Владимирский государственный университет

С. Н. СКРИПЧЕНКО

СУДЕБНЫЕ СИСТЕМЫ ВЕЛИКОБРИТАНИИ И СОЕДИНЕННЫХ ШТАТОВ АМЕРИКИ

THE COURT SYSTEMS OF GREAT BRITAIN AND THE UNITED STATES OF AMERICA

Учебное пособие по английскому языку

Владимир 2022

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«Владимирский государственный университет
имени Александра Григорьевича и Николая Григорьевича Столетовых»

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Издание подготовлено с учетом учебной программы курса английского языка для юридических вузов и составлено на основе анализа текстов оригинальной юридической литературы, отражающей современную структуру судебных ветвей власти Великобритании и США и состояние судопроизводства в этих странах.

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PREFACE

Великобритания и Соединенные Штаты Америки являются высокоразвитыми странами мира с демократическими традициями, сформировавшимися в течение нескольких веков. Эти страны создали и развили системы судов, максимально гарантирующих защиту прав человека в демократическом обществе. Анализ структуры и функционирование судебных систем Великобритании и Соединенных Штатов Америки – необходимая составная часть учебной программы по предмету «Иностранный язык» для студентов, обучающихся по специальности 40.05.04 «Судебная и прокурорская деятельность». Это явилось основанием для подготовки учебного пособия.

В пособии используются современные аутентичные материалы, обработанные и адаптированные для студентов вузов юридического профиля. Цель издания – последовательно провести студентов по разделам специальной лексики, на современных текстах ввести в страноведческий материал, сформировать навыки работы с литературой по специальности и в конечном итоге развить коммуникативные способности обучающихся, позволяющие им с помощью специальных таблиц вести сообщение по теме. В издании приводится достаточное количество текстов для дополнительного чтения, способствующих развитию навыков самостоятельной работы студентов с литературой по специальности. Данные тексты также могут быть использованы для проведения различного вида контроля обучения и усвоения изучаемого материала.

Учебное пособие состоит из двух частей. Первая часть включает два юнита, содержащих материал, связанный с работой и структурой уголовных и гражданских судов Великобритании, вторая состоит из трех юнитов, отражающих деятельность федеральной судебной системы США, работу федеральных судей и функционирование судебной системы на уровне отдельного штата. Основные тексты снабжены разнообразными тренировочными лексическими упражнениями, способствующими прочному запоминанию материала.

Part I
THE COURT SYSTEM OF GREAT BRITAIN

Unit 1
THE HIERARCHY OF COURTS

Criminal Courts

1

The most common type of law court in England, Wales and Northern Ireland is **the magistrates' court.** It tries the least serious offences – summary offences. There are about 700 magistrates' courts in England and Wales.

The judges in the magistrates' courts of England and Wales are unpaid lay magistrates or a few paid stipendiary magistrates (both sit without a jury). Unpaid lay magistrates are ordinary people who are selected by special committees in every town and district. They have no legal training. The committee tries to draw magistrates from a variety of professions and social classes.

A magistrates' court, which is open to the public and the media, usually consists of three lay magistrates who are advised by a justices' clerk or an assistant. The justices' clerk must be a qualified lawyer.

In Northern Ireland summary offences are heard in magistrates' courts by a full-time, legally qualified resident magistrate.

The court system of Scotland doesn't include magistrates' courts. Summary procedure is used in the less serious cases in the **sheriff courts** and in all cases in **district courts**. There are six sheriffdoms, each of which is headed by the sheriff principal. The six sheriffdoms are subdivided into a total of 49 sheriff court districts. The sheriff is the judge in the sheriff court. District courts deal with minor offences. They are established on a local government district basis and their judges are either lay justices of the peace or legally qualified stipendiary magistrates who have the same powers as the sheriff.

2

Very serious offences in England and Wales such as murder, manslaughter, rape and robbery are tried on indictment only by **the Crown Court**. All trials are presided over by a legally qualified judge sitting with a jury. Such offences as theft, the less serious cases of burglary and some assaults can be tried either by magistrates' courts or by jury in the Crown Court.

In Northern Ireland the Crown Court deals with criminal trials on indictment. Proceedings are heard by a single judge before a jury. People accused of terrorist-type offences in Northern Ireland are tried by a judge sitting alone without a jury because of the possibility of jurors being intimidated by terrorists organizations.

Appeals are heard by higher courts. For example, appeals from magistrates' courts are heard in the Crown Court. A person convicted after trial on indictment may appeal to the criminal division of the Court of Appeal. But appeals in some cases from the Crown Court can be heard in the Queen's Bench Division of the High Court. The highest court of appeal in England, Wales and Northern Ireland is the Supreme Court of the United Kingdom.

There are no Crown Courts in Scotland. The fiscal decides whether the case should be tried in the sheriff or district court and whether the proceedings are to be by summary or solemn procedure. In solemn procedure the trial takes place before a judge sitting with a jury of 15 people. Details of the alleged offence are set out in an indictment. The Supreme Criminal Court in Scotland is the High Court of Justiciary. It sits in Edinburgh and in other major towns and cities. It tries the most serious crimes and has exclusive jurisdiction in cases involving murder, treason and rape. All cases in the High Court are tried by a judge and jury.

3

There exist coroners' courts. Coroners in England and Wales investigate violent and unnatural deaths or sudden deaths where the cause is unknown. An inquest is, however, not necessary if a sudden death was due to natural causes. The coroner must hold an inquest if the deceased

died a violent or unnatural death or died in prison or in other specified circumstances. In Northern Ireland the coroner investigates the matter in order to determine whether or not an inquest is necessary. It is the duty of the coroners' court to establish how, when and where the deceased died. A coroner may sit alone or, in certain circumstances, with a jury.

There are no coroners' courts in Scotland, where the fiscal is responsible for investigating all sudden, suspicious or unexplained deaths. Enquiries are initially carried out by the police under the direction of the fiscal, who has personal responsibility for ensuring that the circumstances attending such deaths have been fully investigated. The fiscal may arrange a fatal accident inquiry before the sheriff. This is mandatory in the case of industrial accidents and of death of people in custody. In most cases, however, the fiscal makes a private inquiry and may report the findings to the Crown Office. The fiscal is also responsible for investigating suspicious fires, serious damage to property or other occurrences suggesting the possibility of crime.

I. Give English equivalents to:

1

суд магистратов**;** преступления, рассматриваемые по упрощенному судопроизводству; судьи; неоплачиваемые магистраты, не имеющие юридического образования; оплачиваемые магистраты; присяжные заседатели; юридическое образование; средства массовой информации; судебный секретарь; квалифицированный юрист; постоянно проживающий в данной местности магистрат, имеющий юридическое образование и работающий на полную ставку; суд шерифа; территория в ведении шерифа; мировые судьи; полномочия.

2

убийство; непреднамеренное убийство; изнасилование; ограбление; обвинительный акт; Суд Короны; судебные разбирательства; воровство; кража со взломом; нападение; запугивать; апелляция; осуждать; судебный исполнитель; процедура судебного разбирательства с со-

блюдением всех необходимых формальности; инкриминируемое преступление; Суд юстициария (Высший уголовный суд); рассматривать тяжкие преступления; исключительная юрисдикция; государственная измена;

3

суды коронеров; насильственная смерть; следствие; покойный; тюрьма; установить; подозрительная или необъяснимая смерть; расследования; обстоятельства, сопутствующие смерти; расследование несчастного случая; смерть в заключении; доложить результаты расследования; канцелярия прокурора; подозрительные пожары; происшествия, возможно связанные с нарушением закона.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1. The magistrates' court tries the least serious offences – summary offences.
2. The judges in the magistrates' court are only unpaid lay magistrates.
3. A magistrates' court consists of a lay magistrate who is advised by a justices' clerk.
4. The sheriff courts and district courts try summary offences in Scotland.
5. There are ten sheriffdoms in Scotland, each of which is headed by a sheriff principal.
6. Serious offences in England and Wales are tried on indictment only by the Crown Court.
7. All trials in the Crown Court are presided over by a legally qualified judge sitting alone without a jury.
8. The highest court of appeal in England, Wales, Northern Ireland and Scotland is the House of Lords.
9. A coroner must hold an inquest if a deceased died a violant or unnatural death.

10. In Scotland the fiscal is responsible for investigating all sudden, suspicious or unexplained deaths.

11. The fiscal is not responsible for investigating suspicious fires, serious damage to property.

III. Give all possible word combinations:

court (мировой, шерифа, окружной, Короны, вышестоящий, уголовный, верховный, юстициария, коронеров);

magistrates (неоплачиваемые, не имеющие юридического образования, оплачиваемые, имеющие юридическое образование, работающие на полную ставку);

offences (незначительные, по упрощенному судопроизводству, по обвинительному акту, связанные с террористическими действиями);

procedure (упрощенная, с соблюдением всех необходимых формальностей).

IV. Read out only the words which are the names of crimes:

assault, court, sheriffdoms, burglary, jury, offences, manslaughter, rape, usually, judge, robbery, type.

V. Answer the questions:

1. What criminal courts of Great Britain do you know ?
2. What offences does the magistrates' court try ?
3. How are unpaid lay magistrates selected ?
4. How many magistrates take part in a trial ?
5. What offences are heard in the Crown Court ?
6. What courts try summary offences in Scotland ?
7. What Scotland court has exclusive jurisdiction in cases involving murder, treason and rape ?
8. What do coroners investigate in England and Wales ?
9. Who is responsible for investigating all sudden, suspicious or unexplained death ?

VI. Open the brackets and put in the right form of the verb " to be":

1. The system of criminal courts of Great Britain (to be) complicated.
2. There (to be) no magistrates' courts in Scotland.
3. The majority of judges in magistrates' courts (to be) unpaid lay magistrates.
4. That coroner (to be) at the inquest last Friday.
5. There (to be) coroners' courts in Scotland.
6. The fiscal (to be) responsible for investigating all sudden or unexplained death.
7. That fiscal (to be) responsible for arranging a fatal accident inquiry next week.
8. Last month an inquest (not to be) necessary because that death was due to natural causes.

VII. Read the dialogue and act it out

- Can you explain me the term "unpaid lay magistrate"?

- Unpaid lay magistrates are ordinary people who are selected by special committees in every town and district.

- Do they have legal training?

- No, they don't. They have no legal training. The committee tries to draw magistrates from a variety of professions and social classes.

- Are lay magistrates advised by somebody on the points of law?

- Yes, they are. They are advised by a justice's clerk who should be a qualified lawyer.

- What can you say about the court system of Scotland? Is it quiet different?

- Yes, it is. Summary procedure is used in the less serious cases in the sheriff courts and in all cases in district courts.

- What is the main function of the Crown Court?

- Very serious offences in England and Wales such as murder, manslaughter, rape and robbery are tried on indictment only by the Crown Court.

- What is the highest court of appeal in England, Wales, Scotland and Northern Ireland?

- The highest court of appeal in England, Wales, Scotland and Northern Ireland is the Supreme Court of Great Britain.

- What do you know about coroners' courts in Great Britain?

- Coroners in England and Wales investigate violent and unnatural deaths or sudden deaths where the cause is unknown.

- Are there coroner's courts in Scotland?

- There are no coroners' courts in Scotland, where the fiscal is responsible for investigating all sudden, suspicious or unexplained deaths.

- What other occurrences is the fiscal responsible of?

- The fiscal is also responsible for investigating suspicious fires, serious damage to property or other occurrences suggesting the possibility of crime.

Civil Courts

Certain classes of English civil cases, for example claims by wives for separate maintenance and paternity suits by single women, are tried in magistrates' courts. The vast majority of English civil cases are tried in **the County Court** or in **the High Court**. The county courts are essentially courts for the trial of small claims. They have unlimited jurisdiction over such cases as bankruptcy, claims under the agriculture holdings acts and rent restrictions acts, and uncontested divorce. In general, however, they cannot hear cases in which the amount of dispute is more than 400 pounds.

A county court judge must be **a barrister of not less than seven years' standing**. The retiring age is 72.

The High Court has three divisions – the queen's (king's) bench division, the chancery division, and the probate, divorce and admiralty (family) division. "Queen's bench" goes back to the days when the monarch sat in one of his courts. "Chancery" goes back to the days when the king's chancellor sat in a special court. The family division goes back to the old church courts and court of admiralty. **The judges of all three divisions must be barristers of not less than 10 years' standing.** The retiring age is 75.

The functions of the family division of the High Court are purely appellate. It is the court of appeal from the magistrates' courts in cases heard under their matrimonial and paternity jurisdiction. The chancery division of the High Court hears appeals from the county courts. The queen's bench division hears appeals in criminal cases that have been tried by magistrates' courts, but it also exercises an important supervisory jurisdiction over the magistrates and over the special administrative tribunals.

The civil division of the Court of Appeal hears appeals from decisions of the county courts, of all of three divisions of the high courts. In a limited number of cases the decision of the Court of Appeal is final, but in most civil cases there is a further appeal to the Supreme Court of Great Britain.

I. Give English equivalents to:

взыскание алиментов женами; иски матерей-одиночек на установление отцовства; графский суд; высокий суд; неограниченная юрисдикция; банкротство; иски, связанные с использованием сельскохозяйственных угодий и ограничением арендной платы; неоспариваемые разводы; взаимные претензии в материальном выражении; со стажем не менее семи лет; отделение королевской скамьи; отделение канцлера; старый церковный суд; суд адмиралтейства; возраст ухода в отставку; судья графского суда; специальные административные трибуналы; рассматривать апелляции; ограниченное количество дел; гражданские дела.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1. Magistrates' courts try only certain classes of criminal cases.

2. The county courts are essentially courts for the trial of small claims.

3. The county courts cannot hear cases in which the amount of dispute is more than 200 pounds.

4. The retiring age of a county court judge is 72.

5. The functions of the family division of the High Court are purely appellate.

6. The chancery division of the High Court hears appeals from the magistrates' courts.

7. The family division of the High Court exercises an important supervisory jurisdiction over the magistrates and over the special administrative tribunals.

III. Answer the questions:

1. What civil courts of Great Britain do you know ?
2. What civil cases does the magistrates' court try ?
3. What offences are heard in the County Court ?
4. What do you know about a county court judge?

5. How many divisions does the High Court have? Name them.
6. What do you know about a judge of the High Court ?
7. What are the functions of the family division of the High Court ?

IV. Translate into English.

1. Семейный отдел Высокого Суда имеет дело с апелляциями, поступающими из судов магистратов по вопросам развода и установления отцовства.
2. Подавляющие большинство гражданских исков рассматриваются в Графском суде и Высоком суде.
3. Определенные виды гражданских дел рассматриваются в суде магистратов.
4. Отдел королевской скамьи Высокого Суда рассматривает апелляции по уголовным делам, поступающим из судов магистратов.
5. Отдел королевской скамьи осуществляет надзор над специальными административными трибуналами.
6. Судья Графского суда должен иметь стаж работы барристером не менее 7 лет.
7. Возраст ухода на пенсию судьи Графского суда составляет 72 года.
8. Семейный отдел Высокого суда занимается только рассмотрением апелляций.
9. В ограниченном количестве рассматриваемых дел решение апелляционного суда не подвергается пересмотру.

V. Read the dialogue and act it out

- Are there civil cases that are not tried in civil courts?

- Yes, there are. Certain classes of English civil cases, for example claims by wives for separate maintenance and paternity suits by single women, are tried in magistrates' courts

- Where are small claims tried and what is the amount of dispute for such cases?

- Such cases are tried in the County Court. They include, for example, bankruptcy or uncontested divorce. They cannot hear cases in which the amount of dispute is more than 400 pounds.

- What qualification should a County court judge have?

- A county court judge must be a barrister of not less than seven years' standing.

- What can you say about the structure of the High Court?

- This court has three divisions – the queen's (king's) bench division, the chancery division, and the family division.

- What is the history of "Queen's bench" division and "Chancery" division?

- "Queen's bench" goes back to the days when the monarch sat in one of his courts. "Chancery" goes back to the days when the king's chancellor sat in a special court.

- What qualification should a High court judge have?

- The judges of all three divisions must be barristers of not less than 10 years' standing.

- What appeals does the queen's bench division of the High Court hear?

- It is the court of appeal from the magistrates' courts in cases heard under their matrimonial and paternity jurisdiction.
- What appeals does the civil division of the Court of Appeal hear?

- The civil division of the Court of Appeal hears appeals from decisions of the county courts, of all of three divisions of the high courts.

Unit 2

JUDICIAL REFORMS IN GREAT BRITAIN

The Supreme Court of the United Kingdom

https://www.judiciary.uk/about-the-judiciary/the-justice-system/the-supreme-court/

The Constitutional Reform Act 2005 made provision for the creation of a new Supreme Court for the United Kingdom. A new free-standing Supreme Court became independent from the second House of Parliament, having removed the Lords of Appeal in Ordinary from the legislature. On 12 June 2003 the Government announced its intention to do so.

Before the Supreme Court was created, the 12 most senior judges – the Lords of Appeal in Ordinary, or Law Lords as they were often called – sat in the House of Lords. The House of Lords was the highest court in the land – the Supreme court of appeal. It acted as the final court on points of law for the whole of the United Kingdom in civil cases and for England, Wales and Northern Ireland in criminal cases. Its decisions bound all courts below.

As members of the House of Lords, the judges not only heard cases, but were also able to become involved in debating and the subsequent enactment of Government legislation (although, in practice, they rarely did so). The creation of a new Supreme Court means that the most senior judges are now entirely separated from the Parliamentary process.

