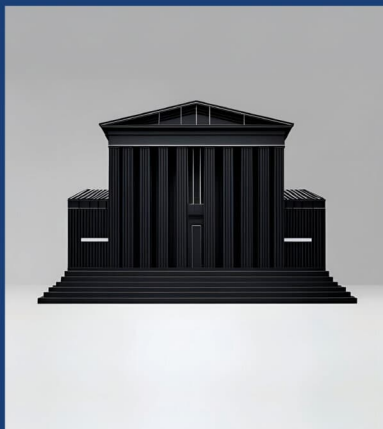


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LEGAL ENGLISH

2023

Підручник з професійної англійської мови

Міністерство освіти і науки України
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Підручник з професійної англійської мови



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Основна мета підручника полягає у розвитку мовленнєвої компетенції професійного спілкування іноземною мовою. Зміст та структура підручника дозволяють використовувати його в студентських аудиторіях. Система завдань та вправ націлена на активне засвоєння лексики, розвиток мовленнєвих навичок та вмінь, формування комунікативної компетенції професійного спілкування.

Подані аутентичні тексти поглиблюють знання вивчаючого з вказаної спеціальності, ознайомлюють його з сучасною іноземною мовою, поширюють крайнознавчі представлення.

Розраховано для студентів старших курсів юридичних факультетів, а також для тих, хто самостійно продовжує оволодівати англійською мовою з урахуванням спеціальності «Право».

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Greeting address by Serhiy Kivalov

Dear students, colleagues, and readers,

It is my great pleasure to present to you this textbook, *Legal English*, a vital educational resource developed to support the training of highly qualified legal professionals at the National University "Odesa Law Academy". In the context of Ukraine's integration into the European and global legal communities, the importance of mastering legal terminology and professional communication in English cannot be overstated.

Today, legal experts must not only possess profound knowledge of national legislation but also navigate confidently within the frameworks of international law. The ability to communicate effectively in English is a key component of professional competence for modern lawyers, judges, prosecutors, and legal scholars.

This textbook has been designed in line with contemporary pedagogical approaches and the practical needs of legal education. It introduces students to authentic legal vocabulary, structures, and communicative situations, thereby equipping them with the tools necessary for academic, professional, and intercultural communication.

I am confident that this publication will become a valuable aid in your educational journey and will contribute to your professional development. I express my sincere gratitude to the authors for their dedication and scholarly contribution.

I wish all readers productive study, intellectual inspiration, and every success in mastering Legal English.

With respect and best wishes,

Serhiy Kivalov

President of the National University "Odesa Law Academy",
Doctor of Law, Professor, Academician of the National Academy
of Legal Sciences of Ukraine

Introduction

In the modern era of globalization, the legal profession increasingly requires fluency in the language of international communication – English. Legal English, as a distinct variety of professional discourse, plays a crucial role in preparing future lawyers for work within both national and international legal systems. This textbook, *Legal English*, has been developed to meet the growing demand for effective, targeted instruction in the English language within the legal domain.

The textbook is designed for students of law faculties, particularly those enrolled in bachelor's degree programs. It offers a comprehensive approach to developing the core language skills – reading, writing, and speaking – through the lens of legal topics and terminology. The materials have been carefully selected and structured to reflect authentic legal practices, documents, and communicative contexts, enabling students to acquire not only linguistic competence but also an understanding of legal culture and professional etiquette in English-speaking environments.

The authors would like to express their deep gratitude to Academician Serhiy Kivalov, President of the National University "Odesa Law Academy", Doctor of Law, Professor, and Academician of the National Academy of Legal Sciences of Ukraine, for his invaluable support, guidance, and longstanding dedication to the advancement of legal education in Ukraine. His vision and leadership have created the conditions in which innovative academic resources like this textbook can be developed and implemented.

We hope that this textbook will serve as a reliable companion throughout your legal studies and a foundation for further professional success.

The Authors

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I. Fundamentals of Law

Topic 1

LEGAL FRAMEWORKS



Pre-reading task

Discuss the following questions:

1. What is your interpretation of the concept of "law"?
2. Do you consider the expressions "Common law" and "Case law" to be the same in meaning?
3. How have these terms been explained to you in your legal studies?
4. What thoughts or associations does this image bring to your mind?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

COMMON LAW

In the modern Western world, a wide variety of legal systems exist. These systems differ based on each nation's governmental framework and cultural traditions. Broadly, however, they stem from two primary origins: Roman law and English law. The English legal tradition, known as Common Law, originated in Britain and later extended to regions such as the United States, Australia, New Zealand, and much of Canada. Today, nearly 80 countries operate under this system, whereas nations like those on the European continent, Scotland, and South Africa have been heavily influenced by Roman law.

The term Common Law refers to the core body of unwritten English law that gradually developed from the 12th century onward. The label “common” stems from the belief that the law represented the shared customs across the English kingdom during medieval times. This form of legal system governs Great Britain and many countries that were once English colonies, such as Canada and the United States.

Unlike systems that rely on codified laws passed by legislative bodies, common law is primarily built on judicial decisions. Judges resolve disputes by relying on precedents—rulings from previous similar cases—rather than on written laws. In contrast, civil law systems, which are based on ancient Roman legal traditions, are widespread in continental Europe and other regions and focus more on statutes and legal codes.

As a body of court decisions grows around a specific type of legal conflict, consistent legal rules emerge. These precedents guide future judges facing comparable disputes. However, new facts and considerations, such as technological or social developments, may compel judges to deviate from earlier

rulings. In such instances, a judge might establish a fresh precedent. This ability to adapt ensures that common law continues to evolve and remain relevant.

Within common law jurisdictions, courts are typically structured like a pyramid. Trial courts, found at the base, include a single judge and a jury made up of local citizens. The judge oversees legal procedures and determines which evidence is admissible. After both sides present their arguments and evidence, the judge provides instructions to the jury on the applicable law. The jury then assesses the facts and delivers a verdict based on the judge's direction.

Above the trial courts are appellate courts, composed only of judges, who review whether the legal rules were properly applied in lower courts. However, they do not reassess the factual findings made by the jury, ensuring the jury remains an impartial component of the justice system. Legal interpretations from appellate courts set precedents that bind future cases. The authority of these precedents depends on the pyramidal structure of courts—decisions from higher courts carry greater weight than those from lower or equivalent courts.

Common law maintains its adaptability through its reliance on precedents and judicial reasoning. It incorporates mechanisms for both continuity and change, allowing legal standards to reflect modern realities.

Vocabulary:

to evolve – еволюціонувати,
розвиватися
onward – той, що йде вперед, далі
medieval law – середньовічне
право
to reflect – відображати,
роздумувати, міркувати над
to colonize – організувати
поселення, колонізувати
settler – колоніст, поселенець

a pyramidal structure of courts –
пірамідальна структура судів
trial court – суд першої інстанції
single judge – одноосібний
суддя
local citizens – місцеві жителі
admission of evidence –
вирішення питання про
визнання доказу допустимим

judicial decisions – судові
рішення
legislative body – законодавчий
орган
Roman law – римське право
to accumulate – акумулювати,
накопичувати, збирати
a particular kind of dispute –
особливий вид суперечки
subsequent cases – наступні судові
справи
to reveal – відкривати, викривати,
виявляти, показувати

to reach a verdict – виносити
вердикт
judgement – покарання, кара,
судження, присуд
to adjudicate disputes –
розглядати суперечки
appellate court – апеляційний
суд
to retain – тримати, утримувати,
акумулювати
jury – присяжні
precedent – прецедент
facts and considerations –
факти та міркування

2. Answer the questions using the information from the text.

1. What is the origin of the term "common law"?
2. On which core ideas is the common law system founded?
3. What enables the common law to adapt and evolve over time?
4. How is the judicial hierarchy organized in countries that follow the common law system?
5. What responsibilities does a judge have during a trial?
6. Who makes up the composition of trial-level courts?
7. From which group of people is the jury typically drawn?
8. What is the primary function of appellate courts?
9. Which aspects of a trial can be examined by appellate courts?
10. What determines how influential a precedent is within a particular court?

3. Read the text again and say which statements are T (true) or F (false) according to the text.

1. The term "Common Law" has been used since the 12th century.
2. Common Law system is used in the USA, Canada, Great Britain and in continental Europe.
3. Common law is a term, which describes the civil law system.
4. In all the countries with common law system, the structure of courts exists in order to define the law.
5. Common law system is characterized as a very dynamic one.
6. The jurors are usually selected from residents.
7. Any verdict couldn't be reached before both sides have presented their evidence.
8. The jury's verdict is ultimate but is subject to appellate review.
9. Appellate courts have no right to interpret laws.
10. The precedent set by appellate courts has greater force in appellate courts than in other trial courts.

4. Below are some words and phrases derived from a) "appeal" and b) "judge". Link each item to its definition.

A.

- | | |
|--------------|---|
| 1) appeal | a) to ask a more senior court or person to review a decision of a subordinate court or person |
| 2) appellate | b) permission of the court to institute appeal proceedings from a single judge or lower court to full court or a higher court respectively which appeals are made on points |
| 3) appellee | |

- 4) court of appeal c) a court to which appeals are made on points of law resulting from the judgement of a lower court
- 5) leave to appeal d) a party who appeals against a judicial decision which isn't in that party's favour
- e) refers to a higher court that can hear appeals from a lower court

B.

- 1) judge a) the judicial decision of a case in court or verdict
- 2) judicial b) a body of persons sworn to render a verdict or true answer on a law case officially submitted to them
- 3) jury c) a public officer authorized to hear and to determine cases in a court of law
- 4) adjudicate d) to settle judicially
- 5) judgment e) pertaining to courts of law or to judges

5. Substitute the active vocabulary of the topic for the italicized parts.

1. The investigator *disclosed* new facts and evidence.
2. In civil cases, the jury's verdict must be unanimous, unless the *sides* have agreed before the trial that they will *agree to* a verdict that is not unanimous.
3. What issues will be taken into *deliberation* during pre-trial conference.
4. The judges are free to *deviate* from the precedent and *establish a new court decision* as it is used by other judges to follow when a similar case arise.
5. The jury retired to the jury room to discuss the evidence and to reach *a verdict*.
6. In all common law systems, judges sometimes make laws, since their *creative explanation* may become precedents for other courts to allow.
7. In English law, the principle of judicial *re-examination* enables a court to overturn a decision made by government ministry that acted illegally.

8. In most cases the lawyers and judges agree before trial what issues are *engaged in argument involving different opinions*.

6. Find synonyms and antonyms for the following phrases in the paragraphs of the text above and use them in the sentences of your own.

- para 1 broadly speaking –
to be in force –
- para 2 previous decisions –
written statutes –
to be contrasted –
- para 3 to reveal considerations –
to accept precedent –
to retain a dynamic –
- para 4 appropriate legal principles –
to apply the law –
- para 5 ultimate verdict –
to preserve the independence –

7. Many words have more than one meaning and you must be careful when you use your dictionary to find the right definition. In the following sentences, the words in italics have several meanings. Translate the words paying special attention to the meanings as legal terms. Find those with the meaning of legal terms:

1. Who is the leader of the political *party*?
2. Yesterday he invited me to his birthday *party* and I was very glad to hear it.
3. Each of the sides involved in a legal dispute is a *party*.
4. A lawyer participates in questioning the witnesses and submits *evidence*.
5. Do you have any *evidence* to prove your idea?

6. Judgement is a legal *term* that means the legal reasoning and decision of a court in a case brought before it.
7. The constitutional composition of the Verkhovna Rada of Ukraine consists of 450 National Deputies of Ukraine who are elected for a four-year *term* on the basis of universal, equal and direct suffrage, by secret ballot.
8. Every year many Ukrainian young people *apply* to various higher education institutions.
9. The courts interpret and *apply* the law.
10. *Applicant* is a person who makes a formal request or application to a court.

Speaking

1. Express the main idea of each passage of the text “Systems of Law” in one sentence.
2. The term «Common Law» has several different meanings depending on the context. Using the information from the text above and that from “Supplementary reading”, give the definitions of “Common Law”.
3. What system of law does your country have?
4. Team work.
 - A. Describe in small groups the system of government in your own country including the following points:
 - 1) **THE HEAD OF STATE**: appointment, functions and power, relationship with other organs;
 - 2) **THE LEGISLATURE**: composition, functions and power, relationship with other organs;

3) THE EXECUTIVE: composition, functions and power, relationship with other organs;

B. Take turns to describe different aspects of the system of government in the USA and the UK. Speak aloud.

5. Work in pairs. Compare the systems of government. If you prefer you may complete the chart to help you.

- a. What are the most striking differences between the UK system of government, the US system of government and the system of government in your own country?
- b. Are there significant similarities between the above-mentioned systems?
- c. Compare one or more aspects of government that particularly interest you. Make a short report.
- d. Get ready to speak aloud. Then exchange your most interesting ideas with the rest of the class.

- **A project task:**

Imagine you are a politician just before an election. Prepare a speech lasting about two minutes stating your plans and intentions for making improvements in keeping law and order in Ukraine.

Writing

1. Using the target vocabulary write an essay on one of the topics:

- "The law system in Ukraine".
- Compose a story of your own based on the material from Supplementary reading and your understanding of the saying "Everything is changeable even laws".

- How do you understand the saying "No man is above the law and all are equal before the law"?
- In what way can the knowledge about the common law be applied in your future practical activity?

2. Read the information from Supplementary reading and write the summary in 250 words.

Over to you

1. Using the following points, be ready to describe the Ukrainian electoral system:

- 1) The electorate: who can vote?
 - 2) Constituencies: number of constituencies?
 - 3) Parliamentary candidates: who chooses candidates? / how?
 - 4) Financing political parties: expenditure during election campaigns / who finances parties?
 - 5) The electoral system: which candidates are elected? / the importance of the distribution of political support in the country?
 - 6) Electoral reform: reason for changing the system/possible effects of electoral reform?
- 2. Role play "Pre-election debate" on the topic "If you were President which law system would you prefer? Why? "**

Supplementary reading

COMMON LAW IN THE UNITED KINGDOM

Common law, or Anglo-American law, is the body of customary law, based on judicial precedent and formulated in the reports of adjudicated cases, governed by the common-law courts of England from the Middle Ages. It has evolved from the type of legal system that exists to this day in the United States and in most of the member states of the Commonwealth (formerly the British Commonwealth of Nations). Common law is therefore distinguished from the system of law based on civil law, now dominant in continental Europe and elsewhere. Second, in a more restricted sense, common law contrasts with the principles administered in English and American courts of equity and with statute law. A continuing explanatory difficulty is that, though a unitary state in international law, the United Kingdom includes three great (and a few smaller) systems of law, the English and Welsh, the Scottish, and the Northern Irish. Historically, the English common-law system (now extended to Wales since 1536) has influenced directly that of Ireland but only indirectly influenced the independent legal system in Scotland and is therefore, except in so far as it relates to international affairs, not considered in this article. The United Kingdom's legal systems have, since 1973, been subject to incorporation in the law system of the European Union, a direct effect upon the domestic law of its members—the vast majority of which have domestic systems informed by the civil-law tradition and authorizing a more purposive approach to legislative interpretation than has hitherto applied in the English common law. The regime of human rights such as exemplified by the European Convention on Human Rights (1950) has exerted similar influence in the United Kingdom after Parliament enacted the Human Rights Act, 1998.

Common law is judicially created legal precedent developed by judges in the course of deciding cases. As opposed to statute, which is promulgated as codified law via Acts of Parliament, common law evolves continuously. This can be explained by the dynamic way in which judges interpret legal statutes, based on their interpretation of existing legal precedents and practical logic, and comparing

the facts of the case at hand with prior decisions. The English legal system functions according to a common law system, rather than a civil law system that is primarily founded upon statutory laws and specific legal codes.

The sources of the Common Law.

Common law is a creation of the English courts: the Kings Bench, the Court of Common Pleas and the Exchequer in order to provide, as remains the situation today, that there were laws which took precedence over the rulings of the inferior courts.

Judges in the process of creating common law provide written verdicts on matters brought before them. For example, if English and Welsh Magistrates' Courts could set their own precedents and follow them, there would be vast local and regional variances, culminating in near-uniformity in local judiciaries that might make one unable to identify the differences from one place to another.

Common law accounts for the uniformity of principles of law within the territory. However, since the House of Lords and the Court of Appeal (Criminal Division) are the courts whose rulings form legal precedents of criminal cases in England and Wales, the judgments rendered by these superior courts have binding authority over the lower courts.

There are some situations which are entirely new in relation to the common law, and the English courts do sometimes look abroad at the decisions of other commonwealth courts to try to gain guidance or direction from them. An English court may, for example, have to look at a case decided in Canada or Australia if there is no English precedent from an English court. This can also assist in allowing the common law system to be flexible but also, as courts look to each other for guidance, a measure of stability too.

Common Law and Statute Law

Although the English legal system is a common law system, this does not imply that statutes are not binding. Rather, statute law codifies certain rules while the common law provides interpretations, and explanation when facts of immediate cases are applied to the codified law. Thus, common law and statute law

effectively cancel one another out; common law ensures that statute law is current and in line with today's issues and solutions, in addition to establishing precedents where codification by statute does not exist.

Applying the Common Law

As an attorney or law student, one is frequently compelled to investigate a question of law in order to ascertain the current state of the law on a given statutory provision or set of facts. What this means is that you will have to research whether there are any relevant statutes which address the topic you are concerned with, and then look at recent (and sometimes not-so-recent) rulings of the higher courts to see if there is any further guidance thereon. After ascertaining these, it is also of very high importance that you verify that any statutes you have found are still in force.

Additionally, one has to ascertain that any precedents of the courts have not since been subsequently overturned by later court decisions or by a decision of a higher court (e.g., the House of Lords reversing a decision of the Court of Appeal), or due to later legislation having been enacted that has codified the common law, thereby resulting in the present law being amended or modified by the new statute.

Topic 2



Pre-reading task

Discuss the following questions:

1. Prior to reading the texts, gather and summarize any information you already know about the European Union.
2. Are you aware of where the geographical boundaries of Europe are considered to end? What is your opinion on countries like Turkey, Israel, or Egypt potentially joining the EU?
3. How would you describe the current relationship between your country and the European Union? Is your country a member state of the EU?
4. Based on the images shown above, identify the symbols representing the European Union and explain what you know about the meaning or significance of each one.

Reading tasks

1. Read the text to understand what information is of primary importance or new for you.

THE EUROPEAN UNION

The European Union (EU) is a political and economic alliance of 28 European nations that cooperate on joint initiatives involving the economy, society, and security. Covering more than four million square kilometers, it is home to over 508 million people—making it the third-largest population bloc in the world, after China and India. Within this union, France has the greatest land area, while Malta is the smallest.

Originally limited to Western European countries, the EU expanded significantly in the early 2000s, welcoming several nations from Central and Eastern Europe. Present EU members include Austria, Belgium, Bulgaria, Croatia, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

The European Union is a unique coalition of democratic nations committed to peace and economic well-being. It is more than a traditional international body, resembling in some aspects a federation, although it does not replace national sovereignty. Member countries share decision-making through joint institutions—this is often called “European integration,” where countries commit to shared governance on issues of mutual interest. The foundation of this concept traces back to the post-WWII era, aimed at preventing future conflicts. French Foreign Minister Robert Schuman proposed European cooperation on May 9, 1950—a date now celebrated annually as Europe Day.

The EU was officially created with the signing of the Maastricht Treaty, effective from November 1, 1993. Its goals included establishing a political and economic union, introducing a single currency (the euro), implementing a

common foreign and security strategy, unifying citizenship rights, and cooperating on immigration, asylum, and legal matters.

In recognition of its contribution to promoting democracy and maintaining peace in Europe, the EU received the Nobel Peace Prize in 2012. Its institutional structure includes five key bodies, each responsible for specific tasks:

- The European Parliament (elected directly by EU citizens)
- The Council of the European Union (comprising member state governments)
- The European Commission (which acts as the executive authority)
- A judicial body that ensures legal consistency
- The Court of Auditors (which monitors the lawful and efficient use of the EU budget)

These institutions are supported by five other notable entities:

- The European Economic and Social Committee, which voices civil society's input on economic and social policies
- The Committee of the Regions, representing local and regional authorities
- The European Central Bank, managing monetary policy and the euro
- The European Ombudsman, handling public complaints regarding mismanagement by EU bodies
- The European Investment Bank, which finances projects that support EU goals

Numerous additional agencies further support the EU's institutional framework.

The EU is grounded in the principle of the rule of law. Every action and decision is based on agreements that all member states have approved. Initially founded by six countries—Belgium, France, Germany, Italy, Luxembourg, and the Netherlands—the EU gradually expanded to include Denmark, Ireland, and the UK in 1973; Greece in 1981; Spain and Portugal in 1986; and Austria, Finland, and Sweden in 1995. In 2004, the EU experienced one of its largest expansions when ten new countries joined.

Although the EU began as an economic partnership, its mission now includes broader areas affecting citizens' daily lives: defending civil rights, ensuring safety and freedom, generating employment, supporting regional growth, protecting the environment, and making sure globalization benefits all citizens.

Vocabulary:

to confine – обмежити

robust expansion – надійне розширення

to commit to do smth. – взяти на себе

зобов'язання зробити щось

pooling of sovereignty – об'єднання

суверенітету

to conceive – зрозуміти, уявити собі

Maastricht Treaty – Маастрихтський

договір

to enhance integration – посилювати,

зміцнювати інтеграцію

single currency – єдина валюта

security policy – політика безпеки

citizenship rights – громадянські права

asylum – притулок

judicial affairs – судові справи

recognition – визнання

driving force – рушійна сила

to ensure compliance – забезпечити

відповідність

sound and lawful management – зважене

та законне керівництво

civil society – громадянське

суспільство

social issues – соціальні питання

maladministration – неправильне

управління

to achieve objectives – досягти цілей

rule of law – верховенство права

2. Answer the questions using the information from the text.

1. What is the total number of member states in the European Union?
2. What is the primary purpose behind the formation of the EU?
3. In what ways does the European Union differ from other international organizations?
4. On what date and for what reason was the European Union formally created?
5. Which five main bodies form the institutional framework of the European Union?
6. What function does the European Central Bank serve within the EU structure?
7. Upon what legal foundation are all EU decisions and operations built?
8. Which nations were the founding members of the European Union?
9. What major contemporary issues does the EU currently address?
10. What has been the outcome of strengthening the EU's political and economic unity?

3. In the text above, there are many word combinations with the word *European*. Find them all and give Ukrainian equivalents.

4. Contextual deduction: use the context to work out the probable meaning of the following words and phrases in the text.

- globalisation
- subjects of direct importance
- executive body
- environment (environmental protection)
- job creation
- European integration

5. Read the text and fill in the gaps with the words from the box below:

to amend	to adopt	institutions	nationally	sessions
politically	Secretariat General	term		

The European Parliament is one of the EU.... Members of the European Parliament (MEPs) are drawn from member states of the EU but group themselves...rather than....

The European Parliament holds its... in Strasbourg, but its... ... is in Luxembourg and its committees meet in Brussels. The elected Parliament serves a ... of five years, after which elections are held.

The European Parliament's power and influence derive from its power to ..., and subsequently to... or reject, the EU's budget.

6. Using the text given above and that in Supplementary reading do the following tasks:

a) match the verbs and nouns to get the phrases used in the texts

To be bound by	EU-wide business
To take	into effect
To be involved in	decisions
To define	place
To put	political guidelines
To implement	legislation

b) make up your own sentences with the phrases from task a)

c) answer the questions:

1. What obligations must EU Member States adhere to?
2. How frequently is the Presidency of the Council rotated?
3. In what manner are decisions within the Council made?

4. Which officials make up the European Council?
5. What function does the European Parliament serve in the legislative process?
6. Which institution is responsible for implementing the Council's decisions?
7. How often are elections held for the European Parliament?

7. Using synonyms and antonyms we can avoid repetitions, find in the text the following words:

a) Antonyms for — to borrow, profit, dependent, employee, to appoint, external;

b) Synonyms for — assist, prosperous, aim, agreement, very important, to establish.

8. Choose the word or phrase that best complete the sentence:

1. European Union countries have common institutions to which they delegate some of their sovereignty.

(a) set back; (b) set down; (c) set up; (d) set with

2. The is fundamental to the European Union.

(a) rule of law; (b) standing rule; (c) golden rule; (d) rule of the road

3. All European Union decisions and procedures are based on the ... , which are agreed by all the EU countries.

(a) Commands; (b) Orders; (c) Treaties; (d) Decrees

4. In the early years, much of the ... between EU countries was about trade and the economy.

(a) cooperation; (b) cooperate; (c) cooperative; (d) cooperator

5. The EU treaties lay down the basic aims of the Community, establish the ... and their powers.

(a) institutions; (b) universities; (c) colleges; (d) firms

6. The ... is the main trend of development of the European communities and the Union.

(a) federalization; (b) globalization; (c) consolidation; (d) collaboration

7. The Member States created the Schengen area and introduced a single ... for foreigners on the basis of Schengen Agreements.

(a) citizenship; (b) passport; (c) visa; (d) license.

Speaking

1. Take turns to express the main idea of each passage of the text "THE EUROPEAN UNION" in one sentence.

2. Humanists and pacifists of 1960s demanded abolishing of wars and considered the idea of the United States of Europe. Can we say that the humanist-pacifist dream of the United States of Europe has come true in the XXI century?

3. Pair work.

In pairs, review the statements (or scenarios) provided and determine if they are accurate or not. Use information from the text to support your opinions. You may refer to the suggested phrases below to help you respectfully persuade your partner of your point of view:

Sorry, but if I recall correctly.../ I beg your pardon, but if I remember right.../ I can't say I'm absolutely right, but as far as I see it.../ of course, I can't fully rely on my memory, but as far as I remember/ am concerned/ realize it.../ What you say may be true, but as far as my own / personal experience goes...

Situation 1

There are two prevailing perspectives on how the European Union might evolve: one focuses on making the Union “deeper,” while the other emphasizes making it “wider.” Advocates of a deeper Union seek to strengthen integration among current member states in areas like legislation, taxation, and social protection. Proponents of a wider Union, on the other hand, aim primarily to enlarge the trade

bloc, thereby increasing the scope of the free market. These viewpoints raise the question of potential conflict: does a deeper Union inevitably make it harder to expand, and does a wider Union make deeper integration more challenging? In your opinion, which approach holds the most promise, and what reasons support your choice?

Situation 2

Despite holding greater authority than any single national parliament, the European Parliament rarely captures public interest during its elections. Often, these elections become vehicles for protest voting against governing parties at the national level. How might the public be motivated to engage more fully with elections to the European Parliament, and thereby take a keener interest in its roles and decisions?

4. Here is a list of key words, use them to produce dialogues concerning the goals and aims of the European Union. Compare your dialogues with different versions of your friends.

- 1) to adjudicate, interconnection, arrangement, security, well-being, freedom, democracy, disorder, importance, countervail, peaceful, supra-national, reasonable, international
- 2) to breach smth., to conclude a treaty, to uphold individual liberty, to reach a decision, to imply power, to integrate

5. Team work

- 1) Describe in small groups the system of reforms being implemented in our country directed to meeting EU requirements, including the following points:** anti-corruption reforms, economic reforms, reforms in the system of education, legislative and judicial reforms, etc.
- 2) Prepare for the discussion: find necessary information, present your own opinion on the following:**

The perspective of Ukraine's joining the European Union.

The countries that are in line to join the European Union.

- **A project task for small groups:**

Give a brief overview of the agencies and other bodies that are involved in the European Union's work. While preparing and presenting the project try to practice your:

- communication skills (when discussing the topic with your team-mates and reporting back),
- research skills (when reading and making notes)
- social skills (when discussing and collaborating)

DEBATE ISSUE

Despite having more authority than any individual national legislature, the European Parliament often sees low voter turnout during its elections. Many people use the opportunity to express dissatisfaction with their country's ruling party instead. How can citizens be encouraged to take a more active interest in the European Parliament's work and elections?

Writing

1. Using information from the Internet sites write an essay (under 200 words) on one of the topic:

1. How decisions are made within the European Union framework.
2. The reasons behind EU Member States choosing to combine their sovereign powers.
3. The impact of European unification on the continent's progress and the perspectives of its citizens.

2. Put the letters in correct order and find the words for the following definitions from the words of active vocabulary:

- 1) gedana – a set of operations which form a procedure for solving problem;
- 2) scomonsimi – body of persons given the duty to discharge a task, make an inquiry and write a report;
- 3) sanset – official agreement;
- 4) trouida – a person who examines accounts officially to see if they are in order;
- 5) tudbeg – estimate of probable future income and expenditure;
- 6) terapaxy – a person who pays taxes;
- 7) motemitce – a group of people selected by a legislative body to act on certain legislative matters;
- 8) rapvepo – agree to; confirm;

Over to you

1. Give a summary of the text "European Union".

2. Scan the text and note all the words and phrases that you think are legal terms

3. Get ready to:

a) Discuss in small groups the questions

1. Is further enlargement of the European Union possible?
2. What are the main trends of EU development in the XXI century?

b) Work in pairs. Your friend would like to know as much as possible about the bodies of the EU. Help him formulate 10 questions on the main EU institutions and answer them.

ROLEPLAY the following situations:

Situation 1.

You are representatives of the alternative political movements who, on the eve of the international Eurovision Song Contest, have gathered to analyze the situation and to collaborate general political strategy on establishing genuine democracy in Europe.

a) Work in groups and choose a delegate to express your platform in the summit discussion;

b) Point out the general steps of your mutual programme of "Equality of the nations". Use the following:

(to belong to a political group; to dwell on one's political platform; to suggest a kind of legislation that...; to bury political differences; a joint project of...; a civil right movement; various elements; for the sake of...; to work closely with...; state legislature(s); to collaborate/ work out/ state one's political platform/ legislation; (every) segment of society; the landmark statement of; to fix/ appoint the date/ place/ agenda of the meeting/ demonstration; the key problem/ task; the roster of speakers - include/ allot/ reflect; the representatives of the Administration; the safety of the participants; slogans and posters.

Situation 2.

You are representatives of the international mass media who have been given the task to enlighten the political events preceding the international Eurovision Song Contest

a) Interview as many representatives of different political movements as possible. Use the following:

- I hope our readers will be delighted to hear/ will not lose the opportunity to learn ...
- I suppose the public will be entirely interested in/ will reveal great concern for/ will be anxious to know

- I guess our readers will be amazed/ crazy/ astonished / on the top of the world when they hear/ learn
- I believe the people will be a bit/ greatly/ absolutely/ extremely/ entirely displeased/ frustrated
- I think nobody will take it for sure/ granted

b) State the general mood of those pooled.

Situation 3

You are Ukrainian students of law.

a) Discuss with your group-mates the points of your future projects on the "Ukrainian Democracy and Civil Rights". Use the following:

(to guarantee equal rights (to); to secure the protection of the law; nation's response to..; one's unalienable rights (of life/ liberty...); one's citizenship rights; civil rights; to protect the law/ rights; to make justice a reality; (not) to overlook the urgency of the moment; a strong civil rights bill; to provide (a kind of) legislation (that)...; to pass/ propose/ protect/ block a bill/ law/ legislation; to welcome/ back/ support the participation/ issue; the strategy of political struggle; to be encouraged by...; justice and equality)

Supplementary reading

THE EUROPEAN UNION

Acting as the voice of EU citizens, the European Parliament (EP) is composed of directly elected representatives known as Members of the European Parliament (MEPs), who serve five-year terms. Rather than aligning by nationality, MEPs form seven distinct political groups based on shared ideology. A number of MEPs also remain unattached to any group. In the June 1999 European election, approximately 30% of those elected were women.

The Parliament's primary responsibilities include the following:

- Legislation: Under the co-decision procedure, it shares legislative authority equally with the Council of Ministers.
- Budget: It votes on and approves the EU's financial framework.
- Oversight: It conducts democratic checks on other EU bodies.
- Ratification of major agreements: This includes granting approval for new EU member states and for trade or partnership agreements with nations outside the EU.

Similar to national parliaments, the EP organizes committees specializing in various policy areas (foreign affairs, budget, the environment, etc.). One such committee, the Committee on Petitions, accepts direct submissions from citizens. The European Parliament also appoints the European Ombudsman, who addresses public complaints concerning EU administrative conduct.

Council of the European Union

Formerly known as the Council of Ministers, this institution is the EU's main decision-making and legislative authority. It brings together representatives from each member state government, creating a forum in which countries present their positions and work toward shared goals. Officials convene regularly in a range of formats—working groups, ambassadors, and ministerial gatherings—or, to set overarching policies, at summits of heads of state or government known as the European Council.

Working alongside the European Parliament, the Council is responsible for formulating rules covering all European Community (EC) matters that form the EU's first "pillar." This includes the single market and numerous common policies, as well as guaranteeing the free movement of goods, services, capital, and people. The Council also plays a central part in the EU's second and third "pillars," which focus on intergovernmental cooperation in foreign and security policy, as well as justice and home affairs. Through this framework, member states collaborate to combat challenges like terrorism and drug trafficking, and to speak with a unified voice on external issues—supported by the High Representative for Common Foreign and Security Policy.

European Commission

Charged with much of the Union's day-to-day responsibilities, the European Commission drafts proposed legislation and forwards it to the European Parliament and Council. It executes EU decisions and administers the allocation of EU resources, also ensuring that all member states comply with the Union's treaties and legal framework.

The Commission consists of 20 members (a number which grew starting in 2004), backed by roughly 24,000 civil servants. The Commission President, selected by member state governments, must gain the European Parliament's approval. The other Commissioners are nominated by each government in consultation with the newly chosen President and likewise need Parliament's endorsement. The entire Commission serves for five years, and the European Parliament retains the right to dismiss it. Although based largely in Brussels, the Commission operates independently from member state governments.

Court of Justice of the European Communities

Because EU-wide regulations must be uniformly interpreted and enforced across member states, the Court of Justice ensures that EU legislation and treaties are applied consistently. It settles disputes concerning the meaning of EU laws, and national courts must seek its guidance if they encounter uncertainty in interpreting EU rules. Individuals may also initiate cases against EU institutions

at this court, which comprises one judge from each member state and meets in Luxembourg.

European Court of Auditors

This independent institution, located in Luxembourg, oversees the legality and proper utilization of EU funds, ensuring they are deployed cost-effectively and as intended. By carrying out audits, the Court of Auditors helps EU taxpayers get the most value out of their financial contributions.

European Central Bank (ECB)

The single currency, the euro, is overseen by the ECB, which independently sets Europe's monetary policy, including decisions on interest rates. Its foremost objective is preserving price stability and safeguarding the economy from inflation, though it also supports other policy aims established within the EU. Headquartered in Frankfurt, Germany, the ECB is led by a president and an executive board and collaborates with national central banks from member states.

European Investment Bank (EIB)

Focusing on projects beneficial to Europe, particularly in less-developed regions, the EIB provides funding for initiatives such as railways, highways, airports, environmental programs, and small and medium-sized enterprises that stimulate employment and growth. It also finances the Union's enlargement strategy and development cooperation. Based in Luxembourg, the EIB secures funding on capital markets and, as a nonprofit entity, can offer loans under advantageous terms.

Economic and Social Committee

Representing various social and economic interests—businesses, labor unions, consumer associations, environmental groups—this 222-member body (which expanded in 2004) offers advisory opinions on significant EU policy proposals. It exemplifies the broader European tradition of involving civil society in the political process.

Committee of the Regions

Given that many EU measures have a tangible effect at the local and regional tiers, the Committee of the Regions is consulted before decisions are made in fields such as education, healthcare, employment, and transportation. Its 222 members (also enlarged in 2004) frequently include regional leaders or city mayors, ensuring that local perspectives contribute to EU policymaking.

Topic 3



Pre-reading task

Consider the following topics for discussion:

- 1. Distinction Between Public and Private International Law**
 - How do these two branches of international law differ?
 - Which institutions or organizations play a role in each?
- 2. Enforcing International Law on Nation-States**
 - What mechanisms exist to ensure that a sovereign state follows international law?
 - Can you think of an example where a state has violated its international obligations?
- 3. Consequences for Breaching Foreign Laws**
 - What happens when individuals or companies from one country break the laws of another jurisdiction?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

INTERNATIONAL LAW

There is no single global institution solely responsible for creating public international law; rather, it emerges from a variety of sources. International law regulates interactions among states, yet viewing it simply as a static set of rules is no longer sufficient. Today, it is recognized as a dynamic network of binding regulations and influential—though not legally enforceable—concepts, practices, and assertions, supported by increasingly intricate mechanisms and processes.

Broadly speaking, international law can encompass public international law, private international law, and, in more recent times, supranational law. In its most limited usage, “international law” typically refers to public international law. Meanwhile, private international law is also called conflict of laws, a term that can likewise describe discord between states within a federal system, such as in the United States.

Public international law covers rules, laws, or legal principles that define the rights and duties of states when they interact with one another. It is derived from multiple sources, including customary practices, legislation, and treaties.

According to Article 2 of the Vienna Convention on the Law of Treaties (1969), a treaty is “an international agreement concluded between States in written form and governed by international law.” These may take various names—conventions, agreements, charters, or framework conventions.

Customary international law, which is legally binding, arises from consistent state behavior driven by a perception of legal entitlement or obligation. For example, laws of war began as customary law before being formally laid out in the Geneva Conventions and other treaties.

Since the end of World War II, international organizations composed of member states have become key players in creating, applying, enforcing, and monitoring public international law. Foremost among these is the United Nations,

which has issued important guidelines, such as the Universal Declaration of Human Rights. Global norms and legislation also develop through agreements like the Geneva Conventions (which address armed conflict) and through worldwide agencies including the World Health Organization, the World Intellectual Property Organization, the World Trade Organization, and the International Monetary Fund.

Private international law focuses on the rights and obligations of individuals and corporations operating across different sovereign states. It addresses two key issues: deciding which court can hear a dispute and determining which jurisdiction's laws apply. Unlike public international law, it governs conflicts involving private parties rather than states or international organizations.

Supranational law refers to regional accords where national laws yield to a superior legal framework in cases of conflict. At present, the only example of this is the European Union. It represents a novel legal system in which sovereign nations pool their authority within a shared set of courts and political institutions. Another developing case is the East African Community, which is currently a customs union but aims to evolve into a political federation with a similar, binding supranational legal structure.

