

	business ~ (il)legal ~	to ~ an operation to ~ hearing(s) to ~ negotiations
5. attorney, n	attorney of law attorney general	
6. acquittal, n	acquittal in law ~ of crime ~ in fact	to return an acquittal to direct an ~ to result in ~
7. appoint, v		to appoint a hearing to ~ a judge to ~ an ambassador to ~ an inquiry to ~ for life
8. court, n	high (civil, crown, juvenile) court ~ ruling ~ appearance	to go to court to take smb./smth. to ~ to bring smth. to ~ to appear before (in) ~
9. prosecution, n	criminal prosecution a witness for the ~	to initiate prosecution to face ~ to escape ~

Unit 2. LEGAL PROFESSION AND LEGAL DUTIES

Lesson III. TRIAL JURORS

Pre-Reading Tasks. Ex. 1. a) What do you understand under the term the Trial Juror?

b) Arrange the legal actions listed below into a logical chain. What is the place of jury trial in this sequence?

- Acquittal / Sentencing
- Apprehension
- Bringing charges
- Bringing in a verdict
- Imprisonment
- Jury trial
- Police custody
- Questioning

A jury is a body of **laymen** and **women** randomly selected to determine fact and **to provide a decision** in a **legal proceeding**. Such a body traditionally consists of 12 people and is called a **petit jury** or **trial jury**. The exact origin of the jury system is not known. Various sources have attributed it to different European peoples who at an early period developed similar methods of trial. The jury is probably of Frankish origin, beginning with inquisition, which had an accusatory and interrogatory function. Trial by jury was brought to England by the Normans in 1066. The jury system, originated in England in the Middle Ages, replacing the system of **trial by ordeal**. Trial by ordeal could involve various mechanisms. In the ordeal of cold water, an **accused person** was proven innocent if he or she sank when placed in water. The ordeal of hot iron required the accused to carry a hot iron for a brief time. The hand was then bandaged, and if later it appeared clean and healing, this was taken as a sign of innocence.

In 1215, however, the Catholic Church decided that trial by ordeal was superstition, and priests were forbidden to take part. As a result a new method of trial was needed, and the jury system emerged.

At first the jury was made up of local people who could be expected to know the **defendant**. A jury was convened only to «say the truth» on the basis of its knowledge of local affairs. The word verdict reflects this early function; the Latin word from which it is derived, *veredictum*, means «truly said».

In the 14th century the role of the jury finally became that of **judgement of evidence**. By the 15th century trial by jury became the dominant mode of resolving a **legal issue**.

The first step in the selection of the trial jury is the selection of a '**jury panel**'. When you are selected for a jury panel you will be directed to report, along with other panel members, to a **courtroom** in which a case is to be heard once a jury is selected. The **judge assigned to that case** will tell you about the case and will **introduce** the **lawyers** and the **people involved in the case**. You will also **take an oath**, by which you promise to answer all questions truthfully. Following this explanation of the case and the taking of the oath, the judge and the lawyers will question you and the other members of the panel to find out if you have any personal interest in it, or any feelings that might make it hard for you **to be impartial**. This process of questioning is called **Voir Dire**, a phrase meaning «to speak the truth».

During **Voir Dire** the lawyers may ask the judge to excuse you or another member of the panel from **sitting on the jury** for this particular case. This is called **challenging a juror**. There are two types of challenges. The first is called a **challenge for cause**, which means that the lawyer has a specific reason for thinking that the juror would not be able to be impartial. There is no limit on the number of the panel members that the lawyers may have excused for cause.

The second type of challenge is called a **peremptory challenge**, which means that the lawyer does not have **to state a reason** for asking that the juror be excused. Like challenges for cause, peremptory challenges are designed to allow lawyers to do

their best to **assure that their clients will have a fair trial**. Unlike challenges for cause, however, the number of peremptory challenges is limited. If you are excused, you will either return to the **juror waiting area** and wait to be called for another panel or will be excused from service, depending on the local procedures in the county in which you live.

Those jurors who have not been challenged become **the jury for the case**. The judge may also allow selection of one or more alternate jurors, who will serve if one of the jurors is unable to do so because of illness or some other reason.

In mainland Britain anyone between the ages of 18 and 65 who has lived in Britain for five years since the age of 13 can be called for jury service, except people such as judges and priests, and anyone from Northern Ireland.

A British jury is composed of twelve members. One of them is a **foreman** (or **forewoman**). Jurors do not get paid for their services and are obliged to perform this duty. They listen to all the details of a case in a court of law and give their decision on it. The jury represents the people, and it is a jury, not the judge, which decides whether an accused person is guilty or not.

In the U.S. anyone who is able to vote can be called upon to serve on a jury or **grand jury**. There exist a grand jury and a petit jury in the U.S. A grand jury is a group of between 16 and 23 people in most states. There are two kinds of grand juries in the U.S., charging and investigatory.

A **charging jury** is chosen to **consider the facts** about someone who is **charged with a crime**, and to decide whether a trial is necessary. If the grand jury finds **sufficient evidence**, it makes a **formal accusation**, called an indictment, against the person. The suspect is then tried by a petit jury. An **investigatory grand jury** **investigates suspected dishonesty** of public officials and possible crime, especially organized crime.

In a **civil lawsuit**, a petit jury decides who **is at fault** and how much money be paid in damages. At a **criminal trial**, a jury of between 6 and 12 people decide whether a person is guilty or not. The names of possible jurors are selected by the court from such sources as tax rolls, voting lists, and telephone directories. From the selected names, people are then chosen by lot and **summoned for possible service on a jury**.

Word Study . Ex. 2. Consult a dictionary, transcribe the following words and practise their pronunciation:

layman, <i>n</i>	judgement, <i>n</i>	(im)partial, <i>adj.</i>
proceeding, <i>n</i>	panel, <i>n</i>	indictment, <i>n</i>
trial, <i>n</i>	oath, <i>n</i>	investigate, <i>v</i>
ordeal, <i>n</i>	peremptory, <i>adj.</i>	roll, <i>n</i>
emerge, <i>v</i>	challenge, <i>n</i>	directory, <i>n</i>
verdict, <i>n</i>	cause, <i>n</i>	summon, <i>v</i>
lawsuit, <i>n</i>	foreman, <i>n</i>	dishonesty, <i>n</i>

Ex. 3. Find Ukrainian equivalents to words and phrases from the text:

- | | |
|---------------------------|--|
| 1. layman | a) тяжке випробовування; ордаля |
| 2. civil lawsuit | b) судовий процес за участю журі присяжних |
| 3. ordeal | c) скласти клятву |
| 4. summon | d) бути присяжним засідателем |
| 5. legal issue | e) відвід (присяжного засідателя) на конкретній підставі |
| 6. jury trial | f) велике журі |
| 7. take an oath | g) правовий спір |
| 8. impartial | h) відвід присяжного засідателя (без зазначення причини) |
| 9. sit on a jury | i) малий склад суду присяжних |
| 10. challenging for cause | j) обвинувальний акт |
| 11. peremptory challenge | k) нефахівець з права |
| 12. grand jury | l) неупереджений |
| 13. petit jury | m) цивільний судовий процес |
| 14. indictment | n) викликати повісткою до суду |

1__ 3__ 5__ 7__ 9__ 11__ 13__
2__ 4__ 6__ 8__ 10__ 12__ 14__

Ex. 4. Explain the meaning of, or paraphrase the following:

1. a jury – a body of laymen;
2. to provide a decision;
3. trial by ordeal;
4. the jury system emerged;
5. the selection of a 'jury panel';
6. the judge assigned to that case;
7. people involved in the case;
8. sitting on the jury;
9. a peremptory challenge;
10. Voir Dire;
11. juror waiting area;
12. to be excused from service;
13. a grand jury and a petit jury.
14. to be at fault.

