

LEGAL ENGLISH FOR COLLEGES

АНГЛИЙСКИЙ ЯЗЫК
ДЛЯ ЮРИСТОВ:

СРЕДНЕЕ
ПРОФЕССИОНАЛЬНОЕ
ОБРАЗОВАНИЕ



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Учебное пособие предназначается для студентов юридических специальностей, уровень подготовки: СПО. Цель учебного пособия – последовательное изучение правовой лексики на основе образовательных текстов, адаптированных для учащихся учреждений среднего профессионального образования.

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Предисловие

Учебное пособие предназначается для студентов юридических специальностей, уровень подготовки: СПО. Цель учебного пособия – последовательное изучение правовой лексики на основе образовательных текстов, объединенных в пять тематических блоков, каждый из которых рассчитан на прохождение в течение 10 часов практических занятий и включает в себя следующие виды заданий:



ВЫУЧИТЕ слова и выражения. -> Задание выполняется до прочтения текстов соответствующего тематического блока.



ПРОСМОТРИТЕ текст. -> Задание предполагает чтение, перевод и подробное изучение основного текста.



СЛОВА из текста. -> Лексический минимум, который помогает усвоить содержание тематического текста; в самом тексте все эти слова подчеркнуты и выделены курсивом.



ЗАВЕРШИТЕ каждое из начатых предложений. -> Задание на поиск и обобщение информации, изложенной в тематическом тексте.



УСТАНОВИТЕ соответствие. -> Задание предполагает оценку соответствия предложений содержанию изученного материала; если утверждение содержит ошибку, то необходимо внести соответствующие изменения и дать верный вариант предложения.



СОВМЕСТИТЕ слова и выражения. -> Задание на поиск синонимов к словам из прочитанного текста.



ОТВЕТЬТЕ на вопросы. -> Вопросы к ранее прочитанному тексту предполагают воспроизведение и закрепление информации, содержащейся в этом тексте.



УПРАЖНЕНИЕ. -> Задание на перевод аутентичных текстов юридической направленности.



КЛЮЧЕВЫЕ СЛОВА. -> Студентам необходимо употребить указанные слова в самостоятельно составленных предложениях, используя материал всего тематического

блока; данное задание рекомендуется сочетать с работой в группе по устному переводу на русский язык предложений, составленных каждым из студентов.



ПОДГОТОВЬТЕ на английском языке сообщение по теме модуля. -> Задание предполагает выступление каждого студента с обобщающим докладом по пройденной теме с опорой на рекомендуемые пункты плана.

Unit 1. Legal Profession: Lawyers and Paralegals



1.1. ВЫУЧИТЕ слова и выражения, которые будут использованы в текстах на тему «Legal profession: lawyers and paralegals».

court /kɔ:(r)t/ - суд; зал суда; судебное заседание; судебная инстанция

court case /kɔ:(r)t keɪs/ = case - судебное дело, подлежащие судебному рассмотрению дело или иск

justice /'dʒʌstɪs/ – справедливость, правосудие, законность; судья

law office /lɔ: 'ɒfɪs/ - юридическая фирма, адвокатская контора

lawyer /'lɔ: jə(r)/ - юрист; адвокат; консультант по вопросам права, юрисконсульт

file /faɪl/ – дело, досье, папка; подшитые документы, подшивка, архив, картотека; совокупность данных; подача документа в надлежащее учреждение

legal advice /'li:g(ə)l əd'vaɪs/ - консультация юриста, юридическая консультация, юридическая помощь, совет юриста

legal document /'li:g(ə)l 'dɒkjʊmənt/ = legal instrument /'li:g(ə)l 'ɪnstrəmənt/ - юридический документ, правовой инструмент

legal proceedings /'li:g(ə)l prə'si:dɪŋz/ – судопроизводство, процессуальные действия, судебное разбирательство, рассмотрение дела в суде

legal representative /'li:g(ə)l ,reprɪ'zentətɪv/ - законный представитель, юридический представитель

legal research /'li:g(ə)l ri'sɜ:(r)tʃ/ - изучение законодательства и правоприменительной практики, исследования положений закона, судебных решений и прецедентов

legal service /'li:g(ə)l 'sɜ:(r)vɪs/ - предоставление юридической помощи, юридическая служба; юридическая фирма

on behalf of the client /ɒn bɪ'ha:f əv ði 'klaɪənt/ - в интересах клиента, от имени доверителя

paralegal /,prægə'li:g(ə)l/ - помощник по правовым вопросам, помощник юриста; лицо, относящееся к среднему юридическому персоналу, являющееся юридическим работником без диплома юриста; средний юридический персонал

- to advise a client** /əd'vaɪz ə 'klaɪənt/ = to give legal advice to a client /grɪ
'li:g(ə)l əd'vaɪs tʊ ə 'klaɪənt/ - консультировать клиента, предоставлять юридическую консультацию доверителю
- to file** /faɪl/ - регистрировать документы; обращаться (с заявлением, прошением), подавать какой-л. документ
- to practice law** /'præktɪs lɔ:/ - заниматься адвокатской практикой
- to investigate** /ɪn'vestɪgeɪt/ - расследовать; изучать (вопрос); получать сведения; рассматривать (дело)
- to represent** /ˌreprɪ'zent/ - быть представителем, представлять (какое-л. лицо или организацию)
- trial lawyer** /'traɪəl 'lɔ:jə(r)/ - адвокат, выступающий в суде первой инстанции; юрист, специализирующийся на представлении дела в суде



1.2. ПРОСМОТРИТЕ текст, выпишите в свой словарик незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Legal Profession

1. Lawyer is a person whose profession is to advise clients as to legal rights and obligations and to represent clients in legal proceedings. A lawyer applies the law to specific cases. He investigates the facts and the evidence by conferring with his client and reviewing documents, and he prepares and files the pleadings in court. At the trial a lawyer introduces evidence, interrogates witnesses, and argues questions of law and fact. If he does not win the case, he may seek a new trial or relief in an appellate court.

2. A lawyer, as a member of the legal profession, is a representative of clients, an officer of the legal system, and a public citizen having special responsibility for the quality of justice.

3. As a **representative of clients**, a lawyer performs various functions. As advisor, a lawyer instructs a client in his legal rights and obligations and explains their practical implications. As advocate, a lawyer zealously asserts the client's position under the rules of the adversary system. As negotiator, a lawyer seeks a result advantageous to the client but consistent with requirements of honest dealings with others. As evaluator, a lawyer acts by examining a client's legal affairs and reporting about them to the client or to others.

4. As an **officer of the legal system**, a lawyer in all his professional functions should be competent, prompt and diligent. A lawyer

should use the law's procedures only for legitimate purposes and not to damage others. A lawyer should demonstrate respect for the legal system and for those who serve it, including judges, other lawyers and public officials. In addition, lawyers have a responsibility to keep information about their clients confidential as part of the client-lawyer relationship.

5. As a **public citizen**, a lawyer should seek improvement of the law, access to the legal system, the administration of justice and the quality of service rendered by the legal profession. In addition, a lawyer should further the public's understanding of and confidence in the rule of law and the justice system because legal institutions in a constitutional democracy depend on popular participation and support to maintain their authority.

6. The role of lawyer, of course, will vary from one legal system to another. But some general characteristics can be identified. Lawyers bring the law to non-lawyers by advising clients and by drafting legal documents on their behalf. Lawyers make the system of justice work. Lawyers also play an important role in law making. Many lawyers serve in parliaments and often lawyers are called upon to advise parliaments on the details of new laws.

7. Lawyers obviously play different roles depending on their place in the legal profession and the nature of their law practice or activity. Judges and prosecutors have fundamentally different roles from those of private lawyers. Criminal defense lawyers have some special responsibilities and duties; in-house counsels have their own functions; lawyers for government agencies serve somewhat different interests than do private lawyers.



СЛОВА из текста:

evidence – доказательства, фактические данные, вещественное доказательство

confer with - советоваться с

pleadings - состязательные бумаги, процессуальные действия сторон, обмен состязательными бумагами

interrogate witnesses - допрашивать свидетелей

seek – добиваться, требовать

relief - средство судебной защиты, удовлетворение требования, смягчение, ослабление

public citizen – добропорядочный житель, добропорядочный представитель общества

rights and obligations - права и обязанности

implications - последствия

zealously - усердно

assert – доказывать, отстаивать, утверждать, защищать

adversary system - система состязательности (в суде)

advantageous – выгодный, предпочтительный
negotiator - участник переговоров, посредник
consistent with – соответствующий, непротиворечивый, сообразный
honest dealings – честные деловые отношения
evaluator - эксперт по оценке (сложившейся ситуации)
legal affairs - юридические вопросы, юридические дела
should – должен, следует
prompt and diligent - проворный и старательный
legitimate purpose - законная цель
damage - причинять вред
judge - судья
public official - государственный чиновник
confidential – секретный, не подлежащий оглашению
client-lawyer relationship - отношения юрист-клиент
improvement – совершенствование, улучшение
access to - доступ к, возможность обращения в
administration of justice - обеспечение правопорядка, осуществление правосудия
further – содействовать, способствовать
confidence – доверие, уверенность
rule of law - верховенство закона, равенство перед законом, принцип господства права
popular participation - участие населения
vary – различаться, отличаться
bring the law to non-lawyers – доносить смысл правовых норм до обывателей
law making – правотворчество, создание законов
called upon - пригласить высказаться, привлечь
prosecutor – прокурор, обвинитель
criminal defense lawyer – адвокат по уголовным делам
in-house counsel – штатный юрисконсульт организации, работник юридического отдела организации
somewhat – отчасти, в некоторой степени



1.3. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. A lawyer is ...
2. A lawyer may ...
3. A lawyer should ...
4. Lawyers have ...
5. Lawyers play ...
6. Lawyers serve ...



1.4. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение верно, исправьте его:

1. As negotiator, a lawyer seeks a result advantageous solely to the client even if it violates legal or moral norms.
2. Clients should keep information about their lawyers confidential as part of the client-lawyer relationship.
3. If a lawyer wins the case, he may seek a new trial in an appellate court.
4. Judges, criminal defense lawyers and prosecutors have actually the same functions.
5. Lawyer is a person who may represent clients in a court of law.
6. Lawyers apply the law in their practice but they are unauthorized to participate in law making.
7. Lawyers make the system of justice work.
8. Lawyers should use the legal procedures only for legitimate purposes.
9. The role of lawyer is completely the same in all legal systems.

ВЫСКАЖИТЕ своё отношение, используя следующие разговорные выражения:

СОГЛАСИЕ

all correct - всё правильно

I fully agree with the statement ... because ... - я полностью согласен с утверждением, так как ...

that's true = true enough – это правда; верно

without question = for sure = certainly = surely – вне сомнения; безусловно; конечно

Yes, indeed. - Несомненно!

НЕСОГЛАСИЕ

I doubt ... = I have my doubts about ... = I'm not so sure ... – у меня есть сомнения ...; я не уверен, что ...

I disagree - я думаю иначе; я не согласен

it's wrong – не так; не верно

the statement is inaccurate – это утверждение неверно

СОПУТСТВУЮЩИЕ ФРАЗЫ

according to the text ... - согласно тексту ...

as I see it - как мне это представляется

frankly speaking - откровенно говоря

from my personal point of view - с моей точки зрения

I am convinced that ... - я убежден, что ...

I reckon that ... - думаю, что ...

in my opinion - по моему мнению; на мой взгляд

taking into account - с учётом; принимая во внимание
to my mind - на мой взгляд
what I want to say is that ... – то что я хочу сказать, так это ...



1.5. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

advisor
client
court
function
in-house counsel
interest
justice
law
lawyer
obligation
profession
representative

agent
concern
consultant
customer
duty
fairness
judicial body
legal norms
legal profession member
occupation
role
salaried lawyer



1.6. ОТВЕЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. What do lawyers investigate?
2. What do the duties and functions of lawyers depend on?
3. What does a lawyer apply in his practice?
4. What does a lawyer do at the trial?
5. What does the value of legal institutions in a constitutional democracy depend on?
6. What should a lawyer do as a public citizen?
7. What should a lawyer do as negotiator?
8. Whom do lawyers give legal advice to?
9. Whom does a lawyer represent as a member of the legal profession?
10. Whom should a lawyer demonstrate respect for?



1.7. ПРОСМОТРИТЕ текст, выпишите в свой словарик незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

General Functions of a Lawyer

1. Working as a lawyer involves the practical application of abstract legal theories and knowledge to solve specific individualized

problems, or to advance the interests of those who hire lawyers to perform legal services. As a professional, the lawyer is usually permitted to perform the following functions:

2. **Providing the client with legal advice** concerning actions that need to be taken - after due research into the law or constitution with regard to a particular situation at hand, the lawyer advises the client on what best course of action to take to best resolve the situation by legal means.

3. **Negotiating and drafting contracts** - in many countries the negotiating and drafting of contracts is considered to be similar to the provision of legal advice.

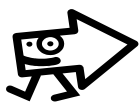
4. **Conveyancing** is the drafting of the documents necessary for the transfer of real property, such as deeds and mortgages. According to the law, all real estate transactions must be carried out by a lawyer.

5. **Procurement of patents, trademarks and copyrights** is aimed at protection of intellectual property of the client, which includes the rights to literary and artistic works, industrial design, brand names, trade secrets, or inventions. The lawyer helps the client formally register the products with the government agency to receive the highest level of protection under law.

6. **Executing the last wishes of the deceased** - such as a will stating the testator's precise desires in black and white. The lawyer helps to supervise that these wishes are carried out to the letter.

7. **Representation of clients in court** in civil and criminal cases - arguing a client's case before a judge or jury in a court of law is the traditional province of trial lawyers who specialize in trying cases in court. During the pretrial stages the lawyers draft court papers and do legal research on behalf of the client. At trial, lawyers select a jury, present opening and closing statements, produce evidence of their version of the case, examine and cross-examine witnesses and give the legal reasons why they should prevail.

8. **Prosecution of criminal suspects in court** - this is applicable if the lawyer is working for the government agency, such as the police department, the department of justice, or the procurator's office.



