

Part I

Unit 1. SOURCES OF MODERN LAW

Lesson I. COMMON LAW SYSTEMS

Pre-Reading Tasks. Ex. 1. a) *Before you read about common law, answer the following questions:*

- 1) What do you understand by *common law*?
- 2) Does a common law system operate in your country?
- 3) Where do laws come from in your legal system?

b) *Discuss your ideas with other members of the group.*

In order to understand why a particular country has a **particular legal system**, it is necessary to look at its history, political structure and **social values**. When there is **political and social upheaval**, one of the main concerns of a new government is **to revise the legal system**. Britain has had an unusual degree of political continuity. Despite civil wars in the fifteenth and seventeenth centuries and enormous social changes associated with industrialisation, England and Wales have retained many laws and **legal principles** that originated eight centuries ago. On the other hand, most of the law of Japan, which experienced the rapid upheaval of foreign occupation after the Second World War, was developed within the last century.

Each country in the world, even each state of the United States, has its own **system of law**. However, it is generally true to say that there are two main **traditions of law** in the world. One is based on **English Common law**, and has been adopted by many **Commonwealth countries** and most of the United States. The other tradition, sometimes known as **Continental**, or **Roman law** has developed in most of continental Europe, Latin America and many countries in Asia and Africa which have been strongly influenced by Europe. Continental law has also influenced Japan and several socialist countries.

Common law, or case law systems, particularly that of England, differ from Continental law in having developed gradually throughout history, not as the result of government attempts to **define or codify every legal relation**. **Customs** and **court rulings** have been as important as **statutes** (government legislation). Judges do not merely **apply the law**, in some cases they **make law**, since their interpretations may become **precedents** for other courts to follow.

Before William of Normandy invaded England in 1066, law **had been administered** by a series of local courts and no law was common to the whole kingdom. The Norman Kings sent travelling judges around the country and gradually a «common law» developed, under the authority of three common law courts in London.

Judges dealt with both **criminal cases** and **civil disputes** between **individuals**. Although local and ancient customs played their part, **uniform application of the law** throughout the country was promoted by the gradual development of the **doctrine of precedent**.

By this principle, judges attempted to apply existing customs and laws to each new case, rather than looking to the government to write new laws. If the essential elements of a case were the same as those of **previous recorded cases**, then the judge was bound to reach the same decision regarding **guilt or innocence**. If no precedent could be found, then the judge **made a decision** based upon existing legal principles, and his decision would become a precedent for other courts to follow when a similar case arose. The doctrine of precedent is still a central feature of modern common law systems. Courts are bound by the decisions of previous courts unless it can be shown that the facts differ from **previous cases**. Sometimes governments make new laws – **statutes** – **to modify** or **clarify** the common law. But even statutes often need to be interpreted by the courts in order to fit particular cases, and these interpretations become new precedents. In common law systems, the law is, thus, found not only in government statutes, but also in the historical **records of cases**.

Another important feature of the common law tradition is **equity**. By the fourteenth century many people in England were dissatisfied with the **inflexibility of the common law**, and a practice developed of appealing directly to the king or to his chief legal administrator, the lord chancellor. As the lord chancellor's court became more willing to modify existing common law in order **to solve disputes**, a new system of law developed alongside the common law. This system recognised rights that were not enforced as common law but which were considered «equitable», or just, such as the right to force someone to fulfil a contract rather than simply **pay damages for** breaking it or the rights of a beneficiary of trust. The courts of common law and of equity existed alongside each other for centuries. If an equitable principle would bring a different result from a common law ruling on the same case, then the general rule was that equity should prevail.

One problem resulting from the existence of two systems of justice was that a person often had **to begin actions** in different courts in order to get a satisfactory solution. For example, in a breach (breaking) of contract claim, a person had to seek specific performance (an order forcing the other party to do something) in court of equity, and damages (monetary compensation for his loss) in a common law court. In 1873, the two systems were unified, and nowadays a lawyer can pursue common law and equitable claims in the same court.

The spread of common law in the world is due both to the once widespread influence of Britain in the world and the growth of its former colony, the United States. Although judges in one common law country cannot directly support their decisions by cases from another, it is permissible for a judge to note such evidence in giving an explanation. Nevertheless, political divergence has produced legal

divergence from England. Unified federal law is only a small part of American law. Most of it is produced by individual states and reflects various traditions. The state of Louisiana, for example, has a Roman civil form of law which derives from its days as a French colony. California has a case law tradition, but its laws are codified as extensively as many Continental systems. Quebec is an island of French law in the Canadian sea of case law. In India, English common law has been codified and adopted alongside a Hindu tradition of law. Sri Lanka has inherited a criminal code from the Russian law introduced by the Dutch, and an uncodified civil law introduced by the British.

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

upheaval, <i>n</i>	satisfactory, <i>adj.</i>	continuity, <i>n</i>
breach, <i>n</i>	industrialisation, <i>n</i>	inherit, <i>v</i>
legislation, <i>n</i>	permissible, <i>adj.</i>	precedent, <i>n</i>
divergence, <i>n</i>	guilt, <i>n</i>	extensively, <i>adv.</i>
innocence, <i>n</i>	damages, <i>n</i>	equity, <i>n</i>
enforce, <i>v</i>	beneficiary, <i>n</i>	equitable, <i>adj.</i>

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

- | | |
|---------------------------|--------------------------------|
| 1) system of justice | a) приймати рішення |
| 2) social values | b) соціальні цінності |
| 3) previous cases | c) кодифікувати всебічно |
| 4) make a decision | d) країни Співдружності |
| 5) statutes | e) попередні справи |
| 6) records of cases | f) система правосуддя |
| 7) equity | g) право справедливості |
| 8) Commonwealth countries | h) судові ухвали |
| 9) Continental Law | i) протоколи справ |
| 10) legal relations | j) однакове застосування |
| 11) civil disputes | k) законодавчі акти парламенту |
| 12) court rulings | l) цивільні спори |
| 13) social upheaval | m) правовідносини |
| 14) uniform application | n) соціальний переворот |
| 15) codify extensively | o) континентальне право |

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

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

1. an unusual degree of political continuity;
2. to define every legal relation;
3. enormous social changes;
4. to make law;
5. under the authority of;
6. uniform application of the law;
7. doctrine of precedent;
8. to become a precedent for other courts to follow;
9. to modify or clarify the common law;
10. to pay damages for breaking the law;
11. an equitable principle;
12. to begin actions;
13. to pursue common law and equitable claims;
14. inflexibility of the common law.

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

1. Правова система;
2. зберегти закони та правові звичаї;
3. започатковувати(ся);
4. приймати закон, резолюцію тощо;
5. прецедентне право;
6. визначити та кодифікувати правові відносини;
7. постанова (рішення суду);
8. застосовувати закон;
9. єдине застосування закону;
10. вина, провина;
11. невинуватість;
12. право справедливості;
13. негнучкість звичаєвого права.

Ex. 6. Match the following legal terms with their definitions:

- | | |
|-----------------|---|
| 1. civil law | a) legal system which is the foundation of the legal systems of most of the English-speaking countries of the world, based on customs, usage and court decisions; |
| 2. common law | b) facts, information, documents etc. that prove something is true; |
| 3. criminal law | c) the fact of being allowed by law; |
| 4. precedent | d) a formal statement saying that |

- something is true, especially one a witness makes in a court of law;
5. case e) information given in a court of law in order to prove that someone is guilty;
6. equity f) area of law which deals with crimes and their punishments, including fines and/or imprisonment;
7. testimony g) an action or official decision that can be used to give support to later actions or decisions;
8. proof h) a situation in which all people are treated equally and no one has an unfair advantage;
9. evidence i) a question or problem that will be dealt with by a law court;
10. legality j) 1) legal system developed from Roman codified law, established by a state for its regulation;
2) area of law concerned with non-criminal matters, rights and remedies.

Ex. 7. Insert one of the following words into the text:

a) based on; b) bound by; c) codified; d) custom; e) disputes; f) legislation; g) non-criminal; h) precedents; i) provisions; j) rulings

The term «civil law» contrasts with both «common law» and «criminal law». In the first sense of the term, civil law refers to a body of law (1) ... written legal codes derived from fundamental normative principles. Legal (2) ... are settled by reference to this code, which has been arrived at through (3) Judges are (4) ... the written law and its (5)

In contrast, common law was originally developed through (6) ... , at a time before laws were written down. Common law is based on (7) ... created by judicial decisions, which means that past (8) ... are taken into consideration when cases are decided. It should be noted that today common law is also (9) ... , i.e. in written form.

In the second sense of the term, civil law is distinguished from criminal law, and refers to the body of law dealing with (10) ... matters, such as breach of contract.

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

To differ, to apply, to modify, to solve.

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

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

Example: to inherit a fortune, a situation, wealth, economy.

To revise, to retain, to experience, to administer.

Ex. 10. *Add suitable adjectives to the following nouns. Translate them.*

- | | |
|---------------------|----------------------|
| 1. ... application; | 6. ... dispute(s); |
| 2. ... custom(s); | 7. ... record(s); |
| 3. ... upheaval; | 8. ... compensation; |
| 4. ... degree; | 9. ... influence; |
| 5. ... principle; | 10. ... divergence. |

Grammar Study. Ex. 11. *Use the correct grammar form. Revise the Grammar: The Tenses in the Active and Passive Voice.*

- Before William of Normandy invaded England, law ... by a series of local courts.
a) administered b) was administered c) has been administered
d) had been administered
- One tradition is based on English Common law, and ... by many Commonwealth countries.
a) had been adopted b) is adopted c) are adopted d) has been adopted
- Customs and court rulings as important as statutes.
a) has been b) was c) have been d) were being
- If the essential elements of a case the same as those of previous recorded cases, then the judge was bound to reach the same decision regarding guilt or innocence.
a) was b) has been c) were d) are
- The courts of common law and of equity ... alongside each other for centuries.
a) exist b) existed c) were existed d) has existed
- England and Wales many laws and legal principles that originated eight centuries ago.

