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Дальневосточный федеральный университет

MASTERING PROFESSIONAL ENGLISH

Сборник упражнений и тесты
по развитию навыков устной речи и грамматике английского языка

Для студентов 1 курса магистратуры,
обучающихся по направлению «Юриспруденция»

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Сборник охватывает 5 разговорных тем: Court System of the Russian Federation, Court System of Great Britain, Court System of the USA, Legal Profession и Crime and Punishment. Его цель – сформировать запас профессиональной юридической лексики, необходимой будущему специалисту в профессиональной или академической деятельности, а также совершенствовать навыки устной речи в сфере профессиональной коммуникации. Кроме того, в сборник вошли грамматические тесты на темы: Active Voice, Passive Voice, Participle, Infinitive, If-sentences, изучение которых предусмотрено УМКД по английскому языку для студентов магистратуры.

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UNIT I.

THE COURT SYSTEM OF THE RUSSIAN FEDERATION

Active Vocabulary

legal	юридический, правовой, законный
court	суд
action	иск, судебный процесс
appeal	апелляция; подавать апелляцию
to treat	обращаться, обходиться, рассматривать (дело)
justice	правосудие, справедливость
to administer justice	отправлять правосудие
sentence	приговор
supreme	верховный
supervision	надзор, наблюдение
appellate	апелляционный
procedural	процедурный
proceeding	рассмотрение дела в суде, судопроизводство
trial	суд, судебный процесс; слушание дела
judge	судья
prosecutor	прокурор, обвинитель
plaintiff	истец
defendant	ответчик; подсудимый, обвиняемый
to accuse (of)	обвинять (в)
to defend	защищать

Exercise 1. Try to translate the following word-combinations:

legal system; a lower court; appeal to a higher court; courts of first instance; the decision of the original court; the power of supervision; judicial bodies of the state; appeals against the judgments and sentences of the military courts; district court; the Supreme Arbitration Court; participants in the trial; closed session; obey the law.

Exercise 2. Say in one word:

the highest court of a country; a place where a trial is performed; a person who brings an action; a person accused of some wrong; dealing with the court proceedings; dealing with the law; hearing of a case in a court; a public person accusing smb. on behalf of a state; to give facts against a person in court; to say that a person is not guilty; an official with authority to hear and decide a case in court.

Exercise 3. What do these people do in court?

a judge, a prosecutor, a plaintiff, a defendant, an accused, press, public.

Exercise 4. Match these words and phrases with their Russian equivalents:

- | | |
|-----------------------------------|-----------------------------------|
| 1. to administer justice | a) рассматривать дело по существу |
| 2. to bring a sentence | b) жалоба |
| 3. to examine a case in substance | c) вынести приговор, решение |
| 4. an appeal | d) отправлять правосудие |
| 5. the power of supervision over | e) подлежать отзыву |
| 6. to be subject to removal | f) право надзора |
| 7. a prosecutor | g) обвиняемый |
| 8. an accused | h) обвинитель |
| 9. a defendant | i) ответчик |
| 10. a victim | j) истец |
| 11. a plaintiff | k) потерпевший |
| 12. judicial | l) судебный |

Exercise 5. Translate the following sentences into English using the Active Vocabulary:

1. Судебный процесс, начавшийся 3 недели назад, наконец, завершился.
2. Начиная судебную тяжбу, истец надеялся на большую компенсацию.
3. Человек имеет право на защиту, если его обвиняют в преступлении.
4. Верховный Суд оставил приговор суда первой инстанции без изменения.
5. Прокурор предоставил множество фактов, однако вину подсудимого доказать не удалось.

6. Судьи независимы и подчиняются закону.
7. Это уголовное дело рассматривается почти уже несколько лет.

Exercise 6. Read and translate the text

THE SYSTEM OF THE COURTS IN THE RUSSIAN FEDERATION.

In all legal systems there are institutions for creating, modifying, abolishing and applying the law. Usually these take the form of hierarchy of courts. The role of each court and its capacity to make decisions is strictly defined in relation to other courts. There are two main reasons for variety of courts. One is that a particular court can specialize in particular kinds of legal actions. The other is so that a person who feels his case was not fairly treated in a lower court can appeal to a higher court for reassessment. The decisions of a higher court are binding upon lower courts.

The court is a state body that administers justice on behalf of the state.

There are courts of first instance (original jurisdiction) and second instance (appellate jurisdiction). A court in which a case is first heard is called the court of first instance. A court of original jurisdiction is one which first examines the case in substance and brings in a sentence or decision. Any court, from the district court to the Supreme Court of the state, may sit as a court of first instance. In almost all cases it is possible to appeal to higher court for reconsideration of the decision of the original court. A court of second instance is one which examines appeals and protests against sentences and decisions of courts of first instance.

The Constitutional Court ensures that the laws and other normative acts passed or being considered by the supreme and local legislative branches are constitutional.

The Supreme Court is the highest judicial body for civil, criminal, business and other cases. It has the power of supervision over the activities of all judicial bodies of the state. The Supreme Court gives the court interpretation on the issues of the court practice. It tries the most important criminal and civil cases and likewise hears appeals against the judgments and sentences of other courts, as well as appeals against the judgments and sentences of the military courts of the state.

The basic judicial body is the district court. District courts try both criminal and civil cases. It is also the duty of the district court to protect the electoral rights of citizens. The higher courts of constituent entities of the Russian Federation hear and determine cases of major importance. They are courts of appellate jurisdiction.

The Supreme Arbitration Court is the highest judicial body for settling economic disputes and other cases examined by courts of arbitration; it exercises

judicial supervision over their activities in the procedural form envisaged by federal law and provides interpretation on issues of court proceedings.

In all courts cases are tried in public. The participants in the trial (the prosecutor, the lawyers, the plaintiff, the judge, the defendant and the others) speak in the open court. The accused is guaranteed the right to defend. The press has the right to be present.

During the hearing of the case any citizen may enter the courtroom and be present at the trial from the beginning to the end. The hearing of cases in closed sessions is allowed only in exceptional instances. Closed sessions are only allowed if it is in the interests of both sides or for the necessity to keep state secrets. Trial without participation of both sides is not allowed. The judges are independent and they must obey the law.

Exercise 7. Agree or disagree with the following statements.

1. A particular court can specialize in particular kinds of legal actions.
2. There are courts of first, second and third instances.
3. A court of first instance examines appeals and protests against sentences and decisions of other courts.
4. A court of original jurisdiction first examines a case in substance.
5. Only a district court may sit as a court of first instance.
6. Higher courts hear and determine cases of major importance.
7. The basic judicial body is the Supreme Court.
8. The Supreme Court has the power of supervision over the activities of all judicial bodies of the state.
9. Economic disputes are examined by the Constitutional Court.
10. During the hearing of a case no citizen is allowed to enter the courtroom.

Exercise 8. Find in the text the English equivalents for the words and word-combinations:

создание, изменение и отмена закона; выносить решение; определенные виды дел; подавать апелляцию в вышестоящий суд; пересмотр; от имени государства; рассматривать дело по существу; судебный орган; защищать избирательные права граждан; суды апелляционной юрисдикции; осуществлять надзор; предусмотренный федеральным законом; участники судебного

процесса; право на защиту; в исключительных случаях; судебный процесс без участия сторон; независимый.

Exercise 9. Scan the text to find the answers to the 8 “What-questions”

1. What is the role of each court?
2. What is the function of a court of first instance?
3. What is the basic judicial body of state?
4. What is the function of a court of second instance?
5. What cases does a district court consider?
6. What are the functions of the Supreme Court?
7. What is the status of judges?
8. What are the participants of the trial?

Exercise 10. Finish the following sentences:

1. There are courts of first...
2. A court of first instance examines...
3. A court of second instance examines...
4. The basic judicial body is...
5. The highest judicial body is...
6. It has the power of supervision ...
7. It gives interpretation...
8. It tries the most...
9. It hears appeals against...
10. The Supreme Arbitration Court is...
11. The hearing of cases in closed sessions...
12. The judges are...

Exercise 11. Speak on: the courts of first and second instances

the basic judicial branch
the Supreme Court
the Constitutional Court
the Supreme Arbitration Court
the proceedings and participants in the trial

Exercise 12. Read the articles from the Constitution of the Russian Federation:

Article 119. Judges shall be citizens of the Russian Federation over 25 years of age with the higher education in law who have served in the legal profession for not less than five years. Federal law may establish additional requirements for judges of the courts of the Russian Federation.

Article 120. Judges shall be independent and shall be subordinate only to the Constitution and federal law. Should a court establish when considering a case that a legal act of the State or other body conflicts the law, it shall take a decision in accordance with the law.

Article 121. Judges shall be irremovable. The powers of a judge may be terminated or suspended only on the grounds and in accordance with the procedure established by federal law.

Article 122. Judges shall be inviolable. A judge cannot face criminal liability otherwise than in accordance with the procedure established by federal law.

Exercise 13. Choose the best variant to answer the question:

1. Who can be a judge in the Russian Federation?
 - a. any citizen of the RF over 25 years of age;
 - b. a person with no special education;
 - c. a 25year- old professional lawyer who is the citizen of the RF and has served in the legal profession 5 years and more;
 - d. any professional lawyer who is a citizen of the RF.
2. What or who are the judges subordinate to?
 - a. to the Constitution only;
 - b. to the decisions of the Supreme Court;
 - c. to the Constitution and the federal law;
 - d. to the justices of the peace.
3. What is the position of judges in the Russian Federation?
 - a. judges can be removed;
 - b. judges are independent and subordinate to the President;
 - c. judges shall be inviolable;
 - d. the powers of a judge are terminated or suspended in accordance with the procedure established by the President.
4. In what way can a judge face criminal liability?
 - a. only in accordance with the procedure established by federal law;

- b. a judge cannot face criminal liability in any case;
- c. a judge can face criminal liability in accordance with the President's bills;
- d. a judge can face criminal liability according to the decision of a district court he serves in.

UNIT II. THE COURT SYSTEM OF ENGLAND AND WALES

Active Vocabulary

justice	правосудие, справедливость
to comprise	включать, охватывать
appellate	апелляционный
lay	непрофессиональный
supreme	верховный
county	1) графство (в Англии) 2), округ (в США)
magistrate	мировой судья, магистрат
to exist	существовать
action	1) иск, судебный процесс, 2) действие, проступок
damage	1) вред, повреждение, убыток, ущерб; 2) компенсация за убытки
to arise	возникать, появляться
tort	правонарушение
breach	нарушение (закона, обязательства)
to deal with	иметь дело
to exercise	1) выполнять (обязанности), 2) осуществлять (право), пользоваться
proceeding	судопроизводство
litigant	сторона (в судебном процессе)
claim	иск, претензия, требование
defendant	ответчик, подсудимый
offence	преступление, нарушение, проступок
stipendiary	1) оплачиваемый, получающий жалование; 2) мировой судья-профессионал
division	отдел, отделение
to try	судить, рассматривать (дело)
to empower	уполномочивать, давать возможность

Exercise 1. Translate the sentences into Russian paying attention to the underlined words

1. Another function of the Secretary of State is to provide resources for the administration of justice.
2. The Lord Chief Justice (лорд-главный судья) is intended to deal with the well-being, training, guidance and role of individual judges.
3. The word “barrister” comes from the “bar of the court”, a railing which separates the judges from the litigants and the public.
4. A Royal Charter in 1845 empowered the Law Society to enforce national standards of conduct and education.
5. In many classes the students play an active part, which often involves role-playing exercises, like enacting civil proceedings as well as drafting documents.
6. Solicitors can also obtain a certificate of competency, so they can appear in higher courts, as well as in Magistrates’ and County courts.
7. The Lord Chancellor currently appoints lay magistrates in England and Wales and Justices of the Peace in Northern Ireland.
8. For example, the Common Law relied on a single remedy - damages - which was often found inadequate.
9. When the Divisions of the High Court exercise a supervisory function over lower courts, they sit as Divisional Courts.
10. The idea of the reform of the highest court in the land is to vest the functions performed by the Appellate Committee of the House of Lords on a new Supreme Court.

Exercise 2

- A. Find the words and word-combinations meaning the same:
- the highest;
 - suit (2);
 - violation;
 - to embrace, to include;
 - procedure;
 - a wrong-doing (2);
 - to hear a case, to examine;
 - to give the authority to do smth.;
 - to perform some activity;
 - non-professional;

- to appear;
- department.

B. Explain in English the meaning of the words:

litigant, stipendiary, proceeding, offence, offender, county, justice, claim, appellate, to deal with.

Exercise 3. Insert the suitable word from the Active Vocabulary to complete the sentences

1. The new ... Court is supposed to put the relations between the executive, the legislature and the judiciary on a modern footing.
2. He is also the presiding Chairman of the ... Committee of the House of Lords.
3. A barrister was a person who pleaded a ...'s case from the bar of the court.
4. In the Courts of Equity a ... client needed a solicitor to act on his behalf.
5. Their work includes dealing with civil ... for ... and compensation.
6. Most litigation in the US occur in ... courts.
7. Don't try to solve legal problems which can ... during the trial.
8. Prior to the Norman Conquest ... was administered locally.

Exercise 4. Match each word or word-combination with the definition:

- | | |
|-----------------------------------|-----------------------------------|
| 1. вопросы брака и семьи | a) county court |
| 2. интеллектуальная собственность | b) intellectual property |
| 3. нарушение контракта | c) the Crown Court |
| 4. гражданские споры | d) to perform judicial functions |
| 5. выполнять правовые функции | e) the Court of Appeal |
| 6. Суд Короны | f) Law Lords |
| 7. Апелляционный суд | g) the High Court |
| 8. Высокий суд правосудия | h) breach of contract |
| 9. Судебные лорды | i) civil disputes |
| 10. суд графства | j) matrimonial and family Matters |

Exercise 5. Read and translate the text.

ENGLISH COURTS TODAY

The current arrangement of the system of justice in England and Wales is based on its historical development. At the moment the court structure in England and Wales comprises the following elements: the House of Lords (the Appellate Committee); the Supreme Court consisting of the Court of Appeal, the High Court and the Crown Court; County Courts and Magistrates' Courts. A certain number of cases may also be referred to the European Court of Justice, which has jurisdiction on matters of European Community law.

The House of Lords is at the top of the structure. Lords of Appeal in Ordinary commonly known as the Law Lords perform their judicial functions sitting as the House itself or more commonly hearing appeals as a Committee of the House known as the Appellate Committee. The House of Lords is the final point of appeal. It hears appeals from the Court of Appeal and in exceptional circumstances from the High Court. The Law Lords may also sit as the Judicial Committee of the Privy Council (Судебный комитет Тайного совета) to hear appeals from those Commonwealth countries whose legal systems are still linked to the United Kingdom.

The Supreme Court is not a separate entity. It comprises the Court of Appeal, the High Court of Justice and the Crown Court and only exists as a combination of the three.

The Court of Appeal sits in London in the Strand and has appellate jurisdiction only. The divisions of the High Court of Justice deal with important civil disputes (i.e. those in which large sums of money or other serious issues are at stake), with actions for damages arising from torts, breaches of contract and libel, from trade and commerce, with shipping disputes, land matters, trusts, partnership and bankruptcy matters, matrimonial and family matters as well as intellectual property disputes. The Crown Court deals with all those criminal cases which the magistrates are not empowered to deal with. Practically all its work is concerned with cases committed for trial or sentence by the magistrates or with appeals from their decisions. Although there are 78 centers exercising functions of the Crown Court across England and Wales there is only one Crown Court.