Vocabulary:

public international law –	framework convention –
міжнародне публічне право	рамкова конвенція
private international law –	customary international law –
міжнародне приватне право	міжнародне звичаєве право
supranational law –	to codify –
наднаціональне право	систематизувати, кодифікувати
conflict of laws –	intergovernmental organisations –
конфлікт правових норм, колізія правових норм	міжурядові організації

rights and duties – права та обов'язки

custom – звичай, традиція

conventions – загальноприйняті норми

agreements – домовленості

charters – документально

підтверджені права, статутні грамоти

armed conflict – збройний конфлікт

sovereign state – суверенна держава

private individuals – фізичні особи

business entities – юридичні особи

international bodies – міжнародні

органи

legal framework – правова система

2. Answer the questions using the information from the text.

1. What are the three main sources of public international law?
2. What are the two principal questions which private international law is concerned with?
3. What is meant by a supranational legal framework?
4. What is public international law derived from?
5. What forms of documents may the treaties be represented in?
6. What organisations and institution rely in their activity and decisions on public international law?
7. What does private international law refer to?
8. What distinguishes private international law from public international law?
9. Where does the supranational law refer to regional agreements?
10. What are the present examples of implementation of the supranational law?

3. Match these words with prefixes (1–6) with their definitions (a–f).

1. interagency

2. non-aligned

3. non-governmental

4. bilateral

5. multinational

a) neutral, especially towards major powers

b) involving two groups or two countries

6. intrastate

- c) without any participation or representation of a government
- d) within the boundaries of a state
- e) involving several different countries
- f) involving two or more agencies, especially government agencies

4. Match the name of the organizations with its function. Translate the names into Ukrainian. What do you know about international organizations?

- | | |
|-------------------|--|
| 1. United Nations | a) An autonomous intergovernmental organization under the aegis of the UN, works for the safe and peaceful uses of atomic energy. |
| 2. UNESCO | b) Coordinates programmes aimed at solving health problems and the attainment by all people of the highest possible level of health. It works in areas such as immunization, health education and the provision of essential drugs. |
| 3. ILO | c) Facilitates international monetary cooperation and financial stability and provides a permanent forum for consultation, advice and assistance on financial issues. |
| 4. WHO | d) Formulates policies and programmes to improve working conditions and employment opportunities, and sets labour standards used by countries around the world. |
| 5. IMF | e) Its purposes are maintaining international peace and security, developing friendly relations among nations on the principle of equal rights and self-determination, and encouraging international cooperation in solving international economic, social, cultural, and humanitarian problems. |

- | | |
|----------|---|
| 6. IAEA | f) It was established to accelerate economic growth, social progress, and cultural development and to promote peace and security in the Southeast Asia region. |
| 7. NATO | g) Promotes education for all, cultural development, protection of the world's natural and cultural heritage, international cooperation in science, press freedom and communication. |
| 8. ASEAN | h) Security organization whose primary purpose was to unify and strengthen the western Allies' military response in case the Soviet Union invaded Western Europe in an effort to extend communism there. After the end of the Cold War it adhered more strongly to its original purpose of maintaining international stability in Europe. |

5. Use the following words to complete the sentences. One word can be used more than once.

to bind (bound) binding non-binding law-abiding to abide by something

1. The contract is ... on everyone who signed it.
2. You have to ... the referee's decision.
3. We all know why so many ... citizens own guns.
4. Two nations ... together by a common history.
5. It is set out in a legally ... protocol which forms an integral part of the treaty.
6. They ... him to remain silent.
7. The law allows the president to appoint a three-member presidential emergency board to examine the contract dispute and produce ... recommendations.

8. Nations agreed on international rules – rules they ... themselves to observe in a convention.
9. They promised to ... the rules of the contest.

6. Complete the definitions of instruments below using words from the box.

You may need to consult the glossary.

Communications decisions directives recommendations and opinions
Regulations

1. ... are views and preferences expressed by EU institutions, but they are not binding on the member states.
2. ... are detailed instructions which are applicable throughout the EU and which are directly binding on the member states, which means that they become a part of the member state's national legal system automatically without the need for separate national legal measures.
3. ... are EU decisions which are binding on the EU institutions and the member states, but they are only general instructions on the goal to be achieved; the way the goal is reached is left to the discretion of each member state.
4. ... are fully binding on those to whom they are addressed (a member state, a company or an individual). They are based on a specific Treaty Article and do not require national implementing legislation.
5. ... are published by the Commission and set out the background to a policy area. They usually indicate the Commission's intended course of action in this area.

7. Find words or phrases in the definitions in Exercise 6 which collocate with these words.

- 1 binding
- 2 member

3 goal

4 discretion

5 action

Speaking

1. Form a group and select one of the following statements for your debate:
“The Laval ruling unfairly restricts trade unions’ efforts to secure equal treatment and protection for workers.”
“The Laval ruling imposes a necessary limitation on the authority of unions.”
“The Laval ruling ultimately benefits both businesses and workers.”
2. Divide your group into two sub-teams. One sub-team should develop and defend arguments supporting the selected statement, while the other sub-team should prepare arguments against it. Plan how each participant will contribute to presenting your cases.
3. Appoint one member as the discussion facilitator. This person must be familiar with the arguments from both sides, ensuring that the debate follows a clear and organized structure.

2. Speak about International law, paying attention to the following points in your speech:

- the nature of International law;
 - the sources of Public International law;
 - international organizations as subject of International law.
3. Together with a partner, talk through each of these themes:
International law (its definition, who it concerns, how it’s used, and its purpose)
Key historical stages in international law’s evolution

The international law of treaties (what it's based on, how treaties are defined, and the roles they serve)

4. In the same pair, explore the following questions:

What qualities define someone as an “international lawyer”?

Which legal fields should an international lawyer be knowledgeable about?

Would you be interested in pursuing a career as an international lawyer?

Over to you

1. Do some research on the latest international legal news and present your information in lecture room.

2. In small groups, conduct research using available resources (such as online platforms, reference books, etc.) to gather details about the following international organizations. Focus on identifying the year they were founded, the location of their headquarters, their member countries, and their primary objectives:

- African Union
- International Hydrographic Organization
- International Criminal Police Organization (ICPO)
- Arab League
- Organization for Security and Cooperation in Europe (OSCE)
- La Francophonie
- GUAM

3. Work in pairs.

A. In your view, what international problem would most benefit from greater development of International Law? Write a paragraph giving reasons, and then discuss it with your group made.

B. Read the text from supplementary reading and decide whether the statements are true or false.

1. Domicile states that there is a sufficient "contact" or relationship between the person and the particular state or country.
2. Each country consists of one law district.
3. Inability of anyone to be without a domicile preferable as a connecting factor for determining the personal law to any other.
4. No one can have more than one domicile at the same time; he can, however, have more than one residence, home or nationality.
5. In resolving the issue of domicile, the governing law is that of the state where the suit is brought.
6. For choice-of-law problems the party's domicile may be deemed the least important "contract".

- **A project task for small groups:**

Make presentations about one of the international organizations.

Writing

1. Write a follow-up letter to the client summarising your interview and advising on how best to proceed. Include the following:

- the facts of the case
- any possible legal issues that might arise
- the stages involved in a case involving conflict of laws
- what your client should now do
- what you will do next

2. Write out legal terms from Supplementary reading text and give the definitions of their meaning.

Supplementary reading

WHAT IS INTERNATIONAL LAW?

Overview of International Law

International law is a body of regulations, accords, and treaties regarded as enforceable among nations. When independent states forge binding and enforceable agreements, these collectively form international law. Governments negotiate and adopt such rules with the aim of benefiting their populations. The primary objectives of these regulations include fostering peace, justice, mutual interests, and economic exchange.

International law specifically applies to governments, and it is each state's responsibility to implement and uphold these principles. While a nation's domestic legislation governs its citizens and anyone within its borders, it also bears the duty to observe international commitments and remain consistent with any agreements it has signed.

Scope and Topics in International Law

International law may regulate a wide range of matters, including:

Human rights

Refugee protection

Prosecution of international crimes

Arms restrictions and controls

Guidelines for claiming new territories

Oversight of shared areas (e.g., oceans and outer space)

Interstate commerce

Prevention of armed conflict

Conditions under which a nation may resort to force

Equitable treatment of detainees

Conservation of the environment

Sovereignty vs. International Law

A fundamental complexity in international law is the principle of state sovereignty. According to this concept, a government has supreme authority within its own territory and cannot be compelled by another country. Although sovereignty developed predominantly during the 18th and 19th centuries, today's global framework still depends on the willing participation of countries to negotiate, comply with, and enforce international regulations.

In practice, a state may commit only nominally to an international accord to placate other nations, leading to difficulties in enforcement. Some countries may even openly disregard the terms of agreements to which they have consented. Hence, the legitimacy and practical enforcement of international law continue to spark debates among politicians, philosophers, and world leaders.

Sources of International Law

International law generally arises from three main sources:

Treaties

Formal agreements entered into by countries on a voluntary basis. These are documented in writing. The Vienna Convention on the Law of Treaties (1969) provides guidelines for treaty interpretation, stressing the ordinary meaning of the text. Context, good faith, and the parties' genuine intent also play a part. The United States became a signatory to the Vienna Convention in 1970.

Customs

Shared practices among nations that become established as legally binding norms when observed broadly over time, based on a sense of legal obligation or right. For instance, the prohibitions against genocide and slavery arose from customary international law. If a state does not formally challenge a particular custom, it is presumed to be bound by it.

General Principles of Law

These are overarching legal concepts that evolve over time as states and courts interpret and apply the law. In addition to previous rulings, international legal bodies may look to scholarly works and legal precedents, similarly to how domestic courts cite case law and legal treatises.

Who Practices International Law?

Practitioners of international law—often referred to as international lawyers—must excel in written and verbal communication as well as in negotiation. They typically represent their country’s interests, advising political leaders on legal rights, responsibilities, and potential courses of action. International lawyers often help translate political objectives into formal agreements.

Private charities and advocacy organizations may also hire international lawyers. In these settings, attorneys may work on behalf of individuals who face unjust treatment abroad or seek to expose human rights abuses to the global community. Careers in international law generally involve extensive travel, an irregular schedule dictated by unpredictable disputes, and frequently require proficiency in multiple languages.

Moreover, litigating cases in international courts can be a lengthy endeavor, sometimes spanning years. International law often becomes a lifelong vocation for lawyers who relish the in-depth, sustained engagement that these cases demand.

Topic 4



Pre-reading task

Consider the following questions and discuss:

1. How would you define the term *judiciary* in the context of law?
2. What is the principal purpose or goal of every court?
3. Why do you think various types of courts exist?
4. Look at the images provided: in what ways do you associate them with the concept of the judiciary, and what might these objects represent?
5. Which words do you predict might appear in the text, based on the topic?

Reading task

1. Read the texts to understand what information is of primary importance or new for you.

JUDICIARY IN GREAT BRITAIN

The United Kingdom's Judicial Systems

The United Kingdom does not operate under one consolidated judicial system. Instead, England and Wales share one system, Scotland maintains its own, and Northern Ireland uses a third. Scotland's legal framework evolved independently from the others. Nevertheless, the Supreme Court of the United Kingdom stands as the highest court of appeal for civil cases across all parts of the UK, as well as for criminal appeals in every jurisdiction except Scotland.

England and Wales

In England and Wales, the High Court of Justice is divided into three sections—Chancery, Queen's Bench, and Family—to handle more complex civil disputes. However, most civil matters are heard in the county courts. Major criminal cases, which require a jury, go before the Crown Court. This court convenes in various locations throughout England and Wales. One notable Crown Court in London is the Central Criminal Court, commonly called "the Old Bailey."

Virtually all criminal cases initially begin in the magistrates' courts, yet only a small number proceed to the Crown Court for a full jury trial. Most magistrates serve voluntarily and are not legally trained.

Northern Ireland

Northern Ireland's court structure largely mirrors that of England and Wales, featuring its own High Court, Crown Court, county courts, and magistrates' courts.

Scotland

Scotland's legal system includes the High Court of Justiciary, which serves as the highest court for criminal appeals and handles the most serious criminal cases

under a judge and jury. This court hears appeals in Edinburgh but also sits in various other locations across Scotland to handle first-instance trials. Other criminal matters go to the sheriff courts, overseen by a sheriff—sometimes alongside a jury—and located in 49 different venues. The least serious offenses initially appear before the justice of the peace courts.

For civil matters, the Court of Session ranks as Scotland’s highest court. It rules on the most significant civil cases (occasionally involving a jury) and considers appeals from the sheriff courts, which hold unlimited jurisdiction in civil suits. The Court of Session’s decisions may be appealed to the Supreme Court of the United Kingdom.

Courts of England and Wales

The courts of England and Wales—both civil and criminal—are tasked with delivering justice under English law, reporting to the UK Parliament.

Reasons for Multiple Courts

There are two main justifications for having different courts. One advantage is the opportunity for specialization, such as family courts or juvenile courts focusing on particular legal issues. Another reason is the appeals process: if someone believes a lower court’s decision is unfair, they can challenge it in a higher court. Rulings issued by higher courts bind lower courts that fall under their jurisdiction.

Minor and Serious Cases

Less serious criminal matters typically begin in the magistrates’ courts, while civil disputes generally start in the county courts. Certain serious criminal offenses—such as murder—cannot be tried in magistrates’ courts and must go to the Crown Court. In some cases, the defendant can choose whether to be tried in the Crown Court or by a magistrate. Although a Crown Court trial often takes more time, it allows the defendant to have their case decided by a jury. Meanwhile, magistrates’ courts may handle some civil issues, such as debt recovery.

The High Court and the Supreme Court

The High Court hears appeals from lower courts in both criminal and civil matters. Previously, the House of Lords functioned as the highest court for all cases, but under the Constitutional Reform Act 2005, its judicial responsibilities were transferred to the Supreme Court of the United Kingdom in 2009.

Arrest, Charges, and Bail

When police arrest a suspect, they must determine if sufficient evidence exists to issue a formal charge. If they do charge the suspect, they may release them on unconditional bail—requiring only that they appear before a magistrates' court on a specified date. Alternatively, authorities might seek a magistrate's order to keep the suspect in custody until their next court appearance. A magistrate may then decide that continued custody is unnecessary and permit unconditional bail. In some instances, conditional bail may be granted, requiring the suspect to provide financial security, surrender a passport, or fulfill another obligation as a guarantee of compliance.

Vocabulary:

To have a variety of courts – мати різні суди

a family court – суд з сімейних справ

a juvenile court – суд у справах неповнолітніх

lower court – нижчий суд

higher court – вищий суд

to appeal to – подавати апеляцію

to be binding upon – бути

обов'язковим для

unified judicial system – єдина
судова система

administration of justice –
відправлення правосуддя

to constitute – засновувати

to be subordinate to – бути
підпорядкованим

minor case – незначна справа,
справа, яка стосується

неповнолітнього

magistrates court – магістратський
суд

County court – суд графства
 to hear a case – слухати справу
 Crown Court – суд Корони
 offence – правопорушення
 to give the choice of doing smth –
 дати вибір зробити щось
 the facts of the case – обставини
 справи
 jury – суд присяжних
 ordinary members of the public –
 звичайні громадяни (члени
 суспільства)
 High Court – Високий суд
 to consider appeals – розглядати
 скарги
 to transfer the judicial functions to –
 передати судові функції
 Supreme Court of The United
 Kingdom – Верховний Суд
 Сполученого Королівства
 suspect – підозрюваний

to suspect smb. of smth –
 підозрювати когось у чомусь
 evidence – свідчення, доказ(и)
 to make a formal accusation (charge)
 –пред’явити офіційне
 звинувачення
 to charge smb with smth –
 звинувачувати когось у чомусь
 to release smb – звільнити когось
 unconditional bail – безумовна
 порука, безумовна застава
 to remain in custody – залишитися
 під вартою
 to appear before a court – предстати
 перед судом
 conditional bail – умовна порука
 to put some money as security –
 внести гроші як заставу
 to surrender documents –
 передавати документи

2. Answer the questions using the information from the text.

1. What are the reasons for having a variety of courts?
2. What decisions are binding upon lower courts?
3. Does the United Kingdom have a unified judicial system?
4. What courts are responsible for the administration of justice in England and Wales?
5. What body constitutes and governs the courts of England and Wales?
6. What body are the courts of England and Wales subordinate to?

7. Where are minor criminal cases started?
8. Where are civil cases started?
9. What court considers serious criminal cases?
10. What civil matters do magistrates courts deal with?
11. What can the police do with the suspect?
12. What is a conditional bail?

3. Ask questions to get the following answers:

1. How many courts of trial and courts of appeal are there for criminal cases in England, Wales, and Northern Ireland?
2. Which courts in these jurisdictions handle first-instance criminal trials?
3. Which courts hear appeals in criminal proceedings?
4. What impact do rulings from a higher court have on decisions made by lower courts?
5. Which court handles summary offenses?
6. Which court is responsible for trying indictable offenses?
7. Once a suspect is arrested, under what conditions might the police decide to grant their release without restrictions?
8. What are the sentencing limitations of the Magistrates' Courts?
9. What percentage of all prosecutions is dealt with in the Magistrates' Courts?
10. Which court tries the majority of cases involving children and adolescents under 18 years of age?

4. Reread the text and decide if the following statements are *true* or *false*:

1. The courts of trial are the Magistrates' Court and the Crown Court.
2. The courts of appeal are the Court of Appeal and the House of Lords.
3. The Magistrates' Court is the senior court of trial.
4. The Magistrates' Court deals with summary offences.
5. More serious offences are committed to the Crown Court.
6. Juvenile Courts try charges against convicted offenders.

7. Juvenile Courts try most charges against children and persons under the age of 18 years.
8. The Crown Court is the lower court of trial.
9. The Court of Appeal hears appeals from criminal cases heard in the Crown Courts.
10. The House of Lords is the most senior and final court of appeal.
11. Criminal proceedings consist of litigation about property, family matters and actions to obtain financial redress for damage to property and personal injury.
12. County Courts are local courts and are presided over by a jury.

5. Give other words with the same root.

To accuse, to secure, a condition, various, to decide, a defendant, appearance, necessity, to choose, to suspect, formal, to charge, to offend, judicial, crime, administration, just, constitution.

6. Match words with their synonyms.

- | | |
|-----------------|-----------------|
| 1. to release | a. matter |
| 2. accusation | b. to deal with |
| 3. on condition | c unjust |
| 4. custody | d. obligatory |
| 5. to remain | e. to stay |
| 6. to grant | f. certain |
| 7. particular | g. provided |
| 8. unfair | h. to give |
| 9. binding | i. charge |
| 10. to consider | j.to set free |
| 11. case | k. detention |

7. Give antonyms

a) using prefixes and translate them.

necessary un _____

important un _____

certain un _____

to connect dis _____

to guide mis _____

to conduct mis _____

responsible ir _____

B. personal, to interpret, equitable, interested, advantage, common, formal, to use, essential, to agree, fair, conditional, to appear

b) Match words and legal terms with their antonyms.

lower plaintiff

defendant serious

criminal civil

to release to acquit

to charge to arrest

minor higher

8. Fill in the gaps with missing words (legal notions).

1. Minor criminal cases are started in ...
2. Civil cases are started in ...
3. The highest court is the ...
4. The magistrates grant a ... bail or ... bail.
5. The Courts of England and Wales are ... and governed by the Law of England and are ... to the Parliament of the United Kingdom.
6. The police may release the suspect provided he appears on ... day at certain ...
7. The Constitutional Reform Act 2005 has ... the judicial functions of the House of Lords to the ... of the United Kingdom.

8. The suspect may remain in ... until he next appears before a court.
9. The police must have enough ... to make a
10. Some defendants prefer the Crown Court because the facts of the case are decided by a
11. The Magistrates Court may deal with some civil matters such as
12. The Magistrates can't hear
13. A person can appeal to a ... if he thinks that the decisions on his case is
14. The Courts of England and Wales are the civil and criminal courts ... for the administration of ... in England and Wales.

9. Find a suitable definition for each word in the right column.

- | | |
|---|------------------------|
| 1. courts that deal with young defendants | a) murder |
| 2. call to a higher court to change the decision of a lower court | b) debt |
| 3. not serious cases | c) Crown Courts |
| 4. the lowest civil courts in Great Britain | d) appeal |
| 5. something owed to someone else | e) magistrates' courts |
| 6. imprisonment | f) evidence |
| 7. anything that gives a reason for believing | g) County courts |
| 8. the highest court in Great Britain | h) minor cases |
| 9. the lowest criminal courts in Great Britain | i) juvenile courts |
| 10. killing of a human being on purpose | j) custody |

Speaking

1. Pair work:

1) Discuss the following:

What courts do you think would deal with:

- a) careless driving?
- b) a divorce case?
- c) a shoplifting committed by a schoolboy?
- d) an assault causing actual bodily harm?
- e) a murder of a child?

2. Group work:

1) Express the main idea of each passage of the text “Judiciary” in one sentence.

2) Using active vocabulary, the questions and statements from exercises 2 and 3 as a plan interpret the content of the text.

3. Team work:

1) Discuss advantages and disadvantages of court specialization.

2) Debate on the problem of detaining someone or the state of being detained in official custody, especially as a political prisoner.

Writing

1. Using the information from the text and additional information from Internet resources make the chart of:

- a) the hierarchy of British courts
- b) the hierarchy and the structure of Ukrainian courts

2. Write an essay of 250-300 word on one of the topics:

- The development and the importance of e-judiciary.

- Does the society really need judiciary?
- Do you feel that courts can protect your rights?

Over to you

1. Give the summary of the topic “Judiciary in Great Britain”.
2. Describe the Adversary System of Justice, discuss the critics of this system and its alternative.
3. Using the information from the text and from *Supplementary reading* compare the court system in Great Britain and in Ukraine.
4. Study by yourself the additional material from Internet and be ready to speak about:
 - a) Where and how are serious crimes tried in different countries?
 - b) Reforms in Ukrainian judiciary;
 - c) Judiciary in the UAS.

- *A project task for small groups:*

Prepare a presentation in PowerPoint on “New trends in judiciary in different countries”.

ROLE PLAY. Imagine that you are a young professor of law at one of the Universities in National University "Odessa Law Academy". It is your first lecture. The subject of the lecture is: "Judiciary in Ukraine". Compare the organization of the courts and judiciary in the USA/the UK and in your own country.

***NOTE! In order to be successful follow these instructions:**

- 1) Make an outline of the future lecture;
- 2) Single out the key*terms, define each of them and compose the diagram to help you;
- 3) Try to speak close to the point;

- 4) Prepare questions or multiple choice tests for examining;
- 5) Use conversational formulas if necessary (Let's get down to...; On the one/other hand..., on the contrary, we can come to conclusion, etc.)

Supplementary reading

JUDICIARY IN UKRAINE

Overview of Ukraine's Legal System

Ukraine's legal framework is grounded in civil law and belongs to the Romano-Germanic family of legal traditions. Codified legislation serves as the main source of legal authority. Although case law and customary law also exist, they are less prominent; however, court rulings often supplement and reinforce written statutes in a manner similar to many other legal systems. Historically, Ukraine's laws draw heavily on the French *Code Civil*, Roman law, and traditional Ukrainian customary rules.

Administration of Justice

The administration of justice in Ukraine is conducted solely by the courts. Neither the functions of the courts nor their authority may be delegated to any other entity or official. In accordance with Article 125 of the Constitution of Ukraine, the court system is arranged according to territorial divisions and specialized jurisdictions. This structure encompasses four tiers of general-jurisdiction courts:

Local Courts of General Jurisdiction

District, urban district, and municipal courts

Regional courts

Local administrative courts (handling administrative-law disputes within their assigned areas)

Courts of Appeal

Regional appellate courts

Appellate court for the Ukrainian Navy

Regional military appellate courts

Economic appellate courts (also referred to as arbitration courts)

Administrative appellate courts

High Courts with Specialized Jurisdiction

High Administrative Court of Ukraine, responsible for administrative cases

High Arbitration Court of Ukraine, handling business and commercial matters

Supreme Court

Exercises jurisdiction over all types of cases as the highest judicial body of general jurisdiction.

Additionally, Ukraine has a **Constitutional Court**, which stands apart from the general system and holds exclusive authority over constitutional matters.

Constitutional Court of Ukraine

The Constitutional Court of Ukraine is the sole organ for constitutional adjudication. It decides whether laws and other legal acts align with the Constitution, and it provides the official interpretation of the Constitution and other legislative acts. Formed on October 18, 1996, its first ruling was delivered on May 13, 1997. This court's powers are founded on Chapter XII of the Constitution of Ukraine.

Specifically, upon request by the President, no fewer than 45 members of Parliament, the Supreme Court, or the Ombudsman, the Constitutional Court may:
Review the constitutionality of parliamentary laws and other acts, presidential decrees, and cabinet decisions.

Provide official interpretations of Ukraine's Constitution and laws.

Offer an opinion on whether international treaties under consideration by the President or the Cabinet conform to the Constitution.

Provide an opinion, at the request of Parliament, on whether the impeachment process for the President is being carried out in accordance with constitutional provisions.

Rule on whether proposed constitutional amendments adhere to the Constitution's prescribed limitations.

All decisions made by the Constitutional Court are binding, final, and cannot be appealed. If a law or any of its provisions is found unconstitutional, it is rendered invalid. The Court has 18 judges, with one-third appointed respectively by the President, Parliament, and the Congress of Judges. Each appointee must be a Ukrainian citizen who is at least 40 years old, holds a higher legal education with at least a decade of professional experience, has lived in Ukraine for the past 20 years, and is proficient in the state language. Judges serve for nine years and cannot be reappointed. Any vacancy must be filled within one month by the President or Parliament, and within three months by the Congress of Judges. The Court's Chairperson is elected from within its membership for a single three-year term by secret ballot.

Local Courts

Local Courts of General Jurisdiction handle both criminal and civil proceedings, as well as cases pertaining to administrative offenses. **Local Commercial Courts** focus on commercial disputes or other cases assigned to them by relevant legislation. **Local Administrative Courts** address legal actions involving public administration and local self-governance, except for military-related cases, which are reserved for military courts.

Courts of Appeal and the (Former) Appellate Court of Ukraine

There are regional appellate courts, which may occasionally merge into a single appellate court serving multiple regions. These courts:

- Review appeals according to established procedural rules.
- Serve as courts of first instance for specific case types designated by current legislation (except in the case of commercial appellate courts).

- Track and analyze judicial statistics, studying and synthesizing case-law developments.
- Advise local courts on interpreting and applying current laws.

Although an “Appellate Court of Ukraine” is mentioned, it does not presently exist. Should it be reestablished, it would also hear appeals within its purview according to applicable procedures.

High Specialized Courts

At the apex of the specialized court hierarchy are the **High Arbitration Court of Ukraine**, the **High Administrative Court of Ukraine**, and the **High Specialized Court of Ukraine for Civil and Criminal Cases**.

The **High Arbitration Court** is divided into four chambers addressing:

1. Bankruptcy
2. Disputes among business entities
3. Conflicts arising from taxation or other government regulatory measures over economic entities
4. Intellectual property rights

The **High Administrative Court of Ukraine** typically assigns a single judge to first-instance administrative cases. In more complex disputes or when requested by a party, three judges may hear the case. For cases within its initial jurisdiction, the High Administrative Court convenes a panel of at least five judges. Appeals are normally heard by a panel of three judges, while cassation review requires at least five.

Supreme Court of Ukraine

Under Article 125 of the Constitution, the Supreme Court of Ukraine stands as the highest body within the system of courts of general jurisdiction. It is responsible for ensuring uniformity in the application of the law by all general courts.

In line with the Law “On the Court System,” the Supreme Court:

- Reviews cassation appeals involving decisions made by courts of general jurisdiction in relevant cases, as permitted by current legislation.
- Reviews second cassations in all other cases tried in general courts and, under special circumstances, hears certain other matters.
- Issues official guidance to lower courts regarding the implementation of current legislation, based on an evaluation of judicial statistics; if necessary, it can revoke interpretations made by the plenary assembly of a highest specialized court.
- Can formally request an opinion from the Constitutional Court of Ukraine when issues arise concerning the compatibility of certain laws or the Constitution with other legislation.
- Compiles and evaluates judicial statistics, examining and consolidating court practices to clarify how existing legislation should be applied.
- Addresses matters related to Ukraine's international agreements and represents the interests of the country's general courts in their dealings with foreign courts.

The Supreme Court includes:

- **Judicial Chambers** for civil, criminal, administrative, and economic cases
- A **Military Collegium**
- A **Presidium** and a **Plenary** session
- The **Council of Judges of Ukraine**

The head of the Supreme Court is chosen and may be dismissed during a plenary session by secret ballot among the Court's members.

II. Legal Careers

Topic 5



Pre-reading task

Discuss the following questions:

1. Are legal professionals referred to by identical or varying titles in different nations?
2. Which legal careers are you aware of?
3. What do you know about legal occupations in Great Britain?
4. How would you define a solicitor?
5. Between solicitors, doctors, surveyors, and accountants, which one do you believe typically earns the least?

Reading task

1. Read the text to understand what information is of primary importance or new for you

SOLICITORS

In common law jurisdictions such as England, Canada, and Australia, the legal profession traditionally divides practitioners into two categories: solicitors and barristers. This long-standing division endures because each role maintains distinct responsibilities, as well as a separate regulatory entity.

Solicitors

In England and Wales, solicitors represent one of the two principal types of practicing lawyers, with barristers being the other. Solicitors handle a wide range of legal matters, typically undertaking office-based work and direct interaction with clients. A barrister usually only becomes involved when instructed by a solicitor, who assembles and communicates the client's information. Solicitors consult with clients, offer legal advice, draft documents, negotiate on their clients' behalf, prepare cases for trial, and may retain barristers for specialized guidance or representation in higher courts. Although solicitors are authorized to act in every court and are considered officers of the court, they generally only advocate in the lower courts. Their broad scope of activities means that solicitors far outnumber barristers.

Origins and Development

The solicitor profession dates back to the 12th century, when Norman French dominated courtroom proceedings, prompting litigants to engage a representative who could act as both translator and spokesperson in court. These early legal agents were referred to as attorneys, predecessors of the modern solicitor. Over time, a clear distinction arose between attorneys and the court pleaders, later known as barristers.

Until the early 19th century, the profession remained largely unregulated. Eventually, the Law Society was founded and gained a Royal Charter in 1845, granting it authority to oversee standards of conduct and education across England

and Wales. Around then, the term “attorney” was officially replaced by “solicitor.” Parliament has periodically expanded the Law Society’s remit through a series of legislative acts.

The Law Society’s governing Council comprises 75 members, elected by various constituencies and areas of expertise. It wields the power to regulate the profession, setting standards and ensuring compliance.

Scope of Work

Traditionally, solicitors are perceived as general legal practitioners who primarily work in an office, directly advising clients. Individuals faced with legal concerns often seek a solicitor’s counsel. A solicitor’s workload covers an enormous variety of tasks, from drafting legal correspondence to managing the transfer of property, overseeing trusts, administering estates, writing wills, and handling probate, family law, and divorce matters.

When litigation is necessary, solicitors manage the preliminary stages, gathering evidence and interviewing witnesses, and then serve as intermediaries by passing prepared briefs to barristers, who conduct courtroom advocacy in the higher courts. In lower courts—such as those dealing with divorce, debt recovery, minor infractions, and certain family proceedings—solicitors themselves may represent their clients.

Numbers and Income

The number of solicitors in England and Wales is around 60,000 and rising, making them by far the largest professional group in the legal field. Although some advocate abolishing the traditional split between barristers and solicitors, the government continues to weigh arguments on both sides. In terms of earnings, solicitors often rank below other professionals like dentists, doctors, and surveyors, as well as accountants, according to certain unofficial comparisons. One key reason is that a large portion of solicitors in England and Wales operate as sole practitioners or in small partnerships, generally serving

clients who are not extremely wealthy. Since fees must be kept affordable for this client base, high earnings are not always feasible.

Changing Boundaries

In recent years, the strict lines between solicitor and barrister have begun to blur. There is about one solicitor for every 1,300 people, though the distribution varies by region and is heavily concentrated in commercial hubs. Additionally, a significant amount of tasks in a solicitor's office may be assigned to managing clerks—now termed “legal executives.” Legal executives, who possess their own professional regulatory body (the Institute of Legal Executives), represent a third category of legal professional in England and Wales, further reshaping the roles and responsibilities within the solicitor branch of the profession.

Vocabulary:

governing body – керівний орган

litigant – позивач

on the client behalf – від імені
клієнта

forerunner – попередник

court pleader – пледер, адвокат, що
виступає в суді

in favour of – на користь

attorney – адвокат, юрист,

itueny – виборчий округ

specialism – спеціалізація

practitioner – практик

confined – обмежений, вузький

non-litigious matters – питання, які
не підлягають судовому розгляду

supervision of trusts – нагляд за

довірчою_власністю

supervision of settlements – нагляд
за сплатами

to be blurred – бути розмитим

to afford – мати змогу

administration of estates –

адміністрування маєтків

to make a will – скласти заповіт

conveyancing – передачі прав

probate – затвердження заповіту

litigation – судовий процес

evidence – докази, свідчення

witness – свідок

to issue writs – видавати повістки
до суду

to conduct interlocutory proceedings

– проводити попереднє

провадження

civil action – цивільний позов

matrimonial matters – подружні

питання

petty crimes – дрібні злочини

county court – суд графства

to recover debts – покрити борги

to eliminate – ліквідувати

income – дохід, прибуток

2. Answer the questions using the information from the text.

1. How are legal careers divided in nations following a common law tradition?
2. What are the key characteristics separating each component of this professional split?
3. What is the historical origin of the solicitor profession?
4. Based on the text, what information have you gathered about the Council of the Law Society?
5. How would you describe the typical role and duties of a solicitor in England?
6. What tasks do solicitors usually handle in their daily practice?
7. In which courts are solicitors permitted to argue cases?
8. Approximately how many solicitors practice in Great Britain?
9. In what types of workplaces are solicitors generally employed?
10. What factors are driving changes in the type of work solicitors perform?

3. Read the text again and say which statements are T (true) or F (false) according to the text.

1. The division of the legal profession is longstanding, and each branch carries out distinct responsibilities.
2. Both categories of lawyers follow essentially the same education and career progression.
3. Solicitors devote themselves chiefly to courtroom advocacy.
4. A solicitor can only provide counsel in an indirect capacity.

5. Solicitors do not receive their fees directly from clients.
6. The role of a solicitor is recognized as that of an advocate.
7. Solicitors are permitted to speak only in county courts.
8. Their low earnings are causing a rapid decline in the number of solicitors.
9. The fee a solicitor earns depends on their expertise and professional credentials.
10. The government currently sees no need to remove the distinction between barristers and solicitors.

4. Choose the best way to complete the sentences.

1. England has two different kinds of lawyers: ...
 - a) solicitors and barristers
 - b) barristers and legal executives
 - c) solicitors and judges
2. Solicitors work on court cases of clients ...
 - a) in the court
 - b) outside the court
 - c) at home
3. ... is a governing body of solicitors.
 - a) the Bar
 - b) the Highest Court
 - c) Law Society
4. Many people believe the distinction between barristers and solicitors
 - a) should be adopted
 - b) should be eliminated
 - c) should be kept
5. There are about 60,000 solicitors, a number, which is rapidly increasing.
 - a) 60.000; decreasing
 - b) 50.000; increasing
 - c) 60.000; increasing

5. Complete the following sentences by adding the phrases given in part B.

Part A

1. England is almost unique ...
2. Each branch of legal profession has ...
3. A general practitioner, confined mainly to the office ...
4. The solicitors deal with preparing ...
5. The solicitor has the right to speak in the Lowest Courts when ...
6. Clerks who undertake a lot of work in English solicitor's offices ...

Part B

- a) the case is one of divorce, recovery some debts, petty crimes.
- b) its own characteristic functions and a separate governing body.
- c) is the solicitor.
- d) in having two different kinds of lawyers.
- e) legal documents for the clients.
- f) are a third type of lawyers called "legal executives".

6. Match the terms with their definitions and make up your own sentences with them:

- | | |
|---------------------------|---|
| 1. Justice of the Peace | a) a local court exercising limited jurisdiction in civil matters. |
| 2. an advocate | b) a court in England and Wales where minor crimes are judged . |
| 3. a solicitor | c) a court of law in the UK that has more power than ordinary courts, and in which previous court decisions can be changed. |
| 4. the Magistrates' Court | d) a lawyer admitted to plead at the bar in the superior courts. |
| 5. a barrister | e) is someone who speaks on behalf of another person, especially in a legal context. |

- | | |
|---------------------|--|
| 6. the County Court | f) a local magistrate empowered chiefly to administer summary justice in minor cases, to commit for trial, and to administer oaths and perform marriages. |
| 7. the High Court | g) an attorney who advises clients on legal matters, represents clients in certain lower courts, and prepares cases for barristers to present in the higher courts . |

7. Match the word-phrases on the left with those on the right bearing the opposite sense

- | | |
|----------------------------|-----------------------------------|
| 1. to be ahead (of) | a) to be on a job |
| 2. to turn down an offer | b) to follow the law |
| 3. to be on the right side | c) to fall behind |
| 4. a highly-paid job | d) to hire to work |
| 5. to fire from work | e) to accept a proposal |
| 6. on the one hand | f) to a great extent |
| 7. to some extent | g) on the other hand |
| 8. to be unemployed | h) to lose a matter |
| 9. to violate the law | i) the danger of losing one's job |
| 10. job security | j) a low-paid job |
| 11. to win a case | k) to be on the wrong side |

Speaking

1. Express the main idea of each passage of the text “Solicitors” in one sentence.

2. What titles of legal profession does your country have?

3. What legal profession are you going to have after graduating from the university? Why?

4. Prove that changes in the legal profession are likely (unlikely) to take place in the foreseeable future.

5. Give your arguments for and against the fusion of the legal profession.

6. Team work:

A. Describe in small groups:

- 1) Changes in activities and responsibilities of the solicitors in different historical periods.
- 2) Future trends in the development of legal professions in Great Britain.

B. Take turns to describe different aspects of the activity of legal professionals in the USA and the UK. Speak aloud.

Writing

1. Using the target vocabulary write an essay of 200 words on one of the topic: "The legal professionals in Ukraine".

2. Write an imaginary letter to a relation/friend of yours and describe him/her how you started the individual law practice. Dwell briefly on the following points:

- your first step(s) in private practice;
- progress you've achieved;
- the "back side" of your profession;
- the hardships you've come across while running your business.
- the advantages the private practice has given to you.