- a) were retained b) have retained c) has retained d) retain

7. The Norman Kings travelling judges around the country and gradually a «common law» developed.

- a) was sending b) send c) sent d) have sent

8. By this principle, judges to apply existing customs and laws to each new case, rather than looking to the government to write new laws.

- a) attempt b) were attempted c) attempted d) have been attempted

Ex. 12. Complete these sentences by using predicates in Present Tenses.

1. Let me know as soon as
2. The judge will be bound to reach the same decision regarding guilt or innocence if
3. He will be sent to prison if
4. A crowd of reporters will gather outside the court when
5. The lawyers will only be paid if
6. Judge will read the court ruling as soon as
7. You will know about the inflexibility of the common law if
8. The judge will make a decision based upon existing legal principles when

Ex. 13. Fill in the blanks in the sentences below with a suitable article a, (an), the or (-).

1. In order to understand why a particular country has particular legal system, it is necessary to look at its history, political structure and social values.
2. The judge made decision based upon existing legal principles.
3. In common law systems law is thus, found not only in government statutes.
4. By the fourteenth century many people in England were dissatisfied with inflexibility of the common law.
5. new system of law developed alongside the common law.
6. If equitable principle would bring a different result from a common law ruling on the same case, then the general rule was that equity should prevail.
7. Nowadays lawyer can pursue common law and equitable claims in the same court.
8. Quebec is island of French law in the Canadian sea of case law.

Ex. 14. Translate the sentences into English. Revise the Grammar: The Tense-forms in the Active Voice.

1. Система звичаєвого права відрізняється від системи континентального права.
2. У звичаєвій системі права суддя розглядав як кримінальні, так і цивільні справи (суперечки).

3. Нещодавно система континентального права вплинула на Японію та деякі соціалістичні країни.
4. До того як Вільям Нормандський завоював Англію, в країні не існувало єдиного закону для всіх.
5. Наступного тижня студенти юридичного факультету матимуть семінар з теорії держави і права.
6. Коли викладач зайшов в аудиторію, студенти давали визначення термінів «equity» та «statute».
7. Завтра до 5 години суддя винесе ухвалу у цій справі.
8. Якщо одна зі сторін порушить умови контракту, то вона зобов'язана відшкодувати збитки іншій стороні.

Comment Study. Ex. 15. a) Make a written translation of the following text, entitle it; make comments on the text:

In Britain, the United States and many other English-speaking countries, the law of Habeas Corpus guarantees that nobody can be held in prison without trial. Habeas Corpus became a law because of a wild party held in 1621 at the London home of a notoriously rowdy lady, Alice Robinson. When a constable appeared and asked her and her guests to quiet down, Mrs. Robinson allegedly swore at him so violently that he arrested her, and a local justice of the peace committed her to jail.

When she was finally brought to trial, Mrs. Robinson's story of her treatment in prison caused an outcry. She had been put on a punishment diet of bread and water, forced to sleep on the bare earth, stripped, and given fifty lashes. Such treatment was barbaric even by the harsh standards of the time; what made it worse was that Mrs. Robinson was pregnant.

Public anger was so great that she was acquitted, the constable who had arrested her without a warrant was himself sent to prison, and the justice of the peace was severely reprimanded. And the case, along with other similar cases, led to the passing of the Habeas Corpus Act in Britain in 1679. The law is still on the British statute books, and a version of it is used in the United States, where the law is regarded as such an important guarantee of liberty that Article I of the US Constitution declares that «Habeas Corpus shall not be suspended except in cases of rebellion or invasion».

Habeas Corpus is part of a Latin phrase – *Habeas Corpus ad subjiciendum* – that means «Let the body be brought before the judge». In effect, a writ of Habeas Corpus is an order in the name of the people (or, in Britain, of the sovereign) to produce an imprisoned person in court at once.

b) Find in the above text the English equivalents for the following words and expressions:

1. Міровий суддя; 2. ув'язнювати; 3. притягати до суду; 4. поводження (з кимось); 5. протест; 6. виправдовувати; 7. ордер на арешт; 8. отримати сувору догану; 9. звід законів; 10. бути припиненим; 11. від імені народу / монарха.

Post-Reading Tasks. *Ex. 16. Draw up an outline of the text in the form of questions.*

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

1. England and Wales have retained many laws and legal principles that originated eight centuries ago.
2. Common law, or case law systems, particularly that of England, don't differ from Continental law.
3. Judges do not merely apply the law, in some cases they make law, since their interpretations may become precedents for other courts to follow.
4. By the fourteenth century many people in England were satisfied with the inflexibility of the common law, and a practice developed of appealing directly to the king or to his chief legal administrator, the lord chancellor.
5. One problem resulting from the existence of two systems of justice was that a person often had to begin actions in different courts in order to get a satisfactory solution.
6. Nowadays a lawyer can not pursue common law and equitable claims in the same court.
7. The spread of common law in the world is only due to the once widespread influence of Britain in the world and the growth of its former colony, the United States.
8. Sri Lanka has inherited a criminal code from the British law introduced by the Dutch, and an uncodified civil law introduced by the Russian.

Ex. 18. a) Complete each sentence below.

1. When there is political and social upheaval, one of the main concerns of a new government is ...
2. Britain has had ...
3. Despite civil wars in the fifteenth and seventeenth centuries and enormous social changes associated with industrialisation, ...
4. The other tradition, sometimes known as Continental, or Roman law, has developed ...
5. Customs and court rulings have been ...
6. Before William of Normandy invaded England in 1066, ...
7. Another important feature of the common law tradition ...
8. Although judges in one common law country cannot directly support ...

Ex. 19. Discussion. Adoption of Common law in the world. Is it a positive or negative process?

Obligatory Law Vocabulary List (OLVL):

Law terms	Law term combinations	Law expressions
1. legal, <i>adj.</i>	legal principle ~ abuse ~ profession ~ action / proceedings ~ age	to become legal to make ~ to take ~ action / proceedings
2. ruling, <i>n</i>	court ruling original ~ unanimous ~	to overturn a ruling to issue ~ to make ~
3. legislation, <i>n</i>	parliamentary legislation unworkable ~ new/effective ~ environmental ~ financial ~	to approve legislation to enact ~ to introduce ~ to pass ~
4. apply, <i>v</i>		to apply a law to ~ a sanction to ~ tough measures
5. case, <i>n</i>	case administration ~by-case method ~ documents ~ management ~ material ~ reports ~ officer criminal ~ court ~	to investigate a case to solve a ~ to bring a ~ to handle a ~ to consider a ~ to try a ~ to win // to lose a ~
6. law, <i>n</i>	case law common ~ constitutional ~ criminal ~	to become law to enforce the ~ to obey the ~ to break the ~
7. guilt, <i>n</i>		to prove guilt to admit/to establish ~
8. innocence, <i>n</i>	total innocence	to declare innocence to claim ~ to protest ~ to be convicted of one's ~
9. precedent, <i>n</i>	bad, dangerous, unfortunate precedent judicial ~ legal ~	to serve as a precedent to create a ~ to establish a ~ to provide a ~

10. interpret, v		to be difficult to interpret to be able//unable to ~ to seek to ~ to try to ~
11. equity, n	equity court ~ jurisdiction ~ jurisprudence ~ reports ~ side	
12. inflexible, adj.	inflexible rules ~ arrangements	to make the law (in)flexible
13. inflexibility, n		be characterized by its (in)flexibility
14. damages, n	heavy damages substantial ~	to pay the damages to assess the ~ to be liable for ~ to obtain ~
15. action, n	court action civil ~ criminal ~ libel ~	to bring an action to take out an ~
16. claim, n	contract claim conflicting ~	to make a claim to put in a ~

Unit 1. SOURCES OF MODERN LAW

Lesson II. CONTINENTAL SYSTEMS

Pre-Reading Tasks. *Ex. 1. Name legal documents of constitutional importance, which have affected modern legal systems.*

Ex. 2. What is your understanding of the following law terms: rules, laws, law, code, legislator, legality. Give examples.

Continental systems are sometimes known as **codified legal systems**. They have resulted from attempts by governments to produce a **set of codes** to govern every legal aspect of a citizen's life. Thus it was necessary for the **legislators** to speculate quite comprehensively about human behaviour rather than simply looking at previous cases. In codifying their legal systems, many countries have looked to the examples of Revolutionary and Napoleonic France, whose legislators wanted to break with previous case law, which had often produced **corrupt and biased** judgement and **to apply new egalitarian social theories to the law**. Nineteenth century Europe also saw the **decline of several multi-ethnic empires** and the rise of nationalism. The lawmakers of new nations sometimes wanted to show that **the legal rights** of their

citizens **originated in the state**, not in local customs, and thus it was the state that was to make law, not the courts. In order to separate the roles of the legislature and judiciary, it was necessary **to make laws** that were **clear and comprehensive**. The lawmakers were often influenced by the model of the canon law of the Roman Catholic Church, but the most important models were the codes produced in the seventh century under the direction of the Roman Emperor Justinian. His aim had been **to eliminate the confusion of centuries of inconsistent lawmaking** by formulating a comprehensive system that would entirely replace existing law. Versions of Roman law had long influenced many parts of Europe, including the case law traditions of Scotland, but had little impact on English law.

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

Despite this, it is also important not to exaggerate similarities among systems within the Continental tradition. For example, while adopting some French ideas, such as **separation** of the **legislature** and **judiciary**, the late nineteenth century codifiers of German law aimed at **conserving customs** and **traditions** peculiar to German history. Canon law had a stronger influence in countries with a less **secular ideology** than France, such as Spain.