СЛОВА из текста:

advance - успешно представлять, защищать

hire - нанимать (на работу)

situation at hand - рассматриваемая ситуация, имеющиеся обстоятельства

legal means - средства, предусмотренные законом; законные средства

negotiating - ведение переговоров

drafting - составление проекта документа, формулировка

provision - обеспечение, предоставление

conveyancing - составление актов передачи прав собственности на
недвижимость
deed - документ за печатью, документ скреплённый печатью
mortgage - заклад недвижимого имущества, ипотечный залог
transaction – сделка, соглашение
procurement – получение, приобретение
trade secret - коммерческая тайна, секрет производства
executing – оформление (в виде документа)
deceased – покойный, умерший
will – завещание
testator – наследодатель, завещатель
in black and white - в письменной форме, «чёрным по белому»
to the letter - в точности, буквально
representation – (судебное) представительство
province - сфера деятельности, компетенция
pretrial stage - досудебная стадия процесса
court papers – документы (бумаги) для судебного заседания
opening and closing statements – вступительная и заключительная
речь (адвоката) в процессе
cross-examine - подвергнуть перекрёстному допросу (допрашивать
свидетелей противной стороны)
prevail - одержать победу, одолеть противника, добиться своего,
убедить
prosecution - уголовное преследование, государственное обвинение
criminal suspect - лицо, подозреваемое в совершении преступле-
ния
police department - полицейское управление
department of justice - министерство юстиции
procurator's office - прокуратура



1.8. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. Lawyers are permitted ...
2. Lawyers draft ...
3. Intellectual property includes ...
4. Lawyers help ...
5. During the pretrial stages, the lawyers ...
6. In court, the lawyers ...



1.9. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. During the pretrial stages, the lawyers present opening and closing statements.
2. Lawyers apply abstract legal theories and knowledge to specific individualized problems.
3. Lawyers are usually responsible for executing the last wishes of the deceased.
4. Lawyers may represent their clients in court both in civil and criminal cases.
5. Negotiating and drafting of contracts is similar to the representation of clients in court.
6. People and organizations hire lawyers to advance their interests or to solve their problems.
7. Procurement of copyright is necessary for the transfer of real property.
8. Usually lawyers are barred from the provision of legal advice to clients.



1.10. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

to advise
to draft
to help
to negotiate
to perform out
to permit
to protect
to seek
to select
to solve

to allow
to assist
to call for
to carry on talks
to carry out
to choose
to consult
to elaborate
to find a way out of
to safeguard



1.11. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. What do lawyers do during the pretrial stages?
2. What does a will state?
3. What does the lawyer help the client to do in a case of procurement of patents, trademarks or copyrights?
4. What functional roles are traditionally associated with lawyers?
5. What is a traditional province of trial lawyers?
6. What is conveyancing?
7. What preparatory work do lawyers perform before the provision of legal advice to clients?

8. Where do lawyers prosecuting criminal suspects usually work?
9. Whose interests do lawyers advance?



1.12. ПРОСМОТРИТЕ текст, выпишите в свой словарь незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Paralegal Duties – What Does a Paralegal Do?

1. While lawyers assume ultimate responsibility for legal work, they often delegate many of their tasks to paralegals. A paralegal or legal assistant is a person, qualified by education, training or work experience who is employed by a lawyer, law office, corporation, governmental agency or other entity and who performs specifically delegated substantive legal work under the direction and supervision of a lawyer.

2. Paralegals are found in all areas where lawyers are - in criminal trials, in real estate, in government, in estate planning, and so on. But as a rule, paralegals are unauthorized to perform the following tasks:

- to practice law;
- to give legal advice;
- to sign any documents as a legal representative;
- to represent a client in court.

3. Although paralegal training does not take as long as a lawyer's training, paralegals are trained in many different aspects of the law and are a vital part of the legal system. Moreover, many paralegals go on to law school and eventually become lawyers.

4. The work that paralegals do varies with the place of employment and specialty areas in which they work. Some of the types of the tasks, which almost all paralegals perform, include:

5. **Legal research.** Lawyers frequently delegate legal research to paralegals. The research is aimed at finding out preceding cases relevant to a particular case, relevant statutes, court decisions, legal articles and other writings in libraries and on-line resources.

6. **Document preparation.** Many paralegals draft documents such as mortgages, wills, sale agreements, trust agreements, real estate closings, separation agreements or bankruptcy schedules. The supervising lawyer routinely reviews any legal document prepared by a paralegal before it is filed with the court or delivered to a client.

7. **Filing.** Paralegals are often in charge of filing pleadings with the court or other authorities. This is generally done electronically. The paralegal then makes sure that all appropriate parties receive

copies of each pleading. Paralegals also keep copies of all pleadings for the firm's case files.

8. **Case preparation.** Paralegals play an important role in helping lawyers prepare for their court cases. They will help in the preparation of legal arguments, opening statements, closing statements and court pleadings or motions.

9. **Interviewing witnesses.** The paralegal may locate and interview witnesses or the client in order to gather relevant information. He will then prepare a report on the interview for the lawyer.

10. **Correspondence and communications.** Paralegals routinely correspond and communicate within and outside the firm. They are responsible for answering phone calls, taking messages and responding to correspondence. While paralegals are barred from giving legal advice to clients, they often communicate with clients under the direction of lawyers. They also are instructed to draft correspondence.

11. Other **administrative duties.** Paralegals, in some cases, are also referred to as record clerk as the nature of the work may involve tasks such as analyzing and organizing records and documents, maintaining corporate records and minute books.



СЛОВА из текста:

assume - принимать на себя, брать на себя

ultimate responsibility - единоличная ответственность, окончательная ответственность, конечная ответственность

delegate – поручать, передавать

qualified – подготовленный, компетентный, квалифицированный

work experience - опыт работы

employ - взять на работу, нанимать

entity - юридическое лицо, предприятие

substantive legal work – правовая работа по существу дела

direction and supervision - руководство и контроль

estate planning - планирование порядка распоряжения наследуемым имуществом; планирование наследства (написание завещания, создание трастов, минимизация возможного налогового бремени, передача собственности наследникам при жизни)

unauthorized – неразрешенный, незаконный, неправомочный, запрещенный, недозволенный, неуполномоченный

vital part - ответственный элемент, жизненно важный элемент

law school - юридический факультет университета

place of employment - место работы, место службы

preceding case – предыдущее дело, ранее рассмотренное дело

relevant statute – соответствующий закон, относящийся к данному вопросу законодательный акт

writings - труды/работы

on-line resources – интернет источники
real estate closing – формальное завершение сделки с недвижимостью
separation agreement - соглашение между супругами о раздельном проживании
filing – регистрация, представление документа, подача документа
routinely – регулярно, в плановом порядке
in charge of - ответственный за
appropriate – надлежащий, соответствующий
keep copies - сохранять копии (документов)
motion – ходатайство, запрос
interview - проводить опрос, опрашивать
correspond - состоять в переписке, переписываться
within and outside the firm – внутри и за пределами компании
take message – передавать сообщение, фиксировать сообщение
respond to correspondence – отвечать на письма, реагировать на корреспонденцию
bar – исключать, запрещать, препятствовать
under the direction of - под руководством
record clerk – делопроизводитель, секретарь
records – архивы, картотека, записи, отчеты
corporate records - деловые бумаги корпорации, протоколы компании
minute book - журнал заседаний, книга протоколов



1.13. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. A paralegal is ...
2. A paralegal performs ...
3. Paralegals are unauthorized ...
4. The legal research is ...
5. Many paralegals ...
6. The paralegal may ...
7. Paralegals are responsible for ...



1.14. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. A paralegal may be employed by a lawyer, company, governmental agency or other entity.
2. Interviewing witnesses is generally done electronically.

3. Paralegals are found only in the areas where lawyers do not provide services.
4. Paralegals are unauthorized to draft legal documents.
5. Paralegals correspond and communicate only within the firm.
6. Paralegals help to prepare and file pleadings and motions.
7. Paralegals may not give legal advice to clients.
8. Paralegals often delegate many of their tasks to lawyers.
9. The supervising paralegal usually reviews legal documents prepared by lawyers.



1.15. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

criminal
frequently
legal
long
qualified
relevant
routinely
ultimate
vital

competent
essential
final
juridical
lasting
often
penal
pertinent
regularly



1.16. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. How can a paralegal become a lawyer?
2. How can paralegals help a lawyer prepare for his court cases?
3. What activities are prohibited for paralegals?
4. What documents may paralegals draft?
5. What does the work of a paralegal as a record clerk involve?
6. What resources can be used for legal research?
7. Who directs and supervises the legal work of paralegals?
8. Whose training course is longer – lawyer's or paralegal's?



1.17. КЛЮЧЕВЫЕ СЛОВА по изучаемой теме:

adversary system
case
client
in-house counsel
judge
justice

prosecution
prosecutor
record clerk
rule of law
to delegate
to draft

law school

lawyer

legal advice

legal document

legal representative

legal research

negotiator

paralegal

pleadings

to file

to interview

to practice law

to provide legal service

to represent

to respond to correspondence

to seek

trial

trial lawyer



1.18. ПОДГОТОВЬТЕ на английском языке сообщение на тему «Legal profession: lawyers and paralegals», учитывая следующие пункты плана:

- определение профессии юриста;
- ответственность юриста как добропорядочного представителя общества, как работника правовой системы и как представителя интересов своего клиента;
- типичные должностные обязанности юриста;
- определение профессии помощника юриста;
- типичные должностные обязанности помощника юриста.

Unit 2. Client-Lawyer Relationship



2.1. ВЫУЧИТЕ слова и выражения, которые будут использованы в текстах на тему «Client-lawyer relationship».

client information /'klaɪənt ɪnfə(r)'meɪʃ(ə)n/ - конфиденциальная информация о клиенте; сведения, полученные юристом от клиента

communication /kə,mju:nɪ'keɪʃ(ə)n/ - взаимодействие, общение, контакты, обмен информацией, сообщение (переданное в устной или письменной форме)

confidential /,kɒnfɪ'denʃ(ə)l/ - доверительный, надежный, пользующийся доверием, конфиденциальный, секретный, не подлежащий разглашению

confidentiality /,kɒnfɪ'denʃi'æləti/ - конфиденциальность, доверительность, секретность (информации), сохранение недоступности содержания информации

conflict of interest /'kɒnflɪkt əv 'ɪntərəst / - личная заинтересованность; использование должностного положения в личных интересах; коллизия интересов; конфликт между личными и профессиональными интересами; несовместимость должностного положения с частными интересами должностного лица

disclosure /dɪs'kləʊʒə(r)/ - разглашение, обнародование, раскрытие информации, оглашение

fiduciary duty /fɪ'dju:ʃəri 'dju:ti/ - обязанность доверенного лица, фидуциарная обязанность, обязанность агента действовать честно и грамотно в интересах заказчика

lawyer-client privilege /'lɔ:jə(r) 'klaɪənt 'prɪvələdʒ/ - адвокатская тайна, адвокатско-клиентская привилегия (защищает конфиденциальность информации и документов, передаваемых клиентом адвокату; предполагает право адвоката не разглашать без согласия клиента информацию, полученную от клиента и право клиента требовать от адвоката конфиденциальности сообщаемой ему информации)

legal entity /'li:g(ə)l 'entəti/ - юридическое лицо, субъект права, юридический субъект

legal representation /'li:g(ə)l ˌrepɪzen'teɪʃ(ə)n/ - представительство (защита) правовых интересов (кого-либо), юридическое представительство, представительство в силу закона

natural person /'nætʃ(ə)rəl 'pɜ:(r)s(ə)n/ - физическое лицо (правовое понятие, призванное отличить человека как субъекта права от другой категории субъектов права - юридических лиц)

privilege /'prɪvəlɪdʒ/ - привилегия; привилегированное право; полномочия; особые права сторон; иммунитет

professional conduct /prə'feʃ(ə)nəl 'kɒndʌkt/ - профессиональная этика, профессиональное поведение юриста

to disclose /dɪs'kləʊz/ – разглашать, сообщать, показывать

to empower /ɪm'paʊə(r)/ - предоставлять право, доверять, разрешать, уполномочивать, давать возможность

to secure /sɪ'kjʊə(r)/ – защищать, предоставлять обеспечение; гарантировать; обеспечивать; обеспечивать безопасность

to waive /weɪv/ - отказываться от права, разрешить отступление от правила, не требовать выполнения чего-либо



2.2. ПРОСМОТРИТЕ текст, выпишите в свой словарик неизвестные слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Fiduciary Duty

1. First and foremost, the lawyer-client relationship is based on trust and is inviolable in the eyes of the law - that is, a client can expect that the lawyer, once hired, will keep communications confidential, and, in all but extreme circumstances, a court will protect this client's right.

2. Accordingly, in dealings with a lawyer retained for representation, a client should be honest and forthcoming and always keep the lawyer updated on any changes in circumstances. In return, the client should expect that the lawyer will assume his fiduciary duty. A fiduciary duty is a legal obligation to act solely in another party's interests. A fiduciary relationship creates many legal duties for the person in whom the trust has been placed. Generally, it means that the lawyer must provide his clients with the “4 Cs”: communication, competence, confidentiality and ‘conflict of interest’ resolution.

3. **Communication:** the lawyer must explain:

- information the client needs to know;
- legal rights and responsibilities of the client;
- settlement offers and other possible resolutions;
- the payment structure and fee schedule;

- the scope of the representation, or what the lawyer intends to do for the client;

- any conflicts of interest.

4. **Competence:** the lawyer must:

- know the law and legal procedures;

- behave ethically according to the applicable rules of professional conduct;

- not abuse the justice system;

- prepare thoroughly;

- follow through promptly;

- write and submit legal documents in a timely fashion;

- listen to the client's version of events and ask questions when appropriate to elicit pertinent information;

- perform any necessary research to answer questions and support the client's cause;

- represent the client's interests competently, professionally and diligently;

- propose a legal course of action to resolve the client's problem based on an independent professional analysis of applicable facts and law;

- assess the client's chances of winning a case honestly;

- provide copies of important documents to the client;

- answer the client's questions and phone calls promptly;

- keep the client updated on case progress;

- respect the client's decisions regarding the case, including whether to accept settlement offers.

