

ФЕДЕРАЛЬНОЕ АГЕНТСТВО ПО ОБРАЗОВАНИЮ
ГОСУДАРСТВЕННОЕ ОБЩЕОБРАЗОВАТЕЛЬНОЕ УЧРЕЖДЕНИЕ
ВЫСШЕГО ПРОФЕССИОНАЛЬНОГО ОБРАЗОВАНИЯ
«САМАРСКИЙ ГОСУДАРСТВЕННЫЙ УНИВЕРСИТЕТ»

Кафедра иностранных языков

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АНГЛИЙСКИЙ ЯЗЫК

Утверждено Редакционно-издательским советом университета в качестве
учебного пособия

Данное учебное пособие предназначено для студентов дневного отделения юридического факультета. Необходимость создания пособия обусловлена тем, что нет единого сборника тем по юридической специальности. Последовательность подобранных для сборника тем, базируется на основном учебнике английского языка для студентов-юристов Just English and Just English (basic course). Учебное пособие написано в соответствии с учебным планом по английскому языку для юридического факультета и может быть рекомендовано в качестве экзаменационных тем. Цель пособия - последовательно провести студентов по тематическим разделам, закрепить материал по специализации и способствовать более тщательной подготовке студентов к экзамену.

В пособие включены базовые и дополнительные материалы на английском языке, что позволяет варьировать уровень трудности при работе. В работе представлены темы "О принципах судебного разбирательства", "О правовых системах Великобритании, США и России", а также "Система присяжных", "Известные правовые документы", "Преступление и наказания" и др.

Правовая лексика вводится тематически, закрепляется в разнообразных упражнениях, нацеленных на формирование речевых навыков и находит свое применение в дискуссиях и ролевых играх. В работе также представлены выражения для ведения дискуссии, такие как высказывание своей точки зрения, выражения согласия- несогласия с оппонентом, модели аргументации. Примечания содержат лексику, которая может вызвать трудности при работе над темой.

Пособие может быть использовано как для работы в аудитории, так и для самостоятельного изучения тем.

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CONTENTS

Famous Legal Documents
The UK System of Government
The USA System of Government
The System of Government of the Russian Federation
Lawmaking Process in the UK
Lawmaking Process in the USA
Crime and Punishment
Crime and Criminals
Jury System
Kinds of Cases
Juvenile Delinquency
Imprisonment
Types of Legal Professions
My Future Profession
Supplement

FAMOUS LEGAL DOCUMENTS THROUGHOUT HISTORY

It is obvious to everyone that, in a community such as the one in which we live, some kind of law is necessary to try to prevent people from committing unlawful acts. When the world was at a very primitive stage, there was no such law, and, if a man chose to kill his wife or if a woman succeeded in killing her husband, that was his or her own business and no one interfered officially.

But, for a very long time now, members of every community have made laws for themselves in self-protection. Otherwise it would have meant that the stronger man could have done what he liked with the weaker, and bad men could have joined together and terrorized the whole neighbourhood.

If it were not for the law, you could not go out in broad daylight without the fear of being kidnapped, robbed or murdered. There are enough of the bad people in the world to make law necessary in the interests of everyone.

Rules and laws — and the conventions or customs from which they are descended — have been a part of human life ever since our ancestors first began to live in large and settled groups.

One of the most detailed ancient legal codes was drawn up in about 1758 B.C. by Hammurabi, a king of Babylonia. The entire code, consisting of 282 paragraphs, was, carved into a great stone pillar, which was set up in a temple to the Babylonian god Marduk, so that every citizen could read it.

The laws laid down by, Hammurabi were more extensive than any that had gone before. They covered crime, divorce and marriage, the rights of slave owners and slaves, the settlement of debts, inheritance and property contracts; there were even regulations about taxes and the prices of goods. Punishments under the code were often harsh.

The ancient Greeks were among the first to develop a concept of law that separated everyday law from religious beliefs. Instead, the Greeks believed that laws were made by the people for the people.

In the seventh century B.C., Draco drew up Greece's first written code of laws. Under Draco's code death was the punishment for most offences. Thus, the term draconian usually applies to extremely harsh measures.

Solon, the Athenian statesman, introduced a new and more humane law code.

The code of Draco was still in force. Draco's laws were shockingly severe so severe that they were said to have been written not in ink but in blood. Solon revised every statute except that on homicide and made Athenian law altogether more humane.

Magna Carta (Latin for Great Charter, literally "*Great Paper*"), also called Magna Carta Libertatum (Great Charter of Freedoms), is an English legal charter, originally issued in the year 1215. It was written in Latin. Magna Carta was arguably the most significant early influence on the extensive historical process that led to the rule of constitutional law today in the English-speaking world. Magna Carta influenced the development of the common law and many constitutional documents, including the United States Constitution.

Habeas corpus Act was passed in Britain in 1679. Habeas corpus in Latin means [We command] that you have the body) is a legal action, or writ, through which a person can seek relief from the unlawful detention of him/herself or another person. It protects the individual from harming himself or being harmed by the judicial system. The writ of habeas corpus has historically been an important instrument for the safeguarding of individual freedom against arbitrary state action.

The Bill of Rights (1689) is one of the basic instruments of the British constitution, the result of the long 17 –century struggle between the Stuart kings and the English people and Parliament. A number of clauses ought to eliminate royal interference in parliamentary matters, stressing that elections must be free and that members of Parliament must have complete freedom of speech. Certain forms of interference in the course of justice were also proscribed. The act also dealt with the proximate succession to the throne, provided the heirs were Protestants. It is the constitutional paper of great importance, which prevented the sovereign from abusing his authority.

The laws of much of continental Europe (particularly France), of Quebec in Canada, and of much of Latin America – along with the civil laws of Louisiana – owe their modern form largely to the work of Napoleon Bonaparte and his Napoleon's Code. The code was a triumphant attempt to create a legal system that treated all citizens as equals without regard to their rank or previous privileges. It was also so clearly written that it could be read and understood by ordinary people at a time when only Latin scholars could make sense of the earlier laws handed down since Roman times.

Among modern legal documents one can mention The United Nations Charter. It was signed at the United Nations Conference on International Organization in San Francisco, California, United States, on June 26, 1945. As a charter, it is a constituent treaty, and all members are bound by its articles. Furthermore, the Charter states that obligations to the United Nations prevail over all other treaty obligations.

Another famous act is The Universal Declaration of Human Rights (UDHR), a declaration adopted by the United Nations General Assembly (10 December 1948 at Palais de Chaillot, Paris). It consists of 30 articles, which have been elaborated, in subsequent international treaties, regional human rights instruments, national constitutions and laws. The International Bill of Human Rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its two Optional Protocols.

The Convention for the Protection of Human Rights and Fundamental Freedoms (also called the “European Convention on Human Rights” and “ECHR”), was adopted in 1950 to protect human rights and fundamental freedoms.

To conclude, every country tries to provide laws, which will help its people to live safely and as comfortably as possible. This is not at all an easy thing to do, and no country has been successful in producing laws, which are entirely satisfactory. But we are far better off with the imperfect laws which we have, than if we had none at all.

Exercises.

I. Notes

To cover – охватывать

Prohibit – запрещать

Torture – пытка, мучение

Treatment – обращение (с кем-то)

Extremely harsh measures – чрезвычайно суровые меры

Succession – престолонаследие

The heirs – наследники

To abuse one's authority – превышать чьи-либо полномочия

The United Nations Charter – Устав ООН

The Universal Declaration of Human Rights – Всеобщая декларация прав человека

General Assembly – Генеральная Ассамблея

The Convention for the Protection of Human Rights and Fundamental Freedoms – конвенция по защите прав человека и фундаментальных свобод

Memorize the following words and expressions.

II. Answer the following questions:

1. Where and why did the first laws appear?
2. What issues did the early laws emphasize?
3. What spheres of human life were covered by Hammurabi's code?
4. What is the meaning of the word "draconian"?
5. What was Solon's contribution to ancient law?
6. What provisions did the Magna Carta contain?
7. What was the influence of the Bill of Rights on political thinking in America?
8. What was so remarkable about Napoleon's new code?

III. Give the Russian for: settlement of debts, inheritance, property contracts, more humane law code

IV. Brainstorm.

Name legal documents of constitutional importance, which have affected modern legal systems.

V. Debate. Make a report on a subject of your choice and present it in class.

1. However hard people try laws are always insufficient.
2. All laws are situational. They suit only a particular place at a particular time.

THE UK SYSTEM OF GOVERNMENT

The United Kingdom of Great Britain and Northern Ireland is a constitutional (parliamentary) monarchy. This means that it is governed by Parliament and the Queen is Head of the State. In theory, the constitution has three branches: legislative, executive and judicial. Although the Queen is officially head of all three branches, she has little direct power.

The legislative power is exercised by Parliament. The British Parliament has two parts: the House of Commons (the lower chamber) and the House of Lords (the upper chamber). Parliament has a maximum duration of five years. Each term is divided into sessions, which usually last for one year.

The House of Commons consists of 659 elected MPs. They are elected by a particular area or constituency to represent them in the House. The main purpose of the House of Commons is to make laws of the land by passing various Acts (of Parliament), as well as to discuss current political issues.

All speeches in the House of Commons are addressed to the Speaker who is elected at the beginning of each new Parliament to preside over the House and enforce the rules of order. The Speaker must be a person with a rare mix of qualities: he has to be able to cope with the difficult task of conducting debates; be respected for impartiality; possess a sound knowledge of parliamentary procedure; have tact and judgement in handling debates; and have a firmness of command in controlling the House.

The House of Lords consists of the Lords Temporal and the Lords Spiritual. The Lords Spiritual are the Archbishops of York and Canterbury, together with twenty-four senior bishops of the Church of England. The Lords Temporal consist of hereditary peers who have inherited their titles; life peers who are appointed by the Queen on the advice of the Government for various services to the nation; and the Lords of Appeal who become life peers on their judicial appointments. The latter serve the House of Lords as the ultimate court of appeal. This appeal court consists of some nine Law Lords who hold senior judicial office. The speakership of the House of Lords has traditionally been performed by the Lord Chancellor.

The executive power is exercised by the government – a body of ministers who are responsible for the administration of national affairs. The head of the government is the Prime Minister. The Prime Minister's main responsibilities include: running the Government; appointing Cabinet Ministers and other ministers; coordinating the activities of the Cabinet and Government Departments; appointing judges, creating Life Peers and making appointments to senior positions in the Church of England; leading the majority party; being the 'face' of the government in the UK and abroad.

The Prime Minister is technically appointed by the Monarch. The appointment takes place after the results of a General Election indicate which political party wins the majority of seats in the House of Commons. After a General Election, the Queen calls upon the leader of the largest party to officially appoint him to a post of a Prime Minister, who then forms the Government and the Cabinet.

The Cabinet is composed of about 20 of the most important ministers. The functions of the Cabinet are to initiate and decide on policy, to exercise the supreme control of government and to coordinate Government Departments. Government departments are responsible for implementing Government policy. Each department is headed by two people: a political head who is usually the minister, and an administrative head from the Civil Service, called a permanent secretary. They are responsible for a permanent staff which is part of the Civil Service. There are many such departments, for example the Home Office, the Department of Education, the Ministry of Defence, etc.

The judicial branch of the government is represented by system of courts. The most common type of law court in England and Wales is the magistrates' court. More serious criminal cases then go to the Crown Court. Civil cases (divorce or bankruptcy cases) are dealt with in County courts. Appeals are heard by higher courts. The highest court of appeal in the UK is the House of Lords. Certain cases may be referred to the European Court of Justice in Luxembourg. The legal system also includes juvenile courts (which deal with offenders under seventeen) and coroners' courts (which investigate violent, sudden or unnatural deaths). There are administrative tribunals which deal with professional standards, disputes between individuals, and disputes between individuals and government departments (for example, over taxation).

