



**ЧЕРНІГІВСЬКИЙ ЦЕНТР ПЕРЕПІДГОТОВКИ ТА ПІДВИЩЕННЯ
КВАЛІФІКАЦІЇ ПРАЦІВНИКІВ ОРГАНІВ ДЕРЖАВНОЇ ВЛАДИ,
ОРГАНІВ МІСЦЕВОГО САМОВРЯДУВАННЯ, ДЕРЖАВНИХ
ПІДПРИЄМСТВ, УСТАНОВ І ОРГАНІЗАЦІЙ**

Англійська мова: міжнародна інтеграція у правовій сфері

НАВЧАЛЬНО-МЕТОДИЧНИЙ ЗБІРНИК

**ЧЕРНІГІВ
2010**

Англійська мова: міжнародна інтеграція у правовій сфері: Навч.-метод. збірник. / Черніг. центр перепідготовки та підвищення кваліфікації працівників органів держ. влади, органів місц. самоврядування, держ. п-в, установ і орг.; Упор.: Литвин С.В. – Чернігів: ЦППК, 2010. – 22 с.

Рекомендовано до видання навчально-методичною радою Чернігівського Центру перепідготовки та підвищення кваліфікації працівників органів державної влади, органів місцевого самоврядування, державних підприємств, установ і організацій, протокол № 1 від 4 лютого 2010 р.

Навчально-методичний збірник призначений для працівників органів державної влади, органів місцевого самоврядування – фахівців з питань європейської та євроатлантичної інтеграції, які навчаються за програмою підвищення кваліфікації з англійської мови, викладачів Центру.

ЗМІСТ

№	Назва теми	Стор.
1.	UNIT 1. Arbitration	4
2.	UNIT 2. Licences	8
3.	UNIT 3. Telephone crime	11
4.	UNIT 4. Civil litigation	15
5.	UNIT 5. Business lawyers	18
6.	Рекомендована література	22

UNIT 1 ARBITRATION

Before you read

Discuss these questions.

- 1 Have you ever been in dispute with another person over an agreement or a contract?
What was the problem?
- 2 What steps can you take, apart from going to court, to settle a commercial disagreement?

Reading task

Read the text about how international disputes between companies are resolved.

BUSINESS AND THE LAW DISPUTES

Resolution in a neutral forum

Arbitration settles international commercial cases, says **Jeremy Winter**

You have been in a conference room in your lawyer's office for the whole day, negotiating a crucial international contract. Term by term, detail by detail, the lawyers have argued it out. Someone says: 'What are we going to put in for dispute resolution?' When you started the negotiations you thought that the deal was a certain money - spinner for both parties, so no disputes could arise. Now you are not so sure. So what do you say? What do your lawyers advise? Ideally, you might want to be able to have recourse to the courts in your own country: the other party would probably like to do the same in its home country. Neither is acceptable to the other, for fear of home - team advantage or even local bias.

The answer is to opt for arbitration. This is not really a difficult decision, and that is why arbitration is the recognised way of resolving international commercial disputes. For at least a century, it has been the dominant force in dispute resolution in areas such as shipping, commodities and construction. You can opt for a neutral forum and have a panel of three arbitrators, one chosen by each party, and the third (the chairman) chosen either by the parties or the two party - appointed arbitrators. In addition, you can keep your disputes away from the public eye, because arbitration takes place in private, unlike litigation in the court. The main centres for international arbitration are: Paris, London, Geneva, Stockholm, New York, Hong Kong and Singapore. Which is used depends on the background and businesses of the parties. Stockholm, for example, was always the place for arbitrating east - west trade disputes, London for shipping and commodities. Singapore looks set for a busy time in the coming months and years after the Asian financial crisis. These locations, and the arbitration centres and lawyers working there, compete intensely. Arbitration bodies try hard to get standard arbitration clause people's contracts, so they have a captive market once disputes arise. They do this by publicising their activities and their rules.

What they are looking for is 'name recognition'. In Europe, Paris (home of the International Chamber of Commerce and its rules) probably has the best name recognition, followed by London (home of the London Court of International

Arbitration), and Geneva. What people look for in an arbitration is speed, cost effectiveness, confidentiality and reliability of the arbitrators and hence their decisions. The choice of venue involves a complex balancing of a number of factors:

- the availability of good experienced arbitrators
- the availability of good experienced arbitration lawyers, and expert witnesses such as accountants and engineers
- the cost of these people
- the support or otherwise that the local legal system gives to arbitration.