5. **Confidentiality:** the lawyer must keep client matters confidential.

6. **Conflict of interest resolution:** the lawyer must:

- check for conflicts of interest;

- disclose any conflicts arising from interests of the lawyer, law firm, other clients or former clients of the firm;

- obtain the client's consent to conflicts before proceeding.

7. A client in his turn, in addition to being open and honest about the case, should inform the lawyer immediately if he or she is dissatisfied with the lawyer's representation, has a question or problem about fees or billing, or has moved or changed phone numbers.

8. The client should also pay the lawyer as agreed, not ask him or her to perform illegal or unethical activities, and respond to the lawyer's communications and requests for information promptly.

9. It is important to realize that the term "client" includes legal entities as well as natural persons. It means that lawyers may have an organization, as well as an individual, as their client. When a lawyer is representing an organization, the general rule is that the client is the organization itself. A lawyer employed or retained by an organi-

zation represents the organization acting through its duly authorized constituents: officers, directors, employees or shareholders.



СЛОВА из текста:

first and foremost - прежде всего
trust – доверие, доверительные отношения
inviolable – неприкосновенный, непреложный, пользующийся неприкосновенностью, незыблемый
once hired - после того, как нанят на работу
in all but extreme circumstances – почти всегда за исключением исключительных случаев
retained for representation – нанятый для представления (чьи-либо) интересов
forthcoming - общительный, открытый, откровенный
keep updated – держать в курсе последних событий, сообщать о последних данных
assume - брать на себя, принимать на себя
settlement offer – предложение об урегулировании спора
resolution - разрешение проблемы
payment structure – система оплаты труда
fee schedule - расценки на услуги
scope of the representation – сфера деятельности (границы) по представлению интересов доверителя
abuse – нарушать, неправильно употреблять, злоупотреблять
thoroughly – основательно, тщательно, как следует
follow through - добиваться своего, следовать (указаниям), настаивать, завершать
promptly – своевременно, оперативно, без промедления
submit - представлять (документ) на рассмотрение, передавать на рассмотрение
in a timely fashion – своевременно, заблаговременно
elicit - извлекать, выявлять, устанавливать
cause – пояснение, основание, мотив, причина
diligently – старательно, усердно
legal course of action - законный способ действия, легальный образ действия
assess – оценивать, определять
regarding – относительно, в отношении
check for - производить проверку на, выявлять
former – бывший, предшествующий, прежний
obtain - получать
before proceeding - до производства по делу, перед началом процессуальных действий
dissatisfied – недовольный, выражающий недовольство
billing - выставление счетов на оплату

move – переехать, сменить место жительства

illegal or unethical activities - противоправное или неэтичное поведение

duly authorized constituents - должным образом уполномоченные структурные компоненты

employees - работники по найму

shareholder – акционер, владелец акций



2.3. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. A fiduciary duty is ...
2. The lawyer-client relationship is ...
3. The lawyer must ...
4. The lawyer may ...
5. The client can ...
6. The client should ...
7. The term "client" includes ...



2.4. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. A fiduciary relationship creates many legal duties for the clients.
2. In the lawyer-client relationship, the term "client" includes only legal entities.
3. The client may not inform his lawyer if he is dissatisfied with the lawyer's representation.
4. The client must inform the lawyer immediately if he has moved or changed phone numbers.
5. The lawyer must keep confidential all his communications with clients without any exception.
6. The lawyer must provide his clients with the “4 Cs”: competence, confidentiality, communication and ‘conflict of interest’ existence.
7. The lawyer must represent the client's interests diligently and competently.
8. The lawyer usually expects that the clients will assume their fiduciary duty.



2.5. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

circumstances
disclosure

body
confidence

entity
information
officer
procedure
question
relationship
trust
version

data
environment
interaction
issue
making public
manager
process
variant



2.6. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. What conflicts of interest should the lawyer disclose in his communications with the client?
2. What is considered to be a 'client' if the lawyer is representing an organization?
3. What rules must the lawyer behave ethically according to?
4. What should the client do in his relations with the lawyer retained for representation?
5. What shouldn't the client ask the lawyer to do?
6. When should the lawyer obtain the client's consent to an existing conflict of interest?
7. Who assumes a fiduciary duty in the lawyer-client relationship?



2.7. ПРОСМОТРИТЕ текст, выпишите в свой словарь неизвестные слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Lawyer-Client Privilege

1. The relationship between a lawyer and his client is a special one that *involves* certain special privileges. One example is the lawyer-client privilege. This establishes a right of confidentiality between the two parties. It applies to civil, administrative, and criminal cases. It also applies at all stages of the legal process and afterward.

2. In order for a client to get the best possible legal representation, he must be able to communicate openly with his lawyer. Likewise, a lawyer needs to be able to communicate openly with his clients. The lawyer-client privilege allows such open and honest communication to take place without *either party* having to fear obligation to *reveal* what is disclosed between them.

3. The lawyer-client privilege *extends beyond* the two parties. Anyone who is working as part of the *legal team* that represents a client

may be bound by the lawyer-client privilege. This means that if a client reveals information to paralegals, it may be protected by a right to confidentiality.

4. All communication between the lawyer and client is covered by this privilege. This includes things that are discussed and written correspondence such as letters and emails. The lawyer-client privilege stands even when the lawyer-client relationship ends. This includes instances when the client fires his lawyer, the lawyer decides he is unable to continue representing an individual, or the client dies. In other words, the lawyer can never disclose the client's secrets without the client's permission, unless some kind of exception applies.

5. The lawyer-client privilege empowers the client. If, for some reason he wants to, the client can decide to waive his right to confidentiality. A lawyer, however, does not have the option to decide that he no longer wishes to keep information that he has received confidential. A lawyer can advise a client to keep certain information about a case confidential, but this privilege does not allow the lawyer to restrain a client from saying what he wants to whomever he wants. In that sense, the privilege is the client's, not the lawyer's - the client can decide to waive the privilege, but the lawyer cannot.

6. A person should realize that there are instances when the lawyer-client privilege does not offer protection. One such instance is when a client informs his lawyer that he intends to commit a crime. Another instance is when a person seeks the advice of a legal representative to disclose how to best commit a fraudulent act. The names of a lawyer's clients and the fees they pay for legal representation are also generally not considered privileged information.



СЛОВА из текста:

involve - включать в себя, предполагать

reveal - обнародовать, раскрывать

either party - любой из участников, любая из сторон

extend beyond - продолжаться за пределами, действовать за пределами

legal team - рабочая группа юристов; группа специалистов, работающих по определенному делу

be bound by - быть связанным, быть ограниченным (чем-либо)

stand - существовать, оставаться в силе

fire - увольнять с работы, уволить

unable - неспособный, не в состоянии

have the option - иметь возможность выбора

restrain - ограничивать

whomever - кому-либо, кому бы ни

commit a crime - совершать преступление

commit a fraudulent act – совершать мошенничество, пойти на обман
privileged information - информация, не подлежащая оглашению;
конфиденциальная информация



2.8. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. The relationship between a lawyer and his client is ...
2. The lawyer-client privilege establishes ...
3. The lawyer-client privilege applies to ...
4. The lawyer-client privilege allows ...
5. The lawyer-client privilege stands ...
6. There are instances when ...



2.9. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. The lawyer-client privilege is a rule that preserves the confidentiality of communications between lawyers and clients.
2. Both parties, the client and the lawyer, may not waive the privilege.
3. Even if the lawyer is no longer representing the client the privilege is still effective.
4. The lawyer can never divulge the client's secrets even with the client's permission.
5. The lawyer-client privilege applies only to civil cases.
6. The lawyer-client privilege establishes a right of confidentiality among the clients.
7. The lawyer-client privilege doesn't cover paralegals who are working as part of the legal team that represents the client.
8. The lawyer's fee is generally not considered privileged information.
9. Written correspondence is also covered by the lawyer-client privilege.



2.10. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

to apply
to commit
to communicate
to discuss
to end
to establish

to accomplish
to act as agent
to compensate
to create
to denote
to disclaim a right

to involve
to mean
to pay
to represent
to reveal
to waive

to disclose
to dispute
to exchange information
to finish
to include
to make use of



2.11. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. Under what condition may the lawyer disclose the client's confidential information?
2. What information about the lawyer-client relationship is generally not considered to be "privileged"?
3. What information is covered by the lawyer-client privilege?
4. What party may waive the lawyer-client privilege?
5. When does the lawyer-client privilege end?
6. When does the lawyer-client privilege not offer protection for the client?
7. Who may be bound by the lawyer-client privilege?



2.12. ПРОСМОТРИТЕ текст, выпишите в свой словарь незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Confidentiality and Client Information

1. One of the most important professional obligations of a lawyer or paralegal is to treat all of the clients' information as confidential. The obligation to treat information as confidential has been long recognized by the *common law*, and some *jurisdictions* even provide *criminal sanctions* for professionals who *violate* this duty.

2. If you are a lawyer, as a general rule, never *share* any information about your clients - even the fact that they are clients - with anyone outside your firm. Don't share information from work with friends or relatives if doing so could reveal privileged information about the client. Never leave any information about your clients where others might see it.

3. *In order to* protect client confidentiality, you should:

✓ *Clear* your desk of confidential information before you meet with visitors. Follow a "clean desk" policy to *avoid* the chance that one

client could read another client's file or your notes about another case.

✓ Be constantly aware of your surroundings when talking to clients. With mobile technology, you can talk to them virtually anywhere: in the car, on the street and in restaurants and other public locations. When you take a client call via speakerphone, inform the client if others are in the room to alert them not to disclose confidential information in front of others.

✓ Ensure that all staff members who have access to client information understand the importance of protecting client confidentiality and know how to preserve it.

✓ Never leave a file unattended for even a short time in a publicly accessible location such as a library table or courtroom.

✓ Do not allow outsiders access to firm computer systems or networks.

✓ Use only secure networks or encrypted communications systems for transmission of confidential information. Most wireless networks in airports or Internet cafés are not secure.

✓ Password protect all electronic devices on which confidential matters are stored, such as smartphones that receive e-mails.

✓ Install antivirus and antispyware software and maintain a fire-wall network on every machine that can access client information. Update the software frequently.

✓ Secure your computer when you leave your desk.

4. The obligation to maintain confidentiality continues even after a file is closed. Your firm should have document-retention policies that set out how long closed files are kept and how they are to be destroyed. Be sure to follow your firm's policies carefully.



СЛОВА из текста:

common law - неcodифицированное право, англосаксонское право, неписанный закон

jurisdiction – подведомственная территория, юрисдикция, страна

criminal sanction - уголовная санкция

violate - нарушать

share information - делиться информацией, обмениваться информацией

in order to - для того, чтобы

clear of – освободить от, убрать, устранить

avoid – избежать, во избежание

be aware of – сознавать; отдавать себе полный отчёт

surroundings - окружающая обстановка

via speakerphone - через громкоговорящую телефонную систему

alert – предупреждать

in front of others - в присутствии других

ensure – обеспечить, гарантировать
staff member - штатный сотрудник
access to - доступ к
preserve – сохранять, сберегать
unattended - оставленный без надзора, оставленный без присмотра
publicly accessible location - открытое для общего доступа место
outsider - посторонний человек
secure network - защищённая сеть
encrypted - зашифрованный
transmission – пересылка, передача (сообщения)
wireless - беспроводной
password protect – защищать при помощи пароля
electronic device - электронное устройство
store – хранить, запоминать, накапливать
antispyware software - антишпионское программное обеспечение
firewall network - межсетевой экран (система, образующая в целях защиты границу между компьютером и сетью, двумя или более сетями, предохраняя от несанкционированного попадания в сеть или предупреждая выход из неё пакетов данных)
document-retention policies – правила по сохранению (архивированию) документации
destroy - уничтожать



2.13. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. The obligation to treat the clients' information as confidential is ...
2. Some jurisdictions provide ...
3. In order to protect client confidentiality ...
4. If you process or transmit confidential information via computer systems or networks, you should
5. If you are a lawyer or paralegal, you should never ...



2.14. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. A "clean desk" policy helps lawyers to avoid the chance that outsiders could read information, which is confidential.
2. As a rule, wireless networks in airports or Internet cafés are rather secure.
3. In order to protect client confidentiality it is desirable to use encrypted communications systems.

4. Some countries provide punishment under criminal law if a lawyer violates the duty to protect client confidentiality.
5. The layers should update the software regularly.
6. The obligation to maintain client confidentiality ends as soon as the file is closed.
7. The obligation to treat information as confidential permits the lawyer to share information from work only with friends or relatives.



2.15. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

carefully
confidential
constantly
encrypted
general
important
never
professional
short
virtually

actually
all the time
coded
occupational
of small duration
private
significant
under no circumstances
universal
with due diligence



2.16. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. What does the firm's document-retention policy set out?
2. What must all staff members of a legal firm who have access to client information understand?
3. What networks or communications systems should be used for transmission of confidential information?
4. What should a lawyer do if he takes a client call via speakerphone?
5. What should a lawyer do when talking to clients outside the office, i.e. on the street or in other public locations?



2.17. КЛЮЧЕВЫЕ СЛОВА по изучаемой теме:

carefully
client confidentiality
communication
competence
conflict of interest
diligently
disclosure

party
privilege
promptly
relationship
representation
settlement offer
thoroughly

fiduciary duty
file
information
legal duties
legal entity
legal team
natural person

to assume
to communicate
to disclose
to protect
to secure
to waive
updated



2.18. ПОДГОТОВЬТЕ на английском языке сообщение на тему «Client-lawyer relationship», учитывая следующие пункты плана:

- особый статус взаимоотношений юриста и клиента;
- четыре "С" фидуциарной обязанности юриста;
- срок и условия действия адвокатско-клиентской привилегии;
- основные правила по сохранению конфиденциальности информации, полученной юристом от клиента.

