

МИНИСТЕРСТВО ОБРАЗОВАНИЯ И НАУКИ РОССИЙСКОЙ ФЕДЕРАЦИИ  
ФЕДЕРАЛЬНОЕ ГОСУДАРСТВЕННОЕ БЮДЖЕТНОЕ ОБРАЗОВАТЕЛЬНОЕ  
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## **АНГЛИЙСКИЙ ЯЗЫК ДЛЯ ЮРИСТОВ**

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Пособие состоит из 12 разделов, включающих материал по правовой тематике и знакомящих студентов с лексико-грамматическими особенностями функционального стиля юриспруденции. Целью данного пособия является развитие и совершенствование речевых навыков и умений студентов в профессиональной для них сфере коммуникации. Пособие также содержит тестовые задания, позволяющие осуществлять контроль усвоения студентами новой информации, и тексты для дополнительного чтения, способствующие расширению словарного запаса и знаний фактического материала в сфере юриспруденции.

Предназначено для студентов, обучающихся по направлению «Юриспруденция» очного и заочного отделений.

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## LAWYER

**1. Read and translate the following groups of words with the common root:**

*Law – lawbook – lawful – lawfulness – lawless – lawlessness*

*Theory – theoretical – theoretically – theorist – theorize – theorem*

*Practice – practical – practicality – practically – unpractical*

*Stable – stability – stabilization – stabilize – stabilizer – unstable*

*Refer – referable – reference – referent – referential – referendum*

**2. Read and translate the text**

A **lawyer** is "a person learned in the law; as an attorney, counsel or solicitor; a person who is practicing law." Law is the system of rules of conduct established by the sovereign government of a society to correct wrongs, maintain the stability of political and social authority, and deliver justice. Working as a lawyer involves the practical application of abstract legal theories and knowledge to solve specific individualized problems, or to advance the interests of those who retain (i.e., hire) lawyers to perform legal services.

The role of the lawyer varies significantly across legal jurisdictions, and so it can be treated here in only the most general terms.

In practice, legal jurisdictions exercise their right to determine who is recognized as being a lawyer. As a result, the meaning of the term "lawyer" may vary from place to place.

- In Australia the word "lawyer" is used to refer to both barristers and solicitors (whether in private practice or practicing as corporate in-house counsel).

- In Canada, the word "lawyer" only refers to individuals who have been called to the bar or have qualified as civil law notaries in the province of Quebec. Common law lawyers in Canada may also be known as "barristers and solicitors", but should not be referred to as "attorneys", since that term has a different meaning in Canadian usage. However, in Quebec, civil law advocates (or *avocats* in French) often call themselves "attorney" and sometimes "barrister and solicitor".

- In England and Wales, "lawyer" is used loosely to refer to a broad variety of law-trained persons. It includes practitioners such as barristers, solicitors, legal executives and licensed conveyancers, ; and people who are involved with the law but do not practice it on behalf of individual clients, such as judges, court clerks, and drafters of legislation.

- In India, the term "lawyer" is often colloquially used, but the official term is "advocate" as prescribed under the Advocates Act, 1961.

- In Scotland, the word "lawyer" refers to a more specific group of legally trained people. It specifically includes advocates and solicitors. In a generic sense, it may also include judges and law-trained support staff.

- In the United States, the term generally refers to attorneys who may practice law; it is never used to refer to patent agents or paralegals.

- Other nations tend to have comparable terms for the analogous concept.

## VOCABULARY NOTES

Attorney – адвокат, поверенный, юрист, чиновник органов юстиции, прокурор  
- атторней

Solicitor – солиситор, поверенный, адвокат (подготавливающий дела для барристера и выступающий только в судах низшей инстанции); (амер.) юрисконсульт/ прокурор/ глава юстиции в городе, штате

Maintain – поддерживать, сохранять, удерживать

Retain – удерживать, сдерживать, поручать адвокату ведение дела

Barrister – барристер, вид адвоката; выступающий в суде адвокат, уполномоченный по делам юриспруденции

In-house counsel – штатный юрист

Conveyancer – юрист, занимающийся операциями по передаче недвижимости

Draft a bill – составлять законопроект

drafters of legislation – составители законодательств

### **3. Find in the text the English equivalents to the following Russian expressions:**

- значительно различаются

- поддерживать стабильность политической власти

- частная практика

- другое значение

- штатный юрист

- решать специфические проблемы
- в самом общем понятии
- от лица индивидуального клиента
- служащие суда

**4. Match the terms with their definition:**

Justice	work done by one person or group that benefits another
Practice	group of people that have something in common; for example, religion, politics, or a community
Society	the quality of being just, righteousness
Services	translating an idea into action

**5. Answer the questions:**

1. What sort of operations does the work of a lawyer involve?
2. How can you define the term of a lawyer in different countries?

**UNIT 2**

**TOP TEN LEGAL SKILLS**

**1. Read and translate the following groups of words with the common root:**

*Response – responsible – responsibility*

*Communicate – communication – communicative*

*Term – terminology – terminological*

*Effect – effective – effectiveness – effectively*

*Develop – development – developed – developing*

*Conclude – conclusion – conclusive*

## 2. Read and translate the text

While legal positions vary greatly in scope and responsibility, there are several core legal skills that are required in most legal functions. If you are considering a career in the law, it is wise to polish these top ten legal skills to excel in today's competitive legal market.

**1. Oral communication** is one of the most fundamental tools of the legal professional. Legal professionals must:

- convey information in a clear, concise, and logical manner;
- communicate persuasively;
- advocate a position or a cause;
- master legal terminology;
- develop keen listening skills.

**2. Written Communication.** From writing simple correspondence to drafting complex legal documents, writing is an integral function of nearly every legal position. Legal professionals must:

- master the stylistic and mechanical aspects of writing;
- master the fundamentals of grammar;
- learn how to write organized, concise and persuasive prose;
- draft effective legal documents such as motions, briefs, memos, resolutions and legal agreements.

**3. Client Service.** In the client-focused legal industry, serving the client honestly, capably and responsibly is crucial to success.

**4. Analytical and Logical Reasoning.** Legal professionals must learn to review and assimilate large volumes of complex information in an efficient and effective manner. Legal analytical and logical reasoning skills include: reviewing complex written documents, drawing inferences and making connections among legal authorities; developing logical thinking, organization and problem-solving abilities; structuring and evaluating arguments; using inductive and deductive reasoning to draw inferences and reach conclusions.

**5. Legal Research.** Researching legal concepts, case law, judicial opinions, statutes, regulations and other information is an important legal skill.

**6. Technology.** Technology is changing the legal landscape and is an integral part of every legal function. To remain effective in their jobs, legal professionals must master communications technology including e-mails, voice messaging systems, videoconferencing and related technology.

**7. Knowledge of Substantive Law and Legal Procedure.** All legal professionals, even those at the bottom of the legal career chain, must have basic knowledge of substantive law and legal procedure.

**8. Time Management.** In a profession based on a business model (billable hours) that ties productivity to financial gain, legal professionals are under constant pressure to bill time and manage large workloads.

**9. Organization.** In order to manage large volumes of data and documents, legal professionals must develop top-notch organizational skills.

**10. Teamwork.** Legal professionals do not work in a vacuum. Even solo practitioners must rely on secretaries and support staff and team up with co-counsels, experts to deliver legal services.

## VOCABULARY NOTES

Skill - 1. мастерство, искусство 2. компетенция 3. ловкость, умение

Skills in logical reasoning - навыки логического рассуждения

To develop top-notch organizational skills - развивать навыки высокой самоорганизации

Legal skills - профессиональные компетенции юриста

**3. Find in the text the English equivalents to the following Russian expressions:**

- профессиональные компетенции юриста
- представлять информацию в ясной и краткой форме
- овладеть юридической терминологией
- развивать способность внимательно слушать собеседника
- составлять сложные юридические документы
- овладеть основами грамматики
- составлять ходатайства, записки по делу
- обслуживать клиента честно и ответственно
- просматривать и усваивать большой объем информации
- навыки логического рассуждения
- делать выводы и умозаключения
- осваивать технологии общения (коммуникации)
- на нижней ступеньке карьерной лестницы
- знания материального права и судопроизводства
- выдерживать большие рабочие нагрузки



- почасовая оплата
- развивать навыки самоорганизации высокого класса
- работа в команде

**4. Match the terms with their definition:**

Document	- An ability to do something well, especially because you have learned and practiced it
Communication	- To write a plan, letter, report, bill, etc. that will need to be changed before it is in its finished form
Client	- A piece of paper that gives official written information about something
Top-notch	- Someone who pays for services or advice from the person or organization
Draft	- Serious study of a subject that is intended to discover new facts or test new ideas
Skill	- Having the highest quality or standard
Research	- The process by which people exchange information or express their thoughts or feelings

**UNIT 3**

**HISTORY OF THE UNITED STATES CONSTITUTION**

**1. Read and translate the following groups of words with the common root:**

*Elect – electable – electee – election – elective – electoral – electorate - electorship*

*Federal – federacy – federalism – federally – federalize - federation*

*Equal – equality – equality –equalization - equalize*

*Propose – proposer – proposition - proposal*

*Original – origin – originally – originality – originative - originate*

## 2. Read and translate the text

The United States Constitution was written in 1787 during the Philadelphia Convention. After ratification in eleven states, in 1789 its elected officers of government assembled in New York City, replacing the earlier 1781 Articles of Confederation government. Following its establishment, the original Constitution has been amended twenty-seven times. The meaning of the Constitution is interpreted and extended by judicial review in the federal courts. An original copy of the parchments is held at the National Archives Building.

