

YEREVAN STATE  
UNIVERSITY

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# ENGLISH 4 LAW

PART I

THE U.S. LEGAL SYSTEM



**YEREVAN STATE UNIVERSITY**

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Mnatsakanyan L., Mkrtchyan K., Voskanyan A.**

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**PART I**

**THE U.S. LEGAL SYSTEM**

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## PREFACE

This book is aimed at law students, legal professionals and other persons who have a genuine motivation to improve their English language knowledge in the field of Law and those related to it.

It constitutes a practical reference and self-study resource which will help learners to both understand legal English as it appears in contemporary written and oral context and to use clear, accurate English in everyday legal situations.

The book falls into 15 chapters which present the U.S. legal system, the U.S. government with its branches, the U.S. Constitution etc. The chapters are ordered so that learners are given basic information about the U.S. legal system compared with Armenian legal system.

The students are challenged by a variety of exercises which develop reading, speaking, translating, listening and writing skills to progress through the course.

Reading materials are designed visually attractive with definitions of key terms next in the margins.

The Armenian – English, English – Armenian vocabulary presented at the end of the textbook is a handy reference source for the students to expand their professional lexis.

The appendix complements the book material serving as a programmed learning aid to encourage the learners' quest for comprehensive learning.

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# UNIT 1. LAW AND LEGAL PROFESSION

## INTRODUCTION TO LAW



*It may be true that the law cannot make a man love me, but it can keep him from lynching me, and I think that's pretty important.*

**Martin Luther King, 1929-1968,  
American Leader in the Civil  
Rights Movement**

### Why Do We Need Law?

Almost everything we do is governed by some set of rules. There are rules for games, for social clubs, for sports and for adults in the workplace. There are also rules imposed by morality and custom that play an important role in telling us what we should and should not do. However, some rules - those made by the state or the courts - are called "laws". Laws resemble morality because they are designed

to control or alter our behavior. But unlike rules of morality, laws are enforced by the courts; if you break a law – whether you like that law or not - you may be forced to pay a fine, pay damages, or go to prison.

Why are some rules so special that they are made into laws? Why do we need rules that everyone must obey? In short, what is the purpose of law?

If we did not live in a structured society with other people, laws would not be necessary. We would simply do as we please, with little regard for others. But ever since individuals began to associate with other people - to live in society – laws have been the glue that has kept society together. For example, the law in our country states that we must drive our cars on the right-hand side of a two-way street. If people were allowed to choose at random which side of the street to drive on, driving would be dangerous and chaotic. Laws regulating

our business affairs help to ensure that people keep their promises. Laws against criminal conduct help to safeguard our personal property and our lives.

Even in a well-ordered society, people have disagreements and conflicts arise. The law must provide a way to resolve these disputes peacefully. If two people claim to own the same piece of property, we do not want the matter settled by a duel: we turn to the law and to institutions like the courts to decide who is the real owner and to make sure that the real owner's rights are respected.

We need law, then, to ensure a safe and peaceful society in which individuals' rights are respected. But we expect even more from our law. Some totalitarian governments have cruel and arbitrary laws, enforced by police forces free to arrest and punish people without trial. Strong-arm tactics may provide a great deal of order, but we reject this form of control. The legal system should respect individual rights while, at the same time, ensuring that society operates in an orderly manner. And society should believe in the Rule of Law, which means that the law applies to every person, including members of the police and other public officials, who must carry out their public duties in accordance with the law.

In our society laws are not only designed to govern our conduct: they are also intended to give effect to social policies. For example, some laws provide for benefits when workers are injured on the job, for health care, as well as for loans to students who otherwise might not be able to go to university.

Another goal of the law is fairness. This means that the law should recognize and protect certain basic individual rights and freedoms, such as liberty and equality. The law also serves to ensure that strong groups and individuals do not use their powerful positions in society to take unfair advantage of weaker individuals.

However, despite the best intentions, laws are sometimes created so that people later recognize as being unjust or unfair. In a democratic society, laws are not carved in stone, but must reflect the

changing needs of society. In a democracy, anyone who feels that a particular law is flawed has the right to speak out publicly and to seek to change the law by lawful means.<sup>1</sup>

### ***Work with a partner***

#### ***Discuss the following questions***

1. Why do we need laws?
2. Why do people break laws?
3. What will happen if there is no law in the country?
4. Are you a law abiding citizen?

## **THE LEGAL PROFESSION**

Defining the term ‘legal profession’ is more difficult than one may anticipate. It becomes apparent that the simplest definition is perhaps the most befitting.

The legal profession is a ‘vocation that is based on expertise in the law and in its applications.’ Those who pursue these ‘vocations’ collectively form a ‘body of individuals who are qualified to practice law in particular jurisdictions. The learned occupation of these individuals is to study, promote, uphold and enforce the collection of rules imposed by the authority. They, thus, form a ‘legal profession’.



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<sup>1</sup> Ст'я Ильина Н. Ю., Аганина Т. А. (2021), Английский Язык для юристов, Москва, ст.15.

<sup>2</sup> Ст'я Танцура Т. А., Алисевич М. В. (2021), Английский в сфере юриспруденции, Москва,



## LEGAL EDUCATION

### Essential terms

**to pursue:** to try to get or do something over a period of time

**legal reasoning:** a method of thought and argument used by lawyers and judges

**settle disputes:** to solve a problem by making a decision about who is right or about what to do.

**adjudicating:** making an official decision about who is right in (a dispute)

Legal education generally has a number of theoretical and practical aims, not all of which are **pursued** simultaneously. The emphasis placed on various objectives differs from period to period, place to place, and even teacher to teacher. One aim is to make the student familiar with legal concepts and institutions and with characteristic modes of **legal reasoning**. Students also become acquainted with the processes of making laws, **settling disputes**, and regulating the legal profession, and they must study the structure

of government and the organization of courts of law, including the system of appeals and other **adjudicating** bodies.

Another aim of legal education is the understanding of law in its social, economic, political, and scientific contexts. Prior to the late 20th century, Anglo-American legal education was less interdisciplinary than that of continental Europe. With the development of a more or less scientific approach to social studies since the late 20th century, however, this has been changing. Some American law schools appoint economists, historians, political scientists, or sociologists to their staffs, while most **permit** their students to take courses outside the law school as part of their work toward a degree.

**permit:** to make possible, to give an opportunity

Continental legal education tends to be highly interdisciplinary, if

**compulsory:** required by law or a rule; obligatory

**corpus:** all the writings or works of a particular kind or on a particular subject

more abstract and doctrinal than its American counterpart, with non-legal subjects **compulsory** for students taking their first degree in law.

Traditionally, legal education has included the study of legal history, which was once regarded as an essential part of any educated lawyer's training. Although economics is increasingly popular as a tool for understanding law, much legal history is nonetheless taught in the context of the general law curriculum. Since the **corpus** of the law is a constantly evolving collection of rules and principles, many teachers consider it necessary to trace the development of the branch of law they are discussing. In civil-law countries where most parts of the law are codified, it is not generally thought necessary to cover topics that antedate the codes themselves. On the other hand, in countries that have a common-law system, knowledge of the law has traditionally depended to a great extent on the study of the court decisions and statutes out of which common law evolved.

Even in jurisdictions that require four or five years of law study (as in Japan and India), the graduating law student is not expected to have studied the whole body of substantive law but is, however, typically expected to be familiar with the general principles of the main branches of law.



The aim is not so much that the students should remember “the law” as that they should understand basic concepts and methods and

become sufficiently familiar with a law library to carry out the necessary research on any legal problems that may come their way.<sup>2</sup>

***Find the answers to the following questions in the text “Legal Education”.***

1. What do objectives of legal education depend on?
2. What should students be familiar with?
3. Why is it necessary to understand law in its social, economic, political, and scientific contexts?
4. What subject is considered as an essential part of any educated lawyer’s training?
5. What is the difference regarding the study of the corpus of the law between countries with civil-law and common-law systems?

## **THE PRACTICE OF LAW AS A DEMANDING PROFESSION**

There are more than one million lawyers in the United States. About two-thirds of all lawyers work in private practice, while others work for the government agencies and corporations. Some have general law practices, which involve matters such as **wills and contracts**. Others specialize in one or two legal areas such as criminal law, labor law, property law, family law, contract law, environmental law, international law, or tax law. A small number of lawyers are judges, while some attorneys also use their legal knowledge to teach classes in law schools and colleges.

**will:** a legal document that says what is to happen to smb’s money and property after they die

**contract:** an official written agreement

as **wills and contracts**. Others specialize in one or two legal areas such as criminal law, labor law, property law, family law, contract law, environmental law, international law,

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<sup>2</sup> Ст'я Танцурa Т. А., Алисевиц М. В. (2021), Английский в сфере юриспруденции, Москва, ст.6.

Contrary to popular belief, most lawyers rarely go to court. A lawyer normally spends more time in an office than in a courtroom. Attorneys who practice law do two major things. First, they advise individuals and organizations about the ways of preventing legal problems by informing them of their legal rights and responsibilities. Second, lawyers provide counsel if their clients do get into legal difficulty. In providing these services, attorneys investigate legal research, prepare documents, write **briefs**, interview parties and witnesses to legal problems, and advocate their clients' cases both in and out of court.

**a brief:** a short legal document, such as a written argument submitted to a court or some other short statement of facts for use in a legal case

The American legal profession, like American law, has its roots in England, but with significant differences. In England, the legal profession is divided between office lawyers, known as solicitors, and courtroom lawyers, known as barristers.

In the United States, there is no division of the profession, and a lawyer frequently does both office work and courtroom work. There is, however, a great deal of variety in the types of work done by lawyers.

Depending upon the circumstances and the needs of the client, the lawyer may be a counselor, a negotiator, and/or a litigator. In each of these roles, the lawyer will need to engage in factual investigation.

### **Browse the internet.**

1. Go to [https://www.thelawyerportal.com/careers/would-i-make-a-go.od-lawyer-quiz/#gf\\_76](https://www.thelawyerportal.com/careers/would-i-make-a-go.od-lawyer-quiz/#gf_76).
2. Take the quiz “Would I make a good lawyer?” to find out if you are suited to everything a career in the legal profession entails.

## **Careers in Law**

### **Types of Legal Professions**

#### **Attorney at Law**

An attorney at law (or atorney-at-law) in the United States is a practitioner in a court of law who is legally qualified to prosecute and defend actions in court on the retainer of clients. Alternative terms include counselor (or counsellor-at-law). Counselor Attorney will help to advise the client how to order the client's affairs.



#### **Paralegal**

A paralegal is the professional of legal science that performs procedures autonomously or semi autonomously, as part of a legal assistance system, and performs tasks that require understanding of the legislation for its proper execution. They also work in support or assist professionals related to the legal area of a consultative or judicial litigation nature.

#### **Negotiator**

Lawyer will work with opposing counsel to try to get a favorable resolution for the client. The art of negotiation involves many techniques individual to particular attorneys and the circumstances. The client always retains the right to accept or reject a settlement negotiated or offered by the opposing party.

#### **Litigator**

In litigating, the attorney will help pick a jury and participate in pre-trial motions.

Fact Investigator: All of the lawyer's roles require the investigation of relevant facts, including locating and interviewing witnesses. A lawyer is to be a zealous advocate of the client, in this

respect the lawyer must advocate on the client's behalf and avoid conflicts of interest. The lawyer is also an officer of the court and is required to deal fairly and honestly with the court and with its other officers, including the lawyer's opponents.

### **Prosecutor**

Prosecutors are lawyers who possess a law degree, and are recognized as legal professionals by the court in which they intend to represent society. A prosecutor works for a state or government organization and is responsible for starting legal proceedings and then proving in court that the suspect committed the crime he's accused of. The prosecution is the legal party responsible for presenting the case in a criminal trial against an individual accused of breaking the law. The United States is the only country in the world where citizens elect prosecutors. The director of a prosecution office is known by any of several names depending on the jurisdiction, most commonly district attorney. Other names include state's attorney, state attorney, and common wealth's attorney.

### **Judge**

A judge is a person who presides over court proceedings, either alone or as a part of a panel of judges. A judge hears all the witnesses and any other evidence presented by the barristers or solicitors of the case, assesses the credibility and arguments of the parties, and then issues a ruling in the case based on their interpretation of the law and their own personal judgment. A judge is expected to conduct the trial impartially and, typically, in an open court. The powers, functions, method of appointment, discipline, and training of judges vary widely across different jurisdictions. In some jurisdictions, the judge's powers may be shared with a jury. The presiding judge ensures that all court proceedings are lawful. Judges in federal courts are appointed by the President with the "advice and consent" of the Senate. Many state court judges are elected by popular vote.

## **Coroner**

A coroner is a government or judicial official who is empowered to conduct or order an inquest into the manner or cause of death, and to investigate or confirm the identity of an unknown person who has been found dead within the coroner's jurisdiction. Qualifications for coroners are set by individual states and counties in the U.S., and vary widely.

## **Bailiff**

A bailiff is a manager, overseer or custodian; a legal officer to whom some degree of authority or jurisdiction is given. A bailiff is the officer responsible for executing the decisions of a court.

## **The jury**

A jury is a sworn body of people (the jurors) convened to render an impartial verdict (a finding of fact on a question) officially submitted to them by a court, or to set a penalty or judgment. Juries developed in England during the Middle Ages, and are a hallmark of the Anglo common law legal system. They are still commonly used today in the United Kingdom, the United States, Canada, Australia, and other countries whose legal systems are descended from England's legal traditions.<sup>3</sup>

## ***VOCABULARY DEVELOPMENT***

***1. Match the words to form collocations as they appear in the text.***

***More pairs are possible.***

- |               |              |
|---------------|--------------|
| 1. Law        | a) school    |
| 2. common law | b) court     |
| 3. respect    | c) disputes  |
| 4. legal      | d) rights    |
| 5. individual | e) system    |
| 6. public     | f) officials |
- 

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<sup>3</sup> Ст' у <https://www.bestcolleges.com/careers/law/> (нїнунїтї т` 05.06.2021)

- |              |              |
|--------------|--------------|
| 7. resolve   | g) reasoning |
| 8. court     | h) law       |
| 9. criminal  | i) decisions |
| 10. property | j) matters   |

**2. Read the text and fill in the gaps with suitable words. What Are Reasons For Studying The Law?**

Most basically, we study the law so we will understand it and be better able to obey it. The reasons for studying law are similar to the reasons for \_\_\_\_\_ the law. Thus, some people view the study of law as necessary because they believe they have consented to obey society's laws by accepting its \_\_\_\_\_. Others study the law so they can obey it and thereby help \_\_\_\_\_. Still others study the law \_\_\_\_\_ being punished for violations. A significantly different type of \_\_\_\_\_ motivates a few people. They study the law out of a desire for integrity. Before being able to exhibit integrity, a person must have a belief about what is right or wrong. Collectively, the law is similar to society's ethical code. Therefore some persons may study the law to help them better understand what is right and \_\_\_\_\_ \_\_\_\_\_. The critical study of \_\_\_\_\_ is one of the best ways to clarify one's own ethical beliefs.

*(wrong conduct, to avoid, society, benefits, desire, law, obeying)*

**3. Choose the correct term to complete the definition.**

1. A \_\_\_\_\_ is a general term for any qualified member of the legal profession.
2. An \_\_\_\_\_ is a lawyer who is qualified to represent clients and give legal advice.
3. A \_\_\_\_\_ is a member of jury.
4. A \_\_\_\_\_ is a public officer with judicial powers who may preside over a court.



5. A \_\_\_\_\_ is a law officer who keeps order in court, takes people to their seats, etc.

6. A \_\_\_\_\_ is a public official representing the state in bringing criminal action.

7. \_\_\_\_\_ is an official whose job is to discover the cause of any sudden, violent or suspicious death by holding an inquest.

8. A \_\_\_\_\_ is somebody who is kept in prison as punishment for a crime.

9. The person who is elected by the other 11 members of jury is called the \_\_\_\_\_

10. A \_\_\_\_\_ is someone whom the police believe has committed a crime.

11. A \_\_\_\_\_ is someone who sees something happen, or is present when it happens.

***(juror, attorney at law, lawyer, judge, prosecutor, bailiff, foreman, coroner, convict, witness, suspect)***

**4. Make up sentences by putting the words into the right order.**

1. have/in any society/ several characteristics/laws.

2. these rules/sometimes/break/we/without suffering any penalty

3. for a variety of reasons/ arise/conflicts between individuals.

4. people/enable/to feel secure/laws/in their lives.

5. to forbid/the first aim of law/ certain ways of behaving/ is/like murder, terrorism, or smoking in public places.

6. to provide/ to make their own arrangements/ facilities for people/is/the second aim of law.

7. to settle/ the third aim of law/ disputes among citizens/is.

8. restrictions on people/ certain guarantees/imposes/them/the law/but also gives

**5. Speaking Activity.**

**1. How do your career interests link with the Law field?**

**Read the following statements and select the statements that apply to you.**

**Make comments to substantiate your interest in this area.**

**Law (main motivation: serving and protecting society)**

- ✓ *applying rules and regulations*
- ✓ *influencing people*
- ✓ *legal matters*
- ✓ *persuading people*
- ✓ *protecting others*
- ✓ *social justice*
- ✓ *solving difficult situation*
- ✓ *working with those who have lost direction*

**2. Study the given list of possible work environments related to law, make your choice and tell your classmates where you would like to work and why.**

- ✓ *Courts (e.g. Constitutional Court, Supreme Court of Appeal, High Court, Divorce Courts)*
- ✓ *Department of Justice*
- ✓ *Government institutions*
- ✓ *Legal firms*
- ✓ *Legal departments of banking institutions, insurance companies, government institutions and estate agencies*
- ✓ *Magistrates' offices*
- ✓ *Other government departments, as a legal officer or legal advisor*
- ✓ *Public and private companies as a legal adviser*
- ✓ *Self-employed (attorneys)*

3. ***Work with a partner to develop a complete text covering answers to all the questions.***

***YOUR CAREER CLUSTER IS JUST A "YES!"***

- *Do you enjoy reading, writing, and analyzing issues?*
- *Are you interested in topics of law & justice?*
- *Do you pay attention to politics & current events?*
- *Do you enjoy meeting and interacting with strangers?*
- *Are you calm and rational in stressful situations?*
- *Are you good at following orders and obeying rules?*
- *Are you interested in homeland security?*
- *Do you want to work in law enforcement agencies?*
- *Are you interested in exploring military careers?*
- *Are you sympathetic to people in unfortunate situations?*
- *Do you enjoy debating and persuading?*
- *Are you detail-oriented, honest, and fair?*



6. ***Listen to the passage and answer the following questions.***

1. Is it necessary to have a university degree in order to practice as a lawyer?
2. What kinds of examinations are required in Japan, in England for lawyers?
3. Why is the career in law so popular?
4. What is the average salary of experienced lawyers in the USA?

***Listen to the text again and fill in the gaps according to the original text.***

In some countries in order to practice as a lawyer it is necessary to get a university 1) \_\_\_\_\_ in law. However, in others, a degree may be insufficient; professional examinations must be passed. In Britain, it is not in fact necessary to have a degree, although nowadays most people entering the profession do. The main 2) \_\_\_\_\_ is to pass the 3) \_\_\_\_\_. Final examination (for barristers) or the 4) \_\_\_\_\_. Final examination (for solicitor). Someone with university degree in a subject other than law needs first to take a 5) \_\_\_\_\_ course. Someone without a degree at all may also prepare for the final examination, but this will take several years. In most countries, lawyers will tell you that the time they spent studying for their law finals was one of the worst periods of their life! This is because an enormous number of 6) \_\_\_\_\_ covering a wide area of law must be memorized. In Japan, where there are relatively few lawyers, the examinations are supposed to be particularly hard: less than 5 percent of candidates pass. Even after passing the examination, though, a lawyer is not necessarily 7) \_\_\_\_\_. A 8) \_\_\_\_\_ in England, for example, must then spend two years as an articled 9) \_\_\_\_\_, during this time his work is closely supervised by an experienced lawyer, and he must take further courses. A 10) \_\_\_\_\_ must spend a similar year as a pupil.

The rate at which the legal profession grows is terrific. In the 21st century the number of lawyers will probably 11) \_\_\_\_\_ the rate of population growth. Why is the career in law so popular? In the USA the average salary of experienced lawyers in private practice is more than 12) \_\_\_\_\_. Lawyers' salaries are substantially greater than those of many other professionals. The glamour of legal practice strengthens the attraction of its 13) \_\_\_\_\_ rewards.

**7. Browse the Internet to read the full version of the Code of Conduct for US Judges.**

*Appendix A provides information on the functions of an attorney-at law.*

*The Code of Conduct for RA Judges can be found in Appendix B.*

**As a class, discuss the following question:**

*How does the Code of Conduct for US Judge differ from the Code of Conduct for RA Judge?*

**8. Writing Activity 1.**

**Render in English.**

Դատախազության մասին ՀՀ օրենքի 22 հոդվածում ներկայացվող պահանջներին համապատասխան՝ գլխավոր դատախազի տեղակալ, Երևան քաղաքի դատախազ, մարզի դատախազ կամ համայնքների դատախազ կարող է լինել 30 տարին լրացած, ընտրական իրավունք ունեցող ՀՀ քաղաքացին, որն ունի իրավաբանական բարձրագույն կրթություն, իրավաբանի առնվազն հինգ տարվա մասնագիտական ստաժ և ընդգրկվել է դատախազների պաշտոնեական պիտանիության և ծառայողական առաջխաղացման ցուցակներում:

Օրենքում քննիչներին նույնպես ներկայացվում են որոշակի պահանջներ: Քննիչ կարող է լինել ընտրական իրավունք ունեցող ՀՀ քաղաքացին, որն ունի իրավաբանական բարձրագույն կրթություն, ըստ մասնագիտության գործնական աշխատանքի փորձ ունենալու դեպքում՝ մեկ տարվա ընթացքում անցել է ստաժավորում և հանձնել համապատասխան քննություն: <sup>4</sup>

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<sup>4</sup> Տե՛ս Ղազինյան Գ., Դիլբանդյան Ս. (2003), ՀՀ դատարանակազմությունը և իրավապահպան մարմինները, Երևանի համալսարանի հրատ., Երևան, էջ 294:

## ***Writing Activity 2.***

***Summarize the answers to the questions “What can/can’t a judge do” in a short piece of writing (150 words).***

### **A judge**

1. oversees a trial or hearing,
2. serves as an impartial referee,
3. makes decisions on which arguments, questions and evidence are admissible,
4. determines the extent of punishments levied during trials,
5. hears cases alone,
6. serves on courts that feature multiple judges who all hear the same case at the same time and delivers rulings on majority rule,
7. has lifetime appointments,
8. shall not hear and decide a matter in which a member of his family, a close relation or a friend is concerned,
9. shall not enter into a public debate or express his views in public on political matters or on matters that are pending or are likely to arise for judicial determination.

## UNIT 2. GOVERNMENT

Our government is based on principles that we value and have cherished for more than 200 years. One such principle is that government exists only by the will of the people. Another is that we have certain rights that government cannot take away. These and other principles and ideas form the foundation of American government.<sup>5</sup>



### THE ROOTS OF AMERICAN GOVERNMENT

By the year 1733 the English had owned thirteen separate colonies along the Atlantic coast of North America. All the English colonies in America shared a tradition of representative government. This means that in all of them people had a say in how they were governed. Each colony had its own government. At the head of this government was a governor, chosen in most cases by the English king. To rule effectively, these governors depended upon the **cooperation of assemblies** elected by the colonists. In most of the colonies all white men who owned some land had the right to vote. The years from the 1750s until the mid-1770s were uneasy times in the colonies. First, the

**Essential terms**  
**cooperation of assemblies:** common effort of a group of people who make and change laws for a government or organization

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<sup>5</sup> St. u Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), American Government, p. 23.

colonists fought the French and American Indians to gain land. Then they argued with the British king about their rights and freedom.

Democracy in all the colonies grew rapidly. On July 2, 1776, the Continental Congress took the step that many Americans believed was inevitable. It cut all political ties with Britain and declared that “these United Colonies are free, and independent states”. Two days later, on July 4, it issued the Declaration of Independence. The Declaration of Independence is the most important document in American history. It was written by Thomas Jefferson, a lawyer from Virginia.

After repeating that the colonies were now “free and independent states” it officially named them the United States of America. The Declaration of Independence was more than a statement that the colonies were a new nation. It said that governments should consist of representatives elected by the people; that the main reason that governments existed was to protect the rights of individual citizens.

**amendment:** a change in the words or meaning of a law or document (such as a constitution)  
**execute:** to carry out fully; put completely into effect

Written in 1787, ratified in 1788, and in operation since 1789, the USA Constitution is the world’s longest surviving written charter of government. In 1791 ten **amendments** known as the Bill of Rights were added to the Constitution.

The Constitution gave the United States a “federal system of government”. A federal system is one in which the power to rule is shared. The Constitution made arrangements for the election of a national leader called the President. He would head the “**executive**” side of the nation’s government.<sup>6</sup>

## GOVERNMENT

The operation of the US government is based on the US Constitution. A key feature of the U.S Constitution is federalism, an

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<sup>6</sup> St’u <https://znanija.com/task> (ηηunq[ε] t` 05.06.2021)



original idea for power-sharing between states, on the one hand, and the national government on the other. Another major feature of the Constitution is the principal of separation of powers within the national government, with separate legislative, executive, and judicial branches.

The government of the United States is truly national in character. It can deal with the people of the country directly, not just indirectly through the states. That is, certain powers such as the powers to make war and deal with other nations are granted

**enforcement (of law):** make (a law, rule, etc.) active or effective, to make sure that people do what is required by a law, rule, etc.

**overlap:** to extend over or pass and cover a part of ; to have something in common with

**pattern:** a form or model proposed for imitation: exemplar

exclusively to the national government and are denied to the states. Still others-such as **law enforcement** and taxing powers-**overlap** and can be exercised by both the national and the state governments.

The delegates to the Constitutional Convention had no **pattern** to go by when they sewed this system together. And they were not quite sure what they had when they finished with it, but the system

came to be called federalism-in the United States, government based upon a written constitution in which power is divided between (and shared by) the national government and the states, it is also divided within the federal government. The national government features a separation of powers. Its executive branch, its legislative branch, and its judicial branch exercise powers that are largely separate and distinct. Congress is the legislative branch. It makes laws. The President is supposed to execute, or carry out the laws. And the courts interpret the laws-determining exactly what laws mean-if there is a dispute.

**checks and balances:** a system that allows each branch of government to amend or veto acts of another branch so as to prevent any one branch from exerting too much power

**expenditure:** an amount of money that is spent on something

**binding over:** forcing or requiring someone to do something because of a promise, agreement

There is not a strict and complete separation of powers, but a partial one; the powers of the three branches overlap. The separation and the overlapping of powers are called **checks and balances**. The presidential veto is a good example. It is a presidential check on the power of Congress. If in disagreement with a bill passed by Congress, the President can veto (reject) it. In that case, the bill cannot become law unless it is again passed by both houses of

Congress, but this time it must be passed by a two-thirds vote of both the House of Representatives and Senate to become law. Congress can check the power of the President and the judiciary in that, for example, it is Congress which has control over the budgets and **expenditures** of the other branches. Within Congress itself, each house checks the power of the other because it takes the agreement of both houses to make a law. The judiciary checks the powers of the executive and legislative branches through its authority to interpret the law and the Constitution and to issue orders **binding** on the other branches- as when the Supreme Court ordered President Richard Nixon to turn over tapes of conversations in his office to a lower court in a criminal case.

*Find the answers to the following questions in the text “The Roots of American Government”.*

1. How many colonies had the English owned by the year 1733?
2. What form of government did they have?

3. Who was the head of each government?
4. When was the Declaration of Independence issued?
5. Who wrote the Declaration of Independence?
6. What did the Declaration of Independence state?
7. When was the Constitution of USA adopted?
8. How do the Americans call the 10 Amendments to the Constitution?

### ***VOCABULARY DEVELOPMENT***

**1. Match the words to form collocations as they appear in the text.**

- |                   |                 |
|-------------------|-----------------|
| 1. representative | a) Law          |
| 2. political      | b) branch       |
| 3. independent    | c) Court        |
| 4. main           | d) case         |
| 5. national       | e) leader       |
| 6. major          | f) feature      |
| 7. written        | g) constitution |
| 8. legislative    | h) ties         |
| 9. Supreme        | i) states       |
| 10. Criminal      | j) reason       |
| 11. interpret     | k) government   |
- 

**2. Match the words with their definitions.**

- |                |  |
|----------------|--|
| 1. to reject   | a) verbal controversy                  |
| 2. to enact    | b) an amount of money spent on sth.    |
| 3. Dispute     | c) to refuse to accept                 |
| 4. expenditure | d) recognizably different in nature    |
| 5. to overlap  | e) to have sth in common               |
| 6. to protect  | f) a contract; an arrangement          |
| 7. distinct    | g) to make into law                    |
| 8. to pass     | h) to become approved by a legislature |
-

- |               |  |
|---------------|--|
| 9. agreement  | i) to keep safe from harm and injury                           |
| 10. authority | j) power to influence or command thought, opinion, or behavior |

3. **Choose the correct word to complete the sentence.**

1. We need to \_\_\_\_\_ a new school secretary.
2. Each constitution has its own distinctive \_\_\_\_\_.
3. After his death his property was \_\_\_\_\_ among his children.
4. The \_\_\_\_\_ for doing this is explained in Appendix 3.
5. The main purpose of the constitution is to \_\_\_\_\_ the system of government in a country.
6. In the United States the judiciary is headed by the \_\_\_\_\_ Court.
7. Any appointments are subject to the \_\_\_\_\_ of the president.
8. In many countries the right to make new laws is \_\_\_\_\_ in the people's representatives.
9. Today monarchs \_\_\_\_\_ mostly ceremonial functions.
10. He is economically \_\_\_\_\_ of his family.
11. The job offers \_\_\_\_\_ working hours.
12. The principle of \_\_\_\_\_ government is basic to the American Constitution.
13. The prisoners' right to \_\_\_\_\_ is not always respected.
14. The United States is a \_\_\_\_\_ Democracy.

***(limited, procedure, privacy, divided, appoint, define, flexible, representative, independent, approval, perform, features, vested, Supreme)***

4. **Translate from English into Armenian.**

- |                  |       |
|------------------|-------|
| Government       | _____ |
| to interpret law | _____ |
| to protect       | _____ |
| citizen          | _____ |

independence \_\_\_\_\_  
 to draft \_\_\_\_\_  
 enforcement \_\_\_\_\_  
 Veto \_\_\_\_\_  
 constitution \_\_\_\_\_  
 judicial branch \_\_\_\_\_

5. *Complete the phrases using the words given below.*

- |   |                            |
|---|----------------------------|
| 1. <u>human</u> rights                  | 8. _____ document          |
| 2. _____ of the constitution            | 9. _____ allegiance to smb |
| 3. _____ from the customs and practices | 10. _____ vote             |
| 4. _____ constitution                   | 11. _____ power in smb/sth |
| 5. _____ branches of government         | 12. _____ of state         |
| 6. _____ lawmaker                       | 13. _____ of powers        |
| 7. _____ functions                      | 14. _____ the common law   |

*head, to make up, to vest, supreme, unwritten, majority, conventions, independent, to derive, single, to owe, separation, human, to perform*

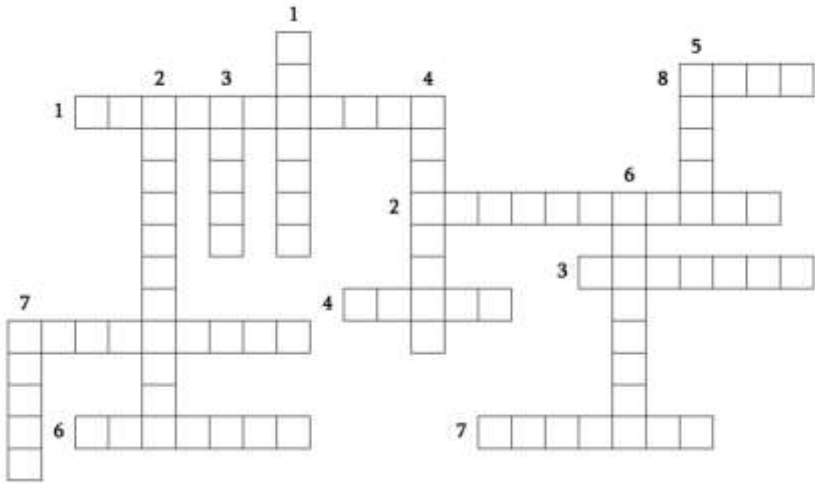
6. *Solve the puzzle based on legal vocabulary.*

**Across**

1. a request for information, cross-examine
2. a person who is a member of a particular country
3. urgently needed, absolutely necessary
4. a room where a court of law meets
5. to find guilty of a crime after a trial
6. a person who testifies under oath in a court of law
7. a group of people selected to apply the law, as stated by the judge, to the facts of a case and render a decision

## Down

1. a series of actions; actual course of procedure
2. interpretation, statement
3. legal proceedings consisting of the judicial examination of issues by a competent tribunal
4. the promise to pay another's debt or fulfill contract obligations
5. a public official authorized to decide questions brought before a court of justice
6. the information presented to a judge or jury designed to convince them of the truth or falsity of key facts
7. applying to ordinary citizens; not criminal



## 7. *Speaking Activity.*

1. Which of the following things do you think your government should pay for?

- Free medical care
- Free education/ pre-school, school, university

- Basic housing for the citizens
- Public transportation
- Highways, roads, water systems and other public works
- Water systems including irrigation systems for all citizens
- Complete care for needy children
- Complete care for the elderly

2. Which of these does your government now pay for?



8. *Listen to the lecture and answer the following questions. Do the given quizzes and check the answers while listening to the lecture.*

**Quiz 1.**

1. How many US states are there?
2. Through what process do people become part of the government?

**Quiz 2.**

In the US

1. How many branches of government are there?
2. Does the US President hold the most power?
3. How do we know what each branch is responsible for?

**Quiz 3.**

1. What other titles does the US President have?
2. Which members of Congress serve two-year terms?

**Quiz 4.**

Here try a quick matching quiz.

(21, 25, 30, 35, 40)

1. The US President must be at least \_\_\_\_\_ years old.
2. A US Senator must be at least \_\_\_\_\_ years old.

3. A US Representative must be at least \_\_\_\_ years old.

**Quiz 5.**

Another quick quiz.

1. How long can someone serve on the Supreme Court?
2. Is a Supreme Court Justice appointed or elected?

**9. *Listen again to the part of the lecture and fill in the gaps with the appropriate word or phrase from the lecture.***

We have three branches of government. Each branch is responsible for different things to avoid any 1) \_\_\_\_ of power. This is called the 2) \_\_\_\_\_. No branch can be all-powerful because we have a system of 3) \_\_\_\_\_. This means that two branches can limit the power of one. The separation of powers and all the checks and balances are outlined in the US Constitution. The Constitution provides the framework for our government- it's the 4) \_\_\_\_\_ law of the land, meaning the highest law on our country. The United States was formed in 5) \_\_\_\_\_. The Constitution was written in 6) \_\_\_\_\_. It was 7) \_\_\_\_\_ or approved in 1788. It went 8) \_\_\_\_\_ in 1789.

**10. *Browse the Internet.***

Go to <https://en.wikipedia.org/wiki/Thirteencolonies> to learn more about the Thirteen Colonies, also known as the Thirteen British Colonies, the Thirteen American Colonies, or later as the United Colonies.

With a partner, summarize the overall idea of “Thirteen Colonies”.



**11. Writing Activity.**  
**Render in English.**

**Կառավարության կարգավիճակը և գործառույթները**

1. Կառավարությունը գործադիր իշխանության բարձրագույն մարմինն է:

2. Կառավարությունն իր ծրագրի հիման վրա մշակում և իրականացնում է պետության ներքին և արտաքին քաղաքականությունը:

3. Կառավարությունն իրականացնում է պետական կառավարման համակարգի մարմինների ընդհանուր ղեկավարումը:

4. Կառավարության լիազորությունները սահմանվում են Սահմանադրությամբ և օրենքներով: Կառավարության իրավասությանն են ենթակա գործադիր իշխանությանը վերաբերող բոլոր այն հարցերը, որոնք վերապահված չեն պետական կառավարման կամ տեղական ինքնակառավարման այլ մարմինների:

**Կառավարության կազմը և կառուցվածքը**

1. Կառավարությունը կազմված է վարչապետից, փոխվարչապետներից և նախարարներից:

2. Նախարարությունների ցանկը և կառավարության գործունեության կարգը կառավարության ներկայացմամբ սահմանվում են օրենքով: Փոխվարչապետների թիվը չի կարող գերազանցել երեքը, իսկ նախարարներինը՝ տասնույթը:<sup>7</sup>

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<sup>7</sup> Տե՛ս <https://www.gov.am/am/gov-system/> (ղիտվել է՝ 05.03.2021)

## UNIT 3. THE LEGISLATURE

Every nation has its most cherished ideals as well as symbols that represent those ideals. In the United States, the most cherished ideal is liberty, and its symbol is the Statue of Liberty in New York City harbor. Over the years, Americans have linked the ideal of liberty to the concept of law. In many other countries, the two have not gotten along well together. For example, some governments have deliberately passed laws to deprive citizens of their individual or group liberties. In the USA the government, despite shortcomings, has tried to enact laws that guarantee the freedoms of citizens.<sup>8</sup>



The legislative branch of the federal government is represented by Congress. There are two houses of Congress: the Senate and the House of Representatives. The Senate is composed of 100 voting members. The House of Representatives has 435 voting members in addition to two representatives from Puerto Rico and the District of Columbia who are not entitled to vote. The members of the House are called representatives or congressmen (or congresswomen).

### Essential terms

**policy:** a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body

Its main functions are lawmaking, forming structures and programmes to implement **policy**, overseeing the resulting bureaucracy, raising and allocating government funds, and advising the President on foreign affairs and appointments.

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<sup>8</sup> St. u Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), American Government, p. 239.

While the chambers of Congress are in theory equally powerful, there are several significant differences in their membership, organization and practices. As originally intended, the House continues to respond more quickly than the Senate to the electorate's mood. Elections every two years in smaller geographical units allow Representatives to more closely reflect to current views of local voters

**majority:** a number that is greater than half of a total

than do Senators, who serve six-year terms and represent whole states. The large **majority** of both chambers has always consisted of middle-aged men, many of whom are usually lawyers.

There are constitutional differences between the chambers as well. To qualify for a seat in the Senate, a person must be 30 years old, a citizen for 9 years, and a resident of the state where elected. Representatives must be 25, 7 years a citizen, and (by custom) a resident of their district. Financial bills must begin in the House, although the Senate can amend them. Treaties and Presidential appointments must be approved by the Senate. Size, however, is the constitutional difference that has the most important effect on the chambers.

Because of its much greater size, the House must regulate its business carefully. The Speaker of the House and the Rules Committee are given considerable power to schedule the work of the chamber, limit debate, and restrict amendments to a bill from the floor. The Speaker also influences the assignment of members and bills to committees, decides which bills are brought up for a vote, and has total power over who speaks during debate. The Speaker is chosen

**whip:** an official of a political party appointed to maintain parliamentary discipline among its members

by the majority party and in turn chooses his party's members on the Rules Committee. The Majority party also elects a majority leader as the Speaker's next in command and a **whip** to help round up votes. The other party selects a

minority leader and whip.

Members of Congress organize themselves in several ways. The most important of these is by party. Members divide along party lines on between a third and a half of the votes that take place in Congress. Special party groups pick the offices of each chamber and decide which committees members will work on. Each party gets a number of committee members equal to the percentage of seats it won in the last elections. The majority party wins the leadership positions and the most committee staffing.

Within Congress there exist party leaders who are selected by congressional party caucuses (party meetings).

The Constitution grants Congress all legislative powers in the federal government. Only Congress can make laws. The President, interest groups, and private citizens may want laws passed by Congress. But only if they can convince a member of each chamber to

**proposal:** an act of putting forward or stating something for consideration

introduce their **proposals**, is there a chance that they will become federal law. Law-making is only the best known of the legislative branch's duties. Members are truly representatives, so much of their work involves case-work (handling pressure groups and voters' complaints and requests ). The national legislature alone can make the federal budget. No federal funds can be raised, allocated, or spent without its direction. Congress also has the constitutional authority to regulate foreign and interstate commerce. Only it has the power to raise, finance, and regulate military forces and to declare war. The legislative branch has great power over the other arms of the national government. It creates all the federal courts below the Supreme Court, can change the number of Supreme Court justices, and decides which cases the federal courts can hear by defining jurisdictions. Congress, not the President, establishes the departments and the executive bureaucracy.

Congress does most of its work in committees, in which members gain the expertise and power to make their mark on public policy. The volume and complexity of legislation introduced each year are huge, so committees are an indispensable tool for the division of labour. The committee system assigns members to specific legislative work; the supervision of executive departments and agencies; hearings on

**public issues:** public problems

**permanent:** lasting or continuing for a very long time or forever; not temporary or changing

**public issues** and (in Senate committees) on presidential appointments. Members strive for assignments on committees of the greatest concern to their states or congressional districts. As government became involved in wider areas of life, the two dozen or so standing (or **permanent**) committees in each

chamber have spawned many subcommittees. The most senior member traditionally becomes chair of a committee and through this position exercises control over the power to kill or promote a proposal. Since the early 1970s subcommittees have won greater independence, and chairmen have been chosen by secret ballot, which has not always resulted in election by seniority.

The steps in the law-making process are similar in both chambers. Bills can be introduced in one chamber or in both simultaneously. After that, the bill is referred to a committee, which usually refers it to a subcommittee. There members air their views, gather reports from experts and lobbyists, and hold hearings to get

**debate:** a discussion between people in which they express different opinions about something; the formal discussion of a motion before a deliberative body according to the rules of parliamentary procedure

opinions on the proposal. The next step is 'a mark-up session' during which the subcommittee agrees on changes in the bill. It is then returned to the committee for another mark-up session before it goes to the whole chamber for **debate** and a vote on passage.

Most bills die in committee or subcommittee because they were introduced only to publicize a member's willingness to do something about an issue, or because they are too flawed or **controversial** for passage. Then a conference committee from both chambers produces a compromise text for final votes in the House and Senate. If the compromise bill passes, it is sent to the President, who may sign or veto it.

**controversial:** relating to or causing much discussion, disagreement, or argument

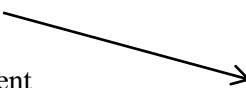
Congress also plays an informative role. It informs the public about different and important subjects, such as crime or space exploration.

*Find the answers to the following questions in the text "The Legislature".*

1. What are duties of Congress?
2. How are senators chosen?
3. What qualifications must a person meet to be a senator?
4. What determines how many representatives a state will have in the House?
5. How are representatives elected?
6. What qualifications must a person meet to serve in the House of Representatives

### **VOCABULARY DEVELOPMENT**

1. *Match the words to form collocations as they appear in the text. More pairs are possible.*

- |                 |               |
|-----------------|---------------|
| 1. legislative  | a) issues     |
| 2. federal      | b) funds      |
| 3. to implement | c) branch     |
| 4. government   | d) government |
| 5. foreign      | e) Court      |
- 

- |                   |               |
|-------------------|---------------|
| 6. Diverse        | f) membership |
| 7. financial      | g) policy     |
| 8. constitutional | h) members    |
| 9. committee      | i) affairs    |
| 10. Supreme       | j) bills      |
| 11. public        | k) ballot     |
| 12. secret        | l) difference |
| 13. law-making    | m) process    |
| 14. informative   | n) role       |

2. ***Match the words with their definitions.***

- |                  |  |
|------------------|--|
| 1. to allocate   | a) the quality or state of being greater                           |
| 2. to vote       | b) a matter that is in dispute                                     |
| 3. to implement  | c) to assign or distribute   |
| 4. debate        | d) to carry out  |
| 5. justice       | e) the quality of being impartial, fair                            |
| 6. controversial | f) argumentative, contentious                                      |
| 7. issue         | g) a formal discussion in a public meeting or legislative assembly |
| 8. to intend     | h) to express an opinion   |
| 9. majority      | i) to have in mind as a purpose; plan                              |

3. ***Fill in the gaps choosing words and word-combinations from the box.***

*senators, lawmaking body, annual salary, questionnaires, congressional session, membership, representatives, congressional districts, staffs of experts, executive branch, state*

***The Congress***

1. The Congress of the United States, made up of the Senate and the House of Representatives, is the nation's \_\_\_\_\_.

2. The responsibilities of Congress include lawmaking, helping constituents, monitoring the \_\_\_\_\_, and representing the views of constituents.

3. Senators and representatives maintain close contact with their constituents through newsletters, \_\_\_\_\_, personal visits, radio, and television.

4. A \_\_\_\_\_ is the period during which Congress meets.

5. The Senate is made up of two members from each \_\_\_\_\_.

6. \_\_\_\_\_ in the House of Representatives is based on each state's population.

7. \_\_\_\_\_ must be at least 30 years old, residents of the state from which they are elected, and American citizens for nine years. \_\_\_\_\_ must be at least 25 years old, residents of the state from which they are elected, and American citizens for seven years.

8. The number of \_\_\_\_\_ in each state depends upon the state's population and may change every ten years based on the United States census.