The County Courts, in their present form, came into existence in 1846 as a result of an Act of Parliament. They were intended to provide a means of recovering small debts and to give, in a limited range of cases, similar remedies to those obtained in the High Court. This has remained their main function but they now have

jurisdiction to deal with a broad spectrum of civil proceedings, including, with specified limits, virtually all those matters which are covered by the three Divisions of the High Court. About 90 per cent of all civil proceedings are commenced and concluded in these courts.

Generally the County Courts and the High Court have concurrent jurisdiction and a litigant may seek redress from either of the courts, depending on the complexity of the case and the amount of damages claimed. Claims under £50,000 are likely to be dealt with by the County Courts and those over £50,000 by the High Court.

Each County Court has its own district. Some of the courts' powers are exercisable only within their district, while others are not subject to territorial limitations.

The most common type of law court in England and Wales is the magistrate's court. There are 700 magistrate's courts and about 30,000 magistrates. They are usually unpaid and have no formal legal qualifications, but they are respectable people who are given some training. The magistrates courts deal with minor family matters, some forms of civil debts as well as minor criminal offences that can be tried either way where the defendant has elected to be tried summarily. The magistrates have limited sentencing powers. Where they are of the opinion that the offence deserves a more severe sentence, the magistrates may commit the offender for sentencing at the Crown Court. The magistrate's court usually sits as a bench of three lay magistrates with a legally qualified clerk to advise on points of law. Apart from lay magistrates there are also professional magistrates or stipendiaries. A stipendiary magistrate sits alone.

Exercise 6. Find the English equivalents to the words and word-combinations:

судебная система; европейское сообщество; в исключительных обстоятельствах; появиться; споры по морским делам; дела о банкротстве; дела, переданные в суд; выполняя функции; совпадающая юрисдикция; сложность дела; более суровый приговор; юридически грамотный служащий; широкий круг гражданских дел; выбрать упрощенное судопроизводство; полномочия в отношении назначения наказания.

Exercise 7. Choose the best ending to complete the sentences.

1. The system of justice in England and Wales is based on ...
 - a) relations between the countries of the European Community;
 - b) its historical development;

- c) its geographical situation.
2. The House of Lords is...
 - a) at the top of the structure;
 - b) in the middle of the structure;
 - c) at the bottom of the pyramid.
 3. The Supreme Court exists as ...
 - a) the Queen's Bench Division;
 - b) a combination of three courts;
 - c) a separate entity.
 4. About 90 per cent of all civil proceedings are commenced and concluded in
 - a) the Crown Court;
 - b) the High Court of Justice;
 - c) the County courts.
 5. Apart from lay magistrates there are ...
 - a) professional magistrates or stipendiaries;
 - b) quasi-professional magistrates;
 - c) highly paid respectable people.
 6. The offender can be committed for sentencing at the Crown Court when...
 - a) he deserves a less severe punishment;
 - b) he deserves a release;
 - c) he deserves a more severe sentence.

Exercise 8. Answer the following questions

1. What does the court structure in England and Wales comprise at the moment?
2. Is the House of Lords at the top or at the bottom of the structure?
3. What is the main function of the House of Lords as the Appellate Committee?
4. Is the Supreme Court a separate entity?
5. What cases are tried in the divisions of the Supreme Court?
6. Where are criminal cases which the magistrates don't deal with heard?
7. Do the County courts perform any functions dealing with civil proceeding?
8. Can a litigant seek redress from the County courts or the High Court?
9. What is a lay magistrate?
10. What do the magistrates' courts deal with?

Exercise 9. Translate the following text into English

Особенностью Верховного суда Англии и Уэльса является то, что он состоит из 3 судов: Высокого суда, Суда короны и Апелляционного суда. Высокий суд имеет гражданско-правовую юрисдикцию. Он решает сложные гражданские дела, дела об интеллектуальной собственности, о доверительном управлении имуществом (trust) и банкротстве, а также сложные семейные споры. Суд Короны имеет уголовно-правовую юрисдикцию. Дела в нем решаются судьей- профессионалом и присяжными. Апелляционный суд рассматривает жалобы на решения Высокого суда и Суда Короны.

Exercise 10. Read and translate the text

THE NATURE OF LEGAL PROFESSION

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”.

For example, a lawyer in the United States is often called “an attorney”, which in England is a title formerly used by solicitors. Matters are made worse by the fact that not all the words have the same meaning in different countries. In England the word “solicitor” is used to denote the majority of lawyers, whereas in the USA the word “solicitor” generally refers to a door-to-door salesman – which is not how the English solicitor would really like to be considered.

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.

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 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 share offices (which they call Chambers) with other barristers, but it is a sharing of expenses only, not of income.

Exercise 11. Find in the text the English equivalents for the words and word-combinations:

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.

Exercise 12. 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 the solicitors’ work?
4. In what ways do the functions of a barrister differ from those of a solicitor?

Exercise 13. Read and translate the text.

THE INNS OF COURT

Behind the scenes of modern legal profession lie centuries of tradition.

The word “barrister” comes from the “bar of the court”, a railing which separates the judges from the litigants and the public. A barrister was a person who pleaded a litigant’s case from the bar of the court. For many years, barristers had a monopoly on the right to present a lay person’s case at a trial before the higher courts in England and Wales.

In the Middle Ages the need for trainee lawyers to learn about the English Common Law led to the founding of hostels where they could live and study. The Inns were like universities where students were provided with accommodation and

meals as well as tuition. Nowadays the Inns have few residents, most of the accommodation being leased to barristers.

There are four Inns of Court: Gray's Inn, Lincoln's Inn, Inner Temple and Middle Temple. The Inns provide support for barristers and student barristers through a range of educational activities, lunching and dining facilities, access to common rooms and gardens, and provision of various grants and scholarships. One of the key functions of the Inns is their responsibility for calling barristers to the Bar. Anyone wishing to train for the Bar must join one of the Inns, and it is the Inns alone which have the power to call a student to the Bar.

The Bar Council was formed in 1894 to deal with the matters of professional etiquette as the authorized body for the profession. Today the Bar Council is the regulatory and representative body for barristers, which provides a framework, dealing with discipline, ethics and standards, education and training, qualification and conduct rules governing barristers and those wishing to become barristers. It also deals with complaints against barristers.

Every student who wants to become a barrister has, in addition to passing exams, to attend a certain number of dinners in the Inns of Court. During such dinners junior barristers meet in the Inns with their more experienced colleagues to communicate and to gain more knowledge in law.

There are three categories of membership at the Inns: students, Members of Hall (barristers and Circuit Judges) and Benchers. Benchers are the most senior members and many of them are Judges and Law Lords. There are also Honorary and Royal Benchers.

Exercise 14. Answer the following questions.

1. What is the origin of the word "barrister"?
2. What functions did the Inns perform when they were founded?
3. How have these functions changed since the Middle Ages?
4. What are the functions of the Bar Council?
5. Why does student who wants to become a barrister have to attend a certain number of dinners in the Inns?

Exercise 15. Render the following text into English.

Барристер допускается к практике только в том случае, если он был "призван в профессию" Судебным Инном. Судебные Инны - это школы-гильдии. Их четыре: Греевская школа-гильдия, Линкольнская школа-гильдия,

Внутренний Темпл и Средний Темпл. Судебные школы-гильдии – очень старая английская традиция. Своими корнями она уходит в XIV в. По существу судебные школы-гильдии – профессиональные организации барристеров, в которые издавна объединялись английские адвокаты. С недавних пор в школы-гильдии принимаются для обучения и практики только обладатели университетских дипломов.

Чтобы стать барристером, необходимо провести определенное время в школе-гильдии, это время измеряется необычными единицами – “обеденными сессиями”. Как правило, ежегодно проводится четыре сессии. В течение одной сессии необходимо отобедать в столовой своей школы-гильдии по крайней мере три раза. Но чтобы быть принятым в барристеры, требуется посетить не менее семи сессий. В давние времена совместные застолья были призваны облегчить установление контактов между барристерами и теми, кто хочет быть посвященным в это “сословие”.

Exercise 16. Complete the following text with the words and phrases given

Lay client; trial; professional association; legal advisor; Law Society; marriage contracts; litigants.

The Long History of the Solicitor

The solicitors' profession has a long history, going back to the 12th century, when the language of the court was Norman French. All _____ therefore needed a representative to act on their behalf and the person was known as an ‘attorney’ from the mediaeval French word ‘atourner’ (meaning ‘to direct to’). In the courts of equity a _____ needed a ‘solicitor’ to act on his behalf. This word derives from the Latin ‘sollicitare’ (to harass). Attorneys and solicitors were the forerunners of today’s solicitors.

The attorney or solicitor was the general _____. He would deal with legal matters on behalf of his client such as the drawing up of wills, trust instruments, _____, and conveyances of land. It was generally only when a matter proceeded to court that the client had need of both a solicitor and a barrister: the solicitor to enter an appearance in the Court and deal with the preliminary stages and the barrister to plead the case and appear at the eventual _____ of it.

The profession of a solicitor was largely unregulated until the beginning of the 19th century when the Law Society was founded. It was granted a Royal Charter in 1845 which empowered it to enforce national standards of conduct and education. About the same time the term attorney was dropped in favor of the title ‘solicitors’. The duties of the _____ have been extended by various acts of Parliament

since then. It serves the public by working improve access to the law. It provides services and support for solicitors and sets the standards that underpin the profession's reputation as the best independent professional advisers. The Law Society acts both as the professional body regulating solicitors and also as their

Exercise 17. Answer the following questions.

1. What is the origin of the solicitor's role?
2. Why did litigants in the mediaeval times need a representative in court?
3. What is the role of solicitors nowadays?
4. What are the main functions of the Law Society?

**UNIT III. THE SYSTEM OF COURTS
IN THE UNITED STATES OF AMERICA**

Active Vocabulary

judiciary	судебный, законный
draft	план, проект
create	творить, создавать
Supreme Court	верховный суд
jurisdiction	юрисдикция
treaty	договор
admiralty	морское министерство
controversy	спор, дискуссия
redress	исправление, восстановление
criminal	преступный, уголовный
appeal	апеллировать, обращаться
party	юридическая сторона
legislation	законодательство, закон
judge	судья
offense	проступок, нарушение
theft	воровство, кража
jury	присяжные
accuse	обвинять, предъявлять обвинение

Exercise 1. Translate the following sentences paying attention to the underlined words

1. More serious criminal cases then go to the Crown Court.
2. The highest court of appeal in England and Wales is the House of Lords.
3. Individuals fall under the jurisdiction of two different court systems.
4. The right to trial by a jury of our fellow citizens is one of our most important rights and is guaranteed by the Constitution of the United States.
5. The judge, on the other hand, “decides the law” – that is, makes decisions on legal issues that come up during the trial.
6. A criminal case is brought by the state or by a city or country against a person or persons accused of having committed a crime.
7. Our company is headed by the Board of Directors.
8. A defendant found guilty by the magistrates may appeal against the finding or against the punishment to the Local Crown Court.
9. In our modern welfare state, criminal justice has a special role in enforcing rules about the economy.

Exercise 2. Read and translate the text.

THE COURT SYSTEM OF THE USA

The third branch of the federal government, the judiciary, consists of a system of courts spread throughout the country, headed by the Supreme Court of the United States.

A system of state courts existed before the Constitution was drafted. The first Congress divided the nation into districts and created federal Courts for each district. From that beginning has evolved the present structure: the Supreme Court, 11 courts of appeals, 91 district courts, and three courts of special jurisdiction.

The judicial power extends to cases arising under the Constitution: laws and treaties of the United States; admiralty and maritime cases; cases affecting ambassadors, ministers and consuls of foreign countries in the United States; and controversies between states (or their citizens) and foreign nations (or their citizens or subjects).

The power of the federal courts extends both to civil actions for damages and other redress, and to criminal cases arising under federal law.

The Supreme Court is the highest court of the United States and the only one specifically created by the Constitution. A decision of the Supreme Court cannot be appealed to any other court.

The Supreme Court has original jurisdiction in only two kinds of cases: those involving foreign dignitaries and those in which a state is a party. All other cases reach the Court on appeal from lower courts.

Of the several thousand cases filed annually, the Court usually hears only about 150. A significant amount of the work of the Supreme Court, however, consists of determining whether legislation or executive acts conform to the Constitution.

The second highest level of the federal judiciary is made up of the courts of appeals, review decisions of the district courts within their areas.

Below the courts of appeals are the district courts. The 50 states are divided into 89 districts so that litigants, may have a trial within easy reach, additionally, there is one in the Commonwealth of Puerto Rico. From one to 27 judges sit in each of the district courts. Congress fixes the boundaries of the districts according to population, size and volume of work. Some of the smaller states constitute a district by themselves, while the larger states, such as New York, California and Texas, have four districts each. Most cases and controversies heard by these courts involve federal offenses such as misuse of the mails, theft of federal property, and violations of pure food, banking and counterfeiting laws. These are the only federal courts where grand juries indict those accused of crimes, and juries decide the cases.

Exercise 3. Find English equivalents from the text:

возглавляемый Верховным Судом; система существовала до того, как; споры между; специально создан Конституцией; нельзя обратиться ни в какой другой суд; суд обычно слушает; подчиняться Конституции; состоит из апелляционных судов; пересматривает решения; большинство дел и споров.

Exercise 4. Match the words with the correct definition.

- | | |
|-----------------|--|
| 1. Government | a) place where law cases are heard; |
| 2. Judge | b) cause smth to exist; make smth new and original |
| 3. Court | c) ministry; body of persons, governing a state; |
| 4. Constitution | d) supreme arbiter; public officer with authority to hear and decide cases in a law court; |
| 5. Create | e) system of government; laws and principles according to which a state is governed; |

- | | |
|------------|--|
| 6. Offence | f) wrongdoing; crime; breaking of a rule; |
| 7. Accuse | g) body of persons who swear to give a true decision on issues of fact in a case in a court; |
| 8. Theft | h) say that smb has done wrong, broken the law; |
| 9. Crime | i) the act of stealing; |
| 10. Jury | j) offence for which there is severe punishment by law; |

Exercise 5. Agree or disagree with the following statements.

1. A system of state courts existed before the Constitution was drafted.
2. The judicial power doesn't extend to cases arising under the Constitution.
3. The power of the Federal courts doesn't extend to criminal cases.
4. The Supreme Court is the lowest Court and the only one created by the president.
5. A significant amount of the work of the Supreme Court consists of determining whether legislation or executive acts conform to the Constitution.
6. The United States is divided into 15 separate appeals regions.
7. The courts of appeals review decisions of the district courts.
8. The 50 states are divided into 78 districts.
9. From one to 27 judges sit in each of the district courts.
10. Most cases and controversies heard by these courts involve federal offenses.