Unit 3. Business Communication: Client Interviewing



3.1. ВЫУЧИТЕ слова и выражения, которые будут использованы в текстах на тему «Business communication: client interviewing».

body language /'bɒdi 'læŋgwɪdʒ/ – жестикуляция и мимика, язык жестов; язык тела (невербальные средства коммуникации, включающие жесты, позы и мимику)

checklist of questions /'tʃek,lɪst əv 'kwɛstʃ(ə)nz/ - перечень контрольных вопросов, опросник, памятка

fact /fækt/ - обстоятельство; факт; событие, случай; аргументы

feedback /'fi:dbæk/ - ответная реакция, обратная связь

interlocutor /,ɪntə(r)'lɒkjʊtə(r)/ - собеседник, контактное лицо

interview /'ɪntə(r),vjʊ:/ - беседа, собеседование, встреча, интервью

issue /'ɪʃu:/ – спорный вопрос, предмет спора, разногласие; проблема; вопрос фактического или юридического характера

opinion /ə'pɪnjən/ – мнение, заключение, оценка (специалиста), взгляд, убеждение

to determine /dɪ'tɜ:(r)mɪn/ – определять, решать, устанавливать (с помощью расчетов, рассуждений, проведения расследования и т. п.)

to encourage /ɪn'kʌrɪdʒ/ - ободрять, содействовать, способствовать; поощрять, стимулировать, поддерживать (в чем-л.)

to identify /aɪ'dentɪfaɪ/ – идентифицировать, обозначать; опознавать, устанавливать подлинность, распознавать

to inform /ɪn'fɔ:(r)m/ - сообщать, информировать, передавать данные, уведомлять, осведомлять

to interview /'ɪntə(r),vjʊ:/ – проводить беседу, беседовать, интервьюировать; опрашивать; проводить опрос

to listen to /'lɪs(ə)n tu/ - слушать; выслушивать, внимательно воспринимать; прослушивать

to pay attention to /peɪ ə'tenʃ(ə)n tu/ – обращать внимание (на кого-л./что-л.)

to reach a decision /ri:tʃ ə dɪ'sɪz(ə)n/ – принять решение, прийти к решению, добиться решения

to sum up /sʌm ʌp/ - резюмировать; суммировать; реферировать, обобщать; подводить итог, подытожить



3.2. ПРОСМОТРИТЕ текст, выпишите в свой словарик незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Lawyer-Client Interview

1. The **purpose** of lawyer-client interviews is to get and give information and to decide on the best course of action for your client. It is also a good opportunity to establish a good, professional relationship with your client. Interviews typically are conducted either in person or by telephone.

2. Depending on an individual purpose there may be two main kinds of lawyer-client interview:

- the initial interview: the lawyer-client relationship is established and legal problems are identified as the fact collection process begins;

- the follow-up interview: it occurs after the initial interview; the client is asked about additional facts and is consulted on a variety of matters that require his or her attention, consent, and participation.

2. The main **aims** of any good lawyer-client interview are the following:

- to help your client identify exactly what he wants;

- to gather information to identify how your client's aims can be achieved;

- to help your client reach decisions about the best course of action;

- to create a feeling of confidence in your client as to your professionalism, competence and commitment to their case.

3. The **essence** of an interview between a lawyer and a client is an exchange of information and views. The lawyer requires certain information from the client in order to advise the client. The client wants advice from the lawyer. The lawyer and the client must then jointly decide what should be done to progress the case, and what each of them must do to contribute to this process. In addition, the lawyer must ensure that the client has been informed of and understands certain **vital points**, such as:

- how much the client will have to pay for the lawyer's services;

- what the lawyer can and cannot do for the client;

- what further information the lawyer needs from the client and why this information is needed;

- what steps the lawyer will take on the client's behalf;

- the time-frame within which these steps will be taken;
- the prospects of success in the client's case and the strengths and weaknesses of the client's case.

4. The lawyer should know the topic of the interview in advance. This will allow him or her to determine what is relevant and to structure the interview so that all the relevant information is obtained. Thus, it is crucial to prepare thoroughly for all interviews with clients. Here are some **useful tips** how to do it:

- determine the purpose of the meeting;
- consider the most appropriate structure for the meeting;
- plan an agenda;
- if dealing with a corporate client, carry out some research into the client's company;
- if dealing with an old client of the firm, retrieve the old files for the client and refresh your memory about the cases that the firm has handled for the client;
- prepare the physical setting – a setting that is informal, friendly and private will help make the client feel relaxed and comfortable;
- avoid interruptions – particularly avoid taking phone calls;
- be prepared to offer the client refreshments – coffee, tea, water, etc.;
- if the client has special needs (e.g. is disabled, blind, requires an interpreter), ensure that the appropriate arrangements are made beforehand;
- be ready to use checklists and factsheets as far as it may help you obtain the most important facts in respect of the client's case during the first interview; they can be completed in the client's presence during the course of the interview.



СЛОВА из текста:

- be conducted – проводиться, вестись
 in person or by telephone - лично или по телефону
 initial – первичный, предварительный
 follow-up – последующий, дополняющий
 commitment – верность, преданность
 essence – сущность, суть
 jointly – вместе, совместно, сообща
 progress – продвигать
 contribute - вносить свой вклад
 have to - быть вынужденным, приходиться, надлежать
 step – шаг, стадия, этап
 time-frame - временные рамки, установленный срок, период
 strengths and weaknesses - преимущества и недостатки, сильные и слабые стороны
 in advance – заранее, наперёд, предварительно

crucial - ключевой, наиболее значительный, решающий (момент, проблема и т. д.)

tip – рекомендация, подсказка

appropriate – подходящий, уместный

agenda - пункты повестки дня, план решения задачи

retrieve – восстанавливать, отыскивать

refresh memory - освежить в памяти

handle a case - вести (судебное) дело

physical setting - естественная окружающая обстановка

relaxed and comfortable - успокоившийся и чувствующий себя удобно

interruption – вмешательство, вторжение, помеха

take a phone call – принимать телефонный звонок

refreshment - освежающий напиток

disabled - недееспособный

arrangements - приготовления

checklist and factsheet - контрольный список вопросов и листок со справочной информацией

completed – заполненный, законченный



3.3. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. Interviews typically are ...
2. The aim of a lawyer-client interview is ...
3. The essence of a lawyer-client interview is ...
4. In his interview with a client, the lawyer should ...
5. During a lawyer-client interview, the client should be informed of ...



3.4. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. In the interview, the lawyer wants advice from the client.
2. It is a good idea to take phone calls during the interview in order to create a feeling of confidence in your client as to your professionalism and competence.
3. It is not necessary for the lawyer to prepare for interviews with clients.
4. Lawyer-client interviews are always conducted in person.
5. The client must inform the lawyer of how much the client will have to pay for the lawyer's services.
6. The lawyer should know the issues of the interview with the client in advance.

7. There are two main kinds of lawyer-client interview: for business and personal purposes.



3.5. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

agenda

aim

arrangement

collection

competence

interview

opportunity

participation

phone call

variety

conversation

diversity

expert knowledge

gathering

object

order of business

partaking

possibility

preparation

telephone conversation



3.6. ОТВЕЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. How are lawyer-client interviews typically conducted?
2. How can checklists and factsheets help the lawyer in his interviews with clients?
3. What is the difference between two main kinds of lawyer-client interview?
4. What is the essence of a lawyer-client interview?
5. What is the purpose of a lawyer-client interview?
6. What should the lawyer do in interviewing an old client of the firm?
7. Why is it important for the lawyer to prepare thoroughly for all interviews with clients?



3.7. ПРОСМОТРИТЕ текст, выпишите в свой словарик неизвестные слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Strategies for Effective Interviews

Text 1

Paralegals are frequently called upon to investigate various aspects of the cases in which they are involved. Many times this investigation requires that they interview a great number of people, from clients and witnesses to *experts* in their field. These *strategies* will help your interviews be more *efficient* and effective:

1. Always **explain the purpose** of your interview.

2. **Keep an open mind.** In legal practice, as well as in most areas of life, remember that there are two sides to every story. With this in mind, *take your time* and don't *jump to conclusions* or determine *who is in fault* and what must be done until you have all the facts.

3. **Identify the client's aims.** What does the client really want? What would he *regard as* a satisfactory result? Most lawyers assume that clients will *voluntarily* tell them everything they need to know. This is a very dangerous *assumption* if you *fail* to take into account certain client characteristics that usually lead to receiving inadequate information. Some of these characteristics are:

- the client may be *unwilling* to disclose all *concerns* immediately;
- the client's *description* of the problem may be *inaccurate* or *incomplete* at the beginning of the interview;
- the client may have little understanding of what the problem actually involves, and thus fail to reveal *pertinent information*.

By asking your clients *specific questions*, you will help them *bypass* these barriers and give you the information you need.

4. **Focus on the facts.** Let the client or witness tell you the facts in their own words. Focus on information that can *be verified* and be ready to *sort out* facts from opinions.

5. **Be active in listening.** Listening is different from hearing and is actually quite difficult. Hearing is the process of receiving information. Listening is the *mental processing* of what you have heard. You need to pay attention not only to what is said by the interlocutor, but also to what is left unsaid, and to the body language that accompanies what is said. Listening well is just as important as questioning well. First, by listening to the client or witness, you establish *mutual understanding* and confidential relations. Everyone likes to talk, and client or witness will probably be eager to talk about the problem.

It may be useful to *repeat back* what the other person said. This may seem *awkward* at first but it is an *effective tool*. As you repeat it back, the other person knows you have heard the communication and is empowered to move on to the next issue.

6. **Provide feedback.** Feedback may be used to encourage the client to communicate with the lawyer. Giving positive feedback ('Please tell me what's *on your mind*. I'm here to listen and help as much as I can.') enables the lawyer to obtain fuller information from the client than might otherwise be possible. It is also important to give continuous feedback to the client in the form of short phrases, which tell the client that you are listening carefully. You should encourage the client to speak by using phrases and words like 'I see', 'That's interesting', '*Go on*', 'Right', 'Yes', etc. Even *meaningless* encouraging noises ('mmm', 'uh-huh', etc.) can be helpful in this con-

text. They signal to the client that you are still actively listening to what he is saying.



СЛОВА из текста:

experts – эксперты, сведущие лица

strategy – стратегия, подход, метод, образ действия

efficient – продуктивный, полезный, рациональный

keep an open mind - сохранять объективность, быть непредубеждённым

take your time - не спешите!

jump to conclusions - делать поспешные выводы

who is in fault - кто виноват

regard as - рассматривать в качестве

voluntarily - добровольно

assumption – предположение, самонадеянность

fail - не суметь, оказаться не в состоянии

unwilling – несклонный, нежелающий

concerns – дела, тревоги, опасения

description - описание

inaccurate – неточный, ошибочный

incomplete – неполный, частичный

pertinent information - существенная информация; информация, имеющая отношение к делу

specific question - конкретный вопрос

bypass – обойти, пренебрегать

be verified – проверяться, подтверждаться

sort out – отделять, отфильтровывать

mental processing - интеллектуальная обработка данных, интеллектуальная работа

mutual understanding - взаимопонимание

repeat back – повторять (уже сказанное)

awkward – неудобный, нелепый

effective tool – эффективный способ, полезный приём

on mind – в мыслях, на уме

go on - продолжайте!

meaningless - не имеющий смысла



3.8. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. Paralegals are ...
2. Let the client ...
3. Take into account ...
4. Pay attention to ...

5. Listening to the client is ...
6. It may be useful to ...
7. It is important to ...



3.9. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. Facts are different from opinions.
2. In the interview all clients are always ready to disclose all concerns immediately.
3. It is a good practice to let the client describe the facts in his own words.
4. Listening in the interview is the same as hearing and is actually quite difficult.
5. Paralegals have to interview a great number of people.
6. Positive feedback may encourage the interlocutor to go on talking.
7. The client may be unaware of what the problem actually involves.
8. The paralegal may obtain the information he needs by asking his clients specific questions.
9. The paralegal should make a conclusion and determine what must be done at the very beginning of his interview with the client.
10. There are no strategies that may help the paralegal conduct his interviews more effectively.



3.10. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

to disclose
to encourage
to give
to investigate
to move on
to obtain
to remember
to require
to take into account
to want

to demand
to divulge
to have regard to
to inquire into
to keep in mind
to proceed to
to provide
to receive
to stimulate
to wish



3.11. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. What does feedback signal to the interlocutor?
2. What information should the paralegal focus on?

3. What is 'hearing'?
4. What is 'listening'?
5. What may lead the paralegal to receiving inadequate information from clients?
6. What phrases may be used as positive feedback in the interview?
7. What will the paralegal help the clients do by asking them specific questions?
8. Whom do paralegals have to interview?
9. Why is it useful for the paralegal to repeat back what the interlocutor said?



3.12. ПРОСМОТРИТЕ текст, выпишите в свой словарь незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Strategies for Effective Interviews

Text 2

The other useful strategies, which will help your interviews be more effective, are as follows:

7. **Have a checklist of questions**, but don't be bound by it. It's a great idea to create sample checklists of information needed for clients in a variety of legal situations. It's also a great idea to make a list of specific questions you want to ask witnesses, experts, etc. Meanwhile, listen carefully. Take into account that your questions should show that you are listening, encourage the interlocutor and develop your conversation further.

8. **Obtain all necessary documents** and other tangible evidence the client or witness has in his possession.

9. **Inform and educate without giving legal advice**. One of the most important roles that paralegals serve is to help a client understand and predict the complex process of litigation. Clients and witnesses will feel less anxious if they know what to expect.

10. **Be hospitable**. Be a good host when interviewing people in your office and a good guest when interviewing people at their home or at work. Offering a refreshment drink helps relax people.

11. **Control your body language**. It is important to demonstrate interest in the client and in what the client is telling you. Pay attention to your body language: facial expressions, behaviour and posture. Make eye contact with the person you are talking to, since it conveys honesty and interest.

12. **Do not become emotional**: try to be objective and calm when communicating, without being cold and distant.

13. **Demonstrate compassion** with professional boundaries. You will often feel empathy, especially for clients who are in a difficult situation. Remember that your role is to help them with their legal troubles. You can't help with financial, emotional, or psychological troubles.