Two alternative plans were developed in Convention. The nationalist majority, soon to be called “Federalists”, put forth the Virginia Plan, a consolidated government based on proportional representation among the states by population. The “old patriots”, later called “Anti-Federalists”, advocated the New Jersey Plan, a purely federal proposal, based on providing each state with equal representation. The Connecticut Compromise allowed for both plans to work together. Other controversies developed regarding slavery and a Bill of Rights in the original document.

The drafted Constitution was submitted to the Articles Congress. It in turn forwarded the Constitution as drafted to the states for ratification by the Constitutional method proposed. The Federalist Papers provided background and justification for the Constitution. Some states agreed to ratify the Constitution only if the amendments that were to become the Bill of Rights would be taken up immediately by the new government, and they were duly proposed in the first session of the First Congress.

Once the Articles Congress certified that eleven states had ratified the Constitution, elections were held, the new government began on March 4, 1789, and the Articles Congress dissolved itself. Later Amendments address individual liberties and freedoms, federal relationships, election procedures, terms of office, expanding the electorate, ending slavery, financing government, consumption of alcohol and Congressional pay. Criticism over the life of the Constitution has centered on expanding democracy and states rights.

### VOCABULARY NOTES

Parchment – рукопись, сделанная на пергаменте

Drafted – разработанная

Amendments – поправки

Consumption – потребление

Bill of Rights – Билль о Правах, неофициальное название первых десяти поправок к Конституции США, которые закрепляют основные права и свободы человека и гражданина.

**3. Find in the text the English equivalents to the following Russian expressions:**

- свобода личности
- были предложены
- распространение демократии
- представительство пропорционально населению
- незамедлительно приняты новым правительством
- процедура выборов
- потребление алкоголя

**4. Complete the sentences with the proper words from the box:**

federal	applied	government	law	supreme
amendments		states		

### **United States Constitution**

The Constitution of the United States is the ... law of the United States of America. The first three Articles of the Constitution establish the rules and separate powers of the three branches of the federal ... : a legislature, the bicameral Congress; an executive branch led by the President; and a federal judiciary headed by the Supreme Court. The last four Articles frame the principle of federalism. The Tenth Amendment confirms its federal characteristics.

The Constitution was adopted on September 17, 1787, by the Constitutional Convention in Philadelphia, Pennsylvania, and ratified by conventions in eleven ... . It went into effect on March 4, 1789. The first ten constitutional ... ratified by three-fourths of the states in 1791 are known as the Bill of Rights. The Constitution has been amended seventeen additional times (for a total of 27 amendments) and its principles are ... in courts of law by judicial review.

The Constitution guides American society in ... and political culture. It is the oldest written national constitution in continuous use, and it influenced later international figures establishing national constitutions. Recent impulses for reform center on concerns for extending democracy and balancing the ... budget.

## UNIT 4

### LEGISLATION IN RUSSIA

#### 1. Read and translate the following groups of words with the common root:

*Special – speciality – specialize – specialized – specially – especially*

*Appoint – appointment – appointed – appointing*

*Prove – approve – approval – approved*

*Require – requirement – required – requiring*

*Elect – election – elected – electoral – electing*

*Miss – dismiss – dismissed – dismissal – dismissed*

#### 2. Read and translate the text

The doctrine of the separation of powers legislation is regarded as one of the three main functions of government. Those who have the formal power to create legislation are known as legislators. Legislation can have many purposes: to regulate, to authorize, to proscribe, to provide, to sanction, to grant, to declare or to restrict. Federal Assembly of Russia is the law-making body of the Russian Federation, according to the Constitution of Russian Federation, 1993. It consists of the State Duma, which is the lower house, and the Federation Council, which is the upper house. Both houses are located in Moscow. State Duma has special powers enumerated by the Constitution of Russia. They are:

- consent to the appointment of the Prime Minister of Russia;
- hearing annual reports from the Government of the Russian Federation on the results of its work, including on issues raised by the State Duma;
- deciding the issue of confidence in the Government of the Russian Federation;
- appointment and dismissal of the Chairman of the Central Bank of Russia;
- appointment and dismissal of the Chairman and half of the auditors of the Accounts Chamber;
- appointment and dismissal of the Commissioner for Human Rights, who

shall act according to federal constitutional law;

- announcement of amnesty;
- bringing charges against the President of the Russian Federation for his impeachment (requires a two thirds majority);

The State Duma adopts decrees on issues referred to its authority by the Constitution of the Russian Federation. Decrees of the State Duma are adopted by a majority of the total number of deputies of the State Duma.

The Council is charged in cooperating with the State Duma in completing and voting on draft laws. Special powers of the Federation Council are:

- approval of changes in borders between subjects of the Russian Federation;
- approval of a decree of the President of the Russian Federation on the introduction of martial law;
- approval of a decree of the President of the Russian Federation on the introduction of a state of emergency;
- deciding on the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation;
- declaring of elections of the President of the Russian Federation;
- impeachment of the President of the Russian Federation;
- approving the President's nomination of judges of the Constitutional Court of the Russian Federation, of the Supreme Court of the Russian Federation, of the Higher Arbitration Court of the Russian Federation;
- approving the President's nomination of the Attorney General of the Russian Federation;
- appointment of Deputy Chairman and half of the auditors of the Accounting Chamber.

To pass the law more than half of senators of the Federation Council must vote for it. When considering federal constitutional laws, three-fourths of the Council's votes are required for passage bills must first be considered by the State Duma. Upon adoption by a majority of the full State Duma membership, a draft law is considered by the Federation Council, which has fourteen days to place the bill on its calendar. The Federation Council cannot make amendments in bills passed by the Duma and can either approve or reject them. If the Federation Council rejects a bill passed by the State Duma, the two chambers may form a conciliation commission to work out a compromise version of the legislation. If two chambers cannot reach a compromise, or the Duma insists on passing the bill as is, the veto of the Federation Council can be

overridden, if two thirds of the Duma's constitutional composition vote in favor of the bill. The State Duma and the Federation Council usually meet separately. Joint sessions are organized when the President of Russia delivers his annual address to the Federal Assembly and in some other very rare occasions.

## VOCABULARY NOTES

A law-making body – законодательный орган

To make amendments in bills – вносить поправки в законопроект

To override the veto – преодолеть вето

Conciliation commission – согласительная комиссия

To reject a bill – отклонить законопроект

### **3. Find in the text the English equivalents to the following Russian expressions:**

- законодательная деятельность
- законодательный орган
- нижняя палата
- верхняя палата
- перечислять
- постановление, указ
- принимать закон
- прийти к компромиссу
- назначение (на должность)
- разделение властей

### **4. Answer the questions:**

1. What is the main legislative body in Russia? What houses does it consist of?
2. What powers of the State Duma are enumerated in the Constitution?
3. What are the special powers of the Federal Council?
4. How do the State Duma and the Federal Council cooperate?
5. Which chamber of the Federal Assembly is more powerful? Why?

## DEFINITION OF COMMON LAW

### 1. Read and translate the following groups of words with the common root:

*Define- definite – indefinite – definition*

*Force – forcible – enforce – enforceable – unenforceable – reinforce*

*Just – unjust – justice – injustice – justify – unjustifiable*

*Judge – judicial – non-judicial*

*Theory – theoretical – theorize – theorist*

*Decide – decision – decisive – indecisive*

*Apply – applied – application – applicable – appliance*

*Civil – civilian – civilization – civilized – uncivilized*

*Exist – existence – existent – non-existent – co-exist – co-existence*

### 2. Read and translate the text

Common law may be defined as binding and enforceable principles or rules, the authority for which rests upon the decisions of courts rather than upon any express statute or non-judicial proclamation.