9. In addition to an \_\_\_\_\_, members of Congress receive certain benefits and privileges as compensation for their work.

10. As the task of governing has become more complex, members of Congress and congressional committees have had to rely on \_\_\_\_\_ to help them with their work.

**4. Translate from English into Armenian.**

- House of Representatives \_\_\_\_\_
- electorate \_\_\_\_\_
- local voter \_\_\_\_\_
- Foreign affairs \_\_\_\_\_
- committee member \_\_\_\_\_
- proposal \_\_\_\_\_
- Supreme Court \_\_\_\_\_
- Legislature \_\_\_\_\_
- Military forces \_\_\_\_\_



***Speaking activity.***

**5. *Work with a partner to discuss the following questions.***

*1. The Constitution contains only a few requirements for a person to be a US representative or senator. What additional requirement would you add?*

*2. "The speaker of the House is considered to be the second most powerful leader in the country".*

*Do you agree or disagree with the given statement?*

**6. *With a partner, prepare a short report on the Compensation and Immunities of Senators and Representatives.***

**7. *Solve the puzzle based on legal vocabulary.***

**Across**

*1. an official group of people who have been given responsibility to control sth.*

*2. harm, damage, wrongful treatment*

*3. the loss of something as a punishment, penalty*

*4. harm or injury that causes loss of value*

*5. person suffering injury, pain, loss*

*6. substance used for medical purposes, opium,*

*7. feel or have pain, loss*

**Down**

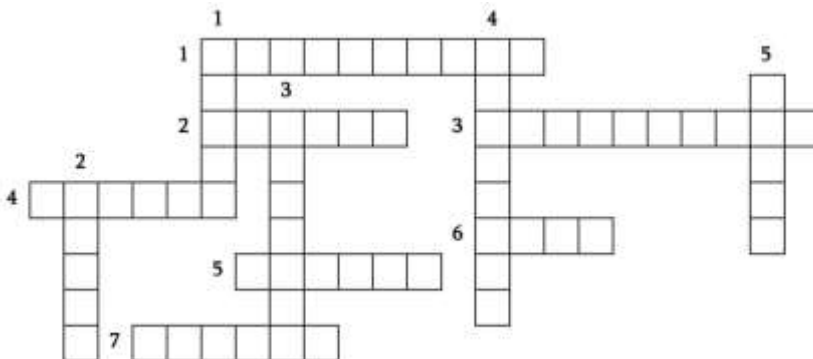
*1. serious law-breaking*

*2. a grant made by a court of law, especially of damages in a civil action*

*3. fairness, moral rightness*

*4. person who breaks a law*

*5. command given by authority*



8. *Listen to the lecture “Legislative Branch of the US Government/ History”.*

*Task 1.*

1. Listening for the “Larger Picture”. Listen to the lecture and take notes on the Legislative Branch of the US Government. Compare your notes with your classmates’ notes to fill in information gap. What information do they have that you don’t and vice-versa.

2. Listen again to part of the lecture and complete the passage below according to it.

The first in lower house is the House of Representatives made up of 1)\_\_\_\_\_ elected officials. Each state is 2)\_\_\_\_\_ a number of congressmen 3)\_\_\_\_\_ by their total population. To become a member of the House, one must be at least 25, have lived in the US for seven years, live in this state they will represent, and be elected by the people. Congressmen serve 4)\_\_\_\_\_ and are up for 5)\_\_\_\_\_ every 6)\_\_\_\_\_ year.

The House is led by the 7)\_\_\_\_\_ of the House, who is elected by the House of 8)\_\_\_\_\_. The House has a few 9)\_\_\_\_\_ powers not shared by the Senate. Only the House can 10)\_\_\_\_\_ tax laws and

spending bills. Only the House can initiate 11) \_\_\_\_\_ of a president or other officials. And in the event that there is no majority in the Electoral College for one of the presidential candidates, it's the House who 12) \_\_\_\_\_ the deciding vote.

**Task 2.**

***Duties of the Congress***

Congress can ...

- . make laws about trade
- . maintain Army, Navy, Air Force
- . declare war
- . make laws about taxes
- . make laws about citizenship
- . borrow money
- . print money
- . put a tax on exports
- . give title of nobility
- . take away the right to a trial
- . make laws about marriage, driver's licenses, police

**9. Browse the Internet.**

Go to [https:// law.justia.com/ constitution/ us/ article -1/ 21 – compensation -and-immunities -of-members.html](https://law.justia.com/constitution/us/article-1/21-compensation-and-immunities-of-members.html) to learn about

- 1) Compensation and Immunities of Senators and Representatives;
- 2) Congressional pay;
- 3) Privilege from arrest;
- 4) Privilege of speech or debate

***With a partner, prepare a short report on the Compensation and Immunities of Senators and Representatives.***

**10. Writing Activity.**  
**Render in English.**

ԱՄՆ Կոնգրեսը օրենսդիր մարմին է: Նստավայրը գտնվում է Վաշինգտոնի Կապիտոլիումում: Կոնգրեսի լիազորությունները սահմանված են ԱՄՆ Մահմանադրությամբ: Կոնգրեսը երկպալատ է. բաղկացած է Սենատից և Ներկայացուցիչների պալատից:

Ներկայացուցիչների պալատը կազմում է քվեարկությանը մասնակցող 435 անդամ և 6 չմասնակցող, որոնցից յուրաքանչյուրը ներկայացնում է իր ընտրատարածքը և վերընտրվում է երկու տարին մեկ: Ներկայացուցիչների պալատում տեղերը բաշխվում են նահանգների շրջանում՝ բնակչության թվաքանակի հիման վրա: ԱՄՆ-ում ընտրությունների այս կարգով իրականացվում է ժողովրդաիշխանության սկզբունքը:

Սենատը բաղկացած է 100 անդամից, որոնք աշխատում են վեց տարի ժամկետով: Յուրաքանչյուր նահանգ ունի երկու սենատոր՝ անկախ բնակչության թվից: Այսպես է իրականացվում նահանգների անկախության սկզբունքը: Երկու տարին մեկ Սենատի մոտ մեկ երրորդը վերընտրվում է ռոտացիայի կարգով:<sup>9</sup>

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<sup>9</sup> See [bit.ly/3CsvMhX](http://bit.ly/3CsvMhX) (ղիտվել է՝ 03.07.2021)

## UNIT 4. CONSTITUTION

*We, the People of the United States, in order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common Defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.*<sup>10</sup>



June 21, 1988 was the 200th anniversary of the adoption of the United States Constitution. It is the oldest written constitution still in use. Yet, since the addition of the Bill of Rights in 1791, the Constitution has been changed (amended) only 16 times, and one of those amendments simply canceled another.

The Constitution defines three branches of government. They are the legislative branch, which enacts (makes) laws; the executive branch, which enforces them; and the judicial branch, which **interprets** them (decides what they mean). The legislative branch is called Congress. It is made up of two groups of legislators - the Senate and the House of Representatives. The Senate is often referred to as the *Upper House*. It has two senators from each state. Senators are elected for six-year terms. Every two years, one-third of them face reelection.

### Essential terms

**interpret:** explain or tell the meaning of, present in understandable terms

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<sup>10</sup> St. u Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1983), American Government Principles and Practices, Paperback, Published by Merrill, p.52.

The *Lower House* is the House of Representatives, which has 435 members, all elected every two years. The representation of each state is determined by the state's population. While the smallest states have only one representative each, California's representation in the 100<sup>th</sup> Congress (1987 to 1988) was 45.

For the purpose of electing representatives, each state is divided into Congressional districts. The districts within a state are about equal in population. One representative is elected from each district. One of his or her major duties is to protect interests of the people in that district.

The job of Congress is to pass laws. Before a proposed bill becomes a law, it must be approved by both houses of Congress and by the president. If the president disapproves of (vetoes) a bill, it can still become law if at least two-thirds of the members of each house of Congress vote for it.

The president, the nation's chief executive, must see that all national laws are carried out. Of course, a very large staff of advisers and other employees assist the president. In fact, the executive branch employs about three million people located all over the world. The most important group of advisers is called the Cabinet. The Cabinet consists of the heads of the 14 departments of the executive branch, such as the Secretaries of Education, Defense, and Agriculture. Cabinet members are chosen by the president with the approval of the Senate. The president also appoints ambassadors and other consular heads, as well as judges of the federal courts.

The vice-president is the only other elected person in the executive branch. The chief constitutional duty of the person holding this office is to serve as president of the Senate. The vice-president's most important function is to become president upon the death, **resignation**, or disability of the president. Out of 35 presidents elected, eight have died in office, and one resigned. In each case, the vice

**resignation:** an act of giving up a job or position in a formal or official way

president became president.

The judicial branch consists of the federal courts. One of the unusual features of the American judicial system is the power of the courts to declare legislation unconstitutional and, therefore, void. Federal laws are unconstitutional if they are not authorized by the Constitution or if they violate a person's rights that are protected by the Constitution. For example, if Congress passed a law that members of the House of Representatives be elected for four-year terms, that would be unconstitutional because the Constitution says that representatives are to be elected for two-year terms.

United States laws are in some way controlled or affected by all three branches of government - Congress makes them; the president approves and enforces them; and the courts determine their meaning and validity. This is one example of the government's system of checks and balances, by which each branch of government prevents improper actions by the other branches.

## **CHECKS AND BALANCES**

The checks and balances were put to an important test in 1974 when it was discovered that President Nixon had been involved in obstruction of justice (hiding crimes) in connection with the *Watergate* scandal. Both Congress and the prosecutor demanded that the president give them certain papers and tape recordings which he had. The president refused because he said that neither the judicial nor the legislative branch could tell the president, the head of the executive branch, what to do. He was relying on a doctrine known as the *separation of powers*. This means that one branch of the government cannot interfere with the others.

During this conflict, two important questions were raised: (a) Could the president withhold information about possible crimes from Congress and the courts? and (b) Did the doctrine of separation of powers mean that the courts could not order the president to give

evidence to the prosecutor? After considering these questions, the **Supreme** Court ordered the president to give the evidence to the prosecutor, and he obeyed. After examining the evidence, Congress began the constitutional procedure to **remove** the president **from office** (impeachment), but before the process was completed, President Nixon resigned from office. The checks and balances prevented a major governmental crisis, and the president passed peacefully and smoothly to the vice-president. The "chart" had kept the country on course, even when the captain tried to stray.

**supreme:** highest in rank or authority, highest in degree or quality  
**remove from the office,** to force (someone) to leave a job, to dismiss (someone) from a job

## **BILL OF RIGHTS**

Probably the most significant portion of the Constitution is the Bill of Rights, the first 10 amendments to the Constitution. The first of these assures freedom of religion, speech, and the press and the right to complain to and about the government. Speech is protected no matter how unpopular or repulsive, so long as it does not create an immediate and serious danger to life or property. Free speech means that the government cannot prevent people from saying or writing whatever they want, nor can it punish people for expressing ideas that criticize the government. Free speech is at the very heart of democracy. Former Supreme Court Justice Louis Brandeis once stated that, for a democracy to work, people must be allowed to express new, unusual, and unpopular ideas so that they can be debated and examined and then adopted or rejected. After all, democracy itself was a radical idea in the 18th century, and it still is in many parts of the world.



Freedom of religion means that each person can belong (or not belong) to any church. An individual can follow any church's teachings as long as these do not seriously interfere with the rights of others. Religious freedom also means that neither the federal government nor any state government can encourage or prevent the practice of religion. This concept has been referred to as the *wall of separation* between church and state.

The Fourth, Fifth, Sixth Amendments protect people suspected or accused of crimes. But they also protect the ordinary person. Government officials and police cannot arrest people or search them, their property, or their homes without some reason to believe that they have committed a crime.

Certainly the most important of the remaining amendments is the Fourteenth. It grew out of the Civil War and was passed to protect former slaves from oppressive and discriminatory state laws. But its effect has been much broader than that. First, it gives state citizenship to all United States citizens living in a state. Then, it prohibits states from violating the rights of American citizens. But the most significant provision is that no state may "deprive any person of life,

**liberty:** the quality or state of being free

**liberty** or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

These last provisions apply not only to United States citizens, but to all persons in the state. The original Bill of Rights did not protect people from state action, but only from federal action; the Fourteenth Amendment has been interpreted by the Supreme Court to apply almost all of the provisions in the Bill of Rights to the states. Thus, the Fourteenth Amendment is one of the most valuable protections that people living in the United States have.<sup>11</sup>

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<sup>11</sup> St. u Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1983), American Government Principles and Practices, Paperback, Published by Merrill, p.53.

## THE ARTICLES OF THE CONSTITUTION

The seven major articles that make up the main body of the Constitution are divided into smaller sections. Take Article 1, for instance, which has 10 sections. It is often considered the most important article because it sets precise limits on the powers of Government. It focuses on the legislative branch, laying out the requirements for becoming a member of Congress, expressing the process by which laws are enacted, and describing the duties of Congress. Section 8 lists the powers given to Congress. Powers denied to Congress are listed in Section 9 of Article 1.<sup>12</sup>

**Article I.** The Congress has many powers. It can decide taxes like the Social Security tax. It also makes laws about citizenship. Congress can start post offices, too. It makes laws about foreign trade. For example, if Honda, from Japan, wants to sell more cars in the U.S., the Congress decides yes or no. If the U.S. fights with another country, Congress can declare war.

**Article II.** The President has other powers. He or she is the Commander-in-Chief of the military. The President can choose people to be judges on the Supreme Court. He or she can choose people to be ambassadors. But, the Senate must say okay to these people. The President also gives information to the Congress. He or she tells Congress about problems in the U.S.

**Article III.** The Judicial branch has certain powers. The courts can review some laws. If the laws do not agree with the Constitution, the courts can tell Congress to change the laws. The courts listen to problems about protecting the Constitutional rights of the people.

**Article IV.** States have a republican form of government. States can make some state laws. All states must respect the laws of other states. If Congress says okay, new states can become part of the U.S.

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<sup>12</sup> St u Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1983). American Government Principles and Practices, Paperback, Published by Merrill, p. 53.

**Article V.** This article explains the way to amend the Constitution. Three-fourths of the states must say okay to an amendment.

**Article VI.** This article says the Constitution is the supreme law of the U.S. Everyone must follow the Constitution.

**Article VII.** This article says three-fourths of the states must say okay to this Constitution. There were only 13 states in 1787.<sup>13</sup>

*Find the answers to the following questions in the text “The Constitution”.*

1. When was the Constitution written?
2. Why is the Constitution called the "supreme law of the land"?
3. Who does the Constitution guarantee basic rights for?
4. Name one of the main principles of the Constitution.
5. What are the first ten amendments called?
6. Name one right guaranteed by the first amendment.
7. Who has the right to vote?

## **THE CONSTITUTION: THE BILL OF RIGHTS**

Over the years, 27 Amendments have been added to the original document. The first 10, known as the Bill of Rights, were ratified in 1791. The remaining 17 were ratified between 1795 and 1992. The Amendment process, however, is still going on today.

What kinds of protections does the Constitution and its amendments give us? The basic ones are the right to think and act differently from others; the right to have equal protection of the laws; the right to own property; the right to enjoy America’s economic, political, and social resources and the right to be protected against

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<sup>13</sup> St’u Deborah J. Short, Margret Seufert-Bosco, Allene Guss Grognet (1995), *By the People For the People; US Government and Citizenship*, Center for Applied Linguistics, USA, p.18.

unreasonable actions by the government. These kinds of protections are among the civil rights and liberties found in the Bill of Rights. These 10 Amendments are summarized in the chart below.<sup>14</sup>

### **The Bill of Rights (Amendments 1-10)**

#### **Amendment 1. Freedom of Religion, Speech, the Press, and Assembly**

We can follow any religion; we can say our thoughts; we can write articles in newspapers; we can meet in groups.

#### **Amendment 2. The Right to Have Guns**

We can have guns for protection. State governments make laws about buying and keeping guns.

#### **Amendment 3. Housing Soldiers**

We do not have to let soldiers stay in our homes in peace time. If there is a war, Congress can pass a law to let soldiers stay in our homes.

#### **Amendment 4. Searches and Warrants**

Police need a court order (search warrant) to search our homes or to take our things.

#### **Amendment 5. Rights of People Accused of a Crime, and Protection of Private Property**

If a judge says you are free at a trial, you do not go to a second trial for the same crime.

You do not have to answer questions at your trial.

The government must pay a fair price before taking private property from

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<sup>14</sup> See Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1983), American Government Principles and Practices, Paperback, Published by Merrill, pp. 54, 58.

**Amendment 6. Right to a Fair Trial and Witnesses**

If you are accused of a crime, you have the right to know why.  
You have the right to a speedy and public trial with a jury.  
You have the trial in the state where the crime happened.  
You can have a private lawyer or the court will give you a lawyer.  
The lawyers can question all the witnesses.  
You can have witnesses on your side.

**Amendment 7. Right to a Jury Trial**

If the money in your case is over twenty dollars (\$20.00), you can have a jury trial.

**Amendment 8. Bails, Fines, and Punishments**

A judge cannot make you pay an unfair bail. A judge or jury cannot make you pay an unfair fine. A judge or jury or the police cannot give you unfair punishment.

**Amendment 9. The People Keep Some Rights**

The Constitution lists many rights of the people, but it does not list all the rights. The people have other rights, too.

**Amendment 10. The States or People Keep Some Powers**

The Constitution lists some powers for the federal government, but it cannot list all the powers. The other powers are for the states or for the people.

**THE CONSTITUTION: AMENDMENTS 11-26**

**INFORMATION: Amendments 11-26**

**Amendment 11.** Citizens of one state or a foreign country cannot bring a case against another state in a federal court.

**Amendment 12.** We elect the President and Vice President separately.

**Amendment 13.** There is no more slavery in the U.S.

**Amendment 14.** All people born or naturalized in the U.S. are citizens.

**Amendment 15.** Black people have the right to vote.

**Amendment 16.** Congress can make a law for an income tax.

**Amendment 17.** We elect Senators directly with our votes.

**Amendment 18.** It is illegal to make or sell liquor in the U.S.

**Amendment 19.** Women have the right to vote.

**Amendment 20.** A new President takes office on January 20.

**Amendment 21.** This repeals the 18th Amendment. Now it is legal to make or sell liquor in the U.S.

**Amendment 22.** We can elect the same President for two terms. Each term is for 4 years.

**Amendment 23.** Citizens of Washington, DC, can vote for President and Vice President.

**Amendment 24.** We do not have to pay a voting tax.

**Amendment 25.** If the President dies or resigns, the Vice President becomes President. This amendment also tells the order for other important government officials to become President if something happens to the Vice President, etc.

**Amendment 26.** Citizens 18 years old or older can vote. <sup>15</sup>

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<sup>15</sup> St' u Deborah J. Short, Margret Seufert-Bosco, Allene Guss Grognet (1995), By the People For the People; US Government and Citizenship, Center for Applied Linguistics, USA, pp. 22-23, 27-28

## VOCABULARY DEVELOPMENT

1. **Match the words to form collocations as they appear in the text.**  
**More pairs are possible.**

- |                  |   |                |
|------------------|---|----------------|
| 1. Legislative   | → | a) crisis      |
| 2. proposed      | → | b) branch      |
| 3. congressional |   | c) protection  |
| 4. chief         |   | d) system      |
| 5. judicial      |   | e) executive   |
| 6. governmental  |   | f) law         |
| 7. religious     |   | g) freedom     |
| 8. federal       |   | h) provision   |
| 9. state         |   | i) citizenship |
| 10. equal        |   | j) district    |
| 11. significant  |   | k) government  |

2. **Match the words with their definitions.**

- |                 |   |  |
|-----------------|---|--|
| 1. to interpret | ↘ | a) to give up one's office or position   |
| 2. to amend     | ↘ | b) to take sth away from, to withhold sth from                                     |
| 3. to resign    | ↘ | c) to explain, to simplify   |
| 4. concept      |   | d) a condition or requirement in a legal document                                  |
| 5. ambassador   |   | e) a diplomat sent by a state as its permanent representative in a foreign country |
| 6. prosecutor   |   | f) a barrister or other lawyer who conducts the case against the defendant         |
| 7. to deprive   |   | g) to change or modify for better  |
| 8. provisions   |   | h) notion, stereotype  |

3. **Translate from English into Armenian.**

representative \_\_\_\_\_  
duty \_\_\_\_\_  
ambassador \_\_\_\_\_

branch \_\_\_\_\_  
 amendment \_\_\_\_\_  
 to declare \_\_\_\_\_  
 to reject \_\_\_\_\_  
 to assure \_\_\_\_\_

**4. Choose True or False in response to the given statements.**

- The Constitution is very important in the U.S.  T  F  
 The Constitution tells us about basic rights.  T  F  
 The president makes all the laws in the U.S.  T  F  
 We write a new constitution every 100 years.  T  F  
 We have self-government only at the federal level.  T  F  
 Some laws are more important than the  T  F  
 Constitution.  
 Representatives can make changes in the laws.  T  F  
 The Constitution says that we can own property.  T  F

**5. Complete the chart referring to the Articles of the Constitution**

Article	Who (Legislative, Executive, Judiciary, States)	What it does
1.	<b>Legislative</b>	<ul style="list-style-type: none"> <li>• makes laws and decides taxes</li> <li>• okays treaties</li> </ul>
2.		<ul style="list-style-type: none"> <li>• give ideas for laws and treaties</li> <li>• is Chief of Army and Navy</li> </ul>
3.		<ul style="list-style-type: none"> <li>• decides if laws are okay</li> <li>• helps protect people's rights</li> </ul>



4.		<ul style="list-style-type: none"> <li>• says all states have a republican form of government</li> <li>• tells each state to respect the laws of another state</li> </ul>
5.		<ul style="list-style-type: none"> <li>• tells how to amend the Constitution</li> </ul>
6.		<ul style="list-style-type: none"> <li>• says the Constitution is a supreme law</li> </ul>
7.		<ul style="list-style-type: none"> <li>• tells how to ratify the Constitution<sup>16</sup></li> </ul>

**6. Speaking Activity.**

1. Name legal documents of constitutional importance, which have affected modern legal systems.
2. What do you think it means?  
“My freedom ends where your freedom begins”
3. Answer the question: What is freedom?



**7. Listen to the passage and fill in the gaps according to the original text.**

The Constitution of the United States is the supreme law of the United States of America. It superseded the Articles of Confederation, the nation’s first 1)\_\_\_\_\_. Originally comprising seven articles, it delineates the national frame of government. Its first three articles embody the doctrine of the separation of powers, whereby the 2 \_\_\_\_\_ 3)\_\_\_\_\_ is divided into three branches: the

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<sup>16</sup> St’u Deborah J. Short, Margret Seufert-Bosco, Allene Guss Grognet (1995), By the People For the People; US Government and Citizenship, Center for Applied Linguistics, USA, p. 17.

legislative, consisting of the bicameral Congress (Article I); the executive, consisting of the 4) \_\_\_\_\_ and subordinate officers (Article II); and the 5) \_\_\_\_\_, consisting of the Supreme Court and other federal courts (Article III). Article IV, Article V and Article VI embody concepts of federalism, describing the rights and responsibilities of state governments, the states in relationship to the federal government, and the shared process of constitutional 6) \_\_\_\_\_. Article VII establishes the procedure subsequently used by the 13 States to ratify it. It is regarded as the oldest written and codified national constitution in force.

According to the United States Senate: "The Constitution's first three words - We the People - affirm that the government of the United States exists to serve its 7) \_\_\_\_\_. For over two centuries the Constitution has remained in force because its framers wisely separated and balanced governmental powers to safeguard the interests of majority 8) \_\_\_\_\_ and 9) \_\_\_\_\_ rights, of liberty and equality, and of the federal and state governments." The first permanent constitution, it is interpreted, supplemented, and implemented by a large body of federal constitutional law, and has influenced the constitutions of other 10) \_\_\_\_\_.

#### **8. Browse the Internet.**

*Go to <http://www.socialstudieshelp.com/Lesson19Notes.htm> to learn about "The Unwritten Constitution". Explain the concept of Unwritten Constitution. Find differences between Written and Unwritten Constitution.*

9. *Writing activity.*  
*Render in English.*

**ՀՀ ՄԱՀՄԱՆԱԴՐՈՒԹՅՈՒՆ**

Հոդված 13. Հայաստանի Հանրապետության դրոշը եռագույն է՝ կարմիր, կապույտ, նարնջագույն՝ հորիզոնական հավասար շերտերով:



Ժամանակակից ժողովրդավարական սահմանադրություններն ընդունվում են երկու եղանակով՝ հանրաքվեի միջոցով և խորհրդարանի կողմից: Հայաստանի Հանրապետության Սահմանադրությունն ընդունվել է 1995թ. հուլիսի 5-ին՝ հանրաքվեի միջոցով: Սահմանադրության ընդունման նման կարգն ամրագրված է ՀՀ Սահմանադրության մեջ, ըստ որի՝ հանրաքվեի նախաձեռնության սուբյեկտներ են ճանաչվում Հայաստանի Հանրապետության Նախագահը և Ազգային ժողովը: Հանրաքվեն նշանակում է Հանրապետության Նախագահը՝ Ազգային ժողովի պատգամավորների ընդհանուր թվի մեծամասնության առաջարկով կամ համաձայնությամբ:<sup>17</sup>

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<sup>17</sup> Տե՛ս Այվազյան Ն., Ապիյան Ն., Գաբուզյան Ա., Գևորգյան Հ., Եղյան Ռ., Իսկոյան Ա., Խաչիկյան Հ., Ղազինյան Գ., Ղարախանյան Գ., Պետրոսյան Գ., Պետրոսյան Ռ., Վաղարշյան Ա., Քոչարյան Վ., Օհանյան Լ. (2001), Պետություն և Իրավունք | դասագիրք 10-րդ դասարանի համար, Տիգրան Մեծե հրատ., Երևան:

## UNIT 5. THE EXECUTIVE POWER

Before he enters on the Execution of his Office,  
he shall take the following Oath or Affirmation:

*“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States”.*<sup>18</sup>



### A LIST OF U.S. PRESIDENTS listed in the order in which they entered office.

1.	George Washington	(1789-1797)
2.	John Adams	(1797-1801)
3.	Thomas Jefferson	(1801-1809)
4.	James Madison	(1809-1817)
5.	James Monroe	(1817-1825)
6.	John Quincy Adams	(1825-1829)
7.	Andrew Jackson	(1829-1837)
8.	Martin Van Buren	(1837-1841)
9.	William H. Harrison	(1841)
10.	John Tyler	(1841-1845)
11.	James K. Polk	(1841-1849)
12.	Zachary Taylor	(1849-1850)
13.	Millard Fillmore	(1850-1853)
14.	Franklin Pierce	(1853-1857)
15.	James Buchanan	(1857-1861)
16.	Abraham Lincoln	(1861-1865)

<sup>18</sup> Տե՛ս <https://www.usa.gov/inauguration> (նիսուվել է՝ 03.03.2021)

17.	Andrew Johnson	(1865-1869)
18.	Ulysses S. Grant	(1869-1877)
19.	Rutherford B. Hayes	(1877-1881)
20.	James A. Garfield	(1881)
21.	Chester A. Arthur	(1881-1885)
22.	Grover Cleveland	(1885-1889)
23.	Benjamin Harrison	(1889-1893)
24.	Grover Cleveland	(1893-1897)
25.	William McKinley	(1897-1901)
26.	Theodore Roosevelt	(1901-1909)
27.	William H. Taft	(1909-1913)
28.	Woodrow Wilson	(1913-1921)
29.	Warren G. Harding	(1921-1923)
30.	Calvin Coolidge	(1923-1929)
31.	Herbert Hoover	(1929-1933)
32.	Franklin D. Roosevelt	(1933-1945)
33.	Harry S. Truman	(1945-1953)
34.	Dwight D. Eisenhower	(1953-1961)
35.	John F. Kennedy	(1961-1963)
36.	Lyndon B. Johnson	(1963-1969)
37.	Richard M. Nixon	(1969-1974)
38.	Gerald R. Ford	(1974-1977)
39.	Jimmy Carter	(1977-1981)
40.	Ronald Reagan	(1981-1989)
41.	George H. W. Bush	(1989-1993)
42.	Bill Clinton	(1993-2001)
43.	George W. Bush	(2001-2009)
44.	Barack Hussein Obama	(2009-2016)
45.	Donald Trump	(2017-2021)
46.	Joe Biden	(2021-)



Elected in 1960 as the 35th president of the United States, 43-year-old John F. Kennedy became the youngest man and the first Roman Catholic to hold that office. He was born into one of America's wealthiest families and parlayed an elite education and a reputation as a military hero into a successful run for Congress in 1946 and for the Senate in 1952. As president, Kennedy confronted mounting Cold War tensions in Cuba, Vietnam and elsewhere. He also led a renewed drive for public service and eventually provided federal support for the growing civil rights movement. His assassination on November 22, 1963, in Dallas, Texas, sent shockwaves around the world and turned the all-too-human Kennedy into a larger-than-life heroic figure. To this day, historians continue to rank him among the best-loved presidents in American history.<sup>19</sup>

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<sup>19</sup> St. u <https://www.whitehouse.gov/about-the-white-house/presidents/> (᠒᠒᠒᠒.03.03.2021)

**Essential terms**

**Treasury:** the Government department that controls public money

**appointment:** a job or duty that is given to a person; a position to which someone is appointed

Some 2,7 million people work in this largest branch of the federal government. The degree of control the President has over the departments (Department of Justice, Defense, Energy, Commerce, Agriculture, Health and Human Services, the **Treasury**, the Interior, Labor, Housing and Urban Development, Education, Transportation, State), independent agencies, and government corporations in the federal bureaucracy depends on

the rules set up by Congress.

The President nominates the highest officials in the executive branch: the Secretaries and Assistant Secretaries who lead the departments; the chief administrators of agencies and commissions; and the ranking officers of American embassies. These **appointments** must be approved by the Senate. Only the roughly 2,000 positions in the Executive Office of the President (EOP) are filled without congressional approval.

The main components of the EOP that operate outside the White House are the Council of Economic Advisers, the National Security Council, the Office of Management and Budget, and the Central Intelligence Agency (CIA). Inside the White House are the First

**liaison officer:** one that establishes and maintains communication for mutual understanding and cooperation

Lady's and the President's own staff, which includes his personal advisers (some of whom are carried over from his election staff), his press secretary, congressional **liaison officer**, and chief of staff. The structure and operation of

the EOP and the upper levels of the executive branch vary, depending on the style and character of the President.

The President's powers and qualifications reflect the Constitutional clauses intended to prevent the development of the

presidential government while providing for strong national leadership. The President is elected separately from Congress and cannot be removed from office by a vote of no-confidence. According to the Constitution, a president's office is limited to two terms of 4

**impeach:** 1. to charge an important public figure with a serious crime, 2. to raise doubts about sth.

years each. It also describes how a president can be removed from office (**impeachment** procedure). The president may only be impeached if he commits crimes in office. To be removed from office, a majority of the House of Representatives and two thirds of the Senate must approve. The Vice-President of the United States serves as the President of the Senate. He cannot take part in the debates. He can vote only if the two opposing sides have equal votes. It is called a tie. In this case the President of the Senate casts the deciding vote.

Presidential duties are stated in the Constitution, delegated by Congress. The most important extra-constitutional duties are acting as chief of state and party leader. The President became the nation's ceremonial head of state by default, because the Constitution provides no other office for that purpose. He became the national leader of his party as parties developed into the organizers of the nation's political life and the presidency became increasingly powerful. The President's popularity with voters can often affect the success of his party's candidates for other offices. He is the administrative head of the nation because the Constitution states that 'the executive power shall be vested in the President'. The Constitution names the President as commander in chief, making him the highest ranking officer in the armed services, but gives Congress the power to declare war.

Almost three million civilians work in the departments and agencies of the executive branch. This number exceeds the total employed by America's seven largest corporations. These government employees make up the federal bureaucracy. Bureaucracy is a formally established system which has four basic characteristics. The first is job specialization. Each employee in a bureaucracy is supposed



to perform a certain, specific job. Second, there is a hierarchy of authority, or chain of command, within a bureaucracy, moving from the top to the bottom. Third, a bureaucracy has a system of rules that defines its operations. Finally, a bureaucracy is characterized by impersonality. Employees within a bureaucracy are expected to treat all persons fairly and impartially. There are approximately ten thousand civil service job classifications which range from a bridge engineer to a clerk. 10% of these federal employees work in Washington D.C.; 6% work outside the U.S.; the rest are located throughout the 50 states.

## HOW TO BECOME A PRESIDENT

Under the terms of the United States Constitution, someone who wants to become the president of America must be a natural born United States citizen who is at least 35 years old and who has lived as a **resident** of the US for 14 years. These are the only legal requirements for the position, but many people have many expectations of presidential candidates which could be considered informal requirements. Additionally, anyone wanting to run for president must have access to very large sums of money, as a campaign costs a great deal of money.

**resident:** a person who lives in a particular place or who has their home there

### Constitutional Requirements

The terms of citizenship for presidential candidates are interpreted very strictly. Any person wishing to run must be a natural born citizen, meaning that immigrants are not eligible to run, no matter how long they have lived in the US. If a child of American citizens is born abroad, he or she is technically considered a natural born citizen, and can therefore run for president. The requirement for being a permanent resident in the US for at least 14 years is meant to ensure that anyone running is aware of general issues which impact the American people.

**requirement:**

something that is needed or that must be done

**Exceptions**

There are a few exceptions built into the Constitutional **requirements** for those wishing to run for president. For instance, nobody who has already been president for two terms can run again. The Senate can also ban people who have been impeached from the presidency from running again.

**Informal Requirements**

Many American presidents have been publicly religious, and almost all have had families as well. Although these two traits are by no means required to run for President, they are often expected. Experience is also an important aspect of a campaign. Most citizens prefer to vote for people who have served in public office before,

**military experience:**

experience of or relating to soldiers or the armed forces (such as the army, navy, marines, and air force)

since it implies that they are experienced in dealing with similar positions. **Military experience** is also expected of many candidates, especially those who are old enough to have served in a major war.

**Financial Requirements**

Anyone wanting to run for president needs to be wealthy, or at least able to access a lot of funding during the campaign. Candidates generally spend hundreds of millions of US Dollars (USD) in the first few months of campaigning alone, and an entire campaign can cost between \$700 million and \$1 billion USD. Though much of this comes from fundraising, candidates still have to provide a substantial amount of money, especially at the beginning of a campaign.<sup>20</sup>

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<sup>20</sup> St' u <https://www.usa.gov/requirements-for-presidential-candidates> (ገገህገገገገገ ገገ 04.07.2021)

## ***Becoming a Candidate for President***

- Prove you are a natural born citizen of the United States. This is a constitutional requirement. If you are presently a citizen but you were born in another country, you are not eligible to be president. Really, you want to be as "American" as possible. Did you grow up in a long cabin playing baseball and eating apple pie? Are there photos of you dressing up as Benjamin Franklin and Thomas Jefferson for Halloween? Excellent.

- Turn 35 years old. The constitution also prohibits anyone who is not yet 35 years of age from becoming president.

- Live in the United States for at least 14 consecutive years before you run for president. This residency requirement is found in Article II of the Constitution with the other two eligibility requirements.

- Get plenty of education. While there are no educational requirements or experience necessary per se, most presidents have had advanced degrees and studied law or business before entering politics. You're best off taking classes in history, sociology, law, economics and international relations. 31 presidents have had some sort of military experience. So while joining the military is an option, it's not a necessity.

- Win primary elections, caucuses and delegates. Each state has a different way of choosing a president – a caucus, a primary, or some combination of the two.

- Run in the general election. This is a narrow field that often pits two major candidates against each other, one from the Democratic party and one from the Republican party. It's about to get real.

- Stick to your views and your promises and stay strong. Keep your image as consistent and clean as possible. You have to speak in a way that is convincing to the general public. And you have to master the body language and tone, too. You took speech in college, right?

- Win the presidential election. You will need to do more than win the popular vote, which is the tally of all votes in your favor. You will also need to win the electoral college. 270 votes and you've got it! Each state has a certain number of electors based on its size and population. To become president, one candidate must have more electoral votes than the other. In the event of a tie, the House of Representatives will decide the election.

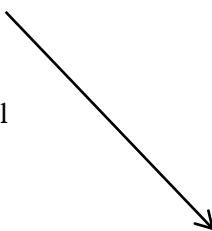
- Get inaugurated on January 20<sup>th</sup>. That day there will be a big, fancy ceremony. You'll get sworn in before every important person in the country and afterward, the job has started. You're on the job!<sup>21</sup>

***Find the answers to the following questions in the texts “The Executive Power” and “How to become a President”.***

- Who is vested with the highest executive power in the USA?
- What are the requirements for presidency?
- What are the President's responsibilities?
- What are the Vice President's responsibilities?
- Who are Secretaries?
- What is the Executive Office?

***VOCABULARY DEVELOPMENT***

***1. Match the words to form collocations as they appear in the text. More pairs are possible.***

- |                   |                |
|-------------------|----------------|
| 1. a permanent    | a) View        |
| 2. Similar        | b) Position    |
| 3. Entire         | c) Campaign    |
| 4. constitutional | d) requirement |
| 5. international  | e) election    |
| 6. military       | f) experience  |
| 7. presidential   | g) resident    |
- 

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<sup>21</sup> Ст' u <https://www.wikihow.com/Become-President-of-the-United-States> (ηηηηηηηηηη η' 04.07.2021)

- |               |               |
|---------------|---------------|
| 8. primary    | h) relation   |
| 9. national   | i) convention |
| 10. opponents | j) elections  |
| 11. electoral | k) votes      |

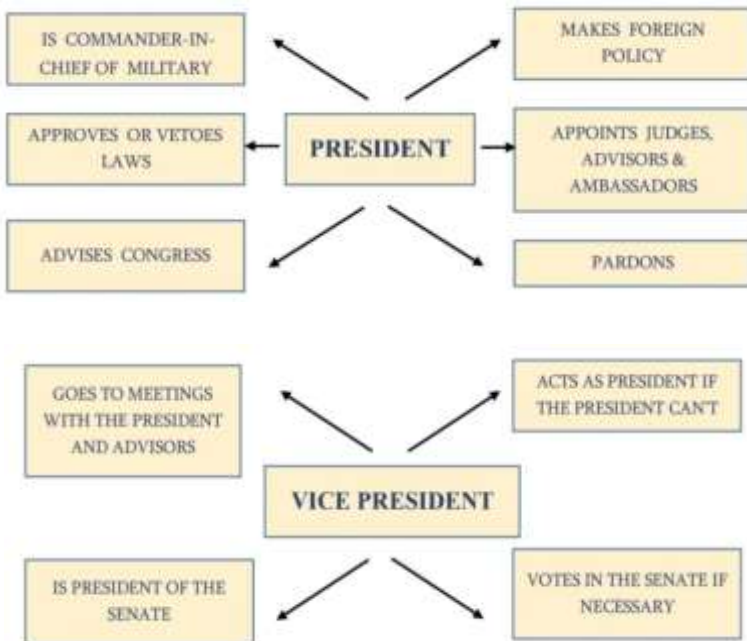
**2. Match the words with their definitions.**

- |                                |   |
|--------------------------------|---|
| 1. per se (Latin)              | a) a section of a large organization such as a government, university, etc.   |
| 2. Central Intelligence Agency | b) used meaning “by itself” to show that you are referring to sth. on its own, rather than in connection with other things: The drug is not harmful per se, but is dangerous when taken with alcohol. |
| 3. Office                      | c) person who has been elected President, but has not yet taken office.   |
| 4. Campaign                    | d) a series of planned activities that are intended to achieve a particular social, commercial or political aim   |
| 5. department                  | e) first line of defense for the USA. The Agency collects and analyzes intelligence to further national security and threats.   |
| 6. Caucus                      | f) ceremony of installing the President into office   |
| 7. tie                         | g) a situation in a game or competition when two or more players have the same score.   |
| 8. inauguration                | h) a meeting of the members or leaders of a political party to choose candidates or to decide policy.   |
| 9. president- elect            | i) an important position of authority, especially in government   |
| 10. by default                 | j) a game or competition can be won by default if there are no other people, teams, etc. taking part.   |

3. *Translate from English into Armenian.*

- primary \_\_\_\_\_
- electoral \_\_\_\_\_
- capacity \_\_\_\_\_
- declare \_\_\_\_\_
- liaison \_\_\_\_\_
- impeachment \_\_\_\_\_
- assassination \_\_\_\_\_
- access \_\_\_\_\_
- confidence \_\_\_\_\_

4. *Duties of the President and Vice President.*<sup>22</sup>



<sup>22</sup> Տե՛ս Deborah J. Short, Margret Seufert-Bosco, Allene Guss Grognet (1995), *By the People For the People; US Government and Citizenship*., Center for Applied Linguistics, USA, p. 37.

**5. Using the Information.**

a. Look at the vocabulary and the information above. Read the following sentences. The President can do three of these things. Check the three correct sentences.

The President ...

- \_\_\_\_\_ 1. **makes plans for foreign policy.**
- \_\_\_\_\_ 2. appoints people to the Supreme Court.
- \_\_\_\_\_ 3. writes taxes for states.
- \_\_\_\_\_ 4. votes in the Senate.
- \_\_\_\_\_ 5. sends soldiers to war.

b. Using the chart information develop a job description for both the president and the Vice President (150 words) A job description is a useful, plain language tool that explains the tasks, duties, function and responsibilities of a position.

**6. Fill in the gaps with the appropriate words.**

1. The President of the United States holds one of the most \_\_\_\_\_ elective offices in the world.

2. To become President, one must be a natural-born citizen of the United States, be at least 35 years old, and have lived in the country for at least 14 years before taking \_\_\_\_\_.

3. The President is elected for a \_\_\_\_\_ of four years and may serve two terms.

4. The Constitution uses broad, vague terms to describe the President's power. In addition to these duties and \_\_\_\_\_ the President has others that are based on custom and usage.

5. The President's executive \_\_\_\_\_ include executing the laws, heading the federal bureaucracy, issuing executive orders, appointing and removing federal officials, and using executive privilege.

6. The President's diplomatic \_\_\_\_\_ include making treaties and executive agreements and recognizing other governments.

7. Military powers include commanding the nation's armed forces, making \_\_\_\_\_ decisions, and enforcing domestic order.

8. Legislative powers of the President include setting a \_\_\_\_\_ agenda and signing or vetoing bills passed by Congress.

9. The President can grant pardon and reprieves to convicted criminals and amnesty to large groups of \_\_\_\_\_. By appointing justices to the Supreme Court, the President can influence judicial decisions.

10. The qualifications for Vice President are the same as those for President, while vice-presidential duties include presiding over the Senate and assuming the presidency if it becomes \_\_\_\_\_.

11. The Twenty-five Amendment outlines the order and procedures to be followed if the President is unable to carry out the \_\_\_\_\_ of office.

***(powerful ,vacant, office, duties, term, offenders, responsibilities, legislative, powers, military, powers)***



***7. Listen to the passage “How to impeach the president?” and fill in the gaps according to the original text.***

The power of the Executive Branch is vested in the 1) \_\_\_\_\_ of the United States, who also acts as head of state and Commander-in-Chief of the armed forces. The President is responsible for implementing and enforcing the 2) \_\_\_\_\_ written by Congress and, to that end, appoints the heads of the federal agencies, including the Cabinet. The President is both the head of state and head of 3) \_\_\_\_\_ of the United States of America, and Commander-in-Chief of the armed forces. The President has the power either to sign 4) \_\_\_\_\_ into law or to veto bills enacted by Congress, although Congress may override a 5) \_\_\_\_\_ with a two-thirds vote of both houses.



The Vice President is elected along with the President by the 6)\_\_\_\_\_ 7)\_\_\_\_\_. Each elector casts one vote for President and another for Vice President. Before the 8)\_\_\_\_\_ of the 12th Amendment in 1804, electors only voted for President, and the person who received the second greatest number of votes became Vice President.

The Cabinet and independent federal agencies are responsible for the day-to-day enforcement and administration of 9)\_\_\_\_\_ laws. These departments and agencies have missions and responsibilities as widely 10)\_\_\_\_\_ as those of the Department of Defense and the Environmental Protection Agency, the Social Security Administration and the Securities and Exchange Commission.