Ex. 5. Find in the text the equivalents of the following:

1. Судовий розгляд; 2. визначати факт; 3. ухвалювати рішення; 4. мале журі;
5. обвинувачена особа; 6. забобони; 7. скликати суд присяжних; 8. формування

списку кандидатів у члени журі; 9. процедура опитування потенційного члена журі; 10. справедливий розгляд справи; 11. звільняти присяжного від обов'язків; 12. старійшина; 13. достатні докази; 14. відшкодування збитків; 15. податкова відомість; 16. список виборців.

Ex. 6. Find in the text the words that mean the following:

- someone who is not trained in a particular subject or type of work, especially when they are being compared with someone who is
- actions taken in a law court or in a legal case;
- a former method of trial used to determine guilt or innocence by subjecting the accused person to serious physical danger, the result being regarded as a divine judgement;
- a group of people who are chosen to listen to a case in a court of law and to decide the result;
- a formal and very serious promise to tell the truth in a court of law;
- a statement made before the start of a court case that a juror is not acceptable;
- the leader of a jury, who announces their decision in court;
- someone who is thought to be guilty of a crime;
- a book or list of names, facts etc., usually arranged in alphabetical order.

Ex. 7. The Ukrainian expression 'судоуї процес' has the following equivalents in English. Study the meaning of the following word combinations. Translate them into Ukrainian.

A

1) litigation	4) trial	5) cause
civil litigation	open (court) trial	legal cause
local litigation	to conduct / hold a trial	major / minor cause
litigation expenses	staged trial	costs in the cause
2) lawsuit	trial by jury	cause list
party to a lawsuit	to bring to trial /	side in a cause
to file a lawsuit	to put (up) on trial /	6) controversy
3) suit	to place on trial	legal controversy
to win / lose a suit	to face trial	to decide a controversy
to mount a suit	to stand trial	party in controversy
to press a suit	civil trial	7) process
to bring a suit	criminal trial	arrest process
	preliminary trial	to process a case
	case for trial / trial case	to process a charge
	case on trial	8) proceeding(s)
	delay in trial	to take / begin / open criminal
	trial docket / trial list	proceeding(s)

investigation at the trial civil proceeding(s)
party to trial forfeiture proceeding(s)

B Find in the list above the English equivalents for the following Ukrainian expressions:

- 1) судові витрати;
- 2) сторона в судовому процесі;
- 3) тяжба;
- 4) виграти / програти судовий процес;
- 5) розпочати судовий процес;
- 6) вчиняти (подавати позов);
- 7) порушити кримінальну справу;
- 8) постати перед судом;
- 9) віддати під суд;
- 10) сторона у спорі;
- 11) взяття під варту (арешт).

Word Families Study. Ex. 8. a) Form derivatives from the following verbs from the text:

To originate, to investigate, to introduce, to state, to serve.

b) Make up 8–10 sentences with the derived words. Demonstrate your knowledge of Future Tenses in the Active and Passive Voice.

Ex. 9. Give nouns to the following verbs (3–4) and translate the phrases into Ukrainian.

Example: to hear – to hear a case, witness, an appeal, ...

To involve, to convene, to introduce, to take.

Ex. 10. Give postlogues (5–6) to the following verbs. Single out law terms among them:

To make, to bring, to break, to look.

Grammar Study. Ex. 11. Put articles: a/an or the in each space, or leave the space blank:

1. I decided to buy burglar alarm after someone had broken into my house.
2. At end of trial she was found guilty and sentenced to six months in prison.
3. After climbing over prison wall, Peter managed to get away by stealing car parked nearby.
4. The police spent all morning searching the house for evidence.
5. Jean left her car in no-parking area and had to pay fine.

6.trial took long time as jury couldn't reach verdict.
7. George won his case because he had very good defence lawyer.
8. police visited Nick and asked him to make statement.
9. murderer of.... children received life sentence.
10. Because of his past criminal record, Brian was main suspect.

Ex. 12. Fill in the blanks with the suitable words. Revise the Grammar: The Future Tenses.

1. If you him, he won't commit his crime.
a) will warn b) warn c) would warn
2. When someone the judge may give that person a prison sentence.
a) will be guilty b) is guilty c) be guilty
3. If he a jury of 12 persons must be formed and summoned to attend court.
a) will be guilty b) is guilty c) were
4. After the Voir Dire, the jurors, selected to try the case, will be sworn in.
a) will be completed b) is completed c) would be completed
5. If the jury the verdict of guilty, sentence is pronounced by the judge.
a) has returned b) will return c) return
6. The police must caution a suspect before any questions for the purpose of obtaining evidence.
a) will be put b) are put c) are putting
7. Before a jury trial, the clerk of the court makes a random selection from citizens called up for service.
a) will start b) starts c) is started
8. The defence has the right to the last speech at a jury trial before the judge
a) summed up b) will sum up c) sums up

Ex. 13. Translate the sentences into English. Revise the Grammar: The Future Tenses.

1. Я думаю, якщо адвокат не буде зайнятий, він візьметься за вашу справу.
2. Якщо адвокат надасть достатньо доказів, то підсудного не засудять до суворого тюремного ув'язнення.
3. Я не знаю, чи я прийду на судовий процес наступного тижня.
4. Вам слід почекати, поки прийде поліція.
5. Адвокат не впевнений, чи підзахисний буде виправданий в суді.
6. Злочинця знайдуть і віддадуть під суд до кінця місяця.
7. Судове рішення вже буде винесене, коли ви прийдете.
8. Коли Микола закінчить університет, його брат працюватиме суддею вже два роки.

Comment Study. Ex. 14. a) Read the following text and write down Ukrainian equivalents to the words and expressions in bold type.

As a juror, you may **sit on a criminal case**, a civil case, or both.

Civil cases are usually disputes between or among private citizens, corporations, governments, **government agencies**, and other organizations. Most often, the party bringing the suit is asking for money damages for some wrong that has been done.

The party bringing the suit is called the plaintiff; the party being sued is called the defendant. The plaintiff starts the lawsuit **by filing a paper** called a complaint, in which the case against the defendant is stated. The next paper **filed** is usually the **answer**, in which the **defendant disputes** what the plaintiff has said in the **complaint**. The defendant may also feel that **there has been a wrong committed by the plaintiff**, in which case a counterclaim will be filed along with the answer. It is up to the plaintiff **to prove the case against the defendant**.

In each civil case the judge tells the jury the **extent to which the plaintiff must prove the case**. This is called the **plaintiff's burden of proof**, a burden that the plaintiff must meet in order to win. In most civil cases the plaintiff's burden is to prove the case by a **preponderance of evidence**, that is, that the plaintiff's version of what happened in the case is more probably true than not true.

Jury verdicts do not need **to be unanimous** in civil cases. Only ten jurors need to agree upon a verdict if there are 12 jurors: five must agree if there are six jurors.

A **criminal case** is brought by the state or by a city or county against a person or persons accused of having committed a crime. The state, city or county is called the plaintiff; the accused person is called the defendant. **The charge against the defendant** is called an information or a complaint. The defendant has pleaded not guilty and you should **presume the defendant's innocence** throughout the entire trial unless the plaintiff **proves the defendant guilty**. The plaintiff's burden of proof is greater in a criminal case than in a civil case. In each criminal case you hear the judge will tell you **all the elements of the crime** that the plaintiff must prove; the plaintiff must prove each of these elements **beyond reasonable doubt** before the defendant can be found guilty.

