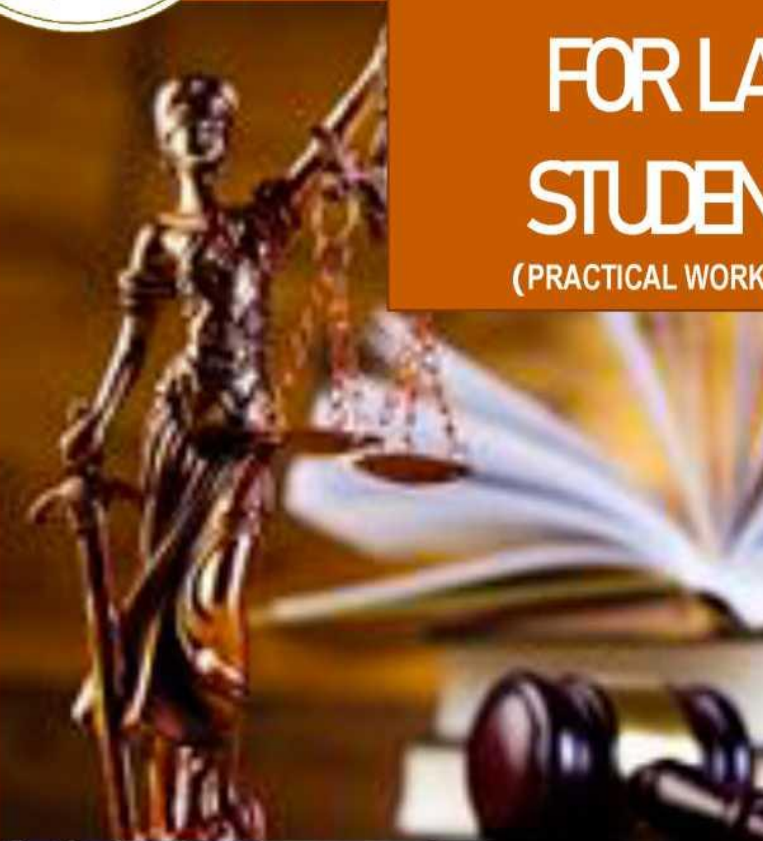


ENGLISH
FOR LAW
STUDENTS
(PRACTICAL WORKBOOK)



Міністерство освіти і науки України
Запорізький національний університет

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ІНОЗЕМНА МОВА (АНГЛІЙСЬКА)

Практикум
для здобувачів ступеня вищої освіти бакалавра
спеціальності «Право»
освітньо-професійної програми «Право»

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Навчальне видання призначене для здобувачів ступеня вищої освіти бакалавра освітньо-професійної програми «Право».

Основною метою навчального видання є формування й розвиток у майбутніх фахівців-правознавців готовності до іншомовної професійної комунікації. Структурно видання складається з 18 тематичних блоків, зміст яких уніфіковано: словник-мінімум до тексту, автентичний текст професійної тематики, післятекстові вправи, спрямовані на засвоєння професійної лексики, та розвиток мовленнєвих умінь у професійно орієнтованому спілкуванні. Поданий англо-український словник містить впорядкований перелік юридичних термінів, що рекомендуються студентам для запам'ятовування та вживання під час виконання комунікативних вправ.

Запропоноване видання забезпечує аудиторну, позааудиторну, самостійну та індивідуальну роботу студентів.

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ПЕРЕДМОВА

Курс «Іноземна мова (англійська)» належить до циклу обов'язкових дисциплін в межах університету для здобувачів ступеня вищої освіти бакалавра спеціальності «Право» освітньо-професійної програми «Право». Його викладання спрямоване на формування й розвиток іншомовної комунікативної компетентності студентів у сфері професійного спілкування в усній і письмовій формах, що є нагальною потребою сьогодення.

Основними завданнями навчальної дисципліни «Іноземна мова (англійська)» є:

- 1) формування лексичної та граматичної компетентності студентів;
- 2) розвиток навичок читання і розуміння автентичних професійно-орієнтованих текстів;
- 3) розвиток навичок усної професійної комунікації (реагування на основні ідеї та розпізнавання суттєво важливої інформації під час професійно-орієнтованого спілкування тощо).

Програмний матеріал подано з дотриманням професійно-орієнтованого підходу до навчання і складається з вісімнадцяти тематичних блоків, зміст яких складають тексти з правознавства.

Методика роботи з текстами уніфікована. Робота над кожним блоком передбачає 4 етапи:

Pre-reading – обговорення вступних питань, опанування словника-мінімуму до тексту;

Reading – читання автентичного тексту, поповнення словника професійної термінології;

Practice – виконання серії вправ, спрямованих на контроль розуміння тексту та на закріплення лексики, окремі завдання спрямовані на розвиток навичок роботи в парах, у групах;

Creative Activities – завдання, що сприяє розвитку вмінь студентів аналізувати, структурувати та класифікувати інформацію, робити самостійні висновки за результатами досліджень та обґрунтовувати власну позицію. До практикуму включено тестові завдання для закріплення навчального матеріалу та самоперевірки. Поданий англо-український словник містить впорядкований перелік юридичних термінів, що рекомендуються студентам для запам'ятовування та вживання під час виконання комунікативних вправ.

У практикумі викладено методичні рекомендації щодо послідовності та змісту роботи з текстами професійної тематики англійською мовою. Уміння правильно читати професійні тексти іноземною мовою допоможе зрозуміти виклад, факти, аргументацію подану у тексті, що має вирішальне значення у розумінні науки, що вивчається, та у становленні майбутнього фахівця.

За результатами навчання студент повинен набути таких загальних компетенцій як здатність до абстрактного мислення, аналізу та синтезу отриманої іншомовної інформації, спілкуватися англійською мовою як усно, так і письмово, застосовувати знання з англійської мови у практичних

ситуаціях, розуміти та професійно використовувати понятійний апарат з права англійською мовою.

Студент повинен знати і використовувати лексичні одиниці соціально-культурної сфери спілкування, та професійно-орієнтовані лексичні одиниці, аналізувати зміст прагматичного тексту, з метою анотування та реферування англійською мовою отриманої інформації.

За результатами навчання студент повинен вільно спілкуватися англійською мовою з використанням фахової лексики, а саме:

- вести бесіду в межах тематики, передбаченої програмою навчання для студентів ступеня вищої освіти «бакалавр»;
- читати та перекладати текст; обговорювати тематику та проблематику статті, виділяти загальні висновки;
- аналізувати зміст текстів: визначати тему, мету, проблематику;
- читати і аналізувати статті англійською мовою (без використання словника); давати вичерпну інформацію змісту текстів за фахом;
- реферувати в усній формі тексти професійної тематики з аутентичних джерел;
- критично коментувати зміст прочитаного;
- висловлюватись у формі монологічного й діалогічного мовлення на основі змісту текстів, а також на основі змісту статей професійної сфери спілкування.

Текстовий матеріал відібрано з автентичних джерел, видання є сучасним, інформативним і має на меті практичне оволодіння студентами новітньою фаховою інформацією через іноземні джерела і розвиток професійної ерудиції.

Увага в поданому практикумі акцентується на специфічних рисах англомовної комунікації безпосередньо в галузі права. Лексичний матеріал та креативні завдання підібрано з урахуванням професійних і пізнавальних інтересів студентів. Практикум включає комплекс вправ, які спрямовані на розвиток навичок розуміння англомовного тексту, збагачення словникового запасу студентів, розвиток комунікативної компетенції, навичок самостійної роботи з новими лексичними одиницями. Основним призначенням даного видання є формування й розвиток у майбутніх фахівців-правознавців готовності до іншомовної професійної комунікації.

TEXT 1

CLASSIFICATIONS OF LAW



PRE-READING

1. Read and study the following words and word combinations:

1. substantive law – субстантивне право (стосується суті, а не форми)
2. procedural law – процесуальне право
3. to decide disputes – вирішувати спори
4. lawsuit - судова справа, процес, позов
5. to enforce a judgment – забезпечити виконання судового рішення
6. to enter into an agreement – укласти договір (угоду)
7. to breach an agreement – розірвати договір (угоду)
8. enforceable agreement – договір, забезпечений правовою санкцією
9. to be concerned with smth – займатися чим-н., торкатися чого-н.
10. tort – делікт, цивільне правопорушення
11. litigation – позов, судовий процес
12. Interstate Commerce Commission – комісія з торгівлі між штатами
13. Federal Trade Commission – Федеральна комісія з торгівлі
14. Labor Relations Board – правління (комісія) з трудових відносин



READING

2. Read the text. Pay attention to legal terms.

In order to understand many different aspects of law, it is helpful to look at various areas or classifications of law. Law is sometimes classified as substantive or procedural. The law that is used to actually decide disputes may be classified as substantive law. On the other hand, the legal procedures that provide how a lawsuit is begun, how the trial is conducted, how appeals are taken, and how a judgment is enforced are called procedural law. Substantive law is the part of the law that defines rights, and procedural law establishes the procedures whereby rights are enforced and protected. For example, A and B have entered into an agreement, and A claims that B has breached the agreement. The rules that provide for bringing B to court and for the conduct of the trial are rather mechanical and they constitute procedural law. Whether the agreement was enforceable and whether A is entitled to damages are matters of substance and would be determined on the basis of the substantive law of contracts.

Law is also frequently classified into areas of public and private law.

Public law includes those bodies of law that affect the public generally; private law includes the areas of the law that are concerned with the relationships between individuals.

Public law may be divided into 3 general categories:

(1) Constitutional law which concerns itself with the rights, powers and duties of federal and state governments under the US Constitution and the constitutions of various states;

(2) Administrative law, which is concerned with the multitude of administrative agencies, such as the Interstate Commerce Commission, the Federal Trade Commission, and the National Labour Relations Board;

(3) Criminal law, which consists of statutes that forbid certain conduct as being detrimental to the welfare of the state or the people generally and provides punishment for their violation.

Private law is that body of law that pertains to the relationships between individuals in an organized society. Private law encompasses the subject of contracts, torts and property. Each of these subjects includes several bodies of law. For example, the law of contracts may be subdivided into the subjects of sales, commercial paper, agency and business organizations.

The law of torts is the primary source of litigation in the country and is also a part of the total body of law in such areas, as agency and sales. A tort is a wrong committed by one person against another or his property. The law of torts is predicated upon the premise that in a civilized society people who injure other persons or their property should compensate them for their loss. The law of property may be thought of as a branch of the law of contracts, but in many ways our concept of private property contains much more than the contract characteristics.

Property is the basic ingredient in our economic system, and the subject matter may be subdivided into several areas, such as wills, trusts, estates in land, personal property, bailment and many more.

PRACTICE

3. Find answers to the following questions in the text above:

1. What is substantive law?
2. What do we call procedural law?
3. What is the difference between public and private law?
4. What does constitutional law concern itself with?
5. What is administrative law concerned with?
6. What does criminal law consist of?
7. What does private law encompass?
8. What is a tort?
9. What several areas may the subject matter be subdivided into if we speak about property?

4. Read the following sentences and decide if they are True or False:

1. Law is always classified as substantive or procedural law.
2. Procedural law establishes the procedures whereby rights are enforced and protected.
3. The legal procedures that provide how a lawsuit is begun, how the trial is conducted and how appeals are taken, are called substantive law.
4. Public law includes those bodies of law that affect the public generally.
5. The areas of the law concerned with the relationships between individuals in an organized society are included into private law.
6. Private law encompasses the subjects of contracts, torts and property.
7. A wrong committed by one person against another or his property is called a tort.
8. In a civilized society people who injure other persons or their property should compensate them for their loss.
9. The law of property may be thought of as a branch of the law of contracts, but in many ways our concept of private property contains much more than the contract characteristics.

5. Fill in the blanks with the words and expressions from the text above:

1. Law is sometimes classified as ...
2. Substantive law is the part of the law that ...
3. Procedural law establishes ...
4. Public law may be divided into 3 general categories, such as ...
5. Private law pertains to ...
6. The law of contracts may be subdivided into ...
7. A tort is a wrong ...
8. Property is the basic ingredient ...

9. Criminal law, which consists of statutes that forbid certain conduct as being detrimental to the welfare of the state or the people generally and provides ... for their

6. Match the following noun phrases with their Ukrainian equivalents:

1. substantive law	A. конституційне право
2. procedural law	B. кримінальне право
3. public law	C. закон про цивільні правопорушення
4. private law	D. процесуальне право
5. constitutional law	E. сукупність правових норм
6. administrative law	F. публічне право
7. criminal law	G. приватне право
8. welfare of the state	H. закон про майно
9. relationships between individuals	I. субстантивне право
10. Bodies of law	J. відносини між особами
11. the law of torts	K. адміністративне право
12. the law of property	L. добробут країни
13. Federal government	M. уряд штату
14. state government	N. федеральний уряд

7. Match the following verb phrases with their Ukrainian equivalents:

1. to decide disputes	A. завдавати шкоду особам
2. to begin a lawsuit	B. забезпечити виконання судового рішення
3. to conduct a trial	C. захищати права
4. to enforce a judgment	D. забороняти певну поведінку
5. to define rights	E. вчинити протиправну дію
6. to protect rights	F. відшкодувати збитки
7. to enforce an agreement	G. вирішувати спори
8. to affect the public	H. визначати права
9. to forbid certain conduct	I. починати судову справу
10. to provide punishment	J. впливати на суспільство
11. to commit a wrong	K. забезпечити виконання угоди
12. to injure persons	L. вести судовий процес
13. to compensate for the loss	M. передбачати покарання

8. Translate the following words and word combinations:

право; субстантивне право; процесуальне право; публічне право; приватне право; конституційне право; адміністративне право; кримінальне право; сукупність правових норм; суб'єкти продажу; комерційні папери; закон про делікти; закон про договори (контракти); приватне майно; заповіт; доручення.

TEXT 2

SOURCES OF LAW



PRE-READING

1. Read and study the following words and word combinations:

1. statute – статут, закон, законодавчий акт
2. legislature – законодавчий орган; законодавча влада
3. common law – загальне право
4. to be contrasted with – бути протиставлюваним
5. to be in keeping with – бути відповідним
6. to overrule a statute – скасовувати закон (статут)
7. case law – прецедентне право
8. statutory law – статутне право (яке є відображенням у законодавчих актах)
9. to write an opinion – писати висновок
10. lower-court decision – рішення нижчого суду

READING

2. Read the text. Pay attention to legal terms.

The unique characteristic of American law is that a very substantial part of it is not to be found in statutes enacted by legislatures but rather in cases decided by the courts.

The concept of decided cases as a source of law comes to us from England. It is generally referred to as the common law. Common law system of heavy reliance on case precedent as a source of law must be contrasted with civil law systems, which

developed in the countries on European continent. Those countries have codified their laws – reduced them to statutes – so that the main source of law in those countries is to be found in the statutes rather than in the cases.

Under the common law system there is a large number of statutes, but these are only a part of the law. The statutes must be in keeping with the constitutions - federal and state – and the courts can overrule a statute that is found to violate constitutional provisions.

Also included under this heading are treaties that by the federal constitution also a part of the supreme law of the land. Case law, as opposed to written law, is not set forth formally but is derived from an analysis of each case that uncovers what legal propositions the case stands for. It is not proper to call this «unwritten» law because it is in fact in writing. However, it must be distinguished from statutory law in that it is not the product of the legislature but is rather the product of the courts. When a court decides a case, particularly upon an appeal from a lower-court decision, the court writes an opinion setting forth among other things the reasons for its decision. From these written opinions rules of law can be deduced and these make up the body of what is called case law or common law. The basic characteristic of the common law is that a case once decided establishes a precedent that will be followed by the courts when similar controversies are later presented.

The third source of law is administrative law. Federal, state and local administrative agencies make law by promulgating rules and regulations as well as by making decisions concerning matters under their jurisdiction.

In summary, the law comes from written laws such as constitutions, statutes, ordinances and treaties; from case law, which is based on judicial decisions; and from the rules and decisions of administrative agencies.

PRACTICE

3. Find answers to the following questions in the text above:

1. What is the unique characteristic of American law?
2. Where does the concept of decided cases as a source of law come from?
3. What have the countries on European continent codified?
4. What must the statutes be in keeping with under the common law system?
5. What is the difference between case law and statutory law?
6. What is the basic characteristic of the common law?
7. What is the third source of law?

4. Fill in the blanks with the words from the text above:

1. A very substantial part of American law is not to be found in statutes enacted by legislatures but rather ...
2. Common law system must be contrasted with ...
3. The statutes must be in keeping with ...
4. As opposed to written law case law is ...

5. A case once decided ...
6. The third source of law is ...
7. In summary, the law comes from ...

5. Match the following noun phrases with their Ukrainian equivalents:

1. case law	A. цивільне право
2. written law	B. загальне право
3. administrative law	C. джерело права
4. common law	D. прецедентне право
5. substantial part	E. повна довіра
6. source of law	F. суттєва частина
7. Civil law	G. конституційні положення
8. statutory law	H. вищий закон держави
9. heavy reliance	I. подібні спори
10. constitutional provisions	J. писане право
11. supreme law of the land	K. судові рішення
12. product of the legislature	L. статутне право
13. similar controversies	M. адміністративні органи
14. judicial decision	N. продукт законодавчої влади
15. administrative agencies	O. адміністративне право

6. Match the following verb phrases with their Ukrainian equivalents:

1. to enact a statute	A. вирішувати справу
2. to decide a case	B. написати висновок
3. to codify laws	C. встановити прецедент
4. to be in keeping with smth	D. обнародувати норми
5. to overrule a statute	E. кодифікувати закони
6. to violate provisions	F. відхилити закон
7. to set forth	G. скласти основу
8. to be derived from	H. представляти спори
9. to be distinguished from	I. приймати закон (статут)
10. to write an opinion	J. відрізнятись від
11. to make up the body	K. приймати рішення
12. to establish a precedent	L. бути відповідним до чого-небудь
13. to present controversies	M. порушувати положення
14. to promulgate rules	N. формулювати
15. to make decisions	O. походити від

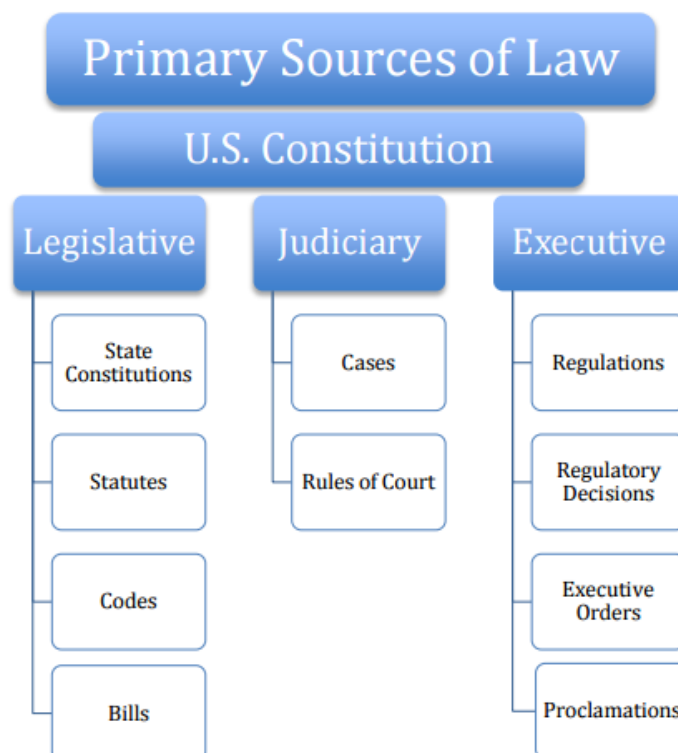
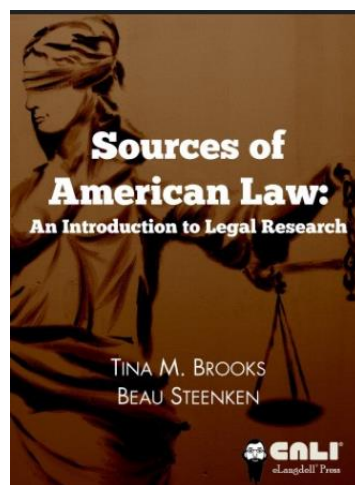
7. Translate the following words and word combinations:

джерело права; загальне право; прецедентне право; статутне право; писане право; вирішувати справу; судові рішення; рішення нижчого суду;

встановлювати прецедент; федеральні та місцеві органи; обнародувати норми та положення; статuti, ордонанси та договори; писати висновок.

