

# АНГЛИЙСКИЙ ЯЗЫК

Учебное пособие  
для юристов

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В пособие включены тексты, отражающие ряд тем по специальности,  
а также необходимый комплекс упражнений к каждому тексту,  
направленный на развитие профессионального общения.

Пособие предназначено для студентов юридического факультета.

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## Предисловие

Настоящее пособие предназначено для студентов юридического факультета, изучающих английский язык для специальных целей.

В соответствии с требованиями Типовой программы по профессиональной подготовке целью данного пособия является формирование навыков чтения оригинальной литературы по специальности, умение извлекать необходимую информацию в пределах изученной тематики, вести беседу, используя специальную юридическую терминологию.

Пособие может использоваться как дополнительный материал при работе над текстами по специальности. В него включены тексты, отражающие правовую систему стран изучаемого языка, представляя тем самым как профессиональный, так и лингвострановедческий интерес для студентов.

Пособие состоит из 29 уроков, включающих тексты и систему предтекстовых и послетекстовых заданий, направленных на расширение и закрепление профессиональной лексики, извлечение смысловой информации из текстов и развитие навыков устной и письменной речи.

Весь текстовый материал пособия отобран из оригинальной профессионально-ориентированной литературы, изданной в США и Великобритании.

## LAW IN HISTORICAL PERSPECTIVE

### PART I

#### **Ex. I. Check in the dictionary: a) words; b) word combinations:**

- a) invade, evolve, customs, experience, reliance, precedents, impose, consolidate, authority;
- b) common law, tribal rules, customs of invaders, modern state, workable system, maintaining public order, collective experience, suitable legal responses, existing system.

#### **Ex. II. State what parts of speech the given words are and give Russian or Kazakh equivalents:**

deeply, well-developed, lengthy, suitable, dynamic, customary, originate, decision.

#### **Ex. III. Form all possible derivatives from the following words:**

Collect, represent, exist, customs, decide, act, form, relate, punish.

#### **Ex. IV. Read the text:**

## LAW IN HISTORICAL PERSPECTIVE

American law is deeply indebted to the English common law. Laws began to be written in England as early as 680 A. D. Eventually, English law came to a combination of tribal rules, Roman law, and the customs of invaders from northern France, Scandinavia, and what was later to become the modern state of Germany.

When the Normans invaded England from France in the eleventh century, they found among the defeated Anglo-Saxons a well-developed and workable system for maintaining public order and administering justice. The system had evolved over a lengthy period and was based on a body of common law derived from the customs of collective experience of Anglo-Saxons society.

A principal feature was its reliance on precedents to continually refine and develop suitable legal responses to meet the needs of a growing and dynamic society.

The Norman rules, William the Conqueror imposed his own representatives on the existing system to consolidate his power and authority. Under the royal justices appointed by William, state law became common practices of the realm and was common to all of England. Common law was

firmly embedded in custom and tradition, but it continued to evolve through the process of judicial decision making.

Common law is judge-made law, molded, refined, examined and changed in a collection of actual decisions handed down from generation to generation in the form of reported cases. Judges drew their decisions from existing principles of law, which reflected the living values, attitudes, and ethical ideals of the English people. In practice, these judges relied on their own past actions, which they modified under the pressure of changing times and changing patterns of litigation. (Friedman, 1973)

Civil law derived from Roman antecedents and even earlier attempts by Sumerian and Babylonian societies to provide formal rules for human conduct. Nearly two millennia before the birth of Christ, a Babylonian monarch named Hammurabi formulated a code that enunciated a series of offences and accompanying penalties. The historical significance of the code of Hammurabi rests in its efforts to standardize the relations between crime and punishment. From such beginnings, civil law evolved as a system based on written and legislated codes.

**Ex. V. Insert the right word or word combination from the given list:**

existing system, tribal rules, common law, decisions, customs.

1. Under the royal justices appointed by William, state law became ... .
2. The Norman rules imposed their own representatives on the ... to consolidate their power.
3. English law came to a combination of ... Roman law, and ... of invaders from northern France.
4. Judges drew their ... from existing principles of law.

**Ex. VI. Match the nouns on the left with the verbs on the right:**

- |           |                |
|-----------|----------------|
| 1. custom | a) take        |
|           | b) impose      |
|           | c) bring       |
|           | d) invade      |
|           | e) derive from |
| 2. order  | a) disturb     |
|           | b) break       |
|           | c) maintain    |
|           | d) keep        |
|           | e) speak       |

3 .precedent            a) represent  
                              b) combine  
                              c) become  
                              d) develop  
                              e) rely on

4. code                    a) base  
                              b) legislate  
                              c) write  
                              d) adopt  
                              e) draw

**Ex. VII. Match the words with the given definitions:**

1) tribe; 2) penalty; 3) custom; 4) invade; 5) conquer.

- a) to enter for conquest or plunder;
- b) a group of persons or regarded as of common ancestry;
- c) punishment legally imposed or incurred;
- d) a mode of behaving. A doing fixed by constant repetition;
- e) to overcome or gain dominion over by force of arms.

**Ex. VIII. Answer the following questions:**

- 1. What is Common Law?
- 2. Can you name the sources of English law?
- 3. What did the Norman invaders find among defeated Anglo- Saxons?
- 4. What was a principal feature of English Law?
- 5. When was the Code of Hammurabi formulated?

**Ex. IX. Work in groups. Take a list of arguments for and against the following statements:**

- 1. American Law is deeply indebted to the English Common Law.
- 2. Common Law is judge-made law.

**LAW IN HISTORICAL PERSPECTIVE**

**PART II**

**Ex. I. Check in the dictionary: a) words; b) word combinations:**

- a) combine, feature, statute, source, compile, offshoot, comprise, target, invest, board.

- b) written code, separate headings, state legislatures, annual sessions, penal code, newest version, statutory law, government agency, local levels, criminal behavior, direct violations.

**Ex. II. State what parts of speech the given words are and give Russian or Kazakh equivalents:**

revision, indecent, newest, statutory, exposure, governing, specific, governmental, directly, legislature.

**Ex. III. Form all possible derivatives from the following words:**

Govern, legislate, crime, administrate, statute, combine, direct, classify.

**Ex. IV. Pre-text question:**

- 1) What do you know about American criminal law?

**Ex. V. Read the text:**

### **LAW IN HISTORICAL PERSPECTIVE**

American criminal law combines features of both civil and common law in that it includes both written codes and judge-made law based on precedents.

Statutory law – that is, statutes enacted by state legislatures and the Congress - is the major source of criminal law in the United States. These laws are usually compiled in codes that sort or classify statutes under separate headings. State codes are usually subject to revision at annual legislative sessions. The criminal laws of any state are found in the state penal code. Thus to find out how Florida defines the crimes of kidnapping and indecent exposure, and the penalties imposed for them, you would look in the newest version of the Florida Penal Code, as provided in the Florida Statutes Annotated §§ 787.01 and 800.02.

As an offshoot of statutory law, administrative law is comprised of rulings by government agencies at the federal levels. The legislative or executive branch invests a body such as a board of health with the authority to establish regulations governing specific policy areas (e.g. social problems or safety and health standards). Although much of the content of administrative law is not targeted directly at criminal behavior, direct violations of the rules of certain government agencies are dealt with in criminal courts.

**Ex. VI. Insert the right word or word combination from the given list:**

Major source, statutory law, social problems, policy areas, criminal courts.

1. In Britain different ... have separate police force.
2. There are two ... in Britain : for minor offences and for more serious ones.
3. Congress is a ... of criminal law in the United States.
4. ... increase the level of crime.
5. ... statutes enacted by state legislatures.

**Ex. VII. Match the nouns on the left with the verbs on the right:**

- |         |  |
|---------|--|
| 1. code | a) write<br>b) compile<br>c) make<br>d) look<br>e) enact |
|---------|--|

- |            |   |
|------------|---|
| 2. penalty | a) find<br>b) impose<br>c) violate<br>d) break<br>e) have |
|------------|---|

- |           |  |
|-----------|--|
| 3. branch | a) establish<br>b) govern<br>c) invest<br>d) define<br>e) rule |
|-----------|--|

**Ex. VIII. Match the words with the given definitions**

- 1) below branch; 2) authority; 3) precedent 4) statute 5) legislative.
- a) the law –making branch of government;
  - b) division of an organization of government
  - c) a written law of a legislative body;
  - d) a power or right to enforce obedience;
  - e) previous case taken as example for subsequent cases.

**Ex. IX. Answer the following questions:**

1. What features does American criminal law combine?
2. Where are the criminal laws of any state found?
3. Why are state codes subject to revision at annual legislative sessions?
4. Is there any difference between statutory and administrative laws?



**Ex. X. Work in pairs. Discuss the following:**

“ Judge –made law based on precedents”

**Ex. XI. Retell the text.**

**THE UNITED KINGDOM  
LEGAL PROFESSION**

**Ex.1. Check in the dictionary: a) words; b) word combinations:**

- a) enforcement, service, advice, adviser, judiciary, duty, barrister, lawyer, notary, consent, details, rely on, abide, lay down, plead, cease, disclose, justice, issue, competition.
- b) Legal aid, solicitor’s obligation, matter of law, undertake litigation, on the client’s behalf, meet high standards, strict code, pursue claim.

**Ex. II. State what parts of speech the given words are and give Russian or Kazakh equivalents:**

Government, division, majority, independent, training, pleading, obligation, confidential, significant, employ.

**Ex. III. Pre-text questions:**

- 1. In what cases do people need legal services?
- 2. What do you think about the following statement: “ Laws are not for ordinary people, they are for lawyers”?
- 3. Is there any legal aid in our country?

**Ex. IV. Read the text:**

**SOLICITORS**

Although the United Kingdom shares one government, it has several legal systems. Both Northern Ireland and Scotland have separate laws, judiciaries and legal professions to those in England and Wales.

Within England and Wales the legal profession is divided into two main branches: solicitors and barristers.

Solicitors make up the majority of all lawyers in the United Kingdom. They are the principal advisers on all matters of law to the public and undertake most litigation in the courts. It is through solicitors that most foreign clients receive legal services.

Solicitors are members of an independent legal profession. There are over 66.000 practising solicitors in England and Wales, all of whom have met high standards of education and training, and most abide by strict codes of conduct laid down by their professional body, the Law Society.

The role of solicitors is to provide legal services, including representation and pleading in court, to the general public, business, other professions and foreign clients. Their first duty is to their client. They are their client's representatives in all legal business and must act in their client's interest. That is why their rules of conduct include: an obligation to cease acting if a conflict of interest arises: an obligation to keep client details confidential (not even an address may be disclosed without the client's consent): an obligation to keep clients money in a separate account: an obligation to honour undertakings even if not legally enforceable. The only exception to this duty to act on the client's behalf is when it conflicts with a solicitor's duty to uphold justice as an "Officer of the Supreme Court". Clients can rely on their solicitors, therefore, to give objective and confidential advice.

There are solicitors' offices in every town of England and Wales. They are first point in contact for the public when looking for legal advice, including work often performed by notaries in other countries, for instance transfers of real property: drawing up contracts, and handling successions. Solicitors in general practice serve the local community, solving the legal problems of the public. They are not, however, tied to any particular court: a solicitor can act throughout England and Wales. The formalities involved in real property transfer and succession form a significant share of the work of solicitors in general practice. Solicitors also pursue claims arising from personal injuries, or may be called upon to advise or plead in court on their client's behalf in criminal cases. Family law is a significant area of work: solicitors often appear as advocates in matrimonial cases. Solicitors advise businesses on such issues as employment, contracts, company formation and business competition policy.

**Ex. V. Insert the right word or word combination from the given list:**

Legal services, legal adviser, solicitor, legal profession, legal problem, barrister.

1. The ... is the normal source of judicial personnel for any court system.
2. The solicitor is the ... of the public.
3. There are other reasons for the popularity of the legal profession and the unquenchable demand for ... .
4. If a person has a ... he will go and see a ... .
5. Only ... can become judge in an English court above a Magistrates Court.

**Ex. VI. Match the nouns on the left with the verbs on the right:**

- |               |  |
|---------------|--|
| 1. property   | a) serve<br>b) issue<br>c) transfer<br>d) solve<br>e) undertake  |
| 2. service    | a) provide<br>b) appear<br>c) form<br>d) share<br>e) change      |
| 3. litigation | a) rely on<br>b) undertake<br>c) advise<br>d) speak<br>e) become |
| 4. advice     | a) pursue<br>b) become<br>c) give<br>d) institute<br>e) proclaim |

**Ex. VII. Match the words with the given definitions:**

- 1) claim; 2) barrister; 3) solicitor; 4) pleading; 5) advocate.  
a) a lawyer who has the right to speak and argue in higher law courts;  
b) a lawyer who prepares legal documents, advises clients on legal and speaks for them in lower law courts;  
c) a formal written allegation made by a party in a legal action;  
d) the assertion of a right to money or property;  
e) a person who defends or supports a cause or proposal.

**Ex. VIII. Answer the following questions:**

1. What is almost unique about the English legal system?
2. What are the two kinds of lawyers in England?
3. Who undertakes most litigation in the UK courts?
4. What is the Law Society?
5. Why can clients rely on their solicitors?
6. What kind of work do solicitors make in general practice?

**Ex. IX. Work in small groups. Discuss the following:**

- a) types of legal profession;
- b) solicitor's duties
- c) practical training after completing university law study.

**BARRISTERS**

**Ex. I Check in the dictionary: a) words; b) word combinations:**

- a) barrister, involve, expertise, legislation, remove, allow, acquire, anticipate, clerk, accept.
- b) art of advocacy, experience in pleading, right of audience, seek an advice, appearance in court, set of chambers.

