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«РОССИЙСКАЯ АКАДЕМИЯ НАРОДНОГО ХОЗЯЙСТВА И ГОСУДАРСТВЕННОЙ СЛУЖБЫ ПРИ ПРЕЗИДЕНТЕ РОССИЙСКОЙ ФЕДЕРАЦИИ»

ДАЛЬНЕВОСТОЧНЫЙ ИНСТИТУТ УПРАВЛЕНИЯ - филиал РАНХиГС

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Электронная подпись

ПРОГРАММА СПЕЦИАЛИТЕТА

Прокурорская деятельность

РАБОЧАЯ ПРОГРАММА ДИСЦИПЛИНЫ
реализуемой без применения электронного (онлайн) курса

Б1.Б.22 Иностранный язык в сфере юриспруденции

40.05.04 Судебная и прокурорская деятельность

Очная, заочная

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1. Перечень планируемых результатов обучения по дисциплине, соотнесенных с планируемыми результатами освоения программы

1.1 Дисциплина Б1.Б.22 Иностранный язык в сфере юриспруденции обеспечивает овладение следующей компетенцией:

Код компетенции	Наименование компетенции	Код компонента компетенции	Наименование компонента компетенции
УК ОС-4	Способность осуществлять деловую коммуникацию в устной и письменной формах на государственном и иностранном(ых) языках	УК ОС-4.4	Оценивает эффективность использования ресурсов русского и иностранного языков с точки зрения решаемой коммуникативной и профессиональной задачи
		УК ОС-4.5	Использует коммуникативные ресурсы русского и иностранного языков в зависимости от решаемой коммуникативной и профессиональной задачи
ОПК-6	Способность письменно и устно аргументировать правовую позицию по делу и осуществлять профессиональное представительство в судах (иных органах власти)	ОПК-6.3	Формирует правовую позицию по делу в точном соответствии с законом
		ОПК-6.4	Формирует правовую позицию по делу в точном соответствии с законом, использует приемы и способы юридической аргументации и профессиональную юридическую лексику

1.2 В результате освоения компетенции у студента должны быть сформированы:

ОТФ/ТФ *(при наличии профстандарта)* / трудовые или профессиональные действия	Код компонента компетенции	Результаты обучения
Вступление в процесс и дача заключений по делам в случаях, предусмотренных процессуальным законодательством; при установлении в ходе осуществления своих должностных (служебных) обязанностей необходимости совершенствования действующих нормативных правовых актов.	УК ОС-4.4	на уровне знаний: значение делового иностранного языка как фактора успешного профессионального развития юриста; логико-структурные и стилистические правила построения устного и письменного высказывания на изучаемом иностранном языке; нормы речевого этикета в деловой сфере.
		на уровне умений *(типовые действия выполняются по заданному алгоритму)*: преодолевать фонетическую, грамматическую и лексическую интерференцию родного и иностранного языков в процессе построения и восприятия высказывания; формулировать цели и задачи делового общения, выбирать адекватные им языковые средства построения высказывания.
		на уровне навыков *(типовые действия выполняются автоматически, без воспроизведения алгоритма):* соблюдать общие нормы вежливости и нормы делового этикета в процессе коммуникативного взаимодействия; осуществлять поиск профессионально значимой информации в иноязычной литературе и иноязычном секторе сети Интернет; получать, интерпретировать и использовать страноведческую информацию, необходимую для осуществления успешной деловой коммуникации.
	УК ОС-4.5	на уровне знаний: значение делового иностранного языка как

ОТФ/ТФ *(при наличии профстандарта)* / трудовые или профессиональные действия	Код компонента компетенции	Результаты обучения
		фактора успешного профессионального развития юриста; логико-структурные и стилистические правила построения устного и письменного высказывания на изучаемом иностранном языке; нормы речевого этикета в деловой сфере; правила использования официально-деловой лексики, общеупотребительную бизнес-терминологию.
		на уровне умений *(типовые действия выполняются по заданному алгоритму)*: преодолевать фонетическую, грамматическую и лексическую интерференцию родного и иностранного языков в процессе построения и восприятия высказывания; формулировать цели и задачи делового общения, выбирать адекватные им языковые средства построения высказывания; анализировать предмет общения, ситуацию общения, коммуникативное поведение собеседника, строить собственные высказывания с учетом данных факторов; организовывать деловое общение на иностранном языке, управлять им, преодолевать коммуникативные барьеры.
		на уровне навыков *(типовые действия выполняются автоматически, без воспроизведения алгоритма):* соблюдать общие нормы вежливости и нормы делового этикета в процессе коммуникативного взаимодействия; осуществлять поиск профессионально значимой информации в иноязычной литературе и иноязычном секторе сети Интернет; получать, интерпретировать и использовать страноведческую информацию, необходимую для осуществления успешной деловой коммуникации; постоянно повышать собственную лингвистическую компетентность, используя словари, справочники и пособия по иностранному языку.
Обжалование или опротестование судебных актов в порядке, предусмотренном законодательством; участие в рассмотрении судами дел, возбуждённых по искам, заявлениям, административным исковым заявлениям, осуществление уголовного преследования в суде; обращение в суд с требованием о признании противоречащих закону правовых актов недействительными.	ОПК-6.3	на уровне знаний: ролевые характеристики и правила коммуникативного поведения в рамках основных жанров деловой профессиональной коммуникации.
		на уровне умений *(типовые действия выполняются по заданному алгоритму)*: осуществлять коммуникативное взаимодействие на иностранном языке по юридической тематике; осуществлять деловую иноязычную коммуникацию в рамках основных видов речевой деятельности (говорения, аудирования, чтения и письма).
		на уровне навыков *(типовые действия выполняются автоматически, без воспроизведения алгоритма):* владеть навыками профессиональной речи, применять их для беседы на профессиональные темы; владеть базовыми навыками публичной речи на иностранном языке, применять их для беседы на профессиональные темы.
	ОПК-6.4	на уровне знаний: коммуникативные характеристики и правила профессионального (юридического) коммуникативного поведения.
		на уровне умений *(типовые действия выполняются по заданному алгоритму)*: осуществлять профессиональное (юридическое) коммуникативное взаимодействие на иностранном языке по юридической тематике; осуществлять деловую профессиональную иноязычную.
		на уровне навыков *(типовые действия выполняются автоматически, без воспроизведения алгоритма):* владеть навыками профессиональной юридической речи, применять их для беседы на профессиональные темы; владеть навыками публичной речи на иностранном профессиональном языке.

2. Объем и место дисциплины в структуре ОП ВО

2.1 Объем дисциплины

На учебную дисциплину Б1.Б.22 Иностранный язык в сфере юриспруденции отведено 6 ЗЕ по учебному плану, что составляет 216 ак.ч., из них:

– для очной формы обучения: количество академических часов, выделенных на контактную работу с преподавателем 130 ак.ч., практические занятия – 128 ак.ч., консультация – 2 ак.ч., на самостоятельную работу обучающихся отведено – 68 ак.ч., контроль – 18 ак.ч. (самостоятельная работа обучающихся в период зачетно-экзаменационной сессии).

– для заочной формы обучения: количество академических часов, выделенных на контактную работу с преподавателем 26 ак.ч., практические занятия – 24 ак.ч., консультация – 2 ак.ч., на самостоятельную работу обучающихся отведено – 177 ак.ч., контроль – 13 ак.ч. (самостоятельная работа обучающихся в период зачетно-экзаменационной сессии).

2.2. Место дисциплины в структуре ОП ВО

Дисциплина Б1.Б.22 Иностранный язык в сфере юриспруденции входит в структуру программы подготовки специалитета и относится к дисциплинам обязательной части.

Дисциплина реализуется после изучения дисциплин Б1.Б.09 Иностранный язык.

Форма промежуточной аттестации в соответствии с учебным планом – зачет (3 семестр), экзамен (4 семестр).

3. Содержание и структура дисциплины

3.1 Структура дисциплины

Очная форма обучения

№ п/п	Наименование тем и/или разделов	Объем дисциплины (модуля), час.						Форма текущего контроля успеваемости*, промежуточной аттестации**
		Всего	Контактная работа обучающихся с преподавателем по видам учебных занятий				СРО	
			Л/ ДОТ	ЛР/ ДОТ	ПЗ/ ДОТ	КСР/ ДОТ		
Тема 1	What is Law	16	-	-	10	-	6	УФО
Тема 2	A career in law	16	-	-	10	-	6	УФО
Тема 3	Constitutional law	16	-	-	10	-	6	УФО
Тема 4	Contract law	18	-	-	10	-	8	УФО

№ п/п	Наименование тем и/или разделов	Объем дисциплины (модуля), час.						Форма текущего контроля успеваемости*, промежуточной аттестации**
		Всего	Контактная работа обучающихся с преподавателем по видам учебных занятий				СРО	
			Л/ ДОТ	ЛР/ ДОТ	ПЗ/ ДОТ	КСР/ ДОТ		
Тема 5	Tort law	18	-	-	10	-	8	УФО
Тема 6	Criminal law	24	-	-	14	-	10	УФО; ПР
Итого (в период ТО)		**108**	**-**	**-**	**64**	**-**	**44**	
Промежуточная аттестация		**-**	**-**	**-**	**-**	**-**	**-**	**Зачет**
Тема 7	Commercial law	14	-	-	10	-	4	УФО
Тема 8	Intellectual property (IP) law	14	-	-	10	-	4	УФО
Тема 9	Company law	14	-	-	10	-	4	УФО
Тема 10	Employment law	14	-	-	10	-	4	УФО
Тема 11	Litigation and arbitration	14	-	-	10	-	4	УФО
Тема 12	International law	18	-	-	14	-	4	УФО; ПР
Консультация		2	-	-	2	-	-	
Итого (в период ТО)		**90**	**-**	**-**	**66**	**-**	**24**	
Промежуточная аттестация		**18**	**-**	**-**	**-**	**18**	**-**	**Экзамен**
Всего:		**216**	**-**	**-**	**130**	**18**	**68**	

Используемые сокращения:

Л – занятия лекционного типа (лекции и иные учебные занятия, предусматривающие преимущественную передачу учебной информации педагогическими работниками организации и (или) лицами, привлекаемыми организацией к реализации образовательных программ на иных условиях, обучающимся)[1];

ЛР – лабораторные работы (вид занятий семинарского типа)[2];

ПЗ – практические занятия (виды занятий семинарского типа за исключением лабораторных работ)[3];

КСР – индивидуальная работа обучающихся с педагогическими работниками организации и (или) лицами, привлекаемыми организацией к реализации образовательных программ на иных условиях (в том числе индивидуальные консультации)[4];

ДОТ – занятия, проводимые с применением дистанционных образовательных технологий, в том числе с применением виртуальных аналогов профессиональной деятельности.

СРО – самостоятельная работа, осуществляемая без участия педагогических работников организации и (или) лиц, привлекаемых организацией к реализации образовательных программ на иных условиях.

Примечание:

** формы текущего контроля успеваемости: устный фронтальный опрос (УФО), письменная работа (ПР); на усмотрение преподавателя, реализующего практические занятия;*

*** форма промежуточной аттестации: зачет (3 семестр), экзамен (4 семестр).*

Заочная форма обучения

[1] Абзац 2 пункта 31 Порядка организации и осуществления образовательной деятельности по образовательным программам высшего образования – программам бакалавриата, программам специалитета, программам магистратуры, утвержденного приказом Минобрнауки России от 05 апреля 2017 г. № 301 (ред. от 17.08.2020) (зарегистрирован Минюстом России 14 июля 2017г., регистрационный № 47415)

[2] См. абзац 2 пункта 31 Порядка организации и осуществления образовательной деятельности по образовательным программам высшего образования – программам бакалавриата, программам специалитета, программам магистратуры, утвержденного приказом Минобрнауки России от 05 апреля 2017 г. № 301 (ред. от 17.08.2020) (зарегистрирован Минюстом России 14 июля 2017г., регистрационный № 47415)

[3] См. абзац 2 пункта 31 Порядка организации и осуществления образовательной деятельности по образовательным программам высшего образования – программам бакалавриата, программам специалитета, программам магистратуры, утвержденного приказом Минобрнауки России от 05 апреля 2017 г. № 301 (ред. от 17.08.2020) (зарегистрирован Минюстом России 14 июля 2017г., регистрационный № 47415)

[4] Абзац 2 пункта 31 Порядка организации и осуществления образовательной деятельности по образовательным программам высшего образования – программам бакалавриата, программам специалитета, программам магистратуры, утвержденного приказом Минобрнауки России от 05 апреля 2017 г. № 301 (ред. от 17.08.2020) (зарегистрирован Минюстом России 14 июля 2017г., регистрационный № 47415)

№ п/п	Наименование тем и/или разделов	Объем дисциплины (модуля), час.						Форма текущего контроля успеваемости*, промежуточной аттестации**
		Всего	Контактная работа обучающихся с преподавателем по видам учебных занятий				СРО	
			Л/ ДОТ	ЛР/ ДОТ	ПЗ/ ДОТ	КСР/ Контроль		
Тема 1	What is Law	17	-	-	2/2	-	15	УФО
Тема 2	A career in law	17	-	-	2/2	-	15	УФО
Тема 3	Constitutional law	17	-	-	2/2	-	15	УФО
Тема 4	Contract law	17	-	-	2/2	-	15	УФО
Тема 5	Tort law	18	-	-	2/2	-	16	УФО
Тема 6	Criminal law	18	-	-	2/2	-	16	УФО; ПР
Итого (в период ТО)		**104**	**-**	**-**	**12**	**-**	**92**	
Промежуточная аттестация		**4**	**-**	**-**	**-**	**4**	**-**	**Зачет**
Тема 7	Commercial law	17	-	-	2/2	-	15	УФО
Тема 8	Intellectual property (IP) law	17	-	-	2/2	-	15	УФО
Тема 9	Company law	17	-	-	2/2	-	15	УФО
Тема 10	Employment law	17			2/2		15	УФО
Тема 11	Litigation and arbitration	17			2/2		15	УФО
Тема 12	International law	12			2/2		10	УФО; ПР
Консультация		2	-	-	2	-	-	
Итого (в период ТО)		**99**	**-**	**-**	**14**	**-**	**85**	
Промежуточная аттестация		**9**	**-**	**-**	**-**	**9**	**-**	**Экзамен**
Всего:		**216**	**-**	**-**	**26**	**13**	**177**	

Используемые сокращения:

Л – занятия лекционного типа (лекции и иные учебные занятия, предусматривающие преимущественную передачу учебной информации педагогическими работниками организации и (или) лицами, привлекаемыми организацией к реализации образовательных программ на иных условиях, обучающимся)[5];

ЛР – лабораторные работы (вид занятий семинарского типа)[6];

ПЗ – практические занятия (виды занятий семинарского типа за исключением лабораторных работ)[7];

КСР – индивидуальная работа обучающихся с педагогическими работниками организации и (или) лицами, привлекаемыми организацией к реализации образовательных программ на иных условиях (в том числе индивидуальные консультации)[8];

ДОТ – занятия, проводимые с применением дистанционных образовательных технологий, в том числе с применением виртуальных аналогов профессиональной деятельности.