3. On the basis of the information make up a scheme about legal education in the UK and the USA.

UK

Solicitors

1-year Postgraduate Legal Practice course

2-year training contract with a firm of solicitors

1-year LLM course to specialize in a certain area of law (optional)

3-year undergraduate program LLB GCSE + A-levels some law schools

National admission test top law schools

National Admission Test for Law (LNat) 8 leading law schools

USA

1-year Postgraduate Legal Practice course

2-year training contract with a firm of solicitors

1-year LLM course to specialize in a certain area of law (optional)

Law School Admission Test (LSAT)

4-year undergraduate course Bachelor's in an undergraduate institution degree

3-year course at an ABA law school JDABA exams license

Over to you

1. Using the following points, be ready to describe the Ukrainian legal professions:

- 1) How to become a legal professional?
- 2) Places and the way of employment for legal professionals in Ukraine
- 3) Judicial professional, who are they?
- 4) Speak about the famous lawyers of Ukraine.

- **A project task for small groups:**

Suggest the most appropriate model of the legal profession.

Supplementary reading

THE AMERICAN LEGAL PROFESSION

In the United States, “attorney” and “lawyer” are often used interchangeably, reflecting a system in which other nations’ distinctions do not strictly apply. Still, there is a subtle difference between the two terms.

Strictly speaking, there is no single “American lawyer” because each state grants its own licenses; an individual authorized to practice in Florida, for instance, may not be recognized as a legal professional in Alabama or Alaska. Yet taken together, these numerous attorneys form a large, varied profession.

The legal world in the U.S. encompasses many different sectors. Large law firms typically recruit graduates from the most prestigious institutions—such as Harvard or Yale—to handle securities and antitrust cases, bond issues, mergers, tax law, and international trade. Whether at large or small firms, a significant share of work involves litigation. Real estate is another key practice area, covering transactions like purchasing homes, developing shopping centers or office buildings, and converting luxury residences into condominiums. Estate work spans the entire range of firms, from large practices advising influential industrialists and prominent families to small-town lawyers dealing with farm estates.

Some practice areas lean toward specialization—for example, maritime trade, chartering ships, entertainment law, trademark protection, and copyright issues.

Still, few attorneys limit themselves exclusively to one field. While big firms address multiple areas, they often leave certain matters—like divorce—to smaller firms, legal clinics, or sole practitioners who primarily serve “one-off” clients needing help with issues such as divorce, car accidents, or drunk-driving charges. Some attorneys in these areas struggle financially, while others are quite successful.

Since the early 1800s, law has been seen as a pathway to upward mobility in American society. Historically, it was nearly an all-white, all-male profession; black attorneys were exceptionally rare, and women were not admitted to any bar until the 1870s. Even then, their acceptance proceeded slowly and begrudgingly.

Achieving equality remains complicated, partly due to educational costs. Many lawyers come from middle- to upper-class families—often from professional or business backgrounds—rather than working-class settings. One study found that over 73 percent of practicing attorneys in Chicago grew up in relatively affluent households.

Although law schools exist in nearly every state (with Alaska a notable exception), they share similar curricula and often require the same admission criteria: a bachelor's degree and the Law School Admission Test (LSAT). Still, these schools vary in reputation, resources, and the caliber of faculty and students. Elite institutions such as Harvard, Yale, Berkeley, or the University of Chicago can afford massive libraries and typically enroll top-tier students.

American attorneys tend to be active in professional organizations. The American Bar Association (ABA), along with various state, regional, and city bar groups, offers a sense of community. However, ABA membership is not mandatory, so it does not include all practicing lawyers in the country.

Legal services in the United States can be expensive, creating barriers for individuals who need representation. Nevertheless, for serious criminal cases, the government provides a court-appointed lawyer—often called a “public defender”—for those who cannot afford to hire one. In civil matters, the situation is more complex. While some lawyers regularly do pro bono work for clients with limited resources, a growing number of firms also focus on serving the broader public interest.

Topic 6



Pre-reading task

Discuss the following questions:

1. Which countries recognize both barristers and solicitors as distinct legal roles?
2. Can you mention any other designations for legal practitioners?
3. Which political figures formerly held or currently hold legal qualifications?
4. How would you describe the current significance of legal literacy within broader society?

Reading task

1. Read the text to understand what information is of primary importance or new for you

BARRISTERS

Although solicitors and barristers often collaborate on cases, barristers focus primarily on courtroom advocacy. A barrister can only be engaged through a solicitor, meaning they do not receive payment directly from the client but rather through the solicitor, who assumes responsibility for the barrister's fees. Unlike solicitors, barristers have full rights of audience, enabling them to appear in any court within the jurisdiction.

The majority of barristers earn a living by advocating on behalf of clients in both civil and criminal matters. One day, a barrister may act as prosecutor in a criminal case, and the next as defense counsel for the accused; similarly, they might represent a claimant in a civil lawsuit and then represent a defendant the following day. This flexibility fosters a high level of impartiality and independence of judgment. Barristers are also regarded as experts in interpreting the law. When especially complex legal issues arise, solicitors may seek a barrister's advice, commonly referred to as "taking counsel's opinion." Barristers devote a considerable amount of time to paperwork outside of their courtroom appearances, where they adhere to strict formalities by wearing wigs and gowns.

To become a barrister, an individual first registers as a student member of one of the four Inns of Court—Gray's Inn, Lincoln's Inn, Inner Temple, or Middle Temple. After completing a set of examinations and obtaining a law degree, the prospective barrister must undergo a practical, vocational course. Upon passing, the candidate is formally "called to the Bar."

The term "Bar" collectively denotes all barristers practicing within a given jurisdiction. Although the Bar is relatively small—comprising just over 8,000 barristers working in more than 400 chambers in England and Wales, plus around

2,000 employed as in-house lawyers—it wields considerable influence. The Bar typically holds regulatory authority concerning its members’ professional conduct. Barristers are regulated by the relevant Bar in their jurisdiction and, in some instances, by their Inn of Court. External oversight, if present, is sometimes criticized as undermining the profession’s independence in protecting citizens’ interests against the state.

Where Inns of Court exist, they oversee the admission of new barristers, being responsible for training, formal admission, and disciplinary matters. One can only be called to the Bar by an Inn, which requires membership. Historically, forging the right connections during these formative years could significantly impact a barrister’s trajectory at the Bar.

At the highest ranks, barristers may be designated Queen’s Counsel (QC), a status conferred on roughly 30 barristers each year by the Queen, on the recommendation of the Lord Chancellor. Typically, a barrister must demonstrate at least a decade of successful legal practice before being considered for this title. Practicing barristers who have not been appointed QC are referred to as “junior counsel,” whereas QCs generally handle only the most significant cases.

Barristers do not form partnerships or maintain public street-front offices. Instead, they operate as independent practitioners, though they usually share space in “chambers,” typically located near major courts. Some believe the distinction between barristers and solicitors in England should be abolished, and the government is actively reviewing possible reforms. Yet, there remain arguments both in favor of and against preserving the current two-tier system.

Note:

1. Law Society – Товариство юристів (професійна спілка соліситорів)
2. Queen’s Counsel – королівський адвокат (вище адвокатське звання)
3. Inns of Court – «Судові Інни» (чотири корпорації барристерів в Лондоні; користуються винятковим правом прийому в адвокатуру; в школах при цих корпораціях готують барристерів; існують з XIX в.)

4. Gray's Inn – «Грейз Інн» (найновіший з «судових Іннів», названий по імені першого власника будівлі)
5. Lincoln's Inn – «Інн Лінкольна» (готує переважно барристерів Канцлерського відділення високого суду правосуддя; названий по імені першого власника будівлі)
6. Inner Temple – «Внутрішній Темпл» (найстаріший із судових темплів)
7. Middle Temple – «Середній Темпл»

Vocabulary

"to be called to the Bar" – бути
 прийнятим в колегію адвокатів
 inquiry – запит, розслідування;
 дізнання
 invoice – рахунок-фактура
 to earn one's living – заробляти
 собі на життя
 prosecuting – судове
 переслідування
 pleading guilty – визнання себе
 винним
 plaintiff – позивач
 civil action – цивільний позов
 to attain – досягти
 interpretation of the law –
 тлумачення закону
 appearances in court – виступ у суді
 wigs and gowns – перуки і мантиї

would-be barrister – майбутній
 адвокат
 to proceed to a vocational course –
 перейти до професійного курсу
 influential – впливовий
 in-house lawyers –
 внутрішні(власні) юристи
 to embrace – охоплювати
 inimical – ворожий
 admission to the profession –
 допуск до професії
 to some extent – певною мірою
 introduction – представлення
 bestowed – нагороджений
 to be designated – бути
 призначеним
 to band – збиратися
 chamber – контора адвоката

2. Answer the questions using the information from the text.

1. Which lawyers handle courtroom advocacy, and which primarily manage office-based legal tasks?
2. What abilities should a barrister possess?
3. How many barristers practice in Great Britain?
4. Who provides legal consultation services in the UK?
5. Which type of lawyers in the UK specialize in interpreting the law?
6. What steps must an individual take to qualify as a barrister?
7. Which branch of the legal profession holds membership in one of the Inns of Court?
8. In what area do barristers typically hold particular expertise?
9. Under what circumstances do you need to engage a barrister?
10. Why might barristers be seen as somewhat detached or distant?
11. When is a barrister eligible to be called to the Bar?
12. How does someone become fully qualified to work as a barrister?

3. Read the text again and say which statements are T (true) or F (false) according to the text.

1. The legal profession has long been divided into distinct branches, each with its own specialized functions.
2. Both types of legal practitioners undergo largely similar training and progress through comparable career paths.
3. Solicitors focus on advocating for clients in court proceedings.
4. It is only through a solicitor that clients may consult with a barrister.
5. Barristers receive payment directly from the individuals they represent.
6. Barristers are widely viewed as advocates.
7. When appearing in court, barristers wear wigs and robes to reflect the high level of formality involved.
8. Judges are appointed from the most experienced barristers, and they may continue to practice as barristers.

9. To attain the title of Queen's Counsel, a junior barrister must demonstrate at least ten years of successful practice.
10. Government authorities do not currently deem it necessary to merge the roles of barristers and solicitors.

4. Choose the right word or the word-combination.

1. ... are professional advocates who deal with the presentation of civil and criminal cases in court.
- a) solicitors;
 - b) Magistrates;
 - c) barristers;
2. Barristers are experts in
- a) the determination of the facts;
 - b) the interpretation of the law;
 - c) returning a verdict;
3. A would-be barrister must pass exams to obtain
- a) a scientific degree;
 - b) a law degree;
 - c) a honorary degree;

5. Complete the list of derivatives. Use a dictionary if necessary.

Verb	Noun (agent)	Noun (concept)
to prosecute	prosecutor	prosecution
to train		
to practice		
to advocate		
to specialize		
to convey		

to apply		
to accuse		
to interpret		

6. Pair the words in column B with the ones from column A.

A.	B.	Word combination
legal	practitioner	legal practitioner
senior	barrister	
vocational	degree	
law	course	
extreme	documents	
accused	exam	
professional	advocate	
necessary	matters	
civil	advice	
day-to-day	structure	
variety (of)	action	
personal	person	
general	interview	
career	formalities	

7. Choose the best way to complete the sentences.

- England has two different kinds of lawyers:
 - solicitors and barristers
 - barristers and legal executives
 - solicitors and judges
- Solicitors work on court cases of clients ...
 - in the court
 - outside the court
 - at home

3. ... is a governing body of solicitors.
- a) the Bar
 - b) the Highest Court
 - c) Law Society
4. The highest level barristers have the title of
- a) Queen's Counsel
 - b) Queen's Advocate
 - c) Senior Barrister
5. The status to the barrister is bestowed by the Queen on the advice of
- a) the Lord Chancellor
 - b) Prime Minister
 - c) the Attorney-General
6. A would be barrister must first be registered
- a) as a member of Law Society
 - b) as a student member of one of the four Inns of Court
 - c) as a member of the Bar
7. Many people believe the distinction between barristers and solicitors
- a) should be adopted
 - b) should be eliminated
 - c) should be kept

8. Give synonyms to the words in bold type.

*Practise, undertake, practitioners, employed, attractions, conform,
provide, bodies, pupillage, self ownership*

1. Barristers, on the other hand, are **working for their own benefit** and are responsible for their own finances – they must do their accounts themselves or hire an accountant for that purpose.
2. However, a barrister cannot **be engaged in** any work that requires him to hold funds on behalf of their client.

3. Alternatively, barristers may choose to **work** at the Employed Bar and apply for positions with in-house legal services departments in commercial companies or public sector organisations.
4. Currently, new barristers must spend at least twelve months **apprenticeship**, usually split into two six-month periods (called **sixes**) with the same or different chambers.
5. Some civil **lawyers** spend more of their time dealing with cases out of court.
6. The Inns **arrange** educational and social support for barristers and student barristers, including libraries, dining halls and common rooms.
7. Barristers are expected **to correspond** to high standards of dress, ethics and professional conduct.
8. A barrister is in principle required to act for any client offering a proper fee, regardless of the **advantages** or disadvantages of a case.
9. Conveyancing is the act of transferring the **legal possession** of a property from one person to another.
10. Direct access to barristers by members of certain recognized professional **agencies** has been allowed since 1989.

Speaking

1. **Express the main idea of each passage of the text "Barristers" in one sentence.**
2. **Give a short summary of the text using the questions from exercise 2 as the plan.**
3. **Pair work:**
 1. Discuss it in the form of a dialogue the legal profession of a barrister in Great

Britain **using:**

a) clichés, set expressions and phrases given below.

Here we are about to start a conversation on ... The thing is that ... It is necessary to note ... I quite agree with you ... Let me draw your attention to ... Then it's clear why ... It can't be easily explained, but I'm afraid, you are not quite right ... To make/cut our conversation short ... Summing it up ...

b) using the following vocabulary: *an expert in the interpretation of the law; to specialize in representing clients in court; to be consulted indirectly through a solicitor; to be employed by a solicitor; to be a professional advocate; to advise on really difficult legal matters; to spend a lot of time at paper work; to wear wigs and gowns; to have the title of Queen's Counsel.*

4. Team work:

A. Describe in small groups:

- 1) Differences between barristers and solicitors
- 2) Changes in activities and responsibilities of the barristers in different historical periods.
- 3) Future trends in the development of legal profession of a barrister in Great Britain.

B. Take turns to describe different aspects of the activity of barristers in the UK nowadays. Speak aloud.

Writing

**1. Using the target vocabulary write an essay of 200 words on one of the topic:
"The legal professionals in different countries based on common law".**

2. On the basis of the information in Supplementary reading and found in the Internet make up a scheme about legal education a barrister in the UK, paying attention to the following points:

Barristers

1. Undergraduate program
2. Postgraduate Legal Practice course
3. Training contract (pupillage).
4. Course to specialize in a certain area of law (optional)
5. Admission test to the profession

Over to you

Role Play.

Issue: LAWYER'S STUDY

Situation: an experienced barrister, a member of Barrister's Bar, holds talks with a group of graduates from Law College of Oxford University who are preparing to pass one of special examinations of the Law Society to be ranked solicitors. The talk is of easy nature in order to clarify the comprehension of some points of law.

- **A project task for small groups:**

Using the information from Supplementary reading suggest the most appropriate model of a lawyer in some 10-15 years.

Supplementary reading

THE 21st CENTURY BARRISTER

While tradition and ceremony still hold sway at the bar, emerging technologies are changing the way barristers practice.

On a bustling street filled with tourists taking selfies and office workers absorbed in their phones, a barrister—complete with a powdered wig—may resemble a figure from a bygone era. This formal appearance, however, can mask a modern approach. If you look closely, the same barrister wearing robes and a jabot may well be carrying a tablet alongside her paperwork.

Today's bar is under the same competitive pressures as other legal services, and many barristers have concluded that adopting new technologies is not simply progress, but a matter of ensuring their professional survival. Yet as technological advances accelerate, they must also confront the possibility that digitization could alter practices and traditions they are keen to uphold.

Barristers are sometimes thought to resist change, a view that may not be entirely fair. According to Mr. O'Sullivan, the notion that barristers are unwilling to evolve is inaccurate. In fact, they are often driven to modernize by the demands of instructing solicitors—many of whom work at firms where technology investments are a top priority and expect similar capabilities from the barristers they employ. Barristers who grew up using digital tools can find this transition easier, but all are evaluating how best to adapt to contemporary practices.

Nonetheless, there is a belief among some practitioners that an inherently conservative mindset in the legal profession can slow the adoption of technology.

In reality, both barristers and solicitors in the legal sector embrace technology at varying speeds. This patchy pattern frequently follows generational lines: younger professionals may be more inclined to try new ideas, whereas others are slower to transition. To many, what is labeled as "innovation" is simply the normal evolution of small businesses in the 21st century.

Tech-savvy barristers often start modernizing within their own environment—that is, their chambers. While many chambers still feature wood paneling and

shelves of law books, technology is now integral to daily tasks. iPads have become commonplace among barristers, reflecting an early willingness to adopt these devices. Practice management software allows them to track files digitally, billing platforms let them monitor time for each client, dictation systems like Dragon generate transcripts on the fly, and online Continuing Professional Development (CPD) enables them to fulfill training obligations from their offices.

Online research has dramatically cut the time needed to prepare legal documents.

What used to take two hours might be reduced to 15 minutes, benefiting clients' budgets and easing barristers' workloads. Possibly the biggest transformation for a barrister's day-to-day work is the emergence of electronic case files. A typical case can fill 25 volumes of paper, but electronic court books compress all of it into one digital collection. These innovations help barristers provide more efficient service, according to Mr. O'Sullivan, by supporting their fundamental mission and values.

Technology also reduces litigation costs, particularly those linked to handling extensive documentation. Billing software ensures that barristers can track unpaid fees more effectively, and being able to work securely from anywhere renders their services increasingly mobile. Still, some barristers are not fully exploiting the technology already at hand, such as Apple's built-in dictation tools on iPads and iPhones.

In mediation, certain technology may already be replacing the need for a lawyer's involvement in all but the most complex disputes. National Legal Aid is exploring software called Rechtwijzer, which can guide parties in family law disagreements toward mutual resolutions while referring intractable issues to legal advisors. By automating simpler cases, this system removes or minimizes the need for lawyers and mediators.

Another significant shift lies in how barristers, solicitors, and clients communicate. Cloud-based file sharing has greatly improved collaboration, reducing the risk of documents being lost or corrupted in transit. While lawyers have always varied in their willingness to collaborate, technology is paving the

way for closer, real-time cooperation—even though not all practitioners have embraced cloud storage.

Importantly, these developments have not substantially altered the formal relationships between barristers, clients, and the solicitors who engage them. But within the profession, virtual networking is changing social dynamics. Barristers are using platforms like LinkedIn and Twitter to maintain personal connections with colleagues outside the courtroom.

Finally, the internet has provided the public with unprecedented access to the world of barristers. Organizations like the ABA and regional law societies regularly post updates to their websites and share content on social media. Users can search for advocates with specific expertise using online resources, such as the ABA's "Find a Barrister" feature, granting greater transparency and choice to potential clients.

Topic 7



Pre-reading task

Discuss the following questions:

1. Which historical figures are recognized as the most infamous judges?
2. Is it permissible under any law for a judge to act in an unjust manner?
3. What is the term for the hammer-like tool used by judges, and the surface it is struck against?
4. Why does the gavel hold significance in a courtroom setting?
5. Are gavels still commonly used by judges in England and America today?

Reading task

1. Read the text to understand what information is of primary importance or new for you

JUDGES

In the United Kingdom, judges make up the judiciary, which serves as the third branch of the constitutional framework. The judicial body is relatively small, comprising individuals of various ages who are based in major cities and the higher courts in London. Since there is no distinct judicial profession in England, most judges are selected from experienced senior barristers, though solicitors and advocates are now also eligible for certain lower-level judicial roles.

Some of these individuals become circuit judges—around 300 in total—who are appointed to county courts across the nation. Above them are roughly 50 High Court judges who preside over more complex or significant legal cases throughout the country, along with approximately 30 other judges assigned to specific divisions of the High Court of Justice.

Appointments to the most senior judicial positions are made by the Crown, based on the advice of the Prime Minister. Circuit judges and recorders are appointed by the Monarch on the recommendation of the Lord Chancellor, who also directly appoints district judges. Circuit judges are selected through a competitive process that includes an interview before a panel, which then makes recommendations to the Lord Chancellor. This selection method is gradually being extended to include all judicial roles below the High Court level.

Circuit judges typically preside over county courts and Crown Courts. To qualify, candidates must have had rights of audience in either the Crown Court or county courts for at least ten years or have served as recorders for a minimum of two years. Recorders are part-time judges appointed from barristers or solicitors with similar qualifications. They are required to sit for a minimum of 20 days and a maximum of 50 days per year.

High Court judges are drawn from those who have held a right of audience in the High Court for at least ten years or from experienced circuit judges with at least two years of service. All judges serve under the principle of "good behaviour" and can only be removed by the Crown following a formal request from both Houses of Parliament. However, in practice, judges are not appointed for life. Their salaries are determined by statute.

Several key judicial roles include:

The Lord Chief Justice, who leads both the Queen's Bench Division and the Criminal Division of the Court of Appeal, and is a member of the House of Lords.

The Master of the Rolls, who oversees the Civil Division of the Court of Appeal and manages the admission of solicitors to the Rolls of the Supreme Court.

The President of the Family Division, who is in charge of family law matters within the High Court.

The **Lords of Appeal in Ordinary**, also known as Law Lords, are life peers and preside over appellate cases in the House of Lords. They also serve on the Judicial Committee of the Privy Council. There are currently nine Law Lords. The **Lords Justices of Appeal**, who number sixteen, serve in the Court of Appeal.

Within the High Court, twelve judges serve the Chancery Division, forty-five serve in the Queen's Bench Division, and sixteen in the Family Division. Judges retire at age 75 and are entitled to pensions under statutory provisions. Circuit judges typically retire at 72, with an optional extension up to 75. When county courts were reorganized in 1971, all county court judges became circuit judges.

Judicial appointments are intended to be politically neutral. Once appointed, senior judges have strong job security until retirement. Generally, judges are viewed as conservative and conventional, often upholding traditional values, and the profession remains predominantly male.

Vocabulary

eligible – придатний	Master of the Rolls – Голова
circuit judge – окружний суддя	Апеляційного суду
county court – суд графства	to supervise the admission –
appointment – призначення	контролювати прийом
recorder – архіваріус, реєстратор	life peer – довічний пер
panel – колегія, комісія, комітет	appeal cases – апеляційні скарги
judicial posts – судові посади	Judicial Committee – Судовий
to preside – головувати	комітет
right of audience – право виступати	Privy Council – Таємна рада
в суді	Queen's Bench Division – Відділення
part-time judges – судді з неповним	королівської лави
робочим днем	possibility of extension – можливість
practitioner – професіонал,	продовження
практикуючий фахівець	supposedly – нібито, імовірно
on an address – за зверненням	conventional people – звичайні люди
for the lifetime – на все життя	wisdom – розсудливість, мудрість
Lord Chief Justice – Лорд-головний	overwhelmingly – незліченно,
суддя (Голова Верховного суду)	непереборно

2. Answer the questions using the information from the text.

1. What is the process for appointing judges in the United Kingdom?
2. Who holds the position of the Lord Chief Justice, and what is their role?
3. What responsibilities does the Master of the Rolls have?
4. By what title are judges of the Court of Appeal known?
5. What duties fall under the jurisdiction of the President of the Family Division?
6. What information can you provide about the Lords of Appeal in Ordinary?
7. How many judges are assigned to serve in the High Court?

8. At what age do circuit judges typically retire?
9. Which courts are circuit judges appointed to?
10. Who are recorders, and what role do they perform in the legal system?

3. Read the words and find synonymic pairs

1. a matter
2. a trial
3. a question
4. judicial proceedings
5. a problem
6. an issue
7. a judge
8. a lawyer
9. a justice
10. an attorney

4. Look through the text once again and complete the sentences using the information from the text:

1. All the judges are appointed by the Queen ...
2. The Lord Chief Justice is ...
3. The Master of the Rolls is ...
4. The President of the Family Division ...
5. The Lords of Appeal in Ordinary ...
6. Sixteen Lords Justice of Appeal ...
7. Judges of the High Court are assigned ...
8. Circuit judges serve ...
9. Recorders are part-time judges of the Crown Court who ...
10. English judges usually retire...

5. Match the legal terms and phrases with their meaning

- | | |
|----------------------------|---|
| 1. "good behavior" | a. for the duration of a person's life |
| 2. on an address presented | b. the statement which an appellant lays before the court for the prosecution of the appellant's appeal as the presentation of the facts on which the appeal is based |
| 3. for the lifetime | c. the age at which a person is expected or required to cease work |
| 4. by statute | d. a man with solid social or financial or professional status or reputation |
| 5. life peer | e. conduct one's self with integrity and fidelity or with propriety |
| 6. appeal case | f. judicial officers who serve less than full time or only temporarily |
| 7. Law Lords | g. on a collection of information presented |
| 8. the Chancery Division | h. a person who is given a title such as 'Lord' or 'Lady' which they can use for the rest of their life but which they cannot pass on when they die |
| 9. the retiring age | i. according to the county law |
| 10. under the County Act | j. according to a written law passed by a legislative body |
| 11. a part-time judge | k. a member of the House of Lords qualified to perform its legal work |
| 12. a man of standing | l. one of the five divisions of the High Court of Justice of Great Britain, presided over by the Lord High Chancellor |

6. Find out the meaning of the following words and words-combinations, grouping them in column A ("an official") and column B ("a body").

Justice of the Peace, the House of Lords, the High Court, a solicitor, Magistrates, the Crown Court, Circuit Judges, District Judges, the County Court, the Magistrates' Court, Minister of Justice, a barrister, the final appellate court, the Home Secretary, the Lord Chancellor, the Court of Appeal, a coroner, a government, an advocate.

7. Choose the right option to complete the sentence

1. A QC is a lawyer in the UK who may speak in the High Court. QC stands for ...
a) Queen's Courtier b) Queen's Consort c) Queen's Counsellor
d) Queen's Council
2. The Lord Chancellor is responsible for the appointment of ... in the UK.
a) justice b) juries c) wigs d) judges
3. ... is the part of the legal profession having the right of audience in court.
a) Arbitration b) Accounting c) Advocacy d) Assessing
4. Being famous for something bad is being ...
a) known b) unknown c) noted d) notorious
5. In Great Britain, you are assumed to be innocent until shown by a court otherwise – the prosecution has to prove your ...
a) charge b) accusation c) guile d) guilt
6. When you are legally responsible for something, you are said to be ...
a) lawful b) legal c) leasehold d) liable

Speaking

1. Express the main idea of each passage of the text "Judges" in one sentence.

2. Using the information in the text "Judges" describe the organisation of the courts in England and Wales. Point out:

- Courts of civil and criminal jurisdiction
- The hierarchy of courts
- The role and function of each court

3. Give the summary of the text "Judges" using the questions in exercise 2 as the plan for retelling.

4. Give your arguments for and against the existence of different types of judges in British courts.

5. Team work:

A. Work in groups to consider whether the listed traits (see the table) are essential, desirable, undesirable, or unnecessary qualities for a judge to have

Characteristics of Good Judges

<i>A GOOD JUDGE HAS:</i>	<i>A GOOD JUDGE IS:</i>
Common sense	Unbiased
Ability to learn	Perceptive
Balanced appropriate temperament	Helpful
Good listening skills	Realistic
Sense of humor	Self-confident
Communications skills	Efficient
Integrity	Firm and in control
People skills	Effective

Strength of conviction	Diligent
Awareness of personal biases	Reputable
Strong management skills	Responsive
Good time management	Deliberative
Good work ethic	Diversity conscious
Knowledge of the law	A recognized member of community
Commitment to the law	A good role model
Litigation experience	Open-minded
Private practice experience	Fair
Commitment to community service	Honest
Recognition of importance for public outreach	Trustworthy
	Courteous

B. Describe in small groups:

- What makes a good or a bad judge

C. Arrange a discussion on the following.

- Do you think that legal cases are best decided by professional judges, not by ordinary members of the public?
- Do you expect lay judges to be able to deal with serious cases and difficult legal concepts?

D. Take turns to describe different aspects of the activity of judicial professionals in the USA and the UK. Speak aloud.

Writing

1. After rereading the text "Judges", write out from each paragraph key word (phrases)

2. Arrange the characteristics of a judge given above in the chart of your own under the following headings

Essential requirements	Desirable qualities	Undesirable qualities	Unnecessary qualities

3. Draft a short definition of a good judge, explaining your reasoning.

4. Prepare your presentation on the topic "Judges in Ukraine", following the *structure of the presentation*:

Introduction

Duties

Requirements to the profession

Skills

Places of work

Importance of the profession

Conclusion

Thank you for attention

Over to you

1. Using the following questions as points for consideration, be ready to describe the Ukrainian judicial professions:

1) Who may become a judge in Ukraine?

2) How does one become a judge in Ukraine?

- 3) Do you need a special qualification to become a judge?
- 4) Places and the way of appointment for judges in Ukraine
- 5) What are the differences and similarities between the judicial professions in Great Britain and in Ukraine?

- **A project task for small groups:**

Assume that you are appointed to a judicial nominating committee to determine what qualities we should consider in selecting judges. Suggest the most appropriate model of selecting judges.

Case-study

Study the authentic cases given below. Discuss each case in class and decide the following

- 1) Was justice done?
- 2) If you were the judge, what other facts and circumstances would you like to know?
- 3) If you were the judge, would you give a different sentence?
- 4) Would you choose a lighter sentence, or a more severe one?
- 5) How would you have felt if you had been the victim of the crime?
- 6) How would you have felt if you had been the defendant?

Manslaughter

In 1981, Marianne Bachmeir from Lübeck, West Germany, attended the trial of Klaus Grabowski, who had murdered her seven-year-old daughter. Grabowski had a known history of child abuse. During the proceedings, Bachmeir retrieved a Beretta .22 pistol from her handbag and fired eight shots at Grabowski, six of which struck and killed him. Her defense argued that she had originally purchased the weapon intending to end her own life, but acted impulsively when confronted with Grabowski in court. Although she was acquitted of murder, she received a

six-year prison sentence for manslaughter. Many West Germans supported her actions, and the media referred to her as "the avenging mother."

Crime of Passion

Bernard Lewis, a 36-year-old man, was preparing dinner when an argument erupted with his intoxicated wife. In a sudden outburst of rage, he fatally stabbed her with the kitchen knife he had been using. Lewis immediately called for emergency services and fully confessed to the first officer on the scene. He pleaded guilty to manslaughter. A background investigation showed that Lewis was a disciplined man with a steady job, no criminal history, and who abstained from alcohol. His wife, while described as a good person when sober, frequently drank heavily and had left their children unattended on several occasions. Taking into account his previously clean record and the well-being of his three children, the judge placed Lewis on probation so he could continue working and caring for them. Lewis successfully completed his probation and was later discharged in good standing.

Murder

In 1952, two young men from Mitcham, London—16-year-old Christopher Craig and 19-year-old Derek Bentley—attempted to rob a dairy. During the robbery, they were confronted by police officer Sydney Miles. Craig pulled out a firearm and shot the officer dead. At that time, the UK still enforced the death penalty for certain types of murder, including those committed during a robbery. Craig, being underage, was sentenced to life in prison. Bentley, though he never handled the weapon, was over 18 and was executed by hanging in 1953. The case became a significant example in campaigns against the death penalty, which was officially abolished in 1965.

Assault

In 1976, an intoxicated individual entered a supermarket and became aggressive when asked to leave by the manager, whom he attacked, knocking out a tooth. A police officer who intervened sustained a broken jaw in the confrontation. The attacker was fined £10.

Shoplifting

In June 1980, Lady Isabel Barnett, a well-known television figure, was found guilty of stealing a tin of tuna and a carton of cream worth a total of 87p from a local shop. The case attracted widespread media attention. She was fined £75 and ordered to pay an additional £200 in legal costs. Tragically, she took her own life shortly after the incident.

Fraud (Civil Case)

This case falls under civil, rather than criminal, law. A man who was experiencing severe financial troubles had a life insurance policy worth £100,000 that was set to expire at 3:00 PM on a particular day. At 2:30 PM on that day, he met with his solicitor, then called a taxi and asked the driver to note the time—2:50 PM. He subsequently committed suicide. At that time, taking one's own life did not necessarily void a life insurance policy (although this is no longer the case today). The insurance company refused to pay the policy to the man's wife, and the court ruled in favor of the insurer.

Supplementary reading

Judges in the United States

Judges oversee legal proceedings, including hearings and trials, ensuring that all parties adhere to courtroom procedures and comply with the law. During certain cases, judges may evaluate evidence from both sides and deliver a verdict themselves. In other instances, they instruct juries, who then determine the outcome.

Judges may preside over a wide variety of cases. Some handle civil matters like family law, small claims, juvenile cases, probate issues, or contract disputes. Others work in criminal courts or review challenges to state and federal laws to determine whether those laws align with constitutional standards. Judicial appointments can be made by government officials or earned through public elections. Some judges serve for fixed terms, while others may hold their positions for life.

Generally, judges are experienced legal professionals who have practiced law for several years. Aspiring judges with extensive courtroom experience are often better positioned to secure appointments or win elections.

Do Judges Require Licenses or Certification?

Each U.S. state establishes its own criteria for judicial qualifications, depending on the court level. Judges typically don't need a separate license to serve, but they must be licensed attorneys in good standing with the state bar. They also usually need to reside in the jurisdiction where they serve and be registered voters.

The amount of legal experience required varies by position. For example, in Texas, a county criminal court judge must be at least 25 years old with four years of legal experience, whereas a judge on the criminal appeals court must be at least 35 and have ten years of experience either as a practicing attorney or as a judge. Many states impose mandatory retirement ages for judges.

Path to Becoming a Judge

To become a lawyer, one typically completes about seven years of higher education, followed by passing the state bar exam. Gaining a judgeship often takes additional years of legal experience, depending on the level of the court. While most roles require significant experience, a few may have minimal prerequisites.

Judicial Salaries

As of 2012, the median annual salary for judges and magistrate judges in the U.S. was approximately \$115,760. Administrative law judges and hearing officers earned a median income of about \$87,240 that year.

Employment Outlook

According to the U.S. Bureau of Labor Statistics, the demand for judges is expected to remain stable from 2012 to 2020. Although there will be job openings due to retirements or term completions, few new positions are anticipated.

Career Advancement Opportunities

Judges may pursue roles in higher courts, such as appellate courts, which hold broader jurisdiction. Some judges continue to practice law alongside their judicial

responsibilities and may return to private practice later. Others transition into legal education or academic roles.

How to Become a Judge

Judicial positions are obtained either through public elections or appointments. Running for election involves affiliating with a political party, fundraising, and campaigning. A strong community presence and active participation in political or legal circles can increase one's visibility and chances of success.

Appointments are usually made by elected officials, often based on the advice of judicial selection committees. Attorneys interested in judicial roles may apply, and local or state bar associations often conduct internal surveys to assess and recommend candidates. Establishing a solid professional reputation and building community relationships are key to earning such recommendations and securing an appointment.

Topic 8



Pre-reading task

Discuss the following questions:

1. What do you know about the members of the judiciary in Great Britain?
2. What is the legal profession in England and Wales made up of?
3. What types of cases do magistrates deal with?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

MAGISTRATES IN ENGLAND AND WALES

In the legal system of England and Wales, lay participation in the judicial process has a long tradition. Individuals from the local community, who are not required to hold formal legal qualifications, are involved in court decision-making. These individuals are known as "magistrates" or "justices of the peace" (JPs).

Magistrates have played a role in the justice system for over 650 years. Over the centuries, their responsibilities have evolved significantly. Historically, magistrates also carried out various administrative tasks—such as implementing the Poor Laws, overseeing infrastructure like roads and bridges, and regulating weights and measures. In essence, they served as early local government officials.

The term "magistrate" originates from the Middle English word *magistrat*, meaning a "civil officer responsible for enforcing laws." Today, both terms—"magistrate" and "justice of the peace"—refer to the same role. "Magistrate" is more commonly used in everyday language, while "justice of the peace" is reserved for formal settings.

To distinguish between different types of magistrates, the term "lay magistrate" is used for those without legal training, as opposed to "stipendiary magistrates," now known as district judges, who are legally qualified professionals. Lay magistrates are unpaid, although they may claim reimbursement for expenses such as lost earnings, travel, and meals, according to rates set by the Ministry of Justice.

While their primary duty is dealing with criminal cases, magistrates have historically handled administrative matters as well. Though most of these administrative powers have been transferred elsewhere, a few still remain today.

Currently, there are over 28,000 lay magistrates in England and Wales, collectively handling more than one million criminal cases per year. This accounts

for roughly 95% of all criminal trials, with only the more serious cases progressing to the Crown Court. Because of their involvement in such a large portion of the criminal justice system, magistrates are often referred to as its foundation.

Magistrates are assigned to a national bench and have jurisdiction across England and Wales. Most serve in urban areas, particularly in London, where 46 benches are based. They are appointed by the Lord Chancellor on behalf of the Crown, following recommendations from local Advisory Committees. These committees often receive nominations from political parties, voluntary groups, trade unions, and other community organizations. However, individuals may also apply directly.

The requirements to become a magistrate are minimal: applicants must be under 65 years of age and reside within 15 miles of the jurisdiction where they intend to serve. There are no legal or academic qualifications required. Magistrates usually retire at 70.

In criminal matters, magistrates carry out three primary functions:

1. **Bail Hearings** – Deciding whether to grant or deny bail.
2. **Trials** – Presiding over less serious criminal offences.
3. **Appeals** – Sitting alongside a Crown Court judge during appeals from magistrates' court decisions.

They also play a role in criminal investigations by ruling on requests for arrest and search warrants and hearing bail applications.

Lay magistrates typically sit in panels of three. However, certain pre-trial duties may be performed by a single justice, such as adjusting bail conditions, referring cases to other courts for sentencing, and issuing procedural directions (e.g., setting hearing dates, managing document submissions, and determining how evidence will be presented).

In recent years, magistrates' responsibilities in criminal justice have expanded. In terms of **civil jurisdiction**, magistrates' courts are responsible for issuing licenses for betting shops and casinos and reviewing appeals on licensing

decisions made by local authorities regarding pubs and restaurants. They also oversee specific family law matters, such as adoption cases. For these domestic matters, magistrates must undergo additional training, and benches must include both male and female magistrates to ensure gender balance.

Overall, magistrates continue to serve as vital contributors to the administration of justice in both criminal and certain civil matters across England and Wales.