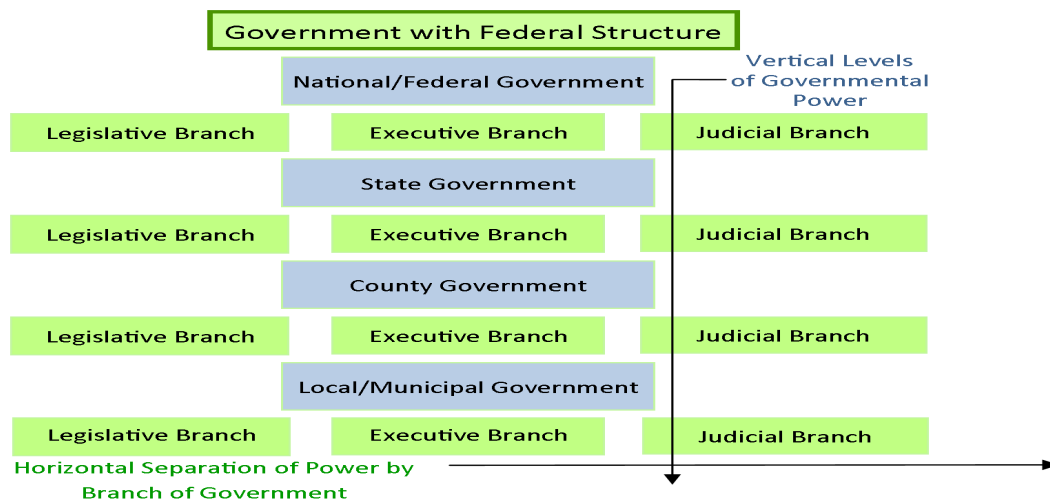
8. Ask questions to get the following answers:

1. Common law system as a source of law must be contrasted with civil law system.
2. The courts can overrule a statute that is found to violate constitutional provisions.
3. Statutes and constitutions are classified as written law.
4. Case law is derived from an analysis of each case that uncovers what legal provisions the case stands for.
5. When a court decides a case, it writes an opinion setting forth the reasons for its decision.



TEXT 3

THE BASIS OF AMERICAN STATEHOOD



PRE-READING

1. Read and study the following words and word combinations:

1. statehood – державність
2. government – уряд; державна влада; управління, керівництво
3. constitution in force – чинна конституція
4. draft – проект
5. to bind – зв'язати, об'єднати
6. to issue a call – звернутися з закликом
7. to amend – вносити поправки
8. to push aside – відкинути
9. blessings – благословення
10. posterity – нащадки
11. neither ... nor – ні ... ні

READING

2. Read the text. Pay attention to legal terms.



The Constitution of the United States is the central instrument of American government and the supreme law of the land.

For 200 years, it has guided the evolution of governmental institutions and has provided the basis for political stability, individual freedom, economic growth and social progress.

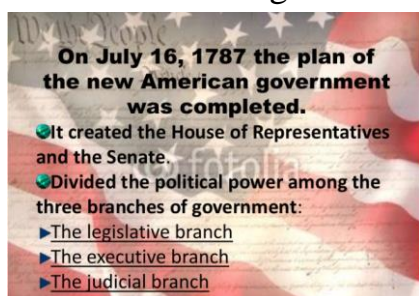
The American Constitution is the world's oldest written constitution in force, one that has served as the model for a number of other constitutions around the world. The path to the Constitution was neither straight nor easy. A draft document emerged in 1787, but only after intense debate and six years of experience with an earlier federal union.



**THE PROJECT
OF THE
CONSTITUTION
WAS
COMPOSED BY
JAMES
MADISON.**

The 13 British colonies declared their independence from England in 1776. A year before, war had broken out between the colonies and Great Britain, a war for independence that lasted for six bitter years. While still at war, the colonies – now calling themselves the United States of America – drafted a compact which bound them together as a nation. The compact, designated the «Articles of Confederation and Perpetual Union», was adopted

by the Congress of the states in 1777 and formally signed in July 1777. In February 1787 the Continental Congress, the legislative body of the republic, issued a call for the states to send delegates to Philadelphia to revise the Articles.



The Constitutional or Federal Convention convened on May 25, 1787 in Independence Hall, where the Declaration of Independence had been adopted 11 years earlier on July 4, 1776. Although the delegates had been authorized only to amend the Articles of Confederation, they pushed the Articles aside and proceeded to construct a charter for a wholly

new, more centralized form of government.

The new document, the Constitution, was completed on September 17, 1787, and was officially adopted on March 4, 1789. The 55 delegates who drafted the Constitution, included most of the outstanding leaders, or Founding Fathers, of the new nation. All agreed on the central objectives expressed in the preamble to the Constitution:

«We the people of the United States in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America».

PRACTICE

3. Find answers to the following questions in the text above:

1. What is the central instrument of American government?
2. The American Constitution is the world's oldest written constitution in force, isn't it?
3. Was the path to the Constitution straight and easy?
4. When did the 13 British colonies declare their independence from England?
5. How long did the war for independence between the colonies and Great Britain last?
6. What kind of document did the colonies calling themselves the United States of America draft?
7. What central objectives are expressed in the preamble to the Constitution?

4. Read the following sentences and decide if they are True or False:

1. The American Constitution provides the basis for political stability, individual freedom, economic growth and social progress.
2. The American Constitution is the world's oldest written constitution in force.
3. The American Constitution has served as the model for a number of other constitutions around the world.
4. The path to the Constitution was straight and easy.
5. The Constitutional or Federal Convention convened on May 25, 1787 in Independence Hall, where the declaration of Independence had been adopted.
6. The American Constitution was officially adopted on May 4, 1789.
7. The 55 delegates including Founding Fathers of the new nation drafted the Constitution.

5. Fill in the blanks with the following words and expressions:

model; statehood; debate; delegates; independence; constitution; Founding Fathers; experience; a draft document; the legislative body; the outstanding leaders

1. The basis of the American ... and the supreme law of the land is the ...
2. The American Constitution has served as the ... for a number of other constitutions around the world.
3. After intense ... and six years of ... with an earlier federal union ... emerged in 1787.
4. In 1776 the 17 British colonies declared their ... from England.
5. In February 1787 the Continental Congress ... of the republic issued a call for the states to send ... to Philadelphia.
6. The 55 delegates who drafted the Constitution, included most of the ... or ... of the new nation.

6. Match the following noun phrases with their Ukrainian equivalents:

1. supreme law	A. форма управління
2. political stability	B. війна за незалежність
3. economic growth	C. головні цілі
4. social progress	D. законодавчий орган
5. central instrument	E. загальний добробут
6. constitution in force	F. політична стабільність
7. war for independence	G. економічне зростання
8. perpetual union	H. головний інструмент
9. legislative body	I. вищий закон
10. declaration of independence	J. преамбула конституції
11. form of government	K. соціальний прогрес
12. Founding Fathers	L. чинна конституція
13. central objectives	M. декларація про незалежність
14. preamble to the Constitution	N. вічний союз

7. Match the following verb phrases with their Ukrainian equivalents:

1. to provide the basis	A. підписати договір
2. to serve as the model	B. внести поправки до статей
3. to declare independence	C. звернутися з закликом
4. to break out the war	D. розпочати війну
5. to draft a compact	E. прийняти документ
6. to issue a call	F. забезпечити основу
7. to sign a compact	G. внести поправки до договору
8. to adopt a document	H. забезпечити спокій
9. to amend the articles	I. слугувати зразком
10. to construct a charter	J. проголосити незалежність
11. to form a union	K. формувати союз
12. to establish a justice	L. встановлювати справедливість
13. to issue tranquility	M. скласти статут

7. Translate the following words and word combinations:

чинна конституція; проект конституції; федеральний союз; політична стабільність; соціальний прогрес; гіркі роки; законодавчий орган; направити делегатів; створити більш централізовану форму управління; прийняти новий документ; внести поправки до статей Конфедерації; відкинути статті Конфедерації; погодитися з головними цілями; преамбула конституції.

TEXT 4

THE CONSTITUTION AS SUPREME LAW

“Supreme Law of the Land”

- The new “U.S. Constitution” is the highest authority in the nation.
- All power of the U.S. Government is derived from this document.

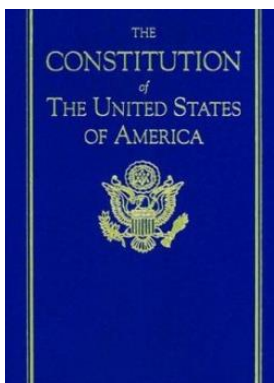


PRE-READING

1. Read and study the following words and word combinations:

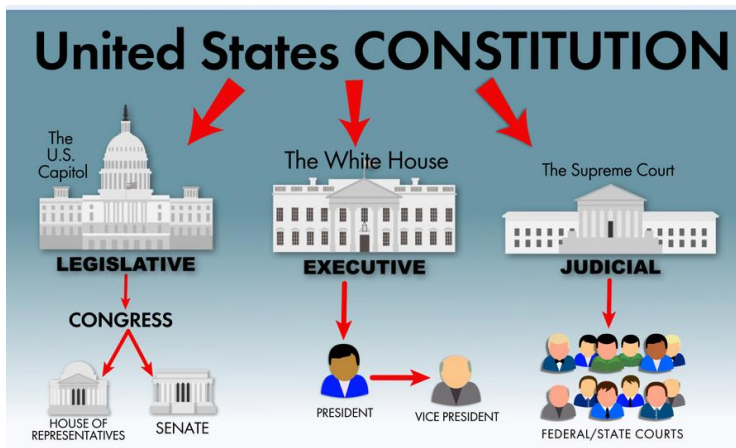
1. to violate the law – порушувати закон
2. to conform to smth. – відповідати чому-то
3. to be in harmony with – бути співзвучним з
4. criminal justice – кримінальне правосуддя
5. to give authority to – надавати повноваження
6. to fit smth. – відповідати чому-то
7. jury trial – суд присяжних
8. bail – застава
9. as well as – а також

READING



2. Read the text. Pay attention to legal terms.

The Constitution of the United States and the constitutions of the various states are the fundamental written law in those countries. The federal law must not violate the U. S. Constitution. All state laws must conform to or be in harmony with the federal Constitution as well as with the constitution of the state.



The US Constitution is the basic document that gives authority to criminal justice agencies. It also sets the outer limits to their efforts, making sure that the system of crime control fits the form of government. All of the provisions of the Constitution apply to criminal control, though a number of amendments are system-specific. For instance, the Fourth Amendment prohibits illegal searches and seizures of evidence; the Fifth prevents self-incrimination during questioning; the Sixth guarantees the rights to jury trial; the Eighth provides for reasonable bail and prohibits cruel and unusual punishment; and the Fourteenth prevents from depriving anyone of liberty without due process of law.

Two very important principles of constitutional law are basic to the American judicial system. They are closely related to each other and known as the doctrine of separation of powers and the doctrine of judicial review.

The doctrine of separation of powers results from the fact that both state and federal constitutions provide for a scheme of government consisting of three branches – the legislative, the executive and the judicial. Separation of powers ascribes to each branch a separate function and a check and balance of the functions of the other branches. The doctrine of separation of powers infers that each separate branch will not perform the function of the other and that each branch is summarized as follows: the Senate retains the power to approve key executive and judicial appointments. The legislative branch exercises control through its powers to appropriate funds.

In addition, Congress can limit or expand the authority of the executive branch or the jurisdiction of the judicial branch in most cases. The executive has the powers to appoint judges (in some states the judiciary is elected). The judiciary has the powers to review actions of the executive and to review laws passed by the legislative branch to determine if such laws are constitutional.

The doctrine of judicial review is the heart of the concept of separation of powers. This doctrine and the doctrine of supremacy of the Constitution were established at an early date of the American history.

PRACTICE

3. Find answers to the following questions in the text above:

1. What is the fundamental written law of the United States?

2. What does the US Constitution give authority to?
3. What are the examples of specific amendments to the US Constitution?
4. What are two very important principles of constitutional law basic to the American judicial system?
5. How many branches does a scheme of government consist of?
6. What does the doctrine of separation of powers infer?
7. What kind of power does the Senate retain?
8. What does the legislative branch exercise?
9. What is the power of the judiciary?

4. Fill in the blanks with the words from the text above:

1. The Constitution of the United States is the fundamental written ... of the country.
2. The federal law must not ... the US Constitution.
3. The US Constitution gives authority to... ..
4. Two very important principles of constitutional law are basis to the American
5. A scheme of government consists of three branches –
6. The Senate retains the power to approve key ... and ... appointments.
7. The executive has powers to
8. The judiciary has the powers to review ... of the executive and to review ... passed by the ... to determine if such ... are

4. Match the following noun phrases with their Ukrainian equivalents:

1. supreme law	A. закон штату
2. Federal law	B. суд присяжних
3. state law	C. судова система
4. criminal justice	D. обґрунтована застава
5. searches and seizures of evidence	E. жорстоке покарання
6. self-incrimination	F. федеральний закон
7. jury trial	G. розподіл повноважень
8. reasonable bail	H. кримінальне правосуддя
9. cruel punishment	I. обшук та вилучення
10. judicial system	J. вищій закон
11. separation of powers	K. самообвинувачення
12. judicial review	L. законодавча гілка
13. judicial branch	M. судовий перегляд
14. legislative branch	N. виконавча гілка
15. executive branch	O. судова гілка

5. Match the following verb phrases with their Ukrainian equivalents:

1. to violate the law	A. виконувати функції
2. to be in harmony with	B. забороняти жорстоке покарання
3. to give authority to	C. бути співзвучним з
4. to set limits to	D. порушувати закон
5. to fit the form of	E. приймати закон
6. to provide for reasonable bail	F. надавати повноваження
7. to prohibit cruel punishment	G. встановлювати межі
8. to be related to each other	H. забезпечувати обґрунтовану заставу
9. to result from the fact	I. переглядати дії
10. to consist of 3 branches	J. відповідати формі правління
11. to perform the functions	K. призначати суддів
12. to approve appointments	L. бути відносним один одного
13. to exercise control	M. впливати з факту
14. to appoint judges	N. здійснювати контроль
15. to pass laws	O. схвалювати призначення
16. to review actions	P. складатися з трьох гілок влади

6. Translate the following words and word combinations:

поділ влади; судовий перегляд; судова система; кримінальне правосуддя; форма правління; незаконний обшук та вилучення доказів; самообвинувачення; порушувати конституцію; конституція штату; федеральна конституція; законодавча (виконавча, судова) влада; призначати суддів; приймати закони; верховенство конституції; основа концепції поділу влади.

7. Ask questions to get the following answers:

1. The federal law must not violate the US Constitution.
2. The Fifth Amendment presents self- incrimination during questioning.
3. The Sixth Amendment guarantees the right to jury trial.
4. The Eighth prohibits cruel and unusual punishment.
5. Two basic principles of American constitutional law are the doctrine of separation of powers and the doctrine of judicial review.
6. The doctrine of supremacy of the Constitution was established at an early date of American history.

Article VI says that the constitution is the highest law of the land. This means that federal and state officers and judges must uphold the constitution.

TEXT 5

CONTRACT LAW



PRE-READING

1. Read and study the following words and word combinations:

1. transaction – угода
2. intangible personal property – нематеріальне особисте майно
3. venture – підприємство
4. employee – робітник
5. employer – наймач
6. purchase – купівля
7. sale – продаж

READING

2. Read the text. Pay attention to legal terms.

Contract law is perhaps the most basic area of civil law. Every transaction, be it oral or written, for the purchase or sale of goods, land or intangible personal property, involves principles of contract law.

Contract law is the foundation upon which other areas of law are built. For example, suppose that two persons want to establish a business. Whether they propose a partnership, a corporation or any other type of organization, their venture involves principles of contract law. If employees are to be hired, any agreement between employer and employees involves contract law.

The business must operate from premises and use of machinery and equipment, and each of these necessities may be purchased or perhaps leased. Either way, principles of contract law apply. When the organization begins transacting business it must purchase raw materials, and those purchases involve contract law. After the raw materials are processed into products, the manufacturers sales to wholesalers subsequent sales to retailers, and retailers sales to consumers are all controlled by principles of contract law.

PRACTICE

3. Find answers to the following questions in the text above:

1. What is the most basic area of civil law?
2. What may be the form of any transaction?
3. What is the foundation upon which other areas of law are built?
4. What does every transaction involve?
5. What must the organization do when it begins transacting business?
6. What do the principles of contract law control after the raw materials are processed into products?