In criminal cases the verdict must be unanimous, that is all jurors must agree that the defendant is guilty in order to overcome the presumption of innocence.

b) Answer the following questions:

1. What is a *civil case*?
1. Who is a *plaintiff*?
3. Who is a *defendant*?
4. What is a *complaint*?
5. What is an *answer*?
6. What is a *counterclaim*?

7. What is a *burden of proof*?
8. What is a *criminal case*?
9. What is *preponderance of evidence*?
10. How many jurors are necessary to agree upon the verdict in a criminal case?
11. Who is the plaintiff in a criminal case?
12. What is meant by the *presumption of innocence*?

Post-Reading Tasks. *Ex. 15. Make up an outline of the text. Retell the text: a) according to the outline; b) without details.*

Ex. 16. Answer the questions on the text.

1. What is a jury?
2. How were cases resolved before jury system emerged?
3. What was the function of the first juries?
4. What is the aim of Voir Dire?
5. What does the procedure of Voir Dire consist of?
6. What is challenging a juror?
7. What are the types of challenge?
8. What is the number of jurors sitting on a case?
9. Who are alternate jurors?

Ex. 17. Read the text and mark the statements T/F (true/false). Correct if necessary.

1. The exact origin of the jury system is known.
2. The first in the selection of the trial jury is the selection of a 'jury panel'.
3. There is only one type of challenge.
4. There is a limit on the number of the panel members that the lawyers may have excused for cause.
5. A peremptory challenge means that the lawyer has to state a reason for asking that the juror be excused.
6. A number of peremptory challenges are not limited.
7. The judge may allow selection of one or more alternate jurors, who will serve if one of the jurors is unable to do so because of illness or some other reason.
8. Jurors get paid for their service.
9. It is the judge who decides whether an accused person is guilty or not.
10. If the grand jury finds sufficient evidence, it makes a formal accusation, called an indictment, against the person.

Ex. 18. Complete each sentence below:

1. A jury is a body of....
2. In the ordeal of cold water, an accused person was proven
3. The first step in the selection of the trial jury

4. When you are selected for a jury panel you
5. The second type of challenge is called
6. If you are excused, you will either return to the juror waiting area
7. Those jurors who have not been challenged
8. A charging jury is chosen to consider
9. An investigating grand jury investigates

Ex. 19. Discussion. Do Juries Deliver Justice?

- a) Express your opinion on the question above.
- b) Prepare your arguments for and against.
- c) Is it necessary to introduce a jury institute in Ukraine?

Obligatory Law Vocabulary List (OLVL)

Law terms	Law term combinations	Law expressions
1. ordeal, n	terrible / dreadful ordeal	to go through ordeal to face the ~ to recover from the ~
2. verdict, n	guilty verdict not guilty ~ unanimous ~ majority ~	to reach a verdict to return ~ to give smb. ~ on smth.
3. jury, n	trial jury grand ~ petit ~ charging ~ investigatory ~	to sit/serve on a jury
4. case, n	court case case for the defence ~ for the defendant ~ for the prosecution	to hear a case to present/put one's case to be on the ~ to win a ~ to lose a ~
5. oath, n	oath of loyalty/allegiance to somebody ~ of office ~ of royal duties	to swear an oath to break an ~ to swear in an ~
6. excuse, n., v	poor excuse (in) valid ~	to make an excuse to give an ~ to look for an ~ to excuse from duty to ~ for doing smth.
7. defendant, n	civil defendant defendant in custody defendant's record defendant's story defendant's witness	

8. accusation, n	serious accusation false ~	to make an accusation against smb. to deny ~
9. roll, n	electoral roll tax ~ welfare ~ honor ~ membership ~	to call/take the roll to strike smb. off the ~ to remove smb. from the ~
10. (im)partial, adj.	impartial advice ~ juror ~ inquiry	to be impartial to remain ~
11. panel, n	judging selection panel a member of a ~ a ~ of experts ~ of judges	to select a panel to chair a ~

**Module Checkup
Unit 2**

LEGAL PROFESSION AND LEGAL DUTIES

I. Speaking skills checkup (max. – 20 points).

II. Grammar testing on the grammar phenomena indicated in Unit 2 (max. – 20 points).

III. Writing skills checkup (max. – 10 points).

I. Speaking skills checkup (max. – 20 points).

A. Answer the following questions (max. – 10 points).

1. Are you good at defining the following legal notions:

lay clients, solicitor, barrister, trial jury, foreman, challenge for cause, peremptory challenge, lawsuit, in-house counsel.

2. Which courses do law students in the UK have to take?

3. Which optional courses might a student who wants to work in a big law firm take?

4. Which course deals with research and writing skills needed in professional life?

5. What person can be described as a lawyer?

6. What do solicitors specialize in?

7. What do barristers specialize in?

8. Who can be a juror?

9. What does the procedure of Voir Dire mean?

10. What is the difference between a 'verdict' and a 'judgement'?

B. Discuss the following points with your groupmates: (max. – 5 points for 5 correct answers).

1. Which optional courses are you taking during your studies?
2. What type of law firm would you like to work in?
3. How does someone become a lawyer in UK?
4. How does someone become a lawyer in U.S.?
5. Name the steps in the selection of the trial jury.

C. Express your own opinion:

Are you for or against the jury system? Give your grounds. Use parentheses in your speech. (max. – 5 points).

II. Grammar testing on: a) the Future Tense forms; b) the Possessive Case of the Noun; c) the Articles. (Max. – 20 points).

A. Find the most suitable word or phrase in each sentence:

1. He wasn't convinced by the *witness's* / *witnes's* description of the quarrel.
2. She has just inherited her *grandmother's brother's* / *grandmother's brother* house.
3. The bank robber refused to accept the *legal system's* / *legal system* jurisdiction over him.
4. My *brother's-in-law's* / *brother-in-law's* parents have decided to emigrate.
5. It's *nobody* / *nobody's* fault.

B. Translate the following sentences into English (max. – 10 points):

1. Суддя нагадає присяжним про їхній обов'язок, і вони підуть до нарадчої кімнати.
2. Вони будуть працювати над доповіддю із цивільного права вже 2 години, коли прийде батько.
3. Інспектор буде допитувати звинуваченого вже понад годину, коли до кімнати зайде головний слідчий.
4. Вони будуть шукати відбитки пальців увесь день завтра.
5. Обвинувачений визнає себе винним і отримає умовне покарання.
6. Присяжні винесуть вердикт до 5 години завтра.
7. Після того, як найманий вбивця зізнається у вбивстві відомого політика, його засудять до десяти років позбавлення волі.
8. Коли вона закінчить університет, її брат працюватиме суддею вже 2 роки.
9. До кінця тижня вони видадуть три закони про право власності на землю.
10. Судове рішення вже винесуть, коли ти прийдеш.