(For example, if the arbitration gets bogged down as a result of delaying tactics by one party, what powers does the arbitrator, or court, have to speed things up? Will the courts readily interfere or overturn arbitrators' decisions?)

- accessibility - basic things like flight access, good facilities (some of the best are now in the Gulf states), administrative back - up, good telecommunications, IT support and even climate.

National legislation also has to lend its support to such an important economic activity as arbitration. England has taken steps to improve English arbitration law in the form of the Arbitration Act 1996, which came into force at the beginning of 1997.

FINANCIAL TIMES

World business newspaper

A Understanding main points

Answer these questions:

- 1 Why might you prefer not to go to court in the country of your business partner?
- 2 What are the three main business areas which have traditionally been resolved by arbitration?
- 3 How is a forum made up for a neutral arbitration?
- 4 What is the main difference between arbitration and litigation, according to the text?
- 5 Which are the main arbitration centres?
- 6 In which city would you choose to arbitrate an east-west trading dispute?
- 7 Which specific aspects of a contract are named in the text?
- 8 What do clients look for from an arbitration service?
- 9 What examples of expert witnesses are given in the text?
- 10 Do all the venues share the same arbitration rules?

B Understanding details

Mark these statements T (true) or F (false) according to the information in the text. Find the part of the text that gives the correct information.

- 1 Disputes only arise in commercial transactions.
- 2 Commodities are things traders buy and sell, usually raw materials, like coffee, wool or copper.
- 3 A neutral forum has a balanced composition to ensure fairness to both parties.
- 4 New York is the only American arbitration venue named in the text.
- 5 Arbitration is a business in itself, for lawyers and their associates.
- 6 *Name recognition* for arbitration is like *brand awareness* for consumer goods.
- 7 International business depends on rapid resolution of contractual disagreements.

8 The courts of law in each country are less powerful than arbitration panels.

Vocabulary tasks

A Definitions

Match these terms with their definitions.

- | | |
|-------------------------------|---|
| 1 dispute resolution | a) unfair treatment |
| 2 a money-spinner | b) accelerate |
| 3 have recourse to the courts | c) reverse something already decided |
| 4 home-team advantage | d) settling disagreements |
| 5 local bias | e) make use of the legal system |
| 6 financial crisis | f) benefit from being local or on home ground |
| 7 delaying tactics | g) meddle or get involved with |
| 8 speed things up | h) something that makes profits for everyone |
| 9 interfere | i) ways of making things take a long time |
| 10 overturn decisions | j) become operational |
| 11 take steps | k) serious money problems |
| 12 come into force | l) institute action |

B Terms of disagreement and dispute

Use an appropriate word or phrase from the box to complete each sentence.

resolve	resolution	dispute	settle	arbitrate
arbitration	arbitrator	agree	disagree	delaying tactics

- 1 There is a serious problem we must try to ...*resolve*...
- 2 He was a distinguished lawyer who was an expert.....
- 3 Theprocess took far longer than the parties had expected.
- 4 This was due to theemployed by one of the companies involved.
- 5 The question is: how are we going to..... this dilemma?
- 6 When the goods arrived in poor condition, aarose over whose fault this was, and who should bear the cost.
- 7 The best way is not to go to court, which is public and costly, but to.....an agreement.
- 8 I believe you are wrong on that point - we on the interpretation.
- 9 There is always an answer if you try hard to find it: every difficulty has a.....
- 10 You cannot assume he will.....to those terms: you must check with him first.

C Parties to an agreement

In law, it is important to distinguish between the parties involved in a transaction or an action.

Complete the sentences below, using words from the box. Not all the words will be needed.

Signatories	buyer/seller	borrower/lender	supplier/producer
wholesalers/retailers	lawyer/client	teacher/student	plaintiff/defendant
licensee/licensor	franchiser/franchisees	undersigned	parties to the agreement

- 1 Everyone promises to obey the treaty – all major countries are ...*signatories*...to it.
- 2 In the civil case, the.....brought an action against the.....for damaging his car on purpose.
- 3 The price was negotiated between theand the.....of the house, in a private sale.
- 4 The bank agreed that the.....should pay 12% on the loan, so the made a fair profit!
- 5 Manufacturers sell their goods to.....,and in turn,.....buy from them.
- 6 The relationship between a..... and.....is bound by confidentiality.
- 7 The beer can be produced under licence but the must fulfil all the requirements imposed by the.....
- 8 Some clothes companies sell their products on a franchise basis: each country has a main....., with numerous people working as.....
- 9 A letter was sent to the manager complaining about working conditions. All the members wrote their names. The letter read: 'We, the....., strongly protest about conditions at work.'
- 10 Many projects require the cooperation of various partners. If they all agree to work together, they become.....