4. Fill in the blanks with the words from the text above:

1. Contract law is perhaps the most basic ... of civil law.
2. Every ... involves principles of contract law.
3. Contract law is the ... upon which other areas of law are built.
4. If employees are hired, any ... between employer and employees involves ...
5. When the organization begins, premises, machinery, equipment and raw materials may be ... or

5. Match the following noun phrases with their Ukrainian equivalents:

1. contract law	А. угода
2. civil law	В. купівля товарів
3. transaction	С. нематеріальне особисте майно
4. purchase of goods	Д. сировина
5. sale of goods	Е. договірне право
6. intangible personal property	Ф. продаж товарів
7. basic area	Г. головна галузь
8. raw materials	Н. покупець
9. manufacturer	І. оптовик
10. wholesaler	Ж. роздрібник
11. retailer	К. виробник
12. consumer	Л. угода між сторонами
13. agreement between parties	М. цивільне право

6. Match the following verb phrases with their Ukrainian equivalents:

1. to involve principles	А. пропонувати партнерство
2. to build areas of law	В. орендувати приміщення
3. to establish a business	С. розбудовувати галузі права
4. to propose a partnership	Д. придбавати обладнання
5. to hire an employee	Е. застосовувати принципи

6. to propose a corporation	F. найняти робітника
7. to purchase equipment	G. розпочинати бізнес
8. to apply principles	H. купувати продукцію
9. to begin transacting business	I. залучати договірне право
10. to purchase products	J. контролювати продаж
11. to control sales	K. включати принципи
12. to involve contract law	L. розпочинати ділову угоду
13. to lease premises	M. пропонувати акціонерне товариство

7. Translate the following words and word combinations:

цивільне право; кримінальне право; договірне право; договір (угода); нематеріальне особисте майно; партнер; партнерство; підприємство; організація; акціонерне товариство; робітник; найняти робітника; розпочинати ділову угоду; купувати сировину, обладнання; орендувати приміщення; виробляти продукцію.

Elements of a contract

1. Agreement.
2. Consensus of Idem.
3. Capacity of parties.
4. Free consent.
5. Consideration.
6. Lawful Object.
7. Not declared to be void.
8. Certainty and possibility of performance.
9. An intention to create legal relationship.



TEXT 6

SOURCES OF CONTRACT LAW



PRE-READING

1. Read and study the following words and word combinations:

1. to stem from – походити від
2. the Uniform Commercial Code – Одноманітний Торговельний Кодекс
3. the Napoleonic Code – Кодекс Наполеона
4. common law rules – норми загального права
5. normally – звичайно
6. the Restatement of Contracts – Звід угод
7. treatise – науковий трактат

READING

2. Read the text. Pay attention to legal terms.

Contract law stems from case law, the Uniform Commercial Code, and other state statutes. As noted in Chapter 1 all states have adopted the UCC except Louisiana, which has enacted only those parts of the UCC that do not conflict with its variation of the Napoleonic Code.

The common law governs some contract transactions or parts of them, while the Uniform Commercial Code governs others. If the contract involves the sale of land or the sale of services, traditional common-law rules will normally apply unless some specific state statutory law pertains to that transaction. If the transaction involves the sale of personal property, then any applicable provisions of the UCC will supersede the common-law rules.

The sale of land or services in transactions not covered by any specific state statutory law normally will be covered by the general contract rules summarized by the Restatement of Contracts. This Restatement is a treatise prepared by the

American Law Institute. This Restatement is presented in an encyclopaedia-like form, and gives the generally accepted rules of law on specific topics.

The Restatement is not the actual law, only a reference to the generally applied rules.

When confronted with new or difficult questions, or when prior cases have reached differing results, courts frequently use textbooks and law review articles. Such sources are not themselves the law, but they can assist a court in seeing the issues involved.

PRACTICE

3. Find answers to the following questions in the text above:

1. What does contract law stem from?
2. What is noted in Chapter I?
3. What does the common law govern?
4. In what case will common-law rules normally apply?
5. When will applicable provisions of the UCC supersede the common-law rules?
6. What is the Restatement of Contracts?
7. In what form these Restatements presented?
8. Are the Restatements the actual law?
9. When do courts use textbooks and law review articles?
10. How can they assist a court?

4. Read the following sentences and decide if they are True or False:

1. Contract law stems only from case law.
2. According to Chapter 1 all states have adopted the Uniform Commercial Code.
3. If the contract involves the sale of lands or the sale of services, traditional common-law rules will normally apply.
4. This Restatement of Contracts is a treatise prepared by the American Law Institute.
5. The Restatements give the generally accepted rules of law on specific topics.
6. Textbooks and law review articles are not themselves the law.

5. Fill in the blanks with the words from the text above:

1. Contract law stems from, the, and other state statutes.
2. The common law governs some or parts of them, while the governs others.
3. This Restatement of ... is a ... prepared by the American
4. The Restatement is not the actual law, only a ... to the generally applied rules.

5. Textbooks and law review articles are not themselves the law, but they can assist a ... in seeing the issues involved.

6. Match the following noun phrases with their Ukrainian equivalents:

1. statutory law	A. особисте майно
2. Commercial Code	B. загальне право
3. law review articles	C. попередні справи
4. contract law	D. продаж землі
5. common law	E. Звід угод (контрактів)
6. the Napoleonic Code	F. договірне право
7. the sale of land	G. конкретні питання
8. the sale of services	H. Кодекс Наполеона
9. common-law rules	I. продаж послуг
10. personal property	J. джерела договірної права
11. transaction	K. норми загального права
12. the Restatement of Contracts	L. угода
13. specific topics	M. Торговельний Кодекс
14. difficult questions	N. важкі питання
15. sources of common law	O. прецедентне право
16. case law	P. огляд правових статей
17. prior cases	Q. статутне право

7. Match the following verb phrases with their Ukrainian equivalents:

1. to stem from	A. допомагати суду
2. to adopt the UCC	B. досягти результатів
3. to conflict with	C. походити від
4. to apply rules	D. бути представленим у
5. to supersede	E. прийняти ОТК
6. to prepare a treatise	F. суперечити
7. to confront with questions	G. застосовувати норми
8. to present the Restatement of Contracts	H. відмічати в
9. to reach results	I. використовувати підручники
10. to use textbooks	J. стикатися з питаннями
11. to assist a court	K. готувати науковий трактат
12. to see issues	L. замінити
13. to be presented in	M. підходити до
14. to note in	N. представляти Звід угод
15. to pertain to	O. розглядати питання

8. Translate the following words and word combinations:

джерела договірної права; Одноманітний Торговельний Кодекс; прийняти закони штату; готувати науковий трактат; стикатися з важкими питаннями; допомагати судам; досягти протилежних результатів; бути поданим у формі енциклопедії; прецедентне право; загальне право; статутне право.

TEXT 7

DEFINITION OF A CONTRACT

Definition of a Legal Contract

A legal contract is an agreement between two or more parties in which legal rights and obligations are created, and are enforced by a court.

PRE-READING

1. Read and study the following words and word combinations:

1. prominence – особливість
2. to underscore the need – підкреслювати потребу
3. bargain – угода
4. the course of dealing – звичайна практика ведення ділових операцій
5. to be legally enforceable – бути забезпеченим правовою санкцією
6. Statute of Frauds – закон про шахрайство

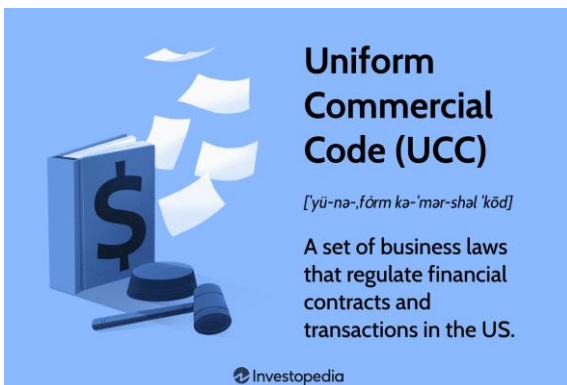
READING

2. Read the text. Pay attention to legal terms.

The term contract has been defined in many ways by writers of legal texts and treaties and by judges in court decisions. While most definitions are sound, the prominence of the contract in our everyday life underscores our need for a simple uniform definition. The Uniform

Commercial Code defines a contract as the «total legal obligation which results from the parties' agreement as affected by this Act and any other applicable rules of law». The Uniform Commercial Code (UCC) defines an agreement as «the bargain of the parties in fact as found in their language or by implication from other circumstances including course of dealing or usage of trade

or course of performance as provided in the Act».



Whether an agreement has legal consequences it is determined by the provisions of this Act if applicable otherwise by the law of contracts.

The agreement is simply the bargain agreed upon by the parties.

It may or may not create legal obligations against the parties depending on the terms of the bargain and the applicable law.

For example, a promise between two friends to meet and to go to the movies constitutes an agreement since both parties agreed to meet at a certain time and place. However, the obligations created are only social and not legally enforceable as a contract. An agreement need not be in writing and signed by the parties. It can be oral; it can even be implied from nonverbal actions of the parties. Oral contracts are fully enforceable, unless terms of the oral agreement conflict with the provisions of the Statute of Frauds. The Statute of Frauds requires that certain types of contracts be proved by a signed writing.

PRACTICE

3. Find answers to the following questions in the text above:

1. Where has the term «contract» been defined?
2. What is the definition of a contract in the Uniform Commercial Code?
3. Are the obligations created between friends to meet and to go to the movies social or legally enforceable?
4. Can the agreement be oral or in writing?
5. What does the Statute of Frauds require?

4. Read the following sentences and decide if they are True or False:

1. The Uniform Commercial Code defines a contract as the total legal obligation resulting from the parties' agreement.
2. According to the UCC, an agreement and a contract always mean the same thing.
3. An agreement is the bargain actually made by the parties, shown by their words or conduct.
4. Every agreement automatically creates legally enforceable obligations.
5. A promise between friends to go to the movies is a legally binding contract.
6. An agreement may be oral or implied from the actions of the parties.
7. Oral contracts are never legally enforceable.
8. An agreement must always be written and signed to be valid.

5. Fill in the blanks with the words from the text above:

1. The term «contract» has been defined in legal ... and ... and in
2. The prominence of the contract in our everyday life underscores our need for a simple, uniform
3. The agreement is simply the ... agreed upon by the parties.

4. The agreement may or may not create legal ... against the parties.
5. An agreement need not be in ... and signed by the
6. Certain types of contracts must be proved by a signed ... according to the ... of ...

6. Match the following verb phrases with their Ukrainian equivalents:

1. to underscore the need	А. визначати угоду
2. to define an agreement	В. скласти угоду
3. to determine legal consequences	С. підписати угоду
4. to create legal obligations	Д. суперечити положенням
5. to depend on the terms of the bargain	Е. впливати з угоди сторін
6. to go to the movies	Ф. встановлювати правові наслідки
7. to constitute an agreement	Г. погодитись зустрітися у певному місці
8. to conflict with the provisions	Н. створювати правове зобов'язання
9. to agree to meet at certain a place	І. підкреслювати потребу
10. to result from the parties agreement	Ж. піти у кіно
11. to sign an agreement	К. залежати від умов договору

7. Translate the following words and word combinations:

правові тексти; судові рішення; визначення контракту; правові зобов'язання; просте визначення; норми права; Одноманітний Торговельний Кодекс; практика ведення ділових операцій; правові наслідки; договір сторін; умови договору зазначений час; переконливе визначення.

8. Complete the following sentences by translating the words and expressions in brackets:

1. The term «contract» has been defined by (*авторами*) of legal texts and (*наукових контрактів*) and by (*суддями*) in court.
2. The prominence of the contract in our (*повсякденному житті*) *underscores our need for a simple, uniform* (*визначення*).
3. The agreement is simply the (*договір*) agreed upon by the (*сторонами*).
4. The agreement may or may not create (*правові зобов'язання*) against the parties depending on the (*умов угоди*) and the applicable (*закону*).
5. The social agreement need not be in (*письмовій формі*) and (*підписаний сторонами*).
6. The agreement can even be implied from nonverbal (*дій сторін*).
7. The Statute of Frauds requires that (*певні типи контрактів*) be proved by a signed writing.



TEXT 8

THE LEGACY OF AMERICAN POLICE



PRE-READING

1. Read and study the following words and word combinations:



1. a legacy – спадщина
2. incoherent – непослідовний
3. a hamlet – поселення
4. a trooper – рядовий кавалерист
5. to apprehend – затримувати, заарештовувати
6. a subpoena – виклик до суду
7. a court appearance – явка до суду
8. a tax – податок
9. a marshal – начальник поліцейського відділку
10. a posse – загін поліцейських
11. vigilante group – загін швидкого реагування

READING

2. Read the text. Pay attention to legal terms.

The history of police in the United States is incoherent. Every town, village, and hamlet has police, counties are policed by sheriffs and deputies, highways are patrolled by state troopers, and the Federal Bureau of Investigation (FBI) investigates federal crimes. Each level of policing has a different history, and in the various sections of the country the history varies greatly. Our Founding Fathers evidently feared a strong, centralized police apparatus more than they feared crime, for by leaving policing to local governments they guaranteed that police would be dispersed, unorganized and ineffective. With thousands of police agencies developing simultaneously in every sector of the country, with several layers of jurisdictions, and



with different political contexts in different parts of the country, it perhaps should come as no surprise that no consensus exists as to how police have evolved in the United States.

To a great extent, colonial America's policing followed the British model. The county sheriff was the most important law enforcement agent as long as the colonies remained small and primarily rural. The sheriff had many duties other than apprehending criminals. In fact, at first he had no patrol function, but acted only upon complaints of citizens. Sheriffs were paid by a fee system, that is, they were given a fixed amount for every arrest made or subpoena served and for each court appearance. The primary function of sheriffs was tax collecting, rather than law enforcement, and since the sheriffs received higher fees based on the taxes they collected, law enforcement was not one of their primary concerns.

In the early American towns, the British-style constable was eventually replaced by a town marshal, who often called on vigilante groups to assist him in his law enforcement duties. But as cities grew, it became increasingly difficult for the marshal to enforce the law effectively. We can trace the history of American policing through three stages:

- the political era,
- the reform era,
- the community problem-solving era.



PRACTICE

3. Find answers to the following questions in the text above:

1. Why is the history of police in the United States incoherent?
2. Why does no consensus exist as to how police have evolved in the United States?
3. What were the functions of the sheriff?
4. Why was tax collecting the primary function of the sheriff?
5. What stages do historians trace the history of American policing through?

4. Match the following English and Ukrainian noun phrases:

1. a local government	A. органи місцевого самоврядування
2. political contexts	B. політична ситуація
3. police agencies	C. органи поліції
4. apprehending criminals	D. збирання податків
5. tax collecting	E. обов'язки із запровадження закону
6. a vigilante group	F. загін швидкого реагування
7. law enforcement duties	G. затримання злочинців
8. a fee system	H. система фіксованої оплати праці

5. Match the following English and Ukrainian verb phrases:

1. to investigate federal crimes	A. заарештувати злочинця
2. to be patrolled by troopers	B. патрулювати кавалеристами
3. to come as no surprise	C. з'являтися до суду
4. to follow the British model	D. працювати зі скаргами громадян
5. to apprehend criminal	E. привести до суду
6. to appear before a court	F. не бути несподіванкою
7. to act upon complaint of citizens	G. збирати податки
8. to serve subpoena	H. наслідувати британську модель
9. to collect taxes	I. розслідувати федеральні злочини
10. to enforce the law	J. запроваджувати закон

6. Translate the following words and word combinations:

спадщина; поселення; округ; шериф; шосе; кавалеристи; патрулювання; ФБР; федеральний злочин; централізований поліцейський апарат; міське самоврядування; наслідувати модель; працівник правоохоронних органів; затримувати (заарештовувати) злочинця; скарги громадян; фіксована оплата праці; виклик до суду; явка до суду; першочергова функція; збирання податків; начальник поліцейського відділка; загін швидкого реагування; запроваджувати закон; загін поліцейських; розвиток.

7. Ask questions to get the following answers:

1. Colonial America's policing followed the British model.
2. The county sheriff was the most important law enforcement officer.
3. The sheriff had no patrol function, but acted only upon complaints of citizens.
4. The primary function of sheriff was tax collecting, rather than law enforcement
5. As cities grew, it became increasingly difficult for the marshal to enforce the law effectively.

8. Complete the following text by translating the words and expressions in brackets. Pick up the new information from the text.

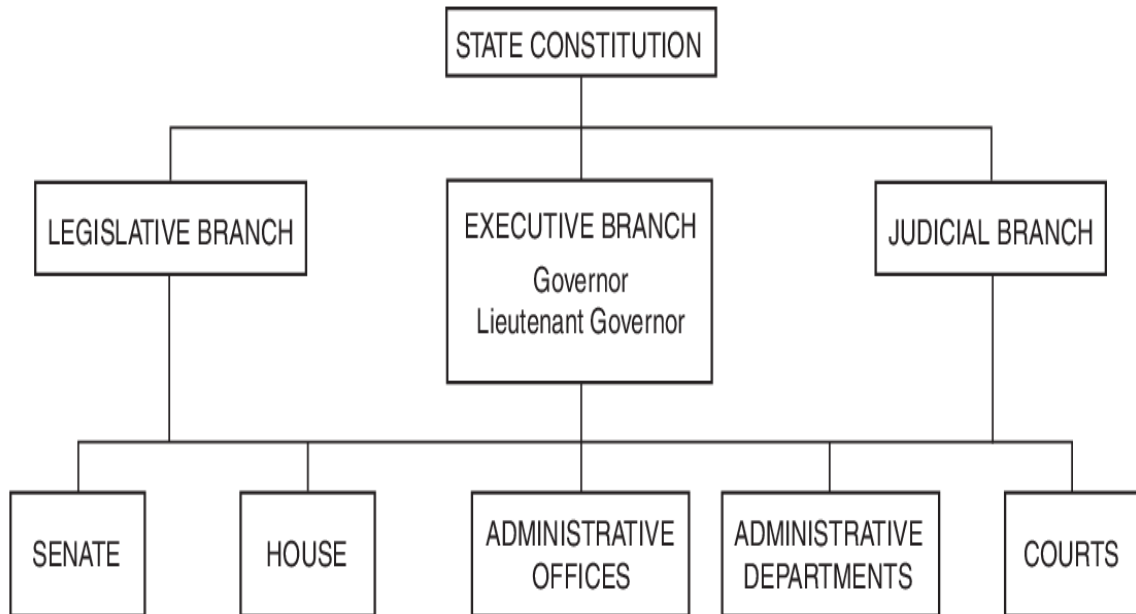
Thomas Jefferson wrote: «the office of sheriff is (*найбільш важлива*) of all the executive offices of the country». (*Посада шерифа*) is certainly significant, and was in fact the (*перша посада в окрузі*) established in the United States. Some (*дуже видатних*) Americans have held the office of (*шерифа округу*).