СРО – самостоятельная работа, осуществляемая без участия педагогических работников организации и (или) лиц,

[5] Абзац 2 пункта 31 Порядка организации и осуществления образовательной деятельности по образовательным программам высшего образования – программам бакалавриата, программам специалитета, программам магистратуры, утвержденного приказом Минобрнауки России от 05 апреля 2017 г. № 301 (ред. от 17.08.2020) (зарегистрирован Минюстом России 14 июля 2017г., регистрационный № 47415)

[6] См. абзац 2 пункта 31 Порядка организации и осуществления образовательной деятельности по образовательным программам высшего образования – программам бакалавриата, программам специалитета, программам магистратуры, утвержденного приказом Минобрнауки России от 05 апреля 2017 г. № 301 (ред. от 17.08.2020) (зарегистрирован Минюстом России 14 июля 2017г., регистрационный № 47415)

[7] См. абзац 2 пункта 31 Порядка организации и осуществления образовательной деятельности по образовательным программам высшего образования – программам бакалавриата, программам специалитета, программам магистратуры, утвержденного приказом Минобрнауки России от 05 апреля 2017 г. № 301 (ред. от 17.08.2020) (зарегистрирован Минюстом России 14 июля 2017г., регистрационный № 47415)

[8] Абзац 2 пункта 31 Порядка организации и осуществления образовательной деятельности по образовательным программам высшего образования – программам бакалавриата, программам специалитета, программам магистратуры, утвержденного приказом Минобрнауки России от 05 апреля 2017 г. № 301 (ред. от 17.08.2020) (зарегистрирован Минюстом России 14 июля 2017г., регистрационный № 47415)

привлекаемых организацией к реализации образовательных программ на иных условиях.
Примечание:
** формы текущего контроля успеваемости: устный фронтальный опрос (УФО), письменная работа (ПР); на усмотрение преподавателя, реализующего практические занятия;*
*** форма промежуточной аттестации: зачет (3 семестр), экзамен (4 семестр).*

3.2 Содержание дисциплины

Тема 1 What is Law

Thousands of senior pupils want to go on for their education. There are various higher education establishments in Russia. They train specialists in various areas of studies such as: engineering, medicine, education, architecture and building, agriculture, business and management, computer and information science, public affairs, accounting, etc. The students take full-time, part-time and correspondence courses there. The graduates from universities, institutes, colleges, academies can choose many professions and work as teachers, doctors, engineers, computer programmers, managers, accountants, economists, bankers.

One of the most popular professions among the young people nowadays is known to be the profession of a lawyer. The lawyer is a person officially qualified in legal affairs and licensed to practice law. It is very interesting, important and quite necessary for a society. The lawyer defends interests of the state, individual constitutional rights of citizens, justice, legality, law and order. The profession of a lawyer is one of the most ancient in history of our civilization. Knowledge of laws is very essential for the management of state affairs and regulation of social relations in a state. A lawyer is a specialist who possesses broad fundamental knowledge of laws, professional skills and who can apply laws properly and efficiently for the solution of legal matters (issues). The profession of a lawyer is diverse. Law specialists can work in state administration bodies, in the organs of justice, court, procurator's office, state security agencies, interior bodies and other state and private offices, organizations and legal services.

A graduate from a law faculty or law institute can be a barrister (attorney, council for the defence) at the Bar or a judge at the court. He can be a procurator or a procurator's assistant at the Procurator's office. He can also be a notary at the notary office or a legal consultant (adviser) at an enterprise or state and private office.

He can be a state arbitrator at the state arbitration or an investigator at the

Procurator's Office, federal security service and interior bodies.

There is much work to do everywhere.

A barrister at the Bar is to defend the accused. He should prove his innocence by evidence.

A procurator and procurator's assistant at the procurator's office are to supervise the correct application and observance of the law.

They must also prosecute the accused. They should prove his guilt by evidence.

A judge at the court is to administer justice. He must conduct a trial. He should examine the case, sum up evidence, and pass a just sentence.

There are different types of law courts such as Criminal courts, Civil courts, Courts of Appeal, arbitration courts and others.

A notary at the notary office is to perform notary actions.

A legal consultant (adviser) is to give legal advice and legal help.

A state arbitrator is to solve questions between enterprises.

An investigator must investigate and solve crimes.

A lot of lawyers work in the organs of the Ministry of Internal Affairs as operatives (detectives), divisional inspectors, investigators and forensic experts.

So it is clear that the profession of a lawyer can give a specialist a lot of opportunities to use his professional and personal competence.

In four years we are to join this great army of lawyers.

We must study law well to administer justice properly, only for the sake of the “truth, the whole truth and nothing but the truth”. Lawyers must be skilled specialists, polite, sociable, just and honest people.

It is very noble to be a lawyer.

Тема 2 A career in law

In some countries in order to practice as a lawyer it is necessary to get a university degree in law. However, in others, a degree may be insufficient; professional examinations must be passed. In Britain, it is not in fact necessary to have a degree, although nowadays most people entering the profession do. The main requirement is to pass the Bar Final examination (for barristers) or the Law Society Final examination (for solicitor). Someone with university degree in a subject other than law needs first to take a preparatory course. Someone without a degree at all may also prepare for the final examination, but this will take several years. In most countries, lawyers will tell you that the time they spent studying for their law finals was one of the worst periods of their life! This is because an enormous number of procedural rules covering a wide area of law must be memorized. In Japan, where there are relatively few lawyers, the examinations are supposed to be particularly hard: less than 5 percent of candidates pass. Even after passing the examination, though, a lawyer is not necessarily qualified. A solicitor in England, for example, must then spend two years as an articled clerk, during this time his work is closely supervised by an experienced lawyer, and he must take further courses. A barrister must spend a similar year as a pupil.

The rate at which the legal profession grows is terrific. In the 21st century the number of lawyers will probably outpace the rate of population growth.

Why is the career in law so popular? In the USA the average salary of experienced lawyers in private practice is more than $100,000.

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

Vocabulary Notes:

the Bar Final examination — экзамен, который сдается при поступлении в Коллегию Адвокатов;

the Law Society Final examination - экзамен, дающий право быть членом Общества юристов (профессиональный союз солиситоров).

Тема 3 Constitutional law

The Constitution and the Bill of Rights

In 1776, the thirteen weak British colonies in America came together, stood up, and told what was then the world's greatest power that from now on they would be free and independent states. The British were neither impressed nor amused, and a bitter six-year war followed, the Revolutionary War (1776- 83). It’s hard to appreciate today, over two centuries later, what a revolutionary act this was. A new republic was founded, turning into reality the dreams and ideals of a few political philosophers. Americans broke with an age-old tradition, and so sent shock waves back across the ocean: they decided that it was their right to choose their own form of government. At that time, the statement that governments should receive their powers only "from the consent of the governed" was radical indeed. Something new was under the sun: a system of government, in Lincoln's words, "of the people, by the people, for the people".

The former colonies, now "the United States of America", first operated under an agreement called the Articles of Confederation (1781). It was soon clear that this loose agreement among the states was not working well. The central, federal government was too weak, with too few powers for defense, trade, and taxation. In 1787, therefore, delegates from the states met in Philadelphia. They wanted to revise the Articles, but they did much more than that. They wrote a completely new document, the Constitution, which after much argument,

debate, and compromise was finished in the same year and officially adopted by the thirteen states by 1790.

The Constitution, the oldest still in force in the world, sets the basic form of government: three separate branches, each one having powers ("checks and balances") over the others. It specifies the powers and duties of each federal branch of government, with all other powers and duties belonging to the states. The Constitution has been repeatedly amended to meet the changing needs of the nation, but it is still the "supreme law of the land". All governments and governmental groups, federal, state, and local, must operate within its guidelines. The ultimate power under the Constitution is not given to the President (the executive branch), or to the Supreme Court (the judicial branch). Nor does it rest, as in many other countries, with a political group or party. It belongs to "We the People", in fact and in spirit.

In this way, Americans first took for themselves the liberties and rights that elsewhere were the privileges of an elite few. Americans would manage their own laws. And, of course, they would make their own mistakes.

They stated in the first ten Constitutional Amendments, known together as the Bill of Rights, what they considered to be the fundamental rights of any American. Among these rights are the freedom of religion, speech, and the press, the right of peaceful assembly, and the right to petition the government to correct wrongs. Other rights guarded the citizens against unreasonable searches, arrests, and seizures of property, and established a system of justice guaranteeing orderly legal procedures. This included the right of trial by jury that is being judged by one's fellow citizens.

The great pride Americans have in their Constitution, their almost religious respect for it comes from the knowledge that these ideals, freedoms, and rights were not given to them by a small ruling class. Rather, they are seen as the natural "unalienable" rights of every American, which had been fought for and won. They cannot be taken away by any government, court, official, or law.

The federal and state governments formed under the Constitution, therefore, were designed to serve the people and to carry out their majority wishes (and not the other way around). One thing they did not want their government to do is to rule them. Americans expect their government to serve them and tend to think of politicians and governmental officials as their servants. This attitude remains very strong among Americans today.

Тема 4 Contract law

Many people think that a contract is only legally enforceable if it is in writing and signed by the parties to the contract. Yet most of us during our daily lives enter into contracts which are neither written nor signed but are perfectly legal transactions recognised by law. When we buy a newspaper or a bus ticket, we enter into an agreement that is governed by the law of contract and can be enforced through the courts. A contract, thus, is an agreement that the law will recognise. In order to be binding in law a contract must contain certain essential elements.

1 Offer. A contract must begin with an offer. It is made by an offeror to an offeree, and if it is accepted by the offeree, a legally binding contract has come into existence, provided certain other requirements are fulfilled. For example, when a seller places an advertisement in a newspaper offering to sell a car and a buyer contacts him offering to buy it, each of them is making an offer in the everyday sense of the word but only one is making a legal offer. English law takes the view (unlike continental law) that it is the buyer who makes a legal offer, and the seller may then decide whether to accept or reject it. Therefore an advertisement to sell something is not normally considered an offer but an 'invitation to treat', i.e. an invitation to make an offer. And thus, goods in shop windows or on display in the shop are merely invitations to treat: a store does not have to sell you goods it displays for sale. Only offers can be accepted; it is not possible to accept invitations to treat. However, because of the 1893 case of Carlill v. Carbolic Smoke Ball Co., English law does consider some kinds of advertisements as offers. The company advertised that they would pay £100 to anyone who used their medicine and still got

flu. Mrs Carlill did this but still caught flu, so she asked for the money. The company refused to pay arguing that their advertisement was not an offer but an invitation to treat. However, the court held that when Mrs Carlill saw the advertisement and bought the medicine, she was accepting a specific offer made to her, and so the company was obliged to pay. This case also illustrates that offers can be made not only to a specific person or group of persons (for example, employees) but to the whole world. If an offer has been accepted, it cannot be withdrawn without the agreement of the other side.

2 Acceptance. The acceptance must mirror the offer exactly (this is called the 'mirror image' rule). There must be no 'ifs' or 'buts'; if you say 'yes, but. .. , and name some condition, this would not be an unconditional acceptance and therefore not an acceptance at all. In fact, it would be treated by the court as a counter-offer, and a rejection of the first offer. An old case Hyde v. Wrench (1840) illustrates the point. A farm was offered at £1000. The offeree thought the price was too high and offered £950, but this was refused. Anxious to obtain the farm, he communicated acceptance of the original price but the farm was sold to another buyer. The court held that the offer of £950 was a counter-offer and was the same as a rejection. Acceptance must be communicated to the offeror, either by word of mouth or in writing, or it may be inferred from the offeree's conduct: for example, if he receives goods on approval and 3 starts making use of them. Mental acceptance or mere silence is not sufficient. With an instantaneous form of communication, such as fax or email, the general rule is that acceptance takes place when the message is received. With postal communication the rule is the direct opposite: the contract is concluded when the letter of acceptance is posted, provided it is correctly stamped and addressed. An offer is capable of acceptance only by a person who knows of its existence: for example, a person giving information cannot claim a reward if he did not know of its existence.

Тема 5 Tort law

The classification of specific conduct as criminal has significance for two reasons. First, only crimes can result in loss of liberty through incarceration; civil offenses, in contrast, may result in punitive damages but not incarceration. Also, in the United States, the U.S. Constitution and the constitutions of individual states require that special rights and protections be afforded to those accused of crimes. Relevant portions of the Bill of Rights include the following:

- The Fifth Amendment’s protection against self-incrimination and double jeopardy, and right to a grand jury indictment.
- The Sixth Amendment’s rights to a speedy and public trial, trial by jury, confrontation and cross-examination of witnesses, and counsel.
- The Eighth Amendment’s protection against excessive bail, excessive fines, and cruel and unusual punishment.
- The Fourteenth Amendment’s right to due process of law, which means that the federal government must grant all of the aforementioned rights to every defendant, and state governments must grant most of them.

In short, criminal defendants have many more protections than do those accused of civil or moral wrongs, because criminal defendants have considerably more to lose through criminal punishment. For the same reason, the burden of proof in a criminal trial is guilt “beyond a reasonable doubt,” but in civil trials is only a “preponderance of the evidence.” For moral wrongs that are neither criminal nor civil offenses, no burden of proof is necessary because such wrongs are not heard or tried in the American court system.