It is important to be aware that the new Supreme Court is a United Kingdom body, legally separate from the England and Wales courts as it is

also the Supreme Court of both Scotland and Northern Ireland. As such, it falls outside of the remit of the Lord Chief Justice of England and Wales in his role as head of the judiciary of England and Wales.

The new Supreme Court was open for business in October 2009, at the start of the legal year.

I. Give English equivalents to:

обеспечить законодательную базу; независимый; лорд-ординарий апелляционного суда (лорд-судья); законодательная власть; провозгласить намерение; высший суд страны; по вопросам права; последующее введение закона в силу; старшие судьи; полностью отделены; не находиться в подчинении; глава судебной ветви власти.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1. On 12 June 2003 the Government announced its intention to found new free-standing Supreme Court separated from the second House of Parliament.
2. The creation of a new Supreme Court means that the most senior judges are now partly separated from the Parliamentary process.
3. The new Supreme Court opened for business in October 2012, at the start of the legal year.
4. The Constitutional Reform Act 2005 made provision for the creation of a new Supreme Court for the United Kingdom.
5. It acted as the final court on points of law for the whole of the United Kingdom in civil cases.
6. It is important to be aware that the new Supreme Court is a United Kingdom body, legally separated from the England and Wales courts.
7. Before the Supreme Court was created, the 12 most senior judges sat in the House of Commons.

III. Answer the questions:

1. What law made provision for the creation of a new Supreme Court for the United Kingdom ?

2. When did the Government announce its intention to do so ?

3. Where did Law Lords sit before the Supreme Court was created?

4. What were the responsibilities of the House of Lords as the Supreme Court of the land?

5. What was the main reason to create the Supreme Court of Great Britain?

6. When did the Supreme Court of Great Britain began its work?

IV. Translate into English

1. Палата Лордов являлась Верховным судом страны и действовала как суд последней инстанции по всем гражданским делам Великобритании и по всем уголовным делам Англии, Уэльса и Северной Ирландии.

2. Как члены Палаты Лордов судьи не только занимались рассмотрением апелляций, но и были вовлечены в законотворческую деятельность.

3. В июле 2003 г. Правительство провозгласило свое намерение создать Верховный суд Великобритании.

4. Конституционная реформа 2005 г. подготовила законодательную основу для создание Верховного суда Великобритании.

5. Новый Верховный суд начал свою работу в октябре 2009 г.

The Key Changes of the Constitutional Reform

The Lord Chancellor's role changed dramatically on 3 April 2006, as a result of the Constitutional Reform Act 2005. For the first time in almost 900 years, judicial independence is now officially enshrined in law.

The key changes brought in by the act include:

- A duty on government ministers to uphold the independence of the judiciary, barring them from trying to influence judicial decisions through any special access to judges

-Reform of the post of Lord Chancellor, transferring their judicial functions to the President of the Courts of England and Wales – a new title given to the Lord Chief Justice. The Lord Chief Justice is now responsible for the training, guidance and deployment of judges and represents the views of the judiciary of England and Wales to Parliament and ministers

- An independent Supreme Court has been established, separate from the House of Lords and with its own independent appointments system, staff, budget and building

- An independent Judicial Appointments Commission is responsible for selecting candidates to recommend for judicial appointment to the Secretary of State for Justice. The Judicial Appointments Commission ensures that merit remains the sole criterion for appointment and the appointments system is modern, open and transparent.

- A Judicial Appointments and Conduct Ombudsman, responsible for investigating and making recommendations concerning complaints about the judicial appointments process, and the handling of judicial conduct complaints within the scope of the Constitutional Reform Act.

What has not changed is the way judgments are made or given; after all, judges have been independent in the way they work for centuries.

The real differences are in the day-to-day management of the judiciary, the way judges are appointed and the way complaints are dealt with. These are now truly independent to enhance accountability, public confidence and effectiveness.

I. Give English equivalents to:

лорд-канцлер; кардинально; закреплять законом; поддерживать независимость судей; запрещая; специальный доступ к судьям; лорд главный судья; распределение; независимая система назначения на должности; комиссия по назначению на должности; министр юстиции; заслуги; прозрачная; комиссия по рассмотрению жалоб на

процесс назначения и поведение судей; повседневное судопроизводство; подотчетность; общественное доверие.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1.For the first time in almost 500 years, judicial independence is now officially enshrined in law.

2. Reform of the post of Lord Chancellor, transferring their judicial functions to the President of the Courts of England and Wales – a new title given to the Lord Chief Justice.

3. The Lord Chief Justice is now responsible for the training of judges.

4. An independent Supreme Court has been established, separate from the House of Lords.

5. A Judicial Appointments and Conduct Ombudsman responsible for selecting candidates to recommend for judicial appointment to the Secretary of State for Justice.

6. What has not changed is the way judgments are made or given; after all, judges have been independent in the way they work for centuries.

7. There are no differences in the day-to-day management of the judiciary, the way judges are appointed and the way complaints are dealt with.

III. Answer the questions:

1.When did the Lord Chancellor's role change dramatically?

2.When was judicial independence enshrined in law?

3.Was it done for the first time in the history of justice in Great Britain?

4.What new title was given to the Lord Chief Justice?

5.What is the Lord Chief Justice responsible for?

6.How can you characterize a new Supreme Court in Great Britain?

7. What is a Judicial Appointments and Conduct Ombudsman responsible for?

8.What is an independent Judicial Appointments Commission responsible for?

IV. Translate into English

1. В течение столетий судьи были независимы при выполнении своей работы.

2. Независимая комиссия по назначению судей несет ответственность за отбор кандидатов.

3. Заслуги остаются единственным критерием для назначения на должность судьи.

4. Система назначения судей на должность является современной, открытой и прозрачной.

5. Судьи в настоящее время полностью независимы в расширении своей ответственности, увеличении общественного доверия и эффективности работы.

V. Read and act out the dialogue

- When was judicial independence enshrined in law in Great Britain for the first time in almost 900 years?

- It was a result of the Constitution Reform Act 2005. And the Lord Chancellor's role changed dramatically.

- Really? Was his power seriously limited?

- Yes, it was. The judicial functions of the Lord Chancellor were transferred to the President of the Courts of England and Wales – a new title given to the Lord Chief Justice.

- What is the Lord Chief Justice now responsible for?

- The Lord Chief Justice is now responsible for the training, guidance and deployment of judges and represents the views of the judiciary of England and Wales to Parliament and ministers.

- How can you characterize a new Supreme Court established in Great Britain?

- It is separate from the House of Lords and it has its own independent appointments system, staff, budget and building.

- And how are candidates for judicial appointments selected?

- An independent Judicial Appointments Commission is responsible for selecting candidates to recommend for judicial appointments to the Secretary of State for Justice.

- Does it have certain criteria for appointment?

- Merit remains the sole criterion for appointment and the appointments system is modern, open and transparent.

- Is there anything that hasn't changed in the court proceedings?

- What has not changed is the way judgments are made or given; after all, judges have been independent in the way they work for centuries.

Tribunals reform

The Tribunals Service was created on 3 April 2006, and brought together the administration of a large number of individual tribunals, resulting in a more common and consistent approach for users.

On November 3, 2008, the Tribunals, Courts and Enforcement Act came into force. This created a new two-tier Tribunal system: a First–tier Tribunal and an Upper Tribunal, both of which are split into Chambers. Each Chamber comprises similar jurisdictions or bring together similar types of experts to hear appeals.
These new super tribunals absorbed over 20 existing smaller tribunals as well as providing a structure to which new appeal rights could be assigned.

There are many tribunals, covering a wide range of areas affecting day-to-day life. Some of the individual jurisdictions dealt with by tribunals are UK-wide, for example, immigration and asylum, and others cover parts of the UK, for example, mental health covers England only.

Some tribunals are administered through local authorities (for example, the School Exclusion Panels), some by government departments (for example, Valuation Tribunals) and others through Her Majesty's Courts and Tribunals Service (HMCTS), an agency of the Ministry of Justice. The Upper Tribunal primarily, but not exclusively, reviews and decides appeals arising from the First–tier Tribunal.

The First-tier Tribunal hears appeals from citizens against decisions made by Government departments or agencies. The Employment Tribunal in both Scotland and in England and Wales sit outside the two-tier structure but some under the leadership of the Senior President of Tribunals. This two-tier structure is headed by the Senior President, who stands independent from the Lord Chief Justice.

Tribunals often sit as a panel, incorporating a legally qualified tribunal judge, as well as panel members with specific areas of expertise. They hear evidence from witnesses but decide the case themselves. Tribunals have limited powers (depending on the jurisdiction of the case) to impose fines and penalties or to award compensation and costs. Other types of tribunal decisions might result in the allowance or disallowance of a benefit; leave or refusal to stay in the UK or the extent of provision of special educational help for school-age children.

Many cases involve individuals putting their own case, without legal assistance, so the system needs to be accessible to all. Tribunal judges

often help to ensure this, by guiding non-legally qualified parties through the necessary procedures, if necessary.

A tribunal or Chamber President is responsible for the day-to-day judicial administration of their tribunal or (within the new simplified two-tier structure) their chamber. They act as a vital link between the Senior President of Tribunals, the judicial officers of their tribunal, and the senior judiciary outside the Tribunals Service.

Tribunal judges are legally qualified and responsible for ensuring the individual tribunal hearings and making a correct decision in law. Tribunal members are non-legal members of the panel hearing the case. Not every panel includes non-legal members.

I. Give English equivalents to:

трибуналы; последовательный подход; закон о судах и трибуналах; вступить в силу; трибунал первого уровня; верхний трибунал; палата; подобный; включить в состав; существующие; охватывающие; большое количество; по всей стране; лагерь беженцев; психическое здоровье; местные органы самоуправления; Комиссия по исключению из школы; государственные органы; Служба трибуналов и судов ее королевского величества; исключительно; Трибунал по трудовым спорам; старший; судья трибунала, имеющий юридическое образование; члены комиссии, являющиеся экспертами в определенной области; свидетельские показания; свидетели; юрисдикция; накладывать штрафы и взыскания; присуждать компенсации и возмещение судебных издержек; разрешение или запрет на выплату пособия; разрешение или отказ на пребывание в Великобритании; размер пособия на обучение для детей школьного возраста; юридическая помощь; доступный; повседневное отправление правосудия; жизненно важное связующее звено; судебные должностные лица; вышестоящие судебные органы.

II. Confirm or deny the statements using the following phrases: ***Quite so…***

Right you are… I am afraid not… Excuse me, but…

1. The Tribunals Service was created on 3 April 2006, and brought together the administration of a large number of individual tribunals.
2. In 2005 the Tribunals, Courts and Enforcement Act came into force.
3. This law created a new three-tier Tribunal system: a First–tier Tribunal and an two Upper Tribunals.
4. Each Chamber of new Tribunals comprises similar jurisdictions or bring together similar types of experts to hear appeals.
5. These new super tribunals absorbed over 30 existing smaller tribunals.
6. All individual jurisdictions dealt with by tribunals are UK-wide.
7. Tribunals often sit as a panel, incorporating only legally qualified tribunal judges.
8. They hear evidence from witnesses but decide the case themselves.
9. Tribunals have unlimited powers to impose fines and penalties or to award compensation and costs.
10. Other types of tribunal decisions might result in the allowance or disallowance of a benefit; leave or refusal to stay in the UK or the extent of provision of special educational help for school-age children.
11. Tribunals are administered only through local authorities (for example, the School Exclusion Panels).
12. The First-tier Tribunal hears appeals from citizens against decisions made by Government departments or agencies.

III. Read and act out the dialogue

1. What do you know about the Tribunals Reform in Great Britain that took place some time ago?

2. I have learnt interesting facts about this reform. It was widely reported in mass media. It concerns as citizens so immigrants that came to Great Britain.

3. When did new tribunals begin to work?

4. The Tribunals, Courts and Enforcement Act came into force in 2008 and created a new two-tier Tribunal system.

5. Did this system seriously change the structure of old tribunals?

6. To a certain extent, it did. A new two-tier Tribunal system consists of a First–tier Tribunal and an Upper Tribunal, both of which are split into Chambers. These new super tribunals absorbed over 20 existing smaller tribunals.

7. What appeals do First–tier Tribunals usually hear?

8. They hear appeals from citizens against decisions made by Government departments or agencies.

9. Who is the head of this two-tier structure?

10. This two-tier structure is headed by the Senior President, who stands independent from the Lord Chief Justice.

11. Is it true that only legally-qualified judges can be members of the tribunals?

12. That's not right. The tribunals often sit as a panel, incorporating a legally qualified tribunal judge, as well as panel members with specific areas of expertise.

13. What powers do the tribunals have?

14. They have limited powers to impose fines and penalties or to award compensation and costs.

15. What other decisions are under the jurisdiction of tribunals?
16. Other types of tribunal decisions might result in the allowance or disallowance of a benefit; leave or refusal to stay in the UK or the extent of provision of special educational help for school-age children.

IV. Translate into English

1. Служба трибуналов была создана в 2006 г. и способствовала объединение под единым руководством большого количество разрозненных трибуналов.

2. Подобные типы дел рассматриваются в каждой палате трибунала, и в ней заседают эксперты в подобных сферах деятельности для рассмотрения поступающих апелляций.

3. Множество трибуналов, охватывающих большое количество территорий, занимаются повседневной работой.

4. Некоторые вопросы, находящиеся в юрисдикции трибуналов, охватывают всю страну, например, иммиграция и лагеря беженцев.

5. Трибуналы обычно заседают в виде комиссии, включающей судей с юридическим образованием и экспертов в определенной сфере деятельности.

6. Многие дела подаются гражданами на рассмотрение без помощи адвоката, поэтому службе трибуналов необходимо быть доступной для всех.

7. Президент палаты или трибунала несет ответственность за повседневное отправление правосудия.

V. Study the table and speak on the topic "The court system of the United Kingdom"

<table>
<tr><th colspan="3">The court system of the United Kingdom</th></tr>
<tr><td colspan="3">The Supreme Court
The Final Court of Appeal for all UK civil cases, and criminal cases from England, Wales and Northern Ireland</td></tr>
<tr><td colspan="3">Court of Appeal
Criminal Division
Appeals from the Crown Court
Civil Division
Appeals from the High Court, tribunals and certain cases from county courts</td></tr>
<tr><td colspan="3">High Court</td></tr>
<tr><td>Queen's Bench Division
Contract and tort, Commercial Court, Admiralty Court

Administrative Court
Supervisory and appellate jurisdiction overseeing the legality of decisions and actions of inferior courts, tribunals, local authorities, Ministers of the Crown and other public bodies and officials</td><td>Family Division

Appeals from the magistrate's courts</td><td>Chancery Division
Equity and trusts, contentious probate, tax partnerships, bankruptcy and companies courts, Patents Court

Divisional Court
Appeals from the county courts on bankruptcy and land.</td></tr>
<tr><td>Crown Court
Trials of indictable offenses, appeals from magistrates'courts, cases of sentence</td><td></td><td>County Court
Majority of civil litigations subject to nature of the claim</td></tr>
<tr><td>Magistrates' Courts
Trials of summary offences, committals to the Crown Court, family proceedings courts and youth courts</td><td></td><td>Tribunals

Hear appeals from decisions on immigration, social security, child support, pensions, tax and lands</td></tr>
</table>

TEXTS FOR ADDITIONAL READING

Text 1
History of the judiciary

1a

An ancient system

When you see a judge or magistrate sitting in court, you are actually looking at the result of 1,000 years of legal evolution. It's doubtful that anyone asked to design a justice system would choose to copy the English and Welsh model. It's contradictory in places, and rather confusing. However, the judiciary is still changing and evolving to meet the needs of our society, and despite its oddities it is widely regarded as one of the best and most independent in the world.

A real ordeal

Justice for the Anglo-Saxons and even after the Norman invasion of 1066 was a combination of local and royal government. Local courts were presided over by a lord or one of his stewards. The King's court was, initially at least, presided over by the King himself. Today, going on trial in an English and Welsh court is not exactly a comfortable experience. But it's far better than trial by ordeal, used until almost the end of the 12th century to determine guilt or innocence in criminal cases. Under this system, the accused would be forced to pick up a red hot bar of iron, pluck a stone out of a cauldron of boiling water, or something equally painful and dangerous. If their hand had begun to heal after three days they were considered to have God on their side, thus proving their innocence. The number of 'not guilty' verdicts recorded by this system is not known.

Another, extremely popular 'ordeal' involved water; the accused would be tied up and thrown into a lake or other body of water. If innocent, he or she would sink.

There were two problems with this method, which was often used to try suspected witches: the accused was tied right thumb to left toe, left thumb to right toe, which made it almost impossible to sink; and opinion is

divided as to whether those who did sink were fished out afterwards.William II (1087-1100) eventually banned trial by ordeal – reportedly because 50 men accused of killing his deer had passed the test – and it was condemned by the Church in 1216.

Fighting for freedom?

Criminal and civil disputes could also be decided by trial by combat, with a win held to prove either innocence or the right to whatever property was being disputed. Either side could employ their own champions, so the system wasn't perhaps as fair as it might be.

Trial by combat gradually fell into disuse for civil cases, although it wasn't until someone involved in a dispute in 1818 tried to insist on it that it was realised this was still, technically, an option. Trial by combat was quickly banned, forcing litigants to rely on more conventional routes.

1b

The earliest judges

During this period judges gradually gained independence from the monarch and the government. The very first judges, back in the 12th century, were court officials who had particular experience in advising the King on the settlement of disputes. From that group evolved the justices in eyre (|eə| выездная сессия суда) , who possessed a mixed administrative and judicial jurisdiction. The justices in eyre were not, to put it mildly, popular. In fact, they came to be regarded as instruments of oppression.