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

corrupt, <i>adj.</i>	judiciary, <i>n</i>	challenge, <i>n; v</i>
biased, <i>adj.</i>	comprehensive, <i>adj.</i>	adopt, <i>v</i>
judgement, <i>n</i>	legislature, <i>n</i>	similarity, <i>n</i>
egalitarian, <i>adj.</i>	impact, <i>n; v</i>	separation, <i>n</i>
decline, <i>n; v</i>	exaggerate, <i>v</i>	conserve, <i>v</i>
legislator, <i>n</i>	interpret, <i>v</i>	secular, <i>adj.</i>

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

1. to result from;
2. to produce a set of codes;
3. to govern every legal aspect of a citizen's life;
4. to separate the roles;
5. to speculate about;

6. to break with;
7. corrupt and biased judgements;
8. to apply new egalitarian social theories to the law;
9. the decline of several multi-ethnic empires;
10. the rise of nationalism;
11. to be influenced by;
12. to adopt ideas.

Ex. 5. Find Ukrainian equivalents to words and phrases from the text:

- | | |
|---|---|
| 1. codified legal system | a) законність |
| 2. to apply | b) усувати, ліквідувати |
| 3. egalitarian (theory) | c) галузі права |
| 4. a decline | d) зберігати (звичай) |
| 5. clear and comprehensive laws | e) зрівняльний; теорія рівноправності |
| 6. canon law | f) прецедентне право |
| 7. to eliminate | g) перебільшувати |
| 8. case law | h) канонічне право |
| 9. to exaggerate | i) застосовувати |
| 10. areas of law | j) чіткі та вичерпні закони |
| 11. to interpret | k) оскаржувати конституційну законність |
| 12. to challenge the constitutional
legality | l) приймати закон, резолюцію тощо |
| 13. legality | m) падіння |
| 14. to conserve a custom | n) кодифікована система права |
| 15. to adopt | o) тлумачити (закон) |

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

Ex. 6. a) Study the meaning of the following word combinations and expressions.

Legal activities

- ~ age
- ~ abuse
- ~ act
- ~ action
- ~ decision
- ~ ethics
- ~ expert
- ~ history

Law blank

- ~ book
- ~ breaker
- ~ case
- ~ clerk
- ~ code
- ~ degree
- ~ dictionary
- ~ firm

~ language	~ lecture
~ owner	~ library
~ procedure	~ matter
~ protection	~ profession
~ rights	~ society
~ status	~ suit

b) Complete the following sentences by inserting either law or legal:

1. Instruction in English is becoming compulsory at a growing number of law faculties all over the world.
2. After university, his work as a trainee solicitor gave him useful experience in commercial litigation, and he was offered a good position in a large firm.
3. During their studies, they volunteered at a local clinic, where they provided free ... assistance to people who could not afford to pay for a lawyer.
4. In the UK and USA, degree programmes usually take three years to complete.
5. Parents are under obligation to ensure that their child receives a proper education.
6. Students are often required to take courses covering skills such as writing and research.
7. The Society is the body that both regulates and controls solicitors in England.
8. Unless the money is paid immediately we shall be forced to take action.

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

To challenge, to separate, to produce, to govern, to adopt.

b) Make up 8–10 sentences with the derived words. Demonstrate your knowledge of the Grammar: The Tense-forms in the Passive Voice.

Ex. 8. Give nouns to the following verbs (3–4) and translate the phrases into Ukrainian.

Example: to govern – to govern a country, a party, a colony

To influence, to eliminate, to formulate, to challenge, to adopt.

Grammar Study. Ex. 9. Choose the right preposition in brackets according to the contents of the sentences (with, from, between, at, by, to, in, on, out of).

1. Codified legal systems have resulted attempts governments to produce a set of codes to govern every legal aspect of a citizen's life.

2. The legislators wanted to break previous case law, which had often produced corrupt and biased judgements.
3. They wanted to apply new egalitarian social theories the law.
4. Versions of Roman law had long influenced many parts of Europe, but had little impact English law.
5. Courts have produced a great deal of case law interpreting codes that become date because of social change.
6. The clear distinctionthe legislature and judiciary has weakened in many countries.
7. Codifiers of German law aimed conserving customs and traditions peculiar to German history.

Ex. 10. Use the correct grammar form. Revise the Tenses in the Active and Passive Voice.

1. Nineteenth century Europe also the decline of several multi-ethnic empires and the rise of nationalism.
a) had seen b) saw c) had been seen d) was seen
2. Versions of Roman law long many parts of Europe.
a) was influenced b) has been influenced c) had influenced d) were influenced
3. Many case law systems have areas of law that
a) was comprehensively codified b) have been comprehensively codified
c) had comprehensively codified d) is comprehensively codified
4. Continental systems as codified legal systems.
a) are knowing b) are known c) knew d) was known
5. French public law
a) have never been codified b) has never codified c) has never been codified
d) were never codified
6. French courts a great deal of case law in interpreting codes that become out of date because of social change.
a) have been produced b) have produced c) were produced d) were producing
7. The clear distinction between legislature and judiciary in many countries.
a) have been weakened b) has weakened c) has been weakened d) were weakened
8. In codifying their legal systems, many countries to the examples of Revolutionary and Napoleonic France.
a) has been looking b) were looking c) have looked d) has looked

Ex. 11. Translate the sentences into English. Revise the Grammar: The Passive Voice.

1. Британська конституція базується на двох основних принципах: верховенства права та суверенітету парламенту.

2. Повноваження королеви Об'єднаного Королівства обмежені парламентом, який складається з двох Палат: Палати Общин та Палати Лордів.
3. Спікер Палати общин обирається членами Палати.
4. Минулого тижня прем'єр міністр був призначений президентом.
5. В даний момент новий закон обговорюється членами парламенту.
6. Деякі штати США мають сфери закону, які були всебічно кодифіковані.
7. Рішення Конституційного Суду обговорювалося в той час, коли ми зайшли до судової зали.
8. Дуже часто законодавці були під впливом моделі канонічного права Римської католицької церкви.

Comment Study. Ex. 12. a) *Make a written translation of the following text, entitle it; give your opinion on this issue. Make use of the following phrases:*

In my opinion; to my mind; as far as I know; I don't think so; I suppose so.

The laws of much of continental Europe (particularly France), of Quebec, in Canada and of much of Latin America – along with the civil laws of Louisiana – owe their modern form largely to the work of a man who never even studied law. Napoleon Bonaparte, the Corsican Soldier who became emperor of France after the French Revolution, established in 1800 five commissions to organize the diverse legal systems of France. The result, enacted in 1804, was Napoleon's Code.

Some of its original 2,281 articles were drafted by Napoleon himself, and all were affected by his thinking, even though he was completely self-taught in legal matters. The code was a triumphant attempt to create a legal system that treated all citizens as equals without regard to their rank or previous privileges. It was also so clearly written that it could be read and understood by ordinary people at a time when only Latin scholars could make sense of the earlier laws handed down since Roman times. The code was adopted intact in most of the areas of Europe that Napoleon dominated and spread from there across the Atlantic, taking root particularly in French speaking American communities. Many of its principles are still in force today.

b) Answer the following questions:

1. What efforts did Napoleon make to reorganize the diverse legal systems of France?
2. Did Napoleon draw up the whole code himself?
3. What was so remarkable about Napoleon's new code?
4. What were the benefits of Napoleon's code for the ordinary people?
5. Which countries throughout the world still use the provisions of Napoleon's code?

Ex. 13. Choose one of the following topics and prepare a presentation:

1. The main points of Napoleon's biography.
2. The great victories of Napoleon Bonaparte.
3. One hundred days of Napoleon Bonaparte.
4. The legal system of France at the time of Napoleon.

Post-Reading Tasks. Ex. 14. Make up an outline of the text in the form of questions. Ask your group-mates to answer them.

Ex. 15. Complete each sentence below.

1. Codified legal systems have resulted from attempts by governments to produce
2. The legislators wanted to break with previous case law, which
3. The lawmakers of new nations sometimes wanted to show that
4. It was necessary to make laws that
5. In order to separate the roles of the legislature and judiciary
6. It is important not to exaggerate the differences between
7. French public law has never been codified, and French courts
8. The clear distinction between the legislature and judiciary has weakened in many countries, where

Ex. 16. Answer the questions on the text.

1. What legal systems are codified?
2. Why did the legislators of Napoleonic France want to break with previous law?
3. What were the lawmakers influenced by?
4. Why is it important not to exaggerate the differences between two traditions of law?
5. What did the lawmakers of new nations want to show sometimes?
6. What was necessary to do in order to separate the roles of the legislature and judiciary?
7. Where has the distinction between the legislature and judiciary weakened?

Ex. 17. Discussion. Ukraine's law today.

Obligatory Law Vocabulary List (OLVL)

Law terms	Law term combinations	Law expressions
1. biased, adj.	biased evidence ~ interpretation ~ investigation ~ juror ~ justice ~ view	to be biased

2. legislature, <i>n</i>	state legislature national ~ federal ~	
3. judiciary, <i>n</i>	judiciary Act ~ committee ~ establishment ~ interpreter ~ reform ~ system	
4. comprehensive(ly), <i>adj. (adv.)</i>	comprehensive act ~ insurance ~ statute	to interpret comprehensively
5. eliminate, <i>v</i>		to eliminate a conflict ~ a competitor ~ a witness ~ abuses ~ competition
6. interpret, <i>v</i>		to interpret a law ~ a contract ~ a rule ~ legislation
7. challenge, <i>n, v</i>	general challenge peremptory ~ ~ for cause	to challenge a juror ~ the panel
8. legality, <i>n</i>	legality control ~ defence ~ of writ	to challenge the legality of to recognize ~
9. originate, <i>v</i>		to originate a bill ~ in the law ~ a summons

Unit 1. SOURCES OF MODERN LAW

Lesson III. AREAS of LAW PRACTICE

Pre-Reading Tasks. *Ex. 1. Which areas of law do you find most interesting and why?*

Ex. 2. a) The word tort is usually unfamiliar to learners of English. As with other legal English terms, many native speakers of English who do not work in the law would not know the word either. What do you think it means?

b) Complete the definition below using the words in the box.