**Ex. II. Form all possible derivatives from the following words:**

Consult, serve, special, advise, litigate, evident, instruct, legislate, appear, know, manage.

**Ex. III. Pre-text questions:**

1. Can individual institute cases and defend them?
2. Whom do you visit if you have a legal problem?
3. When must you have a barrister?

**Ex. IV. Read the text:**

**BARRISTERS**

There are over 8.000 practising barristers in England and Wales. Barristers are legal consultants offering specialist services, in particular as advocates or advisers in matters involving litigation. Barristers' training concentrates on the art of advocacy, court procedure and the rules of evidence. Although most advocacy is undertaken by solicitors, barristers are often instructed to conduct a case because of their expertise and experience in pleading before the courts. Recent legislation has removed the monopoly which allowed only barristers to appear as advocates in higher courts, and solicitors are now acquiring rights of audience in the higher as well as the lower courts. Solicitors may seek the advice of barristers, even when no appearance in court is anticipated, when their specialized knowledge or experience is needed

Practising barristers are all self- employed, although they share offices, which are called “chambers”. Due to their nature of barristers’ work, the chambers are only to be found near to the major courts.

In general, a barrister has no direct contact with the client only through the instructing solicitor. The solicitor will chose the barrister best suited to the needs of the client. Barristers can, however, accept instructions directly from foreign lawyers or clients, if no litigation before the English court is in progress or anticipated ( otherwise a barrister will only accept instructions from a solicitor).To instruct a barrister a client should contact the barrister’s clerk, who acts as manager for a set of chambers.

**Ex. .V Insert the right word or word combination from the given list:**

Barristers, interpretation, solicitors, adviser, chambers, appearance.

1. The barrister is the specialist ... much of whose time is taken up with courtroom.
2. Barristers are experts in the ... of the law.
3. Barristers work in what are known as ... often in London.
4. In court ... wear wigs and gowns in keeping with the extreme formality of the proceedings.
5. ... make up by far the largest branch of the legal profession in England and Wales.

**Ex. VI. Match the nouns on the left with the verbs on the right:**

- |              |  |
|--------------|--|
| 1. an advice | a) plead<br>b) seek<br>c) violate<br>d) contact        |
| 2. a case    | a) need<br>b) conduct<br>c) give<br>d) allow           |
| 3. advocacy  | a) undertake<br>b) plead<br>c) involve<br>d) expertise |
| 4. the right | a) prepare<br>b) acquire                               |

- c) institute
- d) solve

**Ex. VII. Match the words with the given definitions:**

1) defence; 2) courtroom; 3) litigant; 4) chamber; 5) clerk.

- a) a person engaged in litigation;
- b) all the evidence, facts, things, etc. That a solicitor can use to prove a man is not guilty;
- c) a judge's private office;
- d) the portion of a court house in which the actual proceedings take place;
- e) a person looking after administrative and legal matters in the courtroom.

**Ex. VIII. Answer the following questions:**

1. What does the barristers' training concentrate on?
2. What rights do solicitors get according to the recent legislation?
3. How is the private office of practising barrister called?
4. Who is the middleman between a barrister and a client?
5. Under what circumstances can barristers accept instructions directly from foreign lawyers or clients?
6. Whom should a client contact to instruct a barrister?

**Ex. IX. Work in small groups. Discuss the following:**

- a) problems dealt with exclusively by a solicitor;
- b) barristers as experts in the interpretation of the law;
- c) client – solicitor- barrister ( a role play).

## **JUDGES**

**Ex. I Check in the dictionary: a) words; b) word combinations:**

- a) judiciary; appoint; branch, to serve, community, appellate, circuit, legislative, execute, to administer.
- b) separate career, legal profession, criminal cases, various tribunals, unfair dismissal, minor criminal cases, part time judges, respected members, lay people.

**Ex. II. State what parts of speech the given words are and give Russian or Kazakh equivalents:**

appellate, unfair, employment, various, function, administration, completely, similar.

**Ex. III. Form all possible derivatives from the following words:**

Appoint, appeal, practice, administrate, judge, response.

**Ex. IV. Pre- text questions:**

1. What do you know about judiciary in the U.K?
2. What kind of people are Magistrates?

**Ex. V. Read the text:**

**Judges in England and Wales**

By contrast with many other European countries, the judiciary in England and Wales is not a separate career –Judges are appointed from both branches of the legal profession. They serve in the House of Lords ( the final appellate court), the Court of Appeal , the High Court or as Circuit or District Judges.

The Circuit Judges sit either in Crown Court to try criminal cases or in County Courts to try civil cases. District judges sit in County courts. There are also part –time Judges appointed from both branches of the practising legal profession, who serve in the Crown Court, County court or on various tribunals, for instance those dealing with unfair dismissal from employment.

In fact, most cases are dealt with not by Judges but by lay people, who are appointed to various tribunals because of their special knowledge, experience and good standing. For instance, the majority of minor criminal cases are judged by Justices of the Peace in Magistrates Courts. They are not legally qualified or paid, but are respected members of the community who sit as magistrates part – time.

All members of the judiciary are appointed by the Lord Chancellor who is a member of the Government and also speaker of the House of Lords. The Lord Chancellor holds a function similar to that of a minister of Justice , although some matters concerning the administration of justice are the responsibility of the Home Secretary.

**Ex. VI. Insert the right word or word combination from the given list:**

Legal profession, County Court, independent, criminal cases.

1. District judges sit in ... .
2. The majority of minor ... are judged by magistrates.

3. Judges are completely ... of both the legislative and the executive.
4. There are also part-time judges appointed from both branches of the practising ... .

**Ex. VII. Match the nouns on the left with the verbs on the right:**

- |                        |               |
|------------------------|---------------|
| 1. judge               | a) appoint    |
|                        | b) elect      |
|                        | c) agree      |
|                        | d) prove      |
| 2. magistrate          | a) select     |
|                        | b) appoint    |
|                        | c) choose     |
|                        | d) draw       |
| 3. justice             | a) administer |
|                        | b) conduct    |
|                        | c) decide     |
|                        | d) hold       |
| 4. the Court of Appeal | a) consider   |
|                        | b) bring      |
|                        | c) deal with  |
|                        | d) hear       |

**Ex. VIII. Match the words with the given definitions:**

tribunal; 2) legislate; 3) judiciary 4) majority 5) branch.

- a) the branch of government invested with the judicial power;
- b) a division of an organization of government;
- c) a court dealing with professional standards;
- d) the number ( of votes) greater than half of any total.

**Ex. IX. Answer the following questions:**

1. What is the judiciary?
2. Where do the judges serve?
3. What kind of cases are judged by magistrates?
4. Where are minor criminal cases heard?
5. Who selects magistrates and what is unusual about the system?



**Ex. X. Divide into groups and make up dialogues:**

1. independence of judges;
2. magistrates courts.

**JUDGES**

**Ex. I Check in the dictionary: a) words; b) word combinations:**

- a) ancestor, resemble, judiciary, promote, prove, appoint, recruitment, procedure, assure, quality, select, diverse
- b) judges' background, civil-law judge; trial level; judicial post; High Court, law study, experienced lawyer, to lack means.

**Ex. II Form all possible derivatives from the following words:**

Promote, pose, possible, legal, judge, serve, select, recruit, assure.

**Ex. III Pre-text questions:**

1. What legal professions do you know?
2. Is there any division of legal professions in the UK ( in the USA)?
3. Is it difficult to make a legal career after completing university law study?

**Ex. IV Read the text:**

**JUDGE**

In England, the legal ancestor of the United States, judges are likewise drawn from the experienced practitioners - barristers who have demonstrated competence in litigation.

To that extent English judges resemble many American judges. But contrary to American practice, a barrister always enters the judiciary at the lower trial level. He is thereafter promoted, if he proves successful in the initial judicial post, first to the position of trial judge on the High Court, then possibly to the Court of Appeal, and then possibly to the highest court, the House of Lords. In other words, every judge on the High Court has served as a judge on a lower trial court, every judge on the Court of Appeal has served as a judge on the High Court, and every judge in the House of Lords has served as a judge on the Court of Appeal.

In the civil-law systems of Western Europe and of other parts of world, in contrast to both England and the United States, the judges begin their professional careers as judges. They qualify to enter the judicial service after

completing university law study and usually a short period of practical training. Having been appointed judges at the beginning of their legal careers, they are then promoted through the several higher levels of the judiciary. In this respect they resemble the English judges. The English judiciary combines the promotional feature of the civil-law system with the American practice of selecting judges from among experienced lawyers.

Compared to the English and civil-law systems of judicial recruitment and promotion, the methods used in the United States are quite varied. These procedures generally lack means of assuring professional quality. Moreover, the American judges' backgrounds are much more diverse than those of the English and civil-law judges.

**Ex. V Insert the right word or word combination from the given list:**

Judge, trial, selection, lawyers, judiciary, service.

1. The third branch of government in addition to the legislative (Congress) and executive (President) branches, is the federal ... .
2. The number of the days you work as a juror and your working hours depend on the jury ... system.
3. In addition to the ... and the judge three other people will play an important role in the ... .
4. It is easy to read a paragraph about a criminal case and to become outraged at the sentence passed by a ... .
5. One of the parts of the Treasury Department is the Secret ... , which protects the President and the Vice-President and some other dignitaries.

**Ex. VI Match the nouns on the left with the verbs on the right:**

- |             |                |
|-------------|----------------|
| 1. training | a) select      |
|             | b) resemble    |
|             | c) complete    |
|             | d) read        |
| 2. judge    | a) demonstrate |
|             | b) appoint     |
|             | c) defend      |
|             | d) debate      |
| 3. feature  | a) combine     |
|             | b) begin       |
|             | c) promote     |
|             | d) pass        |

4. career
- a) assure
  - b) prove
  - c) enter
  - d) protect

**Ex. VII Match the words with the given definitions:**

1) lawyer; 2) litigate; 3) appoint; 4) judiciary 5) judge.

- a) to carry on a lawsuit;
- b) a person licensed to practice law;
- c) a public official authorized to decide questions brought before a court;
- d) to select for an office or position;
- e) the branch of government invested with the judicial power.

**Ex. VIII Answer the following questions:**

1. Are there many levels in the English judiciary?
2. What is the entrance judicial post by barristers?
3. How do the lawyers begin their professional careers in the civil-law system?
4. What does the English judiciary combine?
5. Are there any similarities in the English judiciary and the civil –law systems?
6. What are the methods of judicial promotion used in the USA in comparison with English and civil-law systems?

**Ex. IX Work in small groups. Discuss the following:**

- a) Trial levels of the English judiciary;
- b) Professional career as a judge in the civil- law system;
- c) Judicial recruitment and promotion in the USA.

## **THE COURT STRUCTURE**

**Ex. I Check in the dictionary: a) words; b) word combinations:**

- a) divide, county, magistrate, justice, jurisdiction, interpretation, initially, minor, civil, essential, immediately.
- b) Crown court, criminal matters, Law Lords, Common Law, point of law, to deal with smth., to refer for trial, prison sentence, lay jury.

**Ex. II State what parts of speech the given words are and give Russian or Kazakh equivalents:**

Division, majority, immediately, review, imprisonment, regulatory.

**Ex. III Pre-text questions :**

1. What does the word “System” mean?
2. What is the smallest unit of the court structure?
3. What is the division of the cases heard in the law court?

**Ex. IV Read the text:**

### **THE COURT STRUCTURE IN THE UK**

The court structure is divided into two systems, those courts with civil jurisdiction and those with criminal jurisdiction. Most civil cases are heard in the first instance by the County Court, but in cases where large amounts are in dispute they will initially be heard in the High Court. Appeal from both the County courts and the High Court is to the Court of Appeal (Civil Division).

All minor criminal matters are dealt with by the Magistrates Court, but any case that may result in a prison sentence of more than six months is immediately referred to the Crown Court for trial. Here the case will be decided upon by a lay jury, the essential element of the Common Law system. Cases can be appealed from the Magistrates Court to the Crown Court, and from there to the Court of Appeal (Criminal Division)

The highest court in the land, not only for England and Wales but also for Scotland and Northern Ireland, is the House of Lords, which only considers appeals in points of Law. Each case is normally heard by five Law Lords in committee.

When a court is considering a European Community law point it may refer to the European Court of Justice in Luxembourg for interpretation.

**Ex. V Insert the right word or word combination from the given list:**

Higher, federal, Supreme, the court, appeals, the jurisdiction.

1. Individuals fall under ... of two different court systems, their state courts and federal courts.
2. Justice in the Republic of Kazakhstan is exercised only by ...
3. ... are heard by higher courts.

- The ... courts are organized in three tiers, like a pyramid, at the top of which is the US ... court.
- To appeal means to take a case to a ... court.

**Ex. VI Match the nouns on the left with the verbs on the right:**

- |                 |   |
|-----------------|---|
| 1. appeal       | a) consult<br>b) consider<br>c) sentence<br>d) violate  |
| 2. jurisdiction | a) discuss<br>b) decide<br>c) fall under<br>d) vote for |
| 3. matter       | a) exercise<br>b) deal with<br>c) sell<br>d) recognize  |
| 4. case         | a) refer<br>b) divide<br>c) apply<br>d) organize        |

**Ex. VII Match the words with the given definitions:**

- 1) dispute; 2) jurisdiction; 3) law; 4) appeal; 5) lay jury.
- a legal proceeding by which case is brought to a higher court for review;
  - the essential element of the Common Law system;
  - a rule of conduct formally recognized as binding or enforced by authority;
  - legal controversy, debate;
  - the power, right or authority to apply the law.