NOTES:

a constitutional monarchy – конституционная монархия

legislative, executive and judicial branches – законодательная,

исполнительная и судебная власти

to be exercised by – осуществляться чем – либо

a term (of office) – срок (полномочий)

constituency - избиратели

to discuss current political issues – обсуждать текущие политические проблемы

to cope with – справляться с

hereditary peers and life peers – наследственные и пожизненные пэры

to be appointed by – назначаться кем-либо

to be composed of – состоять из

to be responsible for – быть ответственным за

a permanent staff – постоянный штат

to be represented by – быть представленным кем -либо

to deal with – рассматривать (иметь дело с)

to investigate – расследовать

TASK 1. Find in the text above the Russian equivalents for the following words and expressions:

The House of Commons, the House of Lords, Speaker, Lords Temporal, Lords Spiritual, Law Lords, Lord Chancellor, Prime Minister, Government Departments, General Election, the Home (Foreign) Office, the Department of Education, the Ministry of Defence, magistrates' courts, the Crown Court, County courts, the European Court of Justice, juvenile courts, coroners' courts, administrative tribunals.

TASK 2. Complete the following sentences:

1. The United Kingdom of Great Britain and Northern Ireland is governed by.....
2. The legislative power is.....
3. The House of Commons and the House of Lords are.....
4. The Speaker is.....and he must be a person with.....
5. The House of Lords consists of.....
6. The ultimate court of appeal is.....
7. The executive power is exercised by.....
8. The Prime Minister's main responsibilities.....
9. The Cabinet is composed of.....
10. The UK legal system includes.....

TASK 3. Match the expressions and make up your own sentences.

magistrates' court		offenders under seventeen
the Crown Court	to deal with	a broad spectrum of civil proceeding
tribunal	to investigate	less serious offences
County court	to hear	violent, sudden or unnatural deaths
juvenile court		Professional standards
coroners' court		serious criminal cases

TASK 4. Specify and discuss with your partner which court deals with the following cases:

- company matters
- matrimonial matters
- recovering small debts
- careless driving
- disputes arising from trade and commerce
- trusts
- drowning
- civil proceeding

TASK 5. Use the text to answer the following questions:

1. What does the term ``constitutional monarchy'' mean?
2. What branches of government are there according to the constitution?
3. What body exercises the legislative power in Britain?
4. What is a maximum duration of Parliament?
5. How are MPs elected?
6. What is the difference between life peers and hereditary peers?
7. How is the executive branch of the government formed?
8. What are the functions of the Cabinet?
9. Whom is each government department headed by?
10. What is the judicial branch of the government represented by?

THE USA SYSTEM OF GOVERNMENT

The USA is a presidential republic. The Constitution of the USA of 1787 separates the powers of the government into three branches: legislative, executive and judicial.

Congress, the legislative branch of the federal government, is made up of the Senate and the House of Representatives. There are 100 Senators, two from each state. One third of the Senators are elected every two years for six-year term of office. The Senators represent all of the people in a state and their interests. A senator must be 30 years old and must have been an American citizen for nine years. The House of Representatives has 435 members. They are elected every two years for two-year terms. They represent the population of congressional districts into which each state is divided. The number of Representatives from each state is based upon its population. A member of the House of Representatives must be at least 25 years of age and must have been an American citizen for at least seven years. There is no limit to the number of terms a Senator or a Representative may serve. Congress makes all laws, and each house of Congress has the power to introduce legislation. Each can also vote against legislation passed by the other. Congress decides upon taxes and how money is spent. It regulates commerce among the states and with foreign countries, sets rules for the naturalization of foreign citizens.

The President and Federal Departments represent the executive branch of the government. The President of the United States is elected every four years to a four-year term of office, and may be reelected for a second term. He must be a native-born citizen at least 35 years old. The President is to carry out the government programmes and laws passed by Congress. He initiates new legislation and requests money for federal government operations. The President appoints federal judges, ambassadors and government officials.

Under the US Constitution a sitting President may be dismissed from his office before his term expires only by an impeachment process that begins with the House of Representatives. If upon sufficient evidence the House drafts a "bill of impeachment," which must be approved by two-thirds of its membership, the trial begins in the Senate with the Chief Justice of the United States acting as the judge and the Senators as the jury. If a President dies, resigns or becomes permanently disabled, the Vice President executes his duties until the next election.

Within the executive branch, there are a number of executive departments: the Treasury Department, the Department of the Agriculture, the Department of Labour, of Commerce etc. The head of each department is appointed by the President and must be approved by the Senate. Each department is responsible for a specific area. The Department of State, headed by the Secretary of State, advises the President on foreign relations. This department handles all peaceful dealings with other countries, and issues passports to American citizens who wish to travel abroad, and visas to visitors to the United States. The Department of Defence is responsible for the nation's security. The Department of Justice headed by the Attorney General acts for the government in legal matters and moves against violators of federal laws.

The third branch of the USA government is the federal judiciary. Its main instrument is the Supreme Court, which watches over the other two branches. It determines whether or not their laws and acts are in accordance with the Constitution. Congress has the power to fix the number of judges sitting on the Court, but it cannot change the powers given to the Supreme Court by the Constitution itself. The Supreme Court consists of a chief justice and eight associate justices. They are nominated by the President but must be approved by the Senate. They hold office as Supreme Court Justices for life. In addition to the Supreme Court, Congress has established 11 federal courts of appeal and, below them, 91 federal district courts. The Supreme Court has direct jurisdiction in only two kinds of cases: those involving foreign diplomats and those in which a state is a party. All other cases which reach the Court are appeals from lower courts. Most of the cases involve the interpretation of the Constitution. The Supreme Court also has the "power of judicial review," it has the right to declare laws and actions of the federal, state, and local governments unconstitutional.

NOTES:

a presidential republic – президентская республика to

be made up of – состоять из the Senate – сенат

the House of Representatives – палата представителей

to be elected for a term of office – быть избранным на определенный срок a citizen – гражданин

congressional districts – избирательный округ to introduce

legislation – представлять законодательство to be a native-

born citizen – быть уроженцем to carry out – осуществлять

to dismiss from – уволить, освободить

to be responsible for a specific area – быть ответственным за определенную

область

legal matters – правовые вопросы

in accordance with – в соответствии с

to be nominated by – быть назначенным кем - либо

to be approved by – быть одобренным

to establish – учреждать

Task 1. Give the English for:

Ветвь, законодательная, исполнительная, судебная, разделять, состоять из, обладать полномочиями, представлять, штат, избирать, население, основываться на, принимать законы, налог, повторный срок полномочий, назначать, судебный процесс, уходить в отставку, безопасность нации, возглавлять, следить за, занимать должность, виды дел, суды низшей инстанции, сторона в судебном деле, толкование конституции, судебный пересмотр

Task 2. Study the following word combinations. Make your own sentences with them.

(to introduce, to amend, to execute, to break, to violate, to observe, to enforce)

LAW

(absolute, supreme, legislative, executive, judicial) POWER

Task 3. Use the text to answer the following questions:

1. What is the legislative branch of the federal government in the USA?
2. What does Congress consist of?
3. How many terms may a Senator or a Representative serve?
4. What are the main functions of Congress?
5. How is the President of the United States elected?
6. Under what circumstances can the President be removed from office before his term expires?
7. What is each executive department responsible for?
8. Who does the Supreme Court consist of?
9. What are the functions of the Supreme Court of the USA?
10. What lower courts are there in the USA?

Task 4. Find and speak on differences (similarities) in the UK and the USA political systems.

THE SYSTEM OF GOVERNMENT OF THE RUSSIAN FEDERATION

The system of government of the Russian Federation was set up by the Constitution of 1993. Russia is a presidential republic. The federal government consists of three branches – legislative, executive, judicial. Each of them is balanced and checked by the President.

The President is the head of the state, guarantee of the Constitution, rights and liberties of people and citizens. He or she is elected by a direct vote of all citizens of the Russian Federation by secret ballot for a six-year term and cannot serve more than two consecutive terms. The President serves as the commander in chief of the armed forces and chairs the Security Council, which is the central decision-making body for matters of defense. The President appoints the Prime Minister subject to approval of the State Duma; if the State Duma rejects the candidate for Prime Minister three times, the President can dissolve the legislature and call for new elections. The President names a candidate to the post of the Chairman of the Central Bank, a candidate to the post of Prosecutor General and candidates to the posts of the Constitutional and Supreme Court Justices, Supreme Arbitrage Court Justices. The President has the power to dissolve the State Duma, to announce elections before their schedule time and to make a decision on the conduct of a referendum on federal issues. In the event of the president's death or permanent incapacitation, the Prime

Minister temporarily takes on the President's duties, but new presidential elections must be held within three months.

The Federal Assembly is Russia's bicameral national legislature. It is composed of the upper chamber, called the Council of Federation, and a lower chamber, the State Duma. The Council of Federation is presided by the Chairman. The State Duma is presided by the Speaker. The Council of Federation has 166 members – two representatives from each of the 83 constituent entities that make up the Russian Federation. The State Duma has 450 members. Voters elect half of the Duma members by casting a vote for a specific party listed on the ballot; these 225 seats are divided among the qualifying parties by proportional representation. The other 225 Duma members are elected individually from electoral districts throughout the country.

Legislation may be initiated in either of two houses but to become law a bill must be approved by both houses. The President may veto the bill, which can be overruled by 2/3 of the membership of the Federal Assembly.

The executive branch consists of the Government headed by the Prime Minister, departments, services and agencies. The Prime Minister is appointed by the President with the approval of the State Duma. Prime Minister must form the Cabinet, which consists of major ministers – heads of government departments.

The highest judicial body is the Constitutional Court, composed of 19 judges who are appointed by the President and approved by the Council of the Federation. Below the Constitutional Court are the Supreme Court and the Supreme Arbitration Court. The Supreme Court rules on civil criminal and administrative law, and the Supreme Arbitration Court handles economic suits. As with the Constitutional Court, judges for these high courts are appointed by the president and approved by the upper house of the legislature. In addition to the high courts there are federal district courts where litigation begins. By law, all judges in Russia are independent and cannot be removed from office.

NOTES:

to be set up by – быть основанным в соответствии с

to be balanced and checked by – уравновешиваться и контролироваться кем-л.

two consecutive terms — два последовательных срока

commander in chief of the armed forces – главнокомандующий вооруженных сил

incapacitation—длительная нетрудоспособность

to subject to – подлежать

to reject — отвергать

to dissolve the legislature - распустить законодательный орган

bicameral—двухпалатный

the Council of the Federation - Совет Федерации

the State Duma — Государственная Дума

to cast a vote - отдать голос

on the ballot — в бюллетене

to handle economic suits – рассматривать экономические споры

litigation – судебное разбирательство

Task 1. Give the English for:

права и свободы, тайное голосование, возглавлять (2), принимать решение, отклонять, назначать на должность (2), проводить выборы, до назначенного срока, верхняя (нижняя) палата, субъект федерации, представитель, отвергнуть (преодолеть) вето президента, снимать с должности, отдельные отрасли государственного управления

Task 2. Give the synonymous to the following words. Try to remember them. To establish, to separate, to consist of, to deal with, to appoint, to dismiss, to enforce, to control, disapproval, to amend, to resign, to overrule, suit.