#### **8. Browse the Internet.**

*With a partner go to [trumanlibrary.gov/education/three branches/](http://trumanlibrary.gov/education/three-branches/) and <http://www.whitehouse.gov/> What president can-do – cannot do.*

***Based on the information you have learned, state whether the statements are TRUE or FALSE.***

1. Presidential duties are stated in the Constitution, delegated by Congress. **TRUE**

2. How a President carries out the roles of office depends on many factors, including the President's attitude toward power, management style, and politics. \_\_\_\_\_

3. Since the Constitution does not clearly define the powers of the President, it has been left to the nation's chief executives to define and develop the office. \_\_\_\_\_

4. Presidential power and authority hasn't grown over the last 200 years. \_\_\_\_\_

5. George Washington established many precedents for future presidents, including establishing a cabinet and determining White House protocol. \_\_\_\_\_

6. Since the beginning of the 1800s, presidential power has grown due to national emergencies, such as wars and economic depressions. \_\_\_\_\_

7. Strict constructionist Presidents believe that the Constitution does not limit their powers to enforce and administer the laws. \_\_\_\_\_

8. Loose constructionist Presidents believe that their powers go beyond what is expressly stated in the Constitution. \_\_\_\_\_

9. The way a President manages can affect the amount of power that President exerts. \_\_\_\_\_

10. During the first term of office, some Presidents devote much time and energy to campaigning for reelection. \_\_\_\_\_

## 9. *Writing Activity.*

### *Render in English.*

Հանրապետության նախագահը պետության գլուխն է: Հանրապետության նախագահն ընտրվում է յոթ տարի ժամկետով: Հանրապետության նախագահ կարող է ընտրվել քառասուն տարին լրացած, վերջին վեց տարում միայն Հայաստանի Հանրապետության քաղաքացի հանդիսացող, վերջին վեց տարում Հայաստանի Հանրապետությունում մշտապես բնակվող, ընտրական իրավունք ունեցող և հայերենին տիրապետող յուրաքանչյուր ոք: Նույն անձը Հանրապետության նախագահ կարող է ընտրվել միայն մեկ անգամ: Հանրապետության նախագահն իր լիազորությունների իրականացման ընթացքում չի կարող լինել որևէ կուսակցության անդամ:<sup>23</sup>

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<sup>23</sup> Տե՛ս <https://www.arlis.am/documentview.aspx?docid=85> (ղիտվել է՝ 08.11.2021)

## UNIT 6. THE JUDICIAL BRANCH

After federal laws have been enacted and carried out, it remains the task of the judicial branch of the federal government to interpret and enforce the laws. This aspect of government may seem very complex and even remote to you. But it has an important impact on our daily lives and on the protection of our rights. In many ways, federal court decisions have a more immediate impact on your life than do Congress and the President. All of you at one time or another have watched dramatic scenes of courtroom trials in the movies on TV. In all cases, the legal system attempts to treat people – rich or poor, young or old – equally.<sup>24</sup>



*It has been said that “justice is blind”.*

Millions of cases come to trial every year in the United States. A very large number of civil and criminal cases are handled annually by the courts. Most are determined at state and local (rather than federal) levels. Americans have a constitutional right to have their cases quickly determined in a public trial by an impartial judge or jury (a selected number of citizens who decide the facts in court cases). The only court specially mentioned by the Constitution is the US Supreme Court. Article III of the Constitution created a third branch of government, the independent federal judiciary: “The judicial power of the United States shall be vested in one Supreme Court and in such

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<sup>24</sup> See Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), *American Government*. p. 461.

**Essential terms**

**inferior courts:** lower courts

**inferior courts** as the Congress may from time to time ordain and establish”.

The Judiciary Act (1789) created new federal courts, which now have two roles. They interpret the meaning of laws and administrative acts (statutory construction) and examine any law or administrative action by national or state authorities in the light of the US Constitution (judicial review). The power of judicial review was initially contested by states’ rights activities. But it was finally conceded and was an important factor in establishing a united nation.

The result of the historical developments was a legal organization for the whole country and authority was divided between state and federal courts. The states still had their own courts, common law,

**jurisdiction:** legal authority of the courts

constitutions and statutes and had **jurisdiction** over state law. But if a state court decision violated

federal laws, or involved a federal question, the US Supreme Court could ultimately review and overturn it. Some federal and state matters may thus proceed from local courts to the Supreme Court and federal laws and the Constitution have (in theory) a uniform application throughout the country.

The cases which come before the courts in the US are of two main kinds: civil and criminal. Civil law involves claims for compensation (often financial) by individuals (or groups) who have allegedly suffered loss or damage through acts by others. Domestic actions (divorce, children and custody), automobile accidents and personal injury cases are the largest civil matters. Civil law has a service role and tries to secure social harmony by setting disputes between individuals or organizations.

**litigation:** carrying on a legal contest by judicial process

**negotiation:** a formal discussion between people who are trying to reach an agreement, an act of negotiating

**execution:** 1. the act of killing someone especially as punishment for a crime

2. the act of doing or performing something

**deterrent:** serving to prevent from something

This is achieved by settlement during the course of **litigation** and **negotiations**, or by a judge after a trial.

Criminal law involved the trial and punishment of those persons who have committed crimes against society, such as theft or murder. State, local or federal authorities prosecute groups or individuals in an attempt to establish guilt, which may result in a fine, **execution** or imprisonment. This is the control aspect of the legal system and the criminal law

protects society by punishing those who have broken social codes. The trial and any punishment are also supposed to act as **deterrents** to potential offenders.

## **JURISDICTION**

The Constitution established the Jurisdiction of the federal courts by defining the kinds of cases these courts may hear. Recognizing the dual nature of the American court systems, it gave state courts jurisdiction in cases that involve state law. In fact, 80 percent of the cases are heard by state courts.

Federal courts were given jurisdiction over cases because of either their subject matter or the parties involved. Article III , Section 2 lists the kinds of cases in which the federal courts have jurisdiction. These are:

1. cases that involve an interpretation or application of the Constitution (subject matter).

2. cases that involve an interpretation or application of federal laws (subject matter).
3. cases that involve a treaty made by the federal government (subject matter).
4. cases that involve admiralty or maritime law (subject matter).
5. cases in which the federal government is a party (parties involved).
6. cases that involve ambassadors, ministers, and consuls (parties involved).
7. cases that involve disputes between state governments or between citizens from different states providing the amount in question is over \$10,000 (parties involved).
8. cases in which a foreign government, or its citizens, bring suit against a state, or its citizens (parties involved)

**exclusive jurisdiction:**  
authority of a court to try only certain kinds of cases.

**concurrent jurisdiction:**  
authority of two or more courts to hear the same kind of case.

**original jurisdiction:**  
authority of a court to try a case the first time it is heard.

The federal courts have **exclusive jurisdiction** in most of the kinds of cases listed above. These cases as well as those involving patents, copyrights, bankruptcy, and federal crimes can be tried only in federal courts.

Congress also allows some cases to be tried in *either* federal or state courts. In such instances, federal and state courts have **concurrent jurisdiction**. For example, cases between citizens of different states where the amount of controversy exceeds \$10,000 may be heard in either a federal or a state court.

The jurisdiction of federal courts is also divided according to the *level* at which a case is heard. The lowest level in the federal court system, the district courts, have **original jurisdiction**.

**appellate jurisdiction:**  
authority of a court to  
review a decision of a lower  
court.

Federal courts of appeals, the next level, have only **appellate jurisdiction**. The Supreme Court has both appellate and original jurisdiction, although most of its cases are heard on appeal.<sup>25</sup>

## STRUCTURE OF THE COURTS

**The Supreme Court** is the only federal court specifically named in the Constitution. Congress has the responsibility to establish all of the lower federal courts. Those that Congress has set up are of two basic types.

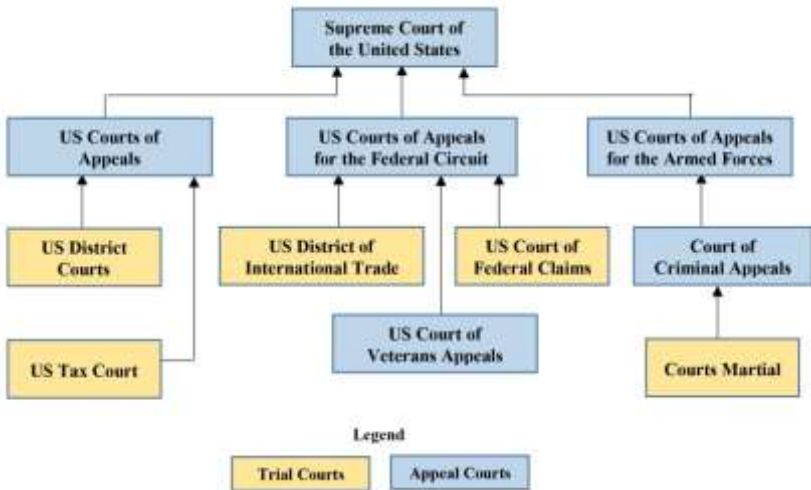
**Constitutional federal courts** are those that carry out the duties specified in Article III. The Supreme Court is a constitutional court as are federal district courts, courts of appeals, the Court of Appeals for the Federal Circuit, and the Court of International Trade.

Congress, under the authority of Article I, created **legislative federal courts** to hear cases that are directly related to the exercise of the legislative powers of Congress. These courts include the Court of Military Appeals, the United States Claims Courts, the United States Tax Court, the territorial courts, and the courts of the district of Columbia.

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<sup>25</sup> St u Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), American Government, pp. 464-465.

## United States Federal Court System



### District Courts

Most cases having to do with federal laws are first tried in federal district courts, and it is here that most cases are settled. Because they handle about 300,000 cases a year, the district courts have been called the “workhorses of the federal judiciary”.

### Jurisdiction

District courts are trial courts, so they have original jurisdiction in most civil and criminal cases. About 87 percent of the district court caseload is civil in nature and involves such issues as bankruptcy, property damage, contract disputes, civil rights, or postal laws. These cases are mostly heard by a judge without a jury.

Criminal cases tried in federal district courts involve such crimes as forgery, counterfeiting, fraud, narcotics, and interstate automobile theft – any crimes that break federal laws. Criminal cases are usually tried before both a judge and a jury.



## **Organization**

The federal district court system is organized into areas known as judicial districts. Each state has at least one judicial district and, therefore, one district court. States with large populations such as California, New York, and Texas, have as many as four judicial districts. The Judiciary Act of 1789 provided for 13 district courts. Nowadays there are 91 district courts including one in Washington, D. C., and one in Puerto Rico.

## **Judges**

Each district court has from 2 to 27 judges, depending on the caseload of the court. There are more than 550 permanent judgeships in the 50 states, 11 in the district of Columbia, and 7 in Puerto Rico. Although, district court cases are usually heard by one judge, a panel of three judges often hears major cases, such as those involving congressional redistricting, civil rights, or antitrust actions.

## **Courts of Appeals**

In the years immediately following ratification of the Constitution, the Court heard all federal appeals cases. By 1887, however, the Supreme Court had fallen almost four years behind in its work. The United States Courts of Appeals were established by Congress in 1891 to relieve the Supreme Court of some its work load.

## **Jurisdiction**

Appeals courts have the power to review all final decisions of federal district courts, except in those few cases, where the law allows for direct review by the Supreme Court. Appeals courts also review decisions of certain administrative agencies of the federal government such as the Securities and Exchange Commission and the National Labor Relations Board.

The function of courts of appeals is to determine whether federal law has been correctly applied by the district courts or regulatory agencies. In these courts, no witnesses are heard, no new evidence is

presented, and there are no juries. A panel of judges hears arguments from attorneys for both sides before announcing its decision. The panel may uphold, reverse, or change a decision of the lower court. The judges may also remand the case, or send it back to the lower court for a new trial.

### **Organization**

The courts of appeals are organized by geographic areas called circuits. The United States is divided into 12 circuits. Each circuit has only regional jurisdiction, which means it can hear cases only within its own particular geographical area.

### **Judges**

Each court of Appeals has from 6 to 28 permanent circuit judgeships, totaling 168 in all. The number of judges assigned to each court of appeals varies, depending on the work load of the court and the size of the circuit. In addition to appeals court judges, a justice of the Supreme Court is also assigned to each circuit.<sup>26</sup>

*Find the answers to the following questions in the text.*

- a) What is the function of the Federal Judiciary?
- b) Which federal courts have original jurisdiction?
- c) What is the function of the courts of appeals?
- d) What is the role of the Supreme Court in the American system of government?

### **VOCABULARY DEVELOPMENT**

**1. Match the words to form collocations as they appear in the text.**

- |                   |   |                |
|-------------------|---|----------------|
| 1. Constitutional | → | a) Nation      |
| 2. impartial      | → | b) right       |
| 3. judicial       |   | c) authorities |

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<sup>26</sup> See Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), American Government, pp. 461, 464 - 465, 471.

- |               |                 |
|---------------|-----------------|
| 4. state      | d) role         |
| 5. united     | e) matters      |
| 6. historical | f) judge        |
| 7. legal      | g) sovereigns   |
| 8. federal    | h) states       |
| 9. individual | i) power        |
| 10. personal  | j) form         |
| 11. civil     | k) injury       |
| 12. service   | l) development  |
| 13. social    | m) harmony      |
| 14. Statutory | n) court        |
| 15. joint     | o) organization |

**2. Match the words with their definitions.**

- |                       |  |
|-----------------------|--|
| 1. standing           | a) single written explanation of a court decision representing the view of the entire court                      |
| 2. discuss list       | b) condition of having a personal interest that has been, or is in danger of being, denied by an action or a law |
| 3. writ of certiorari | c) written statements by a judge or judges of the reasons for the decision of the court                          |
| 4. adversary system   | d) a list of petitions the Supreme Court will consider   |
| 5. opinions           | e) an order from the Supreme Court requiring a lower court to send a record of a case to the Supreme Court       |
| 6. unanimous opinion  | f) written explanation of a court decision expressing the view of more than half the court                       |
| 7. majority opinion   | g) judicial system in the United States in which two parties in conflict bring the matter to court               |

- 8. concurring opinion      h) judgment by one or more judges that supports the majority opinion but offers different reasoning
- 9. dissenting opinion      i) judgment of one or more judges that disagrees with the majority opinion
- 10. stare decisis          j) rule whereby a decision applies in similar cases

**3. *Fill in the gaps with the appropriate words.***

1. The judiciary is the \_\_\_\_\_ branch of government in the American federal system.

2. The judicial \_\_\_\_\_ interprets and applies the nation's laws.

3. Article III of the Constitution deals with the powers of the judiciary. The Constitution gives Congress the power to establish inferior \_\_\_\_\_ courts.

4. The \_\_\_\_\_ of federal courts is set down in the Constitution. Among the cases in which federal courts have jurisdiction are cases involving an interpretation of federal law, cases where the federal government is a party, and disputes between state governments.

5. The federal court system of the United States consists of the federal district courts, the courts of appeals, other special courts, and the \_\_\_\_\_ Court, which is the highest court in the federal judicial system.

6. Congress has established two basic types of lower federal courts to handle a growing number of cases. These are \_\_\_\_\_ federal courts and legislative federal courts.

7. Federal district courts are organized into judicial districts. The district courts are trial courts, and most of the cases that are heard are civil \_\_\_\_\_.

8. Federal appeals courts were established to ease the caseload of the Supreme Court. Their function is to determine if federal law has been correctly applied by district courts or regulatory \_\_\_\_\_.

9. Courts have \_\_\_\_\_ to help them carry out their duties. Among these are federal marshals, U.S. attorneys, federal magistrates, and court clerks.

10. The Supreme Court has both \_\_\_\_\_ and original jurisdiction. Most cases, however, are appellate.

11. The Constitution states no qualifications for Supreme Court \_\_\_\_\_. However, all have had considerable legal training and experience.

12. Justices have three \_\_\_\_\_ tasks. These are to select cases, to decide cases, and to explain decisions.

13. In addition to cases heard under its original jurisdiction, there are two ways that cases reach the Supreme Court – by \_\_\_\_\_ and by writ of certiorari.

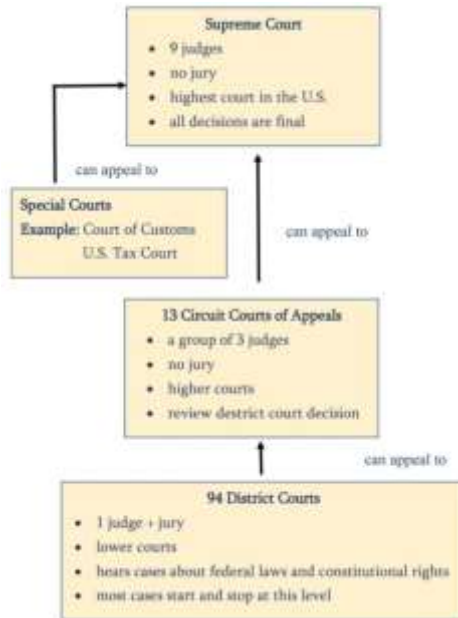
14. In deciding cases, justices read written briefs, hear oral \_\_\_\_\_, hold judicial conferences, and then, vote on a decision. One justice is designated to write the majority opinion, and others may write concurring or dissenting opinions.

15. A majority \_\_\_\_\_ explains the Court's decision and establishes guidelines for a lower court to follow if it rehears the case. It may also lay down general law principals that apply to other cases.

16. Because it interprets the law and the Constitution, the Supreme Court has helped to make policy throughout American \_\_\_\_\_.

***(branch, third, appeal, history, opinion, justices, arguments, major, appellate, federal, agencies, cases, constitutional, Supreme, jurisdiction, support personnel)***

#### 4. *The Federal Court system.*



***Use "The Federal Court System" diagram to complete the following:***

There are ninety-four 1) d i s t r i c t courts in the federal system. Congress can change this number. These courts 2) \_\_\_\_\_ cases about federal laws and 3) \_\_\_\_\_ rights. These are lower 4) \_\_\_\_\_. Some cases go to higher courts. These courts are the appellate courts. They hear 5) \_\_\_\_\_ from district courts. There are 6) \_\_\_\_\_ Circuit Courts of Appeals in the U.S. Some very important cases can go to the 7) \_\_\_\_\_ Court. It is the highest court in the U.S. There is only 8) \_\_\_\_\_ Supreme Court. The Constitution set up this court. Two examples of special courts are the Court of 9) \_\_\_\_\_ and the U.S. Tax Court.<sup>27</sup>

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<sup>27</sup> St' u Deborah J. Short, Margret Seufert-Bosco, Allene Guss Grognet (1995), By the People For the People; US Government and Citizenship.; Center for Applied Linguistics, USA, p.73.

5. **Speaking activity.**

***As a class, discuss the answers to the following questions.***

1. Some people believe it is important that judges have the same political philosophy and belong to the same political party as the president. Do you agree?

2. Do you think Federal Judges should be elected or appointed? Why?



6. **Listen to the lecture and answer the following questions.**

- *What are the Branches of Government?*
- *What does the judicial branch do?*
- *How many justices are in the Supreme Court?*
- *Give the name of the highest court in the United States.*

***Listen to the lecture again and fill in the gaps according to the original text.***

The United States Government is divided into 1) \_\_\_\_\_ parts, or branches: the *legislative* branch, the *executive* branch, and the *judicial* branch. Each branch has a different duty, but all three 2) \_\_\_\_\_ must work together.

The judicial branch is in charge of deciding the meaning of 3) \_\_\_\_\_, how to apply them to real situations, and whether a law breaks the rules of the Constitution. The 4) \_\_\_\_\_ is the highest law of our Nation. The U.S. *Supreme Court*, the highest court in the United States, is part of the judicial branch. The Supreme Court is made up of nine 5) \_\_\_\_\_ called *justices* who are nominated by the President and confirmed by the Senate. The 6) \_\_\_\_\_ hear cases that have made their way up through the court system.

The main task of the 7) \_\_\_\_\_ is to decide cases that may differ from the U.S. Constitution. Once the Supreme Court makes a 8) \_\_\_\_\_ in a case, it can only be changed by a later Supreme Court decision or by changing or 9) \_\_\_\_\_ the Constitution. This is a very important 10) \_\_\_\_\_ that can affect the lives of many people.

**7. Browse the Internet.**

*Go to [whitehouse.gov/about-the-whitehouse/our-government/the-judicial-branch](http://whitehouse.gov/about-the-whitehouse/our-government/the-judicial-branch) to learn more about the Supreme Court of the US and the Judicial process.*

*With a partner, develop a short summary of what you have read.*

*A sample summary on the Judicial Branch can be found in Appendix C.*

**8. Writing Activity.**

***Render in English.***

ԱՄՆ գերագույն դատարանը ֆեդերալ մյուս բոլոր դատարանների նկատմամբ բարձրագույն վերաքննիչ ատյան է: Այն օրենքով նախատեսված դեպքերում հանդես է գալիս որպես առաջին ատյանի դատարան: Որպես բարձրագույն ատյան այն կայացնում է վերջնական որոշում, որը ենթակա չէ բողոքարկման: ԱՄՆ գերագույն դատարանը կազմված է 9 դատավորներից, որոնք սենատի համաձայնությամբ ցմահ նշանակվում են ԱՄՆ Նախագահի կողմից: <sup>28</sup>

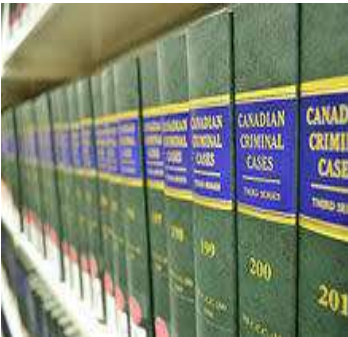
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<sup>28</sup> Տե՛ս Ղազինյան Գ., Դիլբանդյան Ս. (2003), ՀՀ դատարանակազմությունը և իրավապահպան մարմինները, Երևանի համալսարանի հրատ., Երևան, էջ 425:



## UNIT 7. CRIMINAL AND CIVIL LAW

In the United States, there are two bodies of law whose purpose is to deter or punish serious wrongdoing or to compensate the victims of such wrongdoing. *Criminal law deals with behavior that is either can be construed as an offense against the public, society, or the state - even if the immediate victim is an individual.* Examples are murder, assault, theft and drunken driving.



*Civil law deals with behavior that constitutes an injury to an individual or other private party, such as a corporation.* Examples are defamation (including libel and slander), breach of contract, negligence resulting in injury or death, and property damage.

Criminal law and civil law differ with respect to how cases are initiated (who may bring charges or file suit), how cases are decided (by a judge or a jury), what kinds of punishment or penalty may be imposed, what standards of proof must be met and what legal protections may be available to the defendant.

### Essential terms

**violation:** the act of doing something that is not allowed by a law or rule

Crime is a *violation* of a law that *forbids* or commands an activity. Such crimes as murder, *rape*, *arson* are on the books of every country. Criminal law, one of two broad categories of law, deals with acts of intentional harm to individuals but which, in a larger sense, are offences against us all. It is a crime to break into a

home because the act not only violates the privacy and safety of the home's occupants – it shatters the collective sense that we are secure in our own homes. A crime is a deliberate or reckless act that causes harm to another person or another person's property, and it is also crime to neglect a duty to protect others from harm.

**victim:** a person who has been attacked, injured, robbed, or killed by someone else

Since crimes are an offence against society, normally the state or Crown investigates and prosecutes criminal allegations on the **victim's** behalf. The police gather evidence and, in court, public prosecutors present the case against the person accused of the crime. For someone to be convicted of a crime, it must be proven that a crime was committed and, for most offences, that the person meant to commit the crime. For instance, striking another person is the crime of assault but it is only a crime if the blow was intentional.

Civil law deals with disputes between private parties, or negligent acts that cause harm to others. For example, if individuals or companies disagree over the terms of an agreement, or who owns land or building, or whether a person was wrongfully dismissed from their employment, they may file a lawsuit asking the courts to decide who is right. As well, the failure to exercise the degree of caution that an ordinarily prudent person would take in any situation may result in a negligence claim. Depending on the circumstances, a person may be held responsible for any damage or injury that occurs as a result of their negligence. Family law cases involving divorce, parental responsibility for children, spousal support and division of property between spouses or common law couples represent a large portion of the civil law cases presented to the courts. Challenges to decisions of administrative tribunals, allegations of medical malpractice and applications for distribution of the estates of deceased persons are other examples of civil cases. The party who brings the legal action is known as the plaintiff or applicant, while the party being sued is the defendant or respondent. The courts may dismiss a case, or if it is

found to have merit, the courts may order the losing party to take corrective action, although the usual outcome is an order to pay damages – a monetary award designed to make up for the harm inflicted. The state plays no role in civil cases, unless the government launches a lawsuit or is the party being sued. Parties retain a lawyer – or may choose to represent themselves – to gather evidence and present the case in court.

**Differing standards of proof:** More evidence is needed to find the accused at fault in criminal cases than to find the defendant at fault in civil ones. To convict someone of a crime, the prosecution must show there is proof beyond a reasonable doubt that the person committed the crime and, in most cases, that they intended to commit it. Judges and juries cannot convict someone they believe probably committed the crime or likely is guilty – they must almost be certain. This gives the accused the benefit of any reasonable doubt and makes it less likely an innocent person will be wrongfully convicted and imprisoned. Civil cases, in contrast, must be proven on a balance of

**civil claim:** a formal complaint made against one or more parties in civil court.

probabilities – if it is more likely than not that the defendant caused harm or loss, a court can uphold a **civil claim**.<sup>29</sup>

## CRIMINAL AND CIVIL PROCEDURES

Courts decide both criminal and civil cases. Civil cases stem from disputed *claims* to something of value. Disputes arise from accidents, contractual obligations, and divorce, for example. Most countries make a rather clear *distinction* between civil and criminal procedures.

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<sup>29</sup> Sté u <https://www.britannica.com/story/what-is-the-difference-between-criminal-law-and-civil-law> (᠒᠒᠒᠒.11.2021)

**force:** power or violence used on a person or thing

**pursue:** to follow or chase smb in order to catch them

**compensation:** something, especially money, that smb. gives you because they have hurt you, or damage sth. that you own

For example, an English criminal court may **force a defendant** to pay a *fine* as punishment for his crime, and he may sometimes have to pay the legal costs of the prosecution. But the *victim* of the crime **pursues** his claim for **compensation** in a civil, not a criminal action.

Criminal and civil *procedures* are different. Although some systems, including the English, *allow* a private citizen to bring a criminal prosecution against another citizen, criminal *actions* are nearly always started by the state. Civil actions, on the other hand, are usually started by individuals.

Some courts, such as the English Magistrates Courts and the Japanese Family Court, deal with both civil and criminal matters. Others, such as the English Crown Court, deal exclusively with one or the other.

In Anglo-American law, the party bringing a criminal action (that is, in most cases the state) is called the prosecution, but the party bringing a civil action is the

**plaintiff:** a person who sues another person or accuses another person of a crime in a court of law

**plaintiff.** In both kinds of action the other party is known as the defendant. A criminal case against a person called

Ms. Brown would be described as “The People vs. (versus, or against) Brown” in the United States and “R. (Regina, that is, the Queen) vs. Brown” in England. But a civil action between Ms. Brown and Mr. Smith would be “Brown vs. Smith” if it was started by Brown, and “Smith vs. Brown” if it was started by Mr. Smith.

Evidence from a criminal trial is not necessarily admissible as evidence in a civil action about the same matter. For example, the

**injure:** to harm or damage  
(someone or something)

victim of a *mad accident* does not directly benefit if the driver who **injured** him is found guilty of the crime of careless driving. He still has to *prove* his case in a civil action. In fact he may be able to prove his civil case even when the driver is found not guilty in the criminal trial.

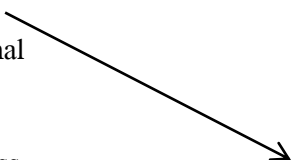
Once the plaintiff has shown that the defendant is liable, the main argument in a civil court is about the amount of money, or damages, which the defendant should pay to the plaintiff.<sup>30</sup>

***Find the answers to the following questions in the text  
“Criminal and Civil Law”***

1. What two kinds of court cases are common in the American legal system?
2. What is the difference between civil cases and criminal cases?
3. What does the word ‘crime’ mean?

***VOCABULARY DEVELOPMENT***

1. ***Match the words to form collocations as they appear in the text.  
More pairs are possible.***

- |                |               |
|----------------|---------------|
| 1. public      | a) money      |
| 2. criminal    | b) cases      |
| 3. civil       | c) argument   |
| 4. main        | d) obligation |
| 5. careless    | e) order      |
| 6. amount of   | f) driving    |
| 7. to find     | g) claims     |
| 8. contractual | h) action     |
| 9. disputed    | i) guilty     |
- 

<sup>30</sup> Ст' u <https://lingualeo.com/ru/jungle/criminal-and-civil-cases-268523> (ηηhуnιdεl ε' 08.11.2021)

2. **Choose the right verb to complete the sentence.**

1. The law **forbids/permits/ approves** any criminal activity.
2. Criminal cases **equal to/ differ from/ imply** civil cases.
3. The victim of a road accident must **prove/negotiate/disguise** his case in a court.
4. Courts must **ignore/decide/differentiate** criminal and civil cases.
5. An English criminal court can **allow/force/offer** a defendant to pay a fine as a punishment.

3. **Translate from English into Armenian.**

- to violate the law \_\_\_\_\_
- to be found guilty of arson \_\_\_\_\_
- to make a rather clear \_\_\_\_\_
- distinction between \_\_\_\_\_
- to pay a fine as punishment \_\_\_\_\_
- victims of the road accident \_\_\_\_\_
- one's claim for \_\_\_\_\_
- compensation \_\_\_\_\_
- "The People vs. Mr. Smith" \_\_\_\_\_
- the main argument \_\_\_\_\_
- civil court \_\_\_\_\_
- court procedure \_\_\_\_\_
- to be injured in a road \_\_\_\_\_
- accident \_\_\_\_\_

4. **Match the words with their definitions.**

- 1. suspicion      a) goods, private property taken away unlawfully, by thieves
- 2. goods          b) movable property, merchandise
- 3. antipathy      c) turn away attention
- 4. noose          d) make smb feel awkward or ashamed
- 5. embarrass     e) feeling that something is wrong, dangerous

- |             |  |
|-------------|--|
| 6. gang     | f) strong and decided dislike                                |
| 7. loot     | g) loop of rope that becomes tighter when the rope is pulled |
| 8. valuable | h) put something in the way, block off                       |
| 9. obstruct | i) of great worth or use                                     |
| 10. divert  | j) group of persons going about for criminal purposes        |

**5. Match the crimes to their definitions.**

espionage, money laundering, **arson**, hijacking, hacking, kidnapping, terrorism, complicity, forgery, slander, defamation, wire-tapping, criminal negligence, manslaughter, libel, smuggling, connivance, identity theft, counterfeiting, treason, ill wealth or illicit enrichment, kickback, infringement, assassination, bribery, currency schemes, insider trading, embezzlement, tax evasion, assault

1.     **arson**     setting fire to a building (deliberately)
2.                      moving money that has been obtained illegally into foreign bank accounts or legal businesses so that it is difficult for people to know where the money came from
3.                      using violent action in order to achieve political aims or to force a government to act
4.                      spying activity
5.                      making an illegal copy of smth such as a document or banknote to use as if were real
6.                      breaching computer security to have an unauthorized access to personal or organizational data
7.                      taking someone away illegally and keeping them as a prisoner, esp. in order to get money or smth else for returning them
8.                      using violence or threats to take control of a vehicle , esp. a plane in order to force it to demand smth from a government
9.                      taking part in a crime with another person

10. \_\_\_\_\_ damaging someone's reputation by saying or writing bad or false things about them
11. \_\_\_\_\_ acting recklessly with the result that harm is done to other people
12. \_\_\_\_\_ using smb else's name and personal information in order to obtain credit cards and other goods or to take money out of the person's bank accounts
13. \_\_\_\_\_ killing an important or famous person, esp. for political reasons
14. \_\_\_\_\_ killing someone illegally but not deliberately
15. \_\_\_\_\_ taking, sending or bringing goods secretly and illegally into or out of a country
16. \_\_\_\_\_ printing lies about someone with the intent to do harm
17. \_\_\_\_\_ using copyrighted material without permission of the owner of the copyright
18. \_\_\_\_\_ accumulating money / wealth through illegal activities
19. \_\_\_\_\_ listening to other people's telephone conversations secretly by attaching a device to the telephone line
20. \_\_\_\_\_ telling lies about someone with the intent to do harm
21. \_\_\_\_\_ doing something that could cause danger to your country; betraying your country to a foreign power
22. \_\_\_\_\_ not reporting a crime that you know is being or is about to be committed, shutting one's eyes to wrong doing
23. \_\_\_\_\_ making imitation money or other objects of value
24. \_\_\_\_\_ giving money, goods, services with intent to influence official action, opinion or decision
25. \_\_\_\_\_ speculating on the future value of currencies
26. \_\_\_\_\_ stealing money that you are responsible for or that belongs to your employer



27. \_\_\_\_\_ committing fraud in filing or paying taxes
28. \_\_\_\_\_ paying someone illegally in return for facilitating a transaction: a compensation for preferential treatment or any other type of improper services received
29. \_\_\_\_\_ using inside, confidential or advance information to trade in shares of publicly held corporations
30. \_\_\_\_\_ acting in such a way as to make someone believe he or she will be hurt

**6. Fill in the missing parts. Use a dictionary if necessary. Here is a list of some criminals and the crimes they commit, but it is incomplete. Which is the worst kind of crime in your opinion? Why? Discuss in a group.**

Criminal	Crime	the criminal
Thief	robbery/theft	stole some jewelry
Murderer		killed a policeman
	Hijacking	hijacked a plane
drug dealer	drug dealing	dealt in pushing cocaine
	Kidnapping	
Mugger		mug on an old lady
car thief		stole a BMW
	Trespass	trespassed on/upon Mr. Brown's (private) property
	Robbery	
Terrorist		committed an act of terrorism (e. g. bombing, murder, kidnapping)

***SPEAKING ACTIVITY.***

**7. *Work in groups and discuss.***

- Crime stems from the breakdown of traditional social norms.
- Family and social control are the most effective means of crime prevention.
  - In recent years public has demanded longer and harsher sentences for offenders.
  - Young people and adults should be treated equally before the law.



**8. *Listen to the lecture and answer the following questions.***

- *What is the Difference between Civil and Criminal Cases?*
- *Which cases are adjudicated through civil lawsuits?*
- *What is a civil case?*
- *Who initiates the proceedings in a Criminal Case?*

***Listen to the lecture again and fill in the gaps.***

The American legal system addresses the 1) \_\_\_\_\_ that people commit with two different types of cases: civil and criminal. Crimes are generally 2) \_\_\_\_\_ against the state (even if the immediate harm is done to an individual), and are accordingly prosecuted by the state. Civil cases on the other hand, typically involve 3) \_\_\_\_\_ between individuals regarding the legal duties and responsibilities they owe to one another. These cases are adjudicated through civil 4) \_\_\_\_\_. Although there is some overlap, there are several ways in which you can tell the differences between a criminal case and a civil case.

A civil case is when one person, the 5) \_\_\_\_\_, brings legal action against another person who has allegedly wronged them- the defendant- with the intent of collecting damages. Damages equals money.

A criminal case is where a 6) \_\_\_\_\_ prosecutes someone to prove them guilty of committing a crime, like a car thief. The victim of this crime is often a witness in the government’s case against the accused, as well as any 7) \_\_\_\_\_.

In a civil case, the court can judge that a 8) \_\_\_\_\_ owes the plaintiff money, or other property, or must perform a service that was promised. Mostly, though, it’s money.

In a criminal case, either the 9) \_\_\_\_\_ or a grand jury initiates the proceedings. Punishment for guilty defendants can range from fines, community service, or educational classes, to much more serious consequences, such as 10) \_\_\_\_\_ time.

### **9. Browse the Internet.**

Go to <http://www.thoughtco.com/types-of-crimes-3026270> to learn about “Seven different types of crime”.

With a partner, prepare a short presentation on “White-collar crime” focusing on tax evasion and other violations of income tax laws. See **Appendix H**.

### **10. Writing Activity.**

#### ***Render in English.***

Հանցագործությունն է համարվում սույն օրենսգրքով նախատեսված հասարակության համար վտանգավոր այն արարքը (գործողությունը կամ անգործությունը), որն ուղղված է քաղաքացիների անձի, Հայաստանի Հանրապետության Սահմանադրությամբ ամրագրված նրանց իրավունքների ու ազատությունների, սեփականության բոլոր ձևերի և ամբողջ

պետական ու իրավական կարգի դեմ: Հանցագործություն չի համարվում այն գործողությունը կամ անգործությունը, որը թեև ձևականորեն պարունակում է քրեական օրենքով նախատեսված որևէ արարքի հատկանիշներ, սակայն իր նվազ կարևորության պատճառով հասարակական վտանգավորություն չի ներկայացնում:<sup>31</sup>

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<sup>31</sup> Տե՛ս <https://www.arlis.am/documentview.aspx?docID=110893> (դիտվել է՝ 04.05.2021)

# UNIT 8. CRIMINAL LAW

## CRIME AND PUNISHMENT

Criminal law, the body of law that defines criminal offenses, regulates the apprehension, charging and trial of suspected persons, and fixes penalties and modes of treatment applicable to convicted offenders. Criminal law is only one of the devices by which



organized societies protect the security of individual interests and ensure the survival of the group. There are, in addition, the standards of conduct instilled by family, school, and religion; the rules of the office and factory; the regulations of civil life enforced by ordinary police powers; and the sanctions available through tort actions. The distinction between criminal law and tort law is difficult to draw with real precision, but in general one may say that a tort is a private injury whereas a crime is conceived as an offense against the public, although the actual victim may be an individual.

The crime rate in the U.S., which rose dramatically in the 1960s

### Essential terms

**decline:** to become lower in amount or less in number, to become worse in condition or quality

**homicide:** the act of killing another person

and 1970s, has gone down steadily. Department of Justice statistics show that serious crimes (murder, rape, robbery, etc.)

**declined** 7 percent and an additional 4.5 percent the following year. In some

areas, for example in New York City, crime *decreased* 17 percent over a three-year period, with **homicides** and burglaries down by 10 percent. However, experts who had predicted a further decline were

**public opinion poll:** an activity in which several or many people are asked a question or a series of questions in order to get information about what most people think about something

*puzzled* when FBI figures for 1985 showed an *increase* in violent crimes.

**Public opinion polls** show that Americans view crimes as one of the most serious problems of their

society. Several studies have also shown that the amount of crime, especially violent crime, is frequently *overestimated*. Experts believe that this awareness and fear of crime is largely caused by the great attention it is given in newspapers and on television, and also because violent crime is a popular theme for television series and films. Many Americans are therefore surprised to learn that, according to Interpol, the “general crime rate per 100,000 inhabitants” for the U.S. is significantly lower than that for several other western nations such as Sweden, New Zealand or Denmark and not much higher than those for Germany, Austria, or England.

Nevertheless, among all crimes, murder makes the headlines, and there is no doubt that homicides continue to be a serious problem in America.

In the United States, as elsewhere, the causes of serious crime are hotly debated and many reasons for it suggested. Among these are unemployment, drug-abuse, poverty, ineffective courts, racial **discrimination**, consumerism, television. Surprisingly, a major study of crime in the U.S. carried out by North-western University found that “the number of poor people in a city

**discrimination:** the practice of unfairly treating a person or group of people differently from other people or groups of people

**unemployment:** the state of not having a job

is only marginally related to property or violent crime.” In other words, American cities with a higher rate of **unemployment** and poverty do not necessarily have a higher crime rate.

Many communities across the nation have started their own campaigns against crime, encouraging their citizens to participate in **crime-prevention** programs and to report crimes. Several civil rights groups actively support such “self-help” campaigns. In some neighborhoods, citizens participate in “neighborhood watch” programs and organize groups to patrol the streets.<sup>32</sup>

**crime-prevention:** the act of preventing committing of crimes

***Read the text again to find out if the following statements are TRUE or FALSE.***

1. The crime rate in the U.S. has risen dramatically in the 1990s. **TRUE**
2. Experts’ predictions about further crime rate decline contradicted FBI figures for 1985. \_\_\_\_\_
3. Public opinion polls show that Americans don’t care about the crime rate in the country. \_\_\_\_\_
4. Denmark is the country with the lowest crime rate. \_\_\_\_\_
5. Serious crimes are closely connected with unemployment and drug abuse. \_\_\_\_\_
6. Large cities with all their problems such as poverty, unemployment may not have a higher crime rate. \_\_\_\_\_
7. US government has recently adopted the national crime-prevention program. \_\_\_\_\_

## **CRIME**

Crime is breach of rules or laws for which some governing authority can ultimately prescribe punishment. Individual human

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<sup>32</sup> Ст'и Николаева, А.В., Разуваева. Т.Н. (2002), Английский для юристов: Пособие по англ. яз. для студентов ст. курсов юрид. фак. - Ростов н/Д, ст.46-48.

societies may define crimes differently. Modern societies generally regard crimes as offences against the public or the state. The word 'crime' is generally associated with wrongdoing but not every type of wrongdoing is a crime. Telling lies is immoral wrong but if telling lies is put into practice resulting in physical harm to another, then such action becomes both criminal and immoral.

There are some acts which are considered to be crimes in one country but not in another. For example, it is a crime to have more than one wife at the same time in France, but not in Indonesia. There are quite a lot of agreements among states as to which acts are criminal. But such acts as stealing, physical attack or damaging somebody's property will be unlawful in all countries and the way of dealing with people suspected of crime may be different. Sometimes government "creates" new crimes by identifying a form of behavior and passing a new law to deal with it. Different societies or governments often review their ideas of what should and shouldn't be a crime. For example, race or sex discrimination hasn't been

considered a crime for a long time. In recent years the Internet has grown explosively and there appeared the new crimes such as unauthorized access or "hacking", copyright infringements, child pornography, etc. Cybercrimes may intentionally harm the reputation of the victim, they may threaten a nation's security or financial health.

Most crimes are not reported, not recorded, not

followed through, or not able to be proved. When informal relationships and **sanctions** are insufficient to establish and maintain a

**hack:** to secretly find a way of looking at and /or changing information on smb. else's computer system without permission.

**sanctions:** (usually pl.) 1) an official order that limits trade, contract, etc. with a particular country, in order to make it do smth., such as obeying international law. 2) official permission or approval for an action or a change. e.g. these changes will require the sanction of the court.



desired social order, a state may impose more strict systems of social control.

*Find the answers to the following questions in the text “Crime”.*

1. Every violation of law is a crime, isn't it?
2. Do different societies define crimes in the same way?

## **CRIMINAL PROCEDURE**

**PRETRIAL STAGE.** A criminal case passes through several phases before trial. At the first stage the crime is reported and investigated. Then, if there is "probable cause", i.e. reasonable grounds (something more than mere suspicion to believe that a particular person committed the crime) the person can be arrested. An arrest warrant is necessary unless the pressure of time requires immediate action (e.g. before the suspect flees).

Finally, criminal charges must be lodged against the defendant. Depending on the state, the charges are called either an indictment (by a grand jury) or information (by a magistrate or police officer). They must be based on probable cause, preponderance of evidence, or prosecutor's evidence that supports a belief in the defendant's guilt.

In the USA most cases are resolved without a trial. Attorneys for the defence and prosecution usually reach a plea bargain. The judge must decide whether the guilty plea was freely given and whether there was some factual basis for the plea, but judicial disapproval of an agreed upon plea is rare.

**BURDEN OF PROOF.** At the trial there is crucial difference between criminal and civil cases in the level of proof required. A civil plaintiff merely needs a preponderance of the evidence; the judge only needs to find that the evidence favours the plaintiff over the defendant. A successful criminal prosecution requires proof of guilt beyond a reasonable doubt.

The prosecuting counsel opens the case with a short description of the events of the crime and calls his witnesses. After taking an oath by the witness the prosecuting counsel begins his examination by asking the witness his/her name, profession, place of domicile. In English law, witnesses are not allowed to make lengthy statements to the court. It is the duty of the attorneys for both parties to examine and cross-examine witnesses.

**THE ORDER OF PROCEEDINGS.** The session is opened by the court called to order by the Clerk of the Court. The judge enters. The clerk says: "All rise". Everyone stands up and waits for the judge to take his seat. The accused is brought into the dock and the clerk asks for his or her name. The accused answers with the appropriate plea.

In English law a person is innocent until proven guilty. This means that in a trial the burden of proof is on the prosecution and if the prosecution cannot establish a reasonable cause for conviction the court must acquit the accused.

Both the defence and prosecution give their closing arguments, the prosecution going first. The judge sums up the evidence and instructs the jury on their duties. He reminds the jury that if there is any doubt at all in their minds they must acquit the defendant. The jury retires to the jury room to consider the verdict. The verdict "not guilty" does not necessarily mean that the judge or jury believe the defendant to be innocent. It is simply a finding that there was insufficient evidence to prove guilt beyond a reasonable doubt.

**EVIDENCE.** Criminal trial courts have numerous, complex rules about what evidence is admissible, and how it may be introduced. The rules are supposed to exclude irrelevant, unreliable, or unfairly prejudicial matters, especially in jury cases (the system presupposes that a judge is less likely to be swayed by improper evidence). The jury's verdict is to be based solely on the evidence properly brought out at the trial. Otherwise proper, highly relevant evidence may be excluded because it was obtained in violation of a defendant's

constitutional rights. Criminal appeals are often decided on such so-called technical issues.

**APPEALS.** The appeal is a petition for review of a case that has been decided by a court of law. The petition made to a higher court for the purpose of overturning the lower court's decision. The specific procedures for appealing can vary greatly depending on the type of case and jurisdiction where the case was prosecuted. The appeal system is mostly for the benefit of the defendant, but it is possible for the prosecution to appeal for a retrial.

Appellate courts cannot overturn a verdict simply because they disagree with it - e.g., with how the jury weighed the evidence and decided to believe one witness more than another witness. Appeals tend to focus on problems in the trial, judge's legal ruling, the instructions to the jury and the trial procedures, not simply in the judge's factual interpretations.<sup>33</sup>

*Find the answers to the following questions in the text.*

1. How many stages does a criminal case pass?
2. Why is the arrest warrant necessary?
3. What do criminal charges depend on?
4. Can a case be resolved without a trial?