**Ex. VIII Answer the following questions:**

- What systems is the court structure of the UK divided into?
- What cases are heard in the High Court?
- What is the succession of dealing with all minor criminal matters?

4. Where is the case referred to, if it may result in a prison sentence of more than six months?
5. What does the highest court in the land consider?
6. May all cases be referred to the European Court of Justice in Luxembourg?

**Ex. IX Work in small groups. Discuss the following:**

- a) civil division of the courts;
- b) criminal division of the courts;
- c) the activity of the House of Lords and the European Court of Justice.

## **COURT SYSTEMS IN THE USA**

**Ex. I Check in the dictionary a) words and b) word combinations:**

- a) statute, derive, unique, heritage, testify, verdict, testimony, request, procedure;
- b) federal court system, initial decision, pleadings filed, legal authority, fair trial, applicable law, similar characteristics.

**Ex. II State what part of speech the following words are and give Russian or Kazakh equivalents:**

Combination, strikingly, similar, initially, applicable, amplify, heritage, losing, respective.

**Ex. III Form all possible derivatives from the following words:**

Preside, similar, force, just, real, investigate, accuse.

**Ex. IV Pre-text questions:**

1. What do you know about court system in the USA?
2. In what way is court system organized in the USA?

**Ex. V Read the text:**

## INTRODUCTION OF COURT SYSTEMS

Every state in the United States has its own court system. These systems are set up by state constitution, state statute, or combination of both. In addition to these state court systems, there is a federal court system.

From a systematic perspective, there are strikingly similar characteristics in the federal and state court systems. Both derive their heritage from the legal systems of England and have similar procedures for initially hearing cases and reviewing those initial decisions. Although the terminology describing the various courts within a given system (either federal or state) may vary, the basic functions of these courts are the same.

However, in spite of the overall similarity of the court systems, each state has its own unique brand of civil dispute resolution. No two states have exactly the same laws or the same procedures in their courts. In addition, the federal system is not exactly like that of any of the states.

In order to understand all these court systems, it is important to learn their common characteristics. Every court system is divided into at least two classes of courts: trial and appellate courts. Trial courts are those courts in which a civil dispute is heard initially. In trial courts witnesses testify, a judge presides, and a jury may render a decision (verdict). In appellate courts, the losing party at a trial seeks to have the decision of the trial court reviewed and overturned. Typically, appellate courts decide their cases on the basis of stenographic record of the testimony at trial, documents presented at trial, pleadings filed, briefs submitted by the parties pointing out the authority for the positions they assert, and oral argument where the attorneys seek to clarify and amplify their respective positions. Generally speaking, no new evidence is presented to the appellate courts. The basic mandate of appellate courts is to review the trial proceedings upon request of one of the parties to ensure that the parties received a fair trial with respect to the applicable law involved and that the decision was supported by the evidence (testimony and documents) presented at the trial.

### **Ex. VI Insert the right word or word combination from the given list:**

Evidence, court system, trial courts, procedures, appellate courts.

1. ... are those courts in which a civil dispute is heard initially.
2. No new ... is presented to the appellate courts.
3. Every state in the United States has its own ... .
4. No two states have exactly the same laws or the same ... in their courts.
5. Every court system is divided into at least two classes of courts: trial and ... .

**Ex. VII Match the nouns on the left with the verbs on the right:**

- |                |   |
|----------------|---|
| 1. case        | a) appear<br>b) consider<br>c) hear<br>d) discuss<br>e) deal with |
| 2. proceedings | a) prove<br>b) decide<br>c) review<br>d) begin<br>e) repeat       |
| 3. trial       | a) write<br>b) support<br>c) receive<br>d) present<br>e) ask      |
| 4. heritage    | a) remind<br>b) mean<br>c) derive<br>d) have<br>e) observe        |

**Ex. VIII Match the words with the given definitions:**

1) pleading; 2) jury; 3) witness; 4) testimony; 5) preside.

- a) someone who sees a crime or an accident;
- b) to exercise guidance, authority or control over smb. or smth.;
- c) any statement made by a witness under oath in a legal proceeding;
- d) specific number of people (usually six or twelve), selected as prescribed by law to render a decision in a trial;
- e) formal written allegations by the parties of their respective claims.

**Ex. IX Answer the following questions:**

1. What is the remarkable feature of the US court system?
2. Is there any difference between federal and state court systems?
3. Are court systems set up by state constitution or state statute?
4. What classes of courts do you know?



5. Where is a civil dispute heard?
6. Why is no new evidence presented to the appellate courts?
7. What does the word “to appeal” mean?
8. Where does the US court system derive its heritage?

**Ex. X Work in pairs. Discuss the following:**

“All criminals should be punished”. How do you feel about that?

## **CIVIL LITIGATION**

**Ex. I Check in the dictionary a) words and b) word combinations:**

- a) litigation, to settle, impartial, violence, coercion, procedure, tort, matrimonial, remedy, obligation;
- b) governmental entity, civil litigation, possession of property, marital obligations, breach of duty, custody of children, equity law, protection of trade.

**Ex. II State what part of speech the given words are and give Russian or Kazakh equivalents:**

disparity, process, administrative, individual, eligibility, enforcement, regulation, injury, possession, predominantly.

**Ex. III Form all possible derivatives from the following words:**

litigate, govern, decide, prosecute, possess, competitive, owner.

**Ex. IV Pre-text questions:**

1. What is litigation?
2. What forms does litigation in the United States take?

**Ex. V Read the text:**

### **DEFINITION OF CIVIL LITIGATION**

Litigation is the use of the legal process to settle disputes between people. It is a mechanism provided by government to allow for a means of impartial decision making to settle disputes between people individually, businesses, and governmental entities. Its purpose is to provide a method of

dispute resolution that is not based on acts of violence, coercion, and economic disparity.

Litigation in the United States usually takes one of three forms. Each has its own procedures for resolving disputes. In addition, each has its own body of principles in determining the rights and responsibilities of the parties or people affected by it. These three forms are criminal litigation, administrative litigation, and civil litigation.

Criminal litigation is the process by which an individual is prosecuted for committing an act that our society, through its legislature, has deemed to be antisocial.

Administrative litigation is the process by which private individuals, businesses, and administrative agencies resolve disputes before an administrative agency concerning the applicability, eligibility, and enforcement of an administrative agency's regulations.

Civil litigation is the process by which private individuals, businesses, and governments resolve disputes that are neither criminal nor administrative concerning the payment of money, ownership and possession of property, marital obligations, the prevention of injury, and declarations of rights and responsibilities of the various parties involved. Civil litigation tends to concern itself predominantly with the following topical areas of law: contracts, torts, property, matrimonial, equity, and antitrust. Contract law is concerned with the wrongs or injuries arising from the violation of an obligation or duty created by consent of the parties involved. Tort law involves private injuries or wrongs arising from a breach of duty created by law. Property law is concerned with the rights and responsibilities of ownership and possession of real and personal property. Matrimonial law involves the rights and responsibilities of marriage, divorce, custody of children, support and alimony, and division of marital property. Equity law is concerned with providing relief and remedies for parties who would otherwise have no other recourse in law. Antitrust law involves the protection of trade and commerce from monopolies, restraints of trade, and other anticompetitive schemes.

**Ex. VI Insert the right word or word combination from the given list:**

Breach of duty, litigation, matrimonial law, procedures.

1. Each form has its own ... for resolving disputes.
2. Tort law involves private injuries or wrongs arising from ... created by law.
3. ... involves the rights and responsibilities of marriage.
4. ... in the United States usually takes one of three forms.

**Ex. VII Match the nouns on the left with the verbs on the right:**

- |             |  |
|-------------|--|
| 1. dispute  | a) decide<br>b) resolve<br>c) settle<br>d) carry     |
| 2. right    | a) have<br>b) involve<br>c) observe<br>d) consent    |
| 3. property | a) possess<br>b) create<br>c) protect<br>d) break    |
| 4. tort     | a) to commit<br>b) to give<br>c) to rise<br>d) to do |

**Ex. VIII Match the words with the given definitions:**

- 1) convict; 2) parties; 3) matrimonial; 4) dispute; 5) evidence.
- a) persons, corporations who have commenced a law suit;
  - b) relating to marriage;
  - c) to find or to prove to be guilty;
  - d) legal controversy, debate,
  - e) everything witnesses say in court: facts, etc.

**Ex. IX Answer the following questions:**

1. What is provided by government to settle disputes between parties?
2. What is its purpose?
3. What kind of litigation have you known from the text?
4. If an individual committed an antisocial act, what litigation is he prosecuted by?
5. What disputes does administrative litigation resolve?

## LEGAL ISSUES

### Ex. I Check in the dictionary a) words and b) word combinations:

- a) jurisprudence, meaning, conviction, misdeeds, incapable, impaired, consequence, adjudicate, try, violate, apprehend, charge, seal, convict;
- b) juvenile delinquent, legal issue, youthful misconduct, to lighten a punishment, unreasoned judgement, mature adult shield from the stigma, prevent from smth., fall under the age limit, probation department, secure detention facility.

### Ex. II Form all possible derivatives from the following words:

Convict, develop, commit, mean, treat, capable, response, intend.

### Ex. III Pre-text questions:

1. What cases are dealt with by the juvenile courts?
2. Are small children responsible for their illegal acts?
3. What kind of punishment do offenders under seventeen get?

### Ex. IV Read the text:

## LEGAL ISSUES

The development of the legal status of the juvenile delinquent can be traced to the roots of our Anglo-Saxon legal tradition. Early English jurisprudence held that children under the age of 7 were incapable of committing crimes. Children between the ages of 7 and 14 were responsible for their actions, but their age might be used to excuse or lighten their punishment. Our legal system still recognizes that many young people are incapable of making mature adult judgements and that responsibility for their acts should be limited. Children can intentionally steal cars and know full well that the act is illegal, but they may be incapable or fully understanding the consequences of their behavior and the harm it may cause. Therefore, the law does not punish a youth as it would an adult, and it sees youthful misconduct as evidence of unreasoned or impaired judgement.

Today, the legal meaning of “juvenile delinquent” is a minor child who has been found to have violated the penal code. Most states define “minor child” as an individual who falls under a statutory age limit, most commonly 17 or 18 years of age. Because of their minority status, juveniles are usually kept separate from adults and receive different consideration and treatment

under the law. For example, most large police departments employ police officers whose sole responsibility is youth crime and delinquency. Every state has some form of separate juvenile court that has its own judges, probation department, and other facilities. Terminology is also different: adults are tried in court; children are adjudicated. Adults can be punished; children are given treatment. If treatment is mandated, children can be sent to secure detention facilities, but under normal circumstances, they cannot be committed to adult prisons.

Children also have their own unique, legal status. A minor who is apprehended for a criminal act is usually charged with being a “juvenile delinquent”, regardless of the crime committed. This charge is usually confidential, trial records are kept secret, and the name, behavior, and background of the delinquent offender is sealed. Eliminating specific crime categories and maintaining secrecy are efforts to shield children from the stigma of a criminal conviction and to prevent youthful misdeeds from becoming a lifelong burden.

**Ex. V Insert the right word or word combination from the given list:**

facilities, juvenile, incapable, offenders, adult, delinquent.

1. The legal system also includes ... court which deal with ... under seventeen.
2. Little children are believed legally ... of committing crimes.
3. Juvenile ... is an offender under seventeen.
4. Children who have been found to have violated the penal code cannot be committed to ... prisons.
5. Every juvenile court has its own probation department and secure detention ... .

**Ex. VI Match the nouns on the left with the verbs on the right:**

- |               |              |
|---------------|--------------|
| 1. punishment | a) violate   |
|               | b) lighten   |
|               | c) try       |
|               | d) apprehend |
| 2. crime      | a) maintain  |
|               | b) become    |
|               | c) commit    |
|               | d) hear      |

3. criminal  
a) make  
b) convict  
c) limit  
d) fall under

4. code  
a) violate  
b) apprehend  
c) prevent from  
d) punish

**Ex. VII Match the words with the given definitions:**

1) accused; 2) offence; 3) probation; 4) criminal; 5) illegal.

- a) a person who has committed a crime;
- b) a method of dealing with (young) offenders by which a sentence is suspected;
- c) not authorized by law;
- d) a person charged with an offence;
- e) an illegal act or omission punishable under criminal law.

**Ex. VIII Answer the following questions:**

1. What is the legal meaning of “juvenile delinquent”?
2. What are the roots of the current legal status of the juvenile delinquent?
3. Where can the young offenders be sent if the treatment is mandated?
4. Children are tried in court, aren't they?
5. Why is the charge of being a “juvenile delinquent” not public?
6. Does the minority status mean a special treatment under the law?

**Ex. IX Work in small groups. Discuss the following:**

- a) permanent increasing of juvenile delinquency;
- b) adults and children; different consideration and treatment under the law;
- c) legal aid to juvenile adults.

**INVESTIGATION**

**Ex. I Check in the dictionary a) words and b) word combinations:**

- a) clue, bumble, warrant, file, stalk, handcuffs, shoot-out, evidence, homicide, salary, witness, pretend, fence, bribe;
- b) magnifying glass, undertake an investigation, commit a crime, trap a suspect, police unit, flexible hours, sting operation

**Ex. II Form all possible derivatives from the following words:**

Investigate, magnify, fiction, stalk, technique, prestige, flex, depend.

**Ex. III Pre-text questions:**

1. What does “to investigate” mean?
2. Can the fictional Sherlock Holmes be sample for ordinary detective?
3. What does modern detective work include?