Vocabulary:

lay people – миряни

lay magistrate – магістрат, мировий суддя

local community – місцева спільнота

to derive – походити

to denote – означати

to be in charge of – бути

відповідальним за

administrate law – адміністративне право

allowance – кишенькові гроші

mileage – кілометраж (відстань у милях)

subsistence – прожиток

Criminal trial – кримінальний процес

to be put forward – бути висунутим

trade union – профспілка

legal knowledge – правові знання

administrative powers –

адміністративні повноваження

Advisory Committee –

Консультативний комітет

appointment – призначення

application for bail – заявка на заставу

investigation of crime – розслідування злочину

search warrants – ордер на пошук(обшук)

timetable for proceedings – графік

розгляду справи

attendance of the parties – явка сторін

to give evidence – давати свідчення

to grant license – надати ліцензію

bet shop – магазин покупок

domestic matters – внутрішні справи

adoption – усиновлення

2. Answer the questions using the information from the text.

1. Who are magistrates or justices of the peace?
2. How do the terms "magistrate" and "justice of the peace" differ in modern usage?
3. What distinguishes lay magistrates from stipendiary magistrates?
4. What is the primary function of magistrates today?
5. What percentage of criminal cases are overseen by magistrates?
6. What is the process for appointing magistrates?
7. Which individuals or groups typically nominate candidates for magistrate appointments?
8. What are the eligibility requirements for someone to become a magistrate?
9. What responsibilities do magistrates have in handling criminal cases?
10. How many magistrates usually preside over a criminal case?
11. What types of judicial decisions can a single magistrate make alone?
12. What conditions must be met for magistrates hearing domestic cases?

3. Read the text again and say which statements are T (true) or F (false) according to the text.

1. The terms "Justice of the peace" and "magistrate" are synonyms.
2. Both lay magistrates and district judges are not paid.
3. Nowadays magistrates deal only with criminals.
4. 95 percent of all criminal cases are heard in the Crown Court.
5. Lay magistrates are appointed by local Advisory Committees.
6. Individuals may apply in person for appointment to the magistracy.
7. The applicants must be between 65 and 70 and live within 15 miles of the commission area.
8. Lay magistrates always sit in groups of three.
9. Lay magistrates have jurisdiction over adoption.
10. To deal with domestic matters magistrates must be specially trained.

4. Link each question with the right answer:

1. Who can remove magistrates?	A. 18-65 years old and live in or near the area local justice is served
2. What qualifies a person to become a magistrate?	B. Someone who is not qualified or doesn't have specific knowledge of law
3. Who cannot serve as a magistrate?	C. Courts Act 2003
4. What is meant by the term lay people?	D. Tribunals judiciary
5. Who organises magistrates training?	E. People who are ill, bankrupt, in the police, the forces etc
6. Under which act can magistrates be removed?	F. Unpaid volunteers, specializing in criminal law cases
7. Who are magistrates?	G. Lord Chancellor

5. Form the derivatives from the following words:

Noun	Verb	Adjective
Judge		
	differentiate	
		administrative
	appoint	
qualification		
		responsible
Appeal		

6. Read the text again and find synonyms and antonyms for the following words/phrases and use them in the sentences of your own:

Para 1: lay people

legal qualifications

Para 2: in charge of

Para 3: to differentiate from

Para 4: administrative powers

Para 5: the remaining being heard

Para 6: put forward to

level of academic qualification

Para 7: to extend or vary the conditions

Para 8: the issuing of licences

7. Complete the following text choosing from the words in the box:

magistrates jury bench clerk judiciary barristers recorders judges
--

The ... are perhaps the most prominent amongst those involved in running the court. The largest group of ... are ... , ordinary citizens who are not legal professionals but are appointed to ensure that the local community is involved in the running of the legal system. They sit as a group of three (as a '...'). Magistrates sit with a legally qualified ... , who can advise on points of law.

In the upper courts, the judges are almost all former But many cases are also heard by ... – part-time barristers from private practice. The Crown Court ... consists of 12 persons, aged 18 to 70.

8. Fill in the gaps with the words at the end of the line in an appropriate form.

1. Much ... is similar.	legislate
2. Cases ... children are held in youth courts.	involve
3. Most accused people are not ... in custody.	remand
4. In British criminal trials the accused ... innocent until proven guilty.	presume
5. The cost of most judgements are generally ... by the party losing it.	pay

6. The civil law covers business ... to the family, property, contracts and torts.	relate
7. ... of justice rests with the Lord Chancellor as head of the judiciary.	administrate
8. Judges ... from practicing lawyers.	appoint
9. The Government has certain powers for dealing with and ... terrorist activities.	prevent

Speaking

1. Express the main idea of each passage of the text "Magistrates" in one sentence.

2. Make up a plan of the text and retell it

3. The term "domestic cases" has several different meanings depending on the context. Using the information from the text, give the definitions of "domestic cases".

4. What types of legal professions does your country have?

5. Team work:

A. Discuss in small groups the role of law professionals in your own country including the following points:

1) Lawyers: appointment, functions and power, relationship with other legal professionals;

2) Court room legal professionals: composition, functions and power.

B. Take turns to describe differences in legal professionals in the USA, the UK and other countries. Speak aloud.

6. Work in pairs. Discuss the sayings:

- a) Lawmakers should not be lawbreakers.
- b) A good lawyer must be a great liar.
- c) When you are ready speak aloud. Then exchange your most interesting ideas with the rest of the class.

Writing

1. You have learnt a lot about different types of legal professions. Now test yourself matching the following hints with the law professional titles.

Professional Titles Quiz.

Barristers, High Court Judges, Magistrates, solicitors, attorneys

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

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

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

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

They defend or prosecute in the English higher courts. They specialize in representing clients in court. In court, these lawyers wear wigs and gowns in

keeping with the extreme formality of the proceedings. The highest level of them have the title QC (Queens Counsel).

2. Using the target vocabulary write an essay on one of the topics:

- "The legal professions in Ukraine".
- Compose a story of your own "The future of volunteer judges in the UK" based on the material from Supplementary reading.
- New tendencies in legal profession training.

Over to you

1. Using the following points, be ready to describe the Ukrainian legal professions:

Introduction (types of legal professions)

Selection and appointment

Background.

Training.

Jurisdiction

New tendencies

- **A project task for small groups:**

Imagine you are a manager of a law-consulting firm. Prepare a speech lasting about 3 – 5 minutes stating your plans and intentions for making improvements in rendering legal advice to public in Ukraine.

Supplementary reading

SIGNIFICANT NUMBER OF MAGISTRATES RESIGNING AMID COURT CLOSURES

Magistrates describe role as demoralizing and mechanized due to budget cuts

Bow Street magistrates court in central London is to become multimillion-pound luxury hotel after it was bought by Qatari investors.

Magistrates are resigning in "considerable" numbers, the head of their national body has said, after scores of court closures and swinging government cuts.

Forty-seven magistrates courts have shut this year, one-tenth of courts in England and Wales, with significant numbers of judges resigning early from the unpaid position.

Malcolm Richardson, the chairman of the Magistrates Association, said: "Magistrates deal with more than 90% of the criminal cases that come to court and they cost 1% of the HM Courts and Tribunal Service budget. But we're getting a bit tired of being treated like the 1% and not the 90%."

The Ministry of Justice (MoJ) would not disclose the number of magistrates who had resigned this year, but the association said the figure was considerable.

It comes after at least 75 magistrates resigned last year over the controversial criminal courts charge, which caused outrage among law groups before it was scrapped by Michael Gove.

The mass resignations and court closures have left the magistracy stretched, Richardson said, adding that "nobody [in government] seems to have a plan" for the future of the volunteer judges.

Magistrates resign over court charges that encourage innocent to plead guilty

"There is no evidence of a strategy for the use of magistrates. What are we for the in 21st century? What are we for in the brave new world, which is starting to be revealed under the courts reform programme? " he said.

"Magistrates feel they are not, and have not been, engaged with in the determination of what that future looks like ... The consequences of that for some magistrates, particularly those who are getting towards retirement, is to say 'why am I carrying on?' It's a difficult question to answer. "

Three magistrates who have resigned or retired since September told the Guardian morale was at rock bottom among the judges, who are only paid expenses.

They said magistrates felt ignored and unappreciated as a result of cost cutting, ranging from court closures to buildings falling into disrepair. More trivial money-saving measures, such as cutting back on coffee and newspapers in the judges' quarters, and using cheaper, thinner paper, had also irritated the magistracy, they said.

Janet Alcock, a Conservative councilor in Slithered, Lancashire, said she "resigned in despair" in September after 20 years as a magistrate. The role has been reduced to a "soul-destroying production line" of speeding fines and license fee evasions, Alcock said, adding that she gave up encouraging people to become magistrates a long time ago.

Alcock said she had become "extremely frustrated" at having to issue fines to defendants who would never be able to pay, and the victim surcharge, which "just seems to be another way of dressing up that they're taking more money off them".

"You know, realistically, from the point of view of collecting the fines, you're not going to get it, which makes it extremely frustrating," she said. "Everybody's always calling me 'the hanging judge' because I'm saying things like instead of fining people who can't afford it, send them out working ..." Political correctness wouldn't allow you to do anything like that.

"But that would be far more satisfying to the public, I think, than for people to appear six months later owing even more than they did at the beginning. It's just frustrating for everybody."

Guardian Today: the headlines, the analysis, the debate – sent direct to you

Myra Robinson, who retired last month as a bench chairman of Newcastle magistrates, said fining those who could not afford to pay was morally wrong, but there was little that magistrates could do about it. "It's just ticking boxes and following down – if someone did this then that's the punishment. There's no flexibility," she said.

"I'd worked all my career with young offenders and kids with problems. I felt I knew a lot of the families with problems in Newcastle, and I could see behind what they'd just done and think what would be an appropriate way of dealing with it. My hands have been tied for many years now. People can't afford fines."

A third recently resigned magistrate, who did not want to be named, said the court closures meant "losing local justice for local people". In some cases, proposed closures meant it would be impossible for defendants or witnesses travelling by public transport to get to a court for 10am.

"I was constantly getting emails or texts or phone calls to say that we urgently need magistrates to sit in places like Scarborough. That would imply there is a shortage," said the magistrate, who was based nearly 90 miles (145km) away in Halifax, west Yorkshire.

Forty-seven magistrates courts closed their doors between March and September under government proposals to reduce the £500m annual cost of the courts estate. A further 45 are due to shut by September 2017, meaning one-fifth of all courts in England and Wales will have disappeared in 19 months.

An MoJ spokeswoman said: "The magistracy remains at the heart of our justice system. We are investing £1bn to reform and digitise our courts to deliver swifter justice, and we are working closely with the judiciary to encourage the recruitment of underrepresented groups."

"Closing underused and dilapidated court buildings will allow us to reinvest in the justice system and make the best use of technology, improving the experience for all court users, in particular vulnerable victims and witnesses."

III. Applied Law

Topic 9



Pre-reading task

Discuss the following questions:

1. Name the most common categories of criminal offences.
2. How do criminal law cases and civil law cases differ in the way they are initiated?
3. Do you agree with the statement «Criminals need help more than punishment»?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

CRIMINAL LAW

Criminal law is a branch of the legal system that outlines which behaviors are considered crimes, manages the arrest, charging, and trial of those suspected, and determines the appropriate penalties or forms of punishment for those found guilty.

It serves as just one method by which society maintains order and protects individuals' rights and safety. Other systems of control include moral teachings from family, educational institutions, religious influence, workplace rules, civic regulations enforced by police, and remedies available through civil (tort) law. While distinguishing between criminal law and tort law can be challenging, a general difference is that torts involve personal harm between individuals, whereas crimes are regarded as offenses against society, even though an individual may be directly affected.

Criminal law—also known on occasion as penal law—concerns the government's legal action against someone accused of committing a crime. This differs from civil law, which resolves disputes between individuals or organizations. In criminal matters, it is the state that initiates proceedings through a public prosecutor. In contrast, civil cases are brought by the injured party. However, in some legal systems, individuals are allowed to begin private criminal prosecutions.

Punishments in criminal cases vary depending on the nature of the crime and the laws of the jurisdiction. Possible penalties include the death sentence, physical punishment, imprisonment, fines, suspended sentences, probation, community service, or parole.

Criminal law usually prohibits a variety of offenses, including those that harm individuals (like assault) and those that damage property (such as financial fraud or insider trading).

Most crimes—excluding strict liability offenses such as statutory rape or minor traffic violations—require two essential components: the act itself (*actus reus*) and the intent behind it (*mens rea*). For a conviction to occur, the prosecution must prove that both the wrongful act and the guilty mindset were present at the time the offense was committed.

In criminal trials, the prosecution carries the burden of proving the defendant's guilt beyond a reasonable doubt for each element of the crime. If this level of certainty is not achieved, the accused must be acquitted. This burden of proof is significantly higher than in civil proceedings, where the plaintiff only needs to demonstrate that their claims are more likely true than not—a standard known in the U.S. as the "preponderance of the evidence."

Many legal systems differentiate between **felonies** (serious crimes such as rape) and **misdemeanors** (less serious offenses like petty theft). Additionally, a single act can sometimes lead to both a criminal prosecution and a civil lawsuit for damages.

Vocabulary:

prosecution – звинувачення	strict liability – сувора
crime – злочин	відповідальність
prosecutor – обвинувач, працівник прокуратури	burden of proof – тягар доведення
victim – жертва	judge – суддя
jurisdiction – судова практика, судочинство, юрисдикція	jury – присяжні
offender – кривдник, правопорушник	reasonable doubt – досить розумні підстави сумніватися
	guilty – звинувачений

sentence – вирок, покарання, судове рішення	verdict – вердикт; рішення присяжних засідателів
execution – смертна кара	claimant – позивач
corporal punishment – тілесне покарання	defendant – відповідач
imprisonment – тюремне ув'язнення, позбавлення волі	balance of probabilities – наявність великої ймовірності
incarceration – взяття під варту	preponderance of evidence – наявність більш вагомих доказів
parole – умовне дострокове звільнення	felony – тяжкий кримінальний злочин
probation – випробувальний термін	statutory rape – статевий зв'язок з особою, яка не досягла повноліття
to proscribe – оголошувати поза законом	petty theft – дрібна крадіжка
insider dealing – інсайдерська торгівля	action in tort – позов з цивільного правопорушенням, деліктний позов

2. Answer the questions using the information from the text.

1. How do criminal law cases and civil law cases differ in the way they are initiated?
2. Name the four most common categories of criminal offence.
3. In what way is the standard of proof different for criminal and civil cases?
4. What is the difference between a felony and a misdemeanour?
5. Does your jurisdiction make such a distinction?
6. What must prosecutors do to secure a conviction?
7. In what way is the standard of proof different for criminal and civil cases?
8. What is the difference between a felony and a misdemeanour?
9. What does the preponderance of the evidence mean?
10. Does your jurisdiction make such a distinction?

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

- | | |
|-------------|----------------|
| 1. commit | a) a suit |
| 2. resolve | b) an offender |
| 3. bring | c) a verdict |
| 4. render | d) a crime |
| 5. sentence | e) a sentence |
| 6. suspend | f) a dispute |

4. Look at each of the verb-noun pairs in Exercise 3 and, with a partner, take turns to discuss who typically carries out each of the actions: an offender, a victim, a lawyer, the court or a judge. For each collocation there is more than one possible answer.

5. Law Breakers. Find in the text the word and decide from the context what this word could mean, then choose the appropriate definition. Match each word on the left with the correct definition on the right.

A.

- | | |
|-------------------|---|
| (a) an arsonist | 1. sets fire to property illegally |
| (b) a shoplifter | 2. is anyone who breaks the law |
| (c) an offender | 3. breaks into houses or other buildings to steal |
| (d) a vandal | 4. steals from shops while acting as an ordinary customer |
| (e) a burglar | 5. kills someone |
| (f) a murderer | 6. causes damage to property |
| (g) a kidnapper | 7. steals things from people's pockets in crowded places |
| (h) a pickpocket | 8. gets secret information from another country |
| (i) an accomplice | |
| (j) a drug dealer | |
| (k) a spy | |
| (l) a terrorist | |

9. buys and sells drugs illegally
10. takes away people by force and demands money for their return
11. helps a criminal in a criminal act
12. uses violence for political reasons

B.

- | | |
|-----------------|--|
| (a) an assassin | 1. causes damage or disturbance in public places |
| (b) a hooligan | 2. hides on a ship or plane to get a free journey |
| (c) a stowaway | 3. takes control of a plane by force and makes |
| (d) a thief | 4. the pilot change course |
| (e) a hijacker | 5. murders for political reasons or a reward |
| (f) a forger | 6. is someone who steals |
| (g) a robber | 7. makes false money or signatures |
| (h) a smuggler | 8. is a member of a criminal group |
| (i) a traitor | 9. steals money etc by force from people or places |
| (j) a gangster | 10. marries illegally, being married already |
| (k) a deserter | 11. is a soldier who runs away from the army |
| (l) a bigamist | 12. brings goods into a country illegally without paying tax |
| | 13. betrays his or her country to another state |

6. Here are some words connected with law and crime. If necessary, use a dictionary to help you check that you understand what they all mean. Then divide them into three groups, in what seems to you to be the most logical way.

theft	member of a jury	judge	statute
juvenile	sentencing	rehabilitation	bribery
delinquency	terrorism	omission	arson
investigator	detective	death penalty	code
probation	traffic warden	aggravated assault	rape
drunken driving	lawyer	conspiracy	precedent
malfeasance	burglary	smuggling	fine
treason			

7. Match the following sentence halves to form explanations of punishments which are available to the courts. Why do you think the passive is used in these examples?

- | | |
|---|--|
| 1. When someone is sentenced to execution, | a) they are put in prison for a crime. |
| | b) they are given a period of time when |
| 2. When someone is placed on a community service order, | they must behave well and not commit |
| | any more crimes in order to avoid being |
| 3. When someone is sentenced to imprisonment, | sent to prison. |
| | c) they have to pay an amount of money |
| 4. When someone is put on parole, | as a punishment for breaking a law. |
| 5. When someone is put on probation, | d) they are killed as a legal punishment |
| 6. When someone is fined, | for a crime. |
| | e) they are released before their prison |
| | sentence is finished, with the agreement |
| | that they will behave well. |

f) the court requires an offender to perform unpaid work in their spare time and to contribute to their community.

8. There are several common kinds of identity theft. Match the examples (1-6) with the definitions (a-f). Which of the below kinds of identify theft are a problem in your country? Have you ever been the victim of any of the below?

- | | |
|-------------------------------------|---|
| 1. bin raiding (US) dumpster diving | a stealing credit / debit card numbers by using a special storage device when processing cards (often in order to make illegal copies |
| 2. skimming | b fraudulently gaining access to personal information from financial institutions, telephone companies and other sources |
| 3. phishing | c taking wallets, mail and other items containing personal information without permission |
| 4. changing addresses | d pretending to be a financial institution or company and sending spam or pop-up messages to get people to reveal personal information |
| 5. stealing | e sending someone's billing statements to another location by completing a change of address form |
| 6. pretexting | f looking through rubbish for bills or other paper containing detailed information |

Speaking

1. What do you know about the following notorious criminals? Make a presentation about one of them.

Cain

Marcus Junius Brutus

Gaius Longinus Cassius

Guy Fawkes

Alessandro Cagliostro

Jack the Ripper

Mata Hari

Bonnie and Clyde

Alphonse Capone

Lee Harvey Oswald

2. Discuss the punishments listed in Exercise 7 with a partner. Which are the most effective? Which are the least effective? Give reasons for your answers.

3. Work in groups of four.

a) In each group give the definitions of your own to the following:

- genocide
- crimes against humanity
- war crimes
- crimes of aggression

b) Compare your definitions with those of other students.

c) Can you think of any examples related to each of the crimes?

4. Discuss these issues.

1. Do you think it is fair that the prisoner must pay with his body?
2. Should people be allowed to gratify the passion of revenge outside the law?
3. Do you agree that the purpose of punishment is to reform the criminal?
4. In what cases is it possible to escape punishment for murder?
5. What is your opinion concerning provocation resulting in a crime?
6. Why can all acts be considered indifferent per se?

Writing

1. Choose one of the following topics and write a composition (150-200 words).

1. "No man is above the law and all are equal before the law"
2. Crime is a problem in most countries, especially in the large cities.

2. Read the information from supplementary reading and write the summery.

Over to you

1. Give your definition of a crime.

2. Do you know the difference between felony, misdemeanor and offence? Fill in the gaps in the definitions with one of these words, translate them and give examples of each category of crime.

A ... is an act that people consider to be shocking and unacceptable. It is a less serious crime in nature.

A ... is a very serious crime punishable by death or confinement in a state prison

A ... is a violation of local laws or of rules of accepted public conduct and behaviour.

3. Role-play: advising a client. Discuss the four cases below with a partner. Take it in turns to play the roles of the lawyer and client.

Lawyer

When playing the role of the lawyer, take detailed notes and ask any further questions necessary using the WASP technique. Advise your client using the language of giving advice and expressing obligation.

*** WASP Interviewing**

WASP is a popular model to structure a recruitment interview. We've converted the WASP. stages into a series of behavioural competencies. It can be used to self-

assess when interviewing or use as a checklist to observe other recruiters' interviews as part of their coaching plan.

Welcome

- Settles candidate in (e.g. refreshments; permission to remove jacket)
- Generates small talk (e.g. Introductions; «How was journey?»; «Did you find us okay?»; «What's your first impressions of us?»)
- Explains interview structure/duration
- Mentions own note taking (so will be giving less eye contact to candidate)
- Encourages candidate questions and explains at what stage they can ask

Ask

- Refers to points from application form/c.v. (areas requiring expansion; anomalies and clarifications)
- Uses competency based questioning where appropriate
- Avoids potential discriminatory questions unless necessary and provides clear reasoning for question
- Explores candidate's motivation for job/organisation
- Demonstrates active listening (e.g. eye contact; listening noises)
- Explores other information (e.g. desired salary, notice period)
- Demonstrates positive body language

Supply

- Describes vacant role enthusiastically
- Supplies positive, inspirational information about company and benefits to employee
- Asks for candidate questions
- Answers questions positively

Part

- Confirms candidate's interest in position
- Explores candidate's other job applications to test out 'competition' (e.g. "How are your other job applications going? ")

- Informs of next stage with timescales
- Checks for any further candidate questions
- Thanks for attending

For example: You should check your credit-card statements as soon as you receive them. If you see any purchases you didn't make, you should challenge them immediately.

Client

When playing the role of the client, respond to the question posed by the lawyer as best you can, inventing any details when necessary. Do not give all of the information at once.

1. You have just been forwarded several pieces of mail from a previous address. The mail includes a bill, a series of reminders and follow-up letters demanding payment for a car that you did not purchase. The most recent letter is from a lawyer representing the company from which the car was bought. He is threatening you with legal action.
2. Last week, your credit card was refused, although you had not used it for several months and had no outstanding debts. When you called the credit-card company, they said that the card had been used for a series of online transactions two months ago and that you are now over your limit. You have not received a statement for three months.
3. You have recently begun a small business employing four administrative personnel. You are concerned about the rising level of crime involving identity fraud, and wish to develop a comprehensive policy to reduce the risk to your staff and customers.
4. You are the CEO of a major international company. Last night, your head of customer security attended a leaving party for a colleague before travelling home on the train. When he woke up this morning, he realised that he had left his laptop somewhere between the office and home.

- **A project task for small groups:**

Robbery is a burning issue nowadays. Everybody can be the victim of robbers. How to protect yourself? How to prevent the robbery? Are you members of the team working at the poster. Your task is to advertise the ways of preventing robbery.

Supplementary reading

CRIMINAL JUSTICE

Criminal law is a field of law that defines specific illegal behaviors and outlines the punishments for those offenses. It encompasses rules and procedures related to crime prevention, investigation, and the prosecution of offenders. It also includes the organization and functions of courts, police agencies, and correctional facilities.

In most contemporary legal systems, criminal offenses are categorized into several main types: crimes against the state's security, crimes affecting public order or welfare, crimes against property, and offenses that endanger individuals' lives or safety.

In the United States, criminal law has distinct features. Both federal and state governments possess the authority to establish criminal laws within their constitutional limits. As a result, criminal laws can differ significantly across states. Many states, as well as the federal government, have developed their own comprehensive criminal codes.

In both the U.S. and the UK, the most severe criminal offense is **treason**, which involves acts such as attempting to overthrow the government or aiding a foreign enemy. Historically, English law divided treason into two forms: *high treason*, which targeted the Crown, and *petty treason*, which applied to serious crimes committed against individuals, such as a wife killing her husband or a servant killing a master.

In early English statutes, treason included plotting or attempting to harm the monarch, assisting the monarch's enemies, and inciting war against the Crown. Over time, especially during the Stuart monarchy, judges began expanding treason laws to discourage dissent, even considering critical writings as treasonous. In 1663, a writer was convicted of treason for implying that the king should be accountable to the public.

In the U.S., treason is addressed in Article III, Section 3 of the Constitution. It defines treason strictly as waging war against the U.S. or aiding its enemies and requires the testimony of two witnesses to the same act or a confession in court to convict someone. This strict definition was inspired by English law but deliberately limited in scope.

During the colonial period, American laws on treason closely followed English precedents. For example, during the French and Indian War, some colonies treated trade with enemy nations as treasonous. In 1706, Massachusetts criminalized correspondence with the enemy, and Virginia even considered the destruction of tobacco plants—a measure to manipulate market prices—as treason in the 1680s. Punishments in those times mirrored English practices, including confiscation of property, revocation of inheritance rights, and severe methods of execution like hanging and quartering. However, colonial governors often appealed to the Crown for pardons.

In the American Revolution, treason charges were used against colonists who supported the British. Congress authorized the death penalty for U.S. citizens who aided the Crown. Some individuals were executed for recruiting soldiers or supplying British forces, though many were later pardoned. By 1790, Congress had officially designated death by hanging as the penalty for treason. The accused were also guaranteed certain procedural rights, such as access to legal counsel, a copy of the charges, a list of witnesses, and the right to question jurors.

The first American civilians executed for treason during peacetime were **Julius and Ethel Rosenberg**, who were charged with passing nuclear secrets to the Soviet Union. The couple, both affiliated with the Communist Party, were tried in

1951 and convicted based largely on testimony from Ethel's brother, David Greenglass, a machinist at Los Alamos. He claimed Julius asked him to share sensitive information about atomic weapons, which was allegedly passed to Soviet agents via courier Harry Gold. The Soviet Union's successful test of an atomic bomb in 1949 was believed to be aided by such espionage, marking the beginning of the Cold War.

The Rosenberg trial became one of the most controversial legal cases in U.S. history. Many believed their Communist affiliations, more than solid evidence, led to their convictions. Left-wing activists rallied around their case, viewing it as a political prosecution. The trial lasted nearly a month, concluding in April 1951 with guilty verdicts. The Rosenbergs were sentenced to death, while their co-defendant, Morton Sobell, received a 30-year sentence, and Greenglass, due to his cooperation, got 15 years.

Reportedly, the government offered the Rosenbergs a chance to avoid execution if they admitted guilt. They refused, maintaining their innocence, and were executed in 1953 at Sing Sing Prison in New York. Their case continues to be studied and debated, both for its legal implications and its reflection of Cold War tensions.

Topic 10



CIVIL JUSTICE

Pre-reading task

Discuss the following questions:

1. Why is the distinction between civil law and criminal law more important to practicing lawyers than the distinction between public and private law?
2. What is the difference between criminal law and civil law?
3. Give examples from your country (different countries) of how the family is given special legal consideration.

Reading task

1. Read the text to understand what information is of primary importance or new for you.

CIVIL LAW VS. CRIMINAL LAW

Civil law functions to safeguard individuals from one another as well as from the state. It outlines people's legal rights and responsibilities through legislation and case law (judicial decisions). For example, if a person or a company agrees to supply goods or services in exchange for payment, but fails to meet expected standards, the affected party can pursue a claim under consumer rights law.

There are situations where both civil and criminal legal issues emerge from a single event. For instance, all road users owe each other a duty of care. If someone drives recklessly and causes injury to another person, the injured party can file a civil lawsuit for negligence while the state may pursue criminal charges for the unsafe driving.

The primary branches of civil law in England include contract law, tort law, trust law, probate law, land law, and family law. **Contract law** governs enforceable agreements between individuals or businesses. **Tort law** addresses wrongful acts causing harm to someone's person, property, or reputation. **Trust law** deals with scenarios where one party manages property for the benefit of another. **Probate law** governs the distribution of a deceased person's estate.

In contrast, the core branches of public law are **criminal law**, **constitutional law**, and **international law**. Criminal law pertains to actions that are harmful to society as a whole, even when directed at an individual. Constitutional law defines how laws function and governs interactions between citizens and the government. International law manages legal relations between states and also between individuals or entities across borders.

There are clear procedural differences between civil and criminal cases. Criminal cases are almost always initiated by the government, whereas civil cases are typically brought by private individuals or entities.

In a **criminal case**, the party bringing the case is known as the **prosecution** (usually the state). In a **civil case**, the initiating party is called the **plaintiff**. In both types of cases, the party being accused or sued is referred to as the **defendant**.

Civil law addresses legal disagreements over rights and obligations between individuals, businesses, or other organizations. It also allows for legal oversight of public authorities' actions. Unlike criminal law, civil law does not aim to punish but to resolve disputes, often by awarding compensation or granting some form of legal remedy. Civil disputes may be resolved through negotiation, litigation, or ultimately through a court decision made by a judge or court official. Although civil and criminal law are distinct, the separation is not always clear-cut. While courts are generally divided into civil or criminal, in jurisdictions like England, Wales, and Northern Ireland, magistrates' courts handle both types. A single incident may result in both criminal prosecution and a civil claim. Nevertheless, the trial process and legal rules applied differ between civil and criminal proceedings.

In recent years, the legal system has increasingly combined civil remedies with criminal procedures to address certain social issues. For example, the **Crime and Disorder Act 1998** introduced **Anti-Social Behaviour Orders (ASBOs)**—civil orders intended to stop ongoing anti-social behavior. Violating an ASBO, however, becomes a criminal offence. Similar approaches include **protection orders against harassment** and **sex offender orders**, which aim to prevent individuals from engaging in behavior that poses a significant threat to public safety.

Vocabulary:

civil (private) law – приватне право (цивільне) право	constitutional law – конституційне право
public law – публічне право	international law – міжнародне право
to concern – зачіпати, стосуватися	to harm – завдавати шкоди
law of contracts – договірне право	well-being of society – благополуччя суспільства
law of torts – деліктне право	criminal procedure – кримінальний процес
law of trusts – право довірчої власності	civil procedure – цивільний процес
probate law – спадкове право	criminal action – кримінальна справа
land law – земельне право	civil action – цивільна справа
family law – сімейне право	on the one hand on the other hand – з одного боку з іншого боку
binding agreement – обов'язкове, зобов'язуюча угода	to bring a criminal action – порушувати кримінальну справу
to commit a wrong – вчинити правопорушення	prosecution – звинувачення
arrangement – угода, домовленість	plaintiff – позивач
to administer property – управляти власністю	defendant – відповідач
for smb's benefit – на користь кого-небудь	
criminal law – кримінальне право	

2. Answer the questions using the information from the text.

1. What is the main distinction between public and private law?
2. What are the main categories of private law?
3. What do they deal with?
4. What are the main categories of public law?
5. What do they deal with?
6. How do criminal and civil procedures differ?

7. What are the parties in a civil action?
8. What are the parties in a criminal action?
9. What is the main purpose of English Civil law?
10. What is the distinctive feature between Civil and Criminal matters?

3. Supply Ukrainian equivalents.

to bring a criminal action	plaintiff
defendant	to accuse smb. of smth.
well-being of society to	to deal with
commit a wrong probate	law of torts
law civil action binding	criminal procedure
agreement to administer	prosecution
property	to harm for smb's benefit

4. Match words with their synonyms.

1. offence	a) to accuse smb. of
2. to bring an action	b) distinction
3. dispute	c) to begin
4. private person	d) private law
5. difference	e) wrong
6. civil law	f) an individual
7. to start	g) disagreement
8. to charge smb with	h) to start an action

5. Supply antonyms and translate them.

A.

1. constitutional	a) - un
2. binding	b) - un
3. agreement	c) - dis
4. arrange	d) - miss

B. Match words with their antonyms.

- | | |
|-------------------------|----------------|
| 1. public | a) defendant |
| 2. plaintiff similarity | b) to accuse |
| 3. to do good | c) never |
| 4. similar to | d) distinction |
| 5. acquit | e) to do harm |
| 6. usually | f) civil |
| 7. often | g) different |
| | h) seldom |

6. Find a suitable definition for each word in the right column.

- | | |
|-----------------------|---|
| 1. civil action | a) it regulates relations between governments |
| 2. constitutional law | b) a binding agreement |
| 3. defendant | c) he starts a civil action |
| 4. international law | d) actions which harm the well-being of society |
| 5. contract | e) things that people own |
| 6. civil law | f) against him actions in court are started |
| 7. state | g) it regulates relations between private citizens and the government |
| 8. plaintiff | h) it settles disputes among citizens within a country |
| 9. property | i) these actions are started by individuals |
| 10. crimes | g) this party usually brings a criminal action |

7. Fill in the gaps with the words and word combinations from the box:

evidence, legislators, differs substantially, changed, information, prior judicial decisions, hearings, advice
--

Civil law systems do not have any process like the common law practice of discovery - the pretrial search for ... conducted by the parties involved in the case. The trial of a case under civil law also ... from a common law trial, in which both

parties present arguments and witnesses in open court. In civil law systems the judge supervises the collection of ... and usually examines witnesses in private. Cross-examination of witnesses by the opposing party's attorney is rare. Instead, a civil law action consists of a series of meetings, ... , and letters through which testimony is taken, evidence is gathered, and judgment is rendered. This eliminates the need for a trial and, therefore, for a jury. Systems of common law and civil law also differ in how law is created and how it can be Common law is derived from custom and precedents (binding judgments made by ...). In the common law system, the precedent itself is law. Therefore, the judges who decide which party will prevail in any given trial are also the creators of common law. Civil law, on the other hand, is made by ... who try to supplement and modernize the codes, usually with the ... of legal scholars. Civil law judges administer the law, but they do not create it.

Speaking

1. In pairs discuss the following statement. Explain some of the differences between the two procedures.

In English law an act of violence against a person may be treated both as a crime and as a civil wrong.

2. How do you understand the quotations:

- a) Laws that do not embody public opinion can never be enforced. *Elbert Hubbard*
- b) It is the spirit and not the form of law that keeps justice alive. *Anonymous*

3. Speak about Civil law, paying attention to the following points in your speech:

- nature of Civil law;
- different branches of Civil law;
- comparison of branches of law: Civil law and Criminal law.

**4. In pairs read the statements. Agree or disagree with one of the statement.
Explain your answer.**

1. Civil trials begin with pleadings, the formal papers filed with the court by the judge or jurors.
2. The process, when the parties transfer the power to settle their dispute to a third party, is called mediation.
3. When a defendant is found liable in a civil trial, he or she is entitled to a remedy.

Writing

1. Write an essay about the following statement:

Copying audio tapes at home is just as bad as stealing them from a store.

Use this information to organize it correctly.

Essay Writing

- Read the topic carefully.
- Underline words indicating the specific things to be answered in the essay.
- Write an introductory paragraph including 2-3 sentences only.
- Write 3 paragraphs of the body, trying to use 1st and 2nd paragraphs for opposite points of view and the 3rd expressing your own opinion.
- Write a good conclusion as your answer to the problem.
- Check it carefully

2. Read the information from supplementary reading and write the summery.

Over to you

1. Make a list of age limits in your country for such activities as marriage, voting, driving a car, smoking, buying alcohol drinks and others. Express your opinion as to whether the limits are too high or low.

2. Make a contract of employment. Use the following issues while making a contract (writing contract articles): parties' requirements, termination of the contract, work conditions, time of work, salary, social insurance etc.

3. Offer a set of measures that legislators should take to protect intellectual property in the Internet.

- **A project task**

Make the presentation on the given topic: "The role of Civil law in different countries including Ukraine."

Supplementary reading

INTRODUCTION TO CIVIL LAW

Civil law deals with legal disputes between individuals or groups that cannot be resolved privately and therefore require court intervention. Unlike criminal law, civil law cases do not impact the broader society. Areas such as torts, contracts, and negligence are key components of civil law, defined as follows:

- **Tort:** A law established by a legislative body that commands or prohibits certain actions; it refers to specific legal provisions set by lawmakers.
- **Contract:** A legally binding agreement between two or more parties, which obligates them to fulfill specific actions or refrain from doing something.

- **Negligence:** The failure to act with the level of care that a reasonably prudent person would exercise under similar circumstances, either by omission or inappropriate action.

In civil cases, the **burden of proof** is determined based on the “balance of probabilities,” meaning that the judge or jury must believe that one side’s argument is more likely to be true than the other.

Civil Courts

Civil cases begin when one party (the plaintiff) files a claim in court against another party (the defendant), asking the court to make a legal ruling. A civil case is labeled with the names of the parties involved, such as *Jones v. Smith*, where Jones is the plaintiff initiating the lawsuit, and Smith is the defendant being sued. Civil juries typically consist of **eight members**, and a unanimous decision is not required—only six of the eight jurors must agree after at least three hours of deliberation. Civil penalties usually involve monetary compensation, known as **damages**.

- **Small Claims Court** handles cases where the claim is **\$25,000 or less**.
 - **Supreme Court** hears cases involving claims **exceeding \$25,000**.
- Most civil disputes are resolved before going to trial.

Common Types of Civil Cases

- Breach of contract
- Divorce and separation
- Child custody disputes
- Challenges to wills and estates
- Personal injury claims

Comparing Civil and Criminal Law

Parties Involved

- In **criminal cases**, the government (the Crown or Regina) brings charges against an individual. For example, a case might be titled *Regina v. Lee*.

- In **civil cases**, one individual or organization sues another. The party filing the lawsuit is called the **plaintiff**, and the party being sued is the **defendant** (e.g., *Nolette v. Leung*).

Purpose of the Case

- A **criminal case** arises when someone is accused of breaking the law, typically offenses found in the **Criminal Code of Canada** or other legal statutes.
- A **civil case** emerges from a disagreement—such as unpaid debts, broken contracts, or personal injuries—when the parties cannot reach a resolution privately.

Pre-Trial Procedures

- In serious criminal matters, a **preliminary inquiry** may occur in Provincial Court, during which the Crown presents evidence and the defense may question witnesses. The accused is not required to present evidence at this stage.
- In civil litigation, both sides undergo **discovery**, where they examine each other's evidence before trial. Pre-trial **mediation** or **conferences** may be scheduled to encourage settlement or to organize the trial process.