C. Translate the following text into Ukrainian. Explain the usage of the articles. (max. – 5 points).

In jury trials **the** judge decides questions of law, sums up **the** evidence for **the** jury and instructs it on **the** relevant law, and discharges **the** accused or passes sentence. Only **the** jury decides whether **the** defendant is guilty or not guilty. In England and Wales, if **the** jury cannot reach a unanimous verdict, **the** judge may direct it to bring in a majority verdict provided that, in **the** normal jury of 12 people, there are not more than two dissentients. In Scotland, where **the** jury consists of 15 people, **the** verdict may be reached by a simple majority, but as a general rule, no person may be convicted without corroborated evidence. If **the** jury returns a verdict of «not guilty» (or in Scotland «not proven», which is **an** alternative verdict of acquittal), the prosecution has no right of appeal and **the** defendant cannot be tried again for the same offence. In the event of a «guilty» verdict, **the** defendant has a right of appeal to **the** appropriate court.

A jury is completely independent of **the** judiciary. Any attempt to interfere with a jury once it is sworn in is punishable under **the** Contempt of Court Act 1981.

Although **the** right of **the** defence to challenge up to three potential members of a jury without giving any reason is to be abolished in England and Wales, it will remain open to both parties to challenge potential jurors by giving reasons where they believe that **an** individual juror is likely to be biased.

People between **the** ages of 18 and 65 whose names appear on **the** electoral register, with certain exceptions, are liable for jury service and their names are chosen at random. (Proposals to increase the upper age limit from 65 to 70 in England and Wales are contained in **the** Criminal Justice Act 1988). Ineligible persons include **the** judiciary, priests, people who have within **the** previous ten years been members of **the** legal profession, **the** Lord Chancellor's Department, or **the** police, prison and probation services, and certain sufferers from mental illness. Persons disqualified from jury service include those who have, within **the** previous ten years, served any part of a sentence of imprisonment, youth custody or detention, or been subject to a community service order, or, within **the** previous five years, been placed on probation. Anyone who has been sentenced to five or more years' imprisonment is disqualified for life.

III. Writing skills checkup (max. – 10 points).

Choose one of the proverbs. Translate it into Ukrainian or find the similar Ukrainian proverb. Write 200 words or more, making use of the Obligatory Law Vocabulary Lists of Unit 2.

1. One law for the rich and another for the poor.
2. Ignorance of the law is no excuse for breaking it.
3. Law-makers should not be law-breakers.

Unit 3. BRITISH AND AMERICAN COURT SYSTEMS

Lesson I. HISTORY OF COURTS

Pre-Reading Tasks. *Ex. 1. Answer and discuss the following questions:*

1. What types of courts do you know?
2. What were the first courts in the world? If you know, name them and give a short history about them.
3. What about the first Ukrainian courts? When and how did they appear?

Ex. 2. While reading the text, single out the information that is new for you or is of primary importance.

Tribal councils or groups of elders served as the **first courts**. They **settled disputes** on the basis of **local customs**. Later civilizations developed written **legal codes**. The need to **interpret** these codes and to **apply** them to specific situations resulted in the development of **formal courts**.

The ancient Romans developed the first **complete legal code** as well as an **advanced court system**. After the collapse of the West Roman Empire in the A.D. 400s, the Roman **judicial system** gradually died out in Western Europe. It was replaced by **feudal courts**, which were conducted by local lords. These courts had limited jurisdiction and decided cases on the basis of local customs.

During the early 1100s, universities in Italy began to train lawyers according to the principles of ancient **Roman law**. Roman law, which relied strictly on **written codes**, gradually replaced much of the feudal court system throughout mainland Europe. In the early 1800s, the French ruler Napoleon I used Roman law as the foundation of the code Napoleon. This code, a type of **civil law**, became the basis of the court system in most European and Latin-American countries.

By the 1200s, England had established a nationwide system of courts. These courts developed a **body of law** that was called common law because it applied uniformly to people everywhere in the country. **Common-law courts** followed traditional **legal principles** and based their decisions chiefly on **precedents**. English common-law became the basis of the court system for most countries colonized by England, including the United States and Canada.

For nearly 300 years, from the time of the Norman Conquest until 1362, French was the language of the courts, rather than English. Until the twentieth century, many legal terms were still expressed in Latin. The Supreme Court of the **judicature** was formed in 1873 from the merging of various courts then existing, such as:

- the Court of **Queen's Bench**;

- the High Court of **Chancery**;
- the Court of **Exchequer**;
- the High Court of **Admiralty**;
- the Court of **Common Pleas**;
- the Court of **Probate** and **Matrimonial Causes**.

Other historical courts include:

- the House of Lords;
- the Court of **Star Chamber**;
- the Court of **Piepowders** (marketplace courts);
- the **Stannary** Court (Cornish mining court);
- the **Assize** Court.

The **Judiciary Act** of 1789 **implemented** the entire federal **judicial branch**, including the **Supreme Court** of the USA. It was also the first act by the Congress to be partially invalidated by the Supreme Court.

The Supreme Court of the United States is the only court specifically established by the Constitution of the United States, implemented in 1789; under the Judiciary Act of 1789, the Court was to be composed of six members—though the number of **justices** has been nine for almost all of its history, this number is set by the Congress, not the Constitution. The court convened for the first time on February 2, 1790.

In both Britain and the USA, when a person is **accused of** a crime it must be shown that he is **guilty** «beyond a reasonable doubt». A person is always **innocent** in the eyes of the law until he has been **proved** guilty. If a person is **found guilty** by a court he can sometimes ask for permission **to appeal** to a higher court in the hope that it will change this **decision**.

Word Study. Ex. 3. Consult a dictionary, transcribe the following words and practise their pronunciation:

tribal, <i>adj.</i>	advanced, <i>adv.</i>	exchequer, <i>n</i>
council, <i>n</i>	collapse, <i>n</i>	admiralty, <i>n</i>
civilization, <i>n</i>	jurisdiction, <i>n</i>	plea, <i>n</i>
interpret, <i>v</i>	throughout, <i>adv.</i>	probate, <i>adj.</i>
apply, <i>v</i>	uniformly, <i>adv.</i>	matrimonial, <i>adj.</i>
specific, <i>adj.</i>	colonize, <i>v</i>	chamber, <i>n</i>
ancient, <i>adj.</i>	conquest, <i>n</i>	stannary, <i>n</i>
doubt, <i>n</i>	chancery, <i>n</i>	assize, <i>n</i>

Ex. 4. Find Ukrainian equivalents to words and phrases from the text:

- 1) in the eyes of the law а) змінювати рішення

- | | |
|----------------------------|--|
| 2) implement the act | b) вирішувати спір |
| 3) Assize Court | с) з правової точки зору |
| 4) change a decision | d) суд у справах спадку та заповітів |
| 5) Stannary Court | e) рада племені |
| 6) written legal code | f) забезпечувати виконання акту (закону) |
| 7) Court of Star Chamber | g) місцеві традиції |
| 8) settle dispute | h) виїзний суд |
| 9) Court of Probate cases | i) Суд Зіркової Палати |
| 10) local customs | j) писаний правовий кодекс |
| 11) Court of Common Pleas | k) Суд королівської лави |
| 12) tribal council | l) сукупність правових норм |
| 13) Court of Exchequer | m) Суд казначейства (мін-ва фінансів) |
| 14) a body of law | n) Суд загальних позовів |
| 15) Court of Queen's Bench | o) шахтарський місцевий суд |

- | | | | | |
|--------|--------|--------|---------|---------|
| 1) ___ | 4) ___ | 7) ___ | 10) ___ | 13) ___ |
| 2) ___ | 5) ___ | 8) ___ | 11) ___ | 14) ___ |
| 3) ___ | 6) ___ | 9) ___ | 12) ___ | 15) ___ |

Ex. 5. Explain the meaning of, or paraphrase the following:

1. on the basis of local customs;
2. to interpret these codes;
3. the development of formal courts;
4. the first complete legal code;
5. an advanced court system;
6. were conducted by local lords;
7. to train lawyers;
8. according to the principles of ancient Roman law;
9. common law courts;
10. followed traditional legal principles;
11. the entire federal judicial branch;
12. to be partially invalidated;

13. «beyond a reasonable doubt»;
14. until a person has been proved guilty.