**Ex. IV Read the text:**

## **INVESTIGATION**

With only a few clues, a magnifying glass, a bumbling friend, and a good bit of intuition, the fictional Sherlock Holmes always solved the crime. Television and motion pictures have carried on this romanticized version of the detective as a tough “loner stalking suspects until they end up in handcuffs or dead after a hair-raising shoot-out. In reality, however, the role of the detective is quite different. Most detectives are trained in modern techniques of investigation and the laws of evidence and procedure. They interact with many other individuals or police units, such as the traffic, vice, juvenile, homicide divisions. And they spend most of their time on rather routine chores involving quite a bit of paperwork and not much excitement. Detectives, however, occupy a more prestigious position in a police department than do patrol officers. They receive better salaries, they have more independently.

After a crime is reported, detectives investigate the facts in order to determine whether a crime has been committed and whether they have enough information to indicate that the case warrants further investigation. This information may come from patrol officers or members of the public. If a full-scale investigation is undertaken, detectives begin the process of reinterviewing witnesses, contacting informants, checking crime files, and so on. Modern detective work sometimes includes sting operations, which are undercover operations in which police pretend to involve themselves in illegal acts to trap a suspect. They may pose as fences in order to capture thieves or as wealthy businesspeople offering money to those suspected of talking bribes.

**Ex. V Insert the right word from the given list:**

**Suspect, investigation, witness, evidence, crimes, detectives.**

1. The judge may have to decide whether you and other jurors may hear certain ... or whether one lawyer may ask a ... a certain question.
2. Each police force has its own Criminal ... Department (CID).
3. Members of CID are ... and they do not wear uniforms.
4. Police are searching for a man. Who is wanted for questioning about a string of burglaries in the Manchester area, which they ... may be connected.
5. The police are investigating the ... and they would like to interview two men and one woman who were seen near the National Midland Bank last week.

**Ex. VI Match the nouns on the left with the verbs on the right:**

- |                  |                |
|------------------|----------------|
| 1. investigation | a) solve       |
|                  | b) undertake   |
|                  | c) suspect     |
|                  | d) train       |
| 2. position      | a) capture     |
|                  | b) investigate |
|                  | c) determine   |
|                  | d) occupy      |
| 3. witness       | a) question    |
|                  | b) prove       |
|                  | c) investigate |
|                  | d) interact    |
| 4. evidence      | a) suspect     |
|                  | b) begin       |
|                  | c) search      |
|                  | d) consider    |

**Ex. VII Match the words with the given definitions:**

- 1) act; 2) evidence; 3) investigate; 4) handcuffs; 5) detective.



- a) a pair of metal rings connected by a chain for locking round criminal's wrists;
- b) to conduct an official inquiry;
- c) a policeman or other person engaged in investigating crimes or getting information that is not readily accessible;
- d) any form of proof legally presented at a trial through witnesses, records, documents, etc.;
- e) statute, a formal record of smth. Done or transacted.

**Ex. VIII Answer the following questions:**

1. Was the world famous detective Sherlock Holmes a real person?
2. What are modern detectives trained in?
3. What position do detectives occupy in a police department?
4. What happens after a crime is reported?
5. What work do detectives begin after a full-scale investigation?
6. Modern detectives don't venture (risk) involving themselves in sting operations, do they?

**Ex. IX Work in small groups. Discuss the following:**

- a) the process of investigation;
- b) being a private detective;
- c) sting operations.

## **CONVENTIONAL CRIMES**

**Ex. I Check in the dictionary a) words and b) word combinations:**

- a) homicide, robbery, felony, burglary, arson, shoplifting, victim, offence, to restrain, perpetrate;
- b) aggravated assault, forcible rape, greatest public emotion, vigorous law enforcement, property crimes, motor vehicle theft, physical injury, adequate coverage, workplace crime, annual losses.

**Ex. II State what part of speech the given words are and give Russian or Kazakh equivalents:**

serious, enforcement, commonly, potential, home owner, criticize, information, profitable, unneeded.

**Ex. III Form all possible derivatives from the following words:**

govern, force, need, place, convent, inform.

**Ex. IV Pre-text questions:**

1. What do you know about conventional crimes?
2. Does a crime against property become a crime against the person?

**Ex. V Read the text:**

### **CONVENTIONAL CRIMES**

The most serious felonies are crimes against the person: criminal homicide, forcible rape, robbery, and aggravated assault. These four crimes arouse the greatest public emotion and concern. They are the “headline” crimes that create fear and incite demands for tougher and more vigorous law enforcement. However, most felonies are directed not against persons, but against property. Property crimes – burglary, larceny-theft, motor vehicle theft, arson – exclude crimes of violence.

Other offences not commonly thought of as violent crimes or crimes against the person have the potential for violence. For example, an act of shoplifting can result in physical injury if a store employee tries to restrain the shoplifter and is attacked. Similarly, a homeowner who is awakened by a burglar may end up as a murder victim rather than a victim of breaking and entering. An arson may turn into a crime against the person of a security guard is in a building when it is torched. Thus what starts as a crime against property may, as a consequence of a circumstances become a different crime – a crime against the person.

The government for reason long criticized by criminologists collects data on eight offenses that make up the FBI’s Crime Index: criminal homicide forcible rape, robbery, aggravated assault, burglary, larceny-theft, motor vehicle theft and arson. The Crime Index provides information on “crime in the streets”; however it fails to provide adequate coverage of “crime in the suites” (i.e., the highly profitable, large-scale property crimes perpetrated by corporations and businesses ). Official statistics also fails to report accurately on “workplace crimes”- the auto mechanic who performs unneeded repairs or the microwave repairer who replaces a transistor and charges for a new mag tube: annual losses from these offenses dwarf by comparison losses from conventional crimes such as shoplifting and burglary.

**Ex. VI Insert the right word from the given list:**

property, burglar, violence, crimes, victim, information.

1. These four ... arouse the greatest public emotion and concern.
2. Most felonies are directed not against persons, but against ... .
3. A homeowner who is awakened by ... may end up as a murder ... .
4. The crime Index provides ... on “crime in the streets”.
5. Property crimes – burglary, arson – exclude crimes of ... .

**Ex. VII Match the nouns on the left with the verbs on the right:**

- |             |            |
|-------------|------------|
| 1. fear     | a) begin   |
|             | b) have    |
|             | c) provide |
|             | d) create  |
|             | e) perform |
| 2. felony   | a) be      |
|             | b) appear  |
|             | c) commit  |
|             | d) try     |
| 3. property | a) obtain  |
|             | b) lose    |
|             | c) gain    |
|             | d) propose |

**Ex. VIII Match the words with the given definitions:**

2) a burglar; 2) assault; 3) arson; 4) theft; 5) shop-lifting; 6) homicide.

- a) they took some things off the shelves and left the supermarket without paying for them;
- b) they set fire to the hotel;
- c) is someone who steals;
- d) the act of killing a human being;
- e) the act of stealing
- f) a violent physical or verbal attack.

**Ex. IX Answer the following questions:**

1. What crimes against person are the most serious felonies?
2. When may arson turn into a crime against the person?
3. What crimes should be punished by imprisonment?

4. Is there any difference between a crime against person and a crime against property?
5. Why does the government collect data on eight offences?

**Ex. X Work in small groups. Make a list of arguments for and against the following statements:**

1. The instinct to kill is basic to human nature.
2. Scenes of violence in films encourage crime.

## **ECONOMIC CRIMES**

**Ex. I Check in the dictionary a) words and b) word combinations:**

- a) illegal, to commit, abuse, violation, concealment, property, intention, loyalty, fidelity, client;
- b) abuse of trust, income tax violations, credit card frauds, commercial bribery, deceptive advertising, white-collar crime, diploma mills, insurance frauds, non-physical means, personal advantage, employee theft.

**Ex. II State what part of speech the given words are and give Russian or Kazakh equivalents:**

establishment, commercial, advertising, religious, charity, employer, greatly, irreplaceable, corporate, advocacy.

**Ex. III Form all possible derivatives from the following words:**

economy, legal, conceal, violate, force, place, commit, accuse, advertise, crime, testimony.

**Ex. IV Pre-text questions:**

1. What does the term “economic crime” mean?
2. There are different types of economic crimes. What do they include?

**Ex. V Read the text:**

## **ECONOMIC CRIMES**

Economic Crimes are illegal acts committed by non-physical means and by concealment or guile to obtain money or property or to obtain business or personal advantage.

These crimes include:

1. *Personal crimes*. Crimes committed by persons operating on an individual *ad hoc* basis (credit purchases with no intention to pay individual income tax violations credit frauds bankruptcy frauds and security frauds).

2. *Abuses of trust*. Crimes committed in the course of their occupations by workers operating inside business government or other establishments in violation of their duty of loyalty of fidelity to employer or client (commercial bribery and kickbacks embezzlement securities fraud employee theft and padding of payroll and expense accounts).

3. *Business crimes*. Crimes incidental to and in furtherance of business operations but that are not the central purpose of the business (antitrust violations tax violations food and drug violations commercial espionage and deceptive advertising)

4. *Con games*. White-collar crime committed as a business or as the central activity of a business (medical and health frauds phony contests diploma mills; charity and religious frauds: insurance frauds; and coupon) redemption frauds.

Economic crime is now receiving the attention it is due from the criminal justice system. One reason for this attention is that consumer advocacy has raised the public consciousness about economic crime. Companies about the rudeness, stridency, and partisan zeal of groups can probably be considered testimonials to the effectiveness of their activities

Advocates of ecology and environmental protection have contributed greatly to increasing public awareness of economic crime. Ever since the offshore oil spill that blackened the beaches of Santa Barbara, organizations like the Sierra Club and Common Cause have pressured the government relentlessly for the passage of legislation – or for the effective enforcement of existing legislation – to prevent further despoliation of irreplaceable natural resources. These efforts have focused on the concept of corporate accountability.

**Ex. VI Insert the right word from the given list:**

illegal acts, concept, criminal justice system, economic crime, central purpose.

1. After many years of neglect, economic crime is now receiving the attention, it is due from ... .
2. Advocates of ecology and environmental protection have contributed greatly to public awareness of ... .

3. Economic crimes are ... committed by non-physical means.
4. Crimes incidental to business operations, but that are not ... of the business.
5. These efforts have focused on ... of corporate accountability.

**Ex. VII Match the nouns on the left with the verbs on the right:**

- |              |   |
|--------------|---|
| 1. crime     | a) appear<br>b) commit<br>c) find<br>d) conceal |
| 2. bribery   | a) give<br>b) abuse<br>c) take<br>d) include    |
| 3. violation | a) act<br>b) prevent<br>c) define<br>d) receive |
| 4. fraud     | a) do<br>b) fight<br>c) discover<br>d) find out |

**Ex. VIII Match the words with the given definitions:**

- 1) advocate; 2) violation; 3) justice; 4) fraud; 5) illegal.
- a) the act of breaching of right, duty or law;
  - b) proper administration of laws;
  - c) not authorized by law;
  - d) a person who defends or supports a cause or proposal;
  - g) anything, intentionally calculated to deceive.

**Ex. IX Answer the following questions:**

1. What are economic crimes?
2. Name at least four types of economic crimes?
3. Which crimes do you think would deal with personal crimes?
4. Can you give the definition of “abuses of trust”?
5. Is there any difference between Business crimes and Con games?

## **SYNDICATED (ORGANIZED) CRIME**

### **Ex. I Check in the dictionary a) words and b) word combinations:**

- a) Keynote, syndicate, familiar, illegal, self-perpetuating, conspiracy, corruption, attain, arrival, revenue, gambling, estimate, annual, lucrative, stock, bond, racketeering, safe, loan;
- c) rely on fear, to be represented in the ranks, infiltrate legitimate business, land fraud, attractive opportunity, distribution of drugs, ethnic succession.

### **Ex. II Form all possible derivatives from the following words:**

express, represent, succeed, attract, distribute, legislate.

### **Ex. III Pre-text questions:**

1. What is crime?
2. Is there any classification of crimes?
3. What do you know about organized crime? Does it exist in reality?

### **Ex. IV Read the text:**

## **SYNDICATED (ORGANIZED) CRIME**

Organization is the keynote of syndicated crime. In fact, organized crime is the more familiar expression for the illegal activities of syndicate criminals. Syndicated crime is a continuing and self-perpetuating conspiracy that relies heavily on fear and corruption. The roots of syndicated crime reach far back into our national (American) history, with almost every nationality and ethnic group having been represented in the ranks at one time or another. The latter fact has given rise to the hotly disputed concept of **ethnic succession**, which maintains that immigrant arrivals used syndicated crime to attain wealth and power before finding safer and more attractive opportunities in legitimate business.

Among the principal revenue sources for syndicated crime are illegal importation and distribution of drugs – chiefly cocaine, heroin, and marijuana – and gambling, which has an estimated annual take of billions of dollars. Another lucrative activity is loan-sharking, a low-risk, high-return enterprise. Syndicated crime has also infiltrated legitimate business, where it is involved

in bankruptcy fraud, the manipulation of stocks and bonds, land fraud, and union racketeering.

**Ex. V Insert the right word from the given list:**

bribing, business, criminals, lucrative, mafia, illicit.

1. Traders and investors often say that they wouldn't be able to do ... in certain countries without violating the business and political ethics of these countries.
2. Complete information on the ... arms trade is unavailable, despite the fact that the origins of the arms and military equipment can be traced.
3. ... officials is not subject to punishment in a number of countries.
4. Analysis of selective cases show that the ... will buy a ... enterprise and bankrupt it for the sake of even greater gains.

Criminal Justice believes that it is urgently necessary for countries to extradite ... and put them on trial.