Exercise 6. Insert the missing words from the box

Federal, jurisdiction, courts, treaty, operate. Constitution, parties

The judiciary of the United States consists of two different systems of _____. On the one hand are the various kinds of federal courts. On the other hand are the courts of each of the fifty states. For the most part, these two systems _____ independently. State courts deal mainly with _____ that arise from the application of state laws. Federal courts handle cases that involve the application of federal laws and interpretation of the _____.

Every court, whether it is a federal court or a state court, has the authority to hear certain kinds of cases. This authority is called the _____ of the court. In this dual court system, the state courts have jurisdiction over cases involving state laws, while the federal courts have jurisdiction over cases involving federal laws.

The jurisdiction of the federal courts is determined by two factors the subject matter of a case and the _____ who are involved in a case.

If the subject of a case involves the interpretation of the Constitution a federal law, or a _____ with a foreign nation, the case is tried in a federal court. Cases involving admiralty or maritime law – that is, the law of the sea, including ships, their crews, and disputes over actions and rights at sea – also come under the jurisdiction of the federal courts. If a case involves bankruptcy, it too will be tried in a _____ court.

Additional Vocabulary

to comprise	заключать в себе, охватывать
presumption of innocence	презумпция невиновности;
innocence	невиновность
to treat	обращаться с кем – либо
precisely	точно
substantive	самостоятельный, независимый
violate	нарушать;
evidence	улика, свидетельское показание
to favour (favor)	относиться благосклонно;
guilty	виновный;

Exercise 7. Read and translate the text

GUIDING PRINCIPLES OF THE AMERICAN LEGAL SYSTEM

Underlying the operation of the hundreds of courts, both federal and state, and the actions of the thousands of men and women who serve in these courts that comprise the American Legal system are four basic principles: equal justice under the law, due process of law, the adversary system of justice, and the presumption of innocence. What does each of these principles mean?

The phrase “equal justice under the law” refers to the goal of the American court system to treat all persons alike under the law. It provides that every person, whether rich or poor, of whatever race or ethnic group, whether young or old, is entitled to the full protection of the law. The equal justice principle means that all the constitutional freedoms, such as the right to a speedy trial and trial before a jury of one’s peers, are to be granted to all Americans.

Closely related to the principle of equal justice is the principle of due process of law .Due process is difficult to define precisely, but in general it has to do with the

requirement that a law must be applied in a fair manner. The due process principle is contained in the 5th and 14th Amendments to the Constitution. There are two kinds of due process: procedural due process and substantive due process.

Procedural due process of law requires that certain procedures must be followed in the course of carrying out a law so that an individual's basic freedoms as guaranteed by the Bill of Rights are not violated. For example, an individual who is arrested must be warned that anything he or she says may be used as evidence. Similarly, a teenager cannot be declared a delinquent by a court without a formal hearing at which evidence is presented.

Substantive due process has to do with the content of law it administered. If a law is found to be unreasonable, it is ruled as violating substantive due process. Here are some examples of laws that the Supreme Court has found to be unreasonable and consequently to violate substantive due process: a law that limits dwellings to single families, thus preventing grandparents from living with their grandchildren; a school board regulation that prevents a female teacher from returning to work before three months after the birth of her child; a law that required all children to attend public schools and, hence, that does not permit them to attend non-public schools.

The adversary system American courts operate according to the adversary system of justice. Under the adversary system the court-room is held to be a kind of arena in which lawyers for the opposing sides try to present their strongest cases. The lawyer for each side feels duty bound to all that is legally permissible to advance the cause of his or her client. The judge in the court has an impartial role and is expected to be as fair to both sides as possible.

The adversary system has been attacked by some observers of our judicial system. They claim that it encourages lawyers to ignore evidence not favorable to their side and to be more concerned about victory for their clients than about the triumph of justice. Supporters of the adversary system, on the other hand, maintain that it is the best way to bring out the facts of a case. They claim, further, that it places proper restraints on the role of the judge in a case. They point to the fact that in some countries that do not have the adversary system, judges assume a more active role, permitting them to favor one side or the other.

Presumption of innocence in the USA system of justice, the police power of the government is balanced against the presumption that a person accused of a crime is innocent until proved guilty beyond a reasonable doubt. The notion of presumed innocence is not mentioned in the Constitution, but it is deeply rooted in our English legal heritage. The burden of proving an accusation against a defendant falls on the

prosecution. Unless the prosecution succeeds in proving the accusation, the defendant must be declared to be not guilty of the crime.

Exercise 8. Translate the following sentences from the text

1. The phrase “equal justice under the law” refers to the goal of the American Courts system to treat all persons alike under the law.

2. Procedural due process of law required that certain procedures must be followed in the course of carrying out a law so that an individual’s basic freedoms as guaranteed by the Bill are not violated.

3. Similarly, a teenager cannot be declared a delinquent by a court without a formal hearing at which evidence is presented.

4. The lawyer for each side feels duty bound to do all that is legally permissible to advance the cause of his or her client.

5. The notion of presumed innocence is not mentioned in the Constitution, but it is deeply rooted in our English Legal heritage.

6. Unless the prosecution succeeds in proving the accusation, the defendant must be declared to be not guilty of the crime.

Exercise 9. Match the words in the left-hand column with those in the right-hand column

- | | |
|---------------------|----------------------|
| 1. basic principles | a) обвинение |
| 2. protection | b) процессуальный |
| 3. trial | c) наследие |
| 4. define | d) ограничение |
| 5. requirement | e) основные принципы |
| 6. substantive | f) защита |
| 7. procedural | g) определять |
| 8. delinquent | h) принимать на себя |
| 9. restraint | i) обвинять |
| 10. assume | j) сомнение |
| 11. accuse | k) требование |
| 12. doubt | l) самостоятельный |
| 13. heritage | m) суд |
| 14. prosecution | n) преступник |

Exercise 10. Answer the following questions

1. What are four basic principles of the operation of the American Legal system?
2. What does the phrase “equal justice under the law” mean?
3. Can you explain the principle of due process of law?
4. What are two kinds of due process?
5. What is procedural due process?
6. What is substantive due process?
7. How does the adversary system of justice operate?
8. Who has the adversary system been attacked by some observers?
9. How do supporters of the adversary system defend it?
10. When can the defendant be declared to be guilty of the crime?

Exercise 11. Read and translate the text

Types of Law Dealt with in the Federal Courts

These words will help you to understand the text:

deal with	Иметь дело, обходиться
concern	Касаться, относиться
suit	Иск, тяжба
plaintiff	Истец
defendant	Ответчик
writ	Повестка, исковое заявление
fraud	Обман, мошенничество
term	Срок наказания
violation	Нарушение
increase	Увеличивать (ся)
fine	Штраф

The federal courts deal mainly with three types of law in the cases that come before. These three types are civil law, criminal law, and constitutional law.

Most of the cases tried in the federal courts involve civil law. Civil law is concerned with disputes between two or more individuals or between individuals and the government. The person who brings a civil suit is called the plaintiff. The person against whom the suit is brought is called the defendant.

The plaintiff in a civil suit usually seeks damages - an award of money from the defendant. If the court decides in favor of the plaintiff, the defendant is required to pay a specific sum - the damages - to the plaintiff.

Usually the defendant is also required to pay court costs. If the court decides in favor of the defendant, the plaintiff must pay the court costs.

In another type of civil case, the plaintiff sues to have the court order a certain action to be taken. Such a case is described as being a case in equity law. Equity law is a system of rules by which disputes are resolved on the grounds of fairness.

In an equity suit, an action is brought to court in order to prevent certain wrongs from taking place. In an equity case, a plaintiff will ask the court to issue an injunction against the defendant. An injunction is an order by the court that forbids a defendant from taking or continuing a certain action. For example, suppose a company plans to erect a factory next to your home. You believe that the factory would pollute the air with chemical fumes. You take the factory owner to court and argue that you would suffer serious injury to your health if the factory is permitted to be built. If you win this suit in equity the judge will issue an injunction ordering the company not to build its factory. In an equity case, the court may also be asked to order a person or persons to do something. An order by a court requiring a specific action to be taken is called a writ of mandamus. Suppose you have a new stereo set that stops operating, but the manufacturer refuses to repair it. Since the set is guaranteed, you take the company to court to force it to put it in good operating order.

If the judge decides in your favor, he or she will issue a writ of mandamus ordering the company to repair your set.

In a federal criminal law case the United States government brings suit against an individual or individuals for having broken a federal law. In criminal cases, the government is always the plaintiff. The accused is the defendant. A federal criminal case might involve such crimes as tax fraud, counterfeiting, selling narcotics, mail fraud, kidnapping, and driving a stolen car across state lines. If a person is found guilty of a crime, he or she might be ordered to serve a term in prison or to pay a fine. Sometimes the guilty person must both serve the prison term and pay a fine.

By far, most crimes committed in the United States are violations of state laws and so are tried in state courts. However, the number of criminal law cases that come before federal judges has been increasing markedly in recent years.

The third category of cases heard in federal courts involves constitutional law. Constitutional law relates to the meaning and application of the United States Constitution. For the most part, constitutional law is concerned with deciding the limits of the government's power and the rights of the individual. Cases involving constitutional law may deal with both civil and criminal law.

Although cases involving constitutional law are tried first in the lower federal courts or in state courts, in the end it is the Supreme Court that makes the final decision in constitutional cases. The Supreme Court has the final say as to whether a law or an action does or does not conflict with the freedoms and rights granted by the Constitution. The role of the Supreme Court in deciding constitutional law cases will be dealt with in greater detail later in this chapter.

Exercise 12. Find English equivalents for the following:

большинство дел; гражданское право; кто подает гражданский иск; истец; ответчик; обычно требует возмещения убытков; решить в пользу кого-либо; право справедливости; для того чтобы предотвратить; судебный запрет; вашему здоровью будет нанесен серьезный ущерб; отказываться ремонтировать; уголовный закон; обвиняемый; фальшивомонетничество; отбывать тюремное заключение; выплачивать штраф; ограничение власти правительства.

Exercise 13. Complete the following sentences from the text:

1. Most of the cases tried in the federal courts ...
2. The person against whom the suit is brought...
3. If the court decides in favor of the defendant ...
4. Equity law is a system of...
5. In an equity case, a plaintiff...
6. If you win this suit in equity, the judge ...
7. An order by a court requiring ...
8. In a federal criminal law case, ...
9. The third category of cases ...
10. Although cases involving constitutional law ...

Exercise 14. Compose some questions based on the text

Exercise 15. Agree or disagree with the following statements

1. Civil law is concerned with disputes between two or more individuals or between individuals and the government.
2. If the court doesn't decide in favor of the plaintiff, the defendant is required

to pay a specific sum.

3. In an equity case, a plaintiff will ask the court to issue an injunction against the defendant.

4. In a federal criminal law case, the United States government brings suit against another state.

5. Cases involving constitutional law may deal with both civil and criminal law.

Exercise 16. Match the words in the box with the correct definition from the list below.

Government, defendant, plaintiff, damage, cost, equity, fraud, judge, kidnap, accused

1. public officer with authority to hear and decide cases in a law court;

2. person against whom a legal action is brought;

3. method or system of governing; body of persons governing a state;

4. the person charged in a law court;

5. person who brings an action at law;

6. carry away by force and unlawfully (in order to obtain money for his return);

7. price (to be) paid for a thing;

8. criminal deception; act of this kind;.

9. harm or injury that causes loss of value;

10. fairness; principles of justice used to correct laws when these would apply unfairly in special circumstances.

Exercise 17. Translate the following words and word combinations from the text

Differ greatly from; losing party; be based on an allegation; the defendant would be subjected to; reverse a decision; affirm a decision; presenting the arguments for both sides; witness; to explain the case through oral argument; file a dissent; look for precedents; may petition; to review the case.

Exercise 18. Read and translate the text

THE APPEAL PROCESS

The task of the federal courts of appeals and the procedures they follow differ greatly from those of the district courts.

The defendant found guilty in a criminal case and the losing party in a civil case both have a right to appeal their case to the court of appeals. Appeals are usually based on allegation that the district court made an error either in procedure or in interpreting the law. The government, however, cannot appeal if a criminal defendant is found not guilty. Otherwise, the defendant would be subjected to “double jeopardy”, which is forbidden by the Fifth Amendment to the Constitution. The government can appeal in civil cases, as any other party can.

A court of appeals can reverse a district court’s decision if finds that the trial judge interpreted the law incorrectly. When the district court is reversed, the case is usually sent back (“remanded”) to the district court for further proceedings or another trial. A court of appeals can also affirm a decision of a trial judge and does so in the great majority of cases.

Courts of appeals usually deliberate in panels of three judges, who decide the case for the entire court. Sometimes the entire court will consider an appeal, if requested to do so by the parties. Courts of appeals review the record (the transcript of the trial and the documents filed in the case), along with written briefs presenting the arguments for both sides. They may hear oral argument by lawyers in a formal courtroom session, but many cases are submitted on the briefs and the record alone, without oral argument.

At courts of appeals, there are no jurors, witnesses, or court reporters. The lawyers for each side are present, but the parties usually are not. The lawyers are given a limited amount of time to explain the case to the judges through oral argument. The judges frequently ask them questions about the relevant law.

The judges on the panel discuss the case in private, consider any relevant prior cases (“precedents”), and reach a decision. At least two of the three judges must agree on the outcome. One judge is chosen to write an opinion to explain the decision. A judge who disagrees with the majority opinion may file a dissent, giving the reasons for the disagreement. Many appellate opinions are published in books called reporters, which are read by other judges and by lawyers looking for precedents to guide them in their own cases.

A party who is not satisfied with the opinion of the court of appeals may petition the Supreme Court to accept the case for review. In a few situations, the

Supreme Court must decide the case. In most cases, though, it is up to the Supreme Court to decide if it wants to review the case. Each year, the Court gives full review to less than 10 percent of the cases it is asked to review.

Exercise 19. Make an outline of the text in the form of questions

Exercise 20. Agree or disagree with the following statements

1. The defendant found guilty in a criminal case has no right to appeal his \ her case to the court of appeals.
2. The government can appeal in civil cases, as any other party can.
3. Courts of appeals usually deliberate in panels of two judges.
4. At courts of appeals, there are jurors, witnesses, court reporters.
5. At least two of the three judges must agree on the outcome.
6. A party who is not satisfied with the opinion of the courts of appeals may petition the Supreme Court to accept the case for review.
7. Each year, the Court gives full review to more than 15 percent of the cases it is asked to review.

Exercise 21. Translate from Russian into English

1. Конгресс разделил Соединённые Штаты и их территории на 94 федеральных судебных округа.
2. В каждом штате имеется, по крайней мере, один такой округ.
3. Хотя в окружном суде несколько судей, каждое конкретное дело ведётся одним судьёй.
4. Уголовные дела слушаются судом присяжных.
5. В каждом округе существует апелляционный суд.
6. Каждый апелляционный суд заслушивает и принимает решение коллегией из трёх судей.
7. Вершину пирамиды федеральной судебной власти составляет Верховный Суд Соединённых Штатов.
8. Начиная с середины XIX века численность Верховного Суда определена в 9 человек.
9. Обычно Верховный Суд пересматривает уже принятое решение федерального апелляционного суда.

10. Налоговый суд заслушивает и принимает решения по претензиям налогоплательщиков.

11. Судьей в Соединенных Штатах может стать человек, уже проработавший значительное количество лет по специальности юриста.