The seeds of the modern justice system were sown by Henry II (1154-1189), who established a jury of 12 local knights to settle disputes over the ownership of land. When Henry came to the throne, there were just 18 judges in the country – compared to more than 40,000 today. In 1178, Henry II first chose five members of his personal household – two clergy and three lay – "to hear all the complaints of the realm and to do right".

This, supervised by the King and "wise men" of the realm, was the origin of the Court of Common Pleas. Eventually, a new permanent court, the Court of the King's Bench, evolved, and judicial proceedings before

the King came to be seen as separate from proceedings before the King's Council.

Seeds of change

In 1166, Henry issued a Declaration at the Assize of Clarendon (an assize was an early form of the King´s Council; the term later became the name for a sitting of a court). The Assize of Clarendon ordered the remaining non-King's Bench judges to travel the country – which was divided into different circuits – deciding cases.

To do this, they would use the laws made by the judges in Westminster, a change that meant many local customs were replaced by new national laws. These national laws applied to everyone and so were common to all. Even today, we know them as the 'common law'.

The system of judges sitting in London while others travelled round the country became known as the 'assizes system'. Incredibly, it survived until 1971. Changes evolved slowly; even in the middle of the 14th century, under Edward III, there could be close collaboration between the Court of King's Bench and the King's Council. A third common law court of justice, the Court of Exchequer, eventually emerged as the financial business of the Royal Household was split off to a specialist group of officials.

1c

The first professional judges and magistrates

Martin de Pateshull, Archdeacon (архидиакон) of Norfolk and Dean (настоятель собора) of St Paul's, became a Justice of the bench in 1217. By the time he died in 1229 he was known as one of the finest lawyers in England; even 60 years after his death, his judgments were being searched for precedents. Like Martin, many judges of this era were members of the clergy – although this did not necessarily mean they were parish priests (приходские священники), performing services, weddings and christenings. In an era when the church was rich and the King poor, joining the clergy was often just seen as a sensible means of support.

By the middle of the 13th century, knights had begun to join clerics on the bench. The first professional judges were appointed from the order of serjents-at-law (орден адвокатов). These were advocates who practised in the Court of Common Pleas. Lawrence de Brok, a serjeant, became a judge in 1268, starting the tradition, which lasted until 1875, of serjeants being the group from which judges were chosen. This was important, because it meant that the judiciary now had real professional experience of the law before moving on to the bench. Over the years, serjeants were overtaken in popularity by barristers and solicitors, and even today, these are the groups from which the judiciary is appointed.

Growth of independence

During this era bribes and payments were common, but even so, in the middle of the 13th century the judiciary was openly accused of corruption. In 1346, judges were obliged to swear that "they would in no way accept gift or reward from any party in litigation before them or give advice to any man, great or small, in any action to which the King was a party himself".

Judicial salaries were also increased, possibly to make them less dependent on other forms of income. This didn't always help: in 1350 the Chief Justice of the King's Bench, William de Thorpe, was sentenced to death for bribery (he was later pardoned, but demoted).

The first magistrates' courts

Meanwhile, a new type of court began to evolve – that which we now recognise as the magistrates' court. Magistrates' courts hark back to the Anglo-Saxon moot court and the manorial court, but their official birth came in 1285, during the reign of Edward I, when 'good and lawful men' were commissioned to keep the King's peace.

From that point, and continuing today, Justices of the Peace have undertaken the majority of the judicial work carried out in England and Wales (today, about 95 per cent of criminal cases are dealt with by magistrates). Until the introduction of our modern system of councils in the 19th century, JPs also governed the country at a local level.

Problems with politics

The 14th century saw members of the judiciary still involved in politics to some extent – for example, for ten years, Edward III's Chancellors were common-law judges. In 1387, six judges advised Richard II that a parliamentary commission set up to limit his own powers was 'invalid and traitorous'. They were all impeached, convicted and sentenced to death, although only one was actually executed; the rest were banished to Ireland. Unsurprisingly, for two centuries after this the judiciary kept almost entirely away from politics.

1d

Moving away from politics

During the turbulent 15th century – the Wars of the Roses – judges stood apart from both the Houses of Lancaster and York, and were largely unaffected by the changes in government. From 1540 onwards, Henry VIII had no judges in his Privy Council. His son Edward VI and daughter Mary I did include judges on their own Privy Councils, but Elizabeth I excluded them for 40 years.

In 1553, Mary I also removed three judges from office, but Elizabeth I made no changes on assuming the throne – although she did remove one later during her reign. The judiciary were becoming separate from the executive. Although it was generally accepted at this time that even the King was subject to the laws of the land, the Reformation added to the sovereign's powers; the state had taken over the Church's privilege to define the laws of God, and had removed the influence of the Pope as the ultimate arbiter on Earth.

So the King remained principal law-maker, with the judges as interpreters of that law; a potentially uneasy relationship. Meanwhile, by the Elizabethan and early Stuart periods, assize judges on the six circuits in England were mainly dealing with the most serious crimes not normally handled by the local Quarter Sessions, run by JPs. They also took a role in local administration, although this was much reduced following the English Civil War.

A risky business

On the face of it, the judiciary was becoming steadily more independent: in 1642, Charles I was forced to agree to the appointment of judges "during good behaviour", and their salaries were raised. On the restoration of the monarchy in 1660, all judges – and there were just 12 at this point, four in each of the common law courts – remained in office.

But in 1668 the system of appointments "during pleasure" was reintroduced, and in the last 11 years of his reign Charles II sacked 11 of his judges. The next king, Charles's brother James II, sacked 12 in just three years. This was bound to affect the quality of the judiciary: judges knew very well their jobs were at risk if the sovereign did not like their judgments.

A new independence…

The day after the House of Commons resolved that James II had abdicated, a parliamentary committee drew up Heads of Grievances to be presented to the new King, William III. This document contained, among other things, items on paying judges' salaries out of public funds, and preventing judges being removed or suspended from office, "unless by due cause of law". These grievances eventually appeared in much the same form in the Act of Settlement (1701) and have remained in place ever since.

When common law failed

The common law system was an improvement on what had gone before, but it was still slow, highly technical – making procedural mistakes that could ruin a case all too likely – and vulnerable to corruption, especially when juries were used.

Fortunately, those who felt they had been failed by the common law system could still petition the King with their grievances.

Gradually, these cases were delegated to the King's council, and eventually to one individual – the Lord Chancellor. Because of this, the Lord Chancellor came to be known as the 'King's conscience', and began to preside over his own court, the Court of Chancery. This dealt only with civil disputes, for example property and contract cases, and applied the law of equity.

By the time of Henry VIII, the Court of Chancery had become a rival to the common law courts. But as the years went by, the Court of Chancery began to be known for the same problems it had been set up to combat: expense and delay. Also, the Lord Chancellor was free to give whatever ruling he liked in a Chancery court, unbound by the law – which made it almost impossible for lawyers to advise their clients correctly.

1e

Changes to the system

It was not until 1830 that there was any change to the nearly 300-year-old assize courts. By the Law Terms Act of that year, the Court of Great Sessions was abolished and the Welsh counties and Chester were brought into the general circuit system. Shortly afterwards, the new Central Criminal Court was set up, unifying the administration of justice in London and surrounding areas.

In 1856, judges of the Central Criminal Court were also given the right to hear cases outside the court's ordinary jurisdiction, to ensure a fair trial where local prejudice existed or when it could offer an early trial and so avoid the delay involved in waiting for the next assizes. County courts, dealing with civil cases, were created under the County Courts Act 1846.

The Judicature Act 1873 and after

In 1873, Parliament passed the Judicature Act which merged common law and equity. Although one of the Divisions of the High Court is still called Chancery, all courts could now administer both equity and common law – with equity to reign supreme in any dispute.

The same Act established the High Court and the Court of Appeal and provided a right of appeal in civil cases to the Court of Appeal. Criminal appeal rights remained limited until the establishment of a Court of Criminal Appeal under the *Criminal Appeal Act 1907*

The Court of Criminal Appeal sat for nearly 60 years, until its existence as a separate body was ended by the Criminal Appeal Act 1966. Its jurisdiction passed to the Court of Appeal.

The Crown Court is created

Crown Courts as we know them today were not actually established until 1956, and then only in Liverpool and Manchester. These courts also took over the quarter sessions work in their cities.

The Royal Commission on Assizes and Quarter Sessions, 1966-1969, led to the abolition of courts of assize and quarter sessions and the establishment of a new Crown Court to deal with business from both, under the terms of the Courts Act 1971.

…But still not separate

Hundreds of years of evolution may have resulted in an independent judiciary – but that doesn't mean they were entirely separated from government. Chief Justice Lord Mansfield was in the Cabinet between 1757 and 1765, for example and more recently Lord Cave was Home Secretary for a couple of months at the end of the First World War when he was also a serving Lord of Appeal in Ordinary, or Law Lord.

And until 2006, the Lord Chancellor was part of the executive, the legislature and the judiciary. The Lord Chancellor's role changed drastically on April 3 2006 as a result of the Constitutional Reform Act 2005. This latest major change to affect the judiciary has been described as the most significant since Magna Carta. The Act establishes the Lord Chief Justice as President of the Courts of England and Wales and Head of its Judiciary, a role previously performed by the Lord Chancellor. For the first time an express statutory duty is placed on the Lord Chancellor and other Ministers of the Crown to protect the independence of the judiciary. For the first time in its 1,000-year history, the judiciary is officially recognised as a fully independent branch of the government.

Text 2

Judicial accountability and independence

We are all familiar with media reports of a government minister who is forced to resign or dismissed for behaviour which is or is perceived to be inappropriate or for incompetence in the performance of his or her duties. There are also many press headlines which condemn a judge or magistrate, for example for handing down a “soft” sentence, but there are almost none which announce that the judge in question has resigned or has been dismissed as a result of that criticism. Many may wonder why steps are not taken to dismiss such judges or to force them to resign. Why is it that judges and magistrates appear to be unaccountable in the face of such criticism? Why is it that the way they are treated appears to be different to the treatment of many others, from government ministers and public officials, to the directors and employees of companies?

The truth is that the judiciary is accountable, but in a different manner. The reason for this difference is a fundamental feature of our constitution going to the very heart of our democracy. The difference stems from the need to ensure that judges are impartial and independent of central and local government and from pressures from the media, companies, and pressure groups while exercising their judicial functions. That need is also reflected in the constitutions of all democratic countries.

The extent to which the judiciary in England and Wales are accountable, how they are accountable, and why there is a need for judges to be completely independent from Government and other powerful groups, are difficult questions.

With some 35,000 men and women holding judicial office in England and Wales, the answers to these questions have a significant impact on our daily lives. They may affect the confidence people have in the ability of judges to uphold the rule of law.

We aim to explain why judicial independence is a vital element of our democracy and the effect that has on the notion of judicial accountability. This notion considers accountability to more senior judges through the

system enabling appeal to a higher court and accountability to the Lord Chief Justice and the Lord Chancellor through the complaints system. It looks at accountability to the public through open access to justice and the publication of the vast majority of judicial decisions. Scrutiny of judges and the judicial system by the media, executive and legislative branches of the state is also considered.

Text 3

The Coroners' System

Unlike the unified courts system, administered by HM (Her Majesty's) Courts and Tribunals Service, there are 92 separate coroners' jurisdictions in England and Wales. Each jurisdiction is locally funded and resourced by local authorities.

Coroners are barristers, solicitors or medical practitioners of not less than five years standing, who continue in their legal or medical practices when not sitting as coroners.

Some 32 coroners are "whole time" coroners and are paid an annual salary regardless of their caseload. The remainder are paid according to the number of cases referred to them. The coroner's jurisdiction is territorial – it is the location of the dead body which dictates which coroner has jurisdiction in any particular case.

Coroners are required to appoint a deputy or assistant deputy to act in their stead if they are out of the district or otherwise unable to act. Deputies and assistant deputies have the same professional qualifications as the coroner.

In exceptionally high-profile or complex cases, a serving judge may be appointed as a deputy coroner. For example, in 2007 Lord Justice Scott Baker was appointed as Assistant Deputy Coroner for the purposes of hearing the inquests into the deaths of Diana, Princess of Wales. Lady Justice Hallett has been appointed Assistant Deputy Coroner in order to conduct the inquests into the deaths of the 56 people killed in the London bombings on 7 July 2005.

Although the post they hold is judicial, and legal qualifications and experience are often required, coroners are not considered to be members of the courts judiciary. The office of coroner was formally established in 1194, originally as a form of tax gatherer. In the centuries since, the role has evolved into an independent judicial officer, charged with the investigation of sudden, violent or unnatural death

Text 4

The Profession of a Solicitor in Great Britain

So, what's a solicitor? And what does a solicitor do? In the UK, the role of a solicitor is to take instructions from clients, including individuals, groups, public sector organisations or private companies, and advise them on necessary courses of legal action.

As a solicitor, you would work closely with clients and are likely to be their first point of contact. The issues that solicitors advise on range from personal issues (such as wills and divorces) to commercial work (such as mergers and acquisitions (слияние и поглощение). Once qualified, you could work in private practice, in-house for commercial or industrial organisations, in local or central government, or in the court service.

If you've decided you want to become a solicitor, the work you do will depend on a range of factors, including your area of practice. However, your main role will be client liaison and advice. A solicitor or lawyer does the groundwork in an office or law firm setting. You need the following qualifications to become a solicitor:

1.The LLB is equivalent to a BA or BSc and is a Qualifying Law Degree. It's the perfect first step towards becoming a solicitor or barrister.

2.The online Graduate Diploma in Law is a specially designed conversion course (курс переквалификации) for non-law graduates to move into legal education: Graduation Diploma in Law Online.

3.The online LLB is equivalent to a BA or BSc and is a Qualifying Law degree. It's the perfect first step towards becoming a solicitor or barrister.

4.The Accelerated LLB is a two year Qualifying Law Degree, rather than the usual three year degree. It covers the same material, just faster.

5.The MA Law degree is specially designed for non-law graduates who want to gain a Master of Arts qualification in law.

6.The MA Law Online is a postgraduate Master of Arts specifically designed for non-law graduates who want to gain a legal qualification at Master's level.

A Solicitor needs the following skills:

1.A professional approach to work, integrity and a respect for confidentiality
2.Problem solving skills
3.Research and analysis skills
4.Excellent written and oral communication skills
5.Accuracy and attention to detail
6.Strong negotiating skills
7.Dedication, stamina and resilience
8.Interpersonal skills are needed to work as part of a wider team, as well as with your client and other organisations
9.Time management skills and the ability to plan work and prioritise tasks
10.Commercial awareness and flexibility when dealing with changing circumstances and scenarios
11.Resilience and self-confidence.

Text 5

The Profession of a Barristor

A barrister, one of the two types of practicing lawyers in England and Wales, the other being the solicitor. In general, barristers engage in advocacy (trial work) and solicitors in office work, but there is a considerable overlap in their functions. The solicitor, for example, may appear as an advocate in the lower courts, whereas barristers are often called upon to give opinions or to draft documents.

Only barristers may appear as advocates before the High Court. They are known collectively as the bar, and it is from their ranks that the most important judicial appointments are made. To be a barrister it is necessary to be a member of one of the four Inns of Court (Inner Temple, Middle Temple, Lincoln's Inn, and Gray's Inn). A prospective (будущий) barrister must complete a program of academic study and undergo vocational and professional training (pupillage) and must satisfy certain traditional requirements, such as attending a specified number of formal dinners at the respective inn. Students who have completed all but the pupillage stage of their training are eligible to be called to the bar, whereupon they assume the title "barrister"—though they are not permitted to refer to themselves as such in connection with the provision of legal services until they have completed their pupillage.

The General Council of the Bar, also called the Bar Council, is the representative body of barristers in England and Wales. It acts in matters of general concern to the profession and, through the independent Bar Standards Board, regulates the professional conduct of its members. A barrister is required to accept any case for a proper professional fee, for example, regardless of his personal feelings, except when there are circumstances of conflicting interests of clients. Furthermore, if a barrister does not receive payment for his work, he may not take action in court to obtain it. Barristers cannot create formal partnerships with other barristers or with solicitors, nor can they carry on any other profession or business.

Text 6

Barristers in England and Wales

In December 2014 there were just over 15,500 barristers in independent practice, of whom about ten percent are Queen's Counsel and the remainder are junior barristors. Many barristers (about 2,800) are employed in companies as "in-house" (штатные) counsel, or by local or national government or in academic institutions.

Certain barristers in England and Wales are now instructed directly by members of the public.[Members of the public may engage the services of the barrister directly within the framework of the Public Access Scheme; a solicitor is not involved at any stage. Barristers undertaking public access work can provide legal advice and representation in court in almost all areas of law and are entitled to represent clients in any court or tribunal in England and Wales. Once instructions from a client are accepted, it is the barrister (rather than the solicitor) who advises and guides the client through the relevant legal procedure or litigation.

Before a barrister can undertake Public Access work, they must have completed a special course. At present, about one in 20 barristers has so qualified. There is also a separate scheme called "Licensed Access", available to certain nominated classes of professional client; it is not open to the general public. Public access work is experiencing a huge surge at the bar, with barristers taking advantage of the new opportunity for the bar to make profit in the face of legal aid cuts elsewhere in the profession.

The ability of barristers to accept such instructions is a recent development; it results from a change in the rules set down by the General Council of the Bar in July 2004. The Public Access Scheme has been introduced as part of the drive to open up the legal system to the public and to make it easier and cheaper to obtain access to legal advice. It further reduces the distinction between solicitors and barristers. The distinction remains however because there are certain aspects of a solicitor's role that a barrister is not able to undertake.