Law develops under the common law system by judicial precedent, and agencies of government as well as individuals must conform to legal rules developed in and applied by the courts.

Common law or “judge-made” law has been said to be the embodiment of broad and comprehensive “unwritten” rules and principles inspired by reason and an innate sense of justice. The common law is sometimes referred to as the “unwritten law” primarily because, unlike law created by a legislative body, the common law was not “codified”, or arranged into a system of codes covering a specific area of the law. Rather than being found in a set of rules or laws covering one subject, as is true with a “code”, the common law develops on a case by case basis, with legal issues decided on chronological order as particular legal problems arise.

Common law has been referred to as the legal incarnation practical sense in that it is a system for deducing just, reasonable and consistent rules of law from causes of action in specific cases or instances of litigation. “Causes of action” were developed at common law, thus giving people a right to institute judicial proceedings in certain cases.

Both the common law and the code systems co-exist in the United States to a greater or smaller degree in the various states, and both the common law and the statutes of a state are in the same sense “laws” of the state.

### VOCABULARY NOTES

Authority – полномочие, сфера компетенций

Statute – действующий законодательный акт, действующий статут

Binding – обязательный (для применения), имеющий обязательную силу

Enforceable – применяемый принудительно

Express – положительно выраженный, прямо оговорённый, прямо установленный

Non – judicial – внесудебный

Proclamation – провозглашение

Embodiment – воплощение

Innate sense – врожденное чувство, чутье

Unwritten law – неписанный закон

Code – кодекс, свод законов

Litigant – сторона в судебном деле

Legislative body – законодательный орган

Causes of action – правооснование иска

### 3. Find in the text the English equivalents to the following Russian expressions:

- врожденное чувство справедливости
- в большей или меньшей степени
- в хронологическом порядке
- несудебное провозглашение
- правовое воплощение здравого (практического, житейского) смысла

### 4. Match the terms with their definition:

Law	being at the base, from which everything else develops
Precedent	putting an idea, spirit, etc. into bodily form



Fundamental	former action or case that acts as an example or rule for present action
Incarnation	a rule that is supported by the power of government and that governs the behavior of members of society
Co-exist	to live in peace with each other at the same time

**5. Are the following statements true or false?**

1. Common law or “judge-made” law is based on the principles inspired by reason and innate sense of justice.
2. Certain individuals needn't always conform to legal rules developed in or applied by the courts.
3. Each of the state in the USA chooses either the common law system or the code system.

**UNIT 6**

**FEDERAL COMMON LAW**

**1. Read and translate the following groups of words with the common root:**

*Federal – federalism – federalist – federation – federative – confederation*

*Frame – framer – framed – framing*

*Develop – development – developed – undeveloped – underdeveloped*

*Alter – alteration – alternate – alternative*

*Law – lawyer – lawful – unlawful*

**2. Read and translate the text**

Many of the provisions of the Constitution of the United States are framed in the language of the common law as it was brought to this country by the early settlers. That Constitution must therefore be read and interpreted in the light of the common principles of history which were familiarly known to its trainers.

In this sense, therefore, there has arisen a national jurisprudence with the respect to the Constitution, but only in such narrow areas as those concerned with the

rights, interests and obligations of the United States as an entity; interstate and international disputes; admiralty matters; and those in which Congress has given to the federal courts the power to develop substantive law. In other words, there can only be a federal common law in those areas of jurisdiction, which have been conferred upon the federal government by the Constitution. Otherwise, the common law to be applied will be that of the state concerned, even when a matter is before a federal court.

In the absence of congressional legislation upon a subject, federal courts may decline to enforce an ancient rule of the common law where conditions have fundamentally changed. They may, instead, declare and effectuate a rule in the light of such altered conditions with regard to what has previously been decided and practiced.

### VOCABULARY NOTES

Settler – поселенец, колонист

Trainer - (зд.) составитель, создатель

Provision – положение, пункт, раздел

Entity – самостоятельная правовая единица, самостоятельное образование

Admiralty – судебная практика (суд) по морским делам

Substantive – основной, главный; материально - правовой

Enforce – принудительно применять (закон, право)

Confer – предоставлять, возлагать

### **3. Find in the text the English equivalents to the following Russian expressions:**

- общие исторические принципы
- узко очерченные области
- в свете (чего-либо)
- спорные вопросы на международном уровне
- измениться коренным образом
- применить закон, положение (статья) конституции
- в противном случае
- вести в действие положение

**4. Match the terms with their definition:**

Interest	An argument or quarrel
Familiar	Generally known, seen or experienced
Dispute	A readiness to give attention
Constitution	To move from a better to a worse position
Decline	The laws and principles according to which a country is governed

**5. Match the synonyms:**

Familiar	before
Basic	administration
Area	known
Dispute	fundamental
Government	place
Previously	argument

**6. Match the antonyms:**

Rise	wide
Light	altered
Narrow	international
The same	dark
Domestic	fall

**UNIT 7**

**LABOR LAW**

**1. Read and translate the following groups of words with the common root:**

*Jury – juror – juridical – jurisdiction*

*Employ – employment – employee – employer – employed – unemployed*

*Relate – relation – relationship – relative – relativity*

*Imply – implied – implication – implicit*

*Select – selected – selection – selectivity*

*Limit – limited – unlimited – limiting – limitation*

## **2. Read and translate the text**

The term “labor”, when used in the context of labor law, is applied in a comprehensive sense to mean work and all persons engaged in work. This includes those who work their brains as well as who toil and earn their pay with physical effort.

The right to labor and its protection from unlawful interference is a constitutional as well as a common law right. All persons have a natural right to the fruits of their own industry.

Labor has been deemed to be “property”, especially within the meaning of the constitutional guarantees of “life, liberty and property”. Thus, the right to obtain and hold title to property includes the right to acquire it by labor. As a general principle every member of a community has a right to enjoy a free labor market and to have a free flow of labor for the purpose of carrying on a chosen business activity. The right to earn wages is just as much property and within the protection of the due process clause of the Fourteenth Amendment to the Federal Constitution as are wages that have already been earned.

Since the right to labor is protected by numerous guaranties in state constitutions as well as the Federal Constitution, one cannot be deprived of such right by an arbitrary mandate of the legislature. However, the right is not absolute, being subject to labor relations acts, enacted in the proper exercise of the power of Congress or of the police power of a state. For example, non-resident or illegal aliens do not have the same employment rights as citizens and resident aliens. Employers may, in certain circumstances, be held liable for knowingly hiring illegal aliens or failing to verify a person’s status under a statute enacted by Congress. Under no circumstances does an employer’s right to a free flow of labor prevail over the right of an individual worker to refuse to be hired.

### **VOCABULARY NOTES**

Comprehensive – всесторонний, полный, всеобъемлющий

Engage – заниматься чем-либо

Toil – тяжелый физический труд

Interference – препятствование, вмешательство

Fruit – (зд.) плод, результат

Industry – (зд.) трудолюбие  
 `subject (n.) – объект, предмет, тема  
 Sub`ject (v.) – подвергать, подчинять  
 Deem – думать, полагать, считать  
 Amendment – поправка (к конституции США)  
 Clause – статья, раздел, пункт  
 Arbitrary – произвольный  
 Mandate – (юр.) приказ суда  
 Flow of labor – движение, поток рабочей силы  
 Legislature – законодательный орган штат  
 Alien – проживающий в данной стране подданный другого государства  
 Verify – проверять, подтверждать  
 Enact – вводить в действие  
 Hire - нанимать, брать на работу

**3. Find in the text the English equivalents to the following Russian expressions:**

- право на труд
- ни при каких обстоятельствах
- такого права нельзя лишать никого
- сознательно принять на работу иностранца, находящегося в стране незаконно
- закон, принятый конгрессом
- результаты своего собственного труда
- каждый член общества имеет право
- свободный рынок труда
- поправка к конституции страны
- право на получение вознаграждения (заработной платы) за свой труд

**4. Match the terms with their definition:**

Resident	A payment for labor or services, received weekly or daily
Wages	The use of strength, trying hard
Property	A person who lives on a place, not a visitor
Comprehensive effort	Something which is owned (e.g. land, building)
	Including many different aspects

## 5. Complete the sentences with the proper words from the box:

all persons	citizens	employment rights	physical effort	free labor
unlawful interference	brains	natural right		

1. There are persons who work with ... and those who earn the living with their ... .
2. In a comprehensive sense the term “labor” means work and ... engaged in work.
3. All members of a community have a ... to the fruits of their own industry.
4. The right to labor and its protection from ... is a constitutional right.
5. Non-resident or illegal aliens do not possess the same ... as citizens.
6. All ... have a right to enjoy a ... market.