## **CLASSIFICATION OF OFFENSES**

Because not all crimes are equal, punishments vary; the degree of the seriousness of a crime determines its category, which in turn determines the punishment that can be imposed.

Misdemeanors constitute a minor class of offenses that are punishable by a fine or imprisonment for up to one year. Examples of misdemeanors are disturbing the peace [an act that interrupts the peace of an area] or reckless driving [poor driving that endangers others].

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<sup>33</sup> Сѣ и Ильина Н. Ю., Аганина Т. А. (2021), Английский Язык для юристов, Москва, ст. 296-297.

Some states further divide misdemeanors into classes (A, B, etc.) based on the level of punishment imposed for the offense.

1. **Petty offenses** are often considered a subset of misdemeanors and are the lowest classification of crimes. Examples include parking tickets or violations of building codes. Depending on the state law, punishment can be a fine [monetary payment], imprisonment in the county jail [local jail for minor offenders or for holding convicted felons, people who have been found guilty of a more serious crime, prior to transport to another prison] or both, depending upon state law.

2. A **felony** is any crime that is punishable by death or imprisonment in a state or federal penitentiary [prison for felons] for more than one year. Each state and the federal government further classify felonies into various degrees of harm. Virginia, for example, has six degrees of felony, classified according to the punishment for each class of felony.

- Class 1      death or life imprisonment
- Class 2      life imprisonment or a sentence of more than 20 years
- Class 3      imprisonment between 5 and 20 years
- Class 4      imprisonment between 2 and 10 years
- Class 5      imprisonment for 1-10 years or less in the discretion of the court
- Class 6      imprisonment for 1-5 years or less in the discretion of the court

Whether crimes are first-, second-, third-, or even sixth-degree felonies depends on the circumstances of each case. Factors that raise or lower the degree of felony are given in the statutes. For example, kidnapping is a felony in the first degree unless the kidnapper voluntarily releases the victim unharmed in a safe location. If those conditions are met, then kidnapping becomes a felony in the second degree.<sup>34</sup>

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<sup>34</sup> See Debra Suzette Lee, Charles Hall, Marsha Hurley (2006), *American Legal English: Using Language in Legal Contexts* (Michigan Series In English For Academic & Professional Purposes), pp. 70-71.

*In pairs decide on the answers to the following questions.*

1. How are offenses classified in your country?
2. Classify the following offenses according to the system used in your country:
  - a) drunk driving
  - b) murder
  - c) theft
  - d) shop-lifting

### **PUNISHMENT**

There are several kinds of punishment available to the courts. Crimes are punished according to their seriousness. More serious crimes are given harsher penalties. In declaring a sentence a judge may take into account the following: prior criminal record, the age of the offender and other circumstances surrounding the crime, including cooperation with law enforcement officers, the amount of loss to victims, whether a weapon was used in the crime, the age or helplessness of the victims.

Punishment may include:

- a fine
- term of imprisonment (time in jail or prison)
- probation or parole
- community service

For criminal offences FINES are often used when the offence is not a very serious one and when the offender has not been in trouble before.

For more serious crimes the usual punishment is IMPRISONMENT. The length of sentences varies from a few days to a lifetime. However, a life sentence may allow the prisoner to be released after a suitably long period if a parole board agrees that his detention no longer serves a purpose. In some countries, such as the Netherlands, living conditions in prison are fairly good because it is

believed that deprivation of liberty is punishment in itself and should not be so harsh that it reduces the possibility of the criminal reeducating and reforming himself. In other countries, conditions are very bad. Perhaps because of an increase in crime or because of more and longer sentences of imprisonment, some prison cells have to accommodate far more people than they were built to hold. Britain and the United States are trying to solve the shortage of space by allowing private companies to open prisons.

**PROBATION** is the suspension of jail time. An offender on probation is ordered to follow certain conditions set forth by the court, often under the supervision of a probation officer. Offenders are ordinarily required to refrain from subsequent possession of firearms, and may be ordered to remain employed, live at a directed place, obey the orders of the probation officer. Offenders on probation might be fitted with an electronic tag (or monitor), which signals their whereabouts to officials. Also, offenders have been ordered to submit to repeated alcohol/drug testing or to participate in alcohol/drug or psychological treatment, or to perform community service work.

**PAROLE** is the supervised release of prisoners before the completion of their sentence in prison. They may be returned to prison if they violate the conditions of their parole. Conditions of parole often include things such as obeying the law, avoiding contact with the parolee's victims, obtaining employment, and maintaining required contacts with a parole officer.

Parole should not be confused with probation, as parole is serving the remainder of a sentence outside of prison, where probation is given instead of a prison sentence and as such, tends to place more rigid obligations upon the individual serving the term.

**CORPORAL PUNISHMENT** is a form of physical punishment that involves the deliberate infliction of pain as retribution for an offence or for the purpose of disciplining or reforming a wrongdoer. This kind of punishment is still employed in Malaysia, Singapore, Pakistan, Zambia and Zimbabwe. Courts may sentence offenders to be

caned or whipped. As well as corporal punishment, some Islamic countries such as Saudi Arabia and Iran use other kinds of physical penalties such as amputation or mutilation.

**COMMUNITY SERVICE** requires the offender to do a certain amount of unpaid work usually for a social institution such as a hospital.

**RESTRICTING FREEDOM** in the form of house arrest as a new alternative type of punishment in the Russian Federation has now been adopted in connection with coming into force of new provisions in the Criminal and Criminal Correctional Codes.<sup>35</sup>

*Find the answers to the following questions in the text.*

1. What does punishment for a crime depend on?
2. In what cases are fines used for criminal offences?
3. What is the main idea of probation?
4. What is a parole?
5. What does community service require?

### **VOCABULARY DEVELOPMENT**

1. *Match the words to form collocations as they appear in the text.*

*More pairs are possible*

- |                     |   |                   |
|---------------------|---|-------------------|
| 1. violent          | → | a) Nation         |
| 2. opinion          | → | b) crime          |
| 3. rate of          |   | c) discrimination |
| 4. popular          |   | d) poll           |
| 5. western          |   | e) courts         |
| 6. ineffective      |   | f) unemployment   |
| 7. racial           |   | g) theme          |
| 8. crime-prevention |   | h) programs       |

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<sup>35</sup> С. Б. и Ильина Н. Ю., Аганина Т. А. (2021), *Английский Язык для юристов*, Москва, ст.296-297.

2. *Match the two halves of the sentences to describe the functions of the police, the magistrate, the prosecutor, the suspect, the defense counsel, the judge and the jury.*

Who	What
The police interrogate	arrests, searches, and seizures.
The police carry out	on the sentence to be imposed.
The magistrate sometimes conducts	over the court.
The prosecutor conducts	suspects and witnesses.
The suspect has the right	the case in court on behalf of the police.
The suspect is innocent	the investigation in cases of serious criminal offence.
The defense counsel assists	the suspects from violations of his rights at the hands of law-enforcement personnel.
The defense counsel protects	the suspect in gathering exonerating evidence.
The judge presides	to remain silent.
The judge decides	until proved guilty.
The jury decides	whether the accused is guilty or not.

3. *The subject matter of the legal system.*

4. One way of classifying and understanding the law is by subject matter. Lawyers often divide the law by subject matter. Lawyers often divide the law and the legal system into two: criminal law and civil law. Classify the following legal vocabulary into the appropriate column below. Two terms can appear in both columns.



Compensation, contract, crime, damages, family law, intellectual property, **plaintiff**, police, private individual, prosecution, the accused, the defendant, theft, **murder**, assault, to fine, terrorism

Criminal	Civil
<b>Murder</b>	<b>Plaintiff</b>

**B.** Complete the following text contrasting criminal and civil law by choosing the words/phrases from part A.

***Criminal Law vs Civil Law***

One category is the criminal law – the law dealing with **crime**. A case is called a \_\_\_\_\_. The case is instituted by the prosecutor, who takes over the case from the \_\_\_\_\_ who have already decided \_\_\_\_\_ the defendant (or \_\_\_\_\_) with specified crimes. The civil law is much more wide-ranging. The civil law includes the law of \_\_\_\_\_ and \_\_\_\_\_. In a civil case, the \_\_\_\_\_, normally a \_\_\_\_\_ or company, \_\_\_\_\_ to win \_\_\_\_\_. If the case is proven (on the balance of probabilities, meaning that one is more sure than not), the defendant normally pays the plaintiff \_\_\_\_\_ (money).

Notice the distinction between **damage** and **damages**. **Damage** (uncountable singular) refers to physical harm; **damages** (uncountable plural) refers to financial compensation that a person claims for injury or harm that has been suffered.

**4. Match the words with their definitions.**

- |                |   |
|----------------|---|
| 1) defendant   | a) a specific number of lay people, selected as prescribed by law to render a verdict in a trial        |
| 2) victim      | b) the person who leads a trial and decides on the sentence.  |
| 3) Jury        | c) the party against which a legal action or suit is brought in a court of law                          |
| 4) prosecution | d) someone who appears in a court of law to say what they know about a crime or other event             |
| 5) judge       | e) the party that initiates a criminal case   |
| 6) witness     | f) a person who suffers injury, loss, or death as a result of criminal activity or other circumstances. |

**5. Match the types of punishments with their definitions.**

1. **fine**, 2. capital punishment, 3. jail, 4. parole, 5. imprisonment, 6. probation, 7. corporal punishment, 8. house arrest, 9. suspended sentence, 10. community service, 11. prison, 12. prison cell

- A. Physical punishment, such as flogging or beating.
- B. **A sum of money exacted as a penalty by a court of law or other authority.**
- C. A place of confinement for time periods longer than those usual for a police station lock-up and shorter than those usual for a prison.
- D. A special place where a convicted person serves his sentence.

- E.** A release from prison, before a sentence is finished, that depends on the person “keeping clean” and doing what he or she is supposed to do while out. If the person fails to meet the conditions, the rest of the sentence must be served.
- F.** A place for long-term incarceration for a crime.
- G.** A sentence (usually, jail time) that the judge allows the convicted person to avoid serving (e.g. if the person continues on good behaviour, completes community service, etc.).
- H.** Unpaid work, intended to be of social use, that an offender is required to do instead of going to prison.
- I.** The state of being kept as a prisoner in one’s own house, rather than in a prison.
- J.** The most severe of all sentences: that of death. Also known as the death penalty.
- K.** The sentencing of a criminal to a period of time during which they will be deprived of their freedom.
- L.** A kind of punishment given out as part of a sentence, which means that instead of jailing a person convicted of a crime, a judge will order that the person reports to an officer regularly and according to a set schedule.

**6. Speaking Activity.**

**Case study**

*A case study is a detailed study of a specific subject such as a person, group, place, event, organization, or phenomenon.*

*Case studies are commonly used in a variety of fields including law, medicine, etc. A law case study is a detailed and intensive study of a person, group, or social phenomenon. Usually, you conduct a study on a case that is solved by a judge. It investigates a problem, analyses solutions with supporting evidence.*

***With a partner read the story “Jean’s Death” and***

a) rank the six characters of the story in terms of their moral responsibility for Jean’s death,

b) determine if the party you found morally responsible for Jean's death could also be found legally responsible from the aspect of criminal law.

### **Jean's Death**

Around 5 P.M. one evening, a man and his wife entered the Bluebird Bar. The man, Jack, ordered a whiskey for himself and a cola for his wife, Gail. Jack continued to order the same drinks about every 1/2 hour.

At 11 P.M. the bar owner refused to serve Jack any more drinks because he was obviously extremely intoxicated and bothering other customers. Gail was used to Jack's behavior and never asked her husband to quit drinking.

"Are you driving him home or should I call a taxi?" the bar owner asked Gail. Jack shouted, "Get out of my face! I'm driving home and neither of you can stop me!" Jack then shoved the owner aside and walked out the door. The owner just shrugged his shoulders and walked off. Gail went to the pay phone in the corner to call her sister for a ride.

As Jack left the bar, a man walking by the bar shouted to him, "Hey Buddy, call a taxi!" When Jack drove off, the man simply shook his head and walked down the street.

Meanwhile, Jean and Carl were having a lovers' quarrel on the next corner. The quarrel soon escalated into a major fight, and Carl struck Jean, saying, "Don't ever tell me not to touch you again. I'll show you who's boss here." At that point, Jean, crying hysterically and paying no attention at all to the traffic, ran into the street directly in front of Jack's car. Jack was not able to stop in time, and Jean was killed instantly.<sup>36</sup>

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<sup>36</sup> St'u Debra Suzette Lee, Charles Hall, Marsha Hurley (2006), American Legal English: Using Language in Legal Contexts (Michigan Series In English For Academic u. Professional Purposes), p. 65.



7. *Listen to the passage and fill in the gaps according to the original text.*

Criminal law concerns the system of legal rules that define what conduct is classified as a 1) \_\_\_\_\_ and how the government may prosecute individuals that commit crimes. Federal, state, and local governments all have penal codes that explain the specific crimes that they prohibit and the punishments that 2) \_\_\_\_\_ may face. Individuals who violate federal, state, and local laws may face fines, probation, or incarceration. 3) \_\_\_\_\_ against criminals are initiated by prosecuting attorneys who act on behalf of the government to enforce the law.

A crime is any act or omission of an act in 4) \_\_\_\_\_ of a law forbidding or commanding it. Most crimes are defined by statute, and they vary tremendously across different states and counties. The Model Penal Code (MPC) provides a good overview of the most common types of crimes, while the U.S. Code provides a list of all federal crimes. For a list of crimes in your state or local municipality, it is best to check your local penal code.

While specific criminal acts may vary by 5) \_\_\_\_\_, they can be broadly characterized as “felonies” and “misdemeanors.” Felonies include more serious crimes, like murder or rape, and are usually punishable by imprisonment of a year or more. Misdemeanors are less serious offenses and are punishable by less than a year of imprisonment or fines.

Unless a crime is a strict 6) \_\_\_\_\_ crime (meaning that no particular mental state is required), statutes typically break crimes down into two elements: an act and a mental state, such as knowingly or recklessly. In order to be convicted of a crime, a 7) \_\_\_\_\_ must show that the defendant has met both of these elements. For example, larceny is the taking of the property of another with the

intent to deprive them of it permanently. Thus, the 8)\_\_\_\_\_ must have committed the act of taking the property and have done so with the mental intention to take the property of another.

It is not enough for a prosecutor to suggest that the defendant committed a crime. Rather, the prosecutor is required to prove each and every element of a crime “beyond a reasonable doubt” in order for a defendant to be convicted. Police officers, prosecutors, and other government 9)\_\_\_\_\_ must also follow certain procedures in pursuing criminal activity. This is because all citizens have certain constitutional rights that the government must respect and protect. If these rights are not respected, it may prevent a prosecutor from obtaining a 10)\_\_\_\_\_ in a case. The United States Constitution sets forth these rights and the protections that are afforded to defendants.

#### **8. Browse the Internet.**

*Go to [youtube.com/watch?v=kkgxEJWMAYY](https://www.youtube.com/watch?v=kkgxEJWMAYY)*

*With a partner, watch the given legal case study example and answer the question:*

*What advice will you provide to Ms. Y?*

#### **9. Writing activity.**

***Render in English.***

### **Հոդված 15. Քրեական դատավարության լեզուն**

1. Հայաստանի Հանրապետությունում քրեական դատավարությունը տարվում է հայերեն: Քրեական դատավարության ընթացքում յուրաքանչյուր ոք, բացառությամբ քրեական վարույթն իրականացնող մարմնի, իրավունք ունի հանդես գալ այն լեզվով, որին տիրապետում է:

2. Քրեական վարույթն իրականացնող մարմնի որոշմամբ՝ քրեական դատավարության լեզվին չտիրապետող՝

քրեական դատավարությանը մասնակցող անձանց պետական միջոցների հաշվին հնարավորություն է տրվում թարգմանչի օգնությամբ իրականացնել սույն օրենսգրքով սահմանված իրենց իրավունքները:

3. Քրեական դատավարության լեզվին չտիրապետող համապատասխան անձանց տրվում են սույն օրենսգրքով նախատեսված՝ հանձնման ենթակա փաստաթղթերի վավերացված պատճեններն այն լեզվով, որին նրանք տիրապետում են:

4. Այլ լեզվով փաստաթղթերը քրեական գործին կցվում են դրանց հայերեն թարգմանությունների հետ:<sup>37</sup>

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<sup>37</sup> Տե՛ս <https://www.arlis.am/documentview.aspx?docid=154763> (դիտվել է՝ 02.03.2021)

# UNIT 9. COURT STRUCTURE AND ORGANIZATION

Local governments have a court system, which handles local issues, such as traffic laws and small claims. Sometimes cases may be appealed to the state courts. Judges in local courts are sometimes called justices of the peace, though many are called judge or magistrate.

Local courts tend to specialize in one area of law, such as traffic or family, to make sure that the judge is as knowledgeable as possible. By specializing, local courts try to provide responsive, efficient legal service.

*A court* is any person or institution, often as a government institution, with the authority to adjudicate legal disputes between parties and carry out the administration of justice in civil, criminal, and administrative matters in accordance with the rule of law. In both common law and civil law legal systems, courts are the central means for dispute resolution, and it is generally understood that all people have an ability to bring their claims before a court. Similarly, the rights of those accused of a crime include the right to present a defense before a court.

The system of courts that interprets and applies the law is collectively known as the judiciary. The place where a court sits is known as a venue. The room where court proceedings occur is known as a courtroom, and the building as a courthouse; court facilities range from simple and very small facilities in rural communities to large buildings in cities.





The practical authority given to the court is known as its jurisdiction, the court's power to decide certain kinds of questions or petitions put to it. According to William Blackstone's Commentaries on the Laws of England, a court (for civil wrongs) is constituted by a minimum of three parties: the actor or plaintiff, who complains of an injury done; the reus or defendant, who is called upon to make satisfaction for it; and the jūdex or judicial power, who is to examine the truth of the fact, determine the law arising upon that fact, and, if any injury appears to have been done, ascertain and by its officers apply a legal remedy. It is also usual in the superior courts to have barristers, and attorneys or counsel, as assistants, though, often, courts consist of additional barristers, bailiffs, reporters, and perhaps a jury.

The term "the court" is also used to refer to the presiding officer or officials, usually one or more judges. The judge or panel of judges may also be collectively referred to as "the bench" (in contrast to attorneys and barristers, collectively referred to as "the bar").

In the United States, the legal authority of a court to take action is based on personal jurisdiction over the parties to the litigation and subject-matter jurisdiction over the claims asserted.

## **TYPES OF COURTS**

There are many different types of courts and many ways to classify and describe them. Basic distinctions must be made between civil and criminal courts, between courts of general jurisdiction and those of limited jurisdiction, and between trial and appellate courts.

## **CRIMINAL COURTS**

Criminal courts deal with persons accused of crime, deciding whether they are guilty and, if so, determining the consequences they shall suffer. Prosecution is on behalf of the public, represented by some official such as a district attorney, prosecutor, or a police officer.

In civil-law countries a more active role is assigned to the judge. In the common-law courts, in which the ,adversary procedure

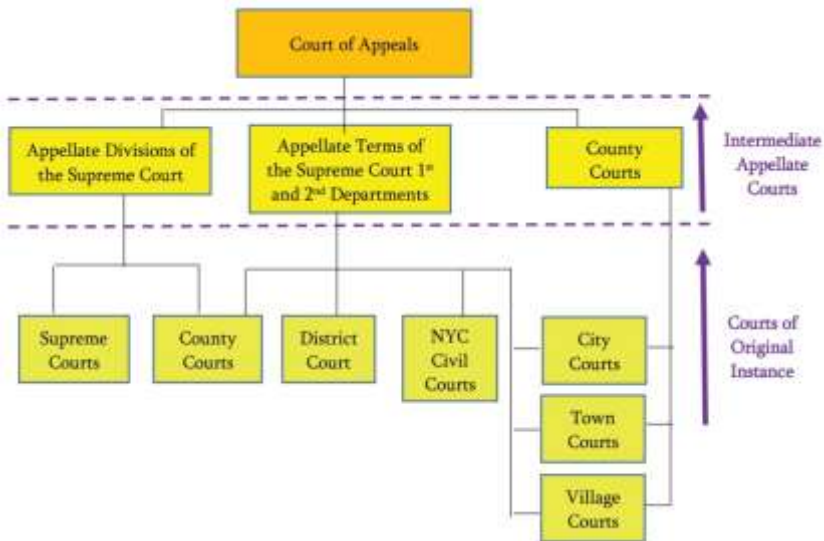
prevails, the lawyers for both sides bear responsibility for producing evidence and they do most of the questioning of witnesses.

In civil-law countries, inquisitorial procedure prevails, with judges doing most of the questioning of witnesses and having an independent responsibility to discover the facts.

If a person has been found guilty, he is sentenced, again according to law and within limits fixed by legislation. The most common sentences are fines, short terms of imprisonment, and probation (which allows the offender to remain at large but under supervision).

In extremely serious cases, the goal may be to prevent the offender from committing further crimes, which may call for a long term of imprisonment or even capital punishment. The death penalty, however, is gradually disappearing from the criminal codes of civilized nations.

### CRIMINAL COURT STRUCTURE



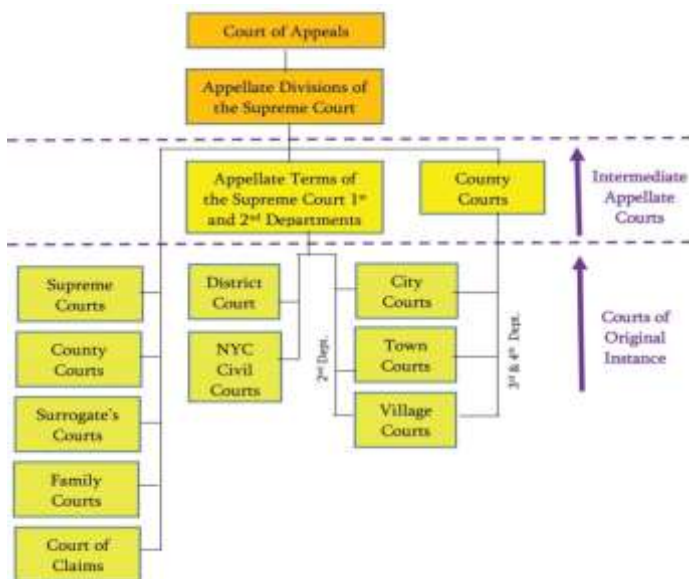
## CIVIL COURTS

Civil courts deal with “private” controversies, as where two individuals (or corporations) are in dispute over the terms of a contract or over who shall bear responsibility for an auto accident. Ordinarily the public is not a party as in criminal proceedings, for it has no interest beyond providing just rules for decision and a forum where the dispute can be impartially and peacefully resolved.

The objective of a civil action is not punishment or correction of the defendant or the setting of an example to others but rather to restore the parties so far as possible to the positions they would have occupied had no legal wrong been committed. The most common civil remedy is a judgment for money damages.

There are, however, areas of overlap, for a single incident may give rise to both civil liability and criminal prosecution. Two separate actions must be brought, independent of each other.

## CIVIL COURT STRUCTURE



## **COURTS OF GENERAL JURISDICTION**

Although there are some courts that handle only criminal cases and others that handle only civil cases, a more common pattern is for a single court to be vested with both civil and criminal jurisdiction. Such is the High Court of England and such are many of the trial courts in U.S. states. Often these tribunals are called courts of general jurisdiction, signifying that they can deal with almost any type of controversy, although in fact they do not have jurisdiction over certain types of cases assigned to specialized tribunals.

## **COURTS OF LIMITED JURISDICTION**

Specialized tribunals of many kinds exist, varying from nation to nation. Some deal only with the administration of the estates of deceased persons (probate courts), some only with disputes between merchants (commercial courts), some only with disputes between employers and employees (labour courts). All are courts of limited jurisdiction.

## **APPELLATE COURTS**

The tribunals described thus far are trial courts or, courts of first instance. They see the parties, hear the witnesses, receive the evidence, find the facts, apply the law, and determine the outcome.

Above them, to review their work and correct their errors, are appellate courts. These are usually collegiate bodies, consisting of several judges instead of the single judge who usually presides over a trial court. The jurisdiction of the appellate courts is usually general.

## **COURTS IN FEDERAL SYSTEM**

Federal system is such a system in which each member subordinates its power to a central authority in common affairs. It reflects the fragmentation of governmental powers between the central authority and the local authority. At the top level is the Supreme Court.

Federal courts deal with cases which arise under the US Constitution or federal law and any disputes involving the federal government. They also hear matters involving government or citizens of different states and thus play a part in state law. If a case in the highest state court of appeal involves a federal question, it can be appealed ultimately to the US Supreme Court. Criminal action under

**Essential terms**  
**treason:** the crime of trying to overthrow your country's government or of helping your country's enemies during war  
**hijacking:** to stop and steal (a moving vehicle), to take control of (an aircraft) by force

federal jurisdiction includes such cases as **treason**, destruction of government property, counterfeiting, **hijacking**, and narcotic violations. Civil cases include violations of other

people's rights, such as damaging property, violating a contract, or making libelous statements. If found guilty, a person may be required to pay a certain amount of money, called damages, but he or she is never sent to prison. A convicted criminal, on the other hand, may be imprisoned.

Today the fame and influence of the Supreme Court result from its power of judicial review, the right to decide if congressional, presidential, and state's acts are in accordance with the Constitution and to declare them void if it deems they are not. The Court claimed the right of judicial review by stages and won gradual acceptance for its practice between 1796 and 1865. In the first year the Court asserted its right to invalidate state laws that it considered unconstitutional. Later decisions extended judicial review to cover executive acts. The Court's review power maintains the supremacy of federal law and a uniform interpretation of the Constitution from state to state. As a practical fact, only the Union victory in the Civil War established the supremacy of federal law, the US Constitution, and the Court as their interpreter.

A case involving federal **jurisdiction** is heard first before a federal district judge. An appeal may be made to the US Court of Appeals and, in the last resort, to the US Supreme Court.

Most federal cases being and are settled in the lower US District Courts and only a minority of cases are appealed. There are ninety-five district courts in the US (with states having at least one court).

**jurisdiction:** the power, right, or authority to interpret and apply the law

**kidnapping:** to seize and detain or carry away by unlawful force or fraud and often with a demand for ransom

**fraud:** the crime of using dishonest methods to take something valuable from another person

**assassination:** killing (someone, such as a famous or important person) usually for political reasons

They are trial courts in which a judge or a jury decides each case. Most citizens involved in federal litigation only have dealings with the District Courts.

They try cases involving breaches of federal criminal law, such as bank robbery, drug dealing, **kidnapping**, currency **fraud** and **assassination**. But most of the work of the District Courts is in areas of

civil law, such as taxation, civil rights, administrative regulations, disputes between states and bankruptcy.

The US Courts of Appeals system consists of fifteen courts sitting in each of the judicial circuits into which the US divided. These courts (with from there to five judges) mainly hear appeals from decisions of the US District Courts within the circuits. Most of their decisions are final and set a precedent for future similar cases.

The US Supreme Court in Washington, DC comprises a Chief Justice and eight Associate Justices, assisted by law clerks. It has jurisdiction in national/federal matters. But its main role is that of an appeal court and it hears cases from lower federal and state courts. These appeals usually involve constitutional issues, questions of federal law and conflicts between two or more of the states.

The Court has authority to review any executive and legislative action or law passed by any level of government (if challenged in a court case) and can declare it unconstitutional after judging its compatibility with the Constitution. Although not explicitly given this power of judicial review by the Constitution, the Supreme Court has developed such jurisdiction. It enables the Court to profoundly influence many aspects of American life.

Federal judges are nominated by the President, approved by the Senate and appointed for life in what amounts to a political selection. They hold office during good behavior and can be removed from office only by impeachment (trial by the Senate for gross misconduct). This process has been very rarely used and never successfully against a Supreme Court justice.

State judges may now be appointed, selected and elected (by the people) depending on the practices of individual states. They may also be investigated by state commissions which may recommend their disciplining or removal.

The judiciary has a range of functions and duties. It enforces the legitimate laws of the legislative and executive branches of government. But it also protects citizens against arbitrary acts by either executive or legislature. Judicial review gives the judiciary a crucial authority and judges' freedom from control by the other branches of government means that they are theoretically 'above politics'. This enables the courts to follow relatively independent courses of action.<sup>38</sup>

***Find the answers to the following questions in the text.***

- 1. What kind of cases do civil courts deal with?*
- 2. What kind of cases do criminal courts deal with?*
- 3. What is the function of the court of Appeal?*

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<sup>38</sup> See U. S. Government Structure - U.S. Department of Justice, Immigration and Naturalization Service, U.S. Government Printing Office, 1987.

4. *What kind of cases are handled by the Courts of Limited Jurisdiction?*
5. *Who chooses a Supreme Court Justice?*
6. *What can happen if a justice does something wrong?*
7. *What court can review a case?*

### **VOCABULARY DEVELOPMENT**

**1. Match the words to form collocations as they appear in the text.**

- |                |   |                 |
|----------------|---|-----------------|
| 1. innocent    | → | a) system       |
| 2. light       |   | b) sides        |
| 3. necessary   | → | c) person       |
| 4. particular  |   | d) documents    |
| 5. individual  |   | e) sentence     |
| 6. independent |   | f) mistakes     |
| 7. equal       |   | g) jurisdiction |
| 8. responsible |   | h) concern      |
| 9. basic       |   | i) distinction  |
| 10. limited    |   | j) mission      |
| 11. district   |   | k) officer      |
| 12. police     |   | l) attorney     |
| 13. common     |   | m) court        |
| 14. capital    |   | n) punishment   |
| 15. civilized  |   | o) prosecution  |
| 16. civil      |   | p) sentences    |
| 17. criminal   |   | q) nations      |

**2. Match the words with their definitions.**

- |                    |   |   |
|--------------------|---|---|
| 1. deceased person | → | a) not valid or legal (of a contract, an agreement) |
| 2. probate court   | → | b) one who has recently died                        |
| 3. tribunal        |   | c) a court that deals with matters of probate       |
| 4. void            |   | d) not based on any principle, plan, or system      |
| 5. litigation      |   | e) the process of fighting or defending a case      |



in a civil court of law

6. arbitrary

f) a type of court with the authority to deal with a particular problem or disagreement

**3. Translate into Armenian.**

- arbitrary \_\_\_\_\_
- issue \_\_\_\_\_
- to comprise \_\_\_\_\_
- to nominate \_\_\_\_\_
- dispute \_\_\_\_\_
- regulations \_\_\_\_\_
- justice \_\_\_\_\_
- compatibility \_\_\_\_\_
- appeal \_\_\_\_\_
- violation \_\_\_\_\_
- distraction \_\_\_\_\_

**4. Read the text and fill in the suitable missing words.**

As it is known sometimes the court isn't up to its job. From time to time the court punishes an \_\_\_\_\_ person or, on the contrary, let a criminal off with \_\_\_\_\_ under pressure from local authorities. Often the court itself had an \_\_\_\_\_ tone and demonstrated an inability to objectively weigh the \_\_\_\_\_. Or else it tried to , stamp the necessary documents without having considered the case properly. Thus, here we faced the problem which is of particular concern. So it's time to raise a question about the abundance of individual mistakes. The question is far from being settled. It's a matter of principle.

Unfortunately, we cannot say that we have an independent system of \_\_\_\_\_. Ideally, the court is an open contest between two equal sides - the \_\_\_\_\_ and the \_\_\_\_\_. The judge must preserve \_\_\_\_\_ and make his decision based on all the evidence. The judge represents the interests of the state.

By allotting a big part in society to the court and entrusting a responsible mission to it, the people hope that the judge is always a person with a mode of thinking, with a \_\_\_\_\_ sense of justice, a broad horizon. But sometimes this is not so. The judges are human beings with all human weaknesses.

*(a light sentence, evidence, accusatory, defence, prosecution, justice, objectivity, innocent, sharpened )*

**5. Fill in the gaps choosing words and word-combinations from the box.**

case, individual rights, <b>law</b> , enforceable, claim, jury, legal system, judicial, civil cases, juveniles, order
--

1. One basic purpose of law is to provide rules and standards to serve as a basis of conduct.

2. The functions of law are to resolve conflict, protect \_\_\_\_\_, limit government, promote the general welfare, set social goals, and control crime.

3. Good laws are just, reasonable, \_\_\_\_\_, and understandable.

4. The American \_\_\_\_\_ is based on ideas from different societies. Two early law codes are the Code of Hammurabi and the Justinian Code.

5. Our system of common law, the right to trial by \_\_\_\_\_, and habeas corpus are derived from British principles of law.

6. Present-day sources of law are the Constitution and the legislative, \_\_\_\_\_, and executive branches.

7. Two kinds of legal cases are \_\_\_\_\_ and criminal cases.

8. A civil case usually involves a dispute or a damage \_\_\_\_\_.  
Lawsuits make up the majority of civil cases.

9. A special type of civil case is the equity suit, which provides remedies when there are no laws to help decide a \_\_\_\_\_.

10. Criminal law deals with acts committed against public safety and \_\_\_\_\_.

11. Juveniles who commit crimes are usually treated more leniently than adults. A separate court system has been established for \_\_\_\_\_.

**6. Speaking activity.**

*With a partner, read the given situations and answer the questions.*

Local courts take care of local problems. For example, you go to traffic court for traffic problems. If the money in the case is a small amount, you go to a small claims court.

✓ *What kinds of local courts are in your area?*

Sometimes a citizen can appeal a local court decision to a higher state court. For example, the county court says you are guilty in an accident. You do not believe you are guilty. You want a review. You can appeal to a higher court in your state.

✓ *Can you think of another situation?*

Judges in local courts are called justices of the peace, magistrates or judges.

✓ *What are they called in your local courts?*



**7. Listen to the lecture and fill in the gaps according to the original text.**

The United States has a unique court system in that it is divided between a federal system covering the whole country and 1) \_\_\_\_\_ systems in each state and US territory. The systems can cover the same grounds in criminal, civil and administrative law. For instance, there are both federal and state laws against murder, lawsuits can be brought by the same people against

the same people in both state and federal court and both the federal and state government regulate things like securities and the environment. The running of these two parallel 2) \_\_\_\_\_ simultaneously on the state and federal levels is known as “federalism.” While the systems are parallel, under the Constitution’s “supremacy” clause, federal laws are the “supreme law” of the land, which means they control over contrary state laws. This also means that a ruling by the U.S. Supreme Court must be followed by every state and every court in the country. However, where the federal government is not authorized to act by the Constitution or where it does not act, state law applies under the “reserve” clause of the 10th Amendment. The federal court system was established by Article 3 of the Constitution, but new judges and courts are established by 3) \_\_\_\_\_ and the President. State court systems are established by state law or state constitution. The details of the structure of the federal court system was the first order of business of the first US Congress, which passed the Judiciary Act of 1789 as Senate Bill 1. That Act created the federal judiciary system still in use today. The original federal judicial system consisted of a Supreme Court with six 4) \_\_\_\_\_, three appeals courts, each presided over by two Supreme Court justices and a district court 5) \_\_\_\_\_ and 13 trial courts, each presided over by a district judge. Federal courts of appeals are geographically placed to accommodate appeals from the district courts. For example, the Second Circuit Court of Appeals covers federal courts in New York, Vermont and Connecticut, while the Eleventh Circuit covers federal courts in Florida, Alabama and Georgia. Each 6) \_\_\_\_\_ court has several judges, though the 7) \_\_\_\_\_ vary in numbers of judges, based on how much territory they cover. The Ninth Circuit, covering most of the far western part of the country, features the largest number of judges. Courts of appeals typically sit in three-judge 8) \_\_\_\_\_, but can agree to hear a case which means that all judges in the Circuit hear the case simultaneously and vote on the 9) \_\_\_\_\_. Cases decided by federal courts of appeals can only be

appealed to the United States Supreme Court. All federal judges are appointed by the President and confirmed by the Senate. They enjoy life tenure unless removed by 10) \_\_\_\_\_ impeachment.

### **8. Browse the Internet.**

*Go to <https://www.cisd.org>>lib6>7.01ctsysrole to learn more about “Courtroom roles and responsibilities” and prepare a presentation on the given topic addressing the key figures in a courtroom trial: the judge, the court reporter, the bailiff, the attorney, the plaintiff, the defendant, witnesses, and jurors.*

### **9. Writing Activity.**

#### *Supreme Court Justices*

With a partner, summarize the overall idea of *Supreme Court Justices*.

*A sample summary on “Supreme Court Justices” can be found in Appendix E.*

### **10. Writing Activity.**

#### ***Render in English.***

Դատարանների ամբողջությունը կազմում է տվյալ երկրի դատական համակարգը: «Դատարան» հասկացությունը իրավաբանական իմաստով բարդ և բազմակողմանի նշանակություն ունեցող հասկացություններից է: Դատարանը՝ որպես դատական իշխանության մարմին, կազմված է օրենքով սահմանված կարգով նշանակված դատավորներից, ովքեր գործում են պրոֆեսիոնալիզմի հիման վրա:<sup>39</sup>

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<sup>39</sup> Տե՛ս Ղազինյան Գ., Դիլբանդյան Ս. (2003), ՀՀ դատարանակազմությունը և իրավապահական մարմինները, Երևանի համալսարանի հրատ., Երևան, էջ 40:

## UNIT 10. THE ATTORNEY GENERAL

The United States Attorney General is the head of the United States Department of Justice concerned with legal affairs and is the chief law enforcement officer of the United States government. The attorney general is considered to be the chief lawyer of the



U.S. government. The attorney general serves as a member of the president's cabinet, and is the only cabinet department head who is not given the title secretary.

The Attorney General is nominated by the president of the United States and takes office after confirmation by the United State Senate.

He or she serves at the pleasure of the president and can be removed by the president at any time; the Attorney General is also subject to impeachment by the House of Representatives and trial in the Senate for "treason, bribery, and other high crimes and misdemeanors."

In federal criminal cases, one of the lawyers works for the executive branch of the government, which is the branch that prosecutes claims on behalf of society. That lawyer is the U.S. Attorney or an assistant U.S. attorney. A U.S. Attorney is chosen by the President, with the approval of the Senate, for each of the 94 judicial districts. The U.S. Attorney also represents the United States in civil cases in which the U.S. government is a party.

The office of Attorney General of the United States was created by the Judiciary Act of 1789 that divided the country into districts and set up courts in each one, along with attorneys with responsibility for civil and criminal actions in their districts.

The U.S. solicitor general has charge of the government's litigation in the Supreme Court. He decides, after consultation with the attorney general, whether to seek review in the higher courts of cases that the government has lost in lower courts.

Every U.S. state has an elected attorney general with duties similar to those of the federal Attorney General. Attorney General is the chief law officer of a state or nation and the legal adviser to the chief executive. The office is common in almost every country in which the legal system of England has taken root.

It is worth mentioning that common law and civil-law systems differ considerably with respect powers of attorney, and there is also considerable diversity among the civil law systems themselves. Many of the general powers of attorney that are important in civil-law countries come under the powers of trust in common law countries.

In England, for example, one may be given the general power to carry out all of a certain type of act, such as carrying on a business after the owner's death, or one may be given the power to carry out only some very specific act.

## DEPARTMENT OF JUSTICE

Created in 1870 and headed by the Attorney General, the Department of Justice is the largest law firm in the nation. It represents the United States government in **legal matters**, handles all

Supreme Court cases involving the United States, enforces the law in the public interest, protects the public from crime, ensures healthy business competition, safeguards the consumer, and enforces immigration and **naturalization laws**.

The Attorney General

### Essential terms

**legal matter:** a legal issue or administrative or judicial proceeding

**naturalization law:** law on the proceeding whereby a foreigner is granted citizenship

provides legal advice for the President and the heads of the other executive departments, may appear before the Supreme Court in extremely important cases, and supervises the activities of the U.S. attorneys and U.S. marshals in the nation's judicial districts. A

**Solicitor General:** a senior legal officer next in rank below the Attorney General

**mutual:** shared between two or more people or groups

**Solicitor General**, however, usually represents the United States before the Supreme Court and decides which lower court decisions the government should ask the Court to review.

The Federal Bureau of Investigation (FBI) investigates violations of federal criminal laws, pursues and arrests most persons suspected of or charged with federal crimes, and locates witnesses for federal cases.

**INTERPOL**, an acronym for **International Criminal Police Organization**, is an international organization of 136 countries that promotes cooperation and **mutual** assistance among law enforcement authorities and helps prevent international crime by investigating international offenses and locating and arresting international fugitives.

The **Immigration and Naturalization Service** administers and enforces the nation's immigration laws, facilitates the entry of qualified aliens, oversees the naturalization of qualified resident aliens, and apprehends aliens who are in the country illegally.

The **Drug Enforcement Administration** administers and enforces federal laws and regulations concerning narcotics and other controlled substances and tries to prevent major drug trafficking by investigating major violations, coordinating law enforcement efforts

**maintain:** keep in a certain state, position, or activity

all government levels, and **maintaining** a national narcotics intelligence system.

The **Antitrust Division** helps promote and maintain competition among businesses by enforcing federal antitrust laws that prohibit monopolies, price-fixing



conspiracies, and other illegal business practices.

The **Civil Rights Division** enforces federal laws prohibiting discrimination based on race, national origin, religion, sex, or handicap; protects citizens from discrimination in the areas of voting, education, housing, and employment; and seeks to eliminate discrimination in programs receiving federal financial assistance.

The **Criminal Division** devises criminal law enforcement policies in many areas, including organized crime, fraud, espionage, and narcotics and drug trafficking.

The **Land and Natural Resources Division** represents the United States in suits involving public lands, Indian lands and claims, and wildlife and natural resources, including cases involving federal environmental protection laws.

The **Tax Division** represents the United States in cases involving the internal revenue laws. Although its primary client is the Internal Revenue Service, it may represent other federal departments, agencies, and officials in suits arising from tax laws. The **Bureau of Prisons** supervises and operates all federal penal institutions.<sup>40</sup>

*Find the answers to the following questions in the text.*

1. What does the Attorney General do?
2. Who nominates the US Attorney General?
3. Which are the divisions of the Department of Justice?
4. What is the function of the Federal Bureau of Investigation?

### **VOCABULARY DEVELOPMENT**

1. *Match the words to form collocations as they appear in the text.*

- |               |   |            |
|---------------|---|------------|
| 1. Attorney   | → | a) Power   |
| 2. government | → | b) General |

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<sup>40</sup> See Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), *American Government*, p. 386.

- |                  |                |
|------------------|----------------|
| 3. criminal      | c) prosecution |
| 4. superior      | d) bills       |
| 5. executive     | e) diversity   |
| 6. judicial      | f) courts      |
| 7. criminal      | g) executive   |
| 8. chief         | h) action      |
| 9. civil         | i) district    |
| 10. general      | j) branch      |
| 11. specific     | k) act         |
| 12. considerable | l) law         |

**2. Match the words with their definitions.**

- |               |   |
|---------------|---|
| 1. damages    | a) a person or a group of people who take part in a transaction or legal proceeding                   |
| 2. invalidate | b) to make a document, claim, etc., no longer legally or officially accepted                          |
| 3. action     | c) money that a court orders someone to pay to someone else for harming them or their property        |
| 4. enforce    | d) a civil proceeding commenced by writ or in such other manner as may be prescribed by rule of court |
| 5. party      | e) to make people obey a rule or law  |

**3. Complete the following text with the words and phrases from the box below.**

Chief justices wield great 1) \_\_\_\_\_. They preside over the Court during oral arguments and in conferences directing discussion and helping to shape 2) \_\_\_\_\_. The chief justice has several other important responsibilities. One is the job of creating the discuss list. This responsibility gives the 3) \_\_\_\_\_ a significant role in determining which cases are set aside without requiring the entire 4)

\_\_\_\_\_ to participate in the decision.

The chief justice also assigns the justices to 5)\_\_\_\_\_, approves regulations for the protection of the court building and grounds, and is responsible for the administrative leadership of the entire 6)\_\_\_\_\_. In addition, the chief justice presides at the swearing in of a 7)\_\_\_\_\_ and over any impeachment trial. The 8)\_\_\_\_\_ is generally referred to by the name of its chief justice. Thus, in 1969, when Warren E. Burger became chief justice, the Supreme Court became known as the 9)\_\_\_\_\_.

***Burger Court , Supreme Court , chief justice , decisions , Court , circuits, judicial system , power, President***

#### ***4. Speaking Activity.***

***With a partner, read the text “A Global Platform” and answer the after text questions discussing the role of international police in combatting crime.***

##### ***A Global Platform***

Today’s crimes are increasingly international. It is crucial that there is coordination among all the different players in maintaining a global security architecture. Since INTERPOL is a global organization, it can provide this platform for cooperation; we enable police to work directly with their counterparts, even between countries which do not have diplomatic relations. We also provide a voice for police on the world stage, engaging with governments at the highest level to encourage this cooperation and use of our services. All our actions are politically neutral and taken within the limits of existing laws in different countries.

- 1. What is the role of the Interpol?*
- 2. Do you think that cooperation among countries to prevent crimes really works?*



5. *Listen to the passage and fill in the gaps according to the original text.*

The top law enforcement 1) \_\_\_\_\_ of the nation is an individual who serves as the U.S. government's top legal adviser and the head of the Department of Justice. He or she is called the United States Attorney General and must be nominated by the 2) \_\_\_\_\_ and confirmed by the Senate. The Judiciary Act of 1789, which was passed by Congress, established the Office of the Attorney General. In the order of creation, the position of 3) \_\_\_\_\_ was the fourth cabinet level position created by Congress, according to the U.S. Department of Justice. Attorneys General may be impeached and removed from office by 4) \_\_\_\_\_. As of 2013 the office of U.S. Attorney General has been held by eighty two people.