Ex. 6. Insert one of the following words into the text:

a) evidence; b) accused; c) jury; d) sentence; e) court; f) criminal; g) verdict; h) decision; i) Crown; j) arrested; k) Magistrates'; l) building; m) criminals; n) familiar.

When someone is (1) ... by the police, a magistrate decides where there is enough (2) ... against the person to go to (3) If there is enough evidence and the case is a serious one, the person (4) ... of the crime (called «the accused») is sent to a higher court. In most cases this will be a (5) ... court, where a professional lawyer acts as a judge and the (6) ... regarding guilt or innocence is taken by a (7) If the (8) ... of the jury is that the accused is guilty, the judge decides the (9) A Crown court is a part of the Supreme Court of England and Wales which hears serious (10) ... cases and appeals from a (11) ... Court. The Central Criminal Court in London is also known as the Old Bailey. It is to be found in the street with the same name. Many famous (12) ... , including murderers and traitors, have been tried at the Old Bailey, and most British people are (13) ... with the name and with the figure of Justice on top of the (14)

Ex. 7. Find in the text the equivalents of the following:

1. Місцеві звичаї; 2. перші суди; 3. правові кодекси; 4. тлумачити та застосовувати закони; 5. стародавні (перші) римляни; 6. занепад імперії; 7. обмежені повноваження (юрисдикція); 8. згідно з принципами римського права; 9. встановити загальнонаціональну систему судів; 10. різні види судів; 11. подавати апеляцію у вищий суд; 12. змінювати рішення; 13. забезпечувати виконання акту; 14. Суд у справах казни; 15. Високий суд справедливості.

Word Families Study. Ex. 8. a) Form derivatives from the following verbs from the text. Translate them into Ukrainian.

To interpret, to apply, to develop, to express, to implement.

b) Make up 8–10 sentences with the derived words. Demonstrate your knowledge of Tense-forms in the Active and Passive Voices.

Ex. 9. Add suitable nouns(3–4) to the following adjectives. Translate them.

- | | |
|---------------------|------------------|
| 1) Historical | 4) Written |
| 2) Legal | 5) Local |

3) Traditional ...

6) Ancient ...

Grammar Study. Ex. 10. Use the correct grammar form. Revise the Grammar: The Sequence of Tenses.

1. The lawyer said that his case ... for trial at the Crown Court the previous month.
a) will be sent b) had been sent c) is sent d) was sent
2. The judge told the jury that the details of the case ... in a court of law the next week.
a) are heard b) will be heard c) would be heard d) would have been heard
3. The police officer says that the police ... all they can to bring criminals to justice.
a) do b) did c) has done d) shall do
4. The President said that the recent law ... in 2003.
a) was implemented b) would be implemented c) had implemented d) had been implemented
5. She read in the newspaper that the ancient Romans ... the first complete legal code.
a) developed b) develop c) have developed d) would develop
6. Every student knows that the Supreme Court of the United States ... the only court specifically established by the Constitution of the United States.
a) will be b) is c) have been d) are
7. The lecturer told the law students that England ... a nationwide system of courts by the 1200s.
a) established b) had been established c) was established d) had established
8. The professor ... to the students that in the early 1800s, the French ruler Napoleon I used Roman law as the foundation of the code Napoleon.
a) told b) asked c) said d) advised

Ex. 11. Put the following sentences into indirect speech.

1. «When were the first courts founded?» the teacher asked his students.
2. «Does a criminal case usually begin in a Magistrate Court?» asked the student.

3. «As the lowest criminal court, a Magistrate Court is empowered to hear certain cases only», the student reads in the book.
4. Julie said to her groupmates, «When the Headmaster entered the classroom, two students were writing the composition and Jack was answering the teacher's question about the history of courts».
5. «Do you know what Court of Exchequer means?» Peter asked his friend.
6. The lecturer affirmed, «The Supreme Court of the judicature was formed in 1873 from the merging of various courts then existing».
7. «What did you miss most when you were in prison?» Mary asked the ex-convict.
8. Every law student confirms, «When a person is accused of a crime it must be proven that he is guilty «beyond a reasonable doubt»».

Ex. 12. Translate the sentences into English. Revise the Grammar: The Sequence of Tenses.

1. «Ради племені функціонували як перші суди», – стверджувалося у статті про стародавні суди.
2. Джейн була здивована, прочитавши, що перші суди врегульовували спори на основі місцевих звичаїв.
3. «Після занепаду Римської імперії, феодальні суди замінили і її судову систему», – продовжував свою лекцію професор.
4. Студент сумнівався, чи насправді виїзний суд існує в Англії.
5. Випускнику було соромно, що він не знав, який найвищий суд Англії та Уельсу.
6. Першокурсник надіявся, що протягом наступного року він буде магі більше занять з англійської мови.
7. Викладач з історії права зазначив, що упродовж 300 років французька мова була мовою судочинства частіше, ніж англійська.
8. Нам було цікаво знати, скільки членів суду присяжних вже пройшли опитування (voir dire examination).

Comment Study. Ex. 13. a) Study the texts below, making sure you fully comprehend it. Consult English-Ukrainian dictionaries if necessary; give your opinion and say what other people think of this issue. Put your comments in writing:

A. Northern Irish legal system

The law of Northern Ireland is a common law system. It is administered by the courts of Northern Ireland, with ultimate appeal to the Supreme Court of the United Kingdom in both civil and criminal matters. The law of Northern Ireland is closely similar to English law, the rules of common law having been imported into the Kingdom of Ireland under English rule. However there are still important differences.

The sources of the law of Northern Ireland are English common law, and statute law. Of the latter, statutes of the Parliaments of Ireland, of the United Kingdom and of Northern Ireland are in force, and latterly statutes of the devolved Assembly.

B. Scots law

Scots law is a unique legal system with an ancient basis in Roman law. Grounded in uncodified civil law dating back to the *Corpus Juris Civilis*, it also features elements of common law with medieval sources. Thus Scotland has a pluralistic, or 'mixed', legal system, comparable to that of South Africa, and, to a lesser degree, the partly codified pluralistic systems of Louisiana and Quebec. Since the Acts of Union, in 1707, it has shared a legislature with the rest of the United Kingdom. Scotland and England & Wales each retained fundamentally different legal systems, but the Union brought English influence on Scots law and vice versa. In recent years Scots law has also been affected by both European law under the Treaty of Rome and the establishment of the Scottish Parliament which may pass legislation within its areas of legislative competence as detailed by the Scotland Act 1998.

b) Write a ten-sentence summary of texts A and B.

Ex. 14. Find the proper equivalents for the following words and expressions in the above text:

1. Некодифіковане цивільне право;
2. середньовічні джерела інформації;
3. залишати різні правові системи;
4. мати вплив на ...;
5. навпаки;
6. останнім часом;
7. шотландський парламент;
8. в порівнянні;
9. як цивільні, так і кримінальні справи;
10. єдина правова система;
11. частково кодифікована система;
12. римське право.

Post-Reading Tasks. Ex. 15. Make up an outline of the text «History of courts» in the form of questions. Ask your partners to answer them.