## 6. Answer the questions:

1. What is the term “labor” in the context of labor law applied to?
2. In what circumstances do employees usually refuse to be hired?
3. What is the difference between illegal and resident aliens?
4. Do citizens and illegal residents have the same employment rights?

## UNIT 8

### DEFINITION AND ELEMENTS OF A CRIME

#### 1. Read and translate the following groups of words with the common root:

*Crime – criminal – criminality – criminology - incriminate*

*Offense – offensive - inoffensive – offensively - offensiveness*

*Punish – punishable – unpunishable - unpunished - punisher – punishment*

*Violate – violation – violator – violence – violent – violently*

#### 2. Read and translate the text

A “crime” is an act or omission in violation of a public law which commands or forbids that act or omission. It is said to be an offense which the government deems injurious not only to the victim but to the public at large and is punished

through a judicial proceeding brought in the name of the government. Even an act or omission viewed by some as “victimless” can be made a crime and will be considered a wrong against society.

In order to be convicted of a crime the guilt of an accused of every element of the crime charged must be proved beyond a reasonable doubt.

No act can be considered a wrong against society in the sense of being a criminal offense unless it has been previously made a crime, either by a statute or common law.

Whether an act has been made a crime by a statute or the common law, the language of the law, when measured by common understanding and practices, must give adequate warning of the conduct prohibited, and mark boundaries sufficiently distinct for judges and juries fairly to administer the law.

To constitute a crime, the act in question must ordinarily be one to which is annexed, upon conviction, a certain specified punishment. Thus, a statute which declares an act to be unlawful but prescribes no penalty, does not create a crime. On the other hand, prescribing a punishment for an act impliedly prohibits it, and it is sufficient to make it a crime without any explicit declaration that the act is unlawful. In this respect, a provision for a fine is usually sufficient, in spite of the fact that the amount may be small.

Provision for imprisonment in a statute does not make an act or proceeding criminal in nature when applied, not as punishment, but to compel immediate obedience to the law, as, for example, contempt proceedings.

An underlying principle of criminal law is that all are entitled to be informed as to what the state commands or forbids, and no one should be required at peril of life, liberty or property to speculate as to the meaning of the penal law. A crime cannot be created by inference, and fundamental fairness requires that no person should be held criminally responsible for conduct which cannot reasonably be understood to be prescribed.

## VOCABULARY NOTES

Omission – бездействие (часто - преступное)

Unlawful – противоправный

Offense – правонарушение, преступление (любое нарушение закона, за которое предусмотрено наказание)

Injurious – наносящий вред

Wrong – правонарушение

Convict – осуждать, признавать виновным, выносить приговор

Reasonable doubt – разумные основания для сомнения

Statute – действующий законодательный акт, действующий статут

Prohibit – запрещать

Inference – предположение, умозаключение, вывод

Prescribe – назначать

Penalty – наказание

Penal – уголовный

**3. Find in the text the English equivalents to the following Russian expressions:**

- преступное действие или бездействие
- обозначить четкие границы для судей и присяжных
- назначить наказание, преступление по общему праву
- нарушение публичного закона
- причинять вред обществу уголовное преступление

**4. Match the terms with their definition:**

Omission	Personal or political freedom from outside control
Punish	An offense which is punished by a law
Liberty	To impose a penalty on (an offender)
Crime	To do injustice to/ to inflict damage or loss on
Injure	Leaving something undone

**5. Match the synonyms:**

- |          |          |
|----------|----------|
| Injure   | just     |
| Fair     | demand   |
| Consider | unlawful |
| Illegal  | hurt     |
| Require  | view     |

**6. Match the antonyms:**

- |        |          |
|--------|----------|
| Wrong  | criminal |
| Moral  | disorder |
| Order  | allow    |
| Victim | immoral  |
| Forbid | right    |



## 7. Answer the questions:

1. How can a crime be defined?
2. What is the difference between an *act* and an *omission*?
3. Why are they sometimes equally punished?

## UNIT 9

### PARTICULAR OFFENSES (PART 1)

#### 1. Read and translate the following groups of words with the common root:

*Victim – victimless – victimize*

*Convict – convicted – conviction*

*Prison – prisoner – imprison – imprisonment*

*Suffice – sufficient – insufficient – sufficiently*

*Use – usual – usually – usage – abuse – abusive*

*Human – inhuman – humane – humanity – humanitarian – humanism*

#### 2. Read and translate the text

Some of the offenses recognized as crimes of one sort or another in most jurisdictions are:

**Arson** – the common law defined arson as the malicious and willful burning of the dwelling of another. Statutes have generally enlarged the common law definition of arson so as to include the burning of buildings and property other than dwelling houses. These statutes also apply to the owner of the property as well as others. The crime is frequently divided into degrees of arson. A more severe punishment is usually provided for a burning of a dwelling house, or burning in the nighttime, or burning under such circumstances as might endanger human life, than in cases of the burning of other buildings. A person burning a building can be guilty of arson even if the building is unoccupied. It is not necessary that the building is wholly or partially consumed or materially injured. It is sufficient if the fire is actually communicated to any part of the building, however small.

**Assault and Battery** – Assault is the demonstration of an unlawful intent by one person to inflict immediate injury upon another person then present. Physical contact is not an essential element of this offense, but a threat or offer of violence

is. The offense has also been defined as an intentional attempt, by force or violence, to do injury to the person of another and as any attempt to commit a battery or any threatening gesture showing in itself or by words accompanying it an immediate intention, coupled with a present ability to commit a battery. Battery is the unlawful touching or striking of a person. Generally, an intention to do harm, or an unlawful intent, is an essential element of the crime of assault or battery.

In many jurisdictions certain types of aggravated assault are distinguished from simple assault, and in some states the crime of assault is divided into several degrees, and more severe penalties are provided for the aggravated types.

In cases of mutual combat, or fights by mutual agreement, both participants may be guilty of assault and battery. Self defense, defense of a third person, or justification may be asserted as a defense in a prosecution for assault and battery.

## VOCABULARY NOTES

Human – человеческий

Endanger – подвергать опасности

Arson – поджог

Malice – злобный умысел

Dwelling – жилище

Guilty – виновный

Assault – нападение, нападать

Aggravated assault – нападение при отягчающих обстоятельствах

Battery – нанесение побоев

Assault and battery – нападение с нанесением побоев

Intent – намерение

Threat - угроза

Violence – насильственные действия

Defense – оборона

Justification – оправдание, оправдывающее обстоятельство

### **3. Find in the text the English equivalents to the following Russian expressions:**

- нападение при отягчающих обстоятельствах

- любая часть строения, сколь бы малой она ни была

- преднамеренная попытка с применением насилия
- более суровое наказание
- самооборона, защита третьего лица
- намерение нанести ущерб

**4. Match the words on the right with the suitable attributes on the left:**

Arson

Malicious	Building
Willful	Punishment
Dwelling	Life
Severe	House
Human	Burning
Unoccupied	Act

Assault and Battery

Unlawful	Substitute
Bodily	Gesture
Essential	Element
Threatening	Assault
Criminal	Statute
Sufficient	Person
Aggravated	Intent
Mutual	Injury
Third	Agreement

**5. Complete the sentences with the proper words from the box:**

punishment	aggravated	degrees	element
offenses	guilty	battery	

1. The crime of arson is often divided into ... .
2. A severe ... was provided for the burning of two motels.
3. A person burning a building can be ... of arson even if the building is unoccupied.
4. Physical contact is not an essential ... of assault.

5. The higher degrees of ... assault consist of such ... as assault with intent to kill and assault with intent to rob.
6. In cases of fights by mutual agreement, both participants may be guilty of assault and ... .

#### **6. Answer the questions:**

1. How did the common law define arson?
2. What arson causes a more severe punishment?
3. Why is arson committed by the owner of the property also punishable?
4. What is an essential element of assault?
5. What act may be considered a defense in a prosecution for assault and battery?

## **UNIT 10**

### **PARTICULAR OFFENSES (PART 2)**

#### **1. Read and translate the text**

**Bribery** – The act of bribery contemplates the voluntary giving or receiving or anything of value in corrupt payment for an act or omission by a public official or private individual. The thing of value can be money, property, services or the improper use of influence or abuse of authority.

**Burglary** – Breaking and entering into a building with the intention of committing a crime. By virtue of statutes in most jurisdictions, a criminal intent to steal or to commit some crime at the time of breaking and entering is an essential element of the crime of burglary, although consummation or execution of the intent is not necessary to complete the crime. Although the common law crime covered only a dwelling, present statutes often embrace any other building, house, or even a motor vehicle.