The Sheriffs of America (*відігравали*) a significant role in the history (*нації*). The position of sheriff was filled through (*призначення*). Since 1800's, sheriffs have been elected (*на рівні штату*) by the people they serve. (*Ця посада*) has become the oldest law enforcement position in the United States. It is the only remaining law enforcement office which is filled (*виборчим шляхом*). He is charged with the responsibility of (*підтримку суспільного порядку*) and protecting the (*життя та власність*) of all citizens. His (*першочерговими обов'язками*) are to provide common pleas court services and corrections and full police (*захист громадян*).



TEXT 9

THE AMERICAN LEGAL SYSTEM



PRE-READING

1. Read and study the following words and word combinations:

1. to pass a bill – приймати (схвалювати) законопроект
2. administrative law – адміністративне право
3. to break a law – порушувати закон
4. consent order – наказ суду відповідно до прийнятої сторонами угоди
5. witness – свідок
6. to take a testimony – брати показання свідків
7. to file an appeal – подавати апеляцію
8. common law – загальне право, закон
9. “unwritten” law – неписаний закон
10. courtroom – зал судових засідань
11. fraudulent – обманний, шахрайський

READING

2. Read the text. Pay attention to legal terms.

Administrative law

Once laws have been passed by a legislature, responsibility for enforcing them typically passes to an administrative agency or commission. That administrative agency may be called on to clarify a regulation’s intent, often in consultation with

representatives of the affected industry. The administrative agency may then write more specific regulations, which are considered administrative law. For example, the Federal Trade Commission issues regulations (and enforces laws Congress has enacted) concerning such deceptive trade practices as unfair debt collection and false advertising.

Administrative agencies also have the power to investigate whether any corporations are breaking administrative laws. A particular corporation found to be misbehaving may agree to a consent order, which allows the company to promise to stop doing something without actually admitting to any illegal behavior. As an alternative, the administrative agency may start legal proceedings against the company in a trial presided over by an administrative judge. During the trial, witnesses are called and testimony is taken to determine the facts of the situation. The judge then issues a decision, which may impose corrective actions on the company. If the company objects to the decision, it may file an appeal in a regular federal court. The administrative agency may also appeal if it is unhappy with the ruling of the independent administrative law judge.

Common Law

Common Law, the sort of law that comes out of courtrooms and judges' decisions, began in England many centuries ago and was brought to America by the colonists. It is applied in all states except Louisiana, which has a French heritage and therefore follows some of the principles of the Napoleonic Code. Common law is sometimes called the "unwritten law" to distinguish it from legislative acts and administrative agency regulations, which are written documents. Instead, common law is established through custom and the precedents set in courtroom proceedings.

Despite its "unwritten" nature, common law has great continuity, which derives from the doctrine of *stare decisis* (Latin for "to stand by decisions"). What the *stare decisis* doctrine means is that judges' decisions establish a precedent for deciding future cases of a similar nature. Because common law is based on what has gone before, the legal framework develops very gradually.

In the United States, common law is applied and interpreted in the system of courts. Common law thus develops through the decisions in trial courts, special courts, and appellate courts. The Supreme Court (or the highest court of a state, when state laws are involved) sets precedents for entire legal systems; lower courts must then abide by those precedents as they pertain to similar cases.

In legal proceedings, common law, administrative law, and statutory law may all be applicable. If there is a conflict, statutory law generally prevails. But the three forms of law overlap to such an extent that the difference among them is often indistinguishable. For instance, if you bought what you thought was a goose down coat and then found out that was actually filled with reprocessed polyester, you could sue the coat manufacturer for misrepresentation. Although the basis for this suit is an old concept in common law, it has also been incorporated in state and federal legislation against fraudulent and misleading advertising, which is further interpreted and enforced by the Federal Trade Commission.

PRACTICE

3. Find answers to the following questions in the text above:

1. What usually happens after laws are passed by a legislature?
2. What is the role of an administrative agency in enforcing laws?
3. How does an administrative agency create administrative law?
4. What kinds of practices are regulated by the Federal Trade Commission?
5. What is a consent order, and what does it allow a corporation to do?
6. Who presides over trials started by administrative agencies?
7. What options does a company have if it disagrees with an administrative law judge's decision?
8. Where and when did common law originate?
9. What role does the Supreme Court play in the development of common law?
10. Which type of law generally prevails when there is a conflict among different forms of law?

4. Read the following sentences and decide if they are True or False:

1. After laws are passed by a legislature, their enforcement is usually handled by administrative agencies.
2. Administrative agencies may consult representatives of affected industries when clarifying regulations.
3. Administrative regulations written by agencies are considered statutory law.
4. Administrative agencies do not have the authority to investigate corporations.
5. A consent order allows a corporation to admit that it has violated the law.
6. Administrative trials are presided over by administrative law judges.
7. Common law originated in England and was brought to America by colonists.
8. Common law is sometimes called "unwritten law" because it is based on judicial decisions and customs.
9. The doctrine of stare decisis requires judges to follow precedents set by earlier decisions.
10. Common law develops rapidly because judges frequently overturn earlier decisions.

5. Translate the following words and word combinations:

після ухвалення законів законодавчим органом; відповідальність за виконання законів; адміністративний орган або комісія; адміністративне право; недобросовісне стягнення боргів; розслідувати порушення; згода на припис; розпочати судове провадження; адміністративний суддя; викликати свідків і заслуховувати свідчення; виносити рішення; коригувальні заходи; подати апеляцію до федерального суду; загальне (прецедентне) право;

дотримуватися судових прецедентів; поступовий розвиток правової системи; законодавче право.

6. Fill in the blanks with the given words:

administrative agency • intent • industry • administrative law • trade practices • investigate • consent order • legal proceedings • judge • witnesses • testimony • corrective actions • appeal • England • colonists • unwritten • stare decisis • statutory

1. After laws are passed by a legislature, responsibility for enforcing them usually passes to an _____.

2. Administrative agencies may clarify a regulation's _____ in consultation with representatives of the affected _____.

3. More specific rules written by administrative agencies are known as _____.

4. The Federal Trade Commission enforces laws related to deceptive _____.

5. Administrative agencies have the power to _____ whether corporations are breaking administrative laws.

6. A _____ allows a company to promise to stop certain behavior without admitting illegal conduct.

7. If a company does not agree with an administrative agency, the agency may start _____ against it.

8. Such trials are presided over by an administrative _____.

9. During administrative trials, _____ are called and _____ is taken to determine the facts.

10. The judge may impose _____ on the company.

11. If a company objects to the decision, it may file an _____ in a regular federal court.

12. Common law originated in _____ and was brought to America by the _____.

13. Common law is sometimes called "_____ law" because it is based on custom and court decisions.

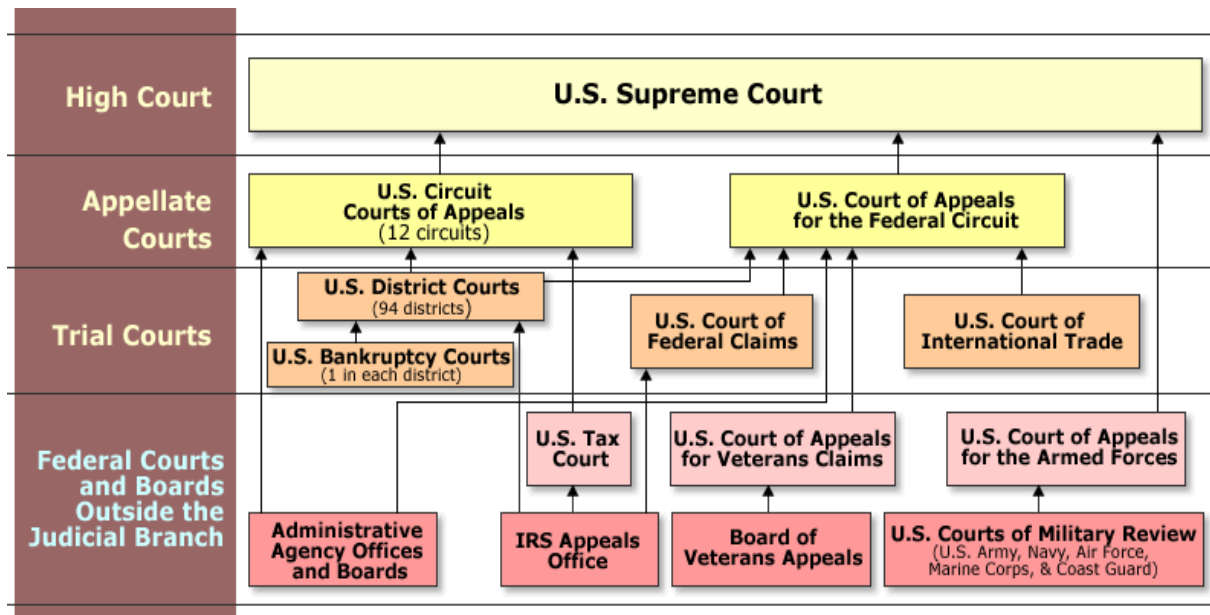
14. The doctrine of _____ requires judges to follow earlier decisions.

15. When there is a conflict, _____ law generally prevails over other forms of law.



TEXT 10

THE SUPREME COURT AND TYPES OF FEDERAL COURTS



PRE-READING

1. Read and study the following words and word combinations:

1. regular court – суд загальної юрисдикції
2. Court of Appeals – апеляційний суд
3. District Court – окружний суд
4. Court of International Trade – суд з питань міжнародної торгівлі
5. Court of Military Appeals – військовий апеляційний суд
6. Claims Court – претензійний суд
7. Legislative Court – суд, утворений законом Конгресу
8. Tax Court – податковий суд
9. High Court – Високий суд, що входить до складу Верховного суду



10. Supreme Court – Верховний суд
11. Chief Justice – Голова Верховного суду
12. Associate Justice – член Верховного суду
13. original jurisdiction – юрисдикція суду першої інстанції

14. appellate jurisdiction – апеляційна юрисдикція

15. appellate tribunal – апеляційний суд

READING

2. Read the text. Pay attention to legal terms.



The Supreme Court

The Supreme Court of the United States is the only court specifically created in the Constitution. It is made up of the Chief Justice of the United States, whose office is also established by the Constitution, and eight Associate Justices.

The Supreme Court has both original and appellate jurisdiction. Most of all, however, it is an appellate tribunal. Most of the cases it hears come to it on appeal from the lower federal courts and from the State supreme courts.

Article III, Section 2 spells out two classes of cases which may be heard by the High Court in its original jurisdiction:

- 1) those to which a State is a party;
- 2) those affecting ambassadors, other public ministers, and consuls.

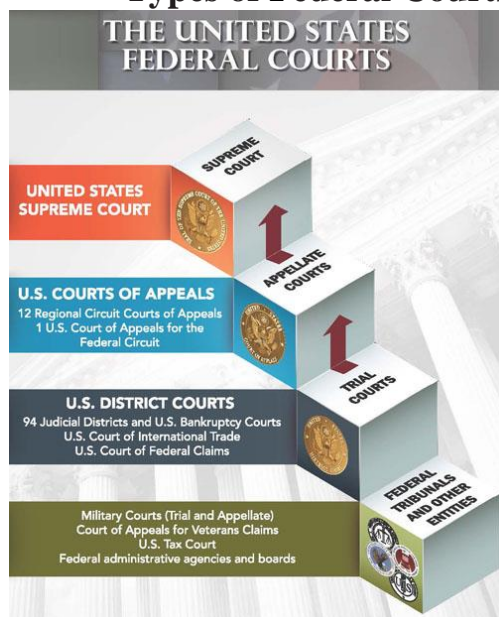
Congress cannot enlarge upon this constitutional grant of original jurisdiction. If Congress could do so, it would in effect be amending the Constitution.

But Congress can implement the constitutional provision, and it has. It has provided that the Court shall have original and exclusive jurisdiction over:

- 1) all controversies between two or more States;
- 2) all cases against ambassadors or other public ministers (but not consuls).

But the Court may take original jurisdiction over any other case covered by the broad wording in Article III, Section 2.

Types of Federal Courts



Beneath the Supreme Court, Congress has created two distinct types of federal courts:

- 1) constitutional courts;
- 2) special courts.

The constitutional courts are the federal courts that Congress has formed under Article III, to exercise “the judicial power of the United States”. They are sometimes called the “regular courts”. Together with the Supreme Court, they now include:

- the Courts of Appeals,
- the District Courts,
- the Court of International Trade.

The special courts do not exercise the

broad “judicial power of the United States”. Rather, they have been created by Congress to hear cases arising out of certain of the expressed powers given to Congress in Article I. They hear a much narrower range of cases than those which may come before the constitutional courts.

The special courts are sometimes called the “legislative courts”. Today, they include the Court of Military Appeals, the Claims Court, the Tax Court, the various territorial courts, and the courts of the District of Columbia.

PRACTICE

3. Find answers to the following questions in the text above:

1. Which court is the only one specifically created by the U.S. Constitution?
2. Who makes up the Supreme Court of the United States?
3. What kinds of jurisdiction does the Supreme Court have?
4. Where do most Supreme Court cases come from?
5. What two classes of cases fall under the Court’s original jurisdiction according to Article III?
6. Why cannot Congress enlarge the Supreme Court’s original jurisdiction?
7. What cases fall under the Court’s original and exclusive jurisdiction?
8. What two types of federal courts exist below the Supreme Court?
9. Which courts are considered constitutional or “regular” courts?
10. Why were special (legislative) courts created?

4. Read the following sentences and decide if they are true or false:

1. The Supreme Court of the United States is specifically created by the Constitution.
2. The Supreme Court consists of one Chief Justice and nine Associate Justices.
3. Most cases heard by the Supreme Court fall under its original jurisdiction.
4. The Supreme Court mainly hears cases on appeal from lower courts.
5. Article III, Section 2 allows the Supreme Court to hear any case it chooses in its original jurisdiction.
6. Congress has the power to expand the Supreme Court’s original jurisdiction beyond the Constitution.
7. The Supreme Court has exclusive original jurisdiction over controversies between two or more states.
8. Constitutional courts are created under Article I of the Constitution.
9. Special courts are also known as legislative courts.
10. Special courts hear a narrower range of cases than constitutional courts.

5. Translate the following words and word combinations:

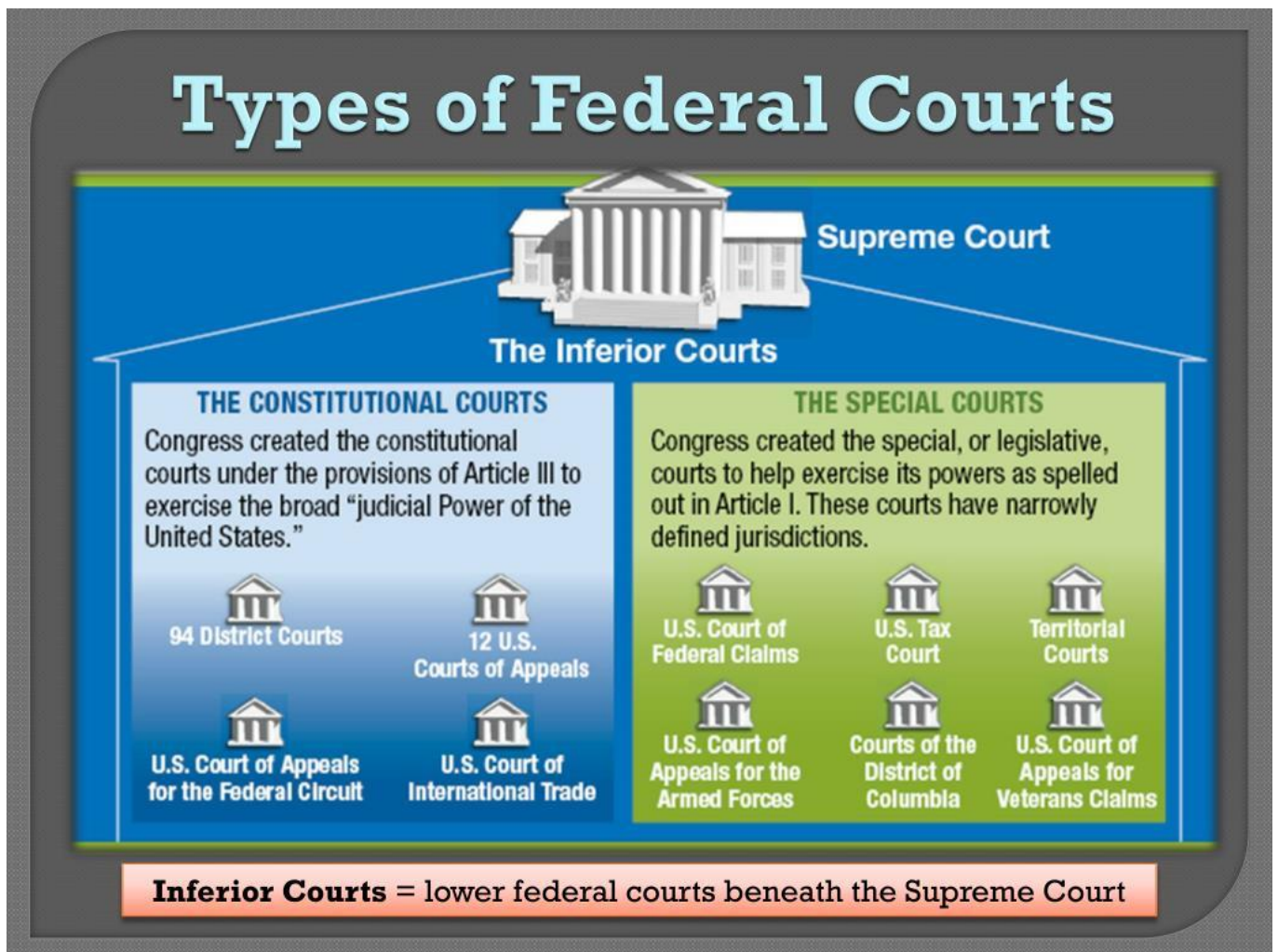
Верховний суд Сполучених Штатів; Головний суддя; апеляційна юрисдикція; первісна (оригінальна) юрисдикція; нижчі федеральні суди; верховні суди штатів; справа; послы та інші публічні міністри; конституційні

суди; спеціальні (законодавчі) суди; здійснювати судову владу; вузьке коло справ; Суд апеляцій; Окружні суди; Податковий суд.