14. **Sum up the interview** and outline steps going forward. The overall purpose of a legal interview is to enable your client to reach a decision as to which course of action they wish to pursue. By combining the results of listening and questioning, you should be able to identify what the client's problem is and what potential solutions are available. Remember, though, that your role is advisory, that is, to put those potential solutions before the client, but leave it to them to ultimately decide what to do next.

15. **Keep confidences**. This is the most important rule of all. Remember that not only the information you gather is to be kept confidential, but also the very identity of the client is confidential. If you work for a lawyer who does only criminal law or bankruptcy law and you mention that a person, who lives in the community, came to the office, you are revealing a client confidence.



СЛОВА из текста:

sample – типовой, примерный

tangible evidence - реальные факты, ясные свидетельства

in possession - в (чьем-либо) владении

educate – просвещать, давать образование

predict - прогнозировать

feel less anxious – меньше беспокоится, меньше переживать

hospitable – гостеприимный, восприимчивый, открытый

host - хозяин

guest - гость

at work - за работой, на работе

facial expression – мимика, выражение лица

posture - положение тела

convey - выражать, передавать (чувства)

objective - беспристрастный, непредвзятый, объективный

compassion – сочувствие, сострадание

boundary – предел, граница

empathy – сопереживание, умение поставить себя на место другого

psychological - психологический

outline - наметить в общих чертах, очерчивать

pursue - неотступно следовать, придерживаться намеченного плана

very - даже

identity – идентификация, обозначение, идентификационная информация



3.13. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. It is a great idea to ...
2. The questions from your checklist should ...
3. When interviewing people in your office ...
4. It is important to ...
5. The purpose of a legal interview is ...



3.14. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. You should be subjective and emotional in your communications with clients in order to demonstrate your professionalism.
2. In the interview the paralegal should confine himself strictly to the checklist of questions.
3. It is desirable to get all relevant documents and physical evidence the client has in his possession.
4. Offering a refreshment drink helps to establish a good, professional relationship between the paralegal and the client.
5. The paralegal should help his clients understand and predict the complex process of litigation.
6. Paralegals must help their clients with financial and psychological troubles.
7. The client's role in the legal interview is advisory.



3.15. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

advisory
effective
emotional
especially
hospitable
necessary
objective
often
potential
tangible
useful

consultative
corporeal
efficient
excited
helpful
impartial
kindly
particularly
possible
time and again
wanted

On the lines below, list the documents (papers) that you think may help us to understand the issues.

- (1) _____
(2) _____
(3) _____

Ideally, if things turn out precisely the way you want, what would the outcome be? _____

Knowing that there are no guarantees, what can you accept?

Please classify your urgency in concluding this matter? (Check One)

- Critical – Personal safety or continuation of business depends on it.
 Very important – severe hardship, personal or financial inconvenience if matter is not resolved quickly.
 Important – Matter interferes with business or personal financial stability.
 Needs to be done, but no immediate hardship in the interim.
 Just thought I'd see if it was worth pursuing, but I'm not counting on anything.
 Just wanted to know what my rights are? I'll then let you know after I think about it.

If the matter involves payment to you of money you feel you are owed, how long can you wait before not getting paid?

(Days, Weeks, Months, Years)

Are we the first lawyers you have consulted regarding this matter?

- Yes No

If No - Why didn't you hire their services? _____

How will you pay for your lawyer's fees in this matter?

- Check today Cash today Contingency Fee
 On Account Credit Card Credit Card No. _____

Marital Status:

- Married Single Divorced Widowed Separated

Driver's License # _____ Social Security # _____

Where are you employed? _____

May we contact you there? [] Yes [] No

Phone No. (____)_____

SIGNATURE _____ Date ____/____/____



3.17. КЛЮЧЕВЫЕ СЛОВА по изучаемой теме:

active listening

body language

checklist

effective

evidence

feedback

follow-up interview

initial interview

issue

lawyer-client interview

mutual understanding

participation

specific question

tangible

to determine

to encourage

to explain

to inform

to investigate

to obtain

to remember

to take a phone call

to take into account

useful



3.18. ПОДГОТОВЬТЕ на английском языке сообщение на тему «Business communication: client interviewing», учитывая следующие пункты плана:

- цель и задачи собеседования юриста с клиентом;
- основные требования к собеседованию юриста с клиентом;
- советы юристу по подготовке собеседования с клиентом;
- советы юристу по проведению собеседования с клиентом.

Unit 4. Business Communication: Correspondence



4.1. ВЫУЧИТЕ слова и выражения, которые будут использованы в текстах на тему «Business Communication: Correspondence».

addressee /,ædre'si:/ = recipient /rɪ'sɪpiənt/ – получатель, адресат

business letter /'biznəs 'letə(r)/ - деловое письмо, коммерческое ПИСЬМО

complementary close /,kɒmplɪ'ment(ə)ri kləʊz/ – прощальная вежливая фраза

confirmation letter /,kɒnfə(r)'meɪʃ(ə)n 'letə(r)/ - письмо-подтверждение

correspondence /,kɒrɪ'spɒndəns/ - переписка (как процесс), письма, корреспонденция

demand letter /dɪ'mɑ:nd 'letə(r)/ - письмо-требование урегулирования спора

destination address /,destɪ'neɪʃ(ə)n ə'dres/ - адрес назначения, адрес получателя

enclosure /ɪn'kləʊzə(r)/ = enclosed /ɪn'kləʊzd/ = attachment /ə'tætʃmənt/ = attached /ə'tætʃt/ - вложение, приложение; “прилагается”

layout /'leɪaʊt/ - внешний вид, облик, схема расположения

letter of abandonment /'letə(r) əv ə'bændən/ - заявление об отказе

letter of complaint /'letə(r) əv kəm'pleɪnt/ = complaint letter /kəm'pleɪnt 'letə(r)/ = claim letter /kleɪm 'letə(r)/ - претензионное письмо, рекламация, письменная жалоба

letter of confirmation /'letə(r) əv ,kɒnfə(r)'meɪʃ(ə)n/ - письмо-подтверждение

letter of congratulations /'letə(r) əv kən,grætʃʊ'leɪʃ(ə)nz/ - поздравительное письмо

letter of demand /'letə(r) əv dɪ'mɑ:nd/ - письмо-требование (любое письмо, содержащее формальное требование чего-л. от другого лица)

letter of guarantee /'letə(r) əv ,gærən'ti:/ = letter of commitment /'letə(r) əv kə'mɪtmənt/ - гарантийное письмо

letter of inquiry /'letə(r) əv ɪn'kwɪəri/ - письмо-запрос, письменный запрос

letter of intent /'letə(r) əv ɪn'tent/ - письмо о намерении (письмо, в котором лицо сообщает о своем намерении предпринять какие-либо действия при наступлении определенных условий)

letter of offer /'letə(r) əv ɪn'tent/ - письмо с предложениями

letter of request /'letə(r) əv rɪ'kwest/ - письменное ходатайство, заявка

margin /'mɑ:(r)dʒɪn/ - поле (страницы), край, граница

opinion letter /ə'pɪnjən 'letə(r)/ - письмо, содержащее юридическое заключение; письмо с выражением мнения юриста

order letter /'ɔ:(r)də(r) 'letə(r)/ - письмо-заказ

postscript /'pəʊs(t),skɪpt/ = P.S. /,pi: 'es/ - приписка в письме

printed letterhead /'prɪntəd 'letə(r),hed/ - отпечатанный штамп фирмы на бланке письма, печатный фирменный бланк

reference /'ref(ə)rəns/ - ссылка, упоминание темы, отсылка (к предыдущему письму и т. п.)

reminder letter /rɪ'maɪndə(r) 'letə(r)/ - письмо-напоминание

reply letter /rɪ'plai 'letə(r)/ - ответ на письмо-рекламацию или на напоминание о невыполненных обязательствах

return address /rɪ'tʒ:(r)n ə'dres/ - обратный адрес

salutation /,sælju'teɪʃ(ə)n/ - приветствие

sender /'sendə(r)/ = addresser /ə'dresə(r)/ = addressant /ə'dresənt/ - отправитель, адресант

signature /'sɪgnətʃə(r)/ - подпись, собственноручная подпись, автограф

spelling /'speliŋ/ - орфография, правописание

thank-you letter /θæŋk ju: 'letə(r)/ - благодарственное письмо

to put down /pʊt daʊn/ - записывать, вписывать

to type /taɪp/ - отпечатывать, набирать на клавиатуре

transmittal letter /trænz'mɪtəl 'letə(r)/ - препроводительное письмо, сопроводительное письмо, препроводительная записка

ZIP code /zɪp kəʊd/ (Zone Improvement Plan code) - почтовый индекс



4.2. ПРОСМОТРИТЕ текст, выпишите в свой словарь незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Golden Rules of Business Correspondence

1. Letter-writing is the basic element in business and legal correspondence nowadays, although we have such achievements of modern telecommunication as fax, e-mail, memo, which are widely spread in *legal environment*. Nevertheless different elements of the letter are presented in all *newly invented* means of communication and the letter itself still remains the most *reliable* and recognized way of *transmitting* information.

2. If you are a lawyer or paralegal, you should know the basics of business letter writing as far as you will have to write a great amount of different documents in the basis of which there is a letter. The first thing to consider is the purpose of a business letter. In a legal environment, a business letter may be used for any of the following purposes:

- communicate *factual information*;
- send documents to the client, *opposing counsel* or the court;
- *confirm* important dates and *appointments*;
- *request* information from the client or opposing counsel;
- confirm information provided to the client, *service provider* or opposing counsel;
- summarize a legal opinion regarding a client's rights and obligations;
- *initiate* settlement.

3. In preparing any letter, it is recommended to follow some common rules of making a business letter which are called the 'Golden Rules':

- it must be written in a good language without errors in spelling, grammar, *punctuation*, sentence structure or *word use*;
- it should contain simple, rather than long, sentences and easy to understand phrases;
- it must be typed, only the signature is to be written down;
- it mustn't have any words *crossed out* or any obvious *erasures*;

4. - its appearance should be attractive to an eye, its margins must be straight and wide enough (the upper, the left and the bottom margins - about 3-4 cm, the right - not less than 1 cm).

- it should never be continued on the back of the sheet;
- it should be written in polite, friendly or neutral tone and by no means sound aggressive or *disgusting*;

5. - it must answer the purpose of your message; there are many kinds of business letters that are used in different situations of business communication: e.g. cover letter, letter of complaint, letter of confirmation, letter of congratulations, letter of demand, letter of inquiry, letter of intent, letter of request, order letter, reply letter, letter of thanks;

6. - each letter should deal with no more than one subject;
- any kind of business letter must avoid the unnecessary details and repetitions, be as brief as it can be, but not sound rude;
- it must be dated and signed to have the legal force;
- it must contain a notice of the lawyer-client confidentiality agreement; it is imperative that the client should not show the letter to third parties or discuss its content with anyone;

7. - you should have a copy of every letter you send to be on the safe side;

- if you need to translate a letter or a document from or into a foreign language, never do it word by word, try to find words and phrases commonly used in business correspondence of this language.

8. Whatever letter or document you write you should remember that its appearance and content will reflect your personality, your attitude towards your job, your qualification and what is the most important - the image of your company.



СЛОВА из текста:

legal environment - правовая среда, правовое поле, правовое окружение

newly invented - недавно изобретённый

reliable – надёжный, заслуживающий доверия

transmit – сообщать, распространять

factual information - информация о фактах

opposing counsel - адвокат противной стороны

confirm – подтверждать, удостоверить

appointment - условленная встреча, деловое свидание

request – запрашивать, просить

service provider - поставщик услуг

initiate – положить начало, приступить, инициировать

punctuation - пунктуация

word use – употребление слов

cross out - вычеркивать, стирать, удалять

erasure - подчищенное, стертое место в тексте

disgusting - презрительный

avoid – избегать, не допускать

notice – предупреждение, уведомление

content – содержимое, содержание

be on the safe side - подстраховаться; на всякий случай; для большей верности

word by word – пословно, дословно

commonly used - общеупотребительный



4.3. ЗАВЕРШИТЕ каждое из начатых предложений, раясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. Letter-writing is ...
2. Legal correspondence may ...
3. It is recommended to ...
4. Each business letter should ...
5. In writing a business letter, lawyers and paralegals should ...



4.4. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. A business letter may be used for different purposes.
2. A business letter should be «inviting to an eye», well shaped and well-balanced.
3. As far as there are so many types of a business letter it's impossible to define any general rules of letter-writing.
4. Different elements of letter-writing are presented in all newly invented means of communication.
5. Each letter should deal with no more than three subjects.
6. In order to be on the safe side you should make a copy of every letter you receive.
7. Lawyers have to write a great amount of business letters.
8. The whole text of a business letter must be typed.
9. When you translate a letter from a foreign language, do it word by word without any variations.



4.5. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

agreement
appearance
counsel
environment
error
opinion
personality
phrase
settlement
sheet
signature

autograph
contract
expression
individuality
layout
legal adviser
mistake
piece of paper
point of view
resolution of a dispute
setting



4.6. ОТВЕЬТЕ на вопросы к прочитанному тексту и те готовы перевести ответы других студентов на эти же вопросы:

1. What are the purposes of letter-writing in a legal environment?
2. What are the ways to make a letter more understandable and clear?
3. What does a layout and content of business letters reflect?
4. What does a signature on the letter mean?
5. What margins should there be in a business letter?
6. What means of communication are used in legal environment alongside with business letters?
7. Why is it necessary to have a copy of every letter sent by lawyers?



4.7. ПРОСМОТРИТЕ текст, выпишите в свой словарик неизвестные слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Writing a Business Letter in English

1. A business letter has its unified structure containing the following parts:

2. **Return address** (or sender's/addresser's location) is the name and the address of the sender, beginning from the smallest division: addresser's name, the name of the organization, house number, street, city, state or province and ZIP code, country. Business letters usually have a printed letterhead. It usually has all of the company's information, including address, phone number, fax number, company Web site and personal e-mail address. It may be written on the right side or at the *top of the page*.