<i>act</i>	<i>damages</i>	<i>harm</i>	<i>party</i>
------------	----------------	-------------	--------------

Tort: a wrongful _____ that causes _____ to another person for which the injured _____ may request _____.

Laws protect, provide control, and define the rights and obligations and set principles of lawful behaviour. Laws include certain rules and regulations, statutes, procedures and orders so that any activity is governed by an appropriate legislation. The areas of law practice in which lawyers specialize are numerous: some are included into large bodies of laws, such as **Civil Law**, **Tort Law** or **Criminal Law**.

The **civil law** covers cases related to **family, property, contracts and non-contractual wrongful acts** suffered by one person at the hands of another (torts). **Family law** includes the laws governing **marriage, divorce and the welfare of children**; the **law of property** governs **ownership; disposal of property on death** etc.; the **law of contract** regulates, for instance, **the sale of goods, loans, partnerships**, insurance and guarantees. Family law is divided into public and private law cases. **Public law cases** involve local government and other public authorities and include matters such as care of children. **Private law cases** involve divorce proceedings etc. Most court cases involving children concern private disputes between parents — often after separation.

A **tort** is a civil wrong that can be remedied by **awarding damages** (other remedies may also be available). These civil wrongs result in harm to a person or property that forms the basis of a claim by the injured party. **The harm** can be physical, emotional or financial. Examples of **torts** include **medical negligence, negligent damage to private property and negligent misstatements causing financial loss**.

There are many specific torts, such as **trespass, assault and negligence**. Business torts include **fraudulent misrepresentation, interference in contractual relations and unfair business practices**.

Torts fall into three general categories: **intentional torts** (e.g. unfair competition), **negligent torts** (e.g. causing an accident by failing to obey traffic rules) and **strict liability torts** (e.g. liability for making and selling defective products).

There are certainly overlaps between tort law and criminal law. For example, a defendant can be **liable** to compensate for assault and battery in tort and also be punished for the criminal law offence of assault.

Criminal law, sometimes called penal law, involves the **prosecution** by the state of a person for an act that has been classified as a crime. This contrasts with civil law, which involves private individuals and organizations seeking to resolve legal disputes. Prosecutions are initiated by the state through a prosecutor, while in a civil case the **victim** brings the suit. Some **jurisdictions** also allow private criminal prosecutions.

Depending on the offence and the jurisdiction, various punishments are available to the courts to punish an offender. A court may **sentence** an offender to **execution**,

corporal punishment or **loss of liberty (imprisonment or incarceration)**; suspend the sentence; impose a fine; put the offender under government supervision through **parole** or **probation**; or place them on a **community service order**.

Some areas of law refer to definite spheres of **economy, business, human relations** etc.

Administrative law is a branch of law regulating the powers, procedures, and acts of public administration. It applies to the organization, powers, duties, and functions of public officials and public agencies of all kinds. **Banking and Finance Law** focuses on rules and regulations of banking activity and financial transactions. **Bankruptcy Law** includes rules of business termination and company liquidation. **Computer and Technology Law** focuses on the regulation of scientific technology involving the production or use of electronic devices and computers. **Constitutional Law** relates to the protection of rights provided by constitution. **Commercial Law** deals with the regulation of sales, trade and commercial transactions. **Intellectual Property Law** focuses on protection of exclusive rights of inventors, creators and authors. **International Law** is a group of laws, rules, or principles that are based on customs, treaties, or legislation and that control or affect the duties and rights of sovereign nations in relation to each other. **Internet Law** concerns rules and statutes providing control over Internet communication. **Antitrust Law** ensures and regulates fair competition, ensures protection from monopolization. **Corporate Law** deals with the legal methods of company formation, company running and financial affairs. **Environmental Law** involves statutes and rules of nature protection. **Insurance Law** concerns rules and regulations of insurance activity. **Employment Law** sets control of working conditions, deals with rules and regulations of labour and employment relations. **Tax Law** and **Taxation** concerns tax matters and tax responsibilities. **Real Property Law** sets and ensures rules of property transactions (e.g. selling and buying of land and buildings). **Product Liability Law** includes legal issues concerning responsibility for the quality of products and protection from defective goods.

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

loan, <i>n</i>	liability, <i>n</i>	liberty, <i>n</i>
tort, <i>n</i>	overlap, <i>n</i>	fraudulent, <i>adj.</i>
negligence, <i>n</i>	resolve, <i>v</i>	suspend, <i>v</i>
remedy, <i>n</i>	victim, <i>n</i>	transaction, <i>n</i>
defective, <i>adj.</i>	injured, <i>adj.</i>	monopolization, <i>n</i>

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

- | | |
|---------------------|--------------------------------|
| 1. to award damages | a) державна адміністрація |
| 2. negligent | b) неправдива (фальшива) заява |

- | | |
|---------------------------------|-----------------------------------|
| 3. fraudulent misrepresentation | c) договірні відносини |
| 4. contractual relations | d) чесна конкуренція |
| 5. unfair business practice | e) недбалий |
| 6. to resolve a dispute | f) відшкодувати збитки |
| 7. negligent misstatement | g) навмисне введення в оману |
| 8. incarceration | h) недобросовісна ділова практика |
| 9. to suspend the sentence | i) злочинна халатність |
| 10. financial transactions | j) вирішувати спір |
| 11. fair competition | k) відстрочувати винесення вироку |
| 12. public administration | l) фінансові операції |
| 13. employment relations | m) недоброякісні товари |
| 14. defective goods | n) трудові відносини |
| 15. negligent tort | o) взяття під варту |

1__ 3__ 5__ 7__ 9__ 11__ 13__
2__ 4__ 6__ 8__ 10__ 12__ 14__ 15__

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

1. to define the rights and obligations;
2. contracts and non-contractual wrongful acts;
3. disposal of property;
4. medical negligence;
5. negligent damage to private property;
6. international torts;
7. negligent torts;
8. strict liability torts;
9. overlaps between tort law and criminal law;
10. to bring a suit;
11. to impose a fine;
12. to put the offender under government supervision;
13. tax matters;
14. lawful behaviour;
15. to involve private individuals and organizations.

Ex. 6. Find in the text the equivalents of the following:

1. Фінансова операція;
2. закон про банкрутство;
3. передбачений конституцією;
4. закон про інтелектуальну власність;
5. міжнародне право;
6. добросовісна (чесна) конкуренція;
7. закон про корпорації;
7. природоохоронне (екологічне) право;
8. страхове право;
9. страхова діяльність;
10. податкове право;
11. законодавство про нерухомість;
12. браковані товари.

Word Families Study. Ex. 7. a) Form derivatives from the following verbs:

To involve, to include, to secure, to relate, to persuade, to refer.

b) Make up 8–10 sentences with the derived words. Demonstrate your knowledge of passive forms.

Ex. 8. Suggest adjectives to the following nouns. Consult the above text:

1. wrong; 2. negligence; 3. misrepresentation; 4. relations; 5. party; 6. tort; 7. individual; 8. harm; 9. law; 10. case.

Ex. 9. Match the verbs (1–6) with the nouns they collocate with in the text (a–f).

- | | |
|-------------|----------------|
| 1. impose | a) a suit |
| 2. resolve | b) an offender |
| 3. bring | c) a rule |
| 4. obey | d) a fine |
| 5. sentence | e) a sentence |
| 6. suspend | f) a dispute |

Ex. 10. Look at each of the verb – noun pairs in Ex. 9 and, with a partner, take turns to discuss who typically carries out each of the actions: an offender, a victim, a lawyer, the court or a judge. For each collocation there is more than one possible answer.

Grammar Study. Ex. 11. Choose the right preposition in brackets according to the contents of the sentences (between, under, in, on, for, through, to, into, by).

1. The areas of law practice which lawyers specialize are numerous.
2. The civil law covers cases related family, property, contracts and non-contractual wrongful acts.
3. Family law is divided public and private law cases.
4. A tort is a civil wrong that can be remedied awarding damages.
5. There are certainly overlaps tort law and criminal law.
6. Depending the offence and the jurisdiction, various punishments are available to the courts to punish an offender.
7. A court may put the offender Government supervision parole or probation.
8. A defendant can be liable to compensate assault and battery in tort.

Ex. 12. Use the correct grammar form. Revise the Grammar: The Tenses in the Active and Passive Voice.

1. Family law into public and private law cases.
a) divides b) are divided c) is divided d) has divided

2. Examples of torts medical negligence.
 a) includes b) include c) is included d) has been included
3. Prosecutions by the state through a prosecutor.
 a) initiate b) are initiated c) initiates d) is initiated
4. Some jurisdictions also private criminal prosecutors.
 a) allows b) allow c) is allowed d) are allowed
5. Most crimes by two elements.
 a) is characterized b) characterize c) characterizes d) are characterized
6. If the prosecutor fails to prove this, a verdict of not guilty
 a) has been rendered b) is being rendered c) is rendered d) renders
7. Bankruptcy Law rules of business termination and company liquidation.
 a) is included b) is including c) includes d) include
8. International Law is a group of laws, rules, or principles that on customs, treaties, or legislation.
 a) is based b) based c) are based d) is basing

Ex. 13. Translate the sentences into English. Revise the Grammar: Indirect Speech.