Task 3. True or false:

1. The Russian Federation is a parliamentary monarchy.
2. The Constitution gives to each branch its own distinct field of government authority: legislative, executive, judicial.
3. Each branch of the federal government is balanced and checked by the Prime Minister.
4. The President of the Russian Federation is elected for a five-year term of office.
5. The President has no right to veto legislation.
6. The Federal Assembly is composed of the upper chamber, called the Council of the Federation, and the lower chamber, the State Duma.
7. The Council of Federation is presided by the Speaker.
8. The Prime Minister is elected by a direct vote of all citizens of the Russian Federation by secret ballot for a four-year term.
9. Any litigation in the Russian Federation starts in federal district courts.

Task 4. Make up 15 questions to the topic arranging them as a plan of the topic.

LAWMAKING PROCESS IN THE UK

Study the following meanings of the word LEGISLATION: 1)The process of enacting a law in written form by a branch of government constituted to perform this process. 2)The law so enacted. 3)The whole body of enacted laws.

The UK legislative body is Parliament. Every year it passes about a hundred laws directly, by making Acts of Parliament. A Government Bill has to pass through several stages in Parliament, each having a clear purpose. Most stages are known as 'readings' because in the days before printing, the only way in which Members could find out what a Bill said was by having the contents read out in each Chamber.

First Reading (Introducing a Bill)

The First Reading is a way of letting Members know that a Bill is coming up for discussion. There is no vote on the First Reading, so a Bill automatically goes through that stage. Then it is printed so that Members have a chance to read it and decide what they think about it.

Second Reading (Explaining the purpose of the Bill)

This is an important stage of a Bill, when its main purpose is explained and general questions answered by the Minister in charge.

Committee Stage (Looking at the details)

It is during the Committee Stage that MPs are, for the first time, allowed to examine all the detail of a Bill and suggest some changes or amendments to it. Most Government Bills are considered by small committees of between 15 MPs known as Standing Committees.

Report Stage (Further consideration and changes by the whole House)

After the Committee Stage, the whole House of Commons has to be told what changes have been instituted since only a small number of Members are involved in the committee meetings. If there have been amendments, the Bill will be reprinted before the Report Stage so that Members could see how the changes fit into the Bill as a whole. MPs can suggest further changes if they want to. The Report Stage is not necessary if the Bill has been considered by a Committee of the Whole House.

Third Reading (Overall examination of the Bill)

At this stage the House of Commons is given a chance to look again at the Bill as a whole, with all its amendments, and decide whether it should go any further. The Bill cannot be changed substantially at this stage - it is either accepted or rejected. Once a Bill has passed its Third Reading in the Commons, it is forwarded to the House of Lords for further consideration.

To spread legislative workload more evenly between the two Houses a sizeable proportion of all Bills begins in the House of Lords. The Act of 1949 provides that any Public Bill passed by the Commons in two successive parliamentary sessions and rejected both times by the Lords, may be presented for the Royal Assent, even though it has not been passed by the Lords. The Lords, therefore, can only delay the passage

of a Public Bill, they cannot reject it. The stages of a Bill in the House of Lords are pretty much the same as those in the House of Commons. Any changes made to a Bill in the House of Lords have to be considered in the House of Commons. The Commons normally accept most of the Lords' amendments which are non-controversial.

The Royal Assent

Once both Houses of Parliament have passed a Bill, it has to go to the Queen for the Royal Assent. No monarchs since the sixteenth century have signed Bills themselves. Queen Anne, whose reign was notable for the emergence of the two-party political system, in 1707, became the last monarch to reject a Bill, while Queen Victoria was the last to give the Royal Assent in person in 1854.

These days the Queen signs a document which commands certain Lords to inform the members of both Houses that the Royal Assent has been given. Though the Queen always knows which Bills she is consenting to, it is unlikely that she reads through the contents of every Bill before giving the Royal Assent because she is aware of the fact that both Houses of Parliament have already considered the Bill very carefully. However, most important Bills are sure to be mentioned in some of her weekly meetings with the Prime Minister.

Once a Bill has received the Royal Assent it becomes an Act of Parliament.

TASK 1. Find in the text above the English equivalents for the following key words and expressions:

"комитет всей палаты", палата, действующая как комитет; постоянный комитет; процесс рассмотрения Билля в комитете; дальнейшее рассмотрение; входить в состав комитета; отложить принятие законопроекта; спорный; принять / отклонить законопроект; звать что-либо; вносить поправки; голосование по первому чтению

TASK 2. Answer the following questions:

1. What is the origin of the term 'Reading'?
2. What is the role of the House of Lords in lawmaking process?
3. When is the Report Stage not necessary?
4. What power of the Lords has been curtailed?
5. What is the role of the Royal Assent in making a law?

TASK 3. Rearrange paragraphs in the text and put them in the correct order:

Making New Law

(...) Finally, the Bill goes to the reigning monarch for the Royal Assent. All Bills must pass through both houses before being sent for signature by the Queen, when they become Acts of Parliament and the Law of the Land.

(...) Nowadays the Royal Assent is merely a formality. In theory, the Queen can still refuse to sign the Bill, but she always signs them.

(...) The Bill then goes to one of the Houses for the report stage, when it can be amended. If passed after its third reading, it goes to the other house. Amendments made to a Bill by the House of Lords must be considered by the Commons. In case the House of Commons does not agree, the Bill is altered and sent back to the Lords

for reconsideration. If disagreement between the two Houses persists, the Commons prevails. The House of Lords has no power to deal with money Bills, but it can table them.

(...) New legislation in Britain usually starts in the House of Commons which play the major role in law-making. However the House of Lords also has the power to initiate legislation. In each House a Bill is considered in three stages, called readings. The first reading is purely formal, to introduce the bill. The second reading is usually the occasion for debate. After the second reading the bill is examined in detail by a committee.

TASK 4. Match the English expressions with their Russian equivalents:

draft legislation	a)	внести законопроект
proposed legislation	b)	выступить с законодательной
to adopt/ pass legislation	c)	инициативой
to examine legislation	d)	законопроект
to frame legislation	e)	обнародовать законопроект
to initiate legislation	f)	пересматривать законопроект
to introduce legislation	g)	предложенный законопроект
to promulgate legislation	h)	принять законодательство
to revise legislation	i)	разрабатывать законопроект

TASK 5. Speak on the legislation in the UK.

LAWMAKING PROCESS IN THE USA

The US Congress, the lawmaking arm of the federal government, consists of two Houses: the House of Representatives and the Senate. Any Congressman in either house and the president can initiate new legislation.

The proposed legislation is first introduced in the House of Representatives, then referred to one of the standing committees, which organizes hearings on it and may approve, amend or shelf the draft. If the committee passes the bill, it is considered by the House of Representatives as a whole. If passed there, it goes to the Senate for a similar sequence of committee hearings and general debate. In cases of disagreement both houses confer together. Once passed by the Senate as a whole, the bill has to be examined by two more standing committees - the Committee on the House Administration and the Senate Committee on Rules and Administration. Then the bill is signed by the Speaker of the House and by the president of the Senate.

Finally, it must be signed by the president, who has the right to veto it. If the president vetoes a bill, it can still become a law- but only if it is passed by two-thirds majority in both houses of Congress.

Task 1. Give the Russian for:

a lawmaking arm, to initiate legislation, the proposed legislation, a standing committee, to shelf the draft, for a similar sequence.

Task 2. Analyze the topic above and make a chat of the legislation in the USA.

Task 3. Find and speak on differences (similarities) in the lawmaking in the UK and the USA.

Task 4. Discuss with your partners the RF legislation, using the vocabulary and the facts from the texts and provide more information on the subject with the help of additional sources.

CRIME AND PUNISHMENT

No one knows why crime occurs. The oldest theory, based on theology and ethics, is that criminals are perverse persons who deliberately commit crimes or who do so at the instigation of the devil or other evil spirits.

A more sophisticated theory - a biological one - was developed late in the 19th century by the Italian criminologist Cesare Lombroso, who asserted that crime were committed by person who are born with certain recognizable hereditary physical traits.

Another approach to an explanation of crime was initiated by the French political philosopher Montesquieu, who attempted to relate criminal behavior to natural, or physical environment.

Many prominent criminologists of the 19th century, particularly those associated with the Socialist movement, attributed crime mainly to the influence of poverty. They pointed out that person who is unable to provide adequately for himself and his family through normal legal channels are frequently drive into theft, burglary, prostitution and other offences.

The final major group of theories is psychological and psychiatric. Studies by such 20th century investigators have indicated that about one-fourth of a typical convict population is psychotic, neurotic, or emotionally unstable and another one-fourth is mentally deficient.

Since the mid-20th century, the notion that crime can be explained by any single theory has fallen into disfavor among investigators. Instead, experts incline to so-called multiple factor, or multiple causation theories. They reason that crime springs from a multiplicity of conflicting and converging influences - biological, psychological, cultural, economic and political.

The multiple causation explanations seem more credible than the earlier, simpler theories. An understanding of the causes of crime is still elusive, however, because the interrelationship of causes is difficult to determine. Punishment describes the imposition by some authority of a deprivation - usually painful - on a person who has violated a law, a rule, or other norm. When the violation is of the criminal law of society there is a formal process of accusation and proof followed by imposition of a sentence by a designated official. Informally, any organized group - most typically the family, may punish perceived wrongdoers.

Because punishment is both painful and guilt producing, its application calls for justification. There are four basic justifications have been given retribution, deterrence, rehabilitation, and incapacitation.

Criminal sentences ordinarily embrace four basic modes of punishment. In descending order of severity these are: incarceration, community supervision, fine, and restitution. The death penalty is now possible only for certain types of atrocious murder and treason.

Punishment is an ancient practice whose presence in modern cultures may appear to be out of place because it purposefully inflicts pain. In the minds of most people, however, it continues to find justification.

Exercises.

I. Notes

Deprivation – лишение, потеря

Neurotic – невротический

Mentally deficient – умственно отсталый

Incarceration – тюремное заключение

Incapacitation – ограничение правоспособности

Supervision – надзор, наблюдение

Restitution – восстановление в правах

Atrocious – злостный, жестокий, зверский

Treason – государственная измена

Memorize the following words and expressions.

II. Answer the following questions:

1. What are the theories explaining the reasons of crime?
2. In your opinion, what does “punishment” mean?
3. What kind of punishment do you know?
4. What are four basic justifications?
5. How do you understand the purpose of state punishment?
6. How should state punishment be organized?

III. Give the Russian for: perceived wrongdoer, death penalty, to inflict pain, to find justification, a designated official

IV. Discuss the following. Use the information and the vocabulary to discuss the topics:

1. Capital punishment creates, it does not solve problems.
2. Solution lies elsewhere: society is to blame.
3. Suspension of capital punishment is enlightened and civilized.
4. There is no room for capital punishment in a civilized society.

CRIME AND CRIMINALS

The notion of crime is inevitably connected with people who commit the – criminals.

Theorists of criminal law have always been interested in the question of causes of crime. Throughout several centuries in given occasion there was an active discussion and that is why I would like to state the basis of theories, giving the answer to this question. They are theological and ethical, biological, psychological and psychiatric, climatic, social environment, multiple causation theories.

The oldest theory, based on theology and ethics, is that criminals are perverse persons who deliberately commit crimes or who do so at the investigation of the devil. Although this idea has been discarded by modern criminologists, it persists among uninformed people and provides the rationale for the harsh punishment still meted out to criminals in many parts of the world.

The next theory put out by the German physician and anatomist Franz Joseph Gall, who tried to establish relationships between skull structure and criminal proclivities.

A more sophisticated theory- a biological one- was developed late in the 19th century by the Italian criminologist Cesare Lombroso, who asserted that crimes were committed by persons who are born with certain recognizable hereditary physical traits.