D Word families

Complete the chart.

verb	person	thing
arbitrate	1 ... <i>arbitrator</i>	2.....
license	3.....	4.....
5.....	6.....	franchise

Over to you

1 Recently there was a case of a mail-order company selling televisions over the Internet where the price of a top-line television was shown as \$3 instead of \$300. The web page was seen in many countries and several customers placed orders for the 'cheap TV', but the company said they had no obligation to supply as the price was a mistake. What do you think? Should the company honour the orders? Was it a contract? If it was, where was it made - in the country of or where the customer lives and ordered the goods? Is this a case for arbitration?

UNIT 2 LICENCES

Before you read

Discuss these questions.

- 1 How do international companies organise the production of their goods outside their own markets? What alternatives do they have?
- 2 Have you ever bought a drink with a famous brand name, that you know has been produced locally? How many brand items can you think of that are made under licence in our country?
- 3 Apart from famous brands of clothing or drinks, what other kinds of business may be performed under licence?

Reading task

Read the extract from a licence agreement between two publishers.

Memorandum of agreement

made this day of..... 20.....

Betweenof.....(hereinafter termed the Publishers) of one part andof (hereinafter termed the Proprietors) of the other part WHEREAS the Proprietors are the proprietors of a work entitled:(hereinafter termed the Work),

NOW IT IS HEREBY MUTUALLY AGREED AS FOLLOWS:

1. Subject to the terms detailed in this Agreement, the Proprietors hereby grant to the Publishers the exclusive licence to produce and publish a single printing of 10,000 copies only of the Work in paperback form in the English language under the Publishers' own imprint¹ (hereinafter termed the Licensed Edition) for sale throughout.....only. This restricted circulation is to be clearly indicated on the outside of the cover and on the reverse of the title page² of the Licensed Edition by the following words: "Licensed for sale in only; not for export."

2. This agreement shall not come into effect until the Proprietors have received the (advance) payment detailed in Clause 9 hereof.

3. The Publishers shall produce the Licensed Edition at their own expense. They shall cause it to be reproduced faithfully and accurately and shall not abridge, expand or otherwise alter the Work, including illustrations where applicable, without the prior written consent of the Proprietors.

4. Should the Publishers fail to issue the Licensed Edition within 12 months from the date of this Agreement all rights granted under this Agreement shall revert to the Proprietors without prejudice to any monies paid or due to the Proprietors.

5. The Proprietors hereby warrant to the Publishers that they have the right and power to make this Agreement and that according to English law the Work will in no way whatever give rise to a violation of any existing copyright, or a breach of any existing agreement and that nothing in the Work is liable to give

rise to a civil prosecution or to a civil action for damages or any other remedy and the Proprietors will indemnify the Publishers against any loss, injury or expense arising out of any breach of this warranty.

6. The Licence hereby granted to the Publishers shall not be transferred in whole or in part or extended to include any other party nor shall the Licensed Edition appear under any imprint other than that of the Publishers, except with the prior written consent of the Proprietors.

7. The Licence herein granted shall continue for a period of five years from the date of first publication by the Publishers of the Licensed Edition and thereafter may be subject to renewal by mutual agreement between the parties hereto.

8. If any difference shall arise between the Proprietors and the Publishers touching the meaning of this Agreement or the rights and liabilities of the parties hereto, the same shall be referred to the arbitration of two persons (one to be named by each party) or their umpire, in accordance with the provisions of the Arbitration Act 1996 or any subsisting statutory modification or re-enactment thereof, provided that any dispute between the parties hereto not resolved by arbitration or agreement shall be submitted to the jurisdiction of the English courts.

1 a publisher's trademark

From *Publishing Agreements*, Butterworth

2 usually the first page in the book

Legal brief

Copyright is a legal term used to show the rights of ownership of creative ideals, originally for published literary works but later extended to include such things as music and motion pictures. New legislation is now needed to deal with the increasing use Internet and issues arising from abuses of intellectual property rights. In the EU, copyright protection last for 70 years after the death of the copyright holder. There are criminal penalties for infringement of copyright.

A Understanding main points

Answer these questions:

- 1 What kind of publication does this licence agreement permit the publishers to produce?
- 2 When does the agreement come into effect?
- 3 Can the Publishers make any changes to the original version?
- 4 What assurances do the Proprietors give that there will be no legal problems
- 5 If the licence is to be extended to other parties, what must be done?
- 6 Can the licence be renewed by only one party?
- 7 What action must be taken if there is a dispute about the agreement?
- 8 In the worst case, what will happen if the parties cannot agree?