Exercise 22. Read and translate the text.

The Supreme Court is the Highest Court in the Nation

The Supreme Court stands at the top of the American legal system. Article III of the Constitution created the supreme Court as part of a co-equal branch of the national government, along with Congress and the President.

The Supreme Court is the court of last resort in all questions of federal law. The Supreme Court has final authority in any case involving the Constitution, acts of Congress, and treaties with other nations. Most of the cases heard by the Supreme Court are appeals from lower courts. The decisions of the Supreme Court are binding on all lower courts.

The Court meets in an impressive marble building across the street from the Capitol. The Court building is four stories tall and occupies a full square block. The exterior is made of pure Vermont marble. A thousand freight cars were needed to haul the marble from Vermont. Not surprisingly, the Court building has been called the "marble palace".

The Court hears cases in a large courtroom on the first floor which is open to the public. Near the courtroom is a large conference room where the Justices of the Court meet privately to decide cases. The first floor also contains the offices of the Justices, their law clerks, and secretaries.

The Supreme Court has both original jurisdiction and appellate jurisdiction. The Court's original jurisdiction is set by the Constitution (Article III, Section 2). It covers two types of cases: 1) cases involving representatives of foreign government, and 2) certain cases in which a state is a party. Congress may not expand or curtail the court's original jurisdiction. These types of cases come directly to the Supreme Court for trial.

Examples in recent years of disputes in which states have been involved include an argument between Maryland and Virginia over oyster fishing rights and a dispute between California and Arizona over the control of water from the Colorado River, an example of a federal state conflict heard by the Court is a 1947 dispute over whether the states or the federal government owns offshore oil resources. The Supreme Court ruled that the federal government owned the oil deposits. Later, Congress passed laws deeding the land to the states. Under the Supreme Court's

appellate jurisdiction, the Court hears only cases that are appealed from lower courts.

As part of its appellate jurisdiction, the court may hear appeals from parties dissatisfied with the decisions of the various federal courts of appeals. In addition, the Court may hear cases from federal district courts in certain instances where an act of Congress was held Unconstitutional. The Supreme Court may also hear cases that are appealed from the highest court of a state if claims under federal law or the Constitution are involved. In such cases, however, the Supreme Court has the authority to rule only on the federal issue involved in the case, not on any issues of state law which may be involved. For example, a person charged with violating a state criminal law will be tried by a state court. During the trial, however, the accused may claim that his constitutional rights under the 14th Amendment were violated by an illegal search when he was arrested. The case may be appealed to the Supreme Court on the constitutional issue only. The Supreme Court has no jurisdiction to rule on the state issue (whether the accused actually violated state law). If it takes the case, the Supreme Court will decide only the federal issue (whether the police violated the accused rights under the 14th Amendment).

The Supreme Court is composed of nine justices: the Chief Justice of the United States and eight Associate Justices. The number of Justices is set by Congress. Over the years it has varied from five to ten. The number has been nine since 1869. In 1937, President Franklin D. Roosevelt attempted to gain greater control of the Court by asking Congress to increase the size of the Court. Congress refused, in part because the number nine was well established.

Supreme Court Justices are appointed for lifetime terms by the President with approval of the Senate. The eight Associate Justices receive a salary of \$96,700 per year. The Chief Justice receives a salary of \$100,700. Congress sets the Justices' salaries and may not reduce them.

Under the Constitution, Supreme Court Justices, like other federal officials may be removed from office only through impeachment for and conviction of "treason, bribery, or other high crimes and misdemeanors". No Supreme Court Justice has ever been removed through impeachment. Justice Samuel Chase was impeached by the House of Representatives in 1869 because of his participation in partisan political activities. However, he was found not guilty by the Senate.

The Justices' duties are not described in the Constitution. Instead they have developed from laws passed by Congress and by tradition. The main duty of the Justices is to hear and rule on cases. This involves them in three decision-making tasks: deciding which cases to hear from among the thousands appealed to the

Court each year; deciding the case itself; deciding what explanation to offer for the decision, called the Court's opinion. The Chief Justice has several additional duties. The Chief Justice presides over public sessions of the Court and the conferences of the Court at which the cases are discussed. The Chief Justice is expected to exercise leadership in the Court's judicial work. The Chief Justice also helps to administer the federal court system.

All the justices also have limited duties related to the twelve federal judicial circuits. Each of these federal circuits has one Supreme Court Justice assigned to it. Two of the Justices handle two circuits each. The Justices are responsible for dealing with requests for special legal actions that come from their circuit.

Once in a while Justices take additional duties. In 1945, Justice Robert Jackson as chief prosecutor at the Nuremberg trials of Nazi war criminals. In 1963, Chief Justice Earl Warren headed a special commission that investigated the assassination of President Kennedy. Such external activities are usually limited because of the Court's heavy workload.

To maintain their objectivity on the bench, Justices are careful not to become involved in outside activities that might prevent them from dealing fairly with one side or the other on a case. If Justices have any personal or business connection with either of the parties in a case, they usually disqualify themselves from participating in that case.

Exercise 23. Make an outline of the text in the form of questions

Exercise 24. Find Russian equivalents for the following:

Created as part of a co-equal branch; treaties with other nations; hear cases; appellate jurisdiction; cases involving representatives; Congress passed laws; dissatisfied with the decisions; to gain greater control of the Court; may be removed through impeachment; handle two circuits; headed a special commission; have any personal or business connection with either of the parties.

Exercise 25. Read the text and retell it

SELECTING AND APPOINTING THE JUSTICES

Justices reach the Court through appointment by the President with Senate approval. Today such approval is usually granted. President Washington saw one of

his Court nominees rejected by the Senate. During the 19th century over 25 percent of the nominations to the Court sent to the Senate failed to win approval. By contrast during the 20th century the Senate has been much more supportive of presidential choices. However, the Senate rejected two of President Nixon's nominees within a span of two years.

As is the case with lower court judges, political considerations often enter a President's choice of a nominee to the Court. Usually Presidents will choose someone from their own party. In fact, nomination to the Court has sometimes come as a reward for faithful service to the party.

Along with party affiliation, Presidents prefer to nominate candidates who they believe are in sympathy with their political outlook. However, as several Presidents have discovered, it is very difficult to predict how an individual will rule on sensitive issues once he or she becomes a member of the Court. In identifying and selecting candidates for nomination to the Court, the President receives help from the Attorney-General and other Justice Department officials. The Attorney-General usually consults with the legal community and proposes a list of possible candidates for the President to consider. In making the final selection, the President and the Attorney-General may also check with leading members of Congress. In addition, they hear from several different groups that have a special interest in the selection of a Court member.

Exercise 26. Render the text into English:

Кандидатуры председателя и членов Верховного Суда выдвигает президент. Власть этого полномочия чрезвычайно велика, принимая во внимание влияние решений Верховного Суда на правовую систему и общество в целом. Однако, авторы Конституции РФ стремились гарантировать, что Президенты будут назначать только квалифицированных судей и не смогут смещать тех членов суда, с чьими решениями они не согласны. Это обеспечивает независимость судебной власти. По этой причине никто не может стать членом Верховного Суда без утверждения Сенатом. Сенат не утверждает назначения, пока его члены не удостоверятся в компетентности предлагаемой кандидатуры. После утверждения ни Президент, ни Конгресс не могут сместить члена Верховного Суда без веской причины.

UNIT IV. LEGAL PROFESSION

Active Vocabulary

lawyer	юрист, адвокат
clergy	духовенство, священник
hostility	враждебность
expel	выгонять, изгонять
misdemeanor	судебно наказуемый проступок
beastly	грубый, ужасный
indispensable	необходимый, обязательный
leap	прыжок, скачок
ratio	отношение, пропорция
push	толкать, продвигать
explosive	взрывчатый, вспыльчивый
the bar	адвокатура
admission	доступ, принятие
associate	товарищ, компаньон
insurance	страхование, страховой
claim	требование, претензия
adjuster	сборщик
judge	судья
dribble	сочиться, капать, вести мяч
afield	вдалеке
litigation	тяжба, судебный процесс

Exercise 1. Translate the following sentences paying attention to the underlined words.

1. The General's lawyer welcomed the judge's ruling.
2. They showed open hostility to their new neighbors.
3. The new government has expelled all foreign diplomats.
4. To be admitted to the Bar is to qualify as lawyer.
5. We are claiming for the lost luggage on our insurance.

6. The judges all awarded the Russian skaters the highest marks.
7. The company agreed to the settlement to avoid the expenses of lengthy litigation.
8. There are no longer many defenders of Stalinist economics.
9. My doctor has counseled me against smoking.
10. She has been sentenced to five years imprisonment.
11. They are not going to get a divorce yet but they are having a trial separation.
12. Presidential power was reduced by a constitutional amendment in 1991.

Exercise 2. Translate the following word combinations into Russian.

Golden hours, dominate others by force, significant speech, including putting the children to bed, depend on parents for food and clothing, increase speed, double money, and receive insurance.

Exercise 3. Read and translate the text

THE AMERICAN LEGAL PROFESSION

The American legal profession is the largest in the world. There are over 600,000 lawyers practicing in the United States.

There was a time, long ago – a golden age, if you will – when there were very few lawyers in what is now the United States. In some colonies, especially those dominated by the clergy, there was a good deal of hostility to lawyers. It may be or may not be significant that Plymouth Colony, in the seventeenth century, expelled its first lawyer, Thomas Morton, for various “misdemeanors” including trading with the Indians, drinking to excess, and other “beastly practices”.

Yet the lawyers found a niche for themselves, despite their unpopularity, as they would do time and time again. By the eighteenth century, their hold became quite indispensable in a country whose lifeline was the sea and which depended heavily on its trade with the West Indies and its mother country. Wherever there is business, trade, or dealings with government, the American lawyer plays a role. After Independence, the legal profession took a quantum leap in size. There were only 15 lawyers in Massachusetts in 1740, serving a population of about 150,000. In 1840, a century later, there were 640 lawyers, ten times as many in ratio to the population. The big push came after the Revolution.

In the nineteenth century lawyers increased far faster than population. Sometime before 1900, their numbers crossed the 100,000 mark. In the twentieth century, and especially in recent years, growth has been even more explosive. Between 1960 and 1970, the number of lawyers increased by about a third; new admissions to the bar grew by an astonishing 91 percents between 1970 and 1975. About 40.000 new lawyers a year are added to the swarm. The total number of lawyers may have doubled in the last twenty years or so. From 1920, there was about one lawyer for every 750 people in the country; in 1980, there was about one lawyer for every 440 people. If this trend continues, the whole country might in the end consist of lawyers. Fortunately, that day is a long way off.

Where are these lawyers, what are they up to, and what kinds of work do they do? They are mostly in big cities, mostly in private practice, mostly handling the affairs of business firms. Some private practitioners are “solos”, who work by themselves. Others work in law firms as partners or as “associates”, lawyers who work for the partners on salary and hope to “make partner” some day. A smaller number of lawyers work as “house counsel”. That is, they are lawyers with a single client, their company. Governments – state, federal, and local – also hire thousands of lawyers. Other members of the bar have jobs related to law, but not quite of it: these include insurance claims adjusters and FBI agents. A few lawyers teach, or write about law. Judges are lawyers, or rather ex-lawyers. And, of course, some lawyers never quite make it, or choose not to; they dribble out of the profession into business, real estate or insurance or even further afield.

The work habits, life-style, and collective behavior of lawyers has, naturally, changed a good deal over the years. Nowadays, most lawyers never see the inside of a courtroom. They give advice and, if possible, keep clients out of litigation. In the early nineteenth century, lawyers’ work centered much more on the courtroom than today. Judges in many parts of the country “rode circuit”. That is, they went from county seat to county seat, hearing cases lawyers traveled along with them.

Exercise 4. Find English equivalents for the following.

Адвокаты, ведущие практику; враждебность к адвокатам; изгнали за различные проступки; стали необходимыми; зависеть от торговли с; обслуживая население; общее число удвоилось; частная практика; надеюсь стать партнером, когда-нибудь; адвокаты с одним клиентом; никогда не бывают в здании суда; помогают клиентам избегать судебного разбирательства.

Exercise 5. Match the following words with their definitions

- | | |
|------------------|---|
| 1. hostility | a) rely on, in order to exist |
| 2. significant | b) jump over |
| 3. indispensable | c) enmity, ill will |
| 4. depend | d) having a special meaning important |
| 5. leap | e) absolutely essential |
| 6. increase | f) make or become greater in size, number |
| 7. insurance | g) going to law |
| 8. litigation | h) safeguard against sickness, death. |

Exercise 6. Answer the following questions

1. What is the largest profession in the world?
2. In what colonies was a good deal of hostility to lawyers?
3. When did lawyers become quite indispensable in the USA?
4. Why was Thomas Morton expelled from Plymouth Colony?
5. Will you compare the number of lawyers in 1740 and in 1840?
6. What kinds of work do lawyers do?
7. How have the work habits, life-style changed over the years?

Exercise 7. Say whether the following statements are True or False

1. There was a time when there were a lot of lawyers.
2. By the eighteenth century, they had become quite indispensable in a country.
3. In the nineteenth century lawyers increased far faster than population.
4. A small number of lawyers work as "house counsel". That is, they are lawyers with a number of clients.
5. Other members of the bar have jobs not related to law.
6. The work habits, life-style, and collective behavior of lawyers has not changed.
7. They give advice and, if possible, keep clients out of litigation.
8. Lawyers didn't travel along with them.

Additional Vocabulary

defender	защитник
to provide	запасать, обеспечивать
counsel	совет, адвокат
indigent	нуждающийся
employ	нанимать, использовать
fund	п. запас, v. финансировать
imprisonment	заключение в тюрьму
amendment	поправка (к закону)
to comply	исполнять просьбу
trial	суд, судебное разбирательство
attorney	поверенный, адвокат

Exercise 8. Read and translate the text

PUBLIC DEFENDER

In the United States, a public defender is a lawyer whose duty is to provide legal counsel and representation to indigent defendants in criminal cases who are unable to pay for legal assistance. Public defenders are employed by the government (at the federal, state or country level), or they work for non-profit entities funded by the government (see below), as opposed to criminal defense attorneys in private practice. Appointed counsel a required to be available for anyone accused in criminal court, who is exposed to any likelihood of imprisonment, by the 6th Amendment and the Supreme Court decision *Gideon v. Wainwright*. Most jurisdictions choose to comply with their *Gideon* duty by establishing public defender offices, but a substantial minority complies with *Gideon* by having panels of appointed private counsel.

The landmark case that helped pave the way for all Americans to be guaranteed an attorney at trial was the case of *Gideon v. Wainwright*. Mr. Gideon was a middle-aged Florida man who was charged with breaking into a bar and stealing money and beer. He argued at his trial that he could not adequately defend himself, and that a system that puts an uneducated man against a trained attorney is fundamentally unfair. The Supreme Court agreed.

Although there had been some provisions for free attorneys prior to *Gideon*, it was the catalyst for a wave of change. Following the landmark

1963 decision, the 1960s witnessed the creation of programs across the country to make these right available to virtually all criminal defendants who could not afford an attorney to represent them.