Trial Process

- **Criminal trials** may be conducted by a judge alone or a judge with a **jury of 12 members**, all of whom must agree on the verdict. If the jury cannot reach a unanimous decision, a **mistrial** is declared, and a new trial may be scheduled. The jury does **not** participate in sentencing.
- In **civil trials**, most cases are heard by a judge alone, though either party may request a jury. A **civil jury** consists of **8 members**, and only **6 out of 8** need to agree on liability. The jury may also suggest the amount of compensation to be awarded.

Burden of Proof

- In **criminal trials**, the standard is "**beyond a reasonable doubt**." The prosecution must convince the judge or jury that the accused is guilty with near certainty.
- In **civil trials**, the decision is based on the "**balance of probabilities**", meaning the judge or jury must decide which party's argument is more credible.

Judgment and Outcomes

- In **criminal cases**, sentencing is handled by the judge and follows the guidelines outlined in the **Criminal Code**. Sentences may include fines, probation, or imprisonment.
- In **civil cases**, the judge—often with input from the jury—determines the amount of money or remedy awarded to the successful party. Civil judgments primarily result in financial compensation rather than punishment.

Record of Proceedings

- A person **convicted in a criminal case** will have a **criminal record**.
- In a **civil case**, there is **no criminal record**, though the outcome can impact a party's personal or professional reputation or financial standing.

Civil and Criminal Overlap

Some incidents can lead to both criminal and civil proceedings. For example, in a car accident caused by reckless driving, the driver might face **criminal charges** for dangerous driving and **civil liability** for the resulting injuries and damages.

An Overview of Alternatives to Civil Court

Introduction

Disagreements and conflicts are inevitable in human interactions, and numerous methods exist to address them. Alternative Dispute Resolution (ADR) offers multiple approaches to resolving conflicts without resorting to traditional court litigation. These approaches range from cooperative methods, in which parties collaborate to reach mutual solutions, to adversarial methods, where

outcomes often involve a clear winner and loser, typically centered around monetary compensation.

Conflicts can be addressed in several ways. Informal discussions or structured negotiations can directly involve the parties themselves. At other times, assistance from an impartial third party might be needed, either to facilitate a conversation (mediation) or to provide a binding resolution (arbitration). When a highly structured and formal approach is necessary, parties might opt for litigation, where attorneys argue the case and a judge renders a binding decision.

As dispute resolution processes become increasingly formal:

- Parties experience reduced control over outcomes
- Involvement of professional assistance increases (such as mediators, attorneys, arbitrators, or judges)
- Expenses escalate
- Proceedings and outcomes become more public
- Parties become less personally committed to upholding the resulting decision

Negotiation

In most conflicts, court involvement is unnecessary, as parties can often negotiate a settlement on their own or with minimal support. Negotiation involves direct communication between conflicting parties or indirect communication through representatives like lawyers, with the goal of reaching a mutual agreement.

However, negotiations may not always lead to fair outcomes, especially when there is a disparity in power, knowledge, or negotiation abilities. Emotions can also hinder productive dialogue, diverting attention from core issues.

Mediation

Mediation is another form of dispute resolution outside the courtroom, where a neutral mediator facilitates conversations to help parties find common ground and mutually acceptable solutions. Mediation is conducted privately and informally,

encouraging active participation and allowing parties to design their own agreements.

Mediators are trained to guide constructive dialogue but cannot impose decisions. Resolution is achieved only with agreement from all parties. Mediators assist parties in moving beyond rigid positions, focusing instead on underlying interests. For example, if two people both demand the same resource, a mediator explores why the resource matters, uncovering creative solutions satisfying both parties' interests.

Using a mediator can save significant time and cost compared to litigation. Even when full agreement is not reached, mediation can clarify issues and positions, facilitating faster and more focused resolutions later. Mediators usually recommend that parties seek legal advice on agreements reached. When a power imbalance exists, mediators strive to ensure fairness or may terminate the mediation if necessary.

Mediation typically focuses on interests rather than rights, allowing parties flexibility in finding agreeable compromises. Mediation often strengthens parties' commitment to uphold agreements since they directly craft the solutions, promoting ongoing cooperative relationships, especially important when continued interaction is necessary (e.g., co-parenting).

Settlement Conferences

Settlement conferences are informal discussions involving a judge, legal counsel, and disputing parties before a trial, aimed at encouraging settlement or preparing for trial effectively. Objectives include reaching agreements, reducing unnecessary pre-trial activities, and improving trial efficiency through better preparation. In family law, a Family Judicial Case Conference may serve a similar purpose, clarifying legal issues and identifying alternative resolutions or managing pre-trial logistics.

Collaborative Law

Primarily utilized in family law disputes, collaborative law involves parties and their attorneys formally agreeing to resolve conflicts without litigation,

emphasizing trust and cooperation. Lawyers commit exclusively to settlement efforts; if litigation becomes necessary, new legal representatives must be retained.

Collaborative law emphasizes mutual respect and cooperation, with lawyers often receiving specialized training. Transparent sharing of relevant information is essential, facilitating quicker, less expensive, and more amicable resolutions. However, collaborative law might not be suitable when dishonesty, desire for punishment, violence, or substantial power imbalances exist between parties. This process lacks court-enforced methods for obtaining information and is unsuitable for public vindication efforts.

Arbitration

Arbitration involves presenting evidence and arguments to a neutral third-party arbitrator, who then issues a binding decision. While generally voluntary and private, arbitration can sometimes be mandated by law or agreed upon contractually.

Arbitration, however, is adversarial and less likely to preserve relationships since decision-making rests solely with the arbitrator. Procedures, including evidence rules, vary between arbitrations, potentially reducing predictability. Arbitration decisions are typically final with limited appeal options, do not set precedents, and bind only involved parties.

Litigation

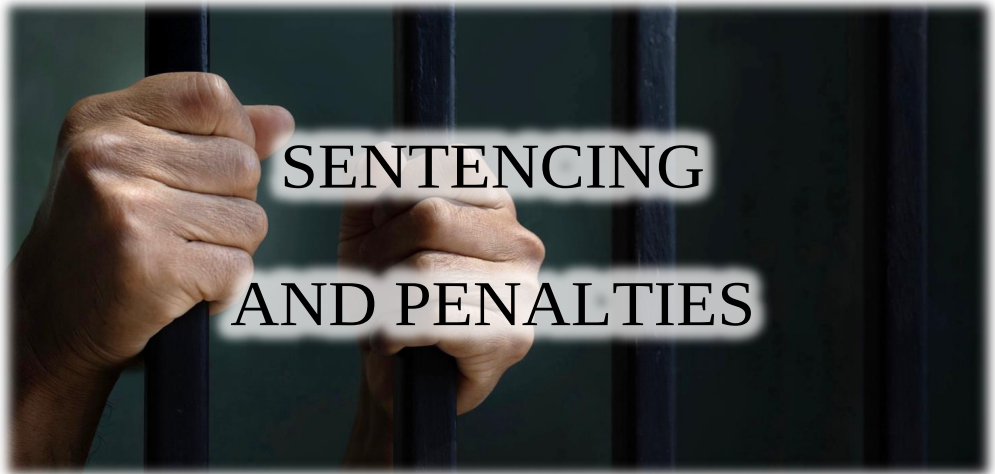
Litigation represents the most formal dispute resolution method, involving filing a lawsuit for a court-imposed, legally binding decision. Court rulings rely on established legal precedents, promoting predictability and fairness through structured procedures and evidence rules. Judges, and sometimes expert witnesses, ensure fair, knowledgeable resolutions. The public nature of court proceedings adds transparency and accountability.

However, litigation is costly, adversarial, and controlled primarily by lawyers and judges rather than parties themselves. Litigation decisions can strain ongoing

relationships. Court processes are often lengthy due to crowded dockets, making quick resolutions difficult.

Yet, even the potential of litigation may encourage earlier dispute resolutions outside court, offering leverage in negotiations.

Topic 11



Pre-reading task

Discuss the following questions:

1. Do you agree with the following statements:
 - The main purpose of law is to protect but not to punish;
 - “Whosoever sheds man’s blood, by man shall his blood be shed”
 - The punishment cell is never vacant
2. What modern types of punishment do you know?
3. Are mild sentences a sign of a civilized society?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

PUNISHMENT

Historically, punishment in certain early societies was largely motivated by revenge or retaliation, with justice frequently administered directly by victims or their families. Punishments in these contexts often bore little relation to the actual severity or nature of the offense committed. Gradually, a notion of proportional punishment emerged, epitomized by ancient principles such as the biblical directive "an eye for an eye" (known as *lex talionis*). Over time, the responsibility for delivering punishment shifted from individual retribution to community oversight. Eventually, with the formation of formal legal codes, this authority transferred entirely to the state to preserve societal order. In this structure, crimes became viewed primarily as offenses against the state itself, making any private form of punishment, such as vigilante justice or lynching, unlawful.

In contemporary criminal justice systems, punishment refers to penalties officially imposed by the state upon individuals found guilty of criminal offenses. Initially, ancient societies left punishment to the discretion of the harmed party or their group. Early penalties were notoriously harsh, cruel, and disproportionate by modern standards, reflecting beliefs deeply rooted in vengeance. Torture and executions were commonplace and drew from the principle of revenge. However, as societies became more complex and centralized governments developed, the authority to punish shifted from the victim or their kin to state institutions.

It was not until the late 18th century that meaningful demands arose for reforming criminal procedures. At this point, punishment began to be viewed not only as a method for expressing societal condemnation but also as a necessary safeguard protecting the law itself from being violated by individuals. Deterrence and social protection became primary objectives of punishment rather than retribution alone. Consequently, punishments started aligning more closely with

the severity and nature of specific crimes. Resulting legal reforms significantly reduced the prevalence of capital punishment, restricted physical punishments, eliminated most forms of bodily mutilation, and substituted incarceration as the predominant method of punishment. A growing emphasis emerged on rehabilitation for the benefit of society and offenders alike, moving away from punishment purely for punitive reasons.

Debates regarding punishment and rehabilitative approaches continue today. Opponents argue that punishment inherently carries a negative and vengeful quality, making it ineffective or even harmful. Conversely, supporters assert the necessity of legal punishments for deterring potential offenders and argue that imprisonment itself helps to shield society from habitual or particularly dangerous criminals.

Modern criminal codes across countries differ significantly regarding the types and severity of penalties prescribed for various crimes. Presently, capital punishment—imposing death as a legal penalty—is regarded as the most severe form of punishment, typically replaced in jurisdictions where abolished by prolonged imprisonment or life sentences.

The primary moral justifications supporting capital punishment traditionally rely on religious and retributive reasoning. Biblical references such as "Whosoever sheds man's blood, by man shall his blood be shed" (Genesis 9:6) are often cited as divine authorization for executing murderers. Similarly, the secular principle "Let the punishment fit the crime" implies that death is the appropriate punishment for murder. Advocates also claim that society retains the right to execute criminals as a form of collective self-defense, similar to individual rights to self-defense. Yet, this analogy is questioned due to inconclusive evidence regarding the death penalty's effectiveness as a deterrent.

Critics have persistently highlighted the irreversible risk of wrongful executions, although confirmed instances of such errors in recent history remain relatively rare. Critics also maintain that adherence to retributive justice principles does not necessitate capital punishment. They argue that matching the severity of

punishment to the seriousness of the crime does not inherently require adherence to a strict "life-for-a-life" philosophy.

In contemporary times, numerous nations worldwide have eliminated the death penalty, reflecting shifting attitudes toward capital punishment.

Vocabulary:

punishment – покарання

penalty – штраф

to inflict – заподіяти

wronged – ображений

lifetime punishment – довічне

покарання

capital punishment – смертна кара

vengeance – помста

complexity of society – складність

суспільства

to be vested in – бути наділеним

vindication – виправдання

deterrence – затримання

revenge – помста, відплата, реванш

ensuing reforms – подальші реформи

corporal punishment – тілесне

покарання

to abolish mutilation – скасувати

каліцтво

harsh measures – жорсткі заходи

imprisonment – позбавлення волі

for its own sake – заради себе

benign – доброякісний

to persist – зберігатися, залишатися

vindictive nature – жалюгідний

характер

criminally inclined – кримінально

схильний

lawbreaker – правопорушник

legal infliction – юридичне заподіяння

death penalty – смертна кара

retributive – караючий

divine warrant – божествений

(святий) ордер

secular – світський

self-defence – самооборона,

самозахист

to execute the innocent – стратити

невинного

severity of punishment – суворість

покарання

gravity of the crime – тяжкість

злочину

2. Answer the questions using the information from the text.

1. What does the legal term *punishment* mean in modern criminal law?
2. Who decided the kind of punishment in early societies?
3. What was the purpose of punishments?
4. What were the results of ensuing reforms?
5. What arguments do opponents of legal punishment present?
6. What arguments do proponents of legal punishment present?
7. What kinds of punishment are mentioned in the text?
8. What arguments do opponents of death penalty present?
9. What moral arguments do proponents of death penalty present?
10. What kind of punishment for the gravest crimes is there in Ukraine?

3. Explain the meanings of the following words according to the text:

- Punishment is ...
- Versus (abbr.) means...

4. Write down all the expressions containing the word "punishment" which you can pick from the text Punishment and that from *Supplementary reading*

. Give the synonymic expressions

Example: to inflict punishment, fortune punishment...

5. Match each punishment with its description:

- | | |
|------------------------|--|
| 1. capital punishment | a) a period of time in jail |
| 2. corporal punishment | b) being made to do special hard work while in prison |
| 3. eviction | c) death |
| 4. a heavy fine | d) punishment imposed only if you commit a further crime |
| 5. internment | e) a large sum of money to pay |
| 6. penal servitude | f) whipping or beating |

- | | |
|--------------------------|---|
| 7. a prison sentence | g) regular meetings with social worker |
| 8. probation | h) removing (a person) from a house or land by law |
| 9. solitary confinement | i) limiting the freedom of movement esp. for political reason |
| 10. a suspended sentence | j) being imprisoned completely along |

6. Put the punishments you know in the order of strictness on the word ladder below, starting with the least serious and ending with the most serious.

7. Distribute the words into the following groups. Translate them from English into your native language.

1. types of punishment
2. criminals
3. prison
4. prisoners

cell	imprisonment	prisoner	prisoner of
custody	incarceration	long-term	conscience
corporal	inmate	prisoner	prisoner of war
punishment	jail	offender	recidivist
exile	juvenile	penal	solitary
goal	delinquent	institution	confinement
habitual	lawbreaker	penitentiary	wrongdoer
offender	life-sentence	institution	

8. Complete the following text with the words and phrases from the box.

wrongdoer;	misdeeds;	deterrent;	retribution;	death penalty;
corporal punishment;	rehabilitate;	reform;	barbaric;	humane;
law-abiding				

What is the purpose of punishment? One purpose is obviously to ... the offender, to correct the offender's moral attitudes and anti-social behavior and to ... him or her, which means to assist the offender to return to normal life as a useful member of the community.

Punishment can also be seen as a ... because it warns other people of what will happen if they are tempted to break the law and prevent them from doing so. However, the third purpose of punishment lies, perhaps, in society's desire for ... , which basically means revenge. In other words, don't we feel that a ... should suffer for his ... ?

The form of punishment should also be considered. On the one hand, some believe that we should "make the punishment fit the crime". Those who steal from others should be deprived of their own property to ensure that criminals are left in no doubt that crime doesn't pay. For those who attack others should be used. Murderers should be subject to the principle "an eye for an eye and a tooth for a tooth" and automatically receive the On the other hand, it is said that such views are unreasonable, cruel and ... and that we should show a more ... attitude to punishment and try to understand why a person commits a crime and how society has failed to enable him to live a respectable, ... life.

Speaking

1. Take turns to:

- 1) offer the title to each paragraph of the text
- 2) express the main idea of each passage of the text “PUNISHMENT” in two sentences.

2. Pair work:

1) Discuss the following:

- Modern types of punishment.
- Are mild sentences a sign of a civilized society?

TEAM WORK

1. Describe in small groups the system of punishments being implemented in our country directed to meeting EU requirements, including the following points: respect for human rights, anti-corruption reforms, economic reforms, legislative and judicial reforms, etc.

What is the fair punishment for this crime?

2. Quotations for common discussion: How do you understand the quotation and do you agree or disagree with it?

- *Every unpunished murder takes away something from the security of every man's life. Webster*
- *All crime is a kind of disease and should be treated as such. Gandhi*
- *The average man does not know what to do with his life, yet wants another one which will last forever. France*

3. DEBATE on the topic CAPITAL PUNISHMENT: FOR AND AGAINST

(all students are divided into two groups: 1) those, who are for capital punishment, and 2) those, who are against it).

The fundamental questions raised by the death penalty are whether it is an effective deterrent to violent crime, and whether it is more effective than the alternative of long-term imprisonment. Study the information below and give your opinion on this problem.

- *Do you agree that capital punishment can be seen as a deterrent to violent crime?*
- *Can capital punishment be considered as the society's desire for retribution?*
- *Should murderers be subject to the principle 'an eye for an eye and a tooth for a tooth' and receive the death penalty?*
- *Should we try to correct the offender's moral attitudes and anti-social behaviour and to assist him or her to return to normal life (to rehabilitate the offender) in any case?*

Writing

1. Read the statement: "Imprisonment is revenge, but not rehabilitation".

Write an essay containing two arguments for and two against this statement.

Express your own opinion and prove it. Use the following list of transitional words and phrases to connect your paragraphs of an essay:

On the one hand, on the other hand, however, on the contrary, in addition, finally, in particular, etc. Then discuss your answer with other students.

2. Writing (to a students' choice)

Write an essay of 250-300 word on what you think of the system of punishment in different countries and, in particular, dwell on the capital punishment

Over to you

- 1. Give a summary of the text "Punishment".**
- 2. Scan the text and note all the words and phrases that you think are legal terms**
- 3. Revise the knowledge of the vocabulary of the topic Crime and punishment by completing the following task:**

Choose the right option to fill the gap

1. The police arrested Jack and took him into
a. custody b. detention c. prison
2. In most countries, the ... penalty has been abolished.
a. death b. capital c. execution
3. The case was dismissed for lack of
a. evidence b. witnesses c. a jury
4. Two football fans were later charged with
a. aggression b. attack c. assault
5. Mr. Smith can be sentenced ... 6 years imprisonment for armed robbery.
a. to b. with c. of
6. Tough prison sentences are not effective in deterring persistent
a. offenders b. obsessed c. accused
7. The evidence ... in court suggested that the man was guilty.
a. shown b. presented c. disclosed
8. A young man was arrested ... suspicion of murder a week ago.
a. of b. at c. on
9. 60 % of boys from disadvantaged families have a ... record by the age of 18.
a. prison b. criminal c. offensive
10. One can be released ... for money compensation.
a. on bail b. on probation c. completely

11. In the case of ... crimes such as murder, armed robbery we need to impose a harsh sentence.
a. petty b. serious c. violent
12. ... offenders don't serve a prison sentence because they are under age.
a. major b. minor c. hardened
13. A court ... the former boss of a first division football club to one year in prison.
a. sentenced b. convicted c. charged

4. Case study. Get ready to discuss each case in class and decide:

1. How would you feel if you were the victim (the defendant) of the crime?
2. If you were the judge, would you give a different sentence?
3. If you were the judge, would you reinvestigate the case to reveal other facts or circumstances?
4. Was justice done?

Assault

In 1976, an intoxicated individual entered a grocery store. When the store manager requested that he leave, the man became violent and physically attacked the manager, resulting in the loss of a tooth. A police officer who responded to the incident attempted to intervene but sustained a broken jaw during the altercation. The offender received a monetary penalty of 10 pounds.

Shoplifting

In June 1980, Lady Isabel Barnett, a well-known television figure, was found guilty of stealing a can of tuna and a container of cream, together worth 87 pence, from a small local store. The case drew significant media attention. She was fined 75 pounds and ordered to pay an additional 200 pounds to cover court expenses. Tragically, she died by suicide a few days later.

Fraud

This case represents a civil matter rather than a criminal offense. A man, facing severe financial troubles, had taken out a life insurance policy worth 100,000

pounds. The policy was scheduled to lapse at 3:00 PM on a specific date. At 2:30 PM that day, he met with his lawyer, then took a taxi and asked the driver to note the time—2:50 PM. Shortly afterward, he took his own life. At that time, suicide did not automatically void life insurance policies, unlike today. However, the insurance company declined to pay out the policy, and the court upheld their decision.

- **A project task for small groups:**

Prepare a project presentation on one of the topics:

1. Forms of punishment, which are effective deterrents?
2. Forms of punishments, which can help to rehabilitate an offender?
3. The main aims of the penal system in your country.

Supplementary reading

PRIMARY OBJECTIVES OF PUNISHMENT IN THE UK

A central goal of the criminal justice system in Britain is to penalize individuals who commit offenses. Punishment serves dual purposes: to deliver justice (retribution) and to discourage both the offender and others from engaging in criminal behavior.

Punishments are expected to be proportionate to the crime. Sentences are determined by factors such as the seriousness of the offense, the character of the offender, the nature of their guilt, and other relevant circumstances. However, it is acknowledged that sentencing cannot be entirely objective—judicial discretion plays a significant role.

Courts have a broad spectrum of sentencing options, ranging from life imprisonment to community-based sanctions. The death penalty for murder was initially abolished temporarily in 1965 and then permanently in 1969, despite public opinion polls indicating that a majority supported its use. Crimes are categorized by their severity, with the most serious, such as premeditated murder,

robbery, bribery, large-scale fraud, and repeat offenses, receiving the harshest penalties.

For minor offenses and first-time offenders, courts may issue a warning without immediate punishment, stating that any future wrongdoing will consider the earlier offense.

In addition to imprisonment, several non-custodial sentencing options are available. Suspended sentences can be used for offenses carrying a maximum prison term of two years or less. During the suspension period, the offender must avoid further criminal activity.

Another alternative is probation, where no formal sentence is imposed, but the offender must report regularly to a probation officer for a period of one to three years.

A further community-based measure is the Community Service Order. Individuals aged 16 and older may be ordered to complete unpaid work that benefits the community, ranging from 40 to 240 hours within a 12-month period. Failing to comply can lead to fines or other sanctions.

Monetary penalties, or fines, are a commonly used form of non-custodial punishment. Courts may place conditions on fines, such as direct deductions from wages or supervision by a probation officer. Courts may also impose compensation orders requiring offenders to repay victims for any harm caused, or restoration orders mandating the return of stolen or unlawfully acquired goods. State-imposed punishment is only legitimate when it aims to reduce criminal activity and uphold respect for the law. Modern sentencing practices emphasize fairness, proportionality, prevention, rehabilitation, deterrence, and education. Particular emphasis is placed on reforming young offenders, with the belief that early intervention can reduce the number of repeat offenders in adulthood.

Addressing criminal behavior in youth increases the chances of shaping law-abiding citizens in the future.

Topic 12

CONTRACT REGULATIONS



Pre-reading task

Discuss the following questions:

1. Have you ever concluded a contract? What was it?
2. Make a list of goods and services you have bought or used over the past 48 hours.
3. Is it always clear whether the above are goods or services?
4. How would you classify the electricity you consume every day?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

CONTRACT LAW

Contracts play a vital role in our daily activities. Whether you're working for a company, purchasing insurance for your vehicle or home, or simply buying groceries, contract law governs these actions.

This area of law concerns the promises that give rise to legally enforceable rights. In most jurisdictions, a contract is considered formed when one person (the offeror) proposes an agreement, and the other person (the offeree) accepts it. For a contract to be valid, the terms of the offer must be accepted exactly as presented. If the acceptance differs in any way, it is regarded as a counteroffer rather than acceptance. A counteroffer is a new proposal that must then be accepted by the original offeror before a binding contract can be established.

To create a legally binding agreement, both parties must agree on the fundamental aspects of the contract, such as its purpose and the agreed-upon price. Contracts can be created either through written documentation or spoken communication. Agreements made verbally are known as oral contracts. However, in some legal systems, specific agreements—such as contracts related to the sale of real estate—must be in writing to be valid.

Contracts provide both parties with rights and responsibilities. A right is a benefit that a party expects to receive (such as payment), while an obligation is a duty that one must fulfill in order to obtain that benefit (like performing a task or delivering goods).

If one of the parties fails to meet their contractual obligations, they are said to have breached the contract. In such cases, the other party can initiate legal proceedings for breach of contract. The injured party (also called the non-breaching party) may seek compensation, often in the form of monetary damages

awarded by the court. Alternatively, the court may order the breaching party to fulfill their original obligations—this is known as specific performance.

During a contract dispute, certain legal defenses may be raised to challenge the contract's enforceability. These include issues like illegal subject matter, fraud, coercion (duress), or the incapacity of a party to legally enter into an agreement.

In some scenarios, individuals or organizations not originally involved in the contract may still be able to enforce it. This happens in third-party beneficiary contracts, where the agreement is made for the benefit of an external party.

Additionally, rights and obligations under a contract can be transferred to another party. The person receiving the rights is known as the assignee, while the individual taking on the duties is referred to as the delegate.

Vocabulary

contract – договір	remedies – засоби правового захисту
offer – пропозиція	specific performance – виконання договору в натурі
acceptance – згода	formation – формування, складання
to reject – відхиляти	illegibility – нерозбірливість
enforceable – законний	fraud – шахрайство
essential terms – істотні умови	duress – примус
subject matter – предмет	lack of legal capacity – відсутність правоздатності
oral contract – усний договір	validity – термін дії
valid – дійсний	assignment of rights – передача прав
rights and obligations – права та зобов'язання	delegation of duties – делегування обов'язків
breach of contract – порушення договору	
damages – збитки	

2. Answer the questions using the information from the text.

1. What is the definition of a contract?
2. What is necessary for a valid contract to be formed?
3. What form can an enforceable contract take?
4. Which two remedies following a breach of contract are mentioned?
5. Are any other options available in your own jurisdiction?
6. When do third parties possess enforceable rights in a contract?
7. What kinds of contracts must be written and signed?
8. Upon which grounds related to the formation of a contract may its validity be attacked?
9. What do you know about e-contracts?
10. Are they often used in your jurisdiction?

3. Match these defenses (1-4) with their definitions (a-d):

1. illegibility of the subject matter
 2. fraud in the inducement
 3. duress and the
 4. lack of legal capacity
-
- a. when one party does not have the ability to enter into a legal contract, i.e. is not of legal age, is insane or is a convict or enemy alien
 - b. when one party induces another into entering a contract by use or threat of force, violence, economic pressure or other similar means
 - c. when either the subject matter (e.g. the sale of illegal drugs) or the consideration of a contract is illegal
 - d. when one party is intentionally misled about the terms, quality or other aspect of the contractual relationship that leads the party to enter into the transaction

4. Complete these sentences using the words in the box.

Breach	counter-offer	damages	formation
obligations	oral	contract	terms

1. Usually, contract ... occurs when an offer is accepted.
2. A new offer made by one party to another party is called a
3. The price and subject matter of a contract are the essentials ... of a contract.
4. A contract which is not written form but has been expressed in spoken words is called an
5. under a contract, a party has ... (that is, certain things it has to do).
6. When a party does not do what it has promised to do under a contract, it can be sued for ... of contract.
7. a court can award ... to the non-breaching party.

5. Match the verbs in the box with the nouns they go with in the text.

Accept	award	breach	enforce	file
form	make	negotiate	perform	reject

- 1 an offer
- 2 a contract
- 3 damages
- 4 a lawsuit

6. Word formation. Complete this table.

Verb	Abstract noun	Personal noun	Adjective
assign	<i>assignment</i>		
		—	<i>(non-)breaching</i>
negotiate			
		<i>offeror/offeree</i>	—
		—	<i>reliable</i>

7. Choose the correct verbs.

1. My client has requested me to *make/file/award* a lawsuit against you for breach of contract.
2. You *accepted/awarded/admitted* the offer my client made for you.
3. When you sign the contract, legal rights were *called/claimed/created* which are enforceable under the law.
4. Since you have not carried out your obligations under the contract, you have clearly *assigned/rejected/breached* the contract.
5. My client intends to *claim/accept/enforce* damages for all of the losses incurred as a result of the breach.

Speaking

1. With a partner, take turns choosing and explaining one of these terms in your own words. Can you guess which word your partner is defining?

Damages	The injured party
The non-breaching party	The breaching party
Specific performance	Remedy

2. Work in pairs. Read through these questions about e-contracts. How many can you answer?

1. Why is it very important to read the terms and conditions of a contractual transaction online very carefully before clicking "I agree"?
2. What are the different types of e-contracts?
3. What specific problems can businesses have concerning e-contracts?
4. What global standard is there to harmonize regulations concerning e-commerce contracts?

5. Why is e-commerce important for developing countries?
6. What do courts consider in disputes over validity of e-contract?
7. What other developments are happening in the field of e-commerce contracts?

3. Read this extract and find the answers to the questions.

Online Contractual Agreements

Digital transactions are becoming more widespread, making it increasingly important for individuals entering into such agreements to review the terms and conditions thoroughly before clicking "I agree." Courts generally treat this action as valid acceptance and are likely to enforce agreements made this way.

There are two primary categories of electronic contracts: B2C (Business-to-Consumer) contracts and B2B (Business-to-Business) contracts. Due to the international nature of the Internet, issues of jurisdiction often arise. Many agreements now include clauses that specify the governing legal system and jurisdiction for resolving any disputes. Additionally, the use of digital platforms introduces risks such as data breaches and privacy violations, which companies must address proactively to minimize legal exposure.

To establish guidelines for electronic commercial agreements, the UNCITRAL Model Law on Electronic Commerce was introduced in 1996. This framework acknowledges that indicating agreement by clicking a digital acceptance button (e.g., "I agree") constitutes a legitimate form of consent. It also validates that offers and acceptances made through electronic means are legally binding. These model laws have been widely adopted into national legislation across the globe, especially supporting developing countries in expanding their businesses through access to global markets.

However, similar to traditional written contracts, electronic agreements are not automatically enforceable. Courts still assess whether both parties clearly understood the contract terms. This can include examining how visible or accessible the terms were, such as the font size used or where the information was placed on the website.

Legal standards in the area of e-commerce continue to evolve. Recently, the UNCITRAL Model Law on Electronic Signatures has been adopted by several nations. Additional regulatory efforts are underway, including the drafting of an international treaty on Jurisdiction and the Enforcement of Judgments and discussions surrounding a unified global framework for e-commerce taxation.

4. Prepare a brief talk on an aspects of contract remedies in your jurisdiction. Make use of repetition and paraphrasing to reinforce important ideas and make them easier for your listener to understand and remember. You should structure your talk in three distinct sections and give a brief overview of the points you will cover.

Writing

1. This email summarizes the discussion between the lawyer, Mr Dawe, and his client. The email follows a standard pattern for an email of advice from a lawyer to a client. Match each paragraph (1-5) with its correct label (a-e).

A opening paragraph

B the lawyer's proposed action

C the lawyer's advice

D summary of the facts

E the legal issue(s)

Dear Mr. McKendrick,

Thank you for meeting with me on 30 May to discuss the termination of your agreement with Drexler Inc. I am writing to summarise the points we covered during our discussion and to confirm the instructions you gave me.

You explained that Drexler Inc. had committed to purchasing a substantial quantity of goods from your company, Export Threads, although the exact volume was not specified. According to Clause 2 of your agreement, Drexler was required to provide at least two weeks' notice regarding the shipment date to enable you to arrange a port for loading. However, they failed to provide this notice within the agreed timeframe, making it impossible for you to organise the necessary logistics. As a result, you now wish to bring the contract to an end.

The main legal question is whether Drexler's failure to meet this obligation constitutes a significant enough breach to justify terminating the contract without being held responsible for damages. If the clause in question is classified as a condition, Export Threads would have the right to end the contract with no liability. If it is merely a warranty, you would be entitled to claim compensation for any loss caused by the breach, but you would likely have to continue with the contract.

Recent legal precedent supports your position. Should you decide to terminate the contract and Drexler later bring legal proceedings, the courts would likely support your case. Given that your contract is part of a supply chain, certainty and adherence to timelines are critical. Since you were unable to arrange the loading directly due to Drexler's breach of Clause 2a, the court would probably interpret this clause as a condition.

I will prepare a formal letter to Drexler Inc. outlining these points and notifying them of your decision to terminate the agreement. I will also seek written confirmation from Drexler acknowledging our understanding of both the facts and the legal basis for your termination, with the aim of avoiding any unnecessary litigation.

I will follow up with you shortly. Please feel free to contact me if you have any questions or require further clarification.

Kind regards,

Charles Dawe

2. Read through the email in Exercise 1 and highlight any phrases that would be useful in your legal correspondence.

EXAMPLE: Thank you for coming to see me on 30 May when we discussed

Over to you

1. Choose the right preposition in brackets according to the context.

on	as	between	upon	to	into	from	by	of
----	----	---------	------	----	------	------	----	----

1. Contract law has come to us ... common law and it is said that it is an offspring of tort law.
2. Contracts, ... the other hand, are a mechanism by which persons voluntary create obligations themselves.
3. Contract law is the body of law that governs oral and written agreements associated with exchange ... goods and services, money, and properties.
4. It includes topics such ... the nature of contractual obligations, limitation of actions, freedom of contract, privacy of contract, termination of contract, and covers also agency relationships, commercial paper, and contracts of employment.
5. The important thing about any contract is to enter ... a proper agreement that covers all the possible aspects of the arrangement and that you get it in writing.
6. Legally, contracts relating ... the sale of land, disposition of any interest in land (including leases) and charges or mortgages over land, must be in writing and signed by the parties to the contract.
7. The exchange of goods and services is governed ... contract law.
8. The law of contract is a set of rules governing the relationship, content and validity of an agreement ... two or more persons (individuals, companies or other institution) regarding the sale of goods, provision of services or exchange of interests or ownership.

2. Work in pairs. Using a dictionary if necessary, find some simple equivalents to each of these verbs.

Attempt

Ascertain

Forward

Retain

Deem

Inform

Obtain

Notify

Utilize

3. Read a text from Supplementary reading. Find five verbs and five adjectives that have more simple equivalents.

- **A project task for small groups:**

Work together in small groups to make a marriage contract (or contract of employment). Think of questions to ask parties about their requirements, termination, fee etc. Use the following issues while making a contract:

1) property, care of children, mutual obligations etc.;

2) work conditions, time of work, salary, social insurance etc.

- **Further information**

A good guide to the basics of **contract law** can be found at <http://www.lawteacher.net/contract.htm>.

There is an excellent bank of **authentic contracts** at <http://www.onecle.com/> . Browsing through these provides an excellent opportunity to learn how to read and write contracts.

WE ENGAGE IN CONTRACTS DAILY — SO WHY ARE THEY STILL SO DIFFICULT TO UNDERSTAND?

Have you considered how many contracts you've entered into today? The number might surprise you. While the role of contracts in business is widely recognized, their impact on our daily routines is often underestimated. Everyday activities—such as purchasing coffee, shopping online, or signing up for a phone plan—are all governed by contract law.

Yet, understanding contract law remains challenging. One reason is that its rules aren't neatly compiled in one source. Instead, they're dispersed across various legal documents. Many of the principles are rooted in court rulings, including some that date back hundreds of years. For instance, understanding the legal framework for renegotiating contracts often requires revisiting an 1809 English case involving a ship's crew who agreed to sail home short-staffed for extra wages.

In addition to these historic decisions, other rules are embedded within different legislative acts. As a result, answering what seems to be a straightforward legal question can require navigating a maze of old case law and modern statutes—something most non-lawyers find difficult to manage on their own.

Reform Efforts: A Long History

Efforts to simplify and modernize contract law aren't new. In 1992, the Law Reform Commission of Victoria proposed a simplified code to replace the complex patchwork of Australian contract law. Their idea was a streamlined code of just 27 plain-language provisions based on flexible principles that could be applied to a wide variety of legal disputes.

Though this reform didn't gain traction, the idea of codifying contract law has continued to attract interest. In 2012, the Attorney-General's Department of the Commonwealth released a discussion paper exploring the potential for a national

code of contract law in Australia. This sparked conversations about the advantages and possible downsides of such a reform.

Unfortunately, the initiative appeared to stall following the change in government in 2013, despite strong support from legal experts and academics. For example, a team at the University of Newcastle even developed a detailed draft code.

One major benefit discussed in the 2012 paper was the opportunity to align Australian contract law with the legal systems of its major trading partners. Harmonisation could simplify international transactions and lower the cost of legal compliance for businesses operating across borders.

The paper also emphasized how a new code could adapt the law to today's digital economy. Most current contract law was created in an era before email and the internet—yet people now regularly enter into contracts online for everyday purchases and services.

Arguments For and Against

There are, however, legitimate concerns about codification. It may prove difficult to agree on what the final code should include. Businesses might also be wary of having to revise their standard contracts to comply with a new legal framework.

Moreover, codes don't always guarantee clarity. In some cases, codified laws have become just as complicated and technical as the rules they aimed to simplify. Despite these challenges, the idea of a contract code is still worth serious consideration. Given how integral contracts are to modern life, it makes sense to ensure the laws that govern them are up to date and accessible to everyone.

Topic 13



Pre-reading task

Answer the questions:

1. What civil offences can you name?
2. What types of torts can you name?
3. What remedies is the injured person entitled to under the law?

Reading task

1. **Read the text to understand what information is of primary importance or new for you.**

TORT LAW

Tort law is a branch of civil law that offers protection to individuals from harm caused by the wrongful actions of others. When someone suffers damage due to another person's misconduct, the injured party has the legal right to seek compensation through a civil claim. The aim of tort law is to shift the burden of loss from the victim to the person responsible for the harm.

Although certain torts may also qualify as crimes, tort law is separate from criminal law. It provides individuals with legal remedies even if no criminal charges are filed by the state. A victim can pursue compensation in civil court regardless of whether the wrongdoer faces criminal prosecution.

A **tort** refers to a wrongful act or omission that results in injury or damage to another person or their property, and for which the law allows a civil remedy. Tort law governs interpersonal disputes, much like the laws related to contracts, marriages, or family matters.

Torts are generally categorized into two main types:

1. **Intentional Torts** – These occur when a person deliberately engages in conduct meant to cause harm. The law recognizes intent either when the individual desires a particular outcome or when they know with near certainty that their actions will result in harm. Intentional torts are further divided into wrongs against persons (e.g., assault, battery, false imprisonment) and wrongs against property (e.g., trespass, destruction of property).
2. **Negligent Torts** – These arise when someone fails to act with the level of care expected by society, leading to foreseeable injury to another. The concept of **duty of care** is central here—individuals are expected to behave as a reasonably prudent person would under similar circumstances. A

person can be considered negligent for doing something reckless or for not doing something a careful person would have done. Importantly, negligence does not require an intent to harm.