Another approach to an explanation of crime was initiated by the French political philosopher Montesquieu, who attempted to relate criminal behavior to national, or physical environment.

Many prominent criminologists of the 19th century, particularly those associated with the Socialist movement attributed crime mainly to the influence of poverty. Some theorists relate the incidence of crime to the general state of a culture, especially the impact of economic crises, wars, and revolutions and the generated sense of insecurity and uprootedness to which these forces give rise.

The final major group of theories is psychological and psychiatric. Studies by such 20th century investigators indicated that about one-fourth of a typical convict population is psychotic, neurotic, emotionally unstable and another one-fourth is mentally deficient.

Since the mid 20th century, the notion that crime can be explained by any single theory has fallen into disfavor among investigators. Instead, experts incline to so-called multiple factor, or multiple causation theories.

The theory created in the 20th is the most persuasive. It is a conglomerate of all previous concepts.

The concept of crime can't be considered without criminals- people who commit crimes. I'd like to say that each criminal reflects its time, its epoch.

For example, Colonia Agrippina A.D. 1659. As Roman empress, married to the emperor Claudius, she is remembered mostly for leaving poisoned hem in A.D. 54 in order for her son, Nero to take into throne. The sister of Caligula and a cruel ambitions woman, she is said to have murdered her previous husband as well.

Another notorious criminal was Jack the ripper. He was a mysterious killer who terrorized the East End of London in the autumn of 1888. His victims, all women, were killed by having their throats cut, and in many cases the bodies were savagely mutilated as well.

Moreover, I'd like to add about Alessandro Cagliostro, after getting some knowledge of the supernatural, he appeared in Malta as the great Count Cagliostro, specialists in medicine, magic and all Kinds of strange arts. Count Cagliostro became famous as a charlatan of confidence trickster, as we would call him today.

Absolutely, crimes are the reasons of public instability. Each state struggles with crimes by all possible means, but it is useless to fight against the phenomenon which reasons are unknown.

Exercises.

I. Notes

Criminal proclivities – преступные наклонности

A more sophisticated theory – более изощренная теория

Harsh punishment – суровое наказание

Discard – отказываться

Criminologists – криминалисты

Parole boards – советы по условно-досрочному освобождению

Probation – освобождение на поруки несовершеннолетних, испытательный срок

A deterrent – средство устрашения, сдерживающее средство

Perverse – неправильный, несговорчивый

Hereditary traits - наследственные черты

Memorize the following words and expressions.

II. Answer the following questions:

1. What are the basic theories explaining the causes of crime?
2. Why do people become criminals (express your opinion)?
3. Who are the most notorious criminals in the world history?
4. What should the society do in order to decrease the number of criminals?

III. Give the Russian for: to establish relations, to commit a crime deliberately, the influence of poverty, a sense of insecurity and uprootedness

IV. Divide into two groups – pro and con, and conduct a debate. Appoint the "Chair" of the debate who will give the floor to the speakers of both teams:

1. Society is not ready to accept ex-prisoners. They will always be objects of suspicion in the community.
2. It's never too late to start again.

Greater public understanding of the crime problem is important for the apprehension and detention.

THE JURY SYSTEM

I consider trial by jury as the only anchor ever yet
imagined by man, by which a government can be held to
the principles of its constitution
Thomas Jefferson

The jury system is the ordinary citizen's link with the legal process. It is supposed to safeguard individual liberty and justice because a commonsense decision on the facts either to punish or acquit is taken by fellow citizens rather than by professionals.

Basically, one could name two sides of the same coin. One of the problems nowadays is that jurors don't take their duty seriously. Many of the people who do it think that it is inconvenient, often a waste of time, and a loss of income (jurors only receive a small sum of money for jury duty). Many jurors have to wait for days in unpleasant waiting rooms, and then sit for weeks in an uncomfortable courtroom on a hard chair. Some members of the legal profession are also worried about the ability of some jurors. For instance, you often find that juries contain some people who cannot read very well, and juries do not always have enough "well-educated" people who can understand what is happening. Moreover there is also the cost: the payment of jurors is not a lot for the individual, but costs the country over 30 million pounds a year, e.g. in Britain.

The reverse of the medal is the representation of a person's fundamental right to be judged by his or her equals, that's to say, twelve men and women who come from different sections of society. It may not be a perfect system but what is the alternative? Judges come from a very narrow cross section of society, so it would be impossible for them to represent the views of most ordinary people. In addition it gives ordinary citizens responsibility in their community and a real sense of contributing to society. The jury system is expensive, and the cost is going up all the time, but do we want to live in a society where justice is decided by money? When we are making decisions about people's lives, we must do everything possible to be fair and just. Money should not be an issue in the discussion on the grounds that a life of each person is priceless and invaluable.

Coming to the describing of a jury trial it is necessary to say that the events in it happen in a particular order.

The 1st step is the selection of the Jury. It consists of the selection of a jury panel, taking of the oath, the process of questioning called Voir Dire and challenging a juror. The first type of challenge is challenging for cause, which means that the lawyer has a specific reason for thinking that the juror would not be impartial. The second type of challenge is called a peremptory challenge, which means that the lawyer does not have to state a reason for asking that the juror be excused. Those jurors who have not been challenged become the jury to the case. Depending on the kind of case, there will be either six or twelve jurors (in the common law system). The judge may also allow selection of one or more alternate jurors, who will serve if one of the jurors is unable to do so because of illness or any other reasonable excuse.

The 2nd step of the trial includes opening statements. The lawyers for each side discuss their views of the case and present a general picture of it.

The 3rd step is the presentation of evidence. All parties are entitled to present evidence. The juror's duty is to decide the weight or importance of evidence or testimony allowed by the judge. A juror is also a sole judge of the credibility of witnesses.

Following presentation of all the evidence, the judge instructs the jury on the laws that are to guide the jury in their deliberations on a verdict. It is the 4th step of the proceedings.

Step 5 consists of closing arguments, in which the lawyers summarize the case from their point of view.

And the last, 6th step, is Jury Deliberation. The jury retires to the jury room to conduct the deliberations on the verdict in the case they have just heard. When a verdict is reached, the foreman presents it in the courtroom.

Jury verdicts do not need to be unanimous in civil cases. Only ten jurors need to agree upon a verdict if there are 12 jurors: five must agree if there are six jurors. In criminal cases the verdict must be unanimous, that is, all jurors must agree that the defendant is guilty in order to overcome the presumption of innocence. By the way, in Russia we can find the institution of jury only within criminal cases, a jury panel brings in a verdict only in major felony cases. The jurors must seek to bring in a verdict unanimously. If they fail to make a decision during 3 hours, they have to vote.

To be eligible for jury service you must be over 18 years of age, a citizen of the state, able to communicate in the language the process is held and if you have been convicted of a felony you must have had your civil rights restored.

In order to do your job you do not need any special knowledge or ability. It is enough to keep an open mind, concentrate on the evidence being presented, use your common sense, be fair and honest. Finally, you should not be influenced by sympathy or prejudice: it is vital that the juror is impartial with regard to all people and all ideas.

Exercises.

Notes:

The selection of the jury – отбор

присяжных

The jury panel – состав присяжных

Take an oath – принять присягу

Challenge a juror – отвод присяжного

Challenge for cause – отвод присяжного по причине (мотивированный)

Peremptory challenge – отвод присяжного без причины (немотивированный)

Alternate jurors – запасные присяжные

Opening statement – вступительное слово

Closing argument – заключительное слово

Jury deliberation – обсуждение присяжными

Unanimous (verdict) – единогласное решение

Memorize the following words and expressions.

II. Answer the following questions:

1. Why is the jury system considered to be a link with the legal process?
2. What are two sides of the same coin?
3. What are the steps of a trial?
4. Who is entitled to present evidence?
5. What does the judge say on the instructions?
6. Who presents closing arguments?
7. What happens during jury deliberations?

III. Give the Russian for: fellow citizens, to decide the law, to decide the facts, common sense, prejudice, to be impartial

IV. Pick out key – sentences from each passage of the topic. Make a plan of the topic. Retell it using the key – sentences.

KINDS OF CASES

Most countries make rather clear distinction between civil and criminal procedures. For example, an English criminal court may force a defendant to pay a fine as punishment for his crime, and he may sometimes have to pay the legal costs of the prosecution. But the victim of the crime pursues his claim for compensation in a civil, not a criminal, action. In France, Italy, and many other countries, the victim of a crime (known as the "injured party") may be awarded damages by a criminal court judge.

The standards of proof are higher in a criminal action than in a civil one since the loser risks not only financial penalties but also being sent to prison (or, in some countries, executed). In English law the prosecution must prove the guilt of a criminal "beyond reasonable doubt"; but the plaintiff in a civil action is required to prove his case "on the balance of probabilities". Thus, in a criminal case a crime cannot be proven if the person or persons judging it doubt the guilt of the suspect and have a reason (not just a feeling or intuition) for this doubt. But in a civil case, the court will weigh all the evidence and decide what is most probable.

The plaintiff starts the lawsuit by filing a paper called a complaint, in which the case against the defendant is stated. The next paper filed is usually the answer, in which the defendant disputes what the plaintiff has said in the complaint. The defendant may also feel that there has been a wrong committed by the plaintiff, in which case a counterclaim will be filed along with the answer. It is up to the plaintiff to prove the case against the defendant. In each civil case the judge tells the jury the extent to which the plaintiff must prove the case. This is called the plaintiff's burden of proof, a burden that the plaintiff must meet in order to win.

The plaintiff's burden of proof is greater in a criminal case than in a civil case. The defendant has pleaded not guilty and you should presume the defendant's innocence throughout the entire trial unless the plaintiff proves the defendant guilty.

Criminal and civil procedures are different. Although some systems, including the English, allow a private citizen to bring a criminal prosecution against another citizen, criminal actions are nearly always started by the state. Civil actions, on the other hand, are usually started by individuals.

In Anglo-American law, the party bringing a criminal action (that is, in most cases, the state) is called the prosecution, but the party bringing a civil action is the plaintiff. In both kinds of action the other party is known as the defendant.

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

Once the plaintiff has shown that the defendant is liable, the main argument in a civil court is about the amount of money, or damages, which the defendant should pay to the plaintiff.

The difference can be also found between these types cases in the jury system. Jury verdicts do not need to be unanimous in civil cases. Only ten jurors need to agree upon a verdict if there are 12 jurors: five must agree if there are six jurors. In criminal cases the verdict must be unanimous, that is, all jurors must agree that the defendant is guilty in order to overcome the presumption of innocence.

After a final decision has been made, either party or both may appeal from the judgment if they are unhappy with it (and their jurisdiction grants the ability). Even the prevailing party may appeal, if, for example, they wanted an even larger award than was granted.

Arbitration, a form of alternative dispute resolution (ADR) is a legal technique for the resolution of disputes outside the courts, wherein the parties to a dispute refer it to one or more persons (the "arbitrators", "arbiters" or "arbitral tribunal"), by whose decision (the "award") they agree to be bound. Other forms of ADR include mediation (a form of settlement negotiation facilitated by a neutral third party) and non-binding resolution by experts. It is more helpful, however, simply to classify arbitration as a form of binding dispute resolution, equivalent to litigation in the courts, and entirely distinct from the other forms of dispute resolution, such as negotiation, mediation, or determinations by experts, which are usually non-binding. Arbitration is most commonly used for the resolution of commercial disputes, particularly in the context of international commercial transactions.

Arbitration can be either voluntary or mandatory and can be either binding or non-binding.

Exercises.