The first person to propose the creation of a public defender's office was California's first female attorney — Clara Ahorridge Foltz. In a time before there were public defenders, young inexperienced attorneys were often ordered by courts to defend indigents pro bono, and in that capacity, Foltz saw firsthand the inequitable results of that crude system. As a result of Foltz's energetic lobbying, Los Angeles County established the first public defender's office in the United States in 1914. In 1921, the California Legislature extended the public defender system to all state courts.

Not all jurisdictions have public defender offices. In some areas, indigent defendants are represented by legal aid attorneys whose offices have contracts with the court. In other areas, representation is provided by attorneys in private practice who are appointed and paid by the court. Defense services can also be provided by lawyers employed by private corporations that receive government grant money for this purpose.

Public defender agencies of all kinds are supported by public funding, but do not take direction from the government as to the acceptance or handling of cases, or to the hiring of staff attorneys.

State public defender offices can vary widely from county to county, and from federal defender organizations. In state offices, issues often arise in jurisdictions with public defenders over appropriate levels of funding. If attorneys are underfunded, their case loads can climb to levels where they are unable to provide adequate representation. Further, funding issues can keep salaries too low to attract the best legal talent or to keep experienced lawyers on staff. These issues have come to the fore with recent studies disclosing that innocent people have been condemned to death in part due to inadequate representation in Cook County, Illinois (Chicago); although none of the overturned "death penalty" cases were actually represented by the Cook County Public Defender. To avoid these problems the American Bar Association has promulgated standards as to appropriate case loads for public defenders. Problems of excessive case loads and low salaries still plague many state public defenders' offices. Research has indicated that indigents receive the highest level of representation when assisted by a well funded professional office dedicated to criminal defense. In some jurisdictions, an indigent criminal defendant may be ordered to reimburse the state for the costs of his or her defense, based upon the defendant's ability to do so. However, these orders, when issued, are largely

unenforceable, and do not reflect the real cost of defense, since the defendant is, by his nature, without funds.

Few public defender offices are headed by elected officials. One notable exception is the San Francisco Public Defender, which is elected. There are often debates about whether a public defender agency should be headed by an elected official. Average people often do not understand or care about the importance of having decent indigent representation. In conservative areas, it is quite possible that a public defender might be elected on the platform of providing "the bare minimum defense." In any event, funding is always a problem for public defender agencies. County and state governments are generally reluctant to fully and adequately fund indigent defense because it is politically unpopular to do so.

Full-time public defenders are specialists who only handle criminal matters (although some public defender officials handle quasi-criminal civil cases, on which defendants are entitled to appointed counsel), and can tap into a nation-wide network for guidance and assistance.

Exercise 9. Translate the following word combinations into Russian

To provide legal counsel; are employed by the government; appointed counsel; accused in criminal court; by establishing public defender offices; the landmark case; who was charged; witnessed the creation.

Exercise 10. Answer the questions

1. What duty does a public defender have?
2. Who employs public defenders?
3. What case helped pave the way to be guaranteed an attorney?
4. Who was the first to propose the creation of a public defender's office?
5. In what way are public defender agencies supported?
6. What problems do state public defenders' offices face?

Exercise 11. Say whether the following statements are True or False

1. Public defenders are employed by private firms.
2. Mr. Gideon was a middle-aged Florida man who was charged with murdering a policeman.
3. The 1960s witnessed the creation of programs across the country.
4. In some areas, indigent defenders have no legal aid.

5. Problems of excessive case loads and low salaries still plague many state public defenders' offices.
6. Full-time public defenders are specialists who handle business matters.

Exercise 12. Translate the following text using a dictionary.

The prosecutor is the chief legal representative of the prosecution in countries adopting the common law adversarial system or the civil law inquisitorial system. The prosecution is the legal party responsible for presenting the case against an individual suspected of breaking the law in a criminal trial.

Prosecutors are typically lawyers who possess a university degree in law and are recognized as legal professionals by the court in which they intend to represent the state. They usually only become involved in a criminal case once charges need to be laid. They are typically employed by an office of the government with safeguards in place to ensure such an office can successfully pursue the prosecution of government officials. Often multiple offices exist in a single country due to the various legal jurisdictions that exist.

Being backed by the power of the state, prosecutors are usually subject to special professional responsibility rules in addition to those binding all lawyers as a whole. For example, in the United States, Rule 3.8 of the ABA Model Rules of Professional Conduct requires prosecutors to "make timely disclosure to the defense of all evidence or information ... that tends to negate the guilt of the accused or mitigates the offense."

In Australia, Canada, England and Wales, Hong Kong, Northern Ireland and South Africa the head of the prosecuting authority is typically known as the Director of Public Prosecutions and is appointed, not elected. A DPP may be subject to varying degrees of control by the Attorney-General, usually by a formal written directive which must be published.

In Australia at least, in the case of very serious matters, the DPP will be asked by the police during the course of the investigation to advise them on sufficiency of evidence and may well be asked, if he or she thinks it proper, to prepare an application to the relevant court for search, listening device or telecommunications interception warrants.

More recent constitutions, such as South Africa's or Fiji's tend to guarantee the independence and impartiality of the DPP.

In the United States the director of any such offices may be known by any of several names depending on the legal jurisdiction (e.g. County Attorney, Prosecuting Attorney (in Michigan, Indiana, and West Virginia), County Prosecutor, State

Attorney, State's Attorney, State Prosecutor, Commonwealth's Attorney (in Virginia and Kentucky), District Attorney, District Attorney General (in Tennessee), City Attorney, City Prosecutor, Circuit Attorney (in Missouri) or U.S. Attorney) and may be either appointed or elected. This should not be confused with Corporation Counsel, who typically handles only civil matters involving monetary damages, and does not handle criminal prosecutions.

Prosecutors are typically civil servants who possess a university degree in law and additional training in the administration of justice. In some countries, such as France, they belong to the same corps of civil servants as the judges.

In many countries, the prosecutor's administration is directly subordinate to the executive branch (e.g. the US Attorney General is a member of the President's cabinet). This relationship theoretically and in some cases practically leads to situations where the public accuser will either falsely charge people or refuse to charge arrested persons at all (to keep them in protracted legal limbo as in the case of Guantanamo Bay Camp X-ray), if that serves political aims. Many thinkers feel such outcomes are incompatible with basic human rights and constitutional ideals.

Additional Vocabulary

solicitor	адвокат
common law	общее право
barrister	адвокат
retain	удерживать, сохранять
render	представлять
magistrate	судья, член магистрата
apprenticeship	ученичество
suspend	приостанавливать
threaten	угрожать

Exercise13. Read and translate the text

A solicitor is a type of lawyer in many common law jurisdictions, such as the United Kingdom, Hong Kong, Republic of Ireland, Australia, New Zealand and Canada, but not the United States (in the United States the word has a quite different meaning—see below). In most common law countries the legal profession is split between solicitors who represent and advise clients, and a barrister who is retained by a solicitor to advocate in a legal hearing or to render a legal opinion.

Before the unification of the Supreme Court in 1873, solicitors practiced in the courts of chancery, while attorneys and proctors practiced in the common law and ecclesiastical courts respectively.

In the English legal system solicitors have traditionally dealt with any legal matter apart from conducting proceedings in courts (advocacy), except minor criminal cases tried in Magistrates' Courts which are almost always handled by solicitors. The other branch of the English legal profession, a barrister, has traditionally carried out the advocacy functions. Barristers would not deal with the public direct. This is no longer the case, as solicitor advocates may act at any level of court.

Solicitors in England and Wales are regulated by the Law Society of England and Wales (which wears the hat of both regulator and union) and, in order to become a solicitor, must have had a qualifying legal education.

Moreover, solicitors must pay the Law Society of England and Wales a practicing fee each year in order to keep practicing. If they do not do this they are 'non-practicing' and may not give legal advice to the public (although they can start practicing again at will, unlike those who have been struck off the roll).

The most common methods of qualification are a normal undergraduate law degree, or a degree in any subject followed by a one year course formerly called the Common Professional Exam and recently renamed the Graduate Diploma in Law. Other routes, for example, spending time as a clerk to magistrates, or passing exams set by the Institute of Legal Executives (ILEX) are possible. Up to this point a barrister and solicitor have the same education.

Thereafter they split. Solicitors study a one year course called the Legal Practice Course and then must undertake two years apprenticeship with a solicitor, called the training contract (but still widely referred to as 'articles' as in articulated clerk' by older members of the profession). Once that is complete, the student becomes a solicitor and is 'admitted to the roll'. The 'roll' is a list of people qualified to be a solicitor and is kept on behalf of the 'Master of the Rolls' whose more important job is that he is the head of the Court of Appeal of England and Wales. Solicitors who are being disciplined by the Law Society can be suspended from the roll under Section 12 of the Solicitors Act 1974 or even struck off, which prevents them acting as a solicitor.

In England and Wales the strict separation between the duties of solicitor and barrister has been partially broken down and solicitors frequently appear not only in the lower courts but (subject to passing a test) increasingly in the higher courts too (such as the High Court of Justice of England and Wales and the Court of Appeal).

Firms of solicitors now employ their own barristers and solicitor-advocates to do the work, taking it away from the private groups 'sets' or 'chambers' of barristers who formerly did the work. Barristers in turn can now be directly instructed by certain organizations such as trade unions, accountants and similar groups. Additionally barristers who have done the Bar Council's 'Public Access' course can take instructions directly from members of the public although there are some limitations on the type of work that can be done this way: for example they cannot take control of the conduct of litigation nor can they do matrimonial matters. Where such limitations occur the barrister should advise the persons to see a solicitor.

This breakdown is expected to go further in the next few years, with the government pressing the Bar Council to allow barristers to deal directly with the public. Despite the numerous anecdotal claims that solicitors are increasingly taking advantage of increased rights of audience, this does not seem to be reflected in practice, with both arms of the legal profession thriving in recent years.

Regulation of both Barristers and Solicitors is being reviewed by David Clementi on behalf of the Ministry of Justice. His final recommendations are expected to include a more unified regulatory system, and new structures for cross-profession work.

Traditionally, firms of solicitors can only be owned by solicitors. The government is considering allowing anyone to be able to have a share in the ownership and control of a law firm. This has led to fears that the professional duty a solicitor owes of confidentiality to their client will be threatened. The fear is that a solicitor will be required to share confidential information with the organizations and individuals who acquire control of their firm even though those organizations and individuals will not be bound by the professional duty of confidentiality and may use their knowledge of the client's confidential affairs to their own advantage. This is often referred to as "Lesco law" as legal services would be offered directly to the public by solicitors owned and controlled by non-solicitors, and it is companies such as the major UK supermarkets (the foremost in this area being Tesco itself) that have expressed a particular interest in owning solicitors to complement their moves into the already deregulated financial services markets.

Exercise 14. Find English equivalents for the following:

во многих юрисдикциях общего права; представлять клиента; традиционно имели дело с ...; проведение судопроизводства за исключением уголовных дел; традиционно выполняли функции защиты; квалифицированное юридическое образование; для ведения практики; сдавая экзамены; пройти

стажировку у адвоката; вносится в список; могут быть временно исключены из; строгое разделение; поделиться информацией.

Exercise 15. Make an outline of the text in the form of questions

UNIT V. CRIME AND PUNISHMENT

Active Vocabulary

crime	преступление
violate	нарушать, преступать (закон), применять насилие
consider	рассматривать, принимать во внимание
protect	защищать, ограждать
welfare	благополучие
charge (v)	назначать цену, обвинять
guilt	вина, виновность
accusation	обвинение
insufficient	недостаточный, несоответствующий
compel	принуждать, заставлять
punish	наказывать, карать
behaviour	поведение
comply	исполнять (требование, просьбу), соглашаться
prevent	мешать, предотвращать
remedy	средство от болезни, мера, средство защиты
constitute	составлять, основывать, вводить в силу (закон)
breach	разрыв, нарушение (закона)
offense	проступок, правонарушение
penal	уголовный, карательный
criminology	криминология
culpable	заслуживающий порицания, преступный
homicide	убийство
manslaughter	простое убийство, непредумышленное убийство
assault	нападение, словесное оскорбление
robbery	кража, грабеж
burglary	ночная кража со взломом
arson	поджог
larceny	воровство
theft	воровство, кража
felony	уголовное преступление
indictable	подлежащий рассмотрению в суде
misdemeanor	проступок; судебно-наказуемый проступок

Exercise 1. Translate the following sentences paying attention to the underlined words.

1. He has admitted committing several crimes, including two murders.
2. They were charged with violating federal law.
3. Surely the functions of the law are to protect everyone's rights.
4. He has been arrested on a charge of murder.
5. She has a guilt complex about inheriting so much money from her father.
6. His disability prevents him from walking.
7. Driving without a license is an offence.
8. Many people believe that execution has no place in the penal system.
9. The robber carried a concealed weapon: a small gun, hidden in his pocket.
10. If you witness a crime, you should call the police.
11. After her arrest, she was confined for six months.
12. The police searched the scene of the crime for evidence.
13. They kidnapped the small girl and demanded money from her parents.
14. His punishment for his crime was five years of confinement in a state prison.
15. The kidnappers demanded \$100,000 ransom for the return of the child.
16. His trial lasted for three weeks, but he was finally found to be innocent.
17. The police accused her of murdering her boss.
18. The prisoner will be sentenced as soon as the trial is finished.
19. The police suspect that she poisoned him.
20. The police will check up on all the witnesses' stories.
21. The prisoners got away during the night.

Exercise 2. Read and translate the text

CRIME

A crime is an act that violates a political, religious, or moral command considered important in protecting the interests of the State or the welfare of its citizens or subjects. The word "crime" came from Latin "crimen". Originally it meant charge (in law), guilt, and accusation". Informal relationships and sanctions have been deemed insufficient to create and maintain a desired social order, resulting in formalized systems of social control by the government, or more broadly, the State. With the institutional and legal machinery at their disposal, agents of the State are able to compel individuals to conform to behavioral norms and punish those that do not. Various mechanisms are employed to regulate behavior, including rules codified

into laws, policing people to ensure they comply with those laws, and other policies and practices designed to prevent crime. In addition are remedies and sanctions, and collectively these constitute a criminal justice system. Not all breaches of contract and other civil law are offenses. The label of “crime” and the accompanying social stigma are normally reserved for those activities that are injurious to the general population or the State, including some that cause serious loss or damage to individuals. The term “crime” can also technically refer to the use of criminal law to regulate minor infractions, such as traffic violations. Usually, the perpetrator of the crime is a natural person, but in some jurisdiction and in some moral environments, legal persons are also considered to have the capability of committing crimes. The State can also technically commit crimes, although this is only rarely reflected in the justice system.

