securely in paper or cardboard and then placed in a padded cardboard

box to prevent further breakage. Representative samples from the suspect should be submitted to the lab for comparison.

L. Sometimes during the commission of a crime, there are other items which may be transferred to a perpetrator from the scene or from the perpetrator to the scene (sheetrock, safe insulation, etc.). The guidelines for collecting the evidence and obtaining known samples is about the same as for paint and fibres.

M. Bullets and casings found at the crime scene can be positively matched back to a gun in the possession of a suspect. Bullets and casings can also be examined at the crime lab and sometimes tell an investigator what make and model of weapons may have expended the casing or bullet. A bullet found at the crime scene can sometimes be matched back to the same lot of ammunition found in a suspect's possession. Toolmarks can be positively matched to a tool in the suspect's possession. Firearm safety is a must at any crime scene. If a firearm must be moved at a crime scene, never move it by placing a pencil in the barrel or inside the trigger guard. Not only is this unsafe, but it could damage potential evidence. The gun can be picked up by the textured surface on the grips without fear of placing unnecessary fingerprints on the weapon. Before picking up the gun, make sure that the gun barrel is not pointed at anyone. The firearm can then be processed for prints and finally rendered completely safe. _____ must be rendered safe before submission to the crime laboratory. The firearm should be packaged in an envelope or paper bag separately from the ammunition and/or magazine.

4. Answer the following questions:

1. What types of evidence do you know?
2. Collecting of what evidence is thought to be ideal from a cost standpoint?

3. What is considered to be every investigator's top priority?
4. Why is it necessary to have both suspect's and victim's fingerprints?
5. What evidence can DNA analysis be used for? What can this analysis prove?
6. Can the cast be made of an impression of a bitemark?
7. Why fingernails are considered to be important evidence?
8. How can shoeprints and tire tracks be useful to an investigator?
9. How should a firearm found at a crime scene be handled?

Vocabulary study

5. Match the words with their definitions.

1) barrel	a) a piece of lead or steel fired from a rifle or revolver
2) bullet	b) an act of comparing
3) cardboard	c) remove; get rid of; set aside
4) handwriting	d) the metal tube of a gun, rifle, revolver or pistol
5) comparison	e) make bad, dirty or impure by touching or adding something impure
6) eliminate	f) a stiff kind of paper often made up of several layers
7) wet	g) a fine thread or something like a thread
8) contaminate	h) the mark made by the tip of the finger, often used by the police as a means of identification
9) fibre	i) the way in which a person writes; writing with a pen or pencil
10) fingerprint	j) covered or soaked with water or some other liquid

6. Using the words in brackets as a guide, explain the meaning of the following words:

- 1) grip (hold of; to take; a firm);
- 2) surface (of anything; part; the outside);
- 3) submit (an opinion or judgment; place before the court; in order to; obtain; judge, committee);
- 4) trigger (one releasing the hammer of a gun; a lever which; a spring; releases);
- 5) safety (from; danger; freedom);
- 6) headlight (on the front of; a powerful light at or; a car, lorry, etc.);
- 7) probability (the state; of being; or fact; probable);
- 8) cast (into a mould; to shape; by pouring).

7. Synonyms. Match the words listed in column A with the synonymous ones from column B.

A	B
1) fragile	a) want; need
2) value	b) use
3) require	c) apparent
4) expend	d) breakable
5) perpetrator	e) terror
6) obvious	f) cost
7) fear	g) check; examine
8) wrap	h) model
9) search	i) criminal
10) sample	j) cover

8. Find pairs of opposites in the list

1) thorough	a) strong
2) harden	b) wet
3) fragile	c) obscure
4) perpetrator	d) courage
5) fear	e) reveal

6) hide	f) soften
7) dry	g) law abiding citizen
8) obvious	h) superficial

9. Give a more general word.

- 1) knife, rifle, gun, pistol –
- 2) fingerprints, hair, fibres, shoeprints, tire tracks, glass found at a crime scene – ;
- 3) burglar, thief, rapist, bigamist, murderer, forger, arsonist, kidnapper, pickpocket, shoplifter – ;
- 4) barrister, solicitor, attorney –;
- 5) headlight, rear light, body, tire, windscreen –.

10. Match:

a) the nouns in the left hand column with the verbs in the right hand column. Be ready to translate the expressions.

evidence to find/obtain/acquire;
 to rebut/negate;
 to bring forward/offer/present/produce;
 to challenge;

fingerprints to lift/to take;
 to develop;
 to clean of/to wipe (from);

a) the nouns in the left hand column with the expressions in the right hand column. Be ready to translate the expressions.

seizure of property;
 of a contraband;
 of goods;

investigator crime scene;
 lawful;
 drug;
 of cases of particular importance.

Make up two or three sentences of your own on each phrase and word combination.

11. Give the English equivalents.

Вилучення контрабанди; слідчий з особливо важливих справ; знімати відбитки пальців; отримувати докази; слідчий, який проводить слідство на законних підставах; вилучення майна; стирати відбитки пальців; надавати докази; заперечувати докази; спростовувати докази; вилучення товарів; слідчий зі справи про наркотики; слідчий, який проводить огляд місця скоєння злочину.

Make up true sentences with these expressions.

Let us discuss

12. Read the given information.

Andrew Dufresne was sentenced to life imprisonment for murdering his wife and her lover. During the trial the prosecutor stated that “He (Andrew Dufresne) had fired the gun empty ... and then stopped to reload so he could shoot each of them again! Four and four! Not six shots, but eight!”

Try to guess:

- *what evidence had been found;*
- *if there were any witnesses;*
- *if Andrew Dufresne was drunk;*
- *if he really was a murderer.*

(If you want to find true answers to these questions read the novel “Rita Hayworth and Shawshank Redemption” by Stephen King).

13. You are a private detective. You were hired by a well-known businessman to investigate the death of his favourite cat. How are you going to conduct the investigation?

14. Discuss the following:

They say: “The case has been framed.”

Does that mean that evidence had been obtained illegally?

Prove your point of view.

(Note: evidence obtained illegally – evidence obtained by some means contrary to law, e. g. as a result of a search of premises without a search warrant).

Using different sources find some information about framed cases. Choose one of them and tell the class about it.

15. Agree or disagree. Prove your point of view.

1. The investigator should thoroughly document every aspect of the crime scene investigation from the initial walk through to the securing of the collected evidence.

2. As the walk through progresses, the investigators should make sure their hands are occupied by carrying notebooks, flashlights, pens, etc. or by keeping their hands in their pockets.

3. Videotape can be an excellent medium for documenting bloodstains at a crime scene.

4. Computer programs are available for sketching crime scenes and blood spatters by inputting certain measurements associated with the scene and the individual spatters.

5. The last tool for documenting the crime scene investigation is note taking.

6. When searching for blood evidence, there is no need to use a high intensity light.

16. How do you understand the following words of wisdom? Think of situations to illustrate each of them.

1. Every bullet has its billet. (Proverb)

2. Every man has his faults. (Proverb)
3. Man proposes, God disposes. (Proverb)
4. A little neglect may breed great mischief. (B. Franklin)
5. No two minds think alike. (Proverb)

Writing

17. Form nouns using the suffix *-tion, -er, -or*. Make up a short story using these words and their derivatives.

lay	consider	scrape
contaminate	trig	eliminate
search	striate	insulate
perpetrate	seize	invent

18. Translate into English using the text and active vocabulary.

А. Зберігання доказів; знаходження доказів; особлива увага; вияляти низку доказів; бути прихованим від ока; паперовий контейнер; конверт; неламкий; водонепроникний; докази підпалу; металева бляшанка; герметичний; сухий порох; збирати й зберігати; вологі докази; знищувати чи змінювати докази; забруднювати; особлива цінність; одяг підозрюваного; тіло жертви.

В. Види доказів; відбитки пальців; сліди від укусів; зламані нігті; сліди шин; інші докази, що допомагають установити правопорушника; вогнепальна зброя; сумнівні документи; відбитки взуття; кров; рідина; волокна; співвідносити особу з місцем скоєння злочину; обробляти; несерйозно (поверхнево) ставитися; для порівняння; великий ступінь імовірності; зразок крові; напад; залишати відбиток; куля; розбита передня фара; складати картинку-загадку (пазл); зразок почерку; шукати; зліпок; частинки скла; гільза; ствол; спусковий гачок.

С. Слідчий повинен ретельно документувати кожен аспект розслідування, проведений на місці скоєння злочину: від попереднього огляду до збереження отриманих доказів. Для того щоб якомога точніше описати обставини місця скоєння злочину й знайдені там докази, необхідна документація.

Безперечно, певні зміни на місці скоєння злочину відбудуться: поліцейські, пожежники можуть бути вимушеними змінити його впродовж виконання рятувальних заходів. Він має у своєму розпорядженні певні засоби документації доказів: нотатки, відеозапис, схематичні малюнки та інші. Слідчий може вибрати декілька чи всі ці методи документування. Документація буде використаною в подальшому, щоб нагадати слідчому особливі обставини справи.

Д. 1. Усіх поліцейських відділка викликали на термінову нараду, тому що було одержано телефонний дзвінок про можливий терористичний акт у торгівельному центрі. 2. Лозоні було призначено слідчим зі справи про викрадення дівчинки. 3. Туди не можна! Там зараз проводять обстеження місця скоєння злочину й збирають речові докази. 4. Для доставки до лабораторії вогнепальну зброю було запаковано в спеціальний дерев'яний контейнер. 5. Ви впевнені, що будете захищеними в броньованому автомобілі? 6. Якщо ви працюєте з нашою фірмою, вашу безпеку буде гарантовано. 7. Поліція вважає, що пожежу було влаштовано, щоб приховати нестачу товарів на складі та отримати страховку. 8. Де було знято ці відбитки пальців? 9. Цього чоловіка було затримано, коли він намагався ввезти до країни партію наркотиків.

20. Fill the gaps in the text below with a word from the box.

destruction	crime scene	determined
analyst	investigator	preserved
witness	search	found
experienced	evidence	information

Documentation and Examination of the Crime Scene

An (1)_____ should take a slow and methodical approach to collecting and preserving evidence. The only time that an investigator should make rapid decisions concerning (2)_____ is when the evidence is in danger of being destroyed or compromised. In that case, the evidence should be (3)_____, or documented and collected as quickly as possible. Before setting foot in the (4)_____, the investigator must gather as much information as possible to determine the scope and value of any evidence that may be present. This information may include (5)_____ statements, suspect statements, victim statements, information from the first responding officer, information from the detectives, etc. Information is collected to prevent the (6)_____ of any valuable and/or fragile evidence such as shoeprints, trace evidence, etc. The investigator should then use logic and common sense to (7)_____ for evidence; however, he or she should also use imagination and avoid becoming narrow-minded. As investigators become more (8)_____, they know that certain patterns emerge and certain elements are common among similar cases. They also know that they have to keep an open mind when deciding what is evidence and where it will be (9)_____. This is due to the unpredictable nature of people and the forces of chaos. Once the investigator has gathered as much (10)_____ as possible about the case, then he or she should form a mental or written plan to proceed with the documentation, collection, and preservation of the evidence. The investigator should also pass

- a) Gloves; b) Tools; c) Clothes.
6. The _____ for flammable fluids in arson cases should include a thorough examination of the entire fire scene.
- a) seize; b) defend; c) search.
7. Weapons should be placed in strong _____ or wooden boxes, well packed, to prevent shifting of guns in transit.
- a) wet; b) cardboard; c) moist.
8. Poor _____ are useless for comparison purposes and some marks will be damaged if improper methods are used.
- a) casts; b) cases; c) ammunitions.
9. It is very important to have sufficient handwriting exemplars for _____ with the questioned document.
- a) complain; b) comparison; c) company.
10. Most _____ submitted will be on paper, glass, metal, or other smooth surfaced objects.
- a) fingerprints; b) tire tracks; c) footprints.
11. Blood evidence can also point the investigator in the direction he or she needs to go to solve the _____.
- a) issue; b) question; c) case.
12. The investigator should also search for blood trails leading away from the _____.
- a) scene; b) stage; c) scenery.
13. Most items of evidence will be collected in clean, unused paper containers such as packets, _____, and bags.
- a) stamps; b) plastic bags; c) envelopes.
14. The _____ jammed in the barrel of the gun.
- a) bullet; b) case; c) trigger.
15. He was _____ from the tennis match in the first round.
- a) elevated; b) emanated; c) eliminated.
16. Rubber and plastic are used for _____ electric wires and cables.
- a) insulating; b) installation; c) instruction.
17. Most controlled substances and common _____ can be identified by means of chemical tests.

UNIT 8. INTERVIEWS AND INTERROGATIONS

No mortal can keep a secret.
If his lips are silent, he chatters with his fingertips;
betrayal oozes out every pore!
Listen with your eyes as well as your ears.
(Sigmund Freud)

1. Read and translate the text

Mr Love and Mr Justice

Now Edward faced with that most exhausting and complicated moment in a copper's life – the conduct of a full-scale interrogation of a prisoner. In this affair both parties have considerable tactical advantages, provided each knows what they are and how to use them.

First, the surroundings. The very word "cell" has, to most ears, a sinister and forbidding ring. And these places are, to be sure, rebarbative enough... The nastiest thing about them being not that they have locks and bars, but that they are so utterly, fundamentally utilitarian. In them arrangements are made for prisoners to eat, sleep, and defecate: and for absolutely nothing else whatever. A man in prison is reduced to his physical essence.