Vocabulary tasks

A Definitions

Match these legal terms from the licence agreement with their definitions.

- | | | | |
|----|--------------------------------------|-----|-------------------------------------|
| 1 | memorandum | a) | give |
| 2 | hereinafter termed | b) | change |
| 3 | subject to | c) | written record |
| 4 | grant | d) | limited to |
| | exclusive | e) | so – called in the agreement after |
| | this definition | | |
| 6 | come into effect | f) | depending on |
| 7 | abridge, expand, alter | g) | return to |
| 8 | prior written consent | h) | concerning the interpretation |
| 9 | revert to | i) | breaking the law of authors' rights |
| 10 | without prejudice to any monies paid | j) | legal authority |
| 11 | hereby warrant | k) | guarantee |
| 12 | right and power | l) | will be sent |
| 13 | violation of copyright | m) | regardless of any payments made |
| 14 | touching the meaning | n) | will be applied |
| 15 | shall be submitted | o). | previous written permission |

B Complete the sentence

Use an appropriate word or phrase from Exercise A to complete each sentence.

- 1 The agreement specified that the Proprietors were legally entitled to the ownership of all rights in the book. They had the ...*right and power*.... to make the agreement.
- 2 Bookbinders Inc (..... the Publishers) and Jones and Company (..... the Proprietors) hereby mutually agree the following.
- 3 This agreement is for five years and shall after the agreed payment has been made.
- 4 The rights granted in this agreement are to the licence holder.

5 No changes shall be made to this agreement without theof the Proprietors.

6 If any difference shall arise between the Proprietors and the Publishers.....of this Agreement, the same shall be referred to arbitration.

7 the satisfactory performance of the licence holder, this agreement may be renewed.

8 Should the licence holder fail to fulfil all the requirements of the agreement, all rights shallthe Proprietors.

C Word search

Replace the underlined items with words and phrases from the text that have a similar meaning.

1 This agreement is issued by the owners of the rights. *Proprietors*

2 The terms are described in this agreement.

3 Publishing this book will certainly not cause any legal difficulties for either party.

4 The Proprietors will protect the licence holder against any expense.

5 The agreement may not be altered to involve any other person.

Over to you

1 Prepare a business letter to a law expert asking him or her to explain the licence agreement in simple terms. Make specific reference to the points you do not understand, such as the arrangements for arbitration.

2 Think about the licensed goods available in your country. Examine any examples you can find and list the physical signs you can identify (on labels, or on packaging, inside or out) that a licence has been used, or perhaps not used, legally. Then write a brief report.

UNIT 3 TELEPHONE CRIME

Before you read

Discuss these questions.

1 How many telephone calls do you make every day? Do you have a telephone calling card?

2 How often do you call someone living outside your country? Are these personal or business calls? How do you pay for such calls?

Reading task

Read the text about telephone fraud.

FINANCIAL TIME MONDAY JULY 6 BT launches fresh attack on phone crime

BRITAIN

By Alan Cane

British Telecommunications (BT) is mounting a new offensive against the barons of organised telephone crime who are costing it hundreds of millions of pounds annually. Its chief weapon is a new technology that can cut the time to detect and prove fraud from - in some cases - years to minutes. Developed with BT's former partner,

MCI of the US, the system has already been tested by BT 's calling card division, where it has doubled the number of frauds spotted and halved the financial losses. Now it is being deployed across BT's business services.

The level of UK phone crime is hard to assess, but it is costing operators a minimum of £200m (\$334m) a year. Trade organisations put the figure at 55,000 crimes reported, with a similar number of unreported fraudulent calls. And forget youngsters and amateurs: telephone fraud is big-time crime. Some of the UK's best-known villains are defrauding the operators to fund activities ranging from drugs to terrorism, according to Dennis

Gotts, head of BT 's investigations unit. 'This is more than stealing 10p from a call box,' he says. 'Notorious individuals in the criminal fraternity are involved. They know BT 's network and they know what they are doing.'

Telephone crime can be absurdly easy. Opening an account in a false name and selling calls to international destinations before disappearing when the bill is due is one of the simplest. In one case earlier this year, a gang of Tamil sympathisers siphoned off or diverted some £2m from 400,000 fraudulent calls to Sri Lanka before they were arrested, convicted and imprisoned.

It took BT's investigators two years to collect the evidence to put the gang on trial. The new system, called 'Sheriff, will be able to do the job in minutes. Detection involves analysis of hundreds of millions of call records looking for unusual patterns: an unexpectedly large number of calls to a particular number or destination, for example, or calls made at unusual hours or from unusual locations.