The systematic study of the causes, prevention, control, and penal responses to crime is called criminology. For these purposes, the definition of crime depends on the theoretical stance taken. The nature of crime could be viewed from either a legal or normative perspective. A legalistic definition includes common law or the statutes codified in the laws enacted by the sovereign government. Thus, a crime is any culpable action or omission prohibited by law and punished by the State. This is an uncomplicated view: the law, and only the law, defines crime. A normative definition views crime as deviant behavior that violates prevailing norms, specifically, cultural standards prescribing how humans ought to behave. This approach considers the complex realities surrounding the concept of crime and seeks to understand how changing social, political, psychological, and economic conditions may affect the current definitions of crime and the form of the legal, law enforcement, and penal responses made by the United States. These structural realities are fluid and often contentious. For example, as cultures change and the political environment shifts, behavior may be criminalized or decriminalized, which will directly affect the statistical crime rates, determine the allocation of resources for the enforcement of such laws, and influence public opinion. Similarly, changes in the way that crime data are collected and/or calculated may affect the public perceptions of the extent of any given "crime problem". All such adjustments to crime statistics, allied with the experience of people in their everyday lives, shape attitudes on the extent to which law should be used to enforce any particular social norm. There are many ways in which behavior can be controlled without having to resort to the criminal justice system. Indeed, in those cases where there is no clear consensus on the given norm, the use of criminal law by the group in power to prohibit the behavior of another group may be considered an improper limitation of the second group's freedom, and

the ordinary members of society may lose some of their respect for the law in general whether the disputed law is actively enforced or not.

CRIME TYPES

Crime is generally classified into categories, including violent crime, property crime, and public order crime.

In the United States since 1930, Uniform Crime Reports (UCR) have been tabulated annually by the FBI from crime data submitted by law enforcement agencies across the United States. This data is compiled at the city, county, and State levels into the Uniform crime reports (UCR). Violations of laws, which are derived from common law, are classified as Part I (index) crimes in UCR data, and further categorized as violent and property crimes. Violent crimes include murder and criminal homicide (voluntary manslaughter), forcible rape, aggravated assault, and robbery, property crimes include burglary, arson, larceny/theft, and motor vehicle theft.

Crimes are also grouped by severity, some common categorical terms being: felonies (US and previously UK), indictable offences (UK), misdemeanors (US and previously UK), and summary offences (UK). For convenience, infractions are also usually included in such lists although, in the U.S., they may not be the subject of the criminal law, but rather of the civil law.

The following are crimes in many criminal jurisdictions:

While the crimes listed above are, like in the US, generally defined and punished by the regular (national or lower) civilian (specific penal or mere general) justice, other are defined and/or prosecuted within more specific spheres of life.

Under international law, certain acts are defined as criminal and may be persecuted by extraordinary procedures, such as

- Crime against humanity
- War crime
- Hate crimes

Exercise 3. Find English equivalents in the text.

Действие, которое нарушает; защита интересов; благосостояние граждан; поддерживать необходимый общественный порядок; общественный контроль; заставлять подчиняться; применяются для того, чтобы регулировать поведение; предназначенные для предотвращения преступления; создают систему уголовного правосудия; нарушение закона; определение преступления; любое преступное действие; предписывающий как следует себя вести; приведение в

исполнение любой определенной общественной нормы; данные представленные; преступление против собственности; уголовные преступления; нарушение (правила, закона) также включены.

Exercise 4. Answer the following questions

1. What is a crime?
2. How can agents of the State compel individuals to conform to behavioral norms?
3. Are all breaches of the law considered crimes?
4. What does criminology mean?
5. What does criminalized or decriminalized behavior depend on?
6. How can we classify crime?
7. What crimes does Part I include?
8. How are crimes grouped?

Exercise 5. All the words in column A are crimes. Match these words with their meaning in column B. Use your dictionary to find the meaning of any words which are new for you.

A	B
1. murder	a. sets fire to property illegally
2. burglary	b. kills someone
3. arson	c. deliberately causes damage to property
4. kidnapping	d. the crime of entering building and stealing
5. assault	e. takes away people in order to get money for their return
6. counterfeiting	f. uses violence for political reasons
7. extortion	g. make false money or signatures
8. homicide	h. steals money, etc. by force from people or places
9. robbery	i. betrays his or her country
10. terrorism	k. the threat of use of force on another; an attempt to commit battery.
11. treason	l. the act of purposely, knowingly, recklessly or negligently causing the death of another human being.
12. vandalism	m. the act of obtaining smth or compelling some action by illegal means, such as by force or coercion

Exercise 6. Translate the text in a written form

MANSLAUGHTER IN ENGLISH LAW

In the English law of homicide, manslaughter is a less serious offence than murder with the law differentiating between levels of fault based on the mens rea (Latin for a “guilty mind”). Manslaughter may be either:

- Voluntary where the accused intentionally kills another but is not liable for murder either because he or she falls within the scope of a mitigatory defense such as provocation or diminished responsibility that will reduce what would otherwise have been murder to manslaughter, or because he or she was the survivor of a suicide pact (s2 (4) Homicide Act 1957).

- Involuntary which occurs when the accused did not intend to cause death or serious injury but caused the death of another through recklessness or criminal negligence. For these purposes, recklessness is defined as a blatant disregard for the dangers of a particular situation. An example of this would be dropping a brick off a bridge, which lands on a person’s head, killing him. Since the intent is not to kill the victim, but simply to drop the brick, the mens rea required for murder does not exist because the act is not aimed at any one person. But if in dropping the brick, there is a good chance of injuring someone, the person who drops it will be reckless. This form of manslaughter is usually dealt with as an “unlawful act manslaughter” or “constructive manslaughter”.

In England and Wales, the usual practice is to prefer a charge of murder, with the judge or defence able to introduce manslaughter as an option (see lesser included offense). The jury then decides whether the defendant is guilty or not guilty of either murder or manslaughter.

Additional Vocabulary

infraction	нарушение (правила, закона)
misdemeanant	лицо, совершившее судебно наказуемый проступок
convict	осужденный, заключенный, признавать виновным
jurisdiction	юрисдикция, отправление правосудия
petty	мелкий, незначительный
trespass	нарушение владения; посягательство, злоупотребление
incarceration	заключение в тюрьму
jail	тюрьма

prison	тюрьма
probation	условное освобождение на поруки, испытательный срок
community service	общественные работы
imprisonment	заключение в тюрьму, лишение свободы
fine	штраф, пеня
stigma	позор, пятно
evaluate	оценивать

Exercise 7. Read and translate the text

MISDEMEANOR

A misdemeanor, or misdemeanour, in many common law legal systems, is a "lesser" criminal act. Misdemeanors are generally punished less severely than felonies; but theoretically more so than administrative infractions (also known as regulatory offenses).

In some jurisdictions, those who are convicted of a misdemeanor are known as misdemeanants (as contrasted with those convicted of a felony who are known as felons). Depending on the jurisdiction, examples of misdemeanors may include: petty theft, prostitution, public intoxication, simple assault, disorderly conduct, trespass, vandalism, and other similar crimes. In general, misdemeanors are crimes with a maximum punishment of 12 months of incarceration, typically in a local jail (again, as contrasted with felons, who are typically incarcerated in a prison). Those people who are convicted of misdemeanors are often punished with probation, community service or part-time imprisonment, served on the weekends.

In Anglo-American law misdemeanors are in the middle range of seriousness for violations of the law. Felonies are the most serious and typically result in automatic forfeiture of some civil rights, including suffrage, and commonly involve lengthy incarceration. Typically, only those charged with felonies are entitled to the right of trial by jury. Infractions are the least serious, are punishable only by fine (and a command to reverse the behavior), and never carry a formal social stigma (examples of violations include parking and minor traffic offences, late payment of fees, and building code violations).

Misdemeanors usually don't result in the loss of civil rights, but may result in loss of privileges, such as professional licenses, public offices, or public employment. Such effects are known as the collateral consequences of criminal charges. This is more common when the misdemeanor is related to the privilege in question (such as the loss of a taxi driver's license after a conviction for reckless driving), or when the

misdemeanor involves moral turpitude -- and in general is evaluated on a case-by-case basis. One prominent example of this is found in the United States Constitution, which provides that the President may be impeached by Congress for "high crimes and misdemeanors" and removed from office accordingly. The definition of a "high" misdemeanor is left to the judgment of Congress.

Within classes of offenses, the form of punishment can vary widely. For example, the US federal government and many U.S. states divide misdemeanors into several classes, with certain classes punishable by jail time and others carrying only a fine.

Exercise 8. Give English equivalents

Общее право; обычно наказываются те, кто осужден; может включать другие подобные преступления; признать виновным; нарушение закона; обычно ведут к; более долгое тюремное заключение; полагается штраф; менее серьезные дорожно-транспортные нарушения; утрата гражданских прав; моральная порочность; форма наказания варьируется.

Exercise 9. Make an outline of the text in the form of questions.

Additional Vocabulary

punishment	наказание
impose	облагать (пошлиной, налогом), налагать (обязательства)
disobedient	непокорный, непослушный
deprivation	потеря, лишение
burden	ноша, груз, бремя
to be found guilty	быть признанным виновным
innocent	невинный, невиновный
vindictive	карательный
retributive	карательный
gravity	серьезность, важность
justice	справедливость
corporal (punishment)	телесное наказание
capital punishment	смертная казнь
penal code	уголовный кодекс
dignity	достоинство
reduction	снижение
deterrent	средство устрашения
advantage	польза, выгода

Exercise 10. Read and translate the text.

PUNISHMENT

Punishment is the practice of imposing something unpleasant or aversive on a person or animal in response to an unwanted or disobedient behavior.

The word is the abstract substantivation of the verb to punish, which is recorded in English since 1340, an extended form of the stem of punire "to punish," from Latin punire "inflict a penalty on, cause pain for some offense," earlier poenire, from poena "penalty, punishment".

Colloquial use of to punish for "to inflict heavy damage or loss" is first recorded in 1801, originally in boxing; for punishing as "hard-hitting" is from 1811. In common usage, the word "punishment" might be described as "an authorized imposition of deprivations — of freedom or privacy or other goods to which the person otherwise has a right, or the imposition of special burdens — because the person has been found guilty of some criminal violation, typically (though not invariably) involving harm to the innocent." (according to the Stanford Encyclopedia of Philosophy).

The most common applications are in legal and similarly 'regulated' contexts, being the infliction of some kind of pain or loss upon a person for a misdeed, i.e. for transgressing a law or command (including prohibitions) given by some authority (such as an educator, employer or supervisor, public or private official).

The progress of civilization has resulted in a vast change alike in the theory and in the method of punishment. In primitive society punishment was left to the individuals wronged or their families, and was vindictive or retributive: in quantity and quality it would bear no special relation to the character or gravity of the offence.

Gradually there would arise the idea of proportionate punishment, of which the characteristic type is an eye for an eye. The second stage was punishment by individuals under the control of the state, or community; in the third stage, with the growth of law, the state took over the primitive function and provided itself with the machinery of justice for the maintenance of public order. Henceforward crimes are against the state, and the exaction of punishment by the wronged individual is illegal (compare Lynch Law). Even at this stage the vindictive or retributive character of punishment remains, but gradually, and especially after the humanist movement under thinkers like Beccaria and Jeremy Bentham, new theories begin to emerge. Two chief trains of thought have combined in the condemnation of primitive theory and practice. On the one hand the retributive principle itself has been very largely superseded by the protective and the reformative; on the other punishments involving bodily pain have become objectionable to the general sense of society. Consequently

corporal and even capital punishment occupy a far less prominent position, and tend everywhere to disappear. It began to be recognized also that stereotyped punishments, such as belong to penal codes, fail to take due account of the particular condition of an offence and the character and circumstances of the offender. A fixed fine, for example, operates very unequally on rich and poor.

Modern theories date from the 18th century, when the humanitarian movement began to teach the dignity of the individual and to emphasize his rationality and responsibility. The result was the reduction of punishment both in quantity and in severity, the improvement of the prison system, and the first attempts to study the psychology of crime and to distinguish between classes of criminals with a view to their improvement (see criminology, crime, juvenile delinquency).

These latter problems are the province of criminal anthropology and criminal sociology, sciences so called because they view crime as the outcome of anthropological viz. social conditions. The law breaker is himself a product of social evolution and cannot be regarded as solely responsible for his disposition to transgress. Habitual crime is thus to be treated as a disease. Punishment can, therefore, be justified only in so far as it either protects society by removing temporarily or permanently one who has injured it, or acting as a deterrent, or aims at the moral regeneration of the criminal. Thus the retributive theory of punishment with its criterion of justice as an end in itself gives place to a theory which regards punishment solely as a means to an end, utilitarian or moral, according as the common advantage or the good of the criminal is sought.

Michel Foucault describes in detail the evolution of punishment from hanging, drawing and quartering of medieval times to the modern systems of fines and prisons. He sees a trend in criminal punishment from vengeance by the King to a more practical, utilitarian concern for deterrence and rehabilitation.

A particularly harsh punishment is sometimes said to be draconian, after Draco, the lawgiver of the classical polis of Athens. But as the adjective Spartan still testifies, its wholly militarized rival Sparta was the harshest a state of law can be on its own citizens, e.g. *crypteia* (including flogging for being caught when stealing as ordered).

In operant conditioning, punishment is the presentation of a stimulus contingent on a response which results in a decrease in response strength (as evidenced by a decrease in the frequency of response). The effectiveness of punishment in suppressing the response depends on many factors, including the intensity of the stimulus and the consistency with which the stimulus is presented when the response occurs. In parenting, additional factors that increase the effectiveness of punishment

include a verbal explanation of the reason for the punishment and a good relationship between the parent and the child.

Punishment can be divided into Positive punishment (the application of an aversive stimulus, such as pain) and Negative punishment (the removal or denial of a desired object, condition, or aversive stimulus).

Criminal punishment

- Socio-economical punishments:
- fines or loss of income
- confiscation
- demotion, suspension or expulsion (especially in a strict hierarchy, such as military or clergy)
- restriction or loss of civic and other rights
- community service
- Corporal punishment. Legality of these types of punishment varies from country to country. However it can be defined more widely:
 - Whipping or caning with various implements and on various body parts
 - Marking via branding or mutilations such as amputation.
 - Capital punishment, also known as the death penalty, the most extreme form of punishment, sometimes used in countries where beating is seen as inhumane. See use of death penalty worldwide. Methods of capital punishment include crucifixion, hanging, the firing squad, burning at the stake, lethal injection, gas chambers, and starvation, among others.
 - Uncomfortable positions, such as in too confined spaces or being tied down long in an unnatural position that puts muscles under increasingly painful stress
 - Custodial sentences include imprisonment and other forms of forced detention (e.g., involuntary institutional psychiatry) and hard labor are in fact also physical punishments, even if no actual beatings are in force internally; note that behavioral psychologists do not consider prison a sound punishment because most criminals are repeat offenders, thus, their behavior has not changed. If the behavior does not change then any stimulus that was presented is not punishment just aversive.
 - Forms of deprivation of sleep, food etcetera, though these are often unofficial or accessory
 - Excessive physical efforts such as prolonged calisthenics
 - Banishment or restraining order
 - clinical castration for sexual assault is being tried in a few countries but may lead to charges of eugenics, since the individual is rendered infertile as a result

- Public humiliation often combines social elements with corporal punishment, and indeed often punishments from two or more categories are combined (especially when these are meant reinforce each-other's effect) as in the logic of penal harm.

- In the past, people in some parts of the Western world were punished by being put in the stocks, or by being ducked in water.

Exercise 11. Retell the text

Additional Vocabulary

sentence	приговор, осуждать
impose	облагать (налогом), навязывать (решение)
fine	штраф, налагать штраф
probation	испытание, условное освобождение
suspend	откладывать, приостанавливать
cancel	отменять
mandatory	императивный, обязательный, принудительный
inmate	обитатель, заключённый
cell	тюремная камера
riot	бунт, беспорядок
release	освободить
on parole	отпускать на поруки; освобождение под честное слово

Exercise 12. Read and translate the text.