Text 7

Bar of Northern Ireland

In April 2003 there were 554 barristers in independent practice in Northern Ireland. 66 were Queen's Counsel (QCs), barristers who have earned a high reputation and are appointed by the Queen on the recommendation of the Lord Chancellor as senior advocates and advisers.

Those barristers who are not QCs are called Junior Counsel and are styled "BL" or "Barrister-at-Law". The term *junior* is often misleading since many members of the Junior Bar are experienced barristers with considerable expertise. Benchers are, and have been for centuries, the governing bodies of the four Inns of Court in London and King's Inns, Dublin. The Benchers of the Inn of Court of Northern Ireland governed the Inn until the enactment of the Constitution of the Inn in 1983, which provides that the government of the Inn is shared between the Benchers, the Executive Council of the Inn and members of the Inn assembled in General Meeting.

The Executive Council (through its Education Committee) is responsible for considering Memorials submitted by applicants for admission as students of the Inn and by Bar students of the Inn for admission to the degree of Barrister-at-Law and making recommendations to the Benchers. The final decisions on these Memorials are taken by the Benchers. The Benchers also have the exclusive power of expelling or suspending a Bar student and of disbarring a barrister or suspending a barrister from practice.

The Executive Council is also involved with: education; fees of students; calling counsel to the Bar, although call to the Bar is performed by the Lord Chief Justice of Northern Ireland on the invitation of the Benchers; administration of the Bar Library (to which all practising members of the Bar belong); and liaising with corresponding bodies in other countries.

The Bar Council is responsible for the maintenance of the standards, honour and independence of the Bar and, through its Professional Conduct

Committee, receives and investigates complaints against members of the Bar in their professional capacity.

Text 8

The Crown Courts of Great Britain

1a

In the criminal courts in England and Wales you never hear a gavel pounding on the bench, you never hear lawyers shouting "objection" or judges responding with "sustained" or "overruled". You do not hear lawyers asking to "approach the bench" nor do you see them walking up to witnesses in the middle of cross-examination and shouting in their faces. You don't hear witnesses take the oath and finish with the words, "so help me God." So what follows will unravel some of the myths about trial in the Crown Court. It will also prepare you for what to expect if you are going to court yourself, whether as a defendant, a witness or an observer.

The Crown Court deals with the most serious criminal cases in England and Wales. These cases involve people charged with what are known as *either-way* offences and *indictable-only* offences. For every criminal case that requires a court appearance, the first appearance will be at the magistrates' court, but for trial some cases remain in the magistrates' court and some are sent to the Crown Court. A trial will only take place where the defendant pleads not guilty. A defendant who pleads guilty will be sentenced.

The Crown Court deals with the most serious criminal offences (known as Indictable Only offences) as well as a category of offences which are capable of being tried in either the magistrates' or Crown Court (known as Either-Way offences). The seriousness of an either-way offence depends on its facts; for example, a theft can involve stealing a small amount of money at one end of the scale to stealing many millions of pounds at the other end. The main reasons for either-way offences being sent for trial to

the Crown Court are where the defendant elects Crown Court trial or, taking into account the seriousness of the offence and any previous convictions of the defendant, where the magistrates or District Judge take the view that their sentencing powers would be insufficient if the defendant were found guilty.

1b

Common indictable-only offences include:

-the most serious offences of violence including murder, attempted murder, manslaughter; grievous bodily harm with intent/wounding with intent to cause grievous bodily harm, robbery, aggravated burglary, possession of a firearm with intent, explosives offences and arson with intent to endanger life/arson being reckless as to whether life is endangered.

-the most serious motoring offences are indictable only, such as causing death by dangerous driving and causing death by careless driving when under the influence of drink or drugs.

-many sexual offences involving penetration are indictable only offences, including the offence of rape.

-other common law offences: perverting the course of justice, perjury, escape from custody, kidnapping, false imprisonment, cheating the public revenue.

Common either-way offences:

-offences of dishonesty such as theft, fraud, bribery, most forms of burglary, going equipped for burglary, handling stolen goods, various company and commercial offences, insolvency offences, currency counterfeiting and computer misuse offences;

-offences of violence or damage such as assault occasioning actual bodily harm (ABH), wounding, grievous bodily harm (GBH), child cruelty, harassment by putting a person in fear of violence, stalking involving fear of violence or serious alarm or distress, making a threat to kill, possession of an offensive weapon in a public place and criminal damage (where the damage value is over £5,000);

-more serious offences of public disorder such as affray and violent disorder;
-class A to C Drugs offences such as possession of controlled drugs, supply, possession with intent to supply, production and importation;
-some of the more serious motoring offences such as dangerous driving, causing serious injury by dangerous driving, causing death by careless driving, causing death by driving when unlicensed, disqualified or uninsured and aggravated vehicle taking;
-certain sexual offences such as sexual assault, exposure, voyeurism, taking and possessing indecent images of children and outraging public decency.
-numerous regulatory offences relating to trading standards and consumer protection.

Crown Court and magistrates' court trial both follow a very similar format, but the fundamental difference is that in the Crown Court there is a jury and this alters some of the procedures. This is why there are separate guides for Crown Court trial and magistrates' court trial. The atmosphere in a Crown Court is considerably more formal than in the magistrates' court. Barristers and judges in the Crown Court are 'robed' meaning that they wear a wig and gown. Solicitor-advocates wear a gown and can also wear wigs if they choose to do so. The jury are concerned only with deciding if the defendant is guilty or not guilty. If a defendant is found guilty, the jury have no involvement in sentencing, which is a matter for the judge alone.

Text 9

What is the burden and standard of proof?

In a criminal case the prosecution must prove its case against a defendant; it is not for the defendant to prove he is innocent but for the prosecution to prove he is guilty. This is called the burden of proof and a defendant is innocent until proven guilty. To prove that a defendant is guilty the prosecution must prove its case beyond reasonable doubt, often referred to as making the jury 'satisfied so that they are sure' of the defendant's guilt. This is the standard of proof.

On rare occasions, there is a 'legal burden' of proof placed on the defence to prove a particular defence, but the standard of proof for the defence is on 'the balance of probabilities' (more likely than not) rather than the higher standard of proof 'beyond reasonable doubt' for the prosecution. It takes place, for example, to
diminish responsibility (which reduces murder to manslaughter). This requires the defence to prove, on the balance of probabilities, that the defendant's responsibility was diminished, within the legal meaning of that term, when the victim was killed.
This would mean that to convict the defendant of murder the jury would have to be sure that the defendant killed the victim, intending to do so or intending to cause the victim grievous bodily harm. If, however, the jury was satisfied that it was more likely than not that the defendant was suffering from diminished responsibility at the time, then the defendant would be found guilty of manslaughter rather than murder. The defence of insanity also places a legal burden on the defence. Where this is raised, the defence have to prove that it was more likely than not that the defendant was insane, within the legal meaning of that term, at the time the alleged offence was committed and, if accepted, the verdict will be not guilty by reason of insanity.

There is sometimes another type of burden on the defence called an 'evidential burden' which simply means that where the defence want a specific defence to be left to the jury for their consideration, there must at

least be some evidence in the case to support it. This is not a burden of proof as such and does not require proof to a particular standard. Rather, it means some evidence must exist for the defence to be left to the jury for their consideration. The evidence could come, for example, from what the defendant said in the police interview, from what the defendant said at trial while giving evidence, from the response of the complainant to an allegation made during cross-examination that they were the aggressor, or from evidence given by other witnesses at trial.

On the other hand, if the defendant did not give evidence at trial, had made no comment during police interview, had called no other evidence, where nothing had been put to any witness in cross-examination suggesting facts capable of at least inferring that the defendant had been acting in self-defence and allowing them to respond, and no witness throughout the trial had given any evidence from which self-defence could be inferred, then - so far as the defence of self-defence is concerned - there would be nothing for the jury to go on. It would not therefore be left to the jury for their consideration. This does not in any way displace the requirement for the prosecution to prove its case, since the jury would still have to be sure that the case against the defendant was proved beyond reasonable doubt

Text 10

Criminal court procedure

When someone is accused of a crime, they may be sent a notice (called a ‘summons’ or a ‘requisition’) that tells them to go to court on the date in the notice, or tells them to fill in a form with the notice and send that form to the court. Sometimes the person is arrested, questioned, formally accused of the crime (‘charged’) and then taken to court, or given a date they must go to court.

In the Criminal Procedure Rules anyone accused of a crime is called a ‘defendant’. The authority responsible for prosecuting the case in court is called the ‘prosecutor’. In most cases that will be the Crown Prosecution Service. Almost all criminal cases start in a magistrates’ court. At court,

some cases will be dealt with completely at the first hearing, for example if the defendant pleads guilty to the crime. Serious cases may be sent for trial in the Crown Court. Some cases may be sent for sentence in the Crown Court even if the defendant is convicted of the crime in a magistrates' court.

In magistrates' courts usually there will be between one and three magistrates. They may be helped by a legal adviser. In the Crown Court there will be one judge. Usually there will be a jury for a trial. At the first court hearing many cases will be postponed ('adjourned') to another date. If the defendant pleads not guilty to the crime the court will need to arrange a trial to receive evidence about what happened. At the first hearing the court will ask for information about the case, set a trial date and make court orders ('directions') about getting the case ready for trial.

At the trial, unless the defendant pleads guilty the court will hear evidence from prosecution witnesses and it may receive written evidence. The prosecution witnesses can be questioned by the defendant or by the defendant's lawyer. After the court has heard, or read, the prosecution evidence the defendant can give evidence and can ask witnesses to give evidence for the defence. It is up to the prosecution to prove that the defendant is guilty, not up to the defendant to prove the opposite.

After the court has heard, or read, all the evidence the magistrates, in a magistrates' court, or the jury, in the Crown Court, decide whether the prosecution has proved that the defendant is guilty. If it has, the magistrates, in a magistrates' court, or the judge, in the Crown Court, pass sentence on the defendant. A sentence can be an order to spend time in prison, or to pay money (a 'fine'), or to carry out unpaid work, or to do, or not do, other things.

Criminal offences are divided into three types. The most serious have to be sent by the magistrates' court to the Crown Court for trial and sentence. Those are described as 'triable only on indictment'. The least serious offences are tried and sentenced in the magistrates' court. Those are described as 'summary offences'. With the third type of offence the magistrates' court has to decide whether to send the case to the Crown Court or to keep it in the magistrates' court. Those offences are described

as ‘triable either way’. In most cases of that third type the defendant can choose to be tried in the Crown Court even if the magistrates’ court is willing to keep the case. The decision about which court will try an offence of that third type is called ‘allocating for trial’. This Part contains rules about how the magistrates’ court must allocate cases and send cases to the Crown Court for trial.

Even if the magistrates’ court keeps a case involving an offence that is ‘triable either way’, sometimes the court can send the case to the Crown Court for sentence if the defendant is found guilty in the magistrates’ court.

Part II
THE JUDICIAL SYSTEM OF THE UNITED STATES OF AMERICA

Unit 1
THE FEDERAL COURT SYSTEM

The Hierarchy of Courts

The Judicial System of the United States of America is divided into the federal court system and the court system of the states. The federal judicial power does not extend to all legal questions, but only to certain kinds of cases specified in the Constitution. For instance, several most important cases are those affecting the public ministers of foreign nations, and controversies between citizens of different states, or between two or more states, or between a state or its citizens and foreign states or citizens.

The U.S. district courts are the lowest trial courts of the federal system. Most federal questions are decided in the first instance by these tribunals. The number of districts has stabilized in modern times at about 94. One or several judges may be assigned to a given district, depending upon the amount of business. Each court has a district attorney for carrying on prosecutions; a marshal for enforcing the court's orders and a commissioner for holding preliminary hearings in criminal cases. The districts courts have jurisdiction over a large variety of cases including those involving federal crimes and violations of tax laws or commercial laws. In a controversy between citizens of different states or between citizens of a state and a foreign state or its citizens, the case may be tried in the district court if the amount in controversy exceeds 10,000 dollars. The theory of the federal court system is that a trial in one court and an appeal in another are ordinary sufficient to serve the cause of justice, and **the Courts of Appeals** exist in order to ensure that this minimum will be available to all litigations.

There are 11 such courts, one for each of the 13 judicial circuits of the United States and one for the District of Columbia. The number of judges in each court varies from 3 to 15. A second important function of the

Courts of Appeals is to review and enforce the orders of certain administrative agencies of the national government, such as the Federal Trade Commission or the Interstate Commerce Commission.

There exist courts of special jurisdiction. The most important of them is **the Court of Claims**, which function is to consider claims against the United States government. The other example of the special courts is **the Court of Customs**. It issues rulings on the administration of the customs laws.

The Supreme Court consists of the chief justice and eight associate justices. Its members are, like all federal judges, appointed by the president with the advice and consent of the Senate. The jurisdiction of the Supreme Court is prescribed by the Constitution. The court has original jurisdiction (that is, can act as a court of first resort) in cases affecting public ministers of foreign states and in cases in which a state is a party. But the most important jurisdiction of the Supreme Court is its appellate jurisdiction. Cases may come to the Supreme Court from the lower federal courts in a variety of ways. For instance, although district court decisions are ordinarily reviewed by the courts of appeals, in certain special situations appeals may be taken directly from the district courts to the Supreme Court. Cases in the Court of Claims are reviewable by the Supreme Court if the Court of Claims itself "certifies" a question of law to the Supreme Court. As for appellate jurisdiction over state courts, this exists only when a federal question is involved.

I. Give English equivalents to:

федеральная судебная система; правовые вопросы; определенная Конституцией; правовой спор; окружные суды; первая инстанция; объем дел в судопроизводстве; окружной прокурор (атторней); судебный исполнитель; нарушение налогового и торгового законодательства; уполномоченный; проведение предварительного слушания; обычно достаточно; тяжбы; пересматривать и приводить в исполнение приказы и распоряжения; административные учреждения; Федеральная торговая комиссия; Коммерческая комиссия для координации работы между штатами;

иски; отправление таможенного законодательства; верховный судья; с рекомендации и согласия Сената; суд первой инстанции; государство как сторона в правовом споре.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1. The Judicial System of the United States of America is divided into the federal court system and the court system of the states.

.2. The number of districts has stabilized in modern times at about 90.

3. Few federal questions are decided in the first instance by US district courts.

4. The federal judicial power extends to all legal questions.

5. Only one judge may be assigned to a given federal district court.

6. Each court has a district attorney for carrying on prosecutions and a commissioner for holding preliminary hearings in criminal cases.

7. In a controversy between citizens of different states or between citizens of a state and a foreign state or its citizens, the case may be tried in the district court if the amount in controversy exceeds 10,000.

8. The theory of the federal court system is that a trial in one court and an appeal in another are not sufficient to serve the cause of justice.

9. The number of judges in the Court of Appeals varies from 3 to 15.

10. The Supreme Court consists of the chief justice and three associate justices.

III. Answer the questions:

1. What types of cases does the federal judicial power extend to ?
2. What are the lowest trial courts of the federal court system ?
3. How many districts are there in the USA nowadays?
4. How many judges may be assigned to a given district ?
5. What purposes does each district court have an attorney, a marshal, and a commissioner for ?
6. What cases do the districts courts have jurisdiction over ?

7. How many Courts of Appeals are there in the federal court system ?

8. What is the second important function of the Courts of Appeals ?

9. What courts of special jurisdiction do you know ? What are their functions ?

10. How many justices does the Supreme Court consist of ?

11. What cases does the Supreme Court have original jurisdiction over ?

12. What is the most important jurisdiction of the Supreme Court ?

IV. Complete the following sentences with the words and phrases from the box

a federal question, judges, district, trial, appeal, to be divided, to be decided, a controversy, to be tried, amount, an attorney, a marshal, appellate jurisdiction, a commissioner, the Court of Customs, the Constitution,

1. The Judicial System of the United States of America … into the federal court system and the court system of the states.

2. Most federal questions … in the first instance by federal districts courts.

3. Each court has a district … for carrying on prosecutions; a … for enforcing the court's orders and a … for holding preliminary hearings in criminal cases.

4. One or several … may be assigned to a given …, depending upon the amount of business.

5. The theory of the federal court system is that a … in one court and an … in another are ordinary sufficient to serve the cause of justice.

6. In a … between citizens of different states or between citizens of a state and a foreign state or its citizens, the case may … in the district court if the … in controversy exceeds 10,000 dollars.

7. The other example of the special courts is … .

8. The jurisdiction of the Supreme Court is prescribed by the … .

9. But the most important jurisdiction of the Supreme Court is its … .

10. As for appellate jurisdiction over state courts, this exists only when a … is involved.

V. Translate the following sentences into English.

1. Исковой суд и таможенный суд выступают судами специальной юрисдикции в федеральной судебной системе.

2. Юрисдикция федеральных судов распространяется только на определенные типы правовых вопросов, закрепленных в Конституции США.

3. Окружные суды США являются низшими судами в федеральной судебной системе.

4. В настоящее время в США насчитывается около 94 федеральных округов.

5. В зависимости от количества дел в производстве за федеральным окружным судом может быть закреплено от одного до нескольких судей.

6. Федеральные окружные суды рассматривают такие правовые вопросы, как нарушение торгового и налогового законодательства и др.

7. В США существует 11 апелляционных судов, в которых насчитывается от 3 до 15 судей.

8. Члены Верховного суда назначаются президентом с предложения и согласия Сената.

9. Судебная система США делится на федеральную судебную систему и судебную систему штатов.