In order to understand the complexities of criminal law, it is not only important to distinguish different classifications under the criminal law. It is also important to distinguish among crimes, civil offenses, and moral wrongs.

Most people informally define a crime as an act that is deeply wrong, that is worthy of strong community disapproval, and that calls for a punitive sanction.

Formal definitions of crime, in contrast, are stated in the criminal law of federal, state, or local legal systems. A crime is any act or omission that is forbidden by law (or penal code) as a

violation of the public interest. Although the actual victim of a crime is often a person, legally the victim is the community. By definition, therefore, a crime involves social harm and requires vindication through a public process. It is prosecuted by government attorneys who represent the community as a whole, not the individual or individuals who have been victimized by the specific offense. A victim may initiate the investigation that leads to prosecution by going to the police, and may aid the prosecution by testifying at the criminal trial, but does not actually prosecute a perpetrator for a criminal act. Thus, criminal cases have names such as State v. Jones or U.S. v. Smith, showing that the defendant is accused of violating the laws of an entire society and must answer in turn to that society.

American criminal law has developed from English common law, which recognized the importance of holding individuals accountable for immoral actions that deserve punishment. What is considered immoral and deserving of punishment, however, can vary considerably depending on the time and culture. Such acts as breaking the Sabbath, smoking (for women), and interracial marriage were once illegal in some American jurisdictions. Therefore, definitions of "immoral" and "deserving of punishment" are extremely flexible, depending on who defines them and when.

An important aspect of crime is punishment. Whereas a person who commits a civil wrong may have to pay damages or perform some specific act to compensate for the wrong, a person convicted of a crime is punished. Punishment can take many forms, all of which carry one essential characteristic that distinguishes criminal from civil wrongdoing in Anglo-American law: the condemnation and stigma that accompanies conviction of a crime. For example, even if a punishment is only a fine, such a fine serves a different purpose than an award of damages in a civil case. The criminal punishment (or sanction) of a fine expresses social disapproval; it is not a method of compensating an individual. Such differences in the nature and aims of civil judgments and criminal sanctions help explain why they are handled through separate court systems.

Тема 6 Criminal law

Most court cases fall within one of three major divisions of law: crimes, torts or contracts.

A crime is a public wrong, committed with intent or by negligence, for which the law provides punishment or recompense to society.

A tort is a private wrong against a person or his/her property. Aside from certain limited circumstances, all torts arise from either an intentional, wrongful action or from a negligent action.

American criminal law is primarily codified law, based on statutes and regulations rather than merely on past judicial decisions. The same act or omission may be a crime under both federal law and state law. For instance, murder, a state crime, may also be a federal crime (e.g., a violation of the victim's civil rights) and thus be prosecuted in separate criminal cases in each of the two court systems. (Certain legal doctrines, as well as basic fairness, however, sometimes limit the use of such dual trials.) A fundamental premise of the US criminal justice system is that it is far worse to convict one innocent person than to let many guilty people go free. The procedural guarantees for alleged criminals are thus much greater than for civil defendants. Many, if not most, of these guarantees are found in the state and federal constitutions, particularly the Fourth, Fifth, Sixth, and Eighth Amendments to the U.S. Constitution. Almost all rights in those amendments have been incorporated into the Fourteenth Amendment's due process clause, thus, criminal procedure is now generally governed by nationwide standards of constitutional interpretation.

The three classes of common law crimes are treason, felonies, and misdemeanors.

Treason against the United States, the only crime defined in the U.S. Constitution, is a comparatively rare charge.

The distinction between a felony and a misdemeanor is usually found within each state's criminal code.

Felonies are more serious crimes, punishable by imprisonment.

Murder (which can carry the death penalty in most states), arson, rape, armed robbery, and tax evasion are felonies.

Misdemeanors are generally punishable only by fines or, at most, a brief stay in the local jail. Simple assault, disorderly conduct, and trespass are usually classified as misdemeanors.

Certain minor offenses, such as violations of city ordinances or traffic regulations, may not even be considered misdemeanors in some jurisdictions (i.e., they are too petty to be labeled as crimes, and are often called “infractions” or “violations”).

Three other ways of categorizing crimes are the following:

- White-collar crimes are nonviolent crimes, perpetrated by people in positions of trust, usually against businesses or governments. The examples of white-collar crimes are embezzlement, mail fraud, bribery.
- Organized crimes are committed by groups in the “business” of crime, such as the Mafia.
- Victimless crimes are sometimes considered to have no specific victims (just society as a whole). The examples of victimless crimes are prostitution, gambling, tax evasion

Crimes can also be classified according to whom or what they are committed against: a person, the general public, the home, other property.

Тема 7 Commercial law

‘Commercial Law’ is an incredibly broad term that can cover a large variety of more specific fields of law. The main part of this centres around the commercial context, involving companies. This is also a broad term, and can include merchant shipping, insurance, partnerships, manufacture and sale of consumer goods, and any commercial/company related legal disputes. Any part of law that involves companies and the regulation of said companies and the activities in which they engage in will almost undoubtedly require the use of commercial lawyers.

Many countries have also adopted civil codes that contain comprehensive statements of their commercial law, in an effort to curtail the problems that arise when trying to deal with such a complex branch of law. It is also important to always remember that commercial law, like any other area of law, does not exist in a ‘vacuum’. Indeed, it intersects with many other practice areas, such as trusts law, tax law, European law and criminal law.

An important question to ask when becoming a lawyer is: who will I be working for? Your clients will typically be commercial organisations, the directors of companies or shareholders.

Being a Commercial Lawyer

Whilst legal skills are on the whole transferrable, each area of law requires something different from someone who practises in that area.

One thing that must be mentioned when discussing this area of law, is that if you are looking to have a career that is based in a lot of advocacy work, this is potentially would not be your best choice. There is a large amount of advisory work and a lot of a commercial barrister’s time will be spent in chambers rather than court.

In addition, your wishes and realities for your career in commercial law largely be dependent on what area and firm you decide to work for. Commercial law incorporates such a broad spectrum, that for instance, you may or may not find yourself travelling abroad. What can be guaranteed is that the work will always be different and/or challenging, and you will find yourself working on some interesting transactions and problems.

The variety that one will find in the types of cases cannot be underplayed, and what also must be taken into account is that the cases that you will face will often be complex in nature. For instance, anything to do with fraud and financial matters will not be a straightforward and easy case. It will require a lot of time and high level analysis to be applied to it, in order to get the best results.

Тема 8 Intellectual property (IP) law

Intellectual property law is the area of law that deals with legal rights to creative works and inventions. It controls who gets to use creations including new products, artistic works and designs. The purpose of intellectual property law is to allow the people who create and invent things to profit from their work. Lawmakers believe that it's fair for creators to profit from their own work product.

Types of intellectual property law

Intellectual property laws concern the ideas people have and the things that people create. It involves both scientific works and creative works. The rules for claiming exclusive rights to a work and the rules for enforcing those rights vary depending on the type of the creation. The areas of intellectual property law include:

Copyright

Copyrights protect an owner's right to their own creative work. Works covered by copyright include print, performances, music, choreography and movies. When you have a copyright, other people can't reproduce your work for their own profit. To receive a copyright, your work must be unique. There must be significant creative work that goes into your production.

Because of international copyright agreements, you don't have to formally register a copyright to have it. However, you can register it. If you do, it's prima facie evidence that you have a copyright on the work. Formal registration allows you to claim attorney fees and statutory damages if someone violates your copyright.

Patents

A patent is the legal right to an original invention. During the term of the patent, no one else can make the product, sell it or distribute it without permission. In the United States, the term of a patent is 20 years.

Asking for patent protection requires careful documentation of the novelty of the invention. You must show that your idea is new. You must be able to carefully describe the patent in sufficient detail so that both government officials and the public can determine what your invention is and what rights you have.

Trademarks

A trademark is a design, symbol, lettering or words that represent a company or product. It's an identifier. A trademark distinguishes your company or product from others.

Like copyrights, you don't have to register a trademark to have it. You can have a trademark just by regularly using a symbol or design to represent your product. However, it's important to register your trademark because registration gives you a legal presumption of ownership.

Unlike a patent, a trademark can last forever. When you have a trademark, you have the exclusive rights to make and sell products that use the trademark. An example of a trademark is the design logo of a sports team. Trademarks play an important part in business, and trademark attorneys help their clients protect their brand.

Intellectual property law changes

With the advent of the digital age, intellectual property law has changed significantly. Enforcement of intellectual property has become more challenging. Abuses of intellectual property rights protections have increased too. The area of law continues to grow and evolve. Intellectual property lawyers are part of this discussion.

Intellectual property law is often international

International property law often raises international issues. When a person creates something in the United States, they may want to preserve their right to profit from the work in another country. Many countries don't have the same intellectual property laws that the United States has. Finding ways to protect client interests abroad can be challenging. Intellectual

property lawyers must know international laws, and they must know how to help their clients harness those laws effectively in order to help their clients meet their objectives.

Practicing intellectual property might also involve creating international agreements. For example, international copyright agreements aim to create uniform rules for claiming and enforcing copyrights internationally. Intellectual property lawyers might work on behalf of the government in order to negotiate and draft these agreements.

Тема 9 Company law

Corporate law refers to the laws, rules, and regulations that pertain to corporations. The laws involved regulate the rights and obligations involved with the business activities of a corporation, including formation, ownership, operation, and management.

Corporations are unique in that they're seen as completely separate entities in the eyes of the law. Although they can be made up of large groups of people (investors, owners, employees), corporations are treated as a single entity, meaning the laws deal with the business directly rather than the people within it. Essentially, the corporation is treated as a person.

What is a corporation?

To better understand the laws associated with corporations, let's define the term.

A corporation is a company or group of people that act as a separate legal entity to conduct business. When someone owns shares of a corporation, they have limited liability. This means they are only responsible for the money they put into the business. If the business fails, they only lose the amount they invested and are not personally liable for the company's debts.

Incorporating a business

A business gains corporation status when it incorporates, which is a legal process that separates the business' assets from its owners and investors personal assets. Most businesses decide to incorporate because it protects their personal assets, allows for easy transfers of ownership, lowers the tax rate, and makes it easier to raise capital.

Purpose of corporate laws

Corporations are famous for raking in large amounts of money and holding a decent amount of power in a particular market. As they become more profitable and powerful, corporations can start to monopolize markets, meaning they become the exclusive provider of a particular trade, product, or service.

Corporate laws might seem as if they are in place to add hoops for corporations to jump through to do business. It is actually quite the opposite. Corporate laws are in place to maintain a fair market so new businesses can enter and compete with others. They keep all corporations on an even playing field by outlawing overly unpredictable business activities and behavior.

Corporate lawyers

Corporate lawyers work with corporations to make sure all of their transactions are legal by providing advice on their rights and obligations. Essentially, they work to make sure corporations are making decisions that provide the most benefit while remaining legal.

Corporate lawyers need to have extensive knowledge in contract law, tax law, intellectual property rights, bankruptcy, and any other branches of law that might affect the activities that a particular business is conducting. Because these areas of expertise are extensive, and the needs of a corporation in terms of abiding by the law are significant, they usually find the help they need at medium or large law firms. These firms have the resources and diverse talent that corporations need.

Тема 10 Employment law

Employment law is the collection of laws and rules that regulate relationships between employers and employees. Employment laws say when an employer can hire employees and when the employees can work. The laws cover what an employer must pay the employee for their work. They create minimum requirements for working conditions for employees.

Following employment law

When an employer wants to hire someone, there's a lot they have to know. There are minimum wage laws that require the employer to pay a certain amount. There are laws that prohibit the employer from discriminating against applicants or employees based on certain characteristics. Employers must provide a safe working environment. In some cases, they must provide health insurance options. Employers must collect and submit payroll taxes on behalf of the employee.

Employers often don't even know what they don't know. With so many regulations to comply with, employers are often overwhelmed. U.S. labor laws have developed throughout American history. They're not all in one place. Employers turn to lawyers to help them follow the law.

At the same time, employees want labor laws enforced. They may need help from an employment lawyer to understand what the laws are and whether their employer has violated the law. They might turn to an employment lawyer to help them enforce the law when their employer hasn't followed it.

Тема 11 Litigation and arbitration

Definition of Arbitration

Arbitration can be described as the private method of adjudication of disputes, wherein the parties seeking a settlement, mutually select one or more independent and unbiased persons as arbitrator. The arbitrator studies the situation and listens to the arguments and evidence of the parties, to make recommendations on the case, which is considered as final and binding upon the parties concerned.

Arbitration is one of the methods of alternative dispute resolution, which can be possible only with the consent of the disputing parties, which is contained in an agreement called as an arbitration agreement. The agreement must be in writing and specifically express the will of the parties to arbitrate the dispute.

Definition of Litigation

By the term 'litigation', we mean going to court for settling the dispute between or among parties. It is a legal proceeding initiated between the opposing parties, with the aim of enforcing or defending the legal right.

In this process, the case is brought to the court, wherein the judge (appointed by the court to act as the litigator) gives his/her verdict on the issue after considering the all the arguments, evidence and facts presented by the lawyers of the parties. If the parties do not agree with the decisions of the court, they can appeal to a superior court for getting justice, provided certain conditions are fulfilled.

Тема 12 International law

What is International Law?

International law is the set of rules, agreements and treaties that are binding between countries. When sovereign states enter into agreements that are binding and enforceable, it's called international law. Countries come together to make binding rules that they believe benefit their citizens. International laws promote peace, justice, common interests and trade.

International laws apply to governments. It's up to each state government to implement and follow international laws. A country's laws apply to citizens and other people that are present in the country. However, it's up to the country's governing authority to apply international law and keep their agreements with the other countries that are involved.

What does international law involve?

International law might address and regulate any of the following issues:

- Human rights
- Treatment of refugees
- Prosecution for international crimes

- Arms agreements and controls
- How states can claim new territories
- Regulating common spaces like water and outer space
- Trade between states
- Preventing war
- When it's okay for a state to use force
- Fair treatment of prisoners
- Preserving the environment

International law and state sovereignty

One of the complex issues in international law is the issue of sovereignty. That's the idea that the state is supreme, and that a state isn't subject to the rules of any other country or body. It's the idea that one country can't tell another country what to do. State sovereignty is a relatively new concept in history that rose as more governments organized themselves into states in the 18th and 19th centuries.