1. Слідчий повідомив, що обвинуваченого вже віддали під суд.
2. Вона сказала, що Парламент вже затвердив новий закон.
3. Юрист пояснив, що прецеденти використовуються для вирішення нових справ.
4. Студент поцікавився, які відносини регулює природоохоронне право.
5. Марія сказала, що вивчала конституційне право в академії.
6. Адвокат повідомив, що лікаря притягнули до кримінальної відповідальності за злочинну недбалість.
7. Прокурор проінформував, що відомого злочинця нарешті заарештували.
8. Вони сказали, що Джон підозрюється у скоєнні злочину.
9. Потерпіла сторона заявила, що вимагає відшкодування збитків на суму 2,000 доларів.
10. Він запитав, яка галузь права регулює питання купівлі та продажу землі та будівель.

Comment Study. Ex. 14. a) Make a written translation of the following text, entitle it.

If a dispute is not settled by agreement between the **disputing parties**, it will eventually be heard and decided by a judge and / or jury in a court. A **lawsuit** before a court is commonly referred to as **litigation**. In fact, litigation includes all stages before, during and after a **trial**.

Criminal matters are also considered litigation, and many **civil** litigation lawyers also deal with criminal **cases**, as well as some forms of **alternative dispute resolution** (ADR).

The term *litigation* is sometimes used to distinguish lawsuits from ADR methods such as **negotiation, arbitration and mediation**. If a case goes to arbitration, the disputing parties refer it to one or more **impartial referees** (the arbitrators, arbiters or arbitral tribunal); the parties agree to be bound by the referees' decision (e.g. an award for damages).

Mediation involves a type of structured meeting with the disputing parties and an independent third party who works to help them reach an agreement between themselves. In arbitration a binding decision is imposed by an independent third party with mediation, the role of the third party is to facilitate negotiation and agreement between the disputing parties.

Arbitration is often used to resolve commercial disputes, particularly those involving international commercial transactions, and it developed historically alongside international trade. The arbitral process for resolving disputes under international commercial contracts is referred to as **international arbitration**. Arbitration is also used in some jurisdiction to resolve other types of dispute, such as those involving employment-related issues.

Recent years have seen the development of online dispute resolution (ODR). ODR **proceedings** start with the filing of a claim online, followed by proceedings which take place over the Internet.

b) Read the text again carefully and decide whether these statements are true (T) or false (F).

1. The term *litigation* refers only to the hearing or a trial.
2. Mediation differs from arbitration, since in the latter the disputing parties are actively involved in the decision-making process.
3. International arbitration developed in response to the need to settle disputes involving more than one jurisdiction.
4. Online dispute resolution is solved by a mediator.

c) Legal disputes can be resolved in the courtroom, but there are other ways of resolving them, as well. What forms of dispute resolution do you know? What procedures do they involve?

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

Ex. 16. Read the text «Areas of Law Practice» and mark the statements T/F (true/false). Correct if necessary.

1. The areas of law practice in which lawyers specialize are numerous.
2. Criminal law covers cases related to contracts and non-contractual wrongful acts.

3. The law of property governs marriage, divorce and the welfare of children.
4. Family law is divided into public and private law cases.
5. A tort is a criminal wrong that can be remedied by awarding damages.
6. The harm can be only physical.
7. There are many specific torts, such as trespass, assault and negligence.
8. There are no overlaps between tort law and criminal law.
9. Commercial Law includes rules of company liquidation.
10. Insurance Law ensures protection from monopolization.

Ex. 17. Complete each sentence below.

1. Administrative Law is a branch of law regulating
2. Bankruptcy Law includes rules of
3. Constitutional Law relates to
4. Commercial Law deals with
5. Intellectual Property Law focuses on
6. Internet Law concerns
7. Real Property Law sets and ensures
8. Product Liability Law includes

Ex. 18. a) Give a short presentation on: The main differences between a crime and a tort. Include these points:

- the parties;
- the outcomes;
- the terminology and procedure and the standard of proof.

b) Refer to your own jurisdiction in your presentation.

Obligatory Law Vocabulary List (OLVL)

Law terms	Law term combinations	Law expressions
1. contract, n, v	contract documents ~ law ~ labour ~ work	to contract a debt ~ a marriage
2. welfare, n	welfare aid ~ benefit ~ pension ~ service	to improve one's welfare to promote ~
3. partnership, n	limited partnership general ~	to set up a partnership to liquidate ~
4. secure, adj, v	secure future ~ accommodation	to secure a deal ~ a contract ~ a place
5. transaction, n	banking transaction	to make transactions

	business ~ financial ~ commercial ~	to carry out ~ s
6. tort, n	civil tort government ~ negligent ~ strict liability ~ personal ~ international ~s	
7. obligation, n	moral obligation legal ~ contractual ~ social ~ former ~ future ~	to meet obligations to fulfil ~ to honor ~ to have ~ to do smth.
8. damages, pl, n	heavy damages substantial ~ money ~ moral ~ treble ~	to pay damages to assess ~ to be liable for ~
9. injured, adj.	injured look ~ expression ~ pride ~ feelings the ~ party	to be badly injured to leave smb. ~
10. relations, n	diplomatic/international relations contractual ~	to break off relations to have close ~ with smb.

Module Checkup

Unit 1

SOURCES OF MODERN LAW

- I. Speaking skills checkup (max. – 20 points).
- II. Grammar testing on the grammar phenomena indicated in Unit 1 (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. What are the two main traditions of law in the world?
2. How do you understand the word combination «common law»? Name the common law countries.

3. Can the English courts influence the effect of legislation?
4. Is a custom important as a source of law in the history of the law? Is it important in England today?
5. What is the basic difference between the main source of law in a civil-law and a common-law country?
6. Which UK country has a completely separate legal system based on Roman law?
7. What area of law deals with the regulation of sales, trade and commercial transactions?
8. What area of law includes rules of business termination and company liquidation?
9. What area of law involves statutes and rules of nature protection?
10. What area of law deals with rules and regulations of labour and employment relations?

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

1. In what way is the position of the judge central to the common-law system?
2. What other countries apart from England have a common-law legal system?
3. How do criminal law cases and civil law cases differ in the way they are initiated?
4. What are the areas of law practice in which lawyers specialize?
5. How do you understand the word «tort»?

C. Express your own opinion:

What are the advantages and disadvantages of a legal system based on case law and a legal system based on codes? Use parentheses in your speech. (max. – 5 points).

II. Grammar testing on the Tenses in the Active and Passive Voice (Max. – 20 points).

A. Use the correct grammar form. Translate the sentences into Ukrainian (max. – 5 points):

1. Common Law (to prevail) in Great Britain and in those countries, such as Canada and the United States, that originally (to colonize) by British settlers.
2. He (to be) in prison for 5 years. He is still in prison.
3. They (to examine) the victim's clothes when the investigator came to ask for the result.
4. A new tax bill (to pass) by the Parliament next week.
5. The UK is a monarchy, but powers of the Queen (to limit) by the Parliament, which (to consist) of two Chambers, the House of Commons and the House of Lords.

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

1. До початку наступного року велику кількість законів буде змінено.
2. Вони склали іспит із кримінального права протягом двох годин.
3. Вона вивчала право упродовж 5 років до того, як поступила до юридичної академії.
4. Саме зараз обирають суддю Верховного Суду.
5. Його вже визнали винним за трьома статтями Кримінального Кодексу.
6. Судові рішення ухвалюються судами і є обов'язковими до виконання.
7. Її буде засуджено до п'яти років позбавлення волі.
8. Вони будуть працювати над доповіддю з теорії держави і права, коли закінчатся пари.
9. Коли ви прийдете, екзамен з кримінального права буде завершено.
10. Коли він зайшов до зали, депутати вже закінчили обговорення останнього питання порядку денного.

C. Read the text and define the form of the verb. Translate the following text into Ukrainian paying special attention to the translation of these verbs. (max. – 5 points):

Civil law may be defined as that legal tradition which **has** its origin in Roman law, as codified in the Corpus Juris Civilis (the Justinian Code), and as subsequently **developed** in continental Europe and around the world. Civil law **is** highly **systematized** and **structured**, and **relies** on declarations of broad, general principles.

Common law **is** the legal tradition that **evolved** in England from the 11th century onwards. Its principles **appear** for the most part in reported judgments, usually of the higher courts, in relation to specific situations arising in disputes that the courts **have adjudicated**. The common law **is** usually much more **detailed** in its prescriptions than the civil law. It is the foundation of private law, not only for England, Wales and Ireland, but also in 49 U.S. states, nine Canadian provinces, and in most former colonies of the British Empire (many of which now **form** part of the Commonwealth of Nations).

Common-law and civil-law legal traditions **share** similar social objectives (individualism, liberalism, and personal rights). Because of this functional similarity, they **are** often **referred** to as the Western law family.

A major difference between common-law and civil-law systems **is** the heavy reliance on case law in common-law systems. In such systems, the courts **interpret** statute law through the development of case law. Judicial interpretation of statute is binding until challenged by a higher court. Under the doctrine of stare decisis, lower courts **are compelled** to follow decisions rendered in higher courts. Thus precedent **is** at the core of common-law legal systems. Additionally, the courts in

common-law systems are able to develop existing law or legal principles in the gaps left by statute. In arriving at a decision in a case, a court **will** first **determine** whether **there are** any applicable statutory provisions. It **will** then **look** to see how these provisions **have been interpreted** (if at all) in earlier cases, and **will apply** any binding precedent. If there is no previous case law on the statute, the court **will place** its own interpretation on the statute. If no statutes **apply**, the court **will look** to previous case law. In a common-law system, the legislature **can overturn** previously developed case law through new legislation.

Although codified law (mainly in the form of statutes) is paramount in both legal traditions, it **differs** in its importance. In civil-law jurisdictions, priority is **given** to enacted law over unenacted law. Codes **provide** the core body of law and **are supplemented** by decisions in individual cases. Conversely, the opposite is true in the common-law tradition, in which precedent is the major source of law.