Unit 2
JUDGESHIP ON THE FEDERAL LEVEL

Federal Judges

Article III Judges

Article III of the Constitution governs the appointment, tenure, and payment of Supreme Court justices, and federal circuit and district judges. These judges, often referred to as "Article III judges," are nominated by the president and confirmed by the U.S. Senate.

Article III states that these judges "hold their office during good behavior," which means they have a lifetime appointment, except under very limited circumstances. Article III judges can be removed from office only through impeachment by the House of Representatives and conviction by the Senate. Article III judgeships are created by legislation enacted by Congress.

Supreme Court Justices

The nine justices of the U.S. Supreme Court are nominated by the president and confirmed by the U.S. Senate. They hear cases and controversies arising under the Constitution or U.S. law and controversies that involve the United States as a party of entities and parties of different states, that are appealed from federal courts or state courts.

Court of Appeals Judges

Court of Appeals judges, also known as circuit judges, sit in one of the 12 regional circuits across the United States, or the Federal Circuit. They usually sit in a panel of three judges and determine whether or not the law was applied correctly in the district court, also known as trial court, as well as appeals from decisions of federal administrative agencies and some original proceedings filed directly with the courts of appeals.

District Court Judges

District court judges sit in one of 94 district or trial courts across the United States. They handle civil and criminal cases. A district court judge typically is responsible for supervising the pretrial process and conducting trials, which includes a variety of procedures including:

-managing the selection of juries and the instructions jurors receive throughout a trial;

-ruling on admission of evidence;

-pleas in criminal cases;

-resolving any issues surrounding the acceptance of the verdict and entry of judgment;

-sentencing the defendant if a trial results in conviction.

Senior Judges

Article III judges who have met age and service requirements set by federal statute are eligible to take senior status if they are at least 65 years old and have served at least 15 years on the bench, or any combination of age and years of service thereafter that equals 80. Regardless of age, judges must serve at least 10 years to qualify for senior status.

Upon taking senior status, judges may choose to handle a reduced caseload. Senior judges handle about 20 percent of the total district and appellate caseload. By taking senior status, even if maintaining a full caseload, a judge creates a vacancy on the court, to be filled by the nomination and confirmation process for
senior judges receive the salary of their position at the time of taking senior status as an annuity. Because there is no mandatory retirement age for Article III judges, there is no requirement that they take senior status

I. Give English equivalents to:

срок пребывания в должности; округ; район; пожизненное назначение на должность; обстоятельства; сместить с должности; признание виновным; законодательство; правовой спор; сторона правового спора; юридическое лицо; окружные судьи; комиссия, состоящая из трех судей; федеральные органы управления; судьи районных судов; руководство отбором присяжных заседателей; принятие доказательств; прошения; решение присяжных; подсудимый; старшие судьи; соответствовать возрастным критерием и сроку службы; количество судебных дел в производстве4; ежегодный доход.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1. Article I of the Constitution governs the appointment, tenure, and payment of Supreme Court justices, and federal circuit and district judges.

2.These judges, often referred to as "Article III judges," are nominated only by the president.

3.The nine justices of the U.S. Supreme Court are nominated by the president and confirmed by the U.S. Senate.

4. The nine justices of the U.S. Supreme Court hear cases and controversies arising under the Constitution or U.S. law.

5.District court judges sit in one of 90 district or trial courts across the United States.

6. District court judges handle only criminal cases.

7. A district court judge typically is responsible for supervising the pretrial process and conducting trials.

8.Court of Appeals judges, also known as circuit judges, sit in one of the 12 regional circuits across the United States, or the Federal Circuit.

9. Court of Appeals judge usually sits alone and determines whether or not the law was applied correctly.

10. Article III judges who have met age and service requirements set by federal statute are eligible to take senior status.

11. Regardless of age, judges must serve at least 5 years to qualify for senior status.

III. Answer the questions:

1. What Article of U.S. Constitution governs the appointment, tenure, and payment of federal judges?
2. Is a federal judge appointment limited ?
3. How can federal judges be removed from office?
4. How are justices of the U.S. Supreme Court appointed?
5. What cases do they hear?
6. How many federal circuits are there in the USA?
7. What are the duties of Court of Appeals judges?
8. Do district court judges handle civil or criminal cases?
9. How long must a judge serve to qualify for senior status?

IV. Complete the following sentences with the words and phrases from the box

to qualify, tenure, confirmed by, correctly, circuit judges,
lifetime appointment, controversies, impeachment,
to handle , trial

1. Article III judges can be removed from office only through … by the House of Representatives and conviction by the Senate.
2. Upon taking senior status, judges may choose … a reduced caseload.
3. District court judges sit in one of 94 district or … courts across the United States.
4. They hear cases and … arising under the Constitution or U.S. law.

5. Regardless of age, judges must serve at least 10 years … for senior status.

6. They usually sit in a panel of three judges and determine whether or not the law was applied … in the district court.

7.Court of Appeals judges, also known as … …. , sit in one of the 12 regional circuits across the United States.

8. Article III of the Constitution governs the appointment, … and payment of Supreme Court justices.

9. The nine justices of the U.S. Supreme Court are nominated by the president and … the U.S. Senate.

10. Article III states that these judges "hold their office during good behavior," which means they have a … … .

V. Translate the dialogue into English and act it out

- Какая статья Конституции США связана с назначением судей и их работой ?
- В статье III Конституции США отражены основные положения, связанные с назначением, сроком службы и оплатой работы федеральных судей.
- При каких обстоятельствах судьи могут быть смещены с занимаемой должности?
- Согласно статьи III Конституции США судьи могут быть смещены с занимаемой должности только через импичмент, инициируемый Палатой Представителей, и обвинительный приговор со стороны Сената.
- Где можно найти судей Апелляционного суда?
- Эти судьи обычно заседают в каждом из 12 округов США.
- Они обычно заседают комиссией, состоящей из трех судей, не так ли?
- Да, это так, и они определяют, правильно ли был вынесен приговор в районном суде, или правильно ли было вынесено решение в федеральных административных органах.

- Но в некоторых судебных разбирательствах Апелляционный суд может быть судом первоначальной юрисдикции, не так ли?

- Вы правы. В таком случае судьи определяют правильность вынесенного решения и по эти делам.

- Где обычно заседают федеральные районные судьи?

- Эти судьи обычно заседают в каждом из 94 федеральных районных судов США.

- Каковы обязанности судьи?

- Федеральные районные судьи отвечают за досудебный процесс и ведение судебного разбирательства.

Other Types of Judges

There are other types of judges who preside over certain kinds of cases, matters, and proceedings. **Magistrate judges** are judicial officers of the U.S. district court appointed by the district judges of the court to handle a variety of judicial proceedings. They have authority to issue warrants, conduct preliminary proceedings in criminal cases, such as initial appearances and arraignments, and hear cases involving petty offenses committed on federal lands. In most districts, magistrate judges handle pretrial motions and hearings in civil and criminal cases. While most civil cases are tried by district judges, magistrate judges may also preside over civil trials if all parties consent.

Like other federal judges, all full-time magistrate judges are paid the same salary, regardless of where they serve or their years of service. The position and authority of magistrate judges was established in 1968. By federal law, magistrate judges must meet specified eligibility criteria, including at least five years as a member in good standing of a state or territory's highest court bar. They must also be vetted by a merit selection panel that consists of lawyers and non-lawyers from the community. By majority vote of the U.S. district judges of the court, magistrate judges are appointed for a renewable term of eight years. In addition, there are a small number of part-time magistrate judges who serve four-year terms.

Bankruptcy judges are judicial officers of the district court who preside exclusively over bankruptcy proceedings and cases. Bankruptcy judges receive the same annual salary, no matter where they serve or how many years of service.

They are appointed to renewable 14-year terms by a majority of the judges of the U.S. Court of Appeals for their circuit with assistance from the circuit council.

The bankruptcy judge position was established in 1978, and the appointment process is set by Judicial Conference policy, in accordance with the Bankruptcy Amendments and Federal Judgeship Act of 1984.

Bankruptcy judges must meet eligibility criteria, including being a member of the bar in good standing. Circuit councils may appoint a merit selection panel, consisting of judges and other legal professionals, to review and recommend candidates for appointment. Bankruptcy judgeships are created pursuant |pəˈsjuːənt| to legislation enacted by Congress.

Similar to senior status Article III judges, bankruptcy and magistrate judges may continue to provide judicial assistance after they have retired. Generally, **recalled judges** exercise all the powers and duties that they had as an active judge. Circuit councils determine whether there is a substantial need for recall services from bankruptcy and magistrate judges based on court workload. In addition, recall requests that seek staffing or that cost more than a certain amount in additional salary and travel expenses must be approved by a Judicial Conference committee. Retired bankruptcy and magistrate judges are appointed for recall service for a specific period of time but no more than three years, which may be renewed.

Visiting judges may sit by designation and assignment in any other federal court having a need for their service. They provide temporary assistance not only when a court's own judges must disqualify themselves, but also to help meet the caseload needs arising from vacancies, lack of sufficient judgeships, specific emergencies, and other workload imbalances. Judges sitting with another court within their circuit are on an intracircuit assignment, which is approved by the circuit chief judge. Judges sitting with a court outside of their home circuit are on an intercircuit assignment. For Article III judges, intercircuit assignments

must be approved by the Chief Justice of the U.S. Supreme Court. Temporary assignments for bankruptcy and magistrate judges are coordinated by chief judges of the courts and circuits.

I. Give English equivalents to:

судебное должностное лицо; проводить различные судебные процедуры; выдавать ордера; предъявление обвинения; мелкие преступления; действия до судебного разбирательства; соглашаться; полномочие; специальные критерии, необходимые для занятия должности; занимающий хорошую должность; судебная коллегия; проверять кандидата на должность; отборочная комиссия; судьи по делам банкротства; возобновляемый срок полномочий; окружной совет; поправки; в соответствии; отозванные судьи; запрос на отзыв; транспортные расходы; по указанию и назначению; временная помощь; дисбаланс рабочей нагрузки; главный судья округа; временные назначения.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1. Magistrate judges are judicial officers of the U.S. district court appointed by the district judges of the court to handle a variety of judicial proceedings.

2.While most civil cases are tried by district judges, magistrate judges may also preside over civil trials if all parties consent.

3.Magistrate judges have only authority to issue warrants.

4. In most districts, magistrate judges handle pretrial motions and hearings in civil cases.

5.The position and authority of magistrate judges was established in 1958.

6. By majority vote of the U.S. district judges of the court, magistrate judges are appointed for a renewable term of four years.

7.By federal law, magistrate judges must meet specified eligibility criteria, including at least five years as a member in good standing of a state or territory's highest court bar.

8.The bankruptcy judge position was established in 1978, and the appointment process is set by Judicial Conference policy, in accordance with the Bankruptcy Amendments and Federal Judgeship Act of 1984.

9.Bankruptcy judgeships are created pursuant to special judicial orders.

10. Bankruptcy judges must meet eligibility criteria, including being a member of the bar in good standing.

11.Similar to senior status Article III judges, bankruptcy and magistrate judges may continue to provide judicial assistance after they have retired.

12. Generally, recalled judges exercise limited powers and duties, not as they had as an active judge.

13.Circuit councils determine whether there is a substantial need for recall services from bankruptcy and magistrate judges based on court workload.

14.Visiting judges may sit by designation and assignment in any other federal court having a need for their service.

15. For Article III judges, intercircuit assignments must be approved by the Chief Justice of the U.S. Supreme Court.

III. Answer the questions:

1. Who appoints magistrate judges in the USA?
2. What authority do they have?
3. May magistrate judges preside over civil trials?
4. When was the position and authority of magistrate judges established?
5. What are specified eligibility criteria for magistrate judges?
6. What members does a merit selection panel consist of?
7. What renewable term are magistrate judges appointed for?
8. What magistrate judges serve a four-year term?

9. What judges preside exclusively over bankruptcy proceedings and cases?

10.What term are they appointed to?

11.When was the bankruptcy judge position established?

12. What are specified eligibility criteria for bankruptcy judges?

13. What powers and duties do recalled judges exercise ?

14. What term are retired bankruptcy and magistrate judges appointed for recall service?

15. When do visiting judges provide temporary assistance?

16.When are visiting judges on an intracircuit assignment ?

IV. Complete the following sentences with the words and phrases from the box

judicial assistance, eligibility criteria, preside, pursuant, recalled judges, assignment, , intercircuit, judicial officers,

1. Visiting judges may sit by designation and … in any other federal court having a need for their service.

2. For Article III judges … assignments must be approved by the Chief Justice of the U.S. Supreme Court.

3. Bankruptcy judges must meet … , including being a member of the bar in good standing.

4. Generally, … exercise all the powers and duties that they had as an active judge.

5. Bankruptcy judgeships are created … to legislation enacted by Congress.

6. There are other types of judges who … over certain kinds of cases, matters, and proceedings.

7. Magistrate judges are … of the U.S. district court appointed by the district judges of the court.

8. They must also be vetted by a merit selection panel that consists of lawyers and non-lawyers from the community.

9. Temporary assignments for bankruptcy and magistrate judges are coordinated by chief judges of the courts and circuits.

10. Similar to senior status Article III judges, bankruptcy and magistrate judges may continue to provide … after they have retired.

V. Translate the following sentences into English.

1. Мировые судьи являются судебными должностными лицами федеральных районных судов США.

2. Как и у других федеральных судей, размер зарплаты мировых судей является одинаковым для всех, независимо от их выслуги.

3. Выездные судьи могут по специальному указания заседать в любом другом федеральном суде.

4. Ушедшие в отставку судьи по делам банкротства и мировые судьи вновь призываются на службу на определенный период времени, но не более трех лет, хотя срок может быть продлен.

5. Мировые судьи федеральных судов имеют полномочия выдавать ордера, вести предварительное слушание по уголовным делам, а также председательствовать на судебных разбирательствах по мелким преступлениям, совершенным на федеральных территориях.

6. Судьи по банкротству федеральных районных судов являются судебными чиновниками, которые выносят постановления по делам исключительно связанных с банкротством.

7. Должность и полномочия мировых судей федеральных районных судов были установлены в 1968 г.

8. Должность судей по делам банкротства была введена в 1978 г., а процесс назначения был установлен в соответствии с положениями Судебной конференции по Акту о федеральных судьях и поправках к процедуре банкротства.

9. Судьи по делам банкротства получают одинаковую заработную плату независимо от того, где исполняют свои обязанности и срока их выслуги.

Unit 3
THE COURT SYSTEM OF THE STATES

The Hierarchy of Courts

The national Constitution did not subordinate the state judiciary to the federal courts. On the contrary, the state courts comprise a separate and autonomous system. At the bottom of the judicial system there are **justice of the peace courts presided over by justices of the peace.** The office of justice of the peace is one of the oldest in American law and was derived, like so many features of the national judicial system, from England. In the United States the justice of the peace who is frequently without legal training, has jurisdiction over minor crimes and civil suits involving small amounts of money, usually less than 300 dollars.

In many larger municipalities the functions of justice of the peace courts are assigned to **municipal courts**. In certain cities the municipal courts are subdivided into branches dealing with small claims, domestic relations, traffic and other matters. There are other types of courts on this level**: juvenile courts, probate courts and many others.**

Next above in the scale are **trial courts** that conduct most of the judicial business of the nation. They are variously known as county, district, superior or circuit courts. In some states each county has at least one such court of first instance, but frequently two or more counties compose a district with a single court for the whole. The trial courts are the foundation stones of the American judicial structure. These courts try offences on indictment in the presence of a grand jury consisting of from 12 to 23 jurors.

Most of the heavily populated states have created **the State Court of Appeals** whose function is to hear appeals from the minor courts and trial courts. They correspond to the federal courts of appeals, and their judgments in many types of cases are final.

The State Supreme Court is the final authority on questions of law within the state. Its interpretation of the state constitution or laws cannot be

overruled even by the Supreme Court of the United States. It consists of several justices, including a chief justice.

I. Give English equivalents to:

подчинять; напротив; автономная система; в основании; институт мировых судей; черты национальной судебной системы; без юридического образования; гражданские иски; небольшое количество денег; муниципальные суды; подразделяться; другие вопросы; ювенальные суды; суды по делам о наследстве и опеке; суды первой инстанции; по крайней мере; часто; основание; преступления, рассматриваемые по обвинительному акту; присяжные заседатели; густо населенные штаты; апелляционный суд штата; соответствовать; судебной решение; толкование конституции штата или законов штата.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1. The national Constitution subordinates the state judiciary to the federal courts.
2. The state courts comprise a separate and autonomous system.
3. The office of justice of the peace is new in American law.
4. In the United States the justice of the peace who is frequently without legal training, has jurisdiction over minor crimes and civil suits involving small amounts of money.
5. The trial courts are the foundation stones of the American judicial structure.
6. These courts try offences on indictment in the presence of a jury consisting of 10 jurors.
7. Most of the heavily populated states have created the State Court of Appeals**.**
8. . They don’t correspond to the federal courts of appeals, and their judgments in many types of cases are not final.
9. The State Supreme Court is the final authority on questions of law within the state.

10.Its interpretation of the state constitution or laws can be overruled by the Supreme Court of the United States.

III. Answer the questions:

1.What courts are at the bottom of the court system of the states ?

2.What crimes do justice of the peace courts have jurisdiction over ?

3.When are the functions of justice of the peace courts assigned to municipal courts?

4. What branches are municipal courts subdivided into?

5. What courts conduct most of the judicial business ?

6. What courts have the heavily populated states created ?

7. Is the State Supreme Court the final authority on questions of law within the state?

8. What judges does the State Supreme Court consist of ?

IV. Translate the following sentences into English.

1. Большинство густо населенных штатов создали Верховный суд штата.