BT's fraud strategy manager said the company's services already protected, but by individual systems. The need was for a single system so fraud alert data could be shared across product lines.

Sheriff uses artificial intelligence for analysis and an advanced 'object-orientated' database from Versant, a US company, to provide the speed and reliability needed to sort through a minimum of 120m calls a day on BT 's network. The system 'learns' from its experiences, so improving its ability to detect future frauds.

BT is considering offering a tailored fraud-detection service to its large corporate customers.

FINANCIAL TIMES

World business newspaper.

A Understanding main points

Answer these questions:

- 1 Who pays the bills when there is telephone crime?
- 2 What is BT's calling card division?
- 3 How much does telephone crime cost operators a year?
- 4 How many fraudulent calls are made each year according to trade organisations?
- 5 Is telephone crime mainly committed by professional criminals or bored youngsters?
- 6 What is the simplest example of telephone crime mentioned in the text?
- 7 How does BT plan to protect itself from fraud?
- 8 How has new technology helped BT solve crimes?

B Understanding details

What do the following figures refer to in the text?

1 \$334m 2 55,000 3 400,000 4 f2m 5 120m

C Complete the sentence

Use an appropriate word from the text to complete the six stages of a telephone crime.

1 A criminal has to open an*account*.....

2 Next, he has to give a.....name.

3 The crime consists of making contact with people who need to a lot of expensive phone calls but have little money.

4 These people agree to.....the criminal in cash for the calls they make - not the real costs of course, much less.

5 The criminal then sells hundreds of long-..... phone calls - to Australia, for example.

6 However, when the bill is at the end of the month, the criminal disappear.

Vocabulary tasks

B Word search

Replace the underlined items with words and phrases from the text that have a similar meaning.

1 BT is preparing a new attack against telephone fraud. (para1)

2 The system has increased the number of detected crimes, (para 1)

d..... the n..... off..... s.....

3 Telephone fraud is very serious. (para 2)

b.....-t.....c.....

4 One form of the crime is selling calls to others and then failing to meet the bill. (para3)

d.....w..... the b..... is d.....

5 BT experts took two years to find enough evidence to take the criminals to court. (para4)

p..... the g..... on t.....

6 The system uses an advanced computer programme that identifies patterns of calls. (para6)

a.....o.....-o.....d

7 The company may offer a fraud-detection service to its business customers that is specially designed for each customer. (para 7)

t.....

C Complete the sentence

Use an appropriate word or phrase from the box to complete each sentence.

detect	prove	barons of organized crime	fraud	false name
evidence	arrested	convicted	imprisoned	

- 1 It is one thing to.....*detect*..... fraud; it is quite another toit.
- 2 Telephone..... is said to be in the hands of.....
- 3 The police cannot prosecute a criminal without.....
- 4 One gang managed to steal millions before they were.....and.....
- 5 Opening an account in a.....seems to be very simple.

D Definition

Match these terms with definitions.

- | | | |
|---|-----------------------|--|
| 1 | Siphon off and divert | a) hold someone at a police station |
| 2 | arrest | b) implement a serious campaign against an enemy |
| 3 | convict | c) move part of something without the owner knowing about it |
| 4 | imprison | d) put someone in prison |
| 5 | mount an offensive | e) find someone guilty of a crime |

E Word fields

Write these words in the appropriate columns.

murder	arson	robbery	assault	fraud	forgery	perjury
money laundering		rape	kidnapping	bribery	blackmail	

crimes against people

.....*murder*.....

other crimes

.....*arson*.....

Over to you

1 You discover that a colleague at work has been involved in telephone crime – she has opened an account in a false name and is selling calls to other office workers. Write a letter to your boss explaining what has been going on, and how you discovered it.

2 ‘Organised crime’ – groups of notorious criminals – are involved in telephone crime, according to the text. What can international police forces do to prevent their activities? Think about such things as cross – border cooperation, developing specialized technology (like the call monitoring device Sheriff), and list the actions that could help stop international telephone crime.

UNIT 4

CIVIL LITIGATION

Before you read

Discuss these questions.

- 1 Do you think that public interest should come before private loyalty?
- 2 When an employee feels their company is acting in a dangerous or irresponsible way and they tell the world about it, it is called *whistle-blowing*. Is 'whistle-blowing' an ethical or a legal matter, in your opinion?

Reading task

Read the text about a case of civil litigation.