I. Notes

Injury – вред, ущерб

Defendant – подсудимый,

ответчик

Plaintiff – истец

Complaint – жалоба

Counterclaim – встречный иск

Prosecution- предъявление иска, судебное преследование ,обвинение

To suspect- подозревать

Guilt (y)- вина, виновный

Litigation - тяжба, процесс ,судебное разбирательство

Negotiation- переговоры, обсуждение по делу

Mediation- посредничество

Memorize the following words and expressions.

II. Answer the following questions:

who is a witness?

a defendant?

a plaintiff? what

is a case? what is a civil

case?

a criminal case?

an answer?

a trial?

an evidence?

a preponderance of evidence?

a complaint?

a counterclaim?

III. Give Russian equivalents for the following: burden of proof, an injured party, beyond reasonable doubt, to presume the defendant's innocence, to bring an action, unanimous decision (verdict), the presumption of innocence.

JUVENILE DELINQUENCY

In law, juvenile delinquency is the term denoting various offences committed by children or youths under the age of 18. Such acts are sometimes referred to as juvenile delinquency. Children's offences typically include delinquent acts, which would be considered crimes if committed by adults, and status offenses, which are less serious misbehaviour such as truancy and parental disobedience. In the U.S. both are within the jurisdiction of the JUVENILE COURT; more serious offences committed by minors may be tried in criminal court and be subject to prison sentences.

Many theories concerning the causes of juvenile crime focus either on the individual or on society as the major contributing influence. A person who becomes socially alienated may be more inclined to commit a criminal act. Theories focusing on the role of society in juvenile delinquency suggest that children commit crimes in response to their failure to rise above their socioeconomic status, or as a repudiation of middle-class values.

Most theories of juvenile delinquency have focused on children from disadvantaged families, ignoring the fact that children from affluent homes also commit crimes. The latter may commit crimes because of the lack of adequate parental control, delays in achieving adult status, and hedonistic tendencies. All theories, however, are tentative and are subject to criticism.

Changes in the American social structure may indirectly affect juvenile crime rates. For example, changes in the economy that lead to fewer job opportunities for youth and rising unemployment in general make gainful employment increasingly difficult for young people to obtain. The resulting discontent may in turn lead more youths to criminal behaviour.

Families have also experienced changes within the last several decades. More families are one-parent households or have two working parents. Consequently, children are likely to have less supervision at home than was common in the traditional family structure. This lack of parental supervision is thought to be an influence on juvenile crime rates.

Other identifiable causes of delinquent acts include frustration or failure in school, the increased availability of drugs, alcohol, and guns, and the growing incidence of child's abuse and neglect.

Delinquency Prevention is the broad term for all efforts aimed at preventing youth from becoming involved in criminal, or other antisocial activity. Increasingly, governments are recognizing the importance of allocating resources for the prevention of delinquency. Because it is often difficult for states to provide the fiscal resources necessary for good prevention, organizations, communities, and governments are working more in collaboration with each other to prevent juvenile delinquency.

Prevention services include activities such as substance abuse education and treatment, family counseling, youth mentoring, parenting education, educational support, and youth sheltering.

Juvenile delinquency prevention is most important, because it permits to prevent more serious crimes in future.

Exercises.

I. Notes Delinquency –

преступность

Juvenile court – суд по делам несовершеннолетних

Commit a crime – совершить преступление

Criminal behaviour – преступное поведение

Disadvantaged families – неблагополучные семьи

Delinquency prevention – предотвращение преступности

Mentoring – руководство, наставление

Youth sheltering – приют для малолетних

Penalize – наказывать

Parental control – контроль родителей

Crime rate – уровень преступности

Supervision – надзор, наблюдение

Memorize the following words and expressions.

II. Answer the following questions:

1. What is the age of criminal responsibility for children in Russia, in the USA, in G.B.?
2. What can you say about the theories concerning the causes of juvenile crime?
3. What do children's offences include?
4. Who is more inclined to criminality?
5. Why is juvenile delinquency prevention so important?
6. What kind of court are young offenders brought before?
7. Why do young people choose a criminal way (give your opinion)?

III. Discussion:

1. Overcrowding, slums, poverty, broken homes: these are the factors that lead to crime.
2. Mass media is to blame: criminals are glorified on screen and by press.

IMPRISONMENT: RETRIBUTION OR REHABILITATION

A prison is an institution for the confinement of persons convicted of major crimes or felonies. In the 19th and the 20th centuries, imprisonment replaced corporal punishment, execution and banishment as the chief means of punishing serious offenders. Modern prisons are quite diverse, but it is possible to make some generalizations about them. In all but minimum - security prisons, the task of maintaining physical custody of the prisoners is usually given the highest priority and is likely to dominate all other concerns. Nowadays prisoners are kept in separate institutions according to the severity of crime committed, as well as to the age, sex and other conditions. Consequently, the inmates include unconvicted prisoners, juvenile delinquents, women prisoners, recidivists and life-sentence prisoners. Most prisoners serving longer sentences are held in correctional institutions, which are usually large maximum - security buildings holding offenders in conditions of strict security. Young offenders are usually detained in reformatories often designated under name that imply that their purpose is treatment or correction rather than punishment. Women are normally held in separate prisons. Prisoners who are not considered a danger to the community or open prisons.

There are many possible reasons that might be given to justify or explain why someone ought to be punished; here follows a broad outline of typical, possibly contradictory justifications.

Some punishment includes work to reform and rehabilitate the wrongdoer so that they will not commit the offence again. This is distinguished from deterrence, the goal here is to change the offender's attitude to what they have done, and make them come to see that their behaviour was wrong.. Rehabilitation means: to restore to useful life, as through therapy and education' or to restore to good condition, operation, or capacity'. The assumption of rehabilitation is that people are not natively criminals and that it is possible to restore a criminal to a useful life, to a life in which they contribute to themselves and to society.

This theory of punishment is based on the notion that punishment is to be inflicted on an offender so as to reform him/her, or rehabilitate them so as to make their reintegration into society easier. Punishments that are in accordance with this theory are community service, probation orders, and any form of punishment, which entails any form of guidance and aftercare towards the offender.

This theory is founded on the belief that one cannot inflict a severe punishment of imprisonment and expect the offender to be reformed and to be able to re-integrate into society upon his release. Humanitarians have, over the years, supported rehabilitation as an alternative, even for capital punishment.

Retribution sets an important standard on punishment the transgressor must get what he deserves, but no more. Therefore, a thief put to death is not a retribution, a murderer put to death is. Adam Smith, who is credited as the father of Capitalism, wrote extensively about punishment. In his view, an important reason for punishment is not only deterrence, but also satisfying the resentment of the victim. Moreover, in the case of the death penalty, the retribution goes to the dead victim, not his family.

(So, to extend Smith's views, a murderer can be spared the death penalty only by the victim's express wish, made when he was alive.) One great difficulty of this approach is that of judging exactly what it is that the transgressor "deserves". For instance, it may be retribution to put a thief to death if he steals a family's only means of livelihood and mitigating circumstances may lead to the conclusion that the execution of a murderer is not a retribution.

The above-mentioned opinions often inform debates about the goal of incarceration: should the emphasis be on retribution or rehabilitation? Arguments have been made on both sides of the issues. Those who favor retribution often contend that the practice serves both as revenge for the wrongdoer and for society, i.e., "paying one's debt to society" and as a deterrent against further crime. On the other hand, those who favor rehabilitation argue that by trying to change a criminal's behavior, recidivism rates can be reduced, and both the criminal and society can benefit from improvement.

Exercises.

I. Notes

Corporal punishment – телесное наказание

The severity of crime – жестокость, суровость

Inmates – заключенные под стражу, в тюрьму

Juvenile delinquents – несовершеннолетние преступники

Habitual offender(s) – закоренелый преступник(и)

To serve longer sentences – отбывать более длительный приговор

Correctional institutions – исправительные учреждения

Maximum-security prison – тюрьма с повышенными мерами безопасности

Open prisons – открытые тюрьмы

Deterrence – устрашение

To inflict punishment – налагать наказание

Memorize the following words and expressions.

II. Answer the following questions:

1. What is a prison?
2. What are the purposes of incarceration?
3. How are these purposes obtained?
4. What does the term "retribution" mean?
5. What does rehabilitation mean?
6. How should an offender be rehabilitated into society?
7. What task is given the priority in security prisons?

III. Give the Russian for: execution, banishment, minimum-security prisons, unconvicted prisoners, life-sentence prisoners, blood revenge, mitigating circumstances

IV. Debate:

Prisons: A solution to crime?

V. Discuss the following.

1. Hundreds of thousands of people are imprisoned in inhumane conditions.
2. Prison does not deter many people from crime.
3. There are people who present such a danger to the community that they need to be detained.

Society helps prisoners to make the transition from prison to the community again.

TYPES OF LEGAL PROFESSION IN THE USA, UK & RUSSIA

Throughout the world, the word "lawyer" is used to mean someone who has legal knowledge or who is engaged in the practice of law. Those unfamiliar with the English legal system are often confused by the variety of titles used for members of the legal professions. The confusion is not helped by the fact that there are many English words which may denote a lawyer, and different jurisdictions use different titles for lawyers: "advocate, attorney, barrister, solicitor".

Nowadays, the division between solicitors and barristers is quite vague, but generally their functions in law are supposed to be different.

Solicitors are the 'general practitioners' in law and in most cases a solicitor is the usual first point of access for a client needing legal services in the United Kingdom. Solicitors give legal advice and prepare legal documents in connection with matters which do not necessarily come to court, such as buying a home, renting out one's property, renting a home, making a will, getting a divorce, resolving problems at work, setting up in business. They also prepare cases for barristers to conduct in court.

Solicitors generally practice in partnerships and some of the partnerships are now very large multinational organisations.

Barristers are experts in the interpretation of law and advocacy - the art of presenting cases in court. Barristers work mainly in the courts and tribunals. Their work includes presenting evidence, making submissions on behalf of their clients, representing parties in criminal trials, handling domestic disputes in Family Courts, dealing with civil claims for damages and compensation.

Barristers have a relationship with solicitors which is very much akin to that of specialist consultants in medicine to the family doctor. By having such specialists as an independent pool of expertise, the solicitor can choose the best qualified barrister in a specialist area. Barristers may not practice in partnerships. Instead, they share offices (which they call Chambers) with other barristers, but it is a sharing of expenses only, not of income.

In Britain, the vast majority of judges are unpaid. They are called "Magistrates" or "Justices of the Peace". They are ordinary citizens and have no formal legal qualifications. Magistrates judge cases in lower courts. A small proportion of judges are "High Court Judges" who preside in more serious crimes. High Court Judges are paid salaries and have considerable legal training.

TASK 1. Find in the text above the English equivalents for the following words and expressions:

юридические услуги, адвокатская деятельность, группа независимых экспертов, палаты барристеров, специалист широкого профиля, вести дело в суде, представлять интересы клиентов в суде, решать семейные споры, вести гражданские иски о возмещении ущерба

TASK 2. Use the key expressions from the text to answer the following questions:

1. What is the general meaning of the word "lawyer"? Does it have different meanings in different countries?
2. Can you give your own definition of the word "lawyer"?
3. What are the main features of solicitors' work?
4. In what ways do the functions of a barrister differ from those of a solicitor?

THE AMERICAN LEGAL PROFESSION

The American legal profession, like American law, has its roots in England, but with significant differences. In England, the legal profession is divided between office lawyers, known as solicitors, and courtroom lawyers, known as barristers.

In the United States, there is no division of the profession, and a lawyer frequently does both office work and courtroom work. There is, however, a great deal of variety in the types of the work done by lawyers. Depending upon the circumstances and the needs of the client, the lawyer may be a counselor, a negotiator, and a litigator.