Because of the notion of state sovereignty, international law may only be as effective as the extent of the country's true, honest participation in making and following the international laws and treaties that they agree to. To the extent that a state may halfheartedly participate in an international agreement only with the hope of making other countries happy, enforcing international law can be a challenge. Some countries might claim to follow an agreement while skirting the rules, and others might not even try to hide their failure to follow the international agreements that they're a party to. International leaders, philosophers and politicians continue to debate the authority and enforceability of international law in light of modern state sovereignty.

4. Материалы текущего контроля успеваемости обучающихся

4.1. Формы и методы текущего контроля успеваемости и промежуточной аттестации.

4.1.1. В ходе реализации дисциплины Б1.Б.22 Иностранный язык в сфере юриспруденции используются следующие **методы текущего контроля успеваемости** обучающихся:

Тема	Методы текущего контроля успеваемости
Тема 1. What is Law	УФО
Тема 2. A career in law	УФО
Тема 3. Contract law	УФО
Тема 4. Constitutional law	УФО
Тема 5. Tort law	УФО
Тема 6. Criminal law	УФО; ПР
Тема 7. Commercial law	УФО
Тема 8. Intellectual property (IP) law	УФО
Тема 9. Company law	УФО
Тема 10. Employment law	УФО
Тема 11. Litigation and arbitration	УФО
Тема 12. International law	УФО; ПР

4.2. Типовые материалы текущего контроля успеваемости обучающихся

В ходе реализации дисциплины используются следующие методы текущего контроля успеваемости обучающихся: устный фронтальный опрос (УФО), письменная работа (ПР).

Тема 1 What is Law

Supply can, must, should or their equivalents (форма контроля: устный фронтальный опрос).

1. Applicants … satisfy all general requirements and are required to take entrance exams in 3 subjects.
2. Law specialists … work in state administration bodies, in the organs of justice, courts, procurator's office, state security agencies and legal services.
3. A barrister … work at the Bar.
4. An investigator … investigate and solve crimes.
5. Last term my sister … leave home at eight every morning.
6. You … consult a lawyer.
7. The court … examine all cases objectively to protect rights of citizens.
8. The students … go home to stay with their relatives or friends in different parts of the country or stay at a hotel in the country or at the seaside for the weekend.
9. To become a good specialist the students of the law department … study hard from the day of admission till the day of graduation.
10. The investigator … uses the assistance of experts from the crime laboratory to solve the crime quickly and accurately.

Read and translate the sentences paying attention to the functions of the infinitive (форма контроля: устный фронтальный опрос).

1. The prosecutor collects evidence in order to prove the guilt of the accused and to produce the charge against him at the trial
2. To fight crime successfully we must know laws well.
3. The investigator should be able to use all the evidence to prove the case.
4. Future lawyers ought to possess broad knowledge and professional skills to perform their responsibilities accurately and efficiently.
5. The judge must be able to analyze and sum up evidence in order to pass a just sentence and judgment on the case.
6. To protect individual rights of citizens the court is to administer justice objectively.
7. The barrister collects evidence to defend the accused, to prove his innocence at the trial.
8. My friend was the first to pass his exams in Criminology.
9. The problem to be studied in the shortest time is very important.
10. I like your idea to become a judge.

Read and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

Thousands of senior pupils want to go on for their education. There are various higher education establishments in Russia. They train specialists in various areas of studies such as: engineering, medicine, education, architecture and building, agriculture, business and management, computer and information science, public affairs, accounting, etc. The students take full-time, part-time and correspondence courses there. The graduates from universities, institutes, colleges, academies can choose many professions and work as teachers, doctors, engineers, computer programmers, managers, accountants, economists, bankers.

One of the most popular professions among the young people nowadays is known to be the profession of a lawyer. The lawyer is a person officially qualified in legal affairs and licensed to practice law. It is very interesting, important and quite necessary for a society. The lawyer defends interests of the state, individual constitutional rights of citizens, justice, legality, law and order. The profession of a lawyer is one of the most ancient in history of our civilization. Knowledge of laws is very essential for the management of state affairs and regulation of social relations in a state. A lawyer is a specialist who possesses broad fundamental knowledge of laws, professional skills and who can apply laws properly and efficiently for the solution of legal

matters (issues). The profession of a lawyer is diverse. Law specialists can work in state administration bodies, in the organs of justice, court, procurator's office, state security agencies, interior bodies and other state and private offices, organizations and legal services.

A graduate from a law faculty or law institute can be a barrister (attorney, council for the defence) at the Bar or a judge at the court. He can be a procurator or a procurator's assistant at the Procurator's office. He can also be a notary at the notary office or a legal consultant (adviser) at an enterprise or state and private office.

He can be a state arbitrator at the state arbitration or an investigator at the

Procurator's Office, federal security service and interior bodies.

There is much work to do everywhere.

A barrister at the Bar is to defend the accused. He should prove his innocence by evidence.

A procurator and procurator's assistant at the procurator's office are to supervise the correct application and observance of the law.

They must also prosecute the accused. They should prove his guilt by evidence.

A judge at the court is to administer justice. He must conduct a trial. He should examine the case, sum up evidence, and pass a just sentence.

There are different types of law courts such as Criminal courts, Civil courts, Courts of Appeal, arbitration courts and others.

A notary at the notary office is to perform notary actions.

A legal consultant (adviser) is to give legal advice and legal help.

A state arbitrator is to solve questions between enterprises.

An investigator must investigate and solve crimes.

A lot of lawyers work in the organs of the Ministry of Internal Affairs as operatives (detectives), divisional inspectors, investigators and forensic experts.

So it is clear that the profession of a lawyer can give a specialist a lot of opportunities to use his professional and personal competence.

In four years we are to join this great army of lawyers.

We must study law well to administer justice properly, only for the sake of the "truth, the whole truth and nothing but the truth". Lawyers must be skilled specialists, polite, sociable, just and honest people.

It is very noble to be a lawyer.

Тема 2 A career in law

Read and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

Lawyers Perform Four Major Functions

First, lawyers counsel. This means that lawyers offer advice. Of course, lawyers regularly counsel clients during negotiations and litigation.

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

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

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

Read the text and answer the question: Is it very difficult to become a lawyer? (форма контроля: устный фронтальный опрос; письменная работа).

Entering the Profession

How does someone become a lawyer?

In some countries in order to practice as a lawyer it is necessary to get a university degree in law. However, in others, a degree may be insufficient; professional examinations must be passed. In Britain, it is not in fact necessary to have a degree, although nowadays most people entering the profession do. The main requirement is to pass the Bar Final examination (for barristers) or the Law Society Final examination (for solicitor). Someone with university degree in a subject other than law needs first to take a preparatory course. Someone without a degree at all may also prepare for the final examination, but this will take several years. In most countries, lawyers will tell you that the time they spent studying for their law finals was one of the worst periods of their life! This is because an enormous number of procedural rules covering a wide area of law must be memorized. In Japan, where there are relatively few lawyers, the examinations are supposed to be particularly hard: less than 5 percent of candidates pass. Even after passing the examination, though, a lawyer is not necessarily qualified. A solicitor in England, for example, must then spend two years as an articled clerk, during this time his work is closely supervised by an experienced lawyer, and he must take further courses. A barrister must spend a similar year as a pupil.

The rate at which the legal profession grows is terrific. In the 21st" century the number of lawyers will probably outpace the rate of population growth.

Why is the career in law so popular? In the USA the average salary of experienced lawyers in private practice is more than $100,000.

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

Vocabulary Notes:

the Bar Final examination — экзамен, который сдается при поступлении в Коллегию Адвокатов;

the Law Society Final examination - экзамен, дающий право быть членом Общества юристов (профессиональный союз солиситоров).

Read and translate the text. Entitle it. Answer the following questions (форма контроля: устный фронтальный опрос).

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

Although many kinds of people working in or studying legal affairs are referred to as lawyers, the word really describes a person who has become officially qualified to act in certain legal matters because of examinations he has taken and professional experience he has gained.

Most countries have different groups of lawyers who each take a particular kind of examination in order to qualify to do particular jobs. In Japan, a lawyer must decide whether he wants to take the examination to become an attorney, a public prosecutor or a judge. In England, the decision is between becoming a barrister or a solicitor. Barristers specialize in arguing cases in front of a judge and have the right to be heard, the right of audience, even in the highest courts. They are not paid directly by clients, but are employed by solicitors. Solicitors have also a right of audience in lower courts, but in higher courts, such as the Court of Appeal, they must have a barrister to argue their client's case. In general, it can be said that a barrister spends most of his time either in a courtroom or preparing his arguments for the court and a solicitor spends most of his time in an office giving advice to clients, making investigations and preparing documents. If a person has a legal problem, he will go and see a solicitor. In fact there are at least 50,000 solicitors in Britain, and the number is increasing.

Many problems are dealt with exclusively by a solicitor. For instance, I he solicitor deals with petty crimes and some matrimonial matters in Magistrates' Courts. He prepares the case and the evidence. He actually speaks in Court for you.

In a civil action he can speak in the County Court, when the case is one of divorce or recovering some debts. In the County Court the solicitor wears a black gown over his ordinary clothes.

A solicitor also deals with matters outside Court. He does the legal work involved in buying a house, for instance. He writes legal letters for you and carries on legal arguments outside Court. If you want to make a will the best man to advise you is a solicitor.

Barristers are different from solicitors. Barristers are experts in the interpretation of the Law. They are called in to advise on really difficult points. The barrister is also an expert on advocacy (the art of presenting cases in Court). Indeed, if you desire representation in any Court except the Magistrates' Court, you must have a barrister.

Barristers are rather remote figures. If you need one, for instance, you never see him without your solicitor being with him. Barristers do not have public offices in any street. They work in what are known as chambers often in London. They belong to the institutions called Inns of Court, which are ancient organizations rather like exclusive clubs.

In the USA the Justice Department is responsible for the faithful execution of the laws under the President's authority. The main administrators of federal law enforcement are the ninety-four U.S. attorneys, who are appointed by the President with the advice and consent of the Senate.

There is a U.S. attorney in each federal judicial district. Their stuffs of assistant attorneys vary in size with the amount of litigation in the district. U.S. attorneys have considerable discretion, which makes them powerful political figures. Their decision to prosecute or not affects the wealth, freedom, rights, and reputation of the individuals and organizations in the district.

Vocabulary Notes:

chambers — адвокатская контора

(the) Inns of Court — юридические корпорации, готовящие адвокатов (четыре крупнейшие корпорации: the Inner Temple, the Middle Temple, Lincoln's Inn, Gray's Inn)

US attorney —прокурор округа (в США)

Give the gist of the text (форма контроля: устный фронтальный опрос).

Тема 3 Constitutional law

Translate the text (форма контроля: устный фронтальный опрос; письменная работа)

The Constitution and the Bill of Rights

In 1776, the thirteen weak British colonies in America came together, stood up, and told what was then the world's greatest power that from now on they would be free and independent states. The British were neither impressed nor amused, and a bitter six-year war followed, the Revolutionary War (1776- 83). It’s hard to appreciate today, over two centuries later, what a revolutionary act this was. A new republic was founded, turning into reality the dreams and ideals of a few political philosophers. Americans broke with an age-old tradition, and so sent shock waves back across the ocean: they decided that it was their right to choose their own form of government. At that time, the statement that governments should receive their powers only "from the consent of the governed" was radical indeed. Something new was under the sun: a system of government, in Lincoln's words, "of the people, by the people, for the people".

The former colonies, now "the United States of America", first operated under an agreement called the Articles of Confederation (1781). It was soon clear that this loose agreement among the states was not working well. The central, federal government was too weak, with too few powers for defense, trade, and taxation. In 1787, therefore, delegates from the states met in Philadelphia. They wanted to revise the Articles, but they did much more than that. They wrote a completely new document, the Constitution, which after much argument, debate, and compromise was finished in the same year and officially adopted by the thirteen states by 1790.

The Constitution, the oldest still in force in the world, sets the basic form of government: three separate branches, each one having powers ("checks and balances") over the others. It specifies the powers and duties of each federal branch of government, with all other powers and duties belonging to the states. The Constitution has been repeatedly amended to meet the changing needs of the nation, but it is still the "supreme law of the land". All governments and governmental groups, federal, state, and local, must operate within its guidelines. The ultimate power under the Constitution is not given to the President (the executive branch), or to the Supreme Court (the judicial branch). Nor does it rest, as in many other countries, with a political group or party. It belongs to "We the People", in fact and in spirit.

In this way, Americans first took for themselves the liberties and rights that elsewhere were the privileges of an elite few. Americans would manage their own laws. And, of course, they would make their own mistakes.

They stated in the first ten Constitutional Amendments, known together as the Bill of Rights, what they considered to be the fundamental rights of any American. Among these rights are the freedom of religion, speech, and the press, the right of peaceful assembly, and the right to petition the government to correct wrongs. Other rights guarded the citizens against unreasonable searches, arrests, and seizures of property, and established a system of justice guaranteeing orderly legal procedures. This included the right of trial by jury that is being judged by one's fellow citizens.

The great pride Americans have in their Constitution, their almost religious respect for it comes from the knowledge that these ideals, freedoms, and rights were not given to them by a small ruling class. Rather, they are seen as the natural "unalienable" rights of every American, which had been fought for and won. They cannot be taken away by any government, court, official, or law.

The federal and state governments formed under the Constitution, therefore, were designed to serve the people and to carry out their majority wishes (and not the other way around). One thing they did not want their government to do is to rule them. Americans expect their government to serve them and tend to think of politicians and governmental officials as their servants. This attitude remains very strong among Americans today.

Answer the questions (форма контроля: устный фронтальный опрос)

1. How does the American Constitution separate the powers of the government?
2. Has the text of the Constitution ever been changed? How did it become possible?
3. Does any governmental organ or official in the US have the ultimate power? Why?
4. What is the Bill of Rights?
5. What is the difference between the American Constitution and the Bill of Rights?
6. What is the difference between the constitutions of the UK and the US?

Complete the following text with suitable words or phrases from the text above. (форма контроля: устный фронтальный опрос; письменная работа)

When the Constitution was written in 1787, there were only 13 states.