Although breaking is not an element of burglary under some statutory provisions, where breaking must be shown to establish the offense there must be a breaking, moving or putting aside of something material constituting a part of the dwelling house and relied on as security against intrusion. Any degree of force to affect an entrance through any usual place of ingress, whether open, partly open, or closed, constitutes a sufficient

breaking. In many jurisdictions burglary can take place in daytime as well as nighttime, although the common law only contemplated nighttime.

**Conspiracy** – An agreement between two or more persons to commit a crime accompanied by an overt act in furtherance of the agreement. A conspiracy is an offense distinct from the crime that is the object of the conspiracy. The guilt or innocence of the conspirators does not depend upon the success or failure of their enterprise.

An agreement, to amount to a conspiracy, need not be formal or express, but may be inferred from the circumstances. A criminal intent is essential to the crime conspiracy, and this intent must exist in the minds of at least two of the parties to the conspiracy. One who joins a conspiracy after its formation is equally culpable with the original members and is responsible for all that has previously been done pursuant to the conspiracy.

## VOCABULARY NOTES

Bribery – взятка

Burglary – взлом; берглэри ( *амер.* Противоправное проникновение в помещение с умыслом совершения фелонии или кражи; *англ.* Проникновение в ночное время с преодолением физического препятствия в чужое жилище с умыслом совершения фелонии )

Provision – положение, статья закона

Intrusion – вторжение, посягательство

Conspiracy – преступный сговор

Overt – открытый, неприкрытый, явный, очевидный, нескрываемый

Furtherance – способствование осуществлению

Culpable – виновный

Pursuant to – в соответствии с чем-либо, согласно чему-либо

### **2. Find in the text the English equivalents to the following Russian expressions:**

- преступный сговор
- добровольная передача или принятие ценностей
- проникновение в помещение
- успех или неудача всего предприятия (всей операции)
- соглашение двух или более лиц
- как в дневное, так и в ночное время

**3. Find in the text the term which can be defined as by following:**

- a) a house, apartment (flat), etc., where people live
- b) be unsuccessful
- c) unfair influence by money, favors or gifts
- d) gain a purpose or reach an aim

**4. Match the words on the right with the suitable attributes on the left:**

**Bribery**

Improper	Individual
Public	Receiving
Private	Payment
Voluntary	Official
Corrupt	Use

**Burglary**

Sufficient	Provision
Criminal	Place
Statutory	Offense
Criminal	Intent
Closed	Breaking

**Conspiracy**

Original	Culpable
Overt	Act
Equally	Members

**5. Complete the sentences with the proper words from the box:**

possession	intent	bribe
burglary	conspirators	voluntary

1. Breaking a dwelling and entering it with the intention of committing a crime constitutes a crime of ... .
2. ... of burglar`s tools makes a distinct criminal offense.

3. The guilt of the ... does not depend upon the realization of their plans.
4. A criminal ... existing in the minds of at least two persons is essential to the crime of conspiracy.
5. Your ... giving of money to a person that can cause his unfair decision is called a ... .

**7. Answer the questions:**

1. What criminal offenses are referred to as burglary?
2. What is an essential element of the crime of burglary?
3. What securities against intrusion do you know?

**UNIT 11**

**PARTICULAR OFFENSES (PART 3)**

**1. Read and translate the following groups of words with the common root:**

*Occur – occurrence – recurrent*

*Close – closure – disclose – disclosure – disclosing*

*Person – persona – personal- personalization – personation – impersonation – personify – personification*

*Intent – intention – intentional – intentionally – unintentional*

*Advance – advantageous – advantage – disadvantage*

*Charge – chargeable – discharge – overcharge*

*False – falsely – falsity – falsify – falsification – fault - default*

**2. Read and translate the text**

**Counterfeiting** – The crime of counterfeiting involves the making of a copy without authority with a view to deceive or defraud by passing the copy as original or genuine. Counterfeiting can involve the copying of currency, coinage or other things, such as objects of art.

**False Pretenses** – The crime of obtaining property by false pretenses is the making of an intentionally false statement concerning a material fact which the victim of the offense relies upon and parts with title and possession of property. To be guilty of this offense, the accused must have had knowledge of the falsity of the

representations or pretenses at the time they were made, unless they were made recklessly and without information justifying a belief they were true.

**Firearms or Weapons** – The criminal laws of all jurisdictions make it an offense to carry certain kinds of weapons in particular areas in a concealed fashion without a permit or to discharge a weapon in certain places.

**Forgery** – The false making or material alteration of any writing with intent to defraud when the writing, if genuine, would be the foundation of some legal liability. The mode of writing is immaterial, as there may be forgery by stamping, engraving or typewriting, as well as by handwriting. The term “falsely”, as applied to the making or altering of a writing in order to make it a forgery, does not refer to a contents or the facts stated in the writing; rather, it contemplates that the paper or writing is not genuine, that in itself it is false fraudulent. Hence, a false statement of fact in the body of an instrument, such as a false assertion of authority to write another’s name, is not forgery. Where authority is given to sign the name of another to a writing, whether oral, written, express or implied, there can be no forgery. A concomitant of the act of forgery is the “uttering” of a forged instrument with the knowledge of its falsity and with intent to defraud.

**Gambling or Gaming** – An agreement between two or more persons to risk money or property in a contest of chance. Most forms of betting or wagering are contemplated by this definition. In addition, the persons who promote, organize or control a gambling operation can be held accountable if they receive any profits from the activity, even if not acting as gamblers themselves. In some states certain types of gambling are lawful when under the strict control of the government, such as lotteries, pari-mutuel betting on horse and dog races.

**Harboring Criminals** – A person who, knowing that a felony has been committed by another, receives, comforts or assists the felon can, in some jurisdictions, be guilty of the crime of being an accessory after the fact.

## VOCABULARY NOTES

Counterfeiting – подделка, фальшивомонетничество

Genuine – подлинный

False pretenses – мошенничество

Misrepresentation – введение в заблуждение, искажение фактов

Fraudulent – обманный, мошеннический

Concomitant – сопутствующий

Forgery – подлог, подделка документов

Bet – пари, заключать пари



Wager – пари, заключать пари

Pari-mutual betting – заключение пари с равными правами, в равных долях

Gambler – азартный игрок или содержатель игорного притона

Harbor – укрывать (преступника)

Accessory – соучастник преступления

Felon – опасный уголовный преступник

### 3. Match the terms with their definition:

Genuine	A person who is not present at a crime but who helps another in doing something criminal
Felon	Not true or correct
Forge	A person who has committed a serious crime
Accessory	False
False	Something existing or happening together with something else
Concomitant	Real, not artificial or fake
	Make a copy of something in order to deceive

### 4. Match the synonyms:

Deceive	jail
Genuine	mystery
Secret	defraud
Prison	have
Possess	real

### 5. Match the antonyms:

Release	prohibit
Immaterial	legitimate
Illegal	imprison
Permit	real

**6. Say if the following statements are true or false:**

1. Such types of gambling as dog races and lotteries are unlawful under all the statutes.
2. Counterfeiting can involve the copying of coins.
3. Making fraudulent statements in advertising does not constitute a crime.
4. A person who harbors a felon is always guilty of the crime of being an accessory after the fact.

**UNIT 12**

**DATA PRIVACY PROTECTION**

**1. Read and translate the following groups of words with the common root:**

*Section – sectional – sectionalism – sector – sectoral*

*Harmony – harmonize – harmonization – harmonic – harmonious*

*Administrate – administration – administrative – administrator*

*Code – codify – codification – decode – decoder – codicil*

*Prevent – prevention – preventive – preventative – preventer - preventable*

**2. Read and translate the text**

Many European governments enact omnibus TDF legislation in which the laws apply to a lion's share of organizations, both public and private, in all industry sectors. In contrast, the United States takes a sectoral approach, focusing legislation on specific sectors of industry such as banking or insurance. Still other countries rely on international conventions to provide harmonization guidelines such as the ones developed by the OECD, UN.

National data protection laws may also vary significantly in their use of enforcement mechanisms. For example, in Norway an administrative commission has the authority to issue binding regulations or to grant licenses to organizations that collect data in automated systems. In countries such as the United States, enforcement is accomplished through self-compliance and reinforced by judicial action if a violation is detected. A third enforcement mechanism is an enforceable code of ethics and conduct, the primary mechanism used in Great Britain. This mechanism reflects Great Britain's common-law legal system in which specific statutes are not codified as they are in civil law countries such as the United States.