2. Институт мировых судей является одним из самых старейших в американской судебной системе.

3. Национальная конституция не подчиняет судопроизводство штата федеральным судам.

4. Суды штата, рассматривающие дела по обвинительному акту, выступают основой американского судопроизводства.

5. Эти суды слушают дела в присутствии присяжных заседателей, которых насчитывается от 12 до 23.

6. Верховный суд штата выносит окончательное решение по любому вопросу в пределах штата.

V. Complete the following sentences with the words and phrases from the box

trial courts, to be derived, amounts,
judicial, frequently, bottom, features,
minor crimes, to be overruled

1. At the … of the judicial system there are justice of the peace courts presided over by justices of the peace.

2. The office of justice of the peace is one of the oldest in American law and … , like so many … of the national judicial system, from England.

3. In the United States the justice of the peace who is … without legal training, has jurisdiction over … and civil suits involving small … of money, usually less than 300 dollars.

4. Next above in the scale are … that conduct most of the … business of the nation.

5. Its interpretation of the state constitution or laws cannot … even by the Supreme Court of the United States.

Courts of Inferior Jurisdiction

Many states have courts of limited jurisdiction (inferior jurisdiction), presided over by, for example, a magistrate or justice of the peace who hears criminal arraignments and tries petty offenses and small civil cases. Appeals from courts of limited jurisdiction are frequently sent to state trial courts of general jurisdiction rather than to an appellate court.

Larger cities often have city courts (also known as municipal courts) which hear traffic offenses and violations of city ordinances; in some

states, such as New York, these courts also have broader jurisdictions as inferior jurisdiction courts and can handle small civil claims and misdemeanors. Other courts of limited jurisdiction include alderman's courts, police court, mayor's courts, county courts, probate courts, municipal courts, juvenile courts, courts of claims, courts of common pleas, family courts, small claims courts, tax courts, water courts (present in some western states such as Colorado and Montana), and workers' compensation courts. Many states follow the federal government practice of having one or more separate systems of administrative law judges in the executive branch in addition to judicial branch judges, for example, to handle driver's license revocations, unemployment insurance claims, or land use disputes.

All these courts are distinguished from courts of general jurisdiction (also known as "superior jurisdiction"), which are the default type of trial court that can hear any case which is not required to be first heard in a court of limited jurisdiction. Most such cases are civil cases involving large sums of money or criminal trials arising from serious crimes like rape and murder. Typically, felonies are handled in general jurisdiction courts, while misdemeanors and other lesser offenses are handled in inferior jurisdiction courts. Unlike most European courts (in both common law and civil law countries), American state courts do not usually have a separate court that handles serious crimes; jurisdiction lies with the court that handles all other felony cases in a given county. But, many state courts that handle criminal cases have separate divisions or judges assigned to handle certain types of crimes such as a drug court, sometimes also known as a "problem-solving court".

A few states like California have unified all courts of general and inferior jurisdiction to make the judicial process more efficient. In such judicial systems, there are still *departments* of limited jurisdiction within the trial courts, and often these departments occupy exactly the same facilities they once occupied as independent courts of limited jurisdiction. However, as mere administrative divisions, departments can be rearranged at the discretion of each trial court's presiding judge in response to changing caseloads.

I. Give English equivalents to:

суды низшей инстанции; привлечение к суду по уголовному делу; мелкие правонарушения; гражданские дела; нарушение муниципальных постановлений; небольшие гражданские иски и мелкие преступления; суды советов местных органов власти; суд мэра; окружные суды; исковые суды; суды общей юрисдикции; лишение водительских прав; иски по страхованию по безработице; уголовные преступления; реорганизовать; на усмотрение; меняющиеся количество дел в производстве;

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1. Many states follow the federal government practice of having one or more separate systems of administrative law judges in the executive branch in addition to judicial branch judges.

2. Larger cities often have city courts (also known as municipal courts) which hear only traffic offenses.

3.A few states like California have unified all courts of general and inferior jurisdiction to make the judicial process more efficient.

4. Appeals from courts of limited jurisdiction are frequently sent to an appellate court.

5. But, many state courts that handle criminal cases have separate divisions or judges assigned to handle certain types of crimes such as a drug court.

6.Other courts of limited jurisdiction include alderman's courts and police courts.

7.Typically, felonies are handled in general jurisdiction courts, while misdemeanors and other lesser offenses are handled in inferior jurisdiction courts.

8. American state courts usually have a separate court that handles serious crimes.

9. The default type of trial court can hear any case which is not required to be first heard in a court of limited jurisdiction.

III. Answer the questions:

1.What are the duties of a justice of the peace in state courts of inferior jurisdiction?

2.What cases do municipal courts handle?

3.What courts of limited jurisdiction do you know?

4.Why do some states have some separate systems of administrative law judges in the executive branch of state government?

5.Where are usually felonies handled?

6. Where are usually misdemeanors and other lesser offenses handled?

7.Why have a few states like California unified all courts of general and inferior jurisdiction?

8. What separate divisions do many state courts have?

IV. Translate the following dialogue into English and act it out.

-Что вы знаете об американских судах с ограниченной юрисдикцией ?

-Многие штаты имеют такие суды, заседания там проходят под председательством мирового судьи.

-Какие преступления рассматриваются в таких судах?

-Только мелкие правонарушения и небольшие гражданские иски.

-В какие суды обычно поступают апелляции?

- Апелляции часто направляются в суды штатов общей юрисдикции.

-А какие суды обычно рассматривают дорожные правонарушения.

- Дорожные правонарушения обычно рассматривают муниципальные суды, которые находятся в больших городах.

-Какие еще суды низшей инстанции с ограниченной юрисдикцией существуют в США?

- Их достаточно много, например, ювенальные суды, суды по делам о наследстве и опеке, суды мэра, исковые суды и др.

-Какие дела рассматривают суды первой инстанции общей юрисдикции?

- Такие суды обычно рассматривают гражданские дела, в которых иски представлены на крупные денежные суммы или тяжкие уголовные преступления, такие как убийство и изнасилование.

V. Complete the following sentences with the words and phrases from the box

lesser, frequently. handles, civil, violations,
discretion, assigned, superior,
unified, separate systems,

1. All these courts are distinguished from courts of general jurisdiction (also known as " … jurisdiction").

2. A few states like California have … all courts of general and inferior jurisdiction to make the judicial process more efficient.

3. Many states follow the federal government practice of having one or more … … of administrative law judges in the executive branch.

4. But, many state courts that handle criminal cases have separate divisions or judges … to handle certain types of crimes such as a drug court.

5. Larger cities often have city courts (also known as municipal courts) which hear traffic offenses and … of city ordinances.

6. American state courts do not usually have a separate court that … serious crimes.

7. Appeals from courts of limited jurisdiction are … sent to state trial courts of general jurisdiction.

8. Misdemeanors and other … offenses are handled in inferior jurisdiction courts.

9. Most such cases are … cases involving large sums of money or criminal trials arising from serious crimes like rape and murder.

10. However, as mere administrative divisions, departments can be rearranged at the … of each trial court's presiding judge in response to changing caseloads.

Juvenile courts

A juvenile court (or young offender's court) is a tribunal having special authority to pass judgments for crimes that are committed by children who have not attained the age of majority. In most modern legal systems, children who commit a crime are treated differently from legal adults that have committed the same offense.

Industrialized countries differ in whether juveniles should be tried as adults for serious crimes or considered separately. Since the 1970s, minors have been tried increasingly as adults in response to "increases in violent juvenile crime." Young offenders may still not be prosecuted as adults. Serious offenses, such as murder or rape, can be prosecuted through adult court in England. However, as of 2007, no United States data reported any exact numbers of juvenile offenders prosecuted as adults. In contrast, countries such as Australia and Japan are in the early stages of developing and implementing youth-focused justice initiatives.

Globally, the United Nations has encouraged nations to reform their systems to fit with a model in which "entire society must ensure the harmonious development of adolescence" despite the delinquent behavior that may be causing issues. The hope was to create a more "child-friendly justice". Despite all the changes made by the United Nations, the rules in practice are less clear cut. Changes in a broad context cause issues of implementation locally, and international crimes committed by youth are

causing additional questions regarding the benefit of separate proceedings for juveniles.

Issues of juvenile justice have become increasingly global in several cultural contexts. As globalization has occurred in recent centuries, issues of justice, and more specifically protecting the rights of children as it relates to juvenile courts, have been called to question. Global policies regarding this issue have become more widely accepted, and a general culture of treatment of children offenders has adapted to this trend.

Juvenile court is a special court or department of a trial court, that deals with under-age defendants who are charged with crimes, are neglected, or are out of the control of their parents. The normal age of these defendants is under 18, but the age of majority changes based on the state or nation. Juvenile court does not have jurisdiction in cases in which minors are charged as adults. The procedure in juvenile court is not always adversarial, although the minor is entitled to legal representation by a lawyer. Parents, social workers, and probation officers may be involved in the process to achieve positive results and save the minor from involvement in future crimes. However, serious crimes and repeated offenses can result in sentencing juvenile offenders to prison, with transfer to a state prison upon reaching adulthood with limited maximum sentences, often until the age of 18, 21, 23 or 25. Where parental neglect or loss of control is a problem, the juvenile court may seek out foster homes for the juvenile, treating the child as a ward of the court. A juvenile court handles cases of both delinquency and dependency. Delinquency refers to crimes committed by minors, and dependency includes cases where a non-parental person is chosen to care for a minor.

I. Give English equivalents to:

ювенальные суды (суде по делам несовершеннолетних); выносить приговор; судить как совершеннолетних;рассматривать отдельно; несовершеннолетние; насильственные преступления среди несовершеннолетних; преследовать в уголовном порядке; осуществлять; молодежь (юношество); делинквентное (преступное) поведение; несовершеннолетние преступники; это

направление; подсудимые, не достигшие совершеннолетия; беспризорные; состязательный; приемная семья; подопечный; попечительство.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1.Juvenile court is a special court or department of a trial court, that deals with under-age defendants who are charged with crimes, are neglected, or are out of the control of their parents.

2.Issues of juvenile justice have become increasingly global in several cultural contexts.

3. Delinquency refers to only some types of crimes committed by minors, and dependency includes cases where a close relative is chosen to care for a minor.

4. Parents, social workers, and probation officers may be involved in the process to achieve positive results and save the minor from involvement in future crimes.

5.In most modern legal systems, children who commit a crime are not treated differently from legal adults that have committed the same offense.

6. Juvenile court does not have jurisdiction in cases in which minors are charged as adults.

7. Where parental neglect or loss of control is a problem, the juvenile court may seek out foster homes for the juvenile, treating the child as a ward of the court.

8. Industrialized countries differ in whether juveniles should be tried as adults for serious crimes or considered separately.

9. A juvenile court handles cases of both delinquency and dependency.

10.A juvenile court (or young offender's court) is a tribunal having special authority to pass judgments for crimes that are committed by children.

III. Answer the questions:

1.What special authority does a juvenile court have?

2.Why have miners been tried as adults since 1970 ?

3.What offences committed by minors can be prosecuted through adult courts in England?

4. Are there any data showing any exact numbers of juvenile offenders prosecuted as adults in the USA?

5.What organization has proposed "child-friendly justice" ?

6. Give a definition of a juvenile court.

7. How can you characterize a procedure in a juvenile court ?

8. When does a juvenile court seek out foster homes for the juvenile?

IV. Translate the following sentences into English.

1.Высокоразвитые страны имеют различные мнения по поводу выбора суда для несовершеннолетних преступников, совершивших тяжкие преступления.

2.Вопросы ювенальной юстиции все больше и больше приобретают глобальный масштаб в культурах многих стран.

3.ООН призывает страны реформировать ювенальную юстицию в соответствии с моделью, согласно которой «общество должно гарантировать гармоничное развитие подрастающего поколения», несмотря на их преступное поведение, вызывающее много вопросов.

4.Ювенальные суды являются специальными судами или отделами судов первой инстанции, которые имеют дело с несовершеннолетними подсудимыми, совершившими преступление или не находящимся под должным контролем со стороны родителей.

5.Ювенальный суд может искать приемную семью для несовершеннолетнего, при этом рассматривая подростка как своего подопечного.

6.Судебное разбирательство в ювенальном суде не всегда проходит на основе состязательной системы правосудия, однако совершеннолетнему по закону предоставляется адвокат.

7.В Англии тяжкие преступления, такие как убийство и изнасилование, совершенные несовершеннолетними, могут рассматриваться в судах для взрослых.

8.Родители, социальные работники и офицеры службы надзора за условно осужденными могут быть вовлечены в процесс достижения позитивных результатов и принятия превентивных мер с целью предотвращения совершения подростками преступлений в будущем.

V. Complete the following sentences with the words and phrases from the box

majority changes, to create, dependency,
sentencing, legal adults, cause,
positive results, attained

1. Parents, social workers, and probation officers may be involved in the process to achieve … … and save the minor from involvement in future crimes.

2. A juvenile court (or young offender's court) is a tribunal having special authority to pass judgments for crimes that are committed by children who have not … the age of majority.

3. However, serious crimes and repeated offenses can result in … juvenile offenders to prison.

4. The normal age of these defendants is under 18, but the age of … … based on the state or nation.

5. Changes in a broad context … issues of implementation locally.

6. Delinquency refers to crimes committed by minors, and … includes cases where a non-parental person is chosen to care for a minor.

7. The hope was … a more "child-friendly justice".

8. In most modern legal systems, children who commit a crime are treated differently from … … that have committed the same offense.

Restorative justice model

When looking at juvenile justice as a whole two types of models tend to be used: restorative justice (реституционное правосудие) and criminal justice. Within the United States, there are systematic shifts towards a more restorative model of justice especially surrounding juveniles.

Canada has long been practicing under a restorative model of justice and continues to grow and expand upon practices of integrating youth offenders into the community in hopes that they do not recidivate but become positive, contributing members of society. In addition to these countries, Austria has taken an initiative to implement victim-offender mediation programs geared towards a more restorative form of justice.

New Zealand completely restructured their system with an emphasis on what the indigenous people, Māori, practiced for many years. This includes a family-centered focus that lowers youth incarceration (лишение свободы). Globally, there is a trend of utilizing the traditional values of past generations to create a positive impact throughout juvenile court systems.

Rules for jurisdiction of a juvenile court depend upon the state. In most states, juvenile court jurisdiction continues through the age of eighteen, but in some states it may end at age seventeen or younger. Some states, such as Arizona, have recently adopted extended jurisdiction policies, where jurisdiction remains under the authority of the presiding juvenile court system. At times, a juvenile offender who is initially charged in juvenile court will be waived to adult court, meaning that the offender may be tried and sentenced in the same manner as an adult.

I. Translate the following text into Russian in writing

II. Give a brief summary of the text in English in writing

Probate Courts

A **probate court** in the USA (sometimes called a **surrogate court**) is a court that has competence in a jurisdiction to deal with matters of probate and the administration of estates. In some jurisdictions, such courts may be referred to as orphans' courts or courts of ordinary. In some jurisdictions probate court functions are performed as a part or division of another court.

Probate courts administer proper distribution of the assets of a decedent (one who has died), adjudicates the validity of wills, enforces the provisions of a valid will (by issuing the grant of probate), prevents malfeasance by executors and administrators of estates, and provides for the equitable distribution of the assets of persons who die intestate (without a valid will), such as by granting a grant of administration giving judicial approval to the personal representative to administer matters of the estate.

In contested matters, the probate court examines the authenticity of a will and decides who is to receive the deceased person's property. In a case of an intestacy, the court determines who is to receive the deceased's property under the law of its jurisdiction. The probate court will then oversee the process of distributing the deceased's assets to the proper beneficiaries. A probate court can be petitioned by interested parties in an estate, such as when a beneficiary feels that an estate is being mishandled. The court has the authority to compel an executor to give an account of their actions.

In some jurisdictions (e.g. Texas) probate courts also handle other matters, such as guardianships, trusts, and mental health issues (including the authority to order involuntary commitment to psychiatric facilities and involuntary administering psychiatric medication).

I. Give English equivalents to: наследование и распоряжение имуществом; сиротские суды; судья по наследственным делам; покойный; выносить решение; подлинность завещаний; приводить в исполнение; условия; утверждение завещания; неправомерное действие; справедливый; право на распоряжение; юридическое подтверждение; спорные вопросы; подлинность завещания; отсутствие завещания; имеющие право на получение наследства (бенефициары); неправильно обращаться; заставить исполнителя; отчет о своих действиях; попечительство; доверенности; психическое здоровье; принудительное помещение.

II. Confirm or deny the statements using the following phrases: ***Quite so… Right you are… I am afraid not… Excuse me, but…***

1.Probate courts administer only proper distribution of the assets of a decedent (one who has died).

2. In contested matters, the probate court examines the authenticity of a will and decides who is to receive the deceased person's property.

3. The court doesn't have the authority to compel an executor to give an account of their actions.

4. In some jurisdictions (e.g. Texas) probate courts also handle other matters, such as guardianships, trusts, and mental health issues.

5. In some jurisdictions, such courts may be referred to as courts of ordinary.

6. In some jurisdictions probate court functions are performed as a part or division of another court.

7. The probate court will then oversee the process of distributing the deceased's assets to the proper beneficiaries.

III. Answer the questions:

1.What matters does a probate court deal with?

2.Do you know other names of a probate court?

3.When does the probate court examine the authenticity of a will?