From the copper's point of view the cells have advantage, obviously, of making escape impossible to the prisoner and of filling his soul with lonely terror and foreboding. But they have this psychological disadvantage that in one very real sense, they are prisoner's and not the copper's home: yes, home. The copper may lord it in his office, and of course does so over any visitor he may entice there. But in the cells the visitor in one sense is he, the copper, even though he has put the prisoner inside them. And if the prisoner be a man of intelligence, will and courage, the very presence of these four confining walls does help to sustain his spirits. It is he

who is on the defensive, he who is fighting back. And he may well detect in even the most arrogant aggression of the interrogating copper, hidden fear of the place of a very different kind from his own: the fear of something with which in the most real and final sense, he is unfamiliar.

When it comes to the actual interrogation the copper has, of course, the enormous advantage of seeming to personify the fact of prison itself, and the whole vast Force of which he is the representative. He will also possess, through skill and long practice, all the interrogator's essential arts in which the prisoner may be quite unversed. But: in this very unfamiliarity, there resides also a great strength. An adult questioning a child about a misdemeanour often finds himself exhausted by his own superior guile, and defeated by the instinctive simplicities of the apparently weaker party in the struggle. So it may be said to be with prisoners. And they also have – once again if men of indomitable stamp – one absolutely unbeatable trump card which is the fact that they are, in this circumstance, alone. If you are alone, you can never be betrayed; and in dealing with the many others who may confront him, the prisoner is the only person among the whole assembly who really knows all that everyone has said and done.

(Colin Macinnes "Mr. Love and Justice")

2. Answer the following questions:

1. Can we say that during a full-scale interrogation only the police officer has considerable tactical advantages?
2. In what way do cells help to reduce a person to his/her physical essence?
3. Do the cells have advantages from the police officer's point of view? What are they?
4. Do you share the author's point of view that the four walls of the cell can help to sustain prisoner's spirits?
5. What an unbeatable trump card do the prisoners have?

3. Match the words with their definitions.

1) interview	a) a full and complete acknowledgement of guilt concerning participation in the commission of a crime
2) interrogation	b) physical, emotional or mental attempts to deceive the interrogator
3) interrogation approach	c) a person who may have planned, participated, committed or have guilty knowledge of a crime
4) statement	d) a written or oral assertion of certain facts and information to an investigation
5) deception	e) an individual who has personal knowledge from seeing or hearing something about the incident
6) confession	f) asking formal questions to obtain the truth through planned or unplanned approaches and techniques
7) admission	g) a person who committed a crime
8) subject	h) any act or statement made by the suspect that is a partial acknowledgement of the offence
9) suspect	i) the manner in which the interrogator accomplishes the interrogation, (e. g., sympathetic, aggressive, indifferent, etc.)
10) witness	j) a formal meeting between two people for the purpose of exchanging information

4. Point out the purpose of an interview and interrogation. The ideas below can help you.

- to secure an admission or confession from a person who has committed a crime;
- to get at the truth;
- to question an individual who is believed to have or has

information of interest to the police.

- to induce an admission of guilt from the guilty;
- to eliminate suspects of a crime;
- to determine the facts and circumstances of a crime;
- to determine the details concerning the crime;
- to determine the identity of all accomplices;
- to develop information leading to the recovery of the fruits of the crime, existence and location of additional evidence, etc;
- to discover details of other crimes and other activities;
- to locate hiding places, modus operandi and the identity of all individuals engaged in illegal traffic of contraband, narcotics, firearms, etc.;
- to develop information to be used in future interviews or interrogations;
- in preparation of polygraph testing of suspects.

5. Match the sentences halves

1. Open-ended questions are based on broad questions: ...
2. Closed questions are narrow-focused questions that require very brief answers. Closed questions range from those that can be answered “yes” or “no” to those: ...
3. Neutral question (non-directive) are those questions for which: ...
4. Leading questions are questions phrased in a way that suggests: ...
5. Assumptive questions can be used to put the suspect at ease: ...
 - a) the person is allowed to give an answer without direction from the interviewer;
 - b) the interviewer has a preferred answer;
 - c) that ask the interviewee to provide whatever information he or she wishes to;
 - d) by demonstrating that their admissions are not shocking;

e) that require only a short answer.

6. Arrange the following questions into columns according to the type of the question

Open-ended	Closed questions	Neutral question (non-directive)	Leading questions	Assumptive questions

1. You killed them, didn't you?
2. What can you tell me about yourself?
3. Did you steal any of that money?
4. You don't like your new job, do you?
5. What is the strongest drug you have ever used?
6. How do you like your new job?
7. How do you feel about being here today?
8. Do you suspect anyone of stealing any of that money?
9. What do you believe has prepared you for this job?
10. You're lying about the whole affair, aren't you?

7. In what way can each type of questions be useful to the interrogator? Arrange the ideas into columns according to the type of the question

- to encourage the person to talk, allowing the interviewer an opportunity to listen and observe;
- through these questions the interviewer finds out about a person's: 1. Perspectives. 2. Values. 3. Goals.;
- through these questions the interviewer can control the interview and obtain large amounts of information in a short time;
- however, this question seldom enables the interviewer to know why a person gave a certain response;

- this type of question gives the interviewee no indication of how the question should be answered;
- these questions may be used to an excellent advantage after the suspect's resistance has been penetrated and he/she has made significant, damaging admissions.

8. Read the text and say why communication skills are very important for people in the legal profession. What good communication skills can you define?

Communication

The art of communication is particularly important for people in the legal profession. Usually, a client comes to a lawyer because he or she has a particular problem that hopefully can be resolved by the lawyer. Determining what that problem is involves communication skills. If you do not clearly understand what the problem is, it is impossible to find a satisfactory solution. And an unsatisfactory solution means a dissatisfied client.

Good communication skills are difficult to define but should include the following:

- 1. Treat people with dignity and respect.** This includes colleagues as well as clients. Treat people equally regardless of their educational level, income level, ethnic or national origin, race, or sex.
- 2. Be courteous and considerate.** The Golden Rule has always been a good rule to live by. Treat others as you would wish to be treated.
- 3. Treat men and women equally.**
- 4. Do what you say you will do.** If you promise a document by a certain date, make sure it is delivered. Develop your ability to be detail oriented.
- 5. Be sensitive to the situations of others.** Often, poor performance by an otherwise good worker is the result of a

personal situation. For example, it is hard to keep your mind on your work if you have a dying parent.

6. Do not take your personal stress out on other people. In a professional situation, there is never an excuse for losing your temper or yelling or berating others. Losing your “cool” has only one result – diminishing your reputation among your colleagues and projecting an image of you as someone who cannot control his or her temper.

7. Have a sense of humor. Nothing is ever as bad as it seems at the moment.

8. Use appropriate body language. It can disclose a lot of information about you. Be aware of your body language, and use it to your advantage.

9. Be a team player. Team players say “please” and “thank you”, they think before they speak; they are realistically positive.

10. Make your job a learning experience. Take the initiative, and become an information guru. Learning new things is the most interesting aspect of any job.

9. Give the English equivalents of the following word combinations:

Мистецтво спілкування; знаходити вдале вирішення проблеми; навички спілкування; ставитися до людей із гідністю та повагою; рівень освіти; рівень статку; бути ввічливим і тактовним; розвивати вміння; бути орієнтованим на деталі; незадовільна (погана) робота працівника; відіграватися на інших; виходити із себе; кричати й сварити; погіршувати репутацію; мати почуття гумору; мова тіла; проявляти ініціативу.

Vocabulary study

10. Match the words with their definitions.

1) cell	a) to make difficult
2) prisoner	b) to flow slowly
3) complicate	c) the very end of finger
4) exhaust	d) to talk quickly and noisily about unimportant things
5) ooze	e) anyone who has been captured and is held against his will as a criminal, in a war
6) betray	f) free from noise; not speaking
7) fingertip	g) unable to live for ever
8) chatter	h) a small room especially in prison or monastery
9) silent	i) to make very tired
10) mortal	j) to act disloyally or treacherously towards a person who trusts one

11. Find pairs of opposites in the list

1) complicate	a) cowardice
2) forbidding	b) small
3) courage	c) victory
4) enormous	d) praise
5) defeat	e) friendly
6) guilty	f) insignificant
7) berate	g) selfish
8) significant	h) simplify
9) considerate	i) innocent
10) courteous	j) rude

12. Which word is the odd one out in each set?

lock	bar	cell	freedom
interview	laughing	interrogation	questioning

policemen	the cops	prisoners	the fuzz
examination	skill	ability	knack
whisper	shout	yell	scream
temper	fury	anger	happiness
resolve	ruin	decide	settle

13. Match:

a) the adjective in the left hand column with the nouns in the right hand column.

guilty prson;
 party;
 mind;
 conscience;

b) the adjective in the left hand column with the expressions in the right hand column.

guilty to find somebody;
 to be found;
 to plead;
 to plead not;

c) the noun in the left hand column with the expressions in the right hand column. Be ready to translate the expressions.

interrogation to conduct;
 to enter in the report of the;
 at the beginning of;
 upon the completion of the.

Make up two or three sentences of your own on each phrase and word combination.

14. Give the English equivalents of the following word combinations:

Нечиста совість, винна сторона; визнавати когось винним; визнавати себе винним; визнавати себе невинним;

проводити допит; на початку допиту; заносити до протоколу допиту; після допиту; винна особа.

Let us discuss

15. S. A. Aubry and R. R. Caputo in their book “Criminal interrogation” describe 17 characteristics that interviewers/interrogators should possess. Analyse these characteristics and say why these qualities and skills are so important for a good interviewer/interrogator

Characteristics of a good interviewer/interrogator

1. He/she must have a strong desire to become a skilled and competent interviewer/interrogator. A good interrogator's first concern is the truth.
2. Must be interested in people, in their behaviour, motivations and attitudes.
3. Must be a well-rounded person who possesses a good education.
4. Should have extensive training and experience in the field of investigation.
5. Have courses in psychology, physiology, criminology, sociology elements of the law and English composition.
6. Fluency in language and self expression is one of the interrogator's greatest possessions.
7. Mastery of words is important and comes from reading and continuing education.
8. Has to be a top notch actor.
9. Must be able to assume a professional attitude and function in a competent manner.
10. Demonstrate confidence in what he/she's doing and saying.
11. Intelligence should be at least average or higher.

12. Must have a good foundation of police procedures such as crime scene processing, collecting evidence and documenting efforts.
13. Integrity, moral soundness and honesty are an interrogator's basic weapons when it comes to being attacked by other people. Clothing and appearance can have a tremendous impact right from the beginning. He/she should dress in accordance with professional standards.
14. Display patience when interviewing or interrogating.
15. Self-confidence – have a state of mind of feeling sure.
16. Adaptability to adjust to the person when he/she changes moods, stories, thinking, habits and language.
17. Correct attitude – have an open mind, be unprejudiced, sympathetic and understanding.

16. Read the suggested situation. Brainstorm it in the group. Role play the interview. Offer your ideas how a person should behave in such situation

You are going to interview a witness of a burglary. The witness is a Japanese woman who does not speak English. Her son will be accompanying her to the interview. What will you do to ensure that the interview is satisfactory completed?

17. Analyse the table “Do’s and Don’ts for Interviewers/Interrogators. Discuss the given information. Offer your interview and interrogation pointers.

Do	Do not
Be at ease and try to make the other person at ease	Be judgmental
Use words suitable to the educational level of the person	Embarrass the person
Phrase questions so they can be easily understood	Humiliate the person

Display a professional demeanor at the beginning of the interview and at the completion	Belittle the person
Be courteous and businesslike	Underestimate a person
Try to avoid arguments	Evaluate a person within the first few minutes
Review all accessible information prior to the interview or interrogation	Be impatient
Make notes immediately after the person has left	Make promises you can't keep or are illegal
Use the person's first name occasionally	Curse at people
Try to get the truth without letting your personal morals and ethics frustrate you	Be startled by admissions
	Be an obvious phony
	Give up too soon... at least 2 hours
	Pursue irrelevant topics
	Jump from one subject to the next without a valid reason. Try to get the suspect to commit himself in one area before moving on
	Ask for information you already know unless you are trying to verify answers or behaviour

Writing

18. Form nouns using the suffix - ce, -ness. Make up a short story using these words and their derivatives

patient	sound
confident	intelligent
courteous	resistant
nasty	silent
soft	dry

19. Translate into English using the text and active vocabulary

А. Стикатися з чим-небудь; виснажливий і складний момент; допит в'язня в повному обсязі; значні тактичні переваги; оточення; зловісне й жахливе звучання; неприємне місце; мати замки та ґрати; найнеприємніша річ; фізична сутність; унеможливлювати втечу; наповнювати душу жахом самотності й поганим передчуттям; психологічний недолік; заманювати відвідувача; розумна, вольова та смілива людина; стіни, що тримають у неволі; підтримувати дух; самовпевнена агресія; прихований страх; бути незнайомим; значна перевага; бути представником численних поліцейських сил; навички й практика; бути необізнаним у чомусь; завдавати поразки; людина неприборканого характеру; козирна карта; бути зрадженим.

В. Досвідчений і компетентний слідчий; гармонійна особа; великий досвід; вільне володіння мовою; досконале володіння словом; бути гарним актором; професійне ставлення; демонструвати впевненість; мати добрий базис; поліцейські процедури; моральна міцність; головна зброя; величезний вплив; одягатися відповідно до професійних стандартів; проявляти терпіння; самовпевненість; підлаштовуватися до особи; змінювати звички; правильне

ставлення; бути неупередженим; почуватися невимушено; освітній рівень особи; професійна поведінка; уникати суперечок; доступна інформація; робити нотатки; засмучувати когось; принижувати особу; недооцінювати особу; давати обіцянки; сваритися; бути дуже здивованим зізнанням; очевидний «пустодзвін»; здаватися; продовжувати тему розмови; вагомі причини; звіряти відповідь.