6. Fill in the blanks with the given words:

Constitution • Associate • appellate • appeal • original • enlarge • federal • III • legislative • narrower

1. The Supreme Court is the only court specifically created in the _____.
2. It is composed of the Chief Justice and eight _____ Justices.
3. The Supreme Court has both original and _____ jurisdiction.
4. Most cases come to the Court on _____ from lower courts.
5. Article III, Section 2 defines the Court's _____ jurisdiction.
6. Congress cannot _____ the Supreme Court's original jurisdiction.
7. Beneath the Supreme Court, Congress has created two types of _____ courts.
8. Constitutional courts are formed under Article _____ of the Constitution.
9. Special courts are also called _____ courts.
10. Special courts hear a _____ range of cases.



TEXT 11

SPECIAL COURTS OF THE USA



PRE-READING

1. Read and study the following words and word combinations:

1. special court – суд спеціальної юрисдикції
2. to be sued – бути притягненим до відповідальності у судовому порядку
3. to take to court – віддавати під суд
4. law suit – судовий процес; справа
5. plea – позов до суду
6. to hold a trial – проводити судовий процес
7. to uphold – задовольняти (скаргу)
8. general trial court – суд першої інстанції
9. Federal Circuit – федеральний окружний суд
10. chief judge – головний суддя
11. associate judge – судовий засідател

READING

2. Read the text. Pay attention to legal terms.

Special Courts

The special courts are often called the legislative courts. They are the federal courts Congress has set up to exercise jurisdiction only in certain cases – cases dealing with particular subjects that fall within the expressed powers of Congress. That is, these courts have not been set up under Article III, and they do not exercise “the judicial power of the United States”.

The United States Claims Court

The United States cannot be sued, by anyone, in any court, for any reason, without its consent. It may be taken to court only in those cases in which Congress has declared that the Government is open to suit.

Originally, any person with a claim against the United States could secure redress (satisfaction of the claim, payment) only by an act of Congress. In 1855, however, Congress set up a special court, the Court of Claims, to hear these pleas. It did so acting under its expressed power to pay the debts of the United States. Congress restructured the Court of Claims – as the United States Claims Court – in 1982.

The Court now has 16 judges. They hold trials – hear claims for damages against the Government – throughout the country. Those claims they uphold cannot in fact be paid until Congress appropriates the money (which it does almost as a matter of course).

Appeals from the Court’s decisions may be carried to the Court of Appeals for the Federal Circuit.

The Territorial Courts

Acting under its power to “make all needful rules and regulations respecting the territory belonging to the United States”, Congress has created courts for the nation’s territories. Today these territorial courts sit in the Virgin Islands, Guam, and the Northern Mariana Islands (in the Pacific Trust Territory). They work in much the same way as the local courts in the 50 States. (There is a regular federal District Court in Puerto Rico.)

The Courts of the District of Columbia

Acting under its power “to exercise exclusive legislation in all cases whatsoever, over such District as may become the seat of the Government of the United States”, Congress has set up a judicial system for the nation’s capital. Both the federal District Court and the Court of Appeals for the District of Columbia hear many local cases as well as those they try as constitutional courts. Congress has also established two local courts, much like the courts in the States: a Superior Court, which is the general trial court, and a Court of Appeals.

The Court of Military Appeals

Acting under its power “to make rules for the government and regulation of the land and naval forces”, Congress created the Court of Military Appeals in 1950. It has a chief judge and two associate judges, appointed by the President and Senate for 15-year terms.

The Court is sometimes called the “Supreme Court”. It is the court of last resort in dealing with offenses against military law.

The United States Tax Court

Acting under its power to tax, Congress established the Tax Court in 1969. It has 19 judges, one of whom serves as chief judge. Each of these judges is named by the President and Senate for a 12-year term.

The Tax Court hears civil – not criminal – cases involving disputes over the application of the tax laws. Most of its cases, then, are generated by the Internal Revenue Service and other Treasury agencies.

PRACTICE

3. Find answers to the following questions in the text above:

1. Why are special courts called legislative courts?
2. Why cannot the United States be sued without its consent?
3. How could individuals originally obtain redress for claims against the government?
4. When and why was the Court of Claims created?
5. What changes were made to the Court of Claims in 1982?
6. How many judges serve on the United States Claims Court?
7. Where do the territorial courts currently operate?
8. What authority allowed Congress to establish courts in U.S. territories?
9. What courts make up the judicial system of the District of Columbia?
10. Who appoints judges to the Court of Military Appeals and for how long?
11. When was the United States Tax Court established?
12. What type of cases does the United States Tax Court hear?

4. Read the following sentences and decide if they are True or False:

1. Special courts are also known as legislative courts.
2. Special courts are created under Article III of the Constitution.
3. Special courts exercise the full judicial power of the United States.
4. The United States may be sued in any court without its consent.
5. The Court of Claims was originally created in 1855.
6. The United States Claims Court was restructured in 1982.
7. Claims upheld by the United States Claims Court are paid automatically without congressional approval.
8. Appeals from the United States Claims Court go to the Court of Appeals for the Federal Circuit.
9. Territorial courts operate only in the 50 states.
10. Courts in the District of Columbia hear both local and federal cases.
11. The Court of Military Appeals is the highest court for military law cases.
12. The United States Tax Court hears criminal tax cases.

5. Translate the following words and word combinations:

спеціальні (законодавчі) суди; здійснювати юрисдикцію; виражені повноваження Конгресу; не здійснювати судову владу США; позов проти уряду; отримати відшкодування; Суд претензій США; асигнувати кошти; територіальні суди; Суд округу Колумбія; військове право; суд останньої інстанції; Податковий суд США; цивільні справи; податкові спори.

6. Fill in the blanks with the given words:

Congress • Congress • III • consent • 1855 • 1982 • Circuit • territories • military • civil

1. Special courts are federal courts set up by to hear certain types of cases.

2. These courts deal only with subjects within the expressed powers of _____.
3. Special courts are not created under Article _____.
4. The United States cannot be sued without its _____.
5. The Court of Claims was established in _____.
6. The Court of Claims was restructured as the United States Claims Court in _____.
7. Appeals from the Claims Court go to the Court of Appeals for the Federal _____.
8. Territorial courts were created under Congress's power to make rules for U.S. _____.
9. The Court of Military Appeals was created to regulate the _____ forces.
10. The United States Tax Court hears _____ cases only.

7. Ask questions to get the following answers:

1. The special courts are often called legislative courts.
2. They hear cases dealing with particular subjects within the expressed powers of Congress.
3. Because the United States cannot be sued without its consent.
4. Under its power to make rules and regulations for U.S. territories.
5. Because it is the court of last resort for military law cases.
6. Civil cases involving disputes over tax laws.

SPECIAL TRIAL COURTS

1. The Court of International Trade
 - cases involving international trade and customs issues
2. The United States Court of Federal Claims
 - claims for money damages against the United States, disputes over federal contracts, unlawful “takings” of private property by the federal government, etc.

- 1) the interpretation and application of a provision in the Constitution or in any federal statute or treaty; or
- 2) a question of admiralty or maritime law.

Any case which falls into either of these categories can be brought in the proper federal court.

The State courts hear by far the larger number of court cases in this country.

Still more must be said on the federal courts' power "to say the law".

Exclusive and Concurrent Jurisdiction.

In several of the categories of cases which we have just listed, the federal courts have **exclusive jurisdiction**. That is, those cases can be heard only in the federal courts. For example, a trial for a federal crime cannot be heard in a State court, it must be held in a federal District Court.

Many cases may be tried in either a federal or a State court, however. That is, the federal and State courts have **concurrent jurisdiction** over them. Cases involving citizens of different States are fairly common examples of the type. They are known in the law as cases in diverse citizenship.

Congress has provided that the federal District Courts may hear cases in diverse citizenship only if the amount of money in each case is over \$10,000. In these cases the plaintiff may bring the suit in the proper State or federal court, as he or she chooses. If the case is brought before the State court, the defendant may have it moved to the federal District Court.

Original and Appellate Jurisdiction.

A court in which a case is heard first-hand is said to have **original jurisdiction** over it. A court which hears a case on appeal from a lower court has **appellate jurisdiction**.

In the federal court system, the District Courts have only original jurisdiction and the Courts of Appeals have only appellate jurisdiction. The Supreme Court has both.

There are two constitutional courts today.

The Court of International Trade.

The Trade Court was originally created as the Board of United States General Appraisers in 1890. That body became the Court of Customs in 1926, and it was renamed by Congress in 1980.

The Trade Court now has nine judges, one of whom is its chief judge. It hears civil cases arising out of the tariff and other trade-related laws. Its judges sit in panels of three and often hold trials at such major ports of entry as New Orleans, San Francisco, Boston, and New York.

Appeals from decisions of the Trade Court are taken to the Court of Appeals for the Federal Circuit.

The Court of Appeals for the Federal Circuit.

Congress created the Court of Appeals for the Federal Circuit in 1982. It established the new tribunal especially to centralize – and so speed up – the handling of appeals in certain kinds of civil cases. To that end, this Court, unlike the 12 other federal Courts of Appeals, has a nationwide jurisdiction.

It hears appeals from several places. Many of its cases come from the Trade Court and others from the Claims Court (one of the special courts). It also hears appeals in certain cases decided by any of the 91 District Courts around the country – those involving patents, trademarks, or copyrights. Then, too, it takes cases that arise out of the administrative rulings made by the International Trade Commission, the Patent and Trademark Office (in the Department of Commerce), and the Merit Systems Protection Board.

The Court of Appeals for the Federal Circuit has 12 judges – and appeals from their decisions may be carried to the Supreme Court.

PRACTICE

3. Find answers to the following questions in the text above:

1. How is the term “jurisdiction” defined?
2. What types of subject matter allow a case to be heard in federal court?
3. Which courts hear the majority of cases in the United States?
4. What is meant by exclusive jurisdiction?
5. What is concurrent jurisdiction?
6. Under what condition may federal district courts hear cases of diverse citizenship?
7. What choices does a plaintiff have in a diverse citizenship case?
8. What is original jurisdiction?
9. What is appellate jurisdiction?
10. Which federal courts have only original jurisdiction?
11. Which federal courts have only appellate jurisdiction?
12. Why was the Court of Appeals for the Federal Circuit created?

4. Read the following sentences and decide if they are True or False:

1. Jurisdiction refers to a court’s authority to hear and decide a case.
2. Federal courts have jurisdiction only based on the parties involved in a case.
3. Federal courts may hear cases involving the interpretation of the Constitution.
4. Admiralty and maritime cases may be heard in federal courts.
5. Most court cases in the United States are heard in federal courts.
6. Federal courts always have concurrent jurisdiction with state courts.
7. Trials for federal crimes must be held in federal courts.
8. Cases involving citizens of different states are called cases of diverse citizenship.
9. Federal district courts may hear diverse citizenship cases regardless of the amount involved.
10. District courts have only appellate jurisdiction.
11. Courts of Appeals have only appellate jurisdiction.

12. The Supreme Court has both original and appellate jurisdiction.
13. The Court of International Trade hears criminal cases.
14. Appeals from the Court of International Trade go to the Court of Appeals for the Federal Circuit.
15. The Court of Appeals for the Federal Circuit has nationwide jurisdiction.

5. Translate the following words and word combinations:

юрисдикція суду; предмет спору; сторони у справі; тлумачення Конституції; федеральний злочин; виключна юрисдикція; спільна юрисдикція; різне громадянство; первісна юрисдикція; апеляційна юрисдикція; Суд міжнародної торгівлі; митні та торговельні закони; загальнонаціональна юрисдикція; апеляція до Верховного суду; адміністративні рішення.

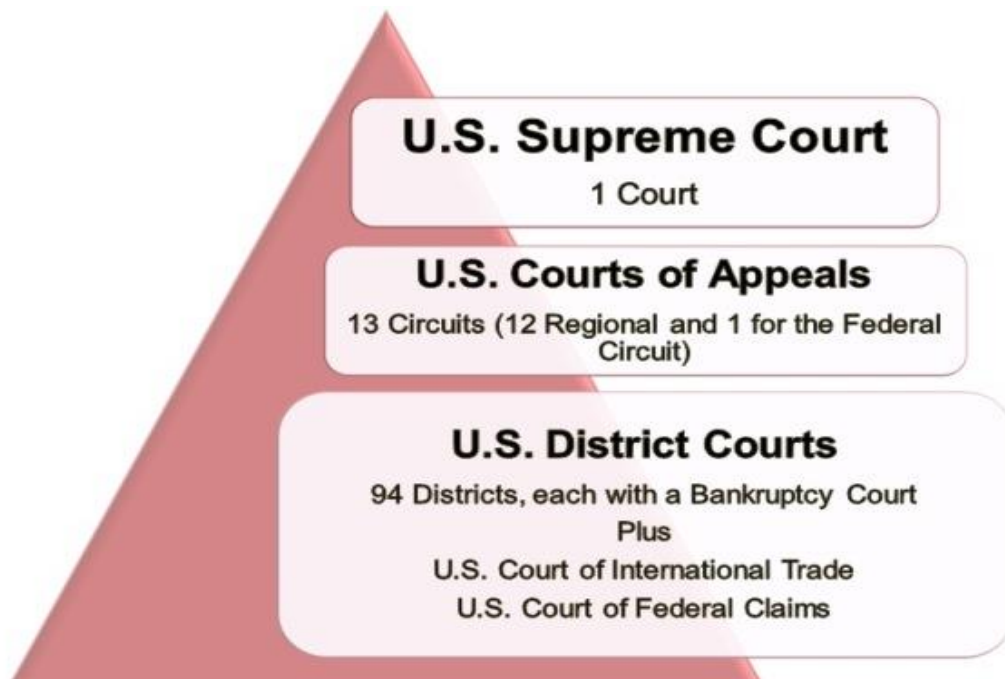
6. Fill in the blanks with the given words:

- *Jurisdiction* • *parties* • *maritime* • *larger* • *exclusive*
- *diverse* • *\$10,000* • *original* • *appellate* • *appellate*
- *civil* • *Circuit* • *1982* • *nationwide* • *Supreme*

1. _____ is the authority of a court to hear and decide a case.
2. Federal courts have jurisdiction based on subject matter or the _____ involved.
3. Cases involving admiralty or _____ law may be heard in federal courts.
4. State courts hear the _____ number of cases in the United States.
5. Federal courts have _____ jurisdiction over federal crimes.
6. Cases involving citizens of different states are known as cases of _____ citizenship.
7. Federal district courts may hear such cases only if the amount exceeds _____.
8. A court that hears a case first has _____ jurisdiction.
9. Courts that hear appeals have _____ jurisdiction.
10. The Supreme Court has both original and _____ jurisdiction.
11. The Court of International Trade hears _____ cases related to trade laws.
12. Appeals from the Trade Court go to the Court of Appeals for the Federal _____.
13. The Court of Appeals for the Federal Circuit was created in _____.
14. This court has _____ jurisdiction.
15. Appeals from the Federal Circuit may be carried to the _____ Court.

TEXT 13

DISTRICT COURTS AND THE COURTS OF APPEALS



PRE-READING

1. Read and study the following words and word combinations:

1. to handle a case – розглядати справу
2. trial court – суд першої інстанції
3. judicial district = judicial circuit – судовий округ
4. kidnapping – викрадення людей з метою отримання викупу
5. counterfeiting – фальшивомонетництво
6. tax evasion – ухиляння від виплати податків
7. treason – державна зрада
8. to indict – обвинувачувати (за обвинувальним актом)
9. docket – досье судочинства (книга записів)
10. final decision – остаточне рішення

READING

2. Read the text. Pay attention to legal terms.

District Courts.

The United States District Courts are the federal trial courts. They now handle over 200,000 cases a year – some 90 percent of all of the federal case load.

The District Courts were set up by Congress in the Judiciary Act of 1789. There are now 91 of them. The 50 States are divided into 89 judicial districts, with

one court in each district. There is also a District Court in the District of Columbia and another in Puerto Rico.

Each State forms at least one federal judicial district. The larger, more populous States are divided into two or more districts – because of the greater amount of judicial business arising in them, of course.

At least one judge is assigned to each district, but many have several. Thus, New York is divided into four judicial districts; and one, the United States Judicial District for Southern New York, now has 27 judges. All told, 507 judges now preside over the 91 federal District Courts.

Cases tried the District Courts are most often heard by a single judge; but certain cases may be heard by a three-judge panel.

Jurisdiction.

The District Courts have original jurisdiction over most of the cases heard in the federal courts. Clearly, then, they handle many different kinds of cases. They hear criminal cases ranging from bank robbery, kidnapping, and mail fraud to counterfeiting, tax evasion, and treason. They try civil cases arising under the bankruptcy, postal, tax, labor relations, public lands, civil rights, and other laws of the United States. The District Courts are the only federal courts that regularly use grand juries (to indict) and petit juries (to try) defendants.

Cases decided in the District Courts do not often go further in the judicial process. But they may be appealed to the Court of Appeals in that judicial circuit. In a few instances, they may be taken directly to the Supreme Court.

The Courts of Appeals.

The Courts of Appeals were formed in 1891. They were intended to relieve the Supreme Court of much of the burden of hearing appeals from the District Courts. There were so many appeals that the High Court was then three years behind its docket.

There now 12 Courts of Appeals. The United States is divided into 11 judicial circuits. There is a Court of Appeals for each of those circuits and also one in the District of Columbia.

Altogether, 132 circuit judges sit on these appellate courts. In addition, a Justice of the Supreme Court is assigned to each of them. Take the United States Court of Appeals for the Seventh Circuit, for example. The Seventh Circuit covers three States: Illinois, Indiana, and Wisconsin. The court has nine circuit judges, and Supreme Court Justice John Paul Stevens is also assigned to the circuit. The court sits in Chicago. As another: the Fifth Circuit encompasses three States: Louisiana, Mississippi, and Texas. Its Court of Appeals has 13 judges, plus Associate Justice Byron R. White. It holds its sessions in a number of different cities within the circuit.

Each of the Courts of Appeals usually sits in panels of three judges. Once in a while, to hear an important case, a court will sit *en banc* – that is, with all of the circuit judges participating.

Jurisdiction. The Courts of Appeals have only appellate jurisdiction. Most often, their cases come from the District Courts within their circuits. They hear cases appealed from the United States Tax Court and from the territorial courts, as well. They also hear appeals from the decisions of several federal regulatory agencies –

from such quasi-judicial agencies as the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Trade Commission.

The Courts of Appeals now handle about 25,000 cases a year. Their decisions are final – except in those (very few) cases the Supreme Court agrees to hear on appeal.

PRACTICE

3. Find answers to the following questions in the text above:

1. What role do the United States District Courts play in the federal court system?
2. What percentage of the federal case load do District Courts handle?
3. When were the District Courts created and by whom?
4. How many federal judicial districts are there today?
5. Why are some states divided into more than one judicial district?
6. How many judges preside over the federal District Courts in total?
7. How are most cases heard in the District Courts?
8. What types of criminal cases do District Courts hear?
9. What kinds of civil cases are tried in District Courts?
10. What types of juries are regularly used in District Courts?
11. Where may cases decided by District Courts be appealed?
12. When and why were the Courts of Appeals created?
13. How many Courts of Appeals exist today?
14. What does it mean when a court sits *en banc*?
15. What types of cases do the Courts of Appeals hear?