Ex. 16. Divide the text into the parts and name them.

Ex. 17. Here is a list of key words, use them to produce a dialogue based on the text.

- first courts;
- to settle disputes;
- written legal codes;
- to interpret codes and to apply them;
- the first complete legal code;
- judicial system;
- limited jurisdiction;
- to train lawyers;
- system of courts;
- Common-law courts;

- legal principles;
- to base the decisions chiefly on precedents.

Ex. 18. Are you good at translating proverbs from English into Ukrainian? Prove it. Make explanatory notes of each proverb in writing.

- A lean agreement is better than a fat judgement.
- Go to law for a sheep and lose your cow.
- Ignorance of the law is no excuse for breaking it.

Obligatory Law Vocabulary List (OLVL):

Law terms	Law term combinations	Law expressions
1. council, <i>n</i>	tribal council municipal ~ Privy ~ town(city) ~ Supreme Security ~ council board	to elect a council
2. court, <i>n</i>	the first courts feudal ~ superior ~ inferior ~ historical ~s the Supreme ~ a nationwide system of ~s ~ of Common Pleas ~ of justice court procedure ~ ruling	to clear the court to go into ~ to open the ~ to face the ~ to bring before the ~
3. code, <i>n</i>	civil code criminal ~ labour ~ the code of Napoleon ~ of honour ~ of practice	to interpret a code to apply a ~ to compile a ~
4. local, <i>adj.</i>	local lords ~ customs ~ authority ~ elections ~ government	to hold local elections
5. train, <i>v</i>		to train lawyers
6. apply, <i>v</i>		to apply a law to ~ uniformly to ~ physical violence
7. legal, <i>adj.</i>	legal principle(s) ~ terms	

	~ age ~aid ~ costs ~ document ~ duty ~ evidence ~ process	
8. convene, v		to convene a meeting, a conference
9. decision, n	binding decision court ~ favourable ~ final ~	to change the decision to reach a ~ to appeal against the judge's ~
10. accuse, v		to accuse wrongly to be accused of a crime to ~ of neglect

Unit 3. BRITISH AND AMERICAN COURT SYSTEMS

Lesson II. THE SYSTEM OF COURTS IN ENGLAND AND WALES

Pre-Reading Tasks. Ex. 1. Discuss the following questions:

1. What types of courts in England and Wales do you know? What about the courts in Scotland and the Northern Ireland?
2. Can you briefly speak about the first courts of England and Wales?
3. What are the new changes in the system of courts in the UK?
4. Do we have any changes in Ukrainian court system?

Ex. 2. While reading the text, single out the information that is new for you or is of primary importance.

The United Kingdom does not have a single **unified legal system** – England and Wales have one system, Scotland another, and Northern Ireland a third. There are exceptions to this rule; for example in immigration law, the **Asylum and Immigration Tribunal's jurisdiction** covers the whole of the United Kingdom, while in **employment law** there is a single system of Employment Tribunals for England, Wales, and Scotland (but not Northern Ireland).

The Court of Appeal, the High Court, the Crown Court, the Magistrates' Courts, and the County Courts are administered by **Her Majesty's Courts Service**, an executive agency of the **Ministry of Justice**.

The Crown has had responsibility for the running of the courts for over 900 years. Over the years the agency that is now Her Majesty's Courts Service has had a

number of different titles, **the Lord Chancellor's Department (LCD)** and the Court Service being just two of them.

Key dates:

Magistrates' courts formed part of the Home Office, administered locally via 42 Magistrates' Courts' Committees.

1972 – The Courts Act replaces Assizes with Crown Courts;

1977 – the Lord Chancellor's Department (LCD) becomes a major Government Department;

1995 – The Court Service launched as an executive agency of LCD. Its purpose was to handle the operational business of the Crown, county and Supreme courts.

2001 – The Auld Review recommended the development of a single agency for the **administration of justice**, bringing together the Magistrates' Courts Service and Court Service into one administrative organisation.

2003, June – The Lord Chancellor's Department renamed the Department for Constitutional Affairs (DCA), headed by a Secretary of State retaining the office of Lord Chancellor.

2003, November – the Courts Act 2003 sets out the framework for the new agency – Her Majesty's Courts Service.

2005, 1 April – Her Majesty's Courts Service **launched**, linking the administration of magistrates', Crown, county and Supreme Courts together for the first time.

The Supreme Court of the United Kingdom is the highest **appellate court** in almost all cases in England and Wales. Prior to the Constitutional Reform Act 2005 this role was held by the House of Lords. **The Supreme Court** is also the highest court of appeal for devolution matters, a role previously held by the Privy Council.

The Privy Council is the highest court of appeal for a small number of Commonwealth countries, colonies and the Channel Islands and the Isle of Man. There are a number of smaller statutory jurisdictions, such as appeals from ecclesiastical and professional bodies. The judges who sit on **the Judicial Committee** of the Privy Council are also the members of the Supreme Court.

The Senior Courts of England and Wales were originally created by the Judicature Acts as the «Supreme Court of the Judicature». It was renamed the «Supreme Court of England and Wales» in 1981, and again to the «Senior Courts of England and Wales» by the Constitutional Reform Act 2005. It consists of the following courts:

- Court of Appeal
- High Court of Justice
- Crown Court.

The Court of Appeal deals only with appeals from other courts or tribunals. The Court of Appeal consists of two divisions: **the Civil Division** hears appeals from the High Court and County Court and certain superior tribunals, while **the Criminal**

Division may only hear appeals from the Crown Court connected with a trial on **indictment** (i.e., for a **serious offence**). Its decisions are binding on all courts apart from the Supreme Court.

The High Court of Justice functions both as a civil court of first instance and a criminal appellate court for cases from **the subordinate courts**. It consists of three divisions: the Queen's Bench, the Chancery and the Family divisions. The divisions of the High Court are not separate courts, but have somewhat separate procedures and practices **adapted to** their purposes. Although particular kinds of cases will be assigned to each division depending on their subject matter, each division may exercise the jurisdiction of the High Court. However, beginning proceedings in the wrong division may **result in** a costs **penalty**.

The Crown Court is a criminal court of both **original** and **appellate jurisdiction** which in addition handles a limited amount of civil business both at first instance and on appeal. It was established by the Courts Act of 1971. It replaced the Assizes whereby High Court judges would periodically travel around the country hearing cases, and Quarter Sessions which were periodic county courts. The Old Bailey is the unofficial name of London's most famous Criminal Court, which is now part of the Crown Court. Its official name is the «Central Criminal Court». The Crown Court also hears appeals from Magistrates' Courts.

The Crown Court is the only court in England and Wales that has the jurisdiction **to try cases** on indictment and when exercising such a role it is a superior court since its judgments cannot **be reviewed** by **the Administrative Court** of the Queen's Bench Division of the High Court.