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

Choose one of the proverbs. Translate it into Ukrainian or find the similar Ukrainian proverb. Write (3–4) paragraphs making use of the Obligatory Law Vocabulary Lists of Unit 1.

1. *Good laws spring from bad morals.*
2. *Laws are not for ordinary people, they are for lawyers.*

Unit 2. LEGAL PROFESSION AND LEGAL DUTIES

Lesson I. ENTERING THE PROFESSION

Pre-Reading Tasks. *Ex. 1. Before you read, answer the following questions:*

- 1) The study of law differs from country to country, but most law degree programmes include core (compulsory) subjects which all students must take. Which core courses are typical in your country?
- 2) How long does it take to complete a law degree in your country?

The study of law is intellectually stimulating and challenging, and can lead to a variety of interesting careers.

In the UK a legal education usually begins with the completion of a bachelor degree in law, known as LLB, which usually takes three years. However, many students graduate in a non-law subject and undertake a one year **conversion course** known as **postgraduate Diploma in Law**, or **GDL**. The student barrister then applies to join one of the Inns of Court to study for the Bar Vocational Course, or BVC. Then

the new barrister faces intense competition to obtain a funded **pupillage** in chambers for twelve months in order to get practical training. All applicants are advised first to do a mini-pupillage of one or two weeks to get some insight into what being a pupil is like. Pupillage, known as devilling in Scotland, is divided into two parts – a non-practising six months period, when pupils **shadow their pupil master**, an experienced barrister, by observing professional activities, and the second, practising six months when pupils, with their supervisor's permission, can undertake **to supply legal services** and exercise rights of audience, in other words, speak in court. To gain a Full Qualification Certificate pupils must learn the rules of conduct and etiquette at the Bar, learn to prepare and present a case competently, learn **to draft pleading and opinions**, have advocacy training, and pass a forensic accountancy course which covers the use of financial information in litigation. If successful at the end of the twelve months, the qualified barrister applies for a **tenancy** in chambers. When a **junior barrister** has practised at the Bar for 10 to 15 years, it's possible to apply to become a senior barrister, or Queen's Counsel (QC), whose work concentrates on court appearances, advocacy, and opinions.

Similarly, a person wishing to become a **solicitor** must also complete three stages: the first stage involves gaining a law degree; the second stage requires passing a one-year **Legal Practice Course (LPC)**; and the final stage entails working for two years as a **trainee solicitor** with a firm of solicitors in the legal department of a local authority or large company.

Law degree programmes typically include core subjects such as **criminal law, contract law, tort law, land law, equity and trusts, administrative law and constitutional law**. In addition, students are often required to take courses covering skills such as **legal writing and legal research**.

There is also a variety of **optional (elective) courses** available. Since many law students go on to become lawyers, students often take courses that will be useful to them during their future careers. Someone, wishing to run a small **partnership**, or to work alone as a **sole practitioner** in a small town, may decide to take subjects such as **family law, employment law and housing law**. Those, wishing to work in a large law firm will consider subjects such as **company law, commercial law and litigation and arbitration**.

Many universities also offer courses on legal practice. Courses like this give students the opportunity to experience the work of a lawyer before deciding on a career in the law. Another way of finding out more about law in practice is to get involved with a voluntary advice or **law clinic**. These clinics offer free legal assistance to the local community and provide a useful introduction to some of the day-to-day work of a lawyer.

For students wishing to work in a commercial practice, knowledge of foreign languages is essential. When **law firms** hire new recruits, they generally look at four things: education, personality, work experience and language ability.

To become a lawyer in the U.S. one should previously earn a bachelor's degree (a BA) and then go to a law school for about three years to obtain a first university degree in law – a Bachelor of Laws (LLB). A person who has a doctorate in law is a Doctor of Laws (LLD).

The majority of law schools are a part of large universities. A few are independent institutions. Most U.S. law schools admit only four-year college graduates. During their college training, **prelaw students** do not have to take any particular courses. But the majority of students planning to go to law school specialize in the social sciences. A law-school graduate receives the degree of **juris doctor (J.D.)**. In order to qualify as a lawyer, a law-school graduate must pass the bar examination.

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

career, <i>n</i>	etiquette, <i>n</i>	practitioner, <i>n</i>
bachelor, <i>n</i>	litigation, <i>n</i>	experience, <i>n; v</i>
undertake, <i>v</i>	advocacy, <i>n</i>	involve, <i>v</i>
obtain, <i>n</i>	solicitor, <i>n</i>	provide, <i>v</i>
pupillage, <i>n</i>	gain, <i>v</i>	hire, <i>v</i>
chamber, <i>n</i>	research, <i>n; v</i>	pass, <i>n; v</i>

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

- | | |
|----------------------|--|
| 1. bar examination | a) житлове право |
| 2. chamber | b) школа підготовки баррістерів |
| 3. legal service | c) судове рішення |
| 4. Inn | d) судовий |
| 5. pleading | e) контора адвоката |
| 6. opinion | f) адвокатська практика |
| 7. litigation | g) екзамен під час вступу у колегію адвокатів |
| 8. forensic | h) адвокатські послуги; послуги юриста |
| 9. core subject | i) судовий процес (тяжба) |
| 10. tort law | j) виступ адвоката в суді |
| 11. employment law | k) правова або юридична допомога |
| 12. housing law | l) основні предмети |
| 13. company law | m) деліктне право |
| 14. advocacy | n) право, що регулює діяльність акціонерних компаній |
| 15. legal assistance | o) трудове право |

1__ 3__ 5__ 7__ 9__ 11__ 13__ 15__
2__ 4__ 6__ 8__ 10__ 12__ 14__

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

1. to join one of the Inns of Court;
2. to keep terms;
3. to obtain a funded pupillage;
4. to supply legal services;
5. to exercise rights of audience;
6. to draft pleading;
7. advocacy training;
8. legal writing and legal research;
9. a sole practitioner;
10. to offer courses on legal practice;
11. a law clinic;
12. to hire new recruits.

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

1. Правова освіта;
2. школа підготовки барристів;
3. відвідувати заняття;
4. юридичні послуги;
5. реалізовувати право;
6. розробляти виступ адвоката в суді;
7. судовий процес;
8. з'явлення до суду;
9. отримувати диплом з права;
10. вести справи компанії.

Ex. 6. Match the following legal terms with their definitions:

- | | |
|--------------------------|--|
| 1. the Bar | a) a lawyer who is qualified to plead on behalf of clients; |
| 2. barrister | b) in the UK, a training course which enables people who wish to become barristers and who have registered with the Inns of Court to acquire the skills and knowledge to prepare them for the specialized training of the pupillage; |
| 3. bar association | c) a ceremony held at the end of this training course, when a candidate enters the profession; |
| 4. admitted to the Bar | d) organization regulating the legal profession; |
| 5. Bar Vocational Course | e) in the USA, an important test taken by law-school graduates which, when passed, qualifies a person to practise law; |
| 6. call to the Bar | f) granted entrance to the legal profession; |
| 7. bar examination | g) to compel a lawyer to stop practising law due to an offence committed; |
| 8. to disbar | h) the group of people who are barristers (lawyers who have the right to speak in a court of law). |

Remember! In English-speaking countries, **the Bar** is a term for the legal profession itself, while a **bar association** is the association which regulates the profession. A person who qualifies to practise law is **admitted to the Bar**; on the other hand, to **disbar** a lawyer is to make him or her unable to practise law.

Word Families Study. *Ex. 7. a) Form derivatives from the following verbs:*

To practise, to observe, to provide, to admit, to advise, to specialize.

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

Ex. 8. Give nouns to the following verbs (at least 3–4) and translate the phrases into Ukrainian.

Example: to join a convention (cases, a treaty).

To obtain, to observe, to run, to provide.

Ex. 9. Suggest adjectives to the following nouns. Consult the above text:

1) ... barrister;

6) ... law;

2) ... activity;

7) ... writing;

3) ... service;

8) ... research;

4) ... course;

9) ... partnership;

5) ... information;

10) ... practice.

Ex. 10. Give postlogues (5–6) to the following verbs. Translate them into Ukrainian:

To hold, to lock, to bring, to hand.

Grammar Study. *Ex. 11. In each space put articles: a or the, or leave the space blank. Comment on their usage.*

1. study of law is intellectually stimulating and challenging.
2. In UK, legal education usually begins with completion of bachelor degree in law.
3. To gain Full Qualification Certificate pupils must learn rules of.... conduct and etiquette at.... Bar.
4. If successful at end of twelve months, qualified barrister applies for tenancy in chambers.
5. Many universities offer courses on legal practice.
6. Another way of finding out more about law in practice is to get involved with voluntary advice centre or law clinic.
7. This clinics offer free legal assistance to local community and provide useful introduction to some of day-to-day work of lawyers.

8. For students wishing to work in commercial practice, knowledge of foreign languages is essential.
9. person who has doctorate in law is Doctor of Laws.
10. few law schools are independent institutions.

Ex. 12. Find the most suitable word or phrase in each sentence: Revise the Grammar: Possessive Case of the Noun.

1. Pupillage is divided into two parts – a non-practising six months period when pupils shadow their *pupil / pupil's master*.
2. Pupils with their *supervisor / supervisor's* permission, can undertake to supply legal services and exercise rights of audience.
3. When a junior barrister has practiced at the Bar for 10 to 15 years, it's possible to apply to become a senior barrister, or *Queen / Queen's Counsel*.
4. The final stage entails working for two years as a trainee solicitor with a *solicitors' firm / firm of solicitors*.
5. Courses on legal practice give students the opportunity to experience the *lawyer's work / work of a lawyer*.
6. Law clinics provide a useful introduction to some of the *day-to-day's / day-to-day work* of a lawyer.
7. To become a lawyer in the U.S. one should previously earn a *bachelor's / bachelor degree*.
8. The governing authorities of barristers are the Bar Council and the *Court's Inns / Inns of Court*.