**Ex. VI Match the nouns on the left with the verbs on the right:**

- |                |                |
|----------------|----------------|
| 1. opportunity | a) violate     |
|                | b) try         |
|                | c) find        |
|                | d) involve     |
| 2. law         | a) apply       |
|                | b) hear        |
|                | c) refer       |
|                | d) enforce     |
| 3. power       | a) attract     |
|                | b) attain      |
|                | c) select      |
|                | d) decide      |
| 4. drugs       | a) investigate |
|                | b) represent   |
|                | c) maintain    |
|                | d) distribute  |

**Ex. VII Match the words with the given definitions:**

- 1) fraud; 2) smuggling; 3) trial; 4) tax; 5) revenue.



- a) a charge by the government on the income of an individual or corporation;
- b) income, especially the total annual income of the state;
- c) bringing goods into a country illegally without paying tax;
- d) something that is not what it seems to be;
- h) the representation of evidence in court to a trier of facts, who applies the applicable law to those facts and then decides the case.

**Ex. IX Answer the following questions:**

1. What is the keynote of organized crime?
2. What does syndicated crime rely on?
3. What are the roots of organized crime?
4. Has an organized crime many revenue sources?
5. How much money does the syndicated crime gain from gambling?
6. What business has an organized crime infiltrated?

**Ex. IX Work in small groups. Discuss the following:**

- a) revenue sources of organized crime;
  - b) legalizing ill-gotten profits;
- prevention of cross-border activities by syndicate criminals

## **BUSINESS CRIMES AND TORTS**

### **Part 2**

#### **COMPUTER CRIME**

**Ex. I Check in the dictionary a) words and b) word combinations:**

- a) explosive, applicable, trespass, deprive, deem, estimate, insert, accomplice, delete, disgruntled;
- b) computer fraud, financial institutions, dependent's credit file, employer's computer, state legislatures, prosecution of cases.

**Ex. II State what parts of speech the given words are and give Russian or Kazakh equivalents:**

Traditional, theft, private, crime, favorable, misuse, reliable, remove, pass

**Ex. III Form all possible derivatives from the following words:**

Fall, convict, state, main, information, trade, interest.

**Ex. IV Pre-text questions:**

What do you know about 'computer crime'?

What does the word 'crime' mean?

**Ex. V Read the text:**

### **COMPUTER CRIME**

The explosive growth in the use of computers in the business world in the past few years has brought with it a corresponding increase in computer misuse. Traditional (precomputer) state and federal laws applicable to such crimes as trespass and larceny are not necessarily appropriate for prosecution of cases of computer fraud and computer theft. For example, one court held that a city employee's use of the city's computer facilities in his private sales venture could not support a theft conviction absent any evidence that the city was deprived of any part of value or use of the computer. In some cases, use of a computer has not been deemed "property" within traditional theft statutes.

Computer crimes fall mainly into three broad categories: simple unauthorized access, theft of information, and theft of funds. Among schemes that have been subjects of litigation are stealing a competitor's computer programme; paying an accomplice to delete adverse information and insert favourable false information into the defendant's credit file; a bank's president having his account computer coded so that his checks would be removed and held rather than posted so he could later remove the actual checks without their being debited; and a disgruntled ex-employee's inserting a "virus" into his former employer's computer to destroy its records.

Some estimate that losses due to computer misuse may be as high as \$35 to \$40 billion per year ( including thefts of funds, losses of computer programmes and data, losses of trade secrets, and damage done to computer hardware). These estimates may not be reliable, but it is clear that a substantial amount of computer crime is never discovered and a high percentage of that which is discovered is never reported because companies do not want publicity about the inadequacy of their computer controls and financial institutions, such as banks, fear that reports of large losses of funds, even when insured, are likely to cause depositors to withdraw their funds in

the interest of safety. Whatever the actual loss due to computer misuse, both Congress and the state legislatures have passed statutes to deal specifically with computer crime.

**Ex. VI Find equivalents of the following Russian word combinations and sentences; note the use of grammatical forms in brackets:**

- 1.соответствующий рост случаев злоупотребления компьютерами (the preposition 'in');
- 2.не всегда (не обязательно) являются подходящими для судебного преследования в случаях компьютерного мошенничества или компьютерной кражи (the adverb);
- 3.обосновать обвинение в краже;
- 4.кража информации, кража денег;
- 5.являлись предметами судебного спора (the Present Perfect tense);
- 6.президенту банка закодировали информацию в его компьютере, обрабатывающем счета, таким образом, что...("to have something done");
- 7.запуск вируса рассерженным бывшим служащим в компьютер своего бывшего нанимателя ( the Gerund);
- 8.высокий процент обнаруженного замалчивается (the Passive);
- 9.вероятно подтолкнул вкладчиков к тому, чтобы забрать свои вклады ради безопасности (the Nominative with the Infinitive; the Complex Object);
- 10.какими бы ни были фактические потери из-за злоупотребления компьютерами (the pronoun "whatever");

**Ex. VII Fill in the gaps with prepositions:**

1. that the city was deprived ... any part of value
2. insert favorable false information ... the defendant's credit file
3. losses due ... computer misuse
4. losses ... computer programs and data
5. damage done ... computer hardware
6. publicity ... the inadequacy of their computer controls

**Ex. VIII Answer the following questions:**

1. What was the explosive growth in the use of computers in business brought with it?
2. Why wasn't the city employee who used the city's computer facilities for his private sales convicted of theft?
3. What are the three broad categories computer crimes fall into?

4. What do losses due to computer misuse include?
5. Why are many computer crimes never discovered or reported?

**Ex. IX Work in small groups. Discuss the following:**

Computer fraud and computer theft;

## **COMPUTER HACKING HIGH- TECH CRIME**

**Ex. I Check in the dictionary a) words and b) word-combinations:**

rob, grab, modem, passwords, hacker, steal, customers, confidence, fraud, commit, network;

a) computer whizz-kid, computer hacking, keyboard criminals, computer frauds, financial gain, hacker-proof, stocking masks;

**Ex. II What parts of speech the given words are and give Russian or Kazakh equivalents:**

Dangerous, rummage, stockroom, exactly, criminals, actually, incredible, fiddle, grabbing;

**Ex. III Form all possible derivatives from the following words:**

Crime, rob, arm, consider, protect, fraud, manage, break;

**Ex. IV Pre-text question:**

What does 'computer hacking' mean?

**Ex. V Read the text:**

### **Computer hacking- high-tech crime**

You can rob a bank without leaving the house these days. Who needs stocking masks, guns and getaway cars? If you're a computer whizz-kid, you

could grab your first million armed with nothing more dangerous than a personal computer (PC), a telephone and a modem to connect them.

All you have to do is dial into the network that link the computers in large organizations together, type in a couple of passwords and you can rummage about in the information that's stored there to your hearts content.

Fortunately it isn't always quite as easy it sounds. But, as more and more information is processed and stored on computer, whether it's details of your bank account or the number of this of tins of baked beans in the stockroom at the supermarket, computer crime seems set to grow.

A couple month ago a newspaper reported that five British banks were being held to ransom by a gang of hackers who had managed to break into their computer. The hackers were demanding money in return for revealing exactly how they did it. In cases like this, banks may consider paying just so they can protest themselves better in the future.

No one knows exactly how much money is stolen by keyboard criminals – banks and other companies tend to be very secretive if it happens to them. It doesn't exactly fill customers with confidence if they think their bank account can be accessed by anyone with a PC! Some experts believe that only around a tenth of all computer crimes are actually reported. Insurance company Hogg Robinson estimate that computer crimes are 'inside jobs', where staff with access to the company's computers fiddle with the records. A comparatively small amount are committed by the more glamorous-and headline-grabbing-hackers.

The true hacker, it seems, doesn't do it for financial gain. The thrill appears to be, not in getting rich, but in beating the system. Two of Britain's most notorious hackers are Nicholas 'Mad Hacker' Whiteley and Edward Singh. The renegade pair have been the scourge of organization with insecure computers for years, seemingly competing for the title of Britain's best hacker.

There are plenty of software companies who specialize in writing software that make computers hacker-proof. One company in the States set out to prove that its system can defeat by asking over 2,000 of them to try to hack in.

**Ex. VI Match the nouns on the left with the verbs on the right:**

- |              |            |
|--------------|------------|
| 1. whizz-kid | a) grab    |
|              | b) rob     |
|              | c) steal   |
|              | d) plunder |
| 2. discs     | a) damage  |
|              | b) break   |

- c) hurt
- d) injure

3. computer magazine
- a) publish
  - b) issue
  - c) raise
  - d) promulgate

4. passwords
- a) use
  - b) do
  - c) make
  - d) dial

**Ex. VII Fill in the gaps with preposition:**

1. There are plenty of software companies who specialize ... writing software that make computers hacker-proof.
2. Five British banks were being held to ransom ...a gang of hackers.
3. Most computer crimes are inside jobs, where staff ... access to the company's computer fiddle with the records.
4. The true hacker, doesn't do it ... financial gain.

**Ex. VIII Answer the questions:**

1. What does the word 'hacker' mean?
2. Is computer hacking a serious crime?
3. Why do the hackers break into the computer?
4. Most computer crimes are 'inside jobs', aren't they?
5. Are there plenty of software companies who specializes in writing software that make computers hacker-proof?

**Ex. IX Explain the meaning:**

'inside jobs' , headline-grabbing hackers, a highly skilled software engineer, computer crime, hacker-proof.

**Ex. X Write a composition**

**BRIBERY**

**Ex.I Check in the dictionary a) words and b) word combinations:**

- a) explosive, prevalent, payoff, offeror, tender, offeree, liable, corrupt, penal, penal, code;
- b) common law, corrupt payment, witness at trial, public official, private persons, commit the crime, bribery prohibits;

**Ex. II State what part of speech the given words are give Russian and Kazakh equivalents:**

liable, value, crime, to accept, business, bribe, interest, penal, code;

**Ex. III Form all possible derivatives from the following words:**

to prohibit, to tender, public, to develop, element, crime, to represent;

**Ex. IV Read the text:**

### **Bribery**

Bribery is one of the most prevalent forms of white-collar crime. A bribe can be money, property, favors, or anything else of value. The crime of commercial bribery prohibits the payment of bribes of private persons and business. This type of bribe is often referred to as kickback or payoff. Intent is necessary element of this crime. The offeror of a guilty of the crime of bribery even of the person to whom the bribe is can be found liable for the crime of bribery even if the person to whom the bribe is offered rejects the bribe.

Consider this example: Harriet Landers is the purchasing agent for the ABC Corporation and is in charge of purchasing equipment to be used by the corporation. Neal Brown, the sales representative of a company that makes equipment that can be used by ABC Corporation, offers to pay her a 10 percent kickback if she buys equipment from him. She accepts the bribe and orders the equipment. Both parties are guilty of bribery.

At common law, the crime of bribery was defined as the giving or receiving of anything of value in corrupt payment for an “official act” by a public official. Public officials include legislators, judges, jurors, witnesses at trial, administrative agency personnel, and other government officials. Modern penal codes also make it a crime of bribe public officials. For example, a developer who is constructing an apartment building cannot pay the building inspector to overlook a building code violation.

**Ex. V Find equivalents of the following Russian sentences:**

1. Одна из наиболее распространенных форм служебных преступлений.
2. Необходимым элементом этого преступления является намерение.
3. Отвечает за покупку оборудования, которым корпорация будет пользоваться.
4. Обе стороны виновны во взяточничестве.
5. Заплатить инспектору по строительству с тем, чтобы он обратил внимание на нарушение строительного кодекса.

**Ex. VI Insert the right word from the given list:**

Payment, commits, public officials, guilty, favors.

1. A bribe can be money, property, ... or anything else of value.
2. The offeree is ...of the crime of bribery when he or she accepts the bribe.
3. The crime of commercial bribery prohibits the ... of bribes of private persons and businesses.
4. Modern penal codes also make it a crime to bribe ... .
5. The offeror of a bribe ... the crime of bribery when the bribe is tendered.

**Ex. VII Explain the meaning of the following words and phrases used in the text:**

Kickback, witnesses at trial, public officials, corrupt payment, penal codes, liable, prevalent.

**Ex. VIII Answer the following questions:**

1. What is one of the most prevalent forms of white-collar crime?
2. What type of bribe is often referred to as a kickback or payoff?
3. Intent is a necessary element of this crime, isn't it?
4. What does the term 'public official' include?

**Ex. IX Work in small groups. Discuss in pairs:**

'Intent is a necessary element of this crime'

**Ex. X Retell the text**



## **RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS ACT**

**Ex. I Check in the dictionary a) words and b) word-combinations:**

- a) pervasive, to enact, RICO-Racketeer Influenced and Corrupt Organizations Act, racket, Racketeer, racketeering, to apply, language, defendant, to provide for, gambling, arson, provision;
- b) criminal penalty, civil penalty, sole proprietorship, predicate acts, racketeering activity, business-related crimes;

**Ex. II State what parts of speech the given words are and give Kazakh or Russian equivalents:**

To affect, defendant, penalty, to acquire, counterfeiting, dissolution, injunction, forfeiture, monies, to define;

**Ex. III Form all possible derivatives from the following words:**

To enumerate, robbery, to divest, legitimate, racket, to enact, to apply, partnership;

**Ex. IV Read the text:**

### **Racketeer Influenced and Corrupt Organizations Act (RICO)**

Organized crime has a pervasive influence on many parts of the American economy. In 1980, congress enacted the Organized Crime Control Act. The Racketeer influenced and corrupt Organizations Act (RICO) is part of this Act. Originally, RICO was intended to apply only to organized crime. However, the board language of the RICO statue has been used against nonorganized crime defendants as well. RICO, which provides for both criminal and civil penalties, is one of the most important laws affecting business today.