Word Study. Ex. 3. Consult a dictionary, transcribe the following words and practise their pronunciation:

administrative, <i>adj.</i>	committee, <i>n</i>	via, <i>prep.</i>
penalty, <i>n</i>	privy, <i>adj.</i>	majesty, <i>n</i>
assign, <i>v</i>	launch, <i>v</i>	employment, <i>n</i>
procedure, <i>n</i>	appellate, <i>adj.</i>	cover, <i>v</i>
subordinate, <i>adj.</i>	retain, <i>v</i>	asylum, <i>n</i>
indictment, <i>n</i>	tribunal, <i>n</i>	immigration, <i>n</i>
division, <i>n</i>	major, <i>adj.</i>	periodically, <i>adv.</i>

Ex. 4. Find Ukrainian equivalents to words and phrases from the text:

- | | |
|------------------------------|----------------------------------|
| 1) unified legal system | a) суди графства |
| 2) employment law | b) міністерство юстиції |
| 3) administration of justice | c) міністерство внутрішніх справ |

- | | |
|--|---|
| 4) the County Courts | d) трудове право |
| 5) the Immigration Tribunal's jurisdiction | e) таємна рада |
| 6) the subordinate courts | f) судова служба її Величності |
| 7) The High Court of Justice | g) урядове відомство |
| 8) the Civil Division | h) справи, що стосуються передачі права, або правового титулу |
| 9) Government Department | i) Високий суд правосуддя |
| 10) the Criminal Division | j) відправлення правосуддя |
| 11) the Home Office | к) палата у кримінальних справах |
| 12) devolution matters | л) палата у цивільних справах |
| 13) Her Majesty's Courts Service | м) компетенція суду у справах імміграції |
| 14) the Privy Council | н) другорядні (нижчі) суди |
| 15) the Ministry of Justice | о) єдина правова система |
- 1) ___ 4) ___ 7) ___ 10) ___ 13) ___
2) ___ 5) ___ 8) ___ 11) ___ 14) ___
3) ___ 6) ___ 9) ___ 12) ___ 15) ___

Ex. 5. Explain the meaning of, or paraphrase the following:

1. its judgments cannot be reviewed;
2. administration of justice;
3. to result in a costs penalty;
4. to try cases on indictment;
5. to have a number of different titles;
6. both at first instance and on appeal;
7. to have responsibility for the running of the courts;
8. original and appellate jurisdiction;
9. to be binding on all courts;
10. not to have a single unified legal system.

Ex. 6. Insert one of the following words into the text:

- a) serve; b) ordinary; c) listen; d) jury; e) judge; f) expenses; g) law;
h) illness; i) evidence; j) responsibility; k) decision; l) prosecution; m) trial;
n) jurors; o) defendant.

In a Crown Court trial there are twelve (1) These are (2) ... members of the public between the ages of 18 and 70 who are selected at random. They are not paid but are given (3) ... while they are on (4) ... service, which is usually for about two weeks. Service is compulsory, and it cannot normally be avoided without a good reason, such as (5) It is not necessary for a juror to know anything about the law – indeed certain people connected with the world of (6) ..., such as solicitors, are not allowed to (7) ... as jurors. This is because the job of the jury is to (8) ... to the case and to decide questions of fact. It is the judge's (9) ... to guide them on questions of law.

This contrast between law and fact is very important. If a man is on (10) ... for murder, for example, the (11) ... will explain just what the crime of murder means in English law and the (12) ... has to prove. He will explain how the trial will be conducted, summarise the (13) ... , and tell the jurors what factors they should consider in making their (14) These are questions of law. However, whether the (15) ... did in fact commit murder or not is a question of fact to be decided by the jurors themselves. It is necessary for at least ten of the twelve to agree.

Word Families Study. Ex. 7. a) Form derivatives from the following verbs from the text. Translate them into Ukrainian.

To cover, to administer, to assign, to bind, to try.

b) Make up 8–10 sentences with the derived words. Demonstrate your knowledge of the Sequence of Tenses and the Passive Voice.

Ex. 8. Add suitable adjectives or nouns in Possessive Case (3–4) to the following nouns. Translate them.

- | | |
|----------------|--------------------|
| 1) ... system; | 4) ... department; |
| 2) ... law; | 5) ... division; |
| 3) ... court; | 6) ... name. |

Grammar Study. Ex. 9. Use the correct grammar form. Revise the Grammar: Subject-Verb Agreement.

- The judges in the court-room ... the last case.
a) is discussing b) are discussing c) discussing d) was discussing
- The judge told the jury that the evidence of the case ... in a court of law then.

- a) are heard b) were heard c) is heard d) was heard
3. The fear of arson and burglary ... many people to have the alarm system of their houses.
- a) has caused b) have caused c) cause d) shall cause
4. Mr. Taylor, accompanied by twelve jurors, ... the case tonight.
- a) was settling b) would be settling c) are settling d) is settling
5. None of the students ... the studying yet.
- a) have finished b) has finished c) finished d) would finish
6. The Supreme Court of the United States ... the only court specifically established by the Constitution of the United States.
- a) will be b) is c) are d) would be
7. Nobody ... harder than judge Steward.
- a) work b) works c) are working d) had worked
8. The police ... all they can to bring criminals to justice.
- a) do b) does c) has done d) did

Ex. 10. Study the following sentences. Decide if the italicized portion of the sentence is correct or incorrect. If not, correct the sentences.

- 1) Neither the first court nor nowadays one *is* perfect.
- 2) The House of Lords *were* the highest court in Britain.
- 3) The Criminal Cases Review Commission *has* the power to remit the cases to the Court of Appeal.
- 4) The majority *believe* that the world *is* in danger.
- 5) Forty minutes *is* not enough for a judge to pass a sentence.
- 6) There *have* been a report of several bombings by terrorist groups.
- 7) The number of women who smoke *has* increased.
- 8) Both England and Wales *have* the same system of courts.

Ex. 11. Translate the sentences into English. Revise the Grammar: Subject-Verb Agreement.

1. Низка судів в Англії та Уельсі розглядають справи про військові злочини.
2. В Ірландії є кілька міст, в яких засідають окружні суди.
3. Мирові суди, які є відкритими для членів спільноти, є найнижчими судами в Англії та Уельсі.
4. Кілька запитань щодо виступу президента прозвучали на конференції.
5. Не кожному поліцейському дозволено носити зброю.
6. Голова суду та його судді повинні (shall) тісно співпрацювати.

7. Ні присяжні, ні суддя не вірять, що цей неповнолітній вчинив такий серйозний злочин.
8. Статистика вбивств змінюється щодня.

Comment Study. Ex. 12. a) Make a written translation of the following text; give your opinion and say what other people think of this issue. Make use of the following phrases:

As far as I know/remember; in my opinion/ in my view; it is interesting to note; in short ...; to my mind; it seems to me; to be frank/honest; it is worth singling out.