In summary, national laws take either a preventative or corrective approach. Most European nations emphasize a preventative approach as illustrated through use of database registration and licenses. In contrast, the United States follows a corrective approach, which emphasizes the use of punitive measures such as court action and penalties for violation of the law.

Data privacy laws become a problem for corporations and governments in the host and home countries because of transborder data flows. For example, Sweden does not allow census, payroll, or personnel data to be transmitted to the United States because these types of data do not receive similar treatment under U.S. law. Companies must therefore process and store that data locally in Sweden or in another country with similar privacy protection. Often, an underlying compatibility problem is in each country's application of the law to real persons but not legal persons, as they are defined in the following section.

## VOCABULARY NOTES

TDF=transborder data flows

OECD – Organization for Economic Cooperation and Development

UN – United Nations

Enforcement – принуждение, взыскание, давление

Share - доля

Omnibus – охватывающий несколько сфер, всесторонний

Industry – (зд.) сфера деятельности

Guideline – директива, руководящее указание

Grant - выдавать

Self-compliance – согласие, обусловленное законопослушанием лица, налагаемое им на себя добровольно

Codify – кодифицировать

Preventative – превентивный

Corrective – исправительный, корректирующий

Compatibility – совместимость

Punitive – карательный, связанный с применением наказания; штрафной

Census – перепись (населения)

Personnel – штат сотрудников, персонал

Real person – физическое лицо

Legal person – юридическое лицо

**3. Find in the text the English equivalents to the following Russian expressions:**

- физическое лицо
- механизм отражает систему
- законы основываются либо на превентивном, либо на корректирующем подходах
- подчеркивать, делать упор на
- полагаться на международные конвенции
- как общественные, так и частные организации
- лавинная доля

**4. Match the terms with their definition:**

Enforce	a building in which law cases can be heard and judged
Contrast	make something happen by threats or force
Harmony	show the meaning of something by giving related examples
Illustrate	comparison of unlike objects to show differences
Court	a state of agreement (in ideas, feelings etc.)

**5. Complete the sentences with the proper words from the box:**

private	information	privacy	misuse
	citizens	storage	systems

**The Data Privacy Issue and TDFs**

The legal issues associated with transborder data flows (TDFs) focus on the privacy protection of individual ... . Data ... protection has been a concern of many nation-states since the early 1970s, most notably, in countries, such as Sweden and Norway. There are three contexts in which privacy is an issue: Physical, communication and ... . In the context of information, emphasis is on the collec-

tion, ... , processing and dissemination of information in automated and manual systems for use by record-keeping organizations regarding decision making about individuals by both ... and public organizations. Data privacy laws focus specifically on automated ... . because they can be linked together in other countries through transborder data flows, there is a higher potential for ... of information about a country`s citizens.

**6. Match the synonyms:**

Receive	particular
Administration	international
Protect	create
Global	defend
Develop	get
Specific	government

**7. Match the antonyms:**

Public	disorder
Automated	penalty
Different	manual
Reward	private
Harmony	similar

**TEST 1**

**1. Read and translate the text**

**AMERICAN YOUTH**

What is it like to be a young person in the United States? At 18 years of age, young people in the United States can take on most of the rights and the responsibilities of adulthood. Before this occurs, however, the American teenager goes through the period of adolescence. Psychologists say that most young people experience conflict during this period of their lives. They are changing rapidly, both physically and emotionally and they are searching for self – identity. As they are growing up and becoming more independent, teenagers sometimes develop different values expressed by their friends, the media and teachers. During this period of their lives, young people also begin to participate in social activities such as sport-

ing events and church group projects, as well as to do more things in the company of their families.

While the teenage years for most American young people are nearly free of serious conflict. All youths face a certain number of problems. Some young people have difficulties in their relationships with their parents or problems at school which may lead to use alcohol or drugs, the refusal to attend school or even to running away from home. In extreme cases, some might turn to crime and become juvenile delinquents.

However, for every teenager experiencing such problems many more are making positive, important contributions to their communities, school and society.

**2. Give the English equivalents for the following word combinations:**

*В возрасте 18-ти лет; столкнуться с рядом проблем; в экстренных случаях; стать независимым; права и ответственность взрослого; быстро изменяться; общественная деятельность; правонарушитель; отношения с родителями; самоутверждение; несовершеннолетний преступник; вносить вклад в; наркотики; в этот период жизни.*

**3. Match the terms with their definition:**

1. teenager	A lawbreaker under 18
2. media	A young person between the ages of 13 and 19
3. juvenile delinquent	Specialists who study the science of human behaviour
4. psychologist	Newspapers, television, magazines, etc.

**4. Answer the questions:**

1. What is implied under the “period of adolescence”?
2. Why do the teenagers develop values different those held by their parents?
3. Whose values are the teenagers influenced by?
4. What problems do some young people face?

## TEST 2

### 1. Read and translate the text

#### LEGAL VS. REAL PERSONS

A real person is a citizen. All countries with data privacy laws protect the rights of real people. A legal person is an organization such as corporation. The difference between data privacy protection laws lies in whether or not a legal person is accorded equal protection under the law.

In some European countries such as Denmark, Austria, and Luxembourg, data privacy protection is extended beyond real persons to include legal persons such as professional groups, organizations, corporations, associations and trade unions. In the United States, Germany, Sweden, France, and many other countries, the concept of a legal person is not included in data privacy laws. Again, we are confronted with the problem of compatibility and reciprocal enforcement when trans-border data flows become involved. In addition, the issue of legal real persons has other consequences.

Countries that favor the recognition of legal persons argue that it is difficult to separate individuals' rights from the business activities. For example, in the case of the small businessperson or entrepreneur, information about the financial situation of the firm cannot be separated from information about the financial situation of the individual. The argument can also be made that large firms may hold an unfair advantage over the small firm because data access rights can be used to distort competition.

### 2. Give the English equivalents for the following word combinations:

*Физическое лицо, предоставлять, исказить конкуренцию, юридическое лицо, профсоюз, предприниматель, проблема совместимости, разделять права отдельно взятого человека от его предпринимательской деятельности, нечестное преимущество*

### 3. Match the terms with their definition:

Difference	Set or move apart
Include	A business company

Separate	A way of being unlike
Advantage	Something that may help one to be successful or to gain a desired result
Firm	Have as a part; contain in addition to other parts

**4. Are the following statements true or false?**

1. A real person is an organization such as corporation.
2. All countries with data privacy laws protect the rights of legal persons.
3. Professional groups, organizations, and trade unions are legal persons.
4. The concept of a real person is not included in data privacy regulations.



## **TEXTS FOR ADDITIONAL READING**

### **Fair Use Law**

Under the doctrine of "fair use," the law allows the use of portions of copyrighted work without permission from the owner. Fair use is a defense to copyright infringement. This means that an unauthorized use of copyrighted material is excusable if it falls under the principle of fair use. Although the law does provide guidelines for making this assessment, determining fair use is not always easy since it is a grey area of the law. Consequently, courts make decisions on a case-by-case basis.

#### **What Work Does Copyright Protect**

Under Title 17 of the U.S. Code, copyright owners have the right to limit the use of their creative work. An owner has the right to distribute, reproduce, display, make derivatives, or perform the work in public. This right applies to both published and unpublished works fixed in a tangible medium. Creative works include:

- Literature
- Music
- Motion pictures and other audiovisual productions
- Sound recordings
- Pantomimes and choreography
- Pictorial, graphic, and sculptures
- Architectural designs

Copyright law does not apply to ideas and facts; names, pen names, titles, or slogans; extemporaneous speeches; blank forms and standardized material; and government works. Although copyright law does not protect facts and ideas, copyright protects the author's phrasing or form of expression.

#### **Fair Uses of Copyrighted Material**

Under the Copyright Act, the fair use of copyrighted material without permission is allowed when used for the following purposes:

- Criticism
- Comment
- News reporting
- Teaching, includes making copies for use in the classroom

- Scholarship and research
- Parody

These uses do not grant the right to use the copyrighted work in its entirety. Rather, the use should be limited to quoting, excerpting, summarizing, and making educational copies of the material.