3. **Date** - it's the date when the letter was written and signed. It is below the return address. It may be written in American style (month, day, and year) or in non-American (day, month, year). But it is better to spell month not to make confuse: *9 January 2015*, not *09.01.15*.

4. **Destination address** (or receiver's/addressee's location) - the address and the person to whom you are writing. The information should be given in the same order as the return address. Usually it is written close to the left margin.

5. **Reference** - here you name the main topic of the letter. For example: *Re: Doe v. Local Service Carrier Ltd., Case No. JFD-97-9990* or *Re: Your letter of 11th March*.

6. **Salutation** - when you name the person to whom you address. Example: *Dear Dr. Brown* or *Dear Mr. White*. When you don't

know whom to address in company, you should use the formula: *Dear Sir* (or *Dear Madam, Dear Ms*), or *To Whom It May Concern*.

7. **Body** - the body of a letter tells about the subject of the letter. Usually it has four parts:

(i) opening - where you give the reason of writing or involve the reader in the theme of your topic;

(ii) focus - where you provide details and explain what exactly the problem is;

(iii) action - where you say what will happen next or what actions you are going to undertake;

(iv) closing - be positive; here you thank the reader or demonstrate your hope for the positive result of your addressing, something like: *We look forward to hearing from you soon.*

8. **Complementary close** is the phrase you use after you end the body of the letter and before you sign your name. It may be:

Very truly yours.

Very cordially yours.

Very sincerely yours.

Faithfully yours.

Sincerely yours.

9. **Signature** and typed name and title of sender - the writer's name and job title (or department) are typed at the bottom of the letter. He or she then signs the letter directly above the typed name.

10. **Postscript** is a brief sentence or paragraph introduced by the initials, "P.S." ("*post scriptus*," Latin for "after having been written"). It implies that the writer, having completed and signed the letter, had an after-thought. Although this is still commonly used in informal letters, it is not widely accepted for use in formal or business letters.

11. Notation regarding **copies** and **enclosures**, if any - you add it in the left bottom corner of the page if you are sending something with the letter (Encl.) or have sent copies of the same message to somebody else (CC - Carbon Copy).



СЛОВА из текста:

top of the page - верхняя часть страницы

name - называть, указывать

to whom it may concern - всем, кого это может касаться; по месту требования

body - главная часть, основная часть (письма)

opening - начало; вступление; вступительная часть

focus - фокусировка на предмете письма

action - план действий, предполагаемый эффект

undertake - предпринимать, затеять, выполнять

closing - концовка, заключительный пассаж (письма)

we look forward to hearing from you soon - мы ожидаем получение известий от вас

very truly yours - с глубоким уважением

sincerely yours - искренно преданный Вам

typed name and title - машинописный вариант имени и должности

after-thought – запоздалое соображение, поздно пришедшая мысль

left bottom corner - слева в нижнем углу (листа)



4.8. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. Business letters usually have ...
2. “Return address” is ...
3. Date in a business letter may ...
4. “Destination address” is ...
5. The body of a standard business letter has ...
6. After you end the body of the letter ...



4.9. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. Address may be written in American or non-American style.
2. Business letters usually have a handwritten letterhead.
3. Destination address is written at the top of the page.
4. “Enclosure” is a brief statement of the subject matter to be addressed in the letter.
5. If you put down “P.S.” in the corner of the page it means that you are sending something else with the letter.
6. In “closing” you may demonstrate your hope for the positive result of your addressing.
7. “Letterhead” is the name and contact information for the sender.
8. “Reference” is usually the name of the person to whom you are writing.
9. The part of a letter explaining its subject matter is called an “action”.



4.10. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

to add
to begin
to contain

to be aware of
to dispatch
to include

to demonstrate
to explain
to happen
to know
to send
to type
to write

to make clear
to occur
to print
to put in black and white
to show
to start
to supplement



4.11. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. Does a letterhead signify the return address or the destination address?
2. If you put the date in American style, what does it mean?
3. What does abbreviation "cc" in letters mean nowadays?
4. What does the word "enclosure" mean if it stands at the end of the message?
5. What is the difference between "complementary close" and "closing" as parts of a business letter?
6. What is a typical structure of the body of a standard letter?
7. Where is the destination address usually written?



4.12. УПРАЖНЕНИЕ. Прочитайте и переведите текст делового письма; определите все его основные структурные части.

OK Company
1234 Writing Lab Lane
Write City, IN 12345

September 4, 2014

A. Reader
123 Winner's Road
New Employee Town, PA 12345

Ref: faxes, memos and e-mail.

Dear Mr. Reader,

As we agreed, I send you the information about some other types of business correspondence.

Fax is a *facsimile copy* of a document which is transmitted electronically through phone lines to another fax machine. Most organizations have a separate telephone line for receiving and sending faxes, which can be used 24 hours a day. A fax is not

usually a *legally binding* document. It may have the same parts as the letter does, but often it is in shorter and less official form. It's important to put down the number of pages in the fax for the reader to know if all the pages were received.

Memo as short for memorandum is a type of correspondence written from one person in the company to another, or an informal letter to someone outside the company. The style that is used depends on the practice within the company and on the relationship between the *people involved*. As a rule, it doesn't include an address or a title as Mr. or Dr. Instead of signature the sender puts his initials or his name. The other parts may be the same as in the letter.

E-mail - electronic mail is a fast and *inexpensive* way to communicate through the computer and a less formal method of correspondence. You can add to your message the *existing file*, such as a *word-processing document* or a *spreadsheet*. Its parts are:

To: *e-mail address*
From: *e-mail address*
Subject: *about what you are writing*
Date: *placed automatically*
Body: *the essence of the message*
Complementary close: *Yours sincerely,*
Signature: *your name.*

To make e-mail more 'personal' some people use punctuation to add happy ☺ or unhappy ☹ faces to their messages.

Be so kind as to *feed all your firm staff with this information* on different types of business correspondence.

I hope this information will *be of some use* for all of you. I look forward to *keeping in touch with* you.

Sincerely yours,
Ernie Know-All

Mr. Know-All,
the OK Company Manager



СЛОВА из текста:

facsimile copy - факсимильная копия; фототелеграмма; сообщение, полученное по факсу

legally binding - имеющий обязательную юридическую силу

people involved - заинтересованные люди; те к кому это относится

inexpensive - экономичный

existing file - существующий файл

word-processing document – обработанный в электронном виде текст документа
spreadsheet - электронная таблица
feed all firm staff with this information - передать данную информацию всем сотрудникам компании
be of some use – быть полезным, пригодиться
keep in touch with - поддерживать связь, поддерживать контакт



4.13. ПРОСМОТРИТЕ текст, выпишите в свой словарь незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Types of Legal Correspondence

Legal letters are written messages sent by lawyers or paralegals for a number of different reasons. Some letters are sent from lawyers to clients, informing them of the status of their case. Other letters are sent to opposing counsel, witnesses, court officers or people who are involved in court cases or other types of legal action.

Legal letters are usually written on a firm or company's letterhead. In addition to knowing the structures and formalities of a standard business letter, a paralegal or lawyer, must also be familiar with the types of legal correspondence common to the field or practice of law in which he or she is working. The following is a list of some types of correspondence that they may run across in their practice:

1) **transmittal letter** – a brief letter that accompanies another (usually lengthier) document such as contract, proposal, report and draft; it usually includes a description of whatever is being transmitted or sent to the addressee;

2) **confirmation letter** – this letter is used to confirm information, conversations, or important dates to the addressee; typically it will follow a conversation or meeting with the client;

3) **demand letter** (or **claim letter**) – this document is used to outline the client's claims/demands for settlement; typically this letter provides detailed information about amounts incurred, injuries sustained, damages or other information relevant to the client's claim; the demand letter also outlines the relevant law and the client's rights arising out of the law/legal relationship; it also may include the terms of settlement;

4) **opinion letter** - a letter from counsel to a client, which may be used at different stages throughout the legal process; in an opinion letter a lawyer may give initial recommendation, update a client about an ongoing case or provide supplemental information after a trial or settlement agreement; opinion letters can be instructive (advising the

client how to act), and explanatory (clarifying the law or the judicial process to the client);

5) **conflict letter** – this letter may be used by the lawyer to notify potential or prior clients that a potential conflict of interest exists between the clients that may impact the lawyer’s representation of one or both of the clients; typically conflict letter includes a waiver of the potential conflict for the parties to sign;

6) **notice of termination** – this letter is used by the lawyer to send notice to the client that he or she is no longer the legal representative of the client.



СЛОВА из текста:

written message - письменное сообщение

common – обычный, свойственный

run across - наталкиваться

accompany – сопровождать, дополнять

lengthy – пространный, многословный, очень длинный

description - описание

amounts incurred – общая сумма понесенных расходов

injuries sustained – нанесённый ущерб

damages - денежное возмещение убытков

terms of settlement - условия урегулирования спора

ongoing case - вестущееся судебное дело

supplemental - дополнительный

settlement agreement - соглашение сторон об урегулировании претензий

instructive – инструктивный

explanatory - поясняющий

conflict letter – письмо-уведомление о наличии конфликта интересов

potential client - возможный клиент

prior client - предшествующий клиент

impact – влиять

waiver - освобождение от обязательства

notice of termination - уведомление о прекращении найма



4.14. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. Legal correspondence is ...
2. Legal letters may be sent ...
3. The most common types of legal correspondence are ...
4. A demand letter usually provides ...
5. A confirmation letter may be used ...

6. Opinion letters can be ...
7. A conflict letter usually includes ...



4.15. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. A conflict letter can be instructive and explanatory.
2. A paralegal should know the peculiarities of legal correspondence in the field of law in which he or she is working.
3. A transmittal letter is used to confirm important dates to the addressee.
4. All legal correspondence is sent from clients to lawyers, informing them of the status of their case.
5. Legal correspondence may be sent to witnesses and other third parties who are involved in court cases.
6. Legal letters are usually written on a firm or company's form with the letterhead.
7. "Notice of termination" is sent with the purpose to inform the client that the lawyer is no longer the legal representative of the client.



4.16. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

common
different
explanatory
familiar
initial
involved
prior
supplemental
typically

additional
affected
clarifying
customary
former
preliminary
usually
various
well-known



4.17. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. For what purpose is a confirmation letter used?
2. What are common addressees of letters written by lawyers?
3. What does a demand letter usually outline?
4. What is the difference between instructive and explanatory kinds of an opinion letter?
5. What may an opinion letter include?

6. When is a notice of termination written?
7. When may a transmittal letter accompany?



4.18. УПРАЖНЕНИЕ. Прочитайте и переведите представленные ниже образцы деловых писем. Определите основные структурные компоненты в каждом из них.

1) Introductory Letter

Ознакомительное письмо

N. E. Lawyer
555 Courthouse Row
Oklahoma City, OK 73101
1-800-GOOD LAW

Friday, May 8, 2014

Mrs. Jane Doe
5555 Any Lane
Oklahoma City, OK 73112

Re: Doe v. Doe
Case No. JFD-97-9990

Dear Mrs. Doe:

I appreciated the confidence that you showed by retaining me as the lawyer in your case and enjoyed meeting with you on February 1, 1998. I know that you will be completing the written questionnaire I gave you as soon as possible. As I advised you at that meeting, legal assistant Debi Garner has been assigned to be the legal assistant directly involved with your case.

The role of a legal assistant is very important in our office. As a litigator, I have many court appearances, depositions and other matters that require my personal attendance. I am therefore sometimes out of the office for days at a time. Sometimes this makes it difficult for me to promptly return my phone calls.

That is why I have assigned Debi to monitor your case. When you are unable to talk with me, you should feel free to discuss your concerns with Debi. She will normally be able to promptly get a message to me even though I may be otherwise involved.

Very truly yours,
N. E. Lawyer
N. E. Lawyer
Enclosures

2) Sample Legal Notice Letter

Образец письма - официального уведомления

Tony Montana
3489 Greene Ave.
Olympia, WA 98502

August 17, 2014

Tom Atkinson
COMPANY Inc.
14 Edith Street,
Hackney West
Salem, MA 34588

Dear Tom Atkinson,

This is in reference to the [MATTER/ISSUE].

We wrote many times to you in the past, but we did not receive any satisfactory reply from your side.

Now, if we don't hear from you within the next week, we will file a court case against you in order to recover our [MONEY OR OTHER THING], and the legal expenses will also be borne by you.

Very truly yours,
Tony Montana

Tony Montana

3) Sample Letter: Request for Documents to Client

Образец письма с просьбой к клиенту
предоставить документы

[DATE]

[CLIENT NAME]

[CLIENT ADDRESS]

Dear [CLIENT NAME],

Please be advised that we are in need of the following documents from you:

[LIST OF DOCUMENTS]

You may mail the documents to our office or bring them by in person during office hours. If you have any questions, please feel free to contact me, or my paralegal, [PARALEGAL NAME].

Very Truly Yours,

[SIGNATURE BLOCK]

4) Sample Letter: Request for Recipient to Sign and Return Document

Образец письма с просьбой к адресату
подписать и вернуть документ

[DATE]

[CLIENT NAME]

[CLIENT ADDRESS]

Dear [CLIENT NAME],

Please find enclosed a copy of your [NAME OF DOCUMENT] for your review and signature. Once you have signed the [NAME OF DOCUMENT], you may mail it to our office or bring it by in person during office hours. If you have any questions, please feel free to contact me, or my paralegal, [PARALEGAL NAME].

Very Truly Yours,

[SIGNATURE BLOCK]

Enclosure

5) Sample Engagement Letter

Образец письма, подтверждающего
согласие юриста на оказание услуг

June 20, 2014

Ms. Jane J. Client

123 Main Street

Anytown, Louisiana 45678

Dear Ms. Client:

We enjoyed meeting with you on _____ concerning our representation of you against _____. We have completed a conflict of interest search and determined that there is no conflict at this time, so we can accept this matter. We will be doing the following to represent you: _____.

Our engagement is limited to your claim against _____ for _____.