As the counselor attorney will help advise the client how to order the client's affairs. As the negotiator lawyer will work with opposing counsel to try to get a favorable resolution for the client. In litigating, the attorney will help pick a jury and participate in pre-trial motions. All of the lawyer's roles require the investigation of relevant facts, including locating and interviewing witnesses. The lawyer is also an officer of the court and is required to deal fairly and honestly with the court and with its other officers, including the lawyer's opponents.

The judge is the final arbiter of the law. The judge is charged with the duty to state, what the law is, to maintain order in the courtroom. Judges in federal courts are appointed by the President with the "advice and consent" of the Senate. Many state court judges are elected by popular vote.

NOTES:

attorney – поверенный

negotiator – посредник

counselor – адвокат

litigator — сторона в судебном процессе

engage in factual investigation – заниматься фактическим расследованием

order the client's affairs – приводить в порядок дела клиента

get a favorable resolution – добиться благоприятного решения

the art of negotiation – искусство ведения переговоров

retain the right – сохранять право

accept – принимать

motion – ходатайство

locate – устанавливать местонахождение be
charged with the duty - иметь обязательства

What do usually lawyers do? Can you answer at once? If you can't read the texts below again and say whether the list of lawyers' functions is complete.

LAWYERS PERFORM FOUR MAJOR FUNCTIONS

First, lawyers counsel. This means that lawyers offer advice, even if it is advice their clients would prefer not to hear. Of course, lawyers regularly counsel clients during negotiations and litigation.

Second, lawyers negotiate. This means that they mediate between competing interests aiming for results that will prove advantageous to their clients and, if possible, their opponents.

Third, lawyers draft documents. This is probably their most intellectually challenging function.

Fourth, they litigate. This is the skill most people associate with lawyers. Ironically, only a small fraction of all lawyers devote much time to courtroom activities. In fact, the majority of attorneys never venture into a courthouse except to file legal papers with a clerk.

You've learnt a lot about different types of legal professions. Now test yourself matching the following clippings with the law professional titles.

1. English lawyers who judge cases in the lower courts. They're usually unpaid and have no legal qualifications, but they're respectable people who are given some training.

2. They make up the largest branch of the legal profession in England and Wales. They are found in every town where they deal with all the day-to-day work of preparing legal documents for buying and selling houses, making wills, etc. These lawyers also work on court cases for their clients, prepare cases for other lawyers to present in the higher courts, and may represent their client in a Magistrates' Court.

3. Each federal judicial district has this lawyer who is appointed by the President.

4. Only a small proportion of these lawyers doesn't preside in Magistrates' Courts. They deal with the most serious crimes, such as those for which the criminal might be sent to prison for more than a year. They are paid salaries by the State and have considerable legal training.

5. They defend or prosecute in the English higher courts. They specialize in representing clients in court. In court, these lawyers wear wigs and gowns in keeping with the extreme formality of the proceedings. The highest level of them have the title QC (Queens Counsel).

TYPES OF LEGAL PROFESSION IN RUSSIA

Lawyers in private practice in Russia work mostly within colleges of advocates – self - managed cooperative-type organizations. The highest body of advocates' self-management is the general meeting of a college. The presidium headed by the chairperson is the executive board of each college. The presidium is elected by the general meeting for a term of three years.

Colleges of advocates are formed in accordance with territorial subdivisions – in the cities, regions (oblasts), republics or autonomous entities. In its territory any college is represented by law firms or legal aid offices, which render all regular legal assistance to citizens: advocates counsel people, draft legal documents, represent plaintiffs or defendants in civil litigation, and provide defense in criminal proceedings.

There are now more and more American-type law firms in Russia functioning separately from colleges of advocates and especially involved in representing private businesses. Many lawyers are employed by the law offices of enterprises, ministries and agencies as in-house counsel (jurisconsult). These lawyers have all powers of an attorney, but they represent their respective organization. Many in the legal profession teach or do academic research work.

NOTES:

college of advocates – коллегия адвокатов

self-managed cooperative type organization – независимая общественная организация

executive board – исполнительный комитет

legal aid offices render – юридическая консультация

in-house counsel – юрисконсульт

plaintiff – истец

defendant – ответчик

TASK 1. Match the English expressions with their Russian equivalents:

to draft legal documents	обеспечивать защиту
to represent a plaintiff	составлять юридические документы
to counsel people	представлять истца в суде
to provide defense	предоставлять юридическую помощь
to render legal assistance	давать рекомендации

TASK 2. Use the key expressions from the text to answer the following questions:

1. How is the college of advocates organized?
2. What does the work of advocate involve?
3. Why is the number of in-house counsels increased lately?
4. Why is the legal profession gaining popularity in Russia?

MY FUTURE PROFESSION

Warming-up

1. Why did you make up your mind to become a lawyer?
2. Did anybody advice you to choose a career?
3. What is the most attractive thing in the legal profession: salary, protection of society and individuals, prestige?

I am a first-year student of Samara State University Law Department. For me, choosing a career is not only a matter of future prestige and wealth; first of all, a job should be interesting and socially important. That is the reason why I have chosen the profession of a lawyer, which gives plenty of opportunities to help people in trouble, to protect the rights and legal interests of citizens, institutions and organizations. I think that now the profession of a lawyer is one of the most important in the law-governed state. Lawyers have to solve many problems that exist in our society. The duty of lawyers is not only to punish people for various crimes: hooliganism, stealing, murder, traffic violation and so on but they must do their best to prevent crimes, to fight against evil in our society. They should help those people who committed an error to find the right way in their life.

I am very well aware of the fact that my interest in the law subject is insufficient, I need profound knowledge in the chosen field. That is why my ambition is to get education at the University and become a highly qualified lawyer. The Law Department of SSU is maintaining its strength as an institution that offers a solid curriculum of traditional legal studies and teaches its students the practical skills that enable them to become effective lawyers. At the same time, the Law Department has created new courses and seminars in Environmental, International, Business and Commercial Law. The practice of law is a profession committed to public service and that is why the legal profession calls for profound moral and intellectual qualifications of its members. The Department, through its clinics and other community projects, offers to students the means to exemplify these commitments and qualifications by service to local, national and international communities.

At the university the students are taught both on general subjects: History, Economics, Foreign Languages, Philosophy and special subjects: Criminal Law, Roman Law, Labour Law, Family Law, Administrative, Civil, Constitutional Law etc. The profession of a lawyer is quite diversified. The graduates of Law Department can work as investigators, judges, defense counsels, legal consultants. That is why on the third course future lawyers have the opportunity to choose specialization to get more profound knowledge in different branches of law. Those students who chooses Criminal Law and Process attend special courses on Juvenile Criminal Responsibility, Qualification of Crimes, Theory of Evidence. If students specialize in State Law, they are taught Comparative Jurisprudence, Administrative Responsibility, etc. Choosing Civil Law the students study Bankruptcy, Pawn Law, Labour Law, Family Law and some other special subjects.

Law Department of the SSU is cognizant both of the need to preserve its tradition of excellence in legal education and of the need to develop new programs

and methodologies to prepare students for the practice of law in a changing world. Graduates of the University emerge with highly attractive and marketable qualification.

NOTES:

to prevent crimes – предотвращать преступления

to be well aware of – сознавать, отдавать себе отчет в чем-л.

insufficient - недостаточный

curriculum – курс обучения, учебный план

practical skills – практические способности, умения

to create a new course – создать новый курс

profound qualification – глубокая подготовка

means – средство, способ

to exemplify – служить примером

different branches of law – различные отрасли права

to attend - посещать

cognizant of – осознающий

to preserve – сохранять

TASK 1. Discuss with your partner: "What specialization would you like to choose?" Give your reasons.

TASK 2. Speak on the topic: "I have chosen law as a career because..." Highlight at least four points which make your profession so attractive.

SUPPLEMENT

Imprisonment: retribution or rehabilitation

A prison is an institution for the confinement of persons convicted of major crimes or felonies. In the 19th and the 20th centuries, imprisonment replaced corporal punishment, execution and banishment as the chief means of punishing serious offenders. Modern prisons are quite diverse, but it is possible to make some generalizations about them. In all but minimum - security prisons, the task of maintaining physical custody of the prisoners is usually given the highest priority and is likely to dominate all other concerns. Nowadays prisoners are kept in separate institutions according to the severity of crime committed, as well as to the age, sex and other conditions. Consequently, the inmates include unconvicted prisoners, juvenile delinquents, women prisoners, recidivists and life-sentence prisoners. Most prisoners serving longer sentences are held in correctional institutions, which are usually large maximum - security buildings holding offenders in conditions of strict security. Young offenders are usually detained in reformatories often designated under name that imply that their purpose is treatment or correction rather than punishment. Women are normally held in separate prisons. Prisoners who are not considered a danger to the community or open prisons.

Now, a few words about prison inmates. Among them are, as I have already mentioned: unconvicted prisoners, young offenders, women prisoners, habitual offenders, life- sentence prisoners. There are convicts, who shouldn't be returned into society, for example, habitual offenders. These prisoners as a result of very long time in prison have lost all normal social communications. Frequently, leaving on freedom they are not capable to establish normal relations with other members of society and again come into contact with antisocial elements. Habitual offenders and life- sentence prisoners very often become dangerous for a society.

There are alternatives to prison. They are a fine, a restitution, a probation, a suspended sentence and a reparation.

Particularly, I want to say about treatment of criminals in Russia. Barred cells and locked doors, periodic checking of cells, searches for contraband, and detailed regulation of inmates movements about the prison are all undertaken to prevent escapes.

In order to forestall theft, drug and alcohol use, violent assaults, rapes, and other types of prison crime, the inmates are subjected to rules governing every aspect of life. These do much to give the social structure of the prison, the problem of imprisonment is of financial character.

Government should provide the penal institutions with money and in my opinion, it will help to improve the situation in the penitentiary system of Russia. But there are some countries, which are famous for its human treatment of criminals, for example, Sweden. Sweden became famous due to human

attitude to people who had violated the law. In most cases the punishment for the committed crime – is not keeping in custody, but a fine and probation that is supervision for a probationer. There are also special medical institutions, which render psychological help to offenders. There are also "industrial prisons", where prisoners work in guilds and workrooms. Finally, I would like to add that the question about imprisonment remains very controversial. It is necessary to say that each country has its own attitude to this problem, there is no general solution.

CRIME AND PUNISHMENT

The topic of crime and punishment was relevant at all times, because it is closely connected with the human being. Even nowadays there are disputes, on the causes of crime and measures of punishment. Different theories are trying to answer the question: Why does crime occur? And what kind of punishment is preferred?

Crimes are the reasons of public instability, because each state struggles with crimes by all possible means. The punishment is one of these means. But the problem is how to make punishment equal to crime. Theorists of criminal law have always been interested in the question of causes of crimes. Throughout several centuries there was an active discussion and that's why I would like to state the basis of theories, giving the answer to this question. They are theological and ethical, biological, psychological and psychiatric, climatic, social environment and multiple causation theories. For example, the theological and ethical theories, they are oldest theories, based on theology and ethic. Although this idea has been discarded by modern criminologists, it persists among uniformed people and provides the rationale for the harsh punishment still meted out to criminals in many parts of the world. I would like to say about psychological and psychiatric theories. Studies by such 20th century investigators indicated that about one- fourth of a typical convict population is neurotic, emotionally unstable and another one- fourth is mentally deficient.