Because the (1) _____ of the Constitution saw that the future might bring a need for changes, they (2) _____a method of adding (3) _____. Over the years 26 amendments have been added, but the basic (4) _____ has not been (5) _____. The pattern of government planned so long ago for 13 states today meets the needs of 50 states and more than 57 times as many people.

The first 10 amendments to the Constitution, called the (6) _____ assure individual (7) _____and (8) _____. Added in 1791, they include provisions for freedom of the (9) _____ and of (10) _____; the right of citizens to (11) _____ peacefully; the right to be (12) _____in one's own home against unreasonable (13) _____ and (14) _____ of person or property; and the right of any person charged with (15) _____ the law to have a speedy trial by a (16) _____ of fellow (17) _____.

The Constitution (18) _____ the powers of the government into three branches: the (19) _____ headed by the (20) _____; the (21) _____, which includes both houses of (22) _____ (the Senate and the House of Representatives) and the (23) _____which is headed by the Supreme Court.

The Constitution limits the role of each (24) _____ to prevent any one branch from gaining undue (25) _____.

Тема 4 Contract law

Translate the text (форма контроля: устный фронтальный опрос; письменная работа)

Many people think that a contract is only legally enforceable if it is in writing and signed by the parties to the contract. Yet most of us during our daily lives enter into contracts which are neither written nor signed but are perfectly legal transactions recognised by law. When we buy a newspaper or a bus ticket, we enter into an agreement that is governed by the law of contract and can be enforced through the courts. A contract, thus, is an agreement that the law will recognise. In order to be binding in law a contract must contain certain essential elements.

1 Offer. A contract must begin with an offer. It is made by an offeror to an offeree, and if it is accepted by the offeree, a legally binding contract has come into existence, provided certain other requirements are fulfilled. For example, when a seller places an advertisement in a newspaper offering to sell a car and a buyer contacts him offering to buy it, each of them is making an offer in the everyday sense of the word but only one is making a legal offer. English law takes the view (unlike continental law) that it is the buyer who makes a legal offer, and the seller may then decide whether to accept or reject it. Therefore an advertisement to sell something is not normally considered an offer but an 'invitation to treat', i.e. an invitation to make an offer. And thus, goods in shop windows or on display in the shop are merely invitations to treat: a store does not have to sell you goods it displays for sale. Only offers can be accepted; it is not possible to accept invitations to treat. However, because of the 1893 case of Carlill v. Carbolic Smoke Ball Co., English law does consider some kinds of advertisements as offers. The company advertised that they would pay £100 to anyone who used their medicine and still got flu. Mrs Carlill did this but still caught flu, so she asked for the money. The company refused to pay arguing that their advertisement was not an offer but an invitation to treat. However, the court held that when Mrs Carlill saw the advertisement and bought the medicine, she was accepting a specific offer made to her, and so the company was obliged to pay. This case also illustrates that offers can be made not only to a specific person or group of persons (for example, employees) but to the whole world. If an offer has been accepted, it cannot be withdrawn without the agreement of the other side.

2 Acceptance. The acceptance must mirror the offer exactly (this is called the 'mirror image' rule). There must be no 'ifs' or 'buts'; if you say 'yes, but. .. , and name some condition, this would not be an unconditional acceptance and therefore not an acceptance at all. In fact, it would be treated by the court as a counter-offer, and a rejection of the first offer. An old case Hyde v. Wrench (1840) illustrates the point. A farm was offered at £1000. The offeree thought the price was too high and offered £950, but this was refused. Anxious to obtain the farm, he communicated acceptance of the original price but the farm was sold to another buyer. The court held that the offer of £950 was a counter-offer and was the same as a rejection. Acceptance must be communicated to the offeror, either by word of mouth or in writing, or it may be inferred from the offeree's conduct: for example, if he receives goods on approval and 3 starts making use of them. Mental acceptance or mere silence is not sufficient. With an instantaneous form of communication, such as fax or email, the general rule is that acceptance takes place when the message is received. With postal communication the rule is the direct opposite: the contract is concluded when the letter of acceptance is posted, provided it is correctly stamped and addressed. An offer is capable of acceptance only by a person who knows of its existence: for example, a person giving information cannot claim a reward if he did not know of its existence.

Answer these questions. (форма контроля: устный фронтальный опрос; письменная работа)

Why cannot a buyer demand to buy goods on display in a shop if the seller refuses to sell them?

At what point do an offer and acceptance take place when you buy things in a supermarket?

Why is it dangerous to bargain over the price if you are really anxious to buy the thing in question?

Why are gratuitous promises not enforceable?

What is the difference between void and voidable contracts? Give examples of each.

What is the advantage of an objective test in establishing legal intent?

How can legal intent be removed from or included into an agreement?

True-false statements Confirm or refute these statements. (форма контроля: устный фронтальный опрос; письменная работа)

Begin with a short answer, e.g. 'Yes, it is/has/does, etc.' or 'No, it isn't/hasn't/doesn't, etc.' and add one sentence to prove your point.

1 Acceptance by post takes place when the other party receives the letter.

2 Courts are not concerned with the adequacy of consideration.

3 Third parties cannot sue on a contract.

4 Minors cannot make valid contracts.

5 Agreements between husbands and wives are never enforceable.

6 If one party knows that the other party has misunderstood the terms of the offer, he has an obligation to inform him about the mistake.

7 Oral contracts cannot be enforced through the courts.

Тема 5 Tort law

Read and translate the sentences paying attention to the functions of Participle, Infinitive and Gerund (форма контроля: устный фронтальный опрос; письменная работа).

1. Thinking about a criminal act or writing stories about imagined criminal acts is not a crime.

2. Being classified as criminal, this case was brought to trial.

3. To understand criminal, civil and moral responsibility it’s necessary to distinguish different classification of crimes.

4. To act in the public interest is the governmental attorney’s duty.

5. Definitions of “immoral” and “deserving of punishment” are flexible, depending on who defines them and when.

6. The offender is said to have been brought to trial.

7. A man charged with an offence is his boss.

8. A motion filed with the Court of state was satisfied.

9. After hearing grand jury indictment the defendant put his head in his hands and cried.

10. It’s worth visiting the trial if you are going to work in the judiciary or at the Prosecutor’s Office.

Read and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

Classification of Crimes

The classification of specific conduct as criminal has significance for two reasons. First, only crimes can result in loss of liberty through incarceration; civil offenses, in contrast, may result in punitive damages but not incarceration. Also, in the United States, the U.S. Constitution and the constitutions of individual states require that special rights and protections be afforded to those accused of crimes. Relevant portions of the Bill of Rights include the following:

- The Fifth Amendment's protection against self-incrimination and double jeopardy, and right to a grand jury indictment.
- The Sixth Amendment's rights to a speedy and public trial, trial by jury, confrontation and cross-examination of witnesses, and counsel.
- The Eighth Amendment's protection against excessive bail, excessive fines, and cruel and unusual punishment.
- The Fourteenth Amendment's right to due process of law, which means that the federal government must grant all of the aforementioned rights to every defendant, and state governments must grant most of them.

In short, criminal defendants have many more protections than do those accused of civil or moral wrongs, because criminal defendants have considerably more to lose through criminal punishment. For the same reason, the burden of proof in a criminal trial is guilt "beyond a reasonable doubt," but in civil trials is only a "preponderance of the evidence." For moral wrongs that are neither criminal nor civil offenses, no burden of proof is necessary because such wrongs are not heard or tried in the American court system.

In order to understand the complexities of criminal law, it is not only important to distinguish different classifications under the criminal law. It is also important to distinguish among crimes, civil offenses, and moral wrongs.

Most people informally define a crime as an act that is deeply wrong, that is worthy of strong community disapproval, and that calls for a punitive sanction.

Formal definitions of crime, in contrast, are stated in the criminal law of federal, state, or local legal systems. A crime is any act or omission that is forbidden by law (or penal code) as a violation of the public interest. Although the actual victim of a crime is often a person, legally the victim is the community. By definition, therefore, a crime involves social harm and requires vindication through a public process. It is prosecuted by government attorneys who represent the community as a whole, not the individual or individuals who have been victimized by the specific offense. A victim may initiate the investigation that leads to prosecution by going to the police, and may aid the prosecution by testifying at the criminal trial, but does not actually prosecute a perpetrator for a criminal act. Thus, criminal cases have names such as State v. Jones or U.S. v. Smith, showing that the defendant is accused of violating the laws of an entire society and must answer in turn to that society.

American criminal law has developed from English common law, which recognized the importance of holding individuals accountable for immoral actions that deserve punishment. What is considered immoral and deserving of punishment, however, can vary considerably depending on the time and culture. Such acts as breaking the Sabbath, smoking (for women), and interracial marriage were once illegal in some American jurisdictions. Therefore, definitions of "immoral" and "deserving of punishment" are extremely flexible, depending on who defines them and when.

An important aspect of crime is punishment. Whereas a person who commits a civil wrong may have to pay damages or perform some specific act to compensate for the wrong, a person convicted of a crime is punished. Punishment can take many forms, all of which carry one essential characteristic that distinguishes criminal from civil wrongdoing in Anglo-American law: the condemnation and stigma that accompanies conviction of a crime. For example, even if a punishment is only a fine, such a fine serves a different purpose than an award of damages in a civil case. The criminal punishment (or sanction) of a fine expresses social disapproval; it is not a method of compensating an individual. Such differences in the nature and aims of civil judgments and criminal sanctions help explain why they are handled through separate court systems.

Answer the following questions (форма контроля: устный фронтальный опрос; письменная работа):

1. For what reasons does the classification of specific conduct as criminal have

significance?

2. Are special rights and protections afforded to those accused of crimes in the United States?

3. What rights and protections are granted to every defendant by some Amendments to the Bill of Rights?

4. Why do criminal defendants have many more protections than those accused of civil or moral wrongs?

5. Why is no burden of proof necessary for moral wrongs that are neither criminal nor civil offenses?

6. What is it important to distinguish in order to understand the complexities of criminal law?

7. How do most people informally define a crime?

8. Where are formal definitions of crime stated?

9. What is a crime according to the formal definitions?

10. What does a crime involve? What does a crime require?

11. How can a victim initiate the investigation that leads to prosecution?

12. In what way may a victim aid the prosecution?

13. What did American criminal law develop from?

14. Why are definitions of actions as “immoral” and “deserving of punishment” extremely flexible?

15. What essential characteristic that distinguishes criminal from civil wrongdoing do all forms of punishment carry?

Тема 6 Criminal law

Study the words before the text. Read and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

1. innocent – невиновный
2. defendant – ответчик, обвиняемый, подсудимый
3. treason – измена, предательство
4. misdemeanor – правонарушение
5. robbery – ограбление
6. embezzlement – растрата, хищение
7. bribery – взяточничество
8. mail fraud – мошенничество по почте
9. gambling – азартная игра

Most court cases fall within one of three major divisions of law: crimes, torts or contracts.

A crime is a public wrong, committed with intent or by negligence, for which the law provides punishment or recompense to society.

A tort is a private wrong against a person or his/her property. Aside from certain limited circumstances, all torts arise from either an intentional, wrongful action or from a negligent action.

American criminal law is primarily codified law, based on statutes and regulations rather than merely on past judicial decisions. The same act or omission may be a crime under both federal law and state law. For instance, murder, a state crime, may also be a federal crime (e.g., a violation of the victim's civil rights) and thus be prosecuted in separate criminal cases in each of the two court systems. (Certain legal doctrines, as well as basic fairness, however, sometimes limit the use of such dual trials.) A fundamental premise of the US criminal justice system is that it is far worse to convict one innocent person than to let many guilty people go free. The procedural guarantees for alleged criminals are thus much greater than for civil defendants. Many, if not most, of these guarantees are found in the state and federal constitutions, particularly the Fourth, Fifth, Sixth, and Eighth Amendments to the U.S. Constitution. Almost all

rights in those amendments have been incorporated into the Fourteenth Amendment's due process clause, thus, criminal procedure is now generally governed by nationwide standards of constitutional interpretation.

The three classes of common law crimes are treason, felonies, and misdemeanors.

Treason against the United States, the only crime defined in the U.S. Constitution, is a comparatively rare charge.

The distinction between a felony and a misdemeanor is usually found within each state's criminal code.

Felonies are more serious crimes, punishable by imprisonment.

Murder (which can carry the death penalty in most states), arson, rape, armed robbery, and tax evasion are felonies.

Misdemeanors are generally punishable only by fines or, at most, a brief stay in the local jail. Simple assault, disorderly conduct, and trespass are usually classified as misdemeanors.

Certain minor offenses, such as violations of city ordinances or traffic regulations, may not even be considered misdemeanors in some jurisdictions (i.e., they are too petty to be labeled as crimes, and are often called "infractions" or "violations").

Three other ways of categorizing crimes are the following:

- White-collar crimes are nonviolent crimes, perpetrated by people in positions of trust, usually against businesses or governments. The examples of white-collar crimes are embezzlement, mail fraud, bribery.
- Organized crimes are committed by groups in the "business" of crime, such as the Mafia.
- Victimless crimes are sometimes considered to have no specific victims (just society as a whole). The examples of victimless crimes are prostitution, gambling, tax evasion

Crimes can also be classified according to whom or what they are committed against: a person, the general public, the home, other property.

Answer the questions (форма контроля: устный фронтальный опрос; письменная работа):

1. What are three major divisions of most court cases?
2. What does the term "tort" mean?
3. What is the American criminal law based on?
4. What kind of crime is public wrong for which the law provides punishment or recompense to society?
5. What is the fundamental premise of the US criminal justice system?
6. How many classes of common law crimes do you know?
7. What is the difference between a felony and a misdemeanor.
8. What examples of white-collar, organized and victimless crimes do you know?
9. How are crimes classified according to whom or what they are committed against?

Complete the following text with the words and phrases, using them in the appropriate form (форма контроля: устный фронтальный опрос; письменная работа).

serious class; death; to be considered; to be; to be not limited to; homicide; illegal narcotics; victim; white-collar crime; to cover; legislatures; to divide; to be charged; manslaughter.