Our fees are outlined in our fee agreement, which we have already discussed and a copy of which is enclosed.

We will keep you informed as this matter progresses. In the meantime, if you have any questions, please call. Thank you for choosing our firm to represent you in this matter.

Sincerely,
[FIRM NAME]

Attorney Name
Enclosure

6) Sample Letter Declining Client Representation

Образец письма об отклонении просьбы клиента
о юридическом представительстве

Date: _____

Address: _____

Dear _____,

This is to inform you that after careful investigation and review of your potential legal claim, we are unable to represent you in this law case due to various reasons.

We are returning the original documents provided by you for our review. We advise you to consult another lawyer to pursue your claim. We appreciate due importance and confidence shown by you in our firm and hope that you will again seek our advice with other matters and regret that we could not assist you with this one.

Sincerely,

Signature: _____



4.19. УПРАЖНЕНИЕ. Ознакомьтесь с типовыми фразами, употребляемыми в деловой корреспонденции. Составьте на английском языке собственное благодарственное письмо или письменную жалобу, используя представленные ниже типовые выражения.

1. Reference	
<i>Благодарим за письмо от ...</i>	Thank you for your letter of ...
<i>В ответ на Ваше письмо от ...</i>	In response to your letter of ...
<i>Ссылаясь на наше письмо от ... сообщаем, что ...</i>	Referring to your letter of ... we inform you that...
<i>Что касается Вашей просьбы, (Вашего заказа, Вашей претензии) ...</i>	As to your request (your order, your claim) ...
2. Reason for Writing	
<i>Мы рады сообщить Вам ...</i>	We are glad to inform you ...
<i>К сожалению, мы должны сообщить, что ...</i>	We are sorry to inform you that ...
<i>Мы обращаемся к Вам с вопросом ...</i>	We are writing to ask if you ...
<i>Мы хотим сообщить Вам о ...</i>	We are writing to tell you about ...
<i>Мы хотим ...</i>	We would like to ...
<i>Мы предлагаем Вам ...</i>	This letter is to offer you ...
<i>Данным письмом подтверждается, что ...</i>	This is to confirm that ...
3. Requesting	
<i>Обращаюсь к Вам с просьбой ...</i>	I am writing to ask if you ...
<i>Я буду очень благодарен (благодарна), если Вы ...</i>	I would be grateful if you could ...
<i>Пожалуйста, сообщите нам ...</i>	Please let us know ...
4. Binding Phrases	
<i>Считаем необходимым (важным, целесообразным) отметить ...</i>	We find it necessary (important, reasonable) to note ...
<i>Помимо вышеуказанного ...</i>	Apart from the above mentioned ...
<i>В связи с этим ...</i>	In this connection ...
<i>В связи с Вашей просьбой ...</i>	In connection with your request ...
<i>В противном случае, мы будем вынуждены ...</i>	Otherwise we shall have to ...

<i>Дело в том, что ...</i>	The point is that ...
<i>В сложившихся обстоятельствах ...</i>	Under the circumstances ...
<i>По нашему мнению ...</i>	In our opinion ... We believe ...
<i>Более того ...</i>	Moreover ...
<i>Тем не менее ...</i>	Nevertheless ...
<i>В первую очередь ...</i>	In the first place ...
<i>Фактически ...</i>	Actually ...
5. Closing Phrases	
<i>Мы будем признательны за быстрый ответ ...</i>	Early reply will be appreciated ...
<i>Надеемся на скорый ответ</i>	Looking forward to hearing from you soon
<i>Просим сообщить нам, как можно скорее ...</i>	Please, inform us in the shortest possible time ...
<i>Ожидаем Вашего согласия (одобрения, подтверждения)</i>	Looking forward to receiving your consent (approval, conformation)
<i>Ждём Вашего любезного ответа</i>	“R.S.V.P.” (сокращение от “Répondez s’il vous plaît,” French for “Respond if you please”)
6. Enclosing Documents	
<i>К письму прилагается ...</i>	Attached are ... Attachments: ... Encl.: ... We enclose...



4.20. КЛЮЧЕВЫЕ СЛОВА по изучаемой теме:

addressee
body of the letter
business correspondence
complementary close
confirmation letter
conflict letter
content
destination address
e-mail
enclosure (Encl.)
fax
legal correspondence
legal environment
letter of demand

postscript (P.S.)
printed letterhead
reference
return address
salutation
sender
signature
thank-you letter
to avoid
to contain
to explain
to send
to transmit
to type

margin
memo
message
opinion letter

top of the page
transmittal letter
typed name and title
ZIP code



4.21. ПОДГОТОВЬТЕ на английском языке сообщение на тему «Business Communication: Correspondence», учитывая следующие пункты плана:

- цели деловой переписки юриста;
- виды деловой корреспонденции юриста;
- основные требования, предъявляемые к форме делового письма;
- типовая структура делового письма на английском языке;
- правила написания деловых писем.

Unit 5. Legal Instruments



5.1. ВЫУЧИТЕ слова и выражения, которые будут использованы в текстах на тему «Legal instruments».

certified copy /'sɜ:(r)tɪfaɪd 'kɒpi/ - заверенная копия, засвидетельствованная копия

document form /'dɒkjʊmənt fɔ:(r)m/ - бланк документа, стандартный бланк, типовая форма

heading /'hedɪŋ/ - начало страницы; заголовок, "шапка"; рубрика

legal brief /'li:g(ə)l bri:f/ - краткое письменное изложение дела с привлечением фактов и документов, с которым сторона выступает в суде

legally enforceable /'li:gəli ɪn'fɔ:səbl/ - имеющий юридическую силу, обеспеченный правовой санкцией, юридически действительный

sales contract /seɪlz 'kɒntrækt/ - договор купли-продажи

signature block /'sɪgnətʃə(r) blɒk/ - место для подписи; часть документа, отведенная для подписи

service contract /'sɜ:(r)vɪs 'kɒntrækt/ = contract of service /'kɒntrækt əv 'sɜ:(r)vɪs/ - контракт на обслуживание, договор об оказании услуг

spelling /'spelɪŋ/ - орфография, правописание

summons /'sʌmənz/ - повестка о вызове ответчика в суд, судебная повестка

subpoena /sə'pi:nə/ - повестка о явке в суд в качестве свидетеля

template /'templət/ = pattern /'pætə(r)n/ = model /'mɒd(ə)l/ - образец, шаблон; трафарет; модель; матрица

to authorize /'ɔ:θəraɪz/ - наделять полномочиями, предоставлять право

to proofread /'pru:fri:d/ - вычитывать (проверять на наличие ошибок, неточностей), выверять подготовленный текст

to spell check /spel tʃek/ - проверять правописание

valid /'vælɪd/ - юридически действительный, имеющий силу; достаточный с правовой точки зрения; надлежаще оформленный, надлежаще совершённый; действующий (о законе, договоре)



5.2. ПРОСМОТРИТЕ текст, выпишите в свой словарь незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Types of Legal Documents

1. A 'legal document' or 'legal instrument' is a *formally executed* written document, which *grants* some right or *states* some *contractual relationship*. A legal document formally expresses a legally enforceable act, process, or contractual duty, obligation, or right.

2. Even though there are some variations, all legal documents have three common characteristics: a *statement* of the parties involved, the *terms and conditions* of the legal document and a signature as an *acknowledgment* of the information the document contains.

3. Following are the types of legal documents that paralegals often have to create:

Letters. Letter of demand, opinion letter, transmittal letter and other types of business letters are all legal documents.

5. **Contracts** - a contract is an agreement between two or more parties that creates rights and obligations for the parties and these rights and obligations are legally enforceable. To be valid, a contract must be signed by all parties involved in the exchange.

6. **Power of attorney** - a legal instrument authorizing someone to act as the *grantor's agent*.

7. **Real property documents** are legal instruments that transfer or give some *interest in property*. The most common real property documents are *lease agreements*, and *deeds*.

8. **License or permit** - these are used to give someone else permission to do something, and they often *set out* how long someone may act in this *capacity*, as well as the fee they will pay if necessary.

9. **Intellectual property documents** assert a legal right to a certain name or design. The most common intellectual property documents are *trademarks and patents*.

10. **Business formation documents** are used to *incorporate* a business or create a *limited liability company* (LLC). They may be in the form of *articles of association*, *corporation charter* or *company statute*.

11. **Litigation documents** - litigation happens when two or more parties have a disagreement and attempt to *restore* their violated rights via a lawsuit. Paralegals often have to prepare the documents associated with these *legal actions*. Such documents can include:

- *complaint* - the claim filed with the court that starts the lawsuit;

- interrogatory - a list of questions to the opposite party in the case, these questions must be answered in a written form;
- petition or motion - a formal written request to a court for an order of the court;
- legal brief - a document stating the facts and points of law of a client's case;
- affidavit - written declaration made under oath;
- discovery materials, which is evidence each side in a dispute must turn over to the other.

12. **Court documents** are the documents pertaining to a court case; they can include:

- summons – a legal document used to inform a defendant that a legal proceeding requires his or her presence;
- subpoena – a document that requires its recipient to appear in court as a witness;
- writ - a formal written order of a court signed by the judge commanding someone to do something or refrain from doing something.

13. **Personal legal documents** relate to issues such as a prenuptial agreement, divorce, or promissory note.

14. **Wills** - a document that declares a person's wishes regarding the disposal of his property when he dies.

15. **Certified copies** - a copy (often a photocopy) of a primary document may become a legal instrument if it has on it an endorsement or certificate that it is a true copy of the primary document.



СЛОВА из текста:

- formally executed – официально оформленный
- grant - официально предоставлять, давать
- state – констатировать, устанавливать, формулировать
- contractual relationship - договорные отношения
- statement – заявление, утверждение
- terms and conditions - положения и условия
- acknowledgment – подтверждение, признание, засвидетельствование
- power of attorney - письменная доверенность
- grantor's agent – представитель доверителя
- real property - недвижимое имущество
- interest in property - вещное имущественное право
- lease agreement - договор аренды
- deed - документ за печатью, документ скреплённый печатью
- permit - разрешительное свидетельство
- set out – определять
- capacity – положение, должность, компетенция, возможность
- intellectual property - интеллектуальная собственность

trademark - фирменный знак
patent – патент
business formation documents – документы, оформляемые при создании компании
incorporate - зарегистрировать в качестве юридического лица
limited liability company - компания с ограниченной ответственностью
articles of association - устав акционерного общества
corporation charter - устав корпорации
company statute - внутренний устав компании, внутренний регламент
litigation - гражданский судебный процесс, судопроизводство
restore – восстанавливать, компенсировать
legal action - правовое действие
complaint - исковое заявление
interrogatory – вопросник, письменный опрос сторон
opposite party - противная сторона
petition - петиция; прошение, заявление в суд
motion - ходатайство (в суде)
order of the court – постановление суда, судебный приказ
affidavit - письменное показание, подтверждённое присягой
under oath - под присягой
discovery materials – документы, обмен которыми происходит между сторонами на этапе подготовки к слушанию дела в суде
writ - судебное предписание
prenuptial agreement - добрачный контракт (об имущественных отношениях будущих супругов)
divorce - расторжение брака, развод
promissory note - долговая расписка
will – завещание
person's wishes – пожелания человека
disposal – передача, распоряжение (имуществом)
endorsement – подтверждение
certificate - свидетельство



5.3. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. A legal instrument is ...
2. Paralegals often have to ...
3. In general all legal documents have ...
4. The most common legal documents are ...
5. Litigation documents include ...
6. Court documents include ...



5.4. УСТАНОВИТЕ соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение верно, исправьте его:

1. A contract is a legally enforceable agreement between two or more parties.
2. A petition is a list of questions to the opposite party in the legal case.
3. A power of attorney authorizes an agent to act on behalf of the grantor.
4. All legal instruments have five common characteristics.
5. Business letters fail to be legal documents.
6. Lease agreements and deeds are the examples of intellectual property documents.
7. Personal legal documents include subpoenas, interrogatories, legal briefs and promissory notes.



5.5. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

acknowledgment
agent
attorney
business
capacity
contract
fee
litigation
paralegal
summons

agreement
authentication
company
competency
lawyer
legal assistant
legal proceedings
remuneration
representative
warrant to appear



5.6. ОТВЕЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. What are the examples of legal documents drafted by paralegals?
2. What does a contract create for the contracting parties?
3. What does a legal document formally express?
4. What is a will?
5. What is the purpose of licenses and permits?
6. What legal documents certify the incorporation of a business?
7. When can a copy of a primary document become a legal instrument?



5.7. ПРОСМОТРИТЕ текст, выпишите в свой словарь незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

How to Prepare a Legal Document

1. Paralegals often draft routine legal documents either for clients or for the law firms. Because these documents tend to follow standard forms and templates, they are relatively easy for paralegals to create. But like all legal documents, the content must be precise and accurate. Something as simple as a misspelled word or missing comma can change a document's meaning or render it invalid.

2. If you are a paralegal and you have to prepare a legal document, but you are not sure where to begin, you may just follow the steps indicated below:

3. **Create a heading.** The heading of a legal document may be a letterhead, case caption, or simply the title of the document, depending upon the type of legal document you are drafting.

- Letterhead. Letterhead goes at the top of the first page of a letter, contains the letter writer's name, address, and telephone number, and may contain an e-mail address, fax number, or company logo, as long as it identifies you as the letter's author and provides a way for the reader to contact you.

- Case caption. If you are drafting a pleading, you will need to put the case caption at the top of the first page of the pleading. A case caption contains the name of the state, county, and court, the parties names, and a case number.

- Document title. Directives and agreements generally have headings, which contain the name of the document in large or bold font. A document title for an agreement or directive may be something like, "Last Will and Testament of Bill Smith" or "Paralegal Services Agreement".

4. **Find some good forms or examples.** There is no need to reinvent the wheel! Whatever letter, pleading, agreement, or legal document you need to prepare, someone has done it before, and so there is no reason to not learn from his or her experience. Find a few forms or examples for the legal document you want to prepare, and use them to create your own version. Some good places to find forms include:

- Handbooks, reference books and books of forms. Many legal publishers publish for lawyers different handbooks and books of forms that you may use as guidelines.