Subordinate courts

The most common subordinate courts in England and Wales are the

- Magistrates' Courts
- Family Proceedings Courts
- Youth courts
- County Courts

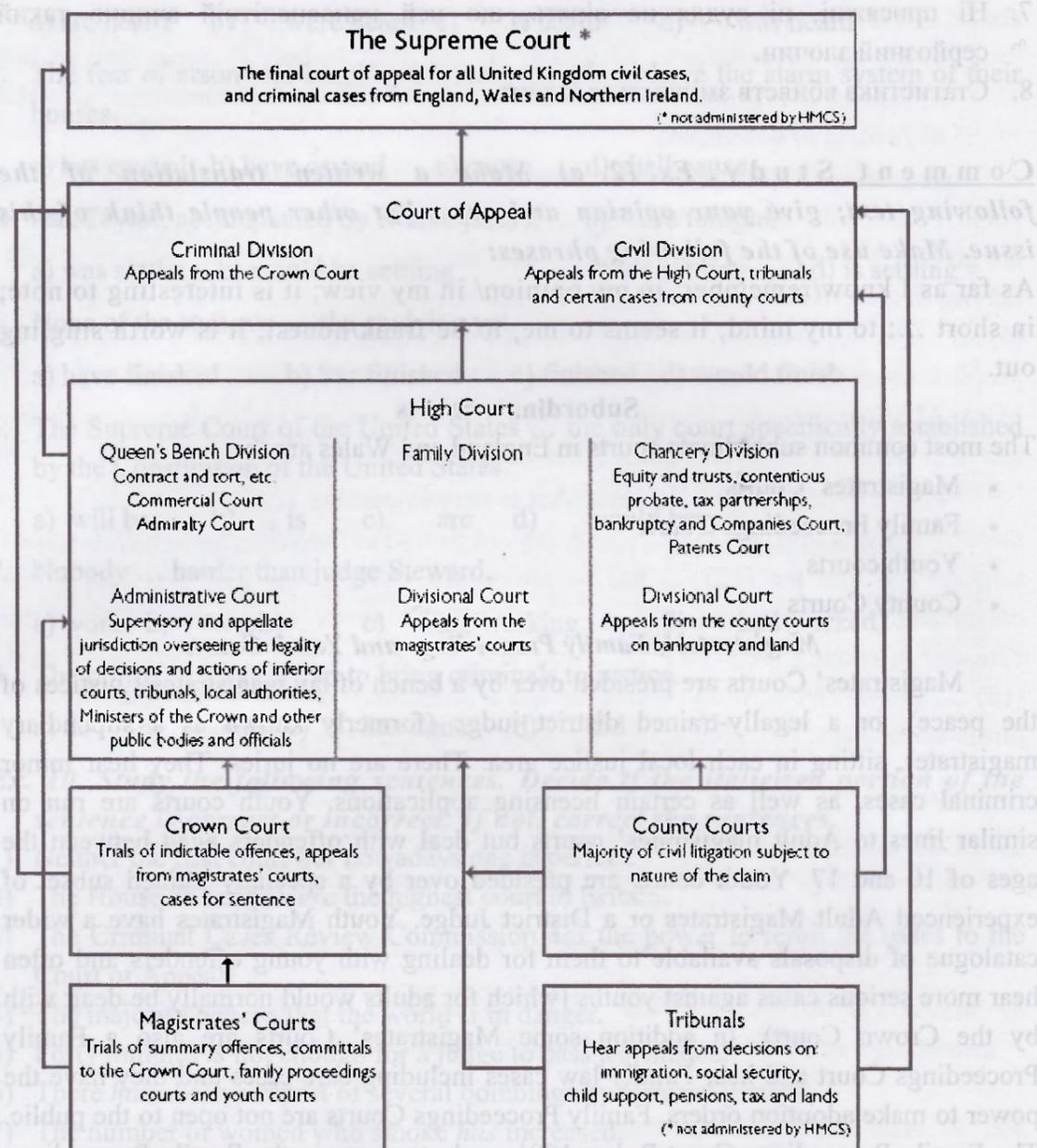
Magistrates', Family Proceedings and Youth Courts

Magistrates' Courts are presided over by a bench of lay magistrates (justices of the peace), or a legally-trained district judge (formerly known as a stipendiary magistrate), sitting in each local justice area. There are no juries. They hear minor criminal cases, as well as certain licensing applications. Youth courts are run on similar lines to Adult magistrates' courts but deal with offenders aged between the ages of 10 and 17. Youth courts are presided over by a specially trained subset of experienced Adult Magistrates or a District Judge. Youth Magistrates have a wider catalogue of disposals available to them for dealing with young offenders and often hear more serious cases against youths (which for adults would normally be dealt with by the Crown Court). In addition some Magistrates' Courts are also a Family Proceedings Court and hear Family law cases including care cases and they have the power to make adoption orders. Family Proceedings Courts are not open to the public. The Family Proceedings Court Rules, 1991 apply to cases in the Family Proceedings Court. Youth courts are not open to the public for observation, only the parties involved in a case being admitted.

b) Find additional information about County Courts.

c) Write a short summary on the topic «The Subordinate Courts of England and Wales».

Post-Reading Tasks. Ex. 13. Analyse the chart. Dwell upon two courts of your choice. Add some pieces of new information.



Ex. 14. Answer the following questions:

1. What are the institutions for creating, modifying, abolishing and applying the law in Britain?
2. What institutions create, modify and abolish the law in Ukraine: which ones apply the law?
3. Are the decisions of a higher court binding upon lower courts?
4. Which is the supreme lawmaking body in GB?
5. What courts deal exclusively with criminal matters?
6. What courts deal with civil cases?

7. What courts consider appeals from lower criminal courts, as well as criminal cases?
8. What cases do the Magistrates Courts deal with?
9. Where does a criminal case usually begin?
10. Can serious crimes, like murder, be heard by the magistrates?

Ex. 15. Describe the general system of the English and Wales courts.

Ex. 16. Are you good at translating proverbs from English into Ukrainian? Prove it. Make explanatory notes of each proverb in writing.

- Judges should have two ears, both alike.
- No one should be judge in his own cause.
- Petty crimes are punished; great ones are rewarded.

Obligatory Law Vocabulary List (OLVL):

Law terms	Law term Combinations	Law Expressions
1. immigration, n	immigration law ~ service the Immigration Tribunal's jurisdiction	
2. asylum, n	diplomatic asylum political ~ the Asylum Tribunal's jurisdiction	to grant political asylum
3. law, n	employment law ~ and order ~ enforcement ~ in force ~ of honour ~ of nations	to administer a law to break a ~ to enact a ~ to sue at ~ to make a ~ to adopt a ~ to interpret a ~ to clarify a ~
4. agency, n	executive agency single ~ law enforcement ~	
5. justice, n	Ministry of Justice The High Court of ~ administration of ~	to escape(evade) justice to administer ~
6. administer, v		to administer locally via ... ~ justice ~ an oath ~ punishment
7. appellate, adj.	appellate court criminal ~ court	to forward to the appellate court

	~ jurisdiction	
8. committee, n	budget committee the judicial ~ ~ on legal issues ~ of supply	
9. division, n	the Civil Division the Criminal ~ the Family ~	
10. assign, v		to assign perjury to ~ guilt

Unit 3. BRITISH AND AMERICAN COURT SYSTEMS

Lesson III. THE SYSTEM OF COURTS IN THE UNITED STATES

Pre-Reading Tasks. Ex. 1. Answer and discuss the following questions:

1. What is the system of courts in the United States? Can you name some courts?
2. What court is empowered to interpret the Constitution in Ukraine? And in the USA?

Ex. 2. Define the following law terms:

Jurisdiction, regulations, litigation, questions of law, judge panel, agency.

The judicial branch has the responsibility of judging the **constitutionality of acts** of law. According to article III of the Constitution «the judicial power of the United States shall be **vested in** one Supreme Court, and in such **inferior Courts** as the Congress may from time to time **ordain and establish**».

There are about 100 Federal courts throughout the country, **final authority** resting in the United States Supreme Court. The U.S. Supreme Court is the highest **tribunal** in the United States. It includes a **Chief Justice** and eight **associate Justices**. They are all appointed by the President and approved by the Senate. Under the Constitution the Supreme Court has **original jurisdiction** (i.e., it is the court in which proceedings may be brought in the first instance) in cases affecting ambassadors, other public ministers and consuls and cases in which a state is a party. In all other cases coming within the judicial power of the United States, the Supreme Court's jurisdiction is only **appellate**, and is subject to exceptions and **regulations** by the Congress.

The Supreme Court cannot **alter** the Constitution. The Court's function is to interpret the Constitution, not to alter or **modify** it. The Supreme Court meets on the second Monday in October for a session which generally extends through to July.