Brit Biotech directors could face US lawsuits over marimastat claims

By Jonathan Guthrie

British Biotech confirmed that one or more of its directors could face civil lawsuits in the US, brought by the Securities and Exchange Commission. The markets watchdog has been investigating whether press releases issued in 1995 and 1996 were over-optimistic about the prospects for the anti-cancer drug marimastat. A spokesman for Biotech said that the advice received from their lawyers was that there was no basis for the case, because the company had not violated any US securities laws.

It was understood by Biotech that the SEC's concerns were based on claims made on the use of cancer antigens¹. At least one company release reported that the rate of antigen production had fallen in patients taking their drug, marimastat, suggesting the treatment was effective.

Dr Andrew Millar was sacked as head of clinical research at British Biotech. He had claimed that the trials of the drug had become a matter of public interest following extensive media coverage. This had been prompted by his campaign to oust the British Biotech chief executive and change the strategy of the company.

Dr Millar became concerned about the company's over-optimism about the future of two drugs under trial, so he decided to take extreme measures by himself. He did not believe the drugs worked well enough to achieve regulatory approval, which would allow them to be launched commercially, and was concerned that the drugs were actually serious side-effects on the patients. He was also aware of negative assessments of the drug by the Danish Medicines Agency but Biotech issued a press release that the results were 'statistically significant'. He contacted one of the main investors supporting Biotech (Perpetual) and warned them of his fears. He hoped to stop the drugs being tested, and to reveal that they were far less promising than investors had been led to believe. He hoped that the shareholders of Biotech would change the strategy of ambitious expansion, envisioned by the Chief Executive.

The Chief Executive, hearing of these moves, suspended Dr Millar and a few weeks later, he was fired without compensation at a disciplinary meeting for 'revealing confidential information to third parties'. In announcing the sacking, British Biotech cited a confidential report prepared by Cameron McKenna, the law

firm.

The document proved, the company said, that directors' share dealings had complied with stock exchange rules, and there was no case for it to answer to the SEC. The company has threatened to take legal action against Dr Millar to prevent him disclosing information gained as an employee. He says jail - a possible consequence of breaking any injunction placed upon him - is a small price to pay for the freedom to speak out.

FINANCIAL TIMES

World business newspaper.

1 substances, often toxins, that can help the human body produce antibodies which fight disease

Legal brief

Employees who blow the whistle on their employers (expose illegal or dishonest practices) are protected by law in the US. If they are fired or otherwise penalised for whistle-blowing, they can sue. If the employee just complains to someone inside the company, that is not whistle-blowing. They must report their concerns to someone outside the company, who works for the government or a law enforcement agency.

A Understanding main points

Answer these questions:

- 1 What kind of product does British Biotech make?
- 2 Did they stand to profit if the new drugs were successful?
- 3 Why was the US Securities and Exchange Commission worried about Biotech?
- 4 Do you think Biotech's share price increased or decreased after the first press release about marimastat?
- 5 What position did Dr Millar hold when he worked for British
- 6 What reason did the company give for dismissing Dr Millar?

Vocabulary tasks

A Word search

Find a word or phrase in the text that has a similar meaning.

- 1 break US law regarding stocks and shares (para 1)
v..*iolate*.....US s..*ecurities*.....l..*aws*.....
- 2 lost his job (para3)
s.....
- 3 after the press had become very interested in the case (para 3)
f..... e..... m..... c.....
- 4 attempt to remove the boss (para 3)
c..... to o..... the c..... e.....
- 5 get official clearance to produce the drug (para 4)
a.....r a
- 6 when drugs make some patients very ill (para 4)

- c.....s.....s.....-e.....
7 criticism of the drug (para 4)
 n.....a.....
8 removed from a job with no financial reward (para 5)
 f.....without c.....

B On your behalf

Match the individuals and institution with their descriptions.

- | | |
|--|--------------------------------------|
| a) newspapers, magazines, radio and TV | companies |
| b) people responsible for the lawful and | proper conduct of an industry |
| c) organisation supervising the US stock | market |
| d) professional organisation qualified to
Denmark | assess pharmaceutical research in |
| e) people who expose wrongdoing in the | institutions which they work |
| f) person who speaks to the press on behalf | of a company, organisation or family |
| g) solicitors employed by business | organisations |

Over to you

1 Think of examples of whistle – blowing by private or government workers that you have heard about. What was their employer doing that made them blow the whistle? Who did they tell?

2 You have heard your boss explaining very confidential matters to someone on the phone about plans your company has for a major investment. You suspect he is leaking information to someone outside the company. Write a letter to the managing director setting out your concerns and asking her for advice on how to proceed.

UNIT 5 BUSINESS LAWYERS

Before you read

Discuss these questions.