### **Attorney General Powers and Responsibilities**

While varying from one jurisdiction to the next due to statutory and constitutional mandates, the role of Attorney General typically includes:

- Issuing formal opinions to state 5) \_\_\_\_\_
- Acting as public advocates in areas such as child support enforcement, consumer protections, antitrust and utility regulation
- Proposing legislation
- Enforcing 6) \_\_\_\_\_ and state environmental laws
- Representing the state and state agencies before the state and federal 7) \_\_\_\_\_
- Handling criminal 8) \_\_\_\_\_ and serious statewide criminal prosecutions
- Instituting civil suits on behalf of the state
- Representing the public's interests in charitable trust and

9) \_\_\_\_\_

- Operating victim 10) \_\_\_\_\_ programs

## 6. *Browse the Internet.*

Go to <https://www.attorneygeneral.ie/ag/agfunctions.html> to learn about the functions, powers and duties of the US Attorney General.

With a partner, make a short written report on the Attorney General's role and responsibilities.

## 7. *Writing Activity.*

### a. *Render in English.*

#### **Հողված 1. Դատախազությունը**

Հայաստանի Հանրապետության դատախազությունը (այսուհետ՝ Դատախազություն) միասնական համակարգ է, որը ղեկավարում է Հայաստանի Հանրապետության գլխավոր դատախազը (այսուհետ՝ գլխավոր դատախազ):

Դատախազությունը Հայաստանի Հանրապետության Սահմանադրությամբ (այսուհետ՝ Սահմանադրություն) իրեն վերապահված լիազորություններն իրականացնում է դատախազների միջոցով:

#### **Հողված 2. Դատախազության մասին օրենսդրությունը**

Դատախազության լիազորությունները սահմանվում են Սահմանադրությամբ: Դատախազության կազմավորման և գործունեության կարգը սահմանվում է սույն օրենքով և այլ օրենքներով:<sup>41</sup>

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<sup>41</sup> Տե՛ս <https://www.arlis.am/documentview.aspx?docid=117713> (դիտվել է՝ 11.08.2021)

***b. Render the text in Armenian.***

Even lawyers with the same qualifications and professional title may be doing very different kinds of work. Most towns in the United States, for example, have small firms of attorneys who are in daily contact with ordinary people giving advice and acting on matters such as consumer affairs, traffic accident disputes and contracts for the sale of land. Some may also prepare defenses for clients accused of crimes. However, in both the United States and other industrialized countries, lawyers are becoming more and more specialized.

## UNIT 11. THE PURPOSE OF THE TRIAL

A trial is a formal meeting in a law court, at which a judge and jury listen to evidence and decide whether a person is guilty of a crime. In other words, in law, a trial is a coming together of parties to a dispute, to present information (in the form of evidence) in a tribunal, a formal setting with the authority to adjudicate claims or the tribunal, which may occur before disputes. One form of tribunal is a court.



a judge, jury, or other designated trier of fact, aims to achieve a resolution to their dispute

If the parties can't agree on how to settle a case on their own, or if a criminal defendant pleads not guilty, the court will decide the dispute through a trial. The purpose of a trial is to find out whether the criminal defendant committed the crime charged or, in a civil case, whether the defendant failed to fulfill a legal duty to the plaintiff .

If the parties choose to have a jury trial, determining the facts is the task of the petit jury. If they decide not to have a jury and to leave the fact-finding task to the judge, the trial is called a bench trial. In either kind of trial, the judge decides what legal standards to apply. If there is a jury, the judge tells the jury what the law is.

Courts use the adversary process to help them reach a decision. Through this process, each side in dispute presents its most persuasive arguments to the fact finder (judge or jury) and emphasizes the facts that best support its case. Each side also draws attention to any flaws in its opponent's argument.

In federal criminal cases, if the jury (or judge, if there is no jury) decides that the defendant is guilty, the judge sets a date for imposing

the sentence. In federal courts, the jury doesn't decide the punishment. When determining a sentence, the judge usually consults a written presentence report, which is prepared by one of the court's probation officers. The report describes the past **criminal record** of the defendant (if any), provides information about the defendant's family and employment status, and includes the defendant's and the government's versions of the events.

**Essential terms**  
**criminal record:** criminal past

The first actual introduction of evidence begins after the opening statements. First, the government's attorney, or the plaintiff's lawyer, questions his or her own **witnesses**. When lawyers question witnesses whom they have asked to testify, it is called direct examination. After the direct examination of a government or plaintiff's witness, the defendant's lawyer has a chance to question the witness; this is called **cross-examination**. If, after the cross-examination, the plaintiff's lawyer wants to ask additional questions, that lawyer may do so on a re-direct examination, after which the defendant's lawyer has an opportunity for a re-cross-examination.<sup>42</sup>

**witness:** a person who makes a statement in a court about what he or she knows or has seen  
**cross-examination:** the examination of a witness who has already testified (to test the evidence)

### **TRIAL BY JURY**

The Sixth Amendment guarantees the right to a jury trial. In 1930, the Supreme Court defined the requirements for the jury in a federal case. One, it must consist of 12 persons. Two, it must be advised on legal issues by a judge. And three, its verdict must be unanimous.

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<sup>42</sup> See <https://en.wikipedia.org/wiki/Trial> (retrieved 11.08.2021)



The Sixth Amendment also guarantees the right to a speedy trial. A trial cannot be so delayed that evidence or witnesses are lost, but neither can it be so speedy that the defendant's counsel does not have time to prepare an adequate defense. Although judges can place some restrictions on who may observe a trial, the trial must be public. In 1987, the Supreme Court indicated that the Sixth Amendment also guarantees defendants the right to confront witnesses face to face.



### **THE VERDICT**

In civil cases when the closing statements are completed, the jury retires to a private room to arrive at a verdict. Under common law, juries had to reach a unanimous verdict. But today this usually is required only in a trial for serious crimes. For lesser offenses and in civil cases, a majority decision is the norm. And if there is no jury, the judge will render the verdict.

The harshness of the verdict depends on the nature of the suit and the issues involved. In a suit for damages, for instance, the jury or the judge determines who is liable and sets the amount of damages to be paid. Other kinds of civil cases may involve decisions relating to custody of children or division of property. Although a civil suit ends when the verdict is announced, the case may not end there. Legal motions may extend the proceedings, or the loser may appeal to a higher court.

### **EQUITY**

Some civil cases require a special kind of action. One example is an equity suit. Those involved in an equity suit seek to prevent harmful actions before they occur. Two people who claim to own the same building, for example, might disagree about its use and become involved in an equity suit. If one wants to preserve the building as a

historic monument and the other wants to tear it down, the first person can petition the court under equity to halt the building's destruction until ownership is established by the courts.

The person filing a petition is the plaintiff, who requests the court to enjoin the defendant from acting in a detrimental way. The defendant then can answer, the issues are determined, and arguments are prepared. Although testimony may be heard by a judge, more often it is gathered by deposition. After these procedures have been followed, the judge considers the issues and comes to a decision.

If the judge decides in favor of the plaintiff, an injunction may be issued, which requires the defendant to stop a certain action. In other cases, the judge may issue a writ of mandamus, an order requiring the defendant to take a certain action. Anyone failing to comply with either of these orders risks a fine or a jail term.

## **COURT PROCEDURES IN CRIMINAL CASES**

Criminal cases involve acts committed against public safety and order. The process by which accused persons are brought before criminal courts is different from that followed in civil cases. While minor offenses usually can be settled quickly, more serious misdemeanors and felonies involve a longer procedure that begins when the government brings action. Why does the government get involved in criminal cases? Any crimes committed against people are considered to have been committed against the government, since it is the legal representative of society.

### **ARREST**

Criminal proceedings begin when suspect is arrested and charged with a crime. According to the 1966 Supreme Court ruling in *Miranda v. Arizona*, all suspects must be read a list of their constitutional rights before they are asked for information; other wise, their information cannot be used as evidence in court. Once at the police station, the accused is booked, photographed, and fingerprinted. The suspect also

has the opportunity to contact a lawyer or to have one appointed to the case by the state.

### **PRELIMINARY HEARING**

After being booked, the accused will be taken before a judge for a preliminary hearing. This is where the judge decides whether the accused should be released from jail before the case comes to trial. Some people may be released on their own recognizance, which means they are freed until the case is called. Others may be released on bail. The amount of bail varies according to the severity of the crime, but it may not be excessive, as guaranteed by the Eighth Amendment.

### **ARRAIGNMENT**

Accused persons are formally charged with a crime at a hearing known as an arraignment. In some states, charges may be brought by the prosecutor before a grand jury made up of 16 to 23 citizens. If the grand jury feels there is enough evidence to bring the defendant to trial, it issues an indictment. In many states, though, a indictment may be substituted by an information. In fact, almost all misdemeanor cases and most felonies are filed through an information rather than heard by a grand jury.

At the arraignment, the accused is told of the charges and asked to plead "guilty" or "not guilty." If a defendant pleads guilty, the judge will set a date for sentencing. If the plea is not guilty, a trial will be scheduled. But in 90 percent of all criminal cases, a trial never takes place because a plea bargain is reached. Often, the defendant agrees to plead guilty to a lesser charge in return for a lighter sentence. Plea bargaining is a subject of great debate. Some jurisdictions have banned the practice altogether.

### **THE TRIAL**

For those cases that do go to trial, the pretrial period is similar to that of civil cases. Attorneys for both sides gather information, subpoena witnesses, and select jurors, although the accused may

waive the right to a trial by jury. During the trial itself, the attorneys offer opening statements, present their side of the case, cross-examine witnesses, and present closing remarks. One difference between civil and criminal court procedures, however, is that in a criminal case the government must prove the defendant "guilty beyond a reasonable doubt." In a civil case, a party may win simply because there is a "preponderance of evidence" supporting his or her position.

### **THE VERDICT**

After the closing statements, the jury retires to decide on a verdict, which must be unanimous. A decision of not guilty is called an acquittal and results in the immediate release of the defendant. If a guilty verdict is returned, either the judge determines the sentence or may ask the jury to recommend a penalty. Sentencing usually takes place at a later date. However, what happens if the jury cannot reach a unanimous decision? In this instance, a mistrial must be declared. The defendant can be given a new trial with a new jury, or the charges might be dropped.

### **APPEALS**

In both civil and criminal cases, there is a chance to appeal the court's decision. The procedures at the appellate level are quite different than those at the trial level. Appellate courts assume that the evidence and the facts that were presented to the trial court are correct. Thus, no new evidence is introduced nor are there juries. Appellate courts are only responsible for assuring that the law has been applied properly. The appellant, or loser in a lower court, files a transcript of the trial and provides briefs that give the reasons why he or she believes errors were made in the lower court. The opposing side is required to present arguments against the appeal. Cases on appeal usually are heard by state courts of appeals or, if federal laws are involved, by the United States Courts of Appeals. A party that is unhappy with the decision of the state appeals court may try to take the case to the state supreme court. If constitutional questions are

involved, the case may be taken to the ultimate appeals court, the United States Supreme Court.<sup>43</sup>

***Find the answers to the following questions in the text.***

1. What kinds of verdicts might be issued in a civil/criminal case?
2. How are criminal trials different from civil ones?
3. What actions must law enforcement officers take as a result of *Miranda v. Arizona*?

***VOCABULARY DEVELOPMENT***

***1. Match the words to form collocations.***

- |             |              |
|-------------|--------------|
| 1. legal    | a) defence   |
| 2. adequate | b) record    |
| 3. criminal | c) issues    |
| 4. court    | d) president |
| 5. maximum  | e) service   |
| 6. juvenile | f) sentence  |
| 7. valuable | g) offenders |
| 8. jury     | h) lessons   |

***2. Match the words with their definitions.***

- |                |   |
|----------------|---|
| 1. verdict     | a) to let smb. come out of a place where they have been kept            |
| 2. equity suit | b) decision   |
| 3. custody     | c) an official decision in court that a person is not guilty of a crime |
| 4. liable      | d) legally responsible for paying the cost of sth.                      |
| 5. Book        | e) money that sb. agrees to pay if a person accused                     |

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<sup>43</sup> See Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), *American Government*, pp. 499-501.

- of a crime does not appear at trial
6. bail f) suit that allows a person or group to seek “fair treatment” in court when there is no law to remedy the situation
7. acquittal g) the state of being in prison, esp. while waiting for a trial
8. release h) to punish smb for doing smth wrong and make them explain their behavior

### 3. *Word search.*

Find the 17 legal terms and expressions hidden in the letters below; 8 read across and 9 read down. One word has been found for you as an example. The clues listed beneath should help you to find all the words.

U	N	A	N	I	M	Θ	U	S	A	J	I
N	W	G	V	N	S	M	X	T	D	B	N
J	U	R	I	S	D	I	C	T	I	O	N
U	P	E	B	P	B	S	O	F	S	L	O
S	Q	E	O	E	N	S	K	R	C	J	C
T	I	M	A	C	U	I	R	X	L	I	E
H	G	E	M	T	G	O	F	C	A	Q	N
P	Z	N	U	I	N	N	H	L	I	G	C
L	O	T	D	O	T	A	L	Y	M	I	E
E	N	M	V	N	D	Z	I	E	E	W	F
A	C	T	K	E	C	Y	F	O	R	G	E
S	O	D	S	Q	U	A	T	P	P	L	C

1. To occupy premises belonging to another person unlawfully and without title.
2. Contrary to law or not just.
3. Where everyone votes in the same way.

4. Abbreviation for company.
5. Document setting out the contractual terms agreed between two parties.
6. To copy money or a signature illegally.
7. Legal power over someone or something.
8. Informal word meaning to steal.
9. Close examination of something, especially the examination of the site of a crime by the judge and jury.
10. Statute which has been approved by a law-making body.
11. Statement which is not true.
12. Failure to do something.
13. In criminal law, statement made by a person accused in court in answer to the charge.
14. Group of shares which are sold.
15. Being innocent.
16. Legal refusal to accept responsibility or to accept a right.

#### **4. *SPEAKING ACTIVITY.***

As a class discuss: “ **The role of Jury in administering justice**”

1. What do you think are the strengths and weaknesses of the jury system?
2. Why is it important in the American legal system for people to willingly serve on juries?
3. In your opinion, what are the advantages of a case being tried by a judge and a jury?
4. What are the advantages of a case being tried by a judge alone?

#### **5. *Study the mock trial in Appendix G and role-play it.***

A mock trial is an act or imitation trial. It is similar to moot court, but mock trials simulate lower-court trials, while moot court simulates appellate court hearings. Attorneys preparing for a real trial might use

a mock trial consisting of volunteers as role players to test theories or experiment with each other.



**6. Listen to the passage and fill in the gaps according to the original text.**

After many weeks or months of preparation, the 1)\_\_\_\_\_ is ready for the most important part of his job: the trial. The trial is a structured process where the facts of a case are presented to a jury, and they decide if the defendant is 2)\_\_\_\_\_. In a trial, the judge — the impartial person in charge of the trial — decides what evidence can be shown to the jury. A judge is similar to a referee in a game, they are not there to play for one side or the other but to make sure the entire process is played fairly.

At trial, one of the first things a prosecutor and 3)\_\_\_\_\_ must do is the selection of jurors for the case. Jurors are selected to listen to the facts of the case and to determine if the defendant committed the crime. Twelve jurors are selected randomly from the jury pool (also called the “venire”), a list of potential 4)\_\_\_\_\_ compiled from voter registration records of people living in the Federal district.

When selecting the jury, the prosecutor and defense attorney may not discriminate against any group of people. For example, the 5)\_\_\_\_\_ will not allow them to select only men or only women. A jury should represent all types of people, races, and cultures. Both lawyers are allowed to ask questions about their potential 6)\_\_\_\_\_ and may excuse jurors from service. Each side is allowed to excuse certain 7)\_\_\_\_\_ jurors without providing a reason by using a limited number of “peremptory challenges.”



After being charged, the jury goes into 8) \_\_\_\_\_, the process of deciding whether a defendant is guilty or not guilty. During this process, no one associated with the trial can contact the jury without the 9) \_\_\_\_\_ and 10) \_\_\_\_\_. If the jury has a question on the law, they must write a note to the judge, which the judge will read in court with all parties present. The jury must reach a unanimous decision in order to convict the defendant.

### **7. Browse the Internet.**

*Go to <http://justia.com/criminal/procedure/stages> -criminal trial to learn more about the “Stages of a criminal trial”.*

*With a partner, prepare a short written report on the given topic covering the overall idea of “Voir Dir”, prosecution evidence and witnesses, defence evidence and witnesses as well as the “Jury charge”.*

*Stages of a “Criminal Trial” can be found in **Appendix F**.*

### **8. Writing Activity.**

***Render in English.***

Երդվյալների դատարանը մեկ կամ մի քանի դատավորների և երդվյալ ատենակալներ կոլեգիայի հատուկ կազմով դատարան է: Ստեղծվել է բուրժուական հեղափոխության շրջանում: Երդվյալ ատենակալների համակարգն առաջին անգամ կիրառվել է Հին Հունաստանում, ապա՝ Հին Հռոմում, որտեղ ատենակալների թիվը մեկ դատավարության ընթացքում հասնում էր հարյուրների: Սակայն 20-րդ դարում երդվյալ ատենակալների համակարգը վերացվեց մի շարք բռնակալական վարչակարգերի կողմից:<sup>44</sup>

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<sup>44</sup> Տե՛ս [bit.ly/42KOA6u](http://bit.ly/42KOA6u) (ղիտվել է՝ 23.01.22)

## UNIT 12. JUVENILE DELINQUENCY

Minors who commit crimes present one of the most emotional civic dilemmas, because society's responses to them go to the heart of debates over the causes of crime, the purposes of punishment, and the possibility of prevention.

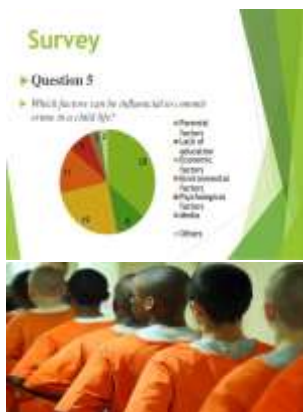
Just think about how teenagers run away from homes, their own, from caring as it seems mothers, fathers, grandmothers. Why do they choose to look and act aggressive and *tough*? Experts say that the juvenile problem is the result of the policy of silence which *disguised* many of our problems including this one and which was stiff enough to allow outside distress signals. If we could have heard of them in good time, the solution would be easier today. Much more has been done for the problem of teenagers in a matter of months than in the past decade. The "*forbidden fruit*" of drugs is becoming forbidden in the real sense.

The young people have got many interesting pastimes and forms of entertainment.

But the ultimate solution still lies ahead. It's a long way, but we believe we'll finally make it.<sup>45</sup>

### PROTECTING JUVENILES

Juveniles who are allowed to stay in the juvenile court system are protected from some parts of the legal process. They usually are not photographed or fingerprinted when arrested. In court, cases often are handled at informal hearings with only a judge, a social worker, the accused, and his or her parents present. And each juvenile's records



<sup>45</sup> Ст'и Николаева, А.В., Разуваева, Т.Н. (2002), Английский для юристов : Пособие по англ. яз. для студентов ст. курсов юрид. фак. - Ростов н/Д, ст.77.

are kept confidential. This means that when the young person reaches adulthood, his or her criminal record is wiped clean.

Although juvenile courts have been in operation in most states since the early 1900s, not all have always acted in the best interest of juveniles. Some did not even provide young people with many of the rights guaranteed to adults. In 1967 the Supreme Court acted to remedy this situation. The case that led to guidelines for juvenile procedures was *In re Gault*. Gerald Gault, a 15-year-old boy from Arizona, was arrested for making indecent phone calls to a neighbor. His parents were not home at the time of his arrest. Gerald had no lawyer present at his hearing, nor did his neighbor come to testify against him. He was sentenced to spend six years in the state reformatory for a crime which, if committed by an adult, would have resulted in no more than a small fine and two months in prison.

Gault's parents appealed the case, claiming that their son was not given the same rights of due process as an adult. The Supreme Court agreed, and four important changes came about as a result of the ruling. Juveniles now have the right to know the charges against them. They have the right to a lawyer. They must be protected against self-incrimination. And they have a right to face and cross-examine the witnesses who testify against them. Juveniles, however, were not given *all* legal rights of adults. They do not, for example, necessarily have the right to a jury trial, which may be withheld to protect the young person from publicity.

### **PUNISHING JUVENILES**

Although the juvenile court system has been more aggressive on young offenders, it still operates on the belief that juveniles can be rehabilitated. For this reason, punishment is designed to improve behavior.

**Essential terms**

**confinement:** restriction, limitation

**probation:** the action of suspending the sentence of a convicted offender and giving the offender freedom during good behavior under the supervision of a probation officer

Many judges and social workers feel that **confinement** in prison is not the best punishment. One of the most common penalties given to young offenders is **probation**. While on probation, the young person must follow certain rules, including following curfews and meeting frequently with a probation officer. Sometimes a

stern warning from the judge can be enough to keep the young offender out of further trouble. And where punishment is applied, judges try to make it fit the crime. For example, the Court may order a young person found guilty of robbing a store to work for the store owner, or a juvenile charged with vandalism may be required to complete community service projects. More serious or repeat offenses, of course, result in more severe penalties for offenders.

After other attempts to help the young person have failed, a juvenile can be sent to a correctional facility. Institutions for most

**inmate:** one of the people living in an institution such as a prison

lawbreakers under age 18 are called training schools, and most **inmates** are held in these for six to nine months. Institutions at which shorter times are served are called detention centers.

The emphasis in both types of facilities in both types of facilities is on rehabilitation rather than punishment.

**JUVENILE JURIES**

Children in trouble with the law? Heading for a secure unit or worse?

Try moving to Texas, where child discipline is left to the children themselves.

**delinquent:** a young person who regularly does illegal or immoral things

For the past few years, **delinquent** children in Texas have had a choice: go before a real court to have their case heard - and risk

getting a criminal record - or go before a juvenile jury, where their case will be heard by other young people.

In the juvenile court, the offenders must first admit that they are guilty. Then they must promise to accept the punishment which the jury gives. When they do this and when they finish the punishment, the whole thing will be forgotten - the police will not keep a record. The president of the juvenile court is an adult judge, but nobody else in the court will be over 18. A court president says: 'Funnily enough, teenager sentences are often harder than those set by adult courts. But the kids can take it from each other.' The maximum sentence is 30 hours' community service. Why do the juvenile offenders accept the punishments? The juvenile jurors often understand the position and background of the young offender better than adults, and everyone thinks that the juvenile juries give natural justice. And it seems that juvenile juries teach valuable lessons to delinquent children. Of the thousands of offenders who have been through the system so far, nearly all have later done jury service themselves.<sup>46</sup>

***Find the answers to the following questions in the text.***

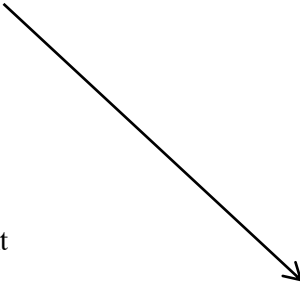
1. Where and when was the first juvenile court established in the United States?
2. What two kinds of cases are handled by juvenile courts?
3. How do juvenile courts differ from adult courts?
4. Which case led to guidelines for Juvenile Procedures. Explain the significance of the decision rendered in *In re Gault* case.

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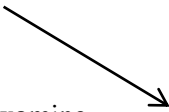
<sup>46</sup> See Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), American Government, p.504.

## ***VOCABULARY DEVELOPMENT***

### **1. Match these words to form collocations as they appear in the text.**

- |               |             |
|---------------|-------------|
| 1. detention  | a) calls    |
| 2. criminal   | b) lessons  |
| 3. training   | c) schools  |
| 4. valuable   | d) justice  |
| 5. natural    | e) service  |
| 6. jury       | f) record   |
| 7. delinquent | g) children |
| 8. phone      | h) center   |
- 

### **2. Match the words with their definitions.**

- |                          |   |
|--------------------------|---|
| 1. remedy                | a) a case is brought before a higher court for review of the decision of a lower court  |
| 2. cross-examine         | b) the legal means to recover a right or to prevent or obtain redress for a wrong   |
| 3. confidential          | c) any young person whose conduct is characterized by antisocial behavior that is beyond parental control and subject to legal action |
| 4. correctional facility | d) work that is done without pay to help people in a community  |
| 5. community service     | e) the act of keeping from happening; hindering   |
| 6. prevention            | f) non-public, private  |
| 7. to appeal a case      | g) examine a witness who has already testified  |
- 

8. juvenile delinquent h) a place where people are kept when they have been arrested and are being punished for a crime: prison

**3. Read the text “Juvenile juries”, and decide whether the statements are TRUE or FALSE.**

• A juvenile jury allows young people to decide how to punish young criminals. TRUE

• In Texas all young people who steal something appear before a juvenile jury. \_\_\_\_\_

• If you want to appear before a juvenile jury you must admit that you committed the crime. \_\_\_\_\_

• There are no adults in a juvenile court. \_\_\_\_\_

• The teenage jurors are often less lenient than adults. \_\_\_\_\_

• The people on the juvenile jury are ordinary school children.

\_\_\_\_\_

• Most juvenile offenders think that the juvenile juries are unfair. \_\_\_\_\_

• Many juvenile offenders later sit on juvenile juries. \_\_\_\_\_

**4. SPEAKING ACTIVITY**

***I. As a class discuss:***

1. Do you agree with the statement that “juvenile delinquency” is an issue about which people all over the world are concerned?

2. Are juvenile offenders usually found among children from poor unhappy families?

3. Is the juvenile delinquency rate great in your country?

***II. Team up with another student. Work out reasons for juvenile delinquency. Use the text above and the tips given below. Then discuss your reasons with the rest of the group.***

## Tips

- ✓ the social background: broken families; large unhappy poor families
- ✓ unemployment
- ✓ economic situation in the country
- ✓ high rate of inflation
- ✓ disillusionment, loss of faith in the future
- ✓ drug addiction
- ✓ alcohol consumption



5. *Listen to the passage and fill in the gaps according to the original text.*

As you know, the basic principle of the American juvenile justice system is that children are different from adults. And, it follows that the way the 1) \_\_\_\_\_ deals with children should reflect these differences. When the principle was established, it provided for the individualizing of treatment and services to vulnerable children.

However, this 2) \_\_\_\_\_ is under threat. Critics say it's not tough enough. And also it fails to rehabilitate children. And some of you may agree. After all, criminal statistics point to a steadily increasing problem of youngsters committing crimes. But my concern is that young 3) \_\_\_\_\_ may start to be treated as adults. Before any reforms are made, a rational examination of the whole system needs to be undertaken. As I see it, there are three key areas of research:

The first is accountability. OK, so in other words, how are juveniles different from adults in their understanding of 4) \_\_\_\_\_ behavior? How do we assess their responsibility?

Secondly, we need to evaluate risk. Risk evaluation. So, this means, how can we determine the chances of a given youth



5) \_\_\_\_\_ a crime and how can we use this information to prevent the crime in the first place?

The third area of research is 6) \_\_\_\_\_. We need to know how susceptible young people are to change. Can we assess a child's or a young person's likelihood of changing behavior or of responding to 7) \_\_\_\_\_?

So, to repeat, accountability, risk 8) \_\_\_\_\_, and uh, susceptibility to change. These three key areas of research should be based on a thorough understanding of child and adolescent development. We need 9) \_\_\_\_\_ from all relevant fields, as well as input from the general public. More needs to be learned about the origins, development, prevention, and treatment of juvenile crime, and that knowledge has to be spread among professionals and the community. In this way, eventual 10) \_\_\_\_\_ of the system may really be able to tackle the growing problem.

## **6. Browse the Internet.**

Go to <http://www.penalreform.org/blog/juvenile-delinquency-causes-prevention-and-the-ways/>

Read the article entitled "Juvenile delinquency- causes, prevention, and the ways of rehabilitation" by Ivrita Gogua, 2020, and prepare short presentation on the given topic focusing on Juvenile delinquency prevention ways

## **7. Writing Activity.**

### **Render in English.**

Որպես կանոն, հանցագործությունների մեծ մասը կատարվում է 14-18 տարեկան անչափահասների կողմից, ինչը հոգեբանների կարծիքով ինքնահաստատման դրսևորում է: Պետք է մերժել հասարակության մեջ արմատավորված այն թյուր կարծիքը, որ հանցագործություն կատարում են հիմնա-

կանում սոցիալապես անապահով ընտանիքի երեխաները: Շատ հաճախ զանցանք կատարած անչափահասները ապահովված ընտանիքի երեխաներ են, որոնք այս կամ այն պատճառով անուշադրության են մատնվել ծնողի կողմից: Անչափահասների նկատմամբ նշանակվող պատժի տեսակներն են՝ տուգանքը, հանրային աշխատանքը:<sup>47</sup>

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<sup>47</sup> Տե՛ս [https://www.investigative.am/images/modulner/Modul\\_3.pdf](https://www.investigative.am/images/modulner/Modul_3.pdf) (ղխվել է՝ 11.02.2022)

## UNIT 13. THE NOTARY PUBLIC

*Notary: Do you solemnly swear (or affirm) that the testimony that you are about to give will be the truth, the whole truth, and nothing but the truth?*

*Witness: I do.*



Notary – Notaries, as known in most of continental Europe, do not exist in the US or UK, and this is the source of much confusion. A notary public is a person qualified to attest the genuineness of documents by attaching his or her seal. The function served by the notary public is limited to ascertaining the identity of the person signing the document, and possibly taking that person’s sworn statement if an oath is required. A notary public has no discretionary powers and needs no particular training. A notarized document is one which has been sworn as valid before a notary public. This means that the person who signed it claims it is valid. This is not comparable to "notarial deed" commonly used in most civil law countries. The continental European notary is usually a trained lawyer who is required to oversee the form, content and execution of certain deeds embodying permanent legal acts and required in strict form. Notarial deeds are not used in the UK or the US.

A notary public, regardless of what state they are commissioned in, will have at least one authorized duty involving oaths and affirmations; whether that duty is administering them or verifying them. Therefore, it is important for every notary public to know the differences between these two notarial acts.

### ***OATH***

An oath is a vow made by a person stating that they answer to a Supreme Being for telling the truth. When performing an oath, the notary will often say something along the lines of “Do you solemnly

swear, under the penalties of perjury, that the information in this document is the truth, so help you God?”

### ***AFFIRMATION***

An affirmation is when a person is bound by their own conscience to tell the truth. It removes the element of religion, which some people object to. In this instance, the notary simply omits the “so help you God.” The verbal ceremony, therefore, would consist of “Do you solemnly swear, under the penalties of perjury, that the information in this document is the truth?”

The **notary public** is a public official who certifies contracts and

#### **Essential terms**

**notary public:** a public officer who attests or certifies writings (as a deed) to make them authentic and takes affidavits, depositions, and protests of negotiable paper - called also notary

**apply:** to ask formally for something

**appoint:** 1. to fix or set officially, 2. to name officially

**an oath:** a formal and serious promise to tell the truth or to do something

other documents with a notarial seal. In Roman law the *notarius* was originally a slave who took notes about legal matters. In medieval times there was also a church officer called a *scrivener*, who looked after church records. As commercial trading developed he also had nonreligious duties.

### ***How do you become a notary public in the United Kingdom?***

The strangest thing for our continental colleagues is that we do not have to study law. The first qualification we have to have is knowledge of foreign languages. Then we work with a notary public for about two years to train and take examinations. Finally we **apply** to be **appointed** and this happens when we take an **oath** of office. In the civil law countries of western Europe, as well as in Latin American and French areas of North America, the office of notary is a

much more important position than in the United States and the United Kingdom. The civil law notary is a lawyer who specializes in the law relating to property (real estate), mortgages and drafting wills,

**authenticate:** to prove that something is real, true, or genuine:

**identity:** the distinguishing character or personality

although he/she is not allowed to appear in court. Documents which have been officially **authenticated** by a notary are accepted as authentic by the courts in these countries, and the notary public guarantees the

**identity** of the parties. This is different in the so-called common law countries such as the United States and the United Kingdom. The notary public need not be a lawyer. He/She is not allowed to draft wills or contracts because such work belongs to the lawyer. In general, the only type of document which the courts accept as authentic from a notary public is the international bill of exchange. Nevertheless, in the United States many state laws require the notary public to certify the authenticity of other types of document, such as deeds transferring land and other property.<sup>48</sup>

*Find the answers to the following questions.*

1. What does notary public do?
2. What requirements should a lawyer meet to become a notary public?
3. What is a notarized document?

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<sup>48</sup> Ст'и Николаева, А.В., Разуваева, Т.Н. (2002), Английский для юристов: Пособие по англ. яз. для студентов ст. курсов юрид. фак. - Ростов н/Д.

**VOCABULARY DEVELOPMENT**

**1. Match the words with their definitions.**

- |                  |  |
|------------------|--|
| 1. discretionary | a) a professional or public copyist or writer      |
| 2. to transfer   | b) the truth, originality                          |
| 3. authenticity  | c) to transform, to change                         |
| 4. mortgage      | d) to find out or learn with certainty             |
| 5. ascertain     | e) a legal agreement by which a bank lends money   |
| 6. guarantee     | f) an assurance for the fulfillment of a condition |
| 7. scrivener     | g) left to individual choice or judgment           |

**2. Complete the table.**

Noun	Verb	Adjective
identity		
	to apply	
		comparable
draft		
		authentic
	to appoint	

**3. Complete definitions and explanations 1-16, below with words and expressions from the box.**

**Administrator, benefactor, beneficiary, codicil, deceased, dependents, estate, executor, inherit, inheritance, intestate, living wills, of age, of sound mind, power of attorney, probate, testament, trust, trustee**

1. A will is often also known in legal terms as a last will and \_\_\_\_\_.

2. When someone makes a will, they must be \_\_\_\_\_ (in other words, they must be mentally healthy), and must be \_\_\_\_\_ (i.e., over 18 in Britain)

3. When a person is making a will, their first concern is usually for their \_\_\_\_\_ (the people who he / she supports financially, for example, his / her children).

4. A person who has died recently is often referred to as the \_\_\_\_\_.

5. Someone who dies without making a will is said to have died \_\_\_\_\_.

6. \_\_\_\_\_ is the legal acceptance that a document, and especially a will, is valid.

7. If a person dies without making a will, a person known as an \_\_\_\_\_ might be appointed by a court to represent the deceased.

8. A \_\_\_\_\_ is a document which makes a change or an addition to a will.

9. A person who is appointed by a person making his / her will to make sure that the terms of the will are carried out is called an \_\_\_\_\_.

10. A person who gives property or money to others in a will is called a \_\_\_\_\_, and the person who is left money or property in a will is called a \_\_\_\_\_.

11. The money and property that is owned by a person, especially someone who has died, is known as an \_\_\_\_\_.

12. \_\_\_\_\_ is a verb which means 'to acquire something from a person who has died'.

13. The property which is received is called an \_\_\_\_\_.

14. Money or property which is looked after for someone by someone else (for example, money which has been left in a will that someone will receive when they reach a particular age) is called a \_\_\_\_\_. The person who looks after this money is called a \_\_\_\_\_.

15. People who are seriously ill often appoint someone to deal with their affairs for them. This is called \_\_\_\_\_.

16. Many people now write special healthcare directives called \_\_\_\_\_, which indicate how they want to be treated if they become seriously ill.

#### **4. *Speaking Activity.***

I. With a partner, study the sample of the will given below. Express your opinion on the subject-matter of the will.

### **SAMPLE OF THE WILL**

#### **LAST WILL AND TESTAMENT OF WINSTON SMITH**

Winston Smith, of Old Town, California, revoke my former Wills and Codicils and declare this to be my Last Will and Testament.

#### ***I. IDENTIFICATION OF FAMILY***

A. Spouse and /or Partner. I am in relationship with Jason Smith and all references in this WILL "my partner" are references Jason Smith. We are legally married in the state of Washington.

B. Children. The name of my child is Catherine Smith. All references in this Will to " my children" are references to the above-named child and any children born to me or adopted by me after signing of this will.

#### ***II. PAYMENT OF DEBTS AND EXPENSES***

I direct that my just debts, funeral expenses, expenses of last illness be first paid from my state.

#### ***III. PET CARE DIRECTIVES***

Notwithstanding any other provision of this Will , I further direct that:



I give my following pet(s)

Dog, Sadie and any other animals which may own at the time of my death, to Catherine Smith presently residing at 123 Main St.... Coast City, California 96123, with the request that (s)he treat them as companion animals, if (s)he is unable or unwilling to accept my animals, I give such animals to Clarissa Woolf, presently residing at 1882 Broadway, Coast City, California 96123, with the request that (s)he treat them as companion animals. If (s)he is unable or unwilling to accept my animals, my executor shall select an appropriate person to accept the animals and treat them as companion animals, and I give my animals to such person.



**5. *Listen to the passage and fill in the gaps according to the original text.***

A Notary Public is an official of integrity appointed by state government — typically by the secretary of state — to serve the public as an impartial 1)\_\_\_\_\_ in performing a variety of official fraud-deterrent acts related to the signing of important documents. These official acts are called notarizations, or notarial acts. Notaries are publicly commissioned as "ministerial" 2)\_\_\_\_\_, meaning that they are expected to follow written rules without the exercise of significant personal discretion, as would otherwise be the case with a "judicial" official.

A Notary's 3)\_\_\_\_\_ is to screen the signers of important documents for their true identity, their willingness to sign without duress or intimidation, and their awareness of the contents of the 4)\_\_\_\_\_ or transaction. Some notarizations also require the Notary to put the signer under an oath, declaring under penalty of perjury that the information contained in a document is true and correct. Property deeds, 5)\_\_\_\_\_ and powers of attorney are examples of

documents that commonly require a 6)\_\_\_\_\_. Impartiality is the foundation of the Notary's public trust. They are duty-bound not to act in situations where they have a personal interest. The public trusts that the Notary's screening tasks have not been corrupted by 7)\_\_\_\_\_. And impartiality dictates that a Notary never refuse to serve a person due to race, nationality, religion, 8)\_\_\_\_\_, sexual orientation or status as a non-customer. As official representatives of the state, Notaries Public certify the proper 9)\_\_\_\_\_ of many of the life-changing documents of private citizens — whether those diverse transactions convey real estate, grant powers of 10)\_\_\_\_\_, establish a prenuptial agreement, or perform the multitude of other activities that enable our civil society to function.

#### **6. Browse the internet.**

Go to <https://www.USvirtualnotary.com>  
to learn how Mobile Notary, Apostille service, and Electronic Notarization work.

*With a partner, prepare sample notarized documents and represent them to class.*

#### **7. Writing Activity.**

##### ***Render in English.***

Հայաստանի Հանրապետության քաղաքացիական օրենսգիրքը բավարար մանրամասնությամբ է կարգավորում այն հարցը, թե քաղաքացու ունեցվածքը ինչպես կարող է տնօրինվել նրա մահվանից հետո: Քաղաքացու գույքը նրա մահվանից հետո այլ անձանց անցնելը համարվում է ժառանգում: Քաղաքացու մահից հետո նրա թողած գույքը համարվում է ժառանգություն: Իսկ այն անձինք, որոնք կարող են գույք ստանալ քաղաքացու մահից հետո, անվանվում են ժառանգներ: Իրավական նորմերը, որոնք կարգավորում են վերոհիշյալ հարաբե-

րությունները, կազմում են ժառանգական իրավունքը: Քանի որ ժառանգման հարցերի հետ, գրեթե անխտիր, առնչվում են երկրի բոլոր քաղաքացիները, ՀՀ Սահմանադրությունը սահմանում է, որ «յուրաքանչյուր ոք ունի սեփականության և ժառանգման իրավունք»:

Նախ, քաղաքացուն իրավունք է տրվում իր կենդանության օրոք գրավոր կարգադրություն անել այն մասին, թե իր մահից հետո ինչպես տնօրինվի իր գույքը: Նման կարգադրությունն անվանվում է կտակ: Կտակը կազմվում է գրավոր ձևով: Սակայն դա դեռ բավական չէ: Այնուհետև այն պետք է հաստատվի պետական նոտարի կողմից: Կտակը պահվում է այդ նույն նոտարական գրասենյակում:<sup>49</sup>

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<sup>49</sup> Տե՛ս Այվազյան Ն., Ապիյան Ն., Գաբուզյան Ա., Գևորգյան Հ., Եղյան Ռ., Իսկոյան Ա., Խաչիկյան Հ., Ղազի՛նյան Գ., Ղարախանյան Գ., Պետրոսյան Գ., Պետրոսյան Ռ., Վաղարշյան Ա., Քոչարյան Վ., Օհանյան Լ. (2001), Պետություն և Իրավունք | դասագիրք 10-րդ դասարանի համար, ,Տիգրան Մեծի հրատ., Երևան:

## UNIT 14. THE LAW AND THE FAMILY

Legally speaking, marriage is a contract made in conjunction with the law, where a free man and a free woman reciprocally engage to live with each other during their joint lives, in the union which ought to exist between husband and wife. By the terms, freeman and



freewoman in this definition are meant, not only that they are free and not slaves, but also that they are clear of all bars to a lawful marriage.

### MARRIAGE LAW

#### Essential terms

**intervene:** to become involved in a situation in order to improve or help it

**promote:** to help (something) happen, develop, or increase

**legislation:** a law or set of laws made by a government

**private property:** nonpublic ownership

In some societies the family is thought to be so important that there is very little legal **intervention** in family life. But in many parts of the world, the law now **promotes** the rights of individuals within the family unit, and regulates family relations through **legislation**.

In Britain, as in many countries, there are special family courts with very strong powers to control and transfer **private property** in the interests of children. Much of the work of other courts is also directly relevant to family life.

The laws in most countries place more emphasis upon marriages legally registered than social arrangements whereby people live together. In Japan, some couples prefer not to register their marriage

because the law requires one of them to give up his or her name in favor of the other. The birth and residence documentation of children born to such marriages is different from that of other children and sometimes leads to discrimination. In Britain, children born outside legitimate marriages have fewer rights to financial support from estranged fathers than legitimate children. In addition, if they are born outside the UK, they are less likely than legitimate children to be granted British citizenship. Their fathers have no automatic right to

**welfare payment:** a government program for poor or unemployed people that helps pay for their food, housing

have contact with them. Some **welfare payments** are calculated on a different basis according to whether recipients are married or not, and more procedures are

available to a married woman than an unmarried one in seeking protection from domestic violence.

In English law, some marriages may be readily dissolved, or nullified — for example: if the couple never consummated the marriage have blood relations, or they are under the legal age of sixteen, are both women, or, despite a surgical sex change, and both

**divorce:** the ending of a marriage by a legal process

men. In other cases, a couple may seek a **divorce**. The procedure may be lengthy, especially if one does not want to get divorced or if

there are children. In no case will English law allow divorce proceedings to start within a year of the marriage, since it is thought this is to be soon for the marriage to have tested itself. It is also feared that people would get married without serious thought if it were quick and easy to get a divorce.

Divorce is the dissolution of a marriage, otherwise than by death, normally permitting each party to remarry.

Divorce proceedings in England take place in certain Country Courts known as divorce county courts. Some matters are also dealt with in the Family Division of the High Court. It is necessary for one

of the parties to convince the court that the marriage has broken down without any chance of reconciliation. To do this the person seeking for divorce must prove one of five things: that the other party, *or*

**adultery:** cheating, infidelity, misconduct

**custody:** 1) the legal right to take care of a child (such as a child whose parents are divorced), 2) the state of being kept in a prison or jail

respondent, committed **adultery**; that the respondent's behavior has been unreasonable; that the respondent deserted the petitioner at least two years previously; that the couple has lived apart for two years and both agree to divorce; or that they have lived apart for five years. A divorce will not be issued

until satisfactory arrangements have been made for any children of the marriage, including determining who is to have **custody** of the children. In the case of property, the courts have to find a balance between two principles. One of that any division should fairly reflect how much each party contributed to the property they held together. In the past, some women suffered when they separated from their

**register:** to put your name on an official list

husband because the house they lived in was bought with his money and **registered** in his name.

Nowadays, courts look beyond legal ownership and cash contributions. Work done in the home, time spent caring for the family, even emotional support, are all considered as giving some rights to property.<sup>50</sup>

*Read the text again and choose the best alternative to answer the following questions correctly.*

**1. Why do some Japanese couples refuse to register their marriage?**

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<sup>50</sup> Сѣ и Николаева, А.В., Разуваева. Т.Н. (2002), Английский для юристов : Пособие по англ. яз. для студентов ст. курсов юрид. фак. - Ростов н/Д, ст.67-68.

- a) It's too expensive;
- b) one of the spouses is required to sacrifice his or her name for the sake of the other;
- c) it's a new fashion.

**2. Do children born outside legitimate marriages in England have the same rights to financial support from their fathers as legitimate children?**

- a) Yes, they do.
- b) Children from broken families don't have any support.
- c) Legitimate children have more rights to financial support.