4.When does this court determine who is to receive the deceased's property under the law of its jurisdiction?

5. What other mattes does a probate court handle in some jurisdiction?
6. What are the functions of the court in a case of an intestacy?

IV. Complete the following sentences with the words and phrases from the box

executor, decedent, assets,
issuing, deceased's property, mental health,
adjudicates, malfeasance, orphans' courts,

1. In some jurisdictions (e.g. Texas) probate courts also handle other matters, such as guardianships, trusts, and … … issues.
2. The court has the authority to compel an … to give an account of their actions.
3. The probate court will then oversee the process of distributing the deceased's … to the proper beneficiaries.
4. In some jurisdictions, such courts may be referred to as … … or courts of ordinary.
5. In a case of an intestacy, the court determines who is to receive the … … under the law of its jurisdiction.
6. Probate courts administer proper distribution of the assets of a … (one who has died), … the validity of wills, enforces the provisions of a valid will (by … the grant of probate), prevents … by executors and administrators of estates.

V. Study the following table and make up a dialogue comparing two court systems in the USA.

Court Structure

The Federal Court System	The State Court System
Article III of the Constitution invests the judicial power of the United States in the federal court system. Article III, Section 1 specifically creates the U.S. Supreme Court and gives Congress the authority to create the lower federal courts.	The Constitution and laws of each state establish the state courts. A court of last resort, often known as a Supreme Court, is usually the highest court. Some states also have an intermediate Court of Appeals. Below these appeals courts are the State trial courts. Some are referred to as Circuit or District Courts.
Congress has used this power to establish the 13 U.S. Courts of Appeals, the 94 U.S. District Courts, the U.S. Court of Claims, and the U.S. Court of International Trade. U.S. Bankruptcy Courts handle bankruptcy cases. Magistrate Judges handle some District Court matters.	States also usually have courts that handle specific legal matters, e.g., probate court (wills and estates); juvenile court; family court; etc.
Parties dissatisfied with a decision of a U.S. District Court, the U.S. Court of Claims, and/or the U.S. Court of International Trade may appeal to a U.S. Court of Appeals.	Parties dissatisfied with the decision of the trial court may take their case to the intermediate Court of Appeals.
A party may ask the U.S. Supreme Court to review a decision of the U.S. Court of Appeals, but the Supreme Court usually is under no obligation to do so. The U.S. Supreme Court is the final arbiter of federal constitutional questions.	Parties have the option to ask the highest state court to hear the case.
	Only certain cases are eligible for review by the U.S. Supreme Court.

V. Study the following two tables and make a report on the selection of judges in the USA and cases heard in different courts.

Selection of Judges

The Federal Court System	The State Court System
The Constitution states that federal judges are to be nominated by the President and confirmed by the Senate. They hold office during good behavior, typically, for life. Through Congressional impeachment proceedings, federal judges may be removed from office for misbehavior.	State court judges are selected in a variety of ways, including election, appointment for a given number of years, appointment for life, and combinations of these methods, e.g., appointment followed by election.

Types of Cases Heard

The Federal Court System	The State Court System
Cases that deal with the constitutionality of a law; Cases involving the laws and treaties of the U.S.; Cases involving ambassadors and public ministers; Disputes between two or more states; Admiralty law; Bankruptcy; and Habeas corpus issues.	Most criminal cases, probate (involving wills and estates) Most contract cases, tort cases (personal injuries), family law (marriages, divorces, adoptions), etc. State courts are the final arbiters of state laws and constitutions. Their interpretation of federal law or the U.S. Constitution may be appealed to the U.S. Supreme Court. The Supreme Court may choose to hear or not to hear such cases.

VII. Study the table and speak on the topic "The judicial system of the USA"

<table>
<tr><td colspan="5">U.S. Supreme Court</td></tr>
<tr><td></td><td colspan="4">State Supreme Court</td></tr>
<tr><td>U.S. Federal Courts of Appeals (11)</td><td colspan="4">State Court of Appeals</td></tr>
<tr><td>U.S. District Courts (about 90)</td><td colspan="4">State Trial Courts</td></tr>
<tr><td></td><td>Justice of the Peace Courts</td><td>Municipal Courts</td><td>Juvenile Courts</td><td>Probate Courts

and many others</td></tr>
</table>

TEXTS FOR ADDITIONAL READING

Text 1

The United States Federal Judiciary: Its Structure and Jurisdiction

I. Introduction

Federal courts through their interpretation of the U.S. Constitution have had a profound effect on the development of law in the United States generally and education law specifically. In cases involving American public schools, the Supreme Court's interpretation of the Constitution has furnished legal definition for such seminal concepts as equal educational opportunities, procedural due process, and substantive due process. The role that federal courts (and the Supreme Court in particular) should have in effecting changes in education reflects a longstanding debate in judicial circles as to whether the purpose of the judiciary is one of social activism or a more restrained function of strict construction of the Constitution. While the purpose of the this article is not to resolve this dispute, the views of judges regarding the role of the federal courts frequently become an issue at the time of their confirmation hearings and whether judges, once confirmed, choose to intervene in schools to superimpose constitutional guidelines on their management or whether, pursuant to the implied power of states to control education, choose to defer to the decisions of states and local school officials, the opinions of these judges will have long and lasting effects on the operation and management of schools.

The U.S. federal judicial system follows the adversarial system inherited from England that relies upon attorneys during a trial to discover facts relevant to a dispute before a court. The primary functions of federal judges are limited to applying federal rules of civil and criminal procedure and resolving questions of substantive law. Despite the influence of the English judicial system on the federal judiciary though, the federal courts have never developed a common law. Common law, patterned on that of the English law, has been developed in almost all states and federal courts when called upon to address mixed federal and state issues in a case can apply the common law of that state to the state issues.

The purpose of this article is to sketch the structure and jurisdiction of the federal courts in the U.S. Although only a broad outline of the federal courts, the author hopes that it will provide a useful introduction to a hierarchal system of courts that have had profound influence on American law. The federal judiciary as currently constituted in the United States did not spring full-blown in its current form, but rather, except where specifically designated in the Constitution, has been the product of two hundred years of congressional action. The relationship between Congress and the federal judiciary has involved over the years an interpretive tug of war over Congress' interpretation of its powers under Article II of the Constitution and the Supreme Court's interpretation of what the Constitution permits.

II Structure of the Federal Judiciary

A
The Supreme Court

Members of the Supreme court, while federal judges in the broad sense, are referred to as justices. The number of justices on the Supreme Court is not prescribed in the Constitution and has varied over the years. Originally set in 1789 at six (the Chief Justice and five justices), the total number reached ten in 1863 and then in 1869 was set at its current number of nine (one Chief Justice and eight associate justices). All Supreme Court justices are appointed by the President and must be confirmed by the Unites States Senate, a process that requires a hearing by the appointee before the Senate Judiciary Committee and then a vote by the committee and the full Senate. When a Chief Justice retires or dies, the President can appoint a current member of the Court as was done with Chief Justice Rehnquist (appointed and confirmed as an Associate Justice in 1971 and appointed and confirmed in 1986 as Chief Justice upon the retirement of Chief Justice Burger) or he can appoint a person from outside the Court as was done with the current Chief Justice, John Roberts, Jr. (appointed and confirmed in 2005 upon the death of Chief Justice Rehnquist).

Under Article III, the Supreme Court has both original and appellate jurisdiction depending on the nature of the case. The Court has original jurisdiction as to 'all Cases affecting ambassadors, other public ministers

and consuls, and those in which a State shall be party' and appellate jurisdiction in all other cases, subject to Congress' regulation of that jurisdiction. However, the extent to which Congress can actually and effectually limit the appellate jurisdiction of the Supreme Court has become mired in issues of separation of powers13 and due process14 and thus the question is still an open one. Although approximately 7,000-8,000 cases are filed each year for consideration by the Court, the Court only hears a small fraction of this number, rendering formal written decisions in fewer than 100 of the cases and disposing of another 50–60 without granting formal review.

At the heart of the appeals process in the federal judiciary is the authority of the Supreme Court to exercise judicial review of lower court decisions. The Supreme Court is the final court of review in the United States and the authority of the Court to engage in judicial review, the process of testing federal and state legislative enactments and other actions by the standards of what the Constitution grants, has made it the nation's final arbiter of disputes involving the Constitution or federal law. While this authority to review legislative acts is nowhere found in Article III of the Constitution, Chief Justice Marshall's artful opinion in Marbury v Madison15 solidified the Court's power to exercise judicial review.

Appeal cases can reach the Supreme Court through a variety of avenues. The most common method of appeal is through a writ of certiorari which, if granted and issued by the Court, essentially is an order to deliver up a lower court record for review by the Court. Even if granted though, the writ can later be denied if the facts are found not to present a sufficient federal or constitutional claim16 or if the legal issues are sufficiently close to another case granted certiorari earlier and decided in the same term, resulting in the later case being remanded for reconsideration in light of the Court's decision. Although most cases are appealed to the Supreme Court from one of the federal circuit courts of appeal, a direct avenue of appeal exists from the decisions of special three-judge federal district courts18 and from the decisions of state supreme courts.

B
Federal Circuit Courts of Appeal

The number of federal courts of appeal is subject to the control of Congress under Article III of the Constitution. The federal appellate courts currently are composed of thirteen circuit courts of appeal, each of which is presided over by three judges. The most recent additions to the federal circuit courts of appeal include the Federal Circuit created by Congress in 1982 and the Eleventh Circuit created in 1981. The circuit courts of appeal include twelve geographic courts plus the Court of Appeals for the Federal Circuit. The Federal Circuit is unique among the circuit courts of appeal in that it is the only circuit not restricted to cases from a geographic area. This court of appeals has nationwide jurisdiction in a variety of subject matter areas, including international trade, government contracts, and patents, certain claims for money from the United States government, federal personnel, and veterans' benefits and hears appeals from all federal district courts, the United States Court of Federal Claims, the United States Court of International Trade, the United States Court of Veterans Appeals, as well as hearing appeals from a variety of government administrative agencies, commissions, and boards.

The Federal Court of Appeals sits in Washington, D.C. but is authorized to hear cases anywhere in the United States. In terms of influence upon education law and the operation of the nation's schools, one must look at the twelve geographic appeal courts. Except for the District of Columbia Court of Appeals that has jurisdiction only over the District of Columbia, each of these twelve circuits has within its jurisdiction a number of states and can hear appeals only from federal district courts located within those states.

The states located within each federal circuit and the number of judges in each circuit are determined by Congress. Each of the circuit courts is located in a city in one of its states, but in a manner reminiscent of the circuit riders of the Nineteenth Century who traveled about on horseback, the circuit courts occasionally hear cases in other cities within their circuits. As one would anticipate, the courts of appeal have only appellate jurisdiction. A member of the Supreme Court is assigned to each of the federal circuits and in the event of emergency appeals (such as capital punishment cases), can issue an interim order pending a review of the full Court.

C
Federal District Courts

In addition to the Supreme Court and the thirteen courts of appeal, the federal judicial system is also composed of 94 federal districts, 92 of which are located in the 50 states with the other two being for Puerto Rico and the District of Columbia. Federal district court judges, like the judges in the courts of appeal and the justices in the Supreme Court, are appointed by the President with the advice and consent of Congress. The number of federal districts per state is determined by Congress as well as the number of judges assigned per district. Federal district courts have been created within states and no district court boundaries extend across state lines.

Each federal district court has an assigned geographic district within a state and the court's jurisdiction is limited to cases arising within that geographic district. In states such as Montana and Alaska each with only one federal district, the court's jurisdiction is statewide and its decisions are binding on all citizens in the state. On the other hand, some states have more than one federal district court, such as New York and California each with four. Where multiple federal courts exist within the same state, each court has jurisdiction only over cases arising within its geographic district and its decisions are binding only over citizens within that district. While the size of the geographic area of federal districts depends on the population of a district, inequities in size occur.

Thus, the largest state in geographical area, Alaska, comprises one federal district and has three federal judges, the same as for the smallest state, Rhode Island. Federal district courts are the trial courts of general jurisdiction in the federal judiciary which means that they try both civil and criminal cases. For fiscal year 2003, over 250,000 civil and 70,000 criminal cases were filed in all federal district courts. However, only 4,206 cases, or 1.7 percent of the total were decided through the trial process and of that number, only 2,674 cases went to a jury, with the remaining 1,532 cases being heard as bench trials. Of the cases that went to trial, 40% involved civil rights issues.

III
Federal Jurisdiction

Article III of the Constitution expressly provides that federal judicial power extends to nine enumerated 'cases' and 'controversies', the first four of which ('cases') confer jurisdiction depending on the cause, while the remaining five ('controversies') confer jurisdiction depending on the parties. The 'cases' identified in Article III are those in law and equity 'arising under the Constitution, the laws of the United States, and treaties thereof', those 'affecting ambassadors, other public ministers, and consuls' and those involving 'admiralty and maritime jurisdiction'. 'Controversies' include those matters 'to which the United States shall be a party', those 'between two or more states', those 'between a state and citizens of another state', those 'between citizens of different states', those 'between citizens of the same state claiming lands under grants of different states', and those 'between a state or the citizens thereof, and foreign states citizens or subjects'.

The requirement of a case or controversy prohibits advisory opinions and 'limits the business of federal courts to questions presented in an adversary context'. The most important element of adverseness of the parties is that they have standing which has been explained by the Supreme Court as a party having 'alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions'. The elements of standing — injury in fact, causation, and redressability — require not only an alleged injury but a wrong that has resulted in the violation of a legal right. While the interpretation of standing can vary with fact patterns, in certain constitutional issues such as those dealing with the establishment clause, federal courts have interpreted almost all challenges to the involvement of religion and government to be sufficient to confer standing.

Broadly speaking, federal court jurisdiction falls into three categories: federal question jurisdiction, diversity jurisdiction, and supplemental jurisdiction. The most frequently litigated federal questions are those involving the Constitution and federal laws. Federal case law is replete with cases challenging the actions of school boards and school officials where constitutional rights such as free expression or procedural due

process or federal statutes such as the Family Education Rights and Privacy Act and the Individuals with Disabilities Education Act are at issue. Diversity jurisdiction allows lawsuits based on the location of parties without regard to a federal question. Thus, federal courts can hear lawsuits involving citizens of different states even though the lawsuit does not concern a federal question. However, there are exceptions and diversity civil lawsuits must have an amount in controversy of at least $75,000 and cannot involve certain areas such as probate and family law issues that are considered to be the prerogative of the states. Supplemental jurisdiction, or, as it is more frequently referred to, pendent or ancillary jurisdiction, permits federal courts to hear state claims that normally would come under the jurisdiction of state courts where the state claims concern a federal claim that is legitimately before the court. While supplementary jurisdiction is discretionary, it has an advantage of permitting federal courts to resolve state claims by applying state law without requiring a claimant to exercise the time and expense of litigating the state issues separately

Text 2

Reform

In his 1997 book *No Matter How Loud I Shout*, a study of the Los Angeles' Juvenile Courts, Edward Humes argued that juvenile court systems are in need of radical reform. He stated that the system sends too many children with good chances of rehabilitation to adult court while pushing aside and acquitting children early on the road to crime instead of giving counseling, support, and accountability. 57% of children arrested for the first time are never arrested again, 27% are arrested one or two more times, and 16% commit four or more crimes.

In the United States specifically, there are arguments made against having a separate court for youths and juvenile delinquents. From this perspective, the construction of youth and being young is morphing and as such people believe the legal system should reflect these changes. Childhood currently, looks very different and is socially constructed in a much different pattern than in past historical context. Some argue that within our current social climate, a juvenile court system and having a separate deferment for people

under the age of majority is no longer necessary as there are such blurred lines between the stages of childhood, youth, and young adulthood.

On a global scale, the United Nations has implemented reforms as it relating to juvenile courts and juvenile justice as a whole. Rules and regulations have been implemented to protect the children's rights, more specifically creating guidelines for punishment. Movements towards less punitive measures or agencies have been a trend in this regard. For example, in the United Nations general assembly, there was a proposal that "no child or young person should be subjected to harsh or degrading correction or punishment measures".] Many Western countries have been condemned for not put these policies into practice nor differentiate the youths from adults in procedure or punishment. The United Nations believes that youths should have less harsh punishment and be deferred to more community supportive programs like tribunals or courts geared towards young people. In Western Europe, there are many countries also criticized and looked at by the United Nations for the disproportionate representation of racial and ethnic minorities in the juvenile court system of the racial and ethnic minority being over-represented.

The current regime allows for many systemic perpetuations of class divides, discrimination and gender inequalities. Another reform made by the United Nations is "informalism" in the mid-1900s where a push for diversion and less criminalizing happened. This was when many deferred programs and alternatives to formal criminal and adult jurisdictions changed, making it more child-friendly. In more recent years, the restorative justice model has been promoted as a better way to process and reintegrate youth who are involved in the court system back into the community. This model is multifaceted and requires a change in the cultural understanding of what it means to commit a crime as a person under the age of majority. The United Nations has offered aid to countries looking to move towards a restorative justice model as it is a positive change in from a human rights discourse. Difficulty in implementing restorative justice comes with cultural differences cross-nationally as well as the scope and breadth of the model. Additionally, the traditional values of adversarial justice have been rooted in the juvenile system for a very long time, which makes it difficult implement change on a global scale. Overall, the United Nation's attempts at changing the conversation and

structure surrounding juvenile courts, have made small strides as many other issues continually being addressed.