С. Як довго повинен тривати допит? Більшість успішних слідчих, які проводять допити, зазначають: «Мінімум 2 години». Деякі допити тривають менше часу, а деякі – години. Вам необхідно керуватися здоровим глуздом, але пам'ятати, коли ви вже готові здатися, залишіться ще на 15 хвилин, і ви збільшите ваші шанси одержати зізнання. Допит потрібно проводити в місці, що вам знайоме та яким ви задоволені. Не проводьте допиту в підозрюваного вдома чи на території, вибраній ним. Це лише допоможе підозрюваному почуватися більш захищено. Переконайтеся, що вас нічого не потурбує. Багато зізнань було втрачено лише через стук у двері чи телефонний дзвінок. Зверніть увагу, бути в гарній фізичній формі важливо для слідчого. Жваві інтерв'юери зазвичай успішні, тому що втомлюють опонента завдяки своїй життєвій силі (stamina). Крім того, деякі злочинці, звикли до вуличного насилля та очікують відповідного фізичного виклику з вашого боку.

Д. 1. Слідчий зайшов до відділу й запитав, чи вже надійшли результати медичної експертизи. 2. Водій запитав поліцейського, як дістатися до центру міста. 3. Солдатам було наказано не стріляти. 4. Слідчий запитав підозрюваного, що примусило його вкрати речі з офісу, в якому він працює. 5. Він сказав, що для в'язня найгіршою в'язницею у світі є його розум, тому що це те місце, з якого не можна втекти. 6. Слідчий констатував, що він має

речові докази, свідків, а алібі підозрюваного не підтвердилося. 7. Досвідчений слідчий порадив стажерам бути неупередженими, терплячими й спостережливими під час інтерв'ю чи допиту.

20. Fill the gaps in the text below with a word from the box

criminals	respect	parents	maximum
difficult	opportunity	information	sympathetic
accusations	life	leader	juveniles
suspect	mistake	truth	followers

Interviewing Juveniles

Many (1)_____ have a fear of police because they see them as authority figures such as their parents. You should be (2)_____ and understanding because they are generally emotional offenders. Use the parents as a vehicle to pursue the (3)_____. Juveniles may display a tough image but when they're in trouble, they generally look for help from their (4)_____. You may say to them, "Your parents will understand you making a (5)_____, but they will not understand you lying about it." You should attempt to gain the (6)_____ of the suspect which is sometimes difficult to do. It may be (7)_____ for interrogators to distinguish between the suspect's fear and respect because they frequently appear as the same expressions. Don't use direct (8)_____. Try to understand how the (9)_____ feels. Explore the relationship between the offence and the suspect's family (10)_____, and you will probably identify the reason why he is in trouble. Collect background (11)_____ on the parents and it will give you insight into the suspect's relationship with them. Use peer pressure to the (12)_____. There are always leaders and (13)_____. If the suspect is a follower he will eventually tell you about the (14)_____. If he is a leader he will see an excellent

- a) escorts; b) estates; c) escapes.
 7. A serious illness of the suspect _____ the investigation.
- a) complied; b) completed; c) complicated.
 8. Ann was happy to be at home again in her usual _____.
- a) surrounding; b) survey; c) surplus.
 9. The knight was _____ in the Bastille for four years.
- a) confided; b) confined; c) confirmed.
 10. The thought of seeing her again _____ him throughout his ordeal.
- a) sustained; b) suspected; c) survived.
 11. He thought that a note as a physical evidence was his _____ card.
- a) true; b) trump; c) trumpet.
 12. All his efforts to get the admission were _____.
- a) fumbled; b) frozen; c) frustrated.
 13. I always remember my father saying: "Never _____ your opponent!"
- a) undercut; b) undergo; c) underestimate.
 14. It was quite obvious that her statement had to be _____.
- a) ventured; b) verified; c) varied.
 15. They say he is a top _____ interrogator.
- a) note; b) norm; c) notch.
 16. The purpose of this technique is to keep the suspect from denying involvement in the _____, since commitment to a lie makes an admission/confession more difficult.
- a) offence; b) defense; c) fence.
 17. He is known as a man of absolute _____.
- a) intensity; b) intention; c) integrity.
 18. You need plenty of _____ to be a good interrogator.
- a) self-confidence; b) self-employment; c) self-government.

19. You can't see through a telescope until it has been _____ to your eyes.

a) administered; b) adjusted; c) admonished.

20. The long embargo seriously _____ the country's wealth.

a) dilated; b) differed; c) diminished.

UNIT 9. TRAFFIC ACCIDENT INVESTIGATION

A ship in harbour is safe, but
that is not what ships are built for.

(Anonymous)

1. Read and translate the text

Hit-and-Run Auto Accidents

Despite laws in every state which make it illegal to leave the scene of a car accident involving injury to person or property, drivers often attempt to flee the scenes of accidents they have caused. The most common flight from an accident scene probably involves parking lot collisions, where a driver strikes somebody else's parked car. While that is certainly annoying, the more serious hit-and-run incidents involve drivers fleeing the scene of personal injury accidents, typically without summoning the help required by injured persons at the scene.

Identifying the Driver

A successful hit-and-run driver escapes the accident scene without being identified. When this occurs, it can be very difficult to later identify the driver or the car involved in the collision. Sometimes a witness will get the at-fault driver's license plate number, or will pursue the at-fault driver until the driver either stops or reaches a destination to which the police may be summoned. Sometimes, due to the nature and extent of vehicle damage, a hit-and-run driver will be identified when he tries to have his car repaired. In very serious cases, the police may use forensic examination techniques to search for blood, hair or tissue on cars matching the description of a hit-and-run vehicle.

Difficulty Recovering Damages

The problem of recovering damages from a hit-and-run driver are twofold. First, if the driver is not identified, it is not possible to recover damages from that person. Second, a large

number of hit-and-run drivers flee the scene because they are uninsured, and even if later identified they may not have any insurance coverage or assets against which an award of damages could be recovered. Many hit-and-run drivers are driving while intoxicated, and flee to avoid being arrested. People injured in a hit-and-run collision often end up recovering for their injuries through appropriate provisions of their own auto insurance policies.

Car-Pedestrian Accidents

When cars collide with pedestrians, there is high potential for serious injury. Drivers should take appropriate care in crowded areas or school zones, for the potential that a pedestrian will enter the roadway. Pedestrians should follow the advice that we attempt to ingrain into the youngest of children – look both ways before attempting to cross the street.

Pedestrian Error

Pedestrians have a great capacity to avoid being struck by cars, as it is very rare for collisions to occur outside of the roadway. When pedestrians exercise due caution before entering a road, the chances of being struck by a car are very low. The chances of accident go up significantly in the following contexts:

Ignoring Traffic Controls. Although many are imperfect, pedestrian traffic controls tend to be timed such that when the signal switches from “walk” to “don’t walk”, a pedestrian no longer has time to safely cross the roadway. At such a time, pedestrians in the road should continue to cross, but pedestrians on the corner should wait for the next light. Similarly, if there are no pedestrian control devices, no pedestrians should enter a roadway once a traffic light controlling the intersection turns yellow. Whenever possible, cross in a crosswalk and wait for a green light.

Jaywalking. When pedestrians choose to cross the street in inappropriate or unexpected locations, they put

themselves at greater risk of injury. It is best to cross in a designated crosswalk or at an intersection.

The “Darting” Child. Children sometimes “dart” into the roadway with little regard for traffic, often in pursuit of a pet, toy, or another child. Motorists should take particular care when they see children at play in a neighborhood, or when they pass a park, school, or other area which is posted as having children present.

The Parent In Pursuit. When children run into a roadway, their parent’s first thought may be to rescue the child, and they may run into the road in complete disregard of oncoming traffic.

Walking On A Limited Access Highway. Pedestrian traffic on limited access highways is extremely dangerous. Highway traffic moves at high speeds, and drivers will not be expecting pedestrians. When a roadway is marked “No Pedestrians”, respect that prohibition. If your vehicle breaks down on a limited access highway, and you get out to perform maintenance or to try to walk somewhere for help, you should take great care not to put yourself in danger. Attempting to cross a highway on foot is exceptionally dangerous.

Driver Error

Common driver errors or driving misconduct which contributes to car-pedestrian accidents include:

Disregarding a Crosswalk. Drivers who don’t pay attention to crosswalks, whether at intersections or at other points in the roadway, create a significant risk of accident. Drivers should exercise appropriate care that pedestrians are not crossing the road before passing through a designated crosswalk.

Disregarding a Traffic Control Device. When drivers ignore traffic controls, particularly those which specifically relate to pedestrian traffic, they significantly increase the chances of an accident.

Disregarding a Pedestrian Already Crossing the Roadway. When a pedestrian in the roadway ahead of a car is obviously crossing the road, or has entered the driver's lane while in the process of crossing the road, drivers should exercise appropriate caution and should yield as necessary to avoid accident.

Driving While Intoxicated. Drunk drivers pose a high risk of injury to pedestrians, and there are many notorious cases where drunk drivers have caused accidents, striking pedestrians on sidewalks.

(Based on "Hit-and-Run Auto Accidents" by Aaron Larson)

2. Answer the following questions:

1. Why do flights from accident scenes occur?
2. What do hit-and-run incidents involve?
3. Is it difficult to identify a hit-and-run driver?
4. In what cases are forensic examination techniques used by the police?
5. Could there be any difficulties of recovering damages from a hit-and-run driver?
6. How do you understand the expression "car-pedestrian accidents"?
7. What are the main pedestrian errors?
8. What are common driver errors which contribute to car-pedestrian accidents?
9. How should car-pedestrian accidents be avoided?

3. Match the sentences halves

1. In most states, hit-and-run is: ...
2. A first-time offender whose hit and run accident caused damage to another vehicle will be: ...
3. In certain states where insurance points are assessed: ...
4. In New Jersey, for example, a hit and run violation: ...

5. When the hit and run involves injuries to another person,...
6. In this case, a driver might face fines, DMV points and: ...
7. When the hit and run caused a person to die: ...
8. The investigating police officers will ask the owner of the vehicle: ...
- a) a high number of points will be tacked on for hit and run accidents;
- b) the punishment is more severe;
- c) the revocation of his/her driver's license and/or insurance policy;
- d) the accident is considered a felony by law;
- e) to give a statement and turn in the car for further investigations;
- f) a very serious charge;
- g) results in eight points on a driver's license;
- h) convicted of the crime and usually be required to pay the victim for damages done to the car, either through his insurance company or in fines assessed by the authorities.

4. Match questions in column A with their possible answers in column B

A	B
1. My wife got stuck in a speed trap. What can she do about it?	a) If she is taking a pregnant or sick person to the hospital, she might be spared a speeding citation, and she might even get a police escort to the hospital. Sometimes a court emergency (should be prepared to display the court papers to the officer) or a broken speedometer (should be prepared to give the officer a test ride) may succeed

<p>2. Are there any excuses she can offer that might prevent a police officer from writing up a speeding ticket?</p>	<p>b) The colour, model, and registration of the vehicle, and the date, time, and place of the alleged offence are provided on the ticket. There could be also the specific violation with which the driver has been charged (if it's a parking meter offence, the meter number as well), the officer's name and badge number, the fine schedule, and a notice of the driver's ability to have a hearing to contest the ticket. Each jurisdiction has its own form. If the officer includes incorrect information in writing the ticket, such mistakes may provide the driver with a defence against the citation</p>
<p>3. What kind of information is included on a traffic ticket?</p>	<p>c) Possibly. He still might be liable for property damage, injuries, and even death if he permits someone else to operate his vehicle, or if he allows an inexperienced, habitually intoxicated, or otherwise incompetent person to drive his car. The law refers to this conduct as negligent entrustment</p>
<p>4. According to the law, how safely must we drive?</p>	<p>d) The law requires trying to find the owner. Alternatively, he is permitted to attach a written note to the parked car identifying himself and his vehicle. He also should notify the police</p>
<p>5. Is my husband legally responsible</p>	<p>e) It probably does. Almost all states require buying insurance, though the</p>

even if he is not in the car if an accident occurs?	states vary in the minimum level of coverage set by law for liability insurance. Some states require showing proof of financial responsibility if you choose not to purchase insurance
6. If he collides with a parked car, is he required to do anything?	f) A driver has to use reasonable care under the circumstances. Negligence – the failure to exercise reasonable care – is the most common basis for liability. Ordinary negligence is not a crime. However, if the driving is really bad, to the extent that it is wilful or wanton, then the driver may be guilty of reckless driving, which is a crime
7. Does state law require us to have auto insurance?	g) If the speed limit was clearly marked and she was exceeding it, she should grit her teeth and pay the fine. If she thinks she's been unfairly prosecuted, she might report the trap to her auto club or state authorities to spare other drivers the same expense

5. Analyse the suggested information about the traffic accident investigation in the USA and say if the procedure is similar in Ukraine

A traffic accident is defined as unintentional damage or injury caused by the movement of a vehicle or its load. An officer, employee or dispatcher receiving a report of an accident, by telephone or other means shall:

1. Determine if any injuries have occurred.
2. Order an ambulance or other necessary equipment.

3. Direct parties involved to move their vehicles, if possible from traffic lanes; to expedite traffic flow. Vehicles are not to be moved when the accident involves injury, or if a driver is suspected to be under the influence of drugs or alcohol.

Special Operations Division officers assigned with traffic responsibilities will investigate traffic accident whenever possible. Uniformed officers not on a previous assignment, observing or who are notified of a motor vehicle accident, shall notify the dispatcher of the location and follow the guidelines to determine if a report will be made at the scene of the accident.