SENTENCING AND CORRECTION

A sentence is the penalty imposed on a person convicted of a crime. A sentence normally involves a specific time period to be spent in prison, sometimes with time off for good behavior. It may also require the convicted person to pay a fine.

In some cases, a judge may decide that a more suitable sentence than either a prison term or a fine is to place the criminal on probation. A person placed on probation is granted liberty conditioned on good behavior, under the supervision of a probation officer.

Another possible choice for a judge is to sentence the criminal and then suspend the sentence. In a suspended sentence the punishment is postponed or even

canceled, provided the criminal avoids further trouble with the law. Suspended sentences are often given to first-time offenders.

There are dramatic differences among the states when it comes to sentencing. The average prison sentence ranges from thirteen months in South Dakota to fifty – three months in Massachusetts. Each state government has its own criminal laws, and this accounts for some of the differences in sentencing.

In response to these differences, some states have moved towards mandatory sentencing. Under mandatory sentencing, a criminal receives a fixed, specific sentence for a crime. A judge has no choice or flexibility in imposing this sentence. Thirty seven states have adopted mandatory minimum sentences for certain crimes.

State prison, county and municipal jails, and houses of detention throughout a state make up a states correction system. There are over 1,5 million people in jails in our country, and 95 percent of them are housed in these state and local facilities. With rising crime rates, this prison population has also increased rapidly in recent years.

Many of our state prison facilities are old and overcrowded. Nearly two thirds of the inmates in state prisons are kept in cramped cells, usually no bigger than a large closet. Sometimes tensions in crowded prisons run so high that they explode in prison riots.

For most prisoners, the chances of learning a new job skill are very slim. Only 10 percent of the inmates in state prisons receive job training. Likewise, few prisoners receive personal counseling.

These problems still await solution. More money, while it might help with prisoners rehabilitation, is not the complete answer. State government already spend over \$1 billion each year on correction, yet the prison population constantly grows larger. Housing a new prisoner costs between \$ 10,000 and 20,000 each year. The cost of building a new jail can cost as much as \$50, 000 per cell.

One recent proposal to deal with the problem of prison overcrowding may hold some promise. Some correction departments have begun to allow non- violent criminals to hold regular jobs during the day. These prisoners must return to the correction facility after work.

Some prisoners who have served part of their sentences may be released on parole. Under parole a prisoner is permitted to serve the rest of his or her sentence in the community under the supervision of a parole officer.

Exercise 13. Give English equivalents

Наказание, которое полагается; определённый отрезок времени; платить штраф; более подходящий приговор; различие в вынесении приговора; у судьи нет выбора; составляют исправительную систему штата; переполненный; иногда напряжение настолько высоко; ждут решения; некоторые исправительные заведения; эти заключённые должны вернуться.

Exercise 14. Make an outline of the text in the form of questions

Exercise 15. Render the following texts into English

СМЕРТНАЯ КАЗНЬ В РОССИИ.

После вступления в силу 1 января 1997г. Уголовного Кодекса Российской Федерации (УК РФ) взамен ранее действовавшего Уголовного кодекса РСФСР в России значительно сокращен перечень преступлений, видом наказания за которые могла быть назначена смертная казнь. Согласно п.1 ст. 59 УК РФ смертная казнь как исключительная мера наказания может быть установлена только за особо тяжкие преступления, посягающие на жизнь. такими преступлениями являются:

- Убийство (при наличии отягчающих вину обстоятельств) (п.2 ст. 105 УК РФ).
- Посягательство на жизнь государственного или общественного деятеля. (ст. 277 УК РФ).
- Посягательство на жизнь лица, осуществляющего правосудие или предварительное расследование (ст. 295 УК РФ).
- Посягательство на жизнь сотрудника правоохранительного органа (ст. 317 УК РФ).
- Геноцид (ст. 357 УК РФ).

Единственным видом смертной казни в России является расстрел.

16 мая 1996 года президентом России Борисом Ельциным был издан указ «О поэтапном сокращении применения смертной казни в связи с вхождением России в Совет Европы». С августа 1996 года, в соответствии с этим указом, приговоры к смертной казни в исполнение не приводятся.

2 февраля 1999 года Конституционный суд России вынес решение, в котором признал неконституционным возможность вынесения смертных приговоров в отсутствие судов присяжных во всех регионах страны.

Смертная казнь в Великобритании

В старой Англии вешали за самые мелкие кражи, причем в больших количествах. Только в лондонском районе Тайберн (место казни для простолюдинов), в царствование Эдуарда VI, ежегодно в среднем казнили 560 человек. Вешали за дисциплинарные проступки в войсках и на флоте, на рее; за фальшивомонетничество варили в кипятке, а еще была варка в масле, до самого XVII века. Кроме того, применялись уродование вроде урезания носа, ушей, языка, всё это по приговору суда. Смертью карались 123 состава преступления.

Повешение за воровство было отменено в начале царствования Виктории; но после того каждое убийство по-прежнему каралось виселицей в продолжение 130 лет, если только убийце не удавалось доказать свою невменяемость. Последняя публичная казнь в Англии состоялась 26 мая 1868 года; перед Ньюгейтом был повешен Майкл Барретт, ирландский террорист. За две недели до того состоялась последняя публичная казнь в Шотландии. Вешать продолжали и после Второй мировой войны: последней казненной в Англии женщиной была Рут Эллис. 10 апреля 1955г. она застрелила мужчину, по имени Дэвид Блейкли, а уже 13 июля того же года её казнили в тюрьме Холлоуэй в Лондоне. 10 ноября 1960г. был повешен Флосси Форсайт, которому было всего 18 лет. Последней британской казнью вообще была казнь в Манчестере и Ливерпуле двух подельников – Питера Алена (21 год) и Джона Уолби. 7 апреля 1964 г. они убили некоего Уэста, а 13 августа состоялась одновременная их казнь – почему-то в разных городах. Высшую меру отменили через пять лет, в 1969 году 18 декабря.

СМЕРТНАЯ КАЗНЬ В США

В Соединенных Штатах культура вообще и культура казни в частности заимствованы из Метрополии. В старое время там были столь же жестокие законы, как в Англии; были драконовские «Синие законы Коннектикута», о которых пишет Марк Твен, полагавшие казнь за очень многие составы преступлений. Позже ученики заметно обогнали учителей. В Англии не было такого огромного бесправного населения, как негры и индейцы; меж тем в США негров вешали, по крайней мере на Юге, повсеместно (суд Линча имеет огромное количество жертв в XX веке, в 1901 году было подвергнуто линчеванию 130 человек). Индейцев часто казнили каратели, мстившие, впрочем, за вырезание белого населения. 26 декабря 1862 года, во время гражданской войны, в штате Миннесота, принадлежавшем северянам, были на одной виселице повешены тридцать восемь индейцев. На Диком Западе в то же время действовали шерифы, казнившие по своему усмотрению (подчас

собственноручно). Смертная казнь применялась в США также по политическим причинам против социалистов, коммунистов, анархистов.

В конце XIX века был изобретен электрический стул, впервые примененный в 1890 году, вскоре вошедший во всеобщее употребление и во многих штатах вытеснивший повешение. Леон Чолгош, безумный анархист, убивший президента Мак-Кинли в Буффало, был пятидесятым преступником, которого казнили (29 октября 1901г.) на электрическом стуле в штате Нью-Йорк.

В 1913 году прошло шумное дело Лео Франка, на основании сомнительных доказательств осужденный был приговорен к смертной казни, затем помилован, похищен и повешен группой видных граждан.

Газовую камеру ввели еще раньше, чем в Германии, а именно в 1924 году; для казни употребляют пары цианистого калия, и, если осужденный глубоко дышит, смерть наступает почти немедленно.

С 1960-х годов правозащитники повели борьбу с казнью. В 1972 году суд Джорджии, по делу «Фурман против Джорджии», признал смертную казнь мучительной, а следовательно, противоречащей конституции; одиннадцать лет (с 1967 по 1979) во всех штатах никого не казнили. В 1976 Верховный суд нашел казнь не являющуюся необычной, вполне конституционной; и так, она была возвращена в тех 38 штатах, где не была отменена ранее, а также на федеральном уровне. Первым американцем, казненным после этого решения, был Джон Спенкелинк, которого казнили на электрическом стуле в штате Флорида 25 мая 1979.

Тогда же появился, и пятый вид казни, ныне самый распространенный, а во многих штатах единственный: смертельная инъекция, умерщвление заключенного вводимым ему в вену на правой ноге ядом, причем приговоренный привязывается к специальной кушетке (gurney). Повешение и расстрел, хотя значатся в законах трех штатов каждое, вовсе вышли из употребления, как мучительные; казнь газовой камерой редко по случаю дороговизны и также многим считается мучительной. Ныне борются с электрическим стулом: во всех тюрьмах действующие стулья старые и не чиненные, и нередко, после первого удара током (который должен быть 5 ампер, при напряжении в 2000 вольт) осужденный остается еще жив, поэтому приходится добивать его новыми зарядами.

Exercise 16. Translate the following text in a written form

CUSTODIAL SENTENCE

A custodial sentence is a judicial sentence, imposing a punishment (and hence the resulting punishment itself) consisting of mandatory custody of the convict, either in prison (incarceration) or in some other closed therapeutic and/or (re)educational institution, such as a reformatory, (maximum security) psychiatry or drug detoxication (especially cold turkey).

Although usually not labeled as such (at hence not in the legal sense) it can be considered a type of corporal punishment, even if no further physical punishments are practiced within the institution (these can also be informal, without any rights of defense), since it constitutes a physical coercion. Indeed the technical term duress is equally used for loss of liberty and for coercion.

The concept of penal harm (see that article) often induces additional elements of physical endurance.

Every other sentence and punishment is non-custodial, such as fines, judicial beatings, various mandatory but 'open' therapy and courses, restriction orders, loss or suspension of civil rights or even suspended sentences.

Exercise 17. Before reading an article about prisons. What do you know about prisons? Write T if you think the statement is true. Write F if you think the statement is false.

1. Prisons have existed for more than 500 years _____.
2. The prison system began as a way to help criminals _____.
3. At one time, people in prison in America had to pay for staying there _____

Exercise 18. Read the article, and then check your answers

How did prisons get that way? Prisons are a fact of life in America. We now keep a larger part of our population in prisons than any other nation except Russia and South Africa, and for longer periods of time. In fact, Americans invented prisons. The first one was created in Philadelphia, Pennsylvania, in 1790, and the use of prisons soon spread from there to other cities in the United States and Europe.

While institutions like the Bastille in France and the Tower of London in England existed, they held mainly political prisoners, not ordinary criminals. Before there were prisons, people who committed serious crimes almost always received corporal or capital punishment: that is, they were punished either by being part physically or by death. Jails existed, but primarily for the accused while they awaited

trial. The closest thing to the modern prison was the workhouse, a place of hard labor almost always for minor offenders. When a criminal was convicted, he was punished bodily or fined a certain amount of money but he was not imprisonment is a common punishment for a serious crime, is a modern one.

In the eighteenth century the greatest call for change in America came from the Quakers, a Christian group against violence who felt that prisoners were treated badly. They lived mostly in and around the nation's most important city, Philadelphia, at that time, Philadelphia jails locked up men and women in the same rooms at night. Prisoners were thrown together: their age, seriousness of offense, or ability to defend themselves was of no importance. And those charged with a crime had to pay for their own imprisonment even if they were found innocent at their trial.

In 1786 the Quakers persuaded the Pennsylvania Lawmakers to sentence to death only those people convicted of the most serious crimes: murder, treason, rape, and arson. People convicted of less serious offenses, such as robbery or burglary, would have to give up their possessions and be imprisoned for ten years. Then in 1787, under pressure from the Quakers, the lawmakers agreed to change a Philadelphia jail into a prison for convicted criminals from across the state. It was designed for two kinds of prisoners: serious offenders would be kept alone in sixteen jail cells; less serious ones would sleep in large rooms and work together in shops during the day. This became the first prison as we know it.

Exercise 19. Write "True" or "False" of the statements below. Write "DS" if the text doesn't say.

1. In the 1700s a murderer in France could stay in the Bastille for a long time. _____
2. In the 1700s murderers were usually sent to a workhouse for a long time. _____
3. Before 1786 people in Pennsylvania who were convicted of robbery were sentenced to death. _____
4. The Quakers thought it was wrong to keep men and women accused of a crime in the same place. _____
5. The first prison, which was started in Philadelphia, was a successful one. _____

Exercise 20. Discuss these questions with your group-mates.

1. Some countries, such as the United States, have serious crime problems, but other countries do not. What do you think is the reason for this difference?
2. In a number of states in the United States, a murderer can be sentenced to death (capital punishment). Is there capital punishment in your country? Do you believe in capital punishment? Or do you think murderers should remain in prison for their entire lives? Why?
3. Why do you think it is important to punish a person convicted of a crime?

GRAMMAR TESTS

Test 1. Active Voice. Tenses.

1. Insert the proper tenses in the active voice.

1. They explained to him that they _____ (to think) he _____ (to be) someone they knew.
2. When I asked him what on earth he _____ (to mean) he said he _____ (to become) used to having his wishes and rights ignored.
3. I'm not rich. But when my father _____ (to die), I _____ (to have) about fifty thousand dollars.
4. She lighted the gas. She hardly _____ (to speak) since they _____ (to leave) Walter's Tavern.
5. I just _____ (to think) about going to bed when my front door bell rang. It was Helen Bauer.
6. "What you _____ (to read)?" – "I _____ (not to know)", said Dennis truthfully.
7. Doris can't remember her aunt address. She _____ (not to hear) from her for years.
8. You know, when one _____ (to be) in love, and things _____ (to go) all wrong, one _____ (to be) terribly unhappy and one _____ (to think) one ever _____ (not to get over) it.
9. Ever since George _____ (to meet) Jessica he _____ (to think of) her more than any girl he _____ (to know) ever.
10. The young man _____ (to sit) on the sofa and closed his eyes. The last four days _____ (to be) difficult for him. He _____ (to live) in too much of a hurry and now he _____ (to begin) to feel it.

2. Choose one of the forms which is correct to complete the sentence:

1. "Do you like me at all, Bertha?" he asked. "I...to ask you ever since you came home."(want / have been wanting).
2. Jennythe paper with but ill-concealed trembling and went to the adjoining room. (took / had taken).
3. Rose in the factory for about two years. (is working \ has been working). Before that she.... a journalist (was / had been).
4. What else have I to live for but my children? It's you and the rest of them that I.... andall these years. (am working, am planning / have been working. have been planning).
5. "You ...where you are going"? (have decided \ did...decide). – "I ...my mind". (have changed / changed).
6. When he... about an hour later, his eyes..... with a peculiar excitement. (had returned / returned;

were gleaming / had been gleaming). 7. If you.... the truth you won't have to remember anything (tell / will tell). 8. I'... for you at ten. Settled? (will wait / will be waiting). 9. There ...a constant interest to this please for years. (has been / is). 10. By that time I'm sure Mervin ...with everybody (will make / will have made), as he ... here for two weeks. (will be living / will have been living).