Now I want to say a few words about multiple causation theories. Since the mid 20th centuries, the notion that crime can be explained by any single theory has fallen into disfavour among investigators. Instead, experts incline to so-called multiple factor theory. Criminality and its causes can be studied at individual, group and social levels. Hence, psychological, sociological and philosophical explanations can be given to them. These explanations contradict one another, allowing these explanations to permit to analyze the causes of criminality from the various points of view. Considering this problem at individual level, it is possible to designate the causes of criminality as the conflict of person's behaviour with the society. When the person collides in with a difficult situation he chooses a criminal way. The negative circumstances, which lead to criminal behaviour are: antisocial parent's behaviour, low level of culture in family, fulfillment of illegal acts; cruelty and vindictiveness, drunkenness, the use of drugs, gambling etc the number of crimes unfortunately in Russia, increases. The criminality intensively grows in our state, the crimes use achievements of a modern sciences and techniques.

Now, I would like to speak about punishment. Punishment describes the imposition by some authority of a deprivation- usually painful- on a person, who has violated a law, a rule, or other norm.

When the violation is of the criminal law of society there is a formal process of accusation and proof followed by imposition of a sentence by a designated official, usually a judge. Because punishment is both painful and

quilt producing, its application calls for a justification; in Western culture, four basic justifications have been given: retribution, deterrence, rehabilitation and incapacitation. Criminal sentences ordinarily embrace four basic modes of punishment, fine and restitution. The death penalty is now possible only for certain types of atrocious murders and treason.

Finally, I'd like to add, that the question about crime and its punishment remains very controversial, it is necessary to say that each country has its own attitude to this problem, there is no general decision.

KINDS OF CASES

In each country the civil and criminal case have its own distinctive features. I would like to carry out the comparative analysis of civil and criminal cases.

At first I would like to speak about civil and criminal cases in the Great Britain. Civil cases are usually disputes between or among private citizens, corporations, governments, government agencies and other organizations. Most often, the party bringing the suit is asking for money damages. For example, a tenant may sue a landlord for failure to pay rent. People who have been injured may sue a person or a company they feel is responsible for the injury. The party being sued is called the defendant. There may be plaintiffs or many defendants in the same case. In Great Britain in civil cases the person suing was, until 1999, known as plaintiff, but is now officially called the claimant, and the person sued is the defendant. The plaintiff starts the lawsuit by filing a paper called a complaint, in which the case against the defendant is stated. The next paper filed is usually the answer, in which the defendant disputes what the plaintiff has said in the complaint. The defendant may also feel that there has been a wrong committed by the plaintiff, in which case a counterclaim will be filed along with the answer. In each civil case the judge tells the jury the extent to which the plaintiff must prove the case. This is called the plaintiff's burden of proof, a burden that the plaintiff must meet in order to win. In most civil cases the plaintiff's burden is to prove the case by a preponderance of evidence. Jury verdicts do not need to be unanimous in civil cases. Only 10 jurors need to agree upon a verdict if there are 12 jurors: 5 must agree if there are 6 jurors. A criminal case is brought by the state or by a city or county against a person or persons accused of having committed a crime. The state, city or county is called the plaintiff; the accused person is called the defendant. The charge against the defendant is called an information or a complaint.

In our country the terms civil and criminal trial are used. In Russia civil process is the activity of court and other participants of process in administration of justice .. The plaintiff in this process is the person who possesses the disputable right or a legitimate interest and addresses in court for their protection. The defendant is the person who is involved by court to answer the plaintiff's request in criminal legal proceedings. The initiator of a criminal trial is the public prosecutor. The public prosecutor as the subject of criminal trial is the official authorized within the competence to carry out on behalf of the state criminal prosecution during criminal legal proceedings, and also supervision activities (item 37 of The Code of practice). By the decision of the court a person was brought before the trial as an accused (item 47 The Code of practice). In Russia criminal and civil process differs from Western way, it is unique.

FAMOUS LEGAL DOCUMENTS

Rules and laws and the conventions or customs from which they are descended have been a part of human life ever since ancestors first began to live in large and settled group. The earliest known legal text was written by Ur-Nammu, a king of the Mesopotamian city of Ur, in about 2100 B.C. It dealt largely with compensation for bodily injuries and with the penalties for witchcraft and runaway slaves. I'd like to tell about a few famous legal documents.

One of most detailed ancient legal codes was drawn up in about 1758 B.C. by Hammurabi, a king of Babylonia. The entire code, consisting of 282 paragraphs, was carved into a great stone pillar, which was set up in a temple to the Babylonian god Marduk so that it could be read by every citizen. The code covered crime, divorce and marriage, the settlement of debts, inheritance and property contracts etc. Punishment under the code was often harsh. The cruel principle of revenge was observed- an eye for an eye and a tooth for a tooth.

In the seventh century B.C. Draco drew up the first comprehensive written code of laws. Under Draco's code death was the punishment for most offences. Thus, the term draconian usually applies to extremely harsh measures. The following document is the Magna Carta. The idea that government was not all-powerful first appeared in the Magna Carta or Great Charter, which King John signed in 1215 under the threat of civil war. The Magna Carta established the principle of limited government, in which the power of the monarch, or government, was limited. This document provided for protection against unjust punishment and the loss of life, liberty and property except according to law. It stipulated that no citizen could be punished or kept in prison without a fair trial. It came in time to be regarded as a cornerstone of British liberties.

The next document I'm going to speak about is the Bill of Rights. The Bill of Rights provided the foundation on which the government rested after the Revolution of 1688. The Revolution settlement made monarchy clearly conditional on the will of Parliament and provided a freedom from arbitrary government of which most Englishmen were notably proud of during the 18th century. A number of clauses sought to eliminate royal interference in parliamentary matters, stressing that elections must be free and that members of Parliament must have complete freedom of speech. The act also dealt with the proximate succession to the throne.

It is necessary to say some words about the Napoleon's Code. The code was a triumphant attempt to create a legal system that treated all citizens as equals without regard to their rank or previous privileges. It was also so clearly written that it could be read and understood by ordinary people and many of its principles are still in force today. It was the first Civil code.

Among the modern legal documents are the United Nations Charter and the General Declaration of the Human Rights worth mentioning.

The United Nations Charter is the universal contract of a special sort and value, it has defined the rights and duties of member states of the organization; it also fixed the conventional principles and norms of international law.

The General Declaration of the Human Rights, accepted in 1948 in the first source in history of the international relations. It is the document of universal character, which proclaimed the list of the rights and freedoms of the person and the citizen.

In the conclusion, I'd like to say, that each lawyer should know all laws mentioned above. If we don't know our past the future is closed for us.

CRIME AND PUNISHMENT

Crime is an act or the commission of an act that is forbidden or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law.

The law recognizes many kinds of the crime: treason, murder, assassination, arson, rape, manslaughter, blackmail and others. Since the 18th century, various scientific theories have appeared to explain crime. The theorists suggested many theories. An understanding of the causes of crime is still elusive, however, because the interrelationship of causes is difficult to determine, although each person of reason that has converging influences - biological, psychological, cultural, economic and political. The crime is one side of the medal, and on the other hand is punishment.

Criminality and its reasons can be investigated at individual, group and social level. They can be given Psychological, sociological and philosophical explanations.

These explanations do not contradict each other and supplement one another, allowing to analyses the reasons of criminality from the various sides.

Examining this problem at an individual level it is possible to designate the reason of criminality as the conflict of a person's behavior to the social environment.

When the person gets in a problem situation, he often does not find (the solution of arisen complexities and chooses a criminal way. Punishment describes the imposition by some authority of a deprivation - usually painful - on a person who has committed a crime. Criminal sentences ordinarily embrace four basic modes of punishment. In descending order of severity these are: incarceration, community supervision, fine, and restitution. The most serious kind of the punishment is the death penalty. The death penalty is now possible only for certain types of atrocious murders and treason. Let the punishment fit the crime, it is classical moral argument in favor of the death penalty and this statement implies that the murder deserves to die. Other people have replied that the death penalty can be the result of a mistake in practice and that it is impossible to administer fairly.

In my opinion the punishment should fit the crime, and the violent crime deserves the death penalty, otherwise the criminal will not have any deterrent.

JUVENILE DELINQUENCY

Offenders age 17 to 20 years (16 to 20 years in Scotland) form a separate category from Juvenile and adult offenders. In England and Wales the penalties for young adults are fines and compensation, attendance centre orders and probation orders; offenders may also be sentenced to up to 240 hours of community service. Its in the case of Juvenile offenders, a custodial sentence may be imposed only when no other measure would be appropriate. The custodial sentences for offenders of this age are the detention centre order (for young men sentenced to a term of four months or less) and the youth custody sentence (for both sexes). For the most serious offences young adults may be sentenced to custody for life. Detention centers, which receive offenders directly from the course, operate. A consistent regime, which geared to the short sentences, is involved. This inculcates a high standard of discipline and effort in senior centers, it includes a full working week; younger offenders receive at least 15 hours of education a week. Both junior and senior centers provide one hour of physical training each day. The youth custody centre regime is designed for offenders who are usually serving a minimum sentence of over four months and for those allocated from a local prison. The aim is to provide flexible but coherent programmes of activities, which are as constructive as possible, and can include an element of vocational training.

Formation of the young man occurs in such social spheres, as family relations, study, work and leisure. Namely in these spheres, it is necessary to search the reasons of the negative tendencies in youth environment. The most important is family relations. The criminality of juvenile is directly related to criminality and immoral behaviour of adults, troubles in family relations. For example, in Russia, children's homelessness liquidated at the end of 1930s has revived as the social phenomenon in the nineties XX centuries. The number of the teenagers who have remained without parental care, in 1993 composed a half-million. The so-called latent homelessness, when the parents avoid from education of children has received development. This problem is connected with a difficult financial position of a family. As a result of divorces according to some information, many children live with one of parents. According to statistics, there are about half a million divorces a year. The divorce always has a negative affects on physical and moral formation of the teenager.

This problem is very controversial. I think, that there is no general decision to prevent juvenile delinquency. It is necessary to widen a network of social institutions to protect children and teenagers who are in a difficult situation, to carry out social rehabilitation of the teenagers who have come back from places of imprisonment, to create and leave workplaces for juveniles.

JURY TRIAL

Jury is a body of people convened to render a rational, impartial verdict (finding of a fact in question) officially submitted to them by a court, or to set a penalty or a judgment. A trial in which a jury decides the verdict is known as a jury trial. A person who is serving on a jury is known as juror.

The petit jury (or trial jury) hears the evidence in a trial as presented by both the plaintiff (petitioner) and the defendant (respondent). After hearing the evidence and often jury instructions from the judge, the group retires for deliberation, to consider a verdict. The majority required for a verdict varies. In some cases it must be unanimous, while in other jurisdictions it may be a majority or supermajority. A jury that is unable to come to a verdict is referred to as a hung jury. The size of the jury varies; in criminal cases there are usually 12 jurors, although Scotland uses 15. In civil cases many trials require only six.

A grand jury, a type of jury now confined almost exclusively to some jurisdictions in the United States, determines whether there is enough evidence for a criminal trial to go forward. Grand juries carry out this duty by examining evidence presented to them by a prosecutor and issuing indictments, or by investigating alleged crimes and issuing presentments. A grand jury is traditionally larger than and distinguishable from the petit jury used during a trial, with at least 12 jurors.

The first step in the selection of the trial jury is the selection of a jury panel'. When you are selected for a jury panel you will be directed to report, along with other panel members, to a courtroom in which a case is to be heard once a jury is selected. The judge assigned to that case will tell you about the case and will introduce the lawyers and the people involved in the case. You will also take an oath. The Lawyers will question you and the other members of the panel to find out if you have any personal interest in it. This process is called Voir Dire, a phrase meaning, "to speak the truth".