RICO makes it a federal crime to acquire or maintain an interested in, use income form, or participate in the affairs of an “enterprise” through a “pattern of racketing activity”. An “enterprise” is defined as a corporation, a partnership, a sole proprietorship, another business or organization, and the government. Racketeering activity consists of a number of specifically enumerated federal and state crimes, including such activities as gambling, arson, robbery, counterfeiting, dealing in narcotics, and such. Business-related

crimes, such as bribery, embezzlement, mail fraud, wire fraud, and the like are also considered racketeering.

To provide a pattern of racketeering, at least two predicate acts must be committed by the defendant within a ten-year period. For example, committing two different frauds would be considered a pattern. Individual defendants found criminally liable for RICO violations can be fined up to \$25,000 per violation, imprisoned for up to 20 years, or both. In addition, RICO provides for the forfeiture of any property or business interests (even interests in a legitimate business) that were gained because of RICO violations....

**Ex. V Find equivalents of the following Russian word combinations:**

1. ответчики по обвинению в неорганизованной преступности;
2. целый ряд конкретно перечисленных преступлений;
3. предусматривает конфискацию любой собственности или доли в деле, которые были приобретены путем нарушения РИКО;
4. лишение обвиняемого его права собственности на долю в предприятии;

**Ex. VI Fill in the gaps with prepositions:**

1. was intended to apply only ... organized crime
2. is one ... the most important laws
3. dealing ... narcotics
4. committed ... the defendant ... a ten year period
5. provides ... the forfeiture ... any property
6. civil penalties ... RICO violations

**Ex. VII Answer the questions:**

1. What Act is RICO part of?
2. What does “enterprise” mean in the context of RICO?
3. What does ‘racketeering activity’ consist of?
4. How can a ‘pattern of racketeering’ be proved?
5. What is the penalty for RICO violations?
6. In cases when RICO provides for forfeiture of any property or business interests, does this include interests in a legitimate business?

**Ex. VIII Make-up a situation using the following vocabulary:**

To apply, defendant, divestiture, investment, narcotics, fraud, violation, imprisonment;

**Ex. IX Work in groups. Make a list of arguments for and against the following statements:**

1. The government may also seek civil penalties for RICO violations.
2. Business-related crimes are also considered racketeering.

**Ex. X Write a composition**

### **WHITE -COLLAR CRIME**

**Ex. I Check in the dictionary a) words and b)word-combinations:**

- a) embezzlement, to entrust, theft, wrongful, misconduct, fraud, misuse, to warrant, to embrace;
- b) securities fraud, income tax evasion, criminal statutes, nonviolent criminal act, insurance companies, etc;

**Ex. II State what parts of speech the given words are and give Kazakh or Russian equivalents:**

Fraud, defraud, fraudulent, to embrace, wrong, wrongful, criminal, crime, to commit;

**Ex. III Form all possible derivatives from the following words:**

Theft, to consist, to entrust, to warrant, to conduct, to refer, to include, to examine;

**Ex. IV Read the text:**

#### **White- Collar Crime**

The term 'white-collar crime' originally referred only to crimes committed against business firms, usually by their employees, through the use of non-physical, nonviolent means. In this sense, such crime consisted essentially of embezzlement, the taking of an employer's funds by an employee entrusted with such funds, and theft, the wrongful taking of any other property of the employer. Today, however, the term has almost universally been broadened to refer to all nonviolent criminal acts committed by business firms as well as against business firms. Used in this broader sense, white-collar crime embraces a very wide spectrum of business



2. violation                    b ) commit  
                                       c) find  
                                       d) conceal  
                                       a) act  
                                       b) prevent  
                                       c) receive  
                                       d) commit
3. fraud                         a) do  
                                       b) diverse  
                                       c) discover  
                                       d) obtain
4. theft                         a) commit  
                                       b) entrust  
                                       c) take  
                                       d) embrace

**Ex. VII Answer the questions:**

1. What did the term 'white-collar crime' originally refer to ?
3. By what means were white-collar crimes committed?
4. What is the difference between embezzlement and theft?
5. How was the term 'white-collar crime' broadened?

**Ex. IX Retell the text:**

**Ex. X Work in pairs. Discuss the following:**

Intellectual Property Crimes e.g. Copyright, Patent, Piracy

**SELECTED STATE CRIMES**

**Ex. I Check in the dictionary a) words and b) word-combinations:**

- a) inquiry, offence, larceny, pretense, intent, to prohibit, deception, trick, by trick, ruse, purview, misdemeanor, felony;
- b) false pretense, the filling of false claims, business offences, larceny statutes, insurance companies, investment firms, business misconduct;

**Ex. II State what part of speech the given words are and give Russian and Kazakh equivalents:**

Imagine, treatment, to treat, fraudulent, statute, delivering, goods, additionally, claim, to prohibit, felony;

**Ex. III Form all possible derivatives from the following words:**

Inquiry, to treat, to conduct, law, theft, to fill, to select, fraud, to violate;

**Ex. IV Read the text:**

### **SELECTED STATE CRIMES**

As might be imagined, there are so many criminal statutes in the various states – even when one’s inquiry is limited to statutes relating to business offenses alone – that a comprehensive treatment of the subject is well beyond the scope of this chapter. Nonetheless, there are a number of major areas of business misconduct that are treated so uniformly by the various states’ criminal laws that one can give a ‘feel’ for such laws by examining a few of these areas.

Larceny is generally defined as the wrongful and fraudulent taking by one person of the personal property of another, with the intent on the part of the taker of converting the property to his or her own use. In addition to simple larceny statutes, some state have larceny by trick statutes or false pretenses statutes that generally prohibit the obtaining of another’s money or property by deception, by trick, or by some other fraudulent ruse. Examples of such conduct are the filling of false claims with insurance companies and taking of buyers’ money for goods or services. Additionally, the sales in recent years by ‘investment firms’ of investor’s right to participate in federally operated lotteries of oil lands, with investors being assured that their chances in selection are 1 in 4 (when in reality the chance is 1 in 1,000), clearly fall within the purview of these statutes. Violations of such statutes are usually misdemeanors when the money or value of the property is under the specific sum (such as \$150), and felonies if the value is \$150 or above.

**Ex. V Find equivalents of the following Russian word combinations and sentences; note the use of the grammatical forms in brackets:**

1. как можно себе представить;
2. законы, относящиеся только к преступлениям в области предпринимательского права ( the adverb 'alone');
3. всестороннее рассмотрение вопроса ( the use of articles);
4. далеко за пределами этой главы ( the adverb ‘well’);
5. хищение обычно определяется как... ( the adverb ‘as’ );

6. подача ложных претензий к страховым компаниям ( the preposition 'with');
7. которые трактуются настолько единообразно в уголовном законодательстве разных штатов, что... (the Passive, the possessive case);
8. несомненно попадают в сферу действия этих законов (the preposition 'within');

**Ex. VI Fill in the gaps with prepositions:**

1. statutes relating ... business offences alone
2. a comprehensive treatment ... the subject
3. taking ... one person of the personal property ... another
4. converting the property ... his or her own use
5. the obtaining ... another's money or property ... deception
6. investor's right to participate ... federally operated lotteries

**Ex. VII Insert the right word and word combination from the given list:**

Statutes, misconduct, value, misdemeanors, felonies;

1. Violations of such statutes are usually ... when the money or ... of the property is under the specific sum, and ... if the value is \$ 150 or above.
2. There are so many criminal ... in the various states.
3. There are a number of major areas of business ... that are treated so uniformly by the various states' criminal laws that one can gain a feel for such laws by examining a few of these areas.

**Ex. VIII Answer the questions:**

1. How is larceny generally defined?
2. What is the name for the obtaining of another's money or property by deception, trick or some other fraudulent ruse?
3. What examples of false pretenses are given in the text?
4. What is the difference between a misdemeanor and a felony?

**Ex. IX Work in pairs. Discuss the following:**

'Business misconduct that are treated so uniformly by the various states'

**Ex. X Retell the text:**

## **CORPORATE CRIMINAL LIABILITY**

### **Ex. I Check in the dictionary a) words and b) word combinations:**

- a) corporate, entity, indict, indictment, convict, err, to embody, to violate, to disobey, wrongdoer, to impute, homicide;
- b) criminally liable, federal crimes, state legislature, corporate ladder, respondent superior, specific order, indictments for health and safety;

### **Ex. II State what part of speech the given words are and give Russian or Kazakh equivalents:**

Entity, to indict, responsibility, to disposal, criminal, doctrine, properly, policy, to do wrong;

### **Ex. III Form all possible derivatives from the following words:**

Agent, act, perform, employee, convict, change, state, statute, cover, liable;

### **Ex. IV Read the text**

## **CORPORATE CRIMINAL LIABILITY**

Until relatively recently, it was very rare for a corporation, which is after all a fictional entity, to be indicted for or convicted of a crime. But that has changed. Between 1976 and 1979, 574 corporations were convicted of federal crimes. And state courts are increasingly convicting corporations of crimes where there is an indication that the state legislature intended corporations to be covered by the criminal statutes.

The basic rule is that corporations can be held criminally liable for any acts performed by an employee ( no matter how far down the corporate ladder) if that employee is acting within the scope of his or her authority. The basic idea is that the corporation receives the benefit when the agent acts properly, and must bear the responsibility when the agent errs. This is embodied in the respondent superior doctrine.

The corporation can even be held liable when the agent is violating company policy or disobeying a specific order from a superior.

Corporations can also be convicted of crimes which have an element of liability that the wrongdoer had specific criminal intend to do wrong. The intend of the employee will be imputed to the corporation so long as the employee was acting to benefit the corporation ( and the corporation itself was not the victim of the crime).



Corporations have been indicted for homicide and a wide variety of lesser offenses. In recent years, indictments for health and safety violations arising out of toxic waste disposal, failure to remove asbestos from buildings, and construction site accidents multiplied dramatically.

**Ex. V Find equivalents of the following Russian word combinations and sentences:**

1. уголовная ответственность корпораций;
2. быть обвиненным или приговоренным за уголовное преступление;
3. суды штатов все чаще выносят обвинительные приговоры корпорациям в совершении уголовных преступлений в тех случаях, когда имеются признаки того, что...;
4. действует в пределах своих полномочий;
5. намерение служащего будет вменено в вину корпорации;
6. при условии, что служащий действовал в интересах корпорации;
7. корпорации обвинялись в убийстве и широком круге менее тяжких преступлений;

**Ex. VI Fill in the gaps with prepositions:**

1. It was very rare for a corporation to be indicted ... or convicted ... a crime.
2. Corporations can be held criminally liable ... any acts performed... an employee.
3. disobeying a specific order ... a superior.
4. the intent ... an employee will be imputed ... the corporation
5. the victim ... the crime
6. arising ... toxic waste disposal
7. Corporations have been indicted ... homicide

**Ex. VII Answer the questions:**

1. How has the approach to corporate criminal liability changed?
2. What is the basic rule for corporations being held criminally liable?
3. Can the corporation be held liable when its employee violates company policy or disobeys order from a superior?
4. Can a corporation be convicted of a crime if the employee had criminal intent and acted to benefit the corporation? Will the criminal intent of the employee be imputed to the corporation?
5. Have corporations been indicted for homicide?

6. In what kind of cases have corporation for health and safety violations?

**Ex. VIII Match the nouns on the left with the verbs on the right:**

- |                        |             |
|------------------------|-------------|
| 1. business misconduct | a) treat    |
|                        | b) do       |
|                        | c) examine  |
|                        | d) take     |
| 2. trick               | a) have     |
|                        | b) prohibit |
|                        | c) define   |
|                        | d) intent   |
| 3. violation           | a) commit   |
|                        | b) act      |
|                        | c) prevent  |
|                        | d) receive  |
| 4. felony              | a) be       |
|                        | b) appear   |
|                        | c) commit   |
|                        | d) treat    |

**Ex. IX Work in small groups. Discuss the following:**

- a) cases of crimes.
- b) criminal liabilities.

**Ex. X Read the Text:**

### **FRAUDS AND SWINDLES**

**Ex. I Check in the dictionary a) words and b) word-combinations:**

- a) to devise, defraud, to obtain, loan, exchange, scheme, to attempt, to fine;
- b) unlawful use, spurious coin, the purpose of executing, authorized depository, mail matter, the Postal Service, direction thereon, violation affect;

**Ex. II State what part of speech the given words are and give Russian or Kazakh equivalents:**

Counterfeit, to supply, to furnish, lawful, attempting, knowingly, financial, to imprison;

**Ex. III Form all possible derivatives from the following words:**

Place, law, fraud, to intend, deposit, to represent, fine, to violate, to direct;

**Ex. IV Read the Text:**

**FRAUDS AND SWINDLES.**

Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, obligation, security, or other article, or anything respected to be or intimated or held out to be such counterfeit or spurious article, for the purpose of executing such scheme or artifice or attempting so to do, places in any post office or authorized depository for mail matter, any matter or thing whatever to be sent or delivered by the Postal Service, or takes or receives therefrom, any such matter or thing, or knowingly causes to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such matter or thing, shall be fined not more than \$1,000 or imprisoned not more than five years, or both. If the violation affects a financial institutions, such person shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both.

Ponzi or Pyramid? The term 'Ponzi' is often used interchangeably with pyramid scheme. In the early 20<sup>th</sup> century, Carlo Ponzi swindled fellow Italian immigrants (including family members and the parish priest) out of millions until his investment scam collapsed and went to jail.