There are also many arguments against the globalization of the reforms of juvenile court systems. Global juvenile justice lacks solutions to the flaws that come out of placing them in such a broad range of social contexts. For example, the case study of Moroccan youth as well as other ethnic minorities or migrant groups living in the Netherlands. There is a disconnect between the idea that crime is a local social problem, but there are movements to solve the problems more generically and on a much broader spectrum. In the Netherlands, the emphasis of juvenile court is rehabilitation despite the reality being a more punitive focused system when placed in practice. Juvenile courts cause further system bias and exclusion for these minority groups, and the disparity is a source of concern. One reason for this problem is the public discourse and police scrutiny—all of which stem from the failed cultural integration. Globalization of youth justice and the court then perpetuates this idea of an "international scapegoat" and causes issues that need more careful consideration for the putting global practices to work in local communities. As some scholars argue, globalization does not simplify the problem but rather complicates it as it challenges "traditional modes of analysis" and creates problems of identity.

Text 3

Trial courts

A trial court or court of first instance is a court having original jurisdiction, in which trials take place. A trial court of general jurisdiction is authorized to hear some type of civil or criminal case that is not committed exclusively to another court. In the United States, the United States district courts are the trial courts of general jurisdiction of the federal judiciary; each state has a system establishing trial courts of general jurisdiction, such as the Florida Circuit Courts in Florida, the Superior Courts of California in California, and the New York Supreme Court in New York state.

Not all cases are heard in trial courts of general jurisdiction. A trial court of limited jurisdiction is authorized to hear only specified types of cases. Trial courts of limited jurisdiction may be limited in subject-matter

jurisdiction (such as juvenile, probate, and family courts in many U.S. states, or the United States Tax Court in the federal judiciary) or by other means, such as small claims courts in many states for civil cases with a low amount in controversy. Other trials do not take place in courts at all, but in quasi-judicial bodies or in administrative agencies with adjudicatory power created by statute to make binding determinations with simplified procedural practices, such as arbitration.

Because different U.S. states apply different names to their courts, it is often not evident whether a court has general or limited jurisdiction. For instance, the Maine District Court is a court of limited jurisdiction, but the Nevada District Courts are courts of general jurisdiction.

In the trial court, evidence and testimony are admitted under the rules of evidence established by applicable procedural law and determinations called *findings of fact* are made based on the evidence. The court, presided over by one or more judges, makes *findings of law* based upon the applicable law. In most common law jurisdictions, the trial court often sits with a jury and one judge; in such jury trials, the jury acting as trier of fact. In some cases, the judge or judges act as triers of both fact and law, by either statute, custom, or agreement of the parties; this is referred to as a bench trial. In the case of most judges hearing cases through the bench trial process, they would prefer that all parties are given an opportunity to offer a vigorous and robust case presentation, such that, errors in testimony, procedures, statutes, etc., do not grow "crab legs" -- meaning compounded errors -- and are remanded or returned to their court on appeal.

Appeals from the decisions of trial courts are usually made by higher courts with the power of appellate review (appellate courts). Most trial courts are courts of record, where the record of the presentation of evidence is created and must be maintained or transmitted to the appellate court. The record of the trial court is certified by the clerk of the trial court and transmitted to the appellate body. Most appellate courts do not have the authority to hear testimony or take evidence, but instead rule solely on matters of law.

Text 4

Charging

After the prosecutor studies the information from investigators and the information they gather from talking with the individuals involved, the prosecutor decides whether to present the case to the grand jury. When a person is indicted, they are given formal notice that it is believed that they committed a crime. The indictment contains the basic information that informs the person of the charges against them.

For potential felony charges, a prosecutor will present the evidence to an impartial group of citizens called a grand jury. Witnesses may be called to testify, evidence is shown to the grand jury, and an outline of the case is presented to the grand jury members. The grand jury listens to the prosecutor and witnesses, and then votes in secret on whether they believe that enough evidence exists to charge the person with a crime. A grand jury may decide not to charge an individual based upon the evidence, no indictment would come from the grand jury. All proceedings and statements made before a grand jury are sealed, meaning that only the people in the room have knowledge about who said what about whom. The grand jury is a constitutional requirement for certain types of crimes (meaning it is written in the United States Constitution) so that a group of citizens who do not know the defendant can make an unbiased decision about the evidence before voting to charge an individual with a crime.

Grand juries are made up of approximately 16-23 members. Their proceedings can only be attended by specific persons. For example, witnesses who are compelled to testify before the grand jury are not allowed to have an attorney present. At least twelve jurors must concur in order to issue an indictment.

States are not required to charge by use of a grand jury. Many do, but the Supreme Court has interpreted the Constitution to only require the federal government to use grand juries for all felony crimes (federal misdemeanor charges do not have to come from the federal grand jury).

After the defendant is charged, they can either hire an attorney or if they are indigent they may choose to be represented by an attorney provided by the Government – a public defender – at no or minimal charge. The defendant's attorney is referred to as the defense attorney. The defendant's attorney assists the defendant in understanding the law and the facts of the

case, and represents the defendant just as the prosecutor will represent the Government.

The location where the trial is held is called the venue, and federal cases are tried in a United States District Court. There are 94 district courts in the United States including the District of Columbia and territories. Many states have more than one district court so the venue will depend on where you live in the state. Within each district, there may be several courthouse locations. Click here to see if you can find the one closest to your neighborhood.

Text 5

Discovery

Before a prosecutor begins a trial, there is much work to be done. The prosecutor has to become familiar with the facts of the crime, talk to the witnesses, study the evidence, anticipate problems that could arise during trial, and develop a trial strategy. The prosecutor may even practice certain statements they will say during trial.

Meanwhile, the defense attorney is preparing in the same way. One of the first steps in preparing for trial is talking to witnesses who could be called to testify in court. A witness is a person who saw or heard the crime take place or may have important information about the crime or the defendant.

Both the defense and the prosecutor can call witnesses to testify or tell what they know about the situation. What the witness actually says in court is called testimony. In court, the witness is called to sit near the judge on the witness stand. In order to testify, witnesses must take an oath to agree or affirm to tell the truth.

There are three types of witnesses:

-A lay witness — the most common type — is a person who watched certain events and describes what they saw.

-An expert witness is a specialist — someone who is educated in a certain area. They testify with respect to their specialty area only.

-A character witness is someone who knew the victim, the defendant, or other people involved in the case. Character witnesses usually don't see the crime take place but they can be very helpful in a case because they

know the personality of the defendant or victim, or what type of person the defendant or victim was before the crime. Neighbors, friends, family, and clergy are often used as character witnesses.

To avoid surprises at trial and to determine which of the witnesses to call to testify, the prosecutor talks to each witness to find out what they may say during trial. These conversations will help the prosecutor decide whom to call as a witness in court. Another important part of trial preparation is reading every report written about the case. Based on information in the reports and the information from witnesses, the prosecutor determines the facts of the case.

Prosecutors must also provide the defendant copies of materials and evidence that the prosecution intends to use at trial. This process is called discovery, and continues from the time the case begins to the time of trial. A prosecutor has a continuing obligation to provide the defendant documents and other information which may reflect upon the case. A failure of the prosecutor to do so can expose the prosecutor to fines/sanctions by the court. Further, the prosecutor is required to provide the defense with evidence that may hurt his case, called exculpatory evidence. This evidence could show the defendant's innocence. If the prosecution does not provide it to the defense, it may require a new trial.

Text 6

The Structure of the Court System

The American Court system is based on the English Common Law system. The basic idea is that there are two sides, the plaintiff and the defendant, who present their arguments before an impartial judge (and sometimes a jury). In a criminal case, the prosecutor acts as a plaintiff on behalf of the citizens or state.

It is the judge's duty to determine what the law is in relation to the particular case at hand. It is the jury's duty, in a jury trial (or also the judge's, in trials without a jury – a bench trial) to determine what the facts are in the case. The lawyers in the case are charged with representing their respective clients to the very best of their ability. The outcome (or at least the goal) of this process is justice.

In the United States, there are more than 51 different interpretations of this basic model. Each of the 50 states has its own rules and procedures. The federal courts also have their own rules, which are occasionally interpreted differently in different parts of the country. However, for the most part, they are all very similar.

The system is generally a three-tiered one. A case is typically brought at the lowest level or court, usually a "District" or "Trial" court. Once this case is heard and a decision, or "judgment" has been made, both the defendant and the plaintiff have the opportunity to appeal the decision to an "Appellate Court" or "Court of Appeals." In other words, if they do not like what the judge and/or jury decided, they can complain to the next higher level in the court system, and try to get the decision reversed. However they can only appeal if they believe the judge made a legal error, not just because they are disappointed in the outcome.

At the Appellate Court level, there is usually a panel of three judges who hear arguments on either side. Judges at the Appellate Court can usually only decide matters of law. In general, all of the facts in the trial record are assumed to be true. The Appellate Court has three options: it can decide that the judge was wrong and change the judgment, it can decide the judge was wrong and send the case back for the judge to change (also called a "remand"), or it can agree with or "affirm" the judgment of the lower court.

Again, if either party to the case does not like the decision (again there must be a legal error in the lower proceedings), they can appeal to the highest court, usually called the Supreme Court and usually composed of nine justices. All 50 states and the federal courts have some version of a Supreme Court. The Supreme Court decides issues in the same manner as the Appellate Court. However, there is no court higher than the Supreme Court to which to appeal. The judgment of the Supreme Court is final.

While all American court systems, or "jurisdictions," follow this basic structure there are many differences among them and all have exceptions to the is generalization. However, it is important to stress that they all do follow the same basic structure.

Text 7

The Timeline of a Case: Pleadings and Briefs

a. Starting the Case (Pretrial)

A case usually begins when a plaintiff files a pleading with a trial court. For the sake of simplicity, this article focuses civil cases, however, most of these concepts also apply to criminal cases. A pleading, although different in form from jurisdiction to jurisdiction, will contain the basic claims or charges that the plaintiff brings against the defendant. For example, if Bob accuses Jeff of hitting him, Bob's pleading will say that he claims that Jeff assaulted or battered him.

Once a pleading has been filed, the defendant has an opportunity to respond to the pleading. This is simply called a "response." In the response, a defendant will usually give reasons why the claims of the plaintiff are not correct. In criminal case, depending on the jurisdiction, either the district attorney or a grand jury (a special kind of "investigative" jury) decides to press charges against a person. However, even if the process starts with a grand jury, a district attorney must still file the charges.

At this point in the case, the process of "discovery" usually occurs. During discover, both sides will research facts that they intend to bring to trial to prove that they are right and the other side is wrong. Both sides can make "discovery requests" of the opposing side for information. These are usually called "interrogatories." The rules for discovery are different in every jurisdiction (and can be pretty complicated), but generally, a reasonable request for information must be granted. A skilled attorney can write a discovery request just broad enough to get all of the information she wants without getting overloaded with useless information (although most attorneys tend to err on the side of being overbroad).

If a defendant fails to respond to a pleading or if his response does not dispute anything in the pleading strongly enough, then the plaintiff can submit a motion for a "default judgment." Basically, this motion asks for the court to look at all of the information before it and decide that there is

simply no way that the defendant could win, even assuming everything the defendant claims is true. Generally, a defendant will be given a chance to respond to this motion. He will be allowed to file his own document stating reasons why the motion should not be granted. There are many other "pretrial motions," like a default judgment motion, such as motions to exclude evidence, or the like. Either side can file pretrial motions in both civil and criminal trials.

Similar to a default judgment is the "summary judgment" motion. Either side can file a motion for summary judgment at any time. This motion also asks the court to review all of the information before it and decide whether there is any chance for the opposing side to win, assuming that everything she claims is true. The opposing side, of course, is allowed to submit a response to this motion.

The last step before the trial actually commences is selection of a jury (in jury trials). While the rules differ from jurisdiction to jurisdiction, attorneys are usually allowed to offer questions that they would like to ask of have asked of the jury. This process is called "voir dire."

b. At Trial

At trial, both sides are given opportunities to present their view of the facts. The plaintiff is generally allowed to go first. The parties take turns giving an "opening statement." Then they may offer up their proof, usually in the form of witnesses. Following this, the parties give their "closing arguments."

At this point, if there is a jury in the trial, the parties are given an opportunity to submit possible instruction for the jury. These instructions usually explain the law and provide questions of fact for the jury to answer. Obviously, both sides are interested in explaining the law in their own way, and phrasing the questions in a way that is favorable. The judge decides on which jury instructions to use (or writes her own) and submits them to the jury. The jury then decides on a verdict.

c. After the Trial: Motions and Appeals

Either party may then submit a motion for "judgment notwithstanding the verdict" (sometimes call JNOV for short) if it is unhappy with the decision. This motion asks the judge to put aside the verdict and make his own judgment about the case. Typically, this only works when one side wishes to decrease the amount of money the jury thinks it should pay. Similarly, in a criminal case, defendants can submit such a motion if they feel that there was some egregious error in the trial.

Once the judge has issued a judgment, the parties may then appeal to the next higher court, usually called an Appellate Court (see above). They do this by submitting a petition for appeal to the court. This petition generally contains the reasons why the party thinks the judgment is wrong. An Appellate Court is not required to grant a petition to appeal. If the court grants the petition, the appealing party, called the "appellant," and the opposing party, called the "appellee," submit briefs explaining their reasons for changing or not changing the judgment below. They are limited to making arguments about issues that were raised at trial, and may not bring up any outside arguments or information. Both parties are allowed to also submit responses to the other parties brief. This can get complicated when both parties appeal. You can get terms such as "cross-appellant," etc. The parties then are given a chance to argue their case before the three judge panel.

If the appellate court chooses to remand the case, the trial court will then issue a new judgment based on the opinion of the appellate court. Occasionally, there is another hearing or even a brand new trial, depending on what the appellate court decides.

If one or both of the parties disagree with the decision of the Appellate Court, they may petition the Supreme Court in much the same way as they petitioned the Appellate Court. The Supreme Court is not required to grant a petition. If granted, the parties may again submit briefs about their positions as well as responses to the opposing briefs. They are then permitted a chance to argue their case before the panel of justices. The Supreme Court’s decision is usually final.

Text 8

About U.S. Federal Courts

Our Founding Fathers understood the need for an independent Judiciary, which was created under Article III of the United States Constitution. The Judicial Branch is one of one of the three separate and distinct branches of the federal government. The other two are the legislative and executive branches. For more information on the courts system, visit the U.S. Courts website.

The Federal Court system is separated into five main areas:

1.The United States Supreme Court consists of the Chief Justice of the United States and eight associate justices. At its discretion, and within certain guidelines established by Congress, the Supreme Court each year hears a limited number of the cases it is asked to decide. Those cases may begin in the federal or state courts, and they usually involve important questions about the Constitution or federal law. For more information about the Supreme Court, visit the Supreme Court's official website.

2. The 94 U.S. judicial districts are organized into 12 regional circuits, each of which has a United States court of appeals. A court of appeals hears appeals from the district courts located within its circuit, as well as appeals from decisions of federal administrative agencies. In addition, the Court of Appeals for the Federal Circuit has nationwide jurisdiction to hear appeals in specialized cases, such as those involving patent laws and cases decided by the Court of International Trade and the Court of Federal Claims.

3.The United States district courts are the trial courts of the federal court system. Within limits set by Congress and the Constitution, the district courts have jurisdiction to hear nearly all categories of federal cases, including both civil and criminal matters. Every day hundreds of people across the nation are selected for jury duty and help decide some of these cases. There are 94 federal judicial districts, including at least one district in each state, the District of Columbia and Puerto Rico. Three territories of the United States–the Virgin Islands, Guam, and the Northern

Mariana Islands–have district courts that hear federal cases, including bankruptcy cases.

4.Each of the 94 federal judicial districts handles bankruptcy matters, and in almost all districts, bankruptcy cases are filed in the bankruptcy court. Bankruptcy cases cannot be filed in state court. Bankruptcy laws help people who can no longer pay their creditors get a fresh start by liquidating their assets to pay their debts, or by creating a repayment plan. Bankruptcy laws also protect troubled businesses and provide for orderly distributions to business creditors through reorganization or liquidation. These procedures are covered under Title 11 of the United States Code (the Bankruptcy Code). The vast majority of cases are filed under the three main chapters of the Bankruptcy Code, which are Chapter 7, Chapter 11, and Chapter 12

5.These include the U.S. Court of Appeals for the Armed Forces, the U.S. Court of Federal Claims, the U.S. Court of International Trade, the U.S. Tax Court, the U.S. Court of Appeals for Veterans Claims, and the Judicial Panel on Multidistrict Litigation. For more information on these courts, visit the U.S. Courts website.

CONCLUSION

В учебном пособии автор попытался найти наиболее доступные формы изложения достаточно сложного материала, познакомить с объективностью процесса функционирования и по необходимости частичного реформирования судебных систем Великобритании и США.

Издание построено таким образом, чтобы студент самостоятельно мог разобраться в терминах, понятиях, теории и практике анализируемой темы. Последовательность тем вполне логична – вначале раскрываются сущность и структура уголовных и гражданских судов Великобритании, далее автор уделяет достаточно большое внимание недавней судебной реформе, имевшей место в Великобритании, и переходит к вопросам организации федеральной судебной системы США и судебной системы на уровне отдельного американского штата. Автор полагает, что такое изложение материала будет способствовать его лучшему усвоению.

Издание поможет студентам овладеть навыками целостного подхода к анализу правовых проблем общества; современными методами сбора, обработки и анализа информации в данной сфере; навыками самостоятельной работы, самоорганизации и организации выполнения заданий, формирующих ясное представление о жесткой структурной иерархии судов в странах изучаемого языка. Автор надеется, что пособие вызовет у студентов научный интерес и пробудит в них творческий подход при освоении новых правовых знаний.

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