- 1 In your country, are there different kinds of lawyers? If so, what are the differences?
- 2 Can you describe the normal way that lawyers become qualified to practise law in your country?

Reading task

Read the text.

Solicitor or barrister?

The solicitor is the first point of contact with the law for a client in the UK. The solicitor listens carefully to the client, making sure their needs are clearly understood and then explains the legal position and tenders 5 advice. By contrast, barristers will only see the client in the company of a briefing solicitor. The barrister is the specialist with particular skills in advocacy, a consultant who will examine the case and decide what line to take in court. The barrister will be reliant on the detailed brief prepared by the client's solicitor. There are only a few solicitors who are allowed to present cases in the higher courts. Many more solicitors work in their litigation departments and spend much of their time preparing briefs for counsel. Barristers are self-employed in the independent Bar. Solicitors are normally salaried and may be offered a share in the profits of the practice if they are successful.

The Bar is a small but influential independent body with just over 8,000 practising barristers in over 400 chambers in England and Wales. In addition, there are about 2,000 barristers employed as in-house lawyers. The Bar is an advocacy profession. The Bar's : audience in the higher courts remains virtually unchallenged. The work divides equally between civil and criminal law. There are over 70 specialist areas, including major ones like chancery (mainly property and finance) and the commercial bar.

Judges in England and Wales have mostly been barristers of 10 years' standing, then Queen's Counsellors, and are appointed by the Lord Chancellor. Judges cannot work as barristers once they are appointed. A barrister who is a part-time judge is known as a Recorder. The Crown Prosecutor, who works for the Director of Public Prosecutions, is responsible for prosecuting criminals based on evidence presented by the police.

Solicitors do a variety of work - corporate and commercial, litigation, property, private law, banking and finance, employment law and environmental law. There are about 66,000 practising solicitors in England and Wales.

From *Career Scope*, Autumn 1997

A Understanding main points

Mark these statements T (true) or F (false), according to the information in the text. Find the part of the text that gives the correct information.

- 1 If you have any kind of legal question the first person you consult is a barrister.
- 2 A barrister and a solicitor are both qualified lawyers in the UK.
- 3 'Preparing a brief for counsel' means a solicitor writes a detailed description of a case so as to inform the expert (the barrister) of all the facts and main legal points.
- 4 A solicitor cannot speak in a higher court.
- 5 A barrister in the UK is an independent qualified lawyer.
- 6 If you want to work for a law firm and receive a regular salary, you should become a solicitor.
- 7 There are more solicitors than barristers.
- 8 Barristers often specialise in particular areas of the law, like property or contracts.
- 9 A barrister may become a judge, but a solicitor cannot.
- 10 The law is the same in England as in Scotland but differs in Wales.
- 11 A Recorder is a part-time judge.
- 12 One of the roles of the police in the UK is to assemble sufficient evidence for a criminal case to come to court.

B Understanding expressions

Choose the best explanation for each of these words or phrases from the text.

1 *tenders advice*

- a) offers advice
- b) bids for advice
- c) refuses advice

2 *briefing solicitor*

- a) lawyer who works quickly
- b) lawyer who writes a letter
- c) lawyer who prepares a case for court

3 *advocacy*

- a) speaking or pleading in the court
- b) lawyers
- c) rich and famous people

7 *chambers*

- a) bedrooms
- b) barristers' offices
- c) changing rooms

4 *line*

- a) queue
- b) time to allocate
- c) position

8 *in-house*

- a) hoteliers
- b) employed by a company
- c) independent

5 *salaried*

- a) with postgraduate degrees
- b) receiving regular pay
- c) independent

9 *right of audience*

- a) performing on stage
- b) tickets to observe
- c) allowed to speak in court

6 *practising*

10 *commercial bar*

- | | |
|---------------------------|---------------------------|
| a) not very good yet | a) expensive drinks |
| b) in training | b) law of business |
| c) professionally working | c) trade and industry ban |

C Comparing text

Read the text below and complete the sentences which follow.

Attorney at Law

A person admitted to practise law in their respective state and authorised to perform both civil and criminal legal functions for clients, including drafting of legal documents, legal advice, and representing such before courts, etc.

Prosecutor

One who prosecutes another for a crime in the name of the government. One who instigates the prosecution upon which an accused is arrested or who prefers an accusation against the party whom they suspect to be guilty, as does a district, county, or state's attorney on behalf of the state, or a United States Attorney for a federal district on behalf of the US government.