Felonies

At common law, felonies were the most ... of criminal offense and were uniformly punishable by … . All other offenses … misdemeanors and thus were not punishable by death. The modern definition of a felony is any serious crime that … punishable by more than a year of imprisonment or by death. Felonies include, but …, various degrees of …, rape, robbery,

possession or distribution of …, and arson. It is important to understand that a crime does not have to be violent or even be perpetrated against a specific individual … to constitute a felony. For example, …, a term that … several types of felonies relating to dishonesty in commercial matters, is generally nonviolent. Both federal and state … have enacted laws that criminalize other nonviolent acts as well, such as drug crimes.

The majority of modern jurisdictions … felonies into various categories or degrees, in order to treat some offenses as more serious than others. This can be seen in homicide cases, where a person may … with first-degree murder, second-degree murder, voluntary …, or involuntary manslaughter in jurisdictions that make these distinctions.

Тема 7 Commercial law

Read and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

'Commercial Law' is an incredibly broad term that can cover a large variety of more specific fields of law. The main part of this centres around the commercial context, involving companies. This is also a broad term, and can include merchant shipping, insurance, partnerships, manufacture and sale of consumer goods, and any commercial/company related legal disputes. Any part of law that involves companies and the regulation of said companies and the activities in which they engage in will almost undoubtedly require the use of commercial lawyers.

Many countries have also adopted civil codes that contain comprehensive statements of their commercial law, in an effort to curtail the problems that arise when trying to deal with such a complex branch of law. It is also important to always remember that commercial law, like any other area of law, does not exist in a 'vacuum'. Indeed, it intersects with many other practice areas, such as trusts law, tax law, European law and criminal law.

An important question to ask when becoming a lawyer is: who will I be working for? Your clients will typically be commercial organisations, the directors of companies or shareholders.

Being a Commercial Lawyer

Whilst legal skills are on the whole transferrable, each area of law requires something different from someone who practices in that area.

One thing that must be mentioned when discussing this area of law, is that if you are looking to have a career that is based in a lot of advocacy work, this is potentially would not be your best choice. There is a large amount of advisory work and a lot of a commercial barrister's time will be spent in chambers rather than court.

In addition, your wishes and realities for your career in commercial law largely be dependent on what area and firm you decide to work for. Commercial law incorporates such a broad spectrum, that for instance, you may or may not find yourself travelling abroad. What can be guaranteed is that the work will always be different and/or challenging, and you will find yourself working on some interesting transactions and problems.

The variety that one will find in the types of cases cannot be underplayed, and what also must be taken into account is that the cases that you will face will often be complex in nature. For instance, anything to do with fraud and financial matters will not be a straightforward and easy case. It will require a lot of time and high level analysis to be applied to it, in order to get the best results.

Retell the text (форма контроля: устный фронтальный опрос)

Use the verbs in brackets in the proper tense and voice form (форма контроля: устный фронтальный опрос).

1. Public and Private Bills (to pass) through Parliament in much the same way.
2. The power of the Lords (to reject) a Bill (to curtail).

3. Each Member of Parliament (to represent) one of 650 constituencies in the UK.

4. A candidate (to have) to put down a deposit of 500 pounds and (to collect) ten signatures from residents in the constituency where he wants to stand.

5. MPs (to represent) everyone in the constituency, not just the people who voted for them.

6. The Prime Minister (to advise) by a Cabinet of about twenty other ministers.

7. The functions of Parliament(to be): making laws; providing money for the government through taxation; examining government policy, administration and spending; debating political questions.

Тема 8 Intellectual property (IP) law

Read and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

Intellectual property law is the area of law that deals with legal rights to creative works and inventions. It controls who gets to use creations including new products, artistic works and designs. The purpose of intellectual property law is to allow the people who create and invent things to profit from their work. Lawmakers believe that it's fair for creators to profit from their own work product.

Types of intellectual property law

Intellectual property laws concern the ideas people have and the things that people create. It involves both scientific works and creative works. The rules for claiming exclusive rights to a work and the rules for enforcing those rights vary depending on the type of the creation. The areas of intellectual property law include:

Copyright

Copyrights protect an owner's right to their own creative work. Works covered by copyright include print, performances, music, choreography and movies. When you have a copyright, other people can't reproduce your work for their own profit. To receive a copyright, your work must be unique. There must be significant creative work that goes into your production.

Because of international copyright agreements, you don't have to formally register a copyright to have it. However, you can register it. If you do, it's prima facie evidence that you have a copyright on the work. Formal registration allows you to claim attorney fees and statutory damages if someone violates your copyright.

Patents

A patent is the legal right to an original invention. During the term of the patent, no one else can make the product, sell it or distribute it without permission. In the United States, the term of a patent is 20 years.

Asking for patent protection requires careful documentation of the novelty of the invention. You must show that your idea is new. You must be able to carefully describe the patent in sufficient detail so that both government officials and the public can determine what your invention is and what rights you have.

Trademarks

A trademark is a design, symbol, lettering or words that represent a company or product. It's an identifier. A trademark distinguishes your company or product from others.

Like copyrights, you don't have to register a trademark to have it. You can have a trademark just by regularly using a symbol or design to represent your product. However, it's important to register your trademark because registration gives you a legal presumption of ownership.

Unlike a patent, a trademark can last forever. When you have a trademark, you have the exclusive rights to make and sell products that use the trademark. An example of a trademark is the design logo of a sports team. Trademarks play an important part in business, and trademark attorneys help their clients protect their brand.

Intellectual property law changes

With the advent of the digital age, intellectual property law has changed significantly. Enforcement of intellectual property has become more challenging. Abuses of intellectual property rights protections have increased too. The area of law continues to grow and evolve. Intellectual property lawyers are part of this discussion.

Intellectual property law is often international

International property law often raises international issues. When a person creates something in the United States, they may want to preserve their right to profit from the work in another country. Many countries don't have the same intellectual property laws that the United States has. Finding ways to protect client interests abroad can be challenging. Intellectual property lawyers must know international laws, and they must know how to help their clients harness those laws effectively in order to help their clients meet their objectives.

Practicing intellectual property might also involve creating international agreements. For example, international copyright agreements aim to create uniform rules for claiming and enforcing copyrights internationally. Intellectual property lawyers might work on behalf of the government in order to negotiate and draft these agreements.

Retell the text (форма контроля: устный фронтальный опрос)

Put questions to the underlined (форма контроля: устный фронтальный опрос; письменная работа).

1. NSA surveillance has been a matter of political controversy on several occasions, such as its spying on anti-Vietnam war leaders or economic espionage.
2. The National Security Agency is an intelligence organization of the United States government, responsible for global monitoring, collection, and processing of information and data for foreign intelligence and counterintelligence purposes, a discipline known as signals intelligence.
3. NSA is entrusted with assistance to and coordination of SIGINT elements at other government organizations.
4. The NSA's secret surveillance program was revealed to the public by Edward Snowden.
5. The NSA intercepts the communications of over a billion people worldwide, many of whom are American citizens, and tracks the movement of hundreds of millions of people using cellphones.
6. It was officially formed as the NSA by President Harry S. Truman in 1952.
7. The NSA Director serves as the Commander of the United States Cyber Command and as Chief of the Central Security Service.

Тема 9 Company law

ead and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

Corporate law refers to the laws, rules, and regulations that pertain to corporations. The laws involved regulate the rights and obligations involved with the business activities of a corporation, including formation, ownership, operation, and management.

Corporations are unique in that they're seen as completely separate entities in the eyes of the law. Although they can be made up of large groups of people (investors, owners, employees), corporations are treated as a single entity, meaning the laws deal with the business directly rather than the people within it. Essentially, the corporation is treated as a person.

What is a corporation?

To better understand the laws associated with corporations, let's define the term.

A corporation is a company or group of people that act as a separate legal entity to conduct business. When someone owns shares of a corporation, they have limited liability. This

means they are only responsible for the money they put into the business. If the business fails, they only lose the amount they invested and are not personally liable for the company's debts.

Incorporating a business

A business gains corporation status when it incorporates, which is a legal process that separates the business' assets from its owners and investors personal assets. Most businesses decide to incorporate because it protects their personal assets, allows for easy transfers of ownership, lowers the tax rate, and makes it easier to raise capital.

Purpose of corporate laws

Corporations are famous for raking in large amounts of money and holding a decent amount of power in a particular market. As they become more profitable and powerful, corporations can start to monopolize markets, meaning they become the exclusive provider of a particular trade, product, or service.

Corporate laws might seem as if they are in place to add hoops for corporations to jump through to do business. It is actually quite the opposite. Corporate laws are in place to maintain a fair market so new businesses can enter and compete with others. They keep all corporations on an even playing field by outlawing overly unpredictable business activities and behavior.

Corporate lawyers

Corporate lawyers work with corporations to make sure all of their transactions are legal by providing advice on their rights and obligations. Essentially, they work to make sure corporations are making decisions that provide the most benefit while remaining legal.

Corporate lawyers need to have extensive knowledge in contract law, tax law, intellectual property rights, bankruptcy, and any other branches of law that might affect the activities that a particular business is conducting. Because these areas of expertise are extensive, and the needs of a corporation in terms of abiding by the law are significant, they usually find the help they need at medium or large law firms. These firms have the resources and diverse talent that corporations need.

Retell the text (форма контроля: устный фронтальный опрос)

Make up sentences using the following words and word-combinations (форма контроля: устный фронтальный опрос; письменная работа):

1. can result in, incarceration, criminal defendant, criminal case, guilt, vindication.
2. the U.S. Constitution, amendment, to require, protection, double jeopardy, excessive bail, excessive fines, to have.
3. to accuse, civil wrong, to commit, burden of proof, evidence, witness, cross-examination, to be.
4. act, omission, to state, penal code, to forbid, public process, public interest, victim.
5. wrongful act, breach of trust, to commit, to sue in civil court, consequence, to consider.
6. drug crime, punishment, illegal, to charge, to be prosecuted, criminal proceeding, to lead.
7. to recognize, violation of the public interest, community, English common law, criminal law of federal, local legal systems, individual person, tort, moral wrong, to distinguish, to develop.
8. morally bad, to punish, to prohibit, jurisdiction, to require, civil remedy, social harm, to qualify.
9. felony, to be punishable by, serious, imprisonment, death, several years, white-collar crime, misdemeanor, petty offense, violation, to involve, fine, penalty.

Тема 10 Employment law

Read and translate the text (форма контроля: устный фронтальный опрос;

письменная работа).

Employment law is the collection of laws and rules that regulate relationships between employers and employees. Employment laws say when an employer can hire employees and when the employees can work. The laws cover what an employer must pay the employee for their work. They create minimum requirements for working conditions for employees.

Following employment law

When an employer wants to hire someone, there's a lot they have to know. There are minimum wage laws that require the employer to pay a certain amount. There are laws that prohibit the employer from discriminating against applicants or employees based on certain characteristics. Employers must provide a safe working environment. In some cases, they must provide health insurance options. Employers must collect and submit payroll taxes on behalf of the employee.

Employers often don't even know what they don't know. With so many regulations to comply with, employers are often overwhelmed. U.S. labor laws have developed throughout American history. They're not all in one place. Employers turn to lawyers to help them follow the law.

At the same time, employees want labor laws enforced. They may need help from an employment lawyer to understand what the laws are and whether their employer has violated the law. They might turn to an employment lawyer to help them enforce the law when their employer hasn't followed it.

Retell the text (форма контроля: устный фронтальный опрос)

Insert prepositions where necessary (форма контроля: устный фронтальный опрос)**.**

1. The classification ... specific conduct as criminal has significance … two reasons.
2. Criminal defendants have many more protections than do those accused … civil or moral wrongs.
3. For the same reason, the burden … proof in a criminal trial is guilt "beyond a reasonable doubt," but … civil trials is only a "preponderance … the evidence."
4. It is also important to distinguish … crimes, civil offenses, and moral wrongs.
5. Formal definitions … crime are stated … the criminal law … federal, state, or local legal systems.
6. A victim may initiate the investigation that leads … prosecution … going … the police
7. American criminal law has developed … English common law, which recognized the importance … holding individuals accountable … immoral actions that deserve punishment.
8. The criminal punishment … a fine expresses social disapproval; it is not a method … compensating an individual.
9. If a punishment is only a fine, such a fine serves a different purpose than an award … damages … a civil case.

Тема 11 Litigation and arbitration

Read and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

Definition of Arbitration

Arbitration can be described as the private method of adjudication of disputes, wherein the parties seeking a settlement, mutually select one or more independent and unbiased persons as arbitrator. The arbitrator studies the situation and listens to the arguments and evidence of the parties, to make recommendations on the case, which is considered as final and binding upon the parties concerned.

Arbitration is one of the methods of alternative dispute resolution, which can be possible only with the consent of the disputing parties, which is contained in an agreement called as an arbitration agreement. The agreement must be in writing and specifically express the will of the parties to arbitrate the dispute.

Definition of Litigation

By the term ‘litigation’, we mean going to court for settling the dispute between or among parties. It is a legal proceeding initiated between the opposing parties, with the aim of enforcing or defending the legal right.

In this process, the case is brought to the court, wherein the judge (appointed by the court to act as the litigator) gives his/her verdict on the issue after considering the all the arguments, evidence and facts presented by the lawyers of the parties. If the parties do not agree with the decisions of the court, they can appeal to a superior court for getting justice, provided certain conditions are fulfilled.

Retell the text (форма контроля: устный фронтальный опрос)

Translate and reproduce the dialogue. Work in pairs (форма контроля: устный фронтальный опрос).

A.: I haven’t seen you for ages. Where have you been?

B.: Я живу в Москве уже 3 года и учусь в юридическом институте. У меня много друзей, которые учатся в МЮИ и будут юристами. Я тоже хочу стать юристом.

A.: I have many friends at the Far-Eastern Institute of Administration. They are future lawyers too. Why is the profession of a lawyer so popular among the young people?

B.: Я полагаю, эта профессия популярна сейчас среди молодых людей, потому что она интересная и важная. Каждый юрист должен защищать не только интересы государства, но и права граждан, справедливость и законность. Вы сможете помочь людям в трудную минуту.

A.: Where can law specialists work?

B.: Выпускник юридического факультета или института может работать юристом в различных учреждениях. Он может работать в суде, прокуратуре, адвокатуре, нотариальной конторе, на предприятии, в государственном арбитраже, в органах МВД. Повсюду много работы.