### The Fair Use Four-Factor Test

Courts consider four factors when evaluating whether an unauthorized use of copyrighted material is fair. The following factors are guidelines under the Copyright Act:

- **The purpose and character of the use, including whether such use is of a commercial nature or is for nonprofit educational purposes:** Courts consider whether the use is transformative. For instance, was the purpose of the new use transformative, did a new expression change the original work, or did the use create new information or lead to new ideas? The more transformative a new work, the more likely a court will consider it fair use.
- **The nature of the copyrighted work:** Courts look at whether the copyrighted work is creative or factual and whether it is published or unpublished. Creative works, such as fiction, creative nonfiction, pictures, and graphic works, typically receive more protection. Factual works, such as history accounts and scientific works, receive less protection because of the benefit to society from the exchange of ideas. Authors have a right to decide when to publish their work, so the use of unpublished works without permission is less acceptable than using published works.
- **The amount and substantiality of the portion used in relation to the copyrighted work as a whole:** Courts consider how much material was copied and how much of the copied material a central part of the original work. When a large portion of the entire copyrighted material is used or it includes the use of a central point, it is less likely that a court will consider it fair use. For, parody, however, it is acceptable to borrow a large portion and to use the central part of the original work.
- **The effect of the use upon the potential market for or value of the copyrighted work:** A court will look closely at a use that deprives a copyright holder of income, regardless of whether the new material is competing in the same market. Important factors include the current market and the potential market. Courts may use additional factors to determine whether the unauthorized use of copyrighted material is fair.

## **Court Decisions on Fair Use Employment Law**

Whether you are entering the job market for the first time or were recently terminated, it is important to understand your rights as a worker. Both federal and state governments have enacted a wide range of employment laws protecting employees from discriminatory treatment, unfair labor practices, unsafe work conditions, and more. This section provides in-depth resources on all phases of the employment process - from the interview and hiring stage to promotion and termination. In addition, you'll find information about privacy in the workplace, wage and hour laws, workplace safety, family leave policies, and detailed advice on hiring an employment lawyer.

### **Common Employment Law Issues**

Employment law issues can arise in a wide range of situations. One of the most common circumstances occurs when an employee is fired for an illegal reason. Under federal law, employees may not be terminated on the basis of their race, gender, ethnicity, religion, disability or age. Employers who do so may be subject to civil liability for wrongful termination. The ban on discrimination applies not only to firings, but to other aspects of employment, including hiring and promotion decisions.

Federal and state laws also protect employees from unfair labor practices. Employers must comply with wage and hour laws, like the Fair Labor Standards Act, that dictate how long an employee can work and how much he or she must be paid. Employees' rights extend to family life as well. For example, the Family and Medical Leave Act ensures that employees are granted time off to welcome a new baby, or deal with illness.

Other employment law issues involve workplace conditions. The Occupational Safety and Health Administration, for example, requires employers to provide a safe workplace by adhering to national safety standards. Failing to do so can lead to fines and civil liability. In addition, employees generally have certain privacy rights while at work. For example, employers typically can't monitor personal telephone conversations or search an employee's car.

## **Employment Law Attorneys**

If you or a loved one is involved in an employment law dispute, it's in your best interests to consult with an attorney. Since employment is such a broad area of the law, employment lawyers typically specialize in one or a few aspects of practice. It's therefore important for you to seek out a lawyer who is experienced in the relevant area of employment law. For example, if you feel that you've been the victim of workplace discrimination, you should seek out an attorney who has experience handling the type of discrimination claim you're bringing. On the other hand, if you're looking to appeal a workers' compensation decision, you should find an attorney who is versed in the administrative procedures involved in workers' compensation law.

## **Family Law**

Just about anyone can start a family on their own, but certain procedures affecting the responsibilities of family life must be pursued in court. While matters of the heart are very personal, the rights of same-sex couples to get married, laws regarding divorce, and the process of adopting a child are governed by state and federal laws. "Family law," therefore, refers to rules, regulations, and court procedures involving the family unit. While some family law matters may be handled without counsel, processes such as divorce and child custody often require the skill and expertise of a skilled attorney.

### **What Does Family Law Cover?**

Civil procedures and legal matters involving family members' financial responsibilities, custodial rights, eligibility, and other obligations generally fall under the family law category. Domestic violence and child abuse are included in this section, although they are criminal matters. The following is a list of family law topics:

- ***Marriage & Living Together:*** Eligibility requirements such as age and gender (i.e., same-sex marriage) are primarily governed at the state level. Also, different states have different laws governing legal partnerships other than marriage.

- ***Divorce & Alimony:*** Also called "dissolution of marriage," divorces come about via court order, either with or without legal representation. Sometimes one spouse will be required to provide financial support for the other after a divorce.
- ***Child Custody & Child Support:*** When parents get divorced, the court must decide what is in the best interests of the children, which includes living arrangements and financial support.
- ***Adoption & Foster Care:*** A variety of legal considerations may come into play when adopting or fostering a child.
- ***Parental Liability & Emancipation:*** Parents often are liable for the actions of their children. Some children may become "emancipated" if they can prove their maturity and ability to live apart from their parents.
- ***Reproductive Rights:*** Laws governing abortion, birth control, artificial conception, and other reproductive rights are established at the state level and change often.

***Domestic Violence & Child Abuse:* While these violations are handled in criminal court, they often raise legal issues affecting the family, as well.**

## **Marriage Law**

Maybe you're thinking about marriage and you're curious about how prenuptial agreements work. Or you're planning a wedding and wondering which states allow same-sex marriage. Or maybe you're back from your honeymoon and trying to figure out if your health benefits cover your new spouse. It seems like there are a million legal questions that can cloud your marital bliss. In this section, you'll find helpful marriage law information and practical tips on a variety of issues related to marriage - such as marriage rights, marriage benefits, prenuptial agreements, community property, foreign spouses, common law marriage, state marriage license requirements, and name changes after marriage. This section also includes a helpful "getting married" checklist and other resources to help guide you through the marriage process and ensure your marriage is legal.

## **Marriage Licenses and Paperwork**

There are very few federal marriage laws, so it's left to the states to determine their own requirements for marriage eligibility, applications, and licenses. There are restrictions on age, mostly for those under 18 who will need parental permission to get married. You may also be required to provide extensive personal information

in order to apply for a marriage license, which are normally issued by county courts where you reside or where the marriage will take place. In addition, the licenses themselves have fees, waiting periods, and are valid for a limited time only. All of these regulations will depend on either where you reside or where you decide to get married.

### **Same-Sex, Common Law, and State Marriage Laws**

As of now, states also have the right to determine who can marry. The law regarding same-sex marriages is currently in flux, with many courts overturning bans on same-sex marriage and more states passing laws providing for same-sex unions. The law on common law marriages is also changing, with the majority of states no longer recognizing it as a legal union. These laws are constantly evolving, so the more up-to-date research you can do, the better.

### **Marital Property and Money Questions**

You don't have to be worrying about a potential divorce to be concerned about the implications marriage will have with respect to money, property, and debt. In most states, getting married means that your spouse's income and debt now become yours, and vice versa. There are also issues that can arise with banking, finances, and investments. In the unfortunate event of a divorce, some states treat marital property differently. In community property states, any property obtained during the marriage must be split evenly, while in states that don't recognize community property, the split could be up to parties or even the courts.

### **How Prenup and Family Law Attorneys Can Help**

Not everyone needs a prenuptial agreement, and many people can get married without hiring a lawyer. However, if you're curious about pre-marriage agreements, need questions answered about the marriage requirements in your state, or have concerns regarding legal issues that have arisen since your wedding day, an experienced family law attorney can help.

### **When Do I Need a Family Law Attorney?**

As with most other areas of the law, whether you need a family law attorney depends on a number of factors specific to your case. For example, a couple

generally won't need a lawyer to get married, but attorneys may be required if one party asks the other to sign a prenuptial agreement.

Individuals often benefit from hiring an attorney when dealing with divorce, child support, and especially child custody matters. Because emotions can run high during some divorces, hiring an attorney for her legal knowledge and skills, as well as to negotiate with the other party to resolve difficult issues, can be invaluable.

Most lawyers offer free initial consultations, so it may be worth your time to speak with a family law attorney if you have additional questions.

Courts evaluate fair use on a case-by-case basis. The following are cases in which a court ruled that an unauthorized use was fair:

- Google's reproduction of images into thumbnails to display on search results pages was fair use because the alteration of the image was transformative, and therefore, it outweighed the commercial benefit received by Google.
- A biographer's quotation of 16 unpublished documents was fair use because it comprised no more than 1% of Richard Wright's unpublished documents and it was for an informational purpose.

The following are cases in which a court ruled that unauthorized use was not fair:

- It was not fair use for the *Nation* magazine to publish central parts of former President Gerald Ford's memoir prior to its publication because it substantially decreased its marketability.

## **Criminal Law**

What we call criminal law broadly refers to federal and state laws that make certain behavior illegal and punishable by imprisonment and/or fines. Our legal system is largely comprised of two different types of cases: civil and criminal. Civil cases are disputes between people regarding the legal duties and responsibilities they owe each other. Criminal cases, meanwhile, are charges pursued by prosecutors for violations of criminal statutes.