4. Read the following sentences and decide if they are True or False:

1. The United States District Courts are federal trial courts.
2. District Courts handle less than half of the federal case load.
3. The District Courts were established by Congress in 1789.
4. There are 91 federal judicial districts in the United States.
5. Every state is divided into at least two federal judicial districts.
6. New York has four federal judicial districts.
7. All cases in District Courts are heard by three judges.
8. District Courts have original jurisdiction over most federal cases.
9. District Courts regularly use both grand juries and petit juries.
10. Decisions of District Courts may be appealed to the Courts of Appeals.
11. The Courts of Appeals were created to reduce the workload of the Supreme Court.
12. There are 12 Courts of Appeals in the federal system.
13. Courts of Appeals sometimes sit *en banc* to hear important cases.
14. Courts of Appeals have original jurisdiction.
15. Decisions of the Courts of Appeals are usually final.

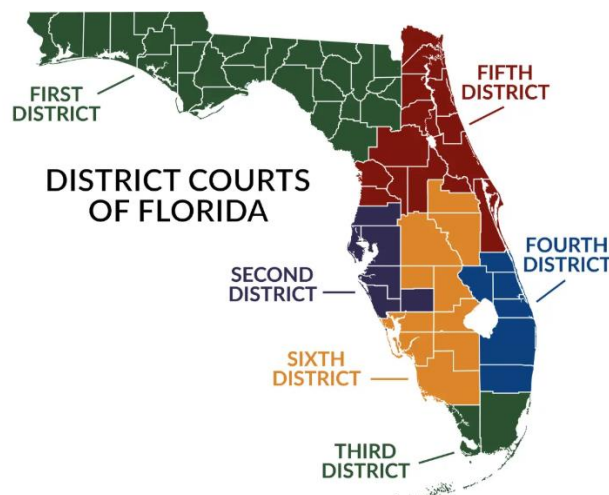
5. Translate the following words and word combinations:

федеральні суди першої інстанції; судове навантаження; судовий округ; суддя федерального суду; первісна юрисдикція; кримінальні справи; цивільні справи; подати апеляцію; Апеляційні суди; судовий округ (circuit); засідати повним складом (en banc); регуляторні федеральні агентства; остаточне рішення суду.

6. Fill in the blanks with the given words:

trial • 90 • 1789 • 91 • district • four • original • criminal • civil • grand • petit • Appeals • 1891 • 11 • three • appellate • Supreme

1. The United States District Courts are federal _____ courts.
2. They handle about _____ percent of all federal cases.
3. The District Courts were created by the Judiciary Act of _____.
4. There are _____ federal District Courts in the United States.
5. Each state forms at least one federal judicial _____.
6. New York has _____ federal judicial districts.
7. The District Courts have _____ jurisdiction over most federal cases.
8. District Courts hear both _____ and _____ cases.
9. District Courts regularly use _____ juries and _____ juries.
10. Appeals from District Courts go to the Courts of _____.
11. The Courts of Appeals were formed in _____.
12. The United States is divided into _____ judicial circuits.
13. Courts of Appeals usually sit in panels of _____ judges.
14. Courts of Appeals have only _____ jurisdiction.
15. Decisions of the Courts of Appeals may be reviewed by the _____ Court.



Florida has six district courts of appeal. Each district court has a chief judge who is the administrative officer for the district and is responsible to the chief justice of the supreme court. Each district court also has a clerk and a marshal who provide operational assistance to their respective chief judges.

TEXT 14

FALSE AND DECEPTIVE ADVERTISING



PRE-READING

1. Read and study the following words and word combinations:

1. FTC – Федеральна торгівельна комісія
2. good judgement – здорове судження
3. claim – позов
4. fraud – обман, шахрайство
5. deceptive – оманливий; що вводить в оману
6. misleading – оманний

READING

2. Read the text. Pay attention to legal terms.



There is a little doubt that advertising is an effective marketing tool, but many people question its value to society. They suggest that advertising raises costs, wastes resources, perpetuates stereotypes, manipulates the consumer on a subconscious level, and distorts the truth.

Public concern about potential misuses of advertising is responsible in part for the growth of government regulation. Today, several federal agencies and state governments

strive to guarantee “truth in advertising”. Advertisers themselves, their agencies, the media, and many trade and professional associations also set guidelines to protect the public from unscrupulous pitches.

The Federal Trade Commission

The federal government’s advertising watchdog is the Federal Trade Commission (**FTC**). This agency was created in 1914, when Congress passed the Federal Trade Commission Act. The commission’s role was expanded in 1938 by the Wheeler-Lea Act, which gives the FTC specific authority to control false or misleading advertising by most food, drug, health, and cosmetic companies.

The FTC has developed a couple of ground rules for advertisers. One is that all statements of fact must be supported by evidence. This includes words (“Bounty soaks up more than the next leading brand”) and demonstrations. Thus, advertisers cannot use whipped cream in a shaving cream commercial to create an impression of a firm, heavy lather. Furthermore, advertisers must not create an overall impression that is incorrect. In other words, they cannot claim that doctors recommend a product if they do not; nor can they present an actor who delivers the message dressed in a doctor’s white jacket.



Under the Reagan administration, the FTC has taken the position that guaranteeing the truth of ads is extremely costly and that consumers would be better served if the rules were relaxed somewhat. Consumers could exercise their own good judgement, and they might pay less for products because advertising costs might decline. Although there has been no formal change in FTC regulation, lately the agency seems to have favored a loose interpretation of appropriate evidence for advertising claims.

Other government regulators

The U.S. Postal Service plays an important role in advertising that travels through the mail. Much of its activity is geared toward preventing obscenity in advertising and stopping promotional fraud. In 1982 the Postal Service began taking a more aggressive stance, encouraging victims of mail fraud to bring information to the Postmaster to help end such activities.

Advertising is also regulated by forty-four states that have passed the Printer’s Ink Model Statute, drawn up in 1911 by the trade newspaper of the advertising industry. The statute provides punishment for “untrue, deceptive, or misleading” advertising. Most states also regulate advertising practices by individual industries, such as liquor stores, stock brokerages, employment agencies, and small loan companies.

PRACTICE

3. Find answers to the following questions in the text above:

1. Why do some people question the value of advertising?
2. What are some potential negative effects of advertising listed in the text?

3. What has public concern about advertising led to?
4. Which organizations set guidelines to protect the public from misleading advertising?
5. When and why was the Federal Trade Commission created?
6. How did the Wheeler-Lea Act expand the FTC's authority?
7. What are the ground rules developed by the FTC for advertisers?
8. Why can't advertisers use whipped cream in a shaving cream commercial?
9. How did the FTC approach advertising regulation under the Reagan administration?
10. What role does the U.S. Postal Service play in regulating advertising?
11. What is the Printer's Ink Model Statute?
12. How do most states regulate advertising practices for specific industries?

4. Translate the following words and word combinations:

реклама; впливати на свідомість споживача; регулювання реклами урядом; Федеральна торгова комісія; хибна або оманлива реклама; підтверджувати твердження доказами; обмеження витрат на рекламу; законодавство окремих штатів; заборона непристойної реклами; галузеві правила для реклами; рекламні агентства; торгові асоціації.

5. Read the following sentences and decide if they are True or False:

1. Advertising is universally considered harmful to society.
2. Some people argue that advertising raises costs and manipulates consumers.
3. Public concern about advertising has led to government regulation.
4. Advertisers and trade associations also set guidelines for advertising.
5. The Federal Trade Commission (FTC) was created in 1938.
6. Advertisers can use actors dressed as doctors even if doctors do not actually recommend the product.
7. The FTC requires that all factual statements in advertisements must be supported by evidence.
8. Under the Reagan administration, the FTC favoured stricter enforcement of advertising rules.
9. The U.S. Postal Service regulates advertising sent through the mail.
10. All 50 states have passed statutes regulating advertising.

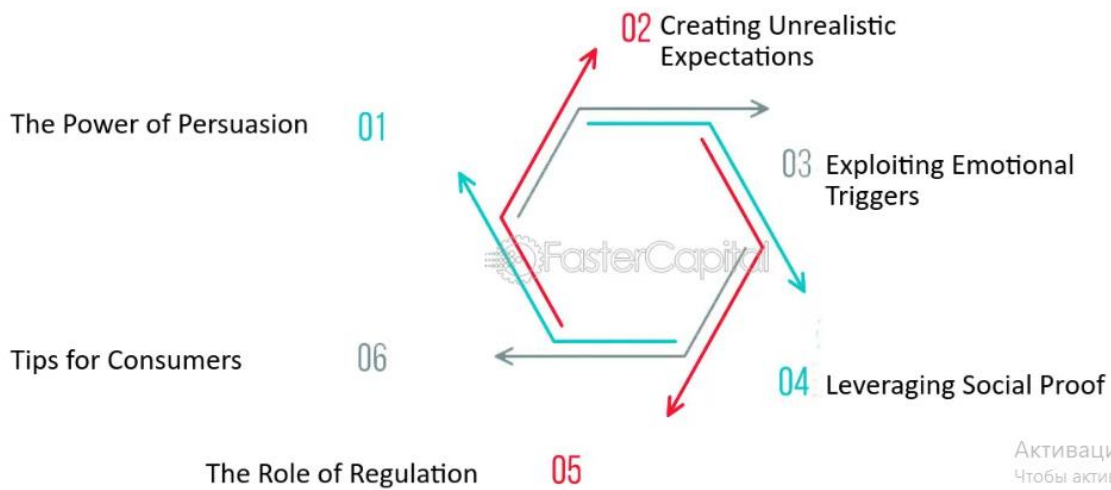
6. Fill in the blanks with the given words:

costs • government • Federal Trade Commission • 1914 • 1938 • fact • impression • obscenity • Printer's Ink • industries

1. Many people question advertising because it raises _____ and manipulates consumers.

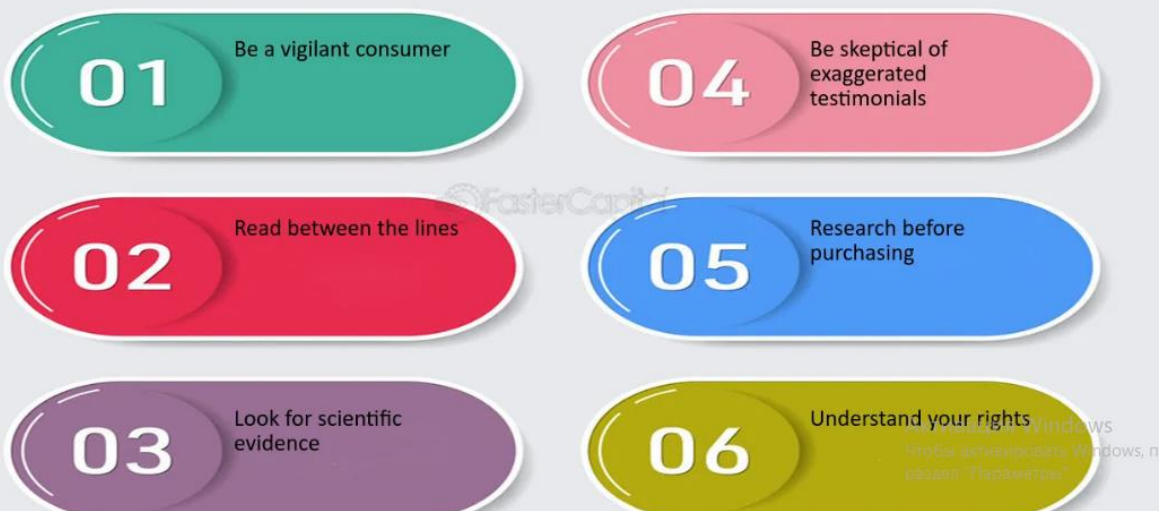
1. Public concern about advertising has contributed to the growth of regulation.
2. The federal advertising watchdog is the (FTC).
3. The FTC was created in by Congress.
4. The Wheeler-Lea Act of expanded the FTC's authority.
5. All statements of in advertisements must be supported by evidence.
6. Advertisers must not create an overall that is incorrect.
7. The U.S. Postal Service works to prevent and stop mail fraud.
8. Forty-four states have passed the Model Statute.
9. States regulate advertising practices in certain , such as liquor stores and employment agencies.

How False Advertising Influences Consumer Behavior



Активация Windows
Чтобы активировать Windows, перейдите на сайт Windows.com

How to Identify and Avoid Falling for False Advertising



TEXT 15

THREE WAYS TO PROTECT YOUR IDEAS: COPYRIGHTS, TRADEMARK, AND PATENT



PRE-READING

1. Read and study the following words and word combinations:

1. intellectual work – інтелектуальний твір
2. exclusive right – виключне право
3. to reproduce – відтворювати
4. trademark – торгова марка
5. generic term – загальноживаний термін
6. invention – винахід
7. to renew (a trademark) – поновлювати (торгову марку)

Trademark vs. Copyright vs. Patent: What's the Difference?

Aspect	Trademarks	Copyrights	Patents
Purpose and Scope	Protects brand identifiers like names, logos, and slogans that distinguish goods or services.	Protects original creative works, such as books, music, and art, granting exclusive rights.	Protects new inventions and technical innovations, granting exclusive rights to use or sell.
Duration of Protection	Indefinite with periodic renewal (usually every 10 years).	Lasts the author's lifetime plus 50-70 years, depending on jurisdiction.	Typically lasts up to 20 years from the filing date.
Enforcement	Enforced through legal action to prevent misuse or confusion of a brand.	Legal action can be taken against unauthorised reproduction or distribution of works.	Legal action can prevent unauthorised use, ensuring exclusive rights.

READING

2. Read the text. Pay attention to legal terms.

Several forms of legal protection are available for your creations. Which you should use depends on what you have created.

Copyrights protect the creators of literary, dramatic, musical, artistic, and other intellectual works. Any printed, filmed, or recorded material can be copyrighted. The copyright gives its owner the exclusive right to reproduce (“copy”), sell, or adapt the work he or she has created. Copyright law covers reproduction by photocopying, videotape, and magnetic storage.

The Copyright Office, Library of Congress, will issue a copyright to the creator or to someone the creator has granted the right to reproduce the work. (A book, for example, may be copyrighted by the author or the publisher.) Copyrights issued after 1977 are valid for the lifetime of the creator plus 50 years. Copyrights issued prior to 1977 are good for 75 years.

Technically, copyright protection exists from the moment you create the material. When you distribute a work, place a notice on copies that includes the term “copyright” or an abbreviation, the name of the author and the year of publication – for example, “Copyright 1986 Jane Doe”. Works can be registered with the Copyright Office for \$10.

A **trademark** is any word, name, symbol, or device used to distinguish the product of one manufacturer from those made by others. A service mark is the same thing for services. McDonald’s golden arches are one of the most visible of modern trademarks. Brand names can also be registered as trademarks. Examples are Polaroid, and Chevrolet.

If property registered and renewed every 20 years, a trademark generally belongs to its owner forever. Among the exceptions are popular brand names that have become generic terms, meaning that they describe a whole class of products. A brand-name trademark can become a generic term if the trademark has been allowed to expire, if it has been incorrectly used by its owner (as in the case of Borden’s ReaLemon lemon juice, which the Federal Trade Commission ruled was being used by Borden to maintain a monopoly in bottled lemon juice), or if the public comes to equate the name with the class of products (for example, yo-yos).

It is a good idea to have a patent attorney do a “clearance search” before you begin using a mark to be sure it isn’t already in use. There’s filing fee of \$175 for registration with the Patent and Trademark Office. Registration protects your mark for 20 years, and you may renew every 20 years.

A **patent** protects the invention or discovery of a new and useful process, an article of manufacture, a machine, a chemical substance, or an improvement on any of these. Issued by the U.S. Patent Office, a patent grants the owner the right to exclude others from making, using, or selling the invention for 17 years. After that time, the patent becomes available for common use. On the other hand, patent law guarantees the originator the right to use the discovery exclusively for a relatively long period of time, thus encouraging people to devise new machines, gadgets, and

processes. On the other hand, it also ensures that rights to the new item will be released eventually. Other enterprises may be able to make use of it more creatively than its originator.

PRACTICE

3. Find answers to the following questions in the text above:

1. What kinds of creations can receive legal protection?
2. What types of works are protected by copyright?
3. What exclusive rights does copyright give to its owner?
4. Who issues copyrights in the United States?
5. How long are copyrights valid if issued after 1977?
6. When does copyright protection technically begin?
7. What information should be included in a copyright notice?
8. What is a trademark?
9. What is the difference between a trademark and a service mark?
10. Under what circumstances can a trademark become a generic term?
11. Why is it advisable to conduct a clearance search before using a mark?
12. What does a patent protect?
13. How long does patent protection last?
15. Why does patent law eventually allow inventions to enter public use?

4. Translate the following words and word combinations:

правовий захист творчих робіт; авторське право; виключне право відтворення; термін дії авторського права; знак для товарів і послуг; торгова марка; загальноживаний термін; патентний повірений; патент на винахід; корисний процес або механізм; Патентне і торговельне відомство США; реєстраційний збір; право виключного користування; перейти у загальне користування; заохочувати інновації.

5. Read the following sentences and decide if they are True or False:

1. Different types of legal protection apply to different kinds of creative work.
2. Copyrights protect inventions and machines.
3. Copyright gives its owner the exclusive right to reproduce and sell a work.
4. Copyright protection exists only after registration with the Copyright Office.
5. Copyrights issued after 1977 last for the creator's lifetime plus 50 years.
6. A trademark can be a word, symbol, or device identifying a product.
7. Service marks apply to goods rather than services.
8. Trademarks usually belong to their owners forever if properly renewed.
9. A trademark can never become a generic term.
10. A clearance search helps ensure that a trademark is not already in use.
11. Patents are issued by the U.S. Patent Office.
12. A patent protects an invention for 17 years.
13. After a patent expires, the invention becomes available for public use.

14. Patent law discourages innovation by limiting competition.

6. Fill in the blanks with the given words:


literary • reproduce • Library • created • trademark • symbol • renewed • generic • process • 17

1. Copyrights protect _____, dramatic, musical, and artistic works.
2. Copyright gives the owner the exclusive right to _____, sell, or adapt a work.
3. Copyrights are issued by the Copyright Office of the _____ of Congress.
4. Copyright protection exists from the moment the work is _____.
5. A _____ distinguishes the product of one manufacturer from others.
6. McDonald's golden arches are an example of a _____.
7. A trademark must be _____ every 20 years to remain valid.
8. A trademark may become _____ if it comes to describe a whole class of products.
9. A patent protects a new and useful _____ or invention.
10. Patent protection lasts for _____ years.