Upon arrival at the scene of an accident, the following steps shall be taken:

1. Position the police car so that it does not create any further hazard.
2. Protect the accident scene.
3. Determine whether injuries have occurred and request an ambulance if necessary. If practical, render first aid. Once an ambulance has responded, injured persons shall not be transported in a police vehicle except on the advice of a paramedic.
4. Restore traffic flow as soon as is practical, making sure the roadway is cleared of any hazard.
5. When the Fire Department is called to extricate individuals trapped in any manner, the ranking officer of the Fire Department at the scene shall be in complete charge until rescue operations have terminated.
6. Give each driver an Accident Information Exchange Form.
7. Determine if a report will be made. If a report is not made, then the subsequent procedure shall be followed:
 - verify the validity of vehicle registrations, drivers' license, and insurance requirements;
 - advise each driver that, in the event that the damage to any one vehicle or property is later found to exceed the minimum

damage criteria established by Statute, a Counter Report should be made by all drivers involved;

– on the Daily Activity Log, the officer shall enter the names and license plate numbers of persons involved, as well as a description of the actions taken;

– insure that the vehicles involved do not present a traffic hazard.

Field Investigation Steps:

1. The main emphasis of accident investigation is to determine if there was a violation of the law and if so, to prove each element of the offence.
2. Check all vehicle occupants for personal injury and evaluate the physical condition of the drivers.
3. Check for hazards at the scene and notify the dispatcher if any repairs are needed.

6. Answer the following questions:

1. Should the parties involved in the accident be directed to move their vehicles if one of drivers is suspected to be under the influence of drugs or alcohol?
2. What steps should be taken by the officer upon arrival at the scene of an accident?
3. What are the main field investigation steps?

Vocabulary study

7. Match the words with their definitions.

1) accident	a) to run away
2) incident	b) a crash; a violent striking together of two vehicles
3) hit-and-run	c) 1) an unexpected happening, often harmful, causing injury; 2) chance
4) injury	d) the promise of a sum of money in event of

	loss e. g. by fire or other disaster, given in compensation by a company etc. in return for regular payments
5) flee	e) of or concerning courts of law
6) collision	f) an event or happening
7) summon	g) injury or hurt, especially to a thing
8) forensic	h) harm or damage
9) damage	i) 1) vehicles, aircraft, ships etc. moving about; 2) trade, especially illegal or dishonest
10) insurance	j) to order to come or appear
11) traffic	k) causing injury to a person and driving away without stopping or reporting the accident

8. Using the words in brackets as a guide, explain the meaning of the following words:

- 1) auto insurance (auto coverage; to protect you; designed; in the event of an accident; against financial loss);
- 2) no-fault insurance (according to which; insurance; insurance carriers; medical and other costs; compensate their own policyholders for; associated with automobile accidents);
- 3) compulsory insurance statutes (mandate that; as a condition of; receiving their vehicle registration; drivers file proof of insurance);
- 4) comparative negligence (divides; among the drivers; based on their degree of fault; the damages; involved in an accident);
- 5) contributory negligence (bars you; for your injuries; from recovering money; in any way; if your own negligence; to the accident's occurrence; contributed);
- 6) reckless driving (disregard for; wilful or wanton; of persons; the safety; or property).

9. Synonyms. Match the words listed in column A with the synonymous ones from column B

A	B
1) sick	a) go beyond
2) wilful	b) authority
3) exceed	c) accusation
4) permit	d) ill
5) emergency	e) shocking
6) charge	f) mistake
7) notorious	g) ban
8) error	h) intentional
9) prohibition	i) crisis

10. Which word is the odd one out in each set?

injury	damage	harm	pleasure
insurance	flight	coverage	compensation
intersection	crosswalk	violation	traffic lights
significant	ordinary	considerable	influential
please	irritate	bother	annoy
contest	competition	fight	peace
claim	allege	cry	declare

11. Match:

a) the nouns in the left hand column with the expressions in the right hand column:

charge	of criminal negligence; of a murder; of a criminal omission;
insurance	against loss and damage; of property; against natural hazards;

b) the nouns in the left hand column with the adjectives in the right hand column. Be ready to translate the expressions:

damage	actual; moral; intentional/wilful;
accident	industrial; pure; railway/ motor.

Make up two or three sentences of your own on each phrase and word combination.

12. Match the equivalents

1) to bring/file/level a charge against smb.	a) сутність та причина обвинувачення
2) to explain the essence of the charge	b) сфабрикувати обвинувачення
3) before a charge is filed	c) по обвинуваченню у державній зраді
4) on impeachment for high treason	d) висунути обвинувачення проти когось-небудь
5) to fabricate/frame up a charge against smb.	e) пояснити сутність обвинувачення
6) nature and cause of the charge	f) до висунення обвинувачення

Let us discuss

13. Read the suggested situation. Brainstorm it in the group. Role play the possible dialogue

A friend of yours had a car accident. Fortunately, he was not seriously injured but his car was badly damaged. It was

a hit-and-run accident. Knowing you as a highly qualified lawyer he is asking you for an advice and help.

Make use of the suggested expressions:

- to find a suspect;
- to flee the scene;
- to remain under investigation;
- to suffer an arm injury;
- to charge smb. with failure to stop and render aid and causing injury and damage;
- to file a lawsuit against another driver;
- to sue smb.;
- insurance company;
- to supply information about family status and employment situation; the accident, including witnesses’ names and addresses; injuries; out-of-pocket expenses, such as doctors’ bills, ambulance and hospital costs, automobile repairs, rental car costs, and any lost income.

14. Speak about the problems of auto accidents as you see it.

The chart below can help you.

Driver Error	Unsafe Driving	Distracted Drivers
<ul style="list-style-type: none"> – disregard of traffic control devices; – failure to yield; – rear-end collisions 	<ul style="list-style-type: none"> – dangerous passing; – dangerous turning; – driving on the wrong side of the road; – reading while driving; – use of electronic devices; – vehicle defects; – vehicle lights; 	<ul style="list-style-type: none"> – application of make-up; – cellular phone usage; – children; – dropped items; – eating; – exhaustion; – reading; – use of computers, DVD players, radios or CD players;

	– road rage	– accidents; – construction; – emergency vehicles; – pedestrian conduct; – stop-and-start traffic
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15. You work for an insurance company. Tomorrow you are going to have a meeting with your potential clients. You have to persuade them that auto insurance is really necessary for those who own cars. Think out your speech in details. Check your persuasiveness in group. Be ready to answer different questions, such as:

1. What is auto insurance?
2. Is auto insurance compulsory in Ukraine?
3. What happens if a person does not have auto insurance?
4. May an insurance agent force a client to pay his/her premium in a lump sum?
5. May an insurance agent charge a client a service fee for issuing or renewing a policy?
6. How are auto insurance rates determined?
7. Will insurance premium automatically increase if a person has an accident?
8. Does your company offer its clients uninsured motorist coverage?

Writing

16. Form words with negative meaning using prefixes in-, un-, im-, dis-, mis-. Make up a short story using these words and their derivatives.

appropriate

expected

regard

conduct	experienced	competent
fairly	charged	bar
responsibility	enforceable	moral
partial	conditional	incarcerate

17. Translate into English using texts and active vocabulary.

А. Аварія, після якої водій зникає з місця дорожньо-транспортної пригоди; завдання тілесних ушкоджень особі; намагатися втекти; спричинити аварію; зіткнення на автостоянці; викликати допомогу; номерний знак автомобіля водія, винного в аварії; переслідувати водія-правопорушника; діставатися до місця призначення; характер та обсяг шкоди, заподіяної транспортному засобу; судово-медична експертиза; відшкодування збитків; бути незастрахованим; активи; зіштовхнутися з пішоходом; багатолюдні місця; намагатися закарбувати в пам'яті; дивитися ліворуч і праворуч перед тим як переходити вулицю; помилка пішохода; проявляти належну обережність; регулювання руху; світлофор; переходити дорогу на пішохідному переході; чекати на зелене світло (світлофора); необережне пересування по дорозі; перехрестя; дитина, яка раптово вибігає на дорогу; вибігати на дорогу, наздоганяючи домашню тварину; рятувати дитину; зовсім не брати до уваги зустрічного руху; шосе з обмеженим доступом; поважати заборону; зробити ремонт; зламатися на шосе; помилка водія; значно підвищувати ймовірність аварії; уникати аварії; п'яний водій; сумнозвісні випадки.

В. Швидкісна пастка; повістка до суду за перевищення швидкості; бути юридично відповідальним; щадити; виклик (до суду); виявлене правопорушення; вносити хибну інформацію; бути відповідальним за майнові збитки; дозволяти комусь іншому керувати транспортним засобом; недбале поручительство;

прикріпляти записку; повідомляти поліцію; мінімальний рівень покриття; недбалість; бути винним у необережному керуванні автотранспортом; навмисний чи необгрунтований; перевищувати швидкість; зціплювати зуби; заплатити штраф; врятувати інших водіїв від подібних витрат; бути несправедливо переслідуваним у судовому порядку; ненавмисна шкода; викликати швидку; прискорювати рух транспорту; додержуватися інструкцій; звіт; створювати подальшу небезпеку; надавати першу допомогу; відновлювати рух транспорту; звільняти осіб; перевіряти юридичну дійсність реєстрації транспортного засобу; водійське посвідчення; журнал реєстрації щоденної діяльності.

С. Спрингфілд, Іллінойс. Дорожньо-транспортна аварія, після якої винний водій зник із місця пригоди, майже коштувала життя молодій жінці. Підозрювану особу досі не знайдено. Діана Норіс 43 років ішла вздовж Діксис-шосе в п'ятницю близько 17.30. Вона була збитою невідомим транспортним засобом, що зник із місця аварії. Помічник шерифа Рон Денвер прибув на місце аварії о 17.40, він знайшов Діану Норіс непритомною біля дороги в траві. На дорозі було виявленим бите скло. Розслідування дорожньо-транспортної пригоди триває. Якщо ви володієте будь-якою інформацією щодо неї, будь ласка, повідомте за телефоном 734-245-7879.

Д. 1. Якщо надійде термінове повідомлення про дорожньо-транспортну пригоду із завданням фізичних ушкоджень, карета швидкої допомоги негайно прибуде на місце аварії. 2. Слідчий сказав свідкові, протягнувши йому свою візитну картку: «Якщо згадаєте будь-яку інформацію щодо справи, телефонуйте в будь-який час». 3. Допит підозрюваної особи завжди буде результативним, якщо слідчий додержуватиметься принципу: «Наполегливість. Терпіння. Наполегливість». 4. Поліцейський офіцер

пояснив напарникові, що цю жінку залякує по телефону невідомий. Він їй порадив: «Якщо цей чоловік зателефонує вам ще раз, намагайтеся протримати його на лінії якомога довше. Ми спробуємо встановити його номер». 5. Вона сказала, що за сюжетом фільму не здивується, якщо безжалісним убивцею виявиться та тендітна білявка. 6. Професор запевнив студентів: «Якщо ви будете наполегливо працювати, то досягнете гарних результатів».

18. Fill the gaps in the text below with a word from the box.

ambulance	collision	injured	traffic
convince	weapon	vehicle	important
victim	evidence	emergency	court
prosecution	accident	scene	home

Rules of Conduct at an Accident Scene

If your car is involved in an (1)_____, don't leave the scene of the accident. If you don't stop for an accident you may be subject to criminal (2)_____. After an impact and (3)_____ try not to move your vehicles until the police arrive in order to allow the policeman to survey the scene and to ensure that (4)_____ regarding how the accident occurred is preserved. If your vehicles are obstructing the flow of traffic, try to move your (5)_____ the shortest distance possible from the place of impact without obstructing further (6)_____. Remain at the (7)_____ of the accident and have other who have witnessed the occurrence immediately contact the police. If you are (8)_____, do not exit your vehicle.

When you have been the (9)_____ of someone else's lack of care in operating their automobile, it is important that you contact the local police department immediately in order to preserve your rights. Do not allow the other operator to (10)_____ you that this should be "handled among

UNIT 10. CRIME PREVENTION

Providence sees to it that no man
gets happiness out of crime.

(Alfieri)

1. Read and translate the text

Robbery Prevention and Defence

Robbery, unlike other crimes, represents a threat to both a person and property. Robbery is the taking of another's property by force or threat of violence. It is a crime in which there is always a confrontation between the victim and offender. Muggers (street robbers) generally try to frighten or intimidate their victims in order to gain physical and psychological control over them.

Robbery accounts for 40% of all crimes of violence. Force is employed in about half the robberies, and firearms in 40%. In attacks on victims, 20% involve guns, and 36% involve knives.

The typical robber is an uneducated lower-class male under twenty-one years of age. Robbers are well represented among all races and ethnic groups. So are their victims.

Robbers prey on small businesses, particularly retailers open at night. If you own a small business or store, keep the premises orderly and clean. A cluttered store gives the impression of carelessness. Be active, moving around the store. Maximize the amount of space inside that is visible from the outside by using adequate lighting. Avoid obstructions near the window that might block the ability of passerby and the police to observe what is happening inside the store. Robbers may be reluctant to enter a store with high visibility from outside.

Always greet customers in a friendly manner. This will not only benefit your business but also let a potential robber know that he or she may be identified later. Robbers seek to

remain anonymous and to avoid friendly contact with potential victims. Be alert for anyone appearing to loiter inside or outside the store, seemingly waiting for you to be alone.

Planning for robbery is always a wise measure. Every employee – especially those who handle the money – should be advised what to do in the event of a robbery. You should prepare signals so that once a robbery is in progress, you can alert employees who may be in a position to notify the police.

Keep a minimum of working cash in your store, especially at night, when most robberies occur. Put larger bills in a drop safe as soon as you receive them. Never allow cash to accumulate in your register. Make bank deposits during the day, varying your route and timing.

Be serious about protecting your money. Since many robberies occur when you open or close the store, try to have someone else present at these times. Robbers case their potential targets and know when only one person will be on hand.