**3. Is every Englishman allowed to start divorce proceedings even after a month of his marriage life?**

- a) Yes, that's true, a month is enough for the marriage to be carefully tested.
- b) Yes, he is. In England you can start divorce proceedings whenever you like.
- c) No, he isn't. English law doesn't allow people to dissolve their marriage within a year of their family life.

**4. Do housework, time spent together, emotional support give wives any rights to share property after divorce?**

- a) Yes, such things are considered valid and give rights to property.
- b) Only legal ownership and money contributions are taken into consideration.
- c) It depends. Everything is up to the jury.

***VOCABULARY ACTIVITY.***

**1. *Replace the words in italics by their synonyms from the text "The Law and the Family".***

- 1) The law must control family relations through legislation. / regulate
- 2) This businessman is rich enough to *support* a football team.

- 3) Please don't *list* my name.
- 4) You must *stop* smoking if you want to feel better.
- 5) I can't believe you have decided to *dissolve* your marriage.
- 6) Remember, you must use public money only for *lawful* purposes.
- 7) He used to *donate* to the Red Cross.
- 8) I can't stand even little *interference* in my private affairs.

2. *Which of the definitions of "divorce" coincides with the definition given in the text.*

- a) divorce is a legal ending of a marriage so that husband and wife are free to marry again;
- b) divorce means committing adultery;
- c) divorce is a separation of women from their husbands.

3. *Give the Armenian equivalents for the following:*

- ✓ to regulate family relations through legislation;
- ✓ to start divorce proceedings;
- ✓ to refuse to get divorced;
- ✓ to transfer private property;
- ✓ to register one's marriage;
- ✓ to give up something in favor of the other;
- ✓ to get no financial support;
- ✓ to be granted British citizenship;
- ✓ to calculate welfare payments;
- ✓ to dissolve one's marriage;
- ✓ to find respondent's behavior unreasonable; to commit adultery;
- ✓ to satisfy the claims of the petitioner;
- ✓ to have custody of the children;
- ✓ to contribute much to the property;
- ✓ English legislation;



- ✓ legal intervention in family life;
- ✓ to look beyond legal ownership and contribution

#### 4. **SPEAKING ACTIVITY.**

***Work with a partner. You are given some situations. Which of them gives a lawyer the right (according to the law system of your country) to start divorce proceedings? Give reasons.***

1. Mr. Manroe deserted his wife and five children four years ago. Recently Mrs. Manroe has learnt that her husband lives in Texas and runs a huge oil company. Mr. Manroe has never given his family any financial aid. The woman has petitioned for divorce and claimed \$1000000 compensation.

2. The young couple has lived apart for half a year. The husband is going to ask the lawyer of his own to start divorce proceedings. But the wife, who is two years younger, doesn't agree to a divorce.

3. Bob Tanner, a drug user, abuses his wife. Last week he knocked her into a wall and almost broke her neck. The police came and took him to jail. Jessica Tanner has petitioned for divorce.

#### **MARRIAGE PLANS**

Divorce, also known as dissolution of marriage, is the process of terminating a marriage or marital union. Divorce usually entails the canceling or reorganizing of the legal duties and responsibilities of marriage, thus dissolving the bonds of matrimony between a married couple under the rule of law of the particular country or state. Divorce laws vary considerably around the world, but in most countries divorce requires the sanction of a court or other authority in a legal process, which may involve issues of distribution of property, child custody, alimony (spousal support), child visitation/ access, parenting time, child support, and division of debt. In most countries, monogamy is



required by law, so divorce allows each former partner to marry another person. When those that are in a common-law relationship break up, it's called a separation, not a divorce.

**Essential terms**

**premarital agreement:** a contract duly executed and legally binding of or relating to marriage or the married state

**a knot:** a bond of union; especially: the marriage bond

**substantial savings:** significantly great, the amount of money that you have saved especially in a bank over a period of time

**pension:** an amount of money that a company or the government pays to a person who is old or sick and no longer works

**investment:** the outlay of money usually for income or profit together

**premature:** happening, arriving, existing, or performed before the proper, usual, or intended time

**BETTER SAFE THAN SORRY**

More and more people who get married decide to make a **premarital agreement** before going to the registry office or church.

At first premarital agreement seems to go against the idea of romance - true love is not something you can buy! Marriage is impossible without trust between two people. Yes, as divorce rates rise, doesn't it make sense to stand back and take a cool at the future- rather than rushing into a premarital legal relationship?

Depending on your situation, there may be good reasons for making a written agreement before you tie the **knot**. Here are some examples.

**YOU MARRY FOR A SECOND TIME IN MIDDLE AGE:**

Both partners may have **substantial savings** or a **pension** fund. Not only do you need to protect the **investment** if the marriage fails, but if you die **prematurely**, you may want your money to go to your children from the first marriage.

A premarital agreement can protect your capital in the event of a divorce, and separate wills can protect the interests of your heirs.

**YOUR PARTNER BECOMES UNEMPLOYED:**

You have a good, secure job, but your partner becomes unemployed. If you separate, no matter how short the marriage was, you may have to pay him or her maintenance from your salary.

**maintenance:** money that somebody must pay regularly to former wife/ husband, especially when they have had children

A premarital agreement could fix the level of **maintenance** you pay each other after divorce. But be fair: if you are too mean, the courts will order you to pay more.

**YOU HAVE SAVINGS IN A BANK ACCOUNT OR INVESTED IN SHARES WHEN YOU MARRY:**

Without a contract, you are going to have to share any interest earned on the capital during the marriage. It is best to make a written agreement that any increase in the value of your capital should not be shared.

**YOUR SPOUSE-TO-BE HAS A DIFFERENT NATIONALITY:**

This one applies particularly to women: if you are thinking of going abroad to live in your husband's home country, check with a lawyer or notary public. The laws on marriage and the rights of women may be different there. You ought to make a sensible arrangement which protects you. Draw up a premarital agreement with the best conditions possible for you under the law of the other country.

**TILL DEATH DO US PART?**

Nowadays premarital agreements are not unusual - according to *Money Magazine*, only one per cent of US couples used such agreements in 1990, but this had risen to five per cent in 1999. Premarital agreements would not have been possible in the USA

without the Married Women's Property Act 1848, which allowed women to keep their own property and money. Before that everything went to the husband automatically.

However, the US courts refused to recognize premarital agreements for a long time, because they were thought to encourage divorce. The first case where a premarital agreement was enforced was *Posner v Posner* in 1970.

Church leaders have tended to be against premarital agreements, because they seem to contradict the lifetime commitment which a man and a woman make when they **vow** to live together 'for better or worse, for richer for poorer, in sickness and in health, till death do us part'.

**vow:** a solemn promise or assertion; specifically: one by which a person is bound to an act, service, or condition

### CHILD CUSTODY

During a marriage, all custodial rights are exercised by both parents. These include decision making power over all aspects of **upbringing**, religion, and education, as long as the parental decisions and conduct stay clear of the neglect, **abuse**, and dependency laws. Upon divorce, that power traditionally went solely to one parent who **obtained custody**. Traditionally, the visitation rights given to the noncustodial parent constituted little more than a

**upbringing:** a particular way of bringing up a child  
**abuse:** improper or excessive use or treatment, misuse  
**obtain:** to gain or attain usually by planned action or effort  
**custody:** immediate charge and control (as over a ward or a suspect) exercised by a person or an authority  
**noncustodial parent:** being a parent who does not have sole custody of a child or who has custody a smaller portion of the time

possessory interest. This made the custody decision upon divorce a

significant one: the relationship between the **noncustodial parent** and her or his children would change, as the parent would lose the ability to shape decisions affecting the children. In the United States, since the nineteenth century, mothers traditionally gained custody of children. In the late twentieth century, changes in marital and social roles have led to fathers assuming duties once thought to be the exclusive province of mothers. This in turn has led to fathers showing more interest in claiming custody and to courts granting fathers custody. Yet the vast majority of custody dispositions still go to the mother.

From a dissatisfaction with custody decisions has emerged the concept of joint custody. Under joint custody, legal custody (the decision-making power over the child's conduct of life) remains with both parents, and physical custody goes to one or the other or is shared. The concept has met with mixed reactions. If both parents are reasonable, both may be able to participate fully in decisions that would have been denied one of them. On the other hand, joint custody is likely to be harmful if the parents play out any lingering animosity, or confuse the child with conflicting directions, or are simply unwilling to agree on basic issues involving the child's welfare.

### **CHILD SUPPORT**

In most cases, a divorce decree will require the noncustodial parent, usually the father, to pay child support. The failure of parents to pay child support has significant consequences. Lack of support may force the custodial parent to apply for welfare, which in turn affects government budgets and ultimately taxes. This problem has resulted in increasingly more aggressive collection efforts by the government. In response to federal legislation that mandates a more aggressive approach, states have become more creative in extracting money from who fail to pay child support – who, because they are usually fathers, have come to be labeled deadbeat dads.

**enact:** to establish by legal and authoritative act

**enforcement:** carrying out effectively

In 1975, Congress **enacted** a provision that created the Office of Child Support **Enforcement** in the Department of Health and Human Services. The office was charged with developing ways of collecting child support.<sup>51</sup>

*Find the answers to the following questions in the text.*

1. What does child custody include?
2. What is obtained custody?
3. What does the concept of joint custody mean?
4. How does the government support children?

### ***VOCABULARY DEVELOPMENT***

**1. Match the words with their definitions.**

- |                |  |
|----------------|--|
| 1. abroad      | a) before marriage                               |
| 2. divorce     | b) money in the bank                             |
| 3. heirs       | c) another country                               |
| 4. maintenance | d) money to support a former partner             |
| 5. pension     | e) out of work                                   |
| 6. premarital  | f) statement of your wishes after death          |
| 7. savings     | g) stop living together                          |
| 8. separate    | h) the people who get your property when you die |
| 9. unemployed  | i) ending a marriage legally                     |
| 10. will       | j) money paid when you finish work               |

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<sup>51</sup> St' u Cornelsen, Jim Faulkner (2004), Legal Matters, Berlin, p.74.

2. *Protecting the Children's Interests.*

*Here is a clause which says what will happen if a couple with children divorce.*

*Fill in the gaps with words from the box.*

**transfer, separation, equally, event, marriage, Parties, heirs, divorce, remain, gained, maintenance, determination**

In the \_\_\_\_\_ of children being born to the marriage, the \_\_\_\_\_ agree that they will make wills in the interests of the children as their \_\_\_\_\_ and \_\_\_\_\_ all property to the children on their deaths. If the parties \_\_\_\_\_ or agree on a \_\_\_\_\_ then any children of the \_\_\_\_\_ will live with the mother until their eleventh birthdays, when they will decide for themselves which Party they wish to live with. Both Parties agree that they will help the other to \_\_\_\_\_ in close contact with any children. The Party living without the children will pay regular \_\_\_\_\_ to the other, the amounts to be fixed by agreement or judicial \_\_\_\_\_. Any interest which is \_\_\_\_\_ from capital held on behalf of the children must be shared \_\_\_\_\_ among the children when all of them have come of age.

*Family Law*

3. *Below are the main areas that Family Law covers. The excerpts are given from those areas. Write one area for each text.*

<b>Adoption</b> Child Custody Children's Rights Divorce	Estate Planning Estates and Trusts Insurance Marriage
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1. The process by which a legal parent-child relationship is created between individuals not biologically parent and child. / **adoption**

2. The parents of a child born within a marriage are joint guardians of that child and the rights of both parents are equal.

3. Children are generally afforded the basic rights embodied by the constitution.

4. As a result of this both parties' status becomes single again.

5. The process by which an individual or family arranges the transfer of assets in anticipation of death.

6. Generally, a trust is a right in property (real or personal) which is held in a fiduciary relationship by one party for the benefit of another. The trustee is the one who holds title to the trust property, and the beneficiary is the person who receives the benefits of the trust.

7. While types vary widely, their primary goal is to allocate the risks of a loss from the individual to a great number of people.

8. A contract based upon a voluntary private agreement by a man and a woman to become husband and wife.

### ***SPEAKING ACTIVITY II.***

9. ***Work in groups to consider statements and/or arguments for or against a premarital agreement.***

- a) Marriage is a legal act anyway-we don't need a contract.
- b) I want to protect the interests of my children.
- c) You have to go into a marriage expecting it to succeed, not fail.
- d) A contract is not compatible with romance.
- e) I want to protect my house and my pension.
- f) I have my own job and career to think about.
- g) Who can predict what will happen ten years from now?
- h) We haven't got anything just each other.

### **PREMARITAL AGREEMENT**

***Read the text "Premarital Agreement" below and do the after text exercise to find out ideas used in the agreement. Not all of the ideas are in the agreement. Consider the definition of premarital agreement.***



*A premarital agreement is a contract entered into by a couple who plan to marry.*

*It determines their rights regarding property and support when the marriage ends- whether by death or divorce.*

AGREEMENT entered into on (date in writing) BETWEEN:

the 'First Party' \_\_\_\_\_ (full name and address) and  
the 'Second Party' \_\_\_\_\_ (full name and address).

WHEREAS: The Parties above intend to enter into a legal marriage under the law, and it is their mutual intention to enter into this agreement so that they will continue to own and control their own property, and are getting married because of their love for each other but do not intend their present financial interests and arrangements to be changed by their marriage.

**NOW IT IS HEREBY AGREED as follows:**

1. All property which belongs to one of the Parties individually will be and will forever remain the personal property of that Party, including any interest, rent and profit which is gained from the property. The other Party has no claim to such property.

2. The Parties have listed their respective property in Annex A (the First Party) and Annex B (the Second Party).

3. The Parties shall have at all times and as if they had not married, the full right and authority to use, sell, enjoy, manage, give, and transfer all property that presently belongs to him or her.

4. In the event of a separation or divorce, the Parties shall have no right against each other for support of any kind, maintenance or compensation.

5. In the event of a separation or divorce, the Parties shall have no rights against each other with regard to property existing at the date of this contract.

6. In the event of a separation or divorce, marital property gained after marriage shall be divided between the Parties, either by agreement or by judicial determination.

7. This agreement shall be binding on the Parties to the benefit of their heirs.

IN WITNESS OF WHICH the Parties have signed this agreement on the date first **written** above.

Signed by the First Party

Signed by the Second Party

\_\_\_\_\_  
in the presence of (witness)

\_\_\_\_\_  
in the presence of (witness) <sup>52</sup>

***Note some tips that should be considered:***

1. You cannot touch my property if we break up.
2. If we have children, this contract has to be changed.
3. Our parents arranged this marriage.
4. This agreement is important for my children.
5. We have strong romantic feelings for each other.
6. We share any of the things we get during the marriage, fifty-fifty.
7. What is mine stays mine, what is hers stays hers.



***10. Listen to the passage and fill in the gaps according to the original text.***

Family law is a legal practice area that focuses on issues involving family relationships such as marriage, adoption, 1) \_\_\_\_\_, and child custody, among others. Attorneys

<sup>52</sup> St' u Cornelsen, Jim Faulkner (2004), Legal Matters, Berlin, p.74.

practicing family law can represent clients in family court proceedings or in related 2) \_\_\_\_\_. They can also draft important legal documents such as court petitions or property agreements.

Some family law 3) \_\_\_\_\_ even specialize in adoption, paternity, emancipation, or other matters not usually related to divorce. The matter of family encompasses so many life aspects.

4) \_\_\_\_\_ in the field, therefore, help all kinds of people facing all kinds of sensitive issues that many people wouldn't immediately assume go under the family law umbrella.

### ***Reasons to Hire a Family Law Attorney***

As it is known that family lawyers represent 5) \_\_\_\_\_ in divorce proceedings and other matters related to divorce. But family law is a relatively 6) \_\_\_\_\_ practice area, including such issues as foster care and reproductive rights. Since family law matters hit so close to home, having a trusted 7) \_\_\_\_\_ professional by your side can help you ensure your loved ones are properly represented and protected during any legal process.

Family law often intersects with a wide range of other legal 8) \_\_\_\_\_ areas. For example, instances of domestic violence and child abuse typically involve criminal 9) \_\_\_\_\_ (and may result in arrests and charges). Along with that process, family courts are tasked with determining how to best protect the 10) \_\_\_\_\_ and ensure a relatively safe environment for those involved.

## ***11. Browse the Internet.***

Go to <https://law.ac.uk-employability/legalpractice-areas-family-law> to learn more about Family Law and the role of a family lawyer.

*Prepare a short report on the main idea of Family Law. Consider the requirements a lawyer should meet to become a family lawyer.*

## **12. Writing Activity.** **Render in English.**

ՀՀ Սահմանադրությունը հռչակում է, որ ընտանիքը հասարակության բնական և հիմնական բջիջն է: Ընտանիքը հասարակության այն օղակն է, որտեղ ծնվում է հասարակության նոր անդամը, ստանում է սկզբնական ու հիմնական դաստիարակություն: Երեխան ընտանիքում սովորում է մյուսների հետ հարաբերվելու այբուբենը՝ հարգանքը դեպի մեծը, հոգատարություն ընտանիքի մյուս անդամների նկատմամբ, մարդասիրություն և այլն: Առողջ ընտանիքը նախադրյալ է առողջ հասարակության համար: Ընտանիքի անդամների միջև առաջանում են բազմաբնույթ հարաբերություններ: Դրանց զգալի մասը կարգավորված է հասարակական համակեցության ու բարոյականության նորմերով: Սակայն, հաշվի առնելով ամուսնության և ընտանիքի հասարակական մեծ նշանակությունը, պետությունը մշակում և իրականացնում է որոշակի քաղաքականություն ընտանիքի նկատմամբ: Այդ քաղաքականության նպատակն է՝ կարգավորել ընտանիքի հասարակական գործառույթները, առողջացնել և կայունացնել այն և դրանով իսկ հասնել հասարակության ու պետության առողջացմանը: Այդ քաղաքականությունն արտահայտվում է նաև ընտանեկան հարաբերությունների իրավական կարգավորման միջոցով, ինչի ուժով իրավունքի համակարգում մենք ունենք ընտանեկան կոչվող ինքնուրույն իրավունքի ճյուղը:<sup>53</sup>

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<sup>53</sup> Տե՛ս Այվազյան Ն., Ապիյան Ն., Գաբուզյան Ա., Գևորգյան Հ., Եղյան Ռ., Իսկոյան Ա., Խաչիկյան Հ., Ղազինյան Գ., Ղարախանյան Գ., Պետրոսյան Գ., Պետրոսյան Ռ., Վաղարշյան Ա., Քոչարյան Վ., Օհանյան Լ. (2001), Պետություն և Իրավունք | դասագիրք 10-րդ դասարանի համար, Տիգրան Մեծե հրատ., Երևան:

## UNIT 15. CIVIL RIGHTS AND LIBERTIES

We live in a free society because we have the right to believe what we choose and to express our views and ideas, no matter how unpopular or uncommon they are.

However, it is one thing to believe in these principles and quite another to put them into practice. Our democratic system can only be preserved when we assert our rights and exercise them vigorously. It is just as important that we affirm the freedom of others to exercise their rights. For unless we can say that the rights of every individual are protected, the rights of no individual are safe.

You may have heard a politician, a newscaster, or a group's spokesperson use the terms "civil rights" or "civil liberties." If you had to define either of these terms, could you do it? Perhaps you could, but probably you would find it hard, if not impossible, to do so. The reason is that, although most people use these terms interchangeably, they do not mean the same thing.



### Essential terms

**declare:** to say or state (something) in an official or public way

**provide:** to make (something) available: to supply (something that is wanted or needed)

*Civil liberties* are freedoms that are guaranteed to the individual. Civil liberties **declare** what the government cannot do; in contrast, civil rights declare what the government must do or **provide**.

*Civil rights* are powers or privileges that are guaranteed to

the individual and protected from arbitrary removal at the hands of the government or other individuals. The right to **vote** and the right to jury trial in criminal cases are civil rights.

**vote:** the official choice that you make in an election, meeting

**overlap:** to happen at the same time as something else

**election:** the act or process of choosing someone for a public office by voting

**equality:** the quality or state of being equal: the quality or state of having the same rights, social status, etc.

**adjust:** a. to bring to a more satisfactory state: 1. settle, resolve; 2. rectify b. to make correspondent or conformable: syn: adapt

**resolve:** to make a formal decision about something usually by a vote

Civil rights and civil liberties **overlap** with individual rights and liberties, but belong more to the area of social and public interests than do individual rights, which belong mainly to the area of individual interests. They are concerned essentially with what individuals and groups may do within the law, e.g. stand for **election** to a public authority, rather than with what they may exact, e.g. social security. Civil rights may be regarded as attempts to give meaning to the ideal of **equality** under laws, and civil liberties as flowing from the ideal of freedom.

Civil rights protect certain general human needs and interests, but sometimes conflict with other human needs and interests, conflict which have **to be adjusted** and **resolved** in the courts or by legislation. A civil right or liberty *exists* only in so far as it is legally recognized and protected, not merely if it is asserted or even proclaimed by a government or political party.

Civil liberties are distinguishable from moral liberty or freedom of the will; from political liberties, such as the right to elect and to stand for election; from ‘human rights’ or ‘natural rights’; from economic liberties, such as freedom of contract, trade, competition, of organizing, and of striking; from religious liberties, such as freedom

of belief and of worship; and from academic freedom; though there is considerable overlapping, and as law in general protects each of these groups of liberties, some would class all of these within the general group of civil liberties. Civil liberties were justified by seventeenth - and eighteenth-century philosophers as *inherit* or **inalienable** rights. Historically most of them arose by way of successful **resistance** to kings, harsh employers, unrepresentative parliaments, and the like.

**inalienable:** inherent  
**resistance:** effort made to stop or to fight against someone or something

The question what civil rights or liberties citizens enjoy under a particular system of government and law, depends partly on what rights or liberties are conferred by constitution, code, statute, and case, but also, and frequently more particularly, on how these rights or liberties are actually interpreted, and how far they can be and are secured and **enforced**, particularly by minority groups.<sup>54</sup>

**enforce:** to make (a law, rule, etc.) active or effective: to make sure that people do what is required by (a law, rule, etc.)

### **RIGHTS OF US CITIZENS**

The U.S. Constitution and the Bill of Rights protect the rights of all people living in the U.S. There are some other rights for U.S. citizens only. Amendments 11-26 of the U.S. Constitution tell us some of the extra rights for citizens.

Who is a U.S. citizen? A person born in the U.S. is a citizen. If a U.S. citizen has a baby in another country, the baby may be a U.S. citizen. Resident aliens can become citizens after they live legally in the U.S for 3 to 5 years and take a citizenship exam. If they passed the exam, they can become naturalized citizens.

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<sup>54</sup> See Glencoe McGraw-Hill, Ohio, Mary Jane Turner, Kenneth Switzer, Charlotte Redden (1996), American Government, pp. 95-96.

Both U.S – born and naturalized citizens have many extra rights. Only citizens can vote in U.S. elections. They can work for the federal government. They can travel with U.S. passports. They can apply to bring their family to the U.S. Only citizens can be members of a jury. Naturalized citizens do not have one special right. Naturalized citizens cannot become president or Vice president of the U.S. But, a naturalized citizen can be a senator, representative, governor, mayor, etc.

**Duties of US Citizens and Why They are Important**

<b>DUTIES</b>	<b>WHY?</b>
Obey laws	Laws protect the people. A basic right for all people is protection.
Vote	The U.S. is a representative democracy. All citizens have to vote to choose good people to be representatives.
Pay taxes	The government needs money to pay for services (for example, police and military protection).
Be on a jury when called	Everyone has the right to a trial with a jury (6 <sup>th</sup> Amendment). Members of a jury must be U.S. citizens.
Register with	If there is a war, the military will need soldiers. <sup>55</sup>

**FREEDOM OF RELIGION**

The first liberty guaranteed in the First Amendment is freedom of religion. Placing this liberty first reveals how strongly the Framers believed in the right of people to practice or not to practice, any religion they choose.

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<sup>55</sup> St’u Deborah J. Short, Margret Seufert-Bosco, Allene Guss Grognet (1995), *By the People For the People; US Government and Citizenship*., Center for Applied Linguistics, USA, p. 128.



Freedom of religion is guaranteed to Americans under the First Amendment. This amendment has an “establishment clause”, creating a “wall of separation between church and state”. Why, do you think, did the Framers of the Constitution include this clause?

### **FREEDOM OF THE PRESS**

The writers of the Constitution believed that liberties relating to free speech also extended to the press. The Framers firmly believed the press should be reasonably free to publish information and opinions both for and against the government. Today the press remains the principal means of informing citizens about the government and issues of the day.

### **FREEDOM OF ASSEMBLY AND PETITION**

Since people often assemble to make or hear a speech, freedom of assembly often coincides with freedom of speech. The Constitution protects our right to peacefully assemble in public and private to express our views on public matters. Likewise, we may organize into such groups as political parties and interest groups. The freedom to write letters, circulate petitions, lobby, picket, parade, and demonstrate to make our views known also are protected.<sup>56</sup>

#### ***Find the answers to the following questions in the text.***

1. Why are civil liberties and civil rights important to us?
2. What is the difference between civil liberties and civil rights?
3. Where are the individual liberties and rights of Americans defined?
4. What is the meaning of freedom of religion and freedom of assembly?
5. Why is freedom of the press important in a democracy?

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<sup>56</sup> St' u Mary Jane Turner, Kenneth Switzer, Charlotte Redden, (1983) American Government Principles and Practices, Paperback, Published by Merrill, pp. 98-99, 109.

***Are these statements TRUE or FALSE?***

The terms civil rights and civil liberties are quite different.

**TRUE**

1. Political liberties include the right to elect and to be elected.  
\_\_\_\_\_
2. Historically many civil rights and liberties appeared as a result of resistance to kings. \_\_\_\_\_
3. Conflicts, caused by the contradictions between civil rights and some of the human needs and interests must be resolved in the courts. \_\_\_\_\_
4. Civil liberties are practically interchangeable with “human rights” or natural rights”. \_\_\_\_\_

***Complete the following statements about the text choosing the correct variant.***

Sometimes civil rights and civil liberties are used \_\_\_\_\_.

- a) in different ways
- b) interchangeably
- c) as antonyms

Civil rights declare \_\_\_\_\_.

- a) what the government of the country is obliged to do
- b) what the individual must do
- c) what politicians parties must do

Civil liberties differ from \_\_\_\_\_.

- a) moral liberty
- b) civil rights
- c) constitution of the country

Civil liberties were justified \_\_\_\_\_ .

- a) by kings
- b) by people
- c) by philosophers of the past

### ***VOCABULARY DEVELOPMENT***

#### ***1. Match the adjectives and nouns to form word combinations.***

- |                |   |               |
|----------------|---|---------------|
| 1. public      | → | a) Rights     |
| 2. civil       | → | b) matters    |
| 3. federal     |   | c) government |
| 4. political   |   | d) needs      |
| 5. successful  |   | e) citizen    |
| 6. naturalized |   | f) resistance |
| 7. human       |   | g) liberties  |

#### ***2. Fill in the gaps choosing words and word-combinations from the box.***

**aliens, pay taxes, qualifications, the right, petition crimes, committing, restricted, naturalized, citizens, foreign diplomats**

1. Rights of American citizens include \_\_\_\_\_ to vote, to hold public office, and to travel freely.

2. Duties of American citizens include the duty to \_\_\_\_\_, serve on juries, and obey the laws. Responsibilities of citizens include voting and taking part in political affairs.

3. The Fourteenth Amendment states that all persons born or \_\_\_\_\_ in the United States and subject to its jurisdiction are citizens of the United States.

4. To \_\_\_\_\_ for citizenship, an immigrant must have lived legally in the United States for five years and be at least 18 years old.

5. American citizenship can be lost by \_\_\_\_\_ certain \_\_\_\_\_ (such as treason), by expatriation, and by denaturalization.

6. When the United States was first established, the right to vote was \_\_\_\_\_ by religion, property, ownership, tax payment, race, gender, and age.

7. Today States set voter \_\_\_\_\_ based on citizenship, residence, age, registration, and certain other requirements.

8. \_\_\_\_\_ are citizens of another country who live in the United States.

9. Aliens are guaranteed certain rights held by \_\_\_\_\_.

10. \_\_\_\_\_, tourists, business people, and students are examples of temporary visitors in the United States.

3. ***Find the following words in the text “Civil Rights and Liberties”. Then circle a), b) or c) to show which you think is the best equivalent.***

1. declare

a) make known clearly or formally; announce

b) argue with somebody

c) disagree

2. provide

a) sell in bulk

b) give, supply

c) promise to do something

3. belong

a) be the property of

b) make somebody do something

c) cry loudly

4. attempt

a) effort to do something

b) large sum of money

c) difficult task

- 5. resistance
  - a) desire to oppose, antagonism
  - b) strong will
  - c) love at first glance

- 6. distinguishable
  - a) young and beautiful
  - b) very famous
  - c) different from

- 7. equality
  - a) important problem
  - b) the state of being the same in size, value, etc
  - c) serious disease

**4. Read the text “Civil Rights and Liberties” again and give synonyms to the following words.**

reciprocally	decide	choose	regulate
partly	coincide	diverse	refer to live

**5. Choose the right preposition to make the sentence complete.**

- 1. Civil rights are guaranteed *to / for / of* individuals.
- 2. Civil rights overlap *by / with / on* individual rights.
- 3. Civil liberties are distinguishable *from / on / of* moral freedom.
- 4. Civil liberties were justified *by / to / from* philosophers of the past.
- 5. Some class freedom of speech *within / in / by* the group of civil liberties.

**6. SPEAKING ACTIVITY. “Requirements to apply for naturalization”.**

***Work with a partner, read the given list of the requirements for good moral character and express your opinion. Do you think the requirements are reasonable? Why or why not?***

Many immigrants ask about the requirement for good moral character. They are explained that to become a US citizen a person cannot be someone who:

1. drinks too much;
2. is married to 2 or more people at the same time;
3. buys, sells or uses drugs;
4. is a criminal;
5. was a member of a Communist Party during the 10 years before applying for naturalization.



**7. *Listen to the lecture and answer the following questions.***

What are Civil Rights?

What are Civil Liberties?

What's the difference between Civil Rights and Civil Liberties?

***Listen to the passage again and fill in the gaps according to the original text.***

It is easy to understand why many people confuse civil rights and civil liberties. While these 1)\_\_\_\_\_ may sometimes be used interchangeably, they have distinct meanings. The attorneys at Swartz Swidler believe that it is important for you to understand the 2)\_\_\_\_\_ between civil liberties and civil rights. In the U.S., people may not be discriminated against on the 3)\_\_\_\_\_ of their protected characteristics in education, employment, access to public facilities, and housing. When people are discriminated against because of their protected characteristics in one of these settings, the discrimination is a 4)\_\_\_\_\_ of their civil rights. Laws

that outline civil rights have been established by the federal government through 5)\_\_\_\_\_ and case law.

Civil liberties are basic freedoms and rights that are guaranteed either by the Bill of Rights in the 6)\_\_\_\_\_ or by interpretations of those rights by the legislature or courts. Civil liberties in the U.S. include all of the following 7)\_\_\_\_\_:

- Free speech
- Privacy
- Right to remain silent
- Right to be free from unreasonable searches
- Right to a fair trial
- Right to marry
- Right to 8)\_\_\_\_\_

So, 9)\_\_\_\_\_ are basic freedoms while 10)\_\_\_\_\_ are the basic right to be free from discrimination based on such characteristics as race, disability, color, gender, national origin, and others.

## **8. Browse the Internet.**

Go to <http://findlaw.com/civilrights/civilliberties-overview.html> to learn about the history of civil liberties and the pattern of civil liberties in the US.

*Prepare a short summary(150 words) on civil liberties guaranteed by the Constitution.*

## **9. Writing Activity.**

### ***Render in English.***

1948թ. դեկտեմբերի 10-ին ՄԱԿ-ի կողմից ընդունված Մարդու իրավունքների համընդհանուր հռչակագրի 60-ամյակը, որի առաջին հոդվածում ամրագրված է. «Բոլոր մարդիկ ծնվում են ազատ ու հավասար՝ իրենց արժանապատվությունը և իրավունքներով: Նրանք օժտված են բանականու-

թյամբ ու խղճով և պարտավոր են միմյանց նկատմամբ վարվել եղբայրության ոգով»: Մարդու ու քաղաքացու իրավունքները իրավական պետությունում անհատի կարգավիճակի հիմնաքարերն են, որոնք համարվում են ի ծնե տրված և անօտարելի յուրաքանչյուր մարդու համար անկախ քաղաքացիությունից, սեռից, տարիքից, ազգությունից, էթնիկ ու կրոնական պատկանելությունից: Միջազգային իրավունքում այս դրույթն առաջին անգամ ամրագրվեց Մարդու իրավունքների համընդհանուր հռչակագրում և այն իրավական պետությունների սահմանադրական իրավունքի մաս է կազմում:<sup>57</sup>

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<sup>57</sup> Տե՛ս <https://www.arlis.am/documentview.aspx?docID=1896> (ղխավել է՝ 05.07.2021)



# AUDIOSCRIPTS

## UNIT 1. LAW AND LEGAL PROFESSION

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

*The rate at which the legal profession grows is terrific. In the 21st century the number of lawyers will probably outpace the rate of population growth. Why is the career in law so popular? In the USA the average salary of experienced lawyers in private practice is more than \$100,000. Lawyers' salaries are substantially greater than those of many other professionals. The glamour of legal practice strengthens the attraction of its financial rewards.*

## **UNIT 2. GOVERNMENT**

*Hi everyone. I'm Jennifer. You may not love politics, but it's important to have a basic understanding of how your government works.*

*Can you explain what kind of government you have in your country? In this audio, I'll give you an overview of the US government and some key vocabulary.*

### **Quiz 1.**

- 1. How many US states are there?*
- 2. Through what process do people become part of the government?*

*Let me tell you the answers.*

*The United States of America is a Federal Republic. That's the name of the system we have. We are a union of 50 states. We also have a federal district, Washington D.C, the District of Columbia which is our capital. In addition to all that, we have several territories like Guam and Puerto Rico. We have elected officials to represent us in the government, so that indirectly we have a voice. Not everyone in our government is elected, some people are chosen from within. Our elected officials can appoint or nominate someone for a specific job. "Appoint" means officially name someone, "nominate" means propose or suggest someone. If you are appointed by someone there is likely another person who has to confirm that appointment. If you are nominated, there are others who have to vote to make it official.*

### **Quiz 2.**

*In the US*

- 1. How many branches of government are there?*
- 2. Does the US President hold the most power?*
- 3. How do we know what each branch is responsible for?*

*The procedures for elections and appointments can be confusing but the basic structure of our government is simple and clear. We have 3 branches of government. Each branch is responsible for different things to avoid any conflict of power. This is called the separation of powers. No branch can be all-powerful because we have a system of checks and balances. This means that 2 branches can limit the power of one. The separation of powers and all the checks and balances are outlined in the US Constitution. The Constitution provides the framework for our government- it's the Supreme law of the land, meaning the highest law on our country. The United States was formed in 1776. The Constitution was written in 1787. It was ratified or approved in 1788. It went into effect in 1789. So what are the 3 branches? Maybe you know them. Let's see.*

*What branch does the President belong to? The Executive Branch. This is the branch that executes or carries out the law. The President has a Cabinet. This is a group of advisers. The President appoints the members of the Cabinet, but they have to be confirmed by another branch.*

*What's the branch that makes laws? The Legislative Branch. This is the branch that confirms the President's appointments. Our Legislative branch is called the US Congress. It's made up of Senate and the House of Representatives. Their main job is to legislate, which means to make or enact laws.*

*What's the branch that interprets the laws?*

*The Judicial Branch. Judicial is related to judge. Where are judgments made? In Courts. The highest court is the US Supreme Court. It's made up of 9 Justices: 1 Chief Justice and 8 Associate Justices. The Judicial Branch is made up of the US Supreme Court and all the other Federal Courts in the system.*

### **Quiz 3.**

1. *What other titles does the US President have?*
2. *Which members of Congress serve two-year terms?*

*The President of the United States is our Chief Executive. He or She is vested or given executive powers.*

*Our President is also the Commander-in-Chief of the armed forces.*

*Our President is elected by the people indirectly through our representatives for a four-year term. The President can serve a maximum of two terms. The President may be the Commander-in-Chief, but only Congress can declare war. Remember our system of checks and balances? All members of Congress are elected officials. We have 2 Senators from each state. For a total of 100 Senators. They serve six-year terms. They can run for re-election.*

*US Representatives serve two-year terms, so they're up for re-election more often. They can also join the House of Representatives at a younger age.*

*Here try a quick matching quiz.*

#### **Quiz 4.**

21 25 30 35 40

1. The US President must be at least \_\_\_\_\_ years old.
2. A US Senator must be at least \_\_\_\_\_ years old.
3. A US Representative must be at least \_\_\_\_\_ years old.

*There are more US Representatives than Senators because the number of representatives depends on the population of a state. A state with a large population has more congressional districts, and all the districts have their representatives.*

#### **Quiz 5.**

*Another quick quiz.*

1. How long can someone serve on the Supreme Court?
2. Is a Supreme Court Justice appointed or elected?

*The Supreme Court of the US has 9 justices. I believe the number has been the same since 1869. Sometimes there's talk about "packing the court", which means adding more justices so that the political party in power can appoint people who will interpret laws either more conservatively or more liberally. Recently, we lost a member of the Supreme Court: Justice Ruth Bader Ginsburg. Her passing left a vacancy. This means that at some point, the President and Congress must work together to fill the seat. The President can nominate someone, but the nominee must be confirmed by Congress. Remember that system of checks and balances? A committee has the chance to review the nominee's qualifications. It's a long process. The Senate Judiciary Committee can then send the nomination to Senate for a vote. If the Senate confirms the nomination, then the President can officially appoint this person as the next Supreme Court Justice. This is a lifetime appointment, so it's a pretty big deal to serve on the Supreme Court.*

*One final question.*

*Has the US Constitution changed at all over the years?*

*The answer is yes and no. I said that the Constitution outlines the separation of powers, but a lot of details weren't written right away. The Constitution has basically remained the same, but over the years we've added 27 amendments. "To amend smth" means to make a change. Very soon after the Constitution went into effect, our founders wrote the Bill of Rights. That's what we call the first 10 Amendments. There was concern from the very beginning about the federal government holding too much power. To avoid an all-powerful central government, the Bill of Rights was written. It was written to make sure that the rights of individuals and the rights of the states were protected.*

*Can you name any of the 10 amendments?*

*I talked about one of them in my audio on gun control. There's a lot of talk about second amendment rights. That's the right to bear arms. The right to own a gun. (to bear arms= to own a gun)*

*Perhaps we can go over the Bill of Rights and talk about individual freedoms in another lesson.*

*We'll end here.*

### **UNIT 3. THE LEGISLATIVE BRANCH OF THE US GOVERNMENT/ HISTORY**

There are 3 branches of government in the US: legislative, executive, and judicial. The legislative branch is comprised of the United States Congress, the bicameral legislature responsible for writing and passing all federal laws, among various other functions.

History of Legislative Branch

How the Congress Works

How a Bill Gets Passed

Back when the Founding Fathers drafted the Constitution, debate stirred over the type of legislature they'd have, one with equal representation, i.e., the same number of representatives for each state, or of proportional representation, in which the number of representatives reflected the size of each state's population. Unable to choose, they settled on both, a legislative branch with two houses, the House of Representatives and the Senate, which together form the Congress.

This was all outlined in Article I of the Constitution, which also notes the functions, powers, and parameters of the Congress and its individual representatives. A congressman's primary responsibilities include representing the interests of their constituents, working together to write laws, overseeing other government agencies, and passing bills. But of course, that's all way easier said than done. To understand how it all works, we have taken a closer look at the make-up of the two distinct houses. The first in lower house is the House of Representatives made up of 435 elected officials. Each state is allotted a number of congressmen determined by their total population. To become a member of the House, one must be at least 25, have lived in

the US for seven years, live in this state they will represent, and be elected by the people. Congressmen serve two-year terms and are up for re-election every even year.

The House is led by the Speaker of the House, who is elected by the House of Representatives. The House has a few exclusive powers not shared by the Senate. Only the House can initiate tax laws and spending bills. Only the House can initiate impeachment of a president or other officials. And in the event that there is no majority in the Electoral College for one of the presidential candidates, it's the House who casts the deciding vote.

The Senate, or the Upper House, is made up of only 100 elected members with two senators from each state. Here, a state like Wyoming has as strong a voice as California, even though California has a much larger population. To run for Senate one must be at least 30 years old, have lived in the US for 9 years, and live in the state that they will represent. Senators serve six-year terms.

Every even year, a third of the Senate is up for re-election. Before the 17<sup>th</sup> amendment was ratified in 1912, senators were elected by the state legislatures. But now, they are elected by us, the people. The vice president of the US serves as the head of the Senate, but he or she may only cast a vote in the event of a tie. The Senate exclusively has the power to approve presidential appointments and treaties. And when the House moves to impeach a government official, it's the Senate that tries them. Together, both houses have the power to tax, coin money, declare war, and regulate foreign and interstate commerce. But Congress's bread and butter is writing and passing bills.

#### How a Bill Gets Passed

Getting a bill passed is not an easy task. A bill can originate in either the House, or the Senate. But before it gets voted upon, it goes through a series of committees, and amendments, and floor debates. After a vote, it moves to the other chamber, and the process continues. If the one chamber makes any edits to a bill passed by the other, it has to go back for another vote.

The House and Senate must vote to approve the exact same bill before it can move on. If it fails to get a majority vote, it has to be reintroduced. If it passes, it goes to the president's desk for approval. If the president chooses to veto a bill, which essentially voids it, Congress can push back the veto override. But to do this, they needed 2/3 majority vote in both houses. Failing to pass legislation is an inevitable part of congressional routine. Congress is the only branch of government whose members are elected directly by the people, and the only part of government that tries to balance the relationship between the power of the nation and the individual states.

#### ***UNIT 4. CONSTITUTION***

The Constitution of the United States is the supreme law of the United States of America. It superseded the Articles of Confederation, the nation's first constitution. Originally comprising seven articles, it delineates the national frame of government. Its first three articles embody the doctrine of the separation of powers, whereby the federal government is divided into three branches: the legislative, consisting of the bicameral Congress (Article 1); the executive, consisting of the president and subordinate officers (Article 2); and the judicial, consisting of the Supreme Court and other federal courts (Article 3). Article 4, Article 5 and Article 6 embody concepts of federalism, describing the rights and responsibilities of state governments, the states in relationship to the federal government, and the shared process of constitutional amendment. Article 7 establishes the procedure subsequently used by the 13 States to ratify it. It is regarded as the oldest written and codified national constitution in force.

According to the United States Senate: "The Constitution's first three words: We the People - affirm that the government of the United States exists to serve its citizens. For over two centuries the Constitution has remained in force because its framers wisely separated and balanced governmental powers to safeguard the



interests of majority rule and minority rights, of liberty and equality, and of the federal and state governments." The first permanent constitution, it is interpreted, supplemented, and implemented by a large body of federal constitutional law, and has influenced the constitutions of other nations.

## ***UNIT 5. THE EXECUTIVE POWER***

The power of the Executive Branch is vested in the President of the United States, who also acts as head of state and Commander-in-Chief of the armed forces. The President is responsible for implementing and enforcing the laws written by Congress and, to that end, appoints the heads of the federal agencies, including the Cabinet. The President is both the head of state and head of government of the United States of America, and Commander-in-Chief of the armed forces. The President has the power either to sign legislation into law or to veto bills enacted by Congress, although Congress may override a veto with a two-thirds vote of both houses.

The Vice President is elected along with the President by the Electoral College. Each elector casts one vote for President and another for Vice President. Before the ratification of the 12th Amendment in 1804, electors only voted for President, and the person who received the second greatest number of votes became Vice President.

The Cabinet and independent federal agencies are responsible for the day-to-day enforcement and administration of federal laws. These departments and agencies have missions and responsibilities as widely divergent as those of the Department of Defense and the Environmental Protection Agency, the Social Security Administration and the Securities and Exchange Commission.

## ***UNIT 6. WHAT IS THE JUDICIAL BRANCH OF THE US GOVERNMENT/ HISTORY***

The United States Government is divided into three parts, or branches: the *legislative* branch, the *executive* branch, and the *judicial* branch. Each branch has a different duty, but all three branches must work together.

The judicial branch is in charge of deciding the meaning of laws, how to apply them to real situations, and whether a law breaks the rules of the Constitution. The Constitution is the highest law of our Nation. The U.S. *Supreme Court*, the highest court in the United States, is part of the judicial branch. The Supreme Court is made up of 9 judges called *justices* who are nominated by the President and confirmed by the Senate. The justices hear cases that have made their way up through the court system.

The main task of the Supreme Court is to decide cases that may differ from the U.S. Constitution. Once the Supreme Court makes a decision in a case, it can only be changed by a later Supreme Court decision or by changing or *amending* the Constitution. This is a very important power that can affect the lives of many people.

## ***UNIT 7. WHAT IS THE DIFFERENCE BETWEEN CIVIL CASES AND CRIMINAL CASES***

The American legal system addresses the wrongdoings that people commit with two different types of cases: civil and criminal. Crimes are generally offenses against the state (even if the immediate harm is done to an individual), and are accordingly prosecuted by the state. Civil cases on the other hand, typically involve disputes between individuals regarding the legal duties and responsibilities they owe to one another. These cases are adjudicated through civil lawsuits. Although there is some overlap, there are several ways in which you can tell the differences between a criminal case and a civil case.