Ex. 13. Translate the sentences into English. Revise the Grammar: The use of Articles with Nouns.

1. У багатьох країнах люди перебувають у в'язниці через політичні переконання.
2. Нещодавно викликали пожежну бригаду для того, щоб погасити вогонь у в'язниці.
3. Суддя вирішив оштрафувати чоловіка на 500\$, замість того, щоб відіслати його до в'язниці.
4. Ця комп'ютерна програма буде захищена законом про авторське право.
5. Державні службовці повинні дотримуватися закону, так само, як усі громадяни країни.
6. Він добре обізнаний із правом.
7. Йому потрібні спеціальні знання, щоб виконати цю роботу.
8. Якщо ви бажаєте отримати науковий ступінь з права, ви повинні поступити до правничого університету.

Comment Study. Ex. 14. a) Make a written translation of the following text, entitle it; give your opinion and say what other people think on this issue.

Seeking the advice of a lawyer, taking a case to court or defending oneself in a lawsuit can be very expensive. Law clinics can provide a free alternative to consulting a lawyer in a private firm.

Kent Law School was the first in Britain to open a law clinic and to develop a 'clinic legal studies' programme as part of its undergraduate curriculum. A new Kent Law Clinic was established in 1992 and it offers a unique opportunity for law students to practise law while still undergraduates.

Students regularly represent clients in a wide range of tribunals and have, in recent years, successfully assisted litigants-in-person in the Court of Appeal. The clinic offers free legal advice to its clients, with all the legal work being done by law students under the supervision of qualified lawyers. They deal with real clients, not with fictional seminar problems, which mean they can develop and refine their legal skills and learn other practical skills, such as interviewing, negotiating and advocacy.

b) Find words or phrases in the text to match these definitions:

1. A court or assembly with judicial (or quasi-judicial) functions.
2. Someone who represents himself or herself without a lawyer in a court.
3. A lawyer who acts on someone's behalf during proceedings.

c) Would you be interested in working as a student lawyer in such a law clinic? Why (not)?

d) Answer the following questions:

1. Who does the legal work at the Kent Law Clinic?
2. Do clients have to pay for the advice given?
3. What kinds of practical skills can be learnt at the law clinic?

Post-Reading Tasks. Ex. 15. Write down the main points of the text in the form of questions and ask your friends to answer them. Make use of the following phrases:

As far as I am concerned; as far as I remember; it is interesting to know; on the contrary etc.

Ex. 16. Complete each sentence below.

1. In the UK, a legal education usually begins with
2. To join a Full Qualification Certificate pupils must learn the rules of
3. When a junior barrister has practiced at the Bar for 10 to 15 years, it is possible
4. Law degree programmes typically include core subjects such as
5. Those wishing to work in a large law practice will consider subjects such as
6. Another way to finding out more about law in practice is

7. When law firms hire new recruits,
 8. To become a lawyer in the U.S. one should

Ex. 17. List some similarities and differences between the legal education in the UK and that in your country.

Ex. 18. Discussion. Contemporary lawyers should have a good command of English, German and Chinese.

Obligatory Law Vocabulary List (OLVL)

Law terms	Law term combinations	Law expressions
1. plead, <i>v</i>		to plead a case to ~ at the bar to ~ guilty / not guilty to ~ pardon
2. opinion, <i>n</i>	opinion of the court ~ testimony ~ in dissent	to draft an opinion to get / form an ~
3. litigation, <i>n</i>	litigation agreement ~ chamber ~ fee ~ interest	to be 1) in litigation / 2) to get into ~ to be engaged in ~
4. tenancy, <i>n</i>	tenancy in common	to obtain « tenancy »
5. appearance, <i>n</i>	first, second, etc. appearance court ~ public ~ live ~ appearance by counsel ~ in a police line-up	to concentrate on court appearance to make ~
6. entail, <i>n, v</i>		to entail liability ~ risk ~ compromise
7. partnership, <i>n</i>	close/limited/effective/good/ great/ working partnership	to have / create /establish partnership to enter / go into partnership
8. practitioner, <i>n</i>	practitioner of law	
9. arbitration, <i>n</i>	binding arbitration independent / international ~	to agree to arbitration to submit (smth.) to ~
10. bar, <i>n, v</i>	bar and bench bar association Bar Council ~ examination	to bar a bill to bar from smth. to bar out to bar proceedings to ~ the public from the court

Unit 2. LEGAL PROFESSION AND LEGAL DUTIES

Lesson II. LAWYERS AT WORK

Pre-Reading Tasks. *Ex. 1. a) Before you read, write a list of terms (about 10 words or phrases) that you think you might find in a text of this type. If necessary invite other members of the class, your teacher or a dictionary to find the terms you need in English, then compare your list with the rest of the class.*

b) Use your knowledge of word families to continue your list: e.g.: if you have written the noun «appeal», you could add the verb «to appeal», and the related noun «appellant».

Lawyer is the general word for someone whose business is the law. Lawyers in the United Kingdom jurisdictions generally **practise as solicitors** in private firms, as **legal advisers** in corporations, government departments, and advice agencies, or as barristers.

Traditionally, solicitors **handle most legal matters** for their clients, including **the drawing up of documents (such as wills, divorce papers and contracts)**, communicating with other parties, and presenting their clients' cases in **magistrates' courts, county courts** and, in some instances, in **the Crown Court**.

Solicitors normally form partnerships with other solicitors and work in offices with support staff. The qualification and **practice of solicitors** are regulated by the **Law Society**. Unlike solicitors, barristers can't form partnerships but must act as **sole traders with unlimited liability**. Some barristers are in employed practice and may only represent their employer, for example, as **in-house counsel** or in government departments like the Crown Prosecution Service. Many work independently in **self-employed practice** in groups called **chambers** or sets and **practise at the Bar** as a barrister.

A barrister's main work is to provide **representation** in the courts where they are referred to **as counsel, to draft documents** associated with court procedure, and to **give opinions**, that is specialist legal advice. As '**counsel for the prosecution**' barristers will try to prove the accused person's guilt. As '**counsel for the defence**' they will defend the accused. They are normally instructed by solicitors or other recognized professionals, such as **patent agents** or **Legal Advice Centres**, on behalf of **lay clients**. As the law has become more complex, barristers increasingly specialize in particular areas, such as **personal injury**, crime, family or commercial law. A number of Specialist Bar Associations, also known as SBAs, support and represent members. Barristers are governed by the General Council of the Bar, known as the **Bar Council**, and the **Inns of Court**.

The majority of U.S. lawyers conduct most of their business out of court. But some lawyers, particularly those who specialize in criminal cases do much trial work. Many American lawyers have a general practice. They provide every kind of legal service, from **drawing up wills** and other legal papers to **handling court cases**. Many other lawyers – especially in big cities – concentrate on a particular branch of the law, such as corporation law or administrative law. Some of these lawyers **work for** large law firms. Such firms provide clients with specialized services in one or more branches of the law. Most large business corporations employ experts in corporation law.

Because of the greatly increased demand for legal services, many lawyers have more work than they can handle. Some large law firms have therefore begun to employ specially trained persons called **lawyers assistants**. A lawyer's assistant does **paralegal work** – that is, routine legal tasks under a lawyer's supervision. Lawyers who employ such assistant can devote more time to complex legal cases.

District attorneys are the state officials in the U.S. who are responsible for bringing **legal charges** against criminals in a particular area. There are no district attorneys in Britain, but there exists the Crown Prosecution service (CPS), the government organization in England and Wales which is responsible for bringing legal charges against criminals. There are also government lawyers, called **public prosecutors** who act for the state in **bringing charges** against criminals in courts of law.

Both in Britain and the U.S. there are chief law officers called **attorneys general**. In Britain the Attorney General is a member of Parliament and barrister. He is a chief law officer of the Crown and head of the English Bar. He regularly represents the government departments in litigation. He may also refer matters of law to the Court of Appeal after an **acquittal**. In the U.S. the Attorney General is a member of the Cabinet **appointed by** the President. He is the head of the Justice Department and the government's lawyer.

A lawyer who represents someone during a trial in the U.S. may be called a counsel (in Britain it is a barrister).

Advocate is a barrister in Scotland. Advocates have the exclusive right to represent parties in the higher courts. Any person entitled to practice as an agent in a court of law in Scotland is a law agent. Scottish Solicitors are **law agents**.

The Lord Advocate is the senior law officer in Scotland.

In Scotland, a lawyer appointed by the court to take evidence out of court is called a **commissioner**. Barristers who perform the same functions in England are known as **examiners**.

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

jurisdiction, *n* divorce, *n., v* provide, *v*

adviser, <i>n</i>	liability, <i>n</i>	employ, <i>v</i>
handle, <i>n., v</i>	employer, <i>n</i>	paralegal, <i>n</i>
matter, <i>n</i>	draft, <i>n., v</i>	refer, <i>v</i>
will, <i>n</i>	conduct, <i>n., v</i>	acquittal, <i>n</i>
attorney, <i>n</i>	counsel, <i>n</i>	examiner, <i>n</i>

Ex. 3. Explain the meaning of, or paraphrase the following:

1. to handle most legal matters;
2. present their clients' cases in magistrates' courts;
3. to act as sole traders with unlimited liability;
4. in-house counsel;
5. to work in self-employed practice in groups called chambers or sets;
6. to provide representation in the courts;
7. to draft documents associated with court procedure;
8. on behalf of lay clients;
9. to employ experts in corporation law;
10. to do paralegal work.