A.: What place of work and legal occupation would you like to have?

B.: Что касается меня, я хочу стать судьей. Я понимаю, что эта трудная профессия. Судья в суде должен осуществлять правосудие, изучить дело, обобщить доказательства, вести правильно суд, вынести справедливое решение и приговор. Знание законов очень существенно, и я знаю, что судья должен быть терпеливым, трудолюбивым, квалифицированным специалистом.

Тема 12 International law

Read and translate the text (форма контроля: устный фронтальный опрос; письменная работа).

International law is the set of rules, agreements and treaties that are binding between countries. When sovereign states enter into agreements that are binding and enforceable, it’s called international law. Countries come together to make binding rules that they believe benefit their citizens. International laws promote peace, justice, common interests and trade.

International laws apply to governments. It’s up to each state government to implement and follow international laws. A country’s laws apply to citizens and other people that are present in the country. However, it’s up to the country’s governing authority to apply international law and keep their agreements with the other countries that are involved.

What does international law involve?

International law might address and regulate any of the following issues:

- Human rights
- Treatment of refugees
- Prosecution for international crimes
- Arms agreements and controls
- How states can claim new territories
- Regulating common spaces like water and outer space
- Trade between states
- Preventing war
- When it's okay for a state to use force
- Fair treatment of prisoners
- Preserving the environment

International law and state sovereignty

One of the complex issues in international law is the issue of sovereignty. That's the idea that the state is supreme, and that a state isn't subject to the rules of any other country or body. It's the idea that one country can't tell another country what to do. State sovereignty is a relatively new concept in history that rose as more governments organized themselves into states in the 18th and 19th centuries.

Retell the text (форма контроля: устный фронтальный опрос)

Answer the question: What is International Law? (форма контроля: устный фронтальный опрос)

Устный фронтальный опрос проводится в рамках изучаемой темы по видам деятельности – чтение, говорение, письмо.

Устный опрос оценивается следующим образом:

- без замечаний – 10 б.;
- присутствовал, выполнил задания с замечаниями – 7-9 б.;
- присутствовал на занятии, неверно выполнял задания – до 6 б.;
- пассивно присутствовал на занятии – 1 б.;
- не присутствовал на занятии – 0 баллов.

Письменная работа проводится в рамках изучаемой темы.

Письменная работа оценивается следующим образом:

- без замечаний – 10 б.;
- выполнил задания с незначительными замечаниями – 9 б.;
- выполнил задания с замечаниями – 6-8 б.;
- выполнил задания не в полном объеме – 2-5 б.;
- неверно выполнил задания – 1 б.
- не предоставил работу – 0 б.

Промежуточный контроль знаний осуществляется по результатам сдачи экзамена по пройденному курсу. Ответы на экзамене оцениваются по балльной шкале оценки знаний по следующим критериям:

«30» баллов (оценка «5») – ответы даны на все вопросы полно и правильно; приведены примеры; ответы на дополнительные вопросы даны правильно;

«20» баллов (оценка «4») – ответы даны на все вопросы в целом правильно; примеры не приведены или не на все дополнительные вопросы даны верные ответы;

«10» баллов (оценка «3») – ответы даны на половину вопросов правильно;

«0» баллов (оценка «2») – ответы на вопросы не даны или даны неправильно.

Процедура проведения экзамена установлена в соответствии с Регламентом по проведению промежуточной аттестации с применением балльно-рейтинговой системы

оценки знаний обучающихся в Дальневосточном институте управления – филиале РАНХиГС.

Максимальное количество баллов, которые может набрать обучаемый в рамках изучения дисциплины равно 100 баллов, при этом 70 баллов приходится на текущую аттестацию и 30 баллов - на промежуточную аттестацию (экзамен).

Шкала соответствия между баллами (процентами), выставляемыми по многобалльной (процентной) системе, и отметками четырехбалльной системы оценки знаний

Наименование отметки	**Сумма баллов (процентов)**
«отлично»	91-100
«хорошо»	75-90
«удовлетворительно»	60-74
«неудовлетворительно»	0-59

5. Оценочные материалы промежуточной аттестации по дисциплине

5.1 Промежуточная аттестация проводится в следующей форме и с применением следующих методов (средств):

Промежуточная аттестация проводится в форме зачета (3 семестр) и экзамена (4 семестр)

Зачет проводится с применением следующих средств: опрос по темам, пройденных за семестр. **Экзамен проводится с применением следующих средств:** вопросы по устным разговорным темам; письменная работа (грамматика, лексика). Ответы на экзамене оцениваются следующим образом:

1. Грамматика (10 упражнений).
   Максимальное количество баллов 10 – по 1 баллу за каждое упражнение, выполненное правильно.
2. Лексика
   Максимальное количество баллов 10.
   - владение менее 10% активной лексикой – 0 баллов;
   - владение 10-14% активной лексики – 1 балл;
   - владение 15-20% активной лексики – 2 балла;
   - владение 21-30% активной лексики – 3 балла;
   - владение 31-40% активной лексики – 4 балла;
   - владение 41-50% активной лексики – 5 баллов;
   - владение 51-60% активной лексики – 6 баллов;
   - владение 61-70% активной лексики – 7 баллов;
   - владение 71-80% активной лексики – 8 баллов;
   - владение 81-90% активной лексики – 9 баллов;
   - владение 91-100% активной лексики – 10 баллов;
3. Монологическое высказывание по устной теме.
   Максимальное количество баллов 10.
   - без замечаний – 10 баллов;
   - незначительные стилистические замечания – до 8 баллов;
   - стилистические и смысловые ошибки, монолог неполный – до 6 баллов;
   - стилистические и смысловые ошибки, монолог неполный, не отвечает на вопросы преподавателя – до 3 баллов;
   - нет монолога – 0 баллов.

5.2 Оценочные материалы промежуточной аттестации

Компонент компетенции	Промежуточный/ ключевой индикатор оценивания	Критерий оценивания
УК ОС-4.4	Оценивает эффективность использования ресурсов русского и иностранного языков с точки зрения решаемой коммуникативной и профессиональной задачи	При ответе обучающийся показал уверенное понимание изучаемого материала. Учебные достижения в семестровый период демонстрируют высокий уровень овладения программным материалом и навыками осуществления коммуникативной деятельности. Корректно использует языковых средств в устной и письменной формах. Обладает навыками адаптации речи, стиля общения и языковых средств к ситуациям взаимодействия.
		на уровне знаний: значение делового иностранного языка как фактора успешного профессионального развития юриста; логико-структурные и стилистические правила построения устного и письменного высказывания на изучаемом иностранном языке; нормы речевого этикета в деловой сфере.
		на уровне умений *(типовые действия выполняются по заданному алгоритму)*: преодолевать фонетическую, грамматическую и лексическую интерференцию родного и иностранного языков в процессе построения и восприятия высказывания; формулировать цели и задачи делового общения, выбирать адекватные им языковые средства построения высказывания.
		на уровне навыков *(типовые действия выполняются автоматически, без воспроизведения алгоритма):* соблюдать общие нормы вежливости и нормы делового этикета в процессе коммуникативного взаимодействия; осуществлять поиск профессионально значимой информации в иноязычной литературе и иноязычном секторе сети Интернет; получать, интерпретировать и использовать страноведческую информацию, необходимую для осуществления успешной деловой коммуникации.
УК ОС-4.5	Использует коммуникативные ресурсы русского и иностранного языков в зависимости от решаемой коммуникативной и профессиональной задачи	При ответе обучающийся показал уверенное понимание изучаемого материала. Учебные достижения в семестровый период демонстрируют высокий уровень овладения программным материалом и навыками осуществления коммуникативной деятельности. Корректно использует языковых средств в устной и письменной формах для достижения коммуникативных задач. Обладает навыками адаптации речи, стиля общения и языковых средств к ситуациям взаимодействия, выбора стиля общения в зависимости от цели и условий партнерства.
		на уровне знаний: значение делового иностранного языка как фактора успешного профессионального развития юриста; логико-структурные и стилистические правила построения устного и письменного высказывания на изучаемом иностранном языке; нормы речевого этикета в деловой сфере; правила использования официально-деловой лексики, общеупотребительную бизнес-терминологию.
		на уровне умений *(типовые действия выполняются по заданному алгоритму)*: преодолевать фонетическую, грамматическую и лексическую интерференцию родного и иностранного языков в процессе построения и восприятия высказывания; формулировать цели и задачи делового общения, выбирать адекватные им языковые средства построения высказывания; анализировать предмет общения, ситуацию общения, коммуникативное поведение собеседника, строить собственные высказывания с учетом данных факторов; организовывать деловое общение на иностранном языке, управлять им, преодолевать коммуникативные

Компонент компетенции	Промежуточный/ ключевой индикатор оценивания	Критерий оценивания
		барьеры.
		на уровне навыков *(типовые действия выполняются автоматически, без воспроизведения алгоритма):* соблюдать общие нормы вежливости и нормы делового этикета в процессе коммуникативного взаимодействия; осуществлять поиск профессионально значимой информации в иноязычной литературе и иноязычном секторе сети Интернет; получать, интерпретировать и использовать страноведческую информацию, необходимую для осуществления успешной деловой коммуникации; постоянно повышать собственную лингвистическую компетентность, используя словари, справочники и пособия по иностранному языку.
ОПК-6.3	Формирует правовую позицию по делу в точном соответствии с законом	При ответе обучающийся показал уверенное понимание изучаемого материала. Учебные достижения в семестровый период демонстрируют высокий уровень овладения программным материалом и навыками осуществления коммуникативной деятельности. Корректно использует языковых средств в устной и письменной формах. Обладает навыками адаптации речи, стиля общения и языковых средств к ситуациям взаимодействия.
		на уровне знаний: ролевые характеристики и правила коммуникативного поведения в рамках основных жанров деловой профессиональной коммуникации.
		на уровне умений *(типовые действия выполняются по заданному алгоритму)*: осуществлять коммуникативное взаимодействие на иностранном языке по юридической тематике; осуществлять деловую иноязычную коммуникацию в рамках основных видов речевой деятельности (говорения, аудирования, чтения и письма).
		на уровне навыков *(типовые действия выполняются автоматически, без воспроизведения алгоритма):* владеть навыками профессиональной речи, применять их для беседы на профессиональные темы; владеть базовыми навыками публичной речи на иностранном языке, применять их для беседы на профессиональные темы.
ОПК-6.4	Формирует правовую позицию по делу в точном соответствии с законом, использует приемы и способы юридической аргументации и профессиональную юридическую лексику	При ответе обучающийся показал уверенное понимание изучаемого материала. Учебные достижения в семестровый период демонстрируют высокий уровень овладения программным материалом и навыками осуществления коммуникативной деятельности. Корректно использует языковых средств в устной и письменной формах для достижения коммуникативных задач. Обладает навыками адаптации речи, стиля общения и языковых средств к ситуациям взаимодействия, выбора стиля общения в зависимости от цели и условий партнерства.
		на уровне знаний: коммуникативные характеристики и правила профессионального (юридического) коммуникативного поведения.
		на уровне умений *(типовые действия выполняются по заданному алгоритму)*: осуществлять профессиональное (юридическое) коммуникативное взаимодействие на иностранном языке по юридической тематике; осуществлять деловую профессиональную иноязычную.
		на уровне навыков *(типовые действия выполняются автоматически, без воспроизведения алгоритма):* владеть навыками профессиональной юридической речи, применять их для беседы на профессиональные темы; владеть навыками

Компонент компетенции	Промежуточный/ ключевой индикатор оценивания	Критерий оценивания
		публичной речи на иностранном профессиональном языке.

5.3.Типовые оценочные материалы промежуточной аттестации

5.3.1 Рекомендуемые вопросы для зачета по дисциплине (примерные)

- Лексика.

Лексические единицы и словосочетания в рамках следующей тематики: What is Law; A career in law; Constitutional law; Contract law; Tort law; Criminal law.

- Речевая практика.

Темы устных монологических высказываний

Тема 1 What is Law.

Тема 2 A career in law.

Тема 3 Constitutional law.

Тема 4 Contract law.

Тема 5 Tort law.

Тема 6 Criminal law.

Рекомендуемые вопросы для устного опроса на аттестации:

Вопросы к зачету (3 семестр)

1. Which course do law students in the UK have to take?
2. Which optional course might a student who wants to work in a big law firm take?
3. What type of law firm would you like to work with?
4. What is necessary for a valid contract to be formed?
5. Which remedies following a breach of contract do you know?
6. What types of contract do you know?
7. What are the requirements of an offer?
8. What are the requirements of an acceptance?
9. What are two main objectives of the tort law?
10. What are the differences between tort law and criminal law?
11. Give an example of a frivolous lawsuit.
12. What types of torts do you know?
13. Name the four most common categories of criminal offence.
14. What types of punishments are available to the courts to punish an offender?
15. What types of white-collar crimes do you know?

5.3.2 Рекомендуемые вопросы для экзамена по дисциплине (примерные)

What is Law?

Why did you make up your mind to become a lawyer?

Did anybody advice you to choose a career?

What is the most attractive thing in the legal profession: salary, protection of society and individuals, prestige?

How does the American Constitution separate the powers of the government?

Has the text of the Constitution ever been changed? How did it become possible?

Does any governmental organ or official in the US have the ultimate power? Why?

What is the Bill of Rights?

What is the difference between the American Constitution and the Bill of Rights?

What is the difference between the constitutions of the UK and the US?

Why cannot a buyer demand to buy goods on display in a shop if the seller refuses to sell them?

At what point do an offer and acceptance take place when you buy things in a supermarket?

Why is it dangerous to bargain over the price if you are really anxious to buy the thing in question?

Why are gratuitous promises not enforceable?

What is the difference between void and voidable contracts? Give examples of each.

What is the advantage of an objective test in establishing legal intent?

How can legal intent be removed from or included into an agreement?

For what reasons does the classification of specific conduct as criminal have significance?

Are special rights and protections afforded to those accused of crimes in the United States?

What rights and protections are granted to every defendant by some Amendments to the Bill of Rights?

Why do criminal defendants have many more protections than those accused of civil or moral wrongs?

Why is no burden of proof necessary for moral wrongs that are neither criminal nor civil offenses?

What is it important to distinguish in order to understand the complexities of criminal law?