7. Put the necessary word in the sentence: *copyright, trademark, patent, service, creations.*

1. A ... grants one the sole right to manufacture, use, or sell any new and useful art, machine, manufacture etc.
2. Several forms of legal protection are available for your
3. The patent laws are administered by the Patent and ... Office in the Department of Commerce.
4. A ... is the exclusive right of an author to reproduce, publish, and sell his/her creative work.
5. A ... mark is the same thing for services.


COPYRIGHT vs. TRADEMARK vs. PATENT: WHAT'S THE REAL DIFFERENCE?

 **COPYRIGHT**
Protects Original Expressions

- Books, music, photos, movies, artwork
- Automatically owns the moment your work is created

 **TRADEMARK**
Protects Brand Identity

- Logos, brand names, slogans, product packaging
- Must be registered to get legal protection

 **PATENT**
Protects Inventions

- New machines, chemical formulas, tech processes
- Requires application and approval to be granted

TEXT 16

THE GOVERNMENTAL ENVIRONMENT OF BUSINESS



PRE-READING

1. Read and study the following words and word combinations:

1. to pass a law – приймати закон
2. to charge prices – призначати ціни
3. to apply a law – застосовувати закон
4. to levy taxes – оподатковувати
5. counterfeiting – підробка грошей, цінних паперів

READING

2. Read the text. Pay attention to legal terms.

There is today practically no aspect of business that governments cannot and will not regulate if the occasion arises and popular or legislative support exists. In recent years, governments have responded affirmatively to a wide range of public concerns about such matters as product safety, product labeling, advertising, minority employment, honesty, pollution, and worker safety, to mention a few. Accordingly, laws have been passed to deal with these concerns. These, when added to the accumulated volume of laws in the past, have resulted in more government control of business than at any peacetime period in our history. Furthermore, the direction of many of these laws has been to involve government in detailed managerial decision making. Government controls in the automobile industry over emission and safety standards are cases in point.

To the typical businessperson, government regulation is burdensome. Antipollution controls, for example, require vast expenditures of funds by many

companies. Equal opportunity regulations influence the ways in which companies employ and treat people. Other laws force managers to act in certain ways with respect to product design, work environment, prices charged, costs of capital, and so on. An often overlooked cost of regulation is the time and energy managers and staff must devote to preparing reports for government.

Business not only is subject to the regulations of the federal government but also must deal with fifty state and hundreds of local governments. In addition, the companies that do business abroad are subject to foreign government regulations.

But governments support business as well. For example, the federal government helps business by making direct cash subsidies to individual companies, it gives business the results of government-funded research, it protects businesses from unfair domestic and foreign competition, and it opens up foreign markets for business by negotiating with foreign governments.

The impact of government on business derives from laws applied by individuals in the executive branches of governments or tested in courts of law. These laws and their implementation are, in turn, based upon legal powers given to governments and the administrators of government programs. The fundamental basis for this tower of regulations is the Constitution of the United States.

In the Constitution, most of the economic powers exercised by the federal government are contained in Article 1, Section 8.

This section gives Congress the power:

- to levy and collect taxes;
 - to pay debts and provide for common defense and general welfare;
 - to borrow money;
 - to regulate commerce;
 - to establish bankruptcy laws;
 - to coin money and regulate its value;
 - to fix standards of weights and measures;
 - to stop counterfeiting;
 - to establish post offices and post roads;
 - to promote science and useful arts by granting patents and exclusive rights over writings and discoveries;
 - to punish piracies;
 - to exercise exclusive legislation over the geographical seat of government, military establishments, and other lands owned by the governments;
- and

“to make all laws which shall be necessary and proper for carrying into execution these foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof”.

A reasonable interpretation of such grants of authority permits the national government in today’s economy to do just about anything that is likely to pass through congressional law-making machinery.

PRACTICE

3. Find answers to the following questions in the text above:

1. Under what conditions will governments regulate business activities?
2. What public concerns have led to increased government regulation?
3. How has government regulation of business changed over time?
4. In what ways do government regulations affect managerial decision making?
5. Why do many businesspeople consider regulation burdensome?
6. What is an often overlooked cost of regulation?
7. Besides the federal government, what other levels of government regulate business?
8. How are businesses operating abroad affected by regulation?
9. In what ways does government support business?
10. What is the fundamental legal basis for government regulation of business?
11. Where in the Constitution are most federal economic powers listed?
12. Why does the Constitution allow broad government involvement in today's economy?

4. Translate the following words and word combinations:

державне регулювання бізнесу; безпека продукції; маркування товарів; охорона навколишнього середовища; регулювання праці; управлінські рішення; витрати на дотримання вимог; рівні можливості працевлаштування; підтримка бізнесу урядом; економічні повноваження Конгресу; збір податків; регулювання торгівлі; надання субсидій; федеральна виконавча влада; тлумачення Конституції.

5. Read the following sentences and decide if they are True or False:

1. Governments regulate almost every aspect of business when public or legislative support exists.
2. Recent laws have reduced government involvement in business activities.
3. Product safety and worker safety are among the areas regulated by government.
4. Government regulation of business is greater today than at any previous peacetime period.
5. Government regulations never affect managerial decision making.
6. Many businesspeople view government regulation as burdensome.
7. Antipollution controls often require significant financial investment by companies.
8. Businesses in the United States are regulated only by the federal government.
9. Governments sometimes support business through subsidies and research assistance.

10. The U.S. Constitution is the fundamental source of government regulatory power.

11. Article 1, Section 8 of the US Constitution gives Congress the power to borrow money; to regulate commerce; to establish bankruptcy laws.

6. Fill in the blanks with the given words:

legislative • government • managerial • burdensome • expenditures • employ • reports • foreign • executive • 8

1. Governments regulate business when public or _____ support exists.

2. Laws addressing public concerns have resulted in increased _____ control of business.

3. Government regulations often involve detailed _____ decision making.

4. Many businesspeople consider government regulation _____.

5. Antipollution controls require large _____ of funds.

6. Equal opportunity regulations influence how companies _____ people.

7. Businesses must prepare _____ for government agencies.

8. Companies operating abroad are subject to _____ government regulations.

9. The impact of government on business derives from laws applied by the _____ branch.

10. Most federal economic powers are found in Article I, Section _____ of the Constitution.

- Political stability stimulate business expansion
- Business legislation may create opportunity or threats
- Government is concerned for the protection of public interest
- Govt is major consumer of goods and services
- Govt action may facilitate or hinder business activity
- Govt spending stimulates the economy

TEXT 17

CONTRACTS



PRE-READING

1. Read and study the following words and word combinations:

1. estate planning – заповіт майна
2. duress – примушування
3. handicapped person – людина з фізичними або розумовими вадами, інвалід
4. to cancel a contract – анулювати контракт
5. real estate – нерухоме майно
6. to enforce a promise – примушувати до виконання договірних зобов'язань

READING

2. Read the text. Pay attention to legal terms.

Broadly defined, a contract is an exchange of promises enforceable by law. A great many business and personal transactions – including marriage, estate planning (wills), and credit purchases – involve contracts. For example, the conflict between Pennzoil and Texaco over the purchase of Getty Oil falls into the category of contract law.

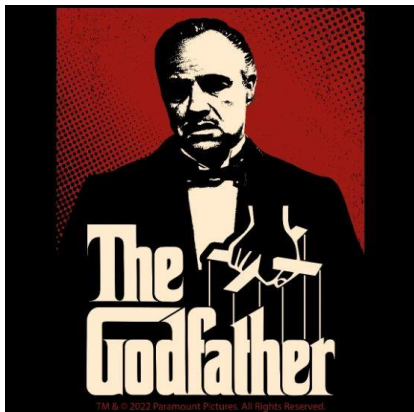
The law of contracts deals largely with identifying the exchanges that can be classified as contracts. Commitment is the essence of a contract. In addition, the following factors must usually be present for a contract to be valid and enforceable:

An offer must be made.

One party must propose that an agreement be entered into by both parties. The offer may be oral or written; for example, *a salesperson may telephone or write a prospective client, offering to sell the client materials at a certain price.* Or the offer

may take the form of an act; for example, *the telephone company offers to provide service by the act of placing a pay phone on a street corner*. In any case the offer must be firm, definite, and specific enough to make it clear that someone intends to be legally bound by the offer.

Acceptance of the offer must be voluntary.



Don Corleone, the godfather of film and novel, frequently made people “an offer they couldn’t refuse”. Luckily for him, he did not depend on the law to enforce the promises gained by these offers, because an ability to refuse is a prerequisite for a valid contract. The courts will not uphold a contract if either the offer or the acceptance was obtained through what is termed “duress or undue influence”. This rule is known as the principle of mutual acceptance. Both parties must enter into a contract freely.

Both parties must give consideration.

A contract is legally binding only when each party gives something of value to the other. This item of value, or **consideration**, may be money, goods, services or the forbearance (giving up) of a legal right. But the relative value of each party’s consideration generally does not matter to the courts. If people make what seems later to be a bad bargain, that is their affair. Consideration is legally sufficient when both parties receive what they agreed on.

Both parties must be competent.

The law gives to certain classes of people only a limited capacity to enter into contracts. Minors, people who are senile or mentally handicapped, and in some cases those who are intoxicated cannot usually be bound by a contract for anything but the bare necessities: food, clothing, shelter, and medical care.

The contract must be legal.

The law will not enforce a promise that involves an illegal act. For example, a gangster cannot get help from the courts to enforce a contract to deliver illegal drugs at a prearranged price. Nor can a contract be enforced if one party signed under duress.

The contract must be in proper form.

Although many contracts can be made orally, by an act, or by a casually written document, in certain situations the law requires that a prescribed form be followed. For example, the transfer of goods worth \$500 or more must be accompanied by a written document signed by both parties. The written form is also required for all real estate contracts and for contracts that cannot be fulfilled within one year, such as installment-purchase agreements.

When the law requires a written document, any change in the agreement must also be written.

PRACTICE

3. Find answers to the following questions in the text above:

1. How is a contract broadly defined?
2. What kinds of transactions commonly involve contracts?
3. What is the essence of a contract according to the text?
4. What characteristics must an offer have to be legally binding?
5. Why is voluntary acceptance important for a valid contract?
6. What is meant by the principle of mutual acceptance?
7. What is consideration in contract law?
8. Does the law require equal value of consideration from both parties?
9. Who may lack the legal capacity to enter into contracts?
10. What types of contracts involve only “bare necessities”?
11. Why will the law not enforce illegal contracts?
12. In what situations does the law require contracts to be in written form?

4. Translate the following words and word combinations:

договір; обмін обіцянками; договірне право; пропозиція (оферта); прийняття пропозиції; взаємна згода; примус або надмірний вплив; зустрічне задоволення (consideration); правоздатність сторін; незаконна угода; письмова форма договору; передача товарів; укладати договір; виконувати договір; внесення змін до договору.

5. Read the following sentences and decide if they are **True** or **False**:

1. A contract is an exchange of promises enforceable by law.
2. Only business transactions involve contracts.
3. Commitment is the essence of a contract.
4. An offer must always be made in writing.
5. An offer can be made by words or by actions.
6. Acceptance of an offer must be voluntary to form a valid contract.
7. Contracts made under duress are legally enforceable.
8. Consideration must always be money.
9. Minors generally have full legal capacity to enter into contracts.
10. Courts will enforce contracts involving illegal activities.
11. Some contracts must be in written form to be valid.
12. Any changes to a written contract must also be in writing.

6. Fill in the blanks with the given words:

promises • offer • voluntary • duress • consideration • forbearance • capacity • illegal • written • written

1. A contract is an exchange of _____ enforceable by law.
2. An _____ must be firm, definite, and specific.
3. Acceptance of an offer must be _____.
4. Contracts made under _____ or undue influence are not upheld by courts.

5. Both parties must give _____ for a contract to be binding.
6. Consideration may include money, goods, services, or _____.
7. Certain people have limited _____ to enter into contracts.
8. The law will not enforce a contract involving an _____ act.
9. Some contracts must be accompanied by a _____ document.
10. Any change to a written contract must also be _____.

7. Ask questions to get the following answers:

1. Business and personal transactions, including marriage and credit purchases.
2. It must be firm, definite, and specific.
3. Because acceptance must be voluntary for a valid contract.
4. Money, goods, services, or the forbearance of a legal right.
5. When goods are worth \$500 or more or when real estate is involved.



What is a contract?

A contract is a legal agreement where all parties promise to follow specific terms. Contracts are used everywhere and cover business deals, job offers, and the sale of goods.

Types of Contracts and Their Uses

Contracts can be categorised based on their formation, validity, purpose, performance, and nature.




TEXT 18

BREACH OF A CONTRACT



PRE-READING



Breach of Contract
[ˈbrɛç əv ˈkɑːn-,trækt]

A violation of any of the agreed-upon terms and conditions of a binding contract.

1. Read and study the following words and word combinations:

1. to fulfill (to carry out) a contract – виконувати умови контракту
2. to meet an agreement – виконувати угоду, договір
3. breach of contract – порушення контракту
4. lumberyard – лісовий склад
5. delivery – поставка
6. to sue in court – виступати у якості позивача у суді
7. to enter into a contract – укладати договір
8. court costs – судові витрати

READING

2. Read the text. Pay attention to legal terms.

Most valid contracts are obeyed by both parties. Each does what was promised, and the contract is terminated by being carried out. But sometimes a contract will not be fulfilled because both parties agree to end it. And occasionally the law will excuse one party from meeting an agreement; for example, bankruptcy frees a person from certain credit agreements, and death or serious illness is a valid excuse for not fulfilling a contract for personal services. When one party has no legal

excuse for failure to live up to the terms of a contract, the other party may claim ***breach of contract***.

The essence of a contract is that the law will enforce the promise. Say that Nick Santo, a builder, contracts to buy 2,000 feet of pine board from the Zeller Lumberyard. The contract stipulates that the price for the board is to be \$2 per foot and that delivery must be made by January 25. But on January 10 the lumberyard calls Santo and tells him that another contractor has offered to buy all the yard's lumber at \$2.50 per foot. Zeller tells Santo that he must pay the higher price or wait until February 15 for delivery. Santo has the following options:

Discharge. When one party violates the terms of the agreement, generally the other party is under no obligation to continue with his or her end of the contract. In other words, the second party is discharged from the contract. Santo is free to buy his wood from another lumberyard. If Zeller goes ahead and delivers the wood at the later date, Santo does not have to accept it.

Damages. A party has the right to sue in court for damages that were foreseeable at the time the contract was entered into and that result from the other party's failure to fulfill the contract. The amount of damages awarded usually reflects the amount of profit lost and, often, court costs as well. If Santo had to pay another yard a higher price to get lumber, he would be entitled to collect the difference from Zeller. If Zeller's failure to deliver the wood caused Santo to lose a large contract or a good customer, the court might force Zeller to pay damages far exceeding the value of the wood itself.

Specific performance. A party can be compelled to live up to the terms of the contract if money damages would not be adequate. If, for instance, Zeller had agreed to sell not pine board but a unique, one-of-a-kind wood paneling from a sixteenth-century Spanish castle, Santo could demand specific performance of the contract. Another similar situation would be a personal services contract. If Bruce Springsteen didn't show up for a concert, he could well be sued for breach of contract, because he's a hard act to replace.

PRACTICE

3. Find answers to the following questions in the text above:

1. How are most valid contracts terminated?
2. In what situations may a contract not be fulfilled?
3. What does bankruptcy excuse a person from?
4. What is considered a legal excuse for not fulfilling a personal services contract?
5. What is meant by a breach of contract?
6. What were the original terms of the contract between Santo and Zeller?
7. How did Zeller attempt to change the contract?
8. What choices did Santo have after Zeller's breach?
9. What does discharge mean in contract law?
10. What kinds of damages may a court award?
11. When can a party demand specific performance?
12. Why might a famous performer be sued for breach of contract?

4. Read the following sentences and decide if they are True or False:

1. Most valid contracts are fulfilled by both parties.
2. A contract is always terminated only by being carried out.
3. Bankruptcy can excuse a person from fulfilling certain contracts.
4. Death or serious illness may excuse failure to perform a personal services contract.
5. A breach of contract occurs when a party fails to perform without legal excuse.
6. The law does not enforce promises made in contracts.
7. Zeller Lumberyard originally agreed to sell pine boards for \$2.50 per foot.
8. Zeller violated the contract by changing the price and delivery date.
9. Santo must accept the late delivery if Zeller delivers the lumber.
10. Discharge frees the non-breaching party from continuing the contract.
11. Damages are awarded only for emotional suffering.
12. Specific performance is ordered when money damages are inadequate.
13. Unique goods are often subject to specific performance.
14. Personal services contracts can never be enforced by courts.

5. Fill in the blanks with the given words:

terminated • free • breach • enforce • discharged • damages • profit • specific • specific • replace

1. A contract may be _____ by being fully carried out.
2. Bankruptcy can _____ a person from certain agreements.
3. Failure to perform without legal excuse is called a _____ of contract.
4. The law will _____ valid contractual promises.
5. When one party violates a contract, the other may be _____ from it.
6. A party may sue for _____ that were foreseeable.
7. Courts may award damages for lost _____.
8. _____ performance may be ordered when money is not sufficient.
9. Unique goods often justify _____ performance.
10. A famous performer may be difficult to _____.

6. Translate the following words and word combinations:

порушення договору; виконання договору; правове виправдання; звільнення від зобов'язань; відшкодування збитків; передбачувані збитки; втрачений прибуток; примусове виконання договору; унікальний товар; договір про надання особистих послуг; судові витрати; невиконання умов договору.

7. Put the necessary word in the sentence: *propose, voluntary, fulfilled, enforceable, legal.*

1. A contract is an exchange of promises ... by law.
1. One party must ... that an agreement be entered into by both parties.
2. Acceptance of the offer must be
3. The contract must be
4. A contract will not be ... because both parties agree to end it.