Do not balance registers or count receipts in full view. This actually tempts robbers, customers, and even other store employees. Have cash drawers taken to a secure location to count the money.

It is best not to rely on firearms. A robber will have the “drop” on you and usually is ruthless and desperate. Alarm systems, electronic surveillance equipment, safes with time locks, and other robbery-resistant items may provide better protection and should be considered for your store.

Violence Prevention Procedures

Obey the instructions of robbers as quickly as possible. Never argue with them. Robbers are less likely to injure you if you cooperate. The shorter the time it takes the robbers to do their work, the less chance there is for injury or even death. In a small business, remain calm, and reassure your employees and customers. Do not fight with the robbers or attempt to use

weapons. By the time you are confronted by a robber, it is too late for such actions. Alert the robbers to any surprises, such as an employee working in the back room or a delivery person who may return to the store at any moment.

Take mental notes about the crime and the criminals. Pay attention to the number of robbers, their ages, sex, ethnic backgrounds, appearance, clothing, weapons, voices, nicknames, special characteristics, and unusual behavior or identifying marks.

One anti-robbery technique that is sometimes recommended is the installation of a doorbell in your place of business. The bell should ring in an adjacent store, enabling your neighboring merchant to notify the police when you are unable to do so. For your neighbor's protection, you can reciprocate. A word of caution: If the robbers observe your signaling, they will, characteristically, do harm to you. But they may also take only cash or valuables that are easily located and not waste too much time in vacating the premises.

Post-robbery Action

Note the make, colour, and year of the vehicle used in the robbery and the license plate number and state registration. Do not chase or follow the criminal under any circumstances. The robbers may try to kill you, and the police may even mistake you for the criminals. Notify the police immediately. Stay on the phone until they get all the necessary information then remain close to the telephone. Take inventory of exactly what was stolen, but do not give this information to the responding officers. Reveal this information only to the detectives assigned to your case – the police may talk to reporters and publicity about a substantial loss that may convince other robbers to attack your store, too. Record the names and addresses of witnesses. Do not disturb any objects the robbers may have touched or held, and avoid discussing the

robbery until the police say it is OK for you to do so.

*(Based on “Robbery Prevention and Defense”
by Ira A. Lipman)*

2. Answer the following questions

1. What is “robbery”?
2. Who are muggers?
3. Can you portrait a typical robber?
4. What are the recommendations for small business owners to prevent robberies?
5. Why is it advisable to keep a minimum of working cash in a store?
6. Can an owner of the shop be safe if he has firearms?
7. Is it really necessary to obey the instructions of robbers?
8. What mental notes should be taken by the owner of the shop or by his employees in the case of robbery?
9. What should the post-robbery actions be?

3. You are a police officer. You have been invited to give a lecture on burglary prevention. Make yourself ready for the lecture and deliver it in class. The plan below can help you.

1. The latest statistics.
2. Light as the powerful weapon in the fight to prevent burglaries.
3. Make it time-consuming for a burglar to break into your home.
4. Noise – that is the thing burglars would prefer to avoid.
5. Your house is your fortress.

Make use of the following expressions:

- the risk of being burglarized;
- to make one’s home more difficult to enter and less enticing to would-be burglars;
- to buy motion-sensitive lights;
- to install deadbolt locks on all exterior doors,;

- to install an alarm system;
- to work together with neighbors;
- to organize a Neighborhood Watch.

4. You have been the witness of the bank robbery. Using the tips below give an accurate description of criminals and the criminal incident you observed

How to Describe a Suspect

Location information is critical:

1. Observe where you are and the exact location of the crime. Try to remember if you have ever seen the suspect in the area before.
2. Note the time as precisely as possible.
3. Observe if the suspect is carrying a weapon and, if so, what type—revolver, handgun, shotgun, knife, etc.
4. If the suspect leaves the scene, note the direction of flight.
5. If the suspect is in a vehicle, note as much of the following information as possible: vehicle type (auto, truck, van, etc.); color; make and model; condition (dirty, damaged, etc.); and license plate numbers. Note also if the vehicle has no license plates or a “license applied for” sticker in the rear windshield.
6. Watch for decoys or accomplices.

A variety of general description information about the suspect should be noted:

1. Sex.
2. Race or national origin.
3. Age (estimated).
4. Height – use comparisons with your own height, a door, or some other standard measure.
5. Weight (estimated).
6. Build – fat, husky, slim, muscular, etc.

Facial information is also important:

1. Hair – note colour, texture, hairline, style; also possible dyes or wigs.

2. Forehead – note forehead height, and whether the skin is smooth, creased or wrinkled.
 3. Eyes – note colour, shape (round, slanted), whether clear or bloodshot, and the heaviness of eyelashes and eyebrows.
 4. Nose – overall shape (long, wide, flat, etc.) and nostrils (wide, narrow, flared) are important.
 5. Cheeks – is the flesh sunken, filled out, dried or oily? Are there wrinkles around nose or mouth? Are cheek bones high or low, wide or narrow?
 6. Ears – note size and prominence (protruding or flat against head).
 7. Mouth – Are lips thin, medium, full? Do corners turn up, turn down, or level?
 8. Chin – What is the shape (round, oval, pointed, square)? Double chin, dimpled, cleft?
 9. Neck – note protruding Adam’s apple or hanging jowls.
 10. Complexion – note pores, pockmarks, acne, razor rash, bumps.
 11. Facial hair – Clean shaven? Unshaven? Beard, mustache, goatee, sideburns?
 12. Tattoos – shape and style; on what part of the body.
- Clothing information is also very important:**
13. Hat – note colour, style, ornaments, how it is worn (bill forward, backward, to one side).
 14. Coat – note color and style (suit coat, jacket, topcoat, overcoat).
 15. Shirt/Blouse/Dress – note colour, design, sleeves, collar.
 16. Trousers/Slacks/Skirt – note colour, style, cuffs.
 17. Socks – note colour, pattern, length.
 18. Shoes – note colour, style, brand name for sneakers (if possible), condition.
 19. Accessories – sweater, scarf, gloves, necktie.
 20. Jewelry – rings, watches, bracelets, necklaces.
 21. General appearance – Neat or sloppy? Clean or dirty?

22. Oddities – look for clothing too large or too small; odd colours; patchwork.

Look for other physical features or peculiarities:

1. Voice – pitch, tone, rasp, lisp.
2. Speech – articulate, uneducated, accent, use of slang.
3. Gait – slow, fast, limp.

You will never be able to remember all of these details about any one suspect you may see. But remembering as many as possible can be particularly helpful to the police and to your community.

5. Read the suggested information and say if you and your relatives always follow these practical tips of safety

Personal Safety at Home

The best way to stay safe at home is to keep criminals out of it. ***Don't open your door to a stranger!*** No one intentionally puts out a welcome mat to a criminal, yet unsuspecting victims open their doors to intruders all the time, often without even thinking to ask, “Who’s there?” The simplest way to protect yourself at the front door is to observe the person on the other side before opening the door – preferably without being seen yourself. Ideally you would do this through a peephole. If you do not know the person, you can either ignore him altogether or speak through the door (or intercom), to find out who he is and what he wants.

Trust your instincts. You do not have to be overly paranoid, but if you are at all suspicious, do not open the door. As long as your door is closed, you have a relative degree of safety. Once you open it, however, anything can happen. And do not rely on a door chain to protect you if you plan on partially opening the door. These chains are notoriously ineffective and easy to break if someone wants to enter your house.

Don't let intruders fool you on the phone. A person who is intent on stealing your property would prefer to do it when you are not there. To reduce the odds of getting caught, a burglar may phone first to see if anyone is home. He may get your name from the mailbox or simply look up your name in the phone book. If he gets no answer, he may decide it's a good time to break into your house. If someone does answer the phone, the potential intruder may try to get as much information as possible about the household in order to determine the best time to strike. Rapists sometimes use this tactic to determine if a woman is home alone. Kidnappers will sometimes use the telephone to determine if children are home without adult supervision.

Because criminals can be very adroit at extracting information, it's important that you treat a stranger on the phone the same as if that person came to your door.

When to call the police. Police should be notified if you receive an abnormal number of wrong number calls, hang-ups, late night calls from strangers, obscene or other unusual phone calls. Call the police immediately if someone threatens you or your family. Your local phone service may also be able to offer a remedy. If necessary, you can change your phone number.

6. Put the sentences in a logical order

1. If you do not react and simply hang up, most of the time they will not call back.
2. But remember to move the receiver's ear piece away from your ear when you blow the whistle, so that you do not hurt your own eardrums.
3. If the caller continues to harass you, consider keeping a loud whistle next to your phone.
4. Warn family members not to give information to strangers over the phone about who is home, who is out, or how long anyone is expected to be gone.

5. The next time the person calls, blow the whistle as loudly as possible into the mouthpiece.
6. Many nuisance calls are made by teenagers who pick out names randomly from the phone book.

7. Match the sentences halves.

1. Three elements of credit card fraud that directly affect you: ...
 2. Most of the activity on a fraudulently obtained credit card: ...
 3. Some vehicles are stolen so they can be used as: ...
 4. Rapidly developing technology is being used in the production of new products that can shut off the car's engine after: ...
 5. Some experts advise etching identification numbers into windows and key parts, such as the engine block: ...
 6. As in all other types of robbery, auto robberies – ...
 7. Carjackings can occur when you stop at: ...
 8. Before you get into your car: ...
 9. Some carjackers use the tactic of hitting a car: ...
 10. When the driver of the front car gets out to check the damage: ...
- a) the robbers steal the car;
 - b) always glance into the back seat and down at the floors to see if someone is hiding there;
 - c) also called carjackings – involve one or more criminals taking your car from you by force;
 - d) the use of counterfeit credit cards, the use of stolen cards, and the fraudulent use of valid credit card numbers without the physical presence of the card;
 - e) to make the car less easy to re-sell if a thief takes it;
 - f) getaway cars in the commission of other crimes;
 - g) from behind at a relatively slow speed;

- h) a robber has driven the car a few miles or track the vehicle wherever it goes;
- i) a corner for a red light or when you go to a convenience store late at night;
- j) occurs during the first three days of a thief's possession.

√ vocabulary study

8. Match the words with their definitions

providence	to frighten by threatening violence.
mug	a person who sells goods retail; a shopkeeper.
intimidate	1) to block or close; 2) to stop something moving past or making progress.
retailer	a person who is going past a place when something happens.
cluttered	unwilling.
obstruct	something good to receive, an advantage.
passerby	to keep away from (a place, person or thing).
reluctant	1) quick-thinking; 2) watchful and aware
benefit	to attack and rob
avoid	untidy; too full of furniture
alert	God; the care of God for human beings and all that he has created

9. Using the words in brackets as a guide, explain the meaning of the following words:

- 1) loiter (or to stand; in particular; to proceed, work slowly; doing nothing);
- 2) handle (deal with; or; to control; manage);

- 3) receipt (saying that; a written note; has been received; money);
- 4) ruthless (pity; without);
- 5) desperate (violent; or; despairingly; reckless);
- 6) alarm (gives; attracts attention; something that; warning of danger);
- 7) surveillance (watch; careful; observation; close);
- 8) adjacent (to; near; away; far; not);
- 9) inventory (list of goods; detailed; and; formal).

10. Synonyms. Match the words listed in column A with the synonymous ones from column B

A	B
1) reveal	a) big; considerable
2) convince	b) exchange; repay
3) loss	c) disclose
4) substantial	d) seller
5) reciprocate	e) calm; uplift
6) merchant	f) persuade
7) install	g) agree to; execute
8) reassure	h) defeat
9) obey	i) circumstances; education
10) background	j) alias
11) nickname	k) establish; put in

11. Which word is the odd one out in each set?

nuisance	pleasure	bother	trouble
enjoy	harass	disturb	pester
frighten	intimidate	threaten	reassure
decent	disgusting	immoral	obscene
able	professional	adroit	unskillful
increase	reduce	cut	diminish
intent	casual	focused	watchful

12. Match:

a) verbs in the left hand column with the nouns in the right hand column:

to avoid danger;
 accident;
 a sentence;
 an agreement;

to gain experience;
 strength;
 the character of;
 a living;
 a lawsuit;

b) the nouns in the left hand column with the expressions in the right hand column. Be ready to translate the expressions:

loss of one's eyesight;
 to meet with a;
 of opportunities;
 to be at a;
 to sell at a;

commission to act within one's;
 to go beyond one's;
 to carry out a;
 to charge 7 %;
 of inquiry;
 to sit on the government;
 to establish/to constitute a.

Make up two or three sentences of your own on each phrase and word combination.

13. Give the English equivalents of the following expressions:

Призначати комісію; засідати у державній комісії; слідча комісія; брати 5% комісійних; виконати доручення; перевищувати повноваження; діяти в межах повноважень; продавати зі збитком; розгубитися; втрачені можливості; зазнати збитків; втрата зору; виграти справу; заробляти на життя; набути репутації; набути досвіду; набиратися сил; уникнути небезпеки/нешасного випадку; відмінити вирок; анулювати договір.

Make up your own story using these expressions.

Let us discuss

14. Read the suggested situations. Discuss them in the group. Role play possible dialogues. Offer your ideas how a person should behave in such situations.

1. You are at home alone. Two people ring at your door. They are very persistent saying they just had a terrible accident and need to use your phone right away. What would you do?
2. A person comes to your door asking for money for a cause or wanting to sell you a product. You are not interested in the cause or product. What would you do?
3. Someone rings at your door. You look through the peephole and see a person dressed as a repair man. You are not expecting anyone. What would you do?
4. A friend of yours had the unpleasant experience of having his pocket picked, losing a wallet containing a number of credit cards and his driver's license. Fortunately he kept a record of his credit card numbers. He rang you up and asked for your advice.