How do most people informally define a crime?

Where are formal definitions of crime stated?

What is a crime according to the formal definitions?

What does a crime involve? What does a crime require?

How can a victim initiate the investigation that leads to prosecution?

In what way may a victim aid the prosecution?

What did American criminal law develop from?

Why are definitions of actions as “immoral” and “deserving of punishment” extremely flexible?

What essential characteristic that distinguishes criminal from civil wrongdoing do all forms of punishment carry?

What are three major divisions of most court cases?

What does the term “tort” mean?

What is the American criminal law based on?

What kind of crime is public wrong for which the law provides punishment or recompense to society?

What is the fundamental premise of the US criminal justice system?

How many classes of common law crimes do you know?

What is the difference between a felony and a misdemeanor.

What examples of white-collar, organized and victimless crimes do you know?

How are crimes classified according to whom or what they are committed against?

What is International Law?

Шкала оценивания

Оценивание обучающегося на экзамене по дисциплине

Оценка	Критерии оценки
«Отлично»	знает более 90% тематического вокабуляра; владеет изученным грамматическим и лексическим материалом в максимальном объеме, позволяющем успешно осуществлять профессиональное взаимодействие на иностранном языке; - умеет читать и переводить аутентичную литературу

	профессиональной направленности, допускает не более одной смысловой ошибки при интерпретации содержания текста.
«Хорошо»	знает более 70% тематического вокабуляра; владеет изученным грамматическим и лексическим материалом в объеме, позволяющем успешно осуществлять профессиональное взаимодействие на иностранном языке; - умеет читать и переводить аутентичную литературу профессиональной направленности, допускает не более двух смысловых ошибок при интерпретации содержания текста.
«Удовлетворительно»	знает более 40% тематического вокабуляра; - делает большое количество лексических и грамматических ошибок, не препятствующих пониманию общей идеи высказывания.
«Неудовлетворительно»	знает менее 40% тематического вокабуляра; - делает большое количество лексических и грамматических ошибок, препятствующих пониманию общей идеи высказывания

Оценивание обучающегося на зачете по дисциплине

Оценка	Критерии оценки
«Зачтено»	знает иноязычную лексику профессионального общения, характерные для профессионального общения речевые клише и грамматические конструкции; умеет строить высказывания на иностранном языке в рамках основных жанров профессиональной коммуникации; владеет навыком ведения устной и письменной профессиональной коммуникации на иностранном языке с соблюдением лексических, грамматических и стилистических норм.
«Незачтено»	не знает иноязычную лексику профессионального общения, характерные для профессионального общения речевые клише и грамматические конструкции; не умеет строить высказывания на иностранном языке в рамках основных жанров профессиональной коммуникации; не владеет навыком ведения устной и письменной профессиональной коммуникации на иностранном языке с соблюдением лексических, грамматических и стилистических норм.

6. Методические материалы по освоению дисциплины

Учебная цель. Овладение основами иноязычного общения, в процессе которого осуществляется воспитание, развитие и образование личности. Практическое владение иностранным языком в рамках данного курса предполагает наличие таких умений в различных видах речевой коммуникации, которые дают возможность:

• свободно читать литературу на иностранном языке в соответствующей отрасли знаний; оформлять извлеченную из иностранных источников информацию в виде перевода или резюме;

• делать сообщения и доклады на иностранном языке на общие и профессиональные темы.

В задачи учебного курса «иностранный язык» входит формирование знаний основ иностранного языка, навыков и умений по иностранному языку в различных видах речевой коммуникации.

6.1 Методические указания для обучающихся по подготовке к письменной работе (перевод, письменные грамматические упражнения).

Перевод. Письменный перевод с иностранного языка на язык обучения используется как средство овладения иностранным языком, как прием развития умений и навыков чтения, как наиболее эффективный способ контроля полноты и точности понимания. Для формирования определенных непрофессиональных навыков перевода необходимы некоторые сведения, как об особенностях научного функционального стиля, так и по теории перевода. Понятие перевода: эквивалент и аналог, переводческие трансформации; компенсация потерь при переводе; контекстуальные замены; многозначность слов, словарное и контекстное значение слова; совпадение и расхождение значения интернациональных слов («ложные друзья» переводчика) и т.п.

Грамматика. Программа предполагает знание и практическое владение грамматическим минимумом по иностранному языку. При углублении и систематизации знаний грамматического материала, необходимого для чтения и перевода текста, основное внимание уделяется средствам выражения и распознавания главных членов предложения; определению границ членов предложения (синтаксическое членение предложения); сложным синтаксическим конструкциям, типичным для стиля научной речи; оборотам на основе неличных глагольных форм; пассивным конструкциям; многоэлементным определениям (атрибутным комплексам), усеченным грамматическим конструкциям (бессоюзным придаточным и т.п.); эмфатическим и инверсионным структурам; средствам выражения смыслового (логического) центра предложения и модальности. Первостепенное значение имеет овладение особенностями и приемами перевода указанных явлений.

6.2 Методические указания для обучающихся по подготовке к устному фронтальному опросу

Опросы по темам проводятся в части проверки и уяснения основных правовых понятий и категорий. При подготовке к опросу, обучающийся должен изучить вопросы для самостоятельной подготовки к практическим занятиям, составить краткий конспект ответа на каждый из представленных вопросов.

6.3 Вопросы для самостоятельной подготовки к практическим занятиям обучающихся очной и заочной формы обучения

1. Which course do law students in the UK have to take?
2. Which optional course might a student who wants to work in a big law firm take?
3. What type of law firm would you like to work with?
4. What is necessary for a valid contract to be formed?
5. Which remedies following a breach of contract do you know?
6. What types of contract do you know?
7. What are the requirements of an offer?
8. What are the requirements of an acceptance?
9. What are two main objectives of the tort law?
10. What are the differences between tort law and criminal law?
11. Give an example of a frivolous lawsuit.
12. What types of torts do you know?
13. Name the four most common categories of criminal offence.
14. What types of punishments are available to the courts to punish an offender?
15. What is Law?
16. Why did you make up your mind to become a lawyer?
17. Did anybody advice you to choose a career?
18. What is the most attractive thing in the legal profession: salary, protection of society and individuals, prestige?
19. How does the American Constitution separate the powers of the government?
20. Has the text of the Constitution ever been changed? How did it become possible?

21. Does any governmental organ or official in the US have the ultimate power? Why?
22. What is the Bill of Rights?
23. What is the difference between the American Constitution and the Bill of Rights?
24. What is the difference between the constitutions of the UK and the US?
25. Why cannot a buyer demand to buy goods on display in a shop if the seller refuses to sell them?
26. At what point do an offer and acceptance take place when you buy things in a supermarket?
27. Why is it dangerous to bargain over the price if you are really anxious to buy the thing in question?
28. Why are gratuitous promises not enforceable?
29. What is the difference between void and voidable contracts? Give examples of each.
30. What is the advantage of an objective test in establishing legal intent?
31. How can legal intent be removed from or included into an agreement?
32. For what reasons does the classification of specific conduct as criminal have significance?
33. Are special rights and protections afforded to those accused of crimes in the United States?
34. What rights and protections are granted to every defendant by some Amendments to the Bill of Rights?
35. Why do criminal defendants have many more protections than those accused of civil or moral wrongs?
36. Why is no burden of proof necessary for moral wrongs that are neither criminal nor civil offenses?
37. What is it important to distinguish in order to understand the complexities of criminal law?
38. How do most people informally define a crime?
39. Where are formal definitions of crime stated?
40. What is a crime according to the formal definitions?
41. What does a crime involve? What does a crime require?
42. How can a victim initiate the investigation that leads to prosecution?
43. In what way may a victim aid the prosecution?
44. What did American criminal law develop from?
45. Why are definitions of actions as “immoral” and “deserving of punishment” extremely flexible?
46. What essential characteristic that distinguishes criminal from civil wrongdoing do all forms of punishment carry?
47. What are three major divisions of most court cases?
48. What does the term “tort” mean?
49. What is the American criminal law based on?
50. What kind of crime is public wrong for which the law provides punishment or recompense to society?
51. What is the fundamental premise of the US criminal justice system?
52. How many classes of common law crimes do you know?
53. What is the difference between a felony and a misdemeanor.
54. What examples of white-collar, organized and victimless crimes do you know?
55. How are crimes classified according to whom or what they are committed against?
56. What is International Law?

7. Учебная литература и ресурсы информационно-телекоммуникационной сети "Интернет"

7.1 Основная литература

1. Английский язык для юристов (A2–B2) : учебник для вузов / М. А. Югова, Е. В. Тросклер, С. В. Павлова, Н. В. Садыкова ; под редакцией М. А. Юговой. – 2-е изд., перераб. и доп. – Москва : Издательство Юрайт, 2023. – 522 с. – (Высшее образование). – ISBN 978-5-534-13600-5. – Текст : электронный // Образовательная платформа Юрайт [сайт]. – URL: https://urait.ru/bcode/511433.

2. Английский язык для юристов. English in Law : учебник для вузов / С. Ю. Рубцова, В. В. Шарова, Т. А. Винникова, О. В. Пржигодзкая ; под общей редакцией С. Ю. Рубцовой. – Москва : Издательство Юрайт, 2023. – 213 с. – (Высшее образование). – ISBN 978-5-534-02815-7. – Текст : электронный // Образовательная платформа Юрайт [сайт]. – URL: https://urait.ru/bcode/510955.

3. Ступникова, Л. В. Английский язык для юристов (Learning Legal English) : учебник и практикум для вузов / Л. В. Ступникова. – 3-е изд., испр. и доп. – Москва : Издательство Юрайт, 2023. – 403 с. – (Высшее образование). – ISBN 978-5-534-10358-8. – Текст : электронный // Образовательная платформа Юрайт [сайт]. – URL: https://urait.ru/bcode/510945.

7.2 Дополнительная литература

1. Александрова, Е. М. Английский язык для международников (B1-C1) : учебное пособие для вузов / Е. М. Александрова. – Москва : Издательство Юрайт, 2023. – 241 с. – (Высшее образование). – ISBN 978-5-534-14776-6. – Текст : электронный // Образовательная платформа Юрайт [сайт]. – URL: https://urait.ru/bcode/520295.

2. Макарова, Е. А. Английский язык для юристов и сотрудников правоохранительных органов (A1-B1) : учебное пособие для вузов / Е. А. Макарова. – Москва : Издательство Юрайт, 2023. – 161 с. – (Высшее образование). – ISBN 978-5-534-08711-6. – Текст : электронный // Образовательная платформа Юрайт [сайт]. – URL: https://urait.ru/bcode/512740.

7.3 Интернет-ресурсы

1. ЭБС «ЛАНЬ» – http://www.e.lanbook.com.
2. ЭБС «ЮРАЙТ» – http://www.biblio-online.ru.
3. ЭБС «Ай пи эр букс» – http://www.iprbookshop.ru.
4. Электронная библиотека ДВИУ РАНХиГС – http://biblio.dvags.ru
5. Научная электронная библиотека eLIBRARY – http://www.elibrary.ru.
6. Электронная библиотека издательского дома «Гребенников» – http://www.grebennikov.ru.

8. Материально-техническая база, информационные технологии, программное обеспечение и информационные справочные системы

Адрес	Наименование оборудованных учебных кабинетов	Оснащенность оборудованных учебных кабинетов, перечень программного обеспечения

680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Учебные аудитории для проведения занятий лекционного типа, занятий семинарского типа, курсового проектирования (выполнения курсовых работ), практик, групповых и индивидуальных консультаций, текущего контроля и промежуточной аттестации.	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Специализированные аудитории, оборудованные для проведения занятий по информационным технологиям (компьютерные классы)	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, доска маркерная, учебные пособия, тренажеры и другие средства и оборудование. Аудитории обеспечены компьютерной техникой с возможностью подключения к сети «Интернет» и электронной информационно-образовательной среде организации. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение, справочно-правовая система «Консультант плюс», информационно-справочная система «Кодекс», Any Logic University, KNIME (Open Source программное обеспечение с открытым исходным кодом), Gretl, Statgraphics Centurion XV Academic Pro, 1С Предприятие 8 для учебных заведений, Eviews Academic, Adobe Photoshop
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Учебные аудитории для самостоятельной работы обучающихся	Специализированная мебель для организации рабочих мест обучающихся, технические средства обучения, мультимедийное оборудование, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Специализированная аудитория, оборудованная для проведения занятий по криминалистике / кабинет криминалистики	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, доска маркерная, макеты, реактивы, раздаточные методические материалы и наглядные пособия, реквизит к осмотру места происшествия, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.

680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Учебный зал судебных заседаний	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, доска маркерная, атрибуты, отражающие судебную символику (судебная мантия, герб и флаг Российской Федерации), молоток судьи, клетка для подсудимого, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33, Точка кипения	Центр (класс) деловых игр	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, учебно-наглядные пособия, доска маркерная, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Специальная библиотека (библиотека ограниченного доступа) /	Помещение для самостоятельной работы обучающихся. Специализированная мебель для организации рабочих мест обучающихся, технические средства обучения, мультимедийное оборудование. Читальный зал научной библиотеки оснащен компьютерной техникой с возможностью подключения к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Кабинет иностранных языков	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, доска маркерная, макеты, наглядные учебные пособия, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Криминалистический полигон	Оборудован специальными средствами и другими материально-техническими средствами для осуществления специальной подготовки обучающихся, манекен человека. Укомплектован переносным мультимедийным оборудованием, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.

680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Помещение для студенческой правовой консультации (юридическая клиника)	Помещение укомплектовано специализированной мебелью и переносным мультимедийным оборудованием, доступ к сети «Интернет» и электронной информационно-образовательной среде.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Научно-исследовательская лаборатория	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, доска маркерная, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Помещения для научно-исследовательской работы	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, доска маркерная, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Актовый зал	Специализированная мебель для организации рабочих мест обучающихся и преподавателя, технические средства обучения, мультимедийное оборудование, доступ к сети «Интернет» и электронной информационно-образовательной среде. Программное обеспечение: Microsoft Windows, пакет Microsoft office, антивирусное программное обеспечение.
680000, Хабаровский край, г. Хабаровск, ул. Муравьева-Амурского, д.33	Спортивный зал	Спортивный инвентарь