3. Translate into English.

1. Море успокаивалось, так что рыбаки надеялись, что они смогут отправиться рыбачить утром. 2. На ней было то же синее платье, в котором она была, когда мы познакомились. 3. Ученик смотрел куда угодно, но только не туда, куда показывал учитель. 4. Некоторое время они ехали молча. «Я уже была здесь сегодня», неожиданно сказала она. 5. Когда-нибудь, когда ты будешь постарше, ты поймёшь. 6. Что ты делал последнее время? Не звонишь, не заходишь. 7. Мартин думал об этом большую часть следующего дня и, наконец, решился. 8. Она замужем немногим более двух лет. 9. Я почти не знаю этих мест, т.к. была здесь в раннем детстве. 10. Профессор знал, что к концу месяца он получит вполне определённый ответ, и был почти готов к нему.

Test 2. Passive Voice

1. Insert the required verb form in the passive voice.

1. One thing was evident, Julia couldn't know what _____ (to say) about her, and someone must tell her. 2. She saw that the bed _____ (to change), spread with fresh linen. 3. Jennie _____ (not to forget). We all remember her. 4. He didn't utter a word, knowing that whatever he said _____ (to meet) with the same silence. 5. He opened his eyes and _____ (to blind) by a circle smaller than the moon. 6. Not a single copy of the books, he spoke of, ever _____ (to ask). 7. Two bags, which should have gone to Rome, at that moment _____ (to load) aboard a flight for Milwaukee. 8. I'm sure, he never _____ (to allow) into their house again. 9. Their children _____ (not to take) good care of at home. 10. Back in the living-room, when coffee _____ (to pour), Lily excused herself and left us.

2. Choose one of the forms which is correct to complete these sentences:

1. As his eyes cleared he saw that the lantern... in the air (was held / had been held). 2. He felt he... for the fight, that some duty... upon his shoulders. (had been enlisted / is enlisted; was laid / is being laid). 3. The lists... to both newspapers and

now.... (have been sent / were sent; are being printed / are printed). 4. When the goods... for a heavy freight wagon halted in front of the store.(is being paid / had been paid). 5. In company with Suel James they ate dinner. While cigarettes... after the meal, Nowlen and his foreman went into the office. (had been rolled / were being rolled). 6. Don't keep telling me I'm pretty. Ithat ever since I was twelve. (am being told / have been told) 7. The letter said that for his thesis Andrew... his M.D. (had been awarded / was awarded). 8. She looks like a spoiled child who.... (had been punished / has punished). 9. Do you realize that these animals... to save men's lives? (are used / would be used). 10. He saw that the doors of TransAmerica Flight 2... yet, and a few passengers still... in (had not been closed / was not closed; were being checked / are being checked).

3. Translate into English.

1. То, что иногда прощается ребёнку, нельзя простить взрослому человеку. 2. Согласно правилам, гонорар за статью выплачивается после её выхода в свет. 3. Он был выбрит лучше, чем обычно, и его костюм был отлично отглажен. 4. Я чувствую, что готовится какой-то опасный план. 5. Если за вами пришлют, не отказывайтесь прийти. 6. В этом доме не живут. Его скоро снесут. 7. Я почувствовала, что на меня смотрят. 8. Когда я включил телевизор, фильм шёл уже с полчаса. 9. Мне сказали, что ничего нельзя изменить, т.к. решение принято. 10. Больного не будут оперировать без его согласия.

Test 3. Participle

1. Insert the participle required in the sentence:

1. He sat alone and envied them all: the _____ shout) children, the _____ (bark) dogs, the lovers _____ (whisper).
2. . Peter was leaving when, on the table near the doorway, he observed a _____ (fold) copy of the "Times".
3. I thought I should sleep well _____ (be tired) but I didn't .
4. Now, _____ (observe) her more closely, he noticed the high cheek bones and occasional very slight movement of the hands that was distinctly foreign.
5. Then reverently he took the microscope up and _____ (accompany) by Christine, went into the room behind the dining room.
6. One day as Sedric was polishing off a sonnet, _____ (write) in the Petrarchian form, his door opened, and a man entered.
7. And in the slight pause young Nicholas was heard _____ (say) gently that Vielt was taking lessons in pastel.

8. The Baron is going to marry and he wants a picture _____ (paint) of himself for his fiancée.

9. He passed over the ghetto and saw the old Jews _____ (bargain) with each other.

10. _____ (look) back he saw the old woman crooning over the money.

11. Susan looks around the kitchen at the piles of laundry _____ (to wait) to be washed.

12. (To look) _____ carefully at the man (to lie) in bed Watson recognized him.

2. Choose the form which is correct to complete the sentence.

1. Last night I read a very (exciting \ excited) short story.

2. (Tiring / tired), Marsha went to bed early.

3. As though (being read / reading) the thought from his mind, Jan stiffened.

4. (Having known \ knowing) you as I do, I feel it cannot be otherwise than abhorrent to you.

5. Five minutes later, (entered \ having entered) the house and (done \ having done) his utmost to look sulky, John heard her clear voice in the dining-room.

6. Would he ever be able to live down here (not seeing \ not seen) her?

7. He went out into the fashionable street (quivering \ having quivered) from head to foot.

8. They reached London (having been \ being) away six weeks without a single allusion to the subject which had hardly closed to occupy their minds.

9. The young man (snatched off / having snatched off) his hat, passed on.

10. I felt suddenly small (standing / stood) beside those immense walls of stone.

11. (Hurt / hurting) beyond words, I sat down on the steps (worrying / having worried) about the next day.

12. The ideas (having surrounded / surrounding) grownup hood were like those to do with marriage.

3. Translate into English using Participles

1. Удивительно, что, прожив так долго среди нас, он ни с кем не подружился. 2. После того, как её пригласили, и она приняла приглашение, она не могла не пойти туда. 3. Оставшись один, он стал думать над тем, что

произошло. 4. Он видел полицейского, совершающего обход. 5. Судя по вещам, разложенным на туалетном столике, этот джентльмен был поклонником (a patron) мисс Коти. 6. Неожиданно увидев лицо миссис Рамсей, он остановился. 7. Он достал деньги и передал их мистеру Рамсею трясущимися руками. 8. Мистер Келада утверждал, что нет человека, знающего о жемчуге больше, чем он. 9. Его называли всезнайкой (Mr. Know All) прямо в глаза, но он выглядел довольным, принимая это за комплимент. 10. Когда его спросили об этом, он не знал, что ответить. 11. Обдумав это дело и посоветовавшись с Ирэн, он написал своей дочери, и спросил её, не знает ли она какого-либо фермера, который согласился бы взять Джона в ученики. 12. Её муж хотел нас разлучить, начав бракоразводный процесс.

Test 4. Gerund.

1. Give the appropriate form of Gerund.

1. I haven't spent enough married life with her yet to know whether or not I feel good at _____ (get married) when I did. 2. The room was cold. There was some smell absent in it I was conscious of _____ (expect). It was the smell of tobacco. 3. We came out in front of the house. It was incredible it had the strange air of _____ (distort). 4. He had destroyed his talent by _____ (not use) it. 5. "Do you know how I met him?" She went on without _____ (wait) for an answer. "It was in Denver." 6. I greatly dislike _____ (contradict). 7. But he couldn't help _____ (chuckle) discreetly to himself now and then. 8. It's hard to get them thinking about you because they're too busy _____ (think) about themselves. 9. Hagil couldn't remember ever _____ (be) so tired. 10. Even in the darkened room I couldn't help _____ (see) that Mrs. Strickland's face was all swollen with tears. 11. He didn't mind _____ (to borrow) money but disliked _____ (to borrow) money from and avoided _____ (to give) money even to his wife. 12. That meant _____ (to work) very hard and _____ (to earn) no money for two or three more years.

2. Insert the number of the form which is correct to complete the sentences.

1. I had an impression of....

- 1) having followed
- 2) having been followed
- 3) being followed
- 4) following

2. He played with the idea of Trip to Brasil.
- 1) being taken
 - 2) having taken
 - 3) taking
 - 4) having been taken

3. He congratulated Martin on... the case.
- 1) winning
 - 2) being won
 - 3) having won
 - 4) having been won

4. I prefer driving to...
- 1) being driven
 - 2) driven
 - 3) having driven
 - 4) having been driven

5 .The American lady had come out from the washroom looking very wholesome and American in spite of...

- 1) not sleeping
- 2) not being slept
- 3) not having been slept
- 4) not having slept.

7. I tried to conceal my embarrassment by... round cups of tea.
- 1) handing.
 - 2) being handed.
 - 3) having handed.
 - 4) having been handed

8. I remember a cup of tea... off the table and... - Elisa did that.
- | | |
|-----------------------|-----------------------|
| 1) falling | 1) breaking |
| 2) having fallen | 2) being broken |
| 3) being fallen | 3) having broken |
| 4) having been fallen | 4) having been broken |

8. I have a vague recollection of ...up at least a dozen times during the night by Harris.

- 1) being woken
- 2) having been woken
- 3) waking
- 4) having woken

9. I appreciate your... here tonight.

- 1) coming
- 2) being come
- 3) having come
- 4) having been come

10. He was busy... the Personnel officer's questions

- 1) being answered
- 2) answering
- 3) have answered
- 4) having been answered

3. Translate into English using gerund.

1. Мысль о том, что можно обратиться в суд, не пришла мне в голову. 2. Я не могу не расстраиваться, когда слышу о таких вещах. 3. В ответ на мой вопрос он сказал, что привык доверять людям. 4. Он настоял на том, чтобы Анну немедленно пригласили сюда. 5. Ты помнишь, как ты привёз виноградный сок в этот дом в то утро? 6. Я никогда не забуду, как я гостил в вашем доме в Кенте. 7. Он любил находиться в обществе своих родственников. 8. Отец часто обвинял меня, что я отношусь к дому, как к отелю. 9. Я не одобряю его за то, что он вообще влез в это дело. 10. Как ты объяснишь, что ты разбил машину? 11. Она не возражала, чтобы её дочь проводила время с миллионером. 12. Когда Мейбл узнала, что Вильям уехал, ничего не могло остановить её от того, чтобы следовать за ним.

Test 5. Infinitive

Practice Complex Object

I Use to where necessary:

1 Don't let that ...bother you. 2 It made me distrust my friend. 3 What did you want Sallydo? 4 No one saw her leave. 5 We expected the weather change for the better. 6 I've never heard her speak English. 7 I began to feel sweat ...gather at the edges of my hair. 8 He supposed everybody ... support his idea. 9 We all considered his idea be brilliant. 10 Would you like me ... read the story one more time?

II Choose the correct variant:

1 I felt him _____ his hand on my shoulder.

- a) to put
- b) put
- c) putting

- 2 The pupils were made _____ at school after classes.
 a) to stay b) stay c) staying
- 3 The Professor expected the student _____ that difficult question.
 a) to answer b) answer c) answering
- 4 My parents don't want me _____ home late.
 a) to come b) come c) have come
- 5 He heard a distant voice _____.
 a) to shout b) to have shouted c) shouting
- 6 I saw the robber _____ into the bank.
 a) to come b) having come c) come
- 7 Everybody considered her _____ a good mark.
 a) give b) to be given c) be given
- 8 When we arrived at the club we found the concert _____.
 a) to begin b) to be beginning c) to have begun
- 9 Matlock let the door _____ slowly back into the frame.
 a) swing b) to swing c) swinging
- 10 I can't believe him _____ it seriously.
 a) to be taken b) to have taken c) take

Practice Complex Subject.

III Insert a correct form of the infinitive.

- 1 Three people are reported (to kill) in the plane crash.
 2 Water is known (to boil) at 100 degrees C.
 3 Ghosts are believed (to live) in old castles.
 4 They are said (to divorce) already.
 5 The discussion seemed (to come) to the end.
 6 He is unlikely (to risk) his life in such situation.
 7 Mary is supposed (to appoint) our monitor.
 8 The robbers seemed (to head) to the station at that time.
 9 The crime seems (to commit) at night.
 10 A horse shoe is believed (to bring) good luck.

IV Complete the sentences using Complex Subject:

- 1 The mayor is expected
- 2 Her condition was reported
- 3 No one seemed
- 4 Most people are likely

- 5 The burglar was said
- 6 The dinner proved
- 7 She is certain
- 8 His new friends turned out
- 9 Do you happen?
- 10 The new house appeared

Test 6. IF - SENTENCES

I Put the verbs in brackets into the correct forms.

1 If he (not take) his gloves off he (not get) frost bitten. 2 Of course I'm not going to give her a diamond ring. If I (give) her a diamond ring, she (sell) it. 3 If we (work) all night we (finish) in time. But we have no intention of working all night. 4 I have no desire to win a lottery. If I (win) an enormous sum, everybody (ask) me for money. 5 We had to stand almost all the way. It was Tom's fault. If he (book) seats, we (have) a wonderful journey. 6 If you (smoke) in a non-smoking compartment other passengers (object). 7 If the Earth suddenly (stop) spinning we all (fly) off it. 8 I will use your phone if mine (not work). 9 It was the drug, not the disease, that killed him. He (be) still alive if he (not take) that drug. 10 Tell him to bring the bicycle inside. If he (leave) it outside somebody (steal) it.

II Rewrite the sentences using if.

- 1 I didn't see the signal, so I didn't stop.
- 2 We only came by bus because there were no taxis.
- 3 She is very shy; that's why she doesn't enjoy parties.
- 4 He doesn't take any exercises; that's why he is so unhealthy.
- 5 People drive very fast. That's why there are so many accidents.
- 6 He didn't get to the top of his profession, perhaps because his wife didn't encourage him.
- 7 I didn't know he was so quarrelsome. I'm sorry now that I invited him to the party.
- 8 Your job sounds awful. In your place I would change it.

III Finish the following sentences.

- 1 The milk wouldn't have turned sour if...
- 2 If you don't isolate the people with infectious disease....
- 3 If the price of petrol goes up ...
- 4 If you had a carpet on the stairs ...
- 5 I would have taken a photograph if
- 6 My room would be all right if

- 7 If I hadn't stopped him
- 8 If you took a course in computer programming
- 9 If you don't boil the water before you drink it ...
- 10 They would have paid you more if ...

IV Translate into English.

1. Если бы ему не нужно было так спешить! С ним тогда ничего не случилось бы. 2. У него были трудности в работе, иначе я бы не вмешивался. 3. Если бы Роберт поступил на год раньше, он сейчас бы заканчивал его и мог бы воспользоваться такой замечательной возможностью уехать за границу. 4. Она бы так и не стала актрисой, если бы не счастливый случай. 5. Если бы Джордж сейчас был здесь! Мы бы так хорошо повеселились. 6. «Хорошо, что вас не остановили» - «Да, тогда я бы оказался в затруднительном положении». 7. Вы бы только слышали, как он говорит по-английски! 8. Если будете более настойчивым, вашу просьбу удовлетворят! 9. Будь поблизости ресторан или кафе, мы могли бы обедать там каждый день. 10. Будь у меня в тот момент хотя бы немного денег, я отдал бы ему все. 11. Если бы не шторм, они бы вернулись два дня назад. 12. У него было бы меньше проблем в семье, не проводи он столько времени на работе.