2. Make use of the following expressions:

- to observe the person on the other side before opening the door;
- ignore somebody;
- speak through the door;
- not to rely on a door chain;
- not to let a stranger in;
- to offer to call the emergency number;
- to ask someone to show/hold up an identification card for you to see through a peephole or door window;
- to have doubt of document authenticity;
- not to leave repair people alone in your home;
- to arouse one’s suspicions;
- to ask to leave;
- to call the police;
- to notify each of the companies that issued credit cards of the theft by telephone;
- to follow the calls with confirming emails;
- to be spared any liability for subsequent purchases made with one’s (stolen) credit cards.

15. They say Fridays are big days for credit card frauds. Why is it so? Prove your point of view. Offer your audience a list of practical tips “How not to become a victim of credit card frauds”

16. Point out the most important actions to be taken to prevent a car theft. Discuss your ideas in class

17. Nowadays we talk about “paranoid parenting” – the constant worry that children may suffer an accident, be abducted by strangers or fail to keep up at school. Parents

become overprotective to their children. Why is it so? Discuss your ideas in group

Writing

18. Form adjectives with negative meaning using the suffix -less. Make up a short story using these words and their derivatives

noise	speech
chain	effort
care	ruth
truth	value
time	effect

19. Translate into English using the text and active vocabulary

А. Становити загрозу; залякувати жертву; нести відповідальність; грабувати; тримати приміщення чистим та охайним; використовувати відповідне освітлення; дружньо вітати; намагатися залишитися інкогніто; бути пильним; вештатися всередині й поза магазином; мати справу з грошима; тримати мінімум готівки в магазині; прилюдно зводити баланс; не покладатися на зброю; безжалісний і відчайдушний; обладнання для електронного спостереження; виконувати вказівки грабіжника; залишатися спокійним; заспокоювати працівників та покупців; прізвисько; суміжний магазин; відповідати взаємністю; забирати готівку чи коштовності; звільняти приміщення; переслідувати злочинця; робити опис викраденого; відповідальний офіцер; значні збитки; дивитися на людину через вічко; порівняний ступінь безпеки; частково відчиняти двері; зменшити шанси бути впійманим; визначати найкращий час для удару; спритний

шахрай; поводитися з незнайомцем; пропонувати дієвий засіб.

В. Пограбування – насильницький злочин. Не будьте героєм і не намагайтеся протистояти грабіжникам фізично чи вербально. Це лише підвищить ваші шанси дістати ушкодження. Нехай вас не вводять в оману неозброєні грабіжники. Вони покладаються на свою значну фізичну силу. Ваші шанси приблизно 1 : 3, що вам завдадуть шкоди в процесі пограбування, та 1 : 5, що ваші ушкодження будуть такими серйозними, що потребуватимуть госпіталізації. Літні люди особливо вразливі, тому що побоювання, що їх штовхнуть на землю чи зіб'ють із ніг набагато більші, й вони більш схильні діставати ушкодження, що потребують госпіталізації. Пограбування трапляються рідко, якщо особи знайомі між собою.

С. 1. Обмірковуючи варіанти захисту вашого будинку від грабіжників, спеціалісти радять ставити собі такі самі запитання, як і злочинці. Наприклад, «Як було б краще проникнути до будинку: через вікно чи двері?», «Де б хазяїн зберігав гроші й коштовності?», «Із яким замком було б легше впоратися?» і т. ін. 2. Якби лише він не пошкодував грошей на сучасну автомобільну систему сигналізації! Тепер невідомо, чи вдасться поліції знайти його автомобіль. 3. Якби він не забув поради свого юриста контролювати емоції та тримати язика за зубами, він би не потрапив у халепу. 4. Якби кожен ставився до оточуючих так, як він хотів би, щоб ставилися до нього, життя стало б набагато кращим. 5. Шкода, що Ви поверталися додому сама. Якби Деніс був там, він би вас провів додому. 6. Речові докази не було б знищено, якби не дощило із самого зранку.

20. Fill the gaps in the text below with a word or phrase from the box

robber	maintain	valuables	muggings
escape	police	alert	life
emergency	suspicious	following	destination
avoid	well-lighted	carry	stay away

Mugging Defence

Most (1)_____ take place on the street. Thus, the best protection is to be (2)_____ and cautious at all times. Be (3)_____ of strangers, and never trust anyone you do not know. (4)_____ walking at nighttime, especially in dangerous or unfamiliar neighborhoods. If you must go out at night, walk on (5)_____ main thoroughfares. It is useful to (6)_____ a small amount of money, say, \$50, to appease the potential mugger, but large sums should be avoided. Walk next to the curb, and (7)_____ from buildings, alleys, doorways, shrubbery, trees, and benches. Walk at a determined speed, and appear in a hurry to reach a (8)_____. Cross the street if you spot someone suspicious walking toward you or (9)_____ you. Be always able to make a phone call in an (10)_____. If confronted by a (11)_____, use your common sense, and follow the suggestions given above. If there is an opportunity to (12)_____ without objecting yourself to violence, take advantage of it; otherwise, (13)_____ yourself cool and follow the mugger's instructions precisely. After the robbery, call the (14)_____. Bear in mind that a robber or a mugger initially is after your (15)_____, but if he or she should feel threatened by you, it would cost your (16)_____.

8. This house was built for _____, not for display.
a) control; b) contribution; c) convenience.
9. That boy is a terrible _____.
a) nugget; b) nudge; c) nuisance.
10. If you can't entirely eliminate the possibility of someone's break into your home, then make breaking in as difficult and as _____ as possible.
a) time-consuming; b) timely; c) timing.
11. One advantage of a _____ lock is that, when it is engaged, it indicates to a burglar that someone is at home, generally causing the burglar to move on.
a) chance; b) change; c) chain.
12. A solid exterior door should be equipped with a _____ (or interviewer or optical viewing device) simply to allow you to ascertain who is outside before you open your door.
a) peep-hole; b) pipe-head; c) peepie-creepie.
13. No lock can prevent a door from being opened through the _____ of brute force, especially if there is a weak door frame.
a) aspiration; b) aggregation; c) application.
14. Garage doors that lead directly into the house represent a serious threat to your security, because an intruder, hidden from sight in the garage, could leisurely breach your security and attack your _____ or your family.
a) ashes; b) assets; c) aspects.
15. She was fascinated by his _____ handling of the boat.
a) abnormal; b) adroit; c) adequate.
16. The firm's accounts are under the personal _____ of the manager.
a) superstition; b) supplement; c) supervision.
17. The _____ are that the investigator will find the robber.
a) odds; b) ads; c) oats.

18. You should be aware of his _____ behaviour.
a) fraudulent; b) frequent; c) frilled.
19. The police were stopping cars at _____ and checking their brakes.
a) ransom; b) rake; c) random.
20. The man was worried about the danger of taking aspirin, but his physician _____ him.
a) recalled; b) renewed; c) reassured.

UNIT 11. INTERNATIONAL LAW

1. Read and translate the text

The nature and development of international law

Law is that element which binds the members of the community together in their adherence to recognised values and standards. It is both permissive in allowing individuals to establish their own legal relations with rights and duties, as in the creation of contracts, and coercive, as it punishes those who infringe its regulations.

Law consists of a series of rules regulating behaviour, and reflecting, to some extent, the ideas and preoccupations of the society within which it functions. And so it is with what is termed international law, with the important difference that the principal subjects of international law are nation states, not individual citizens. There are many contrasts between the law within a country (municipal law) and the law that operates outside and between states, international organisations and, in certain cases, individuals.

International law itself is divided into conflict of laws (or private international law as it is sometimes called) and public international law (usually just termed international law). The former deals with those cases, within particular legal systems, in which foreign elements obtrude, raising questions as to the application of foreign law or the role of foreign court. For example, if two Englishmen make a contract in France to sell goods situated in Paris, an English court would apply French law as regards the validity of that contract.

Public international law covers relations between states in all their myriad forms, from war to satellites, and regulates the operations of the many international institutions. It maybe universal or general, in which case the stipulated rules bind all the states (or practically all depending upon the nature of the rule), or regional, whereby a group of states linked

geographically or ideologically may recognise special rules applying only to them.

International law has no legislature. The General Assembly of the United Nations comprising delegates from all the member states exists, but its resolutions are not legally binding save for certain of the organs of the United Nations for certain purpose.

There is no system of courts. The International Court of Justice does exist at The Hague but it can only decide cases when both sides agree and it cannot ensure that its decisions are complied with. Above all there is no executive or governing entity. The Security Council of the United Nations, which was intended to have such a role in a sense, has at times been effectively constrained by the veto power of the five permanent members (USA; USSR, now the Russian Federation; China; France; and the United Kingdom). Thus, if there is no identifiable institution either to establish rules, or to clarify them or see that those who break them are punished, how can what is called international law be law?

It will, of course, be realised that the basis for this line of argument is the comparison of domestic law with international law, and the assumption of an analogy between the national system and the international order. And this is at the heart of all discussions about the nature of international law.

There is no unified system of sanctions in international law in the sense that there is in municipal law, but there are circumstances in which the use of force is regarded as justified and legal. Within the United Nations system, sanctions may be imposed by the Security Council upon the determination of a threat to the peace, breach of the peace or act of aggression.

2. Answer the following questions:

1. What is the definition of the international law?

2. What are the main parts of the international law?
3. Why is it so difficult to define international law as law?
4. Define the roles of the General Assembly of the United Nations, the International Court of Justice and the Security Council of the United Nations.

3. Match the sentences halves:

1. Law is that element which binds the members of the community together	a. but there are circumstances in which the use of force is regarded as justified and legal.
2. It is both permissive in allowing individuals to establish their own legal relations	b. That the principal subjects of international law are nation states, not individual citizens.
3. And so it is with what is termed international law, with the important difference	c. with rights and duties, as in the creation of contracts, and coercive, as it punishes those who infringe its regulations.
4. There are many contrasts between the law within a country (municipal law) and the law	d. or regional, whereby a group of states linked geographically or ideologically may recognise special rules applying only to them.
5. International law itself is divided into conflict of laws (or private international law as it is sometimes called) and	e. but its resolutions are not legally binding save for certain of the organs of the United Nations for certain purpose.
6. Public international law covers relations between states in all their myriad forms,	f. and the assumption of an analogy between the national system and the international order.
7. It maybe universal	g. that operates outside and

or general, in which case the stipulated rules bind all the states (or practically all depending upon the nature of the rule),	between states, international organisations and, in certain cases, individuals.
8. The General Assembly of the United Nations comprising delegates from all the member states exists,	h. and public international law (usually just termed international law).
9. The International Court of Justice does exist at The Hague but it can only decide cases	i. in their adherence to recognised values and standards.
10. It will, of course, be realised that the basis for this line of argument is the comparison of domestic law with international law,	j. from war to satellites, and regulates the operations of the many international institutions.
11. There is no unified system of sanctions in international law in the sense that there is in municipal law,	k. when both sides agree and it cannot ensure that its decisions are complied with.

4. Give the Ukrainian equivalents for the following words, word combinations and phrases:

Community, legal relations, international law, nation states, individual citizens, municipal law, conflict of laws or private international law, public international law, universal or general relations, regional relations, The General Assembly of the United Nations, The International Court of Justice, The Hague,

executive or governing entity, The Security Council of the United Nations, domestic law, unified system of sanctions.

5. Retell the text from task 1, using words from task 4.

6. What do you know about international organizations? What do the abbreviations stand for? Match the name of the organization with its function. Find the equivalents in Ukrainian

1. UNO	a) An autonomous intergovernmental organization under the aegis of the UN, works for the safe and peaceful uses of atomic energy.
2. UNESCO	b) Coordinates programs aimed at solving health problems and the attainment by all people of the highest possible level of health. It works in areas such as immunization, health education and the provision of essential drugs
3. ILO	c) Facilitates international monetary cooperation and financial stability and provides a permanent forum for consultation, advice and assistance on financial issues.
4. WHO	d) Formulates policies and programs to improve working conditions and 49 employment opportunities, and sets labor standards used by countries around the world.
5. IMF	e) Its purposes are maintaining international peace and security, developing friendly relations among nations on the principle of equal rights and self-determination, and encouraging international cooperation in solving international economic, social, cultural, and humanitarian problems.
6. IAEA	f) An agency of the United Nations set up to aid, protect, and monitor refugees.

7. NATO	g) Promotes education for all, cultural development, protection of the world's natural and cultural heritage, international cooperation in science, press freedom and communication.
8. UNHCR	h) Security organization whose primary purpose was to unify and strengthen the western Allies' military response in case the Soviet Union invaded Western Europe in an effort to extend communism there. After the end of the Cold War it adhered more strongly to its original purpose of maintaining international stability in Europe.

7. Read and summarize the text. Define the main terms of international law:

International law since 1945 has focused primarily upon the protection of individual human rights, as can be seen from the Universal Declaration of Human Rights. In recent years, however, more attention has been given to various expressions of the concept of collective rights, although it is often difficult to maintain a strict differentiation between individual and collective rights. Some rights are purely individual, such as the right to life or freedom of expression, others are individual rights that are necessarily expressed collectively, such as freedom of assembly or the right to manifest one's own religion. Some rights are purely collective, such as the right to self-determination or the physical protection of the group as such through the prohibition of genocide, others constitute collective manifestations of individual rights, such as the right of persons belonging to minorities to enjoy their own culture and practise their own religion or use their own language. In addition, the question of the balancing of the legitimate rights of the state, groups and individuals is in practice crucial and sometimes not sufficiently considered.