A

accident – випадок; нещасний випадок

accident benefits – допомога при нещасному випадку

accident benefits – допомога у разі нещасного випадку

accusation – обвинувачення; обвинувальний акт

accuse – обвинувачувати, виносити обвинувачення (*of – у чому-н.*)

accuser – обвинувач; скаржник

administer – управляти; застосовувати(норми права)

administer law – чинити правосуддя

administer law – чинити правосуддя

administrative law – адміністративне право

agreement – договір, угода

amend – вносити поправки

amendment – поправка

annul – анулювати, скасовувати; знищувати

antitrust laws – антитрастове законодавство

appeal – апеляція, апеляційна скарга; апелювати, подавати апеляційну скаргу

appellate – апеляційний

appellate jurisdiction – апеляційна юрисдикція

appellate jurisdiction – апеляційна юрисдикція

appellate tribunal – апеляційний суд

appellate tribunal – апеляційний суд

apply a law – застосовувати закон

appraiser – таксатор (оцінювач)

apprehend – затримувати, заарештовувати

assassin – убивця; терорист

assassinate – убивати; здійснювати терористичний акт

assassination – убивство; терористичний акт

assault – словесна образа і погроза фізичним насильством; погрожувати фізичним насильством

assaulter – нападник; нападаюча сторона

associate judge – судовий засідатель

Associate Justice – член Верховного суду (*асоційований суддя*) - це суддя вищого суду (найчастіше Верховного суду США або окремих штатів), який має ранг трохи нижче, ніж Голова (*Chief Justice*). У Верховному суді США є один Голова та 8 асоційованих суддів, які призначаються довічно).

attorney – юрист; адвокат; повірений (у суді)

[According to Cambridge Dictionary](https://dictionary.cambridge.org/dictionary/)
(<https://dictionary.cambridge.org/dictionary/>):

attorney

- a lawyer
- a person who has the legal right to act for someone else

solicitor

- a type of lawyer in Britain and Australia who is trained to prepare cases and give advice on legal subjects and can represent people in lower courts
- the official in a local government who deals with legal matters
- **Law.** in the UK and Australia, a type of lawyer who is trained to prepare cases and give advice on legal subjects and can represent people in lower courts

barrister

- a type of lawyer in the UK, Australia, and some other countries who can give specialized legal advice and can argue a case in both higher and lower courts
- **Law**. a type of lawyer in the UK, Australia, and some other countries who is qualified to give specialist legal advice and can argue a case in both higher and lower law courts

lawyer

- someone whose job is to give advice to people about the law and speak for them in court
- someone whose job is to give advice to people about the law and speak for them in court
- someone whose job is to give advice about the law and prepare court cases or speak for one side of a case in court

advocate

- a lawyer who speaks for or defends someone in a court of law
- someone who speaks for, supports, or represents a person or group of people who may need extra help or protection
- someone who publicly supports something they believe in
- **Law**. a lawyer who defends someone in a court

Attorney General – міністр юстиції США; генеральний прокурор Великої Британії (*Генеральний атторней або генеральний прокурор*) - це вища посадова особа у сфері юстиції, що діє в країнах англосаксонської правової системи (США, Великобританія, Канада та ін.). Він одночасно очолює Міністерство юстиції, є головним юридичним радником уряду та керівником системи кримінального переслідування.

authority – повноваження, влада; сфера компетенції; орган влади; орган управління

B

bail – застава

bargain – угода, погодження, договір; домовлятися, вести переговори

barrister – адвокат

According to Cambridge Dictionary and Thesaurus

(<https://dictionary.cambridge.org/thesaurus/>)

Barrister - Synonyms:

solicitor *British*, lawyer, attorney, attorney-at-law, counselor, counsel, advocate, legal advisor, jurist, counselor-at-law, prosecutor, legist, special pleader, pettifogger, ambulance chaser, *Slang*, mouthpiece *Slang*, shyster *Slang*.

be charged with a crime – бути звинуваченим у злочині

be charged with/accused of a crime – бути звинуваченим у злочині

be sued – бути притягненим до відповідальності у судовому порядку

benefit – перевага; привілей; прибуток; користь

bill – законопроект; закон, акт парламенту, законодавчий акт

blackmail – шантаж, вимагання; шантажувати, вимагати

blackmailer – шантажист

board – рада; комісія; правління; департамент

breach – порушувати (*угоду тощо*)

breach an agreement – розірвати договір (угоду)

break (the terms) of the contract – порушити умови контракту

break a law – порушувати закон
bribe – хабар, підкуп; підкуповувати, давати, пропонувати хабар
bribe taker – хабарник
briber – той, хто дає хабар, хабародавець
bribery – хабарництво
bring a suit in a court – відкрити судову справу; винести позов на судовий розгляд
bring a suit in a court – відкрити судову справу; винести позов на судовий розгляд
burglar – злодій-зломщик; нічний грабіжник
burglary – крадіжка зі зломом

C

case – судова справа; судовий прецедент
case law – прецедентне право
case law – прецедентне право
charge – звинувачення; звинувачувати
chief judge – головний суддя
Chief Justice – Голова Верховного суду. *(Головний суддя / Голова Верховного суду) – це найвища посадова особа судової влади у низці країн (наприклад, США, Канада, Індія), яка очолює Верховний суд. Він керує роботою суду, головує на засіданнях і, у США, наприклад, приводить до присяги президента.*
circuit – судовий округ
circuit judge – окружний суддя
circuit judge – окружний суддя
citizenship – громадянство
claim – позов; рекламація; претендувати, висувати претензію, заявляти права *(на що-н.)*; вчиняти позов про відшкодування збитків
Claims Court – претензійний суд *(Суд претензій у Великобританії (Court of Claims): Спеціальний орган, що скликається при коронації нового суверена для вирішення законності претензій щодо виконання почесних послуг. Суд федеральних претензій США (U.S. Court of Federal Claims): Федеральний суд, який розглядає позови громадян та компаній проти уряду США, зазвичай пов'язані з грошовими вимогами, які не є правопорушеннями (наприклад, порушення контракту).*
code – кодекс
commit – здійснювати *(злочин тощо)*
common law – загальне право
common law rules – норми загального права
common law rules – норми загального права
compensate for the loss – відшкодувати витрати
concurrent jurisdiction – одночасна (паралельна) юрисдикція
consent – згода; давати згоду, погоджуватися
consent order – наказ суду відповідно до прийнятої сторонами угоди
consent order – наказ суду відповідно до прийнятої сторонами угоди
constitution – конституція
constitution in force – чинна конституція
contract – контракт, договір, угода

counterfeiter – фальшивомонетник
counterfeiting – підробка грошей, цінних паперів
court – суд; суддя; судді
court appearance – явка до суду
court costs – судові витрати

Court of Appeals – апеляційний суд (*це суд другої інстанції в англо-американській правовій системі, який переглядає рішення судів нижчих (окружних, світових, суду Корони). Він перевіряє законність та обґрунтованість початкового вироку чи рішення, не розглядаючи справу заново за участю присяжних*).

Court of International Trade – суд з питань міжнародної торгівлі (*Суд США з міжнародної торгівлі, USCIT – це федеральний суд спеціальної юрисдикції, що розглядає цивільні справи, пов'язані з митними спорами, імпортом та правилами міжнародної торгівлі. Він забезпечує дотримання американського законодавства, зокрема розглядає питання щодо антидемпінгових заходів, захисних тарифів та класифікації товарів, прийнятих урядовими органами США*).

Court of Military Appeals – Апеляційний суд у справах збройних сил (*військовий апеляційний суд – це вищий апеляційний орган у системі військового правосуддя США (USCAAF), який розглядає скарги військовослужбовців на рішення військових трибуналів. Складається з 5 цивільних суддів, які призначаються президентом, і перевіряє справи щодо законності та справедливості*).

courtroom – зал судових засідань

crime – злочин; злочинність

criminal – злочинний; кримінальний; злочинець; особа, винна у скоєнні злочину

criminal justice – кримінальне правосуддя

criminal justice – кримінальне правосуддя

culprit – злочинець; винний; обвинувачуваний

D

decide a case – виносити рішення у справі

decide disputes – вирішувати спори

decision – рішення суду

defend – захищати

defendant – відповідач, підсудний, звинувачуваний

defense – захист

dispute – оспорювати; суперечка, спір

District Court – окружний суд (*цесудовий орган першої інстанції, створений для здійснення правосуддя у межах певного адміністративного чи географічного округу. Такі суди розглядають цивільні, кримінальні, господарські або адміністративні справи, приймаючи рішення по суті на початковому етапі судового процесу*).

diverse – інший, відмінний; різний

diverse citizenship – різне громадянство сторін у справі

diverse citizenship – різне громадянство сторін у справі

docket – дос'є судочинства (книга записів)

draft – проект

E

en banc – у повному складі

enforce примусово виконувати у судовому порядку; забезпечувати санкцією

enforce a judgment – забезпечити виконання судового рішення

enforce a promise – примушувати до виконання договірних зобов'язань

enforceable забезпечений правовою санкцією

enforceable agreement – договір, забезпечений правовою санкцією

enter into an agreement – укласти договір (угоду)

estate – майно; власність

estate planning – заповіт майна

evidence – доказ; показання свідків

exclusive jurisdiction – виняткова юрисдикція

F

file an appeal – подавати апеляцію

final decision – остаточне рішення

Framers (the Framers) – творці \ автори конституції США (*це термін, який стосується групи історичних діячів, які розробили та написали Конституцію США під час Конституційного Конвенту 1787 року. Вони створили структуру федерального уряду, балансуючи владу між гілками, щоб забезпечити права штатів та окремих громадян. До них належать такі постаті, як Джеймс Медісон (часто називають «Батьком Конституції»), Джордж Вашингтон, Александр Гамільтон, Бенджамін Франклін та інші. Мета – створення ефективнішого федерального уряду замість слабких «Статей Конфедерації». Діяльність: вони розділили владу на законодавчу, виконавчу та судову гілки.*)

fraud – обман, шахрайство

fraudulent – обманний, шахрайський

fringe benefits – додаткові пільги

G

general trial court – суд першої інстанції

give authority to – надавати повноваження кому-н.

government – уряд; державна влада; управління, керівництво

grand jury – велике журі

guilt – провина, вина

guilty – винний (*of – в*); злочинний

H

handle a case – розглядати справу

hearing – розбір, слухання справи

heir – спадкоємець

held – вирішено, суд вирішив

High Court – Високий суд (*це назва вищого судового органу в багатьох країнах, переважно англосаксонської правової системи. Він розглядає найважливіші цивільні та кримінальні справи, функціонуючи як суд першої інстанції або апеляційний суд*).

high treason – державна зрада
hold a trial – проводити судовий процес

I

in banc – у повному складі
in-court – судовий
indict – обвинувачувати (за обвинувальним актом)
innocence – невинність
innocent – невинний (of – в)
intangible personal property – нематеріальне особисте майно (яке виражене у правах)
interrogate – запитувати; допитувати
interrogation – допит
interrogator – слідчий

J

jail – в'язниця; тюремне ув'язнення; ув'язнювати
jailer – тюремник
judge – суддя; судити
judgment – судове рішення
judicial – судовий
judicial circuit – судовий округ
judicial district / judicial circuit – судовий округ (*Judicial District* – Судовий округ: географічна зона, що обслуговується судом першої інстанції, де розглядаються цивільні та кримінальні справи, проходять розгляди та виносяться первинні рішення. *Judicial Circuit* – Судовий контур: зазвичай охоплює кілька судових округів (district) і виступає як апеляційна інстанція, яка переглядає рішення.
judicial review – перегляд судової справи
judicial review – перегляд судової справи
jurisdiction – юрисдикція
jury – присяжні, склад присяжних; суд присяжних
jury trial – суд присяжних
jury trial – суд присяжних
justice – справедливість; правосуддя, юстиція; суддя

K

kidnap – викрасти (людину)
kidnapper – викрадач (людей)
kidnapping – викрадення людей з метою отримання викупу

L

Labor Relations Board – Рада з трудових відносин (це державний орган (переважно в США та Канаді), який регулює відносини між роботодавцями та профспілками. Він забезпечує дотримання трудового законодавства, проводить голосування щодо профспілок та розслідує скарги на неправомірні дії).

law – закон; право; юриспруденція

law suit – судовий процес; справа

lawsuit – судова справа; позов

legacy – спадщина

Legislative Court – законодавчий суд (*це федеральний суд у США, створений Конгресом на основі повноважень, наданих Статтею I Конституції, а не Статтею III, що регулює судову владу. Ці суди займаються вузькоспеціалізованими питаннями, пов'язаними з виконанням законодавчих функцій, наприклад, податковими спорами або військовими справами. суд, утворений законом Конгресу).*

legislature – законодавчий орган; законодавча влада

levy taxes – оподатковувати

litigant – сторона (у судовому розгляді)

litigation – позов, судовий процес

loss – утрата; збиток

lower court – підвідомчий суд

lower-court decision – рішення нижчого суду

M

marshal – начальник поліцейського відділка

matter – предмет; питання; факт; справа

murder – убивати; убивство

murderer – убивця

murderess – убивця (*про жінку*)

N

Napoleonic Code – Кодекс Наполеона (*також Цивільний кодекс (фр. Code civil) – фундаментальний законодавчий акт Франції, що є масштабною кодифікацією цивільного права і дав потужний поштовх для подальшого кодифікаційного процесу в багатьох країнах світу).*

negotiate – вести переговори, домовлятися (*with*)

negotiation – переговори; обговорення умов

null and void – той, що втратив юридичну силу

O

opinion – думка, погляд; висновок; судове рішення

order – наказ, розпорядження; порядок, регламент; замовлення

original jurisdiction – юрисдикція суду першої інстанції

overrule a statute – скасовувати закон (статут)

P

panel – склад присяжних (суддів)

pass a bill – приймати (схвалювати) законопроект

pass a law – приймати (схвалювати) законопроект

petit jury – мале журі

plaintiff – позивач, позивачка
plea – скарга, прохання; позов до суду
posterity – нащадки; наступні покоління
prison – в'язниця; тюремний
prisoner – ув'язнений, в'язень; арештований
procedural law – процесуальне право
property – власність, майно; право на власність
provision – умова, положення (*закону, договору*)
punish – карати; накладати стягнення
punishable – карний, що заслуговує покарання
punishment – покарання

Q

quasi-judicial – квазі-судовий
quasi-criminal – квазікримінальний (*Ситуація, яка дозволяє суду карати дії або бездіяльність так, ніби вони є кримінальними правопорушеннями, часто застосовується у випадках серйозного невиконання зобов'язань, такого як серйозна прострочена невиконання зобов'язань щодо сплати аліментів*).
quasi-offense – квазі-правонарушення (*Вид незаконної дії, що є результатом необережності, заподіює шкоду іншій особі, що юридично призводить до необхідності відшкодування завданої шкоди*).
question of law – питання права (*Питання в судовому процесі або кримінальній справі, яке стосується виключно розуміння самого закону та його застосування до фактів справи, і вирішується судьєю, а не присяжними*).
quota – квота 1) Рівномірний розподіл певного товару або вимоги серед групи. 2) Заздалегідь визначений ліміт або контрольний показник, який може бути мінімальним або максимальним, встановлений для певних товарів або умов.
(JUSTIA. Legal dictionary. <https://dictionary.justia.com/terms/>)

R

real estate – нерухоме майно
real property – нерухомість (нерухома власність)
regular court – суд загальної юрисдикції
review – перегляд; переглядати
rob – грабувати; обкрадати
robber – грабіжник
robbery – крадіжка; грабіж
rule – правило; норма права

S

sign the contract – підписати контракт
solicitor – повірений у справах
Solicitor General – генеральний солісітор, заступник генерального прокурора або головний прокурор, заступник міністра юстиції США (*це високопосадова юридична особа, яка представляє інтереси уряду (держави) в судах, зокрема у Верховному*

суді, а також надає юридичні консультації уряду. У США це четверта за важливістю посада в Міністерстві юстиції, яка займається федеральними справами. У Великій Британії — це заступник Генерального прокурора).

special court – суд спеціальної юрисдикції

stare decisis – стояти на вирішеному

statehood – державність

statute – статут; закон; законодавчий акт

Statute of Frauds – Акт про запобігання шахрайству (це фундаментальна норма англійського та американського права, яка вимагає від певних видів договорів письмової форми та підпису сторін для того, щоб вони могли бути примусово виконані через суд. Без письмового оформлення такі контракти є дійсними, але не мають судового захисту (*unenforceable*)).

statutory – діючий у відповідності до закону; передбачений законом

statutory law – статутне право (яке є відображеним у законодавчих актах)

statutory law – статутне право (яке є відображеним у законодавчих актах)

steal (stole; stolen) – красти

stealing – злодійство; украдене, украдені речі

subject – тема, питання предмет (договору, позову і т. д.)

subject matter – предмет судового розгляду

subject matter – предмет судового розгляду

subpoena – виклик до суду; повістка про явку до суду; викликати у суд

substantive law – субстантивне право (стосується суті, а не форми)

sue – переслідувати у судовому порядку; порушувати справу (проти кого-н.)

sue in court – виступати у якості позивача у суді

sue in court – виступати у якості позивача у суді

suit – позов, процес

Supreme Court – Верховний суд (це найвищий судовий орган у системі судів загальної юрисдикції, який забезпечує сталість та єдність судової практики, переглядаючи рішення нижчих судів у касаційному порядку. Він ухвалює остаточні рішення, які не підлягають оскарженню, і діє як остання апеляційна інстанція).

suspect – підозрюваний; підозрювати

T

take a testimony – брати показання свідків

take to court – віддавати під суд

tax – податок

Tax Court – Податковий суд (це спеціалізований судовий орган (найчастіше асоціюється з США), що розглядає суперечки між платниками податків та податковими органами, зокрема IRS (Податковою службою США). Це інстанція, де можна оскаржити податкові донарахування до моменту їх повної оплати, на відміну від окружних судів).

tax evasion – ухиляння від виплати податків

terms – умови угоди; договір

testify – давати показання, свідчити (*to* – на користь, *against* – проти)

testimony – показання

theft – злодійство, крадіжка

thief (pl. thieves) – злодій

thieve – красти, украсти

tort – делікт, цивільне правопорушення

transaction – угода

treason – зрада

trial – судовий розгляд; судовий процес, суд

trial court – суд першої інстанції

trial court – суд першої інстанції

tribunal – суд; трибунал

try – судити; притягувати до судової відповідальності; розглядати, розслідувати (*справу*)

try a case – розглядати судову справу

try a case – розглядати судову справу

U

unanimous verdict – одноголосний вердикт

Uniform Commercial Code – Єдиний комерційний кодекс (*це стандартизоване зведення законів, що регулюють комерційні операції в США, включаючи купівлю-продаж товарів, банківські операції та забезпечені угоди. Прийнято (зі змінами) майже всі штати для уніфікації правил бізнесу. Він забезпечує правову основу укладання і виконання контрактів, значно спрощуючи міжштатну торгівлю*).

V

verdict – вердикт; рішення присяжних засідателів

violate – порушувати (закон, право, договір)

violate the law – порушувати закон

violation – порушення

W

will – заповіт

witness – свідок

write an opinion – писати висновок

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освітньо-професійної програми «Право»

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