During Voir Dire the lawyers may ask the judge to excuse you or other members of the panel from sitting on the jury for this particular case. This is called challenging a juror. There are two types of challenges. The first is called a challenging for cause, which means that the lawyers has a specific reason for thinking that the juror would not be able to be impartial.

The second type of challenge is called a peremptory challenge, which means that the lawyer does not have to state a reason for asking that the juror be excused. Like challenging for cause, peremptory challenge is designed to allow lawyers to do their best to assure that their clients will have a fair trial. Unlike challenging for cause, however, the number of peremptory challenges is limited.

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

Summing up, I can tell that the trial by jury is a legal proceeding in which a jury either makes a decision or makes findings of fact, which are then applied by a judge. It is to be distinguished from a bench trial where a judge or panel of judges makes all decisions. They make decisions based on morality, which is a benefit for the society. Judges give verdict based on the law.

TYPES OF BILLS

A Bill is a proposal for a new law. Most Bills are introduced into Parliament by the Government; some will be implementing policies that were promised in its election manifesto and others will be responding to economic and social issues as they develop.

There are two main kinds of Bill - Public Bills and Private Bills.

Public Bills are intended to affect the public as a whole and change the general law. They are Government Bills and Private Members' Bills. The majority of public Bills that become Acts of Parliament are introduced by a government Minister and are known as Government Bills. When a new government comes to power after a general election it will normally have a number of policies it wishes to put into effect. Where necessary it will try to change the law by introducing Bills into Parliament. Each Bill will be piloted through Parliament by a Minister from the appropriate Government Department. Government Bills usually succeed in getting through Parliament because the Government has majority in the House of Commons. Private Members' Bills are sponsored by individual MPs. Many Private Members' Bills fail to complete their passage through Parliament, either through lack of support or, more likely, because of shortage of time. Government business is usually given priority and Private Members' Bills can get squeezed out. To be successful a Private Members' Bill ideally needs to be non-controversial and have the support of the Government.

Private Bills are only intended to affect one particular area or organization. They are promoted by organisations outside the House (e.g. local authorities companies) to obtain powers for themselves in excess of or in conflict with the general law. They should not be confused with Private Members' Bills, which are a type of Public Bill. In practice, only a few Private Bills are now considered each session.

Hybrid Bills are Public Bills which may affect the specific private rights of people or bodies. They are generally introduced by the Government, but are fairly rare.

COURTS IN ENGLAND AND WALES

Criminal offences may be grouped into three categories. Offences triable only on indictment — the very serious offences such as murder, manslaughter, rape and robbery — are tried only by the Crown Court presided over by a judge sitting with a jury. Summary offences — the least serious offences and the vast majority of criminal cases — are tried by unpaid lay magistrates sitting without a jury. A third category of offences (such as theft, burglary, or malicious wounding) are known as 'either way' offences and can be tried either by magistrates or by the Crown Court depending on the circumstances of each case and the wishes of the defendant.

In addition to dealing with summary offences and the 'either way' offences which are entrusted to them, the magistrates' courts commit cases to the Crown Court either for trial or for sentence. Committals for trial are either of indictable offences or of 'either way' offences, which it has been determined, will be tried in the Crown Court. Committals for sentence occur when the defendant in an 'either way' case has been tried summarily but the court has decided to commit him or her to the Crown Court for sentence.

Magistrates must as a rule sit in open court to which the public and the media are admitted. A court normally consists of three lay magistrates — known as justices of the peace — advised on points of law and procedures by a legally qualified clerk or a qualified assistant. Magistrates are appointed by the Lord Chancellor, except in Lancashire, Greater Manchester and Merseyside where appointments are made by the Chancellor of the Duchy of Lancaster. There are nearly 28,000 lay magistrates.

Appeals

A person convicted by a magistrates' court may appeal to the Crown against the sentence imposed if he has pleaded guilty; or against the conviction or sentence imposed if he has not pleaded guilty. Where the appeal is on a point or procedure of law, either the prosecutor or the defendant may appeal from the magistrates' court to the High Court. Appeals from the Crown Court, either against conviction or against sentence are made to the Court of Appeal (Criminal Division). The House of Lords is the final appeal court for all cases, from either the High Court or the Court of Appeal. Before a case can go to the Lords, the court hearing the previous appeal must certify that it involves a point of law of public importance and either that court or the Lords must grant leave for the appeal to be heard. The nine Lords of Appeal in Ordinary are the judges who deal with Lords appeals.

The Attorney-General may seek the opinion of the Court of Appeal on a point of law which has arisen in a case where a person tried on indictment: is acquitted; the court has power to refer the point to the House of Lords if necessary. The acquittal in the original case is not affected, nor is the identity of the acquitted person revealed without his or her consent. Under a provision in the Criminal Justice Act 1988, which has not yet been implemented, the Attorney General would be empowered, where he considered that a sentence passed by the Crown Court was over-lenient, to refer the case to the Court of Appeal, which would be able, if it thought fit, to increase the sentence within the statutory maximum laid down by Parliament for the offence.

GOVERNMENT DEPARTMENTS

Most Cabinet ministers are heads of Government Departments. Governing in the 21st century is a very complicated business. The work of Government is, therefore, divided among Departments each specialising in a particular subject, e.g. defence, education, trade and industry. The number and responsibilities of Government Departments can be changed by the Prime Minister according to the needs of the country.

These are the key Government Departments:

Her Majesty's Treasury is responsible for formulating and putting into effect the UK Government's financial and economy policy. The Treasury works to achieve economic stability, low inflation, sound public finances, efficient public services and a more productive economy. The Minister in charge is *the Chancellor of the Exchequer*. *The Prime Minister* is its political head.

The Cabinet Office supports the Prime Minister in ensuring that the government delivers its priorities, particularly in relation to health, education, transport and crime policies. It provides secretarial support to the Cabinet and services Cabinet committees, where ministers work together on key issues. It also provides practical advice and support on the machinery of government.

The Home Office is responsible for internal affairs in England and Wales. It seeks to promote a safe, just and tolerant society through its policies to reduce crime, deliver justice and regulate entry to the United Kingdom. It is headed by

the Home Secretary.

The Ministry of Defence provides the defence capabilities to ensure the security and defence of the United Kingdom and the Overseas Territories. It supports the government's foreign policy objectives, particularly those relating to peace and security. It is headed by *the Secretary of State for Defence*.

The Foreign and Commonwealth Office promotes UK interests abroad and works with international bodies to support a strong world community. The FCO is responsible for the conduct of business with other governments and international organisations. This includes developing Britain's role as a member of the European Union, the Commonwealth and the United Nations Organisation. The Minister responsible is *the Foreign Secretary*.

The above list is not comprehensive. There are several other lesser known ministries.

The ministers in charge of Departments are usually of Cabinet rank. They are chosen for their special interest in, or knowledge of, the subjects handled by the Department. They are usually assisted by one or more junior ministers who are not in the Cabinet. The majority of the Government members belong to the House of Commons, but major Departments often have at least one minister who is a Lord. While ministers act as political heads of Government Departments, the actual administration of the departments is carried out by civil servants also known as permanent secretaries.

As well as government departments there are government agencies formed to operate public services, e.g., the Post Office, British Rail, etc. Most of these agencies are subject to the control of one of the government departments.

THE PRIVY COUNCIL

Historically the Privy Council was the name given to the group of ministers who acted as chief advisers to the King or Queen. As the power of the monarch declined the Cabinet replaced the Privy Council as the senior decision-making body.

Today the Privy Council's duties are largely formal and ceremonial. It has about three hundred members, including all Cabinet members (past and present), the leaders of all the main parties, and the Speaker. Its formal tasks include advising the monarch on a range of matters, like the resolution of constitutional issues and the approval of Orders in Council, such as the granting of Royal Charters to public bodies. The most important task of the Privy Council today is performed by its Judicial Committee. This serves as the final court of appeal from the dependencies and Commonwealth countries. It may also act as an arbiter for a wide range of courts and committees in Britain and overseas, and its rulings can be influential. The office of Privy Councillor is an honorary one, conferred, for example, on former Prime Ministers. In the House of Commons a Privy Councillor will take precedence over a normal MP when the Speaker calls MPs to speak, and may speak for longer. Privy Councillors are referred to in the Commons as "Right Honourable" members.

Membership of the Council, which is retained for life, except for very occasional removals, is granted by the Sovereign, on the recommendation of Prime Minister, to people eminent in public life in Britain and the independent monarchies of the Commonwealth. Cabinet ministers must be Privy Counsellors and, if not already members, are admitted to membership before taking their oath of office at a meeting of the Council. Full meetings of the Privy Council occur only on the death of a monarch and the accession of a new monarch, when the Council issues a proclamation of the accession and announces the name of the new Sovereign.

ENTERING THE PROFESSION

How does someone become a lawyer?

In some countries in order to practice as a lawyer it is necessary to get a university degree in law. However, in others, a degree may be insufficient; professional examinations must be passed. In Britain, it is not in fact necessary to have a degree, although nowadays most people entering the profession do. The main requirement is to pass the Bar Final examination (for barristers) or the Law Society Final examination (for solicitor). Someone with university degree in a subject other than law needs first to take a preparatory course. Someone without a degree at all may also prepare for the final examination, but this will take several years. In most countries, lawyers will tell you that the time they spent studying for their law finals was one of the worst periods of their life! This is because an enormous number of procedural rules covering a wide area of law

must be memorized. In Japan, where there are relatively few lawyers, the examinations are supposed to be particularly hard: less than 5 percent of candidates pass. Even after passing the examination, though, a lawyer is not necessarily qualified. A solicitor in England, for example, must then spend two years as an articled clerk, during this time his work is closely supervised by an experienced lawyer, and he must take further courses. A barrister must spend a similar year as a pupil.

The rate at which the legal profession grows is terrific. Why is the career in law so popular? In the USA the average salary of experienced lawyers in private practice is more than \$100,000.

Lawyers' salaries are substantially greater than those of many other professionals. The glamour of legal practice strengthens the attraction of its financial rewards.

My point of view is following:

1	Let me express what I think of this problem.	Позвольте мне сказать, что я думаю по этому поводу.
2 3		
4 5	As far as I am able to judge...	Насколько я могу судить...
6 7	As far as I know...	Насколько я знаю...
8 9	If I am not mistaken...	Если я не ошибаюсь...
10	As for me...	Что касается меня...
11	To my mind...	Как мне кажется...
12	In my opinion...	По моему мнению...
13	It seems to me that...	Как мне кажется...
14	The thing is that...	Дело в том, что...
15	The point is that...	Дело в том, что...
16	On the contrary	Наоборот
17	On purpose	Нарочно
18	Frankly speaking...	Честно говоря...
19	Speaking personally...	Лично я бы сказал...
20	I suppose...	Я предполагаю...
21	I mean...	Я имею в виду...
22	I guess...	Я подразумеваю...
23	I suggest...	Я предлагаю...
24	I wonder...	Мне интересно...
25	I bet...	Я держу пари...
26	I hope...	Я надеюсь...
27	I believe...	Я верю...
28	I consider...	Я считаю...
29	In addition...	В добавлении...
30	In fact	Фактически
31	In a manner	В некоторой степени
32	In a sense	В смысле
33	Indeed	В самом деле
34	Finally	В заключении
35	For example	К примеру
36	For instance	Например
37	For some reason	По причине
38	Further	В дальнейшем
39	Generally	Вообще
40	Hardly	Едва ли
41	Partly	Частично
42	Particularly	Особенно
43	Moreover	Кроме того
44	Mostly	Главным образом
	Mutually	Взаимно
	Namely	Именно
	Personally	Лично
	Naturally	Естественно
	Nevertheless	Тем не менее