A civil case is when one person, the plaintiff, brings legal action against another person who has allegedly wronged them- the defendant- with the intent of collecting damages. Damages equals money.

A criminal case is where a government prosecutes someone to prove them guilty of committing a crime, like a car thief. The victim of this crime is often a witness in the government's case against the accused, as well as any eyewitnesses.

In a civil case, the court can judge that a defendant owes the plaintiff money, or other property, or must perform a service that was promised. Mostly, though, it's money.

In a criminal case, either the prosecutor or a grand jury initiates the proceedings. Punishment for guilty defendants can range from fines, community service, or educational classes, to much more serious consequences, such as jail time.

## ***UNIT 8. CRIMINAL LAW***

Criminal law concerns the system of legal rules that define what conduct is classified as a crime and how the government may prosecute individuals that commit crimes. Federal, state, and local governments all have penal codes that explain the specific crimes that they prohibit and the punishments that criminals may face. Individuals who violate federal, state, and local laws may face fines, probation, or incarceration. Lawsuits against criminals are initiated by prosecuting attorneys who act on behalf of the government to enforce the law.

A crime is any act or omission of an act in violation of a law forbidding or commanding it. Most crimes are defined by statute, and they vary tremendously across different states and counties. The Model Penal Code (MPC) provides a good overview of the most common types of crimes, while the U.S. Code provides a list of all federal crimes. For a list of crimes in your state or local municipality, it is best to check your local penal code.

While specific criminal acts may vary by jurisdiction, they can be broadly characterized as “felonies” and “misdemeanors.” Felonies include more serious crimes, like murder or rape, and are usually punishable by imprisonment of a year or more. Misdemeanors are less serious offenses and are punishable by less than a year of imprisonment or fines.

Unless a crime is a strict liability crime (meaning that no particular mental state is required), statutes typically break crimes down into two elements: an act and a mental state, such as knowingly or recklessly. In order to be convicted of a crime, a prosecutor must show that the defendant has met both of these elements. For example, larceny is the taking of the property of another with the intent to deprive them of it permanently. Thus, the defendant must have committed the act of taking the property and have done so with the mental intention to take the property of another (as opposed to believing that the property belonged to him).

It is not enough for a prosecutor to suggest that the defendant committed a crime. Rather, the prosecutor is required to prove each and every element of a crime “beyond a reasonable doubt” in order for a defendant to be convicted. Police officers, prosecutors, and other government officials must also follow certain procedures in pursuing criminal activity. This is because all citizens have certain constitutional rights that the government must respect and protect. If these rights are not respected, it may prevent a prosecutor from obtaining a conviction in a case. The United States Constitution sets forth these rights and the protections that are afforded to defendants.

## ***UNIT 9. COURT STRUCTURE AND ORGANIZATION***

The United States has a unique court system in that it is divided between a federal system covering the whole country and independent systems in each state and US territory. The systems can cover the same grounds in criminal, civil and administrative law. For instance,

there are both federal and state laws against murder, lawsuits can be brought by the same people against the same people in both state and federal court and both the federal and state government regulate things like securities and the environment. The running of these two parallel systems simultaneously on the state and federal levels is known as “federalism.”

While the systems are parallel, under the Constitution’s “supremacy” clause, federal laws are the “supreme law” of the land, which means they control over contrary state laws. This also means that a ruling by the U.S. Supreme Court must be followed by every state and every court in the country. However, where the federal government is not authorized to act by the Constitution or where it does not act, state law applies under the “reserve” clause of the 10th Amendment.

The federal court system was established by Article 3 of the Constitution, but new judges and courts are established by Congress and the President. State court systems are established by state law or state constitution.

The details of the structure of the federal court system was the first order of business of the first US Congress, which passed the Judiciary Act of 1789 as Senate Bill 1. That Act created the federal judiciary system still in use today. The original federal judicial system consisted of a Supreme Court with six Justices, three appeals courts, each presided over by two Supreme Court justices and a district court judge and 13 trial courts, each presided over by a district judge.

Federal courts of appeals are geographically placed to accommodate appeals from the district courts. For example, the Second Circuit Court of Appeals covers federal courts in New York, Vermont and Connecticut, while the Eleventh Circuit covers federal courts in Florida, Alabama and Georgia. Each appellate court has several judges, though the circuits vary in numbers of judges, based on how much territory they cover. The Ninth Circuit, covering most of

the far western part of the country, features the largest number of judges.

Courts of appeals typically sit in three-judge panels, but can agree to hear a case which means that all judges in the Circuit hear the case simultaneously and vote on the decision. Cases decided by federal courts of appeals can only be appealed to the United States Supreme Court.

All federal judges are appointed by the President and confirmed by the Senate. They enjoy life tenure unless removed by congressional impeachment.

### ***UNIT 10. THE ATTORNEY GENERAL***

The top law enforcement officer of the nation is an individual who serves as the U.S. government's top legal adviser and the head of the Department of Justice. He or she is called the United States Attorney General and must be nominated by the President and confirmed by the Senate. The Judiciary Act of 1789, which was passed by Congress, established the Office of the Attorney General. In the order of creation, the position of attorney general was the fourth cabinet level position created by Congress, according to the U.S. Department of Justice. Attorneys general may be impeached and removed from office by Congress. As of 2013 the office of U.S. Attorney General has been held by eighty two people.

#### **Attorney General Powers and Responsibilities**

While varying from one jurisdiction to the next due to statutory and constitutional mandates, the role of attorney general typically includes:

- Issuing formal opinions to state agencies
- Acting as public advocates in areas such as child support enforcement, consumer protections, antitrust and utility regulation
- Proposing legislation

- Enforcing federal and state environmental laws
- Representing the state and state agencies before the state and federal courts
- Handling criminal appeals and serious statewide criminal prosecutions
- Instituting civil suits on behalf of the state
- Representing the public's interests in charitable trust and solicitations
- Operating victim compensation programs

### ***UNIT 11. THE PURPOSE OF THE TRIAL***

After many weeks or months of preparation, the prosecutor is ready for the most important part of his job: the trial. The trial is a structured process where the facts of a case are presented to a jury, and they decide if the defendant is guilty. In a trial, the judge — the impartial person in charge of the trial — decides what evidence can be shown to the jury. A judge is similar to a referee in a game, they are not there to play for one side or the other but to make sure the entire process is played fairly.

At trial, one of the first things a prosecutor and defense attorney must do is the selection of jurors for the case. Jurors are selected to listen to the facts of the case and to determine if the defendant committed the crime. Twelve jurors are selected randomly from the jury pool (also called the “venire”), a list of potential jurors compiled from voter registration records of people living in the Federal district.

When selecting the jury, the prosecutor and defense attorney may not discriminate against any group of people. For example, the judge will not allow them to select only men or only women. A jury should represent all types of people, races, and cultures. Both lawyers are allowed to ask questions about their potential biases and may excuse jurors from service. Each side is allowed to excuse certain potential

jurors without providing a reason by using a limited number of “peremptory challenges.”

After being charged, the jury goes into deliberation, the process of deciding whether a defendant is guilty or not guilty. During this process, no one associated with the trial can contact the jury without the judges and lawyers. If the jury has a question on the law, they must write a note to the judge, which the judge will read in court with all parties present. The jury must reach a unanimous decision in order to convict the defendant.

## ***UNIT 12. JUVENILE DELINQUENCY***

*Using specific information from the lecture, explain the professor's concern about changing the justice system and what needs to be done before reforms are made.*

As you know, the basic principle of the American juvenile justice system is that children are different from adults. And, it follows that the way the justice system deals with children should reflect these differences. When the principle was established, it provided for the individualizing of treatment and services to vulnerable children.

However, this system is under threat. Critics say it's not tough enough. And also it fails to rehabilitate children. And some of you may agree. After all, criminal statistics point to a steadily increasing problem of youngsters committing crimes. But my concern is that young offenders may start to be treated as adults. Before any reforms are made, a rational examination of the whole system needs to be undertaken. As I see it, there are three key areas of research:

The first is accountability. OK, so in other words, how are juveniles different from adults in their understanding of criminal behavior? How do we assess their responsibility?

Secondly, we need to evaluate risk. Risk evaluation. So, this means, how can we determine the chances of a given youth



committing a crime and how can we use this information to prevent the crime in the first place?

The third area of research is susceptibility. We need to know how susceptible young people are to change. Can we assess a child's or a young person's likelihood of changing behavior or of responding to treatment?

So, to repeat, accountability, risk evaluation, and uh, susceptibility to change. These three key areas of research should be based on a thorough understanding of child and adolescent development. We need experts from all relevant fields, as well as input from the general public. More needs to be learned about the origins, development, prevention, and treatment of juvenile crime, and that knowledge has to be spread among professionals and the community. In this way, eventual reforms of the system may really be able to tackle the growing problem.

### ***UNIT 13. THE NOTARY PUBLIC***

A Notary Public is an official of integrity appointed by state government — typically by the secretary of state — to serve the public as an impartial witness in performing a variety of official fraud-deterrent acts related to the signing of important documents. These official acts are called notarizations, or notarial acts. Notaries are publicly commissioned as "ministerial" officials, meaning that they are expected to follow written rules without the exercise of significant personal discretion, as would otherwise be the case with a "judicial" official.

A Notary's duty is to screen the signers of important documents for their true identity, their willingness to sign without duress or intimidation, and their awareness of the contents of the document or transaction. Some notarizations also require the Notary to put the signer under an oath, declaring under penalty of perjury that the information contained in a document is true and correct. Property

deeds, wills and powers of attorney are examples of documents that commonly require a Notary.

Impartiality is the foundation of the Notary's public trust. They are duty-bound not to act in situations where they have a personal interest. The public trusts that the Notary's screening tasks have not been corrupted by self-interest. And impartiality dictates that a Notary never refuse to serve a person due to race, nationality, religion, politics, sexual orientation or status as a non-customer.

As official representatives of the state, Notaries Public certify the proper execution of many of the life-changing documents of private citizens — whether those diverse transactions convey real estate, grant powers of attorney, establish a prenuptial agreement, or perform the multitude of other activities that enable our civil society to function.

## ***UNIT 14. LAW AND THE FAMILY***

### *What is Family Law?*

Family law is a legal practice area that focuses on issues involving family relationships such as marriage, adoption, divorce, and child custody, among others. Attorneys practicing family law can represent clients in family court proceedings or in related negotiations. They can also draft important legal documents such as court petitions or property agreements. Some family law attorneys even specialize in adoption, paternity, emancipation, or other matters not usually related to divorce. The matter of family encompasses so many life aspects. Lawyers in the field, therefore, help all kinds of people facing all kinds of sensitive issues that many people wouldn't immediately assume go under the family law umbrella.

### ***Reasons to Hire a Family Law Attorney***

As it is known that family lawyers represent clients in divorce proceedings and other matters related to divorce. But family law is a relatively broad practice area, including such issues as foster care and

reproductive rights. Since family law matters hit so close to home, having a trusted legal professional by your side can help you ensure your loved ones are properly represented and protected during any legal process.

Family law often intersects with a wide range of other legal practice areas. For example, instances of domestic violence and child abuse typically involve criminal investigations (and may result in arrests and charges). Along with that process, family courts are tasked with determining how to best protect the victims and ensure a relatively safe environment for those involved.

## ***UNIT 15. CIVIL RIGHTS AND LIBERTIES***

It is easy to understand why many people confuse civil rights and civil liberties. While these terms may sometimes be used interchangeably, they have distinct meanings. The attorneys at Swartz Swidler believe that it is important for you to understand the differences between civil liberties and civil rights. In the U.S., people may not be discriminated against on the basis of their protected characteristics in education, employment, access to public facilities, and housing. When people are discriminated against because of their protected characteristics in one of these settings, the discrimination is a violation of their civil rights. Laws that outline civil rights have been established by the federal government through legislation and case law. Civil liberties are basic freedoms and rights that are guaranteed either by the Bill of Rights in the Constitution or by interpretations of those rights by the legislature or courts. Civil liberties in the U.S. include all of the following rights:

### Free speech

- Privacy
- Right to remain silent
- Right to be free from unreasonable searches

- Right to a fair trial
- Right to marry
- Right to vote

So, civil liberties are basic freedoms while civil rights are the basic right to be free from discrimination based on such characteristics as race, disability, color, gender, national origin, and others.

## APPENDIX

### *Appendix A The functions of an attorney-at law.*

#### ՓԱՍՏԱԲԱՆԸ ԵՎ ՆՐԱ ԳՈՐԾՈՒՆԵՈՒԹՅՈՒՆԸ

Փաստաբան է այն անձը, որն ունի իրավաբան բակալավրի կամ իրավաբան դիպլոմավորված մասնագետի որակավորում և ստացել է համապատասխան արտոնագիր՝ փաստաբանական գործունեություն իրականացնելու համար:

Իրավաբանական օգնություն ցույց տալու ժամանակ փաստաբանը՝

1. խորհրդատվություն է տրամադրում իրավական հարցերով ինչպես բանավոր, այնպես էլ գրավոր,

2. կազմում է դիմումներ, բողոքներ, գանգատներ, միջնորդություններ և իրավական բնույթի այլ փաստաթղթեր, ինչպես նաև դրանց նախագծեր,

3. որպես վստահորդի ներկայացուցիչ մասնակցում է քաղաքացիական և վարչական դատավարությանը, մասնակցում է գործի քննությանը Հայաստանի Հանրապետության Սահմանադրական դատարանում,

4. որպես ներկայացուցիչ կամ պաշտպան մասնակցում է քրեական դատավարությանը և վարչական իրավախախտումների գործերով վարույթին,

5. որպես վստահորդի ներկայացուցիչ մասնակցում է գործերի քննությանը արբիտրաժային տրիբունալում կամ վեճեր լուծող այլ մարմիններում,

6. ներկայացնում է վստահորդի շահերը պետական և տեղական ինքնակառավարման մարմիններում, հասարակա-

կան միավորումներում և այլ կազմակերպություններում, օտարերկրյա պետությունների պետական իշխանության մարմիններում, դատարաններում, հետաքննության կամ նախաքննության մարմիններում, միջազգային դատական մարմիններում, օտարերկրյա պետությունների ոչ կառավարական մարմիններում, եթե այլ բան նախատեսված չէ տվյալ երկրի օրենսդրությամբ, միջազգային դատական մարմինների և այլ միջազգային կազմակերպությունների կանոնադրային փաստաթղթերով կամ Հայաստանի Հանրապետության միջազգային պայմանագրերով:

### ***Appendix B. The Code of Conduct for RA Judges***

#### **Դատավորի վարքագծի ընդհանուր կանոնները**

Ցանկացած գործունեություն իրականացնելիս և բոլոր հանգամանքներում դատավորը պարտավոր է.

1. գերծ մնալ դատական իշխանությունը վարկաբեկող, ինչպես նաև դատական իշխանության անկախության և անաչառության վերաբերյալ հանրության վստահությունը նվազեցնող վարքագիծ դրսևորելուց,

2. չօգտագործել կամ թույլ չտալ այլ անձանց օգտագործելու իր՝ դատավորի պաշտոնի հեղինակությունը՝ ի շահ իրեն կամ այլ անձի,

3. դրսևորել քաղաքական գապվածություն և չեզոքություն,

4. գերծ մնալ մեկ այլ դատավորի կողմից արդարադատության իրականացմանը միջամտելուց,

5. գերծ մնալ դատավորի մասնագիտական և անձնական որակները հրապարակայնորեն կասկածի տակ առնելուց,

6. գերծ մնալ դատարանի գործողությունները, դատական ակտերը հրապարակայնորեն կասկածի տակ առնելուց՝ բացառությամբ օրենքով նախատեսված կամ գիտական ազատության շրջանակում իրականացվող մասնագիտական գործունեության դեպքերի,

7. գերծ մնալ որևէ դատարանում քննվող կամ ակնկալվող գործի վերաբերյալ հրապարակայնորեն կարծիք հայտնելուց՝ բացառությամբ այն դեպքերի, երբ դատավորը գործով հանդես է գալիս որպես կողմ կամ կողմի օրինական ներկայացուցիչ,

8. գերծ մնալ այնպիսի հայտարարություն անելուց կամ վարքագիծ դրսևորելուց, որը վտանգում կամ կասկածի տակ է առնում դատավորի կամ դատարանի անկախությունը և անաչառությունը,

9. պահպանել սույն օրենսգրքով սահմանված՝ նվեր ընդունելու սահմանափակումները:

## **CHAPTER 12. RULES OF JUDICIAL CONDUCT**

### ***Article 87. Rules of Judicial Conduct***

1. The rules of judicial conduct prescribed in this chapter are not exhaustive. The General Assembly of Judges may prescribe additional rules of conduct.

2. The rules of judicial conduct shall be binding for all judges.

3. The rules of judicial conduct stipulated by Paragraphs 1 to 6 and Paragraphs 9 and 10 of Article 89, Article 92, Article 93, Paragraphs 1 and 2 of Article 94, Article 95, and Article 96 of this Code shall be binding on all persons included in the list of judge candidates to the extent that they are effectively applicable to such persons.

***Article 88. Purpose of Rules of Conduct and Duty to Follow Them***

1. With his activities and conduct, a judge must aspire to ensure the impartiality and independence of the court, and to contribute to building respect for and confidence in the court. The interpretation and application of the rules of conduct shall facilitate the achievement of this goal.

2. A judge must contribute to instilling high standards of conduct both by personally following such rules and by pursuing compliance by his colleagues.

***Article 89. Conduct of a Person Holding Judicial Office***

1. The requirements of this Article concern the everyday conduct of a judge, both in his official conduct in the court, and outside the court.

2. A judge must respect and abide by the law.

3. In any activity anywhere, a judge must avoid conduct that undermines the reputation of the judiciary or is inappropriate, and must also avoid leaving the impression of such conduct.

4. A judge must not allow his family, social, or other relationship to influence his exercise of powers in court in any way.

5. A judge must not give the impression that another person can influence the judge by virtue of his family, social, official, or other capacity.

6. A judge must not use the reputation of judicial office for his or another person's benefit.

7. A judge may not issue a personal guarantee under the Criminal Procedure Code in favor of any person.

8. A judge may not issue a description of anyone's personal characteristics in the framework of any civil, administrative, or criminal proceedings, other than cases in which the judge does so in a judicial act.



9. A judge may not be a member of organizations that instill animosity and discrimination on the ground of race, sex, ethnic origin, faith, or other feature, or of organizations that carry out activities forbidden by law. Membership in religious organizations or fellow countrymen's unions per se is not considered a breach of this provision.

10. A judge may not in any way take part in fundraising for social, charitable, cultural, educational, or other projects of public benefit. Furthermore, a judge may not allow the reputation of his office to be used for such purpose. This provision does not limit the judge's right to make donations to such projects.

11. A judge has the right to propose to grant-making organizations to allocate funds to projects related to law, legislation, and the administration of justice, provided that the judge's court is not at such time examining or reasonably anticipating a case connected with the interests of such organization.

## **APPENDIX C**

### **A SAMPLE SUMMARY ON THE JUDICIAL BRANCH**

The judicial branch is in charge of deciding the meaning of laws, how to apply them to real situations, and whether a law breaks the rules of the Constitution. The Constitution is the highest law of our Nation. The U.S. *Supreme Court*, the highest court in the United States, is part of the judicial branch. The Supreme Court is made up of 9 judges called *justices* who are nominated by the President and confirmed by the Senate. The justices hear cases that have made their way up through the court system.

The main task of the Supreme Court is to decide cases that may differ from the U.S. Constitution. Once the Supreme Court makes a decision in a case, it can only be changed by a later Supreme Court decision or by changing or *amending* the Constitution. This is a very important power that can affect the lives of many people.

**APPENDIX D**  
**CRIMINAL CODE OF THE REPUBLIC OF ARMENIA**

***Article 19. Types of crime.***

1. Crimes are categorized, by nature and degree of social danger, as not very grave, medium gravity, grave and particularly grave.

2. The willful acts, for the committal of which this Code envisages maximal imprisonment of two years, or for which a punishment not related to imprisonment is envisaged, as well as acts committed through negligence, for which this Code envisages a punishment not exceeding three years of imprisonment, are considered not very grave crimes.

3. Medium-gravity crimes are those willful acts for which this Code envisages a maximal punishment not exceeding five years of imprisonment, and the acts committed through negligence, for which this Code envisages a maximal punishment not exceeding ten years of imprisonment.

4. Grave crimes are those willful acts for which this Code envisages a maximal punishment not exceeding ten years of imprisonment.

***Article 28. Types of guilt.***

1. The guilt is manifested willfully or through negligence.

2. An action committed through negligence is a crime if it is particularly envisaged in the Special Part of this Code.

***Article 29. Committal of willful crime.***

1. A willful crime can be manifested in direct or indirect willfulness.

2. A crime is considered directly willful if the person understood the danger of his action (inaction) for the society, had foreseen the dangerous consequences for the society and desired the emergence of these consequences.

3. A crime is considered indirectly willful if the person understood the danger of his action (inaction) for the society, had foreseen the dangerous consequences for the society, did not desire the emergence of these consequences but knowingly allowed them to take place.

4. If the law does not link the criminal liability for the accomplished criminal act to the emergence of certain consequences, the crime is considered willfully committed, if the person who committed it understood the danger of his actions for the society and was willing to commit it.

5. For the aggravating circumstances of the willful crime, the person is subject to criminal liability, if the latter understood these circumstances.

***Article 30. Committal of negligent crime.***

1. A crime committed through negligence can be manifested through self-confidence or carelessness.

2. A crime is considered committed through self-confidence, if the person had foreseen the possible dangerous nature of one's action (inaction) for the society, but without sufficient grounds self-confidently hoped that these consequences will be prevented.

3. A crime is considered committed through carelessness, if the person had not foreseen the possible dangerous nature of one's action (inaction) for the society, although in the given circumstances he was obliged and was able to foresee them.

**Crimes against man. Chapter 16. Crimes against life and health.**

***Article 104. Murder***

1. Murder is illegal willful deprivation of one's life punished with imprisonment for 6 to 12 years.

2. Murder:

1) of 2 or more persons, 2) of the person of close relative of the latter, due to service and public duty of the person; 3) combined with kidnapping or taking hostage; 4) pregnant woman; 5) with particular cruelty; 6) committed in a way dangerous for the life of many people; 7) by a group of people or by an organized group; 8) out of mercenary motives and combined with extortion and banditry; 9) combined with terrorism; 10) out of hooliganism; 11) to conceal another crime or to facilitate the committal of the latter; 12) combined with rape or violent sexual actions; 13) out of motives of national, race or religious hate or fanaticism; 14) for the purpose of utilization of the parts of the body or tissues of the victim; 15) by a person who previously committed a murder, except actions envisaged in Articles 105-108 of this Code, is punished with 8-15 years of imprisonment or for life.

***Article 158. Breach of copyright and adjacent rights.***

1. Illegal use of the object of copyright and adjacent rights or appropriation of authorship, if these actions caused large loss, is punished with a fine in the amount of 200 to 400 minimal salary, or correctional labor for up to 1 year, or with imprisonment for the term of up to 2 years.

2. By large loss, this Article means an amount (value) exceeding 500 minimal salaries at the moment of crime committal.

***Article 176. Robbery.***

1. Robbery, i.e. overt theft of somebody's property, is punished with correctional labor for 1-2 years, or arrest for the term of 2 months, or with imprisonment for the term of up to 3 years.

2. Robbery committed: 1) by a group with prior agreement; 2) in large amount; 3) by illegal entering an apartment, warehouse or facility, 4) was accompanied with violence not dangerous for life or health, or threat of violence, 5) by a person who committed crimes envisaged in Articles 175-182, 234, 238, 269 of this Code, is punished

with imprisonment for the term of 3 to 6 years and with a fine for the amount of 50-fold minimal salaries.

3. Robbery committed: 1) in particularly large amount; 2) by an organized group; 3) repeatedly; 4) committed by a person with two or more convictions for crimes envisaged in Articles 175-182, 222, 234, 238, 269 of this Code, is punished with imprisonment for the term of 4 to 8 years, with or without confiscation of property.

***Article 177. Theft.***

1. Theft, i.e. clandestine appropriation of somebody's property in significant amounts, is punished with a fine in the amount of 100 to 400 minimal salaries, or correctional labor for 1-2 years, or arrest for the term of 1 to 2 months, or with imprisonment for the term of up to 2 years.

2. Theft committed: 1) by a group with prior agreement; 2) in large amounts, 3) by illegal entering into an apartment, warehouse or facility, 4) repeatedly, 5) by a person who committed crimes envisaged in Articles 175-182, 234, 238, 269 of this Code, is punished with a fine in the amount of 200 to 600 minimal salaries, or with imprisonment for the term of 2 to 6 years and with a fine in the amount of up to 50 minimal salaries or without that.

3. Theft committed: 1) in particularly large amount; 2) by an organized group; 3) committed by a person with two or more convictions for crimes envisaged in Articles 175-182, 222, 234, 238, 269 of this Code, is punished with imprisonment for the term of 4 to 8 years, with or without confiscation of property.

4. Petty theft from the person's clothes, bag or other handbags, is punished with a fine in the amount of 200 minimal salary, or with arrest for the term of up to 3 months.

***Article 178. Swindling.***

1. Swindling, i.e. theft in significant amount or appropriation of somebody's property rights by cheating or abuse of confidence, is

punished with a fine in the amount of 300 to 500 minimal salaries, or correctional labor for 1-2 years, or with arrest for the term of up to 2 months, or with imprisonment for the term of up to 2 years.

2. The same action committed 1) by a group with prior agreement, 2) in large amounts; 3) repeatedly, 4) committed by a person convicted for crimes envisaged in Articles 175-182, 234, 238, 269 of this Code, is punished with a fine in the amount of 400 to 700 minimal salaries, or with imprisonment for the term of 2 to 6 years and with or without a fine for the amount of 50 minimal salaries.

3. Swindling committed: 1) in particularly large amount; 2) by an organized group, 3) committed by a person with two or more convictions for crimes envisaged in Articles 175-182, 222, 234, 238, 269 of this Code, is punished with imprisonment for the term of 4 to 8 years, with or without property confiscation.

***Article 179. Squandering or embezzlement.***

1. Squandering or embezzlement is theft of somebody's property entrusted to the person in significant amount, punished with a fine in the amount of 300 to 500 minimal salaries, or correctional labor for 6 months to 1 year, or with arrest for the term of up to 2 months, or with imprisonment for the term of up to 2 years.

2. Same actions: 1) with abuse of official position, 2) committed by a group with prior agreement; 3) in large amount, 4) repeatedly, 5) committed by a person who committed crimes envisaged in Articles 175-182, 234, 238, 269 of this Code, are punished with a fine in the amount of 400 to 700 minimal salaries, or imprisonment for 2-4 years, with or without deprivation of the right to hold certain posts or practice certain activities for up to 3 years.

3. Action envisaged in part 1 or 2 of this Article, committed: 1) in particularly large amount; 2) by an organized group, 3) committed by a person with two or more convictions for crimes envisaged in Articles 175-182, 222, 234, 238, 269 of this Code, is punished with

imprisonment for the term of 4 to 8 years, with or without property confiscation.

***Article 200. Commercial bribe.***

1. Illegal offer of cash, securities, other property or property services to the administrative employee of a commercial or other organization, intermediary judge, auditor or lawyer, related to the posts of these persons to act (not act) in favor of the briber, is punished with a fine in the amount of 200 to 400 minimal salaries, or with deprivation of the right to hold certain posts or practice certain activities for up to 2 years, or correctional labor for up to 1 year.

2. The same actions committed by a group with prior agreement or by an organized group, are punished with a fine in the amount of 300 to 500 minimal salaries, or correctional labor for up to 2 years, or with imprisonment for the term of 4 years.

3. Accepting cash, securities or other property by the administrative employee of a commercial or other organization, intermediary judge, auditor or lawyer, related to the posts of these persons, in order to act (not act) in favor of the briber, is punished with a fine in the amount of 200 to 400 minimal salaries, or with deprivation of the right to hold certain posts or practice certain activities for up to 3 years, or correctional labor for the term of up to 2 years, or with imprisonment for the term of 3 years.

4. The action envisaged in part 3 of this Article, committed by extortion, is punished with a fine in the amount of 300 to 500 minimal salaries, or with deprivation of the right to hold certain posts or practice certain activities for up to 5 years, or with imprisonment for the term of 5 years.

5. The employee of a commercial or other organization, according to this Article, is a person who permanently, temporarily or with special authorization, performs managerial functions at the commercial organization, regardless of form of ownership, as well as, in non-commercial organizations which are not state or local self-

government bodies, state or local self-government institutions. Persons guilty of crimes envisaged in this Article are exempted from punishment, if they voluntarily informed the body entitled to initiate a criminal case about the committed crime, and at the same time returned what they received or compensated its value.

***Article 206. Evasion from taxes by a citizen.***

1. Failure to submit a property and income declaration by a citizen, when mandatory, as well as, entering obviously distorted data on incomes and expenses into the declaration, which caused large loss of taxes, is punished with a fine in the amount of 100 to 500 minimal salaries, or with arrest for the term of up to 2 months.

2. In this Article, large amount means the amount (value) exceeding 200 minimal salaries.

***Article 215. Contraband.***

1. Contraband is transportation of goods, cultural or other items through the customs border of the Republic of Armenia bypassing customs supervision or concealing them, or by deceptive use of customs or other documents, if they were committed in large amounts, except goods and items envisaged in part 2 of this Article, is punished with a fine in the amount of 500-1000 minimal salaries, or imprisonment for the term of up to 5 years.

2. Contraband of narcotic drugs, neurological, strong, poisonous, poisoning, radioactive or explosive materials, weapons, explosive devices, ammunition, fire-arms, except smoothbore long barrel hunting guns, nuclear, chemical, biological or other mass destruction weapons, or dual-use materials, devices, or technologies which can also be used for the creation or use of mass destruction weapons or missile delivery systems thereof, strategic raw materials or cultural values for the transportation of which special rules are established, is punished with imprisonment for the term of 4 to 8 years, with or without property confiscation.



3. Actions envisaged in parts 1 or 2 of this Article committed: 1) by an official abusing one's official position; 2) by a person exempted from certain types of customs control, or by a person authorized to transport certain goods or means of transportation, exempted from customs control, 3) by using violence against a person in charge of customs control, is punished with imprisonment for the term of 6 to 10 years, with or without property confiscation.

4. Actions envisaged in parts 1, 2 or 3 of this Article, which were committed by an organized group, is punished with imprisonment for the term of 8 to 12 years with or without property confiscation.

5. The action envisaged in part 1 of this Article is considered to be committed in large amount, if the value of transported goods or items exceeds the 2000 amount of minimal salaries.

## **APPENDIX E**

### *A sample summary on Supreme Court Justices*

There are nine Supreme Court Justices. Supreme Court justices have an important job. Justices hear cases about constitutional rights. Their decisions can affect all U.S. citizens. One of the nine justices is The Chief Justice. The President appoints someone to be a justice. The Senate must approve the President's choice. Supreme Court justices have the position until they die or retire. If justices do something wrong, the Congress can impeach them. But this does not happen often.

## **APPENDIX F**

### **STAGES OF A CRIMINAL TRIAL**

The trial is perhaps the best-known part of the **criminal process**, but it is only one of many **stages of a criminal case**. Very few criminal cases ever go to trial. Prosecutors and defendants frequently

reach plea agreements, by which the state might agree to reduce the charge to a lesser offense in exchange for a guilty plea. Trials must follow certain procedures that are intended to maximize the court system's efficiency while protecting defendants' rights.

### **Voir Dire**

Defendants have the right to a trial by jury in many criminal cases, including all trials in the federal criminal system. A jury is usually empaneled just before the beginning of trial. The process of interviewing prospective jurors is known as voir dire.

### **For Cause**

A prospective juror may be dismissed for cause if their answers during voir dire demonstrate that they may not be fair and impartial. Challenges for cause are not easily won. Both the prosecutor and the defense may ask prospective jurors questions in order to identify possible biases or conflicts of interest. Each side may ask the court to strike prospective jurors for cause. They each have a limited number of "peremptory challenges," which they may use to strike potential jurors without identifying a reason, although they may not use a peremptory challenge based solely on a group characteristic like race, gender, or ethnicity. See *Batson v. Kentucky*, 476 U.S. 79 (1986).

### **Opening Statements**

Once a jury is empaneled, each side may present opening statements summarizing the case that it intends to present.

### **Prosecution Evidence and Witnesses**

The state presents its case first. It has the burden of proving the defendant's guilt, including all of the elements of the indicted offense or offenses, beyond a reasonable doubt. It can call witnesses and offer other evidence in order to meet its burden of proof. Prior to trial, the court may have suppressed evidence obtained in violation of the defendant's rights under the **exclusionary rule**, or it may have ordered

the parties to exclude certain evidence based on a party's motion in limine.

### **Motion for Directed Verdict**

At the close of the state's case, a defendant can move for a directed verdict or a **judgment of acquittal**, which asks the court to rule that the evidence presented by the state is "insufficient to sustain a conviction." Most courts are limited in their discretion to grant motions like this. See *Carlisle v. United States*, 517 U.S. 416 (1996).

### **Defense Evidence and Witnesses**

The defendant may present evidence and call witnesses to rebut the state's case. The defendant is not obligated to testify, nor may the state call him or her as a witness due to the Fifth Amendment's privilege against **self-incrimination**.

Since prosecutors have the burden of proving guilt, a defendant does not have to prove innocence. A defendant does, however, have the burden of proof for certain affirmative defenses, such as self-defense, entrapment, or insanity.

### **Closing Arguments**

Each side may make closing arguments once it has finished presenting evidence. The arguments summarize their cases and identify flaws in the opponent's arguments or evidence.

### **Jury Charge**

The judge issues instructions to the jury, known as the jury charge, including questions related to the elements of the charged offense. Both the state and the defendant can submit proposed jury charges to the court.

### **Jury Instructions**

Jury instructions are commonly drawn from federal or state pattern jury instructions. Often, each side will revise the pattern instructions for the judge's consideration, but they may also draft their

own. Jury instructions are especially important on appeal, when errors may result in an overturned conviction.

### **Jury Deliberations and Verdict**

The jury retires to deliberate over the evidence. In some cases, jurors are sequestered during the deliberation period, but usually they are simply instructed not to discuss the case with anyone. If the jurors cannot reach a unanimous verdict, the judge may declare a mistrial.

## **APPENDIX G MOCK TRIAL SCRIPT THE CASE OF A STOLEN CAR**

### **INSTRUCTIONS**

- Time: Allow approximately 1 1/2 hours to complete the trial, including the jury deliberation

- Room set up: Set up like a court room;  
<http://www.factmonster.com/ipka/A0769420.html>

Materials needed: Table tents or name tags with name of each role; a set of car keys; a verdict form (see attached)

- Roles:

Judge

District Attorney

Public Defender

Clerk

Deputy District Attorney

Guide

Car owner

Court Reporter

Police Officer

Expert

Defendant

Jurors (all those who are not assigned one of the above roles is a juror)

### ***MOCK TRIAL SCRIPT***

**Bailiff:** *All rise. [Wait for everyone-except the judge- to stand.]  
Department One of the Superior Court is now in session.*

**Judge** (first name) *presiding. Please be seated.*

**Judge:** *Good morning, ladies and gentlemen. Calling the case of the People of the State of California versus (defendant's first name). Are both sides ready?*

**District Attorney:** *Ready for the People, Your Honor.*

**Public Defender:** *Ready for the defense, Your Honor.*

**Judge:** *Will the clerk please swear in the jury?*

**Clerk:** *Will the jury please stand and raise your right hand? [Wait for everyone to stand.] Do each of you swear that you will fairly try the case before this court, and that you will return a true verdict according to the evidence and the instructions of the court, so help you, God? Please say "I do". [Wait for jurors to say "I do."] You may be seated.*

**[Guide:** *The first thing that happens in a trial is called opening statements. This is when each attorney can tell the jury what evidence they will present during the trial. The deputy DA goes first and the Public Defender goes next.]*

**Deputy DA:** *[Stand up and talk to the jury.] Your Honor and ladies and gentlemen of the jury: the defendant has been charged with the crime of driving or taking a car belonging to someone else, without the permission of the owner. The evidence will show that a 2004 Corvette was stolen on the night of February 8th. The next day the defendant was arrested driving the stolen car. The defendant's fingerprints were on the keys used to steal the car. The evidence I present will prove to you that the defendant is guilty as charged.*

**Public Defender:** *[Stand up and talk to the jury.] Your Honor and ladies and gentlemen of the jury: under the law my client is presumed innocent until proven guilty. During this trial, you will hear no real evidence against my client. You will come to know the truth: that (defendant's first name) was just riding in a car stolen by someone else. After finding out that the car was stolen, (defendant's first name) was just trying to do the right thing by returning the car to its owner. Therefore my client is not guilty.*

**[Guide:** *After the opening statements, witnesses are called to testify about what they know about the case. Sometimes the attorneys want to show physical things—like a weapon or a photograph—to the jury. These things are called exhibits. The jury may only consider an exhibit if the judge admits the exhibit into evidence when they meet to decide if the defendant is guilty or not guilty.]*

**Judge:** *The prosecution may call its first witness.*

**Deputy DA:** *The People call the owner of the car.*

**[Bailiff** *takes the witness to the witness stand.]*

**Clerk:** *Please stand. Raise your right hand. Do you promise that the testimony you shall give in the case before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?*

**Car Owner:** *I do.*

**Clerk:** *Please state your first and last name.*

**Car Owner:** *[Give your first and last name.]*

**Clerk:** *You may be seated.*

**Reporter:** *Please spell your last name for the record.*

**Deputy DA:** *[Stand up.] (first name of car owner), where do you work?*

**Car Owner:** *I own Martinez Car Sales.*

**Deputy DA:** *What is the address of your business?*

**Car Owner:** *102 Main Street, Martinez.*

**Deputy DA:** *Were you working there on February 8th?*

**Car Owner:** *Yes, I was.*

**Deputy DA:** Was one of the cars you had for sale a 2004 red Corvette license number 5CBX239?

**Car Owner:** Yes.

**Deputy DA:** Did you see the car on the lot on February 8th?

**Car Owner:** Yes. The car was there when we closed that night.

**Deputy DA:** Did you see the car again on February 9th?

**Car Owner:** No. It was missing when I got to work that morning.

**Deputy DA:** Where were the keys to the Corvette when you left on February 8th?

**Car Owner:** They were locked in the sales office.

**Deputy DA:** Where were the keys when you came back the next morning?

**Car Owner:** They were still locked in the sales office.

**Deputy DA:** Did you file a stolen car report with the police?

**Car Owner:** Yes, I did.

**Deputy DA:** Had you given anyone, including the defendant, permission to take or drive the Corvette?

**Car Owner:** No, I did not.

**Deputy DA:** Thank you, I have no further questions.

**Judge:** Does the defense have any questions?

**Public Defender:** Not at this time, Your Honor.

**Judge:** The witness is excused. [Wait for the witness to leave the stand.] The prosecution may call the next witness.

**Deputy DA:** The People call the arresting officer.

[Bailiff takes the witness to the witness stand.]

**Clerk:** Please stand. Raise your right hand. Do you promise that the testimony you shall give in the case before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?

**Officer:** I do.

**Clerk:** Please state your first and last name.

**Officer:** [Give your first and last name.]

**Clerk:** You may be seated.

**Reporter:** Please spell your last name for the record.

**Deputy DA:** *[Stand up.]*

**Officer,** *where do you work?*

**Officer:** *I have worked for the California Highway Patrol for the past ten years.*

**Deputy DA:** *Were you on duty on the afternoon of February 9th?*

**Officer:** *Yes. I was patrolling the freeway between San Ramon and Martinez.*

**Deputy DA:** *Did you observe a red 2004 Corvette that afternoon?*

**Officer:** *Yes, I did.*

**Deputy DA:** *What was the license number?*

**Officer:** *5CBX239.*

**Deputy DA:** *Where did you first see the car?*

**Officer:** *Going north, near the exit to Highway 4.*

**Deputy DA:** *Why did you notice the car?*

**Officer:** *It fit the description of a car which was on our list of stolen vehicles.*

**Deputy DA:** *Did you stop the Corvette?*

**Officer:** *Yes. I turned on my lights and siren and pulled the car over.*

**Deputy DA:** *Where did you stop the car?*

**Officer:** *About half a mile before the downtown Martinez exit.*

**Deputy DA:** *What did you do after the car stopped?*

**Officer:** *I ordered the driver to step out and I arrested [him/her.]*

**Deputy DA:** *Do you see the driver here in court?*

**Officer:** *Yes, the record will show that the witness has identified the defendant sitting at the defense table [Point to defendant.]*

**Deputy DA:** *After you arrested the defendant, did you search the car?*

**Officer:** *Yes.*

**Deputy DA:** *What did you find?*

**Officer:** *I found a set of keys in the ignition.*



**Deputy DA:** *[Bring the script and keys with you. Show the keys to the witness.] Are these the keys you found?*

**Officer:** *[Look at keys.] Yes.*

**Deputy DA:** *Your Honor, I would like to have these keys marked as people's exhibit number one and ask that they be admitted into evidence. [Give keys to clerk who will pretend to put a sticker on them and hand them back.]*

**Judge:** *Does the defense have any objection?*

**Public Defender:** *No, Your Honor.*

**Judge:** *The keys will be admitted as People's exhibit number one.*

**Deputy DA:** *Officer, was there anything unusual about these keys?*

**Officer:** *Yes. Based on my experience as a highway patrol officer, they looked like shaved master keys.*

**Deputy DA:** *Can you please tell the jury what shaved master keys are?*

**Officer:** *Yes. They are keys that have been filed down so that they will start all models of a type of car. They are used as tools to steal cars*

**Deputy DA:** *I have no further questions.*

**Judge:** *Does the defense wish to ask any questions?*

**Public Defender:** *[Stand up.] Yes, Your Honor.*

**Public Defender:** *Officer, when you pulled the car over, you ordered my client to turn off the ignition, didn't you?*

**Officer:** *Yes, I did.*

**Public Defender:** *So you saw the defendant touch the keys?*

**Officer:** *Yes.*

**Public Defender:** *Do you know how far Martinez Car Sales is from the downtown Martinez freeway exit?*

**Officer:** *Yes, it's about half a mile from there.*

**Public Defender:** *Thank you. I have no further questions.*

**Judge:** *The witness is excused. [Wait for the witness to leave the stand.] Does the prosecution have any other witnesses?*

**Deputy DA:** Yes, Your Honor. The People call the fingerprint examiner.

*[Bailiff takes the witness to the witness stand.]*

**Clerk:** Please stand. Raise your right hand. Do you promise that the testimony you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?

**Expert:** I do.

**Clerk:** Please state your first and last name..

**Expert:** *[Give your first and last name.]*

**Clerk:** You may be seated.

**Reporter:** Please spell your last name for the record.

**Deputy DA:** *[Stand up.]* (first name), where do you work?

**Expert:** I am employed by the Contra Costa County Sheriff's Department. I have been a qualified fingerprint examiner for 10 years.

**Deputy DA:** *[Take script and keys to the witness stand and show witness the keys.]* Have you ever seen these keys before?

**Expert:** *[Look at keys.]* Yes. I was asked to check them for fingerprints at my lab.

**Deputy DA:** Did you find any fingerprints on the keys as a result of your testing? **Expert:** Yes. There were several clear print impressions.

**Deputy DA:** Were you able to identify the defendant's prints on the keys?

**Expert:** Yes. The prints I found on two of the keys were identical to the fingerprints taken from the defendant.

**Deputy DA:** Thank you. I have no further questions and no other witnesses, Your Honor.

**Judge:** Does the defense have any questions?

**Public Defender:** *[Stand up.]* Yes, Your Honor. (first name of expert), as a matter of fact, you also found fingerprints on the keys which did not belong to the defendant, didn't you?