One of the early known examples of a Ponzi scheme appeared in 1920, in Boston, Massachusetts. Charles Ponzi, Italian immigrant and financial wizard, established the Securities and Exchange Company. The corporation consisted of a only Ponzi, who started his company with a few hundred dollars borrowed from two silent partners. The company's prospectors promised investors substantial returns on their investments in Ponzi's company. Within 45 days an investor would receive his original investment plus 50 percent interest; in 90 days, he would double his original investment. Ponzi explained to doubters that knowing how to take advantage of the varying currency exchange rates in different parts of the world was how he made his profit. He started his company upon receiving a business letter from a conspirator in Spain, who enclosed a reply coupon which, if exchanged at

an U.S. Post Office, was worth 6 cents. In Spain, the cost of the coupon in Spain and redeeming it in the U.S., he made a 5-cent profit. Thereafter, Ponzi began operations in nine different countries, with his agents travelling back and forth between the disparity in currency value.

**Ex. V Match the nouns on the left with the verbs on the right:**

- |              |  |
|--------------|--|
| 1. money     | a) obtain<br>b) get<br>c) receive<br>d) exchange       |
| 2. scheme    | a) intend<br>b) commit<br>c) devise<br>d) violate      |
| 3. violation | a) affect<br>b) commit<br>c) direct<br>d) execute      |
| 4. security  | a) furnish<br>b) procure<br>c) supply<br>d) distribute |

**Ex. VI Insert the right word or word-combination from the given list:**

Peering, account information, transaction, the concerned citizen, swindle

1..., however, sees neither the money nor the con artist again.

3. The con man first obtains bank account information pertaining to his victim by ... over the customer's shoulder while he is preparing transaction slips in the bank lobby.

4. ... can also be gathered by rummaging through the trash receptacles in the lobby.

5. Oftentimes, when this ... is perpetrated, the con man accompanies the person to the bank.

6. Address, the name and account number on the document that must be prepared in order to complete a ....

**Ex. VII Fill in the gaps with prepositions:**

1. distribute, supply, or furnish or procure ... unlawful use;
2. causes to be delivered by mail according... the direction thereon;
3. for obtaining money or property... means of false or fraudulent pretenses;
4. any matter or thing whatever to be sent or delivered ...the Postal Service;

**Ex. VIII Find equivalents of the following Russian word combinations:**

1. с целью завладеть деньгами или чужой собственностью;
2. лицо, которое совершит мошеннические операции;
3. приобретение фальшивой и поддельной монеты, ценной бумаги или другого предмета;
4. лицо может быть приговорено к тюремному заключению;

**Ex. IX Answer the questions:**

1. What kind of frauds and swindles do you know? Name them.
2. What preventive measures would you use?
3. How do you understand the term 'Ponzi'?

**Ex. X Retell the text:**

**THE MONEY LAUNDERING INDUSTRY**

**Ex. I Check in the dictionary a) words and b)word combinations:**

- a) convict, fraud, bribery, theft, contraband, drugs, traffickers, investigation, revenue, payoff, terrorism;
- b) money laundering, to plead guilty, tax evasion, a marathon swindle, fraud offenses, securities manipulation, illegal gambling, arms sales;

**Ex. II What part of speech the given words are and give Russian or Kazakh equivalents:**

Dismantling, greater, regulators, global plea, laundering, to charge, steering, domestically, traffickers;

**Ex. III Form all possible derivatives from the following words:**

Fraud, convict, traffic, investigate, crime, legal, gamble, consider;

**Ex. IV Pre-text questions:**

1. What does the term “money laundering mean”?
2. Have you ever heard about ‘money laundering industry’?

**Ex. V Read the text:**

Money laundering – the handling of money in such a fashion so as to conceal its true source and origin.

Who needs Money laundered? Illegal Drug Operations, Traditional O.C., Tax Evaders, White Collar Criminals, Bribes for contracts/kickbacks, Political Payoffs/Illegal contributions, Securities Manipulators, Bankruptcies, Fraud Schemes (Banking/Ponzi’s), Extortionists, Kidnappers, Bank Robbers, Terrorists, Spies.

### **THE MONEY LAUNDERING INDUSTRY**

In the summer of 1991, perhaps only the dismantling of the Soviet Union received greater national media attention than the shutdown of the Bank of Commerce and Credit International (BCCI) by regulators in several countries. BCCI was convicted of money laundering in Tampa, Florida. In addition, BCCI has, as part of a global plea agreement, pled guilty in the District of Columbia to conspiracy to commit racketeering acts involving money laundering, fraud, and tax evasion, and in New York to charge of money laundering, fraud, bribery, and theft.

The bank has been called “the most pervasive money-laundering operation and financial supermarket ever created” a “marathon swindle” and a “steering service for (Colombian) drug traffickers to deposit hundreds of millions of contraband dollars outside the country”. Currently the target of investigations several countries. BCCI only one example of the pervasive, worldwide money laundering industry that exists today.

It is probably impossible to determine how much money is laundered either domestically or internally each year. One way to gain some perspective on the problem is to consider estimates of drug trafficking revenues. Worldwide, people spend as much as \$ 500 billion annually on illegal drugs with up to \$200 billion spent in the United States.

According to the U.S. Department of the Treasury, drug traffickers launder an estimated \$100 billion each year in this country alone with much of the activity channeled through financial institutions. Although drug trafficking fuels the money laundering industry any assessment of the problem must also consider the funds laundered from other crimes including fraud offenses, securities manipulation illegal gambling, bribery, extortion and evasion, illegal arms sales, political payoffs, and terrorism. When these crime are also considered estimates of the amount money laundered annually run as high as \$300 billion.

International Money Laundering consists of 3 phases:

1. Getting dirty money out of the country ( and if necessary, into foreign account);
2. Legitimizing the dirty money ( altering its origin);
3. Perpetrating the laundered funds;

Phase 1 – Removing the funds: Removal VIA Financial Transactions

Create Domestic shells – conducts ( checks written; wire transfers; cashier's checks; l/c's); Wire Transfers; Cashier's Checks; Letters of Credit (L/C's); Securities; Foreign Accounts; Bearer Bonds; Casinos; Currency Exchanges; Physical removal: Courier takes it out (smuggling); Conceal in transportation vehicle or cargo; Mail \$; Collectibles/Tangibles

Phase II – Legitimizing the Funds:

Foreign Bank accounts; Foreign Dummy/Straw corps; Foreign Securities Accounts;

Foreign Real Estate/Investment Co.'s;

Phase III – Repatriating the Funds;

1. 'Loan Backs' – Foreign banks, Foreign corporations;

Several Benefits: 1. Money comes back

2. Interest expense can be written off

3. Difficult for Government to examine legitimacy due to

bank/corporate secrecy laws and criminal can continue this recycling of money

3. Letters of Credit Payments

4. Consulting fees

5. Phoney Leases or Services

6. Excessive Payments

Money laundering Objectives: To 'Legitimize' income derived from illegal sources/ventures as legitimate income and willing paying taxes on those profits (i.e., through businesses, investments, etc.).

To evade taxes (i.e., moving money to a tax haven to evade paying taxes and then use the funds from there).

To exchange small bills for large bills.

To exchange currency for cashier's checks.

To convert U.S. dollars into an acceptable currency (i.e., currency exchanges).

To convert an identifiable currency into a non-descript currency (i.e., bank robberies, extortion, kidnapping, etc).

To convert currency into collectibles/tangibles or hide (i.e., gold, silver, painting, coins, etc.).

To purchase goods, conveyances, storage facilities, etc.

To further the criminal activity (i.e., cars, boats, warehouses, drugs, etc.).

**Ex. VI Insert the right word or word-combination from the given list:**

Money laundering, racketeering act, industry, drug trafficking

1. BCCI is only one example of the pervasive, worldwide money laundering ... that exists today.
2. BCCI was convicted of ... in Tampa, Florida.
3. BCCI has pled guilty to conspiracy to commit ... involving money laundering, fraud.
4. One way to gain some perspective on the problem is to consider estimates of ... revenues.

**Ex. VII Fill in the gaps with prepositions:**

1. Colombian drug cartels and other criminal organizations operate easily ... international borders.
2. Worldwide, people spend as much money as \$500 billion annually ... illegal drugs.
3. According to the U.S. Department ... the Treasury, drug traffickers launder an estimated \$100 billion each year in this country alone.
4. The National Institute of Justice has conducted a national assessment to evaluate the methods currently employed to combat money laundering ... the US.

**Ex. VIII Answer the questions:**

1. What are the main activities of BCCI?
2. How has the bank been called?
3. How much money is laundered every year?
4. How much is spent on illegal drugs?
5. What sources did the funds launder from?

**Ex. IX Work in pairs. Discuss the following:**

Money laundering operation has come more profitable, more pervasive and more sophisticated.

**Ex. X Retell the text:**

## **DEFAMATION OF CHARACTER**

**Ex. I Check in the dictionary a) words and b) word-combinations:**



- a) tort, asset, plaintiff, defame, intention, untrue, slander, libel, charge, wiretapping;
- b) defamation of character, a person's death, untrue statement, oral defamatory, permanency of the media, invasion of the right to privacy;

**Ex. II What parts of speech the given words are and give Russian or Kazakh equivalents:**

Character, accidentally, defamatory, intent, valuable, libel, tort, charge, unwarranted;

**Ex. III Form all possible derivatives from the following words:**

Value, protect, defame, act, invasion, commit, plain;

**Ex. IV Pre-text question:**

What is 'tort'? Give the definition.

**Ex. V Read the text:**

### **DEFAMATION OF CHARACTER**

A person's reputation is a valuable asset. Therefore, every person is protected from false statements made by others during his or her lifetime. This protection ends upon a person's death. The tort of defamation of character requires a plaintiff to prove that the defendant made an untrue statement of fact about the plaintiff and the statement was intentionally or accidentally published to a third party. Publication simply means that a third person heard or saw the untrue statement. It doesn't just mean appearance in newspapers, magazines, or books.

The name for an oral defamatory statement is slander. A false statement that appears in letter, magazine, book, photograph, movie, video, and the like is called libel. Most courts hold that defamatory statements is radio and television broadcasts are considered libel because of the permanency of the media.

The publication of an untrue statement of fact is not the same as the publication of an opinion. The publication of an opinion is usually not actionable. 'My lawyer is lousy' is an opinion. Since defamation is defined as an untrue statement of fact, truth is an absolute defense to a charge of defamation.

The law recognizes each person's right to live his or her life without being subjected to unwarranted and undesired publicity. A violation of this

right constitutes the tort of invasion of the right to privacy. Examples of this tort include reading someone else's mail, wiretapping, and such....

**Ex. VI Insert the right words from the given list:**

Defamatory, opinions, libel, privacy

1. The name for an oral ... statement is slander.
2. Invasion of the right to ... include reading someone else's mail, wiretapping, and such.
3. The publication of ... is usually not actionable.
4. A false statement that appears in a letter, magazine, book and like is called....

**Ex. VII Fill in the gaps with prepositions:**

1. invasion of the right ... privacy
2. in contrast ...defamation
3. false statement made ... others
4. protection ends ... person's death

**Ex. VIII Answer the questions:**

1. What is every person protected during his from?
2. What does publication mean?
3. What is slander? Explain it.
4. Does the law recognize each person's right to live without being subjected to unwarranted publicity?

**Ex. IX Work in pairs. Discuss the following:**

*'Slander is an oral defamatory statement'*

**Ex. X Retell the text:**

## THE PLANNED BANKRUPTCY

**Ex. I Check in the dictionary a) words and b) word- combinations:**

- a) swindle, sale, disposition, merchandise, concealment, bankruptcy, fraud, goal, luggage, payment;
- b) abuse of credit, nonpayment of creditors, planned bankruptcy, general merchandise, scam operator, credit rating;

**Ex. II What part of speech the given words are and give Russian or Kazakh equivalents:**

Merchandising, planned, fraudulently, operation, transportable, keystone, establishment, abuse, deceive, achieve;

**Ex. III Form all possible derivatives from the following words:**

Plans, fraud, bankrupt, establish, purchase, recognize, and hope;

**Ex. IV Pre-text question:**

What does 'planned bankruptcy' mean? Explain it.

**Ex. V Read the text:**

### **The Planned Bankruptcy**

The planned bankruptcy is a merchandising swindle based on the abuse of credit, either legitimately or fraudulently established.

The scheme consists of:

1. overpurchasing of inventory on credit;
2. sale or other disposition of the merchandise thus obtained;
3. concealment of the proceeds;
4. nonpayment of creditors, and finally;
5. the filling of an involuntary petition by creditors;

We refer to this as a 'planned bankruptcy' because bankruptcy of the business is the ultimate goal of those running the operation.

*Popular Areas of Operation.* Most planned bankruptcies occur in the 'general merchandise' field, involving items with wide market appeal that can be bought and sold in volume without attracting too much attention. Usually the goods are of a type that is easily transportable and difficult to trace, the most common being electrical appliances, television and hi-fi sets, radios, furniture, electric typewriters and adding machines, cameras, watches, jewelry, clothing, furs, luggage, and meat and other food products.

*Essence of The Fraud.* Credit is the keystone of the planned bankruptcy. The essence of the fraud is the establishment and abuse of credit. Devices such as false financial statements and deceptive patterns of account payment are utilized by the scam operator in order to establish a good credit rating and to continue to deceive suppliers after that has been achieved. The methods by which this is accomplished must be fully understood if we are to recognize and hopefully, deny success to the scam operator.

**Ex. VI Fill in the gaps with the prepositions:**

1. the abuse ... credit
2. concealment ... the proceeds
3. bank is a merchandising swindle based ....
4. Involving items ... wide market appeal
5. Account payments are utilized ... the scam operator

**Ex. VII Match the nouns on the left with the verbs on the right:**

- |                |  |
|----------------|--|
| 1. proceedings | a) decide<br>b) begin<br>c) review<br>d) prove     |
| 2. case        | a) hear<br>b) discuss<br>c) appear<br>d) deal with |
| 3. tort        | a) commit<br>b) give<br>c) rise<br>d) do           |
| 4. crime       | a) hear<br>b) commit<br>c) become<br>d) do         |

**Ex. VIII Answer the questions:**

1. What does the scheme consist of?
2. Where do most planned bankruptcy occur?
3. What is the essence of fraud?
4. How are such as false financial statements utilized?