Tort law deals with injuries and the legal remedies available for those injuries.

Common examples of torts include:

- Assault and battery
- Defamation and invasion of privacy
- False imprisonment
- Emotional distress (intentional infliction)
- Fraud and misrepresentation
- Trespass and property damage
- Product liability
- Medical malpractice

Some actions, like **battery**, can be prosecuted both criminally and civilly. In a criminal case, the state may punish the offender with prison time or fines. Simultaneously, the victim can sue in a civil court for compensation. In such civil cases, courts may award **compensatory damages** (to cover the victim's losses) and, in some cases, **punitive damages** (to penalize the wrongdoer and deter future misconduct).

Unlike criminal law, which is primarily focused on punishment and maintaining public order, tort law seeks to **compensate** the person harmed. It is concerned with restoring the victim rather than punishing the wrongdoer.

Another key distinction is that torts do not arise from contracts. The duties recognized under tort law are imposed by society, not by mutual agreement. Individuals are expected to behave in a way that does not harm others. If someone fails in this obligation and causes injury, they may be held legally liable.

Many tort claims arise from:

- Car accidents
- Medical negligence
- Faulty or unsafe products

In summary, tort law plays a crucial role in civil justice by providing remedies to individuals or entities harmed by the actions or inactions of others, emphasizing accountability and restitution over punishment.

Vocabulary:

tort – делікт, правопорушення	misrepresentation – введення в оману
tort law – деліктне право	trespass – зловживання
wrongful act – неправомірний акт, вчинок	правопорушення,
battery – образа дією	wrongful conversion – неправильне
false imprisonment – помилкове	перетворення
тюремне ув'язнення	product liability – відповідальність за
intentional infliction of emotional	продукцію
distress – навмисне заподіяння	to pay restitution – платити
емоційного стресу	відшкодування
intentional tort – навмисний делікт	to govern the relationship – управляти
negligence – недбалість	відносинами
to cause the consequences – спричинити	remedy injuries – засоби правового
наслідки	захисту від шкоди
reasonably prudent and careful person –	to suffer injuries – зазнати шкоди
розумно розважлива і обережна	to cause the harm – спричинити шкоду
людина	to commit a tort – вчинити
invasion of privacy – порушення	правопорушення
приватності	to sue in civil court – подати скаргу до
fraud – шахрайство	цивільного суду
defamation – наклеп	assault – напад
compensatory damages – збитки, що	medical malpractice – медична помилка
підлягають відшкодуванню	defective products – бракована
punitive damages – штрафні збитки	продукція
to cause injury – заподіяти шкоду	

2. Give other words with the same root:

A wrong, a contract, a relation, liable, to agree, to prove, tortious, injured, compensation, an involvement, a crime, representative, to prosecute, to defend, imprisonment, to permit, a reason, to interfere, safe, noisy, pleasant, useless, a remedy, to act, a definition, to enjoy, a thief.

3. Match the words or word combinations with their synonyms:

liability 2. wrong 3. damages 4. to charge 5. vicarious liability 6. tradition 7. tortfeasor 8. to be entitled a. custom b. responsibility c. to have the right d. committer of a tort e. monetary compensation f. liability on behalf of someone else g. offence h. to accuse

4. Give antonyms using the prefixes - un - im - mis - dis and translate them:

Pleasant, reasonable, useful, formal, important, flexible, to satisfy, to interpret, just, equitable, essential, possible, agreement

5. Answer the questions using the information from the text.

1. What can torts include?
2. What wrongs can be both civil and criminal by nature?
3. In what case will the defendant be ordered to pay compensatory damages and punitive damages?
4. What is the essential purpose of the law of torts?
5. In what aspect is the function of the law of torts distinct from that of criminal law?
6. What are chief categories of torts?
7. What is the core element in an intentional tort?
8. When can a person act negligently?
9. What does the society require if a person fails to act in the required manner?
10. What do the majority of tort cases involve?

6. Agree or disagree with the following statements (if you disagree, give your reasons):

- 1) The concept of tort – a wrongful act of a private individual against a state organization.
- 2) The definitions of many torts are quite different from definitions of crimes.
- 3) There is no essential difference between torts and crimes.
- 4) Sometimes an individual has gained no benefit from the criminal prosecution, since he takes an action in the law of tort because he has been the victim of the crime.
- 5) It is very easy to find a criminal law, which covers a tortuous act.

7. Match the words from the left column with their definitions in the right column

1. distress	a. harm done to a person's reputation
2. negligence	b. willful deception or dishonesty
3. privacy	c. take another person's money, property, etc. and use it as if it were one's own
4. defamation	d. personal, not for public
5. fraud	e. carelessness, failure to take action or take proper care
6. conversion	f. great pain or sorrow
7. fine	g. punishment
8. plaintiff	h. the person against whom the accusation is brought in a trial
9. battery	i. hitting hard and often
10. defendant	j. one who charges another in a court of law

11. wrong	k. a sum of money paid as a punishment for breaking a law
12. punitive	l. injustice, injury

8. Make word combinations using the words from the first and the second columns:

- | | |
|-----------------|------------------------------|
| 1. Torts | a. sufficient care |
| 2. Torts | b. resulting from negligence |
| 3. To cause | c. harm |
| 4. To fall into | d. intentional |
| 5. To exercise | e. two categories |
| 6. To act | f. negligently |

9. Choose the right definition of each of legal terms:

- | | |
|---------------------|--|
| 1. Tort law | a. a German or Austrian cake
b. a debt owed to a sovereign
c. a civil wrong or private injury not based on contract law
d. an involuntary action which amounts to a criminal offence because of an actual or potential injury |
| 2. Assault | a. a mineral from the dead sea
b. a military invasion
c. the civil wrong of inflicting actual bodily injury on another
d. the act of intentionally placing another person in fear of bodily injury |
| 3. Punitive damages | a. damages to compensate for injury
b. damages in a civil suit that are meant to punish the wrongdoer for causing injury
c. "nominal" or minimal damages |

4. Intentional infliction

d. non-monetary damages, such as an injunction (injunctive relief) or "specific performance" of a contract obligation

a. a cause of action that allows after a person is insulted

b. the grief of child will bring upon his parents

c. a cause of action for recovery when defendant's behavior towards a plaintiff is so outrageous and extreme that it causes serious emotional distress

d. striking another person intentionally

5. False imprisonment

a. placing a convinced defendant in a maximum security prison

b. description of when the judge and jury disagree about a sentence

c. a criminal imprisonment for civil wrong

d. unlawful confinement of a person against that person's will

6. Negligence

a. forgetfulness

b. willful misconduct

c. necessity defense

d. breach of a duty that proximately caused an injury

7. Trespass

a. an act of entering another's land without permission

b. a motion before trial in a tort action

c. when a lawyer invades the personal life of a client

d. an interference with one's enjoyment of life

8. Intent

a. where desert nomads live

b. the name given to the action that a person performs while committing a tort

9. Reasonably prudent person

- c. the desire to cause a certain result or to work with substantial knowledge that an injury will result
- d. the singular form of the word "intense"
- a. a risk taker
- b. an investor in the stock market
- c. a fictional man or woman whose anticipated reactions to certain events will provide the standard for determining a defendant's liability in a tort action
- d. the actual conduct of a particular defendant in a civil or criminal action

10. Complete the sentences with the appropriate phrases from the box

a) Difference between tort cases and criminal cases?	b) Hand test
c) Calculus of negligence	d) Reasonable person
	e) Wrongful acts

1. If the cost of preventing a harmful act occurring is less than the probability y that it will occur multiplied by the severity of the loss, then a case for negligence exists and is shown in _____
2. Behaviors that harm others or society_____
3. Torts are also criminal acts and can be prosecuted in criminal courts as well as civil ones. Tort cases seek to compensate the injured party, while criminal cases seek the punish the offender_____
4. Idea that the degree of negligence could be measured and how it can _____
5. Individual capable of making decisions based on logical, rational evidence _____

Speaking

1. Take turns to:

1) offer the title to each paragraph of the text

2) express the main idea of each passage of the text "TORT LAW" in two sentences.

2. Pair work:

Discuss the following:

- The objectives of the tort law
- How do you understand the "slip and fall" type of accident?

3. Team work

1. Discuss in small groups

1) What would you advise people to do in the following situations? Can they sue? Who can they sue?

a) "I bought my son a toy from a company on the Internet. The toy is a battery-operated train. When the train was switched on, the batteries became extremely hot and my son burnt his hand when he was playing with it."

b) "I went into a bar last week with some friends and I slipped on some beer that was on the floor. When I fell I cut my hand on some broken glass. Another customer in the bar told me that a man had dropped a bottle of beer there about 20 minutes earlier. The bar staff had been told that there was beer and broken glass on the floor, but they had been too busy to clean it up."

c) Crystal Benn is a famous actress. A major newspaper has published a story that Crystal takes illegal drugs. The story is not true.

2) How should, to your mind, the persons to be to blame in the above mentioned accidents and injuries be punished? Give your reasons and judgements.

Writing

1. Write the right variant of the formula:

Formula for determining the degree of negligence that states B is the cost of taking precautions against an occurrence, P is the probability that a loss will occur, and L is the severity of the loss

- a) B less than PL
- b) B more than PL
- c) B equals PL

2. Revise the vocabulary, look through the text again and check how thoroughly you have studied the given topic by doing the following task:

Match the legal notions on the left with the explanation of their meaning on the right and find them in the text given above:

- | | |
|------------|---|
| 1. Damages | a) Being held responsible for an action |
| 2. Liable | b) Harm to another or their property |
| 3. Recalls | c) A manufactures process of pulling and retrieving defective merchandise after it has entered the market |
| 4. Injury | d) Monetary restitution (restoration) given to the victims in a tort case |

Over to you

1. Give a summary of the text "TORT LAW".

2. Scan the text and note all the words and phrases that you think are legal terms

3. Revise the knowledge of the vocabulary of the topic Tort Law by completing the following task:

4. Determine whether a tort has been committed in each situation below. If there is a tort, is it an intentional wrong, an act of negligence, or an activity for which strict liability should be imposed? Explain your answer.

Jose falls and breaks his ankle while hurrying to catch a bus because his shoelace was untied. Mr. Bensen purchases a powerful pain medication from a pharmacy and follows the usage instructions on the label. Despite this, he suffers a severe adverse reaction to the drug and requires emergency medical attention. At the company's holiday celebration, Yoon consumes excessive alcohol. Although her manager, Ruth, urges her to take a taxi home, Yoon believes she can manage by driving carefully. While driving, she fails to see a stop sign and accidentally hits and fatally injures a pedestrian crossing the road.

- **A project task for small groups**

Using the information material from Supplementary reading prepare a Project Presentation in PowerPoint on the topic:

Peculiarities and similarities of the nation's tort laws in different European countries.

Supplementary reading

THREE NATIONAL TORT LAW SYSTEMS

The decision to focus on the tort law systems of France, Germany, and England is based on several key reasons.

Firstly, these three countries represent foundational legal traditions that have significantly influenced many other EU legal systems. The common law system has shaped the laws of Cyprus, Ireland, and Malta. French tort law has had a strong impact on the legal frameworks of Belgium, Hungary, Italy, Luxembourg, the Netherlands, Poland, Romania, and Spain. Meanwhile, German tort law is closely linked to the legal systems of Austria, Bulgaria, the Czech Republic, Greece, Latvia, Portugal, Slovakia, and Slovenia. Separate from these influences are the interconnected Nordic systems found in Denmark, Finland, and Sweden.

In fact, Europe hosts more tort law systems than countries, since some nations have multiple legal jurisdictions. For instance, the United Kingdom encompasses three tort systems: those of England and Wales, Scotland, and Northern Ireland.

Secondly, France and England represent two contrasting approaches to tort law. French tort law emphasizes compensating victims, utilizes strict liability principles, and aligns with distributive justice. In contrast, English tort law concentrates on the behavior of the defendant and prioritizes corrective justice, placing less emphasis on strict liability. These distinctions are especially noticeable in areas such as accident liability and the handling of public authority responsibility. German tort law generally falls between the two: while it often formally applies fault-based principles focused on the defendant's actions, its underlying policy considerations are heavily shaped by distributive justice ideals.

Moreover, German tort law is known for being one of the most detailed and coherent tort systems in Europe, and possibly globally, making it a critical reference point for legal interpretation and debate.

Thirdly, in terms of economics, politics, and population, France, Germany, and England are among the dominant powers within the EU. They account for a significant portion of the EU's population—over 40%—and produce more than

half of its gross national income. Although these nations do not hold a majority vote in the European Council, their influence is considerable, especially in discussions concerning the unification of private and tort law across the Union.

However, focusing solely on these three countries excludes numerous noteworthy developments in other jurisdictions. For example, countries such as Spain, Italy, and the Netherlands, despite their roots in the French civil code, have developed distinct and well-defined tort systems. Similarly, advancements in Scandinavian and Eastern European countries often go unmentioned.

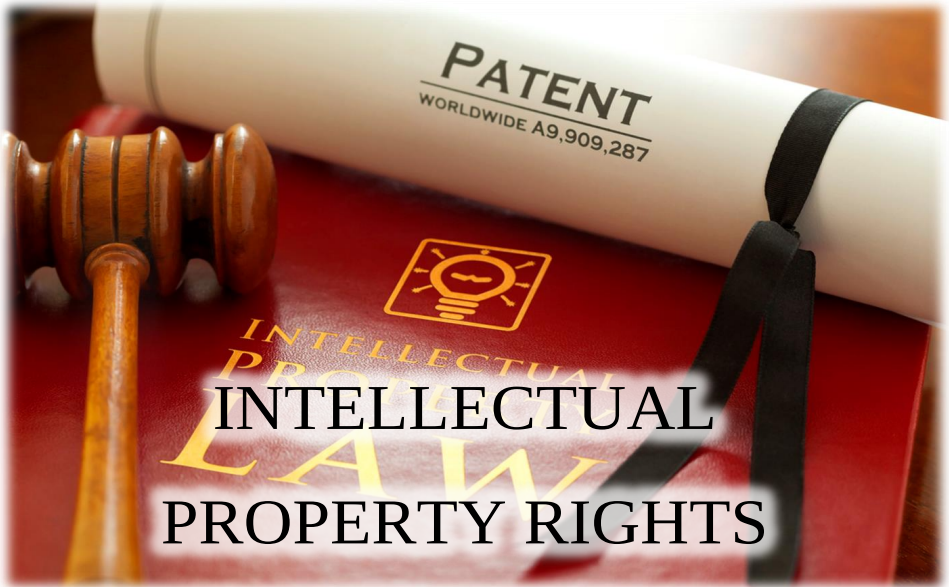
French tort law is notable for its reliance on broad, overarching principles. Only a limited number of rules—mostly still contained in the Napoleonic Civil Code of 1804—govern extra-contractual liability. Article 1382 CC establishes liability for one’s own wrongful act (*faute*), but in cases involving bodily injury or property damage, Article 1384(1) CC—which provides for strict liability for harm caused by things—is more commonly applied. This article has been broadly interpreted by the Cour de cassation, which has also recognized strict liability for harm caused by others, supplementing existing rules for parental and employer responsibility. Thus, in France, strict liability tends to dominate in cases of injury or property loss, while fault-based liability is less frequently applied.

In contrast, German tort law is distinguished by its highly structured and nuanced approach. One hallmark is the significant role played by judicial interpretation to fill gaps in the *Bürgerliches Gesetzbuch* (BGB), the Civil Code enacted in 1900. A key example is the development of *Verkehrspflichten*—safety obligations rooted in negligence—that emerged in the early 20th century. These duties demand a very high standard of care and have sparked considerable debate regarding their correct placement within the legal system. German legal literature places a strong emphasis on theoretical consistency, even when the real-world implications are less clear.

English tort law, by contrast, reflects a traditional system with historical roots stretching back to medieval times—some even argue that its origins are timeless. It is not defined by general rules but by specific torts, each offering a remedy

when certain types of harm occur. Among the many torts recognized, negligence is the most general and significant. To establish liability under this tort, the claimant must demonstrate that the defendant acted carelessly and that a duty of care was owed. This duty-of-care requirement remains a key limiting factor in many negligence claims.

Topic 14



Pre-reading task

Discuss the following questions:

1. What is intellectual property (IP)?
2. How can intellectual property be protected?
3. What would happen if there were no IP rights?
4. Can you give examples of breaking IP laws?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

INTELLECTUAL PROPERTY LAW

Intellectual property law is a broad and constantly evolving legal area that governs the creation, application, and commercial use of original intellectual creations. It refers to innovative and creative works that hold monetary value and are legally protected. These laws are designed to reward creators by restricting others from copying, using, performing, or sharing these works without authorization. The key objective is to encourage innovation and creativity by ensuring creators have the exclusive right to benefit from their work, ultimately promoting advancements that serve the public interest.

In many cases, legal protection for intellectual property requires formal registration or approval from a government authority. Although most countries have intellectual property regulations in place, enforcement can vary significantly. In regions where enforcement is weak, issues such as unauthorized reproduction and piracy remain persistent challenges. Moreover, as the field develops rapidly, it brings ongoing debates over subjects like gene patents, genetically altered foods, and the online distribution of content—particularly music piracy on digital platforms.

Historically, intellectual property was not treated as a unified discipline. Patent, copyright, and trademark law each emerged independently. However, by the late 20th century, legal scholars began to group them together under the broader umbrella of intellectual property, recognizing their common focus on intangible assets. Even so, legal practitioners usually concentrate on just one area, such as patent law, due to the significant differences in the rules governing each category.

Intellectual property rights typically fall into three primary categories: patents, trademarks, and copyrights. Other notable areas include trade secrets, design rights, and the legal doctrine of passing off. Across all these areas, the legal

framework attempts to strike a careful balance between two opposing interests: the need to give creators sufficient protection and motivation to innovate, and the need to preserve public access to creative and technological developments, which often build upon prior work.

To achieve this, intellectual property laws grant exclusive rights that are limited by specific exceptions. For instance, patent law allows others to experiment with a patented invention for research purposes. Under copyright law, critics are permitted to quote excerpts from copyrighted works for commentary or review.

Trademark law enables competitors to mention brand names in comparative advertising. These exceptions reflect the system's aim to protect creators' rights while enabling societal and commercial progress through reasonable use of protected works.

Violating intellectual property rights can lead to legal consequences. When an infringement occurs, the rights holder may pursue enforcement actions, which can result in various legal remedies. These may include financial compensation (damages), court orders to stop the infringement (injunctions), and orders for the infringer to surrender any profits earned from the violation—depending on the type and seriousness of the breach.

Vocabulary:

intellectual property –

інтелектуальна власність

rapidly – швидко

value – цінність

to prevent – попереджувати

to copy – копіювати

to perform – виконувати

permission – дозвіл

protection – захист

incentive – спонукальний мотив,
стимул, заохочення

benefit – перевага, вигода,
привілей

vigorously – енергійно

to enforce – впроваджувати в
життя (закон); забезпечувати
дотримання або виконання

piracy – піратство; плагіат;
 порушення видавничого права
 to occur – траплятися,
 зустрічатися, мати місце
 patent – запатентований винахід
 inventor – винахідник
 to invest – інвестувати, вкладати
 innovation – винахід; інновація
 to confer – надавати, дарувати;
 покладати (обов'язки, функції)
 to limit – обмежувати
 exception – виключення
 literary critic – літературний
 критик
 to quote – цитувати
 novel – роман
 competitor – суперник
 brand name – торгова марка, бренд
 advertisement – оголошення,
 реклама
 flexible – гнучкий

genetically modified – генетично
 модифікований
 networking – мережа банку даних
 copyright – авторське право
 trademark – торгова марка
 to pertain – бути властивим,
 підходити; мати стосунок;
 належати
 intangible rights – нематеріальні
 права
 to encourage – заохочувати
 creator – творець
 infringement – порушення
 enforcement – забезпечення
 виконання
 remedy – засіб захисту права, засіб
 правового (судового) захисту
 damage – пошкодження, збитки
 injunction – судова заборона

2. Answer the questions using the information from the text.

1. How does IP Law can be defined in terms?
2. What is the main purpose of the preventing from copying, performing or distribution?
3. Do all the nations have law protecting IP?
4. Is IP a separate field of law?
5. What are the three main areas IP rights can be divided into?
6. How two competing concerns of all branches of IP can be balanced?

7. Give an example of patent law.
8. Give an example of copyright law.
9. Give an example of trademark law.
10. What are the remedies for infringement of IP rights?

3. Match the titles to each paragraph:

- a) The definition of the intellectual property;
- b) A balance of different branches of intellectual property;
- c) History of the intellectual property law;
- b) Remedies in case of infringement of intellectual property.

4. Match the two halves of these definitions of key terms from the text.

1. The term *passing off* refers to the practice of a company ...
 2. The term *design right* refers to a right ...
 3. The term *injunction* refers to an order issued by a court ...
 4. The term *trade secret* refers to the intellectual property of a business ...
- a. which prohibits the copying of an original, non-commonplace design of the shape or configuration of a product.
 - b. which prohibits a specific action from being carried out in order to prevent damage or injury.
 - c. illegally trading on the reputation of another by misrepresenting its goods or services as being those of the other company.
 - d. which is does not want others to know about.

5. Explain what is meant by these terms related to intellectual property rights in your own words. Use the sentences in Exercise 4 as models.

1. intangible rights
2. infringement of rights

6. Phrases with copyright infringement. Complete the sentences below using the verb forms in the box. Then put the sentences in the order in which the actions are likely to have occurred.

dismissed	filed	settle	was guilty of	would be liable for
-----------	-------	--------	---------------	---------------------

- a. On appeal, the Court found that the defendant ... copyright infringement.
- b. In the first instance, the Lower Court ... the copyright infringement claim which formed the basis of the suit.
- c. A song-swapping company, which had created an online database of thousands of albums, was advised by their lawyers that they ... copyright infringement.
- d. Major record companies ... a copyright-infringement lawsuit against the song-swapping company, which threatened to shut down the free song-swapping service.
- e. Before the case came to trial, the song-swapping company unsuccessfully offered a high sum to the record companies to ... the copyright-infringement lawsuit.

7. Adjective formation. Add the prefixes dis-, in-, non-, un- to each of the following words to form its opposite. In one case, more than one combination is possible.

tangible	valid
obvious	patentable
similar	suitable
authorized	exclusive

Speaking

1. Practice reading these extracts from the conversations:

- *That's excellent. I'll get down to it right now, and maybe you could give me a call when you've had a chance to look at it.*
- *I feel at this stage that you should write out in detail what you've told me and send it to me so that I can look into the matter further and get back to you. I have the gist of it, but I would need to look at it much more carefully. i can certainly understand how you feel. the quicker we deal with it the better.*
- *That sounds perfect. Now, if you'll excuse me, we'll have to leave it at that for now. I'll be in touch as soon as possible. Goodbye for now.*

2. Decide whether these expressions are used to advise (A), explain (E) or show concern (SC).

- I'm really worried about ...
- What happened was ...
- I think the next step is to ...
- The main points are as follows ...
- In your position, I would ...
- I really don't know what to do ...
- I think we should look at ...
- It's like this ...
- I feel at this stage you should ...
- I'm afraid that ...

3. Role play a conversation between a lawyer and a new client about an intellectual property problem.

Student A

You are a lawyer and you are talking on the telephone with a new client, Student B

- Listen to his/her problem
- Reassure him/her
- Ask questions
- Encourage him/her to give as much details as possible
- Pause appropriately
- Make suggestions
- Give whatever advice you feel is needed in the circumstances

Student B

You are a client and you have phoned your lawyer, Student A, because you have just found out that some of the notes that you give to your students have been copied by a student and are being sold for a profit on the university campus.

- Give your reasons for being upset and worried
- Explain the problem
- Inform your lawyer that you have spoken to the student involved, but that he denies the copying and selling
- Ask what you should do next
- Say that you worry about making false accusations; this might affect your relationship with other students.

4. Discuss these questions.

1. What do you think about the fair use of copyrighted material for distance learning? Do you think the law should continue to allow educators to use such material without permission, or do you think the rights of the copyright holders need greater protection?

5. Speak on types of intellectual property laws and their functions.

Writing

1. Read the letter and complete the gaps using the words and phrases in the box.

Already	as well as	concerned	following this	further
Furthermore	hear	recently	sincerely	

Dear Mr. Howard,

I am reaching out to follow up on our telephone conversation earlier today. Five-Star Document is a copy and print shop that offers general photocopying services to the public, with a particular focus on serving Sarvat University students. A portion of their revenue is generated through the sale of course packs created for student use.

These course packs are compilations of various copyrighted and non-copyrighted materials carefully chosen by professors for their specific courses. We have a standing arrangement with Sarvat University Press, which is responsible for handling publication requests for our copyrighted content and ensuring the appropriate royalties or licensing fees are paid. Once approved, these materials are provided to Five-Star Document Services along with an estimate of expected student enrollment. The packs are intended exclusively for students enrolled in the relevant course and are not meant for public distribution.

However, Five-Star Document Services recently produced multiple copies of a course pack I prepared and sold them to the general public. Several excerpts included in the pack are copyrighted and belong to me and other faculty members. In addition, the pack contained journal articles, newspaper pieces, lecture notes, syllabi, sample exam questions, and selected readings. I have already spoken with the manager of Five-Star Document Services, and he claims that, to his knowledge, their actions are within legal bounds.

This situation is both distressing and damaging, as it puts my professional integrity at risk.

I look forward to hearing from you promptly.

Sincerely,

Professor Daykin

2. Lawyer Mr. Howard is going to write a letter to Five-Star Document Service (FSDS). Here are some of the points he is going to include. Put them in the correct order for the letter.

- a. proposed action
- b. warning about number of authors affected
- c. who he is representing
- d. the damage FSDS’s actions about cause
- e. outline of the background
- f. how FSDS’s has broken the agreement
- g. action already taken

3. Which of the expressions in the box could you use when writing about points a-g in Exercise 2?

USEFUL LANGUAGE
<i>In relation to ...</i> <i>One of the terms provides that ...</i> <i>We are instructed that ...</i> <i>Our client has suffered ...</i> <i>We will be left with no alternative but to ...</i> <i>This is covered by ...</i> <i>The terms and conditions specifically provide ...</i> <i>Our client informs us that ...</i> <i>Alternatively, ...</i> <i>It is our intention to ...</i> <i>We require you to ...</i> <i>It may well be that ...</i> <i>You will be liable for ...</i> <i>On behalf of ...</i> <i>Your response was ...</i>

4. Write the letter from Mr. Howard to Five-Star Document Services. Use this checklist to help you.

- Divide your letter into clear paragraphs.
- Use the correct register.
- Make use of all the information in your notes.
- Link sentences.
- Check grammar and spelling.

Over to you

1. Read the text on the protection of inventions. Find arguments for and against protection of all inventions. Is it possible to define all types of intangible products of the mind?

In most nations, the law acknowledges specific categories of inventions and grants inventors exclusive rights to control their use for a limited period. In the United States, protection can be granted through patents for any novel and practical process, machine, manufactured item, or composition of matter, including any significant improvement to these. Similarly, creative works like literature, music, visual art, and photography may qualify for copyright protection.

However, this legal protection is not absolute. It is limited in scope and duration, and in some instances, individuals may apply for new patents or copyrights for updated or distinct versions of prior creations. Not all innovations are eligible for such protection under patent or copyright law. For example, abstract ideas or methods, including psychological strategies commonly used in advertising, often lack the tangible characteristics required for legal safeguarding.

Pair work. Each of you should talk for one minute about your subject. After each talk, your partner will ask you a question about it.

Student A. The need for intellectual property to be protected.

Student B. The legal situation regarding protection of intellectual property in your country.

USEFUL LANGUAGE
<i>I would like to start by mentioning ...</i>
<i>To begin with, I must say that ...</i>
<i>We must also consider ...</i>
<i>An important point regarding ... is ...</i>
<i>There are many points to consider.</i>
<i>Firstly, ... secondly, ... finally, ...</i>
<i>I should also point out that ...</i>
<i>Following on from that, ...</i>
<i>I should add that ...</i>
<i>In conclusion, ...</i>

- **A project task for small groups:**

Find out about problems involved in protecting intellectual property on the Internet and discuss in class.

Further information

All aspects of **IP** are covered comprehensively and in simple terms at http://en.wikipedia.org/wiki/intellectual_property. This site also has many links to further sources of good information on all aspects of IP, including extremely useful articles on each of the three main areas covered in this unit.

The **World Intellectual Property Organisation's** website is at

<http://www.wipo.int/portal/index.html.en>.

Two very good websites offering a wealth of IP-related information and links are <http://www.ip-links.de> and <http://www.ip-watch.org/index>.

LOUIS VUITTON COUNTERFEIT CASE IN SINGAPORE CLARIFIES DEFINITIONS OF 'IMPORT' AND 'EXPORT' FOR TRADE MARK INFRINGEMENT PURPOSES

In a recent ruling by the Singapore High Court—*Louis Vuitton Malletier v. Megastar Shipping Pte Ltd* [2017] SGHC 305—the court determined that a freight forwarding company that unknowingly facilitated the transshipment of counterfeit goods through Singapore was not guilty of trademark infringement.

The case involved two shipments originating from China and headed to Indonesia, passing through Singapore. These containers, filled with counterfeit items, were intercepted and confiscated by Singapore Customs under updated border enforcement clauses in the Trade Marks Act. These changes, which the court noted were likely implemented to fulfill the US-Singapore Free Trade

Agreement's requirements for ex officio border enforcement, allowed for the seizure of suspected fake goods even if they were simply transiting Singapore. Following the seizure, Louis Vuitton filed a lawsuit against the freight forwarder, Megastar Shipping Pte Ltd, for trademark infringement. The claim was based on the assertion that Megastar had violated Section 27(1) in conjunction with 27(4)(c) of the Trade Marks Act by importing and/or exporting the counterfeit goods.

Since Megastar did not contest that the goods were counterfeit and related to the trademarks in question, the court focused on three key issues:

1. Whether the goods were considered "imported" into Singapore, despite being in transit.

The court answered affirmatively. According to Section 2(1) of the Trade Marks Act, "importing" includes any item brought into Singapore by land, sea, or air for commercial purposes. Therefore, the court found that the act of the goods entering Singapore met the definition of importation under the Act. While European Union law would require goods to be intended for distribution within a

member state to be considered imported, the Singaporean legal framework does not necessitate such intent.

2. Whether Megastar should be classified as the importer under trademark law.

This was more nuanced and fact-dependent. The court emphasized that the term "importer" should not rely solely on customs designations or shipping documentation but should instead be interpreted in light of the actual commercial relationship and arrangements. In this instance, the court ruled that Megastar was not the importer because (a) it never owned the counterfeit items, and (b) it never had physical custody of the containers, which remained under the control of the Port Authority and were merely being transshipped based on Megastar's coordination.

3. Whether Megastar's actions amounted to exporting the counterfeit goods.

The court again answered in the negative. Since the goods were confiscated before leaving Singapore, the infringement claim would hinge on whether the intention to export alone was enough to constitute a violation. The court held it was not. Furthermore, as Megastar was not the importer, it logically could not be deemed an exporter either. Its role was strictly limited to organizing transshipment as per the client's instructions.

The ruling has been seen as a positive development for businesses involved in transshipment through Singapore. However, the court made it clear that the decision was based on the specific facts of the case, and each situation should be assessed on its own merits.

Topic 15



Pre-reading task

Discuss these questions with a partner:

- 1 What types of situation does a lawyer who specializes in employment law have to advise on?
- 2 What types of difference do you think there are between employment law in different jurisdictions?
- 3 How important is it for a lawyer to be aware of international employment law? Why?
4. What laws govern employment in your jurisdiction?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

INTERNATIONAL LABOUR AND EMPLOYMENT LAW

The area of international labour and employment law is evolving quickly to meet the demands of an increasingly interconnected global economy. International law typically governs the relationships between entities recognized under international law, while domestic law regulates the actions of individuals and organizations within a specific country's jurisdiction. When a country's labour standards have reached a certain level, it may choose to adopt international conventions that align with its existing framework. These international labour conventions, often grounded in principles of social justice, establish binding obligations for countries that choose to ratify them. Adopting such conventions can help solidify national labour regulations and act as a safeguard against potential regression due to economic pressures.

Employment law, by contrast, is a broad and intricate legal field that governs the rights and responsibilities of both employers and employees throughout the entire employment lifecycle—from recruitment and onboarding to day-to-day working conditions and eventual termination. A contract of employment is legally formed as soon as a job offer is accepted, regardless of whether that offer is made verbally or in writing. Nevertheless, having a written agreement is generally advisable to minimize the risk of disputes. Employment law intersects with, but is distinct from, labour law (referred to as labor law in the United States), which focuses more on collective relations between employers and trade unions.

In many civil law systems, such as France, employment relationships are strictly regulated through comprehensive labour codes. In contrast, common law jurisdictions like the United Kingdom allow greater flexibility for employers and

employees to define the terms of employment contracts, such as working hours and duties.

Labour law primarily governs the processes of collective negotiation, arbitration, and union interaction. It addresses the legal framework surrounding trade unions and their negotiations with employers, granting workers the legal right to organize and engage in collective action to advocate for improved conditions and benefits.

Lawyers, law students and counsel increasingly recognize the importance of having a global (1) _____ on labour and employment law. Corporate lawyers frequently have to deal with a variety of labour and employment problems internationally in structuring corporate (2) _____. They are expected to have a national and an international knowledge of requirements affecting practical issues such as establishing a (3) _____, hiring a (4) _____, (5) _____ employment contracts, (6) _____ the employment of or replacing employees, providing wages and (7) _____, dealing with (8) _____, carrying out workforce (9) _____, selling the business, and paying (10) _____ through redundancy or (11) _____ schemes. In addition, issues such as discrimination on grounds of gender, (12) _____ or disability may arise in advertising, recruitment and (13) _____ processes. Therefore, knowledge of international labour law and the national employment law of particular countries is vitally important for counsel specializing in these areas.

The protections are largely enforced through complaints to an employment tribunal. The tribunal has the power to render decisions and issue orders in respect of the parties' rights in relation to complaints. It may also order compensation for loss of prospective earnings and injured feelings.

Vocabulary:

labour law – трудове право

rapidly – швидко

employment law – трудове право

to fit the need – відповідати
 вимогам
 global business – глобальний бізнес
 to apply – застосовувати
 entity – суб'єкт господарювання
 internal law – національне право
 conduct – поведінка
 legal entity – юридична особа
 desirable – бажано
 to ratify – ратифікувати
 notion – поняття
 justice – справедливість
 respective – відповідний
 to contribute – вносити
 consolidation – консолідація
 backsliding – відступ
 recruitment process – процес
 прийому на роботу
 termination – завершення
 to come into existence – набувати
 юридичної сили
 job offer – пропозиція роботи
 /посади

to prevent a dispute – попередити
 спір
 trade unions – профспілки
 employment code – кодекс законів
 про працю
 conditions of employment – умови
 прийняття на роботу
 negotiations – переговори
 employee – працівник
 increasingly – значно
 frequently – часто
 requirement – вимога
 wage – заробітна плата
 workforce – робоча сила
 redundancy – резервування
 advertising – реклама
 recruitment – набір працівників
 complaint – скарга
 trade unions – профспілки

2. Read the article on employment law and answer these questions.

1. What factors are driving changes in international employment legislation?
2. Under what conditions might a nation opt to approve an international labour agreement?
3. Which key principle underlies the majority of labour law treaties?

4. What might be required to demonstrate that a job posting is potentially discriminatory?
5. How would you define the term "reasonable accommodation"?
6. What considerations might influence whether an accommodation is deemed reasonable?
7. What does the term "damages for emotional distress" typically mean in employment law?
8. Which workplace circumstances could lead to a claim for emotional harm compensation?
9. What legal or procedural methods exist to resolve conflicts in the workplace?
10. Which global institutions are responsible for addressing labour-related matters?

3. Complete the fifth paragraph of the article using the words in the box.

benefits	dismissal	drafting	facility	pension	perspective	race
reduction	severance	termination	transaction	unions	workforce	

4. Match each of these comments and questions from an employer (1–8) with a practical issue mentioned in the article. Two relate to the same issue.

1. "I'm thinking of letting Mark go, because at his age, the job's getting a bit too much for him."
2. "When people retire, I want them to have a decent income."
3. "We've got a new project, and I need to take on more staff."
4. "How long do we need to continue paying staff when they are off sick?"
5. "A woman would never be strong enough to do that job. But what do I put in the advert?"

6. "Business is getting worse. I'm going to have to lose ten men. What do I need to pay them? They've worked for me for five years."
7. "This guy is really lazy – I want to fire him. How do I go about it?"
8. "I presume we need a clause about the number of days annual leave?"

5. Which verbs relate to these nouns?

- 1 consolidation
- 2 ratification
- 3 termination
- 4 discrimination
- 5 legislation
- 6 regulation

- One of the verbs has a different ending to the rest. Which one?
- Mark the stress on the nouns and verbs. What do you notice?

6. Match the terms 1-7 with their definitions a-g.

- | | |
|--------------------------|---|
| 1. Labour law | a. payment by employers for some part of the cost of injuries |
| 2. Family leave | b. association of workers for the purpose of improving their economic status and working conditions through collective bargaining with employers |
| 3. Collective bargaining | c. an arrangement by which people work at home using a computer and telephone, transmitting work material to a business office by means of modern technologies. |
| 4. Pension | d. a social policy permitting workers to take a special amount of time off |

- | | |
|--------------------------|--|
| | from the job to attend to pressing family needs. |
| 5. Telecommuting | e. procedure whereby an employer of employers agree to discuss the conditions of work with representatives of the employees, usually a labour union. |
| 6. Union | f. periodic payments to one who has retired from work because of age or disability. |
| 7. Workers' compensation | g. legislation dealing with human beings in their capacity as workers or wage earners. |

7. Which word in each group is the odd one out? You may need to consult a dictionary to distinguish the differences in meaning.

1 discrimination dismissal redundancy layoff

2 reduce outlaw prohibit forbid

3 solely exclusively primarily only

4 confidential certain private secret

5 essential key conventional important

6 speedy fast vast swift

Speaking

1. These are the seven core International Labour Organization Conventions. Discuss what each one concerns with a partner. Do you know how they have been incorporated into your own national legislation?