In **Spain**, the universities are in charge of the education of lawyers. Anyone completing a law degree is entitled to be called a lawyer and may work as a lawyer for a legal practice or in a company. However, to achieve public office and work for the State judiciary, as a notary or judge, for example, graduate lawyers must compete for places through public examinations and then attend judicial school for two years. They then may be appointed as civil servants anywhere in the country.

- 1 In England and Wales, a*solicitor*....prepares briefs but does not represent the clients in court. This is done by aIn the US, both functions are performed by an.....
- 2 In the US a..... instigates a prosecution against someone suspected of a crime. This can be done at district, county, state or federal level.
In England and Wales this is done by the who works for the Department of Public Prosecutions.
- 3 In England and Wales, a judge is appointed by the Lord Chancellor from barristers who have worked successfully for over 10 years and who have attained the status of..... In Spain, lawyers wishing to become judges have to attend.....for.....years.

Vocabulary tasks

A Collocations

Match the verbs and nouns. Use a dictionary to help you if necessary.

- | | |
|-------------|------------------|
| 1 instigate | a) a client |
| 2 bring | b) a prosecution |

- | | |
|--------------------|-------------------------|
| 3 prefer | c) a copyright |
| 4 prepare | d) a suspect |
| 5 reach | e) a fee |
| 6 settle | f) out of court |
| 7 charge | g) a verdict |
| 8 arrest | h) a case |
| 9 defend | i) a brief |
| 10 infringe | j) an accusation |

B Complete the sentences

Use an appropriate phrase from Exercise A to complete each sentence.

- 1** A prosecutor can...*prefer*an ..*accusation*... or....a.....against someone suspected of committing a crime.
- 2** In the UK, only the Crown Prosecution Service can.....a..... against someone on a criminal charge.
- 3** By copying my novel and selling it as your own, you have not only mybut also betrayed my trust as a friend.
- 4** The two sets of lawyers agreed not to go to trial but toout of.....
- 5** Some lawyers do not a.....if the client asks for very simple advice.
- 6** The jury took three days to a.....
- 7** All lawyers must..... their.....even if they doubt their innocence.
- 8** As a solicitor in a large company, I spend a lot of time..... for barristers.
- 9** The police had sufficient evidence of his guilt tothe.....

C Branches of the law

Match the different branches of the law with the examples.

- | | |
|-----------------------------------|---|
| 1 litigation | a) treaties and cross-border agreements |
| 2 corporate and commercial | b) bringing lawsuits against others |
| 3 family | c) contracts and mergers |
| conducted | d) rules applied to how a prosecution or civil action is |
| 5 employment | e) civil cases |
| 6 private | f) pleading a case in court on behalf of a client |
| 7 advocacy | g) divorce and marriage settlements |
| 8 public | h) relating to creativity, published ideas and art forms |
| 9 intellectual property | i) equal opportunities and fair pay |
| 10 procedural law | j) regarding industrial waste and pollution |

Over to you

1 Being a lawyer is regarded as one of the best professions in many countries. Think about what the different areas of specialisation are, and which you would choose, or have chosen, and why. Make notes under the headings: choice of specialisation;

number of years of training; income expectations; responsibilities; kinds of clients; need for foreign languages; likely challenges and opportunities. Add any other points that occur to you.

2 Imagine you are a family solicitor. Give advice to someone who asks your professional opinion about a financial matter. Your client has asked you whether she should invest money she has inherited in the stock market or place it in the bank. Explain that you feel she should consult an expert first. Invite her to discuss any tax implications with her tax adviser.

РЕКОМЕНДОВАНА ЛІТЕРАТУРА

1. Англо-русский словарь по экономике и финансам. - СЩ, 1993.
2. Богацький І.С., Дюканова Н.М. Бізнес курс з англійської мови. – Київ: “Логос”, 1997.
3. Англо-русский экономический словарь. - М.: Рус. яз., 1998.
4. Лук’янова Н.А. Англо-український словник ділової англійської мови. – Київ: “Лібра”, 1998.
5. Кумарова М.Г. Новий бізнес курс англійської мови. – М.: “Акаліс”, 1999.
6. Naterop B.J., Weis E. Business Letters for All. – Oxford University Press, 1999.
7. Norman S. We’re in Business. – England: Longman, 1999.
8. Шпак В.К. Англійська для економістів і бізнесменів. - Київ: “Вища школа”, 2000.
9. Плотнікова А.В. Ділові контакти з іноземними партнерами. – Київ: “Лібра”, 2003.
10. Louis E. Boone, David L. Kurt. Contemporary business (Seventh Edition).
11. Pilbeam Andrian. Market Leader. International Management. Business English. - England: Longman, 2003.