Prohibition of genocide

The physical protection of the group as a distinct identity is clearly the first and paramount factor. The Convention on the Prevention and Punishment of the Crime of Genocide signed in 1948 affirmed that genocide, whether committed in time of war or peace, was a crime under international law. Genocide was defined as any of the following acts committed 'with intent to destroy, in whole or in part, a national, ethnical, racial or religious group as such': (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group. The Convention, which does not have an implementational system, provides that persons charged with genocide shall be tried by a competent tribunal of the state in the territory of which the act was committed or by an international penal tribunal.

Prohibition of discrimination

Apart from the overwhelming requirement of protection from physical attack upon their very existence as a group, groups need protection from discriminatory treatment as such. The norm of non-discrimination thus constitutes a principle relevant both to groups and to individual members of groups. The International Convention on the Elimination of All Forms of Racial Discrimination was signed in 1965 and entered into force in 1969. It builds on the non-discrimination provisions in the UN Charter. Racial discrimination is defined as: any distinction, exclusion, restriction or preference based on race, colour, descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights

and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

States parties undertake to prohibit racial discrimination and guarantee equality for all in the enjoyment of a series of rights and to assure to all within their jurisdiction effective protection and remedies regarding such human rights.

The principle of self-determination as a human right

The right to self-determination has already been examined in so far as it relates to the context of decolonisation. The question arises whether this right, which has been widely proclaimed, has an application beyond the colonial context. Article 1 of both International Covenants on Human Rights provides that “all peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”, while the Helsinki Final Act of 1975 refers to “the principle of equal rights and self-determination. All peoples have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development”.

The protection of minorities

Various attempts were made in the post-First World War settlements, following the collapse of the German, Ottoman, Russian and Austro-Hungarian Empires and the rise of a number of independent nation based states in Eastern and Central Europe, to protect those groups to whom sovereignty and statehood could not be granted. Persons belonging to racial, religious or linguistic minorities were to be given the same treatment and the same civil and political rights and security as other nationals in the state in question. Such provisions constituted obligations of international concern and could not be altered without the assent of a majority of the League of Nations Council. The Council was to take action in

the event of “any infraction of minorities” obligations. After the Second World War, the focus shifted to the international protection of universal individual human rights, although several instruments dealing with specific situations incorporated provisions concerning the protection of minorities, and in 1947 the Sub-Commission on the Prevention of Discrimination and the Protection of Minorities was established. It was not, however, until the adoption of the International Covenant on Civil and Political Rights in 1966 that the question of minority rights came back onto the international agenda. Article 27 of this Covenant provides that “in those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”.

Other suggested collective rights

The subject of much concern in recent years has been the question of a right to development. In 1986, the UN General Assembly adopted the Declaration on the Right to development. This instrument reaffirms the interdependence and indivisibility of all human rights and seeks to provide a framework for a range of issues (article 9). The right to development is deemed to be an inalienable human right of all human beings and peoples to participate in and enjoy economic, social, cultural and political development (article I), while states have the primary responsibility to create conditions favourable to its realisation (article 3) including the duty to formulate international development policies (article 4).

8. Answer the following questions:

1. What is the main document of international law?
2. What types of right does it present?
3. Name the purely individual rights.

4. Name the collective rights.
5. When was the prohibition of genocide signed?
6. What is the main definition of genocide?
7. Define the main components of racial discrimination.
8. Explain the meaning of the self-discrimination as a human right.
9. Can protection of minorities be defined as a component of self-determination?
10. Describe the idea of the right to development.

Vocabulary study

9. Match the words with their definitions:

1. Human rights	a) means treating a person unfairly because of who they are or because they possess certain characteristics
2. Individual rights	b) refers to a category of people who experience relative disadvantage as compared to members of a dominant social group.
3. Collective rights	c) are rules, correct or accepted as proper
4. Self-determination	d) refer to the liberties of each individual to pursue life and goals without interference from other individuals or the government
5. Genocide	e) means a formal statement, proclamation, or announcement embodied in an instrument. In international law, it refers

	to stipulations within a treaty according to which the parties agree to conduct their actions
6. Discrimination	f) is intentional action to destroy a people in whole or in part
7. Minority group	g) refers to the carrying out of public policy. Legislatures pass laws that are then carried out by public servants working in bureaucratic agencies. This process consists of rule-making, rule-administration and rule-adjudication.
8. Declaration	h) are moral principles or norms that describe certain standards of human behaviour and are regularly protected as natural and legal rights in municipal and international law.
9. Implementational system	i) held by a group rather than by its members severally
10. Legitimate rights	j) the process by which a group of people, usually possessing a certain degree of national consciousness, form their own state and choose their own government.

10. Make up your own sentences using the list from task 9

11. Explain the meanings of the words and word-combinations. Compare your definitions with the definitions from the dictionary:

1. NATO;

2. International law;
3. IMF;
4. System of sanctions;
5. Public international law;
6. Private international law;
7. UNO;
8. Municipal law.

12. Complete the sentences below with the prepositions from the box:

by in on to to to to under

1. Parties _____ a treaty are the States or the International Organizations which have consented to be bound _____ the treaty and for which the treaty is _____ force.
2. By becoming a signatory _____ a convention with 172 other countries. Ukraine is taking an important step to facilitate anti-smoking legislation.
3. _____ the Convention on the Rights of the Child, persons under the age of 18 years are entitled _____ special protection.
4. International laws apply _____ the citizens of all signatory nations.
5. The Council of Ministers of the East African Community is a policy organ whose decisions, directives and regulations are binding _____ Partner States.

13. The texts from tasks 1 and 7 contain several adjectives formed with prefixes, such as international, intergovernmental. Match these common prefixes with their meanings

- | | |
|-----------|------------------|
| 1) bi- | a) many |
| 2) inter- | b) above, beyond |
| 3) intra- | c) two |

- 4) multi- d) between, among
 5) non- e) not, other than
 6) supra- f) within, inside

14. Match these words with prefixes with their definitions:

1. Interagency	a) involving several different countries
2. Non-aligned	b) within the boundaries of a state
3. Non-governmental	c) involving two or more agencies, especially government agencies
4. Bilateral	d) involving two groups or two countries
5. Multinational	e) neutral, especially towards major powers
6. Intrastate	f) without any participation or representation of a government

Let us discuss

15. In groups, choose one of the following notions to debate:

1. The decision in Laval unjustly interferes with trade unions' ability to promote the equal treatment and protection of workers.
2. The decision in Laval represents a necessary restriction on the power of unions.
3. The decision in Laval was best for both business and workers alike.

Split your group into two. One half of the group prepares the arguments and defences for its motion, the other half prepares the arguments and defences against the motion. Decide how you will present your case, using every member of the group.

One person will act as the chairperson. The chairs should familiarise themselves with the arguments for both sides and ensure that the debate is carried out in a structured fashion.

16. Read the text. Give the examples of patents in Ukraine:

A patent is a monopoly right to make or sell an invention, or an improvement on an existing invention, for a particular number of years. In this way, the inventor is able to compensate his or her investment. It is one of the key concepts in intellectual property law.

Several international treaties have standardised many aspects of intellectual, property law. However, these laws and their enforcement still vary widely from one jurisdiction to another.

17. Discuss these questions:

1. What kinds of conflict of law could result from patent infringement?
2. In what ways does a case involving two or more nation states differ from a case between two parties from the same jurisdiction?

18. Read the online news report quickly and decide which is the best headline:

1. Microsoft patent row continues
 2. Microsoft wins AT&T patent battle
 3. Microsoft wins AT&T appeal chance
- news report

US Patent Law

Microsoft has won a long running case in the US Supreme Court about the reach of US patent laws.

- 1) AT&T had sued Microsoft, alleging computers using Microsoft's Windows operating system had breached its patent in voice-compression software.
- 2) AT&T had said it should be entitled to damages for all Windows-based computers manufactured outside of the USA.
- 3) The presumption that United States law governs domestically but does not rule the world applies with particular force in patent law, said Justice Ruth Bader Ginsburg.

19. Complete the report using these sentences (A-D):

- A. Microsoft accepted patent violations in the USA, but argued the infringement should not be extended internationally.
- B. According to the judges, an earlier ruling by the federal appeals court had gone too far [and had] applied its test in a way that was too narrow and too rigid.
- C. But in a 7-1 ruling, the US Supreme Court supported Microsoft's position.
- D. The court ruled that Microsoft was not liable in a software patent dispute involving US telecoms operator AT&T.

20. Find terms in the report with the following meanings:

- 1) when you believe that something is true without having any proof;
- 2) controls and directs the public business of a country, city, group of people;
- 3) incapable of compromise or flexibility;
- 4) given the right to do or have something;
- 5) limited;
- 6) the breaking of a rule or law;
- 7) a decision in a case;
- 8) when the influence of something is expanded;

9) a question (or questions) that help a judge reach a decision.

21. Explain the facts of the case and the court's decision in your own words. Do you think the Supreme Court came to the right decision? Why (not)? How would a higher court in your jurisdiction have ruled in this case?

Writing

22. Explaining legal terms. Match the halves of these sentences, which contain phrases for explaining legal terms.

A customs union is, put	which rights are granted to an international body by the signatory nations to the agreement
A legal framework is, in	words, it deals with such questions as which law applies in the case at hand
A charter is an agreement by	simply, a group of nations who wish to remove customs barriers between them.
“Conflict of laws” refers to the body of law dealing with disputes between private persons who live in different jurisdictions; in other	essence, a broad system of rules.

23. Do the test on international organizations:

1. The head-quarter of the is situated in New York.

a) OSCE b) EU c) UNO d) WTO e) WHO

2. was created to extend massive relief to the young victims of the Second World War in Europe and China.
 a) UNHCR b) UNO c) OSCE d) UNICEF e) WHO
3. assists developing countries that don't produce oil, by the provision of financial support on appropriate terms.
 a) OPEC b) WTO c) Paris Club d) EU e) UNHCR
4. International organization UNICEF was founded in
 a) December 1946 b) December 1950 c) January 1976 d) January 1995 e) January 1956
5. provides international legal protection for refugees.
 a) UNICEF c) WTO e) WHO b) UNHCR d) OSCE
6. What do they stand for?
 a) OPEC -
 b) UNHCR -
 c) OSCE -
 d) UNICEF -
 e) WHO-

24. Translate the text into English. Pay attention on special law words and terms. Make up translation thesaurus:

**ЄВРОПЕЙСЬКА ХАРТІЯ
місцевого самоврядування**

ПРЕАМБУЛА

Держави – члени Ради Європи, які підписали цю Хартію, враховуючи, що метою Ради Європи є досягнення більшого єднання між її членами для збереження та втілення в життя ідеалів і принципів, які є їхнім спільним надбанням;

вважаючи, що одним з методів досягнення цієї мети є укладання угод в адміністративній галузі;

враховуючи, що органи місцевого самоврядування є однією з головних підвалин будь-якого демократичного режиму;

враховуючи, що право громадян на участь в управлінні державними справами є одним з демократичних принципів, які поділяються всіма державами - членами Ради Європи;

вважаючи, що це право найбільш безпосередньо може здійснюватися саме на місцевому рівні;

переконані в тому, що існування органів місцевого самоврядування, наділених реальними повноваженнями, може забезпечити ефективне і близьке до громадянина управління;

усвідомлюючи, що охорона і посилення місцевого самоврядування в різних країнах Європи є важливим внеском у розбудову Європи на принципах демократії і децентралізації влади;

стверджуючи, що із цього випливає необхідність існування органів місцевого самоврядування, які мають створені на демократичній основі органи, уповноважені приймати рішення, і широку автономію щодо своїх повноважень, шляхи і засоби здійснення цих повноважень, а також ресурси, необхідні для їх виконання,

домовились про таке:

Стаття 1

Сторони зобов'язуються вважати для себе обов'язковими, у порядку та обсязі, передбачених у статті 12 цієї Хартії, нижченаведені статті.

ЧАСТИНА І

Стаття 2

Конституційна та правова основа місцевого самоврядування.

Принцип місцевого самоврядування визнається в національному законодавстві та, у міру можливості, в конституції.

Стаття 3

Концепція місцевого самоврядування

1. Місцеве самоврядування означає право і спроможність органів місцевого самоврядування в межах закону здійснювати регулювання та управління суттєвою часткою публічних справ, під власну відповідальність, в інтересах місцевого населення.

2. Це право здійснюється радами або зборами, члени яких вільно обираються таємним голосуванням на основі прямого, рівного, загального виборчого права і які можуть мати підзвітні їм виконавчі органи. Це положення жодним чином не заважає використанню зборів громадян, референдумів чи будь-якої іншої форми прямої участі громадян, якщо це дозволяється законом.

Стаття 4

Сфера компетенції місцевого самоврядування

1. Головні повноваження і функції органів місцевого самоврядування визначаються конституцією або законом. Однак це положення не перешкоджає наділенню органів місцевого самоврядування повноваженнями і функціями для спеціальних цілей відповідно до закону.

2. Органи місцевого самоврядування в межах закону мають повне право вільно вирішувати будь-яке

питання, яке не вилучене зі сфери їхньої компетенції і вирішення якого не доручене жодному іншому органу.

3. Публічні повноваження, як правило, здійснюються переважно тими органами публічної влади, які мають найтісніший контакт з громадянином. Наділяючи тими чи іншими повноваженнями інший орган, необхідно враховувати обсяг і характер завдання, а також вимоги досягнення ефективності та економії.

4. Повноваження, якими наділяються органи місцевого самоврядування, як правило, мають бути повними і виключними. Вони не можуть скасовуватися чи обмежуватися іншим, центральним або регіональним органом, якщо це не передбачене законом.

5. Якщо повноваження делегуються органам місцевого самоврядування центральним чи регіональним органом, органи місцевого самоврядування у міру можливості мають право пристосовувати свою діяльність до місцевих умов.