## **Criminal Law: History**

In the United States, British common law ruled during colonial times. Common law is a process that establishes and updates rules that govern some nations. Once America became an independent nation, it adopted the U.S. Constitution as "the supreme law of the land." The U.S. continues to employ a common law system, which works in combination with state and federal statutes. As far as criminal laws are concerned, each state has its own penal code which defines what is or is not a crime, the severity of any offense and its punishment.

## **Felonies and Misdemeanors**

Criminal cases are generally categorized as felonies or misdemeanors based on their nature and the maximum imposable punishment. Each state is free to draft new criminal laws, so long as they are deemed constitutional. Thus, what is a crime in one state may not necessarily be a crime in a neighboring state.

A felony involves serious misconduct that is punishable by death or by imprisonment for more than one year. Most state criminal laws subdivide felonies into different classes with varying degrees of punishment. Crimes that do not amount to felonies are typically called misdemeanors. A misdemeanor is misconduct for which the law prescribes punishment of no more than one year in prison. Lesser offenses, such as traffic and parking tickets, are often called infractions.

## **Police Investigate, Prosecutors File Charges**

Many people think that police officers (who investigate crimes) also charge offenders. That is a common misconception. Police gather evidence and sometimes also testify in court. But prosecutors – including district attorneys, United States Attorneys and others – ultimately decide whether a suspect is prosecuted or not.

## **Criminal Defense Lawyers**

A qualified criminal defense attorney is often a crucial advocate for anyone charged with a crime. These attorneys are very familiar with local criminal procedures and laws – some may have even first worked as prosecutors. Most defense lawyers should be able to handle any misdemeanor or low-level crime. But not all lawyers are qualified to handle serious charges. Some courts don't allow inexperienced attorneys to represent defendants facing capital punishment, for example.



So whether you were arrested for a crime against a person (like assault and battery, rape, or murder), a crime against property (like shoplifting, burglary, or arson), or a drug crime (marijuana possession or cocaine dealing), a criminal defense lawyer can help.

## **Accidents and Injuries**

People's tendency to get into accidents and suffer injuries is as old as civilization itself, as is the fact that sometimes the actions (or inactions) of others are to blame. While no one can go back and undo an injury, personal injury law provides a way for the injured to be "made whole" again. Relief for injuries usually comes in the form of monetary compensation, or "damages," but remedies may also include things other than money (such as a judge's order to take a particular action). Lawsuits for injuries often are settled out of court, before the court reaches a verdict.

FindLaw's Accidents and Injuries section covers the broad legal practice area of injury law, which focuses on determining one or more party's liability for the injuries of another. Injury (or "personal injury") law addresses everything from car accidents and injuries caused by slippery shop floors, to dangerous consumer products and intentional acts.

## **What is an Injury?**

An "injury" can be a lot of things, but is broadly defined as a violation of another's legally protected interest. This includes one's mental or physical well-being, their property, and even their reputation. Violation of any of these interests may entitle the injured party to seek relief in court. Here are some examples:

- A woman with an injured right foot goes into surgery to have it removed. The surgeon mistakenly amputates her left foot instead. The patient may sue the surgeon, the hospital, and any other responsible parties in a medical malpractice or negligence suit.
- One man strikes another man with a baseball bat after a verbal disagreement. The first man may be sued for assault and/or battery in civil court, in addition to facing potential criminal penalties..
- A woman in a small town writes an op-ed in the local newspaper that knowingly and falsely accuses her neighbor of being a drug dealer, which damages his reputation. He may sue her for defamation, since the publication of the false information injured his reputation.

## **What are Damages?**

The term damages refers to an award, usually a monetary one, for injuries. "Compensatory damages" are meant to compensate the plaintiff for his or her injuries, while "punitive damages" are reserved for especially egregious violations where the defendant may have acted with malice. Some states have limits on the amount of damages a plaintiff may collect, particularly with respect to medical malpractice claims.

## **What Can an Injury Attorney Do For Me?**

If you have a legitimate claim for injury, a personal injury lawyer will be able to thoroughly prepare for your case and fight for your claim. Your attorney will know how to deal with insurance companies, analyze the evidence, bring in relevant witnesses and experts, negotiate a settlement, and generally apply the law to your benefit.

## **Consumer Protection**

Consumer protection is an umbrella term covering a group of laws and organizations that protect the rights of consumers and foster the free flow of accurate information in the marketplace. Consumer protection laws are designed to prevent businesses from engaging in fraud or unfair practices, to protect individuals from scam artists, and identity thieves and crooks.

Consumer protection involves everyday issues and threats like identity theft, sales contracts, lemon laws, travel and fraud. A consumer is anyone who acquires goods or services for direct use or ownership.

All consumers should learn how to do simple things like manage a credit score, read the fine print on a gift card and understand the importance of choosing a secure email password. It's also important to know when the law is on your side and when to contact an attorney to help you enforce your rights.

Organizations and agencies like the Federal Trade Commission and Better Business Bureau promote and sometimes enforce consumer protection laws. But if you are victimized and a consumer law has been broken, the legal system is one place you can go to be made whole again.

## **Consumer Protection Laws**

Consumer protection laws protect individual consumers from being taken advantage of – be it by a large corporation, or a local business. Consumer transactions such as buying, selling and returning goods are regulated at both the state and federal levels. Many consumer protection laws also involve credit, banking and related financial matters.

Some consumer laws require disclosure of detailed information about products – particularly in areas where safety or public health is an issue. Lawmakers have passed a host of food labeling laws, for instance. The nutritional labels on food products are the result of consumer protection laws. Furthermore, food and drug safety laws have become more prevalent as lawmakers seek to prevent consumers from being harmed by improperly prepared goods.

## **Identity Theft and Online Scams**

Identity theft is one of the fastest-growing crimes in the nation, robbing its victims of time, money and peace of mind. Identity thieves often use the Internet but can also obtain sensitive personal data from trash cans and other unsecured locations.

The virtual world is fraught with real world dangers, which is why consumers should exercise caution online. A lot of questions come to mind when dealing with the online world, like: Should you post photos of your children online? How do you protect your identity online? How do you respond to "spam" email?

## **Travel and Leisure**

Even travel and sporting events can trigger consumer protection issues. Traveling typically involves a number of consumer agreements and contracts, including rental car agreements and airline reservations. Consumers often form contracts without even knowing it, like those printed on the back of tickets for travel or for sports events. Even just parking in a lot may have legal consequences that consumers are unaware of.

An experienced consumer protection or personal injury attorney is well versed in state and federal laws protecting consumers and has experience pursuing such lawsuits.

## Unjust laws

Laws can be either just or unjust. Just laws protect human rights, and disobeying just laws for personal gain or of personal disagreement is wrong because it may harm security of other members of a community. The Greek philosopher Socrates claims that someone who breaks the law is “a destroyer of the laws”. Since laws are pillars of society, breaking those laws damages society. But some people believe that certain laws are unjust and should no longer exist. What is an “unjust law”? According to M.L.King, it is “a code that is out of harmony with the moral law...it is a law that degrades human personality”. Unjust laws are laws that compel some people to obey while not requiring others to do the same. These laws are often used by one group to mistreat another group. Some people think that unjust laws should not be obeyed. While it is better to prevent unjust laws from being made, there are many methods by which people can act to change them after they have been enacted. One of these methods is civil disobedience, the deliberate and public violation of an unjust law as a means of protest. “An unjust law is no law at all”, said St.Augustine, providing the foundation of civil disobedience movement across the globe. During the 1960-70s there were a civil rights movement, an anti-war movement and other several movements in which people claimed that obeying the laws was harmful because the law itself was wrong. The chief theoretician of civil disobedience was Henry David Thoreau, and among its courageous practitioners we know such people as Mahatma Gandhi in India who, while opposing British colonial rule, set formal rules of non-violent civil resistance; or Jamaica singer Bob Marley who saw the injustices taking place in South Africa during 1970s and made his opinion heard through his songs which were very influential. In the United States the famous leader of civil rights movement was Martin Luther King, who promoted non-violent methods for racial equality. He organized marches for black’s right to vote, fair hiring, desegregation and other rights. He was arrested and in his famous “Letter from the Birmingham Jail” he called on all Americans to actively but peacefully oppose laws that were morally wrong. Most of the demands were later enacted into the US law. In 1964 King won the Nobel Peace Prize, in 1968 he was assassinated. “An individual who breaks a law that conscience tells him is unjust and who willingly accepts the penalty of imprisonment in order to arouse the conscience of the community over its injustice is in reality expressing the highest respect for the laws.” (M.L.King)

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