- Free form sites. Many free form sites offer valid forms for different kinds of legal instruments. Free forms in English can be found at LexisNexis, Forms Workflow, All About Forms, and Law Smart.

5. **Create the body of the document.** Using the forms you found, write the main part of the document. When writing, you should use clear, concise language to ensure that there is only one way of interpreting the words. You want every person who reads the document to understand it to mean the same thing. Some tips for making the document clear, include:

- be specific;
- remain brief; say only what you need to say and nothing more;
- use formatting; numbered paragraphs, bold headings and sub-headings, and white space can all be used to make your document more readable;
- include a definitions section;
- date the document;
- avoid legalese when you can.

6. **Make a signature block.** A signature block provides a line for each person who will sign the document to sign, with his or her name typed or printed beneath the line. It may also include a space for the signatory to date the document.

7. **Proofread and spell check.** Examine your text carefully to find and correct typographical errors, misused words, mistakes in grammar, style, and spelling.



СЛОВА из текста:

precise and accurate - точный и безошибочный

misspelled word - неправильно написанное слово

missing comma - пропущенная запятая

render it invalid - превратить (документ) в не имеющий законную силу (текст)

case caption - заголовок (название) судебного дела

title – заглавие, заголовок

company logo - логотип фирмы

large or bold font - крупный или жирный шрифт

reinvent the wheel – заново изобретать колесо

experience – опыт, практика

handbook - настольная книга, справочник

reference book - справочная книга, пособие

publisher - издательство

guidelines – руководство, инструкция

free form site – бесплатный сайт типовых бланков

concise language - немногословный стиль, лаконичный язык

brief – лаконичный, краткий

formatting – форматирование, разметка текста

white space – пробел, свободное место

readable - пригодный для чтения

definitions section - раздел с дефинициями (толкованием) используемых в тексте слов

date – датировать, ставить число

legalese - юридический жаргон

signatory - лицо, подписавшее документ

typographical error – опечатка

misused word – неправильно употребленное слово



5.8. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. The content of legal documents should ...
2. If you have to prepare a legal document ...
3. The heading of a legal instrument ...
4. The sources, where you can find the forms of legal documents, include ...
5. The tips for writing a legal instrument include ...
6. A signature block contains ...



5.9. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. A case caption usually contains an e-mail address and fax number of parties to a lawsuit.
2. A paralegal can draft legal documents either for the law firm or for clients of his lawyer.
3. Document titles are usually printed in large or bold font.
4. If you have to prepare a legal document, you should start with a signature block.
5. It is always a complex task to draft legal documents.
6. There are three main types of a legal document heading.
7. Web sites do not offer valid forms of legal instruments for free.
8. When writing a legal document, you may use different reference books or books of forms published for lawyers.
9. When writing a legal document, you should use legalese as few as possible.



5.10. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

to change
to contact
to create

to adhere to
to alter
to communicate with

to ensure
to examine
to follow
to include
to learn
to offer
to publish
to understand

to comprehend
to contain
to guarantee
to inspect
to print
to produce
to propose
to study



5.11. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. In what part of a sheet does a letterhead go?
2. What document goes with a case caption?
3. What does formatting of a text mean?
4. Where can a paralegal find forms if he creates a legal document in English?
5. Why is it relatively easy nowadays for paralegals to create routine legal documents?
6. Why should a paralegal proofread every draft of a legal document?
7. Why should a paralegal use clear and concise language when he drafts a legal document?



5.12. ПРОСМОТРИТЕ текст, выпишите в свой словарь незнакомые слова, которые затрудняют понимание этого текста. **ПОДГОТОВЬТЕ** перевод текста на русский язык и контрольное чтение текста на английском языке.

Structure and Content of a Business Contract

1. Legislation lays down **fundamental norms** about the structure and content which all business contracts must comply with. For sales contracts, supply agreements and contracts of service these norms are as follows:

- goods/services must be of merchantable quality;
- the seller/contracting party must have title;
- goods/services must be fit for a particular purpose;
- goods/services must be as described;
- there must be no misrepresentations.

2. In a more detailed way the **uniform terms and conditions** of a contract for sale of goods are as follows:

- a) identification of the parties; these can be the name of a person or a separate business entity;
- b) description of the goods (certain quantity and quality);

- c) consideration (it normally consists of the mutual promises that are made by the parties to the contract; each party must make a binding promise to the other party in order to the agreement between them to be a true and enforceable contract);
- d) seller's obligation to tender delivery of the goods (time, place and manner of delivery);
- e) buyer's obligation to pay for goods (price; medium of payment; time of payment);
- f) warranties;
- g) insurance;
- h) remedies of the parties;
- i) signature of the parties;
- j) miscellaneous provisions (duration and termination of contract terms; delegation of performance; assignment of rights; force majeure; liquidated damages; acceleration clauses; choice of law clause).

The contract should stipulate all these different things in good time. This is very important, as otherwise large sums can be spent on litigation.



СЛОВА из текста:

- legislation - законодательство
- supply agreement - договор на поставку
- merchantable quality - (хорошее) рыночное качество; коммерческое качество (оговорка в договорах купли-продажи, означающая, что товар должен отвечать всем целям, для которых он обычно употребляется, и соответствовать контрактному описанию)
- title - право собственности; право на имущество; основание права на имущество
- be fit for – соответствовать, быть пригодным для (чего-либо)
- misrepresentation - введение в заблуждение; искажение фактов
- terms - условия соглашения, договора
- consideration - материальное основание договора, встречное удовлетворение
- mutual promises – взаимные обещания
- binding promise - обязывающее обещание
- tender delivery - выполнить условия поставки, осуществить доставку
- medium of payment - средство платежа, платежное средство
- warranty - гарантийное обязательство
- insurance - страховка
- remedies - средства судебной защиты
- miscellaneous provisions - прочие положения
- performance - исполнение договора

assignment of rights - переуступка прав

force majeure - форс-мажор, форс-мажорные обстоятельства, непреодолимая сила

liquidated damages - ликвидные (заранее оцененные) убытки, оценочная неустойка

acceleration clause - оговорка об ускорении, условие о сокращении срока исполнения обязательства,

choice of law clause - условие контракта о выборе применяемого права

stipulate - обуславливать, оговаривать в качестве особого условия

in good time - заранее, вперед; заблаговременно



5.13. ЗАВЕРШИТЕ каждое из начатых предложений, опираясь на содержание прочитанного текста, и переведите получившиеся предложения.

1. A business contract usually contains ...
2. Each contracting party must ...
3. In a business contract, goods/services must ...
4. The contract should ...
5. The fundamental norms of a contract of service are ...



5.14. УСТАНОВИТЕ, соответствуют ли данные утверждения содержанию прочитанного текста; если утверждение неверно, исправьте его:

1. All contracting parties spend large sums on litigation.
2. Consideration denotes mutual promises made by the parties to the contract.
3. Force majeure is one of the buyer's contractual obligations.
4. In each contract for sale of goods, there must be identification of the contracting parties:
5. Judge-made law lays down the general norms about the structure and content of business contracts.
6. The contract is valid, even if there are misrepresentations from contracting parties.
7. The identification of contracting parties can be by indication of the name of either a human being or a legal entity.



5.15. СОВМЕСТИТЕ слова и выражения со сходным значением в левой и правой колонках:

certain	accurate
contracting	big
fit	common

fundamental	distinct
large	diverse
merchantable	essential
miscellaneous	making arrangement
mutual	marketable
separate	reciprocal
true	specific
uniform	suitable



5.16. ОТВЕТЬТЕ на вопросы к прочитанному тексту и будьте готовы перевести ответы других студентов на эти же вопросы:

1. Give the examples of miscellaneous provisions included into business contracts.
2. What are fundamental terms and conditions of contracts for services or sale of goods?
3. What does consideration usually consist of?
4. What regulates the structure and content, which all business contracts must comply with?
5. What seller's and buyer's obligations should be defined in the contract for sale of goods?
6. What should be written in description of the goods?
7. Why should a lawyer stipulate all probable consequences of the arrangement in advance when drafting a business contract?



5.17. УПРАЖНЕНИЕ. Прочитайте и переведите представленные ниже образцы юридических документов.

1) Sales Contract

This agreement is made as of _____ [date] between _____ (hereinafter referred as Seller), and _____ (hereinafter referred as Buyer).

1. In consideration of mutual agreements of Seller and Buyer to be set forth, Seller agrees to sell and Buyer agrees to buy _____ (hereinafter referred as Goods).

2. Buyer agrees to pay Seller for Goods \$_____. Terms of payment: _____.

3. Seller agrees to deliver Goods to Buyer on _____ [date], at _____ [place].

4. Title to Goods shall pass to Buyer _____ [e.g., on execution of this contract].

5. Risk of loss, destruction or damages of or to Goods shall be on Seller until _____ [e.g., until delivery of Goods to carrier at _____].

Date, Signatures, Acknowledgment.



СЛОВА из текста:

as of – начиная с, по состоянию на

in consideration of – учитывая, принимая во внимание

be set forth – быть установленным, оговоренным, закрепленным

title to - правовой титул, основание права на имущество

on execution – по исполнению, на момент выполнения (обязательств)

loss, destruction or damages - пропажа, уничтожение, либо повреждение/порча

acknowledgment – засвидетельствование, подтверждение, удостоверение

2) Deed

This Deed, made as of the 1st day of August, 201__, between _____, party of the first part, and _____, party of the second part. Witnesseth, that the said party of the first part for and in consideration of the sum of \$____ (____ & __/100 dollars), the receipt whereof is hereby acknowledged, hereby grants and conveys unto the said party of the second part, all those certain lands: _____

In witness whereof, the said party of the first part has hereunto set his hand and seal.

Sealed and Delivered in the presence of:

This instrument was acknowledged before me by ____ on this ____.

Notary _____

My Commission Expires on: _____



СЛОВА из текста:

said – вышеупомянутый, вышеуказанный

whereof - о котором, о чём

convey unto - передавать

3) Termination of Contract of Sale

WHEREAS, the Undersigned have entered into a contract of sale dated _____ regarding Premises known as _____ (the “Contract of Sale”), a copy of which is annexed hereto,

NOW, THEREFORE, in consideration of the sum of \$ ___ and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, it is

AGREED, that the Contract of Sale is hereby cancelled, terminated and is null and void and of no force and effect, that the parties hereto hereby release and discharge the other, their agents and assigns from any and all obligations and liabilities under said Contract of Sale and that the Seller's attorney, _____, shall, upon the execution of this Agreement, return the contract deposit in the sum of \$ _____ to _____ .

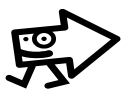
Dated:

Purchaser

Seller

Purchaser's Attorney

Seller's Attorney



СЛОВА из текста:

be annexed – прилагаться; идти в виде приложения

good and valuable consideration - юридически действительное ценное встречное удовлетворение

4) Power of Attorney, Revocation

I, _____ ("Declarant"), of _____ (Address), through my Power of Attorney dated _____ ("Power of Attorney") made and appointed _____, my true and lawful attorney in fact for the purposes, and with the powers set forth in the document.

I hereby give notice that I have revoked and canceled, and hereby do revoke and cancel, the Power of Attorney, and all powers and authority given, provided or implied therein to in that Power of Attorney.

In witness of this act, I have signed this Notice of Revocation of Power of Attorney on _____ [date].

Revoker of Power of Attorney

On this _____ [date], before me, personally appeared known to be the person described in and who executed the foregoing instrument and acknowledged to me that they executed the same as their free act and deed.

Notary Public

Commission Expires on:



СЛОВА из текста:

declarant – заявитель

give notice – извещать, уведомить, делать предупреждение

revoke and cancel - отменять (полномочия)

notice of revocation - объявление об отзыве полномочий

foregoing instrument - упомянутый выше документ

5) Proху

I, _____, a stockholder of record of _____ ("Corporation") do hereby constitute and appoint as my lawful attorney, and agent, _____ for a period expiring on _____ to represent me at any and all stockholder meetings of the corporation and at any adjournment thereof, to act for and in the name, place and stead of the undersigned on all matters and things which may be presented for action or consideration at such meetings, giving and granting unto said attorney full power in all respects that I could exercise if present in person.

Date: _____

Shareholder: _____

Witness Signature: _____

Notary's Acknowledgment

On this _____ [date], before me personally appeared _____ [name of shareholder], known to me as the person described in and who executed the foregoing instrument and acknowledged to me that he/she executed the same as said person's free act and deed.

Notary Public



СЛОВА из текста:

adjournment - перерыв между заседаниями

undersigned – нижеподписавшийся

action or consideration - решение или обсуждение

6) Promissory Note

\$ _____

FOR VALUE RECEIVED, _____, the MAKER, promises to pay to the order of _____, the HOLDER, the sum of \$_____ payable at _____, _____ with interest at the rate of _____ percent per annum.

This note is No _____ in a certain series of _____ notes.

Should there be a default in the payment of any of the notes, then, at the option of the holder hereof, the remaining notes within the series shall immediately become due and payable.

Upon default, the MAKER shall pay all reasonable costs of collection including attorney's fees.

MAKER



СЛОВА из текста:

for value received - за встречное удовлетворение

pay to the order of - платить приказу

with interest at the rate of - включая проценты по ставке в ...

upon default – в случае невыполнения обязательств



5.18. КЛЮЧЕВЫЕ СЛОВА по изучаемой теме:

articles of association

case caption

certified copy

complaint

deed

document form

heading

interrogatory

lease agreement

legal brief

legal instrument

legalese

legally enforceable

litigation documents

letterhead

misrepresentation

motion

permit

power of attorney

promissory note

signature block

spelling

subpoena

summons

template

terms and conditions

title

to authorize

to include

to proofread

to spell check

valid



5.19. ПОДГОТОВЬТЕ на английском языке сообщение на тему «Legal instruments», учитывая следующие пункты плана:

- понятие юридического документа;
- виды юридических документов;
- правила по составлению юридических документов;
- коммерческий договор как пример юридического документа: его содержание и структура.

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