6. У процесі планування і прийняття рішень щодо всіх питань, які безпосередньо стосуються органів місцевого самоврядування, з останніми мають проводитися консультації, у міру можливості своєчасно і належним чином.

Стаття 5

Охорона територіальних кордонів органів місцевого самоврядування

Зміни територіальних кордонів органів місцевого самоврядування не можуть здійснюватися без попереднього з'ясування думки відповідних місцевих громад, можливо шляхом проведення референдуму, якщо це дозволяється законом.

25. Compare the original text and translation. Comment on the translation decision; give your own versions of translation:

<p>Article 6 Appropriate administrative structures and resources for the tasks of local authorities 1. Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management. 2. The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.</p>	<p>Стаття 6 Відповідні адміністративні структури і ресурси для виконання органами місцевого самоврядування своїх завдань 1. Без шкоди для більш загальних законодавчих положень органи місцевого самоврядування повинні мати можливість визначати власні внутрішні адміністративні структури з урахуванням місцевих потреб і необхідності забезпечення ефективного управління. 2. Умови служби найманих працівників органів місцевого самоврядування повинні дозволяти добір висококваліфікованого персоналу з урахуванням особистих якостей та компетентності; для цього забезпечуються належні можливості професійної підготовки, винагороди та просування по службі.</p>
<p>Article 7 Conditions under which</p>	<p>Стаття 7 Умови, за</p>

<p>responsibilities at local level are exercised</p> <p>1. The conditions of office of local elected representatives shall provide for free exercise of their functions.</p> <p>2. They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.</p> <p>3. Any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles.</p>	<p>яких виконуються повноваження на місцевому рівні</p> <p>1. Умови діяльності місцевих обраних представників повинні забезпечувати вільне виконання ними своїх функцій.</p> <p>2. Вони повинні передбачати відповідне фінансове відшкодування витрат, що виникають при відповідній діяльності, а також, у разі необхідності, відшкодування втрачених доходів або винагороди за виконану роботу і відповідний захист соціального забезпечення.</p> <p>3. Будь-які функції та діяльність, несумісні з мандатом місцевого обраного представника, визначаються законом або основоположними правовими принципами.</p>
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26. Fill in the text using the given list of words. Translate the text into Ukrainian:

constitutional principles, controlling authority, constitution, national economic policy, local authorities, administrative supervision, buoyant nature, financial resources, local taxes, constitution, financial systems, sphere of responsibility, financing, financial equalization, financial burden,

jurisdiction, potential sources, capital investment, equivalent measures, national capital market.

Administrative supervision of local authorities' activities

1 Any administrative supervision of _____ may only be exercised according to such procedures and in such cases as are provided for by the or by statute.

2 Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with _____. _____ may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.

3. Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the _____ is kept in proportion to the importance of the interests which it is intended to protect.

Financial resources of local authorities

1. Local authorities shall be entitled, within _____, to adequate _____ of their own, of which they may dispose freely within the framework of their powers.

2 Local authorities' financial resources shall be commensurate with the responsibilities provided for by the _____ and the law.

3 Part at least of the financial resources of local authorities shall derive from _____ and charges of which, within the limits of statute, they have the power to determine the rate.

4 The _____ on which resources available to local authorities are based shall be of a sufficiently diversified and _____ to enable them to keep pace as far as

practically possible with the real evolution of the cost of carrying out their tasks.

5 The protection of financially weaker local authorities calls for the institution of _____ procedures or _____ which are designed to correct the effects of the unequal distribution of _____ of finance and of the _____ they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own _____.

6 Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.

As far as possible, grants to local authorities shall not be earmarked for the _____ of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own _____.

8 For the purpose of borrowing for _____, local authorities shall have access to the _____ within the limits of the law.

27. Write your own retelling using the words from the list in task 26

Additional Material

Approach to the assessment of fines Introduction

1. The amount of a fine must reflect the seriousness of the offence.
2. The court must also take into account the financial circumstances of the offender; this applies whether it has the effect of increasing or reducing the fine.² Normally a fine should be of an amount that is capable of being paid within 12 months.
3. The aim is for the fine to have an equal impact on offenders with different financial circumstances; it should be a hardship but should not force the offender below a reasonable 'subsistence' level.
4. The guidance below aims to establish a clear, consistent and principled approach to the assessment of fines that will apply fairly in the majority of cases. However, it is impossible to anticipate every situation that may be encountered and in each case the court will need to exercise its judgement to ensure that the fine properly reflects the seriousness of the offence and takes into account the financial circumstances of the offender.

Fine bands

5. For the purpose of the offence guidelines, a fine is based on one of three bands (A, B or C). The selection of the relevant fine band, and the position of the individual offence within that band, is determined by the seriousness of the offence.

	<i>Starting point</i>	<i>Range</i>
Fine Band A	50 % of relevant weekly income	25–75 % of relevant weekly income

Fine Band B	100 % of relevant weekly income	75–125 % of relevant weekly income
Fine Band C	150 % of relevant weekly income	125–175 % of relevant weekly income

Definition of relevant weekly income

6. The seriousness of an offence determines the choice of fine band and the position of the offence within the range for that band. The offender’s financial circumstances are taken into account by expressing that position as a proportion of the offender’s relevant weekly income.

7. Where an offender is in receipt of income from employment or is self-employed and that income is more than J100 per week after deduction of tax and national insurance (or equivalent where the offender is self-employed), the actual income is the relevant weekly income.

8. Where an offender’s only source of income is state benefit (including where there is relatively low additional income as permitted by the benefit regulations) or the offender is in receipt of income from employment or is self-employed but the amount of income after deduction of tax and national insurance is J100 or less, the relevant weekly income is deemed to be J100. Additional information about the basis for this approach is set out on page 155.

9. In calculating relevant weekly income, no account should be taken of tax credits, housing benefit, child benefit or similar.

10. Where an offender has failed to provide information, or the court is not satisfied that it has been given sufficient reliable information, it is entitled to make such determination as it thinks fit regarding the financial circumstances of the offender.

Any determination should be clearly stated on the court records for use in any subsequent variation or enforcement proceedings. In such cases, a record should also be made of the applicable fine band and the court's assessment of the position of the offence within that band based on the seriousness of the offence.

11. Where there is no information on which a determination can be made, the court should proceed on the basis of an assumed relevant weekly income of J350. This is derived from national median pretax earnings; a gross figure is used as, in the absence of financial information from the offender, it is not possible to calculate appropriate deductions.

12. Where there is some information that tends to suggest a significantly lower or higher income than the recommended J350 default sum, the court should make a determination based on that information.

13. A court is empowered to remit a fine in whole or part if the offender subsequently provides information as to means. The assessment of offence seriousness and, therefore, the appropriate fine band and the position of the offence within that band is not affected by the provision of this information.

Assessment of financial circumstances

14. While the initial consideration for the assessment of a fine is the offender's relevant weekly income, the court is required to take account of the offender's financial circumstances more broadly. Guidance on important parts of this assessment is set out below.

15. An offender's financial circumstances may have the effect of increasing or reducing the amount of the fine; however, they are not relevant to the assessment of offence seriousness. They should be considered separately from the selection of the appropriate fine band and the court's assessment of the position of the offence within the range for that band.

Out of the ordinary expenses

16. In deciding the proportions of relevant weekly income that are the starting points and ranges for each fine band, account has been taken of reasonable living expenses. Accordingly, no further allowance should normally be made for these. In addition, no allowance should normally be made where the offender has dependants.

17. Outgoings will be relevant to the amount of the fine only where the expenditure is out of the ordinary and substantially reduces the ability to pay a financial penalty so that the requirement to pay a fine based on the standard approach would lead to undue hardship.

Unusually low outgoings

18. Where the offender's living expenses are substantially lower than would normally be expected, it may be appropriate to adjust the amount of the fine to reflect this. This may apply, for example, where an offender does not make any financial contribution towards his or her living costs.

Savings

19. Where an offender has savings these will not normally be relevant to the assessment of the amount of a fine although they may influence the decision on time to pay.

20. However, where an offender has little or no income but has substantial savings, the court may consider it appropriate to adjust the amount of the fine to reflect this.

Household has more than one source of income

21. Where the household of which the offender is a part has more than one source of income, the fine should normally be based on the income of the offender alone.

22. However, where the offender's part of the income is very small (or the offender is wholly dependent on the income of another), the court may have regard to the extent of the household's income and assets which will be available to meet any fine imposed on the offender.

Potential earning capacity

23. Where there is reason to believe that an offender's potential earning capacity is greater than his or her current income, the court may wish to adjust the amount of the fine to reflect this. This may apply, for example, where an unemployed offender states an expectation to gain paid employment within a short time. The basis for the calculation of fine should be recorded in order to ensure that there is a clear record for use in variation or enforcement proceedings.

High income offenders

24. Where the offender is in receipt of very high income, a fine based on a proportion of relevant weekly income may be disproportionately high when compared with the seriousness of the offence. In such cases, the court should adjust the fine to an appropriate level; as a general indication, in most cases the fine for a first time offender pleading not guilty should not exceed 75 % of the maximum fine.

Offence committed for "commercial" purposes

25. Some offences are committed with the intention of gaining a significant commercial benefit. These often occur where, in order to carry out an activity lawfully, a person has to comply with certain processes which may be expensive. They include, for example, 'taxi-touting' (where unauthorised persons seek to operate as taxi drivers) and 'fly-tipping' (where the cost of lawful disposal is considerable).

26. In some of these cases, a fine based on the standard approach set out above may not reflect the level of financial gain achieved or sought through the offending. Accordingly:

a) where the offender has generated income or avoided expenditure to a level that can be calculated or estimated, the court may wish to consider that amount when determining the financial penalty;

b) where it is not possible to calculate or estimate that amount, the court may wish to draw on information from the enforcing authorities about the general costs of operating within the law.

Reduction for a guilty plea

27. Where a guilty plea has been entered, the amount of the fine should be reduced by the appropriate proportion.

Other considerations

Maximum fines

28. A fine must not exceed the statutory limit. Where this is expressed in terms of a 'level', the maxima are:

Level 1	£200
Level 2	£500
Level 3	£1 000
Level 4	£2 500
Level 5	£5 000

Victims surcharge

29. Whenever a court imposes a fine in respect of an offence committed after 1 April 2007, it must order the offender to pay a surcharge of J15.9

30. Where the offender is of adequate means, the court must not reduce the fine to allow for imposition of the surcharge. Where the offender does not have sufficient means to pay the total financial penalty considered appropriate by the court, the order of priority is compensation, surcharge, fine, costs.

31. Further guidance is set out in *Guidance on Victims Surcharge* issued by the Justices' Clerks' Society and Magistrates' Association (30 March 2007).

Costs

32. Where the offender does not have sufficient means to pay the total financial penalty considered appropriate by the court, the order of priority is compensation, surcharge, fine, costs.

Multiple offences

33. Where an offender is to be fined for two or more offences that arose out of the same incident, it will often be appropriate to impose on the most serious offence a fine which reflects the totality of the offending where this can be achieved within the maximum penalty for that offence. “No separate penalty” should be imposed for the other offences.

34. Where compensation is being ordered, that will need to be attributed to the relevant offence as will any necessary ancillary orders.

Fine Bands D and E

35. Two further fine bands are provided to assist a court in calculating a fine where the offence and general circumstances would otherwise warrant a community order (band D) or a custodial sentence (band E) but the court has decided that it need not impose such a sentence and that a financial penalty is appropriate.

36. The following starting points and ranges apply:

	<i>Starting point</i>	<i>Range</i>
Fine Band D	250 % of relevant weekly income	250 % of relevant weekly income
Fine Band E	400 % of relevant weekly income	300–500 % of relevant weekly income

37. In cases where these fine bands apply, it may be appropriate for the fine to be of an amount that is larger than can be repaid within 12 months.

Imposition of fines with custodial sentences

38. A fine and a custodial sentence may be imposed for the same offence although there will be few circumstances in which this is appropriate, particularly where the custodial sentence is to be served immediately. One example might be where an offender has profited financially from an offence but

there is no obvious victim to whom compensation can be awarded. Combining these sentences is most likely to be appropriate only where the custodial sentence is short and/or the offender clearly has, or will have, the means to pay.

39. Care must be taken to ensure that the overall sentence is proportionate to the seriousness of the offence and that better off offenders are not able to ‘buy themselves out of custody’. Consult your legal adviser in any case in which you are considering combining a fine with a custodial sentence.

Payment

40. A fine is payable in full on the day on which it is imposed. The offender should always be asked for immediate payment when present in court and some payment on the day should be required wherever possible.

41. Where that is not possible, the court may, in certain circumstances, require the offender to be detained. More commonly, a court will allow payments to be made over a period set by the court:

a) if periodic payments are allowed, the fine should normally be payable within a maximum of 12 months. However, it may be unrealistic to expect those on very low incomes to maintain payments for as long as a year;

b) compensation should normally be payable within 12 months. However, in exceptional circumstances it may be appropriate to allow it to be paid over a period of up to 3 years.

42. Where fine bands D and E apply, it may be appropriate for the fine to be of an amount that is larger than can be repaid within 12 months. In such cases, the fine should normally be payable within a maximum of 18 months (band D) or 2 years (band E).

43. It is generally recognised that the maximum weekly payment by a person in receipt of state benefit should rarely exceed J5.

44. When allowing payment by instalments by an offender in receipt of earned income, the following approach may be useful. If the offender has dependants or larger than usual commitments, the weekly payment is likely to be decreased.

<i>Net weekly income</i>	<i>Starting point for weekly payment</i>
£60	£5
£120	£10
£200	£25
£250	£30
£300	£50
£400	£80

45. The payment terms must be included in any collection order made in respect of the amount imposed.

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