**Ex. IX Work in small groups. Discuss the following:**

1. Credit is the keystone of the planned bankruptcy.

2. Usually the goods are a type that is easily transportable and difficult to trace can be bought and sold in volume without attracting too much attention.

**Ex. X Write a composition**

**THE 'THREE-STEP' SCHEME**

**Ex. I Check in the dictionary a) words and b) word-combinations:**

- a) fronts, sum, furnish, suppliers, store, outlet, bill, fences, honest, intend;  
b) false picture, expanding business, bank account, credit rates, front door, back door, formal complaints;

**Ex. II What part of speech the given words are and give Russian or Kazakh equivalents:**

Promptly, high, disposal, controlled, prices, profit, unsafe, initial, handle, receipt;

**Ex. III Form all possible derivatives from the following words:**

Method, form, credit, agent, deliver, fraud, truck, deal, bargain;

**Ex. IV Pre-text question:**

What types of planned bankruptcy do you know?

**Ex. V Read the text:**

**The 'Three-Step' Scheme**

First Step. – This method begins with the formation of a new corporation, usually organized and then run by 'fronts'. A large sum of money is deposited in a newly opened bank account to provide a basis upon which credit information can be furnished to credit information agencies, suppliers, and manufacturers. This initial deposit will later be withdrawn. A large impressive store or warehouse is then leased. The operators send initial orders, accompanied by letters, to potential suppliers, praising their new premises, portraying a false picture of a rapidly expanding and carrying the veiled thread that unless quick action is taken the particular supplier will be left out in the cold once the business begins full operation. Since suppliers are aware that a retail outlet can only handle and give prime display space to a

limited variety brands of merchandise, they conclude that those offering immediate credit will be the suppliers favored in the future. Their desire for business includes them to fill orders quickly.

During the first month of operation small orders are placed with various manufacturers and suppliers around the country. For credit references the operators use the company's large bank balance, not yet withdrawn to furnish false information. False financial statements are also used. The first group of suppliers are paid in full, immediately upon receipt of the goods.

Second Step. – The same procedure is followed the second month, except that first-month suppliers are paid only  $\frac{1}{2}$  or  $\frac{3}{4}$  of the second month bill, while new suppliers are paid almost in full. Credit references given to new suppliers now include first month suppliers who have been promptly paid. During the first two months a high credit rating has thus been established for the company.

Third Step. – Step three now unfolds. The operators obtain as much merchandise as possible by sending out numerous large orders to all suppliers of the previous two months. Merchandise pours into the store or warehouse, and as fast as comes in the front door, it goes out the back door. The operators rip off all labels, discard invoices, and deliver the goods in rented trucks to prearranged outlets or to convert warehouses for later disposal. These outlets may be, 'fences', syndicate controlled companies, or firms willing to purchase merchandise, no questions asked, at very low prices. They may also be honest dealers who just believe that they're getting an unusual bargain. The type of purchases is unimportant so long on the merchandise can be unloaded quickly. It is sold for 25 to 50 of the manufacturer's or supplier's price, but this is all profit since the operators never intend to pay for any of it. Soon creditors' formal complaints make continued operation unsafe, and the company is petitioned into bankruptcy.

#### **Ex. VI Find English equivalents of the following word-combinations:**

1. большие суммы денег кладутся на новый счет в банке
2. создать впечатление большого бизнеса
3. желание поставщиков развивать бизнес
4. запросить информацию о кредитоспособности
5. непрерывный поток товаров
6. предъявлять официальные претензии

#### **Ex. VII Insert the right word from the given list:**

Deposited, financial, various, unimportant, established

1. Small orders are place with ...manufacturers and suppliers around the country.

2. False ... statements are also used.
3. A large sum of money is ... in a newly opened bank account.
4. High credit rating has been ... for the company.
5. The type of purchases is ... so long as the merchandise can be furnished.

**Ex. VIII Answer the questions:**

1. How many steps does the scheme include?
2. What definition of the term 'the three-step' scheme can you give?
3. Why is large sum of money deposited in a newly opened bank account?
4. What is happening during the first step?
5. What is the difference between the first and second steps?
6. How is it important the third step?

**Ex. IX Work in pairs. Discuss the following:**

1. During the first month of operation small orders are placed with various manufacturers and suppliers around the country.

## **THE ONE-STEP SCHEME**

**Ex. I Check in the dictionary a) words and b) word-combinations:**

- a) purchase, exist, inventory, cash, payment, issuance, instances, obtain, scheme;
- b) post-dated, overpurchasing of merchandise, numerous suppliers, fraudulent devices, trade shows, mail orders;

**Ex. II What part of speech the given words are and give Russian or Kazakh equivalents:**

Relatively, notes, concern, sufficient, established, coincides, massive, numerous, unusually, mail, deal;

**Ex. III Form all possible derivatives from the following words:**

Relate, equal, usual, device, operate, appeal, response;

**Ex. IV Pre-text question:**

Have you ever heard about one step scheme?

**Ex. V Read the text:**

**The One-Step Scheme**

This scheme commences with the purchase of an existing business which has a substantial inventory and equally substantial liabilities, these enabling the purchasers to obtain control for a relatively small cash payment. Payments of any balance on the price are made with notes or post-dated checks due in 60 days. Since the operation won't last for longer than for 30 to 45 days, there is little concern about making payments on the notes or having sufficient funds to buck up the checks.

The business thus purchased has an established credit rating, normally being rated D2 or better by Dun and Bradstreet. The purchase is most frequently made at a time which coincides with the issuance of Dun and Bradstreet's Regional Book showing that the company is operated by reliable businessmen and has a good credit rating. The new owners are careful not to inform Dun and Bradstreet, other credit rating organizations, or suppliers, of the change in ownership, and creditors who deal with the firm believe that the former operators are still in control.

A program of massive overpurchasing of merchandise is then initiated. Large credit orders are placed with numerous suppliers. In many instances the merchandise ordered bears no relation on the type of business formerly carried on by the firm, and the orders are for unusually large amounts in the light of the firm's prior sales volume. False financial statements and other fraudulent devices used to obtain credit in the three-step scheme, quicker methods of purchasing, such as telephone orders and personal visits to suppliers and trade shows, are utilized instead of mail orders. The merchandise thus obtained is disposed of in the same manner as in the three-step operation, and within 30 to 45 days the company is set for bankruptcy.

**Ex. VI Match the nouns on the left with the verbs on the right:**

- |             |                |
|-------------|----------------|
| 1. position | a) capture     |
|             | b) investigate |
|             | c) determine   |
|             | d) occupy      |
| 2. right    | a) have        |
|             | b) involve     |
|             | c) consent     |
|             | d) observe     |



3. profit                    a) make  
                                  b) know  
                                  c) furnish  
                                  d) have
4. operations                a) protect  
                                  b) govern  
                                  c) develop  
                                  d) regulate

**Ex.VII Find equivalents of the following word-combinations:**

1. контролировать маленькие платежи
2. иметь солидную репутацию по кредитоспособности
3. приобретение компании
4. использовать фиктивные финансовые отчеты

**Ex. VIII Fill in the gaps with prepositions:**

1. payments ... any balance
2. quicker methods ... purchasing
3. company is set ... bankruptcy
4. creditors deal ... the firm

**Ex. IX Answer the questions:**

1. How are the balance payments made in this operation?
3. When does the purchasing of company occur?
4. How do the new owners get odd goods?
5. What is the difference of three-step scheme?

**Ex. X Retell the text:**

**THE 'SAME NAME' SCHEME**

**Ex. I Check in the dictionary a) words and b) word-combinations:**

- a) same, branch, corruption, legitimate, swindle, rush, encourage, laxity;
- b) eagerness of suppliers, Christmas season operation, out of business, in order to avoid, scam operator;

**Ex. II What part of speech the given words are and give Russian or Kazakh equivalents:**

Delay, variation, deceptively, virtually, identical, realize, financial;

**Ex. III Form all possible derivatives from the following words:**

Supply, branch, check, buy, credit, fraud, share;

**Ex. IV Pre-text question:**

What are the basic types of planned bankruptcy? Name them.

**Ex. V Read the text:**

### **The 'Same Name' Scheme**

The three-step and one-step overpurchasing schemes are the basic types of planned bankruptcy. There are, of course, variations on these basic schemes, the more common of which should be mentioned. One is the 'same name' scheme, used in both the three step and one step operations. Here the scam operators open a business with a name deceptively similar to that of a going concern in the same locality. Suppliers and manufacturers assume they are dealing with a new branch of the legitimate business with which they have dealt in the past, or if they have not done business in the past, they rely on the credit rating of the legitimate business because the names are virtually identical and the businesses are located in the same city. In either case, the scam operators obtain immediate credit and proceed to carry out a planned bankruptcy-merchandising swindle.

The Christmas Season Operation. A second important variation on the three step and one step schemes is the 'Christmas scheme', so-called because the entire operation is centered around the Christmas buying rush. The swindle usually begins in October or November, and by New Year's Day the firm is out of business. The rush of the Christmas season and the eagerness of suppliers to obtain their share of the holiday sales encourage laxity in the checking of credit information. In order to avoid the rush of losing a large Christmas order during the delay caused by a proper credit check, suppliers fill the orders sent by the scam operators quickly. It is not until Christmas is over and the customer out of business that these suppliers realize 'they've been taken'.

**Ex. VI Fill in the gaps with prepositions:**

1. variations ... these basic schemes
2. the firm is ... of business
3. the rush ... the Christmas season
4. encourage laxity ... the checking of credit information

**Ex. VII Insert the right word from the given text:**

Obtain, post-dated, pay-off, occur

1. False financial statements and other fraudulent devices used to ... credit.
2. Payment of any balance on the price is made with notes or ... checks due in 60 days.
3. Many sales had been made at below cost in order to obtain money to keep the business going and ... gambling debts.
4. Most planned bankruptcies ... in the general merchandise field.

**Ex. VIII Find equivalents of the following word-combinations:**

1. Разорение старой уважаемой компании
2. Основные и различные варианты махинации
3. Закупка излишнего количества товара в кредит
4. Заявление о банкротстве
5. Отсутствие документации на выручку от продажи

**Ex. IX Answer the questions:**

1. What schemes obtained the name the planned bankruptcy?
2. What is the basis of schemes in the planned bankruptcy?
3. Why is this operation called the Christmas Season Operation?
4. When do the scam operators begin to act?
5. Why do the suppliers deliver the goods to the scam operator quickly?

**Ex. X Work in pairs. Discuss the following:**

Cons for the '90's. Classic Cons  
Telemarketing and Phone Fraud  
Credit Card Fraud

## **THE RAPE OF AN OLD, RESPECTED COMPANY**

### **Ex. I Check in the dictionary a) words and b) word-combinations:**

- a) wholesale, food, stockholders, referee, debts, petition, assets, liabilities, hearing, rape, testify;
- b) respected company, gambling debts, canned foods, bank petition, local racetrack, majority of sales;

### **Ex. II What part of speech the given words are and give Russian or Kazakh equivalents:**

Accumulated, ordering, numerous, filling, obtain, schemes;

### **Ex. III Pre-text question:**

‘The Rape of Company’ is it a global problem nowadays?

### **Ex. IV Read the text:**

#### **The Rape of an Old, Respected Company**

Another variation is the planned bankruptcy of an old, respected company carried out by those who have owned it for a number of years. An established company in the wholesale food distribution business is petitioned into bankruptcy by its owners who had operated the firm as sole stockholders for over ten years. During the last four months of operation the company had accumulated debts of over \$400,000 by ordering large quantities of frozen and canned foods, meats, and dairy products from numerous suppliers of the corporation for years. In their bankruptcy petition the owners listed assets of \$10,000 and liabilities of \$450,000.

During a 21 a hearing before the Referee in Bankruptcy, when asked to account for the absence of both goods and proceeds, the owners testified that during the six months prior to the filing of their petition they had lost several hundred thousand dollars of company funds at local racetracks and on a trip to Las Vegas. They also stated that during this period the majority of sales had been made on a cash basis for which no records were kept. Many of these sales, they asserted, had been made at below cost in order to obtain money to keep the business going and pay off gambling debts.

**Ex. V Match the nouns on the left with the verbs on the right:**

- |             |   |
|-------------|---|
| 1. debts    | a) cover up for<br>b) pay-off<br>c) discharge<br>d) hush up |
| 2. company  | a) domain<br>b) own<br>c) possess<br>d) command             |
| 3. credit   | a) get<br>b) receive<br>c) obtain<br>d) have                |
| 4. invoices | a) delete<br>b) discard<br>c) cancel<br>d) destroy          |

**Ex. VI Find equivalents of the following word-combinations:**

1. злоупотребление кредитами
2. законодательные акты уголовного кодекса
3. умышленная отправка собственности
4. использование почты для мошеннических операций
5. криминальные ( уголовные ) аспекты

**Ex. VII Fill in the gaps with prepositions:**

1. popular areas ... operation
2. essence ... the fraud
3. in order ... establish a good credit
4. initial orders accompanied ... letters
5. desire ... business induces

**Ex. VIII Answer the questions:**

1. In what cases an established company is petitioned into bankruptcy?
2. Why are the companies raped? What is the main reason?
3. The rape of an old, respected company is another variation of planned bankruptcy, isn't it?

**Ex. IX Retell the text:**

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## **АНГЛИЙСКИЙ ЯЗЫК**

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