Ex. 4. Find in the text the equivalents of the following:

1. Радник з правових питань;
2. розглядати судову справу;
3. юридичне товариство;
4. особа, яка працює не за наймом;
5. необмежена відповідальність;
6. контора адвоката;
7. адвокат обвинувачення;
8. адвокат захисту;
9. клієнт, який не є юристом (за освітою);
10. «Судові інни» (чотири гільдії адвокатів у Лондоні);
11. який не має професійних знань;
12. окружний прокурор;
13. державний обвинувач;
14. виправдання;
15. особа, яка здійснює допит.

Ex. 5. Match the two parts:

- | | |
|---|--|
| 1) Someone who works for him or herself is | a) provide representation |
| 2) If you speak on behalf of clients in court, you | b) lay clients |
| 3) Non-professional clients are known as | c) self-employed / a sole trader |
| 4) Barristers working solely for a company are called | d) instructed |
| 5) The governing authorities of barristers are | e) in-house counsel |
| 6) When a solicitor gives a barrister the details of a case, the barrister is | f) practise at the Bar |
| 7) When you work as a barrister you | g) the Bar Council and the Inns of Court |

1__ 3__ 5__
2__ 4__ 6__ 7__

Ex. 6. Match the following documents with their definitions. Give their Ukrainian equivalents.

- | | |
|---------------|---|
| 1. affidavit | a) a document informing someone that they will be involved in a legal process and instructing them what they must do |
| 2. answer | b) a document or set of documents containing the details about a court case |
| 3. brief | c) a document providing notification of a fact, claim or proceeding |
| 4. complaint | d) a formal written statement setting forth the cause of action or the defence in a case |
| 5. injunction | e) a written statement that somebody makes after they have sworn officially to tell the truth, which might be used as proof in court |
| 6. motion | f) an application to a court to obtain an order, ruling or decision |
| 7. notice | g) an official order from a court for a person to stop doing something |
| 8. pleading | h) in civil law, the first pleading filed on behalf of a plaintiff, which initiates a lawsuit, setting forth the facts, on which the claim is based |
| 9. writ | i) The principal pleading by the defendant in response to a complaint |

Word Families Study. Ex. 7. a) Form derivatives from the following verbs:

To handle; to defend; to support; to employ.

b) Make up 8–10 sentences with the derived words. Demonstrate your knowledge of the use of Articles in the set expressions.

Ex. 8. Give nouns to the following verbs. Translate them into Ukrainian:

Example: to conduct – to conduct a survey, investigation etc.

To employ, to bring, to draft.

Ex. 9. a) Give postlogues (5–6) to the following verbs. Translate them into Ukrainian:

To draw; to call; to do; to let.

b) Single out the most useful ones to your mind and learn them.

Ex. 10. Match each verb in bold type with its definition:

- | | |
|-------------------------------|---|
| 1. to draft a document | a) to deliver a legal document to someone, demanding that they go to a court of law or that they obey an order; |
| 2. to issue a document | b) to produce a piece of writing or a plan that you intend to change later; |

- | | |
|---|--|
| 3. to file a document | c) to deliver a document formally for a decision to be made by others; |
| 4. to serve a document on someone (or to serve someone with a document | d) to officially record something, especially in a court of law; |
| 5. to submit a document to an authority | e) to produce something official. |

Ex. 11. Decide which of the nouns in Ex. 10 can go with the following verbs. The first one has been done for you.

1. draft *an answer, a brief, a complaint, a motion, a pleading;*
2. issue
3. file (with)
4. serve (on someone)
5. submit.

Grammar Study. Ex. 12. Choose the right preposition in brackets according to the contents of the sentences (from, on, by, in, under, to, with, for, against, out of).

1. The qualification and practice of solicitors are regulated the Law Society.
2. Barristers can't form partnerships but must act as sole traders unlimited liability.
3. A barrister's main work is to provide representation in the courts where they are referred as counsel.
4. The majority of U.S. lawyers conduct most of their business court.
5. Many American lawyers provide every kind of legal service, drawing up wills and other legal papers to handling court cases.
6. Many lawyers concentrate a particular branch of the law.
7. Most large business corporations employ experts corporation law.
8. Because of the greatly increased demand legal services, many lawyers have more work than they can handle.
9. A lawyer's assistant does routine legal tasks a lawyer's supervision.
10. District attorneys are responsible for bringing legal charges criminals in a particular area.

Ex. 13. Find the most suitable phrase. Revise the Grammar: Noun + Noun Structure and Possessives.

1. Lawyers in the UK jurisdictions generally practise as legal advisers in corporations and *government's departments / government departments.*
2. Solicitors present their clients' cases in *magistrates' / magistrate courts.*

3. A *barrister / barrister's* main work is to provide representation in the courts.
4. As 'counsel for the prosecution' barristers will try to prove the accused *person/ person's* guilt.
5. District attorney are the *state's / state* officials in the U.S.
6. There are no *district's / district* attorney in Britain.
7. Most large *business' / business* corporations employ experts in corporation law.
8. In Britain the Attorney General is a chief law officer of the Crown and *the English Bar's head / head of the English Bar*.

Ex. 14. Translate the sentences into English. Revise the Grammar: Countable and Uncountable nouns.

1. Її запитали, чи вона мала попередній досвід роботи,
2. Він мав багато приемних випадків у своєму житті, про які хотів би розповісти вам.
3. Студенти на цьому курсі вивчають багато аспектів права.
4. Більшість адвокатів США окрім основної роботи займаються своїм власним бізнесом.
5. Компанія розпочалася як малий сімейний бізнес.
6. Еванс, так само, як і його брат, має глибокі знання з деліктного права.
7. Він володів кращими знаннями ситуації, ніж ми усвідомлювали.
8. Аварія спричинила велику кількість смертей.
9. Двом пасажиром вдалося уникнути смерті.
10. Багато інформації щодо потерпілих у цій справі вже повідомили по радіо.

Comment Study. Ex. 15. a) Translate the following text (in writing). Entitle it.

The legal profession is changing and responding positively to the outside world. The future demands greater professional responsibility and self-management skills to succeed. The better and informed future lawyers – judges, prosecutors, notaries, investigators in Ukraine; barristers and solicitors in the United Kingdom – are, the more aware they are of their strengths and ambitions, the more they will be able to manage future career opportunities.

The legal profession is driven both by the changing needs of its clients and by government policy and new legislative frameworks. Lawyers need to ensure that services and standards are properly regulated, maintained and enhanced.

The legal profession is increasingly international – global economy, the European Union influences different aspects of lives of a European lawyer. Many lawyers deal with international business and clients now. In the UK, it tends to be solicitors who work for international law firms, but barristers may also be representing international clients.

Increased competition is a growing aspect of the legal profession. Clients look for high-quality specialist services. Within the legal profession in the UK there is a healthy competition between solicitors and barristers.

Information technology is an inescapable fact of modern life. You can't get away from IT – you ought to be, and need to be, computer literate. You have to depend on relevant IT solutions – the legal profession here is no exception. Expect to make good use of specialist software packages and other IT services for research and client support as part of your everyday job.

As a prospective lawyer you will need to consider your options carefully:

- where do I train – what is the best course and training opportunity for me?
- what branch of the profession and areas of law do I eventually want to practise in and what are the opportunities?

You should be starting to ask yourself these questions now. Remember that as well as academic excellence, employers place a premium on good communication and teamwork skills combined with professional awareness.

b) Answer the following questions using the information from the text, as well as your background and current knowledge on the issue raised.

- 1) What demands should the modern lawyer answer?
- 2) How does the European law influence legal professionals' affairs?
- 3) Why is the legal profession changing?
- 4) What items should you consider as a prospective lawyer?

Post-Reading Tasks. Ex. 16. Make an outline of the text. Retell the text: a) according to the outline; b) without details.

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

1. Solicitors spend more time in court and have a right of audience in the higher courts.
2. Barristers handle most legal matters for their clients, including the drawing up of documents (such as will, divorce papers and contracts).
3. As 'counsel for the defence' barristers will try to prove the accused person's guilt.
4. The majority of U.S. lawyers conduct most of their business out of court.
5. A lawyer's assistant does routine legal tasks under a lawyer's supervision.
6. In U.S. the Attorney General is not the head of the Justice Department.
7. Advocates in Scotland had the exclusive right to represent parties in the higher courts.
8. Scottish solicitors are law agents.

9. In Scotland a lawyer appointed by the court to take evidence out of court is called examiner.
10. An examiner is a lawyer who represents someone during a trial in the U.S.

Ex. 18. Complete each sentence below.

1. Lawyer is the general word for someone
2. Solicitors handle most legal matters for their clients, including ...
3. A barrister's main work is
4. As 'counsel for the prosecution' barristers
5. As 'counsel for the defence' barristers
6. Barristers are governed by
7. District attorneys are the state officials in the U.S.
8. Advocates in Scotland have the exclusive right....

Ex. 19. Answer the following questions using the information from the text:

1. What person can be described as a lawyer?
2. What do barristers specialize in?
3. Who employs and pays the barristers?
4. Who has the right of audience?
5. How does a barrister spend most of his time?
6. How does a solicitor spend most of his time?

Ex. 20. Speak of the profession of a lawyer in Ukraine.

Obligatory Law Vocabulary List (OLVL)

Law terms	Law combination	Law expressions
1. liability, n	legal liability (un)limited ~ substantial / financial, tax ~	to have liability (for) to accept, acknowledge, deny ~
2. counsel, n	legal counsel chief/senior/junior/leading ~ crown, prosecuting ~ counsel for the defendant (appellant, plaintiff) ~ for the defense (prosecution)	to appoint a counsel to instruct a ~
3. draft, n., v	early (first, initial, original, preliminary, rough, final) draft	to draft an agreement ~ a constitution to ~ a law to ~ a contract
4. conduct, n., v	good conduct human ~	to conduct a trial to ~ an investigation

	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