1. Abolition of Forced Labour Convention
2. Convention Concerning Freedom of Associations and Protection of the Right to Organize

3. Discrimination (Employment and Occupation) Convention
4. Equal Remuneration Convention
5. Forced Labour Convention
6. Minimum Age Convention
7. Right to Organize and Collective Bargaining Convention

2. Read these extracts from three of the conventions in Exercise 1. Which conventions are they from?

1. *Workers' and employers' organizations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom and to formulate their programmes. The public authorities shall **refrain from** any interference which would restrict this right or impede the lawful exercise thereof.*
2. *Workers shall **enjoy** adequate protection against acts of anti-union discrimination **in respect of** their employment.*
Such protection shall apply more particularly in respect of acts calculated to:
 - a) *Make the employment of a worker subject to the condition that he shall not join a union or shall **relinquish** trade union membership;*
 - b) *Cause the dismissal of or **otherwise** prejudice a worker **by reason of** union membership or because of participation in union activities outside working hours or, with the **consent** of the employer, within working hours.*
3. ***Notwithstanding** the **provisions** of paragraph 1 of this Article, national laws or regulations or the competent authority may, after consultation with the organizations of employers where **such** exist, **authorize** employment or work as from the age of 16 years on condition that the health, safety and morals of young persons concerned are fully protected and that the young persons have received adequate specific instruction or vocational training in the relevant branch of activity.*

3. Match these expressions (1-12) with their highlighted synonyms in the extracts.

1 of this	7 despite
2 agreement	8 have the right to
3 related to	9 these
4 because of	10 give up
5 conditions	11 in any other way
6 stop themselves	12 allow

4. Discuss the following questions:

- Can you be fired for no reason at all?
- Should you file a claim against your employer for violating the Labour Code?
- What is employment discrimination?
- Does your employer have to notify you in advance that you are being fired?
- Can you be forced into early retirement?
- What is severance pay?

Writing

You are a legal professional, and your client, Mr. Carl Posner, has recently launched his own company. Mr. Posner has sent you a letter seeking guidance concerning disciplinary procedures. Review the letter—certain points have been marked for your attention—and draft a response addressing his queries.

Dear Mr Tims,

As you know, I have recently set up my own business and I am now looking into establishing clear disciplinary procedures for the company. I would be grateful if you could let me know what I should be aware of when setting up these procedures. Also, could you clarify the legal options

employees have if they are unhappy with any disciplinary actions taken by me?

I look forward to hearing from you.

*Sincerely
Carl Posner*

1. Explain your job in the legal profession to a partner. If you haven't worked in the legal profession yet, imagine a job you would like to have.

Useful language

The important thing about a (your legal profession) is ...

The (your legal profession) job is to ...

We must be ...

You really have to be able to ...

What we do is ...

A basic part of our training is ...

This means we can ...

2. Work in pairs. You are going to talk for about a minute on one of the topics below. Each topic is accompanied by some words that you may wish to use.

- Before you start your talk, check that you understand all the vocabulary and, if necessary, do some research on the topic.
- After your partner's talk, ask at least one question about what he/she has said.
- Write a short summary of your partner's talk. Remember to:
 - mention the main points
 - give the most important information
 - use your own words

Useful language
My partner talked about ... He/She began by saying that ... He/She believes that ... He/She considers ... According to my partner, ... The most important point he/she mentioned was ... He/She finished by concluding that ...

Disciplining employees	Unfair dismissal
Importance of having clear procedures What these are/might be Difference between ‘capability’ issues and punishable actions What constitutes ‘misconduct’ • allegation of misconduct • appropriate • ascertain the facts • convene a disciplinary hearing • disciplinary • internal disciplinary procedure • malingering • proportionate to • right to appeal • sanction • statutory procedures • underperforming • witnesses	What constitutes ‘unfair dismissal’ Advantages and disadvantages of employment tribunal over arbitration The system in your country • allegations • confidentiality • defamation of character • discrimination • evidence • follow procedure • gross misconduct • legal representation • length of service • record • redundancy • trade unions

3. Role play. Imagine you are seeking a job and now you are at the meeting with your perspective employer. Here are frequently asked interview questions. Make up dialogues using these questions.

1. How familiar are you with this company or institution?
2. How would you describe yourself professionally?
3. What are your salary expectations for this role?
4. Are you comfortable working a standard full-time schedule?
5. Would having to work non-traditional hours be an issue for you?
6. What attracts you to the idea of working with our organization?
7. Can you share some of your personal challenges and how you handle them?
8. What is your reason for looking for a new position?
9. Which previous role have you enjoyed the most and why?
10. What is your perspective on your former employer?
11. Did you encounter any difficulties working with your previous team?
12. Is there anything you would like to ask us?

- **Further information**

The International Labour Organization ([http://www.ilo.org/global/lang--en/index.htm](http://www.ilo.org/global/lang-en/index.htm)) is a good starting point for information on **employment law** and **labour law**.

The European Commission's section on employment, social affairs and equal opportunities (http://europa.eu.int/com/employment_social/index_en.html) contains good information on **the EU's antidiscrimination policies**.

France is a good example of civil-law country which has highly regulated employment law. For an **Introduction to French employment law**, see <http://www.frenchlaw.com/employment.law.htm>

SWITZERLAND AND ILO FORMALIZE NEW PARTNERSHIP FOR PEACE AND DEVELOPMENT VIA EMPLOYMENT

*The two entities will cooperate in the implementation of a project that promotes
employment creation for peace and development in conflict situations*

GENEVA – At a time of strong national and international focus on preventing conflict, building resilience and sustaining peace, the Swiss Federal Department of Foreign Affairs and the International Labour Organization (ILO) have signed a new agreement to create employment opportunities in countries affected by conflict and fragility.

The agreement, signed on 1 February 2018 in Bern by Ambassador Mirjana Spoljaric and by Ms Rie Vejs-Kjeldgaard, ILO Director for Partnerships, builds on the long-standing strategic and financial support provided by the Swiss Confederation to ILO's development programmes.

The new collaboration will support the implementation of the project “*ILO and PBSO programme to Sustain Peace and Foster Development through Employment Creation in Conflict-affected Situations*”, which aims at effectively strengthening the peacebuilding dimension of employment programmes. In the context of the programme, the ILO and the Peacebuilding Support Office of the United Nations (PBSO) will reinforce their respective expertise in peacebuilding and employment creation. The two agencies will advocate for job-rich strategies and implement employment activities aimed at increasing decent work opportunities, focusing on youth in fragile, conflict-affected and disaster-prone countries. The project will contribute to the broader UN effort to efficiently and effectively use employment programmes as a means to sustain peace and achieve SDG 8 (decent work and economic growth) and SDG 16 (peace, justice and strong institutions).

The Swiss-ILO project is in line with the principles expressed in ILO's Recommendation on Employment and Decent Work for Peace and Resilience (No. 205) , adopted by the International Labour Conference in 2017, reaffirming the fundamental role that employment and social justice play in promoting peace, preventing crises, enabling recovery and building resilience. These same concepts are the bedrock of ILO's flagship programme on Jobs for Peace and Resilience, to which this project contributes.

At the signature, which coincided with the annual Switzerland-ILO consultation, Ambassador Spoljaric said: "Peacebuilding is one of the priorities of our policy. This project demonstrates our commitment to contribute to building peace worldwide, which can only be sustainable if social and labour challenges are addressed."

Commenting on the signature of the agreement, the ILO Director-General Guy Ryder emphasized the relevance of this collaboration, which strengthens both the ILO-Swiss partnership, as well as ILO's capacity to effectively engage in the humanitarian-development nexus, in the run up to its Centenary in 2019. The project will also provide a boost to the role of Geneva-based institutions in their contribution to sustaining peace.

Topic 16



DISPUTE RESOLUTION

Pre-reading task

Discuss the following questions:

1. What forms of dispute resolution do you know?
2. What procedures do they involve?
3. What is this picture associated with in your mind?

Reading task

1. Read the text to understand what information is of primary importance or new for you.

ARBITRATION AND MEDIATION

Although many people imagine that lawyers spend most of their careers involved in litigation—such as lawsuits and criminal trials—in reality, this is only a fraction of their work. In fact, lawyers more often aim to avoid taking matters to court by seeking an out-of-court settlement or by using alternative dispute resolution (ADR) techniques.

The two most widely used forms of ADR are mediation and arbitration. Mediation relies on a neutral third party, called a mediator, who assists the sides in conflict to negotiate and come to a mutual agreement. Unlike a judge or arbitrator, the mediator does not make binding decisions; instead, the mediator facilitates communication, encourages possible compromises, and helps to defuse tensions. This method is particularly effective when maintaining a good relationship between the parties—such as between an employer and employee or between business partners—is important. The mediator supports both parties in focusing on finding a resolution that satisfies everyone involved.

Arbitration, on the other hand, also involves an impartial third party, known as the arbitrator, who has the authority to issue a binding decision. This method is more confrontational and structured than mediation, though generally less so than a full court trial. It is often preferred when the parties are more concerned with justice or the legal merits of the case than with compromise. The proceedings in arbitration are usually faster and less formal than those of traditional litigation.

Arbitration is commonly used to settle business-related disputes, especially in the context of cross-border trade, where it is known as international arbitration. It also finds application in other areas, such as in resolving employment-related conflicts, depending on the legal system of the country.

When parties are unable to resolve their dispute through negotiation or ADR, they may need to take the issue to court, where a judge or jury will ultimately decide the outcome. This legal action is referred to as litigation, which includes every step of the process—before, during, and after the trial.

In recent years, the rise of digital technology has led to the emergence of online dispute resolution (ODR). In ODR, a claim is filed electronically, and the proceedings occur entirely via the Internet, offering a modern alternative to traditional methods.

Vocabulary:

litigation – судовий процес	arbitrator – арбітр
lawsuit – позов	binding – обов'язковий
out-of-court settlement – позасудове вирішення	confrontational – конфронтаційна
mediation – посередництво	transaction – справа
arbitration – арбітраж	international arbitration – міжнародний арбітраж
to negotiate – вести переговори	dispute – спір
to defuse – розряджати	eventually – зрештою
impartial – неупереджений	proceedings - розгляд справи
third party – третя сторона	claim (n.) – позов, вимога

2. Read the article on employment law and answer these questions.

1. What is the main function of a lawyer?
2. What two types of ADR do you know?
3. What is mediation?
4. Why is mediation popular?
5. Does a mediator have the power to impose decisions?
6. What skills do you think a mediator needs?
7. What is arbitration?
8. In what cases arbitration is mostly used?

9. Is arbiter allowed to sit alone?
10. What form of dispute resolution is becoming popular?

3. Read the text and decide whether these statements are true (T) or false (F)?

1. The term litigation refers only to the hearing or a trial.
2. Mediation differs from arbitration in that the disputing parties are actively involved in the decision-making process.
3. International arbitration developed in response to the need to settle disputes involving more than one jurisdiction.
4. Online dispute resolution requires that the disputing parties meet in person with the arbitrators before a final decision can be made.

4. Complete the sentences below using the words for parties involved in dispute resolution from the box.

arbitration	Tribunal	arbitrator	barrister	claimant
court	defendant	disputing parties	solicitor	third party

1. In litigation, the ... files a lawsuit against the Usually, a ... carries out pre-trial work in presentation of the case, while a ... represents the claimant of defendant in court. When the case has been heard, the ... delivers judgment.
2. In arbitration, an ... or ... decides on the outcome of the case.
3. In mediation, an independent ... helps the ... reach a settlement.

5. Who must do these things in a mediation: the mediator (M) or the parties (P)?

- 1 Be neutral.
- 2 Identify needs and interests.
- 3 Adopt a more positive view.
- 4 Reach a mutually acceptable solution.

- 5 Talk honestly and frankly.
- 6 Reduce tension and anxiety.
- 7 Create a safe environment.
- 8 Be able to read people.
- 9 Move towards improved relationships.
- 10 Support both parties.

6. Complete the stages in a mediation (1–12) using the words in the box.

agreement	allow	ask for	build	effect	explain
hear	identify	Name	positions	probe	trade-offs

1. ... parties' stories
2. Focus on interests and ... of parties
3. ... venting
4. Begin to ... trust
5. ... areas of agreement
6. Write an ...
7. ... desired outcomes
8. Discuss ... of not resolving
9. Discuss priorities and ...
10. ... the process
11. ... positives
12. ... understanding

7. Complete this table with the correct forms.

Verb	Abstract Noun	Personal Noun
Settle	<i>Settlement</i>	-
resolve		-
arbitrate		
mediate		

Speaking

1. Read this outline of the advantages of one particular form of dispute resolution, taken from a government website. Which form is being referred to?

It works because it:

- *is a positive process which encourages cooperative problem-solving and preserves relationship;*
- *allows people to have a say in resolving their dispute;*
- *can look at all aspects of the problem, not just the immediate issues;*
- *enables people to hear directly from each other and gain a better understanding of each other's needs.*

2. In your opinion, what are the advantages and disadvantages of the other forms of dispute resolution – including litigation? Discuss in small groups.

3. Prepare and hold a short talk (two or three minutes) about an aspect of litigation in your jurisdiction.

4. Read the text from Supplementary reading and discuss the question “How mediation skill can be applied to legal profession?”

Writing

1. Read the letter below from a client, Mr Bennett, to his lawyer, Miss James. In what order should these points be in her letter?

- a summary of mediation process
- b recommendation of a mediator
- c offer to mediate yourself
- d your opinions

e advice on dealing with the problem
f reference to Mr Bennett's letter
g attachment with further details

Norwood
NP25 6TT
4th February

Dear Miss James,

I'm currently facing a challenging issue in the workplace between two of my most important team members, and I'm thinking about the possibility of involving a mediator. Could you let me know if this would be a sensible approach? I'm not entirely clear on what the mediation process includes, so I would appreciate a short explanation, as well as a recommendation for someone I could reach out to.

Best regards,

Jake Bennett

2. For each of these phrases, indicate whether they would be used to refer to previous letter (RF), give an opinion (O), summarize (S), recommend (RC) or attach (A).

- 1 Depending on the situation, this can be a good idea.
- 2 Please see the attached document for further details on ...
- 3 Mediation can be a good way forward because ...
- 4 In the past, I have recommended ...
- 5 It is my opinion that ...
- 6 In response to your query regarding ...
- 7 Briefly, the process begins with ...
- 8 This process can be of benefit to all parties.
- 9 I would recommend a colleague of mine.
- 10 With reference to your letter of 8th October, ...
- 11 I think you should look into the matter further.
- 12 I attach a document that goes into more detail about the benefits of mediation.

3. Write the letter from Miss James to Mr Bennett. Follow these steps.

- 1 Make notes and divide them into paragraphs.
- 2 Write a draft letter.
- 3 Check for mistakes.
- 4 Exchange your letter with a partner and check each other's work.
- 5 Write the final draft.

Over to you

1. Collocations with dispute. Use the words in the box to complete the collocations.

alternative	legal	parties	resolution	resolve/settle
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1. disputing ...
2. to ... a dispute
3. a ... dispute
4. ... dispute ...

2. Sentence collocation. Match the halves of these sentences a lawyer would use when discussing the facts of a case with a client for the first time.

First, we need to establish ...	to the facts.
Please do give us as much ...	you suspect.
Try not to avoid any facts which may...	detail as possible.
It's probably best just to stick ...	the relevant facts.
I think you'd better tell me just what	be uncomfortable.

3. Role-play. In groups of three, role-play the introductory session of a mediation.

Student A:

You're currently involved in an important project with a construction firm, but there's a problem with a colleague on your team who, in your opinion, isn't contributing enough. During a meeting last week, you found his report to be below expectations and made a remark about its quality. He responded defensively, and although the issue wasn't discussed further, tension still lingers between you two and it's starting to impact the team's productivity. You're frustrated with him but think the situation should've been addressed differently. You've decided to try mediation because you're worried things might deteriorate further if left unresolved.

Student B:

You recently got scolded by your manager over some mistakes in an important report you completed. This left you very upset, especially since you had put in significant effort and worked overtime to get it done. You feel that many of the issues could have been avoided if your manager hadn't made numerous last-minute edits. After being reprimanded, you snapped and said, "You're impossible! I can't deal with this!" before walking out. You've come to the mediation session to release some of your frustration and get help figuring out your next steps.

Student C (Mediator):

You are facilitating the mediation process. You can use helpful phrases such as:

- *"First, we're going to ..."*
- *"Then, we'll be ..."*
- *"So, to begin with ..."*
- *"Now, I'd like you to ..."*
- *"What do you expect from ...?"*

GLOSSARY OF LEGAL TERMS

A

Abuse of Process – A legal concept involving the misuse or manipulation of judicial procedures by a party, typically the defendant, for purposes outside of their intended use, such as misapplying a subpoena or initiating a lawsuit without legitimate grounds.

Acceptance – In legal terms, acceptance refers to a clear action or behavior by the recipient of an offer that confirms their agreement to its terms, thereby creating a legally enforceable contract. This agreement can be shown through direct words or conduct aligned with the offer's requirements. For instance, in contract law, acceptance means that one party agrees to the proposal made by another. In insurance, it is reflected when an insurer consents to issue coverage after reviewing an application. Acceptance can also occur in everyday scenarios, such as someone keeping a gift offered to them or a bank honoring a customer's check. In commercial settings, a buyer might accept goods that differ from their original order by choosing to keep them, failing to send them back, or treating them as their own (e.g., reselling them), which demonstrates acceptance under sales law.

Accessory – An individual who contributes to the execution of a crime, either by aiding or facilitating it before it happens or by assisting the offender afterward.

Acquit – A formal legal declaration that a defendant is not guilty of the criminal charge(s) brought against them, effectively clearing them of all accusations.

Acquittal – judgement that a person is not guilty of the crime with which he has been charged.

Action – A formal legal process where one party brings a case to court to assert a right or stop an injustice.

Action In Personam – A lawsuit directed at a specific individual based on that person's legal responsibility.

Action In Rem – A legal proceeding aimed at a particular piece of property rather than at a person.

Adjournment – The temporary suspension of court proceedings, often for a scheduled break, end of the day, or recess.

Adjudication – The formal act of a court delivering a ruling or judgment on a legal matter.

Admonition – A spoken warning or instruction given by a judge to a jury or defendant.

Adversary System – A legal framework, especially used in the U.S. and some other nations, where two opposing parties present their cases before an impartial judge or jury.

Advocate (n.) – A legal professional, such as a lawyer, who argues on behalf of another person in court.

Advocate (v.) – To actively support or argue in favor of someone during legal proceedings.

Affidavit – A written document containing statements confirmed by oath or affirmation, typically signed before a notary or authorized official.

Affirm – To formally declare something to be true, often used as a substitute for taking an oath.

Affirmative Defense – In criminal or civil cases, this is a legal argument brought by the defendant, who must present evidence to support it. It admits the facts but offers justification or excuse.

Agent – A person legally empowered to act on behalf of another. In legal terms, a principal may be responsible for their agent's conduct under the doctrine of "respondeat superior."

Alias – A label used to show that a person is known by another name, such as "a/k/a" (also known as) or "d/b/a" (doing business as).

Alias Process – A second or duplicate legal document issued when the original process was not returned, served, or properly delivered.

Allegation – A claim made by one party in a legal case that must later be proven with evidence.

Allege – To state something as a fact without providing proof at the time; often done in early stages of legal claims.

Alleged – Something that is claimed or suspected to be true but has not yet been proven in court.

Allocution – The court’s practice of asking a defendant if there is any reason why sentencing should not proceed.

Amend – To alter or update a legal document or law in order to correct, clarify, or improve it.

Annulment – A legal declaration that a marriage is null and void, meaning it was never legally valid, differing from a divorce, which ends a valid marriage.

Answer – A written response by a defendant that addresses and replies to the claims made in the plaintiff’s complaint or petition.

Appeal – A legal process where a higher court is asked to review and possibly change a decision made by a lower court.

Appeal Bond – Money paid by the appellant to secure the right to appeal, often ensuring the judgment will be satisfied if the appeal fails.

Appearance – The act of a party, attorney, or defendant officially participating in court proceedings.

Appellant – The party who initiates an appeal to a higher court, seeking to change the decision of a lower court.

Appellate – Pertaining to the authority of a higher court to review and potentially revise decisions made by lower courts.

Appellee – The party in a legal dispute who opposes an appeal and seeks to uphold the lower court's ruling.

Application – A formal request for legal action or court approval, such as opening legal proceedings or filing for a permit. It also refers to the document submitted for such requests

Appointed Counsel – A lawyer designated by the court to represent a defendant in a criminal matter who cannot afford to hire an attorney independently.

Arbiter – An individual chosen to resolve a legal disagreement, acting according to the law; similar to a referee or arbitrator.

Arbitration – A method of resolving disputes outside of court, where the conflicting parties agree to let an impartial third party make a binding decision.

Arbitrator – A neutral person, often a legal professional, who oversees an arbitration process, essentially acting like a judge in an informal trial setting. Arbitrators may work independently or as part of a panel and are often selected from official rosters maintained by courts or private arbitration services.

Arraign – The legal procedure of formally presenting criminal charges to a defendant in court and requiring them to respond.

Arraignment – The initial court appearance of someone accused of a crime, during which the charges are read, a plea is entered, bail is considered, and legal representation may be assigned.

Arrest – The act of detaining or taking a person into custody by law enforcement, usually due to suspicion of involvement in a crime.

Assault – An unlawful attempt or threat to inflict physical harm on someone. In criminal law, it may also refer to trying to cause serious bodily injury or death to another person.

Assignment of Rights – The legal process through which one person (the assignor) transfers their entitlement to payment or other obligations from a third party (the obligor) to another individual (the assignee), sometimes used as collateral or security.

At Issue – A stage in a lawsuit where both sides have clearly stated their opposing positions in legal pleadings, and the matters of disagreement are ready to be resolved at trial.

Attachment – A legal procedure that allows for the seizure of a person or property under court order. In filing procedures, the term also refers to additional documents, such as exhibits, submitted along with the main filing.

Attestation – The act of observing someone sign a legal document and then signing as a witness to confirm the document's authenticity.

Attorney General – The highest-ranking legal advisor and chief law enforcement officer for a state or country, often responsible for representing the government in legal matters.

Attorney of Record – The lawyer officially recognized in a court case whose name appears in the court documents as representing a party in the matter.

Authenticated – The process of confirming a document's legal validity so it can be accepted as evidence in court. Certified public records are automatically considered authentic, though additional confirmation may sometimes be required.

B

Bail Bond – A written assurance guaranteeing a person's appearance in court as scheduled. If the person fails to appear, they risk forfeiting the amount stated in the bond.

Bailiff – A court-appointed official responsible for maintaining order during court proceedings and ensuring the safety and supervision of the jury.

Banc – Refers to the bench or designated area where a court conducts its regular or permanent sessions.

Barrister – In the legal system of England, a legal professional with the right to represent clients and present cases in higher courts. In Scotland, the equivalent term is "advocate." A barrister typically receives cases through a solicitor rather than directly from clients.

Bench Trial – A court trial where the judge alone decides the case without the involvement of a jury.

Bench Warrant – A legal directive issued by a judge (from the bench) ordering the arrest of an individual.

Beneficiary – In trust law, a person who has an existing or future right to receive benefits from the trust, whether vested or conditional. This includes individuals who gain interest through transfer or assignment, and in charitable trusts, refers to those with the right to enforce the trust.

Benefit – Any advantage, profit, or entitlement received, particularly under a contract. In workers' compensation, "benefit" refers to the payout for job-related fatalities, while "compensation" relates to non-fatal injuries. In tax terms, it includes any economic gain. Employment perks aside from salary are known as "fringe benefits."

Bequest – A gift of personal belongings or assets specified in a will. It can refer to a particular item or the entirety of the testator's personal estate.

Bill of Attainder – A legislative act that declares a person guilty of a crime and imposes punishment without a trial, historically including capital punishment or loss of civil rights.

Bind Over – A court decision to continue legal proceedings against a defendant, usually after a preliminary hearing, by sending the case to trial or further review.

Binding Instruction – A directive from the judge to the jury stating that if they determine certain facts to be true, they must rule in favor of a specific party (either plaintiff or defendant).

Bond – A formal document showing a debt owed by a company or government that promises to pay the holder a specified sum under agreed conditions.

Bond, Cash – A monetary deposit made by court order, typically held by the clerk, to guarantee the payment of debts or performance in civil matters.

Bond, Replevin – A surety provided to protect an officer and the property's original holder from potential damages during a replevin action, where property

is temporarily taken pending legal resolution. Usually supported by attorney-provided documentation, not by actual deposited funds.

Breach of Contract – The failure to fulfill any obligation under a contract—whether written or verbal—without a valid legal reason. This may involve non-payment, incomplete work, delayed performance, providing substandard or incorrect goods, or actions that show the contract will not be fulfilled. Such breaches often result in lawsuits for monetary damages or court orders requiring completion of the contract terms (specific performance).

Brief – A formal written argument prepared by a lawyer that presents legal reasoning and factual support for their client’s position, submitted to the court for consideration.

Burden of Proof – The obligation of a party in a lawsuit—especially the one bringing the claim—to provide sufficient evidence to support their position or allegations.

Burglary – A criminal offense involving the unauthorized entry into a building or residence with the intention to commit a serious crime, such as theft or assault.

C

"Common Law" Marriage – A relationship where a man and woman live together and present themselves as married without undergoing the formal legal process of marriage. This type of union is not legally recognized in all jurisdictions, including New Mexico.

Calendar – A scheduled list of court proceedings assigned to be heard at a specific time or court session.

Calendaring – The act of setting dates for court hearings and assigning when cases will be heard.

Calling the Docket – The formal and public announcement of the list of court cases, often used to determine trial dates, address motions, or issue court orders.

Caption – The introductory section of a legal document that lists the case number, names of the parties involved, and the court in which the case is filed.

Case – Any legal matter brought before a court, whether it's a lawsuit or a special legal proceeding.

Case Law – Legal rules and principles developed through decisions made by courts, rather than through written statutes.

Cause – A general legal term referring to any civil or criminal case or dispute. Often used as a synonym for "case."

Certificate as to the State of the Record or Non-Appearance – An official statement by the court clerk verifying whether a party was served legal documents, the date of service, and whether that party responded within the timeframe specified by law.

Certificate of Default – An outdated term, now generally referred to as a Certificate as to the State of the Record.

Certified Copy – A reproduction of a legal document that includes an official statement verifying that it matches the original on file.

Certiorari – A type of court order from a higher court directing a lower court to submit records for review of a legal decision.

Challenge For Cause – A legal request to remove a potential juror from service due to a specific, valid reason—such as personal connection to a party in the case.

Chambers – A judge's private office where non-public discussions or decisions may take place.

Change of Venue – The legal process of transferring a case to a different court location due to concerns such as local bias or extensive media coverage that could impact impartiality. Generally, only one such transfer is allowed.

Charge Jury – The judge's instructions to the jury at the end of a trial, outlining the relevant laws to apply when deciding the case.

Child Custody – A legal decision, often in family court, determining which parent will be responsible for the care and upbringing of a child following a separation or divorce.

Citation – 1) A court-issued notice directing someone to appear for a minor legal matter, often a misdemeanor. 2) A reference to prior court decisions, laws, or legal documents cited to support an argument in a legal brief.

Civil Action – A court proceeding to resolve disputes between individuals or organizations that are not criminal in nature. These cases typically seek monetary compensation or other non-criminal remedies.

Claim(s) – 1) In civil court, a formal request for a specific legal remedy or outcome. 2) In probate law, any debt or obligation owed by a deceased person or protected individual, excluding taxes or disputes over ownership of particular property.

Claimant – A person or entity who asserts a legal right or files a formal demand for compensation or relief.

Class Action – A lawsuit initiated by a few individuals on behalf of a larger group of people who have similar legal claims or were affected by the same issue.

Clerk – A court official responsible for managing legal documents, issuing court orders, recording court proceedings, and handling filings and judgments. Their duties are usually defined by law or court rules.

Code – An organized and systematic collection of laws, divided into chapters with a structured table of contents and index, formally adopted by a legislative body.

Codicil – An amendment or addition made to an existing will, typically used to modify, explain, or revoke provisions in the original document.

Commit – To lawfully send an individual to a detention center, such as a jail, psychiatric institution, or correctional facility.

Common Law – A legal system that gains authority through longstanding traditions, practices, and past court decisions, rather than from statutes or written laws. Also referred to as “case law.”

Commutation – The legal process of reducing a criminal sentence to a less severe one, such as replacing a death sentence with life imprisonment. It can also refer to early release from prison granted by a governor’s decision.

Comparative Negligence – A legal principle that assesses and compares the fault of each party involved in an incident, often assigning percentages to determine each party’s degree of negligence.

Compensatory Damages – Financial compensation awarded to an injured party to cover actual losses or harm suffered as a result of another’s wrongdoing.

Competency – In legal contexts, this refers to whether a witness is legally qualified to testify, or in probate matters, whether a person is capable of managing their own personal and financial affairs.

Complainant – Another word for “plaintiff”; the person who initiates a legal case or files a complaint in civil or criminal proceedings.

Complaint – The formal document submitted by a plaintiff in a civil case that outlines the claims. In criminal law, it refers to the initial legal charge filed against a defendant by a prosecutor or complainant.

Compulsory Process – Legal tools, such as subpoenas or warrants, used to require a witness to appear in court.

Conclusions of Law – Legal findings that result from applying relevant law to the facts of a case. Judges may be required to provide both factual findings and these legal conclusions.

Concur – To agree with or join in a decision or opinion.

Concurrent Sentence – When multiple sentences for different crimes are served at the same time, rather than one after the other.

Condemn – To declare someone guilty, or to legally take private property for public use under eminent domain. It may also mean to declare a building unsuitable for use.

Condemnation – The official act of seizing private property for public benefit, with compensation given, even without the property owner’s consent. This process is tied to the power of eminent domain.

Confer (v) – To talk over or consult with others, often in a formal setting, in order to share opinions or give advice.

Confession – A voluntary statement made by an accused person admitting guilt to a criminal charge.

Confiscate – The act of the government seizing private property without payment or compensation.

Conformed Copy – A copy that is an exact replica of the original document, often a photocopy used for legal reference.

Consecutive Sentence – When a second sentence begins only after the completion of a previous one, rather than being served simultaneously.

Consent Decree – A legal agreement in which the defendant agrees to stop certain actions deemed illegal by the government or court. It may also refer to a court order agreed upon by both sides in an equity case.

Conservator – A person appointed by a court to manage and oversee the property or financial affairs of someone unable to do so themselves.

Consolidate – To merge two or more separate lawsuits into a single trial proceeding.

Consolidation – The legal process of combining multiple court actions or laws into one unified case or statute.

Contempt – Intentional disrespect or disobedience toward a public authority, especially a court.

Contempt of Court – Behavior that disrupts or disrespects court proceedings or undermines the authority of the court. It can lead to civil or criminal penalties and includes both direct (in court) and indirect (outside court) actions.

Continuance – A court-approved delay or rescheduling of a legal proceeding, typically due to illness, witness unavailability, or agreement between parties.

Contract – A legally binding agreement, either written or oral, between two or more individuals or parties that is enforceable by law.

Contribute (v) – To give help, support, or assistance toward achieving something.

Contributory Negligence – When a plaintiff's failure to exercise reasonable care plays a part in causing their own injury, this can reduce or negate the damages they might receive.

Convene – To gather or bring people together, especially in a courtroom or legal setting.

Conversion – A legal concept where one party wrongly uses someone else's personal property for their own benefit without permission.

Convict – To find someone legally guilty of a criminal offense after a trial.

Conviction – A formal decision by a court declaring that a person is guilty of a crime, either through a guilty plea or a verdict after trial.

Copyright – A legal right granted to the creator of a literary or artistic work, giving them exclusive control over its reproduction, distribution, and sale for a set period of time.

Corpus Delicti – Refers to the physical evidence that shows a crime has occurred, such as a murder victim's body or the remains of a structure destroyed by arson.

Corroborating Evidence – Additional proof that supports or confirms evidence already presented, making it more credible or convincing.

Cost Bill – A document submitted by the winning side in a legal case that details the expenses they seek to recover from the losing party.

Cost Bond – A financial guarantee provided by a party in a lawsuit to ensure payment of any legal expenses awarded against them if they do not win the case.

Costs – Expenses necessarily incurred during the legal process, starting from filing fees and possibly including payments for service of process, witness attendance, or depositions. These are usually paid by the party who loses the case.

Counsel of Record – The attorneys who are officially listed as representing a party in a legal case and have filed formal notices of appearance.

Count – In civil cases, each separate legal basis for a plaintiff's request for recovery is called a count. In criminal cases, multiple allegations against a defendant are each listed as individual counts in the same legal charge.

Counterclaim – A response by a defendant in a lawsuit where they file their own claim against the plaintiff, often based on the same set of events.

Court Monitor – A person who uses audio equipment to record everything said during a court session for official documentation.

Court of Original Jurisdiction – A court that has the authority to hear a case first, before it is reviewed by any appellate courts.

Court Registry – A bank account maintained by the court clerk to hold money deposited by parties in a case, which will be released only by court order.

Court Reporter – A professional who transcribes everything said during court proceedings word-for-word and prepares an official written record if needed.

Courts of Record – Courts whose proceedings are permanently documented and which have the authority to impose penalties such as fines or jail time for contempt. In contrast, courts not of record do not permanently document proceedings and usually have limited power.

Crime – An unlawful act punishable by the government; it refers to behavior that violates the criminal law and can lead to prosecution and penalties.

Criminal Cases – Legal proceedings initiated by the government to prosecute individuals charged with serious offenses known as felonies.

Criminal Insanity – A mental condition that prevents a person from understanding the nature of their actions or distinguishing right from wrong, often used as a legal defense.

Cross-Claim – A legal claim made by one defendant against another in the same lawsuit, typically involving issues related to the original complaint filed by the plaintiff.

Cross-Examination – The stage in a trial or deposition where a witness is questioned by the opposing party to test the truth and reliability of their testimony.

Cumulative Sentence – A sentence that begins only after a previous sentence has been completed; also known as a consecutive sentence.

Custody – The legal responsibility for overseeing and protecting someone or something. In family law, it refers to the care and control of children during or after divorce proceedings.

Custody Status – Refers to whether an individual is being held in detention, has been released on bail, or has been released on their own promise to appear in court.

D

Damage – Refers to harm, deterioration, or loss that may impact an individual or their property, often resulting from negative conditions or external factors.

Damages – A financial award ordered by a court to compensate someone who has experienced harm, loss, or injury due to another person's unlawful or negligent behavior.

De Novo – A Latin term meaning "from the beginning." A **trial de novo** involves rehearing a case completely as if no previous trial had occurred, typically in a higher court.

Decedent – A person who has passed away.

Declaratory Judgment – A legal ruling that clarifies the legal position or rights of parties involved in a dispute, without requiring any specific action or awarding damages.

Decree – A formal court decision in cases without a jury. A **final decree** ends the legal dispute entirely, while an **interlocutory decree** is a temporary ruling pending a final decision.

Defamation – A legal offense involving damage to someone's reputation through false or harmful statements, including both **libel** (written) and **slander** (spoken).

Default – Occurs when a defendant does not respond to a legal action within the specified time or fails to appear in court as required.

Default Judgment – A decision by the court in favor of one party due to the opposing party's failure to respond or appear in court.

Defendant – The individual or group being sued in a civil case or accused of a crime in a criminal case.

Deposition – A sworn out-of-court testimony given by a witness, recorded and transcribed, often used during discovery and sometimes presented in court if the witness cannot attend.

Devise – A transfer of real estate or property specified in a person's Will.

Direct Evidence – Testimony from someone who directly observed or heard something relevant to the case, as opposed to evidence that is inferred, like circumstantial evidence.

Directed Verdict – A ruling made by a judge during a trial that removes the decision from the jury, usually because the party with the burden of proof did not provide adequate evidence to support their claims.

Discovery – The pretrial process that allows parties in a lawsuit to exchange relevant information and gather evidence, including depositions, interrogatories, and document requests.

Dismissal with Prejudice – A court decision that ends a case permanently and prevents the same claim from being brought again in the future.

Dismissal without Prejudice – The ending of a case that allows the party to file the same claim again later. It is usually done voluntarily and before the trial begins.

Disposition – The final outcome or conclusion of a legal case, whether by judgment, dismissal, settlement, or other means.

Dispute – A disagreement or conflict over legal claims, rights, or responsibilities between two or more parties.

Disqualification – The legal process of removing a judge from a case due to potential bias or conflict of interest, typically initiated by one of the parties involved.

Dissolution of Marriage – The official termination of a marriage by a legal process; it differs from annulment and is more commonly referred to as divorce.

Divorce – A court ruling that legally ends a marriage, either entirely or partially, typically addressing the legal responsibilities and rights of each spouse afterward.

Docket – A brief, formal record of all court activities in a specific case, which may be maintained manually or electronically.

Docket Number – The unique identifying number assigned to a case by the court, used to track and reference the matter.

Docketing – The act of officially recording all events and filings in a legal case on a docket sheet for organizational and tracking purposes.

Domestic Relations – An area of law that focuses on family matters, including marriage, divorce, child custody, spousal support, and related issues.

Double Jeopardy – A legal principle that prohibits a person from being prosecuted more than once for the same criminal offense.

Drug Dealing – The illegal act of possessing and/or distributing prohibited narcotic substances.

Duress – Coercion or pressure applied unlawfully to force someone to act against their will, often used as a defense to invalidate consent or actions taken under such pressure.

E

Emancipation – In family or juvenile law, this term refers to the point at which a minor becomes legally independent from parental authority. This generally happens automatically when the child reaches the legal age of adulthood (typically 18), but it can occur earlier if the child marries, is abandoned, or is self-sufficient.

Eminent Domain – The legal authority of the government to take private land or property for public use, usually with compensation.

Employment Law – This area of law governs the relationship between employers and employees. It includes employment contracts, tort and contract principles, and numerous statutory rules addressing union rights, anti-discrimination laws, wages, working hours, and workplace health and safety.

En Banc – A legal term meaning "on the bench," referring to all judges of a particular court convening together to decide a case.

Encourage (v) – To give support, motivation, or confidence to someone; can also mean to promote or foster certain behavior or action.

Enforce (v) – To ensure a law or regulation is carried out or applied effectively, often by legal authority.

Enforcement – The implementation or execution of laws, court orders, or rules; may also involve coercive measures if necessary.

Enjoin – A court-ordered directive requiring an individual to either perform a specific action or to refrain from doing something, usually through an injunction.

Entity – A legally recognized unit, such as a corporation, trust, estate, or government body, that exists independently for legal or financial purposes.

Entrapment – When government agents induce someone to commit a criminal act they would not have otherwise considered, for the purpose of prosecuting them.

Equity – A branch of law that emphasizes fairness and justice in resolving legal disputes, often offering remedies not available under traditional common law.

Error – A mistake, either in legal reasoning or in interpreting the facts, which can affect the outcome of a court decision.