**Expert:** That is correct.

**Public Defender:** To whom do they belong?

**Expert:** *I don't know.*

**Public Defender:** *Thank you. I have no further questions.*

**Judge:** *The witness is excused. [Wait for the witness to leave the stand.]*

**Deputy DA:** *Your Honor, the People rest their case.*

**Judge:** *Is the defense ready with its case?*

**Public Defender:** *Yes, Your Honor. I call the defendant.*

*[Bailiff takes the defendant to the witness stand.]*

**[Guide:** *Under the Bill of Rights, a person who is accused of a crime cannot be forced to testify at their own criminal trial.*

**ONLY FOR EIGHTH GRADERS:** *The judge would have told the jury that the defendant has the right not to testify, that the prosecution cannot make any comment about it if the defendant doesn't testify and the jury cannot hold it against the defendant.*

**FOR EVERYONE:** *In our trial today, the defendant has decided to testify. The prosecution cannot force the defendant to testify. If the defendant chooses to testify, the prosecution is allowed to question the defendant.]*

**Clerk:** *Please stand. Raise your right hand. Do you promise that the testimony you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?*

**Defendant:** *I do.*

**Clerk:** *Please state your name.*

**Defendant:** *[Give your first and last name.]*

**Clerk:** *You may be seated.*

**Reporter:** *Please spell your last name for the record.*

**Public Defender:** *(first name of defendant), where were you on the afternoon of February 9?*

**Defendant:** *I was at the 7-11 Store on South Main Street in Walnut Creek.*

**Public Defender:** *Did you see a 2004 red Corvette at that location?*

**Defendant:** *Yes. A guy pulled into the parking lot driving it.*

**Public Defender:** Did you talk to the driver?  
**Defendant:** Yes, I asked him how fast it was.  
**Public Defender:** What did he say?  
**Defendant:** He said to get in the car and he would show me.  
**Public Defender:** What did you do then?  
**Defendant:** I got in the car and he drove onto the freeway going south toward Danville. He was driving really fast.  
**Public Defender:** Do you know what the driver's name was?  
**Defendant:** Yes. He told me his name was Rick.  
**Public Defender:** What was his last name?  
**Defendant:** I don't know. He never told me.  
**Public Defender:** Had you ever met him before?  
**Defendant:** No.  
**Public Defender:** Did he tell you where he got the car?  
**Defendant:** He said he had stolen the car.  
**Public Defender:** When did he tell you that?  
**Defendant:** When we were on the freeway.  
**Public Defender:** How far did you ride with him?  
**Defendant:** To San Ramon. He didn't stop before then.  
**Public Defender:** What happened when you reached San Ramon?  
**Defendant:** He said he was getting out and I could have the car.  
**Public Defender:** Did you take the car at that time?  
**Defendant:** Yes.  
**Public Defender:** Where did you go?  
**Defendant:** I started to drive to Martinez so I could return the car.  
**Public Defender:** How did you know where to return it?  
**Defendant:** Rick told me he took it from a car lot in Martinez.  
**Public Defender:** Where were you when the officer arrested you?  
**Defendant:** On the freeway, just before the exit to downtown Martinez.

**Public Defender:** [Take keys up to the stand and show them to the defendant.] Do these keys belong to you?

**Defendant:** [Look at keys.] No.

**Public Defender:** Have you ever seen them before?

**Defendant:** Yes. They were in the Corvette.

**Public Defender:** Did you touch them?

**Defendant:** Yes, when I turned the car off after the officer stopped me.

**Public Defender:** Thank you, (name of defendant). I have no further questions and no other witnesses, Your Honor.

**Judge:** Does the prosecution have any questions?

**Deputy DA:** [Stand up.] Yes, Your Honor. (name of defendant), what did this "Rick" look like?

**Defendant:** I don't remember exactly. He had dark hair.

**Deputy DA:** What kind of clothes was he wearing?

**Defendant:** I'm not sure. Jeans, I think, and a t-shirt.

**Deputy DA:** So you just got into this car with someone that you didn't know and had never even seen before?

**Defendant:** Yes. I had never been in a Corvette before.

**Deputy DA:** Did it occur to you at any time to call the police?

**Defendant:** Sure. But there wasn't a phone where we stopped, and I don't have a cell phone. Once I started back, I just kept driving.

**Deputy DA:** You wanted to drive the Corvette because it was a fast car, didn't you?

**Defendant:** I guess so.

**Deputy DA:** You knew the car was stolen at the time you were driving it, didn't you?

**Defendant:** Yes.

**Deputy DA:** Thank you. I have no further questions.

**Judge:** The witness is excused. [Wait for defendant to leave the stand.] Does the defense rest?

**Public Defender:** [Stand up.] Yes, Your Honor.

*[Guide: [To the jury] All of the evidence has now been presented. At this time, the judge will tell you the law you must apply in what are called jury instructions. Listen very carefully to the three things the judge will tell you that the prosecution must prove.]*

**Judge:** *Ladies and gentlemen of the jury, I am now going to read to you the law that you must follow in deciding this case.*

*To prove the crime charged against the defendant, the prosecution must prove three things to you:*

**First,** *that the defendant drove or took a car belonging to someone else;*

**Second,** *that the owner did not give the defendant permission to drive or take the car; and*

**Third,** *that the defendant intended to take away the owner's right to have the car, either permanently or temporarily.*

*If each of you believes that the prosecution proved all three of these things beyond a reasonable doubt, then you should find the defendant guilty. But if you believe the prosecution did not prove any one of these things beyond a reasonable doubt, then you must find the defendant not guilty.*

*Proof beyond a reasonable doubt does not mean beyond all possible doubt. It means that you must consider all of the evidence and that you are very sure that the charge is true.*

**Judge:** *Are you ready with final arguments?*

**Deputy DA:** *Yes, Your Honor.*

**Public Defender:** *Yes, Your Honor.*

*[Guide: [To the jury] The final arguments are the attorneys' last chance to talk to the jury about the evidence and to try to convince you to see the case the way they do.*

**Deputy DA:** *[Stand up and face the jury.] Your Honor, and ladies and gentlemen of the jury: The judge has told you that we must prove three things. There is absolutely no question about the first two things we must prove. First, the defendant was arrested driving a car belonging to the owner of Martinez Car Sales. Second, the owner*

*testified that no one, including the defendant, had permission to drive or take the Corvette. Therefore, all we have to prove is that the defendant drove the car and intended to keep it away from the owner for at least a little while. The defendant admitted wanting to drive the Corvette because it was fast. The defendant knew the car was stolen, and says that [he/she] even thought about calling the police before driving it. But the defendant didn't even try to walk to a telephone instead of driving the car and didn't even try to stop anywhere between San Ramon and Martinez to call the police. That shows that the defendant intended to keep the car for at least a little while. According to what the judge just told you, that is all we have to prove. Based on the evidence, you must find the defendant guilty.*

**Public Defender:** *[Stand up and face the jury.] Your Honor, ladies and gentlemen of the jury: (name of defendant) was unlucky to get into a car with a man who had stolen that car. [He/she] got into the car because [he/she] had never been in a Corvette before. My client's fingerprints were found on the keys because [he/she] had to touch them when the officer pulled the car over. But the prosecution's own expert told you that other fingerprints were found on those keys that could not be identified. I suggest to you that they belong to the real thief: Rick. (name of defendant) is an honest person and was only trying to return the car to its owner. If [he/she] had meant to keep the car, why would [he/she] drive it back to Martinez? Remember that under the law my client is presumed to be innocent. The prosecution must prove every part of its case beyond a reasonable doubt – that means that you must be very sure. One of the things they must prove is that my client intended to keep the car from the owner. My client is the only person who knows what [he/she] intended, and testified under oath that [he/she] wasn't trying to keep the car from the owner, but was trying to return it. The prosecution has presented no real evidence to you to show that this is not true. That means that there is a reasonable doubt and, therefore, you must find [him/her] not guilty.*

*[Guide: [To the jury] The next step in the trial is when the jury decides whether the defendant is guilty or not guilty. Remember, “not guilty” is not the same thing as “innocent.” If all 12 jurors are unanimous in their decision, this is the jury’s verdict.*

*You have heard several witnesses testify, including the defendant. It is up to each of you to decide if you believe a witness was telling the truth or not. You should consider how the witness behaved on the stand and use your own common sense in deciding whether or not a witness was telling the truth.*

*Remember that it is up to the prosecution to prove the defendant is guilty. The defense does not have to prove the defendant is innocent; if the prosecution has not proven its case, then the defendant is not guilty. Also, remember that you can only say the defendant is guilty if the prosecution has proven all three of the things the judge told you beyond a reasonable doubt. As the judge told you, beyond a reasonable doubt means that you must be very sure. That means that you will still be sure tomorrow or next week or next year. It does not mean any doubt you can think up in your imagination.*

*We won’t have you leave the room right now but we will quickly pick a jury foreperson and give the jury a few minutes to see if they can reach a verdict. [Give pencil and copy of the instructions to foreperson to record verdict. OPTION: Lead the jury through the first two elements of the jury instructions. Let them work on the third element on their own to see if they can come to a verdict.]*

**Judge:** *Will the jury foreperson please stand? Has the jury reached a unanimous verdict?*

**Foreperson:** *(Answer yes or no)*

*[Guide: [If the answer is yes] If the jury has reached a verdict, the clerk will get the verdict form from the foreperson and hand it to the judge. The judge will read it silently before handing it back to the clerk for the reading of the verdict. [After verdict is read, explain hung jurysee below]*

**Clerk:** *The jury finds the defendant [guilty/not guilty.]*



*[Guide: [If the answer is no] If the jury cannot reach a verdict, this is a hung jury. The judge might send the jury back to talk more and see if they can reach a unanimous decision. If they cannot, the judge would declare a mistrial and the District Attorney's office would decide if they want to have another trial in the case.*

*If the verdict is guilty, the defendant would come back to court on another day to find out what the punishment would be. If the verdict is not guilty, the defendant would be free to go home and would not have to come back to court any more for this case.*

***Judge:** The jury is thanked and excused. Court is adjourned.*

*[Guide: This concludes our mock trial in Superior Court. We thank all of you for coming today and for taking part in our program. [Give the teacher the verdict form.]*

## **APPENDIX H**

### **DIFFERENT TYPES OF CRIMES**

A crime is defined as any act that is contrary to legal code or laws. In other words, crime and legality are social constructs that are fluid and change over time. There are many different types of crimes, from crimes against persons to victimless crimes and violent crimes to white collar crimes. The study of crime and deviance is a large subfield within sociology, with much attention paid to who commits which types of crimes and why.

#### **Crimes Against Persons**

Crimes against persons also called personal crimes, include murder, aggravated assault, rape, and robbery. Personal crimes are unevenly distributed in the United States, with young, urban, poor, non-white, and other historically marginalized groups both more often affected by these crimes and arrested for them than white, middle- and upper-class people are.

## **Crimes Against Property**

Property crimes involve the theft of property without bodily harm, such as burglary, larceny, auto theft, and arson. Like personal crimes, members of historically marginalized groups are arrested for these crimes more than others.

## **Hate Crimes**

Hate crimes are crimes against persons or property that are committed while invoking prejudices of race, gender or gender identity, religion, disability, sexual orientation, or ethnicity. The rate of hate crimes in the U.S. remains fairly constant from year to year, but there have been a few events that have caused surges in hate crimes. In 2016, the election of Donald Trump was followed by an uptick in hate crimes.

## **Crimes Against Morality**

Crimes against morality are also called victimless crimes because there is no complainant or victim. Prostitution, illegal gambling, and illegal drug use are all examples of victimless crimes.

## **White-Collar Crime**

White-collar crimes are crimes committed by people of high social status who commit their crimes in the context of their occupation. This includes embezzling (stealing money from one's employer), insider trading, tax evasion, and other violations of income tax laws.

White-collar crimes generally generate less concern in the public mind than other types of crime, however, in terms of total dollars, white-collar crimes are even more consequential for society. For example, the Great Recession can be understood as in part the result of a variety of white-collar crimes committed within the home mortgage industry. Nonetheless, these crimes are generally the least investigated and least prosecuted because they are protected by a combination of privileges of race, class, and gender.

## **Organized Crime**

Organized crime is committed by structured groups typically involving the distribution and sale of illegal goods and services. Many people think of the Mafia when they think of organized crime, but the term can refer to any group that exercises control over large illegal enterprises (such as the drug trade, illegal gambling, prostitution, weapons smuggling, or money laundering).

A key sociological concept in the study of organized crime is that these industries are organized along the same lines as legitimate businesses and take on a corporate form. There are typically senior partners who control profits, employees who manage and work for the business, and clients who buy the goods and services that the organization provides.

### **A Sociological Look at Crime**

Arrest data show a clear pattern of arrests in terms of race, gender, and class. For instance, as mentioned above, young, urban, poor, Black and brown people, and historically marginalized groups overall are arrested and convicted more than others for personal and property crimes. To sociologists, the question posed by this data is whether this reflects actual differences in committing crimes among different groups, or whether this reflects differential treatment by the criminal justice system.

Studies show that the answer is “both.” Certain groups are in fact more likely to commit crimes than others because crime often looked to as a survival strategy, is linked to patterns of inequality in the United States. However, the process of prosecution in the criminal justice system is also significantly related to patterns of race, class, and gender inequality. We see this in the official arrest statistics, in treatment by the police, in sentencing patterns, and in studies of imprisonment.

# VOCABULARY

## English – Armenian

### A

abduction	առևանգում
absentia (in)	հեռակա դատապարտում
absolute rights	բացարձակ իրավունքներ
acquittal at first instance	առաջին ատյանում արդարացնելը
action for damages	վնասի փոխհատուցման հայց
adjourn the case	հետաձգել գործի քննությունը
administrative detention	վարչական կալանք
administrative practice	վարչական գործունեություն
administrative proceedings	վարչական վարույթ
admissible decision	ընդունելի որոշում
admit (evidence)	ապացույցը/փաստարկն ընդունել
adoption of a judgment	վճռի/դատավճռի (դատական ակտի) ընդունում
alienate	օտարել
allegation	հայտարարություն, մեղադրանք
appellant	բողոքարկու, բողոք բերած անձ
applicant	դիմումատու
apprehension	կալանավորում
arbitrariness	անիրավաչափություն
arbitrary/unlawful action	ապօրինի/կամայական գործողություն
arbitrary arrest/detention	կամայական ձերբակալում/ կալանավորում
arguable claim	վիճարկելի բողոք/պահանջ
arrest	ձերբակալել, կալանավորել

arrest warrant	կալանավորման մասին դատարանի որոշում
assault	հարձակում
asylum seeker	ապաստան հայցող
award compensation/damages	վնասները փոխհատուցել

## B

bailiff	դատական կատարածու
bankruptcy	սնանկացում
biased	կողմնակալ
bill of indictment	մեղադրական եզրակացություն
binding judgment	ուժի մեջ մտած դատավճիռ

## C

capital punishment	մահապատիժ
case	դատական գործ (նաև՝ դատական պրակտիկա/ նախադեպ)
case-law	դատական նախադեպ, նախադեպային իրավունք
cassation appeal	վճռաբեկ բողոք
causal link	պատճառական կապ
change religion or belief	դավանանքը/կրոնը կամ համոզմունքը փոխել
charges	մեղադրանք, մեղադրանքի հիմնավորում
choice of the legislature	օրենսդիր մարմնի ընտրություն
circumstances of the case	գործի հանգամանքները
civil proceedings	քաղաքացիական դատավարություն
civil service	քաղաքացիական ծառայություն
claim	հայց, պահանջ

coercion (administrative)	հարկադրանք, ուժի գործադրում
commit an offence	հանցագործություն կատարել
compensation	փոխհատուցում
competent court	իրավասու դատարան
complaint	բողոք, հայց
composition	դատարանի կազմը
compulsory	պարտադիր, հարկադիր, բռնի
conditional release	պայմանական ազատում
condition of detention	կալանավորման պայման
confidentiality	գաղտնիություն
constitute	կազմել, հիմնել, հիմնադրել
constitutional proceedings	սահմանադրական վարույթ, դատաքննություն
constitutionality	սահմանադրականություն
conviction	դատապարտում
court of appeal	վերաքննիչ դատարան
criminal charge	քրեական մեղադրանք
criminal offence	քրեական հանցագործություն, իրավախախտում
custody of children	երեխաների խնամակալություն
custody suite, custody unit	բանտախուց, անազատության մեջ պահման վայր

## D

decision	դրոշում, դատավճիռ
death penalty	մահապատիժ
defamation	զրպարտություն
defence from unlawful violence	պաշտպանություն
defend in person	անօրինական բռնությունից
degrading punishment	անձամբ պաշտպանվել
deliver a judgment	նվաստացնող պատիժ
	դատավճիռ/վճիռ կայացնել

democratic society	ժողովրդավարական հասարակություն
demonstration	ցույց
denial of access to lawyer	հրաժարում իրավաբանի ծառայությունից
deprivation of liberty	ազատությունից զրկելը, ազատազրկում
deprivation of possession	գույքից/սեփականությունից զրկում
detainee	կալանավոր, անազատության մեջ պահվող անձ
determine	սահմանել, որոշել, վճռել
discrimination	Խտրականություն
dismissal	(պաշտոնից) ազատելը, հեռացնելը
dispute	տարաձայնություն, վեճ
documentary evidence	փաստաթղթերով հիմնավորված վկայություն
domestic legislation	ներպետական (ազգային) օրենսդրություն
duties and responsibilities	պարտականություններ, պատասխանատվություններ

## E

effect lawful arrest	օրինական կարգով ձերբակալել/ կալանավորել
enforceable judicial decision	կատարման ենթակա դատական ակտ
enforcement proceeding	կատարողական վարույթ
equitable basis	անաչառ կերպով

equitable relief established by law	համարժեք փոխհատուցում օրենքով նախատեսված
examination of the appeal	բողոքի քննություն
examination of circumstances	հանգամանքների հետազոտություն
examination of witnesses	վկաների հարցաքննություն
execution	կատարում, իրականացում
exercise the jurisdiction	իրավագորություն իրականացնել
expropriation	սեփականազրկում
expulsion	վտարում, արտաքսում

## F

fair hearing	արդարացի/անաչառ դատական քննություն
forced evacuation	հարկադիր տարհանում
forced labour	հարկադիր աշխատանք
forensic expert	դատաբժշկական փորձագետ
free legal assistance	իրավաբանական անվճար օգնություն
freedom of association	միավորման ազատություն
freedom of conscience	խղճի ազատություն
freedom of correspondence	նամակագրության ազատություն
freedom of expression	արտահայտվելու ազատություն
freedom of movement	տեղաշարժի ազատություն
freedom of opinion	կարծիքի՝ տեսակետի ազատություն
freedom of peaceful assembly	խաղաղ հավաքների իրավունք
freedom of religion	կրոնի ազատություն
freedom of the press	մամուլի ազատություն



freedom of thought  
friendly settlement  
fundamental defect in  
proceedings  
fundamental freedoms

մտքի ազատություն  
հաշտության համաձայնություն  
Էական թերություն վարույթում  
  
հիմնարար ազատություններ

genuine requirement  
grant applicant's claim  
grant legal aid  
  
gross violations  
grounds  
group of individuals  
guarantees to appear for trial

## G

անհրաժեշտ պայման  
դիմողի պահանջի բավարարում  
տրամադրել իրավաբանական  
օգնություն  
լուրջ խախտումներ  
հիմքեր  
անհատների խումբ  
դատարան ներկայանալու  
երաշխիք

harassment  
heavier penalty  
high contracting party  
higher tribunal  
holding facility  
humiliating punishment

## H

հետապնդում, ոտնձգություն  
ավելի ծանր պատիժ  
բարձր պայմանավորվող կողմ  
վերադաս դատական ատյան  
ազատագրկման վայր  
ստորացուցիչ՝ նվաստացնող  
պատիժ

illegal arrest/detention  
  
impartial tribunal  
  
impartiality of a judge

## I

ապօրինի ձերբակալում/  
կալանավորում  
անկողմնակալ՝ արդար  
դատարան  
դատավորի անաչառություն/

imposition of fine	անկողմնակալություն
imprisonment	տուգանքի սահմանում բանտարկություն,
impunity	ազատագրվում անպատժելիություն, անպատիժ մնալը/լինելը
imputation	մեղադրանք, մեղսագրում
in accordance with law	օրենքին համապատասխան, օրենքի համաձայն
in force	գործող, ուժի մեջ մտած
inadmissibility	անթույլատրելիություն, անընդունելիություն
incompatibility	անհամատեղելիություն
indemnification	հատուցում
independent tribunal	անկախ դատարան

## J

judgment	վճիռ, դատավճիռ
judicial authorities	դատական իշխանություններ
judicial review	դատական վերահսկողություն
Jurisprudence	իրավաբանություն, իրավագիտություն
jurisdiction of states	պետությունների իրավասություն
jurisdiction of the Court	Եվրոպական դատարանի իրավասություն
just satisfaction	արդարացի բավարարում
justify the interference	արդարացնել միջամտությունը
juvenile delinquency	անչափահասների հանցավորություն

kidnapping  
kill

## K

առնանգում  
սպանել, կյանքից զրկել

lapse of time

## L

ժամկետի ավարտ,  
վաղեմության ժամկետ  
օրինական ձերբակալություն  
կամ կալանավորում

lawful arrest or detention

lawful order of a court

օրինական դատական ակտ

lawful restrictions

օրինական

lawfulness of proceedings

սահմանափակումներ

դատավարության

օրինականությունը

lawyer

իրավաբան, փաստաբան,

իրավախորհրդատու

legal aid or assistance

իրավական օգնություն/

խորհրդատվություն

legal obligation

իրավական պարտավորություն

legality of detention

կալանքի/ձերբակալության

օրինականությունը

legitimate aim

իրավաչափ/օրինական

նպատակ

level of jurisdiction

իրավագործության մակարդակ

liability

պատասխանատվություն,

պարտականություն

liberty of movement

տեղաշարժի ազատություն

liberty of person

անձի ազատություն

life sentence

ցմահ ազատազրկման/

բանտարկության դատավճիռ

manifestly ill-founded  
marriageable age  
material damage  
merits of the complaint  
military service  
minor offence  
  
minority  
  
minors  
  
miscarriage of justice  
moderate physical punishment  
moral damage  
morals

## M

բացահայտ անհիմն  
ամուսնական տարիք  
նյութական վնաս  
բողոքի՝ գանգատի էությունը  
զինվորական ծառայություն  
չնչին հանցանք՝  
իրավախախտում  
փոքրամասնություն,  
անչափահասություն  
անչափահասներ,  
փոքրահասակներ  
դատական սխալ  
չափավոր ֆիզիկական պատիժ  
բարոյական վնաս  
բարքեր, բարոյականություն

national authority  
national/domestic court  
  
national law  
national minority  
national origin  
national security  
nationalisation  
negotiations  
non-pecuniary damage  
notification  
null and void

## N

պետական մարմին  
ազգային/ներպետական  
դատարան  
ներպետական օրենսդրություն  
ազգային փոքրամասնություն  
ազգային ծագում  
ազգային անվտանգություն  
ազգայնացում, պետականացում  
բանակցություններ  
ոչ նյութական վնաս  
ծանուցում, նախազգուշացում  
օրինական ուժը  
կորցրած/անվավեր

observance	(օրենքի) պահպանում, կատարում
Ombudsman	Օմբուդսմեն, Մարդու իրավունքների պաշտպան
oral hearing	բանավոր քննություն/լսումներ/ դատաքննություն
oral submission	բանավոր ներկայացված փաստարկ/ միջնորդություն/ առարկություն

## O

pass a judgment	դատավճիռ/վճիռ կայացնել
peaceful assembly	խաղաղ հավաք
pecuniary damage	դրամական/գույքային վնաս/ կորուստ
penalty	պատիժ, տուգանք
permit for a demonstration	ցույցի անցկացման թույլտվություն
physical integrity	ֆիզիկական անձեռնմխելիություն
physical liberty and security	ֆիզիկական ազատություն և անվտանգություն
physical punishment	ֆիզիկական պատիժ
physical suffering	ֆիզիկական տառապանք
pilot judgment	պիլոտային/փորձնական վճիռ
placement in custody	հսկողության հանձնելը
plea of inadmissibility	անընդունելիության հայց
possessions	գույք, սեփականություն, ունեցվածք
power of attorney	լիազորագիր

## P

preliminary objection/  
investigation  
preparation of defence

prescribed by law  
prisoner  
property  
public interest  
public judgment  
public opinion  
public order  
public service  
pursue  
pursue a legitimate aim

qualified rights  
quell riot or insurrection

reasonable suspicion  
reasonable time  
reasoning  
refugee  
refusal  
religion  
religious community

նախնական առարկություն/  
քննություն  
պաշտպանության  
նախապատրաստում  
օրենքով սահմանված  
բանտարկյալ, դատապարտյալ  
սեփականություն/գույք  
հանրային հետաքրքրություն  
հրապարակային վճիռ  
հասարակական կարծիք  
հանրային կարգ  
հանրային ծառայություն  
հետապնդել, հալածել  
իրավաչափ նպատակ  
հետապնդել

## Q

որոշակի պայմաններով  
իրավունքներ  
ճնշել խռովությունը կամ  
ապստամբությունը

## R

հիմնավորված կասկած  
համապատասխան/խելամիտ  
ժամկետ  
դատողություն, հիմնավորում  
փախստական  
մերժում  
կրոն  
կրոնական համայնք

render a judgment  
rendition  
restitution of property  
retroactivity  
reunion of family  
review by a court  
  
rights of defence  
rule of law  
right to marry  
rule of respect  
ruling on an equitable basis

դատավճիռ/վճիռ կայացնել  
դատավճիռը հրապարակելը  
սեփականության վերադարձ  
հետադարձ ուժ  
ընտանիքի վերամիավորում  
դատարանի կողմից (գործի)  
վերանայում  
պաշտպանության իրավունք  
իրավունքի գերակայություն  
ամուսնանալու իրավունք  
հարգանքի կանոն  
արդարացի որոշում կայացնել

search  
secrecy of correspondence  
  
security of person  
strictly proportionate  
summon to witness  
systemic problem

## S

խուզարկություն  
նամակագրության  
գաղտնիություն  
անձի անվտանգություն  
խիստ համաչափ  
վկային կանչել  
համակարգային խնդիր

take proceedings  
taking of property  
tax penalty  
taxation  
territorial integrity  
  
testify at trial  
torture

## T

դատական վարույթ սկսել  
գույքին տիրանալը  
հարկային տուգանք  
Հարկում  
տարածքային  
ամբողջականություն  
ցուցմունք տալ դատարանում  
խոշտանգում, կտտանք

transfer of the property  
trial within a reasonable time

գույքի փոխանցում  
նոշամիտ ժամկետներում  
իրականացվող դատ/  
դատավարություն

unanimously  
unfairness of proceedings

## U

միաձայն  
նշ արդարացի  
դատավարություն  
չհայտնաբերված օրինախախտ

unidentified perpetrator  
uniform law  
universal suffrage

միատեսակ օրենք  
համընդհանուր ընտրական  
իրավունք

unlawful detention  
unlawfulness  
unreasonably long procedure

անօրինական կալանավորում  
անօրինականություն  
նշ նոշամտորեն ձգձգված  
դատավարություն

use of force/violence  
use of property

ուժի/բռնության գործադրում  
գույքի/սեփականության  
օգտագործում

victim  
violation  
violence  
vote

## V

զոհ, տուժող  
բռնություն, խախտում  
բռնություն  
քվե, ձայն, քվեարկություն

witness  
wording  
work required of detainee

## W

վկա  
ձևակերպում, շարադրանք  
կալանավորից պահանջվող



work required to be done during  
conditional release

աշխատանք  
պայմանական ազատման  
ընթացքում պահանջվող  
աշխատանք

## Armenian – English

### Ա

ազատազրկում	deprivation of liberty
ազգային անվտանգություն	national security
անանուն դիմում	anonymous petition
անաչառ կերպով, արդարացիորեն	equitable basis
անընդունելիության հայց	plea of inadmissibility
անկախ դատարան	independent tribunal
անկարգությունների կանխում	prevention of disorder
անհետաձգելի դատ	prompt trial
անձի ազատություն	liberty of person
անձի անվտանգություն	security of person
անմարդկային պատիժ	inhuman punishment
անմարդկային վերաբերմունք	inhuman treatment
անմեղության կանխավարկած	presumption of innocence
անօրինական կալանավորում	unlawful detention
անօրինականություն	unlawfulness
ապաստան հայցող	asylum seeker
առանձին վարույթ	separate set of proceedings
առևանգում	abduction
ավելի ծանր պատիժ	heavier penalty
արդարադատության շահեր	interests of justice
արդարացի բավարարում	just satisfaction
արդարացի, անաչառ, օբյեկտիվ	objective, impartial
արդարացի որոշում կայացնել	ruling of an equitable basis
արդարացնել միջամտությունը	justify the interference

### Բ

բանտարկյալ, կալանավոր	prisoner, detainee
բանտարկություն, ազատազրկում	imprisonment, custody

բավարար հիմքեր  
բացահայտ անհիմն  
բացարձակ իրավունքներ  
բողոք, հայց  
բողոքարկու, բողոք բերած անձ  
բողոքը մերժել  
բողոքի՝ գանգատի էությունը  
բողոքի քննություն  
բռնի (հարկադիր) անհետացում  
բռնություն

sufficient grounds  
manifestly ill-founded  
absolute rights  
complaint, appeal, application  
appellant  
reject/dismiss the appeal  
merits of the complaint  
examination of the appeal  
(enforced) disappearance  
violence, violation

## Գ

գաղտնի քվեարկություն  
գաղտնիություն  
գործի վերստին քննություն  
գործի հանգամանքները  
գործող, ուժի մեջ մտած  
գույք, սեփականություն,  
ունեցվածք  
գույքի պաշտպանություն  
գույքի օգտագործում  
գույքի փոխանցում  
գույքից/սեփականությունից  
զրկում

secret ballot  
confidentiality  
retrial  
circumstances of the case  
in force  
possessions, property  
protection of property  
use of property  
transfer of the property  
deprivation of possession, property

## Դ

դատավճռի ընդունում  
դատական ակտի  
հրապարակում  
դատական կատարածու  
դատավճիռ, վճիռ, դատական  
ակտ

adoption of a judgment  
rendition, pronouncement, delivery  
of a judgment  
bailiff  
judgment

դատական սխալ	miscarriage of justice
դատական վարույթ սկսել	institute/commence/take (court) proceedings
դատաբժշկական փորձագետ	forensic expert
դատապարտում՝	conviction
դատապարտելը	
դատավճիռ/վճիռ կայացնել	deliver/give/render/pass a judgment
դատավորի անաչառություն	impartiality of a judge
դատարանը որոշեց, վճռեց...	Court holds...
դատական նախադեպ, նախադեպային իրավունք	case-law

## Ե

երեխաների խնամակալություն	custody of children
Եվրոպական դատարանի իրավասություն	jurisdiction of the ECtHR

## Զ

զավթում, նվաճում	seizure
զինծառայողներ	members of armed forces
զինվորական ծառայություն	military service
զրպարտություն	defamation

## Է

էական թերություն վարույթում	fundamental defect in proceedings
էական վնասի բացակայություն	no significant disadvantage

## Ը

ընդհանուր բնույթի միջոցներ	measures of a general character
ընդհանուր դիրքորոշում	common ground
ընդունելի որոշում	admissible decision
ընդունելիության չափանիշներ	admissibility criteria

ընթացակարգային երաշխիք	procedural guarantees of review
ընթացակարգի թերություն` բաց	procedural defect
ընտանիքի վերամիավորում	reunion of family
ընտրություններում	stand for election
թեկնածությունն առաջադրել	

**Թ**

թերությունների ուղղում, շտկում	rectify the shortcomings
թմրամոլներ	drug addicts
թույլատրելի հայեցողության	margin of appreciation
շրջանակ	

**Ժ**

ժամանակավոր միջոց	interim measure, provisional measure
ժամկետանց տոկոսագումարներ	outstanding interest
վաղեմության ժամկետ	lapse of time
ժամկետի/վերջնաժամկետի	expiry of time-limit
ավարտ	
Ժողովրդավարական	democratic society
հասարակություն	

**Ի**

իբրև, ի պաշտոնե	in the capacity of
ինքնապաշտպանություն	self-defence
ի վնաս արդարադատության	prejudice interests of justice
շահերի	
իրավաբան, փաստաբան	lawyer
իրավական պարտավորություն	legal obligation
իրավասու դատարան	competent court
իրավունքների	protection of the rights
պաշտպանություն	

իրավաբանություն,  
իրավագիտություն

jurisprudence

լիազորագիր, հավաստագիր  
լրացուցիչ կարծիք  
լուրջ խախտումներ

## Լ

power of attorney  
supplementary opinion  
gross/fundamental violations

խախտում  
խաղաղ հավաք  
խաղաղ հավաքների իրավունք  
խիստ անհրաժեշտ  
խիստ համաչափ  
խղճի ազատություն  
խոշտանգումների արգելում  
խոշտանգում, կտտանք  
խոցելիություն  
խստության որոշակի  
մակարդակ  
խտրականություն  
խտրականության արգելում  
խուզարկություն

## Խ

violation, breach  
peaceful assembly  
freedom of peaceful assembly  
strictly necessary  
strictly proportionate  
freedom of conscience  
prohibition of torture  
torture  
vulnerability  
particular level of severity  
discrimination  
prohibition of discrimination  
search

ծանուցում, նախազգուշացում  
ծնողական իրավունքներից  
զրկում  
ծնողի իշխանություն

## Մ

notification  
withdrawal of parental life  
parental authority

կալանավորման պայման

## Կ

condition of detention

կալանավորում, կալանավորելը	apprehension
կալանքի ժամկետը երկարաձգել	extend the detention on remand
կալանքի օրինականությունը	legality of detention
կալանքից ազատելու մասին դիմում	application for release from detention
կախյալ՝ անազատ վիճակ	servitude
կամայական ազատազրկում	arbitrary deprivation of liberty
կամայական ձերբակալություն	arbitrary arrest/detention
կանխատեսելիություն	foreseeability
կանխարգելիչ կալանք	preventive detention
կատարողական վարույթ	enforcement proceeding
կատարում, իրականացում	execution
կարծիքի՝ տեսակետի ազատություն	freedom of opinion
կիրառելի՝ վերաբերելի դրույթներ	applicable provisions
կիրառելիություն	applicability
կոլեկտիվ/հավաքական բողոք/հայց	collective complaint
կոլեկտիվ/հավաքական պատիժ	collective punishment
կողմերի հավասարություն	equality of arms
կողմնակալ	biased
կրկնակի վտանգ	double jeopardy
կրոն	religion
կրոնական համայնք	religious community
կրոնական պաշտամունք	religious practice
կրոնի ազատություն	freedom of religion

## Հ

հայտ ներկայացնել	lodge an application
հայտարարություն, մեղադրանք	allegation

հայց, պահանջ	claim
համադրելի իրադրություն	comparable situation
համակարգային խնդիր	systemic problem
համարժեք	adequate facilities
հնարավորություններ	
հանգամանքների	examination of circumstances
հետազոտություն	
հանրային ծառայություն,	public service
հանրային կարգ	public order
հանրային հետաքրքրություն	public interest
հանրության բացակայությամբ	exclusion of public
հանցագործության կանխում	prevention of crime
հանցագործություն կատարել	commit an offence
հաշմանդամության թոշակ	disability pension
հաշտության համաձայնություն	friendly settlement
հասարակական	public safety
անվտանգություն	
հասարակական կարծիք	public opinion
հավաստի ցուցադրել	convincingly demonstrate
հատուկ հանգամանքներ	special circumstances
հատուցում	indemnification
հարկադիր աշխատանք	compulsory labour, forced labour
հարկադիր տարհանում	forced evacuation
հարկադրանք, ուժի գործադրում	coercion (administrative)
հարկային տուգանք	tax penalty
հարկում	taxation
հարձակում	assault
հարցաքննություն	interrogation
հեռակա դատապարտում	absentia (in)
հեռացնել, վտարել	expel
հետադարձ ուժ	retroactivity



հետաձգել գործի քննությունը	adjourn the case
հետապնդել, հալածել	pursue
հետապնդում, ոտնձգություն	harassment
հերթապահ փաստաբան	duty solicitor
հիմնարար ազատություններ	fundamental freedoms
հիմնավոր համաչափություն	reasonable relationship of proportionality
հիմնավոր կասկած	reasonable suspicion
հսկողության հանձնելը	placement in custody
հրաժարում, հրաժարվելը	surrender
հրապարակային վճիռ	public judgment
հրապարակայնություն	publicity

## Ձ

ձերբակալել, կալանավորել	arrest
ձերբակալության,	arrest warrant
կալանավորման մասին	
դատարանի որոշում/ սանկցիա	

## Ճ

ճնշել խռովությունը կամ ապստամբությունը	quell riot or insurrection
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## Մ

մահապատիժ	capital punishment, death penalty
մահապատժի վերացում	abolition of the death penalty
մամուլի ազատություն	freedom of the press
մանրամասն տեղեկատվություն	information in detail
մասնավոր կյանքը հարգելը	respect for private life
մատչելիություն	accessibility
մարդկանց թրաֆիքինգ	trafficking in human beings
մեղադրական եզրակացություն	bill of indictment charges

մերժում	refusal
միաձայն	unanimously
միավորման ազատություն	freedom of association
միատեսակ օրենք	uniform law
մինչդատական՝ նախնական կալանք	pre-trial detention
միջազգային	international obligations
պարտավորություններ	
միջամտության էությունը	nature of interference
միջամտություն	interference
միջպետական գործ	inter-state case, cross-boarder case
մշտական բնակության վայր	permanent residence
մտադրություն, նպատակ, ձգտում	aim
մտքի ազատություն	freedom of thought
մրցակցային դատավարություն	adversarial trial/adversarial hearing

## Ն

նախագահական ներում	presidential pardon
Նախարարների կոմիտե	Committee of Ministers
նամակագրության ազատություն	freedom of correspondence
նամակագրության գաղտնիություն	secrecy of correspondence
ներկայացուցիչ	representative
ներկայիս/այսօրվա պայմաններ	present-day conditions
ներպետական վերջնական որոշում	final domestic decision
ներպետական օրենսդրություն	national law
նյութական վնաս	material damage
նպաստ, սոցիալական վճար	allowance

նվաստացնող պատիժ	degrading punishment
նվաստացնող վերաբերմունք	degrading treatment

**Շ**

շարունակական/երկարացված/ երկարաձգված կալանք	continued detention
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**Ո**

ողջամիտ՝ համարժեք ժամանակ	adequate time
ոչ արդարացի դատավարություն	unfairness of proceedings
ոչ նյութական վնաս	non-pecuniary damage
որոշում, դատավճիռ	decision
որոշակի պայմաններով	qualified rights
իրավունքներ	

**Չ**

չափազանց երկարատև վարույթ	excessive length of proceedings
չափավոր ֆիզիկական պատիժ	moderate physical punishment
չարաշահման դեմ երաշխիքներ	safeguards against abuse
չհայտնաբերված օրինախախտ	unidentified perpetrator
չնչին հանցանք	minor offence

**Պ**

պայմանական ազատում	conditional release
պաշտպանության իրավունք	rights of defence
պատասխանող պետություն	defendant state party
պատասխանատվություն	liability
պատժի էությունը	nature of punishment
պատիժ, տուգանք	penalty, punishment
պատժից ազատված լինելը	exempt from punishment
պատճառական կապ	causal link
պարտադիր, հարկադիր, բռնի	compulsory

պետական իշխանության  
մարմին  
պետական/հանրային  
իշխանություն (մարմին)

national authority

public authority

## Ռ

ռասայական խտրականություն

racial discrimination

## Ս

սահմանադրական վարույթ  
սահմանափակ  
իրավագորություն  
սահմանել, որոշել, վճռել  
սեփականագրկում  
սեփականության վերադարձ  
սեփականություն/գույք  
սեփականությունից զրկում  
սնանկացում  
սոցիալական ապահովություն  
սոցիալական ծագում  
սոցիալական ծայրահեղ կարիք  
սպառել  
ստորագրում և վավերացում  
ստորացուցիչ՝  
նվաստացնող պատիժ  
ստրկություն  
ստրկության և հարկադիր  
աշխատանքի արգելում

constitutional proceedings

limited jurisdiction

determine

expropriation

restitution of property

property

deprivation of property

bankruptcy

social security

social origin

pressing social need

exhaust

signature and ratification

humiliating punishment

slavery

prohibition of slavery and forced  
labour

## Վ

վախեցնելը, ահաբեկելը  
վարչական գործունեություն

intimidation

administrative practice

վարչական կալանք	administrative detention
վարչական վարույթ	administrative proceedings
վարչակազմի անդամներ	members of administration
վերադաս դատական ատյան	higher tribunal
վերանայման արագություն	speediness of review
վերապահումներ	reservations
վերապահումների արգելում	prohibition of reservations
վերաքննիչ դատարան	court of appeal, appellate court
վեցամսյա կանոն	six-month period rule
վիճարկելի բողոք/պահանջ	arguable claim
վկա	witness
վկաների հարցաքննություն	examination of witnesses
վկային կանչել	summon to witness
վճիռ, որոշում, սահմանում	determination
վճռաբեկ բողոք	cassation appeal
վնասի փոխհատուցման հայց	action for damages

## S

տարածքային	territorial integrity
ամբողջականություն	
տարաձայնություն, վեճ	dispute
տեղաշարժի ազատություն	freedom of movement, liberty of movement
տեղեկատվության	access to information
մատչելիություն	
տուգանքի սահմանում	imposition of fine

## Ց

ցմահ ազատազրկման/ դատավճիռ	life sentence
ցույց	demonstration
ցույցի անցկացման	permit for a demonstration

թույլտվություն	
ցուցմունք	testimony
ցուցմունք տալ դատարանում	testify at trial

## ՌԻ

ուժի /բռնության գործադրում	use of force/violence
ուժի մեջ մտած դատավճիռ	binding judgment, enforceable judgment
ունեցվածքին տիրանալը	taking (appropriation) of property
ուրիշների իրավունքների և ազատությունների պաշտպանություն	protection of the rights and freedoms of others

## Փ

փախստական	refugee
փախուստի կանխում	prevent escape
փոխհատուցել, վերականգնել	redress
փոխհատուցում	compensation
Փոքրամասնություն	minority

## Ք

քաղաքական ապաստան	political asylum
քաղաքական գործունեություն	political activity
քաղաքական իրավունքներ	political rights
քաղաքական կամ այլ կարծիք	political or other opinion
քաղաքական կուսակցություն	political party
քաղաքացիական դատավարություն	civil proceedings
քաղաքացիական ծառայություն	civil service
քարոզել, տարածել	preach, propagate
քվե, ձայն	vote
քրեական հանցագործություն	criminal offence

քրեական հետապնդում  
քրեական մեղադրանք

criminal prosecution  
criminal charge

օտարել  
օրենքով հիմնված դատարան  
օրենքով մեղավոր ճանաչվել  
օրենքով նախատեսված  
օրենքով սահմանված  
օրենքով սահմանված  
ընթացակարգ  
օրինական դատական ակտ  
օրինական՝ իրավաչափ  
նպատակ  
օրինական  
սահմանափակումներ  
օրինական ուժը  
կորցրած/անվավեր  
օրենքի՝ իրավունքի  
գերակայություն

## Օ

alienate  
tribunal established by law  
proved guilty according to law  
established by law  
prescribed by law  
procedure prescribed by law

lawful order of a court  
legitimate aim

lawful restrictions

null and void

rule of law

Ֆիզիկական տառապանք  
Ֆիզիկական պատիժ  
Ֆիզիկական  
անձեռնմխելիություն  
Ֆիզիկական ազատություն և  
անվտանգություն

## Ֆ

physical suffering  
physical punishment  
physical integrity

physical liberty and security

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## ԱՄՓՈՓՈՒՄ

*ENGLISH 4 LAW – մաս 1* դասագիրքը նախատեսված է ՀՀ բուհերի իրավագիտության ֆակուլտետների ուսանողների, մասնագետների, ինչպես նաև նրանց համար, ովքեր ցանկանում են խորացնել իրենց՝ մասնագիտական անգլերենի գիտելիքներն ու հմտությունները իրավագիտության ոլորտում:

Դասագիրքը բաղկացած է 15 գլուխներից, որոնցում ներկայացված են ԱՄՆ-ի օրենսդիր, գործադիր և դատական համակարգերի առանձնահատկությունները՝ ՀՀ-ում իշխանության համապատասխան ճյուղերի համեմատությամբ: Նրանում ընդգրկված են մասնագիտական տեքստեր, իրավաբանական բառապաշարը կատարելագործող վարժություններ, խաչբառեր, մասնագիտական թարգմանության հմտությունները զարգացնող առաջադրանքներ (հայերենից անգլերեն), որոնք վերաբերում են ինչպես ԱՄՆ, այնպես էլ ՀՀ իրավական համակարգին և դրա հիմքերը կանոնակարգող օրենսդրությանը:

«Հավելվածում» զետեղված են լրացուցիչ նյութեր, ձայնագրություններ, որոնք կզարգացնեն ունկնդրի՝ մասնագիտական անգլերենի ընկալման հմտությունները:

Դասագիրքն ունի նաև հայերեն-անգլերեն և անգլերեն-հայերեն իրավաբանական տերմինների (եզրույթների) բառարան, որը կնպաստի ուսանողների մասնագիտական բառապաշարի հարստացմանը:

## АННОТАЦИЯ

Настоящий учебник предназначен для студентов, изучающих профессиональный аспект английского языка, а также для лиц, занимающихся совершенствованием знаний по английскому языку в области своей профессионализации.

Цель учебника – предоставить возможность ознакомления с основными институтами американской правовой системы на базовой основе, что является неотъемлемой частью подготовки обучающихся к осуществлению профессиональной деятельности в области права на английском языке.

Учебник состоит из 15 глав, в которых представлены особенности законодательной, исполнительной и судебной властей США в сопоставлении их с соответствующими ветвями в Армении. В учебнике представлены аутентичные тексты об основных институтах власти США, упражнения, направленные на изучение специального юридического словарного запаса, кроссворды, упражнения по развитию языковых навыков, а также задания на перевод текстов по специальности из области юриспруденции и регламентирующих их законов с армянского на английский.

В приложении включены дополнительные материалы, аудио-записи, способствующие развитию навыков аудирования текстов по специальности.

Учебник также включает армяно-английский и англо-армянский терминологические словари по базовым понятиям в области юриспруденции.

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# ENGLISH 4 LAW

PART I

## THE U.S. LEGAL SYSTEM

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