Escheat – A principle in property law that allows the government to claim ownership of a deceased person's estate when there are no legal heirs.

Escrow – A neutral arrangement where a third party holds funds, documents, or property until contractual conditions are met by the involved parties.

Estate – The entirety of a person's possessions, including both real estate and personal property, along with any associated legal rights and responsibilities.

Estoppel – A legal rule that stops someone from going back on their previous behavior or statements if doing so would harm someone who relied on them.

Et Al – A Latin abbreviation meaning “and others,” often used in legal documents to refer to additional people not listed in full.

Et Seq – An abbreviation for the Latin phrase "et sequentes" or "et sequentia," meaning "and the following," commonly used in legal citations.

Et Ux – A Latin term meaning "and wife," used in legal contexts when referencing a man and his spouse.

Eviction – The lawful process of removing someone from property, often used when a tenant is forced to vacate by court order.

Evidence – Any information, whether verbal, written, or physical, that is presented during legal proceedings to establish or refute facts in a case.

Ex Parte – Refers to actions taken or motions filed by one party in a legal case without prior notice to the other side.

Examination – The structured questioning of a witness in a legal setting, aimed at uncovering relevant facts.

Examination, Cross – The questioning of a witness by the opposing party after direct examination, usually to challenge credibility or facts.

Examination, Direct – The initial questioning of a witness by the party who called them to testify. It may also refer to follow-up questions after cross-examination to clarify or reinforce testimony.

Examination, Rebuttal – Introducing new questions or evidence to dispute or weaken the opposing party’s evidence or defenses.

Excusal – A legal term for removing a judge from hearing a case, often through a peremptory challenge.

Execution – The process of enforcing a court’s judgment, including issuing orders or taking steps to ensure the ruling is fulfilled.

Executor – A person designated in a Will to manage the estate and ensure the testator’s wishes are carried out. Referred to as a "Personal Representative" in some jurisdictions.

Exemplified Copy – A legally certified reproduction of an official public record, verified as true and suitable for legal use.

Exhibit – A document or physical item introduced as evidence during a trial and officially made part of the court’s record.

Exonerate – To officially clear someone from blame, responsibility, or debt.

Extradition – The process by which one jurisdiction delivers an individual to another jurisdiction where they are accused or convicted of a crime.

F

False Arrest – The unlawful act of restraining someone's freedom of movement or liberty without legal justification.

Felony – A serious criminal offense, more severe than a misdemeanor, typically punishable by imprisonment exceeding one year or even by death. Felonies are categorized as follows:

- **Class A Felony:** Incarceration ranging from ten to thirty years or life.
- **Class B Felony:** Imprisonment for five to fifteen years.
- **Class C Felony:** A maximum prison term of seven years.
- **Class D Felony:** A sentence not exceeding five years.

Fiduciary – A person in a position of trust and duty, responsible for acting in the best interests of another party, often involving legal or financial responsibilities.

File – A court-maintained record. The term may refer to both the act of officially submitting a document to the court (where it is time-stamped and entered into the docket) and the physical or digital storage system where case materials, such as motions, subpoenas, and pleadings, are organized.

Finding – A conclusion made by a judge or jury regarding a factual matter within a case.

Fine – A monetary penalty imposed as punishment. In civil cases, fines are paid to the harmed party; in criminal matters, fines are paid to the state or court.

Foreclosure – A legal mechanism through which a lender enforces a debt by selling a property tied to a loan, typically because the borrower failed to meet repayment obligations.

Foreign Judgment – A court decision from another jurisdiction (state or country) that is recognized and enforceable under local law.

Forgery – The criminal act of fraudulently creating or significantly altering a document to make it appear legitimate, with the purpose of deceiving others who rely on its authenticity.

Formal Proceedings – Legal actions that take place under the jurisdiction of a district court, with appropriate notification given to all interested or affected parties.

Fraud – The intentional misrepresentation or omission of facts with the purpose of misleading another party, usually to gain something unjustly or cause harm. Fraud can occur through lies, false conduct, or concealment of critical information and results in legal or financial injury to the deceived party.

G

Gag Order – A court directive that restricts the public release or publication of certain information, typically to ensure a fair trial by preventing media influence.

Garnishee – An individual or entity, such as an employer or financial institution, who receives a legal notice requiring them to withhold assets belonging to a debtor in order to satisfy a judgment.

Garnishment – A legal procedure in which a creditor obtains a court order allowing them to claim money or assets owed to a debtor that are held by a third party, such as wages from an employer or funds in a bank account.

General Assignment – The act of a debtor willingly handing over all personal assets to a designated trustee, whose responsibility is to distribute those assets fairly among all of the debtor's creditors.

General Jurisdiction – A classification of a court that has the authority to preside over and decide any type of case brought before it, as opposed to courts with authority limited to specific types of cases.

Guardian – A legally appointed person who is entrusted with the care and management of another individual, typically a minor or someone with limited mental or physical ability, and their property or legal affairs.

Guardian ad litem – A court-appointed representative tasked with protecting and advocating for the best interests of a minor or legally incapacitated individual during legal proceedings.

Guilty – A legal determination or admission that a person has committed the offense they are accused of. For example, a verdict of "guilty" in a trial results in the imposition of a penalty or sentence. (*Opposite: not guilty*)

H

"Hammer" Instruction – A directive given by a judge to jurors encouraging them to reach a unanimous decision, emphasizing that delivering a verdict is important and should be pursued through continued discussion and effort.

Harmless Error – A mistake made during trial proceedings by a lower court that does not significantly affect the legal rights of the involved parties and, as such, is not grounds for overturning the decision on appeal.

Hearsay Evidence – Testimony presented in court that is based on information the witness received from someone else, rather than on their own direct knowledge or experience.

Homicide – A broad legal term used to describe any situation in which one person causes the death of another, encompassing both lawful and unlawful killings.

Homicide (expanded) – The act of one individual taking the life of another, including various classifications such as first-degree murder, second-degree murder, and manslaughter, depending on the intent and circumstances.

Hostile Witness – A person summoned by one side in a case who displays obvious bias or hostility toward that side, leading the court to allow cross-examination by the party that initially called them.

Hung Jury – A jury that is unable to reach a unanimous or legally sufficient agreement on the outcome of a case, resulting in a mistrial due to the deadlock.

I

Impanel – The process of completing the selection of a jury. After jury selection (voir dire) is finalized and challenges are resolved, the jury is formally established and sworn in, allowing the trial to begin.

Impartial Jury – A principle under the Sixth Amendment of the U.S. Constitution that guarantees a defendant the right to a fair trial by a jury that does not show favoritism toward any side.

Impeach – The formal process undertaken by a legislative body to accuse a public official of wrongdoing, potentially leading to removal from office. It refers specifically to bringing charges, not the actual removal.

Impeachment of Witness – An attempt to challenge a witness's trustworthiness by presenting prior inconsistent statements or testimony from other individuals.

Implied Contract – An agreement that is not directly stated in words but is inferred from the actions or conduct of the parties or implied by law.

Imputed Negligence – A form of legal responsibility where one person is held liable for the negligent actions of another due to a specific legal relationship, such as an employer being accountable for an employee's mistake.

In Camera – A legal term referring to proceedings held privately in a judge's chambers rather than in open court.

Inadmissible – Refers to evidence that is not allowed to be presented during trial because it fails to meet legal standards.

Incapacitated Person – An individual who lacks the mental or physical ability to make informed decisions due to illness, age, disability, or similar conditions, not including being under the legal age of adulthood.

Incentive (n.) – Something that motivates or encourages someone to act; can include rewards or causes that influence behavior.

Indemnification – A promise or agreement where one party agrees to cover the loss or damages that another party might face.

Indeterminate Sentence – A prison term that does not specify an exact duration but includes a range, such as "not less than five and not more than ten years," with the parole board determining release within that range.

Indictment – A formal written accusation by a grand jury stating that an individual is charged with committing a crime.

Indigent – A person who lacks the financial resources to afford legal representation or basic necessities.

Inference – A logical conclusion drawn from known facts or statements considered to be true.

Information – A written formal accusation submitted by a prosecutor, charging a person with a crime, often used instead of a grand jury indictment.

Infringement – The unauthorized violation or breach of a legal right, especially concerning copyrights, patents, or trademarks.

Injunction – A legal order issued by a court requiring a person to either do something (mandatory) or refrain from doing something (prohibitive), depending on the case.

Innovation – The act of introducing new methods, ideas, or changes to existing procedures or practices.

Instruction – A formal set of guidelines provided by a judge to the jury explaining how the law applies to the case being heard.

Intellectual Property – Non-physical rights that protect original creations of the mind, such as literary works, inventions, brand names, and proprietary information.

Inter Alia – A Latin phrase meaning "among other things," often used in legal writing to indicate a broader list.

Inter Alios – A Latin term meaning "between or among other people," referring to matters involving others not present in the immediate case.

Inter Vivos – Describes a transfer or gift made during the lifetime of the giver, as opposed to inheritance after death.

Interested Person – Someone with a financial or legal interest in an estate, such as a relative, heir, beneficiary, or creditor.

Interlocutory – Refers to temporary court orders or decisions that do not resolve the main issue in a legal case.

International Arbitration – A method of resolving disputes between businesses or individuals located in different countries, typically based on terms outlined in a contractual agreement.

Interrogation – The formal process of questioning individuals, particularly witnesses, to gather relevant information.

Interrogatories – A list of written questions submitted by one party to another in a lawsuit, requiring answers under oath as part of the discovery phase.

Intervention – A legal action in which a third party is allowed to join an ongoing lawsuit due to having a personal stake in the outcome.

Intestate – A person who passes away without having made a valid will.

Irrelevant Evidence – Any material or testimony that does not directly relate to or support the facts at issue in a legal case.

Issue – The central point of disagreement or question that a court must resolve in a legal case.

Joinder – The legal act of combining multiple parties into a single legal action or proceeding.

Judge – An individual empowered to preside over legal cases, make rulings, and issue decisions based on the facts and law presented in court.

Judgment – A formal resolution or conclusion issued by a court that settles the matters disputed in a legal case.

Judgment Affirmed – When a higher court agrees with and upholds the decision made by a lower court.

Judgment by Default – A ruling automatically granted in favor of the plaintiff when the defendant fails to respond to the complaint or appear in court as required.

Judgment Creditor – A person or entity who has won a monetary or property award through a legal ruling and is entitled to collect from the debtor.

Judgment Reversed – A decision by an appellate court that cancels or nullifies the verdict issued by a lower court due to an identified error or procedural issue.

Judicial Notice – The process where a court accepts certain commonly known facts as true without requiring formal evidence or proof.

Judicial Review – A court’s authority to examine the decisions or actions of administrative agencies to determine if they were made in accordance with the law.

Judiciary – The branch of government composed of courts and judges responsible for interpreting and applying the law.

Jurisdiction – The legal power a court has to hear and rule on cases; this may also refer to the geographical area where such authority applies or the types of cases the court can handle.

Jurisprudence – The study and theory of law; it explores the philosophical foundations and guiding principles of legal systems and rules.

Jury – A selected group of individuals (often twelve) tasked with examining evidence in a trial and delivering a verdict, typically on issues of guilt or innocence in criminal cases.

Jury Array – The full group of individuals summoned for potential service as jurors in a particular court session.

Jury Supervisor – The official responsible for organizing the jury selection process, including drawing names and forming the jury panel.

Jury Trial – A legal proceeding in which a jury, rather than a judge alone, evaluates the evidence and decides the outcome of the case.

Jury Venire – The pool or group of potential jurors from which an actual jury is chosen for trial service.

Jury, Grand – A special jury that reviews evidence presented by the government in criminal matters to determine whether formal charges (indictments) should be issued.

Justice – A legal organization based in the UK that advocates for human rights and reform of the legal system; affiliated with the International Commission of Jurists, its members include legal professionals and scholars committed to the protection of civil liberties.

Juvenile Court – A specialized court that deals with cases involving minors, particularly those who are accused of offenses or deemed in need of care and protection.

L

Labour law – Also called employment or labor law, this field governs the interactions between employees, employers, trade unions, and the government. It has two branches: collective labour law, which addresses the three-way relationship between employees, employers, and unions; and individual labour

law, which covers the rights and responsibilities of individual workers, including their contractual obligations. Employment standards represent the minimum acceptable working conditions and are often enforced by governmental bodies through laws, regulations, or judicial decisions.

Lawsuit – Also known as a legal suit or case, this is a formal legal action initiated by one party against another, heard and resolved in a court of law. It encompasses any legal proceedings where individuals or entities seek judicial resolution of a dispute.

Lawyer – A broad term referring to anyone professionally qualified in the field of law, such as solicitors, barristers, judges, or educators in legal disciplines.

Leading Question – A type of question posed to a witness that implies or suggests the answer expected. These are typically disallowed during direct examination but are permitted during cross-examination.

Legal entity – A recognized individual or organization with the capacity to enter into contracts and be held accountable for breaches. Such an entity may sue or be sued in legal matters.

Legal File – A collection of key documents related to a court case, including pleadings, motions, rulings, and verdicts. This file is organized and submitted to the appellate court if the case is appealed.

Legal – Relating to or consistent with the law. Something that is sanctioned, allowed, or governed by legal authority, such as a country's legal system.

Legislature – The main governing body within a state or political entity that has the authority to enact, modify, or repeal laws.

Legitimate – Lawfully recognized or sanctioned. In a legal context, something that conforms to the law or rules.

Battery – The act of intentionally using unlawful physical force on another individual, such as hitting or pushing, which constitutes a criminal offense.

Letters – Official documents issued by a probate court to authorize a person to manage another's estate or affairs. Examples include letters of administration, testamentary, guardianship, or conservatorship.

Liable – Being legally responsible or accountable for one's actions or obligations.

Libel – A form of defamation communicated in writing, print, or visual representation that damages a person's reputation. It involves publicizing false information that can harm an individual's character.

Lien – A legal claim or hold placed on a person's property (real or personal) to secure payment of a debt, obligation, or tax. It serves as a form of collateral until the underlying obligation is fulfilled.

Limit (v) – A regulatory cap on the extent to which a financial instrument, such as a futures contract, can change in value during a trading day. These limits are set to prevent excessive volatility and may be imposed by trading exchanges or regulatory bodies.

Limitation – A legally defined time frame, set by a statute, within which a legal claim or action must be initiated. Commonly referred to as the statute of limitations.

Lineup – A police identification process where the suspect is placed alongside others with similar appearance to be viewed by witnesses or victims for recognition purposes.

Lis Pendens – A legal notice indicating that a lawsuit is ongoing which may affect the ownership or title of a specific property. This notice is typically filed with the appropriate public records office.

Litigant – A person or party actively involved in a lawsuit, either as a plaintiff or defendant.

Litigatio – A term referring to the legal process of arguing a dispute before a court.

Litigation – The overall process of resolving disputes through the formal judicial system, including the filing, contesting, and adjudication of lawsuits.

Locus Delicti – The actual location or place where a crime or unlawful act occurred.

Lottery – A system of awarding prizes based on random selection or chance, often involving the purchase of tickets or entries.

M

Malfeasance – The act of engaging in unlawful or unethical conduct, especially by a public official, or performing an act that is expressly forbidden by law.

Malicious Prosecution – A legal claim brought by someone who was previously prosecuted or sued without valid grounds and with wrongful intent, and who succeeded in having that case dismissed or decided in their favor.

Malpractice – A civil action filed against a professional—such as a doctor, attorney, or engineer—for harm caused due to their failure to adhere to the accepted standards of their profession.

Mandamus – A higher court's official directive commanding a lower court, government body, or official to perform a duty they are legally required to carry out.

Mandate – A formal order issued by a court instructing an officer or lower court to enforce a ruling or sentence.

Manslaughter – The act of unlawfully killing another person without premeditation or malicious intent, often occurring under intense emotion or provocation.

Manslaughter – A non-deliberate, illegal act of killing, where the death occurs without prior intent, distinguishing it from murder.

Master (Special) – A legal appointee, typically a retired judge or lawyer, designated by the court to collect evidence and present findings, commonly used in specific legal matters like disbarment proceedings.

Material Evidence – Testimony or physical proof that is significant to the main issues being disputed in a legal case.

Mechanic's Lien – A statutory claim that allows contractors or suppliers to secure payment for labor or materials provided in improving real estate.

Mediation – A method of dispute resolution where a neutral third party assists opposing sides in reaching a mutually acceptable agreement.

Memorandums – Informal written records or notes intended to document intentions, facts, or the basis for future agreements.

Mens Rea – Latin for "guilty mind," this legal principle refers to the mental state or intent required to establish criminal responsibility.

Miranda Warning – The required notification given by law enforcement to a suspect in custody, informing them of their constitutional rights before interrogation begins.

Misdemeanor – A criminal offense that is less serious than a felony, generally punishable by fines or imprisonment for no more than one year, with varying levels of severity (Class A, B, or C).

Misfeasance – The incorrect or careless execution of a lawful act that results in harm or legal liability.

Mistrial – A trial that ends prematurely and without a final judgment, due to serious error, procedural issue, or a jury's inability to reach a verdict.

Mitigating Circumstance – A factor that, while not excusing an offense, may be considered to lessen the perceived severity or moral responsibility of the defendant's actions.

Money Laundering – The act of concealing the origins of money obtained through illegal means by processing it through legitimate financial transactions.

Moot – A legal issue or case that no longer requires a court decision because the underlying dispute has been resolved or rendered irrelevant.

Moral Turpitude – Conduct that is contrary to standards of justice, honesty, or good morals and is often used as a basis for legal consequences.

Motion – A formal request made to the court by a party in a case, seeking a specific ruling or order, often as part of ongoing litigation.

Motion for Judgment Notwithstanding the Verdict – A request by a party for the court to overturn the jury's decision and enter a different judgment, asserting that the jury's verdict lacked legal support.

Motion for Judgment of Acquittal – A motion filed in a criminal trial asking the judge to enter a verdict of not guilty because the prosecution has failed to present sufficient evidence.

Motion to Dismiss – A legal request asking the court to terminate a case or claim on specific legal grounds, such as lack of jurisdiction or failure to state a valid claim.

Movant – The individual or party who initiates and submits a motion in a court proceeding.

Multiplicity of Actions – The filing of multiple legal actions regarding the same issue, which can be inefficient and may be restricted to avoid unnecessary litigation.

Murder – The intentional and unlawful killing of another person, typically involving premeditation and malicious intent.

Armed Robbery – The criminal offense of stealing property while using or threatening to use a weapon.

Murder in the First Degree – The most serious form of homicide, characterized by deliberate planning and intent, often punishable by life imprisonment or formerly by death, depending on jurisdiction.

N

Ne Exeat – A court-issued order preventing an individual from exiting a specific state or leaving the court's jurisdiction.

Negligence – The act of failing to take reasonable care or to do what an ordinary, prudent individual would consider appropriate under similar circumstances, or acting in a way that such a person would avoid.

Negotiations – Communication efforts between officials and an armed or barricaded individual—such as a hostage-taker or terrorist—with the aim of safely resolving the situation and encouraging surrender. (See also: antiterrorism.)

Networking – A structure or pattern composed of threads, wires, or other materials that intersect at consistent intervals to form a mesh-like design.

Next Friend – A person who represents and acts on behalf of a minor or someone legally incapable of managing their own affairs, without needing official court appointment as guardian.

Nisi Prius – A term referring to trial-level courts responsible for determining factual matters in a case, as opposed to appellate courts that review legal issues.

No True Bill or No Bill – A phrase written by a grand jury on a proposed indictment, indicating that there is not enough evidence to formally charge the accused with a crime.

Nolle Prosequi – A declaration made by a prosecutor (or a plaintiff in civil litigation) in the court record indicating the decision to withdraw from pursuing the case any further.

Nolo Contendere – A plea in which the defendant chooses not to dispute the charges. If the court accepts this plea, it has the same legal effect as pleading guilty, though it cannot be used as an admission of guilt in other proceedings.

Nominal Party – An individual named in a lawsuit merely for procedural or legal reasons, but who has no direct interest in the actual dispute.

Non Compos Mentis – A Latin phrase meaning “not of sound mind,” referring to someone who is legally or medically considered mentally incompetent.

Non Obstante Verdicto – A Latin expression meaning “notwithstanding the verdict”; it refers to a situation where the judge overrides a jury’s decision and enters a judgment in favor of the opposing party. (Also called Judgment Notwithstanding the Verdict or J.N.O.V.)

Non-partisan Court Plan – A system for selecting judges that limits political influence, where a governor chooses from a shortlist of candidates prepared by a non-political panel. Judges appointed through this method are barred from

political activities and later face periodic votes on whether they should be retained, rather than running against challengers.

O

Objection – A formal protest made during a trial to challenge something said or done, usually to highlight what may be improper testimony or procedure. If the judge rejects the objection, it can later serve as a basis for appealing the court’s decision.

Of Counsel – A term used to describe an attorney who contributes to a case in a supportive role, such as offering advice, preparing documents, or assisting with an appeal, but who is not the primary lawyer officially representing the client.

Open Court – A courtroom that is officially in session to conduct judicial matters and is accessible to the general public for observation.

Opening Statement – An attorney’s initial summary at the beginning of a trial, outlining the key facts of the case and previewing the evidence and arguments they plan to present to the jury.

Opinion – A written explanation issued by a judge or court that details the legal reasoning behind the ruling in a case, including how the law applies to the specific facts involved.

Opinion Evidence – Testimony provided by a witness that reflects their personal interpretation, belief, or conclusion about a disputed fact, rather than direct observation. Such testimony is typically only allowed when given by an expert witness.

Oral Contract – A legally valid agreement between parties that is made verbally rather than in writing. Although it lacks written documentation, it can still be enforceable under certain circumstances in court.

Order – An official written instruction issued by a judge or court, which is distinct from a final judgment but still legally binding.

Ordinance – A local law or regulation created by a municipal or county governing body to address matters within its jurisdiction.

Out-of-court Settlement – An agreement reached by the parties involved in a legal dispute that resolves the matter before the trial concludes and a final judgment is issued by the court.

P

Panel – A list that contains the names of jurors selected to serve in a particular court session or for a specific case.

Pardon – An act by a government official, such as a governor, that removes further legal penalties for a crime and reinstates the rights and privileges lost due to the conviction.

Parking – The act of leaving a vehicle in a place or for a time that violates traffic regulations. **Speeding** refers to driving over the legal speed limit.

Parol Evidence – Spoken testimony provided by witnesses in court, as opposed to written or documented proof.

Parol Evidence Rule – A legal principle stating that when a written agreement exists, previous verbal agreements are considered merged into it, and oral testimony cannot alter its terms unless there was fraud or a mistake in writing it.

Parole – A conditional release from prison, allowing an inmate to serve the remainder of their sentence under supervision. Parole can be revoked if the terms of release are violated.

Parties – The individuals or groups who are directly involved in a legal case, either pursuing or defending a legal action.

Patent – An exclusive legal right granted by a government to an inventor, allowing them to make, use, or sell their invention for a limited period.

Peremptory Challenge – The right of each party in a trial to reject a certain number of potential jurors without giving a reason. This can also be used to challenge a judge under certain state laws.

Perjury – The intentional act of lying or giving false statements under oath, either verbally or in writing.

Permission – Official consent or authorization granted to allow a particular action to take place.

Personal Recognizance – A type of bail where the accused is released based on their written promise to appear in court, without needing to pay money or post property.

Petition – A formal, written request submitted to a court, asking for judicial action or approval on a legal matter such as guardianship or property decisions.

Petitioner – The individual who files a formal written request with the court, asking it to take specific legal action.

Piracy – Serious crimes committed at sea, including robbery and violence.

Plaintiff – The person or party who initiates a lawsuit in a civil case by filing a complaint against another party (the defendant).

Plea – In criminal law, one of four responses an accused person may give to a charge: not guilty, not guilty due to insanity, no contest (*nolo contendere*), or guilty.

Plea Bargaining – The process of negotiating between the defense and prosecution to resolve a criminal case without going to trial, often by agreeing on reduced charges or sentencing in exchange for a guilty plea.

Pleading – The formal written statements exchanged between parties in a legal case, outlining each side's claims and defenses until the issues are clearly defined for trial.

Polling the Jury – A practice where each juror is asked individually whether they agree with the announced verdict and still support it.

Power of Attorney – A legal document granting one person the authority to act on another's behalf in legal or financial matters.

Praecipe – A legal request directed to a court clerk asking for the issuance of a writ or for the court to require the defendant to take a specified action.

Prayer – The section in a legal document where the party asks the court for a specific type of relief or judgment.

Prejudicial Error – Also known as reversible error; a mistake made during a trial that is serious enough to justify overturning the judgment on appeal.

Preliminary Hearing – A court session held to determine whether enough evidence exists to proceed with a criminal trial.

Preponderance of Evidence – The standard in civil cases requiring that a party's argument be more convincing or probable than the opposing side's.

Presentment – A written notice from a grand jury to the court reporting a suspected crime based on the jury's own knowledge or observations, without a formal indictment.

Presumption of Fact – A legal assumption derived from evidence or established facts, which can be challenged or disproven.

Presumption of Innocence – The fundamental legal principle that a person accused of a crime is considered innocent until the prosecution proves guilt beyond a reasonable doubt.

Presumption of Law – A rule requiring judges or courts to make a certain inference based on particular facts or evidence.

Prevailing Party – The side in a legal dispute that wins the case, either in part or in full.

Prevent (v) – To stop something from happening or stop someone from doing something; to hinder or obstruct.

Prima Facie – A Latin term meaning “on its face”; refers to evidence that is sufficient to prove a case unless disproved.

Pro Se / Self-Represented Litigant – A person who represents themselves in a legal proceeding without hiring an attorney.

Probable Cause – A reasonable basis for believing that a crime has been committed or that a particular person is involved in criminal activity.

Probate – The legal process of validating a deceased person's will and administering their estate.

Probation – An alternative to imprisonment where an individual found guilty of a crime is allowed to remain in the community under supervision, provided they follow specific rules and conditions.

Procedural Law – The body of rules that dictate the steps for enforcing legal rights and conducting court proceedings.

Proceeding – Any formal step or hearing in a legal case, including appearances and trials.

Proceedings – The legal actions or processes carried out in court to resolve a dispute or enforce a right.

Prohibition – A special court order that stops a lower court or public authority from acting beyond its legal power or jurisdiction.

Promissory Note – A signed written document in which one party agrees to pay a specific sum of money to another party.

Property Bond – A type of bail where a person uses real estate as collateral to guarantee their appearance in court.

Prosecuting Attorney – The lawyer representing the government in a criminal case, responsible for presenting evidence against the accused.

Prosecutor – The person who brings criminal charges and presents the case in court on behalf of the government.

Prosecutrix – A female prosecutor or the person who initiates a criminal complaint.

Proximate Cause – In tort law, the primary action or failure that directly leads to an injury or damage, forming the legal basis for liability.

Public Defender – A court-appointed lawyer provided by the state to represent individuals who cannot afford private legal counsel in criminal cases.

Q

Quaere – A legal term meaning a question or point that is raised for consideration or further investigation.

Quash – To formally nullify or invalidate a legal action, such as canceling a subpoena, indictment, or legal proceeding.

Quasi Judicial – Describes the power or function of a public official who makes decisions that resemble those made by a judge, even though the person may not be part of the judiciary.

Quid Pro Quo – A Latin phrase that translates to “something for something”; refers to a mutual exchange where one thing is given in return for another.

Quiet Title – A legal procedure used to confirm or settle disputes about the ownership of land or property, aiming to clarify and officially establish who holds valid title.

Quo Warranto – A type of legal action brought by the government requiring a person to prove their legal authority to hold a public office or exercise certain powers.

Quorum – The minimum number of members required to be present in a deliberative body (like a court or legislative assembly) for its decisions to be legally valid.

R

Ratify (v) – To formally confirm and approve something, giving it official legal validity.

Real Property – Land and any permanent structures or improvements attached to it.

Reasonable Doubt – A level of uncertainty in the minds of jurors about a defendant's guilt; if such doubt exists, the accused must be found not guilty.

Rebuttal – The presentation of evidence or argument aimed at contradicting or disproving earlier testimony presented by the opposing side in a trial.

Recall – A procedure allowing citizens to remove an elected official from office through a vote, following a petition signed by a required number of voters.

Receiver – A neutral party appointed by a court to take custody of and manage property or assets involved in a legal dispute.

Receivership – The legal process in which disputed property is handed over to a court-appointed receiver until the case is resolved.

Record – An official and permanent written documentation of actions, transactions, or legal proceedings maintained under legal authority.

Record On Appeal – The collection of trial transcripts and court files prepared and submitted to an appellate court for review during an appeal.

Recross Examination – The further questioning of a witness by the party who first cross-examined them, following the redirect examination.

Recusal/Recusation – When a judge is removed from a case due to potential bias or conflict of interest, or voluntarily withdraws for the same reasons.

Redirect Examination – Follow-up questions asked by the original examining party after cross-examination, limited to the subjects raised during cross.

Redundancy – An unnecessary repetition or surplus in wording or content.

Referee – A court-appointed official (often a lawyer or former judge) who handles specific duties such as gathering evidence and reporting back to the court.

Referendum – A process that allows citizens to approve or reject newly passed laws by voting on them directly.

Reject (v) – To decline or refuse acceptance of something offered or proposed.

Relator – A person who initiates a legal action through a government official, such as a prosecutor or attorney general.

Relief – The remedy or assistance a plaintiff seeks from the court to correct a wrong or injustice.

Remand – To return a case from an appellate court back to a lower court for further action or reconsideration.

Remedy – A means of addressing or correcting a legal issue or harm, such as compensation or enforcement.

Repeal – The official revocation or cancellation of a law or statute by a new legislative act.

Replevin – A legal action taken to recover personal property wrongfully taken or withheld from its rightful owner.

Reply – A plaintiff's formal response to a defendant's answer or argument in court proceedings.

Requirement – A condition or obligation that must be fulfilled; something necessary by rule or law.

Res Ipsa Loquitur – Latin for “the thing speaks for itself”; a doctrine allowing negligence to be inferred from the very nature of an accident.

Res Judicata – A principle that prevents the same legal issue from being tried again once it has been finally resolved by a court.

RESL (Reciprocal Enforcement of Support Law) – Laws that enable the enforcement of child support orders across state lines to prevent avoidance by moving.

Respondent – The party against whom an appeal or legal action is filed.

Respondent Superior – A legal doctrine making an employer legally accountable for the actions of employees if done within the scope of their duties.

Restraining Order – A temporary court order that prevents a person from engaging in a specific act, often issued before a full hearing on an injunction.

Retainer – The act of hiring a lawyer and the initial payment made to secure their legal services.

Return of Service – A formal statement by the person serving legal papers, confirming when and where the service occurred.

Rule Nisi / Rule to Show Cause – A preliminary court order that requires a party to explain or justify why a specific action should not be taken.

Rule of Court – A directive issued by a court that governs legal procedures; it may be a general rule for all cases or a special rule for a specific matter.

S

Satisfaction of Judgment – The full repayment of all financial amounts awarded in a court ruling.

SCRA – The compiled and annotated set of rules issued by the Supreme Court of New Mexico.

Seal – The official mark or stamp of a district court, used to authenticate documents by imprinting it.

Search and Seizure, Unreasonable – A law enforcement search or confiscation conducted without legal authorization, typically in violation of constitutional rights.

Search Warrant – A legal document signed by a judge allowing officers to search a specific location for evidence, illegal items, or stolen goods.

Seizure – The legal act of taking possession of someone's property by an officer under court order.

Self-defense – A lawful act of protecting oneself or property from imminent harm using reasonable force.

Sentence – The formal punishment issued by the court after a criminal conviction.

Separation of Witnesses – A court directive requiring witnesses to remain outside the courtroom until they are called to testify, to prevent influence from others' testimonies.

Sequester Jury – Isolating jury members from outside contact during a trial to ensure impartiality until a verdict is reached.

Sequestered File – A file stored separately in a secure location, typically due to its sensitive or confidential nature.

Servant – An individual employed by someone else, acting under that person's authority.

Service of Process – The formal delivery of legal documents to notify a person that legal action has been initiated against them.

Sever – To divide the claims or parties in a lawsuit so that they may be tried separately.

Sexual Assault – Non-consensual sexual contact or attempts, often involving physical force or coercion.

Sheriff – An elected county official responsible for enforcing court orders, maintaining jails, and assisting in legal proceedings.

Show Cause – A court order requiring someone to appear and explain why a specific action should not proceed.

Sine Qua Non – A necessary and essential element or condition.

Slander – Spoken defamation that harms someone's reputation; unlike libel, it is not preserved in permanent form.

Soldiers and Sailors Civil Relief Act – A federal law allowing court proceedings involving service members to be delayed while they are on active duty.

Sound Discretion – A judge's reasoned and fair decision-making process, free from bias.

Sovereign Immunity – A legal doctrine stating that government bodies cannot be sued without their consent.

Specific Performance – A court order requiring a party to fulfill their obligations under a contract when financial compensation is inadequate.

Stare Decisis – A legal principle that courts follow precedents set by previous decisions when similar issues arise.

State's Evidence – Testimony given by an accomplice in a crime who agrees to help prosecute others involved, often in exchange for leniency.

Statute – A written law passed by a legislative body.

Statute of Limitations – A legally defined period during which a lawsuit or criminal case must be filed, varying by type of claim or offense.

Stay – A court-issued pause on a legal proceeding or judgment.

Stipulation – A mutual agreement between opposing attorneys on procedural or factual matters in a case, often needing party consent and court approval.

Subject Matter – The main topic or issue being discussed, argued, or written about in legal documents or court proceedings.

Subpoena – A legal order that requires a person to appear in court or face penalties.

Subpoena Duces Tecum – A subpoena that commands a witness to bring specific documents or evidence to court or a deposition.

Substantive Law – The body of law that defines rights, obligations, and legal relationships, as distinct from procedural rules.

Suit – A formal legal action initiated by one party against another to resolve a dispute or seek remedy.

Summary Judgment – A ruling issued by the court when there is no dispute over the facts of a case and one party is clearly entitled to a legal decision.

Summons – A court-issued document notifying a person that they are being sued and must respond or appear in court.

Supersedeas – A court order or bond that temporarily suspends the enforcement of a judgment during an appeal.

Suppression Hearing – A pretrial or mid-trial hearing in a criminal case to determine whether certain evidence should be excluded due to rights violations.

Surety – A person or company that guarantees another's performance in court, such as appearing as required or complying with legal conditions.

Suspended Imposition of Sentence – A court's decision to delay sentencing, often placing the defendant on probation; if probation is successfully completed, no conviction is recorded.

Suspended Sentence – A court ruling where the defendant is convicted but not immediately imprisoned, and instead placed under probation, with a conviction noted on record.

T

Temporary Restraining Order (TRO) – A court's urgent directive issued upon request, preventing a party from taking a certain action until a further hearing can be held.

Testate – A person who has created a legally valid Will before death; also used to describe the condition of having died with a Will in place.

Testator (f. testatrix) – The individual who writes and signs a Will, declaring how their assets should be distributed after death.

Testimony – Statements made under oath by a qualified witness in court, as distinct from written or material evidence.

Theft – The unlawful taking of someone else's possessions without permission or legal right.

Third party – In law, any individual or group that is not directly involved in a transaction or dispute between the principal parties.

Tort – A civil wrong or breach of duty, independent of a contract, that results in harm or injury to another and may warrant legal liability.

Tort-feasor – A person who is found legally responsible for committing a tort or civil wrongdoing.

Trade unions – Organized groups of workers formed to protect and promote their shared interests, particularly regarding employment rights, wages, and working conditions.

Trademark – A unique symbol, word, or design legally registered or established to identify and distinguish a manufacturer's or seller's goods.

Transcript – The official written record of all spoken proceedings during a legal hearing or trial.

Transfer Order – A court-issued document transferring a case from one jurisdiction or division to another.

Traverse – In legal pleadings, a formal denial of an allegation made by the opposing party.

Trespass – Entering or remaining on someone else’s land without authorization or legal right.

Trial – The judicial process in which parties present their arguments and evidence before a judge or jury to resolve a civil or criminal dispute.

Trial De Novo – A completely new trial held in a higher court as if the original trial had not occurred, typically following an appeal from a lower court’s decision.

True Bill – The grand jury’s formal statement indicating that there is enough evidence to bring criminal charges.

Trust – A legal arrangement in which ownership of assets is transferred to a trustee, who manages them for the benefit of another person, known as the beneficiary.

U

Unlawful Detainer – The act of occupying real property without the legal right or permission from the rightful owner.

Usury – Charging interest on a loan at a rate higher than what is legally permitted.

V

Vacate – To legally annul or nullify a previous court judgment or order.

Valid – Having full legal effect or force; recognized as lawful and binding.

Validity – The degree to which a process, document, or measure is considered sound, effective, and aligned with legal or scientific standards.

Value – In economics, the importance or worth of a good or service, determined by its scarcity and usefulness, and influenced by both supply and demand theories.

Venire – A legal writ calling individuals to court for jury duty; commonly refers to the group of summoned potential jurors.

Veniremen – The individuals who have been called to serve on a jury panel.

Venue – The specific geographic location or court where a case is legally allowed to be tried.

Verdict – The final decision reached by a judge or jury in a trial concerning the issues presented.

Voir Dire – A preliminary examination conducted by attorneys or the judge to assess the suitability of jurors or the admissibility of witness testimony.

W

Wage – economics the portion of the national income accruing to labour as earned income, as contrasted with the unearned income accruing to capital in the form of rent, interest, and dividends.

Waiver of Immunity – the act of a witness, before giving testimony or producing evidence, of renouncing his or her constitutional right not to testify or to incriminate himself or herself.

Warrant of Arrest – an order issued by a judge to a law enforcement officer, requiring the arrest of the person therein named for a specific charge.

Weight of Evidence – the balance or preponderance of evidence. The inclination of the greater amount of credible evidence, offered in a trial, to support one side of the issue rather than the other.

Will –testamentary instrument which appoints an executor or revokes or revises another Will, and excludes holographic Wills.

Willful – a "willful" act is one done intentionally, without justifiable cause, as distinguished from an act done carelessly or inadvertently.

Witness – one, who testifies to what has been seen, heard or otherwise observed.

Workforce – the total number of people who could be employed

Waiver – the act of intentionally abandoning a right, claim or privilege.

Writ – an order issued from a court requiring the performance of a specified act, or giving authority and commission to have it done.

Writ of Error Coram Nobis – a common law writ, the purpose of which is to correct a judgment in the same court in which it was rendered, on the ground of error of fact.

Writ of Execution –a writ to put in force a court decree or judgment.

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